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# Plan finalisation report – PP-2020-4117

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Accelerated Housing Planning Proposal

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# 1 Introduction

## 1.1 Overview

### 1.1.1 Accelerated Housing Planning Proposal

During the Department's assessment of the Georges River Local Housing Strategy (the LHS) for endorsement, it was established that there would be a net shortfall of housing supply in the LGA.

To address this shortfall, the rezoning of the Narwee HIA, which is identified as an area of potential uplift by the Georges River Local Strategic Planning Statement (the LSPS), has been accelerated. It is anticipated that the Narwee HIA will facilitate the delivery of 300 new dwellings.

The planning proposal seeks to:

- rezone the Narwee Housing Investigation Area (HIA) from R2 to R3 and R4 to provide additional housing opportunities within the LGA to meet medium-term dwelling targets. These targets were developed as part of the LSPS which has been assured by the Greater Sydney Commission (GSC);
- introduce minimum lot size and lot width controls for manor house and multi-dwelling housing (terraces) in response to the introduction of the Low Rise Housing Diversity Code (LRHDC); and
- housekeeping map amendments at:
  - 199 Rocky Point Road, Ramsgate;
  - 33 Dora Street, Hurstville; and
  - 3-11 Hillcrest Avenue, Hurstville

The detailed site analysis for each of these three parts is discussed in **Section 1.1.2 – Site description** of this report.

In response to the imminent finalisation of both this planning proposal and the new Georges River Local Environmental Plan 2021 (draft Georges River LEP 2021), both proposals will be made concurrently. As such, this finalisation report is **Report Attachment - Accelerated Housing** to the finalisation report of the draft Georges River LEP 2021.

### 1.1.2 Site description

#### Narwee Housing Investigation Area

The Narwee Housing Investigation Area (HIA) is located to the south of the existing Narwee Village, east side of Chamberlain Street, across Mercury Street and Berrille Road. It comprises an area of approximately 6.5 hectares and includes approximately 109 existing dwellings (**Figure 1**).



**Figure 1: The site highlighted red (source: Nearthmaps)**

### Medium Density Housing Amendments

The proposed medium density housing amendments apply to existing R3 and R4 zoned land under the draft Georges River LEP 2021.

These medium density housing amendments seek to introduce minimum lot size and lot width controls for manor house and multi-dwelling housing (terraces) in response to the introduction of the LRHDC.

### Housekeeping Amendments

There are three sites which require mapping amendments to update the maximum building height:

- 33 Dora Street, Hurstville – from 30m to a 15m building height;
- 199 Rocky Point Road, Ramsgate – from 21m to 15m and 21m building height in accordance with split zoning on the site; and
- 3-11 Hillcrest Avenue, Hurstville – from 12m to a 13m building height.

### 1.1.3 State electorate and local member

The planning proposal falls within the following federal electorates (federal member of parliament):

- Banks (Hon David Coleman MP);
- Barton (Hon Linda Burney MP); and
- Cook (Hon Scott Morrison MP).

The planning proposal falls within the following state electorates (state member of parliament):

- Rockdale (Hon Stephen Kamper MP);
- Kogarah (Hon Chris Minns MP);

- Oatley (Hon Mark Coure MP); and
- Lakemba (Hon Jihad Dib MP).

To the team's knowledge, neither MP has made any written representations regarding this planning proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

## 2 Gateway determination and alterations

The Gateway determination issued on 23 December 2020 determined that the proposal should proceed subject to conditions.

The Department is satisfied that Council have complied with the requirements of the Gateway determination.

## 3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 20 January 2021 to 17 February 2021.

A total of 36 community submissions were received, comprising of 24 objections, 10 requests for changes to the proposal and 2 submissions supporting the proposal.

On 22 March 2021, Council considered the submissions received in the post-exhibition report. Council resolved to:

- make a post-exhibition amendment, which is discussed in **Section 3.3.1 – Council's post-exhibition amendments** of this report; and
- submit the planning proposal to the Department for finalisation.

On 26 March 2021, the planning proposal was submitted to the Department requesting finalisation under Section 3.36 of the *Environmental Planning and Assessment Act 1979* (the Act).

### 3.1 Community submissions

There were 36 submissions received from individuals and organisations including Urban Taskforce and the Property Council of Australia. An online petition with 36 signatures objecting to the proposal was also received.

