

**Item 00:** **Amendment No.2 of Kogarah LEP 2012 - Planning Proposal for the New City Plan - Area within the Kogarah Town Centre zoned B4 - Mixed Use.**

**Author:** Rod Logan - Director Planning and Environmental Services (RV)

**Reason for report:** To give consideration to matters arising from submissions received through the public exhibition of the New City Plan.

**Recommendation:**

- a) That the issues raised in the submissions to the New City Plan relating to land in Kogarah Town Centre zoned B4 – Mixed Use as detailed in the report, and associated annexures be received and noted.
- b) That the draft Kogarah LEP 2012 (Amendment No 2) – New City Plan, in relation to matters within the Kogarah Town Centre on land zoned B4 – Mixed Use, be amended under section 58(1) of the Environmental Planning and Assessment Act in response to submissions as detailed below:

(1) With respect to **Consultation with Government Authorities:**

- (i) Amend the Planning Proposal to rezone **No 1A Gray Street (Lot 12, DP 911188), Kogarah** from SP2 – Infrastructure to B4 – Mixed Use and include height and FSR for the subject site consistent with the adjoining B4 – Mixed Use zone.
- (ii) In the event that the Minister is of the view that re-exhibition is needed for the change identified in (i) above, the Minister be requested to proceed to make the plan as exhibited and the changes outlined in (i) above will be pursued as part of the next amendment to the LEP.
- (iii) Amend the Planning Proposal to rezone **No 30-38 Belgrave Street (Lot 1, DP 1013359) and No 4-10 South Street (Lot 1, DP 1065343), Kogarah** from SP2 – Infrastructure to B4 – Mixed Use and include height and FSR for the subject site consistent with the adjoining B4 – Mixed Use zone.
- (iv) In the event that the Minister is of the view that re-exhibition is needed for the change identified in (ii) above, the Minister be requested to proceed to make the plan as exhibited and the changes outlined in (iii) above will be pursued as part of the next amendment to the LEP.

(2) With respect to **Specific Requests:**

- (i) Amend the Planning Proposal to include a Floor Space Ratio (FSR) incentive provision that would apply to the B4 – Mixed Use zoned properties bounded by Gray Street, Railway Parade and English Street, Kogarah to permit a 0.5:1 FSR bonus for the amalgamation of sites.
- (ii) In the event that the Minister is of the view that re-exhibition is needed for the change identified in (i) above, the Minister be requested to

## Item 00 (cont.)

proceed to make the plan as exhibited and the changes outlined in (i) above will be pursued as part of the next amendment to the LEP.

- c) That Kogarah LEP 2012 (Amendment No 2 – New City Plan) as amended by b) above be endorsed for submission to the Minister for Planning & Environment for the making of the plan and that the final plan also incorporate the following amendments identified in the tables below:

<b>Amendments to Height and Floor Space Ratio (FSR)</b>			
<b>No change to Zoning</b>			
	<b>Centre</b>	<b>Proposed Height (LEP)</b>	<b>Proposed FSR (LEP)</b>
<b>Kogarah Town Centre</b>			
<b>Area zoned B4 – Mixed Use</b>			
(i)	Kogarah Town Centre – Core Centre	39m	4.5:1
(ii)	Properties fronting Railway Parade and Regent Street	9m – 15m	2.5:1
(iii)	Railway Parade South (between Gray Street and English Street)	39m	4:1
(iv)	Site bounded by Princes Highway, Gray Avenue and Rocky Point Road	21m	2:1

- d) That the owners of the properties identified in Column A below be advised in writing that Council does not support the request for changes as identified in Column B below which were requested during the exhibition of the New City Plan:

