

AGENDA - LPP

Meeting:	Georges River Local Planning Panel (LPP)
Date:	Thursday, 06 February 2020
Time:	4.00pm
Venue:	Council Chambers, Civic Centre, Hurstville
Panel Members:	Adam Seton (Chairperson) Michael Leavey (Expert Panel Member) John Brockhoff (Expert Panel Member) Erin Sellers (Community Representative)

1. On Site Inspections - Not required

Break - 3.30pm

2. Public Meeting – Consideration of Items 4.00pm–6.00pm

Public Meeting Session Closed - 6.00pm
(Break – Light Supper served to Panel Members)

3. Reports and LPP Deliberations in Closed Session - 6.30pm

**LPP001-20 Planning Proposal - Georges River Local Environmental Plan 2020
for Gateway Determination - PP2019/0004**
(Report by Strategic Planner/Urban Designer)

4. Confirmation of Minutes

**REPORT TO GEORGES RIVER COUNCIL
LPP MEETING OF THURSDAY, 06 FEBRUARY 2020**

LPP001-20

LPP Report No	LPP001-20	Development Application No	PP2019/0004
Site Address & Ward Locality	Planning Proposal - Georges River Local Environmental Plan 2020 for Gateway Determination		
Proposed Development	Principal LEP for the Georges River LGA		
Owners	N/A		
Applicant	Georges River Council		
Planner/Architect	N/A		
Date Of Lodgement	N/A		
Submissions	N/A		
Cost of Works	N/A		
Local Planning Panel Criteria	Delegated planning proposal authority pursuant to Section 378 of the Local Government Act 1993		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	N/A – Planning Proposal		
List all documents submitted with this report for the Panel's consideration	Attachment 1 - Planning Proposal Report for Georges River Local Environmental Plan 2020 Attachment 2 - Appendix 1 of the Planning Proposal Report – draft Georges River Local Environmental Plan 2020 Attachment 3 - Appendix 2 of the Planning Proposal Report – Region Plan / District Plan / LSPS Compliance Table Attachment 4 - Appendix 3 of the Planning Proposal Report – Justification: Development Standards Attachment 5 - Appendix 4 of the Planning Proposal Report – Justification: Additional Local Provisions Attachment 6 - Appendix 5 of the Planning Proposal Report – Consistency with State Environmental Planning Policies Attachment 7 - Appendix 6 of the Planning Proposal Report – Consistency with S9.1 Ministerial Directions Attachment 8 - Appendix 7 of the Planning Proposal Report – Mapping Attachment 9 - Draft Local Strategic Planning Statement 2040 Attachment 10 - Draft Local Strategic Planning Statement Implementation Plan Attachment 11 - Local Housing Strategy Evidence Base Attachment 12 - Inclusive Housing Strategy – Stage 1 Assessment of Housing Needs Attachment 13 - Draft Commercial Centres Strategy – Part 1 (including Commercial Centres Economic Study) Attachment 14 - Industrial Lands Review Attachment 15 - Tidal Inundation Study Attachment 16 - Foreshore Strategic Directions Paper Attachment 17 - Infrastructure Integration Advice Roadmap Attachment 18 - Recommendations of the Hurstville Heritage Review Attachment 19 - Instrument of Delegation (NOTE: REFER TO THE PLANNING PROPOSAL PAGE ON COUNCIL'S WEBSITE FOR ALL ATTACHMENTS)		
Report prepared by	Strategic Planner/Urban Designer		

Recommendation	(a) That the Local Planning Panel notes the delegation to it to exercise the functions of the planning proposal authority for
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the *Georges River Local Environmental Plan 2020*.

- (b) That the Local Planning Panel endorses the Planning Proposal (PP2019/0004) for the *Georges River Local Environmental Plan 2020* to be forwarded to the Minister for Planning and Public Spaces for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
- (c) That the Local Planning Panel notes that pursuant to Section 2.20(4) of the *Environmental Planning and Assessment Act 1979*, Council staff are to carry out the administrative functions in relation to the *Georges River Local Environmental Plan 2020*, including but not limited to community consultation.
- (d) That subject to the grant of any Gateway Determination, the Planning Proposal be placed on formal public exhibition in accordance with the conditions of any Gateway Determination issued by the Department of Planning, Industry and Environment.
- (e) That the Local Planning Panel requests the Minister or its delegate undertake local plan-making authority functions in finalising the *Georges River Local Environmental Plan 2020* after the public consultation process has concluded.

Executive Summary

1. On 7 September 2018, Council received funding from the NSW Government for an accelerated review of Council's existing Local Environmental Plans ("LEPs") and preparation of a new LEP that aligns with the priorities outlined in the *South District Plan*. Council is required to submit the LEP for final legal drafting by 30 June 2020.
2. This Planning Proposal was reported to Council's Environment and Planning Committee on 11 November 2019 and subsequently to Council at its meeting on 25 November 2019. However, Council was unable to form a quorum and exercise its planning proposal authority functions at both meetings as a result of Councillors appropriately managing pecuniary conflicts of interest in accordance with Council's Code of Conduct (adopted 27 May 2019 and reflects the *NSW Model Code of Conduct 2018*).
3. In accordance with the General Manager's delegated functions under Section 377 of the *Local Government Act 1993* ("LG Act"), Council's Acting General Manager sub-delegated Council's functions as the planning proposal authority to the Georges River Local Planning Panel ("LPP") for the purpose of submitting this Planning Proposal for a Gateway Determination to the Department of Planning, Industry and Environment ("DPIE"), pursuant to Section 378 of the LG Act on 21 January 2020. The signed Instrument of Delegation is provided in **Attachment 19**.
4. Council currently has three LEPs in effect:
 - *Kogarah Local Environmental Plan 2012* ("KLEP 2012");
 - *Hurstville Local Environmental Plan 2012* ("HLEP 2012"); and

- *Hurstville Local Environmental Plan 1994 (“HLEP 1994”)*.
5. *KLEP 2012* and *HLEP 2012* are in the standard form as prescribed in the *Standard Instrument (Local Environmental Plans) Order 2006*. *HLEP 1994* is not in the standard form as it was made prior to the standardisation of LEPs and applies only to the land deferred from *HLEP 2012* (Deferred Matter).
 6. At its meeting dated 26 February 2018, Council resolved to prepare a principal LEP for the Georges River LGA which gives effect to the *South District Plan*. At this meeting, Council also resolved to prepare a local strategic planning statement (“LSPS”) to inform the preparation of the principal Georges River LEP.
 7. Council’s LSPS commits to a range of actions which will deliver the longer term land use vision for the LGA through a staged approach via the preparation of a number of LEPs due to the detailed investigations required to support the full suite of changes proposed.
 8. Some of the Actions of the LSPS result in changes as outlined in this Planning Proposal. Others require studies and investigations to be carried out to inform future LEP amendments or further action.
 9. The staged approach to the principal Georges River LEP endorsed by Council at its meeting dated 23 April 2019 and 28 October 2019 is as follows:
 - Stage 1: Housing and Harmonisation (this Planning Proposal)
 - Harmonise the existing LEPs
 - Seek to achieve housing targets through up-zoning certain areas
 - Stage 2: Housing Choice (scheduled for 2021)
 - Seek to promote inclusive and affordable housing
 - Investigate big house conversions and build to rent
 - Stage 3: Jobs and Activation (scheduled for 2022)
 - Review development standards in centres
 - Infrastructure delivery mechanisms
 - Hurstville City Centre and Beverly Hills Local Centre masterplanning
 - Stage 4: Housing and Future Growth (scheduled for 2025 and beyond)
 - Focus on land use changes beyond the next 5 years
 10. The purpose of this Planning Proposal is to harmonise the existing Hurstville and Kogarah LEPs into a principal Georges River LEP so that a single consistent approach is applied to planning and development across the LGA, and new controls are introduced to ensure consistency with the *South District Plan* and the LSPS.
 11. The objectives of this Planning Proposal are to:
 - Give effect to the *South District Plan* by addressing its Planning Priorities and Actions;
 - Implement the LSPS vision for the LGA by addressing its Local Planning Priorities and Actions;

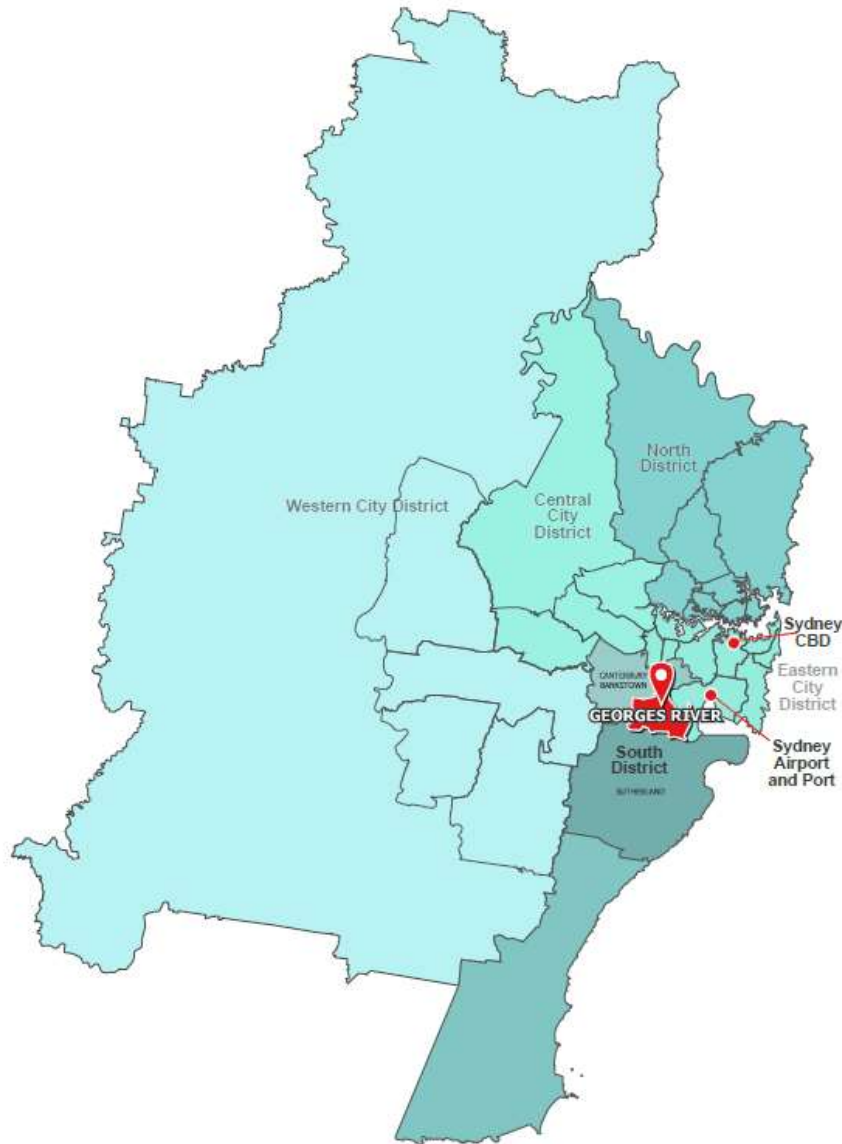
- Meet the *South District Plan* housing targets;
 - Identify additional housing opportunities through the harmonisation of existing LEPs;
 - Retain and manage industrial and urban services land;
 - Provide a regulatory environment that enables economic opportunities;
 - Protect future transport and infrastructure corridors;
 - Facilitate opportunities for creative and artistic industries; and
 - Identify, conserve and enhance environmental heritage.
12. This Planning Proposal has been prepared in accordance with a number of overarching principles as outlined below:
- Achieve equity across the LGA through the harmonisation process, particularly in respect to development potential and the management of environmental hazards and risks;
 - Retain existing controls where the status quo can be maintained;
 - Develop a hierarchy of residential zones to ensure development typologies reflect the objectives of the respective zone, including a ‘true’ medium density residential zone;
 - Protect the amenity and local character of low density residential areas;
 - Provide high density residential areas with opportunities for greater activation;
 - Facilitate employment growth in centres, particularly in mixed used zones;
 - Protect industrial zoned land whilst allowing greater land use and development flexibility;
 - Promote good design and environmentally sustainable practices in larger developments;
 - Enhance and protect the natural environment, especially in the foreshore localities along the Georges River;
 - Formalise key infrastructure uses such as schools and hospitals; and
 - Adopt the model provisions for Standard Instrument LEPs as provided by the DPIE where applicable.
13. This report provides a summary of the provisions proposed by the *Georges River Local Environmental Plan 2020* (“*GRLEP 2020*”). A copy of the draft *GRLEP 2020* is provided in **Attachment 2**.
14. The detailed rationale and justification for the proposed provisions are provided in the Planning Proposal Report (refer **Attachment 1**) and its supporting Appendices (refer **Attachments 3 – 6**).
15. In accordance with the Ministerial Direction for planning proposals, this Planning Proposal was referred to the LPP on 17 October 2019. At this meeting, it was recommended that this Planning Proposal for the *GRLEP 2020* be forwarded to the DPIE for a Gateway Determination.
16. This report recommends that the LPP endorse the Planning Proposal to be forwarded to the DPIE for a Gateway Determination.

Report in Full

The Locality

17. On 12 May 2016, the Minister for Local Government announced the newly formed Georges River Council (“Council”), which was formed out of the amalgamation of the former Kogarah City Council and the former Hurstville City Council.
18. The Georges River local government area (“LGA”) includes the suburbs of Allawah, Beverley Park, Beverly Hills (part), Blakehurst, Carlton (part), Carss Park, Connells Point, Hurstville, Hurstville Grove, Kingsgrove (part), Kogarah (part), Kogarah Bay, Kyle Bay, Lugarno, Mortdale, Narwee (part), Oatley, Peakhurst, Peakhurst Heights, Penshurst, Ramsgate (part), Riverwood, Sans Souci (part) and South Hurstville.
19. The LGA is 38 square kilometres with approximately 153,450 people (as per 2016 Census) residing in the area.
20. The LGA is bounded by Sutherland Shire Council, Canterbury-Bankstown Council and Bayside Council.
21. Georges River Council (“GRC”) is part of the South District (refer to **Figure 1**) as identified by the Greater Sydney Commission (“GSC”) in its *Greater Sydney Region Plan – A Metropolis of Three Cities*. The South District is comprised of Canterbury-Bankstown Council, Sutherland Shire Council and GRC.

Figure 1 – Location of GRC in the context of Greater Sydney



22. Bayside Council is located in the Eastern District, despite sharing a boundary with GRC, Sutherland Shire Council and Canterbury-Bankstown Council.

Background – Planning Proposal Authority

23. Under Section 3.32 of the *Environmental Planning and Assessment Act 1979* (“EP&A Act”), Council is the planning proposal authority for the proposed *GRLEP 2020*. This Planning Proposal was reported to Council’s Environment and Planning Committee on 11 November 2019 and subsequently to Council at its meeting on 25 November 2019.
24. However, Council was unable to form a quorum at the Council meeting as a result of Councillors appropriately managing pecuniary conflicts of interest in accordance with the provisions of Council’s Code of Conduct (adopted 27 May 2019 and reflects the *NSW Model Code of Conduct 2018*). Under the Code of Conduct, Councillors with a pecuniary interest in a property that is not their principal place of residence must not participate in discussion or voting on an LEP matter.
25. The lack of quorum due to the extent of pecuniary interest held by the Councillors at the Council meeting on 25 November 2019 resulted in Council suspending standing orders

to consider an approach to enable the orderly and efficient processing of the LEP. At this meeting, the Council resolved:

PROCESSING OF Planning Proposal - Georges River Local Environmental Plan 2020

RESOLVED: *Councillor Katris / Councillor Tegg*

- (a) *That Council note that due to the nature and number of disclosures of interest made, Council will not have a quorum present for the consideration of ENV043-19 as part of the Public Forum, and also as part of consideration and voting of Item CCL072-19 Report of Environment and Planning Committee held on 11 November 2019.*
- (b) *That having regard to the lack of quorum, the General Manager request the Minister for Planning and Public Spaces, The Hon. Robert Stokes MP, to exercise his powers of delegation pursuant to Section 2.4(1)(b) of the Environmental Planning and Assessment Act 1979 (NSW), and delegate all plan making powers in relation to the Georges River Local Environmental Plan 2020 to the Greater Sydney Commission as a matter of urgency.*

RECORD OF VOTING:

For the Motion: Unanimous

26. In accordance with this resolution, Council wrote to the Minister on 29 November 2019.
27. Council received advice from the Acting Deputy Secretary of the DPIE on 19 December 2019 which states that the Minister would not appoint the GSC as the appropriate authority to be delegated plan making powers in relation to the *GRLEP 2020*.
28. DPIE indicated that to progress the Planning Proposal, there are three options:
1. **Georges River Local Planning Panel** – Council delegate its planning proposal authority functions to the LPP (the letter identifies this as the most expedient of the three options);
 2. **Another planning proposal authority** – the Secretary or another Departmental Executive under delegation be appointed as the planning proposal authority; or
 3. **Planning administrator** – appoint a planning administrator to take over Council's planning proposal authority functions.
29. The DPIE letter recommends that Council pursue the first option in moving forward by delegating its planning proposal authority functions to the LPP in the interest of expediting the submission of the Planning Proposal for Gateway and to ensure local ownership of the draft *GRLEP 2020*.
30. Council sought independent legal advice to review the practicality of the three options. Pursuant to that advice, Council has formed the view that the General Manager has the delegated authority to exercise the functions of Council and appoint the LPP as the planning proposal authority.
31. Pursuant to Section 378 of the *Local Government Act 1993* ("LG Act"), the Acting General Manager has sub-delegated Council's functions as the planning proposal authority to the LPP for the purpose of submitting this Planning Proposal for the *GRLEP*

2020 for a Gateway Determination to the DPIE on 21 January 2020, The signed Instrument of Delegation is provided in **Attachment 19**.

32. Council staff will continue to carry out the administrative functions required to deliver the final plan for the draft *GRLEP 2020*, including the work required for public exhibition in accordance with Gateway conditions, the post-exhibition consideration of submissions and potential amendments as result of community feedback.

Background – Local Plan-Making Authority

33. Under Section 3.31 of the EP&A Act, the role of the local plan-making authority can be undertaken by the Minister or the local council. Due to the lack of quorum, Council cannot undertake its local plan-making authority functions and subsequently sought legal advice pertaining to the appointment of the LPP as the local plan-making authority. Pursuant to that advice, Council has formed the view that the Minister cannot delegate the Council's local plan-making powers to the LPP.
34. The DPIE's *A guide to preparing local environmental plans (December 2018)* identifies that a council may request to not undertake local plan-making authority functions in finalising a draft LEP. In accordance with Section 3.31 of the EP&A Act, the Minister or its delegate may undertake the functions of the local plan-making authority at Council's request.
35. Accordingly, Council will request that the Minister or its delegate undertake local plan-making authority functions in finalising the *GRLEP 2020*. This request will occur at the time of the Planning Proposal's submission to DPIE for a Gateway Determination.

Strategic Context

36. The future vision for Greater Sydney to 2056 is clearly established in the *Greater Sydney Region Plan – A Metropolis of Three Cities* ("Region Plan") and the supporting district plans released in March 2018. These plans are framed around 10 Directions relating to the four themes of infrastructure and collaboration, liveability, productivity and sustainability.
37. Councils are required to update their LEPs to give effect to the objectives and priorities identified in the relevant district plan. The *South District Plan* is the applicable district plan for the Georges River LGA.
38. To provide an alignment between the district and local levels of strategic planning, the State Government introduced legislation in early 2018 requiring councils to prepare a local strategic planning statement for the LGA which will set out:
- a. the 20 year vision for land use planning in the local area;
 - b. the special characteristics which contribute to the local identity;
 - c. the shared community values that are to be maintained and enhanced; and
 - d. how growth and change will be managed into the future.
39. In response to the legislative requirement, Council at its meeting dated 26 February 2018 resolved to prepare a local strategic planning statement for the Georges River LGA. In accordance with this resolution, the *Local Strategic Planning Statement 2040* ("LSPS") has been prepared to provide the 'line of sight' between the *South District Plan* and strategic planning and delivery at the local level through the Georges River LEP.

40. The LSPS sets out the land use vision for the next 20 years to strengthen the character of the LGA's suburbs and builds upon the social, environmental and economic values of the Georges River community. It is also a key resource in highlighting the changes which will shape the LGA's future and the actions that both Council and the State Government will take to create a future City which is desirable to its community, visitors and investors.
41. The LSPS builds on the community's aspirations and expectations expressed in Council's *Community Strategic Plan 2018-2028* ("CSP") and the six pillars of:
- A protected environment and green open spaces
 - Quality, well planned development
 - Active and accessible places and spaces
 - A diverse and productive economy
 - A harmonious and proud community with strong social services and infrastructure
 - Leadership and transparency
42. To further refine the community's aspiration for the LGA in addition to those expressed in the CSP, extensive community consultation (Stage 1) was undertaken in March 2019 as part of the two-staged consultation program for the LSPS to gather community input on the draft vision, local planning priority outcomes and the criteria for strategic planning.
43. Informed by the community feedback gathered in Stage 1 of the consultation process and an extensive evidence base as summarised later in this report, the 2040 land use vision is explored through five interrelated themes in the LSPS:
- Access and movement;
 - Infrastructure and community;
 - Housing and neighbourhoods;
 - Economy and centres; and
 - Environment and open space.
44. The LSPS has been prepared comprising of these five themes, each with supporting Local Planning Priorities and Actions. It is identified that a number of LEP amendments are required to be prepared incrementally so that further detailed investigations can be conducted to support the full scope of land use changes proposed. The staged approach to preparing the principal Georges River LEP is discussed later in this report.
45. Stage 2 of the LSPS consultation program occurred from 26 June to 7 August 2019 when the completed draft LSPS was publicly exhibited. With consideration of the submissions received from the community and government agencies, the LSPS was revised and reported to Council on 28 October 2019.
46. At its meeting on 28 October 2019, Council resolved to endorse the revised LSPS for submission to the GSC for their approval to formally adopt the *LSPS 2040* for the Georges River LGA.
47. Council's LSPS and its Implementation Plan are provided in **Attachments 9 and 10**.

