

**Ref No: D19/240420**

# **Planning Proposal**

**Georges River Local Environmental Plan**

**(PP2019/0004)**

**February 2020**

## TABLE OF CONTENTS

<b>Section A: Overview</b> .....	<b>3</b>
<b>1. Georges River Local Government Area</b> .....	<b>3</b>
<b>2. Existing Planning Controls</b> .....	<b>4</b>
<b>3. South District</b> .....	<b>5</b>
<b>4. Strategic Context</b> .....	<b>6</b>
<b>5. Local Strategic Planning Statement</b> .....	<b>6</b>
<b>6. Georges River Principal Local Environmental Plan</b> .....	<b>9</b>
<b>7. Supporting Research and Policy Development</b> .....	<b>10</b>
7.1 Draft Local Housing Strategy .....	10
7.2 Draft Inclusive Housing Strategy .....	15
7.3 Draft Commercial Centres Strategy.....	17
7.4 Industrial Land Review .....	17
7.5 Foreshore Study .....	18
7.6 Infrastructure Integration Advice Roadmap .....	20
7.7 Draft Hurstville Heritage Review .....	20
7.8 Hurstville City Centre Urban Design Study.....	20
7.9 Open Space, Recreation and Community Facilities Strategy 2019-2036.....	20
7.10 Create Georges River Cultural Strategy 2019-2029 .....	21
<b>Section B: The Planning Proposal</b> .....	<b>22</b>
<b>8. Part 1: Objectives or Intended Outcomes</b> .....	<b>22</b>
<b>9. Part 2: Explanation of the Provisions</b> .....	<b>22</b>
<b>10. Part 3: Justification</b> .....	<b>63</b>
<b>11. Part 4: Mapping</b> .....	<b>69</b>
<b>12. Part 5: Community Consultation</b> .....	<b>70</b>
<b>13. Part 6: Project Timeline</b> .....	<b>71</b>
<b>14. Conclusion</b> .....	<b>72</b>
<b>15. Appendices</b> .....	<b>73</b>

## Section A: Overview

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979 (EP&A Act)*, the *Environmental Planning and Assessment Regulation 2000* and the following advisory documents prepared by the New South Wales Department of Planning, Industry and Environment (DPIE):

- “A guide to preparing planning proposals” (December 2018); and
- “A guide to preparing local environmental plans” (December 2018).

The purpose of this Planning Proposal is to initiate the preparation of a new consolidated Local Environmental Plan for the Georges River Local Government Area (LGA), the *Georges River Local Environmental Plan 2020 (GRLEP 2020)*.

### 1. Georges River Local Government Area

On 12 May 2016, the Minister for Local Government announced the newly formed Georges River Council (Council), which was formed out of the amalgamation of the former Kogarah Council and the former Hurstville City Council.

The Georges River LGA is 38 square kilometres with approximately 153,450 people (2016) residing in the area (refer to **Figure 1**).



Figure 1: Georges River Local Government Area (Source: Georges River Local Strategic Planning Statement)

The Georges River LGA is located in Southern Sydney and includes the suburbs of Allawah, Beverley Park, Beverly Hills (part), Blakehurst, Carlton (part), Carss Park, Connells Point, Hurstville, Hurstville Grove, Kingsgrove (part), Kogarah (part), Kogarah Bay, Kyle Bay, Lugarno, Mortdale, Narwee (part), Oatley, Peakhurst, Peakhurst Heights, Penshurst, Ramsgate (part), Riverwood (part), Sans Souci (part) and South Hurstville.

The Council is bounded by Sutherland Shire Council, Canterbury-Bankstown Council and Bayside Council.

## 2. Existing Planning Controls

The planning controls for the Georges River LGA currently comprise:

Three LEPs:

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

Four DCPs:

- *Kogarah Development Control Plan 2013*;
- *Hurstville Development Control Plan No.1* (Applies to land within the Peakhurst, Mortdale and Hurstville Wards);
- *Hurstville Development Control Plan No.2 Amendment Number 5* (Applies to sites within the Hurstville City Centre identified as Deferred Land in the *HLEP 2012*); and
- *Hurstville Development Control Plan No.2 Amendment Number 9* (Applies to land within the Hurstville City Centre, excluding the Deferred Land in the *HLEP 2012*).

*Kogarah Local Environmental Plan 2012 (KLEP 2012)* and *Hurstville Local Environmental Plan 2012 (HLEP 2012)* are in the standard form, as prescribed in the *Standard Instrument (Local Environmental Plans) Order 2006*. *Hurstville Local Environmental Plan 1994 (HLEP 1994)* is not in the standard form as it was made prior to the standardisation of LEPs and applies only to the land deferred from the *HLEP 2012* (Deferred Land). Please see **Figure 2** for a map of the Deferred Land.

The Deferred Land, which sits under the *HLEP 1994*, is zoned 3(b) City Centre Business. 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. This Planning Proposal seeks to incorporate the Deferred Lands within the *GRLEP 2020*. At present no changes to the controls are proposed and the existing heights, comparable zones and FSRs will be carried over into the *GRLEP 2020*.



Figure 2: "Deferred Land" map (Source: Georges River Council)

### 3. South District

The Georges River Council is part of the Greater Sydney Commission's (GSC) South District (refer to **Figure 3**), which comprises Canterbury-Bankstown Council, Sutherland Shire Council and Georges River Council.

The South District comprises the smallest number of councils within the Greater Sydney Region. This has its advantages as it allows for greater collaboration and cooperation between the three councils on strategic issues.

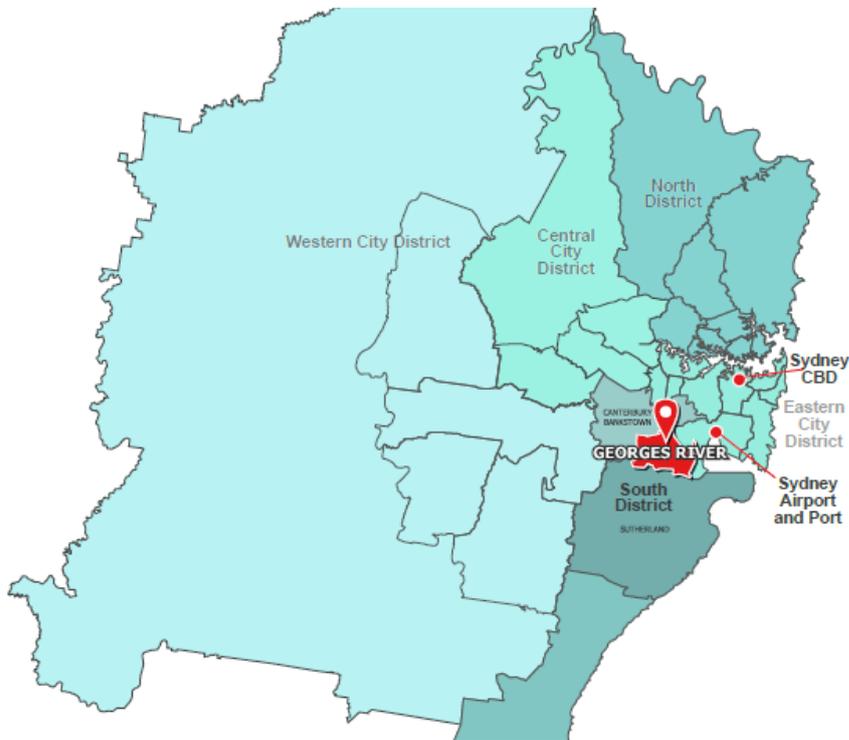


Figure 3: South District (Source: Georges River Local Strategic Planning Statement)

## 4. Strategic Context

The *Greater Sydney Region Plan* and *South District Plan* (both adopted March 2018) provide strategic planning guidance for the region and outline the need for councils to update their local environmental plans.

The *South District Plan* also sets out a requirement for councils to prepare a Housing Strategy for the local government area.

Recent amendments to the *Environmental Planning & Assessment Act 1979* include a requirement that councils must prepare a Community Participation Plan and a Local Strategic Planning Statement (LSPS) for the local government area.

To inform the preparation of the LEP, Council has prepared a number of studies and strategies including:

- Local Housing Strategy Evidence Base (March 2019)
- Georges River Industrial Land Review (July 2018)
- Inclusive Housing Strategy and Delivery Programme Stage 1 (March 2019)
- Hurstville Heritage Review (currently being prepared)
- Hurstville City Centre Urban Design Strategy (May 2018)
- Tidal Inundation Study (November 2018)
- Foreshore Review – Strategic Directions Paper (December 2018)
- Commercial Centres Strategy Part 1 (June 2019)
- Open Space, Recreation and Community Facilities Strategy 2019 - 2036 (2019)
- Create Georges River Cultural Strategy 2019-2029 (2019)
- Infrastructure Integration Advice Roadmap (September 2019)

The objectives and outcomes of these strategies are summarised in Sections 6 – 8.

## 5. Local Strategic Planning Statement

To provide an alignment between the district and local levels of strategic planning, the State Government introduced legislation in March 2018 requiring councils to prepare a local strategic planning statement for the LGA which will set out:

- (a) the 20 year vision for land use in the local area;
- (b) the special characteristics which contribute to the local identity;
- (c) the shared community values that are to be maintained and enhanced; and
- (d) how growth and change will be managed into the future.

The *Georges River Local Strategic Planning Statement 2040* (LSPS) sets out a land use vision for the future of the LGA, strengthens the character of the LGA's suburbs and builds upon the social, environmental and economic values of the Georges River community. It is also a key resource in highlighting the changes which will shape Georges River's future and the actions that both Council and the State Government will take to create a future City which is desirable to its community, visitors and investors.

The LSPS builds on the community's aspirations and expectations expressed in Council's *Community Strategic Plan 2018 -2028*. It is also aligned with the *Greater Sydney Region Plan* and *South District Plan*; and other State Government planning priorities. Council has undertaken a range of strategic background studies which inform the actions identified in the LSPS. The LSPS commits Council to a range of actions which will deliver the longer term land use vision for the LGA. Some of the actions will result in land use changes as outlined in this Planning Proposal. Others will result in future studies and investigations which may subsequently result in other land use changes or further action.

The LSPS explains how Council will implement the planning priorities and actions at a local level on a short, medium and long term timeframe and how the Georges River Principal Local Environmental Plan will be staged to deliver the vision for the Georges River LGA as outlined in the LSPS.

The LSPS will be implemented progressively until 2040 and reviewed by each incoming Council against the measures nominated in the LSPS's five themes.

The LSPS was placed on public exhibition between 26 June 2019 and 7 August 2019. Council received 137 submissions from the community and public authorities. The key issues identified are summarised below:

### **Access and Movement**

- Identifying and protecting key internal and external freight routes is important to supporting local, district and regional economies.
- The provision of express train services to Riverwood to accommodate both current demand and future precinct growth.
- Improved support transport options including better bus interchange facilities needed across the LGA and car parking.
- A focus on active transport and the provision of connected and appropriate infrastructure which is sheltered from the elements.
- The provision of 24 hour train services for shift workers was regarded as essential to facilitating access to jobs.
- Provision needs to be made for emergency and service vehicles in medium and high density developments.

### **Infrastructure and collaboration**

- It is essential to plan for and respond to change, including the required infrastructure to support change ideally delivered ahead of growth.
- The community values the LSPS engagement and genuine engagement processes. People want to see more of this and they want to see the results of any engagement and how Council responds.
- Collaboration is required between Council, the Federal Government and private sector service providers to deliver telecommunications infrastructure across the LGA.
- Council should develop a Smart Street Policy, to align with Transport 2056.

## **Housing and neighbourhoods**

- Maintaining the character of the existing suburbs, particularly trees and green open space and walkability is important.
- There were mixed views on additional residential development with some seeking the realisation of development potential and others seeking a halt to development.
- A mix of housing, especially housing that is suitable for older members of the community, such as single-level housing is desirable.
- The provision of affordable housing is considered a more universal concept and more appropriate than targeted key worker housing.
- The provision of additional housing and jobs along new State Government transport links needs to be considered.
- A bigger focus on heritage and culture, including Aboriginal.

## **Economy and Centres**

- Local jobs are highly valued.
- Young people are interested in gaining local work experience and part-time jobs.
- Land should be protected for local services, businesses and light industry rather than new housing.
- Diversity of businesses in clearly designated commercial and industrial zones which are not encroached by housing need to be encouraged.
- More public plazas are sought after and the provision of social spaces in neighbourhoods and centres.
- Noise and pollution levels around major centres needs to be addressed and managed appropriately through development.
- Local tourism infrastructure needs to be identified and provided in a strategic manner.

## **Environment and Open Space**

- Green and open spaces are highly valued and should be protected and enhanced, with no loss of existing infrastructure.
- Expanded open space and green space are important factors to mitigate climate change and are particularly important for people in high rise developments.
- Maintaining and increasing the tree canopy is overwhelmingly important and removed trees need to be replaced with appropriate native species and additional trees on public land.
- The Georges River needs to be accessible and the foreshore area is a priority for additional open space with connected green walking and bike tracks.
- There is support for a community recycling Centre, together with education about its use.

## **Implementation**

- Review of the LSPS should align better with the 5 year LEP review period rather than in the first year of each Council term.
- The LSPS has been updated in response to the submissions and was reported to Council on 28 October 2019. At this meeting, Council resolved to endorse the revised LSPS for submission to the GSC for their approval to formally adopt the *LSPS 2040* for the Georges River LGA.

## 6. Georges River Principal Local Environmental Plan

At its meeting dated 26 February 2018, Council resolved to prepare a principal LEP for the Georges River LGA which gives effect to the *South District Plan*.

As noted above, the LSPS proposes a staged approach to preparing the principal Georges River LEP due to the detailed investigations required to support the full suite of changes proposed. This approach was endorsed by Council at its meeting on 23 April 2019 and 28 October 2019.

The staged approach to preparing the Georges River LEP is outlined as follows:

- Stage 1 – Housing and Harmonisation (this Planning Proposal)
  - Harmonise the existing LEPs
  - Seek to achieve housing targets through up-zoning certain areas
- Stage 2 – Housing Choice (scheduled for 2021)
  - Seek to promote inclusive and affordable housing
  - Investigate big house conversions and build to rent
- Stage 3 – Jobs and Activation (scheduled for 2022)
  - Review development standards in centres
  - Infrastructure delivery mechanisms
  - Hurstville City Centre and Beverly Hills Local Centre masterplanning
- Stage 4 – Housing and Future Growth (scheduled for 2025 and beyond)
  - Undertake a new housing strategy as required

The first stage of the Georges River LEP is to harmonise the existing LEPs as currently three LEPs apply to the LGA. This stage, being the principal LEP, is required to ensure a consistent approach to planning and development is applied across the LGA, and new controls are introduced to give effect to the Planning Priorities and Actions of the *South District Plan* and the LSPS.

Whilst the *KLEP 2012* and *HLEP 2012* are in the standard form, both instruments have different objectives, zoning patterns, local provisions and development controls. The *HLEP 1994* was made prior to the Standard Instrument LEP and is not easily comparable to the *KLEP 2012* or *HLEP 2012*. However, this Planning Proposal seeks to incorporate the Deferred Lands within the *GRLEP 2020*. At present no changes to the controls are proposed and the existing heights, comparable zones and FSRs will be carried over into the *GRLEP 2020*.

On 7 September 2018, Council received funding from the NSW Government for an accelerated review of the Georges River LEP which aligns with the priorities outlined in the *South District Plan*. The NSW Government funding requires Council to submit this Planning Proposal for the Georges River LEP to the DPIE for Gateway Determination by 20 December 2019.

