

AGENDA

Environment and Planning Committee

Monday, 10 October 2022

7.00pm

**Dragon Room, 1st Floor,
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 MEETINGS

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	(Report by Executive Services Officer)	4

8. COMMITTEE REPORTS

ENV030-22	Adoption of the Georges River Keeping of Animals Policy 2022	
	(Report by Manager Environment Health & Regulatory Services)	10
ENV031-22	Report on Submissions - Planning Proposal (PP2022/0001) for 9 Gloucester Road, Hurstville	
	(Report by Strategic Planner/Information Management)	39

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Item: ENV029-22 Confirmation of the minutes of the previous meeting held on 12 September 2022

Author: Executive Services Officer

Directorate: Office of the General Manager

Matter Type: Previous Minutes

ENV029-22

RECOMMENDATION:

That the Minutes of the Environment and Planning Committee Meeting held on 12 September 2022 be confirmed.

ATTACHMENTS

Attachment 1 Unconfirmed Minutes - Environment and Planning Committee - 12 September 2022

UNCONFIRMED MINUTES

MINUTES

Environment and Planning Committee

Monday, 12 September 2022

7.00pm

Dragon Room, First Floor

Georges River Civic Centre, Hurstville

UNCONFIRMED MINUTES

UNCONFIRMED MINUTES



GEORGES RIVER COUNCIL

PRESENT

COUNCIL MEMBERS

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

COUNCIL STAFF

Acting General Manager – David Tuxford, Director Environment and Planning - Meryl Bishop, Acting Director Business and Corporate Services – Sue Weatherley, Acting Director Community & Culture – Kristie Dodd, Manager Strategic Planning - Catherine McMahon, Manager Environment Health and Regulatory Services – Mr Andrew Spooner, Coordinator Environment Waste and Sustainability- Elyse Ballesty, Senior Strategic Planner – Ms Rebecca Lau, Acting Manager Office of the General Manager – Vicki McKinley, Executive Services Officer – Marina Cavar, Executive Services Officer – Marisa Severino, Executive Assistant to the Director Environment and Planning – Leanne Allen , and Technology Services Officer - Earl Santos.

OPENING

Councillor Landsberry, opened the meeting at 7.03 pm.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Landsberry acknowledged the traditional custodians of the land, the Bidjigal people of the Eora Nation.

APOLOGIES/LEAVE OF ABSENCE

There were no apologies or requests for leave of absence.

REQUEST TO ATTEND MEETING VIA AUDIO VISUAL LINK

There were no requests to attend via audio visual link.

NOTICE OF WEBCASTING

The Chairperson, Councillor Landsberry, advised staff and the public that the meeting is being recorded for minute-taking purposes and is also webcast live on Council's website, in accordance with Section 5 of Council's Code of Meeting Practice. This recording will be made available on Council's website.

DISCLOSURES OF INTEREST

Councillor Jamieson declared a Special Disclosure of Pecuniary Interest under clause 4.25 in item **ENV028-22 Mortdale Master Plan – Consideration of options and preparation of planning proposal** for the reason that her principal place of residence is located within the study area, as this is a Special Disclosure of Pecuniary Interest, Councillor Jamieson will remain in the meeting for voting and discussion on this item.

Note: Councillors Elmir and Smerdely entered the meeting at 7.10pm.

Note : Councillors Konjarski, Mort and Symington entered the meeting at 7.18pm.

PUBLIC FORUM

	Speaker	Report No	Report Title
1	Catherine Ford In person	ENV028-22	Mortdale Master Plan – consideration of options and preparation of planning proposal
2	Brent Davis In person	ENV028-22	Mortdale Master Plan – consideration of options and preparation of planning proposal
3	Pran Pillay Online	ENV028-22	Mortdale Master Plan – consideration of options and preparation of planning proposal
4	Norman Elias In person	ENV028-22	Mortdale Master Plan – consideration of options and preparation of planning proposal
5	Neil Flanagan Written submission	ENV028-22	Mortdale Master Plan – consideration of options and preparation of planning proposal

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

ENV026-22 Confirmation of the minutes of the previous Environment and Planning Committee meeting held on 8 August 2022
(Report by Executive Services Officer)

RECOMMENDATION: Councillor Katris and Mahoney

That the Minutes of the Environment and Planning Committee Meeting held on 08 August 2022 be confirmed.

Record of Voting:

For the Motion: Unanimous

COMMITTEE REPORTS

ENV027-22 Annual Update - Progress towards Net Zero Carbon Emissions and Renewable Energy Targets
(Report by Manager Environment Health & Regulatory Services)

RECOMMENDATION: Councillor Katris and Mahoney

- That Council note the progress made in financial year 2021/22 toward meeting the target of net zero carbon emissions in Council's operations by 2025.
- That Council note the progress made in procuring 100% renewable energy three years ahead of the target date of 2025.
- That the income from the sale of Large-Scale Generation Certificates (LGCs) be held in a Reserve titled 'Net Zero Emissions Reserve' for the exclusive purpose of achieving net zero emissions be approved.
- That Council congratulates and extends its appreciation to Council staff who have been involved in the development and implementation of our program to meet Net Zero

Carbon Emissions.

Record of Voting:

For the Motion: Unanimous

ENV028-22 Mortdale Master Plan - consideration of options and preparation of Planning Proposal

(Report by Senior Strategic Planner)

RECOMMENDATION:

Note: Councillor Jamieson declared a Special declaration under clause 4.25 in this item and remained in the meeting, participated in voting and discussion.

- (a) That Council notes the submissions received during the public exhibition of the draft Mortdale Master Plan.
- (b) That Council does not proceed with the exhibited draft Mortdale Master Plan.
- (c) That Council prepares and submits a Planning Proposal to amend the Georges River Local Environmental Plan 2021 for a Gateway Determination based on Option 1 - amended design with tapering building heights, as detailed in the report.
- (d) That Council endorses the community engagement program outlined in this report.
- (e) That Council prepares a Transport and Parking Study to assess the potential impacts of land use uplift on the existing network and to develop mitigation strategies to accommodate the expected growth under Option 1.
- (f) That the Georges River Local Planning Panel's recommendations be reported to Council prior to submission for Gateway.
- (g) That Council prepares a Development Control Plan that is exhibited concurrently with the Planning Proposal.
- (h) That all persons who made a submission to the draft Master Plan be advised of Council's decision.
- (i) That Council does not proceed with a draft Affordable Housing Contributions Scheme in the Mortdale Local Centre at this stage and investigate a scheme that applies across the whole LGA.

AMENDMENT: Councillor Jamieson and Councillor Mahoney

- a. That Council notes the submissions received during the public exhibition of the draft Mortdale Master Plan.
- b. That Council does not proceed with the exhibited draft Mortdale Master Plan.
- c. That Council prepares a revised Mortdale Master Plan based on the conditions contained in Option 1 as detailed in the report with the following amendments and endorses the Master Plan to go on public exhibition for 28 days;
 - i. Revise the height limit in the B2 zone in Pitt Street and Morts Road to 4-storeys with a 2-storey street wall with upper levels setback in the locations where it is currently proposed for 5 and 6 storeys and an appropriate FSR that reflects this height.
 - ii. Revise the height limit in the council owned Cook Street carpark to 4-storeys
 - iii. Rezone the following existing R4 properties to B2 with a 4-storey height limit;

- i. 9 Pitt Street, Mortdale
 - ii. 56 Pitt Street, Mortdale
 - iii. 19-25 Macquarie Place
- iv. Remove the proposed rezoning to R3 and R4
- v. Incorporate Public Domain benefits into the Mortdale Master Plan by updating and exhibiting the Mortdale Local Centre Master Plan Public Domain Upgrade Works to reflect the revised and updated Mortdale Master Plan.
- d. That Council prepares a Traffic, Transport and Parking Study to assess the potential impacts of land use uplift on the existing network and to develop mitigation strategies to accommodate the expected growth under Option 1 with the amendments outlined above.
- e. That a further report be prepared and submitted to Council at the conclusion of the exhibition period to allow consideration of any submissions received and the findings of the Traffic, Transport and Parking Study and any resulting amendments to the revised Mortdale Master Plan 2022.
- f. That Council adopt the revised Mortdale Master Plan 2022 with any amendments and submits the revised Mortdale Master Plan 2022 to the Dept of Planning & Environment for endorsement as a strategic study.
- g. That all persons who made a submission to the draft Master Plan be advised of Council's decision.
- h. That Council does not proceed with a draft Affordable Housing Contributions Scheme in the Mortdale Local Centre at this stage and investigate a scheme that applies across the whole LGA.

Record of Voting:

For the Amendment: Councillors Borg, Jamieson, Mahoney

Against the Amendment: Councillors Katris, Landsberry, Wang

On being PUT to the meeting voting on the Amendment was three (3) votes FOR, three (3) votes AGAINST. The Chair, Deputy Mayor Councillor Landsberry exercised her right to a casting vote, therefore the voting was three (3) votes FOR and Four (4) votes AGAINST.
The Amendment was LOST.

FORESHADOWED MOTION: Councillor Katris and Councillor Wang

That the Committee defer the consideration of *Item ENV028-22 Mortdale Master Plan - Consideration of options for the preparation of Planning Proposal* to the Ordinary Council Meeting on 26 September 2022.

Record of Voting:

For the Motion: Councillors Katris, Borg, Jamieson, Landsberry, Mahoney and Wang (Unanimous).

On being PUT to the meeting voting on the Motion was six (6) votes FOR the Motion (Unanimous). The Motion was CARRIED.

CONCLUSION

The Meeting was closed at 8.22pm

Chairperson

COMMITTEE REPORTS

Item: ENV030-22 Adoption of the Georges River Keeping of Animals Policy 2022

Author: Manager Environment Health & Regulatory Services

Directorate: Environment and Planning

Matter Type: Committee Reports

ENV030-22

RECOMMENDATION:

That Council adopt the Keeping of Animals Policy 2022, contained in Attachment 1 to this report.

EXECUTIVE SUMMARY

- Council at its extraordinary meeting on 2 August 2022 considered a report (ENV018-22) on a Review of the Georges River Keeping of Animals Policy 2020 and resolved
 - That Council endorse the Draft Keeping of Animals Policy 2022, contained in Attachment 1 to this report, for the purpose of public exhibition for a period of not less than 28 days.*
 - That a further report be provided to Council at the conclusion of the public exhibition.*
- The Draft Keeping of Animals Policy 2022 was placed on public exhibition from 15 August to 12 September 2022 with a total of 14 submissions being received, all from within the Local Government Area.
- Whilst a summary of the submissions received is provided in the report the submissions outcome can broadly be categorised into the following types:

Outcome	Number of Submissions
Support for the Policy	3
Qualified Support for the Policy – with comment or suggested amendment	3
Policy neither supported nor not support – Opinion offered on broader animal management matters outside scope of Policy i.e., mandatory desexing and containment of cats	4
Policy not supported – needs stricter controls	1
Policy not supported – needs relaxing of controls	3

- The number of submissions received during this public exhibition were far less in number and geographical reach compared to when the 2020 version of the draft Policy was on public exhibition. The previous version of the Policy attracted 131 submissions which came from within the LGA and other parts of NSW, from Victoria and Queensland. This could

suggest that the amendments made within the 2022 version of the draft Policy have made the Policy easier to understand and better meet community expectations.

5. This report discussed the key themes identified by all submissions and provides recommended responses to address the comments raised. Given the general support of the Policy following public exhibition, this report recommends that the exhibited version of the Policy be adopted with an amendment to Section 4.4 – The Keeping of Cats. The reason for the amendment, in response to a submission, is to ensure the Policy is not more onerous than the Act and to better clarify the roles of Council, the RSPCA and other animal welfare enforcement agencies in regard to the management of animal welfare issues that may arise during the investigation of an animal amenity complaint.

BACKGROUND

6. *The Local Government Act, 1993* (the Act) under Section 124 (Orders) provides Council with the ability to regulate the keeping of animals on private premises via an Order 18; “Not to keep birds or animals on premises, other than of such kinds, in such numbers or in such manner as specified in the order”.
7. *The Local Government (General) Regulation, 2021* (the Regulation) in Schedule 2, contains standards only for the keeping of swine, poultry, horses and cattle that may be enforced by any Order 18 issued by Council. These standards specify the conditions by which each animal type must be kept on a premises and the distance of any enclosure, used to house animals, is located from a property boundary or a specified type of premise, i.e., a dwelling, shop, office, factory, church or other place of public worship, workshop, school or public place in a city, town, village or other urban part of an area.
8. As the type of animals listed in the Regulation is rather limited and not reflective of the current broad scope of pet animals, Council used the provisions in Section 159 of the Act to prepare a Local Orders Policy (LOP) on the keeping of Animals which was adopted in March 2020.
9. Since the adoption of the Policy in 2020, Council has received numerous complaints regarding odour and behavioural nuisances arising from the keeping of over 20 cats by one owner who over this time period has occupied two separate premises within the LGA. The investigation of these matters has been significantly impeded by Council's inability to limit the number of cats which has exacerbated the odour and nuisance impacts on the adjoining residents.
10. Since the adoption of the Keeping of Animals Policy 2020 on 23 March 2020 the following requests have been received from the community regarding animal amenity issues:

Year (Calendar)	Number of Requests	Most Common Animal Types
2020	19	Roosters, chickens and cats
2021	29	Roosters, cats and chickens
2022	28	Cats, roosters and pigeons

11. As the 2020 Policy was subject to automatic revocation 12 months after the declaration of the poll for the last Local Government election, Council at its extraordinary meeting on 2 August 2022 considered a report (ENV018-22) on a Review of the Georges River Keeping of Animals Policy 2020 and resolved:
 - (a) That Council endorse the Draft Keeping of Animals Policy 2022, contained in Attachment 1 to this report, for the purpose of public exhibition for a period of not less than 28 days.
 - (b) That a further report be provided to Council at the conclusion of the public exhibition.

12. The purpose of this report is to request Council's adoption of an amended Draft Keeping of Animals Policy 2022 following public exhibition which seeks to reintroduce the requirement to limit the numbers of cats on a premises where a complaint has been verified by an Authorised Officer of Council.
13. Council is to note that the Policy specifies the following criteria in relation to the keeping of Pigeons and Poultry:
 - Section 4.9 – Pigeons
 - Maximum 20 Pigeons
 - Maximum 120 Racing Pigeons
 - Section 4.11 – Poultry
 - Roosters – Nil
 - Chickens – Maximum 5
 - Poultry combined – Maximum 10
14. This report provides a summary of the actions that have taken place to implement the above resolutions of Council and the outcomes of the public exhibition.

REPORT

15. The Draft Policy was placed on public exhibition from 15 August to 12 September 2022 via the 'Your Say' portal, Council's Public Exhibition web page and the Council Notice in the St George and Sutherland Shire Leader. The Draft Policy also attracted local media attention with an article appearing in the St George and Sutherland Shire Leader on 16 August 2022 (electronic). In addition, Council directly contacted the following organisations by mail/email seeking their comment:
 - Birds Australia
 - The Avicultural Society of NSW
 - Australian Pigeon Fanciers Association
 - Australian Pigeon Fanciers Protection Union
 - RSPCA
 - The Cat Protection Society of NSW
 - Department of Primary Industries
 - NSW Apiarists' Association
 - Amateur Beekeepers Association NSW
 - Office of Environment & Heritage
 - Illawarra Reptile Society
 - Central Cumberland Racing Pigeon Federation Inc.
16. A total of 14 submissions were received, 12 via the 'Your Say' portal and two written submissions.

Review of Submissions:

(a) General Overview

17. The Table below outlines a summary of the issues raised by each submission and a response in reply:

No.	Summary of Issues Raised by Submissions	Response
1.	<p>100% support the draft policy on keeping cats.</p> <p>Believes that all cats should be microchipped, desexed and contained.</p>	<p>Support for Policy Noted.</p> <p>Mandatory desexing and containment of cats is beyond the scope of the Policy. *</p>
2.	<p>Should be compulsory for cats to be desexed and if not kept indoors. No longer have lizards including blue tongue lizards because of cat attacks on them.</p>	<p>Opinion Noted.</p> <p>Mandatory desexing and containment of cats is beyond the scope of the Policy. *</p>
3.	<p>Support that all pets/domesticated animals must be desexed.</p> <p>Thinks Council should run free stray desexing program so that community can be actively involved in reporting stray capture/release in a managed way.</p>	<p>Opinion Noted.</p> <p>Mandatory desexing of domestic animals is beyond the scope of the Policy.</p> <p>Council plans to introduce a subsidised desexing program for owned companion animals, subject to a successful budget bid for 2023/24.</p>
4.	<p>Domestic pets should be kept in houses with a yard.</p> <p>The number allowed should be limited to size of property.</p> <p>Only small pets should be kept in units and this should be limited to one pet per unit.</p>	<p>Opinion Noted</p> <p>Mandatory containment of domestic pets is beyond the scope of the Policy. *</p> <p>The 2020 version of the Policy attempted to introduce number criteria for dogs based on the size of the premises and this was rejected by the community.</p> <p>The size of the pet to be kept in a unit complex is a matter for each body corporate to decide and is outside the scope of this Policy.</p>
5.	<p>Draft policy is consistent with other local government areas in Australia.</p> <p>Thinks all cats should be required to be kept indoors or enclosed to protect wildlife and not cause a nuisance.</p>	<p>Support for Policy Noted.</p> <p>Mandatory containment of cats is beyond the scope of the Policy. *</p>
6.	<p>Thinks domestic cats should be kept indoors 24/7. Cats hunt wildlife and defecate in gardens.</p>	<p>Opinion Noted.</p> <p>Mandatory containment of cats is beyond the scope of the Policy. *</p>
7.	<p>Agrees with limitation on cats.</p> <p>Concerned about enforcement of provisions relating to desexing of cats and appropriate care.</p>	<p>Qualified Support for Policy Noted</p> <p>The criteria in Section 4.4.2 may only be applied when there is a complaint regarding an amenity impact from the keeping of an animal that has been</p>

	<p>Concerned that welfare issues are the responsibility of the RSPCA and not Council.</p> <p>Concerned that Council is requiring controls that are stricter than the Companion Animals Act.</p> <p>Recommends that 4.4.2 be deleted as it cannot be enforced by Council.</p>	<p>verified by an Authorised Officer of Council.</p> <p>It is agreed that the requirement to desex a cat is not appropriate as Section 164 of the Act specifies that a LOP cannot be more onerous than the Act and Regulation. The Act specifies that Council can only regulate the number and types of animals that may be kept and the conditions by which they are kept. The desexing of an animal is therefore beyond the scope of the Act as it is outside of these requirements. However, it is considered that appropriate care would meet the conditions upon which are kept (requirement can be retained).</p> <p>It is accepted that the RSPCA is the lead agency in NSW regarding animal welfare and any action taken by Council as a result of multiple issues which include animal welfare concerns will be taken following advice from the RSPCA or other animal welfare enforcement agencies as appropriate.</p> <p>To address these concerns, it is recommended that the Policy be amended by deleting the requirement for desexing in 4.4.2 and altering Note 2 under 4.4. to:</p> <p><i>The criteria contained in 4.4.2 will only be applied where there are verified amenity impacts and where there are also concerns with the welfare of the cats following advice from the an animal welfare enforcement agencies. Where a concern solely relates to animal welfare, Council will refer the matter to an animal welfare enforcement agency. In NSW the animal welfare enforcement agencies under the Prevention of Cruelty to Animals Act 1979 are the RSPCA, the Animal Welfare League of NSW, NSW Police and the Greyhound Welfare and Integrity Commission.</i></p>
8.	<p>1. Keeping of fish does not prevent someone building a fishpond in a front yard which a child could drown in. This needs to be regulated.</p>	<p>Qualified Support for Policy Noted</p> <p>The issue of potential drownings is addressed by the Policy which requires ponds to meet the NSW State</p>

	<p>2. Keeping of cats and dogs is inconsistent. If people can be required to keep cats indoors due to straying and nuisance the same should apply to dogs who stray and/or cause nuisance.</p> <p>3. Keeping of poultry should retain the distance from prescribed premises which was previously in the policy and is still in the policy for pigeons.</p> <p>4. Keeping of cats - owners should be required as much as practicable to keep cats indoors at night to protect wildlife and to extend the life of the cats prevent them dying on the roads.</p> <p>5 Residents with poultry should be required to have their soil tested for lead before eating the eggs as indicated by a recent study which showed lead in soil can end up in the eggs posing a risk to human consumption.</p>	<p>Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>The criteria in the Policy regarding straying cats have been introduced as the straying provisions in the Companion Animals Act 1998 only apply to dogs. Council needs these criteria to effectively respond to complaints about straying cats that cause amenity impacts to adjoining premises.</p> <p>Schedule 2 of the Local Government (General) Regulation, 2021 contains the distance provisions for the keeping of poultry and there is no need to repeat these in the Policy. The Policy is designed to support the existing legislation and not intended to replicate legislation.</p> <p>Mandatory containment of cats is beyond the scope of the Policy.</p> <p>Soil testing for lead by poultry owners is beyond the scope of the Policy and is within the remit of the NSW Department of Primary Industries and/or NSW Food Authority where the produce is being sold.</p>
9.	<p>Fully supports the amendments made to the draft policy regarding cats – wants the policy implemented urgently.</p> <p>Submission refers to mental and physical health impacts of being a neighbour of a premises with over 20 cats.</p>	Support for Policy Noted
10.	<p>Section 4.4 – The keeping of cats – requires strengthening to prevent cats roaming freely at all times.</p> <p>These changes need to be made to protect native wildlife.</p>	<p>Qualified Support for Policy Noted</p> <p>The criteria in Section 4.4. may only be applied when there is a complaint regarding an amenity impact from the keeping of an animal that has been verified by an Authorised Officer of Council. The criteria are not intended to be and cannot be used as a blanket control to prevent cats from roaming freely at all times. Such controls are beyond the scope of the Policy.</p>
11.	Disagrees with the limitation on cats,	Policy Not Supported

