

## Appendix 1: Summary of proposed Georges River LEP 2020 provisions

A new LEP in the form of the standard instrument with the following provisions is proposed as per the table below. This table indicates whether the proposed clauses are also present in the Hurstville LEP 2012 or Kogarah LEP 2012, and where detailed assessment follows in the report. A strategic assessment of the entire planning proposal is provided in the **Gateway Report**.

### Part 1 – Preliminary

Clause	HLEP 2012	KLEP 2012	GRLEP 2020	Explanation	Department comment
1.1 Name of Plan	✓	✓	✓	<i>Georges River Local Environmental Plan 2020</i>	Satisfactory
1.1AA Commencement	✓	✓	✓	As per the standard instrument (SI), commencement is on the day which it is published on the NSW legislation website.	Satisfactory
1.2: Aims of the plan	✓	✓	✓	As per the SI, consolidates the existing aims of KLEP 2012 and HLEP 2012 and addresses the LSPS's future direction for Georges River LGA	Satisfactory
1.3 Land to which Plan applies	✓	✓	✓	As per the SI, the plan applies to Georges River LGA	Satisfactory
1.4 Definitions	✓	✓	✓	As per the SI	Satisfactory
1.5 Notes	✓	✓	✓	As per the SI	Satisfactory
1.6 Consent authority	✓	✓	✓	As per the SI	Satisfactory
1.7 Maps	✓	✓	✓	As per the SI (see the <b>Gateway Report</b> for a list of the proposed maps and <b>Appendix 2.2</b> for detailed description and assessment of the proposed rezonings)	Satisfactory
1.8 Repeal of planning instruments applying to land	✓	✓	✓	As per the SI, and with a note clarifying that KLEP 2012, HLEP 2012 and HLEP 1994 are repealed.	Satisfactory
1.9 Application of SEPPs	✓	✓	✓	As per the SI	Satisfactory

Part 2 Permitted or prohibited development

Clause	HLEP 2012	KLEP 2012	GRLEP 2020	Explanation	Department comment
2.1 Land use zones	✓	✓	✓	The proposed SI land use zones differ from the existing LEPs by introducing different permitted and prohibited developments, as described and assessed in <b>Appendix 3</b> of the report.	Satisfactory
2.2 Zoning of land to which Plan applies	✓	✓	✓	As per the SI	Satisfactory
2.3 Zone objectives and Land Use Table	✓	✓	✓	As per the SI	Satisfactory
2.4 Unzoned land	✓	✓	✓	As per the SI	Satisfactory
2.5 Additional uses for particular land	✓	✓	✓	As per the SI	Satisfactory
2.6 Subdivision – consent requirements	✓	✓	✓	As per the SI	Satisfactory
2.7 Demolition requires development consent	✓	✓	✓	As per the SI	Satisfactory
2.8 Temporary use of land	✓	✓	✓	Stipulates a temporary use may occur for a maximum of 52 days within a 12 month period, as per the SI	Satisfactory

Land use table

- A land use table which applies an open zoning approach to business zones and Zone IN2 Light Industrial, and a closed approach to all other zones. See a summary of the proposed zones below, and see **Appendix 3** for a detailed description and assessment of the proposed land use table.

GRLEP 2020 Land Use Zone	HLEP 2012	KLEP 2012	Change to land uses proposed?	Department comment
<b>Residential zones</b>				
R2 Low Density Residential	Yes	Yes	Yes	Satisfactory, subject to conditions
R3 Medium Density Residential	Yes	Yes	Yes	Satisfactory, subject to conditions
R4 High Density Residential	No	Yes	Yes	Satisfactory, subject to conditions
<b>Business zones</b>				
B1 Neighbourhood Centre	Yes	Yes	Yes	Satisfactory, subject to conditions
B2 Local Centre	Yes	Yes	Yes	Satisfactory, subject to conditions
B3 Commercial Core	Yes	No	Yes	Satisfactory
B4 Mixed Use	Yes	Yes	Yes	Satisfactory, subject to conditions
B6 Enterprise Corridor	No	Yes	Yes	Satisfactory, subject to conditions
<b>Industrial zones</b>				
IN2 Light Industrial	Yes	Yes	Yes	Satisfactory, subject to conditions
<b>Infrastructure zones</b>				
SP2 Infrastructure	Yes	Yes	Yes	Satisfactory, subject to conditions
<b>Recreational zones</b>				
RE1 Public Recreation	Yes	Yes	Yes	Satisfactory, subject to conditions
RE2 Private Recreation	Yes	No	Yes	Satisfactory
<b>Environmental zones</b>				
E1 National Parks and Nature Reserves	Yes	No	No	Satisfactory

GRLEP 2020 Land Use Zone	HLEP 2012	KLEP 2012	Change to land uses proposed?	Department comment
E2 Environmental Conservation	No	Yes	Yes	Satisfactory
<b>Waterway zones</b>				
W2 Recreational Waterways	Yes	Yes	Yes	Satisfactory

### Part 3 Exempt and complying development

- All clauses in this part are in accordance with the standard instrument. However, the planning proposal involves changes to the exempt and complying development schedules, as discussed below under the relevant heading for each schedule.

