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File Reference: D20/38515

19 February 2020

Ms Amanda Harvey
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Harvey,

Response to DPIE Comments on GRLEP 2020 – Additional Information

I refer to my letter on 13 February 2020 responding to a number of concerns raised by the DPIE regarding the draft *Georges River Local Environmental Plan (GRLEP) 2020* at a meeting on the 17 January 2020 and subsequent email and phone discussions.

As indicated in the letter (dated 13 February 2020), I have no objection to most of the issues raised by the DPIE and stated where additional justification is currently being prepared to address the issues raised by the DPIE to assist in the review of the draft *GRLEP 2020*. Accordingly, this letter provides the required additional justification addressing the outstanding issues raised by the DPIE. It is intended that these issues be discussed further at our upcoming meeting on 20 February 2020.

- 1. DPIE concern – Registered clubs in the RE1 zone** – Concerns are raised regarding the permissibility of registered clubs in the RE1 zone as they are contrary to the objective of the zone and their permissibility is inconsistent with LEP practice note PN11-002. Council is to provide additional information on affected properties to justify the proposed permissibility.

Council response: As requested, please find attached a list of registered clubs and their existing and proposed zones under the draft *GRLEP 2020* (refer **Attachment 1**). It should be noted that the registered clubs in the LGA have had their existing zones translated into the draft *GRLEP 2020*. Accordingly, only two registered clubs which are currently zoned RE1 (Olds Park Sports Club and Beverley Park Golf Club) are proposed to be zoned RE1 under the draft *GRLEP 2020*. Given that there are only two registered clubs which retain a RE1 zone, it is considered reasonable to retain the RE1 zone for these sites.

Action: If required, the DPIE may request additional information to be provided by Council as a condition of the Gateway Determination.

2. **DPIE concern – SP2 Community Purposes and SP2 Public Administration –** Concerns are raised regarding the proposed rezoning of SP2 land identified for 'Community Purposes' and 'Public Administration' to the adjoining zone. Further detail needs to be provided to address the relevant S9.1 Directions and SEPPs in relation to these rezonings.

Council response: As requested, please find attached the details of properties currently zoned SP2 Community Purposes and SP2 Public Administration (refer **Attachments 2 and 3**). Please also find attached updated Appendix 5 and 6 (SEPPs and S9.1 Directions) of the Planning Proposal addressing the consistency of these rezonings with the relevant S9.1 Directions and SEPPs (refer **Attachments 4 and 5**).

It should be noted that there are only six properties zoned SP2 Community Purposes in the LGA under the *HLEP 2012*. These properties are mostly community centres and early learning centres. Given that there are many properties within the LGA with a non-SP2 zone that are used for these community purposes, it has been determined to rezone all properties zoned SP2 Community Purposes to the adjoining zone to adopt a consistent approach across the LGA.

In regards to SP2 Public Administration, there are only two lots in the LGA under the *HLEP 2012* that have this zone. The site at 141-143A Stoney Creek Road, Beverly Hills was the former motor registry which has since been sold by RMS and is under private ownership. Given that this is the only site in the LGA with a SP2 Public Administration zone and it is not currently used (i.e. it is vacant) or intended to be used for public administration in the future, the site is proposed to be rezoned the adjoining zone (i.e. R2) under the draft *GRLEP 2020* to ensure consistency across the LGA.

Action: If required, the DPIE may request additional information to be provided by Council as a condition of the Gateway Determination.

3. **DPIE concern – SP2 Hospital and SP2 Educational Establishments –** Concerns are raised regarding the review of SP2 Health Services Facilities under the *KLEP 2012* and only retaining SP2 Hospital, and rezoning properties occupied by schools not currently zoned SP2, to SP2 Educational Establishments. Further detail needs to be provided to address the relevant S9.1 Directions and SEPPs in relation to these rezonings.

Council response: As requested, please find attached the details of properties currently zoned SP2 Health Services Facilities, SP2 Hospital and SP2 Educational Establishments, and properties proposed to be zoned SP2 Hospital and SP2 Educational Establishments under the draft *GRLEP 2020* (refer **Attachments 6 and 7**). Please also find attached updated Appendix 5 and 6 (SEPPs and S9.1 Directions) of the Planning Proposal addressing the consistency of these rezonings with the relevant S9.1 Directions and SEPPs (refer **Attachments 4 and 5**).

Only properties under the *KLEP 2012* are currently zoned SP2 Health Services Facilities and properties under the *HLEP 2012* are currently zoned SP2 Hospital. 'Health services facility' is a group term that includes a medical centre; community health service facilities; health consulting rooms; patient transport facilities, including helipads and ambulance facilities; and hospital. To ensure consistency across the LGA and protect hospitals as significant infrastructure in the LGA, the draft *GRLEP 2020*



proposes to retain SP2 Hospital as per the *HLEP 2012*. Any hospitals within the LGA and properties zoned SP2 Health Services Facilities under the *KLEP 2012* that are occupied by hospitals are also proposed to be rezoned SP2 Hospital. It should be noted that the draft *GRLEP 2020* seeks to permit the 'Health services facilities' group term across all residential and business zones (i.e. R2, R3, R4, B1, B2, B3, B4 and B6) to encourage the ongoing provision of these facilities in a built form and scale that is compatible with the local context.

There are properties zoned SP2 Educational Establishments under the *HLEP 2012* and *KLEP 2012*. To ensure their retention for educational establishments, it is proposed to retain the existing SP2 Educational Establishments zone for these properties. In addition, properties across the LGA not currently zoned as SP2 Educational Establishments but are owned by education providers and operating as schools are proposed to be rezoned to SP2 Educational Establishments to formalise and retain the use of these lands as schools. The strategic merit of this approach is outlined in the updated Appendix 5 and 6 (SEPPs and S9.1 Directions) (refer **Attachments 4 and 5**).

Action: If required, the DPIE may request additional information to be provided by Council as a condition of the Gateway Determination.

4. **DPIE concern – Rezoning of 815 Forest Road, Peakhurst** – The proposed rezoning from SP2 “Church” to the adjacent R2 zone does not maintain the community’s perception of the church as “a church in a park”. The adjacent RE1 zone should be applied to the site.

