

Item I1: **Amendment No. 2 of Kogarah LEP 2012 - Planning Proposal for the New City Plan (excluding the area within the Kogarah Town Centre zoned B4 - Mixed Use).**

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

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

Recommendation:

- a) That the issues raised in both the written and oral submissions to the New City Plan as detailed in the body of the report and the associated annexures be received and noted.
- b) That the Planning Proposal for Kogarah LEP 2012 (Amendment No. 2) – New City Plan be amended under section 58(1) of the Environmental Planning and Assessment Act, in response to submissions, as detailed below:
 - (1) With respect to the **Public Hearing into the Reclassification of Council owned Land:**
 - (i) For the land identified as **No 1A Stuart Crescent (Lot 2, DP 794233), Blakehurst** – Amend the Land Zone Map (LZM) to retain the RE1 – Public Recreation zone and remove reference from the Planning Proposal to the reclassification of the land.
 - (ii) For the land identified as **No 8A Wyong Street (Lot 15, DP 746853), Oatley** – Remove reference from the Planning Proposal to the reclassification of land.
 - (2) With respect to **Consultation with Government Authorities:**
 - (i) Amend the Planning Proposal to include *educational establishments* as a land use permitted with consent in the R2 – Low Density Residential zone and R3 – Medium Density zone.
 - (ii) Amend the Planning Proposal to include reference to the following:
 - *A Plan for Growing Sydney*
 - *NSW Department of Planning's Interim Guidelines for Development on Rail/Road Corridors*
 - Direction 3.5(a) and (b) (Development Near Licensed Aerodromes) under *Section 117 Directions*.
 - (3) With respect to **Submission from Roads and Maritime Services (RMS) and Transport for NSW (TfNSW):**
 - (i) Amend the Planning Proposal to include the Strategic Traffic and Transport Assessment Report titled ***Traffic Generation Analysis – Impact of the New City Plan on Regional Roads in the LGA*** addressing issues raised by RMS and TfNSW.

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- (4) With respect to the **Blakehurst Precinct (Blakehurst Waterfront)**
- (i) Amend the Planning Proposal to include *restaurant or café* for the properties within the Blakehurst Precinct (Blakehurst Waterfront) and a specific provision relating to the creation of foreshore public access.
 - (ii) In the event that the Minister is of the view that re-exhibition is needed for the change identified in (i) above, the Minister be requested to proceed to make the plan as exhibited and the changes outlined in (i) above will be pursued as part of the next amendment to the LEP.
- (5) With respect to the **Carlton Precinct (Princes Highway Centre)**
- (i) Amend the Planning Proposal to amend the Height of Buildings (HOB) Map for No.'s 1 – 21 Wyuna Street, 1 – 13 John Street, No 72 Park Road and 5 & 6 Lacey Street, Kogarah Bay to remove the reference to 9m and apply the 21m height limit to the entire block.
 - (ii) In the event that the Minister is of the view that re-exhibition is needed for the change identified in (i) above, the Minister be requested to proceed to make the plan as exhibited and the changes outlined in (i) above will be pursued as part of the next amendment to the LEP.
- (6) With respect to **Schedule 1 – Additional Permitted Uses:**
- (i) Amend the Planning Proposal to retain the following properties in Schedule 1, Clause 17 which permits development for the purpose of multi-dwelling housing:
 - No 243 West Street, Blakehurst, being Lot 7, DP25945.
 - (ii) Amend the Planning Proposal to retain the following properties in Schedule 1, Clause 19 which permits development for the purpose of multi-dwelling housing:
 - No 5 Denman Street, Hurstville
 - No 721A & 721B King Georges Road, Penshurst, being Lot 32, DP101275 and Lot 12, DP881035
 - No 9 Belmont Street, Penshurst.
 - (iii) Amend the Planning Proposal to retain No 120 & 122 Railway Parade, Mortdale in Schedule 1, Clause 18, which permits development for the purpose of multi-dwelling housing.
- (7) With respect to **No 53 Halstead Street (AL: A DP339086), South Hurstville:**
- (i) Amend the Planning Proposal to rezone **No 53 Halstead Street (AL: A DP339086), South Hurstville** from IN2 – Light Industrial to R2 – Low Density Residential and include height and FSR for the subject site consistent with the adjoining R2 – Low Density zone.
 - (ii) In the event that the Minister is of the view that re-exhibition is needed for the change identified in (i) above, the Minister be requested to

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

- (8) With respect to the **Height of Buildings for R2 – Low Density Residential zone:**
- (i) Amend the Planning Proposal to alter the Height of Buildings Map (HOB) for the R2 – Low Density Residential zone from 8.5m to 9m.
 - (ii) In the event that the Minister is of the view that re-exhibition is needed for the change identified in (i) above, the Minister be requested to proceed to make the plan as exhibited and the changes outlined in (i) above will be pursued as part of the next amendment to the LEP.
- (9) Amend the cadastral lot boundaries and all affected draft LEP maps for the following properties:
- (i) Lots 2 and 3, DP 6862, at No.751 & No.753 King Georges Road, Hurstville.
 - (ii) Lots 5 and 6, DP 262239, at Nos. 851-855 King Georges Road, South Hurstville and Lot 100 DP 810570, at No. 857 King Georges Road, South Hurstville.
- (10) Amend the Planning Proposal with regards to draft **Clause 4.4A – Exceptions to floor space ratio for residential accommodation in the R2 – Low Density Residential zone** to reflect that the FSR table applies to land identified as “Area 1” on the draft FSR maps and amend draft subclause (4) to reflect that the FSR applies to land identified as “Area 2” on the draft FSR map.
- c) That the Planning Proposal for Kogarah LEP 2012 (Amendment No 2 – New City Plan) as amended by b) above be endorsed for submission to the Minister for Planning and Environment for the making of the plan and that the final plan also incorporate the following amendments identified in the tables below:

	Properties/Areas Proposed to be Rezoned	Proposed Height (LEP)	Proposed FSR (LEP)
Allawah Precinct Woids Avenue			
1)	Rezone No.'s 79-97 Noble Street and No.'s 100 – 114 Woids Avenue, Allawah from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	15m	1.5:1
Beverley Park Precinct			

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Rocky Point Road			
2)	Rezone No.'s 113 – 145 Rocky Point Road and No.'s 107-109 Jubilee Avenue, Beverley Park from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	15m	1.5:1
Blakehurst Precinct Blakehurst Centre			
3)	Rezone No.'s 308-316 Princes Highway, Carss Park from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	12m	1:1
4)	Rezone No.'s 340 Princes Highway and No 2 Miowera Street, Carss Park from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	12m	1:1
5)	Rezone No.'s 36-40 Bunyala Street, No.'s 390 – 394A Princes Highway and No.'s 4-12A Torrens Street, Blakehurst from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	15m	1.5:1
6)	Rezone No.'s 9-13 Phillip Street and No.'s 969 – 973 King Georges Road, Blakehurst from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	15m	1.5:1
7)	Rezone No 979 King Georges Road, Blakehurst from B1 – Neighbourhood Centre to <u>B2 – Local Centre</u> and increase height and FSR requirements.	21m	2.5:1
8)	Rezone No.'s 591- 629 Princes Highway, Blakehurst from B1 – Neighbourhood Centre to <u>B2 – Local Centre</u> and increase height and FSR requirements	21m	2.5:1
9)	Rezone No.'s 637 – 659 Princes Highway, Blakehurst from B1 – Neighbourhood Centre to <u>B2 – Local Centre</u> and increase height and FSR requirements	21m	2.5:1
10)	Rezone No.'s 2-8 Stuart Street, No.'s 2-4 Vaughan Street and No.'s 2-8 James Street, Blakehurst from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	15m	1.5:1

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11)	Rezone No.'s 1-5 James Street, No.'s 6-16 Vaughan Street and No.'s 1-7 Water Street, Blakehurst from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	15m	1.5:1
Blakehurst Precinct Blakehurst Waterfront			
12)	Rezone No.'s 424-436, No.'s 448-454, No.'s 468-474, No.'s 723 – 741 Princes Highway, Blakehurst from E4 – Environmental Living to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	21m	2:1
Blakehurst Precinct Terry Street			
13)	Rezone No 32 Terry Street, Blakehurst from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0:55:1
14)	Rezone No 2A Faye Avenue, Blakehurst from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0.55:1
15)	Rezone No.'s 2-10 Heath Road and No.'s 14-20 Terry Street, Blakehurst from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0.55:1
16)	Rezone No 513 Princes Highway, Blakehurst from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	15m	1.5:1
Carlton Precinct Andover Street			
17)	Rezone No.'s 27 – 43 Andover Street, Carlton from R2- Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	15m	1.5:1

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Carlton Precinct Enterprise Corridor			
18)	Rezone No.'s 71-73 Jubilee Avenue and No 251 Princes Highway, Carlton from R2- Low Density Residential to <u>B6 – Enterprise Corridor</u> and increase height and FSR requirements.	21m	2:1
19)	Rezone No.'s 261-273 Princes Highway and No 1 Wheeler Street, Carlton from R2- Low Density Residential to <u>B6 – Enterprise Corridor</u> and increase height and FSR requirements.	21m	2:1
20)	Rezone No.'s 275-277 Princes Highway, No 2 Wheeler Street and No 36 O'Meara Street, Carlton from R2- Low Density Residential to <u>B6 – Enterprise Corridor</u> and increase height and FSR requirements.	21m	2:1
21)	Rezone No.'s 285-295 Princes Highway, No.'s 31-33 O'Meara Street, and No.'s 32-34 Westbourne Street, Carlton from R2- Low Density Residential to <u>B6 – Enterprise Corridor</u> and increase height and FSR requirements.	21m	2:1
22)	Rezone No 297 Princes Highway, Carlton from B1 – Neighbourhood Centre to <u>B6 – Enterprise Corridor</u> and increase height and FSR requirements.	21m	2:1
Carlton Precinct Jubilee Avenue			
23)	Rezone No.'s 39-45 Jubilee Avenue from R2 – Low Density Residential to <u>B1 – Neighbourhood Centre</u> zone and include height and FSR requirements.	9m	1:1
Carlton Precinct Princes Highway Centre			
24)	Rezone No 305 – 311 Princes Highway, Carlton from B1 – Neighbourhood Centre to <u>B2 – Local Centre</u> and increase height and FSR requirements.	21m	2.5:1
25)	Rezone No 313-323 Princes Highway, Carlton from R2 – Low Density Residential to <u>B2 – Local Centre</u> and increase height and FSR requirements.	21m	2.5:1

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26)	Rezone No 325-345 Princes Highway, Carlton from B1 – Neighbourhood Centre to <u>B2 – Local Centre</u> and increase height and FSR requirements.	21m	2.5:1
27)	Rezone No.'s 351-367 Princes Highway and No 68A Park Road, Carlton from B1 – Neighbourhood Centre to <u>B2 – Local Centre</u> and increase height and FSR requirements.	21m	2.5:1
28)	Rezone No.'s 373 - 385 Princes Highway, Carlton from B1 – Neighbourhood Centre to <u>B2 – Local Centre</u> and increase height and FSR requirements.	21m	2.5:1
29)	Rezone No 55 Park Road, Carlton from R2 – Low Density Residential to <u>B2 – Local Centre</u> and increase height and FSR requirements.	21m	2.5:1
30)	Rezone No 220 Princes Highway, Carlton from B1 – Neighbourhood Centre to <u>B2 – Local Centre</u> and increase height and FSR requirements.	21m	2.5:1
31)	Rezone No.'s 59-61 Park Road, Carlton from R2 – Low Density Residential to <u>B2 – Local Centre</u> and increase height and FSR requirements.	21m	2.5:1
32)	Rezone No.'s 1-21 Wyuna Street & No.'s 2-6 Lacey Street, Carlton from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	21m	2:1
Hurstville Precinct Hurstville Centre			
33)	Rezone No.'s 546-558 Railway Parade, Hurstville from R3 – Medium Density Residential to <u>R4 – High Density Residential</u> and increase height and FSR requirements.	33m	4:1
34)	Rezone No.'s 87-89 Woniara Road, No.'s 1-7A Gallipoli Street, No.'s 8 – 18 Alma Street and No.'s 4-8 Maher Street, Hurstville from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	15m	1.5:1
Hurstville Grove Precinct Whitfield Parade			
35)	Rezone No 76 Whitfield Parade, Hurstville Grove from R3 – Medium Density Residential to <u>R2 –</u>	9m	0.55:1

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	<u>Low Density Residential</u> and include height and FSR requirements.		
Kogarah Precinct Kogarah North			
36)	Rezone No.'s 21 – 71 Gladstone street, No.'s 24-38 Gladstone Street, No.'s 59-69 Princes Highway, No.'s 21-37 Princes Highway, No.'s 1-11 Princes Highway, No.'s 125-133 Harrow Road, No.'s 2-22 Railway Parade North and No.'s 2 – 14 Palmerston Street, Kogarah from R3 – Medium Density Residential to <u>R4 – High Density Residential</u> and increase height and FSR requirements	33m	4:1
37)	Rezone No.'s 57-97 Regent Street, No.'s 38-85 Regent Street, No.'s 2-24 Victoria Street, No.'s 16-22A Gladstone Street, No.'s 2-24 Stanley Street, No.'s 1-11 Stanley Street, No.'s 24B – 40 Victoria Street, No.'s 2-10 Victor Street, No.'s 5-21 Palmerston Street, No.'s 2-4 Gladstone Street and No.'s 26-30 Railway Parade, Kogarah from R2 – Low Density Residential to <u>R4- High Density Residential</u> and increase height and FSR requirements.	33m	4:1
38)	Rezone No.'s 41-45 Princes Highway, Kogarah from B1 – Neighbourhood Centre to <u>B2 – Local Centre</u> zone and increase height and FSR requirements.	33m	4:1
39)	Rezone No.'s 13-19 Princes Highway, Kogarah from B1 – Neighbourhood Centre to <u>B2 – Local Centre</u> zone and increase height and FSR requirements.	33m	4:1
Kogarah Precinct Kogarah South			
40)	Rezone No.'s 13-57 Ocean Street, Kogarah from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> (area is within the Kogarah South Heritage Conservation Area) and include height and FSR requirements.	9m	0.55:1
Kogarah Precinct Princes Highway			
41)	Rezone No.'s 209-225 Princes Highway from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR	15m	1.5:1

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	requirements.		
42)	Rezone No 243 Princes Highway from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.	15m	1.5:1
Kogarah Bay Precinct Lacey Street			
43)	Rezone No.'s 76-78 Harslett Crescent and No.'s 48C – 50 Lacey Street from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0.55:1
Oatley Precinct Oatley Centre			
44)	Rezone No.'s 63 – 65 Railway Lands, Oatley from SP2 – Rail Infrastructure Facilities to <u>B2 – Local Centre</u> and include height and FSR requirements.	12m	2.5:1
45)	Rezone No.'s 77 Railway Lands, Oatley from SP2 – Rail Infrastructure Facilities to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0.55:1
46)	Rezone No 11A Letitia Street from R3 – Medium Density Residential to <u>B2 – Local Centre</u> and include height and FSR requirements consistent with the remainder of the Oatley	12m	2.5:1
47)	Rezone No 16 Letitia Street from B2 – Local Centre to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.	12m	1:1
48)	Rezone No.'s 11-15 Wonoona Parade East, Oatley from R2 – Low Density Residential to <u>R3-Medium Density Residential</u> and increase height and FSR requirements.	9m	0.7:1
49)	Rezone No.'s 2 – 28 Rosa Street, No.'s 38 – 40 Frederick Street, No.'s 1 – 27 Ada Street and No.'s 12-16 Wonoona Parade East, Oatley from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR	9m	0.7:1

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	requirements.		
50)	Rezone No.'s 30 - 62 Rosa Street, No.'s 25 - 31 Neville Street, No.'s 27A - 59 Ada Street and No.'s 23-29 Frederick Street Oatley from R2 - Low Density Residential to <u>R3 - Medium Density Residential</u> and increase height and FSR requirements.	9m	0.7:1
Ramsgate Precinct Ramsgate Centre			
51)	Rezone No 2 Dalkeith Street from R3 - Medium Density Residential to <u>B2 - Local Centre</u> and increase height and FSR requirements consistent with the B2 - Local Centre requirements for Ramsgate Centre.	21m	2.5:1
Sans Souci Precinct Rocky Point Road			
52)	Rezone No 505 Rocky Point Road, Sans Souci from E4 - Environmental Living zone to <u>B1 - Neighbourhood Centre</u> zone (consistent with adjoining zone), and include height and FSR requirements.	15m	2:1
53)	Rezone No.'s 495 - 503 Rocky Point Road, Sans Souci and No 10 Wellington Street, Sans Souci from E4 - Environmental Living to <u>R3 - Medium Density Residential</u> and increase height and FSR requirements.	15m	1.5:1
54)	Rezone No.'s 475 - 479 Rocky Point Road and No 2 Nelson Street, Sans Souci from R2 - Low Density Residential to <u>R3 - Medium Density Residential</u> and include height and FSR requirements.	9m	0.7:1
55)	Rezone No.'s 455 - 467 Rocky Point Road, Sans Souci from R2 - Low Density Residential to <u>R3 - Medium Density Residential</u> and include height and FSR requirements.	9m	0.7:1
56)	Rezone No 56 and the front portion of No.'s 52 - 54 The Boulevarde, Sans Souci from R2 - Low Density Residential to <u>R3 - Medium Density Residential</u> and include height and FSR	9m	0.7:1

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	requirements.		
57)	Rezone the rear portion of No 50 The Boulevard, Sans Souci from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0.55:1
58)	Rezone No 1 Plimsoll Street, Sans Souci from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0.55:1
South Hurstville Precinct South Hurstville Centre			
59)	Rezone No.'s 16-20 Hurstville Road, South Hurstville from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0.55:1
60)	Rezone No.'s 1-5 William Street, South Hurstville from R2 – Low Density to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	9m	0.7:1
61)	Rezone No.'s 4-6 William Street and No.'s 1-5 Rickard Road, South Hurstville from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	9m	0.7:1
62)	Rezone No 31 Joffre Street and No 32 Culwulla Street, South Hurstville from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	21m	2:1
63)	Rezone No 51-55 Connells Point Road, South Hurstville from R3 – Medium Density Residential to <u>B2 – Local Centre</u> and increase height and FSR requirements.	21m	2.5:1
64)	Rezone No.'s 4-6 Allen Street, South Hurstville from R3 – Medium Density Residential to <u>B2 – Local Centre</u> and increase height and FSR requirements.	21m	2.5:1
65)	Rezone No.'s 1 – 13 Connells Point Road, South Hurstville from B2 – Local Centre to <u>B1 –</u>	12m	2:1

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	<u>Neighbourhood Centre</u> and include height and FSR requirements.		
66)	Rezone No 2 Rickard Road, South Hurstville from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.	9m	0.7:1
67)	Rezone No.'s 16A-18A Rickard Road, South Hurstville from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.	9m	0.7:1
68)	Rezone No 7 Greenacre Road, South Hurstville from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.	9m	0.7:1
69)	Rezone No.'s 36-40 Greenacre Road, South Hurstville from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.	9m	0.7:1
70)	Rezone No.'s 91-99 Connells Point Road, South Hurstville from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.	9m	0.7:1
71)	Rezone No 48 Greenacre Road and No 99 Connells Point Road, South Hurstville from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.	9m	0.7:1
72)	Rezone No 29A Greenacre Road, South Hurstville (previous South Hurstville Bowling Club) from RE2 – Private Recreation to <u>SP2 – Educational Establishment.</u>	N/A	N/A
73)	Rezone No.'s 35-41 Grosvenor Road, South Hurstville from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.	15m	1.5:1
74)	Rezone No.'s 76-88 Connells Point Road, No.'s 1-21 The Mall, No.'s 55-55A Tavistock Road, and No.'s 2-14 The Esplanade, South Hurstville from	12m	1:1

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	R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.		
75)	Rezone No.'s 10-16 The Mall and No 53 Tavistock Road, South Hurstville from R2 - Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.	12m	1:1
76)	Rezone No.'s 92-94 Connells Point Road, South Hurstville from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0.55:1
77)	Rezone No.'s 96-100 Connells Point Road, South Hurstville from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0.55:1
78)	Rezone No.'s 4-6 Resthaven Road, South Hurstville from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0.55:1
79)	Rezone No.'s 104-106 Connells Point Road, South Hurstville from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0.55:1
80)	Rezone No 12-16 Resthaven Road, South Hurstville from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0.55:1
81)	Rezone No 7 Resthaven Road and No 12 The Appian Way, South Hurstville from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0.55:1
82)	Rezone No 863 King Georges Road, South Hurstville from R2 - Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.	9m	0.7:1
83)	Rezone No 875A – 875C King Georges Road, South Hurstville from R2 - Low Density Residential to <u>R3 – Medium Density Residential</u>	9m	0.7:1

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	and include height and FSR requirements.		
84)	Rezone No.'s 47-47E Terry St, Blakehurst from R2 - Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.	9m	0.7:1
85)	Rezone No 57 Terry St, Blakehurst from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0.55:1
86)	Rezone No 69 Terry St, Blakehurst from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0.55:1
87)	Rezone No 32 Terry Street, Blakehurst from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0.55:1
88)	Rezone No 228 Woniora Road, South Hurstville from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements	9m	0.55:1

Amendments to Height and Floor Space Ratio (FSR)
No change to Zoning

	Centre	Proposed Height (LEP)	Proposed FSR (LEP)
Allawah Precinct - Allawah Centre Area zoned B2 – Local Centre			
89)	No.'s 440 – 462 Railway Parade and No.'s 2-2A Lancelot Street, Allawah	21m	2.5:1
90)	No 470 Railway Parade and No.'s 472 – 480 Railway Parade, Allawah	21m	2.5:1
Allawah Precinct – Railway Parade Area zoned R3 – Medium Density Residential			
91)	Land bounded by Andover Street, Railway Parade, Bellevue Parade, Woids Avenue, Meade Street, Norman Street and Balfour Street, Allawah	15m – 21m	1.5:1 – 2:1
Beverley Park Precinct - Beverley Park Area zoned B1 – Neighbourhood Centre			
92)	No 33-55 Rocky Point Road, Beverley Park	15m	2:1

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Blakehurst Precinct – Blakehurst Centre Area zoned R3 – Medium Density Residential			
93)	No.'s 318-338 Princes Highway, Blakehurst	12m	1:1
Carlton Precinct - Andover Street Area zoned B1 – Neighbourhood Centre			
94)	No.'s 45-55 Andover Street, Carlton	15m	2:1
Carlton Precinct - Railway Parade Area zoned B2 – Local Centre			
95)	No.'s 280 – 310 Railway Parade & No.'s 2-10 Jubilee Avenue, Carlton	21m	2.5:1
96)	No.'s 314 – 338 Railway Parade, Carlton	21m	2.5:1
97)	No.'s 340-356 Railway Parade and No.'s 2-4 Garfield Street, Carlton	21m	2.5:1
Carlton Precinct - Princes Highway Centre Area zoned R3 – Medium Density Residential			
98)	No.'s 399-417 Princes Highway, 21 Plant Street, 22 Paris Street, Carlton	12m – 15m	1:1 – 1.5:1
99)	No.'s 192-216 Princes Highway, 68-72 Park Road, 1-13 John Street and 1-5 Lacey Street, Carlton	21m	2:1
100)	No.'s 166-190 Princes Highway, Carlton	21m	2:1
Carlton Precinct – Railway Parade Area zoned R3 – Medium Density Residential			
101)	Land bounded by English Street, Neilsen Avenue, Andover Street and Railway Parade, Hurstville	15m – 21m	1.5:1 – 2:1
Carss Park Precinct - Carss Park Centre Area zoned B1 – Neighbourhood Centre			
102)	No.'s 292 – 294 Princes Highway, No.'s 2-16 Carwar Avenue and No.'s 1-11 Carwar Avenue, Carss Park	12m	1.8:1
Carss Park Precinct – Carss Park Area zoned R3 – Medium Density Residential			
103)	No.'s 463 – 467 Princes Highway and 10 Dwyer Street, Carss Park	9m	0.7:1
Hurstville Precinct – Hurstville Centre Area zoned B4 – Mixed Use			
104)	Hurstville Town Centre	39m	4.5:1

Item II (cont.)