### Part 4 Principal development standards

Clause	HLEP 2012	KLEP 2012	GRLEP 2020	Explanation	Department comment
4.1 Minimum subdivision lot size	✓	✓	✓	Introduces new objectives and a subclause which excludes the area of access handles and right-of-carriageways to battle-axe lots in calculating the lot size. See <b>Appendix 2.3.1</b> .	Satisfactory
4.1A Minimum subdivision lot size for dual occupancies	x	✓	✓	Applies a minimum subdivision lot size control of 300sqm across the LGA, except for 430sqm in the Foreshore Scenic Protection Area (FSPA). See <b>Appendix 2.3.2</b> .	Satisfactory
4.1B Minimum lot sizes and special provisions for certain dwellings	x	x	✓	Applies minimum lot size and lot width controls for attached dwellings, dual occupancies, manor houses, multi dwelling housing and terraces. See <b>Appendix 2.3.3</b> for more detailed consideration.	Satisfactory, subject to conditions
4.3 Height of Buildings	✓	✓	✓	Introduces new objectives for the clause. See <b>Appendix 2.3.4</b> .	Satisfactory
4.3A Exceptions to height of buildings	x	x	✓	Stipulates that the maximum height of dual occupancies is 9m in R3 and R4 zones; and that the maximum height of multi dwelling housing is 5m for any dwelling adjacent to a rear boundary. See <b>Appendix 2.3.5</b> .	Satisfactory
4.4 Floor space ratio	✓	✓	✓	Introduces new objectives for the clause. Change to the FSR shown on the map is considered in <b>Appendix 2.3.6</b> .	Satisfactory, subject to conditions

Clause	HLEP 2012	KLEP 2012	GRLEP 2020	Explanation	Department comment
4.4A Exceptions to floor space ratio for certain dwellings	x	✓	✓	Overrides the FSR shown on the map to prescribe FSR for different types of residential development. The clause utilises a sliding scale formula for certain lot sizes. Further consideration is located in <b>Appendix 2.3.7</b> .	Satisfactory
4.4B Non-residential floor space ratios	✓	x	✓	Applies a minimum non-residential FSR to mixed use developments in accordance with the hierarchy developed in Council's Commercial Centres Strategy. The hierarchy of centres is based on their existing provision of retail floor space. Further consideration is in <b>Section 2.3.8</b> .	Satisfactory
4.5 Calculation of floor space ratio and site area	✓	✓	✓	As per the SI	Satisfactory
4.6 Exceptions to development standards	✓	✓	✓	<p>The following provisions are proposed to be excluded from the clause:</p> <ul style="list-style-type: none"> <li>• Clause 5.4 Controls relating to miscellaneous permissible uses;</li> <li>• Clause 6.13 Development for the purposes of dual key dwellings in Zones R2 and R3;</li> <li>• Clause 6.15 Office premises in Zone IN2; and</li> <li>• Clause 6.16 Take away food and drink premises and restaurants in Zone IN2.</li> </ul> <p>Further consideration is in <b>Appendix 2.3.9</b>.</p>	Satisfactory

#### Part 5 Miscellaneous provisions

- Removing the SI optional clauses 5.3 Development near zone boundaries and 5.6 Architectural roof features from operation in the LGA; and
- Including the following clauses in the consolidated LEP:

Clause	HLEP 2012	KLEP 2012	GRLEP 2020	Explanation	Department comment
5.1 Relevant acquisition authority	✓	✓	✓	As per the SI. The amendments to the mapping to reflect sites already acquired and new sites identified for acquisition are considered in <b>Appendix 2.4.1.</b>	Satisfactory, subject to conditions
5.2 Classification and reclassification of public land	✓	✓	✓	As per the SI. No reclassification of public land is proposed.	Satisfactory
5.4 Controls relating to miscellaneous permissible uses	✓	✓	✓	Harmonisation of numerical controls relating to: <ul style="list-style-type: none"> <li>• Industrial retail outlets;</li> <li>• Kiosks;</li> <li>• Neighbourhood shops;</li> <li>• Secondary dwellings; and</li> <li>• Artisan food and drink industry exclusion.</li> </ul> Further consideration is in <b>Appendix 2.4.2.</b>	Satisfactory
5.7 Development below mean high water mark	✓	✓	✓	As per the SI.	Satisfactory
5.8 Conversion of fire alarms	✓	✓	✓	As per the SI.	Satisfactory
5.10 Heritage Conservation	✓	✓	✓	As per the SI. Changes to Schedule 5 are considered in <b>Appendix 2.7.</b>	Satisfactory
5.11 Bushfire hazard reduction	✓	✓	✓	As per the SI.	Satisfactory
5.12 Infrastructure development and use of existing buildings of the Crown	✓	✓	✓	As per the SI.	Satisfactory