Council response: The Planning Proposal seeks to harmonise and rezone some of the existing SP2 Infrastructure zones to ensure a consistent approach to utilising the SP2 zone across the LGA. This includes rezoning land that is currently identified as SP2 “Church” under the *HLEP 2012* to the adjoining zone. This approach is consistent with the existing approach adopted by the *KLEP 2012*.

If the adjoining zone does not permit places of public worship as a land use, such as the R2 Low Density Residential zone due to adverse amenity impacts, then the property has been added to Schedule 1 of the LEP to enable place of public worship as an additional permitted use.

The property at 815 Forest Road, Peakhurst which is currently zoned SP2 Church under the *HLEP 2012*, adjoins an R2 and RE1 zone. The objective of the RE1 zone is to enable land to be used for public open space or recreational purposes whilst the objective of the R2 zone is to enable other land uses that provide facilities or services to meet the day to day needs of residents. Given places of public worship provide a facility that meets the day to day needs of residents, the R2 zone is considered the more appropriate zone. Furthermore, places of public worship are not a permissible land use within the RE1 zone as the use is contrary to the objective of the zone. Accordingly, Council considers that the ‘places of public worship’ land use is not compatible with the public recreational purpose of the RE1 zone.

The approach to rezoning the property at 815 Forest Road, Peakhurst from SP2 Church to R2 is consistent with the LEP practice note PN11-002 which states that the RE1 zone “is generally intended for a wide range of public recreational areas and activities



including local and regional parks and open space. The uses may include 'recreation facilities,' 'community facilities' such as lifesaving clubs, 'environmental facilities,' 'environmental protection works' and other uses compatible with the primary use of the land."

It should also be noted that RE1 zoned land does not have any development standards, such as height and FSR to regulate built form given the public nature of the development that occurs in the zone.

Therefore, if the property at 815 Forest Road, Peakhurst were to be rezoned to RE1, it would have to be included in Schedule 1 to enable places of public worship as a permissible use with the inclusion of height and FSR controls to regulate built form.

- 5. DPIE concern – Housing Investigation Areas** – The five Housing Investigation Areas (HIAs) should not be up-zoned in this stage of the draft *GRLEP 2020* due to a lack of endorsed evidence. However, no objection is raised to the harmonisation and creation of the hierarchy of residential zones. The deferral of the five HIAs is likely to be conditioned.

Council response: As you are aware, in response to the temporary deferral to the commencement of the Low Rise Medium Density Housing Code ("LRMDHC"), Council prepared a Planning Proposal which included the request to prohibit multi-dwelling housing in the R2 zone under the *HLEP 2012* to protect the amenity of low density residential areas. It should be noted that multi-dwelling housing is already prohibited under the *KLEP 2012*. The LRMDHC Planning Proposal was gazetted on 6 December 2019 through the *Georges River Local Environmental Plan Amendment (Miscellaneous) 2019*.

In a letter from the DPIE notifying Council of the making of the Plan, it was noted that to ensure the delivery of a sufficient number of dwellings to meet housing demand and a diversity of housing types across the LGA, Council is preparing a Local Housing Strategy (LHS).

The draft LHS is consistent with the LSPS and was subject to two stages of extensive community consultation. As part of the LSPS community consultation process, the Georges River community expressed support for Council's commitment to provide a greater housing mix, especially medium density housing like villas and townhouses, in the future while retaining the valued low-rise characteristics of most of the LGA's residential suburbs.

To address the concerns raised by the community, the draft LHS, which has been implemented through the *GRLEP 2020*, proposes to create a hierarchy of residential zones to differentiate between the low, medium and high density residential zones. Currently under both the Hurstville and Kogarah LEPs, the majority of R3 Medium Density Residential zones in the LGA are assigned maximum building heights of 12m to 21m, which can result in high density apartment buildings ranging from three to seven storeys. The permissibility of residential flat buildings in the existing R3 zone is inconsistent with the zone's objective of providing housing within a medium density environment. As a result, a number of built form interface issues have been observed at



the boundary between existing R2 and R3 zones across the LGA due to a lack of transition between the low and high density developments.

Accordingly, the draft LHS and *GRLEP 2020* propose to remove residential flat buildings as a permissible use in the R3 zone and translate the existing R3 zones that are assigned maximum building heights of 12m or more to the R4 zone so the permissible built forms reflect the objectives of the respective zone. The removal of residential flat buildings as a permissible development type from the R3 zone will also enable the creation of a 'true' medium density zone to accommodate medium density developments like terraces and townhouses. This complements the creation of a 'true' low density zone enabled by the removal of multi-dwelling housing as a permissible land use in the R2 zone through the LRMDHC Planning Proposal.

Through this zone translation process and the removal of multi-dwelling housing in the R2 zone, it became evident that there are very few properties zoned R3 in the LGA that can accommodate 'true' medium density development. Therefore, additional medium density development is required to accommodate the housing needs of the LGA in regards to housing choice and additional dwellings to assist in meeting the shortfall of approximately 2,000 dwellings by 2036.

Accordingly, the draft LHS identifies HIAs to be rezoned for predominantly medium density development as part of *GRLEP 2020*, consistent with the LSPS, which involved a review and discussion of the areas and creation of a 'true' medium density residential zone with the Greater Sydney Commission, the DPIE and other NSW Government agencies as early as March 2019. Once rezoned, these areas will have the capacity to deliver 650 additional dwellings and assist in meeting the LGA's 6-10 year housing target, whilst providing the community with housing choice.

The suitability of these areas for rezoning was conducted through the development of the LSPS with the community, which also included targeted consultation with property owners within and surrounding the five HIAs. The areas were chosen for 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 areas for rezoning are also supported by an urban design analysis and a traffic study.

A Housing Investigations Area Paper for the LHS is being prepared, which provides additional justification for the five HIAs, including their relationship to the LSPS, results of the community consultation, recommendations of the traffic study, and an urban design analysis. This Paper will be provided to the DPIE shortly. However, a summary of the justification for the HIAs is provided below.