## 7. Supporting Research and Policy Development

The LSPS and this Planning Proposal have been informed by an extensive evidence base comprising of specialist reports that have been prepared in response to the knowledge gaps identified through Council's LEP review process.

These strategies and studies respond to the four themes of infrastructure and collaboration, liveability, productivity, and sustainability that underpin the *Region Plan* and *South District Plan*.

A summary of the key strategies and studies that have informed the preparation of this LEP and resulted in notable changes are outlined below.

### 7.1 Draft Local Housing Strategy

Council's *Local Housing Strategy* intends to set a clear plan for housing in the Georges River LGA over the next 10 and 20 years. The Strategy provides the link between Council's visions for housing and the Actions of the *South District Plan* by presenting Council's response to how the housing target will be delivered locally.

The *South District Plan* sets a five-year (2016 to 2021) housing target of 4,800 additional dwellings for the Georges River LGA. However, the Plan provides Council with the opportunity to develop the 6-10-year housing targets by demonstrating capacity for steady housing supply into the medium term. The Plan also emphasises the need to plan for the 20-year strategic housing target. An additional 13,400 dwellings is prescribed by the State Government (*DPIE 2016 Dwelling Projections*) as the 2036 housing target for the Georges River LGA.

The first stage of the *Georges River Local Housing Strategy*, the *Local Housing Strategy Evidence Base*, has now been completed. This *Evidence Base* conducts a review of the current and future population and housing trends for the LGA for the purpose of reviewing the 2036 housing target.

The *Evidence Base* was endorsed by Council at its meeting on 24 June 2019 for public exhibition, and was publicly exhibited with the draft LSPS from 26 June to 7 August 2019.

Through its review process, the *Evidence Base* identifies a revised 20-year housing target of an additional 14,000 new dwellings. It also identifies that under existing planning controls, the LGA will be able to provide over 12,000 new dwellings which means that the planning framework will need to be adjusted to address the shortfall of approx. 2,000 dwellings in housing the future 2036 population.

The *Evidence Base* also highlights the significant shifts in housing consumption patterns in recent years and reveals the housing preferences that are occurring due to demographic and social change in Georges River Council's population. Over the next 20 years, the most significant growth will occur in the 'couples with children' household whilst 'couples without children' and 'lone person' household types are also forecasted to increase, driven by migration and an ageing population.

Informed by the *Evidence Base*, the *Local Housing Strategy* is being prepared based on the following key findings and policy implications:

- Meet the *South District Plan* housing targets;
- Respond to the *LSPS 2040* Planning Priorities and Actions;
- Identify additional housing opportunities through the harmonisation of the existing Hurstville and Kogarah LEPs;
- Support ageing in place;
- Encourage housing choices;
- Facilitate the delivery of a diverse range of housing;
- Consider mechanisms that deliver affordable and inclusive housing; and
- Continue to encourage housing growth along transport corridors.

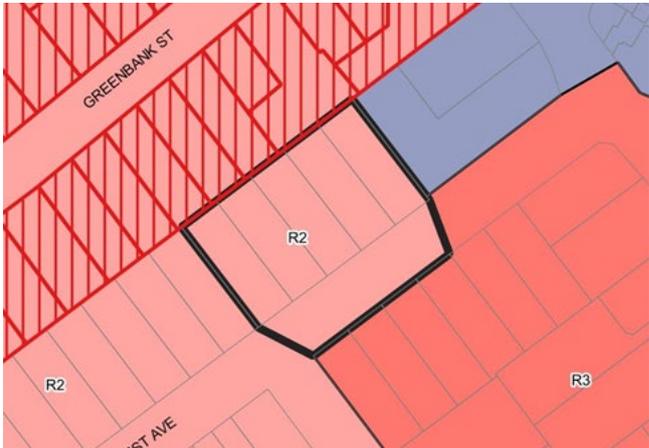
A number of gaps and issues are identified by the *Housing Strategy* in response to the key findings from the *Evidence Base* and outcomes of the LSPS community engagement program. To address these gaps and issues, a number of housing objectives have been developed to set out the future policy direction for housing in the Georges River LGA. These housing objectives are supported by a set of actions with the intent of informing the preparation of the Georges River LEP through the four stage approach. The key actions that have been critical in informing the preparation of the draft *GRLEP 2020* include:

- Create additional housing capacity by up-zoning appropriate areas;
- Ensure up-zoned areas are selected in accordance with the criteria to guide growth outlined in the *LSPS 2040*;
- Facilitate a broader range of housing types across the Georges River LGA to promote housing choice, including mechanisms to make housing more affordable;
- Establish a hierarchy of residential zones that restricts low, medium and high density development to their respective zones;
- Harmonise the existing minimum lot size requirements applied to residential areas;
- Promote and protect local heritage;
- Facilitate good design through LEP mechanisms; and
- Promote principles of sustainable practice and environmentally sensitive design in major developments.

To ensure the Georges River LGA is able to provide capacity for additional housing into the medium term, the draft *Local Housing Strategy* identifies a number of residential areas to be investigated for their suitability in delivering additional housing capacity.

A preliminary assessment of these Housing Investigation Areas (identified in **Table 1**) has been conducted based on their access to existing infrastructure and social services, such as schools, community facilities, open space and public transport to promote the efficient use of land and infrastructure. The preliminary assessment is also supported by a preliminary traffic study.

Table 1 - Proposed areas of housing growth

Housing Investigation Area	Explanation
<p>1. Hurstville – Hillcrest Avenue</p> 	<p><b>Existing zone:</b> R2 Low Density  <b>Proposed zone:</b> R4 High Density (12m height and 1:1 FSR)</p> <p><b>Potential number of additional dwellings resulting from rezoning:</b> approx. +29 dwellings</p> <p><b>Justification:</b>            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><b>Existing zone:</b> R2 Low Density  <b>Proposed zone:</b> R3 Medium Density (9m height and 0.7:1 FSR)</p> <p><b>Potential number of additional dwellings resulting from rezoning:</b> approx. +183 dwellings</p> <p><b>Justification:</b>            In close proximity to both Hurstville and Penshurst Stations, and the Hurstville City Centre and Penshurst Local Centre. Supported by a number of community facilities and open space nearby, all within walking distance (400m or less).</p>

## Housing Investigation Area

## Explanation

### 3. Peakhurst – north and west of Peakhurst Park



**Existing zone:** R2 Low Density  
**Proposed zone:** R3 Medium Density (9m height and 0.7:1 FSR)

**Potential number of additional dwellings resulting from rezoning:** approx. +335 dwellings

#### **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.

### 4. South Hurstville – Culwulla Street

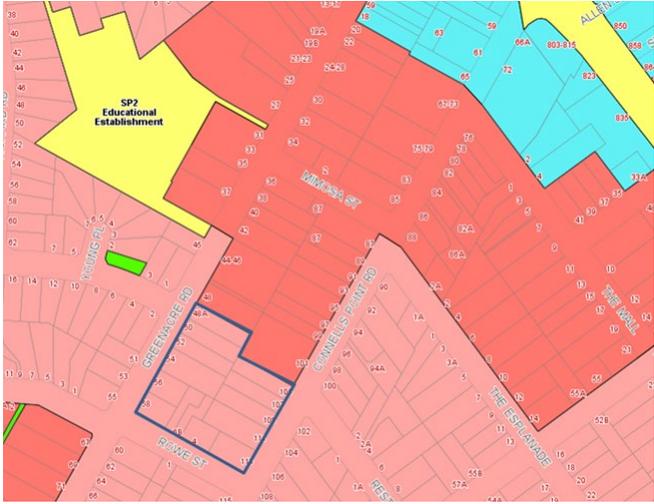


**Existing zone:** R2 Low Density  
**Proposed zone:** R3 Medium Density (9m height and 0.7:1 FSR)

**Potential number of additional dwellings resulting from rezoning:** approx. +57 dwellings

#### **Justification:**

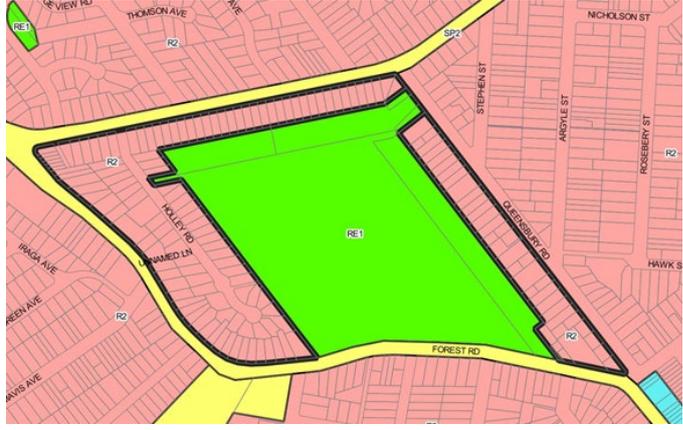
In close proximity to bus stops on King Georges Road that offer frequent bus services to Hurstville Station. Supported by South Hurstville Local Centre, South Hurstville Library and a number of open spaces nearby, which are all within walking distance (400m or less). Will provide bulk and scale transition between adjacent low density and high density development typologies, and rationalise an existing zoning anomaly.

Housing Investigation Area	Explanation
<p data-bbox="204 320 699 353">5. South Hurstville – Greenacre Road</p> 	<p data-bbox="885 266 1305 300"><b>Existing zone:</b> R2 Low Density</p> <p data-bbox="885 309 1406 383"><b>Proposed zone:</b> R3 Medium Density (9m height and 0.7:1 FSR)</p> <p data-bbox="885 439 1406 551"><b>Potential number of additional dwellings resulting from rezoning:</b> approx. +48 dwellings</p> <p data-bbox="885 595 1070 629"><b>Justification:</b></p> <p data-bbox="885 640 1406 943">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>

Targeted engagement was conducted with the property owners within and adjacent to Housing Investigation Areas No.1, No.2, No.3 and No.4 between 3 September and 7 September 2019. They were invited to provide feedback on the proposed zoning and associated built form controls for the purpose of informing the LSPS. These Areas have been incorporated into the LSPS 2040 as “Potential New Housing in LEP 2020 – Housing & Harmonisation”. Targeted engagement was not conducted for Housing Investigation Area No.5 as this area was identified as an appropriate Housing Investigation Area by the community during Stage 2 of the LSPS community consultation process.

Through the development of the *Local Housing Strategy*, an additional Housing Investigation Area was proposed around Olds Park in Penshurst (refer to **Table 2** below) which was also subject to the targeted engagement process. However, further investigation indicated that this area is not suitable for housing growth because of its existing traffic issues as highlighted by the preliminary traffic study and the lack of accessibility to train stations and commercial centres. Accordingly, Council resolved to not proceed with the proposed up-zoning of this Area at its meeting on 28 October 2019.

Table 2 – Olds Park Housing Investigation Area

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

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

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

## 7.2 Draft Inclusive Housing Strategy

Council resolved on 27 November 2017 to commence the preparation of an Affordable Rental Housing Policy and associated implementation plan for the Georges River LGA in response to the Liveability Actions within the *South District Plan*. The Council resolution required the:

- a. Preparation of a framework for an Affordable Rental Housing Policy for the Georges River LGA, including the preparation of an Affordable Rental Housing Target Scheme, which considers the actions from the Draft *Greater Sydney Region Plan* and the Revised Draft *South District Plan*.
- b. Identification and assessment of housing issues within the City and the identification of mechanisms to increase the supply of affordable housing for households on low to moderate incomes in housing stress.
- c. Provision of outcomes of the strategic research and implementation of the resultant Policy provisions via Council's planning framework (such as LEPs, DCPs, VPAs, Section 94 Contributions Plans, etc) to increase the supply of affordable rental housing in the City.

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

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

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

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

In early 2019, the application of the *State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes) (SEPP 70)* was expanded to include all NSW councils with the intent of encouraging all NSW councils to investigate and develop an Affordable Housing Contributions Scheme (AHCS) to promote the delivery and maintenance of affordable housing.

The preparation of the final stage of the *Inclusive Housing Strategy* and the supporting Delivery Plan is underway. The Delivery Plan includes the preparation of the AHCS, which will set out how, where, and at what rate development contributions can be collected by Council for affordable housing.

The draft Delivery Plan is based on the following goals:

- Facilitate housing choice;
- Establish a policy position that supports the delivery of inclusive housing; and
- Facilitate the provision of affordable housing based on the following targets:
  - 2020 to 2025: deliver 14 affordable dwellings per year (equating to approx. 70 dwellings over 5 years)
  - 2025 to 2030: deliver 24 affordable dwellings per year (equating to approx. 120 dwellings over 5 years)
  - 2030 to 2040: deliver 34 affordable dwellings per year (equating to approx. 340 dwellings over 10 years)

The *Inclusive Housing Strategy* and the supporting Delivery Plan will inform the Stage 2 (Housing Choice) LEP in the staged LEP process. This Planning Proposal does not propose the implementation of delivery mechanisms for affordable housing. However, the Strategy will establish a policy position that affordable housing will be provided through planning proposals and the associated voluntary planning agreement process in the short term with exploration of provisions for affordable housing through infill development in future LEPs.

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

### 7.3 Draft Commercial Centres Strategy

The *Georges River Commercial Centres Strategy* is currently being prepared in two parts (Part 1 and Part 2) to support the staged approach to drafting the principal Georges River LEP.

The draft *Part 1 Centres Analysis* was endorsed by Council at its meeting dated 24 June 2019 for public exhibition, and was publicly exhibited with the draft LSPS from 26 June to 7 August 2019. *Part 1 Centres Analysis* is currently being finalised with consideration of the submissions received.

The primary purpose of this Part is to inform the preparation of the *GRLEP 2020* and its accompanying development control plan. This Part conducts a stocktake of all 48 commercial centres in the LGA through a holistic approach with the intention of harmonising the existing planning frameworks that govern the future development of these centres.

Part 1 of the Strategy conducts a detailed economic analysis which projects the long term employment floor space demand of all centres based on the future population growth, through the preparation of the *Commercial Centres Economic Study*. This evidence base has informed the development of a centres hierarchy based on the existing provision of retail floor space within each centre. The hierarchy is comprised of 6 classifications with the following breakdown:

- 2 Strategic centres
- 7 Local centres
- 5 Villages
- 10 Small villages
- 24 Neighbourhood centres
- 1 B6 Enterprise Corridor

Part 1 also looks at the inconsistencies and deficiencies of the current planning framework with recommendations to harmonise the permissible land uses, to introduce land uses that will promote employment in response to the emerging economic trends and drivers, and to investigate the appropriate mix required between employment and residential floor space in mixed use developments.

Part 2 of the Strategy is currently being prepared to inform Stage 2 of the LEP process. Through a place-based planning approach, this Part will consider the roles and functions of the commercial centres and provide centre-specific objectives, built form controls and guidelines and investigate the potential expansion of appropriate centres.

### 7.4 Industrial Land Review

The *Industrial Land Review* was endorsed by Council at its meeting dated 17 December 2018. It provides a detailed analysis of industrial precincts in the LGA, including a detailed demand and supply analysis of industrial lands and assessment of the suitability of each industrial precinct for local and/or strategic industrial uses.

The findings highlight the need for industrial land to be retained and managed across the Georges River LGA in line with the policy direction of the *South District Plan*.

It also provides Council and landowners with a clear strategic direction for the development of employment lands across the LGA to ensure that sufficient land is zoned to accommodate future employment growth, particularly in light of pressure from landowners to rezone industrial land.

## 7.5 Foreshore Study

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

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

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

### *Tidal Inundation Study*

This Study determines the tidal inundation level in the Georges River foreshore at present and for future timeframes through hydraulic modelling to map the extent of sea level rise. Sea level rise is recognised as a significant coastal hazard with associated social, financial and environmental risks. The extent of tidal inundation level identified by this Study has informed the areas affected by future sea level rise shown on the proposed Coastal Hazard and Risk Line Map.