Principal LEP for Georges River Council

48. Council currently has three LEPs in effect:

- *Kogarah Local Environmental Plan 2012* (“KLEP 2012”);
 - *Hurstville Local Environmental Plan 2012* (“HLEP 2012”); and
 - *Hurstville Local Environmental Plan 1994* (“HLEP 1994”).
49. *KLEP 2012* and *HLEP 2012* are in the standard form as prescribed in the *Standard Instrument (Local Environmental Plans) Order 2006*. *HLEP 1994* is not in the standard form as it was made prior to the standardisation of LEPs and applies only to the land deferred from *HLEP 2012* (Deferred Matter).
50. Whilst *KLEP 2012* and *HLEP 2012* are in the standard form, both instruments have different objectives, zoning patterns, local provisions and development controls. Harmonisation of the existing LEPs is required to provide a consistent planning approach.
51. At its meeting dated 26 February 2018, Council resolved to prepare a principal LEP for the Georges River LGA which gives effect to the *South District Plan*. At this meeting, Council also resolved to prepare a housing strategy and a local strategic planning statement to inform the preparation of the principal Georges River LEP.
52. As noted earlier in this report, Council’s LSPS proposes a staged approach to preparing the principal Georges River LEP due to the detailed investigations required to support the full suite of changes proposed. This approach was endorsed by Council at its meetings dated 23 April 2019 and 28 October 2019.
53. The staged approach to preparing the Georges River LEP is outlined as follows:
- Stage 1: Housing and Harmonisation (this Planning Proposal)
 - Harmonise the existing LEPs
 - Seek to achieve housing targets through up-zoning certain areas
 - Stage 2: Housing Choice (scheduled for 2021)
 - Seek to promote inclusive and affordable housing
 - Investigate big house conversions and build to rent
 - Stage 3: Jobs and Activation (scheduled for 2022)
 - Review development standards in centres
 - Infrastructure delivery mechanisms
 - Hurstville City Centre and Beverly Hills Local Centre masterplanning
 - Stage 4: Housing and Future Growth (scheduled for 2025 and beyond)
 - Focus on land use changes beyond the next 5 years
54. The main purpose of this Planning Proposal is to harmonise the existing LEPs into a principal Georges River LEP so that a single, consistent approach is applied to planning and development across the LGA, and new controls are introduced to give effect to the Planning Priorities and Actions of the *South District Plan* and the LSPS. These proposed provisions are informed by an extensive evidence base drawn from Council’s strategies and studies.

Key Council Strategies and Studies

55. The LSPS and this Planning Proposal have been informed by an extensive evidence base comprising of specialist reports that have been prepared in response to the knowledge gaps identified through Council's LEP review process.
56. These strategies and studies respond to the four themes of infrastructure and collaboration, liveability, productivity, and sustainability that underpin the *Region Plan* and *South District Plan*.
57. This report provides a summary of the key strategies and studies that have informed the preparation of this LEP and resulted in notable changes. The full suite of relevant strategies and studies are listed in the LSPS.




Draft Local Housing Strategy



58. Council's *Local Housing Strategy* intends to set a clear plan for the provision of housing in the Georges River LGA over the next 10 and 20 years. The Strategy provides the link between GRC's visions for housing and the Actions of the *South District Plan* by presenting Council's response to how the housing target will be delivered locally.
59. The *South District Plan* sets a five-year (2016 to 2021) housing target of 4,800 additional dwellings for the Georges River LGA. However, the Plan provides Council with the opportunity to develop its own 6-10 year housing targets by demonstrating capacity for steady housing supply into the medium term.
60. The *South District Plan* also emphasises the need to plan for the 20-year strategic housing target. An additional 13,400 dwellings is prescribed by the State Government as the 2036 housing target for the Georges River LGA.
61. The *Local Housing Strategy Evidence Base* ("Evidence Base"), has been completed (refer **Attachment 11**) as the first stage in the preparation of the *Local Housing Strategy*. The *Evidence Base* conducts a review of the current and future population and housing trends for the LGA for the purpose of reviewing the 2036 housing target.
62. The *Evidence Base* was endorsed by Council at its meeting dated 24 June 2019 for public exhibition, and was publicly exhibited with the draft LSPS from 26 June to 7 August 2019.
63. Through its review process, the *Evidence Base* identifies a revised 20-year housing target of an additional 14,000 new dwellings. It also identifies that under existing planning controls, the LGA will be able to provide over 12,000 new dwellings which means that the planning framework will need to be adjusted to address the shortfall of approx. 2,000 dwellings in housing the future 2036 population.
64. The *Evidence Base* also highlights the significant shifts in housing consumption patterns in recent years and reveals the housing preferences that are occurring due to demographic and social change in GRC's population.
65. Over the next 20 years, the most significant growth will occur in the 'couples with children' household whilst the 'couples without children' and 'lone person' household types are also forecasted to increase, driven by migration and an ageing population.
66. Informed by the *Evidence Base*, the *Local Housing Strategy* is currently being prepared based on the following key findings and policy implications:

- Meeting the *South District Plan* housing targets;
 - Responding to the *LSPS 2040* Planning Priorities and Actions;
 - Identifying additional housing opportunities through the harmonisation of the existing Hurstville and Kogarah LEPs;
 - Supporting ageing in place;
 - Encouraging housing choices;
 - Facilitating the delivery of a diverse range of housing;
 - Considering mechanisms that deliver affordable and inclusive housing; and
 - Continuing to encourage housing growth along transport corridors.
67. A number of gaps and issues are identified by the *Housing Strategy* in response to the key findings from the *Evidence Base* and outcomes of the LSPS community engagement program. To address these gaps and issues, a number of housing objectives have been developed to set out the future policy direction for housing in the Georges River LGA.
68. These housing objectives are supported by a set of actions with the intent of informing the preparation of the Georges River LEP through the four stage approach. The key actions that have been critical in informing the preparation of the draft *GRLEP 2020* include:
- Create additional housing capacity by up-zoning appropriate areas;
 - Ensure up-zoned areas are selected in accordance with the criteria to guide growth outlined in the *LSPS 2040*;
 - Facilitate a broader range of housing types across the Georges River LGA to promote housing choice, including mechanisms to make housing more affordable;
 - Establish a hierarchy of residential zones that restricts low, medium and high density development to their respective zones;
 - Harmonise the existing minimum lot size requirements applied to residential areas;
 - Promote and protect local heritage;
 - Facilitate good design through LEP mechanisms; and
 - Promote principles of sustainable practice and environmentally sensitive design in major developments.
69. To ensure the Georges River LGA is able to provide capacity for additional housing into the medium term, the draft *Local Housing Strategy* identifies a number of residential areas to be investigated for their suitability in delivering additional housing capacity.
70. A preliminary assessment of these Housing Investigation Areas (identified in **Table 1** below) has been conducted based on their access to existing infrastructure and social services, such as schools, community facilities, open space and public transport to promote the efficient use of land and infrastructure. The preliminary assessment is also supported by a preliminary traffic study.

Table 1 – Proposed areas of housing growth

Housing Investigation Area	Explanation
1. Hurstville – Hillcrest Avenue	Existing zone: R2 Low Density Proposed zone: R4 High Density (12m height and 1:1 FSR)

Housing Investigation Area	Explanation
	<p>Potential number of additional dwellings resulting from rezoning: approx. +29 dwellings</p> <p>Justification: In close proximity to Hurstville Station and Hurstville City Centre. Supported by a number of community facilities and open space nearby, all within walking distance (400m or less). Will provide bulk and scale transition between adjacent low density and high density development typologies.</p>
<p>2. Penshurst – Apsley Estate</p> 	<p>Existing zone: R2 Low Density Proposed zone: R3 Medium Density (9m height and 0.7:1 FSR)</p> <p>Potential number of additional dwellings resulting from rezoning: approx. +183 dwellings</p> <p>Justification: In close proximity to both Hurstville and Penshurst Stations, and the Hurstville City Centre and Penshurst Local Centre. Supported by a number of community facilities and open space nearby, all within walking distance (400m or less).</p>
<p>3. Peakhurst – north and west of Peakhurst Park</p> 	<p>Existing zone: R2 Low Density Proposed zone: R3 Medium Density (9m height and 0.7:1 FSR)</p> <p>Potential number of additional dwellings resulting from rezoning: approx. +335 dwellings</p> <p>Justification: In close proximity to Riverwood Station and Riverwood Local Centre. Supported by open space nearby (Peakhurst Park). Will provide bulk and scale transition between adjacent low density and high density development typologies.</p>
<p>4. South Hurstville – Culwulla Street</p>	<p>Existing zone: R2 Low Density Proposed zone: R3 Medium Density (9m height and 0.7:1 FSR)</p>

Housing Investigation Area	Explanation
	<p>Potential number of additional dwellings resulting from rezoning: approx. +57 dwellings</p> <p>Justification: In close proximity to bus stops on King Georges Road that offer frequent bus services to Hurstville Station. Supported by South Hurstville Local Centre, South Hurstville Library and a number of open spaces nearby, which are all within walking distance (400m or less). Will provide bulk and scale transition between adjacent low density and high density development typologies, and rationalise an existing zoning anomaly.</p>
<p>5. South Hurstville – Greenacre Road</p> 	<p>Existing zone: R2 Low Density Proposed zone: R3 Medium Density (9m height and 0.7:1 FSR)</p> <p>Potential number of additional dwellings resulting from rezoning: approx. +48 dwellings</p> <p>Justification: In close proximity to frequent bus services to Hurstville Station. Supported by South Hurstville Local Centre, South Hurstville Library and a number of open spaces nearby, which are all within walking distance (400m or less). Rationalises an existing zoning anomaly.</p>

71. Targeted engagement was conducted with the property owners within and adjacent to Housing Investigation Areas No.1, No.2, No.3 and No.4 between 3 September and 7 September 2019. They were invited to provide feedback on the proposed zoning and associated built form controls for the purpose of informing the LSPS. These Areas have been incorporated into the *LSPS 2040* as “Potential New Housing in LEP 2020 – Housing & Harmonisation”.
72. Targeted engagement was not conducted for Housing Investigation Area No.5 as this area was identified as an appropriate Housing Investigation Area by the community during Stage 2 of the LSPS community consultation process.
73. Through the development of the *Local Housing Strategy*, an additional Housing Investigation Area was proposed around Olds Park in Penshurst (refer **Table 2** below) which was also subject to the targeted engagement process. However, further

investigation indicates that this area is not suitable for housing growth because of its existing traffic issues as highlighted by the preliminary traffic study and the lack of accessibility to train stations and commercial centres. Accordingly, Council resolved to not proceed with the proposed up-zoning of this area at its meeting on 28 October 2019.

Table 2 – Olds Park Housing Investigation Area

Olds Park Housing Investigation Area	Explanation
	<p>Existing zone: R2 Low Density Proposed zone: R3 Medium Density (9m height and 0.7:1 FSR)</p> <p>Potential number of additional dwellings resulting from rezoning: approx. +219 dwellings</p> <p>Justification: Supported by open space (Olds Park) and Penshurst Library.</p>

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74. The feedback and comments received from the targeted engagement sessions are currently being considered by Council and will be incorporated into the *Local Housing Strategy*. The traffic study will also be finalised where the impacts of the proposed dwelling increase within each Housing Investigation Area will be assessed in relation to the road network.

75. Once the draft *Local Housing Strategy* is completed, endorsement will be sought from Council to exhibit the Strategy as a supporting document with this Planning Proposal.

Draft Inclusive Housing Strategy

76. Council in December 2018 commenced the preparation of the *Inclusive Housing Strategy* and the supporting Delivery Plan for the Georges River LGA as part of a staged approach.

77. The key aims of the *Inclusive Housing Strategy* are:

- To facilitate the provision of housing options to meet the needs of a wide range of users, including seniors, people with a disability, students, key workers, health visitors in the Kogarah Health and Education Precinct and the very low, low and moderate income households within the residential market;
- To develop planning controls and mechanisms that prevent the loss of existing and the delivery of new supplies of affordable housing;
- To advocate for, and build partnerships to increase affordable and liveable housing; and
- To explore options for managing affordable housing.

78. The *Inclusive Housing Strategy - Stage 1 Report - Assessment of housing needs* was completed and endorsed by Council for public exhibition at its meeting dated 24 June 2019. The *Stage 1 Report* (refer **Attachment 12**) highlights issues relating to housing cost, housing stress and the LGA’s demography. It was publicly exhibited as a supporting document with the draft LSPS from 26 June to 7 August 2019.

79. In early 2019, the application of *State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes)* (“SEPP 70”) was expanded to include all NSW councils with the intent of encouraging all NSW councils to investigate and develop an Affordable Housing Contributions Scheme (“AHCS”) to promote the delivery and maintenance of affordable housing.
80. The preparation of the final stage of the *Inclusive Housing Strategy* and the supporting Delivery Plan is underway. The Delivery Plan includes the preparation of the AHCS, which will set out how, where, and at what rate development contributions can be collected by Council for affordable housing.
81. The draft Delivery Plan is based on the following goals:
- Facilitate housing choice;
 - Establish a policy position that supports the delivery of inclusive housing; and
 - Facilitate the provision of affordable housing based on the following targets:
 - 2020 to 2025: deliver 14 affordable dwellings per year (equating to approx. 70 dwellings over 5 years)
 - 2025 to 2030: deliver 24 affordable dwellings per year (equating to approx. 120 dwellings over 5 years)
 - 2030 to 2040: deliver 34 affordable dwellings per year (equating to approx. 340 dwellings over 10 years)
82. The *Inclusive Housing Strategy* and the supporting Delivery Plan will inform the Stage 2 (Housing Choice) LEP in the staged LEP process. This Planning Proposal does not propose the implementation of delivery mechanisms for affordable housing. However, the Strategy will establish a policy position that affordable housing will be provided through planning proposals and the associated voluntary planning agreement process in the short term with exploration of provisions for affordable housing through infill development in future LEPs.
83. Once the draft *Inclusive Housing Strategy* is completed, endorsement will be sought from Council to exhibit the strategy as a supporting document with this Planning Proposal.

Draft Commercial Centres Strategy

84. The *Georges River Commercial Centres Strategy* is currently being prepared in two parts (Part 1 and Part 2) to support the staged approach to drafting the principal Georges River LEP.
85. The draft *Part 1 Centres Analysis* (refer **Attachment 13**) was endorsed by Council at its meeting dated 24 June 2019 for public exhibition, and was publicly exhibited with the draft LSPS from 26 June to 7 August 2019.
86. *Part 1 Centres Analysis* has been finalised with consideration of the submissions received and is scheduled to be reported to Council in February seeking its adoption as a strategic planning document, prior to the public exhibition of this Planning Proposal.
87. The primary purpose of this Part is to inform the preparation of *GRLEP 2020* and its accompanying development control plan. This Part conducts a stocktake of all 48

commercial centres in the LGA through a holistic approach with the intention of harmonising the existing planning frameworks that govern the future development of these centres.

88. Part 1 of the Strategy undertook a detailed economic analysis which projects the long term employment floor space demand of all centres based on the future population growth, through the preparation of the *Commercial Centres Economic Study* (provided in **Attachment 13**). This evidence base has informed the development of a centres hierarchy based on the existing provision of retail floor space within each centre. The hierarchy is comprised of 6 classifications with the following breakdown:
- 2 Strategic centres
 - 7 Local centres
 - 5 Villages
 - 10 Small villages
 - 24 Neighbourhood centres
 - 1 B6 Enterprise Corridor
89. Part 1 also looks at the inconsistencies and deficiencies of the current planning framework with recommendations to harmonise the permissible land uses, to introduce land uses that will promote employment in response to the emerging economic trends and drivers, and to investigate the appropriate mix required between employment and residential floor space in mixed use developments.
90. Part 2 of the Strategy is currently being prepared to inform Stage 2 of the LEP process. Through a place-based planning approach, this Part will consider the roles and functions of all 48 commercial centres and provide centre-specific objectives, built form controls and guidelines and investigate the potential expansion of appropriate centres.

Industrial Land Review

91. The *Industrial Land Review* (refer **Attachment 14**) was endorsed by Council at its meeting dated 17 December 2018. It provides a detailed analysis of industrial precincts in the LGA, including a detailed demand and supply analysis of industrial lands and assessment of the suitability of each industrial precinct for local and/or strategic industrial uses.
92. The findings highlight the need for industrial land to be retained and managed across the Georges River LGA in line with the policy direction of the *South District Plan*.
93. It also provides Council and landowners with a clear strategic direction for the development of employment lands across the LGA to ensure that sufficient land is zoned to accommodate future employment growth, particularly in light of pressure from landowners to rezone industrial land.

Foreshore Study

94. The *Foreshore Study* is comprised of two studies that review the existing planning controls in the foreshore localities of the Georges River through the lenses of environmental hazards and local character. The key drivers for this Study are broadly summarised as follows:

- Land use conflicts caused by the attraction of foreshore living and the loss of scenic and environmental values through increased development and subdivision;
- Climate change and coastal inundation impacts such as sea level rise and the risk to life and damage to property; and
- Lack of coordinated directions for foreshore management within Council due to the introduction of new State legislations which require local policy responses to climate change and sea level rise.

95. The *Foreshore Study* will be exhibited with this Planning Proposal as a supporting document.

Tidal Inundation Study

96. This Study (refer **Attachment 15**) determines the tidal inundation level in the Georges River foreshore at present and for future timeframes through hydraulic modelling to map the extent of sea level rise. Sea level rise is recognised as a significant coastal hazard with associated social, financial and environmental risks.

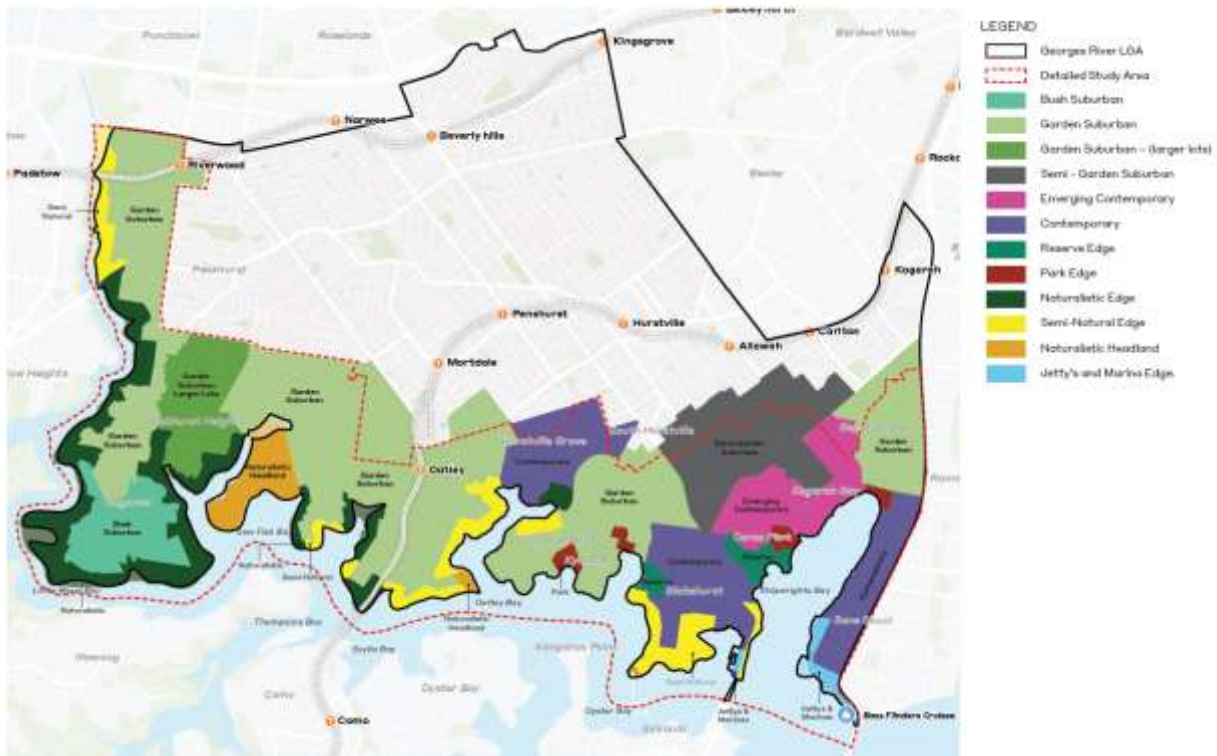
97. The extent of tidal inundation level identified by this Study has informed the areas affected by future sea level rise shown on the proposed Coastal Hazard and Risk Line Map. Further explanation is provided under the “Additional local provisions” heading of this report.

Foreshore Strategic Directions Paper

98. This Paper (refer **Attachment 16**) evaluates the current policy framework to identify key issues, emerging directions and key principles that will form the foundation for the preparation of new foreshore planning controls.