The draft LSPS identifies five Precincts for rezoning under LEP 2020 and inclusion in the Council's Housing Strategy. The Precincts subject to the consultation were:

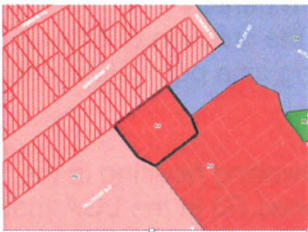


- North and West of Peakhurst Park, Peakhurst
- Culwulla Street, South Hurstville
- Hillcrest Avenue, Hurstville
- Apsley Estate, Penshurst
- Olds Park, Penshurst

Consultation occurred in early September 2019 and 830 property owners were notified of the five HIAs across the LGA and invited to attend one of four Information Sessions.

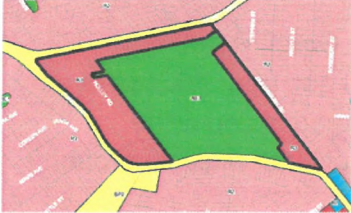



Overall 72 property owners participated in the drop in sessions, 56 completed surveys and 44 completed feedback forms. The results of the targeted consultation are contained in **Table 1** below:

Table 1: Results of targeted consultation

Housing Precinct & proposed Controls	Details of consultation
<p>Hillcrest Avenue Hurstville</p>  <p>Proposed controls R2 to R4 Height – 12m FSR – 1:1</p> <p>Potential additional dwellings – 29</p>	<p>Property Owners Notified - 95 Attended Drop In Session – 12 Feedback/Survey Response - 4 Agree with proceeding with rezoning area – 2 Disagree with proceeding with rezoning area – 2</p> <p>Reasons for objection:</p> <ul style="list-style-type: none"> • Overshadowing • Overdevelopment • Traffic • Parking • Very few open spaces and green spaces <p>Reasons for support</p> <ul style="list-style-type: none"> • Accessibility • Close to shops, transport and open space
<p>Culwulla Street - South Hurstville</p>  <p>Proposed Controls R2 to R3 Height – 9m FSR – 0.7:1</p> <p>Potential additional dwellings – 57</p>	<p>Property Owners Notified - 139 Attended Drop In Session – 12 Feedback/Survey Response - 11 Agree with proceeding with rezoning area – 3 Disagree with proceeding with rezoning area – 8</p> <p>Reasons for objection:</p> <ul style="list-style-type: none"> • Traffic • Parking • Overdevelopment • Lack of green spaces • Changing the character of the area
<p>North & West of Peakhurst Park – Peakhurst</p>  <p>Proposed controls: R2 to R3 Height 9m FSR 0.7:1</p> <p>Potential additional dwellings – 335</p>	<p>Property Owners Notified - 304 Attended Drop In Session – 20 Feedback/Survey Response – 18 Agree with proceeding with rezoning area – 7 Disagree with proceeding with rezoning area – 9 Neither Agree or Disagree with proceeding with rezoning area – 2</p> <p>Reasons for objection:</p> <ul style="list-style-type: none"> • Traffic and parking • Privacy • Noise • Changing the character of the area <p>Reasons for support:</p> <ul style="list-style-type: none"> • Accessibility • Close to shops, transport and open space



Housing Precinct & proposed Controls	Details of consultation
<p>Olds Park – Penshurst</p>  <p>Proposed controls R2 to R3 Height – 9m FSR – 0.7:1</p> <p>Potential addition of 217 dwellings</p>	<p>Property Owners Notified - 335 Attended Drop In Session – 40 Feedback/Survey Response - 37 Agree with proceeding with rezoning area – 4 Disagree with proceeding with rezoning area – 32 Neither Agree or Disagree with proceeding with rezoning area – 1</p> <p>Reasons for objection:</p> <ul style="list-style-type: none"> • Traffic • Parking • Overdevelopment • Loss of privacy • Changing the character of the area <p>Reasons for support:</p> <ul style="list-style-type: none"> • Less of an impact than unit blocks • Opportunities to develop
<p>Apsley Estate – Penshurst</p>  <p>Proposed Controls R2 to R3 Height – 9m FSR – 0.7:1</p> <p>Potential additional dwellings – 183</p>	<p>Property Owners Notified - 167 Attended Drop In Session – 20 Feedback/Survey Response - 15 Agree with proceeding with rezoning area – 8 Disagree with proceeding with rezoning area – 7</p> <p>Reasons for objection:</p> <ul style="list-style-type: none"> • Traffic • Parking • Overdevelopment <p>Reasons for support:</p> <ul style="list-style-type: none"> • Area needs to be revitalised • Close to station and shops

For the purpose of the finalisation of the LSPS, two amendments were made to the HIAs as a consequence of the targeted engagement and initial precinct investigations.

1. Deletion of Olds Park Precinct: Olds Park residents were concerned about the immediately surrounding local road network's capacity to accommodate additional vehicular movements and parking. These concerns were confirmed by the preliminary traffic study. Accordingly, the Olds Park Investigation Area was removed from the Housing and Neighbourhoods Structure Plan in the draft LSPS 2040. The removal of the Olds Park Investigation Area is supported for the following reasons:
 - Penshurst train station is 2km from the precinct. Bus services towards Hurstville City Centre stop at Penshurst station every 15 minutes.
 - Not in the vicinity of a Centre - Penshurst Local Centre is 2km from the precinct.

