

# **APPENDIX 7**

## **REVIEW OF GOVERNMENT SUBMISSIONS**

## APPENDIX 7 – REVIEW OF GOVERNMENT SUBMISSIONS

GOVERNMENT AGENCY	ISSUE/COMMENT	RECOMMENDED ACTIONS
<p>NSW Department of Education &amp; Communities (DEC)</p>	<ul style="list-style-type: none"> <li>▪ <b>Land use zoning and permissibility of use</b> - DEC object to the zoning of school lands as <i>SP2 – Infrastructure</i>. DEC requests that land in its ownership should be appropriately zoned under the Department of Planning and Environment’s <i>LEP Practice Note PN 10-001, Zoning for Infrastructure in LEPs</i>.</li>   <li>▪ The SP2 zone, as proposed denies DEC the flexibility it needs to deliver school infrastructure in an efficient and effective manner.</li> </ul>	<p>In accordance with Council’s resolution of 14 June 2011, for the preparation of the conversion of KLEP 1998 to the Standard Instrument LEP, Council resolved to identify all land that was previously zoned Special Uses 5(a) and currently used as an educational establishment (both private and public) be zoned SP2. The Department of Planning supported Council’s recommendation, and accordingly KLEP 2012 identifies sites that are used as educational establishments as SP2. The Planning Proposal for the NCP carried over the SP2 zoning for sites that are in the ownership of DEC and private educational providers and provides a consistent approach to the zoning of educational land.</p> <p><b>Recommendation: <i>That the SP2 zone be retained for land that is in the ownership of a public or private educational facility.</i></b></p> <p>Council previously identified <i>educational establishments</i> as a land use permitted with consent in the R2 and R3 zone in the conversion of KLEP 1998 to the SILEP, however was advised by PC and the Department that these land uses did not need to be identified separately as they were permitted by virtue of the requirements of the ISEPP.</p>

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	<ul style="list-style-type: none"> <li>▪ DEC requests that <i>Educational Establishments</i> be listed as a land use permitted with consent in the R2 and R3 zones to overcome poor drafting of the ISEPP and to allow the use of complying development provisions to be used, where appropriate.</li> <li>▪ DEC has advised that it has a preference to limiting the scale of buildings adjacent to schools to lessen the impacts of overshadowing and visual privacy. Acknowledges that this is a design issue and in many cases there is a design solution.</li> </ul>	<p>It is considered that there will be no impact in including <i>educational establishments</i> as a land use permitted with consent and this would be consistent with the land use tables for the 2(a) and 2(b) zones in KLEP 1998.</p> <p><b>Recommendation: <i>That the land use tables be amended to ensure educational establishments are a permitted use in the R2 and R3 zone.</i></b></p> <p>In developing the detailed design controls for the precincts where there is proposed to be uplift and for sites that are adjacent to educational establishments, Council proposes to take into account the impact of any proposed development on an adjoining school facility and develop detailed controls, particularly relating to setbacks, overshadowing of play areas during critical times of the day and overlooking and privacy issues.</p> <p><b>Recommendation: <i>That the development of the detailed design controls for site adjoining educational facilities respond to the impact of the proposed development on the school asset, and in particular children’s play areas.</i></b></p>
Office of Environment and Heritage	<ul style="list-style-type: none"> <li>▪ Support the proposed rezoning of Kyle Williams Reserve from RE1 - Public Recreation to E2 – Environmental Conservation.</li> </ul>	Noted

