

## **AGENDA**

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### **Environment and Planning Committee**

**Monday, 11 March 2024**

**7:00 PM**

**Waratah Room**

**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 COMMITTEE MEETING

### ORDER OF BUSINESS

#### OPENING

#### ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. I pay my respect to Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples who live, work and meet on these lands.

#### APOLOGIES / LEAVE OF ABSENCE

#### REQUEST TO JOIN VIA AUDIO VISUAL LINK

#### NOTICE OF WEBCASTING

#### DISCLOSURES OF INTEREST

#### PUBLIC FORUM

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**CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**Item:** ENV007-24 Confirmation of the Minutes of the Environment and Planning Committee Meeting held on 12 February 2024

**Author:** Executive Assistant to Director Business and Corporate Services

**Directorate:** Business and Corporate Services

**Matter Type:** Previous Minutes

ENV007-24

**RECOMMENDATION:**

That the Minutes of the Environment and Planning Committee Meeting held on 12 February 2024, be confirmed.

**ATTACHMENTS**

Attachment [↓](#)1 Minutes of the Environment and Planning Committee Meeting held on 12 February 2024





## MINUTES

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### Environment and Planning Committee

**Monday, 12 February 2024**

**7:00 PM**

**Waratah Room**

**Georges River Civic Centre,  
Hurstville**





## **PRESENT**

### **COUNCIL MEMBERS**

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

### **COUNCIL STAFF**

General Manager – David Tuxford, Director Environment and Planning - Meryl Bishop, Manager Strategic Planning - Catherine McMahon, Manager Development & Building – Liam Frayne, Coordinator Strategic Planning – Stephanie Lum, Senior Strategic Planner – Lisa Ho, Strategic Planner – Michelle Fawcett, Director Community and Culture – Kristie Dodd, Director Assets & Infrastructure – Andrew Latta, Manager Office of the General Manager – Vicki McKinley, Executive Manager City Futures – Simon Massey, General Counsel – James Fan, Executive Assistant to the Director Environment and Planning - Leanne Allen (Minutes), Executive Assistant to the General Manager – Sue Matthew, Head of Technology – Garuthman De Silva, Technology Business Support Officer – Sandra Vazzoler.

## **OPENING**

The Chairperson, Councillor Mahoney, opened the meeting at 7pm.

## **ACKNOWLEDGEMENT OF COUNTRY**

The Chairperson, Councillor Mahoney acknowledged the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. I pay my respect to Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples who live, work and meet on these lands.

## **REQUEST TO ATTEND VIA AUDIO VISUAL LINK**

There were no requests to attend via Audio Visual Link.

## **APOLOGIES/LEAVE OF ABSENCE**

There were no apologies or requests for leave of absence.

## **NOTICE OF WEBCASTING**

The Chairperson, Councillor Mahoney 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.

## **CODE OF MEETING PRACTICE**

Council's Code of Meeting Practice prohibits the electronic recording of meetings without the express permission of Council.



**DISCLOSURES OF INTEREST**

There were no disclosures of interest made.

**PUBLIC FORUM**

	Name	Report No.	Report Title
1	Irene Hatzipetros (Remotely)	ENV003-24	Outcomes of Public Exhibition – Olds Park Master Plan Amendment

**CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**ENV001-24 Confirmation of the Minutes of the Environment and Planning Committee Meeting held on 11 December 2023**  
(Report by Executive Services Officer)

**RECOMMENDATION:** Councillor Landsberry, Councillor Katris

That the Minutes of the Environment and Planning Committee Meeting held on 11 December 2023, be confirmed.

**Record of Voting**

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihapahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

**COMMITTEE REPORTS**

**ENV002-24 Outcomes of Public Exhibition - Planning Proposal for 28 and 28A Carlton Crescent, Kogarah Bay**  
(Report by Strategic Planner)

**RECOMMENDATION:** Deputy Mayor, Councillor Borg, Councillor Jamieson

- (a) That Council note the submissions received during the public exhibition of the Planning Proposal PP2023/0003 for 28 and 28A Carlton Crescent, Kogarah Bay.
- (b) That Council adopt the proposed amendment to the Georges River Local Environmental Plan 2021 as exhibited by amending the listing of Heritage Item No. I208 ('House and front garden, "Bayview") at 28A Carlton Crescent, Kogarah Bay by:
  - (i) Revising the item name from 'House and front garden, "Bayview"' to "Bayview" house and garden, boatshed, garage and summerhouse' in Schedule 5 Environmental heritage.
  - (ii) Revising the address from '28A Carlton Crescent, Kogarah Bay' to '28 and 28A Carlton Crescent, Kogarah Bay' in Schedule 5 Environmental heritage.
  - (iii) Revising the property description to include both Lots 21 and 22 in Section 15 of



Deposited Plan (DP) 1963 in Schedule 5 Environmental heritage.

- (iv) Updating the Heritage Map to reflect the above changes.
- (c) That Council forward the Planning Proposal for gazettal to the Department of Planning, Housing and Infrastructure (DPHI) 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.

### Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihapahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

Note: Councillor Natalie Mort, Veronica Ficarra, Colleen Symington and Nick Smerdely arrived at 7.13pm.

### ENV003-24 Outcomes of Public Exhibition - Olds Park Master Plan Amendment (Report by Strategic Planner)

**RECOMMENDATION:** Councillor Katris, Deputy Mayor, Councillor Borg

- (a) That Council adopt the exhibited Olds Park Master Plan with an amendment to clarify that the redeveloped sport/community facility and public toilets/amenities are to be inclusive to all users.
- (b) That Council authorise the General Manager to make minor editorial modifications in the finalisation of the amendment to the Olds Park Master Plan.
- (c) That all individuals who provided a submission during the public exhibition of the amendment to the Olds Park Master Plan be notified of Council's decision.
- (d) That the amendment to the Olds Park Master Plan be placed on Council's website following adoption by Council.
- (e) That Football St George, Penshurst West Football Club and Football NSW be informed that the construction of a fence in the location sought is an operational matter and is not necessary to be incorporated into the Master Plan.
- (f) That the installation of any perimeter fence at Olds Park football field would be by a future resolution of Council and require a community consultation process.

### Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihapahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

### ENV004-24 Outcomes of Public Exhibition - GRDCP 2021 - Amendment 5 Subdivision, Lot Consolidation and Boundary Adjustments in Heritage Conservation



## Areas

(Report by Strategic Planner)

### **RECOMMENDATION:** Councillor Landsberry, Councillor Katris

- (a) That Council notes the submissions received during the public exhibition of draft Amendment No. 5 to the *Georges River Development Control Plan (DCP) 2021*, being "Subdivision, Lot Consolidation and Boundary Adjustments in Heritage Conservation Areas".
- (b) That Council adopt the exhibited Amendment No. 5 to the *Georges River DCP 2021* pursuant to Section 3.43 of the *Environmental Planning and Assessment Act 1979* and Clause 14 of the *Environmental Planning and Assessment Regulation 2021* with the following amendment:
  - (i) Insert '2.0m' in Clause 6.1.2 Single Dwellings – Front Setbacks so that the written minimum setback requirement from the secondary street boundary on corner lots reflects the corresponding Figure 2 in the DCP.
- (c) That Council endorse the Director of Environment and Planning to make minor modifications to any numerical, typographical, interpretation and formatting errors, if required, in the finalisation of the draft DCP.
- (d) That Council give public notice of the decision to adopt Amendment No. 5 to the *Georges River DCP 2021* on its website and in the local press within 28 days in accordance with Clause 14 of the *Environmental Planning and Assessment Regulation 2021*.
- (e) That all persons who made a submission be advised of Council's decision.
- (f) That the Department of Planning and Environment be given a copy of the amended DCP in accordance with Clause 20 of the *Environmental Planning and Assessment Regulation 2021*.

### **Record of Voting**

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihaipahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

### **ENV005-24 Update on the Georges River Local Strategic Planning Statement Implementation Plan, Local Housing Strategy and Inclusive Housing Strategy**

(Report by Senior Strategic Planner)

### **RECOMMENDATION:** Councillor Landsberry, Councillor Ambihaipahar

- (a) That Council note the progress against the actions in the Georges River Local Strategic Planning Statement (LSPS) 2040.
- (b) That Council note the progress against the actions in the Georges River Local Housing Strategy (LHS).
- (c) That Council note the progress against the actions in the Georges River Inclusive Housing Strategy (IHS).



- (d) That a further report be submitted to Council outlining the process and program to review the Georges River Local Strategic Planning Statement (LSPS) 2040.

### Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihaipahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

### ENV006-24 Development and Building Q2 Metrics Report (Report by Manager Development and Building)

**RECOMMENDATION:** Councillor Ambihaipahar, Deputy Mayor, Councillor Borg

That Council receive and note the Development and Building Department Functions and Services Metrics Report for the reporting period being October to December 2023.

### Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihaipahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

### CONCLUSION

The Meeting was closed at 7.45pm.

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Chairperson



**COMMITTEE REPORTS**

**Item:** ENV008-24 Outcomes of Community Consultation and Preparation of Biodiversity and Character Planning Proposal

**Author:** Principal Strategic Planner

**Directorate:** Environment and Planning

**Matter Type:** Committee Reports

ENV008-24

<Summary Section>

**RECOMMENDATION:**

- (a) That Council notes the outcomes of the pre-exhibition community consultation conducted for the proposed implementation of the *Biodiversity Study* and *Foreshore Scenic Character Study*.
- (b) That Council endorses the preparation of the Biodiversity and Character Planning Proposal to amend the *Georges River Local Environmental Plan 2021*, comprising of the following components:
  - (i) Introduce new biodiversity planning provision and mapping overlay to preserve and protect areas of moderate and high terrestrial biodiversity values,
  - (ii) Introduce new local character planning provision and mapping overlay to provide statutory protection to Unique Character Areas (UCA),
  - (iii) Amend the existing Foreshore Scenic Protection Area (FSPA) planning provision and mapped extent to ensure the role of the FSPA focuses on foreshore scenic character,
  - (iv) Retain existing lot size requirements within areas removed from the existing FSPA as follows:
    - A. Subdivision lot size: 700sqm
    - B. Dual occupancy lot size: 1,000sqm
  - (v) Increase lot size requirements for areas proposed to be added to the proposed FSPA and/or UCA as follows:
    - A. Increase subdivision lot size from 450sqm to 700sqm
    - B. Increase dual occupancy lot size from 650sqm to 1,000sqm
  - (vi) Reduce the maximum permissible FSR for R2-zoned land located within the existing FSPA, proposed FSPA and the proposed UCA from 0.55:1 for dwelling houses and 0.6:1 for dual occupancies to 0.5:1 for all development typologies,
  - (vii) Amend the landscaped area planning provision to:
    - A. Protect, maintain and improve the diversity and condition of native vegetation and habitats across the Local Government Area (LGA),
    - B. Encourage the recovery of threatened species and their communities, populations and habitats across the LGA, and
    - C. Retain and strengthen the green and leafy character of the LGA, including trees in the private domain that contribute to local character and visual amenity,
  - (viii) Increase the minimum landscaped area requirement for dwelling houses and dual



occupancies by 5% to 30% and 35% respectively for R2-zoned land located within the existing FSPA, proposed FSPA and the proposed UCA,

- (ix) Introduce minimum 20% landscaped area requirement for multi dwelling house, terraces and manor houses in response to the NSW Government's Low and Mid-Rise Housing Reform, and
- (x) Request Department of Planning, Housing and Infrastructure to exclude the application of the *Low-Rise Housing Diversity Code* from the proposed FSPA and proposed UCA to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the Development Application process.

(c) That all persons who made a submission be advised of Council's decision.

## EXECUTIVE SUMMARY

1. Council is required to submit a Planning Proposal which amends the *Georges River Local Environmental Plan 2021* (GRLEP 2021) in accordance with the findings of the *Georges River Foreshore Scenic Character Study* (Foreshore Study) and the *Georges River Biodiversity Study* (Biodiversity Study).
2. This requirement is enforced by the State Government's Conditions of Approval for the *Georges River Local Housing Strategy* and by the recommendation of the Georges River Local Planning Panel (LPP) dated 25 and 26 June 2020 in its consideration of the GRLEP 2021.
3. The community has expressed strong interest to be involved in the process of implementing the recommendations of the Foreshore Study. In particular, the inclusion of community input in the development of planning controls related to the Foreshore Scenic Protection Area (FSPA).
4. In response to the strong request from the community to be involved in the development of planning controls for any Planning Proposal which amends the FSPA, pre-exhibition community consultation commenced on 17 October 2022 and concluded on 31 March 2023 (inclusive). The consultation period lasted for a total of 24 weeks.
5. A total of 325 submissions have been received during the consultation period. The Community Consultation Summary Report is provided in **Attachment 1** which provides a summary of the consultation activities undertaken and the submissions received by Council.
6. All submissions have been reviewed and summarised (refer **Attachment 2**). The majority of community submissions object to any changes to existing planning controls. Four (4) recurring themes have been identified throughout the objections received:
  - Natural environment – Objects to the proposed changes because it will destroy the natural environment by allowing more development. Submissions also request better protection of the environment but provide no consideration of the proposed biodiversity controls.
  - Density – Objects to any increase in density or new development in general. Issues including traffic congestion, old sewers, poor amenity and loss of existing 'exclusivity' are also raised as the negative impacts of increasing housing and density.
  - Lot size – Objects to the reduction of existing lot size requirements and new development that will increase density.
  - Local character – Objects to the proposed changes due to concerns about local character being destroyed by new development. Submissions also request stronger protection of local character but provide no consideration on the proposed local character controls.



7. In response to the submissions received from the community, this Report considers whether an amendment to the draft planning controls is recommended and details the components of the Planning Proposal including post-consultation amendments.
8. In summary, the subject Planning Proposal (known as the Biodiversity and Character Planning Proposal) will be comprised of the following components:

**Biodiversity**

- Introduce new biodiversity planning provision and mapping overlay to preserve and protect areas of moderate and high terrestrial biodiversity values,

**Local Character Area**

- Introduce new local character planning provision and mapping overlay to provide statutory protection to Unique Character Areas (UCA),

**Foreshore Scenic Protection Area**

- Amend the existing FSPA planning provision and mapped extent to ensure the role of the FSPA focuses on foreshore scenic character,

**Lot Size – land no longer in FSPA**

- Retain existing lot size requirements within areas removed from the existing FSPA as follows:
  - Subdivision lot size: 700sqm
  - Dual occupancy lot size: 1,000sqm

**Lot Size – land added to FSPA**

- Increase lot size requirements for areas proposed to be added to the proposed FSPA and/or UCA as follows:
  - Increase subdivision lot size from 450sqm to 700sqm
  - Increase dual occupancy lot size from 650sqm to 1,000sqm

**Floor Space Ratio**

- Reduce the maximum permissible FSR for R2-zoned land located within the existing FSPA, proposed FSPA and the proposed UCA from 0.55:1 for dwelling houses and 0.6:1 for dual occupancies to 0.5:1 for all development typologies,

**Landscaping**

- Amend the landscaped area planning provisions through the insertion of new objectives to:
  - Protect, maintain and improve the diversity and condition of native vegetation and habitats across the Local Government Area (LGA),
  - Encourage the recovery of threatened species and their communities, populations and habitats across the LGA, and
  - Retain and strengthen the green and leafy character of the LGA, including trees in the private domain that contribute to local character and visual amenity,
- Increase the minimum landscaped area requirement for dwelling houses and dual occupancies by 5% to 30% and 35% respectively for low density land located within the existing FSPA, proposed FSPA and the proposed UCA,
- Introduce minimum 20% landscaped area requirement for multi dwelling house, terraces and manor houses in response to the NSW Government's Low and Mid-Rise Housing Reform,

**Exclusion from Complying Development**

- Request the Department of Planning, Housing and Infrastructure (DPHI) to exclude the application of the *Low-Rise Housing Diversity Code* from the proposed FSPA and proposed UCA to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the Development Application process.

9. The purpose of this Report is to seek Council's endorsement to prepare the Biodiversity and Character Planning Proposal to amend the GRLEP 2021.



10. Once the Planning Proposal is prepared, it will be reported to Council in a future meeting seeking endorsement to request a Gateway Determination from the DPHI for the Planning Proposal.

## BACKGROUND

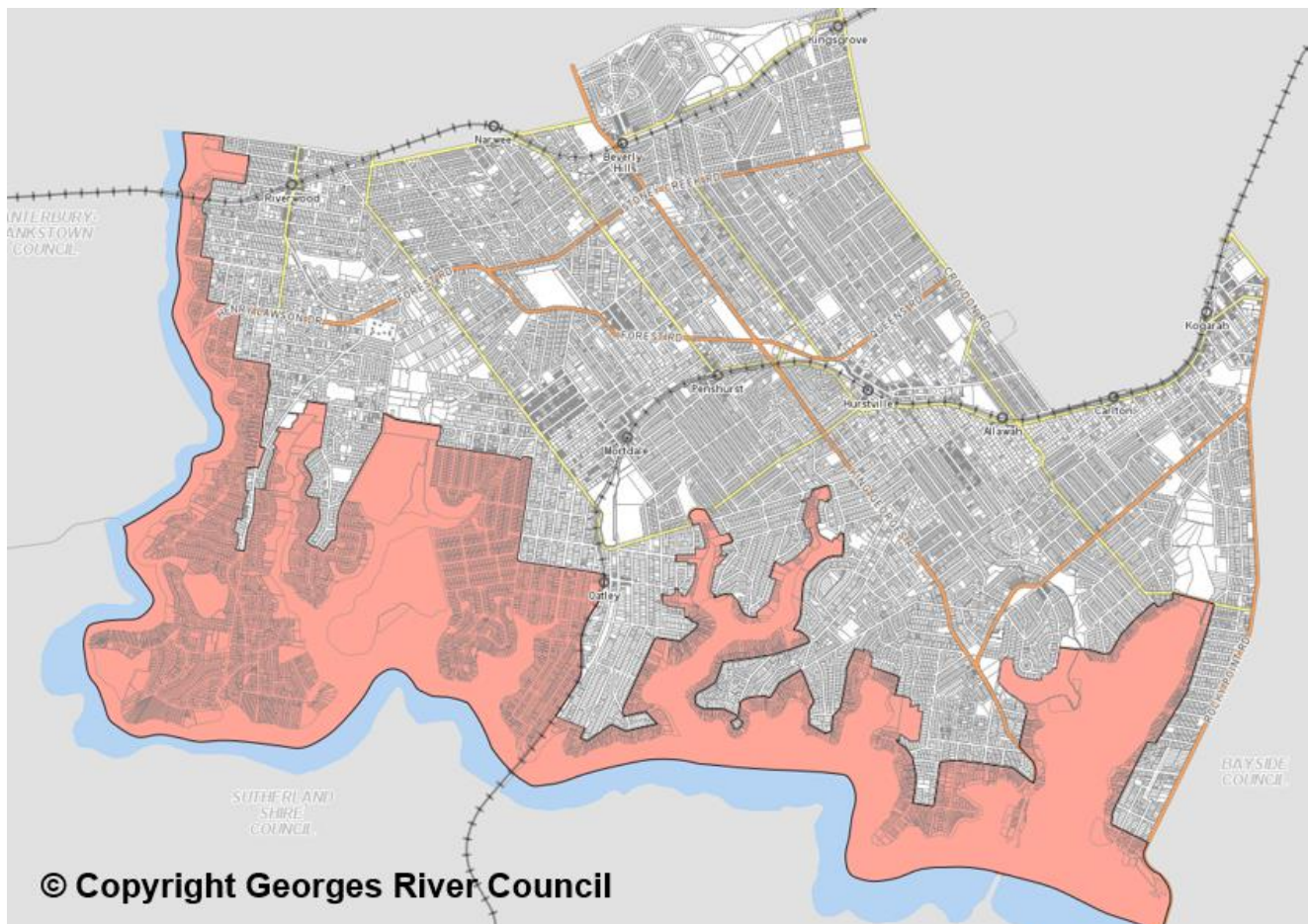
### Georges River Local Environmental Plan 2020

11. The consolidated Local Environmental Plan (LEP) for the Georges River Local Government Area (LGA), also known as draft LEP 2020, was publicly exhibited and finalised for plan-making in 2020.
12. The draft LEP 2020 had originally proposed to reduce the extent of the existing Foreshore Scenic Protection Area (FSPA) in the former Hurstville LGA. The minimum lot size required for dual occupancy developments in the areas removed from the FSPA was proposed to be reduced from 1,000sqm to 650sqm, which would have enabled increased development potential (i.e., eligible for dual occupancies) for 742 sites.
13. The reduced FSPA extent was endorsed by the Department of Planning, Housing and Infrastructure (DPHI) through its Gateway Determination of the draft LEP 2020 before the proposal was placed on public exhibition.
14. The draft LEP 2020 was publicly exhibited from 1 April to 31 May 2020 (inclusive) and a total of 1,153 community submissions were received. Over 400 submissions objected to the removal of properties within the FSPA due to concerns for overdevelopment as result of the increased dual occupancy development potential and the loss of vegetation and biodiversity.
15. As the planning proposal authority, the Georges River Local Planning Panel ("LPP") considered the draft LEP 2020 for finalisation at its meeting dated 25 and 26 June 2020.
16. To address the concerns raised by the submissions in relation to the FSPA, the LPP made the following amendments to the draft LEP 2020 before it was submitted to the DPHI for final plan-making:
  - Increase the minimum landscaped area requirements for dual occupancies (non-FSPA) to 25% and dual occupancies (FSPA) to 30% and to ensure new developments are accompanied by increased planting and vegetation,
  - Insert a new local provision to protect trees in the R2 and R3 zones, and
  - Retain the existing extent of the FSPA in the Hurstville LEP while expanding the FSPA to the former Kogarah LGA in accordance with the as-exhibited version. Refer **Figure 1** below for the final FSPA extent proposed by the draft LEP 2020.

ENV008-24

**Figure 1 – Map of FSPA submitted for finalisation as part of LEP 2020**





ENV008-24

17. In addition, further investigation of the role, extent and zoning of the FSPA was requested by the LPP in its recommendation:

*The Panel recommends that Council as part of the preparation of the draft Local Environmental Plan in 2021/2022, further define the role, mapped extent and zoning of the FSPA, in both the former Hurstville and Kogarah Local Government Areas, having regard to those properties and ridge lines visible to and from the Georges River and its tributaries, and associated environmental protection applying to those areas in order to better reflect the objectives of Clause 6.7 of the Georges River Local Environmental Plan 2020. This may include the consideration of additional environmental protection zones or modifications of the FSPA.*

18. The draft LEP 2020 was gazetted on 24 September 2021 and is now in effect as the *Georges River Local Environmental Plan 2021* (GRLEP 2021). The local provision relating to the protection of trees in the R2 and R3 zones was removed by the NSW Parliamentary Counsel's Office through the plan-making process.

#### Biodiversity Study

19. In 2021, Total Earth Care prepared an LGA-wide Biodiversity Study to identify the key biodiversity values within the LGA by assessing the diversity of flora (plant) and fauna (animal) present, analysing historical changes and identifying key opportunities to protect and conserve biodiversity.
20. In addition to providing a holistic and LGA-wide assessment of the current biodiversity values, conditions, locations and opportunities, the Biodiversity Study will also inform amendments to the GRLEP 2021, the *Georges River Development Control Plan 2021* (GRDCP 2021) and other relevant environmental strategies.



21. A comprehensive overview of the Biodiversity Study is provided in **Item ENV025-21** (dated 15 June 2021). The key planning-related recommendations are summarised as follows:
  - Develop biodiversity controls in the LEP as the Georges River LGA does not have a dedicated provision to protect existing moderate to high value biodiversity,
  - Develop a Habitat Connectivity Plan to inform the planning of the Green Grid across the LGA,
  - Develop and implement initiatives for private landholders to improve vegetation condition and extend street tree canopy onto private land, and
  - Develop and implement a planting plan to increase the tree canopy in streets corridors.
22. The Biodiversity Study was noted by Council at its meeting dated 28 June 2020.

#### Foreshore Scenic Character Study

23. In accordance with the LPP's recommendation, the *Foreshore Scenic Character Study* ("Foreshore Study") was prepared by Ethos Urban in 2021 to further investigate the mapped extent and zoning of the FSPA.
24. This is achieved through further clarifying the character typologies present in the visual catchment to and from the Georges River by building upon the existing evidence base provided by the *Foreshore Strategic Directions Paper (2018)*.
25. The Foreshore Study has been prepared as a technical, objective and evidence-based document which will assist Council in developing and reviewing local planning measures, including future amendments to the GRLEP 2021 and accompanying GRDCP 2021.
26. A comprehensive overview of the Foreshore Study is provided in **Item ENV024-21** (dated 15 June 2021). The key recommendations are summarised as follows:
  - The existing FSPA control is not working as it tries to address too many planning considerations,
  - Revise the FSPA extent to exclude areas that:
    - Are not visible from the river, and/or
    - Do not contribute to the scenic character of the river,
  - Revise objectives of the FSPA clause to focus on scenic character,
  - Introduce new standalone provision in LEP to protect and enhance biodiversity as informed by the findings of the Biodiversity Study,
  - Introduce new overlay to identify Unique Character Areas (UCA) that require greater protection,
  - Retain dual occupancy lot size of 1,000sqm and 30% landscaped area in the FSPA and UCA, and
  - Council to consider seeking exemption from the *Low Rise Housing Diversity Code* for the above areas.
27. The Foreshore Study was reported to Council at its meeting dated 28 June 2021 as a technical document. Due to Councillors appropriately managing conflicts of interest, no quorum could be reached to note the findings of the Study. However, this does not affect the ability of the Study to be used as an evidence base to support changes to planning controls.



28. In light of the Foreshore Study's findings, recommendations for a set of planning controls relating to the FSPA, biodiversity and local character have been developed by Ethos Urban in collaboration with Total Earth Care. These are outlined further in this Report.

#### Community Information Webinar

29. On 3 August 2021, a community information webinar was held to present the findings and recommendations of the Biodiversity Study and Foreshore Study.
30. The online webinar comprised of two presentations by the technical consultants (Ethos Urban and Total Earth Care) of the respective Studies followed by interactive question and answer sessions where the community asked questions of Council's project team and presenters.
31. The webinar was advertised through Council's What's On event listing and individual invitations were sent to the submitters of the draft LEP 2020. Each invitation was supported by a Biodiversity Study Information Sheet and Foreshore Study Information Sheet.
32. A total of 56 community members registered and attended the webinar. The key issues raised by the attendees are summarised as follows:
- The preparation of a Biodiversity Strategy should be prioritised in accordance with the recommended actions of the Biodiversity Study,
  - The trees and vegetation in backyards are equally as important as parks and reserves for wildlife, especially the protection of mature, hollow-bearing trees,
  - The reduction of the FSPA will lead to overdevelopment and loss of trees, and
  - The existing FSPA acts as a buffer that protects the biodiversity of Oatley Park and should not be reduced.
33. Furthermore, there was strong request for the community to be involved in the process of implementing the recommendations of the Foreshore Study. In particular, the attendees have requested for the extent of the recommended FSPA to be reviewed and revised by Ethos Urban and include community input in the development of planning controls.

#### Low and Mid-Rise Housing Reform

34. In late 2023 the NSW Government released a series of housing reform proposals to dramatically increase the supply of housing to address the existing housing crisis. One of the reforms is the Low and Mid-Rise Housing proposal which seeks to permit dual occupancies on reduced lot sizes (450sqm) across the R2 zone, permit manor houses, multi dwelling housing and terraces on R2 zoned land within 800m of a 'station and town centre precinct' and to permit 6 storey residential flat buildings in R3 and R4 zones within 800m of a 'station and town centre precinct'.
35. The full extent of the proposed changes is outlined in the report titled "**NSW Government Housing Reforms 2023-24**" at the Extraordinary Council Meeting held on 12 February 2024 (refer item CCL001-24).
36. Once in effect, manor houses, multi dwelling housing and manor houses will become permissible in the R2 zones that are within 800m of a railway station or within 800m of commercial centres that provide a range of frequently needed goods and services, such as full-line supermarkets.
37. The GRLEP 2021 requires minimum 20% landscaped area for developments within the R3 zone where manor houses, multi dwelling housing and terraces are currently permitted. However, the GRLEP 2021 does not nominate the landscaped area required specifically for these developments which means if these development types are carried in a R2 zone then there will be no minimum landscaped area requirement.



38. Although Council is seeking a deferral from the NSW Government in relation to the application of the Low and Mid-Rise Housing Reform, there is the possibility that the deferral will not be granted and medium density development typologies of manor houses, multi dwelling housing and terraces become permissible in some R2 zones in the LGA.
39. Therefore, amendments are required to the GRLEP 2021 to ensure the minimum 20% landscaped area requirement is applied to manor houses, multi dwelling housing and terraces irrespective of the land use zone where these developments are carried out.

## OUTCOMES OF PRE-EXHIBITION COMMUNITY CONSULTATION

40. Pre-exhibition consultation with the Georges River community was conducted for the purpose of inviting community input into the preparation of planning controls relating to biodiversity, local character and the FSPA.
41. The draft planning controls have been developed by Ethos Urban with input from Total Earth Care for the purpose of implementing the findings and recommendations of the Biodiversity Study and Foreshore Study; and have been prepared to respond to the need for balance between enabling development and protecting the environment. In developing the planning controls, the following factors were considered:
- Georges River Council is one of the few councils in Sydney without a dedicated biodiversity control in its LEP to protect local biodiversity when new development occurs.
  - The existing FSPA currently covers a large portion of inland area and many properties within the FSPA cannot be seen from the Georges River or have views of the River but are still required to comply with the FSPA control of respecting and enhancing the scenic qualities of the River.
  - The Studies found that scenic character is not the only character worthy of additional protection. Some areas have strong naturalistic qualities, created by the presence of canopy trees and planting in the private domain, even though these areas cannot be seen from the River. If not well managed, new developments can threaten the green and vegetated qualities of these areas.
  - Changes to existing planning controls are needed to address the issues of lack of clarity, overdevelopment and overprotection.
42. The proposed changes to the planning controls focus on creating the most appropriate controls for the three (3) values of biodiversity, unique local character and foreshore scenic character. The consulted changes to planning controls as summarised in **Table 1** below.

**Table 1 – Overview of Consulted Changes to Planning Controls**

Values		Proposed Key Planning Controls
1	Biodiversity	<ul style="list-style-type: none"> <li>• Introduce a Terrestrial Biodiversity local provision and mapping overlay in the GRLEP 2021, including the relocation of biodiversity-related controls from the existing FSPA clause.</li> <li>• The main objective of this control is to protect trees and other natural landscape features that contribute to terrestrial biodiversity within and adjacent to development sites.</li> <li>• Areas identified as Terrestrial Biodiversity are supported by a 40m buffer zone. The purpose of this buffer zone is to prevent degradation by managing edge effects like weed invasion and spread.</li> <li>• Replace the existing Green Web control in the GRDCP 2021 with a series of Green Corridors across the LGA to protect existing habitat corridors and facilitate more opportunities for creating a corridor where</li> </ul>



Values		Proposed Key Planning Controls
		there is little existing vegetation.
2	Local Character	<ul style="list-style-type: none"> <li>• Introduce Unique Character Areas (UCA) to ensure locations with strong naturalistic qualities are protected and enhanced through new developments, including areas that are not visible from the Georges River.</li> <li>• Some of the UCA will replace the existing FSPA in the western portion of the LGA while the UCA will be applied to land not located within the existing FSPA in the eastern portion.</li> <li>• Introduce detailed character statements and tailored provisions in the GRDCP 2021 to ensure new developments will have the desired characteristics of the respective UCA.</li> <li>• Land located within the UCA will have the same larger minimum lot size requirement as the FSPA under the GRLEP 2021 to assist with maintaining the naturalistic qualities created by the presence of extensive landscaping – 700sqm for the creation of new lots and 1,000sqm for dual occupancies.</li> </ul>
3	Foreshore Scenic Character	<ul style="list-style-type: none"> <li>• Reduce the extent of the existing FSPA on the western side of the LGA and insert additional areas on the eastern side.</li> <li>• Revise the existing FSPA clause in the GRLEP 2021 to ensure the focus is directed at protecting the scenic character of the Georges River and the views to and from the River.</li> <li>• Revise the existing FSPA clause to clearly identify the protection of trees, vegetation and other natural elements that contribute to scenic character while ensuring the built form integrates with the natural environment.</li> <li>• Introduce provisions within the GRDCP 2021 to further enhance the protection of the foreshore scenic character.</li> <li>• The existing larger lot size requirements will be retained in the proposed FSPA.</li> </ul>

43. In addition, a Lot Size Poll was conducted for properties which are currently located within the FSPA but will not be included in the proposed UCA or FSPA. The purpose and outcomes of the Poll is detailed under the **Results of the Lot Size Poll** heading. In summary, the existing lot size requirements are not proposed to be reduced.

#### Consultation Activities

44. The pre-exhibition consultation period commenced on 17 October 2022 and concluded on 31 March 2023 (inclusive). The consultation period lasted for a total of 24 weeks.
45. The Community Consultation Summary Report is provided in **Attachment 1** which details the consultation activities undertaken and the submission received by Council.
46. In summary, Council undertook the following consultation activities:
- Combination of postal mail and email notification to approx. 24,000 landowners,
  - Dedicated Your Say project page,
  - One-on-one virtual Zoom meetings (10 – 15 minutes) by appointment during business hours,
  - Face-to-face meetings (10 – 15 minutes) during business hours,
  - Plain-English fact sheets on the different elements of the proposed changes to planning controls,
  - Frequently Asked Questions in response to questions received during the consultation period,



- One (1) online community workshop (2 hours) on 25 October 2022,
- One (1) in-person community workshop (2 hours) on 27 October 2022,
- Online submission form,
- Online poll on preference for potential changes to lot size, and
- Recording and uploading of online workshop presentation onto the Your Say project page as an additional resource for the community.

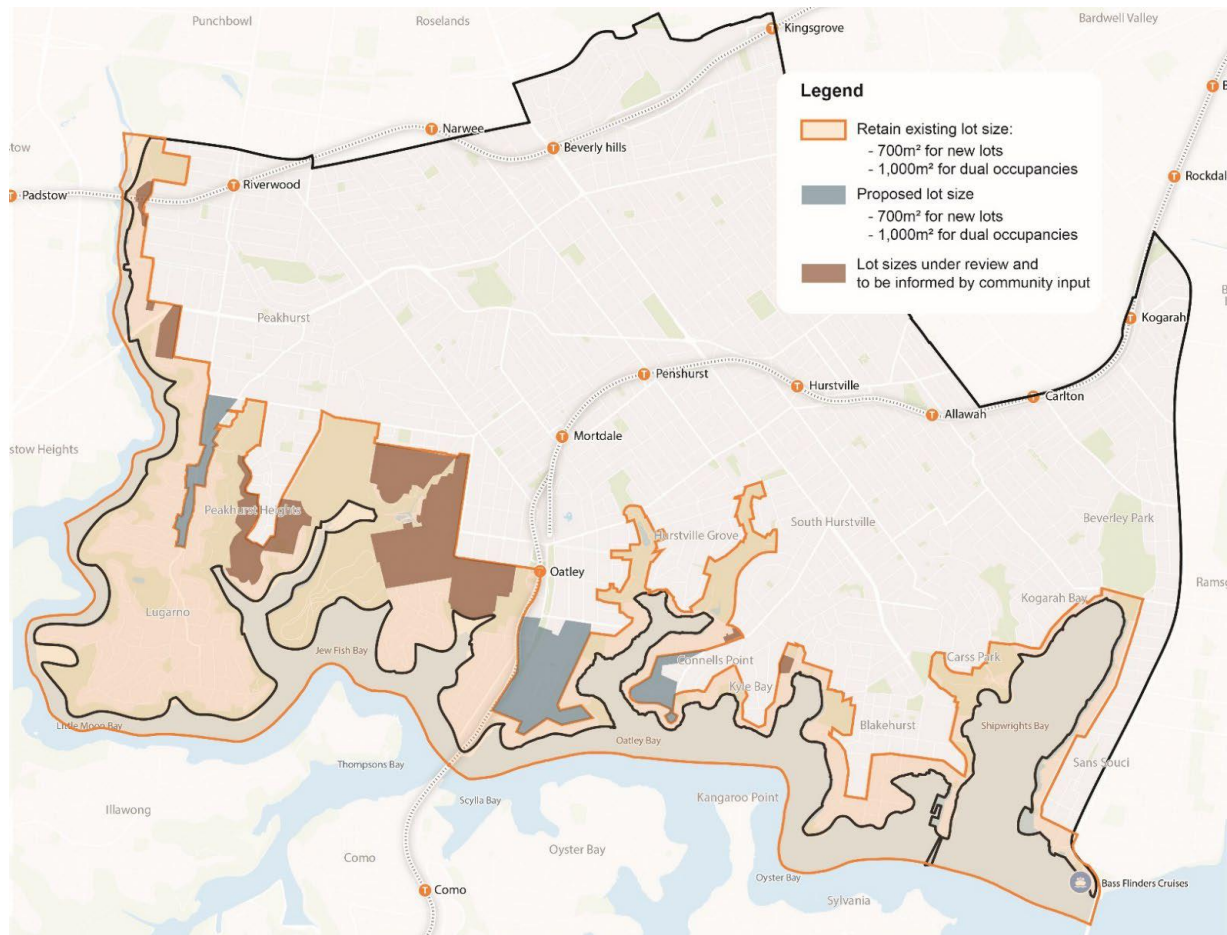
47. An overview of the community participation statistics is provided below:

- 2,403 visits to the Your Say project page during the consultation period,
- 825 documents were downloaded from the Document Library of the Your Say project page,
- 98 attendees at the online community workshop,
- 94 attendees at the in-person community workshop,
- 19 individual meetings were held,
  - 6 of these made submissions, and
  - 13 of these did not make submissions,
- 178 responses to the Lot Size Poll, and
- 325 unique written submissions were received and considered, including:
  - 1 submission from the Environmental Protection Authority (EPA),
  - 1 submission from a current Councillor,
  - 293 unique community submissions, and
  - 30 community submissions based on a proforma.

#### Results of the Lot Size Poll

48. The GRLEP 2021 has controls in place which specify the minimum subdivision lot size to create a new parcel of land and the minimum lot size requirement to carry out a dual occupancy development.
49. Currently, there are two sets of lot size controls in place with a smaller requirement for land located outside of the FSPA and a larger requirement for land located within the FSPA as follows:
- Subdivision lot size outside of the FSPA: 450sqm
  - Dual occupancy lot size outside of the FSPA: 650sqm
  - Subdivision lot size within the FSPA: 700sqm
  - Dual occupancy lot size within the FSPA: 1,000sqm
50. The Foreshore Study recommends retaining the existing larger lot size requirements for land located within the existing FSPA and to expand the larger lot size requirement to the proposed FSPA and UCAs.
51. However, during the draft LEP 2020 consultation process Council received numerous requests for properties which are removed from the FSPA to adopt the smaller lot size requirement to enable greater development potential.
52. In response, the Lot Size Poll was made available during the subject community consultation program to gather community feedback regarding the outcome of lot size requirements for the areas excluded from the proposed FSPA and UCAs. The location of land with potential lot size changes as shown in **Figure 2** below.



**Figure 2 – Location of Potential Lot Size Changes**

53. The Poll was comprised of five (5) sections corresponding to each of the 5 localities of Connells Point, Mortdale, Oatley West, Peakhurst and Peakhurst Heights.
54. The following options were available for selection for each locality:
  - Keep lot sizes the same, do not reduce them
  - Reduce lot sizes so they are the same as other areas in the LGA
  - I don't mind what happens in this area
55. A total of 178 responses have been received on the Lot Size Poll. The majority of the responses seek to retain existing lot size requirements in the areas excluded from the proposed FSPA and UCAs.
56. The results of the Lot Size Poll are tabulated in **Table 2** below.



**Table 2 – Results of the Lot Size Poll**

	• Connells Point	• Mortdale	• Oatley West	• Peakhurst	• Peakhurst West
• Keep lot sizes the same	• 81%	• 84%	• 88%	• 78%	• 86%
• Reduce lot sizes	• 9%	• 9%	• 7%	• 10%	• 8%
• Don't mind what happens here	• 10%	• 7%	• 4%	• 12%	• 6%

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Analysis of Submissions

57. A total of 325 submissions have been received during the consultation period, including:
- 1 submission from the Environmental Protection Authority (EPA),
  - 1 submission from a current Councillor (the submission was made as a resident)
  - 293 individual submissions from the community, and
  - 30 community submissions based on a proforma.
58. The EPA does not raise any objections or concerns with the proposed planning controls in their submission.
59. All submissions have been reviewed and summarised, refer **Attachment 2**. The majority of community submissions object to changes to existing planning controls.
60. Four (4) recurring themes have been identified throughout the objections received. **Table 3** below provides a summary of key issues raised within each of the 4 themes.
61. It should be noted that many submissions contained feedback that can be included in more than one theme, with some submissions containing all 4 themes below.

**Table 3 – Themes and Key Issues raised by Submissions**

Number of Submissions	Theme	Key Issues Raised
196 (60% of submissions)	<b>1. Natural environment –</b> Objects to the proposed changes because it will destroy the natural environment by allowing more development. Submissions also request better protection of the environment but provide no comment on the proposed biodiversity controls.	<ul style="list-style-type: none"> <li>• Perception of the existing FSPA as an environmental protection mechanism that is protecting the area from new development, with some requests for the FSPA to be turned into an “Environmental Protection Zone”,</li> <li>• Belief that changing the FSPA will lead to devastating environmental damage,</li> <li>• Wildlife and habitats for wildlife are highly valued,</li> <li>• Trees are highly valued, and</li> <li>• Requests for greater enforcement action on illegal tree clearing.</li> </ul>
155 (47% of submissions)	<b>2. Density –</b> Objects to any increase in density or new development in general. Issues including traffic	<ul style="list-style-type: none"> <li>• Assumption that changing and/or reducing the FSPA extent will lead to increased density in the areas where the FSPA is removed,</li> <li>• Increasing density will have negative</li> </ul>



Number of Submissions	Theme	Key Issues Raised
	congestion, old sewers, poor amenity and loss of existing 'exclusivity' are also raised as the negative impacts of increasing housing and density.	<p>impacts on the natural environment like mature trees being removed to make way for new development, buildings taking up a significantly larger footprint, less landscaped area to allow stormwater infiltration,</p> <ul style="list-style-type: none"> <li>• Amenity impacts on the neighbourhood amenity like more cars parked on the street and more traffic,</li> <li>• Loss of perceived property value associated with the 'exclusivity' of living in an area with a green and low density character,</li> <li>• Frustration that Council is undermining the amenity for existing residents by allowing more development to occur, and</li> <li>• Requests for dual occupancies to be prohibited.</li> </ul>
126 (39% of submissions)	<b>3. Lot size –</b> Objects to reduction to lot size requirements and new development that will increase density.	<ul style="list-style-type: none"> <li>• Reducing existing lot size requirements will lead to more development, and</li> <li>• Raise the same issues as the previous "density" theme.</li> </ul>
96 (29% of submissions)	<b>4. Local character –</b> Objects to the proposed changes due to concerns about local character being destroyed by new development. Submissions also request stronger protection of local character but provide no comment on the proposed local character controls.	<ul style="list-style-type: none"> <li>• Assumption that changing and/or reducing the FSPA extent will lead to increased development, and</li> <li>• More development will destroy the current 'exclusive' low density character.</li> </ul>

62. Furthermore, there are 28 submissions (or 9%) that contain additional feedback as follows:

- Support for the introduction of biodiversity controls,
- Concerned about further delays to DA timeframe as biodiversity controls will prohibit complying development as a development approval pathway,
- Support for removal of areas not visible from the riverfront,
- Requests inclusion of additional areas into the FSPA, including the eastern side of Kogarah Bay, the southern ends of Woronora Parade, Mi Mi Street and Myall Street,
- Requests for certain properties in Peakhurst to be removed from the FSPA,
- Opposes controls that unfairly burden FSPA properties,
- Requests more car parking spaces to be provided per dwelling because residents have too many cars, and
- Assumes the proposed changes are identical to the amendments proposed by the draft LEP 2020 and objects for that reason.



## COUNCILLOR BRIEFING WORKSHOPS AND MEETINGS

63. A number of workshops and meetings have been held with the Councillors to inform the preparation of a planning proposal which implements the Biodiversity and Foreshore Studies. **Table 4** below outlines the content of each workshop and/or meeting.

**Table 4 – Timeline of Councillor Workshops and Meetings**

Date	Workshop / Meeting Content
Workshop No.1 6 June 2022	<ul style="list-style-type: none"> <li>• Outlines the need for a planning proposal</li> <li>• Provides a recap of the evidence base and recommendations from the Biodiversity and Foreshore Studies</li> <li>• Provides update on the Community Information Session held on 3 August 2021</li> <li>• Outlines the areas of focus for the proposed controls within the future planning proposal, i.e., biodiversity, FSPA and local character</li> <li>• Recommends additional community engagement to occur to develop the proposed controls together with the community</li> </ul>
Workshop No.2 21 August 2023	<ul style="list-style-type: none"> <li>• Provides update on the outcomes of the pre-exhibition community consultation program, including the recurring themes and key issues raised by the submissions and the results of the Lot Size Poll</li> <li>• Councillors confirm the “do nothing” option of maintaining the status quo is not a viable option as current planning controls are not working to address community concerns regarding the loss of trees and overdevelopment within the existing FSPA</li> <li>• Councillors’ express preference for stronger environmental protection to be implemented, including the reduction of the maximum floor space ratio (FSR) and increasing landscaped area requirements</li> <li>• Councillors request Council staff to explore the option of rezoning some areas within the existing FSPA to Zone C4 Environmental Living in response to community submissions for the creation of an “Environmental Protection Zone”</li> <li>• Councillors raise concerns regarding the application of the C4 Zone as it prohibits dual occupancies and Complying Developments</li> </ul>
Workshop No.3 6 November 2023	<ul style="list-style-type: none"> <li>• A partial C4 Zone is presented, applying to land affected by both the recommended FSPA and terrestrial biodiversity mapping</li> <li>• Highlights the potential loss of dwellings and development potential if a C4 Zone is introduced, which is unlikely to be supported by the State Government</li> <li>• Some Councillors support the proposed preferred option – the implementation of the Biodiversity and Foreshore Studies as per consultation but with revisions to reduce the FSR and increase landscaped area for land located within the existing FSPA</li> </ul>
Meeting between Councillors Borg, Jamieson and Mahoney with Council staff 8 November 2023	<ul style="list-style-type: none"> <li>• Councillors acknowledge the option of rezoning land from zone R2 to zone C4 would not progress through the Gateway process due to the direction of the State Government regarding increasing housing supply</li> <li>• Councillors express concerns regarding the exhibited planning provisions, especially in relation to the loss of environmental protection for the areas proposed to be removed from the existing FSPA</li> <li>• Councillors request existing LEP objectives relating to native vegetation, threatened species and habitats are retained and</li> </ul>



Date	Workshop / Meeting Content
	<p>strengthened for areas removed from the existing FSPA</p> <ul style="list-style-type: none"> <li>Councillors request objectives relating to the increase of tree canopy and environmental protection to be introduced across the whole LGA</li> </ul>

## AMENDMENTS IN RESPONSE TO FEEDBACK RECEIVED

64. **Table 5** below provides an analysis of each issue and considers whether an amendment to the draft planning controls is recommended in response to the issues raised.

**Table 5 – Analysis of Key Issues and Proposed Post-Consultation Amendments**

Theme	Key Issue	Council Response
Natural environment	The existing FSPA is perceived as an environmental protection mechanism that is protecting the area from new development, with some requests for the FSPA to be turned into an “Environmental Protection Zone”.	Amendment is recommended – the proposed amendment is detailed under heading <b>Environmental Protection for Non-FSPA</b> below.
Natural environment	Belief that changing the FSPA will lead to significant environmental damage.	
Natural environment	Wildlife and habitats for wildlife are highly valued.	Amendment is not required to the consulted controls as the proposed controls are introduced to protect wildlife and their habitats. The proposed biodiversity controls in the LEP ensures existing local biodiversity is protected while the proposed DCP green corridor controls will enhance vegetation to create habitat connectivity for wildlife.
Natural environment	Trees are highly valued and requests for greater enforcement action on illegal tree clearing.	Amendment is not recommended to consulted controls – enforcement action for tree vandalism within the LGA (both public and private) are managed in accordance with Council’s <i>Tree Management Policy</i> and internal operational procedures. Penalties vary depending on the severity of the offence. Penalties can be up to a maximum of \$5 million for an offence against the <i>Environmental Planning and Assessment Act 1979</i> . Council has written to the NSW Government requesting greater penalties be applied to prosecute illegal tree clearing.
Density	Changing and/or reducing the FSPA extent will lead to increased density in the areas where the FSPA is removed.	Amendment is not recommended to consulted controls – the existing lot size requirements are not proposed to be reduced and therefore will not create the development potential for additional density.



Theme	Key Issue	Council Response
Density	Increasing density will have negative impacts on the natural environment like mature trees being removed to make way for new development, buildings taking up a significantly larger footprint, less landscaped area to allow stormwater infiltration.	Amendment is recommended – the proposed amendment is detailed under heading <b>Reducing Development Footprint and Increasing Landscaping</b> below.
Density	Increasing density will result in amenity impacts on the neighbourhood like more cars parked on the street and more traffic.	Amendment is not recommended to consulted controls – the existing lot size requirements are not proposed to be reduced and therefore will not create the development potential for additional density.
Density	Loss of perceived property value associated with the 'exclusivity' of living in an area with a green and low density character.	Amendment is not recommended to consulted controls – the proposed local character controls have been developed with the intent of strengthening the protection of the existing green and leafy character.
Density	Frustration that Council is undermining the amenity of existing residents.	Amendment is recommended – the proposed amendment is detailed under heading <b>Local Character in the LEP</b> below.
Density	Requests for dual occupancies to be prohibited.	Amendment is not recommended to consulted controls – dual occupancies are a mandated land use within the Zone R2 Low Density Residential under the <i>Standard Instrument LEP</i> and all councils must adhere to the mandated land uses in their LEPs.
Lot size	Reducing existing lot size requirements will lead to more development.	Amendment is not recommended to consulted controls – the existing lot size requirements are not proposed to be reduced and therefore will not create the development potential for additional density.
Local character	More development will destroy the current 'exclusive' low density character.	Amendment is recommended – the proposed amendment is detailed under heading <b>Local Character in the LEP</b> below.
Additional feedback	Support for the introduction of biodiversity controls.	Amendment is not recommended to consulted controls – the support for the proposed biodiversity controls is noted.
Additional feedback	Concerned about further delays to DA timeframe as biodiversity controls will prohibit complying development as an approval's pathway.	Amendment is not recommended to consulted controls – the proposed biodiversity controls ensure existing moderate to high value terrestrial



Theme	Key Issue	Council Response
		biodiversity is correctly identified during the preparation of a DA through appropriate ecological studies. The assessment of ecological studies will be undertaken by Council's experts concurrently with other supporting DA documentation like arborist and heritage reports and may result in increase to processing times due to the assessment being undertaken by external experts.
Additional feedback	Support for removal of areas not visible from the riverfront.	Amendment is not recommended to consulted controls – the support for the proposed FSPA is noted.
Additional feedback	Requests inclusion of additional areas into the FSPA, including the eastern side of Kogarah Bay, the southern ends of Woronora Parade, Mi Mi Street and Myall Street.	Amendment is recommended – the proposed amendment is detailed under heading <b>Revised FSPA Extent</b> below.
Additional feedback	Requests for certain properties in Peakhurst to be removed from the FSPA.	Amendment is not recommended to consulted controls – the properties in question are not included within the proposed FSPA.
Additional feedback	Requests more car parking spaces to be provided per dwelling because residents have too many cars.	Amendment is not recommended to consulted controls – car parking rates is not the subject of consultation.
Additional feedback	Opposes controls that unfairly burden FSPA properties.	Amendment is not recommended to consulted controls – the proposed controls do not restrict the existing development potential of properties.
Councillor feedback	Areas removed from the FSPA will no longer have adequate environmental protection.	Amendment is recommended – the proposed amendment is detailed under heading <b>Environmental Protection for Non-FSPA</b> below.
Councillor feedback	Requests existing LEP objectives relating to native vegetation, threatened species and habitats are retained for areas removed from the existing FSPA.	
Councillor feedback	Requests objectives relating to the increase of tree canopy and environmental protection to be introduced across the whole LGA.	

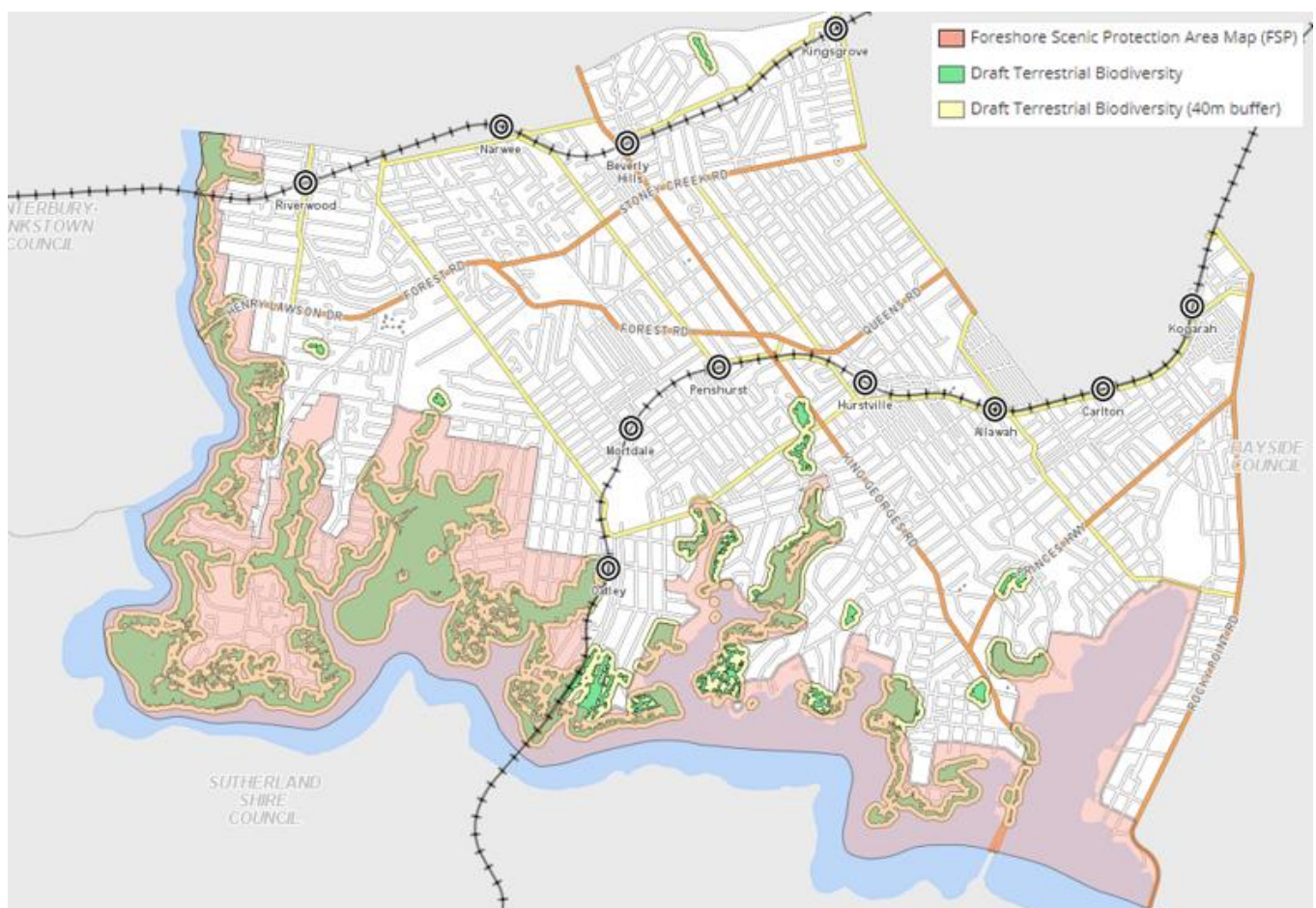
65. In response to the key issues and additional feedback raised by the community submissions and Councillors, a number of amendments to the consulted planning controls have been prepared for incorporation into the planning proposal which implements the Foreshore and Biodiversity Studies. The following subheadings explore the amendments.

#### Environmental Protection for Non-FSPA



66. The proposed changes to the FSPA includes revising the mapped extent to exclude land that do not contribute to scenic character. Furthermore, **Clause 6.6 Foreshore scenic protection area** of the GRLEP is proposed to be revised to relocate existing considerations relating to biodiversity to the proposed Terrestrial Biodiversity clause.
67. It is acknowledged that terrestrial biodiversity (see green shading in **Figure 3** below) has primarily been identified along the Georges River foreshore to the west of Tom Uglys Bridge. The absence of terrestrial biodiversity to the east of Tom Uglys Bridge and the inland localities exemplifies the need to implement changes which will ensure provision of trees and other vegetation are prioritised across the whole LGA and not just along the foreshore.
68. In particular, a number of areas (shaded pink in **Figure 3** below) will be removed from the existing FSPA as a result of the proposed changes and will not be included within the extents of the proposed Terrestrial Biodiversity clause due to the current absence of moderate to high value biodiversity. Nonetheless, development in these areas will need to consider local character and follow the proposed local character controls in the DCP.

**Figure 3 – Location of existing FSPA vs proposed Terrestrial Biodiversity**



69. However, community submissions have repeatedly expressed the importance of continued environmental protection for land which are removed from the existing FSPA.
70. To address the community request for a formal “Environmental Protection Zone” to replace the existing FSPA, the conversion of the existing FSPA to Zone C4 Environmental Living was investigated and presented to Councillors at briefing workshops (see **Table 4** above).
71. The C4 zone contains objectives that focus on ecological protection and prohibits dual occupancies and secondary dwellings via the land use table. Additionally, complying development will also be prohibited as a development approval pathway in the C4 zone.



72. The potential rezoning from R2 to C4 has been considered by the Foreshore Study. The Study identifies that the focus of zoning is to regulate land use and on this basis, changing the zone of land can have a significant impact on a person's ability to use their land.
73. The Foreshore Study concludes that while the objectives of the C4 zone are aligned with environmental protection, the C4 zone provides limited consideration towards scenic character when compared to the FSPA local provision. The C4 zone also unreasonably restricts development by negatively impacting the property owner's ability to use their land when compared to the existing R2 zone.
74. The only permissible residential use in the C4 zone is dwelling houses. Dual occupancies and secondary dwellings are prohibited in the C4 zone. Other essential community-oriented developments such as centre-based child care facilities, community facilities and health services will also become prohibited. The conversion of the R2 zone to C4 can be considered as a 'down-zoning'.
75. Therefore, the existing R2 zone is considered to be the most appropriate land use zone to achieve a balance between protecting the natural environment and enabling reasonable, appropriate development to occur.
76. Additionally, the *Standard Instrument LEP* allows councils to introduce local provisions to supplement the land use zones in response to nuanced local issues. In this instance, the existing R2 zone is to be supplemented by the proposed introduction of biodiversity controls in the GRLEP to ensure existing moderate to high value terrestrial biodiversity are protected and enhanced in the development process.
77. Further in response to the community request for greater environmental protection, especially for areas removed from the existing FSPA, amendments are proposed to strengthen the 'green and leafy character' of all low density neighbourhoods across the LGA and to elevate the significance of enhancing biodiversity in the private domain.
78. This is proposed to be achieved by inserting additional objectives into **Clause 6.12 Landscaped areas in certain residential and conservation zones** of the GRLEP. These new objectives are to focus on:
  - Ensuring private land without existing moderate to high value terrestrial biodiversity will provide new vegetation (for example to the east of Tom Uglys Bridge and in the inland localities),
  - Protecting, maintaining and improving the diversity and condition of native vegetation and habitats on private land to supplement green corridors in the public domain,
  - Encouraging the recovery of threatened species and their communities, populations and habitats across the whole LGA, and
  - Retaining and strengthening the green and leafy character of the LGA, including trees in the private domain that contribute to local character and visual amenity.
79. Since **Clause 6.12** applies to all land in the R2 zone, the proposed additions will ensure all low density development (including areas removed from the existing FSPA) will be given the opportunity to increase the presence of biodiversity through the protection of existing vegetation and the provision of new planting.

#### Reducing Development Footprint and Increasing Landscaping

80. The existing FSPA is valued by the residents for its 'green and leafy' local character, which is recognised by the designation of certain character typologies by the Foreshore Study.
81. However, throughout the submissions received, the community has continuously raised their objections to new developments which have been occurring within the existing FSPA even though the planning controls for the FSPA have not been changed.



82. Submissions state that there is a notable loss of tree canopy and vegetation on sites with new development. The building footprint of recent development is significantly larger compared to the single storey post-war bungalows that are being replaced. When the overall building footprint is increased, the amount of landscaped area is decreased as the result. The loss of landscaping through new development is perceived by the community as a form of overdevelopment and an increase in density.
83. The community's concern of new developments taking on a larger footprint and providing less landscaped area has prompted a review of the maximum Floor Space Ratio (FSR) for dwelling houses and dual occupancies within the existing FSPA.
84. The reason for this review stems from the modelling undertaken for the preparation of the comprehensive GRLEP 2021. The modelling demonstrated that a development site which fully utilises the FSR granted by the LEP is unlikely to accommodate a landscaped area that exceeds the minimum requirement of 25% and 30% landscaped area for dwelling houses and dual occupancies respectively within the FSPA.
85. It is evident that dwelling houses in the Georges River LGA are 5% larger than the neighbouring LGAs while dual occupancies are 10% larger due to the difference in maximum permissible FSR. A comparison of the FSR granted by the GRLEP 2021 and the respective LEPs of the neighbouring councils at Bayside, Canterbury-Bankstown, and Sutherland Shire is tabulated below:

**Table 6 – Comparison of FSR prescribed by adjoining councils**

FSR	Georges River	Bayside	Canterbury-Bankstown	Sutherland Shire
Dwelling houses	0.55:1	0.5:1	0.5:1	0.5:1
Dual occupancies	0.6:1	0.5:1	0.5:1	0.5:1

86. The more generous FSR granted by the GRLEP 2021 results in greater site coverage and less landscaped area of up to 10% when compared to development outcomes in the R2 zone of neighbouring councils.
87. The existing 'green' character of the FSPA is attributed to the dominance of natural landscape over built form, as reinforced by Objective (d) of the subject clause (Clause 6.6) in the GRLEP 2021:

**Clause 6.6 Foreshore scenic protection area**

*(d) to reinforce and improve the dominance of landscape over built form, hard surfaces and cut and fill,*

88. A reduction in the maximum permissible FSR to 0.5:1 for R2-zoned land within the existing FSPA is recommended to ensure Objective (d) can be achieved. The reduced FSR is also recommended to be applied to R2-zoned land located within the proposed FSPA and UCAs to ensure the strong naturalistic qualities of these areas are adequately protected moving forward.
89. In summary, the proposed FSR for R2-zone land is as follows:
- Land located within the existing FSPA – 0.5:1 for all development
  - Land located within the proposed FSPA – 0.5:1 for all development
  - Land located within the proposed UCA – 0.5:1 for all development
  - Land located in the remainder of the LGA – 0.55:1 for dwelling houses and 0.6:1 for dual occupancies



90. As a result of the reduction in maximum permissible FSR, the minimum landscaped area within the existing FSPA is able to be increased by 5% as follows shown in **red text**:

- for a dwelling house located on land within the existing FSPA, proposed FSPA and the proposed UCA (see Figure 4 below) — **25% 30%** of the site area
- for a dual occupancy located on land within the existing FSPA, proposed FSPA and the proposed UCA (see Figure 4 below) — **30% 35%** of the site area

**Figure 4 – R2-zoned land with reduced FSR and increased landscaped area (land within the existing FSPA, proposed FSPA and the proposed UCA)**



### Local Character in the LEP

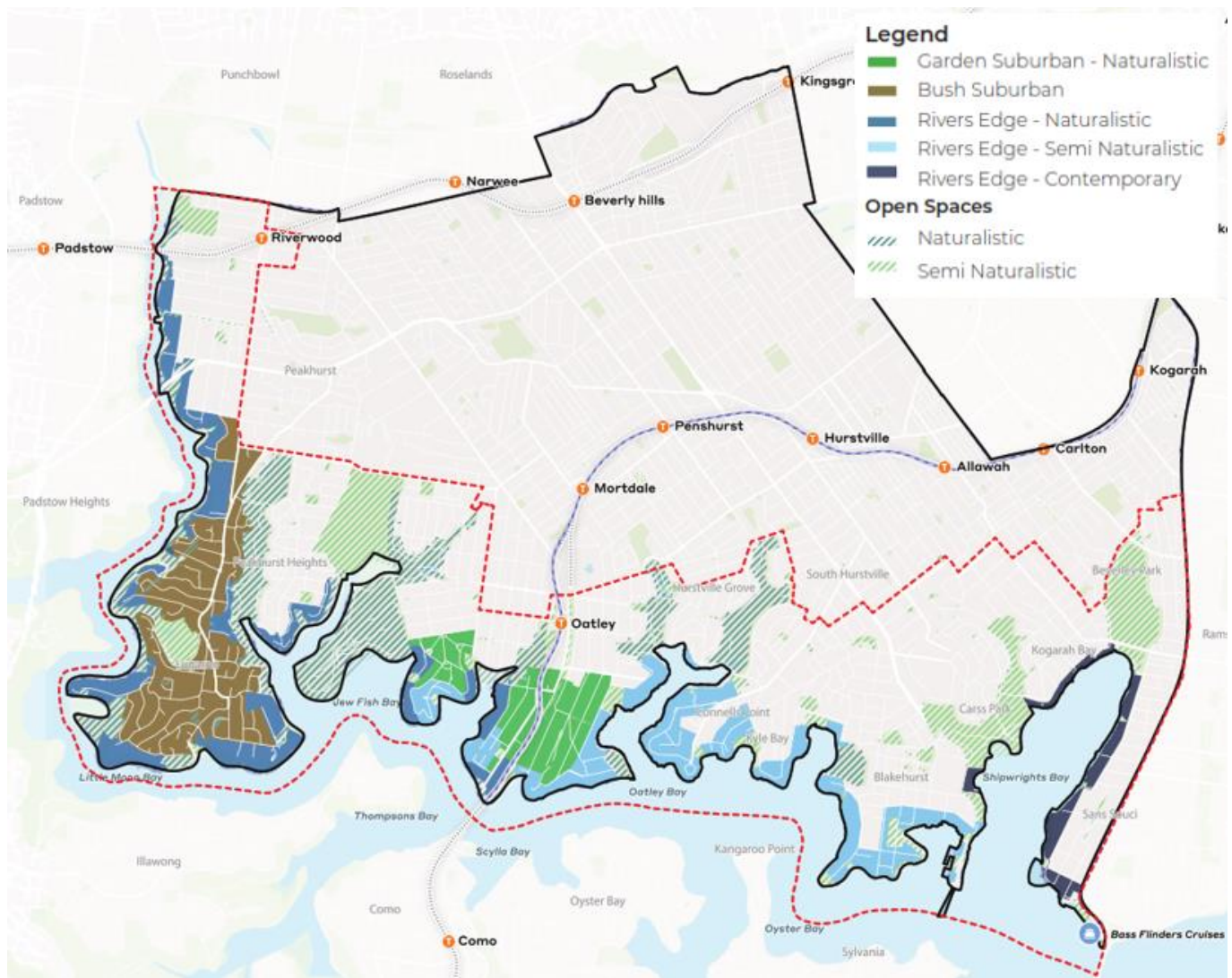
91. In November 2021, the DPHI proposed to introduce a new local character planning provision and mapping overlay to provide statutory protection to special character areas via councils' LEPs.
92. However in September 2022, Council was advised that the DPHI was no longer proceeding with the proposed local character overlays in LEPs and advised councils to continue to provide guidance on local character through their local strategic planning statements (LSPSs) and DCPs.
93. Accordingly, the community consultation was carried out with the proposal to identify the following Unique Character Areas (UCA) in the GRDCP 2021, comprising of land located within the following character typologies:
- River Edge Naturalistic (applies to private land)
  - River Edge Semi Naturalistic (applies to private land)



- Rivers Edge Contemporary (applies to private land)
- Garden Suburban Naturalistic (applies to private land)
- Bush Suburban (applies to private land)
- Public Open Space Naturalistic (applies to public reserves)
- Public Open Space Semi Naturalistic (applies to public reserves)

94. It should be noted that the UCA includes areas located within the proposed FSPA.
95. In response to community requests for stronger protection of the existing 'green and leafy' character of the above low density residential areas, an amendment is proposed to insert the UCA as an overlay and local provision within the GRLEP 2021 to strengthen the protection afforded to these localities (see **Figure 5** below).

**Figure 5 – Proposed Unique Character Areas in the LEP**

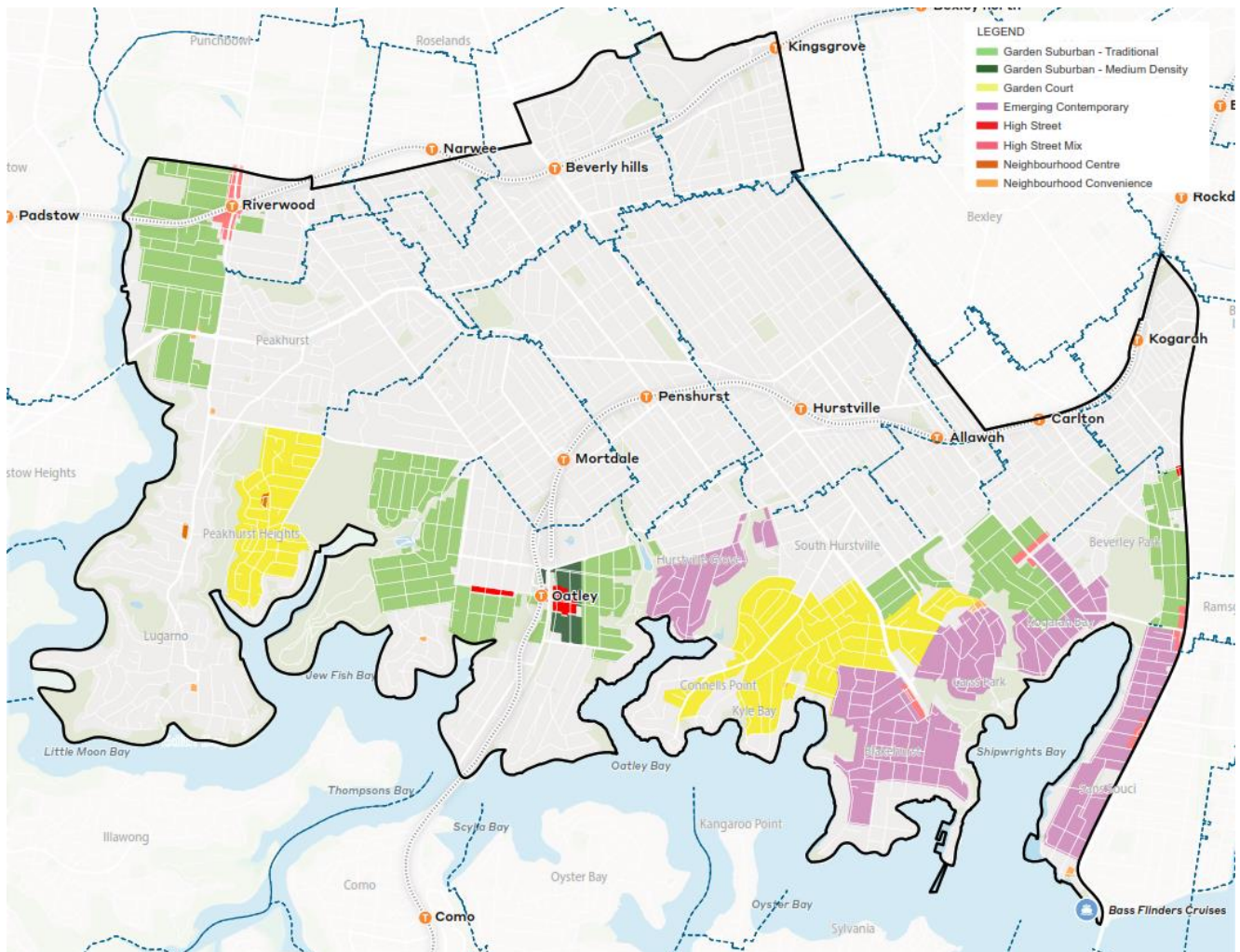


96. Additional guidance for the UCA including desired future character statements and specific typology-based design controls will continue to be inserted into the GRDCP 2021.
97. Furthermore, the GRDCP 2021 will include desired future character statements and specific typology-based design controls for the character typologies which are not proposed to be included within the UCA overlay in the GRLEP 2021 (see **Figure 6** below). These remaining character typologies are:
- Emerging Contemporary
  - Garden Court



- Garden Suburban Traditional
- Garden Suburban Medium Density

**Figure 6 – Remaining character typologies in the GRDCP 2021**



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98. However, it should be noted that support for the inclusion of a new UCA overlay within the GRLEP 2021 may not be granted by the DPHI due to its previous decision to withdraw the insertion of local character provisions into councils' LEPs.
99. Furthermore, the Planning Proposal will include a request to the DPHI to exclude the proposed FSPA and proposed UCA from the application of the *Low Rise Housing Diversity Code* to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only assessed through the Development Application process so that the existing scenic and local character are maintained and enhanced.
100. It should also be noted that the DPHI may not support the exclusion of certain areas from the application of the *Low Rise Housing Diversity Code* as there are no current active areas of exclusions in the State.