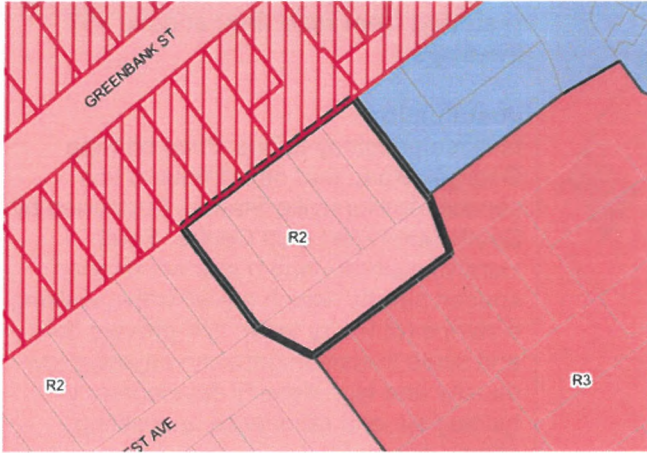
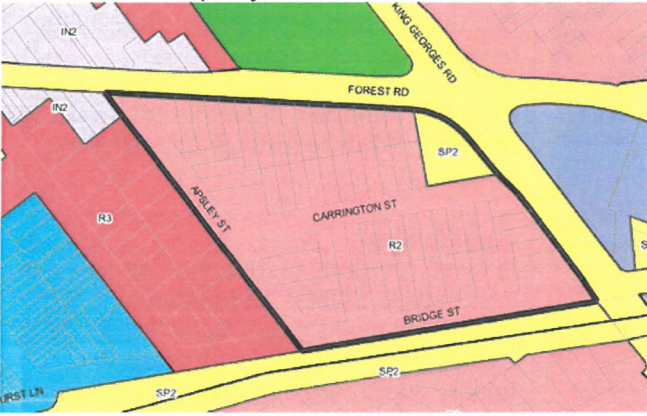

- The intersection operations in this precinct generally operate near capacity. These are due to the right turn movements from minor streets to the arterial corridors of Stoney Creek Road and Forest Road.
 - Vehicle access to/from the allotments fronting Stoney Creek Road may experience difficulty of access in the future. Access to and from driveways may occur in a left in and left out format. However, as the road is under the care/control of RMS it is anticipated that gaining approval for multiple property access points along this frontage will be challenging.
 - The right turn movement from George Street to Forest Road experiences significant delays at the present time. This turning movement may be prohibited in the future should zoning uplift result in greater reliance/delays.
2. In response to submissions received on the LSPS, an additional HIA, South Hurstville – Greenacre Road, was identified. This HIA was considered suitable for rezoning from R2 to R3 as the site:
- Adjoins a R3 zone and townhouse development
 - Is along a bus route to Hurstville Station
 - Is 300m from South Hurstville Centre
 - Is 300m from Poulton Park
 - Is near South Hurstville Library
 - Is 780m from Connells Point Public School

A Traffic Study was undertaken for each of the HIAs. The assessment determined the following:

- Culwulla Street, South Hurstville – The proposed zoning up-lift can be accommodated without additional traffic treatment.
- Peakhurst Park, Peakhurst – Subject to recommended traffic treatments, including road widening and right turn restrictions, the traffic assessment indicates that the proposed zoning up-lift can be accommodated with no undue difficulty.
- Apsley Estate, Penshurst – Subject to recommended traffic treatments, including right turn restrictions, the traffic assessment indicates that the proposed zoning up-lift can be accommodated with no undue difficulty.
- Hillcrest Avenue, Hurstville – The proposed zoning up-lift can be accommodated without additional traffic treatment.
- Rowe Street, South Hurstville – Subject to recommended traffic treatments, including road widening and right turn restrictions, the traffic assessment indicates that the proposed zoning up-lift can be accommodated with no undue difficulty.

Justification for the selection of the final HIAs is provided below in **Table 2**:

Table 2 – Explanation and justification for the HIAs

Housing Investigation Area	Justification
<p>1. Hurstville – Hillcrest Avenue</p> 	<p>Existing zone: R2 Low Density Proposed zone: R4 High Density (12m height and 1:1 FSR)</p> <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 Hurstville and Penshurst Stations, 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>



Housing Investigation Area	Justification
<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> <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>

An assessment of the existing planning controls and an urban design analysis was undertaken to determine the development standards for the R3 Medium Density Residential zone. A 9m height has been retained as this is consistent across both existing LEPs. A 0.7:1 FSR is also proposed as per *KLEP 2012* for all R3 zones to ensure consistent development potential across the LGA which is aligned with Council's guiding principles of ensuring that the harmonisation of the current controls achieves equity across the LGA.

An 800sqm minimum lot size for multi dwelling housing is also proposed, consistent with the *KLEP 2012* as there has been no recorded Clause 4.6 variations to this development standard since Council's amalgamation which demonstrates the viability and feasibility of this requirement. The smaller minimum lot size, together with the reduced minimum lot width proposed will facilitate multi dwelling housing on more lots across the LGA, assisting in achieving housing targets. It is also proposed that multi



dwelling housing (terraces) and manor houses require an 800sqm minimum lot size to ensure consistency across all medium density typologies.

Consideration was also given towards the development standards that are applied to the R4 High Density Residential zone proposed for the Hillcrest Avenue Precinct. A maximum building height of 12m (three to four storeys) and the corresponding 1:1 FSR are proposed to be applied to this up-zoned area in response to the single storey built forms of the O'Briens Estate Heritage Conservation Area (HCA) located to the rear of the site, and the existing 4 storey apartment building located in the B4 Mixed Use zone to the northeast of the Precinct. Consistent with all proposed R4 High Density Residential zones, a 1,000sqm minimum lot size will apply to this Precinct for the purpose of preventing the fragmentation of land to ensure large parcels of land are available for development outcomes that are compatible with the high density zone.

Built form testing prepared for Council demonstrates the feasibility of the proposed development standards.

6. **DPIE concern – Hurstville LEP 1994 deferred matters** – Concerns are raised regarding the lack of justification and evidence for the zones and development standards in the draft *GRLEP 2020* for the deferred matters under the *Hurstville LEP 1994*.

Council response: This Planning Proposal seeks to incorporate the Deferred Lands (i.e. Civic Precinct, Treacy Street Car Park and Westfield), which sit under the *HLEP 1994*, within the draft *GRLEP 2020*. The Deferred Lands are currently zoned 3(b) City Centre Business under the *HLEP 1994*. Please find attached a copy of the *HLEP 1994* zoning map (refer **Attachment 8**).

The Planning Proposal seeks to rezone these sites the most appropriate zone under the Standard Instrument (i.e. B3 Commercial Core and B4 Mixed Use). Justification for these proposed zones is provided below.