99. As part of this Paper, a visual character assessment was undertaken of the foreshore localities to the ridgelines (as viewed from the water) and waterways along the land and water interface. As a result, the study area is categorised into distinct character areas (refer **Figure 2** below) to allow for the designation of a rating system in terms of the overall character value and the area’s sensitivity to change such as tree clearing, larger scale development, altered geology through cut and fill, and the replacement of incongruous development with contemporary styles.

Figure 2 – Foreshore character typologies



100. The common characteristics and attributes of the character areas that are considered as having a High or Very High sensitivity rating are high levels of tree coverage, steep or undulating terrain with distinctive ridgelines, all with minimal visible built form.
101. These character typologies with High or Very High sensitivity ratings listed below generally have an interface with the Georges River and are predominantly located along the waterfront and towards the west of the study area:
- Bush Suburban
 - Garden Suburban (larger lots)
 - Reserve Edge
 - Park Edge
 - Naturalistic Edge
 - Semi-Natural Edge
 - Naturalistic Headland
102. Character areas to the east of Georges River are largely assessed as having a lower sensitivity rating. This is due to the flatter topography, lower vegetation coverage as a result of contemporary developments and the dominant built form character.
103. The detailed character analysis conducted by this Paper has informed the preparation of the proposed foreshore scenic protection area extent shown on the Foreshore Scenic Protection Area Map. Further explanation is provided under the “Additional local provisions” heading of this report.
- Infrastructure Integration Advice Roadmap*
104. Preparation of advice to Council for infrastructure integration has been completed to inform Council’s LSPS and the principal Georges River LEP.

105. The *Infrastructure Integration Advice Roadmap* conducts a gap analysis which identifies data gaps in relation to economic, social and green infrastructure outcomes.
106. The Roadmap will assist Council in understanding the critical infrastructure that is required to support housing and employment growth over the short, medium and long term in alignment with the LSPS Actions. The data gaps that have not been able to be addressed in *LSPS 2040* will be reviewed and considered as part of future policy work and/or work programs in accordance with the commitment given at Council's meeting on 28 October 2019.

Draft Hurstville Heritage Review

107. Council is currently preparing a review of the heritage items listed in Schedule 5 Environmental Heritage of the *HLEP 2012*.
108. The review comprises of three stages:
- Stage 1 - Review of heritage items in the Hurstville CBD (approx. 47 items)
 - Stage 2 - Review of remaining heritage items (approx. 105 items)
 - Stage 3 - Revise statement of significance for all heritage items recommended for re-listing
109. A summary of recommended amendments to be integrated into the *GRLEP 2020* is provided in **Attachment 18**.
110. The draft *Hurstville Heritage Review* will be exhibited with this Planning Proposal.
111. No review was conducted for heritage items under the *KLEP 2012* due to the recent review that was undertaken as part of the preparation of Amendment No.2 to the *KLEP 2012*, known as the New City Plan, which was gazetted on 26 May 2017.

Background – Councillor Workshops

112. A number of workshops were held with Councillors to inform the preparation of the *GRLEP 2020*. The proposed LEP clauses (refer **Attachment 2**) are a result of the discussions at these workshops.
113. A total of 5 workshops were held with each session focusing on a different section of the LEP. **Table 3** below outlines the content of each workshop.

Table 3 – Councillor workshops for the *GRLEP 2020*

Workshop No. and Date	Workshop Content
Workshop No.1 15 July 2019	<ul style="list-style-type: none"> • The staged approach to preparing the principal Georges River LEP • The overall aims of this LEP • The objectives of each land use zone • The permissible and prohibited land uses within each zone (Land Use Table)
Workshop No.2 27 July 2019	<ul style="list-style-type: none"> • Development standards for residential zones, including lot size, lot width, height and floor space ratio • The proposed zone and development standards for the <i>Local Housing Strategy's</i> Housing Investigation Areas • Development standards for industrial zones, including lot size,

Workshop No. and Date	Workshop Content
	height and floor space ratio <ul style="list-style-type: none"> • The extent of zoning and development standards for other zones, including RE1, RE2, SP2 and W2 zoned land • The gross floor area allocated to miscellaneous permissible uses • The number of days permitted for temporary use of land
Workshop No.3 5 August 2019	<ul style="list-style-type: none"> • The proposed local provisions including the objectives and application of each local provision • The content of the Schedules, including Schedule 1 Additional permitted uses, Schedule 2 Exempt development, Schedule 3 Complying development, and Schedule 5 Environmental heritage
Workshop No.4 2 September 2019	<ul style="list-style-type: none"> • Confirmed the intent and approach of all proposed local provisions
Workshop No.5 16 September 2019	<ul style="list-style-type: none"> • The properties to be retained for open space acquisition • The properties to be added to the land reservation acquisition map for additional open space in this LEP and future LEPs • Proposed local road widening • The insertion of entertainment facilities as an additional permissible use at Jubilee Stadium

LPP001-20

Background – Local Planning Panel Meeting

114. In accordance with the Ministerial Direction for planning proposals, this Planning Proposal was referred to the Georges River Local Planning Panel (“LPP”) on 17 October 2019.
115. At this meeting, the LPP recommended that this Planning Proposal for the *GRLEP 2020* be forwarded to the DPIE for a Gateway Determination. Refer to **Attachment 19** for the minutes of the LPP meeting dated 17 October 2019.
116. The LPP also suggested a number of amendments to the draft *GRLEP 2020* planning instrument to encourage better development outcomes in the LGA. Council’s response to the LPP’s suggestions is tabulated in **Table 4** below.

Table 4 – Amendments suggested by the LPP

LPP Suggestion	Council Response
Delete the overarching principle “Ensure harmonised controls do not result in the net loss of development potential” as this principle does not respond to the Planning Priorities or Actions of the <i>South District Plan</i> . Accordingly, this principle should not be utilised as the justification for proposed controls.	LPP suggestion is adopted – “Ensure harmonised controls do not result in the net loss of development potential” has been removed as an overarching principle and the Planning Proposal has been amended so that the proposed controls are justified against the relevant <i>South District Plan</i> Planning Priorities and Actions.
Consideration should be given to prescribing front setback distances for residential zones in the LEP.	LPP suggestion is noted. However, the front setback controls will be prescribed in the accompanying DCP 2020 which will be informed by streetscape assessments to determine the prevalent front setback distance.
Consider the insertion of flood controls to	LPP suggestion is adopted – the proposed Flood

LPP Suggestion	Council Response
<p>apply to development located on land affected by the Probable Maximum Flood (“PMF”).</p>	<p>Planning local provision has been amended to apply to development consisting of sensitive land uses (such as hospitals and schools) on land identified as “Flood prone area” on a new PMF map.</p> <p>The PMF is the largest flood that could conceivably occur at a particular location and is calculated by combining a range of extreme conditions and probabilities. It is extremely rare but the associated risks must be addressed by sensitive land use developments. Further explanation is provided under the “Additional local provisions” heading of this report.</p>
<p>The Flood Planning Map should also identify the riverine flood levels along the Georges River and Salt Pan Creek.</p>	<p>LPP suggestion is noted. However, Council currently does not have a comprehensive riverine flood study and cannot include flood mapping of the foreshore areas along the Georges River and Salt Pan Creek due to the absence of riverine flooding information.</p> <p>It should be noted that Council is represented on the Georges Riverkeeper Floodplain Risk Management Subcommittee (“the Subcommittee”). The Subcommittee is currently seeking to develop a regional flood risk management plan across the entire Georges River Catchment, though the scope of the flood mapping is still yet to be determined.</p>
<p>In addition to the significant Georges River and Salt Pan Creek watercourses, Council should also identify the location of other natural watercourses such as freshwater creeks and streams so the appropriate riparian corridor can be established on the Riparian Lands and Watercourses Map to protect and maintain the ecological processes within these watercourses and riparian areas.</p>	<p>LPP suggestion is noted. However, Council currently does not have any information to identify the location of water banks for other natural watercourses in the LGA. The DPIE’s <i>Controlled activities on waterfront land - Guidelines for riparian corridors on waterfront land</i> specifies that the width of the vegetated riparian zone (“VRZ”), which makes up the riparian corridor, must be measured from the top of the highest bank on both sides of the watercourse. As such, Council at this time cannot include riparian corridor mapping of the other natural watercourses on the Riparian Lands and Watercourses Map.</p>
<p>Consider the insertion of a stormwater management local provision that minimises the impacts of urban stormwater runoff to protect and improve the environmental health of the Georges River and Salt Pan Creek.</p>	<p>LPP suggestion is adopted – the insertion of a Stormwater Management local provision is consistent with the following Planning Priorities and Actions of the <i>South District Plan</i>:</p> <ul style="list-style-type: none"> • Planning Priority S13. Protecting and improving the health and enjoyment of the District’s waterways • Action 62. Improve the health of catchments and waterways through a risk-based approach to managing the cumulative impacts of development including coordinated monitoring of outcomes.

LPP Suggestion	Council Response
	<p>It should be noted that this LEP clause will be supported by Council's <i>Stormwater Management Policy</i> which is currently being reviewed. This Policy provides detailed information in relation to on-site stormwater management, design requirements for developments on both public and private land and measures to improve the water quality of natural watercourses.</p>
<p>In addition to the matters outlined in subclause (4)(d) of the proposed Design Excellence local provision, the following matters should also be considered so the highest standard of sustainable architecture and urban design can be delivered:</p> <ul style="list-style-type: none"> • Implementing better design of waste management facilities • Incorporating water sensitive urban design • Reducing the urban heat island effect 	<p>LPP suggestion is partially adopted – the inclusion of provisions relating to waste management facilities and water sensitive urban design in the Design Excellence local provision is consistent with the objectives of the proposed clause and the following Planning Priorities and Actions of the <i>South District Plan</i>:</p> <ul style="list-style-type: none"> • Planning Priority S17. Reducing carbon emissions and managing energy, water and waste efficiently. • Action 78. Support initiatives that respond to the impacts of climate change. <p>The suggestion regarding urban heat island effect is not incorporated in the Design Excellence local provision as this consideration is proposed in the Environmental Sustainability local provision.</p>
<p>The application of the Design Excellence local provision should be expanded to apply to new developments and substantial alterations and additions in the foreshore scenic protection area ("FSPA") due to the significant environmental, social and character values of the foreshore.</p>	<p>LPP suggestion is adopted – the expansion of the Design Excellence local provision to apply to the FSPA is supported. It is proposed that all development on land in the FSPA will be subject to this clause, including dwelling houses, dual occupancies, health services facilities and marinas. This clause will enable greater protection of the Georges River scenic landscape, which is consistent with the following Planning Priorities and Actions of the <i>South District Plan</i>:</p> <ul style="list-style-type: none"> • Planning Priority S14. Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes and better managing rural areas. • Action 65. Identify and protect scenic and cultural landscapes. • Action 66. Enhance and protect views of scenic and cultural landscapes from the public realm.
<p>A new local provision should be inserted to address and prosecute the illegal removal of trees to preserve the significance of the urban tree canopy.</p>	<p>LPP suggestion is noted. However, under the EP&A Act, a number of mechanisms are available to local councils to address and penalise the illegal removal of trees, including:</p> <ul style="list-style-type: none"> • Issuing a stop work order for works that do not comply with the <i>EP&A Act</i>, • Issuing a compliance order to require compliance with a planning approval; and • Issuing a penalty infringement notice.

LPP Suggestion	Council Response
	In light of the above, the inclusion of an additional local provision for the purpose of prosecuting the illegal removal of trees is not considered to be necessary in the Georges River LEP.

117. The attached Planning Proposal (refer **Attachment 1**) and draft *GRLEP 2020* (refer **Attachment 2**) have been amended to respond to the suggested amendments from the LPP. Further justification for each of the proposed local provisions is provided in **Attachment 5**.
118. It should be noted that at the LPP meeting, a planning consultant publicly addressed the Panel on behalf of Scentre Group (co-owners and operators of Westfield Hurstville) regarding the proposed B3 Commercial Core zoning for the Westfield site (refer **Figure 6** below).
119. The proponent objected to the proposed zoning, height and FSR on the site and sought a B4 Mixed Use zone with increased development standards for the following reasons:
- The Planning Proposal does not adhere to the overarching principle of “ensure harmonised controls do not result in the net loss of development potential” as the proposed zoning of B3 Commercial Core prohibits residential development and is a downzoning given the site is currently zoned City Centre 3(b) under the *HLEP 1994*;
 - The proposed development standards do not align with the current approved built form; and
 - An increased set of height and FSR controls are sought to ensure that Westfield Hurstville can continue its evolution to provide employment uses and remain relevant, such as the expansion of the rooftop terrace for additional dining.
120. The objection was noted by the Panel, but was not endorsed as a recommendation in the LPP meeting minutes. The Panel supported the proposed B3 Commercial Core zoning as it is consistent with the intent of the *South District Plan* through the facilitation of growth in investment, business opportunities and jobs in the Hurstville strategic centre. The Panel also recognised that the proposed B3 zone would not inhibit the proposed growth of Westfield Hurstville, such as the expansion of the rooftop terrace for additional dining. Further discussion regarding the strategic merit of the proposed B3 Commercial Core zoning is provided later in this report.
121. Additionally, a number of strategic comments and recommendations were provided by the LPP at its meeting dated 12 December 2019 in the context of two development applications as part of the deliberation process. The corresponding strategic comments are provided below.
122. **5-11A Wyuna Street, Beverley Park** – Strategic Comments by the Panel
- The Panel recommends that Council’s Strategic Planning Team consider a review of the appropriateness of the current zone and controls in the context of the Panel in consideration of the application for 5-11A Wyuna Street, Beverley Park, it recommends that Council undertake a comprehensive traffic study/report on the up-zoned area comprising John Street, Wyuna Street and Princes Highway between Park Road and Stubbs Street to address the potential traffic management issues of this locality and identifies and implements options arising from the report.*

Furthermore Council should give consideration to the rezoning of the eastern side of John Street and Wyuna Street, Beverley Park between Park Road and Stubbs Street to provide a transition from the R3 zone to the adjoining R2 zone within this precinct putting in place appropriate controls to manage transition between zones.

Council should give consideration to providing a transition in development form of the properties within the R3 zone between Park Road and Stubbs Street, Beverley Park to provide a built form and transition between R3 zoned land and the R2 zoned land on the eastern side of John Street and Wyuna Street, Beverley Park.

- 123. The subject site is located on the northern side of Wyuna Street and is one of the properties between Stubbs and Lacey Streets that were up-zoned as part of the Kogarah New City Plan amendment to the KLEP 2012 in May 2017 (refer **Figure 3** below).

Figure 3 – Comparison of previous and current KLEP 2012 zoning



- 124. The remainder of the R3 zoned properties in this precinct (refer **Figure 4** below) retained their existing R3 zoning in the New City Plan amendment but were given an uplift in the maximum building height and FSR.

Figure 4 – Previous R3 zoned properties under KLEP 2012



- 125. Council will investigate the zoning of the eastern side of John Street and Wyuna Street between Park Road and Stubbs Street to provide a transition from the R3 zone to the adjoining R2 zone in a future LEP as part of the Georges River LEP four stage program.

Any uplifts to development capacity will be supported by a comprehensive traffic study of the wider precinct bound by Princes Highway, Stubbs Street and Park Road.

126. Council will also investigate transition controls as part of DCP 2020 in the interim to provide a built form outcome that appropriately transitions between the existing R3 zoned land and the R2 zoned land on the eastern side of John Street and Wyuna Street.

127. **71-73 Jubilee Avenue, Carlton** – Strategic Comments by the Panel

The Panel recommends that Council’s Strategic Planning Team consider a review of the appropriateness of the current zone and controls in the context of consideration of the application for 71-73 Jubilee Avenue, Carlton raised concerns with the B6 zoning controls as outlined in Clause 6.9 – Development in Zone B6 and the ability for the allotments within this zone, given the allotment sizes and depths and no amalgamation plan, for the current lot layouts to provide development designs that can meet the criterion outlined in the Kogarah Local Environmental Plan 2012, particularly in the ability to provide vehicle servicing and access arrangements.

128. Part 2 of the *Commercial Centres Strategy* commits to the review of all commercial centres in the LGA, specifically in relation to the development standards of each centre through a place-based planning approach. The outcomes and recommendations of Part 2 will be critical in informing the preparation of LEP 2022 – Jobs and Activation.

129. The Panel’s concern regarding the appropriateness of the current B6 zoning and associated development controls is noted by Council. These considerations will be integrated in the preparation of Part 2 of the *Commercial Centres Strategy*.

130. It should be noted that this Planning Proposal for the draft *GRLEP 2020* includes the removal of Clause 6.9 Development in Zone B6 under the *KLEP 2012*. The general objective of the existing clause is noted and adapted into the proposed Clause 6.14 Development in certain business zones. The new clause is applicable to all business zones across the LGA, including the B6 zone. Further explanation is provided later in this report under the heading “Clause 6.14 Development in certain business zones”.

Purpose of this LEP

131. On 7 September 2018, Council received funding from the NSW Government for an accelerated review of Council’s existing Local Environmental Plans (“LEPs”) and preparation of a new LEP that aligns with the priorities outlined in the *South District Plan*.

132. Accordingly, the NSW Government funding requires Council to submit this Planning Proposal for the Georges River LEP to the DPIE for Gateway Determination by 20 December 2019 and the LEP needs to be submitted for final legal drafting by 30 June 2020.

133. A consequence of not meeting these mandated timeframes may include not receiving State Government funding of up to \$1,125,000 and as such Council needing to meet the cost of relevant LEP related expenses.

134. The purpose of this Planning Proposal is prepare a principal Georges River LEP by harmonising the existing LEPs:

- *Kogarah Local Environmental Plan 2012 (“KLEP 2012”)*;
- *Hurstville Local Environmental Plan 2012 (“HLEP 2012”)*; and
- *Hurstville Local Environmental Plan 1994 (“HLEP 1994”)*.

135. The outcome of this Planning Proposal is a consolidated Georges River LEP which implements the first stage of the staged LEP approach. With a focus on housing and harmonisation, this LEP will ensure that a single consistent approach is applied to planning and development across the LGA.

136. In addition, the objectives of this Planning Proposal are to:

- Give effect to the *South District Plan* by addressing its Planning Priorities and Actions;
- Implement the *LSPS 2040* vision for the LGA addressing its Planning Priorities and Actions;
- Meet the *South District Plan* housing targets;
- Identify additional housing opportunities through the harmonisation of existing LEPs;
- Retain and manage industrial and urban services land;
- Provide a regulatory environment that enables economic opportunities;
- Protect future transport and infrastructure corridors;
- Facilitate opportunities for creative and artistic industries; and
- Identify, conserve and enhance environmental heritage.

Overarching Principles of this LEP

137. This Planning Proposal has been prepared in accordance with a number of overarching principles as outlined below:

- Achieve equity across the LGA through the harmonisation process, particularly in respect to development potential and the management of environmental hazards and risks;
- Retain existing controls where the status quo can be maintained;
- Develop a hierarchy of residential zones to ensure development typologies reflect the objectives of the respective zone, including a ‘true’ medium density residential zone;
- Protect the amenity and local character of low density residential areas;
- Provide high density residential areas with opportunities for greater activation;
- Facilitate employment growth in centres, particularly in mixed use zones;
- Protect industrial zoned land whilst allowing greater land use and development flexibility;
- Promote good design and environmentally sustainable practices in larger developments;
- Enhance and protect the natural environment, especially in the foreshore localities along the Georges River;
- Formalise key infrastructure uses such as schools and hospitals; and
- Adopt the model provisions for Standard Instrument LEPs as provided by the DPIE where applicable.

Summary of Key Proposed Provisions

138. The provisions in this Planning Proposal are in accordance with the *Standard Instrument (Local Environmental Plans) Order 2006* and are intended to harmonise and consolidate the planning controls within existing LEPs.

139. Where there is a fundamental difference between the LEPs, particularly in the case of the land use tables and principal development standards, the *Standard Instrument LEP* approach prevails and/or the provision has been adjusted so that a ‘best fit’ approach applies.
140. The draft *GRLEP 2020* environmental planning instrument is provided in **Attachment 2**.
141. Legal review of the draft *GRLEP 2020* has been completed and the attached draft instrument encompasses the amendments made in response to the advice received.
142. A summary of the notable provisions within the draft *GRLEP 2020* is provided below in the following structure:
- Aims of the Plan
 - Land use zones
 - Zone objectives
 - Land use tables
 - Temporary use of land
 - Exempt and complying development
 - Development standards
 - Land acquisition
 - Miscellaneous provisions
 - Miscellaneous permissible uses
 - Additional local provisions
 - Schedules:
 - Schedule 1 Additional permitted uses
 - Schedule 2 Exempt development
 - Schedule 3 Complying development
 - Schedule 4 Classification and reclassification of public land
 - Schedule 5 Environmental heritage

Aims of the Plan

143. The aims of the Plan are a consolidation of the existing aims of the *HLEP 2012* and *KLEP 2012* and new aims. The new aims ensure that the desired future direction for the LGA as identified by the LSPS vision is directly captured in the *GRLEP 2020*.
144. Considerations such as housing choice, the viability and vibrancy of centres, a well-designed and vegetated urban environment, the protection of the natural environment, the provision of social infrastructure and an emphasis on transit-oriented development are all captured within the proposed aims of the Plan.

