

AGENDA

Environment and Planning Committee

Monday, 14 March 2022

7.00pm

**Dragon Room,
Level 1, Georges River Civic Centre,
Hurstville**



OATH OF OFFICE OR AFFIRMATION OF OFFICE

All Georges River Councillors are reminded of their Oath of Office or Affirmation of Office made at the time of their swearing into the role of Councillor.

All Councillors are to undertake the duties of the office of Councillor in the best interests of the people of the Georges River Council area and are to act faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of their ability and judgement.

DISCLOSURES OF INTEREST

All Georges River Councillors are reminded of their obligation to declare any conflict of interest (perceived or otherwise) in a matter being considered by Council or at any meeting of Council.

ENVIRONMENT AND PLANNING**ORDER OF BUSINESS****1. OPENING****2. ACKNOWLEDGEMENT OF COUNTRY****3. APOLOGIES / LEAVE OF ABSENCE****4. NOTICE OF WEBCASTING****5. DISCLOSURES OF INTEREST****6. PUBLIC FORUM****7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

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8. COMMITTEE REPORTS

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CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Item: ENV007-22 Confirmation of the minutes of the previous meeting held on 14 February 2022

Author: Executive Services Officer

Directorate: Office of the General Manager

Matter Type: Previous Minutes

ENV007-22

RECOMMENDATION:

That the Minutes of the Environment and Planning Committee Meeting held on 14 February 2022 be confirmed.

ATTACHMENTS

Attachment 1 Unconfirmed Minutes - Environment and Planning Committee - 14 February 2022

UNCONFIRMED MINUTES

MINUTES

Environment and Planning Committee

Monday, 14 February 2022

7.00pm

Online Meeting

UNCONFIRMED MINUTES

UNCONFIRMED MINUTES



GEORGES RIVER COUNCIL

PRESENT

COUNCIL MEMBERS

Deputy Mayor, Councillor Kathryn Landsberry (Chairperson), Mayor, Councillor Nick Katris, Councillor Elise Borg, Councillor Christina Jamieson, Councillor Peter Mahoney and Councillor Benjamin Wang.

COUNCIL STAFF

General Manager - Gail Connolly, Director Environment and Planning - Meryl Bishop, Manager Strategic Planning - Catherine McMahon, Manager Environment, Health and Regulatory Services - Andrew Spooner, Coordinator Environment Sustainability and Waste - Elyse Ballesty, Heritage Consultant - Michael Edwards, Research and Projects Officer, Ann-Marie Svorinic and Executive Assistant to the Director Environment and Planning - Leanne Allen (Minutes).

OPENING

The Chairperson, Deputy Mayor, Councillor Landsberry, opened the meeting at 7.02pm.

ACKNOWLEDGEMENT OF COUNTRY

The Chairperson, Deputy Mayor, Councillor Landsberry acknowledged the traditional custodians of the land, the Bidjegal people of the Eora Nation.

APOLOGIES/LEAVE OF ABSENCE

RECOMMENDATION: Councillor Borg and Councillor Mahoney

That an apology be accepted for Councillor Tegg and a leave of absence granted .

Record of Voting:

For the Motion: Unanimous

NOTICE OF WEBCASTING

The Chairperson, Deputy Mayor, Councillor Landsberry, advised staff and the public that the meeting is being recorded and is also webcast live on Council's website, in accordance with Section 4 of Council's Code of Meeting Practice. This recording will be made available on Council's website.

DISCLOSURES OF INTEREST

There were no disclosures of interest made.

PUBLIC FORUM

ITEM	SPEAKER
ENV003-22 Register of Heritage Conservation Management Plans	Leesha Payor

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

ENV001-22 Confirmation of the minutes of the previous meeting held on 8 November 2021
(Report by Executive Services Officer)

RECOMMENDATION: Deputy Mayor, Councillor Landsberry and Councillor Katris

That the Minutes of the Environment and Planning Committee Meeting held on 8 November 2021 be confirmed.

Record of Voting:

For the Motion: Unanimous

COMMITTEE REPORTS

ENV002-22 Development and Building Department Functions and Services Metrics Report - Q2 2021/22
(Report by Manager Development and Building)

RECOMMENDATION: Councillor Borg and Councillor Wang

That Council receive and note the Development and Building Department Functions and Services Metrics Report for the reporting period being October 2021 - December 2021.

Record of Voting:

For the Motion: Unanimous

ENV003-22 Register of Heritage Conservation Management Plans
(Report by Manager Strategic Planning)

RECOMMENDATION: Councillor Mahoney and Councillor Katris

That Council note the establishment of the Register of Heritage Conservation Management Plans and note that the website will be updated to include a reference to the Register on the Heritage Conservation page.

Record of Voting:

For the Motion: Unanimous

ENV004-22 Heritage Building Grants Program 2021/22
(Report by Coordinator Strategic Planning)

RECOMMENDATION: Councillor Borg and Councillor Wang

- (a) That Council endorse the Heritage Building Grants Program 2021/22 and offers be made to successful applicants as outlined in Attachment 1 of this report – 'Summary table of submissions and recommendations for Heritage Grant Funding 2021/22'.
- (b) That the successful applicants be given until 1 December 2022 to complete the works and lodge their requests for reimbursements.

Record of Voting:

For the Motion: Unanimous

ENV005-22 Management of the Common (Indian) Myna Bird Population in Georges River

(Report by Manager Environment Health & Regulatory Services)

RECOMMENDATION: Councillor Katris and Councillor Mahoney

That Council endorse the implementation of a Common Myna Education Program, including development of fact sheets and web content, to be included on Council's website and Council is to participate in discussions on a regional approach to Myna bird education management through SSROC's Pest and Animal Action Group as indicated in paragraphs 35-39.

Record of Voting:

For the Motion: Unanimous

ENV006-22 Georges River Environmental Resilience Action Plan 2022 - 2040

(Report by Manager Environment Health & Regulatory Services)

RECOMMENDATION: Councillor Katris and Councillor Jamieson

- (a) That Council note the Environmental Resilience Action Plan 2022-2040 is a corporate plan for Council and its officers to increase Council's environmental resilience.
- (b) That Council note the current Procurement Policy review in June 2022 will be undertaken with the aim to align with and support the actions of the Environmental Resilience Action Plan.

Record of Voting:

For the Motion: Unanimous

CONCLUSION

The Meeting was closed at 7.51 pm.

Chairperson

COMMITTEE REPORTS

Item: ENV008-22 Planning Proposal PP2022/00002 - Lot 1 DP 10359 (80) Boronia Parade Lugarno - Request for Gateway Determination

Author: Manager Strategic Planning

Directorate: Environment and Planning

Matter Type: Committee Reports

ENV008-22

RECOMMENDATION:

- (a) That Council acknowledge the Heritage Assessment Report for Lot 1 DP 10359 Boronia Parade, Lugarno prepared by GML Heritage and the recommendation that the Site be listed as a local heritage item.
- (b) That Council support the listing of Lot 1 DP 10359 Boronia Parade, Lugarno as a local heritage item on the heritage schedule of the Georges River Local Environmental Plan 2021 which contains the appropriate provisions for protecting and managing the item.
- (c) That Council support the State listing of Lot 1 DP 10359 Boronia Parade, Lugarno.
- (d) That Council endorse the forwarding of Planning Proposal PP2022/0002 to the NSW Department of Planning and Environment (DPE) to request a Gateway Determination under Section 3.33 of the Environmental Planning and Assessment Act 1979 for an amendment to the Georges River Local Environmental Plan 2021 by:
 - i. listing Lot 1 DP 10359 Boronia Parade Lugarno as a heritage item in Schedule 5 Environmental heritage; and
 - ii. mapping Lot 1 DP 10359 Boronia Parade Lugarno as “Item – General” on the Heritage Map.

EXECUTIVE SUMMARY

1. This Planning Proposal (PP2022/0002) seeks to list Lot 1 DP 10359 (80) Boronia Parade Lugarno (also known as “Glenlee”) (“Site”) as a heritage item in Schedule 5 Environmental heritage of the Georges River Local Environmental Plan 2021 (GRLEP2021).
2. The heritage listing of the site is supported by a heritage assessment report commissioned by Council.
3. The Planning Proposal was considered by the Georges River Local Planning Panel (LPP) at its meeting on 17 February 2022. The LPP supported the listing of the site on the heritage schedule of the Georges River Local Environmental Plan 2021.
4. The Site is identified as Lot 1 DP 10359, Parish of St George, County of Cumberland; known as 80 Boronia Parade, Lugarno NSW 2210. Refer to **Figures 1 and 2** below.

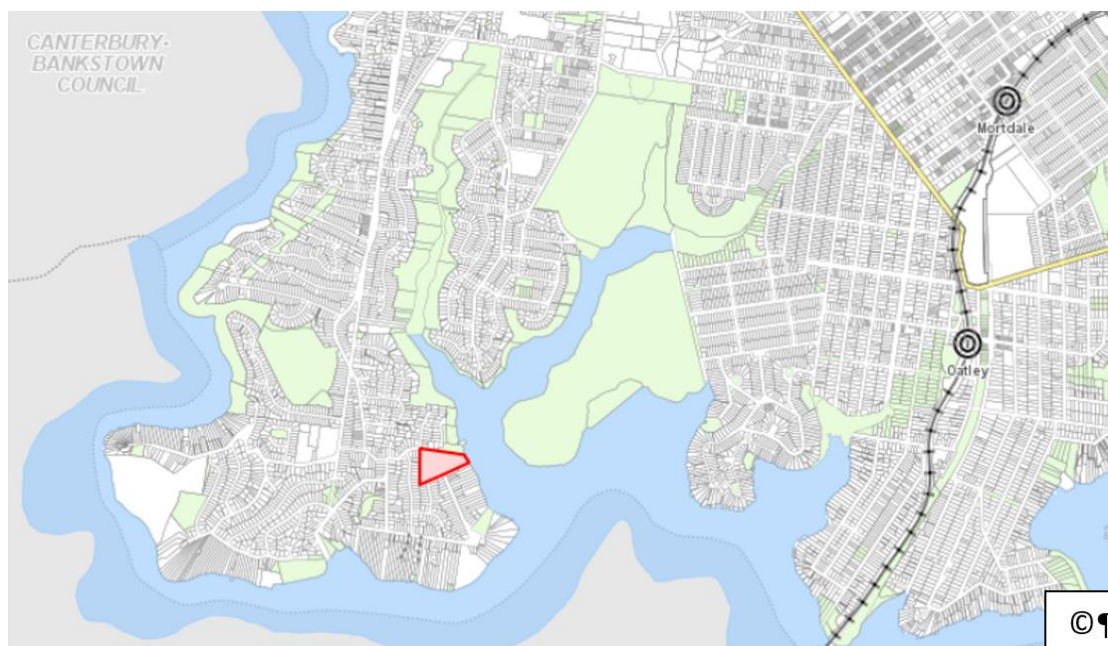


Figure 1 - Locality

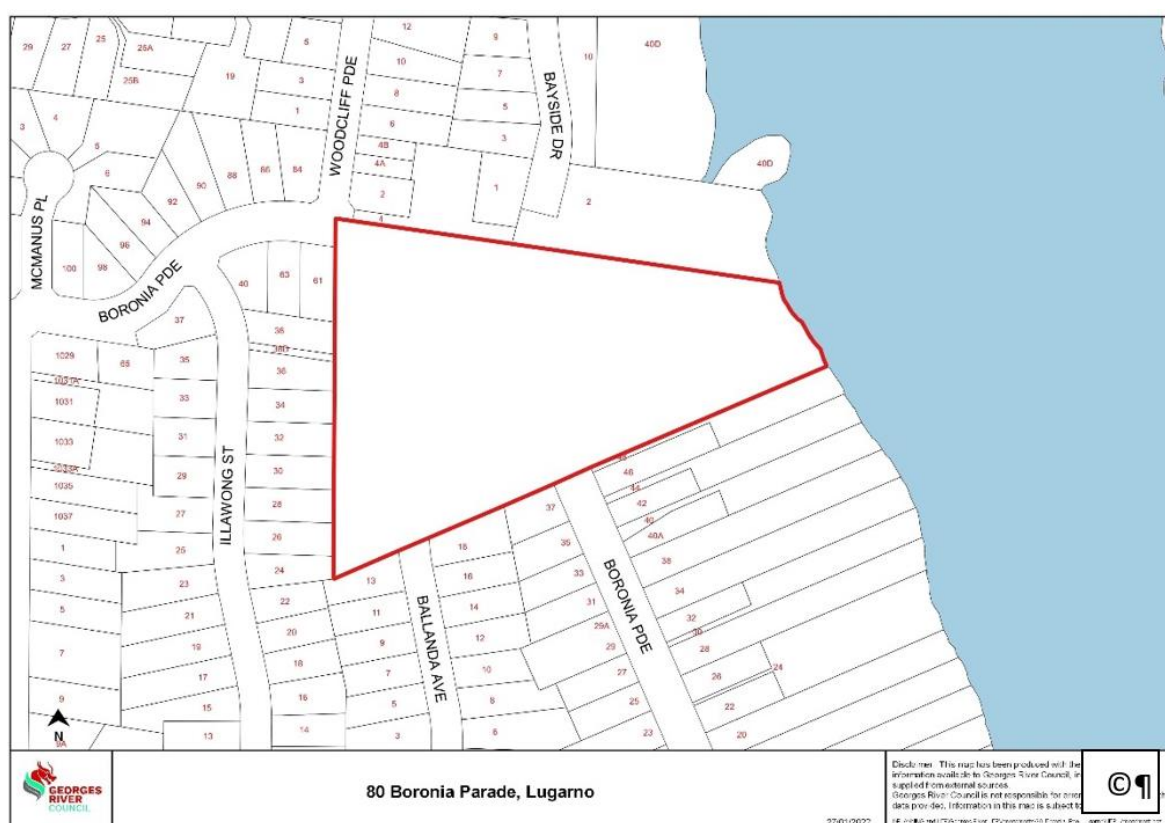


Figure 2 - Site

PROPOSAL

5. The Planning Proposal seeks to amend the Georges River Local Environmental Plan 2021 by:
 - a. listing Lot 1 DP 10359 Boronia Parade Lugarno as a heritage item in Schedule 5 Environmental heritage as follows:

Suburb	Item name	Address	Property description	Significance	Item no
Lugarno	Glenlee	80 Boronia Parade	Lot 1 DP10359	Local	I317

- b. mapping Lot 1 DP 10359 Boronia Parade Lugarno as “Item – General” on the Heritage Map. The proposed Heritage Map - Sheet HER_003 is illustrated in **Figure 3** below.