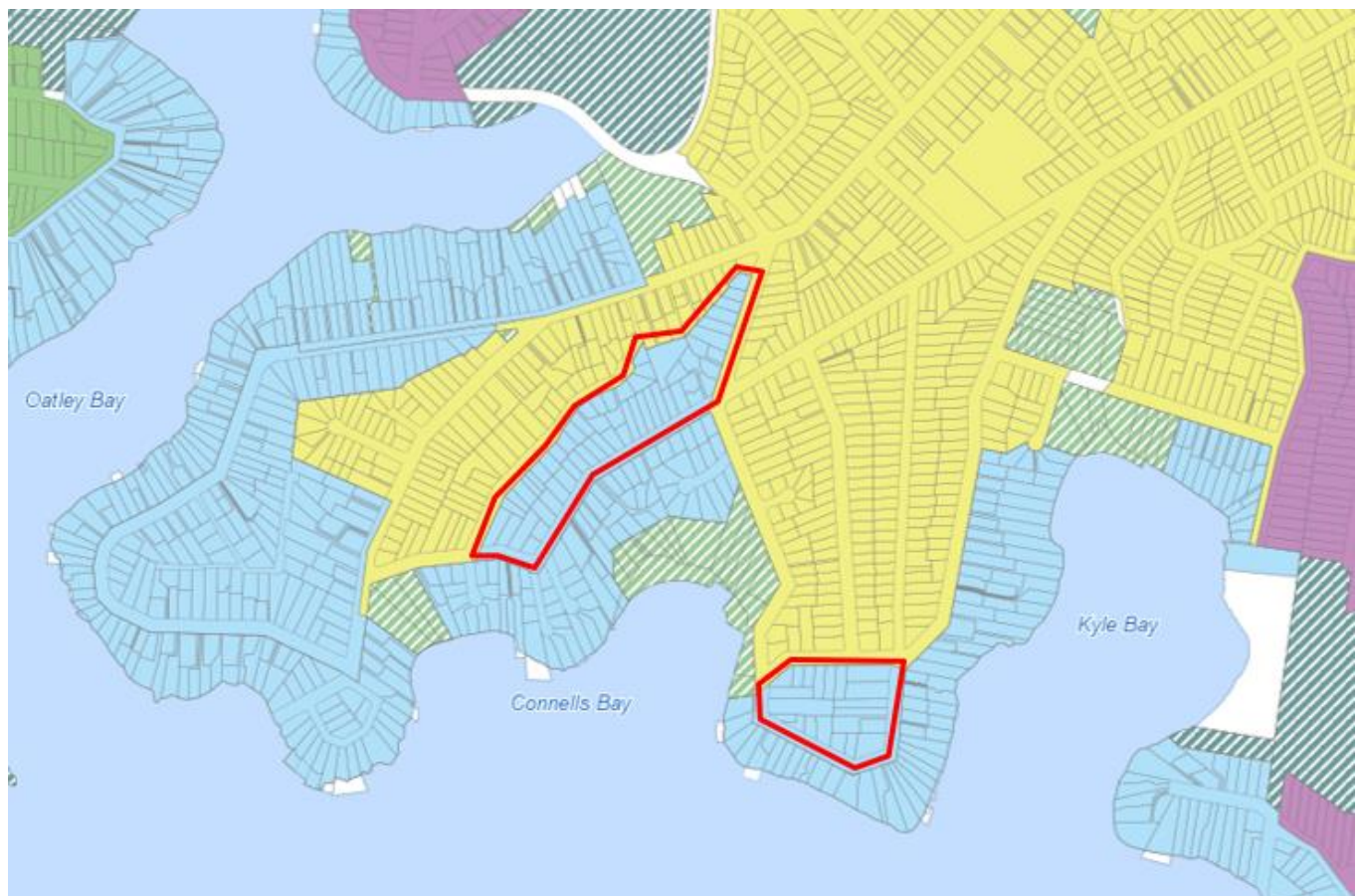
#### Revised FSPA Extent

101. The recommended FSPA as recommended by the Foreshore Study comprises of character typologies that exhibit scenic character, including:
- River Edge Naturalistic (applies to private land)
  - River Edge Semi Naturalistic (applies to private land)
  - Public Open Space Naturalistic (applies to public reserves)
  - Public Open Space Semi Naturalistic (applies to public reserves)



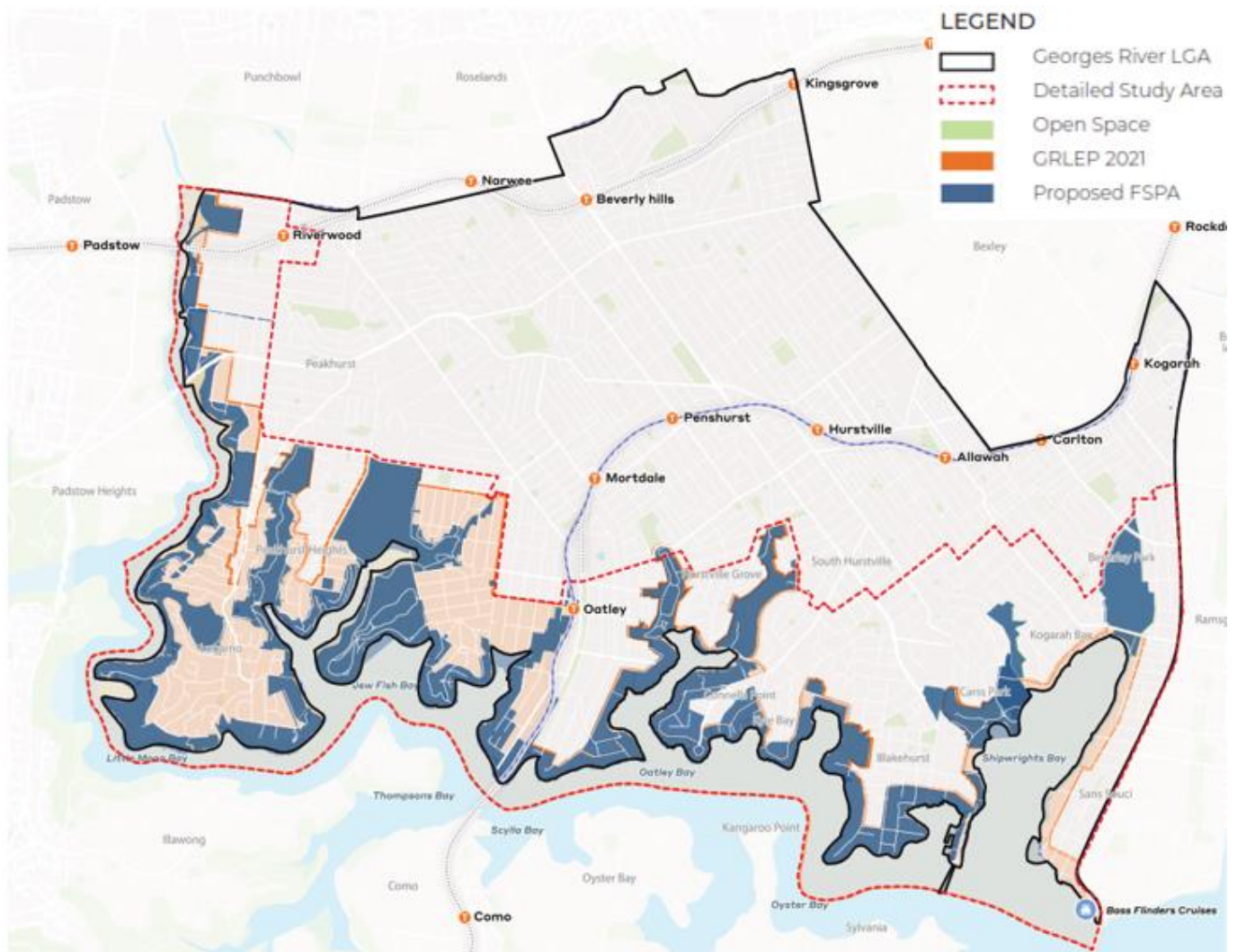
102. In response to the community submissions received, the project team at Ethos Urban undertook further desktop analysis and additional site visits to the Study Area located to the east of the Como Bridge, the southern ends of Woronora Parade, Mi Mi Street and Myall Street in accordance with the methodology adopted in the Foreshore Study.
103. The purpose of the additional investigation is to determine whether a reclassification is required for the character typologies of these locations.
104. As the result, two areas “Garden Court” character typology in Connells Point and Kyle Bay (shown in **Figure 7** below) have been identified with the characteristics that are better aligned with “River Edge Semi Naturalistic”. These characteristics include more sloping topography, moderate levels of vegetation in the public and private realms and established canopy trees visible from the Georges River.
105. Accordingly, these areas have been reallocated from the “Garden Court” character typology to “River Edge Semi Naturalistic” and included within the revised FSPA extent as shown in **Figure 8** below.
106. No other changes to the Foreshore Study have been recommended by the additional investigations.

**Figure 7 – Areas reallocated from “Garden Court” to “River Edge Semi Naturalistic”**



**Figure 8 – Revised FSPA Extent as per Foreshore Study**





107. The Foreshore Study with the revised FSPA extent and the accompanying Site Survey Matrix is provided in **Attachment 4 and 5**.

### NEED FOR A PLANNING PROPOSAL

108. This Report details the planning controls which will be included within the planning proposal which implements the Biodiversity and Foreshore Studies. The need to prepare a planning proposal is driven by two main factors:

- The LPP's recommendation dated 25 and 26 June 2020 (refer to **Paragraph 17** above), and
- The NSW Government's Conditions of Approval for the *Georges River Local Housing Strategy*.

109. On 23 June 2021, the letter of approval was issued by DPHI for the *Local Housing Strategy* (refer **Attachment 3**). The approval is subject to Council addressing a set of requirements.

110. Specifically, requirement Condition No.15 requires Council to submit a planning proposal in 2022 to DPHI which will amend the GRLEP 2021 in accordance with the recommendations of the Foreshore Study:

*Subject to completing appropriate studies, including the Biodiversity Study, Council is to bring forward a Planning Proposal in 2022 to implement Council's Foreshore Scenic Character Review. The Planning Proposal is to be supported by further evidence, including data on the number of affected lots and potential yield, to assess*



*the potential benefits and of the proposed amendments to minimum subdivision lot sizes and changes to the Foreshore Protection Area.*

111. In response to the strong request from the community to be involved in the development of planning controls for any planning proposal which amends the FSPA, pre-exhibition community consultation was carried out prior to the preparation of the required planning proposal.

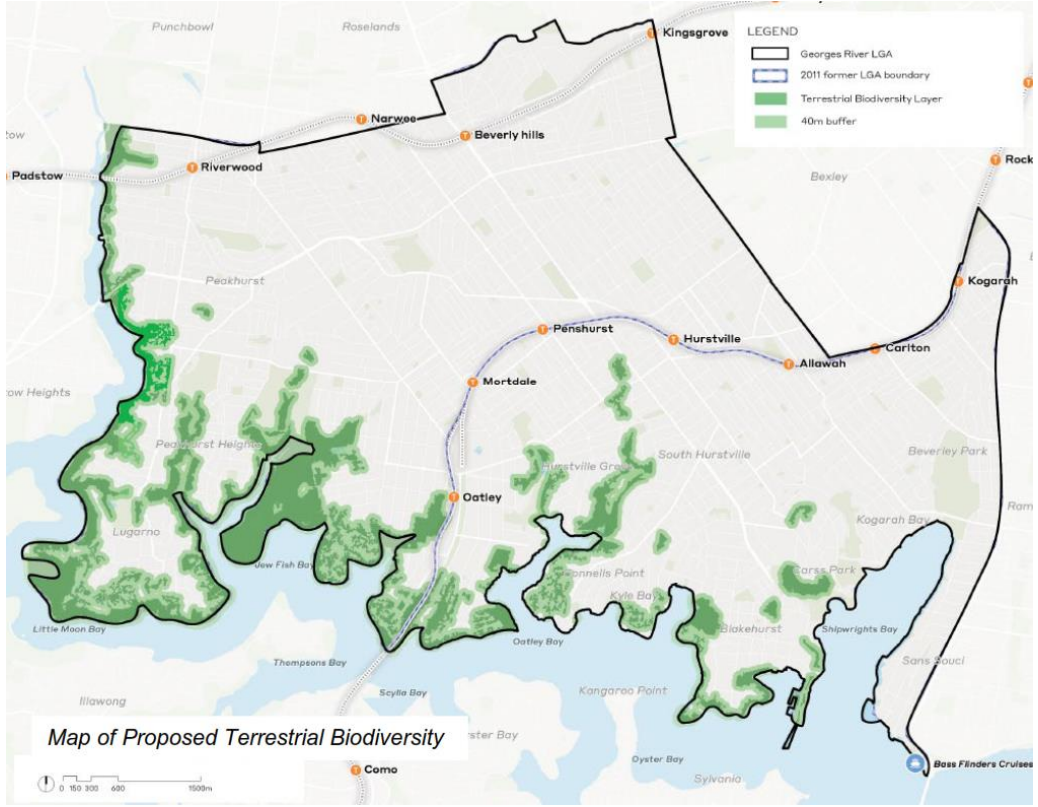
## BIODIVERSITY AND CHARACTER PLANNING PROPOSAL

112. The required planning proposal, known as the Biodiversity and Character Planning Proposal, will be prepared with the intent of implementing the recommendations of the Biodiversity Study and Foreshore Study in accordance with the approval conditions of the *Local Housing Strategy*.

113. It will be comprised of components which were placed on community consultation as well as the post-consultation amendments as outlined in the above headings of this Report.

114. In summary, the Biodiversity and Character Planning Proposal to amend the GRLEP will include the following components as outlined in **Table 7** below:

**Table 7 – Components of the Biodiversity and Character Planning Proposal**

Description of Proposed Control	Map Affected Area (if applicable)
<p><b>Biodiversity</b></p> <p>Introduce new terrestrial biodiversity planning provision and mapping overlay in the LEP to preserve and protect areas of moderate and high biodiversity values.</p>	<p>Map of new terrestrial biodiversity in GRLEP</p>  <p>The map displays the geographical area of the Georges River Local Government Area (LGA). It highlights several locations including Punchbowl, Roselands, Kingsgrove, Narwee, Beverly Hills, Riverwood, Padstow, Peakhurst, Bexley, Rock, Kogarah, Carlton, Allawah, Hurstville, Penshurst, Mortdale, Oatley, South Hurstville, Hurstville Green, Beverley Park, Ram, Kogarah Bay, Sans Souci, Shipwrights Bay, Blakehurst, Kile Bay, Oatley Bay, Kangaroo Point, Oyster Bay, Sylvania, and Base Flinders Cruises. A legend indicates the Georges River LGA boundary, the 2011 former LGA boundary, the Terrestrial Biodiversity Layer, and a 40m buffer. A scale bar at the bottom left shows distances from 0 to 1500m.</p>



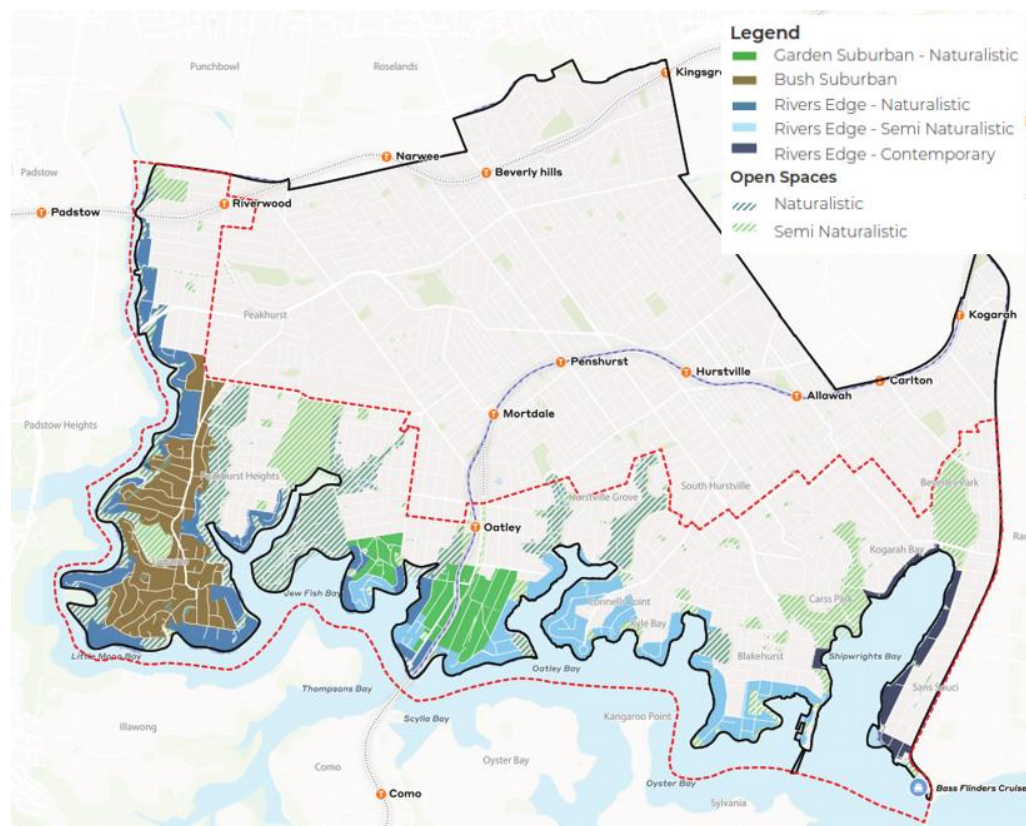
## Description of Proposed Control

## Map Affected Area (if applicable)

### Local Character Area

Introduce new local character planning provision and mapping overlay in the LEP to provide statutory protection to the proposed UCA.

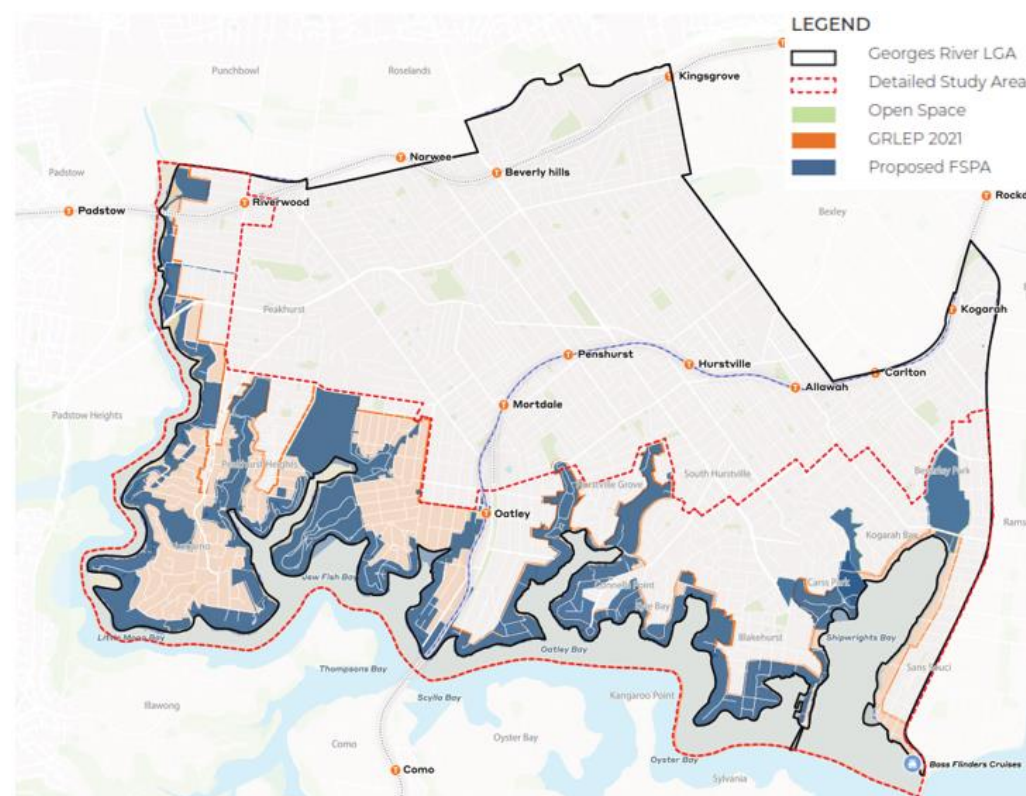
### Map of new local character areas in GRLEP



### Foreshore Scenic Protection Area

Amend the existing FSPA planning provision and mapped extent in the LEP to ensure the role of the FSPA focuses on foreshore scenic character.

### Map of proposed FSPA vs existing FSPA in GRLEP





**Description of Proposed Control****Map Affected Area (if applicable)****Lot Size - land no longer in FSPA**

Retain existing lot size requirements in the LEP within areas removed from the existing FSPA as follows:

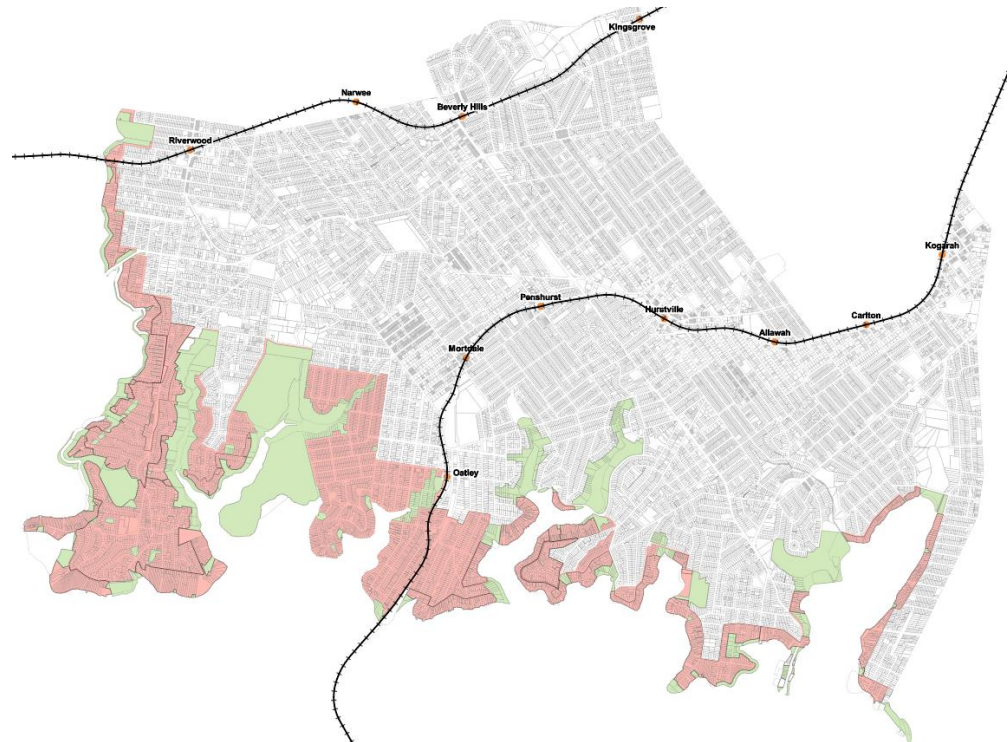
- Subdivision lot size: 700sqm
- Dual occupancy lot size: 1,000sqm

**Lot Size - land added to FSPA**

Increase lot size requirements in the LEP for areas proposed to be added to the proposed FSPA and/or UCA as follows:

- Increase subdivision lot size from 450sqm to 700sqm
- Increase dual occupancy lot size from 650sqm to 1,000sqm

Location of all areas with larger lot size requirements in GRLEP (700sqm subdivision and 1,000sqm dual occupancy)

**Floor Space Ratio**

Reduce the maximum permissible FSR for R2-zoned land located within the existing FSPA, proposed FSPA and the proposed UCA from 0.55:1 for dwelling houses and 0.6:1 for dual occupancies to 0.5:1 for all development typologies.

Refer map above (or **Figure 4**) for the location of all areas with reduced FSR in the GRLEP.

**Landscaping**

- Amend the landscaped area planning provisions in the LEP through the insertion of new objectives to:
  - Protect, maintain and improve the diversity and condition of native vegetation and habitats across the Local Government Area (LGA),
  - Encourage the recovery of threatened species and their communities, populations and habitats across the LGA, and
  - Retain and strengthen the green and leafy character of the LGA, including trees in the private domain that contribute to local character and visual amenity,



**Description of Proposed Control****Map Affected Area (if applicable)**

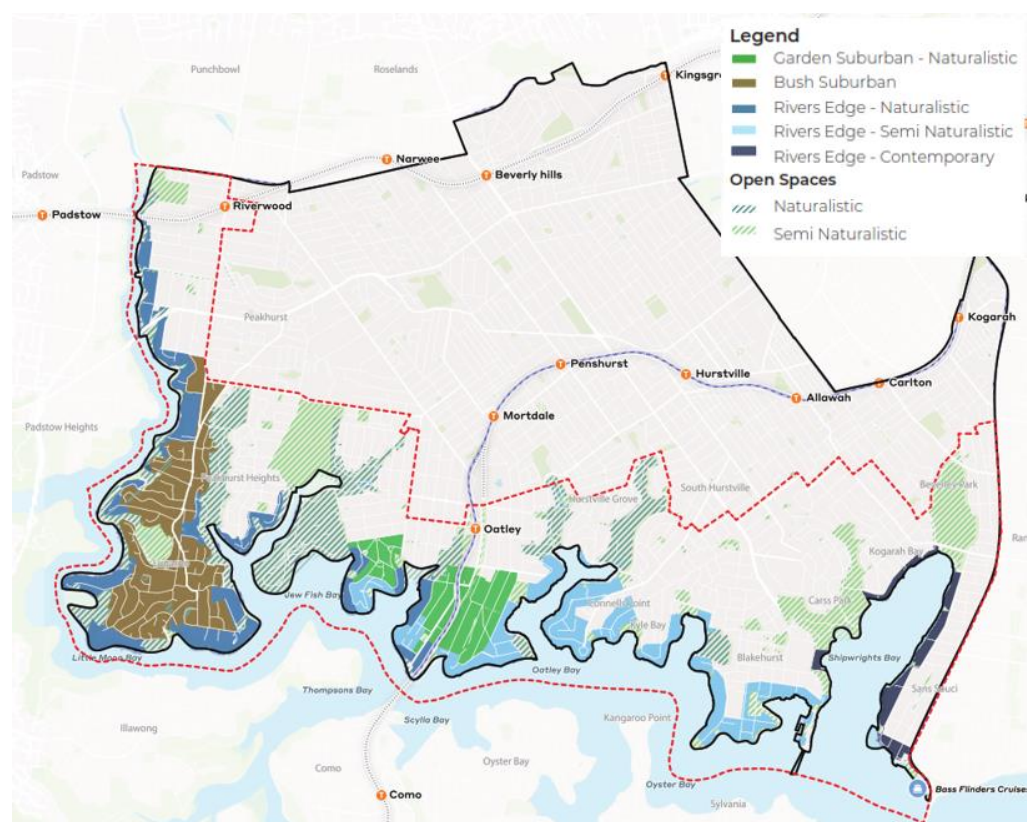
- Increase the minimum landscaped area requirement for dwelling houses and dual occupancies by 5% to 30% and 35% respectively for low density land located within the existing FSPA, proposed FSPA and the proposed UCA, and
- Introduce minimum 20% landscaped area requirement for multi dwelling house, terraces and manor houses in response to the NSW Government's Low and Mid-Rise Housing Reform.

Refer map above (or **Figure 4**) for the location of all areas with increased landscaped area in the GRLEP.

**Exclusion from Complying Development**

Request DPHI to exclude the application of the *Low Rise Housing Diversity Code* from the proposed FSPA and proposed UCA to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the Development Application process.

Map of areas where Council will be seeking an exclusion from Complying Development



115. The anticipated project timeline for preparation of the Planning Proposal is shown below in **Table 8**:

**Table 8 – Anticipated Planning Proposal Timeline**

Task	Anticipated Timeframe
Prepare Biodiversity and Character Planning Proposal	March to May 2024
Referral to LPP in accordance with S9.1 Ministerial Directions	June 2024
Report to Council on Planning Proposal seeking endorsement to forward Planning Proposal for a Gateway Determination	July 2024
Planning Proposal to be forwarded to the DPHI for a Gateway Determination	July 2024
Anticipated commencement date (date of Gateway Determination)	September 2024



<b>Task</b>	<b>Anticipated Timeframe</b>
<b>Timeframe for public exhibition (including both government agency and community consultation as required by Gateway Determination)</b>	October-November 2024
<b>Timeframe for consideration of submissions</b>	December 2024
<b>Report to Council on community consultation and finalisation</b>	February 2025
<b>Submission to the Department to finalise the Biodiversity and Character Planning Proposal as an amendment to the GRLEP 2021</b>	February 2025

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116. Amendments to the GRDCP 2021 will also be prepared to support the proposed amendments to GRLEP 2021. This will be the subject of a separate process which is anticipated to be reported to council following the receipt of a Gateway Determination from the DPHI.

117. The amendments to the GRDCP will include:

- Replacing the existing Green Web control with a series of Green Corridors (see Figure 9 below) across the LGA to protect existing habitat corridors and facilitate more opportunities for creating a corridor where there is little existing vegetation,
- Introducing detailed character statements and tailored provisions to ensure new developments will have the desired characteristics of the respective UCA, and
- Introducing provisions to further enhance the protection of the foreshore scenic character.

**Figure 9 – Map of proposed Green Corridor in GRDCP 2021**





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## FINANCIAL IMPLICATIONS

118. Within budget allocation.

## RISK IMPLICATIONS

119. No risks identified.

## COMMUNITY ENGAGEMENT

120. Pre-exhibition community consultation was conducted as outlined in the **Pre-exhibition Community Consultation** section of this Report.





121. Should the Biodiversity and Character Planning Proposal be supported, it will be forwarded to the DPHI requesting a Gateway Determination to proceed to formal public exhibition.

122. Formal public exhibition of the Biodiversity and Character Planning Proposal will be undertaken in accordance with the conditions of the Gateway Determination and with the provisions of the *Environmental Planning and Assessment Act 1979* and its *Regulation 2000*.

## FILE REFERENCE

D23/279881

## ATTACHMENTS

- Attachment 1  Community Consultation Summary Report - *published in separate document*
- Attachment 2  Summary of Submissions - *published in separate document*
- Attachment 3  Letter of Approval from DPHI for Council's Local Housing Strategy - *published in separate document*
- Attachment 4  Foreshore Scenic Character Study with Revised FSPA Extent dated June 2023 - *published in separate document*



Attachment 5  Site Survey Matrix - *published in separate document*



**Item:** ENV009-24 Revised Population and Dwelling projections for Georges River Local Government Area

**Author:**

**Directorate:** Environment and Planning

**Matter Type:** Committee Reports

ENV009-24

**RECOMMENDATION:**

- (a) That Council endorse the Georges River Council *Evidence Base for the Local Housing Strategy* (March 2023) and Georges River *Population Forecast Adjustment* (September 2023) as strategic planning documents that will inform the development of policies and planning directions.
- (b) That Council place the Georges River Council *Evidence Base for the Local Housing Strategy* (March 2023) and the Georges River *Population Forecast Adjustment* (September 2023) on Council's website.

**EXECUTIVE SUMMARY**

1. In January 2019, consultants .id completed the *Evidence Base for Local Housing Strategy*, a study of current and future population and housing trends for the Georges River Local Government Area (LGA), to assist in the preparation of the *Local Housing Strategy*, *Inclusive Housing Strategy and Delivery Program*, and *Local Strategic Planning Statement (LSPS) 2040*.
2. In August 2022, Council engaged consultants .id to undertake an update of the *Evidence Base for Local Housing Strategy* to update the population projections for the LGA up to 2036, having regard to the effects of the COVID-19 pandemic and the changing demographics of Sydney's population.
3. The updated *Evidence Base for Local Housing Strategy* (March 2023) rebased the previous 2019 Strategy with data from the 2021 Census of Population and Housing, conducted by the Australian Bureau of Statistics but did not adjust any of the demographic or dwelling assumptions concerning the post-2021 period.
4. In September 2023, .id completed a comprehensive update of the post-2021 elements of the population forecast ("*Population Forecast Adjustment*"), extending it to 2046, remodelling demographic and dwelling change assumptions, while keeping the same geographic areas.
5. This report recommends Council endorse the Georges River Council *Evidence Base for the Local Housing Strategy* (March 2023) (**Attachment 1**) and *Population Forecast Adjustment* (September 2023) (**Attachment 2**) as strategic planning documents that will inform the development of policies and planning directions.
6. The Committee is advised that the Department of Planning, Housing and Infrastructure have not released housing targets for the Georges River LGA at this stage.

**BACKGROUND**

7. In 2019, .id was engaged to prepare the Georges River Council *Evidence Base for Local Housing Strategy*, which analysed the current and future population and housing trends in the Georges River LGA. The Evidence Base assisted Council in preparing the *Local Housing Strategy*; *Inclusive Housing Strategy and Delivery Program*; and *LSPS 2040*.



8. Since completion of the *Evidence Base for Local Housing Strategy* in 2019, the COVID-19 pandemic has caused shifts in demographic trends, including rates of population growth and household formation and patterns.
9. Accordingly, Council considered a notice of motion (NM030-22) on the “Impact of COVID-19 on Housing Targets” at its meeting on 28 March 2022 and resolved in part:
 

*That the General Manager provide a report to Council on any recent analysis undertaken on the impact of the COVID-19 pandemic on population, housing and economic growth in NSW and Georges River Local Government Area, and any associated revision of the current range of housing and job targets to 2036.*
10. Furthermore, Council at its meeting on 28 March 2022 when considering “ENV009-22 Adoption for Public Exhibition – Draft Activating Our Centres Policy 2022”, resolved in part:
 

*That Council defers the exhibition of this Policy until such time as a report on new population data is provided to Council.*
11. Similarly, Council considered a notice of motion (NM039-22) for “Deferral of Draft Mortdale Town Centre and Beverly Hills Town Centre Master Plans” at its meeting on 26 April 2022 and resolved in part:
 

(a) *That Council defers the completion of the draft Beverly Hills Town Centre and draft Mortdale Town Centres Master Plans giving consideration to;*

  - i. *Council seeking updates from the Greater Sydney Commission on population projections for the LGA up to 2036 having regard to any effects of the COVID19 pandemic and the changing demographics on Sydney’s population.*
12. In accordance with the Council resolutions, Council engaged consultants .id in August 2022 to undertake an update of the *Evidence Base for Local Housing Strategy* (2019) to update the population projections for the LGA up to 2036, having regard to the effects of the COVID-19 pandemic and the changing demographics on Sydney’s population.
13. The updated *Evidence Base for Local Housing Strategy* (March 2023) rebased the previous 2019 Strategy with data from the 2021 Census of Population and Housing, conducted by the Australian Bureau of Statistics but did not adjust any of the demographic or dwelling assumptions concerning the post-2021 period.
14. In September 2023, .id completed a comprehensive update of the post-2021 elements of the population forecast (“*Population Forecast Adjustment*”), extending it to 2046, remodelling demographic and dwelling change assumptions, while keeping the same geographic areas.
15. The updated *Evidence Base for Local Housing Strategy* (March 2023) and *Population Forecast adjustment* (September 2023) provides insights on how external factors, such as the COVID-19 pandemic, has changed the demographic and housing trends in the Georges River LGA.
16. The revised population data has informed Strategic Planning projects, including the Beverly Hills Town Centre Master Plan and Mortdale Local Centre Master Plan and will be used to inform an update to the *Georges River LSPS 2040* which Council has commenced.

#### **EVIDENCE BASE FOR THE LOCAL HOUSING STRATEGY (MARCH 2023) (2021 TO 2036)**

17. In August 2022, Council engaged consultants .id to undertake an update to the *Evidence Base for Local Housing Strategy* (2019) to update the population projections for the LGA up to 2036, having regard to the effects of the COVID-19 pandemic and the changing demographics on Sydney’s population.



18. The updated *Evidence Base for Local Housing Strategy* (March 2023) rebased the previously 2019 Strategy with data from the 2021 Census of Population and Housing, conducted by the Australian Bureau of Statistics

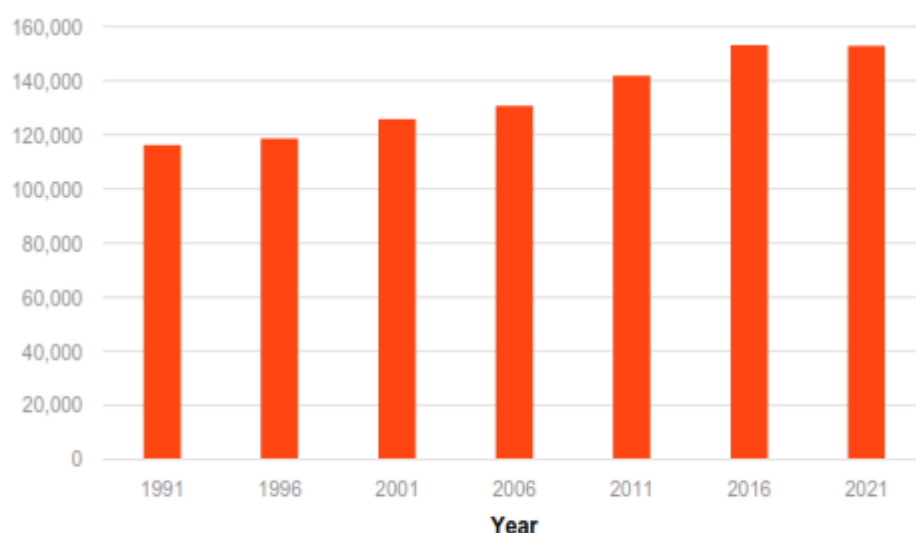
### POPULATION FORECAST ADJUSTMENT (SEPTEMBER 2023) (2021 TO 2046)

19. The updated *Evidence Base for Local Housing Strategy* (March 2023) did not adjust any of the demographic or dwelling assumptions concerning the post-2021 period.
20. Accordingly, in September 2023, .id completed a comprehensive update of the post-2021 elements of the population forecast ("*Population Forecast Adjustment*"), extending it to 2046, remodelling demographic and dwelling change assumptions, while keeping the same geographic areas.

### KEY FINDINGS OF THE EVIDENCE BASE FOR LOCAL HOUSING STRATEGY AND POPULATION FORECAST ADJUSTMENT

#### Population and Households

21. In 2021, Georges River experienced a decline in population. Much of the slowing in population growth can be explained by the COVID-19 pandemic, which interrupted the usual migration pattern into the LGA. The population declined by 458 people as shown in **Figure 1**.



Source: ABS Estimated Resident Population, Cat. 3218.0, 2001, 2006, 2011, 2016 and 2021

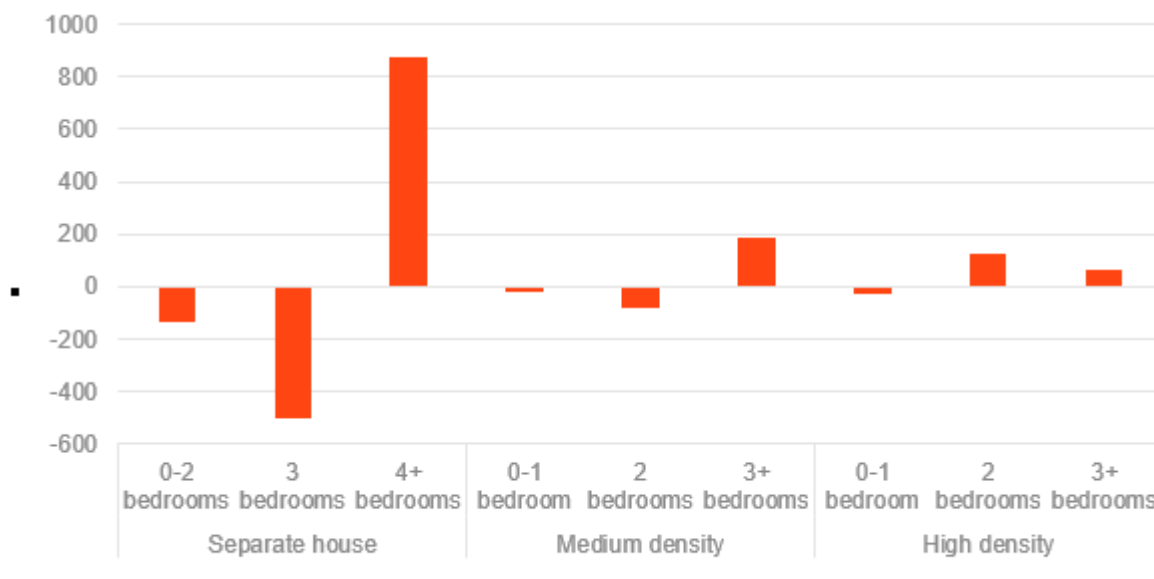
**Figure 1 – Estimated population Georges River – 1991-2021**

22. The population of the Georges River LGA is forecast to reach 176,000 by 2036 and 184,426 by 2046, an increase of 31,699 from 2021. The majority of growth is driven by major centres of Hurstville and Kogarah
23. While new, high-density developments in Kogarah and Hurstville are attracting young adults to the area the population continues to age. There has been an increase of 5,822 adults aged 55 or older between 2016 to 2021.
24. While family households are still dominant in the area, there is significant growth in older couples without children and elderly lone persons. The increase was most significant in older couples without children, increasing by 683 households and older lone persons, increasing by 652 households.

#### Dwelling, Tenure and Housing Stress



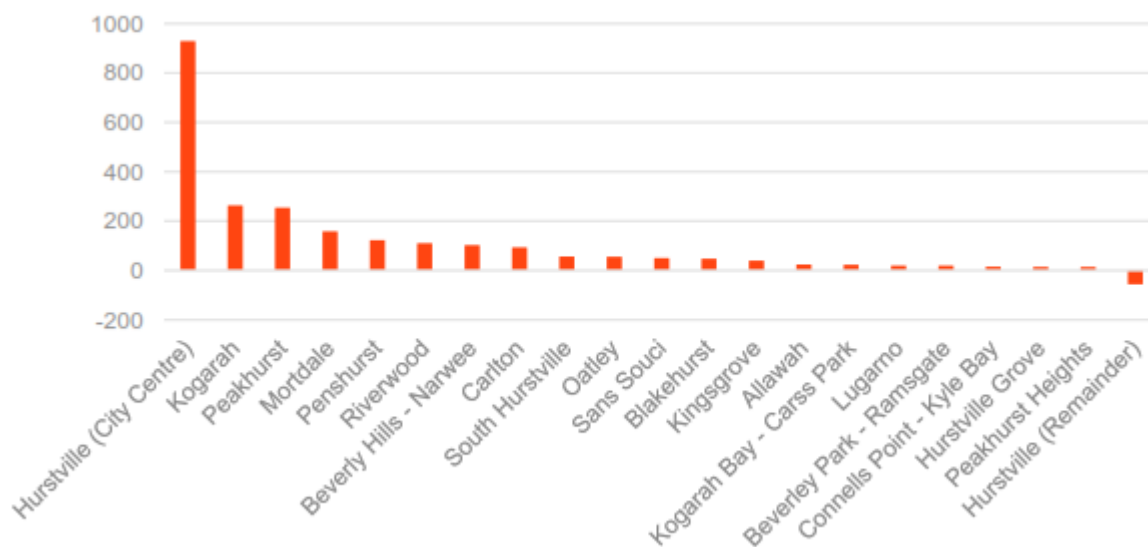
25. Growth continues to be concentrated in the Hurstville City Centre and Kogarah, with the Kogarah New City Plan contributing to smaller, but notable, growth in Carlton and Beverly Park-Narwee.
26. In Georges River high-density dwellings is higher than the Greater Sydney average and medium and high-density dwellings are slightly larger than average, with many having two or more bedrooms, and very few one-bedroom properties.
27. There is an increasing number of families with children living in medium and high-density homes while majority still live in large separate houses. As shown in **Figure 2**.



**Figure 2- Net change in couples with young children, by dwelling type**

28. Older couples are increasingly living in large, separate houses with four or more bedrooms, however, there has been some evidence of a small number of older residents downsizing.

Renting is becoming more common in the LGA due to affordability pressures. The number of households renting in the Hurstville City Centre has increased by just over 900 households in the past decade. **Figure 3** shows the increase of renters in each suburb.



**Figure 3 – Growth in rental households, 2016-2021**



29. The rate of housing stress in Georges River is higher than the Greater Sydney average, especially for renters with very Low or low incomes.

### **Housing Demand**

30. Median house sale prices have risen sharply in Georges River over the past five years, growing by approximately 5.5% per year. In 2017. The medium cost of a house in the area was around \$1,400,000 and in 2022 the median house price was \$1,830,500, a similar growth rate to the Greater Sydney average.
31. Units in Georges River are generally less costly than the Greater Sydney average, currently 7% lower than the metropolitan Sydney median. A medium cost of a unit in Georges River in 2022 was \$709,000 and in Greater Sydney \$760,000.
32. Just over two thirds of key workers in Georges River also live in the area. In 2021-22, just 10 property sales and 203 rental listings were affordable to a key worker living on their own.
33. Similarly, there were very few property sales or rental listings that would be considered affordable for those on very low or low incomes.

### **Housing Supply**

34. There is a mismatch in the demand and supply of dwellings in Georges River with 50.1% of households being small and only 35.5% of dwellings classified as small (0-2 bedrooms).
35. The *Evidence Base* indicated that infill development would provide a net gain of 4,696 dwellings (not including major sites). At recent rates of development (approximately 500 dwellings per annum), this represented about 9 years of supply. The *Population Forecast Adjustment* resulted in a reduction of infill development to 4,396 dwellings (300 fewer).
36. A total of 8,547 dwellings are assumed to be delivered in the major sites between 2022 and 2046 – i.e., current planning proposals, local centre master plans for Beverly Hills and Mortdale, current housing investigation areas (HIAs) etc.
37. By 2046, there are forecast to be 71,340 dwellings in Georges River. This is an increase of 12,943 dwellings between 2021 and 2046.

### **POLICY IMPLICATIONS**

38. The Evidence Base for Local Housing Strategy (March 2023) highlights a number of challenges that Council will need to address in future planning policy and strategies, consistent with the 2019 Strategy.
39. The main challenges for Council are:
- Supporting ageing in place - Significant growth of smaller households due to broad social and demographic trends and an ageing population. Policy should support services in aiding the elderly to stay in their own homes longer.
  - Encouraging housing choice – A potentially large mismatch between supply and future demand. There is a need for policy and investment that can support the building of different forms of medium density housing in a wider range of suburbs in Georges River in order to allow for the transition from mature families to empty nesters and older lone person households.
  - Need age diversification - The current housing supply of larger detached dwellings reflects a historical role of providing for larger households, typically families. With older, smaller households occupying this stock, it does not become available to attract or retain younger households to the area. Diversifying housing may free up the stock of three or more-bedroom dwellings, increasing the range of dwelling choices for family households, the dominate household in the LGA.



- Addressing housing affordability - A diverse dwelling stock means a wider variety of price points within the housing market. This goes some way to addressing issues of housing affordability.
- Continue to encourage development along transport corridors - Ideally, future residential development would occur in and around activity centres and transport corridors, where residents have easy access to amenities, services and public transport infrastructure.

## COUNCILLOR BRIEFING

40. A Councillor briefing was held on 4 December 2023 to present the findings of the *Evidence Base for Local Housing Strategy* (March 2023) and *Population Forecast adjustment* (September 2023).
41. The population and dwelling forecasts in the Strategies was discussed which has considered the widest range of data available, including satellite imagery, development approvals, completions and trends.

## NEXT STEPS

42. That Council endorse the Georges River Council *Evidence Base for the Local Housing Strategy* (March 2023) and *Population Forecast Adjustment* (September 2023) as strategic planning documents that will inform the development of policies and planning directions.
43. The challenges highlighted will be considered as part of the review of the Local Strategic Planning Statement (LSPS) which has commenced.

## FINANCIAL IMPLICATIONS

44. Within budget allocation.

## RISK IMPLICATIONS

45. No risks identified.

## FILE REFERENCE

D23/317034

## ATTACHMENTS

Attachment [↓1](#) Georges River Evidence Base for Local Housing Strategy



Attachment [↓2](#) Forecast Adjustment Summary







# Georges River Council

## Evidence Base for Local Housing Strategy

Analysis of housing demand and supply

March 2023

prepared by .id

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## 1. Introduction

### 1.1 Objective and policy context

Georges River Council has requested .id to undertake an update of the analysis previously provided as an evidence base for their housing strategy. The analysis covers current and future population and housing trends. Council seeks updates on population projections for the Georges River Local Government Area (LGA) up to 2036 having regard to the effects of the COVID-19 pandemic and the changing demographics on Sydney's population.

Georges River Council is part of the South District, which also encompasses the City of Canterbury-Bankstown and Sutherland Shire Council. The South District Plan suggests that the area will require an additional 83,500 dwellings built by 2036, with 23,250 of those by 2021. Data from the New South Wales State Government suggests a medium growth scenario of an additional 4,220 dwellings in the area by 2026.

Also, significant shifts in housing consumption patterns and revealed housing preferences are occurring due to demographic and social change. Governments (both State and local) are working on responding to these shifts in a way that creates opportunities for new dwellings to meet the new demands.

In order to assist Council, .id offers a demographic and housing analysis that shows, with solid evidence, the housing implications and future housing capacity of Georges River.



## 1.2 Approach

This report is organised into the following chapters:

- Georges River Context
- Population and Households
- Dwellings, Tenure and Housing Stress
- Housing Demand
- Residential Supply
- Residential Capacity
- Policy Implications

## 1.3 Definitions

### Household definitions

The household type evidence in this report is presented initially in broad categories, and then in detailed age groups as follows:

#### Households without children at home:

- Young = 15-44 years,
- Middle = 45-64 years,
- Older = 65 years and over

#### Households with children at home:

- Young families = parents of any age with children only under 15 years
- Mature families = parents with a mix of children under and over 15 years
- Older families = parents with children exclusively over 15 years

### Geographic definitions

This is a guide to geographical references used in this report.

#### Georges River Council

This is the name of the council governing the Georges River Local Government Area (LGA).

#### Local Government Area

Local government areas referred to in the report are based on 2016 boundaries.

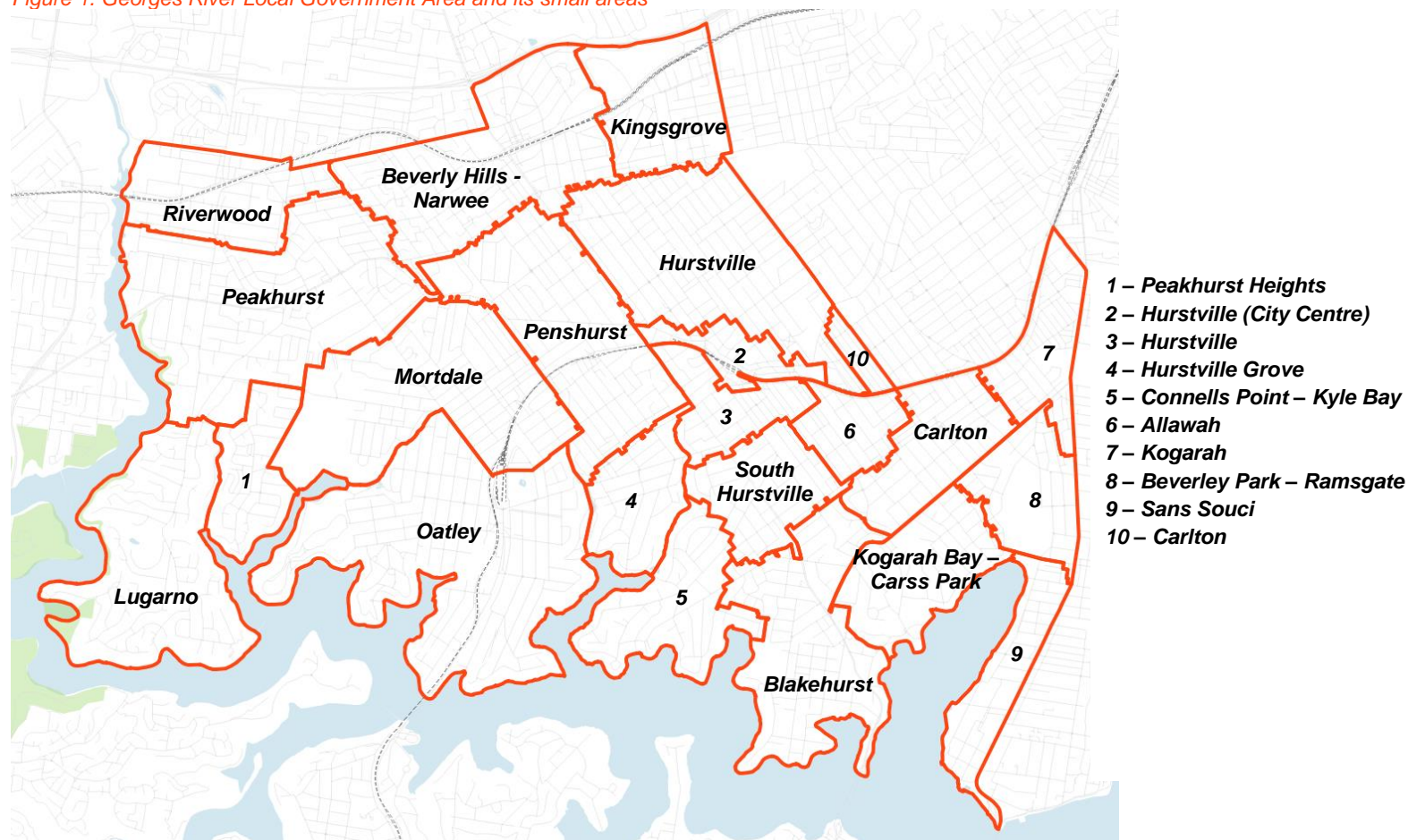


### **Small areas**

The Georges River LGA includes the suburbs of Allawah, Beverley Park – Ramsgate, Beverly Hills – Narwee, Blakehurst, Carlton, Connells Point – Kyle Bay, Hurstville (City Centre), Hurstville Grove, Hurstville (Remainder), Kingsgrove, Kogarah, Kogarah Bay – Carss Park, Lugarno, Mortdale, Oatley, Peakhurst, Peakhurst Heights, Penshurst, Riverwood, Sans Souci and South Hurstville.



Figure 1. Georges River Local Government Area and its small areas





## 2. The Georges River context

### 2.1 Georges River's development history

The Georges River Council area is located in the southern suburbs of Sydney, about 15-17 kilometres from the Sydney CBD. Its proximity to the CBD has played a major role in the development of the area, especially over the past decade.

European settlement dates from 1804 when the first land grants were made, although the first occupied land grants were thought to be in 1809, with land used mainly for agricultural purposes and timber getting. Population was minimal until the 1840s, spurred by improved access, the clearing of land and the establishment of market gardens, orchards and vineyards. Growth took place in the 1880s and 1890s, aided by the opening of the Illawarra railway line in 1884. Rapid development occurred in the early 1900s, particularly during the 1920s and 1930s, spurred by the opening of the East Hills railway line. Significant residential development occurred during the immediate post-war years, accompanied by commercial growth in the Hurstville City Centre. Growth began to slow during the 1970s and 1980s. The population increased gradually from the early 1990s, rising from about 110,000 in 1991 to over 150,000 in 2021.

The Georges River Council area is predominantly residential, but also has substantial industrial, commercial and recreational areas. A number of major institutions are also located in the LGA, including St George Hospital and the accompanying University of New South Wales campus. These amenities drive demand for housing in the area.

### 2.2 Georges River is changing

Within the Georges River Council area, different areas have both developed and will continue to evolve into distinct roles within the housing market. Variations occur due to when areas were settled, the range of land uses in the area, developer interest and the varying planning policies in play. Hurstville City Centre, Hurstville (suburb), Kogarah, Allawah, Carlton, Mortdale, Penshurst and Riverwood tend to attract people in their late teens and early twenties due to the proximity to rail transport and other services, as well as the higher share of rental stock (apartments). Kingsgrove, Oatley and Peakhurst continue to attract families, while the market attracted to Blakehurst, Connells Point – Kyle Bay, Lugarno,



Hurstville Grove, Peakhurst Heights and Sans Souci tends to be more established and mature families. Beverly Park – Ramsgate, Beverly Hills-Narwee, and South Hurstville, attract a combination of young adults (18-24 years) and established families. With continued high rates of development expected to occur in areas that attract young people, a greater share of young adults moving into the Council area is expected.

There are also significant differences in the supply of residential property within the Georges River Council area which has a major influence in structuring different population and household futures over the next five to twenty-five years. A number of major development opportunities have been identified, notably in Hurstville City Centre and Kogarah Town Centre, and around transit nodes at Carlton, Penshurst, Riverwood, Mortdale, Beverly Hills and Narwee. By comparison, Blakehurst, Connells Point – Kyle Bay, Lugarno, Peakhurst Heights, Oatley, Kogarah Bay – Carss Park and Sans Souci are expected to experience relatively minimal dwelling growth over the next 25 years.

## 2.3 The economic importance of housing

Australia's transition to knowledge intensive jobs is having a major impact on the spatial location of job growth across our cities with the focus of growth located in and around the CBD and in major employment agglomerations.

Job growth over the past five years has been concentrated in the inner areas of Sydney. The Central and Inner areas of Sydney captured around 40% of employment growth over this time. One of the reasons for this shift is because knowledge intensive jobs tend to be attracted to high quality places that can access large labour force pools and enjoy the benefits of agglomeration.

However, there has also been significant growth in jobs in the middle ring LGAs of Sydney, and Georges River itself has a healthy economy, with a Gross Regional Product (GRP) of \$9 billion in 2020-21. The major contributors to GRP in the area are generally professional – Financial and Insurance Services and Health Care and Social Assistance. Over recent years, the Construction industry has increased its contribution to the Georges River economy. However, the largest employers are population servicing – Health Care, Retail Trade and Education.



Housing growth and diversity will play an important role in the ongoing economic performance of Georges River. Housing matters to local economic growth because:

- Housing diversity is essential to retain and attract human capital which is critical given the growing importance of ideas and problem solving to local economic performance.
- Population density brings people and local businesses closer together, increasing activity levels, supporting business viability and creating new jobs.
- Housing growth and more affordable housing near public transport can enable residents to live closer to work and can reduce commuting times, leading to higher disposable incomes and agglomeration benefits.
- Diverse communities are more sustainable in the long term, as they are able to maintain a range of services and facilities useful to all age groups.



## 3. Population and Households

### 3.1 Key Findings

- Georges River is currently growing at a rate of 0.7% per annum, slower than the Greater Sydney average.
- Population growth will slow over the next 20 years, to 0.9% per annum.
- The majority of the growth is driven by the major centres of Hurstville and Kogarah.
- While new, high density developments are attracting young adults to the area, the area is still ageing overall, due to ageing in place in the riverside suburbs.
- The area attracts a large number of migrants, both from overseas and from the inner suburbs of Sydney. However, this trend was paused temporarily during the Covid-19 related border closures.
- While family households are still dominant in the area, there is significant growth in older couples without children and elderly lone persons.

### 3.2 How is the population changing?

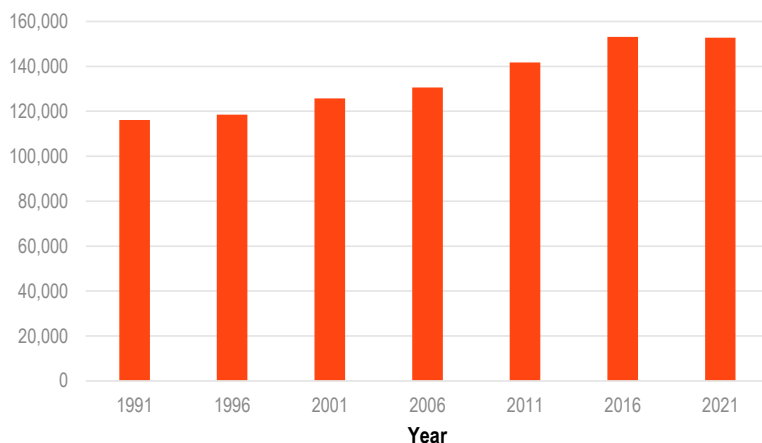
Georges River Council has experienced significant population growth over the last twenty years, after having a fairly stable population during the 1990s. Georges River has a current (2021) population of 152,703 people.

Over the past ten years, population growth has been around 0.7% p.a. This rate of growth is slower than the Greater Sydney average, which experienced a growth rate of 1.3% p.a. over the past decade. Much of the slowing in population growth in Georges River can be explained by the Covid-19 pandemic, which interrupted usual migration patterns. Population growth in Georges River has generally been slower than the Greater Sydney average, which is higher due to the inclusion of outer growth areas which have different migration patterns that were less affected by Covid-19. In both 2020 and 2021, Georges River experienced population decline, which would not otherwise have occurred.



Georges River Council – Evidence Base for Local Housing Strategy

Figure 2. *Estimated Resident Population, Georges River – 1991-2021*



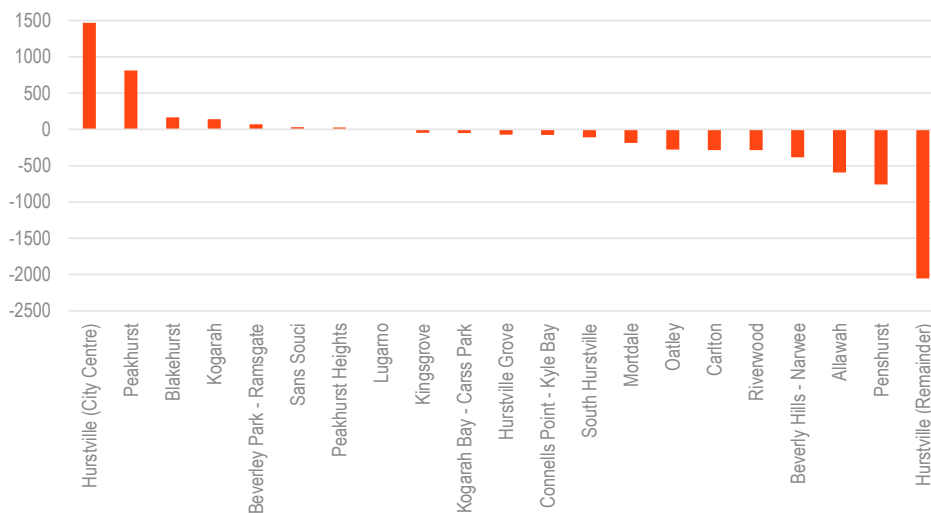
Source: ABS Estimated Resident Population, Cat. 3218.0, 2001, 2006, 2011, 2016 and 2021

The distribution of population growth over the past five years has also differed to that outlined in the 2019 report. Growth has been concentrated in Hurstville City Centre and Peakhurst, where some higher density developments were completed over the past few years. All other suburbs had a stable population, or experienced population decline, in line with the trend driven by Covid-19.



Georges River Council – Evidence Base for Local Housing Strategy

Figure 3. Growth in Estimated Resident Population, suburbs of Georges River – 2017-2021

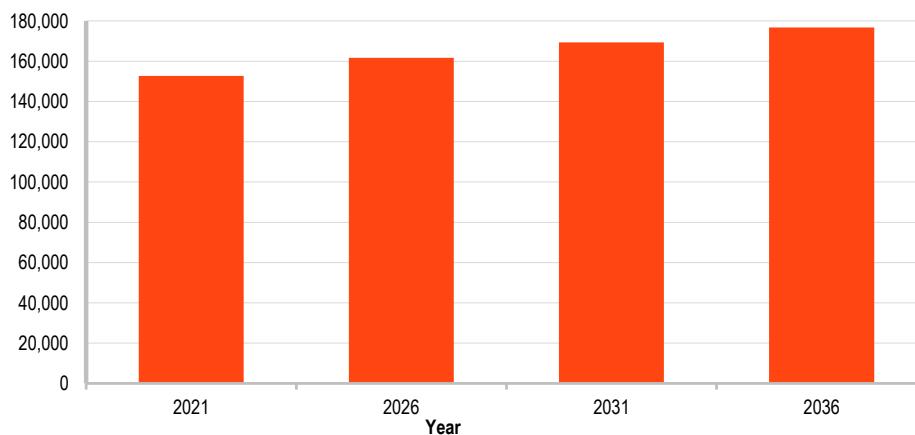


Source: ABS Estimated Resident Population, Cat. 3218.0, 2017 and 2021

Over the next 15 years, the population of Georges River is forecast to continue this trend of growth, with the population forecast to reach 177,000 by 2036. These forecasts were updated in January 2023 and take into consideration the change in population trends driven by Covid-19, and are approximately 10,000 people fewer than previous forecasts.

This growth equates to an average annual growth rate of 1%, a little lower than the rate forecast for Greater Sydney, of 1.2% per annum.

Figure 4. Forecast population, Georges River – 2021-2036



Source: forecast.id (2018)

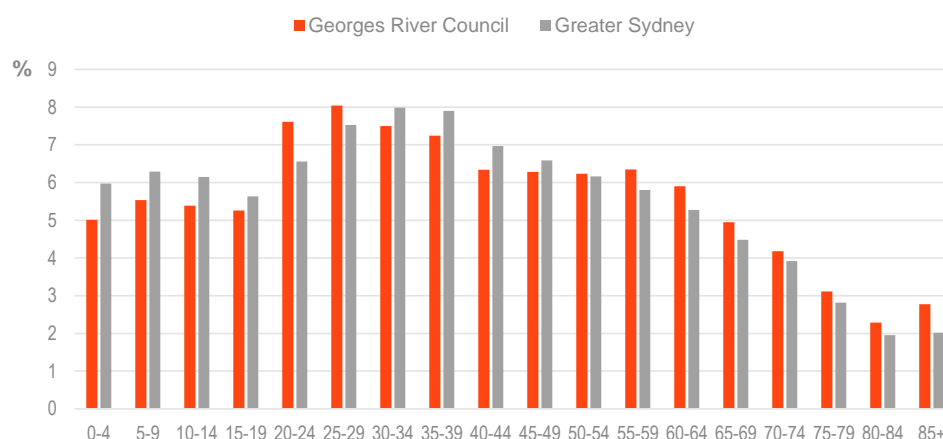


Much of the forecast population growth in Georges River will be driven by migration to the area, both from other areas of Australia and overseas. Significant new housing opportunities across the Council area, particularly in Hurstville City Centre and Kogarah Town Centre are expected to attract predominantly young singles and couples (18-29 years). As a result of attracting such age groups to the area, there is also forecast to be an increase in births in the area, furthering population growth.

### 3.2.1 How has the age structure changed?

A look at Georges River's age structure in 2021 shows that it is fairly similar to that of Greater Sydney. However, there are slightly higher proportions of young adults (20-29 years) and older adults aged over 55 years.

Figure 5. Age structure, Georges River and Greater Sydney – 2021



Source: ABS, Census of Population and Housing (2021). Data based on place of usual residence.

The change in age structure over the past five years shows that Georges River experienced growth in several distinct age cohorts, including:

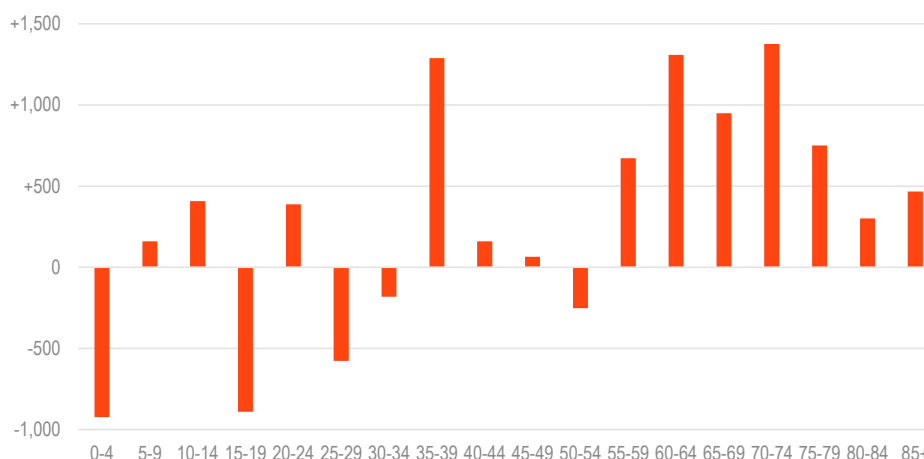
**Homebuilders:** aged 35-44, this group experienced significant growth between 2016 and 2021 and are ageing in place having moved to the area over the past decade.

**Pre-retirement and Retirement age adults:** There was a large increase (5,822) in adults aged 55 years and older observed between 2016 and 2021, those who moved to the area in the 1980s and 1990s.



**Primary and middle school aged children:** Over the past five years there has been a moderate increase in the number of children in Georges River. This group are likely to be the children of the homebuilders mentioned above.

**Figure 6. Change in age structure, Georges River – 2016-2021**



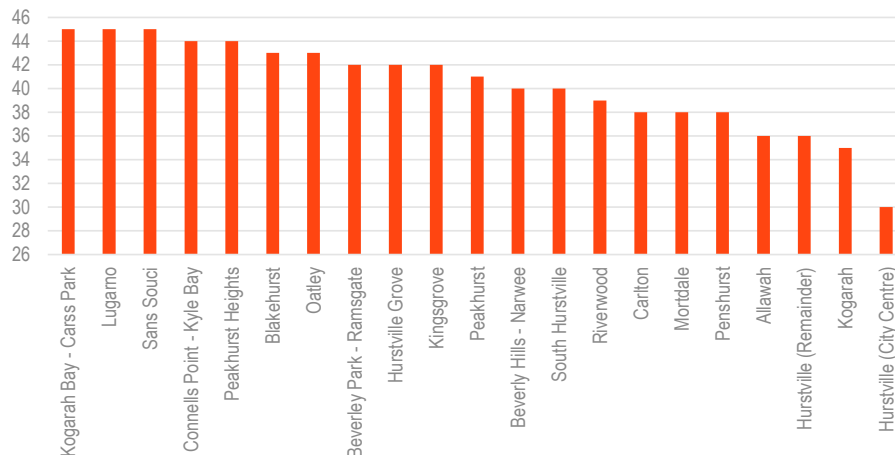
Source: ABS, Census of Population and Housing (2016 and 2021). Data based on place of usual residence.

Between the small areas of Georges River, there is some variance in age structures. For example, Hurstville City Centre is a particularly young area, with a median age of 30 years. The older areas include Kogarah Bay – Carss Park, Lugarno and San Souci, where the median age is 45 years. Many suburbs, such as Kogarah and Allawah have seen a significant increase in median age between 2016 and 2021, due to minimal overseas migration. These age differences are highlighted in the figure below.



Georges River Council – Evidence Base for Local Housing Strategy

Figure 7. Median age, suburbs of Georges River – 2021

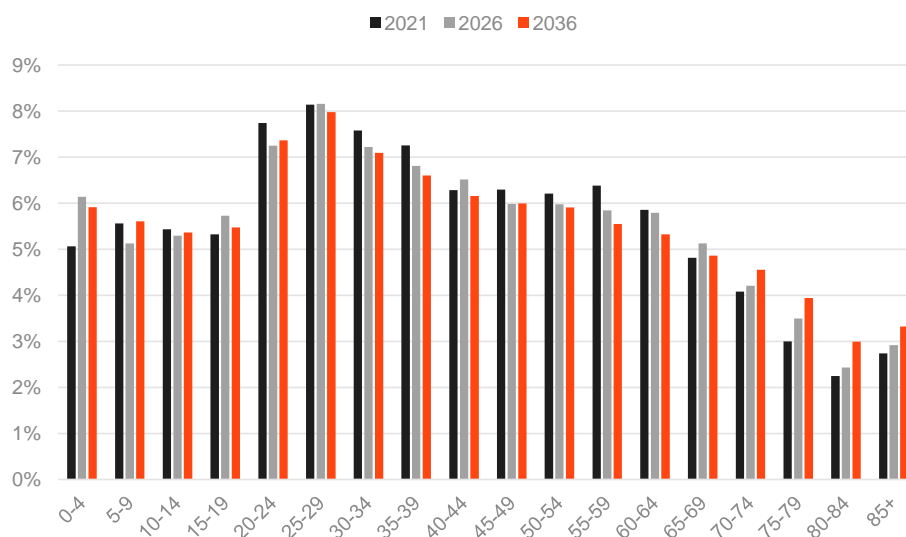


Source: ABS, Census of Population and Housing (2021)

### 3.2.2 How will the age structure change in the future?

Figure 8 shows that the age structure of Georges River will become older by 2036. This means that by 2036 there will be significantly larger proportions of elderly persons, and fewer young adults.

Figure 8. Forecast age structure, Georges River – 2021-2036

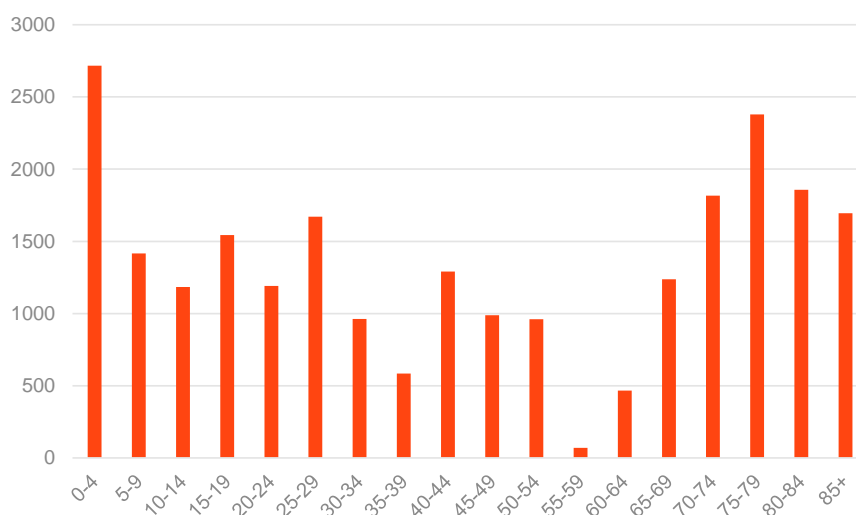


Source: forecast.id (2023)



As Figure 9 below shows, the largest net increases will be in those aged 65 years or more. There will also be a net increase in those aged 0-4 years between 2021 and 2036.

**Figure 9. Forecast change in age structure, Georges River – 2021-2036**



Source: forecast.id (2023)

### 3.3 Who is leaving and who is arriving?

Of all the components of population change, migration to Australia and between areas is the most volatile, as it varies considerably over time and space. An examination of migration patterns is critical to understanding how populations grow and change. Characteristics of migration in Australian cities include:

- A high proportion of local moves, e.g. within the same suburb or LGA;
- The dominance of outward moves in a sectoral direction e.g. from inner south to outer south; and
- Strong links between lifecycle events and age. Young adults i.e. 18-34-year olds are the most mobile age group. Thereafter migration tends to decline with age, although there is a slight increase in the oldest age groups which is probably related to health issues.

Between 2016 and 2021, Georges River experienced moderate migrant inflow and outflow, with a net loss of residents domestically. Over the five-year period, the area attracted 22,051 new residents, however, 32,134 people also left Georges River. Many new residents came



to Georges River from overseas in pre-Covid-19 years, and the area was within the top 10 migrant receiving LGAs in Greater Sydney. This high rate is due to the number of international students in the area, and employment opportunities in the Kogarah health precinct.

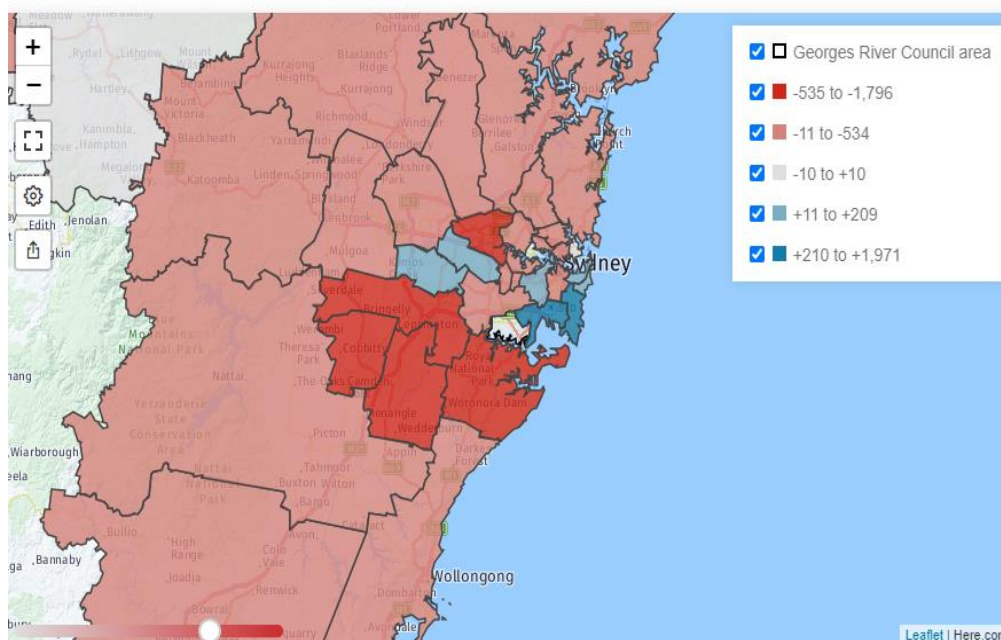
Those moving to the area were generally young adults, 25 to 34 years. They came from overseas (5,357) and neighbouring LGAs, such as Bayside (1,508), Canterbury-Bankstown (1,047) and Sutherland Shire (564).

