

## AGENDA - LPP

<b>Meeting:</b>	Georges River Local Planning Panel (LPP)
<b>Date:</b>	Thursday, 17 October 2019
<b>Time:</b>	4.00pm
<b>Venue:</b>	Council Chambers, Civic Centre, Hurstville
<b>Panel Members:</b>	Paul Vergotis (Chairperson) Milan Marecic (Expert Panel Member) John Brockhoff (Expert Panel Member) Erin Sellers (Community Representative)

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### **1. On Site Inspections - 1.00pm –3.30pm**

- a) 25D Rona Street (Beale Reserve) Peakhurst
- b) 2-12 Lime Kiln Road Lugarno

### **Break - 3.30pm**

### **2. Public Meeting – Consideration of Items 4.00pm–6.00pm**

### **Public Meeting Session Closed - 6.00pm**

**(Break – Light Supper served to Panel Members)**

**3. Reports and LPP Deliberations in Closed Session - 6.30pm**

- LPP042-19      2-12 Lime Kiln Road Lugarno - MOD2018/0170**  
(Report by Development Assessment Planner)
- LPP043-19      Beale Reserve - 25D Rona Street Peakhurst - DA2019/0306**  
(Report by Development Assessment Planner)
- LPP044-19      Planning Proposal - Georges River Local Environmental Plan 2020 - 17/2561**  
(Report by Strategic Planner/Urban Designer)

**4. Confirmation of Minutes**

LPP042-19

**REPORT TO GEORGES RIVER COUNCIL  
LPP MEETING OF THURSDAY, 17 OCTOBER 2019**

LPP042-19

<b>LPP Report No</b>	<b>LPP042-19</b>	<b>Development Application No</b>	<b>MOD2018/0170</b>
<b>Site Address &amp; Ward Locality</b>	2-12 Lime Kiln Road Lugarno Peakhurst Ward		
<b>Proposed Development</b>	Modification application - Addition of two units, amendment to retail tenancy and communal open space		
<b>Owners</b>	Lynette McKenzie		
<b>Applicant</b>	PTI Architecture + Interiors		
<b>Planner/Architect</b>	Planner: Hamptons Property Services Architect: PTI Architects Pty Ltd		
<b>Date Of Lodgement</b>	23/11/2018		
<b>Submissions</b>	One		
<b>Cost of Works</b>	\$1,004,920.00		
<b>Local Planning Panel Criteria</b>	The proposed development seeks modifications under the provisions of Section 4.55(2) to an approve mixed use building where the original development was approved by the Local Planning Panel as outlined in Schedule 2, Annexure "A" of the Local Planning Panels Direction – Development Applications dated 11 December 2018.		
<b>List of all relevant s.4.15 matters (formerly s79C(1)(a))</b>	State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment, State Environmental Planning Policy No 55 - Remediation of Land, Draft Environmental State Environmental Planning Policy, Draft State Environmental Planning Policy – Remediation of Land, Hurstville Local Environmental Plan 2012, Hurstville Development Control Plan No.1		
<b>List all documents submitted with this report for the Panel's consideration</b>	Statement of Environmental Effects Architectural Plans Landscape Plans		
<b>Report prepared by</b>	Development Assessment Planner and Team Leader Development Assessment		

<b>Recommendation</b>	That the application be approved in accordance with the conditions included in the report.
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<b>Summary of matters for consideration under Section 4.15</b> Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority satisfaction</b> Have relevant clauses in all applicable environmental planning	<b>Yes</b>

instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	
<b>Clause 4.6 Exceptions to development standards</b> If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	<b>Not Applicable</b>
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	<b>Not Applicable</b>
<b>Conditions</b> Have draft conditions been provided to the applicant for comment?	<b>No, standard conditions (modified as required) have been attached which can be viewed when the report is published</b>

### Site Plan



Site plan – subject site outlined in red

### Executive Summary

#### Proposal

1. Council is in receipt of a modification application to an approved development DA2017/0217 which consisted of the amalgamation of three lots, demolition of the existing structures and construction of a mixed development containing ground floor commercial area, fourteen (14) apartments, and basement car parking area with access off Forest Road on the subject site. The approved development exceeds the height control of 9m with a non-compliance of height of 12.48m.

2. The original modification development proposed two (2) additional residential units (14 to 16) at level 2, increasing the gross floor area and intensifying the density of the non-compliant height, reducing one (1) bedroom units and increasing two (2) and three (3) bedroom units, decrease community open space at roof level, alteration to level 1 units with minor increase to floor plate, alterations to the layout of the commercial tenancies increasing from 3 to 4 commercial units, and increase the basement car parking spaces by three (3).
3. The proposal has been amended to address Council's concern with the increase of density, height and scale of the development as this is considered to pre-empt the outcome of future up-zoning of B1 Neighbourhood Centres zone. The proposed development, in its amended form, deletes the two (2) addition units on level 2 thus reducing the bulk and scale of the development. The amended plans (dated 01.08.19) are relied on in the assessment of this application.
4. It is considered that the amended plans and details provided to Council are acceptable. The application has addressed the issues raised and the proposed development is considered to be consistent with the desired future character for this area.



**Figure 1:** Photomontage of the proposed development as originally designed and viewed from the corner of Forest & Lime Kiln Roads

### Site and Locality

5. The application applies to lands known as 2-12 Lime Kiln Road, 1041a, 1041b and 1041c Forest Road, Lugarno. Retail properties located at 2-12 Lime Kiln Road consist of one storey neighbourhood shops and residential dwellings are located at 1041a and 1041c Forest Road.
6. The site is irregular in shape and has a frontage of 28.86m to Lime Kiln Road and 23.77m to Forest Road with a total combined area 1,401sqm. The site has a slope to the rear of the site towards the Forest Road frontage.
7. There is currently no parking provided for the neighbourhood shops or for the residential uses at the rear of the shops. On street parking is available on Lime Kiln Road to the front of the existing neighbourhood shops. Parking for the dwellings on Forest Road is located in front of the existing dwellings.





**Figure 2:** Street view from corner of Lime Kiln & Forest Roads

8. The construction of the approved mixed use building has not commenced.
9. The surrounding area is characterised by one and two storey detached dwelling houses with Taylors Reserve, a public reserve, to the south of the subject site fronting onto Lime Kiln Road.

### Zoning and Permissibility

10. The site is zoned B1 – Neighbourhood Centre under the Hurstville Local Environmental Plan 2012 (HLEP2012) and the proposed modification being ancillary works to the approved mixed use development is permissible with the consent of Council. The proposed modification satisfies all relevant clauses contained with HLEP2012.



**Figure 3:** Zoning Map (outlined in red)

### Development Control Plan

11. The Hurstville Development Control Plan No. 1 (HDCP1) provides detailed provision to guide development to achieve the objectives of the HLEP2012, providing detailed

controls and objectives for residential and commercial development. The proposed modification complies with the relevant clauses of the HDCP1.

### Level of Determination

12. The application is referred to the Local Planning Panel for determination as the proposal is a Section 4.55(2) modification where the original development was approved by the Local Planning Panel as outlined in Schedule 2, Annexure “A” of the Local Planning Panels Direction – Development Applications dated 11 December 2018.

### Submissions

13. The application was neighbour notified on two occasions during the assessment of the application from 6 December to 20 December 2018 and 23 August to 6 September 2019. One (1) submission was received.

### Conclusion

14. The application has been assessed having regard to the Heads of Consideration under Part 4.15 of the Environmental Planning and Assessment Act 1979, the provisions of the relevant State Environmental Planning Policies, Local Environmental Plans and Development Control Plans. The proposed siting, design scale, form and bulk of the structure is considered to be reasonable planning and urban design response for the site and is recommended for approval.

### Report in Full

#### Description of the Proposal

15. The proposal is for a modification to an approved development - DA2017/0217 which consists of the amalgamation of three (3) lots, demolition of the existing structures and construction of a three (3) storey mixed development containing ground floor retail/commercial area, fourteen (14) units and basement car parking with access off Forest Road.
16. The original modification development proposed to increase the floor space of 3 units level 2, amend the unit mix by reducing the 1 bedroom units and increasing 2 bedroom units, increase community open space at the roof level, alterations to the layout of the commercial tenancies. The final amended plans retained the fourteen (14) units.
17. In summary the main design changes that have evolved into the final set of plans include the following changes:

#### Basement Level

- Relocation of OSD tank;
- Addition of motorbike parking;
- Reconfigure pump room, fire stairs, and service area;

#### Ground Level (Forest Road)

- Reconfiguration of car parking layout providing twenty-nine (29) car parking spaces;
- Relocation of bulky store room, commercial bin store and accessible toilet;
- Relocation of OSD and rainwater tanks;
- Additional residential storage cages provided;
- Replace a retail car parking space with a retail accessible car space;
- Residential visitors' accessible car parking space provided.

Ground Level (Lime Kiln Road)

Due to the level change across the site, the ground floor of Lime Kiln road will sit horizontal with the first floor residential level of Forest Road.

- Internal reconfiguration of retail space by the addition of one (1) tenancy providing a total of four (4) tenancies;
- Remove service hoist and increase GFA of retail space;
- Relocate accessible WC;
- Timber looking blades and fixed windows to replace bi-fold doors off the retail space;
- Amendments to Unit 05
  - Reduce GFA by 1sqm to accommodate mail boxes
- Amendments to Unit 04
  - Relocate front door.

Level 1

- Decrease setback on north boundary (Forest Road) from 5.3m to 3.5m;
- Reduce landscaping fronting Forest Road to units 103 and 104;
- Amendment to Unit 103
  - Increase GFA to convert one bedroom to 2 bedroom unit
- Amendments to Unit 104
  - Increase GFA to convert one bedroom to 2 bedroom unit

Level 2

- Addition of 1800mm opaque glass privacy screen on south boundary

Roof

- Three (3) skylights added to Unit 201 and two (2) to Unit 202



**Figure 4:** Photomontage of development -corner of Lime Kiln Road & Forest Road

**The Site and Locality**

18. The subject site comprise of three (3) allotments with the following legal descriptions:
  - Lot 1 in DP 533797 (1041a Forest Road)
  - Lot 2 in DP 533797 (10-12 Lime Kiln Road & 1041c Forest Road)
  - Lot 3 in DP 533797 (2-8 Lime Kiln Road)
19. Numbers 2-8 Lime Kiln Road comprises of one (1) storey neighbourhood shops. Numbers 10-12 Lime Kiln Road also comprises of one (1) storey neighbourhood shops and two (2) fibro residential dwellings in association with the use of the neighbourhood



shops. Numbers 1041a and 1041c Forest Road each contain a dwelling house and outbuildings.

20. The subject site is located on the western side of Lime Kiln Road with a frontage of 23.77m to Forest Road and 28.86m to Lime Kiln Road with a total of 1,401sqm. The site has a slope to the rear of the site towards the Forest Road frontage.
21. On street parking is available on Lime Kiln Road to the front of the existing neighbourhood shops. There is no off street parking for the dwellings on Forest Road.
22. Lawrence Park is located on the north east corner of the site and fronts Forest Road and Lime Kiln Road. Immediately to the south are neighbourhood shops and Taylors Reserve fronting Lime Kiln Road. Immediately to the north and east are one and two storey detached dwellings.

### Zoning

23. The subject site is zoned B1 – Neighbourhood Centre under the HLEP2012 and the proposal being ancillary works to the approved mixed use development is permissible in the zone with the consent of Council. The zone objectives are:
  - *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*

The proposed development complies with the zone objectives in that it will provide retail space on the ground level which provides an active street frontage to both Lime Kiln and Forest Roads and provides shop-top housing which reflects the residential uses surrounding the subject site. The use of the retail floor area has not been identified in this application other than to show a representation of the potential use as a café or similar food shop. The proposed modifications satisfy all relevant clauses contained within HLEP2012.

### Background

24. This modification application was lodged pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act) and proposes modifications to Development Application DA2017/0217 which was determined on 21 June 2018 by the Local Planning Panel under the provisions of State Environmental Planning Policy No. 65, via the Ministerial Direction of 23 February 2018.
25. The proposal is referred to the Local Planning Panel for determination as the proposal is a Section 4.55(2) modification where the original development was approved by the Local Planning Panel as outlined in Schedule 2, Annexure "A" of the Local Planning Panels Direction – Development Applications dated 11 December 2018.
26. The approved development is for the amalgamation of three (3) lots, demolition of existing structures and construction of a mixed development containing ground floor retail/commercial area, fourteen (14) apartments, and 29 car parking located at basement and ground level.
27. The modification application seeks to amend the approved development by; the internal reconfiguration of retail space by the addition of one (1) tenancy providing a total of four (4) tenancies; reduce Unit 05 by 1sqm to accommodate mail boxes; relocate front door to Unit 04; decrease setback on north boundary from 5.3m to 3.5m; reduce landscaping

fronting Forest Road to accommodate the increase of GFA to convert Unit 103 and 104 from one bedroom to 2 bedroom unit.

## Assessment

### Section 4.55 Considerations

28. The application has been made pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979 to modify Development Consent DA2017/0217 determined on 21 June 2018. A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to an in accordance with regulations, modify the consent if:

**Is satisfied that the proposed development as modified is substantially the same development for which consent was originally granted?**

Comment: The proposed development as modified would represent substantially the same development for which consent was originally granted being mixed use development with commercial space at ground level and 14 units over three (3) levels, and basement and ground level car parking.

**Has consulted with the relevant Minister, public authority or approval body with respect to a condition imposed on the consent or general terms of approval?**

Comment: Not applicable.

**Has been advertised and or notified the application in accordance with the regulation or a development control plan?**

Comment: The application was neighbour notified in accordance with the provisions of HLEP2012 on two (2) occasions 6 December to 20 December 2018 and 26 August to 9 September 2019 once the amended plans were submitted.

**Has considered any submissions made concerning the proposed modification?**

Comment: One (1) submission was received. Issues raised are discussed at point 61.

### Section 4.15 Evaluation

29. In determining a Section 4.55(2) modification the provision of Section 4.15 of the EP&A Act 1979 needs to be considered as part of the assessment. The following considers the proposal in respect to these requirements.

### State Environmental Planning Policies

30. Compliance with the relevant state environmental planning policies is summarised in the table and discussed in more detail below.

State Environmental Planning Policy	Complies
Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment	Yes – no change
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	An amended BASIX certificate was provided
State Environmental Planning Policy No 55 - Remediation of Land	Yes – no change

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	Yes – see discussion at point 32
Draft Remediation of Land SEPP	Yes – no change
Draft Environment SEPP	Yes – no change

### **Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment**

31. All stormwater from the proposed development can be treated in accordance with Council's Water Management Policy and would satisfy the relevant provision of the Deemed State Environmental Planning Policy – Georges River Catchment and the original engineering conditions of consent. The proposal is not considered to be inconsistent with the aims, objectives and purpose of the Regional Plan.

### **State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development**

32. The proposed modification does not affect the overall design quality of the development which was also taken into consideration under Clause 29 of the SEPP in the assessment of the original DA with regards to the cl 29(b) the design quality principles, and cl 29(c) the Apartment Design Guide (ADG).
33. An assessment of the application against the relevant Design Principles of SEPP 65 and the Objectives in the ADG is provided below.

#### Part 4 - Design Quality Principles under the SEPP

34. *Principle 1 – Context and neighbourhood character*

Comment: The approved development was for a three (3) storey mixed building consisting of basement and ground level parking, commercial space a ground level with three (3) levels of one (1), two (2) and three(3) bedroom apartments above.

The site is located on the corner of Lime Kiln and Forest Roads and part of a strip of neighbourhood local shops surrounded single and two storey detached dwellings.

The proposed development is consistent with the context of the neighbourhood character.

35. *Principle 2 – Built form and Scale*

Comment: The approved development is a three (3) storey structure with a maximum height of 12.28m which is 3.28m above the 9m maximum height development standard. The proposed development added two apartments to top storey increasing the density and reducing roof top community open space. The additional apartments were located on the east boundary. This was not supported as this increased the density within the non-compliant height. Amended plans were submitted removing the additional apartments and these plans form part of this assessment.

36. *Principle 3 – Density*

Comment: The approved development had a floor space ratio (FSR) of 1.33:1 below the maximum requirements of 1.5:1. The proposed development FSR is 1.35:1 and provides an appropriate mix of commercial and residential floor area.

37. *Principle 4 – Sustainability*

Comment: The proposal is designed to be energy efficient and is compliant with the updated BASIX certificate no. 815438M-04, dated 25 September 2019 in relation to the changes in fenestration.

38. *Principle 5 - Landscape*

Comment: The landscape principles were met for the approved development. Amended plans for the proposed development incorporated the decrease in the level 1 perimeter plantings onto Forest Rad and is acceptable as deep soil requirements are satisfied.

39. *Principle 6 - Amenity*

Comment: The proposal provides good amenity for residents and visitors to the residential component. The commercial area has been reconfigured to 4 smaller units and will increase the variety of the neighbourhood shops.

40. *Principle 7 – Safety*

Comment: The approved development is consistent with crime prevention principles and provides appropriate separation to reduce lifestyle conflict between the commercial and residential uses. The proposed development does not amend these design parameters.

41. *Principle 8 – Housing Diversity and Social Interaction*

Comment: The proposed development provides a diversity of unit sizes and configurations and two (2) adaptable units located at ground level. The private open space on level two provides for passive recreation for residents.

42. *Principle 9 – Aesthetics*

Comment: The proposed development amends external finishes to the street commercial units and maintains high quality development that will be a positive contribution to the site and streetscape.

Clause 28 – consideration of Apartment Design Guide

43. The following table is an assessment against the objectives Apartment Design Guide relevant to the proposed development.

ADG Objectives	Design Criteria	Complies
Objective 3D-1	<p>1. Communal open space has a minimum area equal to 25% of the site.</p> <p>-Where it cannot be provided on ground level it should be provided on a podium or roof</p> <p>-Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they</p>	<p>Yes</p> <p>A total of 418.8sqm (30% of site) communal open space provided across the site.</p>

	<p>should:</p> <ul style="list-style-type: none"> <li>• provide communal spaces elsewhere such as a landscaped roof top terrace or a common room</li> <li>• provide larger balconies or increased private open space for apartments</li> <li>• demonstrate good proximity to public open space and facilities and/or provide contributions to public open space</li> </ul> <p>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter)</p>	<p>Approximately 113.2sqm of communal open space is located at roof level of the second floor.</p> <p>Additional landscaped area provided at ground level and first floor planter boxes.</p> <p>Taylors Reserve is approximately 50m from the proposal on Lime Kiln Road.</p> <p>The communal open space area has good amenity in that it receives at least 3 hours sunlight during winter and is a functional area with seating provided.</p>
Objective 3E-1	<p>1. Deep soil zones are to meet the following minimum requirements:</p> <p>-Where the site is less than 650sqm = no minimum dimension</p> <p>-Where site area is between 650sqm and 1500sqm = 3m minimum dimension</p> <p>-Where the site is more than 1500sqm = 6m minimum dimension</p> <p>Deep soil = 7%</p> <p>Achieving the design criteria may not be possible on some sites including where:</p> <ul style="list-style-type: none"> <li>• the location and building typology have limited or no space for deep soil at ground level (eg central business district, constrained sites, high density areas, or in centres)</li> <li>• there is 100% site coverage or non-residential uses at ground floor level</li> </ul> <p>Where a proposal does not</p>	<p>Yes. Site area is 1401sqm. Deep soil zone of 3m minimum dimension provided on ground floor adjoining western and southern boundary.</p> <p>Deep soil = 164sqm (11.7% of site).</p>



	achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.	
Objective 3F-1 Adequate building separation distances are shared equitably between neighbouring site, to achieve reasonable levels of external and internal visual privacy.	<p>1. Separation between windows and balconies is provided to ensure visual privacy is achieved.</p> <p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <p>-Up to 12m (4 storeys) Habitable rooms and balconies = 6m Non-habitable rooms = 3m</p> <p>-Up to 25m (5-8 storeys) Habitable rooms and balconies = 9m Non-habitable rooms = 4.5m</p> <p>-Over 25m (9+ storeys) Habitable rooms and balconies = 12m Non-habitable rooms = 6m</p>	<p>The approved development provides a separation distance of between 6m and 8.5m to the first floor and 13m to the edge of the communal open space area on the second floor from the western boundary of the adjoining R2 Low Density Residential zone which is consistent with the requirements of the ADG.</p> <p>The proposed development does not amend these design parameters.</p>
Objective 4A-1	<p>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area</p> <p>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</p>	<p>Yes. The proposal achieves 78.6% of living room and private open spaces of the units receive at least 3 hours of solar access.</p> <p>1 unit receives no direct sunlight being 7.14%.</p>
Objective 4B-3	<p>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</p> <p>Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully</p>	<p>Yes, 78.6% (11) of units are naturally cross ventilated.</p>

	<p>enclosed</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</p>	<p>Maximum depth is less than 18m.</p>
Objective 4C-1	<p>1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:            Habitable rooms = 2.7m            Non-habitable rooms = 2.4m</p>	<p>Yes</p> <p>Approved development achieves 2.7m for all rooms. The proposal does not change this.</p>
Objective 4D-1	<p>1. Apartments are required to have the following minimum internal areas:</p> <p>1 bedroom = 50sqm            2 bedroom = 70sqm            3 bedroom = 90sqm</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>	<p>1 bedroom = 71sqm minimum            2 bedroom = 82.3sqm minimum            3 bedroom = 107.3sqm minimum</p> <p>Window provided for each habitable room with appropriate glass area provided.</p>
Objective 4D-2	<p>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height</p> <p>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p> <p>1. Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space)</p> <p>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>3. Living rooms or combined living/dining rooms have a</p>	<p>Yes all within range.</p> <p>Open plan layouts less than 8m from a window.</p> <p>Yes the proposed development complies with these requirements</p>

	<p>minimum width of:  -3.6m for studio and 1 bedroom  - 4m for 2 and 3 bedroom apartments  4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	
Objective 4E-1	<p>1. All apartments are required to have primary balconies as follows:</p> <p>-1 bedroom = 8sqm/2m depth  -2 bedroom = 10sqm/2m depth  -3+ bedroom = 12sqm/2.4m</p> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15sqm and a minimum depth of 3m</p>	<p>Yes</p> <p>All balcony areas are greater than the minimum dimensions required.</p> <p>All ground floor units are provided with balconies 10sqm or greater.</p>
Objective 4F-1	1. The maximum number of apartments off a circulation core on a single level is eight	Yes, maximum 6 units in this development.
Objective 4G-1	<p>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <p>-1 bedroom = 6m<sup>3</sup>  -2 bedroom – 8m<sup>3</sup>  3 bedroom – 10m<sup>3</sup></p>	Yes, all units have storage areas that comply with the minimum requirements.
Objective 4M	Facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale.	Yes, the façade of the development is appropriate.
Objective 4N	Roof treatments are integrated into the building design and positively respond to the street. Opportunities to use roof space for residential accommodation and open space are maximised. Incorporates sustainability features.	Yes, the roof design is appropriate and integrated with the design of the development. The communal open space is provided to the roof of the development.
Objective 4O	Landscape design is viable and	Yes, the landscape design is

	sustainable, contributes to the streetscape and amenity.	appropriate and provides suitable communal and private open space areas.
Objective 4P	Planting on structures – appropriate soil profiles are provided, plant growth is optimised with appropriate selection and maintenance, contributes to the quality and amenity of communal and public open spaces.	Yes, the landscaping of the site includes planting on structures which has been design by a qualified landscape architect with details provided on species, soil depth, growth height etc.
Objective 4Q	Universal design – design of apartments allow for flexible housing, adaptable designs, accommodate a range of lifestyle needs.	Yes, the mix of apartments within this design allows for use by different lifestyles.
Objective 4S	Mixed use developments are provided in appropriate locations, provide active street frontages, residential levels of the building are integrated within the development and safety and amenity is maximised for residents.	Yes, the proposal provides an active street frontage to Lime Kiln Road and Forest Road. Access to the residential and commercial areas is separated. The development has had appropriate regard to the crime prevention principles.
Objective 4T	Awnings and signage – awnings are well located and compliment and integrate with the building design, signage responds to the context and desired streetscape character.	Yes, an awning has been incorporated into the façade of the approved development which is a consistent form within the streetscape. The proposal does not change this design aspect.
Objective 4U	Development incorporates passive environmental design, passive solar design to optimise heat storage in winter and reduce heat transfer in summer, natural ventilation minimises need for mechanical ventilation	Yes, the development incorporates BASIX commitments in the design to provide appropriate energy efficiency features.
Objective 4V	Water management and conservation – potable water use is minimised, stormwater is treated on site before being discharged, flood management systems are integrated into site design	Yes, development incorporates appropriate stormwater measures.
Objective 4W	Waste management – storage facilities are appropriately designed, domestic waste is minimised by convenient source separation and recycling	Yes, waste facilities are provided which are accessible to all residents.
Objective 4X	Building maintenance – building design provides protection from weathering, enables ease of	Yes, the design incorporates a mix of external finishes and materials that require minimal

	maintenance, material selection reduces ongoing maintenance cost	maintenance such as face brick and pre-fabricated coloured panels and timber like blades on commercial units.
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### Commercial Space

44. The approved development provided four (4) commercial units, one (1) on Forest Road and three (3) at street level on Lime Kiln Road. The proposal has reconfigured the three (3) commercial units to provide four (4) smaller units (70sqm to 87.4sqm) improve the commercial viability of the development. The overall amount of commercial floor space has reduced by 14sqm to accommodate the fire stairs and store room. Adequate basement car parking spaces are available for the commercial units.

### Built Form and Scale

45. The original proposal included two (2) additional units on level 2 resulting in intensifying the density of the non-compliant height. The Strategic Planning Officer analysed the plans and the following comments were made in respect to intensifying the density of the non-compliant height:
- a. The Centres Strategy covers all business zoned land (48 centres in total). Part 1 Centres Analysis was endorsed on 10 August 2019 by the Environment and Planning Committee to proceed to exhibition and it informs the preparation of LEP 2020.
  - b. Part 1 harmonises land use and recommends a minimum non-residential FSR requirements but does not review development standards.
  - c. Part 2 of the strategy will review of height, FSR, minimum lot sizes to inform the preparation of LEP 2022.
  - d. Currently there is no strategic direction supporting any increase in height or residential intensification within the B1 Neighbourhood Centres zone.
46. The original proposal for the increase of density, height and scale of the development is considered to pre-empt the possible outcome of future up-zoning of B1 Neighbourhood Centres zone. The proposed development, in its amended form, deletes the two (2) addition units on level 2 thus reducing the bulk and scale of the development. The amended plans (dated 01.08.19) are relied on in the assessment of this application.

### Hurstville Local Environmental Plan 2012 (HLEP)

47. The B1- Neighbourhood Centre zone has a permitted Floor Space Ratio (FSR) of 0.5:1. The proposal increases the FSR from 0.33:1 to 0.35:1 and complies with the FSR provisions of HLEP 2012.
48. The approved development has a non-compliant building height of 12.28m in a 9m zone (approved by the Local Planning Panel). The original proposal, the subject of this modification included an additional two (2) units on level 2. Although FSR complied and there was no increase to the approved height, intensifying the density through an additional area of height non-compliance is not supported. The amended plans the subject of this assessment removed the additional units on level 2.
49. The proposal is located within the Foreshore Scenic Protection Area (FSPA). The development has been designed to respect the character and nature of the FSPA. The proposal will substantially improve the landscape and nature of the site. The upgrade to Lawrance Park (corner of Forest and Lime Kiln Roads), perimeter planters on the western elevation, shrubs and street trees on Lime Kiln Road and the roof top open space soften the finish of the structure.



50. The proposal will not impact on significant views to and from Georges River, affect the natural environment or significant vegetation or the environmental heritage of Hurstville. Overall the development is will improved the scenic quality of the adjoining residential area and upgrade public open space, Lawrence Park.

### **Hurstville Development Control Plan 1 (HDCP1)**

51. It is acknowledged the proposal satisfies the provisions of the Apartment Design Guide (ADG) and State Environmental Planning Policy 65 (SEPP 65), however, the controls within the HDCP1 are also applicable.
52. The proposed development satisfies the relevant controls of HDCP1 with regards to Residential Flat Buildings. The change to the unit mix, being the conversion of two (2) one (1) bedroom units to two (2) bedroom units and the provision of twenty nine (29) car parking spaces satisfies the DCP parking requirements.
53. The increase in Gross Floor Area (GFA) of Units 103 and 104 decreases the perimeter soft landscaping adjoining the north boundary (Forest Road) but does not decrease deep soil landscaping, the development satisfies the deep soil planting controls of the HDCP1.

### **Interim Policy - Georges River Development Control Plan 2020**

54. Council at its Environment and Planning Committee Meeting of 11 June 2019 resolved to adopt the Georges River Interim Policy DCP.
55. The Interim Policy is a public policy that is to be used as a guide to set a consistent approach for the assessment of residential development within the LGA. It is a supplementary document, meaning that current DCP controls will prevail if they are considered best practice. While the Interim Policy has no statutory recognition in the assessment of development applications pursuant to the Environmental Planning and Assessment Act, 1979, it will be used as a guide as it is an endorsed position of the Elected Council.
56. In relation to the proposal, the Interim Policy states with respect to communal open space in residential flat building developments that the Apartment Design Guide provisions prevail. The proposal does not change the approved size or design of the communal open space and therefore remains compliant.

### **Developer Contributions**

57. The proposed development is subject to developer contributions which were levied at the time of the original development application and are required to be amended by this proposal.
58. The table below shows the contributions that are applicable to the amended development. The contributions condition is to be amended to reflect the increase in the developer contribution resulting from the amendments the subject of this application.

94OpnS2Bed			11.0000	0.00	148,172.82	Future
94OpnS1Bed			1.0000	0.00	8,500.85	Future
94ComF2Bed			11.0000	0.00	20,957.27	Future
94ComF1Bed			1.0000	0.00	1,202.10	Future
Unit: 16			28,742,196.0000	19,206.54	178,833.04	

LPP042-19

### Planning Agreements

59. There is no planning agreement applicable to this development.

### EP&A Regulation 2000

60. No matters within the Regulation are affected by the modification. An updated BASIX certificate has been lodged. The BASIX certificate reference in the conditions of consent has been updated.

### IMPACTS

#### Natural Environment

61. The proposed changes are minor and result in minimal environmental impacts, as discussed above.

#### Built environment

62. The proposal in its amended form is considered to be acceptable. The minor increase to the bulk and scale is limited to level one along Forest Road and is screened by soft landscaping on the perimeter.

#### Social Impact

63. No adverse social impacts have been identified as part of this assessment. The proposal will cater for a cross-section of the community in that it provides a variety of housing types and provides local neighbourhood commercial spaces.

#### Economic Impact

64. No adverse economic impacts have been identified. However, there is a short term positive impacts from construction of the development and long term economic benefits from the commercial space.

#### Suitability of the site for the development

65. The site is zoned B1 – Neighbourhood Centre. The proposal is a permissible form of development in this zone. The proposed changes do not affect the suitability of the site for the development proposed, whilst not impacting on the development potential of the adjoining allotments.

### SUBMISSIONS AND THE PUBLIC INTEREST

66. The application was notified in accordance with the provisions of Section 4.56 (b)(i) of the EP&A Act 1979 with reference to HDCP1 and Section 4.56 (1)(c) of the EP&A Act 1979. One (1) submission was received.

- ***The development bulk and scale is not compatible with the site and incorporates residential house into the B1 zone.***
- ***The development fails to meet the objectives of the Foreshore Scenic Protection Area (FSPA) – the whole of Lugarno is in the FSPA.***

- ***The development fails with the design elements external finishes and materials; it is mainly white cement render.***

Officer Comment: The site in its entirety is zoned B1 – Neighbourhood Centre and the proposal is a permissible form of development in the zone. The original proposal the subject of this modification included two (2) additional units on level 2. This was not supported by Council and these units have been removed and amended plans were submitted and were again neighbour notified between 26 August and 9 September 2019.

The dwelling within the 'development area' is zoned B1.