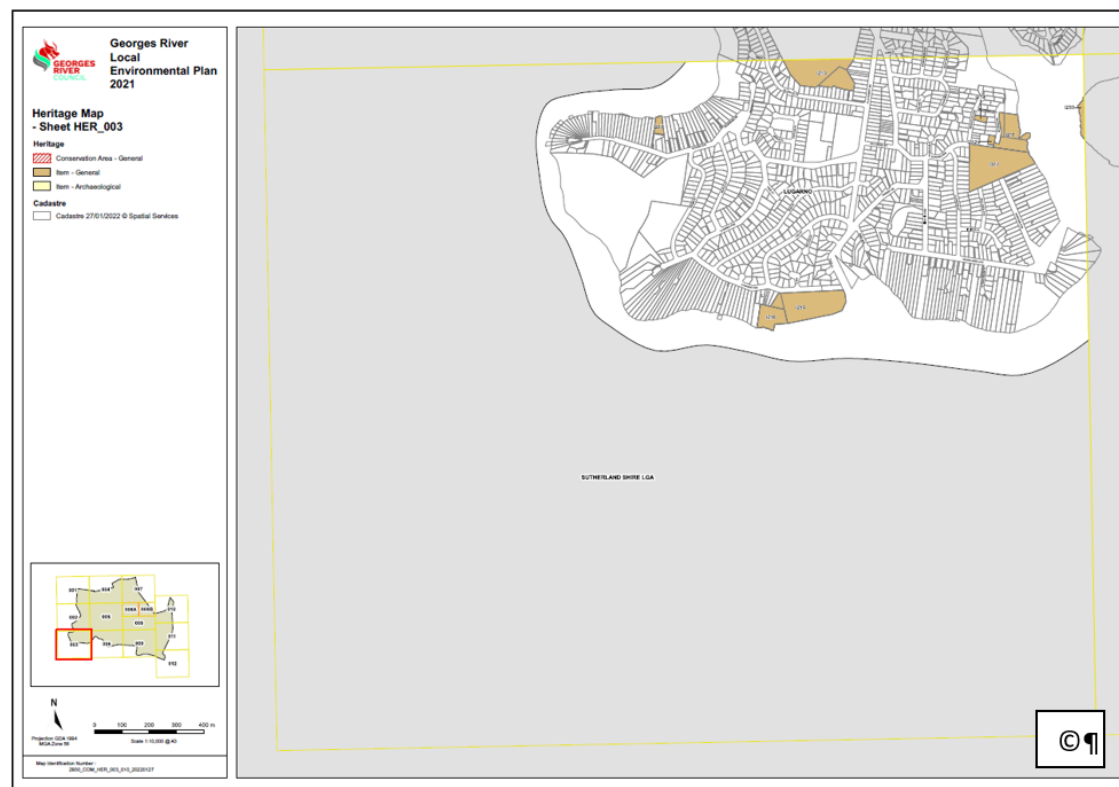


Figure 3 - Proposed Heritage Map Sheet_003

6. The heritage listing of the site is supported by a heritage assessment report commissioned by Council. Council appointed GML Heritage Consultants to investigate if the Site is of local and State significance. GML lodged the Heritage Assessment Report for 80 Boronia Parade, Lugarno (“Report”) on 6 January 2022. The Report concludes that the Site has cultural significance at the State level under criteria (f) and (g) and at the local level under criteria (a), (b), (c), (d) and (e). The heritage criteria are explained further in the body of this report. The Report recommends that Council list the Site on Schedule 5 of the Georges River Local Environmental Plan 2021 (“GRLEP”) as it is of heritage significance and that it be considered for State heritage listing. A copy of Report is in **Attachment 2**.
7. A heritage inventory sheet has been prepared for the draft item and a copy is in **Attachment 4**.
8. The intended outcome of the Planning Proposal is to:
 - a. List Lot 1 DP 10359 Boronia Parade Lugarno as a heritage item in the Georges River Local Environmental Plan 2021 so that Clause 5.10 applies to any proposed development.
 - b. Conserve the environmental heritage of the Georges River local government area.

- c. Conserve the heritage significance of the site, including associated fabric, settings and views.
- d. Conserve Aboriginal objects and Aboriginal places of heritage significance.

The Site and Locality

- 9. The Site is identified as Lot 1 DP 10359, Parish of St George, County of Cumberland; known as 80 Boronia Parade, Lugarno NSW 2210. Refer to **Figures 1 and 2** above.
- 10. The entire Site is approximately 25,432m² and includes extant vegetation, relatively undisturbed landscape setting, existing built cottage, buildings comprising 6 sheds and outbuildings surrounding the existing cottage, that together provide strong and important surviving evidence of the early 20th century way of life in the locality.
- 11. The dwelling displays the hallmarks and features attributed to the early 20th century Federation to Inter-War period with a likely construction date of early 1900s. The following photos were taken in November 2021 (refer to **Figures 4 to 5B**).



Figure 4 – The main house taken from the entry to the Site



Figure 4A – The House facing the water

12. The land/water interface contains a boatshed and jetty and reflects the previous use of the land by the Matthei family as oyster farming in the Georges River with mangroves in the tidal river area.



Figure 5 – View of the boatshed and jetty

13. The main constructed access/entrance to the Site is from Boronia Parade provided by a driveway which leads eastward to the existing detached garage and single storey cottage. Extending from the dwelling is a sandstone pathway down to the foreshore where two detached boatsheds have been constructed. The boatsheds are located either side of a timber pier that leads out onto a jetty.
14. The Site also includes a number ancillary garden / shed structures of varying sizes that are scattered across the Site but surround the dwelling house and historically, appear to have been constructed to service the home.



Figure 5A - Shed



Figure 5B -Sheds

15. The survey plans lodged with the DA show some of the existing structures on the Site. An extract from Sheet 4 of the survey plans is provided below in **Figure 6** below.

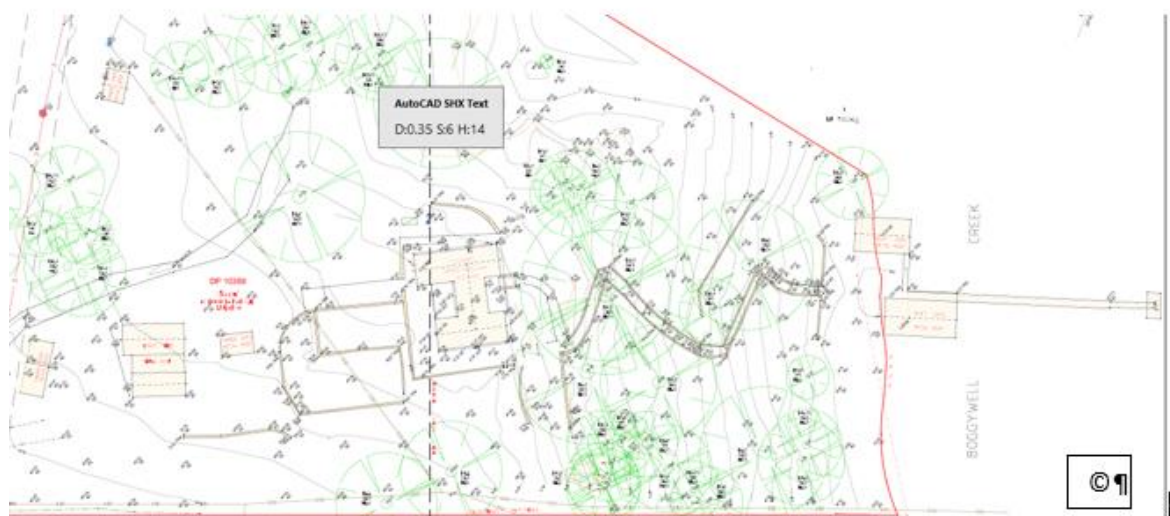


Figure 6 – Extract from Survey Plan lodged with DA

16. The Site contains significant large trees and dense vegetation. Landforms across the Site are largely natural, varied in scope and include rocky outcrops and natural water features.
17. The Site is located in a predominantly low-density residential area comprised of detached single and two storey dwellings of varying architectural styles and forms. Adjoining the Site to the east is Boggywell Creek (Lime Kiln Bay) in Jewfish Bay which forms part of the wider Georges River catchment. Immediately to the west are the rear yards of a series of homes that front Illawong Street (Nos. 24-38 Illawong Street). To the north-west is the side boundary of No.61 Boronia Street.
18. Adjoining the Site to its north-east boundary is a public park known as Heinrich Reserve which is located along Bayside Drive, a cul de sac that terminates close to the Site boundary. To the north-west are the side boundaries of No. 2 Woodcliff Parade and 1 Bayside Drive.
19. To the south of the Site are the side boundaries of a series of detached dwelling houses comprising of No.37 Boronia Parade and Nos. 13 and 18 Ballanda Avenue. Nos. 46-48 Boronia Parade abut the Site to the south east and these two properties are within a battle-axe allotment formation. Surrounding residential land is zoned R2 Low Density Residential.
20. There are numerous stormwater discharges and overland flows onto the site from the surrounding area. A water course runs through the Site generally from the south west to the north east where it enters the river. A 'soggy' area exists in the north west general area.
21. Surrounding residential land is zoned R2 Low Density Residential. Heinrich Reserve is zoned RE1 Public Recreation. Please refer to **Figure 7** below.



Figure 7 – Extract from GRLEP 2021 Zoning Map

BACKGROUND

22. A Development Application (DA2021/0181) was submitted to Council on 6 May 2021 for the demolition of the existing cottage and associated outbuildings, Torrens Title subdivision of one lot into 31 lots and the construction of new roads, drainage and tree removal at No. 80 Boronia Parade, Lugarno (the Site). The DA is currently subject to a court appeal with the NSW Land and Environment Court.
23. The Site is not presently identified as a local item of heritage significance in the GRLEP 2021. However, it is classified by the National Trust (NSW) as an item of high cultural heritage significance. It forms part of the Lugarno Early Settler Precinct Landscape Conservation Area as shown in the extract from the National Trust listing card In **Figure 8**.



Figure 8 - Extract from National Trust Listing Card

24. The existing dwelling-house dates back to 1910 and it is estimated that it was constructed at that time. An examination of 1943 aerial photography extracted from the National Trust

Listing Card (see **Figure 9** below) shows that there has been very little change to the Site since 1943, with much of the extant vegetation and landscaped character pre-dating 1943. Therefore, the Site provides uncharacteristically strong and important surviving evidence of the pre-development and urban landscape of the locality, together with strong surviving evidence of the early occupation of the site by the Matthei and Chislett families and their involvement in oyster farming in the Georges River. The Matthei family was one of the best and most well-known commercial oyster farmers at the time and its long term ownership of the land since 1908 has ensured its unique preservation.



Figure 9 - 1943 Aerial Image extracted from National Trust Listing Card

25. The Site adjoins a series of local heritage items included as part of Schedule 5 of the Georges River LEP 2021. These items are known as “Woodcliff” at 12 Woodcliff Parade (I219), “The Hermitage” located at 1 Bayside Drive (I212) and the stone wharf and associated pathway (I211) located within the adjacent Heinrich reserve to the north. To the east immediately across the bay is Oatley Park and Baths which is also a recognised local heritage item (I233). Refer to **Figure 10**.



Figure 10 - Extract from current Heritage Map

ENV008-22

26. The Site contains significant remnant native vegetation, including mature Smooth-barked Apple-Blackbutt-Red Blackwood open forest and a wide variety of native fauna. Endangered populations of flora and fauna are recorded in the Georges River LGA on the NSW Government's BioNet Atlas and may be present on the Site. The Site is positioned on the foreshore of Boggywell Creek (Lime Kiln Bay) on the Georges River, an important estuarine ecosystem. The large areas of remnant native vegetation on the Site within close proximity to the waterfront yield potential for high natural heritage significance.
27. The National Trust (NSW) listing card for the Site states that it 'has historic significance because of the presence of rare Aboriginal rock engravings'. The Aboriginal Heritage Information Management System (AHIMS) records four sites located within or adjacent to the development as follows:
 - a. 45-6-1713 – Matthei Jetty – comprising a shell midden;
 - b. 45-6-3907 – Glenlee hatchet grinding grooves – comprising two natural pools in the sandstone creek bed with grinding grooves;
 - c. 45-6-3908 – Glenlee rock bowl – comprising a rock bowl formed in the sandstone beside a natural creek; and
 - d. 45-6-3909 – Glenlee Midden 2 - comprising surface shell, bone and charcoal.

Interim Heritage Order – Key Dates

28. The Heritage Act 1977 (Section 25(2)) allows councils, subject to the authorisation by the Minister, to make an IHO over a property, where a council has a reasonable belief that the place or item may have potential heritage significance and that a 'threat of harm' either exists or is perceived to exist. In this case, the lodgement of the current DA (DA2021/0181) was considered to constitute such a threat of harm.
29. Council considered preliminary heritage advice from Michael Edwards, Heritage Advisor to Georges River Council, dated 11 May 2021 which stated that the Site has potential heritage significance. Mr Edwards in his advice stated that an examination of 1943 aerial photography shows that there has been very little change to the Site since this time, with much of the extant vegetation and landscaped character pre-dating 1943. In this regard, the Site provides uncharacteristically strong and important surviving evidence of the pre-development and urban landscape of the locality, together with strong surviving evidence of the early occupation of the Site by the Matthei and Chislett families. He also stated that

the Site retains a number of ancillary boat sheds and wharfs, which, together with the extant dwelling and relatively undisturbed landscape setting, displays important evidence of the early 20th century way of life in the locality and the Site is highly likely to satisfy the Heritage Council of NSW significance assessment criteria in demonstrating historical, associative, technical, rarity and (possibly) representative significance.

30. Given the National Trust (NSW) listing card (refer to Appendix D of the GML Heritage Assessment in **Attachment 2** to this report) and the advice received from Council's Heritage Advisor, Council had reasonable belief that the property may have potential heritage significance and that a 'threat of harm' either exists or is perceived to exist having regard to the lodgement of a Development Application (DA2021/0181) and subsequent Court proceedings which seek demolition of existing structures, removal of trees and subdivision of the Site into 31 lots
31. In June 2021, the former Mayor, Councillor Greene met with residents at the site to discuss its potential heritage significance and possible future action that Council could take to protect the site.
32. On 26 July 2021 the former Mayor, Councillor Greene submitted a Mayoral Minute (MM011-21) to Council recommending that Council proceed to make an IHO over the site. Council resolved to request the Special Minister of State, The Hon. Don Harwin MLC that Council be given the requisite authority under section 25 of the *Heritage Act 1977* (by publication in the Gazette) to place an Interim Heritage Order over the property at Lot 1 DP 10359 (No. 80) Boronia Parade, Lugarno.
33. Council under Section 25 of the *Heritage Act 1977* made an IHO over the Site. The IHO was gazetted on Friday, 13 August 2021 and lapsed on 14 February 2022. The IHO allowed further heritage assessments to be undertaken to inform an understanding of the cultural significance of the Site and whether Council should proceed with an application for heritage listing.
34. Council appointed GML Heritage on 8 October 2021 to prepare a heritage assessment of Glenlee to assist Council in determining whether the Site reaches the threshold for listing as a heritage item. The GML Report provides an assessment of the significance of the Site in relation to natural and cultural landscape heritage, Aboriginal cultural heritage and built heritage. The GML Report recommends that Council list the Site on Schedule 5 of the Georges River Local Environmental Plan 2021 ("GRLEP") as it is of heritage significance and that it be considered for State heritage listing.
35. On 9 September 2021, the applicant filed Class 1 proceedings appealing the Council's making of the IHO under section 30(1) of the Act and seeking that the IHO be revoked. Those proceedings challenge the legality and the merits of the making of an IHO. The proceedings were listed for a Section 34 Conciliation Conference before a Court Commissioner on 1 February 2022, simultaneously with Court proceedings relating to the appeal against the deemed refusal of the DA.
36. On 24 December 2021, the General Manager wrote to The Hon. James Griffin MP, Minister for Environment and Heritage requesting that he make an IHO over the site and advising that the site had potential for listing on the State Heritage Register.
37. On 30 December 2021, the General Manager wrote to Minister Coure, Member for Oatley and requested that he advocate on behalf of her request to the Minister for Environment and Heritage.
38. On 7 January 2022, the General Manager met with Minister Coure, to discuss the request for an IHO and to seek further support and advocacy from his Office for the proposal and for State Heritage listing of the site.

39. On 12 January 2022, the General Manager held discussions with Minister Coure and the Minister for the Environment and Heritage's Chief of Staff to progress the request for an IHO and for State Heritage listing of the site.
40. On 13 January 2022, the General Manager held discussions with Heritage NSW to discuss the request for an IHO and a State Heritage Register listing.
41. On 21 January 2022 the General Manager was advised that the Minister had agreed to the officer's request and had decided to make a local IHO over the Site (for a period of 12 months) as it has potential local and State heritage values and was at imminent risk when the existing local IHO expired on 14 February 2022.
42. The Minister's decision to make an IHO was notified to the Council at its meeting on 28 January 2022.
43. The decision was published in the NSW Government Gazette on 28 January 2022. A copy of the IHO No. 164 is in **Attachment 3**. The IHO is.

