

AGENDA - LPP

Meeting:	Georges River Local Planning Panel (LPP)
Date:	Thursday, 04 March 2021
Time:	4.00pm
Venue:	Council Chambers, Civic Centre, Hurstville
Panel Members:	Paul Vergotis (Chairman) Milan Marecic (Expert Panel Member) Michael Leavey (Expert Panel Member) Erin Sellers (Community Representative)

1. On Site Inspections - 1.00pm –3.30pm

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

- LPP001-21 Mortdale RSL Planning Proposal - 19 -25 Macquarie Place and 46-56 Pitt Street, Mortdale – PP2020/0001**
(Report by Strategic Planner)
- LPP002-21 Post Exhibition report and adoption of the Georges River Development Control Plan**
(Report by Manager Strategic Planning)

4. Confirmation of Minutes

LPP001-21

REPORT TO GEORGES RIVER COUNCIL LPP MEETING OF THURSDAY, 04 MARCH 2021

LPP001-21

LPP Report No	LPP001-21	Development Application No	PP2020/0001
Site Address & Ward Locality	Mortdale RSL Planning Proposal - 19 -25 Macquarie Place and 46-56 Pitt Street, Mortdale Mortdale Ward		
Proposed Development	The Planning Proposal requests that Council initiate an amendment to the Hurstville Local Environmental Plan 2012 summarised as follows: <ul style="list-style-type: none"> • Rezone the site from B2 Local Centre and R3 Medium Density, to B4 Local Centre across the entire site; • Increase maximum height controls across the site from 12m and no height to 45m across the site; and • Increase the maximum FSR of the site from 1.0:1 and 1.5:1 to 3.5:1. 		
Owners	Mortdale RSL and Proprietors of Sp68533		
Applicant	Think Planners		
Planner/Architect	Think Planners		
Date Of Lodgement	23/03/2020		
Submissions	N/A		
Cost of Works	N/A		
Local Planning Panel Criteria	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).		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	N/A		
List all documents submitted with this report for the Panel's consideration	Refer to the list below		
Report prepared by	Strategic Planner and Senior Strategic Planner		

Recommendation	<p>That the Georges River Local Planning Panel recommends to Council that the Planning Proposal not progress to the Department of Planning, Industry and Environment for a Gateway Determination, for the reasons summarised below:</p> <ol style="list-style-type: none"> 1. The Planning Proposal lacks Strategic Merit as: <ol style="list-style-type: none"> i. It does not have regard to the cumulative impact of the increases to planning controls, especially in terms of infrastructure, traffic and development feasibility in the Mortdale Local Centre and is an ad hoc approach, as Council's place-based masterplanning process of the Mortdale Local Centre will not be finalised as a draft before mid-2021.
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	<p>ii. It seeks a B4 Mixed Use zoning; competing with the two designated B4 Mixed Use centres in Georges River and is not consistent with the classification nominated by the South District Plan and Council's endorsed Commercial Centres hierarchy – Part 1.</p> <p>2. The Planning Proposal lacks Site Specific Merit as:</p> <p>i. The proposed development controls that seek to increase the maximum building height from no height and 12m to 45m (equivalent to twelve storeys) and increase density from 1.5:1 and 1.0:1 to 3.5:1 are out of context and would result in significant adverse impacts on the adjoining residential properties, including overshadowing and visual impacts</p> <p>ii. It will set a precedent for other B2 Local Centres to request a B4-Mixed Use zoning; leading to commercial centres hierarchy issues</p> <p>iii. The proposal does not provide adequate consideration of public domain, traffic and parking issues</p> <p>iv. The proposed development demonstrates a poor response to the context of the subject site and its locality due to the proposed built form and scale.</p> <p>v. The excessive bulk and scale of the proposed development is not justified on this site</p> <p>vi. The proposed development remains significantly out of context with any existing or approved development within and adjoining the Mortdale Local Centre.</p> <p>3. That Council write to the applicant to advise of Council's decision.</p> <p>4. That Council advise the Department of Planning, Industry and Environment of its decision.</p>
Attachments	<p>Attachment 1: Planning Proposal</p> <p>Attachment 2: Social Impact Assessment</p> <p>Attachment 3: Site Survey</p> <p>Attachment 4: Transport and Parking Assessment</p> <p>Attachment 5: Urban Design Report</p> <p>Attachment 6: Market Potential and Economic Impact Assessment</p> <p>Attachment 7: VPA offer</p> <p>Attachment 8: Revised Sketches</p> <p>(NOTE: REFER TO THE PLANNING PROPOSAL PAGE ON COUNCIL'S WEBSITE FOR ALL THE ATTACHMENTS)</p>

Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	N/A
Legislative clauses requiring consent authority satisfaction 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?	N/A
Clause 4.6 Exceptions to development standards 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?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	Not Applicable

Site Plan



Figure 1 – Site Locality (Source – NearMap)

LPP001-21

Executive Summary

Proposal

1. This report provides an assessment of an amended Planning Proposal (PP2020/0001) for 19-25 Macquarie Street and 46-56 Pitt Street, Mortdale (the Site) submitted to Georges River Council (Council) on 13 July 2020.
2. The Planning Proposal requests that Council initiate an amendment to the Hurstville Local Environmental Plan 2012 (HLEP 2012) summarised as follows;
 - Amend the HLEP 2012 Land Zoning (LZN) Map to rezone the Site from B2 Local Centre and R3 Medium Density, to B4 Mixed Use across the entire lot;
 - Amend the HLEP 2012 Height of Buildings (HOB) Map to increase the maximum height controls across the Site from no height and 12m to 45m; and
 - Amend the HLEP 2012 Maximum Floor Space Ratio (FSR) Map to increase the maximum FSR from 1.5:1 and 1:1 to 3.5:1.
3. The Planning Proposal proposes a mixed use development comprising of a new Mortdale RSL Community Club, approximately 1,800 sqm of retail and commercial space, commercial floor space, a supermarket and restaurants/cafes and three residential buildings (delivering approximately 170 residential apartments) ranging from 9 storeys to 12 storeys.
4. The proposal is accompanied by a letter of offer to enter into a planning agreement, (**see Attachment 7**) providing a range of community benefits which include a potential future library space; public domain (including landscaping) works on the site boundaries, incorporation of public art and a cash contribution.
5. The Planning Proposal request is not supported by a draft site-specific Development Control Plan.

Site and Locality

6. The Planning Proposal relates to land located at 19-25 Macquarie Place and 46-56 Pitt Street, Mortdale (the Site), located within the Georges River Local Government Area (LGA). Refer to **Figure 1**.
7. The Site has a total area of 4,601.2 sqm and is an irregular shaped allotment with frontages to Macquarie Place and Pitt Street, Mortdale.
8. The Site comprises a total of 11 individual land parcels which are sought to be amalgamated to facilitate the proposed development – refer to **Table 3** of this report for the detailed site description of the Site.
9. The Site is located on the south-western edge of the Mortdale Town Centre and is located within proximity to local amenities including educational establishments, employment opportunities, recreational activities and public transportation.
10. The Site is close to Mortdale train station and has access to several key arterial roads including Boundary Road and King Georges Road.

11. The Site currently accommodates the following development:

- Mortdale RSL and car parking
- Single storey residential dwellings fronting Macquarie Place
- Three storey residential flat building and commercial developments fronting Pitt Street

Zoning and Permissibility

12. The Site is currently zoned B2 Local Centre and R3 Medium Density Residential pursuant to the HLEP 2012.

13. Mortdale Local Centre is located on both sides of the T4 railway line. The part on the northern side of the railway line does not have height controls and FSR of 1.5:1. The part on the southern side has a height of 21m and FSR of 2.5:1.

14. The endorsed Georges River Commercial Centres Strategy – Part 1 makes recommendations for the proposed Georges River LEP 2020 (GRLEP 2020). Specific recommendations in regards to the controls for Mortdale include:

- Retain existing B2 Local centre zoning;
- Harmonisation of existing development standards for business-zoned land across the LGA;
- Increasing the minimum non-residential FSR to 0.5:1 in local centres – including the Mortdale Local Centre; and
- Review and incorporate active street frontage provisions into the Georges River Development Control Plan 2020 (GRDCP 2020) to enhance the centre's connectivity and vibrancy.

15. The draft GRLEP 2020 which was referred to the Department for notification on 30 June 2020 proposes a zone, height and FSR for the Site as shown in **Table 1**

Table 1 – Hurstville LEP 2012 and draft GRLEP 2020 controls

Properties	Planning Controls	Hurstville LEP 2012	Draft Georges River LEP 2020
46 Pitt Street and part of 25 Macquarie Place	Zoning	B2 – Local Centre	B2 – Local Centre
	HOB	No Height	No Height
	FSR	1.5:1	1.5:1
56 Pitt Street and 19-25 Macquarie Place	Zoning	R3 - Medium Density Residential	R4 High Density Residential
	HOB	12m	12m
	FSR	1:1	1:1

16. One of the main purposes of the GRLEP 2020 was to harmonise the existing Hurstville and Kogarah LEPs into a principal LEP so that a single, consistent approach is applied to planning and development across the LGA. The draft GRLEP 2020 did not review the maximum height of buildings and FSRs of any business-zoned land. A comprehensive review of these controls will be conducted as part of Part 2 of the Commercial Centres Strategy to inform the preparation of Stage 3 of the LEP process.

17. Stage 3: (Jobs and Activation) (scheduled for 2023) will review development standards in centres and investigate infrastructure delivery mechanisms.

Summary Of Assessment

18. An assessment of the Planning Proposal has been undertaken against the relevant key strategic planning framework, in order to ascertain the strategic and site-specific planning merit.
19. In summary the excessive bulk and scale of the proposed development is not justified on this site as:
- i. The proposed development remains significantly out of context with any existing or proposed development within and adjoining the Mortdale Local Centre
 - ii. The site is predominantly surrounded by two storey commercial/shop top housing developments and three storey residential flat buildings
 - iii. The bulk and scale of the proposed development would result in significant adverse impacts on the adjoining residential properties, including overshadowing, loss of amenity, privacy and visual impacts.
20. The development standards for B2 – Local Centres under the Kogarah Local Environmental Plan 2012 (KLEP 2012) were increased as part of the New City Plan amendment in 2017 to a maximum building height of 21m and a floor space ratio of 2.5:1. Since the New City Plan amendment came into effect, development applications have been lodged and approved within these centres, demonstrating the viability of these controls.
21. In respect of the Mortdale Local Centre there have been three (3) major Development Applications approved by Council in the vicinity of the Planning Proposal. The three (3) applications are on the southern side of the railway station on Railway Parade and Ellen Subway with a B2 Local Centres zoning, building height of 21m and FSR 2.5:1.
22. Construction has been finalised on a 6 storey mixed use development comprising of ground level commercial floor space with shop top housing above at 85-87 Railway Parade, Mortdale (refer to **Figure 2** below). 1 Ellen Subway, Mortdale a 7 storey mixed use development comprising ground floor commercial space, 38 residential units has been approved (refer to **Figure 3** below). A development application has been lodge with Council for a 7 storey mixed use development comprising of ground floor commercial space and 37 residential apartments at 89-93 Railway Parade, Mortdale (refer to **Figure 4** below).



Figure 2 –Constructed Development at 85-87 Railway Parade, Mortdale



Figure 3 – Approved Development at 1 Ellen Subway, Mortdale



Figure 4 – Proposed Development at 89-93 Railway Parade

23. Mortdale Town Centre is in the early stages of a place-based masterplanning process. The Masterplan will seek to encourage urban renewal, improve the amenity and quality of the built environment and public domain as well as provide new housing and employment opportunities to create a vibrant local centre.

24. The Masterplan will be supported by considerations of infrastructure, traffic and development feasibility to enable a holistic review of the Mortdale Local Centre. The results of the master planning work will be included in Stage 3 (Jobs and Activation) of the LEP Process. The draft masterplan is anticipated to be finalised by mid-2021. The Masterplan will be setting the FSRs and heights for the centre that are not possible to envisage at this stage. Therefore, the Planning Proposal controls are an ad hoc approach at present.
25. Furthermore, in line with the centres hierarchy, the B4 – Mixed Use zoning nominated for the strategic centres of Kogarah and Hurstville within the LGA, which are regionally significant centres. The B2 – Local Centre zones are for local centres, such as Mortdale and Penshurst, which provide essential access to day to day goods and services to where people live. Therefore, the proposed B4 zoning is not consistent with the Commercial Centres Strategy – Part 1 and the draft Georges River LEP 2020.
26. Insufficient information accompanies the Planning Proposal. The traffic report submitted by the applicant provided no traffic counts or intersection analysis to assess the cumulative impacts of the proposal. Additional stormwater flow from the proposal will cause extra flood hazards in terms of flooding to adjacent properties at the low points it will also increase downstream flooding. Mitigation measures can be explored at the Development Applicant stage if the proposal is supported.
27. In support of the planning proposal the development will provide non-residential floor space of 2,650sqm and 274 jobs on the subject site. It will deliver additional commercial opportunities, jobs and revitalisation of the RSL club to better service the local community.

Recommendations

28. Based on the site specific merit below Council recommends that the Planning Proposal not progress to the Department of Planning, Industry and Environment for a Gateway Determination.
29. The Planning Proposal lacks Strategic Merit as:
 - i. It does not have regard to the cumulative impact of the increases to planning controls, especially in terms of infrastructure, traffic and development feasibility in the Mortdale Local Centre and is an ad hoc approach, as Council's place-based masterplanning process of the Mortdale Local Centre will not be finalised before mid-2021
 - ii. It seeks a B4 Mixed Use zoning; competing with the two designated B4 Mixed Use centres in Georges River and is not consistent with the classification nominated by the South District Plan and Council's endorsed Commercial Centres hierarchy – Part 1.
30. The Planning Proposal lacks Site Specific Merit as:
 - i. The proposed development controls that seek to increase the maximum building height from no height and 12m to 45m (equivalent to twelve storeys) and increase density from 1.5:1 and 1.0:1 to 3.5:1 are out of context and would result in significant adverse impacts on the adjoining residential properties, including overshadowing and visual impacts
 - ii. It will set a precedent for other B2 Local Centres to request a B4-Mixed Use zoning; leading to commercial centres hierarchy issues

- iii. The proposal does not provide adequate consideration of public domain, traffic and parking issues
- iv. The proposed development demonstrates a poor response to the context of the subject site and its locality due to the proposed built form and scale.
- v. The excessive bulk and scale of the proposed development is not justified on this site
- vi. The proposed development remains significantly out of context with any existing or approved development within and adjoining the Mortdale Local Centre

- 31. That Council write to the applicant to advise of Council's decision.
- 32. That Council advise the Department of Planning, Industry and Environment of its decision.

Report in Full

Background

- 33. A Planning Proposal request for 19-25 Macquarie Place and 46-56 Pitt Street, Mortdale was lodged in March 2020. The proposal seeks to amend Hurstville LEP 2012 in terms of:
 - Amend the Land Zoning Map to rezone the Site from B2 Local Centre and R3 Medium Density, to B4 Mixed Use across the entire site
 - Amend the Height of Buildings (HOB) Map to increase the maximum height controls across the Site from no height and 12m to 45m; and
 - Amend the Maximum Floor Space Ratio (FSR) Map to increase the maximum FSR from 1.5:1 and 1:1 to 3.5:1.
- 34. The Planning Proposal seeks to amend the HLEP 2012 (summarised above), to allow for a mixed use development comprising of a new Mortdale RSL Community Club, new retail shops, commercial floor space, a supermarket and restaurants/cafes and three residential buildings above ranging from 9 storeys to 12 storeys.
- 35. The Development Concept seeks to deliver approximately 170 residential apartments, approximately 1,800 sqm of retail and commercial space, and a new Mortdale RSL Community Club.
- 36. Council received a letter of offer to enter into a planning agreement, dated 10 July 2020, in conjunction with the Planning Proposal (see **Attachment 7**). The offer provides a range of community benefits which include a potential future library space; public domain (including landscaping) works on the site boundaries, incorporation of public art and a cash contribution.
- 37. The Planning Proposal request is not supported by a draft site-specific Development Control Plan.
- 38. The history of the Planning Proposal request is summarised in **Table 2** below:

Table 2 – History of Planning Proposal request

Date	Milestone
March 2020	Original Planning Proposal was lodged by Think Planning
May 2020	Additional information was requested by Council
July 2020	Revised Planning Proposal and Traffic, Economic and Social Impact

Date	Milestone
	Assessments were lodged
August 2020	Preliminary assessment completed by Council – Applicant requested to amend proposal or withdraw, with the principal concerns being height and scale.
September 2020	Meeting held with applicant to discuss Council preliminary assessment.
November 2020	Revised sketches were submitted to Council. (Attachment 8)
December 2020	Meeting held with the applicant to discuss the planning proposal – Applicant was requested to either amend proposal or proceed with the current concept which Council staff would not support.
December 2020	Applicant advised Council staff to proceed with the Planning Proposal in its current form.

The Site and Locality

39. The Planning Proposal relates to land located at 19-25 Macquarie Place and 46-56 Pitt Street, Mortdale (the 'Site'), located within the Georges River Local Government Area (LGA). The Site is an irregular shaped allotment with a frontage to Macquarie Place and Pitt Street, Mortdale, which results in a total site area of 4,601.2sqm.
40. The site comprises of 11 lots which are sought to be amalgamated to facilitate the proposed development. Their legal description, address and ownership are shown in **Table 3 and Figure 5**.

Table 3 – Legal description, address and ownership of the Site

Address	Lot and DP	Ownership
25 Macquarie Place	Lot 21 Sec D DP 2921 Lot 22 Sec D DP 2921 Lot 23 Sec D DP 2921 Lot 26 Sec D DP 2921 Lot 27 Sec D DP 2921 Lot 28 Sec D DP 2921 Lot 29 Sec D DP 2921	Mortdale RSL Community Club Ltd
23 Macquarie Place	Lot C DP 345208	Mortdale RSL Community Club Ltd
19 Macquarie Place	Lot B DP 345208	Mortdale RSL Community Club Ltd
46 Pitt Street	Lot 20 Sec D DP 2921	Mortdale RSL Community Club Ltd
56 Pitt Street	SP 68533	Proprietors of SP68533

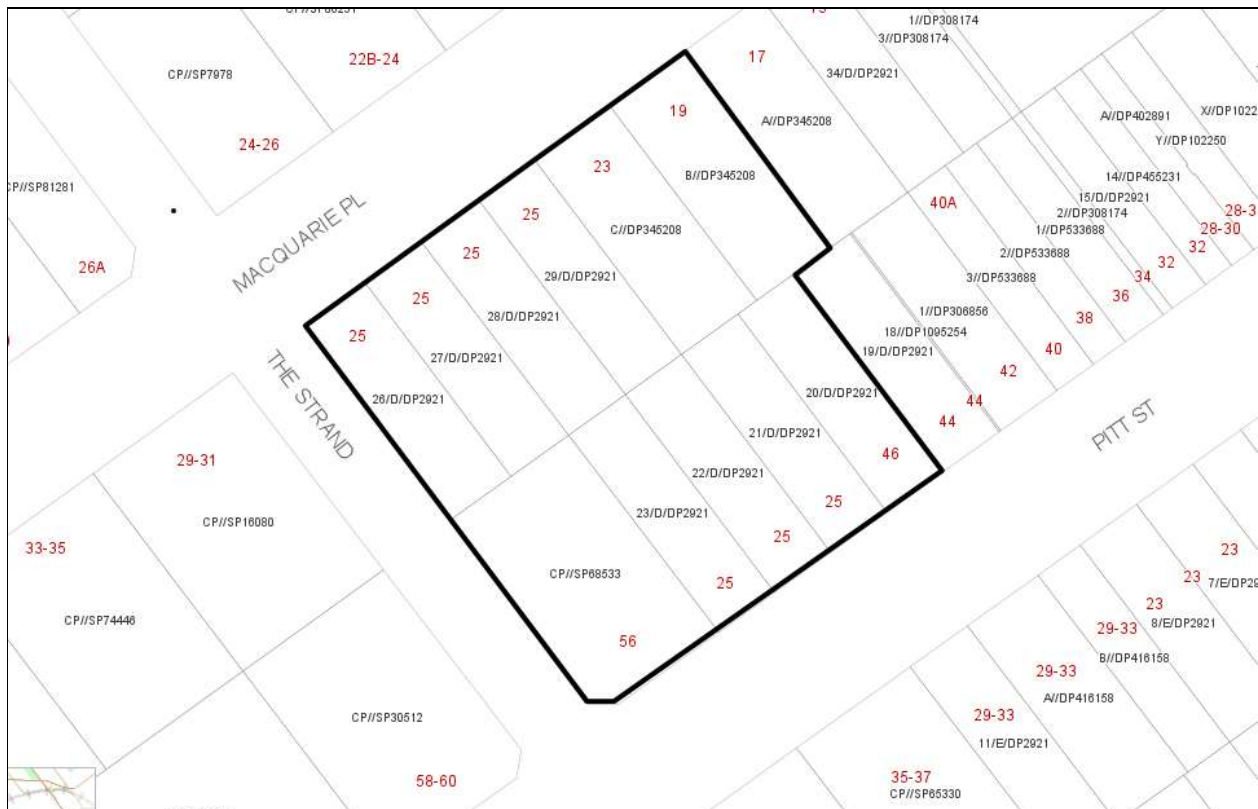
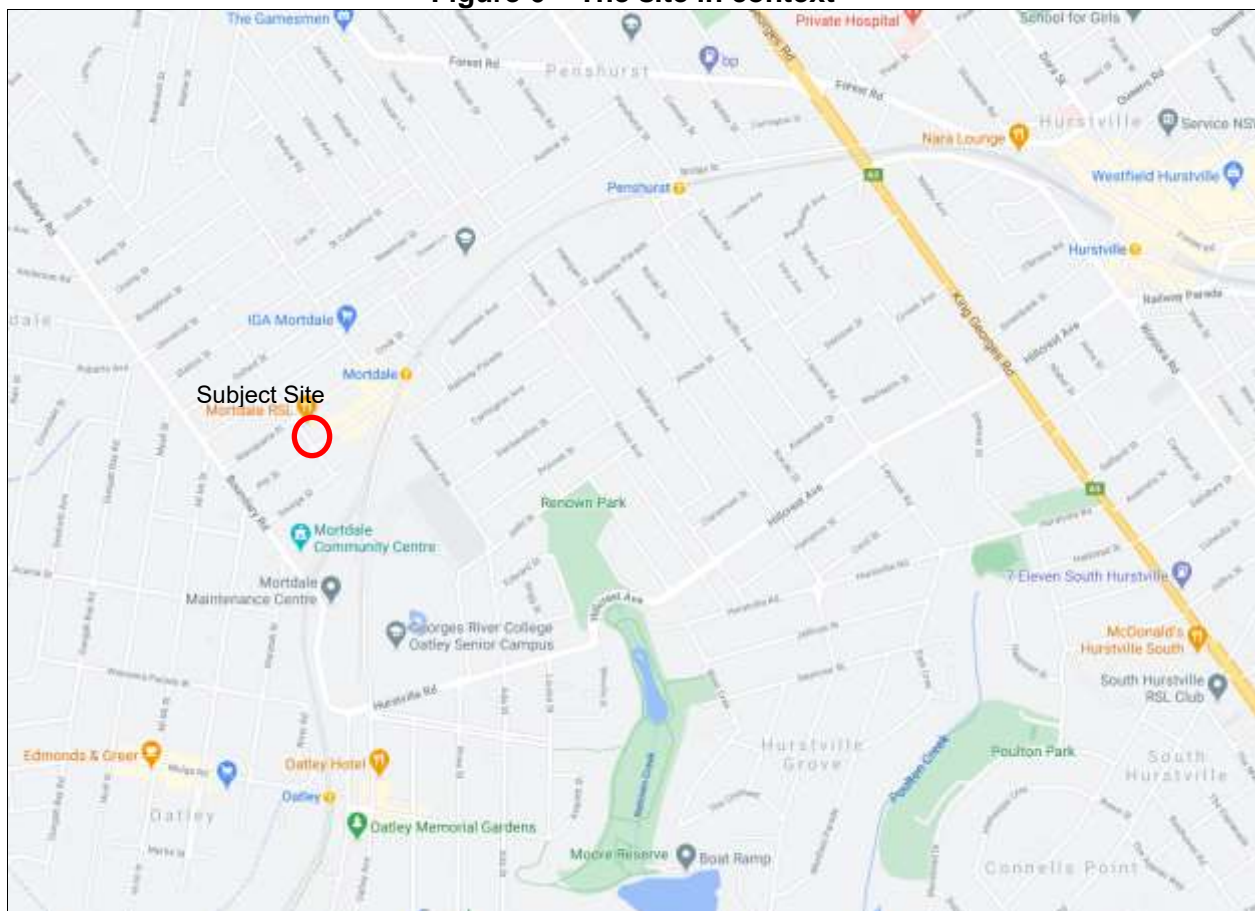


Figure 5 – Land parcels of the site

41. The Site is located on the south eastern end of the Mortdale Local Centre which is serviced by a broad range of retail and commercial services and is located 20km south of Sydney CBD.
42. The site is located approximately 250m from Mortdale train station. The site has access to several key arterial roads such as Boundary Road and King Georges Road and a number of key bus routes, which connects Mortdale, Bankstown and Hurstville.
43. The Site currently accommodates the following development:
 - 25 Macquarie Place - Mortdale RSL and car parking
 - 23 Macquarie Place - single storey residential dwellings
 - 56 Pitt Street - three storey residential flat building and
 - 56 Pitt Street - commercial building
44. **Figure 6** illustrates the Site in context.

Figure 6 – The site in context

Source: Google Maps

Surrounding Development

45. The neighbourhood is characterised by a mix of residential development of 3 storeys and one and two storey commercial developments. Refer to **Table 4** and **Figures 4 to 8** below:

Table 4 – Surrounding Development

Aspect	Surrounding Development
North	Land comprises of three (3) and four (4) storey residential developments. (Figure 7 - 22-26 Macquarie Place, Mortdale)
East	East along Macquarie Place land use comprises of low and high density residential of 1-2 storey detached housing and four (4) storey developments (Figure 8 - 11-17 Macquarie Place, Mortdale). East along Pitt Street the land comprises of one to two storey commercial developments. (Figure 9 - 36-44 Pitt Street, Mortdale)
South	Land comprises of one and two storey commercial developments. (Figure 10 - 35-39 Pitt Street, Mortdale)
West	Land comprises of three (3) storey residential developments. (Figure 11 - view from The Strand, Mortdale)

46. It should be noted that in terms of future development within Mortdale, at present there are no planning proposals lodged with the Department of Planning, Industry and Environment (DPIE). Council is in the early stages of a place-based master planning process of the

Mortdale Local Centre. The Masterplan will seek to encourage urban renewal, improve the amenity and quality of the built environment and public domain as well as provide new housing and employment opportunities to create a vibrant local centre. It will be supported by considerations of infrastructure, traffic and development feasibility to enable a holistic review of the Mortdale Local Centre as recommended in the Commercial Centres Strategy – Part 1. A draft Masterplan is anticipated to be finalised by mid 2021.