### *Foreshore Strategic Directions Paper*

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

As part of this Paper, a visual character assessment was undertaken of the foreshore localities to the ridgelines (as viewed from the water) and waterways along the land and water interface. As a result, the study area is categorised into distinct character areas (refer to **Figure 4** below) to allow for the designation of a rating system in terms of the overall character value and the area's sensitivity to change such as tree clearing, larger scale development, altered geology through cut and fill, and the replacement of incongruous development with contemporary styles.

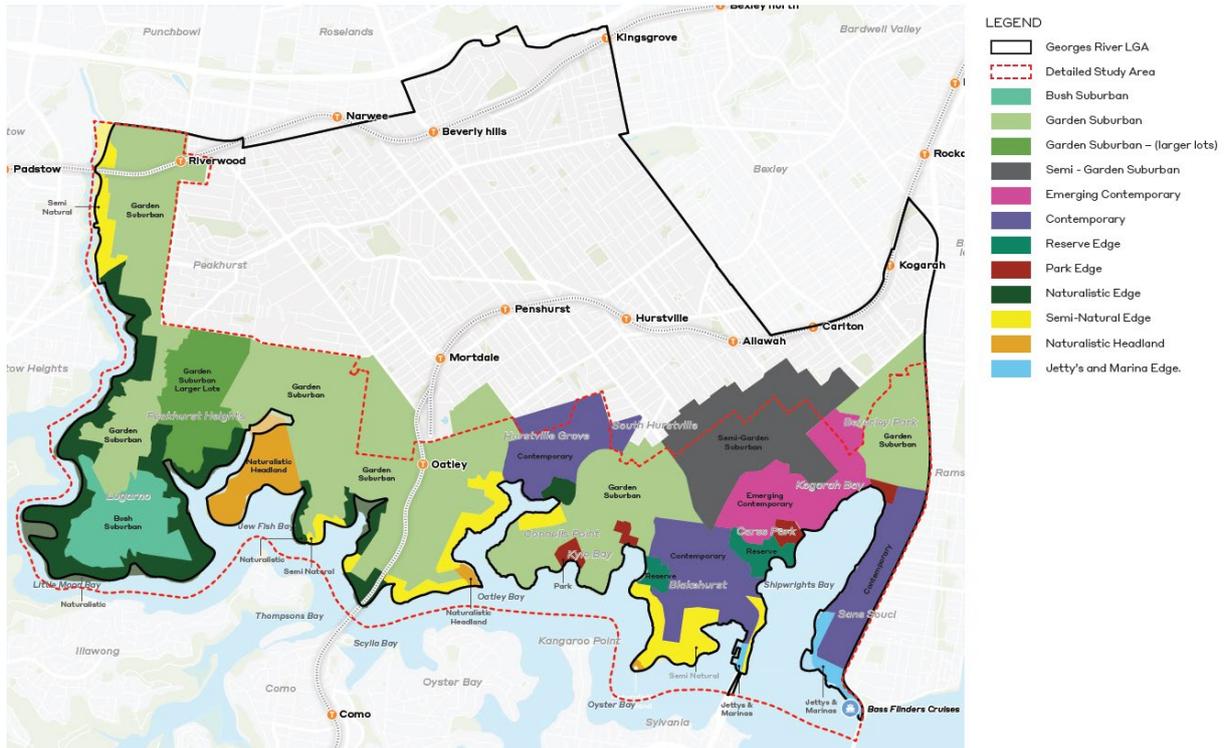


Figure 4:- Foreshore character typologies

The common characteristics and attributes of the character areas that are considered as having a High or Very High sensitivity rating are high levels of tree coverage, steep or undulating terrain with distinctive ridgelines, all with minimal visible built form.

These character typologies with High or Very High sensitivity ratings listed below generally have an interface with the Georges River and are predominantly located along the waterfront and towards the west of the study area:

- Bush Suburban
- Garden Suburban (larger lots)
- Reserve Edge
- Park Edge
- Naturalistic Edge
- Semi-Natural Edge
- Naturalistic Headland

Character areas to the east of Georges River are largely assessed as having a lower sensitivity rating. This is due to the flatter topography, lower vegetation coverage as a result of contemporary developments and the dominant built form character.

The detailed character analysis conducted by this Paper has informed the preparation of the proposed foreshore scenic protection area extent shown on the Foreshore Scenic Protection Area Map.

## **7.6 Infrastructure Integration Advice Roadmap**

Preparation of advice to Council for infrastructure integration has been completed to inform Council's LSPS and the principal Georges River LEP.

The *Infrastructure Integration Advice Roadmap* conducts a gap analysis which identifies data gaps in relation to economic, social and green infrastructure outcomes.

The Roadmap will assist Council in understanding the critical infrastructure that is required to support housing and employment growth over the short, medium and long term in alignment with the LSPS Actions. The data gaps that have not been able to be addressed in *LSPS 2040* will be reviewed and considered as part of future policy work and/or work programs in accordance with the commitment given at Council's meeting on 28 October 2019.

## **7.7 Draft Hurstville Heritage Review**

Council is currently preparing a review of the heritage items listed in Schedule 5 Environmental Heritage of the *HLEP 2012*. No review was conducted for heritage items under the *KLEP 2012* due to the recent review that was undertaken as part of the preparation of Amendment No.2 to the *KLEP 2012*, known as the New City Plan, which was gazetted on 26 May 2017.

The review comprises of three stages:

- Stage 1 - Review of heritage items in the Hurstville CBD (approx. 47 items)
- Stage 2 - Review of remaining heritage items (approx. 105 items)
- Stage 3 - Revise statement of significance for all heritage items recommended for re-listing

The *Hurstville Heritage Review* will be exhibited as a supporting document to this Planning Proposal.

## **7.8 Hurstville City Centre Urban Design Study**

The *Hurstville City Centre Urban Design Strategy* reviews the existing planning controls in the Hurstville City Centre and recommends amended planning controls to in part provide a logical approach to the built form controls, identify opportunities for additional housing capacity within the Hurstville City Centre and reinforce the role of Hurstville as a gateway to southern Sydney.

## **7.9 Open Space, Recreation and Community Facilities Strategy 2019-2036**

The *Open Space, Recreation and Community Facilities Strategy* provides a high-level direction for the provision of community centres, libraries, open space, sport and recreation facilities, athletics and aquatic facilities in the LGA. The purpose of the Strategy is to examine existing services and current demand, and determine the infrastructure needed based on projected future population and demographic estimates for the LGA until 2036.

## **7.10 Create Georges River Cultural Strategy 2019-2029**

The *Cultural Strategy* provides a strategic focus for Council to develop and support arts and culture within the LGA and sets out a framework for strengthening cultural activities and initiatives. Planning policies and legislation will assist in achieving the actions within the *Cultural Strategy*, including through the actions in the LSPS and planning controls in the Georges River Principal LEP.

## Section B: The Planning Proposal

### 8. Part 1: Objectives or Intended Outcomes

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

The objectives of this Planning Proposal are to:

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

### 9. Part 2: Explanation of the Provisions

The provisions in this Planning Proposal are in accordance with the *Standard Instrument (Local Environmental Plans) Order 2006* and are intended to harmonise and consolidate the planning controls within the following LEPs currently in force across the Georges River LGA:

- i. Kogarah Local Environmental Plan 2012 (KLEP 2012)*
- ii. Hurstville Local Environmental Plan 2012 (HLEP 2012)*
- iii. Hurstville Local Environmental Plan 1994 (HLEP 1994)*

Where there is a fundamental difference between the LEPs, particularly in the case of the land use tables and principal development standards, the *Standard Instrument LEP (SILEP)* approach prevails and/or the provision has been adjusted so that a ‘best fit’ approach applies.

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

- Achieve equity across the LGA through the harmonisation process, particularly in respect to development potential and the management of environmental hazards and risks;

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

The proposed contents of the *GRLEP 2020* are as follows:

### **Part 1 – Preliminary**

- **Clause 1.1 - Name of Plan**

The Plan will be called the *Georges River Local Environmental Plan 2020*.

- **Clause 1.1AA Commencement**

The Plan will commence on the day on which it is published on the NSW legislation website.

- **Clause 1.2 – Aims of Plan**

The aims of the Plan are a consolidation of the existing aims of the *HLEP 2012* and *KLEP 2012* and new aims. The new aims ensure that the desired future direction for the LGA as identified by the LSPS vision is directly captured in the *GRLEP 2020*.

Considerations such as housing choice, the viability and vibrancy of centres, a well-designed and vegetated urban environment, the protection of the natural environment, the provision of social infrastructure and an emphasis on transit-oriented development are all captured within the proposed aims of the Plan.

The proposed aims of the Plan are:

- a) To provide for housing choices to cater for changing demographics and population needs,
- b) To provide for a range of business uses which promote employment and economic growth and contribute to the viability and vibrancy of centres,

- c) To promote and facilitate an ecologically and economically sustainable, well designed and vegetated urban environment in which the needs and aspirations of the community are realised,
- d) To provide for a range of recreational, social, cultural and community service opportunities to meet the needs of the Georges River community,
- e) To protect and preserve the natural, built, cultural and Aboriginal heritage of Georges River, to build upon and enhance the character of local areas,
- f) To promote a high standard of urban design and built form,
- g) To protect, preserve and enhance the natural landform, vegetation and open space, especially foreshores or bushland, in order to maintain landscape amenity and public access and use,
- h) To facilitate infrastructure to support new development,
- i) To promote and facilitate transit oriented development that encourages the use of public transport, cycling and walking.

- **Clause 1.3 - Land to which Plan applies**

The land to which the Plan applies will be shown on the Land Application Map and includes the whole of the Georges River LGA.

- **Clause 1.4 Definitions**

This clause will be as per the *SILEP*. The clause references the Dictionary to be included at the end of the Plan to define certain words and expressions.

- **Clause 1.5 Notes**

This clause will be as per the *SILEP*. This is an advisory clause only.

- **Clause 1.6 Consent authority**

Council will be the consent authority for the purpose of the Plan (subject to the Act).

- **Clause 1.7 Maps**

This clause will be as per the *SILEP*.

- **Clause 1.8 Repeal of planning instruments applying to land**

This clause will be as per the *SILEP*.

- **Clause 1.8A Savings provisions relating to development applications**

This clause will be as per the *SILEP*.

- **Clause 1.9 Application of SEPPs**

This clause will be as per the *SILEP*.

- **Clause 1.9A Suspension of covenants, agreements and instruments**

This clause will be as per the *SILEP*.

## Part 2 – Permitted or prohibited development

Part 2 provides information on permitted and prohibited development, including land use zones and the application area for zones. Reference is also made to the Land Use Table, which outlines the zone objectives, permitted land uses and prohibited land uses. Most items in this part are compulsory clauses under the *SILEP* and must be included in the *GRLEP 2020*.

- **Clause 2.1 - Land use zones**

This Planning Proposal does not seek to introduce any new zones or remove any existing zones as applicable to the Georges River LGA. It does however propose to rezone areas, as discussed later in this Planning Proposal. A comparison of the land use zones included within the existing LEPs and proposed in the *GRLEP 2020* is provided in **Table 3** below:

*Table 3 – Existing vs Proposed Land Use Zones*

<b>GRLEP 2020 Land Use Zone</b>	<b>HLEP 2012</b>	<b>KLEP 2012</b>
<b>Residential zones</b>		
R2 Low Density Residential	Yes	Yes
R3 Medium Density Residential	Yes	Yes
R4 High Density Residential	No	Yes
<b>Business zones</b>		
B1 Neighbourhood Centre	Yes	Yes
B2 Local Centre	Yes	Yes
B3 Commercial Core	Yes	No
B4 Mixed Use	Yes	Yes
B6 Enterprise Corridor	No	Yes
<b>Industrial zones</b>		
IN2 Light Industrial	Yes	Yes
<b>Infrastructure zones</b>		
SP2 Infrastructure	Yes	Yes
<b>Recreational zones</b>		
RE1 Public Recreation	Yes	Yes
RE2 Private Recreation	Yes	No
<b>Environmental zones</b>		

GRLEP 2020 Land Use Zone	HLEP 2012	KLEP 2012
E1 National Parks and Nature Reserves	Yes	No
E2 Environmental Conservation	No	Yes
<b>Waterway zones</b>		
W2 Recreational Waterways	Yes	Yes

- **Clause 2.2 - Zoning of land to which Plan applies**

This clause will be as per the *SILEP*. The clause states that land is within the zones shown on the Land Zoning Map.

Whilst this Planning Proposal does not seek to introduce any new zones or remove any existing zones, it does propose to update the existing residential zones so an appropriate residential hierarchy is developed to ensure development typologies reflect the objectives of the respective zone. The proposed hierarchy of residential density is outlined as follows:

- Low density: dwelling houses and dual occupancies
- Medium density: attached dwellings, multi dwelling housing, terraces and manor houses
- High density: residential flat buildings

Residential flat buildings are currently permitted as the prevailing typology in the R3 Medium Density Residential zones under the existing LEPs due to the generous building height and floor space ratio applied. The *GRLEP 2020* proposes to achieve a hierarchy of residential density through the translation of all existing R3 Medium Density Residential zoned land with a height of 12m or greater in both the *HLEP 2012* and *KLEP 2012* to the R4 High Density Residential zone where residential flat buildings are currently permitted as the prevailing typology. These areas are shown in **Figure 5** below. No changes are proposed to the existing heights and FSRs of these areas.

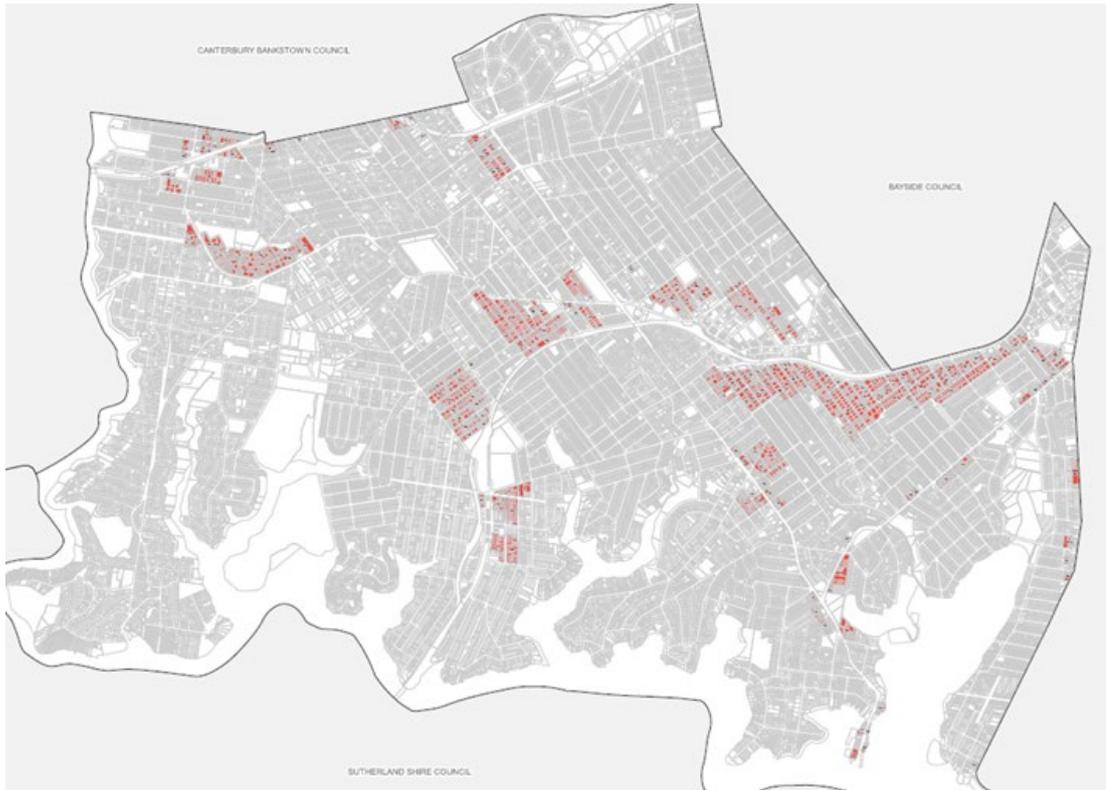


Figure 5: Location of proposed up-zonings from R3 to R4

It should be noted that the existing LEPs contain some ‘true’ medium density areas in the R3 Medium Density Residential zones as characterised by a maximum building height of 9m. These areas will be retained as R3 Medium Density Residential zones under the *GRLEP 2020*.

