



IRF25/25

## Gateway determination report – PP-2024-2474

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Integrated Planning Proposal - Part A: Biodiversity,  
Character and Foreshore Scenic Protection Area; Part  
B: Additional and Diverse Housing

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# Acknowledgment of Country

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

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

Relevant reports and plans
Planning Proposal Report – Biodiversity, Character and Foreshore Scenic Protection Area (PP2024/0002), November 2024
Planning Proposal Report – Additional and Diverse Housing (PP2024/0004), November 2024
Attachment 1 to Part A – DPIE Letter of Approval for Local Housing Strategy dated 23 June 2021
Attachment 2 to Part A - Georges River Biodiversity Study (June 2021)
Attachment 3 to Part A - Foreshore Scenic Character Study (June 2023)
Attachment 4 to Part A - Neighbourhood Character Site Survey Matrix
Attachment 5 to Part A - Community Consultation Summary Report Pre-Exhibition
Attachment 6 to Part A - Summary of all Submissions received during Pre-Exhibition
Attachment 7 to Part A - Review of Environmental Planning Provisions for Biodiversity (2023)
Attachment 8 to Part A - Review of Environmental Planning Provisions for Local Character (2023)
Attachment 9 to Part A - Report to E&P Committee (Item ENV008-24) 11 March 2024
Attachment 10 to Part A - Minutes of Council Meeting 25 March 2024
Attachment 11 to Part A - Report to E&P Committee 8 July 2024
Attachment 12 to Part A - Minutes of Council Meeting 22 July 2024
Attachment 13 to Part A - Local Character Statements for land in FSPA
Attachment 14 to Part A - Character Statements for Local Character Area Clause
Attachment 15 to Part A - Methodology of Biodiversity Mapping
Attachment 16 to Part A - Supporting Maps to Part A
Appendix 1 to Part B - Amendments to GRLEP 2021 Instrument for Housing PP
Appendix 2 to Part B - Justification of Development Standards
Appendix 3 to Part B - Proposed Item 17 APU & LSIR Impacts
Council Report dated 8 July 2024 - refer ENV025-24 and ENV030-24
Council Resolution dated 22 July 2024 - refer ENV025-24 and ENV030-24
Draft Moomba to Sydney Ethane Pipeline Hazard Analysis (August 2024)
Hurstville City Centre Urban Design Strategy (May 2018)

# 1 Planning proposal

## 1.1 Overview

Table 2 Planning proposal details

LGA	LGA name
PPA	Georges River Council
NAME	Integrated planning proposal - Part A: Biodiversity, Character and Foreshore Scenic Protection Area; Part B: Additional and Diverse Housing
NUMBER	PP-2024-2474
LEP TO BE AMENDED	Georges River Local Environmental Plan (LEP) 2021
ADDRESS AND DESCRIPTION	Various sites and LGA wide
RECEIVED	11/11/2024
FILE NO.	IRF25/25
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal, consisting of two (2) parts, seeks to achieve the following objectives:

- Part A - *Implement the recommendations of the Biodiversity Study and Foreshore Study in accordance with the approval conditions of the Local Housing Strategy.*
- Part B - *Create capacity for additional and diverse housing across the residential zones of the Georges River LGA.*

The intended outcomes are as follows:

### Part A

- **Biodiversity:** *Introduce new biodiversity objectives, planning provision and mapping overlay to preserve and protect areas of moderate and high local terrestrial biodiversity values,*
- **Unique Character Area (UCA):** *Introduce new local character objectives, planning provision and mapping overlay to provide statutory protection to UCAs,*
- **Foreshore Scenic Protection Area (FSPA):** *Replace the existing FSPA planning provision and amend the mapped extent to ensure the role of the FSPA focuses on foreshore scenic character,*
- **Design Excellence:** *Amend Clause 6.10 Design Excellence to consider visual amenity and*

visual impacts when viewed from the foreshore and waterway of the Georges River and local character,

- **Lot Size:**
  - Retain existing lot size requirements within areas proposed to be removed from the existing FSPA as follows:
    - Subdivision lot size: 700sqm
    - Dual occupancy lot size: 1,000sqm
  - Increase lot size requirements for areas proposed to be added to the proposed FSPA and/or UCAs as follows:
    - Increase subdivision lot size from 450sqm to 700sqm
    - Increase dual occupancy lot size from 650sqm to 1,000sqm
  - Insert objectives to ensure that lots in the FSPA are of sufficient size to protect natural values, in particular areas of high terrestrial biodiversity value,
- **Floor Space Ratio (FSR):** Reduce the maximum permissible FSR for R2 Low Density Residential zoned land located within the existing FSPA, proposed FSPA and the proposed UCA from 0.55:1 for dwelling houses and 0.6:1 for dual occupancies to 0.5:1 for all development typologies,
- **Landscaping:**
  - Amend the landscaped area planning provisions through the insertion of new objectives to:
    - Protect, maintain and improve the diversity and condition of native vegetation and habitats across the LGA,
    - Encourage the recovery of threatened species and their communities, populations and habitats across the LGA, and
    - Retain and strengthen the green and leafy character of the LGA, including trees in the private domain that contribute to local character and visual amenity,
  - Increase the minimum landscaped area requirement for dwelling houses and dual occupancies by 5% to 30% and 35% respectively for low density land located within the existing FSPA, proposed FSPA and the proposed UCA,
  - Introduce a minimum 20% landscaped area requirement for multi dwelling housing, terraces and manor houses across the LGA in response to the NSW Government's Low and Mid-Rise Housing Reform.
- **Exclude the application of the Low-Rise Housing Diversity Code from the proposed FSPA and proposed UCAs to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the Development Application process.**

## Part B

- In the R2 [Low Density Residential] zone, reduce the minimum lot size for dual occupancies from 650sqm to 600sqm with the exception of land located within the existing HCAs, existing FSPA, proposed FSPA and the proposed UCA,
- In the R2 [Low Density Residential] zone, increase the minimum subdivision lot size for dual occupancies from 300sqm to 325sqm for land located within the existing HCAs,
- In the R2 [Low Density Residential] zone, increase the minimum subdivision lot size for dual occupancies from 430sqm to 500sqm for land located within the existing FSPA, proposed FSPA and the proposed UCA,

- In the R2 [Low Density Residential] zone, introduce multi dwelling housing and terraces as permissible land uses with the exception of land located within the existing HCAs, existing FSPA, proposed FSPA and the proposed UCA,
- In the R2 [Low Density Residential] zone, request continued prohibition of manor houses,
- In the R2 [Low Density Residential] zone, introduce minimum density control of 300sqm per dwelling for multi dwelling housing, terraces and manor houses (if prohibition of manor houses is not supported by the DPHI),
- In the R2 [Low Density Residential] zone, retain existing maximum FSR of 0.55:1 to 0.6:1 for multi dwelling housing and terraces,
- In the R3 [Medium Density Residential] and R4 [High Density Residential] zone, reduce the minimum lot size for dual occupancies from 650sqm to 500sqm,
- In the R3 [Medium Density Residential] and R4 [High Density Residential] zone, reduce the subdivision minimum lot size for dual occupancies from 300sqm to 250sqm,
- In the R3 [Medium Density Residential] zone, introduce RFBs as a permissible land use to facilitate greater development take up,
- In the R3 [Medium Density Residential] zone, introduce minimum lot size of 800sqm and minimum lot width of 24m for RFBs to ensure appropriate development outcomes,
- In the R3 [Medium Density Residential] zone, increase the maximum building height from 9m to 10.5m to offer greater development yield and design flexibility,
- In the R3 [Medium Density Residential] zone, increase the maximum FSR from 0.7:1 to 0.8:1 to offer greater development yield and by extension greater development incentive,
- In the R3 [Medium Density Residential] zone, apply a bonus FSR of 0.2:1 (total 1:1 FSR) for multi dwelling housing to incentivise the provision of townhouses, and
- Implement the recommendations of the Hurstville City Centre Urban Design Strategy 2018 (HCCUDS) in relation to land within the Hurstville City Centre and residential zoned land located in the Additional Capacity Areas.

Along with this planning proposal, Council is seeking an exemption from the NSW Government's Low and Mid-Rise Housing Policy. The Department does not support the planning proposal as a replacement for the Low and Mid-Rise Housing Policy. A **Gateway condition** is recommended to include an advisory in the planning proposal to acknowledge this.

The objectives and intended outcomes section, as per the *LEP Making Guideline*, must provide a clear and concise description of the planning proposal and be written in plain English. It should focus on what is planned, not how it is to be achieved. A **Gateway condition** is recommended to require updates to the planning proposal to address this.

As elaborated in Section 1.3 of this Report, the Gateway determination requires clarification or removal of certain aspects of the proposal. Consequently, the objectives and intended outcomes section must be updated to incorporate these adjustments and ensure alignment with the revised proposal.

Following review of a *draft Moomba to Sydney Ethane Pipeline Hazard Analysis report (August 2024)*, Council amended part of the proposal to permit multi dwelling housing and terraces in Zone R2 Low Density Residential, further excluding areas adjacent to the Moomba to Sydney Ethane pipeline. Further details are provided in Section 1.3 and 3.5 of this Report. A **Gateway condition** is recommended to clarify this specific intended outcome for part B of the proposal.

## 1.3 Explanation of provisions

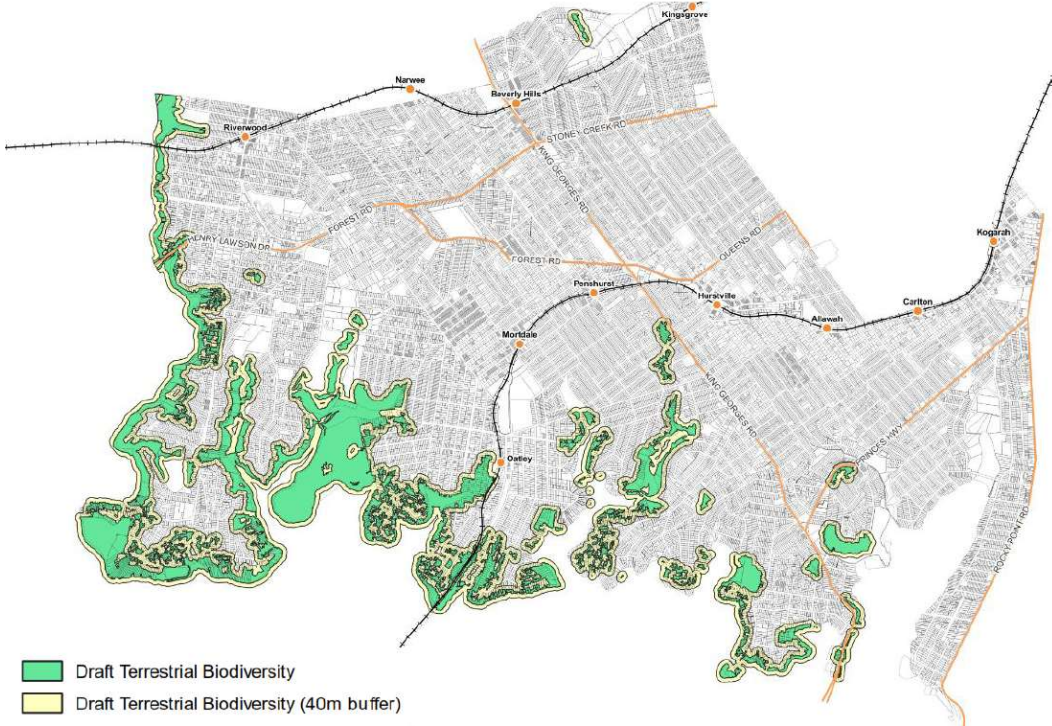
The planning proposal seeks to amend the Georges River LEP 2021 as follows:



**Table 3 Explanation of proposed amendments**

Note: Table 3 presents the proposed amendments, generally in the order they appear in the objectives and intended outcomes section. For ease of reference, item numbers from the proposal are included (shown in brackets).


Provision	Explanation of amendment
<b>Part A</b>	
<b>Biodiversity</b>	
New clause - Terrestrial Biodiversity and associated mapping (Item 13, Part A)	<p>Insert a new local provision in Part 6 Additional Local Provisions titled <i>Clause 6.19 Terrestrial Biodiversity</i> aimed at protecting areas of high biodiversity value, as follows:</p> <p><b>Clause 6.19 Terrestrial Biodiversity</b></p> <ol style="list-style-type: none"> <li>1) The objective of this clause is to protect and enhance terrestrial biodiversity by: <ol style="list-style-type: none"> <li>a) protecting native plants and animals, and</li> <li>b) protecting the ecological processes necessary for their continued existence, and</li> <li>c) encouraging the recovery of native plants and animals.</li> </ol> </li> <li>2) This clause applies to land identified as “Terrestrial Biodiversity” and “40m Buffer” on the Terrestrial Biodiversity Map.</li> <li>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: <ol style="list-style-type: none"> <li>i) the condition, ecological value and significance of native plants and animals on the land, and</li> <li>ii) the importance of the vegetation on the land to the habitat and survival of native animals, and</li> <li>iii) the potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</li> <li>iv) habitat elements providing connectivity on the land, and</li> <li>v) any opportunity to restore native vegetation</li> </ol> </li> <li>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— <ol style="list-style-type: none"> <li>a) the development is sited, designed and will be managed to avoid any significant adverse environmental impact, or</li> <li>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</li> <li>c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</li> </ol> </li> </ol> <p>The provision will be accompanied by a new Terrestrial Biodiversity Map, as illustrated below:</p>

Provision	Explanation of amendment
	 <p><b>Figure 1 – Proposed Terrestrial Biodiversity Map (Source: The planning proposal)</b></p> <p>The planning proposal notes that the introduction of this local provision will remove the complying development pathway for land affected by the Terrestrial Biodiversity mapping. Instead, development approval will need to be obtained through the development application (DA) process.</p> <p><b>Department comment:</b></p> <p>The proposed clause applies to land identified as Terrestrial Biodiversity and the buffer areas on the proposed Terrestrial Biodiversity map, with additional considerations required for land designated as Terrestrial Biodiversity. The proposed provision and mapping overlay aim to preserve and protect “<i>areas of moderate and high local biodiversity values</i>”. The mapping also includes a 40m buffer aiming to prevent degradation of areas with high terrestrial biodiversity value by managing “edge effects”, such as weed invasion and spread, and to encourage supplementary landscaping to enhance these areas.</p> <p>The Department notes that the proposed clause is largely based on the recommendations of <i>the Review of Environmental Planning provisions for Biodiversity</i> report, submitted by Council in support of the planning proposal. However, the Report’s recommended clause appears to apply only to land identified as “Terrestrial Biodiversity” on the proposed Terrestrial Biodiversity Map (p.51). The Report recommends additional objectives and controls applying to land within the buffer areas for inclusion in the DCP (p.57 and p.58).</p> <p>In developing the proposed provisions, the Report considered controls from other Councils’ LEPs, including <i>Bayside LEP 2021</i>, <i>Sutherland LEP 2015</i>, <i>Ku-ring-gai LEP 2015</i> and <i>Pittwater LEP 2014</i>. However, none of these LEPs explicitly reference “buffer area” in their biodiversity clauses.</p>

Provision	Explanation of amendment
	<p>In response to the Department's request for information, Council clarified that the proposed terrestrial biodiversity mapping separates buffer areas into a distinct layer rather than integrating them into the core terrestrial biodiversity layer, as originally envisaged by Total Earth Care, who prepared the <i>Georges River Biodiversity Study</i>. This adjustment reduces the extent of land requiring Flora and Fauna Impact Assessments as part of DAs, thereby lowering costs and streamlining the assessment process. While larger buffers (50m and 100m) have been considered, a standardised 40m buffer is proposed around the core terrestrial biodiversity layer to balance biodiversity protection with development flexibility.</p> <p>To facilitate community and agency consultation, and legal drafting should the proposal progress to finalisation, the following <b>Gateway conditions</b> are recommended to require:</p> <ul style="list-style-type: none"> <li>• A plain English explanation of the intended effects of the proposed clause, including the different requirements for land identified as Terrestrial Biodiversity and as buffer areas.</li> <li>• Consistent terminology throughout the planning proposal regarding “<i>high biodiversity significance</i>” and “<i>high biodiversity value</i>”, aligning with established definitions in relevant legislations.</li> </ul> <p>Consultation with Department of Climate Change, Energy, the Environment and Water (DCCEE) is also recommended as part of the <b>Gateway determination</b>.</p> <p>The inclusion of the buffer area and the proposed clause will be subject to further consideration and legal drafting at the LEP finalisation stage.</p>
<b>Local character / Unique Character Area (UCA)</b>	
<p>Clause 1.2 Aims of the Plan</p> <p>(Item 1, Part A)</p>	<p>Insert an additional aim (ee) in Clause 1.2(2) to address character and to amend (e) so that it only relates to natural, built, cultural and Aboriginal heritage of Georges River, as follows:</p> <p><i>(1) This Plan aims to make local environmental planning provisions for land in Georges River in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.</i></p> <p><i>(2) The particular aims of this Plan are as follows—</i></p> <p>...</p> <p><i>(e) to protect and preserve the natural, built, cultural and Aboriginal heritage of Georges River <del>and to build upon and enhance the character of local areas,</del></i></p> <p><i>(ee) to respect the character of Georges River communities,</i></p> <p><b>Department comment:</b></p> <p>In principle, there is no objection to the proposed changes. However, the Department notes that these proposed changes are not a recommendation of the <i>Georges River Foreshore Scenic Character Study</i> (the Foreshore Study) that this planning proposal seeks to implement. Whilst acknowledging there is merit in separating the heritage and character matters, the <i>Review of Environmental Planning Provisions for Local Character</i> report concludes that no amendments to clause 1.2 are recommended to better address local character (p.14).</p> <p>Given this and the broad interpretation of the term “<i>character of Georges River communities</i>”, a <b>Gateway condition</b> is recommended to require further clarification. This should include a Plain English explanation of the term, the intent of the proposed</p>

Provision	Explanation of amendment
	changes and the reasons the existing aims are considered insufficient to achieve Council's intent.
R2 Low Density Residential Zone objective (Item 2, Part A)	<p>Amend the zone objective relating to local character in the R2 Low Density Residential Zone (R2 zone) so that a high standard of urban design and built form that enhances local character, beyond suburb boundaries, is promoted, as follows:</p> <p><i>Zone R2 Low Density Residential</i></p> <p><i>1 Objectives of zone</i></p> <p>...</p> <ul style="list-style-type: none"> <li><i>To promote a high standard of urban design and built form that enhances <del>the</del> local character <del>of the suburb</del> and achieves a high level of residential amenity.</i></li> </ul>
R3 Medium Density Residential Zone objective (Item 3, Part A)	<p>Amend the zone objective relating to local character in the R3 Medium Density Residential Zone (R3 zone) so that a high standard of urban design and built form that enhances local character, beyond suburb boundaries, is promoted, as follows:</p> <p><i>Zone R3 Medium Density Residential</i></p> <p><i>1 Objectives of zone</i></p> <p>...</p> <ul style="list-style-type: none"> <li><i>To promote a high standard of urban design and built form that enhances <del>the</del> local character <del>of the suburb</del> and achieves a high level of residential amenity.</i></li> </ul>
RE1 Public Recreation & RE2 Private Recreation Zones objectives (Item 4, Part A)	<p>Insert a new objective in the zone objectives for the RE1 and RE2 Zones to reinforce the protection of the environmental values of the land, in particular areas of high biodiversity significance, as follows:</p> <ul style="list-style-type: none"> <li><i>To protect the environmental values of the land, in particular areas of high biodiversity significance.</i></li> </ul> <p>No amendments are proposed to the permissibility of land uses in the land use tables for the RE1 and RE2 Zones.</p>
New clause - Unique Character Area and associated mapping (Item 14, Part A)	<p>Insert a new local provision in Part 6 Additional Local Provisions titled <i>Clause 6.20 Unique Character Area</i> to provide statutory protection to the proposed UCA, as follows:</p> <p><b><i>Clause 6.20 Unique Character Area</i></b></p> <ol style="list-style-type: none"> <li><i>1) The objectives of this clause are as follows—</i> <ol style="list-style-type: none"> <li><i>a) to identify local character areas,</i></li> <li><i>b) to promote the desired future character of unique character areas.</i></li> </ol> </li> <li><i>2) Development consent must not be granted to development on land in a unique character area unless the consent authority has taken into account the desired future character for the land.</i></li> <li><i>4) In this clause —</i> <i>unique character area means land identified as “unique character area” on the Unique Character Area Map.</i></li> </ol> <p>The provision will be accompanied by a new Unique Character Area Map, as illustrated below:</p>