Residents leaving Georges River were a little older, 35 to 44 years. These people left for outer south-western areas such as Canterbury-Bankstown (943), Sutherland Shire (729) and Campbelltown (498).

Figure 10. Major net migration flows, 2016-2021

### Map of net gains and losses by LGA

Georges River Council - between 2016 and 2021



### 3.3.1 Characteristics of recent migrants

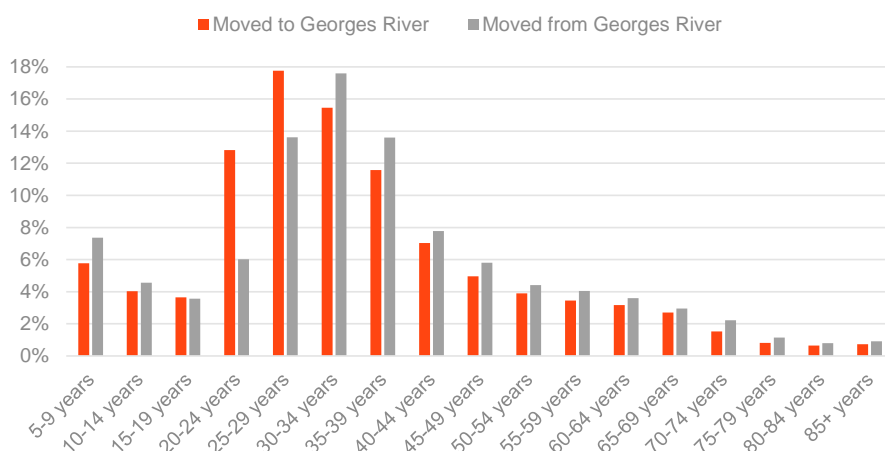
Looking at those who moved to Georges River in the past five years in comparison to those who left reveals two fairly different demographic profiles.



People that moved to Georges River were younger, aged between 20 and 29 years, often university students and young adults starting their career. This group is attracted to the amenity and higher density housing around the Hurstville and Kogarah centres.

Those that moved from Georges River to other areas were a little older, aged 30 to 44 years, and often had young children.

Figure 11. Age structure of recent migrants, 2016-2021



ABS Census of Population and Housing, 2016 and 2021

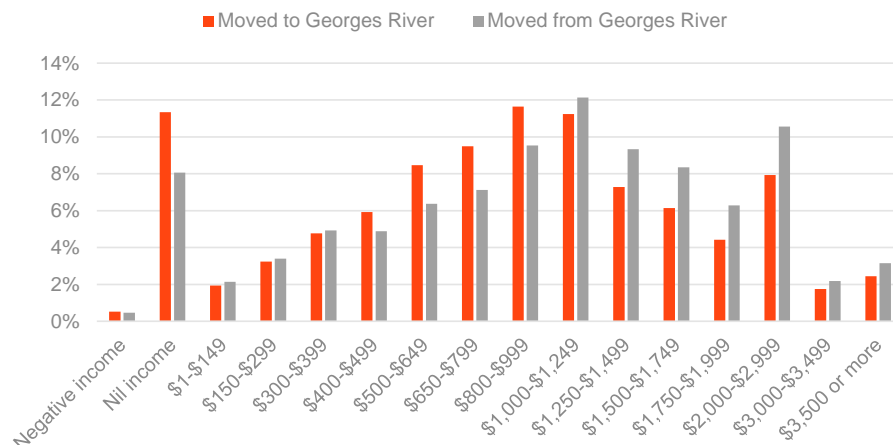
It is important to note that these data are based on the age of people when counted in the Census. They may have moved up to five years earlier. Many people who have been counted as moving in their early twenties may have moved after completing high school in their late teens.

The income of those who moved from Georges River is significantly higher than that of those who moved to the area. The median weekly individual income for those who moved to the area is \$862 compared to \$1053 for those who left Georges River. The chart below also highlights that many residents who moved to Georges River over the past five years earn no income. These residents are most likely young international students who either do not work due to time commitments or visa restrictions.



Georges River Council – Evidence Base for Local Housing Strategy

Figure 12. *Personal weekly income of recent migrants, 2016-2021*



ABS Census of Population and Housing, 2016 and 2021

### 3.4 How are households changing?

The most prevalent household types in Australian cities are typically families – couples with children and single parent households. However, social and demographic changes have combined to change the household mix. These include ageing of the population, family breakdown and fewer children per family. In many areas, family households are declining in number, while smaller households (couples without children and lone person households) are increasing. From a housing perspective, the result is lower average household size i.e. fewer people per dwelling. It is important to recognise that declining household size tends to increase the demand for dwellings, even if the population is stable or slowly declining.

Until 2006, the result of these trends was declining average household size, however the results of the 2011 and 2016 Censuses revealed that at the national level this decline had slowed, and, in many areas, average household size increased slightly. However, between 2016 and 2021, the national trend of household size decline returned. Georges River followed this trend, with the average household size declining to 2.75 in 2021 from 2.84 in 2016.



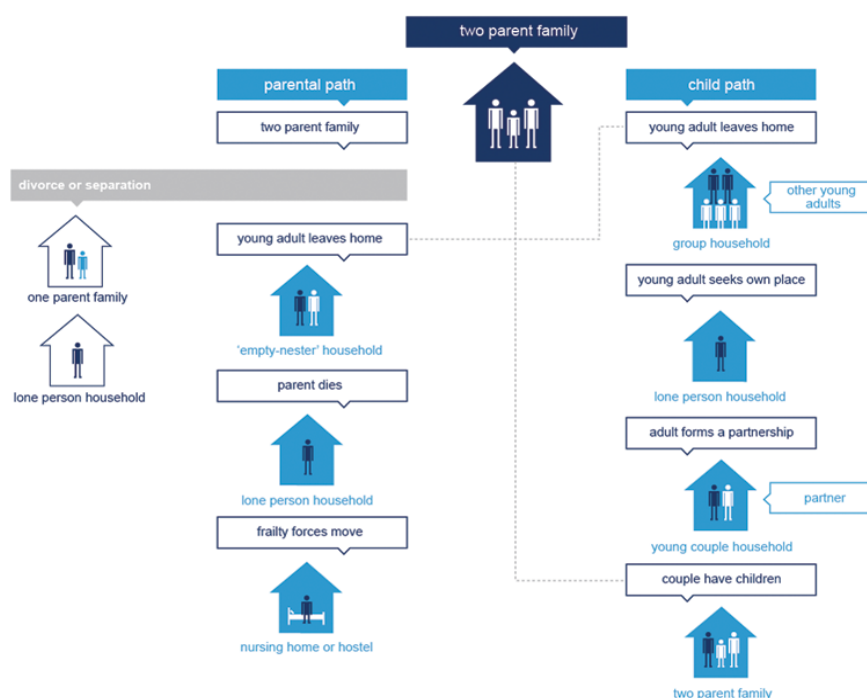
### 3.4.1 Households and suburban lifecycles

Urban areas are constantly evolving primarily due to changing household needs and preferences reflecting population and age structure changes. Figure 13 provides a framework for traditional household pathways and identifies points at which needs may change.

Starting as a child in a family household, a person may move into a group or lone person household as a young adult, and then often becomes part of a couple relationship. The adult years may feature movement between family, single parent and lone person households. Child rearing is followed by an 'empty-nester' period (older couples without children) and ultimately becomes an elderly lone person, as partners die or separate.

There is an increasing tendency for people around Australia to live alone or as a couple without children. This is the result of a combination of factors, such as an ageing population, resulting in growth of empty nester and elderly lone person households, couples choosing a child-free lifestyle, as well as the emergence of smaller households resulting from divorce and partner separations.

Figure 13. *Traditional household pathway – a framework*

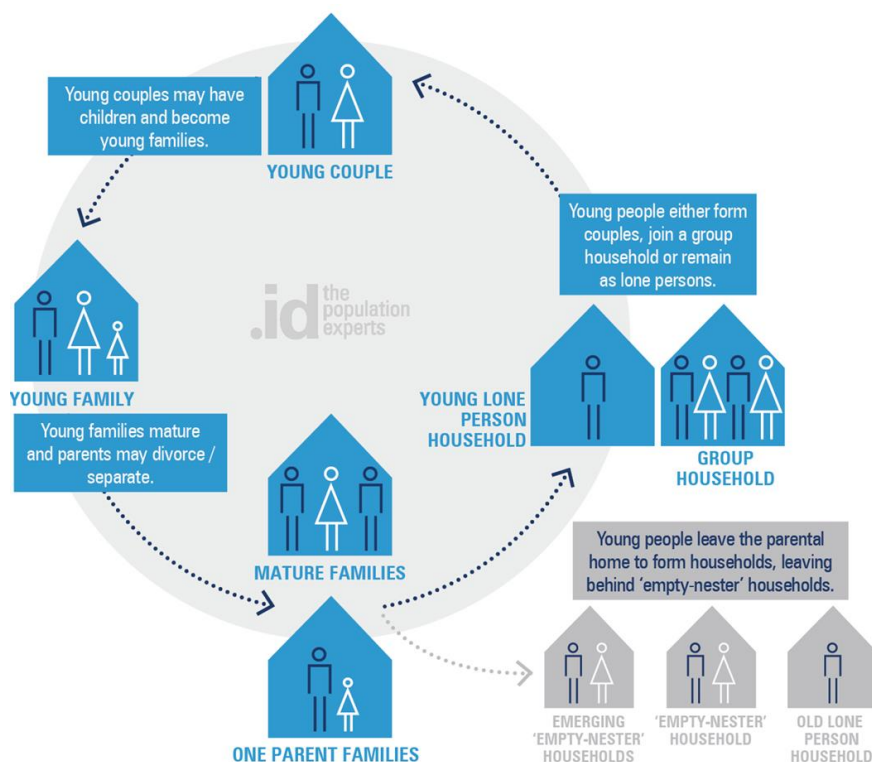


Source: .id



The suburban lifecycle framework (Figure 14) provides an illustration of how suburbs may change over time. Georges River is an interesting LGA to analyse with reference to the suburban lifecycle framework as its development has spanned several decades, hence encompassing a wide range of household types which are regenerating at different times.

Figure 14. *The suburban lifecycle – a framework*



Source: .id

### 3.4.2 Current households

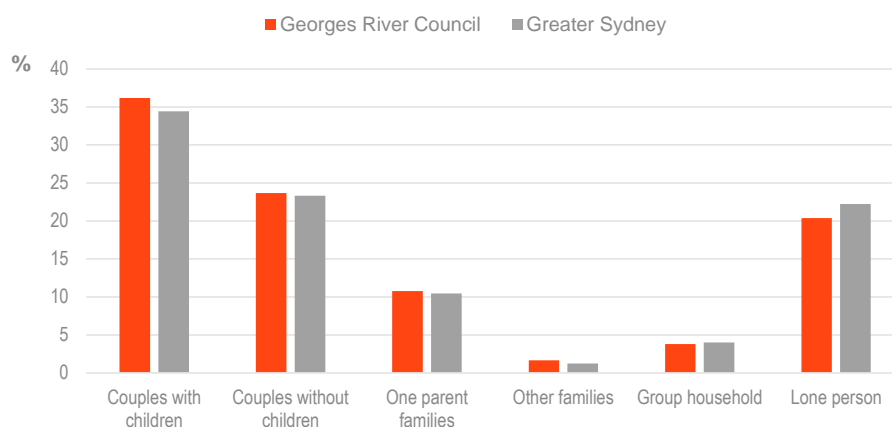
The 2021 ABS Census identified that the dominant household type in Georges River is couples with children, totalling 19,648 households and comprising 36.2% of the total households in Georges River. Couples with children increased by 2% (384 households) between 2016 and 2021.



Couples without children were the next most common, comprising around 23.7% of all households. This household type has increased significantly in the area, by 11% in the past five years.

There are few differences between the household type mix in Georges River compared with the Greater Sydney area (Figure 15).

Figure 15. Household types, Georges River and Greater Sydney, 2021



Source: ABS, Census of Population and Housing (2021)

### 3.4.3 Emerging households

Emerging households are those that are increasing in number. They provide some insights into the types of community services that may be needed in future. Service providers, policy makers and the housing industry understand the different housing consumption patterns and servicing needs of 'young' and 'old' lone person households; similarly, couples with young children households are likely to have quite different needs to older couples without children ("empty nesters").

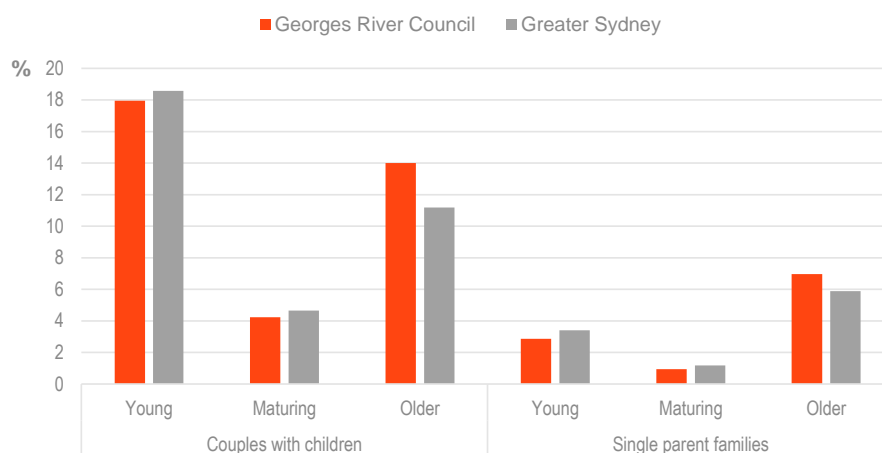
Due to the significant number of household types when combined with the age of the household, information is presented for the larger (family) household types separately to the smaller household types.



### 3.4.4 Larger (family) households

In absolute numbers and percentage share, the larger household types (i.e. couples with children) are still the most significant in Georges River. Couples with children make up around 36% of households. Of these households, most are couple households with young children, similar to Greater Sydney. Older children households were the next largest group.

Figure 16. Share of family household types by age, Georges River – 2021

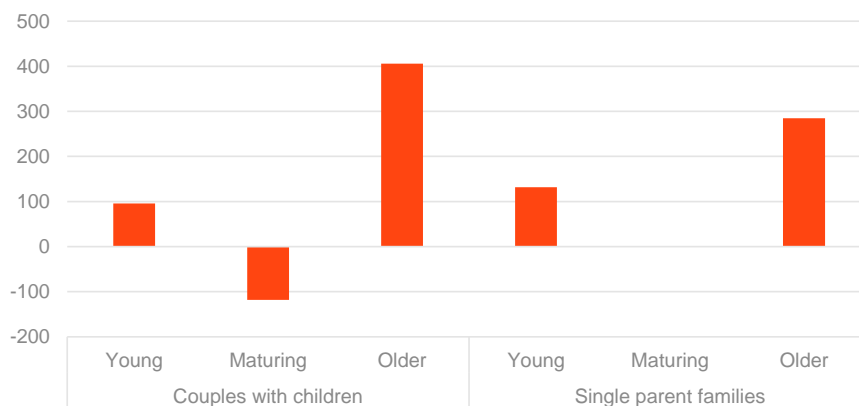


Source: ABS, Census of Population and Housing (2021)

Among the larger household types, there was significant growth in couples with older children between 2016 and 2021, through ageing in place. There was also considerable growth in single parent families. These groups are therefore increasing in importance in Georges River.



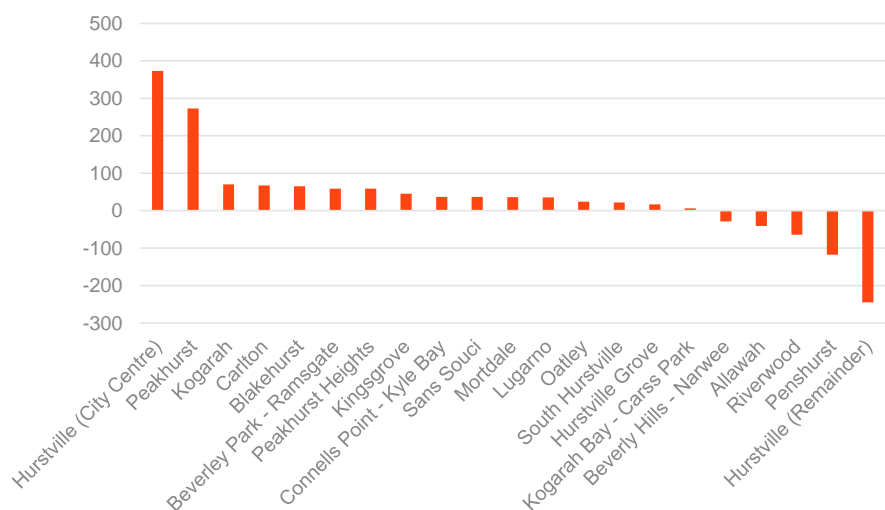
Figure 17. Net change in family households by age – Georges River - 2016-2021



Source: ABS, Census of Population and Housing (2016 and 2021)

The growth in family households has been concentrated in Hurstville City Centre, Peakhurst and Kogarah. This growth has been driven by a significant growth in dwellings in these areas. Riverwood and Penshurst have experienced a decline in family households, a result of ageing in the area. Hurstville (Remainder) also experienced a decline in the number of family households, most likely due to people leaving the area for outer suburbs or returning overseas during the Covid-19 pandemic.

Figure 18. Net change in family households – suburbs of Georges River - 2016-2021



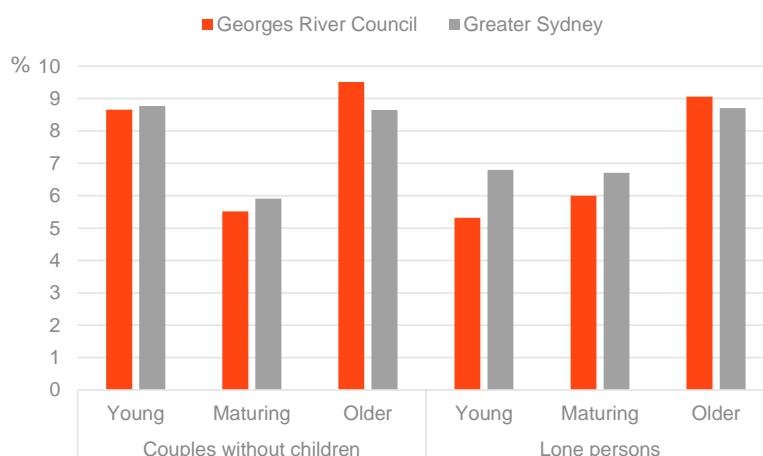
Source: ABS, Census of Population and Housing (2016 and 2021)



### 3.4.5 Smaller households

Looking at smaller households, there is some diversity in this group, with Georges River having a higher share of 'older' couples and a similar share of 'older' lone persons compared to the metropolitan Sydney average. There are fewer 'young' and 'middle-aged' lone persons households in the area.

Figure 19. Share of 'smaller' household types by age, Georges River – 2021



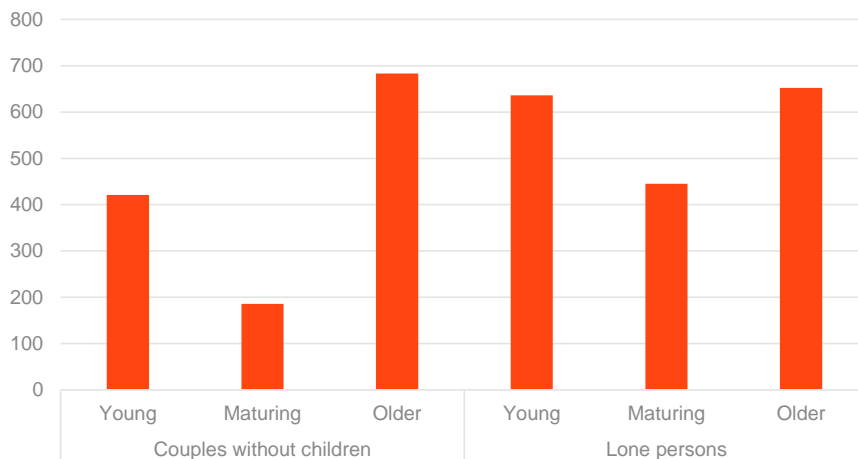
Source: ABS, Census of Population and Housing (2021)

In terms of net change over the past five years, there has been significant growth in households without children – both couples and lone persons – when compared to the growth of households with children, at 13% between 2016 and 2021, compared with 3.2%. This is a considerable change from the 2019 iteration of this report, where families with children were growing significantly. However, the increase was most significant in older couples without children, increasing by 683 households. There was also an increase in older lone persons, of 652 households.



Georges River Council – Evidence Base for Local Housing Strategy

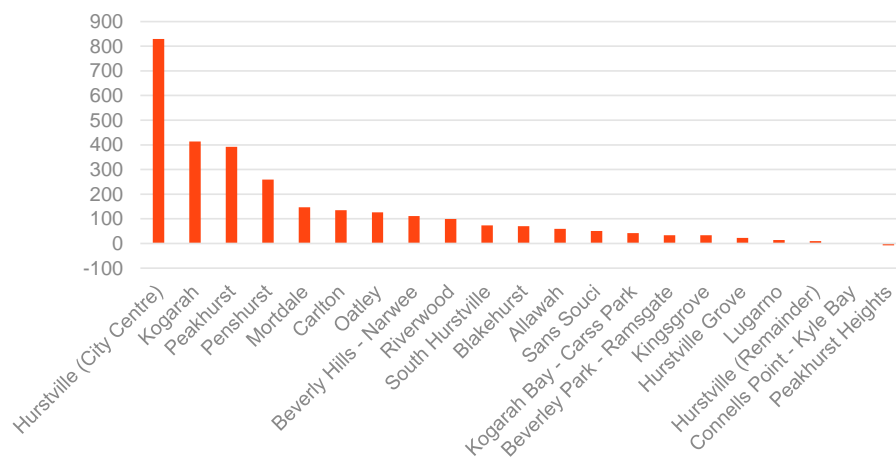
Figure 20. Net change in 'smaller' households by age, Georges River – 2016 - 2021



Source: ABS, Census of Population and Housing (2006 and 2016)

The growth in smaller households has been concentrated in the Hurstville City Centre, driven by apartment developments that have attracted young lone person and couple households. Other areas such as Kogarah and Peakhurst have had smaller increases in small households, mostly in the older ages.

Figure 21. Net change in 'smaller' households, suburbs of Georges River – 2016 - 2021



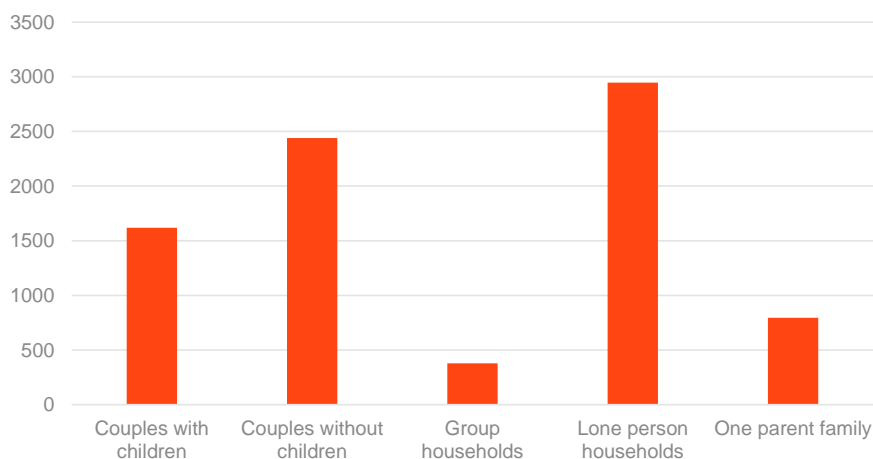
Source: ABS, Census of Population and Housing (2006 and 2016)



### 3.4.6 How will households change in the future?

Over the next 15 years, all household types in the Georges River Council area will experience growth. The most significant growth will occur in lone person households. Couples without children and one parent families are also forecast to increase, in both the young and older age groups, driven by migration and ageing.

**Figure 22. Change in households by type, Georges River – 2021-2036**



Source: forecast.id (2023)

The most significant increases in lone persons are forecast to occur in the major centres of Hurstville and Kogarah, and in Peakhurst. These areas are also forecast to have large increases in couples with children.



## 4. Dwellings, Tenure and Housing Stress

### 4.1 Key findings

- Georges River offers a range of dwelling types for its residents, though the proportion of high-density dwellings is higher than the Greater Sydney average.
- Medium and high-density dwellings are slightly larger than average, with many having two or more bedrooms, and very few one bedroom properties.
- There is an increasing number of families with children living in medium and high-density homes.
- Older couples are increasingly living in large, separate houses with four or more bedrooms, however there has been some evidence of a small number of older residents downsizing.
- Renting is becoming more common in the LGA, due to affordability pressures.
- The rate of housing stress in Georges River is higher than the Greater Sydney average, especially for renters with very low or low incomes.

### 4.2 How is the dwelling stock changing?

Georges River, having developed over many decades, contains a range of housing types and densities, from separate houses on single blocks, to multi-dwelling units. This section examines how Georges River compares to Greater Sydney, and how densities – as measured through the dwelling structure and number of bedrooms per dwelling – are changing.

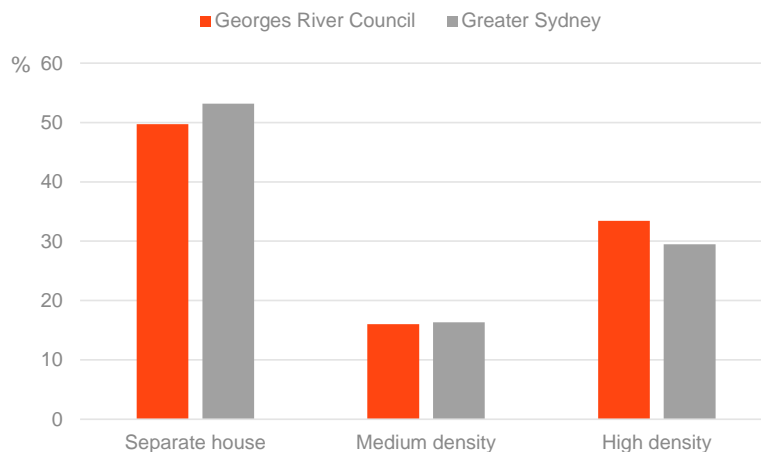
In 2021, there were 54,316 occupied private dwellings in Georges River. The following housing consumption analysis is based on these private occupied dwellings.

#### 4.2.1 Dwelling mix

In 2021, there were more multi-dwelling residences than separate houses in Georges River. There were 49.7% separate houses, 16% medium density dwellings and 33.4% high density dwellings. This mix is fairly similar to the Greater Sydney average (53%, 16%, and 29% respectively), though Georges River has a slightly higher proportion of high-density dwellings (apartment buildings of three or more storeys.)



Figure 23. *Dwelling structure, 2021*



Source: ABS, Census of Population and Housing (2021)

There are some differences in the supply of residential property within Georges River. There are high proportions of separate houses in areas with river frontages, such as Lugarno, Peakhurst Heights and Connells Point. Higher concentrations of medium density housing can be found in the western portion of the LGA, in Peakhurst and Mortdale. Areas with close proximity to the Sydney CBD such as Hurstville, Kogarah and Allawah have high proportions of high-density developments.

#### 4.2.2 Dwelling types

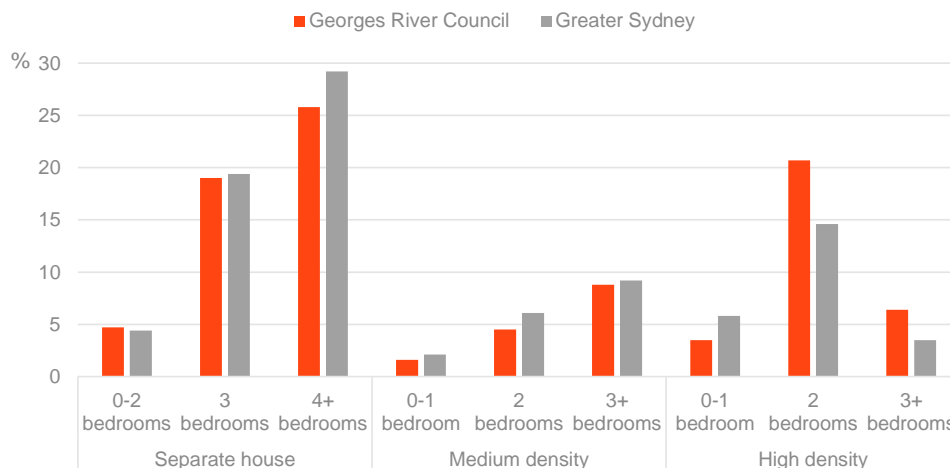
Based on the number of bedrooms, separate houses with four or more bedrooms are the most common (25.8%, compared with 29.2% in Greater Sydney), followed by high-density dwellings with two bedrooms (20.7%, compared with 14.6% in Greater Sydney). There were similar proportions of all sized medium density dwellings as the Greater Sydney average. Over the past five years, separate houses have increased in size, mainly through renovations adding an extra bedroom to an existing dwelling. There has also been a significant increase in medium and high-density dwellings, especially those with two or more bedrooms.

Compared to Greater Sydney, Georges River has a very similar mix of dwelling structures. Where it differs is in the number of bedrooms. High-density developments in the area are larger, with a higher proportion with two or more bedrooms.



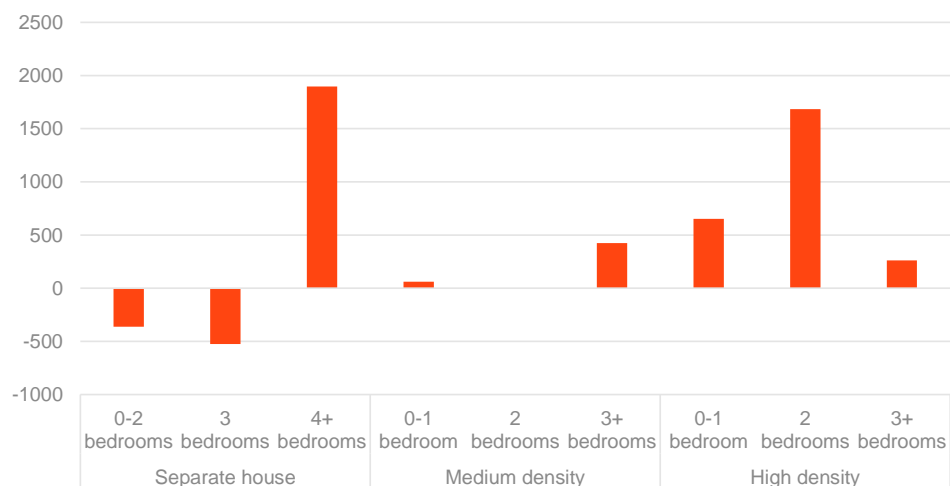
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Figure 24. *Dwellings by type, Georges River –2021*



Source: ABS, Census of Population and Housing (2021)

Figure 25. *Net change in dwellings by type, Georges River - 2016-2021*



Source: ABS, Census of Population and Housing (2016 and 2021)

### 4.3 What dwellings do households live in?

While there is little qualitative data on housing preference, Census data enables detailed analysis of dwelling consumption by household type to show preferences in the context of supply constraints. Revealed preferences are the types of dwellings that households actually live in, as indicated by Census data. Expressed preferences are those stated by individuals when surveyed as to what sort of housing they would like to live in. The latter is



not part of the scope of this report, but there are examples of this type of research being undertaken in Australia, such as the Grattan Institute's 2011 report "The housing we'd choose".

This analysis uses Census data to identify the relationship between key dominant and emerging household types and the dwellings they live in. The following household types are analysed:

- Couples with children (dominant)
- Couples without children (dominant and emerging)
- Lone person households (emerging)

#### 4.3.1 Couples with children

Couples with children are a dominant household type in Georges River, comprising 36.2% of the total households. They also experienced a small increase between 2016 and 2021, of approximately 380 households.

Typically, these households fall into three housing markets:

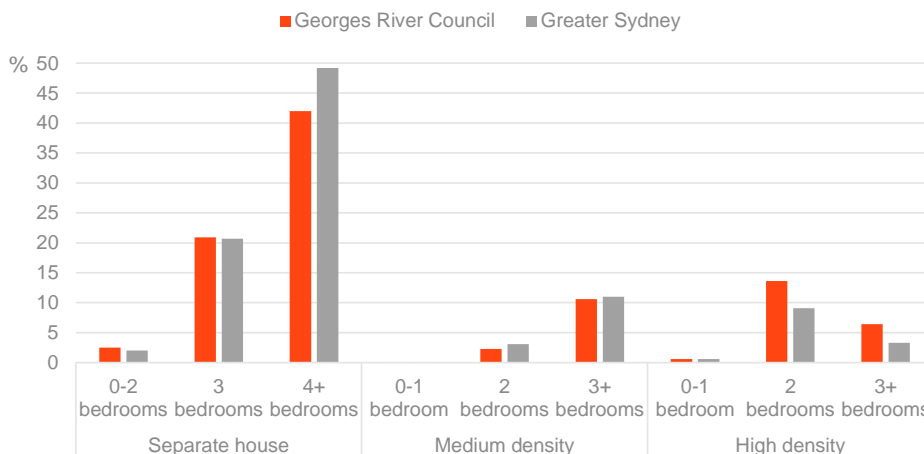
- Those who are early in their housing career and are prepared to accept high levels of housing stress with a large proportion of their household income being spent on housing;
- Those in the second and third home-purchaser market who are upgrading to larger dwelling formats or more desirable locations that are suitable to their changing needs (and budget).
- Those living in higher density dwellings, both renters and buyers, who have just had their first child.

As shown in the chart below, couples with children live in a variety of dwelling types, living in separate houses with three bedrooms (20.9%, compared with 20.7% in Greater Sydney), separate houses with four or more bedrooms (42%, 49.2% in Greater Sydney) and medium-density dwellings with two bedrooms (10.6%, 11% in Greater Sydney). There was a higher rate of couples with children living in high density dwellings, 20.6% compared with 13% across Greater Sydney.



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Figure 26. Couples with children by dwelling type (%) – Georges River - 2021



Source: ABS, Census of Population and Housing (2021)

Between 2016 and 2021 there was a significant increase in the number of couples with children living in large separate dwellings. However, there were declines in those living in smaller separate dwellings, meaning in net terms the increase in couples with children living in separate houses was similar to the increase in those living in medium or high density dwellings.

Figure 27. Net change in couples with young children, by dwelling type Georges River – 2016-2021



Source: ABS, Census of Population and Housing (2016 and 2021)

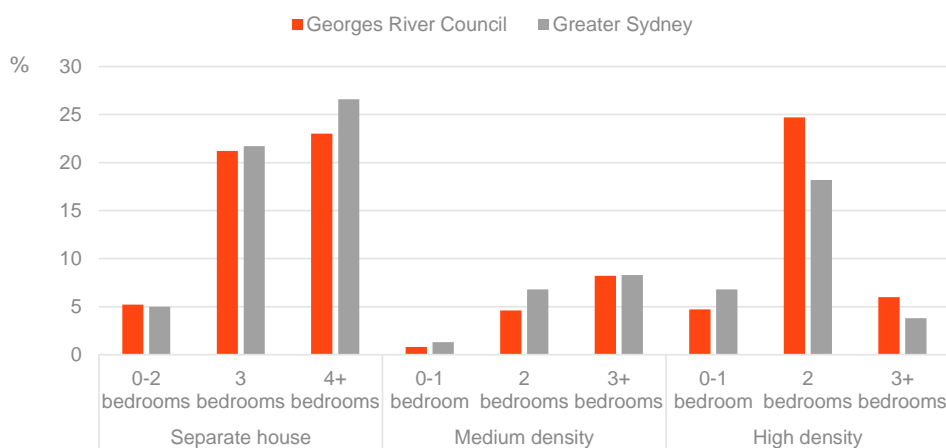


### 4.3.2 Couples without children

In general, couples without children have a higher propensity to consume three-bedroom separate houses than other household types.

In Georges River, they live in medium or large separate houses at a slightly higher rate to the Greater Sydney average (44.2% compared with 48.3%) and more likely to live in medium format medium/high density, 49% compared with 45.2% across Greater Sydney.

Figure 28. *Couples without children by dwelling type (%) – Georges River - 2021*



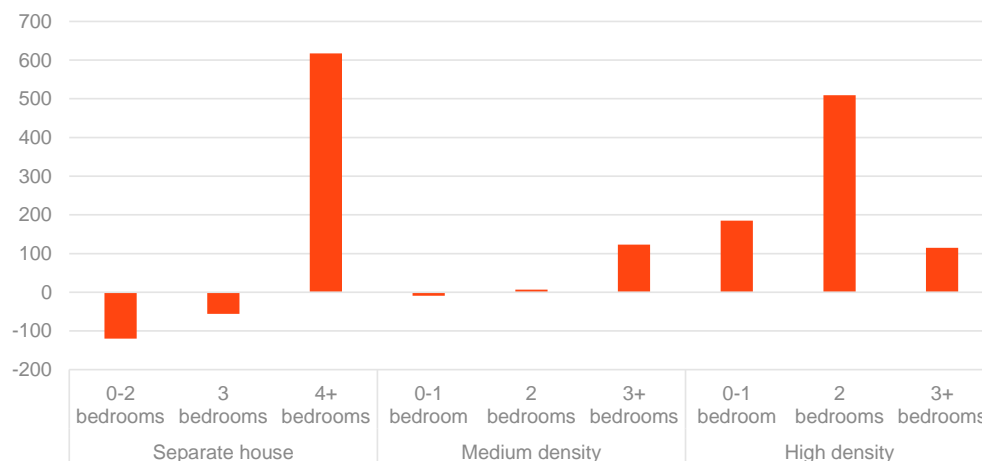
Source: ABS, Census of Population and Housing (2021)

Couples without children, like most other household types have seen an increase in those living in separate houses with four or more bedrooms, mainly through renovation as previously mentioned. However the increase in those living in high density housing is larger, around 800 households.



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Figure 29. Net change in older couples without children, by dwelling type – 2016-2021



Source: ABS, Census of Population and Housing (2016 and 2021)

### 4.3.3 Lone person households

Lone person households are an emerging household type in Georges River, currently comprising 20.4% of total households, and increasing substantially.

Compared to the metropolitan Sydney average, Georges River had a higher share of lone persons living in two or more-bedroom, higher density dwellings in 2021. This is a reflection of supply in the LGA, which has seen a number of high-density developments in the key centres of Hurstville and Kogarah over the past decade.

Figure 30. Lone person households, by dwelling type (%) – 2021





Source: ABS, Census of Population and Housing (2021)

There has been significant growth in the number of lone person households living in one and two-bedroom apartments. As mentioned earlier, this has most likely been driven by new, high density developments in Hurstville and Kogarah.

**Figure 31. Net change in lone person households, by dwelling type – 2016-2021**



Source: ABS, Census of Population and Housing (2016 and 2021)

#### 4.4 How is housing tenure changing?

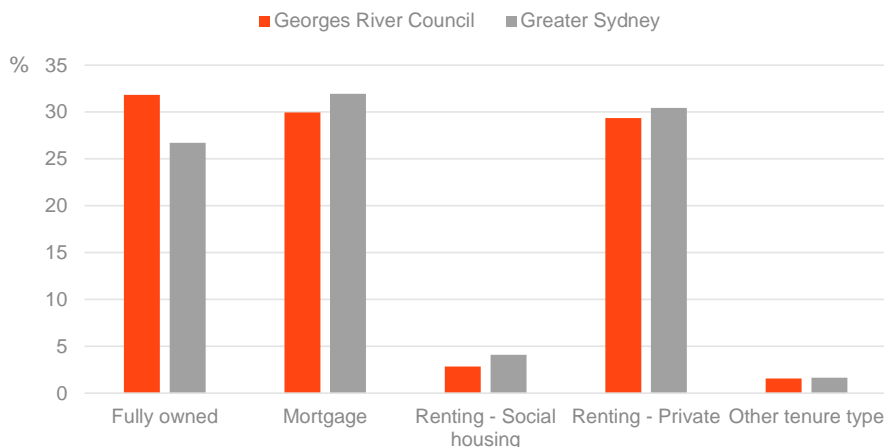
Housing tenure data gives significant insight into the role Georges River Council plays in the housing market, and the life stage and socio-economic status of its residents. There is currently significant diversity in tenure types across Georges River, which assists in creating a sustainable community. There are almost equal shares of people fully owning their homes, people with a mortgage and those who are renting.

In comparison to Greater Sydney, having a mortgage is slightly less common in Georges River. This is influenced by several factors, including the number of young couples in the area who are most likely renting, and a high proportion of older households who own their own homes.



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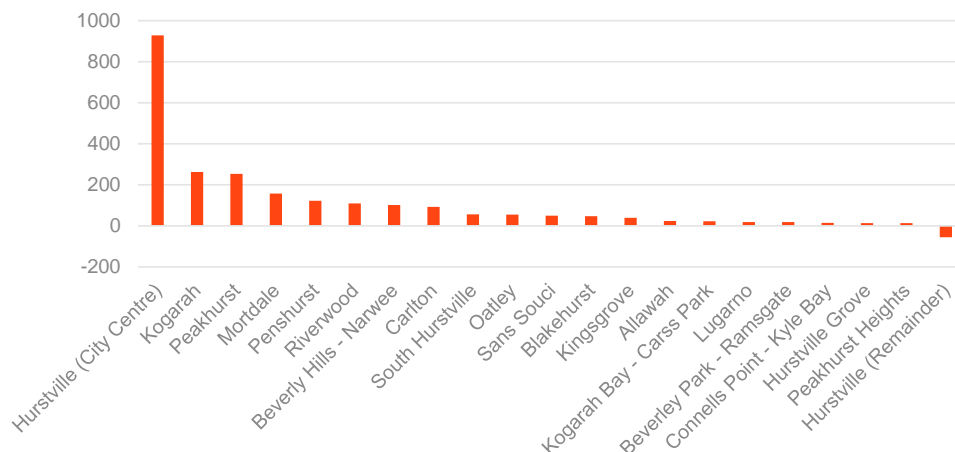
Figure 32. Tenure types, 2021



Source: ABS, Census of Population and Housing (2021)

Growth in renting has been evident across the LGA, but some areas have had more significant change than others. The number of households renting in the Hurstville City Centre has increased by just over 900 households in the past decade. Other areas have also had increases, with just one area, Hurstville (Remainder) seeing a decrease in the number of rental households.

Figure 33. Growth in rental households, 2016-2021



Source: ABS, Census of Population and Housing (2016 and 2021)

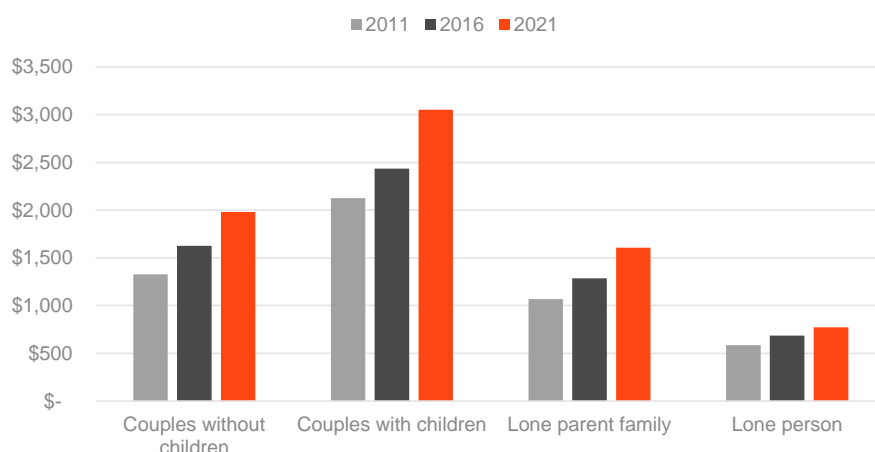


## 4.5 How are income levels changing?

Income is vital for households to cover their housing costs. Residents of Georges River currently have a median household income of \$1,968 per week, a little lower than the Greater Sydney median, \$2,099. Incomes in Georges River are increasing, with the median increasing by approximately \$300 over the past five years.

However, income levels differ between the different household types of Georges River. Couples with children have the highest median income, of \$3,050 per week. Lone person households have the lowest income levels, as a result of their limited earning capacity. The chart below shows the growth in median income by household type. Over the past decade, lone parent families and couples without children experienced the most significant increase in income after couples with children.

Figure 34. *Change in median incomes by household type, 2011-2021*



Source: ABS, Census of Population and Housing (2011, 2016 and 2021)

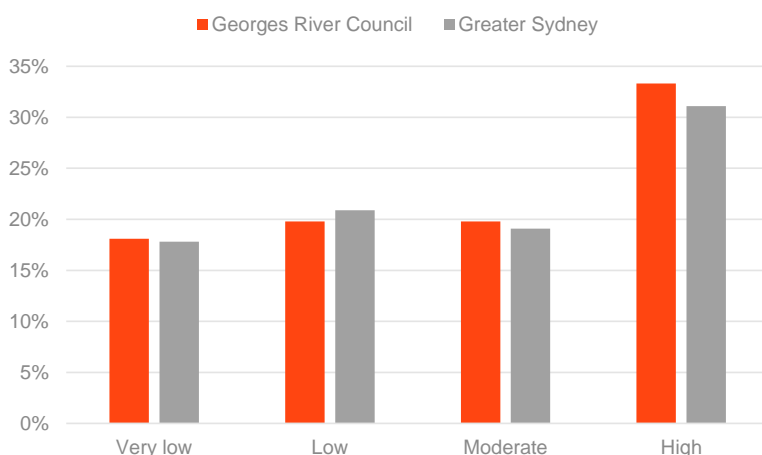
As part of the New South Wales Government Affordable Housing Strategy, income brackets have been defined for the purpose of analysing affordable housing. The income brackets are defined as follows:

- a very low income household earns less than 50% of the relevant median household income for Sydney or the rest of NSW, as applicable.
- a low income household earns between 50% and 80% of the relevant median household income for Sydney or the rest of NSW, as applicable.
- a moderate income household earns between 80% and 120% of the relevant median household income for Sydney or the rest of NSW, as applicable.



The chart below shows the distribution of households in Georges River into these income brackets. The distribution is very similar to the Greater Sydney average, although there is a slightly higher proportion of very low income households in the area. The higher proportion of low income earners is influenced by a number of factors, including the large elderly population in the area who are relying on superannuation or the aged pension for income, and the number of university students in the area who have limited earning capacity due to their study commitments. There is also a significantly higher proportion of high income households in Georges River in comparison to the Greater Sydney average.

Figure 35. *Proportion of households in Family and Community Services income brackets, 2021*



Source: ABS, Census of Population and Housing (2021)

## 4.6 What is the level of housing stress in Georges River?

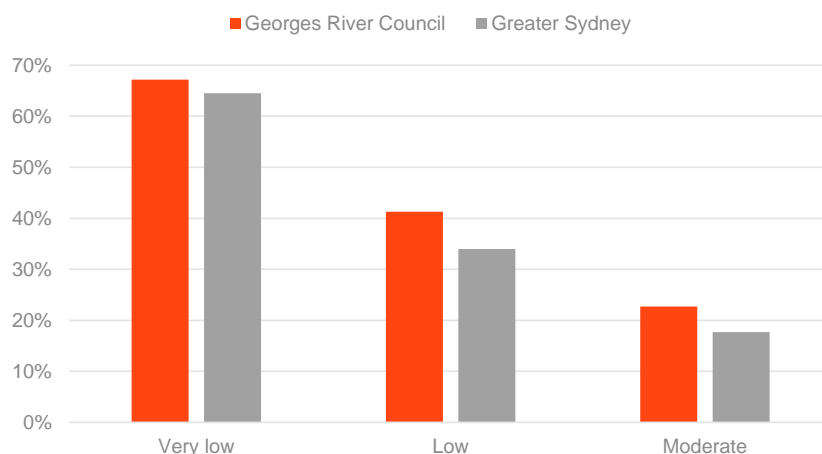
For the purpose of this report, housing stress is defined as households in the very low, low and moderate income brackets spending more than 30% of their income on housing costs.

### 4.6.1 Mortgage stress in Georges River

At the time of the 2021 Census, there were 3,049 households with a mortgage spending more than 30% of their income on housing costs. The chart below shows the proportion of mortgaged households in each income bracket in housing stress, in comparison to Greater Sydney. The level of mortgage stress experienced in Georges River is marginally higher than the Greater Sydney average, especially for low and moderate income households.



Figure 36. *Proportion of households with a mortgage in stress, 2021*



Source: ABS, Census of Population and Housing (2021)

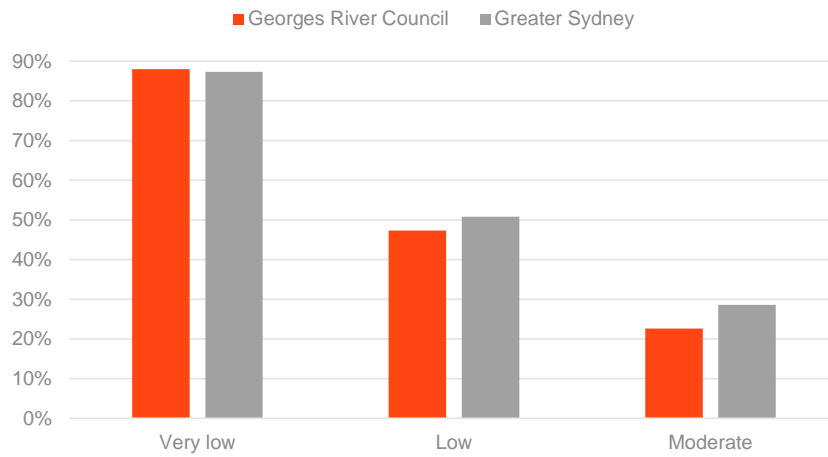
#### 4.6.2 Rental stress in Georges River

At the time of the 2021 Census, 4,743 households that were renting their dwelling were spending more than 30% of their income on housing costs. The chart below shows the proportion of rental households in each income bracket in rental stress, in comparison to Greater Sydney. The level of overall rental stress experienced in Georges River is marginally higher than the Greater Sydney average. However, when looking at an income breakdown, the rate of rental stress in Georges River is only higher for very low income households. The reason for the overall rate being higher than average is due to a lower number of high income renters than is seen across Greater Sydney.



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Figure 37. *Proportion of renting households in stress, 2021*



Source: ABS, Census of Population and Housing (2021)



## 5. Housing Demand

### 5.1 Key findings

- Median house sale prices have risen sharply in Georges River over the past five years, growing by approximately 5.5% per year since 2017, a similar growth rate to the Greater Sydney average.
- Units in Georges River are generally less costly than the Greater Sydney average, currently 7% lower than the metropolitan Sydney median.
- Just over two thirds of key workers in Georges River also live in the area. Their median individual income is \$1,068 per week, less than the median for all workers employed in Georges River.
- In 2021-22, just ten property sales were affordable to a key worker living on their own.
- Similarly, there were very few property sales or rental listings that would be considered affordable for those on very low or low incomes.

### 5.2 How are housing costs changing?

#### 5.2.1 Sales

Median house sale prices have risen sharply in Georges River over the past five years. In 2017, the median cost of a house in the area was around \$1,400,000. In 2022, the median house price in Georges River was \$1,830,500; growing by approximately 5.5% per year since 2017. Houses in Georges River have consistently been more expensive than the Greater Sydney median, however prices have been growing at a similar rate over the past five years.

Figure 38. House sales, 1<sup>st</sup> Quartile and median costs, 2017-2022

	June 2022		June 2017		Average Annual Change	
	1 <sup>st</sup> Quartile	Median	1 <sup>st</sup> Quartile	Median	1 <sup>st</sup> Quartile	Median
Georges River	\$1,481,250	\$1,830,500	\$1,197,500	\$1,400,000	4.3%	5.5%
Greater Sydney	\$950,000	\$1,375,000	\$725,000	\$1,050,000	5.6%	5.5%

Source: PropTrack (2022)



The purchase price of units has fluctuated over the past five years, with small periods of price increases, but with an overall decrease in price. Units in Georges River are generally less costly than the Greater Sydney median, currently 7% lower than the Sydney median.

Figure 39. Unit sales, 1<sup>st</sup> Quartile and median costs, 2017-2022

	June 2022		June 2017		Average Annual Change	
	1 <sup>st</sup>	Median	1 <sup>st</sup>	Median	1 <sup>st</sup>	Median
	Quartile		Quartile		Quartile	
Georges River	\$600,000	\$709,000	\$645,000	\$735,000	-1.4%	-0.7%
Greater Sydney	\$595,000	\$760,000	\$600,000	\$780,000	-0.2%	-0.5%

Source: PropTrack (2022)

## 5.2.2 Rents

Weekly rental costs for houses in Georges River have increased over the past five years, with the median increasing approximately 2.2% per annum. However, the price increase for both 1<sup>st</sup> quartile and median rents for houses have been growing at a slower rate than the Greater Sydney median.

Figure 40. House Rentals, 1<sup>st</sup> Quartile and median costs, 2017-2022

	June 2022		June 2017		Average Annual Change	
	1 <sup>st</sup>	Median	1 <sup>st</sup>	Median	1 <sup>st</sup>	Median
	Quartile		Quartile		Quartile	
Georges River	\$550	\$680	\$520	\$610	1.1%	2.2%
Greater Sydney	\$470	\$600	\$420	\$520	2.3%	2.9%

Source: PropTrack (2022)

Rental costs for units in Georges River have decreased slowly over the past five years. The median rent for a unit in the area is consistently less than the Greater Sydney median.

Figure 41. Unit Rentals, 1<sup>st</sup> Quartile and median costs, 2017-2022

	June 2022		June 2017		Average Annual Change	
	1 <sup>st</sup>	Median	1 <sup>st</sup>	Median	1 <sup>st</sup>	Median
	Quartile		Quartile		Quartile	
Georges River	\$420	\$470	\$430	\$495	-0.5%	-1.0%
Greater Sydney	\$410	\$500	\$420	\$520	-0.5%	-0.8%

Source: PropTrack (2022)



### 5.3 Can key workers in Georges River afford to live in the area?

The Australian Housing and Urban Research Institute provide a useful definition to describe key workers:

*“Basically these are lower paid workers in occupations considered important to the proper functioning of the city, particularly those in lower paid service occupations, although not exclusively so, whose jobs are in areas of high housing costs” (Yates, Randolph, Holloway, Murray (2005), Housing affordability, occupation and location in Australian cities and regions).*

BankWest’s Key Worker Housing Affordability Report defines key workers as Nurses, Teachers, Police Officers, Fire Fighters and Ambulance Offices.

For the purpose of this report, key workers have been defined based on traditional key worker occupations identified in BankWest as well as a selection of occupations based on the role and function of the Georges River economy. The definition is based on the detailed occupation categories defined by the ABS (ANZSCO Major Group 3).

#### **Core key workers:**

- School Teachers
- Midwifery and Nursing Professionals
- Defence Force Members, Fire Fighters and Police

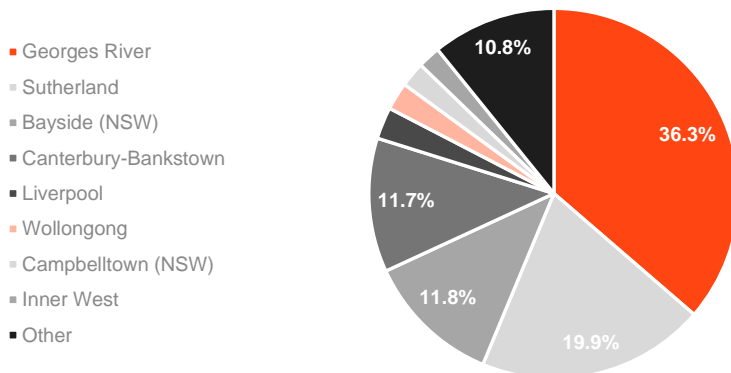
#### **Secondary key workers (economic development function):**

- Health and Welfare Support Workers (includes ambulance officers)
- Hospitality Workers (to support amenity required for business attraction)
- Child Carers (to support participation rates)
- Personal Carers and Assistants (including aged carers and social workers)
- Cleaners and Laundry Workers (to support operations of the hospital cluster)
- Automobile, Bus and Rail Drivers (to help access to jobs)
- Sales Assistants and Salespersons

In 2021, there were 12,518 key workers employed in Georges River, representing 29% of the total workforce. Of these key workers, 36.3% also live in Georges River. The majority of the remainder live in the neighbouring council areas of Sutherland (19.9%), Canterbury-Bankstown (11.7%) and Bayside (11.8%).



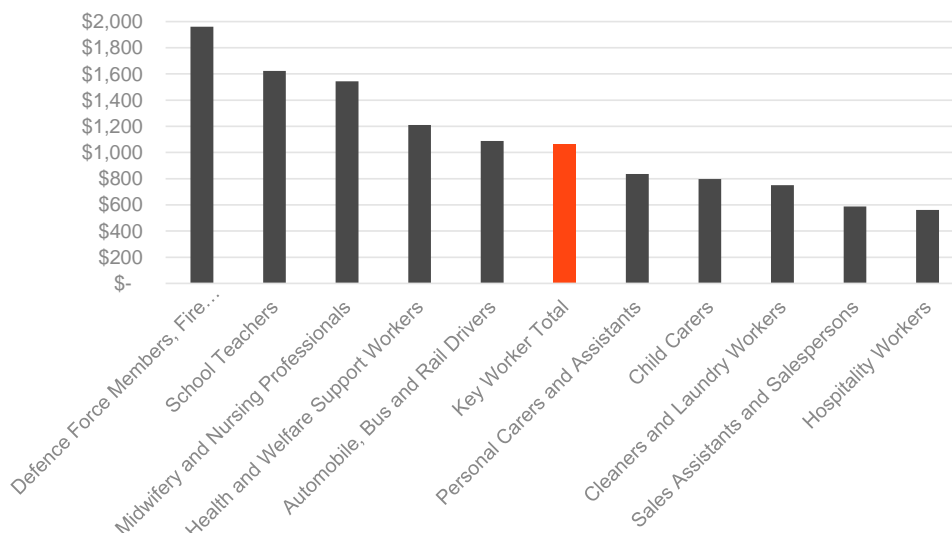
Figure 42. Residential location of key workers employed in Georges River, 2021



Source: ABS, Census of Population and Housing (2021)

The median weekly individual income for a key worker in Georges River is \$1,068, a little lower than the median for all workers employed in Georges River (\$1,193). Within key workers, Hospitality Workers had the lowest weekly income (\$561), and Defence Force Members, Fire Fighters and Police had the highest at \$1,960.

Figure 43. Median weekly individual income, key workers in Georges River, 2021



Source: ABS, Census of Population and Housing (2021)

With a median weekly individual income of \$1,068, a key worker living on their own could afford a property purchase of \$302,000 or a weekly rent of \$320. Over the past Financial



Year, just 10 property sales and 203 rental listings would have been affordable to such a person. This highlights that it is unlikely that key workers employed in Georges River would live in the local area in lone person households, unless they were successful in securing a rental property. Most would be reliant on combining their income with a spouse, partner or housemate to live affordably in the area and avoid housing stress.

**Figure 44. Number of property sales and rental listings affordable to key workers in Georges River, 2021-22**

	Sales affordable	Rents affordable
<b>1 key worker</b>	10	203
<b>2 key workers (couple or group household)</b>	335	3,340
<b>Defence Force Members, Fire Fighters and Police</b>	194	3,124
<b>School Teachers</b>	57	2,096
<b>Midwifery and Nursing Professionals</b>	40	1,852
<b>Health and Welfare Support Workers</b>	11	539
<b>Automobile, Bus and Rail Drivers</b>	10	212
<b>Personal Carers and Assistants</b>	10	17
<b>Child Carers</b>	10	12
<b>Cleaners and Laundry Workers</b>	8	10
<b>Sales Assistants and Salespersons</b>	6	1
<b>Hospitality Workers</b>	5	1

Source: PropTrack (2022), ABS, Census of Population and Housing (2021)

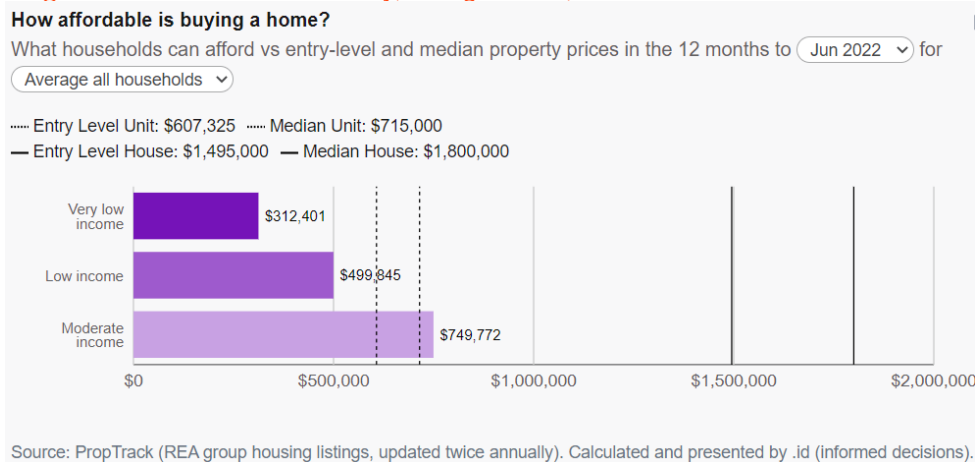
## 5.4 Can those who need affordable housing afford to live in Georges River?

Another way to look at housing affordability is to compare what is affordable to what is being provided in the private market. Figure 45 compares the affordable housing purchase price points for different households with the median house price in Georges River.

Houses and medium and high-density dwellings are largely unaffordable for most lower income households in Georges River. This is most acute for very low and low income households who would find it near impossible to enter the housing market. For example, the median medium and high-density price is 2.3 times more expensive than what a very low income lone person household could afford (\$312,400) in 2022.



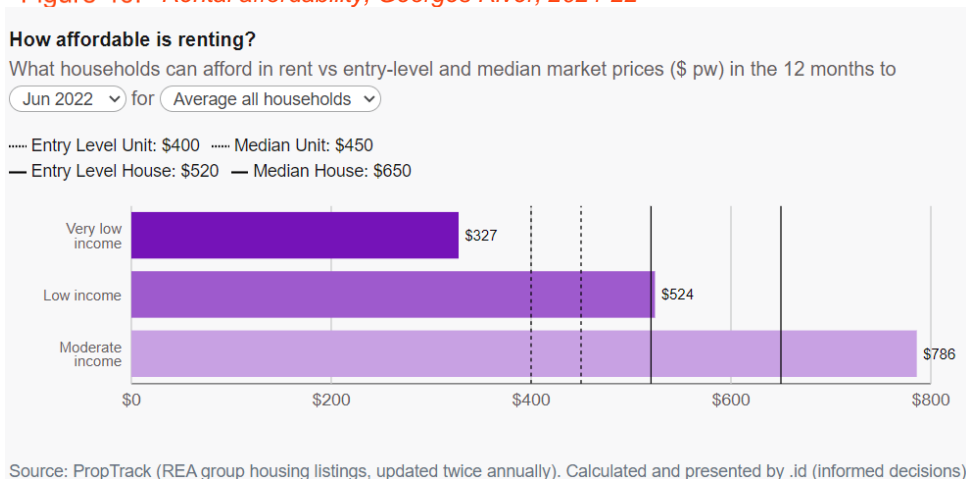
**Figure 45. Purchase affordability, Georges River, 2021-22**



In the 2021/22 Financial Year, there were 2,404 property sales in Georges River. Of these, just 0.4% were affordable to those on very low incomes, 3.8% for low incomes, and 32.2% of sales were affordable to those on moderate incomes. A significant proportion of the affordable sales were located in Penshurst and Kogarah.

Similar analysis can be undertaken for rental costs. Renting in Georges River is somewhat more affordable for lower income households. However, those with very low incomes would struggle to find affordable housing in the private market as the median rental cost for a unit in the area is 1.4 times what they could afford (\$327 per week).

**Figure 46. Rental affordability, Georges River, 2021-22**





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During the 2021/22 Financial Year, there were 4,110 properties listed for rent in Georges River. Of these, just 5.2% were affordable to those on very low incomes, and 62.2% for low income households. Those on moderate incomes were able to afford the vast majority of recent rental listings (92.9%). A significant proportion of the affordable rental listings were located in Penshurst, Allawah and Hurstville City Centre.



## 6. Residential Supply

### 6.1 Key findings

- Approximately 36% of dwellings built between 2016 and 2021 were built in the Hurstville CBD.
- Currently, 50.1% of households are small, but only 35.5% of dwellings are classified as small (0-2 bedrooms). This highlights a mismatch in the demand and supply of dwellings in Georges River.
- If the current bedroom mix continues to 2036, the mismatch between supply and demand will grow. In 2036, 47.4% of households are forecast to be small, whereas it has been estimated that only 35.7% of dwellings will be small.

### 6.2 Where is residential development occurring?

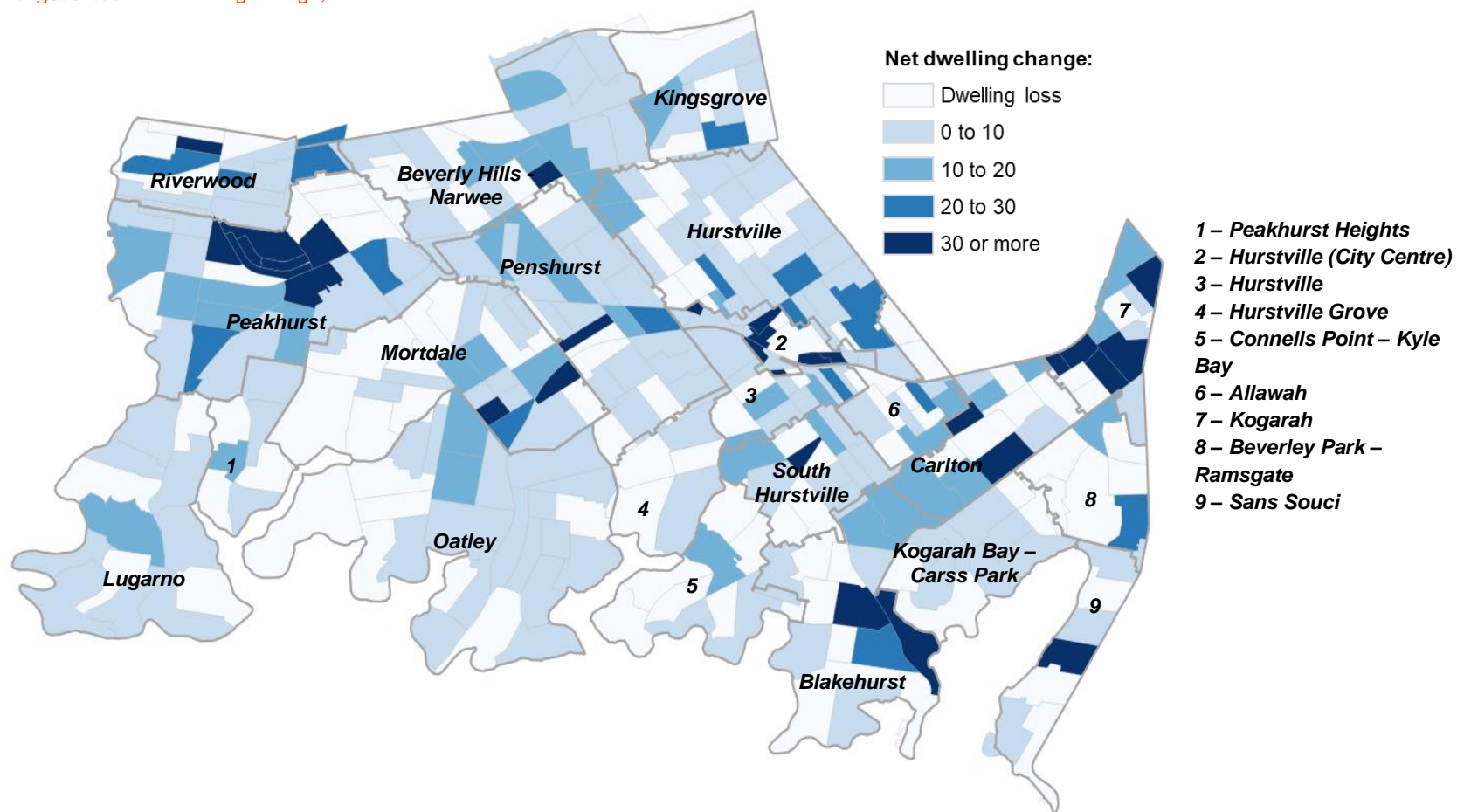
Between 2016 and 2021, the number of dwellings in Georges River increased by 4,407 dwellings (net) as per the ABS Census of Population and Housing counts. Approximately 36% of these additional dwellings were built in Hurstville CBD, as shown in Figure 47. Kogarah and Peakhurst also contributed a significant proportion of new dwellings (18% for both areas). Areas that had the lowest rate of dwelling increase include Lugarno and Kogarah Bay – Carss Park.

The number of medium density dwellings in Georges River increased a little between 2016 and 2021. There were significant increases in this dwelling type in Peakhurst and Hurstville (Remainder). There were decreases in several areas, including Oatley and Beverly Hills - Narwee. A more detailed geographic breakdown is available in Figure 48.

Much of the total dwelling change in Georges River has been driven by the increase in high density dwellings, 3,605 over five years. These dwellings have been built in the major centres of Hurstville and Kogarah, as seen in Figure 49. Peakhurst has also emerged as a popular location for high density development. Such areas are attractive for developers, as they provide excellent public transport connections and high levels of amenity which are vital to successful high density living.



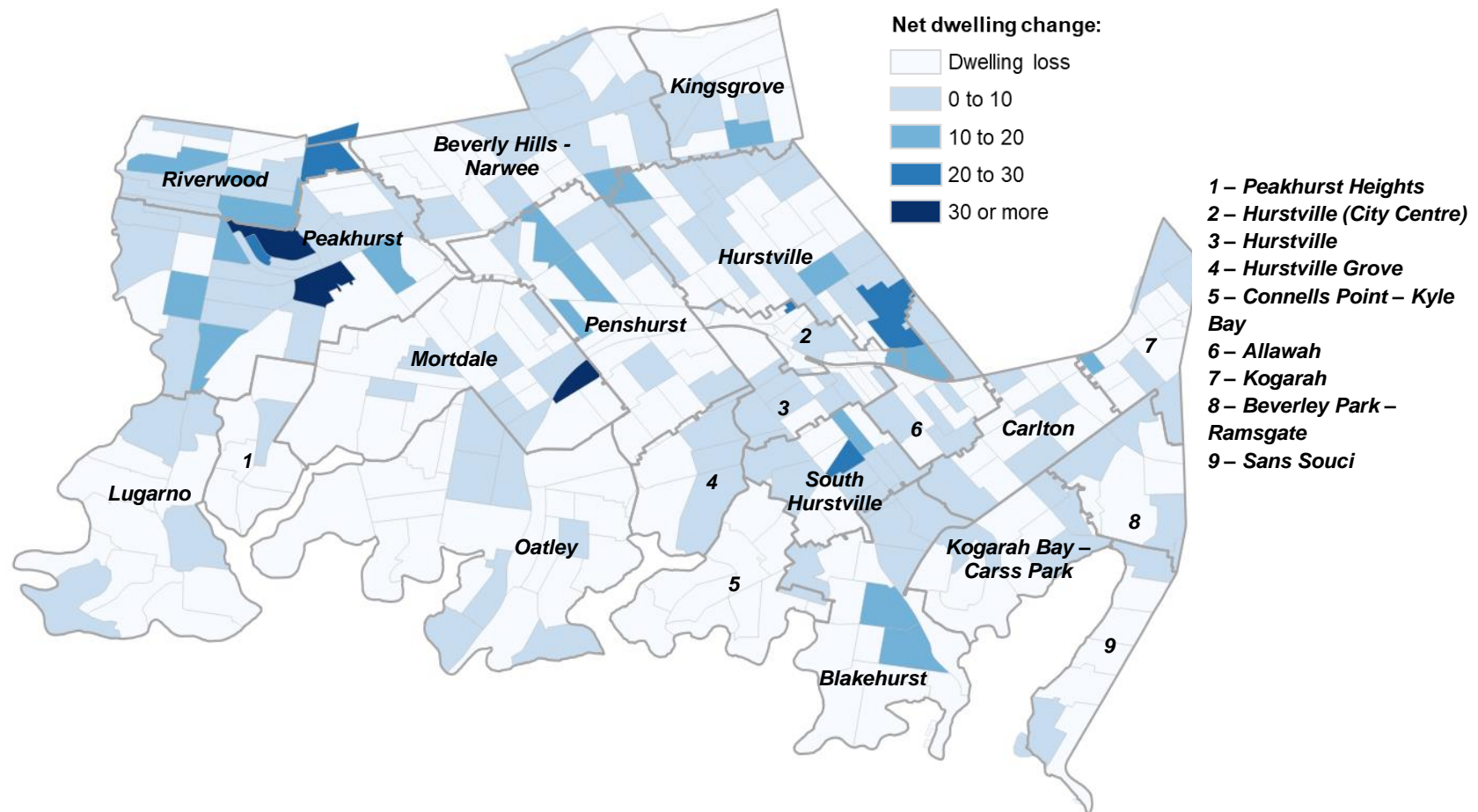
Figure 47. *Net dwelling change, 2016-2021*





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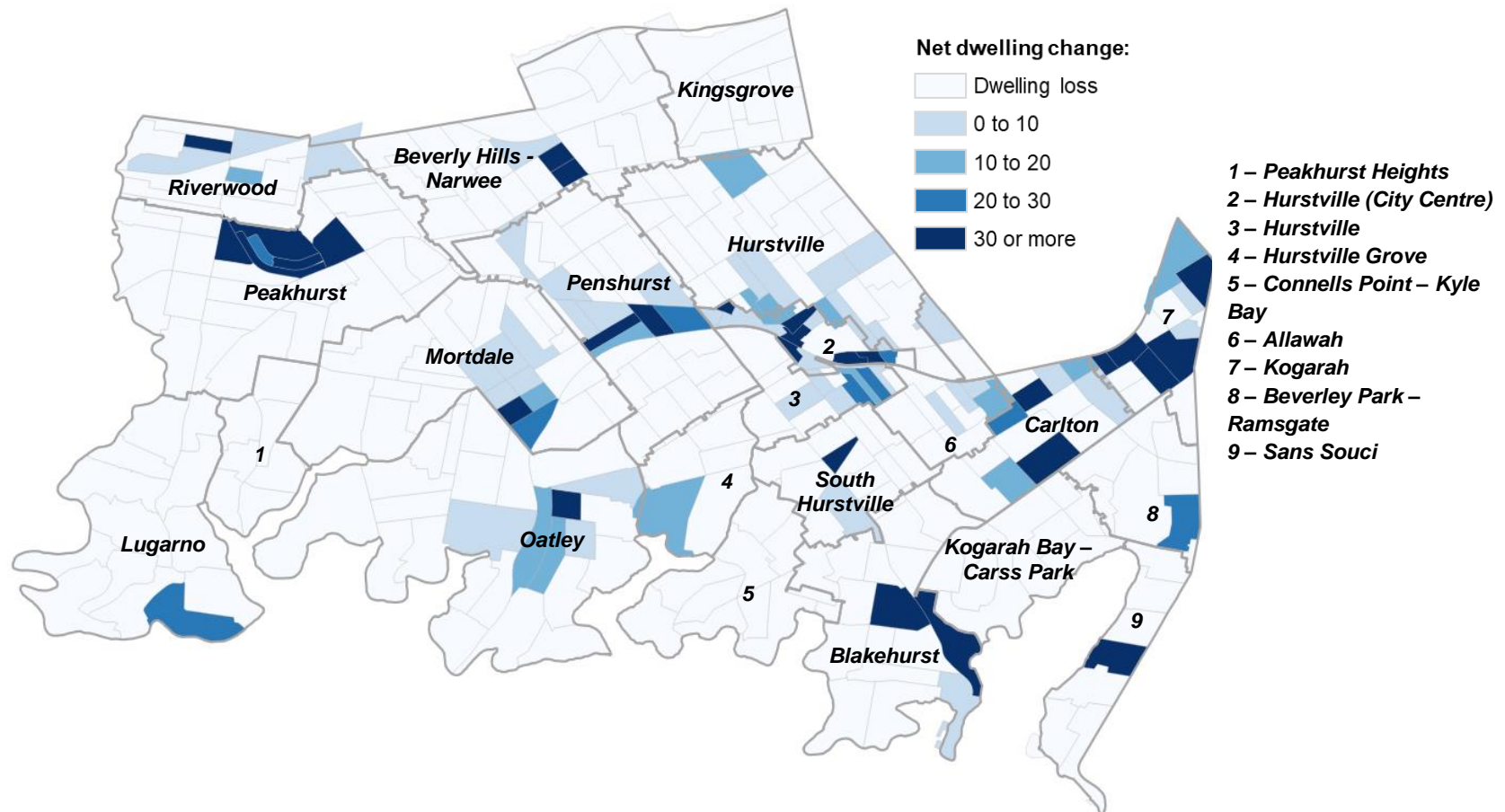
Figure 48. *Medium density dwelling change, 2016-2021*





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Figure 49. High density dwelling change, 2016-2021





### 6.3 Gaps between current supply and demand

Smaller households, couples without children and lone persons (1-2 persons), have grown in the area, however much of the housing stock in Georges River is geared towards the needs of larger households. Currently, 50.3% of households are small, but only 35.5% of dwellings are classified as small (0-2 bedrooms). This highlights a mismatch in the demand and supply of dwellings in Georges River.