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<p>Ausgrid</p> <p><i>(Doug Sneddon Planning Pty LTD on behalf of Ausgrid)</i></p>	<ul style="list-style-type: none"> <li>▪ The distribution substation site located at No. 1A Gray Street, Kogarah (currently owned by Ausgrid) is considered redundant infrastructure. Request that Council consider rezoning the site from SP2 to B4 – Mixed Use, consistent with the adjoining sites.</li> </ul>	<p>This has been detailed in the report to Council that deals with the B4 – Mixed Use zone.</p>
<p>NSW Health Infrastructure (HI) and the Health Administration Corporation (HAC)</p>	<ul style="list-style-type: none"> <li>▪ Object to the proposed rezoning of sites in HI ownership at Nos 30-38 Belgrave Street, Kogarah and No. 4-10 South Street, Kogarah. Sites are proposed to be rezoned from B4 Mixed Use to SP2 Infrastructure.</li> <li>▪ Request that the B4 - Mixed Use zone be retained as it provides flexibility for HI to plan for the most appropriate uses for these sites.</li> </ul>	<p>This has been detailed in the report to Council that deals with the B4 – Mixed Use zone.</p>
<p>Transport for NSW (TfNSW)</p>	<ul style="list-style-type: none"> <li>▪ Traffic and transport assessments around the transport nodes where future growth is concentrated should be submitted prior to the finalisation of the Planning Proposal for the NCP.</li> </ul>	<p>A meeting was held with representatives from TfNSW and RMS.</p> <p>In summary it was acknowledged at that meeting that there was no general objection to the proposals within the draft Planning Proposal however further clarification was sought on possible impacts on state infrastructure and opportunities for developer funding to make improvements to infrastructure where possible.</p> <p>Consistent with the submission made by RMS and TfNSW to Kogarah Council’s Planning Proposal for the New City Plan, Council will prepare a <i>Strategic Traffic and Transport Assessment</i></p>

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	<ul style="list-style-type: none"> <li>▪ The Planning Proposal refers to the previous metropolitan strategy, “<i>the draft Metropolitan Strategy for Sydney to 2031</i>”, published March 2013, and should be updated to show the relationship with the</li> </ul>	<p>that identifies the impact of the changes proposed by the New City Plan, and specifically the impact of the proposed uplift on the regional road network.</p> <p>The Report will:</p> <ul style="list-style-type: none"> <li>▪ Provide an estimate of traffic generation during peak times from new development in the 5 nominated areas up to 2030.</li> <li>▪ Information to indicate predicted incremental increase over time to 2030.</li> <li>▪ Indicate which nominated areas are likely to developed in the short term (0-5 years), medium term (6-10 years) and long term (11-15 years)</li> <li>▪ Identify opportunities for proposed development to fund infrastructure upgrades.</li> </ul> <p>The 5 nominated areas that the Assessment will identify and provide an assessment of are:</p> <ul style="list-style-type: none"> <li>▪ Kogarah CBD and Kogarah North (Princes Highway)</li> <li>▪ Princes Highway Carlton (Princes Highway)</li> <li>▪ South Hurstville (King Georges Road)</li> <li>▪ Ramsgate (Rocky Point Road)</li> <li>▪ Blakehurst (Princes Highway)</li> </ul> <p>This Report has been presented to TfNSW and RMS for their consideration.</p> <p>Noted - Council will update the Planning Proposal prior to it being resubmitted to the Department of Planning &amp; Environment to make reference to <i>A Plan for Growing Sydney</i>, which was released in December 2014 and address the key directions and actions, as applicable to the Kogarah LGA</p>