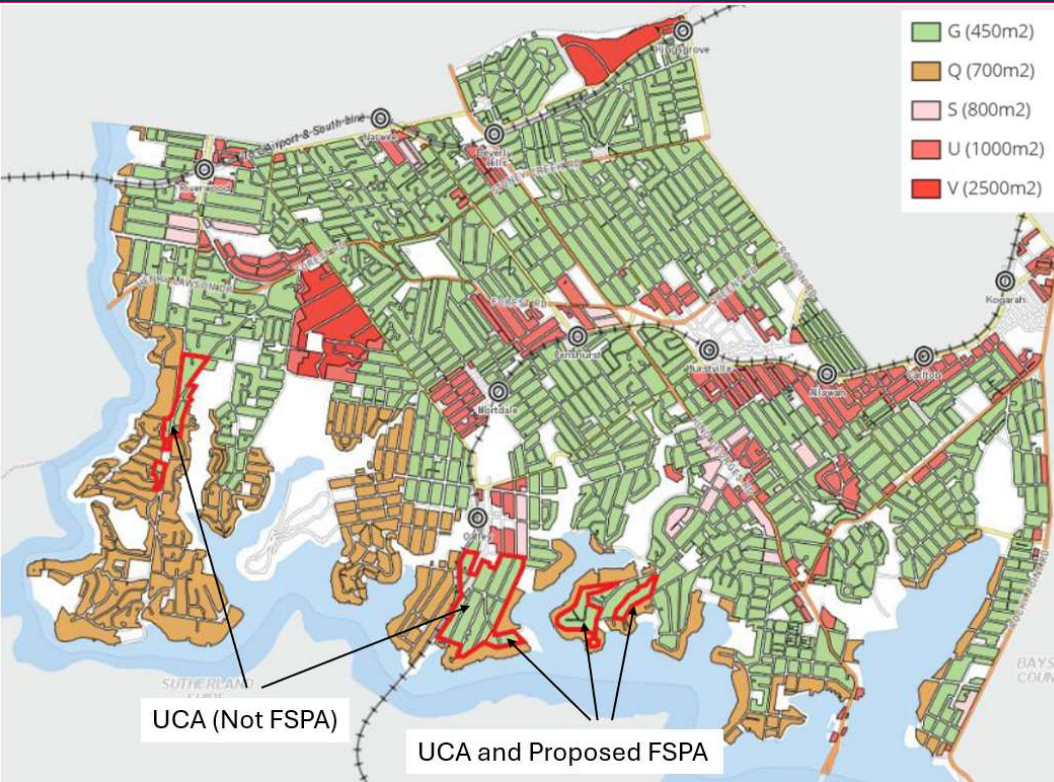


Provision	Explanation of amendment
	 <p><b>Figure 2 – Proposed Unique Character Areas (Source: The planning proposal)</b></p> <p><b>Department comment:</b></p> <p>The proposed UCA clause and mapping for inclusion in the LEP is not a recommendation of the <i>Georges River Foreshore Scenic Character Study</i> (the Foreshore Study) or the <i>Review of Environmental Planning Provisions for Local Character</i> report, which this planning proposal seeks to implement. The Foreshore Study recommends incorporating local character provisions into the Georges River Development Control Plan (DCP) 2021 (p.4 and p.80).</p> <p>The Department exhibited an explanation of intended effect (EIE) for local character from November 2020 to January 2021 which proposes an LEP model clause referring to Local Character Areas Statement. Submissions from the exhibition revealed mixed feedback on the local character clause. Council's proposed clause is based on this draft LEP model clause, as noted in the planning proposal.</p> <p>Decision on the EIE has not been made. Currently there is no Department-endorsed statutory pathway to include local character in LEPs. As such, this element is not supported at this time. However, references to, and mapping of, unique character areas may be included in Council's DCP. This would ensure Council's work is appropriately incorporated in a manner consistent with the current planning framework.</p> <p>A <b>Gateway condition</b> is recommended to require removal of the proposed local provision and mapping relating to UCA or local character area.</p>
<p>Clause 4.1A</p> <p>Clause 4.1B</p> <p>Clause 4.4</p> <p>Clause 4.4A</p> <p>Clause 6.10</p>	<p>As further discussed in this report, the proposal also seeks the following changes relating to land located within the proposed UCA:</p> <ul style="list-style-type: none"> <li>Amend the Lot Size Map to increase the lot size requirements from 450sqm (Area G) to 700sqm (Area Q) for areas within the UCA.</li> </ul>

Provision	Explanation of amendment
Clause 6.12 Low Rise Housing Diversity Code	<ul style="list-style-type: none"> <li>Amend Clause 4.1A and the Minimum Lot Size for Dual Occupancy Map to increase the minimum lot size requirements for dual occupancies from 650sqm (Area O) to 1000sqm (Area U) for areas within the proposed UCA.</li> <li>Amend Clause 4.1B (3) so that the Minimum Lot Size for Dual Occupancy Map and reference to Area U (1000sqm) replaces the reference to the Foreshore Scenic Protection Area as identified on the Foreshore Scenic Protection Area Map. This is so that the 1,000sqm lot size requirement will be applicable in the proposed UCA.</li> <li>Amend the Floor Space Ratio Map to reduce the mapped maximum permissible FSR from 0.55:1 to 0.5:1 for R2 Low Density Residential zoned land located within the proposed UCA.</li> <li>Amend Clause 4.4A to reduce the maximum permissible FSR to 0.5:1 for R2 zoned land located within the proposed UCA and insert two additional sliding scale FSR to tabulate the maximum GFA permissible on larger sites based on the reduced 0.5:1 for R2 zoned land located within the proposed UCA.</li> <li>Amend Clause 6.10 Design Excellence to consider the impact on any local character area.</li> <li>Amend Clause 6.12 Landscaped areas in certain residential and conservation zones by increasing the minimum landscaped area requirement by 5% for low density land located within the proposed UCA.</li> <li>Exclude the application of the Low Rise Housing Diversity Code from the proposed UCA to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the DA process.</li> </ul> <p><b>Department comment:</b></p> <p>Whilst the proposed UCA clause and mapping is not supported for inclusion in the LEP at this time, the merits of the above changes have been considered individually under the specific clauses to which they relate and are discussed within this Table where relevant.</p>

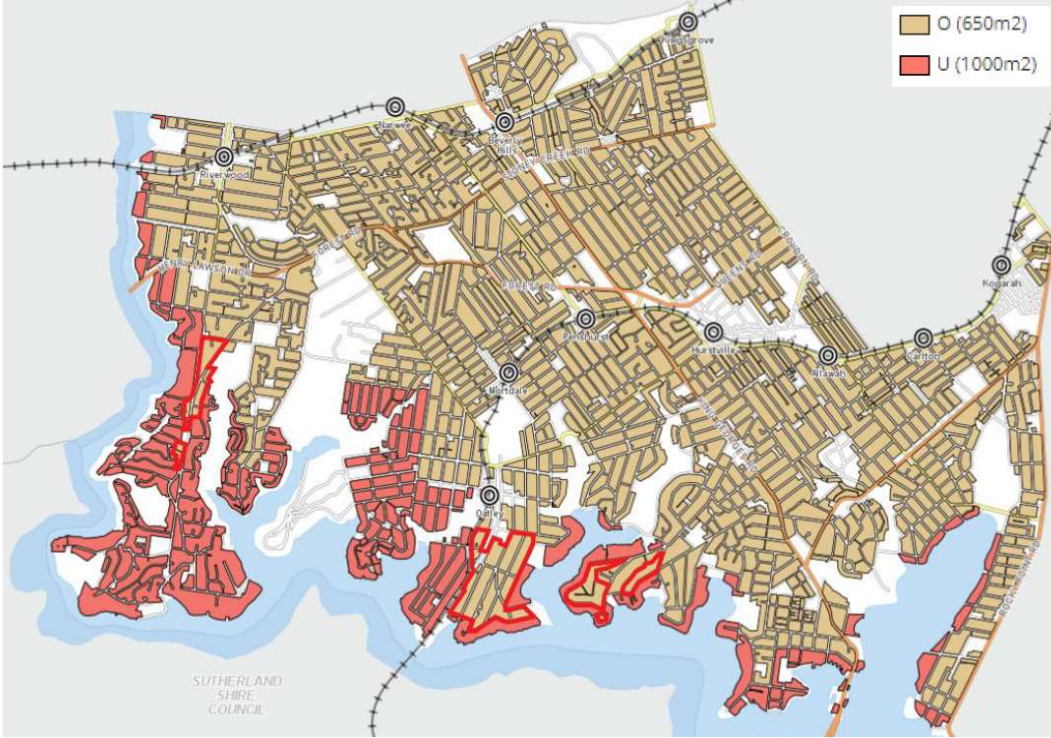
#### Foreshore Scenic Protection Area (FSPA)

Clause 4.1 Minimum subdivision lot size and Lot Size Map (Item 5, Part A)	Amend the Lot Size Map (Sheets LSZ_001, LSZ_002, LSZ_003, LSZ_005, LSZ_006, LSZ_009, LSZ_011 and LSZ_012) to increase the lot size requirements from 450sqm (Area G) to 700sqm (Area Q) for <u>areas within the proposed FSPA and/or UCA</u> , as illustrated below:
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Provision	Explanation of amendment
	 <p><b>Figure 3 – Land to be added to “Area Q” on the Lot Size Map outlined in red (Source: The planning proposal, adapted by DPHI)</b></p> <p>The amendments only affect land within Zone R2 Low Density Residential. No wording changes are proposed to Clause 4.1 Minimum subdivision lot size.</p> <p><b>Department comment:</b></p> <p>Clause 4.1 specifies the minimum lot size standards for land subdivision. Currently, a minimum lot size standard of 700sqm applies to land within the existing FSPA. The proposal seeks to retain the large lot size standard for areas proposed to be removed from the FSPA and expand its application to additional areas identified to be FSPA or UCA, where the existing lot size standard is 450sqm.</p> <p>Council’s reasons are that <i>“The Foreshore Study recommends retaining the existing larger subdivision lot size requirements (700sqm) for land located within the existing FSPA. This is supported by the outcome of the Lot Size Poll held during the pre-exhibition community consultation...”</i> and <i>“The Foreshore Study also recommends expanding the larger lot size requirement to the proposed FSPA and UCAs to ensure scenic and local character attributes such as larger setbacks, more landscaping and less site coverage is retained by future developments”</i>.</p> <p>However, the Department notes the following findings of Council’s supporting studies:</p> <ul style="list-style-type: none"> <li>• <i>Garden Suburban – Naturalistic</i>, identified to be a UCA, is the main area where the minimum lot size standard is proposed to be increased. However, the Foreshore Study describes the area having <i>“fine grain street pattern”</i> and <i>“modest sized lots”</i> (p.47). Based on the information submitted by Council, it is unclear whether the proposed lot size standard reflects the typical lot sizes and the predominant subdivision pattern of the area and how it aligns with the objectives of Clause 4.1, which states:</li> </ul>

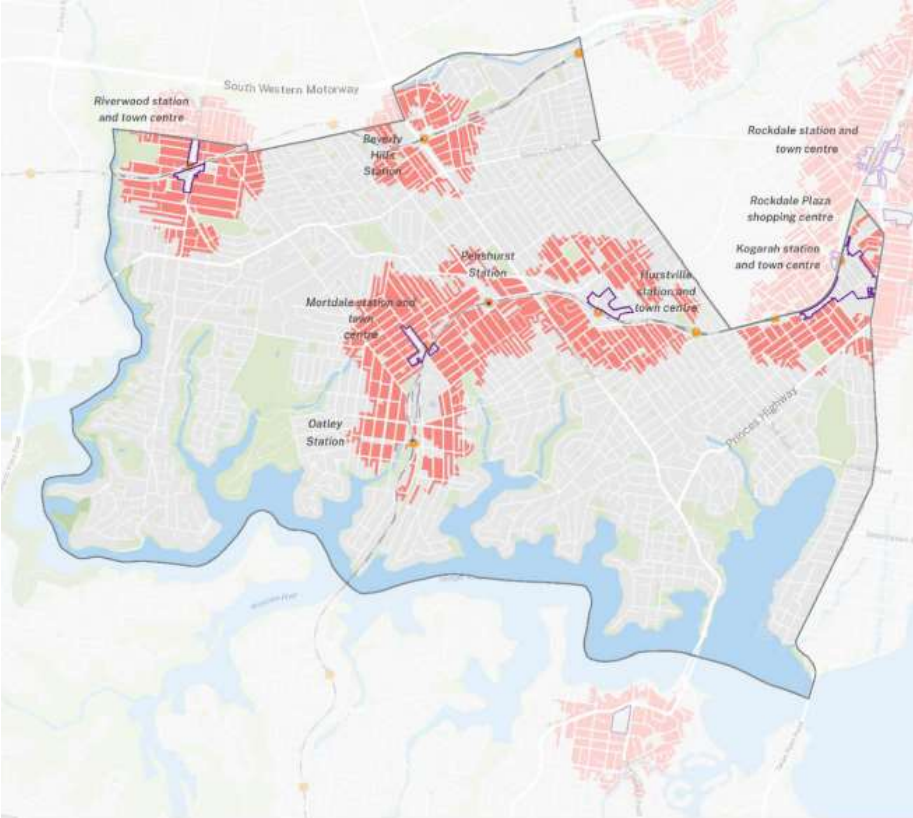
Provision	Explanation of amendment
	<p>a) <i>to ensure that lots created by a subdivision have sufficient area to accommodate development on the lots that complies with relevant development standards and controls for the development,</i></p> <p>b) <i>to ensure that subdivisions reflect and reinforce the predominant subdivision pattern of the area,</i></p> <p>c) <i>to ensure that the lot sizes are appropriate for the environmental capability of the land, having regard to the land's topography and other natural features.</i></p> <ul style="list-style-type: none"> <li>• Council's proposed changes appear to contradict the assessment and finding of the <i>Review of Environmental Planning Provisions for Local Character report</i>, which states that <i>"there are no recommended amendments to this clause (clause 4.1) to better address local character"</i> (p.16).</li> </ul> <p>Having regard to the above, a <b>Gateway condition</b> is recommended to require further evidence demonstrating alignment of the proposed lot size standards with the objectives of clause 4.1.</p> <p>In addition, the following observations have been made:</p> <ul style="list-style-type: none"> <li>• The Foreshore Study acknowledges that <i>"while this Study recommends that minimum subdivision lot size controls do not change to reflect changes in the boundary of the FSPA, there may be locality specific justifications for amending minimum lot size controls in certain parts of the study area"</i> (p.82). The proposed broad application of large lot size standard has not addressed this specific finding.</li> <li>• Some areas proposed to be removed from the FSPA are areas with character that is of moderate significance (the lowest rating), as assessed by the Foreshore Study, e.g. <i>Garden Suburban – Traditional</i> and <i>Garden Court</i>. The Foreshore Study also considers the sensitivity of these character areas to be "Low", an indication that it has the capacity to accommodate a substantial level of change (p.45-46). Based on these findings, these areas have not been identified as UCA. Some areas are also within the walkable distance from the train station and not identified on the proposed terrestrial biodiversity map. However, the proposal seeks to retain the existing large lot size standard for these areas.</li> <li>• Rivers Edge – Contemporary is an area proposed to be removed from the FSPA as it has low scenic character attributes but would be re-categorised as UCA despite the Foreshore Study's assessment that the area is of moderate significance and low sensitivity rating (p.61-62). The reasons for this categorisation and retaining the existing large lot size standard for this area are unclear.</li> </ul> <p>Therefore, a <b>Gateway condition</b> is recommended that Council further evaluate the development standards for areas proposed to be removed from the FSPA, and those near existing public infrastructure and services, considering their suitability and potential for additional, diverse housing, alignment with the Low and Mid-Rise Housing Policy and the merit of applying planning controls consistent with other R2 zoned land in the LGA. This recommendation is also relevant to Part B of the planning proposal, specially where these areas are excluded from certain proposed amendments for uplift.</p>



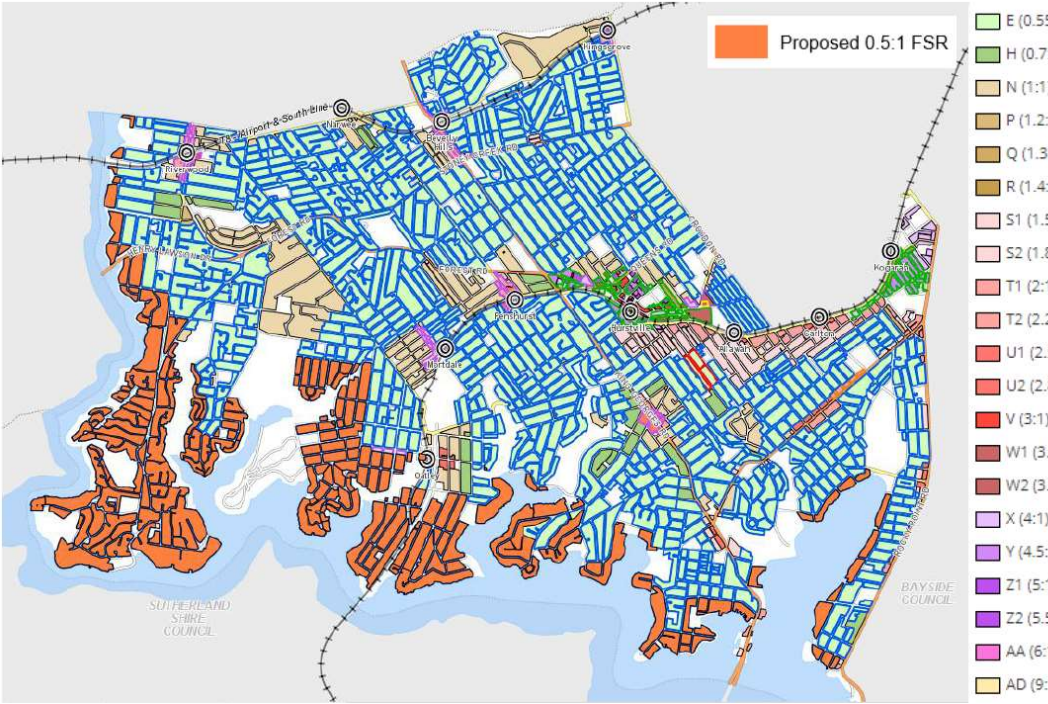
Provision	Explanation of amendment
<p>Clause 4.1A Minimum subdivision lot size for dual occupancies and Minimum Lot Size for Dual Occupancy Map</p> <p>(Item 6, Part A)</p>	<p>Amend Clause 4.1A and the Minimum Lot Size for Dual Occupancy Map (Sheets LSD_001, LSD_002, LSD_003, LSD_005, LSD_006, LSD_009, LSD_011 and LSD_012) to increase the minimum lot size requirements for dual occupancies from 650sqm (Area O) to 1000sqm (Area U) for <u>areas within the proposed FSPA and/or UCA</u>, as follows:</p> <p>...</p> <p>(2) <i>Despite clauses 4.1 and 4.1B, development consent may be granted for the subdivision of land—</i></p> <p>(a) <i>in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential if—</i></p> <p>(i) <i>there is a dual occupancy on the land that was lawfully erected or a dual occupancy is proposed on the land, and</i></p> <p>(ii) <i>the lot size for each resulting lot will be at least 300 square metres, or</i></p> <p>(b) <i>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 <del>Foreshore Scenic Protection Area Map</del> if—</i></p> <p>(i) <i>there is a dual occupancy on the land that was lawfully erected or a dual occupancy is proposed on the land, and</i></p> <p>(ii) <i>the lot size for each resulting lot will be at least 430 square metres.</i></p> <p>Land to be covered by “Area U” under this amendment to Minimum Lot Size for Dual Occupancy Map is illustrated below:</p>  <p><b>Figure 4 – Land to be added to “Area U” on the Minimum Lot Size for Dual Occupancy Map outlined in red (Source: The planning proposal)</b></p>