Figure 50. *Housing stock compared with small households, 2021*



Source: ABS Census of Population and Housing, 2021

The table below outlines how this mismatch plays out at the local level. Suburbs highlighted in orange, Connells Point – Kyle Bay, Lugarno and Peakhurst Heights, have the largest mismatch between small households and small dwellings. Of concern is the age of these households. In the three suburbs mentioned, smaller households are generally elderly, which can bring significant challenges, from the maintenance of a large home and their safety in a larger dwelling. It also limits their ability to move, as they often have lower incomes and cannot afford the upfront costs of moving to a small dwelling, should there be supply.



Figure 51. *Housing stock compared with small households, suburbs of Georges River, 2021*

	Small households (1-2 persons) %	Small dwellings (0-2 bedrooms) %
Allawah	55.5	56.6
Beverley Park - Ramsgate	48.8	26.3
Beverly Hills - Narwee	49.1	25.8
Blakehurst	42.9	10.3
Carlton	53.9	44.5
Connells Point - Kyle Bay	41.8	4.5
Hurstville (City Centre)	53.8	75.7
Hurstville Grove	38.6	7.0
Hurstville (Remainder)	44.2	37.6
Kingsgrove	47.9	24.2
Kogarah	57.4	68.5
Kogarah Bay - Carss Park	46.8	12.4
Lugarno	43.9	5.2
Mortdale	55.4	44.2
Oatley	51.2	19.3
Peakhurst	52.6	26.8
Peakhurst Heights	48.5	8.2
Penshurst	54.6	45.5
Riverwood	50.2	33.3
Sans Souci	51.2	15.3
South Hurstville	48.5	33.4

Source: ABS Census of Population and Housing, 2016

Over the next 15 years, small households are forecast to grow at a faster rate than family households, at 1.3% per annum compared to 0.6%. This highlights that the demand for smaller dwellings in the LGA will increase over the next 15 years. If the current bedroom mix continues to 2036, the mismatch between supply and demand will grow. In 2036, 47.4% of households are forecast to be small, whereas it has been estimated that only 35.7% of dwellings will be small.



## 7. Residential capacity

### 7.1 Major developments

A range of major development sites have been identified within the Georges River Council area. These sites were identified via a list of recent development applications provided by Council. These sites have not been included in the residential capacity analysis.

### 7.2 Opportunity for further development

There is opportunity for residential development to occur outside of the major developments previously identified. The following is an analysis of the quantity and location of this potential development.

#### 7.2.1. Methodology

The methodology to assess further development potential is outlined below.

#### Step 1: Identify suitable residential zones

Residential zones have varying degrees of permissible development. New South Wales' planning framework and zones have been used to guide assumptions for infill based on subdivision controls.

- *Each cadastral parcel (property boundaries) is tagged with the zone it falls in*
- *Any cadastral parcel falling in a zone that does not allow residential developments is excluded from further analysis*
- *Cadastral parcels in the following zones proceed for further analysis:*
  - *Low Density R2*
  - *Medium Density R3*
  - *High Density R4*
  - *Neighbourhood Centre B1*
  - *Local Centre B2*
  - *Mixed Use B4*

#### Step 2: Establish geographic boundaries

Boundaries used in this analysis are the small areas used in Georges River's forecast.id site.



- *Each cadastral parcel is tagged with the small area it falls in to aid suburb-based analysis*

### **Step 3: Identify developable land parcels**

Development potential is influenced by parcel or lot size. Parcels under 450m<sup>2</sup>, with an existing dwelling or areas recently developed are regarded as having no development potential.

- *Cadastral parcels under 650m<sup>2</sup> are excluded from further analysis*
- *Major development sites identified are excluded from further analysis as previously stated*

### **Step 4: Demolition and replacement assessment**

The assessment is based on the following considerations:

- I. Lot size*

This indicates the potential (or attractiveness) for a lot to be redeveloped at a higher density. With a larger lot, the potential for higher yield increases. Cadastral parcels are grouped into size categories based on the number of lots that could be produced through subdivision.
- II. Age of existing dwelling stock*

Older residential areas have a greater potential to be redeveloped. They are often replaced by forms of higher density developments (units, townhouses etc). In contrast, areas developed in the last 10 years are less likely to be developed in the next 20-30 years. Recent development sites are regarded as parcels with 'no opportunity'.
- III. Planning, heritage or environmental significance*

Many older residential areas have some heritage significance, while areas near national parks or rivers may have environmental importance. This influences the form of any residential redevelopment. Such constraints are often reflected in planning policies through parameters such as height limits, dwelling densities and forms considerate of neighbourhood characteristics. In the Georges River context, the possibility for multi dwelling developments in the Low Density R2 zone as part of the Low Rise Medium Density Housing Code has been removed in line with Council's prohibition of multi dwelling housing in the R2 zone.



### 7.2.2. Lot size analysis and infill opportunities by location type

Analysis of demolition and replacement opportunities in the small areas of Georges River has been based upon both a lot size analysis and zone categorisation. This enables assumptions to be made which reflect specific planning policies, environmental constraints and attitudes towards development in each area (detailed assumptions are available in Appendix 1).

Conservative assumptions and analysis show the importance of larger lots (those over 2,000m<sup>2</sup>) in established areas for future development. Development trends in established areas of Sydney show that such lots form an important part of the overall opportunity for redevelopment, even though almost all of them have existing dwellings. However, smaller lots, despite the limited number of net additional dwellings possible per lot, are important due to the volume available for development in Georges River.

Assumed rates of development differ between the different areas of Georges River, and have been based upon the attractiveness of the area for development. The highest rate of development has been assumed in the Hurstville City Centre, with the assumption that 50% of available lots will be developed. The remaining Hurstville area and the major centre of Kogarah is also assumed to have a high rate of development, 33% of lots. The lowest rates of development (5% of lots) have been assumed in established, riverside areas such as San Souci and Lugarno. These assumed rates have been based upon historical dwelling change seen between the 2016 and 2021 Censuses, and .id's experience of working in similar areas.

Figure 52 below identifies the number of potential net additional dwellings by zone by each small area in Georges River, as identified in the capacity analysis. This analysis identified that there is significant capacity in the Hurstville City Centre, Hurstville Remainder and Kogarah. This is due to these areas having a significant proportion of lots zoned as High Density and Mixed Use. Together, these areas account for 59% of potential dwelling capacity identified in Georges River.



Figure 52. *Potential net additional dwellings by small areas*

	% lots developed	High density R4	Medium density R3	Low density R2	Mixed use B4	Local Centre B1 & B2	Total net additional dwellings
Allawah	10%	16	0	9	0	7	31
Beverley Park - Ramsgate	20%	38	0	37	0	38	113
Beverly Hills - Narwee	25%	55	21	165	0	68	309
Blakehurst	10%	39	1	52	0	11	103
Carlton	25%	42	0	57	0	64	163
Connells Point – Kyle Bay	5%	0	0	16	0	0	17
Hurstville City Centre	50%	0	0	60	1,685	0	1,745
Hurstville (Remainder)	33%	114	0	267	270	24	675
Hurstville Grove	5%	0	0	9	0	0	9
Kingsgrove	10%	0	0	24	0	14	37
Kogarah	33%	88	0	47	170	24	329
Kogarah Bay – Carss Park	5%	8	0	12	0	3	23
Lugarno	5%	0	0	37	0	1	38
Mortdale	25%	7	0	139	0	19	165
Oatley	20%	0	19	145	0	21	185
Peakhurst	20%	60	12	187	0	12	271
Peakhurst Heights	5%	0	0	9	0	0	9
Penshurst	25%	5	19	140	0	4	168
Riverwood	20%	29	13	54	0	73	169
Sans Souci	5%	5	1	11	0	4	20
South Hurstville	10%	39	11	25	0	40	115
<b>TOTAL</b>		<b>545</b>	<b>96</b>	<b>1,503</b>	<b>2,125</b>	<b>427</b>	<b>4,696</b>

### 7.3 Housing supply summary

Conservatively, Georges River has development sites available to provide a net gain of **4,696** dwellings. This does not include major development sites previously identified by Georges River Council.

At recent rates of development (approximately 500 dwellings per annum), this represents about **9 years** of supply.

It should be noted that there is also potential for additional dwellings that have not been included in this analysis, such as retirement villages and aged care facilities.



## 7.4 Residential forecast

### 7.4.1 Methodology

.id has previously provided small area population forecasts for the Georges River Council area. These forecasts provide detailed analysis of household propensities and future dwelling additions.

#### Housing Density

The categories for housing density are based on definitions applied by the Australian Bureau of Statistics to Census data, which state that:

- low density: a detached house
- medium density: terraced housing and apartments up to 2 stories,
- high density: 3 stories and above.

To produce population forecasts, detailed dwelling assumptions are key. An analysis is produced of different forms of supply:

- **Major Sites:** all developments that are 10 dwellings or greater. These are identified major sites (evidenced by aerial photos and development approvals applications) and mapped by address and attributed to a small area. The information provided is detailed enough to identify which of the ABS density categories a development will fall into. The development of these major sites is timed for the purposes of producing the forecast.
- **Infill:** small scale development falling beneath 10 or more dwellings. This is calculated by small area based on the total number of approvals minus major sites, and future capacity within areas for this type of development.
- **Centre development:** what capacity there is for future higher density development in identified centres and what likely demand will be in the future.

The density of each development recorded in the major sites assumptions was identified according to the description of the site. Infill was assumed to be lower or medium density, depending on the type of housing stock in an area, whilst centre assumptions were assumed to be all higher density. This gave an annual count of dwelling additions over the forecast period by density.



When a building is developed, especially if it is infill, then this will likely involve the demolition of a house. In most cases, where there are demolitions, then it is likely that this will involve the gain of medium and higher density dwellings at the expense of detached low density dwellings. It was therefore necessary to make assumptions about the loss to low density dwellings over this period.

Major sites were easily recorded in relation to stock loss; so too was infill, as this is most likely to involve the redevelopment of 1 or more detached dwellings to produce duplex or town house developments. Most centres involve very little loss of stock, as redevelopments generally involve buildings with a non-residential use.

The total number of dwellings of different densities for the 2021 figure was calculated using Census results, which gives a breakdown of stock by low, medium and high density by small area. Thereafter, the density figures have been calculated by subtracting demolitions from low density stock, and adding the relevant number of dwellings to the medium and high density numbers.

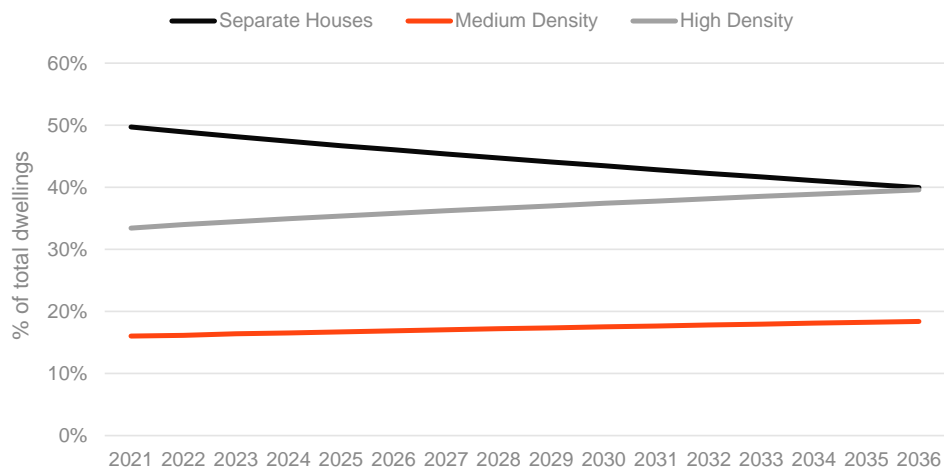
#### 7.4.2 Results

These customised forecasts provided to Georges River through forecast.id shows how dwelling mix in the area is forecast to change in the future. Between 2021 and 2036, the proportion of separate houses in Georges River is likely to decline from 49.7% to 40% of total dwellings. Over the same time period, high density dwellings are forecast to increase from 33.4% to 39.6% of all dwellings. This means that in 2036, the area is likely to have similar proportions of separate houses and high density dwellings. The proportion of medium density dwellings are also forecast to increase slightly, from 16% in 2021 to 18.4% in 2036.



Georges River Council – Evidence Base for Local Housing Strategy

Figure 53. *Forecast change in dwelling mix, 2021-2036*



Source: forecast.id, 2023.



## 8. Policy implications

The analysis undertaken for Georges River highlights a number of challenges that may be faced by the Council in its future policy and planning activities.

### Supporting ageing in place

The demand analysis for Georges River identifies significant growth of smaller households due to broad social and demographic trends and an ageing population. Small, ageing households are found in high proportions in the riverside areas of the LGA, and growth in this household type in these areas is forecast to continue. This has implications for housing and service provision. Ageing in place is the main trend driving population ageing in Georges River. This suggests that policy should support services in aiding the elderly to stay in their own homes longer. This is particularly important in Georges River, especially in riverside areas, given the high share of home ownership and general preference for staying in their own home. The recent aged care reforms that deliver a more streamlined service model will make accessing home care easier for the elderly. This may also help support older residents staying in their own home for longer as long as they meet the needs of older residents.

### Encouraging housing choices

However, an analysis of housing choices available in the LGA highlights the potentially large mismatch between supply and future demand. Georges River has a high level of housing diversity (e.g. mix of smaller separate houses or small medium density developments), however, demand is currently outstripping supply, especially in the ageing areas mentioned previously. Small households are forecast to grow by 41% over the next 20 years, and medium and high-density dwellings are forecast to grow by approximately 60%. However, these new medium and high-density dwellings are likely to be concentrated in Hurstville City Centre and Kogarah, and unlikely to be deemed an acceptable option to older residents. This is due to current market and design trends such as two or three storey townhouses with a reliance on stairs and small apartments with limited outdoor space. There is a need for policy and investment that can support the building of different forms of medium density housing in a wider range of suburbs in Georges River in order to allow for the transition from mature families to empty nesters and older lone person households. It is suggested that Georges River Council undertake qualitative research to ascertain what smaller households, especially those in the older age groups would prefer in terms of dwelling form and location.



### **Need age diversification**

The current housing supply of larger detached dwellings reflects a historical role of providing for larger households, typically families. With older, smaller households occupying this stock, it does not become available to attract or retain younger households to the area. Diversifying housing may free up the stock of three or more bedroom dwellings in Georges River, increasing the range of dwelling choices for family households, as many are currently living in smaller, medium and high density dwellings, which may not be their preference. Such households are attracted by large, quality family dwellings. Housing diversity also has benefits for the wider community and housing system. Diversifying choice by facilitating alternative housing options is crucial to help maintain population levels and create more sustainable, equitable and healthy communities. It fosters social cohesion and allows for the maintenance of a range of services and facilities useful to all age groups.

### **Addressing housing affordability**

A diverse dwelling stock means a wider variety of price points within the housing market. This goes some way to addressing issues of housing affordability. Georges River currently has rates of housing stress higher than the Greater Sydney average, and house and unit prices in the area have increased significantly over the past 10 years, which could put some households, especially renters, at risk. It also limits the area's ability to house key workers that are vital to servicing their population, such as those working in retail, health care and education. Housing affordability can be a difficult issue to address, due to Local Government's limited ability to control market forces. Policies that support greater housing diversity may assist affordability. Council may also want to consider encouraging developers to set aside a proportion of dwellings for affordable housing or make monetary contributions to Council led affordable housing projects. Council may also wish to investigate housing affordability opportunities and funding models (e.g. partnering with community housing providers) currently being investigated by State Government and research bodies such as the Australian Housing and Urban Research Institute (AHURI).

### **Continue to encourage development along transport corridors**

Ideally, future residential development would occur in and around activity centres and transport corridors, where residents have easy access to amenities, services and public transport infrastructure. Much of the recent development in Georges River has been in these areas, however development has been dependent on Hurstville City Centre. There are a number of other train stations and major transport routes in the Georges River area, which should be considered for higher density developments. Design principles will also be important for maintaining liveability outcomes and for ensuring that a proportion of housing is



suitable for the elderly – for example, minimal stairs and easily adaptable bathrooms. Maintaining infrastructure levels in such areas will also be important, to maintain or improve liveability in these areas. Such infrastructure includes car parking, public transport, open space and shopping amenities.

The challenge is how to ensure that developers provide the right dwelling stock for emerging households and their revealed preferences, enabling residents to stay in the area and maintaining demand for services. While Council can facilitate the location and form of development, including density, developers and builders will respond to perceived housing preferences. Educating and sharing this evidence base with developers may assist in realising better housing outcomes for Georges River.



## Appendix One

It has been assumed that 80% of lots will have an existing dwelling which would be demolished as part of the development. This is due to the established nature of the Georges River area, with most developments occurring as infill.

The detailed assumptions for each zone below have been requested by Georges River Council. The assumptions have been based on historical rates of development in each area – for example, Connells Point – Kyle Bay has lower rates of historical development, therefore a lower assumption of proportion of land to be developed.

### Proportion of lots to be developed

Area	Proportion of land to be developed
Allawah	10%
Beverley Park - Ramsgate	20%
Beverly Hills - Narwee	25%
Blakehurst	10%
Carlton	25%
Connells Point - Kyle Bay	5%
Hurstville (City Centre)	50%
Hurstville (Remainder)	33%
Hurstville Grove	5%
Kingsgrove	10%
Kogarah	33%
Kogarah Bay - Carss Park	5%
Lugarno	5%
Mortdale	25%
Oatley	20%
Peakhurst	20%
Peakhurst Heights	5%
Penshurst	25%
Riverwood	20%
Sans Souci	5%
South Hurstville	10%



### R2 Low density

Lot size	Total dwellings on lot
0-650m <sup>2</sup>	1
650-1350m <sup>2</sup>	2
1350-1950m <sup>2</sup>	4

### R3 Medium density

Lot size	Total dwellings on lot
0-650m <sup>2</sup>	1
650-800m <sup>2</sup>	2
800-1600m <sup>2</sup>	3
1600m <sup>2</sup> +	6

### R4 High density

Please note: due to the established nature of many areas of Georges River Council, only lots currently containing a separate house have been included in this analysis, at the request of Council. A list of included lots can be provided upon request.

Minimum lot size 1,000 m<sup>2</sup> or multiple lots that can be consolidated to 1,000 m<sup>2</sup>

1. Lot size multiplied by Floor Space Ratio
2. Result from step 1 multiplied by proportion of area to be developed
3. Result from step 2 divided by average apartment size (130m<sup>2</sup>)
4. Result of step 3 is capacity

Example:

Site details - Lot size 1000 m<sup>2</sup> and FSR is 2:1

1. Lot size multiplied by Floor Space Ratio (eg. 1000sqm x2 = 2000sqm)
2. Result from step 1 divided by average apartment size (130m<sup>2</sup>) (eg. 2000sqm / 130sqm = 15 apartments)
3. Result of step 2 is capacity

### B1, B2 and B4 Business and mixed use zones

1. Lot size multiplied by total Floor Space Ratio minus the non-residential FSR
2. Result from step 1 multiplied by proportion of area to be developed
3. Result from step 2 divided by average apartment size (130m<sup>2</sup>)



4. Result of step 3 is capacity

Area	Non-Residential FSR
Allawah	0.5:1
Beverley Park - Ramsgate	0.5:1
Beverly Hills - Narwee	0.5:1
Blakehurst	0.5:1
Carlton	0.5:1
Connells Point - Kyle Bay	0.5:1
Hurstville (City Centre)	1:1
Hurstville (Remainder)	0.5:1
Hurstville Grove	0.5:1
Kingsgrove	0.5:1
Kogarah	1:1
Kogarah Bay - Carss Park	0.5:1
Lugarno	0.5:1
Mortdale	0.5:1
Oatley	0.5:1
Peakhurst	0.5:1
Peakhurst Heights	0.5:1
Penshurst	0.5:1
Riverwood	0.5:1
Sans Souci	0.5:1
South Hurstville	0.5:1

Example:

Site details - Lot size 2000 m<sup>2</sup> and FSR is 2.5:1

1. Lot size multiplied by Floor Space Ratio minus the non-residential FSR of 0.5:1 (eg. 2000sqm x (2.5-0.5) = 4000sqm)
2. Result from step 1 divided by average apartment size (130m<sup>2</sup>) (eg. 4000sqm / 130sqm = 31 apartments)
3. Result of step 2 is capacity





## Georges River Council

Population Forecast adjustment September 2023

Prepared for Georges River Council

17 November 2023

prepared by .id

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## Forecast.id – September 2023 Population forecast adjustment.

Summary of assumptions and results and comparison to Evidence Base document

### 1.1 Background

In January 2023 .id rebased the previously existing Georges River Council population forecast with data from the 2021 Census but did not adjust any of the demographic or dwelling assumptions concerning the post-2021 period.

In September 2023, .id completed a comprehensive update of the post-2021 elements of the Population forecast, extending it to 2046, remodelling demographic and dwelling change assumptions, while keeping the same geographic areas.

Overall, growth dynamics are similar to the January 2021 rebased forecast. The population is still forecast to reach approximately 176,000 by 2036. The extension of the forecast to 2046 provides additional information – the population is forecast to be 184,426 by 2046.

The updated forecast will be available at <https://forecast.id.com.au/georges-river>

#### *Key Assumptions for September 2023 Population adjustment -*

The forecasts are based on the 2021 Census. This provides the starting point for the forecasts and consists of information on:

- The number of people by single year of age and sex,
- The number of occupied and unoccupied dwellings,
- The number of people in non-private dwellings by age and sex,
- The propensity of people in occupied private dwellings to form one of six household types (Couple families with dependents, Couples without dependents, Group Households, Lone Person households, One parent families and Other families).

#### *Births*

The number of births in Georges River Council are derived by multiplying age specific fertility rates of women aged 15-49 by the female population in these age groups for all years during the



forecast period. This data is then scaled to meet the most recent ABS births data at the LGA level. It is then assumed that the birth rate will slightly reduce over the forecast period.

### Deaths

The forecast number of deaths in Georges River Council is a reflection of death rates assumed for small areas. For historical years, this will equal the number of deaths published by the ABS, where this information was available at the time of forecasting. These rates are based on historical estimates for Georges River Council, which have been extrapolated into the future, assuming an increase in expectation of life in all age groups (except 85 years and over).

### Migration

Net migration rates for the forecast period are based on historical trends, and reflect the role and function of the small area in question. For the LGA as a whole, net migration assumption can be seen in Figure 1 below, which shows net migration of 5-year age cohorts for each 5-year period for the first 15 years of the forecast period. The axis represents a zero net migration rate meaning the population of a particular cohort is unchanging over time. Where the line is above the axis, there is a net gain of population, and where it falls below, a net loss. Migration is affected by housing availability, affordability, and amenity.

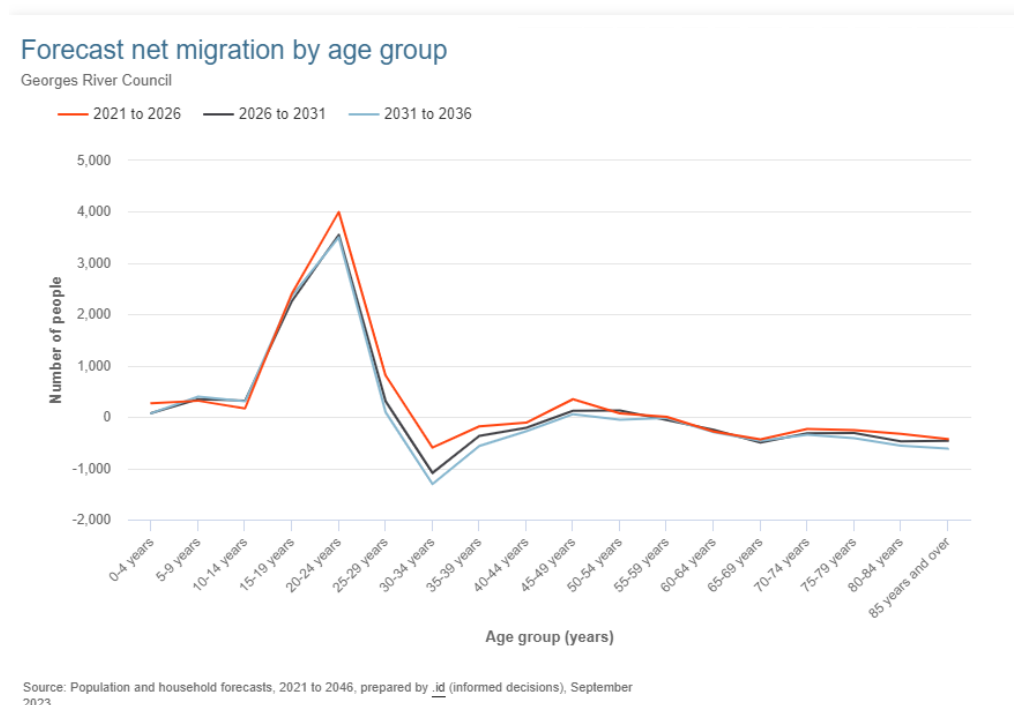


Figure 1. Net migration by age.



Each small area has a different net migration profile assumed, depending on its role and function. This can be accessed on the website under the left-hand side menu under the “Assumptions – Net migration by age” section.

Typically, suburban areas have a large stock of family type housing attracting family groups but losing young adults (aged 18-24 years) accessing affordable housing, employment, or tertiary education elsewhere. The ages of the parental cohorts will vary according to affordability and amenity. There is a loss of empty-nesters (aged 55-65) downsizing or accessing life-style opportunities.

Areas with high-rise dwellings (such as the Hurstville City Centre and Kogarah) typically attract young adults but lose younger families (parents aged 20-30 with children aged 0-4) seeking access to family type housing.

#### *Residential Development*

The addition of dwellings to the housing stock is a major driver of population growth in an area and reflects assumptions around regional demand for housing (for example as reflected by the post-COVID inwards migration “bounce back” to Australia and Sydney) and local land development opportunity and supply.

Residential development can take various forms depending on the availability of land. The land supply assumed includes subdivisions in existing residential neighbourhoods (often called infill development), and the densification of housing within appropriately zoned areas.

The .id forecast model does not distinguish between dwelling type (e.g. detached / semi-detached / flat) or dwelling size (number of bedrooms), addressing household size and family type via a household composition model. The input required to the model is the number net additional dwellings per year, for each year for each small area.

To determine the net additional dwellings per year by small area, residential development is accounted for by assessing large sites individually where information is available and where sufficient information is not available, by making general assumptions (including for infill).

#### *Larger / key sites*

Larger sites are identified via information provided by Council, .id’s own research, and other government publications (e.g. State Government planning authorities, or housing authorities). Sites included are predicted to result in 10 or more net additional dwellings. Where evidence is available, we will use a reported yield and completion date, otherwise these elements are



estimated. When the forecasts are revised, these sites are updated as further details are available.

Larger / key sites are divided into two categories: those that have approval (or if not, where we judge we have sufficient information to conclude are likely to proceed with the information at hand), and areas that have recently had planning controls changed, or have had plans adopted or in progress by Council that would result in additional dwelling construction (“Activity Centres”).

For example, the Mortdale Town Centre Master Plan and Beverly Hills Master Plan are included as sites in the second category (“Activity Centre”), with the yield estimate as provided by Council and an assumption that they will develop over the later part of the forecast period. Likewise, the Kogarah New City Plan (a collection of rezoning and planning control changes applied in 2017) identifies 3 precincts<sup>1</sup>, within which sites have been created based on the aerial imagery provided in the New City Plan Gazetted Amendment Number 2 document.

Evidence from development applications or where a site has been constructed upon may provide enough information to separate specific locations into individual sites with yield and timing data. Where an Activity Centre site does not have a development application or new development on it, it is assumed that it will develop, at a similar density to nearby completed sites, and over the medium term, with an assumed take up rate, accounting for the chance that parts of the Activity Centre do not develop.

Conversely, a site will not be included where residential development is not supported under the current planning scheme or where future development remains uncertain. For example, the future Housing Investigation areas identified in the Georges River Local Strategic Planning Statement 2040 on Pages 18 & 19 are identified general areas for future investigation, but there is no further information as to the nature of what might be achieved, nor specific location.

A total of 8,547 dwellings are assumed to be delivered in the major sites between 2022 and 2046, of which 5,756 are in the “approved” category, and 2,791 in the Activity Centres.

Approved sites are presumed to deliver the specific number of dwellings identified (i.e. 100% take up rate), whereas Activity Centre sites are assumed to have a take up rate representing the chance that development may not occur on all plots in the Activity Centre(s). In particular:

- \* Kogarah New City Plan High density residential zoned areas (R4): 90%
- \* Kogarah New City Plan Mixed Use Zones: 70%
- \* Beverly Hills Master Plan: 70%

<sup>1</sup> Blakehurst Precinct, Carlton Precinct, South Hurstville Precinct



- \* Mortdale Master Plan: 70%
- \* Housing Investigation Areas: 70%
- \* Peakhurst High density residential remainder: 90%

Specific yield estimates and timings are included on the Assumptions – Residential Development page on the website.

#### *Non-specific development and Infill*

Non-specific development and Infill includes developments that where a general development rate is assumed for a small area where specific sites cannot be identified, and includes locations where fewer than 10 new dwellings are assumed (representing small scale subdivisions within the existing residential areas). The 'Potential net additional dwelling' figures from Figure 52 of the Evidence Base for Local Housing Strategy (March 2023) have been adopted for Non-specific development and infill, with one modification. The September 2023 forecast adjustment specifically includes major sites not considered in the Evidence Base document. To address potential double-counting, we have amended the infill assumptions. This resulted in an overall reduction of infill from 4,696 to 4,396 (300 fewer).

#### *Non-Private dwellings*

Non-private dwellings are institutions that have a residential component. Within Georges River this is principally aged care services. The number of people in aged care is assumed to increase owing to the ageing of the population overtime. These assumptions have not changed from the previous iteration of the forecast.

## 1.2 Results

The population of Georges River is forecast to be 184,426 by 2046, an increase of 31,699 from 2021.



Forecast.id – 2023 Adjustment | Report

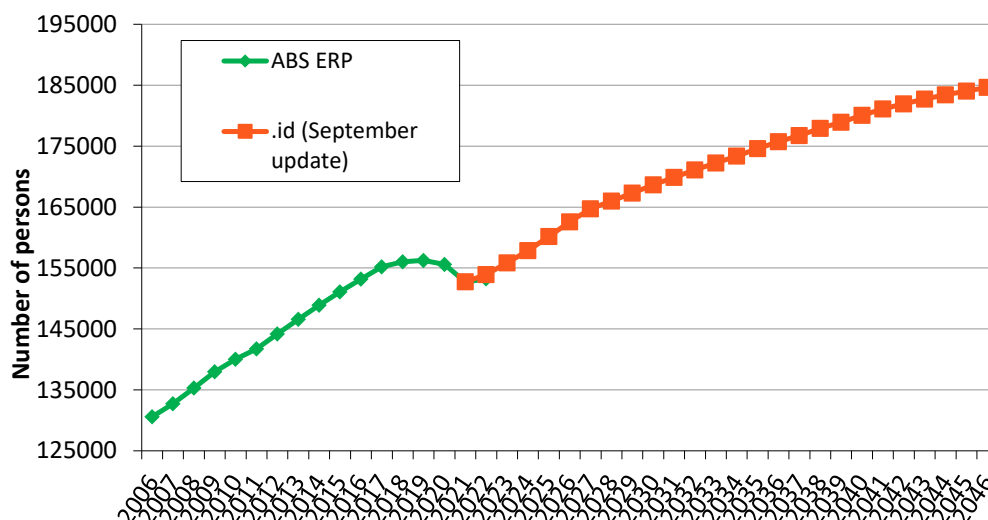


Figure 2. Historical Estimated Population (ERP) and Population forecast, Source: Australian Bureau of Statistics, Regional Population Growth, Australia (3218.0), and .id

#### Key findings

The growth rate rebounds from the COVID related fall to 1.25% between 2022-2026 before falling to 0.39% between 2042-2046 as identified housing opportunities are delivered.

Growth continues to be concentrated in Hurstville City Centre and Kogarah, with the Beverly Hills Master Plan and the Kogarah New City Plan contributing to smaller, but notable, growth in Beverly Park – Narwee and Carlton (Table 1).



Table 1. Summary of population growth.

Population summary								
Georges River Council		Forecast year						Change between 2021 and 2046
Area	2021 ↕	2026 ↕	2031 ↕	2036 ↕	2041 ↕	2046 ↕	Total change ↕	Avg. annual % change ↕
Georges River Council	152,727	162,451	169,829	175,593	180,876	184,426	+31,699	+0.76
Allawah	5,377	5,522	5,551	5,544	5,511	5,511	+133	+0.10
Beverley Park - Ramsgate	2,641	3,182	3,543	3,816	3,803	3,798	+1,157	+1.46
Beverly Hills - Narvee	10,857	11,085	11,195	11,560	12,367	13,050	+2,193	+0.74
Blakehurst	6,613	6,850	7,192	7,629	7,931	8,183	+1,569	+0.86
Carlton	6,859	7,677	8,209	8,583	8,891	8,864	+2,005	+1.03
Connells Point - Kyle Bay	3,912	3,785	3,729	3,700	3,679	3,675	-237	-0.25
Hurstville City Centre	9,948	12,047	13,274	15,398	17,857	19,833	+9,885	+2.80
Hurstville Grove	2,773	2,758	2,717	2,675	2,656	2,656	-117	-0.17
Hurstville Remainder	20,955	21,862	23,050	23,795	24,075	24,328	+3,373	+0.60
Kingsgrove	3,726	3,737	3,764	3,708	3,706	3,699	-27	-0.03
Kogarah	7,157	9,844	11,744	12,026	12,337	12,671	+5,514	+2.31
Kogarah Bay - Carss Park	3,470	3,577	3,892	4,015	3,997	3,965	+495	+0.54
Lugarno	5,889	5,827	5,774	5,725	5,713	5,702	-187	-0.13
Mortdale	10,706	10,998	11,344	11,924	12,266	12,256	+1,551	+0.54
Oatley	10,672	10,746	10,872	10,883	10,889	10,910	+238	+0.09
Peakhurst	12,169	12,889	13,551	13,994	14,172	14,023	+1,854	+0.57
Peakhurst Heights	2,518	2,470	2,459	2,468	2,436	2,420	-98	-0.16
Penshurst	12,441	12,895	13,176	13,209	13,311	13,298	+856	+0.27
Riverwood	5,885	6,397	6,536	6,585	6,643	6,630	+744	+0.48
Sans Souci	2,729	2,904	2,900	2,908	2,891	2,884	+155	+0.22
South Hurstville	5,429	5,399	5,359	5,448	5,745	6,072	+642	+0.45
Hurstville (suburb)	30,903	33,909	36,324	39,193	41,931	44,161	+13,258	+1.44

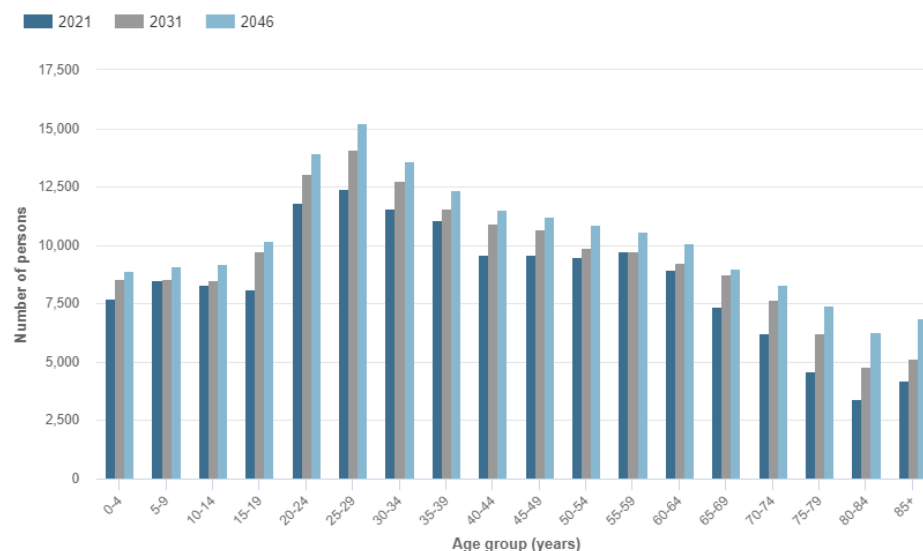
Source: Population and household forecasts, 2021 to 2046, prepared by [id](#) (informed decisions), October 2023.

The population continues to age, as can be seen in Figure 3, although the distribution is uneven, with the more established areas showing a greater ageing trend.



### Forecast age structure - 5 year age groups

Georges River Council - Total persons



Source: Population and household forecasts, 2021 to 2046, prepared by id (informed decisions), September 2023.

Figure 3. Forecast age structure, 2021-2046.

This age structure differs from the previous forecast, with fewer additional young children (0-4), however the general trend for an increase in older cohorts remains (60+).

## 1.3 Differences between the Population Forecast adjustment and the Evidence Paper

### Methodology

The population forecast and Evidence Paper have different purposes and have used different methodologies to come to their conclusions. The population forecast has identified total assumed take up of dwellings over a 25-year period, consisting of identified Major sites (those 'with Approval', and those in 'Activity Centres') and has adopted the assessment of non-specific supply and infill from the Evidence paper to construct an assumption of a supply-demand balance.

The Evidence paper has calculated an assessment of non-specific supply, based on cadastral analysis and assessed overall attractiveness of an area for development. Major sites are excluded from the evidence base calculations but are integral to the forecast assumptions. As the forecast process assumes that major sites are highly likely to develop, typically a higher yield will be



obtained than the evidence base process which assumes a general development yield over a zone in a small area.

Although the updated forecast changes the number of assumed net additional dwellings as estimated in Chapter 7.4 of the Evidence Paper, the general trend will remain the same – lower density will be replaced with higher density.

A small number of major sites contribute significantly to the total including:

- Beverly Hills Master Plan study area (607 dwellings assumed)
- Mortdale Masterplan Core Study area (404 dwellings assumed in total, with 2 sites within this area already identified as progressing)
- Hurstville Westfield (456 dwellings assumed)
- East Quarter "Beyond" (392 dwellings)
- 9 Gloucester Road (350 dwellings)
- Kogarah Railway Redevelopment (288 dwellings)

In addition, the 3 precincts identified in the Kogarah New City Plan assume approximately 1,750 additional dwellings (some already under construction, or with approved Development Applications).

These 6 sites, plus the Kogarah New City Plan assumed developments account for approximately 4,200 dwellings, or just under half of the 8, 547 major site dwelling count assumptions.

The forecast adjustment adopted the capacity calculations as presented in the evidence base as unidentified supply and infill, with an allowance made to avoid double counting.

### *Results*

As the forecast has been updated and informed by more recent evidence, the specific conclusions made by the evidence paper based on the pre-September forecast will be different to those in the September update.



**Item:** ENV010-24 Outcomes of Public Exhibition - Housekeeping Planning Proposal

**Author:** Strategic Planner

**Directorate:** Environment and Planning

**Matter Type:** Committee Reports

<Summary Section>

#### RECOMMENDATION:

- (a) That Council note the submissions received during the public exhibition of the Planning Proposal PP2023/0002 for the housekeeping amendment to the Georges River Local Environmental Plan 2021.
- (b) That Council adopt the proposed amendments included in the Planning Proposal PP2023/0002 as exhibited.
- (c) That Council forward the Planning Proposal for gazettal to the Department of Planning, Housing and Infrastructure (DPHI) 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 (PP2023/0002) that seeks to amend the *Georges River Local Environmental Plan 2021* (GRLEP 2021) to respond to a range of administrative and housekeeping issues to the instrument and accompanying mapping which have arisen since its commencement in October 2021.
2. The Planning Proposal (PP) was publicly exhibited for a period exceeding 20 working days, from Wednesday 6 December 2023 to Friday 26 January 2024. One public submission and two public authority submissions were received.
3. There are no recommended changes to the PP as a result of the submissions received. The PP has been updated to reflect the outcomes of the public exhibition and agency consultation. A copy of the PP (Post-Exhibition version) is in **Attachment 1**.
4. It is recommended that the PP be forwarded to the Department of Planning, Housing and Infrastructure (DPHI) for gazettal.

#### BACKGROUND

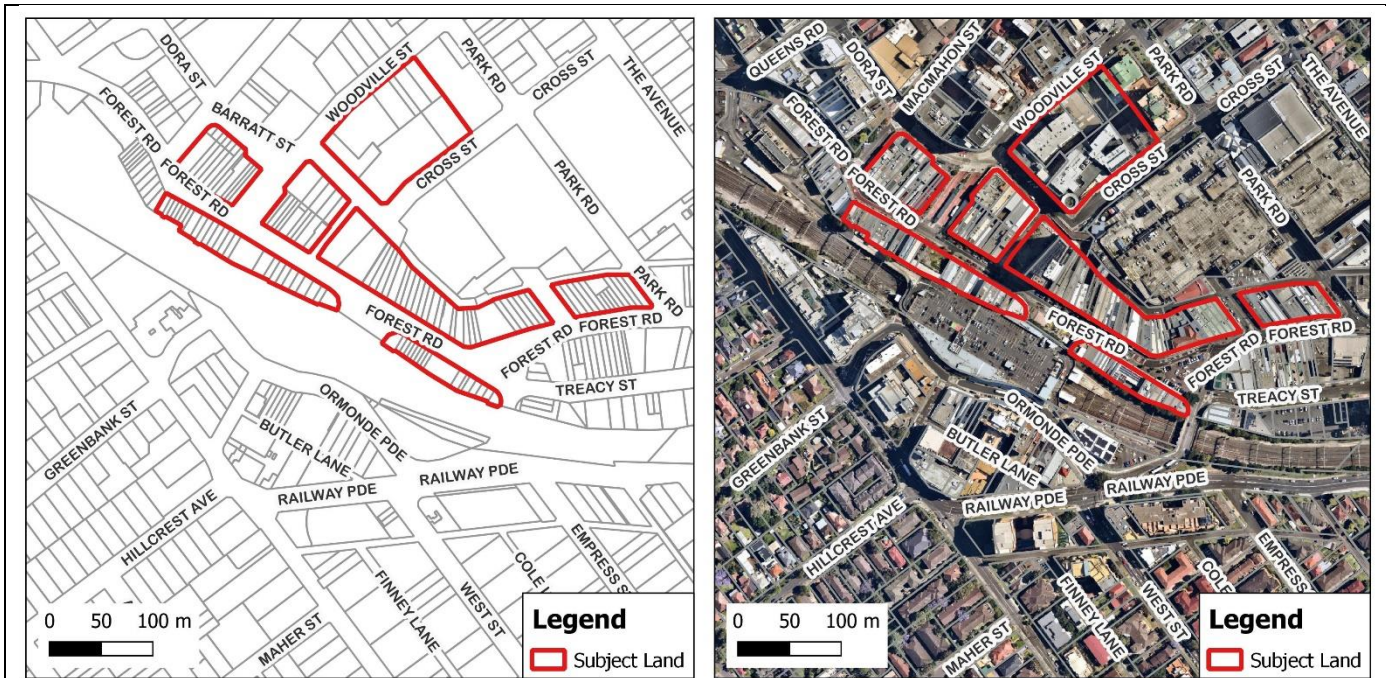
5. At its meeting on 26 June 2023, Council considered a report on a draft PP for a Housekeeping Amendment to the GRLEP 2021, where it was resolved:
  - (a) *That Council forward Planning Proposal No. 2023/0002 Housekeeping Amendment 2023 enclosed in Attachment 1 to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979.*
  - (b) *That Council authorise the Director Environment and Planning to make minor editorial amendments to the Planning Proposal as required throughout the Gateway process.*



- (c) *That Council endorse to publicly exhibit the Planning Proposal in accordance with the terms of the Gateway Determination issued by the Department of Planning and Environment in accordance with Georges River Council Engagement Strategy.*
6. In accordance with Council's resolution, on 28 June 2023 the PP was forwarded to the then Department of Planning and Environment (DPE) for a Gateway Determination. A Gateway Determination was issued by the then DPE on 25 October 2023. The then DPE did not authorise Council to be the local plan-making authority, as the PP affects Council-owned land. The Gateway Determination required a number of amendments to the PP prior to community consultation; exhibition for a minimum of 20 working days; and consultation with Transport for NSW, Georges River Council – Property Team, and Heritage NSW.
7. The amendments required by the Gateway Determination included the following:
- include an explanatory note that the drafting of the instrument is subject to the legal drafting process by Parliamentary Counsel;
  - remove all proposed minimum non-residential floor space requirements for the E2 Commercial Centre zone;
  - include mapping amendments to remove 25 Joffre Street, South Hurstville, and 247 Princes Highway, Carlton, from the Land Reservation Acquisition Map (as requested by Council in the Gateway Determination letter);
  - include evidence of ownership for all land affected by changes to the Land Reservation for Acquisition mapping and rezonings to RE1 Public Recreation.
8. The former DPE were unsupportive of the Planning Proposal's amendment to introduce a minimum non-residential FSR in the E2 Commercial Centre zone. The intent of this amendment was to ensure the continued provision of commercial floor space in the Hurstville strategic centre, following the introduction of residential uses through the State Environment Planning Policy for Housing. The proposed amendment is provided below for reference.

<b>30. Floor Space Ratio – Minimum non-residential FSR in the E2 Commercial Centre Zone</b>
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**Issue and Justification:** Build to rent (BTR) housing provisions were introduced in the *State Environmental Planning Policy (Housing) 2021* in November 2021. BTR is a form of residential accommodation. The provisions in the SEPP allow development to be used as BTR housing anywhere residential flat buildings or shop top housing is permitted, as well as in the E2 Commercial Centre, MU1 Mixed Use and B8 Metropolitan Centre zones. All forms of residential accommodation are prohibited within the E2 Commercial Centre zone (applying to Hurstville only) under the GRLEP 2021. In response to the introduction of the SEPP which would permit BTR in the E2 zone, it is proposed to introduce minimum non-residential FSR controls in the E2 zone to ensure the continued provision of commercial floor space. It is proposed to introduce a minimum non-residential FSR control of at least 1.5:1 to control the development density of BTR housing land uses in the E2 zone. As the E2 zone does not permit residential accommodation there is no non-residential minimum FSR control in the LEP.

The Hurstville City Centre (HCC) is a strategic centre and has a 2036 baseline job target of 15,000 jobs and a 2036 higher job target of 20,000 jobs as prescribed by the *South District Plan*. With no requirement for the provision of non-residential floor space as part of BTR developments within the E2 zone, there may be a net loss in non-residential floor space in the HCC and the ability of the HCC to provide essential services and employment opportunities for its surrounding communities will be significantly compromised. Council's *Commercial Centres Strategy* (2020) forecasts that the HCC will need a minimum non-residential FSR of 1.48:1 to meet the demands of the population by 2036 and to meet the baseline job target as specified by the *South District Plan*.

Accordingly, a minimum non-residential FSR of 1.5:1 is proposed to be introduced in the E2 zone whenever a BTR development is proposed to ensure a reasonable supply of employment floorspace can be provided for the HCC strategic centre and that the baseline job target can be met.

**Proposed Amendment:** Amend Clause 4.4B(4) Exceptions to floor space ratio–non-residential uses to add a non-residential floor space ratio of at least 1.5:1 that will apply to the Hurstville E2 Commercial Centre zone.

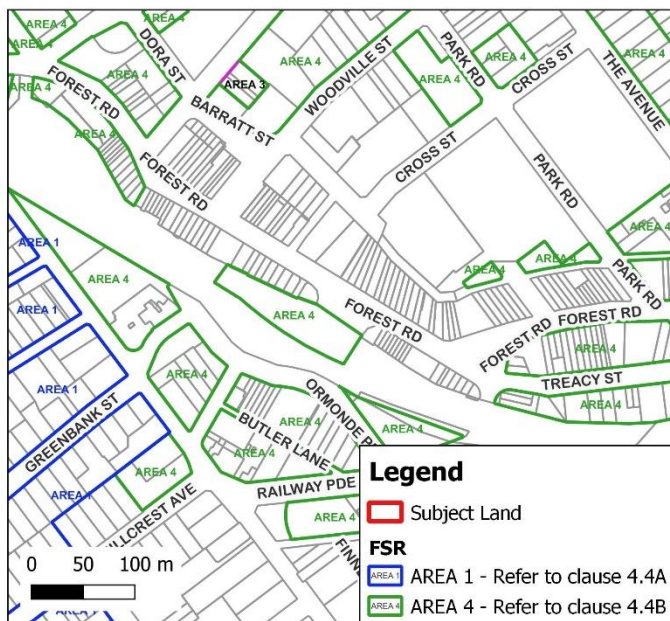
- (1) The objective of this clause is to encourage an appropriate mix of residential and non-residential uses in order to encourage a suitable level of non-residential floor space is provided to promote employment and reflect the hierarchy of Zone E1 Local Centre, **Zone E2 Commercial Centre** and Zone MU1 Mixed Use.



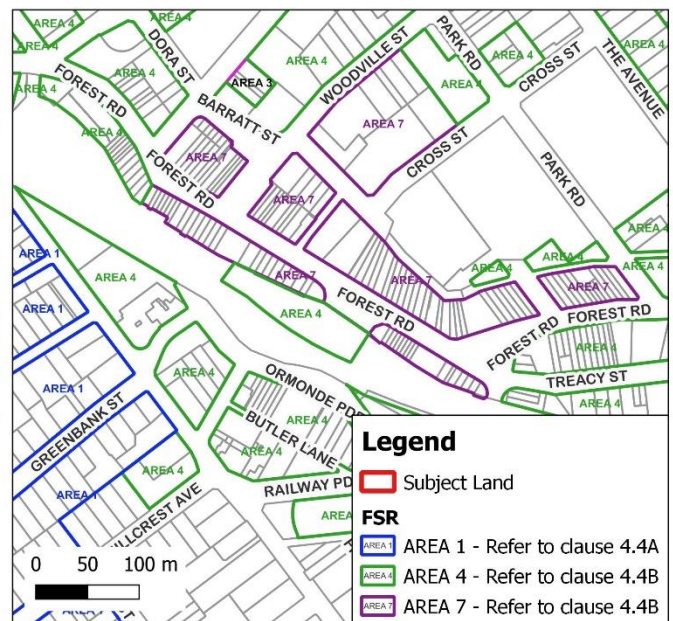
- (2) This clause applies to development that is the erection of a new building or alterations or additions to an existing building.
- (3) Development consent must not be granted for development on land in Zone E1 Local Centre, **Zone E2 Commercial Centre** or Zone MU1 Mixed Use unless the non-residential floor space ratio is at least 0.3:1.
- (4) Development consent must not be granted for development on the following land identified on the **Floor Space Ratio Map** unless the non-residential floor space ratio is—
  - (a) for land identified as “Area 3”—at least 0.5:1,
  - (b) for land identified as “Area 4”—at least 1:1,
  - (c) for land identified as “Area 7”—at least 1.5:1.
- (5) Development consent must not be granted for development on land identified as “Area 5” on the **Floor Space Ratio Map** unless the non-residential floor space ratio is at least 0.7:1.
- (6) Despite clause 4.4, development consent may be granted for a building situated on land identified as “Area 6” on the **Floor Space Ratio Map** if the consent authority is satisfied that—
  - a. the gross floor area of the building will exceed the maximum gross floor area that would otherwise be permitted under clause 4.4 by an amount of no more than 7,023 square metres (the **bonus floor allowance**), and
  - b. part of the building, with a floor area of not less than the bonus floor allowance, will be used for the purpose of hotel or motel accommodation.
- (7) In this clause—  
**non-residential floor space ratio** means the ratio of the gross floor area of that part of a building used or proposed to be used for a purpose other than residential accommodation in a building on the site to the site area.

Amend the Floor Space Ratio (FSR) map to apply an area based minimum non-residential FSR of 1.5:1 mapped as ‘Area 7’ to land zoned E2 Commercial Centre.

Current FSR



Proposed FSR Change



9. Council wrote to the then DPE on 8 November 2023 noting Council did not agree with the Department's condition that the above amendment be deleted from the PP prior to



exhibition. It is understood that the amendment was not supported due to the current focus of the Department to increase the supply of residential accommodation across greater Sydney and NSW. Whilst this is acknowledged, it is Council's view that this should not be done to the detriment of good planning, nor undermine the future delivery of commercial floorspace in strategic centres.

10. The intention of the amendment was to preserve the non-residential floorspace of the E2 zoned Hurstville strategic centre, which has always been a non-residential zone to preserve the strategic nature of the centre for long term job growth and employment land. Council initially raised concerns with the inclusion of residential accommodation in the objective of the E2 zone through the Department's Employment Zones Reform, however these were not addressed. The proposed housekeeping amendment did not seek to prohibit BTR accommodation altogether, but rather ensure that a minimum amount of non-residential floor space would be provided with any development and a reasonable supply of employment floorspace and baseline job targets could be met, as well as encouraging active uses on the ground floor to maintain a vibrant and active commercial centre. The introduction of residential development through BTR housing under the Housing SEPP directly undermines the historic, long-term and strategic planning work of Council to retain Hurstville as a strategic centre for the provision of jobs and non-residential floorspace. As a result of the Department's actions introducing residential accommodation in the E2 zone, and not allowing Council to introduce a minimum non-residential FSR, Council may need to review the ongoing use of the E2 zone and its relationship with residential and non-residential land uses moving forward.
11. In relation to the removal of two additional properties from the Land Reservation Acquisition (LRA) map (25 Joffre Street, South Hurstville and 247 Princes Highway, Carlton), this was requested by Council through the Gateway process. The properties were acquired by Council following the preparation of the PP and original reporting to Council, no longer requiring the LRA mapping. Similar amendments were endorsed by Council to be undertaken in the Housekeeping PP. Council minutes showing the resolutions to acquire the properties was provided with the request, and evidence for ownership of these parcels, and all land affected by changes to the LRA mapping and rezonings to RE1 Public Recreation, was included in the exhibited PP.
12. Council requested the then DPE for an extension to the 25 April 2024 deadline for completing the LEP, specified in the Gateway Determination, to enable an extended exhibition period. On 1 February 2024, the DPHI issued an alteration to the Gateway Determination, extending the deadline to 25 July 2024.

### Planning Proposal

13. The PP been prepared to amend the GRLEP 2021 to improve its operation and accuracy by correcting identified anomalies and inconsistencies to existing provisions and maps, updating property descriptions and adding a new provision from the Standard Instrument LEP.
14. The PP applies to land covered by the GRLEP 2021 as shown in **Figure 1**. The GRLEP 2021 does not apply to land identified as "Deferred matter" on the GRLEP Land Application Map which consists of the Hurstville Westfield site.



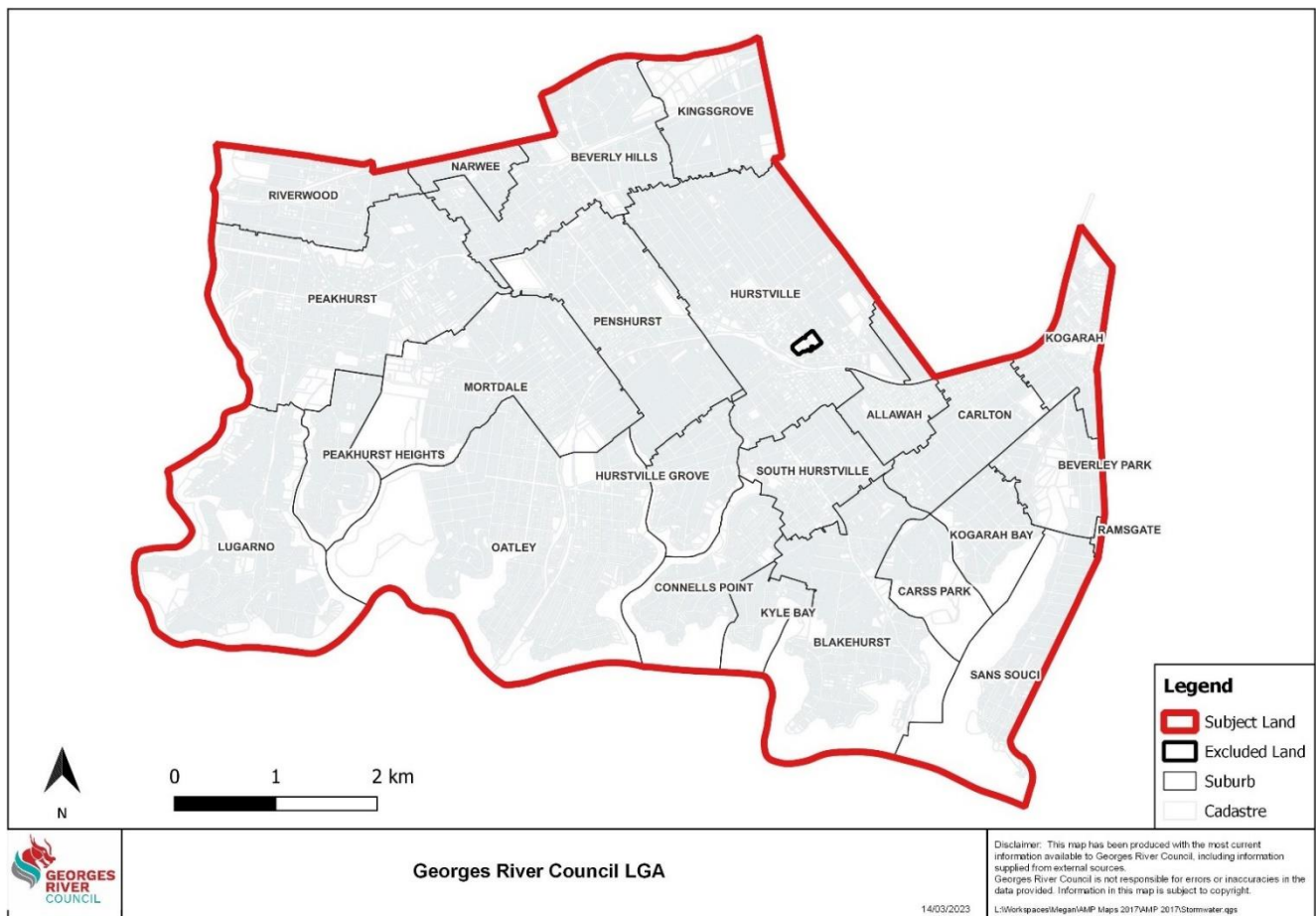


Figure 1 – Subject Land

15. To achieve the objectives and intended outcomes, the PP proposes to amend the GRLEP 2021 with the following types of amendments:
- Instrument only amendments;
  - Instrument only amendments – Schedule 5 Environmental Heritage;
  - Map only amendments; and
  - Instrument and map amendments.

#### Instrument only amendments

16. Instrument only amendments (Items 1–5 of the attached PP) are amendments to the GRLEP 2021 affecting the written instrument only, and do not affect any of the GRLEP map sheets. These include:
- Amending *Clause 4.4A Exceptions to floor space ratio—certain residential accommodation* to simplify the formula for calculating the maximum floor space ratio. The formulas are unnecessarily complex as the site area ÷ site area = 1. It is proposed to simplify the formula to avoid overcomplication and make them more user friendly. (Note: There is no change to the existing FSRs that apply to land within the LGA.)

**Proposed Amendment:** Amend Clause 4.4A(2) and 4.4A(4) to simplify the formula for calculating the maximum floor space ratio.

- The maximum floor space ratio for a dwelling house on land identified as “Area 1” on the Floor Space Ratio Map must not exceed the maximum floor space ratio specified in the table to this subclause.



Site area	Maximum floor space ratio
not more than 650 square metres	<del>[site area × 0.55] ÷ site area:1</del> 0.55:1

- (4) The maximum floor space ratio for a dual occupancy must not exceed the maximum floor space ratio specified in the table to this subclause.

Site area	Maximum floor space ratio
not more than 1,000 square metres	<del>[site area × 0.6] ÷ site area:1</del> 0.6:1

- (b) Inserting *Clause 5.22 Special flood considerations* from the Standard Instrument LEP. The clause is optional for councils and if adopted for the GRLEP 2021, would allow Council to consider flood impacts for sensitive and hazardous development types (which are listed in the clause) for land between the flood planning area (FPA) and the probable maximum flood (PMF).
- (c) Amending *Clause 6.3 Stormwater management* to delete the word 'practicable' and replace with 'where required' to align with Council's *Stormwater Management Policy*. Since the commencement of the GRLEP 2021, some implementation issues have arisen with *Clause 6.3 Stormwater management*, where applicants are not providing on-site stormwater detention (OSD) or retention on sites that require it, due to the wording 'if practicable'. The proposed amendment will strengthen the requirement for OSD to be provided on sites that require it under Council's *Stormwater Management Policy*.
- (d) Amending *Clause 6.11 Environmental sustainability* to delete the application of the clause to development that involves a change of use of an existing building.
- (e) Amending *Clause 6.12 Landscaped area* to address several operational issues by:
- Adding a new sub-clause outlining that the clause only applies to the erection of a new building or additions or external alterations where there is an increase in the footprint of the building to prevent unnecessary restrictions and reporting of minor applications.
  - Inserting wording to enable trees to be removed, where warranted, as part of a DA, as the current wording does not allow this.
  - Inserting wording to allow natural rock formations to be considered as part of the landscaped area where these are naturally occurring on sites.
  - Adding semi-detached dwellings as a development type requiring a minimum landscaped area, which are not currently specified.
  - Inserting a clause that clarifies that the provisions do not apply to strata or community title subdivisions.
17. The changes proposed to Clause 6.12 will also address the former DPE's letter dated 25 November 2022 which requested Council to address the issues with the clause. The current wording of the clause makes no allowance for the scope of works proposed, or the extent of any existing, and legal non-compliance with respect to the percentage of landscaped area on the site. As such, due to the existing site landscaped area being non-compliant with the new development standard, several types of minor applications are currently only able to be determined by the Local Planning Panel (LPP) including, for example applications relating to:
- Minor internal works wholly within an existing building
  - A first-floor addition to an existing house



- Subdivision of an already approved dual occupancy
  - Ancillary works, such as a new fence, new patio over an existing hard stand area etc.
18. The former DPE granted a temporary assumed concurrence which permitted Council to be exempt from the requirement to refer DAs (or modifications) to the Georges River Local Planning Panel (LPP) where:
- a) there is pre-existing non-compliance with the landscaped area provisions specified in Clause 6.12(5) of the GRLEP 2021; and
  - b) DAs do not result in further reductions in landscaped area(s) or consequent increases in the non-compliance.
19. This issue will be resolved by the amended clause which will specify that it only applies to the erection of a new building or additions or external alterations where there is an increase in the footprint of the building.

#### Instrument only amendments – Schedule 5 Environmental Heritage

20. Instrument only amendments – *Schedule 5 Environmental Heritage* (Items 6–24 of the attached PP) include various administrative amendments to update property addresses and property descriptions to align with the mapped data, and one update to the item name to reflect the significant components of the site.

#### Map only amendments

21. Map only amendments (Items 25–31 of the attached PP) includes amendments to the GRLEP 2021 Land Zoning (LZN) map to align the zoning with the current and intended use as a public reserve, as well as updating the LRA map to remove the layer from a number of sites which have already been acquired by the acquisition authority.

#### Instrument and map amendments

22. The instrument and map amendments (Items 32–37 of the attached PP) are amendments that relate to both the GRLEP instrument and associated mapping and includes:
- (a) Amending the Additional Permitted Uses (APU) map, *Clause 6.13 Development in certain business zones* and *Schedule 1 Additional permitted uses* to allow an additional permitted use for RFBs along the Roberts Lane frontage in Hurstville.
  - (b) Amending the Additional Permitted Uses (APU) map and *Schedule 1 Use of certain land in Zone E1* to resolve a number of minor inconsistencies following the commencement of the *State Environmental Planning Policy Amendment (Land Use Zones) (No 3) 2022* which commenced on 26 April 2023.
  - (c) Amending the Land Reservation Acquisition (LRA) map, Additional Permitted Uses (APU) map and *Schedule 1 Additional permitted uses* following subdivision and a realignment of lot boundaries at 5 and 5R Denman Street, Hurstville.
  - (d) Amending the Heritage map and *Schedule 5 Environmental heritage* for Item I206 'Terraces and garden, "Beatrice" and "Lillyville", following a recent lot consolidation and demolition works resulting in a reduced curtilage.
  - (e) Amending the Heritage map and *Schedule 5 Environmental heritage* for Item I217 'Cottage "Killarney" and setting', following subdivision resulting in the heritage item being wholly on 66B Moons Ave, Lugarno, not on 66A Moons Avenue, Lugarno.
  - (f) Inserting a State listed heritage item, 'Thurlow House', at 9 Stuart Crescent, Blakehurst (Lot D, DP 346635) into *Schedule 5 Environmental heritage*.
23. The proposed amendments are detailed within the PP provided in **Attachment 1**.

#### **Assessment of the Planning Proposal**



24. The following **Tables 1 to 5** provide a detailed assessment and justification of the strategic and site-specific merit of the PP. The Tables contain the 12 questions from the DPHI's *Local Environmental Plan Making Guideline* dated August 2023 which outlines the matters for consideration when describing, evaluating and justifying a proposal.

**Table 1: Section A – Need for the planning proposal**

Question	Considerations
1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?	<p>The proposed amendments cover a range of instrument and mapping related matters which have been identified as administrative or housekeeping issues that need to be addressed to ensure that the GRLEP operates as originally intended and/or to improve its operation.</p> <p>While the PP is not a direct result of an endorsed LSPS, strategic study or report, it is consistent with a number of priorities within the <i>Georges River Local Strategic Planning Statement 2040</i> ('LSPS 2040') as discussed in Question 4 below.</p>
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Yes, the PP is the best and only means of addressing the administrative and housekeeping related matters that have been identified within the GRLEP 2021.

**Table 2: Section B – Relationship to the strategic planning framework**

Question	Considerations
3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	<p>Yes. The PP gives effect to the following objectives within the <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i>:</p> <ul style="list-style-type: none"> <li>• <i>Objective 2. Infrastructure aligns with forecast growth.</i> The PP gives effect to this objective by updating the Land Reservation Acquisition (LRA) maps to remove the layer from sites which have already been acquired for public infrastructure (i.e. classified roads and local open space).</li> <li>• <i>Objective 10. Greater housing supply.</i> The PP gives effect to this objective by allowing an additional permitted use of residential flat buildings for a portion of land along Roberts Lane, Hurstville, consistent with the site specific DCP controls already adopted for the site.</li> <li>• <i>Objective 13. Environmental heritage is identified, conserved and enhanced.</i> The PP gives effect to this objective by amending <i>Schedule 5 Environmental Heritage</i> and the Heritage maps within the GRLEP 2021 so that all property descriptions, item names and maps are accurate for all local and State heritage items within the Georges River LGA.</li> <li>• <i>Objective 27. Biodiversity is protected, urban bushland and remnant vegetation is enhanced.</i> The PP gives effect to this objective by amending the current <i>Clause 6.12 Landscaped areas in certain</i></li> </ul>



Question	Considerations
	<p><i>residential and environment protection zones</i> to ensure that the original intent of the clause is achieved; and to ensure that semi-detached housing provides a minimum landscaped area. It also gives effect to this objective by ensuring that public reserves are zoned appropriately and that land that has been acquired for local open space purposes is removed from the LRA maps.</p> <ul style="list-style-type: none"> <li>• <i>Objective 37. Exposure to natural and urban hazards is reduced.</i> The PP gives effect to this objective by inserting a new clause from the Standard Instrument LEP, <i>Clause 5.22 Special flood considerations</i>. The clause applies to sensitive and hazardous development on land between the flood planning area and the probable maximum flood to build resilience in future development and reduce the extent of property damage and potential loss of life from severe to extreme flooding.</li> </ul> <p>The PP also gives effect to the planning priorities of the <i>South District Plan</i>:</p> <ul style="list-style-type: none"> <li>• <i>Planning Priority S1. Planning for a city supported by infrastructure.</i> The PP gives effect to this planning priority by updating the Land Reservation Acquisition (LRA) maps to remove the layer from sites which have already been acquired for public infrastructure (i.e. classified roads and local open space).</li> <li>• <i>Planning Priority S5. Providing housing supply, choice and affordability, with access to jobs, services and public transport.</i> The PP gives effect to this planning priority by allowing an additional permitted use of residential flat buildings for a portion of land along Roberts Lane, Hurstville, consistent with the site specific DCP controls already adopted for the site.</li> <li>• <i>Planning Priority S6. Creating and renewing great places and local centres, and respecting the District's heritage.</i> The PP gives effect to this planning priority by amending <i>Schedule 5 Environmental Heritage</i> and the Heritage maps within GRLEP 2021 so that all property descriptions, item names and maps are accurate for all local and State heritage items within the Georges River LGA.</li> <li>• <i>Planning Priority S18. Adapting to the impacts of urban and natural hazards and climate change.</i> The PP gives effect to this planning priority by inserting a new clause from the Standard Instrument LEP, <i>Clause 5.22 Special flood considerations</i>. The clause applies to sensitive and hazardous development on land between the flood planning area and the probable maximum flood to build resilience in future development and reduce the extent of property damage and potential loss of life from severe to extreme flooding.</li> </ul>
4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning	<p>Yes. The PP is consistent with the endorsed Georges River Local Strategic Planning Statement 2040 ('LSPS 2040'), specifically the following planning priorities:</p> <ul style="list-style-type: none"> <li>• <i>P4. Collaboration supports innovation and delivers infrastructure,</i></li> </ul>



Question	Considerations
Secretary or GSC, or another endorsed local strategy or strategic plan?	<p><i>services and facilities.</i> The PP is consistent with this priority as it proposes to update the Land Reservation Acquisition (LRA) maps to remove the layer from sites which have already been acquired for public infrastructure (i.e., classified roads and local open space).</p> <ul style="list-style-type: none"> <li>• <i>P10. Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces.</i> The PP is consistent with this priority by amending the current <i>Clause 6.12 Landscaped areas in certain residential and environment protection zones</i> to ensure that the original intent of the clause is achieved; and to ensure that semi-detached housing provides a minimum landscaped area. The PP is also consistent with this priority as it ensures that public reserves are zoned appropriately and that land that has been acquired for local open space purposes is removed from the LRA maps.</li> <li>• <i>P11. Aboriginal and other heritage is protected and promoted.</i> The PP is consistent with this priority as it seeks to amend <i>Schedule 5 Environmental Heritage</i> and the Heritage maps within the GRLEP 2021 so that all property descriptions, item names and maps are accurate for all local and State heritage items within the Georges River LGA.</li> <li>• <i>P17. Tree canopy, bushland, landscaped settings and biodiversity are protected, enhanced and promoted.</i> The PP is consistent with this priority as it proposes to amend the current <i>Clause 6.12 Landscaped areas in certain residential and environment protection zones</i> to rectify operational issues and to ensure that semi-detached housing provides a landscaped area.</li> <li>• <i>P19. Everyone has access to quality, clean, useable, passive and active open and green spaces and recreation places.</i> The PP is consistent with this priority as it seeks to amend the current <i>Clause 6.12 Landscaped areas in certain residential and environment protection zones</i> to ensure that the original intent of the clause is achieved; and to ensure that semi-detached housing provides a minimum landscaped area. The PP is also consistent with this priority as it ensures that public reserves are zoned appropriately and that land that has been acquired for local open space purposes is removed from the LRA maps.</li> <li>• <i>P20. Development is managed to appropriately respond to hazards and risks.</i> The PP is consistent with this priority as it seeks to insert a new clause from the Standard Instrument LEP, <i>Clause 5.22 Special flood considerations</i>. The clause applies to sensitive and hazardous development on land between the flood planning area and the probable maximum flood to build resilience in future development and reduce the extent of property damage and potential loss of life from severe to extreme flooding.</li> </ul>
5. Is the planning proposal consistent with any other	There are no other applicable State and regional studies or strategies.