	<p>whereas the number of dogs is unlimited.</p> <p>If responsible cat owner registers and desexes cats, should be allowed to have an unlimited number.</p> <p>Keeping more than one dog increases likelihood of noise issues.</p>	<p>Both former Councils had a Policy that contained criteria limiting the number of cats, however these were removed when the Policies were amalgamated in 2020. The limitation on cat numbers has been introduced to assist Authorised Officers to resolve substantiated amenity impacts caused by the keeping of cats.</p> <p>The cat number criteria is based on the RSPCA document from May 2018 titled - Identifying Best Practice Domestic Cat Management in Australia which recommends a limit of four cats.</p> <p>A responsible cat owner can keep an unlimited number of cats provided there are no substituted amenity impacts.</p> <p>The comment regarding noise generated by multiple dogs is unsubstantiated. Noise issues associated with barking dogs are assessed under the <i>Protection of the Environment Operations Act 1997</i>.</p>
12.	<p>Has great concerns and objects to the changes to the Criteria in the Draft Policy to include: <i>Clarification to make it clear that the requirements of the Draft Policy are not blanket controls that apply to the entire LGA but may only apply to seek the resolution of a complaint about the keeping of an animal that has been verified by an Authorised Officer of Council.</i></p> <p>The wording within the Policy regarding the Criteria has been changed from – “to be applied” to “that may” be applied.</p> <p>The Policy should be left that the Principles and Criteria for all animals will be applied so the public can be confident the Policy will be enforced at all times.</p> <p>The current Policy permits pigeons, rabbits, reptiles and rodents, this should NOT be permitted</p>	<p>Policy Not Supported</p> <p>The criteria in the Policy are not intended to be and cannot be used as blanket controls and are only to be applied on a case-by-case basis following verification of an amenity impact by an Authorised Officer. Blanket controls on the keeping of animals would adversely impact responsible pet owners who keep their animals in such a way not to impact on their neighbours. Such controls are beyond the scope of the Policy.</p> <p>The Policy provides a range of options to control amenity impacts of various animals, some of which may be relevant to a particular case whilst others are not relevant. The criteria were changed from ‘to be applied’ to ‘may be applied’ to better reflect the practical application of the criteria on a case by case basis.</p> <p>The Policy prohibits Livestock and Pigs from being kept on residential premises as there are considered to be no</p>

		<p>suitable residential premises within the LGA that would meet the separation distances required by the Regulation. This is not the case for rabbits, reptiles, rodents and pigeons and the responsible keeping of these animals in accordance with the Policy is designed to limit amenity impacts. Since January 2020 Council received nine complaints regarding the keeping of pigeons and no complaints regarding the keeping of rabbits, reptiles or rodents.</p> <p>Issues associated with the management of feral pigeons is outside the scope of this Policy.</p>
13.	<p>Changes proposed to the maximum number of Cats (4) is unfair / inconsistent to that of other animals such as Dogs (no max) and Pigeons (20, to 120 racing).</p> <p>The noise from dogs is a continued and growing concern to peaceful tranquillity in the suburbs. Simply one dire Cat investigation / case should not pre-determine this harshness in change of policy.</p> <p>To be fair and reasonable, I suggest both Cats and Dogs should be each limited to a maximum of 6.</p>	<p>Policy Not Supported</p> <p>Both former Councils had a Policy that contained criteria limiting the number of cats, however these were removed when the Policies were amalgamated in 2020. The limitation on cat numbers has been introduced to assist Authorised Officers to resolve substantiated amenity impacts caused by the keeping of cats.</p> <p>The cat number criteria is based on the RSPCA document from May 2018 titled - Identifying Best Practice Domestic Cat Management in Australia which recommends a limit of four cats. Barking dog matters are regulated by the <i>Protection of the Environment Operations Act 1997</i>.</p>
14.	<p>Was previously subject to action by Council for keeping poultry not in compliance with a previous version of the Policy.</p> <p>Plans in the future to keep birds in excess of Policy numbers as sole trader and bird keeper as a hobby.</p> <p>Believes the Policy favours the keeping of cats and dogs over other animals such as poultry, pigeons, rabbits and livestock which are more beneficial than cats and dogs.</p> <p>Other Councils e.g., Wollongong and Hawkesbury do not have a similar</p>	<p>Policy Not Supported</p> <p>Residents can keep animals in excess of the number criteria contained within the policy provided there are no verified amenity impacts upon neighbouring premises. Where a complaint has been verified the controls that may be applied include a reduction in numbers, however the controls that are applied are done so on a case-by-case basis.</p> <p>Each Council has the ability to develop a 'Keeping of Animals Policy' based on the unique character of its area and community need. For example, there are large areas of Hawkesbury City</p>

	<p>Policy.</p> <p>Believes that the Policy must not be supported, or people must not be prevented from keeping pets such as goats, lamb, cows, rabbits and ducks with a maximum number of four adults, as they can help reduce our everyday waste and an income can be made.</p>	<p>Council that contain predominantly semi-rural or rural land use types and such a Policy would be impractical.</p> <p>The types of animals listed as being desired to be kept are primarily stock animals and are more suited to larger parcels of land in more semi-rural or rural parts of Sydney which are not available or appropriate in an urban environment.</p>
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18. The five submissions noted with an (*) in the table called upon Council to take action to require mandatory desexing and/or mandatory cat containment. Both of these matters are beyond the scope of this Policy and are a matter for the NSW Government to consider by making amendments to the Companion Animals Act 1998. Further discussion on cat containment provisions occurs in the following section of this report.

(b) Discussion of Submissions

19. In general terms the submissions can be broadly categorised as follows:

Outcome	Number of Submissions
Support for the Policy	3
Qualified Support for the Policy – with comment or suggested amendments	3
Policy neither supported nor not support – Opinion offered on broader animal management matters outside scope of Policy	4
Policy not supported – needs stricter controls	1
Policy not supported – needs relaxing of controls	3

20. The key themes identified in the submission summary Table above are discussed in further detail below:

i. Submissions in support for the Policy

21. Submission numbers 1, 5 and 9 were short submissions offering direct support for the Policy. Two of the submissions also recommended mandatory desexing and/or containment of cats both of which are beyond the scope of the Policy and will be further discussed in a later section of this report. The third submission was from a resident who has recently experienced amenity impacts due a neighbour keeping in excess of 20 cats at a premises. This submission requested that the amended Policy containing the reintroduction of criteria to limit cat numbers (**Section 4.4.1 - The maximum number of cats permitted to be kept on any property is four.**) be adopted as a priority.

ii. Submissions providing Qualified Support for the Policy - with comment or suggested amendments

22. Submission numbers 7, 8 and 9 provided support for the Policy and offered suggestions for amendment or sought clarification on the criteria.
23. The first of these submissions supported the introduction criteria to limit cat numbers (Section 4.4.1), however raised legislative and jurisdiction concerns with Council's ability to

enforce the criteria in **Section 4.4.2 - All cats kept on any property must be desexed, microchipped and receive appropriate care.**

24. The legislative concerns were that the criteria went beyond the legislative requirements of the Companion Animals Act 1998 by taking away the pet owners discretion and enforcing the requirement for animals to be desexed. The jurisdictional concerns related to Council enforcing welfare requirements as these are outside the scope of Council and are within the remit of the RSPCA.
25. While the submission concluded by seeking the deletion of Section 4.4.2 from the Policy, however it is recommended that the majority of the criteria be retained as they are helpful and will assist Council staff in resolving amenity issues where there are also welfare issues in consultation with the RSPCA or other animal welfare enforcement agencies as appropriate. In NSW the animal welfare enforcement agencies under the *Prevention of Cruelty to Animals Act, 1979* are the RSPCA, the Animal Welfare League of NSW, NSW Police and the Greyhound Welfare and Integrity Commission.
26. The jurisdictional concerns are not considered an impediment to Policy implementation as the requirement to desex a cat is not appropriate as Section 164 of the Act specifies that a LOP cannot be more onerous than the Act and resolution. That Act specifies that Council can only regulate the number of types of animals that may be kept and the conditions by which they are kept. The desexing of an animal is beyond the scope of the Act. However, it is considered that appropriate care would meet the conditions upon which they are kept.
27. It is accepted that the RSPCA is the lead agency in NSW regarding animal welfare and therefore, any action taken by Council as a result of multiple issues which include animal welfare concerns will be taken following advice from the RSPCA or other animal welfare enforcement agencies as appropriate.
28. To address these concerns, it is recommended that the Policy be amended by deleting the requirement to desex in 4.4.2 and altering the existing Note 2 under 4.4. from:

Current Text

The maximum number of cats kept on a premises will only be enforced when the number of cats being kept on the premises is resulting in impacts on the amenity of the area and/or there are concerns with the welfare of the cat's following advice from the RSPCA.

Amended Text

The criteria contained in 4.4.2 will only be applied where there are verified amenity impacts and where there are also concerns with the welfare of the cats following advice from an animal welfare enforcement agency. Where a concern solely relates to animal welfare, Council will refer the matter to an animal enforcement agency. In NSW the animal welfare enforcement agencies under the *Prevention of Cruelty to Animals Act, 1979* are the RSPCA, the Animal Welfare League of NSW, NSW Police and the Greyhound Welfare and Integrity Commission.

29. The second submission in this category made a number of comments and a response to each of these are provided in the submission summary Table. The comment in relation to the perception that the Policy is inconstant with regard to criteria for cats and dogs was also raised by other submissions. However, the criteria in the Policy regarding straying cats was intentionally introduced as the straying provisions in the *Companion Animals Act 1998* only apply to dogs.
30. The third submission in this category suggested that Section 4.4 – The keeping of cats – requires strengthening to prevent cats roaming freely at all times. However, the criteria in Section 4.4. may only be applied when there is a complaint regarding an amenity impact from the keeping of an animal that has been verified by an Authorised Officer of Council. The criteria are not intended to be and cannot be used as a blanket control to prevent cats

from roaming freely at all times. Such controls are beyond the scope of the Policy and would require an amendment to the *Companion Animals Act 1998* to be enforceable.

iii. Policy Neither Supported nor Not Support – Opinion offered on broader animal management matters outside scope of Policy

31. Submission numbers 2, 3, 4 and 6 neither offered support nor disagreed with the Policy, however they made suggestions regarding mandatory desexing and containment of cats both of which are beyond the scope of the Policy and more suited to future amendments to the *Companion Animals Act 1998*.
32. *The Companion Animals Act 1998* does not require mandatory desexing of all companion animals, (other than Menacing, Dangerous or Restricted Dogs), however attempts to urge pet owners to voluntarily desex their animals by offering discounted registration fees for desexed companion animals. The *Companion Animals Act 1998* does provide powers to the Court to issue a Control Order requiring the desexing of a dog to prevent, or reduce the likelihood of, the dog attacking or causing injury to persons or animals.
33. With regards to the comments regarding cat containment, the NSW Government announced in September 2021 a four year program for ten NSW Council's to trial the use of the RSPCA 'Keeping Cats Safe at Home Program'. The aim of the program is to 'provide education and advice for communities on the importance of containing their cats safely at home'. The press release that announced the program stated that 'domestic cats are estimated to kill around 67 million native mammals, 83 million native reptiles and 80 million native birds in Australia each year'. The program is hoping to reduce that number, but any impacts will only be observed in those ten council areas over the next four years. Unfortunately, NSW is falling behind the rest of the country in regard to cat containment/curfew with NSW and Tasmania being the only states/territories in Australia that do not have some form of cat containment or curfew legislation in operation.
34. The press release that launched the above program also stated – 'Each roaming pet cat in Australia is estimated to kill on average 115 native prey animals each year, including mammals, birds and reptiles.' Unfortunately, the *Companion Animals Act 1998* only contains provisions preventing dogs from roaming, hence the need for the Policy to introduce further criteria to address amenity issues associated with verified complaints of roaming cats.

iv. Policy Not Supported – needs stricter controls

35. Submission number 12 raised concern with the Policy not being a blanket Policy, changes in wording from "to be applied" to "that may" be applied and advocated for pigeons, rabbits, reptiles and rodents not to be permitted to be kept within the LGA. A response to each of these points is provided in the submission summary Table and no further expanded discussion is required.

v. Policy Not Supported – needs relaxing of controls

36. Submission numbers 11, 13 and 14 raised concerns that the Policy was too restrictive in regard to the criteria on the number of cats (primary issue for submissions 11 & 13) and should not prevent the keeping of pets such as goats, sheep, cows, rabbits and ducks with a maximum number of four adults (submission 14).
37. The issue regarding the limitation on cat numbers was previously discussed, however it is worth reiterating that the two former Council's had Policies containing number criteria, however they were removed when the Policies were amalgamated in 2020. The limitation on cat numbers has been reintroduced to assist Authorised Officers to resolve substantiated amenity impacts caused by the keeping of cats including one such significant example which eventuated after the adoption of the 2020 version of the Policy.

38. The number criteria for cats is based on the RSPCA document from May 2018 titled – ‘Identifying Best Practice Domestic Cat Management in Australia’ which recommends a limit of four cats and is only one option that may be applied when there is a verified amenity complaint.
39. The types of animals listed as being desired to be kept by submission 14 (primarily stock animals) are more suited to larger parcels of land in more semi-rural or rural parts of Sydney which are not available or appropriate in an urban environment like Georges River. Goats, sheep and cows are defined by the Policy as Livestock and are prohibited from being kept within the LGA as their keeping is not suitable in an urban environment. The Policy does allow the keeping of two Rabbits and two Ducks, however residents can keep animals in excess of the number criteria contained within the policy provided there are no verified amenity impacts upon neighbouring premises. Where a complaint has been verified the controls that may be applied include a reduction in numbers, however the controls that are applied are done so on a case-by-case basis.

SUMMARY

40. Whilst Council does not receive a significant number of requests regarding animal amenity, those that are received often take considerable time to resolve and having the benefit of an overarching Policy to assist with the resolution of these matters is most beneficial to Council staff. The Policy does not apply a blanket restriction on the number of animals that can be kept on premises within the LGA, moreover it provides a list of criteria that may be used by an Authorised Officer prior to issuing an Order (Order 18) of Section 124 of the Local Government Act 1993, relating to the keeping of animals within any premises.
41. The public exhibition of the Policy resulted in 14 submissions being received from residents within the LGA. This report has addressed the issues raised and recommends a change to Section 4.4.2 by deleting the desexing criteria as this is considered more onerous than the Act and Regulation. A further amendment is recommended to Note 2 under Section 4.4 – The Keeping of Cats to better clarify Council’s role in relation to complaints that included an aspect of animal welfare. The recommended amendments to the exhibited version of the Draft Policy as discussed in this report are shown in Attachment 1. The amendments made to the Policy as exhibited as shown in red text, whilst those made as a result of submissions received are in purple text.

NEXT STEPS

42. Section 161 of the Local Government Act, 1993 provides the following options for Council to progress the adoption of the Draft Policy:
 - (1) After considering all submissions received by it concerning the draft local policy, the Council may decide—
 - (a) to amend its draft local policy; or
 - (b) to adopt it without amendment; or
 - (c) not to adopt it, except where the adoption of criteria is mandatory.
 - (2) If the council decides to amend its draft local policy, it may publicly exhibit the amended draft local policy in accordance with this Part or, if the Council is of the opinion that the amendments are not substantial, it may adopt the amended draft local policy without public exhibition.
43. The recommended amendments to the Draft Policy resulting from the submissions received are not substantial and will not trigger the re-exhibition of the draft Policy. The amendments ensure Legislation compliance and provide clarity; therefore, it is

recommended that Council adopt the Draft Keeping of Animals Policy (2022) contained in Attachment 1.

FINANCIAL IMPLICATIONS

44. Within budget allocation.

RISK IMPLICATIONS

45. No risks identified.

COMMUNITY ENGAGEMENT

46. Community engagement was conducted as outlined in the report.

FILE REFERENCE

D22/213334

ATTACHMENTS

Attachment [↓](#)1  Pol-071-01 - Keeping of Animals Policy - October 2022



KEEPING OF ANIMALS POLICY 2022

POLICY ADMINISTRATION

Dates	Policy approved 10/10/2022 (Version 2) This policy is effective upon its approval. Policy is due for review 10/10/2024
Approved by	Council Meeting xx/xx/2022 (Version 2)
Policy Type	<input type="checkbox"/> Executive Policy <input checked="" type="checkbox"/> Council Policy
Exhibition Period	Draft Version 2 of the policy to be placed on public exhibition 15 August – 12 September 2022
Policy Owner	Manager Environment, Health and Regulatory Services
Related Documents	Georges River Council - Enforcement Policy, 2021
Appendices	Appendix A – List of web links to applicable reference documents (other than Legislation or Council documents)
References and Legislation	<ul style="list-style-type: none"> • Prevention of Cruelty to Animals Act 1979 (POCTA) • Companion Animals Act 1998 (NSW) • Local Government Act 1993 (NSW) • Local Government (General) Regulation 2005 (NSW) • Protection of the Environment Operations Act 1997(NSW) • Environmental Planning and Assessment Act 1979; (NSW) • Impounding Act 1993(NSW) • Food Act 2003 (NSW) • Biodiversity Conservation Act 2016 (NSW) • Biosecurity Act 2015 (NSW) • NSW State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 • Animal Welfare Code of Practice – Breeding dogs and cats Department Primary Industries (DPI) • Beekeeping Code of Practice (DPI) • Bee Biosecurity Code of Practice (DPI) • NSW Animal Welfare Code of Practice No. 4 – Keeping and Trading birds (DPI) • Code of Practice for the Private Keeping of Reptiles, Office Environment & Heritage (OEH) • Hygiene Protocol for the Control of Disease in Captive Snakes (OEH) • Model Code of Practice: Domestic poultry Commonwealth Scientific and Industrial Research Organisation (CSIRO) • Model Code of Practice for the Welfare of Animals – Intensive Husbandry of Rabbits (Australian Agricultural Council) • NSW Pest fish list (DPI)

Document Identifier	Policy #: Pol-071.02 Doc Number: D22/132476
Breaches of Policy	Breaches of any policy will be dealt with and responded to in accordance with Council's Enforcement Policy.
Record Keeping	All documents and information obtained in relation to the implementation of this policy will be kept in accordance with the NSW State Records Act 1998, Georges River Council's Corporate Records Policy and adopted internal procedures.

PURPOSE

This Policy specifies the criteria which Council must take into consideration prior to issuing an Order (Order 18) of Section 124 of the [Local Government Act 1993](#), relating to the keeping of animals within any premises. This policy seeks to inform the community of Council's regulatory powers concerning the keeping of animals within the Georges River Local Government Area (LGA).

A nuisance may arise from the keeping of animals. This Policy details criteria of reasonable limits on maximum numbers, and circumstances under which certain animals may be kept in the interest of amenity and public health when amenity impacts are verified.

The Policy is applied when Council verifies a complaint regarding the keeping of animals on a premises in the Local Government Area.

SCOPE

This policy does not apply to the keeping of animals for business or commercial purposes where prior Development Consent of Council is required under the [Environmental Planning and Assessment Act 1979 \(NSW\)](#).

This policy should be read in conjunction with Council's Enforcement Policy.

DEFINITION OF TERMS

Term	Meaning
Amenity Impact	Includes disturbance from the keeping of animals due to noise, odour, dust, vermin, effluent or the unsightliness of structures used to house animals
Animal	'Animal' includes a mammal, bird, reptile, amphibian or fish. 'Animal' does not include a human being (as defined by the Prevention of Cruelty to Animals Act 1979, NSW).
Authorised Officer	An employee of Georges River Council provided with delegated authority to act under the Local Government Act 1993
Council	Georges River Council
DPI	NSW Department of Primary Industries
Livestock	Includes cattle, horses, donkeys, mules asses, camels, sheep, goats and deer; including any that are a 'mini' breed
Prescribed premises	An adjoining dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food

POLICY STATEMENT

1. Policy objectives

- 1.1. The objective of this Policy is to publicly notify the circumstances that the Council will consider in determining whether to serve an Order No. 18 under Section 124 of the [Local Government Act 1993](#) to prohibit, restrict or in some other way, require things to be done regarding the keeping of animals
- 1.2. In achieving the above objective the following associated objectives will also be achieved:
 - To minimise nuisance caused by noise, odour or vermin through the keeping of animals and to maximise residential amenity, and
 - To ensure the keeping of animals does not compromise the environment or minimum standards of building, public health, safety and convenience.
- 1.3. To guide the enforcement process in the investigation of a complaint relating to the keeping of animals.

2. Application

- 2.1. This policy applies to the occupier of all premises within the LGA where a complaint regarding an amenity impact from the keeping of an animal has been verified by an Authorised Officer of Council.
- 2.2. The Policy does not apply to commercial or business premises operating under a Development Consent or strata managed premises where the amenity impact is contained to within that premises.

3. Principles

3.1. Keeping of Animals generally

- 3.1.1. Animals are usually kept by residents without difficulty or nuisance. However, on occasion a nuisance may arrive that has an adverse impact on the surrounding amenity, resulting in the lodgement of a complaint. When a complaint is verified by Council, the Authorised Officer **may** apply the criteria outlined in section 4 in order to resolve the complaint (i.e. to mitigate any nuisance or improve the amenity of neighbours).
- 3.1.2. Generally, the number and kind of animal that is suitable to be kept on any premises will be determined having regard to the size of the available yard (free land mass area) and the distance to the nearest dwelling or other prescribed premises, and the likely impact upon the amenity of any neighbouring premises.
- 3.1.3. Where the number of animals kept on any premises before the commencement of this Policy exceeds that shown for each animal, there is no immediate requirement to reduce animal numbers to comply with this Policy. Should a nuisance be caused as a result of the additional animals, then this exemption does not prevent Council from issuing an order to comply with this Policy.

- 3.1.4. Council will consider on its merits any request to vary the numerical standards contained within this Policy for the keeping of animals on a premises subject to the Policy on the submission of substantive supporting evidence.
- 3.1.5. Animals are to be kept in a manner which does not:
 - a) create unsanitary or unhealthy conditions,
 - b) attract or provide harbourage for vermin,
 - c) create offensive noise or odours,
 - d) cause a drainage or dust nuisance,
 - e) create a waste disposal problem,
 - f) unreasonably affect the amenity of neighbouring residents,
 - g) cause nuisance due to proliferation of flies, lice, fleas or other insects, and
 - h) cause any ill health or distress to the animals.
- 3.1.6. All animals are to be housed in suitable shelters complying with specific keeping requirements for specified animals as contained in this Policy. Animal shelters not deemed exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 will require approval via a complying development certificate or development consent.
- 3.1.7. Design guidelines for the size, layout and construction of animal shelters are produced by various animal welfare organisations including the NSW Department of Primary Industries and may be referenced by this policy. These documents are accurate of the time of adoption of this policy, however nothing in this policy prevents the use of an updated version of these documents.