Provision	Explanation of amendment
	<p>Notes - Part B of the proposal also seeks to:</p> <ul style="list-style-type: none"> <li>• Rationalise subdivision lot size standards, replacing 430sqm with 500sqm in clause 4.1A(2)(b)(ii), so that the minimum lot size of each lot after subdivision is half of the overall lot size.</li> <li>• Change the lot size standards in the Minimum Lot Size for Dual Occupancy Map for other land in the LGA.</li> </ul> <p>Details of the above changes are outlined further in this Report.</p> <p><b>Department comment:</b></p> <p>The Georges River LEP 2021 currently sets minimum lot size requirements for dual occupancy developments in residential zones across the LGA, with different standards based on the location in relation to the FSPA, as follows:</p> <ul style="list-style-type: none"> <li>• Land outside the FSPA - 650sqm, and</li> <li>• Land within the FSPA - 1,000sqm.</li> </ul> <p>The proposal seeks to increase the dual occupancy lot size requirements for areas proposed to be added to the FSPA or identified as a UCA, through amendments to the Minimum Lot Size for Dual Occupancy Map, clause 4.1A and clause 4.1B detailed in the following section. The proposal states that these changes reflect the recommendations of the Foreshore Study and are supported by the outcomes of the pre-exhibition community consultation undertaken from October 2022 to March 2023.</p> <p>While recommending large lot size requirements for land within the FSPA, the Foreshore Study does not appear to recommend broad application of the dual occupancy restrictions to all UCAs, noting that:</p> <ul style="list-style-type: none"> <li>• The Foreshore Study considers that “<i>additional restrictions on subdivision for dual occupancies and requirements for greater landscaped area and design excellence appropriate for the recommended <u>revised and smaller FSPA</u>” (p.82.).</i></li> <li>• The Foreshore Study further notes that “<i>While dual occupancies are not characteristic of the FSPA, they are not considered fundamentally incompatible with its character. Allowing their development but restricting their prevalence through larger lot size in accordance with existing provisions is therefore appropriate. On this basis, it is suggested that Council consider <u>retaining the proposed provisions for the Bush Suburban and Garden Suburban Naturalistic area</u>” (p.83).</i></li> </ul> <p>Having regard to the above, a <b>Gateway condition</b> is recommended to require further details of the findings that support the proposed lot size requirements for dual occupancies for all proposed UCAs, particularly for areas outside of the FSPA.</p> <p>As discussed above, a <b>Gateway condition</b> is recommended that Council further evaluate the development standards for areas proposed to be removed from the FSPA, and those near existing public infrastructure and services, considering their suitability and potential for additional, diverse housing, alignment with the Low and Mid-Rise Housing Policy and the merit of applying planning controls consistent with other R2 zoned land in the LGA. The recommendation is based on the following observations:</p> <ul style="list-style-type: none"> <li>• The large lot size requirements for dual occupancies would continue to apply to areas that are no longer identified as the FSPA and are outside of the UCA, where scenic character attributes and local character significance rating are low and there is capacity for accommodating a substantial level of change, as</li> </ul>

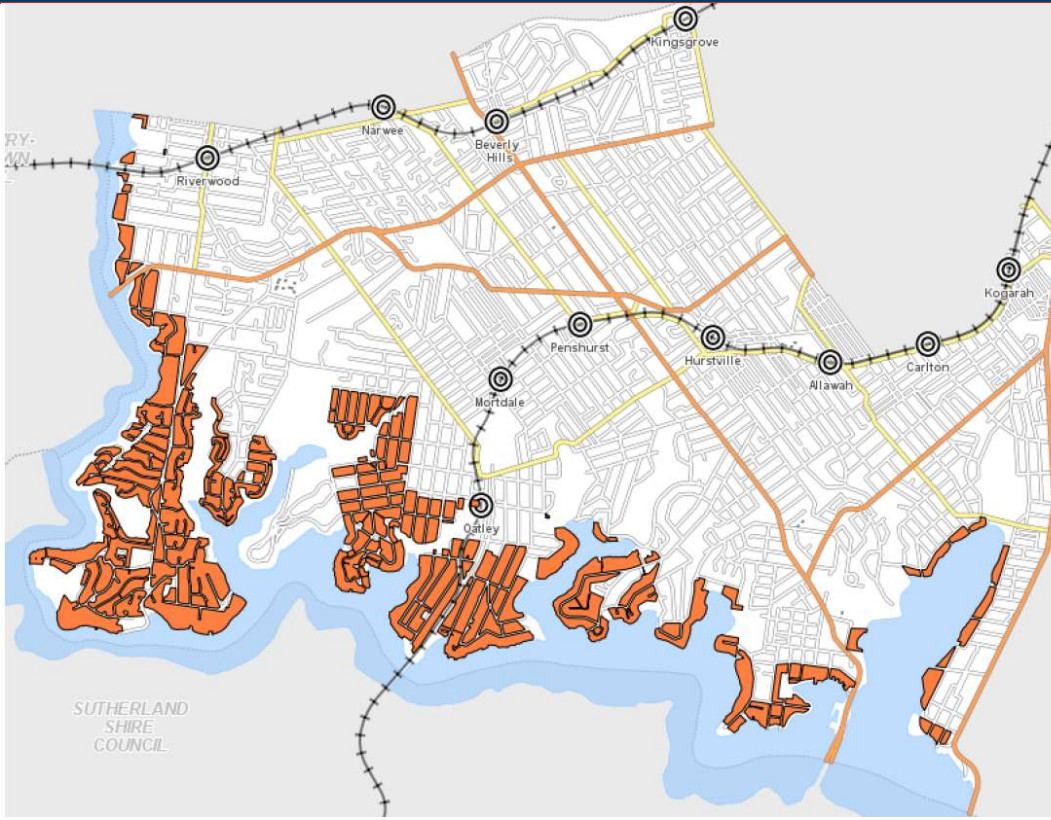
Provision	Explanation of amendment
	<p>identified by the Foreshore Study, such as the <i>Garden Suburban – Traditional</i> and <i>Garden Court</i> areas.</p> <ul style="list-style-type: none"> <li>• The Rivers Edge Contemporary UCA is another area where scenic character attributes, local character significance and sensitivity rating are low. The reasons for retaining the existing larger lot size requirements for dual occupancy development in this area are unclear.</li> <li>• Furthermore, some areas, e.g. certain land within the <i>Garden Suburban – Traditional</i> area are well serviced by public transport given its proximity to Oatley train station and are subject to Stage 2 of the Low and Mid-Rise Housing Policy. The accessibility of this location and suitability for more compact housing has not been considered by this proposal.</li> </ul> <p>Stage 2 of the Low and Mid-Rise Housing Policy introduces mandatory permissibility and non-discretionary development standards within the low and mid-rise housing areas. The Policy is designed to provide an overall uplift in development potential and encourage various building types. In the Georges River LGA, the Policy applies to all residential zones within 800 metres walking distance to the following town centres or train stations:</p> <ul style="list-style-type: none"> <li>• Beverly Hills station</li> <li>• Hurstville station and town centre</li> <li>• Kogarah station and town centre</li> <li>• Mortdale station and town centre</li> <li>• Oatley station</li> <li>• Penshurst station</li> <li>• Riverwood station and town centre.</li> </ul>

Provision	Explanation of amendment
	 <p><b>GEORGES RIVER</b></p> <p> <span style="border: 1px solid purple; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Low and mid-rise centre/station         <span style="border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-left: 20px; margin-right: 5px;"></span> Local Government Area       </p> <p> <span style="background-color: red; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Indicative low and mid-rise housing area     </p> <p><b>Figure 4a – Indicative areas affected by the second stage of the Low and Mid-Rise Policy (Source: DPHI)</b></p> <p>The non-discretionary standards in the Low and Mid-Rise Housing Policy apply when they are more generous than those in Council's LEP or DCP. As such, the proposed lot size for certain areas near the Oatley train station under this item would be overruled by the Low and Mid-Rise Housing Policy.</p>
<p>Clause 4.1B Minimum lot sizes and special provisions for certain dwellings</p> <p>(Item 7, Part A)</p>	<p>Amend <b>Clause 4.1B</b> to insert a new objective to ensure that lots in the <u>FSPA and UCAs</u> are of sufficient size to protect natural environmental values, in particular areas of high terrestrial biodiversity value.</p> <p>Amend <b>Clause 4.1B (3)</b> so that the Minimum Lot Size for Dual Occupancy Map and reference to Area U (1000sqm) replaces the reference to the Foreshore Scenic Protection Area as identified on the Foreshore Scenic Protection Area Map. This is so that the 1,000sqm lot size requirement will be applicable in the <u>existing FSPA, proposed FSPA and the proposed UCA</u>.</p> <p>Council's suggested wording for these amendments is as follows:</p> <p style="padding-left: 40px;"><i>4.1B Minimum lot sizes and special provisions for certain dwellings</i></p> <p style="padding-left: 40px;">(1) <i>The objectives of this clause are as follows—</i></p> <p style="padding-left: 40px;">...</p>



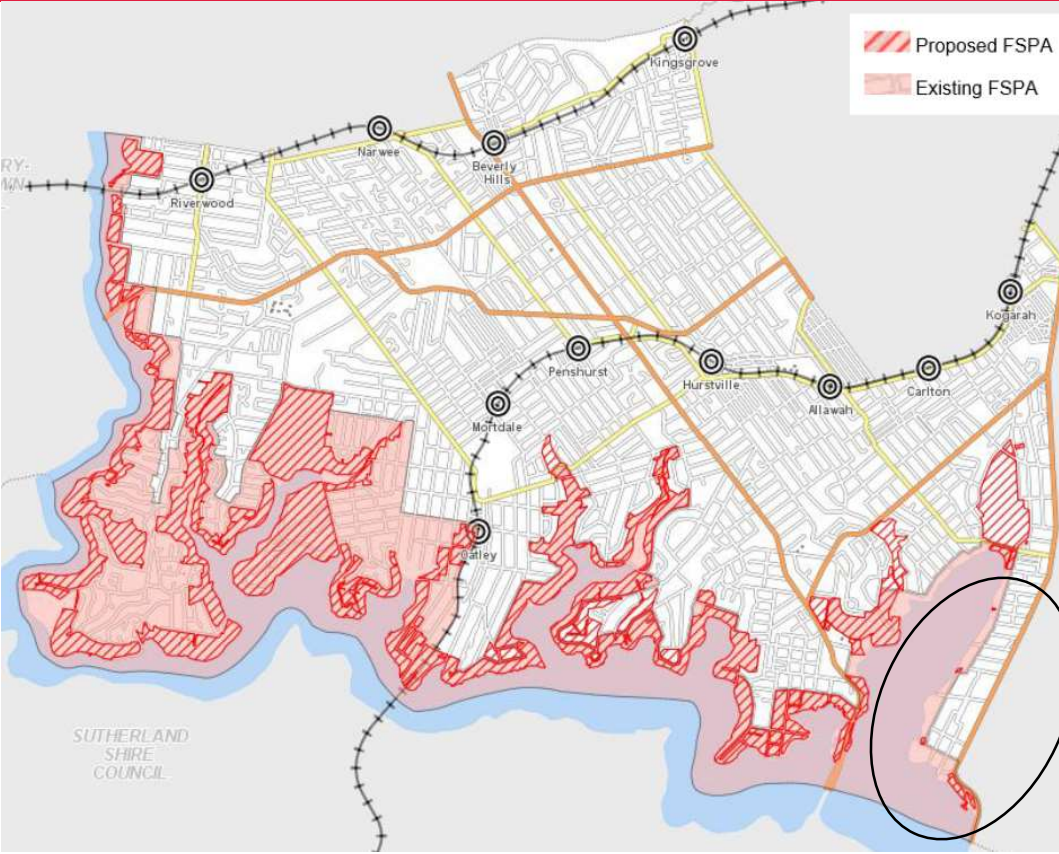
Provision	Explanation of amendment
	<p><i>(f) To ensure that lots in the FSPA are of sufficient size to protect natural values, in particular areas of high terrestrial biodiversity value.</i></p> <p>...</p> <p><i>(3) Development consent must not be granted for the erection of a dual occupancy in “Area U” on the Minimum Lot Size for Dual Occupancy Map in the <del>Foreshore Scenic Protection Area as identified on the Foreshore Scenic Protection Area Map</del> unless the lot has an area of at least 1,000 square metres as shown on the Lot Size for Dual Occupancy Map.</i></p> <p><b>Department comment:</b></p> <p>The assessment and recommendation in the above section regarding clause 4.1A are applicable to this proposed amendment.</p> <p>To ensure clarity of the proposed objective, a <b>Gateway condition</b> is recommended to require clarification of the term “the areas of high terrestrial biodiversity value” and if it specifically relates to land identified on the Biodiversity Values Map, prepared by the DCCEEW under the <i>Biodiversity Conservation Regulation 2017 (NSW)</i>.</p>
<p>Clause 4.4 Floor space ratio and Floor Space Ratio Map  (Item 8, Part A)</p>	<p>Amend the <b>Floor Space Ratio Map</b> (Sheets FSR_001, FSR_002, FSR_003, FSR_005, FSR_006, FSR_009, FSR_011 and FSR_012) to reduce the mapped maximum permissible FSR from 0.55:1 to 0.5:1 for <u>R2 Low Density Residential zoned land located within the existing FSPA, proposed FSPA and the proposed UCA</u>, as illustrated below:</p>  <p><b>Figure 5 – Areas with proposed FSR of 0.5:1 shown in orange (Source: The planning proposal)</b></p> <p>No change is proposed to the written provisions of Clause 4.4 Floor space ratio. The proposed FSR reduction is intended for all development typologies permitted in Zone the R2 Low Density Residential zoned land located within the existing and proposed FSPA, and the proposed UCA.</p>

Provision	Explanation of amendment																				
	<p><b>Department comment:</b></p> <p>There is no objection to this proposed amendment in principle, noting Council's intent is to promote improved environmental outcomes, mitigate impacts of larger building sizes and reduced landscaped areas resulting from the current FSR standard and achieve consistency with neighbouring councils' planning controls. The proposal also considers the potential impact of the revised FSRs on other permitted land uses in Zone R2 Low Density Residential, with minimum expected impact on development feasibility.</p> <p>As discussed above, where applicable the non-discretionary standards in the Low and Mid-Rise Housing Policy apply when they are more generous than those in Council's LEP or DCP.</p>																				
<p>Clause 4.4A Exceptions to floor space ratio—certain residential accommodatio n and Floor Space Ratio Map</p> <p>(Item 9, Part A)</p>	<p>Amend <b>Clause 4.4A</b> to:</p> <ul style="list-style-type: none"> <li>Reduce the maximum permissible FSR to 0.5:1 for <u>R2 zoned land located within the existing FSPA, proposed FSPA and the proposed UCA</u>, and</li> <li>Insert two additional sliding scale FSR to tabulate the maximum GFA permissible on larger sites based on the reduced 0.5:1 for <u>R2 zoned land located within the existing FSPA, proposed FSPA and the proposed UCA</u>. One of the tables relate to dwelling houses and the other relates to dual occupancies.</li> </ul> <p>Council's suggested wording is as follows:</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 data-bbox="539 1104 1300 1272"> <thead> <tr> <th><b>Site area</b></th><th><b>Maximum floor space ratio</b></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><math>[(\text{site area} - 650) \times 0.3 + 325] \div \text{site area}:1</math></td></tr> <tr> <td>More than 1,000 metres but not more than 1,500 square metres</td><td><math>[(\text{site area} - 1000) \times 0.2 + 430] \div \text{site area}:1</math></td></tr> <tr> <td>More than 1,500 square metres</td><td><math>[(\text{site area} - 1500) \times 0.1 + 530] \div \text{site area}:1</math></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 data-bbox="539 1361 1300 1529"> <thead> <tr> <th><b>Site area</b></th><th><b>Maximum floor space ratio</b></th></tr> </thead> <tbody> <tr> <td>Not more than 1,000 square metres</td><td>0.5:1</td></tr> <tr> <td>More than 1,000 square metres but not more than 1,500 metres</td><td><math>[(\text{site area} - 1000) \times 0.3 + 500] \div \text{site area}:1</math></td></tr> <tr> <td>More than 1,500 metres but not more than 2,000 square metres</td><td><math>[(\text{site area} - 1500) \times 0.2 + 650] \div \text{site area}:1</math></td></tr> <tr> <td>More than 2,000 square metres</td><td><math>[(\text{site area} - 2000) \times 0.1 + 750] \div \text{site area}:1</math></td></tr> </tbody> </table> <p>To amend the <b>Floor Space Ratio Map</b> to identify the affected land as "Area 7 – Refer Clause 4.4A", as illustrated below:</p>	<b>Site area</b>	<b>Maximum floor space ratio</b>	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	$[(\text{site area} - 1500) \times 0.1 + 530] \div \text{site area}:1$	<b>Site area</b>	<b>Maximum floor space ratio</b>	Not more than 1,000 square metres	0.5:1	More than 1,000 square metres but not more than 1,500 metres	$[(\text{site area} - 1000) \times 0.3 + 500] \div \text{site area}:1$	More than 1,500 metres but not more than 2,000 square metres	$[(\text{site area} - 1500) \times 0.2 + 650] \div \text{site area}:1$	More than 2,000 square metres	$[(\text{site area} - 2000) \times 0.1 + 750] \div \text{site area}:1$
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Provision	Explanation of amendment
	 <p><b>Figure 6 – Proposed location of “Area 7” shown in orange (Source: The planning proposal)</b></p> <p>Land located in the remainder of the LGA will remain unchanged as “Area 1” and retains the existing FSR – i.e. 0.55:1 for dwelling houses and 0.6:1 for dual occupancies. “Area 7” will replace “Area 1” in the affected areas and additional subclauses referencing “Area 7” is proposed in Clause 4.4A.</p> <p><b>Department comment:</b></p> <p>Clause 4.4A relates to exceptions to FSR for certain residential accommodation development, with different formulas for calculating the maximum FSR based on site area and location (e.g. Area 1 and Area 2). The clause aims to ensure that the bulk and scale of development are compatible with the lot size and promote good residential amenity.</p> <p>As discussed above, where applicable the non-discretionary standards in the Low and Mid-Rise Housing Policy apply when they are more generous than those in Council’s LEP or DCP.</p>
<p>Clause 6.6 Foreshore Scenic Protection Area and Foreshore Scenic Protection Area Map</p>	<p>Amend <b>Clause 6.6 Foreshore scenic protection area</b> to ensure the role of the FSPA focuses on foreshore scenic character, by:</p> <ul style="list-style-type: none"> <li>Replacing the objectives to refine the focus to scenic character and views to and from the Georges River,</li> <li>Replacing the considerations to provide clarity in relation to the protection of attributes that positively contributes to the scenic character and amenity of the River, and</li> </ul>