There are no development controls in the *HLEP 1994* that apply to the 3(b) City Centre Business zone. *Hurstville Development Control Plan No.2 Amendment Number 5* contains the relevant planning and design guidelines, including the heights and FSRs for the Deferred Lands. The Planning Proposal does not propose to amend the existing heights and FSRs as they are proposed to be carried over into the draft *GRLEP 2020*. Please find attached extracts of the height and FSR maps from the *Hurstville Development Control Plan No.2 Amendment Number 5* (refer **Attachment 9**).

Civic Precinct

The Civic Precinct site 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.

The Planning Proposal was referred to the Local Planning Panel (LPP) on 4 April 2019 (refer **Attachment 10**) 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.

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

Table 3 below summarises the existing and proposed zone and controls for the Civic Precinct.

Table 3 – Existing and proposed controls for the Civic Precinct

Controls	Existing Controls (HLEP 1994 and HDCP No.2)	Proposed LEP 2020 Controls
Zone	3(b) – City Centre	B4 Mixed Use
Height of buildings	15m, 30m and 55m	15m, 30m and 55m
FSR	3:1, 4:1 and 6:1	3:1, 4:1 and 6:1

Treacy Street Car Park

The Treacy Street Car Park site 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.

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

Please find attached a copy of the Gateway Determination for the Treacy Street Car Park (refer **Attachment 11**).

Table 4 below summarises the existing and proposed zone and controls for the Treacy Street Car Park.

Table 4 – Existing and proposed controls for the Treacy Street Car Park

Controls	Existing Controls (HLEP 1994 and HDCP No.2)	Proposed LEP 2020 Controls
Zone	3(b) – City Centre	B4 Mixed Use
Height of buildings	15m	15m
FSR	3:1	3:1



Westfield

The Westfield site is the subject of a Planning Proposal which was withdrawn by the proponent prior to the completion of the assessment process.

In the absence of an active or Council endorsed planning proposal on the site, this Planning Proposal seeks to apply a B3 Commercial Core zone on the site in accordance with the existing commercial use. 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. 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. 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.

Table 5 below summarises the existing and proposed zone and controls for the Westfield site.

Table 5 – Existing and proposed controls for the Westfield site

Controls	Existing Controls (HLEP 1994 and HDCP No.2)	Proposed LEP 2020 Controls
Zone	3(b) – City Centre	B3 Commercial Core
Height of buildings	19m	19m
FSR	2:1	2:1

7. **DPIE concern – Lot width requirements for residential development** – Concerns are raised that the proposed lot width requirements for residential development in *Clause 4.1B Minimum lot sizes and special provisions for certain dwellings* are too onerous and may result in a large number of DAs requiring Clause 4.6 variations due to existing non-compliances. Minimum lot width requirements are usually prescribed in a DCP rather than a LEP. Further justification is sought regarding the reason for the inclusion of this development standard in the *GRLEP 2020*, and the number of lots that would be affected by these controls. At the meeting dated 17 January 2020, Council received verbal advice that the DPIE will condition the removal of minimum lot width development standards in the Gateway Determination.

Council response: A minimum lot width development standard has been introduced in the Planning Proposal for dual occupancies and medium density developments as follows in **Table 6**.



Table 6 – Proposed minimum lot width requirements

Development Type	Min. Lot Width	Justification
Dual occupancies (attached, side by side)	15m	Translation from Council's <i>Interim DCP</i> .
Dual occupancies (detached, front and back)	18m	Translation from Council's <i>Interim DCP</i> .
Dual occupancies (detached, side by side)	22m	Translation from Council's <i>Interim DCP</i> .
Multi dwelling housing	18m	Developed from 3D model testing and recent development applications for 'gun barrel' townhouse configurations with a common driveway down one side and dwellings orientated to face the driveway.
Manor houses	18m	Same minimum lot width as multi dwelling housing is applied to manor houses to provide flexibility for the development industry to deliver various medium density residential typologies based on market demand.
Multi dwelling housing (terraces)	21m	Translation from the <i>Low Rise Medium Density Housing Code</i> .
Attached dwellings	21m	Translation from the <i>Low Rise Medium Density Housing Code</i> . Same minimum lot width requirement as multi dwelling housing (terraces) due to being a similar 'terrace-type' development typology.

The proposed dual occupancy lot width controls are translated from Council's *Interim DCP*, while the 18m lot width is adopted for manor houses and multi dwelling housing with consideration of recent development trends and the 21m lot width is proposed for terraces to ensure appropriate building widths and side setbacks are provided in accordance with the *Low Rise Medium Density Housing Code* requirements.

These controls have been introduced in the draft *GRLEP 2020* in response to the community feedback Council received as part of the *LSPS 2040* consultation. The community requested greater certainty over development outcomes, a clear hierarchy of residential zones and a strong desire for low density areas to retain their character. The minimum lot width requirements for dual occupancy developments are particularly important as dual occupancies will be primarily located in the R2 Low Density Residential zones.

The lot width controls play a vital role in defining the desired future character of our suburbs by regulating subdivision patterns and building widths to reflect the hierarchy and density of the respective residential zone and ensuring development occurs on appropriately sized lots in response to Object (c) of the *EP&A Act* "to promote the orderly and economic use and development of land".

It should be noted that no minimum lot width requirements are proposed by the draft *GRLEP 2020* for residential flat buildings due to the prescriptive setback and building separation controls specified by the *Apartment Design Guide (ADG)*, which has been afforded legislative powers by the *State Environmental Planning Policy No 65—Design*



Quality of Residential Apartment Development. The ADG criteria ensures residential flat buildings are accommodated on sites that have sufficient lot widths so the density of the development is appropriate to its location and context.

The inclusion of lot width controls in the SILEP is currently adopted by the *Ryde LEP 2014* and the *Bankstown LEP 2015* for the purposes of ensuring development is appropriate to its locality and minimising amenity impacts on the surrounding residential area as a result of any residential intensification. The relevant clauses are referenced below:

- Clause 4.1A Dual occupancy (attached) subdivisions – *Ryde LEP 2014*
- Clause 4.1A Minimum lot sizes and special provisions for dual occupancies – *Bankstown LEP 2015*
- Clause 4.1B Minimum lot sizes and special provisions for certain dwellings – *Bankstown LEP 2015*

The legal weight afforded to the lot width requirements as a result of their elevation to the LEP will ensure that any variations to these standards will be justified through Clause 4.6 variations. Council acknowledges the DPIE's concern regarding the potential volume of Clause 4.6 variations due to the introduction of lot width requirements in the LEP.