NSW HERITAGE OFFICE HERITAGE ASSESSMENT GUIDELINES

44. The NSW Heritage Manual guidelines (July 2001) provides the framework for the assessment of the Site. The guidelines incorporate the five types of cultural heritage values (being aesthetic, historic, scientific, social and spiritual values) identified in the Burra Charter into a structured framework which is the format required by heritage authorities in NSW. Under these guidelines, items (or 'places' in Burra Charter terminology) are assessed in accordance with a specific set of criteria.
45. The criteria for assessment established by the Heritage Council of NSW in accordance with Heritage Act is set out in **Figure 11** below:

<p>Criterion (a)</p> <p>An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area);</p>	<p>Criterion (e)</p> <p>An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area);</p>
<p>Criterion (b)</p> <p>An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area);</p>	<p>Criterion (f)</p> <p>An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area);</p>
<p>Criterion (c)</p> <p>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area);</p>	<p>Criterion (g)</p> <p>An item is important in demonstrating the principal characteristics of a class of NSW's</p> <ul style="list-style-type: none"> • cultural or natural places; or • cultural or natural environments. <p>(or a class of the local area's</p> <ul style="list-style-type: none"> • cultural or natural places; or • cultural or natural environments.)
<p>Criterion (d)</p> <p>An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons;</p>	

Figure 11 - Extract from Assessing heritage significance
NSW Heritage Manual 2001

GML HERITAGE'S ASSESSMENT OF THE SITE

46. The Heritage Assessment Report for 80 Boronia Parade, Lugarno was lodged with Council on 6 January 2022. A copy of the Report is **Attachment 2** to this report.
47. In summary, the Report recommends that the Site be listed as a heritage item in the GRLEP 2021 as well as considered for State heritage listing.

48. The Report is thorough and comprehensive and assesses all the issues related to the Site. In terms of the assessment against the heritage criteria outlined by the NSW Heritage Office Guidelines the following is to be noted:

- c. **Criterion A (Historical Significance):** the Site has cultural significance at a local level under this criterion. The Report indicates that the Site itself has historical significance due to its connection to the practice of oyster farming in the Georges River. The Report states on pages 165 and 166:

Cultivation of oysters in Lime Kiln Bay near the subject site began in 1886 and was a profitable commercial enterprise. The Matthei family, who took over the leases in 1906, continued oyster farming at the site through to 1996. The Mattheis were some of the most prominent oyster farmers in the Georges River area and the practice was one of their primary sources of income.

Significant intact features that evidence the historical significance of the site include Glenlee house, the movable heritage elements, the boatsheds and jetty, the cable-pulley engine shed, the orchard, vegetable gardens, cultural plantings, landscape features and outbuildings.

- d. **Criterion B (Associative Significance):** The Site has cultural significance at a local level under this criterion. The Report indicates on page 166:

Glenlee has associative significance at a local level for its connection to the Matthei family, who occupied the site continuously for over a century. Originally granted to absentee owner Thomas George Lee in 1856, the site came to be owned by prominent wool broker JH Geddes. While it appears the first structure on the site (since demolished) was constructed during Geddes' ownership, his most significant contribution to the site was the introduction of oysters from his lease in Port Hacking. The site came to be owned by a German immigrant family from Hamburg, the Mattheis, who built Glenlee house soon afterward.

The Mattheis were among the early settlers in the area who established farming and orcharding on the site. The Mattheis were particularly involved in developing oyster farming in the area. They were involved in the social life and émigré community of the Lugarno area, being active in the local German Zither Club. They were heavily involved in the Lugarno and District Progress Association, and as such actively contributed to the development of the wider Lugarno area. Like many early settlers, the family subdivided their land, selling off portions which helped to establish early residential development along the river front throughout the twentieth century. The family occupied the site for over a century, and continued oyster farming at the site for 90 years. Their continuous occupation of the site gives Glenlee associative significance to the local community.

- e. **Criterion C (Aesthetic Significance):** The Site has cultural significance at a local level under this criterion. The Report states on pages 166 and 167:

Glenlee has aesthetic significance to the Lugarno area as a highly intact representation of a Federation European settlement. Glenlee house, built c1906, is a good representation of a modest weatherboard cottage, constructed on sandstone foundations. Despite the introduction of a kitchen extension in the 1950s, the house is highly intact, retaining significant original details including pressed metal ceilings, a fanlight, and decorative gables. The kitchen is similarly representative of a typical 1950s kitchen retaining original joinery and fixtures.

Typical of early settlements, Glenlee responds to the natural landscape and topography of the site, situated on a slope and oriented to face the river, taking advantages of the sweeping views across the grounds to the waterfront. These views remain undisturbed and represent the relationship between early settlements and the river. The grounds retain early orchards, gardens, vegetable gardens and fruit trees, with associated landscape elements such as stone retaining walls and stairways, paths, irrigation systems, and cultural plantings, which are characteristic of an early settlement.

The scenic character of the site is enhanced by the bushland and tree regrowth which separates the site from surrounding development, preserving its historically isolated setting, as well as a natural water course, and a creek that has been channelled with block sandstone banks. The site has landmark quality in the surrounding area, representing one of the few remaining riverside settlements, and is highly visible along the waterfront, with the boatsheds and jetty visible from Oatley Park.

The site retains an array of Aboriginal archaeological evidence. The grinding grooves, water hole and setting of the creek hold an aesthetic value which has been identified as important to the local Aboriginal community.

- f. **Criterion D (Social Significance):** A thorough, formal social values assessment should be undertaken but it is likely that the Site has cultural significance at a local level under this criterion. The Report states on page 167:

The Glenlee site remains one of the most prominent areas in Lugarno. Its aesthetic and historic qualities are well known and appreciated throughout the local community, whose strong connection to the site is evident in the 'Save Glenlee' campaign, supported by a petition raised by a local MP with over 1,200 signatures. This level of community interest suggests that the site holds social significance in the Lugarno area. Historically, Glenlee had social significance among the community of early settlers residing in the area, and within local immigrant social groups, such as the German Zither Club.

- g. **Criterion E (Research Potential):** With respect to Aboriginal cultural and archaeological heritage, the Site has cultural significance at a local level under this criterion. The Report states on page 168:

As part of the local First Nations cultural landscape (criterion A), the range of evidence within the site has the potential to yield new information and understanding of these connections, notably from the middle to late Holocene.

- h. **Criterion F (Rarity):** The Site has cultural significance at a state level under this criterion. The Report states on page 169:

Largely established in the early twentieth century, and developed by the Matthei family, Glenlee is a highly intact early European riverfront settlement with an associated cultural landscape. Despite subdivisions, Glenlee retains much of its original estate and is a rare example of an intact riverfront settlement in NSW. Glenlee house is a modest cottage which, despite later extension, is highly internally intact. The house also contains a significant movable heritage collection which encompasses material relating to the Matthei family and the Lugarno area across the twentieth century. The integrity of the interiors of the

house and its collection are likely to be rare within Lugarno, and have potential to be rare within regional NSW.

The early orchards, vegetable gardens, fruit trees, and cultural plantings introduced by the Matthei family remain legible in the landscape and are revealing of early agricultural practices. The historic relationship between the house, grounds and river has been maintained, and the significant views to and from Georges River, and early access paths and stairs which lead to the river, have been conserved. Glenlee similarly retains evidence of significant marine activity including a jetty, boatsheds and remnants of a cable-pulley system which demonstrate the use of the river for transportation and attest to a significant period of oyster farming undertaken on the site. The integrity of the setting is rare in comparison to similar settlements which remain in NSW.

- i. **Criterion G (Representativeness):** For First Nation's heritage, the Site has cultural significance at a local level under this criterion. For European heritage values, the Site has cultural significance at a state level under this criterion. The Report states on page 170:

The First Nations archaeological evidence, notably the grinding grooves set within the intact flowing creek, are good representative examples of the site type. The grinding grooves are deeply incised and easily identifiable; they hold good education potential to demonstrate past Aboriginal lifeways.

The high degree of integrity and intactness of both the house and its setting make the Glenlee site representative of an early European riverfront settlement, both within the Lugarno area, and NSW more broadly. Glenlee house is a typical Federation cottage, showing the regional preference for weatherboard construction. The introduction of the kitchen in the 1950s is typical of the adaptation of early houses to suit modern needs. The interior of the house is otherwise highly intact, retaining significant original fabric and a movable heritage collection which are representative of the typology, and of the evolution of regional housing more generally.

The grounds of Glenlee continue to communicate the site's early function, retaining remnants of the orchard, vegetable garden, and cultural plantings, representative of both the self-sufficiency of the settlement, and the use of the land for commercial agriculture. The important relationship between the river and the settlement is seen in the retention of the jetty and boatshed, providing both transport and industry. The remnants of the cable-pulley system on the site, primarily the shed which housed the system's engine, is a key element which provides evidence of the oyster farming which occurred at the site until 1996. These marine elements are representative of the type and scale of infrastructure employed at oyster farming estates and of the techniques and means by which small growers conducted their farming.

49. A Statement of Significance has been prepared for the Site and is contained in the Report on pages 174 and 175. The Statement concludes with:

Glenlee is likely to have exceptional significance within NSW as a rare, intact, early European riverfront settlement, with a high degree of representative significance as a demonstration of an early way of life, and of significant activities in NSW.

50. The Report on the Site recommends that a comprehensive conservation management plan (CMP) be commissioned to provide guidance for appropriate future use and

conservation of the heritage values of the Site. The CMP would identify for the applicant the opportunities and constraints on the Site and define the solutions – where development can take place without compromising the heritage significance of the Site. A CMP is normally commissioned by the applicant or/and owner.

ASSESSMENT OF THE PLANNING PROPOSAL

51. The following Tables 1 to 5 provide a detailed assessment and justification of the proposal's strategic and site-specific merit to determine whether the planning proposal should be supported. The tables contain the 12 questions from the Department of Planning and Environment's *Local Environmental Plan Making Guideline* dated December 2021 which outlines the matters for consideration when describing, evaluating and justifying a proposal.

Table 1 - Section A – need for the planning proposal

Question	Considerations
<p>1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?</p>	<p>The planning proposal is not the result of an endorsed LSPS, strategic study or report. It is however consistent with the following Council adopted documents:</p> <ul style="list-style-type: none"> • Council's Community Strategic Plan 2018-2028 contains Goal 1.4 which requires that "Local heritage is protected and promoted." Strategy 1.4.1 requires that Council Recognise the LGA's local heritage through heritage listings in LEPs and protection policies in DCPs. • Georges River Local Strategic Planning Statement 2040 ('LSPS 2040') contains Planning Priority P11. Aboriginal and other heritage is protected and promoted. <p>The planning proposal is the result of the report by GML Heritage titled Glenlee, 80 Boronia Parade Lugarno, Heritage Assessment dated 6 January 2022. The GML Report assesses the Site against the heritage criteria outlined by the NSW Heritage Office Guidelines. The guidelines incorporate the five types of cultural heritage values (being aesthetic, historic, scientific, social and spiritual values) identified in the Burra Charter into a structured framework which is the format required by heritage authorities in NSW. Under these guidelines, items (or 'places' in Burra Charter terminology) are assessed in accordance with a specific set of criteria.</p> <p>In terms of the assessment against the heritage criteria outlined by the NSW Heritage Office Guidelines the following is to be noted:</p> <ul style="list-style-type: none"> • Criterion A (Historical Significance): the Site has cultural significance at a local level under this criterion. The Report indicates that the Site itself has historical significance due to its connection to the practice of oyster farming in the Georges River. The Report states on pages 165 and 166: <p><i>Cultivation of oysters in Lime Kiln Bay near the subject site began in 1886 and was a profitable commercial enterprise. The Matthei family, who took over the leases in 1906, continued oyster farming at the site through to 1996. The Mattheis were some of the most prominent oyster farmers in the Georges River area and the practice was one of their primary sources of income.</i></p>

Question	Considerations
	<p><i>Significant intact features that evidence the historical significance of the site include Glenlee house, the movable heritage elements, the boatsheds and jetty, the cable-pulley engine shed, the orchard, vegetable gardens, cultural plantings, landscape features and outbuildings.</i></p> <ul style="list-style-type: none"> Criterion B (Associative Significance): Glenlee has cultural significance at a local level under this criterion. The Report indicates on page 166: <p><i>Glenlee has associative significance at a local level for its connection to the Matthei family, who occupied the site continuously for over a century. Originally granted to absentee owner Thomas George Lee in 1856, the site came to be owned by prominent wool broker JH Geddes. While it appears the first structure on the site (since demolished) was constructed during Geddes' ownership, his most significant contribution to the site was the introduction of oysters from his lease in Port Hacking. The site came to be owned by a German immigrant family from Hamburg, the Mattheis, who built Glenlee house soon afterward.</i></p> <p><i>The Mattheis were among the early settlers in the area who established farming and orcharding on the site. The Mattheis were particularly involved in developing oyster farming in the area. They were involved in the social life and émigré community of the Lugarno area, being active in the local German Zither Club. They were heavily involved in the Lugarno and District Progress Association, and as such actively contributed to the development of the wider Lugarno area. Like many early settlers, the family subdivided their land, selling off portions which helped to establish early residential development along the river front throughout the twentieth century. The family occupied the site for over a century, and continued oyster farming at the site for 90 years. Their continuous occupation of the site gives Glenlee associative significance to the local community.</i></p> Criterion C (Aesthetic Significance): Glenlee has cultural significance at a local level under this criterion. The Report states on pages 166 and 167: <p><i>Glenlee has aesthetic significance to the Lugarno area as a highly intact representation of a Federation European settlement. Glenlee house, built c1906, is a good representation of a modest weatherboard cottage, constructed on sandstone foundations. Despite the introduction of a kitchen extension in the 1950s, the house is highly intact, retaining significant original details including pressed metal ceilings, a fanlight, and decorative gables. The kitchen is similarly representative of a typical 1950s kitchen retaining original joinery and fixtures.</i></p> <p><i>Typical of early settlements, Glenlee responds to the natural landscape and topography of the site, situated on a slope and oriented to face the river, taking advantages of the sweeping views across the grounds to the waterfront. These views remain undisturbed and represent the relationship between early settlements and the river. The</i></p>

Question	Considerations
	<p><i>grounds retain early orchards, gardens, vegetable gardens and fruit trees, with associated landscape elements such as stone retaining walls and stairways, paths, irrigation systems, and cultural plantings, which are characteristic of an early settlement.</i></p> <p><i>The scenic character of the site is enhanced by the bushland and tree regrowth which separates the site from surrounding development, preserving its historically isolated setting, as well as a natural water course, and a creek that has been channelled with block sandstone banks. The site has landmark quality in the surrounding area, representing one of the few remaining riverside settlements, and is highly visible along the waterfront, with the boatsheds and jetty visible from Oatley Park.</i></p> <p><i>The site retains an array of Aboriginal archaeological evidence. The grinding grooves, water hole and setting of the creek hold an aesthetic value which has been identified as important to the local Aboriginal community.</i></p> <ul style="list-style-type: none"> Criterion D (Social Significance): A thorough, formal social values assessment should be undertaken but it is likely that Glenlee has cultural significance at a local level under this criterion. The Report states on page 167: <p><i>The Glenlee site remains one of the most prominent areas in Lugarno. Its aesthetic and historic qualities are well known and appreciated throughout the local community, whose strong connection to the site is evident in the 'Save Glenlee' campaign, supported by a petition raised by a local MP with over 1,200 signatures. This level of community interest suggests that the site holds social significance in the Lugarno area. Historically, Glenlee had social significance among the community of early settlers residing in the area, and within local immigrant social groups, such as the German Zither Club.</i></p> Criterion E (Research Potential): With respect to Aboriginal cultural and archaeological heritage, Glenlee has cultural significance at a local level under this criterion. The Report states on page 168: <p><i>As part of the local First Nations cultural landscape (criterion A), the range of evidence within the site has the potential to yield new information and understanding of these connections, notably from the middle to late Holocene.</i></p> Criterion F (Rarity): Glenlee has cultural significance at a state level under this criterion. The Report states on page 169: <p><i>Largely established in the early twentieth century, and developed by the Matthei family, Glenlee is a highly intact early European riverfront settlement with an associated cultural landscape. Despite subdivisions, Glenlee retains much of its original estate and is a rare example of an intact riverfront settlement in NSW. Glenlee house is a modest cottage which, despite later extension, is highly</i></p>