<b>Column A</b>	<b>Column B</b>
<b>Kogarah Precinct – Kogarah Town Centre</b>	
Nos 3-5 Regent Street, Kogarah	Increase the FSR from 2.5:1 to 4.5:1
Nos 15-17 Regent Street, Kogarah	Increase height from 9-12m to 39m and FSR from 2.5:1 to 4.5:1.
Nos 19-31 Regent Street, Kogarah	Increase building height from 9-15m to 39m and FSR from 2.8:1 to 4:1
Nos 33-55 Regent Street, Kogarah	Increase height from 9-12m to 33m and FSR from 2.5:1 to 4:1.
Nos 18-28 Montgomery Street, Kogarah	Increase height from 39m to 65m and FSR from 4.5:1 to 6:1
No 21 Hogben Street, Kogarah	Increase height from 39m to 51m and FSR from 4.5:1 to 6:1-7:1

## Item 00 (cont.)

Nos 176-178 Railway Parade, Kogarah	Increase height from 39m (12 storeys) to 13 storeys and FSR from 4:1 to 5.5:1
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- e) That the amended Planning Proposal referred to in c) above, including the draft LEP instrument and LEP maps, be forwarded to the NSW Department of Planning & Environment in accordance with Section 59 of the Environmental Planning & Assessment Act 1979.
- f) That the Director General be requested to make arrangements for the legal drafting of Kogarah's LEP 2012 (Amendment 2), based on the draft LEP instrument included in the amended Planning Proposal.
- g) That those persons who made a written submission on the Planning Proposal for the New City Plan be notified of Council's decision.

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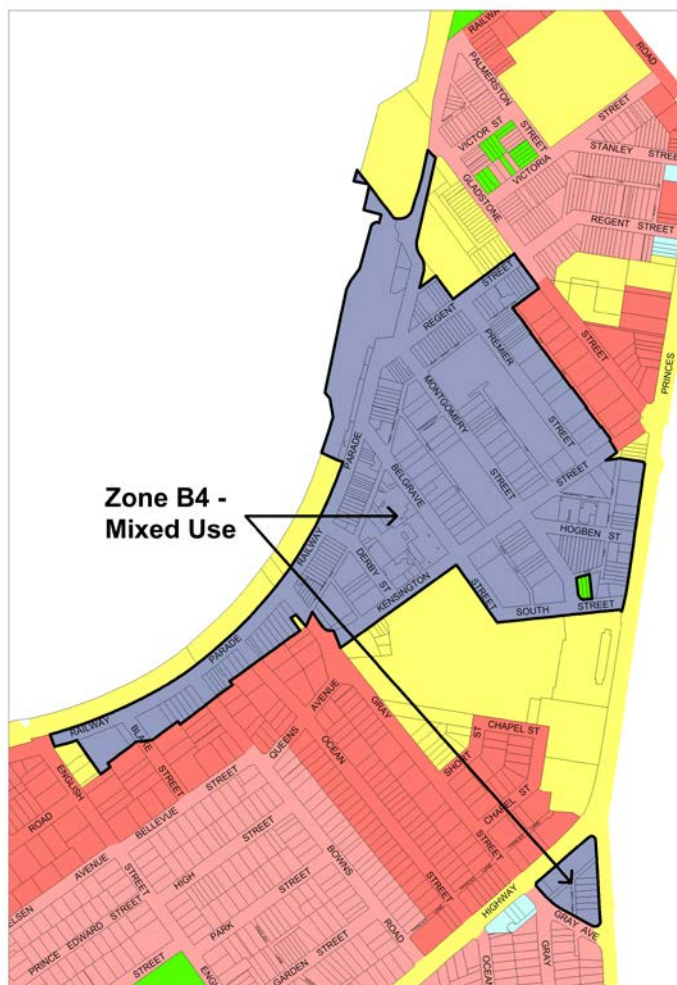
**Background**