Provision	Explanation of amendment
(Item 10, Part A)	<ul style="list-style-type: none"> <li>Removing duplication of other LEP clauses such as biodiversity and habitat protection.</li> </ul> <p>Council is proposing the following clause to replace the existing Clause 6.6:</p> <p><i>1 The objectives of this clause are as follows:</i></p> <ul style="list-style-type: none"> <li><i>a) to protect and strengthen the scenic character of the Georges River foreshore</i></li> <li><i>b) to protect significant views from the public and private domain to and from the Georges River.</i></li> </ul> <p><i>2 This clause applies to land identified on the Foreshore Scenic Protection Area Map.</i></p> <p><i>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:</i></p> <ul style="list-style-type: none"> <li><i>a) retains and protects trees and vegetation that contribute to scenic character</i></li> <li><i>b) retains and protects other natural elements, including topography, waterways and rock formations that contribute to scenic character</i></li> <li><i>c) ensures built form is integrated with the natural landscape and is not visually prominent to the detriment of scenic character</i></li> <li><i>d) avoids significant adverse impact on views obtained from the public domain</i></li> <li><i>e) enables reasonable sharing of views from the private domain.</i></li> </ul> <p>Amend the <b>Foreshore Scenic Protection Area Map</b> to reduce the overall mapped extent of the FSPA and include additional areas, as illustrated below:</p>



Provision	Explanation of amendment
	 <p><b>Figure 7 – Comparison of the existing and proposed FSPA (Source: The planning proposal, Figure 11)</b></p> <p><b>Department comment:</b></p> <p>There appear to be some minor discrepancies concerning the FSPA boundary at the eastern end of the LGA (circled in the above map). A <b>Gateway condition</b> is recommended to confirm and resolve any inconsistencies.</p>
<p>Clause 6.10 Design Excellence</p> <p>(Item 11, Part A)</p>	<p>Amend <b>Clause 6.10 Design Excellence</b> to consider visual amenity and visual impacts when viewed from the foreshore and waterway of the Georges River and local character, as follows:</p> <p><b>6.10 Design excellence</b></p> <p><i>(5) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—</i></p> <p>...</p> <p><i>(d) how the development addresses the following matters—</i></p> <p>...</p> <p><i>(xvi) the impact on any local character area,</i></p> <p><i>(xvii) for development within the Foreshore Scenic Protection Area, the impact on visual character and amenity of the foreshore area when viewed from the Georges River or foreshore areas.</i></p> <p><b>Department comment:</b></p>

Provision	Explanation of amendment
	<p>Given the proposed UCA clause and mapping are not supported as discussed earlier in this Report, Council's suggested wording regarding "<i>impact on any local character area</i>" will be subject to change during legal drafting should the proposal progress to finalisation.</p> <p>Currently, development for certain purposes, including residential accommodation (except for secondary dwelling), on land identified on the FSPA map is subject to clause 6.10. It is noted that the proposal does not seek to alter how the application area is identified. As such, by reducing the mapped extent of the FSPA, clause 6.10 would apply to a smaller area.</p>
<b>Landscaping</b>	
<p>Clause 6.12 Landscaped areas in certain residential and conservation zones  (Item 12, Part A)</p>	<p>Amend Clause 6.12 Landscaped areas in certain residential and conservation zones by:</p> <ul style="list-style-type: none"> <li>Inserting new objectives to: <ul style="list-style-type: none"> <li>Protect, maintain and improve the diversity and condition of native vegetation and habitats across the LGA,</li> <li>Encourage the recovery of threatened species and their communities, populations and habitats across the LGA, and</li> <li>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,</li> </ul> </li> <li>Increasing the minimum landscaped area requirement by 5% for low density land located within <u>the existing FSPA, proposed FSPA and the proposed UCA (Area 7 on the FSR Map)</u> as follows: <ul style="list-style-type: none"> <li>Dwelling houses increase from 25% to 30%, and</li> <li>Dual occupancies increase from 30% to 35%, and</li> </ul> </li> <li>Introducing a minimum 20% landscaped area requirement for multi dwelling housing, terraces and manor houses.</li> </ul> <p>Council's suggested wording is as follows:</p> <p><b>Clause 6.12 Landscaped areas in certain residential and conservation zones</b></p> <p>(1) <i>The objectives of this clause are as follows—</i></p> <p>...</p> <p><i>(e) to protect, maintain and improve the diversity and condition of native vegetation and habitats,</i></p> <p><i>(f) to encourage the recovery of threatened species and their communities, populations and habitats, and</i></p> <p><i>(g) to retain and strengthen the existing green and leafy local character of residential areas, including trees in the private domain that contribute to local character and visual amenity,</i></p> <p>...</p>

Provision	Explanation of amendment
	<p>(5) Development consent must not be granted to development on land to which this clause applies unless a percentage of the site area consists of landscaped areas that is at least—</p> <p>(a) for a dwelling house located on land <del>within Area 1 of the FSR Map outside the Foreshore Scenic Protection Area</del>—20% of the site area, or</p> <p>(b) for a dwelling house located on land <del>within Area 7 of the FSR Map the Foreshore Scenic Protection Area</del>—<del>25</del> 30% of the site area, or</p> <p><del>((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</del></p> <p>(d) for a dual occupancy located <del>within Area 7 of the FSR Map the Foreshore Scenic Protection Area</del> —<del>30</del> 35% of the site area, or</p> <p>(e) for development in Zone R3 Medium Density Residential—20% of the site area, or</p> <p>(f) for development in Zone R4 High Density Residential—10% of the site area, or</p> <p>(g) for development in Zone C2 Environmental Conservation—70% of the site area, or</p> <p><del>(h) for multi dwelling housing, terraces and manor houses in the R2 Low Density Residential Zone – 20% of the site area.</del></p> <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— <del>Foreshore Scenic Protection Area means land shown on the Foreshore Scenic Protection Area Map.</del></p> <p><b>Department comment:</b></p> <p>The proposal seeks to increase the landscaped area requirements for land within the existing and proposed FSPA and land intended to be identified as the UCA. Some areas within the proposed UCA (e.g. Garden Suburban Naturalistic) are outside of the existing FSPA and currently subject to the less stringent landscaped requirements under clause 6.12. The proposed increase for these areas would appear to be greater than 5%, inconsistent with the explanation of provisions.</p> <p>Accordingly, a <b>Gateway condition</b> is recommended to clarify and update the explanation of provisions to address this ambiguity.</p>

Low Rise Housing Diversity Code	
Low Rise Housing Diversity Code (Part 3B of the Exempt and Complying Development Codes SEPP)	Exclude the application of the Low Rise Housing Diversity Code from <u>the proposed FSPA and proposed UCA</u> to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the DA process.
(Item 15, Part A)	<p><b>Department comment:</b></p> <p>The planning proposal does not specify whether it seeks an amendment to the LEP or the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> (the Codes SEPP) to achieve the proposed policy exclusion.</p> <p>The Codes SEPP does not exclude land based on scenic protection or local character. Additionally, excluding local character areas from the Codes SEPP would be inconsistent with the <i>Low-Rise Housing Diversity Code – Frequently asked questions</i> published on the Department’s website (<a href="#">link</a>), which states that “A Local Character Statement is not a mechanism to exclude local areas from the application of the Code”.</p> <p>Therefore, it is recommended that this item be removed from the proposal. A <b>Gateway condition</b> is recommended to this effect.</p>

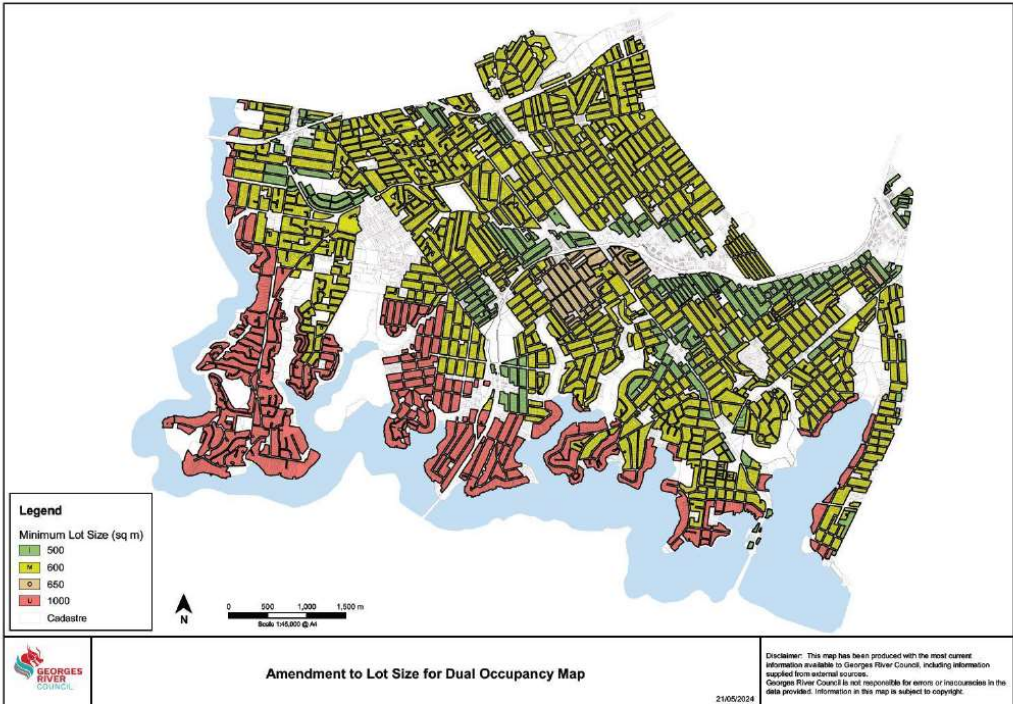
## Part B





Provision	Explanation of amendment
	<p><b>Clause 4.1A Minimum subdivision lot size for dual occupancies</b></p> <p>(2) Despite clauses 4.1 and 4.1B, development consent may be granted for the subdivision of land—</p> <p>(a) <del>in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential</del> if—</p> <p>(i) <del>there is a dual occupancy on the land that was lawfully erected or a dual occupancy is proposed on the land, and</del></p> <p>(ii) <del>the lot size for each resulting lot will be at least 300 square metres, or</del></p> <p>(b) <del>in the Foreshore Scenic Protection Area on land as identified as on the Foreshore Scenic Protection Area Map on land identified as “Area U” on the Minimum Lot Size for Dual Occupancy Map if—</del></p> <p>(i) <del>there is a dual occupancy on the land that was lawfully erected or a dual occupancy is proposed on the land, and</del></p> <p>(ii) <del>the lot size for each resulting lot will be at least 430-500 square metres.</del></p> <p>(c) <del>in Zone R3 Medium Density Residential or Zone R4 High Density Residential –</del></p> <p>(i) <del>there is a dual occupancy on the land that was lawfully erected or a dual occupancy is proposed on the land, and</del></p> <p>(ii) <del>the lot size for each resulting lot will be at least 250 square metres, or</del></p> <p>(d) <del>on land identified as a Heritage Conservation Area on the Heritage Map if –</del></p> <p>(i) <del>there is a dual occupancy on the land that was lawfully erected or a dual occupancy is proposed on the land, and</del></p> <p>(ii) <del>the lot size for each resulting lot will be at least 325 square metres.</del></p> <p>(3) <del>If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle and any right of carriageway is not to be included in calculating the lot size.</del></p> <p>Council's intent is to rationalise the subdivision requirements for dual occupancies by setting minimum lot size of each lot after subdivision at half of the overall lot size.</p> <p><b>Department comments</b></p> <p>Where applicable, the non-discretionary standards in the Low and Mid-Rise Housing Policy can overrule Council's LEP or DCP.</p>
<p>Clause 4.1B Minimum lot sizes and special provisions for certain dwellings</p> <p>(Item 3 and Item10, Part B)</p>	<p>There are two components:</p> <ol style="list-style-type: none"> <li>1. Reduce the minimum lot size for dual occupancies in all residential zones (600sqm in R2 zones, 500sqm in R3 and R4 zones), with the exception of land in the existing FSPA, proposed FSPA and proposed UCA and in the existing HCAs, and</li> <li>2. Introduce 800sqm lot size and 24m width for RFBs in R3 zones.</li> </ol> <p>Council's suggested wording, consolidating both Part B amendments (shown in red) and Part A amendments (shown in green), is as follows:</p>

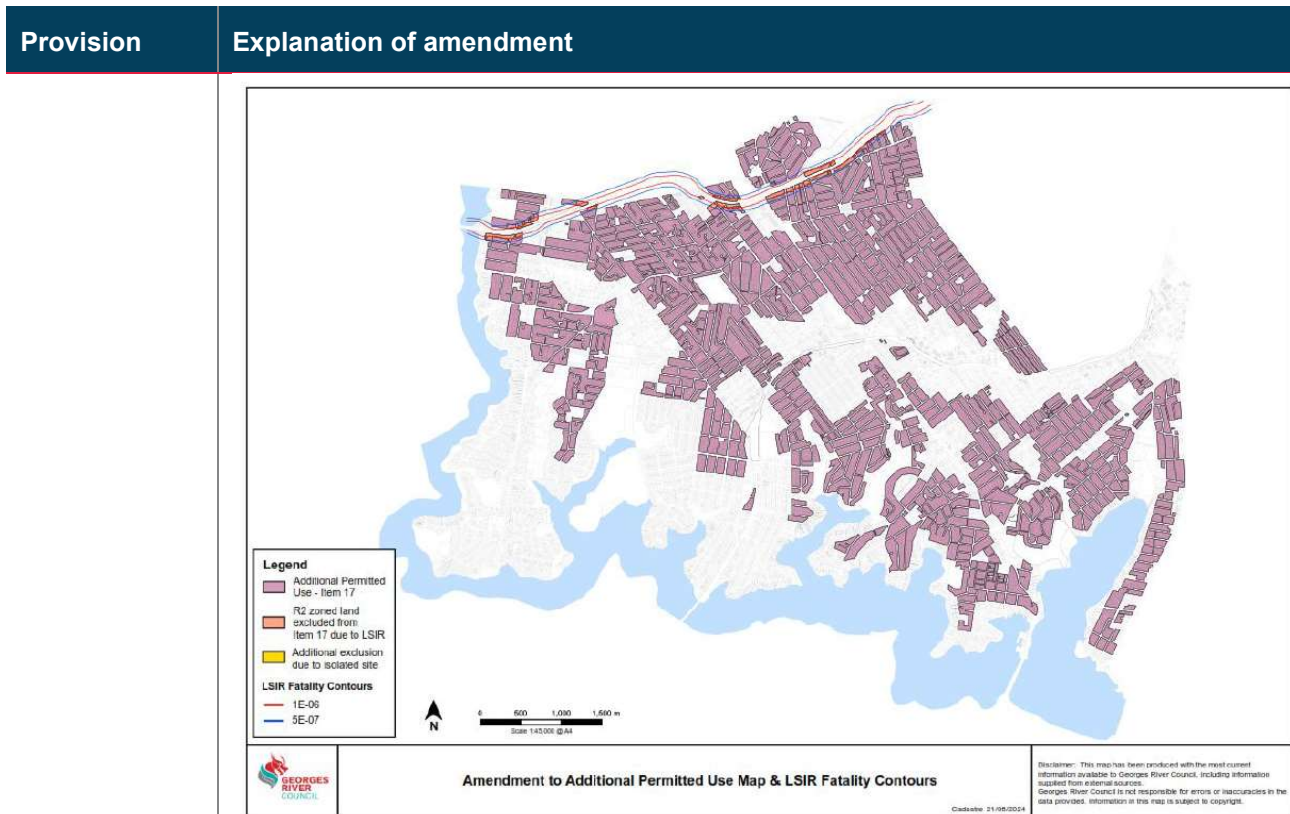
Provision	Explanation of amendment																																																				
	<p><b>Clause 4.1B Minimum lot sizes and special provisions for certain dwellings</b></p> <p>...</p> <p>(2) Development consent must not be granted to development on a lot in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table opposite the zone unless—</p> <p>(a) the area of the lot is equal to or greater than the area specified for that purpose as shown in Column 3 of the table, and</p> <p>(b) the width of the lot at the front building line is equal to or greater than the width specified for that purpose and shown opposite in Column 4 of the table.</p> <table><tr><th>Column 1</th><th>Column 2</th><th>Column 3</th><th>Column 4</th></tr><tr><td>Attached dwellings</td><td>Zone R3 Medium Density Residential</td><td>800 square metres</td><td>21 metres</td></tr><tr><td>Attached dwellings</td><td>Zone R4 High Density Residential</td><td>800 square metres</td><td>21 metres</td></tr><tr><td>Dual occupancies</td><td>Zone R2 Low Density Residential</td><td><del>650</del> 600 square metres</td><td>15 metres</td></tr><tr><td>Dual occupancies</td><td>Zone R3 Medium Density Residential</td><td><del>650</del> 500 square metres</td><td>15 metres</td></tr><tr><td>Dual occupancies</td><td>Zone R4 High Density Residential</td><td><del>650</del> 500 square metres</td><td>15 metres</td></tr><tr><td>Manor houses</td><td>Zone R3 Medium Density Residential</td><td>800 square metres</td><td>18 metres</td></tr><tr><td>Manor houses</td><td>Zone R4 High Density Residential</td><td>800 square metres</td><td>18 metres</td></tr><tr><td>Multi dwelling housing</td><td>Zone R3 Medium Density Residential</td><td>800 square metres</td><td>18 metres</td></tr><tr><td>Multi dwelling housing</td><td>Zone R4 High Density Residential</td><td>800 square metres</td><td>18 metres</td></tr><tr><td>Multi dwelling housing (terraces)</td><td>Zone R3 Medium Density Residential</td><td>800 square metres</td><td>21 metres</td></tr><tr><td>Multi dwelling housing (terraces)</td><td>Zone R4 High Density Residential</td><td>800 square metres</td><td>21 metres</td></tr><tr><td>Residential flat buildings</td><td>Zone R3 Medium Density Residential</td><td>800 square metres</td><td>24 metres</td></tr></table> <p>(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 <del>Foreshore Sconic Protection Area as identified on the Foreshore Sconic Protection Area Map</del> unless the lot has an area of at least 1,000 square metres <del>as shown on the Lot Size for Dual Occupancy Map</del>.</p> <p>...</p> <p>(7) Development Consent must not be granted for the erection of a dual occupancy on land identified as a Heritage Conservation Area on the Heritage Map unless the lot has an area of at least 650 square metres as shown on the Lot Size for Dual Occupancy Map.</p> <p>To support the above, the following amendments are proposed to the Minimum Lot Size for Dual Occupancy Map:</p> <ul style="list-style-type: none"><li>• Apply 500sqm to land within R3 and R4 zones,</li><li>• Apply 600sqm to land within the R2 zone,</li><li>• Retain 650sqm to land within the HCAs,</li><li>• Retain 1,000sqm to land within the existing FSPA as per Part A - Biodiversity, Character and FSPA Proposal, and</li></ul>	Column 1	Column 2	Column 3	Column 4	Attached dwellings	Zone R3 Medium Density Residential	800 square metres	21 metres	Attached dwellings	Zone R4 High Density Residential	800 square metres	21 metres	Dual occupancies	Zone R2 Low Density Residential	<del>650</del> 600 square metres	15 metres	Dual occupancies	Zone R3 Medium Density Residential	<del>650</del> 500 square metres	15 metres	Dual occupancies	Zone R4 High Density Residential	<del>650</del> 500 square metres	15 metres	Manor houses	Zone R3 Medium Density Residential	800 square metres	18 metres	Manor houses	Zone R4 High Density Residential	800 square metres	18 metres	Multi dwelling housing	Zone R3 Medium Density Residential	800 square metres	18 metres	Multi dwelling housing	Zone R4 High Density Residential	800 square metres	18 metres	Multi dwelling housing (terraces)	Zone R3 Medium Density Residential	800 square metres	21 metres	Multi dwelling housing (terraces)	Zone R4 High Density Residential	800 square metres	21 metres	Residential flat buildings	Zone R3 Medium Density Residential	800 square metres	24 metres
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Provision	Explanation of amendment
	<ul style="list-style-type: none"> <li>Apply 1,000sqm to land within the proposed FSPA and UCA as per Part A - Biodiversity, Character and FSPA Proposal.</li> </ul>  <p><b>Figure 9 – Proposed amendment to Minimum Lot Size for Dual Occupancy Map (Source: The planning proposal)</b></p> <p><b>Department comment:</b></p> <p>The planning proposal specifies that the above map does not include amendments in Part A of the proposal. However, this does not appear to be accurate. As such, a <b>Gateway condition</b> is recommended to require clarification in this regard.</p> <p>As discussed earlier in this Report, Council has excluded areas adjacent to the Moomba to Sydney Ethane pipeline from the proposed changes to permit multi dwelling housing and terraces, following recommendations of the draft <i>Moomba to Sydney Ethane Pipeline Hazard Analysis report (August 2024)</i> which advises against residential population intensification where the outdoor LSIR is greater than <math>1.0 \times 10^{-6}</math> p.a. (Page 4). However, the planning proposal does not explain how this recommendation was considered for other components of the proposal, such as facilitating dual occupancies as outlined in this item. A <b>Gateway condition</b> is recommended to address this.</p> <p>Where applicable, the non-discretionary standards in the Low and Mid-Rise Housing Policy can overrule Council's LEP or DCP. Beyond the low and mid-rise housing areas, Council's proposed controls would facilitate an overall uplift in development potential, increasing housing capacity in the LGA.</p>
<p>Clause 4.3A Exceptions of height of buildings  (Item 4, Part B)</p>	<p>Amend the existing 5m height control for multi dwelling housing so this restriction only applies to the R2 zone. Council's suggested wording is as follows:</p>