Question	Considerations												
applicable State and regional studies or strategies?													
6. Is the planning proposal consistent with applicable SEPPs?	<p>The PP is consistent with the following SEPPs:</p> <table border="1"> <thead> <tr> <th data-bbox="555 389 954 423">SEPP</th><th data-bbox="954 389 1477 423">Comment on consistency</th></tr> </thead> <tbody> <tr> <td data-bbox="555 423 954 1520"><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></td><td data-bbox="954 423 1477 1520"> <p>This SEPP consolidates, transfers and repeals provisions of the following 11 SEPPs (or deemed SEPPs):</p> <ul style="list-style-type: none"> <li>SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)</li> <li>SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)</li> <li>SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)</li> <li>Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)</li> <li>SEPP No 19—Bushland in Urban Areas (SEPP 19)</li> <li>SEPP No 50—Canal Estate Development (SEPP 50)</li> <li>SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)</li> <li>Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP)</li> <li>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)</li> <li>Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)</li> <li>Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP)</li> </ul> <p>The PP is not inconsistent with the SEPP.</p> </td></tr> <tr> <td data-bbox="555 1520 954 1621"><i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i></td><td data-bbox="954 1520 1477 1621">The PP is not inconsistent with the SEPP.</td></tr> <tr> <td data-bbox="555 1621 954 1722"><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></td><td data-bbox="954 1621 1477 1722">The PP is not inconsistent with the SEPP.</td></tr> <tr> <td data-bbox="555 1722 954 1800"><i>State Environmental Planning Policy (Housing) 2021</i></td><td data-bbox="954 1722 1477 1800">The PP is not inconsistent with the SEPP.</td></tr> <tr> <td data-bbox="555 1800 954 2114"><i>State Environmental Planning Policy (Industry and Employment) 2021</i></td><td data-bbox="954 1800 1477 2114"> <p>This SEPP consolidates, transfers and repeals the provisions of the following 2 SEPPs:</p> <ul style="list-style-type: none"> <li>SEPP (Western Sydney Employment Area) 2009 (Western Sydney Employment SEPP)</li> <li>SEPP 64 – Advertising and Signage (SEPP 64)</li> </ul> <p>The PP is not inconsistent with the SEPP.</p> </td></tr> </tbody> </table>	SEPP	Comment on consistency	<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	<p>This SEPP consolidates, transfers and repeals provisions of the following 11 SEPPs (or deemed SEPPs):</p> <ul style="list-style-type: none"> <li>SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)</li> <li>SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)</li> <li>SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)</li> <li>Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)</li> <li>SEPP No 19—Bushland in Urban Areas (SEPP 19)</li> <li>SEPP No 50—Canal Estate Development (SEPP 50)</li> <li>SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)</li> <li>Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP)</li> <li>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)</li> <li>Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)</li> <li>Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP)</li> </ul> <p>The PP is not inconsistent with the SEPP.</p>	<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>	The PP is not inconsistent with the SEPP.	<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>	The PP is not inconsistent with the SEPP.	<i>State Environmental Planning Policy (Housing) 2021</i>	The PP is not inconsistent with the SEPP.	<i>State Environmental Planning Policy (Industry and Employment) 2021</i>	<p>This SEPP consolidates, transfers and repeals the provisions of the following 2 SEPPs:</p> <ul style="list-style-type: none"> <li>SEPP (Western Sydney Employment Area) 2009 (Western Sydney Employment SEPP)</li> <li>SEPP 64 – Advertising and Signage (SEPP 64)</li> </ul> <p>The PP is not inconsistent with the SEPP.</p>
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Question	Considerations
	<p><i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</i></p> <p>The PP is not inconsistent with the SEPP.</p>
	<p><i>State Environmental Planning Policy (Planning Systems) 2021</i></p> <p>This SEPP consolidates and repeals the provisions of the following 3 SEPPs:</p> <ul style="list-style-type: none"> <li>• <i>SEPP (State and Regional Development) 2011 (State and Regional Development SEPP)</i></li> <li>• <i>SEPP (Aboriginal Land) 2019 (Aboriginal Land SEPP)</i></li> <li>• <i>SEPP (Concurrences and Consents) 2018 (Concurrence SEPP)</i></li> </ul> <p>The PP is not inconsistent with the SEPP.</p>
	<p><i>State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021</i></p> <p>The PP is not inconsistent with the SEPP. The site is not the subject of a Precinct identified by the SEPP.</p>
	<p><i>State Environmental Planning Policy (Primary Production) 2021</i></p> <p>This SEPP consolidates, transfers and repeals the provisions of the following SEPPs:</p> <ul style="list-style-type: none"> <li>• <i>SEPP (Primary Production and Rural Development) 2019 (Primary Production and Rural Development SEPP)</i></li> <li>• <i>Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas) (Central Coast Plateau SREP)</i></li> </ul> <p>The PP is not inconsistent with the SEPP.</p>
	<p><i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></p> <p>This SEPP consolidates and repeals the provisions of the following 3 SEPPs:</p> <ul style="list-style-type: none"> <li>• <i>SEPP (Coastal Management) 2018 (Coastal Management SEPP)</i></li> <li>• <i>SEPP 33 – Hazardous and Offensive Development (SEPP 33)</i></li> <li>• <i>SEPP 55 – Remediation of Land (SEPP 55)</i></li> </ul> <p>The PP is not inconsistent with the SEPP.</p>
	<p><i>State Environmental Planning Policy (Resources and Energy) 2021</i></p> <p>This SEPP consolidates and repeals the provisions of the following 2 SEPPs:</p> <ul style="list-style-type: none"> <li>• <i>SEPP (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP)</i></li> <li>• <i>Sydney Regional Environmental Plan No. 9 – Extractive Industries (No 2 – 1995) (Extractive Industries SREP)</i></li> </ul> <p>The PP is not inconsistent with the SEPP.</p>
	<p><i>State Environmental Planning Policy (Sustainable Buildings)</i></p> <p>The PP is not inconsistent with the SEPP.</p>
	<p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></p> <p>This SEPP consolidates and repeals the provisions of the following 4 SEPPs:</p> <ul style="list-style-type: none"> <li>• <i>SEPP (Infrastructure) 2007 (Infrastructure SEPP)</i></li> <li>• <i>SEPP (Educational Establishments and Childcare Facilities) 2017 (Education and Childcare SEPP)</i></li> </ul>



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	<ul style="list-style-type: none"> <li>SEPP (Major Infrastructure Corridors) 2020 (Corridor SEPP)</li> <li>SEPP (Three Ports) 2013 (Three Ports SEPP)</li> </ul> <p>The PP is not inconsistent with the SEPP.</p>																																		
<p>7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?</p>	<p>The PP is consistent with the applicable Ministerial Directions as follows:</p> <table border="1"> <thead> <tr> <th>Ministerial Direction</th><th>Comment</th></tr> </thead> <tbody> <tr> <td colspan="2"><b>1 Planning Systems</b></td></tr> <tr> <td><b>1.1 Implementation of Regional Plans</b></td><td>Consistent – The PP is consistent with: <ul style="list-style-type: none"> <li>A Metropolis of Three Cities – Greater Sydney Region Plan – see previous discussion on Question 3.</li> <li>South District Plan – see previous discussion on Question 3.</li> </ul> </td></tr> <tr> <td><b>1.2 Development of Aboriginal Land Council land</b></td><td>Consistent – The PP does not affect land shown on the Land Application Map of <i>State Environmental Planning Policy (Planning Systems) 2021</i>.</td></tr> <tr> <td><b>1.3 Approval and Referral Requirements</b></td><td>Consistent – The PP does not seek to make any additional provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.</td></tr> <tr> <td><b>1.4 Site Specific Provisions</b></td><td>Consistent – The PP does seek to add an Additional Permitted Use for certain land however the use does not impose any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</td></tr> <tr> <td colspan="2"><b>1 Planning Systems – Place-based</b></td></tr> <tr> <td><b>1.5 Parramatta Road Corridor Urban Transformation Strategy</b></td><td>NA</td></tr> <tr> <td><b>1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b></td><td>NA</td></tr> <tr> <td><b>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b></td><td>NA</td></tr> <tr> <td><b>1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b></td><td>NA</td></tr> <tr> <td><b>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b></td><td>NA</td></tr> <tr> <td><b>1.10 Implementation of the Western Sydney Aerotropolis Plan</b></td><td>NA</td></tr> <tr> <td><b>1.11 Implementation of Bayside West Precincts 2036 Plan</b></td><td>NA</td></tr> <tr> <td><b>1.12 Implementation of Planning Principles for the Cooks Cove Precinct</b></td><td>NA</td></tr> <tr> <td><b>1.13 Implementation of St Leonards and Crows Nest 2036 Plan</b></td><td>NA</td></tr> <tr> <td><b>1.14 Implementation of</b></td><td>NA</td></tr> </tbody> </table>	Ministerial Direction	Comment	<b>1 Planning Systems</b>		<b>1.1 Implementation of Regional Plans</b>	Consistent – The PP is consistent with: <ul style="list-style-type: none"> <li>A Metropolis of Three Cities – Greater Sydney Region Plan – see previous discussion on Question 3.</li> <li>South District Plan – see previous discussion on Question 3.</li> </ul>	<b>1.2 Development of Aboriginal Land Council land</b>	Consistent – The PP does not affect land shown on the Land Application Map of <i>State Environmental Planning Policy (Planning Systems) 2021</i> .	<b>1.3 Approval and Referral Requirements</b>	Consistent – The PP does not seek to make any additional provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.	<b>1.4 Site Specific Provisions</b>	Consistent – The PP does seek to add an Additional Permitted Use for certain land however the use does not impose any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.	<b>1 Planning Systems – Place-based</b>		<b>1.5 Parramatta Road Corridor Urban Transformation Strategy</b>	NA	<b>1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>	NA	<b>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	NA	<b>1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	NA	<b>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>	NA	<b>1.10 Implementation of the Western Sydney Aerotropolis Plan</b>	NA	<b>1.11 Implementation of Bayside West Precincts 2036 Plan</b>	NA	<b>1.12 Implementation of Planning Principles for the Cooks Cove Precinct</b>	NA	<b>1.13 Implementation of St Leonards and Crows Nest 2036 Plan</b>	NA	<b>1.14 Implementation of</b>	NA
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Question	Considerations
	<b>Greater Macarthur 2040</b>
	1.15 Implementation of the Pyrmont Peninsula Place Strategy NA
	1.16 North West Rail Link Corridor Strategy NA
	1.17 Implementation of the Bays West Place Strategy NA
	1.18 Implementation of the Macquarie Park Innovation Precinct NA
	1.19 Implementation of the Westmead Place Strategy NA
	1.20 Implementation of the Camellia-Rosehill Place Strategy NA
	1.21 Implementation of the South West Growth Area Structure Plan NA
	1.22 Implementation of the Cherrybrook Station Place Strategy N/A
	<b>2 Design and Place</b>
	<b>3 Biodiversity and Conservation</b>
	3.1 Conservation Zones Consistent – The PP does not affect land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP.
	3.2 Heritage Conservation Consistent – The PP seeks to make minor administrative amendments to <i>Schedule 5 Environmental Heritage</i> and associated Heritage maps within the GRLEP 2021 to ensure property descriptions, item names and maps are accurate for all local and State heritage items within the Georges River LGA.
	3.3 Sydney Drinking Water Catchments NA – the PP affects the Georges River LGA which the Direction does not apply to.
	3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs NA
	3.5 Recreation Vehicle Areas Consistent – The PP does not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i> ).
	3.6 Strategic Conservation Planning NA
	3.7 Public Bushland Consistent – The PP does not propose any changes to existing controls protecting bushland in urban areas.
	3.8 Willandra Lakes Region NA
	3.9 Sydney Harbour Foreshores and Waterways Area NA – The PP does not affect land within the Foreshores and Waterways Area as defined in the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> .
	3.10 Water Catchment Protection N/A – The PP does not propose any changes to controls that would impact on water catchments.
	<b>4 Resilience and Hazards</b>
	4.1 Flooding Consistent – The PP proposes to adopt <i>Clause 5.22 Special flood considerations</i> which will enable Council to consider flood impacts for sensitive and hazardous development types for land between the flood planning area (FPA) and the probable maximum flood (PMF). The PP is



Question	Considerations
	consistent with the objectives of the Direction.
	<b>4.2 Coastal Management</b> Consistent – The PP affects land within the Coastal Zone however it does not propose an intensification of uses permitted. The PP does not propose any changes relating to coastal management.
	<b>4.3 Planning for Bushfire Protection</b> Consistent – The PP does not result in controls that place development in hazardous areas. It does not change any existing provisions relating to bushfire prone land.
	<b>4.4 Remediation of Contaminated Land</b> Consistent – The PP does not affect any known contaminated land.
	<b>4.5 Acid Sulfate Soils</b> Consistent – The PP does not seek to introduce or change provisions relating to Acid Sulfate Soils.
	<b>4.6 Mine Subsidence and Unstable Land</b> Consistent – The PP does not permit development on land that: (a) is within a mine subsidence district, or (b) has been identified as unstable in a study, strategy or other assessment undertaken: (i) by or on behalf of the relevant planning authority, or (ii) on behalf of a public authority and provided to the relevant planning authority.
	<b>5 Transport and Infrastructure</b>
	<b>5.1 Integrating Land Use and Transport</b> Consistent – The PP proposes minor alterations to provisions relating to urban land, however, is consistent with <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).
	<b>5.2 Reserving Land for Public Purposes</b> Consistent – The PP proposes to remove the LRA layer from a number of parcels which have already been acquired by the relevant authority (either Council or Transport for NSW). The mapping is no longer required. It is recommended that Transport for NSW be consulted as part of the Gateway Determination.
	<b>5.3 Development Near Regulated Airports and Defence Airfields</b> NA – The PP does not create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.
	<b>5.4 Shooting Ranges</b> NA – The PP does not seek to affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.
	<b>6 Housing</b>
	<b>6.1 Residential Zones</b> Consistent – The PP is minor and consistent with the objectives of the Direction to encourage a variety of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and minimise the impact of residential development on the environment and resource lands. It achieves this by allowing an additional permitted use of residential flat buildings for a portion of land along Roberts Lane, Hurstville, consistent with the site specific DCP controls already adopted for the site.
	<b>6.2 Caravan Parks and Manufactured Home Estates</b> Consistent – The PP does not propose to permit development for the purposes of a caravan park or manufactured home estate.
	<b>7. Industry and Employment</b>
	<b>7.1 Business and Industrial Zones</b> Consistent – The PP gives effect to the objectives of the Direction as it proposes to amend Clause 6.13 to include the E2 Commercial Centre zone to promote active ground floor street frontages in established centres. It does not reduce the total



Question		Considerations
		potential floor space area for employment uses and related public services in Employment Zones.
	<b>7.2 Reduction in non-hosted short-term rental accommodation period</b>	NA – The PP does not cover the Byron Shire Council area or identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out within the LGA.
	<b>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</b>	NA
	<b>8 Resources and Energy</b>	
	<b>8.1 Mining, Petroleum Production and Extractive Industries</b>	NA – The PP does not have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.
	<b>9 Primary Production</b>	
	<b>9.1 Rural Zones</b>	NA – The PP does not affect any land within an existing or proposed rural zone.
	<b>9.2 Rural Lands</b>	NA
	<b>9.3 Oyster Aquaculture</b>	NA – The PP does not propose a change in land use which could impact on a Priority Oyster Aquaculture Area.
	<b>9.4 Farmland of State and Regional Significance on the NSW Far North Coast</b>	NA

ENV010-24

**Table 3: Section C – Environmental, social and economic impact**

Question		Considerations
8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?		No, the PP only proposes to make amendments to the LEP that are of a minor administrative or housekeeping nature so it is not expected that any critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal.
9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?		No other environmental impacts are anticipated other than positive environmental effects as a result of the proposed changes to <i>Clause 6.12 Landscaped areas in certain residential and environment protection zones</i> .
10. Has the planning		Yes, the PP is likely to have positive social and economic effects due to



Question	Considerations
proposal adequately addressed any social and economic effects?	the LEP operating in a more efficient and accurate manner which will better align the objectives of the instrument with appropriate development.

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

Question	Considerations
11. Is there adequate public infrastructure for the planning proposal?	The PP does not create additional requirements for public infrastructure.

**Table 5: Section E – State and Commonwealth Interests**

Question	Considerations
12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway Determination?	<p>Council did not consult any government agencies to inform the Gateway Determination. However, in accordance with the conditions of the Gateway Determination dated 25 October 2023 (amended by alteration dated 1 February 2024), Council forwarded the PP to Transport for NSW (TfNSW), Georges River Council (GRC) – Property Team, and Heritage NSW (HNSW) for comments. Responses were received from TfNSW and HNSW. The GRC Property team reviewed the properties proposed to be removed from the Land Reservation Acquisition (LRA) map, as well as Council land proposed to be rezoned from R2 Low Density Residential to RE1 Public Recreation and supported the proposed amendments during the drafting stage of the PP. No further comments were provided during the formal public exhibition stage.</p> <p>TfNSW confirmed that it has acquired Lots 8-10 DP1268938, King Georges Road, Penshurst for road widening purposes and these are currently owned by TfNSW. They noted that the existing SP2 Infrastructure (Classified Road) zoning is proposed to be retained. TfNSW therefore raised no objections to the proposed removal of the GRLEP 2021 Land Reservation Acquisition (LRA) map as it applies to these land parcels.</p> <p>Heritage NSW responded that it encourages amendments to environmental planning instruments which provide for greater heritage protection, provided that all necessary due diligence, assessments and notifications have been undertaken. Prior to finalisation of the PP, Council should be satisfied that this is the case.</p> <p>These comments are noted and no changes to the exhibited PP are required as a result. Council is satisfied that all necessary due diligence, assessments and notifications have been undertaken.</p>

**Housing Reforms**



25. The NSW Housing Reforms, comprising the Infill Affordable Housing, Transport Oriented Development (TOD) program, and Low and Mid-Rise Housing Explanation of Intended Effect, will not impact on the amendments proposed and progressing the PP to gazettal.

### Public Exhibition of the Planning Proposal

26. The PP was placed on public exhibition from 6 December 2023 to 26 January 2024. The notification for the public exhibition included the following:
- (a) Letters sent to affected landowners and government authorities advising of the PP being placed on public exhibition;
  - (b) Advertisement in the St George and Sutherland Shire Leader Newspaper (6 December 2023);
  - (c) Dedicated page on Council's Your Say website;
  - (d) Displays in Council's Customer Service Centres and libraries including the PP and supporting documentation; and
  - (e) Availability of telephone and face to face contact with planning officers.
27. One public submission and two public authority submissions were received from TfNSW and HNSW.

### Community submissions

28. One (1) community submission was received on behalf of the owners of 9 Roberts Lane, Hurstville, as summarised below.

Summary of submission	Council comment
<ul style="list-style-type: none"> <li>The submission noted that the specific housekeeping amendment affecting the subject site, 9 Roberts Lane, Hurstville, is to introduce 'residential flat building' as an additional permitted use along the Roberts Lane frontage of the site.</li> <li>The submission raised concern with a previous LEP amendment which involved a Local Road Widening for Roberts Lane which has resulted in a significant reduction in real estate value and development potential even with the additional use of residential flat building.</li> <li>The Local Road Widening has reduced the size from approximately 1,018 square metres to approximately 650 square metres which presents onflow adverse implications with regards to the maximum Floor Space Ratio, Building Height, access to the site and car parking/vehicle arrangements.</li> <li>The submission notes that whilst it is unlikely that Council will reconsider the Local Road Widening map due to that matter being finalised, the submission</li> </ul>	<ul style="list-style-type: none"> <li>The site is part of the Landmark Square precinct, which was subject to a Planning Proposal (Hurstville LEP 2012 Amendment No. 16) that rezoned the site from IN2 Light Industrial with a FSR of 1.0:1 and a maximum height of 10m to a MU1 Mixed Use zone, 3.5:1 and 2:1 FSR, and a maximum height of 21m, 15m and 12m. A separate PP also resulted in a 3m wide Land Reservation Acquisition layer for future road widening along Roberts Lane, to enable widening from 6m to 9m.</li> <li>As noted in the road widening PP, it is anticipated that the road widening will occur when a future development application is lodged seeking consent for the redevelopment of 53 Forest Road, 108 Durham Street and/or 9 Roberts Lane.</li> <li>The request to amend the heights and FSR for the subject site is not considered minor and is not something that can be amended as a post-exhibition change. The request also lacks sufficient strategic justification at this point and further consideration of the request and how it integrates with the</li> </ul>



requests that the current LEP housekeeping also include changes to the Maximum Building Height Map from "Category R, 21 Metres" to "Category W, 40 Metres" with the Maximum Floor Space Ratio increased accordingly. These amendments would provide the property owner the ability to develop the site to its potential.	remainder of the Landmark Square precinct, would be required through a separate PP process.
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29. The submission is noted and no changes to the exhibited PP are required as a result of the community submission.

#### Public authority submissions

30. In accordance with the Gateway Determination, the following public authorities were invited to comment on the PP during the public exhibition:

- TfNSW;
- GRC – Property Team; and
- HNSW.

31. Comments were received from TfNSW and HNSW as summarised below.

Summary of Public Authority Submission	Council comment
<p><i>TfNSW:</i></p> <ul style="list-style-type: none"> <li>• Confirmed that it has acquired Lots 8-10 DP1268938, King Georges Road, Penshurst for road widening purposes and these are currently owned by TfNSW.</li> <li>• Noted that the existing SP2 Infrastructure (Classified Road) zoning is proposed to be retained.</li> <li>• TfNSW therefore has no objections to the proposed removal of the GRLEP 2021 Land Reservation Acquisition (LRA) map as it applies to these land parcels.</li> </ul>	Noted.
<p><i>HNSW:</i></p> <ul style="list-style-type: none"> <li>• HNSW encourages amendments to environmental planning instruments which provide for greater heritage protection, provided that all necessary due diligence, assessments and notifications have been undertaken.</li> <li>• Prior to finalisation of the PP, Council should be satisfied that this is the case.</li> </ul>	<p>Noted.</p> <p>Council notified all affected owners however no submissions were received from any affected heritage owners. Council is satisfied that all necessary due diligence, assessments and notifications have been undertaken.</p>

32. The submissions are noted and no changes to the PP are required as a result of the public authority submissions.
33. The GRC Property team reviewed the properties proposed to be removed from the LRA Map (25 Joffre Street, South Hurstville; 11 Tavistock Road, South Hurstville; 5R Denman Street, Hurstville; and 247 Princes Highway, Carlton), as well as Council land proposed to



be rezoned from R2 Low Density Residential to RE1 Public Recreation and supported the proposed amendments during the drafting stage of the PP. No further comments were provided during the formal public exhibition stage.

### Conclusion and Next Steps

34. Council exhibited the PP from 6 December 2023 to 26 January 2024.
35. No changes are required to the PP as a result of the submissions received.
36. It is recommended that Council adopt the proposed amendments to the GRLEP 2021 as exhibited and forward the PP for gazettal to the DPHI in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

### Indicative Project Timeline

37. Subject to Council endorsement of the PP for forwarding to the DPHI for finalisation, the anticipated next steps are included below.

Stage	Timeframe/date
Report to Council on the results of the community consultation and finalisation of the PP	March 2024
Submission to the Department for finalisation	March/April 2024
Gazettal of LEP amendment	May/June 2024

38. It is noted that the alteration of Gateway Determination issued on 1 February 2024 requires the PP to be completed by 25 July 2024.

### FINANCIAL IMPLICATIONS

39. No budget impact for this report. The PP is being resourced within the existing Strategic Planning budget.

### RISK IMPLICATIONS

40. If the changes are not adopted, the identified minor inconsistencies and operational issues proposed for amendment will remain throughout the LEP and no operational benefits will be obtained for the LEP.

### COMMUNITY ENGAGEMENT

41. The PP was publicly exhibited from Wednesday 6 December 2023 to Friday 26 January 2024.
42. Community engagement was conducted including:
  - (a) Letters sent to affected landowners and government authorities advising of the PP being placed on public exhibition;
  - (b) Advertisement in the St George and Sutherland Shire Leader Newspaper (6 December 2023);
  - (c) Dedicated page on Council's Your Say website;
  - (d) Displays in Council's Customer Service Centres and libraries including the PP and supporting documentation; and
  - (e) Availability of telephone and face to face contact with planning officers.



## FILE REFERENCE

D24/1714

## ATTACHMENTS

Attachment [↓](#)1 Planning Proposal Document - Housekeeping PP - Post Exhibition (Final)  
Version - February 2024



ENV010-24





# Planning Proposal

**No. 2023/0002**

Georges River Local  
Environmental Plan 2021 –  
Housekeeping  
Amendments

February 2024



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## 1. INTRODUCTION

This Planning Proposal (PP) seeks to amend the *Georges River Local Environmental Plan 2021* (GRLEP 2021) to respond to a range of administrative and housekeeping issues to the instrument and accompanying mapping which have arisen since its commencement in October 2021. The changes will improve the overall operation and accuracy of the Plan and applies to land covered by the GRLEP 2021 as shown in **Figure 1**. The GRLEP 2021 does not apply to land identified as “Deferred matter” on the GRLEP Land Application Map which consists of the Hurstville Westfield site.

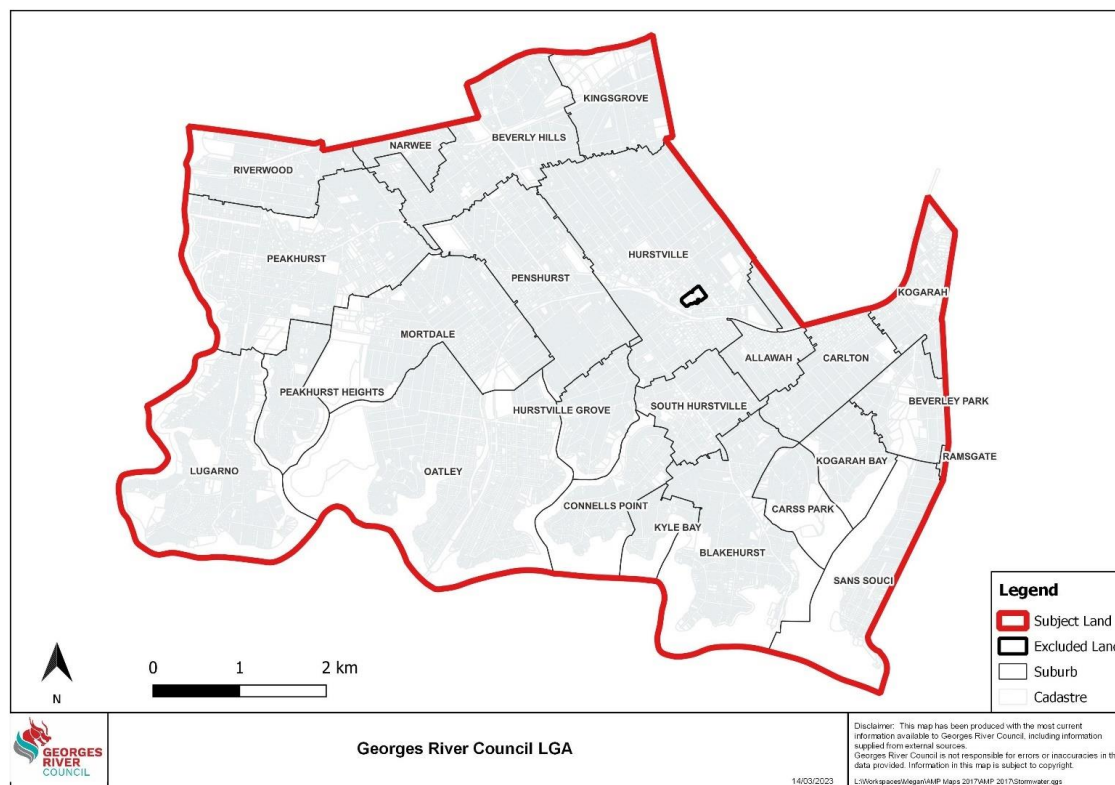


Figure 1 – Subject Land

As the PP affects Council owned land, Georges River Council is not the Local Plan-Making Authority (the authority for making amendments to the GRLEP).

## 2. BACKGROUND

The *Georges River Local Environmental Plan (GRLEP) 2021* commenced on 8 October 2021 and replaced the planning controls of the former *Hurstville Local Environmental Plan (HLEP) 2012* and *Kogarah Local Environmental Plan (KLEP) 2012*.



Council considered a report on 26 June 2023 concerning this PP and the scope of housekeeping matters which have arisen since the commencement of the GRLEP 2021. Council resolved to submit this PP to the Department of Planning and Environment (DPE) for a Gateway Determination.

A Gateway Determination was received on 25 October 2023.

Council requested the then DPE for an extension to the 25 April 2024 deadline for completing the LEP, specified in the Gateway Determination, to enable an extended exhibition period. On 1 February 2024, the Department of Planning, Housing and Industry (DPHI) issued an alteration to the Gateway Determination, extending the deadline to 25 July 2024.

### **3. OBJECTIVE AND INTENDED OUTCOME**

#### **3.1 Objective**

The objective of the PP is to amend the *Georges River Local Environmental Plan (GRLEP) 2021* to improve its operation and accuracy by correcting identified anomalies and inconsistencies to existing provisions and maps, updating property descriptions and adding a new provision from the Standard Instrument LEP.

#### **3.2 Intended Outcome**

The intended outcome of the PP is an up to date and accurate GRLEP devoid of anomalies and inconsistencies to improve the Plan's overall operation.



## 4. EXPLANATION OF PROVISIONS

To achieve the objectives and intended outcomes, the PP proposes to amend the GRLEP 2021 via a number of instrument and mapping amendments as explained in the following sections.

Explanatory Note: The drafting of the instrument is subject to the legal drafting process by Parliamentary Counsel.

### 4.1 Instrument Only Amendments

Items 1–5 are amendments to the GRLEP 2021 affecting the written instrument only, and do not affect any of the GRLEP map sheets. The proposed housekeeping amendments are explained below with proposed changes identified in red.

Item	Clause	Summary of proposed amendment								
1	<b>Clause 4.4A</b> Exceptions to floor space ratio—certain residential accommodation	<p><b>Issue and Justification:</b> The formulas within Clause 4.4A(2) and 4.4A(4) are unnecessarily complex as the site area ÷ site area = 1. It is proposed to simplify the formula to avoid overcomplication and make them more user friendly.</p> <p><b>Proposed Amendment:</b> Amend Clause 4.4A(2) and 4.4A(4) to simplify the formula for calculating the maximum floor space ratio.</p> <p>(2) The maximum floor space ratio for a dwelling house on land identified as “Area 1” on the Floor Space Ratio Map must not exceed the maximum floor space ratio specified in the table to this subclause.</p> <table><tr><th>Site area</th><th>Maximum floor space ratio</th></tr><tr><td>not more than 650 square metres</td><td><del>[site area × 0.55] ÷ site area:1</del> 0.55:1</td></tr></table> <p>(4) The maximum floor space ratio for a dual occupancy must not exceed the maximum floor space ratio specified in the table to this subclause.</p> <table><tr><th>Site area</th><th>Maximum floor space ratio</th></tr><tr><td>not more than 1,000 square metres</td><td><del>[site area × 0.6] ÷ site area:1</del> 0.6:1</td></tr></table> <p>NB: The change results in <u>no</u> additional FSR.</p>	Site area	Maximum floor space ratio	not more than 650 square metres	<del>[site area × 0.55] ÷ site area:1</del> 0.55:1	Site area	Maximum floor space ratio	not more than 1,000 square metres	<del>[site area × 0.6] ÷ site area:1</del> 0.6:1
Site area	Maximum floor space ratio									
not more than 650 square metres	<del>[site area × 0.55] ÷ site area:1</del> 0.55:1									
Site area	Maximum floor space ratio									
not more than 1,000 square metres	<del>[site area × 0.6] ÷ site area:1</del> 0.6:1									



2	<p><b>Clause 5.22</b> Special flood considerations</p> <p>[new clause]</p>	<p><b>Issue and Justification:</b></p> <p>On 14 July 2021, the <i>Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2021</i> (the Amendment) came into force. The Amendment had the effect of inserting a new optional clause into the Standard Instrument LEP under Part 5 Miscellaneous provisions – <i>Clause 5.22 Special flood considerations</i>.</p> <p>If adopted for the GRLEP 2021, the clause would allow Council to consider flood impacts for sensitive and hazardous development types (which are listed in the clause) for land between the flood planning area (FPA) and the probable maximum flood (PMF).</p> <p>The clause would enable Council to ensure that development:</p> <ul style="list-style-type: none"> <li>– will not affect the safe occupation and efficient evacuation of people in the event of a flood,</li> <li>– incorporates appropriate measures to manage risk to life in the event of a flood, and</li> <li>– will not adversely affect the environment in the event of a flood.</li> </ul> <p><b>Proposed Amendment:</b></p> <p>Insert Clause 5.22 from the Standard Instrument LEP as below.</p> <p><b>5.22 Special flood considerations</b></p> <p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> <li>(a) to enable the safe occupation and evacuation of people subject to flooding,</li> <li>(b) to ensure development on land is compatible with the land’s flood behaviour in the event of a flood,</li> <li>(c) to avoid adverse or cumulative impacts on flood behaviour,</li> <li>(d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,</li> <li>(e) to avoid adverse effects of hazardous development on the environment during flood events.</li> </ul> <p>(2) This clause applies to—</p> <ul style="list-style-type: none"> <li>(a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and</li> <li>(b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may— <ul style="list-style-type: none"> <li>(i) cause a particular risk to life, and</li> <li>(ii) require the evacuation of people or other safety considerations.</li> </ul> </li> </ul>
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		<p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <ul style="list-style-type: none"> <li>(a) will not affect the safe occupation and efficient evacuation of people in the event of a flood, and</li> <li>(b) incorporates appropriate measures to manage risk to life in the event of a flood, and</li> <li>(c) will not adversely affect the environment in the event of a flood.</li> </ul> <p>(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.</p> <p>(5) In this clause—</p> <p><i>Considering Flooding in Land Use Planning Guideline</i>—see clause 5.21(5).</p> <p><i>flood planning area</i>—see clause 5.21(5).</p> <p><i>Floodplain Development Manual</i>—see clause 5.21(5).</p> <p><i>probable maximum flood</i> has the same meaning as it has in the Floodplain Development Manual.</p> <p><i>sensitive and hazardous development</i> means development for the following purposes—</p> <ul style="list-style-type: none"> <li>(a) boarding houses,</li> <li>(b) caravan parks,</li> <li>(c) correctional centres,</li> <li>(d) early education and care facilities,</li> <li>(e) eco-tourist facilities,</li> <li>(f) educational establishments,</li> <li>(g) emergency services facilities,</li> <li>(h) group homes,</li> <li>(i) hazardous industries,</li> <li>(j) hazardous storage establishments,</li> <li>(k) hospitals,</li> <li>(l) hostels,</li> <li>(m) information and education facilities,</li> <li>(n) respite day care centres,</li> <li>(o) seniors housing,</li> <li>(p) sewerage systems,</li> <li>(q) tourist and visitor accommodation,</li> <li>(r) water supply systems</li> </ul>
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3	<p><b>Clause 6.3</b></p> <p>Stormwater management</p>	<p><b>Issue and Justification:</b></p> <p>Since the commencement of the GRLEP 2021, some implementation issues have arisen with <i>Clause 6.3 Stormwater management</i>, where applicants are not providing on-site stormwater detention (OSD) or retention on sites that require it, due to the wording 'if practicable'. OSD involves the temporary storage and controlled release of stormwater generated within a site, and is required to ensure that post-development stormwater runoff does not increase flooding problems downstream. The proposed amendment will strengthen the requirement for OSD to be provided on sites that require it under Council's <i>Stormwater Management Policy</i>.</p> <p><b>Proposed Amendment:</b></p> <p>Amend Clause 6.3(2)(b) to delete the word 'practicable' and replace with 'where required' to align with Council's <i>Stormwater Management Policy</i>.</p> <p>(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development—</p> <p>...</p> <p>(b) includes, <del>if practicable</del> <b>where required</b>, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater or river water, and...</p> <p>NB: 'where required' means that OSD is applicable and required under Council's <i>Stormwater Management Policy</i>.</p>
4	<p><b>Clause 6.11</b></p> <p>Environmental sustainability</p>	<p><b>Issue and Justification:</b></p> <p>The current clause has the objective of ensuring development is consistent with the principles of best practice environmentally sensitive design, and currently applies to development in certain zones involving a change of use. Upon review of the clause, it is considered that the application of the clause to change of use developments is too onerous and should be deleted.</p> <p><b>Proposed Amendment:</b></p> <p>Amend Clause 6.11 by deleting the application of the clause to development that involves a change of use of an existing building.</p> <p><b>Clause 6.11 Environmental sustainability</b></p> <p>(1) The objective of this clause is to ensure that development to which this clause applies is consistent with principles of best practice environmentally sensitive design.</p> <p>(2) This clause applies to development—</p> <p>(a) on land in the following zones—</p> <p>(i) Zone R4 High Density Residential,</p> <p>(ii) Zone E1 Local Centre,</p>



		<ul style="list-style-type: none"> <li>(iii) Zone E2 Commercial Centre,</li> <li>(iv) Zone E4 General Industrial,</li> <li>(v) Zone MU1 Mixed Use.</li> <li>(vi), (vii) (Repealed)</li> <li>(b) that involves— <ul style="list-style-type: none"> <li>(i) the erection of a new building, or</li> <li><del>(ii) the change of use of an existing building, or</del></li> <li>(iii) alterations or additions to an existing building that, in the opinion of the consent authority, are significant.</li> </ul> </li> <li>(3) Development consent must not be granted to development on land to which this clause applies if the building is 1,500 square metres in gross floor area or greater unless adequate consideration has been given to the following in the design of the building— <ul style="list-style-type: none"> <li>(a) water demand reduction, including water efficiency, water recycling and minimisation of potable water usage,</li> <li>(b) energy demand reduction, including energy generation, use of renewable energy and reduced reliance on mains power,</li> <li>(c) indoor environmental quality, including daylight provision, glare control, cross ventilation and thermal comfort,</li> <li>(d) the minimisation of surfaces that absorb and retain heat and the use of surfaces that reflect heat where possible,</li> <li>(e) a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation,</li> <li>(f) transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces.</li> </ul> </li> </ul>
5	<p><b>Clause 6.12</b></p> <p>Landscaped area</p>	<p><b>Issue and Justification:</b></p> <p>The current wording of Clause 6.12 (4)(c) is problematic as it does not allow for the removal of any tree via a Development Application (DA) or a Modification Application. This means that the applicant has to lodge a Tree Permit Application as well as a DA. The intent of the provision was to ensure that development does not adversely impact the health, condition and structure of existing trees proposed to be retained in the development, not all trees on the site. Accordingly, it is proposed to amend this provision to enable trees to be removed, where warranted, as part of a DA or Modification application.</p> <p>The clause also does not allow natural rock formations to be considered as part of the landscaped area where these are naturally occurring on sites. It is proposed to amend the clause so that natural rock outcrops can be included as part of the percentage site area for landscaping.</p> <p>The current wording of Clause 6.12 (5) requires all DAs, including minor DAs (including those not amending the building envelope) on sites that have an existing non-compliance, to comply with a minimum landscaped area. This results in unnecessary delays and reporting of applications to the Local Planning Panel (LPP), clogging up the system. It is proposed to amend the clause to clarify that the clause applies to only development involving the erection of a new building or additions or external alterations where there is an increase in the footprint of the building.</p>



		<p>The clause is also unclear whether both resulting lots of a dual occupancy development need to meet the landscaped area requirements. It is proposed to amend the clause to make it clear that semi-detached housing must meet the same landscaped area requirements as dual occupancy development.</p> <p>It is also proposed to insert a clause that clarifies that the provisions do not apply to strata or community title subdivisions, as the intention is that they apply to Torrens title subdivisions only.</p> <p><b>Proposed Amendment:</b></p> <p>Amend Clause 6.12 by:</p> <ul style="list-style-type: none"> <li>- Adding a new sub-clause outlining that the clause only applies to the erection of a new building or additions or external alterations where there is an increase in the footprint of the building to prevent unnecessary restrictions on minor applications.</li> <li>- Inserting wording to enable trees to be removed, where warranted, as part of a DA, as the current wording does not allow this.</li> <li>- Inserting wording to allow natural rock formations to be considered as part of the landscaped area where these are naturally occurring on sites.</li> <li>- Adding semi-detached dwellings as a development type requiring a minimum landscaped area.</li> <li>- Inserting a clause that clarifies that the provisions do not apply to strata or community title subdivisions.</li> </ul> <p><b>Clause 6.12 Landscaped area</b></p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure adequate opportunities exist for the retention or provision of vegetation that contributes to biodiversity and enhances the tree canopy of the Georges River local government area,</p> <p>(b) to minimise urban run-off by maximising permeable areas on the sites of development,</p> <p>(c) to ensure that the visual impact of development is minimised by sufficient and appropriately located landscaping that complements the scale of buildings,</p> <p>(d) to ensure that the use of surfaces that absorb and retain heat are minimised.</p> <p>(2) This clause applies to development on land referred to in subclause (3) involving—</p> <p>(a) the erection of a new building, or</p> <p>(b) additions or external alterations where there is an increase in the footprint of the building.</p> <p>(3) <del>(2)</del> This clause applies to land in the following zones—</p> <p>(a) Zone R2 Low Density Residential,</p> <p>(b) Zone R3 Medium Density Residential,</p> <p>(c) Zone R4 High Density Residential,</p> <p>(d) Zone E2 Environmental Conservation.</p>
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		<p>(4) <del>(3)</del> Despite subclause (2 and 3), this clause does not apply to development referred to in <i>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</i>, clause 4.</p> <p>(5) <del>(4)</del> Development consent must not be granted to development on land to which the clause applies unless the consent authority is satisfied that the development—</p> <ul style="list-style-type: none"> <li>(a) allows for the establishment of appropriate plantings— <ul style="list-style-type: none"> <li>(i) that are of a scale and density commensurate with the height, bulk and scale of the buildings to which the development relates, and</li> <li>(ii) that will maintain and enhance the streetscape and the desired future character of the locality, and</li> </ul> </li> <li>(b) maintains privacy between dwellings, and</li> <li>(c) <del>does not</del> is not likely to adversely impact the health, condition and structure of existing trees, tree canopies and tree root systems <del>that are required to be retained on the land or adjacent land</del>, and</li> <li>(d) is not likely to adversely impact the health, condition and structure of existing trees, tree canopies and tree root systems on adjoining land, and</li> <li>(e) <del>(4)</del> enables the establishment of indigenous vegetation and habitat for native fauna, and</li> <li>(f) <del>(5)</del> integrates with the existing vegetation to protect existing trees and natural landscape features such as rock outcrops, remnant bushland, habitats and natural watercourses.</li> </ul> <p>(6) <del>(5)</del> Development consent must not be granted to development on land to which this clause applies unless a percentage of the site area consists of landscaped areas and natural rock outcrops that is at least—</p> <ul style="list-style-type: none"> <li>(a) for a dwelling house located on land outside the Foreshore Scenic Protection Area—20% of the site area, or</li> <li>(b) for a dwelling house located on land within the Foreshore Scenic Protection Area—25% of the site area, or</li> <li>(c) for a dual occupancy or semi-detached dwelling located on land outside the Foreshore Scenic Protection Area—25% of the site area, or</li> <li>(d) for a dual occupancy or semi-detached dwelling located on land within the Foreshore Scenic Protection Area—30% of the site area, or</li> <li>(e) for development in Zone R3 Medium Density Residential—20% of the site area, or</li> <li>(f) for development in Zone R4 High Density Residential—10% of the site area, or</li> <li>(g) for development in Zone E2 Environmental Conservation—70% of the site area.</li> </ul> <p>(7) <del>(6)</del> If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle and any right of carriageway is not to be included in calculating the site area for the purposes of subclause (6 <del>5</del>).</p> <p>(8) Subclause (6) does not apply to a subdivision of land under the <i>Community Land Development Act 1989</i> or the <i>Strata Schemes (Freehold Development) Act 1973</i>.</p> <p>(9) <del>(7)</del> In this clause—  <b>Foreshore Scenic Protection Area</b> means land shown on the <i>Foreshore Scenic Protection Area Map</i></p>
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#### 4.2 Instrument Only Amendments – Schedule 5 Environmental Heritage

Items 6–24 are administrative amendments to Schedule 5 Environmental Heritage of the GRLEP 2021. These amendments include updates to item names, addresses and property descriptions which are explained below with proposed changes identified in red.

6. Schedule 5 Environmental heritage – Item I3 ‘House and garden, “McWilliam House”’	
<b>Issue and Justification:</b> The property address for Heritage Item I3 is not correct. The heritage item is across two (2) lots, Lots 5 and 6, DP 17522, which corresponds to 186-188 Princes Highway. This also corresponds with the Heritage Inventory Sheet.	
<b>Proposed Amendment:</b> Update the address for Item I3 to include 186 Princes Highway to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
<b>Item No:</b> I3 <b>Item:</b> House and garden, “McWilliam House” <b>Address:</b> 188 Princes Highway <b>Suburb:</b> Beverley Park <b>Property Description:</b> Lots 5 and 6, DP 17522 <b>Significance:</b> Local	<b>Item No:</b> I3 <b>Item:</b> House and garden, “McWilliam House” <b>Address:</b> 186–188 Princes Highway <b>Suburb:</b> Beverley Park <b>Property Description:</b> Lots 5 and 6, DP 17522 <b>Significance:</b> Local

7. Schedule 5 Environmental heritage – Item I6 ‘Beverly Hills Railway Station Group’	
<b>Issue and Justification:</b> The property description (Lot and DP) for Heritage Item I6 is not correct. The heritage item is mapped over only part of Lot 10, DP 1211599.	
<b>Proposed Amendment:</b> Update the property description (Lot and DP) for Item I6 to include ‘Part of’ in the property description to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
<b>Item No:</b> I6 <b>Item:</b> Beverly Hills Railway Station Group <b>Address:</b> East Hills rail line <b>Suburb:</b> Beverly Hills <b>Property Description:</b> Lot 10, DP 1211599 <b>Significance:</b> State	<b>Item No:</b> I6 <b>Item:</b> Beverly Hills Railway Station Group <b>Address:</b> East Hills rail line <b>Suburb:</b> Beverly Hills <b>Property Description:</b> Part of Lot 10, DP 1211599 <b>Significance:</b> State



8. Schedule 5 Environmental heritage – Item I42 ‘Carlton Railway Station’	
<b>Issue and Justification:</b> The property description (Lot and DP) for Heritage Item I42 is not correct. The heritage item is mapped over only part of Lot 1, DP 1138068.	
<b>Proposed Amendment:</b> Update the property description (Lot and DP) for Item I42 to include ‘Part of’ in the property description to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
<b>Item No:</b> I42 <b>Item:</b> Carlton Railway Station <b>Address:</b> Railway Parade <b>Suburb:</b> Carlton <b>Property Description:</b> Lot 1, DP 1138068 <b>Significance:</b> Local	<b>Item No:</b> I42 <b>Item:</b> Carlton Railway Station <b>Address:</b> Railway Parade <b>Suburb:</b> Carlton <b>Property Description:</b> <b>Part of</b> Lot 1, DP 1138068 <b>Significance:</b> Local

9. Schedule 5 Environmental heritage – Item I63 ‘Federation house “Dungog” and setting’	
<b>Issue and Justification:</b> The property description (Lot and DP) for Heritage Item I63 is not correct. A plan of redefinition for Lot 33, DP 1866 was registered on 19 February 2021 which created a new land title Lot 330, DP 1265294.	
<b>Proposed Amendment:</b> Update the property description (Lot and DP) for Item I63 to reflect the current Lot and DP.	
Existing Schedule 5	Proposed Schedule 5
<b>Item No:</b> I63 <b>Item:</b> Federation house “Dungog” and setting <b>Address:</b> 4 Clevedon Road <b>Suburb:</b> Hurstville <b>Property Description:</b> Lot 33, DP 1866 <b>Significance:</b> Local	<b>Item No:</b> I63 <b>Item:</b> Federation house “Dungog” and setting <b>Address:</b> 4 Clevedon Road <b>Suburb:</b> Hurstville <b>Property Description:</b> <b>Lot 33-DP 1866 Lot 330, DP 1265294</b> <b>Significance:</b> Local

10. Schedule 5 Environmental heritage – Item I66 ‘Hurstville Oval and Velodrome’	
<b>Issue and Justification:</b> The property address for Heritage Item I66 is not correct. The heritage item is across two (2) lots, Lot 1, DP 919317 and Lot 53, DP 9355, which corresponds to 30 and 30D Dora Street, Hurstville.	
<b>Proposed Amendment:</b> Update the property address for Item I66 to add 30D Dora Street to align with the mapped data. The Heritage Inventory Sheet will also be updated.	
Existing Schedule 5	Proposed Schedule 5
<b>Item No:</b> I66 <b>Item:</b> Hurstville Oval and Velodrome	<b>Item No:</b> I66 <b>Item:</b> Hurstville Oval and Velodrome



10. Schedule 5 Environmental heritage – Item I66 ‘Hurstville Oval and Velodrome’	
<b>Address:</b> 30 Dora Street <b>Suburb:</b> Hurstville <b>Property Description:</b> Lot 1, DP 919317; Lot 53, DP 9355 <b>Significance:</b> Local	<b>Address:</b> 30 and 30D Dora Street <b>Suburb:</b> Hurstville <b>Property Description:</b> Lot 1, DP 919317; Lot 53, DP 9355 <b>Significance:</b> Local
11. Schedule 5 Environmental heritage – Item I95 ‘Group of shops’	
<b>Issue and Justification:</b> The property address for Heritage Item I95 is not correct. The heritage item does not include 259-261 Forest Road, which is currently included in the property address.	
<b>Proposed Amendment:</b> Update the property address for Item I95 to be ‘255–257; 263–273 Forest Road’ and exclude 259-261 Forest Road to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
<b>Item No:</b> I95 <b>Item:</b> Group of shops <b>Address:</b> 255–273 Forest Road <b>Suburb:</b> Hurstville <b>Property Description:</b> Lots 7 and 8, DP 10296; Lots C–G, DP 304794; Lot 1, DP 611044 <b>Significance:</b> Local	<b>Item No:</b> I95 <b>Item:</b> Group of shops <b>Address:</b> 255– <del>257</del> ; <del>263</del> –273 Forest Road <b>Suburb:</b> Hurstville <b>Property Description:</b> Lots 7 and 8, DP 10296; Lots C–G, DP 304794; Lot 1, DP 611044 <b>Significance:</b> Local
12. Schedule 5 Environmental heritage – Item I116 ‘Friendly Societies’ Dispensary Building’	
<b>Issue and Justification:</b> The property description (strata plan number) for Heritage Item I116 contains two (2) strata plan numbers, SP 58631 and SP 72896, however Council’s records show an additional 4 SPs at the site.	
<b>Proposed Amendment:</b> Update the property description (strata plan number) for Item I116 to delete SP 72896.	
Existing Schedule 5	Proposed Schedule 5
<b>Item No:</b> I116 <b>Item:</b> Friendly Societies’ Dispensary Building <b>Address:</b> 17 MacMahon Street <b>Suburb:</b> Hurstville <b>Property Description:</b> SP 58631; SP 72896 <b>Significance:</b> Local	<b>Item No:</b> I116 <b>Item:</b> Friendly Societies’ Dispensary Building <b>Address:</b> 17 MacMahon Street <b>Suburb:</b> Hurstville <b>Property Description:</b> SP 58631; <del>SP 72896</del> ; <del>SP 74721</del> ; <del>SP 79405</del> <b>Significance:</b> Local



13. Schedule 5 Environmental heritage – Item I164 ‘House and garden’	
<b>Issue and Justification:</b> The property address for Heritage Item I164 is not correct. The heritage item does not include 5 Chapel Street, which is currently included in the property address. This also accords with the heritage inventory sheet.	
<b>Proposed Amendment:</b> Update the property address for Item I164 to delete 5 Chapel Street to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
<b>Item No:</b> I164 <b>Item:</b> House and garden <b>Address:</b> 3–5 Chapel Street <b>Suburb:</b> Kogarah <b>Property Description:</b> Lot 19, DP 84876 <b>Significance:</b> Local	<b>Item No:</b> I164 <b>Item:</b> House and garden <b>Address:</b> 3– <del>5</del> Chapel Street <b>Suburb:</b> Kogarah <b>Property Description:</b> Lot 19, DP 84876 <b>Significance:</b> Local

14. Schedule 5 Environmental heritage – Item I179 ‘Terraces, “Leah Buildings”’	
<b>Issue and Justification:</b> The property description (Lot and DP) for Heritage Item I179 is no longer current following registration of a plan of consolidation of the former Lots A, B and C, DP 443736 on 6 July 2021.	
<b>Proposed Amendment:</b> Update the property description to delete reference to superseded Lots A, B and C, DP 443736 and replace with consolidated land title, Lot 100, DP 1273679.	
Existing Schedule 5	Proposed Schedule 5
<b>Item No:</b> I179 <b>Item:</b> Terraces, “Leah Buildings” <b>Address:</b> 22–28 Montgomery Street <b>Suburb:</b> Kogarah <b>Property Description:</b> Lots A–C, DP 443736; Lot 1, DP 917849 <b>Significance:</b> Local	<b>Item No:</b> I179 <b>Item:</b> Terraces, “Leah Buildings” <b>Address:</b> <del>24</del> and <del>22</del> –28 Montgomery Street <b>Suburb:</b> Kogarah <b>Property Description:</b> <del>Lots A–C, DP 443736;</del> <del>Lot 1, DP 917849</del> Lot 100 DP 1273679; Lot 1 DP 917849 <b>Significance:</b> Local

15. Schedule 5 Environmental heritage – Item I196 ‘HV Evatt Memorial Reserve’	
<b>Issue and Justification:</b> The property description (Lot and DP) for Heritage Item I196 is not correct. The heritage item is mapped over only part of Lot 2, DP 871296.	
<b>Proposed Amendment:</b> Update the property description (Lot and DP) for Item I196 to insert ‘Part of’ in the property description to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
<b>Item No:</b> I196 <b>Item:</b> HV Evatt Memorial Reserve <b>Address:</b> 71 Railway Lands <b>Suburb:</b> Kogarah	<b>Item No:</b> I196 <b>Item:</b> HV Evatt Memorial Reserve <b>Address:</b> 71 Railway Lands <b>Suburb:</b> Kogarah



15. Schedule 5 Environmental heritage – Item I196 ‘HV Evatt Memorial Reserve’	
<b>Property Description:</b> Lot 2, DP 871296 <b>Significance:</b> Local	<b>Property Description:</b> <b>Part of</b> Lot 2, DP 871296 <b>Significance:</b> Local
16. Schedule 5 Environmental heritage – Item I205 ‘House and garden, “Hindmarsh”’	
<b>Issue and Justification:</b> The property description (Lot and DP) for Heritage Item I205 is no longer current following registration of a plan of consolidation for Lots 81 – 87 of Section B, DP 1397 on 29 July 2020. The heritage item is mapped over only part of the new Lot 3, DP 1265877.	
<b>Proposed Amendment:</b> Update the property description (Lot and DP) for Item I205 to delete reference to Lot 81, Section B, DP 1397 and replace with Part of Lot 3, DP 1265877. Update the address to include ‘Part of’ to align with the mapped data. The Heritage Inventory Sheet will also be updated.	
Existing Schedule 5	Proposed Schedule 5
<b>Item No:</b> I205 <b>Item:</b> House and garden, “Hindmarsh” <b>Address:</b> 2 Victoria Street <b>Suburb:</b> Kogarah <b>Property Description:</b> Lot 81, Section B, DP 1397 <b>Significance:</b> Local	<b>Item No:</b> I205 <b>Item:</b> House and garden, “Hindmarsh” <b>Address:</b> <b>Part of</b> 2 Victoria Street <b>Suburb:</b> Kogarah <b>Property Description:</b> <del>Lot 81, Section B, DP 1397</del> <b>Part of Lot 3, DP 1265877</b> <b>Significance:</b> Local
17. Schedule 5 Environmental heritage – Item I210 ‘Kyle Bay Bowling Club’	
<b>Issue and Justification:</b> The property address for Heritage Item I210 is not correct. The heritage item is located at 12 Merriman Street, not 12A Merriman Street.	
<b>Proposed Amendment:</b> Update the property address for Item I210 to delete the letter ‘A’ so that the correct address reads as 12 Merriman Street to align with the mapped data. The Heritage Inventory Sheet will also be updated.	
Existing Schedule 5	Proposed Schedule 5
<b>Item No:</b> I210 <b>Item:</b> Kyle Bay Bowling Club <b>Address:</b> 12A Merriman Street <b>Suburb:</b> Kyle Bay <b>Property Description:</b> Lot 10, DP 21299; Lot 12, DP 650783; Lots 9–11 and 40, Section 1, DP 7641; Lot 7316, DP 1154446 <b>Significance:</b> Local	<b>Item No:</b> I210 <b>Item:</b> Kyle Bay Bowling Club <b>Address:</b> 12 <b>A</b> Merriman Street <b>Suburb:</b> Kyle Bay <b>Property Description:</b> Lot 10, DP 21299; Lot 12, DP 650783; Lots 9–11 and 40, Section 1, DP 7641; Lot 7316, DP 1154446 <b>Significance:</b> Local



18. Schedule 5 Environmental heritage – Item I236 ‘Oatley Railway Station Group’	
<b>Issue and Justification:</b> The property description (Lot and DP) for Heritage Item I236 is not correct. The heritage item is mapped over only part of Lot 14, DP 839742.	
<b>Proposed Amendment:</b> Update the property description (Lot and DP) for Item I236 to insert ‘Part of’ to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
<b>Item No:</b> I236 <b>Item:</b> Oatley Railway Station Group <b>Address:</b> Illawarra rail line <b>Suburb:</b> Oatley <b>Property Description:</b> Lots 5 and 11 DP 803349; Lot 14, DP 839742 <b>Significance:</b> State	<b>Item No:</b> I236 <b>Item:</b> Oatley Railway Station Group <b>Address:</b> Illawarra rail line <b>Suburb:</b> Oatley <b>Property Description:</b> Lots 5 and 11 DP 803349; <b>Part of</b> Lot 14, DP 839742 <b>Significance:</b> State

19. Schedule 5 Environmental heritage – Item I241 ‘George Fincham Pipe Organ’	
<b>Issue and Justification:</b> The property description (Lot and DP) for Heritage Item I241 is not correct. The heritage item is mapped over only part of Lot 123, DP 801645.	
<b>Proposed Amendment:</b> Update the property description (Lot and DP) for Item I241 to insert ‘Part of’ to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
<b>Item No:</b> I241 <b>Item:</b> George Fincham Pipe Organ <b>Address:</b> 1 Myall Street <b>Suburb:</b> Oatley <b>Property Description:</b> Lot 123, DP 801645 <b>Significance:</b> Local	<b>Item No:</b> I241 <b>Item:</b> George Fincham Pipe Organ <b>Address:</b> 1 Myall Street <b>Suburb:</b> Oatley <b>Property Description:</b> <b>Part of</b> Lot 123, DP 801645 <b>Significance:</b> Local

20. Schedule 5 Environmental heritage – Item I261 ‘Salt Pan Creek sewage aqueduct’	
<b>Issue and Justification:</b> The property description (Lot and DP) for Heritage Item I261 is not included in Schedule 5. The heritage item is mapped over part of Lot 7320, DP 1166325. The address can also be more accurately described as “Behind 11A Elwin Street” rather than “Behind 9 Elwin Street”.	
<b>Proposed Amendment:</b> Update the property description (Lot and DP) for Item I261 to add ‘Part of Lot 7320, DP 1166325’ to align with the mapped data. Update the address to “Behind 11A Elwin Street” rather than “Behind 9 Elwin Street”.	
Existing Schedule 5	Proposed Schedule 5
<b>Item No:</b> I261 <b>Item:</b> Salt Pan Creek sewage aqueduct	<b>Item No:</b> I261 <b>Item:</b> Salt Pan Creek sewage aqueduct



20. Schedule 5 Environmental heritage – Item I261 ‘Salt Pan Creek sewage aqueduct’	
<b>Address:</b> Behind 9 Elwin Street <b>Suburb:</b> Peakhurst <b>Property Description:</b> <b>Significance:</b> Local	<b>Address:</b> Behind 11A 9 Elwin Street <b>Suburb:</b> Peakhurst <b>Property Description:</b> Part of Lot 7320, DP 1166325 <b>Significance:</b> Local
21. Schedule 5 Environmental heritage – Item I266 ‘Fig tree in Pickering Park’	
<b>Issue and Justification:</b> The property description (Lot and DP) for Heritage Item I266 is not correct. The heritage item is mapped over only part of Lot A, DP 36202.	
<b>Proposed Amendment:</b> Update the property description (Lot and DP) for Item I266 to add ‘Part of’ to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
<b>Item No:</b> I266 <b>Item:</b> Fig tree in Pickering Park <b>Address:</b> 16A Isaac Street <b>Suburb:</b> Peakhurst Heights <b>Property Description:</b> Lot A, DP 36202 <b>Significance:</b> Local	<b>Item No:</b> I266 <b>Item:</b> Fig tree in Pickering Park <b>Address:</b> 16A Isaac Street <b>Suburb:</b> Peakhurst Heights <b>Property Description:</b> Part of Lot A, DP 36202 <b>Significance:</b> Local
22. Schedule 5 Environmental heritage – Item I267 ‘Fig tree in Lambert Reserve’	
<b>Issue and Justification:</b> The property description (Lot and DP) for Heritage Item I267 is not correct. The heritage item is mapped over only part of Lot 37, DP 209573.	
<b>Proposed Amendment:</b> Update the property description (Lot and DP) for Item I267 to add ‘Part of’ to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
<b>Item No:</b> I267 <b>Item:</b> Fig tree in Lambert Reserve <b>Address:</b> 13D Whitegates Avenue <b>Suburb:</b> Peakhurst Heights <b>Property Description:</b> Lot 37, DP 209573 <b>Significance:</b> Local	<b>Item No:</b> I267 <b>Item:</b> Fig tree in Lambert Reserve <b>Address:</b> 13D Whitegates Avenue <b>Suburb:</b> Peakhurst Heights <b>Property Description:</b> Part of Lot 37, DP 209573 <b>Significance:</b> Local
23. Schedule 5 Environmental heritage – Item I278 ‘Penshurst Railway Station Group’	
<b>Issue and Justification:</b> The property description (Lot and DP) for Heritage Item I278 is not correct. The heritage item is mapped over only part of Lot 1, DP 1154260.	



23. Schedule 5 Environmental heritage – Item I278 ‘Penshurst Railway Station Group’	
<b>Proposed Amendment:</b> Update the property description (Lot and DP) for Item I278 to add ‘Part of’ to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
<b>Item No:</b> I278 <b>Item:</b> Penshurst Railway Station Group <b>Address:</b> Illawarra rail line—corner of Laycock Road (South) and Bridge Street <b>Suburb:</b> Penshurst <b>Property Description:</b> Lot 1, DP 1154260 <b>Significance:</b> Local	<b>Item No:</b> I278 <b>Item:</b> Penshurst Railway Station Group <b>Address:</b> Illawarra rail line—corner of Laycock Road (South) and Bridge Street <b>Suburb:</b> Penshurst <b>Property Description:</b> <b>Part of</b> Lot 1, DP 1154260 <b>Significance:</b> Local

24. Schedule 5 Environmental heritage – Item I303 ‘Sans Souci Park, public baths and bathers pavilion’	
<b>Issue and Justification:</b> Council resolved on 26 April 2021 (ENV012-21) to update the heritage listing for item I303, currently known as ‘Sans Souci Park, public baths and bathers pavilion’ to include the Moreton Bay Fig Tree and sandstone wall in the item name. The Statement of Significance on the NSW Heritage Inventory has been updated to highlight the importance of the sandstone wall and highly significant tree which adds much visual amenity to the surrounding area. The former bathers pavilion has also been demolished as part of DA2020/0166 so it is necessary to update the item name to reflect this.	
<b>Proposed Amendment:</b> Update Item No. I303 name to reflect the significant components of the site. The Heritage Inventory Sheet will also be updated.	
Existing Schedule 5	Proposed Schedule 5
<b>Item No:</b> I303 <b>Item:</b> Sans Souci Park, public baths and bathers pavilion <b>Address:</b> 521 Rocky Point Road and 10 Water Street <b>Suburb:</b> Sans Souci <b>Property Description:</b> Lot 7046, DP 93515; Lot 519, DP 752056 <b>Significance:</b> Local	<b>Item No:</b> I303 <b>Item:</b> <del>Sans Souci Park, public baths and bathers pavilion</del> Sans Souci Park (including public baths, Moreton Bay fig tree (adjacent to Water Street) and sandstone wall) <b>Address:</b> 521 Rocky Point Road and 10 Water Street <b>Locality:</b> Sans Souci <b>Property Description:</b> Lot 7046, DP 93515; Lot 519, DP 752056 <b>Significance:</b> Local



### 4.3 Map Only Amendments

Items 25–31 are housekeeping amendments to the GRLEP 2021 maps, including Land Zoning (LZN) and Land Reservation Acquisition (LRA) maps.

**25. Land Zoning Map – Part of Denman Street Reserve, Part Lot B DP 442009, 54 Hillcrest Avenue, Hurstville**

**Issue and Justification:** The subject land is owned by Council and is part of Denman Street Reserve. It is zoned part R2 Low Density Residential and part RE1 Public Recreation. The part zoned R2 Low Density Residential is proposed to be rezoned RE1 Public Recreation consistent with the current public reserve use.

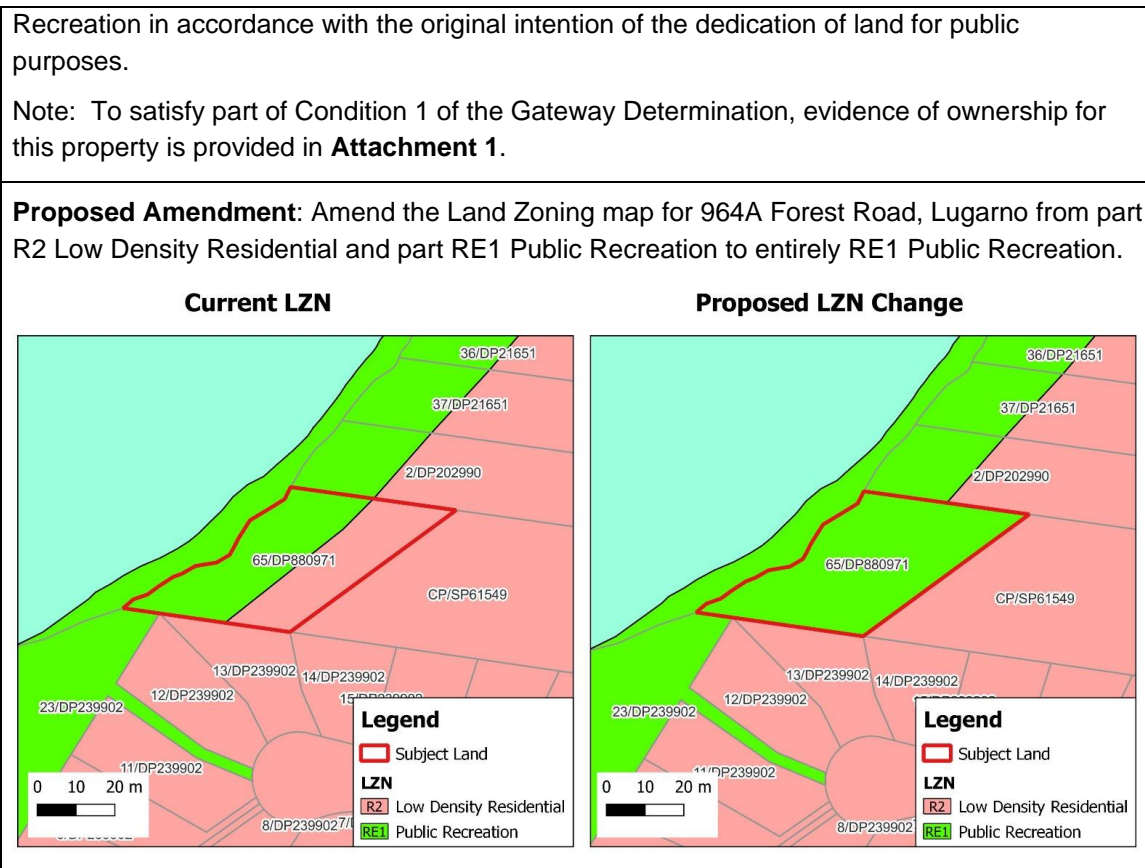
**Note:** To satisfy part of Condition 1 of the Gateway Determination, evidence of ownership for this property is provided in **Attachment 1**.

**Proposed Amendment:** Amend the Land Zoning map to rezone 54 Hillcrest Avenue, Hurstville entirely RE1 Public Recreation.



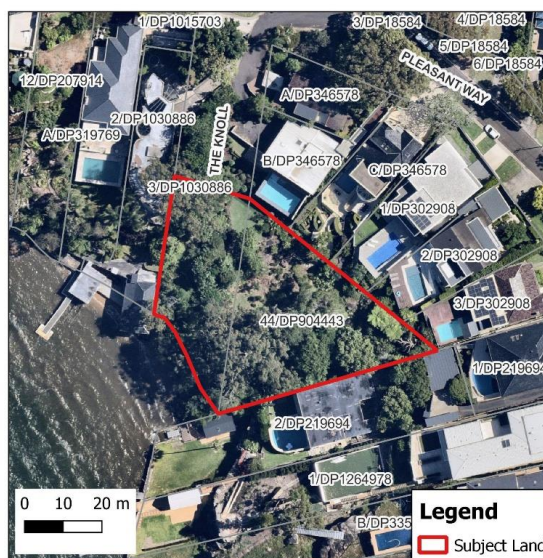
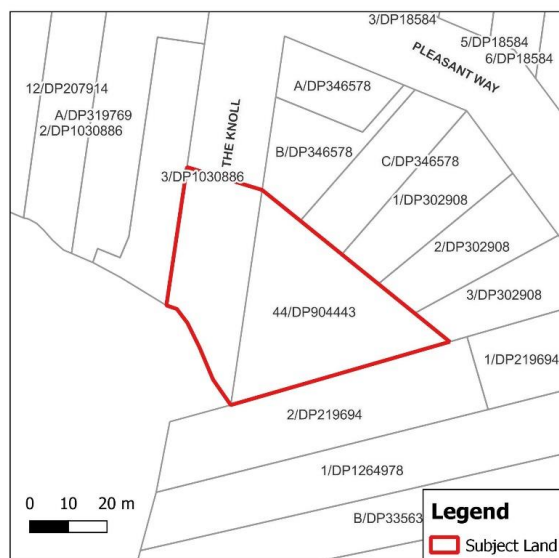








## 27. Land Zoning Map – Part of The Knoll Reserve, Lot 7034 DP 1138728, The Knoll, Lugarno

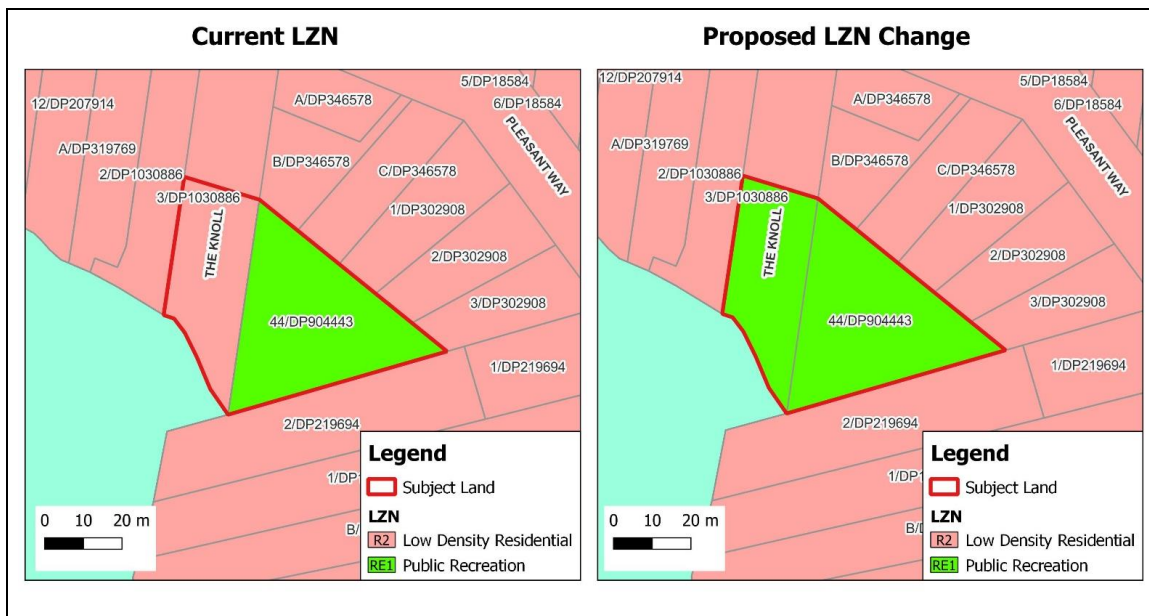


**Issue and Justification:** The subject land was dedicated to Council as open space in 1998 by the creation of DP 880971, however the RE1 Public Recreation zoning only covers half the lot. The part R2 Low Density Residential zoning is proposed to be rezoned to RE1 Public Recreation in accordance with the original intention of the dedication of land for public purposes.

Note: To satisfy part of Condition 1 of the Gateway Determination, evidence of ownership for this property is provided in **Attachment 1**.

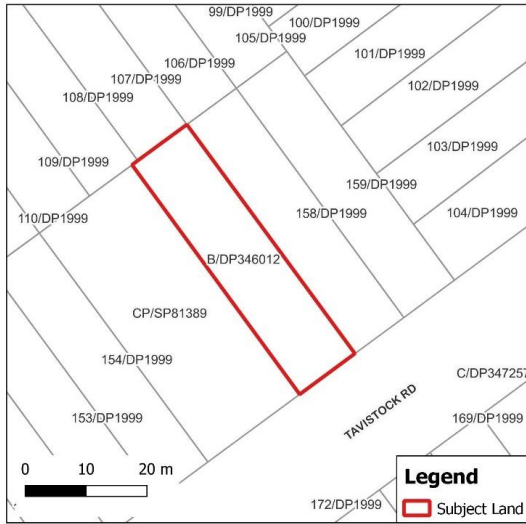

**Proposed Amendment:** Amend the Land Zoning map to rezone Part of Lot 7034, DP 1138728 from R2 Low Density Residential to RE1 Public Recreation.







**28. Land Reservation Acquisition (LRA) Map – Lot B DP 346012, 11 Tavistock Road, South Hurstville**

**Issue and Justification:** The Land Reservation Acquisition (LRA) mapping layer currently applies to the subject site, however is no longer required as the land has been acquired by Council as the relevant acquisition authority.

**Note:** The RE1 Public Recreation zoning is retained.

To satisfy part of Condition 1 of the Gateway Determination, evidence of ownership for this property is provided in **Attachment 1**.

**Proposed Amendment:** Amend the LRA map to remove the LRA layer from Lot B, DP 346012, 11 Tavistock Road, South Hurstville.