1. This report relates specifically to those matters relevant to land within the Kogarah Town Centre zone B4 – Mixed Use only. All other areas of the Kogarah Local Government Area subject to amendments under the Planning Proposal are the subject of an associated report.
2. Council, at its meeting on 28 July 2014, considered a report on a Planning Proposal to make amendments to Kogarah Local Environmental Plan (LEP) 2012. The proposed amendments included options for additional housing opportunities across the City of Kogarah to meet the future needs of the community.
3. The Planning Proposal, referred to as the New City Plan, was prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (the Act) and was submitted to the Department of Planning and Environment in August 2014. It includes proposals to amend zonings and land use tables, introduce height and floor space ratio controls (principal development standards) and review and amend the associated maps.
4. An overview of the key changes relating to the proposed height and floor space ratio (FSR) in the Planning Proposal for the land within the Kogarah Town Centre zoned B4 – Mixed Use is included at **Appendix 1 – Overview of Key Changes in the Kogarah Town Centre B4 – Mixed Use Zone.**
5. The Gateway Determination was issued by the Minister for Planning on 15 December 2014 and this allowed Council to proceed with the public exhibition of the New City Plan and undertake formal government agency consultation.
6. Council, at its meeting on 23 February 2015, resolved to exhibit the New City Plan and associated documentation in accordance with the requirements of the Gateway Determination dated 15 December 2014 and the Engagement Strategy, as endorsed by Council.
7. At its meeting of 27 July 2015, Council considered a report on the status of the Planning Proposal to make amendments to Kogarah Local Environmental Plan (LEP) 2012, known as the New City Plan, and overview of submissions. Council resolved that the report be received and noted. At that meeting it was also resolved that a

**EXTRAORDINARY COUNCIL MEETING****Item 00 (cont.)**

Public Forum be held for community members to address Council regarding the New City Plan. In accordance with that resolution, an Extraordinary Council Meeting was held on 31 August 2015 which included the Public Forum for Council to receive further representations. At that meeting Council resolved (Minute #114/2015):

- a) *That the report on the Council Officer's response to submissions on the New City Plan, annexed to the report, be received.*
  - b) *That addresses on the New City Plan made to Council during Public Forum at the Extraordinary Meeting of 31 August 2015 be considered.*
8. This report has been prepared to address the issues and submissions received during the exhibition of the Planning Proposal for the New City Plan that specifically relate to the area that is zoned B4 – Mixed Use and is within the Kogarah Town Centre as identified in the following map.
  9. This report responds to submissions received as a result of the public exhibition, including the Public Form and consultation with authorities with respect to the area that is zoned B4 – Mixed Use within the Kogarah Town Centre.



**Map 1: B4 – Mixed Use Zone – Kogarah Town Centre**

Item 00 (cont.)

**Impacts of Proposed Changes on Council Owned Land**

10. The report presented to Council on the 27 July 2014 seeking Council's endorsement to submit the draft Planning Proposal to the Department of Planning identified that a number of changes proposed to Kogarah LEP 2012 would have an impact on Council owned properties.
11. These proposed changes may have the effect of increasing the value of the land and/or increasing the development potential of the land.
12. **Table 1** below identifies those properties that are in Council's ownership and summarises the proposed changes. Additional details, including the current classification of Council owned land is included at **Appendix 2 - Impacts of Proposed Changes on Council Owned Land**

**Table 1: Proposed Changes – Council Owned Land**

	Property Address	Zone	FSR (Proposed)	Height (Proposed)
Civic Centre	2 Belgrave Street, Kogarah Lot 46-48, Sec F, DP 1397	No change	4.5:1	39m
Old Customer Service Centre	84 Railway Parade, Kogarah Lot 4, Sec F, DP 1397	No change	2.5:1	9m – 12m
	16 Gray Street, Kogarah  Lot 2, DP804742 Lot 4, DP804742	No change	4.5:1	39m
Kogarah town Square/ Car Park	1A O'Keefes Lane, Kogarah  Lot 3, DP1035951	No change	4.5:1	39m
Kogarah Library	4-6 Derby Street, Kogarah  Lot 12, DP1044833 Lot 1, DP1035951	No change	4.5:1	39m