The proposal is located within the Foreshore Scenic Protection Area (FSPA). The development has been designed to respect the character and nature of the FSPA. The proposal will substantially improve the landscape and nature of the site. The upgrade to Lawrence Park (corner of Forest and Lime Kiln Roads), perimeter planters on the western elevation, shrubs and street trees on Lime Kiln Road and the roof top open space soften the finish of the structure.

The proposal will not impact on significant views to and from Georges River, affect the natural environment or significant vegetation or the environmental heritage of Hurstville. Overall the development is will improved the scenic quality for the adjoining residential area and upgrade public open space, Lawrence Park.

The external finishes and materials are a combination of grey and white cement rendered walls with accents of sandstone bricks and timber like screening on the commercial units. The proposed development does not amend the approved colour palette or materials.

## REFERRALS

### Council Referrals

67. Council's Development Engineers reviewed the proposal and requested amendments to the OSD location. Amended plans were submitted with a request to amend Condition 46 requesting the OSD to be located adjacent to the western side boundary. The amended plans are acceptable with some further amendments. Appropriate conditions are included.
68. The Strategic Planning Officer analysed the original proposal and did not support intensifying the density of the non-compliant height. Currently there is no strategic direction supporting any increase in height or residential intensification within the B1 Neighbourhood Centres zone. It was considered to pre-empt the possible outcome of future up-zoning of B1 Neighbourhood Centres zone. Amended plans were submitted and the proposed development, in its amended form, reduces the bulk and scale of the development.
69. The application was referred to Council's, Environmental Health Services, and Traffic Engineers for comment. There were no concerns raised.
70. Council's Arborist raised a number of issues; however these issues have been resolved in the original proposal.
71. The Building Surveyor raised the issue relating to the provision of accessible sanitary facilities being available to all commercial units. Appropriate conditions have been included.

**External Referrals**

72. The application was referred to Ausgrid, who did not provide comment in the prescribed timeframe.

**CONCLUSION**

73. The application has been assessed having regard to the Section 4.55 and the Matters for Consideration under Section 4.15(1) of the EP&A Act 1979. The proposal is considered to be an acceptable intensification of the site and the proposed additional scale and bulk has a minimal and positive design outcome for this site. It is considered to be consistent with the desired future character of development in the B1 zoned land in this location.

The proposal has been assessed against the provisions of the Hurstville Local Environmental Plan 2012 and Hurstville Development Control Plan No.1. The proposal satisfies the key planning controls and has considered the Interim Georges River Development Control Plan 2020.

74. The modifications to the approved development are minor in nature and approval of the modification is recommended.
75. The changes required to the existing notice of determination are limited to the modified drawings submitted with the modification application (Condition 1), amendment to S7.11 contributions (Condition 10), the reference to the updated BASIX Certificate (Condition 37), and an additional condition regarding accessible sanitary facilities maybe required to commercial units if used as café/restaurants being proposed Condition 93A.

**DETERMINATION AND STATEMENT OF REASONS**Statement of Reasons

76. The reasons for this recommendation are:
- The proposed development complies with the requirements of the relevant environmental planning instruments and development control plan;
  - The proposal has been designed to generally satisfy the key provisions of the Apartment Design Guide in terms of meeting the provision of landscaped area and communal open space.
  - The proposed modifications to the approved plans are minor in nature and do not result in any adverse impact on the natural and built environment.
  - The proposal aims to provide a high-quality building that will establish a positive urban design outcome, setting the architectural and planning precedent in the area.

Determination

77. THAT pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979 that the Georges River Local Planning Panel grant consent to Modification Application MOD2019/0170 for modifications to DA2017/0217 in accordance with the conditions of consent originally imposed at Lot 1, 2 and 3 in DP 533797 known as 2-12 Lime Kiln Road, Lugarno and 1041a, 1041b and 1041c Forest Road, Lugarno, subject to updating Condition 1 being the approved plans, Condition 10 being the amendment to S7.11 contributions, Condition 37 being the reference to the updated BASIX Certificate, and an additional condition regarding accessible sanitary facilities maybe required to commercial units if used as café/restaurants being proposed, which is proposed Condition 93A.

**GENERAL CONDITIONS**

1. **Approved Plans** - The development must be implemented in accordance with the

approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

<b>Description</b>	<b>Reference No.</b>	<b>Date</b>	<b>Revision</b>	<b>Prepared by</b>
Cover sheet and locality plan	Job No 2017/0121 DA01	March 17	C	PTI Architects Pty Ltd
Basement floor plan	DA 10	2 Nov17	E	PTI Architects Pty Ltd
Forest Road ground floor plan	DA 11	2 Nov17	E	PTI Architects Pty Ltd
Lime Kiln Road ground floor plan	DA 12	8 Nov17	F	PTI Architects Pty Ltd
Level 1 floor plan	DA 13	8 Nov17	D	PTI Architects Pty Ltd
Level 2 floor plan	DA 14	8 Nov17	G	PTI Architects Pty Ltd
East and north elevation	DA 15	2 Nov17	D	PTI Architects Pty Ltd
West and south elevation	DA 16	19 Oct 17	B	PTI Architects Pty Ltd
Section A-A/B-B	DA 17	19 Oct 17	B	PTI Architects Pty Ltd
FSR calculation	DA 18	2 Nov17	C	PTI Architects Pty Ltd
Demolition plan	DA 25	9 Oct 17	B	PTI Architects Pty Ltd
External finishes and materials	DA 23	10 Jul17	A	PTI Architects Pty Ltd
Landscape plan	2LK/DA/LP /01	6 Nov 17	F	JCA Landscape Architects
Sediment and erosion control plan and details	204520 DA2.01 DA2.02	13.11.18 8 Nov 17	C	RGH Consulting Group
Hydraulic services legend, drawing schedule and coversheet, Hydraulic services site plan, Concept stormwater plan (surface, upper basement, lower basement, management details and calculations	H001 H100 DA3.01 DA3.02 DA3.03 DA3.04	8 Nov 17	G	RGH Consulting Group
Demolition and construction waste management plan, Waste management plan	-	Nov 17	-	Waste Audit and Consultancy Services
Arboricultural Impact Assessment	17-097	6 Nov 17	2	Advanced Treescape Consulting
<b>Project Information 2</b>	<b>01A</b>	<b>02.10.19</b>	<b>D</b>	<b>PTI Architects Pty Ltd</b>
<b>Site Plan &amp; Site</b>	<b>02</b>	<b>26.09.19</b>	<b>F</b>	<b>PTI Architects Pty</b>



<b>Analysis</b>				<b>Ltd</b>
<b>Basement Floor Plan</b>	<b>10</b>	<b>02.10.19</b>	<b>H</b>	<b>PTI Architects Pty Ltd</b>
<b>Forest Road Ground Floor Plan</b>	<b>11</b>	<b>02.10.19</b>	<b>I</b>	<b>PTI Architects Pty Ltd</b>
<b>Lime Kiln Road ground floor plan</b>	<b>12</b>	<b>01.08.19</b>	<b>I</b>	<b>PTI Architects Pty Ltd</b>
<b>Level 1 Floor Plan</b>	<b>13</b>	<b>01.08/19</b>	<b>G</b>	<b>PTI Architects Pty Ltd</b>
<b>Level 2 Floor Plan</b>	<b>14</b>	<b>26.09.19</b>	<b>H</b>	<b>PTI Architects Pty Ltd</b>
<b>East &amp; North Elevation</b>	<b>15</b>	<b>02.10.19</b>	<b>H</b>	<b>PTI Architects Pty Ltd</b>
<b>West &amp; South Elevation</b>	<b>16</b>	<b>01.08.19</b>	<b>D</b>	<b>PTI Architects Pty Ltd</b>
<b>Section A-A / B-B</b>	<b>17</b>	<b>01.08.19</b>	<b>D</b>	<b>PTI Architects Pty Ltd</b>
<b>FSR Calculation</b>	<b>18</b>	<b>02.10.19</b>	<b>G</b>	<b>PTI Architects Pty Ltd</b>
<b>Communal Open Space Calculation</b>	<b>18A</b>	<b>02.10.19</b>	<b>C</b>	<b>PTI Architects Pty Ltd</b>
<b>Shadow Study</b>	<b>19</b>	<b>20.11.18</b>	<b>D</b>	<b>PTI Architects Pty Ltd</b>
<b>External Finishes and Materials</b>	<b>23</b>	<b>01.08.19</b>	<b>C</b>	<b>PTI Architects Pty Ltd</b>
<b>Pre &amp; Post Adaptable Unit Plans</b>	<b>24</b>	<b>01.08.19</b>	<b>E</b>	<b>PTI Architects Pty Ltd</b>
<b>Demolition Plan</b>	<b>25</b>	<b>01.08.19</b>	<b>D</b>	<b>PTI Architects Pty Ltd</b>
<b>Landscape Plan</b>	<b>2LK/S4.55/ LP/01</b>	<b>04.10.2019</b>	<b>L</b>	<b>JCA Urban Designers</b>
<b>Sediment &amp; Erosion Control Plan</b>	<b>DA.2.01</b>	<b>08.10.19</b>	<b>G</b>	<b>RGH Consulting Group</b>
<b>Sediment &amp; Erosion Control Details</b>	<b>DA.2.02</b>	<b>08.10.19</b>	<b>E</b>	<b>RGH Consulting Group</b>
<b>Concept Surface Stormwater Management Plan</b>	<b>DA.3.01</b>	<b>08.10.19</b>	<b>H</b>	<b>RGH Consulting Group</b>
<b>Concept Upper Basement Stormwater Management Plan</b>	<b>DA.3.02</b>	<b>08.10.19</b>	<b>G</b>	<b>RGH Consulting Group</b>
<b>Concept Lower Basement Stormwater Management Plan</b>	<b>DA3.03</b>	<b>08.10.19</b>	<b>G</b>	<b>RGH Consulting Group</b>
<b>Concept Stormwater Management Details</b>	<b>DA.3.04</b>	<b>08.10.19</b>	<b>G</b>	<b>RGH Consulting Group</b>
<b>Demolition and construction waste management plan,</b>		<b>Oct 2018</b>	<b>-</b>	<b>Waste Audit and Consultancy Services</b>

<b>Waste management plan</b>				
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**(This condition is amended as part of MOD218/0170 (DA2017/0217))**

## **Section B Separate Approvals Required Under Other Legislation**

2. **Section 138 Roads Act 1993 and Section 68 Local Government Act 1993** - Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993 for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council’s website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au). For further information, please contact Council’s Customer Service Centre on (02) 9330 6400.

3. **Vehicular Crossing - Major Development** - The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:
- (a) Construct a metre wide footpath for the full length of the frontage of the site in accordance with Council’s Specifications applying at the time construction approval is sought.
  - (b) The thickness and design of the driveway shall be in accordance with Council’s Specifications applying at the time construction approval is sought.
  - (c) Construct a new 150mm high concrete kerb with 450mm wide gutter for the full

frontage(s) of the site in accordance with Council's Specifications for kerb and guttering, applying at the time construction approval is sought.

- (d) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant. The work shall be carried out in accordance with Council's specification, applying at the time construction approval is sought.

- (e) Relocation of the existing power pole is to be approved by the relevant authority.

Constructing a vehicular crossing and/or footpath requires separate approval under Section 138 of the Roads Act 1993, prior to the commencement of those works.

4. **Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the RMS, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.
5. **Building - Hoarding Application** - Prior to demolition of the buildings on the site or the commencement of work above ground level a separate application for the erection of an A class (fence type) or a B class hoarding or C type scaffold, in accordance with the requirements of Work Cover Authority of NSW, must be erected along that portion of the footway/road reserve, where the building is within 3.0 metres of the street boundary. An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under s68 of the Local Government Act and s138 of the Roads Act 1993:

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available on our website) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party; and
- (e) The application must be endorsement by the Roads & Maritime Services (RMS) as the hoarding is located within 100m of an intersection with traffic lights. For assistance you should contact the DA unit at RMS and speak to Hans on 88492076. Or email [hans.pilly.mootanah@rms.nsw.gov.au](mailto:hans.pilly.mootanah@rms.nsw.gov.au) to obtain concurrence for the hoarding structure.

6. **Below ground anchors - Information to be submitted with S68 Application under LGA 1993 and S138 Application under Roads Act 1993** - In the event that the

excavation associated with the basement carpark is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways, an application must be lodged with Council under Section 68 of the Local Government Act 1993 and the Roads Act 1993 for approval, prior to commencement of those works. The following details must be submitted.

- (a) That cable anchors will be stressed released when the building extends above ground level to the satisfaction of Council.
- (b) The applicant has indemnified Council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of Council.
- (c) Documentary evidence of such insurance cover to the value of \$20 million.
- (d) The applicant must register a non-terminating bank guarantee in favour of Council. The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.
- (e) That in the event of any works taking place on Council's roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors will be borne by the applicant.

## **Section C Requirements of Concurrence, Integrated & Other Government Authorities**

7. **Notice of Requirements for a Section 73 Certificate** - A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

8. **Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA prior to the issue of the Occupation Certificate.
9. **Trade Waste Agreements** - A Trade Waste Agreement with Sydney Water may be required. Details of any work required to comply with the agreement must be detailed on the plans lodged with the Construction Certificate. If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be submitted with the application for the Construction Certificate.

## Section D Prior to the Issue of a Construction Certificate

10. **Fees to be paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au)).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact council prior to the payment of S94 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable).

A summary of the fees to be paid are listed below:

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	
Builders Damage Deposit	\$63,162.00
Inspection Fee for Refund of Damage Deposit	\$150.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Hurstville Section 94 Development Contributions Plan 2012 - Residential (Community Facilities)	\$19,652.14
Hurstville Section 94 Development Contributions Plan 2012 - Residential (Open Space, Recreation, Public Domain)	<del>\$138,952.15</del> <b>\$178,833.04</b>

**(This condition is amended as part of MOD2018/0170 (DA2017/0217))**

### General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

### Development Contributions

The Section 94 contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

A Section 94A contribution has been levied on the subject development pursuant to the Georges River Council Section 94A Contributions Plan.

### Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices



provided by the relevant Section 94 Development Contributions Plan.

#### Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

#### Further Information

A copy of the *all current Development Contributions Plans* may be inspected or a copy purchased at Council's offices (Georges River Civic Centre, MacMahon Street, Hurstville and Kogarah Library and Service Centre, Kogarah Town Square, Belgrave Street, Kogarah) or viewed on Council's website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).

11. **Fire Safety Measures** - Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.
12. **Structural details** - Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works. A copy shall be forwarded to Council where Council is not the PCA.
13. **Access for Persons with a Disability** - Access for persons with disabilities must be provided throughout the site, including to all common rooms, lobby areas, commercial premises and sanitary facilities in accordance with the requirements of the Premises Standards, the Building Code of Australia and AS 1428.1. Details must be submitted with the Construction Certificate Application.  
In regards to the above, pedestrian access throughout basement levels shall be highlighted/line marked and sign posted to safeguard egress.
14. **Geotechnical report** - Geotechnical Reports: The applicant must submit a Geotechnical Report, prepared by a suitably qualified Geotechnical Engineer who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction. This is to be submitted **before the issue of the Construction Certificate** and is to include:
  - (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
  - (b) Dilapidation Reports on the adjoining properties prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the Certifying Authority and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
  - (c) On-site guidance by a vibration specialist during the early part of excavation.
  - (d) Rock breaking techniques. Rock excavation is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures.
  - (e) Sides of the excavation are to be pierced prior to any excavation occurring to

reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

15. **Vibration Damage** - To minimise vibration damage and loss of support to the buildings in close proximity to the development, any excavation is to be carried out by means of a rock saw and if available, in accordance with the guidelines of the Geotechnical Engineer's report.

Alternatively where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) a report from a qualified geotechnical engineer detailing the maximum size of hammer to be used is to be obtained and the recommendations in that report implemented during work on the site. **The report shall be submitted with the Construction Certificate application.**

16. **Slip Resistance** - All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms in any commercial/retail/residential units must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans lodged with the application for the Construction Certificate.

17. **Building** - Prior to the issue of a Construction Certificate the applicant may be required, under Clause 144 of the Environmental Planning & Assessment Regulation, 2000 to seek written comment from FR NSW about the location of water storage tanks, construction of hydrant/booster pump and valve rooms, and any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire Safety Provisions.

The applicant is also advised to seek written advice from FR NSW on the location and construction of the proposed Fire Control Centre Facility and location and installation of the sites Fire Indicator / mimic Panels.

18. **Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).

19. **Erosion & Sedimentation Control** - Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water runoff is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or

similar

- (h) Compliance with Managing Urban Stormwater - Soils and Construction (Blue Book) produced by Landcom 2004.

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

20. **Stormwater System** - The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

- (a) All stormwater shall drain by gravity to Council's kerb and gutter directly in front of the development site in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).

21. All roof water and surface water from paved or concreted areas are to be disposed of in accordance with the Stormwater Plan by means of a sealed pipeline constructed in accordance with AS/NZS 3500.3:2015.

22. **On Site Detention** - The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- (a) Maximum Site Discharge to be provided in accordance with the Stormwater Concept Plan and associated Design Assessment Report. The overflow is to be directed to the site drainage system.
- (b) Peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden,
- (c) At Annual Recurrence Intervals of 2 years and 100 years.

Refer to Flow Controls in Council's Draft/Adopted Stormwater Drainage Policy.

The OSD facility shall be designed to meet all legislated safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."

Full details shall accompany the application for the Construction Certificate.

23. **Damage Deposit - Major Works** - In order to insure against damage to Council property

the following is required:

- (a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development **\$63,162.00**.
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required. **\$150.00**
- (c) Submit to Council, before the commencement of work, a dilapidation report of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will review the dilapidation report and the Works-As-Executed Drawings (if applicable) and inspect the public works.

The damage deposit will be refunded in full upon completion of work where no damage occurs and where Council is satisfied with the completion of works. Alternatively, the damage deposit will be forfeited or partly refunded based on the damage incurred.

- 24. **Structural details** - Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works. A copy shall be forwarded to Council where Council is not the PCA.
- 25. **Site Management Plan** - A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:
  - (a) location of protective site fencing;
  - (b) location of site storage areas/sheds/equipment;
  - (c) location of building materials for construction, e.g. stockpiles
  - (d) provisions for public safety;
  - (e) dust control measures;
  - (f) method used to provide site access location and materials used;
  - (g) details of methods of disposal of demolition materials;
  - (h) method used to provide protective measures for tree preservation;
  - (i) provisions for temporary sanitary facilities;
  - (j) location and size of waste containers/skip bins;
  - (k) details of proposed sediment and erosion control measures;
  - (l) method used to provide construction noise and vibration management;
  - (m) construction and demolition traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

- 26. **Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).

27. **Acoustic Requirements - Compliance with submitted Acoustic Report** - The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 (as amended) and Regulations.

An Acoustic Report shall be prepared by a suitably qualified acoustic consultant demonstrating that the operation of the premises and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the NSW Environment Protection Authority's NSW Industrial Noise Policy.

28. **Car Wash Bays** - Plans and specifications of the car washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate.

All car washing bays shall be contained within a roofed and bunded car wash bay with pre-treatment approved by Sydney Water. The water from the car wash bay must be graded to a drainage point and connected to sewer.

If alternative water management and disposal options are proposed (i.e. where water is recycled, minimised or reused on the site), detailed plans and specifications of the water recycling system must be submitted with the application for the Construction Certificate for approval.

29. **Site Investigation Requirements - Detailed Site Investigation** - A detailed site contamination investigation must be carried out by an appropriately qualified contamination consultant in accordance with the requirements of the relevant NSW EPA Guidelines approved under the Contaminated Land Management Act 1997 including the EPA Guidelines for Consultants Reporting on contaminated sites and shall certify the suitability of the site for the proposed development. If investigation finds that contamination makes the land unsuitable for the proposed development and remediation is required, a Remedial Action Plan (RAP) must be submitted to Council prior to Council making a determination. Council reserves the right to require a site audit of the RAP.

#### **Site contamination – Additional information**

Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately.

#### **Remedial Action Plan (RAP)**

The Remedial Action Plan (RAP) must be prepared by an suitably qualified consultant in accordance with NSW Department of Environment and Conservation (DEC) and NSW Environmental Protection Authority (EPA) Guidelines and shall document all the remedial works to be undertaken at the site and also contain an environmental management plan and occupational health and safety plan for the remedial works.

#### **Remediation Works**

All remediation work must be carried out in accordance with: -

- The Managing Land Contamination: Planning Guidelines SEPP 55 Remediation of Land; and

- The EPA Guidelines made under the Contaminated Land Management Act 1997.
- And in accordance with the proposed Remedial Action Plan.

### Validation Report

After completion of all Remediation works, a copy of the Validation and Monitoring Report prepared by suitably qualified contaminated land consultant shall be submitted to Council. The Construction Certificate shall not be issued until Council approves this Report. The validation report shall be prepared in accordance with the Office Environment and Heritage Guidelines, Consultants Reporting on Contaminated Sites, and shall certify the suitability of the site for the proposed development.

- describe and document all works performed;
- include results of validation testing and monitoring;
- include validation results of any fill imported on to the site;
- show how the objectives of the Remedial Action Plan have been met;
- show how all agreed clean-up criteria and relevant regulations have been complied with; and
- include clear justification as to the suitability of the site for the proposed development and the potential for off-site migration of any residual contaminants.

30. **Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.
31. **Waste Storage - Residential and Mixed Use Developments** - The plans shall include details of the waste storage area. The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot/building in accordance with the approved plans.

The waste storage area shall be large enough to accommodate the required number of bins for the development and located in an area to suitably facilitate servicing on waste collection day.

The path to the bin room is to be at least 1.0 metres wide and kept clear and unobstructed at all times.

### Residential Waste

The property will require 4 x 240L garbage bins collected twice a week and 7 x 240L recycling bins collected once a week, and 1 x 240L green waste bin. The bins must be taken to the kerbside for collection.

The waste room will contain the following to minimise odours, deter vermin, protect surrounding areas, and make it a user-friendly and safe area:

- waste room floor to be sealed;
- waste room walls and floor surface is flat and even;
- all walls painted with light colour and washable paint;
- equipment electric outlets to be installed 1700mm above floor levels;
- The bin storage rooms will be mechanically exhausted as required by AS 1668.2;
- light switch installed at height of 1.6m;

- waste rooms must be well lit (sensor lighting recommended);
- optional automatic odour and pest control system installed to eliminate all pest types and assist with odour reduction - this process generally takes place at building handover - building management make the decision to install;
- all personnel doors are hinged and self-closing;
- waste collection area must hold all bins - bin movements should be with ease of access;
- conform to the Building Code of Australia, Australian Standards and local laws; and childproofing and public/operator safety shall be assessed and ensured.
- Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored.
- Cleaners will monitor the bin storage area and all spills will be attended to immediately by cleaners.

32. **Landscape Plans** - All landscape works shall be carried out in accordance with the approved landscape plans referenced in the table above. The landscaping shall be maintained in accordance with the approved plans in perpetuity.
33. **Tree Removal prohibited** - This consent does not approve the removal or pruning (branches or roots) of any trees on the subject property, Council's public footway, public reserves or on neighbouring properties.
34. **Compliance with submitted Arborist Report** - The recommendations outlined in the Arborist's Report titled Arboricultural Impact Assessment prepared by Advanced Treescape Consulting (dated 6 November 2017, reference 17-097, rev 2), must be implemented throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.

The tree/s to be protected are listed in the table below.

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres)
T1 - <i>Eucalyptus botryoides</i> (Banalay)	Within Lawrence Park	9m
T2 – <i>Glochidion ferdinandi</i> (Cheese Tree)	Within Lawrence Park	2.4m

35. **Tree Protection and Retention** - The following trees shall be retained and protected:

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres)
T1 - <i>Eucalyptus botryoides</i> (Banalay)	Within Lawrence Park	9m
T2 – <i>Glochidion ferdinandi</i> (Cheese Tree)	Within Lawrence Park	2.4m

Details of the trees to be retained must be included on the Construction Certificate plans.

#### **General Tree Protection Measures**

- (a) All trees to be retained shall be protected and maintained during demolition,

excavation and construction of the site.

- (b) The tree protection measures must be undertaken in accordance AS4970 -2009 *Protection of trees on development sites*.
- (c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- (d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.
- (e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- (f) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

#### **Excavation works near tree to be retained**

- (g) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.
- (h) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.
- (i) Tree Protection Zone around the trees to be retained are not to have soil level changes or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction. Details satisfying this condition shall be shown on the Construction Certificate plans.

### **36. Tree Removal & Replacement**

**Tree removal** - Permission is granted for the removal of the following trees:

<b>Tree species</b>	<b>Number of trees</b>	<b>Location</b>
T3 – <i>Lagerstroemia indica</i> (Crepe Myrtle) T4 – <i>G. ferdinandi</i> (Cheese Tree) T5 – <i>Pittosporum undulatum</i> (Native Daphne) T6 – <i>Cupressus macrocarpa</i> 'Brunniana Aurea' (Brunnings Golden Cypress)	1 of each	Located within the site

#### **General Tree Removal Requirements**

- (a) All tree removal shall be carried out by a certified Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees and Tree Works Industry Code of Practice (Work Cover NSW 1.8.98).
- (b) No trees are to be removed on the site or neighbouring properties without the prior written approval of Council.
- (c) Council shall be appointed to remove all tree/s on public land. All costs associated



with the removal of the tree/s and the planting of replacement trees shall be met by the applicant. Fees and charges outlined in the table below are subject to change and are set out in the current version of Council's 'Schedule of Fees and Charges', applicable at the time of payment.

<b>Fee Type – Tree removal on public land</b>	<b>Amount</b>
Administration Fee for Tree Removal	TBA
Replacement Tree Fee (per Tree)	TBA
Cost of tree removal	TBA
Cost of Stump Grinding	TBA

A copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy and Masterplan, can be downloaded from Council's website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).

37. **BASIX Commitments** - All energy efficiency measures as detailed in the BASIX Certificate No. 815438M\_04, dated 25 September 2019 must be implemented on the plans lodged with the application for the Construction Certificate.

**(This condition is amended as part of MOD2018/0170 (DA2017/0217))**

38. **Consolidation of Site** - The site shall be consolidated into one allotment and by a Plan of Consolidation being prepared by a Registered Surveyor. This Plan shall be registered at the NSW Land and Property Information prior to the issue of a final occupation certificate.
39. **Car Wash Bays** - Plans and specifications of the car washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate.

All car washing bays shall be contained within a roofed and bunded car wash bay with pre-treatment approved by Sydney Water. The water from the car wash bay must be graded to a drainage point and connected to sewer.

If alternative water management and disposal options are proposed (i.e. where water is recycled, minimised or reused on the site), detailed plans and specifications of the water recycling system must be submitted with the application for the Construction Certificate for approval.

40. **SEPP 65 Design Verification Statement** - A design verification statement, prepared by Peter Israel, shall be submitted to the Certifying Authority verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out under Schedule 1 of State Environmental Planning Policy No 65 -Design Quality of Residential Flat Development.
41. **Design Quality Excellence (Major Development)** -
- (a) In order to ensure the design quality excellence of the development is retained:
- The design architect, Peter Israel is to have direct involvement in the design documentation, contract documentation and construct stages of the project;
  - The design architect is to have full access to the site and is to be authorised by

the applicant to respond directly to the consent authority where information or clarification is required in the resolution of the design issues throughout the life of the project;

- iii. Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.

(b) The design architect of the project is not to be changed without prior notice and approval of the Council.

42. **Allocation of street addresses** - In order to comply with AS/NZS 4819:2011 Rural and Urban Addressing & the NSW Addressing User Manual (Geographical Names Board of NSW) and Georges River Council's requirements, the street addresses for the subject development must be allocated as advised by Georges River Council.

Details indicating compliance with this condition must be shown on the plans lodged with any Construction Certificate for approval.

43. **Pre-Construction Dilapidation Report - Private Land** - A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

(a) All neighbouring buildings with a common boundary to the subject site

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

44. **Mechanical Ventilation** - To ensure that adequate provision is made for ventilation of the commercial portions of the building mechanical and/or natural ventilation systems adequate for commercial kitchen for restaurants/café cooking facilities are required to be shall be designed, constructed and installed centrally within the building (not externally) in accordance with the provisions of the Building Code of Australia and Australian Standard 1668.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

45. **Noise from Buildings Containing Housing Above Shops or Adjacent to Housing** - A certificate from an Acoustic Engineer is to be submitted with the Construction Certificate certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00am) when

measured at the boundary of the property, and will comply with the Environmental Protection Authority Industrial Noise Policy.

The development is not to give rise to an offensive noise as defined under the Protection of the Environment Operations Act 1997.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

46. **Relocation of Stormwater Onsite Detention System** - ~~To provide opportunity for additional deep soil landscaping,~~ The Onsite Detention System is to be relocated from adjacent to the western the side boundary setback to under the driveway of the approved development in accordance with DA.3.01, prepared by RGH Consulting Group Revision No. H, dated 08.10.19. The amended OSD system is to be fully compliant with Council's Technical Specification and the Australian Standards.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

- a. The RHS galvanised pipe must have a minimum of 50mm of cover along its length through the road reserve and at least one pipe of 100 x 200mm RHS galvanised between the boundary and the street kerb, in order to avoid blockage to the system. A detailed section of the connection through the road reserve is to be prepared and shown on the final drainage plan;
- b. Prior to the commencement of works, the PCA shall ensure that a registered surveyor is engaged to verify the approved design surface and invert levels of the proposed OSD stormwater system in order to drain the site by gravity to the street.

(This condition is amended as part of MOD2018/0170 (DA2017/0217))

47. **Additional Security Screen** - A security screen no greater than 1.8m above finished floor level is to be provided to the outer most projection of the balcony located on Level 2 off Unit 9202 between the balustrade and the front building elevation in order to prevent unauthorised access from the adjoining property.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

## **Section E Prior to the Commencement of Work (Including Demolition & Excavation)**

48. **Demolition & Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2001 - Demolition of Structures, NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011. The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011 unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the Demolition Code of Practice (NSW Work Cover July 2015)

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au).

49. **Dial before your dig** - The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Council’s Engineers for their records.
50. **Registered Surveyors Report - During Development Work** - A report must be submitted to the PCA at each of the following applicable stages of construction:
  - (a) Set out before commencing excavation.
  - (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
  - (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
  - (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
  - (e) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
  - (f) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

51. **Utility Arrangements** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicant’s expense.
52. **Demolition Notification Requirements** - The following notification requirements apply to this consent:
  - (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.

- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

53. **Demolition work involving asbestos removal** - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011.
54. **Structural Engineers Details - Supporting Council road/footway** - Prior to the commencement of work in connection with the excavation of the site associated with the basement car park, structural engineer's details relating to the method of supporting the excavation must be submitted.
55. **Dilapidation Report on Public Land - Major Development Only** - Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site, including: The report must include the following:
- (a) Photographs showing the existing condition of the road pavement fronting the site,
  - (b) Photographs showing the existing condition of the kerb and gutter fronting the site,
  - (c) Photographs showing the existing condition of the footpath pavement fronting the site,
  - (d) Photographs showing the existing condition of any retaining walls within the footway or road, and
  - (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
  - (f) The full name and signature of the structural engineer.
  - (g) The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the PCA and a copy provided to the Council.

The Dilapidation Report must be prepared by a professional engineer. The report must be provided to the PCA and a copy provided to the Council.

The report is to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether to refund the damage deposit after the completion of works.

## **Section F During Construction**

56. **Site sign - Soil & Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath

and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

57. **Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.
58. **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.
59. **Hours of construction for demolition and building work** - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Note: A penalty infringement notice may be issued for any offence.

60. **Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

61. **Excavation works near tree to be retained** - Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

62. **Ground levels and retaining walls** - The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.
63. **Building - Structural Certificate During Construction** - The proposed building must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for

compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of Construction or prior issue of the Occupation Certificate.

64. **Physical connection of Stormwater to site** - No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's in.