Land use zones

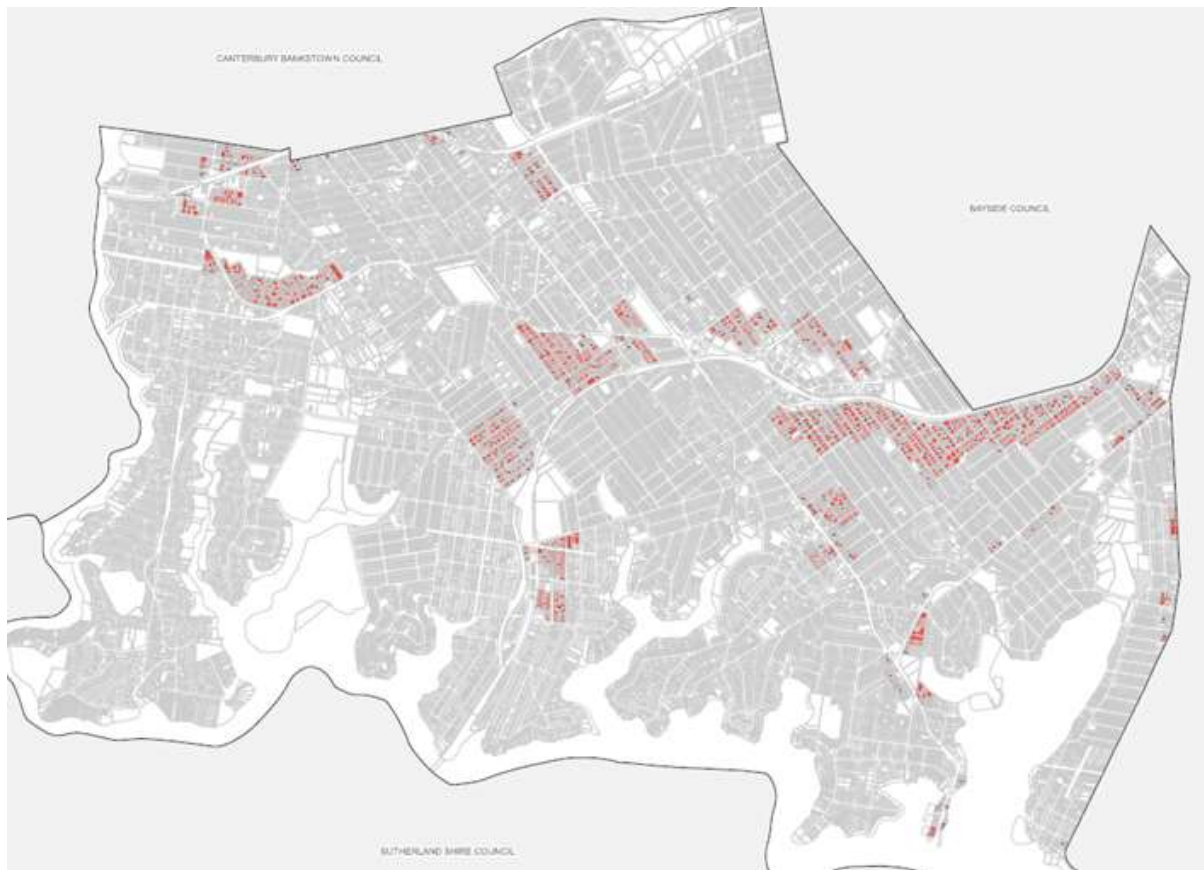
145. This Planning Proposal does not seek to introduce any new zones or remove any existing zones as applicable to the Georges River LGA. This clause will include a list of all zones to be used in the *GRLEP 2020*.
146. A comparison of the land use zones included within the existing LEPs and proposed in the *GRLEP 2020* is provided in **Table 5** below:

Table 5 – Existing LEPs vs proposed GRLEP 2020 land use zones

GRLEP 2020 Land Use Zone	HLEP 2012	KLEP 2012
Residential zones		
R2 Low Density Residential	Yes	Yes
R3 Medium Density Residential	Yes	Yes
R4 High Density Residential	No	Yes
Business zones		
B1 Neighbourhood Centre	Yes	Yes
B2 Local Centre	Yes	Yes
B3 Commercial Core	Yes	No
B4 Mixed Use	Yes	Yes
B6 Enterprise Corridor	No	Yes
Industrial zones		
IN2 Light Industrial	Yes	Yes
Infrastructure zones		
SP2 Infrastructure	Yes	Yes
Recreational zones		
RE1 Public Recreation	Yes	Yes
RE2 Private Recreation	Yes	No
Environmental zones		
E1 National Parks and Nature Reserves	Yes	No
E2 Environmental Conservation	No	Yes
Waterway zones		
W2 Recreational Waterways	Yes	Yes

147. The proposed Land Zoning Map is provided in **Attachment 8**.
148. Whilst this Planning Proposal does not seek to introduce any new zones or remove any existing zones, it does propose to update the existing residential zones so an appropriate residential hierarchy is developed to ensure development typologies reflect the objectives of the respective zone. The proposed hierarchy of residential density is outlined as follows:
- Low density: dwelling houses and dual occupancies
 - Medium density: attached dwellings, multi dwelling housing, terraces and manor houses
 - High density: residential flat buildings
149. Residential flat buildings are currently permitted as the prevailing typology in the R3 Medium Density Residential zones under the existing LEPs due to the building height and floor space ratio applied.
150. The proposed hierarchy creates a ‘true’ medium density residential zone. The *GRLEP 2020* proposes to achieve this hierarchy through the translation of all existing R3 Medium Density Residential zoned land with a height of 12m or greater in both the *HLEP 2012* and *KLEP 2012* to the R4 High Density Residential zone. These areas are shown in **Figure 5** below. No changes are proposed to the existing heights and FSRs of these areas.

Figure 5 – Location of proposed up-zonings from zone R3 to R4



151. It should be noted that the existing LEPs contain some ‘true’ medium density areas in the R3 Medium Density Residential zones as characterised by a maximum building height of 9m. These areas will be retained as R3 Medium Density Residential zones under the *GRLEP 2020*.
152. This Planning Proposal also incorporates the proposed zoning of the Housing Investigation Areas (refer **Table 1** above) as identified by the draft *Local Housing Strategy*. The Housing Investigation Areas will contribute to the provision of R3 Medium Density Residential zoned land in the Georges River LGA.
153. This Planning Proposal also seeks to harmonise and rezone some of the existing SP2 Infrastructure zones as follows:
- Rezone land that is currently identified as SP2 “Church” under the *HLEP 2012* to the adjoining zone to ensure a consistent approach across the LGA. If the adjoining zone does not permit places of public worship as a land use then the property has been added to Schedule 1 of the LEP to enable place of public worship as an additional permitted use;
 - Rezone land that is currently identified as SP2 “Aged Care” under the *HLEP 2012* to the adjoining zone as seniors housing is permissible under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*;
 - Rezone land that is currently identified as SP2 “Community Purposes” under the *HLEP 2012* to the adjoining zone to ensure a consistent approach across the LGA;
 - Review land that is currently identified as SP2 “Health Services Facilities” under the *KLEP 2012* and only retain SP2 “Hospitals” as per the *HLEP 2012* to protect hospitals as significant infrastructure in the LGA;

- Rezone land that is currently identified as SP2 “Public Administration” under the *HLEP 2012* to the adjoining zone to ensure a consistent approach across the LGA; and
 - Identify land across the LGA that is currently not zoned as SP2 but is owned by education providers and operating as a school and rezone these properties to SP2 “Educational establishments” to formalise the use of these lands as schools and retain their use.
154. With respect to the three Deferred Matter sites under the *HLEP 2012*, this Planning Proposal seeks to translate the *HLEP 1994* provisions into the *Standard Instrument LEP* form. It should be noted that the development standards such as height of buildings and floor space ratio for all of the above deferred matter sites will be translated from the *Hurstville Development Control Plan Number 2 - Amendment No. 5*.
155. The proposed *Standard Instrument LEP* zones for these Deferred Matter sites are as follows:
- **Civic Precinct – proposed B4 Mixed Use**
156. The Civic Precinct site (refer **Figure 6** below) is the subject of a current Planning Proposal. It is proposed to translate the existing 3(b) – City Centre zoning to B4 Mixed Use under the *GRLEP 2020* in accordance with the zoning sought by the existing Planning Proposal.

Figure 6 – Location of the Civic Precinct



157. The Planning Proposal was referred to the Local Planning Panel (“LPP”) on 4 April 2019 where it was determined that it could proceed to the next stage of seeking a Gateway determination subject to the fulfilment of a number of conditions, including:
- The delivery of community facilities and benefits;
 - Design excellence, including a requirement for a design competition in relation to development on the site; and
 - Defining the size of the civic space and the provision of solar access to that space.

158. In light of the general support given to the B4 Mixed Use zoning sought by the Planning Proposal, this *GRLEP 2020* seeks to rezone the Civic Precinct deferred matter site and remove the deferred status.

- **Treacy Street Car Park – proposed B4 Mixed Use**

159. The Treacy Street Car Park site (refer **Figure 7** below) was the subject of a Planning Proposal that received a Gateway determination from the Department of Planning and Environment on 8 August 2017. However, it was deferred by Council at its meeting dated 26 March 2018 due to an unresolved request to enter into a Voluntary Planning Agreement with the Minister for Planning for the provision of public benefits on the site.

Figure 7 – Location of the Treacy Street Car Park



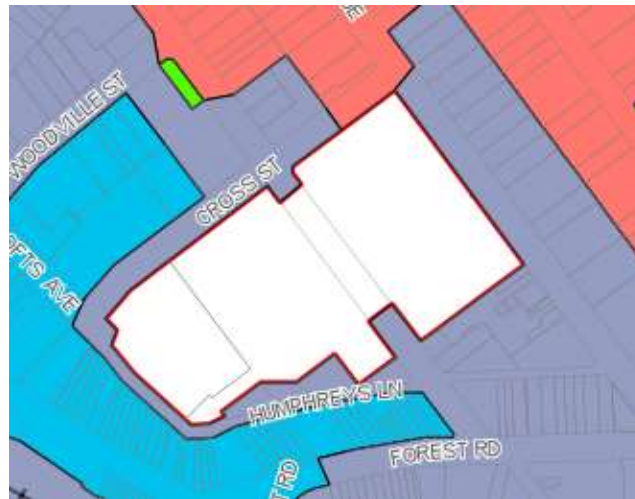
160. At the meeting, Council also resolved to not proceed with the Planning Proposal for this site as it will be incorporated into a future planning proposal prepared for the Hurstville City Centre.

161. Accordingly, it is proposed to translate the existing 3(b) – City Centre zoning of the site to B4 Mixed Use under the *GRLEP 2020* in accordance with the zoning that was approved by the Department of Planning and Environment in its Gateway determination.

- **Westfield – proposed B3 Commercial Core**

162. The Westfield site (refer **Figure 8** below) is the subject of a Planning Proposal which was withdrawn by the proponent prior to the completion of the assessment process.

Figure 8 – Location of Westfields



163. In the absence of an active or Council endorsed planning proposal on the site, this Planning Proposal applies a B3 Commercial Core zone on the site in accordance with the existing commercial use.
164. The proposed B3 Commercial Core zoning is considered appropriate due to its consistency with the intent of the *South District Plan*. As a strategic centre in the Greater Sydney region, the Hurstville City Centre will benefit from the proposed B3 Commercial Core zoning of this site as expanding the boundary of the commercial core will facilitate the attraction of additional office and commercial floor space to the centre.
165. The *South District Plan* identifies employment growth as the principal underlying economic goal for strategic centres, and outlines that the designation of a commercial core within a strategic centre for economic and employment uses may be necessary to manage the impact of residential developments on commercial activity.
166. Given the existing economic and employment uses on the site, the *GRLEP 2020* proposes a B3 Commercial Core zoning to retain the Westfield site as a key economic and employment generator in the Hurstville strategic centre.

Zone objectives

167. The proposed objectives for each land use zone are a combination of the core zone objectives as mandated by the *Standard Instrument LEP*, an update of the consolidated objectives from the existing LEPs, and new local zone objectives that reflect the LSPS vision. In accordance with the LEP Practice Note PN 09-005, no more than two to three local zone objectives can be proposed. The local zone objectives are shown in black in **Attachment 2**.
168. In summary, the local zone objectives seek to:
- Promote a high standard of urban design and built form within a landscaped setting in residential zones;
 - Encourage development that maximises public transport patronage and promotes walking and cycling in the high density residential zone;
 - Ensure developments contribute to the vibrancy and economic viability of commercial centres in business zones;
 - Encourage the provision of community facilities and public infrastructure in business zones; and

- Ensure land is protected and provided for community purposes in the infrastructure zone.

Land use tables

169. This Planning Proposal seeks to merge the Land Use Table provisions in the existing LEPs to form a combined and consistent suite of land use zones.
170. A combination of ‘open’ and ‘closed’ zones has been adopted in drafting the Land Use Table. **Table 6** below demonstrates the open and closed zones proposed for *GRLEP 2020*.
171. An open zone is one where a broad variety of land uses can be considered, allowing greater flexibility of activities in the zone. A closed zone is one where the diversity of land uses is more restrictive to protect the amenity of the zone and manage environmental impact.

Table 6 – Open and closed zones

Zone	Approach
Residential Zones	
R2 Low Density Residential	Closed
R3 Medium Density Residential	Closed
R4 High Density Residential	Closed
Business Zones	
B1 Neighbourhood Centre	Open
B2 Local Centre	Open
B3 Commercial Core	Open
B4 Mixed Use	Open
B6 Enterprise Corridor	Open
Industrial Zones	
IN2 Light Industrial	Open
Infrastructure Zones	
SP2 Infrastructure	Closed
Recreational Zones	
RE1 Public Recreation	Closed
RE2 Private Recreation	Closed
Environmental Zones	
E1 National Parks and Nature Reserves	Closed
E2 Environmental Conservation	Closed
Waterway Zones	
W2 Recreational Waterways	Closed

172. In preparing the Land Use Table, a general rule of permissibility retention has been used. This means that the permissible land uses in most zones proposed for the *GRLEP 2020* are a combination of the permissible land uses of the existing LEPs. The proposed Land Use Table is not inconsistent with the existing LEPs.
173. There are a number of notable changes to the Land Use Table proposed in response to community feedback during the public exhibition of the LSPS and to align with the LSPS vision as summarised below.
174. In the R2 Low Density Residential zone:

- Permit boat sheds due to the significant number of R2 zoned properties located on the waterfront;
 - Prohibit medium density dwellings such as attached dwellings and multi dwelling housing in accordance with the principle of developing a hierarchy of residential zones where medium density development is removed from the low density zone to protect its character and amenity;
 - Prohibit places of public worship due to the adverse amenity impacts considered to be generated by these uses. However, the existing places of public worship will retain their use through the inclusion of these sites in Schedule 1 Additional permitted uses.
175. The R3 Medium Density Residential zone prohibits residential flat buildings in accordance with the principle of developing a hierarchy of residential zones where high density development is removed from the medium density zone to protect the character and amenity of the area.
176. The R4 High Density Residential zone permits hostels, hotel and motel accommodation, restaurants or cafes, serviced apartments, shops, and small bars to facilitate the creation of active places in areas with high residential density to improve the liveability of apartment living and promote social interactions. These areas are located in accessible locations that encourage walking and have the potential to become destinations for shopping, dining and meeting people.
177. Permit artisan food and drink industries in all business zones to create lively centres by expanding the types of retail and food offered.
178. The B1 Neighbourhood Centre zone permits service stations to remove these uses from Schedule 1 Additional permitted uses under the *HLEP 2012* and to recognise these as an integral land use in servicing the local community.
179. The B3 Commercial Core zone permits tourist and visitor accommodation to accommodate the significant presence of international students and visitors staying within the Hurstville City Centre.
180. The B4 Mixed Use zone permits helipads to support the existing medical presence in the Kogarah Town Centre and Hurstville City Centre by enabling helicopters as a form of emergency transportation.
181. The B6 Enterprise Corridor zone permits function centres, neighbourhood supermarkets, restaurants or cafes, and small bars to facilitate the activation within this zone.
182. The IN2 Light Industrial zone prohibits business premises to ensure industrial uses remain as the primary land use in this zone. However, funeral homes are excluded from this prohibition as they are considered to be an appropriate land use due to the absence of sensitive land uses in this zone.

Temporary use of land

183. This clause allows development consent to be granted for a temporary use provided it does not compromise future development of the land, or cause any detrimental economic, social, amenity or environmental effects.

184. Within a period of 12 months, both existing LEPs permit the temporary use of land in any zone for a maximum of 28 days.
185. This Planning Proposal seeks to increase the number of days permitted to 52 days within each year to encourage temporary events like farmers markets at local schools on a weekly basis.

Exempt and complying development

186. Under Part 3 of the *Standard Instrument LEP*, councils can nominate to permit exempt and complying development in addition to those specified in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (“Codes SEPP”). The list of additional exempt development is listed in Schedule 2 whilst the list of additional complying development is listed in Schedule 3.
187. This Planning Proposal seeks to delete the exempt developments nominated in Schedule 2 of the *HLEP 2012* and *KLEP 2012* because these uses are already contained within the *Codes SEPP*, and to rely on the provisions of the *Codes SEPP*.
188. No changes are proposed to the list of additional complying development in Schedule 3 as both existing LEPs solely rely on the provisions of the *Codes SEPP*.

Development standards

189. Part 4 of the *Standard Instrument LEP* provides development standards relating to the use of land. Many of the provisions are optional, but if adopted contain standard content that can be tailored to local conditions. Development standards in the LEP may include controls relating to:
- Minimum lot size
 - Minimum subdivision lot size
 - Minimum lot width
 - Maximum height of buildings
 - Maximum floor space ratio (“FSR”)
190. This Planning Proposal seeks to include a range of principal development standards in the new LEP 2020 based on the **Overarching Principles** as outlined above in this report.
191. The proposed development standards are a combination of existing controls as result of the harmonisation process and new controls to address gaps or discrepancies between the existing LEPs.
192. This section of the report provides an overview of the proposed development standards. It should be noted that the summary of proposed controls below is arranged by development typology for ease of reference and is not structured in accordance with the format of the *Standard Instrument LEP*:
- Residential development standards:
 - Dwelling houses in the R2 Low Density Residential zone
 - Dual occupancies in all residential zones
 - Attached dwellings, manor houses, multi dwelling housing and multi dwelling housing (terraces) in the R3 Medium Density Residential zone

- R4 High Density Residential zone
 - Non-residential development standards:
 - Business zones (B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use and B6 Enterprise Corridor)
 - IN2 Light Industrial zone
193. Refer to **Attachment 4** for a detailed justification of the proposed development standards supported by diagrams and 3D model testing.

Residential development standards – dwelling houses

194. Dwelling houses are proposed to be permitted in all residential zones. However, the focus of the proposed development standards outlined in **Table 7** below is specifically applicable to the R2 Low Density Residential zone where dwelling houses are the predominant residential development typology.

Table 7 – Existing and proposed controls for dwelling houses

Development Standard	HLEP 2012	KLEP 2012	GRLEP 2020
Minimum subdivision lot size (non-FSPA)	450sqm	550sqm	450sqm
Minimum subdivision lot size (FSPA)	550sqm (FSPA)	700sqm (foreshore localities)	700sqm
Height of buildings	9m	9m	9m
Floor space ratio	0.55:1 for lots with a site area of ≤630sqm	0.55:1 for lots with a site area of <650sqm	0.55:1 for lots with a site area of ≤650sqm
	Sliding scale formula for lots with a site area of >630sqm	Sliding scale formula for lots with a site area of ≥650sqm	Sliding scale formula for lots with a site area of >650sqm

195. The minimum subdivision lot size of 450sqm is adopted for R2 zones outside of the Foreshore Scenic Protection Area (“FSPA”) to ensure a consistent control is applied across the LGA and facilitate the delivery of the 2036 housing target. This will result in approximately 600 lots in the Blakehurst and Kogarah Wards gaining the potential to subdivide, thereby creating an additional housing supply of 600 dwellings.
196. The FSPA is an additional local provision which seeks to protect the scenic and landscape amenity of the foreshore area by ensuring landscaping and vegetation have visual dominance over buildings. Further explanation regarding the FSPA is provided under the “Additional local provisions” section of this report.
197. Both existing LEPs present a correlation between foreshore localities and increased lot size requirements. Properties in these areas generally require larger lot sizes because of factors such as the requirement for more landscaping to be provided, more generous traditional subdivision patterns due to topography constraints, and buildings needing increased setbacks to encourage sharing of views to the water. The increase in lot size for foreshore localities enables developments in these areas to meet these requirements.

198. The minimum subdivision lot size of 700sqm is adopted for R2 zones within the FSPA in accordance with the principle of applying a consistent set of controls across the two former LGAs. This means that the minimum subdivision lot size of properties within the existing FSPA in the Hurstville, Mortdale and Peakhurst Wards is increased from 550sqm under the *HLEP 2012* to 700sqm under the proposed *GRLEP 2020*.
199. Despite the increase in minimum subdivision lot size, the development potential of these properties remains unchanged. This is due to the proposed retention of the existing 1,000sqm minimum dual occupancy lot size requirement in these areas, where dual occupancies remain permissible despite the potential loss of development capacity for two dwelling houses. Further explanation is provided below under the “dual occupancies” subheading of this report.
200. The existing maximum building height of 9m and the maximum FSR of 0.55:1 for lots with site areas of 650sqm or less is being retained as these are common across both existing LEPs.
201. The sliding scale FSR formula for larger lots is retained as it has been effective in both LEPs in regulating the bulk and scale of dwelling houses on larger lots. In both existing LEPs, the minimum lot size of dual occupancies is used as the trigger for this development standard – at 630sqm and 650sqm respectively for the *HLEP 2012* and *KLEP 2012*.
202. It should be noted that the recent gazettal of an amendment to the *HLEP 2012* on 6 December 2019 through the *Georges River Local Environmental Plan Amendment (Miscellaneous) 2019* has increased the minimum lot size requirement for dual occupancies from 630sqm to 650sqm under the *HLEP 2012*. The amendment did not include a revision of the trigger for the sliding scale FSR formula to match the new minimum dual occupancy lot size requirement.
203. The proposed formula has been adapted from the *HLEP 2012* gross floor area (“GFA”) formula as this will ensure that no lot, irrespective of lot size will lose GFA due to harmonisation of the LEPs. The proposed sliding scale GFA formula begins at the threshold lot size of 650sqm to reflect the proposed minimum dual occupancy lot size of 650sqm.