Hurstville Precinct – Hurstville Centre Area zoned R3 – Medium Density Residential			
105)	Land bounded by Woids Avenue, First Avenue, Cole Street, Woniora Road, Alma Street and Railway Parade	15m – 21m	1.5:1 – 2:1
Hurstville Grove Precinct - Waitara Parade Area zoned B1 – Neighbourhood Centre			
106)	No 30 Jellicoe Street, No 31 Seymour Street and No 18 Waitara Parade, Hurstville Grove	9m	1:1
Kogarah Precinct - Kogarah South Areas zoned B1 – Neighbourhood Centre			
107)	No.'s 28 – 36 Princes Highway, Kogarah	15m	2:1
Kogarah Precinct – Kogarah South Areas zoned R3 – Medium Density Residential			
108)	No.'s 1-11 Gray Street, No. 1 Queens Avenue and No. 2-6 Ocean Street, Kogarah	21m	2:1
109)	No.'s 1A-11 Ocean Street, No.'s 3-7 Queens Avenue and No.'s 2-8A Bowns Road, Kogarah	21m	2:1
110)	No.'s 1-9 Bowns Road, No.'s 3-9 Bellevue St and No.'s 2-6 Blake St, Kogarah	21m	2:1
111)	No.'s 7-11 Blake Street, No.'s 15-23 Bellevue St and No.'s 14-22 English Street, Kogarah	21m	2:1
112)	No.'s 13-39 Gray Street, Kogarah	21m	2:1
113)	No.'s 43-69 Gray Street, Kogarah	15m	1.5:1
114)	No.'s 4-6 Queens Avenue and No.'s 12-60 Ocean Street, Kogarah	9m-15m	1.2:1
115)	No. 71 Gray Street, No.'s 183-189 Princes Highway, Kogarah	21m	2:1
116)	No.'s 1-15 Chapel St, No.'s 2-10 Short Street and No.'s 42-48 Gray Street, Kogarah	15m	1.5:1
117)	No.'s 50 – 56 Chapel Street and No.'s 161-179 Princes Highway and No.'s 58-60 Gray Street, Kogarah	21m	2:1
Kogarah Precinct – Princes Highway Area zoned R3 – Medium Density Residential			

Item II (cont.)

118)	No.'s 227-241 Princes Highway, Kogarah	15m	1.5:1
Kyle Bay Precinct - Kyle Bay Centre Area zoned B1 – Neighbourhood Centre			
119)	25 Kyle Parade, Kyle Bay	9m	1.3:1
Mortdale Precinct – Mortdale Centre Area zoned B2 – Local Centre			
120)	No.'s 80 Railway Lands, 1 Subway Road and No.'s 85-105 Railway Parade Mortdale	21m	2.5:1
Oatley Precinct – Oatley Centre Area zoned B2 – Local Centre			
121)	No.'s 8-22 Oatley Avenue, No.'s 4-30 Frederick Street and Nos 13-15 Letitia Street, Oatley	12m	2.5:1
122)	No.'s 3-19 Frederick Street No.'s 26-34 Oatley Avenue and No 23 Letitia Street, Oatley	12m	2.5:1
123)	No.'s 18 – 18B Letitia Street and No 32 Frederick Street, Oatley	12m	2.5:1
124)	No.'s 20-26 Letitia Street, Oatley	12m	2.5:1
Oatley Precinct – Oatley Centre Area zoned B1 – Neighbourhood Centre			
125)	No 200 Hurstville Road, Oatley	12m	1.5:1
Oatley Precinct – Oatley Centre Area zoned R3 – Medium Density Residential			
126)	Land bounded by Hurstville Road, Rosa Street, Neville Street and Oatley Avenue, Oatley.	12m	1:1
Penshurst Precinct - Hillcrest Avenue Area zoned B1 – Neighbourhood Centre			
127)	No.'s 79 – 83A Hillcrest Avenue, Penshurst	9m	1.8:1
Penshurst Precinct - Penshurst Centre Area zoned B2 – Local Centre			
128)	No.'s 1-25 The Strand, No 5 Railway Parade, No.'s 4-26 The Strand and No.'s 1-3 Laycock Road, Penshurst	21m	2.5:1
Ramsgate Precinct - Ramsgate Centre Area zoned B2 – Local Centre			
129)	Ramsgate Centre	21m	2.5:1
Ramsgate Precinct – Ramsgate Centre Area zoned R3 – Medium Density Residential			

Item II (cont.)

130)	No.'s 2-8 Targo Road and No.'s 66-68 Ramsgate Road, Ramsgate	15m	1.5:1
131)	No.'s 4-10 Dalkeith Street, Ramsgate	15m	1.5:1
132)	No. 2A Torwood Street and No.'s 259-271 Rocky Point Road, Ramsgate	15m	1.5:1
Sans Souci Precinct - Rocky Point Road Area zoned B1 – Neighbourhood Centre			
133)	No 8 Water Street and No 507 Rocky Point Road, Sans Souci	15m	2:1
Sans Souci Precinct – Sans Souci Centre Area zoned B1 – Neighbourhood Centre			
134)	No.'s 331-333 Rocky Point Road and No 1A Newcombe Street, Sans Souci	15m	2:1
135)	No.'s 335 – 363 Rocky Point Road, Sans Souci	15m	2:1
136)	No.'s 341-347 Rocky Point Road, Sans Souci (rear portion of SP6966 and Lot 41, DP703108)	9m	0.55:1
137)	No.'s 365 – 381 Rocky Point Road, Sans Souci	15m	2:1
Sans Souci Precinct – Rocky Point Road Area zoned R3 – Medium Density Residential			
138)	No.'s 431A-451 Rocky Point Road and No.'s 2 – 4 Harris Street, Sans Souci	9m	0.7:1
139)	No.'s 469 – 473 Rocky Point Road, Sans Souci	9m	0.7:1
South Hurstville Precinct – South Hurstville Centre Area zoned B2 – Local Centre			
140)	No.'s 797-789 King Georges Road, South Hurstville	12m	1:1
141)	Nos. 799-801 King Georges Road, No 18 Greenacre Road, No.'s 59-65 Connells Point Road, South Hurstville	21m	2.5:1
142)	Nos. 803-835 King Georges Road, 33A Grosvenor Road, 66-68 Connells Point Road and 2-4 The Mall, South Hurstville	21m	2.5:1
143)	No 57 Connells Point Road and No 838 King Georges Road, South Hurstville	21m	2.5:1
144)	No.'s 42-58 Connells Point Road, 840A-848 King Georges Road and 48-50 Allen Street, South	21m	2.5:1

Item II (cont.)

	Hurstville		
145)	No 1 Allen Street, No 850-864 King Georges Road, South Hurstville	21m	2.5:1
South Hurstville Precinct – South Hurstville Centre Area zoned R3 – Medium Density Residential			
146)	Eastern side of King Georges Road - Land bounded by Woniora Road, Joffre Street, Culwulla Street, King Georges Road, Blakesley Road, Kairawa Street, Short Street, Grosvenor Road, Tavistock Road and Blakesley Road, South Hurstville	9m – 21m	0.7:1 – 2.5:1
147)	Western side of King Georges Road – Land bounded by King Georges Road, Terry Street, The Mall, Tavistock Road and Grosvenor Road, South Hurstville	9m – 12m	0.7:1 – 1:1
148)	No.'s 4 – 16 Rickard Road, No 20 Rickard Road, No.'s 1 – 5 Greenacre Road and No.'s 9 – 17 Greenacre Road, South Hurstville	9m	0.7:1
149)	No.'s 42 – 46 Greenacre Road, No.'s 87 – 89 Connells Point Road and No.'s 101 -103 Greenacre Road, South Hurstville	9m	0.7:1
150)	No 88 Connells Point Road and No 2A The Mall, South Hurstville	12m	1:1
151)	No.'s 2 – 44 Homedale Crescent and No.'s 67 – 95 Greenacre Road, Connells Point	9m	0.7:1
152)	No 2A Hurstville Road and No.'s 751 – 761 King Georges Road, Hurstville	9m	0.7:1
153)	No.'s 2 – 10 Halstead Street and No.'s 763 – 775 King Georges Road, South Hurstville	9m	0.7:1
154)	No.'s 2 – 2A William Street and No 1A Rickard Road, South Hurstville	9m	0.7:1

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

Item II (cont.)

Column A	Column B
Allawah Precinct	
No 26 Lancelot Street, Allawah	Increase height from 15m to 21m and FSR from 1.5:1 to 2.5:1
Blakehurst Precinct – Blakehurst Centre	
No 36 Bunyala Street, Blakehurst	Increase height from 15m to 21m and FSR from 1.5:1 to 2:1
No.'s 416 – 422 Princes Highway, Blakehurst	Rezone from R2 – Low Density Residential to R3 – Medium Density Residential with FSR of 1.5:1
No.'s 396-398, 402 and 410-422 Princes Highway, Blakehurst	Rezone from R2 – Low Density Residential to R3 – Medium Density Residential with FSR of 1.5:1
Phillip Street and Stuart Street, Blakehurst	Rezone from R2 – Low Density Residential to R3 – Medium Density Residential and allow 5 -7 storey development.
No 703 Princes Highway, Blakehurst	Rezone from R2 – Low Density Residential to R3 – Medium Density Residential or R4 – High Density Residential
Blakehurst Precinct – Blakehurst Waterfront	
No 430-432 Princes Highway, Blakehurst	Increase height from 21m to 33m and FSR from 2:1 to 3:1
No 474 Princes Highway, Blakehurst	Increase FSR from 2:1 to 3:1 and reduce Foreshore Building Line (FBL) from 12m to 3m
Blakehurst Precinct – Terry Street	
No.'s 11-13 Heath Road, Blakehurst	Rezone from R2 – Low Density Residential to R3 – Medium Density Residential and increase height from 8.5m to 9m and FSR from 0.55:1 to 0.7:1
Carlton Precinct – Enterprise Corridor	
No 65 and 65A Westbourne Street, Carlton	Rezone from R2 – Low Density Residential to B6 – Enterprise Corridor
No.'s 267-271 Princes Highway, Carlton	Increase the percentage of allowable residential floor space from 65% to 80%
No 251 Princes Highway, Carlton and 71-73 Jubilee Avenue, Carlton	Increase height from 21m to 23.2m and FSR from 2:1 to 3:1, with 2.7:1 being residential floor space and 0.3:1 being commercial floor space
No 31 & 33 O'Meara Street and 32 & 34 Westbourne Street and 287-293 Princes	Reduce the commercial component in the B6 – Enterprise Corridor zone and increase FSR from 2:1 to 2.5:1

Item II (cont.)

Highway, Carlton	
No 124 Princes Highway, Beverley Park (St George Leagues Club)	Remove FSR requirements for the site
Carlton Precinct – Princes Highway Centre	
No 71 Francis Street, Carlton	Rezone from R2 – Low Density Residential to B6 – Enterprise Corridor
No 399-403 Princes Highway, Carlton	Increase height from 15m to 17m and FSR from 1.5:1 to 1.75:1
No.'s 190-194, 198, 204, 208-212 & 216 Princes Highway and 5 John Street and No 70-72 Park Road and No.'s 1-3 and 2-6 Lacey Street, Kogarah Bay	Rezone from R3 – Medium Density Residential to B2 – Local Centre and increase FSR from 2:1 to 3:1
Block bounded by John Street, Park Road, Princess Highway and Lacey Street	Increase FSR from 2:1 to 2.7:1
Carlton Precinct – Railway Parade	
No 308-310 Railway Parade, 2-8 Jubilee Avenue and 336-338 Railway Parade, Carlton	Increase height from 21m to 30m
No 318, 322, 324, 328 & 330 Railway Parade, Carlton	Increase FSR from 2.5:1 to 3:1
Carss Park Precinct – Carss Park Centre	
No.'s 2-4 Currawang Street, Carss Park	Rezone from R2 – Low Density Residential to R3 – Medium Density Residential and increase height from 8.5m to 12m and FSR from 0.55:1 to 1.5:1
Hurstville Precinct – Hurstville Centre	
No.'s 3-5 West Street, Hurstville	Increase FSR from 4.5:1 to 6:1
No 3 Hillcrest Avenue, Hurstville	Rezone land within 400m of Hurstville Station from R2 – Low Density Residential to R4 – High Density Residential
No 3 – 11 Hillcrest Avenue, Hurstville	Increase height to 21m and FSR to 2.5:1

Item II (cont.)

No.'s 7-9 Hillcrest Avenue, Hurstville	Rezone from R2 – Low Density Residential to R3 – Medium Density Residential
Kogarah Precinct – Kogarah North	
No 41 – 47 Princes Highway, Kogarah	Increase the height from 33m to 40m and FSR from 4:1 to 4.5:1
No 41- 47 Princes Highway, Kogarah	Increase height from 33m to 52m and FSR from 4:1 to 6.5:1
Kogarah Precinct – Princes Highway	
No.'s 38-50 Princes Highway, Beverley Park	Rezone from R2 – Low Density Residential to R3 – Medium Density Residential
Mortdale Precinct – Mortdale Centre	
No 83 Railway Parade, Mortdale	Rezone from R2 – Low Density Residential to B2 – Local Centre and increase height from 8.5m to 21m and FSR from 0.55:1 to 2.5:1
Oatley Precinct – Oatley Centre	
Judd Street, Oatley	Rezone Judd Street from R2 – Low Density Residential to R3 – Medium Density Residential
No 113 Hurstville Road, Oatley	Rezone from R2 – Low Density Residential to R3 – Medium Density Residential.
No 200 Hurstville Road, Oatley	Rezone from B1 – Neighbourhood Zone to B2 – Local Centre zone and increase height and FSR
Penshurst Precinct – Hillcrest Avenue	
No 77 Hillcrest Avenue, Hurstville Grove	Rezone from R2 – Low Density Residential to B1 – Neighbourhood Centre
Penshurst Precinct – Penshurst Centre	
No 1 Penshurst Avenue, Penshurst	Rezone from R2 – Low Density Residential to R3 – Medium Density Residential
Ramsgate Precinct – Ramsgate Centre	
No.'s 2-6 Targo Road, 66-68 Ramsgate Road and 193 – 195 Rocky Point Road, Ramsgate	Rezone the portion of the site that is currently R3 – Medium Density Residential to B2 – Local Centre and increase height from 15-21m to 15-30m and apply a 2.5:1 FSR across the whole site.
No 15 Dalkeith Street, Ramsgate	Rezone the western side of Dalkeith Street from R2 – Low Density Residential to R3 – Medium Density and increase height from 8.5m to 15m and FSR from 0.55:1 to 1.5:1.

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Sans Souci Precinct – Sans Souci Centre	
No 299 Rocky Point Road, Sans Souci	Rezone from R2 – Low Density Residential to R3 – Medium Density Residential
No.'s 383 – 403 Rocky Point Road, Sans Souci	Rezone from R2 – Low Density Residential to B1 – Neighbourhood Centre and increase height from 8.5m to 15m and FSR from 0.55:1 to 2:1.
No.'s 365 – 377 Rocky Point Road, Sans Souci	Increase height from 15m to 21m and not include FSR requirements
South Hurstville Precinct – South Hurstville Centre	
No 16 & 18 Joffre Street, South Hurstville	Increase FSR from 1:1 to 1.25:1
No 30 Culwulla Street, South Hurstville	Rezone from R2 – Low Density Residential to R3 – Medium Density Residential
No.'s 35, 37, 39 & 41 Grosvenor Road, South Hurstville	Rezone from proposed R3 – Medium Density Residential to B2 – Local Centre and increase height from 15m to 21m and FSR from 1.5:1 to 2.5:1
No.'s 105, 107, 109 and 111 Connells Point Road, South Hurstville	Rezone from R2 – Low Density Residential to R3 – Medium Density Residential
No.'s 857 – 861 King Georges Road, South Hurstville (Anglican Retirement Village)	Increase height from 9m to 12m and FSR from 0.7:1 to 1:1

- e) That the amended Planning Proposal referred to in c) above, including the draft LEP instrument and LEP maps, be forwarded to the NSW Department of Planning & Environment in accordance with Section 59 of the Environmental Planning & Assessment Act 1979.
- f) That the Director General be requested to make arrangements for the legal drafting of Kogarah's LEP 2012 (Amendment 2), based on the draft LEP instrument included in the amended Planning Proposal.
- g) That those persons who made a written submission on the Planning Proposal for the New City Plan be notified of Council's decision.

Background

Item II (cont.)

1. Council, at its meeting on 28 July 2014, considered a report on a Planning Proposal to make amendments to Kogarah Local Environmental Plan (LEP) 2012. The proposed amendments included options for additional housing opportunities across the City of Kogarah to meet the future needs of the community.
2. The Planning Proposal, referred to as the New City Plan, was prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (the Act) and was submitted to the Department of Planning and Environment in August 2014. It includes proposals to amend zonings and land use tables, introduce height and floor space ratio controls (principal development standards) and review and amend the associated maps.
3. An overview of the key changes relating to the proposed zoning, height and Floor Space Ratio (FSR) in the Planning Proposal are included at **Appendix 1 – Overview of Key Changes**.
4. The Gateway Determination was issued by the Minister for Planning on 15 December 2014 and this allowed Council to proceed with the public exhibition of the New City Plan and undertake formal government agency consultation.
5. Council, at its meeting on 23 February 2015, resolved to exhibit the New City Plan and associated documentation in accordance with the requirements of the Gateway Determination dated 15 December 2014 and the Engagement Strategy, as endorsed by Council.
6. At its meeting of 27 July 2015, Council considered a report on the status of the Planning Proposal to make amendments to Kogarah Local Environmental Plan (LEP) 2012, known as the New City Plan, and overview of submissions. Council resolved that the report be received and noted. At that meeting it was also resolved that a Public Forum be held for community members to address Council regarding the New City Plan.
7. In accordance with that resolution, an Extraordinary Council Meeting was held on 31 August 2015 which included the Public Forum for Council to receive further representations. At that meeting Council resolved (Minute No. 114/2015):
 - a) *That the report on the Council Officer's response to submissions on the New City Plan, annexed to the report, be received.*
 - b) *That addresses on the New City Plan made to Council during Public Forum at the Extraordinary Meeting of 31 August 2015 be considered.*
8. This report responds to submissions received as a result of the public exhibition including the Public Forum and consultation with public authorities, and seeks Councils consideration of the New City Plan for referral to the Minister for Planning & Environment.
9. It should be noted that this report does not deal with the area that is within the Kogarah Town Centre and is zoned B4 – Mixed Use. This area has been excluded from consideration in this report and is dealt with as a separate report. A map

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indicating the area that is excluded from consideration in this report is included at
Appendix 2 – B4 – Mixed Use Zone – Kogarah Town Centre.

Report Breakdown

10. For ease of reference the report is divided into the following sections:

- Background
Appendix 1 – Overview of Key Changes
Appendix 2 – B4 – Mixed Use Zone – Kogarah Town Centre
- Public Exhibition of the New City Plan
- Request for Public Hearing
- Public Hearing into the Reclassification of Council Owned Land
Table 1: Reclassification of Land from “Community” to “Operational”
Appendix 3 – Reclassification of Council owned land
Appendix 4 – Report on the Public Hearing for the Reclassification of Land
- Impacts of Proposed Changes on Council Owned Land
Appendix 5 – Impacts of Proposed Changes on Council Owned Land
Table 2: Proposed Changes – Council Owned Land
- Consultation with Government Authorities
Table 3: Government Authority Notification
Table 4: Overview of Submissions from Government Authorities
Appendix 6 – Submissions from Government Authorities
Appendix 7 – Review of Government Submissions
- Submission from Roads and Maritime Services (RMS) and Transport for NSW (TfNSW)
Appendix 8 – Traffic Generation Analysis – Impact of the New City Plan on Regional Roads in the LGA
- Overview of Submissions
Table 5: Submission Breakdown
Figure 1: Overview of submissions, by households
- Overview of Submissions – Post Exhibition
Appendix 9 – Summary of Submissions Received Post Exhibition
- Overview of the Public Forum
Table 6: Key Issues – Public Forum
Appendix 10 – Summary of Oral Submissions (Public Forum 31 August 2015)
- Submission Summary
Appendix 11 – Submission Summary
Appendix 12 – Daintry Submission, on behalf of the United Kogarah Residents Association (UKRA)

A. GENERAL ISSUES

- (i) Consultation Process
- (ii) Legislative Requirements and Due Process
- (iii) Kogarah 2031 Housing Strategy
- (iv) Housing Targets
- (v) Housing Choice
- (vi) Housing Affordability
- (vii) Lack of Supporting Studies
- (viii) Traffic, transport and parking
- (ix) Infrastructure Capacity
- (x) Reclassification of Public Land and loss of Open Space
- (xi) Council rates and Developer Contributions
- (xii) Rezoning of Council owned Land
- (xiii) Potential loss of Kogarah's streetscape and character
- (xiv) Heritage issues
- (xv) Foreign Investment and Developer Speculation
- (xvi) Adverse impact on amenity and quality of life
- (xvii) E4 – Environmental Living zone
- (xviii) Dual Occupancy Development
- (ix) Subdivision
Figure 2: Current and proposed minimum lot subdivision requirements for R2 – Low Density Residential
- (xx) Design Standards

B. MULTI-UNIT PRECINCTS

Appendix 13 – Precinct Analysis

- (i) Blakehurst Precinct (Blakehurst Waterfront)
- (ii) Carlton Precinct (Enterprise Corridor)
- (iii) Carlton Precinct (Princes Highway Centre)
Block 1 – Rezoning of western side of the Princes Highway between Westbourne Street and Plant Street
Block 2 – Rezoning of eastern side of the Princes Highway, between Stubbs Street and Park Road
- (iv) South Hurstville Precinct (South Hurstville Centre)
- (v) Kogarah Precinct (Kogarah North)

C. RECOMMENDATIONS FOR PRECINCTS

Table 7: Precinct Recommendations
Appendix 13 – Precinct Analysis

D. LEP AMENDMENTS

- (i) Rezoning Requests – RE1 – Public Recreation Zone
Table 8: Rezoning Requests – RE1 – Public Recreation
- (ii) Schedule 1 – Additional Permitted Uses
Table 9: Schedule 1 Requests

Item II (cont.)

(iii) Schedule 5 – Environmental Heritage

Table 10: Requests relating to Heritage Properties

E. MATTERS REQUIRING FURTHER CONSIDERATION

Table 11: Specific Requests**Table 11(a):** Specific Requests – Post Public Forum

- Post exhibition changes recommended to the Planning Proposal
 - (i) No 53 Halstead Street, South Hurstville
 - (ii) Height of Buildings for R2 – Low Density Residential Land
 - (iii) Minor anomalies and errors
- Next Steps

Public Exhibition of the New City Plan

11. The public exhibition of the New City Plan included consultation with the community, stakeholders and State Government Authorities. It was exhibited for a total of 61 days, from 30 March 2015 until 29 May 2015. Submissions continued to be lodged and accepted after the completion of the formal exhibition period and all of the exhibition material remains available online and at Council's Customer Service Centre.
12. The New City Plan, associated supporting documentation and explanatory materials were placed on exhibition in accordance with the requirements of:
 - the Environmental Planning and Assessment Act;
 - the Regulations;
 - the Gateway Determination; and
 - the Engagement Strategy endorsed by Council at its meeting on 23 February 2015.
13. It should be noted that the endorsed Engagement Strategy and the exhibition of the Planning Proposal for the New City Plan exceeded the requirements of the Gateway Determination issued by the NSW Department of Planning & Environment which stated:

Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (the Act) as follows:

- (a) *the planning proposal must be made publicly available for a minimum of 28 days; and*
- (b) *the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Planning & Infrastructure 2013)*

14. The exhibition and supporting material comprised the following:

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- An Information Package that was posted to all property owners and residents, being a letter signed by the Mayor and General Manager and a twelve page New City Plan newsletter, which included information on the key proposed changes.
 - A Media Release that appeared in the local paper (St George Leader) prior to the commencement of the exhibition period, advising of the commencement date of the exhibition.
 - Notice of the exhibition of the New City Plan published in the local paper and other relevant newspapers (Greek and Chinese) at the commencement, and during, the exhibition period. A total of seven (7) advertisements were placed in the St George and Sutherland Shire Leader newspaper and one advertisement in two Chinese newspapers and one Greek newspaper. This exceeded the two advertisements required as part of the Engagement Strategy endorsed by Council.
 - 205 phone calls were received by Council planning staff on the New City Plan enquiry line and face to face meetings with residents were conducted as requested.
15. Detailed information, including a series of Fact Sheets, the New City Plan and associated maps, strategic planning documents and relevant Council reports were made available at Council's Customer Service Centre and the three libraries at Kogarah Town Square, South Hurstville and Oatley.
16. Council's website hosted a specific web page for the exhibition of the New City Plan, including an on-line submission tool, downloadable information and an interactive mapping tool. Planners attended to many enquiries at the Customer Service Centre and the website received over 13,000 unique views.
17. Council formally notified all relevant Government agencies and invited comments on the proposed changes.