The key issues raised in submissions objecting to the proposal included the following:

- objections to rezoning the Narwee HIA;
- objections to amending controls for Manor Houses and Multi-Dwelling Housing (Terraces);
- general concerns about overdevelopment;
- Hillcrest Avenue, Hurstville HIA; and
- mapping anomalies.

Council has appropriately responded to all community submissions. Council's and the Department's responses to each of the key issues raised in the community submissions are discussed below:



## Objections rezoning the Narwee HIA

The following issues were raised:

- submissions requesting the expansion of the Narwee HIA north of Broadarrow Road to the M5, to provide for more density through increased building height and FSR. Concern was also raised that a 13m height limit will not enable 4 storey developments;
- the increased density will cause negative traffic impacts, being:
  - the streets in Narwee HIA are too narrow;
  - the traffic assessment did not capture peak traffic generated by surrounding schools;
  - safety issues to school students from increased vehicle movements; and
  - there is insufficient parking to support increased density;
- there are insufficient services in the Narwee centre to support the increased density, such as a supermarket;
- the planning proposal doesn't address heritage significance in the area;
- four storey development will cause Narwee to become like Hurstville;
- the increased density will result in crime and decreases in property value which will make this land unfeasible to develop and Council will not achieve the Greater Sydney Commission's 6-10 year housing target;
- the population projections supporting the need for housing supply were made in 2019 and do not account for the impacts of COVID. Council should request a deferral of the LEP finalisation date until updated population data is provided; and
- increased development density will cause a loss of landscaping and trees in the area.

### *Council's Response*

In response to these matters, Council notes:

- a review of development standards within commercial centres is scheduled as part of Stage 3 of implementing the LSPS. Council anticipates this to occur in 2023;
- rezoning the Narwee HIA will provide an opportunity to revitalise an established area within the LGA;
- the adjoining area to the north of the Narwee HIA has an established 3 to 4 storey residential flat building typology;
- this planning proposal does not seek to change any of the existing development standards (e.g. height of buildings and FSR) applied to the R4 zone.

The proposed rezoning of the Narwee HIA will enable residential flat building developments of up to 4 storeys;

- considerations such as overshadowing and privacy impacts, building setbacks, building materials and car parking provisions are prescribed by the *Development Control Plan* (DCP) which supports the LEP.

The draft Georges River DCP 2020 is currently being finalised to support the draft LEP 2021 when the latter comes into effect later this year;

- the draft Georges River LEP 2021 introduces a tree protection clause to ensure existing mature trees are retained in new developments;

- there are no existing issues with the local road system and the supporting traffic assessment demonstrates acceptable levels of service can be maintained.

The traffic surveys in the traffic assessment were undertaken during Weekday – AM Peak (7.00am to 9.00am); Weekday – School Peak (2.00pm to 4.00pm); and Weekday – PM Peak (4.00pm to 6.00pm);

- there are no heritage items or conservation areas within or around the Narwee HIA;
- four storey residential flat building development will need to comply with State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG). This includes consideration of overshadowing, visual and acoustic privacy, passive surveillance and safety in the public domain;
- the decline in property values and likelihood of future acquisitions is speculative and beyond Council’s control.

This planning proposal will provide an additional 300 dwellings to address a shortfall in Council’s 6-10 year housing target;

- zones have been established based on an analysis of street networks, lot widths and size, a traffic study and risk assessment. Council is satisfied that site amalgamations can achieve the minimum lot size and lot width for development of multi dwelling housing, including manor houses and multi-dwelling housing (terraces);
- the NSW Government has issued a report that indicated COVID-19 pandemic will slow population growth in the short-term but will not alter the long-term population growth that informs housing and land development targets; and
- the draft Georges River LEP 2021 contains a clause for minimum landscape requirements.

### *Department’s Assessment*

The Department considers Council’s response adequate, noting:

- the Narwee HIA is near supporting infrastructure and services, including Narwee Station, the M5 Motorway and the Narwee Village. This will facilitate access to jobs and services of residents;
- the built form analysis, including application of applicable development controls, indicates satisfactory built form outcomes can be achieved, including setbacks, separation and transitions;
- the proposed built form can achieve adequate solar access outcomes, including to neighbouring residential land;
- the proposed uplift can be accommodated on the existing road network; and
- TfNSW have not objected to the proposed uplift.