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	<p>current metropolitan strategy for Sydney, <i>A Plan for Growing Sydney</i></p> <ul style="list-style-type: none"> <li>▪ Council should be aware that the shared rail corridor is an essential freight corridor connecting Sydney and the Illawarra that operates on a 24 hour, 7 day basis. There are significant numbers of freight movements occurring during off-peak periods and overnight due to limited freight access to the rail network during peak passenger periods.</li> </ul>	<p><b>Recommendation: <i>That the Planning Proposal be amended to include reference to “A Plan for Growing Sydney”</i></b></p> <p>TfNSW concerns with respect to the operation of the freight corridor are noted and it is recommended that the Planning Proposal be amended to include a discussion on noise and vibration impacts from the railway line. In this regard, reference will be made to the requirements contained in the ISEPP and the NSW Department of Planning and Infrastructure’s publication, <i>Development near Rail Corridors and Busy Roads – Interim Guidelines</i>.</p> <p>Generally, a buffer of approximately 35m will exist between the railway operations and any increase in residential development, in the form of Railway Parade, and in some areas there is also a separation between Railway Parade and the nearest railway tracks.</p> <p>Council will also ensure that specific development controls, similar to those currently contained in Kogarah DCP 2013 (B3 – Developments near Busy Roads and Rail Corridors) are included in any Development Control Plan.</p> <p><b>Recommendation: <i>That the Planning Proposal be amended to include discussion on the potential noise and vibration impacts from the railway line.</i></b></p> <p><b><i>That the preparation of the detailed design controls for development adjacent to the railway corridor include specific controls relating to noise and vibration consistent with the</i></b></p>

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	<ul style="list-style-type: none"> <li data-bbox="472 347 1097 635">▪ It is noted that the Planning Proposal includes plans to rezone land near the railway line at Oatley to enable higher density housing. Monitoring by TfNSW confirms that Oatley is exposed to noise from freight trains travelling up and down a steep hill, and also noise from passenger trains.</li> <li data-bbox="472 866 1097 1153">▪ Prior to Council making a decision on rezoning residential land around the rail line, TfNSW recommends Council obtain a strategic assessment of potential rail noise impacts, taking into account the noise requirements in the Infrastructure SEPP and examination of suitable land uses to avoid noise impacts.</li> <li data-bbox="472 1201 1097 1375">▪ The LEP amendment includes changes to zoning which will increase some areas from low density residential to high density residential. This will constitute a benefit for walking and cycling by bringing people</li> </ul>	<p data-bbox="1126 276 1523 308"><b><i>ISEPP and DoP's Guidelines.</i></b></p> <p data-bbox="1126 347 1989 531">The most significant uplift proposed in the Oatley Centre relates to Nos 63-65 Railway Lands, Oatley, which is proposed to be rezoned from SP2 – Rail Infrastructure Facilities to B2 – Local Centre. The proposed FSR and height requirements are 2.5:1 and 12m, respectively.</p> <p data-bbox="1126 571 1989 826">As the subject properties abut the railway line, consideration would be given to the requirements of the ISEPP and <i>Development near Rail Corridors and Busy Roads – Interim Guidelines</i> as part of the assessment of any DA received. Council would require the submission of relevant reports that would identify how any noise impacts would be mitigated for future occupants of the development.</p> <p data-bbox="1126 866 1585 898">Noted – addressed in Point 2 above</p> <p data-bbox="1126 1201 1989 1375">Council is of the opinion that improving options for walking and cycling across the LGA will assist in improving the liveability and well-being of residents and visitors to the LGA. Council will review the Planning Proposal to include objectives around encouraging walking and cycling, particularly in areas where there</p>

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	<p>closer to destinations. TfNSW suggests adding language that will encourage end of trip facilities which allows developers to exclude end of trip facilities from their floor space calculation.</p>	<p>is uplift from low density residential to high density residential.</p> <p>Council will also consider the suggestion made by TfNSW with respect to incorporating a provision, such as that identified (City of Sydney) as part of the preparation of specific development controls.</p>
NSW Rural Fire Service (RFS)	<ul style="list-style-type: none"> <li>▪ RFS notes that the Kogarah LGA has no Bush Fire Prone Land Map</li> <li>▪ RFS recommends that areas of unmanaged vegetation of greater than 1 hectare should be mapped to allow the planning provisions of Section 79BA of the Environmental Planning and Assessment Act 1979 and Section 100B of the Rural Fires Act 1997 to come into effect.</li> <li>▪ RFS raise no objections to those parts of the planning proposal that area greater than 140 metres clear of unmanaged vegetation.</li> </ul>	<p>Noted - Council has no areas of unmanaged vegetation. No controls required to be included in the LEP.</p>
Roads and Maritime Services (RMS)	<ul style="list-style-type: none"> <li>▪ RMS raises no objection to the Planning Proposal subject to the preparation and submission of traffic and transport assessment being undertaken for the proposed increase in densities around Kogarah and Hurstville Town Centres, transport nodes and commercial centres, as well as the proposed B6 Enterprise Corridor</li> </ul>	<p>Refer to discussion and recommended actions provided under response to TfNSW submission</p>