Request for Public Hearing

18. A number of submissions (both proforma and individual submissions) requested that Council hold a public hearing in respect to the proposed changes identified in the New City Plan.
19. In summary, the following issues were raised with respect to the requests for a public hearing:
- Increased pressure on the existing road network and lack of available parking, particularly in centres across the Local Government Area (LGA).
 - Proposed removal of the E4 – Environmental Living Zone in foreshore areas and proposed increased development in areas that are not easily accessible by public transport.
 - Lack of supporting documentation (e.g. TMAP, Traffic and Parking Study, Transport Network Study, Social Impact Study and Biodiversity Study) prepared prior to the preparation of the Kogarah 2031 Housing Strategy to inform the identification of areas subject to increased development.

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- The proposed changes do not maintain or enhance the neighbourhood character of existing residential areas.
 - Increased densities along the Princes Highway and Rocky Point Road corridor and other areas where there are already existing road network capacity issues and inadequate public transport (out of centres).
 - No identification of additional open space opportunities (both passive and active) to meet the needs of the future growth in population across the LGA.
 - Inadequate information on whether the existing infrastructure (social, economic and hard) has the capacity to cope with the scale of planned development and population growth.
 - Concern with respect to the scale and design of proposed new development and how it would impact on the quality of life and amenity for existing and future residents (e.g. overshadowing, privacy, noise, pollution, outlook, loss of views, property values).
 - Lack of engagement with the community in the development of the Kogarah 2031 Housing Strategy.
20. Council, at its meeting of 27 July 2015 considered a report which provided an overview of the issues raised during the exhibition of the New City Plan and addressed the request for a Public Hearing, which was raised in a number of the submissions.
21. A public hearing can be held under Section 57 of the Environmental Planning and Assessment Act. This section relates to community consultation and includes requirements for requests for public hearings on the issues raised in submissions.
22. The report to Council on 27 July, 2015 concluded that the issues identified in the submissions are known and have been adequately addressed, as detailed in the annexures to that report, and accordingly it was recommended that a public hearing was not necessary to provide any additional information regarding the issues raised and that no action be taken with regard to the requests for a public hearing under Section 57 of the Environmental Planning and Assessment Act 1997.
23. Council, at its meeting on 27 July 2015 subsequently resolved (Min No. 93/2015):
- a) *That the report on the status of the New City Plan and the overview of submissions be received and noted.*
 - b) *That no action be taken to hold a public hearing under Section 57 of the Environmental Planning and Assessment Act 1979.*
 - c) *That a Public Forum be held for community members to address Council regarding the New City Plan.*
24. In accordance with Council's resolution, a Public Forum was held on Monday, 31 August 2015. Details relating to the Public Forum, including a summary of issues raised by speakers at the Public Forum are included further in the body of this report.

Public Hearing into the reclassification of Council owned land

Item II (cont.)

25. As part of the Planning Proposal, Council resolved to reclassify three parcels of land from “community” to “operational” land under the provisions of Division 1 of Part 2 of the *Local Government Act 1993*.
26. In accordance with s29 of the Local Government Act 1993 (LGA), Council must arrange a public hearing where it is proposed to reclassify community land to operational land as follows:

29 Public hearing into reclassification

- (1) *A council must arrange a public hearing under section 68 of the Environmental Planning & Assessment Act 1979 in respect of a proposal in a draft local environmental plan to reclassify community land as operational land as if it had received and decided to deal with a submission as referred to in that section that the land be so reclassified.*
- (2) *A council must, before making any resolution under section 32, arrange a public hearing in respect of any proposal to reclassify land as operational land by such a resolution.*
27. In accordance with the requirements of the Gateway Determination, a public hearing was held on Wednesday, 3 June 2015 in the Council Chambers. That public hearing however related specifically to the proposed reclassification of three parcels of open space land. A public hearing regarding reclassification of public land is required to be held after the close of the exhibition period under section 68 of the Environmental Planning and Assessment Act (section 29 of the Local Government Act).
28. **Table 1** below identifies land which is proposed to be reclassified from “community” to “operational” and the reasons for this reclassification. Maps of each of the sites are included in **Appendix 3 – Reclassification of Council Owned Land**.

Table 1 – Reclassification of Land from “Community” to “Operational”

Site Description	Zone	Proposed Use	Potential Financial Benefit
1A Stuart Crescent, Blakehurst (Lot 2, DP 794233)	RE1	Proposed to be rezoned to R2 – Low Density Residential. Isolated foreshore lot which is only accessible via private property or the water. Potential sale of the site to adjoining owner to provide waterfront access.	Classification to operational allows for sale to the adjoining owner. Potential sale would generate revenue for Council for utilisation on open space elsewhere in the City
No. 21A Queens Road, Connells Point (Lot E, DP: 373733)	RE1	Proposed to be rezoned to R2 – Low Density Residential. Isolated foreshore lot which is	Classification to operational allows for the continuation of the lease or sale to the adjoining

Item II (cont.)

Site Description	Zone	Proposed Use	Potential Financial Benefit
		only accessible via private property or the water. Currently the land is leased to the adjoining owners at No 15 and No 21 Queens Road and could continue to be used as private land.	owners. Potential sale would generate revenue for Council for utilisation on open space elsewhere in the City.
No. 8A Wyong Street, Oatley (LOT: 15 DP: 746853)	E4	Proposed to be rezoned to R2 – Low Density Residential. Subject site adjoins the railway reserve to the rear of the site however there is no direct access to the reserve. The parcel is adjoined by residential dwellings and provides no link to existing open space corridors. The site could be sold as a residential lot.	Classification to operational allows for sale of the site. Potential sale would generate revenue for Council for utilisation on open space elsewhere in the City.

29. The public hearing was independently chaired by Mr Michael McMahon. Nine (9) members of the public attended the meeting and three persons arrived as the hearing concluded. A copy of the report prepared by Mr McMahon is included in **Appendix 4 – Report on the Public Hearing for the Reclassification of Land.**
30. The following is a summary of the outcome of the Public Hearing with the Council Officer's recommendations:

Site Description	Comments	Recommendation
1A Stuart Crescent, Blakehurst (Lot 2, DP 794233)	<ul style="list-style-type: none"> During the reclassification process it was identified that the land is not in Council's ownership. The current owner is the Minister for Planning & Environment Council cannot proceed without further consultation with the Department of Planning and Environment to reclassify the land. This action would be pursued as a 	<i>Amend the Planning Proposal to retain the RE1 – Public Recreation zone for No 1A Stuart Crescent, Blakehurst and remove reference from the Planning Proposal to the reclassification of the land.</i>

Item II (cont.)

Site Description	Comments	Recommendation
	component of a future Planning Proposal subject to discussions with the Department of Planning & Environment.	
No. 21A Queens Road, Connells Point (Lot E, DP: 373733)	<ul style="list-style-type: none"> No objection raised by those present at the Public Hearing. At the time of the Public Hearing it was identified that the land had not been formally identified in Council's name. Transfer of title appeared in the Government Gazette on 24 July 2015 The adjoining owners at No 21 and No 15 Queens Road have both made submissions to purchase the portion of the property which backs onto their current property – this is a separate process outside of the LEP process. 	<p><i>Proceed with the rezoning of No 21A Queens Road, Connells Point from Re1 – Public Recreation to R2 – Low Density Residential.</i></p> <p><i>Proceed with the reclassification of No 21A Queens Road, Connells Point from “community” to “operational” land as exhibited in the Planning Proposal.</i></p> <p><i>Present a further report to Council on the disposal of No 21A Queens Road, Connells Point.</i></p>
No. 8A Wyong Street, Oatley (LOT: 15 DP: 746853)	<ul style="list-style-type: none"> Isolated open space, situated between two dwellings and backing onto the railway reserve. Council currently maintains the land (grass mowing) but there is no play equipment or furniture situated in the park. Site is affected by a sewer and stormwater drain (running along each boundary). It was argued at the Public Hearing that the land could be enhanced and made to be more useable. Unanimous opposition at the Public Hearing to the reclassification of land. Should Council proceed with the reclassification and disposal of the land, the money should be utilised on open space improvements in Oatley. 	<i>That the reclassification of No 8A Wyong Street, Oatley not proceed.</i>

Item II (cont.)

Impacts of Proposed Changes on Council Owned Land

31. The report presented to Council on the 27 July 2014 seeking Council's endorsement to submit the draft Planning Proposal to the Department of Planning identified that a number of changes proposed to Kogarah LEP 2012 would have an impact on Council owned properties.
32. These proposed changes may have the effect of increasing the value of the land and/or increasing the development potential of the land.
33. **Table 2** below identifies those properties that are in Council's ownership and summarises the proposed changes. Additional details, including the current classification of Council owned land is included at **Appendix 5 - Impacts of Proposed Changes on Council Owned Land**.

Table 2: Proposed Changes – Council Owned Land

Precinct	Name of Property/ Property Address	Zone	FSR (Proposed)	Height (Proposed)
Blakehurst Centre – Blakehurst Precinct	Blakehurst Car Park 591-611 Princes Highway BLAKEHURST (LOT: 3 DP: 15830, LOT: 4 DP: 15830; LOT: 1 DP: 1108360; LOT: 2 DP: 1108360	B1 – Neighbourhood Centre to B2 – Local Centre	2.5:1	21m
Princes Highway Centre – Carlton Precinct	Park Road Car Park 59 Park Road KOGARAH BAY LOT: 22 DP: 621512	R2 – Low Density Residential to B2 – Local Centre	2.5:1	21m
	Buckley Reserve 356 Railway Parade CARLTON	No change to zoning B2 – Local Centre	2.5:1	21m
Hurstville Centre – Hurstville Precinct	Vacant Land 582 Railway Parade HURSTVILLE LOT: 100 DP: 880038	No change to zoning B4 – Mixed Use	4.5:1	39m
Oatley Centre – Oatley Precinct	Oatley Car Park 13 Letitia Street	No change to zoning B2 – Local	2.5:1	12m

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Precinct	Name of Property/ Property Address	Zone	FSR (Proposed)	Height (Proposed)
	OATLEY LOT: 2 DP: 229155	Centre		
Oatley Centre – Oatley Precinct	Oatley Library 26 Letitia Street OATLEY LOT: 42 DP: 534283	No change	2.5:1	12m
Oatley Baby Centre	26A Letitia Street OATLEY LOT: 41 DP: 534283	No change	2.5:1	12m
Ramsgate Car Park	2 Dalkeith Street, Ramsgate LOT: 8 DP: 7364 89 Ramsgate Road, Ramsgate Lot 2, DP860064	R3 – Medium Density Residential to B2 – Local Centre	2.5:1	21m
South Hurstville Library	1 Allen Street SOUTH HURSTVILLE LOT: 10 & 11 DP: 16464	No change	2.5:1	21m
South Hurstville Car Park	6 Allen Street SOUTH HURSTVILLE LOT: C DP: 17767	R3 – Medium Density Residential to B2 – Local Centre	2.5:1	21m
South Hurstville Car Park	63 Connells Point Road SOUTH HURSTVILLE LOT: 1 DP: 233088	No change	2.5:1	21m
Princes Highway Centre Car Park	68A Park Road CARLTON LOT: 103 DP: 810718	B1 – Neighbourhood Centre to B2 – Local Centre	2.5:1	21m
Carlton Centre	282A Railway Parade CARLTON LOT: 3 DP: 734336	No change	2.5:1	21m
Carlton Centre	286 Railway Parade CARLTON LOT: 12 DP: 627414	No change	2.5:1	21m

Item II (cont.)

Precinct	Name of Property/ Property Address	Zone	FSR (Proposed)	Height (Proposed)

Consultation with Government Authorities

34. In accordance with the Gateway Determination issued on 15 December 2014, Council was required to consult with a number of Government Authorities. The Gateway Determination required, at a minimum, that the Planning Proposal be referred to the following Government Authorities:
- Department of Education & Communities
 - Office of Environment & Heritage
 - Ausgrid
 - NSW Health Infrastructure
 - Transport for NSW (TfNSW)
 - Roads & Maritime Services (RMS)
 - Sydney Water Corporation
 - Adjoining councils
35. Council formally notified thirty (30) Government Agencies and invited comments on the proposed changes. Council also notified the adjoining councils and State Members of Parliament of the exhibition of the Planning Proposal.
36. During the exhibition period, Council received fifteen submissions from public authorities. A copy of all the submissions is included in **Appendix 6 - Submissions from Government Authorities**.
37. Submissions were also received from:
- Rockdale City Council;
 - The Member for Kogarah, Chris Minns MP; and
 - The Member for Rockdale, Stephen Kamper, MP; and
 - The Federal Member for Banks, David Coleman, MP.
38. **Table 3: Government Authority Notification** below identifies the list of authorities notified as part of the exhibition of the Planning Proposal and whether they made a submission to the Planning Proposal.

Table 3: Government Authority Notification

	Government Authority	Submission
1	Community Relations Commission	No
2	Department of Finance and Services	No
3	Department of Family and Community Services	No
4	Department of Education and Communities	Yes
5	Office of Environment and Heritage	Yes
6	Department of Premier & Cabinet	No
7	Heritage Council of NSW	Yes

Item II (cont.)

8	Department of Primary Industries	No
9	NSW Trade & Investment	No
10	NSW Office of Communities Sport and Recreation	No
11	Ausgrid	Yes
12	NSW Health Infrastructure	Yes
13	NSW Land and Housing Corporation	Yes
14	UrbanGrowth NSW	No
15	Transport for NSW (TfNSW)	Yes
16	Corrective Services NSW	No
17	NSW Police Force	No
18	Sydney Trains – Land Use and Planning	No
19	Roads and Maritime Services (RMS)	Yes
20	Sydney Water Corporation	No
21	TAFE NSW	No
22	Telstra	No
23	Sydney Airport Corporation Ltd	Yes
24	Department of Infrastructure and Regional Development	Yes
25	Air Services Australia	Yes
26	Civil Aviation Safety Authority	Yes
27	NSW Police Force – St George Local Area Command	No
28	NSW Rural Fire Service	Yes
29	South Eastern Sydney Local Health District	Yes
30	St George & Sutherland Housing Interagency	Yes

	Adjoining Council and Members of Parliament	Submission
1	Sutherland Shire Council	No
2	Hurstville City Council	No
3	Rockdale City Council	Yes
4	Mark Coure, MP – Member for Oatley	No
5	Stephen Kamper, MP – Member for Rockdale	Yes
6	Chris Minns, MP – Member for Kogarah	Yes
7	David Coleman, MP – Federal Member for Banks	Yes

39. An overview of the issues raised in these submissions is provided in **Table 4** below. A detailed summary and discussion of each of the issues raised is included in **Appendix 7 – Review of Government Submissions**.

Table 4 – Overview of Submissions from Government Authorities

Government Authority	Issue/Comment	Recommendation
Department of Education and Communities (DEC)	Object to the zoning of DEC owned land as SP2 – Educational Establishment zone. Request that land in their ownership be zoned the same as the adjoining zone.	SP2 zone be retained – no change to Planning Proposal.
	Request to include <i>educational establishments</i> as a permitted use	Amend Planning Proposal to include <i>educational establishments</i>

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Government Authority	Issue/Comment	Recommendation
	in R2 & R3 zone	in the R2 – Low Density Residential and R3 – Medium Density Residential Land Use Tables as permitted with consent.
	Design issue – limiting scale of development adjacent to schools.	Develop detailed design controls for sites adjoining educational facilities through the Development Control Plan (DCP).
Office of Environment & Heritage	Support for proposed E2 – Environmental Conservation zoning of land adjacent to Kyle Williams Reserve (land in private ownership).	Noted – no change to Planning Proposal.
Heritage Council of NSW	Deletion of Item I117 Mortdale Station and car sheds from KLEP 2012 is supported.	Noted – No change to Planning Proposal.
	Removal of the carpark of No 671 King Georges Road from Schedule 1 is supported.	Noted – No change to Planning Proposal.
	The down zoning of the area within the Kogarah South Heritage Conservation Area from R3 – Medium Density Residential to R2 – Low Density Residential is supported.	Noted – No change to Planning Proposal.
	Consideration should be given to the potential for significant historic archaeology or relics that may be uncovered by future ground disturbance.	No change proposed to Planning Proposal – This issue would be dealt with during the assessment of a development application, where excavation is proposed.
Ausgrid	Request rezoning of No 1A Gray Street, Kogarah from SP2 – Infrastructure to B4 – Mixed Use zone as this has been identified as redundant infrastructure by Ausgrid.	This has been detailed in the report to Council that deals with the B4 – Mixed Use zone for the Kogarah Town Centre
NSW Health Infrastructure	Object to proposed rezoning of No 30 -38 Belgrave Street and 4-10 South Street, Kogarah to SP2 – Infrastructure.	This has been detailed in the report to Council that deals with the B4 – Mixed Use zone for the Kogarah Town Centre.

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Government Authority	Issue/Comment	Recommendation
TfNSW	Request for Council to prepare traffic and transport assessment for identified precincts within the Planning Proposal.	This work has been undertaken and has been submitted to RMS and TfNSW. A detailed discussion is provided below with respect to the analysis.
	Outdated reference to Metropolitan Strategy in the Planning Proposal.	Amend Planning Proposal to include reference to <i>A Plan for Growing Sydney</i> .
	Noise from rail corridor and impact on increased development along the corridor.	Amend Planning Proposal to include discussion on the potential noise and vibration impacts and reference the Infrastructure SEPP and the NSW Department of Planning's Interim Guidelines for Development on Rail/Road Corridors.
		To be addressed in the preparation of detailed design controls (DCP) - specific requirements relating to noise and vibration along the railway line.
	Promoting walking and cycling and including end of trip facilities in high density areas.	To be addressed in the preparation of detailed design controls (DCP).
NSW Rural Fire Services (RFS)	Map areas of unmanaged vegetation greater than 1 hectare.	Noted - Council has no areas of unmanaged vegetation. No controls required to be included in the Planning Proposal.
Roads and Maritime Services (RMS)	Request for Council to prepare traffic and transport assessment for identified precincts.	This work has been undertaken and has been submitted to RMS and TfNSW. A detailed discussion is provided below with respect to the analysis.
South Eastern Sydney Local Health District	Promoting walking and cycling and including end of trip facilities in high density areas.	To be addressed in the preparation of detailed design controls (DCP).
St George & Sutherland Housing	The Planning Proposal lacks focus on the direct provision of affordable housing, Council to	Continue to advocate to the State Government to address the issue of affordable housing through the

Item II (cont.)

Government Authority	Issue/Comment	Recommendation
Interagency	advocate for relevant policy and legislative change.	preparation of Subregional Plans.
Sydney Airport Corporation (SAC)	Advice that the proposed building heights of 33m and 39m may intrude through the Obstacle Limitation Surface (OLS) and would require assessment and a determination by the Department of Infrastructure and Regional Development.	No change is proposed to existing KLEP 2012 provisions relating to airspace operations and the OLS, which require any development application above a certain height to be referred to SAC.
	Increasing densities within the ANEF should be avoided	There is only a small portion of land at the northern most boundary of the LGA (Hogben Park) that is affected by the ANEF. No change to density is proposed within the ANEF. Retain provisions relating to development and aircraft noise in KLEP 2012.
Department of Infrastructure and Regional Development	Concern that the Planning Proposal does not consider the impacts of the proposed height amendments on the prescribed airspace of Sydney Airport.	Amend the Planning Proposal to include reference to Direction 3.5(a) and (b) (Development Near Licensed Aerodromes) under section 117 Directions).
	Request that Council planning documents include reference to the requirement for controlled activity approval under the Regulations and the National Airports Safeguarding Framework (NASF). The aims of the NASF include the improvement of safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions.	The NASF are design controls/guidelines. To be addressed as part of the preparation of the detailed design controls/DCP, and incorporated, where appropriate.
Air Services Australia	Development proposals that would intrude into prescribed airspace are 'Controlled Activities' regulated under the Airports (Protection of Airspace)	As outlined above, KLEP 2012 contains provisions relating to airspace operations and the OLS, which requires any development application above a certain height to

Item II (cont.)

Government Authority	Issue/Comment	Recommendation
	Regulations 1996 and they must be notified.	be referred to SAC. Retain existing provision in KLEP 2012 relating to airspace operations.
Civil Aviation Safety Authority (CASA)	Council should ensure it implements the National Airports Safeguarding Framework (NASF).	The NASF are essentially design controls/guidelines. To be addressed as part of the preparation of the detailed design controls/DCP, and incorporated, where appropriate.
	Council should consider modifying Clause 6.5 of KLEP 2012 to reflect recent changes.	Noted – Council to check with the Department of Planning & Environment prior to finalising the Planning Proposal to ensure that the existing clause contained in KLEP 2012 is the most current provision.
Land and Housing Corporation	Supports the increase in development potential across the LGA.	Noted – No change to Planning Proposal.
	Requests an extension to the R3 – Medium Density Zone, south of Hurstville Station.	Not supported - This area is within the O'Briens Estate Heritage Conservation Area. Retain zoning, heights and FSR for this precinct, as exhibited in the Planning Proposal.
	Rezone the area that is not within the Penshurst Heritage Conservation Area between Penshurst and Mortdale Station to R3 – Medium Density Residential	Noted – outside of the scope of the current planning proposal and would require re-exhibition. Retain zoning, heights and FSR for this Precinct, as exhibited in the Planning Proposal.
	Increase the FSR from 0.55:1 in the Hurstville Station Precinct	Noted - Planning Proposal has proposed to increase heights up to 39m and FSR of 4.5:1. No change to Planning Proposal.
	Consider additional FSR and upzoning of land with 800m walking catchment of all railway stations.	Noted – increases in height and densities are proposed to the majority of areas within 800m walking catchment of railway stations.

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Government Authority	Issue/Comment	Recommendation
		No change to Planning Proposal.
Rockdale City Council (RCC)	Development standards proposed for the Ramsgate Centre will permit higher density and should they proceed Rockdale will seek to review its development standards for its side of the Ramsgate Centre	Noted – no change to Planning Proposal
	RCC request Kogarah engage with respect to any amendments to the s94 Contributions Plan for the Ramsgate Centre	Noted – consult with RCC on any future changes to the s94 Contributions Plan.
Chris Minns, MP Member for Kogarah	Density proposed along the Princes Highway corridor is too high and represents a major overdevelopment	The heights proposed are consistent with development further north along the Princes Highway. Retain proposed zoning, height and FSR for the Princes Highway corridor, as exhibited in the Planning Proposal.
	Interface between low density along Princes Highway is inappropriate	Noted – Council to develop detailed design controls to address the issues relating to interface with low density development through DCP provisions
	Concern that there is a lack of proposed development around Oatley Station.	Noted - Analysis of the areas in and around Oatley Station was undertaken in the preparation of the Kogarah Housing Strategy. Some uplift in zoning, heights and density are proposed around Oatley Station. These changes were exhibited in the Planning Proposal. Proceed with zoning, heights and FSR for this Precinct, as exhibited in the Planning Proposal.
	Urges Council to consider extending the consultation and submission period and holding public meetings in order to better inform the community	Noted – Council, at its meeting on 27 July 2015 resolved to hold a Public Forum to allow the community to present their concerns to the Councillors.