## Item 00 (cont.)

**Consultation with Government Authorities**

13. In accordance with the Gateway Determination issued on 15 December 2014, Council was required to consult with a number of Government Authorities. The Gateway Determination required, at a minimum, that the Planning Proposal be referred to the following Government Authorities:
- Department of Education & Communities
  - Office of Environment & Heritage
  - Ausgrid
  - NSW Health Infrastructure
  - Transport for NSW (TfNSW)
  - Roads & Maritime Services (RMS)
  - Sydney Water Corporation
  - Adjoining councils
14. Council formally notified thirty (30) Government Agencies and invited comments on the proposed changes. Council also notified the adjoining councils and State Members of Parliament of the exhibition of the Planning Proposal.
15. During the exhibition period, Council received fifteen (15) submissions from public authorities. Of those the submissions from Ausgrid and NSW Health Infrastructure specifically related to areas within the B4 – Mixed Use zone within the Kogarah Town Centre.
16. An overview of the issues raised in the submissions from Ausgrid and NSW Health Infrastructure is provided in **Table 2** below and copies of their submissions are included in **Appendix 3 – Review of Government Submissions**.

**Table 2 – Overview of Submissions from Government Authorities**

<b>Government Authority</b>	<b>Issue/Comment</b>	<b>Recommendation</b>
<b>Ausgrid</b>	Request rezoning of No 1A Gray Street, Kogarah from SP2 – Infrastructure to B4 – Mixed Use zone as this has been identified as redundant infrastructure by Ausgrid.	Support the request to rezone the subject site to B4 – Mixed Use zone, consistent with the adjoining zone (seek advice from the Department of Planning & Environment as to whether this is considered to be a minor change).
<b>NSW Health Infrastructure</b>	Object to proposed rezoning of No 30 -38 Belgrave Street and 4-10 South Street, Kogarah to SP2 – Infrastructure.	Amend Planning Proposal to retain existing B4 – Mixed Use zoning for No 30-38 Belgrave Street and No 4-10 South Street, Kogarah.
<b>Roads and Maritime Services (RMS)</b>	Request for Council to prepare traffic and transport assessment for identified precincts.	This work has been undertaken and has been submitted to RMS and TfNSW. A copy of the Strategic Traffic and Transport Assessment Report is included at <b>Appendix 4 – Traffic Generation Analysis – Impact of the New City Plan on</b>

## Item 00 (cont.)

Government Authority	Issue/Comment	Recommendation
		<b>Regional Roads in the LGA.</b>

**Overview of Submissions**

17. Council received a total of 1,879 submissions during the exhibition of the Planning Proposal, including proforma letters. This number relates to submissions received up to the end of August 2015.
18. Of the total number of submissions received during the exhibition of the Planning Proposal, thirty-eight (38) submissions specifically related to the B4 – Mixed Use zone within the Kogarah Town Centre.
19. The major issues raised in submissions objecting to the Planning Proposal included:
  - Traffic and parking impacts from increases in development
  - Lack of provision of new infrastructure and services to meet increased demand
  - The lack of additional open space and recreation facilities to meet increased demand
20. Conversely, submissions were also received that welcomed the initiatives to provide additional development opportunities within the B4 – Mixed Use zone within the Kogarah Town Centre. There were also a number of site specific requests within the B4 – Mix Use zone within the Kogarah Town Centre requesting increased height and FSR.

**Submission Summary**

21. Following is a summary of the issues raised in both the written and oral submissions to the Public Forum and the Council officer's comments in respect to the issue.

**A. GENERAL ISSUES****(i) Traffic, transport and parking**

22. Concern was expressed in submissions that both the Regional and Local road networks in the Kogarah LGA would not be able to cope with the scale of planned development and that population growth will add to existing traffic volumes across the LGA.
23. A key focus of the Planning Proposal for the New City Plan has been to identify increased opportunities for housing close to, or with access to public transport and job opportunities. Growth across the LGA as a result of uplift from the Planning Proposal would be incremental over the next 15 years, and as such it is not considered that the impact on the existing road network would be significant.
24. The State Government has also made a commitment that the development of the District Plans will address issues relating to increased development and the impact on existing resources and infrastructure, particularly around roads and public transport.