This Planning Proposal also incorporates the proposed zoning of the Housing Investigation Areas (refer to **Table 1** above) as identified by the draft *Local Housing Strategy*. The Housing Investigation Areas will contribute to the provision of R3 Medium Density Residential zoned land in the Georges River LGA.

### SP2 Infrastructure Rezoning

This Planning Proposal also seeks to harmonise and rezone some of the existing SP2 Infrastructure zones as follows:

- Rezone land that is currently identified as SP2 “Church” under the *HLEP 2012* to the adjoining zone to ensure a consistent approach across the LGA. If the adjoining zone does not permit places of public worship as a land use then the property has been added to Schedule 1 of the LEP to enable place of public worship as an additional permitted use;
- Rezone land that is currently identified as SP2 “Aged Care” under the *HLEP 2012* to the adjoining zone as seniors housing is permissible under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*;

- Rezone land that is currently identified as SP2 “Community Purposes” under the *HLEP 2012* to the adjoining zone to ensure a consistent approach across the LGA;
- Review land that is currently identified as SP2 “Health Services Facilities” under the *KLEP 2012* and only retain SP2 “Hospitals” as per the *HLEP 2012* to protect hospitals as significant infrastructure in the LGA;
- Rezone land that is currently identified as SP2 “Public Administration” under the *HLEP 2012* to the adjoining zone to ensure a consistent approach across the LGA; and
- Identify land across the LGA that is currently not zoned as SP2 but is owned by education providers and operating as a school and rezone these properties to SP2 “Educational establishments” to formalise the use of these lands as schools and retain their use.

### Deferred Matter

With respect to the three Deferred Matter sites under the *HLEP 2012*, this Planning Proposal seeks to translate the *HLEP 1994* provisions into the Standard Instrument LEP form and allocate the proposed zones as follows.

### **Civic Precinct – proposed B4 Mixed Use**

The Civic Precinct site (refer to **Figure 6** below) is the subject of a current Planning Proposal. It is proposed to translate the existing 3(b) – City Centre zoning to B4 Mixed Use under the *GRLEP 2020* in accordance with the zoning sought by the existing Planning Proposal.



Figure 6: Location of the Civic Precinct

The Planning Proposal was referred to the Local Planning Panel (LPP) on 4 April 2019 where it was determined that it could proceed to the next stage of seeking a Gateway determination subject to the fulfilment of a number of conditions, including:

- The delivery of community facilities and benefits;
- Design excellence, including a requirement for a design competition in relation to development on the site; and

- Defining the size of the civic space and the provision of solar access to that space.

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.

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

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



Figure 7: Location of the Treacy Street Car Park

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 *GRLEP 2020* in accordance with the zoning that was approved by the Department of Planning and Environment in its Gateway determination.

### **Westfield – proposed B3 Commercial Core**

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

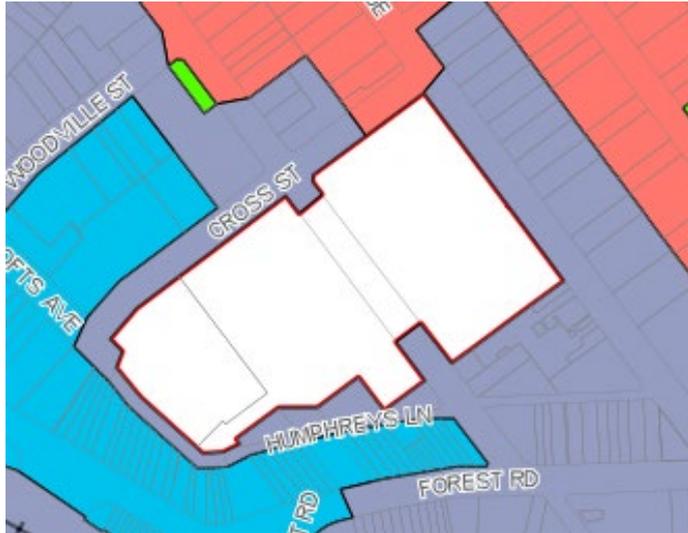


Figure 8: Location of Westfields

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.

It should be noted that the development standards such as height of buildings and floor space ratio for all of the above deferred matter sites will be translated from the *Hurstville Development Control Plan Number 2 - Amendment No. 5*.

- **Clause 2.3 – Zone objectives and land use tables**

This clause will be as per the *SILEP*. The clause references the Land Use Table and requires the consent authority to have regard to the objectives for development in a zone when determining a development application. There are mandatory objectives prescribed by the *SILEP* for all zones. Council can include additional local objectives where appropriate to supplement the mandatory objectives to cover additional local issues such as land use conflicts, environmental impacts and amenity issues.

The proposed objectives for each land use zone are a combination of the core zone objectives as mandated by the *SILEP*, an update of the consolidated objectives from the existing LEPs, and new objectives that reflect the *LSPS 2040* vision. In

accordance with the LEP Practice Note PN 09-005, no more than two to three local zone objectives are proposed.

In summary, the local zone objectives seek to:

- Promote a high standard of urban design and built form within a landscaped setting in residential zones;
- Encourage development that maximises public transport patronage and promotes walking and cycling in the high density residential zone;
- Ensure developments contribute to the vibrancy and economic viability of commercial centres in business zones;
- Encourage the provision of community facilities and public infrastructure in business zones; and
- Ensure land is protected and provided for community purposes in the infrastructure zone.

- **Clause 2.4 – Unzoned Land**

This clause will be as per the *SILEP*. The clause states that consent is required for development on unzoned land.

- **Clause 2.5 – Additional permitted uses for particular land**

This clause will be as per the *SILEP*. This clause allows the consent authority to grant consent for particular development not otherwise permitted in a zone. This clause refers to Schedule 1 which will include all additional permitted uses that currently apply to land within the Georges River LGA. The proposed changes to Schedule 1 are discussed later in this report.

- **Clause 2.6 – Subdivision – consent requirements**

This clause will be as per the *SILEP*. The clause requires development consent for land to be subdivided, and specifically excludes subdivision of land comprising secondary dwellings unless each resulting lot achieves the applicable minimum lot size.

- **Clause 2.7 – Demolition requires development consent**

This clause will be as per the *SILEP*. The clause requires development consent for demolition of a building, unless identified as exempt development under Schedule 2 or the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

- **Clause 2.8 – Temporary use of land**

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

This Planning Proposal seeks to include 52 days within a 12 month period as the maximum period of development consent for a temporary use in any zone in the *GRLEP 2020*. This is aligned with Action A54 of the LSPS to encourage temporary events through Council's LEP 2020.

- **Open and closed zones**

In preparing the Land Use Table, Council has considered whether a zone should be open or closed. An open zone is one where a broad variety of land uses can be considered, allowing greater flexibility of activities in the zone. A closed zone is one where the diversity of land uses is more restrictive to protect the amenity of the zone and manage environmental impact.

This Planning Proposal seeks to adopt an 'open zone' approach for business and industrial zones as these zones require greater flexibility to encourage a range of uses and allow for innovative uses to progress. Where this Planning Proposal seeks to adopt an 'open' approach, the Land Use Table for that zone will:

- specifically list any mandated or other uses that may be undertaken without consent under Item 2 'Permitted without consent'
- specifically list any mandated or other land uses as prohibited under Item 4 'Prohibited'
- specifically list any mandated or other uses in Item 3 'Permitted with consent' to achieve the zone objectives. In addition, the zone table will include the words 'Any development not specified in Item 2 or 4.'

This Planning Proposal seeks to implement a 'closed zone' approach for residential, infrastructure, recreation, environmental and waterway zones to restrict certain land uses to protect the amenity of these areas and manage environmental impact. Where this Planning Proposal seeks to adopt a 'closed' approach, the Land Use Table for that zone will:

- specifically list any mandated or other uses that may be undertaken without consent under Item 2 'Permitted without consent'
- specifically list any mandated or other land uses as permitted with consent under Item 3 'Permitted with consent' to achieve the zone objectives
- specifically list any mandated land uses as prohibited in item 4 and add 'Any development not specified in Item 2 or 3'.

The adopted approach to the Land Use Table for the *GRLEP 2020* is based on the recommended approach in the DPIE's LEP Practice Note PN 11-002 and the principle of maintaining consistency and permissibility retention across the existing LEPs as much as possible:

Table 2: Open and Closed Zones

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

- **Land Use Table**

This Planning Proposal seeks to merge the Land Use Table provisions in the existing LEPs to form a combined and consistent suite of land use zones.

In preparing the Land Use Table, a general rule of permissibility retention has been used. This means that the permissible land uses in most zones proposed for the *GRLEP 2020* are a combination of the permissible land uses of the existing LEPs. The proposed Land Use Table is not inconsistent with the existing LEPs.

The proposed Land Use Tables are set out (with objectives) in **Appendix 1**.

There are a number of notable changes to the Land Use Table proposed in response to community feedback during the public exhibition of the LSPS and to align with the LSPS vision as summarised below.

In the R2 Low Density Residential zone:

- Permit boat sheds due to the significant number of R2 zoned properties located on the waterfront;
- Prohibit medium density dwellings such as attached dwellings and multi dwelling housing in accordance with the principle of developing a hierarchy of residential zones where medium density development is removed from the low density zone to protect its character and amenity;
- Prohibit places of public worship due to the adverse amenity impacts considered to be generated by these uses. However, the existing places of public worship will retain their use through the inclusion of these sites in Schedule 1 Additional permitted uses.

The R3 Medium Density Residential zone prohibits residential flat buildings in accordance with the principle of developing a hierarchy of residential zones where high density development is removed from the medium density zone to protect the character and amenity of the area.

The R4 High Density Residential zone permits hostels, hotel and motel accommodation, restaurants or cafes, serviced apartments, shops, and small bars to facilitate the creation of active places in areas with high residential density to improve the liveability of apartment living and promote social interactions. These areas are located in accessible locations that encourage walking and have the potential to become destinations for shopping, dining and meeting people.

Permit artisan food and drink industries in all business zones to create lively centres by expanding the types of retail and food offered.

The B1 Neighbourhood Centre zone permits service stations to remove these uses from Schedule 1 Additional permitted uses under the *HLEP 2012* and to recognise these as an integral land use in servicing the local community.

The B3 Commercial Core zone permits tourist and visitor accommodation to accommodate the significant presence of international students and visitors staying within the Hurstville City Centre.

The B4 Mixed Use zone permits helipads to support the existing medical presence in the Kogarah Town Centre and Hurstville City Centre by enabling helicopters as a form of emergency transportation.

In the B6 Enterprise Corridor zone, permit function centres, neighbourhood supermarkets, restaurants or cafes, and small bars to facilitate the activation within this zone.

The IN2 Light Industrial zone prohibits business premises to ensure industrial uses remain as the primary land use in this zone. However, funeral homes are excluded from this prohibition as they are considered to be an appropriate land use due to the absence of sensitive land uses in this zone.

### Part 3 Exempt and complying development

- **Clause 3.1 – Exempt development**

This Planning Proposal does not seek to introduce any new controls for exempt development. This Planning Proposal will not include any of the existing exempt development listed in the *KLEP 2012* or *HLEP 2012* and rely upon the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

- **Clause 3.2 – Complying development**

This Planning Proposal does not seek to introduce any new controls for complying development. It relies upon the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and is consistent with the approach of the *KLEP 2012* and *HLEP 2012* which did not include any additional types of complying development.

- **Clause 3.3 – Environmentally sensitive areas excluded**

This clause will be as per the *SILEP*. The clause defines an ‘environmentally sensitive area’ where exempt or complying development must not be carried out.

### Part 4 – Principal development standards

Part 4 of the *GRLEP 2020* provides key development standards relating to the use of land. Many of the provisions are optional under the *SILEP*, but if adopted contain standard content that can be tailored to local conditions. This Planning Proposal seeks to include a range of principal development standards in the *GRLEP 2020* based on the overarching principles identified earlier in this Planning Proposal.

An overview of the proposed clauses to be included in Part 4 of the *GRLEP 2020* is provided below. The key changes to the principal development standards and their detailed justification is provided in **Appendix 3**.

- **Clause 4.1 - Minimum subdivision lot size**

This clause allows Council to identify minimum subdivision lot sizes for the LGA on the Lot Size Map in the *GRLEP 2020*.

The *HLEP 2012* and *KLEP 2012* contain different objectives for this clause. This Planning Proposal seeks to include a consolidated and consistent set of clause objectives in the *GRLEP 2020*, as follows:

- a) to ensure that new lots created have sufficient area for development to comply with the relevant development standards and controls,
- b) to ensure that subdivision reflects the subdivision pattern of the area,

- c) to ensure lot size reflects the land’s environmental capability with consideration to topography and other natural features.

This Planning Proposal seeks to adopt the following minimum lot sizes for dwelling houses in the R2 zone:

- Within the Foreshore Scenic Protection Area (FSPA) – 700sqm
- All other areas – 450sqm

This Planning Proposals seeks to retain the 1,000sqm minimum subdivision lot size within the R4 zone to prevent the fragmentation of lots.

This Planning Proposal seeks to introduce a minimum subdivision lot size of 1,000sqm within the former Hurstville LGA industrial zones except for the Kingsgrove Industrial Precinct and part of the Peakhurst Industrial Precinct which will be subject to a 2,500sqm minimum subdivision lot size.

It is also proposed to amend the minimum subdivision lot size from 750sqm to 1,000sqm in the following IN2 zoned areas in the former Kogarah LGA:

- Halstead Street, South Hurstville
- King Georges Road, Blakehurst
- Carlton Industrial Estate

The *KLEP 2012* current applies a minimum lot size for all B1, B2 and B6 zoned properties. This Planning Proposal does not seek to translate this control into the *GRLEP 2020* and will adopt the *HLEP 2012* approach which does not apply minimum subdivision lot sizes in business zones.

- **Clause 4.1AA – Minimum subdivision lot size for community title schemes**

This Planning Proposal does not propose to adopt this clause, which is consistent with the existing LEPs.

- **Clause 4.1A – Minimum subdivision lot size for dual occupancies**

This clause imposes a minimum subdivision lot size for dual occupancies. Currently the clause is only adopted within the *KLEP 2012*. This Planning Proposal seeks to apply this clause to the whole LGA in the *GRLEP 2020*, specifically within the R2, R3 and R4 zones. The proposed development standards include:

*Table 3: Proposed Dual Occupancy Provisions*

	Area	Minimum Area
<b>Minimum subdivision lot size</b>	Within the FSPA	430sqm
	All other areas	300sqm

- **Clause 4.1B – Minimum lot sizes and special provisions for certain dwellings**

This clause imposes minimum lot sizes and lot widths for a range of development types. Currently the clause is only adopted for minimum lot sizes within the *KLEP 2012*. This Planning Proposal seeks to include minimum lot sizes and lot widths for the entire LGA.