## **Section G Prior to the issue of the Occupation Certificate**

65. **Restriction to User and Positive Covenant for On-Site Detention Facility** - A Restriction on Use of the Land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owners of the land. The terms of the instrument are to be in accordance with Council's standard terms and restrictions which are as follows;

### **Restrictions on Use of Land**

*The registered proprietor shall not make or permit or suffer the making of any alterations to any on-site stormwater management system which is, or shall be, constructed on the lot(s) burdened without the prior consent in writing of Georges River Council. The expression "on-site stormwater management system" shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to manage stormwater quantity or quality including the temporary detention or permanent retention of stormwater storages. Any on-site stormwater management system constructed on the lot(s) burdened is hereafter referred to as "the system".*

Name of Authority having the power to release, vary or modify the Restriction referred to is Georges River Council.

### **Positive Covenants**

1. *The registered proprietor of the lot(s) hereby burdened will in respect of the system:*

- a) *keep the system clean and free from silt, rubbish and debris*
- b) *maintain and repair at the sole expense of the registered proprietors the whole of the system so that it functions in a safe and efficient manner*
- c) *permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant*
- d) *comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.*

2. *Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:*

- a) *in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said*

*notice referred to in part 1(d) above*

*b) the Council may recover from the registered proprietor in a Court of competent jurisdiction:*

*i. any expense reasonably incurred by it in exercising its powers under subparagraph (i) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (i) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.*

*ii. legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act. Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.*

66. **Maintenance Schedule - On-site Stormwater Management** - A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

67. **Works as Executed and Certification of Stormwater works** - Prior to the issue of an Occupation Certificate, the PCA must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards. A works-as-executed drainage plan and certification must be forwarded to the PCA and Council, from a professional engineer specialising in hydraulic engineering.

This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the PCA.

The works-as-executed drainage plan must be prepared by a professional engineer specialising in hydraulic engineering in conjunction with a Registered Surveyor and must include the following details (as applicable):

- (a) The location of any detention basin/s with finished surface levels;
- (b) Finished site contours at 0.2 metre intervals (if applicable)
- (c) Volume of storage available in any detention areas;
- (d) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all stormwater pipes;
- (e) The orifice size/s (if applicable);
- (f) Details of any infiltration/absorption systems; and (if applicable);
- (g) Details of any pumping systems installed (including wet well volumes) (if applicable).

68. **Vehicular crossing & Frontage work - Major development** - The following road frontage works shall be constructed in accordance with Council's Specification for Vehicular Crossings and Associated Works together with the Vehicular Crossing Approval issued by Council's Engineering Services Division:

- (a) Construct a footpath for the full length of the frontage of the site in Lime Kiln Rd and



Forest Rd as required by Council in accordance with Council's Specifications for footpaths.

- (b) Construct the vehicular crossing in accordance with Council's Specifications for vehicular crossings.
- (c) Construct a new 150mm high concrete kerb with 450mm wide gutter for the full frontage(s) of the site in accordance with Council's Specifications for kerb and guttering.
- (d) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

A private contractor shall carry out the above work, at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

The driveway and road frontage works are to be completed before the issue of the Occupation Certificate.

69. **Stormwater drainage works - Works As Executed** - Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

Council's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of an Occupation Certificate.

70. **Dilapidation Report on Public Land for Major Development Only** - Upon completion of works, a follow up dilapidation report must be prepared for the items of Council infrastructure adjoining the development site including:

The dilapidation report must be prepared by a professional engineer specialising in structural engineering, and include:

- (a) Photographs showing the condition of the road pavement fronting the site
- (b) Photographs showing the condition of the kerb and gutter fronting the site
- (c) Photographs showing the condition of the footway including footpath pavement fronting the site
- (d) Photographs showing the condition of retaining walls within the footway or road
- (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (f) The full name and signature of the professional engineer.

The report must be provided to the PCA and a copy provided to the Council. The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour,

digital and date stamped.

NOTE: Council will use this report to determine whether or not to refund the damage deposit.

Council's Engineering Services Division must advise in writing that the works have been completed to their satisfaction prior to the issue of an Occupation Certificate.

71. **Post Construction Dilapidation report - Private Land** - At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the following adjoining premises:

The report is to be prepared at the expense of the applicant and submitted to the PCA prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damage has occurred to the adjoining premises, the PCA, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the PCA prior to the issue of any Occupation Certificate.

72. **Allocation of street addresses** - Prior to issue of an Occupation Certificate, All house numbering are to be allocated in accordance with AS/NZS 4819:2011 Rural and Urban Addressing & the NSW Addressing User Manual (Geographical Names Board of NSW) and Georges River Council's requirements. Council must be contacted in relation to all specific requirements for street numbering.
73. **Fire Safety Certificate before Occupation or Use** - In accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000, on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the Environmental Planning and Assessment Regulation, 2000. In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:
- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
  - (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

74. **Building - Structural Certificates** - The proposed structure must be constructed in accordance with details designed and certified by the practising qualified structural engineer. In addition, Compliance or Structural Certificates, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority prior issue of the Occupation Certificate.

75. **Slip Resistance** - At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. Proof of compliance must be submitted with the application for the Occupation Certificate for approval.
76. **BASIX Certificate** - All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.
77. **BASIX Compliance Certificate** - A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.
78. **Electricity Supply** - Evidence shall be provided demonstrating that the development has been connected to the Ausgrid, if required.
79. **Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.
80. **Allocation of car parking spaces** - Car parking associated with the development is to be allocated as follows:
- (a) Residential dwellings: 16 car spaces (1 car space/1 or 2 bedroom unit, 2 car spaces per 3 or more bedroom unit)
  - (b) Accessible car spaces: 1 accessible car space per adaptable dwelling
  - (c) Residential visitors: 4 car spaces which shall remain as common property.
  - (d) Carwash bay: 1 car wash bay (which can be within a visitor's space)
  - (e) Retail: 9 car spaces
  - (f) 1 loading/unloading area
  - (g) Bicycle spaces: 14 spaces
81. **Major Development** - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.
82. **SEPP 65 Design Verification Statement** - The PCA must not issue an Occupation Certificate to authorise a person to commence occupation of the residential flat development unless the PCA has received a design verification from Peter Israel, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 Design Quality of Residential Flat Development.
83. **Acoustic Compliance - General Operation of Premises** - The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive

noise' as defined in the Protection of the Environment Operations Act 1997 (as amended) and Regulations.

A suitably qualified person shall certify that the operation of the plant equipment shall not give rise to sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the NSW Environment Protection Authority's "NSW industrial Noise Policy.

Certification must be submitted to the PCA prior to the issue of any Occupation Certificate.

84. **Certification - Air handling systems (including water-cooling system, hot-water systems and warm-water systems)** - Certification by a suitably qualified person engineer '2012 must be submitted to the PCA prior to the issue of any occupation certificate verifying that the air handling system has been installed in accordance with:

- (a) Public Health Act 2010 (as amended)
- (b) Public Health Regulation 2012 (as amended)
- (c) AS/NZS 3666.1:2011 Air-handling and water systems of buildings -Microbial control - Design, installation and commissioning

## **Section H Operational Conditions (Ongoing)**

85. **Activities and storage of goods outside buildings** - There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.
86. **Noise Control** - The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997 (as amended).
87. **Operation of Air Handling Systems** - The occupier must operate air handling systems in compliance with Part 2 of the Public Health Regulation 2012 (as amended).

Where there is any change in the air handling system the occupier must register the changes in the regulated systems with Council.

Water cooling systems must be certified annually by a competent person as being an effective process of disinfection under the range of operating conditions that could ordinarily be expected.

88. **Outdoor Lighting** - To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.
89. **Final Acoustic Report – Verification of Noise report** - Within three months from the issue of an Occupation Certificate, an acoustic assessment is to be carried out by an appropriately qualified acoustic consultant, in accordance with the [EPA's Industrial Noise Policy](#) and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted by Vipac Engineers and Scientists Ltd, titled "Development

Application Acoustic Assessment report No. 20E-17-0115-TRP-458521-2 dated 19 September 2017”, are effective in attenuating noise to an acceptable noise level and that the use is not likely to give rise to ‘offensive noise’ as defined under the provision of the [Protection of the Environment Operation Act 1997](#) (as amended).

90. **Lighting – General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare. Flashing, moving or intermittent lights or signs are prohibited.
91. **Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.
92. **Maintenance of Landscaping** - All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas. The maintenance schedule shown on the approved landscape plan is to be undertaken in accordance with the details of that schedule. On the completion of the 12 month maintenance period, the landscape works shall be inspected and at the satisfaction of the landscape architect (PDS Paterson Design Studio), the responsibility will be signed over to the client.
93. **Annual Fire Safety Statement** - The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:
  - (a) Within 12 months after the date on which the fire safety certificate was received.
  - (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
  - (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation 2000.
  - (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.
- 93A. **Provisions of accessible sanitary facilities** - If the commercial units are used for cafes/restaurants in the future, the provision of accessible sanitary facilities will be required if more than 20 patrons are to be accommodated in a single commercial unit.

(This condition is added as part of MOD2018/0170 (DA2017/0217))

## **Section I Operational Requirements Under the Environmental Planning & Assessment Act 1979**

94. **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited certifier.

An application form for a **Construction Certificate** is attached for your convenience.

95. **Appointment of a Principal Certifying Authority** - The erection of a building must not commence until the beneficiary of the development consent has:

- (a) appointed a Principal Certifying Authority (PCA) for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner-Builder.

If the work is not going to be undertaken by an Owner-Builder, then the beneficiary of the consent must:

- (a) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (b) notify the PCA of the details of any such appointment; and
- (c) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

An **Information Pack** is attached for your convenience should you wish to appoint Georges River Council as the Principal Certifying Authority for your development.

96. **Notification of Critical Stage Inspections** - No later than two (2) days before the building work commences, the PCA must notify:

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) the beneficiary of the development consent of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

97. **Notice of Commencement** - The beneficiary of the development consent must give at least two (2) days notice to the Council and the PCA of their intention to commence the erection of a building.

**Notice of Commencement Form** is attached for your convenience.

98. **Critical Stage Inspections** - The last critical stage inspection must be undertaken by the Principal Certifying Authority. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.

99. **Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before each required inspection needs to be carried out.

Where Georges River Council has been appointed PCA, forty eight (48) hours notice in writing, or alternatively twenty four (24) hours notice by facsimile or telephone, must be given to when specified work requiring inspection has been completed.

100. **Occupation Certificate** - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

Only the Principal Certifying Authority appointed for the building work can issue the Occupation Certificate.

An **Occupation Certificate** Application Form is attached for your convenience.

## Section J Prescribed Conditions

101. **Clause 97A – BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
102. **Clause 98 – Building Code of Australia & Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.
103. **Clause 98A – Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifying Authority and the Principal Contractor.
104. **Clause 98B – Home Building Act 1989** - If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.
105. **Clause 98E – Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

## END CONDITIONS

## NOTES/ADVICES

106. **Review of Determination** - Section 82A of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.

107. **Appeal Rights** - Division 8 (Appeals and Related matters) Part 4 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
108. **Lapsing of Consent** - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with

Section 95 of the Environmental Planning and Assessment Act 1979 as amended.

109. **Noise - Noise related conditions** - Council will generally enforce noise related conditions in accordance with the Noise Guide for Local Government (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the Industrial Noise Guidelines (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the Protection of the Environment Operations Act 1997.

Useful links relating to Noise:

- (a) Community Justice Centres - free mediation service provided by the NSW Government ([www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au)).
  - (b) Department of Environment and Conservation NSW, Noise Policy Section web page ([www.environment.nsw.gov.au/noise](http://www.environment.nsw.gov.au/noise)).
  - (c) New South Wales Government Legislation home page for access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2000 ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).
  - (d) Australian Acoustical Society - professional society of noise-related professionals ([www.acoustics.asn.au/index.php](http://www.acoustics.asn.au/index.php) <<http://www.acoustics.asn.au/index.php>>).
  - (e) Association of Australian Acoustical Consultants - professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au)).
  - (f) Department of Gaming and Racing - ([www.dgr.nsw.gov.au](http://www.dgr.nsw.gov.au)).
110. **Council as PCA - Compliance with the BCA** - Should the Council be appointed as the Principal Certifying Authority in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.
111. **Energy Efficiency Provisions** - Should Council be appointed as the Principal Certifying Authority, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Principal Certifying Authority.
112. **Compliance with Access, Mobility and AS4299** - Adaptable Housing - Should the Council be appointment as the PCA, the Construction Certificate Application must be accompanied by detailed working plans and a report or a Certificate of Compliance from an Accredited Access Consultant certifying that the building design and access to the adaptable units complies with Council's DCP and AS 4299 Adaptable Housing.



113. **Council as PCA - Total Conformity with BCA** - Should the Council be appointed as the Principal Certifying Authority, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:

- Mechanical ventilation to bathroom, laundry and basement areas not afforded natural ventilation.
- Provision of natural light to all habitable areas.
- Fire-fighting services and equipment including hydrant and booster assembly systems, sprinkler and valve room systems, hose reels, portable fire extinguishers, smoke hazard management systems and sound & warning systems.
- Emergency lighting and exit signs throughout, including terrace areas, lobby and basement areas.
- Construction of all fire (smoke) doors including warning and operational signage to required exit and exit door areas.
- Egress, travel distance and the discharge from an exit including the swing of exit doors.
- The protection of openings including spandrel separation.
- Fire compartmentation and fire wall separation details including all stairway, lift and service shaft areas.
- Protection of openings including paths of travel from fire isolated exists
- Re-entry facilities from fire isolated exit stairways.
- Sound transmission and insulation details.
- Window schedule is to include the protection of openable windows.
- The location of sanitary facilities for employees in accordance with Table F2.1

In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA must be submitted to the Principal Certifying Authority with the Construction Certificate Application. Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.

In the event that full compliance with the BCA cannot be achieved and the services of a fire engineer are obtained to determine an alternative method of compliance with the BCA, such report must be submitted to and endorsed by the Principal Certifying Authority prior to issue of the Construction Certificate.

114. **Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au)).

115. **Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

116. **Sydney Water Section 73 Certificates** - The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.
117. **Electricity Supply** - This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or [www.ausgrid.com.au](http://www.ausgrid.com.au) (Business and Commercial Services) for further details and information on lodging your application to connect to the network.

118. **Development Engineering** - Conditions relating to future Strata Subdivision of Buildings

**No approval is expressed or implied for the subdivision of the subject building(s). For any future Strata subdivision, a separate Complying Development Certificate shall be approved by Council or an Accredited Certifier.**

**Prior to the issue of any Strata Certificate of the subject building(s) the following conditions shall be satisfied:**

**(a) Unit Numbering**

Apartment type numbers shall be installed adjacent or to the front door of each unit.

The unit number shall coincide with the strata plan lot numbering.

**(b) Car Parking Space Marking and Numbering**

Each car space shall be line marked with paint and numbered in accordance with the strata plan lot numbering.

"Visitor Parking" signs shall be installed adjacent to any and all visitor car spaces prior to the issue of any Strata Certificate.

**(c) Designation of Visitor Car Spaces on any Strata Plan**

Any Visitor car spaces shall be designated on the final strata plan as "Visitor Parking - Common Property".

**(d) Allocation of Car Parking Spaces, Storage Areas and Common Property on any Strata Plan**

i. All car parking spaces shall be created as a part lot of the individual strata's unit lot in any Strata Plan of the subject building.

ii. All storage areas shall be created as a part lot of the individual strata's unit lot or a separate Utility Lot (if practical) in any Strata Plan of the subject building.

iii. The minimum number of parking spaces required to be allocated as a part lot to each individual strata's unit lot shall be in accordance with the car parking

requirements of Council's Development Control Plan and as required by the relative development consent for the building construction.

- iv. No parking spaces shall be created as an individual strata allotment on any Strata Plan of the subject building unless these spaces are surplus to the minimum number of parking spaces required.

If preferred the surplus car spaces shall be permitted to be created as separate Utility Lots, (instead as a part lot of the individual strata's unit lot), in accordance with section 39 of the Strata schemes (freehold development Act 1973).

**The above requirements regarding car parking spaces and storage areas may only be varied with the conditions of a separate Development Application Approval for Strata Subdivision of the Building(s).**

**(e) On Site Detention Requirements**

The location any on-site detention facility shall be shown on the strata plan and suitably denoted.

**(f) Creation of Positive Covenant**

A Positive Covenant shall be created over any on-site detention facility by an Instrument pursuant to Section 88B of the Conveyancing Act 1919, with the covenant including the following wording:

*"It is the responsibility of the Owner's Corporation to keep the on-site detention facilities, together with any ancillary pumps, pipes, pits etc, clean at all times and maintained in an efficient working condition. The on-site detention facilities shall not be modified in any way without the prior approval of Georges River Council."*

Georges River Council is to be nominated as the Authority to release, vary or modify this Covenant.

119. **Security deposit administration & compliance fee** - Under Section 97 (5) of the Local Government Act 1993, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is \$50.00 plus 2% of the bond amount per annum.

The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

120. **Stormwater & Ancillary Works - Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993** - To apply for approval under Section 138 of the Roads Act 1993:

- (a) Complete the Driveway Crossing on Council Road Reserve Application Form which

can be downloaded from Georges River Council's Website at [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).

- (b) In the Application Form, quote the Development Consent No. (eg. DA2017/0491) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Vehicular Crossing applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out by a private contractor in accordance with Council's specifications prior to the issue of an Occupation Certificate.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new storm water drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.

NOTE: A minimum of four weeks should be allowed for assessment

## ATTACHMENTS

Attachment [1](#)  Amended Elevation Plan - 2-12 Lime Kiln Rd Lugarno



EAST ELEVATION



NORTH ELEVATION



1700 Office Lane 1, 80 Spence Street, Suite 100, NSW 1585  
Phone: 02 9511 1111 | Fax: 02 9511 1112 | Email: info@pti.com.au  
1585 Spence Street, Suite 100, NSW 1585  
Revised: 17/10/2019 | Project: 2-12 Lime Kiln Rd Lugarno

NO.	REVISION	DATE	BY
1	ISSUED FOR PERMIT	17/10/2019	IAN MCKENZIE
2	AMENDED TO NEW WINDOW, AND DOOR, NEW LOOKING SLIDES ADDED	17/10/2019	IAN MCKENZIE
3	AMENDED TO NEW WINDOW, AND DOOR, NEW LOOKING SLIDES ADDED	17/10/2019	IAN MCKENZIE
4	AMENDED TO NEW WINDOW, AND DOOR, NEW LOOKING SLIDES ADDED	17/10/2019	IAN MCKENZIE
5	AMENDED TO NEW WINDOW, AND DOOR, NEW LOOKING SLIDES ADDED	17/10/2019	IAN MCKENZIE
6	AMENDED TO NEW WINDOW, AND DOOR, NEW LOOKING SLIDES ADDED	17/10/2019	IAN MCKENZIE
7	AMENDED TO NEW WINDOW, AND DOOR, NEW LOOKING SLIDES ADDED	17/10/2019	IAN MCKENZIE
8	AMENDED TO NEW WINDOW, AND DOOR, NEW LOOKING SLIDES ADDED	17/10/2019	IAN MCKENZIE

2-12 LIME KILN ROAD, 1041A + 1041C  
FOREST ROAD, LUGARNO, 2210

PROJECT NO: 2-12 LIME KILN ROAD, 1041A + 1041C  
EAST + NORTH ELEVATION

SECTION: 4.55 15 H

**REPORT TO GEORGES RIVER COUNCIL  
LPP MEETING OF THURSDAY, 17 OCTOBER 2019**

LPP043-19

<b>LPP Report No</b>	<b>LPP043-19</b>	<b>Development Application No</b>	<b>DA2019/0306</b>
<b>Site Address &amp; Ward Locality</b>	Beale Reserve - 25D Rona Street Peakhurst Peakhurst Ward		
<b>Proposed Development</b>	Laying of drainage pipes within an existing easement to drain stormwater from the development at 25 Rona Street Peakhurst		
<b>Owners</b>	Georges River Council		
<b>Applicant</b>	Urbanesque Planning		
<b>Planner/Architect</b>	Eugene Sarich		
<b>Date Of Lodgement</b>	19/07/2019		
<b>Submissions</b>	Nil		
<b>Cost of Works</b>	\$17,000.00		
<b>Local Planning Panel Criteria</b>	The development is proposed within Council owned land.		
<b>List of all relevant s.4.15 matters (formerly s79C(1)(a))</b>	Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment, State Environmental Planning Policy No 55 - Remediation of Land, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, State Environmental Planning Policy (Infrastructure) 2007, Hurstville Local Environmental Plan 2012, Hurstville Development Control Plan No 1		
<b>List all documents submitted with this report for the Panel's consideration</b>	Stormwater Plan Registered Easement Plan – Lot 15 DP 26426 Registered Easement Plan – Lot A DP 400173		
<b>Report prepared by</b>	Development Assessment Planner		

<b>Recommendation</b>	That the application be approved in accordance with the conditions included in the report.
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<b>Summary of matters for consideration under Section 4.15</b> Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority satisfaction</b> Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised, in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Clause 4.6 Exceptions to development standards</b> If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	<b>Not Applicable</b>



<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	<b>Not Applicable</b>
<b>Conditions</b> Have draft conditions been provided to the applicant for comment?	<b>No, the applicant will be able to review the conditions when the report is published.</b>

### Site Photo



Aerial Photo of Beale Reserve outlined in red



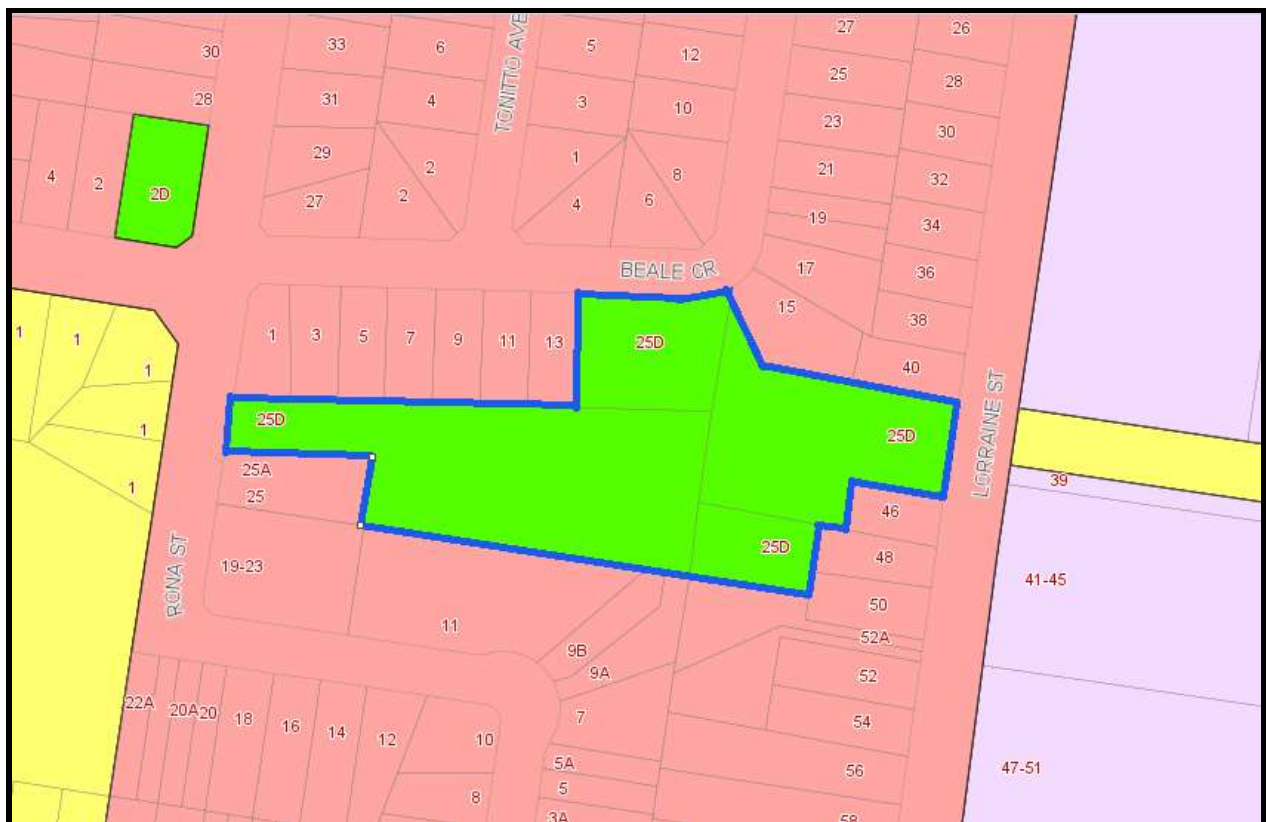


## Location of the approved dual occupancy seeking to drain through Beale Crescent

### Executive Summary

#### Proposal

1. Council is in receipt of a Development Application (DA2019/0306) seeking consent for laying of drainage pipes within an existing easement to drain stormwater from the development at 25 Rona Street Peakhurst. The allotment's where the easement is located is within Lot 15 DP 26426 and Lot A DP 400173 (see Figure 1 below showing these lots outlined in blue), Beale Reserve known as 25D Rona Street, Peakhurst. Beale Reserve is in the ownership of Georges River Council.



**Figure 1** – outline of the lots within Beale Reserve the subject of this application

2. Development Application DA2018/0199 granted approval via a deferred commencement for demolition of an existing dwelling and construction of a two (2) storey attached dual occupancy at 25 Rona Street, Peakhurst. The deferred commencement condition contained in Section A, condition A (b) requires;

*"The applicant must obtain separate Development Consent for all drainage works to be carried out within the Easement to Drain Water. The written consent of each of the owners of the property (Council's Property Unit) burdened by the Easement will be required for the development application to carry out the drainage works on the burdened lot."*

3. This development application (DA2019/0306) has been lodged to satisfy the requirements of the deferred commencement condition to enable the activation of Development Consent DA2018/0199 for the dual occupancy development.

#### Site and Locality



4. The subject site is legally described as Lot 15 DP 26426, Lot A DP 400173, Lot 59 DP2642 and Lot 60 DP 26427, Beale Reserve collectively known as 25D Rona Street, Peakhurst. Four (4) lots form Beale Reserve, which has frontages to Rona Street, Lorraine Street and Beale Crescent.
5. Though Beale Reserve encompasses 4 lots, the development will only be occurring on Lot 15 DP 26426, Lot A DP 400173 (see figure 1 above).
6. The proposed drainage lines are to be laid in the easement which extends along the southern boundary of Beale Reserve. Beale Reserve has a site area of 11483.39sqm. The development in the immediate vicinity of Beale reserve consists of residential development, Peakhurst High School – Georges River College opposite 25 Rona Street and industrial and commercial developments along Lorraine Street.
7. Beale Reserve is grassed and contains trees together with a transmission easement and drainage easement, none of the trees within the reserve are proposed to be removed or impacted by the laying of pipes within the registered drainage easement.
8. The images below show the southern boundary of the lot where the easement is located.



**Figure 2 - Partial location of the easement**





**Figure 3** - Southern Boundary of Beale Reserve



**Figure 4** –The location of the start of the easement at the south east corner of the site

LPP043-19

### **Zoning and Permissibility**

9. Beale Reserve is zoned RE1- Public Recreation under the provisions of the Hurstville Local Environmental Plan 2012 (HLEP 2012). However permissibility is gained via a State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) which states under Clause 111A that *“Development for the purpose of a stormwater management system may be carried out by any person with consent on any land.”* In accordance with the Infrastructure SEPP, the proposed application has is defined as ‘a stormwater management system’ as it is laying of pipework within a registered drainage easement.

### **Submissions**

10. In accordance with the Hurstville Development Control Plan No.1, under clause 2.2.3.1 a) the application is not required to be notified, therefore there are no submissions.

### **Conclusion**

11. The proposed development complies with the planning controls and objectives of the State Environmental Planning Policy (Infrastructure) 2007 and Hurstville Local Environmental Plan 2012 and the Hurstville Development Control Plan. The proposed development does not seek any variations to these environmental planning instruments.
12. Councils Development Engineer, Consultant Arborist, Drainage Engineer (Assets) and Property Department have reviewed the proposal and the application is considered to be acceptable subject to conditions of consent.

### **Report in Full**



**Proposal**

13. Council is in receipt of a Development Application (DA2019/0306) seeking consent for the laying of drainage pipes within an existing easement to drain stormwater from 25 Rona Street Peakhurst, being Lot 15 DP 26426, Lot A DP 400173, Lot 59 DP2642 and Lot 60 DP 26427, Beale Reserve, 25D Rona Street, Peakhurst. Beale Reserve is in the ownership of Georges River Council.
14. The development will occur on only Lot 15 DP 26426, Lot A DP 400173. Owners consent was provided by Georges River Council for the lodgement of this application, given all works the subject of this application are within Council land. The proposed works are specifically outlined below.
15. The proposed drainage lines are to be laid in the easement which extends along the southern boundary of Beale Reserve. Beale Reserve is grassed and contains trees together with a transmission easement and drainage easement, none of the trees within the reserve are proposed to be removed or impacted by the laying of pipes within the registered drainage easement.

**The Site and Locality**

16. Beale Reserve is grassed and contains a transmission easement, drainage easement and a number of large trees, none of which are proposed to be removed or impacted by the laying of pipes within the drainage easement.–Beale Reserve has three (3) road frontages being to Rona Street, Lorraine Street and Beale Crescent. Beale Reserve has an area of 11483.39sqm.
17. The development in the immediate vicinity of Beale Reserve is residential, Peakhurst High School – Georges River College opposite 25 Rona Street and industrial and commercial developments along Lorraine Street.

**Background**

18. The subject development application (DA2019/0306) was lodged on 19 July 2019. During the assessment of the application the proposal was reviewed by Council's Development Engineer, Consultant Arborist, Drainage Engineer (Assets) and Property Department. The proposal is considered acceptable.
19. This application was required via a deferred commencement condition resulting from the determination of the dual occupancy development associated with 25 Rona Street, Peakhurst being DA2018/0199.
20. The easement burdening Beale Reserve was registered on 5 April 2019.
21. A Complying Development Certificate was issued on 9 August 2018 for the demolition of the existing dwelling (CDC2018/0307). The site is currently vacant.

**APPLICABLE PLANNING CONTROLS****Statutory consideration****ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**State Environmental Planning Policies (SEPPs)**

22. Compliance with the relevant SEPPs is summarised in the following table and discussed in further detail below it.

<b>SEPP Title</b>	<b>Complies</b>
Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment	Yes
State Environmental Planning Policy No 55 - Remediation of Land	Yes
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes
State Environmental Planning Policy (Infrastructure) 2007	Yes

**Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment**

23. The primary relevant aims and objectives of this plan are:

- *to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the Catchment,*
- *to protect and enhance the environmental quality of the Catchment for the benefit of all users through the management and use of the resources in the Catchment in an ecologically sustainable manner,*
- *to ensure consistency with local environmental plans and also in the delivery of the principles of ecologically sustainable development in the assessment of development within the Catchment where there is potential to impact adversely on groundwater and on the water quality and river flows within the Georges River or its tributaries,*
- *to establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries and to promote integrated catchment management policies and programs in the planning and management of the Catchment*

24. The DA includes a concept stormwater design prepared by Ibrahim Stormwater Consultants, which demonstrates how the stormwater from the dual occupancy will be discharged via the proposed pipework into the easement.
25. The stormwater design was referred to Council's Development Engineer for review. No objection was raised with respect to the management and disposal of stormwater subject to the imposition of conditions of consent
26. In summary, the proposal will not contravene the aims, objectives or purpose of the Regional Plan subject to the imposition of those conditions recommended by the Development Engineer.

**State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)**

27. SEPP 55 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.
28. Clause 7 requires contamination and remediation to be considered in determining a DA. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.

29. A review of the deposited plan associated with Lot 15 DP 26426 indicates that the space has been “Garden and Recreational Space” since 1955 and there is a development application from 1999 on Lot A DP 400173 for a drainage easement.