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Government Authority	Issue/Comment	Recommendation
		The Public Forum was held on Monday 31 August 2015 and all those who made a submission to the Planning Proposal were notified of the meeting by letter and the meeting time and date was published in the local paper and on Council's website.
Stephen Kamper, MP Member for Rockdale	Objects to the proposed rezoning and height and density at Beverley Park between Stubbs Street and Park Road on the Princes Highway.	Noted – Proceed with zoning, heights and FSR for this Precinct, as exhibited in the Planning Proposal.
David Coleman, MP Federal Member for Banks	Concerned with the heights proposed for South Hurstville, in particular allowing development up to 21m. Requests that Council not proceed with the Plan in its current form.	Noted – Proceed with zoning, heights and FSR for this Precinct, as exhibited in the Planning Proposal.

Submission from Roads and Maritime Services (RMS) and Transport for NSW (TfNSW)

40. As outlined above, submissions were received from both RMS and TfNSW. Copies of the submissions are included in **Appendix 6 - Submissions from Government Authorities**.
41. In principle, both RMS and TfNSW raised no object to the Planning Proposal, subject to the preparation and submission of a Strategic Traffic and Transport Assessment that identifies the impact of the changes proposed by the New City Plan, and specifically the impact of the proposed uplift on the regional road network.
42. A meeting was held with representatives from RMS, TfNSW, the Department of Planning & Environment and Council staff on Thursday, 2 July 2015 at the offices of TfNSW to review the content of their submissions and identify a way to provide the information requested in the submissions.
43. At the meeting it was acknowledged by RMS and TfNSW there was no general objection to the proposals within the Planning Proposal, however further clarification was sought on possible impacts on the regional road network as a result of the proposed uplift in zoning and identification of opportunities for development funded upgrades to the regional road infrastructure.
44. A Strategic Traffic and Transport Assessment Report was subsequently submitted to RMS and TfNSW which:

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- Provides an estimate of traffic generation during peak times from new development in the 5 nominated areas up to 2030;
 - Includes information to indicate predicted incremental increase in traffic over time to 2030; and
 - Indicates which nominated areas are likely to developed in the short term (0-5 years), medium term (6-10 years) and long term (11-15 years).
45. The 5 nominated areas addressed in the Report are:
- Kogarah North (Princes Highway)
 - Carlton (Princes Highway)
 - South Hurstville (King Georges Road)
 - Ramsgate (Rocky Point Road)
 - Blakehurst (Princes Highway)
46. Also included is an analysis of the Blakehurst Waterfront Precinct.
47. A full copy of the Strategic Traffic and Transport Assessment Report is included in **Appendix 8 – Traffic Generation Analysis – Impact of the New City Plan on Regional Roads in the LGA.**
48. The analysis undertaken indicates that the impact of proposed development, achievable under the New City Plan, will be incremental over the 15 year period and will not adversely impact on the operation of the Regional road network within the LGA.
49. Council would continue to liaise with RMS, TfNSW and the Department of Planning & Environment regarding this issue should the Planning Proposal proceed. The final decision on this matter rests with the State Agencies as to whether the development potential under the New City Plan is reasonable and attainable within expected growth and traffic demand in the subregion.

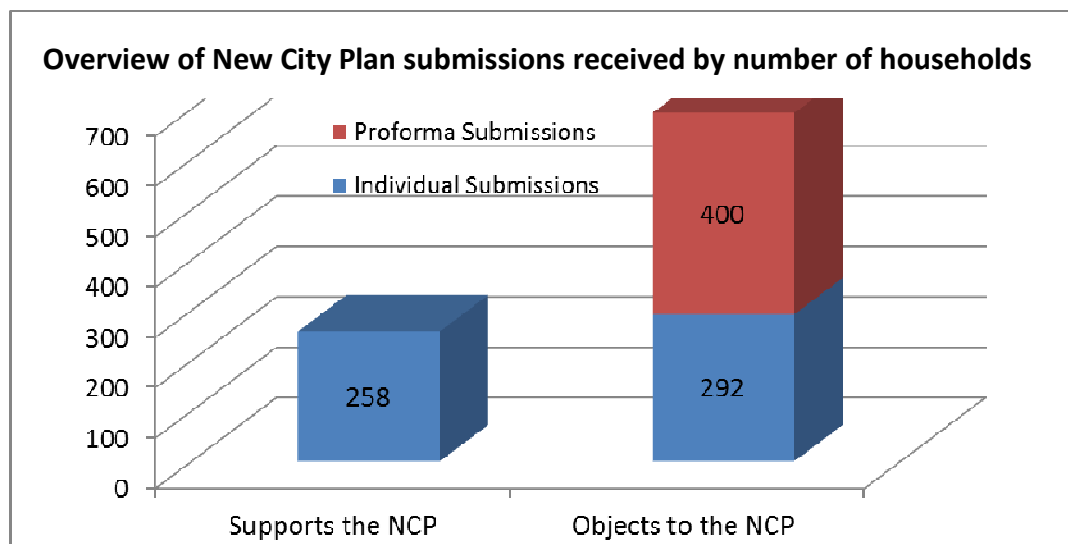
Overview of Submissions

50. Council received a total of 1,879 submissions during the exhibition of the Planning Proposal, including proforma letters. This number relates to submissions received up to the end of August 2015.
51. It should be noted that this number differs to that stated in the previous report to Council on 27 July 2015. The reason for this is that at the time of finalising the report to Council, only 90% of the submissions had been analysed and duplicates of the same submission and/or proforma had been included. This has now been reviewed and the report reflects the total final number of submissions.
52. A hard copy of every submission received has been separately made available for Councillors to review.

Table 5 below provides a breakdown of the submissions:

Table 5: Submission Breakdown

Type of Submission	Number of Submissions
Proforma objection letters	<ul style="list-style-type: none"> 1095 from 400 households, which represents 58% of the total submissions received 8 different types of proforma letters submitted
Individual letters of objection	<ul style="list-style-type: none"> 375 from 292 households
Individual letters of support	<ul style="list-style-type: none"> 330 from 258 households
Requests for changes	<ul style="list-style-type: none"> 71 submissions requesting rezonings and/or increases to height/FSR

Figure 1: Overview of submissions, by households.

53. The major issues raised in submissions objecting to the Planning Proposal included:

- Adverse impact on existing amenity and quality of life.
- Lack of provision of new infrastructure and services to meet increased demand.
- Traffic and parking impacts.
- Loss of existing streetscape and suburban character.
- The impact of increased height and scale of buildings on adjoining low density areas.
- The lack of additional open space and recreation facilities to meet increased demand.
- State Government's intentions and the fact that no current housing targets had been released by the State Government.

54. Conversely, submissions were also received that welcomed the initiatives to provide more residential development potential and improved local housing. There was also

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support for economic growth and the revitalisation created by new buildings with many seeing the initiatives as overdue.

55. Approximately 25% of submissions in support of the New City Plan related to the particular outcome for a property, with the remaining 75% expressing general support for increased housing choice and supply, possible improvement to housing affordability and appropriate location of new growth near transport infrastructure. There was also support among the submissions for initiatives aimed at better meeting the needs of an ageing community.
56. A number of submissions included requests for increases in development potential for specific land. These will be discussed in more detail later in this report.

Overview of Submissions – Post Exhibition

57. Nine (9) submissions have been received by Council since the previous report was presented to Council on 31 August 2015. The issues raised in these submissions are generally consistent with the issues raised in other submissions during the exhibition of the Planning Proposal for the New City Plan.
58. An overview of the issues raised in the submissions post exhibition are summarised in **Appendix 9 – Summary of Submissions Received Post Exhibition.**

Overview of the Public Forum

59. In accordance with Council's resolution on 27 July 2015, a Public Forum was held as part of an Extraordinary Council Meeting on Monday 31 August 2015.
60. The Public Forum was held at the Venus Reception Centre, 20 Belgrave Street, Kogarah, commencing at 7.00pm.
61. On 20 August 2015, a letter advising of the Extraordinary Meeting was mailed to all persons who made a submission regarding the New City Plan. This letter advised of the availability of the report, methods of accessing the report and included an invitation for anyone wishing to speak at the Public Forum to register. A public notice of the Extraordinary Meeting was published in the St George Leader on Tuesday, 25 August and Thursday, 27 August 2015.
62. Information was also included on the dedicated New City Plan website advising of the details of the Public Forum.
63. Approximately 400 people attended the Public Forum and fifty-one (51) speakers made oral submissions. **Table 6** below provides an overview of the key issues raised by speakers at the Public Forum.

Table 6: Key Issues – Public Forum

Key Issues	
Lack of supporting studies	<ul style="list-style-type: none"> No Social Impact Study, Traffic Impact Study, Wind Impact Study, Solar Access Study, Parking Study, Biodiversity Study.

Item II (cont.)

Key Issues	
	<ul style="list-style-type: none"> Missing and deficient studies – Traffic Management Access Plan for Disaster Planning. Plan does not respond to the principles of Ecologically Sustainable Development (ESD).
Loss of character	<ul style="list-style-type: none"> Proposed changes will result in a loss of neighbourhood character throughout the Kogarah Local Government Area.
Inadequate Infrastructure	<ul style="list-style-type: none"> Proposed development will put increased strain on schools, hospitals and public transport. Ageing sewerage system will see raw sewerage flowing into the Georges River. Increased pressure on electricity infrastructure. Inadequate educational establishments to cater for increased population growth.
Inadequate public transport	<ul style="list-style-type: none"> Trains and train services are inadequate to deal with increased population. 45% of rail services to Kogarah Station have been cut.
Traffic and parking	<ul style="list-style-type: none"> Roads will become more congested. Capacity of the Kogarah Town Centre to accommodate any additional development due to the pressures from the hospitals Difficult to find parking currently in the Kogarah Town Centre. Inadequate parking to cater to increased density in all Centres. Specific controls need to be considered for rear lane access. Increased congestion along specific arterial roads, including King Georges Road and Connells Point Road.
Transit Orientated Development (TOD)	<ul style="list-style-type: none"> Inconsistent with the principles of TOD – development is not situated close to public transport. Does not take into account jobs and journey to work
Developer Speculation	<ul style="list-style-type: none"> Foreign investors vs local residents
Loss of public open space	<ul style="list-style-type: none"> The New City Plan does not make provision for additional open space
Rezoning of the E4 – Environmental Living zone	<ul style="list-style-type: none"> Loss of natural foreshore areas Loss of vegetation
Legislative Requirements and due process	<ul style="list-style-type: none"> Council has failed to meet legislative standards for the preparation of the New City Plan Request for a Public Hearing – not a Public Forum Public Forum is inadequate Councillors role is to represent the community

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Key Issues	
	<ul style="list-style-type: none"> ▪ Validity of statistics presented in the report to Council ▪ Pecuniary interests of Councillors ▪ Disclosure of all the submissions
Engagement	<ul style="list-style-type: none"> ▪ Town planners should be implementing “best practice”
Distribution of Proposed Development	<ul style="list-style-type: none"> ▪ Distribution of proposed changes is inequitable – no increases in Oatley
Princes Highway Proposal	<ul style="list-style-type: none"> ▪ Not located in close proximity to public transport – some areas are as far as 2km away from the railway station ▪ Princes Highway is not in a public transport zone or corridor ▪ Result will be increased car usage and traffic congestion ▪ Object to the proposed height (21m) between Stubbs Street, to Wyuna and John Street ▪ Object to the proposed changes along the Princes Highway between O’Meara and Wheeler Street ▪ Increased density and the impact on Carlton South Public School
Height of Buildings in the R2 – Low Density Zone	<ul style="list-style-type: none"> ▪ Retain 8.5m not 9m for R2 zone
South Hurstville	<ul style="list-style-type: none"> ▪ Object to the proposed changes in The Mall and The Esplanade ▪ Out of character with the existing neighbourhood ▪ Object to the rezoning of South Hurstville Bowling Club
Princes Highway - Waterfront	<ul style="list-style-type: none"> ▪ Proposed changes provide housing diversity for an ageing population ▪ Objection to the proposed changes – contrary to planning guidelines TOD ▪ Pedestrian access across the Princes Highway ▪ Loss of views ▪ Foreshore areas should be protected
Transition to low density development	<ul style="list-style-type: none"> ▪ Residents backing onto the Princes Highway will have 7 storey development looking down onto their back yards ▪ Inappropriate heights and density
Dual occupancy development	<ul style="list-style-type: none"> ▪ Objection to the proposed changes and specifically the removal of frontage requirements

64. A summary of the issues/comments presented by speakers at the Public Forum is included in **Appendix 10 – Summary of Oral Submissions (Public Forum 31 August 2015)**.

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65. A written submission from the Federal Member for Banks, Mr David Coleman was also tabled at the Public Forum. The concerns raised by Mr Coleman relate specifically to three areas, being South Hurstville, Blakehurst and Carlton.
66. A copy of the submission from Mr David Coleman, MP is included in **Appendix 10 – Summary of Oral Submissions (Public Forum 31 August 2015)**.

Submission Summary

67. Following is a summary of the issues raised in both the written and oral submissions and the Council officer's comments in respect to the issue. A summary of all of the written submissions received is included in **Appendix 11 - Submission Summary**.
68. The United Kogarah Residents Association (UKRA) appointed Brett Daintry of Daintry and Associates to make a submission on its behalf and made a request during the Public Forum for its submission to be addressed by Council.
69. The issues raised in their submission have been reviewed and a response provided. This is included at **Appendix 12 – Daintry Submission, on behalf of the United Kogarah Residents Association (UKRA)**

A. GENERAL ISSUES**(i) Consultation Process**

70. Some residents were concerned about the length of the exhibition period, the need for more information, the complexity of the plan and the information that was presented during the exhibition period and the need for a public hearing.
71. As outlined above, Council has exceeded its statutory consultation requirements as required by the Gateway Determination issued by the NSW Department of Planning & Environment.
72. The submissions are noted but do not warrant re-exhibition or further consultation of the Planning Proposal. As outlined in the report presented to Council on 27 July 2015 it is not considered that a public hearing is necessary to provide any additional information regarding the issues raised and it was resolved that no action be taken with regard to the requests for a public hearing under Section 57 of the Environmental Planning and Assessment Act.
73. With respect to concerns raised by members of the community that the consultation process was not "best practice" and did not meet the obligations under the Local Government Act (LGA), it should be noted that the requirements for consultation of a planning proposal are set out in the Gateway Determination issued by the Minister for Planning and not the LGA.
74. As outlined above, the exhibition of the planning proposal for the NCP exceeded the requirements set out in the Gateway Determination and was in accordance with the legislative requirements of the EP&A Act and Regulations.

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(ii) Legislative Requirements and Due Process

75. A number of speakers at the Public Forum claimed that Council has failed to meet the legislative requirements for the preparation of the planning proposal for the New City Plan.
76. The preparation of a planning proposal is the first step in making an amendment to the existing LEP (Kogarah LEP 2012). A planning proposal is a document that explains the intended effect of, and justification for, the proposed amendment. Under the legislation, Council must prepare and submit a planning proposal to the Department of Planning & Environment for consideration of an amendment to the LEP.
77. A planning proposal must include the following:
- A statement of objectives and intended outcomes of the proposal,
 - An explanation of the provisions that are to be included in the proposal,
 - A justification of the objectives and outcomes, including the process of how these are to be implemented,
 - Maps where relevant, to identify the intent of the planning proposal and the area to which it applies; and
 - Details of the community consultation that will be undertaken.
78. The Planning Proposal for the New City Plan has met all the legislative requirements of the Act and, accordingly, Council was issued with a Gateway Determination from the Minister to exhibit the Planning Proposal.
79. A number of speakers also cited that the request for a Public Hearing was ignored by Council and that the Public Forum was inadequate in providing the community with an opportunity to voice their opinions.
80. As outlined above, Section 57 of the Act relates to community consultation and includes requirements for requests for public hearings on the issues raised in submissions. In this regard, the Act states:
- (5) *If:*
- (a) *a person making a submission so requests, and*
 - (b) *the relevant planning authority considers that the issues raised in a submission are of such significance that they should be the subject of a hearing,*
- the relevant planning authority is to arrange a public hearing on the issues raised in the submission.*
- (6) *The relevant planning authority may arrange a public hearing on any issue whether or not a person has made a submission concerning the matter.*
- (7) *A report of any public hearing is to be furnished to the relevant planning authority and may be made publicly available by that authority.*
81. A report was presented to Council on 27 July, 2015 which concluded that the issues identified in the submissions are known and have been adequately addressed, as detailed in the annexure to that report, and accordingly it was recommended that a

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public hearing was not necessary to provide any additional information regarding the issues raised.

82. In this regard, it was recommended that no action be taken with regard to the requests for a public hearing under Section 57 of the Environmental Planning and Assessment Act 1997 and alternatively that a Public Forum be held to give the community an opportunity to address Council regarding the New City Plan.
83. Concern was also raised in relation to the issue of the declaration of pecuniary conflicts of interests of Councillors with respect to the New City Plan.
84. Prior to 13 November 2015, Section 451 of the Local Government Act 1993 permitted Councillors to participate and vote on, amongst other things, "the amendment ... of an environmental planning instrument where the amendment ... applies to the whole or a significant part of the council's area" subject to making a Special Disclosure of Pecuniary Interest.
85. On that day amendments to that legislation became effective that now limit Special Disclosures of Pecuniary Interest to the interest of the councillor in the councillor's principal place of residence or an interest of a relative's (as defined in the Act) principal place of residence. Presentation of the New City Plan in two separate parts takes into account these amendments and will facilitate achievement of a quorum to progress its consideration.

(iii) Kogarah 2031 Housing Strategy

86. A number of submissions provided commentary on the lack of engagement and consultation with the community in the preparation of the Kogarah 2031 Housing Strategy. The Housing Strategy was finalised by Council in July 2014 and informed the preparation of the Planning Proposal for the New City Plan.
87. There is no legal requirement for councils to consult with the community in the preparation of a local Housing Strategy. Council has a responsibility to prepare a housing strategy that is consistent with the current Metropolitan Strategy and the most recent population projections.
88. Council commenced preparing the Kogarah 2031 Housing Strategy in mid-2013 in response to issues that were identified by our community through the preparation of the Community Strategic Plan – *Bright Future, Better Lifestyle: Kogarah 2030*. The Community Strategic Plan was developed in partnership with the community and clearly highlights the requirement to plan for the changing needs of our community into the future.
89. The previously endorsed Housing Strategy for the Kogarah LGA was commenced in June 1994 and aimed to guide future planning of residential areas over the subsequent 10 years. Since 1994 Council had not undertaken an overall review of its new housing opportunities. Planning for housing across the City of Kogarah is an important part of Council's responsibilities.

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90. Action 2.3.1 of *A Plan for Growing Sydney* requires that councils prepare local housing strategies to plan for a range of housing types. Each council will be required to prepare a housing strategy that:
- *Identifies how the council will deliver a range of building forms and types, aligned with market demand, minimum household projections and development capacity in their local area;*
 - *Considers housing for people at different stages of their lives, for example, families and individuals and;*
 - *Considers local affordable housing needs and strategies to provide affordable housing*
91. The aim of the Kogarah 2031 Housing Strategy is to identify opportunities for all generations to be part of our local communities. It also responds to the future needs of an ageing community, a significant portion of whom will want more manageable dwellings as they get older so that they can remain independent longer.
92. It is considered that the Kogarah 2031 Housing Strategy provides outcomes that increase choice for our current and future residents and creates opportunities for all generations to be part of our local community.
93. The New City Plan embodies the key elements of the Kogarah 2031 Housing Strategy and is considered to be an appropriate vehicle to formally seek community views on housing opportunities.

(iv) Housing Targets

94. A number of the submissions provided commentary on the potential number of additional dwellings achievable from the changes proposed. Many commented that the proposed rezoning of some areas would result in dwelling numbers significantly in excess of what was needed to meet the State Government's requirements.
95. The latest Metropolitan Strategy, *A Plan for Growing Sydney* does not provide specific housing or employment targets for each Region or each Council area. It does however state that 664,000 new homes and 689,000 new jobs are needed to be delivered by 2031. The previously exhibited draft Metropolitan Strategy for Sydney 2031 (March 2013) provided a housing target of 545,000 new homes to be delivered by 2031. This represents an increase of 144,000 new houses which need to be delivered under the new Strategy.
96. The State Government's latest population projections for Sydney also show a much more rapid population growth than previously predicted.
97. Council is unable to state at this time whether the NSW State Government will mandate housing and employment targets. If it does identify Housing Targets, it is likely that these will form part of the District Plans, currently being prepared by the NSW Department of Planning & Environment.
98. The District Plans will help to set out how *A Plan for Growing Sydney* will apply to local areas. The Department of Planning & Environment's website states the

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following in respect to the District Plans: *They will outline how the Government will make decisions on public spaces, community facilities, housing, jobs, transport options, schools and hospitals to meet the needs of communities across Sydney.*

District plans will:

- a) *Influence the delivery of housing supply*
- b) *Inform and influence the planning for business activity and investment to encourage jobs growth, particularly in strategic centres and transport gateways*
- c) *Inform the decision making for infrastructure planning*
- d) *Provide guidance on urban planning issues.*

99. Council has a mandatory responsibility under the Environmental Planning & Assessment Act 1979 to prepare a Housing Strategy that takes into account future population increases that have been identified in conjunction with the Metropolitan Strategy. These can then be brought into effect through land use changes such as those identified through the Planning Proposal.
100. Regardless of a State imposed housing target, Council has a responsibility to plan for the future needs of its community. The initiatives incorporated into the New City Plan to increase housing supply are not considered to be excessive and they do not make provision for a target. Rather, they are focused on the provision of housing choice, diversity and improving affordability by increasing supply of housing, all of which meet the strategic objectives of our Community Strategic Plan.

(v) Housing Choice

101. Submissions were also concerned that the changes only focused on rezonings to provide for high density development.
102. The Planning Proposal provides a range of housing options across the City of Kogarah, which includes opportunities for single dwellings on smaller lots, dual occupancy development, villas and townhouses, some of which would be fully accessible and adaptable (seniors housing) and apartments, all with lift access, ranging in height from 5 – 12 storeys.
103. The Planning Proposal seeks to ensure that a reasonable supply of new housing comes onto the market over the period to 2031 to cater for projected population growth.
104. The ageing of the population and the demographic change to smaller household size are compelling reasons to facilitate more small dwellings in the City of Kogarah. The proportion of residents aged over 65 years was 14.5% of the population in 2011 and population estimates for 2031 suggest that this age group will increase to 22%.
105. Another compelling reason to provide a choice of housing is to ensure that there are housing opportunities within the City of Kogarah for young people and young families.
106. Council is focused on retaining families within the City of Kogarah, and the majority of older residents would prefer to have their children and grandchildren living close by. However, the current lack of housing supply and the lack of affordable housing

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options is a significant barrier to young people and young families looking to establish themselves locally.

107. Increasing the supply and choice of housing types assists in improving affordability. Young working adults may seek out well located and designed apartments, close to public transport and jobs, while young start up families may seek dwellings on smaller lots, medium density and dual occupancy development, or increasingly, within multi-unit apartments.

(vi) Housing Affordability

108. On the issue of housing affordability, a number of submissions highlight that there is little in the Planning Proposal that specifically addresses housing for people on average or lower incomes.
109. Council's intention is that the Planning Proposal will address affordability by increasing housing supply and diversity of stock. In addition, the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 will continue to apply to the Kogarah LGA, and a number of community housing organisations are active in the LGA.

(vii) Lack of Supporting Studies

110. Submissions expressed concern regarding the lack of studies prepared to inform the preparation of the Planning Proposal, namely the lack of a Traffic and Transport Study and a Biodiversity Study.
111. Speakers at the Public Forum also raised this issue and expressed concern that the Planning Proposal had been prepared without the preparation of background studies, namely a Social Impact Assessment, Wind Impact Study, Solar Access Study and traffic and parking studies.
112. The preparation of the Planning Proposal for the New City Plan was informed by a number of detailed studies that were prepared between 2013 - 2014, including:
- Kogarah 2031 Housing Strategy
 - Kogarah Employment Lands and Economic Development Strategy (SGS:2013)
 - Open Space Review (KCC:2014)
113. In addition, previous studies undertaken by Council, including the Flora Biodiversity Study (2009) and the Fauna Study (2012) informed the preparation of the Planning Proposal and the proposed changes to zones. It should be noted that none of the areas that are proposed to have uplift in zoning are identified as possessing ecological values of significance under either the Fauna Study or the Flora Biodiversity Study.
114. Under Section 79(c) of the Environmental Planning and Assessment Act (1979), all social, environmental and economic impacts that are reasonably foreseeable are required to be considered and addressed as part of the planning process.
115. Section 79(c) is triggered as part of the Development Assessment process, and as a result Social Impact Assessments (SIA) are generally not undertaken at the Planning

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Proposal stage. It should also be noted that the legislation does not require that SIA be undertaken as part of the preparation of a Planning Proposal, and this issue was not required to be addressed as part of the conditions issued with the Gateway Determination.