The Planning Proposal seeks to adopt the existing lot width controls within the *Interim DCP* in the LEP to ensure that local character is maintained and achieved in future developments whilst also giving the frontage requirement greater legal weight and discourage variations. As outlined in the wording of this clause at **Appendix 1**, there are a number of exclusions and additional provisions which are applicable, including additional requirements for properties within the FSPA.

*Table 4: Proposed Clause 4.1B Provisions for Properties outside the FSPA*

Dwelling Type	Zone	Min Lot Size	Lot Width
Attached dwellings	R3 Zone	800 sqm	21m
	R4 Zone		21m
Dual occupancies	R2 Zone	650 sqm	15m
	R3 Zone		
	R4 Zone		
Manor houses	R3 Zone	800 sqm	18m
	R4 Zone		
Multi dwelling housing	R3 Zone		
	R4 Zone		
Multi dwelling housing (terraces)	R3 Zone		21m
	R4 Zone		

- **Clause 4.2 – Rural subdivision**

This Planning Proposal does not propose to adopt this clause, which is consistent with the existing LEPs.

- **Clause 4.3 – Height of buildings**

This clause allows Council to identify building heights for the Georges River LGA on a Height of Buildings Map in the LEP.

Currently the *HLEP 2012* and *KLEP 2012* contain different objectives for this clause. This Planning Proposal seeks to include a consolidated and consistent set of clause objectives in the *GRLEP 2020* as follows:

- a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
- b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,

- c) to ensure that developments provide appropriate height transition to adjoining land use zones,
- d) to ensure that developments provide appropriate height transition to items and areas of heritage significance.

This Planning Proposal does not seek to amend the height provisions for residential development. It is proposed to incorporate the existing heights, which range from 9m to 33m, into the *GRLEP 2020*. It is proposed to rezone all existing R3 zoned land with heights of 12m or greater to the R4 zone but retain their existing height limit.

Under this Planning Proposal, one site in the LGA, located at 821 Forest Road, Peakhurst will be zoned RE2. This site currently does not have a height limit under the *HLEP 2012* but it is proposed to allocate a 12m height limit to this site to ensure development on this site is compatible with the surrounding area.

It is also proposed to amend the height controls of the IN2 zone to 12m except for the Kingsgrove Industrial Precinct and part of Peakhurst Industrial Precinct where the height control will be increased to 16m. The increase in heights enables industrial lots to achieve an FSR of 1:1 and provide flexibility in built form for different land uses. Further justification for this amendment can be found in **Appendix 3**.

The increase to 16m is appropriate at Kingsgrove as it has a limited interface with residential zones. Whilst the Peakhurst Industrial Precinct does have a residential interface, this Planning Proposal seeks to apply the lower height control of 12m to the perimeter of the Precinct.

No changes are proposed to the existing height of business zoned land.

- **Clause 4.3A – Exceptions to height of buildings**

This clause outlines exceptions to the height of buildings provision, including:

- R3 and R4 zones – the maximum height for dual occupancies is 9m.
- Multi-dwelling housing – the maximum height is 5m for any dwelling that is adjacent to a rear boundary. This control is proposed to complement the objectives of this clause in ensuring appropriate transition is provided between medium and low density residential zones, including mitigating any overshadowing and privacy impacts on adjoining properties.

- **Clause 4.4 – Floor space ratio**

This clause allows Council to identify floor space ratios for certain zones or development types within the Georges River LGA on the Floor Space Ratio Map in the LEP.

Currently the *HLEP 2012* and *KLEP 2012* contain different objectives for this clause. This Planning Proposal seeks to include a consolidated and consistent set of clause objectives in the *GRLEP 2020* as follows:

- a) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the local area,
- b) to ensure that developments provide appropriate built form transition to adjoining land use zones,
- c) to ensure that developments provide appropriate built form transition to items and areas of heritage significance,
- d) to control development density and intensity of land use, taking into account:
  - i) the environmental constraints and values of the site, including retaining the scenic, visual, and landscape qualities of the area, and
  - ii) the amenity of adjoining land and the public domain, and
  - iii) the availability of infrastructure to service the site, and
  - iv) the capacity of the road network to accommodate the vehicular and pedestrian traffic the development will generate.

This Planning Proposal seek to amend the height provisions for residential development as discussed below in Clause 4.4A (Exceptions to floor space ratio for certain dwellings).

An FSR control will also be introduced to the one RE2 site proposed under the *GRLEP 2020* at 821 Forest Road, Peakhurst. This site currently does not have a FSR under the *HLEP 2012* but it is proposed to allocate a 1:1 FSR to this site to ensure development on this site is compatible with the surrounding area.

No changes are proposed to the existing FSR of IN2 zoned land and business zoned land.

- **Clause 4.4A – Exceptions to floor space ratio for certain dwellings**

This clause will replace the existing “Clause 4.4A – Exceptions to floor space ratio for residential accommodation in Zone R2” in the *KLEP 2012*.

Despite Clause 4.4, this clause outlines a number of exceptions to floor space ratios for certain dwellings. The floor space ratio will be determined based on the location of the dwelling and the size of allotment. The exceptions will also retain the small lot housing provisions, as currently adopted by the *KLEP 2012*, to ensure the streetscape and character of these areas are preserved.

The proposed FSRs to be included in the *GRLEP 2020* are shown in **Table 3**.

*Table 5: Proposed FSR provisions*

<b>Zone/Development Type</b>	<b>Proposed FSR</b>
<b>Dwelling houses (lots ≤650sqm)</b>	0.55:1 (no change)
<b>Dwelling houses (lots &gt;650sqm)</b>	Adopt Hurstville LEP’s sliding scale provision with amendment to reflect new 650sqm dual

Zone/Development Type	Proposed FSR
	occupancy minimum lot size
<b>Dual Occupancy (lots 650sqm to ≤1,000sqm)</b>	0.6:1
<b>Dual Occupancy (lots &gt;1,000sqm to 1,500sqm)</b>	GFA sliding scale formula = (Site area - 1,000) × 0.3 + 600
<b>Dual Occupancy (lots &gt;1,500sqm to 2,000sqm)</b>	GFA sliding scale formula = (Site area - 1,500) × 0.2 + 750
<b>Dual Occupancy (lots &gt;2,000sqm)</b>	GFA sliding scale formula = (Site area - 2,000) × 0.1 + 850
<b>R3 Zone</b>	0.7:1
<b>R4 Zone</b>	No change

- **Clause 4.4B – Non-residential floor space ratios**

This clause will replace the existing “Clause 4.4A Non-residential floor space ratios”, in the *HLEP 2012*. It is proposed to be applied to all business zones that permit residential development.

The objective of this new clause is to encourage an appropriate mix of residential and non-residential uses in order to ensure a suitable level of non-residential floor space is provided to promote employment.

A minimum non-residential FSR requirement is proposed in accordance with the centres hierarchy developed in Part 1 of the *Commercial Centres Strategy*, rather than the zoning of the centre. The proposed centres hierarchy is based on the existing provision of retail floor space within each centre. Further justification for the inclusion of this control can be found in **Appendix 3**.

- **Clause 4.5 – Calculation of floor space ratio and site area**

This clause will be as per the *SILEP*. The clause sets out additional provisions for the purposes of applying floor space ratios to development sites.

- **Clause 4.6 – Exceptions to development standards**

This clause will be as per the *SILEP*. The clause allows for development consent to be granted even though the development would contravene a development standard imposed by this or any other environmental planning instrument.

In this case, the term “development standards” is defined by the *EP&A Act* as follows:

***development standards*** means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect

*of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:*

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

With consideration of the above, a number of local provisions are proposed to be excluded from the application of Clause 4.6 due to the similarity in their application to *Clause 5.4 Controls relating to miscellaneous permissible uses*, which cannot be varied through Clause 4.6 as mandated by the *SILEP*. It is proposed that the following provisions be excluded from the application of this clause:

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

It is proposed that the development standards within these provisions be prevented from being varied under Clause 4.6 to ensure appropriate development outcomes in residential and industrial areas.

An explanation of these provisions is provided below in Part 6 – Additional Local Provisions of this Planning Proposal.

## **Part 5 – Miscellaneous provisions**

Part 5 of the *SILEP* provides a series of miscellaneous provisions, of which some are compulsory and some are optional.

This Planning Proposal seeks to retain the miscellaneous provisions identified in the existing LEPs with the exception of the following optional *SILEP* clauses which do not currently add any value to the merit-based development assessment process:

- **Clause 5.3 Development near zone boundaries**

Clause 5.3 currently only applies to the SP2 Infrastructure zone in both existing LEPs and enables land uses which are permissible within an adjoining zone to be permissible within a SP2 zone. The permissibility of non-infrastructure land uses in the SP2 zone may compromise the provision of infrastructure to service the community.

Accordingly, the retention of this clause within the *GRLEP 2020* is considered to be inconsistent with the intent of the LSPS which seeks to deliver infrastructure, services and facilities.

- **Clause 5.6 Architectural roof features**

Clause 5.6 is in both existing LEPs to permit roof features that exceed the maximum building height if they display architectural design excellence.

This clause is proposed to be removed in the *GRLEP 2020* as architectural design excellence considerations in general will be subject to the provisions of a new design excellence local provision. The proposed local provision provides a more comprehensive assessment of the merits of a development, including those that seek to exceed the maximum building height. Further detail regarding the proposed design excellence local provision is provided below in Part 6 – Additional Local Provisions of this Planning Proposal.

An explanation of proposed clauses to be included in Part 5 of the *GRLEP 2020* is provided below.

- **Clause 5.1 Relevant acquisition authority**

This clause will be as per the *SILEP*.

The *HLEP 2012* and *KLEP 2012* include land acquisitions for RE1 Local open space, RE1 Regional open space and SP2 Classified road. These land acquisitions have been translated into the *GRLEP 2020* with the exception of sites that have already been acquired by the relevant authority. These have been removed from the Land Reservation Acquisition Map in the LEP.

This Planning Proposal also seeks to include four new land acquisitions by Council for local road widening and the provision of open space as follows:

## Local Road Widening

- A 3m wide local road widening along Roberts Lane, Hurstville, to enable two-way vehicle access, access for service vehicles such as delivery and waste collection trucks, and the provision of a continuous pedestrian footpath with street planting on Roberts Lane to support the future redevelopment of the Landmark Square Precinct, an area subject to a separate planning proposal for increased densities at the eastern bookend of the Hurstville City Centre.

Land reservation acquisition is only applied to 53 Forest Road, 9 Roberts Lane and 108 Durham Street, and excludes the portion located at 61-65 Forest Road as this portion is proposed to be dedicated to Council as part of the Voluntary Planning Agreement associated with the Landmark Square Precinct Planning Proposal (refer to **Figure 9** below).



Figure 9: Local road widening along Roberts Lane

## Local Open Space

In response to the LSPS vision to deliver additional open space across the LGA, especially in areas of housing growth, this Planning Proposal includes three new areas for RE1 Local open space acquisition by Council.

1. **26 – 30 Culwulla Street, South Hurstville** (refer to **Figure 10** below) which is situated in Housing Investigation Area No. 4. Acquisition of the proposed properties will enable creation of a larger park in an area identified for housing

growth and enable through site access between Culwulla Street and Joffre Street.

The proposed land acquisitions are in addition to the existing acquisitions at No. 25 and 29 Joffre Street which are identified on the Land Reservation Acquisition Map under the *KLEP 2012* (refer **Figure 11** below). No. 27 Joffre Street has already been acquired by Council.

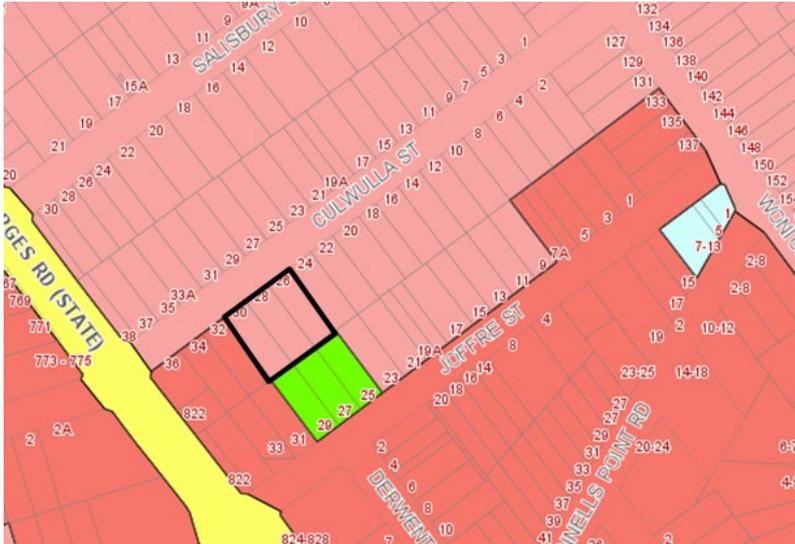


Figure 10: Location of 26-30 Culwulla Street, South Hurstville

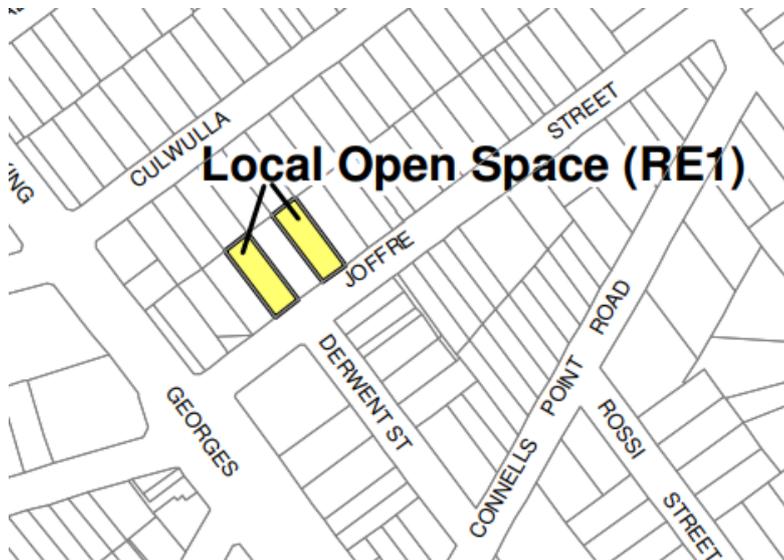


Figure 11: Extract of the existing Land Reservation Acquisition Map identifying No. 25 and 29 Joffre Street (*KLEP 2012*)

2. **11 – 21 Monaro Avenue, Kingsgrove** (refer to **Figure 12** below) which comprises half of the eastern street block surrounding Peter Lowe Reserve. Acquisition of the proposed properties will enable the expansion of the existing reserve and facilitate improved access to the park, safety and public surveillance.

These properties have been identified as the most appropriate for acquisition due to their location being at the end of McGregor Street. McGregor Street offers on-street car parking which makes it a suitable entrance to the Reserve. The acquisition of these properties will also provide direct visual sight lines to the largest portion of the park to ensure a sufficient level of public surveillance into the Reserve.