### Objections to amending controls for Manor Houses and Multi-Dwelling Housing (Terraces)

Community submissions were received which raised concerns with the introduction of minimum lot size and lot width standards for manor houses and multi-dwelling housing (terraces), because:

- it will affect long term residents;
- the approach to changing controls is unfair;
- the proposed controls will change the character of Hurstville;



- the increased minimum lot sizes will cause properties to become land locked and isolated as adjoining sites are redevelopment;
- increased density from medium density housing will cause privacy issues;
- dual occupancies, manor houses and multi-dwelling housing (terraces), as complying developments, do not consider the impact on neighbours and do not allow for objections to be taken into account; and
- the proposal for manor houses and multi-dwelling housing (terraces) will lead to overdevelopment which will exacerbate existing issues within Hurstville such as safety and accessibility to local facilities, overpopulation, lack of infrastructure, crowded shops and insufficient public parking areas.

### *Council's Response*

In response to these objections, Council states that:

- the minimum lots size of 800sqm for manor house and multi-dwelling housing (terraces) seeks to ensure a consistent approach across all multi dwelling housing development for flexible market up take;
- Complying development is regulated by the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP). The Codes SEPP takes precedent over local controls prescribed by Council's LEP;
- the minimum lot width will ensure appropriate subdivision patterns and viable developments; and
- the amendments only affect future development not existing strata developments and is an increase from the 600sqm NSW Government requirement.

### *Department's Assessment*

The Department considers Council's response adequate, noting:

- the proposed LEP amendments are in keeping with the proposed minimum lot size (800sqm) for multi-dwelling housing in the draft Georges River LEP 2021;
- applying minimum lot size controls for medium density land uses across the LGA will assist in providing certainty about which lots are suitable for these developments;
- the controls will assist in achieving the future desired character of the proposed low density residential and medium density residential zones by requiring development to be sited commensurate to its scale;
- Council has provided detailed evidence to support the proposed lot width control for multi-dwelling housing (terraces) and manor houses, including an analysis of existing lots in the LGA to demonstrate that the controls are compatible with the majority of relevantly zoned land;
- the controls will assist in achieving the future desired character of the proposed medium and high density residential zones by requiring development to be sited commensurate to its scale;
- the Codes SEPP includes provision to address amenity impacts to ensure appropriate development outcomes, including for dual occupancies, manor houses and multi-dwelling housing (terraces); and
- the development of isolated sites can still occur through the development application process.

### General concerns about overdevelopment

Community submissions were received which raised concerns about increased development density, including:

- future development in the medium density zone is inconsistent with desired character of the LGA;
- amenity impacts are not addressed with the proposed planning controls, such as traffic, privacy, overshadowing, bulk and scale, landscaping and tree loss. Several of the submissions raised specific areas of concern, including Peakhurst and Mortdale;
- energy efficiency standards should be required;
- will cause more pressure on local resources like health care, transport and schools;
- there is only one public swimming facility and an additional swimming facility must be provided before increasing the population; and
- housing affordability in the LGA has not been addressed.

### *Council's Response*

In response to these concerns raised in community submissions, Council states:

- In June 2020, the NSW Government advised Council that there is currently a shortfall of housing delivery in the Georges River local government area. Council was directed to create capacity for additional dwellings to meet the housing target of 3,450 – 4,250 dwellings for the period from 2021 to 2026.

There are 6 areas identified by the LSPS to be investigated to deliver additional housing across the LGA. The other 5 areas include Lily Street in Hurstville, Kingsgrove, Mortdale/Penshurst, Oatley West and South Hurstville.

Housing growth across the LGA is staged incrementally and is generally reviewed in response to housing and population forecasts as well as housing delivery targets set by the NSW Government.

- Council currently has two functional aquatic facilities - the Hurstville Aquatic Leisure Centre and the Sans Souci Leisure Centre.