Question	Considerations
	<p><i>internally intact. The house also contains a significant movable heritage collection which encompasses material relating to the Matthei family and the Lugarno area across the twentieth century. The integrity of the interiors of the house and its collection are likely to be rare within Lugarno, and have potential to be rare within regional NSW.</i></p> <p><i>The early orchards, vegetable gardens, fruit trees, and cultural plantings introduced by the Matthei family remain legible in the landscape and are revealing of early agricultural practices. The historic relationship between the house, grounds and river has been maintained, and the significant views to and from Georges River, and early access paths and stairs which lead to the river, have been conserved. Glenlee similarly retains evidence of significant marine activity including a jetty, boatsheds and remnants of a cable-pulley system which demonstrate the use of the river for transportation and attest to a significant period of oyster farming undertaken on the site. The integrity of the setting is rare in comparison to similar settlements which remain in NSW.</i></p> <ul style="list-style-type: none"> Criterion G (Representativeness): For First Nation's heritage, Glenlee has cultural significance at a local level under this criterion. For European heritage values, Glenlee has cultural significance at a state level under this criterion. The Report states on page 170: <p><i>The First Nations archaeological evidence, notably the grinding grooves set within the intact flowing creek, are good representative examples of the site type. The grinding grooves are deeply incised and easily identifiable; they hold good education potential to demonstrate past Aboriginal lifeways.</i></p> <p><i>The high degree of integrity and intactness of both the house and its setting make the Glenlee site representative of an early European riverfront settlement, both within the Lugarno area, and NSW more broadly. Glenlee house is a typical Federation cottage, showing the regional preference for weatherboard construction. The introduction of the kitchen in the 1950s is typical of the adaptation of early houses to suit modern needs. The interior of the house is otherwise highly intact, retaining significant original fabric and a movable heritage collection which are representative of the typology, and of the evolution of regional housing more generally.</i></p> <p><i>The grounds of Glenlee continue to communicate the site's early function, retaining remnants of the orchard, vegetable garden, and cultural plantings, representative of both the self-sufficiency of the settlement, and the use of the land for commercial agriculture. The important relationship between the river and the settlement is seen in the retention of the jetty and boatshed, providing both transport and industry. The remnants of the cable-pulley system on the site, primarily the shed which housed the system's engine, is a key element which provides evidence of the oyster farming which occurred at the site until 1996. These marine elements are representative of the type and scale of infrastructure employed at oyster farming estates and of</i></p>

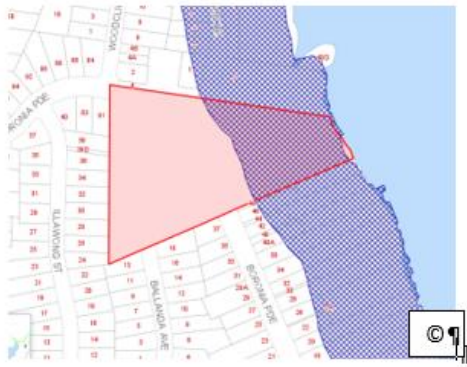
Question	Considerations
	<p><i>the techniques and means by which small growers conducted their farming.</i></p> <p>A Statement of Significance has been prepared for Glenlee and is contained in the Report on pages 174 and 175. The Statement concludes with:</p> <p><i>Glenlee is likely to have exceptional significance within NSW as a rare, intact, early European riverfront settlement, with a high degree of representative significance as a demonstration of an early way of life, and of significant activities in NSW.</i></p> <p>The GML Report recommends that the Site be listed as a heritage item in the Georges River Local Environmental Plan 2021 (GRLEP) as well as considered for State heritage listing.</p>
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	<p>The Planning Proposal represents the best mean of achieving the intended outcomes established in Section 3.</p> <p>The Site is not currently listed as a heritage item in Schedule 5 to the Georges River LEP 2021. An interim heritage order was made over the site on 28 January 2022 in order for the Site to be protected whilst Council follows the planning proposal process to list the Site in the LEP. Listing of the Site will still allow its redevelopment but will ensure that the significance of the Site is assessed in accordance with Clause 5.10 of the Council's LEP.</p> <p>The Site is classified by National Trust (NSW) as an item of high cultural heritage significance and value. The Site provides uncharacteristically strong and important surviving evidence of the pre-development and urban landscape of the locality with extant vegetation and landscaped character pre-dating 1943. The Site contains physical remains of pre-European occupation, including items and remnants of the occupation of the land by Aboriginal people, and has a high potential to yield Aboriginal cultural heritage significance. The natural characteristics of the Site, being situated within close proximity to the waterfront and incorporating the land and water interface, together with the relatively undisturbed natural landscape and mature tree canopy, demonstrate high potential for natural historical significance.</p>

Table 2 - Section B - Relationship to the strategic planning framework

Question	Considerations
3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	<p>The planning proposal will give effect to the objectives and actions of the following plans:</p> <ul style="list-style-type: none"> <i>A Metropolis of Three Cities – Greater Sydney Region Plan -</i> <p>Objective 13: Environmental heritage is identified, conserved and enhanced and Objective 28: Scenic and cultural landscapes are protected.</p> <p><i>Comment:</i> The Planning Proposal seeks to list the Site in Schedule 5 of the GRLEP 2021 and therefore identifying and conserving the significance of the Site.</p>


Question	Considerations				
	<ul style="list-style-type: none"> <i>South District Plan</i> - Planning Priority S6 Creating and renewing great places and local centres and respecting the District's heritage & Action 20. Identify, conserve and enhance environmental heritage ... <i>Comment:</i> The planning proposal will respect a significant site in Georges River's history and will conserve its environmental heritage. <i>Planning Principles</i> On 2 December 2021, the Minister for Planning and Public Spaces Rob Stokes released a new thematic framework underpinned by the Minister's Planning Principles and grouped into nine focus areas to guide planning and development in New South Wales. One of the focus areas is Preserving, conserving and managing NSW's natural environment and heritage. <i>Comment:</i> The planning proposal seeks to protect the Site so its redevelopment can be managed to avoid or minimise any negative heritage impacts from development. It also will protect the Site's Aboriginal cultural heritage 				
4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?	The planning proposal is consistent with the endorsed <i>Georges River Local Strategic Planning Statement 2040</i> ('LSPS 2040') and its Planning Priority P11 which states - <i>Aboriginal and other heritage is protected and promoted.</i>				
5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?	There are no other applicable State and regional studies or strategies.				
6. Is the planning proposal consistent with applicable SEPPs?	<p>The Planning Proposal is consistent with the following SEPPs:</p> <table border="1"> <thead> <tr> <th data-bbox="564 1559 914 1592">SEPP</th><th data-bbox="914 1559 1422 1592">Comment on consistency</th></tr> </thead> <tbody> <tr> <td data-bbox="564 1592 914 2112">State Environmental Planning Policy (Planning Systems) 2021</td><td data-bbox="914 1592 1422 2112"> <p>This SEPP consolidates and repeals the provisions of the following 3 SEPPs:</p> <ul style="list-style-type: none"> SEPP (State and Regional Development) 2011 (State and Regional Development SEPP) SEPP (Aboriginal Land) 2019 (Aboriginal Land SEPP) SEPP (Concurrences and Consents) 2018 (Concurrence SEPP) <p>The Planning Proposal is not inconsistent with the SEPP.</p> </td></tr> </tbody> </table>	SEPP	Comment on consistency	State Environmental Planning Policy (Planning Systems) 2021	<p>This SEPP consolidates and repeals the provisions of the following 3 SEPPs:</p> <ul style="list-style-type: none"> SEPP (State and Regional Development) 2011 (State and Regional Development SEPP) SEPP (Aboriginal Land) 2019 (Aboriginal Land SEPP) SEPP (Concurrences and Consents) 2018 (Concurrence SEPP) <p>The Planning Proposal is not inconsistent with the SEPP.</p>
SEPP	Comment on consistency				
State Environmental Planning Policy (Planning Systems) 2021	<p>This SEPP consolidates and repeals the provisions of the following 3 SEPPs:</p> <ul style="list-style-type: none"> SEPP (State and Regional Development) 2011 (State and Regional Development SEPP) SEPP (Aboriginal Land) 2019 (Aboriginal Land SEPP) SEPP (Concurrences and Consents) 2018 (Concurrence SEPP) <p>The Planning Proposal is not inconsistent with the SEPP.</p>				

Question	Considerations
	<p>State Environmental Planning Policy (Biodiversity and Conservation) 2021</p> <p>This SEPP consolidates, transfers and repeals provisions of the following 11 SEPPs (or deemed SEPPs):</p> <ul style="list-style-type: none"> • SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) • SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020) • SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021) • Murray Regional Environmental Plan No 2—Riverine Land (Murray REP) • SEPP No 19—Bushland in Urban Areas (SEPP 19) • SEPP No 50—Canal Estate Development (SEPP 50) • SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP) • Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) • (Hawkesbury–Nepean River SREP) • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP) • Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP) • Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP) <p>The Planning Proposal is not inconsistent with the SEPP.</p>
	<p>State Environmental Planning Policy (Resilience and Hazards) 2021</p> <p>This SEPP consolidates and repeals the provisions of the following 3 SEPPs:</p> <ul style="list-style-type: none"> • SEPP (Coastal Management) 2018 (Coastal Management SEPP) • SEPP 33 – Hazardous and Offensive Development (SEPP 33) • SEPP 55 – Remediation of Land (SEPP 55) <p>The Planning Proposal is not inconsistent with the SEPP. The Site is within a coastal use area as identified</p>

Question	Considerations
	<p>by the former State Environmental Planning Policy (Coastal Management) 2018. Refer to Figure 12 below. The Planning Proposal does not propose a rezoning nor intensification of uses permitted. The Planning Proposal only proposes to amend the Heritage Map to the GRLEP 2021 and not the other maps relating to coastal management.</p>  <p><i>Figure 12 - Area of Site Affected by Coastal Use Area</i></p>
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>This SEPP consolidates and repeals the provisions of the following 4 SEPPs:</p> <ul style="list-style-type: none"> • SEPP (Infrastructure) 2007 (Infrastructure SEPP) • SEPP (Educational Establishments and Childcare Facilities) 2017 (Education and Childcare SEPP) • SEPP (Major Infrastructure Corridors) 2020 (Corridor SEPP) • SEPP (Three Ports) 2013 (Three Ports SEPP) <p>The Planning Proposal is not inconsistent with the SEPP.</p>
State Environmental Planning Policy (Industry and Employment) 2021	<p>This SEPP consolidates, transfers and repeals the provisions of the following 2 SEPPs:</p> <ul style="list-style-type: none"> • SEPP (Western Sydney Employment Area) 2009 (Western Sydney Employment SEPP) • SEPP 64 – Advertising and Signage (SEPP 64) <p>The Planning Proposal is not inconsistent with the SEPP.</p>

Question	Considerations					
	State Environmental Planning Policy (Resources and Energy) 2021	<p>This SEPP consolidates and repeals the provisions of the following 2 SEPPs:</p> <ul style="list-style-type: none">SEPP (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP)Sydney Regional Environmental Plan No. 9 – Extractive Industries (No 2 – 1995) (Extractive Industries SREP) <p>The Planning Proposal is not inconsistent with the SEPP.</p>				
	State Environmental Planning Policy (Primary Production) 2021	<p>This SEPP consolidates, transfers and repeals the provisions of the following SEPPs:</p> <ul style="list-style-type: none">SEPP (Primary Production and Rural Development) 2019 (Primary Production and Rural Development SEPP)Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas) (Central Coast Plateau SREP). <p>The Planning Proposal is not inconsistent with the SEPP.</p>				
	State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021	<p>The Planning Proposal is not inconsistent with the SEPP. The Site is not the subject of a Precinct identified by the SEPP.</p>				
	State Environmental Planning Policy (Housing) 2021	<p>The Planning Proposal is not inconsistent with the SEPP. The Planning Proposal does not change the existing zoning, height and FSR provisions relating to the site.</p>				
	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	<p>The Planning Proposal is not inconsistent with the SEPP.</p>				
7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?	<p>The Planning Proposal is consistent with the applicable Ministerial Directions as follows:</p> <table><tr><th>Directions</th><th>Consistency</th></tr><tr><td>1.1 Business and Industrial Zones</td><td>Consistent - The planning proposal does not affect land within an existing or proposed business or industrial zone (including the alteration of any existing</td></tr></table>		Directions	Consistency	1.1 Business and Industrial Zones	Consistent - The planning proposal does not affect land within an existing or proposed business or industrial zone (including the alteration of any existing
Directions	Consistency					
1.1 Business and Industrial Zones	Consistent - The planning proposal does not affect land within an existing or proposed business or industrial zone (including the alteration of any existing					

Question		Considerations
		business or industrial zone boundary).
	1.2 Rural Zones	Consistent – The Site is zoned R2 Low Density Residential under the GRLEP 2021.
	1.3 Mining, Petroleum Production and Extractive Industries	Consistent – The Planning Proposal does not have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development
	1.4 Oyster Aquaculture	Consistent – The planning proposal does not propose a change in land use.
	1.5 Rural Lands	Consistent – The Planning Proposal does not (a) affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (b) changes the existing minimum lot size on land within a rural or environment protection zone.
	2.1 Environment Protection Zones	Consistent – The Planning Proposal does not apply to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP.
	2.2 Coastal Management	Consistent - The Site is within a coastal use area as identified by the State Environmental Planning Policy (Coastal Management)2018. Refer to Figure 13 below. The Planning Proposal does not propose a rezoning nor intensification of uses permitted. The Planning Proposal only proposes to amend the Heritage Map to the GRLEP 2021 and not the other maps relating to coastal management.