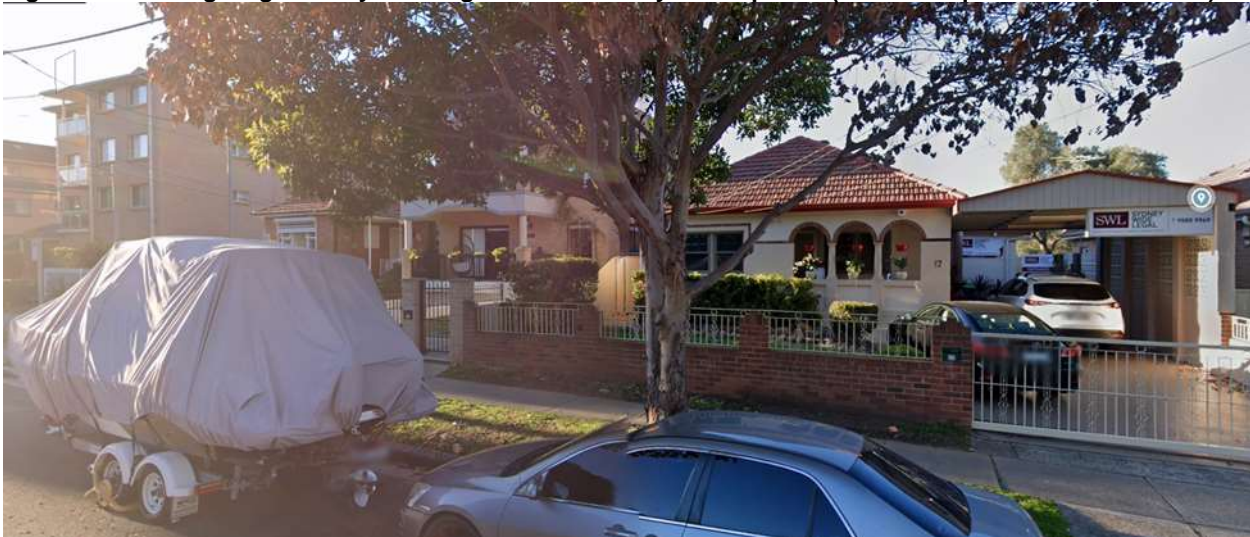
47. In respect of the Mortdale Local Centre there have been three (3) major Development Applications approved by Council in the vicinity of the Planning Proposal. The three (3) applications are on the southern side of the railway station on Railway Parade and Ellen Subway with a B2 Local Centres zoning, building height of 21m and FSR 2.5:1.
48. Construction has been finalised on a 6 storey mixed use development comprising of ground level commercial floor space with shop top housing above at 85-87 Railway Parade, Mortdale (refer to **Figure 2**). 1 Ellen Subway, Mortdale a 7 storey mixed use development comprising ground floor commercial space, 38 residential units has been approved (refer to **Figure 3**). A development application has been lodge with Council for a 7 storey mixed use development comprising of ground floor commercial space and 37 residential apartments at 89-93 Railway Parade, Mortdale (refer to **Figure 4**).

Figure 7 - Developments north of the proposal 22-26 Macquarie Place, Mortdale



Source – Google Maps

Figure 8 – Existing single storey dwellings and four storey development (11-17 Macquarie Place, Mortdale)



Source – Google Maps

Figure 9 - Existing one and two storey commercial developments (36-44 Pitt Street, Mortdale)



Source – Google Maps

Figure 10 - Existing 3 storey residential development (35-39 Pitt Street, Mortdale)



Source – Google Maps

Figure 11 – Existing three storey residential developments west of the site (view from The Strand, Mortdale)



Source – Google Maps

Existing Planning Controls

49. The Site is currently zoned B2 Local Centre that has no height controls and FSR of 1.5:1 and R3 Medium Density Residential that has a maximum height of 12m and FSR controls 1:1. **Table 5** of the report demonstrates the existing and proposed controls under the HLEP 2012 and draft GRLEP 2020.

Planning Proposal Request

Overview

50. A Planning Proposal seeking an amendment to the Hurstville LEP 2012 for 19-25 Macquarie Place and 46-56 Pitt Street, Mortdale was lodged in March 2020. An updated proposal and traffic, social and economic impact assessments were lodged in July 2020.
51. Council undertook a preliminary assessment of the design concept for the Site against Council's key strategic planning documents. A letter was sent to the applicant on 28 August 2020 outlining concerns, which are summarised as follows:
- The bulk and scale of the development are excessive and significantly out of context with any existing or proposed development.
 - The proposed B4 Mixed Use zoning is not consistent with Council's centres hierarchy outlined in the *Commercial Centres Strategy – Part 1*.
52. Council recommended that the Planning Proposal be withdrawn and that the applicant consider the outcomes of the Mortdale Local Centre Masterplan that is anticipated to be finalised by mid 2021. The applicant however, advised that Council proceed with the assessment based on their Planning Proposal request that included, B4 Mixed Use across the entire site, increase in height to 45m and increase in FSR to 3.5:1.
53. The proposal meets the 0.5:1 non-residential FSR requirement for B2 Local Centres in the draft Georges River LEP 2020.
54. The history of the Planning Proposal is summarised in **Table 2** above.

Summary of Planning Proposal Request

55. A revised Planning Proposal request was submitted by Think Planners on 13 July 2020. The Planning Proposal requests that Council initiate an amendment to the Hurstville Local Environmental Plan 2012 (HLEP 2012) summarised as follows;

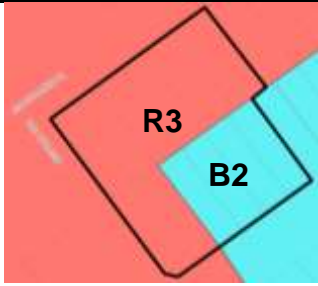

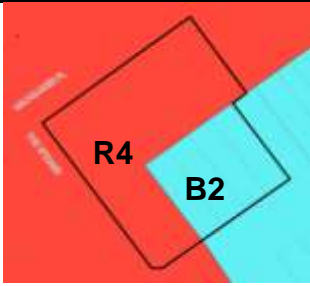
- Amend the Land Zoning Map to rezone the Site from B2 Local Centre and R3 Medium Density, to B4 Mixed Uses across the entire site;
- Amend the Height of Buildings (HOB) Map to increase the maximum height controls across the Site from no height and 12m to 45m
- Amend the Maximum Floor Space Ratio (FSR) Map to increase the maximum FSR from 1.5:1 and 1:1 to 3.5:1

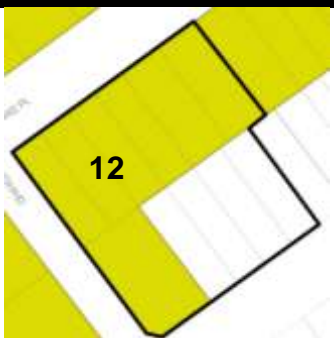

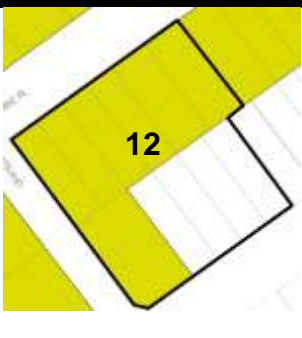
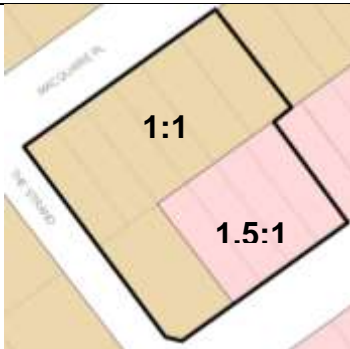

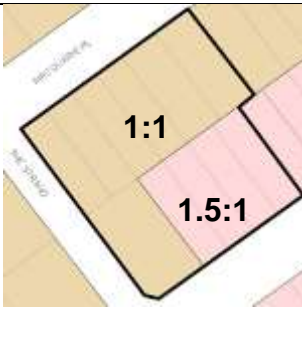
56. The Planning Proposal request included the following amended documents which form the basis of the Planning Proposal request being considered in this report:

- Planning Proposal, prepared by Think Planners (**Attachment 1**)
- Social Impact Assessment, prepared by Think Planners (**Attachment 2**)
- Site Survey prepared by Land Development Solutions (**Attachment 3**)
- Transport and Parking Assessment, prepared by Barga Traffic Planning Pty Ltd (**Attachment 4**)
- Urban Design Report, prepared by BureauSRH Architects (**Attachment 5**)
- Market Potential and Economic Impact Assessment, prepared by Location IQ (**Attachment 6**)
- Voluntary Planning Agreement for Planning Proposal (**Attachment 7**)
- Owners Letter (**Attachment 8**)

57. A comparison of existing, proposed and draft GRLEP 2020 controls for the Site is provided in **Table 5** below:

Table 5 – Comparison of existing, proposed controls under the HLEP 2012 and draft GRLEP 2020 controls

HLEP 2012 Provision	Existing	Proposed	Draft GRLEP 2020
Zone			
	B2 Local Centre <ul style="list-style-type: none"> • 46 Pitt Street • 25 Macquarie Place R3 Medium Density <ul style="list-style-type: none"> • 19-25 Macquarie Place • 56 Pitt Street 	B4 – Mixed Use Entire Site	B2 Local Centre <ul style="list-style-type: none"> • 46 Pitt Street • 25 Macquarie Place R4 High Density <ul style="list-style-type: none"> • 19-25 Macquarie Place • 56 Pitt Street

HLEP 2012 Provision	Existing	Proposed	Draft GRLEP 2020
Maximum building height			
	No height <ul style="list-style-type: none"> • 46 Pitt Street • 25 Macquarie Place 12m <ul style="list-style-type: none"> • 19-25 Macquarie Place • 56 Pitt Street 	45m Entire Site	No height <ul style="list-style-type: none"> • 46 Pitt Street • 25 Macquarie Place 12m <ul style="list-style-type: none"> • 19-25 Macquarie Place • 56 Pitt Street
Floor Space Ratio			
	1.5:1 <ul style="list-style-type: none"> • 46 Pitt Street • 25 Macquarie Place 1:1 <ul style="list-style-type: none"> • 19-25 Macquarie Place • 56 Pitt Street 	3.5:1 Entire Site	1.5:1 <ul style="list-style-type: none"> • 46 Pitt Street • 25 Macquarie Place 1:1 <ul style="list-style-type: none"> • 19-25 Macquarie Place • 56 Pitt Street

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ASSESSMENT OF THE PLANNING PROPOSAL

58. The Department of Planning, Industry and Environment's A Guide to Preparing Planning Proposals - issued under s3.33 (3) of the *Environmental Planning and Assessment Act 1979* (The Act) provides guidance and information on the process for preparing and assessing Planning Proposals. The assessment of the submitted Planning Proposal has been undertaken in accordance with the latest version of this Guide (dated August 2018).

Strategic Planning Context

Greater Sydney Region Plan (A Metropolis of Three Cities) and the South District Plan

59. The Greater Sydney Region Plan (the 'Region Plan') was finalised and released by the Greater Sydney Commission in March 2018 and establishes the aspirations for the region over the next 40 years. The Region Plan is framed around 10 directions relating to infrastructure and collaboration, liveability, productivity and sustainability.

60. The South District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for greater Sydney. They

contain planning priorities and actions for implementing the Region Plan at a district level, and are the bridge between regional and local planning.

61. An assessment against the Region and District Plans is shown below in **Table 6**.

Table 6 - Assessment of Proposal against South District Plan

Directions and Objectives	South District Planning Priority	Applicants Comments	Council Officer's comments
Infrastructure and Collaboration			
A city supported by Infrastructure			
O1: Infrastructure supports the three cities	S1: Planning for a city supported by infrastructure	The current Planning Proposal is consistent with the objectives of this direction as the site is within 250m away from Mortdale Train Station.	The Planning Proposal is located 250m from Mortdale train station and has good connections to bus services to Hurstville and Bankstown.
O2: Infrastructure aligns with forecast growth – growth infrastructure compact		Bus stops with services to Bankstown and Hurstville are situated on the opposite site of the Site's frontage to Macquarie Place.	Assessment by Council's Traffic Section raised concern that there is pressure on parking in Mortdale and traffic is already quite congested in this area. A planning proposal of this scale would increase the traffic in the area and SIDRA analysis of all strategic intersections leading to this site will be required to assess the impact that such a development will have and how it will be managed. A SIDRA analysis has not accompanied the planning proposal.
O3: Infrastructure adapts to meet future need		Redevelopment of the site in accordance with the Planning Proposal will result in an increase in the residential population, however this will increase patronage to utilise the existing transport infrastructure within Mortdale.	
O4: Infrastructure use is optimised		A future VPA offers the opportunity to deliver a new community space which can provide a future space for a library.	The Planning Proposal has not demonstrated how it can effectively deliver a regional library service with a required floor space of 2500sqm as recommended by Library 2030 - Georges River Library Strategy. At the meeting on 17 September 2020 the applicant advised Councils officers that the community space will be 1,000sqm or less.

Directions and Objectives	South District Planning Priority	Applicants Comments	Council Officer's comments
Livability			
A city for people			
O6: Services and infrastructure meet communities' changing needs	S3: Provide services and social infrastructure to meet people's changing needs	<p>The proposal is to deliver a new modern RSL club that is to cater to the changing needs of the community, in terms of service and facilities that contemporary Australian are seeking including better dining option and more family friendly venues.</p> <p>Furthermore, the current Planning Proposal will permit the RSL club to continue to service its local community by insuring that the recreational opportunities within Mortdale are available.</p> <p>The revitalisation to the southwestern edges of the Mortdale Town Centre will deliver new pedestrian links along both Macquarie Place and Pitt Street which will enhance the pedestrian environment including the safety of people accessing the site and accessing surrounding land.</p> <p>Finally, the future VPA offers the opportunity to deliver a new community space which can provide a future space for a library.</p>	<p>An offer to enter into a planning agreement has been provided which includes the following:</p> <ul style="list-style-type: none"> • Potential future library space • Public domain works on site boundaries • Incorporation of public art • Cash contributions <p>The strategy titled <i>Library 2030 - Georges River Library Strategy</i> was adopted by Council and recommends the establishment of a library of approximately 2,500sqm in the western half of the Georges River LGA. This floor space is required in order to effectively deliver a regional library service. Any smaller floor space would have limited public benefit.</p> <p>Based on Council research and modelling for future library services, Council's Director Community and Culture has advised that establishing a library in this location without the appropriate floor space, of 2500sqm would not be supported.</p> <p>At the meeting on 17 September 2020 the applicant advised Councils officers that the community space will be 1,000sqm or less.</p>

Directions and Objectives	South District Planning Priority	Applicants Comments	Council Officer's comments
<p>07: Communities are healthy, resilient and socially connected</p> <p>08: Greater Sydney's communities are culturally rich with diverse neighbourhoods</p> <p>09: Greater Sydney celebrates the arts and supports creative industries and innovation</p>	S4 Fostering healthy, creative, culturally rich and socially connected communities	<p>The renovation of the RSL club which traditionally caters for older residents will provide a healthy and safe place for people of all ages and abilities to enjoy and patron.</p> <p>The future VPA offers the opportunity to deliver a new community space which can provide a future space for a library.</p> <p>Finally, the proposed residential component of the current Planning Proposal will serve a large range of different household types in the future residential community.</p> <p>The revitalisation to the southwestern edges of the Mortdale Town Centre will deliver new pedestrian links along both Macquarie Place and Pitt Street which will enhance the pedestrian environment including the safety of people accessing the site and accessing surrounding land.</p>	<p>The proposed development proposes to enhance activity and social interaction through the revitalisation of the southwestern edge of the Mortdale Local Centre. The Mortdale Local Centre is currently a vibrant centre, with small grain development.</p> <p>The renovation of the RSL club will provide community benefit through street level activation along both Macquarie Place and Pitt street.</p> <p>A mixed-use neighbourhood facility close to centres and public transport would improve the opportunity for people to walk and cycle to local shops and services. This will encourage residents to walk while decreasing traffic congestion around Mortdale Local Centre.</p>
Housing the city			
<p>O10: Greater housing supply</p> <p>O11: Housing is more diverse and affordable</p>	S5: Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>The proposal is to provide additional residential units within an established town centre supported by strong public transport infrastructure including Mortdale Train Station.</p> <p>The proposal will include a variety of apartment sizes and types to contribute to housing diversity within the</p>	<p>The Planning Proposal proposes to provide 170 residential units, including a variety of apartment sizes to contribute to the housing supply and diversity. The development is located close to Mortdale train station and benefits from bus services to Hurstville and Bankstown.</p> <p>Housing Affordability</p>

Directions and Objectives	South District Planning Priority	Applicants Comments	Council Officer's comments
		local housing market.	<p>Across Greater Sydney, both home renters and purchasers face housing affordability challenges as Greater Sydney has been measured as being one of the least affordable housing markets globally and is the least affordable Australian city.</p> <p>Georges River Council has prepared a draft Affordable Housing Policy which will be exhibited by Council later in 2021.</p> <p>The development will cater for a variety of socio-economic groups. It will maintain existing social diversity and increase housing choice, affordability and social mix.</p>
A city of great places			
<p>O12: Great place that bring people together</p> <p>O13: Environmental heritage is identified conserved and enhanced</p>	S6: Creating and renewing great places and local centres, and respecting the district's heritage	<p>The current planning proposal exhibits planning principles that support a place-based approach.</p> <p>The site is not identified as containing a heritage item, and it is not located within a heritage conservation area. As a result, the proposal is not subject to any heritage restriction and as such no further heritage investigation is considered necessary.</p> <p>The proposal is to not only revitalise an aging RSL club that is to positively contribute to Mortdale's night time economy whilst also providing valuable recreation opportunities to the local</p>	<p>It is expected that the proposed redevelopment of the Site would include improvements to the public domain and the provision of communal open spaces for the proposed residents. However assessment by the Council's urban designer indicates that the proposal displays no public presence, no integration or consideration of public domain.</p> <p>The proposed development would accommodate formal and informal opportunities to develop and maintain social connections, through the revitalisation of the south western edge of Mortdale</p>

Directions and Objectives	South District Planning Priority	Applicants Comments	Council Officer's comments
		community, but will provide additional commercial space to deliver a new supermarket that will not only support the function and performance of Mortdale Town Centre via increasing the community's access to goods and services, especially towards its south-western edges but contribute towards stimulating commercial activities along Pitt Street via playing a role as a key anchor development.	Town Centre. The site does not contain any identified heritage items and is not within a heritage conservation area.
Productivity Jobs and Skills for the city			
O22: Investment and business activity in centres	S9: Growing investment, business opportunities and jobs in strategic centres	The proposal is to not only revitalise an aging RSL club that is to positively contribute to Mortdale's night time economy whilst also providing valuable recreation opportunities to the local community, but will provide additional commercial space to deliver a new supermarket that will not only support the function and performance of Mortdale Town Centre via increasing the community's access to goods and services, especially towards its south-western edges but contribute towards stimulating commercial activities along Pitt Street via playing a role as a key anchor development. The proposal is to improve the walkability within and to centres by the delivery of new pedestrian links along both Macquarie Place and Pitt Street which will enhance the pedestrian environment.	Mortdale has been identified as a local centre. Local centres are important for access to day-to-day goods and services. These centres create a strong sense of place within the local community. Local centres are collections of shops and health, civic or commercial services. The Planning Proposal will be providing additional commercial space to deliver a new supermarket. The South District Plan states that increasing the level of residential development within walking distance of centres with a supermarket is a desirable livability outcome. The Commercial Centres Strategy – Part 1 (CCS) identifies the B2 – Mortdale (Morts Road) Centre as a Local Centre within the

Directions and Objectives	South District Planning Priority	Applicants Comments	Council Officer's comments
			<p>centres hierarchy. Although there is a forecasted demand for increased employment floor space in the centre, the proposed B4 zone is inconsistent with the centres hierarchy.</p> <p>As a local centre in the context of the LGA and the South District, only a B2 zone can be supported to ensure a consistent approach to land use planning is applied across all Local Centres.</p> <p>The B4 Mixed Use zone is applied to land located within the Hurstville City Centre and the Kogarah Town Centre, which are identified as strategic centres with regional significance by the District and Region Plans due to the level of services and facilities provided by these centres.</p>
Sustainability A city in its landscape			
O31: Public open space is accessible, protected and enhanced	PP S17: Delivering high quality open space	<p>The Planning Proposal is to deliver new pedestrian links along both Macquarie Place and Pitt Street which will enhance the pedestrian environment including the safety of people accessing the site and accessing surrounding land.</p> <p>The proposal also comprises its own communal open space and landscaped area within a commercial context.</p>	<p>The proposed development proposes to deliver new pedestrian links along both Macquarie Place and Pitt street. The proposal also comprises its own communal open space and landscaped area within the development.</p> <p>However, assessment by the Council's urban designer indicates that the proposal displays no public presence, no integration or consideration of public domain.</p>
An efficient city			

Directions and Objectives	South District Planning Priority	Applicants Comments	Council Officer's comments
<p>O33: A low-carbon city contributes to net-zero emission by 2050 and mitigate climate change</p> <p>O34: Energy and water flows are captured, use and re-used</p> <p>O35: More waste is re-used and recycled to support the development of a circular economic</p>	<p>S19: Reducing carbon emissions and managing energy, water and waste efficiently</p>	<p>The proposal does not include sustainability initiatives such as recycled water, sustainable building materials, and photovoltaics. Should the proposal proceed; initiatives towards net-zero emissions by 2050, methods of recycling construction and ongoing waste should be investigated as part of the Development Application stage.</p>	<p>No details on sustainability incentives have been provided with the planning proposal.</p>
<p>O36: People and places adapt to climate change and future shocks and stresses</p> <p>O37: Exposure to natural and urban hazards is reduced</p> <p>O38: Heatwaves and extreme heat are managed</p>	<p>C20: Adapting to the impacts of urban and natural hazards and climate change</p>	<p>The proposal is not located in a location identified as impacted by natural hazard zones such as bushfire. The proposal lists initiatives that contribute to mitigate urban heat island effect in the area.</p>	<p>As part of the planning proposal no information has been provided on how the development will reduce the impacts of urban and natural hazards and climate change.</p>

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Georges River LSPS 2040 - Local Strategic Planning Statement

62. The Local Strategic Planning Statement (LSPS) 2040 outlines the 20-year vision for land use planning in the LGA. Underpinned by the five interrelated themes, the draft LSPS 2040 will assist in implementing actions in the Regional and District Plans, and Council's own priorities in its Community Strategic Plan:

- Access and movement
- Infrastructure and community
- Housing and neighbourhoods
- Economy and centres
- Environment and open space

63. An assessment of the Planning Proposal against the LSPS 2040 Planning Priorities is provided in **Table 7** as follows:

Table 7 – LSPS Planning Priorities

Planning Priority	Applicants comments	Council Officers Assessment
Economy and Centres		
P15. All local centres are supported to evolve for long-term viability	This Planning Proposal is entirely aligned with the LSPS by assisting with activation of an existing local centre. The Planning Proposal seeks to remove large spans of inactivated prime local centre land and reinvigorate this location with a new contemporary standard RSL and an injection of housing to enliven the space, enhance the economic activity with this local centre and assist with the overall viability of Mortdale.	<p>The LSPS 2040 identifies Mortdale Local Centre as an appropriate location to be investigated for additional jobs and housing opportunities and potential expansion.</p> <p>Mortdale Local Centre is in the early stages of a place-based masterplanning process and it is anticipated that the draft Masterplan will be finalised by mid 2021. The Masterplan will enable a holistic review of the Mortdale Local Centre as recommended in the Commercial Centre Strategy – Part 1.</p> <p>The planning proposal does not support the long term viability of the Mortdale Local Centre as it is an ad-hoc approach.</p> <p>The proposed B4 zone is inconsistent with Councils centres hierarchy as per the Commercial Centre Strategy-Part 1. As a local centre in the context of the LGA and the South District, only a B2 zone can be supported to ensure a consistent approach to land use planning is applied. The B4 zone is only applied to land located within the Hurstville City Centre and the Kogarah Town Centre, which are identified as strategic centres.</p>
Housing and neighbourhoods		

Planning Priority	Applicants comments	Council Officers Assessment
P9. A mix of well-designed housing for all life stages caters for a range of lifestyle needs and incomes	The Planning Proposal will be providing an accessible range of new dwellings that will be a mix of 1, 2 and 3 bedrooms in size to provide for an evolving community.	The Planning Proposal plans to provide 170 residential units comprising of a variety of sizes.
P10. Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces	These new homes are to be located within an existing local centre that is supported by a diverse range of facilities, services as well as spaces. The new mixed use development will be designed with all abilities in mind and ensure public accessibility standards are achieved.	The Planning Proposal is located within the Mortdale local centre which provides a range of facilities and services. The development is also located close to public transport.

64. The LSPS states that Georges River has 46 local and neighbourhood centres of different sizes, character and function. Mortdale is an identified local centre as shown in **Figure 12** below. It has also been identified as part of 'Centre Expansion Investigation (Jobs and/or housing)'
65. The LSPS 2040 identifies Mortdale Local Centre as an appropriate location to be investigated for additional jobs and housing opportunities and potential expansion. This investigation is currently underway but not yet at a stage to inform a planning proposal.