**Item 00 (cont.)**

25. Parking was also an issue raised in the submissions and specifically related to the Kogarah Town Centre – there was concern that increased population growth along with intensification of employment uses would exacerbate the demand for parking, particularly in the Kogarah Town Centre.
26. In response to the future demand for car parking, particularly in and around the Kogarah Town Centre, where a significant amount of the parking demand is generated by the hospitals and medical uses, Council will continue to advocate to the State Government and key stakeholders for the provision of more parking within the Centre.

**(ii) Infrastructure capacity**

27. Concern was expressed in submissions that there is no information to indicate whether Kogarah's infrastructure will be able to cope with the increased development and population growth, and in the B4 – Mixed Use zone within the Kogarah Town Centre, the concerns specifically related to the future capacity of the hospitals and educational facilities adjacent to the Kogarah Town Centre.
28. The Planning Proposal proposes increased development where there is existing infrastructure to accommodate an increase in residents. It is accepted that the increased development potential may place additional demands on existing infrastructure and services and Council will continue to work with State and Federal Governments to ensure that existing infrastructure (such as roads, drainage, sewerage, street lighting, public transport, education and health facilities and community services) is sufficient to meet the growing demand and improvements are provided where they are warranted.
29. The NSW State Government is ultimately responsible for ensuring infrastructure in Sydney is to a standard that will support growth. With respect to the St George Hospital the NSW State Government has committed over \$300 million in funding to redevelop St George Hospital several years earlier than indicated previously.
30. Construction of St George Hospital's new seven-level Acute Services Building has now commenced and the NSW Government will accelerate construction to complete the building up to six months earlier. The project will deliver a new Acute Services Building, to be built above the new Emergency Department on Gray Street that will include:
  - Intensive care
  - High dependency
  - Cardiac intensive care
  - Extra operating theatres
  - Extra acute inpatient beds
31. Recently, the St George Private Hospital also underwent a \$36 million upgrade. The upgrades are still being completed and include:
  - 35 additional beds, bringing the hospital's total number of beds to 274
  - 3 additional operating theatres with capacity for a fourth operating theatre; and
  - A new oncology unit with access to rapid turnaround medical imaging, chemotherapy, acute care, clinical care and a dedicated Clinical Trials Unit.



**Item 00 (cont.)**

32. Council has also approved a multi-storey car park on the St George Private Hospital's Hogben Street site, which is currently under construction. The carpark provides a level of parking in excess of that required by the Private Hospital and on completion of this multi-storey car park will provide for additional parking within the Kogarah Town Centre.
33. The *2014 State Infrastructure Strategy Update* (NSW Government) has recommended that \$700 million be set aside to create a 10-year Schools Growth Program. This program will aim to provide investment for education infrastructure projects as well as investigating new models of school provision. Council will continue to advocate to both the Department of Planning and Environment and the Department of Education with respect to the provision and capacity of educational facilities throughout the Local Government Area and across the Region as part of the development of the District Plans to ensure that there is capacity in both primary and secondary schools to meet future demand.

**(iii) Lack of open space and recreational facilities**

34. With respect to the provision of open space, the Kogarah LGA has approximately 178 hectares of land zoned open space (15% of the LGA). There are limited opportunities to significantly increase the amount of open space across the LGA, and particularly within the Kogarah Town Centre.
35. Council's current strategies with respect to open space and recreation areas rely primarily on increasing the diversity, quality, utility and accessibility of existing open space and recreation areas.
36. *A Plan for Growing Sydney* identifies the need for a strategic approach to identifying and connecting existing open spaces that will support the development of a city wide "Green Grid".
37. The Sydney Green Grid will include open spaces, parks, bushland, natural areas, waterway corridors and tree lined streetscapes in a network that connects homes to centres, public transport, jobs and recreation.
38. Council and the State Government will be focusing on identifying alternative opportunities for the provision of open space. These may include buildings incorporating rooftop open space areas, use of education land after school hours and upgrading and embellishing existing open space in Council's ownership.