At its meeting on Monday 25 May 2020, Council resolved to investigate further the feasibility of building a new Regional Aquatic Facility at Todd Park, within the Carss Park Sport and Recreation Precinct;

- an affordable housing policy is being prepared which includes considerations of build-to-rent provisions and inclusionary zoning to promote inclusive and affordable housing; and
- a masterplan for the Mortdale Local Centre is being developed to explore opportunities to make Mortdale a better place to live, work and visit with the aim to improve the amenity and quality of the built environment.

### *Department's Assessment*

The Department considers Council's response to be adequate.

### Hillcrest Avenue, Hurstville HIA

Community submissions were received which objected to the Hillcrest HIA because:

- the proposed building height will be increased to 4 storeys;
- high density development will degrade natural beauty and feel of Oatley; and
- overdevelopment will place strain on public infrastructure and transport.

### *Council's Response*

In response to these objections, Council state that the planning proposal does not seek to rezone land within the Hillcrest HIA, but does increase the height from 12m to 13m to enable residential flat buildings up to 4 storeys.

Council considers this appropriate because:

- the Hillcrest HIA adjoins the Hurstville Strategic Centre; and
- the amendment only affects five lots; and
- the increased building height is unlikely to impact Oatley.

Council also states that it is preparing a Georges River Transport Strategy which will inform further improvements to public transport and related infrastructure.

### *Department's Assessment*

The Department considers Council's response adequate, noting that the proposed 1m height increase responds to the topography of the land, enabling the intended built form outcomes to be achieved.

### Mapping Anomalies

A community submission was received concerning the proposed mapping amendment at 199 Rocky Point Road. The submission states that:

- 193-199 Rocky Point Road, 66-68 Ramsgate Road and 2-6 Targo Road, Ramsgate is in one ownership possessing the potential to deliver additional housing;
- the mapping change conflicts with the objective of the Georges River LEP 2021 "*to identify additional housing opportunities in the Georges River LGA to meet the short-term housing targets set by the NSW Government*".

The mapping anomalies should be deferred until there has been further engagement with the new owners of the site.

### *Council's Response*

In response to these concerns, Council notes that new landowners are preparing a proponent-led planning proposal for 193-199 Rocky Point Road, 66-68 Ramsgate Road and 2-6 Targo Road, Ramsgate. Council considers that the rectification of the mapping anomaly is a housekeeping amendment and is not considered to interfere with Council's assessment of any future planning proposals for the subject site.

### *Department's Assessment*

The Department considers Council's response adequate, noting that Council will be required to assess any future planning proposal for the land in accordance with the strategic planning framework under the Act.

### All other issues raised in submissions

All other issues and matters raised in the community submissions are considered to have been resolved by the post-exhibition changes, adequately addressed by Council and are not considered to warrant further change to the plan.

## 3.2 Advice from agencies

In accordance with the Gateway determination, Council was required to consult with the agencies listed below:

- Transport for NSW;
- APA Group – the Moomba Ethane Pipeline Operator; and
- Canterbury Bankstown Council.

Council received submissions from all agencies, except Canterbury Bankstown Council.

Council's and the Department's responses to the public agency submissions are discussed below:

### Transport for NSW Submission:

TfNSW made a submission which is generally supportive of the planning proposal, however does raise several matters which are discussed in further detail below.

#### **I. Transit Network Planning**

The submission noted that:

- the Narwee HIA is located <100m away from the commercial centre, the Narwee train station and a few bus stops on Broadarrow Road nearby;
- there are no long-term bus provision issues with this proposal; and
- it is important to ensure that the above-rezoned area remains accessible via Broadarrow Road, as it provides main public transport service access.

#### *Council's Response*

In response, Council noted the planning proposal does not include changes that will affect existing public transport service access via Broadarrow Road.

#### *Department's Assessment*

The Department notes this matter and considers Council's response to be adequate.

#### **II. Sydney Trains**

Sydney Train's advised in the submission that:

- Council advocate for the delivery of transport-related infrastructure and services in this part of the LGA that can be well integrated into land-use planning so as to support the growth of the area and adequately distribute reliance on various transport modes;
- it is recommended that the Council engage and collaborate closely with TfNSW including Sydney Trains at each future stage of the strategic planning process including any further LEP amendments; and
- the opportunity to meet with Council to discuss the future of surplus land would be welcomed.