Figure 12: Location of 11-21 Monaro Avenue, Kingsgrove

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

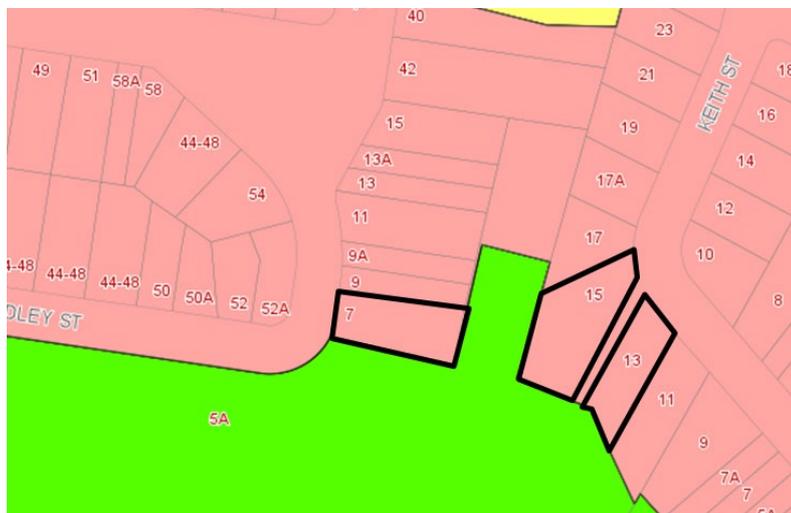


Figure 13: Location of 7 Hedley Street, Riverwood and 13-15 Keith Street, Peakhurst

The funding sources for the current acquisitions as specified by the existing LEPs and additional acquisitions proposed by the *GRLEP 2020* will be considered as part of the preparation of the Georges River Development Contributions Plan. The new development contributions plan is currently being prepared in parallel with the *LSPS 2040* and *GRLEP 2020* and is anticipated to be finalised in June 2020.

- **Clause 5.2 Classification and reclassification of public land**

This clause will be as per the *SILEP*. The clause enables Council to classify or reclassify public land as operational land or community land in accordance with the *Local Government Act 1993*. The land to be reclassified or classified is described in Schedule 4 of the LEP.

This Planning Proposal does not seek to classify or reclassify any public land. Accordingly, Schedule 4 of the *GRLEP 2020* will not be populated but may be used during the life of the LEP should changes to public land classification be adopted by Council.

- **Clause 5.4 Controls relating to miscellaneous permissible uses**

This clause is prescribed by the *SILEP* and enables Council to insert numerical standards for certain types of development to reflect the unique characteristics of the LGA.

Existing controls are retained where they are consistent in both the *HLEP 2012* and *KLEP 2012*.

The controls prescribed for the following miscellaneous permissible uses under the existing LEPs are inconsistent and require harmonisation under the *GRLEP 2020*.

- Industrial retail outlets
- Kiosks
- Neighbourhood shops
- Secondary dwellings
- Artisan food and drink industry exclusion

The more generous of the two existing controls for industrial retail outlets, kiosks, neighbourhood shops, and artisan food and drink industries has been adopted to support employment generating land uses.

However, a maximum 10% of total floor area as specified by the *HLEP 2012* is retained in the *GRLEP 2020* for secondary dwellings. This is intended to achieve consistency with the requirement specified by the *State Environmental Planning Policy (Affordable Rental Housing) 2009* by ensuring that the total floor area of the secondary dwelling does not exceed 60sqm.

This Planning Proposal seeks to adopt the following development standards for miscellaneous permissible use controls in the *GRLEP 2020* as tabulated below:

*Table 7: Miscellaneous Permissible Uses*

<b>Land Use</b>	<b>Development Standard</b>
Bed and breakfast accommodation	No more than 3 bedrooms.
Home businesses	Maximum 30 square metres of floor area.
Home industries	Maximum 30 square metres of floor area.
Industrial retail outlets	The retail floor area must not exceed: (a) 20% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or (b) 400 square metres, whichever is the lesser.
Farm stay accommodation	No more than 3 bedrooms.
Kiosks	The gross floor area must not exceed 15 square metres.
Neighbourhood shops	The retail floor area must not exceed 100 square metres.
Neighbourhood supermarkets	The gross floor area must not exceed 100 square metres.
Roadside stalls	The gross floor area must not exceed 8 square metres.
Secondary dwellings	The total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater: (a) 60 square metres, (b) 10% of the total floor area of the principal dwelling.
Artisan food and drink industry exclusion	In an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed: (a) 20% of the gross floor area of the industry, or (b) 400 square metres, whichever is the lesser.

- **Clause 5.7 - Development below mean high water mark**

This clause will be as per the *SILEP*.

- **Clause 5.8 - Conversion of fire alarms**

This clause will be as per the *SILEP*. The clause specifies when consent is required for the conversion of fire alarm systems, and which development is complying development.

- **Clause 5.10 Heritage conservation**

This clause is compulsory and will be as per the *SILEP*. The objective of the clause is to conserve the environmental heritage of the LGA, including individual items, conservation areas, archaeological sites, Aboriginal objects and Aboriginal places of heritage significance. The clause is consistent across the existing LEPs. Heritage items and conservation areas will be listed and described in Schedule 5 of the *GRLEP 2020* and shown on the Heritage Map. Further details on the proposed changes to the heritage items listed are outlined below in the explanation of Schedule 5.

- **Clause 5.11 Bushfire hazard reduction**

This clause is compulsory and will be as per the *SILEP*. The clause makes it clear that bush fire hazard reduction work which is authorised by the *Rural Fires Act 1997* can be carried out without consent.

- **Clause 5.12 Infrastructure development and use of existing buildings of the Crown**

This clause is compulsory and will be as per the *SILEP*. The clause specifies that nothing in the Plan in any way restricts or prohibits permitted or exempt development undertaken by or on behalf of a public authority under *State Environmental Planning Policy (Infrastructure) 2007*.

- **Clause 5.19 Pond-based, tank-based and oyster aquaculture**

This clause is compulsory and will be as per the *SILEP* and is required following the repeal of *State Environmental Planning Policy No 62—Sustainable Aquaculture*. The clause seeks to encourage sustainable oyster, pond-based and tank-based aquaculture in the State. Location and operational requirements for permissible pond-based and tank-based aquaculture development are set out in Schedule 6 of the LEP.

## **Part 6 – Local Provisions**

Part 6 of the *SILEP* provides the opportunity for additional specialised provisions to be inserted to address local issues.

This Planning Proposal seeks to include a range of local provisions in the *GRLEP 2020* based on the Overarching Principles as outlined above in this report.

In preparing the proposed local provisions, a number of clauses are able to be harmonised through the utilisation of model local provisions released by the DPIE where applicable and the retention of local provisions in the existing LEPs. At the same time, this Planning Proposal proposes significant amendments to some existing local provisions and proposes a number of new specialised provisions to give effect to the South District Plan and to meet the LSPS vision for the LGA.

The following clauses contained in the *HLEP 2012* or *KLEP 2012* will not be adopted within the *GRLEP 2020*:

- Clause 6.5 Gross floor area of dwellings in residential zones (*HLEP 2012*) as this clause has been replaced by Clause 4.4A (Exceptions to floor space ratio for certain dwellings).
- Clause 6.6 Active street frontages (*HLEP 2012*) as the intent of this clause is now achieved by the expansion of the minimum non-residential FSR and the proposed Clause 6.14 (Development in certain business zones).
- Clause 6.8 Seniors housing – self-contained dwellings in Zone R2 (*KLEP 2012*) as the intent and application of this clause has now been expanded and replaced by Clause 6.13 (Dual key dwellings in Zones R2 and R3) which seeks to encourage self-contained dual key dwellings of up to 75sqm within the principal dwelling to increase housing supply and diversity.
- Clause 6.9 Development in Zone B6 (*KLEP 2012*) as the intent of this clause is now incorporated within the proposed Clause 6.14 (Development in certain business zones).

All proposed local provisions have been prepared with the understanding that Clause 4.6 may be utilised to excuse non-compliance with a development standard, including those specified in Part 6 of the LEP. In this case, the term “development standards” is defined by the *EP&A Act* as provided above.

As discussed above, the following local provisions are proposed to be excluded from the application of Clause 4.6 due to the similarity in their application to *Clause 5.4 Controls relating to miscellaneous permissible uses*, which cannot be varied through Clause 4.6 as mandated by the *SILEP*, and to ensure appropriate development outcomes in residential and industrial areas:

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

All proposed local provisions, along with their justification, are provided in **Appendix 4**. An overview of proposed clauses to be included in Part 6 of the *GRLEP 2020* is provided below.

- **Clause 6.1 Acid sulfate soils**

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

The proposed clause is based on the model local clause provided by the DPIE and is generally consistent across the existing LEPs except that the *KLEP 2012* adopts a smaller distance (100m rather than the standard 500m) for works on Class 5 Land. This Planning Proposal seeks to adopt the 500m distance control for Class 5 land

works in the *GRLEP 2020*, as specified in the model clause to provide a consistent approach across the whole LGA.

- **Clause 6.2 Earthworks**

This clause seeks to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses and amenity, cultural or heritage items or features of the surrounding land. It also allows earthworks of a minor nature without requiring separate development consent.

This clause currently only applies to the former Kogarah LGA under the *KLEP 2012* but it is proposed to extend its application to the entire Georges River LGA, to ensure consistency in the assessment of earthworks and the impact of works on the integrity of adjoining properties.

This local provision will mean that any development application will need to consider the impact of proposed excavation on matters, such as soil stability, soil erosion, the amenity and structural integrity of adjoining properties, and the health and vitality of existing trees. Developments will also need to be designed to complement the slope of the land to minimise the need for cut and fill and their potential height and bulk.

- **Clause 6.3 Flood planning**

This clause seeks to minimise the flood risk to life and property associated with the use of land, whilst allowing development that is compatible with the flood hazard, taking into account projected changes as a result of climate change to avoid significant adverse impacts on flood behaviour and the environment.

The clause is currently only adopted in the *KLEP 2012* which identifies “flood planning areas” on the Flood Planning Map. This Planning Proposal seeks to expand the application of this clause to the whole LGA to ensure that all developments incorporate appropriate measures to manage flood hazards consistently across the LGA where there are known potential risks of flooding through the inclusion of two additional layers – a new “flood planning zone” to the Flood Planning Map and a new Probable Maximum Flood Map that shows the following information:

- Probable Maximum Flood Extent;
- Flood Prone Land; and
- Flood Prone Zone.

The proposed Flood Planning Map and Probable Maximum Flood Map are provided in **Appendix 7**.

The flood planning zone applies to properties that are identified as affected by the 1 in 100 year flood extent in Council’s overland flow flood studies. Council has endorsed the following overland flow flood studies:

- *Overland Flow Flood Study for Hurstville, Mortdale and Peakhurst Wards* – this covers all areas within the former Hurstville LGA; and
- *Moore Reserve Catchment Overland Flow Study* – this covers the Moore Reserve study area in the former Kogarah LGA.

A flood study is the first step in developing a floodplain risk management plan and involves a comprehensive technical investigation of flood behaviour within an area.

Flood planning areas, such as the areas identified in the *KLEP 2012 Flood Planning Map*, are properties that have been formally identified as affected by the 1 in 100 year flood extent and have had the flood risk confirmed by the preparation of an endorsed floodplain risk management study and plan.

It should be noted that a floodplain risk management study and plan has not been completed for the proposed flood planning zones. Council is currently preparing a *Floodplain Risk Management Study and Plan* (“the Plan”) for the Hurstville, Mortdale and Peakhurst Wards.

The Plan will include a flood risk assessment of properties identified by the overland flow flood studies. The Plan will also identify strategies to reduce flood risk through both structural and non-structural measures.

The outcomes of the Plan will inform whether a property located within the proposed flood planning zone will need to be formalised within the flood planning area, or whether the property may be removed from the Flood Planning Map due to the assessment deeming the site not flood prone in a 1 in 100 year flood.

Flood prone lands are properties susceptible to flooding by a probable maximum flood (“PMF”) event. The PMF is the largest flood that could conceivably occur at a particular location and is calculated by combining a range of extreme conditions and probabilities. It is extremely rare but the associated risks must be addressed by developments comprising of a sensitive land use such as hospitals, schools and child care centres.

The difference between the flood prone land and flood prone zone is that the risk of flooding on the flood prone land has been confirmed through the completion of a flood risk assessment whilst the flood risk assessment is yet to be completed for the flood prone zone. Similar to the process undertaken for properties located in the proposed flood planning zone, properties that are located within the proposed flood prone zone may be removed from the Probable Maximum Flood Map if the flood risk assessment deems the site not flood prone in a PMF event.

If a property is identified on the proposed Flood Planning Map, or on the Probable Maximum Flood Map and is for a sensitive land use development, then the development must be appropriately designed in response to the flood risk through measures such as elevating the ground floor level. Consideration will also have to be

given to whether the development is appropriate for that site given the potential flood hazard and demonstrate that it will not adversely affect flood behaviour.

- **Clause 6.4 Stormwater management**

This clause is not present in either *HLEP 2012* or *KLEP 2012*. This Planning Proposal seeks to introduce a clause relating to stormwater management, applicable to all land in the LGA, to ensure the impacts of urban stormwater runoff is minimised to protect and improve the environmental health of the LGA's waterways, namely the Georges River and Salt Pan Creek.

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

- **Clause 6.5 Foreshore area and coastal hazards and risks**

This clause seeks to control development within the foreshore area to protect people and property from coastal hazards like sea level rise, protect and maintain water quality and ecological habitats, and ensure development will not impact on natural foreshore processes.

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

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

The inclusion of the coastal hazard area based on the findings of the Tidal Inundation Study will ensure that there is a focus on addressing coastal hazards and risk through the development assessment process as the local provisions of the existing LEPs do not provide a clear link to policy on coastal hazard and risks.

This clause applies to the following areas:

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

The proposed maps are provided in **Appendix 7**.

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

- **Clause 6.6 Foreshore scenic protection area**

This clause seeks to control development within the foreshore area to protect, maintain and improve the scenic amenity, significant views, diversity and condition of native vegetation and habitats, and environmental, social and character values of the Georges River foreshore in line with the overarching principles of this LEP.

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

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

The extent of the existing FSPA in the former Hurstville LGA has been reduced in accordance with the principles of equity and consistency. The extent of the proposed FSPA is based on the character typologies, covering areas with higher sensitivities to change, as identified by the Foreshore Strategic Directions Paper as discussed above.

However, it should be noted that whilst the character area of “Garden Suburban (Large Lots)” is identified as having higher sensitivity to change by the Paper, this area has been excluded from the proposed FSPA as most of the residential properties located in this character area are not included within the existing FSPA under the *HLEP 2012*.

The inclusion of these properties within the FSPA would impose more stringent development controls such as an increased lot size for dual occupancy developments, thereby significantly reducing the development potential of this area which will reduce the LGA’s capacity to meet the projected housing targets.

The proposed extent of the FSPA in the former Kogarah LGA has primarily been informed by the location of the foreshore localities identified within the existing Kogarah DCP and supplemented by the character typologies with higher sensitivities to change as identified by the Paper. This is due to the correlation between the existing larger lot size requirements in the foreshore localities and the FSPA.

It should also be noted that whilst the character area of “Jetty’s and Marina Edge” is identified as having lower sensitivity to change in the Paper, these areas are included

in the proposed FSPA for the purpose of consistently applying the FSPA to all waterfront localities across the Georges River foreshore, in accordance with the principle of achieving equity through harmonisation.

The proposed extent of the FSPA is shown on the Foreshore Scenic Protection Area Map as provided in **Appendix 7**.

Under this clause, developments within the proposed FSPA will have to respond to the existing environmental, social and character values of the foreshore by ensuring development is compatible with the desired future neighbourhood character and minimise potential impacts on views to and from the Georges River, foreshore reserves, residential areas and public places.