Residential development standards – dual occupancies

204. Dual occupancies are proposed to be permitted in all residential zones. However, the R2 Low Density Residential zone is the preferred location for this development typology. Accordingly, the proposed standards as outlined in **Table 8** below are applied to dual occupancies in all residential zones.

Table 8 – Existing and proposed controls for dual occupancies

Development Standard	HLEP 2012	KLEP 2012	GRLEP 2020
Minimum lot size (non-FSPA)	650sqm	650sqm	650sqm
Minimum lot size (FSPA)	1,000sqm (FSPA)	1,000sqm (foreshore localities)	1,000sqm

Development Standard	HLEP 2012	KLEP 2012	GRLEP 2020
Minimum subdivision lot size (non-FSPA)	N/A	300sqm	300sqm
Minimum subdivision lot size (FSPA)	N/A	300sqm	430sqm
Minimum lot width (attached, side by side)	15m (Interim DCP)		15m
Minimum lot width (attached / detached, front and back)	18m (Interim DCP)		18m
Minimum lot width (detached, side by side)	22m (Interim DCP)		22m
Height of buildings	9m	9m	9m
Floor space ratio	0.6:1	0.55:1 for lots with a site area of <650sqm	0.6:1 for lots with a site area of ≤1,000sqm
		Sliding scale formula for lots with a site area of ≥650sqm	Sliding scale formula for lots with a site area of >1,000sqm

205. In response to the temporary deferral to the commencement of the *Low Rise Medium Density Housing Code* (“LRMDHC”), Council prepared a Planning Proposal which sought to apply a minimum lot size of 650sqm for dual occupancies consistently across all of the residential zoned land outside of the FSPA.
206. The LRMDHC Planning Proposal was gazetted on 6 December 2019 through the *Georges River Local Environmental Plan Amendment (Miscellaneous) 2019*. For this reason, 650sqm is retained as the proposed minimum lot size for non-FSPA dual occupancies in this Planning Proposal.
207. The existing minimum dual occupancy lot size of 1,000sqm is retained for residential zoned land within the FSPA as this is consistent with both existing LEPs.
208. It should be noted that the *GRLEP 2020* proposes a reduction in the extent of the existing FSPA under the *HLEP 2012* which will result in the removal of a number of properties from the existing FSPA. This means that the minimum 650sqm dual occupancy lot size will apply to these properties. In summary, the reduction in the FSPA enables approx. 740 lots to gain the potential to develop dual occupancies.
209. To accompany the minimum lot size requirements, this Planning Proposal includes minimum subdivision lot sizes for dual occupancies to ensure the proposed development will be located on reasonably sized lots that allow adequate amenity, including open space, setbacks, privacy and solar access.
210. The existing 300sqm minimum subdivision lot size is carried over from *KLEP 2012* for areas outside of the FSPA whilst an increased subdivision lot size of 430sqm is proposed for areas within the FSPA to enable developments to respect the topography,

landscaping and amenity of the foreshore area by providing increased setbacks and landscaping without compromising the size of dwellings.

211. Since Council's amalgamation, it has been acknowledged that the assessment of low density residential development throughout the LGA has appeared inconsistent due to the difference of controls located within the existing Hurstville and Kogarah DCPs.
212. An *Interim Policy Development Control Plan* ("Interim DCP") was adopted by Council on 11 June 2019 which harmonises a number of controls for the purpose of maintaining and enhancing the LGA's local character through a consistent approach, including the harmonisation of lot width controls for the various types of dual occupancies. The *Interim DCP* came into effect on 22 July 2019.
213. This Planning Proposal seeks to adopt the existing lot width controls within the *Interim DCP* in the LEP to ensure that local character is maintained and achieved in future dual occupancy developments whilst also giving the frontage requirement greater legal weight and ensuring variations are comprehensively considered through the merit-based assessment process.
214. The existing maximum building height of 9m is retained as this is common across both existing LEPs.
215. The maximum FSR of 0.6:1 is adopted for dual occupancies proposed on lots with site areas of 1,000sqm or less to promote greater housing choice by supporting the delivery of dual occupancies. These lots are predominately located outside of the FSPA.
216. During the harmonisation process, it was identified that whilst the *KLEP 2012* retains the sliding scale FSR for dual occupancies on larger lots, the *HLEP 2012* applies a FSR of 0.6:1 for all dual occupancy developments irrespective of lot size. As a result, larger lots, which are located predominately along the Georges River foreshore, are able to accommodate very large dual occupancies of a bulk and scale inconsistent with a low density residential area.
217. A sliding scale approach is therefore required to regulate the density, bulk and scale of dual occupancies in foreshore localities where the minimum lot size requirement is 1,000sqm. The proposed sliding scale FSR is applied to all dual occupancies on lots with site areas of more than 1,000sqm.

Residential development standards – medium density development

218. In accordance with the principle of developing a hierarchy of residential zones, the R3 Medium Density Residential zone accommodates 'true' medium density developments by permitting the following land uses:
- Attached dwellings
 - Manor house – new land use term introduced by the *LRMDHC*
 - Multi dwelling housing
 - Multi dwelling house (terraces) – new land use term introduced by the *LRMDHC*
219. The following controls outlined in **Table 9** below are only applied to the R3 Medium Density Residential zone.

Table 9 – Existing and proposed controls for medium density residential developments

Development Standard	HLEP 2012	KLEP 2012	GRLEP 2020
Minimum lot size	945sqm (multi dwelling housing) (Hurstville DCP No.1)	800sqm (multi dwelling housing)	800sqm
Minimum lot width - attached dwellings	15m (Hurstville DCP No.1)	20m (Kogarah DCP)	21m
Minimum lot width - manor houses	N/A	N/A	18m
Minimum lot width - multi dwelling housing	15m (Hurstville DCP No.1)	20m (Kogarah DCP)	18m
Minimum lot width - multi dwelling housing (terraces)	N/A	N/A	21m
Height of buildings	9m	9m	9m
Floor space ratio	0.6:1	0.7:1	0.7:1

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220. This Planning Proposal seeks to adopt the 800sqm minimum lot size for all medium density developments as there has been no recorded Clause 4.6 variation to this development standard under *KLEP 2012* since the implementation of this control in 2017 which demonstrates the viability and feasibility of this requirement. It is anticipated that the implementation of this control, as opposed to adopting the 945sqm requirement under the *Hurstville DCP No.1*, will facilitate the delivery of more medium density housing across the LGA which will in turn assist in providing more housing choice and diversity.
221. A minimum lot width requirement for multi dwelling housing is currently within the existing Hurstville and Kogarah DCPs. Inclusion of this development standard within the LEP reinforces the desired future character of the LGA's medium density zones whilst also giving the frontage requirement greater legal weight and ensuring variations are comprehensively considered through the merit-based assessment process.
222. Based on the assessment of development applications and design analysis (refer **Attachment 4**), it is considered that a 15m wide lot is too narrow to accommodate a driveway along one side boundary and private open space for the multi dwelling units along the opposite side boundary. Therefore, an 18m lot width requirement is proposed to provide a desirable development outcome.
223. An 18m minimum lot width is also proposed to apply to manor houses to ensure consistency with multi dwelling housing so that flexibility is provided for the development industry to deliver various medium density residential typologies based on market demand.
224. A greater minimum lot width of 21m is proposed for attached dwellings and multi dwelling housing (terraces) due to the requirement for these typologies to have all dwellings facing the street. A 21m lot width provides for 3 dwellings of 6m wide each as well as 1.5m side setbacks along both side boundaries.

225. The existing maximum building height of 9m is retained as this is common across both existing LEPs. This height will be consistently applied to all development in the R3 Medium Density Residential zone.
226. It should be noted that an additional control is proposed to complement the objectives of this clause in ensuring appropriate transition is provided between medium and low density residential zones. The proposed additional control specifies that in a multi dwelling housing development, the dwelling that is located immediately adjacent to the rear boundary is to have a maximum height of 5m.
227. A maximum FSR of 0.7:1 is adopted as per the existing *KLEP 2012*. This FSR will be consistently applied to all development in the R3 Medium Density Residential zone.

Residential development standards – R4 High Density Residential zone

228. In accordance with the principle of developing a hierarchy of residential zones, this Planning Proposal translates areas zoned R3 Medium Density Residential with a height of 12m or greater under the existing LEPs to be zoned R4 High Density Residential under the *GRLEP 2020*. However, no changes are proposed to the existing height of buildings and FSRs.
229. The following controls outlined in **Table 10** below are only applied to the R4 High Density Residential zone.

Table 10 – Existing and proposed controls for the R4 High Density Residential zone

Development Standard	HLEP 2012	KLEP 2012	GRLEP 2020
Minimum subdivision lot size	N/A	N/A	1,000sqm
Minimum lot size (residential flat buildings)	Nil	1,000sqm	Nil
Height of buildings and floor space ratio	Type A <ul style="list-style-type: none"> • 12m height of buildings • 1:1 FSR Type B <ul style="list-style-type: none"> • 15m height of buildings • 1.5:1 FSR Type C <ul style="list-style-type: none"> • 21m height of buildings • 2:1 FSR Type D <ul style="list-style-type: none"> • 33m height of buildings • 4:1 FSR 		Retain existing

230. A minimum subdivision lot size of 1,000sqm is proposed to prevent fragmentation of land within the R4 High Density Residential zone so that large parcels of land are

available for high density development outcomes that are compatible with the objectives of this zone.

231. The existing minimum lot size requirement for residential flat buildings under the *KLEP 2012* is not proposed to be translated into the *GRLEP 2020* due to the limited number of lots available for development in the proposed R4 High Density Residential zone, many of which are isolated and have various height and FSR requirements.
232. For example, the bulk and scale resulting from Type A controls is distinctly different to the development outcomes resulting from Type D controls and considerations such as minimum lot size and minimum lot width for residential flat buildings require site-specific and place-based analysis.
233. Accordingly, minimum lot size and minimum lot width controls for residential flat buildings will be investigated in the development of the *Georges River DCP 2020*.

Non-residential development standards – business zones

234. In accordance with the staged approach of preparing the principal Georges River LEP, it should be noted that this Planning Proposal does not review the maximum height of buildings and FSRs of any business zoned land. A comprehensive review of these controls will be conducted in Part 2 of the *Commercial Centres Strategy* to inform the preparation of Stage 3 of the LEP process.
235. Currently, only the *KLEP 2012* applies a minimum subdivision lot size for business zoned land. For the purpose of harmonisation, the minimum subdivision lot size control has been removed from all business zones to apply a consistent approach across the LGA. This is based on the absence of subdivision applications for business zoned land in recent years. The removal of this control is aligned with the overarching principles of ensuring that controls are equitable across the LGA. Imposing a 500sqm minimum subdivision lot size is considered to be unjustified and onerous at this stage in the absence of a comprehensive review of the heights and FSRs in the business zones.
236. This Planning Proposal proposes to introduce a minimum non-residential FSR requirement for all business zones that permit residential development as outlined below in **Table 11**:

Table 11 – Proposed minimum non-residential FSR

Centres Strategy Classification	Centre Name	Proposed
Strategic centre	Hurstville City Centre (B4 zone only)	1:1
Strategic centre	Kogarah Town Centre (B4 zone)	1:1
Local centre	B2 – Beverly Hills (King Georges Road)	0.5:1
Local centre	B2 – Kingsgrove (Kingsgrove Road)	0.5:1
Local centre	B2 – Mortdale (Morts Road)	0.5:1
Local centre	B1 – Oatley West (Mulga Road)	0.5:1
Local centre	B2 – Penshurst (Penshurst Street)	0.5:1
Local centre	B2 – Riverwood (Belmore Road)	0.5:1
Local centre	B2 – South Hurstville (King Georges Road)	0.5:1
Enterprise corridor	B6 – Carlton Enterprise Corridor	Retain as 0.7:1
	All other 38 centres (villages, small villages and neighbourhood centres)	Retain as 0.3:1

- 237. A minimum non-residential FSR of 0.3:1 is currently required for development in B1 Neighbourhood Centre and B2 Local Centre zones under the *HLEP 2012*. A minimum non-residential FSR requirement of 0.7:1 is required for development in the B6 Enterprise Corridor zone under the *KLEP 2012*.
- 238. Council’s draft *Commercial Centres Strategy – Part 1* identifies that the existing minimum non-residential FSR requirement is insufficient to support the growing population or to meet *South District Plan* job targets by 2036. To ensure the ongoing viability of centres, this Planning Proposal proposes an interim solution to reduce the loss of employment floor space through infill development.
- 239. A minimum non-residential FSR requirement is proposed in accordance with the centres hierarchy developed in Part 1 of the *Commercial Centres Strategy*, rather than the zoning of the centre. The proposed centres hierarchy is based on the existing provision of retail floor space within each centre. Further detail regarding the *Commercial Centres Strategy* is provided above under the “Key Council Strategies and Studies” heading of this report.
- 240. Further increases to the non-residential FSR requirement will be investigated in Stage 3 of the LEP process as part of the comprehensive review of the development standards of all business zones across the LGA.

Non-residential development standards – IN2 Light Industrial zone

- 241. This Planning Proposal seeks to review the existing development standards applied to the IN2 Light Industrial zone in light of the *South District Plan* Action to retain and manage all industrial land in the Georges River LGA. The proposed controls are outlined in **Table 12** below:

Table 12 – Existing and proposed controls for IN2 Light Industrial zone

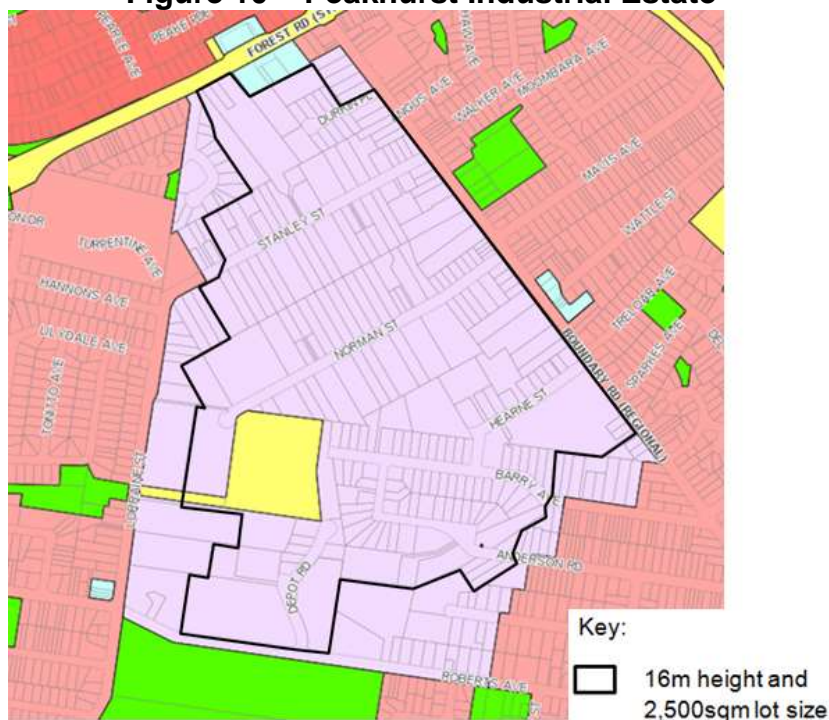
Development Standard	HLEP 2012	KLEP 2012	GRLEP 2020
Minimum subdivision lot size	N/A	750sqm	1,000sqm and 2,500sqm
Height of buildings	10m	10m	12m and 16m
Floor space ratio	1:1	1:1	1:1 (as existing)

- 242. Increased minimum subdivision lot sizes are proposed for the IN2 Light Industrial zone to prevent the fragmentation of larger lots so the LGA’s industrial and urban services land is retained for employment and the operation of a diverse range of industrial uses, such as warehousing which requires large floor plates.
- 243. A larger lot size of 2,500sqm will apply to the entire Kingsgrove Industrial Estate (refer **Figure 9** below) and parts of the Peakhurst Industrial Estate within the area outlined in black (refer **Figure 10** below).

Figure 9 – Kingsgrove Industrial Estate



Figure 10 – Peakhurst Industrial Estate

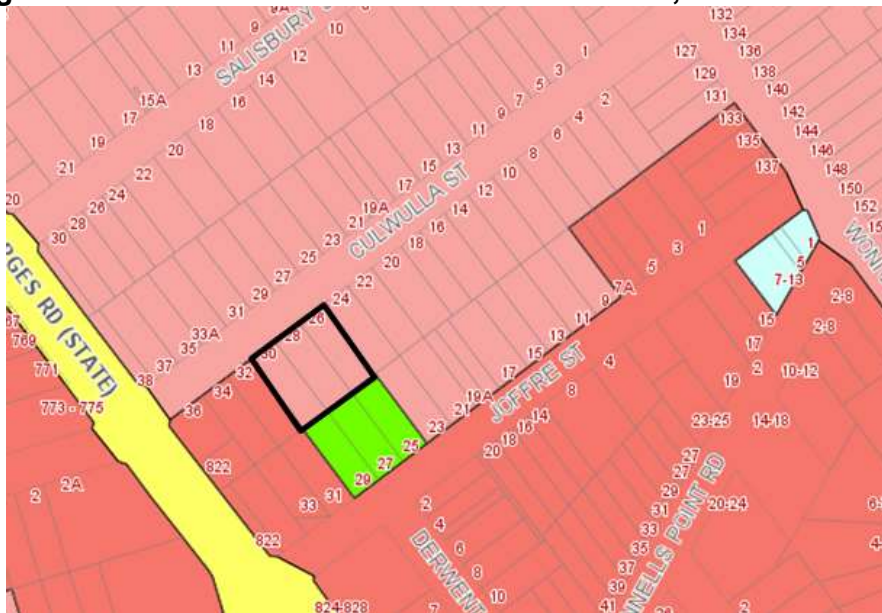


244. It is also proposed to amend the height controls of the IN2 zone to 12m except for the Kingsgrove Industrial Precinct and part of Peakhurst Industrial Precinct where the height control will be increased to 16m. The increase in heights enables industrial lots to achieve an FSR of 1:1, provide flexibility in built form for different land uses, improve development viability within the IN2 zone, as well as reduce the pressure for rezoning to residential which is often sought at the detriment of the LGA's employment lands.
245. The increase to 16m is appropriate at Kingsgrove as it has a limited interface with residential zones. The 16m height and increased minimum subdivision lot size is also applied to the areas within the centre of the Peakhurst Industrial Precinct (as outlined in black above in **Figure 10**).
246. Due to the residential interface of the Peakhurst Industrial Precinct, this Planning Proposal seeks to apply the lower height control of 12m to the perimeter of the Precinct where the minimum subdivision lot size of 1,000sqm is proposed. This is applied to the properties located outside of the black outlined in **Figure 10** above.

Land acquisition

247. The *HLEP 2012* and *KLEP 2012* include land acquisitions for RE1 Local open space, RE1 Regional open space and SP2 Classified road. These land acquisitions have been translated into the *GRLEP 2020* with the exception of sites that have already been acquired by the relevant authority which have been removed from the Land Reservation Acquisition Map (refer **Attachment 8**).
248. In response to the LSPS vision to deliver additional open space across the LGA, especially in areas of housing growth, this Planning Proposal includes three new areas for RE1 Local open space acquisition by Council.
249. The funding sources for the current acquisitions as specified by the existing LEPs and additional acquisitions proposed by the *GRLEP 2020* will be considered as part of the preparation of the Georges River Development Contributions Plan. The new development contributions plan is currently being prepared in parallel with the *LSPS 2040* and *GRLEP 2020* and is anticipated to be finalised in June 2020.
250. **Area 1: 26-30 Culwulla Street, South Hurstville** (refer **Figure 11** below) which is situated in Housing Investigation Area No. 4. Acquisition of the proposed properties will enable the creation of a larger park in an area identified for housing growth and enable through site access between Culwulla Street and Joffre Street.

Figure 11 – Location of 26 – 30 Culwulla Street, South Hurstville



251. The proposed land acquisitions are in addition to the existing acquisitions at No. 25 and 29 Joffre Street which are identified on the Land Reservation Acquisition Map under the *KLEP 2012* (refer **Figure 12** below). No. 27 Joffre Street has already been acquired by Council.

Figure 12 – Extract of the existing Land Reservation Acquisition Map identifying 25 and 29 Joffre Street (*KLEP 2012*)



252. **Area 2: 11-21 Monaro Avenue, Kingsgrove** (refer **Figure 13** below) which comprises half of the eastern street block surrounding Peter Lowe Reserve. Acquisition of the proposed properties will enable the expansion of the existing reserve and facilitate improved access to the park, safety and public surveillance.
253. These properties have been identified as the most appropriate for acquisition due to their location being at the end of McGregor Street. McGregor Street offers on-street car parking which makes it a suitable entrance to the Reserve. The acquisition of these properties will also provide direct visual sight lines to the largest portion of the park to ensure a sufficient level of public surveillance into the Reserve.