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	zone along the Princes Highway, Carlton.	
South Eastern Sydney Local Health District	<ul style="list-style-type: none"> <li>▪ SESLHD supports the open space areas that are identified in the Planning Proposal that are proposed to be rezoned to RE1 Public Recreation.</li> <li>▪ Cycling parking and the provision of end of trip facilities would help alleviate the increase in traffic congestion in and around Kogarah and Hurstville Town Centres.</li> <li>▪ SESLHD would like the opportunity to comment on future DCPs in regard to the planning provisions for cycling infrastructure.</li> </ul>	<p>Noted</p> <p>Noted – refer to comments under TfNSW submission</p> <p>Noted – Council will refer the DCP provisions once they have been drafted.</p>
St George & Sutherland Housing Interagency	<ul style="list-style-type: none"> <li>▪ The Housing Strategy lacks focus on the direct provision of affordable housing in Kogarah. Increasing housing supply or increasing choice of housing types will not adequately address housing affordability issues in the Kogarah region.</li> <li>▪ It is recommended that: <ul style="list-style-type: none"> <li>- The concept of affordable housing be meaningfully addressed in the New City Plan and a relevant provision included in</li> </ul> </li> </ul>	Noted - Council will continue to advocate to the State Government to address the issue of affordable housing through the preparation of Subregional Plans.

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	<p>the Housing Strategy and Community Strategic Plan.</p> <ul style="list-style-type: none"> <li>- Council considers mechanisms to encourage the provision of affordable housing.</li> <li>- Council advocates for relevant policy and legislative change, forms strategic partnerships, and collaborates with different levels of Government around the provision of affordable housing in Kogarah.</li> </ul>	
Sydney Airport Corporation	<ul style="list-style-type: none"> <li>▪ Advises that the proposed building heights of 33m and 39m may intrude through the Obstacle Limitation Surface (OLS) and would require assessment and a determination by the Department of Infrastructure and Regional Development.</li> <li>▪ Increasing population densities within the ANEF should be avoided.</li> </ul>	<p>Noted – KLEP 2012 includes the provision relating to Airspace Operations and any DA that proposes development exceeding the OLS is referred to SACL and any other appropriate Authority.</p> <p>Noted – Clause 6.6 of KLEP 2012 relates to development which may be sensitive to aircraft noise and applies to any land within the LGA that is within the 20 Australian Noise Exposure Forecast (ANEF).</p> <p>The only land affected within the City is at the northern most tip of the LGA and is within open space and road reservation (Hogben Park).</p>