Clause	HLEP 2012	KLEP 2012	GRLEP 2020	Explanation	Department comment
5.14 Pond-based, tank-based and oyster aquaculture	✓	✓	✓	As per the SI.	Satisfactory

### Part 6 Additional local provisions

The planning proposal involves:

- Discontinuing the following existing local provisions:
  - Clause 6.5 Gross floor area of dwellings in residential zones (HLEP 2012), since it is to be replaced by Clause 4.4A;
  - Clause 6.6 Active street frontages (HLEP 2012) since clauses 4.4B and 6.14 will broadly achieve its objectives;
  - Clause 6.8 Seniors housing – self contained dwellings in Zone R2 (KLEP 2012) since the intent of the clause will be achieved by the proposed Clause 6.13; and
  - Clause 6.9 Development in Zone B6 (KLEP 2012) since the proposed Clause 6.14 will achieve its objectives.
- Including the following provisions:

Clause	HLEP 2012	KLEP 2012	GRLEP 2020	Explanation	Department comment
6.1 Acid sulfate soils	✓	✓	✓	As per the model provision (MP).	Satisfactory
6.2 Earthworks	✗	✓	✓	As per the MP.	Satisfactory
6.3 Flood planning	✗	✓	✓	Expands the application of the clause from the KLEP 2012 area to the whole LGA. Applies the clause to a broad spectrum of flood affected land which is depicted on two maps. Further consideration of this clause and the accompanying mapping is located in <b>Appendix 2.5.1</b> .	Satisfactory, subject to conditions
6.4 Stormwater management	✗	✗	✓	Introduces a provision to apply across the LGA to ensure the impacts of urban stormwater runoff is minimised upon the surrounding land, and to protect the environmental health of Georges River and Salt Pan Creek.	Satisfactory

Clause	HLEP 2012	KLEP 2012	GRLEP 2020	Explanation	Department comment
6.5 Foreshore area and coastal hazards and risks	x	x	✓	Implements the Foreshore Strategic Directions Paper by requiring significant development in the foreshore area, riparian land and areas affected by future sea level rise to consider the impact of sea level rise and tidal inundation, impacts on the water quality of Georges River, and other coastal hazards. Further consideration is located at <b>Appendix 2.5.3</b> .	Satisfactory, subject to conditions
6.6 Foreshore scenic protection area	✓	x	✓	Modifies the clause of HLEP 2012 and extends its application across to areas within KLEP 2012, whereby development must respond to the existing environmental, social and character values of the foreshore by ensuring development is compatible with the desired future neighbourhood character and minimise potential impacts on views to and from the Georges River, foreshore reserves, residential areas and public places. Further consideration of the clause and the modified area depicted on the Foreshore Scenic Protection Area (FSPA) map is located in <b>Appendix 2.5.4</b> .	Satisfactory, subject to conditions
6.7 Airspace operations	✓	✓	✓	As per the MP.	Satisfactory
6.8 Development in areas subject to aircraft noise	x	✓	✓	As per the MP. However, it is noted there is a minor error regarding the applicable Australian Standard that is referenced. See <b>Section 4.4</b> for further discussion.	Satisfactory
6.9 Essential services	✓	x	✓	Applying across the LGA a requirement that services essential for the proposed development are available or that adequate arrangements have been made to make them available when required. See <b>Appendix 2.5.5</b> .	Satisfactory
6.10 Design excellence	x	x	✓	A new clause to give effect to the LSPS vision for well designed development. Applies to new development or substantial redevelopment of 12m or above in business, industrial and R4 zones, as well as certain development in the FSPA. Further consideration is found in <b>Appendix 2.5.6</b> .	Satisfactory, subject to conditions
6.11 Environmental sustainability in certain business, industrial and residential zones	x	x	✓	A new clause applying to new development or substantial redevelopment of buildings 1,500sqm or greater in GFA on business, industrial or R4 zoned land. The clause requires development to exhibit the best practice principles of environmentally sustainable development. Further consideration is found in <b>Appendix 2.5.7</b> .	Satisfactory, subject to conditions