3.2. Council's Powers to Control and Regulate the Keeping of Animals

- 3.2.1. Council's power to control and regulate the keeping of animals is provided under Section 124 of the [Local Government Act 1993](#) and [Local Government \(General\) Regulation 2005](#).
- 3.2.2. Council may, (although not limited to) issue an Order to:
 - a) prohibit the keeping of various kinds of animals,
 - b) restrict the number of various kinds of animals,
 - c) require that animals are kept in a specific manner,
 - d) demolish animal shelters built without prior approval, and
 - e) require the occupier to do or to refrain from doing such things as are specified so as to ensure that land or premises are placed or kept in a safe or healthy condition.

3.3. Breaches and Sanctions

- 3.3.1. Any regulatory action relating to the enforcement of this policy will be in accordance with Council's Enforcement Policy. Council staff will consider the impact of any Policy non-compliance on community amenity before deciding to take regulatory action. A breach of the numerical standards contained within this Policy alone will not necessarily result in regulatory action being taken by Council.

4. Criteria **that may** be applied when amenity impacts are verified

- 4.1. The following criteria **may** be utilised by Council Authorised Officers when seeking to resolve verified complaints regarding the keeping of animals.

4.2. The Keeping of Bees

Criteria **that may** be applied to verified complaints:

- 4.2.1. Beekeepers must be registered with the NSW Department of Primary Industries (NSW DPI) and must comply with the Beekeeping and Bee Biosecurity Codes of Practice for NSW.
- 4.2.2. Beehives must be identified by branding all brood boxes with their registration number.
- 4.2.3. Beekeepers must notify the NSW DPI within 24 hours if they become aware that their hive/s are infected with a disease.
- 4.2.4. Complaints about beehives are to be directed to the Director-General of the NSW DPI.

Residential Areas:

- 4.2.5. In urban areas, the number of hives permitted to be kept on a premises of certain sizes is specified in the table below:

Free land mass area (metres square)	Max. number of hives
< 400	2
>400 and less than 1000	4
>1000	8

- 4.2.6. Beekeepers must obtain permission from the owners of private lands or from the authority of government controlled lands before placing beehives on such lands.
- 4.2.7. Beehives should not be located within 100m of schools, child care centres, hospitals or other public facilities.
- 4.2.8. A suitable barrier must be erected close to the landing board to force flight paths above two metres.
- 4.2.9. Beehives are not to be positioned in the front yard of domestic premises.
- 4.2.10. Swarming must be controlled. This may be achieved by re-queening regularly with a reduced swarming strain, population control or temporarily splitting into smaller hives.
- 4.2.11. A permanent water source suitable for bees is to be provided at the property storing the beehive.

4.2.12. The beehive is not to be located within nine metres of any neighbouring swimming pool.

4.2.13. Beehives are to be regularly monitored for signs of disease.

4.2.14. The keeping of bees in unit and townhouse developments is not permitted.

Note (i): Beekeepers are encouraged to increase and update their knowledge by attending training and/or belonging to a beekeeping association.

Note (ii): Beekeepers are encouraged to contact their immediate adjoining neighbours prior to establishing beehives to consider any impacts that may arise from persons vulnerable to bee stings.

Wild Hives

4.2.15. Any person having a wild beehive on their property must consult the NSW DPI for advice on controlling the beehive.

Note: A wild beehive is described as introduced bees not in a domesticated situation and not kept within a bee frame or a beekeeper's box.

4.3. The Keeping of Birds (other than poultry or pigeons)

Criteria that may be applied to verified complaints:

4.3.1. There is no maximum number of birds permitted however numbers kept may be required to be reduced to mitigate any nuisance or improve the amenity of neighbours.

4.3.2. Aviaries and cages must be:

- a) constructed of appropriate materials (new or good quality second hand materials) and maintained to these standards during their use.
- b) constructed to be vermin proof, well ventilated, have an impervious surface and not cause or be likely to cause injury to birds.
- c) maintained by the owner so as to avoid the escape of birds.
- d) managed to prevent excessive noise and odour.
- e) operated in accordance with the Code of Ethics produced by the Associated Bird-Keepers of Australia Incorporated, approved by the Canary and Bird Federation of Australia and NSW Animal Welfare Code of Practice No 4 - Keeping and Trading of Birds.

4.3.3. Vermin proof food storage facilities must be provided.

4.3.4. A continuous rodent and pest control program must be in place.

4.4. The Keeping of Cats

Criteria that may be applied to verified complaints:

4.4.1. The maximum number of cats permitted to be kept on any property is four.

4.4.2. All cats kept on any property must be microchipped and receive appropriate care.

4.4.3. Where Council receives verified complaints regarding a roaming cat, the cat is to be prevented from leaving from the property at which it is ordinarily kept by being kept indoors (house, enclosure, shed or garage).

- 4.4.4. Any enclosure used for housing cats shall be in accordance with Section 6, Table 2: Minimum Sizes for Cat Enclosures; DPI Animal Welfare Code of Practice – Breeding dogs and cats.

Note 1: Owners of cats are encouraged to de-sex their cats to prevent unwanted litters and keep them contained to minimise the impact on native wildlife or nuisance to neighbouring residents.

~~**Note 2:** The maximum number of cats kept on a premises will only be enforced when the number of cats being kept on the premises is resulting in impacts on the amenity of the area and/or there are concerns with the welfare of the cat's following advice from the RSPCA?~~

Note 2: The criteria contained in 4.4.2 will only be applied where there are verified amenity impacts and where there are also concerns with the welfare of the cats following advice from the an animal welfare enforcement agencies. Where a concern solely relates to animal welfare, Council will refer the matter to an animal welfare enforcement agency. In NSW the animal welfare enforcement agencies under the Prevention of Cruelty to Animals Act 1979 are the RSPCA, the Animal Welfare League of NSW, NSW Police and the Greyhound Welfare and Integrity Commission.

4.5. The Keeping of Dogs

Criteria that may be applied to verified complaints:

- 4.5.1. There are no specific limitations for the number of dogs permitted however numbers kept may be required to be reduced to mitigate any nuisance or improve the amenity of neighbours.

Note: Owners of dogs are encouraged to de-sex their animals to prevent unwanted litters.

4.6. The Keeping of Fish

Criteria that may be applied to verified complaints:

- 4.6.1. There are no specific limitations for the number of fish permitted however numbers kept may be required to be reduced to mitigate any nuisance or improve the amenity of neighbours.
- 4.6.2. Species listed in Schedule 2 of the [Biosecurity Act 2015](#) and DPI Pest Fish list, are classed as prohibited matter and must not be kept.
- 4.6.3. Ponds are to comply with the NSW State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 requirements.
- 4.6.4. Pond water is to be maintained to prevent the harbouring of mosquito larvae.
- 4.6.5. Pond water filtration pumps must not be used in a manner that creates a noise nuisance to adjoining properties.
- 4.6.6. Ponds must be provided with shade which includes aquatic plants.

- 4.6.7. Food must be provided that suits the species of aquatic organism(s) being kept.
- 4.6.8. Ponds must be provided with fencing or a cover to protect fish from predation.
- 4.6.9. All deceased or unwanted fish and aquatic plants must be disposed of via an approved waste disposal system. Fish and aquatic plants must not be disposed of into any type of waterway, pond or dam.

4.7. The Keeping of Ferrets and Guinea Pigs

Criteria that may be applied to verified complaints:

- 4.7.1. No more than four adult animals may be kept at any one premises.
- 4.7.2. Hutches and cages must be:
 - a) kept clean at all times; and
 - b) of a construction standard that will prevent escape.
- 4.7.3. Ferrets and Guinea Pigs must be caged and/or secured at all times from escape and are not permitted to free range.
- 4.7.4. It is recommended that ferrets are de-sexed from four to six months of age.
- 4.7.5. Waste material, including litter and bedding, must be disposed of via an approved waste disposal service or composted.

4.8. The Keeping of Livestock

Criteria to be applied to verified complaints:

- 4.8.1. Livestock are not permitted to be kept within the LGA.

4.9. The Keeping of Pigeons

Criteria that may be applied to verified complaints:

- 4.9.1. The keeping of domestic homing, show or fancy class pigeons by hobbyists and racing enthusiasts in the LGA is permitted and the following conditions may apply:

Standard Requirements:

- 4.9.2. A maximum 20 pigeons except as permitted for Racing Pigeons (see below) may be kept.
- 4.9.3. Pigeons must be housed in purpose built facilities at least 15m from prescribed premises.
- 4.9.4. Aviaries (Lofts) must be constructed on hard paving of a smooth surface, or with a suspended floor elevated 0.8m above the ground. Lofts must be enclosed to prevented food or waste becoming wet.
- 4.9.5. Positioning of pigeon lofts must be such that the amenity of adjoining premises is preserved, with no inconvenience or nuisance resulting from the loft or from flying birds. The pigeons' owner or the occupier of those premises must control feral pigeons attracted to captive managed flocks.

- 4.9.6. Keeping of pigeons is only permissible on residential properties that have single dwelling or dual occupancy development.
- 4.9.7. Pigeons must be fed within the aviaries/lofts.
- 4.9.8. Free lofting of pigeons (that is allowing pigeons to freely roam outside of their Aviary (loft) in a residential area is not permitted at any time, except as permitted for Racing Pigeons (see below)
- 4.9.9. Pigeons are not allowed to roost on neighbouring buildings. Aviary (Loft) doors and traps must be locked at all times except as permitted for Racing Pigeons (see below).
- 4.9.10. Food must be stored in sealed vermin proof containers and must not be left uncovered.
- 4.9.11. Waste material, including litter and bedding, must be disposed of via an approved waste disposal service or composted.
- 4.9.12. Council is to be notified of the keeping of pigeons, construction of the loft of less than 10 sqm, and any activity not considered a hobby.

Racing Pigeon Requirements:

- 4.9.13. In addition to the above controls the following requirements **may** apply specifically to the keeping of Racing Pigeons:
 - a) The maximum number of racing pigeons that may be kept on premises within a residential area is 120 birds, provided that the keeper is a certified member of a recognised pigeon racing club, federation or association, is an active member of the sport and otherwise complies with other provisions of this Policy.
 - b) Racing pigeon Aviaries (lofts) are to have adequate visible landing platforms.
 - c) Pigeons must have a leg band with the club name, and unique ID number.
 - d) Exercising/free flight is to occur between 7:00am and 8:00am and between 4:00pm and 5:00pm give or take 15mins either side of the time restrictions at all other times the pigeons must be kept within their enclosure. All exercise should be conducted under close supervision by the owner.
 - e) The exit and entry of these birds from the Aviary (loft) must be controlled by the keeper. Provision must be made for all released birds to return through a one-way entrance that will not permit uncontrolled exit.

4.10. The Keeping of Pigs (Swine)

Criteria to be applied to verified complaints:

- 4.10.1. Pigs are not permitted to be kept within the LGA.

4.11. The Keeping of Poultry

Criteria **that may be applied to verified complaints:**

- 4.11.1. Poultry must be kept in accordance with the [Local Government \(General\) Regulation 2005](#), Part 5, Schedule 2 – Division 2, clauses 19 and 20.

- 4.11.2. Poultry must be housed in purpose built facilities.
- 4.11.3. Food must be stored in sealed vermin proof containers and must not be left uncovered.
- 4.11.4. Waste material, including litter and bedding, must be disposed of via an approved waste disposal service or composted.
- 4.11.5. Outside runs must be free draining, not discharge onto neighbouring properties and not be allowed to become muddy.
- 4.11.6. The total numbers of poultry (excluding pigeons and other birds) kept on premises must not exceed the maximum amount specified below.

Type	Maximum Numbers
Peacocks	Nil
Roosters	Nil
Ducks	2
Geese	Nil
Swans	Nil
Turkeys	Nil
Fowls (female chickens)	5
Pheasants	5
Quails	5
Pea Fowls	2
Total Combined Number per property	10 maximum

- 4.11.7. The slaughtering of poultry is not permitted.

4.12. The Keeping of Rabbits

Criteria that may be applied to verified complaints:

- 4.12.1. No more than two adult domestic rabbits may be kept on premises.
- 4.12.2. Rabbits being kept in residential areas must not be kept closer than 9 metres to a prescribed premises.
- 4.12.3. Waste material, including litter and bedding, must be disposed of via an approved waste disposal service or composted.
- 4.12.4. Rabbits must be of a recognised domestic breed and be kept in a rabbit proof enclosure.
- 4.12.5. Rabbits are to be kept in accordance with the Model Code of Practice for the Welfare of Animals – Intensive Husbandry of Rabbits.
- 4.12.6. Rabbits should be de-sexed to prevent unwanted litters.

4.13. The Keeping of Reptiles

Criteria that may be applied to verified complaints:

- 4.13.1. There is no maximum number of reptiles permitted however numbers kept may be required to be reduced to mitigate any nuisance or improve the amenity of neighbours.

- 4.13.2. Reptiles may only be kept if in accordance with the Code of Practice for the private Keeping of Reptiles and Hygiene Protocol for the Control of Disease in Captive Snakes, this includes obtaining a licence to keep reptiles.

Note: Reptiles must be obtained from a licensed breeder and not taken from the natural environment.

4.14. The Keeping of Rodents

Criteria that may be applied to verified complaints:

- 4.14.1. No more than 4 adult rats or 10 adult mice are permitted on a premises.
- 4.14.2. Only domesticated breeds of rats and mice are permitted to be kept.
- 4.14.3. Cages must be of a construction standard that will prevent escape.
- 4.14.4. Rodents must be caged and/or secured at all times from escape and are not permitted to free range.
- 4.14.5. Waste material, including litter and bedding, must be disposed of via an approved waste disposal service or composted.
- 4.14.6. The keeping and breeding of rodents as food animals for reptile feeding is prohibited.

5. General Notes

- 5.1. Policy details may change prior to review date due to legislative changes.
- 5.2. Further information regarding the keeping of dogs and cats can be found in the [Companion Animals Act 1998](#).

RESPONSIBILITIES

Position	Responsibility
Authorised Officer (within the Environment Health and Regulatory Services Section)	<ul style="list-style-type: none"> To effectively participate in policy training. To follow the policy outlined. To report any barriers or concerns relating to policy implementation to the Coordinator without undue delay. To effectively participate in document review. To make decisions relating to the investigation of alleged unlawful activity with the support of the Coordinator.
Coordinator (within the Environment Health and Regulatory Services Section)	<ul style="list-style-type: none"> To effectively train, guide and monitor staff in policy implementation. To effectively respond to reported concerns or barriers to policy implementation. To be an active advocate for policy implementation. To effectively coordinate and participate in policy review. To ensure policy requirements remain consistent with Council Policy and Organisational objectives. To review decisions relating to investigation of alleged unlawful activity made by an Authorised Officer.
Manager Environment Health and Regulatory Services	<ul style="list-style-type: none"> To effectively respond to reported concerns or barriers to policy implementation. To be an active advocate for policy implementation. To effectively coordinate and participate in policy review. To ensure policy requirements remain consistent with Council Policy and Organisational objectives.
Councillors	<ul style="list-style-type: none"> To refer customers that have allegations of unlawful activity to appropriate Council officers/Managers to ensure appropriate action is taken. Councillors are not to make decision around the way unlawful activities are investigated and/or prosecuted. Councillors are prohibited from involvement in the day to day operation and management decisions around enforcement and prosecution. Councillors can assist individuals who raise concerns with them by satisfying themselves that the Council's policies are being carried out correctly.

VERSION CONTROL AND CHANGE HISTORY

Version	Amendment Details	Policy Owner	Period Active
KCC	Kogarah City Council – Local Orders Policy No. 18 – The keeping of Birds and Animals	Kogarah Governance	14/12/2015 – 20/04/2020
HCC	Hurstville City Council – Local Orders Policy – Keeping of Animals.	Hurstville Governance	01/07/2015 – 20/04/2020
1.0	New Georges River Council Keeping of Animals Policy 2020 Publicly exhibited 28/06/2019 – 2/08/2019 Approved by Council Resolution CCL013-20 (ENV006-20)	Manager Environment, Health and Regulatory Services	20/04/2020 – TBC
2.0	Review of policy within 12 months of ordinary election as required under section 165 of the Local Government Act 1993. Seeking approval of the Council to place Georges River Council Keeping of Animals Policy 2022 (Version 2) on public exhibition 15 August to 12 September 2022	Manager Environment, Health and Regulatory Services	TBC

APPENDIX A – ADDITIONAL WEB BASED RESOURCES AND INFORMATION

[DPI Breeding Dogs and Cats Code of Practice](#)

[DPI Code of Practice Bee Keeping](#)

[The Australian Honey Bee Industry Biosecurity Code of Practice](#)

[NSW Code of Practice No 4 - Keeping and Trading of Birds](#)

[Office of Environment & Heritage Code of Practice for the Private Keeping of Reptiles](#)

[NSW Department of Environment and Climate Change – Hygiene Protocol for the Control of Disease in Captive Snakes](#)

[Model Code of Practice for Welfare of Animals – Domestic Poultry](#)

[Model Code of Practice for the Welfare of Animals – Intensive Husbandry of Rabbits](#)

[DPI – Caring for Animals & Livestock](#)

[DPI – Aquatic Biosecurity – Caring for Fish](#)

Item: ENV031-22 Report on Submissions - Planning Proposal (PP2022/0001) for 9 Gloucester Road, Hurstville

Author: Strategic Planner/Information Management

Directorate: Environment and Planning

Matter Type: Committee Reports

ENV031-22

RECOMMENDATION:

- (a) That Council note the submissions received during the public exhibition of the Planning Proposal (PP2022/0001) to amend the Georges River Local Environmental Plan 2021 in relation to the Site known as 9 Gloucester Road, Hurstville (Lot 30 DP785238) to permit “residential flat building” on “Area A” of the Site.
- (b) That Council adopt the proposed amendments to the Georges River Local Environmental Plan 2021 as exhibited in relation to the Site known as 9 Gloucester Road, Hurstville (Lot 30 DP785238) by:
 - 1) introducing “residential flat building” as an additional permitted use on “Area A” of the Site (being Part Lot 30 DP785238); and
 - 2) excluding the application of Clause 6.13 Development in certain business zones from “Area A” of the Site (being Part Lot 30 DP785238).
- (c) That Council forward the Planning Proposal for gazettal to the Department of Planning and Environment in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979*.
- (d) That all persons who made a submission to the Planning Proposal be advised of Council’s decision.

EXECUTIVE SUMMARY

1. The purpose of this report is to advise the outcome of the public exhibition of a Planning Proposal (PP2022/0001) (**Attachment 1**) that seeks to amend the Georges River Local Environmental Plan 2021 by:
 - (a) introducing “residential flat building” as an additional permitted use on “Area A” of the Site (being Part Lot 30 DP785238); and
 - (b) excluding the application of Clause 6.13 Development in certain business zones from “Area A” of the Site (being Part Lot 30 DP785238).
2. “Area A” within the Site (known as 9 Gloucester Road, Hurstville) is illustrated in **Figure 1** and **Attachment 2**.
3. The Planning Proposal (PP) was publicly exhibited for a period exceeding 28 days, from 31 August 2022 to 28 September 2022, during which a total of six (6) submissions were received from the community. Of the submissions, four (4) objected to the PP and two (2) supported the PP.
4. No changes are recommended to the exhibited PP.

5. It is recommended that the PP be forwarded to the NSW Department of Planning and Environment ("DPE") for gazettal.



Figure 1: Map of “Area A” of the Site (Source: Turner Studio)

6. This report has the following attachments:
 - (a) Attachment 1 – Planning Proposal prepared by Sutherland & Associates Planning
 - (b) Attachment 2 – Map of “Area A” of the Site prepared by Turner Studio
 - (c) Attachment 3 – Gateway Determination issued by the DPE

BACKGROUND

7. At its meeting on 27 June 2022 Council resolved to endorse the forwarding of the Planning Proposal (PP2022/0001) in relation to land located at 9 Gloucester Road, Hurstville (Lot 30 DP785238) to the DPE to request a Gateway Determination under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and publicly exhibit the PP.
8. The 27 June 2022 Council resolution is provided below:

CCL045-22: Report of the Environment and Planning Committee Meeting held on 14 June 2022

That the Environment and Planning Committee recommendation for Item ENV015-22, as detailed below, be adopted by Council.

**ENV015-22: Planning Proposal PP2022/0001 - 9 Gloucester Road
Hurstville - Request for Gateway Determination**

- (a) That Council support the recommendation of the Georges River Local Planning Panel dated 2 June 2022 for the Planning Proposal PP2022/0001 relating to 9 Gloucester Road, Hurstville.
- (b) That Council support the amendment to Schedule 1 of the Georges River Local Environmental Plan 2021 proposed by Planning Proposal PP2022/0001 relating to part of the site known as 9 Gloucester Road, Hurstville.
- (c) That Council endorse the forwarding of Planning Proposal PP2022/0001 relating to 9 Gloucester Road, Hurstville 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:

- 1) introducing “residential flat building” as an additional permitted use on “Area A” of the Site (being Part Lot 30 DP785238); and
 - 2) excluding the application of Clause 6.13 Development in certain business zones from “Area A” of the Site (being Part Lot 30 DP785238).
- (d) That the Planning Proposal be placed on formal public exhibition in accordance with the conditions of any Gateway Determination issued by the DPE.
- (e) That Council write to the DPE requesting that the Planning Proposal be placed on the public exhibition for 28 days.
- (f) That Council consider a report on the submissions received following the public exhibition.

9. The PP was forwarded to the DPE for a Gateway Determination on 1 July 2022.
10. A Gateway Determination (**Attachment 3**) was issued by the DPE on 5 August 2022, which authorised Council to be the local plan-making authority to exercise the functions under Section 3.36(2) of the *Environmental Planning and Assessment Act 1979*.
11. In accordance with the Gateway Determination, the PP was required to be updated prior to public exhibition to include a plain English and clear Explanation of Provisions statements, address the consistency with the *South District Plan* and Council’s *Community Strategic Plan 2022-2032*, and address the requirements of specific Ministerial Directions.
12. The PP was updated by the proponent to address the conditions of the Gateway Determination, prior to the commencement of the public exhibition on 31 August 2022.

SITE AND LOCALITY

13. This PP applies to the Site known as 9 Gloucester Road, Hurstville (refer to **Figure 2**). The Site is also sometimes referred to as 420 or 430 Forest Road, Hurstville. The Site has a legal description of Lot 30 DP785238. The entire site is in the ownership of GTB Hurstville Pty Ltd.