Question	Considerations
	 <p><i>Figure 13 - Area of Site Affected by Coastal Use Area</i></p>
2.3 Heritage Conservation	<p>Consistent - Heritage conservation is covered by a compulsory clause in the Standard Instrument (Local Environmental Plans) Order 2006. The GRLEP 2021 has adopted the Standard Instrument and does identify such items, areas, objects or places of environmental heritage significance or indigenous heritage significance as are relevant to the terms of this direction on the Heritage Map and relevant Schedule of the LEP. This planning proposal seeks to add No. 80 Boronia Parade Lugarno to Schedule 5 of the GRLEP 2021 and the proposed listing is supported by a heritage assessment.</p>
2.4 Recreation Vehicle Areas	<p>Consistent – The planning proposal does not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983).</p>
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	<p>N/A</p>
2.6 Remediation of Contaminated Land	<p>Consistent – The planning proposal does not rezone the Site which is currently zoned R2 Low Density Residential under the GRLEP 2021.</p>
3.1 Residential Zones	<p>Consistent – The planning proposal does not propose changes to the existing R2 Zone of the Site.</p>
3.2 Caravan Parks and	<p>Consistent – The planning proposal does</p>

Question		Considerations
	Manufactured Home Estates	not propose to permit development for the purposes of a caravan park to be carried on the Site.
	3.4 Integrating Land Use and Transport	Consistent – The planning proposal will not create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.
	3.5 Development Near Regulated Airports and Defence Airfields	Consistent – The planning proposal does not propose to rezone the Site.
	3.6 Shooting Ranges	Consistent – The planning proposal does not seek to rezone land adjacent to and/ or adjoining an existing shooting range.
	3.7 Reduction in non-hosted short term rental accommodation period	Consistent – The Planning Proposal does not identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out within the LGA.
	4.1 Acid Sulfate Soils	Consistent – The planning proposal does not seek to change the existing ASS Class 5 for the site.
	4.2 Mine Subsidence and Unstable Land	Consistent – The planning proposal does not permit development on land that: (a) is within a mine subsidence district, or (b) has been identified as unstable in a study, strategy or other assessment undertaken: (i) by or on behalf of the relevant planning authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority.
	4.3 Flooding	Consistent – The planning proposal does not create, remove or alter a zone or a provision that affects flood prone land.
	4.4 Planning for Bushfire Protection	Consistent – The Site and it surrounds has not been mapped as bushfire prone land.
	5.2 Sydney Drinking Water Catchment	Consistent – The Site is zoned R2 Low Density Residential and is supplied by reticulated water.
	5.3 Farmland of State	N/A

Question		Considerations
	and Regional Significance on the NSW Far North Coast	
	5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
	5.9 North West Rail Link Corridor Strategy	N/A
	5.10 Implementation of Regional Plans	<p>Consistent – The planning proposal is consistent with:</p> <ul style="list-style-type: none"> • <i>A Metropolis of Three Cities – Greater Sydney Region Plan</i> - Objective 13: Environmental heritage is identified, conserved and enhanced and Objective 28: Scenic and cultural landscapes are protected. <i>Comment:</i> The Planning Proposal seeks to list the Site in Schedule 5 of the GRLEP 2021 and therefore identifying and conserving the significance of the Site. • <i>South District Plan</i> - Planning Priority S6 Creating and renewing great places and local centres and respecting the District's heritage & Action 20. Identify, conserve and enhance environmental heritage ... <i>Comment:</i> The planning proposal will respect a significant site in Georges River's history and will conserve its environmental heritage.
	5.11 Development of Aboriginal Land Council land	Consistent – The Planning Proposal does not affect land shown on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019
	6.1 Approval and Referral Requirements	Consistent – The Planning Proposal does not seek to make any additional provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.
	6.2 Reserving Land for Public Purposes	Consistent – The Planning Proposal does not seek to reserve land for a public purpose.

Question		Considerations
	6.3 Site Specific Provisions	Consistent – The Planning Proposal does not allow a particular development to be carried out.
	7.3 Parramatta Road Corridor Urban Transformation Strategy	N/A
	7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A
	7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
	7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
	7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A
	7.8 Implementation of the Western Sydney Aerotropolis Plan	N/A
	7.9 Implementation of Bayside West Precincts 2036 Plan	N/A
	7.10 Implementation of Planning Principles for the Cooks Cove Precinct	N/A
	7.11 Implementation of St Leonards and Crows Nest 2036 Plan	N/A
	7.12 Implementation of	N/A

Question		Considerations	
	Greater Macarthur 2040		
	7.13 Implementation of the Pyrmont Peninsula Place Strategy	N/A	

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Table 3 - Section C – environmental, social and economic impact

Question		Considerations	
8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?		<p>The Planning Proposal seeks to amend the Georges River Local Environmental Plan 2021 by:</p> <ul style="list-style-type: none"> listing No. 80 Boronia Parade Lugarno as a heritage item in Schedule 5 Environmental heritage; and mapping No. 80 Boronia Parade Lugarno as “Item – General” on the Heritage Map. <p>The Planning Proposal is not seeking a rezoning, nor inserting new landuses into the R2 Low Density Residential zoning affecting the site.</p> <p>A Development Application (DA2021/0181) was submitted to Council on 6 May 2021 for the demolition of the existing cottage and associated outbuildings, Torrens Title subdivision of one lot into 31 lots and the construction of new roads, drainage and tree removal at No. 80 Boronia Parade, Lugarno (the Site). The DA is currently subject to a court appeal with the NSW Land and Environment Court. The impacts of the subdivision on critical habitat or threatened species, populations or ecological communities, or their habitats will be dealt with under the Court process.</p>	
9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?		<p>The Planning Proposal seeks to amend the Georges River Local Environmental Plan 2021 by:</p> <ul style="list-style-type: none"> listing No. 80 Boronia Parade Lugarno as a heritage item in Schedule 5 Environmental heritage; and mapping No. 80 Boronia Parade Lugarno as “Item – General” on the Heritage Map. <p>The Planning Proposal is not seeking a rezoning, nor inserting new landuses into the R2 Low Density Residential zoning affecting the site.</p> <p>A Development Application (DA2021/0181) was submitted to Council on 6 May 2021 for the demolition of the existing cottage and associated outbuildings, Torrens Title subdivision of one lot into 31 lots and the construction of new roads, drainage and tree removal at No. 80 Boronia Parade, Lugarno (the Site). The DA is currently subject to a court appeal with the NSW Land and Environment Court. The environmental impacts of the subdivision will be dealt with under the Court process.</p>	
10. Has the planning proposal adequately		The Planning Proposal seeks to list the Site as a heritage item in the Council’s LEP so that any development on the Site will need to consider	

Question	Considerations
addressed any social and economic effects?	<p>Clause 5.10 of the LEP and the impacts on the heritage significance of the item. The heritage listing of the Site in Schedule 5 of the LEP will not sterilize the site. The Site can be developed.</p> <p>With respect to social impacts, the heritage assessment by GML Heritage states that it is likely that Glenlee has cultural significance at a local level under Criterion D (Social Significance) of the NSW Heritage Office Guidelines. The Report states on page 167:</p> <p><i>The Glenlee site remains one of the most prominent areas in Lugarno. Its aesthetic and historic qualities are well known and appreciated throughout the local community, whose strong connection to the site is evident in the 'Save Glenlee' campaign, supported by a petition raised by a local MP with over 1,200 signatures. This level of community interest suggests that the site holds social significance in the Lugarno area. Historically, Glenlee had social significance among the community of early settlers residing in the area, and within local immigrant social groups, such as the German Zither Club.</i></p> <p>Not protecting the Site through a listing in Schedule 5 of the GRLEP 2021 will have an adverse social impact on the history and development of Lugarno and the wider community.</p>

Table 4 - Section D – Infrastructure (Local, State and Commonwealth)

Question	Considerations
11. Is there adequate public infrastructure for the planning proposal?	<p>The Planning Proposal seeks to amend the Georges River Local Environmental Plan 2021 by:</p> <ul style="list-style-type: none"> • listing No. 80 Boronia Parade Lugarno as a heritage item in Schedule 5 Environmental heritage; and • mapping No. 80 Boronia Parade Lugarno as “Item – General” on the Heritage Map. <p>The Planning Proposal is not seeking a rezoning, nor inserting new landuses into the R2 Low Density Residential zoning which may result in an increase in the demand for public services and facilities. A Development Application (DA2021/0181) was submitted to Council on 6 May 2021 for the demolition of the existing cottage and associated outbuildings, Torrens Title subdivision of one lot into 31 lots and the construction of new roads, drainage and tree removal at No. 80 Boronia Parade, Lugarno (the Site). The DA is currently subject to a court appeal with the NSW Land and Environment Court. The public infrastructure impacts of the subdivision will be dealt with under the Court process. A S7.11 Infrastructure contribution will apply to any consent granted by the Court.</p>

Table 5 - Section E – State and Commonwealth Interests

Question	Considerations
12. What are the views of state and federal public authorities and government agencies consulted in order to form the Gateway Determination?	On 24 January 2022 Council was advised that the Minister has decided to make a local IHO over the Site as it has potential local and state heritage values and is at imminent risk when the existing local IHO expires on 13 February 2022. The decision was published in the NSW Government Gazette on 28 January 2022. A copy of the notice is in Attachment 3 . Council has the support of Heritage NSW.

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COUNCIL POLICY ON PLANNING AGREEMENTS

52. Council's Policy on Planning Agreements does not apply to this Planning Proposal as it does not seek to amend the R2 Low Density Residential zoning, FSR, height nor any other LEP provisions relating to the Site.

GEORGES RIVER LOCAL PLANNING PANEL MEETING HELD 17 FEBRUARY 2022

53. The Planning Proposal was considered by the Georges River Local Planning Panel (LPP) at its meeting on 17 February 2022. The LPP recommended:

That the Georges River Local Planning Panel note and acknowledge the heritage significance of "Glenlee" 80 Boronia Parade Lugarno and recommend that Council:

- a) *Support the listing of Glenlee, at 80 Boronia Parade, Lugarno as a local heritage item on the heritage schedule of the Georges River Local Environmental Plan 2021 which contains the appropriate provisions for protecting and managing the item.*
- b) *Support the State listing of "Glenlee", at 80 Boronia Parade, Lugarno, and*
- c) *Endorse the forwarding of Planning Proposal PP2022/0002 to the NSW Department of Planning and Environment (DPE) to request a Gateway Determination under Section 3.33 of the EP&A Act 1979 for an amendment to the Georges River Local Environmental Plan 2021 by:*
 - a. *listing No. 80 Boronia Parade Lugarno as a heritage item in Schedule 5 Environmental heritage; and*
 - b. *mapping No. 80 Boronia Parade Lugarno as "Item – General" on the Heritage Map.*

54. A copy of the report that was referred to the LPP is available on Council's website.

SUMMARY OF ASSESSMENT/CONCLUSION

55. In summary the Planning Proposal seeks to the Georges River Local Environmental Plan 2021 by:

- a. listing No. Lot 1 DP 10359, No. 80 Boronia Parade Lugarno as a heritage item in Schedule 5 Environmental heritage as follows; and

Suburb	Item name	Address	Property description	Significance	Item no
Lugarno	Glenlee	80 Boronia Parade	Lot 1 DP10359	Local	I317

- b. mapping Lot 1 DP 10359, No. 80 Boronia Parade Lugarno as "Item – General" on the Heritage Map. The proposed Heritage Map - Sheet HER_003 is illustrated in **Figure 3**.

56. The heritage listing of the site is supported by GML Heritage's Report commissioned by Council which concludes that the Site has cultural significance at the State level under the NSW Heritage Office Heritage Assessment Guidelines criteria (f) and (g) and at the local level under criteria (a), (b), (c), (d) and (e). The GML Report recommends that Council list the Site on Schedule 5 of the Georges River Local Environmental Plan 2021 ("GRLEP") as the Site is of heritage significance and that it be considered for State heritage listing.
57. The intended outcome of the Planning Proposal is to:
 - a. List No. 80 Boronia Parade Lugarno as a heritage item in the Georges River Local Environmental Plan 2021 so that Clause 5.10 applies to any proposed development.
 - b. Conserve the environmental heritage of the Georges River local government area.
 - c. Conserve the heritage significance of the site, including associated fabric, settings and views.
 - d. Conserve Aboriginal objects and Aboriginal places of heritage significance.
58. The Planning Proposal meets both the strategic and site-specific merit tests that are outlined in the Departments' Local Environmental Plan Making Guideline dated December 2021.
59. In terms of Strategic Merit, the proposal:
 - a. Gives effect to the Greater Sydney Region Plan and the South District Plan by identifying and conserving a significant site in Georges River history.
 - b. Is consistent with the endorsed Georges River LSPS and its Planning Priority P11 which requires the protection of Aboriginal and other heritage.
 - c. Responds to new evidence (GML's Report) that the Site has exceptional significance within NSW as a rare, intact, early European riverfront settlement, with a high degree of representative significance as a demonstration of an early way of life, and of significant activities in NSW.
60. In terms of Site-Specific Merit, the proposal:
 - a. Does not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.
 - b. Seeks to list the Site as a heritage item in the Council's LEP so that any development on the Site will need to consider Clause 5.10 of the LEP and the impacts on the heritage significance of the item.
 - c. Will not sterilize the site. The Site can be developed and is currently the subject of a development application before the Court.
 - d. Through a listing in Schedule 5 of the GRLEP 2021 will have a positive social impact on the history and development of Lugarno and the wider community.
 - e. Does not result in an increase in the demand for public services and facilities.
 - f. Has the support of Heritage NSW.

FINANCIAL IMPLICATIONS

61. No budget impact for this report.

RISK IMPLICATIONS

62. Operational risk/s identified and management process applied.

COMMUNITY ENGAGEMENT

63. Should the Planning Proposal be supported, it will be forwarded to the delegate of the Minister for Planning and Environment, requesting a Gateway Determination.
64. If a Gateway Determination (Approval) is issued, and subject to its conditions, it is anticipated that the Planning Proposal will be exhibited in accordance with the provisions of the EP&A Act, 1979 and Regulation, 2000 and any requirements of the Gateway Determination.
65. Exhibition material, including explanatory information will be available for viewing during the exhibition period on Council's website. A hard copy of the material can be provided to individuals upon request.
66. Notification of the public exhibition will be through:
 - a. Newspaper advertisement in The Leader;
 - b. Exhibition notice on Council's website;
 - c. Notices in Council offices and libraries;
 - d. Letters to State and Commonwealth Government agencies identified in the Gateway Determination (if required); and
 - e. Letters to adjoining landowners (in accordance with Council's Notification Procedures).
67. The project timeframe will depend on the Gateway Determination date and the required public exhibition period based on the different planning proposal categories. The following is based on a standard planning proposal with a public exhibition period of 20 working days.

Indicative project timeline

Stage	Timeframe/date
Consideration by Georges River LPP	17 February 2022
Council decision	28 March 2022
Gateway determination	April – May 2022
Pre-exhibition	May - June 2022
Commencement and completion of public exhibition period	June - July 2022
Consideration of submissions	July – August 2022
Post-exhibition review and additional studies	August – September 2022
Submission to the Department for finalisation (where applicable)	September - October 2022
Gazettal of LEP amendment	September - October 2022

68. It is noted that the project timeline will be subject to the DPIE and may be amended.





NEXT STEPS

69. If the Planning Proposal is endorsed by Council, it will be forwarded to the Minister for Planning and Public Spaces for a Gateway Determination under Section 3.34 of the EP&A Act 1979.

FILE REFERENCE

PP2022/0002 & D22/17560

ATTACHMENTS

- Attachment 1  Planning Proposal Request - *published in separate document*
- Attachment 2  GML's Heritage Assessment - *published in separate document*
- Attachment 3  IHO dated 28 January 2022 - *published in separate document*
- Attachment 4  Heritage Inventory Sheet - *published in separate document*

Item: ENV009-22 Adoption for Public Exhibition - Draft Activating Our Centres Policy 2022

Author: Coordinator Strategic Planning

Directorate: Environment and Planning

Matter Type: Committee Reports

ENV009-22

RECOMMENDATION:

- (a) That Council adopt the Draft Activating Our Centres Policy 2022 for public exhibition for a period of no less than 28 days in accordance with the details contained in the report.
- (b) That Council delegate authority to the General Manager to make minor modifications to any numerical, typographical, interpretation and formatting errors, if required, prior to the exhibition.
- (c) That a further report be presented to Council following the conclusion of the public exhibition.

EXECUTIVE SUMMARY

1. At its meeting on 24 February 2020, Council adopted the *Commercial Centres Strategy (Part 1 Centres Analysis) 2020* (Item No. ENV001-20).
2. Through an analysis of non-residential floor space in our centres, Part 1 determined that as redevelopment occurs through planning proposals and development applications, there would be a net loss in non-residential floor space across the centres and that as demand grows in these centres, there would be insufficient capacity to provide essential services for the growing population.
3. As a result, no centre would be able to accommodate their projected 2036 employment floor space demand if future development continues to provide non-residential floor space at current rates.
4. The Commercial Centre Strategy (2020) projects and identifies the demand for employment floor space across all centres to support the additional growth in the resident, worker and visitor population. By 2036, an additional 187,450 square metres of employment floor space is required in the LGA. This is equivalent to an increase of 24% from the existing supply of 793,545 square metres
5. Accordingly, the Strategy recommended increasing the minimum non-residential FSR requirement in the *Georges River Local Environmental Plan (GRLEP) 2021* to address the shortfall in meeting this demand. However, it was recognised that redevelopment is likely to become financially unviable if the minimum non-residential FSR is increased to meet the 2036 demand without considering the overall maximum FSR provided for these centres.
6. To address the ongoing loss of employment floor space in the LGA's centres, a minimum non-residential FSR requirement has been introduced in all centres in the LGA with some centres experiencing an increase in the minimum non-residential FSR requirement; implemented through the GRLEP 2021.