116. With respect to Wind Impact and Solar Access Studies, these would be required to be prepared as part of the lodgment of a Development Application.
117. In submitting the draft Planning Proposal to the NSW State Government for the issue of the Gateway Determination, the Department of Planning was satisfied that the proposal was consistent with the relevant requirements of *A Plan for Growing Sydney* and as a result granted approval for Council to proceed with the exhibition of the Planning Proposal.
118. With respect to the preparation of a traffic and transport study, as outlined above, Council has prepared a Strategic Traffic and Transport Assessment Report, a copy of which is included in **Appendix 7**.

(viii) Traffic, transport and parking

119. Concern was expressed in submissions and at the Public Forum that both the Regional and Local road networks in the Kogarah LGA would not be able to cope with the scale of planned development and that population growth will add to existing traffic volumes across the LGA.
120. A key focus of the Planning Proposal for the New City Plan has been to identify increased opportunities for housing close to, or with access to public transport and job opportunities. Growth across the LGA as a result of uplift from the Planning Proposal would be incremental over the next 15 years, and as such it is not considered that the impact on the existing road network would be significant.
121. In response to issues raised by RMS and TfNSW, Council has prepared a Strategic Traffic and Transport Assessment Report which provides an estimate of traffic generation during peak times from new development in the 5 key areas up to 2030. The Report concludes that while traffic volumes will increase across the Kogarah LGA, the impact of the increase will be incremental over the 15 year period and represents a nominal change in terms of additional traffic on the Regional road network.
122. The State Government has also made a commitment that the development of the District Plans will address issues relating to increased development and the impact on existing resources and infrastructure, particularly around roads and public transport.
123. The NSW Long Term Transport Master Plan presents the NSW Government's 20-year vision for the delivery of a world-class public transport, roads and freight network to the State. It plays two fundamental roles:
 - It identifies the challenges that the transport system in NSW needs to address to support the State's economic and social performance over the next 20 years. It guides decision-makers to prioritise actions which address the most pressing challenges.

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- It identifies a planned and coordinated set of actions (reforms, service improvements and investments) to address those challenges. It provides a map of future service and infrastructure developments which future decisions will be required to support, and against which proposed investments can be evaluated.
124. The NSW Long Term Transport Master Plan identifies a number of funding priorities to improve both the road and rail network across Sydney and will guide the NSW Government's transport funding priorities over the next 20 year
125. The NSW State Government is ultimately responsible for ensuring infrastructure in Sydney is to a standard that will support growth. The State Government has endorsed the Planning Proposal for public exhibition and has therefore indicated, by that approval, that the growth achievable under this proposal is reasonable and would not create unmanageable demands on road infrastructure.
126. Parking was also an issue raised in the submissions and by speakers at the Public Forum – there was concern that increased population growth will exacerbate demand for parking throughout the Local Government Area.
127. The inability to be able to drive to an urban destination and park in the immediate vicinity is now common across the Sydney Metro Region and is not just a product of population growth, but also a product of increased affluence which has led to greater car ownership and greater car use.
128. In response to the future demand for car parking in centres around the Local Government Area, Council will continue to advocate to the State Government and key stakeholders for the provision of more parking.

(ix) Infrastructure capacity

129. Concern was expressed in submissions and at the Public Forum that there is no information to indicate whether Kogarah's infrastructure will be able to cope with the increased development and population growth.
130. The Planning Proposal proposes increased development where there is existing infrastructure to accommodate an increase in residents. It is accepted that the additional development may place additional demands on existing infrastructure and services and Council will continue to work with State and Federal Governments to ensure that existing infrastructure (such as roads, drainage, sewerage, street lighting, public transport, education and health facilities and community services) is sufficient to meet the growing demand and improvements are provided where they are warranted.
131. The NSW State Government is ultimately responsible for ensuring infrastructure in Sydney is to a standard that will support growth. The State Government has endorsed this proposal for public exhibition and has therefore indicated, by that approval, that the growth achievable under this proposal is reasonable and would not create unmanageable demands on infrastructure.
132. Council has also written to all of the State Government Authorities to seek their feedback on the changes proposed in the Planning Proposal and none of the

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Authorities that have responded have raised concern with the capacity of the existing infrastructure to cope with the increased demand achievable.

(x) Reclassification of Public Land and loss of Open Space

133. A number of submissions identified that the increased growth in population will put increased pressure on existing open space and recreation areas and the Planning Proposal did not identify any additional areas of open space.
134. With respect to the provision of open space, the Kogarah LGA has approximately 178 hectares of land zoned open space (15% of the LGA). There are limited opportunities to significantly increase the amount of open space across the LGA. Council's current strategies rely primarily on increasing the diversity, quality, utility and accessibility of existing open space.
135. *A Plan for Growing Sydney* identifies the need for a more strategic approach to identifying and connecting existing open spaces that will support the development of a city wide "Green Grid".
136. The Sydney Green Grid will include open spaces, parks, bushland, natural areas, waterway corridors and tree lined streetscapes in a network that connects homes to centres, public transport, jobs and recreation.
137. Council and the State Government will be focusing on identifying alternative opportunities for the provision of open space. These may include buildings incorporating rooftop open space areas, use of education land after school hours and upgrading and embellishing existing open space in Council's ownership.
138. Concern was also raised by speakers at the Public Forum with respect to the reclassification of public land and the loss of open space. In accordance with the requirements of the Act, a Public Hearing regarding the reclassification of three parcels of land was held and independently chaired by Mr. McMahon.
139. He has recommended that Council not proceed with the reclassification of two of the parcels of land, being No. 1A Stuart Crescent, Blakehurst and No. 8A Wyong Street, Oatley. The recommendations presented to Council reflect this outcome.

(xi) Council Rates and Developer Contributions

140. The issue of the Planning Proposal being a driver of rate increases or specifically driven by a desire to increase developer contributions was also raised.
141. The Planning Proposal for the New City Plan would not directly affect Council rates.
142. Rates are calculated by using the Land Valuation supplied to council from "Land and Property Information" (formerly the Valuer General's Department). This land value is revised every three years.
143. Land value may change as a result of changes in zoning and increases in height and floor space ratio requirements (density), however this would not impact on rates until after the proposed changes have been endorsed by the State Government, a revised

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land value has been prepared and the complex formula for deriving individual rate settings has been applied.

144. For any multi-unit development (villas, townhouses and apartments) approved and built, Council requires the payment by the developer of a Section 94 Contribution.
145. Section 94 contributions are the funds paid to local councils by developers to provide community infrastructure, facilities and services for new developments. Should the areas that are proposed to be rezoned proceed then Council will be preparing appropriate Section 94 Contributions Plans to ensure that new development is levied so as to provide the required infrastructure and facility upgrades for that future population.

(xii) Rezoning of Council owned land

146. One (1) submission was received objecting to the proposed rezoning of No. 2 Dalkeith Street, Ramsgate from R3 – Medium Density Residential to B2 – Local Centre, with a height of 21m and a FSR of 2.5:1 as it could result in the site being redeveloped, resulting in a loss of car parking within the Ramsgate Centre.
147. No. 2 Dalkeith Street, Ramsgate forms part of the existing Council carpark that is situated within the Ramsgate Centre. The adjoining site (known as No. 89 Ramsgate Road) also forms part of the Council carpark and is currently zoned B2 – Local Centre under KLEP 2012. The rezoning of No. 2 Dalkeith Street has been proposed to resolve the zoning anomaly between the two parcels of Council owned land.

(xiii) Potential loss of Kogarah's streetscape and character

148. Submissions were received expressing concern that the New City Plan does not preserve Kogarah residents' existing lifestyle and the qualities of the City of Kogarah, including the low density character of neighbourhoods. This issue was also raised by speakers at the Public Forum.
149. There is concern that the changes proposed would jeopardise the landscape and streetscape character of the City and that the proposed increases in height in some areas does not adequately address the issue of impact on adjoining low density areas.
150. The specific concerns included comments related to:
- Proposed heights of buildings being out of character with existing streetscape of low density areas; and
 - Transition between proposed high rise development and the impact on adjoining low density areas.
151. It is accepted that in some areas there would be a change to the existing character and streetscape. In areas where significant change is proposed, for example in the Kogarah North Precinct, where it is proposed to rezone land from R2 – Low Density Residential to R4 – High Density Residential, there would be significant changes to the existing character.

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152. However, in such areas Council will be undertaking further work to develop future character statements and detailed design controls. These would form part of a future Development Control Plan (DCP) and would be supported by an Urban Design Study.
153. With respect to transition of development it is proposed that detailed design controls be developed to ensure that, where this issue may arise, future development is designed and sited so as to minimise impact on the amenity of adjoining low density residential properties and address issues of overlooking and overshadowing.

(xiv) Heritage Issues

154. A number of submissions were received from owners of heritage listed properties concerned that their development potential is restricted and as such these sites would become isolated from adjoining redevelopment, which in turn would have an adverse impact on their property (lack of adequate curtilage, overshadowing and overlooking).
155. It is considered that these concerns are valid and detailed design controls can be developed for those heritage items that are within or adjacent to future development areas to mitigate the impact on the heritage item. Those controls would seek to encourage the incorporation of heritage items into any redevelopment of adjoining sites and specific provisions can be developed to provide incentives for the incorporation of those heritage items.
156. Submissions were also received identifying that development pressure on existing heritage items may result in a degradation of their heritage values and potential demolition.
157. The approach to heritage protection embodied in KLEP 2012 represents current applicable standards and no change is proposed to the existing heritage controls.

(xv) Foreign Investment and Developer Speculation

158. A number of submissions raised concern that any new development would be purchased by foreign investors, thus undermining the aim of the plan to provide greater opportunities for more affordable housing for existing residents of the Kogarah LGA.
159. As previously discussed, Council has a responsibility to plan for the future needs of its community. The initiatives incorporated into the New City Plan are focused on the provision of housing choice, diversity and improving affordability by increasing supply of housing.
160. The issue of who develops and buys apartments and/or land is not a planning consideration. Foreign investment laws are determined at a Federal Government level. There are no provisions that can be incorporated into the Planning Proposal to address this issue.
161. Concerns were also raised with respect to the level of developer speculation generated by the proposed changes identified in the Planning Proposal. As with any Planning Proposal that proposes a significant uplift in the density and height, there will always be speculative action by agents and developers.

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162. There is nothing in the Legislation that permits Council to intervene in legal practices that may be taking place with respect to real estate agents and/or developers trying to secure properties.
163. There is always a risk for those who partake in speculative actions during rezoning processes. Council officers can only advise of the proposed changes that have been publicly exhibited and, where residents have contacted Council officers requesting advice in relation to the practices of agents and developers, the response is always for those persons to seek their own independent advice.

(xvi) Adverse impact on amenity and quality of life

164. Concern has been expressed that the proposed changes in a number of areas risked destroying the existing character of low density residential areas and will create an unacceptable level of density and a consequent reduction of amenity.
165. Submissions expressed concern that the New City Plan jeopardises the unique lifestyle and qualities that residents value most (for example, single dwelling character, landscape and bushland character).
166. The New City Plan is based on the principle of maintaining the single dwelling character of the vast majority of LGAs neighbourhoods while transitioning increased scale and density in and around existing centres, along major transport corridors and along the railway line.
167. This approach is considered to be appropriate and consistent with *A Plan for Growing Sydney* and is based on preserving those areas within the Kogarah LGA with high environmental and scenic values.

(xvii) E4 – Environmental Living zone

168. The Planning Proposal proposes to convert the existing E4 – Environmental Living zone to the R2 – Low Density Residential zone.
169. The E4 – Environmental Living zone was introduced to the Kogarah LEP in January 2013 as a mechanism to carry over the prohibition of dual occupancy development from the previous LEP (Kogarah LEP 1998). The E4 – Environmental Living zone was applied to the areas formerly covered by the Foreshore Scenic Protection Areas (FSPA) and Waterfront Scenic Protection Areas (WSPA). Previously all areas zoned E4 – Environmental Living and R2- Low Density Residential were equally zoned Residential 2(a1).
170. Submissions relating to the removal of the E4 – Environmental Living zone were mixed, with those supporting the changes keen to see the introduction of dual occupancy development and complying development, while those opposing the changes were generally concerned with the change that dual occupancy development may have on the character of waterfront areas, the loss of trees and vegetation and increased traffic and parking congestion.

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171. The main change proposed by the removal of the E4 – Environmental Living zone is to allow dual occupancy development as a permitted form of development, subject to meeting the minimum site area requirements, and permitting seniors housing on large blocks.
172. Concerns opposing the introduction of dual occupancy development in the foreshore and waterfront areas were generally related to:
- Increased traffic on local roads,
 - Reduction of on-street parking,
 - Reduction of landscaped areas,
 - Sites on the foreshore being inappropriate due to topography and trees, and
 - Development resulting in the loss of significant trees.
173. Single dwellings would still be a permitted form of development in these areas and much of the foreshore and waterfront areas have already been developed as single dwellings. There would be some up take of dual occupancy and aged care development in these areas but in terms of overall increase in residential densities in these areas it is not anticipated that there would be substantive change.
174. The replacement of the E4 – Environmental Living zone with the R2 – Low Density Residential zone is aimed at providing housing choice in areas where currently the only options are larger single dwelling houses.
175. It is recommended that Council proceed with the rezoning of the E4 – Environmental Living zone to the R2 – Low Density Residential zone, as exhibited in the Planning Proposal.

(xviii) Dual Occupancy Development

176. Submissions were received both in support of, and objecting to, providing opportunities for dual occupancy development in and around foreshore areas. More generally, submissions were received in support of the reduction of the minimum lot size requirements for dual occupancy development from 850m² to 650m² across the remainder of the City.
177. The following changes were contained in the Planning Proposal:
- Dual occupancy (attached), also known as duplexes, being permitted in the R2 – Low Density Residential and R3 – Medium Density Residential zones on blocks 650 square metres or greater;
 - On lots that are in a waterfront area or are in heritage conservation areas, dual occupancy (attached) being permitted on blocks 1000 square metres or greater,
 - Dual occupancy (detached) being permitted on sites that comply with the area requirements above and that have frontage to two streets (for example corner blocks and blocks with rear lane access);
 - All forms of subdivision of dual occupancy development being permitted;
 - The permitted height and floor space ratio (FSR) being the same as allowed for dwelling houses.

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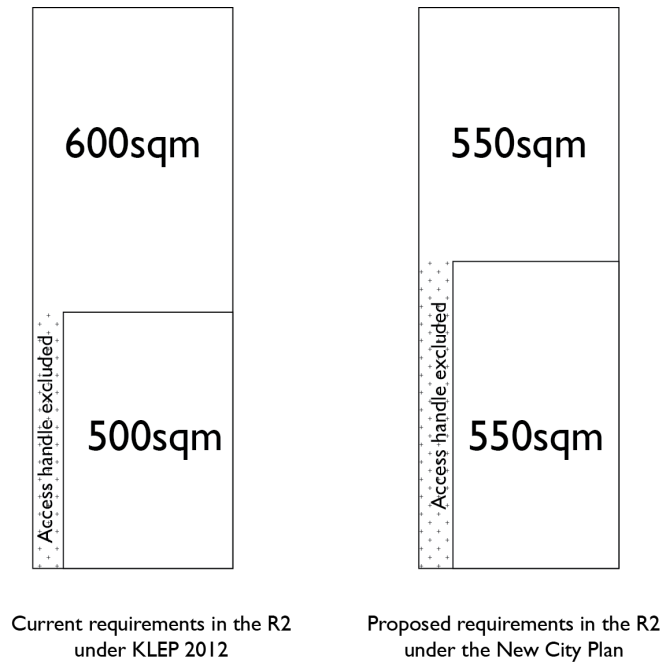
178. During the exhibition 43 submissions identified the keyword “dual occupancy” in the submission. Of these submissions, 10 submissions (approximately 23%) specifically object to the proposed changes, with the majority opposing the removal of the E4 – Environmental Living zones and allowing dual occupancy development (see previous comments).
179. Generally, the majority of submissions relating to dual occupancy development were supportive of the proposed changes and there was support for the introduction of Torrens Title subdivision of dual occupancy development.
180. A number of submissions were received requesting that Council consider a reduction in the minimum lot size for dual occupancy development or a removal of the minimum lot size requirements, similar to the current controls for the Sutherland Council LGA. Such changes would necessitate re-exhibition of the Planning Proposal.
181. It is recommended that the proposed dual occupancy requirements proceed as exhibited in the Planning Proposal.

(ix) Subdivision

182. Submissions were received that object to the increase in the minimum subdivision lot size from 500m² to 550m² in the R2 – Low Density zones.
183. The current requirements in the R2 – Low Density Residential zone require the following:
- 500m² for the allotment fronting the street, and for the battle –axe block, a minimum lot size of:
 - (a) 550m², if the lot has a rear boundary with land in the RE1 – Public Recreation zone, or
 - (b) 600m², if the lot has a rear boundary with land in a residential zone.
184. The intention of the amendment is to standardize lot sizes and allow for smaller allotments across the LGA. Essentially, for the R2 – Low Density Residential zone, there is no overall change in the total land size required to undertake a land subdivision and it is recommended that Council proceed with the changes for subdivision, as exhibited.

Figure 2: Current and proposed minimum lot subdivision requirements for R2- Low Density Residential

Item II (cont.)

**(xx) Design Standards**

185. A number of submissions raised concerns regarding the design and construction standards of new developments, in particular, the need for appropriate setbacks between residential flat buildings and low density residential dwellings and the replanting of trees in new developments and along street frontages.
186. *State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development* (SEPP 65) and the Apartment Design Guide applies to new residential flat buildings, shop top housing and the residential component of mixed use developments across the state. SEPP 65 establishes nine design quality principles to be applied in the design and assessment of residential apartment development and includes minimum areas for deep soil areas for trees and plantings within a development and minimum distances for building separation including setbacks and transition of building scale between new apartments and low density areas.
187. Council also convenes the *St George Design Review Panel*, which is made up of three external design professionals - including 2 registered architects and a landscape architect. The role of the Design Review Panel is to provide independent expert advice on the design quality of new development. Specifically, the Design Review Panel considers proposals and applications against the Design Quality Principles contained in SEPP 65 and the Apartment Design Guide.
188. A new Development Control Plan (DCP) that would support the amended Local Environmental Plan with more detailed planning and design guidelines is also required to be prepared subsequent to any amendment to the LEP. The DCP would aim to encourage quality development through best practice design controls and support innovative design solutions.

Item II (cont.)

189. A submission was made suggesting that the proposed height controls for residential flat buildings and mixed used/ shop top housing would require an additional 1.5m to meet SEPP 65 standards for floor to ceiling height and include allowances for insulation, roof structures and lift overruns, particularly on sloping sites. The additional 1.5m is proposed to allow for greater setbacks, better articulation of buildings and better amenity for residents and neighbours.
190. In assessing a development application Council may consider minor variations to the height requirements for development that can demonstrate that such a variation will achieve better design outcomes, through the use of Clause 4.6 *Exceptions to development standards* in the Kogarah Local Environmental.
191. No amendment is therefore considered necessary to the proposed height control standard exhibited in the Planning Proposal for multi-unit residential or mixed use developments.

B. MULTI-UNIT PRECINCTS

192. Submissions were received that support general changes facilitating revitalisation and redevelopment, particularly in and around existing commercial centres across the LGA. There was specific support for the proposed changes in and around the Hurstville Town Centre and Mortdale Centre.
193. Submissions were also received that oppose increases in height and density in these areas due to the potential impacts on adjoining low density areas and a potential for loss of character and amenity. A number of submissions raise particular opposition to increases in building heights in certain precincts, primarily along the Princes Highway, between Jubilee Avenue and Plant Street and along the Blakehurst Waterfront and in South Hurstville, around The Mall and The Esplanade.
194. **Appendix 13 – Precinct Analysis** provides a summary of the key issues raised in submissions for each Precinct, an illustrative map indicating the spread and type of submission and the Council Officer's recommendations for each Precinct.
195. During the exhibition of the Planning Proposal and at the Public Forum, there were a number of Precincts that generated significantly greater interest from the community. These Precincts are as follows:
- Blakehurst Precinct (Blakehurst Waterfront)
 - Carlton Precinct (Enterprise Corridor)
 - Carlton Precinct (Princes Highway Centre)
 - South Hurstville Precinct (South Hurstville Centre)
 - Kogarah Precinct (Kogarah North)

Item II (cont.)

196. The following provides an overview of the key issues raised within these Precincts and the Officer's response:

(i) Blakehurst Precinct (Blakehurst Waterfront)

197. Submissions objecting to the proposed changes were predominantly from owners of the existing Seabreeze Apartments and property owners to the north of the Precinct in the existing R2 – Low Density zone.
198. The key issues relate to the increases in traffic along this section of the Princes Highway - that further development in this Precinct would add extra pressure on the existing loop road under Tom Ugly's Bridge and that the increased development would result in additional strain on the existing Princes Highway road network.
199. There was also concern that the proposed height of 21m is excessive and out of scale with the existing Seabreeze Apartments. There was also a concern that the scale of development would result in overshadowing of properties on the opposite side of the Princes Highway.
200. In addition to the issues raised by owners of the Seabreeze apartments, there were also submissions from owners of properties along the Princes Highway and Townson Street who objected to the proposed changes on the basis that buildings of that scale and height would result in a loss of views and outlook to the Georges River and Captain Cook Bridge.
201. Those making submissions did not consider that the proposed creation of a public foreshore link as part of any development was sufficient justification for the heights and density being proposed.
202. Another concern was that no provision had been made in the controls relating to the Precinct for the retention of the existing restaurant uses and that consideration should be given to retain such uses as part of any new development.
203. Requests were also made by owners within the Precinct seeking:
- Additional height and density;
 - Consideration of a reduction in the Foreshore Building Line; and
 - The incorporation of amalgamation requirements to ensure that none of the development sites are left in isolation.

Council Officer's Response

204. Based on the proposed height and FSR exhibited in the Planning Proposal, an analysis of the total dwelling capacity for this Precinct has been undertaken and it is anticipated that the Precinct could accommodate an additional 290 dwellings over the next 15 years. This development would be incremental over the 15 year period and would be dependent on securing appropriately sized redevelopment sites.
205. The RMS in their submission to Council did not raise any specific concerns with respect to the proposed uplift in zoning and the impact this may have on the existing

Item II (cont.)

- loop road. This redevelopment would be incremental over a 15 year period and would be situated on either side of the Princes Highway.
206. In the AM peak (7-9am), the number of vehicles travelling northbound across Tom Ugly's Bridge is approximately 4,500 vehicles per hour, while in the PM peak (4-6pm), the number of vehicles travelling southbound is approximately 4,000 vehicles per hour (RMS Strategic Forecasting Model: 2015). The redevelopment of sites within this Precinct would generate an additional 290 dwellings over the 15 year period.
207. Even if the whole Precinct were to be redeveloped in the next 5 years, the number of dwellings per year would average 58 new dwellings per year. If the analysis were to assume 2 vehicles per dwelling, then the additional number of vehicles in the precinct would be 116 per year (580 additional vehicles over the 5 year period). Average AM vehicle trips per hour (VTPH) from the fully redeveloped precinct on the eastern side of the peninsula (based on RMS Guideline trip generation rates for multi-unit dwellings) would result in a maximum rate of approximately 100 additional trip movements per hour, both north and southbound, from this area of the precinct. Assuming this was split 80% northbound and 20% southbound this would result in an additional 80 VTPH around the loop road.
208. Based on this analysis, and as it is anticipated that redevelopment of sites would be incremental, it is not considered that the additional traffic movements will adversely impact on the operation of the Princes Highway or the existing loop road.
209. The traffic impacts associated with these additional dwellings could be successfully managed and adequate car parking provided on site consistent with Council's requirements as part of the assessment of any development application.
210. With regard to the impact on views it is considered reasonable that opportunities for view sharing are included in the building design process. A detailed assessment of possible view impacts on properties in the vicinity of the proposed development has been undertaken to determine the level of view impact on properties on the western side of the Princes Highway, to the north of the Precinct.
211. It was determined that the views available from this location included views of the Georges River to Captain Cook Bridge, which are considered valuable views. Within the development assessment process, it is normal practice to assess view impacts using the principles of view sharing set out by the Land and Environment Court in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140. The Court has identified steps that should be used in assessing impacts on views. Key considerations are:
- The assessment of the views affected:
 - Water views are valued more highly than land views;
 - Whole views are valued more highly than partial views.
 - Consideration from what part of the property views are obtained:
 - The protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries;
 - Whether the views are from a standing or sitting position may also be relevant.