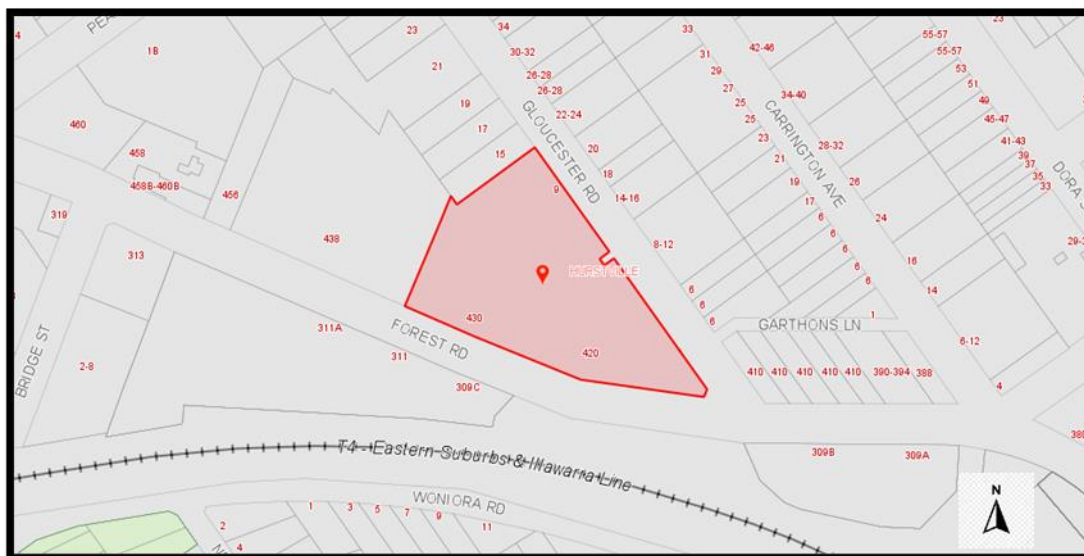


Figure 2: The Site (Source: IntraMaps)

14. The Site is triangular in shape and is bound by Gloucester and Forest Roads to its north and south. These roads intersect at the eastern point in a splayed corner. The Site is bound by private properties on its irregular western boundary and is located at the transition threshold between the central and western areas of the Hurstville City Centre.
15. The Site has a total area of 9,240sqm. It excludes a 4x6m area on Gloucester Road (refer to **Figure 2**) which is used as an electrical substation. The Site has a 148.7 metre frontage to Gloucester Road, a 158.3 metre frontage to Forest Road, and a staggered north-western boundary of 108.5 metres.
16. The Site is currently occupied by three commercial buildings between 2 to 4 storeys (refer to **Figure 3** below). Vehicular access is provided from Gloucester Road and there is a through-site link from Forest Road to Gloucester Road. The existing built form represents a 'suburban campus' or 'office park' style configuration with a partially exposed basement car park. The remainder of the Site comprises controlled access to the basement car park from Gloucester Road, an irregular through-site link and hardstand areas.



Figure 3: Oblique Aerial View of the Site from the North-West (Source: Nearmap)

17. The Site is located towards the western edge of the Hurstville City Centre (refer to **Figure 4**).
18. Its immediate context comprises an at-grade public car park, service station, single-storey factory outlet, other commercial premises, vacant railway land holdings, and existing adjoining residential flat buildings ranging in height from 4 to 10 storeys.
19. The Site has direct access to Forest Road, which is a major road with local and regional bus services and a high level of accessibility for pedestrians, allowing for lesser car reliance for travel. The Site also enjoys good access to Hurstville and Penshurst Railway

Stations, being located within approx. 600m and 1,000m walking distance respectively. The Site and Hurstville and Penshurst Railway Stations are illustrated in **Figure 5**.



Figure 4: The Site and Existing and Future Development in Hurstville City Centre (Source: Hurstville City Centre Urban Design Strategy)

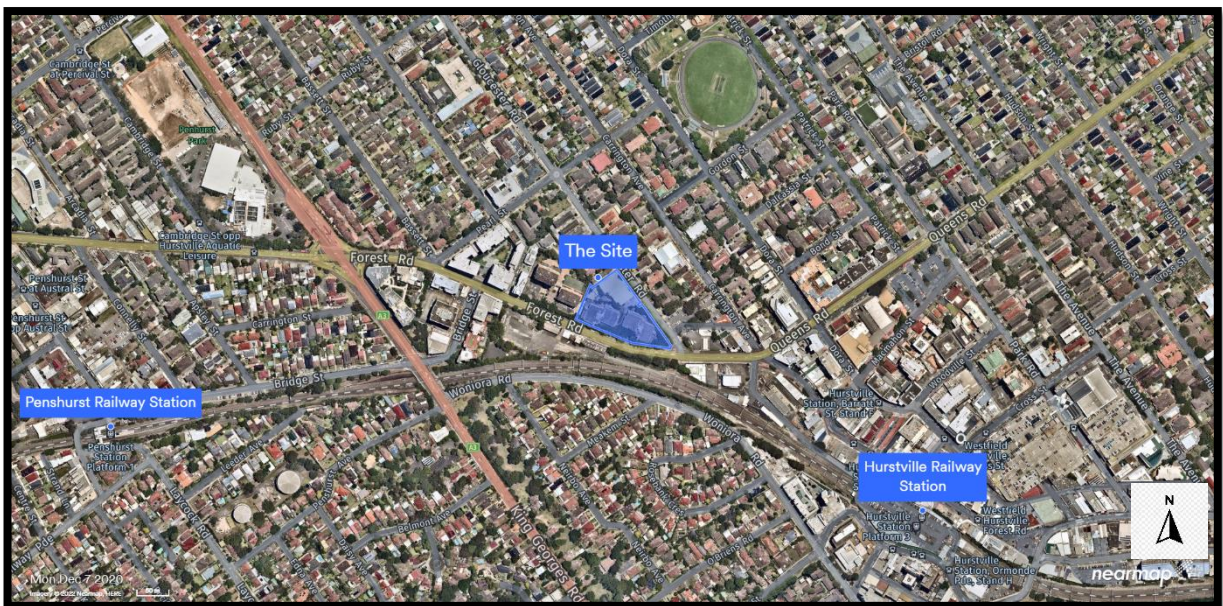


Figure 5: Locality of the Site (Source: Nearmap)

PLANNING PROPOSAL

20. The Planning Proposal (PP2022/0001) seeks to amend Schedule 1 of the Georges River Local Environmental Plan 2021 ("GRLEP") to:
 - (a) introduce "residential flat building" as an additional permitted use on "Area A" of the Site (being Part Lot 30 DP785238); and
 - (b) exclude the application of Clause 6.13 Development in certain business zones from "Area A" of the Site (being Part Lot 30 DP785238).
21. "Area A" of the Site is illustrated in **Figure 1** and **Attachment 2**.

22. The PP does not seek to amend the B4 Mixed Use zoning, FSR, height or any other LEP (Local Environmental Plan) provisions including the non-residential FSR requirement of 0.5:1 relating to the Site. The PP seeks to exclude the application of Clause 6.13 Development in certain business zones on the Site.
23. The PP is to correct an anomaly that occurred upon the gazettal of the GRLEP, which occurred after the finalisation of the Planning Proposal (PP2015/0005) for the Site to amend the Hurstville Local Environmental Plan 2012 ("HLEP 2012").
24. The previous PP (PP2015/0005) amended the HLEP 2012 to increase the FSR from 3:1 to 4:1 (including a minimum non-residential FSR of 0.5:1) and increase the maximum building height applying to the Site from 23m to a range of heights of 23m, 30m, 40m, 55m and 60m.
25. Since the gazettal of the new controls for the Site, the HLEP 2012 has been replaced by the GRLEP. Whilst the new GRLEP maintains the same B4 Mixed Use zone for the Site, it has nonetheless made "residential flat development" a prohibited use. In addition, one of the objectives of Clause 6.13 Development in certain business zones, which applies to the B4 Mixed Use zone, is 'to maintain existing, and encourage additional, non-residential uses along ground floor street frontages'. As a result, a residential flat building (Building D and E) at the northern end of the Site on Gloucester Road is not permissible under the GRLEP.
26. The intended outcome of this PP is to facilitate the redevelopment of the Site as envisaged by the endorsed Planning Proposal (PP2015/0005), in particular, to allow a residential flat building (Buildings D and E in **Figure 6** below) with ground floor residential apartments at the northern end of the Gloucester Road frontage within "Area A" of the Site as illustrated in **Figure 1** and **Attachment 2**.

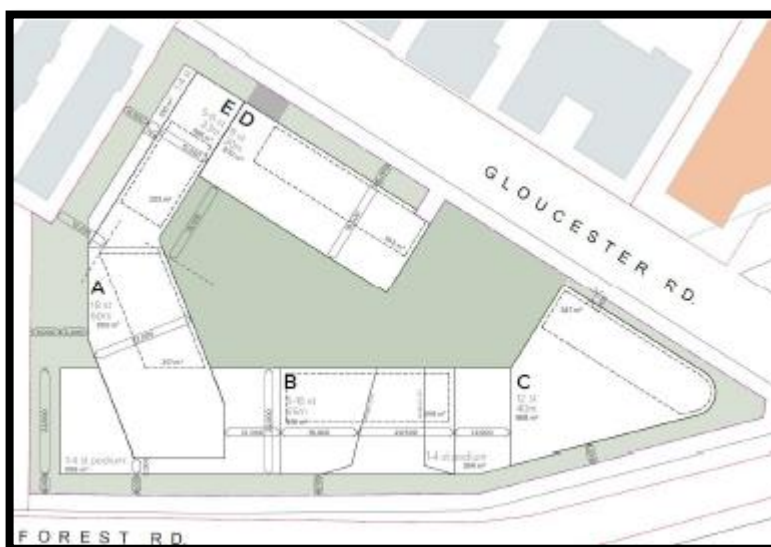


Figure 6: Building Envelope within the Site (Source: A Sutherland)

ASSESSMENT OF THE PLANNING PROPOSAL

27. The following table including Section A – E provides a detailed assessment and justification of the proposal's strategic and site-specific merit to determine whether the Planning Proposal should be supported. The table contains the 12 questions from the DPE's Local Environmental Plan Making Guideline dated December 2021 which outlines the matters for consideration when describing, evaluating, and justifying a proposal.

STRATEGIC MERIT

SECTION A – NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Proponent: Yes. This Planning Proposal is the result of an extensive master planning process for the Site with the Council since October 2015.
The purpose of the Planning Proposal is to correct an anomaly that has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of “residential flat building” on the Site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the Site.

Council: This Planning Proposal reflects the endorsed Planning Proposal (PP2015/0005) to amend the Hurstville Local Environmental Plan 2012 (HLEP 2012) to increase the FSR from 3:1 to 4:1 (including a minimum non-residential FSR of 0.5:1) and increase the maximum building height applying to the Site from 23m to a range of heights of 23m, 30m, 40m, 50m and 60m. Since the gazettal of the new controls for the Site on 12 February 2021, the HLEP 2012 has been replaced by the Georges River Local Environmental Plan 2021 (“GRLEP”). Whilst the new GRLEP maintains the same B4 Mixed Use zone for the Site, it has nonetheless made “residential flat development” a prohibited use on the Site.
The intended outcome of the Planning Proposal is to facilitate the redevelopment of the Site as envisaged by the Planning Proposal (PP2015/0005). In particular, the objective of this Planning Proposal is to allow the development of the Site as intended with ground-floor residential apartments at the northern end of the Gloucester Road frontage within “Area A” of the Site. As such, the Planning Proposal is consistent with the endorsed Planning Proposal (PP2015/0005).
Although the Planning Proposal (PP2022/0001) is not a direct result of the Georges River Local Strategic Planning Statement (GRLSPS) 2040, the Planning Proposal is consistent with the endorsed GRLSPS as it seeks to provide both residential and commercial development within the Hurstville City Centre in a Mixed Use zone.

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

Proponent: Yes. The Planning Proposal is the best and only means of achieving the objectives and intended outcomes for the Site to allow the delivery of the final concept scheme which supported the recent Planning Proposal for the Site.
In the absence of support for this Planning Proposal, the entire ground floor of the Gloucester Road frontage would be required to be commercial floorspace, which would most likely result in a dead and inactive zone in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 commercial floor space requirement.

Council: Council is satisfied the Planning Proposal represents the best means of achieving the objectives or the intended outcomes to allow the development of the Site as intended with ground-floor residential apartments at the northern end of the Gloucester Road frontage within “Area A” of the Site.

SECTION B – RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK

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)?

Proponent:

Greater Sydney Region Plan – A Metropolis of Three Cities

In March 2018 the Greater Sydney Region Plan - A Metropolis of Three Cities was released. The Plan sets a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for Greater Sydney. The vision for Greater Sydney as a metropolis of three cities — the Western Parkland City, the Central River City and the Eastern Harbour City where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The Plan sets out 10 Directions which set out the aspirations for the region and objectives to support the Directions. The 10 Directions are:

- *A City supported by infrastructure*
- *A collaborative city*
- *A city for people*
- *Housing the city*
- *A city of great places*
- *A well-connected city*
- *Jobs and skills for the city*
- *A city in its landscape*
- *An efficient city*
- *A resilient city*

The Plan provides 38 objectives concerning, Infrastructure and collaboration, Liveability, Productivity and Sustainability which are aimed at achieving the identified Directions.

The following table summarises the proposals consistency with relevant objectives of the Plan:

Objective	Comment	Consistent
4. Liveability		
Objective 10: Greater housing supply Objective 11: Housing is more diverse and affordable	<i>The Planning Proposal does not in itself result in any difference to the overall quantum of housing to be delivered as part of the redevelopment of the Site. However, it facilitates a distribution of the housing and commercial floorspace in an optimal arrangement across the Site. This is achieved by locating the commercial floor space in the best location on the Site for success being along the Forest Road frontage and the corner of the Site to Forest Road and Gloucester Road. At the same time, the proposal seeks to allow ground floor apartments at the northern end of the Gloucester Road frontage, which is more consistent with the context at this end of the Site.</i>	Yes
Objective 12: Great places that bring people together	<i>The Planning Proposal will support the development of the Site as previously envisaged with the provision of a publicly accessible pocket park towards the centre of the Site on Gloucester Road, as well as a public pedestrian underpass through-site link which connects Forest and Gloucester Roads. The communal open space will be activated by retail uses at ground level. The proposal intends to transform the existing underutilised office park into an attractive new community meeting space.</i>	Yes
5. Productivity		

Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	A central component of this objective is to co-locate activities in metropolitan, strategic and local centres and attract housing in and around centres to create walkable, cycle-friendly neighbourhoods. The Planning Proposal will support a significant quantum of new employment floor space in locations on the Site which have the greatest likelihood of success, and therefore the proposal will contribute towards the 30-minute city objective, by providing increased employment in very close proximity to an existing train station.	Yes
Objective 22: Investment and business activity in centres. Objective 24: Economic sectors are targeted for success	The Planning Proposal remains consistent with this objective as it does not seek any relief from the required minimum amount of commercial floor space, rather, it will facilitate the placement of this floor space in the optimal parts of the development where it will have the greatest likelihood of success. The Planning Proposal will facilitate the appropriate redevelopment of a site that will deliver additional employment floor space and housing within an existing centre which will promote both business activity and private sector investment within the centre providing for the growth and evolution of the centre.	Yes

South District Plan

In March 2018 the Greater Sydney Commission published the South District Plan which outlines how the Government will make decisions on public spaces, community facilities, housing, jobs, transport options, schools and hospitals to meet the needs of communities across Greater Sydney to give effect to the Greater Sydney Region Plan - A Metropolis of Three Cities.

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

The Planning Proposal will support the development of the Site as previously envisaged. In particular, the Planning Proposal will enable the delivery of the previously identified quantum of housing and commercial floorspace on the Site, albeit with an optimised distribution, and is therefore consistent with Planning Priority S5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.

Council: Council is satisfied the Planning Proposal is consistent with the objectives and actions of the Greater Sydney Region Plan and the South District Plan given that the resulting development will provide:

- Employment opportunities within the proposed commercial and retail floor space (approximately 4,620sqm); and
- Improvements to housing choice and availability in close proximity to public transport and the Hurstville City Centre which offers retail and essential services.
-

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?

Proponent:

Georges River Local Strategic Planning Statement (GRLSPS) 2040

The subject Planning Proposal is seeking an amendment to the Georges River LEP 2021 to allow the delivery of the concept which underpinned the previous Planning Proposal for the Site and now reflected in the site specific section 8.3 of the Hurstville Development Control Plan No. 2. In Council's assessment of that concept and Planning Proposal, the following was noted in the Council's Environment and Planning Committee Report dated 11 May 2020 in relation to the GRLSPS:

46. In March 2018, amendments to the Environmental Planning and Assessment Act 1979 introduced a new requirement for local councils to prepare and make a Local Strategic Planning Statement (LSPS) which will set out planning priorities which meet the community's needs, and deliver key State and regional planning objectives. The LSPS received assurance from the Greater Sydney Commission in March 2020.

47. Council's LSPS guides land use planning and the delivery of significant infrastructure for the Georges River LGA until 2040. It delivers on the NSW Government's Greater Sydney Region Plan (A Metropolis of Three Cities) and the Greater Sydney South District Plan.

48. It creates a land vision for the future of the LGA that recognises the character of its suburbs and builds on the Georges River community's social, environmental and economic values and strengths.

49. The Statement includes visions for a number of themes, one of which is Theme 3 – Housing and Neighbourhoods, which includes the ability to have access to a choice of housing types and sizes, and new high quality buildings to be concentrated in key transport nodes. Further, it also includes Theme 4 – Economy and Centres. This theme visualises appropriately zoned land for employment growth which can be supported long term.

50. The Planning Proposal is consistent with the abovementioned themes, as it seeks to provide both residential and commercial development within the Hurstville City Centre in a Mixed Use zone.'

The subject Planning Proposal is likewise consistent with the GRLSPS as it only seeks an amendment to allow the delivery of the concept already supported by Council and subsequently the Department of Planning & Environment.

Notwithstanding, further detail is provided below in relation to the consistency of the Planning Proposal with the GRLSPS.

In relation to Theme 4 Economy and Centres, the GRLSPS identifies the following in relation to future commercial activity in the Georges River local government area (emphasis added):

'As part of Greater Sydney's Eastern Harbour City, Georges River LGA is home to almost 56,000 jobs. Community surveys indicated that the number one reason for locating a business in Georges River was 'proximity to home'. Our well educated community works in knowledge intensive job sectors with an emerging presence in the health and education job sectors.

The growth, innovation and evolution of commercial centres are central to the economy of the South District and critical to achieving a well-connected 30 minute Greater Sydney. Facilitating the growth of our centres is a priority in growing the number of jobs available in Georges River.

It's forecast that between 2016-2036 employment generated within the LGA's centres is to increase by around 13,000 jobs. It is important that our centres accommodate this growth by remaining economically viable and by providing an additional 25% of employment floor space. Council will seek to facilitate this additional floor space not only through development controls, but also through the growth of the following commercial centres:

- Allawah
- Beverly Hills
- Carlton
- Hurstville
- Kingsgrove
- Kogarah
- Mortdale
- Narwee
- Oatley
- Peakhurst
- Penshurst
- Ramsgate
- Riverwood and
- South Hurstville'

The Planning Proposal is entirely consistent and aligned with the need to provide an additional 25% of employment floor space, as it does not seek any relief from the obligation to deliver a

minimum 0.5:1 FSR as commercial floorspace. Rather, it seeks flexibility to optimise the location of the commercial floorspace by not needing to locate it at the ground floor across the entire Site. This is important to provide the greatest likelihood of success of the commercial floor space.

Hurstville City Centre Urban Design Strategy (2018)

The subject Planning Proposal is seeking an amendment to the Georges River LEP 2021 to allow the delivery of the concept which underpinned the previous Planning Proposal for the Site and now reflected in the site specific section 8.3 of the Hurstville Development Control Plan No. 2. In Council's assessment of that concept and Planning Proposal, the following was noted in the Council's Environment and Planning Committee Report dated 11 May 2020 in relation to the Hurstville City Centre Urban Design Strategy (2018):

'42. The Hurstville City Centre Urban Design Strategy was endorsed by Council at its meeting dated 25 June 2018 as a strategic planning document which informs the review and update of existing development standards within the Hurstville City Centre.

43. The site is located in the City West Transition Area character precinct. The Strategy identifies that the area is well planted with mature street trees and creates a green gateway to the Centre when entering from King Georges Road.

44. The Strategy acknowledges that the site is subject to a current Planning Proposal and recommends that the HLEP 2012 is amended to increase the height of the sub-block 2D (the subject site) from 23m to 60m at the western end of the site, stepping down to 40m at the eastern end.

45. The Planning Proposal is consistent with the overall maximum building height identified by the Strategy and retains the existing landscaped character of the City West Transition Area character precinct.'

The subject Planning Proposal is likewise consistent with the Hurstville City Centre Urban Design Strategy (2018) as it only seeks an amendment to allow the delivery of the concept already supported by Council and subsequently the Department of Planning & Environment.

The Site is specifically identified as being located within the City West Transition Area character precinct. and is not a core business location and so there is a reduced basis for ground floor commercial use across the entire Site. Furthermore, the northern end of the Gloucester Road frontage is on the peripheral of the B4 Mixed Use zoned land and is also directly opposite and adjacent to R4 High Density Residential zoned land and is a fundamentally residential context where ground floor residential use is more appropriate and consistent with the immediate Site context at this end of the Site.

The Planning Proposal is consistent with the Hurstville City Centre Urban Design Strategy (2018).

Commercial Centres Strategy

On 24 February 2020, Council adopted the Commercial Centres Strategy Part 1 Centres Analysis to inform the preparation of GRLEP 2021 and its development control plan.

From the evidence findings and community consultation, the Strategy identifies a number of issues that need to be addressed to ensure the continued growth and ongoing viability of the LGA's centres. In particular, the Strategy is particularly focused on the provision of sufficient employment floor space to support ongoing employment growth across the LGA.

The subject Planning Proposal seeks no change to the minimum commercial FSR which applies to the Site. In fact, the Planning Proposal is in complete alignment with the Strategies' concern with the provision of sufficient employment floorspace, because it seeks flexibility to deliver the required commercial floor space in the most optimal locations on the Site which have the greatest likelihood of success.