Figure 13 – Location of 11-21 Monaro Avenue, Kingsgrove



254. **Area 3: 7 Hedley Street, Riverwood and 13 and 15 Keith Street, Peakhurst** (refer **Figure 14** below) which are located at the north eastern end of Peakhurst Park. Acquisition of the proposed properties will enable the expansion of the park in an area identified for housing growth (Housing Investigation Area No. 3) and facilitate improved access to the park.

Figure 14 – Location of 7 Hedley Street, Riverwood and 13 and 15 Keith Street, Peakhurst



- 255. This Planning Proposal also seeks to include a 3m wide local road widening along Roberts Lane, Hurstville, to support the future redevelopment of the Landmark Square Precinct, an area subject to a separate Planning Proposal for increased densities at the eastern bookend of the Hurstville City Centre. It should be noted that the Landmark Square Precinct Planning Proposal is currently with DPIE for gazettal.
- 256. The proposed local road widening is intended to enable continuous two-way vehicle access, access for service vehicles such as delivery and waste collection trucks, and the provision of a continuous pedestrian footpath with street planting on Roberts Lane.
- 257. Land reservation acquisition is only applied to 53 Forest Road, 9 Roberts Lane and 108 Durham Street, and excludes the portion located at 61-65 Forest Road as this portion is proposed to be dedicated to Council as part of the Voluntary Planning Agreement associated with the Landmark Square Precinct Planning Proposal (refer **Figure 15** below).

Figure 15 – Local road widening along Roberts Lane



Miscellaneous provisions

258. Part 5 of the *Standard Instrument LEP* provides a series of miscellaneous provisions, of which some are compulsory and some are optional.
259. This Planning Proposal seeks to retain the miscellaneous provisions identified in the existing LEPs with the exception of the following optional *Standard Instrument LEP* clauses which do not currently add any value to the merit-based development assessment process:
- **Clause 5.3 Development near zone boundaries**
260. Clause 5.3 currently only applies to the SP2 Infrastructure zone in both existing LEPs and enables land uses which are permissible within an adjoining zone to be permissible within a SP2 zone. The permissibility of non-infrastructure land uses in the SP2 zone may compromise the provision of infrastructure to service the community. Accordingly, the retention of this clause within the *GRLEP 2020* is considered to be inconsistent with the intent of the LSPS which seeks to deliver infrastructure, services and facilities.
- **Clause 5.6 Architectural roof features**
261. Clause 5.6 is in both existing LEPs to permit roof features that exceed the maximum building height if they display architectural design excellence.
262. This clause is proposed to be removed in the *GRLEP 2020* as architectural design excellence considerations in general will be subject to the provisions of a new design excellence local provision. The proposed local provision provides a more comprehensive assessment of the merits of a development, including those that seek to exceed the maximum building height. Further detail regarding the proposed design excellence local provision is provided later in this report.

Miscellaneous permissible uses

263. This Planning Proposal also seeks to harmonise the gross floor area (“GFA”) requirements for miscellaneous permissible uses, which is a mandated clause under the *Standard Instrument LEP*. Existing controls are retained where they are consistent in both the *HLEP 2012* and *KLEP 2012*.
264. The controls prescribed for the following miscellaneous permissible uses under the existing LEPs are inconsistent and require harmonisation under the *GRLEP 2020*.
- Industrial retail outlets
 - Kiosks
 - Neighbourhood shops
 - Artisan food and drink industry exclusion
 - Secondary dwellings
265. The proposed controls for the abovementioned miscellaneous permissible uses are summarised in **Table 13** below:

Table 13 – Existing and proposed GFA for misc. permissible uses

Misc. permissible use	HLEP 2012	KLEP 2012	GRLEP 2020
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Misc. permissible use	HLEP 2012	KLEP 2012	GRLEP 2020
Industrial retail outlets	20% of the industry's GFA or 400sqm whichever is the lesser	20% of the industry's GFA or 100sqm whichever is the lesser	20% of the industry's GFA or 400sqm whichever is the lesser
Kiosks	Maximum 10sqm	Maximum 15sqm	Maximum 15sqm
Neighbourhood shops	Maximum 100sqm	Maximum 80sqm	Maximum 100sqm
Artisan food and drink industry exclusion	20% of the industry's GFA or 400sqm whichever is the lesser	10% of the industry's GFA or 100sqm whichever is the lesser	20% of the industry's GFA or 400sqm whichever is the lesser
Secondary dwellings	60sqm or 10% of the principal dwelling's GFA whichever is the greater	60sqm or 13% of the principal dwelling's GFA whichever is the greater	60sqm or 10% of the principal dwelling's GFA whichever is the greater

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266. The more generous of the two existing controls for industrial retail outlets, kiosks, neighbourhood shops, and artisan food and drink industries has been adopted to support employment generating land uses.
267. However, a maximum 10% of total floor area as specified by the *HLEP 2012* is retained in the *GRLEP 2020* for secondary dwellings. This is intended to achieve consistency with the requirement specified by the *State Environmental Planning Policy (Affordable Rental Housing) 2009* by ensuring that the total floor area of the secondary dwelling does not exceed 60sqm.

Additional local provisions

268. Part 6 of the *Standard Instrument LEP* provides the opportunity for additional specialised provisions to be inserted to address local issues.
269. This Planning Proposal seeks to include a range of local provisions in the *GRLEP 2020* based on the **Overarching Principles** as outlined above in this report.
270. In preparing the proposed local provisions, a number of clauses are able to be harmonised through the utilisation of model local provisions released by the DPIE where applicable and the retention of local provisions in the existing LEPs.
271. At the same time, this Planning Proposal proposes significant amendments to some existing local provisions and proposes a number of new specialised provisions to give effect to the *South District Plan* and to meet the LSPS vision for the LGA,
272. Several amendments have also been made to the proposed local provisions in response to the recommendations made by the LPP at its meeting dated 17 October 2019. Further information is provided in **Table 4** above.
273. All proposed local provisions have been prepared with the understanding that Clause 4.6 may be utilised to address non-compliance with a development standard, including

those specified in Part 6 of the LEP. In this context, the term “development standards” is defined by the *Environmental Planning and Assessment Act 1979* as follows:

development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

- (a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,
- (b) the proportion or percentage of the area of a site which a building or work may occupy,
- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,
- (d) the cubic content or floor space of a building,
- (e) the intensity or density of the use of any land, building or work,
- (f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,
- (g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,
- (h) the volume, nature and type of traffic generated by the development,
- (i) road patterns,
- (j) drainage,
- (k) the carrying out of earthworks,
- (l) the effects of development on patterns of wind, sunlight, daylight or shadows,
- (m) the provision of services, facilities and amenities demanded by development,
- (n) the emission of pollution and means for its prevention or control or mitigation, and
- (o) such other matters as may be prescribed.

274. With consideration to the above, a number of local provisions (as identified below) are proposed to be excluded from the application of Clause 4.6 due to the similarity in their application to *Clause 5.4 Controls relating to miscellaneous permissible uses*, which cannot be varied through Clause 4.6 as mandated by the *Standard Instrument LEP*. Further explanation is provided for each clause later in this report:

- Clause 6.13 Development for the purposes of dual key dwellings in Zones R2 and R3
- Clause 6.15 Office premises in Zone IN2
- Clause 6.16 Take away food and drink premises and restaurants or cafes in Zone IN2

275. The intent of the proposed local provisions are summarised below.

Clause 6.1 Acid sulfate soils

276. This clause seeks to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

277. The proposed clause is based on the model local clause provided by the DPIE and is generally consistent across the existing LEPs except that the *KLEP 2012* adopts a smaller distance (100m rather than the standard 500m) for works on Class 5 Land.
278. This Planning Proposal seeks to adopt the 500 metre distance control for Class 5 land works in the *GRLEP 2020*, as specified in the model clause to provide a consistent approach across the whole LGA.

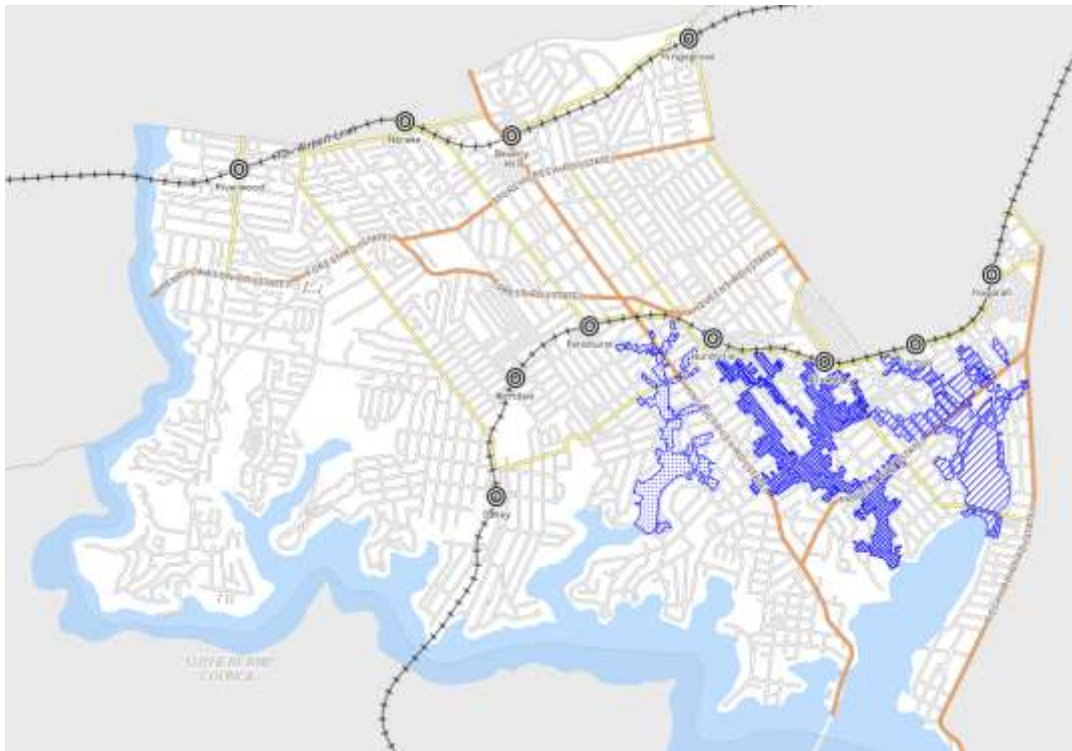
Clause 6.2 Earthworks

279. This clause seeks to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses and amenity, cultural or heritage items or features of the surrounding land. It also allows earthworks of a minor nature without requiring separate development consent.
280. This clause currently only applies to the Blakehurst and Kogarah Bay Wards under the *KLEP 2012*. This Planning Proposal proposes to extend its application to the entire Georges River LGA to ensure consistency in the assessment of earthworks and the impact of works on the integrity of adjoining properties.
281. Any development application affected by this clause will need to consider the impact of proposed excavation on matters, such as soil stability, soil erosion, the amenity and structural integrity of adjoining properties, and the health and vitality of existing trees. Developments will also need to be designed to complement the slope of the land to minimise the need for cut and fill and their potential height and bulk.

Clause 6.3 Flood planning

282. This clause is currently only adopted in the *KLEP 2012*. The existing “flood planning areas” identified on the Flood Planning Map of the *KLEP 2012* (refer **Figure 16** below) are proposed to be retained.

Figure 16 – Existing flood planning areas



283. This Planning Proposal seeks to expand the application of this clause to the whole LGA to ensure that all developments incorporate appropriate measures to manage flood hazards consistently across the LGA where there are known potential risks of flooding through the inclusion of two additional layers – a new “flood planning zone” on the existing Flood Planning Map and a new Probable Maximum Flood Map that shows the following information:
- Probable Maximum Flood Extent;
 - Flood Prone Land; and
 - Flood Prone Zone.
284. The proposed Flood Planning Map and Probable Maximum Flood Map are provided in **Attachment 8**.
285. The flood planning zone applies to properties that are identified as affected by the 1 in 100 year flood extent in Council’s overland flow flood studies.
286. Council has endorsed the following overland flow flood studies:
- *Overland Flow Flood Study for Hurstville, Mortdale and Peakhurst Wards* – this covers all areas within the former Hurstville LGA; and
 - *Moore Reserve Catchment Overland Flow Study* – this covers the Moore Reserve study area in the former Kogarah LGA.
287. A flood study is the first step in developing a floodplain risk management plan and involves a comprehensive technical investigation of flood behaviour within an area.
288. Flood planning areas, such as the areas identified in the *KLEP 2012 Flood Planning Map*, are properties that have been formally identified as affected by the 1 in 100 year flood extent and have had the flood risk confirmed by the preparation of an endorsed floodplain risk management study and plan.

289. The flood planning zone applies to properties that are affected by the 1 in 100 year flood extent as identified by the abovementioned overland flow flood studies, but are yet to have the flood risk confirmed by an endorsed floodplain risk management study and plan.
290. Council is currently preparing a *Floodplain Risk Management Study and Plan* (“the Plan”) for the Hurstville, Mortdale and Peakhurst Wards. The Plan will include a flood risk assessment of properties identified by the overland flow flood studies. The Plan will also identify strategies to reduce flood risk through both structural and non-structural measures.
291. The outcomes of the Plan will inform whether a property located within the proposed flood planning zone will need to be formalised within the flood planning area, or whether the property may be removed from the Flood Planning Map due to the assessment deeming the site not flood prone in a 1 in 100 year flood.
292. Flood prone lands are properties susceptible to flooding by a probable maximum flood (“PMF”) event. The PMF is the largest flood that could conceivably occur at a particular location and is calculated by combining a range of extreme conditions and probabilities. It is extremely rare but the associated risks must be addressed by developments comprising of a sensitive land use such as hospitals, schools and child care centres.
293. The difference between the flood prone land and flood prone zone is that the risk of flooding on the flood prone land has been confirmed through the completion of a flood risk assessment whilst the flood risk assessment is yet to be completed for the flood prone zone.
294. Similar to the process undertaken for properties located in the proposed flood planning zone, properties that are located within the proposed flood prone zone may be removed from the Probable Maximum Flood Map if the flood risk assessment deems the site not flood prone in a PMF event.
295. If a property is identified on the proposed Flood Planning Map, or on the Probable Maximum Flood Map and is for a sensitive land use development, then the development must be appropriately designed in response to the flood risk through measures such as elevating the ground floor level. Consideration will also have to be given to whether the development is appropriate for that site given the potential flood hazard and demonstrate that it will not adversely affect flood behaviour.

Clause 6.4 Stormwater management

296. This Planning Proposal seeks to introduce a clause relating to stormwater management to ensure the impacts of urban stormwater runoff is minimised to protect and improve the environmental health of the LGA’s waterways, namely the Georges River and Salt Pan Creek.
297. This clause is not present in either *HLEP 2012* or *KLEP 2012* but a stormwater management clause adapted from the clause within the *Sutherland Local Environmental Plan 2015* is proposed to apply to all new developments and substantial redevelopments in the LGA.

298. If a development is proposed on land to which this clause applies, consideration must be given to the impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system and incorporate design measures to maximise on-site infiltration of water and on-site stormwater detention or retention to reduce the development's reliance on mains supplied water if practicable.

Clause 6.5 Foreshore area and coastal hazards and risks

299. This Planning Proposal seeks to amalgamate the existing local provisions that relate to development in the foreshore area, riparian lands and waterways as listed below due to the common objective of regulating development to minimise conflicts with natural foreshore processes and the foreshore environment:

- Clause 6.2 Riparian land and watercourses (*HLEP 2012*)
- Clause 6.3 Limited development on foreshore area (*HLEP 2012*)
- Clause 6.3 Limited development on foreshore area (*KLEP 2012*)

300. The intent of this clause is to enhance the protection of the natural environment along the LGA's foreshore in line with the overarching principles of this LEP. The inclusion of the coastal hazard area based on the findings of the *Tidal Inundation Study* will ensure that there is a focus on addressing coastal hazards and risk through the development assessment process as the local provisions of the existing LEPs do not provide a clear link to policy on coastal hazard and risks.

301. This clause applies to the following areas:

- Foreshore areas – shown as the pink area between the foreshore building line and the mean high water mark on the Foreshore Building Line Map (consolidation of existing maps);
- Sensitive lands along the water's edge – shown as a 40m buffer zone from the mean high water mark on the Riparian Lands and Watercourses Map; and
- Areas affected by future sea level rise – shown as year 2050 and year 2100 extents on the Coastal Hazard and Risk Line Map.

302. The proposed maps are provided in **Attachment 8**.

303. If a proposed development falls within land to which this clause applies, consideration must be given towards the impacts of sea level rise and tidal inundation as a result of climate change, impacts on the water quality of the Georges River and Salt Pan Creek, and other coastal hazards.

Clause 6.6 Foreshore scenic protection area

304. Whilst this is an existing clause under the *HLEP 2012*, additional considerations regarding the protection and maintenance of the biodiversity within the foreshore scenic protection area ("FSPA") are proposed to be included in the *GRLEP 2020*.

305. This Planning Proposal also seeks to extend the existing FSPA under the *HLEP 2012* to the whole LGA to consistently in accordance with the principle of achieving equity across the LGA to consistently regulate built form outcomes, reduce impacts of development on biodiversity and reinforce the dominance of vegetation and landscape over hard surfaces in the foreshore localities.

306. The extent of the existing FSPA in the former Hurstville LGA has been reduced in accordance with the principles of equity and consistency. The extent of the proposed FSPA is based on the character typologies, covering areas with higher sensitivities to change, as identified by the *Foreshore Strategic Directions Paper* (refer **Figure 2** above).
307. However, it should be noted that whilst the character area of “Garden Suburban (Large Lots)” is identified as having higher sensitivity to change by the Paper, this area has been excluded from the proposed FSPA as most of the residential properties located in this character area are not included within the existing FSPA under the *HLEP 2012*.
308. The inclusion of these properties within the FSPA would impose more stringent development controls such as an increased lot size for dual occupancy developments, thereby significantly reducing the development potential of this area which will reduce the LGA’s capacity to meet the projected housing targets.
309. The proposed extent of the FSPA in the former Kogarah LGA has primarily been informed by the location of the foreshore localities identified within the existing Kogarah DCP and supplemented by the character typologies with higher sensitivities to change as identified by the Paper. This is due to the correlation between the existing larger lot size requirements in the foreshore localities and the FSPA.
310. It should also be noted that whilst the character area of “Jetty’s and Marina Edge” is identified as having lower sensitivity to change in the Paper, these areas are included in the proposed FSPA for the purpose of consistently applying the FSPA to all waterfront localities across the Georges River foreshore, in accordance with the principle of achieving equity through harmonisation.
311. The proposed extent of the FSPA is shown on the Foreshore Scenic Protection Area Map as provided in **Attachment 8**.
312. Under this clause, developments within the proposed FSPA will have to 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, Salt Pan Creek, foreshore reserves, residential areas and public places.

Clause 6.7 Airspace operations

313. This clause seeks to ensure that development does not interfere with aircraft operations and the community is protected from undue risk from airport operations.
314. This clause is present within both existing LEPs so it is proposed to harmonise this provision through the utilisation of model local provisions released by the DPIE to ensure a consistent approach is adopted for the LGA.
315. This Planning Proposal does not seek to change the intent or operation of the clause as it currently applies to land identified on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Systems Operations Surface for all airports.

Clause 6.8 Development in areas subject to aircraft noise

316. This clause seeks to ensure that development does not interfere with aircraft operations and that noise sensitive development is prevented from being located near Sydney Kingsford Smith Airport and its flight paths.
317. It is intended that this clause will be based on the model local clause provided by DPIE which is similar to the clause adopted in the *KLEP 2012*.
318. This Planning Proposal does not seek to change the intent or operation of the clause as it currently applies to land near Sydney Kingsford Smith Airport or land identified within the ANEF contour.

Clause 6.9 Essential services

319. This clause requires that development consent must not be granted to development unless the consent authority is satisfied that services essential for the proposed development are available or that adequate arrangements have been made to make them available when required.
320. This Planning Proposal seeks to include a similar clause in the *GRLEP 2020* to the one currently in the *HLEP 2012*. It does not seek to change the intent or operation of the clause.

Clause 6.10 Design excellence

321. In response to the LSPS vision for well-designed development, this clause has been introduced to deliver highest standards of architecture and design across the LGA.
322. This clause applies to new developments and substantial redevelopments of 12m or taller in the business, industrial and high density residential zones.
323. This clause also applies to development in the FSPA such as dwelling houses, dual occupancies, bed and breakfast accommodation, health services facilities and marinas.
324. No design competition is required by this clause. Instead, the subject development will need to be peer-reviewed by an urban designer or a registered architect appointed from Council's panel of design experts against the heads of consideration listed in this clause, which include the suitability of the land for development, the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, bulk, massing and modulation of buildings.

Clause 6.11 Environmental sustainability in certain business, industrial and residential zones

325. The intent of this clause is to ensure that all development with a GFA of 1,500sqm or greater in business, industrial and high density residential zones embrace the best practice principles of environmentally sustainable development.
326. The clause requires a statement of verification to be submitted with the development application by an Australian Building Sustainability Association accredited assessor demonstrating that the development satisfies environmentally sustainable principles such as water efficiency, reducing the urban heat island effect and reducing energy demands.

Clause 6.12 Landscaped areas in certain residential and environmental protection zones

327. The natural environment is an asset highly valued by the Georges River community. To ensure development, especially in the private domain, is accompanied by an appropriate level of landscaping, this clause has been introduced to specify minimum landscaping requirements in the residential and E2 zones. .
328. This clause seeks to ensure landscaping is a significant part of the local character by requiring the retention and provision of vegetation that contributes to biodiversity and enhances the tree canopy of the LGA, whilst minimising urban run-off, the visual impact of development and the urban heat island effect.
329. The proposed minimum landscaped area requirements have been derived from a comparison of the landscaping requirements within the existing Hurstville and Kogarah DCPs against the requirements of the Codes SEPP (refer **Table 14** below).