Figure 12 – Economy and Centres Structure Plan



Source: LSPS 2040

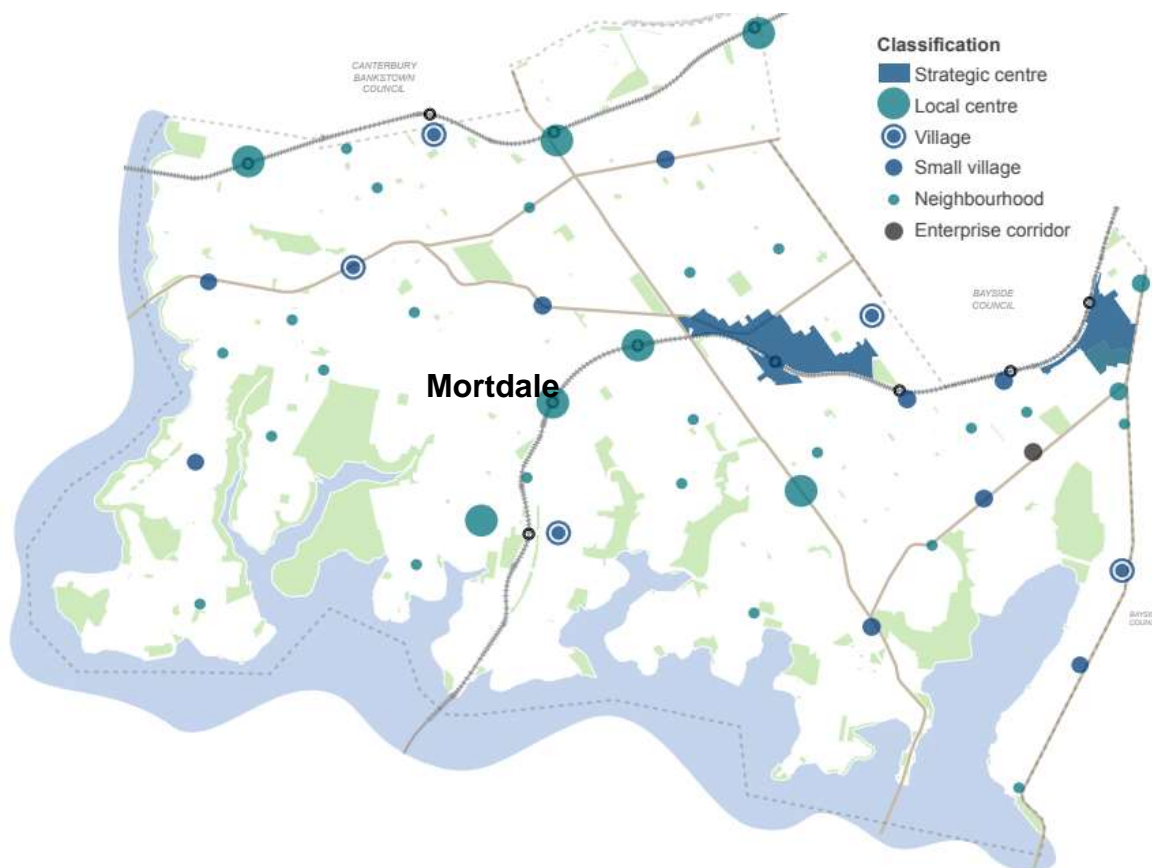
Georges River Commercial Centres Strategy

66. The Georges River Commercial Centres Strategy is being developed in two stages; Part 1 and Part 2. Part 1 informed the preparation of Georges River LEP 2020 and Part 2 will look at the roles and functions of all 48 commercial centres. It will provide centre-specific objectives, building controls and guidelines, and explore the potential expansion of appropriate centres.
67. The primary purpose of Part 1 was to inform the preparation of LEP 2020 and its accompanying development control plan. It conducts a stocktake of all 48 commercial centres in the Georges River LGA through a holistic approach with the intention of harmonising the existing planning frameworks that govern the future development of these centres.
68. Part 1 also looks at the inconsistencies and deficiencies of the current planning framework. It harmonises the permissible land uses and introduces land uses that will promote employment in response to the emerging economic trends and drivers, and investigates

the appropriate mix required between employment and residential floor space in mixed use developments.

69. In the Council's Commercial Centres Strategy – Part 1, Mortdale is identified as a Local Centre as shown in **Figure 13** and is zoned B2 under the Hurstville Local Environmental Plan 2012 (HLEP 2012). The B2 – Local Centre zones provide essential access to day to day goods and services to where people live.
70. The proposed B4 zone is inconsistent with the centres hierarchy. As a local centre in the context of the LGA and the South District, only a rezoning to the B2 zone can be supported to ensure a consistent approach to land use planning is applied across all Local Centres. The existing B4 Mixed Use zone is applied to land located within the Hurstville City Centre and the Kogarah Town Centre, which are identified as strategic centres with regional significance by the District and Region Plans due to the level of services and facilities provided by these centres.

Figure 13 – Existing centres Hierarchy



71. The strategy recommends minimum non-residential FSRs required to meet 2036 demand, and for the Mortdale local centre this is 0.98:1. The draft Georges River LEP 2020 proposes a minimum non-residential FSR of 0.5:1 for the Mortdale local centre. This is increased from 0.3:1 in the current Hurstville LEP 2012.
72. Until the Commercial Centres Strategy Part 2 has been prepared, the Council has developed a guideline in the interim to ensure that any applicant-initiated request is supported by evidence findings, strategic and site-specific merit and great urban design

outcomes. Expansion of the nominated centres may be considered if the subject site meets specific rezoning criteria.

73. The criteria are provided below in **Table 8**, along with the applicants and Council Officers assessment against the criteria.

Table 8 – Rezoning Criteria

Criteria	Applicants comments	Council Officers comments
Not an ad hoc out-of-centre rezoning	The rezoning is within the south-western edges of the Mortdale Town Centre and as such is not considered an ad hoc out-of-centre rezoning.	<p>The south-east corner of the site forms part of the B2 Mortdale Local Centre. Council has commenced a masterplanning exercise of the Mortdale Local centre and a draft Masterplan will not be completed until mid 2021. The masterplan will investigate appropriate FSRs and heights for the centre. It will seek to encourage urban renewal and be supported by considerations of infrastructure, traffic and development feasibility to enable a holistic review of the Centre as recommended in the Commercial Centre Strategy – Part 1 Therefore the Planning proposal is an ad hoc approach at present.</p> <p>The Commercial Centres Strategy – Part 1 identifies the B2 – Mortdale (Morts Road) centre as a Local Centre within the centres hierarchy. Although there is a forecasted demand for increased employment floor space in the centre, the proposed B4 zone is inconsistent with the centres hierarchy. As a local centre in the context of the LGA and the South District, only a rezoning to the B2 zone can be supported to ensure a consistent approach to land use planning is applied across all Local Centres. The B4 Mixed Use zone is only applied to land located within the</p>

Criteria	Applicants comments	Council Officers comments
		Hurstville City Centre and the Kogarah Town Centre, which are identified as strategic centres with regional significance by the District and Region Plans due to the level of services and facilities provided by these centres.
Rationalises existing use rights and/or additional permitted use premises	The current Planning Proposal is to take advantage of its existing use rights to expand and revitalise an existing RSL that will provide valuable recreational and dining opportunities and ultimately create a new vibrant facility for the community.	The RSL Club, residential uses, and retail facilities (massage/day spa) are each already provided at the subject site, the proposed development would not introduce new uses to the site.
Is immediately adjacent to an existing centre with the following categorisation in the retail hierarchy of centres (Local Centre).	The subject sites resides within a Local Centre –Mortdale.	The Site is within and adjacent to the Mortdale Local Centre which is categorized as a B2 – Local Centre. The proposed B4 Mixed Use zone is only applied to land located within the Hurstville City Centre and the Kogarah Town Centre, which are identified as strategic centres with regional significance by the District and Region Plans due to the level of services and facilities provided by these centres
Meeting an economic demand for additional employment floor space that cannot be provided within the existing centre and Addressing a demonstrated shortfall/retail gap, particularly in the local food and grocery network that cannot be accommodated within the existing centre	As identified by Part 6.14 (Mortdale Centre Employment Space Demand) of the Economic Study, Mortdale does not have a full-line supermarket and that several at-grade open carparks including portion of the development site could be redeveloped. The proposal is to not only revitalise an aging RSL club that is to positively contribute to Mortdale's night time economy whilst also providing valuable recreation opportunities to the local community, but will provide additional commercial space to deliver a new supermarket that will not only support the function and	The proposal anticipates the creation of additional commercial floor space and around 247 direct and indirect jobs. Based on the Commercial Centres Strategy - Part 1, the Mortdale Local Centre currently encompasses some 20,412m2 of employment floorspace. Based on demand modelling, the Strategy indicates a demand for a net additional 6,602m2 of employment floorspace over the period to 2036, or an additional 413m2 per annum. A small-scale supermarket is

Criteria	Applicants comments	Council Officers comments
	<p>performance of Mortdale Town Centre via increasing the community's access to goods and services, especially towards its south-western edges but contribute towards stimulating commercial activities along Pitt Street via playing a role as a key anchor development.</p> <p>Furthermore, as part of a future VPA the development proposal offers the opportunity to deliver a new community space which can provide a future space for a public library. A recent review of the library facilities in the local area revealed there that there is a library in South Hurstville as well as one located at Penshurst. Both existing facilities are not accessible via public transport which is a major problem for older school students, university students and other residents who are reliant on public transport.</p>	<p>not considered to be an attractor with the same level of significance as those provided within the Hurstville City Centre. Accordingly, the proposed development is inconsistent with the proposed application of the B4 land use zone.</p> <p>A B4 Mixed Use zoning will require a 1:1 non-residential FSR, therefore the applicant will have to provide for 4,600sqm of non-residential FSR. B2 Local Centres require a 0.5:1 non residential FSR.</p> <p>Councils Library Strategy recommends the establishment of a library of approximately 2,500sqm in the western half of the Georges River LGA. This floor space is required in order to effectively deliver a regional library service. Any smaller floor space would have limited public benefit. Based on Council research and modelling for future library services, Council's Director Community and Culture has advised that a space smaller than 2,500sqm would not meet future community needs.</p> <p>At the meeting on 17 September 2020 the applicant advised Councils officers that the community space will be 1,000sqm or less.</p>

Criteria	Applicants comments	Council Officers comments
Does not negatively impact the economic viability and performance of the existing centre	<p>The current Planning Proposal will have a positive impact on the economic viability and performance of Mortdale, especially to its south-western edges along Pitt Street. The revised RSL will provide valuable recreation and dining opportunities whilst also contributing to the night-time economy whilst the supermarket will positively contribute towards providing additional goods and services to the local community. Finally, the medical centre is to provide additional medical services to Mortdale ageing population.</p>	<p>The Commercial Centres Strategy – Part 1 identifies the B2 – Mortdale (Morts Road) centre as a Local Centre within the centres hierarchy. Although there is a forecasted demand for increased employment floor space in the centre, the proposed B4 zone is inconsistent with the centres hierarchy. As a local centre in the context of the LGA and the South District, only a B2 zone can be supported to ensure a consistent approach to land use planning is applied across all Local Centres. The B4 Mixed Use zone is only applied to land located within the Hurstville City Centre and the Kogarah Town Centre, which are identified as strategic centres with regional significance by the District and Region Plans due to the level of services and facilities provided by these centres.</p>
<p>Delivers a greater net community benefit compared to the existing use on the subject site and Presents a significant opportunity to provide much-needed, community-oriented benefits including but not limited to:</p> <ul style="list-style-type: none"> • At-grade public gathering spaces • Multi-use and flexible community facilities • Through-site links • Public view corridors and vistas • Public car parking • Improved traffic and road network conditions 	<p>The proposal is to undertake a significant revitalisation to the south-western edges of the Mortdale Town Centre. This includes the delivery of new pedestrian links along both Macquarie Place and Pitt Street which will enhance the pedestrian environment including the safety of people accessing the site and accessing surrounding land. The new RSL building provides significant community benefit through street level activation with the aim of creating a new vibrant facility for the community. Furthermore, the current Planning Proposal will also provide additional health facilities to service the localities aging population with a proposed medical centre and as part of a future VPA, deliver a new</p>	<p>The Planning Proposal proposes to provide additional commercial and retail space and improved pedestrian aims to provide links along Macquarie Place and Pitt Street.</p>

Criteria	Applicants comments	Council Officers comments
<ul style="list-style-type: none"> Facilitates arts and creative industries <p>Offers the opportunity to provide better linkages between fragmented parcels of employment uses within the existing centre</p>	<p>community space which can provide a future space for a public library.</p> <p>The existing land parcels are fragmented noting the variety of land uses including an aging RSL building and associated at-grade car parking area, a large flat building and older style residential dwellings located on the southern edges of an established town centre.</p> <p>The current Planning Proposal would remove the fragmentation via consolidating the 11 separate land parcels to deliver a contemporary modern gateway mixed use building that would exemplify design excellence and architectural merit. The proposal would not only increase the overall employment land within Mortdale but will positively contribute towards not only expanding the centre westwards but revitalising the economic performance of Mortdale, especially along Pitt Street.</p>	<p>The planning proposal will consolidate the 11 parcels to provide a mix used development.</p> <p>The proposal will expand the extent of the existing centre and increase the employment floor space for Mortdale town centre.</p> <p>The proposal will contribute to additional jobs and services for Mortdale local centre.</p>
<p>Demonstrates that there is no potential for a precedent to be set</p>	<p>Considering the size of the land parcels and the existing use rights afforded to the existing RSL club, the current proposal presents a unique opportunity to undertake a significance redevelopment of fragmented land parcels located within the western edges of a town centre. Due to the location and size of the subject land parcel and the unique nature of the proposal it is not likely that the current Planning Proposal will not result in any precedent to be set for future redevelopment within Mortdale Town Centre.</p> <p>The Economic Study identified a shortage of employment floor space within Mortdale which would eventually impact on its ability to provide essential services and employment opportunities for their</p>	<p>The Planning Proposal will set a precedent for other B2 Local Centres to request a B4 – Mixed Use zoning resulting in a commercial centres hierarchy issues.</p> <p>The Georges River Commercial Centres Strategy – Part 1 identifies a centres hierarchy within the Georges River LGA. It identifies the two strategic centres of Hurstville and Kogarah as being zoned B4 Mixed Use, based on their regional significance as identified in the District and Region Plans; and due to the level of services and facilities provided by these centres. Hence, The requested B4 zoning for the Mortdale Local</p>

Criteria	Applicants comments	Council Officers comments
	<p>surrounding communities.</p> <p>As such the current Planning Proposal would contribute towards alleviating the shortage of employment floor space within Mortdale whilst also improving the overall function and performance of the Mortdale Town Centre.</p>	<p>Centre is not supported.</p> <p>Furthermore, the planning proposal will set an undesirable precedent in terms of the resulting development proposed being out of scale and context with the locality and interface with adjacent zones.</p>
Provides strategic merit in expanding the existing centre that aligns with the policy direction of this Strategy and the Greater Sydney Region Plan and South District Plan	Refer to detail discussion against both the Greater Sydney Region Plan and the South District Plan further within this statement.	<p>There is no strategic basis for the expansion of the Mortdale Local Centre at present as the placed based masterplanning work is still underway. Ad hoc Therefore the planning proposal is ad-hoc and does not have strategic merit.</p> <p>Further work was recommended by the Georges River Commercial Centres Strategy – Part 1 which is currently underway.</p>

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State and Regional Statutory Framework

74. The Planning Proposal has been assessed against below State Environmental Planning Policies (SEPPs), as provided in **Table 9** below:

Table 9 – Draft Planning Proposal consistency with relevant State Environment Planning Policies

SEPP	Applicants comments	Council Officers comments
SEPP No.55 – Remediation of Land	The existing uses of the site are unlikely to result in contamination of the land.	The planning proposal is consistent with the aims and provisions of this SEPP.
SEPP No. 65 – Design Quality of Residential Apartment Development Design Quality Principles Principle 1: Context and neighbourhood character Principle 2 : Built form and scale Principle 3: Density Principle 4:	This SEPP will apply to a future development application. The reference design provided with this submission demonstrates that relevant guiding principles of SEPP 65 were considered including building separation, solar access, cross ventilation and apartment sizes.	<p>A peer review of the urban design report was conducted and concerns were raised in regards to Principle 1, 2 and 3. Principles 4 to 9 were unable to be consider due to insufficient information provided.</p> <p>Context and neighbourhood: The proposal demonstrates a poor response to its context and existing neighbourhood character due to the proposed</p>

SEPP	Applicants comments	Council Officers comments
Sustainability Principle 5: Landscape Principle 6: Amenity Principle 7: Safety Principle 8: Housing diversity and social interaction Principle 9 Aesthetics		<p>built form and scale</p> <p>There is insufficient evidence to support the need for a high-rise 'anchor' development of 12 storeys within the surrounding 4 storey context.</p> <p>Built form and scale: The proposed 12 storey development is 3 to 4 times higher than the surrounding context and is presented as a monolithic mass that does not respond to the existing rhythm of the streetscape.</p> <p>Density: The Planning Proposal has failed to demonstrate how the proposed height of 45m and FSR of 3.5:1 will work in the existing context. Concern is raised that the Planning Proposal will lead to excessive building height and bulk and will lead to overshadowing, solar access and liveability issues.</p>
SEPP (Building Sustainability Index: BASIX) 2004	The planning proposal is consistent with the aims or provisions of this SEPP.	Detailed compliance with SEPP (BASIX) would be a matter of consideration as part of a future DA.
SEPP (Infrastructure) 2007	Future development may constitute traffic generating development and trigger an assessment under this SEPP.	Assessment by Council's Traffic Section raised concern that there is pressure on parking in Mortdale and traffic is already quite congested in this area. A planning proposal of this scale would increase the traffic in the area and SIDRA analysis of all strategic intersections leading to this site will be required to assess the impact that such a development will have and how it will be managed. A SIDRA analysis has not accompanied the planning proposal.

SEPP	Applicants comments	Council Officers comments
SEPP (Affordable Rental Housing) 2009	The planning proposal is consistent with the aims or provisions of this SEPP. Future development may incorporate housing delivered under this SEPP and relevant provisions will be given detailed consideration during the assessment of a development application.	The draft Planning Proposal plans proposes to provide 170 residential units, including a variety of apartment sizes to contribute to the housing supply and diversity. A draft Affordable Housing Policy has been prepared and will be exhibited by Council later in 2021.

S9.1 Ministerial Directions

75. Ministerial Directions under Section 9.1 (formerly S117) of the EP&A Act set out a range of matters to be considered when preparing an amendment to a Local Environmental Plan.
76. The Planning Proposal has been assessed against the relevant Ministerial Directions as provided in **Table 10** below:

Table 10 – Ministerial Directions

S9.1 Direction	Applicants comments	Council Officers comments
1.1 Business and Industrial Zones	The planning proposal seeks to retain the general business zoning and expand on the B2 zone to permit a larger range of commercial uses as proposed in the B4 Mixed Use zone.	The planning proposal proposes a B4 Mixed Use zone which is inconsistent with the centres hierarchy. In the context of the LGA, Mortdale is considered a Local Centre, only a rezoning to the B2 zone can be supported to ensure a consistent approach to land use planning is applied across all Local Centres.
3.1 Residential Zones	The planning proposal is consistent with the direction. The planning proposal seeks to permit an injection of residential development which will represent a more efficient use of existing infrastructure and services and reduces the consumption of land for housing through urban renewal.	The planning proposal will create a mix of residential apartments located close to Mortdale train station and has good bus connections to Hurstville and Bankstown.
3.4 Integrating Land Use and	The planning proposal is	Detailed traffic analysis of

S9.1 Direction	Applicants comments	Council Officers comments
Transport	consistent with the direction. The subject site is within proximity of Mortdale Train Station.	all strategic intersections leading to this site will need to be carried out indicating the impact that such a development will have in this area.
7.1 Implementation of A Plan for Growing Sydney	The planning proposal achieves the overall intent of the Plan and seeks to implement the achievement of its vision, land use strategy, policies, outcomes or actions. This planning proposal seeks to facilitate development of this key parcel of land which will encourage economic investment in this strategic centre, employment generation and delivery of new housing opportunities.	The planning proposal is an ad-hoc approach to local centre planning and development. It is not supported by a strategic plan. A masterplanning exercise is underway for the Mortdale Local Centre but will not be finalised as a draft until mid 2021.

SITE SPECIFIC MERIT ASSESSMENT

77. The preliminary design concept was submitted to Council in March 2020, seeking a 1-12 storey mixed use development including the following:

- Zone B4 – Mixed Use, Height of Buildings 45m and FSR 3.5:1
- 170 residential apartments
- Retail and commercial floor space 1,800m²
- Basement car parking

78. It is considered that the proposed design does not demonstrate site-specific merit. The detailed comments are provided below:

Urban Design, context and neighbourhood character & built form and scale

79. Although the need for urban renewal is acknowledged, the proposal demonstrates a poor response to its context and existing neighbourhood character due to the proposed built form and scale.
80. The site is located at the periphery of the Mortdale Local Centre at the end of Pitt Street and is a critical point in transition between the Local Centre and the adjoining residential areas with an established 3 to 4 storey walk-up unit typology.
81. The proposed high-rise development is enclosed by quiet, suburban streets. There is insufficient evidence to support the need for a high-rise 'anchor' development of 12 storeys within this homogenous 4 storey context. An 'anchor' treatment is considered to be more appropriate for locations with greater visibility, for example at the centre's interface to

locally and regionally significant roads and/or key transport routes such as Morts Road and the railway line.

82. The proposed 12 storey development is 3 to 4 times higher than the surrounding context and is presented as a monolithic mass that does not respond to the existing rhythm of the streetscape. The prevailing building width exhibited by the adjacent unit blocks ranges between 12m and 15m. The width of each tower element measures over 35m and exacerbates the excessive bulk of the proposal.
83. Furthermore, the built form presents itself as a monolithic street wall on Pitt Street. The width of the site measures approximately 65m from the boundary of No.44 Pitt Street to The Strand. Based on the massing provided (refer **Figure 14** below) and the concept floor plans in the Urban Design Report, the Pitt Street façade is approximately 45m in width. This is a significant contrast to the prevailing building width of between 20m to 25m on Pitt Street.
84. Similarly, the Macquarie Place the façade is approximately 45m in width. This is a significant contrast to the prevailing building width of between 12m to 15m on Macquarie Place.
85. The Urban Design Report lodged by the proponent acknowledges that the Macquarie Place interface requires an appropriate response to address the transition needed towards the existing low-scale residential units. However, the nil setback at ground floor and the 5m front setback for the 9 storey residential tower above is insufficient in alleviating the visual dominance presented by the 10 storey façade.
86. The proposed development is out of context with the existing subdivision pattern rhythm and streetscape of the area.
87. The proposal displays no public presence, no integration or consideration of public domain. It is unclear where the communal open space will be provided because it not reflected by the floor plans in the Urban Design Report.
88. An assumption can be made on the built form modelling provided that a portion of the open space for this development is located in the centre of the site but it is enclosed and overshadowed by the tall towers of this development. This will result in poor amenity and liveability for future residents of the development.
89. **Figures 14** below illustrate how the excessive bulk and scale of the proposed development.

Figure 14 – 3D Birds eye view

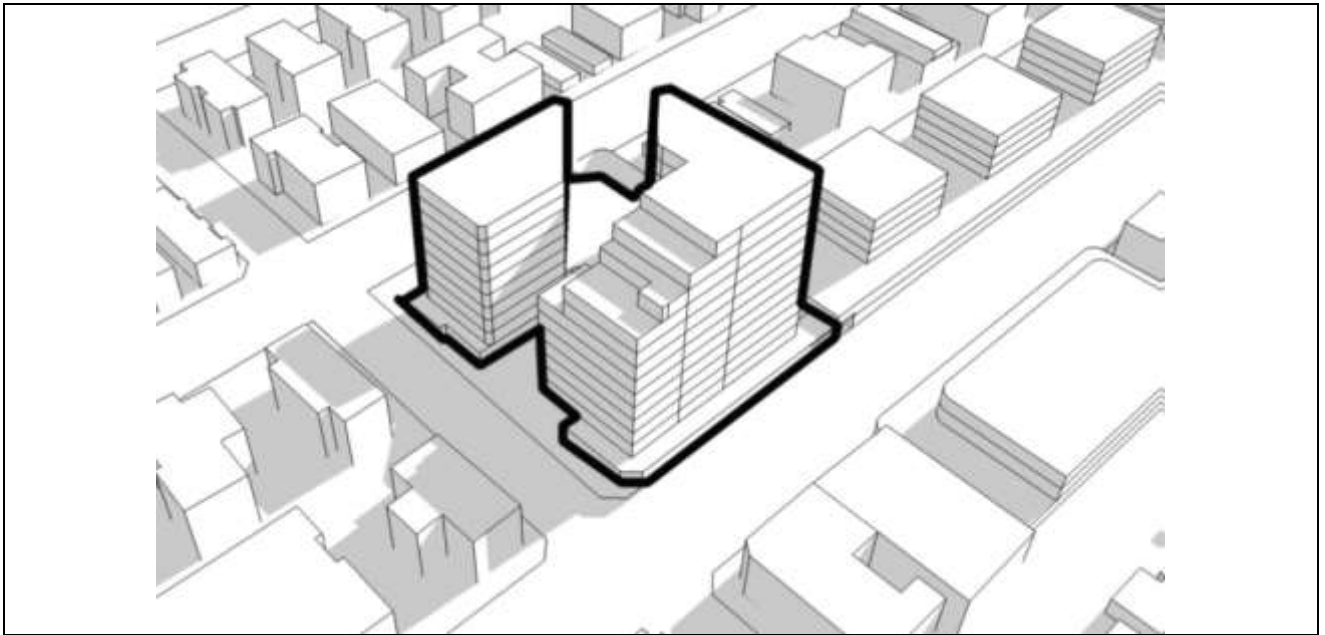
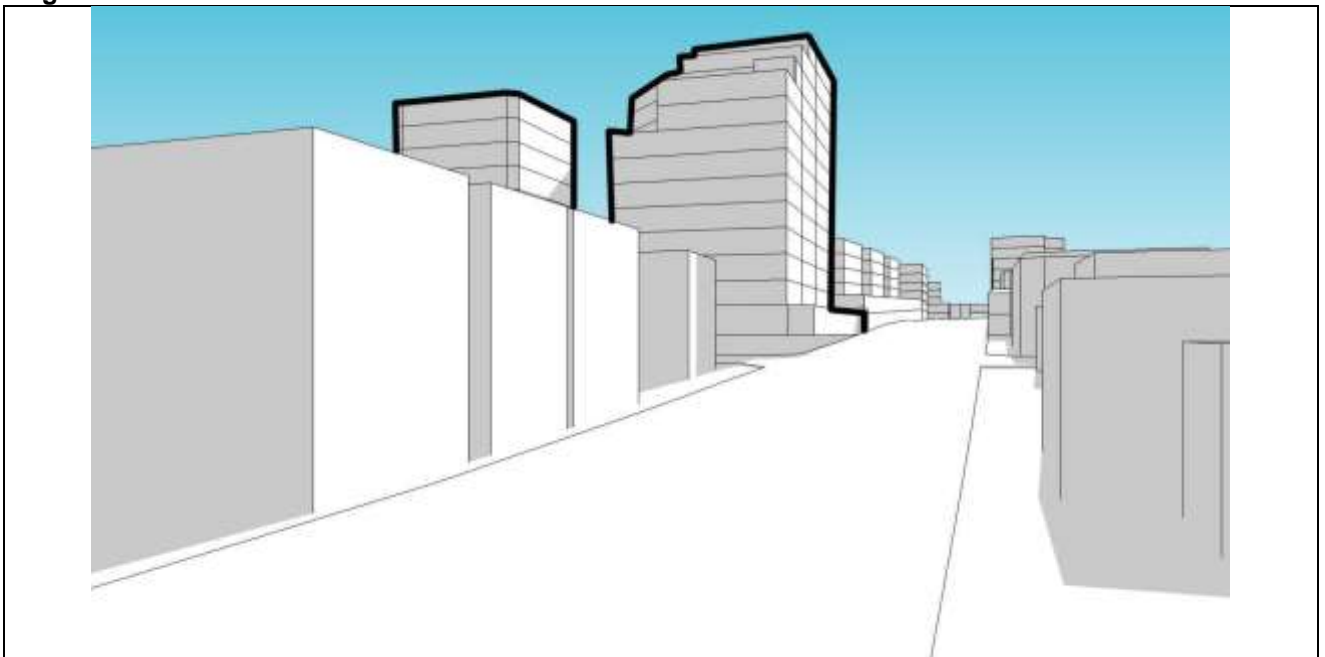


Figure 14 – View from the street



90. An urban design assessment was undertaken of the original concept design lodged in March 2020 by the Council's Urban Design Planner. The following issues were raised in terms of the Urban Design Report and the Reference Plans lodged by the proponent in the Council's request for additional information in May 2020.