### **State Environmental Planning Policy (Infrastructure) 2007**

30. The aim of the Infrastructure SEPP is to facilitate the effective delivery of infrastructure across the State. The Infrastructure SEPP provided provisions around development likely to affect an electricity transmission or distribution network under Division 5 and also provides provisions around stormwater management systems under Division 20.
31. Clause 45 states that if development will be carried out *“within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists) the consent authority must:*
- (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
  - (b) take into consideration any response to the notice that is received within 21 days after the notice is given.”*
32. Council provided Ausgrid the opportunity to comment in writing on the proposal from the 25 July – 15 August 2019. Ausgrid’s Asset Protection Officer contacted Council on the 13 August 2019 regarding the plans not being able to be accessed via the website. Ausgrid were subsequently notified when this was rectified. No additional comments were received at the time of writing of this report (passed 21 days).
33. Clause 111A of the SEPP, “Development permitted with consent”, is relevant to this Development Application on the basis that the proposal gains its permissibility from this clause. Clause 111A is permissible as *“Development for the purpose of a stormwater management system may be carried out by any person with consent on any land.”* Stormwater Management includes the discharge of stormwater such as drainage works.
34. The proposal is not inconsistent with the Infrastructure SEPP.

### **Draft Remediation of Land SEPP**

35. The Department of Planning and Environment has announced a Draft Remediation of Land SEPP, which will repeal and replace the current State Environmental Planning Policy No 55—Remediation of Land.
36. The main changes proposed include the expansion of categories of remediation work which requires development consent, a greater involvement of principal certifying authorities particularly in relation to remediation works that can be carried out without development consent, more comprehensive guidelines for Councils and certifiers and the clarification of the contamination information to be included on Section 149 Planning Certificates.
37. Whilst the proposed SEPP will retain the key operational framework of SEPP 55, it will adopt a more modern approach to the management of contaminated land. The Draft SEPP will not alter or affect the findings in relation to contamination at the site.

### **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

38. The Vegetation SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

39. The Vegetation SEPP applies to clearing of:
- (a) *Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and*
  - (b) *Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (DCP).*
40. The Vegetation SEPP repeals clauses 5.9 and 5.9AA of the Standard Instrument - Principal Local Environmental Plan with regulation of the clearing of vegetation (including native vegetation) below the BOS threshold through any applicable DCP.
41. The proposal does not involve the removal of any trees. Council's arborist has conditioned the proposal with regards to the protection of trees. On this basis, the proposal is consistent with relevant provisions of the Vegetation SEPP.

### **Draft Environment SEPP**

42. The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.
43. Changes proposed include consolidating the following seven existing SEPPs:
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
  - State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
  - State Environmental Planning Policy No. 50 – Canal Estate Development
  - Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
  - Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
  - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
  - Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property
44. The proposal is consistent with the provisions of this Draft Instrument.

## **ENVIRONMENTAL PLANNING INSTRUMENTS**

### **Hurstville Local Environmental Plan 2012 (HLEP 2012)**

45. The subject site is zoned Zone RE1 – Public Recreation under the provisions of the Hurstville Local Environmental Plan 2012. The proposal is not a listed permissible use under the HLEP but gains it permissibility via the Infrastructure SEPP, the development is permissible.

The site is flood prone however due to the nature of the development this matter does not require additional consideration as the works are seeking to control stormwater discharge by piping it through the registered drainage easement.

## DEVELOPMENT CONTROL PLANS

### Hurstville Development Control Plan No.1 (HDCP)

46. The proposal is not affected by any of the controls within the HDCP, however this work allows for lawful drainage disposal from the approved development at 25 Rona Street Peakhurst (DA2018/0199). These provisions are addressed in more detail within the following table.

HDCP Compliance Table		
Required	Proposed	Complies
<b>4.3 Dual Occupancy</b>		
<b>PC15. Stormwater</b>		
Stormwater management is in accordance with the provisions contained in Section 4.4 Dwelling Houses on Standard Lots – PC.11. Section 4.4 – PC.11. states the following:		
DS11.2 - Stormwater drainage is to occur by: (b)an easement over adjoining properties to Council's drainage system and / or across the site to allow drainage from another lot.	This application – DA2019/0306 allows for the Dual Occupancy approved via a deferred commencement determination associated with 25 Rona Street, Peakhurst (DA2018/0199) to drain in accordance with this clause.	Complies
DS11.3 – Where drainage by gravity is involved this must not cause ponding/backwater effects on upstream properties.	Councils Development Engineers and Drainage Engineers have provided comments and raised no objection in this regard, subject to the recommended conditions relating to this development.	Complies
DS11.5 - Where drainage by an easement is involved, no buildings are allowed to be constructed over easements.	There are no buildings proposed to be built over, on or within the easement.	Complies
DS11.7 – Development is not to concentrate overland flow of stormwater onto an adjoining property.	Councils Development Engineers and Drainage Engineers have provided comments and raised no objection in this regard, subject to the recommended conditions relating to this development.	Complies

### DEVELOPER CONTRIBUTIONS

47. The proposed development will not require payment of developer contributions under Section 7.11 of the Environmental Planning and Assessment Act 1979.



## IMPACTS

### ***Natural Environment***

48. The proposal is unlikely to result in adverse impacts to the natural environment subject to the development being conducted in accordance with the conditions recommended from Councils Arborist. A condition that will protect the trees root system while excavation for the pipe will be imposed. The excavation is minimal and is only for the extent of the easement. Appropriate stormwater conditions have been recommended.

### ***Built Environment***

49. The proposal will have no impact regarding the built environment beyond allowing the consent for DA2018/0199 to be activated subject to other conditions.

### ***Social Impact***

50. No adverse social impacts have been identified as part of the assessment. The piping within the easement will in principle cater for an approved development which will assist with providing additional housing in the area, subject to the activation of DA2018/0199.

### ***Economic Impact***

51. There is no apparent adverse economic impact that is likely to result within the locality due to the construction of the piping in the easement.

### ***Suitability of the site***

52. The proposal is a permissible form of development via the State Environmental Planning Policy (Infrastructure) 2007. The site is suitable for the laying of pipework within a registered easement.

## **SUBMISSIONS AND THE PUBLIC INTEREST**

53. The application was not required to be neighbour notified in accordance with the Hurstville Development Control Plan No.1, no submissions have been received.

## REFERRALS

### **Council Referrals**

#### **Development Engineer**

54. The DA was referred to Council's Development Engineer for review and comment in relation to the submitted stormwater plans. The application is supported subject to conditions.

#### **Drainage Engineer**

55. The DA was referred to Council's Drainage Engineer for review in relation to drainage through a Council's asset. The Drainage Engineer has supported the proposal subject to conditions of consent, which relate to the protection of underground services and other assets.

#### **Arborist**

56. Council's Arborist raised no objection to approval of the DA subject to conditions. These are to protect the large trees within the site located near the easement. These conditions are included within the recommendation below.

#### **Property Department**

57. Council's Property Department ~~made~~ raised no objection to the proposal and no conditions recommended given the easement has been registered.

## **External Referrals**

### Ausgrid

58. The DA was referred to Ausgrid in accordance with Clause 45 of State Environmental Planning Policy (Infrastructure) 2007. At the time of writing this report, no response has been received.

## **CONCLUSION**

59. The proposal has been assessed with regard to the matters for consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal is an appropriate response to the context and constraints of the site and will result in facilitating drainage associated with an approved development. The application is consistent with the Hurstville Local Environmental Plan, Hurstville Development Control Plan and the Infrastructure State Environmental Planning Policy. The proposal will adequately respect the character of RE1 zoned land and the proposal is appropriate on the site.
60. For the above reasons, the proposal is recommended for approval subject to the conditions included within the recommendation below.

## **DETERMINATION AND STATEMENT OF REASONS**

### Statement of Reasons

61. The reasons for this recommendation are:
- The proposal will facilitate lawful drainage associated with an approved attached dual occupancy development.
  - The proposal complies with State Environmental Planning Policy (Infrastructure) 2007.
  - The proposed development is considered to be appropriate for the site. Subject to the implementation of the recommended conditions, the development will not create unreasonable impacts upon the natural or built environment.

### Determination

62. THAT pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979 (as amended) the Georges River Local Planning Panel grant development consent to Development Application DA2019/0306 for the laying of drainage pipework within an registered easement within Beale Crescent at Lot 15 DP 26426, Lot A DP 400173, Lot 59 DP2642 and Lot 60 DP 26427, Beale Reserve collectively known as 25D Rona Street, subject to the following conditions of consent:

### **Development Details**

1. **Approved Plans** - The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Stormwater Plan	M8161-688262	3/12/18	2	Ibrahim Stormwater Consultants

### **Separate Approvals Required Under Other Legislation**

2. **Section 138 Roads Act 1993 and Section 68 Local Government Act 1993** - Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a "works zone";
- (i) Digging up or disturbing the surface of a public road (eg Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve;
- (k) Stormwater and ancillary to public infrastructure on private land; and
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council's website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au). For further information, please contact Council's Customer Service Centre on (02) 9330 6400.

### **Prior to the Issue of a Construction Certificate**

- 3. **Detailed Stormwater Drainage Design** - The submitted stormwater plan has been assessed as a concept plan only. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) must be submitted with the Construction Certificate application.
- 4. **Access to Councils Reserve** - In order to gain access to Councils reserve, prior to the Construction Certificate, the applicant shall submit and have approved an "Access through Council Parks and Reserves" form.
- 5. **Stormwater Drainage Application** - This Development Consent does not give approval to undertake works on public infrastructure. A separate approval of a Stormwater Drainage Application is required under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993 to undertake:
  - (a) Stormwater & ancillary works in the road reserve. This includes connections to council;
  - (b) Stormwater & ancillary to public infrastructure on private land

The Stormwater Drainage Application approval must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The Application Form for this activity can be downloaded from Council's website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au). For further information, please contact Council's Customer Service Centre on (02) 9330 6400.

6. **Fees to be paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au)).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact Council prior to the payment of Section 7.11 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable).

A summary of the fees to be paid are listed below:

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	
Builders Damage Deposit	\$1,900.00
Inspection Fee for Refund of Damage Deposit	\$155.00

### General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

7. **Damage Deposit - Minor Works** - In order to insure against damage to Council property the following is required:
- Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$1,900.00**
  - Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: **\$155.00**
  - Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

8. **Site Management Plan - Minor Development** - A Site Management Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.
9. **Erosion & Sedimentation Control** - Erosion and sediment controls must be provided to ensure:
  - (a) Compliance with the approved Erosion & Sediment Control Plan
  - (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
  - (c) All clean water runoff is diverted around cleared or exposed areas
  - (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
  - (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
  - (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
  - (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
  - (h) Compliance with [Managing Urban Stormwater - Soils and Construction \(Blue Book\) produced by Landcom 2004](#).

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

10. **Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

#### **Prior to the Commencement of Work (Including Demolition & Excavation)**

11. **Dial before your dig** - The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.
12. **Registered Surveyors Report - During Development Work** - A report must be submitted to the PCA at each of the following applicable stages of construction:
  - a) Set out before commencing excavation.
  - b) Floor slabs or foundation wall, before formwork or commencing brickwork.
  - c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.

- d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

### During Construction

#### 13. **Tree Conditions** - During construction the following conditions shall be complied with;

- a) Excavation works within the easement shall be undertaken and under the guidance of an engaged AQF Level 5 Arborist, to minimise impacts to tree roots,
- b) No roots over 50mm shall be severed or cut and piping shall be redirected below/above roots found. Any roots under 50mm shall be cut perpendicular to the root travel cleanly with sterilised sharp secateurs,
- c) Excavation, pipe work and backfilling shall be completed in a timely manner to ensure exposed roots from trees are kept moist and minimal disturbance to surrounding ground is minimised,
- d) No spoil shall be placed up against tree trunks,
- e) Tree Protection Zones of Trees calculated by the engaged Arborist shall be covered with 75mm of leaf mulch, woven geofabric placed on top and then hardwood planks 200 x 100mm strapped together shall be installed as per AS4970 -2009, Protection of trees on development sites, **4.5.3 Ground Protection** - to minimise impacts to subject trees and to prevent compaction,
- f) The engaged Arborist shall certify in writing that tree protection measures have been viewed and installed **before** works, kept maintained **during** works and to certify **at completion** that works have been completed as per as4970 -2009,
- g) If the Arborist determines that machine excavation is detrimental to the trees viability, then another method of excavation shall be undertaken such as non-destructive AIR SPADING, PNEUMATIC AIR WAND TYPE of excavation shall be utilised for the protection of trees.

#### 14. **Protection of Assets** - During construction the applicant is to ensure that there is no damage or conflict with the existing underground services and other existing assets within the Council's land.

#### 15. **Site sign - Soil & Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building

works.

16. **Hours of construction for demolition and building work** - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Note: A penalty infringement notice may be issued for any offence.

17. **Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.
18. **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the [Roads Act 1993](#) and/or under Section 68 of the [Local Government Act 1993](#). Penalty infringement Notices may be issued for any offences and severe penalties apply.
19. **Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

#### **Prior to the issue of the Occupation Certificate**

20. **Stormwater drainage works - Works As Executed** - Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

(a) Pipe sizes, invert levels and surface levels to Australian Height Datum;

Council must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of an Occupation Certificate.

#### **Operational Conditions (Ongoing)**

21. **Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.



**Operational Requirements Under the Environmental Planning & Assessment Act 1979**

22. **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.

23. **Appointment of a PCA** - The erection of a building must not commence until the applicant has:

- (a) appointed a PCA for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (a) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (b) notify the PCA of the details of any such appointment; and
- (c) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

An Information Pack is attached for your convenience should you wish to appoint Georges River Council as the PCA for your development.

24. **Notice of Commencement** - The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building.

A Notice of Commencement Form is attached for your convenience.

25. **Notification Requirements of PCA** - No later than two days before the building work commences, the PCA must notify:

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

26. **Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

Where Georges River Council has been appointed as the PCA, 48 hours notice in writing, or alternatively 24 hours notice by facsimile or telephone, must be given when specified work requiring inspection has been completed.

27. **Critical Stage Inspections** - The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the [Environmental Planning and Assessment Regulation 2000](#).

**Prescribed Conditions**

28. **Clause 98 - Building Code of Australia & Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the



case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.

29. **Clause 98E - Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.
30. **Clause 98A - Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.
31. **Clause 98E - Site Excavation** - Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

32. **Clause 98B - Home Building Act 1989** - If the development involves residential building work under the [Home Building Act 1989](#), no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the [Home Building Act 1989](#).

## Advice

33. **Review of Determination** - Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.

34. **Appeal Rights** - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
35. **Lapsing of Consent** - This consent will lapse unless the development is physically

commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

36. **Sydney Water Section 73 Certificates** - The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.
37. **Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

38. **Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au)).

39. **Stormwater & Ancillary Works - Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993** - To apply for approval under Section 138 of the Roads Act 1993 and/or Section 68 Local Government Act 1993:
  - (a) Complete the Stormwater Drainage Application Form which can be downloaded from Georges River Council's website at [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).
  - (b) In the Application Form, quote the Development Consent No. (eg. DA2018/0\*\*\*) and reference this condition number (e.g. Condition 23)
  - (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with stormwater applications.

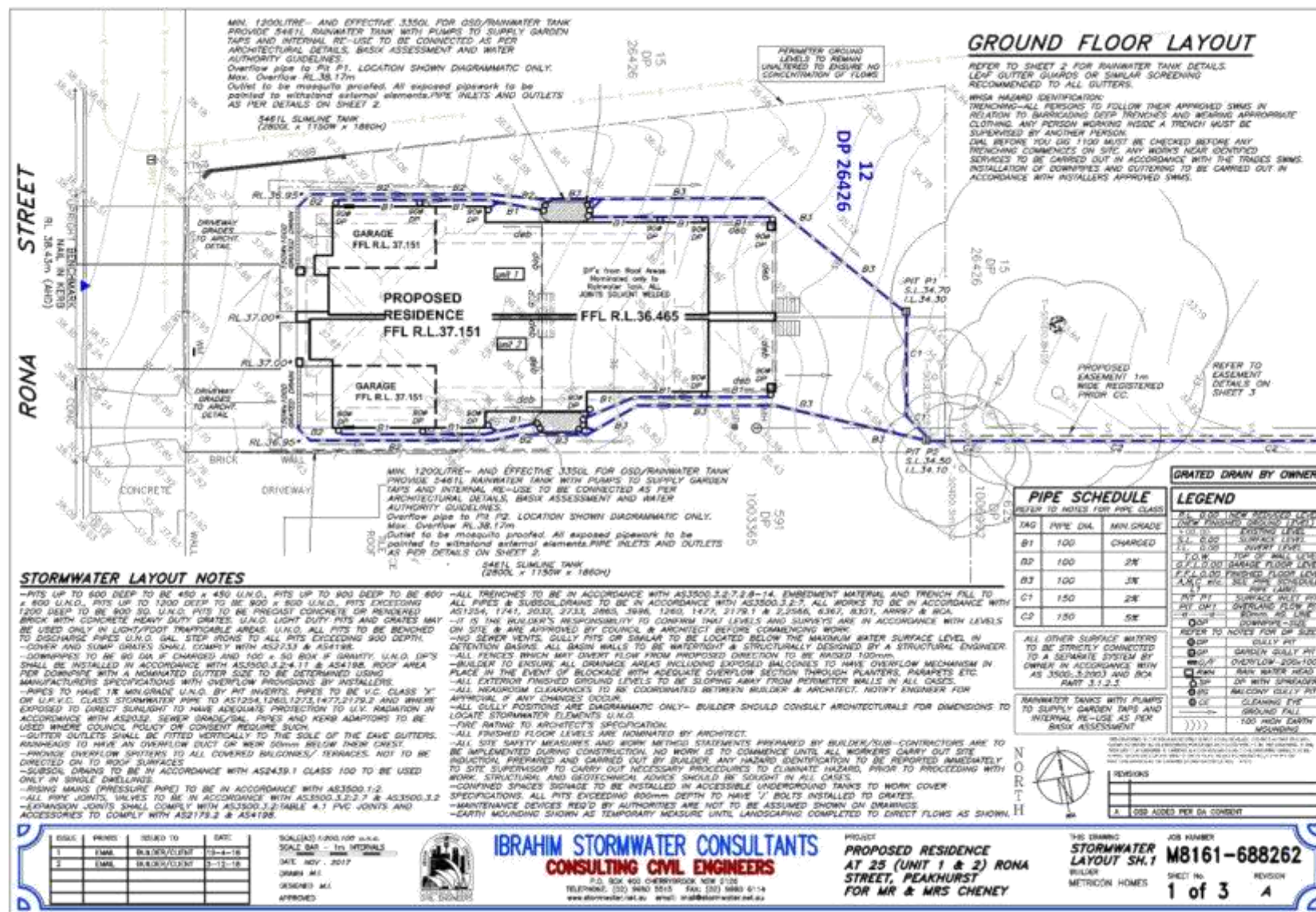
The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new stormwater drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.

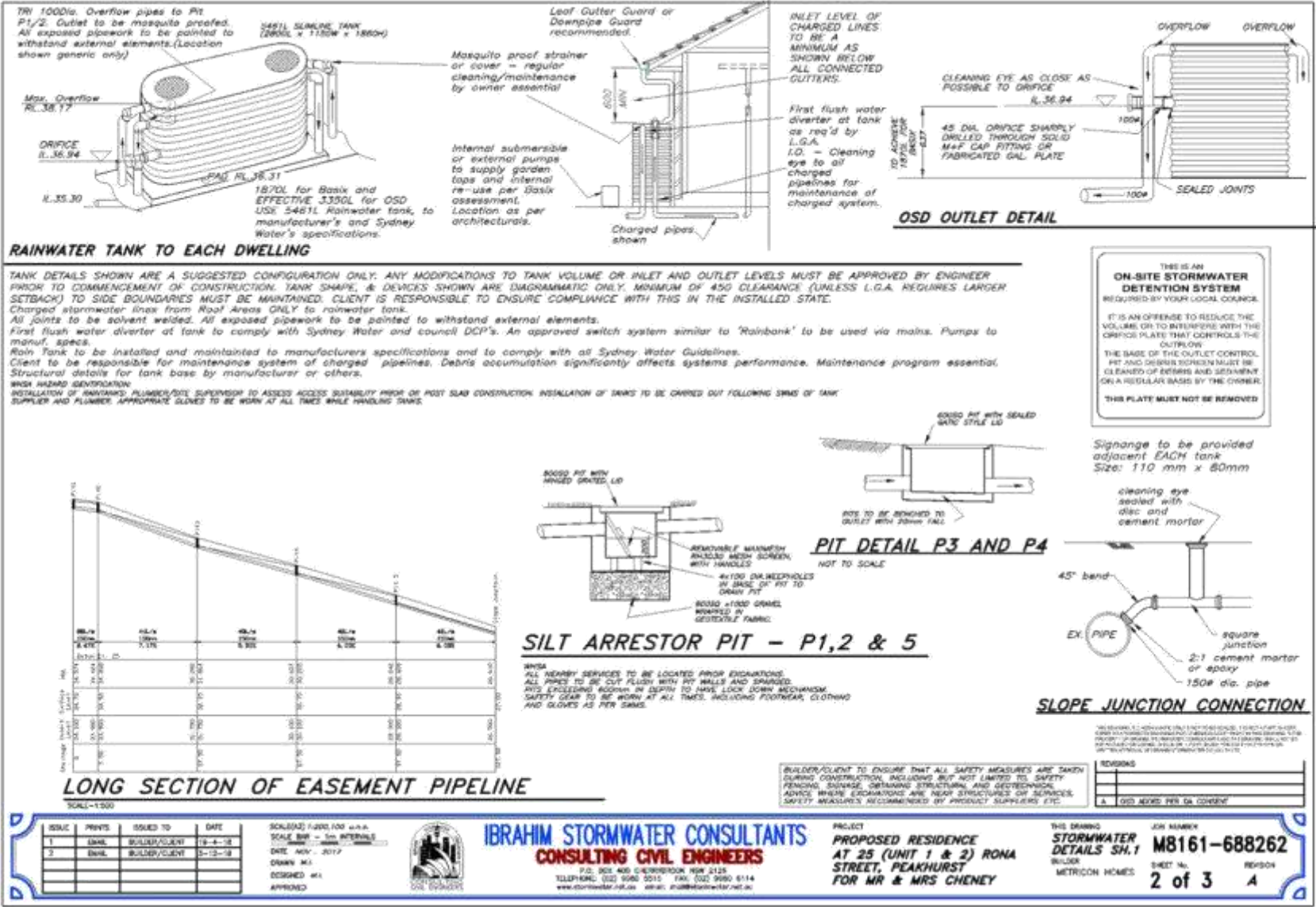
NOTE: A minimum of four weeks should be allowed for assessment.

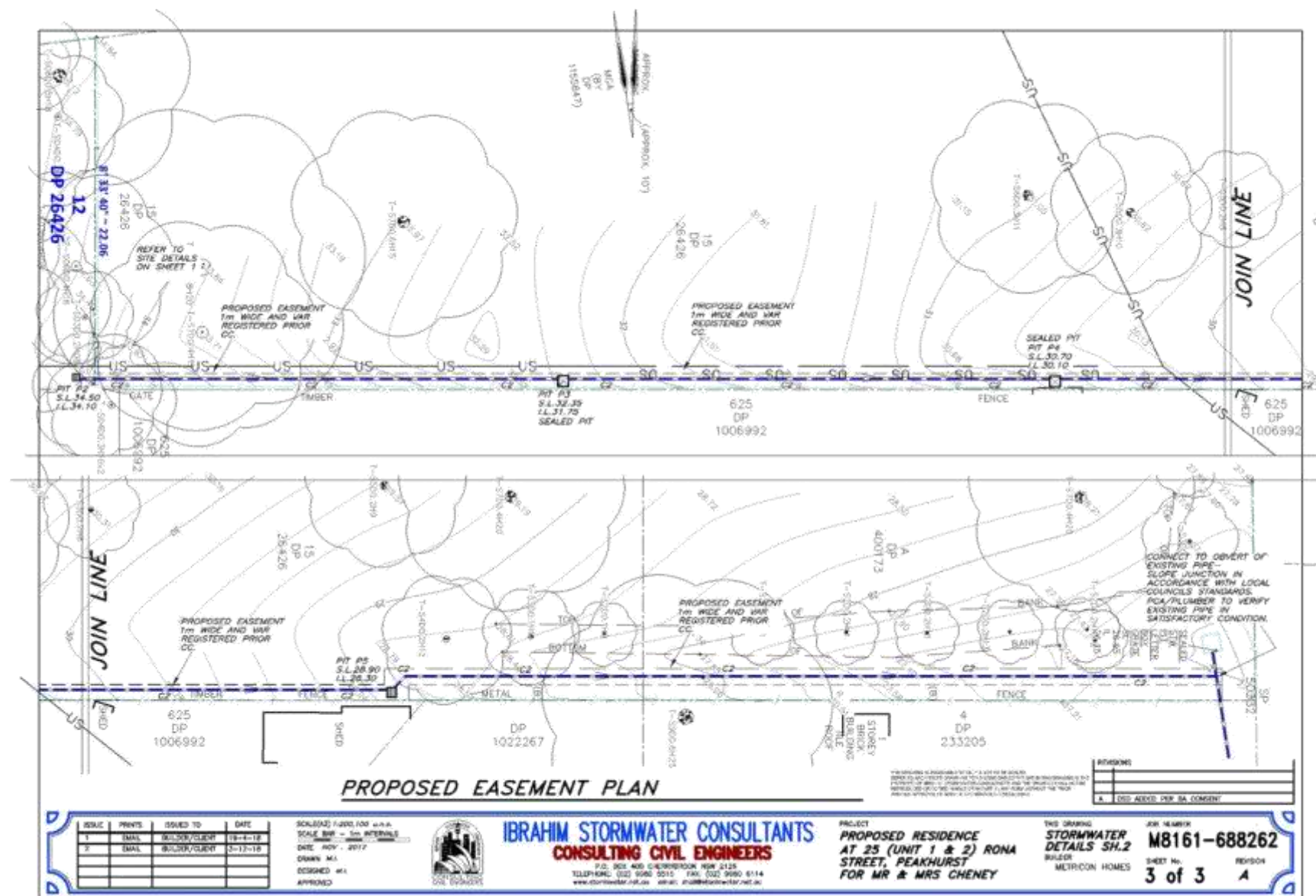
## ATTACHMENTS

Attachment [↓](#) 1  Stormwater Plan - Beale Reserve









**REPORT TO GEORGES RIVER COUNCIL  
LPP MEETING OF THURSDAY, 17 OCTOBER 2019**

LPP044-19

<b>LPP Report No</b>	<b>LPP044-19</b>	<b>Development Application No</b>	<b>PP2019/0004</b>
<b>Site Address &amp; Ward Locality</b>	Planning Proposal - Georges River Local Environmental Plan 2020		
<b>Proposed Development</b>	Comprehensive LEP for Georges River Council		
<b>Owners</b>	N/A		
<b>Applicant</b>	Georges River Council		
<b>Planner/Architect</b>	Strategic Planning, Environment and Planning		
<b>Date Of Lodgement</b>	N/A		
<b>Submissions</b>	N/A		
<b>Cost of Works</b>	N/A		
<b>Local Planning Panel Criteria</b>	Direction from the Minister for Planning under Section 9.1 of the Environmental Planning and Assessment Act 1979 and the Charter of the Georges River Council Local Planning Panel 2018 both specify that the Planning Proposal is to be referred to the Local Planning Panel before it is forwarded for Gateway Determination (approval).		
<b>List of all relevant s.4.15 matters (formerly s79C(1)(a))</b>	N/A – Planning Proposal		
<b>List all documents submitted with this report for the Panel's consideration</b>	<p>Attachment 1 - Planning Proposal Report for Georges River Local Environmental Plan 2020   Attachment 2 - Appendix 1 of the Planning Proposal Report – draft Georges River Local Environmental Plan 2020   Attachment 3 - Appendix 2 of the Planning Proposal Report – Region Plan / District Plan / LSPS Compliance Table   Attachment 4 - Appendix 3 of the Planning Proposal Report – Justification: Development Standards   Attachment 5 - Appendix 4 of the Planning Proposal Report – Justification: Additional Local Provisions   Attachment 6 - Appendix 5 of the Planning Proposal Report – Consistency with State Environmental Planning Policies   Attachment 7 - Appendix 6 of the Planning Proposal Report – Consistency with S9.1 Ministerial Directions   Attachment 8 - Appendix 7 of the Planning Proposal Report – Mapping   Attachment 9 - Draft Local Strategic Planning Statement 2040   Attachment 10 - Draft Local Strategic Planning Statement Implementation Plan   Attachment 11 - Local Housing Strategy Evidence Base   Attachment 12 - Inclusive Housing Strategy – Stage 1 Assessment of Housing Needs   Attachment 13 - Draft Commercial Centres Strategy – Part 1 (including Commercial Centres Economic Study)   Attachment 14 - Industrial Lands Review   Attachment 15 - Tidal Inundation Study   Attachment 16 - Foreshore Strategic Directions Paper   Attachment 17 - Infrastructure Integration Advice Roadmap   Attachment 18 - Recommendations of the Hurstville Heritage Review (NOTE: REFER TO THE PLANNING PROPOSAL PAGE ON COUNCIL'S WEBSITE FOR ALL ATTACHMENTS)</p>		

**Report prepared by**

Strategic Planner/Urban Designer

**Recommendation**

1. THAT the Georges River LPP recommends to Council that the Planning Proposal for the *Georges River Local Environmental Plan 2020* be forwarded to the delegate of the Greater Sydney Commission for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
2. THAT the Planning Proposal be placed on formal public exhibition in accordance with the conditions of any Gateway Determination issued by the Department of Planning and Environment.

LPP044-19

**Executive Summary**

1. On 12 May 2016, the Minister for Local Government announced the newly formed Georges River Council (“Council”), which was formed out of the amalgamation of the former Kogarah City Council and the former Hurstville City Council.
2. On 7 September 2018, Council received funding from the NSW Government for an accelerated review of Council’s existing Local Environmental Plans (“LEPs”) and preparation of a new LEP that aligns with the priorities outlined in the *South District Plan*. The NSW Government funding requires Council to submit this Planning Proposal for the Georges River LEP to the Department of Planning, Industry and Environment (DPIE) for Gateway Determination by 20 December 2019.
3. Council currently has three LEPs in effect:
  - *Kogarah Local Environmental Plan 2012* (“KLEP 2012”);
  - *Hurstville Local Environmental Plan 2012* (“HLEP 2012”); and
  - *Hurstville Local Environmental Plan 1994* (“HLEP 1994”).
4. *KLEP 2012* and *HLEP 2012* are in the standard form as prescribed in the *Standard Instrument (Local Environmental Plans) Order 2006*. *HLEP 1994* is not in the standard form as it was made prior to the standardisation of LEPs and applies only to the land deferred from *HLEP 2012* (Deferred Matter).
5. At its meeting dated 26 February 2018, Council resolved to prepare a principal LEP for the Georges River LGA which gives effect to the *South District Plan*. At this meeting, Council also resolved to prepare a local strategic planning statement (“LSPS”) to inform the preparation of the principal Georges River LEP.
6. Council’s LSPS commits to a range of actions which will deliver the longer term land use vision for the LGA through a staged approach via the preparation of a number of LEPs due to the detailed investigations required to support the full suite of changes proposed.