- **Clause 6.7 Airspace operations**

This clause seeks to ensure that development does not interfere with aircraft operations and the community is protected from undue risk from airport operations. The *HLEP 2012 and KLEP 2012* contain an airspace operations provision but it is proposed to adopt the model local clause provided by the DPIE for the *GRLEP 2020* to ensure the clause reflects the requirements and objectives of Air Services Australia and a consistent approach is adopted for the LGA.

This Planning Proposal does not seek to change the intent or operation of the clause as it currently applies to land identified on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Systems Operations Surface for all airports.

- **Clause 6.8 Development in areas subject to aircraft noise**

This clause seeks to ensure that development does not interfere with aircraft operations and that noise sensitive development is prevented from being located near Sydney Kingsford Smith Airport and its flight paths.

It is intended that this clause will be based on the model local clause provided by DPIE which is similar to the clause adopted in the *KLEP 2012*. This Planning Proposal does not seek to change the intent or operation of the clause as it currently applies to land near Sydney Kingsford Smith Airport or land identified within the ANEF contour.

- **Clause 6.9 Essential services**

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

- **Clause 6.10 Design excellence**

In response to the LSPS vision for well-designed development, this clause has been introduced to deliver highest standards of architecture and urban design across the LGA. It applies to new developments and substantial redevelopments of 12m or taller in the business, industrial and high density residential zones, as well as developments in the FSPA such as dwelling houses, dual occupancies, bed and breakfast accommodation, health services facilities and marinas.

No design competition is required by this clause. Instead, the subject development will need to be peer-reviewed by an urban designer or a registered architect appointed from Council's panel of design experts against the heads of consideration listed in this clause, which include the suitability of the land for development, the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, bulk, massing and modulation of buildings.

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

The objective of this clause is to ensure that all development involving the erection of a new building, the substantial redevelopment or the substantial refurbishment of an existing building or the conversion of an existing building that is 1,500sqm or greater in gross floor area located on land in the business, industrial and high density residential zones embrace the best practice principles of environmentally sustainable development.

The clause requires a statement of verification to be submitted with the development application by an Australian Building Sustainability Association accredited assessor demonstrating that the development satisfies environmentally sustainable principles such as water efficiency, reducing the urban heat island effect and reducing energy demands.

- **Clause 6.12 Landscaped areas in certain residential and environmental protection zones**

The natural environment is an asset highly valued by the Georges River community. To ensure development, especially in the private domain, is accompanied by an appropriate level of landscaping, this clause has been introduced to specify minimum landscaping requirements in the residential and E2 zones.

This clause seeks to ensure landscaping is a significant part of the local character by requiring the retention and provision of vegetation that contributes to biodiversity and enhances the tree canopy of the LGA, whilst minimising urban run-off, the visual impact of development and the urban heat island effect.

The proposed minimum landscaped area requirements are provided in **Table 8** below.

Table 8 – Proposed minimum landscaped area requirement

Development	Proposed requirement	Example
Dwelling house (non-FSPA)	20%	90sqm is required on a 450sqm site
Dwelling house (FSPA)	25%	175sqm is required on a 700sqm site
Dual occupancy (non-FSPA)	20%	65sqm per lot is required on a 650sqm site
Dual occupancy (FSPA)	25%	125sqm per lot is required on a 1,000sqm site
Medium density development (e.g. multi dwelling housing)	20%	160sqm is required on a 800sqm site
R4 zones (excludes SEPP 65 development)	10%	100sqm is required on a 1,000sqm site
E2 zone (only one site in the LGA)	70%	16,520sqm is required on the 23,600sqm site

For the purposes of calculating landscaped area, the *Standard Instrument LEP* definition is to be applied, being a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

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

As a local response to facilitating the delivery of affordable rental housing in more locations across the LGA, this clause seeks to enable the development of an ‘internal secondary dwelling’ up to a maximum of 75sqm GFA that is wholly contained within the building envelope of an existing principal dwelling.

This clause has been developed in response to the findings of the *Evidence Base* for the *Local Housing Strategy* which identifies that the LGA needs to provide a greater diversity of dwellings to accommodate both the ageing population who are looking to downsize in their local area and the younger working age group who are looking for affordable accommodation.

To incentivise the conversion of under-utilised spaces within under occupied dwellings, such as an empty-nester’s larger family home, a proposed ‘internal secondary dwelling’ may be up to 75sqm GFA. An example of a dual key dwelling development would be the conversion of a ‘rumpus room’ into a separate dwelling.

As dual key dwellings would be wholly contained with the existing building envelope, they would have no impact on the streetscape character of low and medium density neighbourhoods.

It should be noted that since secondary dwellings are a permissible land use within the proposed R2 Low Density Residential and R3 Medium Density Residential zones

under the *GRLEP 2020*, an alternative term is required to identify this form of ‘internal secondary dwelling’ to ensure the two development typologies can be differentiated.

The term “dual key dwelling” is proposed, referencing the dual key apartment product where there is a self-contained studio accessed by a shared hallway inside the main apartment. Alternative references such as “studios” were considered but not adopted due to the similarities between the term and “studio apartments”.

It is proposed that this provision be excluded from the application of Clause 4.6 Exceptions to development standards to ensure the density of the development is appropriate in low and medium density residential areas.

- **Clause 6.14 Development in certain business zones**

This clause is intended to replace the existing Active Street Frontage local provision in the *HLEP 2012* and be applied to all business zones across the LGA where shop top housing is permitted.

The aims of this clause are to promote uses that attract pedestrian traffic at street level and provide active, commercial uses at the street frontage as any development within the B1, B2, B4 and B6 Zones must not include a residential land use or tourist and visitor accommodation on the ground floor of a building that is facing a street.

This clause also implements the requirement for a minimum of 500sqm of non-residential floor space to be provided at the ground floor of developments in the B6 Enterprise Corridor zone to facilitate the development of large floor plates that are capable of accommodating a range of employment uses, including specialised retail premises and light industrial uses.

It should be noted that this clause is intended to complement the minimum non-residential FSR requirement in its application so that opportunities are maintained for business and retail development in commercial centres.

- **Clause 6.15 Office premises in Zone IN2**

To facilitate greater economic viability of developments in industrial zones and to facilitate the contemporary adaptation and development of industrial and warehouse buildings, this clause seeks to permit additional office floor space.

The intent of this local provision is aligned with the *South District Plan* and LSPS priority to support industrial land development.

In addition to an office floor space associated with the primary industrial use, it is proposed that additional office premise/s equating to a maximum of 10% of the GFA of the industrial activity and its office premise located on the same land may be permitted.

It is proposed that this provision be excluded from the application of Clause 4.6 Exceptions to development standards to ensure industrial uses remain the core land use in the IN2 Light Industrial zone.

- **Clause 6.16 Take away food and drink premises and restaurants or café in Zone IN2**

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

It is proposed that a maximum of 20% of the GFA of the industrial activity located on the same land or 200sqm, whichever is the lesser, may be permitted for food and drink retailing in the IN2 zone.

It is proposed that this provision be excluded from the application of Clause 4.6 Exceptions to development standards to ensure industrial uses remain the core land use in the IN2 Light Industrial zone.

- **Clause 6.17 Creative Industries in Zone IN2**

This local provision is intended to encourage a diverse range of industries (including creative and innovative industries) that do not compete with commercial centres and do not compromise industrial and urban services within the IN2 Light Industrial zone.

The proposed provision will apply to two areas: the Peshurst Lane, Peshurst (refer to **Figure 14** below) and Halstead Street, South Hurstville (refer to **Figure 15** below) industrial precincts.



Figure 14: Peshurst Lane, Peshurst industrial precinct

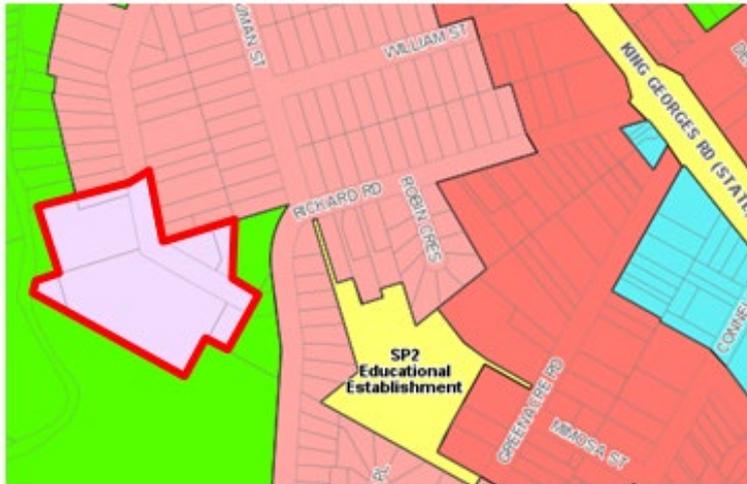


Figure 15: Halstead Street, South Hurstville industrial precinct

Council's *Industrial Land Review* has identified that these areas are compromised by their location in terms of attracting industrial uses and investment. The types of industrial activities that can be located in these precincts are constrained due to the amenity impacts of traditional industrial land uses on the surrounding low density residential land.

This clause seeks to foster a diverse range of industries within the above precincts, including creative and innovative industries such as media, advertising, fine arts and craft, design, film and television, music, publishing, performing arts, cultural heritage institutions or other related purposes.

It is proposed that development comprising of offices and spaces for creative and innovative industries within these precincts will be exempt from the office floor area restriction prescribed by Clause 6.15 (Office Premises in Zone IN2) above.

- **Clause 6.18 Location of sex services premises**

This clause seeks to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.

This Planning Proposal seeks to include this clause in the *GRLEP 2020* which is based on the current provision in the *HLEP 2012* and *KLEP 2012*. The proposed clause does not seek to change the intent or operation of the existing clause.

### **Schedule 1 Additional permitted uses**

This Schedule identifies additional land uses that are permitted on a site that are not identified in the Land Use Table or other planning instruments, such as a State Environmental Planning Policy.

This Planning Proposal seeks to continue the range of additional permitted uses for identified sites and locations in the existing LEPs by consolidating the schedules of additional permitted uses under the *HLEP 2012* and *KLEP 2012*.

The Planning Proposal also proposes a number of key amendments to Schedule 1 as follows:

- In accordance with the *Georges River Local Environmental Plan Amendment (Miscellaneous) 2019* (Planning Proposal for the Low Rise Medium Density Housing Code), delete Items 17 and 18 (Use of certain land for multi dwelling housing) from Schedule 1 of *KLEP 2012* to prevent manor houses, multi dwelling housing (terraces), villas and townhouses from being built through a development application;
- In accordance with the recommendations of the draft *Commercial Centres Strategy – Part 1*:
  - Delete Item 16(ja) (Use of certain land for limited commercial and residential purposes - 129 Laycock Road, Hurstville Grove) from Schedule 1 of *KLEP 2012* and incorporate the site into the adjacent business zone; and
  - Delete Item 16(la) (Use of certain land for limited commercial and residential purposes - 29–31 Rocky Point Road, Kogarah) from Schedule 1 of *KLEP 2012* and incorporate the site into the adjacent business zone;
- In accordance with the legal advice received from Counsel, insert all sites in the R2 Low Density Residential zone where there is an existing place of public worship to ensure its permissibility following the prohibition of places of public worship in the R2 Low Density Residential zone of the *GRLEP 2020*; and
- In accordance with the LSPS vision for Jubilee Stadium to be a regionally significant sporting and entertainment hub, insert ‘entertainment facility’ as an additional permitted use at Jubilee Stadium due to the prohibition of entertainment facilities across the RE1 Public Recreation zone.

### **Schedule 2 Exempt development**

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

### **Schedule 3 Complying development**

Similar to Schedule 2, Schedule 3 allows Council to nominate additional complying development to those specified in SEPPs, such as the *Codes SEPP*. No complying development is specified within the existing LEPs.

This Planning Proposal seeks to rely on the provisions of the *Codes SEPP* and does not introduce any new complying development.

### **Schedule 4 Classification and reclassification of public land**

Schedule 4 provides a location for Council to capture information on the classification and reclassification of public land as either community or operational land in accordance with the *Local Government Act 1993*. This Schedule will appear blank for the *GRLEP 2020* but may

be used during the life of the LEP should changes to public land classification be adopted by Council.

The details of land classification and reclassifications are recorded in Council's register of land under section 53(2) of the *Local Government Act*. As no new land classifications are proposed, Schedule 4 will not be populated.

### **Schedule 5 Environmental heritage**

This Planning Proposal seeks to merge the Schedule 5 planning provisions under the existing LEPs to form Schedule 5 under the *GRLEP 2020*.

Under the *GRLEP 2020* it is proposed to delete the following 4 heritage items following review of the current *HLEP 2012* heritage items as part of the Hurstville Heritage Review:

- 78 Bonds Road, Peakhurst as the existing fabric is almost all new and the item includes substantial additions.
- 127-137 Forest Road, Hurstville due to the adverse impact of recent redevelopment, the significance of the item has been impacted causing loss of the physical, spatial and aesthetic context of the original building.
- 237 Forest Road, Hurstville as the original building has either been demolished and re-built or heavily altered.
- 510 Forest Road, Penshurst (Penshurst Public School) as the original school building has been demolished and the site is being redeveloped by the NSW State Government.

Additionally, 19 heritage items are to have their description amended to reflect their significance in relation to their built form and setting in accordance with the recommendations of the *Hurstville Heritage Review*. This amendment is proposed the removal of the façade only description of the heritage items under *HLEP 2012* by amending their descriptions to include the whole of the heritage building in *GRLEP 2020*.

Whilst the façade is a visually prominent feature of a heritage item, the proposed description intends to clarify the item's significance in a holistic manner by incorporating the fabric of the item including its façade, built form and setting. This amendment is incorporated with the intent of ensuring any future development is designed to sympathetically respond to the heritage character through appropriate design solutions, adaptive re-use and interpretation.

This Planning Proposal does not seek to amend any of the heritage items currently located within the former Kogarah LGA which was subject to a heritage review in 2012.

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

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

### **Dictionary**

The Dictionary provides definitions for land uses and terms in the *SILEP*. The Dictionary cannot be amended and must be included in the *GRLEP 2020*.

### **Maps**

This Planning Proposal seeks to combine mapping from the existing LEPs as relevant to the provisions adopted by the *GRLEP 2020* into a consolidated set of maps. The proposed *GRLEP 2020* maps are provided in **Appendix 7**.

*Note: The proposed maps have been prepared for the purpose of assisting in the interpretation of the proposed planning controls in the GRLEP 2020. Whilst Council has taken care to ensure the mapping information is accurate, minor modifications may be required to correct any numerical, typographical, mapping and formatting errors.*

## 10. Part 3: Justification

### Section A – Need for the planning proposal

*Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?*

This Planning Proposal has been instigated as a result of the amalgamation between the former Hurstville and Kogarah Councils on 12 May 2016 which has necessitated a consolidated local environmental plan for the Georges River LGA.

Amendments to the *EP&A Act* require councils to prepare a LSPS for the LGA. The LSPS sets out the land use vision for the LGA by 2040. This Planning Proposal outlines how Georges River will implement the LSPS vision through a new principal LEP.

As noted above, the LSPS proposes a staged approach to preparing the principal Georges River LEP due to the detailed investigations required to support the full suite of changes proposed. This approach was endorsed by Council at its meeting on 23 April 2019 and 28 October 2019.