In the absence of support for this Planning Proposal, and the entire ground floor of the Gloucester Road frontage would be required to be commercial floorspace, most likely resulting in a dead and inactive zone in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 FSR commercial floor space requirement.

Georges River Local Housing Strategy

The Georges River Local Housing Strategy (Strategy) sets out the strategic direction for housing in the Georges River Local Government Area (LGA) over the next 20 years. It identifies the housing demand, gaps and issues, and establishes housing objectives to manage future growth. The Strategy provides that the population of the LGA is projected to increase from 156,293 in 2017 to approximately 185,000 by 2036, resulting in the need for approximately an additional 14,000 dwellings by 2036. The Strategy further provides that under the existing planning controls, major development applications and planning proposals under assessment, approximately an

additional 12,000 dwellings can be provided, which results in a shortfall of approximately 2,000 dwellings that will need to be provided by 2036. To address this shortfall, the Strategy commits to providing the capacity for an additional 2,000 dwellings in the next 20 years.

The Housing Survey which was undertaken in the preparation of the Strategy identifies that the Georges River community values a home that is close to public transport, shops, services and open space.

The subject Planning Proposal is not of direct relevance in relation to the Strategy. In the event that the Planning Proposal did not proceed, this would require a redistribution of the residential and commercial floorspace within the development, rather than any change to the quantum of dwellings to be delivered on the Site. The consequence of a redistribution of the commercial floorspace to the ground floor along Gloucester Street instead of apartments would be an adverse impact to the success of the commercial floorspace.

Council: Council is satisfied the Planning Proposal is consistent with Council's LSPS and other local strategies or local strategic plans.

The Planning Proposal will provide approximately 400 new apartment dwellings. The Site is suitable for this increase in dwellings as it is located within the Hurstville Strategic Centre, close to jobs and public transport (Hurstville Railway Station and bus interchange) with frequent services capable of moving large numbers of people. Housing choices to suit different needs and lifestyles will be provided with a range of apartment sizes to meet the community's needs and deliver key State and regional planning objectives.

Housing in close proximity to a range of regional public transport services will assist in meeting the 30-minute job access target. It is noted that the Site is located well within the walkable catchments of the following transport hubs:

- 550m walking distance from the Hurstville bus interchange;
- 550m walking distance from the Hurstville Railway Station; and
- 1,000m walking distance from the Penshurst Railway Station.

Furthermore, the proposal does not preclude the development of the Hurstville CBD commercial core. Instead, it intends to generate additional demand for local services through the introduction of 400 new dwellings and provides contemporary street-based economic activity on Forest Road. While the proposed redevelopment reduces the amount of commercial floor space offered by the existing development, the current office facilities are redundant with poor economic prospects as demonstrated by an approximately 77% vacancy rate. Health, education, knowledge and professional services as well as tourism are recognised sectors of future employment growth. The Site is outside the commercial core of the Hurstville CBD and is, therefore, better suited for personal and professional services with different and more flexible accommodation needs.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Proponent:

The subject Planning Proposal seeks no change to the quantum of commercial and residential floor space to be delivered across the Site, and instead seeks flexibility to deliver the required commercial floor space in the most optimal locations on the Site which have the greatest likelihood of success. Furthermore, the Planning Proposal will allow the location of ground floor apartments at the northern end of the Gloucester Road frontage where the immediate context is residential rather than commercial.

Accordingly, the nature of the Planning Proposal is of no consequence in relation to State and regional studies or strategies.

Council: There are no other State and regional studies or strategies applicable.

6. Is the planning proposal consistent with applicable SEPPs?

Proponent:

The Planning Proposal is consistent with all relevant State Environmental Planning Policies as summarised

in the following table:

SEPP	Comment	Consistent
<i>State Environmental Planning Policy – (Transport and Infrastructure) 2021</i>	<i>The aim of SEPP Transport and Infrastructure is to facilitate the effective delivery of infrastructure across the State. Detailed compliance with SEPP Transport and Infrastructure will need to be demonstrated in the development application. The proposed amendment does not alter the required mix of uses and minimum 0.5:1 FSR commercial component.</i>	Yes
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	<i>Chapter 4 Remediation of Land under State Environmental Planning Policy (Resilience and Hazards) 2021 is relevant to the Planning Proposal. The Planning Proposal does not contain provisions that will contradict or hinder the application of this SEPP. The Site's historical use was for commercial purposes and the proposed use will comprise of retail / commercial purposes with residential above.</i>	Yes
<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>	<i>The aim of SEPP BASIX is to encourage sustainable residential development. The future redevelopment of the Site for a residential flat building would be capable of complying with BASIX. Detailed compliance with BASIX will be demonstrated at the time of making an application for development.</i>	Yes
<i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</i>	<i>SEPP 65 aims to improve the design quality of residential flat developments, provide sustainable housing in social and environmental terms that is a long-term asset to the community and delivers better built form outcomes. The future redevelopment of the Site for a residential flat building would be capable of complying with SEPP 65. Detailed compliance with SEPP 65 will be demonstrated within the development application.</i>	Yes
<i>State Environmental Planning Policy (Housing) 2021</i>	<i>SEPP Housing aims to enable the development of diverse housing types, including purpose-built rental housing. Many of the forms of development provided under SEPP Housing such as co-living housing rely on a residential flat building or shop top housing being a permissible form of development. The Planning Proposal is not of any consequence as shop top housing is already a permissible use on the subject Site, and it is noted that boarding house is also already a permissible use on the Site.</i>	Yes
<i>State Environmental Planning Policy (Primary Production) 2021</i>	<i>SEPP Primary Production aims to facilitate the orderly economic use and development of lands for primary production. The Site does not currently comprise agricultural land, nor will the subject Planning Proposal make it possible to be used for primary production and so the Planning Proposal is of no consequence in relation to this SEPP.</i>	N/A

State Environmental Planning Policy (Biodiversity and Conservation) 2021	SEPP Biodiversity and Conservation aims to protect the biodiversity values of trees and other vegetation and includes provisions in relation to vegetation clearing and is predominantly aimed at providing controls in relation to vegetation in rural settings. The non-rural controls apply to the subject Site irrespective of the subject Planning Proposal, which is of no consequence in relation to this SEPP.	N/A
State Environmental Planning Policy (Industry and Employment) 2021	SEPP Industry and Employment includes provisions in relation to the western Sydney employment area, as well as controls relating to signage. The subject Site is not located within the western Sydney employment area and so this component of the SEPP is irrelevant for the purpose of the subject Planning Proposal. Any signage proposed as part of a development application will be assessed at the development application stage.	Yes
State Environmental Planning Policy (Planning Systems) 2021	SEPP Planning Systems comprises provisions which identify State and regional development, development on Aboriginal land, and concurrences required. These provisions are not of direct relevance to the subject Planning Proposal, however, may be relevant to future development applications made possible as a result of the Planning Proposal.	Yes
State Environmental Planning Policy (Exempt and Development Codes) 2008	SEPP Codes provides a range of exempt and complying development. The subject Planning Proposal is not of any consequence in relation to SEPP Codes.	Yes

Council: Council is satisfied the Planning Proposal is consistent with the requirements of the relevant SEPPs.

7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

Proponent:

The following table summarises the Planning Proposal's consistency with applicable Ministerial Directions:

9.1 Direction No. and Title	Comment	Consistent
<i>Focus Area 1: Planning Systems</i>		
1.1 Implementation of Regional Plans	This direction applies to land to which a Regional Plan has been released by the Minister for Planning. No specific regional plan applies to the Site.	N/A
1.2 Development of the Aboriginal Land Council	Not Applicable	N/A
1.3 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. In accordance with the direction the Proposal does	Yes

		<i>not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. Further the Proposal does not identify future development on the Site as designated development.</i>	
1.4 Site Specific Provisions		<p><i>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The direction applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out.</i></p> <p><i>In this instance, the Planning Proposal seeks an additional permitted use in Schedule 1 of the GRLEP in order to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of “residential flat building” on the Site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the Site.</i></p>	Yes
Focus Area 1: Place Based			
1.5 Parramatta Road Corridor Urban Transformation Strategy		Not Applicable	N/A
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan		Not Applicable	N/A
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan		Not Applicable	N/A
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan		Not Applicable	N/A
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor		Not Applicable	N/A
1.10 Implementation of the Western Sydney Aerotropolis Plan		Not Applicable	N/A
1.11 Implementation		Not Applicable	N/A

<i>of Bayside West Precincts 2036 Plan</i>		
<i>1.12 Implementation of Planning Principles for the Cooks Cove Precinct</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>1.13 Implementation of St Leonards and Crows Nest 2036 Plan</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>1.14 Implementation of Greater Macarthur 2040</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>1.15 Implementation of the Pyrmont Peninsula Place Strategy</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>1.16 North West Rail Link Corridor Strategy</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>1.17 Implementation of the Bays West Place Strategy</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>Focus area 3: Biodiversity and Conservation</i>		
<i>3.1 Conservation Zones</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>3.2 Heritage Conservation</i>	<i>The Site is not an identified heritage item or within a conservation area. The Site is not located within the immediate vicinity of any heritage items.</i>	<i>N/A</i>
<i>3.3 Sydney Drinking Water Catchments</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>3.5 Recreation Vehicle Areas</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>Focus area 4: Resilience and Hazards</i>		
<i>4.1 Flooding</i>	<i>The Site is not flood affected.</i>	<i>N/A</i>
<i>4.2 Coastal</i>	<i>Not Applicable</i>	<i>N/A</i>

<i>Management</i>		
<i>4.3 Planning for Bushfire Protection</i>	<i>The Site is not identified as Bushfire Prone Land nor is it located in close proximity to land mapped as bushfire prone land.</i>	N/A
<i>4.4 Remediation of Contaminated Land</i>	<i>Not Applicable</i>	N/A
<i>4.5 Acid Sulfate Soils</i>	<i>The Site is not identified as Class 1, 2, 3, 4 or 5 land on the Acid Sulfate Soil Map. Accordingly, this Direction is not applicable to the Proposal.</i>	N/A
<i>4.6 Mine Subsidence and Unstable Land</i>	<i>Not Applicable</i>	N/A
<i>Focus area 5: Transport and Infrastructure</i>		
<i>5.1 Integrating Land Use and Transport</i>	<i>The Planning Proposal will enable a quantum of residential as previously envisaged for the Site, in close proximity to jobs and services, thereby encouraging walking, cycling and use of public transport.</i>	Yes
<i>5.2 Reserving Land for Public Purposes</i>	<i>Not Applicable</i>	N/A
<i>5.3 Development Near Regulated Airports and Defence Airfields</i>	<i>Not Applicable</i>	N/A
<i>5.4 Shooting Ranges</i>	<i>Not Applicable</i>	N/A
<i>Focus area 6: Housing</i>		
<i>6.1 Residential Zones</i>	<i>Whilst the Site is not a residential zone, it nonetheless permits residential accommodation in the form of shop-top housing development. The purpose of the Planning Proposal is to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of “residential flat building” on the Site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the Site.</i>	Yes
<i>6.2 Caravan Parks and Manufactured Home Estates</i>	<i>Not Applicable</i>	N/A
<i>Focus area 7: Industry and Employment</i>		
<i>7.1 Business and Industrial Zones</i>	<i>The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and</i>	Yes

	<i>industrial zones, and (c) support the viability of identified strategic Centres. The proposal remains consistent with the Direction as it does not reduce the required minimum 0.5:1 non-residential floor space on the Site.</i>	
<i>7.2 Reduction in non-hosted short-term rental accommodation period</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>Focus area 8: Resources and Energy</i>		
<i>8.1 Mining, Petroleum Production and Extractive Industries</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>Focus area 9: Primary Production</i>		
<i>9.1 Rural Zones</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>9.2 Rural Lands</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>9.3 Oyster Aquaculture</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>9.4 Farmland of State and Regional Significance on the NSW Far North Coast</i>	<i>Not Applicable</i>	<i>N/A</i>
<p>Council: Council is satisfied the Planning Proposal is consistent with the relevant Directions.</p> <p>With respect to Direction 1.4 Site Specific Provisions, the Planning Proposal seeks to correct an anomaly which occurred upon gazettal of the GRLEP to allow a residential flat building on the Site. The Planning Proposal does not seek to amend the B4 Mixed Use zoning, floor space ratio (FSR), height or any other LEP (Local Environmental Plan) provisions except Clause 6.13 Development in certain business zones relating to the Site. Therefore, the inconsistency with Direction 1.4 is considered of minor significance.</p>		
Site-Specific Merit		

Section C – ENVIRONMENTAL, SOCIAL AND ECONOMIC

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

Proponent: *The Planning Proposal will not adversely impact any critical habitat, threatened species, populations or ecological communities, or their habitats.*

Council: No critical habitat or threatened species, populations or ecological communities, or their habitats have been identified within the Site and surroundings.

9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Proponent: *There are no environmental effects envisaged as a result of the Planning Proposal.*

Council: There are no adverse environmental effects resulting from the Planning Proposal given the nature of the Planning Proposal. The environmental impacts from the development will be dealt with during the assessment of the development application.

10. Has the Planning Proposal adequately addressed any social and economic effects?

Proponent:
The Planning Proposal seeks to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of “residential flat building” on the Site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the Site. The Planning Proposal will facilitate a positive economic and social outcome as it will provide flexibility to distribute the required commercial floor space to the most optimal locations on the Site to provide the greatest likelihood of success of the commercial floor space. The success of the commercial component of the development is important because it will contribute to the growth of the local economy and also towards job creation. The proposal will avoid the need to deliver retail or business floor space in areas of the Site where it will not be viable to lease or sell this type of floor space. The Planning Proposal does not alter the delivery of 0.5:1 FSR commercial floorspace.

Council: The social and economic impacts from the development were assessed under the Planning Proposal (PP2015/0005). The Planning Proposal is consistent with Council’s endorsed LSPS that creates a land use vision for the future of the LGA that recognises the character of its suburbs and builds on the Georges River community’s social, environmental and economic values and strengths, as it seeks to provide both residential and commercial development within the Hurstville City Centre in a Mixed Use zone.

Section D – Infrastructure (Local, State and Commonwealth)

11. Is there adequate public infrastructure for the Planning Proposal?

Proponent:

Required electricity, telecommunication, gas, water, sewer and drainage services are available to the Site.

The Site is well served by public transport infrastructure in that the Site is within walking distance of the Hurstville train station and numerous bus services.

The demand for public infrastructure required for any future development of the Site will be appropriately considered during the assessment of a development application for any such proposal.

Council: Council is satisfied the existing infrastructure is adequate to serve the needs of the proposal given the Planning Proposal is consistent with the endorsed Planning Proposal (PP2015/0005). Furthermore, Section 7.11 Local Infrastructure Contributions will be levied on any development consent issued for the development.

Section E – State and Commonwealth Interests

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

Proponent: *Relevant public authorities will be consulted following the Gateway Determination.*

Council: No public authorities were required to be consulted as part of the Gateway Determination. Consultation was carried out under the original Planning Proposal (PP2015/0005). This current Planning Proposal allows for a residential flat building on part of the Site on Gloucester Road, as envisaged by the endorsed Planning Proposal (PP2015/0005), in a location adjoining other residential flat buildings.

SUMMARY OF ASSESSMENT

28. The Planning Proposal (PP2022/0001) seeks to amend Schedule 1 of the GRLEP to:
 - 1) introduce “residential flat building” as an additional permitted use on "Area A" of the Site (being Part Lot 30 DP785238); and
 - 2) exclude the application of Clause 6.13 Development in certain business zones from "Area A" of the Site (being Part Lot 30 DP785238).
29. The PP does not seek to amend the B4 Mixed Use zoning, FSR, height or any other LEP (Local Environmental Plan) provisions except Clause 6.13 Development in certain business zones relating to the Site.
30. The PP is to correct an anomaly that occurred upon the gazettal of the GRLEP, following the gazettal of the controls proposed by the Planning Proposal (PP2015/0005) for the Site to amend the HLEP 2012. The intended outcome of this PP is to facilitate the redevelopment of the Site as envisaged by PP2015/0005, in particular, to allow a residential flat building with ground floor residential apartments at the northern end of the Gloucester Road frontage within "Area A" of the Site – being Part Lot 30 DP785238.
31. The PP meets both the strategic and site-specific merit tests that are outlined in the DPE's *Local Environmental Plan Making Guideline* dated December 2021.

32. In terms of Strategic Merit, the proposal:
- a. Gives effect to the Greater Sydney Region Plan and the South District Plan given that the resulting development will provide:
 - i) Increased employment opportunities within the proposed commercial and retail floor space (approximately 4,620sqm);
 - ii) Improvements to housing choice and availability in close proximity to public transport and the Hurstville City Centre which offers retail and essential services.
 - b. Is consistent with the endorsed Georges River LSPS as it seeks to provide both residential and commercial development within the Hurstville City Centre in a Mixed Use zone.
 - c. Will provide a street form and land use that is consistent with the existing residential flat building development on Gloucester Road.
33. In terms of Site-specific Merit, the proposal:
- a. Seeks to correct an anomaly that occurred upon the gazettal of the GRLEP to allow a residential flat building on the Site.
 - b. Does not adversely affect critical habitats or threatened species, populations or ecological communities or their habitats.
 - c. Will not sterilise the Site. The Site can be developed and is currently the subject of a development application.
 - d. Will comply with the non-residential requirement in the GRLEP for the Site which is 0.5:1.
 - e. Will create a sympathetic and consistent residential and land use built form with the adjoining residential development on Gloucester Road.

VOLUNTARY PLANNING AGREEMENT

34. The previous PP (PP2015/0005) was supported by a Voluntary Planning Agreement which requires the developer to pay a monetary contribution of \$3,619,308 to the Council for the provision of public facilities in the Council's area, including public infrastructure, amenities and services, public domain and public road infrastructure, and key traffic and road infrastructure in the Hurstville City Centre. The Voluntary Planning Agreement has been executed and the contribution paid to Council.

PUBLIC EXHIBITION OF THE PLANNING PROPOSAL

35. The PP and supporting documentation were placed on public exhibition for a period exceeding 28 days, from 31 August 2022 to 28 September 2022. The notification for the public exhibition included the following:
- i. 706 letters sent to adjoining landowners and affected landowners advising of the PP being placed on public exhibition;
 - ii. Advertisements in the St George and Sutherland Shire Leader Newspaper (31 August 2022, 7 September 2022, and 14 September 2022);
 - iii. Dedicated page on Council's Your Say website;
 - iv. Displays in Council's Customer Service Centres and libraries;
 - v. Facebook and Instagram posts; and
 - vi. Availability of telephone and face to face contact with planning officers.

36. During the exhibition, a total of six (6) submissions were received from the community. Of the submissions, four (4) objected to the PP and two (2) supported the PP. Matters raised in the submissions related to replacing employment with additional residential development in Hurstville, inconsistency with Council's GRLEP, developer's profit, desire for social housing, the proposed open space, and impact on foliage and birds.
37. A breakdown of submissions by position is provided in **Table 1** below:

Table 1 – Breakdown of Submissions by Position

Position on Proposal	Number	Percent
Support	2	33%
Objects	4	67%

COMMUNITY SUBMISSIONS

38. A detailed summary of the matters raised in the community submissions, Council's responses and recommendations is provided in **Table 2** below:

Table 2 – Summary of Submissions

No	Record No, Date received and submitter	Objects/ Supports	Summary of Submission	Council Response	Recommendation
1	D22/194117 1/9/2022 Resident from Mortdale	Objects	Concern was raised in relation to replacing an employment site with additional residential development in Hurstville. The submitter suggested the original controls should remain.	The issue raised in the submission is noted. Issue: Replacing an employment site with additional residential development The previous PP (PP2015/0005) was endorsed by Council to amend the HLEP 2012 to increase the FSR from 3:1 to 4:1 (including a minimum non-residential FSR of 0.5:1) and increase the maximum building height applying to the Site from 23m to a range of heights of 23m, 30m, 40m, 55m and 60m. Since the gazettal of the new controls for the Site, the HLEP 2012 has been replaced by the GRLEP. Whilst the new GRLEP maintains the same B4 Mixed	No change to the PP

No	Record No, Date received and submitter	Objects/ Supports	Summary of Submission	Council Response	Recommendation
				<p>Use zone for the Site, it has nonetheless made “residential flat development” a prohibited use. In addition, one of the objectives of Clause 6.13 Development in certain business zones, which applies to the B4 Mixed Use zone, is ‘to maintain existing, and encourage additional, non-residential uses along ground floor street frontages’.</p> <p>This PP (PP2022/0001) is to correct the anomaly that occurred upon the gazettal of the GRLEP. It does not seek to amend the B4 Mixed Use zoning, FSR, or height controls, including the non-residential requirement of 0.5:1 relating to the Site.</p>	
2	<p>D22/205222</p> <p>15/9/2022</p> <p>Resident from Oatley</p>	Supports	Brief comment expressing support for the PP.	Support for the PP is noted.	No change to the PP
3	<p>D22/205349</p> <p>15/9/2022</p> <p>Resident from Peakhurst</p>	Objects	This development goes against both the spirit and the words of the GRLEP. The PP will set a precedent for future developments.	<p>The issues raised in the submission are noted.</p> <p>Issue: Inconsistency with the GRLEP</p> <p>The PP has demonstrated strategic and site-</p>	No change to the PP

No	Record No, Date received and submitter	Objects/ Supports	Summary of Submission	Council Response	Recommendation
			Maximising profit is the developer's only guiding principle.	specific merit and is supported. Issue: Maximising profit The developer's profit is not a planning issue for consideration.	
4	D22/210530 23/9/2022 Resident from Hurstville	Supports	Supports the proposed change. Would like to see social housing provided on the Site and adjoining sites fronting Forest Road.	Support for the PP is noted. Preference for social housing is also noted. However, social housing has not been proposed by the proponent as part of this PP (PP2022/0001). Furthermore Council does not have the planning framework in place to accept affordable housing as it needs to prepare an Affordable Housing Contributions Scheme (AHCS); amend its Planning Agreement Policy to comply with the Environmental Planning and Assessment (Planning Agreements) Direction 2019 issued 28 February 2019 by the Minister for Planning which imposes preconditions and mandatory considerations for a council to take into account prior to entry into a VPA for Affordable Housing;	No change to the PP

No	Record No, Date received and submitter	Objects/ Supports	Summary of Submission	Council Response	Recommendation
				and amend the GRLEP to reference the AHCS.	
5	D22/214498 27/9/2022 Unknown	Objects	The central open space proposed will have poor solar access and be windy as it will be surrounded by tall buildings.	The issues raised in the submissions are noted. The previous PP (PP2015/0005) required site specific controls in the DCP which were endorsed by Council and are in effect.	No change to the PP
And 6	And D22/217416 30/9/2022 Unknown		The density and maturity of foliage will be impacted, affecting the birds in this area.	The DCP includes requirements for the landscaped communal open space, including its location, size and solar access. The DCP also includes tree retention controls. All existing street trees on Gloucester Road as well as significant clusters of existing mature trees on Forest Road are required to be retained. Furthermore, the green oasis character of the site will be enhanced by an additional row of street trees on Forest Road to create a tunnel-like canopy over the pedestrian footpath. The overall surplus of ground level canopy cover provided by the proposal is considered to be an appropriate response	

ENV031-22

No	Record No, Date received and submitter	Objects/ Supports	Summary of Submission	Council Response	Recommendation
				to the conservation of this landscaped entry into Hurstville and positively enhances the existing character of the locality.	