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Department of Infrastructure and Regional Development	<ul style="list-style-type: none"> <li>▪ Concern is raised that the Planning Proposal does not consider the impacts of the proposed height amendments on the prescribed airspace of Sydney Airport. Any activity resulting in an intrusion into an airport's protected airspace is a 'controlled activity' and requires approval under the Airports (Protection of Airspace) Regulations 1996.</li> <li>▪ No reference has been made to the National Airports Safeguarding Framework (NASF) in the Planning Proposal.</li> </ul>	<p>Noted – Clause 6.5 of KLEP 2012 (Airspace Operations) applies to the OLS and requires that if a development application is received that penetrates the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body, namely CASA and Department of Infrastructure and Regional Development.</p> <p>Noted – This issue will be addressed as part of the preparation of the detailed design controls/DCP.</p>
Air Services Australia	<ul style="list-style-type: none"> <li>▪ Advises that development proposals that would intrude into prescribed airspace are 'Controlled Activities' regulated under the Airports (Protection of Airspace) Regulations 1996 and they must be notified.</li> </ul>	<p>Noted – Clause 6.5 of KLEP 2012 (Airspace Operations) applies to the OLS and requires that if a development application is received that penetrates the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant body.</p>
Civil Aviation Safety Authority (CASA)	<ul style="list-style-type: none"> <li>▪ No objections however, Council should ensure that it implements the NASF.</li> <li>▪ Council should consider modifying Clause 6.5 of the LEP for consistency with NSW Planning Model Clause 7.4 Airspace Operations</li> </ul>	<p>Noted – This issue will be addressed as part of the preparation of the detailed design controls/DCP.</p> <p>The current Clause 6.5 of KLEP 2012 appears to be consistent with the NSW Planning Model Clause. Prior to finalising the Planning Proposal, Council will review the Clause to ensure that it reflects the most recent Model Clause relating to Airspace Operations.</p>

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Land and Housing Corporation (LAHC)	<ul style="list-style-type: none"> <li>▪ LAHC supports the Planning Proposal in principle, particularly the increase in development potential across the LGA.</li>   <li>▪ LAHC makes the following recommendations: <ul style="list-style-type: none"> <li>- Extension of the R3 Medium Density Residential zone, south of Hurstville Station to King Georges Road to promote multi-dwelling housing.</li>   <li>- Rezone the area between Penshurst and Mortdale Stations that is not located within the heritage conservation area, from R2 Low Density Residential to R3 Medium Density Residential.</li>   <li>- Increase the FSR of 0.55:1 that applies to areas within the Hurstville Station catchment.</li>   <li>- Consider additional FSR and upzoning of land within an 800m walking catchment of all railway stations.</li> </ul> </li> </ul>	<p>Noted</p> <p>The area south of the Hurstville Station, between Hillcrest Avenue and King Georges Road is listed as a Heritage Conservation Area (O'Briens Estate) and as such it is proposed to retain the existing zoning, height and FSR.</p> <p>Noted – this request is outside of the scope of the current planning proposal and would require re-exhibition. It is recommended that zoning, heights and FSR for this Precinct be retained, as exhibited in the Planning Proposal.</p> <p>Within the Hurstville Station precinct, the zoning is proposed to be retained as B4 – Mixed Use. It is proposed to increase the height from 27m to 39m and permit FSR up to 4.5:1.</p> <p>Council is proposing to increase the height and density around the majority of the railway stations, including Kogarah, Allawah, Carlton and Mortdale to increase the diversity of housing, consistent with the key strategic actions identified in the Community Strategic Plan.</p>

ADJOINING COUNCIL	ISSUE/COMMENT	RECOMMENDED ACTIONS
Rockdale City Council	<p><b>Ramsgate Centre</b></p> <ul style="list-style-type: none"> <li>▪ Development standards proposed for the Ramsgate Centre will permit higher density outcomes than the part of the Ramsgate Centre located with the Rockdale LGA. Should Council proceed with these outcomes and the LEP is gazetted, Rockdale may seek to review its own development standards relating to the Centre</li> </ul> <p><b>Ramsgate Centre Section 94 Contributions Plan</b></p> <ul style="list-style-type: none"> <li>▪ RCC encourages Kogarah Council to engage with RCC in any review of the Ramsgate Commercial Centre Development Contributions Plan 2006. Should Council pursue any changes to the Works Schedule of the Plan, adequate justification should be provided</li> </ul>	<p>Noted</p> <p>Noted – Kogarah Council will engage with Rockdale in any review relating to the detailed development controls for the Centre and any subsequent S94 Plan review.</p>
Hurstville City Council	No submission received	
Sutherland Shire Council	No submission received	