However, a detailed analysis of the Georges River Council DCP Variations Register (refer **Attachment 12**) indicates that from the time of Council's amalgamation in May 2016 to the latest update of the register on 21 January 2020, Council has only supported 5 variations to the existing DCP lot width controls as summarised in **Table 7** below.

Table 7 – List of non-compliant lot width DAs supported by Council

DA Number	Development Type	Lot Width Required	Lot Width Proposed	Council Determination
DA2016/0193	Dual occupancy (attached)	15m	14.9m	Supported as it is a minor non-compliance.
DA2017/0094	Dual occupancy (detached, side by side)	22m	20.11m	Supported due to corner location.
DA2017/0124	Dual occupancy (attached)	15m	14.54m	Supported as the site is a parallelogram with a 16.09m frontage. There is only a non-compliance when the width is measured at 90 degrees from the side boundary.
DA2017/0125	Dual occupancy (attached)	15m	14.54m	Supported for the same reason as above. This site is adjacent to DA2017/0124.
DA2017/0619	Dual occupancy (detached, side by side)	22m	20.12m	Supported due to adequate provision of setbacks, car parking and landscaping.

It should be noted that the current DCP lot width requirement is measured at the frontage of the site whilst the draft *GRLEP 2020* control applies to the minimum lot width at the building



line. Accordingly, there are numerous DAs in the register that are recorded as non-compliances as they do not meet the lot width requirement measured at the frontage under the current DCP but are not recorded in the table above as they would comply with the proposed minimum lot width at the building line under the draft *GRLEP 2020*.

In response to the DPIE's concern regarding the loss of development potential, mapping has been prepared to identify all residential zoned allotments that have a frontage of 15m or greater (refer **Attachment 13**). Based on a desktop count, there are a total of 11,032 residential zoned lots in the LGA (i.e. R2, R3 and R4 zones) that have a lot size of 650sqm or more. It should be noted that the map in **Attachment 13** categorises the sites based on 650sqm and 1,000sqm thresholds in accordance with FSPA and non-FSPA dual occupancy lot size requirements. Of these 11,032 lots with dual occupancy development potential, there are 10,102 residential zoned lots with a minimum frontage of 15m. This demonstrates further the viability of the proposed minimum lot width development standards as 91.6% of the sites that possess the potential for dual occupancy development are also able to satisfy the lot width requirement without requiring a Clause 4.6 variation.

8. **DPIE concern – Landscaped area requirements** – Concerns are raised regarding the introduction of landscaped area requirements in the draft *GRLEP 2020* through *Clause 6.12 Landscaped areas in certain residential and environmental protection zones*. Controls that specify minimum landscaped area requirements are usually prescribed in a DCP. Further justification is sought regarding the need for these requirements to be included in the LEP, particularly information on existing non-compliances and impacts on the assessment process when there are non-compliant DAs. Council received advice that further information is to be provided prior to the issuing of a Gateway, otherwise DPIE will condition accordingly.

Council response: The landscaped area local provision has been introduced in the draft *GRLEP 2020* as a direct response to the Georges River community's request for greater landscaping to be provided in new residential developments. As part of the extensive LSPS consultations, the 'green and leafy' characteristics of the LGA's residential suburbs have been consistently highlighted by the Georges River community as a valued local character and concerns were raised regarding the loss of landscaping as a result of new development, particularly evident through recent knock-down rebuilds and dual occupancies. The *LSPS 2040* commits to the following future vision in the Housing and Neighbourhoods theme:

Landscaping and trees around safe public spaces soften buildings, shade paved areas, reduce heat, minimise wind and bring life and greenery to local areas.

Given that landscaping is recognised as a special local characteristic, Council is of the opinion that this local provision is required for new developments to achieve the 'green and leafy' character vision and Criteria No.1 of the *LSPS 2040 Criteria to guide growth* which specifies that "The LGA's special characteristics are retained". This local provision will ensure that new developments provide sufficient landscaping to soften and complement the built form and assist in protecting the biodiversity of the LGA.

With the adoption of the SILEP "landscaped area" definition, the proposed percentage requirements for landscaped area are less than the existing Hurstville DCP, Kogarah



DCP and Codes SEPP requirements (refer to the comparison of landscaped area requirements provided in **Table 8** below).

Table 8 – Comparison of landscaped area requirements

Development Type	Hurstville DCP	Kogarah DCP	Codes SEPP	Proposed LEP
Explanatory note	<i>Applies to “landscaped open space” with minimum 2m dimensions</i>	<i>Applies to “deep soil” only with no minimum dimensions</i>	<i>Applies to “landscaped area” with minimum 1.5m dimensions</i>	<i>Applies to “landscaped area” with no minimum dimensions and no deep soil requirements</i>
Dwelling house (non-FSPA)	20%	15%	20%	20%
Dwelling house (FSPA)	25%	15%	30%	25%
Dual occupancy (non-FSPA)	20%	15%	35%	20%
Dual occupancy (FSPA)	25%	15%	40%	25%
Medium density development (e.g. multi dwelling housing)	20%	Maximum 55% impervious area	20% for terraces 37.5% for manor houses	20%
R4 zones (excludes SEPP 65 development)	N/A	N/A	N/A	10%
E2 zone (only one site in the LGA)	N/A	N/A	N/A	70%

Council has prepared modelling to demonstrate that the proposed landscaped area requirements are achievable utilising the proposed *GRLEP 2020* development standards and existing dwelling house DCP setback controls. The diagrams below (refer **Figures 1 and 2**) illustrate that the minimum landscaped area requirements for dwelling houses is achievable in both the non-FSPA and FSPA utilising existing DCP setback controls.