7. To address the net loss of employment floor space in centres resulting from recent development trends and to activate our centres, Council officers have also developed the Draft Activating Our Centres Policy.
8. This policy will guide Council's assessment of planning proposals in our town centres which propose the provision of community facilities, specialised retail premises, shops, registered clubs, entertainment facilities or recreational facilities (indoor) in the basement of developments as excluded floor space (i.e. the floor space that is not included in the gross floor area and subsequent calculation of the floor space ratio).
9. This report provides an overview of the Draft Activating Our Centres Policy (**Attachment 1**) and seeks endorsement to exhibit the draft policy for 28 days.
10. The Policy will be reviewed in two years or as a result of the findings of Part 2 of the *Commercial Centres Strategy*.
11. At its meeting on 22 November 2021 (Item No. ENV053-21), Council considered a report to publicly exhibit the Draft Activating Our Centres Policy. Council resolved to defer the matter for a Councillor briefing.
12. In accordance with Council's resolution, on 21 February 2022 a briefing was held with Councillors on the Draft Activating Our Centres Policy.

BACKGROUND

Commercial Centres Strategy (Part 1 Centres Analysis) 2020

13. Council is preparing a *Commercial Centres Strategy* in two parts (Part 1 and Part 2).
14. Part 1 Centres Analysis ("Part 1") conducts a stocktake of all 48 commercial centres in the Georges River LGA and develops an existing centres hierarchy through a holistic approach informed by an evidence base consisting of independent expert advice, community input and an in-depth review of all centres. This has been completed with the aim of preparing a harmonised planning framework that effectively governs the future development of these centres to support their ongoing viability and the growth of local businesses and jobs in line with Council's LSPS 2040 future vision.
15. The primary purpose of Part 1 was to inform the preparation of the GRLEP 2021 and its accompanying development control plan. This Part addresses the immediate issue concerning the loss of employment floor space through redevelopment by reviewing the existing minimum non-residential floor space requirements, identify the inconsistencies between the existing LEPs and enable the permissibility of a greater variety of land uses in the Georges River LGA's business zones.
16. Part 2 of the Strategy is currently being prepared to inform amendments to the LEP in 2023 and beyond. Through a place-based planning approach, this Part will consider the roles and functions of all 48 centres and provide centre-specific objectives, built form guidelines and investigate the potential expansion of appropriate centres.

Future Employment Floor Space Demand

17. Based on future population forecasts, the LGA's economic profile, recent market trends and drivers, capacity and supply blockages, the Strategy identifies that an additional 187,450sqm of employment floor space is required in the LGA by 2036 to support the growth in the resident, worker and visitor population.
18. The former Hurstville LEP 2012 and Kogarah LEP 2012 specified a minimum non-residential FSR required for some centres. However, the Strategy identifies that the minimum non-residential FSR required by the former LEP controls for any new development leads to a significant shortfall in the net employment floor space provided within each centre. The Strategy examines the effect that this trend will generate on the

ability for the LGA's centres to meet their projected 2036 employment floor space demands. A hypothetical redevelopment scenario is utilised where it is assumed that all sites will be redeveloped to their current maximum FSR with a minimal provision of employment floor space based on the application of Council's LEP controls.

19. A summary of the undersupply of non-residential floor space provided by the former LEP controls is provided in **Table 1**:

Table 1 Undersupply of non-residential floor space provided by the former *Hurstville LEP 2012* and *Kogarah LEP 2012* controls (Source: Part 1 Centres Analysis)

Centre Name	Required by LEP (sqm)	Demand in 2036 (sqm)	Undersupply (sqm)
Hurstville City Centre – current controls	298,796	407,366	-108,570
Hurstville City Centre – HCCUDS controls	269,982	407,366	-137,384
Kogarah Town Centre	66,939	215,715	-148,776
B2 – Beverly Hills (King Georges Road)	12,158	33,761	-21,603
B2 – Kingsgrove (Kingsgrove Road)	4,702	20,315	-15,613
B2 – Mortdale (Morts Road)	2,229	27,014	-14,605
B1 – Oatley (Mulga Road)	12,409	16,290	-14,061
B2 – Penshurst (Penshurst Street)	8,874	20,184	-11,310
B2 – Riverwood (Belmore Road)	12,598	43,279	-30,681
B2 – South Hurstville (King Georges Road)	14,203	30,446	-16,243
All other 39 centres	58,540	167,757	-109,217

20. If all centres were redeveloped in accordance with the minimum non-residential FSR required by the former LEP controls, there would be a total undersupply of 490,680sqm in meeting the 2036 employment floor space demand.
21. As redevelopment occurs through planning proposals and development applications, there would be a net loss in non-residential floor space across the centres and that as demand grows in these centres there would be insufficient capacity to provide essential services for the growing population.

22. As a result, no centre would be able to accommodate their projected 2036 employment floor space demand if future development continues to provide non-residential floor space at rates required by the former LEP controls.
23. Accordingly, the Strategy recommended increasing the minimum non-residential FSR requirement in the GRLEP 2021 to address the shortfall in meeting this demand.
24. As identified in **Table 2** below, the non-residential FSRs required by the 2036 forecasted demand to ensure a reasonable supply of employment floor space for strategic, local and other centres are identified as being between 0.67:1 and 1.6:1.

Table 2 Minimum non-residential FSR required to meet future employment floor space demand (Source: Part 1 Centres Analysis)

Centre Name	Current non-residential FSR	Min. non-residential FSR required by former LEPs	Min. non-residential FSR required to meet 2036 demand
Hurstville City Centre	1.20:1	0.5:1	1.48:1
Kogarah Town Centre	1.21:1	0.5:1	1.60:1
B2 – Beverly Hills (King Georges Road)	0.71:1	0.3:1	0.82:1
B2 – Kingsgrove (Kingsgrove Road)	1.16:1	0.3:1	1.28:1
B2 – Mortdale (Morts Road)	0.74:1	0.3:1	0.98:1
B1 – Oatley West (Mulga Road)	1.06:1	0.3:1	1.17:1
B2 – Penshurst (Penshurst Street)	0.61:1	0.3:1	0.69:1
B2 – Riverwood (Belmore Road)	0.72:1	0.3:1	1.02:1
B2 – South Hurstville (King Georges Road)	0.71:1	0.3:1	0.90:1
B6 – Carlton Enterprise Corridor	0.29:1	0.7:1	0.33:1
All other 38 centres (villages, small villages and neighbourhood centres)	0.58:1	0.3:1	0.67:1

25. Whilst noting the minimum non-residential FSR required to meet future employment floor space demand, it was recognised that redevelopment is likely to become financially unviable if the minimum non-residential FSR is increased to meet the 2036 demand without considering the overall maximum FSR provided for these centres.

26. As discussed above, Part 2 of the Strategy which is currently being prepared will review the development standards (maximum height and FSR controls) for the centres.
27. To address the ongoing loss of employment floor space in the LGA's centres as result of the insufficient minimum non-residential FSR requirement in the former LEPs. Accordingly, the Strategy recommended an interim solution be implemented in the GRLEP 2021 to reduce the loss of employment floor space through redevelopment, including:
- Applying a minimum 0.3:1 non-residential FSR applicable to all mixed-use developments in B1 Neighbourhood Centre, B2 Local Centre and B4 Mixed Use zoned land;
 - Increasing the minimum non-residential FSR to 1:1 in strategic centres;
 - Increasing the minimum non-residential FSR to 0.5:1 in local centres; and
 - Preparing a special area mapping to ensure the increased minimum non-residential FSR is selectively applied to strategic and local centres due to the mismatch in the existing centre's hierarchy classification and the existing land use zone for centres such as B1 – Oatley (Mulga Road).

Georges River Local Environmental Plan 2021

28. The recommended increases to the minimum non-residential FSR requirement from Part 1 of the *Commercial Centres Strategy* have been implemented in the GRLEP 2021 as shown in **Table 3** below.
29. Further increases to the non-residential FSR requirement will be investigated following completion of Part 2 of the Strategy and preparation of LEP 2023.

Table 3 GRLEP 2021 increases to minimum non-residential FSR requirement

Classification	Centre Name	Min. non-residential FSR	
		Former LEPs	GRLEP 2021
Strategic centre	Hurstville City Centre	0.5:1	1:1
Strategic centre	Kogarah Town Centre	0.5:1	1:1
Local centre	B2 – Beverly Hills (King Georges Road)	0.3:1	0.5:1
Local centre	B2 – Kingsgrove (Kingsgrove Road)	0.3:1	0.5:1
Local centre	B2 – Mortdale (Morts Road)	0.3:1	0.5:1
Local centre	B1 – Oatley West (Mulga Road)	0.3:1	0.5:1
Local centre	B2 – Penshurst (Penshurst Street)	0.3:1	0.5:1
Local centre	B2 – Riverwood (Belmore Road)	0.3:1	0.5:1

Classification	Centre Name	Min. non-residential FSR	
Local centre	B2 – South Hurstville (King Georges Road)	0.3:1	0.5:1
Enterprise corridor	B6 – Carlton Enterprise Corridor	0.7:1	Retain as 0.7:1
All other 38 centres (villages, small villages and neighbourhood centres)		0.3:1	Retain as 0.3:1

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Council Meetings

30. At its meeting on 22 November 2021 (Item No. ENV053-21), Council considered a report to publicly exhibit the Draft Activating Our Centres Policy and resolved to defer the matter to a Councillor briefing.
31. In accordance with Council's resolution, on 21 February 2022 a confidential Councillor briefing was held to discuss the Draft Activating Our Centres Policy.

CONTENT OF THE DRAFT ACTIVATING OUR CENTRES POLICY

32. This policy applies to planning proposals that seek to provide a community facility, shop, specialised retail premises, registered club, entertainment facility or recreational facility (indoor) in the basement of developments as additional floor space.
33. The planning proposal must be zoned a business zone under the GRLEP 2021 in one of the following strategic and local centres:

Strategic Centres

- Hurstville City Centre
- Kogarah Town Centre

Local Centres

- Beverly Hills
- Kingsgrove
- Mortdale
- Oatley West
- Penshurst
- Ramsgate
- Riverwood
- South Hurstville

Matters for Consideration and Documentation Required

34. At a minimum, the following matters and documentation required to be addressed in planning proposals intending to utilise this policy include:

Land Uses

35. Appropriate land uses with consideration to the site, surrounding sites within the centre and outside the centre.
36. Provision of the minimum non-residential FSR above ground specified in the GRLEP 2021.

Built Form

37. Consistent with the built form (height, bulk and scale) of the existing and desired future character of the centre as per the DCP. If the centre does not have a character statement the new infill development is to respect and maintain consistency with the established rhythm and scale of existing shopfronts with the scale of development compatible with the size of the lot.
38. Appropriate built form relationship and interface with adjoining buildings, sites within the centre and adjoining the centre.

Public Domain

39. Make a positive contribution to the streetscape and public domain.
40. Propose public domain works in accordance with Council's plans and policies.

Social Impacts

41. The proposal delivers a greater net community benefit compared to the existing use of the site (if required).

Economic Impacts

42. The proposal strengthens the viability of the existing established centre, meets an economic demand for additional employment floor space that cannot be provided within the existing centre, and enhances the existing centre's identity in line with the centres hierarchy classification.

Traffic and Parking

43. Not adversely affect the surrounding road network, including the centre and streets leading to and from the centre.
44. Provide adequate car parking facilities for the highest traffic generating land use permitted for the planning proposal.

Environmental Impacts

45. Proposals on sites comprising the following environmental constraints must consider their impact on the proposal:
 - comprises a heritage item or draft heritage item
 - is within a heritage conservation area or a draft heritage conservation area
 - is subject to an interim heritage order under the NSW Heritage Act
 - is identified on the Acid Sulfate Soils Map in the LEP as being Class 1 or Class 2
 - is significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*
 - is affected by the Probable Maximum Flood (PMF)
 - is identified on the Coastal Hazard and Risk Map in the LEP

Consultation to Date

46. A briefing with Councillors was held in September 2021 during the preparation of the Draft Policy.

47. A briefing was also held with the Council in February 2022 in accordance with the Council resolution of 22 November 2021 in which Council considered a report to publicly exhibit the Draft Activating Our Centres Policy.

COMMUNITY ENGAGEMENT

48. It is recommended that the Draft Activating Our Centres Policy 2022 be made available for public comment for a period of no less than 28 days and a report be presented to Council on the feedback received during the exhibition phase.

Community Engagement

Stakeholders	Consultation Action
General Consultation	<ul style="list-style-type: none"> Information to be included on Council's Your Say webpage 2 x advertisements to be placed in the local newspaper (during separate weeks of the exhibition) Council's Strategic Planning staff will be available during office hours to answer telephone and face to face enquiries
Stakeholder Consultation	<ul style="list-style-type: none"> Notification of public exhibition of the draft policy to applicants who have lodged (or intend to lodge) planning proposals with Council for assessment that would be affected by this draft policy. Targeted consultation with the business community and key landowners.
Media	<ul style="list-style-type: none"> Media release to be sent to the local newspaper prior to the commencement of the exhibition advising of the exhibition of the draft policy.

NEXT STEPS

49. It is recommended that the Draft Activating Our Centres Policy be placed on public exhibition for a period of no less than 28 days commencing in April 2022 to encourage stakeholders to have an opportunity to provide comment and feedback.
50. Once the engagement phase has been completed, a further report will be presented to Council. This report will provide an overview of any issues raised during the exhibition phase and may result in further refining of the Policy.
51. The adopted Policy will guide Council's assessment of planning proposals in our town centres which propose the provision of community facilities, specialised retail premises, shops, registered clubs, entertainment facilities or recreational facilities (indoor) in the basement of developments as excluded floor space.
52. The Draft Activating Our Centres Policy will be reviewed in two years or as a result of the findings of Part 2 of the *Commercial Centres Strategy*.

FINANCIAL IMPLICATIONS

53. Public exhibition of the Draft Policy will be funded from Council's existing strategic planning budget.

RISK IMPLICATIONS

54. No risks identified.

FILE REFERENCE

SF21/5228

ATTACHMENTS

Attachment [↓](#)1  Draft Activating Our Centres Policy

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ACTIVATING OUR CENTRES POLICY

Insert year approved/active 20xx

POLICY ADMINISTRATION

Dates	Policy approved xx/xx/xxxx This policy is effective upon its approval. Policy is due for review xx/xx/xxxx (3 years from approval)
Approved by	Council Meeting xx/xx/xxxx Council Resolution xxx
Exhibition Period	<i>Include date of exhibition to the public</i>
Policy Owner	Manager Strategic Planning
Related Documents	Department of Planning and Environment's <i>Guide to Preparing Planning Proposals</i> <i>Georges River Development Control Plan 2021</i> <i>Commercial Centres Strategy (Part 1 Centres Analysis) 2020</i>
Appendices	Appendix A – Zoning map extracts of the strategic and local centres applicable to this policy
References & Legislation	<i>Environmental Planning and Assessment Act 1979</i> <i>Georges River Local Environmental Plan 2021</i>
Document Identifier	Policy #: <i>Allocated by Senior Policy Specialist once policy is approved (includes the version number)</i> Doc #: <i>Please enter CM9/Document identification number</i>
Breaches of Policy	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.
Record Keeping	All documents and information obtained in relation to the implementation of this policy will be kept in accordance with the NSW <i>State Records Act 1998</i> , Georges River Council's Corporate Records Policy and adopted internal procedures.