Provision	Explanation of amendment
	<p><b>Clause 4.3A Exceptions to height of buildings</b></p> <p>...</p> <p>(2) <i>Despite clause 4.3—</i></p> <p>(a) <i>the maximum height of a dual occupancy on land in Zone R3 Medium Density Residential or Zone R4 High Density Residential is 9 metres above ground level (existing), and</i></p> <p>(b) <i>the maximum height of a building that forms part of multi dwelling housing on land in Zone R2 Low Density Residential is 5 metres above ground level (existing) if the building is adjacent to the rear boundary of the lot.</i></p>
<p>Clause 4.4A Exceptions to floor space ratio – certain residential accommodatio n (Item 5, Part B)</p>	<p>Apply a bonus FSR of 0.2:1 (equating to a total FSR of 1:1) for multi dwelling housing and terrace developments on land in the R3 zone. Council's suggested wording is as follows:</p> <p><b>Clause 4.4A Exceptions to floor space ratio—certain residential accommodation</b></p> <p><i>Insert the following subclause at the end:</i></p> <p><i>(7) The maximum floor space ratio for multi dwelling housing and multi dwelling housing (terraces) on land identified as "Area 8" on the Floor Space Ratio Map must not exceed 1:1.</i></p>
<p>Schedule 1 Additional permitted uses – No.17 Use of certain land in Zone R2 Low Density Residential (Item 6, Part B)</p>	<p>Introduce multi dwelling housing and terraces as permissible land uses within the R2 Low Density Residential zone excluding the areas located in the existing HCAs, existing FSPA, proposed FSPA and proposed UCA, along with the following components:</p> <ul style="list-style-type: none"> <li>• Apply minimum density control of 300sqm per dwelling within the R2 zone for multi dwelling housing and terrace developments,</li> <li>• Apply maximum FSR of 0.6:1 for multi dwelling housing and terraces within the R2 zone, excluding land located within the existing HCAs, existing FSPA, proposed FSPA and proposed UCA, and</li> <li>• Apply minimum landscaped area of 20% for multi dwelling housing and terraces within the R2 zone, excluding land located within the existing HCAs, existing FSPA, proposed FSPA and proposed UCA</li> </ul> <p>Existing Item 10 of Schedule 1 Additional permitted uses will be excluded from the amendment as to not impact the existing development potential of the identified sites.</p> <p>Furthermore, multi dwelling housing and terraces will not be introduced as a permissible land use to R2 zoned land located within the 1E-06 p.a. (or 1 in 1 million per year) Location Specific Individual Risk (LSIR) fatality contour in accordance with the recommendations of the draft <i>Moomba to Sydney Ethane Pipeline Hazard Analysis</i> report, as well as any sites isolated as result of these exclusions.</p>





**Figure 10 – Extent of land within Zone R2 where multi dwelling housing and terraces are to be permitted (Source: The planning proposal, Figure 5)**

Council's suggested wording is as follows:

**Schedule 1 Additional permitted uses**

Insert the following clause as No.17 after existing No.16:

**17 Use of certain land in Zone R2 Low Density Residential**

- (1) This clause applies to the following land in Zone R2, identified as "Area C" on the Additional Permitted Uses Map.
- (2) Development for the purpose of multi dwelling housing and multi dwelling housing (terraces) is permissible with development consent.
- (3) Development consent must not be granted to development for a purpose specified in Column 1 of the table to this clause on land in the zone or area shown opposite that development in Column 2 of that table unless the development complies with the density requirements specified in Column 3 of that table.
- (4) In this clause –

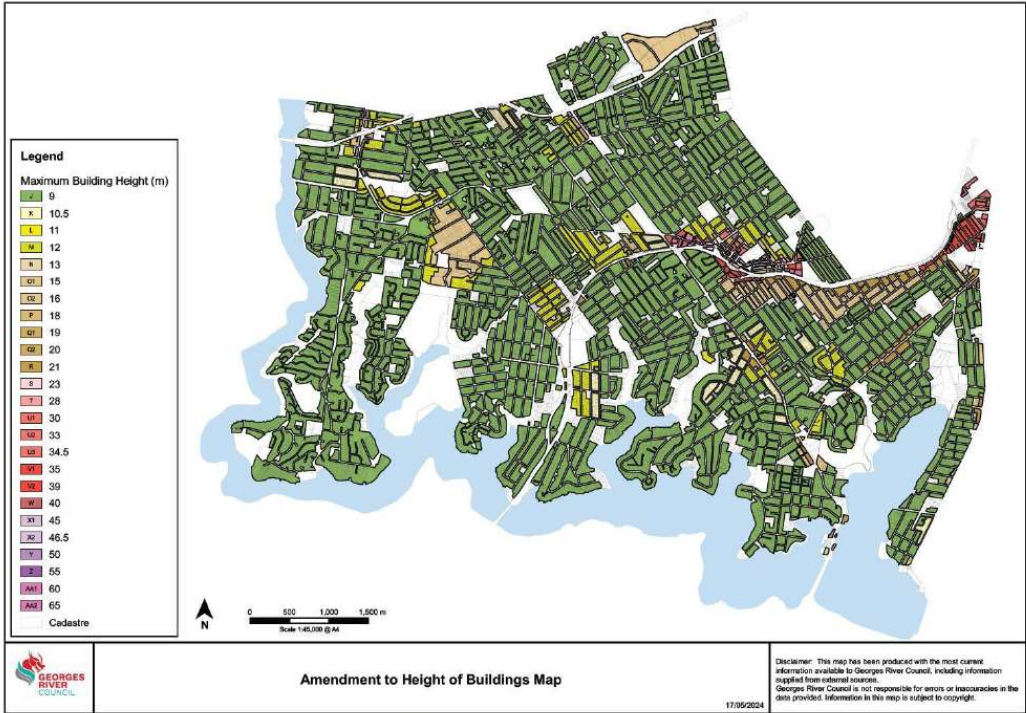
Column 1	Column 2	Column 3
Specified development	Zone	Density
Multi dwelling housing	Zone R2 Low Density Residential	A maximum of 1 dwelling per 300 square metres of site area
Multi dwelling housing (terraces)	Zone R2 Low Density Residential	A maximum of 1 dwelling per 300 square metres of site area

- (5) The maximum floor space ratio must not exceed 0.6:1.
- (6) Development consent must not be granted to development on the land to which this clause applies unless 20% of the site area consists of landscaped areas.

**Department comment:**

The proposed provision purports to include a range of restrictions that may exceed the intended scope of Schedule 1 Additional permitted uses. As such, it is recommended that Council explore alternative mechanisms, such as local provision, for achieving the

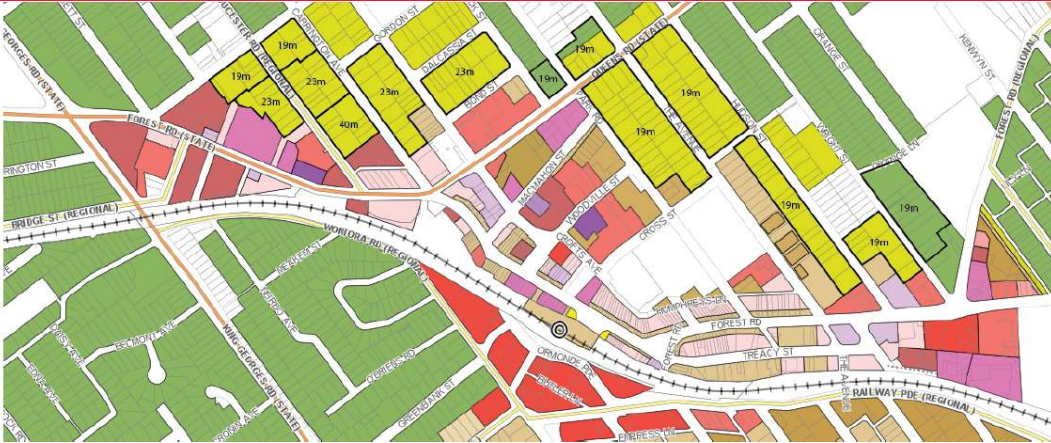

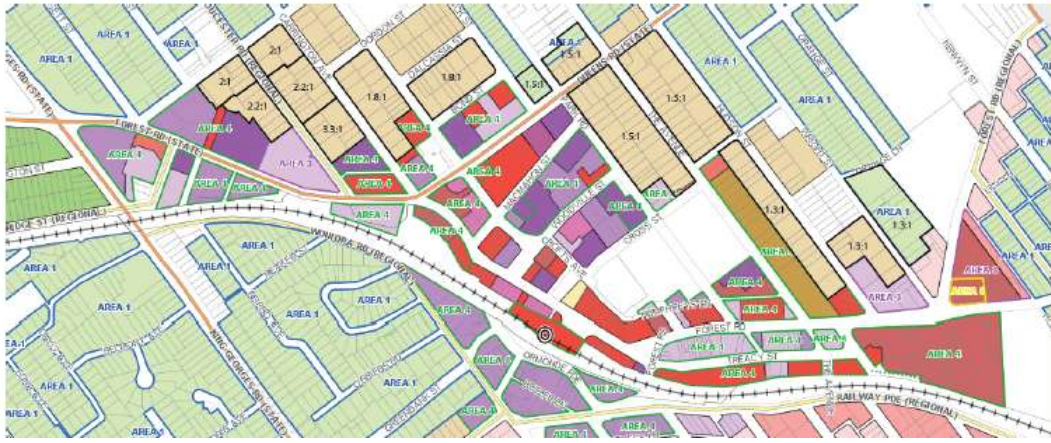
Provision	Explanation of amendment
	<p>intended outcomes, and acknowledge that the provisions will be subject to legal drafting should the proposal proceed to finalisation. A <b>Gateway condition</b> is recommended to reflect this.</p> <p>In addition, the following <b>Gateway conditions</b> are recommended requiring Council to:</p> <ul style="list-style-type: none"> <li>Clarify the implications of the proposed amendments on existing Item 9 of Schedule 1 Additional permitted uses, noting that multi dwelling housing is currently permitted with consent on land identified in Item 9, some of which is zoned R2.</li> <li>Clarify whether the proposed map is intended to exclude relevant land identified in the existing items of Schedule 1 Additional permitted uses.</li> <li>Review and update the term “<i>minimum density control</i>” to accurately reflect the intent of the proposed provisions, which is to set upper limit density.</li> </ul> <p>Where applicable, the non-discretionary standards in the Low and Mid-Rise Housing Policy can overrule Council’s LEP or DCP. Beyond the low and mid-rise housing areas, Council’s proposed controls would facilitate an overall uplift in development potential, increasing housing capacity in the LGA.</p>
<p>Continued prohibition of manor houses within the R2 zone (Item 7, Part B)</p>	<p>Amend the Codes SEPP to exclude the Georges River LGA from the applicable of Part 3B Division 1A. Council seeks to maintain prohibition of manor houses within the R2 zone despite the proposed introduction of multi dwelling housing and terraces into this zone.</p> <p><b>Department comment:</b></p> <p>Manor houses are prohibited in Zone R2 Low Density Residential under the <i>Georges River LEP 2021</i>. The proposed introduction of multi dwelling housing as an Additional Permitted in Zone R2 would trigger the application of clause 3B.1A of the Codes SEPP, permitting manor houses within this zone. Council opposes manor houses in Zone R2 due to its incompatible residential density, building classification and subdivision requirements.</p> <p>The Department considers manor houses to be compatible with the built form and character of low-density housing, comparable to terraces and multi-dwelling housing, therefore does not support Council’s request to exclude manor houses from Part 3B of the Low Rise Housing Diversity Code. A <b>Gateway condition</b> is recommended to require removal of this item and associated references from the planning proposal.</p> <p>The Department will continue to work with Council regarding any concerns around specific development standards for manor houses in Part 3B of the Codes SEPP and any specific case for change in response to local needs and context.</p>
<p>Height of Buildings for R3 zone (Item 8, Part B)</p>	<p>Amend the Height of Buildings Map to increase the height from 9m to 10.5m for all land within the R3 zone.</p>

Provision	Explanation of amendment
	 <p><i>Figure 6 Proposed amendment to Height of Buildings Map</i></p> <p><b>Figure 11 – Proposed changes to the Height of Buildings Map (Source: The planning proposal)</b></p> <p><b>Department comment:</b></p> <p>Where applicable, the non-discretionary standards in the Low and Mid-Rise Housing Policy can overrule Council's LEP or DCP. Beyond the low and mid-rise housing areas, Council's proposed controls would facilitate an overall uplift in development potential, increasing housing capacity in the LGA.</p>
<p>Floor Space Ratio for R3 zone</p> <p>(Item 9, Part B)</p>	<p>Amend the Floor Space Ratio Map to:</p> <ul style="list-style-type: none"> <li>• Increase the FSR from 0.7:1 to 0.8:1 for land within the R3 zone, and</li> <li>• Identify all R3 zoned land as "Area 8" to allow a bonus FSR to be applied for multi dwelling housing and terrace developments as per Item 5 in Part B above.</li> </ul> <p><b>Department comment:</b></p> <p>The planning proposal does not include the proposed FSR map. To address this, a <b>Gateway condition</b> is recommended to require suitable mapping to be provided for community consultation purposes.</p> <p>Where applicable, the non-discretionary standards in the Low and Mid-Rise Housing Policy can overrule Council's LEP or DCP. Beyond the low and mid-rise housing areas, Council's proposed controls would facilitate an overall uplift in development potential, increasing housing capacity in the LGA.</p>
<p>Additional Capacity Areas (North of Hurstville City Centre)</p>	<p>Implement the following recommendations by the Hurstville City Centre Urban Design Strategy (HCCUDS):</p> <ul style="list-style-type: none"> <li>• Rezone land from R2 to R4 on Park Road and Wright Street</li> </ul>




Provision	Explanation of amendment
(Item 11, Part B)	<ul style="list-style-type: none"> <li>• Increase the height of the Additional Capacity Areas from 9m and 12m to a range of heights from 19m to 40m as shown on the proposed HOB Map, and</li> <li>• Increasing the FSR of the Additional Capacity Areas from 0.55:1 and 1:1 to a range of ratios from 1.3:1 to 3.3:1 as shown on the proposed FSR Map.</li> </ul>  <p><b>Figure 12 – Location of the Additional Capacity Areas, with the land proposed to be rezoned from R2 to R4 outlined in red (Source: The planning proposal)</b></p> 




Provision	Explanation of amendment
	 <p data-bbox="379 712 1417 779"><b>Figure 13 – Existing Height of Building Map and proposed changes for Additional Capacity Areas (Source: The planning proposal)</b></p>   <p data-bbox="379 1774 1417 1841"><b>Figure 14 – Existing FSR Map and proposed changes for Additional Capacity Areas (Source: The planning proposal)</b></p> <p data-bbox="379 1856 660 1890"><b>Department comment:</b></p> <p data-bbox="379 1906 1378 1973">To facilitate community consultation and ensure clarity of the proposed changes, the following <b>Gateway conditions</b> are recommended:</p>



Provision	Explanation of amendment
	<ul style="list-style-type: none"> <li>• Include legible map legends and annotations to clearly identify the subject sites and the proposed changes.</li> <li>• Verify that all proposed changes are accurately represented on the maps, with particular attention to discrepancies regarding Block L, identified in the proposed maps, Table 7 and related discussions in the planning proposal, and update the maps as required.</li> </ul> <p>Stage 2 of the Low and Mid-Rise Policy applies to the “Hurstville station and town centre”, which covers land identified as the Additional Capacity Areas under this item. Council’s proposed controls are more generous than the Policy in some areas (e.g. western section) while more restrictive in others.</p>
<p>Hurstville City Centre (Item 12, Part B)</p>	<p>Implement the recommendations by the HCCUDS to update the existing planning controls for the City Centre by rectifying the mismatch between the existing height and FSR development standards, as illustrated below:</p>  <p><b>Figure 15 – Existing Height of Building Map and proposed changes for the Hurstville City Centre (Source: The planning proposal)</b></p>



Provision	Explanation of amendment
	 <p><b>Figure 16 – Existing FSR Map and proposed changes for the Hurstville City Centre (Source: The planning proposal)</b></p> <p><b>Department comment:</b></p> <p>To facilitate community consultation and ensure clarity of the proposed changes, the following <b>Gateway conditions</b> are recommended:</p> <ul style="list-style-type: none"> <li>• Provide further commentaries on the proposed changes, including additional background and details of the planning control mismatch issues that the proposal seeks to address.</li> <li>• Provide additional mapping to show the location of the clusters and subblocks as referred to in Table 9 in Part B of the proposal.</li> <li>• Update mapping to ensure clarity and legibility of proposed changes and clear identification of subject sites.</li> </ul>
Savings provisions	<p>In response to the Department's request for information, Council confirmed that DAs lodged prior to the commencement of the Georges River LEP amendment will be assessed as if the amendment had not commenced. To ensure this intent is clearly articulated, a <b>Gateway condition</b> is recommended to specify this within the planning proposal, providing clarity to the community, and for legal drafting should amendments to clause 1.8A be necessary.</p>