#### *Council's Response*

In response Council noted that it:

- is currently preparing a *Georges River Transport Strategy* which will address all modes of transport including public transport, private vehicles, freight movements, active transport (walking and cycling) and nongovernment transport services;
- welcomes opportunities for future collaborations with TfNSW. Any future rezoning will be subject to a separate planning proposal process; and

- will continue to actively engage with TfNSW for future strategies and plans.

#### *Department's Assessment*

The Department notes this advice and encourages Council to continue collaborating with TfNSW and Sydney Trains to provide for the infrastructure needs of the community.

### **III. Centre for Road Safety**

The submission recommends that the traffic assessment consider the suitability and alignment of speed limits and supporting infrastructure with the surrounding land uses. The submission provides an example, being that in areas of higher place and higher pedestrian demand the road speed limit should be lower and the infrastructure should cater for increased pedestrian priority.

#### *Council's Response*

In response, Council considers that there are no known existing traffic issues in the local road network of the Narwee HIA with regards to speed limits and this is supported by the findings of the *Traffic Impact Assessment*. However, Council states that it is open to preparing Local Area Traffic Management Schemes where required to address significant traffic issues as they emerge in the future.

#### *Department's Assessment*

The Department considers Council's response to be adequate, noting that speed limits and other measures can be implemented to respond to changing traffic conditions as appropriate.

### **IV. Strategic Land Use**

The submission considers that:

- the traffic assessment supporting the planning proposal has arbitrarily assumed the following percentages of development trips that are expected to be distributed onto the wider road network:
  - North/East: 60% Sydney & CBD, East and Northern suburbs
  - West: 20% Western Sydney (e.g. Parramatta, Liverpool)
  - South: 20% Hurstville and further south

The above trip proportions can be validated by using the Journey to Work data (residents' place of work) that is available online;

- Council should investigate local area traffic management measures that can be implemented to mitigate any efficiency and safety impacts that will likely arise due to the additional traffic generated by the proposal; and
- car parking provisions should also be reviewed to minimise private vehicular use for medium and high residential zoned sites close to the station utilising *maximum* car parking rates (including for visitor parking).

#### *Council's Response*

In response, Council considers that:

- the traffic assessment recommends that a traffic management measure be implemented to restrict right turn movement from Mercury Street to Stoney Creek Road periodically using appropriate signage during the PM peak only (i.e. 4pm to 6pm on weekdays); and
- after an extensive review through the *Georges River Car Parking Strategy (2018)*, at its meeting dated 27 April 2020 Council endorsed a *Car Parking Positions Paper* which adopts the continued application of a minimum car parking rate in the LGA. The rates have been included in the draft Georges River DCP 2020.

### *Department's Assessment*

The Department considers Council's response to be adequate, noting:

- that speed limits and other mitigation measures can be implemented to respond to changing traffic conditions if necessary; and
- Council seeks to continue applying a minimum car parking rate to development in the LGA.

### APA Group Submission:

APA Group, the operator of the Moomba-Sydney Ethane Pipeline (the pipeline) has made a submission which does not object to the planning proposal. Nonetheless, the submission does raise several matters and requests post exhibition changes, which are discussed in further detail below.

#### **I. Pipeline Easement**

The submission states that:

- APA Group is the beneficiary of an easement for the pipeline. To ensure compliance with the safety requirements of Australian Standard - AS2885, APA needs to ensure the easement is managed to an appropriate standard;
- APA Group will not accept outcomes that do not enable it to achieve our safety responsibilities to the surrounding community;
- crossings of the pipeline should be minimised and perpendicular as possible; and
- any works within the easement or within 3 metres of the pipeline must be approved by APA Group through the Third Party Works Authorisation process.

### *Department's Assessment*

The Department notes this matter and strongly encourages Council to continue engaging with APA Group on development proposals near the pipeline. This is facilitated through Clause 66C of *State Environmental Planning Policy (Infrastructure) 2007*, which requires development within 20m of the pipeline to consider hazard risks prior to consent.

The Department also considers that the proposed development under this planning proposal is unlikely to affect the easement, due to the distance of the proposal from the pipeline easement.

#### **II. A Safety management Study**

The submission considers that the proposal does not require a Safety Management Study (SMS) due to the current pipeline location class and the pipeline's characteristics at the subject location.