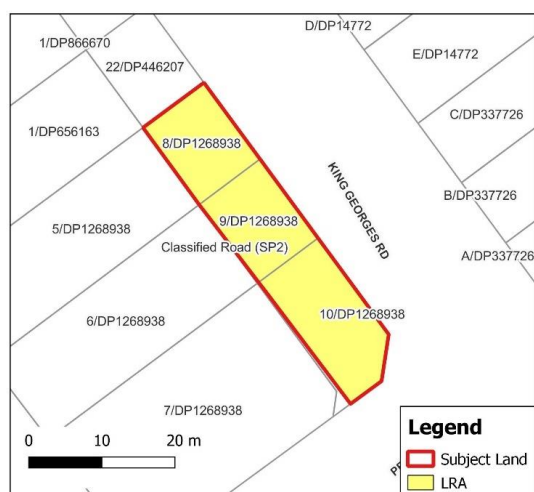


To satisfy part of Condition 1 of the Gateway Determination, evidence of ownership for this property is provided in **Attachment 1**.

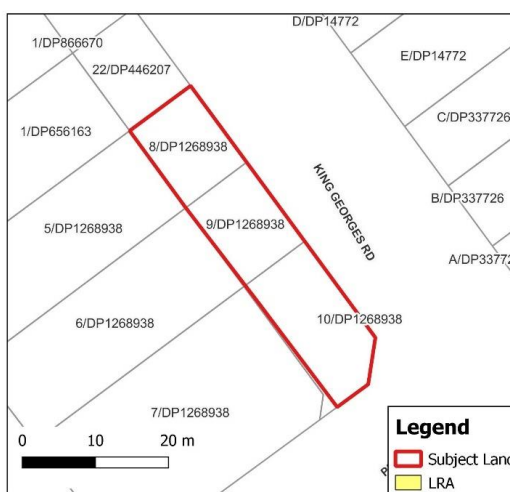
**Proposed Amendment:** Amend the LRA map to remove the LRA layer from

- Lot 8 DP 1268938, 637R King Georges Road, Penshurst;
- Lot 9 DP 1268938, 639R King Georges Road, Penshurst; and
- Lot 10 DP 1268938, 641R King Georges Road, Penshurst.

**Current LRA**

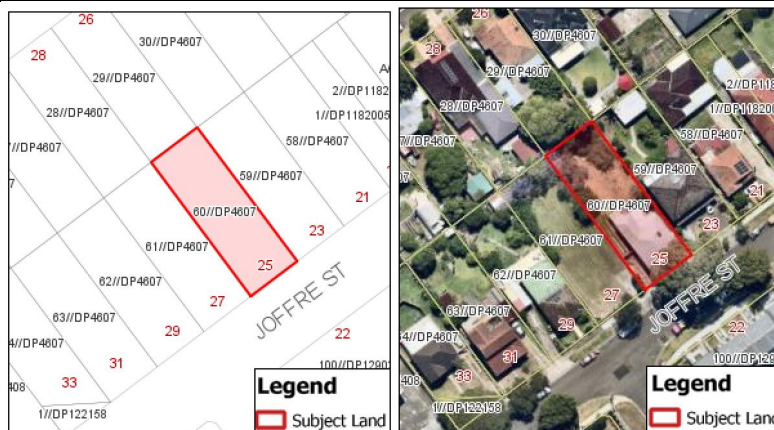


**Proposed LRA Change**





### 30. Land Reservation Acquisition (LRA) Map – Lot 60 DP 4607, 25 Joffre Street, South Hurstville

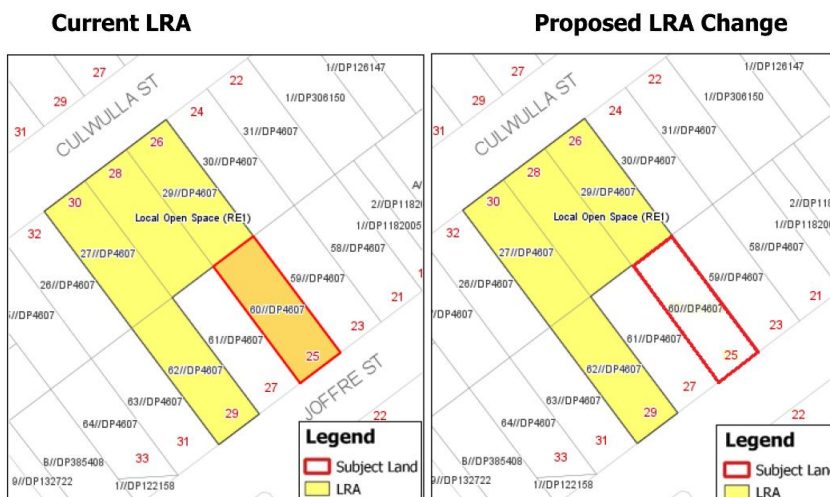


**Issue and Justification:** The Land Reservation Acquisition (LRA) mapping layer currently applies to the subject site, however the mapping is no longer required as the land has been acquired by Council as the relevant acquisition authority.

To satisfy part of Condition 1 of the Gateway Determination, evidence of ownership for this property is provided in **Attachment 1**.

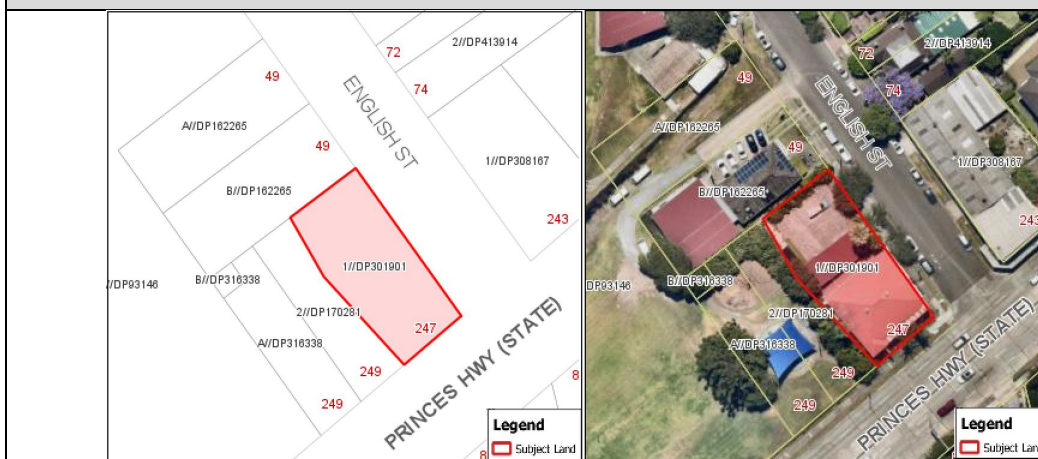
Note: The RE1 Public Recreation zoning is retained.

**Proposed Amendment:** Amend the LRA map to remove the LRA layer from Lot 60 DP 4607, 25 Joffre Street, South Hurstville.





### 31. Land Reservation Acquisition (LRA) Map – Lot 1 DP 301901, 247 Princes Highway, Carlton

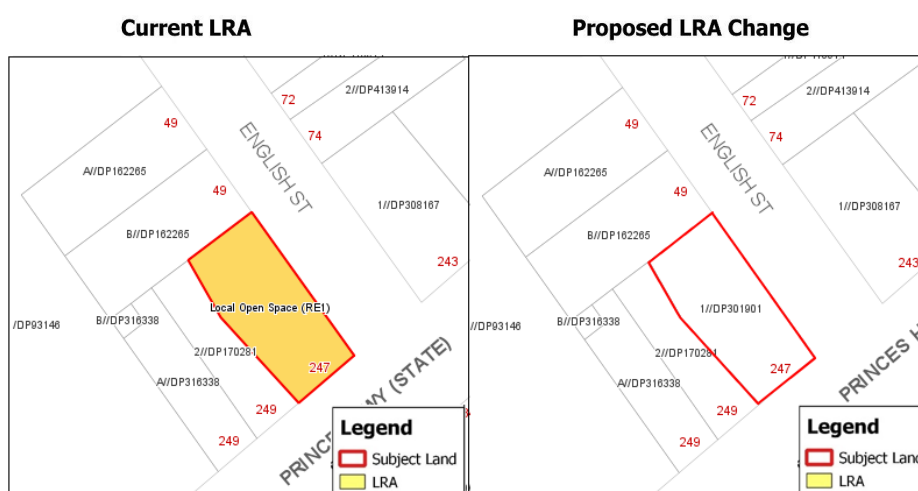


**Issue and Justification:** The Land Reservation Acquisition (LRA) mapping layer currently applies to the subject site, however the mapping is no longer required as the land has been acquired by Council as the relevant acquisition authority.

To satisfy part of Condition 1 of the Gateway Determination, evidence of ownership for this property is provided in **Attachment 1**.

Note: The RE1 Public Recreation zoning is retained.

**Proposed Amendment:** Amend the LRA map to remove the LRA layer from Lot 1 DP 301901, 247 Princes Highway, Carlton.

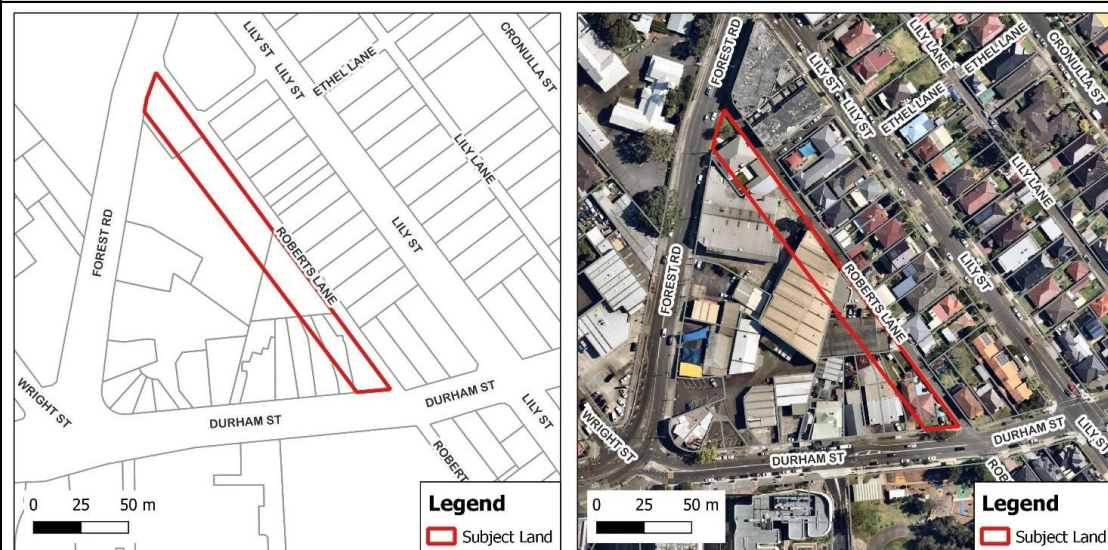




#### 4.4 Instrument and Map Amendments

Items 32–37 are amendments that relate to both the GRLEP instrument and associated mapping, with proposed changes to the instrument identified in red.

#### 32. Additional Permitted Use – Residential Flat Buildings, Roberts Lane frontage, Landmark Square site



**Issue and Justification:** Part of the site fronting Roberts Lane identified above are currently zoned MU1 Mixed Use zone under the GRLEP 2021. A non-residential FSR of 0.5:1 applies to these sites.

Since the gazettal of the new controls for the site proposed through Amendment No. 16 to the HLEP 2012 on 7 August 2020, the HLEP 2012 has been replaced by the new GRLEP. While the new GRLEP maintains the same MU1 Mixed Use zone for the site, the Land Use Table for the MU1 Mixed Use zone has been modified with residential flat buildings listed as prohibited. Under *Clause 6.13 Development in certain business zones* of the GRLEP which applies to the MU1 zone, one of the objectives is 'to maintain existing, and encourage additional, non-residential uses along ground floor street frontages'. It is also prescribed in Clause 6.13 'development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied the development will not cause a part of the ground floor of a building that is facing a street to be used for the purposes of residential accommodation or tourist and visitor accommodation'.

The specific DCP controls for the site (Hurstville Development Control Plan No. 2 – Amendment No. 12) reflects the concept plan that was lodged for the rezoning of the site under Amendment No. 16 to the HLEP 2012 and requires Residential Flat Buildings (RFBs) to be located on the



Roberts Lane frontage, however these are prohibited in the MU1 zone. As *Clause 6.13 Development in certain business zones* prohibits the ground floor of a building that is facing a street to be used for the purposes of residential accommodation or tourist and visitor accommodation; the LEP provisions need to be updated to facilitate development for the purposes of RFBs on the Roberts Lane frontage of the site. No changes are proposed to the FSR and height of development permitted in the GRLEP 2021.

**Proposed Amendment:** Amend *Clause 6.13 Development in certain business zones* and *Schedule 1 Additional permitted uses* to allow an additional permitted use for RFBs along the Roberts Lane frontage by:

- 1) Introducing “residential flat building” as an additional permitted use within Schedule 1 and the Additional Permitted Uses map for “Area [x]” (number to be allocated at drafting stage); and
- 2) Excluding the application of *Clause 6.13 Development in certain business zones* from “Area [x]” of the Site

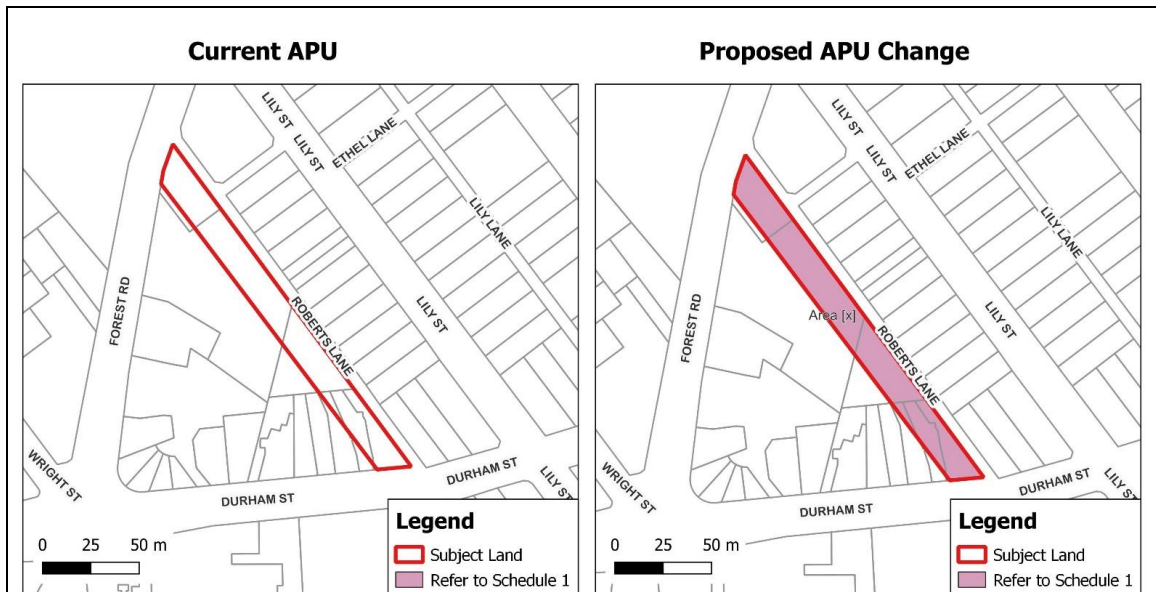
Where “Area [x]” means Part of Lot A, DP 372835, 53 Forest Road, Hurstville; Part of Lot 1, DP 225302, 61-65 Forest Road, Hurstville; Part of Lot 1, DP 172819, 9 Roberts Lane, Hurstville; Part of Lot B, DP 391801, 112 Durham Street, Hurstville; Part of Lot C, DP 391801, 110 Durham Street, Hurstville; and Part of Lot D, DP 391801, 108 Durham Street, Hurstville.

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

#### **14 Use of certain land for residential flat buildings**

- (1) This clause applies to the following land identified as “Area [x]” on the Additional Permitted Uses Map—
  - (a) Part of Lot A, DP 372835, 53 Forest Road, Hurstville,
  - (b) Part of Lot 1, DP 225302, 61-65 Forest Road, Hurstville,
  - (c) Part of Lot 1, DP 172819, 9 Roberts Lane, Hurstville,
  - (d) Part of Lot B, DP 391801, 112 Durham Street, Hurstville,
  - (e) Part of Lot C, DP 391801, 110 Durham Street, Hurstville,
  - (f) Part of Lot D, DP 391801, 108 Durham Street, Hurstville.
- (2) Development for the purposes of residential flat buildings is permitted with development consent.





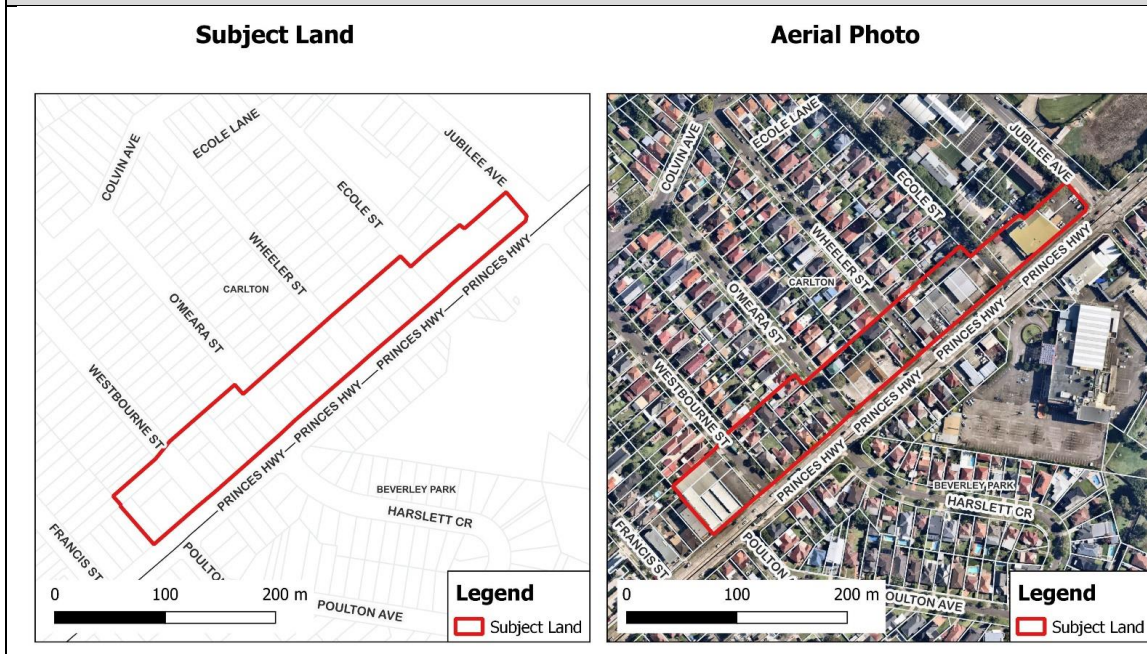
### Clause 6.13 Development in Zones E1, E2 and MU1

- (1) The objectives of this clause are as follows—
  - (a) to promote uses that attract pedestrian traffic along ground floor street frontages,
  - (b) to maintain existing, and encourage additional, non-residential uses along ground floor street frontages,
  - (c) to strengthen the viability of existing established centres,
  - (d) to maintain opportunities for business and retail development that is suited to high exposure locations.
- (2) This clause applies to land in the following zones—
  - (a) Zone E1 Local Centre,
  - (b) Zone MU1 Mixed Use,
  - (c) Zone E2 Commercial Centre.
  - ~~(e), (d) — (Repealed).~~
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied the development will not cause a part of the ground floor of a building that is facing a street to be used for the purposes of residential accommodation or tourist and visitor accommodation.
- (4) Subclause (3) does not apply to a part of a building that is used for the following purposes—
  - (a) entrances and lobbies, including as part of a mixed use development,
  - (b) access for fire services,
  - (c) essential services.
- (5) Development consent must not be granted for the erection of a building with a gross floor area on the ground floor of more than 500m<sup>2</sup> on land identified as “Area A” on the [Land Zoning Map](#) unless the consent authority is satisfied at least 500m<sup>2</sup> of the gross floor area on the ground floor will be used for—
  - (a) a purpose other than residential accommodation or tourist and visitor accommodation, and
  - (b) a purpose specified in subclause (4).



- (5A) This clause does not apply to part of Lot 30, DP 785238, 9 Gloucester Road, Hurstville, identified as “Area A” on the [Additional Permitted Uses Map](#).
- (5B) This clause does not apply to the following land identified as “Area [x]” on the Additional Permitted Uses Map—
- (a) Part of Lot A, DP 372835, 53 Forest Road, Hurstville,
  - (b) Part of Lot 1, DP 225302, 61-65 Forest Road, Hurstville,
  - (c) Part of Lot 1, DP 172819, 9 Roberts Lane, Hurstville,
  - (d) Part of Lot B, DP 391801, 112 Durham Street, Hurstville,
  - (e) Part of Lot C, DP 391801, 110 Durham Street, Hurstville,
  - (f) Part of Lot D, DP 391801, 108 Durham Street, Hurstville.
- (5C) Development consent must not be granted for the erection of a building on land identified as “Area 7” on the Floor Space Ratio Map unless the consent authority is satisfied that the ground floor area is used for purposes other than residential accommodation.
- (6) In this clause—  
*essential services* means the following—
- (a) the supply of water,
  - (b) the supply of electricity,
  - (c) the supply of telecommunications facilities,
  - (d) the disposal and management of sewage,
  - (e) stormwater drainage or on-site conservation,
  - (f) suitable vehicular access.

### 33. Schedule 1 Additional permitted uses – Use of certain land in Zone E1 Local Centre





**Issue and Justification:** The *State Environmental Planning Policy Amendment (Land Use Zones) (No 3) 2022* commenced on 26 April 2023. The amendment relates to the employment zones reforms undertaken by the DPE to replace the former business and industrial zones with new zones. As a result of the amendment, the former B1 Neighbourhood Centre, B2 Local Centre and B6 Enterprise Corridor zones under the GRLEP 2021 were replaced by the new E1 Local Centre zone. Since the former B6 zone permitted more land uses than the former B1 and B2 zones, an Additional Permitted Uses clause and mapping was inserted into the GRLEP to accommodate these uses. One of these land uses listed as an additional permitted use is backpackers' accommodation. However, it is already permissible in the E1 zone under tourist and visitor accommodation and is not required to be listed as an additional permitted use. The amendment also identifies the E1 zoned area where the additional permitted use applies on the Land Zoning Map as the DPE had agreed to this amendment prior to an Additional Permitted Uses Map being applicable to the GRLEP 2021 which only came into effect on 25 November 2022 as a result of Amendment No. 5 to the GRLEP applying to 9 Gloucester Road, Hurstville.

#### Proposed Map Amendment:

- Delete "Area A" on the Land Zoning Map; and
- Identify the area as "Area C" on the Additional Permitted Uses Map for certain lots within the E1 Local Centre Zone that were previously zoned B6 Enterprise Corridor.

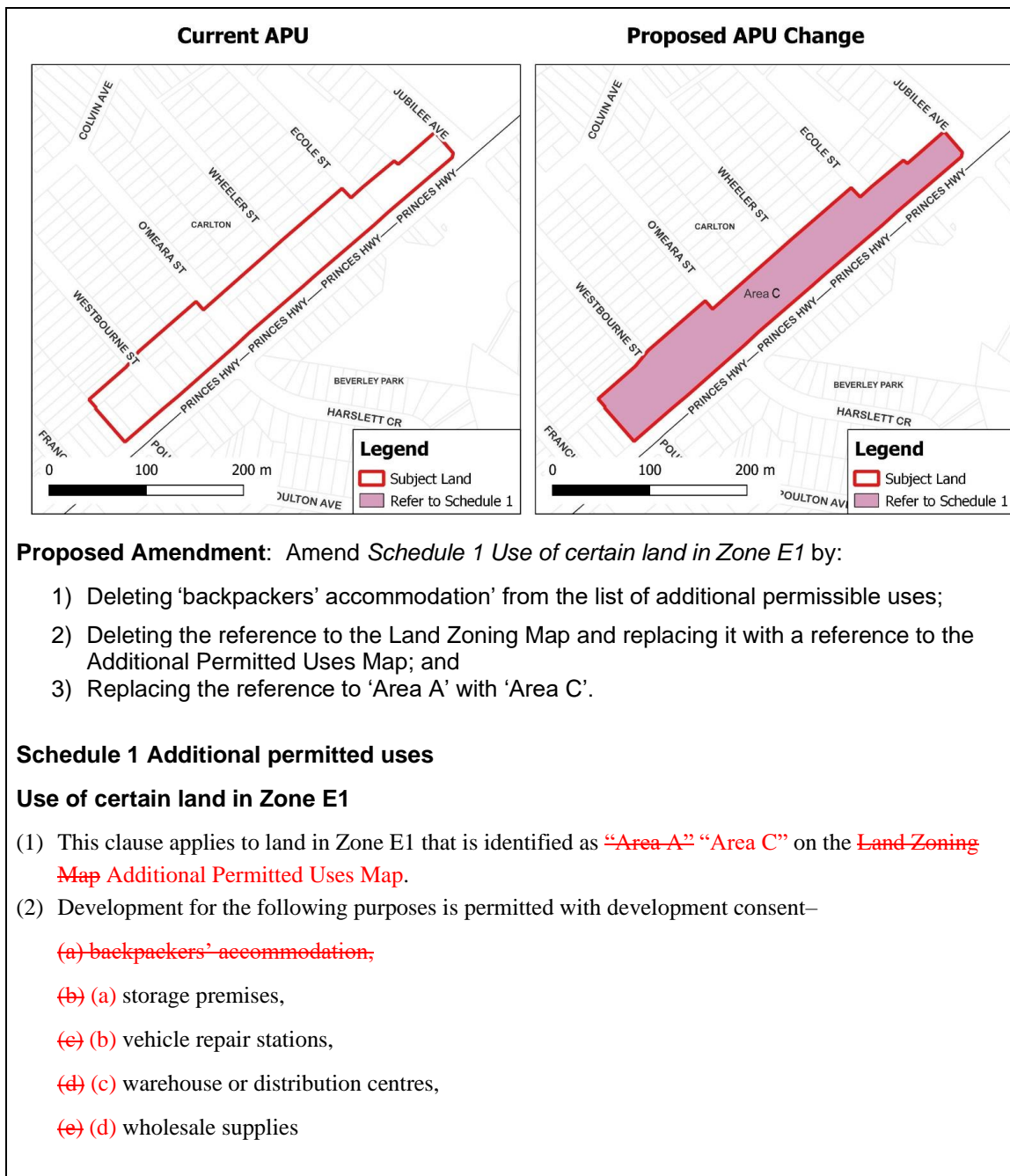
**Current LZN**



**Proposed LZN Change**

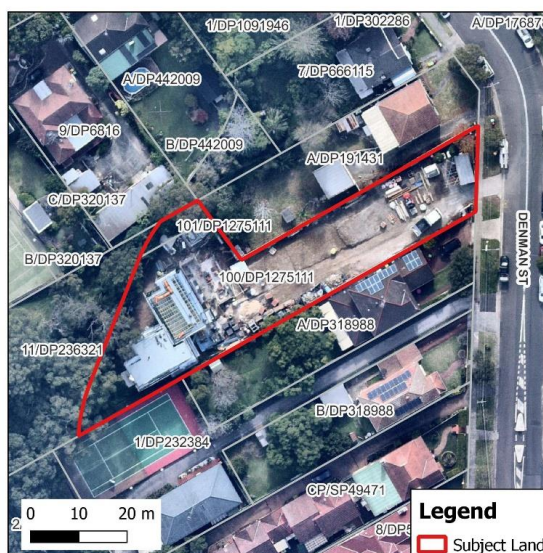
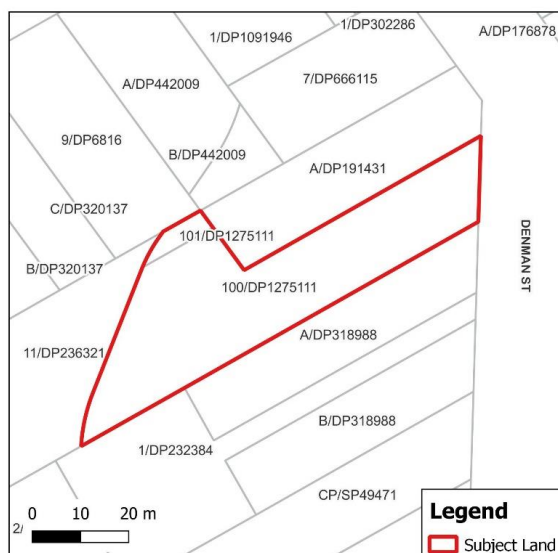








### 34. Land Reservation Acquisition (LRA), Additional Permitted Use (APU) and Land Use Zoning Maps – Lots 100 and 101 DP 1275111, 5 and 5R Denman Street, Hurstville



**Issue and Justification:** The Land Reservation Acquisition (LRA) layer currently applies to Lot 101, DP 1275111, 5R Denman Street (which is zoned RE1 Public Recreation), however is no longer required as the land has been acquired by Georges River Council as the relevant acquisition authority. Following subdivision and a realignment of lot boundaries, the corresponding Additional Permitted Uses (APU) map also needs adjusting to be entirely within Lot 100 DP 1275111, 5 Denman Street (which is zoned R2 Low Density Residential).

Following introduction of the new Employment Zones mapping, a minor misalignment of cadastral boundaries has also resulted in an area of unzoned land for Lot 100, DP 1275111, 5 Denman Street on the Land Zoning Map, which should be entirely zoned R2 Low Density Residential.

Note: To satisfy part of Condition 1 of the Gateway Determination, evidence of ownership for 5R Denman Street, Hurstville is provided in **Attachment 1**.

**Proposed Instrument Amendment:** Amend Schedule 1 Additional permitted uses to delete Lot 12, DP 236321 corresponding to 5 Denman Street, and replace it with the current Lot and DP, which is Lot 100, DP 1275111.

#### Schedule 1 Additional permitted uses

10 Use of certain land for multi dwelling housing or dual occupancies (detached)

(1) This clause applies to the following land—

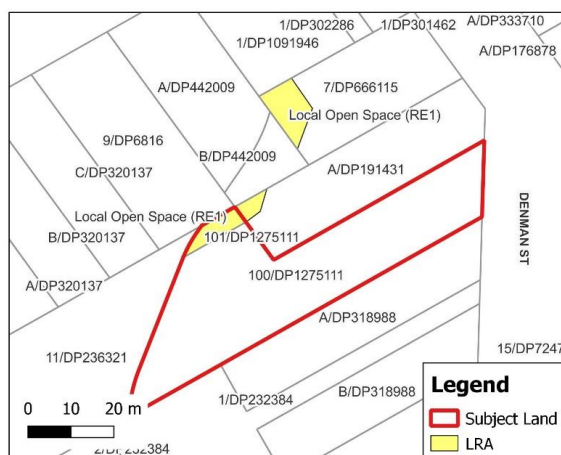
(d) 5 Denman Street, Hurstville, being Lot ~~12~~ 100, DP ~~236321~~ 1275111,



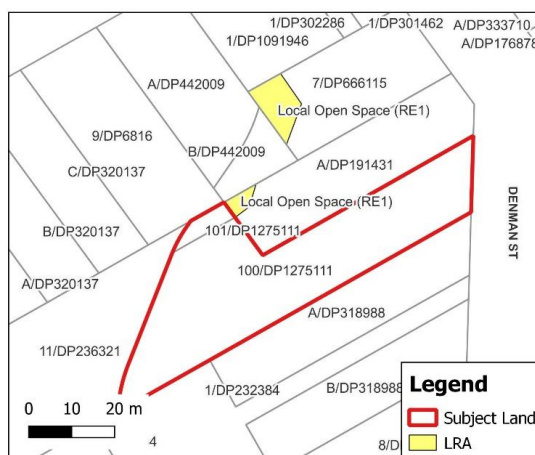
### Proposed Map Amendments:

- Amend the Land Reservation Acquisition (LRA) map to remove the layer from Lot 101, DP 1275111, 5R Denman Street; and
- Amend the Additional Permitted Uses (APU) map so that the APU is wholly over Lot 100, DP 1275111, 5 Denman Street and does not include Lot 101, DP 1275111, 5R Denman Street.
- Amend the Land Zoning Map (LZN) so that Lot 100, DP 1275111 is zoned entirely R2 Low Density Residential.

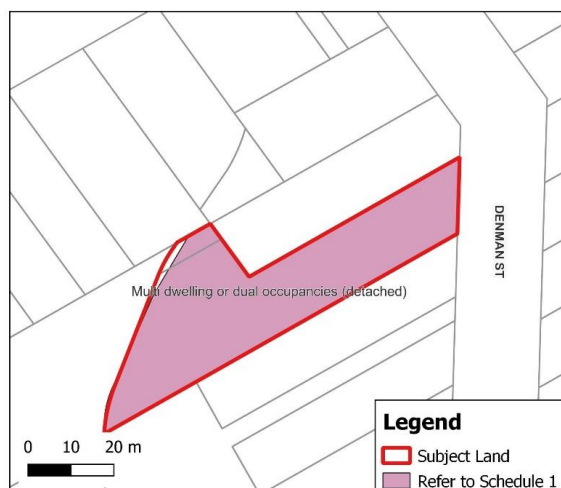
**Current LRA**



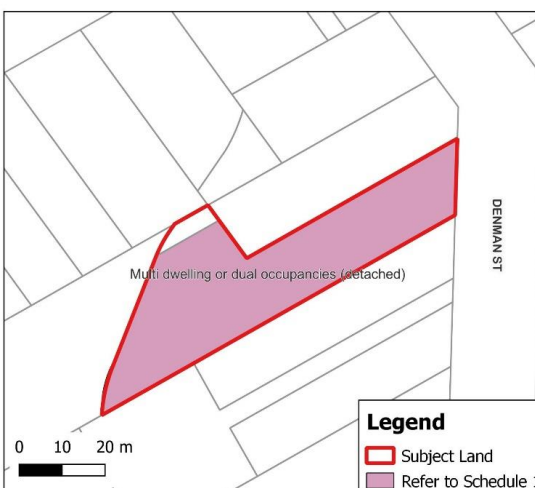
**Proposed LRA Change**



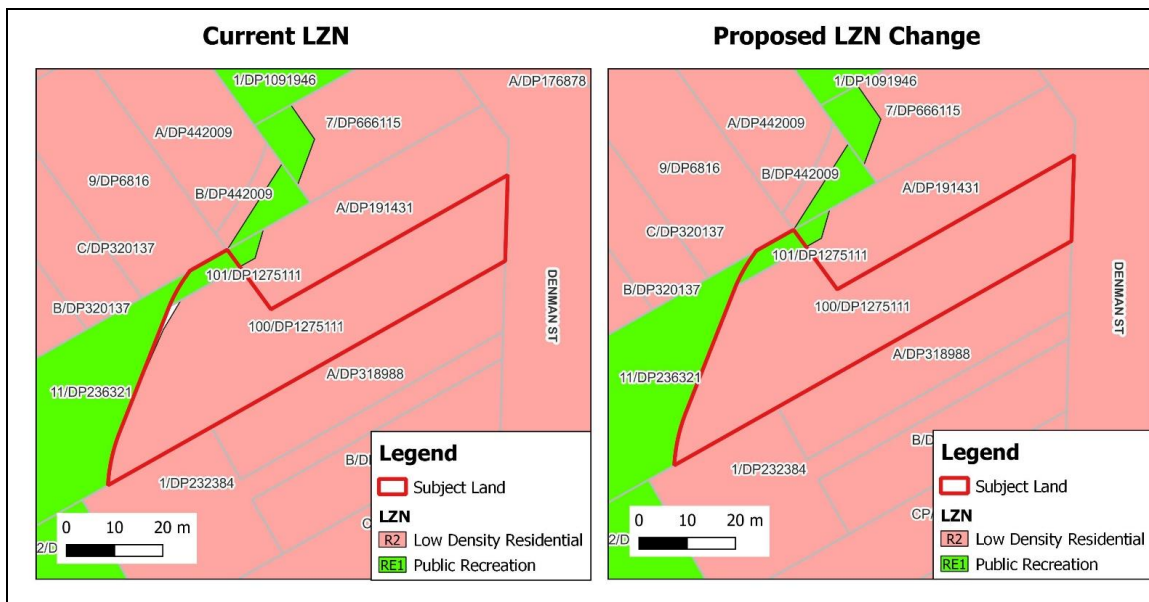
**Current APU**



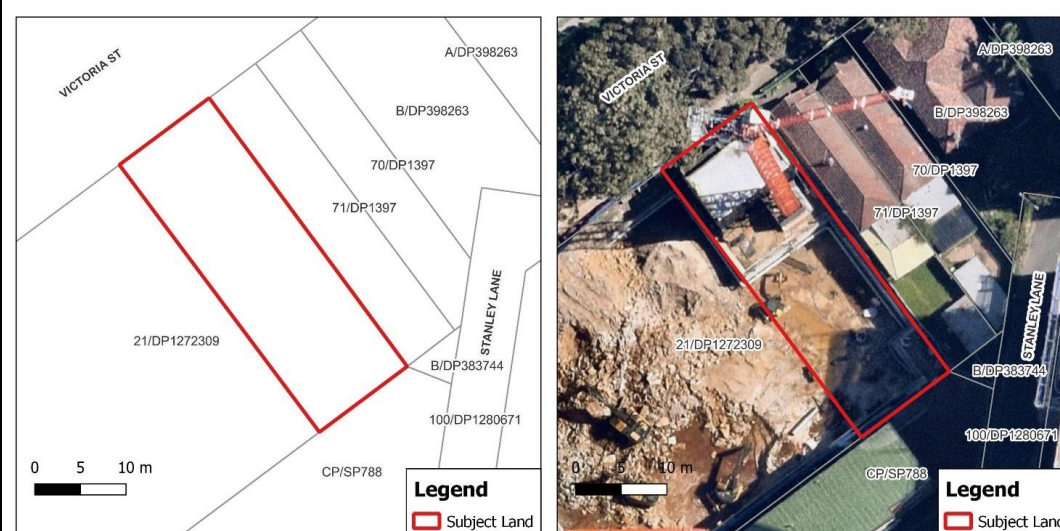
**Proposed APU Change**







### 35. Schedule 5 Environmental Heritage – Item I206 ‘Terraces and garden, “Beatrice” and “Lillyville”’

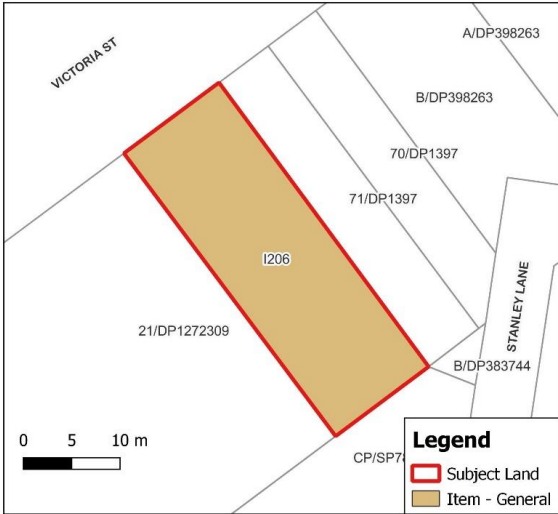
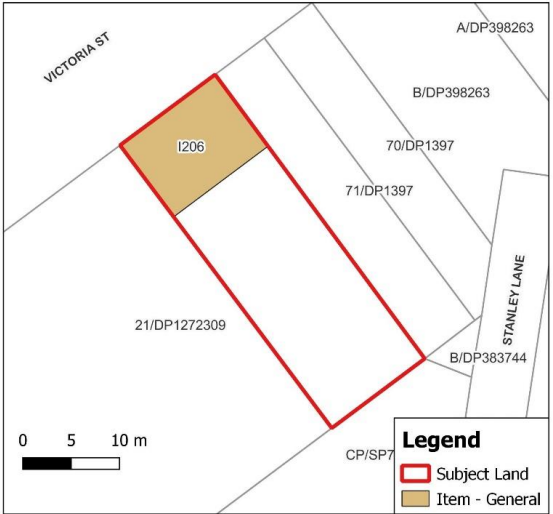


**Issue and Justification:** 14-16 Victoria Street, Kogarah (Item I206) was subject to a development application (DA2020/0128) approved by the Land and Environment Court (LEC) on 10 February 2021. The DA has resulted in the consolidation of 14-16 Victoria Street, Kogarah

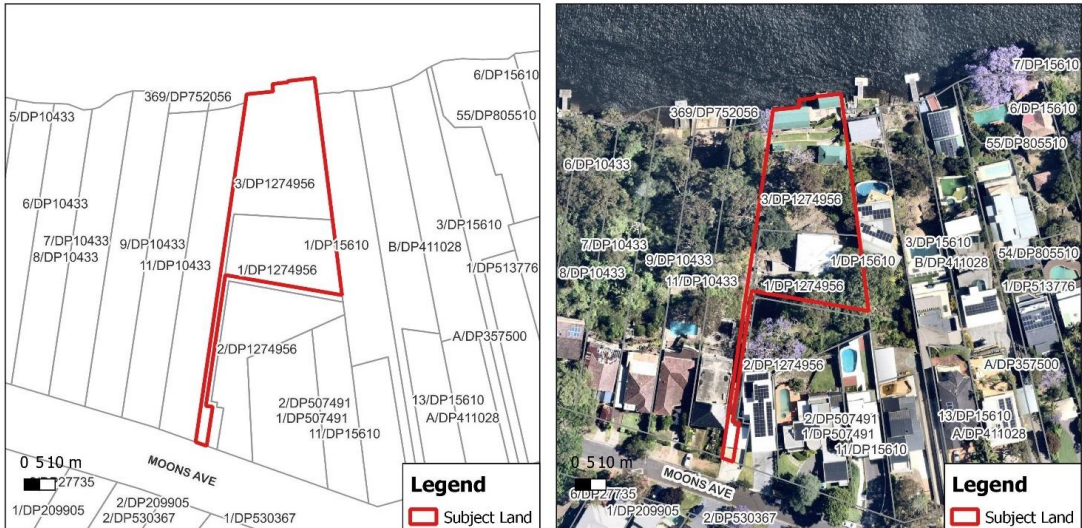


with adjoining properties, resulting in a new address of 6-16 Victoria Street, Kogarah. Schedule 5 requires updating to reflect the new consolidated site, Lot 21, DP 1272309.

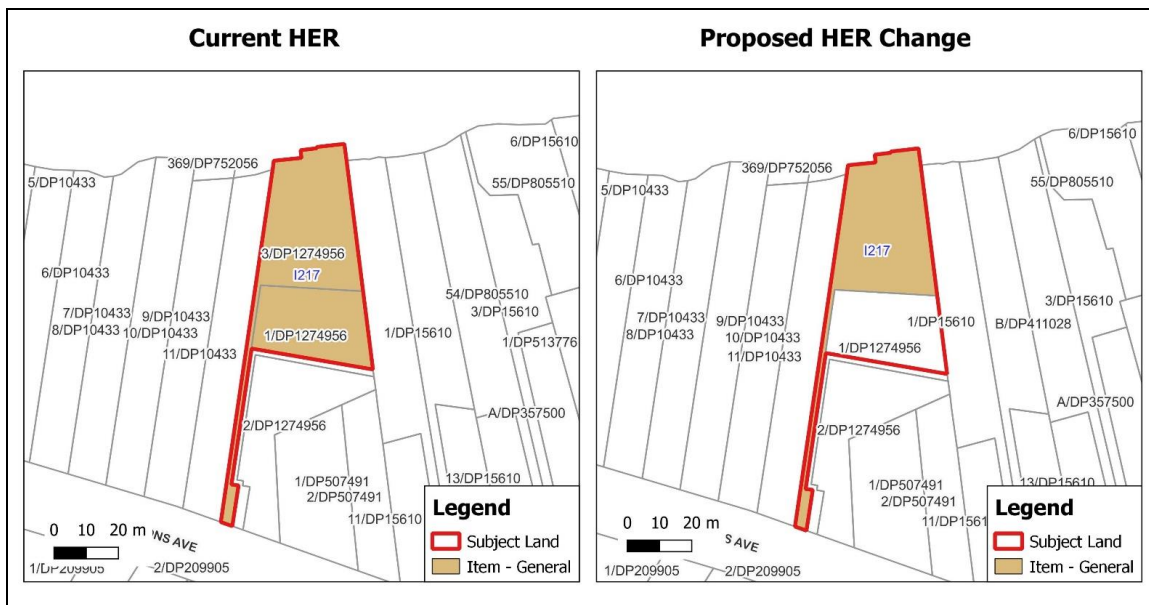
The LEC decision also approved the partial demolition of the heritage item, and retention of part of the heritage item in a manner that maintains a coherent streetscape presentation. The heritage map requires updating to reflect the current reduced curtilage of the heritage item and demolition works.

Existing Schedule 5	Proposed Schedule 5
<p><b>Item No:</b> I206</p> <p><b>Item:</b> Terraces and garden, "Beatrice" and "Lillyville"</p> <p><b>Address:</b> 14–16 Victoria Street</p> <p><b>Suburb:</b> Kogarah</p> <p><b>Property Description:</b> Lots 72 and 73, Section B, DP 1397</p> <p><b>Significance:</b> Local</p>	<p><b>Item No:</b> I206</p> <p><b>Item:</b> Terraces and garden, "Beatrice" and "Lillyville"</p> <p><b>Address:</b> Part of 6–16 <del>14–16</del> Victoria Street</p> <p><b>Suburb:</b> Kogarah</p> <p><b>Property Description:</b> Part of Lot 21, DP 1272309 <del>Lots 72 and 73, Section B, DP 1397</del></p> <p><b>Significance:</b> Local</p>
<p><b>Current HER</b></p> 	<p><b>Proposed HER Change</b></p> 



36. Schedule 5 Environmental Heritage – Item I217 ‘Cottage “Killarney” and setting’	
	
<p><b>Issue and Justification:</b> The subject land was subdivided into 2 lots to create 66A (Lot 1, DP 1274956) and 66B Moons Avenue (Lot 3, DP 1274956), Lugarno. The heritage item is located entirely on 66B Moons Avenue, so it is necessary to update the heritage mapping to reflect this.</p>	
Existing Schedule 5	Proposed Schedule 5
<p><b>Item No:</b> I217  <b>Item:</b> Cottage “Killarney” and setting  <b>Address:</b> 66A Moons Avenue  <b>Suburb:</b> Lugarno  <b>Property Description:</b> Lot 1, DP 506036  <b>Significance:</b> Local</p>	<p><b>Item No:</b> I217  <b>Item:</b> Cottage “Killarney” and setting  <b>Address:</b> <b>66A 66B</b> Moons Avenue  <b>Suburb:</b> Lugarno  <b>Property Description:</b> <b>Lot 1, DP 506036 Lot 3, DP 1274956</b>  <b>Significance:</b> Local</p>





### 37. Schedule 5 Environmental Heritage – ‘Thurlow House’, 9 Stuart Crescent, Blakehurst (Lot D DP 346635)



**Issue and Justification:** ‘Thurlow House’ at 9 Stuart Crescent, Blakehurst (Lot D, DP 346635) was added to the NSW State Heritage Register on 21 October 2016. Following the consolidation



of the former Kogarah and Hurstville LEPs, it was inadvertently omitted from Schedule 5 Environmental heritage within the consolidated GRLEP 2021.

### Proposed Amendment to Schedule 5 Environmental heritage:

**Item No:** I319

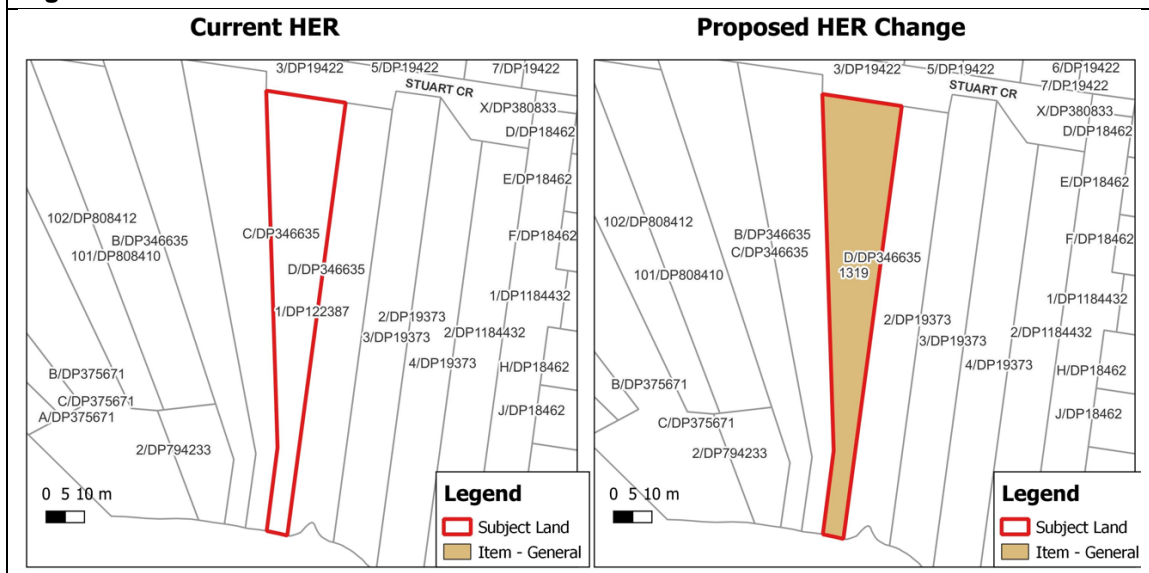
**Item:** Thurlow House

**Address:** 9 Stuart Crescent

**Suburb:** Blakehurst

**Property Description:** Lot D, DP 346635

**Significance:** State





## 5 JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

### 5.1 Section A – Need for the planning proposal

Question	Considerations
1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?	<p>The proposed amendments cover a range of instrument and mapping related matters which have been identified as administrative or housekeeping issues that need to be addressed to ensure that the GRLEP operates as originally intended and/or to improve its operation.</p> <p>While the PP is not a direct result of an endorsed LSPS, strategic study or report, it is consistent with a number of priorities within the <i>Georges River Local Strategic Planning Statement 2040</i> ('LSPS 2040') as discussed in Question 4 below.</p>
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Yes, the PP is the best and only means of addressing the administrative and housekeeping related matters that have been identified within the GRLEP 2021.

### 5.2 Section B – Relationship to the strategic planning framework

Question	Considerations
3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	<p>Yes. The PP gives effect to the following objectives within the <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i>:</p> <ul style="list-style-type: none"> <li>• <i>Objective 2. Infrastructure aligns with forecast growth.</i> The PP gives effect to this objective by updating the Land Reservation Acquisition (LRA) maps to remove the layer from sites which have already been acquired for public infrastructure (i.e. classified roads and local open space).</li> <li>• <i>Objective 10. Greater housing supply.</i> The PP gives effect to this objective by allowing an additional permitted use of residential flat buildings for a portion of land along Roberts Lane, Hurstville, consistent with the site specific DCP controls already adopted for the site.</li> <li>• <i>Objective 13. Environmental heritage is identified, conserved and enhanced.</i> The PP gives effect to this objective by amending <i>Schedule 5 Environmental Heritage</i> and the Heritage maps within the GRLEP 2021 so that all property descriptions, item names and maps are accurate for all local and State heritage items within the Georges River LGA.</li> <li>• <i>Objective 27. Biodiversity is protected, urban bushland and remnant vegetation is enhanced.</i> The PP gives effect to this objective by amending the current <i>Clause 6.12 Landscaped areas in certain residential and environment protection zones</i> to ensure that the original intent of the clause is achieved; and to ensure that semi-detached housing provides a minimum landscaped area. It also gives effect to this objective by ensuring that public reserves are zoned appropriately and that land that has been acquired for local open space purposes is removed from the LRA maps.</li> </ul>



Question	Considerations
	<ul style="list-style-type: none"> <li>• <i>Objective 37. Exposure to natural and urban hazards is reduced.</i> The PP gives effect to this objective by inserting a new clause from the Standard Instrument LEP, <i>Clause 5.22 Special flood considerations</i>. The clause applies to sensitive and hazardous development on land between the flood planning area and the probable maximum flood to build resilience in future development and reduce the extent of property damage and potential loss of life from severe to extreme flooding.</li> </ul> <p>The PP also gives effect to the planning priorities of the <i>South District Plan</i>:</p> <ul style="list-style-type: none"> <li>• <i>Planning Priority S1. Planning for a city supported by infrastructure.</i> The PP gives effect to this planning priority by updating the Land Reservation Acquisition (LRA) maps to remove the layer from sites which have already been acquired for public infrastructure (i.e. classified roads and local open space).</li> <li>• <i>Planning Priority S5. Providing housing supply, choice and affordability, with access to jobs, services and public transport.</i> The PP gives effect to this planning priority by allowing an additional permitted use of residential flat buildings for a portion of land along Roberts Lane, Hurstville, consistent with the site specific DCP controls already adopted for the site.</li> <li>• <i>Planning Priority S6. Creating and renewing great places and local centres, and respecting the District's heritage.</i> The PP gives effect to this planning priority by amending <i>Schedule 5 Environmental Heritage</i> and the Heritage maps within GRLEP 2021 so that all property descriptions, item names and maps are accurate for all local and State heritage items within the Georges River LGA.</li> <li>• <i>Planning Priority S18. Adapting to the impacts of urban and natural hazards and climate change.</i> The PP gives effect to this planning priority by inserting a new clause from the Standard Instrument LEP, <i>Clause 5.22 Special flood considerations</i>. The clause applies to sensitive and hazardous development on land between the flood planning area and the probable maximum flood to build resilience in future development and reduce the extent of property damage and potential loss of life from severe to extreme flooding.</li> </ul>
<p>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?</p>	<p>Yes. The PP is consistent with the endorsed Georges River Local Strategic Planning Statement 2040 ('LSPS 2040'), specifically the following planning priorities:</p> <ul style="list-style-type: none"> <li>• <i>P4. Collaboration supports innovation and delivers infrastructure, services and facilities.</i> The PP is consistent with this priority as it proposes to update the Land Reservation Acquisition (LRA) maps to remove the layer from sites which have already been acquired for public infrastructure (i.e. classified roads and local open space).</li> <li>• <i>P10. Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces.</i> The PP is consistent with this priority by amending the current <i>Clause 6.12 Landscaped areas in certain residential and environment protection zones</i> to ensure that the original intent of the clause is achieved; and to ensure that semi-detached housing provides a minimum landscaped area. The PP is also consistent with this</li> </ul>



Question	Considerations				
	<p>priority as it ensures that public reserves are zoned appropriately and that land that has been acquired for local open space purposes is removed from the LRA maps.</p> <ul style="list-style-type: none"> <li>• <i>P11. Aboriginal and other heritage is protected and promoted.</i> The PP is consistent with this priority as it seeks to amend <i>Schedule 5 Environmental Heritage</i> and the Heritage maps within the GRLEP 2021 so that all property descriptions, item names and maps are accurate for all local and State heritage items within the Georges River LGA.</li> <li>• <i>P17. Tree canopy, bushland, landscaped settings and biodiversity are protected, enhanced and promoted.</i> The PP is consistent with this priority as it proposes to amend the current <i>Clause 6.12 Landscaped areas in certain residential and environment protection zones</i> to rectify operational issues and to ensure that semi-detached housing provides a landscaped area.</li> <li>• <i>P19. Everyone has access to quality, clean, useable, passive and active open and green spaces and recreation places.</i> The PP is consistent with this priority as it seeks to amend the current <i>Clause 6.12 Landscaped areas in certain residential and environment protection zones</i> to ensure that the original intent of the clause is achieved; and to ensure that semi-detached housing provides a minimum landscaped area. The PP is also consistent with this priority as it ensures that public reserves are zoned appropriately and that land that has been acquired for local open space purposes is removed from the LRA maps.</li> <li>• <i>P20. Development is managed to appropriately respond to hazards and risks.</i> The PP is consistent with this priority as it seeks to insert a new clause from the Standard Instrument LEP, <i>Clause 5.22 Special flood considerations</i>. The clause applies to sensitive and hazardous development on land between the flood planning area and the probable maximum flood to build resilience in future development and reduce the extent of property damage and potential loss of life from severe to extreme flooding.</li> </ul>				
5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?	There are no other applicable State and regional studies or strategies.				
6. Is the planning proposal consistent with applicable SEPPs?	<p>The PP is consistent with the following SEPPs:</p> <table border="1"> <thead> <tr> <th data-bbox="608 1592 940 1621">SEPP</th><th data-bbox="940 1592 1378 1621">Comment on consistency</th></tr> </thead> <tbody> <tr> <td data-bbox="608 1621 940 1919"><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></td><td data-bbox="940 1621 1378 1919"> <p>This SEPP consolidates, transfers and repeals provisions of the following 11 SEPPs (or deemed SEPPs):</p> <ul style="list-style-type: none"> <li>• <i>SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)</i></li> <li>• <i>SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)</i></li> <li>• <i>SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)</i></li> <li>• <i>Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)</i></li> </ul> </td></tr> </tbody> </table>	SEPP	Comment on consistency	<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	<p>This SEPP consolidates, transfers and repeals provisions of the following 11 SEPPs (or deemed SEPPs):</p> <ul style="list-style-type: none"> <li>• <i>SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)</i></li> <li>• <i>SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)</i></li> <li>• <i>SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)</i></li> <li>• <i>Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)</i></li> </ul>
SEPP	Comment on consistency				
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	<p>This SEPP consolidates, transfers and repeals provisions of the following 11 SEPPs (or deemed SEPPs):</p> <ul style="list-style-type: none"> <li>• <i>SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)</i></li> <li>• <i>SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)</i></li> <li>• <i>SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)</i></li> <li>• <i>Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)</i></li> </ul>				



Question	Considerations
	<ul style="list-style-type: none"> <li>SEPP No 19—Bushland in Urban Areas (SEPP 19)</li> <li>SEPP No 50—Canal Estate Development (SEPP 50)</li> <li>SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)</li> <li>Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP)</li> <li>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)</li> <li>Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)</li> <li>Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP)</li> </ul> <p>The PP is not inconsistent with the SEPP.</p>
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	The PP is not inconsistent with the SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	The PP is not inconsistent with the SEPP.
State Environmental Planning Policy (Housing) 2021	The PP is not inconsistent with the SEPP.
State Environmental Planning Policy (Industry and Employment) 2021	<p>This SEPP consolidates, transfers and repeals the provisions of the following 2 SEPPs:</p> <ul style="list-style-type: none"> <li>SEPP (Western Sydney Employment Area) 2009 (Western Sydney Employment SEPP)</li> <li>SEPP 64 – Advertising and Signage (SEPP 64)</li> </ul> <p>The PP is not inconsistent with the SEPP.</p>
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development	The PP is not inconsistent with the SEPP.
State Environmental Planning Policy (Planning Systems) 2021	<p>This SEPP consolidates and repeals the provisions of the following 3 SEPPs:</p> <ul style="list-style-type: none"> <li>SEPP (State and Regional Development) 2011 (State and Regional Development SEPP)</li> <li>SEPP (Aboriginal Land) 2019 (Aboriginal Land SEPP)</li> </ul>



Question	Considerations
	<ul style="list-style-type: none"> <li>SEPP (Concurrences and Consents) 2018 (Concurrence SEPP)</li> </ul> <p>The PP is not inconsistent with the SEPP.</p>
	<p><i>State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021</i></p> <p>The PP is not inconsistent with the SEPP. The site is not the subject of a Precinct identified by the SEPP.</p>
	<p><i>State Environmental Planning Policy (Primary Production) 2021</i></p> <p>This SEPP consolidates, transfers and repeals the provisions of the following SEPPs:</p> <ul style="list-style-type: none"> <li>SEPP (Primary Production and Rural Development) 2019 (Primary Production and Rural Development SEPP)</li> <li>Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas) (Central Coast Plateau SREP)</li> </ul> <p>The PP is not inconsistent with the SEPP.</p>
	<p><i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></p> <p>This SEPP consolidates and repeals the provisions of the following 3 SEPPs:</p> <ul style="list-style-type: none"> <li>SEPP (Coastal Management) 2018 (Coastal Management SEPP)</li> <li>SEPP 33 – Hazardous and Offensive Development (SEPP 33)</li> <li>SEPP 55 – Remediation of Land (SEPP 55)</li> </ul> <p>The PP is not inconsistent with the SEPP.</p>
	<p><i>State Environmental Planning Policy (Resources and Energy) 2021</i></p> <p>This SEPP consolidates and repeals the provisions of the following 2 SEPPs:</p> <ul style="list-style-type: none"> <li>SEPP (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP)</li> <li>Sydney Regional Environmental Plan No. 9 – Extractive Industries (No 2 – 1995) (Extractive Industries SREP)</li> </ul> <p>The PP is not inconsistent with the SEPP.</p>
	<p><i>State Environmental Planning Policy (Sustainable Buildings)</i></p> <p>The PP is not inconsistent with the SEPP.</p>
	<p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></p> <p>This SEPP consolidates and repeals the provisions of the following 4 SEPPs:</p> <ul style="list-style-type: none"> <li>SEPP (Infrastructure) 2007 (Infrastructure SEPP)</li> <li>SEPP (Educational Establishments and Childcare Facilities) 2017 (Education and Childcare SEPP)</li> <li>SEPP (Major Infrastructure Corridors) 2020 (Corridor SEPP)</li> <li>SEPP (Three Ports) 2013 (Three Ports SEPP)</li> </ul>



Question	Considerations																																		
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7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?	<p>The PP is consistent with the applicable Ministerial Directions as follows:</p> <table border="1"> <thead> <tr> <th>Ministerial Direction</th><th>Comment</th></tr> </thead> <tbody> <tr> <td colspan="2"><b>1 Planning Systems</b></td></tr> <tr> <td><b>1.1 Implementation of Regional Plans</b></td><td>Consistent – The PP is consistent with: <ul style="list-style-type: none"> <li>A Metropolis of Three Cities – Greater Sydney Region Plan – see previous discussion on Question 3.</li> <li>South District Plan – see previous discussion on Question 3.</li> </ul> </td></tr> <tr> <td><b>1.2 Development of Aboriginal Land Council land</b></td><td>Consistent – The PP does not affect land shown on the Land Application Map of <i>State Environmental Planning Policy (Planning Systems) 2021</i>.</td></tr> <tr> <td><b>1.3 Approval and Referral Requirements</b></td><td>Consistent – The PP does not seek to make any additional provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.</td></tr> <tr> <td><b>1.4 Site Specific Provisions</b></td><td>Consistent – The PP does seek to add an Additional Permitted Use for certain land however the use does not impose any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</td></tr> <tr> <td colspan="2"><b>1 Planning Systems – Place-based</b></td></tr> <tr> <td><b>1.5 Parramatta Road Corridor Urban Transformation Strategy</b></td><td>NA</td></tr> <tr> <td><b>1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b></td><td>NA</td></tr> <tr> <td><b>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b></td><td>NA</td></tr> <tr> <td><b>1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b></td><td>NA</td></tr> <tr> <td><b>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b></td><td>NA</td></tr> <tr> <td><b>1.10 Implementation of the Western Sydney Aerotropolis Plan</b></td><td>NA</td></tr> <tr> <td><b>1.11 Implementation of Bayside West Precincts 2036 Plan</b></td><td>NA</td></tr> <tr> <td><b>1.12 Implementation of Planning Principles for the Cooks Cove Precinct</b></td><td>NA</td></tr> <tr> <td><b>1.13 Implementation of St Leonards and Crows Nest 2036 Plan</b></td><td>NA</td></tr> <tr> <td><b>1.14 Implementation of Greater Macarthur 2040</b></td><td>NA</td></tr> </tbody> </table>	Ministerial Direction	Comment	<b>1 Planning Systems</b>		<b>1.1 Implementation of Regional Plans</b>	Consistent – The PP is consistent with: <ul style="list-style-type: none"> <li>A Metropolis of Three Cities – Greater Sydney Region Plan – see previous discussion on Question 3.</li> <li>South District Plan – see previous discussion on Question 3.</li> </ul>	<b>1.2 Development of Aboriginal Land Council land</b>	Consistent – The PP does not affect land shown on the Land Application Map of <i>State Environmental Planning Policy (Planning Systems) 2021</i> .	<b>1.3 Approval and Referral Requirements</b>	Consistent – The PP does not seek to make any additional provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.	<b>1.4 Site Specific Provisions</b>	Consistent – The PP does seek to add an Additional Permitted Use for certain land however the use does not impose any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.	<b>1 Planning Systems – Place-based</b>		<b>1.5 Parramatta Road Corridor Urban Transformation Strategy</b>	NA	<b>1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>	NA	<b>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	NA	<b>1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	NA	<b>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>	NA	<b>1.10 Implementation of the Western Sydney Aerotropolis Plan</b>	NA	<b>1.11 Implementation of Bayside West Precincts 2036 Plan</b>	NA	<b>1.12 Implementation of Planning Principles for the Cooks Cove Precinct</b>	NA	<b>1.13 Implementation of St Leonards and Crows Nest 2036 Plan</b>	NA	<b>1.14 Implementation of Greater Macarthur 2040</b>	NA
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Question	Considerations
1.15 Implementation of the Pyrmont Peninsula Place Strategy	NA
1.16 North West Rail Link Corridor Strategy	NA
1.17 Implementation of the Bays West Place Strategy	NA
1.18 Implementation of the Macquarie Park Innovation Precinct	NA
1.19 Implementation of the Westmead Place Strategy	NA
1.20 Implementation of the Camellia-Rosehill Place Strategy	NA
1.21 Implementation of the South West Growth Area Structure Plan	NA
1.22 Implementation of the Cherrybrook Station Place Strategy	N/A
<b>2 Design and Place</b>	
<b>3 Biodiversity and Conservation</b>	
3.1 Conservation Zones	Consistent – The PP does not affect land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP.
3.2 Heritage Conservation	Consistent – The PP seeks to make minor administrative amendments to <i>Schedule 5 Environmental Heritage</i> and associated Heritage maps within the GRLEP 2021 to ensure property descriptions, item names and maps are accurate for all local and State heritage items within the Georges River LGA.
3.3 Sydney Drinking Water Catchments	NA – the PP affects the Georges River LGA which the Direction does not apply to.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	NA
3.5 Recreation Vehicle Areas	Consistent – The PP does not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i> ).
3.6 Strategic Conservation Planning	NA
3.7 Public Bushland	Consistent – The PP does not propose any changes to existing controls protecting bushland in urban areas.
3.8 Willandra Lakes Region	NA
3.9 Sydney Harbour Foreshores and Waterways Area	NA – The PP does not affect land within the Foreshores and Waterways Area as defined in the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> .
3.10 Water Catchment Protection	N/A – The PP does not propose any changes to controls that would impact on water catchments.
<b>4 Resilience and Hazards</b>	



Question	Considerations
	<p><b>4.1 Flooding</b></p> <p>Consistent – The PP proposes to adopt <i>Clause 5.22 Special flood considerations</i> which will enable Council to consider flood impacts for sensitive and hazardous development types for land between the flood planning area (FPA) and the probable maximum flood (PMF). The PP is consistent with the objectives of the Direction.</p> <p><b>4.2 Coastal Management</b></p> <p>Consistent – The PP affects land within the Coastal Zone however it does not propose an intensification of uses permitted. The PP does not propose any changes relating to coastal management.</p> <p><b>4.3 Planning for Bushfire Protection</b></p> <p>Consistent – The PP does not result in controls that place development in hazardous areas. It does not change any existing provisions relating to bushfire prone land.</p> <p><b>4.4 Remediation of Contaminated Land</b></p> <p>Consistent – The PP does not affect any known contaminated land.</p> <p><b>4.5 Acid Sulfate Soils</b></p> <p>Consistent – The PP does not seek to introduce or change provisions relating to Acid Sulfate Soils.</p> <p><b>4.6 Mine Subsidence and Unstable Land</b></p> <p>Consistent – The PP does not permit development on land that:</p> <ul style="list-style-type: none"> <li>(a) is within a mine subsidence district, or</li> <li>(b) has been identified as unstable in a study, strategy or other assessment undertaken: <ul style="list-style-type: none"> <li>(i) by or on behalf of the relevant planning authority, or</li> <li>(ii) on behalf of a public authority and provided to the relevant planning authority.</li> </ul> </li> </ul> <p><b>5 Transport and Infrastructure</b></p> <p><b>5.1 Integrating Land Use and Transport</b></p> <p>Consistent – The PP proposes minor alterations to provisions relating to urban land, however is consistent with <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p> <p><b>5.2 Reserving Land for Public Purposes</b></p> <p>Consistent – The PP proposes to remove the LRA layer from a number of parcels which have already been acquired by the relevant authority (either Council or Transport for NSW). The mapping is no longer required. Transport for NSW was consulted as part of the Gateway Determination and had no objections to the proposed removal of the LRA map as it applies to the TfNSW acquired parcels.</p> <p><b>5.3 Development Near Regulated Airports and Defence Airfields</b></p> <p>NA – The PP does not create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.</p> <p><b>5.4 Shooting Ranges</b></p> <p>NA – The PP does not seek to affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p> <p><b>6 Housing</b></p> <p><b>6.1 Residential Zones</b></p> <p>Consistent – The PP is minor and consistent with the objectives of the Direction to encourage a variety of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and minimise the impact of residential development on the environment and</p>



Question	Considerations
	resource lands. It achieves this by allowing an additional permitted use of residential flat buildings for a portion of land along Roberts Lane, Hurstville, consistent with the site specific DCP controls already adopted for the site.
<b>6.2 Caravan Parks and Manufactured Home Estates</b>	Consistent – The PP does not propose to permit development for the purposes of a caravan park or manufactured home estate.
<b>7. Industry and Employment</b>	
<b>7.1 Business and Industrial Zones</b>	Consistent – The PP gives effect to the objectives of the Direction as it proposes to amend Clause 6.13 to include the E2 Commercial Centre zone to promote active ground floor street frontages in established centres. It does not reduce the total potential floor space area for employment uses and related public services in Employment Zones.
<b>7.2 Reduction in non-hosted short-term rental accommodation period</b>	NA – The PP does not cover the Byron Shire Council area or identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out within the LGA.
<b>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</b>	NA
<b>8 Resources and Energy</b>	
<b>8.1 Mining, Petroleum Production and Extractive Industries</b>	NA – The PP does not have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.
<b>9 Primary Production</b>	
<b>9.1 Rural Zones</b>	NA – The PP does not affect any land within an existing or proposed rural zone.
<b>9.2 Rural Lands</b>	NA
<b>9.3 Oyster Aquaculture</b>	NA – The PP does not propose a change in land use which could impact on a Priority Oyster Aquaculture Area.
<b>9.4 Farmland of State and Regional Significance on the NSW Far North Coast</b>	NA

### 5.3 Section C – Environmental, social and economic impact

Question	Considerations
8. Is there any likelihood that critical habitat or threatened species, populations or ecological	No, the PP only proposes to make amendments to the LEP that are of a minor administrative or housekeeping nature so it is not expected that any critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal.



Question	Considerations
communities, or their habitats, will be adversely affected because of the proposal?	
9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	No other environmental impacts are anticipated other than positive environmental effects as a result of the proposed changes to <i>Clause 6.12 Landscaped areas in certain residential and environment protection zones</i> .
10. Has the planning proposal adequately addressed any social and economic effects?	Yes, the PP is likely to have positive social and economic effects due to the LEP operating in a more efficient and accurate manner which will better align the objectives of the instrument with appropriate development.

#### 5.4 Section D – Infrastructure (Local, State and Commonwealth)

Question	Considerations
11. Is there adequate public infrastructure for the planning proposal?	The PP does not create additional requirements for public infrastructure.

#### 5.5 Section E – State and Commonwealth Interests

Question	Considerations
12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway Determination?	<p>Council did not consult any government agencies to inform the Gateway Determination. However, in accordance with the conditions of the Gateway Determination dated 25 October 2023 (amended by alteration dated 1 February 2024), Council forwarded the PP to Transport for NSW (TfNSW), Georges River Council (GRC) – Property Team, and Heritage NSW (HNSW) for comments. Responses were received from TfNSW and HNSW. The GRC Property team reviewed the properties proposed to be removed from the Land Reservation Acquisition (LRA) map, as well as Council land proposed to be rezoned from R2 Low Density Residential to RE1 Public Recreation and supported the proposed amendments during the drafting stage of the PP. No further comments were provided during the formal public exhibition stage.</p> <p>TfNSW confirmed that it has acquired Lots 8-10 DP1268938, King Georges Road, Penshurst for road widening purposes and these are currently owned by TfNSW. They noted that the existing SP2 Infrastructure (Classified Road) zoning is proposed to be retained. TfNSW therefore raised no objections to the proposed removal of the GRLEP 2021 Land Reservation Acquisition (LRA) map as it applies to these land parcels.</p>



Question	Considerations
	<p>Heritage NSW responded that it encourages amendments to environmental planning instruments which provide for greater heritage protection, provided that all necessary due diligence, assessments and notifications have been undertaken. Prior to finalisation of the PP, Council should be satisfied that this is the case.</p> <p>These comments are noted and no changes to the exhibited PP are required as a result. Council is satisfied that all necessary due diligence, assessments and notifications have been undertaken.</p>

## 6 Maps

The PP will result in an amendment to the following maps of the Georges River LEP 2021:

- Land Zoning (LZN) map
- Land Reservation Acquisition (LRA) map
- Floor Space Ratio (FSR) map
- Additional Permitted Use (APU) map
- Heritage (HER) map

The proposed amendments are shown in Part 4 – Explanation of Provisions.

## 7 Gateway Determination

The PP was forwarded to the Department of Planning and Environment for a Gateway Determination on 28 June 2023.

A Gateway Determination was received on 25 October 2023 and is contained in **Attachment 2**.

Council requested the then DPE for an extension to the 25 April 2024 deadline for completing the LEP, specified in the Gateway Determination, to enable an extended exhibition period. On 1 February 2024, the DPHI issued an alteration to the Gateway Determination (**Attachment 3**), extending the deadline to 25 July 2024.

## 8 Community consultation

Council exhibited the PP in accordance with the requirements of Schedule 1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Gateway Determination. The PP was exhibited for a period exceeding 20 working days as specified in the Gateway Determination, taking into consideration the Christmas/New Year period, from Wednesday 6 December 2023 to Friday 26 January 2024.

Community engagement was conducted including:



- Letters sent to affected landowners and government authorities advising of the PP being placed on public exhibition;
- Advertisement in the St George and Sutherland Shire Leader Newspaper on 6 December 2023;
- Dedicated page on Council's Your Say website;
- Displays in Council's Customer Service Centres and libraries including the PP and supporting documentation; and
- Availability of telephone and face to face contact with planning officers.

One (1) community submission was received as summarised and responded to below.