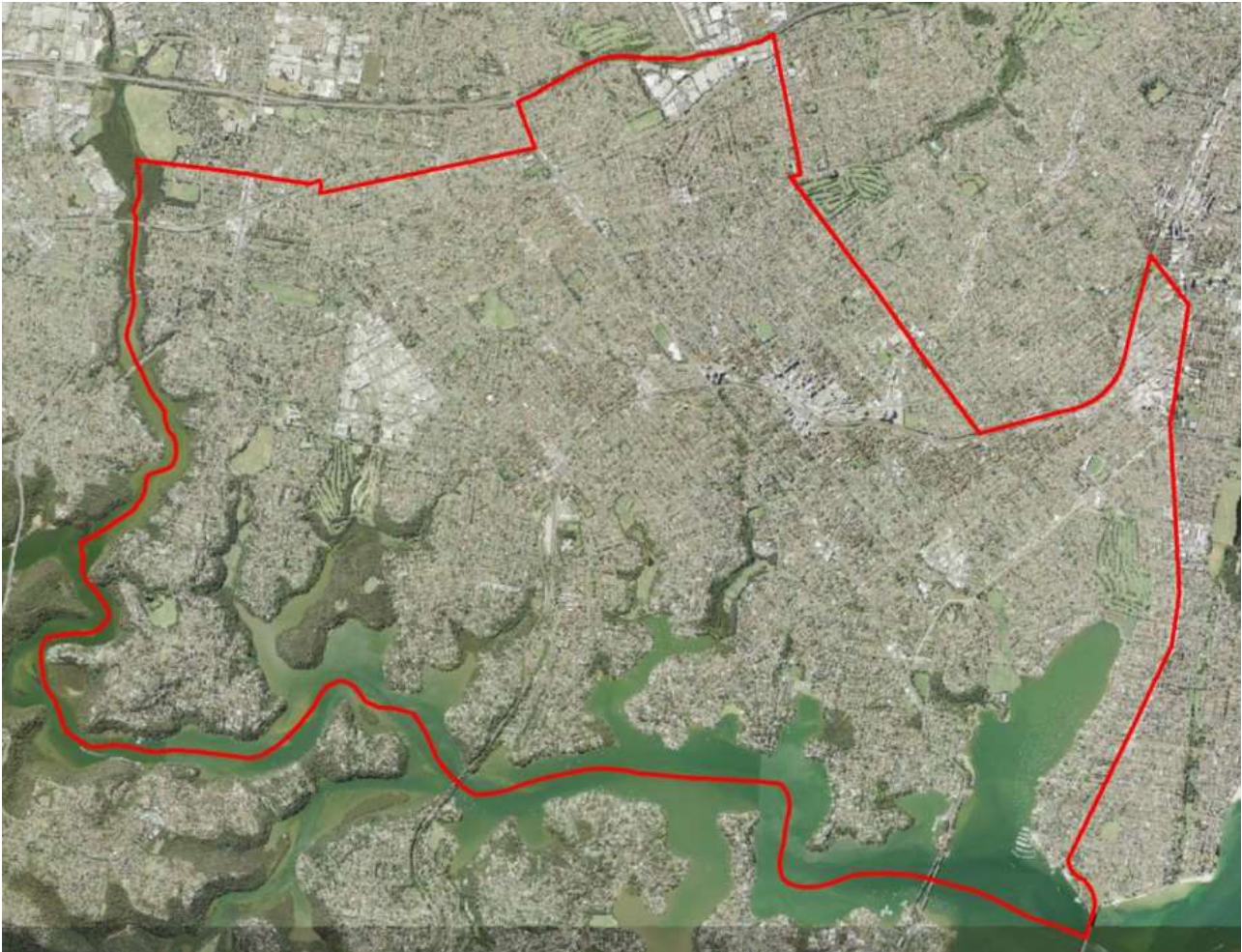


Subject to addressing the issues outlined above and relevant Gateway conditions, the planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

Whilst the planning proposal includes suggested wording for the proposed provisions, the final instrument is subject to the legal drafting process by Parliamentary Counsel. This has been acknowledged by Council through an explanatory note in the planning proposal.

## 1.4 Site description and surrounding area

The planning proposal applies to land within the Georges River LGA and to specific areas, as detailed throughout this Report.



**Figure 27 – The Georges River LGA (Source: Georges River Biodiversity Study, June 2021)**

Among other LGA wide amendments, Part B of the planning proposal seeks specific changes to land within the Hurstville City Centre and to the north of the city centre, as detailed in previous section of this Report. Hurstville is a Strategic Centre identified in the *Greater Sydney Region Plan – A Metropolis of Three Cities* and *South District Plan*. Hurstville is a highly accessible hub with interchanges for bus and rail networks. It serves as a key retail destination in the South District, featuring a vibrant high street and large shopping centres. The area is also a commercial precinct for local residents and has a growing health services sector, all supported by good public transport connections to the centre.





**Figure 38 – Hurstville Strategic Centre (Source: South District Plan)**

## 1.5 Mapping

The planning proposal seeks the following map amendments:

**Table 4 Proposed map changes and connections between Part A and Part B amendments**

Maps	Part A	Part B
Land zoning	N/A	Item 11 - Rezone land from R2 to R4 on Park Road and Wright Street
Lot Size	Item 5 – Increase lot size for FSPA and UCA	N/A
Minimum Lot Size for Dual Occupancy	Item 6 - Increase lot size for FSPA and UCA	Item 10 – Amend lot sizes across LGA
Additional Permitted Uses	N/A	Item 6 – Identify certain R2 zoned land, where multi dwelling housing and terraces are permitted, as “Area C”
Floor Space Ratio	Items 8 & 9 – Reduce FSR for FSPA and UCA	Items 5, 9, 11 and 12: <ul style="list-style-type: none"> <li>Identify R3 Zoned land as “Area 8”;</li> <li>Increase FSR for R3 zoned land;</li> <li>Changes for Hurstville City Centre and Additional Capacity Areas</li> </ul>
Height of Buildings	N/A	Items 8, 11 and 12: <ul style="list-style-type: none"> <li>Increase maximum height standards for R3 zoned land;</li> <li>Changes for Hurstville City Centre and Additional Capacity Areas</li> </ul>
Foreshore Scenic Protection Area	Item 10 – Amend extent of FSPA	N/A
Terrestrial Biodiversity (New)	Item 13 – New map	N/A
Unique Character Areas (New)	Item 14 – New map	N/A

The proposed amendments and relevant Gateway conditions to address mapping issues are detailed in Section 1.3 above. Given the scale of the proposed changes, it is recommended that high resolution maps are to be made available during public exhibition to facilitate community and agency consultation, ensuring clarity of the proposed changes. A **Gateway condition** is recommended accordingly. The Unique Character Areas Map is to be removed from the proposal by a **Gateway Condition**, as discussed above.

## 1.6 Background

A brief timeline outlining the key events relating to the planning proposal is provided below:

**Table 5 Planning proposal timeline**

Time	Event
1 April - 31 May 2020	Public exhibition of draft Georges River LEP 2020 planning proposal. Reduction of the FSPA extent was proposed. 1,153 submissions were received by Council with over 400

Time	Event
	objections to changes to the FSPA, citing concerns about overdevelopment and loss of vegetation and biodiversity.
25-26 June 2020	Georges River Local Planning Panel (LPP) considered the draft LEP 2020 planning proposal and made several amendments in response to the community concerns, including retaining the existing FSPA extent as per the former Hurstville LEP and increasing landscaped area requirements. Additionally, further investigation of the role, extent and zoning of the FSPA was requested by the LPP in its recommendation.
24 September 2021	Georges River LEP 2021 notified, which came into effect on 8 October 2021, incorporating post-exhibition amendments regarding landscaped area and retention of the existing FSPA extent as per the former Hurstville LEP.
23 June 2021	The Department of Planning, Industry and Environment (DPIE) approved the Georges River Local Housing Strategy, with conditions requiring additional work on the FSPA.
2021	Council commissioned the Biodiversity Study, which identified key areas of biodiversity value informing future planning and development controls. The Biodiversity Study was noted by Council at its meeting dated 28 June 2021.
2021	Council commissioned the Foreshore Study, which recommended refined FSPA provisions to focus on the river's scenic character, along with a standalone LEP provision to protect biodiversity and a new overlay to protect areas of unique character.
3 August 2021	Council hosted a community webinar to present the findings of the Biodiversity and Foreshore Studies. Key issues discussed included tree and vegetation protection and concerns about reducing the FSPA.
17 October 2022 - 31 March 2023	A 24-week pre-exhibition consultation period was conducted, inviting community input on proposed planning controls related to biodiversity, local character and the FSPA.
25 March 2024	Council resolved to endorse the preparation of the Biodiversity, UCA and FSPA proposal and to seek deferral from the application of the Low and Mid-Rise Housing Policy (exhibited in late 2023), citing concerns about its approach and impacts on local character.
23 April 2024	A formal request for deferral from the Low and Mid-Rise Housing Policy was submitted to the Minister for Planning and Public Spaces Hon. Paul Scully MP by the Mayor.
27 May 2024	Council endorsed the preparation of the Additional and Diverse Housing Planning Proposal, incorporating outcomes from the Councillor workshops conducted in April.
20 June 2024	Both the Biodiversity, UCA and FSPA proposal and the Additional and diverse housing proposal were considered by the Georges River Local Planning Panel (LPP) and recommended for Gateway Determination.
22 July 2024	Council endorsed both the Biodiversity, UCA and FSPA proposal and the Additional and diverse housing proposal for submission to Gateway

## 2 Need for the planning proposal

The planning proposal seeks to give effect to the planning priorities of the District Plan and the Georges River LSPS and to implement the actions and recommendations of several Council strategies and studies, including:

- Hurstville City Centre Urban Design Strategy, May 2018,
- Georges River Local Housing Strategy, August 2020,
- Georges River Biodiversity Study, June 2021,
- Georges River Foreshore Scenic Character Study, June 2023, and
- Draft Moomba to Sydney Ethane Pipeline Hazard Analysis, August 2024

The proposal responds to the National Housing Accord and the NSW Government's housing targets by creating capacity for approximately 8,000 additional dwellings through various changes to the George River LEP, including:

- 1,340 dwellings in Zone R2 from reducing the minimum dual occupancy lot size standards,
- 5,685 dwellings in Zone R2 from permitting multi dwelling housing and terraces
- 700 dwellings in Zone R3 from increasing the FSR standards and allowing bonus floor space for multi dwelling housing development
- 406 dwellings from implementing the HCCUDS.

The proposal seeks to introduce development standards that balance housing growth with the protection of the LGA's natural environment, heritage, biodiversity and tree canopy. This approach aligns with Council's LSPS, ensuring that the LGA's unique characteristics are enhanced, and a hierarchy of residential zone hierarchy is established.

Council seeks an alternative approach to the NSW Government's Low and Mid-Rise Housing Policy due to concerns over impacts on the local character of low-density suburbs, requesting exemption from the Policy. As discussed in this Report, the Department does not support the planning proposal as a replacement for the Low and Mid-Rise Housing Policy.

The planning proposal is the best and most appropriate means of achieving Council's intended outcome. Regarding the introduction of a LEP provision and mapping for unique character areas, these amendments are not supported at this time for the reasons detailed above in Section 1.3 of this Report. These elements are to be removed from the proposal as per the recommended **Gateway conditions** and may be included in the DCP to ensure Council's work is appropriately incorporated in a manner consistent with the current planning framework.

## 3 Strategic assessment

### 3.1 Regional Plan

The *Greater Sydney Region Plan – A Metropolis of Three Cities* (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years. The proposal is generally consistent with the Region Plan. A detailed assessment of consistency is discussed in the assessment of the *South District Plan* below, which is strategically aligned with the Region Plan, giving it effect.



## 3.2 District Plan

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

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

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

**Table 6 District Plan assessment**

District Plan Priorities	Justification
<b>Infrastructure and Collaboration</b>	
S1 Planning for a city supported by infrastructure	<p>The proposal addresses this priority by facilitating growth and redevelopment in areas well-served by existing transport, services, and utilities, particularly within and around the Hurstville City Centre. This strategic alignment of housing and employment near key infrastructure reinforces the centre's viability and promotes sustainable urban development.</p> <p>The proposal seeks to provide capacity for additional dwellings in the R2 and R3 zones, which are generally within walking distance of a local and neighbourhood scale services and open space.</p> <p>As discussed in Section 1.3 of this Report, the Department recommends Council to further evaluate the areas located within proximity of existing public infrastructure and services, considering their suitability and potential for additional and diverse housing.</p>
<b>Liveability</b>	
<p>S4 Fostering healthy, creative, culturally rich and socially connected communities</p> <p>S5 Providing housing supply, choice and affordability, with access to jobs, services and public transport</p> <p>S6 Creating and renewing great places and local centres, and respecting the District's heritage</p>	<p>The proposal is consistent with these priorities as it</p> <ul style="list-style-type: none"> <li>Provides capacity for additional and diverse housing through intensification of existing low and medium density residential areas.</li> <li>Introduces low and mid-rise residential developments in R2 and R3 zones to enable the delivery of varied housing typologies to meet the community's needs for greater housing choice and affordability.</li> <li>Adopts a place-based approach to housing which is sensitive to character, amenity, and heritage conservation.</li> </ul> <p>The proposal also seeks to enhance the areas identified as having unique character which is consistent with this Priority but cannot be introduced into the LEP at this time for the reasons detailed earlier in this report.</p> <p>The proposal will technically reduce the number of residential lots available for additional housing by introducing larger lot sizes for dual occupancies in the proposed FSPA and areas identified as having unique character.</p>

However, the effect of these would be compensated by other housing delivery initiatives in the proposal.

### Productivity

S9 Growing investment, business opportunities and jobs in strategic centres

The implementation of the HCCUDS supports the ongoing viability of the Hurstville City Centre by addressing the current mismatch between height and FSR controls. In line with HCCUDS recommendations, significant uplifts in height and FSR (from 15m and 3:1 to 55m and 7:1) are proposed for several sites on Treacy Street, encouraging redevelopment and investment.

Additionally, the proposed uplift for the Additional Capacity Areas north of the Hurstville City Centre increases dwelling capacity, supporting the centre's functions and viability by driving demand for goods and services.

### Sustainability

S14 Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes and better managing rural areas.

The proposal gives effect to this priority by:

- Introducing a new terrestrial biodiversity local provision and mapping in the LEP to identify and safeguard areas of moderate and high biodiversity significance, enhancing environmental protections;
- Strengthening the FSPA's role in maintaining scenic quality, aligning with the intended objectives of the LEP clause.

S15 Increasing urban tree canopy cover and delivering Green Grid connections.

The proposal gives effect to this priority through increased landscaped area requirements for certain land and housing types in Zone R2, which aim to enhance vegetation on private land, reinforce the LGA's green character and preserve trees that contribute to local identity and visual amenity.

## 3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 7 Local strategic planning assessment**

Local Strategies	Justification
Local Strategic Planning Statement	<p>The <i>Georges River Local Strategic Planning Statement (LSPS) 2040</i> outlines the long-term vision for land use within the Georges River LGA, guiding planning decisions and infrastructure delivery over the next two decades. The LSPS aligns local planning priorities with broader regional and state strategies, ensuring that future growth is sustainable and reflects the community's aspirations.</p> <p>As the LSPS gives effect to District Plan priorities, the planning proposal is consistent with the following priorities, for the reasons detailed above in Section 3.2:</p> <p><i>P9. A mix of well-designed housing for all life stages caters for a range of lifestyle needs and incomes</i></p>

	<p><i>P10. Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces</i></p> <p><i>P12. Land is appropriately zoned for ongoing employment growth</i></p> <p><i>P16. Our waterways are healthy and publicly accessible</i></p> <p><i>P17. Tree canopy, bushland, landscaped settings and biodiversity are protected, enhanced and promoted</i></p> <p><i>P19. Everyone has access to quality, clean, useable, passive and active, open and green spaces and recreation places</i></p>
Local Housing Strategy (LHS), August 2020	<p>The LHS sets out the vision and strategic directions to support the diverse housing needs of the Georges River Community in alignment with the NSW strategic planning framework. To achieve this vision, the LHS identifies seven (7) key objectives:</p> <ol style="list-style-type: none"> <li><i>1. Accommodate additional housing growth;</i></li> <li><i>2. Coordinate growth with infrastructure;</i></li> <li><i>3. Provide affordable and inclusive housing;</i></li> <li><i>4. Provide greater housing choice and diversity;</i></li> <li><i>5. Have consistent LEP zoning and controls across the LGA;</i></li> <li><i>6. Enhance and protect the local character; and</i></li> <li><i>7. Facilitate good design and sustainable development practices.</i></li> </ol> <p>This planning proposal demonstrates a balanced and place-based approach by increasing housing supply while responding to local context and character and enhancing biodiversity. It addresses the relevant LHS objectives through:</p> <ul style="list-style-type: none"> <li>Facilitating a variety of additional housing types through expanding housing options, including new permitted uses, terraces and multi-dwelling housing, in R2 zones, and RFBs in R3 zones.</li> <li>Targeting development in areas with infrastructure capacity and promoting good design by rectify mismatched planning controls, informed by the <i>Hurstville City Centre Urban Design Strategy 2018</i>.</li> <li>Rationalising planning provisions relating to FSPA and subdivision, ensuring consistency with the clause objectives and efficient operation of planning controls,</li> <li>Enhancing biodiversity and urban greening through the introduction of new biodiversity provisions and increased landscaped areas requirements.</li> </ul> <p>The planning proposal also seeks to introduce unique character areas overlays. As discussed above, this element is not supported at this time and is encouraged to be addressed within the DCP.</p> <p>The Local Housing Strategy was approved by the Department on 23 June 2021, subject to Council satisfying a set of specific requirements. This proposal addresses the following approval requirements:</p> <ul style="list-style-type: none"> <li><i>4. Council is to ensure the Planning Proposal for the Stage 3 LEP (2023) update to the GRLEP:</i></li> </ul> <p>...</p> <ul style="list-style-type: none"> <li><i>• creates capacity for new housing, balanced with enterprise, employment and service functions, for four or more centres, focusing on Hurstville,</i></li> </ul>



*Mortdale and Riverwood to ensure implementation in a timely manner and subject to budget.*

...

*• addresses, where possible, opportunities for medium density transition zones around centres in line with the LHS;*

...

- *12. Council is (to) identify hazard and risk issues from the Moomba High Pressure Ethane Gas Pipeline found along the T8 Airport & South line corridor and address these considerations consistent with the NSW Government's Hazardous Industry Planning Advisory Paper 10 – Land Use Safety Planning in all planning work and in any updates to the LEP or other planning decisions.*
- *15. 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.*

Regarding Requirement 15 above, the Department recommends that Council further evaluate the areas proposed to be removed from the FSPA, considering their suitability and potential for additional and diverse housing.

### 3.4 Local planning panel (LPP) recommendation

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

#### Part A

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

#### Part B

- a) *That the Georges River Local Planning Panel recommends to Council that the Planning Proposal No. 2024/0004 (Additional and Diverse Housing Planning Proposal) to amend the Georges River Local Environmental Plan (GRLEP) 2021 as listed in the Table of Amendments below, be forwarded to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination*

under Section 3.34 of the Environmental Planning and Assessment Act 1979, subject to Council receiving a deferral to DPHI's Low and Mid-Rise Housing proposal.