Clause	HLEP 2012	KLEP 2012	GRLEP 2020	Explanation	Department comment
6.12 Landscaped areas in certain residential and environmental protection zones	x	x	✓	A new clause specifying minimum landscaped area requirements for development in R2, R3, R4 and E2 zones. The area requirements differ based on the type of development, its location and the zone. Further consideration is located in <b>Appendix 2.5.8</b> .	Satisfactory, subject to conditions
6.13 Development for the purposes of dual key dwellings in Zones R2 and R3	x	x	✓	A new clause which enables development of an internal secondary dwelling, defined as a dual key dwelling, up to a maximum of 75sqm when wholly contained within the building of an existing principal dwelling. Further consideration is found in <b>Appendix 2.5.9</b> .	Satisfactory for consultation
6.14 Development in certain business zones	x	x	✓	Achieves a similar objective to the existing Active Street Frontage local provision of HLEP 2012 and applies to all business zones in the LGA where shop top housing is permitted. The clause requires development to not include residential or tourist and visitor accommodation land uses on the ground floor of a building facing the street. The clause also requires a minimum of 500sqm of non-residential floor space at the ground floor of development in the B6 zone. Further consideration is found in <b>Appendix 2.5.10</b> .	Satisfactory
6.15 Office premises in Zone IN2	x	x	✓	A new clause applied to the IN2 zone which permits an additional office premises on the same land as an industrial use, equating to a maximum of 10% of the GFA of the industrial activity and its existing associated office. Further assessment is located at <b>Appendix 2.5.11</b> .	Unsatisfactory
6.16 Take away food and drink premises and restaurants or café in Zone IN2	x	x	✓	A new clause applying to the IN2 zone which restricts take away food and drink premises and restaurants or cafes to a maximum of 20% of the GFA of the industrial activity located on the same land, or 200sqm, whichever is lesser. See <b>Appendix 2.5.12</b> .	Satisfactory
6.17 Creative industries in Zone IN2	x	x	✓	A new provision to apply to the Penshurst Lane and Halstead Street IN2 zones which permits certain types of office development for creative purposes. Further consideration is found in <b>Appendix 2.5.13</b> .	Satisfactory, subject to conditions

Clause	HLEP 2012	KLEP 2012	GRLEP 2020	Explanation	Department comment
6.18 Location of sex services premises	✓	✓	✓	Harmonises the existing clauses in HLEP 2012 and KLEP 2012 to minimise land use conflict and adverse amenity impacts associated with sex services premises. <b>Appendix 2.5.14.</b>	Satisfactory

### Schedule 1 Additional permitted uses

The proposal involves a schedule which:

- Consolidates the schedules of HLEP 2012 and KLEP 2012;
- In accordance with the Commercial Centres Strategy, incorporates two sites into the adjacent business zone (See **Appendix 6** for more detail);
- Inserts all sites with existing places of public worship within the R2 zone to ensure permissibility following the prohibition of places of public worship in the R2 zone (See **Appendix 2.2.3** for more detail); and
- Inserts 'entertainment facility' as an additional permitted use at Jubilee Stadium to reflect the LSPS vision for the facility as a regionally significant sporting and entertainment hub (see **Appendix 2.6**).

See **Appendix 2.6** for more detailed consideration of the proposed Schedule 1.

### Schedule 2 Exempt development

The proposal deletes all existing exempt development provisions in the existing LEPs to instead rely upon the provisions of SEPP (Exempt and Complying Development Codes) 2008 (Codes SEPP). It is in accordance with the SI and is acceptable.

### Schedule 3 Complying development

No additional complying developments are nominated in addition to those specified in existing SEPPs. It is in accordance with the SI and acceptable.

### Schedule 4 Classification and reclassification of public land

No items in this schedule are proposed.

### Schedule 5 Environmental heritage

The proposed schedule involves:

- Consolidating the schedules of HLEP 2012 and KLEP 2012;
- Deleting four local heritage items as recommended by the Hurstville Heritage Review; and
- Amending the description of 19 heritage items to reflect the significance of their built form and setting, as recommended by the draft recommendations of the incomplete *Hurstville Heritage Review*.

See **Appendix 2.7** for consideration of the proposed heritage schedule.

#### Schedule 6 Pond-based and tank-based aquaculture

The schedule is proposed exactly as per the Standard Instrument.

#### Dictionary

The dictionary is proposed as per the Standard Instrument, with the exception of additional and amended definitions considered throughout **Appendix 2**.