39. In summary, no changes are recommended to the PP as a result of the community submissions.
40. Acknowledgement letters were sent to all submission authors advising them the date of this report to be considered by the Environment and Planning Committee.

CONCLUSION AND NEXT STEPS

41. Council exhibited the PP for a period exceeding 28 days, from Wednesday 31 August 2022 to Wednesday 28 September 2022, during which a total of six (6) submissions were received from the community. Of the submissions, four (4) objected to the PP and two (2) supported the PP.
42. No changes are recommended to the exhibited PP as a result of the community submissions.
43. It is recommended that Council adopt the proposed amendments to the GRLEP 2021 as exhibited in relation to land located at 9 Gloucester Road, Hurstville (Lot 30 DP785238) and forward the PP for gazettal to the Department of Planning and Environment (DPE) in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

INDICATIVE PROJECT TIMELINE

44. Subject to Council endorsement of the PP for forwarding to the DPE for finalisation, the anticipated next steps are included in **Table 3** below:

Table 3 – Anticipated Project Timeline for Completion of the Planning Proposal

Task	Anticipated Timeframe
Report to Council on public exhibition and finalisation of the Planning Proposal	October 2022
Submission to the Department to finalise the LEP	November 2022
Anticipated date for notification/gazettal	November/December 2022 *(Subject to DPE time frames) *

45. It is noted that the Gateway Determination requires the PP to be completed within 6 months from 5 August 2022, the date of the Gateway Determination.

FINANCIAL IMPLICATIONS

46. No budget impact for this report.

RISK IMPLICATIONS

47. No risks identified.




COMMUNITY ENGAGEMENT

48. The PP and supporting documentation were placed on public exhibition for a period exceeding 28 days, from 31 August to 28 September 2022.

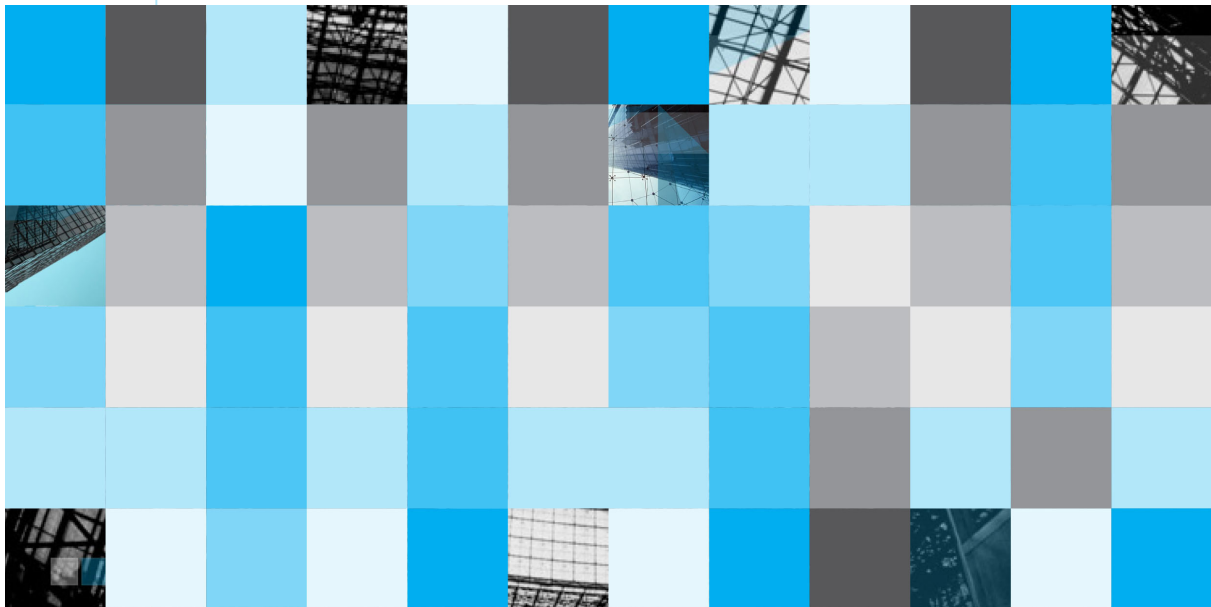
FILE REFERENCE

PP2022/0001

ATTACHMENTS

- Attachment [↓1](#)  Planning Proposal - 9 Gloucester Road Hurstville
- Attachment [↓2](#)  Map of 'Area A' of the Site
- Attachment [↓3](#)  Gateway Determination - 9 Gloucester Road Hurstville

**SUTHERLAND
& ASSOCIATES
PLANNING**



9 Gloucester Road, Hurstville

Planning Proposal

SUTHERLAND & ASSOCIATES PLANNING

ABN 14 118 321 793 ACN 144 979 564

Planning Proposal

9 GLOUCESTER ROAD, HURSTVILLE

August 2022

Prepared under instructions from
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1.0 EXECUTIVE SUMMARY

This Planning Proposal has been prepared by Sutherland & Associates Planning Pty Ltd on behalf of GTB Hurstville Pty Ltd in relation to the site known as 9 Gloucester Road, Hurstville.

The site has been the subject of an extensive master planning process since 2015. The master planning process informed a Planning Proposal for new planning controls which were implemented as changes to the height and FSR controls in the Hurstville Local Environmental Plan 2012 as well as a site specific section 8.3 of the Hurstville Development Control Plan No. 2. The concept prepared for the site by Turner architects which formed the basis of the Planning Proposal included a residential flat building at the northern end of the site on Gloucester Road, as well as 0.5:1 commercial component along the Forest Road frontage and also the corner of Forest Road and Gloucester Road.

However, since gazettal of the new controls for the site, the Hurstville Local Environmental Plan 2012 has been replaced by the Georges River Local Environmental Plan (GRLEP) 2021. Whilst the new GRLEP maintains the same B4 Mixed Use zone for the site, it has nonetheless made "residential flat development" a prohibited use on the site.

This results in an adverse outcome because it will prevent the distribution of the required quantum of commercial floor space to the most optimal and appropriate parts of the site, and instead would require commercial floor space to be relocated to the ground floor along the entire of the Gloucester Road frontage of the site. This is contrary to the concept and vision that underpinned the recent site specific Planning Proposal for the site.

It is appropriate to allow ground floor apartments along the northern end of the Gloucester Road frontage for the following reasons:

- At a macro level, the subject site is in a transition area and is not a core business location and so there is a reduced basis for ground floor commercial use across the entire site.
- At a micro level, the northern end of the Gloucester Road frontage is on the peripheral of the B4 Mixed Use zoned land and is also directly opposite and adjacent to R4 High Density Residentially zoned land and is a fundamentally residential context where ground floor residential use is more appropriate and consistent with the immediate site context at this end of the site.
- The Planning Proposal does not seek any relief from the requirement to provide a minimum 0.5:1 commercial component and instead is intended to provide flexibility to deliver this commercial floorspace in the most optimal parts of the site which is important to ensure the success of the development and maximise its potential for job creation.

In order to allow the development of the site as intended with ground floor residential apartments at the northern end of the Gloucester Road frontage, this Planning Proposal seeks to amend Schedule 1 of the Georges River Local Environmental Plan 2021 to:

- introduce "residential flat building" as an additional permitted use on "Area A" of the site, and
- exclude the application of Clause 6.13 from "Area A".

The proposed additional permitted use has strategic and site merit as it is based upon the principles established for the site under the recent Planning Proposal.

In the absence of support for this Planning Proposal and the entire ground floor of the Gloucester Road frontage is required to be commercial floorspace, this will most likely result in a dead and inactive zone in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 commercial floor space requirement.

The Planning Proposal has been prepared in accordance with section 3.33 of the Environmental Planning & Assessment Act 1979 (EP&A Act). As required by section 3.33 of the EP&A Act this Planning Proposal includes the following:

- a statement of the objectives or intended outcomes of the proposed instrument,
- an explanation of the provisions that are to be included in the proposed instrument,
- the justification for those objectives, outcomes and provision and the process for their implementation,
- if maps are to be adopted by the proposed instrument – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument, and
- details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

The Planning Proposal has also been prepared having regard to the 'Local Environmental Plan Making Guideline – December 2021' developed by the NSW Department of Planning and Environment. The report addresses the Proposal's consistency with Greater Sydney Region Plan - A Metropolis of Three Cities, the South District Plan, strategic plans and assesses the consistency of the Planning Proposal against relevant State Environmental Planning Policies and Ministerial Directions.

2.0 SITE DESCRIPTION AND LOCATION

2.1 Locality Description

The site is located within the Hurstville City Centre, the main centre for the southern Sydney region and is 15 kilometres south west of the Sydney CBD and 7 kilometres from Kingsford-Smith International Airport and Port Botany. The centre has close access to the M5, is focused around Hurstville Railway Station and forms the main centre along the Illawarra railway line.

The locality statement for the site in Section 8.3.2.1 of the Hurstville Development Control Plan No. 2 – Hurstville City Centre states:

The site is located within the Hurstville City Centre, bounded by Gloucester and Forest Roads to its north and south. The site is currently zoned B4 Mixed Use, which facilitates a variety of uses including commercial, which is present on the Site. Its immediate context comprises of a public car park and a service station on the north-east and various commercial premises along Forest Road on the south. The site is well planted with mature street trees, creating a green gateway to the Centre when entering via King Georges Road. The new development needs to provide a range of flexible commercial floor space, contribute to the public domain and maintain the amenity of adjoining residential land uses.

The location of the site is illustrated in Figure 1 below.

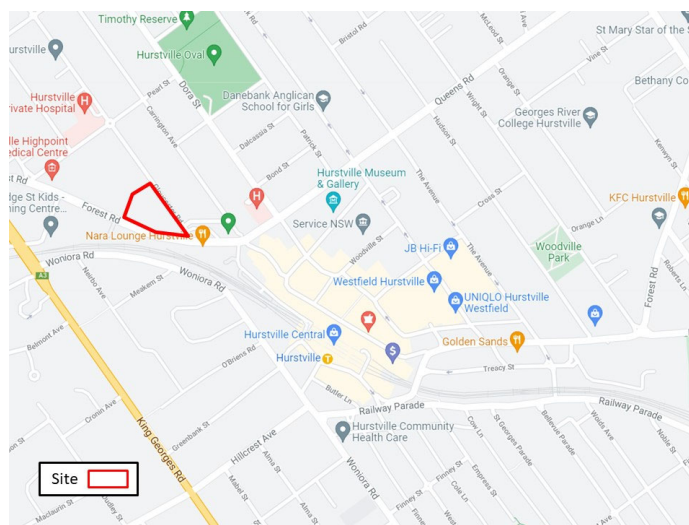


Figure 1:

Site Location:
(Source:
Google Maps)

2.2 Site Description

The site comprises a single allotment and is legally described as Lot 30 in DP 785238 and is commonly known as 9 Gloucester Road, Hurstville. The site is also sometimes referred to as 420 Forest Road, Hurstville.

The site is triangular in shape and bound by Gloucester and Forest Roads to its north and south which intersect at its most eastern point in a spayed corner. The site has a 148.7 metre frontage to Gloucester Road, a 158.3 metre frontage to Forest Road, and staggered north-western boundary of a 108.5 metre. The site has a total area of 9,240 square metres.

The highest point of the site is the western end of the Forest Road frontage with an RL of 65.4m, with a fall of approximately 4 metres to the south-eastern corner of the site. There is also a cross fall from Forest Road through to Gloucester Street at the north-western end of the site of approximately 4 metres, whilst the fall along Gloucester Road from west to east is more moderate and approximately 0.5 metre.

The site is currently occupied by three commercial buildings between two and four storeys in height in an 'office park' configuration of buildings with an indirect relationship with the adjoining public domain and a partially exposed one level basement car park. Vehicular access is provided from Gloucester Road and there is a through-site link from Forest Road to Gloucester Road.



Figure 2:

Aerial view of the site (Source: Six Maps, Department of Lands 2020)



Photograph 1:

The northern end of the
Gloucester Road
frontage of the site



Photograph 2:

The existing vehicular
access from Gloucester
Road



Photograph 3:

The eastern end of the
Gloucester Road
frontage of the site
facing west

Photograph 4:

Corner of site to Forest
Road and Gloucester
Road



Photograph 5:

The eastern end of the
Forest Road frontage
of the site



Photograph 6:

Forest Road frontage of
site





Photograph 7:

The western end of the
Forest Road frontage
of the site

3.0 BACKGROUND

3.1 9 Gloucester Road - First Planning Proposal

In October 2015, a request to prepare a Planning Proposal for the site was lodged with Council.

A rigorous assessment of the masterplan which informed the Planning Proposal was undertaken by Council, which led to a range of subsequent amendments. Following this, at its meeting on 27 August 2018, Council resolved to endorse the amended Planning Proposal to be forwarded to the Department of Planning and Environment for a Gateway Determination, seeking to amend the Hurstville Local Environmental Plan 2012 (HLEP 2012) to increase the FSR from 3:1 to 4:1 (including a minimum non-residential FSR of 0.5:1) and increase the maximum building height applying to the site from 23m to a range of heights of 23m, 30m, 40m, 50m and 60m. A Gateway Determination to publicly exhibit the Planning Proposal was issued by the Department on 26 February 2019.

However, Council's resolution contained a numerical error relating to the proposed height and so at its meeting on 24 June 2019, Council resolved to endorse an amended Planning Proposal and supporting documentation, including the correct height range and extension of timing to complete the amendment to the LEP is to be forwarded to the Department of Planning and Environment for their endorsement and approval to publicly exhibit.

The Planning Proposal and draft DCP were publicly exhibited in January and February 2020. The Planning Proposal sought to:

- Increase height from 23m to a range of heights of 23m, 30m, 40m, 55m and 60m.
- Increase FSR from 3:1 to 4:1 including a minimum non-residential FSR of 0.5:1.

The concept scheme which supported the Planning Proposal is illustrated in Figure 3 below and comprised a mixed use component (commercial and residential flat building) at the northern end of the site with ground floor apartments and a shop top housing component at the southern end of the site.

The configuration of the masterplan design comprised a perimeter block form of development with buildings ranging in height from 4 to 18 storeys as follows

- Building A – 4 to 18 storeys (60m)
- Building B – 4 to 16 storeys (55m)
- Building C – 12 storeys (40m)
- Building D – 8 storeys (30m)
- Building E – 4 to 6 storeys (23m)

The Planning Proposal was also supported by a Voluntary Planning Agreement which requires the developer to pay a monetary contribution of \$3,619,308 to Council for the provision of public facilities in the Council's area, including public infrastructure, amenities and services, public domain and public road infrastructure, and key traffic and road infrastructure in the Hurstville City Centre. The Voluntary Planning Agreement has been executed.

In conclusion, the subject site has been the subject of an extensive masterplanning process since 2015 which informed a Planning Proposal for new planning controls which were implemented as changes to the Hurstville Local Environmental Plan 2012 and the Hurstville Development Control Plan No. 2 – Hurstville City Centre.

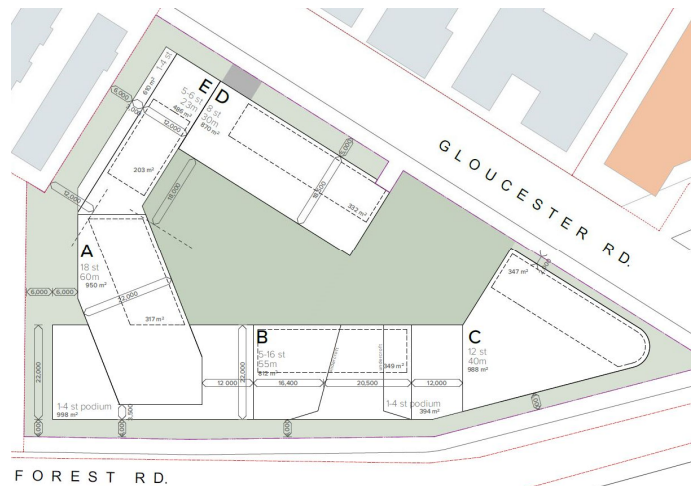
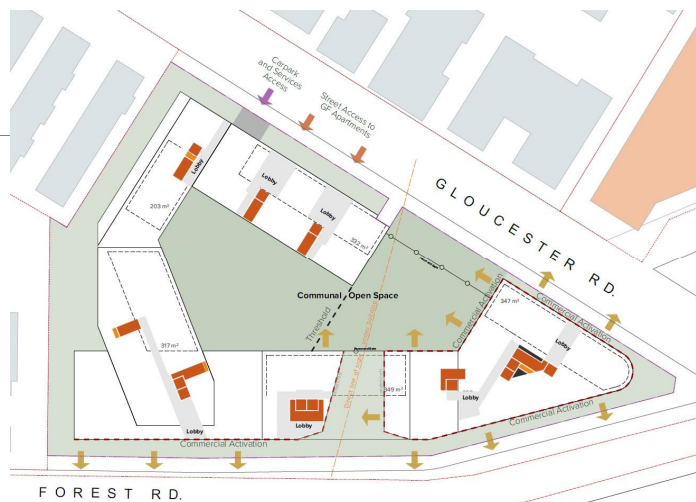


Figure 3:

Planning
Proposal
envelopes

Figure 4:

Planning
Proposal
ground floor
strategy with
ground floor
apartments
facing
Gloucester
Road



3.2 Development Application

A Development Application is lodged concurrently with this Planning Proposal, which is the culmination of the extensive strategic planning work undertaken for the site, is consistent with the anticipated built form for the site, and fulfills the vision that has been established for the site.

The Development Application provides commercial floorspace which meets the required minimum 0.5:1 FSR.

The Development Application will be made permissible by the proposed draft amendment to the GRLEP and is submitted pursuant to Section 3.39 of the Environmental Planning & Assessment Act 1979 which states that nothing in the Act prevents:

- (a) the making of a development application to a consent authority for consent to carry out development that may only be carried out if an environmental planning instrument applying to the land on which the development is proposed to be carried out is appropriately amended, or
- (b) the consideration by a consent authority of such a development application.

A description of the Development Application is provided below.

3.2.1 General Description

The proposal provides for the demolition of all existing structures on the site and erection of a mixed use development with a 4 storey podium and 4 x buildings above between 8 to 18 storeys comprising 4,620 square metres of commercial floor space and 349 apartments, above 3 basement levels containing 459 car parking spaces,

The proposed distribution of built form and massing of the buildings across the site is the result of a considered analysis of the context of the site, the concept which informed the Planning Proposal and the desire to deliver an exemplary urban design outcome that is consistent with the desired future character of the locality. The proposal is generally consistent with the layout envisaged by the Hurstville Development Control Plan No. 2 – Hurstville City Centre and ensures that all street edges are properly addressed and activated and the internal ground floor plane is functional. The design of the proposal achieves a highly modulated built form outcome which serves to reduce the apparent bulk and mass of the development and deliver a visually dynamic outcome.

The proposal is a high quality transit orientated development that will provide both housing choice and employment generating floor space in a location that enjoys excellent access to metropolitan public transport systems inclusive of rail and cross regional bus services, a wide range of regional and district services and infrastructure such as shopping centres, entertainment facilities, schools and hospitals; and a range of employment opportunities including offices, retail and services.

A varied palette and materiality are used to provide a clear identity for the development. The varied architectural language generates a high level of visual interest.

The proposed development is detailed on the architectural plans prepared by Turner architects.

The detailed breakdown of the proposed development is as follows:

Basement Levels

Basement levels 01 to 03 contain parking, plant and storage for the various components of the development. Basement level 01 contains the loading dock. Entry and egress to the basement levels if provided from Gloucester Road.

Building A

Building A is located adjacent to Forest Road at the western end of the site and is configured with a 4 storey street wall, and a tower above with total height of 18 storeys. A roof top common open space is provided for this building. The ground level of Building A contains a retail tenancy facing Forest Road (on level 01), whilst apartments are located on the balance of Level 01 and on the floor above.

Building B

Building B is located centrally along the Forest Road frontage of the site and is configured with a 4 storey street wall with tower above and a total height of 16 storeys. A roof top common open space is provided for this building. The ground level of Building B contains a retail tenancy facing Forest Road (on level 01), whilst apartments are located above.

Building C

Building C is located at the southern corner of the site with frontages to both Forest Road and Gloucester Road and is configured with a 4 storey street wall and mid-rise building above with a total height of 11 storeys. A roof top common open space is provided for this building. The ground level of Building C contains 5 retail tenancies, the first and second floors contain commercial floor space, whilst apartments are located on the levels above.

Buildings D and E

Building D is located centrally along the Gloucester Road frontage of the site and is an 8 storey residential flat building with a roof top common open space. Building E is located along the north-western side of the site and is a 6 storey residential flat building which is attached to Building D. It also has a roof top common open space.

Public Domain and Central Open Space

The proposal will deliver a high quality public domain outcome for the area as an integral element of the development comprising a single consolidated central landscaped open space for residents, workers, and the broader community which will greatly improve the amenity and facilities within the locality.

The central open space is designed with sufficient soil depth and volume to provide for mature and generous trees and vegetation. The central open space is the focal point and one of the key place making features within the development and is considered to be a critical component to the success of the commercial component of the development. It is a highly programmed space with a variety of outdoor furniture and hardscape and softscape elements. The design of this space allows for passive and active recreation and is detailed in the landscape package prepared by RPS which accompanies this application.