**B. RECOMMENDATIONS FOR PRECINCTS****Kogarah Precinct – Kogarah Town Centre**

39. The Kogarah Town Centre has undergone significant changes over the past 15 years to become a vibrant, livable and working community. More people are living and working in the Centre than ever before. The Kogarah Town Centre has been identified as a Strategic Centre within the South Sub-Region in *A Plan for Growing Sydney*.
40. It is important that the Kogarah Town Centre has the potential to continue to grow and provide housing and jobs. The Community Strategic Plan also concludes that increased development should be located close to existing Centres and transport hubs, rather than in suburban areas, where access to public transport is limited.

**EXTRAORDINARY COUNCIL MEETING**

**Item 00 (cont.)**

41. In order to respond to the key priorities in *A Plan for Growing Sydney*, the Planning Proposal proposes to maintain the B4 – Mixed Use zone in the Kogarah Town Centre to facilitate the continued development of employment and housing.
42. Increases are proposed to the height and density in the Kogarah Town Centre to ensure that there are opportunities for redevelopment of the remaining sites within the Centre.
43. Building heights are proposed up to 39m, with a floor space ratio of 4.5:1. Along Railway Parade, building heights range from 9-12m, in order to retain the existing “main street” character (refer to Figures 1 & 2 below)
44. The proposed controls will provide additional opportunities for more people to live in walking distance of the Kogarah Town Centre creating a more lively and vibrant centre.



**Figure 1: Proposed Height of Buildings, New City Plan**

Item 00 (cont.)



Figure 2: Proposed Floor Space Ratio, New City Plan

C. LEP AMENDMENTS

Schedule 5 – Environmental Heritage

- 45. Table 3 below identifies a submission that was received from the property owners of heritage listed properties, and provides discussion and the Council Officer’s recommendation in relation to the request:

Table 3: Requests relating to Heritage Properties

Address & Summary of Submission	Council Officer’s Discussion & Recommendation
<p><b>22-28 Montgomery Street (Lots A-C, DP 443736; Lot 1, DP 917849), Kogarah -Terraces (“Leah Buildings”)</b></p> <p>Redevelopment site includes the “Leah Buildings” (Nos 18-28 Montgomery Street).</p>	<p>There would be sufficient justification for further investigation to be undertaken with respect to both the existing height and FSR in the Kogarah Town Centre Precinct as the Centre has been identified as a Strategic Centre in <i>A Plan for Growing Sydney</i>, particularly as to how these controls impact on the viability of developing sites that incorporate</p>

## Item 00 (cont.)

Address & Summary of Submission	Council Officer's Discussion & Recommendation
<p>Request is seeking increased height (from 39m to 65m) and increased FSR from 4.5:1 to 6:1) as well as a variation to the existing DCP setbacks.</p> <p>Justification is that the heritage building unduly confines redevelopment of the site and results in an economically unviable floorplate size for the site.</p> <p>Submission also argues that the cost of retaining the heritage buildings imposes a financial burden.</p>	<p>heritage items.</p> <p>It is recommended that further investigation be undertaken with respect to the height and FSR requirements and that this review be included as part of a future Planning Proposal.</p> <ul style="list-style-type: none"> <li>▪ <b><i>Retain existing zoning, height and FSR for Nos 18-28 Montgomery Street, Kogarah, as exhibited in the Planning Proposal.</i></b></li> <li>▪ <b><i>Undertake further investigation of the request for Nos 18-28 Montgomery Street, Kogarah as part of a future Planning Proposal for the Kogarah Town Centre.</i></b></li> </ul>

**D. MATTERS REQUIRING FURTHER CONSIDERATION**

46. During the exhibition of the Planning Proposal for the New City Plan, Council received eight (8) submissions requesting either rezoning and/or increases in development potential for specific land within the Kogarah Town Centre that is zoned B4 – Mixed Use.
47. These requests have been analysed and, as it is considered that the majority of the requests would result in major changes to the Planning Proposal, it is recommended that these not be considered as part of this process. For some requests, further consideration is recommended, but as part of a future Planning Proposal/s.
48. Table 4 below provides an overview of the specific requests made during the exhibition of the New City Plan and a recommendation for each request.
49. Generally, it is recommended that where requests have been made seeking reconsideration to zoning, height and FSR, and there is support for further consideration of these requests, then these will be dealt with in the future by Council, or through a separate Planning Proposal pursued by the proponent.
50. A more detailed analysis of each of these requests is included at **Appendix 5 – Precinct Analysis: Kogarah Town Centre B4 – Mixed Use Zone.**