7. Some of the Actions of the LSPS result in changes as outlined in this Planning Proposal. Others require studies and investigations to be carried out to inform future LEP amendments or further action.
8. The staged approach to the principal Georges River LEP endorsed by Council at its meeting dated 23 April 2019 is as follows:
  - Stage 1: Housing and Harmonisation (this Planning Proposal)
    - Harmonise the existing LEPs
    - Seek to achieve housing targets through up-zoning certain areas
  - Stage 2: Housing Choice (scheduled for 2021)
    - Seek to promote inclusive and affordable housing
    - Investigate big house conversions and build to rent
  - Stage 3: Jobs and Activation (scheduled for 2022)
    - Review development standards in centres
    - Infrastructure delivery mechanisms
    - Hurstville City Centre and Beverly Hills Local Centre masterplanning
  - Stage 4: Housing and Future Growth (scheduled for 2025 and beyond)
    - Undertake a new housing strategy as required
9. The purpose of this Planning Proposal is to harmonise the existing Hurstville and Kogarah LEPs into a principal Georges River LEP so that a single consistent approach is applied to planning and development across the LGA, and new controls are introduced to ensure consistency with the *South District Plan* and the LSPS.
10. The objectives of this Planning Proposal are to:
  - Give effect to the *South District Plan* by addressing its Planning Priorities and Actions;
  - Implement the LSPS vision for the LGA addressing its Planning Priorities and Actions;
  - Meet the *South District Plan* housing targets;
  - Identify additional housing opportunities through the harmonisation of existing LEPs;
  - Retain and manage industrial and urban services land;
  - Provide a regulatory environment that enables economic opportunities;
  - Protect future transport and infrastructure corridors;
  - Facilitate opportunities for creative and artistic industries; and
  - Identify, conserve and enhance environmental heritage.
11. This Planning Proposal has been prepared in accordance with a number of overarching principles as outlined below:
  - Achieve equity across the LGA through the harmonisation process, particularly in respect to development potential and the management of environmental hazards and risks;
  - Ensure harmonised controls do not result in the net loss of development potential;
  - Retain existing controls where the status quo can be maintained;

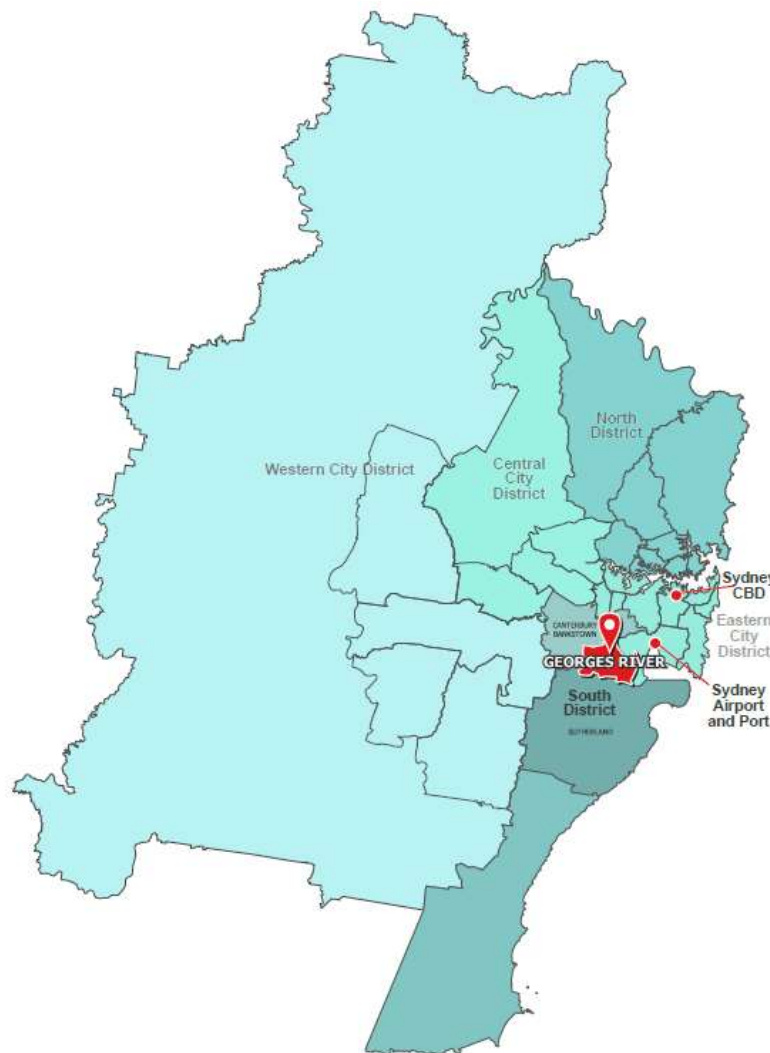
- Develop a hierarchy of residential zones to ensure development typologies reflect the objectives of the respective zone, including a ‘true’ medium density residential zone;
  - Protect the amenity and local character of low density residential areas;
  - Provide high density residential areas with opportunities for greater activation;
  - Facilitate employment growth in centres, particularly in mixed used zones;
  - Protect industrial zoned land whilst allowing greater land use and development flexibility;
  - Promote good design and environmentally sustainable practices in larger developments;
  - Enhance and protect the natural environment, especially in the foreshore localities along the Georges River;
  - Formalise key infrastructure uses such as schools and hospitals; and
  - Adopt the model provisions for Standard Instrument LEPs as provided by the DPIE where applicable.
12. This report provides a summary of the provisions proposed by the *Georges River Local Environmental Plan 2020* (“GRLEP 2020”). A copy of the draft GRLEP 2020 is provided in **Attachment 2**.
13. The detailed rationale and justification for the proposed provisions are provided in the Planning Proposal Report (refer **Attachment 1**) and its supporting Appendices (refer **Attachments 3 – 6**).

## Report in Full

### The Locality

14. On 12 May 2016, the Minister for Local Government announced the newly formed Georges River Council (“Council”), which was formed out of the amalgamation of the former Kogarah City Council and the former Hurstville City Council.
15. The Georges River local government area (“LGA”) includes the suburbs of Allawah, Beverley Park, Beverly Hills (part), Blakehurst, Carlton (part), Carss Park, Connells Point, Hurstville, Hurstville Grove, Kingsgrove (part), Kogarah (part), Kogarah Bay, Kyle Bay, Lugarno, Mortdale, Narwee (part), Oatley, Peakhurst, Peakhurst Heights, Penshurst, Ramsgate (part), Riverwood, Sans Souci (part) and South Hurstville.
16. The LGA is 38 square kilometres with approximately 153,450 people (as per 2016 Census) residing in the area.
17. The LGA is bounded by Sutherland Shire Council, Canterbury-Bankstown Council and Bayside Council.
18. Georges River Council (“GRC”) is part of the South District (refer to **Figure 1**) as identified by the Greater Sydney Commission (“GSC”) in its *Greater Sydney Region Plan – A Metropolis of Three Cities*. The South District is comprised of Canterbury-Bankstown Council, Sutherland Shire Council and GRC.

**Figure 1 – Location of GRC in the context of Greater Sydney**



19. Bayside Council is located in the Eastern District, despite sharing a boundary with GRC, Sutherland Shire Council and Canterbury-Bankstown Council.

### Strategic Context

20. The future vision for Greater Sydney to 2056 is clearly established in the *Greater Sydney Region Plan – A Metropolis of Three Cities* (“Region Plan”) and the supporting district plans released in March 2018. These plans are framed around 10 Directions relating to the four themes of infrastructure and collaboration, liveability, productivity and sustainability.
21. Councils are required to update their LEPs to give effect to the objectives and priorities identified in the relevant district plan. The *South District Plan* is the applicable district plan for the Georges River LGA.
22. To provide an alignment between the district and local levels of strategic planning, the State Government introduced legislation in early 2018 requiring councils to prepare a local strategic planning statement for the LGA which will set out:
- the 20 year vision for land use planning in the local area;
  - the special characteristics which contribute to the local identity;
  - the shared community values that are to be maintained and enhanced; and
  - how growth and change will be managed into the future.

23. In response to the legislative requirement, Council at its meeting dated 26 February 2018 resolved to prepare a local strategic planning statement for the Georges River LGA. In accordance with this resolution, the *Local Strategic Planning Statement 2040* (“LSPS”) has been prepared to provide the ‘line of sight’ between the *South District Plan* and strategic planning and delivery at the local level through the Georges River LEP.
24. The LSPS sets out the land use vision for the next 20 years to strengthen the character of the LGA’s suburbs and builds upon the social, environmental and economic values of the Georges River community. It is also a key resource in highlighting the changes which will shape the LGA’s future and the actions that both Council and the State Government will take to create a future City which is desirable to its community, visitors and investors.
25. The LSPS builds on the community’s aspirations and expectations expressed in Council’s *Community Strategic Plan 2018-2028* (“CSP”) and the six pillars of:
  - a. A protected environment and green open spaces
  - b. Quality, well planned development
  - c. Active and accessible places and spaces
  - d. A diverse and productive economy
  - e. A harmonious and proud community with strong social services and infrastructure
  - f. Leadership and transparency
26. To further refine the community’s aspiration for the LGA in addition to those expressed in the CSP, extensive community consultation (Stage 1) was undertaken in March 2019 as part of the two-staged consultation program for the LSPS to gather community input on the draft vision, local planning priority outcomes and the criteria for strategic planning.
27. Informed by the community feedback gathered in Stage 1 of the consultation process and an extensive evidence base as summarised later in this report, the 2040 land use vision is explored through five interrelated themes in the LSPS:
  - a. Access and movement;
  - b. Infrastructure and community;
  - c. Housing and neighbourhoods;
  - d. Economy and centres; and
  - e. Environment and open space.
28. The draft LSPS has been prepared comprising of these five themes, each with supporting Local Planning Priorities and Actions. It is identified that a number of LEP amendments are required to be prepared incrementally so that further detailed investigations can be conducted to support the full scope of land use changes proposed. The staged approach to preparing the principal Georges River LEP is discussed later in this report.
29. Stage 2 of the LSPS consultation program occurred from 26 June to 7 August 2019 when the completed draft LSPS was publicly exhibited. With consideration of the submissions received from the community and government agencies, the LSPS has been revised and is scheduled to be reported to Council’s Environment and Planning Committee meeting on 14 October 2019 for adoption.

30. To ensure that all local strategic planning statements are aligned to the *Region Plan* and the relevant district plan, the GSC has implemented a rigorous assurance process. The LSPS will be formally adopted by the State Government subject to the final approval by the GSC on 6 November 2019 through its assurance process. The LSPS will be reviewed by each incoming Council.
31. The draft LSPS and its Implementation Plan are provided in **Attachments 9 and 10**.

### Principal LEP for Georges River Council

32. Council currently has three LEPs in effect:
  - *Kogarah Local Environmental Plan 2012* (“KLEP 2012”);
  - *Hurstville Local Environmental Plan 2012* (“HLEP 2012”); and
  - *Hurstville Local Environmental Plan 1994* (“HLEP 1994”).
33. *KLEP 2012* and *HLEP 2012* are in the standard form as prescribed in the *Standard Instrument (Local Environmental Plans) Order 2006*. *HLEP 1994* is not in the standard form as it was made prior to the standardisation of LEPs and applies only to the land deferred from *HLEP 2012* (Deferred Matter).
34. Whilst *KLEP 2012* and *HLEP 2012* are in the standard form, both instruments have different objectives, zoning patterns, local provisions and development controls. Harmonisation of the existing LEPs is required to provide a consistent planning approach.
35. At its meeting dated 26 February 2018, Council resolved to prepare a principal LEP for the Georges River LGA which gives effect to the *South District Plan*. At this meeting, Council also resolved to prepare a housing strategy and a local strategic planning statement to inform the preparation of the principal Georges River LEP.
36. As noted earlier in this report, Council’s LSPS proposes a staged approach to preparing the principal Georges River LEP due to the detailed investigations required to support the full suite of changes proposed. This approach was endorsed by Council at its meeting dated 23 April 2019.
37. The staged approach to preparing the Georges River LEP is outlined as follows:
  - Stage 1: Housing and Harmonisation (this Planning Proposal)
    - Harmonise the existing LEPs
    - Seek to achieve housing targets through up-zoning certain areas
  - Stage 2: Housing Choice (scheduled for 2021)
    - Seek to promote inclusive and affordable housing
    - Investigate big house conversions and build to rent
  - Stage 3: Jobs and Activation (scheduled for 2022)
    - Review development standards in centres
    - Infrastructure delivery mechanisms
    - Hurstville City Centre and Beverly Hills Local Centre masterplanning
  - Stage 4: Housing and Future Growth (scheduled for 2025 and beyond)
    - Undertake a new housing strategy as required

38. The main purpose of this Planning Proposal is to harmonise the existing LEPs into a principal Georges River LEP so that a single, consistent approach is applied to planning and development across the LGA, and new controls are introduced to give effect to the Planning Priorities and Actions of the *South District Plan* and the LSPS. These proposed provisions are informed by an extensive evidence base drawn from Council's strategies and studies.

### Key Council Strategies and Studies

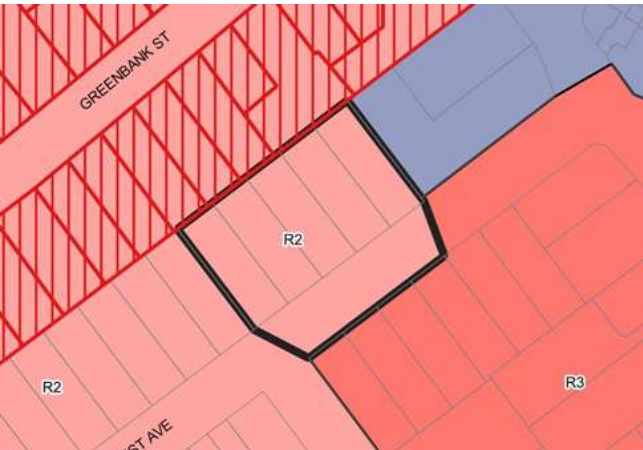
39. The LSPS and this Planning Proposal have been informed by an extensive evidence base comprising of specialist reports that have been prepared in response to the knowledge gaps identified through Council's LEP review process.
40. These strategies and studies respond to the four themes of infrastructure and collaboration, liveability, productivity, and sustainability that underpin the *Region Plan* and *South District Plan*.
41. This report provides a summary of the key strategies and studies that have informed the preparation of this LEP and resulted in notable changes. The full suite of relevant strategies and studies are listed in the LSPS.

### Draft Local Housing Strategy




42. Council's *Local Housing Strategy* intends to set a clear plan for the provision of housing in the Georges River LGA over the next 10 and 20 years. The Strategy provides the link between GRC's visions for housing and the Actions of the *South District Plan* by presenting Council's response to how the housing target will be delivered locally.
43. The *South District Plan* sets a five-year (2016 to 2021) housing target of 4,800 additional dwellings for the Georges River LGA. However, the Plan provides Council with the opportunity to develop the 6-10 year housing targets by demonstrating capacity for steady housing supply into the medium term.
44. The *South District Plan* also emphasises the need to plan for the 20-year strategic housing target. An additional 13,400 dwellings is prescribed by the State Government as the 2036 housing target for the Georges River LGA.
45. The *Local Housing Strategy Evidence Base* ("Evidence Base"), has been completed (refer **Attachment 11**) as the first stage in the preparation of the *Local Housing Strategy*. The *Evidence Base* conducts a review of the current and future population and housing trends for the LGA for the purpose of reviewing the 2036 housing target.
46. The *Evidence Base* was endorsed by Council at its meeting dated 24 June 2019 for public exhibition, and was publicly exhibited with the draft LSPS from 26 June to 7 August 2019.
47. Through its review process, the *Evidence Base* identifies a revised 20-year housing target of an additional 14,000 new dwellings. It also identifies that under existing planning controls, the LGA will be able to provide over 12,000 new dwellings which means that the planning framework will need to be adjusted to address the shortfall of approx. 2,000 dwellings in housing the future 2036 population.

48. The *Evidence Base* also highlights the significant shifts in housing consumption patterns in recent years and reveals the housing preferences that are occurring due to demographic and social change in GRC's population.
49. Over the next 20 years, the most significant growth will occur in the 'couples with children' household whilst the 'couples without children' and 'lone person' household types are also forecasted to increase, driven by migration and an ageing population.
50. Informed by the *Evidence Base*, the *Local Housing Strategy* is being prepared based on the following key findings and policy implications:
- Meet the *South District Plan* housing targets;
  - Identify additional housing opportunities through the harmonisation of the existing Hurstville and Kogarah LEPs;
  - Support ageing in place;
  - Encourage housing choices;
  - Facilitate the delivery of a diverse range of housing;
  - Consider mechanisms that deliver affordable and inclusive housing; and
  - Continue to encourage housing growth along transport corridors.
51. In accordance with the above findings, the draft *Local Housing Strategy* identifies a number of residential areas to be investigated for their suitability in delivering additional housing capacity.
52. A preliminary assessment of these Housing Investigation Areas (identified in **Table 1** below) has been conducted based on their access to existing infrastructure and social services, such as schools, community facilities, open space and public transport to promote the efficient use of land and infrastructure. The preliminary assessment is also supported by a preliminary traffic study.


**Table 1 – Proposed areas of housing growth**

Housing Investigation Area	Explanation
<p>1. Hurstville – Hillcrest Avenue</p> 	<p><b>Existing zone:</b> R2 Low Density  <b>Proposed zone:</b> R4 High Density (12m height and 1:1 FSR)</p> <p><b>Potential number of additional dwellings resulting from rezoning:</b>  approx. +29 dwellings</p> <p><b>Justification:</b>  In close proximity to Hurstville Station and Hurstville City Centre. Supported by a number of community facilities and open space nearby, all within walking distance (400m or less). Will provide bulk and scale transition between adjacent low density and high density development typologies.</p>




Housing Investigation Area	Explanation
<p>2. Penshurst – Apsley Estate</p> 	<p><b>Existing zone:</b> R2 Low Density  <b>Proposed zone:</b> R3 Medium Density (9m height and 0.7:1 FSR)</p> <p><b>Potential number of additional dwellings resulting from rezoning:</b>  approx. +183 dwellings</p> <p><b>Justification:</b>  In close proximity to both Hurstville and Penshurst Stations, and the Hurstville City Centre and Penshurst Local Centre. Supported by a number of community facilities and open space nearby, all within walking distance (400m or less).</p>
<p>3. Peakhurst – north and west of Peakhurst Park</p> 	<p><b>Existing zone:</b> R2 Low Density  <b>Proposed zone:</b> R3 Medium Density (9m height and 0.7:1 FSR)</p> <p><b>Potential number of additional dwellings resulting from rezoning:</b>  approx. +335 dwellings</p> <p><b>Justification:</b>  In close proximity to Riverwood Station and Riverwood Local Centre. Supported by open space nearby (Peakhurst Park). Will provide bulk and scale transition between adjacent low density and high density development typologies.</p>
<p>4. South Hurstville – Culwulla Street</p> 	<p><b>Existing zone:</b> R2 Low Density  <b>Proposed zone:</b> R3 Medium Density (9m height and 0.7:1 FSR)</p> <p><b>Potential number of additional dwellings resulting from rezoning:</b>  approx. +57 dwellings</p> <p><b>Justification:</b>  In close proximity to bus stops on King Georges Road that offer frequent bus services to Hurstville Station. Supported by South Hurstville Local Centre, South Hurstville Library and a number of open spaces nearby, which are all within walking distance (400m or less). Will provide bulk and scale transition between adjacent low density and high density development typologies, and</p>



Housing Investigation Area	Explanation
<p>5. South Hurstville – Greenacre Road</p> 	<p>rationalise an existing zoning anomaly.</p> <p><b>Existing zone:</b> R2 Low Density  <b>Proposed zone:</b> R3 Medium Density (9m height and 0.7:1 FSR)</p> <p><b>Potential number of additional dwellings resulting from rezoning:</b>  approx. +48 dwellings</p> <p><b>Justification:</b>  In close proximity to frequent bus services to Hurstville Station. Supported by South Hurstville Local Centre, South Hurstville Library and a number of open spaces nearby, which are all within walking distance (400m or less). Rationalises an existing zoning anomaly.</p>

53. Targeted engagement was conducted with the property owners within and adjacent to Housing Investigation Areas No.1, No.2, No.3 and No.4 between 3 September and 7 September 2019. They were invited to provide feedback on the proposed zoning and LEP controls.
54. Targeted engagement was not conducted for Housing Investigation Area No.5 as this area was identified as an appropriate Housing Investigation Area by the community during Stage 2 of the LSPS community consultation process.
55. Through the development of the *Local Housing Strategy*, an additional Housing Investigation Area was proposed around Olds Park in Penshurst (refer **Table 2** below) which was also subject to the targeted engagement process. However, further investigation indicates that this area is not suitable for housing growth because of its existing traffic issues as highlighted by the preliminary traffic study and the lack of accessibility to train stations and commercial centres. Endorsement will be sought from Council's Environment and Planning Committee on 14 October 2019 to not proceed with the proposed up-zoning of this area.

**Table 2 – Olds Park Housing Investigation Area**

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

56. The feedback and comments received from the targeted engagement sessions are currently being considered by Council and will be incorporated into the *Local Housing Strategy*. The traffic study will also be finalised where the impacts of the proposed dwelling increase within each Housing Investigation Area will be assessed in relation to the road network.
57. Once the draft *Local Housing Strategy* is completed, endorsement will be sought from Council to exhibit the Strategy as a supporting document with this Planning Proposal.

*Draft Inclusive Housing Strategy*

58. Council in December 2018 commenced the preparation of the *Inclusive Housing Strategy* and the supporting Delivery Plan for the Georges River LGA as part of a staged approach.
59. The key aims of the *Inclusive Housing Strategy* are:
  - To facilitate the provision of housing options to meet the needs of a wide range of users, including seniors, people with a disability, students, key workers, health visitors in the Kogarah Health and Education Precinct and the very low, low and moderate income households within the residential market;
  - To develop planning controls and mechanisms that prevent the loss of existing and the delivery of new supplies of affordable housing;
  - To advocate for, and build partnerships to increase affordable and liveable housing; and
  - To explore options for managing affordable housing.
60. The *Inclusive Housing Strategy - Stage 1 Report - Assessment of housing needs* was completed and endorsed by Council for public exhibition at its meeting dated 24 June 2019. The *Stage 1 Report* (refer **Attachment 12**) highlights issues relating to housing cost, housing stress and the LGA's demography. It was publicly exhibited as a supporting document with the draft LSPS from 26 June to 7 August 2019.
61. In early 2019, the application of *State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes)* ("SEPP 70") was expanded to include all NSW councils with the intent of encouraging all NSW councils to investigate and develop an Affordable Housing Contributions Scheme ("AHCS") to promote the delivery and maintenance of affordable housing.
62. The preparation of the final stage of the *Inclusive Housing Strategy* and the supporting Delivery Plan is underway. The Delivery Plan includes the preparation of the AHCS, which will set out how, where, and at what rate development contributions can be collected by Council for affordable housing.
63. The draft Delivery Plan is based on the following goals:
  - Facilitate housing choice;
  - Establish a policy position that supports the delivery of inclusive housing; and
  - Facilitate the provision of affordable housing based on the following targets:
    - 2020 to 2025: deliver 14 affordable dwellings per year (equating to approx. 70 dwellings over 5 years)

- 2025 to 2030: deliver 24 affordable dwellings per year (equating to approx. 120 dwellings over 5 years)
- 2030 to 2040: deliver 34 affordable dwellings per year (equating to approx. 340 dwellings over 10 years)

64. The *Inclusive Housing Strategy* and the supporting Delivery Plan will inform the Stage 2 (Housing Choice) LEP in the staged LEP process. This Planning Proposal does not propose the implementation of delivery mechanisms for affordable housing.
65. Once the draft *Inclusive Housing Strategy* is completed, endorsement will be sought from Council to exhibit the strategy as a supporting document with this Planning Proposal.

#### *Draft Commercial Centres Strategy*

66. The *Georges River Commercial Centres Strategy* is currently being prepared in two parts (Part 1 and Part 2) to support the staged approach to drafting the principal Georges River LEP.
67. The draft *Part 1 Centres Analysis* (refer **Attachment 13**) was endorsed by Council at its meeting dated 24 June 2019 for public exhibition, and was publicly exhibited with the draft LSPS from 26 June to 7 August 2019. *Part 1 Centres Analysis* is currently being finalised with consideration of the submissions received.
68. The primary purpose of this Part is to inform the preparation of *GRLEP 2020* and its accompanying development control plan. This Part conducts a stocktake of all 48 commercial centres in the LGA through a holistic approach with the intention of harmonising the existing planning frameworks that govern the future development of these centres.
69. Part 1 of the Strategy undertook a detailed economic analysis which projects the long term employment floor space demand of all centres based on the future population growth, through the preparation of the *Commercial Centres Economic Study* (provided in **Attachment 13**). This evidence base has informed the development of a centres hierarchy based on the existing provision of retail floor space within each centre. The hierarchy is comprised of 6 classifications with the following breakdown:
- 2 Strategic centres
  - 7 Local centres
  - 5 Villages
  - 10 Small villages
  - 24 Neighbourhood centres
  - 1 B6 Enterprise Corridor
70. Part 1 also looks at the inconsistencies and deficiencies of the current planning framework with recommendations to harmonise the permissible land uses, to introduce land uses that will promote employment in response to the emerging economic trends and drivers, and to investigate the appropriate mix required between employment and residential floor space in mixed use developments.
71. Part 2 of the Strategy is currently being prepared to inform Stage 2 of the LEP process. Through a place-based planning approach, this Part will consider the roles and

functions of all 48 commercial centres and provide centre-specific objectives, built form controls and guidelines and investigate the potential expansion of appropriate centres.

#### Industrial Land Review

72. The *Industrial Land Review* (refer **Attachment 14**) was endorsed by Council at its meeting dated 17 December 2018. It provides a detailed analysis of industrial precincts in the LGA, including a detailed demand and supply analysis of industrial lands and assessment of the suitability of each industrial precinct for local and/or strategic industrial uses.
73. The findings highlight the need for industrial land to be retained and managed across the Georges River LGA in line with the policy direction of the *South District Plan*.
74. It also provides Council and landowners with a clear strategic direction for the development of employment lands across the LGA to ensure that sufficient land is zoned to accommodate future employment growth, particularly in light of pressure from landowners to rezone industrial land.

#### Foreshore Study

75. The *Foreshore Study* is comprised of two studies that review the existing planning controls in the foreshore localities of the Georges River through the lenses of environmental hazards and local character. The key drivers for this Study are broadly summarised as follows:
- Land use conflicts caused by the attraction of foreshore living and the loss of scenic and environmental values through increased development and subdivision;
  - Climate change and coastal inundation impacts such as sea level rise and the risk to life and damage to property; and
  - Lack of coordinated directions for foreshore management within Council due to the introduction of new State legislations which require local policy responses to climate change and sea level rise.
76. Endorsement will be sought from Council to exhibit the *Foreshore Study* as a supporting document with this Planning Proposal.

#### Tidal Inundation Study

77. This Study (refer **Attachment 15**) determines the tidal inundation level in the Georges River foreshore at present and for future timeframes through hydraulic modelling to map the extent of sea level rise. Sea level rise is recognised as a significant coastal hazard with associated social, financial and environmental risks.

#### Foreshore Strategic Directions Paper

78. This Paper (refer **Attachment 16**) is the first stage of the comprehensive audit of existing foreshore planning controls. The current policy framework is evaluated to identify key issues, emerging directions and key principles that will form the foundation for the preparation of new foreshore planning controls.

79. As part of this Paper, a visual character assessment was undertaken of the foreshore localities to the ridgelines (as viewed from the water) and waterways along the land and water interface. As a result, the study area is categorised into distinct character areas (refer **Figure 2** below) to allow for the designation of a rating system in terms of the overall character value and the area's sensitivity to change such as tree clearing, larger scale development, altered geology through cut and fill, and the replacement of incongruous development with contemporary styles.

**Figure 2 – Foreshore character typologies**



80. The common characteristics and attributes of the character areas that are considered as having a High or Very High sensitivity rating are high levels of tree coverage, steep or undulating terrain with distinctive ridgelines, all with minimal visible built form.
81. These character typologies with High or Very High sensitivity ratings listed below generally have an interface with the Georges River and are predominantly located along the waterfront and towards the west of the study area:
- Bush Suburban
  - Garden Suburban (larger lots)
  - Reserve Edge
  - Park Edge
  - Naturalistic Edge
  - Semi-Natural Edge
  - Naturalistic Headland
82. Character areas to the east of Georges River are largely assessed as having a lower sensitivity rating. This is due to the flatter topography, lower vegetation coverage as a result of contemporary developments and the dominant built form character.

### Infrastructure Integration Advice Roadmap

83. Preparation of advice to Council for infrastructure integration has been completed to inform Council's LSPS and the principal Georges River LEP.
84. The *Infrastructure Integration Advice Roadmap* conducts a gap analysis which identifies data gaps in relation to economic, social and green infrastructure outcomes.
85. The Roadmap will assist Council in understanding the critical infrastructure that is required to support housing and employment growth over the short, medium and long term in alignment with the LSPS Actions. The outcomes and recommendations will be implemented through the staged approach of preparing the principal Georges River LEP.

### Draft Hurstville Heritage Review

86. Council is currently preparing a review of the heritage items listed in Schedule 5 Environmental Heritage of the *HLEP 2012*.
87. The review comprises of three stages:
  - Stage 1 - Review of heritage items in the Hurstville CBD (approx. 47 items)
  - Stage 2 - Review of remaining heritage items (approx. 105 items)
  - Stage 3 - Revise statement of significance for all heritage items recommended for re-listing
88. A summary of recommended amendments to be integrated into *GRLEP 2020* is provided in **Attachment 18**.
89. Once the draft *Hurstville Heritage Review* is completed, endorsement will be sought from Council to exhibit the Review as a supporting document with this Planning Proposal.
90. No review was conducted for heritage items under the *KLEP 2012* due to the recent review that was undertaken as part of the preparation of Amendment No.2 to the *KLEP 2012*, known as the New City Plan, which was gazetted on 26 May 2017.

### **Purpose of this LEP**

91. The purpose of this Planning Proposal is prepare a principal Georges River LEP by harmonising the existing LEPs:
  - *Kogarah Local Environmental Plan 2012* ("KLEP 2012");
  - *Hurstville Local Environmental Plan 2012* ("HLEP 2012"); and
  - *Hurstville Local Environmental Plan 1994* ("HLEP 1994").
92. The outcome of this Planning Proposal is a consolidated Georges River LEP which implements the first stage of the staged LEP approach. With a focus on housing and harmonisation, this LEP will ensure that a single consistent approach is applied to planning and development across the LGA.
93. In addition, the objectives of this Planning Proposal are to:

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

### Overarching Principles of this LEP

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

- Achieve equity across the LGA through the harmonisation process, particularly in respect to development potential and the management of environmental hazards and risks;
- Ensure harmonised controls do not result in the net loss of development potential;
- Retain existing controls where the status quo can be maintained;
- Develop a hierarchy of residential zones to ensure development typologies reflect the objectives of the respective zone, including a ‘true’ medium density residential zone;
- Protect the amenity and local character of low density residential areas;
- Provide high density residential areas with opportunities for greater activation;
- Facilitate employment growth in centres, particularly in mixed use zones;
- Protect industrial zoned land whilst allowing greater land use and development flexibility;
- Promote good design and environmentally sustainable practices in larger developments;
- Enhance and protect the natural environment, especially in the foreshore localities along the Georges River;
- Formalise key infrastructure uses such as schools and hospitals; and
- Adopt the model provisions for Standard Instrument LEPs as provided by the DPIE where applicable.

### Summary of Key Proposed Provisions

95. The provisions in this Planning Proposal are in accordance with the *Standard Instrument (Local Environmental Plans) Order 2006* and are intended to harmonise and consolidate the planning controls within existing LEPs.
96. Where there is a fundamental difference between the LEPs, particularly in the case of the land use tables and principal development standards, the *Standard Instrument LEP* approach prevails and/or the provision has been adjusted so that a ‘best fit’ approach applies.
97. The draft *GRLEP 2020* environmental planning instrument is provided in **Attachment 2**.
98. Legal review of the draft *GRLEP 2020* has been completed and the attached draft instrument encompasses the amendments made in response to the advice provided.



99. A summary of the notable provisions within the draft *GRLEP 2020* is provided below in the following structure:

- Aims of the Plan
- Land use zones
- Zone objectives
- Land use tables
- Temporary use of land
- Exempt and complying development
- Development standards
- Land acquisition
- Miscellaneous provisions
- Miscellaneous permissible uses
- Additional local provisions
- Schedules:
  - Schedule 1 Additional permitted uses
  - Schedule 2 Exempt development
  - Schedule 3 Complying development
  - Schedule 4 Classification and reclassification of public land
  - Schedule 5 Environmental heritage

#### Aims of the Plan

100. The aims of the Plan are a consolidation of the existing aims of the *HLEP 2012* and *KLEP 2012* and new aims. The new aims ensure that the desired future direction for the LGA as identified by the LSPS vision is directly captured in the *GRLEP 2020*.
101. Considerations such as housing choice, the viability and vibrancy of centres, a well-designed and vegetated urban environment, the protection of the natural environment, the provision of social infrastructure and an emphasis on transit-oriented development are all captured within the proposed aims of the Plan.