PURPOSE

The purpose of this policy is to outline Council's position, approach and requirements to increasing non-residential floor space in our town centres to meet the needs of the community and address the net loss of employment floor space in centres resulting from recent development trends. This policy will guide Council's assessment of planning proposals in our town centres which propose the provision of community facilities, shops, registered clubs, entertainment facilities or recreational facilities (indoor) in the basement of developments as excluded floor space (i.e. the floor space that is not included in the gross floor area and subsequent calculation of the floor space ratio).

SCOPE

This policy applies to planning proposals that seek to provide a community facility, shop, specialised retail premises, registered club, entertainment facility or recreational facility (indoor) in the basement of developments as excluded floor space (i.e. the floor space that is not included in the gross floor area and subsequent calculation of the floor space ratio).

The planning proposal must be zoned a business zone (i.e. B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core or B4 Mixed Use zone) under the *Georges River LEP 2021 (the LEP)* in one of the following strategic and local centres as identified by the *Georges River Local Strategic Planning Statement 2040 (LSPS 2040)*:

Strategic Centres

- Hurstville City Centre
- Kogarah Town Centre

Local Centres

- Beverly Hills
- Kingsgrove
- Mortdale
- Oatley West
- Penshurst
- Ramsgate
- Riverwood
- South Hurstville

The above centres have been informed by the *South District Plan* and the *Commercial Centres Strategy (Part 1 Centres Analysis) 2020* which is discussed below.

Zoning map extracts of the strategic and local centres to which this policy applies and listed above are provided in **Appendix A**.

CONTEXT

Commercial Centres Strategy (Part 1 Centres Analysis) 2020

Council is preparing a Commercial Centres Strategy in two parts (Part 1 and Part 2). Part 1 Centres Analysis ("Part 1") conducts a stocktake of all 48 commercial centres in the Georges River LGA and develops an existing centres hierarchy through a holistic approach informed by an evidence base consisting of independent expert advice, community input and an in-depth review of all centres. This has been completed with the aim of preparing a harmonised planning framework that effectively governs the future development of these centres to support their ongoing viability and the growth of local businesses and jobs in line with Council's *LSPS 2040* future vision.

The primary purpose of Part 1 was to inform the preparation of the *Georges River Local Environmental Plan 2021* (GRLEP 2021) and its accompanying development control plan. This Part addresses the immediate issue concerning the loss of employment floor space through redevelopment by reviewing the existing minimum non-residential floor space requirements, identify the inconsistencies between the existing LEPs and enable the permissibility of a greater variety of land uses in the Georges River LGA's business zones. A set of rezoning criteria guideline was also developed in this Part to manage proponent-led proposals that seek to expand existing centres.

Part 2 of the Strategy is currently being prepared to inform amendments to the LEP in 2023 and beyond. Through a place-based planning approach, this Part will consider the roles and functions of all 48 centres and provide centre-specific objectives, built form guidelines and investigate the potential expansion of appropriate centres.

Future Employment Floor Space Demand

Based on future population forecasts, the LGA's economic profile, recent market trends and drivers, capacity and supply blockages, the Strategy identifies that an additional 187,450sqm of employment floor space is required in the LGA by 2036 to support the growth in the resident, worker and visitor population.

The former *Hurstville LEP 2012* and *Kogarah LEP 2012* specified a minimum non-residential FSR required for some centres. However, the Strategy identifies that the minimum non-residential FSR required by the former LEP controls for any new development leads to a significant shortfall in the net employment floor space provided within each centre. The Strategy examines the effect that this trend will generate on the ability for the LGA's centres to meet their projected 2036 employment floor space demands. A hypothetical redevelopment scenario is utilised where it is assumed that all sites will be redeveloped to their current maximum FSR with a minimal provision of employment floor space based on the application of Council's LEP controls. A summary of the undersupply of non-residential floor space provided by the former LEP controls is provided in **Table 1** below.

Table 1 Undersupply of non-residential floor space provided by the former *Hurstville LEP 2012* and *Kogarah LEP 2012* controls (Source: Part 1 Centres Analysis)

Centre Name	Required by LEP (sqm)	Demand in 2036 (sqm)	Undersupply (sqm)
Hurstville City Centre – current controls	298,796	407,366	-108,570
Hurstville City Centre – HCCUDS controls	269,982	407,366	-137,384
Kogarah Town Centre	66,939	215,715	-148,776
B2 – Beverly Hills (King Georges Road)	12,158	33,761	-21,603
B2 – Kingsgrove (Kingsgrove Road)	4,702	20,315	-15,613
B2 – Mortdale (Morts Road)	2,229	27,014	-14,605
B1 – Oatley (Mulga Road)	12,409	16,290	-14,061
B2 – Penshurst (Penshurst Street)	8,874	20,184	-11,310
B2 – Riverwood (Belmore Road)	12,598	43,279	-30,681
B2 – South Hurstville (King Georges Road)	14,203	30,446	-16,243
All other 39 centres	58,540	167,757	-109,217

If all centres were redeveloped in accordance with the minimum non-residential FSR required by the former LEP controls, there would be a total undersupply of 490,680sqm in meeting the 2036 employment floor space demand.

As redevelopment occurs through planning proposals and development applications, there would be a net loss in non-residential floor space across the centres and that as demand grows in these centres there would be insufficient capacity to provide essential services for the growing population.

As a result, no centre would be able to accommodate their projected 2036 employment floor space demand if future development continues to provide non-residential floor space at rates required by the former LEP controls.

Accordingly, the Strategy recommended increasing the minimum non-residential FSR requirement in the GRLEP 2021 to address the shortfall in meeting this demand.

As identified in **Table 2** below, the non-residential FSRs required by the 2036 forecasted demand to ensure a reasonable supply of employment floor space for strategic, local and other centres are identified as being between 0.67:1 and 1.6:1.

Table 2 Minimum non-residential FSR required to meet future employment floor space demand (Source: Part 1 Centres Analysis)

Centre Name	Current non-residential FSR	Min. non-residential FSR required by former LEPs	Min. non-residential FSR required to meet 2036 demand
Hurstville City Centre	1.20:1	0.5:1	1.48:1
Kogarah Town Centre	1.21:1	0.5:1	1.60:1
B2 – Beverly Hills (King Georges Road)	0.71:1	0.3:1	0.82:1
B2 – Kingsgrove (Kingsgrove Road)	1.16:1	0.3:1	1.28:1
B2 – Mortdale (Morts Road)	0.74:1	0.3:1	0.98:1
B1 – Oatley West (Mulga Road)	1.06:1	0.3:1	1.17:1
B2 – Penshurst (Penshurst Street)	0.61:1	0.3:1	0.69:1
B2 – Riverwood (Belmore Road)	0.72:1	0.3:1	1.02:1
B2 – South Hurstville (King Georges Road)	0.71:1	0.3:1	0.90:1
B6 – Carlton Enterprise Corridor	0.29:1	0.7:1	0.33:1
All other 38 centres (villages, small villages and neighbourhood centres)	0.58:1	0.3:1	0.67:1

Whilst noting the minimum non-residential FSR required to meet future employment floor space demand, it was recognised that redevelopment is likely to become financially unviable if the minimum non-residential FSR is increased to meet the 2036 demand without considering the overall maximum FSR provided for these centres.

As discussed above, Part 2 of the Strategy which is currently being prepared will review the development standards (maximum height and FSR controls) for the centres.

However, an immediate response is required to address the ongoing loss of employment floor space in the LGA's centres as result of the insufficient minimum non-residential FSR requirement in the former LEPs. Accordingly, the Strategy recommended an interim solution be implemented in the GRLEP 2021 to reduce the loss of employment floor space through redevelopment, including:

- Applying a minimum 0.3:1 non-residential FSR applicable to all mixed use developments in B1 Neighbourhood Centre, B2 Local Centre and B4 Mixed Use zoned land;
- Increasing the minimum non-residential FSR to 1:1 in strategic centres;
- Increasing the minimum non-residential FSR to 0.5:1 in local centres; and
- Preparing a special areas mapping to ensure the increased minimum non-residential FSR is selectively applied to strategic and local centres due to the mismatch in the existing centres hierarchy classification and the existing land use zone for centres such as B1 – Oatley (Mulga Road).

Georges River Local Environmental Plan 2021

The recommended increases to the minimum non-residential FSR requirement from Part 1 of the *Commercial Centres Strategy* have been implemented in the GRLEP 2021 as shown in **Table 3** below.

Further increases to the non-residential FSR requirement will be investigated following completion of Part 2 of the Strategy and preparation of LEP 2023.

Table 3 GRLEP 2021 increases to minimum non-residential FSR requirement

Classification	Centre Name	Min. non-residential FSR	
		Former LEPs	GRLEP 2021
Strategic centre	Hurstville City Centre	0.5:1	1:1
Strategic centre	Kogarah Town Centre	0.5:1	1:1
Local centre	B2 – Beverly Hills (King Georges Road)	0.3:1	0.5:1
Local centre	B2 – Kingsgrove (Kingsgrove Road)	0.3:1	0.5:1
Local centre	B2 – Mortdale (Morts Road)	0.3:1	0.5:1
Local centre	B1 – Oatley West (Mulga Road)	0.3:1	0.5:1
Local centre	B2 – Penshurst (Penshurst Street)	0.3:1	0.5:1
Local centre	B2 – Riverwood (Belmore Road)	0.3:1	0.5:1

Classification	Centre Name	Min. non-residential FSR	
		Former LEPs	GRLEP 2021
Local centre	B2 – South Hurstville (King Georges Road)	0.3:1	0.5:1
Enterprise corridor	B6 – Carlton Enterprise Corridor	0.7:1	Retain as 0.7:1
All other 38 centres (villages, small villages and neighbourhood centres)		0.3:1	Retain as 0.3:1

SUPPORTING DOCUMENTS

This policy is supported by, and should be read in conjunction with the following:

- Department of Planning, Industry and Environment's *Guide to Preparing Planning Proposals*
- *Georges River Local Environmental Plan 2021*
- *Georges River Development Control Plan 2021*
- *Commercial Centres Strategy (Part 1 Centres Analysis) 2020*
- *Georges River Local Strategic Planning Statement 2040*
- *Hurstville City Centre Urban Design Strategy 2018*
- *Hurstville 'Heart of the City' Place Strategy 2019*
- *Hurstville City Centre – Revitalisation (Concept Report) 2020*
- *Kogarah Place Strategy 2020*
- *Georges River 2050 Leading for Change 2020*
- *Georges River Night Time Economy Study 2021*
- *Georges River Transport Strategy 2021*

DEFINITION OF TERMS

Term	Meaning
basement (as per the LEP)	means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).
Excluded floor space	means the floor space that is not included in the gross floor area and subsequent calculation of the floor space ratio.
Council	means Georges River Council.
DCP 2021	means the <i>Georges River Development Control Plan 2021</i> .

Term	Meaning
community facility (as per the LEP)	means a building or place— <ul style="list-style-type: none"> owned or controlled by a public authority or non-profit community organisation, and used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.
entertainment facility (as per the LEP)	means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.
floor space ratio (refer to Clause 4.5 of the LEP)	of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.
gross floor area (as per the LEP)	means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes— <ul style="list-style-type: none"> (a) the area of a mezzanine, and (b) habitable rooms in a basement or an attic, and (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes— (d) any area for common vertical circulation, such as lifts and stairs, and (e) any basement— <ul style="list-style-type: none"> (i) storage, and (ii) vehicular access, loading areas, garbage and services, and (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and (g) car parking to meet any requirements of the consent authority (including access to that car parking), and (h) any space used for the loading or unloading of goods (including access to it), and (i) terraces and balconies with outer walls less than 1.4 metres high, and (j) voids above a floor at the level of a storey or storey above.
ground level (existing) (as per the LEP)	means the existing level of a site at any point.
GRLEP 2021	means the <i>Georges River Local Environmental Plan 2021</i> .
LGA	means Local Government Area.

Term	Meaning
LSPS 2040	means the <i>Georges River Local Strategic Planning Statement 2040</i>
Non-residential floor space ratio (as per the LEP)	means the ratio of the gross floor area of that part of a building used or proposed to be used for a purpose other than residential accommodation in a building on the site to the site area.
Planning Proposal	means a document which requests changes to Council's Local Environmental Plans. It may include a rezoning request or a request to increase the height or density of a proposed building. Planning Proposals can be requested by either Council, a landowner or developer.
recreation facility (indoor) (as per the LEP)	means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.
registered club (as per the LEP)	means a club that holds a club licence under the <i>Liquor Act 2007</i> .
shop (as per the LEP)	<p>means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.</p> <p>*Note: In accordance with Clause 5.4 of the LEP:</p> <ul style="list-style-type: none"> - neighbourhood shops – retail floor area must not exceed 100 square metres. - neighbourhood supermarkets – gross floor area must not exceed 1,000 square metres.
Specialised retail premises (as per the LEP)	<p>means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—</p> <ul style="list-style-type: none"> (a) a large area for handling, display or storage, or (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire, <p>but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.</p> <p>Note: Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.</p>

POLICY STATEMENT

1. Council's Commitment

1.1. Council is committed to facilitating developments that are in the public interest. Council will achieve this by:

1.1.1. Ensuring proposals are supported by a social impact assessment that determines the development will deliver a greater net community benefit compared to the existing use of the site.

1.2. Council is committed to activating our strategic and local centres in the Georges River LGA. Council will achieve this by:

1.2.1. Facilitating the provision of more commercial floor space in our centres for community facilities, shops, registered clubs, entertainment facilities and recreational facilities (indoor).

1.2.2. Ensuring developments in our centres make a positive contribution to the streetscape and public domain, such as promoting built forms and land uses that attract pedestrian traffic along ground floor street frontages, providing public spaces at ground level, permeable pedestrian and cycle networks, retention or improvement of public view corridors and high quality public amenity.

1.3. Council is committed to meeting the employment, day to day and recreational needs of the Georges River community. Council will achieve this by:

1.3.1. Facilitating the provision of more commercial floor space in our centres for community facilities, shops, registered clubs, entertainment facilities and recreational facilities (indoor).

1.4. Council is committed to facilitating developments that deliver the highest standard of sustainable architecture and urban design. Council will achieve this by:

1.4.1. Ensuring developments reflect an appropriate built form and comply with best practice design excellence which are accentuated in Council's policies and strategies that support this policy.

1.5. Council is committed to ensuring the viability of our centres are not compromised by development. Council will achieve this by:

1.5.1. Ensuring proposals are supported by an economic impact assessment that determines the development will not adversely affect the viability of the centre or surrounding centres.

1.6. Council is committed to ensuring its policies remain effective and relevant. Council will achieve this by:

1.6.1. Reviewing this policy in two years or as a result of Part 2 of the *Commercial Centres Strategy*.

Note: If Council agrees to an applicant utilising this policy, it does not mean Council or the Department of Planning, Industry and Environment will support the planning proposal as a whole.

MATTERS FOR CONSIDERATION AND DOCUMENTATION REQUIRED

A planning proposal should contain enough information to identify relevant environmental, social, economic and other site-specific considerations.

Council encourages prospective applicants to discuss their proposals with the Strategic Planning team as early as possible and to seek feedback on matters that are specific to their proposal through the pre-lodgement process. In particular, Council encourages prospective applicants who wish to seek excluded floor space under this policy to meet with Council prior to lodging their planning proposal. This will ensure that a proponent does not commit time and resources undertaking unnecessary studies or preparing information that does not address the main areas of concern with appropriate detail.

A copy of the planning proposal pre-lodgement meeting form is available on Council's website at: <https://www.georgesriver.nsw.gov.au/Development/Planning-Controls/Planning-Proposals>

All planning proposals are required to be prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning, Industry and Environment's *Guide to Preparing Planning Proposals*. In particular, planning proposals are to demonstrate their strategic merit and site-specific merit as specified in the *Guideline*.