**Table 4: Specific Requests**

Address/ Request	Officer's Recommendation
<b>Kogarah Precinct (Kogarah Town Centre)</b>	
<p><b><i>Nos 3-5 Regent Street, Kogarah</i></b></p> <p>Increase the FSR from 2.5:1 to 4.5:1</p>	<ul style="list-style-type: none"> <li>▪ Proceed with proposed changes to zoning, height and FSR for Nos 3-5 Regent Street, Kogarah as exhibited in the Planning Proposal.</li> </ul>

## Item 00 (cont.)

Address/ Request	Officer's Recommendation
	<ul style="list-style-type: none"> <li>▪ Undertake further investigation of the request for Nos 3-5 Regent Street, Kogarah as part of a future Planning Proposal for the B4 – Mixed Use Zone in the Kogarah Town Centre.</li> </ul>
<p><b><i>Nos 15-17 Regent Street, Kogarah</i></b></p> <p>Increase height from 9-12m to 39m and FSR from 2.5:1 to 4.5:1.</p>	<ul style="list-style-type: none"> <li>▪ Proceed with proposed changes to height and FSR for Nos 15-17 Regent Street, Kogarah as exhibited in the Planning Proposal.</li> <li>▪ Undertake further investigation of the request for Nos 15-17 Regent Street, Kogarah as part of a future Planning Proposal for the B4 – Mixed Use Zone in the Kogarah Town Centre.</li> </ul>
<p><b><i>Nos 19-31 Regent Street, Kogarah</i></b></p> <p>Increase building height from 9-15m to 39m and FSR from 2.8:1 to 4:1</p>	<ul style="list-style-type: none"> <li>▪ Proceed with proposed changes to height and FSR for Nos 19-31 Regent Street, Kogarah as exhibited in the Planning Proposal.</li> <li>▪ Undertake further investigation of the request for Nos 19-31 Regent Street, Kogarah as part of a future Planning Proposal for the Kogarah Town Centre.</li> </ul>
<p><b><i>Nos 33-55 Regent Street, Kogarah</i></b></p> <p>Increase height from 9-12m to 33m and FSR from 2.5:1 to 4:1.</p>	<ul style="list-style-type: none"> <li>▪ Proceed with proposed changes to height and FSR for Nos 33-55 Regent Street, Kogarah as exhibited in the Planning Proposal.</li> <li>▪ Undertake further investigation of the request for Nos 33-55 Regent Street, Kogarah as part of a future Planning Proposal for the Kogarah Town Centre.</li> </ul>
<p><b><i>Nos 18-28 Montgomery Street, Kogarah</i></b></p> <p>Increase height from 39m to 65m and FSR from 4.5:1 to 6:1</p>	<ul style="list-style-type: none"> <li>▪ Proceed with proposed changes to height and FSR for Nos 18-28 Montgomery Street, Kogarah, as exhibited in the Planning Proposal.</li> <li>▪ Undertake further investigation of the request for Nos 18-28 Montgomery Street, Kogarah as part of a future PP for the Kogarah Town Centre.</li> </ul>
<p><b><i>No 21 Hogben Street, Kogarah</i></b></p> <p>Increase height from 39m to 51m and FSR from 4.5:1 to 6:1-7:1</p>	<ul style="list-style-type: none"> <li>▪ Proceed with proposed changes to height and FSR for No 21 Hogben Street, Kogarah as exhibited in the Planning Proposal.</li> <li>▪ Undertake further investigation of the request for No 21 Hogben Street, Kogarah as part of a future Planning Proposal for the Kogarah Town Centre.</li> </ul>
<b>Kogarah Precinct (Kogarah South)</b>	
<p><b><i>Nos 176-178 Railway Parade, Kogarah</i></b></p> <p>Increase height from 39m (12</p>	<ul style="list-style-type: none"> <li>▪ Amend the Planning Proposal to include a FSR incentive provision which would apply to the B4 zoned properties bounded by Gray Street, Railway Parade and English Street, Kogarah to permit a 0.5:1</li> </ul>