Figure 1 – Single storey dwelling house on a 450sqm site (non-FSPA)

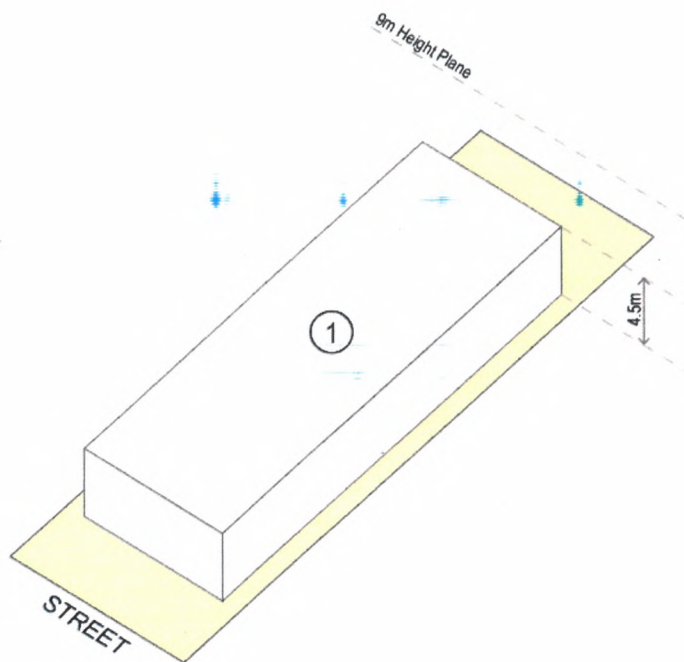
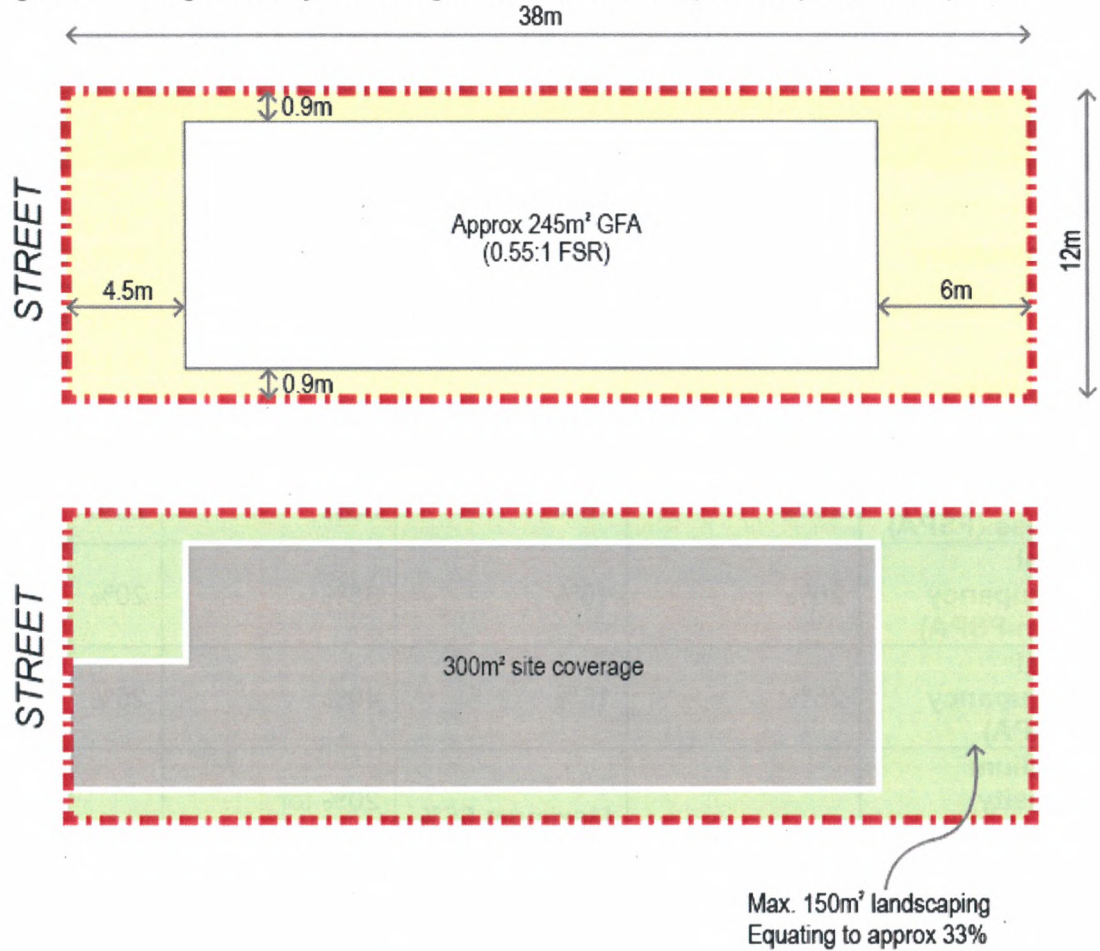
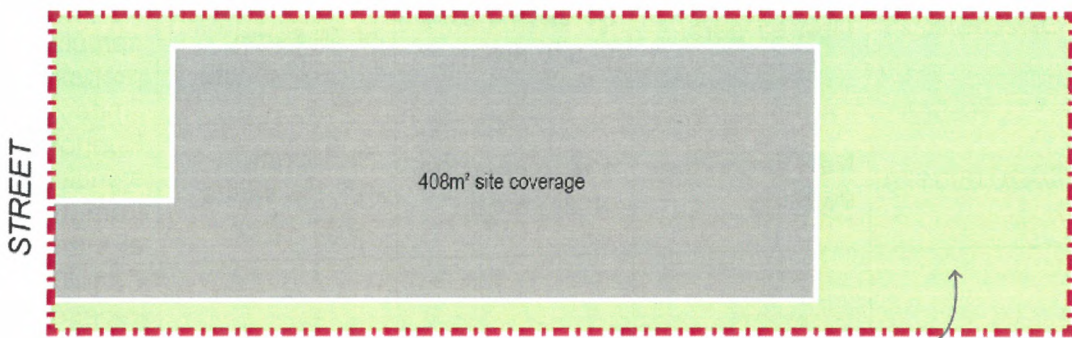
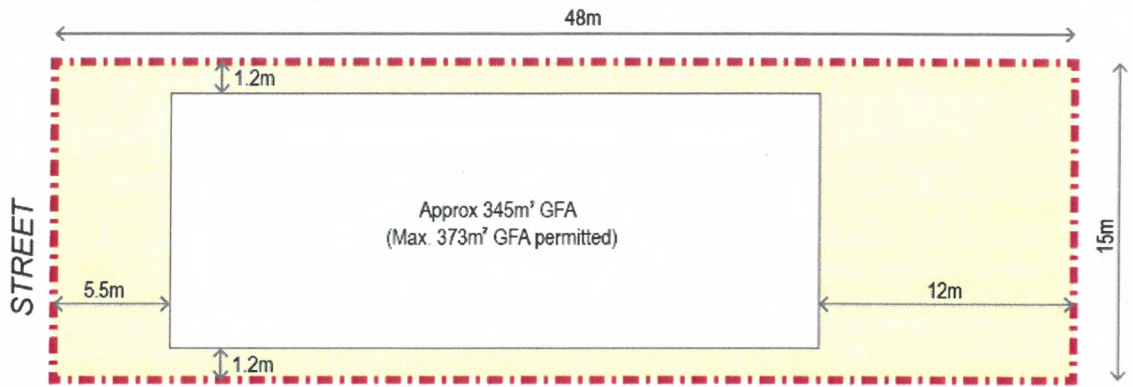
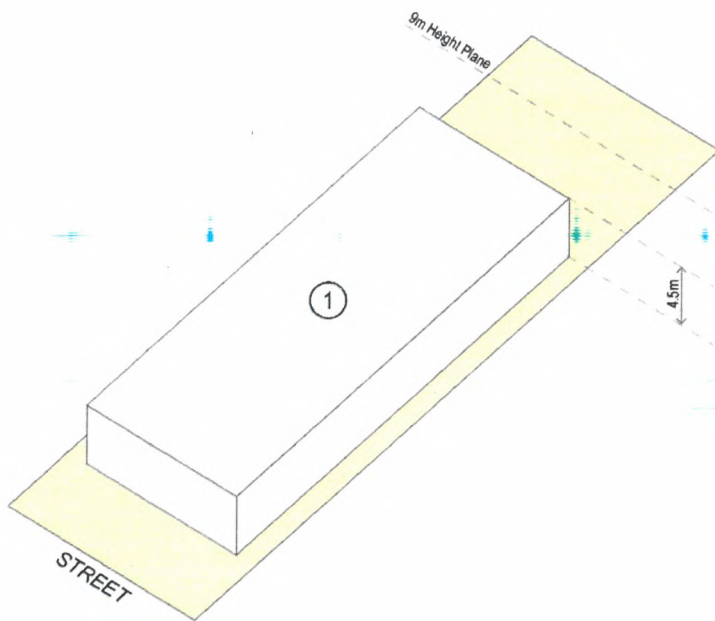