#### Land use zones

102. This Planning Proposal does not seek to introduce any new zones or remove any existing zones as applicable to the Georges River LGA. This clause will include a list of all zones to be used in the *GRLEP 2020*.
103. A comparison of the land use zones included within the existing LEPs and proposed in the *GRLEP 2020* is provided in **Table 3** below:

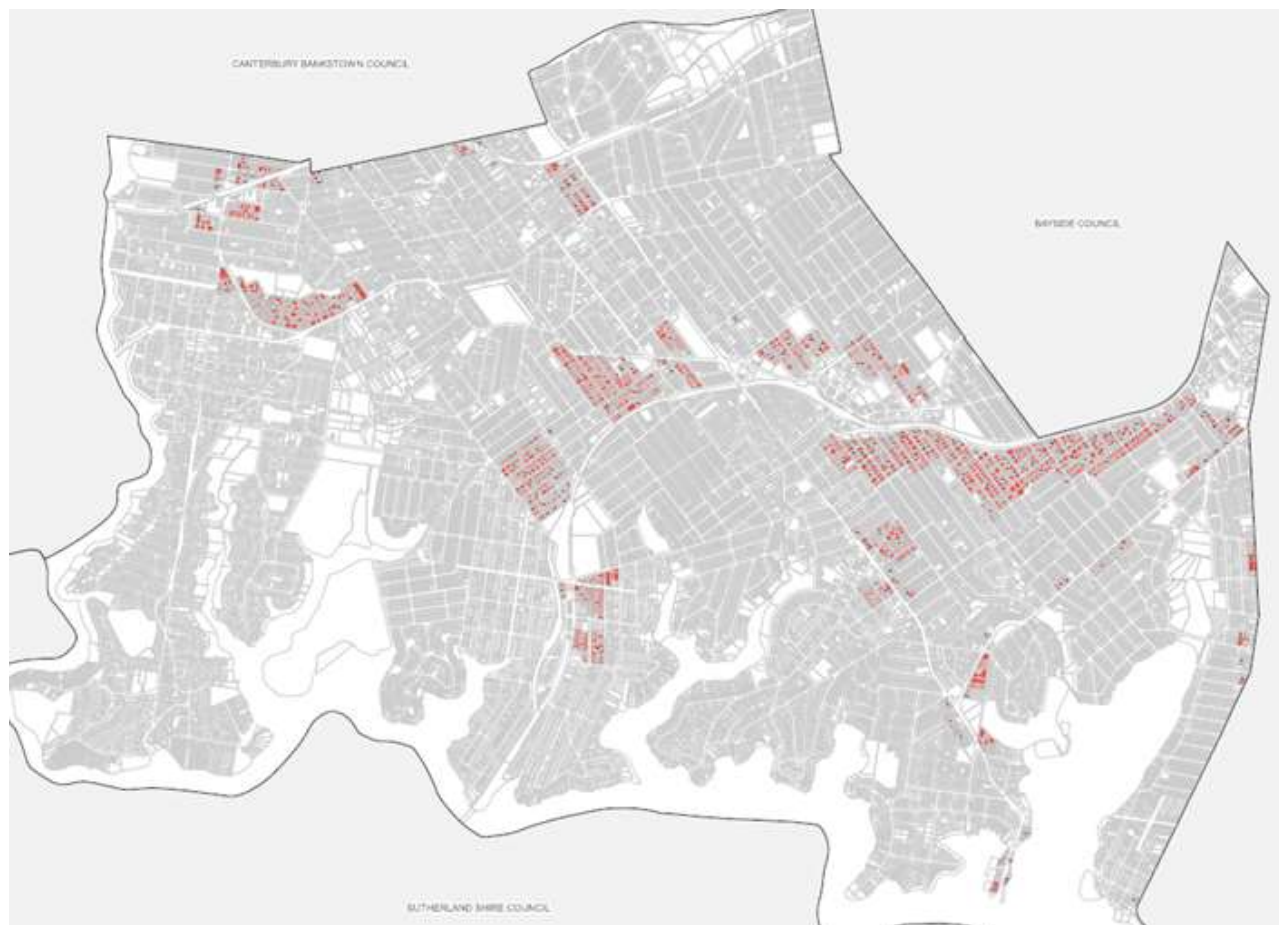
**Table 3 – Existing LEPs vs proposed GRLEP 2020 land use zones**

GRLEP 2020 Land Use Zone	HLEP 2012	KLEP 2012
<b>Residential zones</b>		
R2 Low Density Residential	Yes	Yes
R3 Medium Density Residential	Yes	Yes
R4 High Density Residential	No	Yes
<b>Business zones</b>		
B1 Neighbourhood Centre	Yes	Yes
B2 Local Centre	Yes	Yes
B3 Commercial Core	Yes	No

GRLEP 2020 Land Use Zone	HLEP 2012	KLEP 2012
B4 Mixed Use	Yes	Yes
B6 Enterprise Corridor	No	Yes
Industrial zones		
IN2 Light Industrial	Yes	Yes
Infrastructure zones		
SP2 Infrastructure	Yes	Yes
Recreational zones		
RE1 Public Recreation	Yes	Yes
RE2 Private Recreation	Yes	No
Environmental zones		
E1 National Parks and Nature Reserves	Yes	No
E2 Environmental Conservation	No	Yes
Waterway zones		
W2 Recreational Waterways	Yes	Yes

104. The proposed Land Zoning Map is provided in **Attachment 8**.
105. Whilst this Planning Proposal does not seek to introduce any new zones or remove any existing zones, it does propose to update the existing residential zones so an appropriate residential hierarchy is developed to ensure development typologies reflect the objectives of the respective zone. The proposed hierarchy of residential density is outlined as follows:
- Low density: dwelling houses and dual occupancies
  - Medium density: attached dwellings, multi dwelling housing, terraces and manor houses
  - High density: residential flat buildings
106. Residential flat buildings are currently permitted as the prevailing typology in the R3 Medium Density Residential zones under the existing LEPs due to the building height and floor space ratio applied.
107. The proposed hierarchy creates a 'true' medium density residential zone. The *GRLEP 2020* proposes to achieve this hierarchy through the translation of all existing R3 Medium Density Residential zoned land with a height of 12m or greater in both the *HLEP 2012* and *KLEP 2012* to the R4 High Density Residential zone. These areas are shown in **Figure 3** below. No changes are proposed to the existing heights and FSRs of these areas.

**Figure 3 – Location of proposed up-zonings from zone R3 to R4**



108. It should be noted that the existing LEPs contain some ‘true’ medium density areas in the R3 Medium Density Residential zones as characterised by a maximum building height of 9m. These areas will be retained as R3 Medium Density Residential zones under the *GRLEP 2020*.
109. This Planning Proposal also incorporates the proposed zoning of the Housing Investigation Areas (refer **Table 1** above) as identified by the draft *Local Housing Strategy*. The Housing Investigation Areas will contribute to the provision of R3 Medium Density Residential zoned land in the Georges River LGA.
110. With respect to the three Deferred Matter sites under the *HLEP 2012*, this Planning Proposal seeks to translate the *HLEP 1994* provisions into the *Standard Instrument LEP* form and allocate the proposed zones as follows:
- **Civic Precinct – proposed B4 Mixed Use**
111. The Civic Precinct site (refer **Figure 4** below) is the subject of a current Planning Proposal. It is proposed to translate the existing 3(b) – City Centre zoning to B4 Mixed Use under the *GRLEP 2020* in accordance with the zoning sought by the existing Planning Proposal.

**Figure 4 – Location of the Civic Precinct**



112. The Planning Proposal was referred to the Local Planning Panel (“LPP”) on 4 April 2019 where it was determined that it could proceed to the next stage of seeking a Gateway determination subject to the fulfilment of a number of conditions, including:
- The delivery of community facilities and benefits;
  - Design excellence, including a requirement for a design competition in relation to development on the site; and
  - Defining the size of the civic space and the provision of solar access to that space.
113. In light of the general support given to the B4 Mixed Use zoning sought by the Planning Proposal, this *GRLEP 2020* seeks to rezone the Civic Precinct deferred matter site and remove the deferred status.
- **Treacy Street Car Park – proposed B4 Mixed Use**
114. The Treacy Street Car Park site (refer **Figure 5** below) was the subject of a Planning Proposal that received a Gateway determination from the Department of Planning and Environment on 8 August 2017. However, it was deferred by Council at its meeting dated 26 March 2018 due to an unresolved request to enter into a Voluntary Planning Agreement with the Minister for Planning for the provision of public benefits on the site.

**Figure 5 – Location of the Treacy Street Car Park**



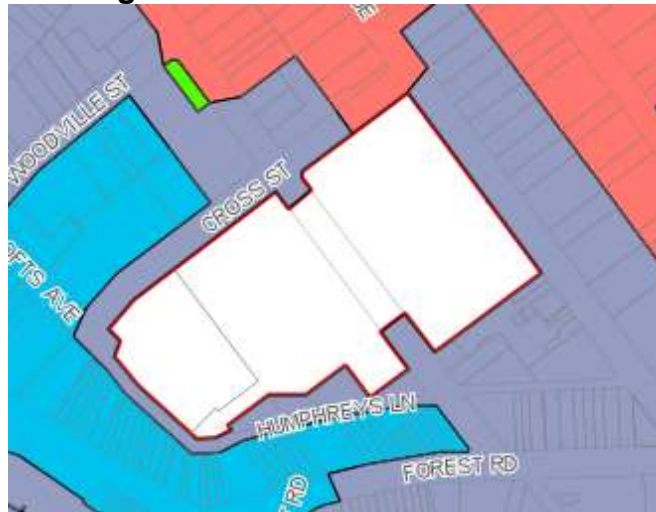
115. At the meeting, Council also resolved to not proceed with the Planning Proposal for this site as it will be incorporated into a future planning proposal prepared for the Hurstville City Centre.

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

- **Westfield – proposed B3 Commercial Core**

117. The Westfield site (refer **Figure 6** below) is the subject of a Planning Proposal which was withdrawn by the proponent prior to the completion of the assessment process.

**Figure 6 – Location of Westfields**



118. In the absence of an active or Council endorsed planning proposal on the site, this Planning Proposal applies a B3 Commercial Core zone on the site in accordance with the existing commercial use. As a strategic centre, the Hurstville City Centre will benefit from the proposed B3 Commercial Core zoning of this site as expanding the boundary of the commercial core will facilitate the attraction of additional office and commercial floor space to the centre. Further consideration will be given in Part 2 of the *Commercial Centres Strategy* as part of Stage 3 of the LEP process.
119. It should be noted that the development standards such as height of buildings and floor space ratio for all of the above deferred matter sites will be translated from the *Hurstville Development Control Plan Number 2 - Amendment No. 5*.
120. This Planning Proposal also seeks to harmonise and rezone some of the existing SP2 Infrastructure zones as follows:
- Rezone land that is currently identified as SP2 “Church” under the *HLEP 2012* to the adjoining zone to ensure a consistent approach across the LGA. If the adjoining zone does not permit places of public worship as a land use then the property has been added to Schedule 1 of the LEP to enable place of public worship as an additional permitted use;
  - Rezone land that is currently identified as SP2 “Aged Care” under the *HLEP 2012* to the adjoining zone as seniors housing is permissible under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*;
  - Rezone land that is currently identified as SP2 “Community Purposes” under the *HLEP 2012* to the adjoining zone to ensure a consistent approach across the LGA;

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

### Zone objectives

121. The proposed objectives for each land use zone are a combination of the core zone objectives as mandated by the *Standard Instrument LEP*, an update of the consolidated objectives from the existing LEPs, and new objectives that reflect the LSPS vision.
122. In accordance with the LEP Practice Note PN 09-005, no more than two to three local zone objectives can be proposed. The local zone objectives are shown in black in **Attachment 2**.
123. In summary, the local zone objectives seek to:
- Promote a high standard of urban design and built form within a landscaped setting in residential zones;
  - Encourage development that maximises public transport patronage and promotes walking and cycling in the high density residential zone;
  - Ensure developments contribute to the vibrancy and economic viability of commercial centres in business zones;
  - Encourage the provision of community facilities and public infrastructure in business zones; and
  - Ensure land is protected and provided for community purposes in the infrastructure zone.

### Land use tables

124. This Planning Proposal seeks to merge the Land Use Table provisions in the existing LEPs to form a combined and consistent suite of land use zones.
125. A combination of ‘open’ and ‘closed’ zones has been adopted in drafting the Land Use Table. **Table 4** below demonstrates the open and closed zones proposed for *GRLEP 2020*.
126. An open zone is one where a broad variety of land uses can be considered, allowing greater flexibility of activities in the zone. A closed zone is one where the diversity of land uses is more restrictive to protect the amenity of the zone and manage environmental impact.

**Table 4 – Open and closed zones**

Zone	Approach
<b>Residential Zones</b>	
R2 Low Density Residential	Closed

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

127. In preparing the Land Use Table, a general rule of permissibility retention has been used. This means that the permissible land uses in most zones proposed for the *GRLEP 2020* are a combination of the permissible land uses of the existing LEPs. The proposed Land Use Table is not inconsistent with the existing LEPs.
128. There are a number of notable changes to the Land Use Table proposed in response to community feedback during the public exhibition of the LSPS and to align with the LSPS vision as summarised below.
129. In the R2 Low Density Residential zone:
- Permit boat sheds due to the significant number of R2 zoned properties located on the waterfront;
  - Prohibit medium density dwellings such as attached dwellings and multi dwelling housing in accordance with the principle of developing a hierarchy of residential zones where medium density development is removed from the low density zone to protect its character and amenity;
  - Prohibit places of public worship due to the adverse amenity impacts considered to be generated by these uses. However, the existing places of public worship will retain their use through the inclusion of these sites in Schedule 1 Additional permitted uses.
130. The R3 Medium Density Residential zone prohibits residential flat buildings in accordance with the principle of developing a hierarchy of residential zones where high density development is removed from the medium density zone to protect the character and amenity of the area.
131. The R4 High Density Residential zone permits hostels, hotel and motel accommodation, restaurants or cafes, serviced apartments, shops, and small bars to facilitate the creation of active places in areas with high residential density to improve the liveability of apartment living and promote social interactions. These areas are located in



accessible locations that encourage walking and have the potential to become destinations for shopping, dining and meeting people.

132. Permit artisan food and drink industries in all business zones to create lively centres by expanding the types of retail and food offered.
133. The B1 Neighbourhood Centre zone permits service stations to remove these uses from Schedule 1 Additional permitted uses under the *HLEP 2012* and to recognise these as an integral land use in servicing the local community.
134. The B3 Commercial Core zone permits tourist and visitor accommodation to accommodate the significant presence of international students and visitors staying within the Hurstville City Centre.
135. The B4 Mixed Use zone permits helipads to support the existing medical presence in the Kogarah Town Centre and Hurstville City Centre by enabling helicopters as a form of emergency transportation.
136. The B6 Enterprise Corridor zone permits function centres, neighbourhood supermarkets, restaurants or cafes, and small bars to facilitate the activation within this zone.
137. The IN2 Light Industrial zone prohibits business premises to ensure industrial uses remain as the primary land use in this zone. However, funeral homes are excluded from this prohibition as they are considered to be an appropriate land use due to the absence of sensitive land uses in this zone.

#### Temporary use of land

138. This clause allows development consent to be granted for a temporary use provided it does not compromise future development of the land, or cause any detrimental economic, social, amenity or environmental effects.
139. Within a period of 12 months, both existing LEPs permit the temporary use of land in any zone for a maximum of 28 days.
140. This Planning Proposal seeks to increase the number of days permitted to 52 days within each year to encourage temporary events like farmers markets at local schools on a weekly basis.

#### Exempt and complying development

141. Under Part 3 of the *Standard Instrument LEP*, councils can nominate to permit exempt and complying development in addition to those specified in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* ("Codes SEPP"). The list of additional exempt development is listed in Schedule 2 whilst the list of additional complying development is listed in Schedule 3.
142. This Planning Proposal seeks to delete the exempt developments nominated in Schedule 2 of the *HLEP 2012* and *KLEP 2012* because these uses are already contained within the *Codes SEPP*, and to rely on the provisions of the *Codes SEPP*.
143. No changes are proposed to the list of additional complying development in Schedule 3 as both existing LEPs solely rely on the provisions of the *Codes SEPP*.

### Development standards

144. Part 4 of the *Standard Instrument LEP* provides development standards relating to the use of land. Many of the provisions are optional, but if adopted contain standard content that can be tailored to local conditions. Development standards in the LEP may include controls relating to:
- Minimum lot size
  - Minimum subdivision lot size
  - Minimum lot width
  - Maximum height of buildings
  - Maximum floor space ratio (“FSR”)
145. This Planning Proposal seeks to include a range of principal development standards in the new LEP 2020 based on the **Overarching Principles** as outlined above in this report.
146. The proposed development standards are a combination of existing controls as result of the harmonisation process and new controls to address gaps or discrepancies between the existing LEPs.
147. This section of the report provides an overview of the proposed development standards. It should be noted that the summary of proposed controls below is arranged by development typology for ease of reference and is not structured in accordance with the format of the *Standard Instrument LEP*:
- Residential development standards:
    - Dwelling houses in the R2 Low Density Residential zone
    - Dual occupancies in all residential zones
    - Attached dwellings, manor houses, multi dwelling housing and multi dwelling housing (terraces) in the R3 Medium Density Residential zone
    - R4 High Density Residential zone
  - Non-residential development standards:
    - Business zones (B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use and B6 Enterprise Corridor)
    - IN2 Light Industrial zone
148. Refer to **Attachment 4** for a detailed justification of the proposed development standards supported by diagrams and 3D model testing.

### Residential development standards – dwelling houses

149. Dwelling houses are proposed to be permitted in all residential zones. However, the focus of the proposed development standards outlined in **Table 5** below is specifically applicable to the R2 Low Density Residential zone where dwelling houses are the predominant residential development typology.

**Table 5 – Existing and proposed controls for dwelling houses**

Development Standard	HLEP 2012	KLEP 2012	GRLEP 2020
Minimum subdivision lot size (non-FSPA)	450sqm	550sqm	450sqm

Development Standard	HLEP 2012	KLEP 2012	GRLEP 2020
Minimum subdivision lot size (FSPA)	550sqm (FSPA)	700sqm (foreshore localities)	700sqm
Height of buildings	9m	9m	9m
Floor space ratio	0.55:1 for lots with a site area of ≤630sqm	0.55:1 for lots with a site area of <650sqm	0.55:1 for lots with a site area of ≤650sqm
	Sliding scale formula for lots with a site area of >630sqm	Sliding scale formula for lots with a site area of ≥650sqm	Sliding scale formula for lots with a site area of >650sqm

150. In accordance with the principle of not reducing net development potential across the Georges River LGA, the minimum subdivision lot size of 450sqm is adopted for R2 zones outside of the Foreshore Scenic Protection Area ("FSPA"). This will result in approximately 600 lots in the Blakehurst and Kogarah Wards gaining the potential to subdivide, thereby creating an additional housing supply of 600 dwellings.
151. The FSPA is an additional local provision which seeks to protect the scenic and landscape amenity of the foreshore area by ensuring landscaping and vegetation have visual dominance over buildings. Further explanation regarding the FSPA is provided under the "Additional local provisions" section of this report.
152. Both existing LEPs present a correlation between foreshore localities and increased lot size requirements. Properties in these areas generally require larger lot sizes because of factors such as the requirement for more landscaping to be provided, more generous traditional subdivision patterns due to topography constraints, and buildings needing increased setbacks to encourage sharing of views to the water. The increase in lot size for foreshore localities enables developments in these areas to meet these requirements.
153. The minimum subdivision lot size of 700sqm is adopted for R2 zones within the FSPA in accordance with the principle of applying a consistent set of controls across the two former LGAs. This means that the minimum subdivision lot size of properties within the existing FSPA in the Hurstville, Mortdale and Peakhurst Wards is increased from 550sqm under the *HLEP 2012* to 700sqm under the proposed *GRLEP 2020*.
154. Despite the increase in minimum subdivision lot size, the development potential of these properties remain unchanged in accordance with the principle of ensuring that the harmonised controls do not result in the net loss of development potential. This is due to the proposed retention of the existing 1,000sqm minimum dual occupancy lot size requirement in these areas, where dual occupancies remain permissible despite the potential loss of development capacity for two dwelling houses. Further explanation is provided below under the "dual occupancies" subheading of this report.
155. The existing maximum building height of 9m and the maximum FSR of 0.55:1 for lots with site areas of 650sqm or less is being retained as these are common across both existing LEPs.
156. The sliding scale FSR formula for larger lots is retained as it has been effective in both LEPs in regulating the bulk and scale of dwelling houses on larger lots. In both existing

LEPs, the minimum lot size of dual occupancies is used as the trigger for this development standard – 630sqm under *HLEP 2012* and 650sqm under *KLEP 2012*.

157. The proposed formula has been adapted from the *HLEP 2012* gross floor area (“GFA”) formula as this will ensure that no lot, irrespective of lot size will lose GFA due to harmonisation of the LEPs. The proposed sliding scale GFA formula begins at the threshold lot size of 650sqm to reflect the proposed minimum dual occupancy lot size of 650sqm.

### Residential development standards – dual occupancies

158. Dual occupancies are proposed to be permitted in all residential zones. However, the R2 Low Density Residential zone is the preferred location for this development typology. Accordingly, the proposed standards as outlined in **Table 6** below are applied to dual occupancies in all residential zones.

**Table 6 – Existing and proposed controls for dual occupancies**

Development Standard	HLEP 2012	KLEP 2012	GRLEP 2020
Minimum lot size (non-FSPA)	630sqm (proposed 650sqm)	650sqm	650sqm
Minimum lot size (FSPA)	1,000sqm (FSPA)	1,000sqm (foreshore localities)	1,000sqm
Minimum subdivision lot size (non-FSPA)	N/A	300sqm	300sqm
Minimum subdivision lot size (FSPA)	N/A	300sqm	430sqm
Minimum lot width (attached, side by side)	15m (Interim DCP)		15m
Minimum lot width (attached / detached, front and back)	18m (Interim DCP)		18m
Minimum lot width (detached, side by side)	22m (Interim DCP)		22m
Height of buildings	9m	9m	9m
Floor space ratio	0.6:1	0.55:1 for lots with a site area of <650sqm	0.6:1 for lots with a site area of ≤1,000sqm
		Sliding scale formula for lots with a site area of ≥650sqm	Sliding scale formula for lots with a site area of >1,000sqm

159. In response to the temporary deferral to the commencement of the *Low Rise Medium Density Housing Code* (“LRMDHC”), Council has prepared a Planning Proposal which seeks to apply a minimum lot size of 650sqm for dual occupancies consistently across all of the residential zoned land outside of the FSPA. Council endorsed the Planning Proposal at its meeting on 22 July 2019 and the Planning Proposal is currently with DPIE for finalisation.

160. It is anticipated that the 650sqm minimum lot size for dual occupancies will come into effect under *HLEP 2012* before the gazettal of the *GRLEP 2020*. For this reason, 650sqm is adopted as the proposed minimum lot size for dual occupancies in this Planning Proposal.
161. The existing minimum dual occupancy lot size of 1,000sqm is retained for residential zoned land within the FSPA as this is consistent with both existing LEPs.
162. It should be noted that the *GRLEP 2020* proposes a reduction in the extent of the existing FSPA under the *HLEP 2012* which will result in the removal of a number of properties from the existing FSPA. This means that the minimum 650sqm dual occupancy lot size will apply to these properties. In summary, the reduction in the FSPA enables approx. 740 lots to gain the potential to develop dual occupancies.
163. To accompany the minimum lot size requirements, this Planning Proposal includes minimum subdivision lot sizes for dual occupancies to ensure the proposed development will be located on reasonably sized lots that allow adequate amenity, including open space, setbacks, privacy and solar access.
164. The existing 300sqm minimum subdivision lot size is carried over from *KLEP 2012* for areas outside of the FSPA whilst an increased subdivision lot size of 430sqm is proposed for areas within the FSPA to enable developments to respect the topography, landscaping and amenity of the foreshore area by providing increased setbacks and landscaping without compromising the size of dwellings.
165. Since Council's amalgamation, it has been acknowledged that the assessment of low density residential development throughout the LGA has appeared inconsistent due to the difference of controls located within the existing Hurstville and Kogarah DCPs.
166. An *Interim Policy Development Control Plan* ("Interim DCP") was adopted by Council on 11 June 2019 which harmonises a number of controls for the purpose of maintaining and enhancing the LGA's local character through a consistent approach, including the harmonisation of lot width controls for the various types of dual occupancies. The *Interim DCP* came into effect on 22 July 2019.
167. This Planning Proposal seeks to adopt the existing lot width controls within the *Interim DCP* in the LEP to ensure that local character is maintained and achieved in future dual occupancy developments whilst also giving the frontage requirement greater legal weight and ensuring variations are comprehensively considered through the merit-based assessment process.
168. The existing maximum building height of 9m is retained as this is common across both existing LEPs.
169. The maximum FSR of 0.6:1 is adopted for dual occupancies proposed on lots with site areas of 1,000sqm or less in accordance with the principle of achieving no net loss in development potential. These lots are predominately located outside of the FSPA.
170. During the harmonisation process, it was identified that whilst the *KLEP 2012* retains the sliding scale FSR for dual occupancies on larger lots, the *HLEP 2012* applies a FSR of 0.6:1 for all dual occupancy developments irrespective of lot size. As a result, larger lots, which are located predominately along the Georges River foreshore, are able to

accommodate very large dual occupancies of a bulk and scale inconsistent with a low density residential area.

171. A sliding scale approach is therefore required to regulate the density, bulk and scale of dual occupancies in foreshore localities where the minimum lot size requirement is 1,000sqm. The proposed sliding scale FSR is applied to all dual occupancies on lots with site areas of more than 1,000sqm.

### Residential development standards – medium density development

172. In accordance with the principle of developing a hierarchy of residential zones, the R3 Medium Density Residential zone accommodates ‘true’ medium density developments by permitting the following land uses:
- Attached dwellings
  - Manor house – new land use term introduced by the *LRMDHC*
  - Multi dwelling housing
  - Multi dwelling house (terraces) – new land use term introduced by the *LRMDHC*
173. The following controls outlined in **Table 7** below are only applied to the R3 Medium Density Residential zone.

**Table 7 – Existing and proposed controls for medium density residential developments**

Development Standard	HLEP 2012	KLEP 2012	GRLEP 2020
Minimum lot size	945sqm (multi dwelling housing) (Hurstville DCP No.1)	800sqm (multi dwelling housing)	800sqm
Minimum lot width - attached dwellings	15m (Hurstville DCP No.1)	20m (Kogarah DCP)	21m
Minimum lot width - manor houses	N/A	N/A	18m
Minimum lot width - multi dwelling housing	15m (Hurstville DCP No.1)	20m (Kogarah DCP)	18m
Minimum lot width - multi dwelling housing (terraces)	N/A	N/A	21m
Height of buildings	9m	9m	9m
Floor space ratio	0.6:1	0.7:1	0.7:1

174. This Planning Proposal seeks to adopt the 800sqm minimum lot size for all medium density developments as there has been no recorded Clause 4.6 variation to this development standard under *KLEP 2012* since the implementation of this control in 2017 which demonstrates the viability and feasibility of this requirement. It is anticipated that the implementation of this control, as opposed to adopting the 945sqm requirement under the *Hurstville DCP No.1*, will facilitate the delivery of more medium density housing across the LGA which will in turn assist in providing more housing choice and diversity.

175. A minimum lot width requirement for multi dwelling housing is currently within the existing Hurstville and Kogarah DCPs. Inclusion of this development standard within the LEP reinforces the desired future character of the LGA's medium density zones whilst also giving the frontage requirement greater legal weight and ensuring variations are comprehensively considered through the merit-based assessment process.
176. Based on the assessment of development applications and design analysis (refer **Attachment 4**), it is considered that a 15m wide lot is too narrow to accommodate a driveway along one side boundary and private open space for the multi dwelling units along the opposite side boundary. Therefore, an 18m lot width requirement is proposed to provide a desirable development outcome.
177. An 18m minimum lot width is also proposed to apply to manor houses to ensure consistency with multi dwelling housing so that flexibility is provided for the development industry to deliver various medium density residential typologies based on market demand.
178. A greater minimum lot width of 21m is proposed for attached dwellings and multi dwelling housing (terraces) due to the requirement for these typologies to have all dwellings facing the street. A 21m lot width provides for 3 dwellings of 6m wide each as well as 1.5m side setbacks along both side boundaries.
179. The existing maximum building height of 9m is retained as this is common across both existing LEPs. This height will be consistently applied to all development in the R3 Medium Density Residential zone.
180. It should be noted that an additional control is proposed to complement the objectives of this clause in ensuring appropriate transition is provided between medium and low density residential zones. The proposed additional control specifies that in a multi dwelling housing development, the dwelling that is located immediately adjacent to the rear boundary is to have a maximum height of 5m.
181. A maximum FSR of 0.7:1 is adopted in accordance with the principle of achieving no net loss in development potential. This FSR will be consistently applied to all development in the R3 Medium Density Residential zone.

#### **Residential development standards – R4 High Density Residential zone**

182. In accordance with the principle of developing a hierarchy of residential zones, this Planning Proposal translates areas zoned R3 Medium Density Residential with a height of 12m or greater under the existing LEPs to be zoned R4 High Density Residential under the *GRLEP 2020*. However, no changes are proposed to the existing height of buildings and FSRs.
183. The following controls outlined in **Table 8** below are only applied to the R4 High Density Residential zone.

**Table 8 – Existing and proposed controls for the R4 High Density Residential zone**

<b>Development Standard</b>	<b>HLEP 2012</b>	<b>KLEP 2012</b>	<b>GRLEP 2020</b>
Minimum subdivision lot size	N/A	N/A	1,000sqm



Minimum lot size (residential flat buildings)	Nil	1,000sqm	Nil
Height of buildings and floor space ratio	Type A <ul style="list-style-type: none"> <li>• 12m height of buildings</li> <li>• 1:1 FSR</li> </ul> Type B <ul style="list-style-type: none"> <li>• 15m height of buildings</li> <li>• 1.5:1 FSR</li> </ul> Type C <ul style="list-style-type: none"> <li>• 21m height of buildings</li> <li>• 2:1 FSR</li> </ul> Type D <ul style="list-style-type: none"> <li>• 33m height of buildings</li> <li>• 4:1 FSR</li> </ul>		Retain existing

184. A minimum subdivision lot size of 1,000sqm is proposed to prevent fragmentation of land within the R4 High Density Residential zone so that large parcels of land are available for high density development outcomes that are compatible with the objectives of this zone.
185. The existing minimum lot size requirement for residential flat buildings under the *KLEP 2012* is not proposed to be translated into the *GRLEP 2020* due to the limited number of lots available for development in the proposed R4 High Density Residential zone, many of which are isolated and have various height and FSR requirements.
186. For example, the bulk and scale resulting from Type A controls is distinctly different to the development outcomes resulting from Type D controls and considerations such as minimum lot size and minimum lot width for residential flat buildings require site-specific and place-based analysis.
187. Accordingly, minimum lot size and minimum lot width controls for residential flat buildings will be investigated in the development of the *Georges River DCP 2020*.

### **Non-residential development standards – business zones**

188. In accordance with the staged approach of preparing the principal Georges River LEP, it should be noted that this Planning Proposal does not review the maximum height of buildings and FSRs of any business zoned land. A comprehensive review of these controls will be conducted in Part 2 of the *Commercial Centres Strategy* to inform the preparation of Stage 3 of the LEP process.
189. Currently, only the *KLEP 2012* applies a minimum subdivision lot size for business zoned land. For the purpose of harmonisation, the minimum subdivision lot size control has been removed from all business zones to apply a consistent approach across the LGA. This is based on the absence of subdivision applications for business zoned land in recent years. The removal of this control is aligned with the overarching principles of ensuring that there is no loss in development potential and that controls are equitable

across the LGA. Imposing a 500sqm minimum subdivision lot size is considered to be unjustified and onerous at this stage in the absence of a comprehensive review of the heights and FSRs in the business zones.