Figure 5:

CGI of proposal as viewed from the intersection of Durham Street and Forest Road facing east



Figure 6:

CGI of proposal as viewed from Forest Road facing south

4.0 LOCAL PLANNING PROVISIONS

4.1 Georges River Local Environmental Plan 2021

Georges River Local Environmental Plan 2012 (LEP 2021) applies to the site. Key provisions applying to the site are identified below:

4.1.1 Zoning and Permissibility

The site is located within the B4 Mixed Use zone pursuant to Georges River Local Environmental Plan 2021 (GRLEP). pursuant to the Georges River Local Environmental Plan 2021 (GRLEP). An extract of the Land Zoning Map is included as Figure 7.

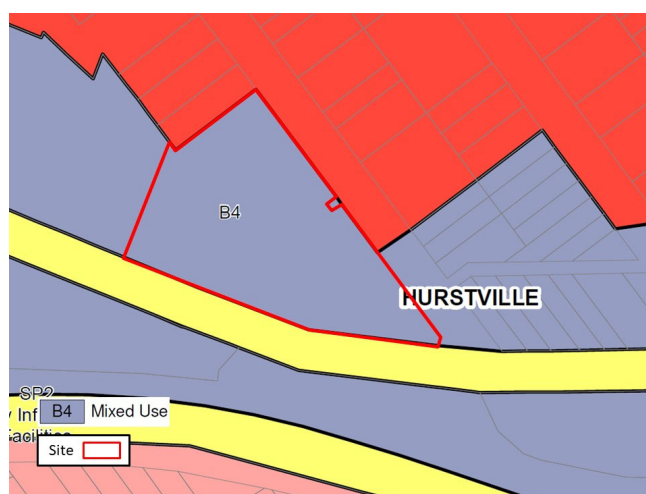


Figure 7:

Extract from GRLEP
2021 Land Zoning
Map

The objectives of the B4 Mixed Use zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To allow residential development that contributes to the vitality of the centre and provides housing that meets the needs of the community.
- To encourage the provision of community facilities and public infrastructure so that all residents have reasonable access to a range of facilities and services.

The following uses are permitted with consent in the B4 Mixed Use zone:

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres;

Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

The following uses are prohibited with consent in the B4 Mixed Use zone (emphasis added):

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Attached dwellings; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Jetties; Marinas; Mooring pens; Moorings; Multi dwelling housing; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; **Residential flat buildings**; Rural industries; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sewerage systems; Sex services premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

4.1.2 Height

In accordance with clause 4.3 'Height of Buildings' the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map'. There are five height zones for the site with 23, 30, 40, 55 and 60 metres across the site as shown in, as shown in Figure 8.

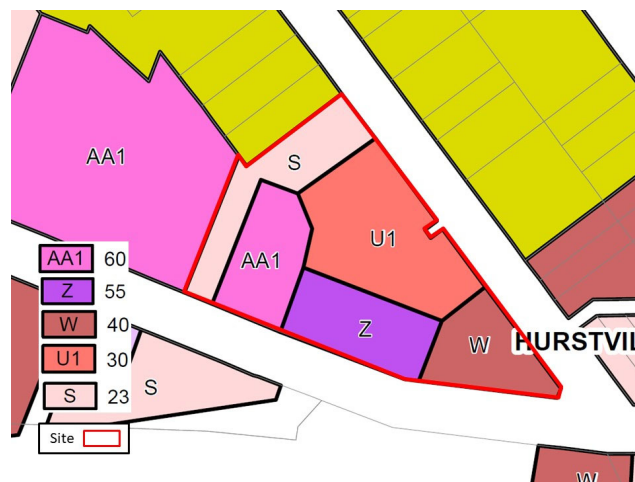


Figure 8:

Extract from the
GRLEP 2021 Height of
Buildings Map

4.1.3 Floor Space Ratio

Clause 4.4(2) of the GRLEP provides that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

An FSR control of 4:1 applies to the site, as illustrated in Figure 9 below. The site is also nominated as "Area 3" subject to Clause 4.4B which states that development consent must not be granted unless the non-residential floor space ratio is at least 0.5:1. The objective of this clause is to encourage an appropriate mix of residential and non-residential uses in order to ensure a suitable level of non-residential floor space is provided to promote employment and reflect the hierarchy of the business zones

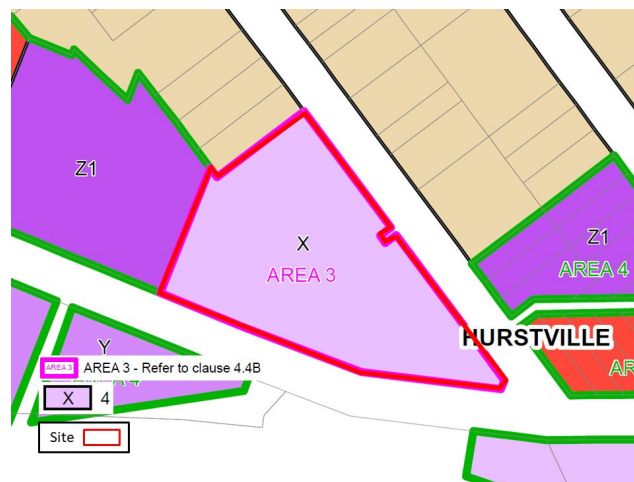


Figure 9:

Extract from GRLEP
 2021 FSR Map

5.0 PLANNING PROPOSAL

5.1 Overview

In accordance with section 3.33(2) of the Environmental Planning and Assessment Act 1979 (the EP&A Act) a Planning Proposal is to be comprised of five (5) parts:

- Part 1 – A statement of the objectives and intended outcomes of the proposed instrument.
- Part 2 – An explanation of the provisions that are to be included in the proposed instrument.
- Part 3 – The justification for those objectives, outcomes and the process for their implementation.
- Part 4 – Maps, where relevant, to identify the intent of the Planning Proposal and the area to which it applies.
- Part 5 – Details of the community consultation that is to be undertaken on the Planning Proposal.

Section 3.33(3) of the Act allows the Secretary to issue requirements with respect to the preparation of a Planning Proposal. The Secretary's requirements include:

- Specific matters that must be addressed in the justification (Part 3) of the Planning Proposal
- A project timeline to detail the anticipated timeframe for the plan making process for each Planning Proposal.

The project timeline forms Part 6 of a Planning Proposal.

Section 5 of this report addresses and responds to the matters for consideration detailed within 'Planning Proposals - A Guide to Preparing Planning Proposals' (NSW Department of Planning and Environment, August 2016).

5.2 Part 1: Objectives or Intended Outcomes

A Planning Proposal for the site was first lodged with Council in October 2015 and has been the subject of a rigorous assessment by Council.

The final concept scheme which supported the Planning Proposal is illustrated in Figure 10 below and comprises a mixed use component (commercial and residential flat building) at the northern end of the site with ground floor apartments and a shop top housing component at the southern end of the site.

The master planning process for the site informed a Planning Proposal for new planning controls which were implemented as changes to the height and FSR controls in the Hurstville Local Environmental Plan 2012 as well as a site specific section 8.3 of the Hurstville Development Control Plan No. 2.

Since gazettal of the new controls for the site, the Hurstville Local Environmental Plan 2012 was replaced by the Georges River Local Environmental Plan (GRLEP) 2021 on 8 October 2021.

However, whilst the new GRLEP maintains the same B4 Mixed Use zone on the site, it has nonetheless made "residential flat development" a prohibited use on the site, which would prevent the delivery of the concept which underpinned the site specific Planning Proposal for the site, with the indicative ground floor plan which supported the Planning Proposal for the site.

This results in an adverse outcome because it will prevent the distribution of the required quantum of commercial floor space to the most optimal and appropriate parts of the site, and instead would require commercial floor space to be relocated to the ground floor along the entire of the Gloucester Road frontage of the site. This is contrary to the concept and vision that underpinned the recent site specific Planning Proposal for the site.

It is appropriate to allow ground floor apartments along the northern end of the Gloucester Road frontage for the following reasons:

- At a macro level, the subject site is in a transition area and is not a core business location and so there is a reduced basis for ground floor commercial use across the entire site.
- At a micro level, the northern end of the Gloucester Road frontage is on the peripheral of the B4 Mixed Use zoned land and is also directly opposite and adjacent to R4 High Density Residentially zoned land and is a fundamentally residential context where ground floor residential use is more appropriate and consistent with the immediate site context at this end of the site.
- The Planning Proposal does not seek any relief from the requirement to provide a minimum 0.5:1 commercial component and instead is intended to provide flexibility to deliver this commercial floorspace in the most optimal parts of the site which is important to ensure the success of the development and maximise its potential for job creation.

In the absence of support for this Planning Proposal and the entire ground floor of the Gloucester Road frontage is required to be commercial floorspace, this will most likely result in a dead and inactive zone in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 commercial floor space requirement.

Objective

The objective of this Planning Proposal is to amend Schedule 1 of the GRLEP to provide a “residential flat building” as an additional permitted use on the site, to facilitate the redevelopment of the site as envisaged by the Planning Proposal process which has just been completed on the site.

Intended Outcomes

The intended outcome for the Planning Proposal is to allow the redevelopment of the site as envisaged specifically by the recent Planning Proposal for the site, as illustrated in Figure 10 below.

In particular, the concept which underpinned the recent Planning Proposal provided the required 0.5:1 commercial floorspace along the Forest Road frontage of the site, and also across three levels at the corner of the site facing Forest and Gloucester Roads. These are the most appropriate locations for commercial floorspace on the subject site as it has the greatest exposure to the primary Forest Road.

Conversely, the context of the northern end of the Gloucester Road frontage is residential and so the proposal provides ground floor apartments at that end of the site.

This design solution was workshopped with Council over many years and this distribution of uses across the site has been endorsed by Council.



Figure 10:

Indicative ground floor plan from the Turner masterplan which supported the Planning Proposal with ground floor apartments facing Gloucester Road

5.3 Part 2: Explanation of Provisions

5.3.1 Proposed Changes to Georges River Local Environmental Plan 2021

This Planning Proposal seeks to amend Schedule 1 of the Georges River Local Environmental Plan 2021 to:

- introduce "residential flat building" as an additional permitted use on "Area A" of the site, and
- exclude the application of Clause 6.13 from "Area A".

This will enable ground floor apartments at the north-western end of the Gloucester Road frontage of the site (Area A in Figure 11 below) as envisaged by the concept prepared for the site by Turner architects which formed the basis of the previous Planning Proposal for the site.

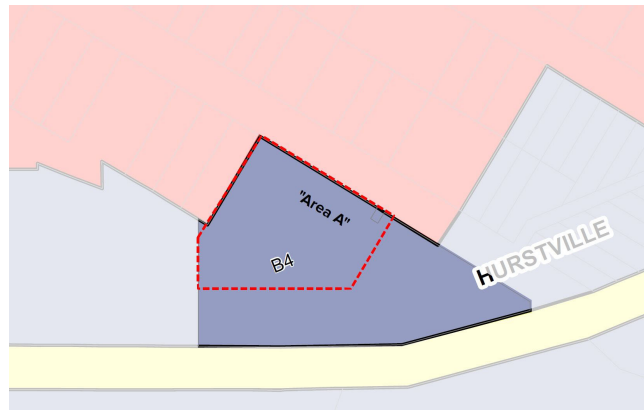


Figure 11:

Proposed GRLEP
zoning map change

5.4 Part 3: Justification

This Part of the Planning Proposal demonstrates both the strategic merit and site specific merit for the proposed amendments to the Georges River Local Environmental Plan 2021 as they apply to 9 Gloucester Road, Hurstville.

The table below contains the matters for consideration in Table 3 of The Local Environmental Plan Making Guideline which demonstrate that there is both strategic merit (Questions 1 to 7) and also site specific merit (Questions 8 to 12) for the proposal. The table contains a reference to the relevant section of this report where these questions are addressed.

Strategic Merit		
Section A – need for the planning proposal		
Question 1	Is the planning proposal a result of an endorsed LSPS, strategic study or report?	Section 5.4.1
Question 2	Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Section 5.4.2
Section B – relationship to the strategic planning framework		
Question 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)?	Section 5.4.3
Question 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?	Section 5.4.4
Question 5	Is the planning proposal consistent with any other applicable State and regional studies or strategies?	Section 5.4.5
Question 6	Is the planning proposal consistent with applicable SEPPs?	Section 5.4.6
Question 7	Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?	Section 5.4.7

Strategic Merit		
Site-Specific Merit		
Section C – environmental, social and economic		
Question 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?	Section 5.4.8
Question 9	Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	Section 5.4.9
Question 10	Has the planning proposal adequately addressed any social and economic effects?	Section 5.4.10
Section D – Infrastructure (Local, State and Commonwealth)		
Question 11	Is there adequate public infrastructure for the planning proposal?	Section 5.4.11
Section E – State and Commonwealth Interests		
Question 12	What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?	Section 5.4.12

5.4.1 Question 1 - Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Yes. This Planning Proposal is the result of an extensive masterplanning process for the site with Council since October 2015.

The purpose of the Planning Proposal is to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of “residential flat building” on the site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the site.

5.4.2 Question 2 - Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal is the best and only means of achieving the objectives and intended outcomes for the site to allow the delivery of the final concept scheme which supported the recent Planning Proposal for the site.

In the absence of support for this Planning Proposal and the entire ground floor of the Gloucester Road frontage is required to be commercial floorspace, this will most likely result in a dead and inactive zone in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 commercial floor space requirement.

5.4.3 Question 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)?

Greater Sydney Region Plan – A Metropolis of Three Cities

In March 2018 the *Greater Sydney Region Plan - A Metropolis of Three Cities* was released. The Plan sets a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for Greater Sydney. The vision for Greater Sydney as a metropolis of three cities — the Western Parkland City, the Central River City and the Eastern Harbour City where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The Plan sets out 10 Directions which set out the aspirations for the region and objectives to support the Directions. The 10 Directions are:

- A City supported by infrastructure
- A collaborative city
- A city for people
- Housing the city
- A city of great places
- A well-connected city
- Jobs and skills for the city
- A city in its landscape
- An efficient city
- A resilient city

The Plan provides 38 objectives concerning, Infrastructure and collaboration, Liveability, Productivity and Sustainability which are aimed at achieving the identified Directions.

The following table summarises the proposals consistency with relevant objectives of the Plan:

Objective	Comment	Consistent
4. Liveability		
Objective 10: Greater housing supply Objective 11: Housing is more diverse and affordable	The Planning Proposal does not in itself result in any difference to the overall quantum of housing to be delivered as part of the redevelopment of the site. However, it facilitates a distribution of the housing and commercial floorspace in an optimal arrangement across the site. This is achieved by locating the commercial floor space in the best location on the site for success being along the Forest Road frontage and the corner of the site to Forest Road and Gloucester Road. At the same time, the proposal seeks to allow ground floor apartments at the northern end of the Gloucester Road frontage, which is more consistent with the context at this end of the site.	Yes
Objective 12: Great places that bring people together	The Planning Proposal will support the development of the site as previously envisaged with the provision of a	Yes

Objective	Comment	Consistent
	publicly accessible pocket park towards the centre of the site on Gloucester Road, as well as a public pedestrian underpass through-site link which connects Forest and Gloucester Roads. The communal open space will be activated by retail uses at ground level. The proposal intends to transform the existing underutilised office park into an attractive new community meeting space.	
5. Productivity		
Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	A central component of this objective is to co-locate activities in metropolitan, strategic and local centres and attract housing in and around centres to create walkable, cycle-friendly neighbourhoods. The Planning Proposal will support a significant quantum of new employment floor space in locations on the site which have the greatest likelihood of success, and therefore the proposal will contribute towards the 30-minute city objective, by providing increased employment in very close proximity to an existing train station.	Yes
Objective 22: Investment and business activity in centres. Objective 24: Economic sectors are targeted for success	The Planning Proposal remains consistent with this objective as it does not seek any relief from the required minimum amount of commercial floor space, rather, it will facilitate the placement of this floor space in the optimal parts of the development where it will have the greatest likelihood of success. The Planning Proposal will facilitate the appropriate redevelopment of a site that will deliver additional employment floor space and housing within an existing centre which will promote both business activity and private sector investment within the centre providing for the growth and evolution of the centre.	Yes

South District Plan

In March 2018 the Greater Sydney Commission published the South District Plan which outlines how the Government will make decisions on public spaces, community facilities, housing, jobs, transport options, schools and hospitals to meet the needs of communities across Greater Sydney to give effect to *Greater Sydney Region Plan - A Metropolis of Three Cities*.

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

The Planning Proposal will support the development of the site as previously envisaged. In particular, the Planning Proposal will enable the delivery of the previously identified quantum of housing and commercial floorspace on the site, albeit with an optimised distribution, and is therefore consistent with Planning Priority Planning Priority S5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.

The following table summarises the Planning Proposal's consistency with relevant components of the South District Plan:

Chapter	Comment	Consistent
Infrastructure		
S1. Planning for a city supported by infrastructure	Given the site is located in close proximity to the Hurstville strategic centre and train station, the introduction of additional housing at the ground floor of Area A for the subject site will positively contribute to this objective by placing additional housing, in a highly convenient location that will encourage usage of existing transport infrastructure.	Yes
Liveability		
S5. Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>The Planning Proposal will support the development of the site as previously envisaged. In particular, the Planning Proposal will enable the delivery of the previously identified quantum of housing on the site.</p> <p>The proposal will allow for a transit-oriented development that will assist in achieving housing diversity and affordability on a site that is well located to services and facilities.</p>	Yes
Productivity		
S10. Retaining and managing industrial and urban services land	The Planning Proposal will facilitate the delivery of commercial floor space in the most appropriate parts of the site to ensure the success of the commercial elements which will provide an ongoing function of providing goods and services to the local community.	Yes
S12. Delivering integrated land use and transport planning and a 30-minute city	The Planning Proposal is consistent with the strategic intent to deliver more housing closer to public transport. The proposal would aid the 30-minute city concept, increasing the diversity of employment within the centre.	Yes
Sustainability		
S5 Reducing carbon emissions and managing energy, water and waste efficiently	By providing additional housing in an existing centre with excellent public transport connectivity, the proposal maximises the efficiency of existing infrastructure and reduces pressure on the fringe of Sydney and other sensitive locations. Any future building on the site would be required to be consistent with the principles of ecological sustainable design which can be addressed in any future development application.	Yes

5.4.4 Question 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?

Georges River Local Strategic Planning Statement (GRLSPS) 2040

The subject Planning Proposal is seeking an amendment to the Georges River LEP 2021 to allow the delivery of the concept which underpinned the previous Planning Proposal for the site as illustrated in Figure 10 of this report and now reflected on the site specific section 8.3 of the Hurstville Development Control Plan No. 2.

In Council's assessment of that concept and Planning Proposal, the following was noted in the Council's Environment and Planning Committee Report dated 11 May 2020 in relation to the GRLSPS:

46. In March 2018, amendments to the Environmental Planning and Assessment Act 1979 introduced a new requirement for local councils to prepare and make a Local Strategic Planning Statement (LSPS) which will set out planning priorities which meet the community's needs, and deliver key State and regional planning objectives. The LSPS received assurance from the Greater Sydney Commission in March 2020.

47. Council's LSPS guides land use planning and the delivery of significant infrastructure for the Georges River LGA until 2040. It delivers on the NSW Government's Greater Sydney Region Plan (A Metropolis of Three Cities) and the Greater Sydney South District Plan.

48. It creates a land vision for the future of the LGA that recognises the character of its suburbs and builds on the Georges River community's social, environmental and economic values and strengths.

49. The Statement includes visions for a number of themes, one of which is Theme 3 - Housing and Neighbourhoods, which includes the ability to have access to a choice of housing types and sizes, and new high quality buildings to be concentrated in key transport nodes. Further, it also includes Theme 4 - Economy and Centres. This theme visualises appropriately zoned land for employment growth which can be supported long term.

50. The Planning Proposal is consistent with the abovementioned themes, as it seeks to provide both residential and commercial development within the Hurstville City Centre in a Mixed Use zone.

The subject Planning Proposal is likewise consistent with the GRLSPS as it only seeks an amendment to allow the delivery of the concept already supported by Council and subsequently the Department of Planning & Environment.

Notwithstanding, further detail is provided below in relation to the consistency of the Planning Proposal with the GRLSPS.

In relation to Theme 4 Economy and Centres, the GRLSPS identifies the following in relation to future commercial activity in the Georges River local government area (emphasis added):

As part of Greater Sydney's Eastern Harbour City, Georges River LGA is home to almost 56,000 jobs. Community surveys indicated that the number one reason for locating a business in Georges River was 'proximity to home'. Our well educated community works in knowledge-intensive job sectors with an emerging presence in the health and education job sectors.

The growth, innovation and evolution of commercial centres are central to the economy of the South District and critical to achieving a well connected 30 minute Greater Sydney. Facilitating the growth of our centres is a priority in growing the number of jobs available in Georges River.

It's forecast that between 2016-2036 employment generated within the LGA's centres is to increase by around 13,000 jobs. It is important that our centres accommodate this growth by remaining economically viable and **by providing an additional 25% of employment floor space**. Council will seek to facilitate this additional floor space not only through development controls, but also through the growth of the following commercial centres:

- Allawah
- Beverly Hills
- Carlton
- **Hurstville**
- Kingsgrove
- Kogarah
- Mortdale
- Narwee
- Oatley
- Peakhurst
- Penshurst
- Ramsgate
- Riverwood and
- South Hurstville

The Planning Proposal is entirely consistent and aligned with the need to provide an additional 25% of employment floor space, as it does not seek any relief from the obligation to deliver a minimum 0.5:1 as commercial floorspace. Rather, it seeks flexibility to optimise the location of the commercial floorspace by not needing to locate it at the ground floor across the entire site. This is important to provide the greatest likelihood of success of the commercial floor space.

[Hurstville City Centre Urban Design Strategy \(2018\)](#)

The subject Planning Proposal is seeking an amendment to the Georges River LEP 2021 to allow the delivery of the concept which underpinned the previous Planning Proposal for the site as illustrated in Figure 10 of this report and now reflected on the site specific section 8.3 of the Hurstville Development Control Plan No. 2.