STATE MP	ISSUE/COMMENT	RECOMMENDED ACTIONS
Chris Minns, MP Member for Kogarah	<ul style="list-style-type: none"> <li>▪ Density proposed along the Princes Highway corridor is too high and represents a major overdevelopment of the existing area, which is a significant distance from a railway station.</li> <li>▪ The proposed changes along the Princes Highway will result in large scale development directly adjoining low density housing.</li> <li>▪ Questions why no new development is proposed in the area adjacent to Oatley Station – a station that has been given a major increase in services, a proposed parking facility and lift access.</li> <li>▪ Urges Council to consider extending the consultation and submission period and holding public meetings in order to better inform the community about the proposed changes.</li> </ul>	<p>The heights proposed are consistent with development further north along the Princes Highway - retain proposed zoning, height and FSR for the Princes Highway corridor, as exhibited in the Planning Proposal.</p> <p>Noted – Council will develop detailed design controls to address the issues relating to interface with low density development.</p> <p>Noted - Analysis of the areas in and around Oatley Station was undertaken, in the preparation of the Kogarah Housing Strategy. Some uplift in zoning, heights and density are proposed around Oatley Station. These changes were exhibited in the Planning Proposal.</p> <p>Retain zoning, heights and FSR for this Precinct, as exhibited in the Planning Proposal</p> <p>Noted – Council, at its meeting on 27 July 2015 resolved to hold a Public Forum to allow the community to present their concerns to the Councillors.</p> <p>The Public Forum will be held on Monday 31 August 2015 and all those who made a submission to the Planning Proposal will be notified of the meeting by letter.</p>

STATE MP	ISSUE/COMMENT	RECOMMENDED ACTIONS
<p>Stephen Kamper, MP Member for Rockdale</p>	<ul style="list-style-type: none"> <li>▪ Objects to the proposed rezoning and height and density at Beverley Park between Stubbs Street and Park Road on the Princes Highway. The rezoning will result in: <ul style="list-style-type: none"> <li>- Inconsistent character with the adjoining low density character of the area</li> <li>- Overshadowing and privacy impacts</li> <li>- Lack of services and amenities, away from the Illawarra Rail line</li> <li>- Demographic character of the area would be significantly changed</li> <li>- Isolated development</li> <li>- Increased traffic of existing arterial roads, which are already at capacity</li> </ul> </li> </ul> <p>Recommends that that height be reduced to 12 metres and a maximum density of 1:1.</p>	<p>Noted</p>
<p>Mr David Coleman, MP Federal Member for Banks</p>	<ul style="list-style-type: none"> <li>▪ Submission relates to the South Hurstville area</li> <li>▪ Concerned that the current Plan is inappropriate for the South Hurstville area – in particular allowing development up to 21m along King Georges Road and Connells Point Road.</li> <li>▪ A large number of residents have contacted the Member raising concerns.</li> <li>▪ Request that Council not proceed with the Plan in its current form.</li> </ul>	<p>Noted - A height of 21m and FSR of 2.5:1 has been proposed fronting King Georges Road, between Joffre Street and Grosvenor Street, generally within the area that is zone B2 – Local Centre. The proposed height and FSR is consistent with other B2 – Local Centre zones across the City of Kogarah.</p> <p>The majority of submissions that Council received from residents were not specifically concerned with development along King Georges Road – they were more concerned with respect to the proposed changes to zoning, height and FSR to the block bounded by The Mall, Tavistock Road and The Esplanade and the proposed rezoning of the former South Hurstville Bowling Club from RE2 – Private Recreation to SP2</p>

STATE MP	ISSUE/COMMENT	RECOMMENDED ACTIONS
		<p>– Educational Establishment.</p> <p>With respect to other blocks within the South Hurstville Precinct, and specifically the block bounded by The Mall, Tavistock Road and The Esplanade, this area was identified as being appropriate for uplift in zoning due to its proximity to the South Hurstville Commercial Centre and is proposed to have a height of 12m and FSR of 1:1. Further detailed discussion on this area is included in the body of the report.</p>
Mark Coure, MP Member for Oatley	No submission received	