Table 14 – Comparison of landscaped area requirements

Development Type	Hurstville DCP	Kogarah DCP	Codes SEPP
Explanatory note	Applies to “landscaped open space” with minimum 2m dimensions	Applies to “deep soil” only with no minimum dimensions	Applies to “landscaped area” with minimum 1.5m dimensions
Dwelling house (non-FSPA)	20%	15%	20%
Dwelling house (FSPA)	25%	15%	30%
Dual occupancy (non-FSPA)	20%	15%	35%
Dual occupancy (FSPA)	25%	15%	40%
Medium density development (e.g. multi dwelling housing)	20%	Maximum 55% impervious area	20% for terraces 37.5% for manor houses
R4 zones (excludes SEPP 65 development)	N/A	N/A	N/A
E2 zone (only one site in the LGA)	N/A	N/A	N/A

330. The proposed minimum landscaped area requirements within this clause are shown in **Table 15** below. The proposed requirements are shown as a percentage of the site area.

Table 15 – Proposed minimum landscaped area requirement

Development	Proposed requirement	Example
Dwelling house (non-FSPA)	20%	90sqm is required on a 450sqm site

Dwelling house (FSPA)	25%	175sqm is required on a 700sqm site
Dual occupancy (non-FSPA)	20%	65sqm per lot is required on a 650sqm site
Dual occupancy (FSPA)	25%	125sqm per lot is required on a 1,000sqm site
Medium density development (e.g. multi dwelling housing)	20%	160sqm is required on a 800sqm site
R4 zones (excludes SEPP 65 development)	10%	100sqm is required on a 1,000sqm site
E2 zone (only one site in the LGA)	70%	16,520sqm is required on the 23,600sqm site

331. A customised definition has also been adopted for the term “landscaped area” which expands on the existing *Standard Instrument LEP* definition to prescribe further details as follows:

- Minimum 2m in width and 2m in length;
- Minimum 75% of the total landscaped area is deep soil (area of soil unimpeded by buildings or structures above and below ground); and
- Maximum 25% of the total landscaped area can be hard paved areas (including both semi-permeable and permeable surfaces).

Clause 6.13 Development for the purposes of dual key dwellings in Zones R2 and R3

332. As a local response to facilitating the delivery of housing choice across the LGA, this clause seeks to enable the development of an ‘internal secondary dwelling’ up to a maximum of 75sqm GFA that is wholly contained within the building envelope of an existing principal dwelling.
333. This clause has been developed in response to the findings of the *Evidence Base for the Local Housing Strategy* which identifies that the LGA needs to provide a greater diversity of dwellings to accommodate both the ageing population who are looking to downsize in their local area and the younger working age group who are looking for affordable accommodation.
334. To incentivise the conversion of under-utilised spaces within existing dwellings, such as an empty-nester’s larger family home, an ‘internal secondary dwelling’ may be proposed with up to 75sqm GFA. An example of a dual key dwelling development would be the conversion of a ‘rumpus room’ into a separate dwelling.
335. As dual key dwellings would be wholly contained with the existing building envelope, they would have no impact on the streetscape character of low and medium density neighbourhoods.
336. It should be noted that since secondary dwellings are a permissible land use within the proposed R2 Low Density Residential and R3 Medium Density Residential zones under the *GRLEP 2020*, an alternative term is required to identify this form of ‘internal secondary dwelling’ to ensure the two development typologies can be differentiated.

337. The term “dual key dwelling” is proposed, referencing the dual key apartment product where there is a self-contained studio accessed by a shared hallway inside the main apartment. Alternative references such as “studios” were considered but not adopted due to the similarities between the term and “studio apartments”.
338. It is proposed that this provision be excluded from the application of Clause 4.6 *Exceptions to development standards* to ensure the density of the development is appropriate in low and medium density residential areas.

Clause 6.14 Development in certain business zones

339. This clause is intended to replace the existing Active Street Frontage local provision in the *HLEP 2012* and be applied to all business zones across the LGA where shop top housing is permitted.
340. The aims of this clause are to promote uses that attract pedestrian traffic at street level and provide active, commercial uses at the street frontage as any development within the B1, B2, B4 and B6 Zones must not include a residential land use or tourist and visitor accommodation on the ground floor of a building that is facing a street.
341. This clause also implements the requirement for a minimum of 500sqm of non-residential floor space to be provided at the ground floor of developments in the B6 Enterprise Corridor zone to facilitate the development of large floor plates that are capable of accommodating a range of employment uses, including specialised retail premises and light industrial uses.
342. It should be noted that this clause is intended to complement the minimum non-residential FSR requirement in its application so that opportunities are maintained for business and retail development in commercial centres.

Clause 6.15 Office premises in Zone IN2

343. To facilitate greater economic viability of developments in industrial zones and to facilitate the contemporary adaptation and development of industrial and warehouse buildings, this clause seeks to permit additional office floor space.
344. The intent of this local provision is aligned with the *South District Plan* and LSPS priority to support industrial land development.
345. In addition to an office floor space associated with the primary industrial use, it is proposed that additional office premises equating to a maximum of 10% of the GFA of the industrial activity and its office premise located on the same land may be permitted.
346. It is proposed that this provision be excluded from the application of Clause 4.6 *Exceptions to development standards* to ensure industrial uses remain the core land use in the IN2 Light Industrial zone.

Clause 6.16 Takeaway food and drink premises and restaurants or café in Zone IN2

347. This clause seeks to meet the needs of those who work within or visit the industrial precincts while ensuring that the town centres retain the focus for business and retail activity by limiting the size of food and drink retailing in the industrial zone.

- 348. It is proposed that a maximum of 20% of the GFA of the industrial activity located on the same land or 200sqm, whichever is the lesser, may be permitted for food and drink retailing in the IN2 zone.
- 349. It is proposed that this provision be excluded from the application of Clause 4.6 *Exceptions to development standards* to ensure industrial uses remain the core land use in the IN2 Light Industrial zone.

Clause 6.17 Creative industries in Zone IN2

- 350. This local provision is intended to encourage a diverse range of industries (including creative and innovative industries) that do not compete with commercial centres and do not compromise industrial and urban services within the IN2 Light Industrial zone.
- 351. The proposed provision will apply to two areas: the Penshurst Lane, Penshurst (refer **Figure 17** below) and Halstead Street, South Hurstville (refer **Figure 18** below) industrial precincts.

Figure 17 – Penshurst Lane, Penshurst industrial precinct

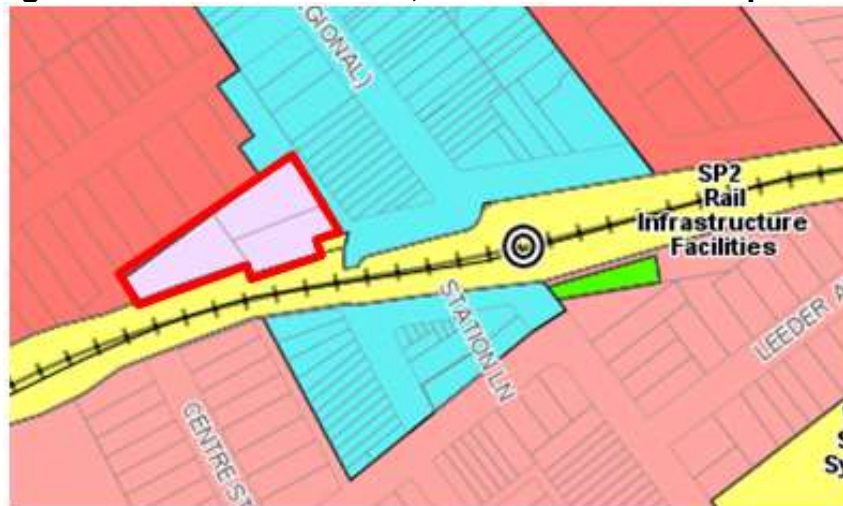


Figure 18 – Halstead Street, South Hurstville industrial precinct



352. Council's *Industrial Land Review* has identified that these areas are compromised by their location in terms of attracting industrial uses and investment. The types of industrial activities that can be located in these precincts are constrained due to the amenity impacts of traditional industrial land uses on the surrounding low density residential land.
353. This clause seeks to foster a diverse range of industries within the above precincts, including creative and innovative industries such as media, advertising, fine arts and craft, design, film and television, music, publishing, performing arts, cultural heritage institutions or other related purposes.
354. It is proposed that development comprising of offices and spaces for creative and innovative industries within these precincts will be exempt from the office floor area restriction prescribed by Clause 6.15 (Office Premises in Zone IN2) above.

Clause 6.18 Location of sex services premises

355. This is an existing provision under both existing LEPs. This clause seeks to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
356. The proposed clause in *GRLEP 2020* does not seek to change the intent or operation of the existing clauses.

Schedules

357. The proposed changes to the Schedules of the existing LEPs are summarised below.

Schedule 1 Additional permitted uses

358. This Schedule identifies additional land uses that are permitted on a site that are not identified in the Land Use Table or other planning instruments, such as a State Environmental Planning Policy.
359. This Planning Proposal seeks to continue the range of additional permitted uses for identified sites and locations in the existing LEPs by consolidating the schedules of additional permitted uses under the *HLEP 2012* and *KLEP 2012*.
360. The Planning Proposal also proposes a number of key amendments to Schedule 1 as follows:
- In accordance with the *Georges River Local Environmental Plan Amendment (Miscellaneous) 2019* (Planning Proposal for the LRMDHC), delete Items 17 and 18 (Use of certain land for multi dwelling housing) from Schedule 1 of *KLEP 2012* to prevent manor houses, multi dwelling housing (terraces), villas and townhouses from being built through a development application;
 - In accordance with the recommendations of the draft *Commercial Centres Strategy – Part 1*:
 - Delete Item 16(ja) (Use of certain land for limited commercial and residential purposes - 129 Laycock Road, Hurstville Grove) from Schedule 1 of *KLEP 2012* and incorporate the site into the adjacent business zone; and

- Delete Item 16(la) (Use of certain land for limited commercial and residential purposes - 29–31 Rocky Point Road, Kogarah) from Schedule 1 of *KLEP 2012* and incorporate the site into the adjacent business zone;
- Insert all sites in the R2 Low Density Residential zone where there is an existing place of public worship to ensure its permissibility following the prohibition of places of public worship in the R2 Low Density Residential zone of the *GRLEP 2020*; and
- In accordance with the LSPS vision for Jubilee Stadium to be a regionally significant sporting and entertainment hub, insert ‘entertainment facility’ as an additional permitted use at Jubilee Stadium due to the prohibition of entertainment facilities across the RE1 Public Recreation zone.

Schedule 2 Exempt development

361. Schedule 2 allows Council to nominate additional exempt development to those specified in SEPPs, such as the *Codes SEPP*. This Planning Proposal seeks to delete the existing exempt development provisions and rely on the provisions of the *Codes SEPP*.

Schedule 3 Complying development

362. Similar to Schedule 2, Schedule 3 allows Council to nominate additional complying development to those specified in SEPPs, such as the *Codes SEPP*. No complying development is specified within the existing LEPs.
363. This Planning Proposal seeks to rely on the provisions of the *Codes SEPP* and does not include complying development.

Schedule 4 Classification and reclassification of public land

364. Schedule 4 provides a location for Council to capture information on the classification and reclassification of public land as either community or operational land in accordance with the *Local Government Act 1993*. This Schedule will appear blank for the *GRLEP 2020* but may be used during the life of the LEP should changes to public land classification be adopted by Council.
365. The details of land classification and reclassifications are recorded in Council’s register of land under section 53(2) of the *Local Government Act*. As no new land classifications are proposed, Schedule 4 will not be populated.

Schedule 5 Environmental heritage

366. This Planning Proposal seeks to merge the Schedule 5 planning provisions under the existing LEPs to form Schedule 5 under the *GRLEP 2020*.
367. Under the *GRLEP 2020* it is proposed to delete the following 3 heritage items following review of the current *HLEP 2012* heritage items as part of the *Hurstville Heritage Review* (refer **Attachment 18**):
- 78 Bonds Road, Peakhurst as the existing fabric is almost all new and the item includes substantial additions.

- 127-137 Forest Road, Hurstville due to the adverse impact of recent redevelopment, the significance of the item has been impacted causing loss of the physical, spatial and aesthetic context of the original building.
 - 237 Forest Road, Hurstville as the original building has either been demolished and re-built or heavily altered.
368. Additionally, 19 heritage items are to have their description amended to reflect their significance in relation to their built form and setting in accordance with the recommendations of the *Hurstville Heritage Review*.
369. This amendment proposes the removal of the façade only description of the heritage items under *HLEP 2012* by amending their descriptions to include the whole of the heritage building in *GRLEP 2020*. Examples are provided in **Table 16** below:

Table 16 – Examples of heritage description amendment

Existing Description	Address	Proposed Description
I130 – Front facade of building	184 Forest Road, Hurstville	I130 – Retail building
I138 – Rendered facade of building	232–242 Forest Road, Hurstville	I138 – Group of shops

370. Whilst the façade is a visually prominent feature of a heritage item, the proposed description intends to clarify the item’s significance in a holistic manner by incorporating the fabric of the item including its façade, built form and setting.
371. This amendment is incorporated with the intent of ensuring any future development is designed to sympathetically respond to the heritage character through appropriate design solutions, adaptive re-use and interpretation.
372. This Planning Proposal does not seek to amend any of the heritage items currently located within the former Kogarah LGA which was subject to a heritage review in 2012.

Schedule 6 Pond-based and tank-based aquaculture

373. This Schedule provides further information on aquaculture activities, including site location and operational requirements. All items in this Schedule are compulsory and must be included in the GRLEP 2020.

Consistency with strategic context

374. An assessment of the Planning Proposal against the relevant Objectives, Planning Priorities and Actions of the *Greater Sydney Region Plan*, *South District Plan* and Council’s LSPS is detailed in **Attachment 3**.
375. The assessment demonstrates that the Planning Proposal assists in achieving the Planning Priorities and Actions of the LSPS and *South District Plan*, thereby giving effect to the District Plan. The Planning Proposal is also consistent with the directions of the *Greater Sydney Region Plan*.
376. A summary of the alignment between this Planning Proposal and the relevant *South District Plan* and LSPS Planning Priorities is categorised by the four themes of

infrastructure and collaboration, liveability, productivity and sustainability in **Table 17** below:

Table 17 – Summary of Alignment with Planning Priorities

South District Plan Planning Priority	LSPS Planning Priority	Comment
Infrastructure and collaboration		
<p>S1. Planning for a city supported by infrastructure</p> <p>S3. Providing services and social infrastructure to meet people’s changing needs</p>	<p>P1. We have a range of frequent, efficient transport options to connect people, goods, services, businesses and educational facilities</p> <p>P4. Collaboration supports innovation and delivers infrastructure, services and facilities</p> <p>P6. Everyone has access to efficient digital connectivity</p> <p>P10. Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces</p>	<p>The proposed uplifts are limited to the up-zoning of 5 areas to accommodate new housing and encourage housing diversity. These areas are located within walking distance to transport infrastructure, such as train stations and frequent bus services, and existing commercial centres.</p> <p>A local provision, Clause 6.9 “Essential services”, is proposed to ensure any future development applications demonstrate that there is sufficient essential services and infrastructure in place to service new development. When and as required, infrastructure may need to be augmented and upgraded by individual developers.</p> <p>This Planning Proposal proposes to zone hospitals and educational establishments SP2 Infrastructure to retain land for the continued provision of these important infrastructure.</p> <p>This Planning Proposal also proposes ‘entertainment facility’ at Jubilee Stadium as an additional permitted use through Schedule 1. The Stadium is recognised in the LSPS as one of Council’s key infrastructure and permitting entertainment facilities will enable the Stadium to be consolidated as a regional sporting and entertainment hub.</p>
Liveability		
<p>S4. Fostering healthy, creative, culturally rich and socially connected communities</p> <p>S5. Providing housing supply,</p>	<p>P4. Collaboration supports innovation and delivers infrastructure, services and facilities</p> <p>P8. Place-based development, quality building design and public art deliver</p>	<p>This Planning Proposal provides additional housing through the up-zoning of existing low density residential areas in highly accessible areas located within walking distance to transport infrastructure.</p> <p>This Planning Proposal also</p>

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South District Plan Planning Priority	LSPS Planning Priority	Comment
<p>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>liveable places</p> <p>P9. A mix of well-designed housing for all life stages caters for a range of lifestyle needs and incomes</p> <p>P10. Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces</p> <p>P11. Aboriginal and other heritage is protected and promoted</p> <p>P13. Planning, collaboration and investment delivers employment growth and attractive, lively, accessible and productive centres</p> <p>P15. All local centres are supported to evolve for long-term viability</p> <p>P19. Everyone has access to quality, clean, useable, passive and active, open and green spaces and recreation places</p>	<p>incorporates a new local provision – Clause 6.13 “Development for the purposes of dual key dwellings in Zones R2 and R3” to assist in providing housing choice through the provision of rental housing. As dual key dwellings would be wholly contained with the existing building envelope, they would have no impact on the streetscape character of low and medium density neighbourhoods.</p> <p>To foster a diverse range of industries within the IN2 Zone, a new local provision is proposed through the Clause 6.17 “Creative industries in Zone IN2” to creative and innovative industries in the Penshurst and Halstead Industrial Precincts.</p> <p>Part 1 of the <i>Commercial Centres Strategy</i> develops a centres hierarchy and seeks to harmonise the permissible land uses and encourage other key uses such as enabling markets and artisan food and drink industries in business zones.</p> <p>The Planning Proposal also incorporates the amendments recommended in the <i>Hurstville Heritage Review</i> in Schedule 5 to reinforce the heritage significance of existing items by amending their descriptions to clarify that both the built form and setting elements are part of the item's significance.</p>
Productivity		
<p>S8. Growing and investing in health and education precincts and Bankstown Airport trade gateway as economic catalysts for the District</p> <p>S9. Growing investment,</p>	<p>P4. Collaboration supports innovation and delivers infrastructure, services and facilities</p> <p>P8. Place-based development, quality building design and public art deliver liveable places</p>	<p>This Planning Proposal seeks to formalise the significance of existing health and education uses by zoning all land owned by major health service providers and school organisations SP2 Hospital and SP2 Educational Establishment.</p> <p>This Planning Proposal also seeks to include a non-residential FSR in the LGA's centres to ensure that</p>

South District Plan Planning Priority	LSPS Planning Priority	Comment
<p>business opportunities and jobs in strategic centres</p> <p>S11. Supporting growth of targeted industry sectors</p>	<p>P9. A mix of well-designed housing for all life stages caters for a range of lifestyle needs and incomes</p> <p>P12. Land is appropriately zoned for ongoing employment growth</p> <p>P13. Planning, collaboration and investment delivers employment growth and attractive, lively, accessible and productive centres</p> <p>P14. Hurstville, Beverly Hills and Kogarah are supported to grow safe night-time entertainment, dining and other recreational opportunities</p> <p>P15. All local centres are supported to evolve for long-term viability</p>	<p>employment floor space is retained and enhanced to support local jobs for local people.</p> <p>The activation of centres is further promoted through the new local provision – Clause 6.14 “Development in certain business zones”. This clause prohibits residential and tourism and visitor accommodation at the ground floor of any new development within the B1, B2, B4 and B6 zones. This clause will encourage non-residential land uses such as retail on the ground floor, providing opportunities for greater activation.</p> <p>Furthermore, it is proposed to retain the B3 zone in the Hurstville Strategic Centre to ensure there is sufficient land zoned for ongoing employment growth. “Tourist and visitor accommodation” is proposed to be permitted in this zone to support the significant presence of international students and visitors.</p> <p>The translation of Deferred Matter sites under the <i>HLEP 1994</i> into the <i>GRLEP 2020</i> will also facilitate the growth in investment, business opportunities and jobs in the Hurstville strategic centre.</p> <p>This Planning Proposal also supports the LSPS vision to provide quality “medi-hotels” outside of hospitals for people receiving treatment and their families. In the absence of “medi-hotels” as a <i>Standard Instrument LEP</i> land use term, it is proposed to retain “tourist and visitor accommodation” as a permissible land use in the B4 zone to ensure the planning framework continues to support the provision of these types of accommodation.</p>
<p>S10. Retaining and managing industrial and urban services land</p>	<p>P12. Land is appropriately zoned for ongoing employment growth</p>	<p>This Planning Proposal seeks to increase the maximum building height for the IN2 zone to improve development viability and encourage industrial development.</p>

South District Plan Planning Priority	LSPS Planning Priority	Comment
		<p>“Office premises” is proposed to be introduced as a permissible land use in the IN2 Light Industrial zone. To manage the amount of office floor space to ensure sufficient industrial floor space is retained for industrial uses and industrial and urban services activities are not compromised by office development, restrictions are placed on the amount of office floor space permitted through Clause 6.15 “Office premises in Zone IN2”.</p> <p>It is also proposed to permit creative and innovative industries, food and drink premises, and restaurants and cafes within the IN2 zone to provide flexibility in land uses within the zone, promote job creation and meet the needs of those who work within or visit the industrial precincts.</p>
Sustainability		
<p>S13. Protecting and improving the health and enjoyment of the District’s waterways</p>	<p>P10. Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces</p>	<p>This Planning Proposal introduces the following local provisions to minimise the impacts of urban stormwater runoff, protect environmentally sensitive areas, mitigate the impacts of sea level rise and tidal inundation as a result of climate change, increase landscaping and the tree canopy, enhance biodiversity and promote urban design and best practice environmentally sustainable development principles:</p> <ul style="list-style-type: none"> • Clause 6.4: “Stormwater management” • Clause 6.5: “Foreshore area and coastal hazards and risks” • Clause 6.6: “Foreshore scenic protection area” • Clause 6.11: “Environmental sustainability in certain business, industrial and residential zones” • Clause 6.12: “Landscaped areas in residential and environmental protection zones” <p>This Planning Proposal also identifies additional properties to be acquired for</p>
<p>S14. Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes and better managing rural areas</p>	<p>P16. Our waterways are healthy and publicly accessible</p> <p>P17. Tree canopy, bushland, landscaped settings and biodiversity are protected, enhanced and promoted</p>	
<p>S15. Increasing urban tree canopy cover and delivering Green Grid connections</p>	<p>P18. An environmentally friendly approach is applied to all new development</p>	
<p>S16. Delivering high quality open space</p>	<p>P19. Everyone has access to quality, clean, useable, passive and active open and green</p>	

South District Plan Planning Priority	LSPS Planning Priority	Comment
S17. Reducing carbon emissions and managing energy, water and waste efficiency	spaces and recreation places	local open space to expand and improve access to existing open space, supporting existing and future residents of the LGA.
S18. Adapting to the impacts of urban and natural hazards and climate change	P20. Development is managed to appropriately respond to hazards and risks	

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Consistency with SEPPs

377. The Planning Proposal is consistent with the following relevant *State Environmental Planning Policies* (SEPPs) as assessed below in **Table 18**.