The submission states that a SMS:

- is required by Australian Standard AS2885 (AS2885) whenever the land use classification of land within the Measurement Length (ML) changes. The submission notes that the ML of the pipeline is 600m, being a radial dimension applying to both sides of the pipeline;
- is to assess the risk associated with a change in land use, including both construction risks and ongoing land use risks; and
- will develop appropriate controls to reduce risks to 'as low as reasonably practicable' (ALARP).

### *Council's Response*

In response, Council notes that the outcomes of APA Group's assessment are noted and there is no need for a SMS to be prepared for this planning proposal.



### *Department's Assessment*

The Department notes this matter and considers Council's response to be adequate. The Department strongly encourages Council to continue engaging with APA Group on development proposals near the pipeline.

### **III. The Land Use Safety Study**

The submission states that:

- APA Group's preferred position is that all land uses listed below be located outside of the pipeline Measurement Length (ML):
  - Child care centres
  - Detention facility
  - Educational facility
  - Function facility
  - Health care services
  - Hospital
  - Hotel
  - Place of worship
  - Residential care facility
  - Retirement facility
  - Service station
  - Shop
  - Shopping centre
  - Theatre
- the quantitative risk assessment supporting the planning proposal is not appropriate for Australian AS2885 operated High Pressure Gas Transmission pipelines and land use safety considerations, because:
  - specifically, there is insufficient pipeline fatality data in Australia to produce meaningful quantitative likelihood values, which this risk assessment has relied upon;
  - assessment of land use and construction risks should be undertaken in accordance with AS2885; and
  - the risk management approach in the Australian pipeline industry focuses on the area geographically defined by AS2885 as the pipeline ML. The ML is determined by the diameter and Maximum Allowable Operating Pressure of the pipeline. This is the area of consequence in the very unlikely event of a pipeline failure.
- APA Group is supportive of the risk assessment recommendation to exclude sensitive uses such as aged care facilities, childcare centres or schools from Lots 1-7 of DP16824 in the north-eastern corner of the HIA, but recommends this area be expanded to cover the whole Narwee HIA.

This would be in keeping with APA Group's preferred position regarding sensitive uses being located outside the pipeline ML.

### *Council's Response*

In response to these concerns and suggested amendments, Council:

- notes that the Hazardous Industry Planning Advisory Papers (HIPAP) are planning guidelines developed by the DPIE for hazardous development. APA Group's submission will be forwarded to DPIE to highlight concerns with the shortcomings of the assessment criteria under HIPAP 10;
- has amended to restrict sensitive uses such as aged care facilities, childcare centres and schools from the entire precinct of the Narwee HIA.

This post-exhibition amendment made by Council in response to this submission is discussed in **Section 3.3.1 – Council's post-exhibition amendments** of this report; and

- notes the requirement for risk assessments in accordance with AS2885 for future development applications in areas affected by the gas pipeline.

### *Department's Assessment*

The Department notes APA's concerns and Council's response, including the post-exhibition amendment.

The Department considers that the planning proposal addresses land use safety planning in detail through the supporting land use safety study (LUSS). The current planning framework includes provisions in State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) requiring consultation with pipeline operators when development is near pipelines as part of the development application process.

The Infrastructure SEPP is also supported by Planning Circular PS-18-010, which advises councils and developers of the mandatory notification and assessment requirements for development near pipelines. As such, it is considered that the current framework adequately addresses APA Group's concerns as the pipeline operator.

In this regard, the Department has responded to Council's post-exhibition amendment by retaining the restrictions on sensitive land uses as exhibited. This amendment is further discussed in **Section 3.3.2 – the Department's post-exhibition amendments** of this report.

## 3.3 Post-exhibition changes

At the 22 March 2021 Council Meeting, it was resolved to proceed with the planning proposal with the post-exhibition changes discussed below:

### 3.3.1 Council's post-exhibition changes

At Council's Meeting on 22 March 2021, Council resolved to proceed with the planning proposal with the following post-exhibition changes:

#### Land Use Safety Planning – Narwee HIA

In response to a submission by APA Group, Council has amended the planning proposal to restrict sensitive use development types such as aged care facilities, childcare centres or schools on all land located within the Narwee HIA.