Item II (cont.)

- The extent of view impact:
 - This should be done for the whole property, not just the view affected;
 - The impact on views from living areas is more significant than bedrooms.
- 212. Due to the terrain and possible width of redevelopment sites it is considered that opportunities for view sharing to the affected properties could be achieved however it is recommended that detailed design controls for the Precinct include appropriate controls to encourage view sharing.
- 213. With respect to the issues relating to overshadowing, and specifically the impact of any proposed development on the Seabreeze Apartments, it is considered that the affectation of any proposed overshadowing, particularly from any redevelopment of properties directly opposite the existing apartments would be minimal. Such impacts would be considered in the assessment of any development application.
- 214. The concern relating to the potential loss of existing restaurant uses along the strip is valid and retention of such uses in this locality has merit. The proposed R4 – High Density Residential zone does not allow for uses such as restaurants or cafes to be included within a development.
- 215. Consideration should be given to encourage ground floor active uses, such as cafes and restaurants that activate the street and allow access to the foreshore. It is recommended that Schedule 1 (which allows for additional site specific uses that would generally be prohibited) be amended to include the properties within this Precinct and identify “restaurant or café” as an additional use. This issue will be raised with the Department of Planning and Environment to see if it can be incorporated into the Planning Proposal at this stage.

Recommendation

- *Proceed with proposed changes to zoning, height and FSR for the Blakehurst Precinct (Blakehurst Waterfront) as exhibited in the Planning Proposal.*
- *Amend the Planning Proposal to allow “restaurant or café” uses for the properties within the Blakehurst Precinct (Blakehurst Waterfront) and a specific provision relating to the creation of foreshore public access.*

(ii) Carlton Precinct (Enterprise Corridor)

- 216. The Precinct is located along the north-western side of the Princes Highway, Carlton between Jubilee Avenue and Westbourne Street, plus half the block between Francis and Westbourne Streets.

Item II (cont.)



217. A significant number of submissions included objection to the additional high density residential development which is proposed along the Princes Highway. The key concern related to increased development being proposed in an area that was considered not to be well serviced by public transport (out of centre).
218. Oral and written submissions received from residents in and around this Precinct were also concerned with the following:

Traffic and parking

- Increased traffic congestion along the Princes Highway;
- Lack of availability of on-street parking;
- Number of cars and traffic volumes on side streets will significantly increase;
- No traffic study has been prepared;
- Traffic during construction will negatively affect residents;
- Greater delays at intersections; and
- Ingress and egress associated with bulky goods.

Height of buildings and transition to low density development

- Proposed 21m height limit is excessive;
- Adverse amenity (overlooking, overshadowing, privacy) to dwellings to the rear of properties fronting the Princes Highway; and
- Inappropriate transition to the R2 – Low Density Residential zone adjoining to the rear of properties.

219. Oral and written submissions were also received from owners in the Precinct that support the proposed rezoning, however objecting to the requirement limiting the amount of residential development permitted. A number of requests have been made to reduce the amount of commercial development required in the Precinct, thereby allowing increased residential development.

Council Officer's Response

220. With respect to the proposed changes to the Princes Highway Corridor, the Kogarah Employment Lands and Economic Development Strategy, prepared by SGS Economics and Planning and completed in March 2013, recommended the implementation of a B6 – Enterprise Corridor zone on the north-western side of the Princes Highway, between Jubilee Avenue and Westbourne Street.
221. The height and FSR in this Precinct is proposed to be 21m and 2:1.
222. The aims of the introduction of the B6 – Enterprise Corridor zone are to promote bulky goods retailing/commercial uses along the Princes Highway, limit general retailing to maintain the economic strength of the Centres and to enhance the visual appearance of the Princes Highway corridor.
223. It is considered that the proposed B6 - Enterprise Corridor zone would ensure that an appropriate planning framework is provided where the existing non-conforming uses currently situated along the Princes Highway become permissible within the zone, which would encourage a mix of compatible business uses and also reinforce the corridor as a commercial/employment precinct with supplementary residential development above.
224. It would also ensure that bulky goods retail is clustered at a highly accessible location with close proximity to the Kogarah Centre. Residential uses are proposed to be permissible in this zone, however as the objective of the B6 – Enterprise Corridor zone is to encourage the redevelopment of commercial/bulky goods retailing development it is proposed to limit the amount of residential permitted in this zone.
225. A minimum of 0.7:1 commercial floor space is required to ensure that the primary objectives of the zone are realised and it is proposed to introduce a provision to limit the amount of residential development to no more than 65% of the total gross floor area of the proposed development. Requests for consideration of increased residential development in this precinct are not supported, as residential development is not the primary intent of the zone.
226. *A Plan for Growing Sydney* is quite specific in accelerating urban renewal across the Metropolitan area and the State Government will support urban infill and efforts to lift housing production around local centres, transport corridors and public transport access points.
227. The Princes Highway Precincts have been identified for uplift in the draft plan as they are considered to be along transport corridors, consistent with Direction 2.2.1 of *A Plan for Growing Sydney*. The Princes Highway precinct is well located being within approximately 15km to the Sydney CBD, 5km south west of Kingsford Smith Airport and within 1-2km of the Kogarah Town Centre.
228. The proposed identification of the Princes Highway Precinct is consistent with the Directions and Goals identified in *A Plan for Growing Sydney*. The Precinct is within a 10 minute walk to Carlton Station and is situated along the Princes Highway which has regular bus services to Kogarah.

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229. Analysis undertaken as part of the traffic generation review identified the rate of uplift along this section of the Princes Highway is anticipated to occur in the short to medium term, with 60% of the development occurring in the short term (0-5 years) and 20% of the development occurring in the short to medium term.
230. Estimated additional traffic generated as a result of the proposed development in the Precinct in the short to medium term (0-10 year period) for the morning peak period will be an additional 98 vehicle trips per hour (VTPH) northbound (along the Princes Highway), 47 VTPH southbound (along the Princes Highway) and 45 VTPH on the local road network.
231. For the evening peak period, the estimated additional traffic generated would be an additional 142 vehicles per hour (VTPH) northbound (along the Princes Highway), 47 VTPH southbound (along the Princes Highway) and 45 VTPH onto the local road network.
232. Based on the analysis undertaken, it is considered that the additional number of vehicle trips per hour, on a Regional Road network that has an existing capacity of over 40,000 vehicles per day, will be insignificant over the proposed 10 year timeframe (when the majority of redevelopment is anticipated to occur in this Precinct) and will not adversely impact on the operation of the Princes Highway. With regard to traffic impacts from truck movements to bulky goods premises the issue of controlled access from side roads can be addressed in detailed DCP provisions regarding site amalgamations and access requirements.
233. In response to submissions and concern about adverse amenity impacts and the issue of transition between the B6 zone and the R2 – Low Density Residential zone, it is considered that detailed development controls can address issues relating to amenity and transition, including site amalgamation requirements, vehicular access points, building separation and setbacks and privacy/overshadowing impacts

Recommendation

- ***Proceed with proposed changes to zoning, height and FSR for the Carlton Precinct (Enterprise Corridor) as exhibited in the Planning Proposal.***
- ***Consider requirements for height and setback to provide an appropriate transition to the R2 zone to the rear of sites as part of the preparation of the DCP controls for the Carlton Precinct – Princes Highway Centre.***
- ***Consider requirements for site amalgamation as part of the preparation of DCP controls to ensure no sites are isolated and vehicular access can be achieved via side streets.***

(iii) Carlton Precinct (Princes Highway Centre)

234. The Precinct is located along both sides of the Princes Highway, Carlton between Stubbs and Westbourne Streets and Plant Street.



235. A significant number of submissions, both written and oral, included objection to the additional high density residential development which is proposed along the Princes Highway. The key concern related to increased development being proposed in an area that was considered to not be well serviced by public transport (out of centre), as well as the issue of transition between the higher density development fronting the Highway and the low density development to the rear.
236. Submissions from property owners on the south-eastern side of the Precinct, between Stubbs and Lacey Street supported the proposed change to the zoning and the increase in height and density.
237. There was some concern from the residents on the southern side of Wyuna/John Street (opposite side of the street), objecting to the rezoning and increase in height and density. The key concerns relate to redevelopment changing the character of the street and creating detrimental amenity impacts on neighbouring properties.
238. Submissions received from residents and around this Precinct also raised concern with the following:

Traffic and parking

- Inadequate public transport along the Princes Highway;
- Increased congestion on local streets;
- Number of cars and traffic volumes on side streets will significantly increase;
- No traffic study has been prepared.

Height of buildings and transition to low density development

- Proposed 21m height limit is excessive and not suitable for the area;
- Adverse amenity (overlooking, privacy, overshadowing) to dwellings to the rear of properties fronting the Princes Highway and existing dwellings on the southern side of Wyuna Street and John Street;
- Loss of property values for dwellings on the southern side of Wyuna and John Street.

Item II (cont.)**Streetscape and Character**

- The proposed changes detract from the existing single dwelling neighbourhood character;
- Transition between building heights to adjoining low density properties to the rear (inappropriate transition);
- Proposed development is out of context with the existing low density residential development.

Council Officer's Response**Block 1 – Rezoning of western side of the Princes Highway between Westbourne Street and Plant Street**

239. A continuation of the commercial function of the Princes Highway is proposed along the north western side of the Princes Highway, between Westbourne Street and Plant Street.
240. It is proposed that this section of the Princes Highway be rezoned from B1 – Neighbourhood Centre to B2 – Local Centre and that the heights and FSR be increased to encourage well designed shop-top housing (commercial/retail on the lower floors and residential development above). The proposed height and FSR in this Precinct is proposed to be 21m and 2.5:1.
241. As outlined above, a significant number of submissions included objection to the proposed bulk and scale of proposed development along the strip and the impact of buildings on the low density development to the rear.
242. The Princes Highway Precinct has been identified for uplift in the Planning Proposal as the area is considered to be along a transport corridor, consistent with Direction 2.2.1 of *A Plan for Growing Sydney*. The issues raised regarding traffic and parking are similar to those considered in the discussion on the Enterprise Corridor adjoining to the north and no change to the proposed controls are warranted in that regard.
243. It is considered that the issues that have been identified in the submissions relating to streetscape character and transition could also be addressed through the development of detailed design controls. Such controls could be developed to address the transition of development to the rear of sites adjoining the R2 – Low Density Residential zone as well as identifying opportunities for the creation of physical separation, via the creation of rear lane access.

Recommendation

- ***Proceed with proposed changes to zoning, height and FSR for the Carlton Precinct - Princes Highway Centre (Block 1) as exhibited in the Planning Proposal.***
- ***Consider requirements for height and setback to provide an appropriate transition to the R2 zone to the rear of sites as part of the preparation of the DCP controls for the Carlton Precinct – Princes Highway Centre.***

Item 11 (cont.)

- *Consider requirements for site amalgamation as part of the preparation of DCP controls to ensure no sites are isolated and vehicular access can be achieved via side streets.*

Block 2 – The rezoning of eastern side of the Princes Highway, between Stubbs Street and Park Road.

244. A review of the existing R3 – Medium Density Residential zone in this area proposed that the height and density be increased in this Precinct to encourage redevelopment of these sites for residential flat building development. It is also proposed to rezone the western side of Wyuna Street, between Stubbs Street and Lacey Street from R2 – Low Density Residential to R3 – Medium Density Residential to also permit residential flat building development.
245. The proposed height and FSR in this Precinct, as exhibited, ranges from 9m – 21m and 2:1.
246. Submissions, both written and oral, from owners affected by the proposed rezoning were supportive of the changes, with the exception of the 9m height limit fronting Wyuna and John Street.
247. The concern is that the split height requirement may result in the redevelopment of sites fronting the Princes Highway and isolation of those sites fronting Wyuna and John Street.
248. Also, with the recent changes to the building separation requirements in State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP 65), redevelopment of these sites in isolation to those fronting the Princes Highway may not be viable as separation requirements may conflict with the 9 metre height restriction and impact on development yield.
249. There was concern expressed by the owners on the opposite side of the street (which is proposed to be retained as R2 – Low Density Residential) with respect to the impact on the existing character of their street, which currently is single dwelling houses.
250. The concern raised with respect to the viability of redevelopment and building separation issues impacting on viability are a valid concern, as are the concerns from residents on the opposite side of John and Wyuna Streets regarding the character of their street, where the R2 – Low Density Residential zone is proposed to be retained.
251. To address the issue of impact on development yield and viability, consideration should be given to reviewing the height requirements for the blocks fronting Wyuna and John Street to apply the 21m height to the whole of the block, rather than having an arbitrary 9m split in the height requirement. The incorporation of amalgamation requirements into a DCP would also address the issue of site isolation.
252. The issue of transition and retention of the low density character of the street is a valid concern and it is also recommended that detailed design controls be developed to ensure that buildings provide an appropriate transition to the R2 – Low Density Residential zone. Such controls could appropriately address building heights and

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building setbacks fronting Wyuna and John Street, consistent with those on the opposite side of the street. A reduction in building scale and presentation to Wyuna and John Streets could be achieved through the preparation of DCP controls.

253. With respect to the submissions identifying traffic as a concern within the Precinct, the traffic generation analysis identified the rate of uplift along this section of the Princes Highway is anticipated to occur in the short to medium term, with 60% of the development occurring in the short term (0-5 years) and 20% of the development occurring in the short to medium term.
254. Based on the analysis undertaken, it is considered that the additional traffic proposed to be generated along this section of the Princes Highway would be incremental over the 15 year period and not adversely impact on the operation of the Princes Highway.

Recommendation

- *Proceed with proposed changes to zoning and FSR for the block bounded by Princes Highway, Stubbs Street, Wyuna Street and Park Road, Kogarah Bay as exhibited in the Planning Proposal.*
- *Amend the Height of Buildings Map for No.'s 1 – 21 Wyuna Street, 1-13 John Street, 72 Park Road and 5 & 6 Lacey Street, Kogarah Bay to 21m so that the proposed 21m height limit applies to the entire block.*
- *Consider specific design and height requirements to provide an appropriate transition to the R2 zone on the opposite side of John & Wyuna Street and retain the two storey setback as part of the preparation of the DCP controls for the Carlton Precinct – Princes Highway Centre.*
- *Consider requirements for site amalgamation as part of the preparation of DCP controls to ensure no sites are isolated and vehicular access can be achieved via side streets.*

(iv) South Hurstville Precinct (South Hurstville Centre)

255. Written and oral submissions received from residents and owners from the South Hurstville Precinct (South Hurstville Centre) object to increased development potential specifically in the area bounded by The Mall, Tavistock Road and The Esplanade.
256. The majority of submissions were received from owners of properties within these streets, objecting to the proposed rezoning from R2- Low Density Residential to R3 – Medium Density Residential with proposed height of 12m and FSR of 1:1.
257. The key concerns raised in the submissions include:
- Increased traffic and inadequate parking;
 - Adverse impact on existing streetscape and character;
 - Loss of trees;
 - Heights and the impact on adjoining low density residential areas.

Item II (cont.)***Council Officer's Response***

258. The block bounded by The Mall, Tavistock Road and The Esplanade was identified as being appropriate for uplift in zoning due to its proximity to the South Hurstville Commercial Centre. The block contains a number of newer dwellings, existing dual occupancy development and villa developments.
259. On reconsideration it is to be noted that the redevelopment of these sites would be unlikely in the short to medium term particularly with a high degree of reluctance for redevelopment as expressed in submissions from owners. In addition, the majority of the blocks within this area are greater than 650m² and would permit redevelopment in the form of dual occupancy development, which would be more in keeping with the existing streetscape.
260. The overall potential yield from this Precinct is not significant and pursuit of the proposed zoning change at this time is not critical.

Recommendation

- ***Proceed with proposed changes to zoning, height and FSR for the South Hurstville Precinct (South Hurstville Centre) as exhibited in the Planning Proposal.***

261. A number of submissions also objected to the rezoning of the former South Hurstville Bowling Club from RE2 – Private Recreation to SP2 – Educational Establishment. Issues included:
- Increased traffic during peak periods;
 - Increase in noise;
 - Reduced access to recreational facilities;
 - Loss of open space;
 - Impact on pedestrian safety;
 - Impact on street parking.
262. The subject site is currently zoned RE2 – Private Recreation and was sold to the Catholic Education Office, which intends to develop the site as a school.
263. It is proposed to rezone the site to SP2 – Educational Establishment to reflect the proposed future use of the site. Any redevelopment of the site for use as a school would require the submission of a development application to Council.
264. The issues of concern outlined above would be capable of being addressed as part of any assessment of a development application submitted for the change of use on the site.

Recommendation

- ***Proceed with the proposed SP2 zoning for the now redundant South Hurstville Bowling Club site, as exhibited in the Planning Proposal.***

(v) Kogarah Precinct (Kogarah North)

Item II (cont.)

265. Increased development opportunities in this Precinct were supported by the majority of owners who made a submission to the Planning Proposal. Requests were also made by owners within the Precinct seeking:
- Additional height and density;
 - Amalgamation requirements to ensure no sites are left in isolation; and
 - De-listing of existing heritage items.
266. Some submissions raised concern with respect to the impact of future redevelopment on existing heritage items within the Precinct, while some owners of heritage listed properties were concerned that they would be isolated, with high rise development adjoining them.
267. Submissions also included concern with the scale of the development proposed in the Precinct and the impact that high rise development would have on those property owners wishing to retain their dwelling house.

Council Officer's Response

268. The Kogarah Town Centre has undergone significant changes over the past 15 years to become a vibrant, liveable and working community. More people are living and working in the Centre than ever before. The Kogarah Town Centre has been identified as a Strategic Centre within the South Sub-Region in *A Plan for Growing Sydney*.
269. It is important that the Kogarah Town Centre has the potential to continue to grow and provide housing and jobs. The Community Strategic Plan also concludes that increased development should be located close to existing Centres and transport hubs, rather than in suburban areas, where access to public transport is limited.
270. In order to respond to the key priorities in *A Plan for Growing Sydney*, the Planning Proposal proposes to introduce a high density zone to this Precinct. The R4 – High Density Residential zone aims to revitalise areas to allow for high density apartments, close to public transport, hospitals, shopping and jobs. Building heights of 33m and FSR of 4:1 are proposed.
271. The proposed changes in the Kogarah North Precinct have been in response to the following:
- The need to address the NSW State Government's Metropolitan planning objectives, which are outlined in *A Plan for Growing Sydney* and which are expected to be formalized further in the District Plan, which is currently being prepared by the State Government. Statistics from the State Government Department of Planning & Environment indicate an estimated growth of 17,400 residents who will seek housing in the City of Kogarah up to 2031.
 - The need to respond to the key strategic directions and goals outlined in the Community Strategic Plan, which was prepared after significant consultation with the community. Council has undertaken research and investigation into housing trends, and our local housing needs, to ensure that the housing options that are developed suit the community's expectations. The Community Strategic Plan was developed in partnership and close consultation with the community and clearly

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highlighted the need to plan for the changing needs of our community into the future, including a strategic approach to housing.

272. The proposed changes aim to encourage the renewal of land to a higher density residential precinct, to deliver:
- Increased choice in housing close to public transport, hospitals and other services;
 - An additional supply of housing which has been designed with lift access;
 - Improved footpaths and streetscape;
 - Upgraded stormwater, drainage and community facilities.
273. The Planning Proposal provides for this Precinct to experience the greatest rate of redevelopment in the next 5-10 years. If endorsed it is critical that development standards and controls for this Precinct should be in place to ensure redevelopment and urban design outcomes are of a high standard and also that existing heritage items in this Precinct are protected and incorporated into redevelopment sites.
274. There would also be the need for the preparation of a Section 94 Contributions Plan, which would allow Council to fund future infrastructure works in this Precinct.
275. Should Council consider it appropriate to proceed with the proposed changes as exhibited in the Planning Proposal, it is recommended that an Urban Design Study and Section 94 Contributions Plan for the Plan be immediately commissioned to ensure the following:
- Establishment of appropriate detailed development controls to achieve a high standard of residential apartment development;
 - That building envelopes respect the height, scale and massing of adjoining; development and maintain the setting of heritage listed buildings;
 - Opportunities for upgrades to the street network and public domain are identified;
 - Engagement with the Department of Education & Communities as a key landowner in the Precinct to investigate joint use and investment in open space facilities in the Precinct;
 - Preparation of a Section 94 Contributions Plan, which would allow Council to fund future infrastructure works in the Precinct and appropriate upgrade to community facilities in the locality.

Recommendation

- ***Proceed with proposed changes to zoning, height and FSR for the Kogarah Precinct (Kogarah North) as exhibited in the Planning Proposal.***
- ***Pursue the appointment of a consultant to prepare an Urban Design Study and a Section 94 Contributions Plan for the Kogarah North Precinct.***

C. RECOMMENDATIONS FOR PRECINCTS

276. Attached to this report at **Appendix 13 – Precinct Analysis** is a review of all Precincts with consideration of issues revised in submissions and the Council Officer's recommendations. Table 7 below presents a precis of the Officer's recommendation for each of the Precincts:

Table 7: Precinct Recommendations

Precinct	Officer's Recommendation
Allawah Precinct	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for the Allawah Precinct (Railway Parade) and (Woods Avenue) as exhibited in the Planning Proposal.
Beverley Park Precinct	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for the Beverley Park Precinct (Beverley Park Centre) and (Rocky Point Road) as exhibited in the Planning Proposal.
Blakehurst Precinct (Blakehurst Centre) – Block 1	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for the Blakehurst Centre (Block 1) as exhibited in the Planning Proposal. Consider requirements for height and setback for the rear portion of properties to limit the impact on the rear yards of properties in Bunyala Street as part of the preparation of the DCP controls for the Blakehurst Precinct.
Blakehurst Precinct (Blakehurst Centre) – Block 2	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for the Blakehurst Centre (Block 2) as exhibited in the Planning Proposal. Consider requirements for height and setback to provide an appropriate transition to the R2 zone for the block bounded by Philip Street, King Georges Road and Stuart Street as part of the preparation of the DCP controls for the Blakehurst Precinct. Consider requirements for site amalgamation as part of the preparation of DCP controls to ensure no sites are isolated and vehicular access can be achieved via side streets.
Blakehurst Precinct (Blakehurst Centre) – Block 3	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for the Blakehurst Centre (Block 3) as exhibited in the Planning Proposal. Consider requirements for height and setback for the properties abutting the rear of properties on Brockwell Place as part of the preparation of the DCP controls for the Blakehurst Precinct. Develop detailed design controls to ensure that the interface between new development and Carss/Todd Park provides activation and surveillance.

Item II (cont.)