190. This Planning Proposal proposes to introduce a minimum non-residential FSR requirement for all business zones that permit residential development as outlined below in **Table 9**:

**Table 9 – Proposed minimum non-residential FSR**

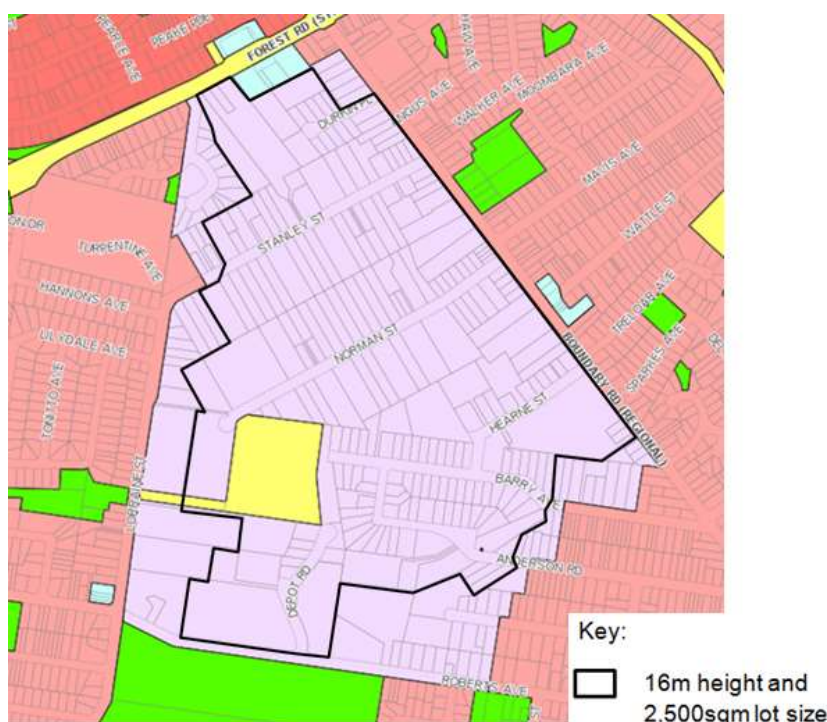
<b>Centres Strategy Classification</b>	<b>Centre Name</b>	<b>Proposed</b>
<b>Strategic centre</b>	Hurstville City Centre (B4 zone only)	1:1
<b>Strategic centre</b>	Kogarah Town Centre (B4 zone)	1:1
<b>Local centre</b>	B2 – Beverly Hills (King Georges Road)	0.5:1
<b>Local centre</b>	B2 – Kingsgrove (Kingsgrove Road)	0.5:1
<b>Local centre</b>	B2 – Mortdale (Morts Road)	0.5:1
<b>Local centre</b>	B1 – Oatley West (Mulga Road)	0.5:1
<b>Local centre</b>	B2 – Penshurst (Penshurst Street)	0.5:1
<b>Local centre</b>	B2 – Riverwood (Belmore Road)	0.5:1
<b>Local centre</b>	B2 – South Hurstville (King Georges Road)	0.5:1
<b>Enterprise corridor</b>	B6 – Carlton Enterprise Corridor	Retain as 0.7:1
<b>All other 38 centres (villages, small villages and neighbourhood centres)</b>		Retain as 0.3:1

191. A minimum non-residential FSR of 0.3:1 is currently required for development in B1 Neighbourhood Centre and B2 Local Centre zones under the *HLEP 2012*. A minimum non-residential FSR requirement of 0.7:1 is required for development in the B6 Enterprise Corridor zone under the *KLEP 2012*.
192. Council's draft *Commercial Centres Strategy – Part 1* identifies that the existing minimum non-residential FSR requirement is insufficient to support the growing population or to meet *South District Plan* job targets by 2036. To ensure the ongoing viability of centres, this Planning Proposal proposes an interim solution to reduce the loss of employment floor space through infill development.
193. A minimum non-residential FSR requirement is proposed in accordance with the centres hierarchy developed in Part 1 of the *Commercial Centres Strategy*, rather than the zoning of the centre. The proposed centres hierarchy is based on the existing provision of retail floor space within each centre. Further detail regarding the *Commercial Centres Strategy* is provided above under the "Key Council Strategies and Studies" heading of this report.
194. Further increases to the non-residential FSR requirement will be investigated in Stage 3 of the LEP process as part of the comprehensive review of the development standards of all business zones across the LGA.

#### **Non-residential development standards – IN2 Light Industrial zone**

195. This Planning Proposal seeks to review the existing development standards applied to the IN2 Light Industrial zone in light of the *South District Plan* Action to retain and manage all industrial land in the Georges River LGA. The proposed controls are outlined in **Table 10** below:





198. It is also proposed to amend the height controls of the IN2 zone to 12m except for the Kingsgrove Industrial Precinct and part of Peakhurst Industrial Precinct where the height control will be increased to 16m. The increase in heights enables industrial lots to achieve an FSR of 1:1, provide flexibility in built form for different land uses, improve development viability within the IN2 zone, as well as reduce the pressure for rezoning to residential which is often sought at the detriment of the LGA's employment lands.
199. The increase to 16m is appropriate at Kingsgrove as it has a limited interface with residential zones. The 16m height and increased minimum subdivision lot size is also applied to the areas within the centre of the Peakhurst Industrial Precinct (as outlined in black above in **Figure 8**).
200. Due to the residential interface of the Peakhurst Industrial Precinct, this Planning Proposal seeks to apply the lower height control of 12m to the perimeter of the Precinct where the minimum subdivision lot size of 1,000sqm is proposed. This is applied to the properties located outside of the black outlined in **Figure 8** above.

#### Land acquisition

201. The *HLEP 2012* and *KLEP 2012* include land acquisitions for RE1 Local open space, RE1 Regional open space and SP2 Classified road. These land acquisitions have been translated into the *GRLEP 2020* with the exception of sites that have already been acquired by the relevant authority. These have been removed from the Land Reservation Acquisition Map which is provided in **Attachment 8**.
202. In response to the LSPS vision to deliver additional open space across the LGA, especially in areas of housing growth, this Planning Proposal includes three new areas for RE1 Local open space acquisition by Council as follows:
203. **26-30 Culwulla Street, South Hurstville** (refer **Figure 9** below) which is situated in Housing Investigation Area No. 4. Acquisition of the proposed properties will enable expansion of the park in an area identified for housing growth and enable through site access between Culwulla Street and Joffre Street.

**Figure 9 – Location of 26 – 30 Culwulla Street, South Hurstville**

204. **11-21 Monaro Avenue, Kingsgrove** (refer **Figure 10** below) which comprises half of the eastern street block surrounding Peter Lowe Reserve. Acquisition of the proposed properties will enable the expansion of the existing reserve and facilitate improved access to the park, safety and public surveillance.
205. These properties have been identified as the most appropriate for acquisition due to their location being at the end of McGregor Street. McGregor Street offers on-street car parking which makes it a suitable entrance to the Reserve. The acquisition of these properties will also provide direct visual sight lines to the largest portion of the park to ensure a sufficient level of public surveillance into the Reserve.

**Figure 10 – Location of 11-21 Monaro Avenue, Kingsgrove**

206. **7 Hedley Street, Riverwood and 13 and 15 Keith Street, Peakhurst** (refer **Figure 11** below) which are located at the north eastern end of Peakhurst Park. Acquisition of the proposed properties will enable the expansion of the park in an area identified for housing growth (Housing Investigation Area No. 3) and facilitate improved access to the park.



**Figure 11 – Location of 7 Hedley Street, Riverwood and 13 and 15 Keith Street, Peakhurst**

207. This Planning Proposal also seeks to include a 3m wide local road widening along Roberts Lane, Hurstville, to support the future redevelopment of the Landmark Square Precinct, an area subject to a separate Planning Proposal for increased densities at the eastern bookend of the Hurstville City Centre. It should be noted that the Landmark Square Precinct Planning Proposal is currently with DPIE for gazettal.
208. The proposed local road widening is intended to enable continuous two-way vehicle access, access for service vehicles such as delivery and waste collection trucks, and the provision of a continuous pedestrian footpath with street planting on Roberts Lane.
209. Land reservation acquisition is only applied to 53 Forest Road, 9 Roberts Lane and 108 Durham Street, and excludes the portion located at 61-65 Forest Road as this portion is proposed to be dedicated to Council as part of the Voluntary Planning Agreement associated with the Landmark Square Precinct Planning Proposal (refer **Figure 12** below).

**Figure 12 – Local road widening along Roberts Lane**

#### Miscellaneous provisions

210. Part 5 of the *Standard Instrument LEP* provides a series of miscellaneous provisions, of which some are compulsory and some are optional.

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

- **Clause 5.3 Development near zone boundaries**

212. Clause 5.3 currently only applies to the SP2 Infrastructure zone in both existing LEPs. The retention of this clause within the *GRLEP 2020* does not add any value as most land uses permissible within a SP2 zone can be carried out with or without consent under SEPPs such as the *State Environmental Planning Policy (Infrastructure) 2007*.

- **Clause 5.6 Architectural roof features**

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

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

#### Miscellaneous permissible uses

215. This Planning Proposal also seeks to harmonise the gross floor area (“GFA”) requirements for miscellaneous permissible uses, which is a mandated clause under the *Standard Instrument LEP*. Existing controls are retained where they are consistent in both the *HLEP 2012* and *KLEP 2012*.

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

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

217. The proposed controls for the abovementioned miscellaneous permissible uses are summarised in **Table 11** below:

**Table 11 – Existing and proposed GFA for misc. permissible uses**

Misc. permissible use	HLEP 2012	KLEP 2012	GRLEP 2020
Industrial retail outlets	20% of the industry's GFA or 400sqm whichever is the lesser	20% of the industry's GFA or 100sqm whichever is the lesser	20% of the industry's GFA or 400sqm whichever is the lesser
Kiosks	Maximum 10sqm	Maximum 15sqm	Maximum 15sqm
Neighbourhood shops	Maximum 100sqm	Maximum 80sqm	Maximum 100sqm



Misc. permissible use	HLEP 2012	KLEP 2012	GRLEP 2020
Artisan food and drink industry exclusion	20% of the industry's GFA or 400sqm whichever is the lesser	10% of the industry's GFA or 100sqm whichever is the lesser	20% of the industry's GFA or 400sqm whichever is the lesser
Secondary dwellings	60sqm or 10% of the principal dwelling's GFA whichever is the greater	60sqm or 13% of the principal dwelling's GFA whichever is the greater	60sqm or 10% of the principal dwelling's GFA whichever is the greater

218. In accordance with the principle of achieving no net loss in development potential through the harmonised controls, the more generous of the two existing controls has been adopted, with the exception of the controls proposed for secondary dwellings.
219. A maximum 10% of total floor area as specified by the *HLEP 2012* is retained in the *GRLEP 2020* to achieve consistency with the requirement specified by the *State Environmental Planning Policy (Affordable Rental Housing) 2009* by ensuring that the total floor area of the secondary dwelling does not exceed 60sqm.

#### Additional local provisions

220. Part 6 of the *Standard Instrument LEP* provides the opportunity for additional specialised provisions to be inserted to address local issues.
221. This Planning Proposal seeks to include a range of local provisions in the *GRLEP 2020* based on the **Overarching Principles** as outlined above in this report.
222. In preparing the proposed local provisions, a number of clauses are able to be harmonised through the utilisation of model local provisions released by the DPIE where applicable and the retention of local provisions in the existing LEPs.
223. At the same time, this Planning Proposal proposes significant amendments to some existing local provisions and proposes a number of new specialised provisions to give effect to the *South District Plan* and to meet the LSPS vision for the LGA,
224. All proposed local provisions have been prepared with the understanding that Clause 4.6 may be utilised to address non-compliance with a development standard, including those specified in Part 6 of the LEP. In this context, the term “development standards” is defined by the *Environmental Planning and Assessment Act 1979* as follows:

**development standards** means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

- (a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,
- (b) the proportion or percentage of the area of a site which a building or work may occupy,
- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,
- (d) the cubic content or floor space of a building,

- (e) *the intensity or density of the use of any land, building or work,*
- (f) *the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,*
- (g) *the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,*
- (h) *the volume, nature and type of traffic generated by the development,*
- (i) *road patterns,*
- (j) *drainage,*
- (k) *the carrying out of earthworks,*
- (l) *the effects of development on patterns of wind, sunlight, daylight or shadows,*
- (m) *the provision of services, facilities and amenities demanded by development,*
- (n) *the emission of pollution and means for its prevention or control or mitigation, and*
- (o) *such other matters as may be prescribed.*

225. With consideration to the above, a number of local provisions (as identified below) are proposed to be excluded from the application of Clause 4.6 due to the similarity in their application to *Clause 5.4 Controls relating to miscellaneous permissible uses*, which cannot be varied through Clause 4.6 as mandated by the *Standard Instrument LEP*. Further explanation is provided for each clause later in this report:

- Clause 6.12 Development for the purposes of dual key dwellings in Zones R2 and R3
- Clause 6.14 Office premises in Zone IN2
- Clause 6.15 Take away food and drink premises and restaurants or cafes in Zone IN2

226. The intent of the proposed local provisions are summarised below.

### **Clause 6.1 Acid sulfate soils**

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

228. The proposed clause is based on the model local clause provided by the DPIE and is generally consistent across the existing LEPs except that the *KLEP 2012* adopts a smaller distance (100 metres rather than the standard 500 metres) for works on Class 5 Land.

229. This Planning Proposal seeks to adopt the 500 metre distance control for Class 5 land works in the *GRLEP 2020*, as specified in the model clause to provide a consistent approach across the whole LGA.

### **Clause 6.2 Earthworks**

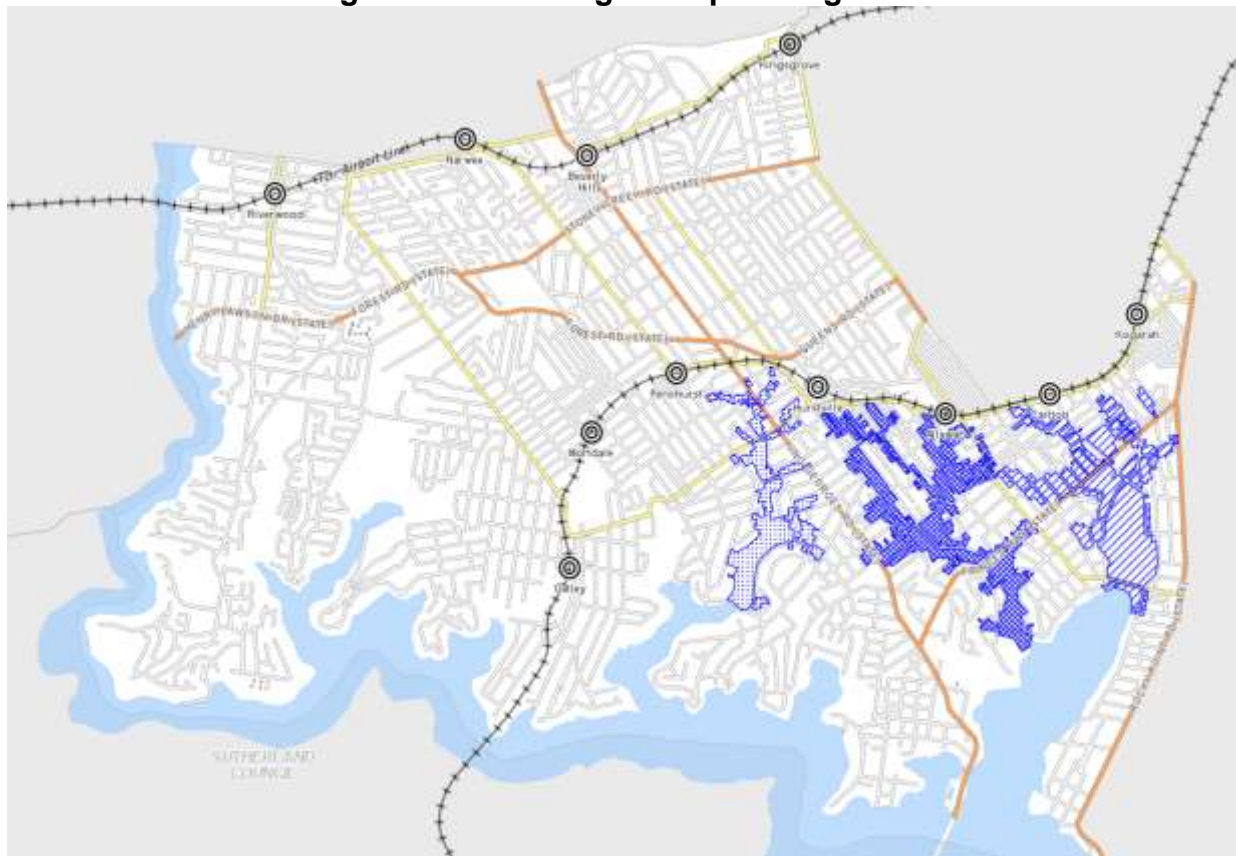
230. This clause seeks to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses and amenity, cultural or heritage items or features of the surrounding land. It also allows earthworks of a minor nature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

231. This clause currently only applies to the Blakehurst and Kogarah Bay Wards under the *KLEP 2012*. This Planning Proposal proposes to extend its application to the entire Georges River LGA to ensure consistency in the assessment of earthworks and the impact of works on the integrity of adjoining properties.
232. Any development application affected by this clause will need to consider the impact of proposed excavation on matters, such as soil stability, soil erosion, the amenity and structural integrity of adjoining properties, and the health and vitality of existing trees. Developments will also need to be designed to complement the slope of the land to minimise the need for cut and fill and their potential height and bulk.

### Clause 6.3 Flood planning

233. This clause is currently only adopted in the *KLEP 2012*. The existing “flood planning areas” identified on the Flood Planning Map of the *KLEP 2012* (refer **Figure 13** below) are proposed to be retained.

**Figure 13 – Existing flood planning areas**



234. This Planning Proposal seeks to expand the application of this clause to the whole LGA to ensure that all developments incorporate appropriate measures to manage flood hazards consistently across the LGA where there are known potential risks of flooding through the inclusion of an additional layer, known as the “flood extent area”, to the Flood Planning Map.
235. The proposed Flood Planning Map is provided in **Attachment 8**.

236. The flood extent area applies to properties that are identified as affected by the 1 in 100 year flood extent in Council's overland flow flood studies.
237. Council has endorsed the following overland flow flood studies:
- *Overland Flow Flood Study for Hurstville, Mortdale and Peakhurst Wards* – this covers all areas within the former Hurstville LGA; and
  - *Moore Reserve Catchment Overland Flow Study* – this covers the Moore Reserve study area in the former Kogarah LGA.
238. A flood study is the first step in developing a floodplain risk management plan and involves a comprehensive technical investigation of flood behaviour within an area.
239. Flood planning areas, such as the areas identified in the *KLEP 2012 Flood Planning Map*, are properties that have been formally identified as affected by the 1 in 100 year flood extent and have had the flood risk confirmed by the preparation of an endorsed floodplain risk management study and plan.
240. It should be noted that a floodplain risk management study and plan has not been completed for the proposed flood extent areas. Council is currently preparing a *Floodplain Risk Management Study and Plan* ("the Plan") for the Hurstville, Mortdale and Peakhurst Wards.
241. The Plan will include a flood risk assessment of properties identified by the overland flow flood studies. The Plan will also identify strategies to reduce flood risk through both structural and non-structural measures.
242. The outcomes of the Plan will inform whether a property located within the proposed flood extent area will need to be formalised within the flood planning area, or whether the property may be removed from the Flood Planning Map due to the assessment deeming the site not flood prone in a 1 in 100 year flood.
243. If a property is identified on the proposed Flood Planning Map then any development on that site will have to comply with a minimum floor level. Consideration will also have to be given to whether the development is appropriate for that site given the potential flood hazard and demonstrate that it will not adversely affect flood behaviour.

#### **Clause 6.4 Foreshore area and coastal hazards and risks**

244. This Planning Proposal seeks to amalgamate the existing local provisions that relate to development in the foreshore area, riparian lands and waterways as listed below due to the common objective of regulating development to minimise conflicts with natural foreshore processes and the foreshore environment:
- Clause 6.2 Riparian land and watercourses (*HLEP 2012*)
  - Clause 6.3 Limited development on foreshore area (*HLEP 2012*)
  - Clause 6.3 Limited development on foreshore area (*KLEP 2012*)
245. The intent of this clause is to enhance the protection of the natural environment along the LGA's foreshore in line with the overarching principles of this LEP. The inclusion of the coastal hazard area based on the findings of the *Tidal Inundation Study* will ensure that there is a focus on addressing coastal hazards and risk through the development

assessment process as the local provisions of the existing LEPs do not provide a clear link to policy on coastal hazard and risks.

246. This clause applies to the following areas:

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

247. The proposed maps are provided in **Attachment 8**.

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

#### **Clause 6.5 Foreshore scenic protection area**

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

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

251. The extent of the existing FSPA in the former Hurstville LGA has been reduced in accordance with the principles of equity and consistency. The extent of the proposed FSPA is based on the character typologies, covering areas with higher sensitivities to change, as identified by the *Foreshore Strategic Directions Paper* (refer **Figure 2** above).

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

253. The inclusion of these properties within the FSPA would impose more stringent development controls such as an increased lot size for dual occupancy developments, thereby significantly reducing the development potential of this area which is inconsistent with the principle of not reducing the net development potential of the LGA through the LEP harmonisation process.

254. The proposed extent of the FSPA in the former Kogarah LGA has primarily been informed by the location of the foreshore localities identified within the existing Kogarah DCP and supplemented by the character typologies with higher sensitivities to change

as identified by the Paper. This is due to the correlation between the existing larger lot size requirements in the foreshore localities and the FSPA.

255. It should also be noted that whilst the character area of “Jetty’s and Marina Edge” is identified as having lower sensitivity to change in the Paper, these areas are included in the proposed FSPA for the purpose of consistently applying the FSPA to all waterfront localities across the Georges River foreshore, in accordance with the principle of achieving equity through harmonisation.
256. The proposed extent of the FSPA is shown on the Foreshore Scenic Protection Area Map as provided in **Attachment 8**.
257. Under this clause, developments within the proposed FSPA will have to respond to the existing environmental, social and character values of the foreshore by ensuring development is compatible with the desired future neighbourhood character and minimise potential impacts on views to and from the Georges River, foreshore reserves, residential areas and public places.

#### **Clause 6.6 Airspace operations**

258. This clause seeks to ensure that development does not interfere with aircraft operations and the community is protected from undue risk from airport operations.
259. This clause is present within both existing LEPs so it is proposed to harmonise this provision through the utilisation of model local provisions released by the DPIE to ensure a consistent approach is adopted for the LGA.
260. This Planning Proposal does not seek to change the intent or operation of the clause as it currently applies to land identified on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Systems Operations Surface for all airports.

#### **Clause 6.7 Development in areas subject to aircraft noise**

261. This clause seeks to ensure that development does not interfere with aircraft operations and that noise sensitive development is prevented from being located near Sydney Kingsford Smith Airport and its flight paths.
262. It is intended that this clause will be based on the model local clause provided by DPIE which is similar to the clause adopted in the *KLEP 2012*.
263. This Planning Proposal does not seek to change the intent or operation of the clause as it currently applies to land near Sydney Kingsford Smith Airport or land identified within the ANEF contour.

#### **Clause 6.8 Essential services**

264. This clause requires that development consent must not be granted to development unless the consent authority is satisfied that services essential for the proposed development are available or that adequate arrangements have been made to make them available when required.

265. This Planning Proposal seeks to include a similar clause in the *GRLEP 2020* to the one currently in the *HLEP 2012*. It does not seek to change the intent or operation of the clause.

#### **Clause 6.9 Design excellence**

266. In response to the LSPS vision for well-designed development, this clause has been introduced to deliver highest standards of architecture and design across the LGA.
267. This clause applies to new developments and substantial redevelopments of 12m or taller in the high density residential, industrial and business zones.
268. No design competition is required by this clause. Instead, the subject development will need to be peer-reviewed by an urban designer or a registered architect appointed from Council's panel of design experts against the heads of consideration listed in this clause, which include the suitability of the land for development, the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, bulk, massing and modulation of buildings.

#### **Clause 6.10 Environmental sustainability in certain business, industrial and residential zones**

269. The intent of this clause is to ensure that all development with a GFA of 1,500sqm or greater in business, industrial and high density residential zones embrace the best practice principles of environmentally sustainable development.
270. The clause requires a statement of verification to be submitted with the development application by an Australian Building Sustainability Association accredited assessor demonstrating that the development satisfies environmentally sustainable principles such as water efficiency, reducing the urban heat island effect and reducing energy demands.

#### **Clause 6.11 Landscaped areas in certain residential and environmental protection zones**

271. The natural environment is an asset highly valued by the Georges River community. To ensure development, especially in the private domain, is accompanied by an appropriate level of landscaping, this clause has been introduced to specify minimum landscaping requirements in the residential and E2 zones. .
272. This clause seeks to ensure landscaping is a significant part of the local character by requiring the retention and provision of vegetation that contributes to biodiversity and enhances the tree canopy of the LGA, whilst minimising urban run-off, the visual impact of development and the urban heat island effect.
273. The proposed minimum landscaped area requirements have been derived from a comparison of the landscaping requirements within the existing Hurstville and Kogarah DCPs against the requirements of the Codes SEPP (refer **Table 12** below).

**Table 12 – Comparison of landscaped area requirements**

<b>Development Type</b>	<b>Hurstville DCP</b>	<b>Kogarah DCP</b>	<b>Codes SEPP</b>
Explanatory note	Applies to	Applies to "deep	Applies to



	“landscaped open space” with minimum 2m dimensions	soil” only with no minimum dimensions	“landscaped area” with minimum 1.5m dimensions
Dwelling house (non-FSPA)	20%	15%	20%
Dwelling house (FSPA)	25%	15%	30%
Dual occupancy (non-FSPA)	20%	15%	35%
Dual occupancy (FSPA)	25%	15%	40%
Medium density development (e.g. multi dwelling housing)	20%	Maximum 55% impervious area	20% for terraces 37.5% for manor houses
R4 zones (excludes SEPP 65 development)	N/A	N/A	N/A
E2 zone (only one site in the LGA)	N/A	N/A	N/A

274. The proposed minimum landscaped area requirements within this clause are shown in **Table 13** below. The proposed requirements are shown as a percentage of the site area.

**Table 13 – Proposed minimum landscaped area requirement**

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

275. A customised definition has also been adopted for the term “landscaped area” which expands on the existing *Standard Instrument LEP* definition to prescribe further details as follows:
- Minimum 2m in width and 2m in length;
  - Minimum 75% of the total landscaped area is deep soil (area of soil unimpeded by buildings or structures above and below ground); and
  - Maximum 25% of the total landscaped area can be hard paved areas (including both semi-permeable and permeable surfaces).

### **Clause 6.12 Development for the purposes of dual key dwellings in Zones R2 and R3**

276. As a local response to facilitating the delivery of housing choice across the LGA, this clause seeks to enable the development of an 'internal secondary dwelling' up to a maximum of 75sqm GFA that is wholly contained within the building envelope of an existing principal dwelling.
277. This clause has been developed in response to the findings of the *Evidence Base for the Local Housing Strategy* which identifies that the LGA needs to provide a greater diversity of dwellings to accommodate both the ageing population who are looking to downsize in their local area and the younger working age group who are looking for affordable accommodation.
278. To incentivise the conversion of under-utilised spaces within existing dwellings, such as an empty-nester's larger family home, an 'internal secondary dwelling' may be proposed with up to 75sqm GFA. An example of a dual key dwelling development would be the conversion of a 'rumpus room' into a separate dwelling.
279. As dual key dwellings would be wholly contained within the existing building envelope, they would have no impact on the streetscape character of low and medium density neighbourhoods.
280. It should be noted that since secondary dwellings are a permissible land use within the proposed R2 Low Density Residential and R3 Medium Density Residential zones under the *GRLEP 2020*, an alternative term is required to identify this form of 'internal secondary dwelling' to ensure the two development typologies can be differentiated.
281. The term "dual key dwelling" is proposed, referencing the dual key apartment product where there is a self-contained studio accessed by a shared hallway inside the main apartment. Alternative references such as "studios" were considered but not adopted due to the similarities between the term and "studio apartments".
282. It is proposed that this provision be excluded from the application of Clause 4.6 *Exceptions to development standards* to ensure the density of the development is appropriate in low and medium density residential areas.

### **Clause 6.13 Development in certain business zones**

283. This clause is intended to replace the existing Active Street Frontage local provision in the *HLEP 2012* and be applied to all business zones across the LGA where shop top housing is permitted.
284. The aims of this clause are to promote uses that attract pedestrian traffic at street level and provide active, commercial uses at the street frontage as any development within the B1, B2, B4 and B6 Zones must not include a residential land use or tourist and visitor accommodation on the ground floor of a building that is facing a street.
285. This clause also implements the requirement for a minimum of 500sqm of non-residential floor space to be provided at the ground floor of developments in the B6 Enterprise Corridor zone to facilitate the development of large floor plates that are capable of accommodating a range of employment uses, including specialised retail premises and light industrial uses.

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

#### **Clause 6.14 Office premises in Zone IN2**

287. To facilitate greater economic viability of developments in industrial zones and to facilitate the contemporary adaptation and development of industrial and warehouse buildings, this clause seeks to permit additional office floor space.
288. The intent of this local provision is aligned with the *South District Plan* and LSPS priority to support industrial land development.
289. In addition to an office floor space associated with the primary industrial use, it is proposed that additional office premises equating to a maximum of 10% of the GFA of the industrial activity and its office premise located on the same land may be permitted.
290. It is proposed that this provision be excluded from the application of Clause 4.6 *Exceptions to development standards* to ensure industrial uses remain the core land use in the IN2 Light Industrial zone.

#### **Clause 6.15 Takeaway food and drink premises and restaurants or café in Zone IN2**

291. This clause seeks to meet the needs of those who work within or visit the industrial precincts while ensuring that the town centres retain the focus for business and retail activity by limiting the size of food and drink retailing in the industrial zone.
292. It is proposed that a maximum of 20% of the GFA of the industrial activity located on the same land or 200sqm, whichever is the lesser, may be permitted for food and drink retailing in the IN2 zone.
293. It is proposed that this provision be excluded from the application of Clause 4.6 *Exceptions to development standards* to ensure industrial uses remain the core land use in the IN2 Light Industrial zone.

#### **Clause 6.16 Creative industries in Zone IN2**

294. This local provision is intended to encourage a diverse range of industries (including creative and innovative industries) that do not compete with commercial centres and do not compromise industrial and urban services within the IN2 Light Industrial zone.
295. The proposed provision will apply to two areas: the Penshurst Lane, Penshurst (refer **Figure 14** below) and Halstead Street, South Hurstville (refer **Figure 15** below) industrial precincts.

**Figure 14 – Penshurst Lane, Penshurst industrial precinct**



**Figure 15 – Halstead Street, South Hurstville industrial precinct**



296. Council's *Industrial Land Review* has identified that these areas are compromised by their location in terms of attracting industrial uses and investment. The types of industrial activities that can be located in these precincts are constrained due to the amenity impacts of traditional industrial land uses on the surrounding low density residential land.
297. This clause seeks to foster a diverse range of industries within the above precincts, including creative and innovative industries such as media, advertising, fine arts and craft, design, film and television, music, publishing, performing arts, cultural heritage institutions or other related purposes.
298. It is proposed that development comprising of offices and spaces for creative and innovative industries within these precincts will be exempt from the office floor area restriction prescribed by Clause 6.14 (Office Premises in Zone IN2) above.