In Council's assessment of that concept and Planning Proposal, the following was noted in the Council's Environment and Planning Committee Report dated 11 May 2020 in relation to the Hurstville City Centre Urban Design Strategy (2018):

42. The Hurstville City Centre Urban Design Strategy was endorsed by Council at its meeting dated 25 June 2018 as a strategic planning document which informs the review and update of existing development standards within the Hurstville City Centre.

43. The site is located in the City West Transition Area character precinct. The Strategy identifies that the area is well planted with mature street trees and creates a green gateway to the Centre when entering from King Georges Road.

44. The Strategy acknowledges that the site is subject to a current Planning Proposal and recommends that the HLEP 2012 is amended to increase the height of the sub-block 2D (the subject site) from 23m to 60m at the western end of the site, stepping down to 40m at the eastern end.

45. The Planning Proposal is consistent with the overall maximum building height identified by the Strategy and retains the existing landscaped character of the City West Transition Area character precinct.

The subject Planning Proposal is likewise consistent with the Hurstville City Centre Urban Design Strategy (2018) as it only seeks an amendment to allow the delivery of the concept already supported by Council and subsequently the Department of Planning & Environment.

The site is specifically identified as being located within the City West Transition Area character precinct. and is not a core business location and so there is a reduced basis for ground floor commercial use across the entire site. Furthermore, the northern end of the Gloucester Road frontage is on the peripheral of the B4 Mixed Use zoned land and is also directly opposite and adjacent to R4 High Density Residentially zoned land and is a fundamentally residential context where ground floor residential use is more appropriate and consistent with the immediate site context at this end of the site.

The Planning Proposal is consistent with the Hurstville City Centre Urban Design Strategy (2018).

Commercial Centres Strategy

On 24 February 2020, Council adopted the Commercial Centres Strategy Part 1 Centres Analysis to inform the preparation of GRLEP 2021 and its development control plan.

From the evidence findings and community consultation, the Strategy identifies a number of issues that need to be addressed to ensure the continued growth and ongoing viability of the LGA's centres. In particular, the Strategy is particularly focused on the provision of sufficient employment floor space to support ongoing employment growth across the LGA.

The subject Planning Proposal seeks no change to the minimum commercial FSR which applies to the site. In fact, the Planning Proposal is in complete alignment with the Strategies' concern with the provision of sufficient employment floorspace, because it seeks flexibility to deliver the required commercial floor space in the most optimal locations on the site which have the greatest likelihood of success.

In the absence of support for this Planning Proposal and the entire ground floor of the Gloucester Road frontage is required to be commercial floorspace, this will most likely result in a dead and inactive zone

in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 commercial floor space requirement.

Georges River Local Housing Strategy

The Georges River Local Housing Strategy (Strategy) sets out the strategic direction for housing in the Georges River Local Government Area (LGA) over the next 20 years. It identifies the housing demand, gaps and issues, and establishes housing objectives to manage future growth.

The Strategy provides that the population of the LGA is projected to increase from 156,293 in 2017 to approximately 185,000 by 2036, resulting in the need for approximately an additional 14,000 dwellings by 2036. The Strategy further provides that under the existing planning controls, major development applications and planning proposals under assessment, approximately an additional 12,000 dwellings can be provided, which results in a shortfall of approximately 2,000 dwellings that will need to be provided by 2036. To address this shortfall, the Strategy commits to providing the capacity for an additional 2,000 dwellings in the next 20 years.

The Housing Survey which was undertaken in the preparation of the Strategy identifies that the Georges River community values a home that is close to public transport, shops, services and open space.

The subject planning proposal is not of direct relevance in relation to the Strategy. In the event that the Planning Proposal did not proceed, this would require a redistribution of the residential and commercial floorspace within the development, rather than any change to the quantum of dwellings to be delivered on the site. The consequence of a redistribution of the commercial floorspace to the ground floor along Gloucester Street instead of apartments would be an adverse impact to the success of the commercial floorspace.

Georges River 'Working together for a better future – Community Strategic Plan 2022-2032

The Georges River Community Strategic Plan 2022 - 2032 represents the Georges River community's ambitions and expectations for the area for the next ten years. It is part of the Integrated Planning and Reporting framework that all councils must adhere to under the Local Government Act (1993), and is aimed at meeting the needs of residents, businesses and visitors and for Georges River area to fulfill its broader role within Sydney.

The Plan is structured around 6 pillars, as follows:

- Pillar 1: Our Community
- Pillar 2: Our Green Environment
- Pillar 3: Our Economy
- Pillar 4: Our Built Environment
- Pillar 5: Our Place in Sydney
- Pillar 6: Our Governance

The Planning Proposal is consistent with Pillar 3 in particular because it ensures that the commercial floor space within the future development on the site can be located in the optimal areas of the building to ensure their economic success. This will support local job and local businesses to grow and succeed.

The Planning Proposal is also consistent with Pillar 4 as it will ensure that this development will make Georges River more liveable, vibrant and sustainable. It will support quality housing options on the site.

5.4.5 Question 5 - Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

The subject Planning Proposal seeks no change to the quantum of commercial and residential floor space to be delivered across the site, and instead seeks flexibility to deliver the required commercial floor space in the most optimal locations on the site which have the greatest likelihood of success. Furthermore, the Planning Proposal will allow the location of ground floor apartments at the northern end of the Gloucester Road frontage where the immediate context is residential rather than commercial.

Accordingly, the nature of the Planning Proposal is of no consequence in relation to State and regional studies or strategies.

5.4.6 Question 6 - Is the planning proposal consistent with applicable SEPPs?

The Planning Proposal is consistent with all relevant State Environmental Planning Policies as summarised in the following table:

SEPP	Comment	Consistent
State Environmental Planning Policy – (Transport and Infrastructure) 2021	The aim of SEPP Transport and Infrastructure is to facilitate the effective delivery of infrastructure across the State. Detailed compliance with SEPP Transport and Infrastructure will need to be demonstrated in the development application. The proposed amendment does not alter the required mix of uses and minimum 0.5:1 commercial component.	Yes
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 4 Remediation of Land under State Environmental Planning Policy (Resilience and Hazards) 2021 is relevant to the Planning Proposal. The Planning Proposal does not contain provisions that will contradict or hinder the application of this SEPP. The site is already zoned to allow residential and commercial uses and this Planning Proposal does not involve any change of use for the site, but a rather a change to the building configuration to allow apartments on ground floor in Area A. The previous Planning Proposal supported by a Preliminary Site Investigation prepared by Douglas Partners which concluded that based on the information to date and in consideration of the site's historical use, (residential and commercial) it is considered that the site has a low to medium risk of contamination.	Yes
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	The aim of SEPP BASIX is to encourage sustainable residential development. The future redevelopment of the site for a residential flat building would be capable of complying with BASIX. Detailed compliance with BASIX will be demonstrated at the time of making an application for development.	Yes
State Environmental Planning Policy No. 65	SEPP 65 aims to improve the design quality of residential flat developments, provide sustainable housing in social and	Yes

SEPP	Comment	Consistent
- Design Quality of Residential Apartment Development	environmental terms that is a long-term asset to the community and delivers better built form outcomes. The future redevelopment of the site for a residential flat building would be capable of complying with SEPP 65. Detailed compliance with SEPP 65 will be demonstrated within the development application.	
State Environmental Planning Policy (Housing) 2021	SEPP Housing aims to enable the development of diverse housing types, including purpose-built rental housing. Many of the forms of development provided under SEPP Housing such as co-living housing rely on a residential flat building or shop top housing being a permissible form of development. The Planning Proposal is not of any consequence as shop top housing is already a permissible use on the subject site, and it is noted that boarding house is also already a permissible use on the site.	Yes
State Environmental Planning Policy (Primary Production) 2021	SEPP Primary Production aims to facilitate the orderly economic use and development of lands for primary production. The site does not currently comprise agricultural land, nor will the subject Planning Proposal make it possible to be used for primary production and so the Planning Proposal is of no consequence in relation to this SEPP.	N/A
State Environmental Planning Policy (Biodiversity and Conservation) 2021	SEPP Biodiversity and Conservation aims to protect the biodiversity values of trees and other vegetation and includes provisions in relation to vegetation clearing and is predominantly aimed at providing controls in relation to vegetation in rural settings. The non-rural controls apply to the subject site irrespective of the subject Planning Proposal, which is of no consequence in relation to this SEPP.	N/A
State Environmental Planning Policy (Industry and Employment) 2021	SEPP Industry and Employment includes provisions in relation to the western Sydney employment area, as well as controls relating to signage. The subject site is not located within the western Sydney employment area and so this component of the SEPP is irrelevant for the purpose of the subject Planning Proposal. Any signage proposed as part of a development application will be assessed at the development application stage.	Yes
State Environmental Planning Policy (Planning Systems) 2021	SEPP Planning Systems comprises provisions which identify state and regional development, development on Aboriginal land, and concurrences required. These provisions are not of direct relevance to the subject Planning Proposal, however, may be relevant to future development applications made possible as a result of the Planning Proposal.	Yes
State Environmental Planning Policy (Exempt and Development Codes) 2008	SEPP Codes provides a range of exempt and complying development. The subject Planning Proposal is not of any consequence in relation to SEPP Codes.	Yes

5.4.1 Question 7 - Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The following table summarises the Planning Proposal's consistency with applicable Ministerial Directions:

S.9.1 Direction No. and Title	Comment	Consistent
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	This direction applies to land to which a Regional Plan has been released by the Minister for Planning. The Proposal is consistent with the Greater Sydney Region Plan and the South District Plan as detailed in section 6.4.3 of this report.	N/A
1.2 Development of the Aboriginal Land Council	Not Applicable.	N/A
1.3 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. In accordance with the direction the Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. Further the Proposal does not identify future development on the site as designated development.	Yes
1.4 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The direction applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out. In this instance, the Planning Proposal seeks an additional permitted use in Schedule 1 of the GRLEP in order to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of "residential flat building" on the site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the site.	Yes
Focus Area 1: Place Based		
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not Applicable	N/A
1.6 Implementation of North West Priority Growth Area Land	Not Applicable	N/A

S.9.1 Direction No. and Title	Comment	Consistent
Use and Infrastructure Implementation Plan		
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable	N/A
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable	N/A
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not Applicable	N/A
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not Applicable	N/A
1.11 Implementation of Bayside West Precincts 2036 Plan	Not Applicable	N/A
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not Applicable	N/A
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not Applicable	N/A
1.14 Implementation of Greater Macarthur 2040	Not Applicable	N/A
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not Applicable	N/A
1.16 North West Rail Link Corridor Strategy	Not Applicable	N/A

S.9.1 Direction No. and Title	Comment	Consistent
1.17 Implementation of the Bays West Place Strategy	Not Applicable	N/A
Focus Area 3: Biodiversity and Conservation		
3.1 Conservation Zones	Not Applicable	N/A
3.2 Heritage Conservation	The site is not an identified heritage item or within a conservation area. The site is not located within the immediate vicinity of any heritage items.	N/A
3.3 Sydney Drinking Water Catchments	Not Applicable	N/A
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not Applicable	N/A
3.5 Recreation Vehicle Areas	Not Applicable	N/A
Focus Area 4: Resilience and Hazards		
4.1 Flooding	The site is not flood affected.	N/A
4.2 Coastal Management	Not Applicable	N/A
4.3 Planning for Bushfire Protection	The site is not identified as Bushfire Prone Land nor is it located in close proximity to land mapped as bushfire prone land.	N/A
4.4 Remediation of Land	The site is already zoned to allow residential and commercial uses and this Planning Proposal does not involve any change of use for the site, but a rather a change to the building configuration to allow apartments on ground floor in Area A. The previous Planning Proposal supported by a Preliminary Site Investigation prepared by Douglas Partners which concluded that based on the information to date and in consideration of the site's historical use, (residential and commercial) it is considered that the site has a low to medium risk of contamination.	Yes
4.5 Acid Sulphate Soils	The site is not identified as Class 1, 2, 3, 4 or 5 land on the Acid Sulfate Soil Map. Accordingly, this Direction is not applicable to the Proposal.	N/A
4.6 Mine Subsidence and Unstable Land	Not Applicable.	N/A
Focus Area 5: Transport and Infrastructure		

S.9.1 Direction No. and Title	Comment	Consistent
5.1 Integrating Land Use and Transport	The Planning Proposal will enable a quantum of residential as previously envisaged for the site, in close proximity to jobs and services, thereby encouraging walking, cycling and use of public transport.	
5.2 Reserving Land for Public Purposes	Not Applicable.	N/A
5.3 Development Near Regulated Airports and Defence Airfields	The site is a significant distance from any regulated airport or defence fields. In addition, the Planning Proposal does not involve any change to the existing height controls on the site and therefore is of no impact to airfields.	Yes
5.4 Shooting Ranges	Not Applicable.	N/A
Focus Area 6: Housing		
6.1 Residential Zones	<p>Whilst the site is not a residential zone, it nonetheless permits residential accommodation on the form of shop-top housing development.</p> <p>The purpose of the Planning Proposal is to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of "residential flat building" on the site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the site.</p> <p>The Planning Proposal does not result in any change to the quantum of residential floor space, and instead provides flexibility to distribute the commercial and residential floor space in the most appropriate locations across the site.</p>	Yes
6.2 Caravan Parks and Manufactured Home Estates	Not Applicable.	N/A
Focus Area 7: Industry and Employment		
7.1 Business and Industrial Zones	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic Centres. <p>The proposal remains consistent with the Direction as it does not reduce the required minimum 0.5:1 non-residential floor space on the site.</p>	Yes
7.2 Reduction in non-hosted short-term	Not Applicable.	N/A

S.9.1 Direction No. and Title	Comment	Consistent
rental accommodation period		
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable.	N/A
Focus Area 8: Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	Not Applicable.	N/A
Focus Area 9: Primary Production		
9.1 Rural Zones	Not Applicable.	N/A
9.2 Rural Lands	Not Applicable.	N/A
9.3 Oyster Aquaculture	Not Applicable.	N/A
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable.	N/A

5.4.2 Question 8 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Proposal?

The Planning Proposal will not adversely impact any critical habitat, threatened species, populations or ecological communities, or their habitats.

5.4.3 Question 9 - Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are no environmental effects envisaged as a result of the Planning Proposal.

5.4.4 Question 10 - Has the Planning Proposal adequately addressed any social and economic effects?

The Proposal seeks to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of "residential flat building" on the site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the site.

The Planning Proposal will facilitate a positive economic and social outcome as it will provide flexibility to distribute the required commercial floor space to the most optimal locations on the site to provide the

greatest likelihood of success of the commercial floor space. The success of the commercial component of the development is important because it will contribute to the growth of the local economy and also towards job creation.

The proposal will avoid the need to deliver retail or business floor space in areas of the site where it will not be viable to lease or sell this type of floor space. The Planning Proposal does not alter the delivery of 0.5:1 commercial floorspace.

5.4.5 Question 11 - Is there adequate public infrastructure for the Planning Proposal?

Required electricity, telecommunication, gas, water, sewer and drainage services are available to the site.

The site is well served by public transport infrastructure in that the site is within walking distance of the Hurstville train station and numerous bus services.

The demand for public infrastructure associated for any future development of the site will be appropriately considered during the assessment of a development application for any such proposal.

5.4.6 Question 12 - What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Relevant public authorities will be consulted following the Gateway determination.

5.5 Part 4: Mapping

The Planning Proposal will require the amendment of the land zoning map referenced in Georges River Local Environmental 2021 as it applies to the subject site to introduce "Area A" which is the part of the site where a "residential flat building" is proposed as an additional permitted use.

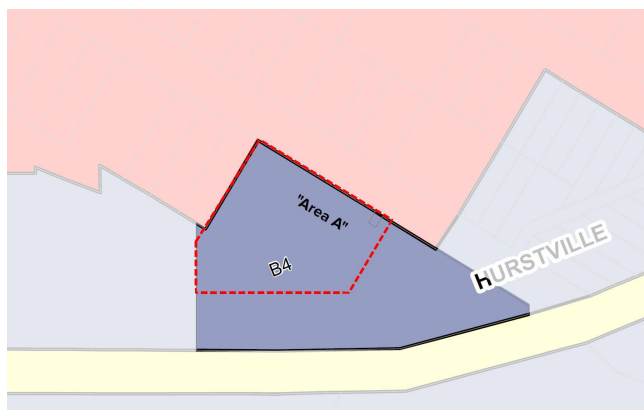


Figure 12:

Proposed GRLEP
zoning map change

5.6 Part 5: Community Consultation

Georges River Council have been consulted during the preparation of the subject Planning Proposal.

The Local Environmental Plan Making Guideline produced by the NSW Department of Planning and Environment sets out the community consultation requirements for Planning Proposals. The guide indicates that consultation will be tailored to specific Proposals. The exhibition for standard Planning Proposals will generally be 20 working days whilst complex Planning Proposals will be 30 working days.

The proposal is considered to be a standard Planning Proposal as it is consistent with the pattern of surrounding land use zones and/or land uses; is consistent with the strategic planning framework; presents no issues with regard to infrastructure servicing; is not a principal LEP; and does not reclassify public land.

Given that the proposal, and in particular the height and FSR, reflect the scale and density of the already approved building on the site, it would be appropriate to exhibit the Planning Proposal for 20 days as it is considered to be a standard Planning Proposal.

Community consultation to be commenced by giving notice of the public exhibition of the Planning Proposal in a local newspaper, on the Council website and in writing to adjoining landowners.

The written notice of the Planning Proposal will:

- give a brief description of the objectives or intended outcomes of the Planning Proposal
- indicate the land affected by the Planning Proposal
- state where and when the Planning Proposal can be inspected
- give the name and address of the relevant planning authority (Georges River Council Council) for the receipt of submissions
- indicate the last date for submissions
- confirm whether delegation for making the LEP has been issued to the relevant planning authority.

5.7 Part 6: Project Timeline

The Project timeline will be dependent on Georges River Council and the Department of Planning.

However, the expected timeframes for each stage are summarised in the following table.

Stage	Timeframe
Gateway Determination	Aug 2022
Commencement and completion of public exhibition period	Sep 2022
Post-exhibition review	Oct/Nov 2022
Submission to the Department for finalisation	Dec 2022
Gazettal of LEP amendment	Feb 2023

6.0 CONCLUSION

The purpose of the Planning Proposal is to amend Schedule 1 of the Georges River Local Environmental Plan 2021 in relation to the site to:

- introduce "residential flat building" as an additional permitted use on "Area A" of the site, and
- exclude the application of Clause 6.13 from "Area A".

The site has been the subject of an extensive master planning process since 2015. The concept prepared for the site by Turner architects comprised a mixed use component (commercial and residential flat building) at the northern end of the site and a shop top housing component at the southern end of the site.

The master planning process informed a Planning Proposal for new planning controls which were implemented as changes to the height and FSR controls in the Hurstville Local Environmental Plan 2012 as well as a site specific section 8.3 of the Hurstville Development Control Plan No. 2.

However, since gazettal of the new controls for the site, the Hurstville Local Environmental Plan 2012 has been replaced by the Georges River Local Environmental Plan (GRLEP) 2021.

Whilst the new GRLEP maintains the same B4 Mixed Use zone for the site, it has nonetheless made "residential flat development" a prohibited use on the site, which would prevent the delivery of ground floor apartments at the northern end of the site which was a fundamental element of the concept which underpinned the site specific Planning Proposal for the site.

In order to allow the development of the site as intended with an optimal distribution of the required commercial floor space, it is necessary to amend the Georges River Local Environmental Plan 2021 as proposed.

The proposal is demonstrated to have both strategic and site merit and is consistent with 'A Metropolis of Three Cities', the South District Plan and the Georges River Local Strategic Planning Statement and will facilitate the orderly and economic use of the site.

In the absence of support for this Planning Proposal and the entire ground floor of the Gloucester Road frontage is required to be commercial floorspace, this will most likely result in a dead and inactive zone in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 commercial floor space requirement.

For the reasons outlined above it is appropriate for Georges River Council, as the relevant planning authority, to support the Planning Proposal.



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Suite 2.03 Bondi Junction NSW 2020

DLCE Quality Endorsed Company 000-0000-2018, Registration Number 20278
Nominated Solicitor: Natasha Turner 0000-0000-0000-0000-0000

A	11/04/2022	CA	DA Submission
Rev	Date	Approved by	Revision Notes
Scale		Project No.	Drawn by North
1:250 @A1, 50% @A3		14048	CAJO_MK_NL
Status		Dep. No.	Rev
Development Application		DA-715-011	A

TURNER

Level 7 CME Colored Steel	T-407 21000
Level 7 CME Colored Steel	T-408 21000



Department of Planning and Environment

Gateway Determination

Planning proposal (Department Ref: PP-2021-7338): to amend Schedule 1 of the Georges River Local Environmental Plan 2021 to introduce 'residential flat building' as an additional permitted use on "Area A" of part of land at 9 Gloucester Road, Hurstville (subject site) and to exclude the application of Clause 6.13 from "Area A" of the subject site.

I, the Director, Eastern and South Districts, at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Georges River Local Environmental Plan 2021 to introduce 'residential flat building' as an additional permitted use on "Area A" of part land at 9 Gloucester Road, Hurstville (the subject site) and to exclude the application of Clause 6.13 from "Area A" of the subject site, should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to:
 - a) include a plain English and clear Explanation of Provisions (with mapping as may be relevant) that demonstrates the intended outcome of the Planning Proposal, in accordance with the Principal Local Environmental Plan Standard Instrument and the Department's Local Environmental Plan Making Guideline (December 2021)
 - b) address the consistency of the proposal with all the relevant planning priorities of the South District Plan
 - c) address the consistency of the proposal with the Georges River Council's 'Working together for a better future – Community Strategic Plan 2022-2032'
 - d) address the requirements of Ministerial Direction's 1.1 'Implementation of Regional Plans', 4.4 'Remediation of Contaminated Land' and 5.3 'Development Near Regulated Airports and Defence Airfields'
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - a) the planning proposal must be made publicly available for a maximum of 20 working days; and
 - b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021).
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and

- (c) there are no outstanding written objections from public authorities.
5. The planning proposal must be placed on exhibition not more than 2 months from the date of Gateway determination.
 6. The planning proposal must be reported to council for a final recommendation 4 months from the date of the Gateway determination.
 7. The timeframe for completing the LEP is to be **6 months** from the date of the Gateway Determination.

Dated 5 day of August 2022.



Laura Locke
Director, Eastern and South Districts
Metro East and South
Department of Planning and Environment
Delegate of the Minister for Planning and
Homes