Summary of submission	Council comment
<ul style="list-style-type: none"> <li>• The submission noted that the specific housekeeping amendment affecting the subject site, 9 Roberts Lane, Hurstville, is to introduce 'residential flat building' as an additional permitted use along the Roberts Lane frontage of the site.</li> <li>• The submission raised concern with a previous LEP amendment (the Landmark Square PP) which involved a Local Road Widening for Roberts Lane which has resulted in a significant reduction of his real estate value and development potential even with the additional use of residential flat building.</li> <li>• The Local Road Widening has reduced the size from approximately 1,018 square metres to approximately 650 square metres which presents onflow adverse implications with regards to the maximum Floor Space Ratio, Building Height, access to the site and car parking/vehicle arrangements.</li> <li>• The submission notes that whilst it is unlikely that Council will reconsider the Local Road Widening map due to that matter being finalised, the submission requests that the current LEP housekeeping also include changes to the Maximum Building Height Map from "Category R, 21 Metres" to "Category W, 40 Metres" with the Maximum Floor Space Ratio increased accordingly. These amendments to the LEP housekeeping would provide the property owner the ability to develop the site to its potential.</li> </ul>	<ul style="list-style-type: none"> <li>• The site is part of the Landmark Square precinct, which was subject to a PP (Hurstville LEP 2012 Amendment No. 16) that rezoned the site from IN2 Light Industrial with a FSR of 1.0:1 and a maximum height of 10m to a MU1 Mixed Use, 3.5:1 and 2:1 FSR, and a maximum height of 21m, 15m and 12m. A separate PP also resulted in a 3m wide Land Reservation Acquisition layer for future road widening along Roberts Lane, to enable widening from 6m to 9m.</li> <li>• As noted in the road widening PP, it is anticipated that the road widening will occur when a future development application is lodged seeking consent for the redevelopment of 53 Forest Road, 108 Durham Street and/or 9 Roberts Lane.</li> <li>• The request to amend the heights and FSR for the subject site is not considered minor and is not something that can be amended as a post-exhibition change. The request also lacks sufficient strategic justification at this point and further consideration of the request and how it integrates with the remainder of the Landmark Square precinct, would be required through a separate PP process.</li> </ul>



A copy of the PP was also referred to the following relevant public authorities / organisations as conditioned by the Gateway Determination:

- Transport for NSW;
- Georges River Council – Property Team;
- Heritage NSW.

Comments were received from TfNSW and HNSW as summarised below.

Summary of Public Authority Submission	Council comment
<p><i>TfNSW:</i></p> <ul style="list-style-type: none"> <li>• Confirmed that it has acquired Lots 8-10 DP1268938, King Georges Road, Penshurst for road widening purposes and these are currently owned by TfNSW.</li> <li>• Noted that the existing SP2 Infrastructure (Classified Road) zoning is proposed to be retained.</li> <li>• TfNSW therefore has no objections to the proposed removal of the GRLEP 2021 Land Reservation Acquisition (LRA) map as it applies to these land parcels.</li> </ul>	<p>Noted.</p>
<p><i>HNSW:</i></p> <ul style="list-style-type: none"> <li>• HNSW encourages amendments to environmental planning instruments which provide for greater heritage protection, provided that all necessary due diligence, assessments and notifications have been undertaken.</li> <li>• Prior to finalisation of the PP, Council should be satisfied that this is the case.</li> </ul>	<p>Noted.</p> <p>Council notified all affected owners however no submissions were received from any affected heritage owners. Council is satisfied that all necessary due diligence, assessments and notifications have been undertaken.</p>

## 9 Project Timeline

The project timeframe is as follows:

### Indicative project timeline

Stage	Timeframe/date
Consideration by the Georges River LPP	18 May 2023
Report to Council seeking endorsement to forward the PP for a Gateway Determination	26 June 2023



Stage	Timeframe/date
Gateway Determination	25 October 2023
Pre-exhibition tasks, e.g. complete technically compliant mapping	October/November 2023
Commencement and completion of public exhibition period	December 2023/January 2024
Consideration of submissions	January/February 2024
Post-exhibition review and additional studies	January/February 2024
Report to Council on the results of the community consultation and finalisation of the PP	March 2024
Submission to the Department for finalisation	March/April 2024
Gazettal of LEP amendment	May/June 2024



## **Attachments**

1. Evidence of Ownership for affected land.
2. Gateway Determination dated 25 October 2023.
3. Alteration of Gateway Determination dated 1 February 2024.



## 1. Evidence of Ownership for certain land

Part of Condition 1 of the Gateway Determination required evidence of ownership to be provided for all land affected by changes to the Land Reservation for Acquisition mapping and rezonings to RE1 Public Recreation.

Land affected by rezonings to RE1 Public Recreation:

- Lot B DP 442009, 54 Hillcrest Avenue, Hurstville
- Lot 65 DP 880971, 964A Forest Road, Lugarno
- Lot 7034 DP 1138728, The Knoll, Lugarno

11/9/23, 2:23 PM

Valnet 2i - Property Details



Session time-out: 39:59

### Valnet 2i - Property Details

#### Property Details

**Property** 1495078  
**Type** NORMAL  
**Status** CURRENT  
**District** 264 - GEORGES RIVER  
**Address** DENMAN RESERVE, 54 HILLCREST AVE, HURSTVILLE NSW 2220  
**Owner** GEORGES RIVER COUNCIL  
**Zone** RE1 - Public Recreation  
**Area** 177-M (FROM PLAN)  
**Dimensions** 21.421 IRREGULR / 20.12 X 4.029 / 15.37  
**Old Val Num** 141 05513 10000000  
**State Heritage Listing**  
**ASON (Owner)** Locked Bag 8, KOGARAH NSW 1485  
**ASON (Lessee)**



Show Property in Six Maps

#### Lot/Section/Plan

Plan Type	Plan Num	Section	Lot Type	Lot Num	Lot Area	Encumb Code 1	Encumb Code 2	Unit Ent.	Lease Num	Lease Type	Lease Area	Lease Desc.
DP	442009		WHOLE	B	177M							





NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 65/880971

SEARCH DATE	TIME	EDITION NO	DATE
13/11/2023	3:58 PM	1	3/11/1998

LAND

LOT 65 IN DEPOSITED PLAN 880971  
AT LUGARNO  
LOCAL GOVERNMENT AREA GEORGES RIVER  
PARISH OF ST GEORGE COUNTY OF CUMBERLAND  
TITLE DIAGRAM DP880971

FIRST SCHEDULE

HURSTVILLE CITY COUNCIL

SECOND SCHEDULE (7 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE
- 3 F78066 COVENANT AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM.
- 4 F97879 COVENANT AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM.
- 5 Q37456 EASEMENT FOR SUPPORT AFFECTING THE COMMON BOUNDARY WITH LOTS 13 & 14 IN DP239902
- 6 DP880971 EASEMENT TO DRAIN WATER 1 WIDE AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 7 DP520782 RIGHT OF WAY 3.66 WIDE APPURTENANT TO THE PART SHOWN SO BENEFITED IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

koggis08

PRINTED ON 13/11/2023

Obtained from NSW LRS on 13 November 2023 02:58 PM AEST

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11/9/23, 4:12 PM

Valnet 2i - Property Details



Session time-out: 39:12

## Valnet 2i - Property Details

### Property Details

**Property** 3570502  
**Type** NORMAL  
**Status** CURRENT  
**District** 264 - GEORGES RIVER  
**Address** THE KNOLL, THE KNOLL, BLAKEHURST NSW 2221  
**Owner** THE STATE OF NEW SOUTH WALES, GEORGES RIVER COUNCIL  
**Zone** RE1 - Public Recreation  
**Area** 901.46-M (CALCULATED)  
**Dimensions**  
**Old Val Num**  
**State Heritage Listing**  
**ASON (Owner)** DO NOT POST 9999  
**ASON (Lessee)** Locked Bag 8, KOGARAH NSW 1485



Show Property in Six Maps

### Lot/Section/Plan

Plan Type	Plan Num	Section	Lot Type	Lot Num	Lot Area	Encumb Code 1	Encumb Code 2	Unit Ent.	Lease Num	Lease Type	Lease Area	Lease Desc.
DP	1138728		WHOLE	7034	901.46M				R67240	CROWNRES	901.46M	The Knoll (R67240) Reserve Trust



Land affected by changes to the Land Reservation for Acquisition mapping:

- Lot B DP 346012, 11 Tavistock Road, South Hurstville
- Lots 8, 9 and 10, DP 1268938, 637-641 King Georges Road, Penshurst
- Lot 60, DP 4607, 25 Joffre Street, Hurstville
- Lot 1, DP 301901, 247 Princes Highway, Carlton
- Lot 101 DP 1275111, 5R Denman Street, Hurstville

11/13/23, 3:49 PM

Valnet 2i - Property Details



Valuer  
General

Session time-out: 38:40

**Valnet 2i - Property Details**

**Property Details**

**Property** 1505580  
**Type** NORMAL  
**Status** CURRENT  
**District** 264 - GEORGES RIVER  
**Address** 11 TAVISTOCK RD, SOUTH HURSTVILLE NSW 2221  
**Owner** GEORGES RIVER COUNCIL  
**Zone** RE1 - Public Recreation  
**Area** 524.9-M  
**Dimensions** 11.28 / 11.28 X 46.94 / 46.94  
**Old Val Num** 141 12817 10000000  
**State Heritage Listing**  
**ASON (Owner)** Post Office Box 205, HURSTVILLE BC NSW 1481  
**ASON (Lessee)**



Show Property in Six Maps

**Lot/Section/Plan**

Plan Type	Plan Num	Section	Lot Type	Lot Num	Lot Area	Encumb Code 1	Encumb Code 2	Unit Ent.	Lease Num	Lease Type	Lease Area	Lease Desc.
DP	346012		WHOLE	B	524.9M							



11/9/23, 4:17 PM

Valnet 2i - Property Details



Valuer  
General

Session time-out: 37:41

## Valnet 2i - Property Details

### Property Details

**Property** 4363318  
**Type** NONVAL  
**Status** CURRENT  
**District** 264 - GEORGES RIVER  
**Address** 637R KING GEORGES RD, PENSHURST NSW 2222  
**Owner** TRANSPORT FOR NSW  
**Zone**  
**Area** 139.2-M (FROM PLAN)  
**Dimensions** 13.425 / 13.425 X 10.365 / 10.365  
**Old Val Num**  
**State Heritage Listing**  
**ASON (Owner)** Post Office Box K659, HAYMARKET NSW 1240  
**ASON (Lessee)**



Show Property in Six Maps

### Lot/Section/Plan

Plan Type	Plan Num	Section	Lot Type	Lot Num	Lot Area	Encumb Code 1	Encumb Code 2	Unit Ent.	Lease Num	Lease Type	Lease Area	Lease Desc.
DP	1268938		WHOLE	8	139.2M							



11/9/23, 4:18 PM

Valnet 2i - Property Details



Valuer  
General

Session time-out: 39:59

## Valnet 2i - Property Details

### Property Details

**Property** 4363319  
**Type** NONVAL  
**Status** CURRENT  
**District** 264 - GEORGES RIVER  
**Address** 639R KING GEORGES RD, PENSHURST NSW 2222  
**Owner** TRANSPORT FOR NSW  
**Zone**  
**Area** 139.1-M (FROM PLAN)  
**Dimensions** 13.42 / 13.42 X 10.365 / 10.365  
**Old Val Num**  
**State Heritage Listing**  
**ASON (Owner)** Post Office Box K659, HAYMARKET NSW 1240  
**ASON (Lessee)**



Show Property in Six Maps

### Lot/Section/Plan

Plan Type	Plan Num	Section	Lot Type	Lot Num	Lot Area	Encumb Code 1	Encumb Code 2	Unit Ent.	Lease Num	Lease Type	Lease Area	Lease Desc.
DP	1268938		WHOLE	9	139.1M							



11/9/23, 4:22 PM

Valnet 2i - Property Details



Valuer  
General

Session time-out: 37:53

## Valnet 2i - Property Details

### Property Details

**Property** 4363320  
**Type** NONVAL  
**Status** CURRENT  
**District** 264 - GEORGES RIVER  
**Address** 641R KING GEORGES RD, PENSHURST NSW 2222  
**Owner** TRANSPORT FOR NSW  
**Zone**  
**Area** 201.1-M (FROM PLAN)  
**Dimensions** 15.56 / 17.68 X 10.365 / 14.685 IRREGULR  
**Old Val Num**  
**State Heritage Listing**  
**ASON (Owner)** Post Office Box K659, HAYMARKET NSW 1240  
**ASON (Lessee)**



Show Property in Six Maps

### Lot/Section/Plan

Plan Type	Plan Num	Section	Lot Type	Lot Num	Lot Area	Encumb Code 1	Encumb Code 2	Unit Ent.	Lease Num	Lease Type	Lease Area	Lease Desc.
DP	1268938		WHOLE	10	201.1M							



11/9/23, 2:19 PM

Valnet 2i - Property Details



Session time-out: 39:58

### Valnet 2i - Property Details

#### Property Details

**Property** 1496027  
**Type** NORMAL  
**Status** CURRENT  
**District** 264 - GEORGES RIVER  
**Address** 25 JOFFRE ST, SOUTH HURSTVILLE NSW 2221  
**Owner** GEORGES RIVER COUNCIL  
**Zone** RE1 - Public Recreation  
**Area** 664.31-M (CALCULATED)  
**Dimensions** 15.24 X 43.59  
**Old Val Num** 141 06047 00000000  
**State Heritage Listing**  
**ASON (Owner)** Post Office Box 205, HURSTVILLE BC NSW 1481  
**ASON (Lessee)**



Show Property in Six Maps

#### Lot/Section/Plan

Plan Type	Plan Num	Section	Lot Type	Lot Num	Lot Area	Encumb Code 1	Encumb Code 2	Unit Ent.	Lease Num	Lease Type	Lease Area	Lease Desc.
DP	4607		WHOLE	60	664.31M							

11/9/23, 2:21 PM

Valnet 2i - Property Details



Session time-out: 39:59

### Valnet 2i - Property Details

#### Property Details

**Property** 1501490  
**Type** NORMAL  
**Status** CURRENT  
**District** 264 - GEORGES RIVER  
**Address** 247 PRINCES HWY, CARLTON NSW 2218  
**Owner** GEORGES RIVER COUNCIL  
**Zone** RE1 - Public Recreation  
**Area** 822-M  
**Dimensions** 17.68 / 18.8 X 42.98 IRREGULR  
**Old Val Num** 141 09993 00000000  
**State Heritage Listing**  
**ASON (Owner)** Post Office Box 205, HURSTVILLE BC NSW 1481  
**ASON (Lessee)**



Show Property in Six Maps

#### Lot/Section/Plan

Plan Type	Plan Num	Section	Lot Type	Lot Num	Lot Area	Encumb Code 1	Encumb Code 2	Unit Ent.	Lease Num	Lease Type	Lease Area	Lease Desc.
DP	301901		WHOLE	1	822M							



11/9/23, 4:32 PM

Valnet 2i - Property Details



Valuer  
General

Session time-out: 39:59

## Valnet 2i - Property Details

### Property Details

**Property** 4392721  
**Type** NORMAL  
**Status** CURRENT  
**District** 264 - GEORGES RIVER  
**Address** 5R DENMAN ST, HURSTVILLE NSW 2220  
**Owner** GEORGES RIVER COUNCIL  
**Zone** R2 - Low Density Residential  
**Area** 56.33-M (FROM PLAN)  
**Dimensions**  
**Old Val Num**  
**State Heritage Listing**  
**ASON (Owner)** Post Office Box 205, HURSTVILLE BC NSW 1481  
**ASON (Lessee)**



Show Property in Six Maps

### Lot/Section/Plan

Plan Type	Plan Num	Section	Lot Type	Lot Num	Lot Area	Encumb Code 1	Encumb Code 2	Unit Ent.	Lease Num	Lease Type	Lease Area	Lease Desc.
DP	1275111		WHOLE	101	56.33M	EMTDRAIN	EASMENT					



## 2. Gateway Determination dated 25 October 2023



Department of Planning and Environment

### Gateway Determination

**Planning proposal (Department Ref: PP-2023-811):** *To make housekeeping amendments to the Georges River Local Environmental Plan 2021.*

I, the Executive Director of Metro East and South at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, 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 make housekeeping amendments should proceed subject to the following conditions:

#### Gateway Conditions

1. Prior to community consultation the planning proposal is to be updated to:
  - include an explanatory note that the drafting of the instrument is subject to the legal drafting process by Parliamentary Counsel;
  - remove all proposed minimum non-residential floor space requirements for the E2 Commercial Centre zone;
  - include mapping amendments to remove 25 Joffre Street, South Hurstville from the Land Reservation Acquisition Map;
  - include mapping amendments to remove 247 Princes Highway, Carlton from the Land Reservation Acquisition Map; and
  - include evidence of ownership for all land affected by changes to the Land Reservation for Acquisition mapping and rezonings to RE1 Public Recreation.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as basic as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum 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 Guideline* (Department of Planning and Environment, August 2023).



3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
  - Transport for NSW;
  - Georges River Council – Property Team; and
  - Heritage NSW.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.
4. 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).
5. Council is not authorised to exercise the functions of the local plan-making authority.
6. The timeframe for the LEP to be completed is on or before 25 April 2024.

Dated 25 October 2023



**Amanda Harvey**  
**Executive Director**  
**Metro East and South**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning and**  
**Public Spaces**



### 3. Alteration of Gateway Determination dated 1 February 2024



Department of Planning, Housing and Infrastructure

#### Alteration of Gateway Determination

*Planning proposal (Department Ref: PP-2023-811)*

I, Manager, Agile Planning at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the original Gateway determination dated 25 October 2023 for the proposed amendment to the Georges River Local Environmental Plan 2021 as follows:

1. Delete:

"condition 6"

and replace with:

a new condition 6: "The timeframe for the LEP to be completed is on or before 25 July 2024."

Dated 1 February 2024.

A handwritten signature in black ink, appearing to read "Alex Galea".

**Alexander Galea**  
Manager, Agile Planning  
Department of Planning, Housing and  
Infrastructure

**Delegate of the Minister for Planning and  
Public Spaces**



**Item:** ENV011-24 Review of Council Policies – Environment, Health and Regulatory Services

**Author:** Manager Environment Health & Regulatory Services

**Directorate:** Environment and Planning

**Matter Type:** Committee Reports

<Summary Section>

**RECOMMENDATION:**

- (a) That Council endorse the following draft Policies, as attached to this report, for the purpose of public exhibition for a minimum period of 60 days, in accordance with Section 160 of the *Local Government Act, 1993*:
- Management of Feral and Infant Companion Animals Policy (2024) (Attachment 1).
  - Georges River Smoke Free Policy for Outdoor Areas (2024) (Attachment 2).
  - Georges River Council Enforcement Policy (2024) (Attachment 3).
  - Keeping of Animals Policy (2024) (Attachment 4).
- (b) That a further report be provided to Council on the outcomes of the public exhibition.

**EXECUTIVE SUMMARY**

1. Council adopted the following Policies as detailed in Table 1:

**Table 1 – Policies for Review**

Policy Name	Adoption Date	Resolution No.	Review Date
Management of Feral and Infant Companion Animals Policy	22 February 2021	CCL005-21 (ENV002-21)	February 2024
Georges River Smoke Free Policy for Outdoor Areas	23 August 2021	CCL052-21 (INV039-21)	August 2024
Georges River Council Enforcement Policy	27 September 2021	CCL060-21 (ENV042-21)	September 2024
Keeping of Animals Policy	31 October 2022	CCL094-22 (ENV030-22)	October 2024

2. Each of the Policies in Table 1 are used by staff within the Environment, Health and Regulatory Services Section, as outlined in this Report, in the execution of their legislative functions in accordance with relevant NSW legislation.
3. The adopted Policies, which all expire in 2024, have been reviewed and no amendments are proposed as the Policies (as originally adopted) continue to provide the appropriate directions to guide the specific requirements of the Policy areas. This report is provided to Council to seek endorsement to place the Policies attached to this report on public exhibition for a period of 60 Days.



## BACKGROUND

### (a) Management of Feral and Infant Companion Animals Policy

4. At its meeting on 22 February 2021, Council considered a report (ENV002-21) regarding the Management of Feral and Infant Companion Animals Policy and resolved:
  - (a) *That Council adopt the Georges River Management of Feral and Infant Companion Animals Policy (2021) as contained in Attachment 1 to this report.*
  - (b) *That a further report be provided to Council on a future companion animal identification and de-sexing program within 12 months of the commencement of the Policy.*
5. The adoption of the Management of Feral and Infant Companion Animals Policy followed a 44-day public exhibition period which included targeted consultation with peak industry groups (RSPCA, Cat Protection Society of NSW and local veterinary practices). Two submissions in support of the Policy were received from community members and one raising concerns was received from Council's contracted impounding facility - Sydney Dogs and Cats Home (SDCH).
6. The key concerns raised in relation to the Policy related to the definition of 'Feral Animal', the assessment criteria for Feral and Infant Animals and who should conduct the assessment of an animal as either Feral or Infant. After reviewing the submission, a number of amendments were made to address the concerns in particular adopting a definition of 'Feral Animal' based on the Australian Veterinary Association's definition, clarifying that only a qualified veterinarian can conduct an assessment and a number of amendments to the Animal Assessment Forms attached to the Policy.
7. This Policy is almost exclusively used (only when necessary) by qualified veterinarians at Council's contracted impounding facility – SDCH. However, local veterinarians have the option to use the Policy in the assessment of feral or infant animal presented at their practice, however in practice any such animals will be transported to SDCH for assessment.
8. The further report required by part (b) of the resolution was provided to Council at its meeting on 25 September 2023 via ENV023-23 – Companion Animal Identification and De-sexing Program - where Council resolved:
  - (a) *That Council receive and note the information contained in this report.*
  - (b) *That Council endorse consideration of funding the Companion Animal De-sexing Program in the 2024/2025 budget.*

### (b) Georges River Smoke Free Policy for Outdoor Areas

9. At its meeting on 23 August 2021, Council considered a report (ENV039-21) regarding the Georges River Smoke Free Policy for Outdoor Areas and resolved:

*That Council adopt the Georges River Smoke-Free Policy for Outdoor Areas 2021 (as shown in Attachment 1 to the report).*
10. The adoption of the Georges River Smoke-Free Policy for Outdoor Areas 2021 followed a 42-day public exhibition period. During the exhibition period three submissions were received via the Your Say platform which supported a ban on smoking in public places.
11. This Policy is used by Council's Rangers to regulate smoking in the existing dedicated outdoor smoke free areas of Hurstville Memorial Square, Hurstville Plaza and Kogarah Town Square.

### (c) Georges River Council Enforcement Policy



12. At its meeting on 27 September 2021, Council considered a report (ENV042-21) regarding the Enforcement Policy and resolved:

*(a) That Council adopt the Georges River Council Enforcement Policy 2021 (as shown in Attachment 1 to the report).*

13. The adoption of the Georges River Council Enforcement Policy followed a 42-day public exhibition period which included targeted consultation with the NSW Independent Commission Against Corruption (ICAC). Two submissions were received from the community, one in support of a more direct approach to enforcement whilst the other related to a specific enforcement matter. A written submission was received from the ICAC which resulted in amendments to the Policy scope to include the activities that Council regulates and the provision of explanatory examples of the circumstances in which penalties would be applied and how people can notify Council of regulatory breaches.
14. This Policy is used to guide regulatory services staff in their daily decision making regarding the most appropriate enforcement option to be taken.

#### **(d) Keeping of Animals Policy**

15. At its meeting on 31 October 2022, Council considered a report (ENV030-22) regarding the Keeping of Animals Policy and resolved:

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

16. The adoption of the Keeping of Animals Policy followed a 30-day public exhibition period. During the exhibition period 14 submissions were received which were broadly categorised into the following types:

<b>Outcome</b>	<b>Number of Submissions</b>
Support for the Policy	3
Qualified support for the Policy – with comment or suggested amendment.	3
Policy neither supported nor not supported – 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

17. Given the general support for the Policy following public exhibition, the Policy was adopted with an amendment to Section 4.4 – The Keeping of Cats. The reason for the amendment, in response to a submission, was to ensure the Policy was not more onerous than the Companion Animals Act 1998 and to better clarify the roles of Council, the RSPCA and other animal welfare enforcement agencies regarding the management of animal welfare issues that may arise during the investigation of an animal amenity complaint.
18. The Policy does not apply a blanket restriction on the number of animals that can be kept on premises within the LGA. It provides a list of criteria, that may be applied when an Authorised Officer verifies a complaint regarding the keeping of animals within any premises, in an Order (Order 18) of Section 124 of the Local Government Act 1993.

#### **REPORT**

19. This section of the report discusses each of the Policies individually by outlining the aims and intent of the Policy, the use of the Policy since its last adoption, the continuing need



for the Policy, a review of the Policy and a recommendation to exhibit the Policy and any targeted consultation that will take place during the public exhibition period.

**a) Management of Feral and Infant Companion Animals Policy (2024) – Attachment 1**

20. The Companion Animals Act 1993 (NSW) (the CA Act), allows Council to sell or euthanise a seized or surrendered companion animal is not claimed or rehomed after the following holding periods have expired:
  - 7 days for unidentified animals
  - 14 days for identified animals.
21. However, Section 64(2) of the CA Act, allows a council, in accordance with any policy that has been adopted by the council in relation to the management of feral or infant companion animals to euthanise the seized or surrendered animal before the end of the above holding periods. Such a policy would also consider alternatives to euthanasia in accordance with section 64(5) of the CA Act through the use of Rehoming Organisations approved under section 88B of the CA Act who will be given the opportunity to rehome animals.
22. This provision in the CA Act acknowledges that it is often not humane or practical to detain feral or infant companion animals at Council's impound facility for various reasons. These may include biosecurity risk (i.e., transmission of disease), animal welfare or behavioural issues (e.g., feral cats), humane reasons or care requirements (i.e., infant animals which need an intense level of 'round the clock' care particularly in terms of warmth and feeding).
23. In many circumstances it is known at the time when the animal is seized or surrendered that the animal is not suitable for rehoming (e.g., feral cat). However, without a policy in place the animal is required to be kept for the minimum holding period often only to be humanely euthanised once the holding period ends. In addition to not being in the best interests of the animal this practice comes at an increasing cost to Council.
24. In relation to feral cats, it is acknowledged by the Federal Department of Agriculture, Water and the Environment that predation by feral cats currently threatens the survival of over 100 Australian native species and has already caused the extinction of a number of native birds and mammals. The NSW Department of Planning, Industry and Environment refers to feral cats as a major threat to biodiversity. The Australian Veterinary Association acknowledges that humane control of feral cats may be necessary in urban areas that support significant populations of native fauna. The implementation of the Policy, which supports the ability to appropriately manage animals found in Wildlife Protection Areas within the Council area, is therefore consistent with the Companions Animals Act 1998 (NSW), which declares that the protection of native birds and animals is an objective of animal welfare policy in NSW.
25. The Policy authorises, following assessment by a veterinarian (subject to the terms of the Policy) the humane euthanasia of feral or infant companion animals prior to the expiration of the mandatory holding periods. Euthanasia would only occur prior to the expiration of the mandatory holding periods where the animal:
  - was not considered suitable for re-homing (i.e., feral animals); or
  - where a Rehoming Organisation could not accommodate the animal; or
  - where it is not practical to retain the animal at Council's impound facility (e.g., due to the intensive care requirements of infant animals being less than eight weeks of age).
26. Council is aware of at least ten other councils across NSW that have adopted a similar policy on the management of infant and feral companion animals.



27. The Policy was previously reviewed by an independent veterinarian to seek comment on the merits of the Policy from an animal welfare perspective. The veterinary advice supported the implementation of the Policy on animal welfare grounds. Contact was also made with the RSPCA (who is the lead animal welfare agency in NSW and acts as an impounding agency for many councils) who advised that the procedures implemented at its holding facilities are consistent with those in the Policy.
28. The Policy addresses the symptoms of the broader issue within the community, of the number of unwanted companion animals and more legislative support is required to permit councils to effectively manage this issue. In this regard, Council's proposed actions to implement microchipping and de-sexing programs were considered by Council on 25 September 2023 via ENV023-23 – Companion Animal Identification and De-sexing Program. Staff have commenced discussions with animal welfare organisations and veterinarians to implement a program to support companion animal owners to identify and de-sex their animals.
29. The Policy aims to achieve the long-term outcome of reducing the number of occasions where Council and its impounding services provider are placed in a position of having to maintain animals for extended periods whose prospects of being rehomed are remote.
30. The Policy is consistent with the principles for decision-making by Councils set out in the Local Government Act 1993 (NSW), in particular with the requirements that Councils should recognise diverse local community needs and interests and consider the long term and cumulative effects on future generations, as it will result in ongoing cost-savings to the community and assist to sustain the long-term biodiversity of native fauna in the Council area.
31. The Policy also aims to provide Council with the necessary flexibility to appropriately manage feral and infant companion animals impounded in the area. It provides sufficient provisions to consider alternatives to euthanising the animal. The Policy also supports the responsible and effective use of community funds to manage these animals.
32. Since the adoption of the Policy in 2021, there were nine instances of unowned animals being rehomed prior to the expiry of the holding period and none euthanised. However, in March 2022 a Private Members amendment to the Act resulted in uncertainty over Council's ability to utilise the Policy resulting in its provisions being delayed. Legal advice obtained by Council clarified that the Policy did not conflict with the amendment to the Act and its provisions could be applied when necessary.
33. The requirements of the Policy are still considered relevant and necessary, particularly given Council's resolution to adopt the Wildlife Protection Area Policy which, to be effective, relies upon the practical application of the Management of Infant and Feral Companion Animals Policy. Following a review of the Policy, there is no need to amend the provisions of the Management of Infant and Feral Companion Animals Policy.
34. It is therefore recommended that Council endorse the Management of Infant and Feral Companion Animals Policy (2024), contained in Attachment 1, for the purpose of public exhibition for a minimum of 60 days. As occurred with the previous version of this Policy targeted consultation will also occur during this period by sending a copy of the Policy and seeking comment from the RSPCA, Sydney Dogs and Cats Home, The Cat Protection Society of NSW, local Veterinary Practices and Rescue Groups. During the exhibition period a communications campaign will also be conducted to educate the community on responsible pet ownership. It is further recommended that a future report be provided to Council on the outcomes of the public exhibition.

**b) Georges River Smoke Free Policy for Outdoor Areas (Attachment 2)**



35. The Smoke-free Environment Act 2000 (NSW) (the SF Act) banned smoking and the use of e-cigarettes in certain outdoor areas to protect people from second-hand smoke. These outdoor public areas include:
- Within 10 metres of children's play equipment in outdoor public places
  - Public swimming pools
  - Spectator areas at sports ground or other recreational areas used for organised sporting events.
  - Public transport stops and platforms, including ferry wharves and taxi ranks.
  - Within four metres of a pedestrian access point to a public building
  - Commercial outdoor dining areas.
36. The regulatory authority for the SF Act is NSW Health.
37. Section 632, 670 and 679 of the NSW Local Government Act 1993 gives councils the power to declare a nominated area to be smoke-free. The regulatory authority for these areas is Council.
38. The Smoke-Free Policy for Outdoor Areas outlines Council's commitment to improving the health of its community and the natural environment and amenity by reducing the community's exposure to passive smoking and reducing cigarette butt litter.
39. The Policy addresses four key points including:
- Outlining key principles and scope for establishing the Smoke-Free Policy.  
These include protecting the health and wellbeing of the community and improving the natural environment and local amenity by restricting outdoor smoking at Council owned or occupied land or buildings.
  - Establishing outdoor areas owned or occupied by Council as Designated Smoke Free Areas as required by the Smoke-Free Environment Act 2000 Act (NSW) and the Local Government Act 1993 (NSW).  
The Designated Smoke Free Areas under the Policy are those outdoor areas specified in the Smoke-Free Environment Act 2000 Act (NSW) and the large public domain areas previously declared by Council, being Hurstville Memorial Square, Hurstville Plaza and Kogarah Town Square.
  - Providing criteria to be used by Council in determining other locations suitable to be Designated Smoke-Free Areas under the Policy.  
The Policy contains criteria for declaring additional Designated Smoke Free Areas at large public domain locations:
    - of significant community congregation
    - where visitors will have an extended stay due to the presence of seating/tables
    - where significant community complaint has been received regarding outdoor smoking
    - that can be easily defined from adjoining premises/land uses.
  - Clarifying the appropriate enforcement agencies for Designated Smoke-Free Areas listed in the Policy.  
NSW Health is the enforcement agency for the Designated Smoke Free Areas under the Smoke Free Environment Act 2000 (NSW). Council is the enforcement agency for the Designated Smoke Free Areas under the Local Government Act 1993 (NSW).



40. Council is aware that at least 11 other councils across NSW have adopted a similar policy, whilst seven other councils emphasised the SF Act or Smoke-Free areas on their website publication.
41. With regard to enforcement of outdoor smoke free areas, an existing agreement is in place to report frequent non-compliant areas to NSW Health for investigation and action. Council's Rangers have received only three requests relating to complaints of people smoking in the declared areas since the installation of notification signage installed under the Local Government Act 1993 prohibiting smoking. These signs have enabled Rangers to undertake an ongoing program of patrols, including handing out educational fliers in both English and Chinese, to educate members of the public on their responsibilities and take regulatory action where necessary.
42. The provisions of the Policy still remain relevant as they provide Council with the ability to regulate outdoor smoking for the benefit of the community in key outdoor areas where the community congregate. Following a review of the Policy there is no need to amend the provisions of the Georges River Smoke Free Policy for Outdoor Areas.
43. It is therefore recommended that Council endorse the Georges River Smoke Free Policy for Outdoor Areas (2024), contained in Attachment 2, for the purpose of public exhibition for a minimum of 60 days. It is further recommended that a future report be provided to Council on the outcomes of the public exhibition.

**c) Georges River Council Enforcement Policy (Attachment 3)**

44. Council first adopted an Enforcement Policy at its meeting on 3 July 2017 with a purpose of providing a framework to ensure the investigation and detection of any breach of the law will be conducted in a fair, lawful, consistent, transparent and professional manner and with a thorough consideration of all available facts, to assist Authorised Officers in making decisions in regulatory functions.
45. The Policy aims to provide the community with an understanding of the types of enforcement and prosecution actions available to Council, the guiding principles used in making decisions about enforcement and prosecution actions and examples of where such actions may be taken.
46. The Policy outlines the following guiding principles which Authorised Officers will consider prior to deciding to enforce or prosecute:

**Use of Discretion** – deciding whether to take enforcement or prosecution action in responses to evidence of unlawful activity.

**Procedural Fairness** – ensure that its enforcement and prosecution processes afford natural justice.

**Previous conduct** – ensure that communication is clear in relation to Council's previous actions and how these actions impact on a specific circumstance prior to deciding to take enforcement or prosecution action.

**Nature of the activity** – consider the nature and extent of the activity prior to making a decision to take enforcement or prosecution action including:

- If the breach was a trivial or technical nature,
- If there were any aggravating circumstances, and
- If there was any third or environmental harm.

**Delay in taking action** – ensure that decisions to take enforcement or prosecution action are made without undue delay.



**Public interest** – the cost/benefit of taking enforcement or prosecution action in circumstances where the non-compliance can be easily remedied or where Council approval could have been obtained needs to be balanced against the cost of any action.

**Impartiality** – ensure enforcement decisions will not be influenced by:

- An individual's race, religion, gender, nation of origin or political associations, activities, or beliefs.
- Possible political advantage or disadvantage to Council or any other party.
- The possible impact of the decision on the personal or professional circumstances of any party.
- Possible media or community reaction to the decision.
- A conflict of interest (real or perceived) as contained within the Council's Code of Conduct.

**Reputation of the Council** – any decision regarding enforcement or prosecution action will be made in a sound and ethical manner so not damage, harm nor tarnish the professional reputation of the Council.

47. The Policy also outlines a range of enforcement and prosecution options available to Council ranging from education, warning letters, Notices and Orders, Enforcement of Orders, Penalty Notices and Court Attendance Notices. It further provides some guidance as to the circumstances when Council will issue a Penalty Notice or Court attendance Notices and in which Court Council will prosecute matters.
48. The Policy concludes with responsibility statements for Council Staff and Councillors in the implementation of the Policy.
49. The provisions of the Policy still remain relevant as the Policy is a useful resource not just for regulatory service staff who use it on a daily basis to guide decision making on the most appropriate enforcement option to be taken during an investigation but for the community to understand the regulatory process. Following a review of the Policy, there is no need to amend the provisions of the Georges River Council Enforcement Policy.
50. It is therefore recommended that Council endorse the Georges River Council Enforcement Policy (2024), contained in Attachment 3, for the purpose of public exhibition for a minimum of 60 days. As the current version of the Policy was adopted following comment from the NSW Independent Commission Against Corruption, it is not considered necessary to seek further comment from the ICAC. It is further recommended that a future report be provided to Council on the outcomes of the public exhibition.

**d) Keeping of Animals Policy (2024) (Attachment 4)**

51. The *Local Government Act, 1993* (the LG 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".
52. 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.



53. 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 LG Act to prepare a Local Orders Policy (LOP) on the keeping of Animals.
54. The 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. The policy seeks to inform the community of Council's regulatory powers concerning the keeping of animals within the Georges River Local Government Area (LGA). The 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.
55. The Policy also provides guidance where concerns include both amenity and animal welfare issues and, in such cases, advice will be obtained from an animal welfare enforcement agency. 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.
56. Since the adoption of the Keeping of Animals Policy 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
2023	49	Roosters, cats, pigeons, goats and chickens

57. The requirements of the Policy are still considered relevant and necessary, and 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 support of an overarching Policy to assist with the resolution of these matters on behalf of the community, is most beneficial to Council staff. Following a review of the Policy, there is no need to amend the provisions of the Keeping of Animals Policy.
58. It is therefore recommended that Council endorse the Keeping of Animals Policy (2024), contained in Attachment 4, for the purpose of public exhibition for a minimum of 60 days. As occurred with the previous version of this Policy targeted consultation will also occur during this period by sending a copy of the Policy and seeking comment from 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 and the Central Cumberland Racing Pigeon Federation Inc. It is further recommended that a future report be provided to Council on the outcomes of the public exhibition.

## FINANCIAL IMPLICATIONS

59. No budget impact for this report.

## RISK IMPLICATIONS



60. No risks identified.


## COMMUNITY ENGAGEMENT

61. Community engagement on the Policies will be conducted for a period of 60 days via an advertisement in the local paper and requesting feedback on the Your Say page of Council's website.
62. Where appropriate, targeted consultation will occur, as outlined in this report, with key stakeholders, industry/community groups to seek comment on the relevant Policy.


## FILE REFERENCE


D24/28342

## ATTACHMENTS

Attachment [↓](#)1  Draft Management of Feral and Infant Companion Animals Policy - March 2024

Attachment [↓](#)2  Draft Georges River Smoke Free Policy for Outdoor Areas - March 2024

Attachment [↓](#)3  Draft Enforcement Policy - March 2024

Attachment [↓](#)4  Draft Keeping of Animals Policy - March 2024





# Draft Management of Feral and Infant Companion Animals Policy

March 2024



## Policy administration

<b>Dates</b>	Policy approved xxx This policy is effective upon its approval. Policy is due for review xxx
<b>Approved by</b>	Council Meeting xxx Council Resolution xxx
<b>Policy Type</b>	<input type="checkbox"/> Executive Policy <input checked="" type="checkbox"/> Council Policy
<b>Exhibition Period</b>	xxx to xxx
<b>Policy Owner</b>	Manager Environment, Health and Regulatory Services Environment and Planning Unit
<b>Related Documents</b>	Council's Enforcement Policy
<b>Appendices</b>	Appendix A – Feral Companion Animal Assessment Form Appendix B – Infant Companion Animal Assessment Form
<b>References &amp; Legislation</b>	<ul style="list-style-type: none"> <li>Prevention of Cruelty to Animals Act 1979 <a href="#">Prevention of Cruelty to Animals Act 1979</a></li> <li>Companion Animals Act 1998 (NSW) <a href="#">Companion Animals Act 1998 (NSW)</a></li> <li>Local Government Act 1993 (NSW) <a href="#">Local Government Act 1993 (NSW)</a></li> <li>Public Spaces (Unattended Property) Act 2021 (NSW) <a href="#">Public Spaces (Unattended Property) Act 2021 No 38 - NSW Legislation</a></li> </ul>
<b>Document Identifier</b>	Policy #: Pol-075.01 Doc Number: D21/053428
<b>Breaches of Policy</b>	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.
<b>Record Keeping</b>	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 outlines humane assessment criteria to be applied in the management of Feral or Infant Companion Animals, which have been lawfully seized or surrendered.

## Scope

This Policy applies to the assessment and management of any Feral or Infant Companion Animal which has been lawfully seized or surrendered within the local government area of Georges River Council that is not suitable for re-homing, or able to be housed at Council's Impounding Facility.

## Definition of Terms

Term	Meaning
Approved Premises	As defined in the <a href="#">Companion Animals Act 1998</a> (NSW)
Authorised Officer	An employee of Georges River Council with delegated authority under the <a href="#">Companion Animals Act 1998</a> (NSW)
Companion Animal	As defined in the <a href="#">Companion Animals Act 1998</a> (NSW)
Council	Georges River Council
Council's Impounding Facility	As nominated in Council's Impounding Facility contract from time to time.
Feral Animal	Wild Companion Animal that has escaped domestication. It is born outside human society and has had no or minimal contact with people.
Infant Animal	Companion Animal that appears to be under 8 weeks of age, and which is unable to feed or fend for itself without the assistance of another animal or person.
Statutory Holding Period	As defined in s 64 of the <a href="#">Companion Animals Act 1998</a> (NSW).

## Policy Statement

### 1. General Principles

- 1.1. This Policy provides for the humane assessment and management of Feral or Infant Companion Animals that are deemed unsuitable for re-homing or which are not able to be housed at Georges River Council's Impounding Facility.



- 1.2. This Policy authorises their humane euthanasia before the end of any Statutory Holding Period in certain circumstances, in accordance with this Policy and as permitted under Section 64 (2) of the [Companion Animals Act 1998](#) (NSW).

### 1.3. Feral Companion Animals

- 1.3.1. Feral Companion Animals accepted into Council's Impounding Facility or held at any Approved Premises within Council's local government area may be humanely euthanised at any time prior to the expiration of the relevant Statutory Holding Period, provided the following requirements are observed:

- a) Upon the intake of a Companion Animal that appears to be 'Feral' at an Approved Premises or at Council's Impounding Facility, an Animal Assessment Form (Appendix A) is to be completed by a veterinarian to verify the assessment of the Companion Animal as 'Feral'.
- b) A record of the completed Animal Assessment Form is to be retained at the Approved Premises or Impounding Facility for provision to Council upon request.

### 1.4. Infant Companion Animals

- 1.4.1. Infant Companion Animals accepted into Council's Impounding Facility or held at any Approved Premises within Council's local government area may be humanely euthanised at any time prior to the expiration of the relevant Statutory Holding Period, provided the following requirements are observed:

- a) Upon the intake of a Companion Animal that appears to be an Infant at an Approved Premises or at Council's Impounding Facility, an Animal Assessment Form (Appendix B) is to be completed by a veterinarian to verify the assessment of the Companion Animal as 'Infant'.
- b) Following the completion of an Animal Assessment Form the following options are to be applied:
  - i. If the Infant Companion Animal is of such a size and age that survival in the long term would be remote, humane euthanasia is authorised under this Policy.
  - ii. If the Infant Companion Animal is of such a size and age that survival is possible through intensive care of an approved animal rescue organisation, then Council authorises the release of the Infant Companion Animal as an alternative to euthanasia, subject to the early release conditions as outlined within this Policy.

### 1.5. Early release as an alternative to euthanasia

- 1.5.1. Companion Animals identified as being Infant may be released on a permanent basis prior to the expiration of the Statutory Holding Period as an alternative to euthanasia, or on the basis that such action is in the best interest of the Infant Companion Animal's welfare.

- 1.5.2. Early release is subject only to the Infant Companion Animal being released to one of the following organisations:

- a) Royal Society for the Prevention of Cruelty to Animals NSW; or



- b) Any animal rehoming organisation approved by the Departmental Chief Executive, Local Government NSW under clause 88B of the [Companion Animals Act 1998 \(NSW\)](#).

## Responsibilities

Position	Responsibility
<b>Authorised Officer (within the Environment Health and Regulatory Services Section)</b>	<ul style="list-style-type: none"> <li>To effectively participate in policy training.</li> <li>To follow the policy outlined.</li> <li>To report any barriers or concerns relating to policy implementation to the Coordinator without undue delay.</li> <li>To effectively participate in document review.</li> <li>To make decision relating to the investigation of alleged unlawful activity with the support of the Coordinator.</li> </ul>
<b>Coordinator Parking and Rangers</b>	<ul style="list-style-type: none"> <li>To effectively train, guide and monitor staff in policy implementation.</li> <li>To effectively respond to reported concerns or barriers to policy implementation.</li> <li>To be an active advocate for policy implementation.</li> <li>To effectively coordinate and participate in policy review.</li> <li>To ensure policy requirements remain consistent with Council Policy and Organisational objectives.</li> <li>To review decisions relating to investigation of alleged unlawful activity made by an Authorised Officer.</li> </ul>
<b>Manager Environment Health and Regulatory Services</b>	<ul style="list-style-type: none"> <li>To effectively respond to reported concerns or barriers to policy implementation.</li> <li>To be an active advocate for policy implementation.</li> <li>To effectively coordinate and participate in policy review.</li> <li>To ensure policy requirements remain consistent with Council Policy and organisational objectives.</li> </ul>

## Version Control and Change History

Version	Amendment Details	Policy Owner	Period Active
1.0	New Georges River Management of Feral and Infant Companion Animals Policy	Manager Environment, Health and Regulatory Services	22/02/2021 - ongoing





# Draft Georges River Smoke Free Policy for Outdoor Areas

March 2024



## Policy administration

<b>Dates</b>	Policy approved xxx This policy is effective upon its approval. Policy is due for review xxx
<b>Approved by</b>	Council Meeting xxx Council Resolution xxx
<b>Policy Type</b>	<input type="checkbox"/> Executive Policy <input checked="" type="checkbox"/> Council Policy
<b>Exhibition Period</b>	xxx – xxx
<b>Policy Owner</b>	Manager - Environment, Health and Regulatory Services Environment and Planning Unit
<b>Related Documents</b>	Council's <a href="#">Enforcement Policy</a>
<b>References &amp; Legislation</b>	<ul style="list-style-type: none"> <li>Smoke-Free Environment Act, 2000 (NSW) <a href="#">Smoke-Free Environment Act, 2000 (NSW)</a></li> <li>Local Government Act, 1993 (NSW) <a href="#">Local Government Act, 1993 (NSW)</a></li> <li>NSW Environment Protection Authority – Reducing cigarette butt litter <a href="#">Reducing cigarette butt litter</a></li> </ul>
<b>Document Identifier</b>	Policy #: Pol-081.01 Doc #: D21/213211
<b>Breaches of Policy</b>	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.
<b>Record Keeping</b>	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 outlines Council's commitment to improving the health of its community and the natural environment and amenity by reducing the community's exposure to passive smoking and reducing cigarette butt litter.

## Scope

This Policy applies to the use of Council owned or occupied land or buildings identified under this Policy as Designated Smoke Free Areas.

This Policy should be read in conjunction with the [Smoke-Free Environment Act, 2000 \(NSW\)](#) the [Local Government Act, 1993 \(NSW\)](#) and Council's [Enforcement Policy](#)

## Definition of Terms

Term	Meaning
Authorised Officer	An employee of Georges River Council provided with delegated authority to act under the <a href="#">Local Government Act, 1993 (NSW)</a>
Community	People that live, work or invest in Georges River local government area. More specifically, Community includes residents, ratepayers, business owners, sporting groups, not-for-profit organisations, schools, religious institutions and State and Federal agencies.
Council	Georges River Council
Outdoor Areas	Those listed under Section 2 of this Policy - Designated Smoke Free Areas.
Public Space	Also known as public land. Any land (including community land and operational land) vested in or under the control of Council, but does not include: <ul style="list-style-type: none"> <li>a) A public road; or</li> <li>b) Land to which the <i>Crown lands Act 1989</i> applies; or</li> <li>c) A common; or</li> <li>d) Land subject to the <i>Trustee of Schools of Arts Enabling Act 1902</i> or</li> <li>e) A regional park under the <i>National Parks and Wildlife Act 1974</i></li> </ul>

## Policy Statement

### 1. Guiding Principles

1.1. This Policy recognises that Council has:

- a) An important leadership role in protecting the health and wellbeing of the community;



- b) An understanding of the adverse health effects of passive smoking in regard to indoor and outdoor areas;
- c) An obligation to provide assets and services intended to benefit the health and wellbeing of the community; and
- d) A commitment to improving the natural environment and the local area's amenity by reducing the amount of cigarette butt litter found in outdoor spaces.

## 2. Designated Smoke Free Areas

2.1. The [Smoke-Free Environment Act, 2000 \(NSW\)](#) lists the following outdoor areas to be Smoke-Free areas across NSW:

- a) Within 10 meters of children's play equipment,
- b) Swimming pool complexes,
- c) Spectator areas of sporting grounds or other recreational areas when organised sporting events are being held,
- d) Within four metres of a pedestrian access point to a building,
- e) Bus stop and taxi ranks, and
- f) Commercial outdoor dining areas.

2.2. Section 632 of the [Local Government Act, 1993 \(NSW\)](#) gives powers to Council to erect Smoke-Free notices or signs in a public place within the Local Government Area. Currently, these areas include:

- a) Hurstville Memorial Square,
- b) Hurstville Plaza, and
- c) Kogarah Town Square

2.3. The following criteria will be used by Council in determining the suitability of other Council owned or occupied land to be Designated Smoke-Free Areas under this Policy:

2.3.1 Large public domain areas:

- a) of significant community congregation
- b) where visitors will have an extended stay due to the presence of seating/tables
- c) where significant community complaint has been received regarding outdoor smoking



- d) that can be easily defined from adjoining premises/land uses.

### 3. Enforcement

- 3.1. NSW Health is the enforcement agency for the Designated Smoke Free Areas under 2.1 of this Policy in accordance with the [Smoke-Free Environment Act, 2000 \(NSW\)](#). Breaches of this Act are investigated and actioned by NSW Health Officers.
- 3.2. Section 632, 670 and 679 of the [Local Government Act, 1993 \(NSW\)](#) gives Council power to:
- a) Erect notices or signs in a public place within the local government area prohibiting smoking.
  - b) Issue penalty notices, by Council's authorised officers, to any person who fails to comply with the terms of the notice or sign erected by Council.
  - c) Allow Council's authorised officers to obtain the name and address of any person reasonably suspected to have breached the directions on the notice or sign.
  - d) Prohibit smoking on land, building, vehicle owned or occupied by Council as a condition of use or entry.
- 3.3. Council is the enforcement agency for the Designated Smoke Free Areas under 2.2 of this Policy in accordance with the [Local Government Act, 1993 \(NSW\)](#).

### Responsibilities

Position	Responsibility
<b>Authorised Officer (within Environment Health and Regulatory Services Section)</b>	<ul style="list-style-type: none"> <li>To effectively participate in policy training.</li> <li>To follow the policy outlined.</li> <li>To report any barriers or concerns relating to the policy implementation to the Coordinator without undue delay.</li> <li>To effectively participate in document review.</li> <li>To make decisions relating to the investigation of alleged unlawful activity with the support of the Coordinator.</li> </ul>
<b>Team Leader and Coordinator (within Environment Health and Regulatory Services Section)</b>	<ul style="list-style-type: none"> <li>To effectively train, guide and monitor staff in policy implementation.</li> <li>To effectively respond to reported concerns or barriers to policy implementation.</li> <li>To be an active advocate for policy implementation.</li> <li>To effectively coordinate and participate in the policy review</li> <li>To ensure policy requirements remain consistent with Council Policy and organisational objectives.</li> <li>To review decisions relating to investigations of alleged unlawful activity made by an Authorised Officer.</li> </ul>
<b>Manager Environment Health and Regulatory Services</b>	<ul style="list-style-type: none"> <li>To effectively respond to reported concerns or barriers to policy implementation.</li> <li>To be an active advocate for policy implementation.</li> </ul>



	<ul style="list-style-type: none"> <li>To effectively coordinate and participate in the policy review.</li> <li>To ensure policy requirements remain consistent with Council Policy and organisational objectives.</li> </ul>
<b>Councillors</b>	<ul style="list-style-type: none"> <li>To refer customers that have allegations of unlawful activity to appropriate Council officers/ Managers to ensure appropriate action is taken.</li> <li>Councillors are not to make decisions around the way unlawful activities are investigated and/or prosecuted.</li> <li>Councillors are prohibited from involvement day to day operations and management decisions around enforcement and prosecution.</li> <li>Councillors can assist individuals who raise concerns with them by satisfying themselves that the Council's policies are being carried out correctly.</li> </ul>

### Version Control and Change History

Version	Amendment Details	Policy Owner	Period Active
<b>KCC</b>	Form Kogarah City Council Policy revoked	Kogarah – Environmental Health and Regulatory Services	24/03/2014 – 22/06/2020
<b>1.0</b>	Complete new Georges River Smoke Free Policy for Outdoor Areas	Manager Environment Health and Regulatory Services	23/08/2021 - ongoing





# Draft Enforcement Policy

March 2024



## Policy administration

<b>Dates</b>	Policy approved xxx This policy is effective upon its approval. Policy is due for review xxx
<b>Approved by</b>	Council Meeting xxx Council Resolution xxx
<b>Policy Type</b>	<input type="checkbox"/> Executive Policy <input checked="" type="checkbox"/> Council Policy
<b>Exhibition Period</b>	Xxxx to xxx
<b>Policy Owner</b>	Manager Environment, Health and Regulatory Services Environment and Planning Unit
<b>Related Documents</b>	Supporting documents, procedures and forms for this policy
<b>References &amp; Legislation</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act, 1979 (NSW) <a href="#">Environmental Planning and Assessment Act 1979 (NSW)</a></li> <li>• Protection of the Environment Operations Act, 1997 (NSW) <a href="#">Protection of the Environment Operations Act 1997 (NSW)</a></li> <li>• Road Transport Act, 2013 (NSW) <a href="#">Road Transport Act, 2013 (NSW)</a></li> <li>• Companion Animals Act, 1998 (NSW) <a href="#">Companion Animals Act, 1998 (NSW)</a></li> <li>• Noxious Weeds Act, 1993 (NSW) <a href="#">Noxious Weeds Act, 1993 (NSW)</a></li> <li>• Public Health Act, 2010 (NSW) <a href="#">Public Health Act, 2010 (NSW)</a></li> <li>• Swimming Pools Act, 1992 (NSW) <a href="#">Swimming Pools Act, 1992 (NSW)</a></li> <li>• Food Act, 2003 (NSW) <a href="#">Food Act, 2003 (NSW)</a></li> <li>• Public Spaces (Unattended Property) Act, 2021 (NSW) <a href="#">Public Spaces (Unattended Property) Act, 2021 (NSW)</a></li> <li>• Roads Act 1993 (NSW) <a href="#">Roads Act, 1993 (NSW)</a></li> <li>• Graffiti Control Act 2008 (NSW) <a href="#">Graffiti Control Act, 2008 (NSW)</a></li> <li>• Local Government Act, 1993 (NSW) <a href="#">Local Government Act, 1993 (NSW)</a></li> <li>• Water Management Act 2000 (NSW) <a href="#">Water Management Act, 2000 (NSW)</a></li> </ul>



<b>Document Identifier</b>	Policy #: Pol-009.02 Doc #: D17/118209
<b>Breaches of Policy</b>	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.
<b>Record Keeping</b>	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

The purpose of this policy is to provide a framework to ensure the investigation and detection of any breach of the law will be conducted in a fair, lawful, consistent, transparent and professional manner and with a thorough consideration of all available facts, to assist Council and its Authorised Officers in making decisions in its regulatory functions.

## Scope

This Policy applies to all areas within the Georges River local government area, and to officers who are authorised to investigate unlawful activity including, but not limited to:

- Development and building control
- Tree preservation
- Fire safety
- Swimming pools
- Public health and safety
- Food safety
- Pollution control
- Environmental health
- Companion animals
- Roads and footpaths
- Parks and reserves
- Illegal dumping



## Definition of Terms

Term	Meaning
Authorised Officer	An employee of Council with delegated authority under relevant legislation.
Coercive	To complete by forcible action.
Procedural Fairness	The rules or principles developed to ensure that decision making is fair and reasonable.
Unlawful activity	Includes both an act and/or an omission.

## Policy Statement

### 1. Guiding Principles for Enforcement

- 1.1. Prior to making a decision to enforce or prosecute, the Council or its Authorised Officers will consider the following guiding principles.
- 1.2. Use of Discretion - deciding whether to take enforcement or prosecution action in response to evidence of unlawful activity.
- 1.3. Procedural Fairness - ensure that its enforcement and prosecution processes afford natural justice.
- 1.4. Previous conduct - ensure that communication is clear in relation to Councils previous actions and how these actions impact on a specific circumstance prior to deciding to take enforcement or prosecution action.
- 1.5. Nature of the activity - consider the nature and extent of the activity prior to making a decision to take enforcement or prosecution action including:
  - If the breach was of a trivial or technical nature,
  - If there were any aggravating circumstances, and
  - If there was any third party or environmental harm.
- 1.6. Delay in taking action - ensure that decisions to take enforcement or prosecution action are made without undue delay.
- 1.7. Public interest - the cost/benefit of taking enforcement or prosecution action in circumstances where the non-compliance can be easily remedied or where Council approval could have been obtained needs to be balanced against the cost of any action.



1.8. Impartiality – ensure enforcement decisions will not be influenced by:

- An individual's race, religion, sex, nation of origin or political associations, activities or beliefs
- Possible political advantage or disadvantage to Council or any other party
- The possible impact of the decision on the personal or professional circumstances of any party
- Possible media or community reaction to the decision
- A conflict of interest (real or perceived) as contained within the Council's Code of Conduct

1.9. Reputation of the Council – any decision regarding enforcement or prosecution action will be made in a sound and ethical manner so not damage, harm or tarnish the professional reputation of the Council.

**2. Enforcement options and considerations**

2.1 Council has a range of enforcement options available to remedy breaches of legislation. The specific option will be chosen to ensure that the level of regulatory action is proportionate to the level of risk and seriousness of the breach. Where appropriate these options may be used in an escalatory manner, such as in the case of repeat offenders.

2.2 Non-Coercive methods

- 2.2.1 Education - on the requirements of the relevant legislation, Council Policies or Codes. This option may be taken for a single minor breach that would not result in risk to life/property/health or the environment, the breach could be rectified immediately, the offender has shown contrition and rectified the matter immediately.
- 2.2.2 Warning letter – to more formally advise of the requirements of the relevant legislation, Council Policies or Codes. This option may be taken where there are a number of minor breaches that may result in risk to life/property/health or the environment, the breaches may require some time to rectify, and a reinspection is required to confirm compliance.
- 2.2.3 Issue formal Notices, Orders & Directions – to give specific details of what work must be undertaken or that an activity must cease in order to comply with relevant legislation, Council Policies or Codes. This option may be taken where a breach is likely to cause risk to life/property/health or the environment, the breach will require time/resources to rectify, and a reinspection is required to confirm compliance.



- 2.2.4 Carrying out the uncompleted work specified in an Order and transferring the cost of such action to the offender. This option may be taken when the recipient of an Order/Direction from Council has made no attempt to complete the works and/or is incapable of completing the required works and there is a risk to life/property/health or the environment by not completing the works.

### 2.3 Coercive Methods

#### 2.3.1 Penalty Notice – using a fixed financial punishment for an offence

- a) The offence is a minor breach of an Act or Regulation where the facts alleged are not complex
- b) The behaviour is isolated and unlikely to be repeated
- c) The Penalty Notice fine amount is likely to be a sufficient deterrent.

#### 2.3.2 Issue a Court Attendance Notice – to seek more extensive fines for breaches or Court Orders to remedy a situation.

##### a) Prosecution in the Local Court

- i. The amount of any fine imposed is unlikely to exceed the jurisdictional limit of the Local Courts (currently \$110,000.00)
- ii. The factual circumstances of the offence are not complex
- iii. A penalty notice has been issued to the same Defendant for a similar offence which has failed to deter the Defendant
- iv. The offence is one where the environmental harm is not considered serious enough to take to the Land & Environment Court
- v. The matter can be more efficiently dealt with in the Local Court

##### b) Prosecution in the Land and Environment Court

- i. The monetary penalty imposed is likely to exceed the jurisdictional limits set by the Local Court (maximum penalty currently \$5million)
- ii. The offence is one that has caused substantial environmental damage or harm
- iii. The offence is one that has been committed previously by the Defendant and Court action has failed to act as a deterrent
- iv. The offence is one where Council is, in addition to seeking a monetary penalty, seeking orders requiring the Defendant to undertake remedial work, where allowed by the relevant legislation.

### 2.4 Referral

- 2.4.1 Where Council is not the appropriate regulatory authority under specific legislation Council will refer the matter to the appropriate agency or forum.



- a) Referring the complaint to an external agency for further action, e.g. police or relevant NSW Government Department
- b) Referring the disputing parties to an external mediator, e.g. the Community Justice Centre or NSW Civil & Administrative Tribunal (NCAT).

## 2.5 Customer Requests

- 2.5.1 Council will investigate all request raised by the public. The investigation of each request will be conducted on the merits and accuracy of the information provided. Investigation of requests will be on a risk basis where matters that pose a risk to life/property/health and the environment are investigated as a priority.
- 2.5.2 Where the nature of a request also relates to a matter of concern to a State Agency or where there is an increase in the number of a particular request type, Council may investigate using a Compliance Program approach. Where this is approach is used all available resources are focused on that matter, i.e. unlawful boarding houses.
- 2.5.3 Members of the public wishing to request Council to investigate a potentially unlawful activity can do so by contacting Council's Customer Service Centre on (02) 9330 6400 or by lodging an online request using the [Log It / Fix It tab](#) on [Council's website](#).



## Responsibilities

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



## Version Control and Change History

Version	Amendment Details	Policy Owner	Period Active
<b>HCC</b>	Former Hurstville Council Enforcement Policy discontinued	Hurstville Planning and Environment	28/05/2008 – 02/07/2017
<b>KCC</b>	Former Kogarah City Council Compliance, Enforcement and Prosecution Policy discontinued	Kogarah Planning and Environment	25/11/2013 – 02/07/2017
<b>1.0</b>	Complete new Georges River Enforcement Policy Adopted by Council 03/07/2017 Council Resolution CCL115-17	Manager Environment Health and Regulatory Services	03/07/2017 – 27/09/2021
<b>2.0</b>	Amendments to 'Scope' and clause 2.1 to ensure greater clarification and a new clause 2.4 added to explain customer request investigation and lodgement.	Manager Environment Health and Regulatory Services	27/09/2021 - ongoing





# Draft Keeping of Animals Policy

March 2024



## Policy administration

<b>Dates</b>	This policy is effective upon its approval. Policy is due for review xxx
<b>Approved by</b>	Council at meeting held on xxx
<b>Policy Type</b>	<input type="checkbox"/> Executive Policy <input checked="" type="checkbox"/> Council Policy
<b>Exhibition Period</b>	xxx – xxx
<b>Policy Owner</b>	Manager Environment, Health and Regulatory Services
<b>Related Documents</b>	Georges River Council - Enforcement Policy, 2021
<b>Appendices</b>	Appendix A – List of web links to applicable reference documents (other than Legislation or Council documents)
<b>References and Legislation</b>	<ul style="list-style-type: none"> <li>• Prevention of Cruelty to Animals Act 1979 (POCTA) <a href="#">Prevention of Cruelty to Animals Act 1979 No 200 - NSW Legislation</a></li> <li>• Companion Animals Act 1998 (NSW) <a href="#">Companion Animals Act 1998 No 87 - NSW Legislation</a></li> <li>• Local Government Act 1993 (NSW) <a href="#">Local Government Act 1993 (NSW)</a></li> <li>• Local Government (General) Regulation 2005 (NSW) <a href="#">Local Government (General) Regulation 2005 (NSW)</a></li> <li>• Protection of the Environment Operations Act 1997 (NSW) <a href="#">Protection of the Environment Operations Act 1997(NSW)</a></li> <li>• Environmental Planning and Assessment Act 1979 (NSW) <a href="#">Environmental Planning and Assessment Act 1979: (NSW)</a></li> <li>• Public Spaces (Unattended Property) Act 2021 (NSW) <a href="#">Public Spaces (Unattended Property) Act 2021 No 38 - NSW Legislation</a></li> <li>• Food Act 2003 (NSW) <a href="#">Food Act 2003 (NSW)</a></li> <li>• Biodiversity Conservation Act 2016 (NSW) <a href="#">Biodiversity Conservation Act 2016 (NSW)</a></li> <li>• Biosecurity Act 2015 (NSW) <a href="#">Biosecurity Act 2015 (NSW)</a></li> <li>• NSW State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 <a href="#">State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 - NSW Legislation</a></li> <li>• Animal Welfare Code of Practice – Breeding dogs and cats Department Primary Industries (DPI)</li> </ul>



	<p><a href="#">Animal Welfare Code of Practice - Breeding dogs and cats (nsw.gov.au)</a></p> <ul style="list-style-type: none"> <li>• Beekeeping Code of Practice (DPI) <a href="#">Beekeeping Code of Practice for NSW</a></li> <li>• Bee Biosecurity Code of Practice (DPI) <a href="#">Biosecurity Code of Practice (nsw.gov.au)</a></li> <li>• NSW Animal Welfare Code of Practice No. 4 – Keeping and Trading birds (DPI) <a href="#">NSW Code of Practice No 4 - Keeping and Trading of Birds</a></li> <li>• Code of Practice for the Private Keeping of Reptiles, Office Environment &amp; Heritage (OEH) <a href="#">Code of Practice for the Private Keeping of Reptiles   NSW Environment and Heritage</a></li> <li>• Hygiene Protocol for the Control of Disease in Captive Snakes (OEH) <a href="#">Hygiene protocol for the control of disease in captive snakes (nsw.gov.au)</a></li> <li>• Model Code of Practice: Domestic poultry Commonwealth Scientific and Industrial Research Organisation (CSIRO) <a href="#">Scarm83Text (csiro.au)</a></li> <li>• Model Code of Practice for the Welfare of Animals – Intensive Husbandry of Rabbits (Australian Agricultural Council) <a href="#">Australian Animal Welfare Standards and Guidelines - DAFF (agriculture.gov.au)</a></li> <li>• NSW Pest fish list (DPI) <a href="#">Freshwater pests   Department of Primary Industries (nsw.gov.au)</a></li> </ul>
<b>Document Identifier</b>	<p>Policy #: Pol-071.02 Doc Number: D22/132476</p>
<b>Breaches of Policy</b>	<p>Breaches of any policy will be dealt with and responded to in accordance with Council's Enforcement Policy.</p>
<b>Record Keeping</b>	<p>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.</p>



## 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 <a href="#">Prevention of Cruelty to Animals Act 1979, NSW</a> ).
Authorised Officer	An employee of Georges River Council provided with delegated authority to act under the <a href="#">Local Government Act 1993</a>
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, childcare 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 criteria contained in 4.4.1 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 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
<b>Total Combined Number per property</b>	<b>10 maximum</b>

- 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"> <li>• To effectively participate in policy training.</li> <li>• To follow the policy outlined.</li> <li>• To report any barriers or concerns relating to policy implementation to the Coordinator without undue delay.</li> <li>• To effectively participate in document review.</li> <li>• To make decisions relating to the investigation of alleged unlawful activity with the support of the Coordinator.</li> </ul>
Coordinator (within the Environment Health and Regulatory Services Section)	<ul style="list-style-type: none"> <li>• To effectively train, guide and monitor staff in policy implementation.</li> <li>• To effectively respond to reported concerns or barriers to policy implementation.</li> <li>• To be an active advocate for policy implementation.</li> <li>• To effectively coordinate and participate in policy review.</li> <li>• To ensure policy requirements remain consistent with Council Policy and Organisational objectives.</li> <li>• To review decisions relating to investigation of alleged unlawful activity made by an Authorised Officer.</li> </ul>



Manager Environment Health and Regulatory Services	<ul style="list-style-type: none"> <li>To effectively respond to reported concerns or barriers to policy implementation.</li> <li>To be an active advocate for policy implementation.</li> <li>To effectively coordinate and participate in policy review.</li> <li>To ensure policy requirements remain consistent with Council Policy and Organisational objectives.</li> </ul>
Councillors	<ul style="list-style-type: none"> <li>To refer customers that have allegations of unlawful activity to appropriate Council officers/Managers to ensure appropriate action is taken.</li> <li>Councillors are not to make decision around the way unlawful activities are investigated and/or prosecuted.</li> <li>Councillors are prohibited from involvement in the day to day operation and management decisions around enforcement and prosecution.</li> <li>Councillors can assist individuals who raise concerns with them by satisfying themselves that the Council's policies are being carried out correctly.</li> </ul>

### 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	<p>New Georges River Council Keeping of Animals Policy 2020</p> <p>Publicly exhibited 28/06/2019 – 2/08/2019</p> <p>Approved by Council Resolution CCL013-20 (ENV006-20)</p>	Manager Environment, Health and Regulatory Services	20/04/2020 – 31/10/22



2.0	<p>Review of policy within 12 months of ordinary election as required under section 165 of the Local Government Act 1993.</p> <p>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</p>	Manager Environment, Health and Regulatory Services	31/10/22 - ongoing
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## **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:** ENV012-24 T23/005 Provision of Animal Management Services

**Author:** Team Leader Procurement and Contracts Governance and Coordinator – Parking and Rangers

**Directorate:** Business and Corporate Services

**Matter Type:** Committee Reports

<Summary Section>

#### **RECOMMENDATION:**

- (a) That in accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accepts the Tender from St George Animal Rescue Pty Ltd (ABN: 60 002 795 771) for T23/005 Provision of Animal Management Services, as outlined in the confidential attachments.
- (b) That the General Manager be authorised to execute the Contract with the successful Contractor on behalf of Council.

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to advise Council of the results of the procurement process completed in accordance with Part 3, Division 1, Section 55 of the Local Government Act 1993 for T23/005 Provision of Animal Management Services.
2. This report provides the background information for Council to enter into a contract with the entity recommended as the Principal Contractor. The report details the Request for Tender process undertaken with the confidential matters contained within the confidential attachments.

#### **BACKGROUND**

3. Council is dedicated to ensuring that the community receives top-quality animal management services in accordance with the Public Spaces (Unattended Property) Act 2021 (NSW) and the Companion Animals Act 1998 (NSW), which encompass ongoing animal collection, seizures, transport, impounding (excluding the provision of animal impounding facilities), the removal of deceased companion animals and related animal management services as required from time to time.
4. Services under this contract specifically relate to dogs, cats, livestock and other small, domesticated animals.
5. Councils existing animal management contract expires in March 2024.
6. To prevent any potential disruptions to services and to ensure a seamless transition to a new contract, In September 2023 it was determined that a public tender process would be undertaken to engage a suitably qualified and experienced contractor to provide these services for an initial contract term of three (3) years with the option to extend for a further one (1) year, plus one (1) year, plus one (1) year at Councils sole discretion.
7. Council sought an external legal review of the full Request for Tender package to ensure compliance with all relevant legislation and guidelines.
8. Accordingly, an Evaluation Panel was established to develop and finalise the Request for Tender (RFT) documents and Evaluation Plan. The selection criteria as determined by the Evaluation Panel was as follows:



- Company structure and relevant experience
  - Capacity and capability
  - Methodology
  - WHS
  - Environmental Practices
  - Value for money
9. The RFT was advertised via VendorPanel on Tuesday 28 November 2023 and closed on Tuesday 19 December 2023 at 2.00pm. There was one (1) submission received by the Closing Time and no late submissions. The submission received was from:
- St George Animal Rescue Pty Ltd
10. The Evaluation Panel commenced evaluation of the submission and the Panel's recommendation is outlined in the confidential attachments to this report.

### **FINANCIAL IMPLICATIONS**

11. Within budget allocation. Details provided within the confidential attachments.

### **RISK IMPLICATIONS**

12. Enterprise risk/s identified and management process applied.

### **FILE REFERENCE**

D24/24565

### **ATTACHMENTS**

- |              |  |
|--------------|--|
| Attachment 1 | Confidential Attachment A - T23 005 Provision of Animal Management Services (Confidential) |
| Attachment 2 | Confidential Attachment B - T23 005 Provision of Animal Management Services (Confidential) |



**Item:** ENV013-24 Draft Merriman Reserve Plan of Management and Master Plan for Exhibition

**Author:** Coordinator Strategic Planning

**Directorate:** Environment and Planning

**Matter Type:** Committee Reports

## &lt;Summary Section&gt;

**RECOMMENDATION:**

- (a) That Council notify the draft Merriman Reserve Plan of Management and Master Plan to the NSW Department of Planning, Housing and Industry, as the representative landowner of part of the land under section 39 of the *Local Government Act 1993*, to obtain owner's consent prior to public exhibition.
- (b) That Council seek written consent from the NSW Department of Planning, Housing and Infrastructure to adopt the draft Plan of Management, in accordance with section 3.23(6) of the *Crown Land Management Act 2016*.
- (c) That Council delegates authority to the General Manager to make any further amendments to the draft Merriman Reserve Plan of Management and Master Plan to address any points raised by the NSW Department of Planning, Housing and Infrastructure and make minor modifications to any numerical, typographical, interpretation and formatting errors if required.
- (d) That Council endorse the draft Merriman Reserve Plan of Management and Master Plan for public exhibition for a period of no less than 28 days and allow submissions to be received up until 42 days in accordance with section 38 of the *Local Government Act 1993*.
- (e) That Council endorse the proposed changes to the land categorisation and hold a public hearing under section 40A of the *Local Government Act 1993*.

**EXECUTIVE SUMMARY**

1. Merriman Reserve is a public reserve located on the foreshore of Kyle Bay for the purposes of 'public recreation'. It currently consists of Council-owned community land and a Crown Reserve.
2. Merriman Reserve is covered by an existing Plan of Management (PoM) and Landscape Concept Plan adopted by the former Kogarah Council in 2013.
3. Given the age of the existing PoM and Landscape Concept Plan, a new PoM and master plan is required.
4. Through community engagement activities, feedback was received from the community on how they currently use or access Merriman Reserve and their ideas on the future uses and activities in the Reserve.
5. Based on the feedback received, consultants, Group GSA Pty Ltd, in conjunction with Council officers developed two draft Master Plan options for Merriman Reserve, Kyle Bay.
6. Council also sought feedback from the community on the draft Master Plan options, including their preference, reasons for their preference, and if anything was missing from their preferred option.



7. At its meeting on 22 May 2023, Council considered the results of the public exhibition of the draft Master Plan options and endorsed the preparation of a preferred Merriman Reserve Master Plan option based on the exhibited Option 1.
8. The preferred draft Merriman Reserve Master Plan has been refined and an accompanying draft PoM has been developed. The draft Master Plan includes retaining the existing bowling greens, upgrading the carpark, creating pedestrian paths within and to the Reserve from surrounding streets, undertaking foreshore restoration works, and increasing 'green' open space.
9. This report recommends that the draft PoM accompanied by the draft Master Plan be placed on public exhibition for a minimum of 28 days and allow submissions to be received up until 42 days in order to receive feedback from the local community in accordance with the requirements of the *Local Government Act 1993*.
10. This report also recommends that prior to the draft PoM and Master Plan being placed on public exhibition, it be referred to the NSW Department of Planning, Housing and Infrastructure (DPHI), as the representative landowner of Crown Reserve No. 100242 (Lot 7316 in DP1154446) for the purposes of endorsing the draft PoM and Master Plan for exhibition.
11. In accordance with the provisions of the *Local Government Act 1993*, this report also seeks that Council hold a public hearing for altering the land categorisation of the Reserve.