- 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 this Planning Proposal will incorporate the amendments proposed by the Biodiversity, Character and FSPA Planning Proposal (PP2024/0002) to implement the Georges River Biodiversity Study and Foreshore Scenic Character Study.
- d) That the Georges River Local Planning Panel recommends to Council that additional R3 Medium Density Residential and R4 High Density Residential Zones are identified in its review of the Georges River Local Strategic Planning Statement.

## 3.5 Section 9.1 Ministerial Directions

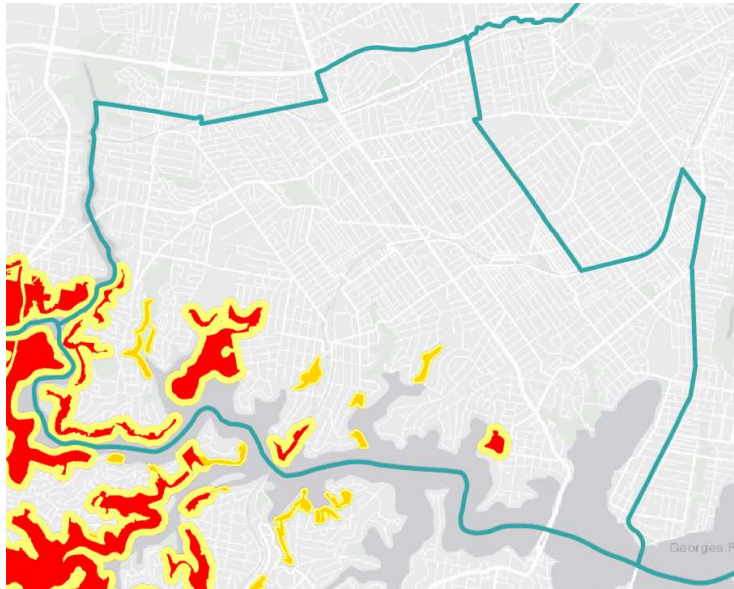
The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 8 9.1 Ministerial Direction assessment**

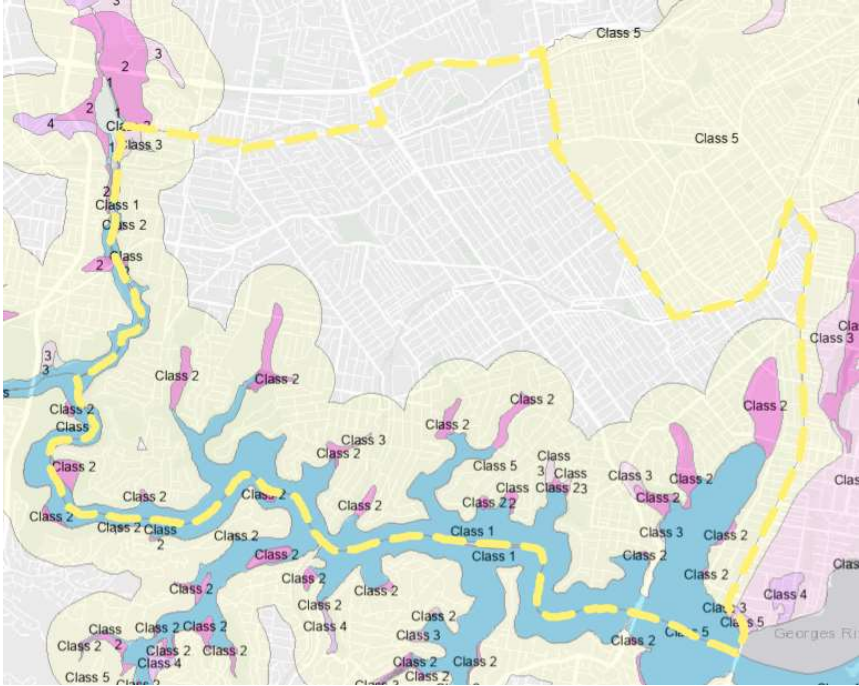
Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementatio n of Regional Plans	Consistent	Direction 1.1 aims is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. As discussed above, the planning proposal is consistent with the relevant objectives within the <i>Greater Sydney Region Plan: A Metropolis of Three Cities (2018)</i> and the relevant priorities of the <i>South District Plan (2018)</i> .
1.4 Site Specific Provisions	<b>Minor inconsistenc y justified</b>	<p>Direction 1.4 aims to discourage unnecessarily restrictive site-specific planning controls. The planning proposal seeks to introduce multi dwelling housing and terraces development as additional permitted uses in Zone R2 Low Density Residential, with specific development standards and requirements being imposed, therefore inconsistent with the Direction.</p> <p>The inconsistency is minor as the proposed controls aim to protect and enhance local character, ensure development aligns with the scale and density objectives of relevant zones, and provide adequate landscaped area for tree canopy. A <b>Gateway Condition</b> is recommended requiring acknowledgment and further commentary on this Direction as it relates to these components of the proposal.</p>
3.1 Conservations zones	Consistent	<p>Direction 3.1 aims to protect and conserve environmentally sensitive areas. This direction applies to all relevant planning authorities when preparing a planning proposal and requires that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas and must not reduce conservation standards on land within conservation zones or identified for environmental protection in an LEP.</p> <p>The planning proposal is consistent with the Direction as it seeks to introduce a new terrestrial biodiversity planning provision and mapping overlay in the LEP to preserve and protect areas of moderate and high biodiversity values.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.2 Heritage conservation	Consistent	<p>Direction 3.2 requires that a planning proposal contain provisions which facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage of the area.</p> <p>The planning proposal does not seek to amend the existing heritage conservation clause. Heritage Conservation Areas (HCAs) in the LGA have been excluded from the proposed changes, except for rationalising of the subdivision lot size standards for dual occupancies, to conserve their character and subdivision patterns.</p>
4.1 Flooding	Unresolved	<p>Direction 4.1 aims to ensure appropriate consideration of flood prone land in line with government policies and plans when a planning proposal seeks to create, remove or alter a zone or a provision that affects flood prone land.</p> <p>This Direction applies as certain land identified as flood prone on Council's <a href="#">online flood maps</a> is proposed for more intense development. This including areas within and around the Hurstville City Centres, and certain land zoned R3 where the proposal seeks to permit residential flat building and increase maximum FSR and building height standards.</p>  <p><b>Figure 49 – Extract of Council's online flood map (Source: The planning proposal)</b></p> <p>It is noted that Council intends to manage flooding impacts with existing LEP flood planning provisions and Council's adopted Floodplain Risk Management Study and Plan and Stormwater Management Policy.</p> <p>However, the planning proposal is required to address the specific requirements of Direction 4.1 with respect to relevant components of the proposal that the Direction applies. A <b>Gateway condition</b> is recommended accordingly.</p>
4.2 Coastal Management	Unresolved	<p>Direction 4.2 aims to protect and manage coastal areas of NSW and applies to land that is within the coastal zone, as defined under <i>the Coastal Management Act 2016</i> and identified by chapter 2 of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>.</p>



Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>The Direction applies as the planning proposal affects land within the coastal zone. The proposal does not seek any amendments to the extent of the coastal zone or any changes to coastal management. Part A of the proposal does not involve rezoning of land which would enable increased development or more intensive land-use within the coastal zone.</p> <p>Part B of the proposal notes that residential intensification is proposed on land located within the coastal zone, affecting 104 lots located in Connells Point, Hurstville Grove and Riverwood, and that the impact is of minor significance, as none of the affected lots are affected by coastal hazards. However, the proposal does not include mapping to show the location of these lots with the coastal zone overlay, or details of relevant amendments. To facilitate further review and agency consultation, a <b>Gateway condition</b> is recommended to require this information as well as consultation with the DCCEEW. The proposal is to include further commentaries addressing the requirements of Direction 4.2 in detail.</p>
4.3 Planning for Bushfire Protection	<b>Unresolved</b>	<p>Direction 4.3 aims to protect life, property and the environment from bush fire hazards and encourage sound management of bush fire prone areas. The Direction applies as the planning proposal will affect, or is in the proximity to, land mapped as bushfire prone land. The proposal does not contain provisions that place inappropriate developments in hazardous areas.</p>  <p><b>Figure 20 – Extract of Bushfire Prone Land (Non-EPI) map (Source: NSW Planning Portal Spatial Viewer)</b></p> <p>The Direction requires the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service (RFS) in the preparation of a planning proposal, following receipt of a gateway determination and prior to undertaking community consultation. The</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		proposal is to include updates addressing any comments made by RFS. A <b>Gateway condition</b> to this effect is recommended.
4.4 Remediation of Contaminated Land	Consistent	<p>Direction 4.4 aims to minimise health and environmental risks by ensuring contamination and remediation are considered in planning proposal.</p> <p>The land proposed for rezoning and uplift is currently zoned for residential, well established, and historically used for residential purposes, and is not expected to be contaminated.</p>
4.5 Acid Sulfate Soils	<b>Unresolved</b>	<p>Direction 4.5 aims to avoid significant adverse environmental impacts from land that may contain acid sulfate soils. The Direction stipulates that a relevant planning authority must not propose an intensification of land uses on land identified as having a probability of containing acid sulfate soils unless a study confirms its suitability. The study must be submitted to the Planning Secretary before community consultation under clause 4, Schedule 1 of the Act.</p> <p>This Direction applies as the planning proposal applies to land on the LEP Acid Sulfate Soils Map. However, the planning proposal has not provided an acid sulfate soils study or any information assessing the appropriateness of the proposed changes given the presence of acid sulfate soils.</p> <p>A preliminary review of the Acid Sulfate Soils Map indicates that certain land in Zone R2, where multi-dwelling housing is proposed to be introduced, has the probability to contain acid sulfate soils</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>(predominantly Class 5, with small sections of Class 2 and 3 in Carss Park and Blakehurst).</p>  <p><b>Figure 21 – Extract of Acid Sulphate Soil map (Source: NSW Planning Portal Spatial Viewer)</b></p> <p>A <b>Gateway condition</b> is recommended to require acknowledgement and further commentaries to address section 9.1 Direction – 4.5 Acid Sulfate Soils as it relates to Part B of the planning proposal. This should include justification for any inconsistencies, including reasoning for not providing the required study, supported by mapping of affected land, the corresponding Acid Sulfate Soils classification, and details of relevant amendments.</p> <p>Given the extent of the affected land and likelihood of the presence of acid sulfate soils, the inconsistency is expected to be minor and subject to assessment of the additional information outlined above. It is further noted that future development will need to consider clause 6.1 Acid Sulphate Soils in the LEP to prevent environmental damage arising from exposure of acid sulphate soils.</p>
5.1 Integrating Land Use and Transport	<b>Unresolved</b>	<p>Direction 5.1 aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts; improve active and public transport access; reduce car dependency and travel demand; and provide for efficient movement of freight. This Direction applies when a planning proposal is prepared that will create, alter or remove a zone or a provision relating to urban land.</p> <p>The planning proposal seeks to increase residential and commercial density in and around the Hurstville City Centre, with an estimated additional capacity of 406 dwellings. This approach is consistent with</p>

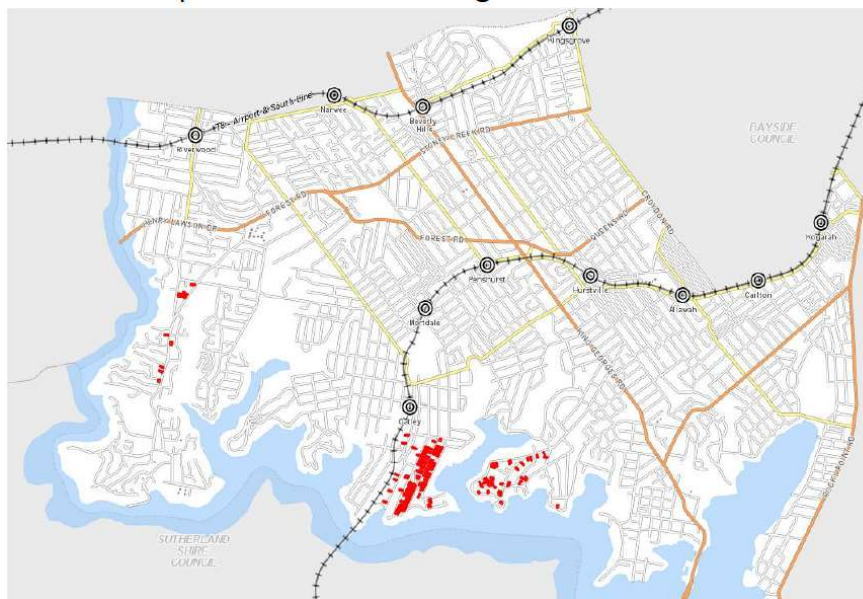
Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>the Direction's objectives to locate new housing and jobs close to existing centres and transport to facilitate greater accessibility. Council has not prepared any transport / traffic study in support of its proposal. The <b>Gateway determination</b> requires Council to consult with TfNSW to ascertain the need for additional supporting studies and ensure consistency with this Direction is achieved.</p> <p>Additionally, a <b>Gateway condition</b> is recommended to require further commentary to address consistency with this Direction as it relates to the areas near Oatley train station, where the proposal seeks to reduce dwelling capacity through increasing lot size requirements for dual occupancies.</p>
5.3 Development Near Regulated Airports and Defence Airfields	<b>Unresolved</b>	<p>Direction 5.3 aims to ensure effective and safe airport and defence airfield operations and minimise the impacts of aircraft noise on development. The Direction applies as the planning proposal seeks to increase the permissible density (height and FSR) of new and existing residential and commercial uses near a core regulated airport.</p> <p>Part B of the proposal involves increases of maximum building height standards for various land, including areas in and around Hurstville City Centre, which is affected by the Obstacle Limitation Surface (OLS) of Sydney Kingsford Smith Airport. The consistency of the planning proposal with the direction is unresolved at this time and a <b>Gateway condition</b> has been recommended requiring Council to consult with Sydney Airport, the Civil Aviation Safety Authority (CASA), Airservices Australia and the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts. The proposal is to be updated addressing comments provided by these agencies.</p> <p>Should the proposal seek to allow development which would constitute a controlled activity as defined in <i>the Airports Act 1996</i>, Council must obtain the Commonwealth Department's permission <u>prior to the commencement of community consultation</u>, consistent with the terms of this Direction.</p>
5.5 High pressure dangerous goods pipelines	Consistent	<p>Direction 5.5 ensures planning proposals near high-pressure dangerous goods pipelines consider risks to human health, the environment, and pipeline integrity. It applies to proposals enabling specified uses within the application areas of relevant pipelines, requiring compliance with relevant pipeline guidelines to mitigate risks.</p> <p>This Direction applies as the planning proposal (part B) seeks to permit multi-dwelling housing, terraces and residential flat building developments, as defined as the "specified uses" in the Direction, on land near the Moomba to Sydney Ethane Pipeline. (Note - dual occupancy is not listed in the Direction as a type of "specified uses".)</p> <p>Council commissioned a risk analysis to evaluate development constraints posed by the APA Liquid Ethane Pipeline within the LGA. The analysis, detailed in the draft Moomba to Sydney Ethane Pipeline</p>



Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>Hazard Analysis report (15 August 2024, Arriscar Pty Ltd), applied the HIPAP 6 methodology to determine individual fatality risk contours (LSIR) and assess population limits in compliance with societal risk criteria.</p> <p>The Department considers that the proposal is consistent with this Direction, noting that:</p> <ul style="list-style-type: none"> <li>• The risk from the APA liquid Ethane Pipeline to the surrounding land uses within the Georges River LGA has been appropriately addressed in the risk analysis report.</li> <li>• The scale of population intensification would likely comply societal risk criteria, as demonstrated by Council.</li> <li>• An exclusion zone has been established, where multi dwelling housing and terraces will not be introduced as additional permitted uses (Part B of the proposal, Item 6), to enable compliance with individual fatality risk criteria.</li> </ul> <p>Consultation with the pipeline operator APA Group is recommended and has been imposed in the <b>Gateway determination</b>.</p>
6.1 Residential Zones	<b>Unresolved</b>	<p>Direction 6.1 aims to encourage diverse housing types for current and future needs, efficiently use and provide access to infrastructure and services, and minimise the environmental impact of residential development.</p> <p>The Direction applies as the planning proposal will affect land within an existing residential zone. The proposal is generally consistent with the objectives of this Direction, it seeks to provide additional house and broaden the housing choice in suitable locations across the LGA, resulting in a net increase of 7,968 additional dwellings.</p> <p>Some aspects of the proposal, as outlined below, will reduce the permissible residential density of land, therefore are inconsistent with the Direction:</p> <ul style="list-style-type: none"> <li>• Changes to the minimum lot size standards for subdivision and dual occupancy development and reduction to the maximum FSR standards for the R2 zoned land located within the proposed FSPA and UCA.</li> <li>• Several sites within the Hurstville City Centre are subject to reduced FSR standards (Cluster 02, sub block 25A and Cluster 05, Subblock 10A), based on the recommendations of the Hurstville City Centre Urban Design Strategy 2018 to rectify mismatched development standards and site constraints.</li> </ul> <p>The increase in the minimum lot size for dual occupancies in certain R2 zones reduces permissible residential density despite no change to the</p>

- Backhurst (Rural Suburban UGA)

- the locations of the 162 sites which would lose the developme



The inconsistency is of minor significance and justified as the planning

The loss of the dwelling capacity would be compensated by the

- 1 240 dwellings in Zone D2 from reducing the minimum due

- Regarding the sites within the Hurstville City Centre that are subject to reduced FSR, a **Gateway condition** is recommended to require further

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		justification to address inconsistency with the Direction as it relates to all sites subject to a reduction in potential residential floor space.
7.1 Employment Zones	<b>Unresolved</b>	<p>Direction 7.1 aims to promote employment growth in appropriate locations, safeguard employment land, and support the viability of identified centres. It applies to planning proposals affecting land within existing or proposed Employment zones (Employment, Mixed Use, W4 Working Waterfront, SP4 Enterprise, and SP5 Metropolitan Centre). The requirements ensure proposals adhere to these objectives, retain employment zones, maintain the potential floor space for employment and industrial uses, and align with approved employment strategies.</p> <p>The Direction applies as the planning proposal involves changes to development standards in Hurstville Centre. The proposal notes that Council seeks to ensure the ongoing viability of the Hurstville City Centre (zoned E2 and MU1) by rectifying the existing mismatch between height and FSR controls.</p> <p>As identified in Table 9 of the proposal, several sites (e.g. Cluster 07 Sub Block 30B and Cluster 03 sub block 17A) are subject to reduced FSR standards, inconsistent with the terms of the Direction.</p> <p>Accordingly, a <b>Gateway condition</b> is recommended to require further justification to address inconsistency with the Direction as it relates to all sites subject to a reduction in potential floor space for employment uses.</p>

## 3.6 State environmental planning policies (SEPPs)

Assessment regarding relevant SEPPs is as discussed in the table below:

**Table 9 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Housing SEPP	<p>Chapter 2 contains provisions to facilitate the delivery of new in-fill affordable housing.</p> <p>Chapter 4 aims to improve the design quality of residential apartment development in NSW.</p>	<b>Subject to Gateway conditions to demonstrate consistency</b>	<p><u>Low and mid-rise housing</u></p> <p>The planning proposal should be updated to acknowledge Stage 2 of the Low and Mid-Rise Housing Policy announced by the NSW Government on 21 February 2025 and that the Department does not support the planning proposal as a replacement for the Policy, or Council's request for a deferral or exemption from its application. A <b>Gateway condition</b> is recommended to include an advisory note to reflect this.</p> <p><u>Affordable housing</u></p> <p>While the proposal does not address the provision of affordable housing, the</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
	Chapter 6 contains provisions to allow more low and mid-rise housing options in local government areas across Greater Sydney, the Hunter, Central Coast and Illawarra regions.		<p>Department understands that Council is developing an affordable housing contribution scheme to inform future amendments to the LEP to deliver affordable housing in the LGA.</p> <p>The in-fill affordable housing provisions of the SEPP offer height and FSR bonuses (20–30%) for developments including at least 10–15% of GFA as affordable housing. This planning proposal does not conflict with or hinder the application of these provisions.</p> <p><u>Apartment Design Guide (ADG)</u></p> <p>The proposal will enable residential apartment developments in Zone R3 Medium Density Residential and in the Hurstville City Centre and the Additional Capacity Areas north of the city centre. The Hurstville City Centre Urban Design Strategy (HCCUDS) includes block-by-block built form analysis that considered the objectives and design criteria of the Apartment Design Guide (ADG) to establish the recommended development standards. Compliance with the SEPP and ADG will be further addressed at the DA stage.</p> <p>A <b>Gateway condition</b> is recommended to require additional commentaries in the SEPPs assessment table regarding the considerations of the ADG, particularly in relation to testing for residential apartments in Zone R3 and the Additional Capacity Areas. This should be supported by analysis / details demonstrating the proposed development standards and future built forms are capable of satisfying the ADG, including building height, building separations and solar access to future development and adjoining properties.</p>



SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021	<p>Chapter 2 Vegetation in non-rural area of this Policy contains provisions to protect biodiversity values of trees and vegetation in non-rural areas and preserve amenity by non-rural areas by maintain trees and vegetation.</p> <p>Chapter 6 Water catchment contains provisions to manage and promote integrated catchment management policies along the Georges River and its tributaries.</p>	Yes	<p>The proposal affects land within the Georges River Catchment Area. However, the proposal does not seek to alter the operation of this Policy.</p> <p>The proposal (Part B) notes that some R2 zoned land within the LGA has been identified as containing Sydney Turpentine-Ironbark Forest (STIF), a critically endangered ecological community identified in the <i>Biodiversity Conservation Act 2016</i>. The proposal further notes that due to existing lot sizes being less than 0.25ha in site area, this R2 zoned land where STIF is identified is unlikely to exceed the biodiversity offsets scheme threshold and any future DAs will be required to address the provisions of this SEPP, including the preparation of Biodiversity Impact Assessment Reports where required.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021	This Policy (Chapter 2 Coastal management) contains provisions for land use planning within the coastal zone consistent with <i>the Coastal Management Act 2016</i> .	Yes	The proposal affects land within the coastal zone (the coastal wetlands and littoral rainforests area, the coastal environment area, and the coastal use area) and beyond. However, the proposal does not involve changes that contradict or hinder the operation of this Policy.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	This Policy aims to streamline assessment processes by establishing State-wide exempt and complying development codes.	Subject to Gateway conditions to remove elements inconsistent with the SEPP	<p>The proposal (Part A) involves introduction of biodiversity provision and mapping overlay, which would have implications for complying development. The proposal notes that <i>“Approval for development on land affected by the Terrestrial Biodiversity mapping will need to be sought via the development application pathway”</i>.</p> <p>As part of this proposal, Council is requesting:</p> <ul style="list-style-type: none"> <li>Exclusion of the proposed FSPA and proposed UCA from the application of</li> </ul>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
			<p>the Low-Rise Housing Diversity Code (Part 3B of the SEPP)</p> <ul style="list-style-type: none"> <li>Exclusion of the Georges River LGA from the application of section 3B.1A of the SEPP to prohibit manor house in Zone R2, while introducing multi dwelling housing and terraces in the same zone.</li> </ul> <p>Section 1.17A of the SEPP restricts complying development from being carried out in an environmentally sensitive area, which is defined in the SEPP to include land identified as being of high biodiversity significance. Section 1.19(1) of the SEPP also restrict residential complying development from being carried out in a buffer area.</p> <p>However, the SEPP does not exclude land based on scenic protection or local character, as discussed earlier in this Report. Council's request to exclude land identified as FSPA and UCA from Part 3B of the SEPP is not justified and cannot be supported. It is noted that some land within the FSPA would be identified on the proposed Terrestrial Biodiversity mapping and may already be subject to the restrictions under section 1.17A and section 1.18 of the SEPP.</p> <p>As discussed in Section 1.3 of this Report, the Department does not support Council's request to exclude manor houses from the Low-Rise Housing Diversity Code, considering this development type to be compatible with the built form and character of low-density housing.</p>
State Environmental Planning Policy (Transport and Infrastructure) 2021	This Policy establishes the requirements for proposals that are likely to place an increased demand on infrastructure, services and facilities.	Yes	<p>Section 2.77 of the SEPP requires the consent authority to identify and consider potential safety and pipeline integrity risks and consult with the pipeline operator before determining a DA for development near a pipeline corridor.</p> <p>The planning proposal does not contain any provisions which would contravene or hinder the application of the SEPP.</p>

## 4 Site-specific assessment

### 4.1 Environmental

The proposed biodiversity provisions and landscaping controls would contribute to enhanced protections for areas of high biodiversity value and increased urban greening, delivering a positive environmental impact.

### 4.2 Social and economic

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

**Table 10 Social and economic impact assessment**

Social and Economic Impact	Assessment
Social	The proposal supports housing supply and affordability through the increase of dwelling capacity in a manner that encourages diversity of typology and density. The delivery of low and medium density housing adopts a place-based approach that considers local context, character and heritage.
Economic	<p>Council has conducted analysis and testing of detached dwellings and attached dual occupancies, which found that the proposed FSR and landscaped area standards enable feasible development while ensuring appropriate outcomes in terms of residential amenity, design flexibility, landscaping and private open space.</p> <p>The proposed amendments regarding Hurstville City Centre were informed by the Hurstville City Centre Urban Design Strategy (HCCUDS) 2018 and supported by detailed urban design testing to address issues with the existing development standards and ensure optimal urban design outcomes and development viability in the city centre. As discussed earlier in this Report, <b>Gateway conditions</b> are recommended to require further justifications regarding proposed changes in the Hurstville City Centre that may result in a reduction of potential employment floor space, addressing the requirements of section 9.1 Direction 7.1 Employment zones.</p> <p>The HCCUDS recommends that “<i>Council undertake a feasibility study for the City Centre, including transition areas outside the study boundary</i>” (p.119). In light of this, a <b>Gateway condition</b> is recommended to require further details on how this recommendation has been addressed, as such study was not included in the planning proposal.</p>

### 4.3 Infrastructure

As additional dwellings will be dispersed across the LGA or located in existing centres with good public transport access, significant infrastructure demand is not anticipated. However, to inform consideration of State infrastructure requirements, consultation with relevant State agencies is recommended and has been included in the **Gateway determination**. Council should also undertake regular reviews of its Local Infrastructure Contributions Plan to ensure adequate provision of local infrastructure coordinating with growth.

Additionally, it is recommended that consultation be undertaken with public utility companies, service providers and emergency services during public exhibition as increased landscaping / tree

planting facilitated by the proposed controls may have maintenance or operational implications for these agencies. The **Gateway determination** includes relevant requirements accordingly.

The HCCUDS recommends “*Council to undertake an updated TMAP that investigates traffic management, improved intersections, and car parking locations within the City Centre*” (p118). In light of this, a **Gateway condition** to require further details on how this recommendation has been addressed, as such study was not included in the planning proposal.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days. The planning proposal is categorised as a principal LEP planning proposal under the LEP Making Guidelines (August 2023) as it involves policy changes that affects the LGA and include multiple amendments, combining two proposals. Accordingly, a community consultation period of **30 working days** is recommended and this forms part of the conditions to the **Gateway determination**.

### 5.2 Agencies

The planning proposal does not specifically raise which agencies will be consulted. It is recommended the following agencies be consulted on the planning proposal and given **30 working days** to comment:

- NSW Rural Fire Service (prior to community consultation)
- Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts (prior to community consultation)
- Department of Climate Change, Energy, the Environment and Water
- Sydney Airport Corporation
- Civil Aviation Safety Authority (CASA)
- Airservices Australia
- Transport for NSW
- Ausgrid
- Sydney Water Corporation
- State Emergency Services
- NSW Health
- School Infrastructure NSW
- APA Group
- Crown Lands (as the proposal affects land identified as Crown Land, e.g. certain land zoned RE1 Public Recreation).

## 6 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a principal proposal as involves multiple amendments and policy changes that affects the LGA.

The Department recommends an LEP completion date of 26 May 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.



It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

## 7 Local plan-making authority

Council has advised if it would like to exercise its functions as a local plan-making authority. The Department recommends that Council **not be** authorised to be the local plan-making authority for this proposal, because:

- the planning proposal is categorised as a principal LEP, involves multiple amendments and policy changes that affects the LGA; and
- some of the proposed changes are inconsistent with certain section 9.1 Directions, requiring further justifications.

## 8 Assessment summary

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

- It is consistent with the *South District Plan*, Council's local strategic plans and studies, and relevant SEPPs;
- It will give effect to the priorities and actions in the Georges River LSPS and Housing Strategy;
- It will contribute to housing supply that is more diverse and responsive to local context and character;
- It will rationalise development standards and rectify identified issues to ensure effective operation of the planning controls;
- It will strengthen Hurstville as a strategic centre by increasing housing supply and supporting job and economic growth, aligning with the priorities of the *South District Plan*; and
- It will enhance biodiversity and increase urban greening and tree canopy, promoting environmental sustainability.

As discussed in the previous sections 4 and 5, the planning proposal should be revised to:

- Remove items relating to unique character local provision and mapping, excluding application of *Low Rise Housing Diversity Code* from the proposed FSPA and unique character area, and prohibition of manor houses in Zone R2 Low Density Residential;
- Provide greater clarity to the proposed changes and supporting evidence through updates to the Objectives and intended outcomes and the Explanation of provisions sections and mapping;
- Address consistency with certain section 9.1 Directions, being 4.1 Flooding, 4.2 Coastal Management, 4.3 Planning for Bushfire Protection, 4.5 Acid Sulfate Soils, 5.1 Integrating Land Use and Transport, 5.3 Development Near Regulated Airports and Defence Airfields, 6.1 Residential Zone and 7.1 Employment Zones;
- Provide further assessment of the ADG in relation to the testings for residential apartments in Zone R3 Medium Density Residential and the Additional Capacity Areas;
- Provide details on the recommendations of the Hurstville City Centre Urban Design Strategy regarding the need for additional feasibility study and transport plan.

The Gateway conditions below specify how the above matters are to be addressed.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that the inconsistencies with section 9.1 Directions -1.4 Site Specific Provisions, and 6.1 Residential Zone regarding the loss of dual occupancy development potential in certain R2 zoned land, are minor and justified, and
- Note that the inconsistencies with section 9.1 Directions - 4.1 Flooding, 4.2 Coastal Management, 4.3 Planning for Bushfire Protection, 4.5 Acid Sulfate Soils, 5.1 Integrating Land Use and Transport, 5.3 Development Near Regulated Airports and Defence Airfields, 6.1 Residential Zone and 7.1 Employment Zones are unresolved and will require justification.

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

The following conditions are recommended to be included on the Gateway determination:

### Gateway Conditions

1. Prior to community consultation, the planning proposal is to be revised to address the matters set out below:
  - (a) Update the Objectives and intended outcomes sections to:
    - i. Address *the Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and provide a clear and concise description of the proposal in plain English; and
    - ii. Ensure alignment with the Explanation of provisions sections regarding any revisions made to the planning proposal, including revisions to exclude areas adjacent to the Moomba to Sydney Ethane pipeline from Part B, Item 6, and other items as required by this Gateway determination.
  - (b) Update the Explanation of provisions sections to:
    - i. Provide a plain English explanation of the intended effects of the proposed Terrestrial Biodiversity clause in Part B, Item 13, and outline the different requirements for land identified as Terrestrial Biodiversity and as buffer areas;
    - ii. Ensure consistent terminology throughout the planning proposal regarding “high biodiversity significance” and “high biodiversity value”, and alignment with established definitions in relevant legislations;
    - iii. Clarify the term “character of Georges River communities” in Part A, Item 1, including a Plain English explanation of the term, the intent of the proposed changes and why the existing aims are considered insufficient to achieve the intent;
    - iv. Provide further evidence to demonstrate alignment of the proposed minimum subdivision lot size standards in Part A, Item 5, with the objectives of clause 4.1 of the *Georges River LEP 2021*;
    - v. Provide further details of the relevant study findings that support the proposed minimum lot size requirements for dual occupancies in Part A, Item 6, in relation to land within all proposed unique character area and particularly areas located outside of the Foreshore Scenic Protection Area;

- vi. Further evaluate the development standards for areas proposed to be removed from the Foreshore Scenic Protection Area, and those near existing public transport infrastructure and services, considering their suitability and potential for additional, diverse housing, alignment with Stage 2 of the Low and Mid-Rise Housing Policy and the merit of applying controls consistent with other R2 Low Density Residential zoned land in the LGA;
- vii. Clarify the term “the areas of high terrestrial biodiversity value” in Part A, Item 7, and whether it relates to land identified on the Biodiversity Values Map, prepared under *the Biodiversity Conservation Regulation 2017 (NSW)*;
- viii. Confirm the Foreshore Scenic Protection Area boundary at the eastern end of the Local Government Area in Part A, Item 10 and resolve any mapping discrepancies in the planning proposal;
- ix. Clarify the proposed increase of the minimum landscaped area requirement in Part A, Item 12, noting that the increase for some areas, such as land located within the proposed Foreshore Scenic Protection Area and unique character area, would be greater than 5% stated in the planning proposal;
- x. Clarify how the draft *Moomba to Sydney Ethane Pipeline Hazard Analysis report (August 2024)*, particularly its Recommendation 2, was considered in relation to Part B, Items 3 and 10;
- xi. Confirm and clarify the statement on page 37 of Part B of the proposal regarding whether *Figure 8 Proposed amendment to Minimum Lot Size for Dual Occupancy Map* includes amendments proposed by Part A;
- xii. Explore alternative mechanisms for achieving the intended outcomes for Part B, Item 6, acknowledging the additional permitted use provisions will be subject to legal drafting and further consideration at finalisation;
- xiii. Review and clarify the implications of Part B, Item 6, for all existing matters in *Schedule 1 Additional permitted uses* to the *Georges River LEP 2021*; Additionally, clarify whether the proposed LEP map is intended to exclude any relevant land currently identified in Schedule 1 to the LEP;
- xiv. Review and update the term “minimum density control” in Part B, Item 6, to accurately reflect the intent of the proposed provision;
- xv. Provide mapping for Part B, Item 9, regarding amendments to the Floor Space Ratio map;
- xvi. Include legible map legends and annotations to clearly identify the subject sites and the proposed changes for Part B, Item 11;
- xvii. Review and update the mapping as required for Part B, Item 11 to ensure all proposed changes are accurately represented on the maps, with particular attention to any discrepancies relating to Block L;
- xviii. Provide further commentaries on the proposed changes for Part B, Item 12, including additional background details of the planning control mismatch issues that the proposal seeks to address;
- xix. Provide additional mapping to show the location of the clusters and subblocks as referred to in Table 9 in Part B of the proposal;

- xx. Update the mapping changes for Part B, Item 12, to ensure clarity and legibility of proposed changes and clear identification of subject sites; and
  - xxi. Clarify the intent regarding application of any savings provisions relating to development applications.
- (c) Remove the following Items from the planning proposal:
- i. Part A, Item 14 to introduce local provision and mapping relating to unique character area or local character area;
  - ii. Part A, Item 15 to exclude application of the *Low Rise Housing Diversity Code* from the proposed Foreshore Scenic Protection Area and unique character area; and
  - iii. Part B, Item 7 to amend the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* to prohibit manor houses in Zone R2 Low Density Residential within the Georges River LGA.
- (d) Include an advisory clarifying that the Department does not support the proposal as a replacement for the Low and Mid-Rise Housing Policy.
- (e) Address consistency with the following section 9.1 Ministerial Directions:
- i. Direction 1.4 Site Specific Provisions, regarding Part B, Item 6 which relates to proposed additional permitted uses;
  - ii. Direction 4.1 Flooding, undertake a detailed assessment regarding all relevant components of the proposal to which this Direction applies; Any inconsistencies are to be justified in accordance with the terms of the Direction;
  - iii. Direction 4.2 Coastal Management, include suitable mapping of the affected lots located within the coastal zone as noted in the planning proposal, and details of the proposed changes relating to these lots;
  - iv. Direction 4.5 Acid Sulfate Soils, regarding Part B of the proposal; Include suitable mapping to identify any affected sites, details of the Acid Sulfate Soils classification and the proposed changes relating to these sites;
  - v. Direction 5.1 Integrating Land Use and Transport, regarding the areas near Oatley train station where the proposal seeks to reduce dual occupancy development potential;
  - vi. Direction 6.1 Residential Zones, regarding all sites within the Hurstville City Centre that are subject to a reduction in potential residential floor space; and
  - vii. Direction 7.1 Employment Zones, regarding all sites within the Hurstville City Centre that are subject to a reduction in potential floor space for employment uses.
- (f) Provide further commentaries in the assessment of State Environmental Planning Policies regarding the Apartment Design Guide, particularly in relation to the testings for residential apartments in Zone R3 Medium Density Residential and the Additional Capacity Areas. This should be supported by analysis demonstrating the proposed development standards are capable of satisfying the Apartment Design Guide,



including building heights, building separations and solar access to future development and adjoining properties;

- (g) Provide details on how the recommendations of the *Hurstville City Centre Urban Design Strategy* regarding the need for a feasibility study for the City Centre and the transition areas, and an updated Transport Management and Accessibility Plan, have been addressed;
  - (h) High resolution maps are to be made available during public exhibition to facilitate community and agency consultation, ensuring clarity of all proposed changes; and
  - (i) Update the project timeline.
2. Prior to community consultation, consultation is required with the Commissioner of the NSW Rural Fire Service, in accordance with section 9.1 Direction - 4.3 Planning for Bushfire Protection.
3. Prior to community consultation, consultation is required with the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts, in accordance with section 9.1 Direction - 5.3 Development Near Regulated Airports and Defence Airfields. As required by the Direction, where a planning proposal seeks to allow development that would constitute a controlled activity as defined in the *Airports Act 1996*, Council must obtain the permission from the Commonwealth Department, or their delegate, prior to undertaking community consultation.
4. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as principal as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of **30 working days**; and
  - (b) the planning proposal authority must comply with the notice of requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
5. Consultation is required with the following public authorities / organisations and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
  - Airservices Australia
  - APA Group
  - Ausgrid
  - Civil Aviation Safety Authority (CASA)
  - Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts
  - Crown Lands
  - NSW Department of Climate Change, Energy, the Environment and Water
  - NSW Health
  - NSW Rural Fire Service
  - NSW State Emergency Service
  - School Infrastructure NSW
  - Sydney Airport Corporation

- Sydney Water Corporation
- Transport for NSW.

Each public authority / organisation is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least **30 working days** to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. Given the nature of the proposal, Council is **not** authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act
8. The LEP should be completed on or before **26 May 2026**.



07.02.2025

Renee Coull

Manager, Local Planning and Council Support



(Signature)

7 March 2025 (Date)

Tina Chappell

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