Urban Design Report (UDR) and Reference Plans

- a. *The Reference Plans are inconsistent with the UDR – for example, the section on page 16 of the UDR shows a 2 storey podium form with residential/commercial uses on the first floor while the Reference Plans only show a single storey podium form with no additional commercial uses above ground floor. The UDR must be reconciled with the Reference Plans.*
- b. *No basement plans are provided – this is critical information given that the section on page 14 of the Reference Plans illustrate that a supermarket market is located in L1 and L2 of the basement. A full set of plans must be provided.*

- c. *The PP report (page 7) makes reference to the provision of a library as part of a VPA; however neither the UDR nor the Reference Plans illustrate the location of the potential location of this community facility. The location of all proposed land uses must be shown.*
- d. *The UDR provides many elevations and sections of the Mortdale Local Centre; however none of the elevations and sections illustrate the bulk and scale of the proposal. Elevations must be provided along the Pitt Street, The Strand and Macquarie Place streetscapes to show the proposed development in the context of the surrounding development.*

91. The above issues have not been addressed by the applicant.
92. Due to the absence of the information requested above, the Planning Proposal has failed to demonstrate how the proposed height of 45m and FSR of 3.5:1 will work in the existing context. There is significant concern that the resulting development application will require extensive variations to the development standards sought by this Planning Proposal to achieve a viable outcome. Council cannot support a Planning Proposal that will lead to excessive building height and bulk and lead to overshadowing and solar access issues.
93. The development standards for B2 – Local Centres under the Kogarah Local Environmental Plan 2012 (KLEP 2012) were increased as part of the New City Plan amendment in 2017 to a maximum building height of 21m and a floor space ratio of 2.5:1.
94. In respect of the Mortdale Local Centre there have been three (3) major Development Applications approved by Council in the vicinity of the Planning Proposal. The three (3) applications are on the southern side of the railway station on Railway Parade and Ellen Subway with a B2 Local Centres zoning, building height of 21m and FSR 2.5:1.
95. Construction has been finalised on a 6 storey mixed use development comprising of ground level commercial floor space with shop top housing above at 85-87 Railway Parade, Mortdale (refer to **Figure 2**). 1 Ellen Subway, Mortdale a 7 storey mixed use development comprising ground floor commercial space, 38 residential units has been approved (refer to **Figure 3**). A development application has been lodge with Council for a 7 storey mixed use development comprising of ground floor commercial space and 37 residential apartments at 89-93 Railway Parade, Mortdale (refer to **Figure 4**).

Social Analysis

96. The Social Impact Assessment (SIA, refer **Attachment 2**) submitted by the applicant concludes that the proposal will not generate negative social impacts but rather will contribute to meeting vital social and economic needs to the local community.
97. The proposal will provide;
 - New RSL building with street level activation along Macquarie Place and Pitt Street with the aim of creating a new vibrant facility for the community
 - 170 new residential dwellings
 - 1,800m² of retail floor space with the potential to be used for health or medical related facilities and a small metro style supermarket
 - 247 additional jobs
 - VPA offer with the opportunity to deliver a new community space (library)

Council Officer Comment:

98. In terms of the provision of a library neither the Urban Design Report nor the Reference Plans illustrate the location of the potential community facility. Council's Library Strategy

2030 recommends the establishment of a library of approximately 2,500sqm in the western half of the Georges River local government area. This floor space is required in order to effectively deliver a regional library service and is not identified in any of the concept plans.

99. The proposed development remains significantly out of context with any existing or proposed development within and adjoining the Mortdale Local Centre. The subject site is predominantly surrounded by two storey commercial/shop top housing developments and three storey residential flat buildings. The bulk and scale of the proposed development would result in significant adverse impacts on the adjoining residential properties, including overshadowing, loss of amenity, privacy and visual impacts.

Economic Analysis

100. The Economic Impact Assessment ('EIA', refer **Attachment 6**) submitted by the applicant includes an estimate of non-residential floor space of approximately 2,600sqm and 274 jobs on the subject site.
101. The report concludes that a substantial community benefit would result from the proposed development. The positive impacts include
- *An enhanced range of facilities and services will be available to the local residents, workers and visitors.*
 - *The development would serve as a key anchor for the precinct. This would benefit the south west portion of the local centre, which is less vibrant.*
 - *The retention of spending that is currently being directed to other centres.*
 - *The local community will experience direct impacts and benefits originating from construction and operation of the proposed development, including the creation of 247 jobs.*
 - *The development would provide the local community with additional facilities and opportunities for social integration.*

Council Officer Comment:

102. The planning proposal proposes to deliver additional commercial opportunities, jobs and revitalisation of the RSL club to better service the local community.
103. The Planning Proposal will provide approx. 2,650sqm of non-residential floor space which meets the required 0.5:1 FSR to comply with the Draft GRLEP 2020.
104. There is insufficient evidence to support the need for a high-rise 'anchor' development of 12 storeys within context of 3 to 4 storeyed residential developments around. An 'anchor' treatment is considered to be more appropriate for locations with greater visibility, for example at the centre's interface to locally and regionally significant roads and/or key transport routes such as Morts Road and the railway line.

Traffic

105. The Transport and Parking Assessment report (refer to **Attachment 4**) submitted by the applicant concludes that:
- the nett increase in traffic generation potential is minimal and not expected to result in any unacceptable traffic implications to the broader road network; and
 - the future car parking and loading facilities will be provided on site and designed in accordance with Council's requirements and the relevant Australian Standards.

Council Officer Comment:

106. However, it should be noted that no traffic counts or intersection analysis has been undertaken to assess the cumulative impacts of the proposal.
107. Council's Traffic Section has advised that parking in Mortdale is in high demand and there is traffic congestion in this area. A planning proposal of this scale would increase the traffic in the area and would require SIDRA analysis of all strategic intersections leading to this site to assess the impact that such a development will have in this area.
108. The expected traffic generation from the retail component of the development will need to be calculated and inserted into the SIDRA model along with other retail and residential use. In other words, the SIDRA model will need to be fed with the worst case scenario traffic generation.
109. The planning proposal seems to rely on the Infrastructure SEPP (being close to Mortdale Railway station) for parking provision rather than Council's DCP controls, which is a much lower rate. In addition the planning proposal will result in loss of the existing parking along the Pitt Street frontage and it is not clear whether this loss of street parking will be compensated elsewhere.
110. In conclusion and in terms of traffic impacts the Planning Proposal cannot be supported without the above concerns being addressed first.

Stormwater/Overland Flow

111. Council's engineers there is flood hazard issue downstream in the streets of this catchment area in front of properties No. 70 Pitt Street and No. 45 Macquarie Street.
112. The proposal for the increase in FSR will increase the impervious area and the stormwater flow rate. Council's existing pipes size is under capacity and the stormwater system is unable to tolerate any additional stormwater flow.
113. Additional stormwater flow from the proposal will cause extra flood hazards in terms of flooding to adjacent properties at the low points it will also increase downstream flooding.
114. Mitigation measures can be explored at the Development Applicant stage if the proposal is supported.

Voluntary Planning Agreement

115. Council received a letter of offer to enter into a Planning Agreement dated 10 July 2020, in conjunction with the Planning Proposal (see **Attachment 7**). The VPA letter gives consideration to:
- Potential future library space (1,000sqm or less)
 - Public domain works on the site boundaries
 - Incorporation of public art
 - Cash contributions
116. Further information regarding the size and value of the above contributions has not been provided by the applicant.
117. In response to the offer of accommodating a library on the proposed site, Council's Library Strategy 2030 recommends the establishment of a library of approximately 2,500sqm in the western half of the Georges River local government area. This floor space is required

in order to effectively deliver a regional library service. Any smaller floor space would have limited public benefit. Based on Council research and modelling for future library services, and Council's Director Community and Culture's advice, establishing a library in this location without the appropriate floor space would not meet future community needs. At the meeting on 17 September 2020 the applicant advised Councils officers that the community space will be 1,000sqm or less.

118. As the Planning Proposal is not supported and is recommended for refusal, a full assessment of the offer and proposed public benefits under Council's Policy on Planning Agreements 2016 has not been undertaken.

Applicant's response

119. After the initial assessment of the Planning Proposal request, the applicant was provided with the following options:

- 1) Submit a revised concept design addressing the issues raised.
- 2) Proceed with the current concept which cannot be supported by Council.
- 3) Withdraw the Planning Proposal and wait for the outcomes of the Mortdale Local Centre Masterplan.

120. In response to the above options, the applicant has elected to proceed with the current concept. The applicant has also responded with the statement that there is scope for some modest modification of heights or re-arrangement of massing on the site, however notes that the FSR of 3.5:1 remains key to the project's feasibility.

SUMMARY OF ASSESSMENT/CONCLUSION

121. An assessment of the above-mentioned Planning Proposal has been undertaken against the relevant key strategic planning framework, in order to ascertain the strategic and site-specific planning merit.
122. Fundamentally, the excessive bulk and scale of the proposed development is not justified on this Site. The proposed development remains significantly out of context with any existing or proposed development within and adjoining the Mortdale Local Centre. The subject site is predominantly surrounded by two storey commercial/shop top housing developments and three storey residential flat buildings. The bulk and scale of the proposed development would result in significant adverse impacts on the adjoining residential properties, including overshadowing, loss of amenity, privacy and visual impacts.
123. The development standards for B2 – Local Centres under the Kogarah Local Environmental Plan 2012 (KLEP 2012) were increased as part of the New City Plan amendment in 2017 to a maximum building height of 21m and a floor space ratio of 2.5:1. Since the New City Plan amendment came into effect, development applications have been lodged and approved within these centres, demonstrating the viability of these controls.
124. Council is in the early stages of a place-based master planning process of the Mortdale Local Centre. The Masterplan will seek to encourage urban renewal, improve the amenity and quality of the built environment and public domain as well as provide new housing and employment opportunities to create a vibrant local centre. It will be supported by considerations of infrastructure, traffic and development feasibility to enable a holistic review of the Mortdale Local Centre. It is anticipated that the draft Mortdale Local Centre Masterplan will be completed by June 2021. The Masterplan will be setting the FSRs and

heights for the centre that are not possible to envisage at this stage. Therefore, the Planning Proposal controls are an ad hoc approach at present.

125. Furthermore, in line with the centres hierarchy, the B4 – Mixed Use zoning nominated for the strategic centres of Kogarah and Hurstville within the LGA, which are regionally significant centres. The B2 – Local Centre zones are for local centres, such as Mortdale and Penshurst, which provide essential access to day to day goods and services to where people live.
126. To encourage an appropriate mix of residential and non-residential uses in order to ensure a suitable level of non-residential floor space is provided to promote employment in our centres, Council's Commercial Centres Strategy – Part 1 recommends a minimum non-residential FSR for commercial centres based on their hierarchy which has informed the controls in the draft Georges River LEP 2020. For local centres such as Mortdale, the Commercial Centres Strategy – Part 1 and draft Georges River LEP 2020 designates a minimum non-residential FSR of 0.5:1. The proposal meets the 0.5:1 non-residential FSR requirement.
127. The planning proposal includes an estimate of non-residential floor space 2,650sqm and 274 jobs on the subject site. It will deliver additional commercial opportunities, jobs and revitalisation of the RSL club to better service the local community.
128. Assessment by Council's Traffic Section raised concern that there is pressure on parking in Mortdale and traffic is already quite congested in this area. A planning proposal of this scale would increase the traffic in the area and SIDRA analysis of all strategic intersections leading to this site will be required to assess the impact that such a development will have and how it will be managed. A SIDRA analysis has not accompanied the planning proposal.
129. Additional stormwater flow from the proposal will cause extra flood hazards in terms of flooding to adjacent properties at the low points it will also increase downstream flooding. Mitigation measures can be explored at the Development Applicant stage if the proposal is supported.

RECOMMENDATIONS

130. In view of the assessment of the planning proposal against the criteria in the Department's *A Guide to Planning Proposals*, the excessive bulk and scale of the proposed development which is not justified on this site; the resulting significant impacts on adjoining properties and the centre itself, and that the proposed development remains significantly out of context with any existing or proposed development within and adjoining the Mortdale Local Centre it is recommended to the Georges River Local Planning Panel that the proposal not be supported.
131. The Local Planning Panel is requested to recommend to Council that the Planning Proposal not progress to the Department of Planning, Industry and Environment for a Gateway Determination, for the reasons summarised below:
132. The Planning Proposal lacks Strategic Merit as:
 - i. It does not have regard to the cumulative impact of the increases to planning controls, especially in terms of infrastructure, traffic and development feasibility in the Mortdale Local Centre and is an ad hoc approach, as Council's place-based masterplanning process of the Mortdale Local Centre will not be finalised before mid-2021

- ii. It seeks a B4 Mixed Use zoning; competing with the two designated B4 Mixed Use centres in Georges River and is not consistent with the classification nominated by the South District Plan and Council's endorsed Commercial Centres hierarchy – Part 1.

133. The Planning Proposal lacks Site Specific Merit as:

- i. The proposed development controls that seek to increase the maximum building height from no height and 12m to 45m (equivalent to twelve storeys) and increase density from 1.5:1 and 1.0:1 to 3.5:1 are out of context and would result in significant adverse impacts on the adjoining residential properties, including overshadowing and visual impacts
- ii. It will set a precedent for other B2 Local Centres to request a B4-Mixed Use zoning; leading to commercial centres hierarchy issues
- iii. The proposal does not provide adequate consideration of public domain, traffic and parking issues
- iv. The proposed development demonstrates a poor response to the context of the subject site and its locality due to the proposed built form and scale.
- v. The excessive bulk and scale of the proposed development is not justified on this site
- vi. The proposed development remains significantly out of context with any existing or approved development within and adjoining the Mortdale Local Centre.

134. That Council write to the applicant to advice of Council's decision.

135. That Council advice the Department of Planning, Industry and Environment of its decision.

CONSULTATION

136. Should the Planning Proposal proceed through Gateway, it will be subject to community consultation in accordance with Section 3.34(2) (c) of the Act. The specific requirements for community consultation will be listed in the Gateway determination, including any governmental agencies that are to be consulted in relation to the Planning Proposal.

NEXT STEPS

137. The Planning Proposal will be considered at a future Georges River Council Environment and Planning Committee meeting, including the LPP recommendations. The minutes of the Environment and Planning Committee meeting will subsequently be considered at a future Georges River Council Meeting.

138. If the Planning Proposal is endorsed by Council, it will be forwarded to the delegate of the Minister for Planning for a Gateway determination under Section 3.34 of the Act.

REPORT TO GEORGES RIVER COUNCIL LPP MEETING OF THURSDAY, 04 MARCH 2021

LPP002-21

LPP Report No	LPP002-21	Development Application No	
Site Address & Ward Locality	Post Exhibition report and adoption of the Georges River Development Control Plan SELECT A WARD		
Proposed Development	Adoption of the Georges River Development Control Plan		
Owners	Georges River LGA		
Applicant	Georges River Council		
Planner/Architect	N/A		
Date Of Lodgement	N/A		
Submissions			
Cost of Works	N/A		
Local Planning Panel Criteria	Delegated planning authority pursuant to Part 3, Division 3.6 of the Environmental Planning and Assessment Act 1979		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	N/A – Development Control Plan		
List all documents submitted with this report for the Panel's consideration	Attachment 1 - GRDCP Table of Contents; Attachment 2 – GRDCP Part 1 – Introduction; Attachment 3 – GRDCP Part 2 – Application Process; Attachment 4 – GRDCP Part 3 – General Planning Considerations; Attachment 5 – GRDCP Part 4 – General Land Use; Attachment 6 – GRDCP Part 5 – Residential Locality Statements; Attachment 7 – GRDCP Part 6.1 – Low Density Residential Controls; Attachment 8 – GRDCP Part 6.2 – Medium Density Residential Controls; Attachment 9 – GRDCP Part 6.3 – High Density Residential Controls; Attachment 10 – GRDCP Part 6.4 – Ancillary Development; Attachment 11 – GRDCP Part 6.5 – Foreshore Locality Controls; Attachment 12 - GRDCP Part 7 – Business Precincts; Attachment 13 – GRDCP Part 8 – Kogarah Town Centre; Attachment 14 – GRDCP Part 9 –Industrial Development; Attachment 15 – GRDCP Part 10 – Precincts; Attachment 16 – GRDCP Appendices; Attachment 17 – Report to LPP 17 September 2020 – LPP048-20 (NOTE: REFER TO THE DRAFT GEORGES RIVER DEVELOPMENT CONTROL PLAN 2020 PAGE ON COUNCIL'S WEBSITE FOR ALL THE GRDCP ATTACHMENTS)		
Report prepared by	Manager Strategic Planning and Senior Strategic Planner		

Recommendation	<ol style="list-style-type: none"> 1. That the Georges River Local Planning Panel, as delegate of the Georges River Council note the submissions received during the public exhibition of the draft Georges River DCP 2020. 2. That the Georges River Local Planning Panel resolve,
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pursuant to Section 3.43 of the Environmental Planning and Assessment Act 1979, and in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000, to adopt the Georges River DCP 2020, subject to the following amendments:

- a. Part 1 – Introduction
 - a. Clarification of where the DCP applies in Part 1.8.
 - b. Replacing the list of S94 Development Contributions Plans with a link to the Council’s website. In Part 1.11.
- b. Part 2 – Application Process
 - a. Referencing the Council’s DA Checklist in place of the Development Application Guide in Part 2.3.3.
 - b. Referencing the Council’s Community Engagement Strategy 2018-2028 in Part 2.4.
- c. Part 3 – General Planning Considerations
 - a. Revising Control 3 in Part 3.2.1 to ‘Development is to comply with Council’s Tree Management Policy and Appendix 1 - Green Web Map and Biodiversity Guide.’
 - b. Correcting the reference to Appendix 1.2 and adding the reference to Council’s Tree Management Policy (and its Appendix 1 – Tree Planting) in Control 2 of Part 3.2.2.
 - c. Revising Control 4 (v) in Part 3.2.2 to ‘Mature trees with hollows and other fauna habitat features on the site.’
 - d. Amending Control 9 (i) in Part 3.2.2 Green Web to ‘Allocating one boundary of the site to planting of indigenous vegetation of a mix of canopy species (over 3m height at maturity) and understorey species (less than 3m height at maturity),’
 - e. Adding note in Part 3.2.2 after the controls: ‘Note: No Green web mapping was previously undertaken for the former Hurstville LGA. As such additional mapping will be required for the entire Georges River LGA.’
 - f. Adding reference to Council’s Tree Management Policy in Objective (b) of Part 3.3.
 - g. Amending control 3 in part 3.3 by adding ‘listed in GRDCP 2020 Backyard Biodiversity Guide in Appendix 1.2 and Council’s Tree Management Policy (and its Appendix 1 – Tree Planting)’ at the end.
 - h. Referencing the Bushfire Prone Land Map in Section 3.4 – Bushfire Prone Land in the Note.
 - i. Amending Control 1 in Part 3.5.2 to, ‘Development must minimise any soil loss from the site to reduce impacts of sedimentation on waterways through the use of the following:
 - sediment fencing
 - water diversion
 - single entry / exit points
 - Filtration materials such as straw bales and turf stripsRefer to NSW Guidelines for Erosion and Sediment

Control on Building Sites for further guidance.'

- j. Amending control 3 and accompanying note in Part 3.9.2 in six places from '1 in 100 year ARI' to '100 year ARI' and adding reference to 'Australian Rainfall and Runoff: A Guide to Flood Estimation' in the note.
- k. Amending Objective (c) in Part 3.10 Water Management, 'Minimise run-off volumes and discharge rates to ensure no 'net' increase in stormwater drainage flows and flood risk in urban areas relative to the existing.'
- l. Amending Control 4 (ii) by replacing '1 in 100' by '100 year'.
- m. Amending Control 5 in Part 3.10 'Development consisting of sensitive land uses in PMF affected areas must provide 0.5 metres freeboard above the PMF flood event level. Sensitive land uses include but are not limited to the following:
 - Correctional facilities
 - Early education and child care facilities
 - Educational establishments
 - Group homes
 - Health services facilities
 - Seniors housing
 - Respite day care centres
 - Liquid fuel deposits
 - Offensive storage establishments
 - Public utility undertakings
 - Telecommunications facilities
 - Waste disposal facilities

Note: Refer to Council's Stormwater Management Policy 2020, specifically Section 6 Flooding and Overland Flow for further guidance.'
- n. Amending Control 37 in Part 3.13 Parking Access and Transport, 'Large areas of at grade carparking are to be constructed of concrete or a light coloured material to minimise heat load. Tree planting within the carparking will be required to provide shade.'
- o. Swap 'manor housing' with 'manor houses' in Part 3.13 Parking Access and Transport – Table 1.
- p. Revising control 6 in Part 3.14 Utilities to add reference to 'and bicycle' and swap 'electronic' with 'electric'
- q. Add new controls 7 and 8 to Part 3.14 Utilities
 - 7. For all future roaded subdivisions, electricity supply is to be installed underground.
 - 8. The existing above ground electricity and telecommunication cables within the road reserve and within the site will be replaced, at the applicant's expense, by underground cable and appropriate street light standards, in accordance with the Energy and Communication Provider's guidelines.'
- r. Revise Control 1 (ix) in part 3.18 'Not compromise road or pedestrian safety including cyclists.'

- d. Part 4 – General Use
 - a. Revising Control 1 (vi) in Part 4.3.5 ‘Reducing stormwater run-off and promoting the use of recycled water via the installation of rainwater tanks where possible.’
 - b. Revising Control 5 in part 4.3.8 Open Space and Landscaping, ‘New car parking areas are to be furnished with canopy trees as identified in Council’s Tree Management Policy (and its Appendix 1 – Tree Planting). For every ten parallel spaces in a row parking arrangement a canopy tree must be provided. Planting hole dimension is 2m x 2m minimum area. Protective furnishing must be provided to the tree surround.’
- e. Part 5 – Residential Locality Statements
 - a. Updating the Residential Localities Map as the one exhibited had a minor error in the legend – it had ‘suburb boundaries’ box in the legend (while there were no suburb boundaries in the actual map).
 - b. Adding content on the Riverwood Precinct Investigation Area, in the Future Desired Character section, including a map illustrating the boundary of the precinct, in Section 5.1 – Riverwood.
 - c. Adding content in the Future Desired Character section, on the Riverwood Estate State Significant Precinct with a description of this precinct, in Section 5.1 – Riverwood.
- f. Part 6.1 – Low Density
 - a. Removing ‘Dual Key Dwellings’ and ‘ancillary dwellings’ from the title of Part 6.1, and adding Narrow Lot Housing.
 - b. Removing ‘Dual Key Dwellings’ in the contents page and as a section in the document as this Clause in the draft LEP2020 has been deleted by Parliamentary Counsel.
 - c. Referencing Part 5 Residential Locality Statements in Section 6.1.1 – Introduction
 - d. Section 6.1.2 – Single Dwellings – Point 1 – Streetscape Character and Built Form: Adding a new control – ‘New buildings and additions are to consider the Desired Future Character statement in Part 5 of this DCP.’
 - e. Section 6.1.2 – Single Dwellings – Point 2 – Building Scale and Height: updating Control 5 - ‘Where the entry to the basement carpark is visible from the street, the entry should be recessed a minimum of 1m (from the edge of the external wall or balcony) from the levels above and the external walls of the garage differentiated from the walls above through articulation and external materials.’
 - f. Section 6.1.2 – Single Dwellings – Point 3 – Setbacks (Side and Rear Setbacks): Updating Control 2 –
 - i. 900mm for lots up to 12.5m in width measured at the front building line for the length of the development.
 - ii. 1.2m for lots greater than 12.5m in width measured at

the front building line for the length of the development.

- iii 1.5m for all lots within the Foreshore Scenic Protection Area measured at the front building line for the length of the development'
- g. Section 6.1.2 – Single Dwellings – Point 3 – Setbacks (Side and Rear Setbacks): Updating Control 5 - 'Any garages or parking structures fronting rear lanes may encroach upon the rear setback areas but still provide a minimum setback of 1m from the lane.'
- h. Section 6.1.2 – Single Dwellings – Point 9 – Noise. Under Objectives, removing 'Development is to be sited, designed and constructed to:'
- i. Section 6.1.3 – Dual Occupancy – Point 1 Streetscape Character and Built Form – Revising Control 4 - 'Each dwelling entrance is to be clearly identifiable from the street and recessed a maximum of 1m into the façade of the dwelling.'
- j. Section 6.1.3 – Dual Occupancy – Point 2 Building Scale and Height – Amending Control 5 by adding 'a minimum of 1m (from the edge of the external wall or balcony).'
- k. Section 6.1.5 – Narrow Lot Housing – Kemps Estate. Inserting Reference to Appendix 7 which provides a history of Kemps Estate and its significance to the LGA.
- l. Section 6.1.5 – Narrow Lot Housing – Kemps Estate. Removing a paragraph under the heading 'Application of this chapter'
- m. Section 6.1.5 – Narrow Lot Housing – Kemps Estate. Under objectives, removing 'The purpose of this chapter is to achieve the following objectives' and the paragraph on 'Development Requirements.'
- n. Removing 'Appendix 1 The Kemp's Estate', and referencing this as Appendix 7 in the Appendices (refer to k above).
- g. Part 6.2 – Medium Density
 - a. Swapping 'manor housing' with 'manor houses' in Contents page, the introductory paragraph in Part 6.2, Part 6.2.4, Part 6.2.6 and Part 6.2.16.
 - b. Section 6.2.2 – Building Scale and Height: Adding a new control 6 – 'Where the entry to the basement carpark is visible from the street, the entry should be recessed from the levels above and the external walls of the garage differentiated from the walls above through articulation and external materials'
 - c. Section 6.2.3 – Streetscape Character and Built Form: Adding a new control 1 – 'New buildings and additions are to consider the Desired Future Character statement in Part 5 of this DCP,' to ensure compliance with Part 5 – Residential Locality Statements.
 - d. Section 6.2.11 – Excavation (Cut and Fill): Updating the

Note to ensure that Part 3 General Planning Considerations requirements are also complied with.