Council states that:

- the expansion of the restriction on sensitive use development types to the whole Narwee HIA is consistent with the objective of the planning proposal in creating additional housing capacity; and
- the increased restriction will not impact the development potential of the precinct as the 'highest and best use' development types of multi dwelling housing and residential flat buildings will continue to be permitted.

### *Department Assessment*

The Department notes this amendment by Council in response to APA Groups submission. The Department has revised this amendment, which is discussed in further detail in **Section 3.3.2 – the Department's post exhibition changes** of this report.

### 3.3.2 the Department's post-exhibition changes

Following the receipt of the revised planning proposal from Council, the Department has made the following change to the planning proposal:

## Land Use Safety Planning – Narwee HIA

The Department notes Council's post exhibition amendment in response to APA Group's submission. Despite Council's post-exhibition amendment and APA Group's submission, the Department considers the planning proposal adequately addresses the relevant risk criteria requirements of the NSW Land Use Safety Planning Guidelines (the Guidelines)<sup>1</sup>. These Guidelines include a set of technical documents which define the methodology and measurement of land use safety planning considerations.

The exhibited planning proposal is supported by a LUSS that satisfies the land use safety planning risk criteria in accordance with the Guidelines. As the Department is the responsible government agency for preparing and administering the Guidelines, it is best placed to:

- provide technical input into the supporting hazard risk analysis as well as any other relevant land use safety planning considerations as part of the development application process; and
- advise the consent authority if the development application adequately responds to the Guidelines.

To ensure sensitive development is compatible with the hazard risk, compliance with the Guidelines will be required. In this instance, compatibility can be achieved through the development application process, because the sensitive land uses are located a sufficient distance from the pipeline. This provides for sensitive development to be capable of achieving compatibility with the hazard risk through detailed design and operational solutions. These solutions will need to be supported by technical analysis prepared in accordance with the Guidelines and recommend hazard risk management measures as appropriate.

It is necessary to ensure this process is included within the LEP to ensure adequate visibility and statutory effect. This will also appropriately implement the recommendations of the LUSS supporting the planning proposal.

As such, a notification clause in the LEP requiring the consent authority to seek and consider comment from the Department on the hazard risk for the identified sensitive use/s as part of a development application on the affected land is the appropriate mechanism. This is because it:

- will give statutory effect for the consent authority to seek comment from the Department on the applicable development applications;
- will give statutory effect for the consent authority to consider any comments provided by the Department on a development application;
- appropriately responds to the level of hazard risk, noting the strategic planning process has thoroughly reviewed the hazard risk criteria in the Guidelines through the LUSS supporting the planning proposal; and
- appropriately responds to APA Group's submission and their obligations under Australian Standard AS2885.

This clause also includes the Standard Instrument translations for the sensitive uses referenced in the LUSS, being:

- (a) Seniors housing;
- (b) Centre-based child-care facilities;
- (c) Early education and care facilities;

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<sup>1</sup> *Hazardous Industry Planning Advisory Paper 10 – Land Use Safety Planning.*

- (d) Educational establishments; and
- (e) Health services facilities.

The land affected by this clause is identified in an Activity Hazard Risk Map. This will allow for future proposals affected by this issue to be identified in updates to this mapping.

### 3.3.3 Justification for post-exhibition changes

The Department considers that the post-exhibition changes are justified and do not require re-exhibition. It is considered that the post-exhibition changes:

- are a reasonable response to comments provided by the public authorities.
- do not alter the intent of the planning proposal and are minor amendments to the planning proposal.

## 4 Department's Assessment

The planning proposal has been subject to detailed review and assessment through the Department's Gateway determination and subsequent planning proposal processes. This includes public consultation and engagement.

The following section reassesses the planning proposal to confirm whether it is consistent with the assessment undertaken at the Gateway determination stage (**Table 5**).

Where the planning proposal is inconsistent with this assessment, requires further analysis, requires reconsideration of any unresolved matters or assessment following updates to the strategic planning framework since the Gateway determination, these are addressed in Section 4.1.

**Table 1 Summary of strategic assessment**

	Consistent with Gateway determination report Assessment	
Regional Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
District Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Planning Panel (LPP) recommendation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Section 9.1 Ministerial Directions	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
State Environmental Planning Policies (SEPPs)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1

**Table 2 Summary of site-specific assessment**

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

Site-specific assessment	Consistent with Gateway determination report Assessment	
Environment impacts	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
Infrastructure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

## 4.1 Detailed Assessment

The following section provides details of the Department's assessment of key matters and any recommended revisions to the planning proposal to make it suitable.