The staged approach to preparing the Georges River LEP is outlined as follows:

- Stage 1 – Housing and Harmonisation (this Planning Proposal)
  - Harmonise the existing LEPs
  - Seek to achieve housing targets through up-zoning certain areas
- Stage 2 – Housing Choice (scheduled for 2021)
  - Seek to promote inclusive and affordable housing
  - Investigate big house conversions and build to rent
- Stage 3 – Jobs and Activation (scheduled for 2022)
  - Review development standards in centres
  - Infrastructure delivery mechanisms
  - Hurstville City Centre and Beverly Hills Local Centre masterplanning
- Stage 4 – Housing and Future Growth (scheduled for 2025 and beyond)
  - Undertake a new housing strategy as required

The Georges River LSPS was placed on exhibition between 26 June 2019 and 7 August 2019. Council received 137 submissions from the community and public authorities. The key issues identified are summarised in Section 1 above.

The LSPS has been updated in response to the submissions and was reported to Council on 28 October 2019. At this meeting, Council resolved to endorse the revised LSPS for submission to the GSC for their approval to formally adopt the *LSPS 2040* for the Georges River LGA.

*Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The subject Planning Proposal is the only means of delivering a new principal Georges River Local Environmental Plan, which is consistent with the *LSPS 2040*.

This Planning Proposal will provide a harmonised set of planning controls across the LGA and will ensure residents and the development industry have access to an integrated document that will guide the sustainable development of the LGA. A single LEP for the LGA will provide a consistent approach to planning and development and introduce new provisions that implement the LSPS vision, including preserving landscaped areas within residential zones, promoting design excellence, providing housing diversity and encouraging the provision of employment floor space.

#### Section B – Relationship to strategic planning framework

*Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?*

An assessment of the proposal against the objectives and actions of the *Greater Sydney Region Plan – A Metropolis of Three Cities* and the *South District Plan* is detailed in **Appendix 2**. The assessment demonstrates that this Planning Proposal either assists in achieving the objectives and actions of the *South District Plan* or is consistent with the directions of the *Greater Sydney Region Plan*.

*Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?*

As set out in Section A, this Planning Proposal seeks to implement the LSPS vision through the Georges River Principal LEP in its various stages.

An assessment of the actions of the LSPS which this Planning Proposal seeks to achieve in the *GRLEP 2020* is detailed in **Appendix 2**. Longer term LSPS actions will be implemented through the later stages of the Georges River Principal LEP.

*Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?*

This Planning Proposal has been considered against the relevant SEPPs and is determined to be consistent with the relevant provisions as set out in **Appendix 5**.

*Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?*

The Planning Proposal has been considered against the relevant Ministerial Directions and is determined to be consistent as set out in **Appendix 6**.

## Section C – Environmental, social and economic impact

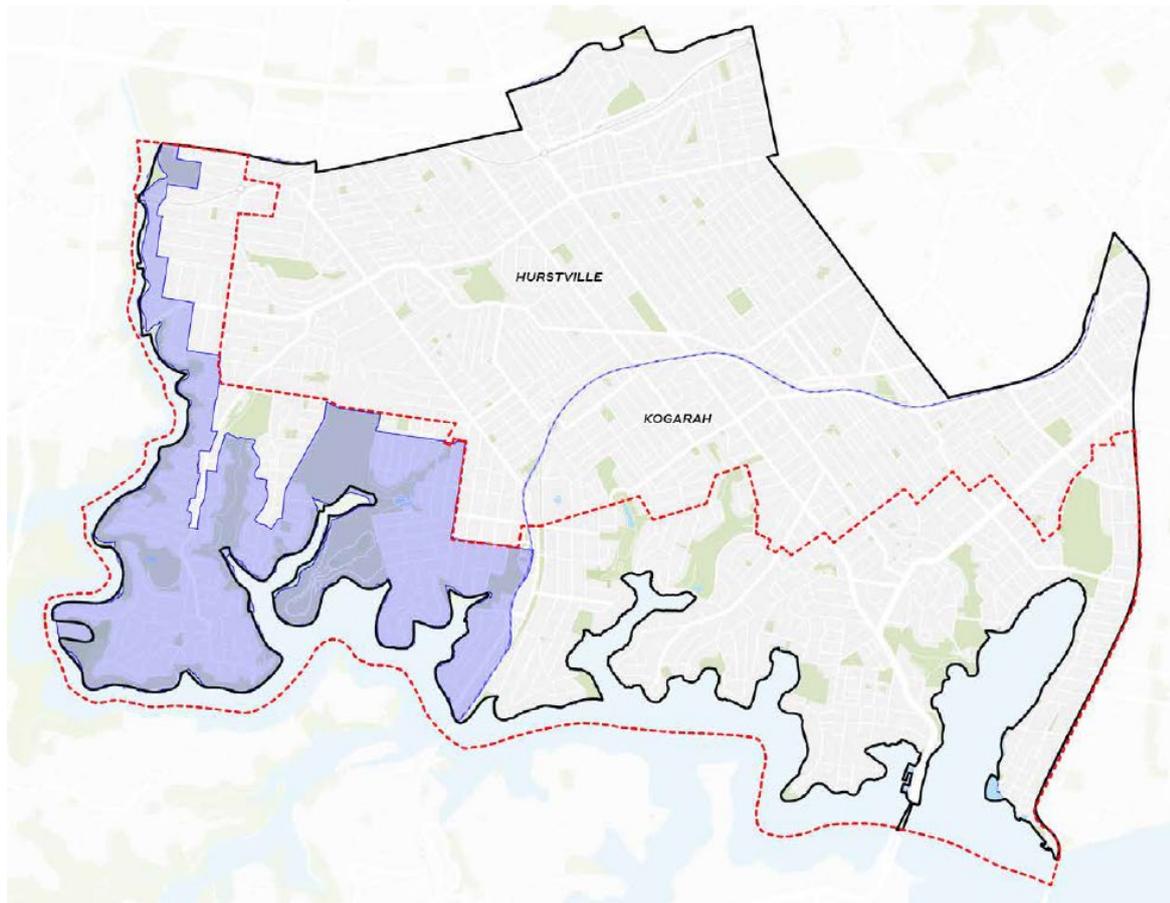
*Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

This Planning Proposal will not adversely affect critical habitat, threatened species, populations or ecological communities or their habitats.

All of the land that is proposed to be rezoned under this Planning Proposal to allow increased residential density (i.e. the Housing Investigation Areas) is currently zoned residential and is urban land and therefore would have minimal impact on critical habitats or threatened species. In addition, this Planning Proposal seeks to strengthen landscaping requirements within residential and environmental zones for the purpose of promoting enhanced biodiversity across the LGA.

Land currently zoned for environmental conservation and/or waterways is to be retained without change and therefore the existing protection and management of this land will continue. The proposed changes to the permissible land uses under the respective zonings are minimal and appropriate and therefore there are no adverse impacts from this.

The Foreshore Scenic Protection Area is currently only identified within the former Hurstville LGA as shaded blue in **Figure 16**.



*Figure 16: Existing Hurstville Foreshore Scenic Protection Area*

This Planning Proposal seeks to extend the foreshore scenic protection area across the LGA, to protect environmentally sensitive areas, increase the tree canopy and enhance biodiversity within the LGA. In addition, this Planning Proposal seeks to include local provisions for the foreshore area and coastal hazards which will ensure the protection of ecological habitats, riparian lands and watercourses and ensure that development does not impact on the natural foreshore processes. These new local provisions will strengthen the environmental controls applicable to new development across the LGA and mitigate or prevent any adverse environmental impacts of development.

*Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

This Planning Proposal primarily seeks to strengthen controls to mitigate potential environmental effects due to development, with the introduction of several new local provisions, as outlined below.

This Planning Proposal seeks to ensure that the landscape character within residential suburbs is preserved which will ensure that vegetation contributes to biodiversity and tree canopy. This Planning Proposal will achieve these objectives by introducing Clause 6.12: "Landscaped areas in residential and environmental protection zones". This provision will not apply to residential flat buildings where landscaping requirements are detailed within the *Apartment Design Guide*. The inclusion of this provision within the *GRLEP 2020* will strengthen and enhance the environment and assist in mitigating the impact of increased residential density in the identified up-zoned areas.

In addition to the above, it is also proposed to introduce Clause 6.6: "Foreshore scenic protection area", the objective of which is to protect the natural environment, minimise disturbance to native vegetation and consider the impact on views to/from the Georges River. Additionally, Clause 6.4: "Stormwater management" and Clause 6.11: "Environmental sustainability in certain business, industrial and residential zones" will be introduced to ensure that developments responsibly manage the impacts of urban stormwater run-off and are consistent with the principles of best practice environmentally sensitive design, especially in industrial, business and high density residential zones.

This Planning Proposal also seeks to expand the application of the *KLEP 2012* flood planning provision to the former Hurstville LGA and introduce flood controls to sensitive land uses when they are proposed on land affected by the PMF. Application of the provision across the Georges River LGA will improve the management of flood planning and mitigation across the LGA.

*Q9. Has the planning proposal adequately addressed any social and economic effects?*

This Planning Proposal seeks to provide greater certainty to landowners by aligning controls across the LGA creating positive social and economic effects.

The potential loss of employment floor space through infill development has been identified by the *Commercial Centres Strategy Part 1* as a key issue for the Georges River LGA. This Planning Proposal seeks to include a minimum non-residential floor space within mixed use

zones to ensure the protection of employment lands and reduce the continued loss of employment floor space through redevelopment.

This Planning Proposal seeks to increase heights within the industrial zones to promote employment and redevelopment opportunities. The current height control of 10m is a barrier to redevelopment as it does not enable high clearance warehouse space, provide maximum flexibility for redevelopment nor allow developments to achieve the full FSR potential.

The *Industrial Land Review* identifies Kingsgrove and Peakhurst industrial areas as the two largest industrial areas which still have undeveloped potential, both are growing and are suitable for industrial development, thus supporting the increased height limit of 16m. The social impact of these increased heights has been adequately addressed by applying lower heights to the areas adjoining residential zoned land.

This Planning Proposal seeks to include two local provisions relating specifically to industrial lands. Firstly, a provision to permit office floor space that is in addition to the office floor space associated with the primary industrial use but limiting the size of this additional office space so as to not compromise industrial and urban services. Inclusion of this provision will enable the flexibility for industrial properties to include additional office floor space whilst also ensuring there is no significant loss in land for industrial activities. Secondly, this Planning Proposal seeks to encourage creative industries within the IN2 zones in two areas; Peshurst Lane, Peshurst and Halstead Street, South Hurstville to broaden the range of permitted uses whilst promoting job creation. Both local provisions will seek to enhance economic opportunities with the IN2 zone.

#### Section D – State and Commonwealth interests

##### *Q10. Is there adequate public infrastructure for the planning proposal?*

This Planning Proposal provides additional housing through the up-zoning of existing low density residential areas in highly accessible areas which are serviced by shops, schools, open space and community facilities. The areas proposed to be up-zoned are located within walking distance to transport infrastructure, such as train stations and frequent bus services, encouraging the efficient use of existing public infrastructure.

To supplement the existing provision of open space, the Planning Proposal identifies the following additional sites for open space acquisition:

- 26 – 30 Culwulla Street, South Hurstville;
- 11-21 Monaro Avenue, Kingsgrove (Peter Lowe Reserve); and
- 7 Hedley Street, Riverwood and 13-15 Keith Street, Peakhurst (Peakhurst Park).

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

Council is also currently preparing a consolidated development contributions plan for the whole Georges River LGA. The new plan will fund infrastructure required to support the anticipated growth resulting from the *GRLEP 2020*, including the consideration of funding sources for the existing and proposed land acquisitions.

*Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?*

As this Planning Proposal has not been forwarded to the Minister for Planning and Public Spaces for a Gateway Determination, the appropriate State and Commonwealth public authorities have not yet been consulted.

However, State and Commonwealth public authorities will be consulted in accordance with a Gateway Determination and will be given at least 28 days to comment on this Planning Proposal.

## 11. Part 4: Mapping

The following maps have been prepared as part of the *GRLEP 2020*. The proposed *GRLEP 2020* maps are provided in **Appendix 7**.

Land Application Map

Land Zoning Map

Lot Size Map

Lot Size for Dual Occupancy Development Map

Height of Buildings Map

Floor Space Ratio Map

Land Reservation Acquisition Map

Heritage Map

Acid Sulfate Soils Map

Coastal Hazard and Risk Map

Foreshore Building Line Map

Foreshore Scenic Protection Area Map

Riparian Lands and Watercourses Map

Flood Planning Map

Probable Maximum Flood Map

Key Sites Map

## 12. Part 5: Community Consultation

It is anticipated that this Planning Proposal will be exhibited for a minimum period of 28 days in accordance with the provisions of the *EP&A Act 1979* and the *Environmental Planning & Assessment Regulation 2000* and any requirements of the Gateway Determination.

The public exhibition of this Planning Proposal will also be supported by a number of key Council strategies and studies, including but not limited to:

- *Local Strategic Planning Statement 2040*
- *Local Housing Strategy*
- *Inclusive Housing Strategy*
- *Commercial Centres Strategy – Part 1*
- *Industrial Lands Review*
- *Foreshore Study*
- *Infrastructure Integration Advice Roadmap*
- *Hurstville Heritage Review*

Exhibition material, including plain English explanatory information, fact sheets, description of the objectives and intended outcomes, copy of the Planning Proposal and relevant maps will be available for viewing during the exhibition period on Council's website and hard copies available at Council offices and libraries. Targeted consultation through mechanisms, including but not limited to targeted letters and information sessions, are proposed to be conducted.

Notification of the public exhibition will be through:

- Newspaper advertisement in *The Leader*;
- Exhibition notice on Council's website;
- Community engagement project on Council's *YourSay* website;
- Notices in Council offices and libraries;
- Letters/brochures to landowners and residents in the LGA – this will include letters to landowners of properties affected by a proposed change in the planning controls; and
- Letters to State and Commonwealth Government agencies identified in the Gateway Determination.

### 13. Part 6: Project Timeline

The anticipated project timeline for completion of this Planning Proposal is shown below:

<b>Task</b>	<b>Anticipated Timeframe</b>
Reporting to the Georges River Local Planning Panel (as the planning proposal authority) on Planning Proposal for endorsement	6 February 2020
Anticipated commencement date (date of Gateway determination)	February 2020
Anticipated timeframe for the completion of required technical information	February 2020
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	February-April 2020
Commencement and completion dates for public exhibition period (minimum of twenty eight (28) days)	February-April 2020
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	May-June 2020
Reporting to the planning proposal authority on the outcomes of community consultation and for finalisation	June 2020
Date of submission to the DPIE to finalise the LEP	June 2020

## 14. Conclusion

The purpose of this Planning Proposal is to prepare a consolidated principal Georges River LEP which implements the first stage of the staged LEP approach.

With a focus on housing and harmonisation, this LEP will ensure that a single consistent approach is applied to planning and development across the LGA.

This Planning Proposal:

- Gives effect to the *South District Plan* by addressing its Planning Priorities and Actions;
- Implements the *LSPS 2040* vision for the LGA addressing its Planning Priorities and Actions;
- Meets the *South District Plan* housing targets;
- Identifies additional housing opportunities through the harmonisation of existing LEPs;
- Retains and manages industrial and urban services land;
- Provides a regulatory environment that enables economic opportunities;
- Protects future transport and infrastructure corridors;
- Facilitates opportunities for creative and artistic industries; and
- Identifies, conserves and enhances environmental heritage.

## 15. Appendices

- Appendix 1 Draft instrument - *Georges River Local Environmental Plan 2020*
- Appendix 2 Consistency with the *Greater Sydney Region Plan, South District Plan* and Council's *Local Strategic Planning Statement 2040*
- Appendix 3 Development standards justification
- Appendix 4 Additional local provisions justification
- Appendix 5 Consistency with State Environmental Planning Policies (SEPPs)
- Appendix 6 Consistency with S9.1 Ministerial Directions
- Appendix 7 *GRLEP 2020* Mapping