- e. Section 6.2.13 – Waste and Recycling Storage: In Control 1, removing reference to Council's Waste Management Planning Requirements Policy and referencing 'Part 3 General Planning Considerations and Appendix 4.'
- f. Changing the heading of the 'Indicative Building Envelopes' diagrams to 'Indicative Building Envelopes for building footprints, location of POS, landscaping and car parking'.
- h. Part 6.3 – Residential Flat Buildings (High Density) and residential components of shop top housing
 - a. Section 6.3.3 Building Setbacks and street interface - Replacing Note under Control 1 v with a new Control vi: 'The street setback area needs to be predominantly landscaped and is to accommodate a minimum of two (2) canopy trees to a mature height of at least 6m.'
 - b. Section 6.3.3 Setbacks and Street Interface – Amending Control 7 - 'For improved streetscape, reduction in visual clutter and to provide above ground space for street tree canopy, powerlines in the street verge in front of new development to which this part applies will be undergrounded. This includes the connection of power supply from the road reservation into the development site'.
 - c. Section 6.3.4 Basement Setbacks – Amending Control 6 - 'Basements fronting the primary street address are not to project above ground level (existing) at the street alignment'.
 - d. Section 6.3.5 – Façade Treatment and Street Corners: Adding a new control 1 - 'New buildings and additions are to consider the Desired Future Character statement in Part 5 of this DCP' to ensure compliance with Part 5 – Residential Locality Statements.
 - e. Section 6.3.5 – Façade Treatment and Street Corners: Amending control 7 'Clear glazing to balustrades must be avoided where they are visible from nearby vantage points. Screening of balconies by way of adjustable or fixed panels should be included where there are issues of privacy, and/or excessive exposure to solar impacts'.
 - f. Section 6.3.7 Communal Open Space
 - Amending control 2 - 'Communal open space may be provided above ground level where:
 - a. the proposed elevated communal open space will provide a high level of amenity as a communal open space at ground level of the site; and
 - b. there will be no significant impact on surrounding properties in respect to the loss of privacy'.
 - Amending Control 6 - 'Roof top communal open space

areas, amenities and common (non-private) rooms should include equitable access for all residents, and must be designed to ensure that noise and overlooking will be avoided, by way of screening and setbacks from boundaries as detailed in Figure 7.'

- Amending control 8 - 'Ancillary structures on the roof such as lift overruns and staircases should be located where their impact is minimised to reduce their visual dominance. Balustrades should be visually recessive. Note: Ground level and roof top common open space to be provided in accordance with Part 3D of the Apartment Design Guide.'
- g. Section 6.3.8 Solar Access: Adding a new control 6 regarding overshadowing – 'New development shall maintain solar access to the living rooms and private open space of apartments within existing residential flat buildings'.
- i. Part 6.4 – Ancillary Development
 - a. Section 6.4.1 – Fences and Walls (Side and rear fences): Replacing DCP reference numbers with reference to relevant figure numbers in Controls 7 and 8
 - b. Section 6.4.3 – Outbuildings: Adding a new control 'External finishes and claddings of ancillary structures and outbuildings are to have low reflectivity finishes.'
 - c. Removing Section 6.4.4 – External Finishes and Cladding
- j. Part 7 – Business Precincts
 - a. Section 7.1.2 – Built Form – Point 2 – Setbacks. Updating Control 3 - 'In order to maintain the continuity of active frontages, side setbacks are generally not permitted unless specified in the precinct controls.'
 - b. Section 7.1.3 – Design – Point 2 – Building Facades: Removing Controls 14 and 15, as balcony sizes and design are covered by the NSW State Government's Apartment Design Guide (ADG).
 - c. Section 7.1.3 – Design – Point 3 – Awnings: Adding Controls 2, 3 and 9 from the City of Sydney DCP:
 - '2. New awnings are to be compatible with the scale of host and adjacent buildings and the architectural features of the host building.
 - 3. Awnings where provided are to be located between the ground and first floors to maximise weather protection. The height of an awning may vary between 3.2m and 4.2m above the footpath. The height of the awning must ensure continuity in appearance with adjacent awnings and to relate to any distinctive features of the building.
 - 9. Reconstruction or renovation of existing awnings must retain any significant fabric, for example pressed metal soffits.'
 - d. Section 7.1.3 – Design – Point 3 – Awnings. Adding to

- Control 4, 'the lighting fixtures are to be recessed into the awning. All wiring and conduits are to be concealed'
- e. Section 7.1.3 – Design – Point 3 – Awnings. Adding 'eastern and western facades' to Control 6
 - f. Section 7.1.3 – Design – Point 3 – Awnings: Removing Control 7.
 - g. Section 7.1.3 – Design – Point 6 – Materials and Finishes: Updating Control 1, 'Building construction is to utilise high quality and durable materials and finishes.'
 - h. Section 7.1.3 – Design – Point 6 – Materials and Finishes. Rephrasing Control 4 to 'A large unarticulated expanse of any single material to facades is to be avoided.'
 - i. Section 7.1.3 – Design – Point 8 – Shop top housing. Amending:
 - a. Objective (b) 'Ensure that the localities continue to provide a range of retail and commercial services with varied active frontages to the street.'
 - b. Objective (c) 'Encourage a range of uses above ground level that enhance the social and economic environment, and are appropriate to the desired future character of the locality.'
 - j. Section 7.1.3 – Design – Point 8 – Shop top housing. Amending:
 - a. Control 1: 'The ground floor level of shop top housing development shall comprise active retail/commercial uses facing the street'.
 - b. Control 6: 'Design building openings at the ground floor in keeping with the overall proportions'.
 - c. Control 7: 'For cafe/dining uses, provide openable frontages in association with seating overlooking the street, to create the experience of outdoor dining. Note: Applications for outdoor dining must comply with Council's Code for Commercial Use of Public Footways'.
 - d. Control 10: 'Clothes drying is only permitted on balconies if it is easily accessible, has a high degree of solar access and adequately screened from public view'.
 - k. Section 7.1.4 – Amenity – Point 2 – Acoustic Privacy. Changing 'habitable rooms' to 'bedrooms', adding 'between 10pm and 7am' and updating the noise levels to a maximum of 35dB.
 - l. Section 7.1.4 – Amenity – Point 2 – Acoustic Privacy: Removing Controls 5 and 6 as they repeat information in controls 1 and 2 respectively.
 - m. Section 7.1.4 – Amenity – Point 3 – Interface between Business zones and adjoining land uses: Removing Control 5 and adding new controls 5 and 6 from C2 section of Kogarah DCP 2013:

'5. Side and rear boundary setbacks adjacent to a lower density residential zone or heritage item/conservation area for the purposes of visual separation, privacy and

transition:

- a. Minimum setback of 9m from the boundary between ground level and up to four storeys.
- b. Upper level setbacks are 12m above four storeys.
Note: Private open space and balconies must comply with Part 4E of the NSW State Government's Apartment Design Guide.
6. Encroachments into boundary setbacks:
 - a. Ground floor private open space may encroach up to 2m into the 5m front setback leaving a minimum 3m of deep soil area to the street.
 - b. Ground floor private open space may encroach up to 3m into the side and rear setbacks leaving a minimum 3m of landscaped buffer.
 - c. The setback areas, other than any permitted ground floor private open space, are to be landscaped and be retained as part of the common property of the development'.
- n. Section 7.1.4 – Amenity – Point 4 - Utility Infrastructure – Adding new objective and control
 - a. Objective (d) (new): 'Ensure services including fire booster valves, substations and other infrastructure do not detract from the streetscape presentation of a building'.
 - b. Control 8 (new): 'Essential services such as substations and fire booster assemblies must be integrated into the design of the façade'.
- o. Section 7.2.1 – Beverly Hills Local Centre (King Georges Road). Under Desired Future Character, referencing Hurstville DCP No. 1 and mentioning that the controls will be updated when the Masterplan is endorsed by Council
- p. Section 7.2.7 – Riverwood Local Centre (Belmore Road): Updating 'Riverwood Planning Precinct' heading to 'Riverwood Precinct Investigation Area'. Rewording and removing paragraphs under the Riverwood Precinct Investigation Area
- q. Section 7.2.7 – Riverwood Local Centre (Belmore Road): Updating 'Riverwood Social Housing Estate' heading to 'Riverwood Estate State Significant Precinct'. Rewording and removing paragraphs under the Riverwood Estate State Significant Precinct.
- k. Part 8 – Strategic Centres
 - a. Amending the cover page from 'Kogarah Town Centre' to 'Strategic centres'.
 - b. Amending the words in Background to reference the Kogarah Place Strategy.
 - c. Section 8.1.2 – 1. Railway Parade Precinct – Strengthening the Desired Future Character section – 'The Precinct will be greened through tree planting in accordance with Council's Tree Management Policy (and

- its Appendix 1 – Tree Planting)’.
 - d. Adding in Desired Future Character in the Belgrave Street Precinct the following: ‘Post Office and Wicks Lanes will provide a finer grain pedestrian network for the Kogarah Town Centre and will facilitate activation, street art and night time activity’.
 - e. Deleting in the Railway Parade South Precinct a sentence that was not completed – ‘Recent shop top housing developments towards Blake Street change the’
- l. Part 9 - Industrial Development
 - a. Amending the cover page from ‘Industrial’ to ‘Industrial Development’.
 - b. Section 9.1.1 – Application of this chapter - Referencing ‘Part 3 – General Planning Considerations’.
- m. Part 10 - Precincts (Kogarah North)
 - a. Section 10.1.6 – The Controls - Point 5 Trees and Landscape - Amending controls 5 and 6:
 - ‘5. Communal open space on roof tops is encouraged in locations where it does not adversely impact on the residential amenity of surrounding residents. A plan of management will be required for the use of large communal terraces that must be implemented through the Owners Corporation by-laws’.
 - 6. ‘Deep soil zones are to be located within ground floor setbacks providing screening/interface to the street where large trees will benefit from the maximum number of residents and are to be located where they will contribute to the public domain.’
- n. Appendices
 - a. Editing of Appendix 4 - Waste Management to simplify the document.
 - b. Adding Appendix 7 – The Kemp’s Estate
- o. General amendments throughout the DCP:
 - a. Correcting spellings
 - b. Formatting
 - c. Referencing figure numbers and appendices numbers correctly
 - d. Clarifying reference to GRLEP clauses
- 3. That pursuant to Clause 22(2) of the Environmental Planning and Assessment Regulations 2000; the Georges River Local Planning Panel approve the repeal of the following DCPs and policies:
 - a. Kogarah DCP 2013
 - b. Hurstville Control Plan 1 – applies to land within Penshurst, Mortdale and Hurstville wards
 - c. Interim Policy DCP (Policy #: Pol-061.01)
 - d. Drainage and Onsite Detention Policy (replaced by Georges River Stormwater Management Policy 2019)

- e. Fencing adjacent to public roads (provisions in the draft Georges River DCP 2020)
 - f. Balcony Enclosures in Residential flat buildings Policy (provisions in the draft Georges River DCP 2020)
 - g. Satellite Dish Policy (provisions in the draft Georges River DCP 2020 and covered by Exempt and Complying SEPP)
 - h. Code for the erection of private tennis courts (provisions in the draft Georges River DCP 2020)
 - i. Stencilling of street driveways policy (provisions in the draft Georges River DCP 2020)
 - j. Underground electricity cabling to developments policy (provisions in the draft Georges River DCP 2020)
 - k. Design guidelines for absorption trenches (replaced by Georges River Stormwater Management Policy 2019)
 - l. Rainwater Tanks Policy, adopted 18 December 2002 (replaced by Georges River Stormwater Management Policy 2019)
 - m. Home Activities Policy, adopted 15 August 2001 (home occupations are permitted without consent)
 - n. Code for Commercial Use of Public Footpaths (replaced by Georges River Council Local Approvals Policy – Use of Public Land dated 29 October 2018)
4. That public notice of the decision to repeal the above DCPs and policies be published on the Council's website in accordance with Clause 22(4) of the Environmental Planning and Assessment Regulation 2000 and that the repeal become effective upon the effective date of the Georges River DCP.
5. That Council note the retention of the following DCPs for the Hurstville City Centre:
- a. Hurstville Development Control Plan Number 2 - Amendment No. 11 - Applies to sites excluding the 'deferred matters' on the Draft Georges River Local Environmental Plan 2020 Land Application Map.
 - b. Hurstville Development Control Plan Number 2 - Amendment No. 5 - Applies to sites identified as 'deferred matters' on the Draft Georges River Local Environmental Plan 2020 Land Application Map
6. That, as recommended by the Department of Planning Industry and Environment, the current notification provisions listed in the Development Control Plans below be repealed in accordance with Clause 22(2) of the Environmental Planning and Assessment Regulation 2000 by subsequent Development Control Plans:
- a. Section 2.4 of the Hurstville Development Control Plan Number 2 - Amendment No. 11 - Applies to sites within the Hurstville City Centre excluding the 'deferred matters' on the Hurstville Local Environmental Plan 2012 Land Application Map.
 - b. Section 2.2 of the Hurstville Development Control Plan Number 2 - Amendment No. 5 - Applies to sites within the

Hurstville City Centre identified as 'deferred matters' on the Hurstville Local Environmental Plan 2012 Land Application Map.

7. That Council give public notice of the decision to approve the Georges River DCP 2020, on its website within 28 days in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000.
8. That the General Manager be endorsed to make minor modifications to any numerical, typographical, interpretation and formatting errors, if required, in the finalisation of the Georges River DCP 2020, including minor modifications due to the gazettal of the Georges River Local Environmental Plan.
9. That all persons who made a submission in relation to the draft Georges River DCP 2020 be advised of Council's resolution.
10. That the adopted DCP become effective when the Georges River LEP 2020 is gazetted.

Executive Summary

1. Council at its meeting of 23 April 2019, resolved to prepare a comprehensive Development Control Plan (DCP) for the Georges River Local Government Area. The primary purpose of this DCP is to harmonise the existing Hurstville and Kogarah DCPs and support the Georges River LEP 2020 (GRLEP 2020).
2. The draft DCP applies to all land in the Georges River Local Government Area, except land in the Hurstville City Centre.
3. The Georges River Local Planning Panel as delegate of the Georges River Council considered the draft Georges River DCP on 17 September 2020 and resolved that the draft DCP be publicly exhibited subject to amendments. The draft DCP was amended prior to the public exhibition.
4. The draft Georges River DCP was exhibited from 21 October to 27 November 2020 and 22 submissions were received. The draft DCP was also reviewed by the Design Review Panel (the 'DRP') and feedback received.
5. A number of amendments are proposed to the draft DCP as result of the submissions received and a review by the DRP and Council staff; including (but not limited to): green web and landscaping issues, minimum height and soil area required for trees in the residential zones, sea level rise and water management issues, deletion of certain unclear DCP controls/objectives and a range of other amendments as detailed in this report.

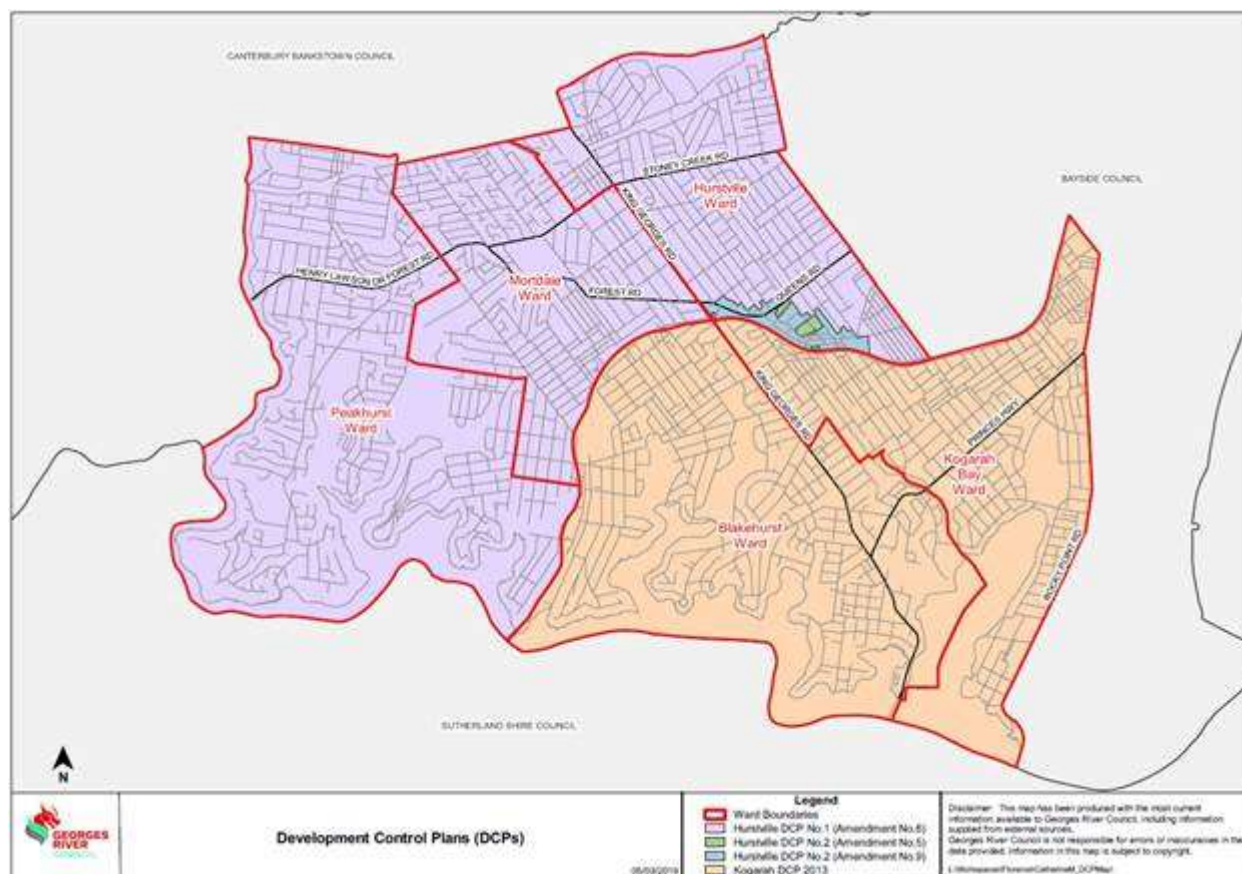
6. This report provides details of the public exhibition of the draft Georges River DCP and recommends that Council proceed with the adoption of the DCP with a number of amendments.

Report in Full

Background

7. At its meeting of 23 April 2019, Council resolved to prepare a comprehensive Development Control Plan (DCP) for the Georges River Local Government Area to support the Georges River LEP 2020 (GRLEP 2020).
8. The purpose of this DCP is to harmonise the existing Hurstville and Kogarah DCPs to create a comprehensive DCP for the Georges River Local Government Area.
9. The following DCPs will be revoked upon adoption of the new GRDCP 2020:
- Hurstville Development Control Plan 1 - Applies to land within the Peakhurst, Mortdale and Hurstville Wards; and
 - Kogarah Development Control Plan 2013 - Applies to land within the Blakehurst and Kogarah Bay Wards.
10. The draft Georges River DCP will accompany and support the Georges River Local Environmental Plan 2020, in accordance with Section 3.43 of the *Environmental Planning and Assessment Act 1979*.
11. Council has four Development Control Plans that apply to the Local Government Area:
- a. Hurstville Development Control Plan 1 - Applies to land within the Peakhurst, Mortdale and Hurstville Wards;
 - b. Hurstville Development Control Plan Number 2 - Amendment No. 11 - Applies to sites within the Hurstville City Centre excluding the 'deferred matters' on the Hurstville Local Environmental Plan 2012 Land Application Map;
 - c. Hurstville Development Control Plan Number 2 - Amendment No. 5 - Applies to sites within the Hurstville City Centre identified as 'deferred matters' on the Hurstville Local Environmental Plan 2012 Land Application Map; and
 - d. Kogarah Development Control Plan 2013 - Applies to land within the Blakehurst and Kogarah Bay Wards.

Figure 1 depicts the area covered by each of the DCPs listed above.



12. The draft Georges River DCP applies to all land in the Georges River local government area (LGA), except land identified as Hurstville City Centre. Hurstville Development Control Plan Number 2 - Amendment No. 11 and Hurstville Development Control Plan Number 2 - Amendment No. 5 will continue to apply to Hurstville City Centre.
13. The harmonised DCP structure comprises of ten (10) parts and one set of appendices, as follows (Refer to **Attachments 1 to 16**. A previous LPP Report of 17 September 2020 includes a summary of each section and is attached at **Attachment 17**):
 - Part 1 – Introduction
 - Part 2 – Application Process
 - Part 3 – General Planning Considerations
 - Part 4 – General Land Uses
 - Part 5 – Residential Locality Statements
 - Part 6 – Residential Controls
 - Part 6.1 – Low Density Residential Controls
 - Part 6.2 – Medium Density Residential Controls
 - Part 6.3 – High Density Residential Controls
 - Part 6.4 – Ancillary Development
 - Part 6.5 – Foreshore Locality Controls
 - Part 7 – Business Precincts
 - Part 8 – Kogarah Town Centre
 - Part 9 – Industrial Development
 - Part 10 – Precincts (Kogarah North)
 - GRCDP Appendices

14. The GRDCP was developed in collaboration with SJB Planning, who were engaged by Council to assist with the preparation of the DCP. SJB carried out the review and comparison of current controls, and assisted in preparing new DCP controls that are current and best practice. Council emphasised the importance of the controls and diagrams being articulated in a way that is easy for all development stakeholders to understand.
15. In accordance with Clause 22(2) of the *Environmental Planning and Assessment Regulations 2000*, Council also commenced the process of repealing Kogarah DCP 2013 and Hurstville DCP No 1, the Interim DCP and former Hurstville Council policies as the Georges River DCP will apply instead by publishing its intention on its website. The documents being repealed are:
 - Hurstville Development Control Plan 1 - Applies to land within the Peakhurst, Mortdale and Hurstville Wards;
 - Kogarah Development Control Plan 2013 - Applies to land within the Blakehurst and Kogarah Bay Wards;
 - Georges River Development Control Plan 2020 – Interim Policy;
 - Drainage and Onsite Detention Policy;
 - Fencing adjacent to public roads;
 - Balcony Enclosures in Residential flat buildings Policy;
 - Satellite Dish Policy;
 - Code for the erection of private tennis courts;
 - Stencilling of street driveways policy;
 - Underground electricity cabling to developments policy;
 - Design guidelines for absorption trenches;
 - Rainwater Tanks Policy, adopted 18 December 2002;
 - Home Activities Policy, adopted 15 August 2001; and
 - Code for Commercial Use of Public Footpaths.
16. The following DCPs will be retained for the land identified as Hurstville City Centre:
 - a. Hurstville Development Control Plan Number 2 - Amendment No. 11 - Applies to sites within the Hurstville City Centre excluding the 'deferred matters' on the Draft Georges River Local Environmental Plan 2020 Land Application Map.
 - b. Hurstville Development Control Plan Number 2 - Amendment No. 5 - Applies to sites within the Hurstville City Centre identified as 'deferred matters' on the Draft Georges River Local Environmental Plan 2020 Land Application Map – being the Hurstville Westfield's Site and the Hurstville Civic Precinct Site.
17. As recommended by the Department of Planning Industry and Environment, the current notification provisions listed in the Development Control Plans below are also to be repealed as Council has adopted its Community Engagement Strategy. They include:
 - a. Section 2.4 of the Hurstville Development Control Plan Number 2 - Amendment No. 11 - Applies to sites within the Hurstville City Centre excluding the 'deferred matters' on the Hurstville Local Environmental Plan 2012 Land Application Map.
 - b. Section 2.2 of the Hurstville Development Control Plan Number 2 - Amendment No. 5 - Applies to sites within the Hurstville City Centre identified as 'deferred matters' on the Hurstville Local Environmental Plan 2012 Land Application Map – being the Hurstville Westfield's Site and the Hurstville Civic Precinct Site.
18. The draft Georges River Development Control Plan (GRDCP) 2020 was publicly exhibited in accordance with the *Environmental Planning and Assessment Act 1979* and its Regulation and 22 submissions were received from community members, public

authorities and Council staff. Feedback has also been received from the Design Review Panel on specific sections of the DCP.

19. This report provides details of the public exhibition of the draft GRDCP and recommends that the Local Planning Panel (the 'LPP') adopt the DCP with a number of amendments. Please refer to the section below on the role of LPP as delegate of the Georges River Council.

Local Planning Panel as delegate of the Georges River Council

20. The functions under Part 3, Division 3.6 of the Environmental Planning and Assessment Act 1979 include the adoption of a development control plan.
21. Council at its meeting held 24 August 2020 considered the *Deferred Report From Environment And Planning Committee Meeting 10 August 2020 (ENV030-20) - Public Exhibition of Draft Georges River Development Control Plan 2020* and resolved as follows:
 - 'That Council note that due to the nature and number of disclosures of interest made, Council does not have a quorum present for the consideration of Item CCL046-20 *Deferred Report from Environment and Planning Committee Meeting 10 August 2020 (ENV030-20) - Public Exhibition of Draft Georges River Development Control Plan 2020* held on 24 August 2020; and
 - That having regard to the lack of quorum, Council delegate the Council functions under Part 3, Division 3.6 of the Environmental Planning and Assessment Act 1979 in relation to the Draft Georges River Development Control Plan 2020 including the determination of the matters contained in recommendation of Item CCL046-20 *Deferred Report from Environment and Planning Committee Meeting 10 August 2020 (ENV030-20) - Public Exhibition of Draft Georges River Development Control Plan 2020* held on 24 August 2020 to the Georges River Local Planning Panel.'
22. The matter was considered by the Georges River Local Planning Panel as delegate of the Georges River Council on 17 September 2020. The Georges River Local Planning Panel, resolved as follows:
 - (a) *The draft Georges River Development Control Plan 2020 comprising of **Attachments 1 to 16** to the report to the Georges River Local Planning Panel dated 17 September 2020 be placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2000, subject to the following amendments being made:*
 - i) *Insert a Savings Clause that states:
If an application has been made before the commencement of the DCP in relation to land to which the DCP applies, and the application has not been finally determined before that commencement, the application must be determined as if the DCP had not commenced. All applications received after the commencement date of an amendment to the DCP are subject to the DCP as amended.*
 - ii) *The provisions within Part 6-3 Residential Flat Buildings (High Density) are amended to include the residential component of shop top housing/mixed use development.*

(b) The General Manager is authorised to make minor modifications to any numerical, typographical, interpretation and formatting errors, if required, in preparation for the public exhibition of the draft Georges River Development Control Plan 2020.