### **Georges River Local Housing Strategy**

On 23 June 2021, the LHS was endorsed by the Department, subject to conditions.

The LHS includes a vision 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 includes the following 7 objectives:

1. Accommodate additional housing growth;
2. Coordinate growth with infrastructure;
3. Provide affordable and inclusive housing;
4. Provide greater housing choice and diversity;
5. Have consistent LEP zoning and controls across the LGA;
6. Enhance and protect the local character; and
7. Facilitate good design and sustainable development practices.

The LHS identifies:

- capacity to contribute over 12,000 additional dwellings to the South District for the full 20-year period (from 2016 to 2036), including:
  - 5,532 dwellings to be delivered through major development and planning proposal opportunities (including those pre-Gateway planning proposals listed below); and
  - 6,602 dwellings from take up of existing zoning controls.
- a 6-10 year (2021-2026) housing target of 3,450 dwellings.

The planning proposal is consistent with the endorsed LHS because:

- the Narwee HIA provides additional uplift contributing to Council's 6-10 year housing targets near existing infrastructure and open space.

The endorsement of the LHS notes Georges River is likely to meet and well exceed the GSC's minimum 6–10 year housing target. This includes consideration of this planning proposal; and

- the endorsement of the LHS also requires monitoring of the delivery of medium density housing. It is considered these amendments do not limit this process.

### **Ministerial Direction 4.3 – Flood Prone Land**

On 14 July 2021, this Direction was revised as part of the NSW Government's 'Amendments to the NSW Flood Prone Land Package'.

The aims of the revised Direction seek to ensure:

- LEPs are commensurate with flood behaviour and include consideration of the potential flood impacts on and off the subject land; and
- a planning proposal to be consistent with and give effect to the NSW Flood Prone Land Policy and the Floodplain Development Manual 2005.

This Direction applies to this planning proposal because lots within the Narwee HIA, adjoining Rasdall Park, are identified in Council’s flood mapping as being affected by a 1:100-year flood event.

The inconsistency with this Direction is of minor significance, because the flooding:

- only impacts the rear of the affected lots, where buildings are unlikely to be located on account of the need to provide setbacks to adjoining development and Rasdall Park;
- the affected land is already zoned for residential development; and
- can be addressed by flood planning controls in the LEP, DCP and Council engineering guide. This can include engineering solution, such as raising of finished floor levels to provide relief.

### **Traffic Impacts**

Following the Gateway determination, a final traffic impact assessment (the traffic report) for the Narwee HIA was prepared and exhibited with the planning proposal.

The traffic report identifies an ‘intersection failure’ at Stoney Creek Road and Mercury Street for cars turning right onto Stoney Creek Road during the PM peak which results in delays due to this being a ‘priority-controlled intersection’ with no signals.

In response, the following minor intervention to the existing local road network has been recommended:

*“The Narwee HIA will only require one treatment, being a no right turn restriction (sign) from Mercury Street to Stoney Creek Road in the PM peak period (4pm to 6pm weekdays).”*

This will redirect PM traffic (identified as a green line in **Figure 3**) to Stoney Creek Road.

This local road treatment is considered appropriate, addresses a recommendation made by TfNSW and can be implemented by Council once appropriate.



**Figure 3: No Right Turn restriction and alternate route (source: Traffic Impact Assessment by TTPA)**



## 5 Drafting

The Department has consulted with the following stakeholders after the assessment.

**Table 3 Consultation following the Department's assessment**

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	A new LEP maps package has been prepared by Council and the Department's ePlanning teams and meets the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	Council was consulted on the terms of the draft instrument under clause 3.36(1) of the Act.  Council confirmed on 5 July 2021 that it was agreeable with the draft and that the plan should be made.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Opinion	On 7 September 2021, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

## 6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because it:

- has strategic merit being consistent with the District Plan, Section 9.1 Ministerial Directions, SEPPs, Georges River LSPS and LHS;
- is consistent with the conditions of the Gateway Determination; and
- addresses issues raised during consultation, and there are no outstanding agency objections.



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