Precinct	Officer's Recommendation
Blakehurst Precinct (Terry Street)	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for the Blakehurst Precinct (Terry Street) as exhibited in the Planning Proposal.
Carlton Precinct (Andover Street)	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for the Carlton Precinct (Allawah Precinct) as exhibited in the Planning Proposal.
Carlton Precinct (Jubilee Avenue)	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for the Carlton Precinct (Jubilee Avenue) as exhibited in the Planning Proposal.
Carlton Precinct (Railway Parade)	<ul style="list-style-type: none"> Proceed with proposed changes to height and FSR for the Carlton Precinct (Railway Parade) as exhibited in the Planning Proposal.
Carss Park Precinct (Carss Park Centre)	<ul style="list-style-type: none"> Proceed with proposed changes to height and FSR for the Carss Park Precinct (Carss Park Centre) as exhibited in the Planning Proposal.
Hurstville Precinct (Hurstville Centre)	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for the Hurstville Precinct (Hurstville Centre) as exhibited in the Planning Proposal.
Hurstville Grove Precinct (76 Whitfield Parade)	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for the Hurstville Grove Precinct (76 Whitfield Parade) and Hurstville Grove Precinct (Waitara Parade) as exhibited in the Planning Proposal.
Kogarah Precinct (Kogarah South)	<ul style="list-style-type: none"> Proceed with changes to zoning, height and FSR for the Kogarah Precinct (Kogarah South) as exhibited in the Planning Proposal.
Kogarah Precinct (Princes Highway)	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for the Kogarah Precinct (Princes Highway) as exhibited in the Planning Proposal.
Kogarah Bay Precinct (Lacey Street)	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for the Kogarah Bay Precinct (Lacey Street) as exhibited in the Planning Proposal.
Kyle Bay Precinct (Kyle Bay Centre)	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for the Kyle Bay Precinct (Kyle Bay Centre) as exhibited in the Planning Proposal.
Mortdale Precinct (Mortdale Centre)	<ul style="list-style-type: none"> Proceed with proposed changes to height and FSR for the Mortdale Precinct (Mortdale Centre) as exhibited in the Planning Proposal.
Oatley Precinct (Oatley Centre)	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for the Oatley Precinct (Oatley Centre) as exhibited in the Planning

Item II (cont.)

Precinct	Officer's Recommendation
	Proposal.
Penshurst Precinct (Hillcrest Avenue)	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for the Penshurst Precinct (Hillcrest Avenue) as exhibited in the Planning Proposal.
Penshurst Precinct (Penshurst Centre)	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for the Penshurst Precinct (Penshurst Centre) as exhibited in the Planning Proposal.
Ramsgate Precinct (Ramsgate Centre)	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for the Ramsgate Precinct (Ramsgate Centre) as exhibited in the Planning Proposal.
Sans Souci Precincts (Rocky Point Road and Sans Souci Centre)	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for Sans Souci Precinct (Rocky Point Road) and Sans Souci Precinct (Sans Souci Centre) as exhibited in the Planning Proposal.

D. LEP AMENDMENTS**(i) Rezoning Requests - RE1 –Public Recreation Zone**

277. Three (3) submissions were received during the exhibition period objecting to land either currently zoned or proposed to be rezoned to RE1 – Public Recreation zone.
278. Table 8 below provides an overview of the specific requests made during the exhibition of the Planning Proposal in relation to the RE1 – Public Recreation zone and the Council Officer's recommendation for each request.

Table 8: Rezoning Requests – RE1 – Public Recreation Zone

Address & Summary of Submission	Council Officer's Recommendation
<p>No 225 Connells Point Road, Connells Point</p> <p>Request by owner to rezone rear portion of property from RE1 – Public Recreation to R2 – Low Density Residential.</p> <p>Justification for the request is that Council's & the State Government's original intention of creating a continuous foreshore access along</p>	<p>The rear portion of No 225 Connells Point Road, Connells Point is zoned RE1 – Public Recreation zone under KLEP 2012 and is situated on the foreshore and is proposed to provide access to Redin Place Reserve.</p> <p>The subject land is identified on the Land Reservation Acquisition Map (LRA) as Regional Open Space and the relevant authority for the purchase of this land is the Minister for Planning.</p>

Item II (cont.)

Address & Summary of Submission	Council Officer's Recommendation
<p>the waterfront to Oatley Bay is no longer achievable.</p>	<p>A review of the existing RE1 zone was undertaken as part of the preparation of Council's Open Space review. The site forms an integral component of the foreshore link to Redin Place Reserve (Council owns properties to the west of the adjoining lots) and as part of the review it was recommended that the RE1 zone be retained.</p> <p>Request not supported.</p> <ul style="list-style-type: none"> ▪ <i>Retain the RE1 – Public Recreation zone for the rear portion of No 225 Connells Point Road, as exhibited in the Planning Proposal.</i>
<p><i>No 243A Connells Point Road (LOT: 1 DP: 371577), Connells Point</i></p> <p>The adjoining owner at No 245 Connells Point Road has raised concerns with respect to the proposed rezoning of the land from E4 – Environmental Living to RE1 – Public Recreation. Concern is that by rezoning the land to RE1 will encourage members of the public to gather there and consume drugs and alcohol and hold bonfires that could cause fire and damage to private property.</p>	<p>The land is in Council's ownership and the proposed rezoning to RE1 – Public Recreation formalises the ownership of the land and the intention that the land be utilized as public open space.</p> <ul style="list-style-type: none"> ▪ <i>Proceed with the rezoning of No 243A Connells Point Road, Connells Point from E4 – Environmental Living to RE1 – Public Recreation.</i>
<p><i>No 233A Connells Point Road, Connells Point</i></p> <p>The adjoining owner considers that the foreshore land is incorrectly identified.</p> <p>Request by owners of No 231B Connells Point Road to rezone the portion of land fronting the foreshore from RE1 – Public Recreation to R2 – Low Density Residential and that Council</p>	<p>No 233A Connells Point Road, Connells Point is zoned RE1 – Public Recreation zone under KLEP 2012 and is situated on the foreshore and is proposed to provide access to Redin Place Reserve. The land is in Council's ownership.</p> <p>A review of the existing RE1 zone was undertaken as part of the preparation of Council's Open Space review. The site forms a foreshore link to Redin Place Reserve and as part of the review it was recommended that the RE1 zone be retained.</p>

Item II (cont.)

Address & Summary of Submission	Council Officer's Recommendation
reclassify the land "operational" and consider sale of the land.	<p>Request not supported.</p> <ul style="list-style-type: none"> ▪ <i>Retain the RE1 – Public Recreation zone for the rear portion of No 233A Connells Point Road, as exhibited in the Planning Proposal.</i>

(ii) Schedule 1 – Additional Permitted Uses

279. The sites identified in Clauses 1-15 of Schedule 1 of Kogarah LEP 2012 represented those sites that were existing non-conforming uses (for example, hotel or motel accommodation in the R2 – Low Density zone).
280. The majority of these sites were converted from KLEP 1998 and represent sites which had existing uses or permitted additional uses prior to the gazettal of KLEP 1998. A number of sites were added to the Schedule to allow ongoing permissibility of multi-unit housing provisions that were contained in KLEP 1998.
281. A number of properties were proposed to be removed from Schedule 1 as part of the Planning Proposal. Submissions were received from a number of property owners objecting to their removal.
282. Table 9 below provides an overview of the specific requests made during the exhibition of the Planning Proposal in relation to properties in Schedule 1 and the Council Officer's recommendation for each request.

Table 9: Schedule 1 Requests

Address & Summary of Submission	Council Officer's Recommendation
<p><i>No 243 West Street, Blakehurst</i></p> <p>Owners object to the removal of the property from Schedule 1, Clause 17 which allows for identified sites to be developed for the purpose of multi-dwelling housing.</p>	<ul style="list-style-type: none"> ▪ Request to retain property in Schedule 1, Clause 17 is supported. ▪ The property is affected by mainstream flooding with a large percentage of the site classified as high hazard in the 1 in 100 year ARI event, however since exhibition of the Planning Proposal a development application has been submitted and determined in accordance with the current provisions. The application adequately addressed the flooding issues.

Item II (cont.)

Address & Summary of Submission	Council Officer's Recommendation
<p><i>No 5 Denman Street, Hurstville</i></p> <p>Owners object to the removal of the property from Schedule 1, Clause 19 which permits development for the purposes of villas or townhouses (or both) or detached dual occupancy to be carried out, with consent, on an allotment of land zoned R2 - Low Density Residential with a minimum area of 1500m². The provision also permits the subsequent subdivision of the land.</p>	<ul style="list-style-type: none"> ▪ Request to retain property in Schedule 1, Clause 19 is supported. ▪ The site was originally recommended for removal from the Schedule due to the flooding affectation. Further investigation of the impact of flooding on the site has been undertaken and it has now been determined that the impact of flooding affects only the rear portion of the property which is proposed to be rezoned to RE1 – Public Recreation. This portion of land would be required to be dedicated to Council upon redevelopment of the subject site.
<p><i>No 120 Railway Parade, Mortdale</i></p> <p>Owners object to the removal of No 120 & 122 Railway Parade, Mortdale from Schedule 1, Clause 18 which permits identified sites with a minimum 20m frontage to be developed for multi-dwelling housing up to 5m in height.</p> <p>The owners have requested that the site be rezoned from R2 – Low Density Residential to R3 – Medium Density Residential</p>	<ul style="list-style-type: none"> ▪ The subject site was proposed to be removed from Schedule 1 in error. It is recommended that the site be retained in Schedule 1, Clause 18 which allows multi-dwelling (villas) on appropriate sites.
<p><i>No.'s 721A & 721B King Georges Road, Penshurst</i></p> <p>Owners object to the removal of No.'s 721A & 721B from Schedule 1, Clause 19 which permits development for the purposes of villas or townhouses (or both) or detached dual occupancy to be carried out, with consent, on an allotment of land zoned R2 - Low Density Residential with a minimum area of 1500m². The provision also permits the subsequent subdivision of the land.</p>	<ul style="list-style-type: none"> ▪ Request to retain properties in Schedule 1, Clause 19 is supported. ▪ The properties were proposed to be removed from the Schedule as they are landlocked with no vehicular access. ▪ The owners are currently identifying options for access to the sites and intend to redevelop the sites for multi-dwelling housing in the future.
<p><i>No 9 Belmont Avenue, Penshurst</i></p> <p>Request by owner to retain site under Clause 19, Schedule 1 of the LEP so</p>	<ul style="list-style-type: none"> ▪ The subject dwelling is on a large parcel of land within the Penshurst Conservation Area and there is opportunity to redevelop, while

Item II (cont.)

Address & Summary of Submission	Council Officer's Recommendation
that detached dual occupancy and multi-dwelling housing is a permitted form of development.	<p>retaining the existing dwelling.</p> <ul style="list-style-type: none"> Request to retain property in Schedule 1, Clause 19 is supported.

(iii) Schedule 5 – Environmental Heritage

283. Table 10 below identifies those submissions that were received from property owners of heritage listed properties, and provides discussion and the Council Officer's recommendation in relation to the request:

Table 10: Requests relating to Heritage Properties

Address & Summary of Submission	Council Officer's Discussion & Recommendation
<p>4 Maher Street (Lot B, DP 407726), Hurstville</p> <p>House and garden ("Leyholme")</p> <p>Concern by the owners that their property will be left in isolation because it is heritage listed and No.'s 6-8 Maher Street is large enough to be redeveloped as a site in isolation to No 4 Maher Street.</p> <p>Request by owners for requirements to amalgamate heritage listed property into adjoining development site.</p>	<p>The Planning Proposal proposes to rezone No.'s 4, 6 & 8 Maher Street from R2 – Low Density Residential to R3 – Medium Density Residential, with a height of 15m and FSR of 1.5:1.</p> <p>Clause 5.10(10) of KLEP 2012 provides incentive provisions that can be utilised to encourage conservation of the heritage item.</p> <p>It is recommended that specific provisions be included in the preparation of detailed design controls for this Precinct to provide incentives for incorporating No 4 Maher Street in any adjoining redevelopment scheme – this would ensure that issues such as curtilage and appropriate setbacks are adequately addressed.</p> <ul style="list-style-type: none"> <i>Proceed with proposed zoning, height and FSR for No 4 Maher Street, Hurstville as exhibited in the Planning Proposal.</i> <i>Consider the incorporation of specific requirements to ensure the inclusion of No 4 Maher Street into any adjoining development at No.'s 6-8 Maher Street (heritage incentive provisions) as part of the preparation of the DCP controls for the Hurstville Precinct – Hurstville Centre.</i>
<p>14-16 Victoria Street, (Lots 72 and 73, Section B, DP 1397) Kogarah</p> <p>Terraces and garden ("Beatrice")</p>	<p>The subject site is identified as a local heritage item and comprises a pair of two storey late Victorian period terraces, with an approximate site area of 450m².</p> <p>Removal of the properties from Schedule 5 of the LEP</p>

Item II (cont.)

Address & Summary of Submission	Council Officer's Discussion & Recommendation
<p>and "Lillyville")</p> <p>Request by an adjoining owner (No 10 Victoria Street) for Council to consider removing No.'s 14-16 Victoria Street from Schedule 5 (delisting).</p> <p>Concerned that the heritage properties will be left as isolated sites.</p>	<p>is not supported.</p> <p>There are opportunities for incentive provisions for heritage listed properties to be incorporated into an adjoining development site and be retained and restored.</p> <p>Consideration needs to be given to the development of appropriate incentive provisions to ensure the protection of existing heritage items. This work would be undertaken as part of the preparation of a detailed study for this Precinct.</p> <ul style="list-style-type: none"> ▪ <i>Proceed with proposed changes to zoning, height and FSR and retain heritage listing for No.'s 14-16 Victoria Street, Kogarah as exhibited in the Planning Proposal.</i> ▪ <i>Pursue the preparation of an Urban Design Study and a Section 94 Contributions Plan for the Kogarah North Precinct to address the existing heritage items within the Precinct and ensure that building envelopes respect the height, scale and massing of adjoining development, maintain the setting of heritage listed buildings and provide for appropriate offset bonuses or building envelope provisions to ensure all heritage items in the Precinct can be incorporated and retained in consolidated redevelopment schemes.</i>
<p>8 Loch Maree Crescent, (Lot 10, DP29352) Connells Point</p> <p>House and garden</p> <p>Request by owner for Council to consider removing No 8 Lock Maree Crescent, Connells Point from Schedule 5 (delisting).</p> <p>The owner believes that the property does not have heritage significance.</p> <p>Owner would like to redevelop the property for a dual occupancy development and the heritage listing restricts the redevelopment potential.</p>	<p>The Planning Proposal for the New City Plan did not include a comprehensive review of heritage listed properties.</p> <p>Clause 5.10 of KLEP 2012 provides specific provisions in respect to heritage conservation. There may be opportunities to currently redevelop the site under the provisions of 5.10(10) of KLEP 2012.</p> <p>At this stage delisting is not supported however should the owner wish Council to further consider the matter then they would need to submit a heritage report, prepared by a suitably qualified person, that outlines in detail the reasons for consideration of the request.</p> <ul style="list-style-type: none"> ▪ <i>Retain I38 – 8 Loch Maree Crescent, Connells Point as a heritage item within Schedule 5.</i>

Item 11 (cont.)

E. MATTERS REQUIRING FURTHER CONSIDERATION

284. During the exhibition of the Planning Proposal for the New City Plan, Council received 53 submissions requesting either rezoning and/or increases in development potential for specific land.
285. These requests have been analysed and as it is considered that the majority of the requests would result in major changes to the Planning Proposal. It is recommended that these not be considered as part of this process. For some requests, further consideration is recommended, but as part of a future Planning Proposal/s.
286. **Table 11** below provides an overview of the specific requests made during the exhibition of the New City Plan and a recommendation for each request.
287. Generally, it is recommended that where requests have been made seeking reconsideration to zoning, height and FSR, and there is support for further consideration of these requests, then these will be dealt with in the future by Council, or through a separate Planning Proposal pursued by the proponent.
288. A more detailed analysis of each of these requests is included at **Appendix 13 – Precinct Analysis**:

Table 11: Specific Requests

Address/ Request	Officer's Recommendation
No 26 Lancelot Street, Allawah Increase to height from 15m to 21m and FSR from 1.5:1 to 2.5:1	<ul style="list-style-type: none"> Request for change not supported. Proceed with proposed changes to zoning, height and FSR for No 26 Lancelot Street, Allawah as exhibited in the Planning Proposal.
Beverley Park Precinct (Rocky Point Road)	
No 107 Jubilee Avenue, Beverley Park LEP be amended to include provisions requiring amalgamation of sites.	<ul style="list-style-type: none"> Consider requirements for amalgamation as part of the preparation of DCP controls for the Beverley Park Precinct (Rocky Point Road).
Blakehurst Precinct (Blakehurst Centre)	
No 36 Bunyala Street, Blakehurst Increase to height from 15m to 21m and FSR from 1.5:1 to 2:1	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR as exhibited for No 36 Bunyala Street, Blakehurst as exhibited in the Planning Proposal. Undertake further investigation of the request as part of a future Planning Proposal or advise the applicant to lodge

Item II (cont.)

Address/ Request	Officer's Recommendation
	a Planning Proposal for Council's consideration.
<p>No.'s 416-422 Princes Highway, Blakehurst</p> <p>Rezone from R2 – Low Density Residential to R3 – Medium Density Residential and FSR of 1.5:1</p>	<ul style="list-style-type: none"> Request for change not supported. Proceed with proposed zoning, height and FSR for No.'s 416 – 422 Princes Highway, Blakehurst as exhibited in the Planning Proposal.
<p>No.'s 396-398, 402 and 410-422 Princes Highway, Blakehurst</p> <p>Rezone from R2 – Low Density Residential to R3 – Medium Density Residential and FSR of 1.5:1</p>	<ul style="list-style-type: none"> Request for change not supported Proceed with proposed zoning, height and FSR for No.'s 396-398, 402 and 410-422 Princes Highway, Blakehurst as exhibited in the Planning Proposal.
<p>No 703 Princes Highway, Blakehurst</p> <p>Rezone from R2 – Low Density Residential to R3 – Medium Density Residential or R4 – High Density Residential</p>	<ul style="list-style-type: none"> Request for change not supported. Proceed with proposed zoning, height and FSR for No 703 Princes Highway, Blakehurst as exhibited in the Planning Proposal.
Blakehurst Precinct (Blakehurst Waterfront)	
<p>No 430-432 Princes Highway, Blakehurst</p> <p>Increase height from 21m to 33m and FSR from 2:1 to 3:1</p>	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for No.'s 430 – 432 Princes Highway, Blakehurst as exhibited in the Planning Proposal. Consider requirements for site amalgamation as part of the preparation of DCP controls to ensure no sites are isolated. Undertake further investigation of the request as part of a future Planning Proposal or advise the applicant to lodge a Planning Proposal for Council's consideration.
<p>No 426 Princes Highway, Blakehurst</p> <p>LEP be amended to include provisions requiring amalgamation of sites.</p>	<ul style="list-style-type: none"> Consider requirements for site amalgamation as part of the preparation of DCP controls to ensure no sites are isolated.
<p>No 474 Princes Highway,</p>	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for No 474 Princes Highway, Blakehurst as

Item II (cont.)

Address/ Request	Officer's Recommendation
<p>Blakehurst</p> <p>Increase FSR from 2:1 to 3:1 and reduce Foreshore Building Line (FBL) from 12m to 3m.</p>	<p>exhibited in the Planning Proposal.</p> <ul style="list-style-type: none"> Consider requirements for site amalgamation as part of the preparation of DCP controls to ensure no sites are isolated. Undertake further investigation of the request for the review of the height, FSR and FBL as part of a future Planning Proposal or advise the applicant to lodge a Planning Proposal for Council's consideration.
Blakehurst Precinct (Terry Street)	
<p>No.'s 11-13 Heath Road, Blakehurst</p> <p>Rezone from R2 – Low Density Residential to R3 – Medium Density Residential and increase height from 8.5m to 9m and FSR from 0.55 to 0.7:1</p>	<ul style="list-style-type: none"> Proceed with proposed zoning, height and FSR for No.'s 11-13 Heath Road, Blakehurst as exhibited in the Planning Proposal. Undertake further investigation of the request as part of a future Planning Proposal or advise applicant to lodge a Planning Proposal for Council's consideration.
Carlton Precinct (Enterprise Corridor)	
<p>No 65 & 65A Westbourne Street, Carlton</p> <p>Rezone from R2 – Low Density Residential to B6 – Enterprise Corridor</p>	<ul style="list-style-type: none"> Request for change not supported Proceed with proposed zoning, height and FSR for No 65 & 65A Westbourne Street, Carlton as exhibited in the Planning Proposal.
<p>No.'s 267-271 Princes Highway, Carlton</p> <p>Increase the percentage of allowable residential floorspace in the zone from 65% to 80%</p>	<ul style="list-style-type: none"> Request for change not supported. Proceed with proposed changes to zoning, height, FSR and B6 Enterprise Corridor provisions limiting residential development to 65% of the total floor area for No.'s 267-271 Princes Highway, Carlton as exhibited in the Planning Proposal.
<p>No. 251 Princes Highway, Carlton and 71-73 Jubilee Avenue, Carlton</p> <p>Increase height from 21m to 23-26m and FSR from 2:1 to 3:1, with 2.7:1 being residential floor space and 0.3:1 being commercial floor space</p>	<ul style="list-style-type: none"> Request for change not supported. Proceed with proposed changes to zoning, height, FSR and B6 Enterprise Corridor provisions limiting residential development to 65% of the total floor area for No.'s 251 Princes Highway & 71-73 Jubilee Avenue, Carlton, as exhibited in the Planning Proposal.

Item II (cont.)

Address/ Request	Officer's Recommendation
<p><i>No.'s 31 & 33 O'Meara Street, 287-293 Princes Highway and 32 & 34 Westbourne Street, Carlton</i></p> <p>Reduce the commercial component in the B6 – Enterprise Corridor zone and increase FSR from 2:1 to 2.5:1</p>	<ul style="list-style-type: none"> Request for change not supported. Proceed with proposed changes to zoning, height, FSR and B6 Enterprise Corridor provisions limiting residential development to 65% of the total floor area for No.'s 31-33 O'Meara Street, 287-293 Princes Highway & 32 & 34 Westbourne Street, Carlton as exhibited in the Planning Proposal.
<p><i>No. 124 Princes Highway, Beverley Park (St George Leagues Club)</i></p> <p>Remove FSR requirements for the site</p>	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for No. 124 Princes Highway, Beverley Park as exhibited in the Planning Proposal. Undertake further investigation of the request as part of a future Planning Proposal or advise the applicant to lodge a Planning Proposal for Council's consideration.
Carlton Precinct (Princes Highway Centre)	
<p><i>No. 71 Francis Street, Carlton</i></p> <p>Rezone from R2- Low Density Residential to B6 – Enterprise Corridor</p>	<ul style="list-style-type: none"> Request for change not supported. Proceed with proposed zoning, height and FSR for No. 71 Francis Street, Carlton as exhibited in the Planning Proposal.
<p><i>No.'s 399-403 Princes Highway, Carlton</i></p> <p>Increase height from 15m to 17m and FSR from 1.5:1 to 1.75:1</p>	<ul style="list-style-type: none"> Request for change not supported. Proceed with proposed changes to zoning, height and FSR for No.'s 399-403 Princes Highway, Carlton as exhibited in the Planning Proposal.
<p><i>No.'s 190-194, 198, 204, 208-212 & 216 Princes Highway & 5 John Street and No 70-72 Park Road and 1-3 and 2-6 Lacey Street, Kogarah Bay (1st Submission)</i></p> <p>Rezone from R3 – Medium Density Residential to B2 – Local Centre and increase FSR from 2:1 to 3:1 and apply 21m height limit to all properties (remove 9m height</p>	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for No.'s 190-194, 198, 204, 208-212 & 216 Princes Highway, Kogarah Bay as exhibited in the Planning Proposal. Proceed with proposed zoning and FSR for No.'s 5 John Street, 70-72 Park Road, 1-3 and 2-6 Lacey Street, Kogarah Bay as exhibited in the Planning Proposal. Amend the Height of Buildings Map for No.'s 5 Lacey Street, 1 – 13 John Street and 72 Park Road, Kogarah Bay to 21m so that the proposed 21m height limit applies to the entire block.