The purpose of this policy is to outline Council's position, approach and requirements to increasing non-residential floor space in our town centres to meet the needs of the community. Therefore, rather than outlining matters to be considered by all planning proposals, this policy will focus on the matters for consideration that will guide Council's assessment of planning proposals in our town centres which propose the provision of community facilities, shops, registered clubs, entertainment facilities and recreational facilities (indoor) in the basement of developments as excluded floor space.

Accordingly, the matters for consideration listed below are those Council wish to emphasise to applicants intending to use this policy. However, there may be other matters not listed in this policy that may be required to be addressed by applicants at the planning proposal stage or development application stage subject to Council's DA Guidelines.

At a minimum, the following matters and documentation required to be addressed in planning proposals intending to utilise this policy include:

Land Uses

- **Matter for consideration:** Appropriate land uses with consideration to the site, surrounding sites within the centre and outside the centre.

- **Documentation required:** Site analysis and context detailing the current use of the site, all sites within the centre and adjoining the centre (minimum three sites on either side of the centre), including the type of commercial and community uses.
- **Matter for consideration:** Provision of a minimum non-residential FSR of 0.5:1 in Local Centres and 1:1 in Strategic Centres above ground to ensure compliance with the GRLEP 2021.
 - **Documentation required:** Concept plans for the future development, including the location of proposed land uses and their composition by FSR above and below ground.

Built Form

- **Matter for consideration:** Consistent with the built form (height, bulk and scale) of the existing and desired future character of the centre as per the applicable Character Statements for the Centre (refer to Section 7.2 – B2 Locality Controls and Section 8.1.2 Local Precinct Character Statements for the Kogarah Town Centre of the DCP). If the centre does not have a character statement, the new infill development is to respect and maintain consistency with the established rhythm and scale of existing shopfronts with the scale of development compatible with the size of the lot.
 - **Documentation required:** Urban design analysis or masterplan and photomontages showing the context of the proposed development to adjoining and surrounding sites within and outside the centre, such as street frontage elevations and a streetscape character analysis.
- **Matter for consideration:** Appropriate built form relationship and interface with adjoining buildings, sites within the centre and adjoining the centre.
 - **Documentation required:** Urban design analysis or masterplan and photomontages, including solar access diagrams, elevations and sections showing interfaces with adjoining sites and potential impacts on amenity, especially when adjoining residential developments.

Note: Council may require applicants to prepare and submit a site specific DCP that incorporates components of the urban design analysis or master plan with the planning proposal at their own expense in consultation with Council once Council has endorsed the planning proposal in principle.

Public Domain

- **Matter for consideration:** Make a positive contribution to the streetscape and public domain, including promoting built forms, creating public spaces and land uses that attract pedestrian traffic along ground floor street frontages; providing permeable pedestrian and cycle networks (if possible, including as per the *Georges River Transport Strategy 2021*); retaining or improving public view corridors; locating shops where they will be most visible; and minimising vehicular entrance widths.
 - **Documentation required:** Urban design analysis or master plan and photomontages, including a view analysis and pedestrian and cycle network plans that show linkages to public transport and around the centre, including

key sites within and adjoining the centre (such as community facilities and open space).

- **Matter for consideration:** Propose public domain works in accordance with Council's plans and policies, including the DCP and strategy documents supporting this policy listed above.
 - **Documentation required:** Urban design analysis or master plan and photomontages showing proposed public domain works and public spaces at ground level.

Note: Council may require applicants to prepare and submit a public domain plan for the centre that incorporates components of the urban design analysis or master plan with the planning proposal at their own expense in consultation with Council once Council has endorsed the planning proposal in principle.

Social Impacts

- **Matter for consideration:** The proposal delivers a greater net community benefit compared to the existing use of the site (if required).
 - **Documentation required:** Social impact assessment to determine the potential direct and indirect social impacts of the proposed development, including the impacts on affected groups of people and on their way of life, health, culture and capacity to sustain these.

Economic Impacts

- **Matter for consideration:** The proposal strengthens the viability of the existing established centre, meets an economic demand for additional employment floor space that cannot be provided within the existing centre, and enhances the existing centre's identity in line with the centres hierarchy classification.
 - **Documentation required:** Economic impact assessment.

Parking

- **Matter for consideration:** Not adversely affect the surrounding road network, including the centre and streets leading to and from the centre.
 - **Documentation required:** Traffic impact assessment based on modelling the following scenarios.
 - Scenario 0: Present Traffic Generation – current existing base case based on traffic surveys of the current network.
 - Scenario 1: Future Base without Development – includes the Scenario 0 traffic with the addition of the annual background traffic growth data obtained from Transport for NSW's (TfNSW) Strategic Traffic Forecast Model.
 - Scenario 2: Future Base with Development – includes the Scenario 1 traffic and the proposed highest traffic generating land use permitted under the planning proposal utilising this policy.

Note: Prior to submitting a planning proposal, prospective applicants are recommended to arrange a pre-lodgement planning proposal meeting with Council's Strategic Planning team and Traffic team to determine the requirements of the traffic impact assessment, including scenarios and highest traffic generating land uses to be tested.

- **Matter for consideration:** Provide adequate car parking facilities for the highest traffic generating land use permitted for the planning proposal utilising this policy in accordance with Council's DCP controls. However, proposed development sites within 800 metres walking distance of a train station may propose reduced parking rates in accordance with the *RTA Guide to Traffic Generating Developments* if alternative parking mechanisms are proposed, such as car share parking spaces and green travel plans.
 - **Documentation required:** Traffic impact assessment.

Note: Prior to submitting a planning proposal, prospective applicants are recommended to arrange a pre-lodgement planning proposal meeting with Council's Strategic Planning team and Traffic team to determine the requirements of the traffic impact assessment, including appropriate alternative parking mechanisms and car parking rates.

Environmental Impacts

- **Matter for consideration:** Proposals on sites comprising the following environmental constraints must consider their impact on the proposal:
 - comprises a heritage item or draft heritage item
 - is within a heritage conservation area or a draft heritage conservation area
 - is subject to an interim heritage order under the NSW Heritage Act
 - is identified on the Acid Sulfate Soils Map in the LEP as being Class 1 or Class 2
 - is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997
 - is affected by the Probable Maximum Flood (PMF)
 - is identified on the Coastal Hazard and Risk Map in the LEP
 - **Documentation required:** Assessment of environmental impacts if affected by any of the above constraints.

Additional information, such as geotechnical reports, may be required at the development application stage.

Furthermore, all development applications resulting from a planning proposal utilising this policy must satisfy the following:

- be supported by a Local Flood assessment undertaken in accordance with Council's Stormwater Management Policy regardless of whether the site has been identified as affected by flooding or not. The assessment will need to determine that all developments within basement areas will be protected from flooding for storms up to and including the PMF event; and

- implement design measures that protect the proposed development from inundation and flood damages in the case of any part of the site's drainage system becoming blocked or reaching capacity; and
- not prevent or restrict access to any part of the site's drainage system; and
- the design and installation of the site's stormwater system is to meet all requirements of the National Construction Code and AS/NZS 3500.3; and
- provide evidence from an appropriately qualified person that the proposed development implements appropriate measures to address any impacts from the ground water or water table, such as dampness, air quality and mould.

RESPONSIBILITIES

Position	Responsibility
Councillors	<ul style="list-style-type: none"> • To endorse by resolution this policy
General Manager	<ul style="list-style-type: none"> • Implement Council resolutions relating to this policy
Director Environment and Planning	<ul style="list-style-type: none"> • Provide a contact for Councillor enquiries
Manager Strategic Planning	<ul style="list-style-type: none"> • Adhere to the policy • Provide a point of contact about the meaning and application of the policy • Update the policy as necessary • Ensure compliance with the policy
Staff	<ul style="list-style-type: none"> • Adhere to the policy

VERSION CONTROL AND CHANGE HISTORY

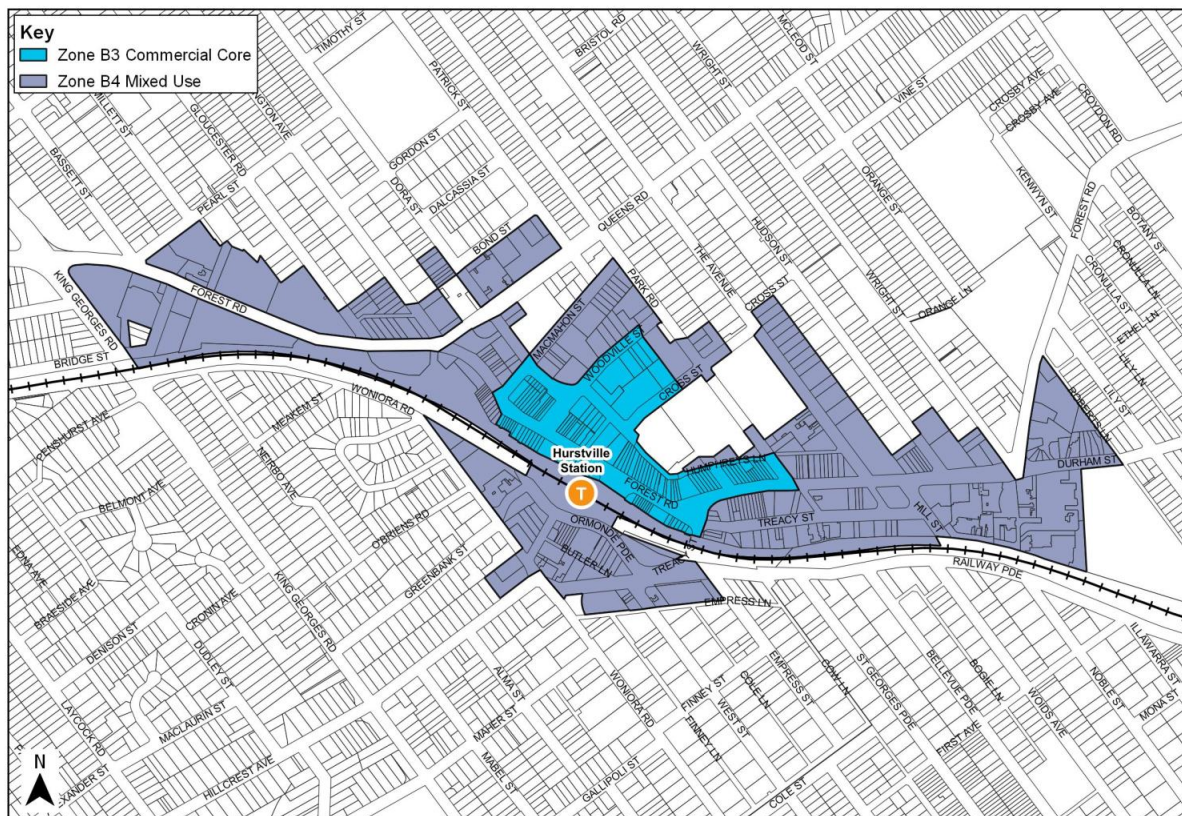
Version	Amendment Details	Policy Owner	Period Active
1.0	New Activating Our Centres Policy adopted by Council	Manager Planning	Strategic <i>xx/xx/xxxx</i>

Appendix A

Zoning map extracts of the strategic and local centres applicable to this policy

Strategic Centres

Hurstville City Centre

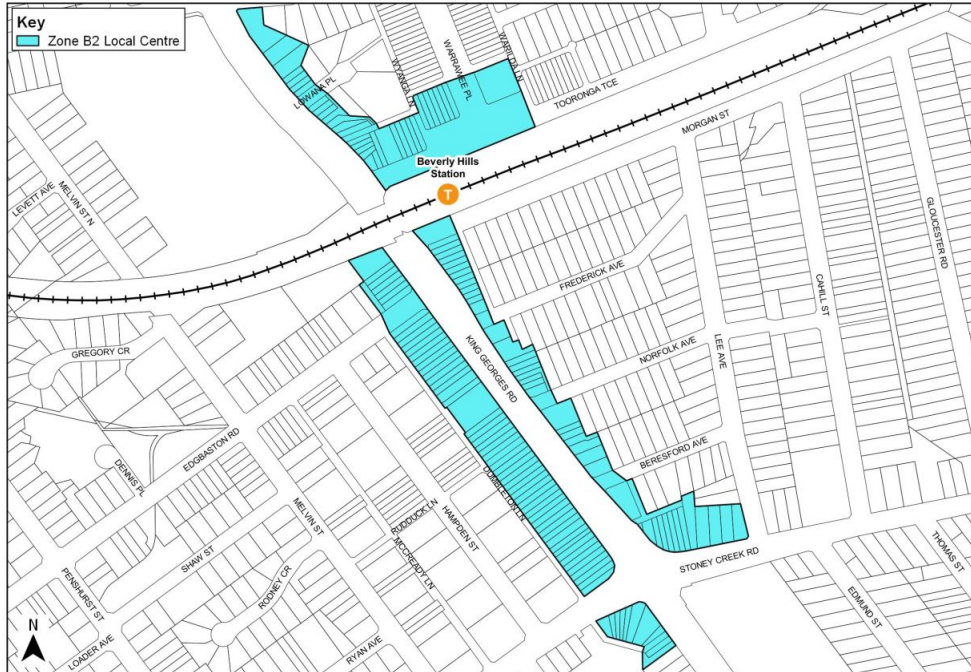


Kogarah Town Centre



Local Centres

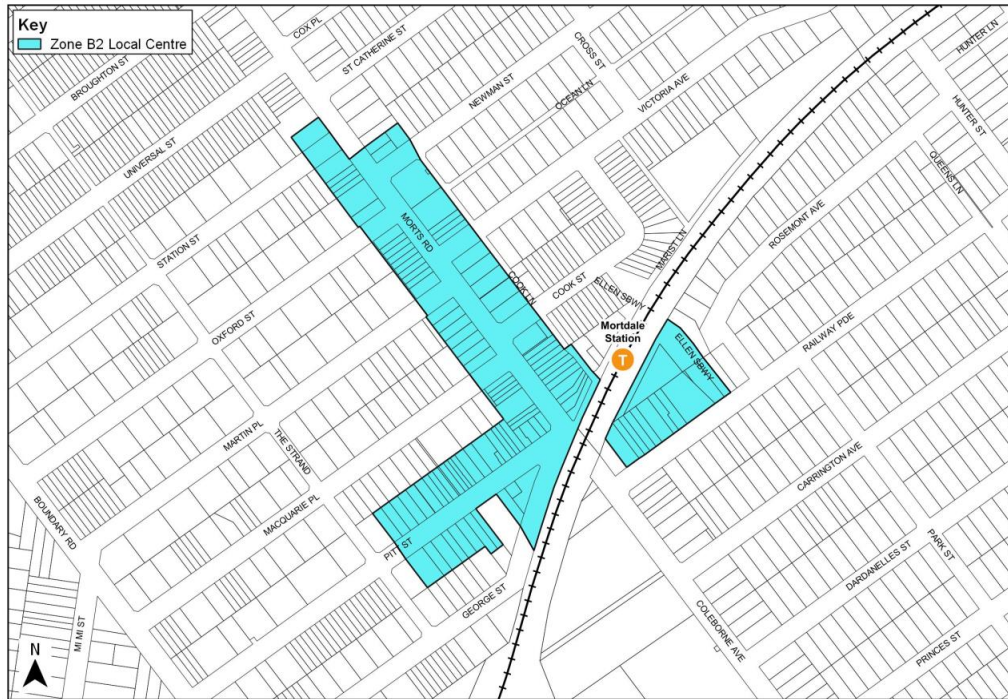
Beverly Hills



Kingsgrove



Mortdale



Oatley West



Penshurst



Ramsgate



Riverwood



South Hurstville