23. A copy of the report that was considered by the LPP on 17 September 2020 is attached – see **Attachment 17**.
24. Council included these amendments in the GRDCP 2020 before undertaking the public exhibition.

Draft Georges River LEP 2020 and draft Georges River DCP 2020

25. Georges River LEP 2020 has been prepared to harmonise and replace the existing Hurstville Local Environmental Plan 2012 ('HLEP 2012') and Kogarah Local Environmental Plan 2012 ('KLEP 2012'). It forms stage 1 of a four-staged approach to preparing the Georges River LEP. The aim of this staged-approach is to enable detailed investigations to be conducted to support the full suite of actions and changes proposed by Council's Local Strategic Planning Statement 2040 ('LSPS 2040').
26. The GRLEP 2020 has been lodged with the Department of Planning, Industry and Environment (the 'DPIE') since 30 June 2020. It is anticipated that it will be gazetted in the second quarter of 2021.
27. The draft GRDCP 2020 has been prepared to support the Georges River LEP 2020 (GRLEP 2020) and aims to harmonise the existing Hurstville DCP No. 1 and Kogarah DCP 2013. As advised earlier, the two DCPs (Hurstville DCPs No. 2) applying to the land identified as Hurstville City Centre will continue to remain effective. They include:
 - Hurstville Development Control Plan Number 2 - Amendment No. 11 - Applies to sites excluding the 'deferred matters'.
 - Hurstville Development Control Plan Number 2 - Amendment No. 5 - Applies to sites identified as 'deferred matters' - Hurstville Westfield's Site and the Hurstville Civic Precinct Site.

Public Exhibition

28. The draft GRDCP2020 was placed on public exhibition from 21 October to 27 November 2020, for a total of 38 days, in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*. The repeal of the DCPs, Interim DCP and former Hurstville policies listed in Paragraph 15 of this report was also notified at the same time.
29. The notification for the public exhibition included the following:
 - Five statutory notices in The St George and Sutherland Shire Leader Newspaper (21 and 28 October, 4, 18 and 25 November 2020);
 - Dedicated page on Council's Your Say website (under Public Exhibitions);
 - Dedicated page on Council's website on the repeal of the DCPs, Interim DCP and former Hurstville policies with reasons as required by Clause 22(2) of the Regulations;
 - Displays in Council's Customer Service Centre and libraries including the public exhibition information, the draft DCP and relevant Council Reports;
 - Webinar for external and internal stakeholders to discuss the key changes to the DCP; and
 - Telephone conversation with Strategic Planning staff

30. The following Public Authorities and adjoining councils were consulted as part of the Public Exhibition of the Draft DCP - Sydney Airport; Commonwealth Department of Infrastructure, Regional Development and Cities; NSW Rural Fire Service; Office of Environment, Energy and Science; NSW Land and Housing Corporation; NSW Health; NSW Department of Education; Sydney Water Corporation; Environmental Protection Authority; Heritage, Department of Premier and Cabinet; Bayside Council; City of Canterbury Bankstown and Sutherland Shire Council. Feedback was received from Transport for NSW, Heritage NSW and NSW Rural Fire Service.

Submissions received

31. During the exhibition, twenty two (22) submissions were received; including 15 from the public, 4 from Council staff, and 3 from Public Authorities. Please refer to **Table 1** (below) for a listing of support/suggestions, objections or questions and **Table 2** for a summary of submissions, Council response and recommendation. No submissions were received in respect of the repeal of the Kogarah and Hurstville (No. 1) DCPs, Interim DCP and former Hurstville policies.

Table 1: Submissions received to the public exhibition of the draft GRDCP 2020

Submissions	Number received
Support and suggestion	12
Part Support / part objection	1
Questions and suggestions	5
Submissions not applicable to DCP	3
Objection	1
Total	22

32. The submissions supporting and providing suggestions for the draft DCP included the following issues:
- Supportive of the incorporation of the reduction of the heat island effect in connection with the proposed tree canopy, landscaping and energy efficiency controls.
 - Supportive of proposed controls relating to proportion of shade trees and open parking spaces as 1:6.
 - Appreciate the incorporation of updated numerical standards in Clause 6.13 and new Clause 6.19 for tree protection and landscaping in R2 and R3 zones in GRLEP 2020 – suggested these be incorporated in the draft DCP 2020 also.
33. The five submissions posing questions and providing suggestions were on the following issues:
- The reason for the green web not being present in the former Hurstville LGA and how can this be organised
 - GRLEP 2020 landscaping provisions to be incorporated in the draft DCP 2020
34. The one submission objecting to the draft DCP, referred to the following issues:
- No controls provided for dual occupancy development located in a battle axe lot
 - Minimum dwelling size and access options in low density development not stringent
35. In summary, the content of the submissions are categorised into the following topic areas:
- Environment and Sustainability;
 - Solar Access

- Energy Efficiency
- Heat Island Effect
- Sea Level Rise
- Water Management
- Green Web Mapping
- Landscaping;
 - Deep Soil
 - Tree Canopy
- Utility Infrastructure;
- Pedestrian Access and Walkways;
- Awnings and Signage;
- Parking and Vehicular Access;
- Dual Occupancy Development;
- Secondary Dwelling Development; and
- Building Scale/Height and Setbacks.

36. **Table 2** below summarises the submissions received, Council's response and recommendation for any DCP amendment:

Table 2 – Summary of Submissions, Council response and DCP Amendment

Draft Georges River DCP 2020 - Summary of Submissions, Council response and DCP Amendment			
Council staff submissions			
Submission No.	DCP Part / Section and issue	Council Response	Recommendation
1	Part 3		
	Avoid use of fossil fuels	Avoidance of fossil fuels is too generalised and reduction in energy are regulated via Basix and Section J of the BCA / NCC. Refer to further discussion under submission 6.	No DCP amendment required.
	Part 3.14 Utilities Control 6 Bicycle EV chargers to be provided.	Noted - Reference to electric vehicles to be added to Part 3.14 – Control 6. <u>Existing Control 6:</u> Car parking areas are to be designed and constructed so that electronic vehicle charging points can be installed at a later date.	See revised control 6: <i>Car parking areas are to be designed and constructed so that electric vehicle and bicycle charging points can be installed now or at a later date. This will include the provision of 3 phase power to car</i>

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		This will include the provision of 3 phase power to car parking areas for residential flat buildings, shop top housing and non-residential buildings.	<i>parking areas for residential flat buildings, shop top housing and non-residential buildings.</i>
	Correction – electric vehicles rather than electronic	Noted - Reference to electric vehicles to be corrected.	See revised control 6 above.
	Part 3.2.1 Control 3 Reference Significant tree register (STR) to be replaced by “and attached appendices”	Noted - Reference to STR to be updated in Part 3.2.1.	Revise Objective 3 as: <i>Development is to comply with Council’s Tree Management Policy and Appendix 1 - Green Web Map and Biodiversity Guide.</i>
	Part 3.2.2.Control 4 (v): Current control: Mature hollow trees and other fauna habitat features on the site.	Noted - Reference to mature trees with hollows to be updated in Part 3.2.2.	Revise Control 4 (v) as: <i>Mature trees with hollows and other fauna habitat features on the site.</i>
	Place of public worship – add percentage for landscaped area	Landscaped areas are required by way of landscaped setback provisions relative to land zoning and adjoining land uses. This approach is considered to be the best means of ensuring where plantings / landscaped areas are located onsite (towards sensitive boundaries, street frontages etc.) rather than a numerical control.	No DCP amendment required.
	Part 4		
	Solar compensation relative to additional overshadowing to be provided.	The DCP controls reference mitigation of overshadowing of private open space areas and solar collectors to neighbouring properties. Shadow impacts are to be assessed relative to the numerical controls but monetary compensation for shadow impacts is a matter for discussion between the developer and the adjoining landowners rather than Council.	No DCP amendment required.
	EV charges to be provided for vehicle sales, repairs and hire premises.	EV charge controls are included in 3.14 Utilities in relation to car parking areas residential flat buildings, shop-top housing and non-residential buildings. It is considered that further review should be undertaken by Council officers to providing EV charges within the public domain.	No DCP amendment required.
	Boarding houses include appliances with energy	The inclusion of energy ratings for appliances in Boarding houses	No DCP amendment required.

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	rating of 3.5 or higher. Should apply to all visitor accommodation	has been prescribed in accordance with best practice. However, Tourist and Visitor Accommodation is a separately defined land use and a review of best-case examples identifies that energy ratings are not prescribed. It is considered that this is attributable to variety of facilities and services provided (i.e. off-site laundry service, in-house restaurants etc.) in hotel accommodation rather than communal cooking and laundry facilities which are provided in Boarding houses. As such no amendment to the Tourist and Visitor accommodation controls are deemed required.	
	Revise Part 4.3.5 Control 1(vi) - original control: Reducing stormwater run-off and promoting the use of recycled water	Noted - Reference to recyclable water and rainwater tanks to be added in Part 4.3.5.	Revise control 1(vi) as: <i>Reducing stormwater run-off and promoting the use of recycled water via the installation of rainwater tanks where possible;</i>
	Landscape plan to include arborist report	Arborist report requirements to be included in Council's DA Guide rather than DCP.	No DCP amendment required.
2	Re Parts 3 & 4 – as per comments above.	As per comments above.	As per comments above.
3	Re use of “manor houses” rather than “manor housing”	Noted – changes to be made in the DCP.	All references to “manor housing” to be changed to “manor houses” throughout the DCP, including the following sections: <ul style="list-style-type: none"> • Contents page (Part 6.2); • Part 3.13 Parking Access and Transport – Table 1 Off street Parking Requirements; and • Part 6.2 Multi Dwelling Houses, Multi Dwelling Houses (terraces) and Manor Houses.
Community submissions			
	DCP Part / Section	Council Response	Recommendation
4	Part 3 -Urban heat islands		

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	Add quantitative measures	Quantitative measures are not specified in best case DCPs and specific research would be required for such matters. It is considered that these matters will be reviewed in the future State government policies given the degree of scientific input required to quantify such measures.	No DCP amendment required.
	Part 3.14: Utilities Regarding Underground power lines	Additional controls to be added from Council's Underground cabling policy; which is being repealed by this DCP.	Add additional control 7 and 8 as: <i>7. For all future roaded subdivisions, electricity supply is to be installed underground.</i> <i>8. The existing above ground electricity and telecommunication cables within the road reserve and within the site will be replaced, at the applicant's expense, by underground cable and appropriate street light standards, in accordance with the Energy and Communication Provider's guidelines.'</i>
	Public spaces including Oatley Memorial Park, Boongarra Reserve and Mortdale Station could benefit from additional shade / trees	Noted. Comments will be passed onto Council's Assets and Infrastructure Team to inform any future upgrades etc.	No DCP amendment required.
5	Part 8 – Kogarah Town Centre		
	Lack of tree planting in the Railway Parade precinct.	Kogarah Town Centre to be reviewed by Council officers.	Reference to Council's Tree Management Policy (and its Appendix 1 – Tree Planting) included in the Desired Future Character section of the Railway Parade Precinct – <i>The Precinct will be greened through tree planting in accordance with Council's Tree Management Policy (and its Appendix 1 – Tree Planting).</i>
	Part 3 – sea level rise & water management, parking and signage		

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	<p>Flood terminology – should reference AEP not ARI.</p> <p><i>ARI (Average Recurrence Interval) - The average value of the periods between exceedances of a given rainfall total accumulated over a given duration.</i></p>	<p>Not supported. The Flood terminology to be retained as ARI to be consistent with the DPIE's advice and as in the GRLEP Maps.</p>	<p>Part 3.9.2 Control (3) and accompanying note amended in six places from '1in 100 year ARI' to '100 year ARI'</p>
	<p>Notes should refer to Australian Rainfall and Runoff guide for flood estimation</p>	<p>Reference has been made to the Australian Rainfall and Runoff guide for flood estimation.</p>	<p>Note in Part 3.9.2 Control (3) amended by adding reference at number (iv) to: iv. <i>Australian Rainfall and Runoff: A Guide to Flood Estimation</i></p>
	Part 3.9.2 Sea level		
	<p>Flood maps should adopt 0.9m sea level rise scenario</p>	<p>Council's Overland Flood studies and Risk Management Studies and Plans (e.g. Council's Final Report on Overland Flow Flood Study for Hurstville, Mortdale and Peakhurst Wards) assess sea level rise scenarios and includes comments on climate change including sea-level rise as appropriate at the time that the study was undertaken.</p> <p>Preliminary floor level controls have been placed with respect to sea level rise for properties identified on Council's 'Coastal Hazard and Risk Maps'.</p> <p>Notwithstanding, Council will gain advice / direction as to future appropriate controls with respect to sea level rise.</p>	<p>No DCP amendment required.</p>
	<p>Submission seeks clarification as to whether sea level rise is mapped.</p>	<p>The GRLEP contains a Coastal Hazard and Risk Map which illustrates sea level rise.</p>	<p>No DCP amendment required.</p>
	<p>Flood map in LEP may require amendment and should be in DCP</p>	<p>To minimise overlapping and to minimise future housekeeping amendments, GRLEP provisions (including Flood maps) are not included in the DCP.</p> <p>Notwithstanding, flood maps will be reviewed and updated via a future amendment over the next</p>	<p>No DCP amendment required.</p>

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		18-24 months.	
	Part 3.10 Water Management		
	Objective to minimise runoff is not forward thinking. Should be no 'net' increase	Objective (c) is recommended to be updated to specify no 'net' increase. Note - Council Stormwater Management Policy through requirements for provision of On-site Detention and rainwater reuse has been designed to have development not increase peak runoff flows.	Revise Objective (c) in Part 3.10 Water Management as: (c) <i>Minimise run-off volumes and discharge rates from new developments to reduce ensure no 'net' increase in stormwater drainage flows and flood risk in urban areas relative to the existing.</i>
	Part 3.10 Water Management, Control No. 5: PMF plus freeboard for sensitive land uses should include critical services and utilities	Control 5 is recommended to be updated to include all sensitive uses as defined in Council's Stormwater Management Policy.	Revise Control 5 as: <i>Development consisting of sensitive land uses in PMF affected areas must provide 0.5 metres freeboard above the PMF flood event level. Sensitive land uses include but are not limited to the following:</i> <i>i. Correctional facilities</i> <i>ii. Early education and child care facilities</i> <i>iii. Educational establishments</i> <i>iv. Group homes</i> <i>v. Health services facilities</i> <i>vi. Seniors housing</i> <i>vii. Respite day care centres</i> <i>viii. Liquid fuel deposits</i> <i>ix. Offensive storage establishments</i> <i>x. Public utility undertakings</i> <i>xi. Telecommunications facilities</i> <i>xii. Waste disposal facilities</i> <i>Note:</i> <i>Refer to Council's Stormwater Management Policy 2020, specifically Section 6 Flooding and Overland Flow for further guidance.</i>
	Part 3.13 Parking		
	S7.11 contribution in lieu of parking is only effective	In the instances where Council's minimum car parking rates are not	No DCP amendment required.

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	<p>where public parking is available.</p> <p>Currently Kogarah Strategic Centre via the Kogarah Development Contributions Plan No. 8; and Hurstville City Centre, Penshurst, Mortdale, Beverly Hills and Riverwood Local Centres via the Hurstville Development Contribution Plan are the only centres where a S7.11 contribution in lieu of parking can be levied.</p>	<p>satisfied the use of S7.11 contributions to offset such non-compliance is consistent with best practice. Notwithstanding, it is recommended that car park offsetting is reviewed as part of Council's upcoming S7.11 / S7.12 contribution plan.</p>	
	Part 3.18 Signage		
	Control 1 (ix) - Should be updated to reference cyclists on footpaths	Part 3.18 Signage to be updated to reference the safety of all pedestrian and road users including cyclists.	Revise Part 3.18 Control 1 (ix) as: <i>Not compromise road or pedestrian safety including cyclists.</i>
6	Part 3 – Energy efficiency		
	More explicit in requiring passive built-in housing design features	<p>Part 3.11.1 Energy and Water Efficiency outlines relevant requirements for residential and commercial building buildings in accordance with Basix and BCA / NCA requirements. The respective provisions seek to reduce greenhouse gases via prescribed energy targets depending on climate zones and building types.</p> <p>Furthermore, it is noted that passive design principles are incorporated into spatial design planning relative to individual land uses (i.e. building orientation to maximum solar gain, building layout to facilitate natural ventilation etc.) within land use specific sections of the DCP.</p> <p>As such, no detailed guidelines regarding passive design are deemed required.</p>	No DCP amendment required.
	Structural integrity of buildings in relation to environmental risks and insurance review should be undertaken prior to DA approval.	Detailed structural design is dealt with at Construction Certificate stage rather than DA. Notwithstanding, it is recommended that Council's DA Guide is reviewed relative to the	No DCP amendment required.

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		submission of Geotechnical and structural reports where relevant (i.e. basement excavation).	
	Part 6 – dwellings and RFBs		
	The minimum dwelling sizes (medium density – manor houses and high density - RFBs) need to be increased and pedestrian access routes into the developments need to be increased.	<p>Manor Housing</p> <ul style="list-style-type: none"> The minimum dwelling sizes (m2) were extracted from The Low Rise Housing Diversity Code SEPP Design Guide. The minimum dwelling sizes (m2) exclude balconies and courtyards. The number of pedestrian access routes is determined on the design and number of dwellings within the development. Where a dwelling (within a manor house development) has a frontage to a public road, it is required to provide a direct entry from that public road. Where a dwelling is located on the first floor, access from the ground level of the building will be provided. <p>Residential Flat Buildings</p> <ul style="list-style-type: none"> The minimum dwelling sizes (m2) were extracted from the Apartment Design Guide (ADG). The minimum dwelling sizes (m2) exclude balconies and courtyards. Increasing the minimum size of dwellings would create an inconsistency with the ADG. Clause 6A of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development, states that development control plans cannot be inconsistent with ADG, which includes apartment size. The number of pedestrian access routes is determined on the design and number of dwellings within the development. The ADG requires direct street access be provided to ground floor apartments. Generally speaking, a building with a singular frontage to a public road will provide a communal 	No DCP amendment required.

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		<p>entrance into the lobby of the building. The lobby will provide access to the ground floor apartments that do not have street access and lift access for residents on levels 1 and above. The number of lifts within a building is generally based on the number of units per floor as prescribed within the ADG. Objective 4F-1 Design Criteria 1 of the ADG prescribes a maximum of 8 units to be accessed off a single core, i.e. one lift and set of fire stairs. Where a greater number of units are proposed per floor, additional lifts may be provided to ensure vertical circulation within the building is adequate.</p> <ul style="list-style-type: none"> The BCA also addresses the number of units and the required number of lifts. 	
7	Submission from Local MP re GRLEP 2020	Not applicable to DCP	N/A
8	Re no more development in Hurstville in relation to development application DA/2020/0387.	Not applicable to DCP	N/A
	DCP Part / Section/issue	Council Response	Recommendation
9	Part 6.1.2.13 – Dual key dwellings	All controls and references, including the contents and title pages relating to dual key dwellings are to be deleted.	<ul style="list-style-type: none"> <i>Part 6.1.2.13 – Dual key dwellings deleted</i> <i>Title of Part 6.1 changed to 'Dwellings, Dual occupancies (attached and detached), Secondary dwellings, and Narrow lot housing (Low Density)'</i>
	Part 6.1.2.3 (2) Side and rear setbacks: The reduced setback control for lots 12m or less should be increased to lots 12.5m or less	<p>A review of Council records indicates the following lot dimensions within the LGA :</p> <p>R2 Low Density Residential</p> <ul style="list-style-type: none"> Total lots (approx. 30,990 lots) Lot width - 75% of lots (approx. 23,223 lots) $\geq 12.19\text{m}$ <p>R3 Medium Density Residential (R3)</p> <ul style="list-style-type: none"> Total lots (approx. 603 lots) 	<p>Revise Part 6.1.2.3 (2) Side and rear setbacks as:</p> <p><i>The minimum side setbacks for ground and first floor are:</i></p> <p><i>i. 900mm for lots up to 12.5m in width measured at the front building line for the length of the development.</i></p> <p><i>ii. 1.2m for lots greater than 12.5m in width measured at the front building line for the</i></p>

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		<ul style="list-style-type: none"> Lot width - 81% of lots (approx. 489 lots) $\geq 12.19\text{m}$ <p>Noting the above findings, it is recommended the minimum lot width be increased from 12m to 12.5m to capture the high proportion of lots greater than or equal to 12.19m.</p>	<p><i>length of the development.</i></p> <p><i>iii. 1.5m for all lots within the Foreshore Scenic Protection Area measured at the front building line for the length of the development.</i></p>
	Part 6.1.2 Single Dwellings: Delete FSR void control restricting any void to 15m ²	<p>This control is recommended to be retained as it prevents proposed dwellings and first floor additions from incorporating large voids above the ground floor, which contribute to the scale and size of the first floor but are not considered gross floor area and not captured by the FSR control prescribed in the GRLEP.</p> <p>Council has received numerous development applications where large voids are proposed and it creates a larger first floor and increased bulk than what the GRLEP envisaged when the maximum FSR was determined for the R2 zoned areas.</p>	No DCP amendment required.
	Delete control restricting size of basement, no. of car spaces and FSR implications - Control 6.1.2 (single dwellings). 2 (Building scale and height) – control 4).	The request for no restrictions on the size of the basement and number of car spaces would result in excessive basement areas being provided, far in excess of the car parking or storage needs of a dwelling. The control seeks to minimize the extent of excavation and size (area) of a basement car park in a low-density residential setting.	No DCP amendment required.
	Part 6.1.2.2 Control 5 – street setback of levels above basement should be 1m and taken from balcony	Agreed. Recommend setback requirement be included in the control.	Revise Control 5 as: <i>Where the entry to the basement carpark is visible from the street, the entry should be recessed a minimum of 1m (from the edge of the external wall or balcony) from the levels above and the external walls of the garage differentiated from the walls above through articulation and external materials.</i>
	Part 6.1.1 Point 3 Setbacks – Control 1 (iii) Maximum front setback to be limited to 7.5m	The control currently reads as 'where the prevailing street setback is greater than the minimum 5.5m the current control requires the front setback to be	No DCP amendment required.

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		the average of the two adjoining properties'. This approach is considered to be appropriate and a maximum setback is not recommended.	
	Part 6.1.2.7 – control 7: Delete basement/storey - 'the overall development presents as two storeys to the street'	The wording is to be retained as it seeks to minimise the extent of a basement car park visible from the street, and highlights that a two-storey form is the desired outcome.	No DCP amendment required.
	Part 6.1.2.12 Secondary Dwelling Reduce side setback to 900mm (from 1500mm) for lots 12.5m wide or less	The proposed side setback of 1500mm is provided in response to Councillor feedback and complaints they had received from the public regarding secondary dwellings being constructed too close (900mm) to side property boundaries.	No DCP amendment required.
	Part 6.1 Further details/controls of dual key dwellings to be provided	'Dual key dwellings' are no longer a land use listed in the GRLEP and all controls and references, including the contents and title pages relating to dual key dwellings are to be deleted.	See recommendation for dual key dwellings above.
	6.1.3 Dual Occupancy Delete FSR void control restricting any void to 15m ²	This control is recommended to be retained as it prevents proposed dwellings and first floor additions from incorporating large voids above the ground floor, which contribute to the scale and size of the first floor but are not considered gross floor area and not captured by the FSR control prescribed in the GRLEP.	No DCP amendment required.
	Part 6.1.3.2 Delete control 4 restricting size of basement, no. of car spaces and FSR implications	The request for no restrictions on the size of the basement and number of car spaces would result in excessive basement areas being provided, far in excess of the car parking or storage needs of a dwelling. The control seeks to minimize the extent of excavation and size (area) of a basement car park in a low-density residential setting.	No DCP amendment required.
	Part 6.1.3.2 Control 5 - Street setback of levels above basement should be 1m and taken from balcony	Agreed. Recommend setback requirement be included in the control.	Revise Control 5 as: <i>Where the entry to the basement carpark is visible from the street, the entry should be recessed a minimum of 1m (from the edge</i>

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			<i>of the external wall or balcony) from the levels above and the external walls of the garage differentiated from the walls above through articulation and external materials.</i>
	Part 6.1.3.1 Control 4: Impose maximum depth of recessed front entry, for e.g. 2m	Agreed that a maximum depth should be specified, however, a 2m recess is considered too deep as it will create reduced ability for passive surveillance from within the dwelling and a poor streetscape outcome. It is considered that the maximum depth of the recess should be 1m to provide shelter for visitors to the dwelling whilst ensuring the front entry is legible from the street.	Revise Control 4 as: <i>Each dwelling entrance is clearly identifiable from the street and recessed a maximum of 1m into the façade of the dwelling.</i>
	Setbacks of 900mm should apply not 1200mm and 1500mm	Larger side setbacks for dual occupancies are considered appropriate as the buildings are located on larger lots in terms of overall area and lot width. The streetscape elevation of dual occupancies is likely to be wider, therefore increased side setbacks are considered appropriate.	No DCP amendment required.
	Subdivision of dual occupancy to be considered as part of DA for construction of dual occupancy	The GRLEP requires a dual occupancy to be constructed (and occupied) before consent can be granted for the subdivision of the dual occupancy.	No DCP amendment required.
10	Part 6 – dwellings and RFBs landscaping and Clause 6.19 and 6.13 of GRLEP 2020		
	The submission requests the minimum landscaped area and tree protection requirements of the LEP (Clause 6.13 and Clause 6.19) are documented in the DCP	To minimise overlapping, duplication and future housekeeping amendments, GRLEP provisions are not included with the DCP.	No DCP amendment required.
11	Part 6 – dwellings and RFBs landscaping and Clause 6.19 and 6.13 of LEP The submission requests the minimum landscaped area and tree protection requirements of the LEP are documented in the DCP	See comment in submission 10 (above).	See recommendation above.