#### **Clause 6.17 Location of sex services premises**

299. This is an existing provision under both existing LEPs. This clause seeks to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
300. The proposed clause in *GRLEP 2020* does not seek to change the intent or operation of the existing clauses.

## Schedules

301. The proposed changes to the Schedules of the existing LEPs are summarised below.

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

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

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

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

- In accordance with the Council resolution dated 8 July 2019 regarding the Planning Proposal for the LRMDHC:
  - Delete Items 17 and 18 (Use of certain land for multi dwelling housing) from Schedule 1 of *KLEP 2012* to prevent manor houses, multi dwelling housing (terraces), villas and townhouses from being built through a development application;
- In accordance with the recommendations of the *Commercial Centres Strategy – Part 1*:
  - Delete Item 16(ja) (Use of certain land for limited commercial and residential purposes - 129 Laycock Road, Hurstville Grove) from Schedule 1 of *KLEP 2012* and incorporate the site into the adjacent business zone; and
  - Delete Item 16(la) (Use of certain land for limited commercial and residential purposes - 29–31 Rocky Point Road, Kogarah) from Schedule 1 of *KLEP 2012* and incorporate the site into the adjacent business zone;
- In accordance with the legal advice received from Counsel:
  - Insert all sites in the R2 Low Density Residential zone where there is an existing place of public worship to ensure its permissibility following the prohibition of places of public worship in the R2 Low Density Residential zone of the *GRLEP 2020*; and
- In accordance with the LSPS vision for Jubilee Stadium to be a regionally significant sporting and entertainment hub:
  - Insert 'entertainment facility' as an additional permitted use at Jubilee Stadium due to the prohibition of entertainment facilities across the RE1 Public Recreation zone.

### **Schedule 2 Exempt development**

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

### Schedule 3 Complying development

306. Similar to Schedule 2, Schedule 3 allows Council to nominate additional complying development to those specified in SEPPs, such as the *Codes SEPP*. No complying development is specified within the existing LEPs.
307. This Planning Proposal seeks to rely on the provisions of the *Codes SEPP* and does not include complying development.

### Schedule 4 Classification and reclassification of public land

308. Schedule 4 provides a location for Council to capture information on the classification and reclassification of public land as either community or operational land in accordance with the *Local Government Act 1993*. This Schedule will appear blank for the *GRLEP 2020* but may be used during the life of the LEP should changes to public land classification be adopted by Council.
309. The details of land classification and reclassifications are recorded in Council's register of land under section 53(2) of the *Local Government Act*. As no new land classifications are proposed, Schedule 4 will not be populated.

### Schedule 5 Environmental heritage

310. This Planning Proposal seeks to merge the Schedule 5 planning provisions under the existing LEPs to form Schedule 5 under the *GRLEP 2020*.
311. Under the *GRLEP 2020* it is proposed to delete the following 3 heritage items following review of the current *HLEP 2012* heritage items as part of the *Hurstville Heritage Review*:
- 78 Bonds Road, Peakhurst as the existing fabric is almost all new and the item includes substantial additions.
  - 127-137 Forest Road, Hurstville due to the adverse impact of recent redevelopment, the significance of the item has been impacted causing loss of the physical, spatial and aesthetic context of the original building.
  - 237 Forest Road, Hurstville as the original building has either been demolished and re-built or heavily altered.
312. Additionally, 19 heritage items are to have their description amended to reflect their significance in relation to their built form and setting in accordance with the recommendations of the *Hurstville Heritage Review*.
313. This amendment proposes the removal of the façade only description of the heritage items under *HLEP 2012* by amending their descriptions to include the whole of the heritage building in *GRLEP 2020*. Examples are provided in **Table 14** below:

**Table 14 – Examples of heritage description amendment**

Existing Description	Address	Proposed Description
I130 – Front facade of building	184 Forest Road, Hurstville	I130 – Retail building
I138 – Rendered facade of building	232–242 Forest Road, Hurstville	I138 – Group of shops

314. Whilst the façade is a visually prominent feature of a heritage item, the proposed description intends to clarify the item's significance in a holistic manner by incorporating the fabric of the item including its façade, built form and setting.
315. This amendment is incorporated with the intent of ensuring any future development is designed to sympathetically respond to the heritage character through appropriate design solutions, adaptive re-use and interpretation.
316. This Planning Proposal does not seek to amend any of the heritage items currently located within the former Kogarah LGA which was subject to a heritage review in 2012.

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

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

### **Consistency with strategic context**

318. An assessment of the Planning Proposal against the relevant Objectives, Planning Priorities and Actions of the *Greater Sydney Region Plan*, *South District Plan* and Council's LSPS is detailed in **Attachment 3**.
319. The assessment demonstrates that the Planning Proposal assists in achieving the Planning Priorities and Actions of the LSPS and *South District Plan*, thereby giving effect to the District Plan. The Planning Proposal is also consistent with the directions of the *Greater Sydney Region Plan*.
320. A summary of the alignment between this Planning Proposal and the relevant *South District Plan* and LSPS Planning Priorities is categorised by the four themes of infrastructure and collaboration, liveability, productivity and sustainability in **Table 15** below:

**Table 15 – Summary of Alignment with Planning Priorities**

<b>South District Plan Planning Priority</b>	<b>LSPS Planning Priority</b>	<b>Comment</b>
<b>Infrastructure and collaboration</b>		
S1. Planning for a city supported by infrastructure	P1. We have a range of frequent, efficient transport options to connect people, goods, services, businesses and educational facilities	The proposed uplifts are limited to the up-zoning of 5 areas to accommodate new housing and encourage housing diversity. These areas are located within walking distance to transport infrastructure, such as train stations and frequent bus services, and existing commercial centres.
S3. Providing services and social infrastructure to meet people's changing needs	P4. Collaboration supports innovation and delivers infrastructure, services and facilities	A local provision, Clause 6.8 "Essential services", is proposed to ensure any future development applications demonstrate that there is sufficient essential services and infrastructure in place to service new development. When and as required,
	P6. Everyone has access to efficient digital	



<b>South District Plan Planning Priority</b>	<b>LSPS Planning Priority</b>	<b>Comment</b>
	<p>connectivity</p> <p>P10. Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces</p>	<p>infrastructure may need to be augmented and upgraded by individual developers.</p> <p>This Planning Proposal proposes to zone hospitals and educational establishments SP2 Infrastructure to retain land for the continued provision of these important infrastructure.</p> <p>This Planning Proposal also proposes 'entertainment facility' at Jubilee Stadium as an additional permitted use through Schedule 1. The Stadium is recognised in the LSPS as one of Council's key infrastructure and permitting entertainment facilities will enable the Stadium to be consolidated as a regional sporting and entertainment hub.</p>
<b>Liveability</b>		
<p>S4. Fostering healthy, creative, culturally rich and socially connected communities</p> <p>S5. Providing housing supply, choice and affordability with access to jobs, services and public transport</p> <p>S6. Creating and renewing great places and local centres, and respecting the District's heritage</p>	<p>P4. Collaboration supports innovation and delivers infrastructure, services and facilities</p> <p>P8. Place-based development, quality building design and public art deliver liveable places</p> <p>P9. A mix of well-designed housing for all life stages caters for a range of lifestyle needs and incomes</p> <p>P10. Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces</p> <p>P11. Aboriginal and other heritage is protected and promoted</p> <p>P13. Planning, collaboration and investment delivers employment growth and attractive, lively,</p>	<p>This Planning Proposal provides additional housing through the up-zoning of existing low density residential areas in highly accessible areas located within walking distance to transport infrastructure.</p> <p>This Planning Proposal also incorporates a new local provision – Clause 6.12 "Development for the purposes of dual key dwellings in Zones R2 and R3" to assist in providing housing choice through the provision of rental housing. As dual key dwellings would be wholly contained within the existing building envelope, they would have no impact on the streetscape character of low and medium density neighbourhoods.</p> <p>To foster a diverse range of industries within the IN2 Zone, a new local provision is proposed through the Clause 6.16 "Creative industries in Zone IN2" to creative and innovative industries in the Penshurst and Halstead Industrial Precincts.</p> <p>Part 1 of the <i>Commercial Centres Strategy</i> develops a centres hierarchy and seeks to harmonise the permissible land uses and encourage other key uses such as enabling markets and artisan food and drink industries in business zones.</p> <p>The Planning Proposal also incorporates the amendments recommended in the <i>Hurstville</i></p>

<b>South District Plan Planning Priority</b>	<b>LSPS Planning Priority</b>	<b>Comment</b>
	<p>accessible and productive centres</p> <p>P15. All local centres are supported to evolve for long-term viability</p> <p>P19. Everyone has access to quality, clean, useable, passive and active, open and green spaces and recreation places</p>	<p><i>Heritage Review</i> in Schedule 5 to reinforce the heritage significance of existing items by amending their descriptions to clarify that both the built form and setting elements are part of the item's significance.</p>
<b>Productivity</b>		
<p>S8. Growing and investing in health and education precincts and Bankstown Airport trade gateway as economic catalysts for the District</p> <p>S9. Growing investment, business opportunities and jobs in strategic centres</p> <p>S11. Supporting growth of targeted industry sectors</p>	<p>P4. Collaboration supports innovation and delivers infrastructure, services and facilities</p> <p>P8. Place-based development, quality building design and public art deliver liveable places</p> <p>P9. A mix of well-designed housing for all life stages caters for a range of lifestyle needs and incomes</p> <p>P12. Land is appropriately zoned for ongoing employment growth</p> <p>P13. Planning, collaboration and investment delivers employment growth and attractive, lively, accessible and productive centres</p> <p>P14. Hurstville, Beverly Hills and Kogarah are supported to grow safe night-time entertainment, dining</p>	<p>This Planning Proposal seeks to formalise the significance of existing health and education uses by zoning all land owned by major health service providers and school organisations SP2 Hospital and SP2 Educational Establishment.</p> <p>This Planning Proposal also seeks to include a non-residential FSR in the LGA's centres to ensure that employment floor space is retained and enhanced to support local jobs for local people.</p> <p>The activation of centres is further promoted through the new local provision – Clause 6.13 "Development in certain business zones". This clause prohibits residential and tourism and visitor accommodation at the ground floor of any new development within the B1, B2, B4 and B6 zones. This clause will encourage non-residential land uses such as retail on the ground floor, providing opportunities for greater activation.</p> <p>Furthermore, it is proposed to retain the B3 zone in the Hurstville Strategic Centre to ensure there is sufficient land zoned for ongoing employment growth. "Tourist and visitor accommodation" is proposed to be permitted in this zone to support the significant presence of international students and visitors.</p> <p>This Planning Proposal also supports the LSPS vision to provide quality "medi-hotels" outside of hospitals for people receiving treatment and their families. In the absence of "medi-hotels" as</p>

<b>South District Plan Planning Priority</b>	<b>LSPS Planning Priority</b>	<b>Comment</b>
	<p>and other recreational opportunities</p> <p>P15. All local centres are supported to evolve for long-term viability</p>	<p>a <i>Standard Instrument LEP</i> land use term, it is proposed to retain “tourist and visitor accommodation” as a permissible land use in the B4 zone to ensure the planning framework continues to support the provision of these types of accommodation.</p>
<p>S10. Retaining and managing industrial and urban services land</p>	<p>P12. Land is appropriately zoned for ongoing employment growth</p>	<p>This Planning Proposal seeks to increase the maximum building height for the IN2 zone to improve development viability and encourage industrial development.</p> <p>“Office premises” is proposed to be introduced as a permissible land use in the IN2 Light Industrial zone. To manage the amount of office floor space to ensure sufficient industrial floor space is retained for industrial uses and industrial and urban services activities are not compromised by office development, restrictions are placed on the amount of office floor space permitted through Clause 6.14 “Office premises in Zone IN2”.</p> <p>It is also proposed to permit creative and innovative industries, food and drink premises, and restaurants and cafes within the IN2 zone to provide flexibility in land uses within the zone, promote job creation and meet the needs of those who work within or visit the industrial precincts.</p>
<b>Sustainability</b>		
<p>S13. Protecting and improving the health and enjoyment of the District’s waterways</p> <p>S14. Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes and better managing rural areas</p> <p>S15. Increasing urban tree canopy cover and</p>	<p>P10. Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces</p> <p>P16. Our waterways are healthy and publicly accessible</p> <p>P17. Tree canopy, bushland, landscaped settings and biodiversity are protected, enhanced and promoted</p> <p>P18. An environmentally friendly approach is</p>	<p>This Planning Proposal introduces the following local provisions to protect environmentally sensitive areas, mitigate the impacts of sea level rise and tidal inundation as a result of climate change, increase landscaping and the tree canopy, enhance biodiversity and promote urban design and best practice environmentally sustainable development principles:</p> <ul style="list-style-type: none"> <li>• Clause 6.4: “Foreshore area and coastal hazards and risks”</li> <li>• Clause 6.5: “Foreshore scenic protection area”</li> <li>• Clause 6.10: “Environmental sustainability in certain business, industrial and residential zones”</li> <li>• Clause 6.11: “Landscaped areas in residential and environmental protection zones”</li> </ul>

<b>South District Plan Planning Priority</b>	<b>LSPS Planning Priority</b>	<b>Comment</b>
delivering Green Grid connections	applied to all new development	This Planning Proposal also identifies additional properties to be acquired for local open space to expand and improve access to existing open space, supporting existing and future residents of the LGA.
S16. Delivering high quality open space	P19. Everyone has access to quality, clean, useable, passive and active open and green spaces and recreation places	
S17. Reducing carbon emissions and managing energy, water and waste efficiency	P20. Development is managed to appropriately respond to hazards and risks	
S18. Adapting to the impacts of urban and natural hazards and climate change		

### Consistency with SEPPs

321. The Planning Proposal is consistent with the following relevant *State Environmental Planning Policies* (SEPPs) as assessed below in **Table 16**:

**Table 16 – Consistency of Planning Proposal with SEPPs**

<b>SEPP</b>	<b>Consistency</b>	<b>Comment</b>
State Environmental Planning Policy No 19 – Bushland in Urban Areas	Yes	<p>The Planning Proposal introduces the following new local provisions that seek to protect and enhance the tree canopy and biodiversity within the LGA:</p> <p>Clause 6.5: “Foreshore scenic protection area” – the objective of this clause is to protect, maintain and improve the scenic amenity, significant views, diversity and condition of native vegetation and habitats, and environmental, social and character values of the Georges River foreshore in line with the overarching principles of this LEP.</p> <p>Clause 6.11: “Landscaped areas in residential and environmental protection zones” - the objective of this clause is to ensure that the landscaped character of residential suburbs is preserved, minimise urban run-off by maximising permeable areas, minimise the visual impact of development, and ensure that vegetation which contributes to biodiversity and tree</p>

		<p>canopy is retained. This clause aims to reduce the urban heat island effect by increasing urban vegetation and permeable surfaces.</p> <p>Accordingly, the Planning Proposal is consistent with this SEPP.</p>
State Environmental Planning Policy No. 55 – Remediation of Land	Yes	<p>All of the land that is proposed to be rezoned under the Planning Proposal to allow increased residential density is currently zoned residential and is urban land. Therefore, the sites proposed for rezoning are unlikely to be contaminated. Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p>
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development	Yes	<p>The Planning Proposal introduces a new local provision for design excellence to deliver the highest standards of architecture and design across the LGA. The clause applies to new developments and substantial redevelopments of 12m or greater in the high density residential, industrial and business zones.</p> <p>The subject development will need to be peer-reviewed by an urban designer or a registered architect appointed from Council's panel of design experts against the heads of consideration listed in this clause, which include the suitability of the land for development, the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, bulk, massing and modulation of buildings. The proposed clause complements SEPP 65 in improving the design quality of residential apartment development. Development applications will need to comply with SEPP 65, the Apartment Design Guide and the design excellence clause.</p> <p>Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p>
State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)	Yes	<p>Council is currently preparing an <i>Inclusive Housing Strategy</i> and a supporting Delivery Plan. The Delivery Plan will include an Affordable Housing Contribution</p>

		<p>Scheme which will set out how, where, and at what rate development contributions can be collected by Council for affordable housing.</p> <p>The <i>Inclusive Housing Strategy</i> and the supporting Delivery Plan will inform the Stage 2 (Housing Choice) LEP in the staged LEP process. This Planning Proposal does not propose the implementation of delivery mechanisms for affordable housing.</p> <p>Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p>
State Environmental Planning Policy (Affordable Rental Housing) 2009	Yes	<p>As stated above, this Planning Proposal does not propose the implementation of delivery mechanisms for affordable housing. These mechanisms will be investigated in Stage 2 of the LEP process.</p> <p>Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p>
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes	<p>The Planning Proposal introduces a new local provision for environmental sustainability in certain business, industrial and residential zones. The intent of this clause is to ensure that all development with a GFA of 1,500sqm or greater in business, industrial and high density residential zones embrace the best practice principles of environmentally sustainable development.</p> <p>The clause requires a statement of verification to be submitted with a development application by an Australian Building Sustainability Association accredited assessor demonstrating that the development satisfies environmentally sustainable principles such as water efficiency, reducing the urban heat island effect and reducing energy demands.</p> <p>The proposed clause complements BASIX in encouraging sustainable development. Development applications will need to comply with BASIX and the environmentally sustainable local provision.</p>

		Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy (Coastal Management) 2018	Yes	<p>The Planning Proposal introduces a new local provision, Clause 6.4 – Foreshore area and coastal hazards and risks. The intent of this clause is to enhance the protection of the natural environment along the LGA's foreshore in line with the overarching principles of this LEP. The inclusion of the coastal hazard area based on the findings of the <i>Tidal Inundation Study</i> will ensure that there is a focus on addressing coastal hazards and risk through the development assessment process as the local provisions of the existing LEPs do not provide a clear link to policy on coastal hazard and risks. If a proposed development falls within land to which this clause applies, consideration must be given towards the impacts of sea level rise and tidal inundation as a result of climate change, impacts on the water quality of the Georges River, and other coastal hazards.</p> <p>The proposed clause complements the Coastal Management SEPP. Development applications will need to comply with the Coastal Management SEPP and the Foreshore area and coastal hazards and risks local provision.</p> <p>Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p>
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	Yes	<p>The Planning Proposal permits educational establishments and early education and care facilities in all residential and business zones to facilitate the delivery of these land uses, consistent with the aims of the SEPP.</p> <p>The Planning Proposal also recognises the importance of retaining existing educational uses by rezoning land owned by education providers and operating as a school to SP2 "Educational establishments" to formalise the use of these lands as schools and retain their use.</p>



		Accordingly, the Planning Proposal is consistent with the SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes	<p>The Planning Proposal does not propose the inclusion of any exempt or complying development and instead relies on the provisions of the Codes SEPP.</p> <p>Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p>
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Yes	<p>The Planning Proposal rezones land that is currently identified as SP2 “Aged Care” under the <i>HLEP 2012</i> to the adjoining zone as seniors housing is permissible under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.</p> <p>Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p>
State Environmental Planning Policy (Infrastructure) 2007	Yes	<p>The Planning Proposal seeks to harmonise the existing SP2 Infrastructure zones under the <i>HLEP 2012</i> and <i>KLEP 2012</i>, consistent with the aim of the Infrastructure SEPP to improve regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services.</p> <p>Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p>
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes	<p>As discussed above, the Planning Proposal introduces the new local provisions that seek to protect and enhance the tree canopy and biodiversity within the LGA. These local provisions are consistent with the aims of the SEPP to protect the biodiversity and preservation of trees and other vegetation. Accordingly, the Planning Proposal is consistent with this SEPP.</p>
Greater Metropolitan Regional Environmental Plan No 2— Georges River Catchment		<p>The Planning Proposal introduces a new local provision, Clause 6.4 – Foreshore area and coastal hazards and risks. The intent of this clause is to enhance the protection of the natural environment along the LGA’s foreshore in line with the overarching principles of this LEP.</p> <p>If a proposed development falls within land to which this clause applies, consideration must be given to a number of matters,</p>

including impacts on the water quality of the Georges River, consistent with the aims of the Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment. Accordingly, the Planning Proposal is consistent with this deemed SEPP.

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### Consistency with S9.1 Ministerial Directions

322. Ministerial Directions under Section 9.1 (formerly S117) of the *Environmental Planning and Assessment Act 1979* set out a range of matters to be considered when preparing an amendment to a Local Environmental Plan.
323. The Planning Proposal is consistent with the following relevant Ministerial Directions as assessed in **Table 17** below:

**Table 17 – Consistency with S9.1 Ministerial Directions**

S9.1 Direction	Assessment
1.1 Business and Industrial Zones Objectives: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified centres.	<p>The Planning Proposal is consistent with this direction as it protects industrial and commercial zoned land and encourages their growth and viability by introducing new controls.</p> <p>The Planning Proposal seeks to increase the maximum building height for the IN2 Light Industrial zone to improve development viability and encourage industrial development. The proposed controls provide for a flexibility of uses to assist in attracting investment and redevelopment of industrial lands. In addition, the increase in height controls will promote increased industrial floor space as the current FSR of 1:1 cannot be fully achieved within the existing height limit of 10m</p> <p>The Planning Proposal also seeks to increase minimum subdivision lot sizes to prevent the fragmentation of industrial land and retain large lot sizes to provide employment opportunities and allow the operation of a diverse range of industrial uses, such as warehousing which requires large floor plates.</p> <p>It is also proposed to permit creative and innovative industries, food and drink premises, and restaurants and cafes within the IN2 zone to provide flexibility within the zone, promote job creation and to meet the needs of those who work within or visit the industrial precincts.</p> <p>The Planning Proposal introduces a minimum non-residential FSR requirement for shop top housing developments to minimise the net loss of employment floor space across all centres through redevelopment. This will encourage and promote job creation, through the provision of additional commercial office space,</p>

	<p>which may attract new business to the centres. It is considered that additional retail will assist in transforming these centres, providing increased activation opportunities, which could also enhance the night-time economy.</p> <p>The Planning Proposal also introduces Clause 6.13 “Development in certain business zones” which prohibits residential and tourism and visitor accommodation on the ground floor of any new development within the B1, B2, B4 and B6 zones. This clause will encourage non-residential land uses such as retail on the ground floor, providing opportunities for greater activation.</p>
<p>2.1 Environment Protection Zones <i>Objective:</i> <i>To protect and conserve environmentally sensitive areas.</i></p>	<p>This Planning Proposal seeks to extend the foreshore scenic protection area across the LGA, to protect environmentally sensitive areas, increase the tree canopy and enhance biodiversity within the LGA. In addition, this Planning Proposal seeks to include local provisions for the foreshore area and coastal hazards which will ensure the protection of ecological habitats, riparian lands and watercourses and ensure that development does not impact on the natural foreshore processes. These new local provisions will strengthen the environmental controls applicable to new development across the LGA and mitigate or prevent any adverse environmental impacts of development. Accordingly, this Planning Proposal is consistent with this direction.</p>
<p>2.2 Coastal Protection <i>Objective:</i> <i>To protect and manage coastal areas of NSW.</i></p>	<p>The Planning Proposal proposes provisions relating to the foreshore area and coastal hazards that seek to mitigate the impacts of sea level rise and tidal inundation as a result of climate change. These provisions will not contradict or hinder the application of <i>State Environmental Planning Policy (Coastal Management) 2018</i>. Therefore, the Planning Proposal is consistent with this direction.</p>
<p>2.3 Heritage Conservation <i>Objective:</i> <i>To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i></p>	<p>Council has undertaken a review of the heritage items under the <i>Hurstville LEP</i>. The <i>Heritage Review</i> recommends three heritage items be removed as they no longer have any heritage significance either due to redevelopment or demolition. The <i>Review</i> also seeks administrative amendments to the descriptions of 20 items to clarify that both the built and setting elements are part of the heritage item’s significance. All existing heritage items listed within the former Kogarah LGA are to be retained.</p> <p>The Planning Proposal incorporates the amendments recommended in the <i>Heritage Review</i> in Schedule 5 (Environmental Heritage) of the <i>GRLEP 2020</i>.</p>

	Therefore, the Planning Proposal is consistent with this direction.
<p>3.1 Residential Zones</p> <p><i>Objectives:</i></p> <p>(a) <i>To encourage a variety and choice of housing types to provide for existing and future housing needs</i></p> <p>(b) <i>To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services</i></p> <p>(c) <i>To minimise the impact of residential development on environment and resource lands.</i></p>	<p>Through the harmonisation of development standards, the capacity for approx. 1,340 additional dwellings has been created as summarised below:</p> <ul style="list-style-type: none"> <li>• Capacity for approx. 600 additional dwellings through the reduction of the minimum subdivision lot size of the former Kogarah LGA from 550sqm to 450sqm; and</li> <li>• Capacity for approx. 740 additional dwellings (dual occupancies) through the reduction of the existing FSPA extent in the former Hurstville LGA which reduces the minimum dual occupancy lot size requirement for these properties from 1,000sqm to 650sqm.</li> </ul> <p>In addition to the above additional dwellings, this Planning Proposal seeks to provide capacity for approx. 650 additional dwellings through the up-zoning of existing low density residential areas to medium density and high density in highly accessible areas which are serviced by shops, schools, open space and community facilities. The areas proposed to be up-zoned are located within walking distance to transport infrastructure, such as train stations and frequent bus services.</p> <p>The Planning Proposal also incorporates a new local provision – Clause 6.12 “Development for the purposes of dual key dwellings in Zones R2 and R3”. The purpose of this clause is to enable dual key dwellings to provide housing choice and diversity, and affordable housing, such as within under occupied large dwellings.</p> <p>Therefore, the Planning Proposal is consistent with this direction.</p>
<p>3.4 Integrating Land Use and Transport</p> <p><i>Objective:</i></p> <p><i>To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <p>(a) <i>Improving access to housing, jobs and services by walking, cycling and public transport</i></p> <p>(b) <i>Increasing the choice of available transport and reducing dependence on cars</i></p> <p>(c) <i>Reducing travel demand</i></p>	<p>This Planning Proposal provides additional housing through the up-zoning of existing low density residential areas in highly accessible areas located within walking distance to commercial centres and transport infrastructure, such as train stations and frequent bus services. The locations of these up-zoned areas have been chosen to provide existing and future residents the opportunity to access jobs and services by walking, cycling and public transport, reducing travel demand and dependence on cars. Accordingly, the Planning Proposal is consistent with this direction.</p>

<p><i>including the number of trips generated by development and the distances travelled, especially by car</i></p> <p>(d) <i>Supporting the efficient and viable operation of public transport services</i></p> <p>(e) <i>Providing for the efficient movement of freight.</i></p>	
<p>3.5 Development Near Licensed Aerodromes</p> <p><i>Objectives:</i></p> <p>(a) <i>to ensure the effective and safe operation of regulated airports and defence airfields;</i></p> <p>(b) <i>to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and</i></p> <p>(c) <i>to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</i></p>	<p>The Planning Proposal proposes two local provisions, namely Clause 6.6 (Airspace operations) and Clause 6.7 (Development in areas subject to aircraft noise), which will ensure development does not interfere with aircraft operations and that noise sensitive development is prevented from being located near Sydney Kingsford Smith and its flight paths. Accordingly, the Planning Proposal is consistent with this direction.</p>
<p>4.1 Acid Sulfate Soils</p> <p><i>Objective:</i></p> <p><i>To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</i></p>	<p>The Planning Proposal seeks to adopt the model Acid Sulphate Soils clause within the <i>GRLEP 2020</i>. The objective of the clause is to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage. Accordingly, the Planning Proposal is consistent with this direction.</p>
<p>4.3 Flood Prone Land</p> <p><i>Objectives</i></p> <p>(1) <i>The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</i></p> <p>(b) <i>to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</i></p>	<p>Currently, only the <i>KLEP 2012</i> contains a flood planning clause. The Planning Proposal seeks to expand the application of this clause to the whole LGA (Clause 6.3 – Flood planning) to ensure that all developments incorporate appropriate measures to manage flood hazards consistently across the LGA where there are known potential risks of flooding through the inclusion of an additional layer, known as the “flood extent area”, to the Flood Planning Map. Accordingly, the Planning Proposal is consistent with this direction.</p>
<p>4.4 Planning for Bushfire Protection</p> <p><i>Objectives</i></p> <p>(1) <i>The objectives of this direction</i></p>	<p>The proposed up-zonings that will result in residential intensification under this Planning Proposal are located in existing urban areas and are not located in areas known to be bushfire affected. Accordingly, the</p>

<p>are:</p> <p><i>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</i></p> <p><i>(b) to encourage sound management of bush fire prone areas.</i></p>	<p>Planning Proposal is consistent with this direction.</p>
<p>6.2 Reserving Land for Public Purposes</p> <p><i>Objective:</i></p> <p><i>(a) To facilitate the provision of public services and facilities by reserving land for public purposes, and</i></p> <p><i>(b) To facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</i></p>	<p>The Planning Proposal seeks to include four new land acquisitions by Council for the provision of open space and road widening as follows:</p> <ul style="list-style-type: none"> <li>- 53 Forest Road, 9 Roberts Lane and 108 Durham Street to facilitate a 3m wide local road widening along Roberts Lane.</li> <li>- 26-30 Culwulla Street, South Hurstville to enable expansion of the existing park and facilitate through site access.</li> <li>- 11-21 Monaro Avenue, Kingsgrove (Peter Lowe Reserve) to facilitate improved access to the park, safety and public surveillance.</li> <li>- 7 Hedley Street, Riverwood and 13-15 Keith Street, Peakhurst (Peakhurst Park) to enable expansion of the park and facilitate improved access.</li> </ul> <p>Since the Planning Proposal facilitates the provision of public services and facilities by reserving land for public purposes, the Planning Proposal is consistent with this direction.</p>
<p>7.1 Implementation of A Plan for Growing Sydney</p> <p><i>Objective:</i></p> <p><i>To give legal effect to the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i></p>	<p><i>A Plan for Growing Sydney</i> has been replaced by the Greater Sydney Commission's <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i>. The Planning Proposal is consistent with the Objectives of <i>A Metropolis of Three Cities</i>, as detailed in <b>Attachment 3</b>.</p>

### Community consultation

324. Should the Planning Proposal be supported it will be forwarded to the Minister for Planning and Public Spaces requesting a Gateway Determination.
325. If a Gateway Determination (Approval) is issued, it is anticipated that the Planning Proposal will be exhibited for a period of minimum 28 days in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and its *Regulation 2000* and any requirements of the Gateway Determination.
326. In accordance with the NSW Government's *Best Practice Guideline for LEPs and Council Land* (dated January 1997), this Planning Proposal will be exhibited with a register of all council-owned land which outlines the following:

- The nature of Council's interest in the land (e.g. Council has a 30 year lease over the site);
- When Council first acquired an interest in the land;
- Why Council acquired an interest in the land (e.g. for an extension to the adjoining park);
- How Council acquired its interest in the land (e.g. the land was purchased); and
- For land previously owned or controlled by Council, whether any aspect of the LEP formed part of the agreement to dispose of the land, and the terms of any such agreement.

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

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

328. Exhibition material, including plain English explanatory information, fact sheets, description of the objectives and intended outcomes, copy of the Planning Proposal and relevant maps will be available for viewing during the exhibition period on Council's website and hard copies available at Council offices and libraries.

329. Notification of the public exhibition will be through:

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

### Next steps

330. The anticipated project timeline for completion of the Planning Proposal is shown below in **Table 18**:

**Table 18 – Anticipated project timeline**

Task	Anticipated Timeframe
Report to Georges River LPP on Planning Proposal	17 October 2019 (this report)
Report to Environment and Planning Committee on Planning Proposal	11 November 2019
Report to Council on Planning Proposal	25 November 2019
Planning Proposal to be forwarded to the DPIE	December 2019



for a Gateway Determination	
Anticipated commencement date (date of Gateway Determination)	February 2020
Timeframe for public exhibition (including both government agency and community consultation as required by Gateway Determination)	March to April 2020
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	April to May 2020
Reporting to Council on community consultation and finalisation	June 2020
Submission to the Department to finalise the LEP	June 2020
Anticipated date for notification	July 2020

331. It is noted that the project timeline will be assessed by the DPIE and may be amended by the Gateway Determination.