## Item 00 (cont.)

Address/ Request	Officer's Recommendation
<p>storeys) to 13 storeys and FSR from 4:1 to 5.5:1</p> <p><i>Nos 250-258 Railway Parade, Kogarah (Kogarah RSL Site)</i></p> <p>Increase height from 39m to 43.95m and FSR from 4:1 to 4.5:1</p>	<p>FSR bonus for the amalgamation of sites.</p> <ul style="list-style-type: none"> <li>▪ This amendment would provide an FSR outcome consistent with that achievable throughout the remainder of the Kogarah Town Centre whilst encouraging lot consolidation.</li> </ul>

**Post exhibition changes recommended to the Planning Proposal**

51. As a result of considering the submissions, as well as an internal review of the Planning Proposal and LEP instrument by Council Officers, the following minor amendments to the Planning Proposal are recommended.
52. Under section 58 of the Act, changes to the draft LEP can be made prior to submission to the Department of Planning & Environment. Generally such amendments are limited to minor or inconsequential changes, however that determination is made by the Department.
- (i) **Minor anomalies and errors**
53. Following the exhibition of the Planning Proposal, a number of minor mapping and clause anomalies, errors and omissions were identified in the Planning Proposal.
54. These errors are proposed to be corrected to ensure Council's intent and previous resolutions in relation to these planning controls are achieved. Accordingly the following amendments are proposed:

Name of item	Intended outcome
Mapping anomalies	This item seeks to make minor amendments to draft KLEP 2012 Amendment No.2 maps to correct anomalies which have occurred during the finalisation of the maps for the LEP prior to their exhibition.
Clause anomalies	This item seeks to amend certain clauses to correct wording errors and or omissions.

**Next Steps**

55. The Planning Proposal has been exhibited in accordance with the requirements of the Gateway Determination and submissions, both written and oral, have been considered by Council Officers.

**EXTRAORDINARY COUNCIL MEETING**

**Item 00 (cont.)**

56. This report provides a detailed response to the issues made in submissions during the exhibition period and from the Public Forum and makes recommendations to proceed with the finalisation of the New City Plan.
57. The final steps in that process are as follows:
- (i) Subject to Council's endorsement, the Planning Proposal be amended as outlined in the body of the report and submitted to the Director- General of the Department of Planning & Environment to make arrangements for the final drafting of the plan. This part of the process will involve a review of the Planning Proposal by:
    - a. the Metropolitan Planning Team: To check the plan is consistent with relevant state plans and policies and to review the consultation with relevant public authorities; and
    - b. Parliamentary Counsel: To draft up the legal instrument, being the clauses proposed to be included in Kogarah LEP 2012.
  - (iii) Making of the LEP by the Minister for Planning & Environment. The Minister may make the Plan with or without variation.
  - (iv) The amendment to the LEP will commence on the date that it is published on the NSW Legislation website.
  - (v) Public Notice would be given that the new LEP has commenced.

**Operational Plan Budget**

58. Within budget allocation.

**Attachments/Annexures**

<a href="#"><u>1</u></a>	Appendix 1 - Overview of Key Changes in the Kogarah Town Centre B4 - Mixed Use Zone	1 Page	Attachment
<a href="#"><u>2</u></a>	Appendix 2 - Impacts of Proposed Changes on Council Owned Land	11 Pages	Annexure
<a href="#"><u>3</u></a>	Appendix 3 - Review of Government Submissions	4 Pages	Annexure
<a href="#"><u>4</u></a>	Appendix 4 - Traffic Generation Analysis - Impact of the New City Plan on Regional Roads in the LGA.	62 Pages	Annexure
<a href="#"><u>5</u></a>	Appendix 5 - Precinct Analysis: Kogarah Town Centre B4 - Mixed Use Zone	26 Pages	Annexure

**End of Report**