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12	Part 3 – Greenweb DCP to acknowledge why no Green Web mapping is identified on former Hurstville LGA.	<p>The DCP is based upon the harmonisation of the existing Hurstville and Kogarah DCPs and associated policy documents. No Green web mapping was previously undertaken for the former Hurstville LGA. Furthermore, Council has commenced a biodiversity and foreshore study for the Georges LGA and the outcome of this study will influence future Green Web mapping.</p> <p>A note is recommended to be added to Part 3.2.2 of the DCP identifying that the former Hurstville LGA will be subject to future Green web mapping.</p>	<p>Add the following note in Part 3.2.2 (after the controls):</p> <p><i>Note:</i> No Green web mapping was previously undertaken for the former Hurstville LGA. As such additional mapping will be required for the entire Georges River LGA.</p>
	Part 6 – dwellings and RFBs landscaping and Clause 6.19 & 6.13 of LEP	See comment under submission 10 (above).	See corresponding recommendation above.
13	<p>Part 6 – Re dual occupancies and battle-axe blocks.</p> <p>Clarification on what dual occupancy setback controls apply where an allotment is accessed via an access handle and does not have direct frontage to a road/street.</p> <p>A recent example of an approved dual occupancy accessed via an access handle is at 10 Asquith Street, Oatley - approved by Council on 22 June 2019 is quoted.</p>	<p>With regard to the approved dual occupancy at 10 Asquith St, Oatley it is noted this DA was assessed in accordance with the relevant provisions of the Kogarah LEP 2012 and Kogarah DCP (KDCP).</p> <p>The GRLEP now includes development standards relating to both minimum lot areas and minimum lot widths with regard to dual occupancies.</p> <p>As such, “Part 6.1 Dwellings, Dual Occupancies (attached and detached), secondary dwellings and ancillary dwellings” of the DCP defers to the minimum lot and minimum lot width at the front building line in the GRLEP to minimise overlapping and potential housekeeping amendments between both documents.</p>	No DCP amendment required.
14	<p>Part 3 – Greenweb DCP to acknowledge why no Green Web mapping is identified on former Hurstville LGA.</p> <p>Part 6 – dwellings and RFBs</p>	See previous comment under submission 12 (above).	Refer to recommendation for submission 12 above.

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	landscaping and Clause 6.19 & 6.13 of LEP		
15	Part 3 – Greenweb DCP to acknowledge why no Green Web mapping is identified on former Hurstville LGA. Part 6 – Dual occupancies, landscaping and Clause 6.19 & 6.13 of LEP	See previous comment under point 12 (above).	Refer to recommendation for submission 12 above.
16	Part 4 – Places of Public worship Submission requests that controls should not apply to existing Places of Public Worship.	Alterations and additions to existing Places of Public Worship will be assessed on a merit basis relative to DCP controls. It is noted that Council's Draft Places of Public Worship guidelines policy formed the basis of the proposed controls.	No DCP amendment required.
17	General DCP makes reference to Council and State policies which is confusing for non-planners / developers	A key objective of the DCP is to identify relevant State and Council policies to benefit the reader including both professionals and land owners. As highlighted in Part 2 of the DCP, Council provides a Pre-DA advisory service to assist with the interpretation of planning controls and guidelines. In addition, clarification can be provided by Council's Duty Planner.	No DCP amendment required.
	Part 3.13 – Parking Car parking to be introduced for secondary dwellings	Onsite car parking is not deemed required for secondary dwellings as per best practice and existing controls.	No DCP amendment required.
	Parts 3.16 – Subdivision and 6.5 – Foreshore controls Lot size to build a secondary dwelling in FSPA should be same as a dual occupancy (1000sqm)	No increase in lot size for secondary dwellings is deemed required for sites in FSPA due to the limited GFA restriction (i.e. 60sqm secondary dwelling). Secondary dwellings are also covered by State Environmental Planning Policy (Affordable Rental Housing).	No DCP amendment required.
18	LEP environmental provisions to be included in DCP.	To minimise overlapping, duplication and to minimise future housekeeping amendments, GRLEP provisions are not to be included with the DCP.	No DCP amendment required.

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	Council should be proactive in monitoring compliance with landscape plans prior to occupation – especially with Private Certifiers.	Development Consent compliance is not a matter of consideration for the DCP. Such matters are reviewed and managed by Council's Compliance officers where applicable.	No DCP amendment required.
19	Lack of public consultation	The DCP was placed on exhibition for 38 days, greater than the prescribed period of 28 days in accordance with Council's Community Engagement Strategy. The engagement strategy was based on the practice of "inform, consult and involve" techniques in accordance with the abovementioned strategy. As part of this engagement process, a public/development industry webinar was held online in November 2020.	No DCP amendment required.
Public Agency submissions			
20	NSW Heritage		
	DCP Part / Section	Council Response	Recommendation
	Supportive of DCP Submission confirms that works to State Heritage items may require approval under the Heritage Act (s60).	This request needs to be incorporated in the DA submission requirements for State Heritage items (s60) of Council's DA Guide rather than the DCP.	No DCP amendment required. However, it is recommended that DA submission requirements for State Heritage items (s60) are incorporated into Council's DA Guide.
21	Transport for NSW		
	Road safety audits to be added to Part 3.16.2 – Roads, vehicular access and car parking.	Given the existing Kogarah and Hurstville DCPs do not require Road safety audits, it is recommended that this is reviewed further with Council's traffic engineers as part of Council's DA Guide.	No DCP amendment required.
	Green Travel Plans – In addition to Transport Impact Studies, a Green Travel Plan should be included in the controls.	Reference is made in Part 3.11 to promote developments to reduce car dependence through a variety of measures including car sharing and green travel plans. It is considered that DA submission requirements including	No DCP amendment required.

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		Traffic Impact Statements and Green Travel Plans are best placed within Council's DA Guide rather than the DCP.	
	<p>Active Transport – Council should review controls to support Future Transport 2056 objectives of increasing walking / cycling mode share for local trips.</p> <p>Council should also seek to promote walking / cycling in Kogarah Health Precinct and Town Centre.</p>	<p>Reference is made in Part 3.11 to promote developments to reduce car dependence through a variety of measures including car sharing and green travel plans.</p> <p>The DCP contains provisions regarding bicycle parking requirements per land use.</p> <p>It is considered that area specific initiatives to promote walking and cycling are best dealt with specific Council policies as opposed to the DCP. As such comments will be reviewed further by Council's Public Domain and Sustainability team.</p>	No DCP amendment required.
	Freight – Council should expand controls regarding key freight corridors including the Illawarra Rail Line and King Georges Road in line with the LSPS 2040.	It is noted that the DCP controls are a result of the harmonisation of existing DCPs which pre-dated the LSPS. It is considered that further review with Council's technical officers is required prior to adding any detailed freight controls. Such amendments need to be addressed by future housekeeping amendments.	No DCP amendment required.
	<p>Parking access and transport – The DCP should specify the maximum number of off-street parking spaces for buses, taxis for hotels, serviced apartments and motels based on the number of rooms or GFA.</p> <p>In addition, Council does not require a minimum number of off-street loading and services spaces.</p> <p>Additional controls to be added to reference Infrastructure SEPP and Development near Rail Corridors Policy.</p>	<p>With regard to car parking controls, it is noted that the DCP controls are a result of the harmonisation of existing DCPs which included minimum rates.</p> <p>It is noted that loading bay requirements are specified in Part 3.13 (control No. 52) of the DCP for retail and commercial land uses.</p> <p>Furthermore, <i>Part 3.20.2 Development near Road and Rail corridors</i> already contains reference to the Infrastructure SEPP and <i>Part 3.20.3 Noise Generating Development</i> includes a reference to Development near Rail Corridors and Busy Roads Policy.</p>	No DCP amendment required.
22	NSW Rural Fire Service		
	Raises no concerns, other	GRC manages bush fire risk on	Replace the existing Control 9

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	<p>than strengthening the provisions of Section 3.2.2 Green Web. The Habitat Reinforcement Corridor, if not managed to asset protection zone standards (APZ), may lead to increase in bush fire risk, especially along the Georges River riverfront.</p> <p>A review of the bush fire prone land mapping for the council area may be required to reflect additional areas of vegetation indicated on the Green Web Map as shown in Appendix 1.1.</p> <p>Future development on bush fire prone land must comply with the relevant provisions of Planning for Bush Fire Protection 2019. The areas within the buffer zone of the Habitat Reinforcement Corridor need to consider the bush fire risk posed by any retained unmanaged vegetation and/or proposed revegetation.</p> <p>In summary, RFS requests Council to evaluate the implication of the green web maps (habitat reinforcement corridor) and associated asset protection management.</p>	<p>council owned or managed bushland in accordance with the Bush Fire Risk Management Plan. Priority areas are identified in the Plan and include required treatments to manage risk and fuel loads appropriately. This also coincides with the Bush Fire Prone Land Mapping.</p> <p>As the DCP pertains to preserving vegetation rather than seeking additional vegetation, a minor amendment is required in this instance. This is illustrated in the Recommendations column.</p> <p>It is noted that there is a discrepancy between the 'Vegetation Buffer' mapped on Council's Bushfire Prone Land Map and the Habitat Reinforcement Corridors in the Green Web Map (Appendix 1) of the DCP. Habitat Reinforcement Corridor should be retained or reinforced where it does not increase the risk of bush fire to properties. Especially, if it is an identified priority asset in the Bush Fire Risk Management Plan or is not managed to Asset Protection Zone standards (APZ) when required.</p> <p>Noting the above it is considered that further review will be required to rectify the abovementioned discrepancy. Such matters can be resolved by way of a future DCP amendment.</p>	<p>(i):Part 3.2.2 Green Web with a new control:</p> <p>Existing Control 9 (i):</p> <p>Continuous canopy and understorey planting along one boundary,</p> <p>Replace with new 9 (i):</p> <p><i>Allocating one boundary of the site to planting of indigenous vegetation of a mix of canopy species (over 3m height at maturity) and understorey species (less than 3m height at maturity),</i></p> <p>Council in conjunction with Total Earth Care are preparing a Biodiversity Study for the Georges River LGA. As part of the study vegetation corridors are being investigated and will inform an amendment to this DCP.</p>
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Consideration of the draft DCP by Design Review Panel

37. In accordance with *Clause 21A Approval of development control plans relating to residential apartment development* of the Environmental Planning and Assessment Regulation 2000, specific sections of the GRDCP 2020 were referred to the Design Review Panel (the 'DRP') for review and comments. These sections included:

- Part 6.3 – High Density Residential Controls
- Part 7.1.3 – 8 Shop Top Housing
- Part 10 – Precincts (Kogarah North)

38. The DRP comments are categorised into the following:

- Minor comments
 - Adding words/rewording of controls / objectives / notes for further clarification
 - Deleting redundant /unclear controls/objectives
- Major
 - Amendment to minimum tree size and inclusion of minimum soil area
 - Updating control to keep deep soil areas clear of sub-stations, fire booster assemblies and waste bin storage structures
 - Find alternative to extensive ramps to elevated front entry due to impacts on frontage deep soil zones
 - Amending control relating to the requirement of unpaved or unsealed areas from 40 to 70% to protect deep soil zones
 - Having paved communal open space on rooftops rather than at ground level to retain capacity for tree planting and unimpeded deep soil
 - Keeping basements under the building footprint

39. A summary of the issues raised by the DRP, council response to the issues raised and whether or not an amendment to the DCP is required in response to the issues raised is provided in **Table 3** below. A number of key issues listed in the table and the subsequent amendment to the draft DCP have been detailed below:

Table 3: Issues raised by Design Review Panel - Council consideration and proposed changes

Existing DCP Part /phrase/objective /Control	DRP proposed change	Council comment	Council recommendation
Part 6.3 – Residential Flat Buildings (High Density) and residential components of shop top housing			
6.3.1 - Minimum Site Requirements Control 1: Minimum lot width is 24m.	The minimum lot width of 24m may create problems with building and basement setbacks in terms of creating a functional parking basement dimension.	The R4 areas (recently up zoned from R2) contain lots which range from 12.19m to 16m (approximately), therefore, once amalgamation occurs the lots are very likely to exceed 24m and more than adequate for buildings up to seven storeys and their associated parking requirements.	No DCP amendment required.
6.3.3 Building Setbacks and street interface Control 1 v. Above level four (ground plus 3 storeys), an increased setback of the upper levels/s may be required depending on the width of the street. The required additional upper level setback for sites fronting a road with a reservation width less than 20m will be determined based on	Tree size is critical in providing adequate shade to apartment buildings. The minimum size of trees that can provide effective shading are medium trees or larger (minimum 8m diameter tree). These would require approximately 30m ² soil area. The tree height (mature) of 6m is too small; height of tree should be based on lot area – larger lot to have more trees.	It is noted that increasing the minimum height of a mature tree (from 6m to 9m) will require greater deep soil volume areas. This may affect the siting of the building and the useability of the ground level courtyards. A 6m tree at mature height will enable the screening of a building up to two storeys. Upper levels (i.e. >4 storeys) will be	Replace 'Note' under Control 1 v with a new Control 1 vi: <i>The street setback area needs to be predominantly landscaped and is to accommodate a minimum of two (2) canopy trees to a mature height of at least 6m.</i>

Existing DCP Part /phrase/objective /Control	DRP proposed change	Council comment	Council recommendation
<p>their visual impact in the specific context of the development. If the assessment determines that an additional setback is required, the minimum additional setback will be 2m and up to 3m based on the assessment.</p> <p>Note: The setback area needs to be predominantly landscaped and is to accommodate a minimum of two (2) canopy trees to a mature height of at least 6m</p>		<p>mitigated by the additional setbacks required under control 1.iii and 1.v.</p> <p>It is therefore considered that the provision of two (2) canopy trees with a mature height of 6m is reasonable in the circumstances.</p> <p>Given the control is a minimum; it does not preclude an applicant planting higher trees where viable.</p> <p>The note as currently drafted appears to only apply to upper level building setbacks. To ensure that it is interpreted to apply to front setback areas, it is recommended that the note is replaced with a new control.</p>	
<p>Control 5. Encroachments into boundary setbacks:</p> <p>i. Ground floor private open space may encroach up to 2m into the 5m front setback leaving a minimum 3m of deep soil area to the street.</p> <p>ii. Ground floor private open space may encroach up to 3m into the side and rear setbacks leaving a minimum 3m of landscaped buffer.</p>	<p>Control 6.3.3(5) is suggested to be acceptable provided the encroachments are over a basements, otherwise need to be permeable or delete control entirely</p>	<p>It is recommended to retain the control in its current format. It is acceptable for ground floor apartments to have some paving/decking that extends beyond the building footprint. Further, it is likely the paving/decking will be located over the basement below as mentioned by the DRP.</p>	<p>No DCP amendment required.</p>
<p>Control 7:</p> <p>For improved streetscape and reduction in visual clutter, powerlines in the street verge in front of new development to which this part applies will be undergrounded. This includes the connection of power supply from the road reservation into the development site</p>	<p>Add text: For improved streetscape, reduction in visual clutter <i>and to provide above ground space for street tree canopy...</i></p>	<p>Agree with the amendment of control.</p>	<p>Amend control as:</p> <p><i>For improved streetscape and reduction in visual clutter, and to provide above ground space for street tree canopy, powerlines in the street verge in front of new development to which this part applies will be undergrounded. This includes the connection of</i></p>

Existing DCP Part /phrase/objective /Control	DRP proposed change	Council comment	Council recommendation
			<i>power supply from the road reservation into the development site.</i>
Control 8. Sub-stations, fire booster assemblies and waste bin storage structures need to be integrated into the development and identified at the DA stage.	Add text – 'clear of deep soil zones' at the end.	Substations need to be located near or on the front boundary and be accessible from the street via a concrete path/driveway. Therefore, they will be located in deep soil zones. Fire boosters should be able to be integrated into the design of the building and away from deep soil zones, however more often than not; they are located near or on the front boundary, particularly within a residential setting. Waste bin storage/collection zones will also need to be located near or on the front boundary and be accessible from the street, unless waste collections were to occur from within a building which Council's Waste Department has advised they do not support.	No DCP amendment required.
6.3.4 - Basement Setbacks Basements are to be set back a minimum of 3m from the site boundaries (Refer to Figures 3 and 4).	Basements should not protrude from ground level. The diagrams are not clear; it encourages the basement to be 'out'. Suggests amending Figure 3 and 4 to show the basement totally under the building, and show a larger tree.	Not supported <u>Justification:</u> Not supported as this will not permit requisite parking in the basements – it has already been considered and endorsed by Council during the finalisation of the C2 section in Kogarah DCP 2013.	No DCP amendment required.
Reference to figures 3 and 4.	Beware of need for extensive ramps to elevated front entry due to impacts on frontage deep soil zone - see figures 3 and 3a detailing location of deep soil zones and basement parking level.	The location and design of any basement ramp will be assessed on its merit with regard to built form controls and objectives, including streetscape, landscaped area and deep soil requirements.	No DCP amendment required.

Existing DCP Part /phrase/objective /Control	DRP proposed change	Council comment	Council recommendation
Control 6: Basements fronting the primary street address are not to project more than 500mm above ground level (existing) at the street setback alignment.	Developers should demonstrate why this cannot be achieved. The basement should not project out of the building footprint.	Removing the 500mm allowance for basement projection above street level is a desirable streetscape outcome. It may be noted that the basements may need to project above ground in certain scenarios, like flooding; when merit assessment will be required.	Amend control 6 as: <i>Basements fronting the primary street address are not to project above ground level (existing) at the street alignment.</i>
6.3.5 - Façade Treatment and Street Corners Control 3: Human scale at street level must be reinforced in the design of the building and overall development. The scale, rhythm, materiality and landscaping treatment need to define the appearance of the building to create physical and visual connections between the private and public domain for pedestrians.	Reword Control 3 - it needs to ensure that there are <i>physical and visual connections</i> .	Control already states this	No DCP amendment required.
Control 7: Clear glazing to balustrades must be avoided where they are visible from the public domain. Screening of balconies by way of adjustable or fixed panels should be included where there are issues of privacy, and/or excessive exposure to solar impacts.	Reword Control 7 - take out 'public domain' and replace with 'nearby vantage points'.	Supported <u>Justification:</u> The term 'nearby vantage points' better covers the points from where the clear glazing can be viewed.	Amend Control 7 as: <i>Clear glazing to balustrades must be avoided where they are visible from nearby vantage points. Screening of balconies by way of adjustable or fixed panels should be included where there are issues of privacy, and/or excessive exposure to solar impacts.</i>
6.3.6 Landscape Treatment and Private open space Control 7: Unpaved or unsealed areas within a development site should be maximised and designed to facilitate on site infiltration of storm water.	Change the requirement of unpaved or unsealed areas to '70%' to protect deep soil zones.	Not supported <u>Justification:</u> Control was endorsed by a Council resolution – as it was considered the control was seeking to enforce more landscaped area, beyond the LEP requirement.	No DCP amendment required.

Existing DCP Part /phrase/objective /Control	DRP proposed change	Council comment	Council recommendation
6.3.7 Communal Open Space (General comment and Controls 2, 6, 8) General comment	Retain unimpeded deep soil zones - no landscape structures in deep soil zones. Paved common open space should be provided on rooftops rather than at ground level to retain capacity for tree planting and unimpeded deep soil.	Pedestrian pathways and paving which is specifically designed for tree root growth can occupy up to 10% of the deep soil zone – as per the ADG (PART 3E, Figure 3E.4 – page 61).	No DCP amendment required.
Control 2: Communal open space may be provided above ground level where: i. the proposed elevated communal open space will provide a similar level of amenity as a communal open space at ground level of the site; and ii. there will be no significant impact on surrounding properties in respect to the loss of privacy.	Reword Control 2 – swap 'similar' with 'high'	Supported <u>Justification:</u> 'High' is stronger as compared to 'similar' level of amenity.	Amend control 2 as: <i>Communal open space may be provided above ground level where:</i> i. <i>the proposed elevated communal open space will provide a high level of amenity as a communal open space at ground level of the site; and</i> ii. <i>there will be no significant impact on surrounding properties in respect to the loss of privacy.</i>
Control 6: Roof top communal open space areas should include equitable access for all residents, and must be designed to ensure that noise and overlooking will be avoided, by way of screening and setbacks from boundaries as detailed in Figure 6.	Control 6 should be reworded to include 'amenities and common (non-private) rooms'.	Supported. <u>Justification:</u> The amended control includes more relevant areas that require equitable access.	Amend Control 6 as: <i>Roof top communal open space areas, amenities and common (non-private) rooms should include equitable access for all residents, and must be designed to ensure that noise and overlooking will be avoided, by way of screening and setbacks from boundaries as detailed in Figure 6.</i>
Control 8: Ancillary structures on the roof such as lift overruns and staircases should be centralised to reduce their visual dominance. Balustrades should be visually recessive. Note: Ground level and roof top common open space to	Reword Control 8 - swap "centralised" with "located where their impact is minimised"	Supported: <u>Justification:</u> The changed words have more strength.	Amend control 8 as: <i>Ancillary structures on the roof such as lift overruns and staircases should be located where their impact is minimised to reduce their visual dominance. Balustrades should be visually recessive. Note: Ground level and roof top</i>

Existing DCP Part /phrase/objective /Control	DRP proposed change	Council comment	Council recommendation
be provided in accordance with Part 3D of the Apartment Design Guide.			<i>common open space to be provided in accordance with Part 3D of the Apartment Design Guide.</i>
6.3.10 - Dwelling Mix Developments that propose more than 20 dwellings are to provide a mix of dwellings consistent with the following percentage mix: i. Studio apartments and 1 bed apartments – Maximum of 25% ii. 2 bed apartments – Minimum of 35% iii. 3+ bed apartments – Minimum of 15%	DRP does not agree with 20 dwellings being the benchmark for providing a mix of dwellings and advise the benchmark to be 10.	Not supported. <u>Justification:</u> In accordance with Council's adopted Inclusive Housing Strategy; based on population and demographic data, it needs to be 20 dwellings.	No DCP amendment required.
General Comment - Tree Replenishment	Tree replenishment should be based on lot area (For example 1 per X m2 of site area or part thereof) rather than a general numerical requirement. This will need to be tested further in relation to deep soil provision.	Not supported. <u>Justification:</u> We will comply with what is in Council's Tree Management Policy.	No DCP amendment required.
General Comment - Deep Soil Controls	Current provision of landscaped area defined as deep soil zones for SEPP 65 developments is 7% which is inadequate as it does not achieve the canopy targets nominated in latest NSW Government guidance. GRC LGA's allowance should be increased - other Councils have up to 25%.	Not supported. <u>Justification:</u> Cannot be changed as it is in the LEP 2020; which is with DPIE for finalisation.	No DCP amendment required.
	3m is the minimum dimension for deep soil to ensure there is adequate space to develop structural root zone successfully for stability - the 2m provision is inadequate.	Not supported. <u>Justification:</u> Controls already state that deep soil is 3m.	No DCP amendment required.
General Comment - Communal Open Space	Retain unimpeded deep soil zones - no landscape	Pedestrian pathways and paving which is	No DCP amendment required.

Existing DCP Part /phrase/objective /Control	DRP proposed change	Council comment	Council recommendation
	structures in deep soil zones. Paved common open space should be provided on rooftops rather than at ground level to retain capacity for tree planting and unimpeded deep soil.	specifically designed for tree root growth can occupy up to 10% of the deep soil zone – as per the ADG (PART 3E, Figure 3E.4 – page 61).	
Part 7 - Business Precincts			
7.1.3 - Design (Section 8 - Shop top Housing) General Comment	Consider potential for interim use of ground floor retail for a temporary period (e.g. 5 years)	Not supported <u>Justification:</u> Governed by GRC LEP 2020.	No DCP amendment required.
7.1.3 - Design (Section 8 – Shop top Housing) – Objectives (b) and (c) Objective (b) Ensure that the localities continue to provide a range of retail and commercial services with varied active frontages to the street, supported by an increased population.	Objective (b) - delete words after "frontages to the street".	Supported with amendments to objective (b). <u>Justification:</u> The words do not add any value to the objective.	Amend Objective (b) as: <i>(b) Ensure that the localities continue to provide a range of retail and commercial services with varied active frontages to the street.</i>
Objective (c) Encourage a range of uses above ground level that complement the role and are appropriate to the desired future character of the locality.	(c) - Swap “complement the role” with “enhance the social and economic environment”	Supported with amendments to objective (c) <u>Justification:</u> Makes the objective more inclusive.	Amend objective (c) as: <i>Encourage a range of uses above ground level that enhance the social and economic environment, and are appropriate to the desired future character of the locality.</i>
7.1.3 - Design (Section 8 – Shop top Housing) - Controls 1, 6, 7 and 10 Control 1: The ground floor level of shop top housing development shall maintain active retail/commercial uses facing the street.	Control 1 - change “maintain” to “comprise.”	Supported with amendments to control. <u>Justification:</u> The change clarifies the control.	Amend Control 1 as: <i>The ground floor level of shop top housing development shall comprise active retail/commercial uses facing the street.</i>

Existing DCP Part /phrase/objective /Control	DRP proposed change	Council comment	Council recommendation
Control 6: Design building openings at the ground floor to be in keeping with the overall building and bay scale and proportions.	Control 6 – Delete “building and bay scale”.	Supported with the amendment to control. <u>Justification:</u> The change makes the control succinct.	Amend Control 6 as: <i>Design building openings at the ground floor to be in keeping with the overall proportions.</i>
Control 7: For cafe/dining uses, provide openable window areas in association with seating overlooking the street, to create the effect of outdoor dining. Note: Applications for outdoor dining must comply with Council's Code for Commercial Use of Public Footways.	Control 7 – swap “window areas” with “frontages”... and “create the effect” with “create the experience”	Supported with amendments to control. <u>Justification:</u> The change makes the control succinct.	Amend Control 6 as: <i>For cafe/dining uses, provide openable frontages in association with seating overlooking the street, to create the experience of outdoor dining. Note: Applications for outdoor dining must comply with Council's Code for Commercial Use of Public Footways.</i>
Control 10 and Note: Where possible, provide dedicated external clothes drying areas for apartments utilised by residents, while being screened from the public view. <u>Note:</u> Additional balconies (i.e. not main balconies) may be considered appropriate for this purpose, provided that they are screened from public areas.	Rephrase Control 10. The intention is important but it is unclear if it is about balcony proportion or exposure to the street.	This is about well screened clothes drying.	Amend Control 10 as: <i>Clothes drying is only permitted on balconies if it is easily accessible, has a high degree of solar access and adequately screened from public view.</i>
7.1.4 - Amenity (Section 4 - Utility Infrastructure) General Comment	Note that infrastructure requirements including emergency stair access, fire hose reels etc. tend to erode the “active” frontage”. Investigate ways to mitigate these impacts.	This relates to the provision of services to the buildings and the need for active frontages to streets and other public places. The following sections of the DCP include controls that acknowledge the need for a balance between retaining an active street frontage and the provision of the services and infrastructure:	Amend Section 7.1.4 by including the following new objective and control in Section 4: Objective (d) (new): <i>Ensure services including fire booster valves, substations and other infrastructure do not detract from the streetscape presentation of a building.</i> Controls – General – All Development

Existing DCP Part /phrase/objective /Control	DRP proposed change	Council comment	Council recommendation
		<ul style="list-style-type: none"> Part 6.3.5 - Control 4 Part 6.3.6 – Objective (g) Part 6.3.6 – Control 4 	Control 8 (new): <i>Essential services such as substations and fire booster assemblies must be integrated into the design of the façade.</i>
7.1.3 - Design (Section 8 - Shop top Housing) General Comment	Consider potential for interim use of ground floor retail for a temporary period (e.g. 5 years)	Not supported. <u>Justification:</u> Governed by GRC LEP 2020.	No DCP amendment required.
Part 10 - Precincts (Kogarah North)			
General Comment - Kogarah North Precinct	The area is fundamentally compromised due to very high-density controls and misalignment of density and height, which has resulted in overdevelopment. This impacts on landscape provision, deep soil, tree canopy, public domain interface and consideration of heritage zones. Try to improve deep soil setbacks along public streets to improve tree canopy provision that can 'share' deep soil with the public domain, and provide screening to mitigate the scale of the proposed development in the area.	Noted. Precinct was up zoned by the New City Plan Amendment which was gazetted in May 2017. The Kogarah North DCP Amendment which was based on the Kogarah North Urban Design Study has been translated into Part 10 - Kogarah North Precinct of the Georges River DCP 2020.	No DCP amendment required.
1. Siting /Consolidation - Control (1) Control 1 Sites must be of a sufficient width to accommodate development. For development sites to optimise yield and public domain amenity, a minimum site frontage of 60m is required. Where sites do not have a minimum site frontage of 60m, the development would need to ensure the	The control requires 60m frontage; which delivers major change in character.	Noted. The Precinct was upzoned from R2/R3 to R4 - High Density Residential. It was envisaged that this upzoning would result in a major character change for the Precinct.	No DCP amendment required.