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Address/ Request	Officer's Recommendation
limit).	<ul style="list-style-type: none"> Consider specific design and height requirements to provide an appropriate transition to the R2 zone on the eastern side of John & Wyuna Street and incorporate a two storey setback as part of the preparation of the DCP controls for the Carlton Precinct – Princes Highway Centre.
<p><i>Block bounded by John Street, Park Road, Princes Highway and Lacey Street (2nd Submission)</i></p> <p>Retain proposed R3 – Medium Density Residential zone</p> <p>Increase FSR from 2:1 to 2.7:1 and apply 21m height limit to all properties (remove 9m height limit).</p> <p>Incorporate amalgamation requirements</p>	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for No.'s 190-194, 198, 204, 208-212 & 216 Princes Highway, Kogarah Bay as exhibited in the Planning Proposal. Proceed with proposed zoning and FSR for No.'s 5 John Street, 70-72 Park Road, 1-3 and 2-6 Lacey Street, Kogarah Bay as exhibited in the Planning Proposal. Amend the Height of Buildings Map for No.'s 5 Lacey Street, 1 – 13 John Street and 72 Park Road, Kogarah Bay to 21m so that the proposed 21m height limit applies to the entire block. Consider specific design and height requirements to provide an appropriate transition to the R2 zone on the eastern side of John & Wyuna Street and incorporate a two storey setback as part of the preparation of the DCP controls for the Carlton Precinct – Princes Highway Centre.
<p><i>No.'s 1-21 Wyuna Street and 2-6 Lacey Street, Beverley Park</i></p> <p>Remove the split height from the block and apply the 21m height limit to the properties fronting Wyuna Street and Lacey Street.</p>	<ul style="list-style-type: none"> Proceed with proposed changes to zoning and FSR for No.'s 1-21 Wyuna Street and No.'s 2-6 Lacey Street, Beverley Park as exhibited in the Planning Proposal. Amend the Height of Buildings Map for No.'s 1 – 21 Wyuna Street and 6 Lacey Street, Kogarah Bay to 21m so that the proposed 21m height limit applies to the entire block. Consider specific design and height requirements to provide an appropriate transition to the R2 zone on the eastern side of John & Wyuna Street and incorporate a two storey setback as part of the preparation of the DCP controls for the Carlton Precinct – Princes Highway Centre.

Address/ Request	Officer's Recommendation
Carlton Precinct (Railway Parade)	
<p>No.'s 308-310 Railway Parade, 2-8 Jubilee Avenue and 336-338 Railway Parade, Carlton</p> <p>Increase the height from 21m to 30m and a corresponding increase in the FSR (2.5:1 proposed)</p>	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for No.'s 308-301 Railway Parade, 2-8 Jubilee Avenue, 336-338 Railway Parade, Carlton as exhibited in the Planning Proposal. Undertake further investigation of the request as part of a future Planning Proposal or advise the applicant to lodge a Planning Proposal for Council's consideration.
<p>No.'s 318, 322, 324, 328 & 330 Railway Parade, Carlton</p> <p>Increase FSR from 2.5:1 to 3:1</p>	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for No.'s 318, 322, 324 & 330 Railway Parade, Carlton as exhibited in the Planning Proposal. Undertake further investigation of the request as part of a future Planning Proposal or advise the applicant to lodge a Planning Proposal for Council's consideration.
Carss Park Precinct (Carss Park Centre)	
<p>No.'s 2-4 Currawang Street, Carss Park</p> <p>Rezone from R2 – Low Density Residential to R3 – Medium Density Residential and increase height from 8.5m to 12m and FSR from 0.55:1 to 1.5:1</p>	<ul style="list-style-type: none"> Proceed with proposed zoning, height and FSR for No.'s 2-4 Currawang Street, Carss Park as exhibited in the Planning Proposal. Undertake further investigation of the request as part of a future Planning Proposal or advise the applicant to lodge a Planning Proposal for Council's consideration.
Hurstville Precinct (Hurstville Centre)	
<p>No.'s 3-5 West Street, Hurstville</p> <p>Increase FSR from 4.5:1 to 6:1</p>	<ul style="list-style-type: none"> Proceed with proposed height and FSR for No.'s 3-5 West Street, Hurstville as exhibited in the Planning Proposal. Undertake further investigation of the request as part of a future Planning Proposal or advise the applicant to lodge a Planning Proposal for Council's consideration.
<p>No 3 Hillcrest Avenue, Hurstville</p> <p>Rezone land within 400m of Hurstville Station from R2 – Low Density Residential to R4 – High Density Residential</p>	<ul style="list-style-type: none"> Proceed with proposed zones, height and FSR for land within 400m of Hurstville Station, as exhibited in the Planning Proposal. Undertake further investigation of the request for No.'s 3-9 Hillcrest Avenue, Hurstville as part of a future Planning Proposal or advise the applicant to lodge a Planning Proposal for Council's consideration (refer to following

Item II (cont.)

Address/ Request	Officer's Recommendation
	submission).
<p><i>No.'s 7-9 Hillcrest Avenue, Hurstville</i></p> <p>Rezone from R2 – Low Density Residential to R3 – Medium Density Residential.</p>	<ul style="list-style-type: none"> Proceed with proposed zoning, height and FSR for No.'s 7-9 Hillcrest Avenue, Hurstville as exhibited in the Planning Proposal. Undertake further investigation of the request for No.'s 3-9 Hillcrest Avenue, Hurstville as part of a future Planning Proposal or advise the applicant to lodge a Planning Proposal for Council's consideration (refer to previous submission).
Kogarah Precinct (Kogarah North)	
<p><i>No.'s 41-47 Princes Highway, Kogarah (1st Submission)</i></p> <p>Increase the height from 33m to 40m and FSR from 4:1 to 4.5:1</p>	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for No.'s 41-47 Princes Highway, Kogarah as exhibited in the Planning Proposal. Pursue the appointment of a consultant to prepare an Urban Design Study and a Section 94 Contributions Plan for the Kogarah North Precinct. The Study is to consider the request for increased height and FSR within this Precinct and make recommendations.
<p><i>No.'s 41-47 Princes Highway, Kogarah (2nd Submission)</i></p> <p>Increase the height from 33m to 52m and FSR from 4:1 to 6.5:1</p>	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for No.'s 41-47 Princes Highway, Kogarah as exhibited in the Planning Proposal. Pursue the appointment of a consultant to prepare an Urban Design Study and a Section 94 Contributions Plan for the Kogarah North Precinct. The Study is to review proposed building height and FSR within this Precinct and make recommendations.
Kogarah Precinct (Kogarah South)	
<p><i>No.'s 176-178 Railway Parade, Kogarah</i></p> <p>Increase height from 39m (12 storeys) to 13 storeys and FSR from 4:1 to 5.5:1</p>	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for No.'s 176-178 Railway Parade, Kogarah as exhibited in the Planning Proposal. Amend the Planning Proposal to include a FSR incentive provision which would apply to the B4 zoned properties bounded by Gray Street, Railway Parade and English Street, Kogarah to permit a 0.5:1 FSR bonus for the amalgamation of sites. Undertake further investigation of the request as part of a future Planning Proposal for the Kogarah Town Centre, incorporating the Railway Parade South Precinct.

Item II (cont.)

Address/ Request	Officer's Recommendation
<p>No.'s 250-258 Railway Parade, Kogarah (Kogarah RSL Site)</p> <p>Increase height from 39m to 43.95m and FSR from 4:1 to 4.5:1</p>	<ul style="list-style-type: none"> Proceed with proposed changes to height and FSR for No.'s 250 - 258 Railway Parade, Kogarah as exhibited in the Planning Proposal. Amend the Planning Proposal to include a FSR incentive provision which would apply to the B4 zoned properties bounded by Gray Street, Railway Parade and English Street, Kogarah to permit a 0.5:1 FSR bonus for the amalgamation of sites. Undertake further investigation of the request as part of a future Planning Proposal for the Kogarah Town Centre, incorporating the Railway Parade South Precinct.
<p>No.'s 38-50 Princes Highway, Beverley Park</p> <p>Rezone from R2 – Low Density Residential to R3 – Medium Density Residential</p>	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for No.'s 38-50 Princes Highway, Beverley Park as exhibited in the Planning Proposal. Undertake further investigation of the request as part of a future Planning Proposal or advise owner to lodge a Planning Proposal for Council's consideration.
Mortdale Precinct (Mortdale Centre)	
<p>No. 83 Railway Parade, Mortdale</p> <p>Rezone from R2 – Low Density Residential to B2 – Local Centre and increase height from 8.5m to 21m and FSR from 0.55:1 to 2.5:1</p>	<ul style="list-style-type: none"> Request for change not supported. Proceed with proposed zoning, height and FSR for No. 83 Railway Parade, Mortdale as exhibited in the Planning Proposal.
Oatley Precinct (Oatley Centre)	
<p>Judd Street, Oatley</p> <p>Rezone Judd Street from R2 – Low Density Residential to R3 – Medium Density Residential</p>	<ul style="list-style-type: none"> Request for change not supported. Proceed with proposed zoning, height and FSR for Judd Street, Oatley as exhibited in the Planning Proposal.
<p>No. 200 Hurstville Road, Oatley</p> <p>Rezone from B1 – Neighbourhood zone to B2 – Local Centre and increase height and FSR</p>	<ul style="list-style-type: none"> Request for change not supported. Proceed with proposed zoning, height and FSR for No. 200 Hurstville Road, Oatley as exhibited in the Planning Proposal.

Item II (cont.)

Address/ Request	Officer's Recommendation
<p><i>No 15 Woonona Parade East, Oatley</i></p> <p>Amalgamation requirements</p>	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for 15 Woonona Parade East, Oatley as exhibited in the Planning Proposal. Amalgamation requirements will be reviewed as part of the preparation of controls under a DCP.
Penshurst Precinct (Hillcrest Avenue)	
<p><i>No 77 Hillcrest Avenue, Hurstville Grove</i></p> <p>Rezone from R2 – Low Density Residential to B1 – Neighbourhood Centre</p>	<ul style="list-style-type: none"> Proceed with proposed zoning, height and FSR for No 77 Hillcrest Avenue, Hurstville Grove as exhibited in the Planning Proposal. Undertake further investigation of the request as part of a future Planning Proposal or advise owner to lodge a Planning Proposal for Council's consideration.
Penshurst Precinct (Penshurst Centre)	
<p><i>No 1 Penshurst Avenue, Penshurst</i></p> <p>Rezone from R2 – Low Density Residential to R3 – Medium Density Residential</p>	<ul style="list-style-type: none"> Request for change not supported. Proceed with proposed zoning, height and FSR for No 1 Penshurst Avenue, Penshurst as exhibited in the Planning Proposal.
Ramsgate Precinct (Ramsgate Centre)	
<p><i>No.'s 2-6 Targo Road, 66-68 Ramsgate Road and 193-195 Rocky Point Road, Ramsgate</i></p> <p>Rezone portion of site that is currently R3 – Medium Density Residential to B2 – Local Centre and increase height from 15-21m to 15-30m and apply a 2.5:1 FSR across the whole site</p>	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for No.'s 2-6 Targo Road, 66-68 Ramsgate Road and 193-195 Rocky Point Road, Ramsgate as exhibited in the Planning Proposal. Undertake further investigation of the request as part of a future Planning Proposal or advise owner to lodge a Planning Proposal for Council's consideration
<p><i>No. 15 Dalkeith Street, Ramsgate</i></p> <p>Rezone the western side of Dalkeith Street from R2 – Low Density to R3 – Medium Density and increase height from 8.5m to</p>	<ul style="list-style-type: none"> Request for change not supported Proceed with proposed zoning, height and FSR for the western side of Dalkeith Street, Ramsgate as exhibited in the Planning Proposal.

Item II (cont.)

Address/ Request	Officer's Recommendation
15m and FSR from 0.55:1 to 1.5:1	
Sans Souci Precinct (Sans Souci Centre)	
<i>No 299 Rocky Point Road, Sans Souci</i> Rezone from R2 – Low Density Residential to R3 – Medium Density Residential	<ul style="list-style-type: none"> Request for change not supported. Proceed with proposed zoning, height and FSR for No 299 Rocky Point Road, Sans Souci as exhibited in the Planning Proposal.
<i>No.'s 383-403 Rocky Point Road, Sans Souci</i> Rezone from R2 – Low Density Residential to B1 – Neighbourhood Centre and increase height from 8.5m to 15m and FSR from 0.55:1 to 2:1	<ul style="list-style-type: none"> Proceed with proposed zoning, height and FSR for No.'s 383-403 Rocky Point Road, Sans Souci as exhibited in the Planning Proposal. Undertake further investigation of the request as part of a future Planning Proposal or advise owner to lodge a Planning Proposal for Council's consideration.
<i>No.'s 365-377 Rocky Point Road, Sans Souci</i> Increase height from 15m to 21m and not include FSR requirements in the LEP	<ul style="list-style-type: none"> Proceed with proposed changes to height and FSR for No.'s 365-377 Rocky Point Road, Sans Souci as exhibited in the Planning Proposal. Undertake further investigation of the request as part of a future Planning Proposal or advise owner to lodge a Planning Proposal for Council's consideration.
South Hurstville Precinct (South Hurstville Centre)	
<i>No.'s 16 & 18 Joffre Street, South Hurstville</i> Increase FSR from 1:1 to 1.25:1	<ul style="list-style-type: none"> Request for change not supported. Proceed with proposed changes to height and FSR for No.'s 16 & 18 Joffre Street, South Hurstville as exhibited in the Planning Proposal.
<i>No 30 Culwulla Street, South Hurstville</i> Rezone from R2 – Low Density Residential to R3 – Medium Density Residential.	<ul style="list-style-type: none"> Request for change not supported. Proceed with proposed zoning, height and FSR for No 30 Culwulla Street, South Hurstville as exhibited in the Planning Proposal. Consider requirements for height and setback to provide an appropriate transition between the R3 and R2 zone as part of the preparation of the DCP controls for the South Hurstville Precinct – South Hurstville Centre.
<i>No.'s 35, 37, 39 & 41 Grosvenor Road, South Hurstville</i>	<ul style="list-style-type: none"> Proceed with proposed changes to zoning, height and FSR for No.'s 35, 37, 39 & 41 Grosvenor Road, South Hurstville as exhibited in the Planning Proposal.

Item 11 (cont.)

Address/ Request	Officer's Recommendation
Rezone from proposed R3 – Medium Density Residential to B2 – Local Centre and increase height from 15m to 21m and FSR from 1.5:1 to 2.5:1	<ul style="list-style-type: none"> Undertake further investigation of the request as part of a future Planning Proposal or advise owner to lodge a Planning Proposal for Council's consideration.
<p>No.'s 105, 107, 109 and 111 Connells Point Road, South Hurstville</p> <p>Rezone from R2 – Low Density Residential to R3 – Medium Density Residential</p>	<ul style="list-style-type: none"> Proceed with proposed zoning, height and FSR for No.'s 105, 107, 109 and 111 Connells Point Road, South Hurstville as exhibited in the Planning Proposal. Undertake further investigation of the request as part of a future Planning Proposal or advise owner to lodge a Planning Proposal for Council's consideration.
<p>No.'s 857-861 King Georges Road, South Hurstville (Anglican Retirement Village)</p> <p>Increase height from 9m to 12m and FSR from 0.7:1 to 1:1</p>	<ul style="list-style-type: none"> Proceed with proposed changes to height and FSR for No.'s 857 – 861 King Georges Road, South Hurstville as exhibited in the Planning Proposal. Undertake further investigation of the request to increase the height and FSR for the site as part of a future Planning Proposal or advise owner to lodge a Planning Proposal for Council's consideration.

289. Three (3) additional requests were received post the Public Forum requesting either rezoning and/or increases in development potential for specific land.

290. The requests have also been analysed and as it is considered that the majority of the requests would result in major changes to the Planning Proposal. It is recommended that these not be considered as part of this process.

291. The additional requests are summarized in **Table 11(a)** below:

Table 11(a): Specific Requests – Post Public Forum

Address/ Request	Officer's Recommendation
Blakehurst Precinct (Blakehurst Centre)	
<p>Phillip and Stuart Streets, Blakehurst</p> <p>Request by owner of No 31 Stuart Street, Blakehurst to rezone sites on Phillip Street and Stuart Street (between King Georges Road and Joseph Street) from R2 to R3.</p>	<ul style="list-style-type: none"> Request is to allow unit development 5 – 7 storeys in height. No specific FSR requested. The requested area is identified for low density housing. The existing commercial centre fronting King Georges Road is proposed to be rezoned from B1 Neighbourhood Centre to B2 Local Centre. Detailed development controls will address issues relating to amenity and transition to the adjoining low density housing.

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Address/ Request	Officer's Recommendation
	<ul style="list-style-type: none"> Request is not supported. No further investigation required. Advise owner accordingly.
Hurstville Precinct (Hurstville Centre)	
<p>No 3 – 11 Hillcrest Avenue, Hurstville</p> <p>Request by No 3 Hillcrest Avenue to increase height to 21m and FSR to 2.5:1</p>	<ul style="list-style-type: none"> Proceed with proposed zones, height and FSR for land within 400m of Hurstville Station, as exhibited in the Planning Proposal. Undertake further investigation of the request for No.'s 3-11 Hillcrest Avenue, Hurstville as part of a future Planning Proposal or advise the applicant to lodge a Planning Proposal for Council's consideration.
Oatley Precinct (Oatley Centre)	
<p>No 113 Hurstville Road, Oatley</p> <p>Request by owner to rezone site from R2 to R3</p>	<ul style="list-style-type: none"> Site area is a total of approximately 900m² and 25m street frontage. Site is surrounded by R2 Low Density Residential zoning. The site is listed under Schedule 1, Clause 20 of the KLEP 2012 which permits dual occupancy development (detached). The site also has opportunity under the Planning Proposal for dual occupancy development. Request is not supported. No further investigation required. Advise owner accordingly.

Post exhibition changes recommended to the Planning Proposal

292. As a result of considering the submissions, as well as an internal review of the Planning Proposal and LEP instrument by Council Officers, the following minor amendments to the Planning Proposal are recommended.

293. Under section 58 of the Act, changes to the draft LEP can be made prior to submission to the Department of Planning & Environment. Generally such amendments are limited to minor or inconsequential changes, however that determination is made by the Department.

(i) No. 53 Halstead Street (AL: A DP: 339086), South Hurstville

294. A submission has been received from the owner of No 53 Halstead Street, South Hurstville, requesting that Council consider rezoning the site from IN2 – Light Industrial to R2 – Low Density Residential.

295. Records indicate that the subject site containing a residential dwelling has been used for residential purposes since 1939. *Dwelling houses* are a prohibited use in the IN2 – Light Industrial zone, however it has been established that existing use rights apply

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under the provisions of the Environmental Planning & Assessment Act 1979 (EP&A Act). Council has authorised additions to the dwelling over the years utilising those existing use right provisions.

296. The adjoining properties to the north and east of the subject dwelling are zoned R2 – Low Density Residential and maintenance of the existing use through rezoning the land would have no consequential impact on adjoining land.
297. It is considered that the current IN2 – Light Industrial zone is inconsistent with the existing residential use on the site and as such it is recommended that the property be rezoned to R2 – Low Density Residential, and that the height and FSR for the subject property be also amended to reflect the proposed zoning.

(ii) Height of Buildings for R2 – Low Density Residential Land

298. The Planning Proposal proposed that the height of dwellings in the R2 – Low Density Residential zone be reduced from 9m to 8.5m.
299. The intent of the amendment was to align the height of dwellings with the requirements in the Codes SEPP, which allows for dwelling houses as complying development. There was also some concern that the 9m height limit may be effective in enabling some third storey development, particularly on flat sites.
300. Currently, Kogarah Development Control Plan 2013 includes a number of objectives and controls to limit the height of dwelling houses, in addition to the overall height of building requirements. These include a limitation on the maximum wall height and number of storeys. The controls also make concessions for sloping sites, by allowing developments to step up or down the block. The Codes SEPP does not provide for this flexibility and generally only allows for developments on flat sites.
301. One oral submission (supporting) and one written submission (objecting) were received to the 8.5m height limit.
302. Council Officers have undertaken a further review of the impact of the reduction in height. A number of concerns have been identified with the 8.5m height limit, namely:
- It would limit design flexibility of new dwellings, particularly on sloping sites;
 - It would restrict innovative roof designs;
 - It would be likely to result in a greater number of applications being submitted to Council with non-compliances to the overall height of buildings development standard.
303. Although the height of buildings is proposed to be a development standard in the LEP, Council could still include objectives and design standards in its DCP. Such controls could respond to the issues relating to height and bulk of a building.
304. The Land and Environment Court has also recognised that DCP controls play a key role in establishing the level of amenity impact that can reasonably be expected (for neighbours and residents), as articulated in its planning principle on the assessment of height and bulk (*Veloshin v Randwick Council* [2007] NSWLEC 428).

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305. It is recommended that Council retain the 9m height limit for buildings in the R2 – Low Density Residential zone, and that the DCP controls be reviewed to address design issues related to wall height and number of storeys.

Recommended Change

That the Height of Buildings (HOB) map for the R2 – Low Density Residential zone be amended from 8.5m to 9m and that reference in the Planning Proposal to the height of buildings in the R2 – Low Density zone be amended to reflect this change.

(iii) Minor anomalies and errors

306. Following the exhibition of the Planning Proposal, a number of minor mapping and clause anomalies, errors and omissions were identified in the Planning Proposal.
307. These errors are proposed to be corrected to ensure Council's intent and previous resolutions in relation to these planning controls are achieved. Accordingly the following amendments are proposed.

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

Mapping Anomalies

Amendment applies to	Explanation of provisions	Map changes
Map	Amend the cadastral lot boundaries and all affected draft LEP maps for certain land previously affected by RMS road reservations to align with Department of Land and Property Information's Digital Cadastral Database (DCDB). There is an error on some parcels where the RMS road reservation was applied twice on the following parcels of land: i. Lots 2 and 3, DP 6862, at No. 751 & No. 753 King Georges Road, Hurstville.	All LEP maps

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	ii. Lots 5 and 6, DP 262239, at Nos. 851-855 King Georges Road, South Hurstville and Lot 100 DP 810570, at No. 857 King Georges Road, South Hurstville.	
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Clause Anomalies

Amendment applies to	Explanation of provisions	Map changes
Clause 4.4A	Amend draft subclause (3) to reflect that the FSR ratio table applies to land identified as 'Area 1' on the draft FSR maps and amend draft subclause (4) to reflect that the FSR ratio applies to land identified as 'Area 2' on the draft FSR Map, as this was unintentionally omitted.	Nil

Next Steps

308. The Planning Proposal has been exhibited in accordance with the requirements of the Gateway Determination and submissions, both written and oral have been considered by Council Officers.
309. This report provides a detailed response to the issues made in submissions during the exhibition period and from the Public Forum and makes recommendations to proceed with the finalisation of the New City Plan.
310. The final steps in that process are as follows:
- (i) Subject to Council's endorsement, the Planning Proposal be amended as outlined in the body of the report and submitted to the Director- General of the Department of Planning & Environment to make arrangements for the final drafting of the plan. This part of the process will involve a review of the Planning Proposal by:
 - a. the Metropolitan Planning Team: To check the plan is consistent with relevant state plans and policies and to review the consultation with relevant public authorities; and
 - b. Parliamentary Counsel: To draft up the legal instrument, being the clauses proposed to be included in Kogarah LEP 2012.
 - (iii) Making of the LEP by the Minister for Planning & Environment. The Minister may make the Plan with or without variation.

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- (iv) The amendment to the LEP will commence on the date that it is published on the NSW Legislation website.
- (v) Public Notice would be given that the new LEP has commenced.

Operational Plan Budget

311. Within budget allocation.

Attachments/Annexures

1	Appendix 1 - Overview of Key Changes	24 Pages	Annexure
2	Appendix 2 - B4 - Mixed Use Zone Kogarah Town Centre	1 Page	Annexure
3	Appendix 3 - Reclassification of Council Owned Land	6 Pages	Annexure
4	Appendix 4 - Report on the Public Hearing for the Reclassification of Land	50 Pages	Annexure
5	Appendix 5 - Impacts of the Proposed Changes on Council Owned Land	27 Pages	Annexure
6	Appendix 6 - Submissions from Government Authorities	62 Pages	Annexure
7	Appendix 7 - Review of Government Submissions	15 Pages	Annexure
8	Appendix 8 - Traffic Generation Analysis - Impact of the New City Plan on Regional Roads in the LGA	104 Pages	Annexure
9	Appendix 9 - Summary of Submissions Received Post Exhibition	2 Pages	Annexure
10	Appendix 10 - Summary of Oral Submissions (Public Forum 31 August 2015)	31 Pages	Annexure
11	Appendix 11 - Submission Summary	26 Pages	Annexure
12	Appendix 12 - Daintry Submission, on behalf of the United Kogarah Residents Association (UKRA)	12 Pages	Annexure
13	Appendix 13 - Precinct Analysis	275 Pages	Annexure

End of Report