Table 18 – Consistency of Planning Proposal with SEPPs

SEPP	Consistency	Comment
State Environmental Planning Policy No 19 – Bushland in Urban Areas	Yes	<p>The Planning Proposal introduces the following new local provisions that seek to protect and enhance the tree canopy and biodiversity within the LGA:</p> <p>Clause 6.6: “Foreshore scenic protection area” – the objective of this clause is to protect, maintain and improve the scenic amenity, significant views, diversity and condition of native vegetation and habitats, and environmental, social and character values of the Georges River foreshore in line with the overarching principles of this LEP.</p> <p>Clause 6.12: “Landscaped areas in residential and environmental protection zones” - the objective of this clause is to ensure that the landscaped character of residential suburbs is preserved, minimise urban run-off by maximising permeable areas, minimise the visual impact of development, and ensure that vegetation which contributes to biodiversity and tree canopy is retained. This clause aims to reduce the urban heat island effect by increasing urban vegetation and permeable surfaces.</p> <p>Accordingly, the Planning Proposal is consistent with this SEPP.</p>
State Environmental Planning Policy No. 55 – Remediation of Land	Yes	All of the land that is proposed to be rezoned under the Planning Proposal to allow increased residential density (i.e. the Housing Investigation Areas) is currently zoned residential and is urban land. Therefore, the sites proposed for rezoning are

SEPP	Consistency	Comment
		<p>unlikely to be contaminated.</p> <p>Based on the records available to Council, the proposed rezonings from SP2 Infrastructure to the adjoining zone, such as R2 Low Density Residential, do not include sites that contain existing activities that may cause contamination as identified by the EPA's <i>Planning Guidelines for Managing Land Contamination</i>.</p> <p>Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p>
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development	Yes	<p>The Planning Proposal introduces a new local provision for design excellence to deliver the highest standards of architecture and design across the LGA. The clause applies to new developments and substantial redevelopments of 12m or greater in the high density residential, industrial and business zones.</p> <p>The subject development will need to be peer-reviewed by an urban designer or a registered architect appointed from Council's panel of design experts against the heads of consideration listed in this clause, which include the suitability of the land for development, the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, bulk, massing and modulation of buildings. The proposed clause complements SEPP 65 in improving the design quality of residential apartment development. Development applications will need to comply with SEPP 65, the Apartment Design Guide and the design excellence clause.</p> <p>Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p>
State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)	Yes	<p>Council is currently preparing an <i>Inclusive Housing Strategy</i> and a supporting Delivery Plan. The Delivery Plan will include an Affordable Housing Contribution Scheme which will set out how, where, and at what rate development contributions can be collected by Council for affordable housing.</p> <p>The <i>Inclusive Housing Strategy</i> and the supporting Delivery Plan will inform the Stage 2 (Housing Choice) LEP in the staged LEP process. This Planning Proposal does not propose the</p>

SEPP	Consistency	Comment
		<p>implementation of delivery mechanisms for affordable housing.</p> <p>Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p>
State Environmental Planning Policy (Affordable Rental Housing) 2009	Yes	<p>As stated above, this Planning Proposal does not propose the implementation of delivery mechanisms for affordable housing. These mechanisms will be investigated in Stage 2 of the LEP process.</p> <p>Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p>
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes	<p>The Planning Proposal introduces a new local provision for environmental sustainability in certain business, industrial and residential zones. The intent of this clause is to ensure that all development with a GFA of 1,500sqm or greater in business, industrial and high density residential zones embrace the best practice principles of environmentally sustainable development.</p> <p>The clause requires a statement of verification to be submitted with a development application by an Australian Building Sustainability Association accredited assessor demonstrating that the development satisfies environmentally sustainable principles such as water efficiency, reducing the urban heat island effect and reducing energy demands.</p> <p>The proposed clause complements BASIX in encouraging sustainable development. Development applications will need to comply with BASIX and the environmentally sustainable local provision.</p> <p>Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p>
State Environmental Planning Policy (Coastal Management) 2018	Yes	<p>The Planning Proposal introduces a new local provision, Clause 6.5 – Foreshore area and coastal hazards and risks. The intent of this clause is to enhance the protection of the natural environment along the LGA's foreshore in line with the overarching principles of this LEP. The inclusion of the coastal hazard area based on the findings of the <i>Tidal Inundation Study</i> will ensure that there is a focus on addressing coastal hazards and risk through the development assessment process as</p>

SEPP	Consistency	Comment
		<p>the local provisions of the existing LEPs do not provide a clear link to policy on coastal hazard and risks.</p> <p>If a proposed development falls within land to which this clause applies, consideration must be given towards the impacts of sea level rise and tidal inundation as a result of climate change, impacts on the water quality of the Georges River, and other coastal hazards.</p> <p>The proposed clause complements the Coastal Management SEPP. Development applications will need to comply with the Coastal Management SEPP and the Foreshore area and coastal hazards and risks local provision.</p> <p>Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p>
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	Yes	<p>The Planning Proposal permits educational establishments and early education and care facilities in all residential and business zones to facilitate the delivery of these land uses, consistent with the aims of the SEPP.</p> <p>The Planning Proposal also recognises the importance of retaining existing educational uses by rezoning land owned by education providers and operating as a school to SP2 “Educational establishments” to formalise the use of these lands as schools and retain their use.</p> <p>Accordingly, the Planning Proposal is consistent with the SEPP.</p>
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes	<p>The Planning Proposal does not propose the inclusion of any exempt or complying development and instead relies on the provisions of the Codes SEPP.</p> <p>Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p>
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Yes	<p>The Planning Proposal rezones land that is currently identified as SP2 “Aged Care” under the <i>HLEP 2012</i> to the adjoining zone as seniors housing is permissible under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.</p> <p>Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the</p>

SEPP	Consistency	Comment
		application of this SEPP.
State Environmental Planning Policy (Infrastructure) 2007	Yes	The Planning Proposal seeks to harmonise the existing SP2 Infrastructure zones under the <i>HLEP 2012</i> and <i>KLEP 2012</i> , consistent with the aim of the Infrastructure SEPP to improve regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services. Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes	As discussed above, the Planning Proposal introduces the new local provisions that seek to protect and enhance the tree canopy and biodiversity within the LGA. These local provisions are consistent with the aims of the SEPP to protect the biodiversity and preservation of trees and other vegetation. Accordingly, the Planning Proposal is consistent with this SEPP.
Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment		The Planning Proposal introduces a new local provision, Clause 6.5 – Foreshore area and coastal hazards and risks. The intent of this clause is to enhance the protection of the natural environment along the LGA’s foreshore in line with the overarching principles of this LEP. If a proposed development falls within land to which this clause applies, consideration must be given to a number of matters, including impacts on the water quality of the Georges River, consistent with the aims of the Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment. Accordingly, the Planning Proposal is consistent with this deemed SEPP.

Consistency with S9.1 Ministerial Directions

- 378. Ministerial Directions under Section 9.1 (formerly S117) of the *Environmental Planning and Assessment Act 1979* set out a range of matters to be considered when preparing an amendment to a Local Environmental Plan.
- 379. The Planning Proposal is consistent with the following relevant Ministerial Directions as assessed in **Table 19** below.

Table 19 – Consistency with S9.1 Ministerial Directions

S9.1 Direction	Assessment
1.1 Business and Industrial Zones <i>Objectives:</i> <i>(a) encourage employment growth in suitable locations,</i> <i>(b) protect employment land</i>	The Planning Proposal is consistent with this direction as it protects industrial and commercial zoned land and encourages their growth and viability by introducing new controls. The Planning Proposal seeks to increase the

S9.1 Direction	Assessment
<p><i>in business and industrial zones, and</i> <i>(c) support the viability of identified centres.</i></p>	<p>maximum building height for the IN2 Light Industrial zone to improve development viability and encourage industrial development. The proposed controls provide for a flexibility of uses to assist in attracting investment and redevelopment of industrial lands. In addition, the increase in height controls will promote increased industrial floor space as the current FSR of 1:1 cannot be fully achieved within the existing height limit of 10m</p> <p>The Planning Proposal also seeks to increase minimum subdivision lot sizes to prevent the fragmentation of industrial land and retain large lot sizes to provide employment opportunities and allow the operation of a diverse range of industrial uses, such as warehousing which requires large floor plates.</p> <p>It is also proposed to permit creative and innovative industries, food and drink premises, and restaurants and cafes within the IN2 zone to provide flexibility within the zone, promote job creation and to meet the needs of those who work within or visit the industrial precincts.</p> <p>The Planning Proposal introduces a minimum non-residential FSR requirement for shop top housing developments to minimise the net loss of employment floor space across all centres through redevelopment. This will encourage and promote job creation, through the provision of additional commercial office space, which may attract new business to the centres. It is considered that additional retail will assist in transforming these centres, providing increased activation opportunities, which could also enhance the night-time economy.</p> <p>The Planning Proposal also introduces Clause 6.14 “Development in certain business zones” which prohibits residential and tourism and visitor accommodation on the ground floor of any new development within the B1, B2, B4 and B6 zones. This clause will encourage non-residential land uses such as retail on the ground floor, providing opportunities for greater activation.</p>
<p>2.1 Environment Protection Zones <i>Objective:</i> <i>To protect and conserve environmentally sensitive areas.</i></p>	<p>This Planning Proposal seeks to extend the foreshore scenic protection area across the LGA, to protect environmentally sensitive areas, increase the tree canopy and enhance biodiversity within the LGA. In addition, this Planning Proposal seeks to include local provisions for the foreshore area and</p>

S9.1 Direction	Assessment
	<p>coastal hazards which will ensure the protection of ecological habitats, riparian lands and watercourses and ensure that development does not impact on the natural foreshore processes. These new local provisions will strengthen the environmental controls applicable to new development across the LGA and mitigate or prevent any adverse environmental impacts of development. Accordingly, this Planning Proposal is consistent with this direction.</p>
<p>2.2 Coastal Protection <i>Objective:</i> <i>To protect and manage coastal areas of NSW.</i></p>	<p>The Planning Proposal proposes provisions relating to the foreshore area and coastal hazards that seek to mitigate the impacts of sea level rise and tidal inundation as a result of climate change. In addition, a local provision relating to the management of stormwater has been introduced to minimise the effects of urban stormwater runoff for the purpose of protecting and improving the environmental health of the LGA's waterways.</p> <p>These provisions will not contradict or hinder the application of <i>State Environmental Planning Policy (Coastal Management) 2018</i>. Therefore, the Planning Proposal is consistent with this direction.</p>
<p>2.3 Heritage Conservation <i>Objective:</i> <i>To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i></p>	<p>Council has undertaken a review of the heritage items under the <i>Hurstville LEP</i>. The <i>Heritage Review</i> recommends three heritage items be removed as they no longer have any heritage significance either due to redevelopment or demolition. The <i>Review</i> also seeks administrative amendments to the descriptions of 19 items to clarify that both the built and setting elements are part of the heritage item's significance. All existing heritage items listed within the former Kogarah LGA are to be retained.</p> <p>The Planning Proposal incorporates the amendments recommended in the <i>Heritage Review</i> in Schedule 5 (Environmental Heritage) of the <i>GRLEP 2020</i>.</p> <p>Therefore, the Planning Proposal is consistent with this direction.</p>
<p>3.1 Residential Zones <i>Objectives:</i> (a) <i>To encourage a variety and choice of housing types to provide for existing and future housing needs</i> (b) <i>To make efficient use of existing infrastructure and services and ensure</i></p>	<p>Through the harmonisation of development standards, the capacity for approx. 1,340 additional dwellings has been created as summarised below:</p> <ul style="list-style-type: none"> • Capacity for approx. 600 additional dwellings through the reduction of the minimum subdivision lot size of the former Kogarah LGA from 550sqm to 450sqm; and • Capacity for approx. 740 additional dwellings (dual occupancies) through the reduction of the existing FSPA extent in the former Hurstville LGA

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<p><i>that new housing has appropriate access to infrastructure and services</i></p> <p>(c) <i>To minimise the impact of residential development on environment and resource lands.</i></p>	<p>which reduces the minimum dual occupancy lot size requirement for these properties from 1,000sqm to 650sqm.</p> <p>In addition to the above additional dwellings, this Planning Proposal seeks to provide capacity for approx. 650 additional dwellings through the up-zoning of existing low density residential areas to medium density and high density in highly accessible areas which are serviced by shops, schools, open space and community facilities. The areas proposed to be up-zoned are located within walking distance to transport infrastructure, such as train stations and frequent bus services.</p> <p>The Planning Proposal also incorporates a new local provision – Clause 6.13 “Development for the purposes of dual key dwellings in Zones R2 and R3”. The purpose of this clause is to enable dual key dwellings to provide housing choice and diversity, and affordable housing, such as within under occupied large dwellings.</p> <p>Therefore, the Planning Proposal is consistent with this direction.</p>
<p>3.4 Integrating Land Use and Transport</p> <p><i>Objective:</i></p> <p><i>To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <p>(a) <i>Improving access to housing, jobs and services by walking, cycling and public transport</i></p> <p>(b) <i>Increasing the choice of available transport and reducing dependence on cars</i></p> <p>(c) <i>Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car</i></p> <p>(d) <i>Supporting the efficient</i></p>	<p>This Planning Proposal provides additional housing through the up-zoning of existing low density residential areas in highly accessible areas located within walking distance to commercial centres and transport infrastructure, such as train stations and frequent bus services. The locations of these up-zoned areas have been chosen to provide existing and future residents the opportunity to access jobs and services by walking, cycling and public transport, reducing travel demand and dependence on cars. Accordingly, the Planning Proposal is consistent with this direction.</p>

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<p><i>and viable operation of public transport services</i></p> <p>(e) <i>Providing for the efficient movement of freight.</i></p>	
<p>3.5 Development Near Licensed Aerodromes Objectives:</p> <p>(a) <i>to ensure the effective and safe operation of regulated airports and defence airfields;</i></p> <p>(b) <i>to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity;</i></p> <p>and</p> <p>(c) <i>to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</i></p>	<p>The Planning Proposal proposes two local provisions, namely Clause 6.7 (Airspace operations) and Clause 6.8 (Development in areas subject to aircraft noise), which will ensure development does not interfere with aircraft operations and that noise sensitive development is prevented from being located near Sydney Kingsford Smith and its flight paths. Accordingly, the Planning Proposal is consistent with this direction.</p>
<p>4.1 Acid Sulfate Soils Objective:</p> <p><i>To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</i></p>	<p>The Planning Proposal seeks to adopt the model Acid Sulphate Soils clause within the <i>GRLEP 2020</i>. The objective of the clause is to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage. Accordingly, the Planning Proposal is consistent with this direction.</p>
<p>4.3 Flood Prone Land Objectives</p> <p>(1) <i>The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</i></p> <p><i>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</i></p>	<p>Currently, only the <i>KLEP 2012</i> contains a flood planning clause. The Planning Proposal seeks to expand the application of this clause to the whole LGA (Clause 6.3 – Flood planning) to ensure that all developments incorporate appropriate measures to manage flood hazards consistently across the LGA where there are known potential risks of flooding through the inclusion of two additional layers – the “flood planning zone” to the Flood Planning Map, and a new Probable Maximum Flood Map.</p> <p>The controls pertaining to PMF are only proposed to apply to sensitive uses such as hospitals and schools and do not include additional flood controls beyond the Flood Planning Level for residential development.</p> <p>Accordingly, the Planning Proposal is consistent with this direction.</p>

S9.1 Direction	Assessment
<p>4.4 Planning for Bushfire Protection</p> <p><i>Objectives</i></p> <p><i>(1) The objectives of this direction are:</i></p> <p><i>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</i></p> <p><i>(b) to encourage sound management of bush fire prone areas.</i></p>	<p>The proposed up-zonings that will result in residential intensification under this Planning Proposal are located in existing urban areas and are not located in areas known to be bushfire affected. Accordingly, the Planning Proposal is consistent with this direction.</p>
<p>6.2 Reserving Land for Public Purposes</p> <p><i>Objective:</i></p> <p><i>(a) To facilitate the provision of public services and facilities by reserving land for public purposes, and</i></p> <p><i>(b) To facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</i></p>	<p>The Planning Proposal seeks to include four new land acquisitions by Council for the provision of open space and road widening as follows:</p> <ul style="list-style-type: none"> - 53 Forest Road, 9 Roberts Lane and 108 Durham Street to facilitate a 3m wide local road widening along Roberts Lane. - 26-30 Culwulla Street, South Hurstville to enable the creation of a larger park and facilitate through site access. - 11-21 Monaro Avenue, Kingsgrove (Peter Lowe Reserve) to facilitate improved access to the park, safety and public surveillance. - 7 Hedley Street, Riverwood and 13-15 Keith Street, Peakhurst (Peakhurst Park) to enable expansion of the park and facilitate improved access. <p>Since the Planning Proposal facilitates the provision of public services and facilities by reserving land for public purposes, the Planning Proposal is consistent with this direction.</p>
<p>7.1 Implementation of A Plan for Growing Sydney</p> <p><i>Objective:</i></p> <p><i>To give legal effect to the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i></p>	<p><i>A Plan for Growing Sydney</i> has been replaced by the Greater Sydney Commission's <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i>. The Planning Proposal is consistent with the Objectives of <i>A Metropolis of Three Cities</i>, as detailed in Attachment 3.</p>

Community consultation

380. Should the Planning Proposal be supported it will be forwarded to the Minister for Planning and Public Spaces requesting a Gateway Determination.

381. If a Gateway Determination (Approval) is issued, it is anticipated that the Planning Proposal will be exhibited in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and its *Regulation 2000* and any requirements of the Gateway Determination. A 60 day engagement program incorporating a minimum 28 day public exhibition period is proposed.
382. The public exhibition of this Planning Proposal will also be supported by a number of key Council strategies and studies, including but not limited to:
- *Local Strategic Planning Statement 2040*
 - *Local Housing Strategy*
 - *Inclusive Housing Strategy*
 - *Commercial Centres Strategy – Part 1*
 - *Industrial Lands Review*
 - *Foreshore Study*
 - *Infrastructure Integration Advice Roadmap*
 - *Hurstville Heritage Review*
383. Exhibition material, including plain English explanatory information, fact sheets, description of the objectives and intended outcomes, copy of the Planning Proposal and relevant maps will be available for viewing during the exhibition period on Council's website and hard copies available at Council offices and libraries.
384. Notification of the public exhibition will be through:
- Newspaper advertisement in The Leader;
 - Exhibition notice on Council's website;
 - Community engagement project on Council's YourSay website;
 - Notices in Council offices and libraries;
 - Letters/brochures to landowners and residents in the LGA – this will include letters to landowners of properties affected by a proposed change in the planning controls; and
 - Letters to State and Commonwealth Government agencies identified in the Gateway Determination.

Next steps

385. The anticipated project timeline for completion of the Planning Proposal is shown below in **Table 20**:

Table 20 – Anticipated project timeline

Task	Anticipated Timeframe
Report to the Georges River Local Planning Panel on Planning Proposal for consideration	17 October 2019 (completed)
Report to Council's Environment and Planning Committee on Planning Proposal	11 November 2019 (completed)
Report to Council on Planning Proposal	25 November 2019 (completed)
Report to the Local Planning Panel (as the planning proposal authority) on the Planning Proposal for endorsement	6 February 2020 (this report)
Planning Proposal to be forwarded to the DPIE	February 2020

Task	Anticipated Timeframe
for a Gateway Determination	
Anticipated commencement date (date of Gateway Determination)	February 2020
Timeframe for public exhibition (including both government agency and community consultation as required by Gateway Determination)	February to April 2020
Timeframe for consideration of submissions	May to June 2020
Reporting to the planning proposal/plan making authority on the outcomes of community consultation and for finalisation	June 2020
Submission to the Department to finalise the <i>GRLEP 2020</i>	June 2020
Anticipated date for notification	July 2020

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386. It is noted that the project timeline will be assessed by the DPIE and may be amended by the Gateway Determination and affected by the approvals issued by the DPIE.