Existing DCP Part /phrase/objective /Control	DRP proposed change	Council comment	Council recommendation
design outcomes/built form takes into account the proportions of the building – the podium width compared to the width of the tower and the appearance from the public domain.			
2. Heritage General Comment	Consideration should be given to elements which can emphasise and celebrate remaining heritage items.	The controls related to heritage in this section of the draft DCP were updated prior to exhibition to address the retention of heritage items.	No DCP amendment required.
3. Street Frontage Height Objective (e): Address the street with generally a four storey podium	The draft DCP recommends 4 storey podium - would prefer a 3 storey podium in close proximity to heritage items	The height of development in proximity to a heritage item within the Precinct is subject to review by the Council's Heritage Adviser - Height is one of the considerations.	No DCP amendment required.
4. Setbacks General Comment	Refer to Figure 2 - shows elevated ground floor which will require extensive ramping and affect the deep soil areas. Note where awnings are included over private land, basements may be permissible as awnings reduce usefulness of deep soil planting.	Noted. The control has not resulted in extensive ramps to date.	No DCP amendment required.
4. Setbacks General Comment (Continued)	Include a requirement for tree planting in front setbacks as per the standard DCP. Suggests taller trees (i.e. 8m height at maturity) with smaller canopies than wider trees.	Section 5 - Trees and Landscape, control (3) requires additional tree planting.	No DCP amendment required.
	Include a schedule of compliant tree species (i.e. greater than 8m) and include in landscape DA guidance. This would improve the assessment process for DA planners and provide clarity for landowners when developing schemes.	Trees species are listed in Appendix 1 of the GRDCP 2020. Kogarah North Precinct public domain plan has been adopted by Council which also has a list of tree species.	No DCP amendment required.

Existing DCP Part /phrase/objective /Control	DRP proposed change	Council comment	Council recommendation
	Include a recommendation requiring undergrounding of powerlines to provide capacity for street trees and improve public domain as per the standard DCP. This could have a substantial benefit by providing capacity for healthy trees with wide canopies in the public domain.	A control to this effect is already included in Section 19 - Site Facilities - Control 6.	No DCP amendment required.
4. Setbacks Reference to figures 2, 3 and 4.	These need to be amended - deep soil of 5m wide and basements to be totally under the building footprint. Ground floor not to be elevated more than what is required for water protection.	Figures will be retained as exhibited. Car parking requirements do result in the basement being larger than the footprint of the building.	No DCP amendment required.
5. Trees and Landscape (Controls 5 and 6) Control 5: Additional communal open space on roof tops is encouraged in locations where it does not adversely impact on the residential amenity of surrounding residents. A plan of management will be required for the use of large communal terraces that must be implemented through the Owners Corporation by-laws.	Delete "additional" from control 5	Supported. <u>Justification:</u> The term 'additional' weakens the control	Amend control 5 as: <i>Communal open space on roof tops is encouraged in locations where it does not adversely impact on the residential amenity of surrounding residents. A plan of management will be required for the use of large communal terraces that must be implemented through the Owners Corporation by-laws.</i>
Control 6: Deep soil zones are to be located within key communal outdoor space areas where large trees will benefit the maximum number of residents and are to be located where tree planting will contribute to the public domain.	Rephrase control (6) - "Deep soil zones are to be located within ground floor setbacks providing screening/interface to the street where large trees will benefit from the maximum number of residents and are to be located where tree planting will contribute to the public domain." Ensure that it is not tied to communal open spaces.	Supported with amendment of control. <u>Justification:</u> The amended control delinks the provision of deep soil areas and the communal open spaces.	Amend control 6 as: <i>Deep soil zones are to be located within ground floor setbacks providing screening/interface to the street where large trees will benefit from the maximum number of residents and are to be located where they will contribute to the public domain</i>

Existing DCP Part /phrase/objective /Control	DRP proposed change	Council comment	Council recommendation
13. Architectural Articulation – façade, roof wall design and balconies Control 15: No development will be permitted within the roof void.	Question whether this issue impacts on amenities, common room etc. as part of roof garden access?	Control 15 states "No development will be permitted within the roof void." This control does not impact amenities and the like.	No DCP amendment required.

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Final List of Changes to Georges River DCP

40. All changes to the GRDCP 2020 as result of the submissions received and the review by the DRP and Council officers are summarised in **Table 4** below.

Table 4: Summary of DCP Amendments as result of the submissions received and review by the DRP and Council officers

Part 1 – Introduction

- Clarified where the DCP applies in Part 1.8.
- Replaced list of S94 Development Contributions Plans with a link to the Council's website in Part 1.11.

Part 2 – Application Process

- Referenced the Council's DA Checklist in place of the Development Application Guide in Part 2.2.3.
- Referenced the Council's Community Engagement Strategy 2018-2028 in Section 2.4. The Strategy contains the requirements related to neighbour notification and advertising of Development Applications etc.

Part 3 – General Planning Considerations

- Revise 3.2.1 Objective (3) as: *Development is to comply with Council's Tree Management Policy and Appendix 1 – Green Web Map and Biodiversity Guide.*
- Revise Part 3.2.2 Control (4) (v) as: *Mature trees with hollows and other fauna habitat features on the site.*
- Revise Part 3.2.2 Control 9 (i) as: *Allocating one boundary of the site to planting of indigenous vegetation of a mix of canopy species (over 3m height at maturity) and understorey species (less than 3m height at maturity),*
- Add the following note in Part 3.2.2 after the controls: *Note - No Green web mapping was previously undertaken for the former Hurstville LGA. As such additional mapping will be required for the entire Georges River LGA.*
- Referenced the Bushfire Prone Land Map in Section 3.4 – Bushfire Prone Land in the Note.
- Part 3.9.2 Control (3) and accompanying note:
 - Amended in six places from '1in 100 year ARI' to '100 year ARI'
 - Add reference to 'Australian Rainfall and Runoff: A Guide to Flood Estimation' at number (iv) in the Note

- Revise Part 3.10 Water Management Objective (c) as: (c) *Minimise run-off volumes and discharge rates from new developments to reduce ensure no 'net' increase in stormwater drainage flows and flood risk in urban areas relative to the existing.*
- Amend Part 3.10 Water Management Control 4 (ii) by replacing '1in 100 year' by '100 year'.
- Revise Part 3.10 Water Management Control 5 as: *Development consisting of sensitive land uses in PMF affected areas must provide 0.5 metres freeboard above the PMF flood event level. Sensitive land uses include but are not limited to the following:*
 - *Correctional facilities*
 - *Early education and child care facilities*
 - *Educational establishments*
 - *Group homes*
 - *Health services facilities*
 - *Seniors housing*
 - *Respite day care centres*
 - *Liquid fuel deposits*
 - *Offensive storage establishments*
 - *Public utility undertakings*
 - *Telecommunications facilities*
 - *Waste disposal facilities*

Note: Refer to Council's Stormwater Management Policy 2020, specifically Section 6 Flooding and Overland Flow for further guidance.

- Part 3.13 Parking Access and Transport - Amended Control 37, 'Large areas of at grade carparking are to be constructed of concrete or a light coloured material to minimise heat load. Tree planting within the carparking will be required to provide shade'.
- Part 3.13 Parking Access and Transport – Table 1 Off street Parking Requirements – swap 'manor housing' with 'manor houses'.
- Part 3.14 Utilities - Revised control 6 as: *Car parking areas are to be designed and constructed so that electric vehicle and bicycle charging points can be installed at a later date. This will include the provision of 3 phase power to car parking areas for residential flat buildings, shop top housing and non-residential buildings.*
- Part 3.14 Utilities - Add additional controls 7 and 8 as:
 - 7. For all future roaded subdivisions, electricity supply is to be installed underground.*
 - 8. The existing above ground electricity and telecommunication cables within the road reserve and within the site will be replaced, at the applicant's expense, by underground cable and appropriate street light standards, in accordance with the Energy and Communication Provider's guidelines.*
- Revise Part 3.18 Signage Control (1) (ix) as: *Not compromise road or pedestrian safety including cyclists.*

Part 4 – General Land Use

- Revise Part 4.3.5 Control (1)(vi) as: *Reducing stormwater run-off and promoting the use of recycled water via the installation of rainwater tanks where possible;*
- Part 4.3.8 Open Space and Landscaping, Revise Control 5, *New car parking areas are to be furnished with canopy trees identified in Council's Tree Management Policy (and its Appendix 1 – Tree Planting). For every ten parallel spaces in a row parking arrangement a canopy tree must be provided. Planting hole dimension is 2m x 2m minimum area. Protective furnishing must be provided to the tree surround.*

Part 5 – Residential Locality Statements

- Updated Residential Localities Map as the one exhibited had a minor error in the legend – it had ‘suburb boundaries’ box in the legend (while there were no suburb boundaries in the actual map).
- Added content on the *Riverwood Precinct Investigation Area* in the Future Desired Character section, including a map illustrating the boundary of the precinct, in Section 5.1 – Riverwood
- Added content on the *Riverwood Estate State Significant Precinct* in the Future Desired Character section, with a description of this precinct, in Section 5.1 – Riverwood.

Part 6 – Residential Controls

Part 6.1 – Low Density

- Removed *Dual Key Dwellings* and ‘Ancillary dwellings’ from Part 6.1 heading, and added *Narrow Lot Housing*
- Removed *Dual Key Dwellings* in the contents page and as part of section 13 in the document as the Clause in the draft LEP2020 has been deleted by Parliamentary Counsel
- Referenced *Part 5 Residential Locality Statements* in Section 6.1.1 – Introduction
- Section 6.1.2 – Single Dwellings – Point 1 – Streetscape Character and Built Form. Added a new control *New buildings and additions are to consider the Desired Future Character statement in Part 5 of this DCP*
- Section 6.1.2 – Single Dwellings – Point 3 – Setbacks. Updated Control 5 so that it reads *Any garages or parking structures fronting rear lanes may encroach upon the rear setback areas but still provide a minimum setback of 1m from the lane*
- Section 6.1.2 – Single Dwellings – Point 9 – Noise. Under objectives, removed *Development is to be sited, designed and constructed to:*
- Revise Part 6.1.2.3 (2) Side and rear setbacks as: *The minimum side setbacks for ground and first floor are:*
 - i. 900mm for lots up to 12.5m in width measured at the front building line for the length of the development.
 - ii. 1.2m for lots greater than 12.5m in width measured at the front building line for the length of the development.
 - iii. 1.5m for all lots within the Foreshore Scenic Protection Area measured at the front building line for the length of the development.
- Revised Part 6.1.2.2 Control (5) as: *Where the entry to the basement carpark is visible from the street, the entry should be recessed a minimum of 1m (from the edge of the external wall or balcony) from the levels above and the external walls of the garage differentiated from the walls above through articulation and external materials.*
- Revise Part 6.1.3.1 Control (4) as: *Each dwelling entrance is to be clearly identifiable from the street and recessed a maximum of 1m into the façade of the dwelling.*
- Section 6.1.5 – Narrow Lot Housing – Kemps Estate. Referenced Appendix 7 which provides a history of Kemps Estate and its significance to the LGA
- Section 6.1.5 – Narrow Lot Housing – Kemps Estate. Removed a paragraph under the heading *Application of this chapter*
- Section 6.1.5 – Narrow Lot Housing – Kemps Estate. Under objectives, removed *The purpose of this chapter is to achieve the following objectives: and the development requirements for this part are provided in Table 1*
- Removed *Appendix 1 The Kemp’s Estate*, and referenced this as Appendix 7 in the Appendices.

Part 6 – Residential Controls

Part 6.2 – Medium Density

- Parts 6.2 (Contents page, the introductory paragraph), Part 6.2.4, Part 6.2.6 and Part 6.2.16 - Swapped 'manor housing' with 'manor houses'.
- Section 6.2.2 – Building Scale and Height. Added a new control *Where the entry to the basement carpark is visible from the street, the entry should be recessed from the levels above and the external walls of the garage differentiated from the walls above through articulation and external materials*
- Section 6.2.3 – Streetscape Character and Built Form. Added a new control *New buildings and additions are to consider the Desired Future Character statement in Part 5 of this DCP* to ensure compliance with Part 5 – Residential Locality Statements
- Section 6.2.11 – Excavation (Cut and Fill). Updated the Notes to ensure that *Part 3 General Planning Considerations* requirements are also complied with
- Section 6.2.13 – Waste and Recycling Storage. In Control 1, removed reference to *Council's Waste Management Planning Requirements* and referenced *Part 3 General Planning Considerations and Appendix 4*
- Heading of the Indicative Building Envelopes diagrams changed to *Indicative Building Envelopes for building footprints, location of POS, landscaping and car parking.*

Part 6 – Residential Controls

Part 6.3 – Residential Flat Buildings (High Density) and residential components of shop top housing

- Section 6.3 Replace Note under Control 1 v with new control vi: *The street setback area needs to be predominantly landscaped and is to accommodate a minimum of two (2) canopy trees to a mature height of at least 6m.*
- Section 6.3.3 Setbacks and Street Interface – Amended Control 7: *For improved streetscape and reduction in visual clutter, and to provide above ground space for street tree canopy, powerlines in the street verge in front of new development to which this part applies will be undergrounded. This includes the connection of power supply from the road reservation into the development site.*
- Section 6.3.4 Basement Setbacks – Amended Control 6: *Basements fronting the primary street address are not to project above ground level (existing) at the street alignment.*
- Section 6.3.5 – Façade Treatment and Street Corners.
 - Added a new control (1): *New buildings and additions are to consider the Desired Future Character statement in Part 5 of this DCP* to ensure compliance with Part 5 – Residential Locality Statements.
 - Amend Control 7 as: *Clear glazing to balustrades must be avoided where they are visible from nearby vantage points. Screening of balconies by way of adjustable or fixed panels should be included where there are issues of privacy, and/or excessive exposure to solar impacts.*
- 6.3.7 Communal Open Space
 - Amended Control 2 as: *Roof top communal open space areas, amenities and common (non-private) rooms should include equitable access for all residents, and must be designed to ensure that noise and overlooking will be avoided, by way of screening and setbacks from boundaries as detailed in Figure 6.*
 - Amended control 6 as: *Communal open space may be provided above ground level where:*
 - the proposed elevated communal open space will provide a high level of amenity as a communal open space at ground level of the site; and*
 - there will be no significant impact on surrounding properties in respect to the loss of privacy.*
 - Amended control 6 as: *Ancillary structures on the roof such as lift overruns and staircases*

should be located where their impact is minimised to reduce their visual dominance. Balustrades should be visually recessive. Note: Ground level and roof top common open space to be provided in accordance with Part 3D of the Apartment Design Guide.

- Section 6.3.8 Solar Access: Adding a new control 6 regarding overshadowing – *New development shall maintain solar access to the living rooms and private open space of apartments within existing residential flat buildings.*

Part 6 – Residential Controls

Part 6.4 – Ancillary Development

- Section 6.4.1 – Fences and Walls. Replaced DCP reference numbers to references to relevant figures numbers in Controls 7 and 8.
- Section 6.4.3 – Outbuildings. Added a new control *External finishes and claddings of ancillary structures and outbuildings are to have low reflectivity finishes*
- Removed Section 6.4.4 – External Finishes and Cladding

Part 6 – Residential Controls

Part 6.5 – Ancillary Development

N/A

Part 7 – Business Precincts

- Section 7.1.2 – Built Form – Point 2 - Setbacks - Updated Control 3, *In order to maintain the continuity of active frontages, side setbacks are generally not permitted unless specified in the precinct controls.*
- Section 7.1.3 – Design – Point 2 – Building Facades. Removed Controls 14 and 15, as balcony sizes and design are covered by NSW Government's Apartment Design Guide (ADG)
- Section 7.1.3 – Design – Point 3 – Awnings. Added Controls 2, 3 and 9 from the City of Sydney DCP:
 - 2. *New awnings are to be compatible with the scale of host and adjacent buildings and the architectural features of the host building.*
 - 3. *Awnings where provided are to be located between the ground and first floors to maximise weather protection. The height of an awning may vary between 3.2m and 4.2m above the footpath. The height of the awning must ensure continuity in appearance with adjacent awnings and to relate to any distinctive features of the building.*
 - 9. *Reconstruction or renovation of existing awnings must retain any significant fabric, for example pressed metal soffits*
- Section 7.1.3 – Design – Point 3 – Awnings. Elaborated on Control 4 and added, *the lighting fixtures are to be recessed into the awning. All wiring and conduits are to be concealed*
- Section 7.1.3 – Design – Point 3 – Awnings. Included *western facades* to Control 6
- Section 7.1.3 – Design – Point 3 – Awnings. Removed Control 7
- Section 7.1.3 – Design – Point 6 – Materials and Finishes. Updated Control 1 to say *Building construction is to utilise high quality and durable materials and finishes*
- Section 7.1.3 – Design – Point 6 – Materials and Finishes. Rephrased Control, *A large unarticulated expanse of any single material to facades is to be avoided.*
- Section 7.1.3 – Design – Point 8 – Shop top housing.
 - Amended Objective (b) as: *(b) Ensure that the localities continue to provide a range of retail and commercial services with varied active frontages to the street.*
 - Amended Objective (c) as: *(c) Encourage a range of uses above ground level that enhance the social and economic environment, and are appropriate to the desired future character of the locality.*
- Section 7.1.3 – Design – Point 8 – Shop top housing.

- Amended Control 1 as: *The ground floor level of shop top housing development shall comprise active retail/commercial uses facing the street.*
- Amended Control 6 as: *Design building openings at the ground floor to be in keeping with the overall proportions.*
- Amended Control 7 as: *For cafe/dining uses, provide openable frontages in association with seating overlooking the street, to create the experience of outdoor dining. Note: Applications for outdoor dining must comply with Council's Code for Commercial Use of Public Footways.*
- Amended Control 10 as: *Clothes drying is only permitted on balconies if it is easily accessible, has a high degree of solar access and adequately screened from public view.*
- Section 7.1.4 – Amenity – Point 2 – Acoustic Privacy. Changed *habitable rooms* to *bedrooms*. Added *between 10pm and 7am* and updated the noise levels to a maximum of *35dB*
- Section 7.1.4 – Amenity – Point 2 – Acoustic Privacy. Removed Control 5 as it is the same as Control 1 and removed Control 6 as this information is in Control 2
- Section 7.1.4 – Amenity – Point 3 – Interface between Business zones and adjoining land uses. Removed Control 5 and added C2 controls (Controls 5 and 6):
 - 5. *Side and rear boundary setbacks adjacent to a lower density residential zone or heritage item/conservation area for the purposes of visual separation, privacy and transition:*
 - a. *Minimum setback of 9m from the boundary between ground level and up to four storeys.*
 - b. *Upper level setbacks are 12m above four storeys.**Note: Private open space and balconies must comply with Part 4E of the NSW State Government's Apartment Design Guide.*
 - 6. *Encroachments into boundary setbacks:*
 - a. *Ground floor private open space may encroach up to 2m into the 5m front setback leaving a minimum 3m of deep soil area to the street.*
 - b. *Ground floor private open space may encroach up to 3m into the side and rear setbacks leaving a minimum 3m of landscaped buffer.*
 - c. *The setback areas, other than any permitted ground floor private open space, are to be landscaped and be retained as part of the common property of the development.*
- Section 7.1.4 – Amenity – Point 4 - Utility Infrastructure – Added new objective and control
 - *Objective (d) (new): Ensure services including fire booster valves, substations and other infrastructure do not detract from the streetscape presentation of a building.*
 - *Control 8 (new): Essential services such as substations and fire booster assemblies must be integrated into the design of the façade.*
- Section 7.2.1 – Beverly Hills Local Centre (King Georges Road). Under *Desired Future Character*, referenced the current Hurstville DCP No. 1 and mentioned that the controls will be updated when the Masterplan is endorsed by Council
- Section 7.2.7 – Riverwood Local Centre (Belmore Road). Updated *Riverwood Planning Precinct* heading to *Riverwood Precinct Investigation Area*. Reworded and removed paragraphs under the *Riverwood Precinct Investigation Area*
- Section 7.2.7 – Riverwood Local Centre (Belmore Road). Updated *Riverwood Social Housing Estate* heading to *Riverwood Estate State Significant Precinct*. Reworded and removed paragraphs under the *Riverwood Estate State Significant Precinct*

Part 8 – Strategic Centres

- Changed the cover page from *Kogarah Town Centre* to *Strategic centres*
- Amend the words in *Background* to reference the Kogarah Place Strategy
- Section 8.1.2 – 1. Railway Parade Precinct – Strengthening the Desired Future Character section – 'The Precinct will be greened through tree planting in accordance with Council's Tree Management Policy (and its Appendix 1 – Tree Planting)'.
- Add in Desired Future Character in the Belgrave Street Precinct the following: *Post Office*

and Wicks Lanes will provide a finer grain pedestrian network for the Kogarah Town Centre and will facilitate activation, street art and night time activity.

- Delete in the *Railway Parade South Precinct* a sentence that was not completed, *Recent shop top housing developments towards Blake Street change the*

Part 9 - Industrial Development

- Changed the cover page from *Industrial* to *Industrial Development*
- Referenced *Part 3 – General Planning Considerations* in Section 9.1.1 – Application of this chapter.

Part 10 – Precincts (Kogarah North)

Section 10.1.6 - The Controls – Point 5 - Trees and Landscape

- Amended control (5) as: *Communal open space on roof tops is encouraged in locations where it does not adversely impact on the residential amenity of surrounding residents. A plan of management will be required for the use of large communal terraces that must be implemented through the Owners Corporation by-laws.*
- Amended control (6) as: *Deep soil zones are to be located within ground floor setbacks providing screening/interface to the street where large trees will benefit from the maximum number of residents and are to be located where they will contribute to the public domain*

Appendices

- Editing of *Appendix 4- Waste Management* to simplify the document. The information deleted will most likely change over the next 2 years as Council prepares for a new waste collection contract. By removing this information from the document, it can instead be added to the Council website and more frequently updated if/when required.
- Added *Appendix 7 – The Kemp's Estate*

Overall

- Spelling corrected
- Formatting corrected
- Referencing figure nos. and appendices nos. corrected
- Reference to GRLEP Clauses clarified

Note: The above amendments have been incorporated in the amended GRDCP 2020 in **Attachments 1 to 16** of this Report.

Review of other Council documents

41. As a result of Council's consideration of submissions received and a review of the GRDCP by the DRP and Council officers, there are a number of issues that have been identified for future review and may form part of future DCP amendments. These include a review of:
 - The public spaces including Oatley Memorial Park, Boongarra Reserve and Mortdale Station by Council's public domain team for additional shade / trees;
 - Controls with respect to sea level rise in future;
 - Flood maps (within 18-24 months);
 - Green Web mapping as a result of finalisation of Biodiversity and Foreshore Study for the Georges LGA;
 - Council's Habitat Reinforcement Corridors;
 - Freight corridors; and

- Design provisions requiring for working spaces in smaller dwellings and residential apartments to address the increasing trend arising from COVID-19 of working, studying and schooling from home.

42. Key suggestions have also been made for requirements to be included in the DA Guide. These include:
- the submission of Geotechnical and structural reports where relevant (i.e. basement excavation)
 - the requirement of including Traffic Impact Statements and Green Travel Plans
 - the submission requirements for State Heritage items under the Heritage Act 1977 (s60)

DCPs for Hurstville City Centre

43. As mentioned, Development Control Plan No 2 - Hurstville City Centre (Amendment No 10) and Development Control Plan No 2 - Hurstville City Centre (Amendment No 5) will continue to apply to the land identified as Hurstville City Centre and the GRDCP applies to the remainder of the LGA. The two existing DCPs for the Hurstville City Centre are anticipated to be updated as result of the preparation of Stage 2 of the Commercial Centres Strategy. This is scheduled to be undertaken in 2023; in accordance with the updated schedule of the staged preparation of the GRLEP documented in Council's resolution of 23 November 2020 (CCL046-20).
44. As recommended by the Department of Planning Industry and Environment, the current notification provisions in the two DCPs for Hurstville City Centre as listed above will be repealed in accordance with Clause 22(2) of the Environmental Planning and Assessment Regulation 2000 by subsequent Development Control Plans:
- a. Section 2.4 of the Hurstville Development Control Plan Number 2 - Amendment No. 11 - Applies to sites within the Hurstville City Centre excluding the 'deferred matters' on the Hurstville Local Environmental Plan 2012 Land Application Map.
 - b. Section 2.2 of the Hurstville Development Control Plan Number 2 - Amendment No. 5 - Applies to sites within the Hurstville City Centre identified as 'deferred matters' on the Hurstville Local Environmental Plan 2012 Land Application Map.
45. Refer to paragraph 15 of this report for a list of Council's DCPs and policies being repealed.

Next Steps

46. The next steps include:

Date	Task
4 March 2021 (this Report)	Consideration of submissions received to the GRDCP and adoption of the GRDCP by the LPP
March/April 2021	Anticipated GRLEP 2020 gazettal
March/April 2021	Notice on Council's website – DCP becomes effective after GRLEP 2020 is gazetted (subject to the timing of the GRLEP 2020 gazettal)