Figure 2 – Single storey dwelling house on a 700sqm site (FSPA)



Max. 292m² landscaping
Equating to approx 42%



It should be noted that recent development trends tend to favour two storey dwelling houses to accommodate the demands of modern living, which will result in a significant reduction in the building footprint and overall site coverage. Accordingly, the minimum landscaped area requirement will be indubitably achieved for two storey developments.

The modelling demonstrates that a variation does not need to be sought in most scenarios, and therefore the landscaped area requirement is not onerous for the general Georges River community. This is further supported by an analysis of the DCP Variations Registers (refer **Attachment 12**). Since 2016, Council only supported 3 DAs that featured non-compliant landscaping areas as outlined in **Table 9** below.

Table 9 – List of non-compliant landscape DAs supported by Council

DA Number	Development Type	Landscaping Required	Landscaping Proposed	Council Determination
DA2016/0221	New carport	99.6sqm (20% of site area)	No change to existing amount of 86.8sqm (17.4% of site area)	Supported as it is an existing non-compliance and the proposed works were limited to the carport.
DA2018/0179	New secondary dwelling	104.2sqm (20% of site area)	78.53sqm (15.1% of site area)	Supported as it is a significant increase from the amount of existing landscaping.
DA2019/0331	New swimming pool	25% of site area	21.57% of site area	Condition was imposed to convert the rear courtyard (paved) to deep soil landscaping to achieve min. 25% landscaping.

S4.15 of the *EP&A Act* ensures that all DAs are subject to a merit-based assessment process where existing non-compliances will be considered on a case-by-case basis. The Georges River Local Planning Panel determines DAs that seek Clause 4.6 variations of 10% or greater. Council's internal procedures require the review of a DA upon lodgement so that DAs proposing variations greater than 10% are only accepted when the variation has been adequately justified, such as reducing an existing non-compliance. Nevertheless, the landscape diagrams above illustrate that the proposed minimum landscaped area requirements are achievable for the vast majority of developments.

- 9. DPIE concern – Foreshore clauses** – The foreshore related clauses (e.g. *Clause 6.5 Foreshore area and coastal hazards and risks* and *Clause 6.6 Foreshore scenic protection area*) need to be strictly assessed against S9.1 Direction – 2.2 Coastal Management. The draft *GRLEP 2020* must have the same intent as the *Coastal Management Act* and SEPP, and must not contradict the requirements of these legislations.

Council response: Noted. Please find attached updated Appendix 5 and 6 (SEPPs and S9.1 Directions) of the Planning Proposal which demonstrate the consistency of the



proposed foreshore related clauses with the requirements of the relevant Acts, S9.1 Directions and SEPPs (refer **Attachments 4 and 5**).

I hope the justification and further information above addresses your concerns regarding the draft *GRLEP 2020*. Should you have any queries please do not hesitate to contact Stephanie Lum, Coordinator Strategic Planning, on 9330 9437 or Anne Qin, Strategic Planner/Urban Designer, on 9330 6266.

Yours sincerely



Meryl Bishop
Director Environment and Planning

cc Mr Brendan Metcalfe