## BACKGROUND

12. Merriman Reserve is a 1.33-hectare public reserve located on the foreshore of Kyle Bay for the purposes of 'public recreation'. It currently consists of Council-owned community land and the Crown Reserve No. 100242. Its main features comprise two operational bowling greens, one obsolete bowling green, a 70-space car park, a heritage listed building, a Sydney Water pump station and areas of passive open space (refer to **Figure 1** below).
13. The heritage listed building is currently occupied by a restaurant and function centre. The draft PoM proposes to continue to permit kiosks, cafes and restaurants in the location of the building under the General Community Use categorisation.
14. Concerns were raised by the community during the previous consultation regarding the current lease arrangement for the restaurant. It should be noted that the lease arrangement is outside the scope of the PoM and master plan process.





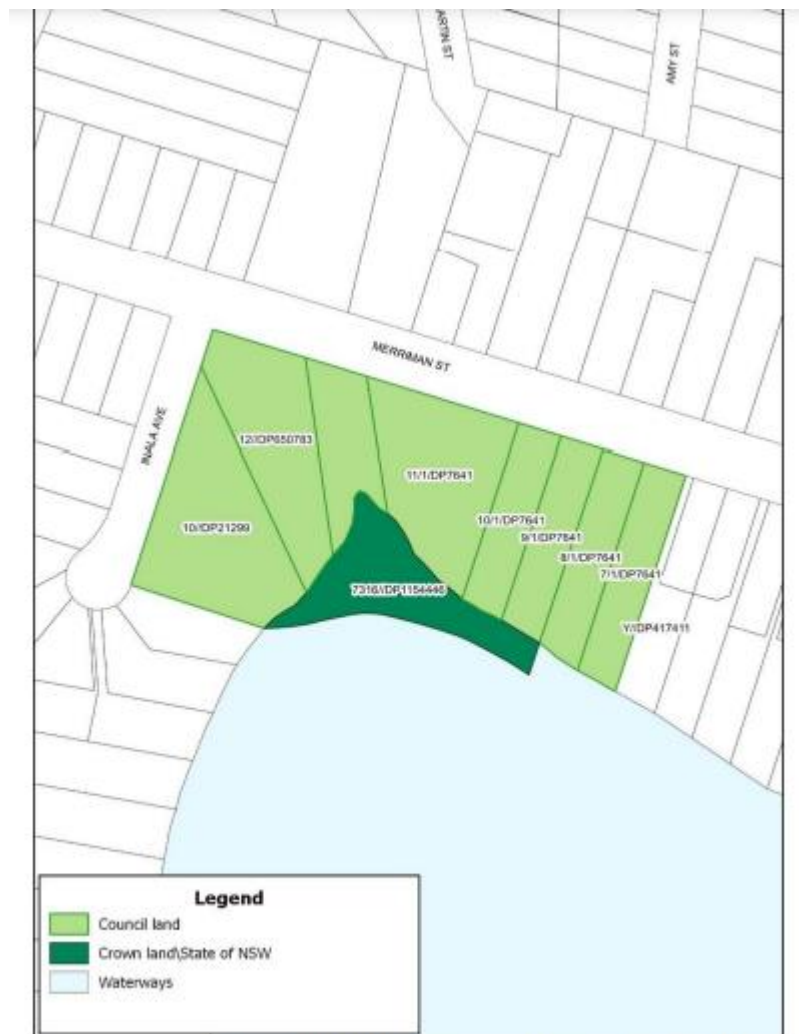
**Figure 1 – Merriman Reserve, Kyle Bay**

15. Georges River Council is a major part owner of Merriman Reserve with the former Kogarah Council having acquired various parcels of land since 1940. The remainder of the land is Crown Reserve No.100242 (Lot 7316 in DP1154446). By notice in the Government Gazette, 5th November 1993, the Kyle Bay (R100242) Reserve Trust was established with Council appointed as the corporation to manage the reserve trust.
16. Property details for Merriman Reserve are outlined in **Table 1** and **Figure 2** below.

**Table 1 – Property Details – Merriman Reserve, Kyle Bay**

DP No.	Lot No.	Section	Owner
1154446	7316		Crown Reserve No.100242
21299	10		Georges River Council
650783	12		Georges River Council
7641	40	1	Georges River Council
7641	11	1	Georges River Council
7641	10	1	Georges River Council
7641	9	1	Georges River Council
7641	8	1	Georges River Council
7641	7	1	Georges River Council





**Figure 2 – Property Details – Merriman Reserve, Kyle Bay**

17. Merriman Reserve is covered by an existing PoM and Landscape Concept Plan adopted by the former Kogarah Council in 2013.
18. Given the age of the existing PoM and Landscape Concept Plan, a new PoM and master plan is required to recognise the priority management actions and objectives of the *Georges River Foreshore Access & Improvement Plan (GRFAIP) 2021* and *Georges River Coastal Zone Management Plan 2013*. The PoM and master plan are to reference the applicable projects identified in these plans and this will assist Council when applying for grant funding in the future from the NSW Government.
19. In August 2021, Council engaged consultants Group GSA Pty Ltd to prepare a new PoM and Landscape Master Plan for Merriman Reserve.
20. This new PoM and Master Plan is being prepared to categorise the land and provide direction as to the use and management of Merriman Reserve. It will outline the way the land will be developed in the future and provide the framework for Council to follow in relation to leases and licences on the land.
21. Council is required to submit the draft PoM to the DPHI as the representative landowner of part of the land under section 39 of the *Local Government Act 1993*.
22. Council is also required to seek the DPHI's written consent to adopt the draft PoM under clause 70B of the *Crown Land Management Regulation 2018*. Consent to adopt can be obtained at the same time as notifying the landowner of the draft PoM.



## MERRIMAN RESERVE MASTER PLAN

23. A master plan is an overarching spatial layout (diagram) used to guide the development of land.
24. The draft Merriman Reserve Master Plan provides the broad management direction and layout intended for the future use and development of Merriman Reserve. The Merriman Reserve Master Plan is to have a clear vision for the future development and the ongoing operation of the Reserve.
25. The objectives of the Merriman Reserve Master Plan are as follows:
  - Achieve Council's and the community's expectations;
  - Improve and enhance recreation opportunities for a range of park users;
  - Accessible and appealing to all members of the community;
  - Provide direction in the planning, management and development of the Reserve;
  - Protect and enhance the Reserve's natural resources; and
  - Assign space and settings appropriate to the preferred activities including both passive and active recreation.
26. From 15 November to 7 December 2021, Council sought feedback from the community on how they currently use or access Merriman Reserve and to seek ideas on the future uses and activities in the Reserve.
27. Following consideration of this community feedback, consultants Group GSA Pty Ltd prepared two draft Master Plan options involving the retention of the carpark in its existing location or relocation of the carpark.
28. From 9 November to 9 December 2022, Council sought feedback from the community on the draft Master Plan options, including their preference, reasons for their preference, and if anything was missing from their preferred option.
29. Option 1 (retention of the carpark in its existing location) was the preferred option. The feedback received from the community was outlined in the Environment and Planning Committee report, "ENV015-23 Results of Public Exhibition of Merriman Reserve Master Plan Options", considered by the Committee on 8 May 2023.
30. Council considered the recommendation of the Environment and Planning Committee at its meeting on 22 May 2023 and resolved:
  - (a) *That Council note the submissions received during the consultation for the draft Merriman Reserve Master Plan options.*
  - (b) *That Council endorse the preparation of a preferred Merriman Reserve Master Plan option based on the exhibited Option 1.*
  - (c) *That all persons who made a submission during the consultation for the draft Merriman Reserve Master Plan options be advised of Council's decision.*
  - (d) *That a further report be considered by Council seeking endorsement to place a preferred draft Merriman Reserve Master Plan and Plan of Management on public exhibition for 28 days.*
31. In accordance with Council's resolution, the preferred draft Merriman Reserve Master Plan has been refined.
32. Key elements of the draft Master Plan provided in **Attachment 1** are:
  - 1) Retention of the two existing bowling greens.
  - 2) Upgrade carpark to:
    - a. improve the efficiency of the carpark layout;
    - b. reduce carpark encroachment to the foreshore and allow for increased open space/address to building; and
    - c. address existing localised flooding to carpark.



- 3) Installation of sandstone blocks or similar to control vehicular movements along the foreshore edge.
  - 4) Construction of new maintenance/amenities building for the bowling greens.
  - 5) Create a 'pedestrian loop' path to link into existing street verge path, including the potential to widen existing pathways.
  - 6) Create pedestrian entry points and connections from surrounding streets, including new pedestrian crossing/pram ramps (subject to further traffic investigations).
  - 7) Increase open space along the foreshore edge as a result of revised and improved car park layout (where practical).
  - 8) Undertake foreshore restoration works, including:
    - erosion stabilisation works;
    - rock protection works;
    - formalised foreshore access points;
    - revegetation of foreshore with local plant community;
    - accommodation of tidal inundation; and
    - planting of riparian vegetation.
  - 9) Maintain views across Kyle Bay and build a small viewing platform where structurally feasible.
  - 10) Retain existing trees.
  - 11) Increase "green" open space area, including more tree cover for shade in selected locations with low maintenance native groundcovers.
  - 12) Maintain service access to Sydney Water infrastructure, with access width and construction to be suitable for service trucks.
  - 13) Provide a landscape buffer/screen to Sydney Water infrastructure (authority approval for future planting/screening required prior to documentation and implementation).
  - 14) Provide seating, picnic shelters, bins and casual picnic areas with a focus on water views.
  - 15) Provide new low boundary fencing of appropriate material with new reserve signage.
  - 16) Retain vehicular drop off zone and back of house servicing.
  - 17) Provide buffer planting to screen noise from waste pick-up point.
  - 18) Provide formal access to beach zone.
  - 19) Address works to convert the old bowling green to a park area.
  - 20) Landscape buffer/ screen to Sydney Water infrastructure (Authority approval for future planting/ screening will be sought prior to documentation and implementation).
33. The heritage listed building is currently occupied by a restaurant and function centre. The draft PoM proposes to continue to permit kiosks, cafes and restaurants in the location of the building.
  34. Concerns were raised by the community during the previous consultation regarding the current lease arrangement for the restaurant. It should be noted that the lease arrangement is outside the scope of the PoM and master plan process.
  35. A Priority Plan has also been developed which details Council's priorities for the implementation of the various components of the Master Plan, including as high, medium and low priority actions. The Priority Plan is provided in **Attachment 2**.

## MERRIMAN RESERVE PLAN OF MANAGEMENT

36. A master plan is typically accompanied by a PoM. A PoM is a legal document that provides a clear set of guidelines for the short- and long-term management of a parcel of community land owned or managed by Council. For example, a PoM outlines how a park or reserve will be used, improved upon and managed in the future.
37. A draft PoM (**Attachment 3**) has been prepared for Merriman Reserve by Group GSA Pty Ltd and subconsultants Arnold Planning in conjunction with Council officers.



38. The PoM has been prepared under the provisions of the *Local Government Act 1993* and provides statutory requirements, clear guidelines and the designation of areas, to enhance the use of open space and minimise any conflict between user groups.
39. The purpose of the Merriman Reserve PoM is to:
- Develop objectives, management goals and action strategies which will satisfy the recreational/community needs of the community, regardless of gender, culture or level of ability.
  - Provide clarity in the future development, use and management of the community land.
  - Correctly categorise the site in accordance with the provisions of Division 2 (Use and management of community land) of the *Local Government Act 1993* and the *Crown Land Management Act 2016*.
  - Implement the Master Plan prepared through community consultation.
40. The draft PoM is structured in seven sections as outlined below:
- a. Key information – provides a description of Merriman Reserve and the reasons why a PoM and Master Plan have been prepared.
  - b. Introduction – provides the purpose and objectives of the PoM, the process for preparing and reviewing the PoM, and community engagement undertaken to date to inform the preparation of the Master Plan and PoM.
  - c. Land Description – provides an introduction to the Park, including property details, current categorisation, and environmental qualities.
  - d. Basis of Management – defines the categories of community land and explains the guidelines and core objectives for their management, restrictions on the management of Crown Land, and relevant Council strategies.
  - e. Development and Use – provides the key components of the Master Plan and the leases and licences authorised by the PoM, including native title and Aboriginal land rights considerations.
  - f. Management of Land by Category – provides the proposed land categories and their guidelines, objectives, issues, values, threats, and current and permissible uses.
  - g. Appendices – provides the proposed categorisation plan, Master Plan, Priority Plan, Action Plan, condition of assets, community engagement discussion paper, Aboriginal Heritage Information Management System (AHIMS) search results, and PoM legislative framework.

## NATIVE TITLE

41. Native Title is a requirement for Council to obtain written advice from a qualified native title manager that the PoM covers Crown Land that is not 'excluded land'.
42. Excluded land is defined in the *Crown Land Management Act 2016* to include:
- a) *land subject to an approved determination of native title (as defined in the Native Title Act 1993 of the Commonwealth) that has determined that:*
    - i. *all native title rights and interests in relation to the land have been extinguished, or*
    - ii. *there are no native title rights and interests in relation to the land,*
  - b) *land where all native title rights and interests in relation to the land have been surrendered under an indigenous land use agreement (as defined in the Native Title Act 1993 of the Commonwealth) registered under that Act,*
  - c) *an area of land to which section 24FA protection (as defined in the Native Title Act 1993 of the Commonwealth) applies,*



- d) land where all native title rights and interests in relation to the land have been compulsorily acquired,
- e) land for which a native title certificate is in effect.

43. **Attachment 4** is the written Native Title advice for Merriman Reserve (Crown Reserve No.100242 (Lot 7316 in DP1154446)). The advice in summary states that the draft PoM complies with the applicable provisions of the *Native Title Act 1993*.

## LAND CATEGORISATION

44. Section 36(4) of the *Local Government Act 1993* requires that community land be categorised according to the five categories of natural area, sportsground, park, area of cultural significance, or general community use. The natural area category is divided into five further categories – bushland, wetland, escarpment, watercourse, or foreshore (as well as a category otherwise prescribed by the legislation or regulations).
45. The *Crown Land Management Act 2016* provides that this same requirement for categorisation now also applies to Crown reserves under the control of a “Council manager”. This applies to Crown Reserve No. 100242 (Lot 7316 in DP1154446) which runs along part of the foreshore of Merriman Reserve.
46. The existing Merriman Reserve PoM (2013) categorised various areas of the Reserve as Park; General Community Use; Sportsground; and Cultural Significance as illustrated in **Figure 3** below.



**Figure 3 – Current categorisation of Merriman Reserve (Merriman Reserve PoM 2013)**

47. The categorisation of a Crown Reserve can be altered through the plan of management process, in accordance with the applicable provisions of the *Crown Land Management Act 2016* and the *Local Government Act 1993*.
48. The draft PoM for Merriman Reserve categorises various areas of the Reserve as Park; General Community Use; and Natural Area – Foreshore (for Crown Reserve No. 100242 (Lot 7316 in DP1154446)) as illustrated in **Figure 4** below.





ENV013-24

**Figure 4 – Proposed categorisation of Merriman Reserve (Merriman Reserve Draft PoM 2023)**

49. The draft PoM categorises the following areas:
- Park – comprising the disused bowling green which is to be converted into a park area, the existing car parks, and landscaped curtilage of the existing bowling greens.
  - General Community Use – comprising the existing bowling greens to the west, and heritage building currently occupied by a restaurant and function centre.
  - Natural Area (Foreshore) – comprising the Crown Reserve land adjacent to the foreshore.
50. The proposed changes to the Reserve's categorisation are intended to more accurately reflect the actual values, uses and character of the Reserve.
51. The core management objectives for the nominated land categories applicable to Merriman Reserve are identified in the draft PoM (**Attachment 3**), which provides objectives or broad directions for the management of these areas.
52. This report seeks Council endorsement to publicly exhibit the draft Merriman Reserve PoM and Master Plan and to hold a public hearing consistent with section 40A of the *Local Government Act 1993* for the changes to the land categorisation.

## NEXT STEPS



53. Following Council endorsement of a draft Merriman Reserve PoM and Master Plan, Council will refer the draft PoM to Crown Land in accordance with section 39 of the *Local Government Act 1993* seeking landowner's consent and endorsement to exhibit.
54. Once landowner approval is provided, the draft Merriman Reserve PoM and Master Plan will be placed on public exhibition for a period of no less than 28 days and allow submissions to be received up until 42 days in accordance with section 38 of the *Local Government Act 1993*.
55. Council will be required to hold a public hearing for the Merriman Reserve PoM as the proposed plan alters the categorisation of community land. The public hearing provides the community the opportunity to comment on the appropriateness, or otherwise, of the proposed recategorisation(s) and ensures these are considered when drafting the final PoM.
56. Amendments may be made to the exhibited draft Merriman Reserve PoM and Master Plan in response to submissions received during the public exhibition and public hearing.
57. The draft Merriman Reserve PoM and Master Plan will then be reported back to Council for adoption.

### **FINANCIAL IMPLICATIONS**

58. Within budget allocation.

### **RISK IMPLICATIONS**

59. No risks identified.

### **COMMUNITY ENGAGEMENT**

60. Extensive preliminary engagement was undertaken with the community and stakeholders to raise awareness of the preparation of the draft Merriman Reserve PoM and Master Plan and provide opportunities for input.
61. Following endorsement from Council to place the Plans on exhibition and landowner's consent has been obtained from Crown Land, the draft PoM and Master Plan will be placed on public exhibition for a period of no less than 28 days and allow submissions to be received up until 42 days in accordance with section 38 of the *Local Government Act 1993*.
62. It is intended to make the draft PoM and Master Plan available for viewing at:
  - Council's Your Say website;
  - Georges River Civic Centre, MacMahon Street, Hurstville, between 8.30am and 5.00pm, Monday to Friday;
  - Clive James (Kogarah) Library and Service Centre, during library hours;
  - Hurstville Library, during library hours;
  - South Hurstville Library, during library hours; and
  - Oatley Library, during library hours.
63. Notification of the public exhibition and exhibition methods will comprise:
  - Direct letterboxing or email to participants involved in the community consultation undertaken to inform the preparation of the draft PoM and Master Plan;
  - Direct letterboxing to all properties within a 150m radius of Merriman Reserve;
  - Direct phone and/or email contact with known stakeholders or user groups;
  - Council's Your Say website;



- Newspaper advertisement in The Leader; and
- Posters installed on-site at Merriman Reserve.

64. A public hearing for the draft PoM will be held in accordance with the provisions of section 40A of the *Local Government Act 1993* as the proposed PoM alters the land categorisation.

## FILE REFERENCE

D24/48767

## ATTACHMENTS

Attachment [↓](#)1 Draft Merriman Reserve Master Plan



Attachment [↓](#)2 Draft Merriman Reserve Priority Plan



Attachment [↓](#)3 Draft Merriman Reserve Plan of Management



Attachment [↓](#)4 Native Title Advice for Merriman Reserve







Merriman Reserve -  
Master Plan

Project Name: **Merriman Reserve PoM**  
Client: Georges River Council

Project No: 210269  
Drawing no: SK 01  
Rev: N  
Date: 24.01.2024

Scale:  
1:500 @ A1

North:



GROUPSA

- LEGEND**
- 01 Retain Bowling Greens.
  - 02 Upgrade Carpark – Improve efficiency of carpark layout (subject to detailed investigation). Reduce carpark encroachment to foreshore & allow for increased open space/address to building. Address existing localised flooding to carpark. Review DDA compliant carparking.
  - 03 Sandstone blocks or similar installed to control vehicular movements along foreshore edge.
  - 04 Construct new maintenance/amenities building for bowling greens. New location reduces visual encroachment on foreshore.
  - 05 Pedestrian Loop Path links to existing street verge paths. Consider widening existing pathways.
  - 06 Pedestrian entry points and connections from surrounding streets, including new pedestrian crossing / pram ramps (subject to further traffic investigations).
  - 07 Increased open space along foreshore edge as a result of revised and improved carpark layout (where practical).
  - 08 Foreshore restoration:
    - Erosion stabilisation works
    - Rock protection works
    - Formalised foreshore access points
    - Revegetation to foreshore with local plant community
    - Accommodation of tidal inundation
    - Riparian vegetation
  - 09 Maintain views across Kyle Bay. Build small viewing platform where structurally feasible.
  - 10 Existing trees retained.
  - 11 Increased “green” open space area including more tree cover for shade in selected locations within low maintenance native groundcovers.
  - 12 Maintain service access to Sydney Water infrastructure (access width and construction suitable for service trucks).
  - 13 Landscape buffer/ screen to Sydney Water infrastructure (Authority approval for future planting/screening will be sought prior to documentation and implementation).
  - 14 Seating, picnic shelters, bins and casual picnic areas with a focus on water views.
  - 15 New low fencing of appropriate material along boundary and new reserve signage.
  - 16 Vehicular drop off zone & back of house servicing retained.
  - 17 Buffer planting to screen noise from waste pick-up point.
  - 18 Formal access to beach zone.
  - 19 Address works to convert old bowling green to park area.
  - 20 Landscape buffer/ screen to Sydney Water infrastructure (Authority approval for future planting/screening will be sought prior to documentation and implementation).



High Priority

FORESHORE ZONE

Foreshore restoration works (refer to Georges River Foreshore Access and Improvements Plan) to include but not limited to:

- Stabilisation of foreshore through rock protection, accommodation of tidal inundation, riparian and environmental enhancement.
- Re-vegetate foreshore with endemic groundcover planting to reduce erosion and create a green edge.
- Formalise beach access point and re-instate new fencing.
- Improve beach access providing wider access ramps (timber or FRP (Fibre Reinforced Plastic) ramp surface).
- Restore, repair and beautify beach zone – removal/tidy up random rocks scattered on beach area etc.

PATHS AND CONNECTION

- Create pedestrian entry points into Merriman Reserve from surrounding streets.
- Construct new pathways along the reserve foreshore to create a pedestrian loop which links to existing pathways along Merriman Street.
- Construct new pathways, creating formal pedestrian access to building entry points including equal access where required.

SHADE & SHELTER

- Increase of tree cover for shade in selected locations with consideration to low maintenance native planting within new planting beds and co-located near seating.
- Provide some well-located small shelters with seating/picnic settings.
- Confirm health and longevity of existing trees with arborist evaluation. Retain, remove and replace where practical.

INFRASTRUCTURE

- Provide a vegetation or sympathetic built screen to Sydney Water infrastructure to reduce its visual impact without impacting on service access and assets (authority approval for future planting/screening will be sought prior to documentation and implementation).
- Provide water fountain in suitable locations.
- Provide new bins (general/recycled) along pathway in suitable locations.

CARPARK

- Provide scattered shade trees to edges of foreshore carpark where appropriate and without compromising visual amenity.

Legend

- Better connectivity
- Enjoy the view
- Keep it green
- Encourage activation
- Share the space



Medium Priority

PATHS AND CONNECTIONS

- Construct a formal pedestrian crossing across Merriman Street, linking the Reserve to 'The Green' (location subject to further traffic investigation).
- Create a small viewing platform over existing stormwater outlet to reduce visibility of outlet while providing a viewing deck across the bay. Liaise with Sydney Water as necessary (subject to structural investigation).

GREENING

- Create buffer planting along adjoining fence lines.

CARPARK

Southern carpark works including:

- Reconfiguration/improved efficiency to carpark layout reducing carpark encroachment on foreshore (subject to detailed investigation).
- Address existing localised flooding in link road between carparks and improved drainage to building (community facility entrance flooding).
- Utilise sandstone blocks or similar to control vehicular movements along foreshore edge (particularly link road).
- Inclusion of trees for shade where practical.
- Provision of path connections from carpark to building entry points/desire lines.
- Removal of carpark spaces along foreshore to increase open space along foreshore edge (investigate capacity following traffic study).
- New linemarking.
- Review, upgrade and/or relocate DDA carparking ensuring accessible parking spaces comply to current standards.

Low Priority

PATHS AND CONNECTIONS

- Explore widening existing pedestrian footpath along Merriman Street

INFRASTRUCTURE

- Construct new maintenance/amenities building for Bowling Greens in a location which does not impact on foreshore area and includes new public amenities with appropriate wayfinding signage
- Replace fencing along Merriman Street boundary
- New park signage including new traffic, way-finding, interpretive and regulatory signage

OBSOLETE BOWLING GREEN

- Opportunity to activate this area for functions/flexible uses. Consider infrastructure for other community events, including lighting, access to power and water etc.

Merriman Reserve :  
Master Plan - Priority Plan

Project Name: Merriman Reserve PoM  
Client: Georges River Council

Project No: 210269  
Drawing no: SK 01  
Rev: G  
Date: 24.01.2024

Scale:  
1:500 @ A1

North:



GROUPSA



Document details	
Document title	2023 Merriman Reserve Plan of Management
Project number	J2112
Date	12 February 2024
Version number	v1-06 DRAFT
Prepared for	Georges River Council

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## 1 Key information

Georges River Council (Council) acknowledges that Aboriginal and Torres Strait Islander peoples are the First Australians of this land and the Bidjigal people of the Eora Nation traditionally occupied the Georges River local government area (LGA).

This 2023 Merriman Reserve Plan of Management (PoM) and the 2023 Merriman Reserve Master Plan (the Master Plan) have been prepared by Council to categorise the land and provide direction as to the use and management of Merriman Reserve. It outlines the way the land will be developed in the future and provides the framework for Council to follow in relation to the express authorisation of leases and licences on the land.

Merriman Reserve is a 1.33 hectare (ha) public reserve located on the foreshore of Kyle Bay for the purpose of 'public recreation'. It currently consists of Council-owned community land and the Crown Reserve No 100242. Its main features currently comprise two operational bowling greens, one obsolete bowling green, car parking, a heritage listed building, a Sydney Water pump station, areas of passive open space, and access to the foreshore.

This PoM is required in accordance with Section 3.23 of the *NSW Crown Land Management Act 2016* and Section 36 of the *NSW Local Government Act 1993*.



## 2 Introduction

### 2.1 Overview

This 2023 Merriman Reserve Plan of Management (this PoM) provides clear guidelines and designation of areas to enable the efficient ongoing use of Merriman Reserve by the whole community and to minimise conflict between existing and future user groups.

This PoM, together with the 2023 Merriman Reserve Master Plan and Priority Plan (collectively referred to as the Master Plan), replace the 2013 Merriman Reserve PoM and the 2013 Merriman Reserve Landscape Concept Sketch. An excerpt of the Master Plan is provided in Figure 5.1 and full versions of the Master Plan and Priority Plan are provided in Appendix B.

This PoM and the Master Plan provide for the future direction, planning, development, management and use of Merriman Reserve. However, it should be noted that the implementation of the strategies and actions identified in this PoM, whether undertaken in one attempt, or staged over an extended period of time, will be dependent on the demands made on Council, its preferred priorities, and the availability of resources in any given financial year.

### 2.2 Background

As identified in Council's Local Housing Strategy (refer Section 4.5.3), the population of the LGA is projected to increase from 156,293 in 2017 to approximately 185,000 by 2036. This equates to an average annual growth rate of 0.9%.

Council owns and maintains 266 parks and reserves, totalling 477 ha. They range from foreshore parks (such as Merriman Reserve), natural bushland, sportsgrounds and passive open space areas. Nearly all residents in the Georges River LGA live within 400 m of open space and the majority of open space in the Georges River LGA is of good quality.

Providing for and developing innovative ways to optimise and deliver open space for recreation, sport and social activities, as well as establishing physical links that support social networks and create a sense of community, is imperative for Council in planning for the predicted population growth of the LGA and a key consideration of this PoM.

### 2.3 Purpose of this Plan of Management

The NSW *Local Government Act 1993* (LG Act) requires a plan of management to be prepared for all public land that is classified as 'community land' under that Act.

The NSW *Crown Land Management Act 2016* (the CLM Act) authorises local councils (Crown land managers) to manage dedicated or reserved Crown land to manage that land as if it were public land under the LG Act. A plan of management is required for all council-managed Crown reserves on community land.

The purpose and objectives of this PoM are to:

- ensure compliance with the LG Act and the CLM Act;
- provide appropriate categories of land for the ongoing and future use, management and maintenance of Merriman Reserve for the next ten years;
- expressly authorise leases, licences and other estates on the land;
- contribute to Council's broader strategic goals and vision as set out in its plans, strategies and reports, including the *Community Strategic Plan 2022-2032*;
- ensure consistent management that supports a unified approach to meeting the varied needs of the community efficiently and with minimal conflict between existing and future user groups;
- protect and enhance the natural, social and cultural values of Merriman Reserve;



- draw on the outcomes of stakeholder engagement to identify and address key issues, values and threats affecting Merriman Reserve and to guide its future development through a Master Plan; and
- establish management objectives, strategies and performance targets in an 'Action Plan'.

The Action Plan is provided in Appendix C and further information about the legislative context of PoMs can be found in Appendix G.

## **2.4 Process of preparing this Plan of Management**

The process undertaken by Council in preparing this PoM is shown in Figure 2.1 below.

## **2.5 Change and review of this Plan of Management**

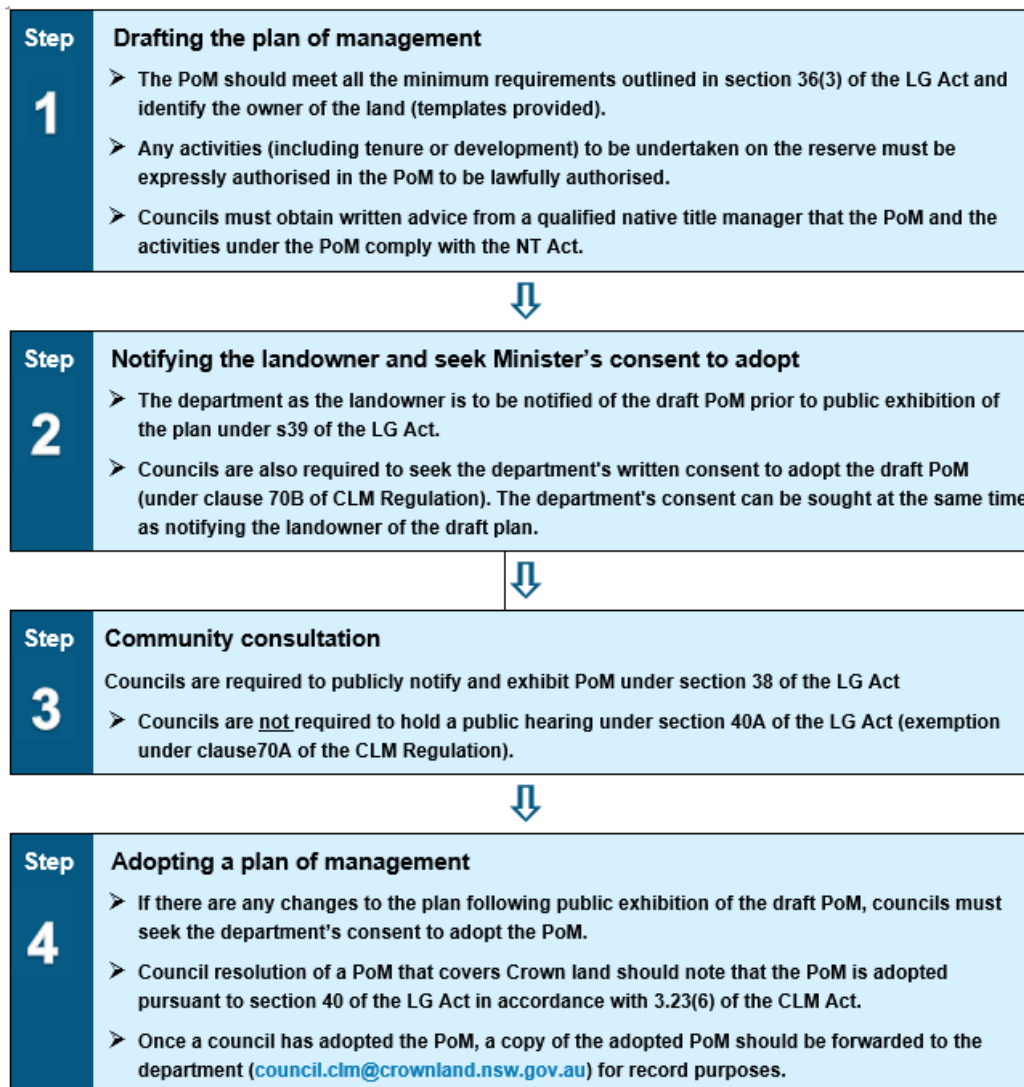
This PoM will require regular review in order to align with community values and changing community needs, and to reflect changes in Council priorities. Council has determined that it will review this PoM within ten years of its adoption. However, the performance of this PoM will be reviewed on an annual basis to ensure that Merriman Reserve is being managed in accordance with this PoM, is well maintained and provides a safe environment for public enjoyment.

Council may continue to acquire or divest land for the benefit of the community. Land may also come into Council's ownership by dedication of land for open space. The appendices to this PoM may be updated from time to time, reflecting significant changes to the condition of the community land, or to reflect new acquisitions or dedications of land.

The community will have an opportunity to participate in reviews of this PoM.



Figure 2.1 Process of preparing this Plan of Management





## 2.6 Stakeholder engagement

### 2.6.1 Community engagement

#### i Engagement methodology

A multi-faceted approach was considered the best way to capture what aspects of Merriman Reserve the community currently enjoy and would like to see retained, as well as identifying areas of concern and how they would like to see these changed in the future.

The initial consultation sought input from the community on how they currently use or access Merriman Reserve and to seek ideas on the future uses and activities in the Reserve. A Community Engagement Plan was prepared for an initial round of consultation, with the following approach adopted:

- on-line survey;
- ideas board;
- flyers (within a 150 m radius of Merriman Reserve);
- individual external stakeholder engagement;
- social media platforms; and
- newspaper advertisements and media releases.

The engagement process strongly influenced the preparation of two master plan options (refer Section iii below), which then led to a second round of community consultation to understand plan preferences.

The second round of engagement involved:

- on-line survey with both master plan options included;
- flyers (within a 150 m radius of Merriman Reserve);
- individual external key stakeholder engagement; and
- a pop-up tent on site for face to face discussions on master plan options.

Details of the online survey, ideas board, flyers, pop -up event as well as detailed responses received have been included in the community engagement discussion paper provided in Appendix E.

#### ii Initial consultation

The following provides a summary of the key findings of the initial consultation:

- The majority of respondents comments were in relation to the current lease arrangements of the building with a general desire to increase local community patronage/accessibility of restaurant space.
- Strong community support for more seating/tables/picnic settings and/or picnic areas on the foreshore area to take advantage of views.
- Strong community support for improved beach access, including upgrades to foreshore edge, stabilisation/erosion control of embankment, upgrading of fencing along foreshore and making access generally easier.
- Some concern was raised regarding rock revetment and the potential danger this poses.



- Good community support to improve pedestrian connectivity with more pathways connecting to and within Merriman Reserve, possible creation of a loop path or some type of shared path with pedestrians undesirably currently utilising the car park as a form of access.
- Desire for more 'green' in terms of trees, shade and more attractive planting.
- General support to find ways to increase patronage of bowling greens, with some suggestions for a more casual 'barefoot bowls' - linked to this was desire to make more use of the obsolete bowling green for other outdoor activities.
- Need for a small play space for younger children.
- Retaining existing views and ambience of Merriman Reserve was considered 'most special', with over 100 respondents proclaiming its importance to the site.
- Walking paths and community facilities were also strongly sought after, with majority of respondents wanting pedestrian foreshore access as well as a public facility that can be enjoyed for food and beverage.
- Community support for increasing public use and access of the existing building, which may involve review of the current operational/leasing arrangements.
- Community desire to maintain Merriman Reserve as open space with no additional built developments or increase to existing building footprints.
- Desire to not introduce elements or activities which may negatively impact on the quiet ambience of the site, including large gatherings, concerts and allowing motorised craft to launch or access the foreshore.
- Desire to retain the space as green space with community wanting to see green space either maintained or increased, including more tree planting and landscaped areas.

Further details of the outcomes of the initial community engagement are included in the community engagement discussion paper provided in Appendix E.

### iii Master plan options

In response to the feedback from the initial consultation, the following two master plan options were prepared for Council and community feedback:

- Option 1 – no change to car park location.
- Option 2 – change to car park location.

Both master plan options are shown in the community engagement discussion paper provided in Appendix E, with the key findings of the consultation summarised in the following sections.

#### a Master Plan Option 1

The following provides a summary of the key findings for Option 1 – no change to car park location:

- The online survey results favoured Option 1 due to concerns regarding cost to relocate the carpark and not offering good 'value for money' when it came to prioritising funding.
- The 'value for money' theme was a recurring reason for support of Option 1 over Option 2, with the perceived benefit of relocation not properly considered in terms of cost/benefit analysis.
- The community cited ease of maintenance and operation of bowling greens side by side rather than split across the site.
- Convenient access from the car park to the foreshore.



- Preference for spending funding on higher priority outcomes such as foreshore works.
- Some concerns regarding noise if the car park is re-located.
- Support for foreshore works.

**b Master Plan Option 2**

The following provides a summary of the key findings for Option 2 – change to car park location:

- Consolidation of open space was the main reason for the support of Option 2.
- The community noted the connection of consolidated open space to the foreshore as a benefit.
- Option 2 was considered a safer option for recreational activation with reduced conflict with cars and park users if the car park is relocated.
- Support for trees, shade and shelter.
- Support for foreshore works.

Based on these findings, Council recommended to proceed with a refined version of Option 1, which forms the 2023 Merriman Reserve Master Plan (refer Section 5.2).

**iv Values, issues and threats**

The extensive community engagement process identified key values, issues and threats for Merriman Reserve, which have informed the management actions of this PoM. These are identified in each land category section in Chapter 6 and reflected in the Action Plan provided in Appendix C.

**2.6.2 Public exhibition**

This PoM was placed on public exhibition from XX/XX/XXXX to XX/XX/XXX in accordance with the requirements of Section 38 of the LG Act. A total of XX submissions were received. Council considered these submissions before adopting this PoM.

In accordance with Section 39 of the LG Act, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning and Environment – Crown Lands, as representative of the State of NSW, which is the owner of the Crown Land Reserve 100242. Council has included in the Plan any provisions that have been required by the NSW Department of Planning and Environment – Crown Lands.



## 3 Land description

### 3.1 Merriman Reserve

Merriman Reserve is a 1.33 ha Public Reserve located on the foreshore of Kyle Bay at 12A Merriman Street, Kyle Bay, NSW. Merriman Reserve is shown in Figure 3.1 below and includes the following key components:

1. bowling greens;
2. car park;
3. restaurant and venue space;
4. Sydney Water pump station; and
5. access to the foreshore.

**Figure 3.1** Merriman Reserve (Source: GroupGSA)



Merriman Reserve addresses access along Merriman Street, whilst facing south towards Kyle Bay. It is a predominantly flat site.

North of Merriman Reserve is 'The Green' which comprises a formal sports field and new playground, which connect the park spaces to a broader green network. 'The Green' is subject to a separate Plan of Management - *The Green, Kyle Bay Plan of Management* (2013).

Merriman Reserve consists of approximately 1.19 ha of Community Land in the ownership of Council, and an approximately 0.14 ha Crown Reserve 100242 in the ownership of the Minister administering the CLM Act.

Crown Reserve 100242 forms the foreshore and intertidal areas of Merriman Reserve. Parts of the Crown Reserve are reclaimed foreshore land that was once part of Kyle Bay.

The location of Crown Reserve 100242 is shown outlined in yellow in Figure 3.2.



**Figure 3.2 Merriman Reserve – Crown Reserve 100242 (Source: NSW Planning Portal)**



There is one parcel of land within Merriman Reserve, being Lot 7, Section 1, DP 7641 (refer Table 3.1 and Figure 3.3 below), which is partly occupied by a Sydney Water Corporation underground sewage transfer pumping station (SPS 0194). The above ground infrastructure includes a monitoring control box, steel entry hatches and sewage manhole covers. Council does not have jurisdiction regarding the control and management of this facility. Council does, however, maintain the grassed surface areas around the site as it is accessible to the public and forms part of Merriman Reserve.

Table 3.1 provides property details of the land that is the subject of this PoM. Lot details are shown in Figure 3.3. The current assigned categories of land are shown in Figure 3.4.

**Table 3.1 Merriman Reserve property details**

<b>Reserve purpose</b>	Public Recreation
<b>Land parcel/s</b>	<ul style="list-style-type: none"> <li>• Lot 7316/DP 1154446 (Crown Reserve No 100242)</li> <li>• Lot 10/DP 21299 (part of Merriman Reserve)</li> <li>• Lot 12/DP 650783 (part of Merriman Reserve)</li> <li>• Lot 40/Section 1/DP 7641 (Drainage Reserve between Lots 11 and 12)</li> <li>• Lot 11/Section 1/DP 7641 (part of Merriman Reserve)</li> <li>• Lot 10/Section 1/DP 7641 (part of Merriman Reserve)</li> <li>• Lot 9/Section 1/DP 7641 (part of Merriman Reserve, including the foreshore)</li> <li>• Lot 8/Section 1/DP 7641 (part of Merriman Reserve, including the foreshore)</li> <li>• Lot 7/Section 1/DP 7641 (part of Merriman Reserve, including the foreshore)</li> </ul>
<b>Area (Ha)</b>	1.33 ha (1.19 ha of Community Land / 0.14 ha Crown Reserve)
<b>LEP zoning</b>	RE1 - Public Recreation W2 – Recreational Waterways
<b>Assigned categories of Community Land</b>	Park; General Community Use; Natural Area - Foreshore



Figure 3.3 Merriman Reserve – lot details (Source: Group GSA)



Figure 3.4 Merriman Reserve – current assigned categories of land (2013 Merriman PoM)





### 3.2 Land comprising the habitat of endangered species or threatened species

Merriman Reserve is not known to comprise habitat of endangered species or threatened species. The NSW Government's Biodiversity Values Map and Threshold Tool does not identify Merriman Reserve as having high biodiversity value that is particularly sensitive to impacts from development and clearing.

### 3.3 Foreshore Scenic Protection Area

The *Georges River Local Environmental Plan 2021* (LEP 2021) identifies Merriman Reserve within the Foreshore Scenic Protection Area (FSPA) on its Foreshore Scenic Protection Area Map. The LEP 2021 objectives for the FSPA are:

- a) to protect, maintain and improve the scenic amenity of the Georges River foreshore,
- b) to protect, maintain and improve significant views of and from the Georges River,
- c) to protect, maintain and improve the diversity and condition of native vegetation and habitats,
- d) to reinforce and improve the dominance of landscape over built form, hard surfaces and cut and fill,
- e) to encourage the recovery of threatened species and their communities, populations and habitats,
- f) to enhance existing environmental, cultural and built character values of the foreshore.

This PoM has been prepared having regard to the LEP 2021 objectives for the FSPA and the Master Plan has been designed to address the visual importance of Merriman Reserve (refer to Section 5.2 below).

### 3.4 Culturally significant land

#### 3.4.1 Aboriginal heritage

A search of the NSW Government's Aboriginal Heritage Information Management System (AHIMS) on 20 July 2023 did not identify any registered Aboriginal sites or places within 200 m of Merriman Reserve. A copy of the AHIMS search results is provided in Appendix F.

There is no documented evidence that the land at Merriman held significant values for the local indigenous community. Further consideration of this PoM against relevant native title and Aboriginal land rights legislation is provided in Section 5.3.3.

#### 3.4.2 Historic heritage

The Kyle Bay Bowling Club is identified in Schedule 5 Environmental Heritage in LEP 2021 as Item Number I210 and being of 'local' heritage significance. This listing ensures the future protection of the heritage value of the building.

In a document entitled *Statement of Heritage for Kyle Bay Bowling Club, 12 Merriman Street, Kyle Bay NSW: April 2002*, prepared by Phoenix Architects, it was noted that the building was designed and built in the Post War international architectural style and as having heritage significance as it:

*...represents a good example of Post War International Style building circa 1950. It is a later development overlay in the Williams Estate established in 1914. It is socially significant as a community focus for local residents...*

The report cites comments from Mr Jon Mathias, a former Heritage Advisor to Council, saying:

*...it is probably the only bowling club in NSW or even Australia that has an 'anti-classic' vaulted roof...the club roof is unusual because it is large and built out of timber also appearing very thin. The setting and construction of this roof were no doubt challenging and represent a significant achievement in design and structural integrity, particularly in Australia at this time...*



The Kyle Bowling Club is also identified on the State Heritage Inventory as Heritage Item ID: 1870588, with the following statement of significance:

*Kyle Bay Bowling Club is historically significant as it represents a good example of a Post-War international style building c1950. It is a later development overlay in the Williams Estate est 1914. It is socially significant as a community focus for the local residents.*

### 3.5 Other environmental provisions

The following LEP 2021 additional provisions also apply to Merriman Reserve:

- Clause 6.1 – Acid sulfate soils;
- Clause 6.4 – Foreshore area and coastal hazards and risk; and
- Clause 6.5 – Riparian land and waterways.

In deciding whether to grant development consent for development on the land to which these provisions apply, the consent authority must have regard to the objectives and specific provisions in LEP 2021.



## 4 Basis of management

Council intends to manage its community land to meet:

- assigned categorisation of community land;
- the LG Act guidelines and core objectives for community land;
- restrictions on management of Crown land community land;
- Council's strategic objectives and priorities; and
- development and use of the land outlined in Section 6 of the LG Act.

### 4.1 Categorisation of the land

All community land is required to be categorised as one or more of the following categories listed below. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land as follows:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further subdivided into bushland, escarpment, foreshore, watercourse and wetland categories.

### 4.2 Guidelines and core objectives for management of community land

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land.

The guidelines for categorisation of community land are set out in the *Local Government (General) Regulation 2021* (LG Regulation). The core objectives for each category are set out in the LG Act.

Community land is valued for its important role in the social, intellectual, spiritual and physical and mental health enrichment of residents, workers, and visitors to the George River LGA.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings and recreational and sporting facilities in particular, Council intends to permit and encourage a broad range of appropriate activities, both active and passive recreation.



### 4.3 Restrictions on management of Crown land

Council is the Crown land manager of the Crown Reserve 110242 described in this PoM in accordance with the legislation and conditions imposed by the Minister administering the CLM Act. The use of the Crown Reserve described in this PoM must:

- be consistent with the purpose for which the land was dedicated or reserved;
- consider native title rights and interests and be consistent with the provisions of the Commonwealth *Native Title Act 1993* (NT Act);
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists;
- consider and not be in conflict with any interests and rights granted under the CLM Act; and
- consider any interests held on title.

On Crown land, native title rights and interests must be considered, unless:

- native title has been extinguished;
- native title has been surrendered; or
- native title has determined by a court to no longer exist.

Some examples of acts which may affect native title on Crown land or Crown reserves managed by Council include:

- the construction of new buildings and other facilities such as toilet blocks, walking tracks, tennis courts, grandstands and barbecues;
- the construction of extensions to existing buildings;
- the construction of new roads or tracks;
- installation of infrastructure such as powerlines, sewerage pipes etc;
- the creation of an easement;
- the issue of a lease or licence; and
- the undertaking of major earthworks.

When proposing any act that may affect native title on Crown land or Crown reserves, the act must be authorised through Part 2 Division 3 of the NT Act.

Native title rights and interests are considered further in Section 5.3.3.

### 4.4 Management framework for Merriman Reserve

The management framework for Merriman Reserve comprises two full time greenkeepers within Council's Assets and Infrastructure Directorate, who are responsible for maintaining the bowling greens, mowing the grass and providing general outdoor maintenance of surrounding areas.

Council's Property Team within the Business and Corporate Services Directorate, manage the lease of the restaurant and venue space (currently occupied by Jaak's – Kyle Bay).

Council's Programming and Operations Team within the Community and Culture Directorate manage the licence of the Bowling Club office and storage area, and park permits/bookings.



## 4.5 Council's strategic objectives and priorities

Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach adopted in this PoM.

### 4.5.1 Georges River Local Strategic Planning Statement 2040

The *Georges River Local Strategic Planning Statement 2040* (LSPS 2040) creates a land use vision that recognises the character of the LGA's suburbs and builds on the Georges River community's social, environmental and economic values.

LSPS 2040 commits to supporting homes with safe, accessible, green, clean, creative and diverse facilities, services and spaces by setting criteria to influence decisions about where new housing should be provided. This set of criteria responds to a number of key messages raised by the Georges River community during the LSPS 2040 engagement process, such as the need for more and improved public transport, telecommunications infrastructure, recreational facilities and open space to accommodate current and future demand.

LSPS 2040 has five themes:

- Theme 1: Access and Movement;
- Theme 2: Infrastructure and Community;
- Theme 3: Housing and Neighbourhoods;
- Theme 4: Economy and Centres; and
- Theme 5: Environment and Open Space.

Theme 5 – Environment and Open Space, includes the following relevant planning priorities which have been considered in the preparation of this PoM and the Master Plan and are reflected in the objectives and performance targets in the Action Plan (AP) (Appendix C):

- Planning Priority P16 - Our waterways are healthy and publicly accessible (AP 2.1); and
- Planning Priority P19 - Everyone has access to quality, clean, useable, passive and active open and green spaces and recreation places (AP 2.2).

### 4.5.2 Georges River Community Strategic Plan 2022-2032

The *Georges River Community Strategic Plan 2022 – 2032* (CSP), was adopted by Council on 27 June 2022. The CSP was developed around six themes or pillars which were identified in the consultation process as important to the community. These comprise:

- Pillar 1: Our community;
- Pillar 2: Our green environment;
- Pillar 3: Our economy;
- Pillar 4: Our built environment;
- Pillar 5: Our place in Sydney; and
- Pillar 6: Our governance.

Under Pillar 2 'Our green environment', the following relevant goals and strategies apply and have informed the preparation of this PoM and Master Plan, and are reflected in the objectives and performance targets in the Action Plan (AP) (Appendix C):



- Our waterways are healthy and accessible (AP Ref: 2.3):
  - Protect the Georges River and waterways to be clean and naturalised.
  - Maintain and Implement strategies to provide access to our waterways.

Under Pillar 4 'Our built environment', the following relevant goals and strategies apply and have informed the preparation of this PoM and Master Plan, and are reflected in the objectives and performance targets in the Action Plan (AP) (Appendix C):

- Everyone has access to quality parks and open space and active and passive recreation facilities (AP Ref 2.4):
  - Ensure public parks and open space and Council buildings are accessible, well maintained and managed.
  - Plan and provide active and passive recreation including skate parks, aquatic facilities and off road biking opportunities.
  - Review Plans of Management for all open space in the LGA.

#### 4.5.3 Georges River Local Housing Strategy (2020)

The *Georges River Local Housing Strategy* (Housing Strategy) sets out the strategic direction for housing in the Georges River LGA until 2040. It identifies the housing demand, gaps and issues, and establishes housing objectives to manage future growth. It is a mandated strategy in response to the NSW Government's *Greater Sydney Region Plan and South District Plan* requirements.

The Housing Strategy identifies that the provision of open space is a key consideration when planning for growth and that pressure on demand for open space and recreation facilities will be greater as the population grows and residential densities increase. Council is working to find opportunities for more open space provision to meet the community's needs. This has been a key consideration in the preparation of this PoM and the Master Plan and is reflected in the objectives and performance targets of the Action Plan (AP 2.5) (Appendix C).

#### 4.5.4 Georges River Open Space, Recreation and Community Facilities Strategy 2019-2036

The *Georges River Open Space, Recreation and Community Facilities Strategy 2019-2036* (Open Space Strategy) provides a high-level direction for the provision of community centres, libraries, open space, sport and recreation facilities, athletics and aquatic facilities in the LGA. The purpose of the Open Space Strategy is to examine existing services and current demand, and determine the infrastructure needed based on projected future population and demographic estimates for the LGA until 2036.

The implications raised in the Open Space Strategy relevant to this PoM relate to open space, recreation and community facilities. The Open Space Strategy identifies how these should be developed and this has been reflected in the preparation of this PoM and the Master Plan and reflected in the objectives and performance targets in the Action Plan (AP 2.6) (Appendix C), including being:

- flexible and multipurpose;
- clustered with complementary uses;
- equitably distributed across and within catchment areas;
- activated and safe;
- inclusive and reflective of the whole community;
- part of a connected network;
- high quality and sustainable; and
- proactively managed.



#### 4.5.5 Georges River Foreshore Access and Improvement Plan (2021)

The primary purpose of Council's *Georges River Foreshore Access and Improvement Plan* (the Plan) is to enable public land along the Georges River foreshore to be planned and managed for an optimal balance of environmental health and ecological resilience, and access, use and enjoyment by the community.

The Plan aims to provide a staged and prioritised scheme of works and future projects, and in relation to Merriman Reserve, includes the following key findings and recommendations:

- coastal processes report findings: Tidal inundation within 100 years; Coastal inundation within 100 years;
- assets, access and amenity report findings: Shoreline access needed; Non-engineered protection works; Minor intervention;
- install foreshore protection works at western and eastern extent of foreshore, incorporating habitat infrastructure. Tie into adjoining property protection works;
- remove loose riprap (sandstone rubble) in mid-section and use dune replanting to stabilise and restore frontal dune; and
- fix access tracks.

The recommendations of the Plan have informed the preparation of this PoM and the Master Plan and are reflected in the objectives and performance targets of the Action Plan (AP 2.7) (Appendix C). Consistent with the Plan, the Priority Plan (Appendix B) identifies foreshore restoration works, improved foreshore access and the construction of new pathways along the foreshore as high priority activities.

#### 4.5.6 Georges River Foreshore Scenic Character Study (2021)

The *Georges River Foreshore Scenic Character Study* (Foreshore Study) identifies the Georges River as one of the most important urban river systems in Australia, and states:

*Where it meets the Georges River LGA, the river expands to create an intricate network of bays more resembling a coastal inlet than a river. In addition to providing an attractive physical environment that is emblematic of Sydney, this also creates a highly desirable living environment. Combined with Sydney's increasing population, this has placed significant pressure on the river's foreshore to accommodate increased development. This increased development runs the risk of compromising the attributes of the river that are valued not just by local residents, but also the broader Georges River community.*

To address this issue, Council has, over the years, developed a comprehensive suite of local planning measures. In addition to conventional measures such as land use zoning, this includes provisions for Riparian Land, the Foreshore Area and the Foreshore Scenic Protection Area (FSPA).

The Foreshore Study investigated the role, extent and zoning of the FSPA and included a number of key recommendations for Council, including in relation to the mapped extent of the FSPA and ensuring a clear and specific focus on scenic character. In determining the extent of the FSPA, the study mapped the visibility of land from the Georges River, including from certain viewpoints from key public reserves. Merriman Reserve was one of the reserves selected for its role as a key public reserve located along the foreshore and identified as having significant visibility.

As detailed in Section 3.3, Merriman Reserve is mapped as being within the FSPA under LEP 2021. This PoM has been prepared having regard to the LEP 2021 objectives for the FSPA and the Master Plan has been designed to address the visual importance of Merriman Reserve (refer Section 5.2).

As considered further in Section 6.6, this PoM has categorised the area of the Crown Reserve adjacent to the foreshore as Natural Area – Foreshore, which is defined in Clause 111 of the LG Regulation as 'land situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment'.



#### 4.5.7 Georges River Estuary Coastal Zone Management Plan 2013

The *Georges River Estuary Coastal Zone Management Plan 2013* provides a strategic framework and action plan for the future management of the Georges River Estuary. It aims to redress current issues, and conserve existing values, using a range of implementation mechanisms, including planning instruments, on-ground works, and education programs. The Plan includes an indicative costing, potential funding sources, and identifies key agencies and Councils for responsibility of implementation and future monitoring. The Plan does not identify specific issues for or recommend specific actions for Merriman Reserve, but includes the requirement for further consideration of the following for Kyle Bay:

- the targeted impact of seawalls, jetties, mooring and boats on seagrass;
- the requirement for target invasive weed control and revegetation; and
- identification and progressive control of invasive species from foreshore areas and adjacent bushland.



## 5 Development and use

### 5.1 Overview

Council's community land is valued for its important role in the social, intellectual, spiritual, physical and mental health enrichment of residents, workers, and visitors to the Georges River LGA.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings and recreational and sporting facilities in particular, Council intends to permit and encourage a broad range of appropriate activities, both active and passive.

This is reflective of existing and proposed future uses and activities of Merriman Reserve as described in the following sections of this PoM.

### 5.2 Merriman Reserve Master Plan

This PoM is accompanied by the 2023 Merriman Reserve Master Plan and Priority Plan (collectively referred to as the Master Plan), to guide the future development and use of Merriman Reserve.

The Master Plan has been designed to respond to the issues raised during the stakeholder engagement process undertaken for this PoM (refer Section 2.6) and meet Council's statutory and strategic planning objectives as identified in the Action Plan (Appendix C).

The Master Plan includes the following key components with corresponding Master Plan ID numbers (MP ID):

1. Retention of the two existing bowling greens (MP ID 01).
2. Upgrade carpark (MP ID 02), to:
  - improve the efficiency of the carpark layout;
  - reduce carpark encroachment to the foreshore and allow for increased open space/address to building; and
  - address existing localised flooding to carpark.
3. Installation of sandstone blocks or similar to control vehicular movements along the foreshore edge (MP ID 03).
4. Construction of new maintenance/amenities building for the bowling greens (MP ID 04).
5. Create a 'pedestrian loop' path to link into existing street verge path, including the potential to widen existing pathways (MP ID 05).
6. Create pedestrian entry points and connections from surrounding streets, including new pedestrian crossing/pram ramps (subject to further traffic investigations) (MP ID 06).
7. Increase open space along the foreshore edge as a result of revised and improved car park layout (where practical) (MP ID 07).
8. Undertake foreshore restoration works (MP ID 08), including:
  - erosion stabilisation works;
  - rock protection works;
  - formalised foreshore access points;



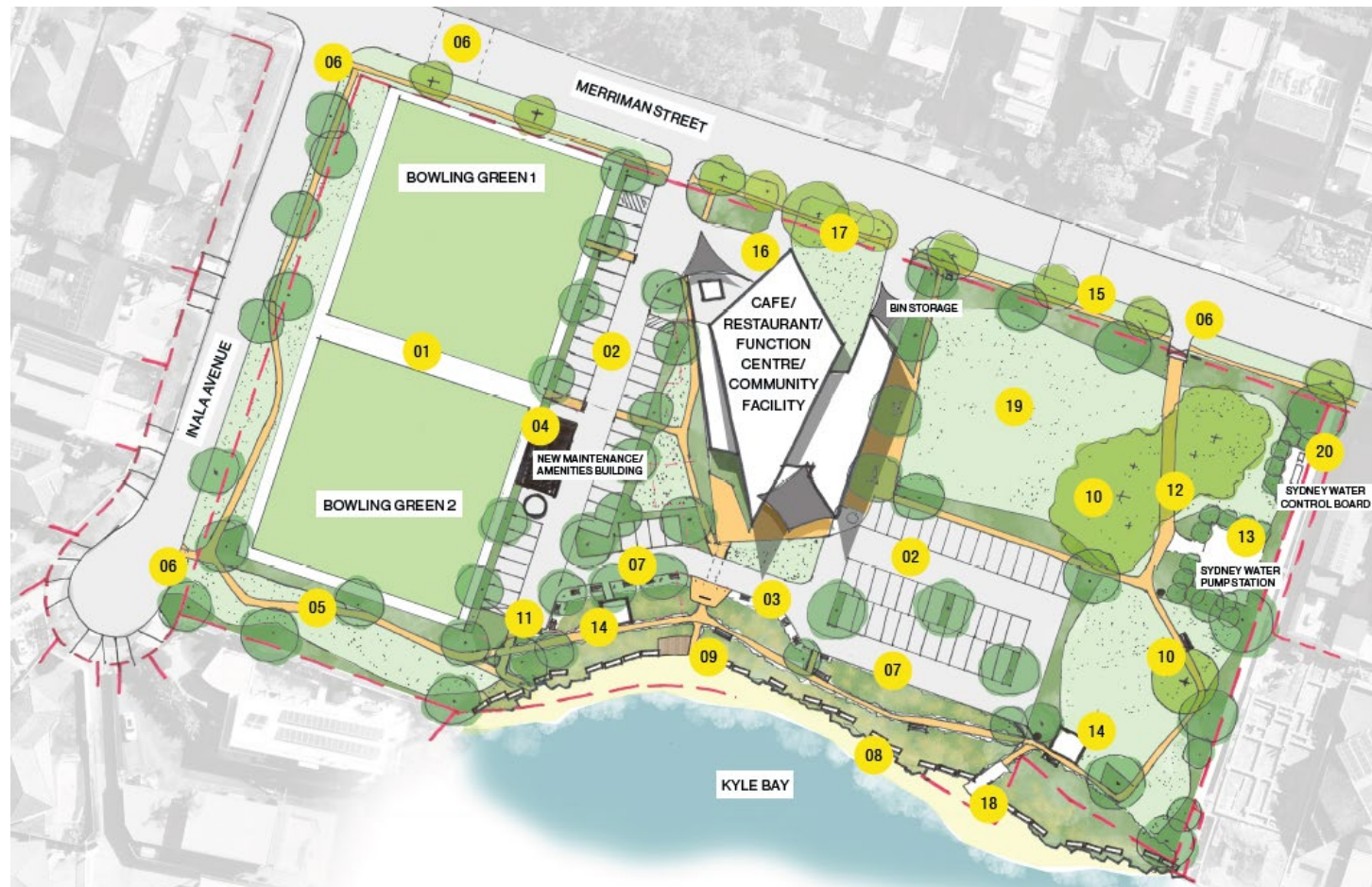
- revegetation of foreshore with local plant community;
  - accommodation of tidal inundation; and
  - planting of riparian vegetation.
9. Maintain views across Kyle Bay and build a small viewing platform where structurally feasible (MP ID 09).
  10. Retain existing trees (MP ID 10).
  11. Increase “green” open space area, including more tree cover for shade in selected locations with low maintenance native groundcovers (MP ID 11).
  12. Maintain service access to Sydney Water infrastructure, with access width and construction to be suitable for service trucks (MP ID 12).
  13. Provide a landscape buffer/screen to Sydney Water infrastructure (authority approval for future planting/screening required prior to documentation and implementation) (MP ID 13).
  14. Provide seating, picnic shelters, bins and casual picnic areas with a focus on water views (MP ID 14).
  15. Provide new low boundary fencing of appropriate material with new reserve signage (MP ID 15).
  16. Retain vehicular drop off zone and back of house servicing (MP ID 16).
  17. Provide buffer planting to screen noise from waste pick-up point (MP ID 17).
  18. Provide formal access to beach zone (MP ID 18).
  19. Address works to convert the old bowling green to a park area (MP ID 19).
  20. Landscape buffer/ screen to Sydney Water infrastructure (Authority approval for future planting/ screening will be sought prior to documentation and implementation) (MP ID 20).

An excerpt of the Master Plan is provided in Figure 5.1 below and a full version is provided in Appendix B.

The Priority Plan forms part of the Master Plan and details Council's priorities for the implementation of the various components of the Master Plan, including as high, medium and low priority actions. The Priority Plan is provided in Appendix B.



Figure 5.1 Excerpt of 2023 Merriman Reserve Master Plan (Source: Group GSA)





### 5.3 Express authorisation of leases and licences and other estates

Under Section 46 (1) (b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity. Any lease or licence proposal is to comply with Council's policies, including *Community Lease Policy* (if applicable).

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

#### 5.3.1 Leases and licences authorised by this Plan of Management

This PoM expressly authorises the issue of leases, licences and other estates over the land covered by this PoM, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved;
- the purpose is consistent with the core objectives for the category of the land;
- the lease, licence or other estate is for a permitted purpose listed in the LG Act or the LG Regulation;
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the NT Act (if applicable to the Crown land);
- the lease, licence or other estate is granted and notified in accordance with the provisions of the LG Act or the LG Regulation, including for a period exceeding 21 years (or 30 years with the relevant Minister's consent). This includes any period for which a lease or licence could be renewed under the exercising of an option. However, this PoM limits the length of term to a maximum of 21 years; and
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

#### 5.3.2 Short-term licences

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use.

Short-term licences are authorised for the purpose of:

- a) the playing of a musical instrument, or singing, for fee or reward;
- b) engaging in a trade or business;
- c) the playing of a lawful game or sport;
- d) the delivery of a public address;
- e) commercial photographic sessions;
- f) picnics and private celebrations such as weddings and family gatherings;
- g) filming sessions; and



h) the agistment of stock.

Fees for short-term casual bookings will be charged in accordance with Council's adopted fees and charges at the time.

### 5.3.3 Native title and Aboriginal land rights considerations in relation to leases, licences and other estates

When planning to grant a lease or licence on Crown reserves, Council must comply with the requirements of the Commonwealth *Native Title Act 1993* (NT Act) and have regard to any existing claims made on the land under the NSW *Aboriginal Land Rights Act 1983* (Aboriginal Land Rights Act). It is the role of Council's engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act.

The native title advice states that:

*To our knowledge, the Land is not:*

- *subject to an approved determination of native title and native title has been found to be extinguished or not exist,*
- *land where all native title rights and interests have been surrendered under an Indigenous Land Use Agreement,*
- *land subject to a section 24FA protection,*
- *land where all native title rights and interests in relation to the land have been compulsorily acquired, or*
- *land for which a native title certificate is in effect.*

The advice also confirmed that:

*Separate to the matters covered by this advice, before the Council adopts the POM or carries out any of the proposed acts authorised by the POM, the Council must also ensure that it complies with any relevant:*

- *planning legislation, and*
- *land management obligations under the CLM Act, and*
- *the Aboriginal Land Rights Act 1983 in respect of any land claims under that Act,*
- *any other obligations under the LG Act or other legislation relating to the adoption of the POM and carrying out the proposed acts that are authorised by the POM.*



## 6 Management of land by category

### 6.1 Overview

The following general categories of community land will occur in Merriman Reserve:

- **Park** (refer Section 6.3);
- **General Community Use** (refer Section 6.4); and
- **Natural Area - Foreshore** (refer Section 6.5).

An excerpt of the land categorisation is shown in the figure excerpt in Figure 6.1 and the Merriman Reserve Land Categorisation Plan is provided in Appendix A.

**Figure 6.1** Categorisation of Merriman Reserve (Source: Group GSA)



### 6.2 Objectives and performance targets

Section 36 (3) of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land;



- the means by which the council proposes to achieve these objectives and performance targets; and
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

An Action Plan, which details the objectives and performance targets for each category of land in this PoM and how Council intends to achieve and assess their performance, is provided in Appendix C.

### 6.3 Park

The category Park applies to the community land that forms the area of Merriman Reserve depicted in light green in Figure 6.1. It covers most of Merriman Reserve, including the area to the north of Crown Reserve and the eastern part of Merriman Reserve, including the obsolete bowling green, which is proposed to be replaced with an area of informal open space, with the opportunity for this area to be used by the general community for functions and other flexible uses. The existing Sydney Water pump station is also included in the Park category of land.

As shown on the Master Plan (Appendix B), the Park category of land is intended to be developed as follows:

- upgraded car park – to improve efficiency of the car park layout, reduce carpark encroachment to the foreshore, address existing localised flooding and allow for increased open space (MP ID 02);
- new maintenance/amenities building for bowling greens (MP ID 04);
- pedestrian loop path to link into existing street verge paths (MP ID 05);
- pedestrian entry points and connections from surrounding streets (MP ID 06);
- increased open space area (MP ID 7 and 11);
- retention of existing trees (MP ID 10);
- maintained service access to Sydney Water infrastructure and provision of a landscaped buffer (MP ID 12, 13 and 20);
- seating, picnic shelters, bins and casual picnic areas (MP ID 14);
- new low fencing of appropriate material along boundary and new reserve signage (MP ID 15); and
- works to convert old bowling green to park area (MP ID 19).

The permissible and future uses set out in Section 6.3.5, and the express authorisation of leases, licences and other estates set out in Section 6.3.6, are consistent with the purpose for which Merriman Reserve was dedicated, being a reserve for public recreation.

#### 6.3.1 Guidelines and core objectives

Parks are defined in clause 104 of the LG Regulation as land which is improved by landscaping, gardens or the provision of non-sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that do not intrude on the peaceful enjoyment of the land by others.

The core objectives for Parks, as outlined in Section 36 G of the LG Act, are to:

- encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities;
- provide for passive recreational activities or pastimes and for the casual playing of games; and
- improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

This PoM and the Master Plan have been prepared having regard to these objectives, as reflected in the objectives and performance targets in the Action Plan (Appendix C).



### 6.3.2 Key issues, values and threats

Key issues, values and threats associated with the land categorised as Park in Merriman Reserve, which were raised during stakeholder engagement (refer Section 2.6 and the community engagement discussion paper in Appendix E), include:

- retention of existing views and the ambience of Merriman Reserve;
- the need for walking paths and improved pedestrian access to the foreshore;
- provision of more seating/tables/picnic settings and/or picnic areas within the park and the foreshore area to take advantage of views;
- avoidance of elements or activities which may negatively impact on the quiet ambience of Merriman Reserve, including large gatherings and concerts; and
- the desire to maintain Merriman Reserve as open space with no additional built developments.

### 6.3.3 Development and use

The permitted development and uses of the Park categorisation of land in Merriman Reserve are:

- infrastructure and facilities;
- paths and walking trails;
- landscaping and non-sporting equipment and facilities;
- parking;
- signage; and
- special events or uses.

Specific permitted and future uses are identified in Table 6.1 below.

### 6.3.4 Current use of the land

#### a Condition and use of the land and structures

Section 36 (3 A) (a) of the LG Act requires a PoM to include a description of the condition of the land and structures on adoption of the plan. A table identifying all of Merriman Reserve's assets and their condition (including photographs) is provided in Appendix D.

#### b Current leases and licences

There are no formal leases or licences over any land categorised as Park in Merriman Reserve.

### 6.3.5 Permissible uses / future uses

Section 36 (3 A) of the LG Act requires a PoM to detail the uses currently permitted on the land and any planned or committed future uses of the land.

The general types of uses which may occur on community land categorised as Park, and the forms of development generally associated with those uses, are set out in detail in Table 6.1. The facilities on community land in Merriman Reserve may change over time, reflecting the needs of the community.



**Table 6.1 Permissible use and development of land categorised as Park**

Purpose/use	Development to facilitate uses
<ul style="list-style-type: none"> <li>Active and passive recreation including children's play equipment and cycling.</li> <li>Group recreational use, such as picnics and private celebrations.</li> <li>Eating and drinking in a relaxed setting.</li> <li>Publicly accessible ancillary areas, such as toilets.</li> <li>Festivals, parades, markets, fairs, exhibitions and similar events and gatherings.</li> <li>Low-intensity commercial activities.</li> <li>Filming and photographic projects.</li> <li>Busking.</li> <li>Public address (speeches).</li> <li>Community gardening.</li> </ul> <p>Note: Some of the uses listed above require a permit from Council.</p>	<ul style="list-style-type: none"> <li>Development for the purposes of improving access, amenity and the visual character of the Reserve, for example paths, public art, pergolas.</li> <li>Development for the purposes of recreation such as play equipment, exercise equipment, bike racks.</li> <li>Amenities to facilitate the safe use and enjoyment of the Reserve, for example picnic tables, BBQs, sheltered seating areas.</li> <li>Kiosks or refreshment areas including external seating.</li> <li>Lighting, seating, toilet facilities, courts, paved areas.</li> <li>Hard and soft landscaped areas.</li> <li>Storage sheds.</li> <li>Car parking and loading areas.</li> <li>Commercial development that is sympathetic to and supports use in the area, for example hire of recreation equipment.</li> <li>Community gardens.</li> <li>Heritage and cultural interpretation, for example signs.</li> <li>Advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> <li>Relate to approved uses/activities.</li> <li>Are discreet and temporary.</li> <li>Are approved by Council.</li> </ul> </li> <li>Water-saving initiatives such as stormwater harvesting, rain gardens and swales.</li> <li>Energy-saving initiatives such as solar lights and solar panels.</li> <li>Locational, directional and regulatory signage.</li> </ul>

### 6.3.6 Express authorisation of leases, licences and other estates - Park

Section 46 (1) (b) and 36 (3 A) of the LG Act requires a PoM to provide an express authorisation for the granting of leases, licences or other estates.

This PoM expressly authorises the issue of leases, licences and other estates over the land categorised as Park, listed in Table 6.2. The term of any lease, licence or other estate will be subject to the relevant provisions of the LG Act.

**Table 6.2 Leases, licences and other estates and purposes for which they may be granted for community land categorised as Park**

Type and tenure of arrangement	Purpose for which tenure may be granted
Lease	Nil
Licence	<ul style="list-style-type: none"> <li>Outdoor café/kiosk seating and tables.</li> <li>Management of court or similar facilities.</li> <li>Hire or sale of recreational equipment.</li> </ul>
Short-term licence	<ul style="list-style-type: none"> <li>Community events and festivals.</li> <li>Playing a musical instrument, or singing for fee or reward.</li> <li>Picnics and private celebrations such as weddings and family gatherings.</li> <li>Filming, including for cinema/television.</li> <li>Conducting a commercial photography session.</li> </ul>



**Table 6.2 Leases, licences and other estates and purposes for which they may be granted for community land categorised as Park**

Type and tenure of arrangement	Purpose for which tenure may be granted
	<ul style="list-style-type: none"> <li>Public performances.</li> <li>Engaging in an appropriate trade or business.</li> <li>Delivering a public address.</li> <li>Community events.</li> <li>Fairs, markets, auctions and similar activities.</li> </ul>
Other estates	This PoM allows Council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of Council or a public utility provider on the community land in accordance with the LG Act.

## 6.4 General Community Use

The category General Community Use is considered the most appropriate category for the land occupied by the Merriman Reserve Heritage Building, the surrounding car parks and bowling greens to the west. The General Community Use includes the provision to permit the licencing and leasing of the Merriman Reserve Heritage Building (including office/community facility) and bowling greens.

The permissible and future uses set out in Section 6.4.5, and the express authorisation of leases, licences and other estates set out in Section 6.4.6, are consistent with the purpose for which Merriman Reserve was dedicated, being a reserve for public recreation.

### 6.4.1 Guidelines and core objectives

Clause 106 of the LG Regulation identifies General Community Use land as land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of Natural Area, Sportsground, Park or Area of Cultural Significance.

The core objectives for community land categorised as General Community Use, as outlined in Section 36 I of the LG Act, are to promote, encourage and provide for the use of the land, and provide facilities on the land, to meet the current and future needs of the local community and of the wider public, including in relation to:

- public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public; and
- purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

This PoM and the Master Plan have been prepared having regard to these objectives and are reflected in the objectives and performance targets in the Action Plan (Appendix C).

### 6.4.2 Key issues, values and threats

Key issues, values and threats associated with the land categorised as General Community Use in Merriman Reserve, which were raised during stakeholder engagement (refer Section 2.6 and the community engagement discussion paper in Appendix E), include:

- avoidance of elements or activities which may negatively impact on the quiet ambience of Merriman Reserve, including large gatherings and concerts;
- support for increasing public use and access of the existing building; and



- the desire to maintain Merriman Reserve as open space with no additional built developments.

### 6.4.3 Development and use

The permitted development and uses of the General Community Use category of land in Merriman Reserve are:

- infrastructure and facilities;
- special events or uses;
- parking;
- landscaping;
- signage; and
- sale of food and beverages, including alcohol.

Specific permitted and future uses are identified in Table 6.7.

### 6.4.4 Current use of the land

#### a Condition and use of the land and structures

Section 36 (3A) (a) of the LG Act requires a PoM to include a description of the condition of the land and structures on adoption of the plan. A table identifying all of Merriman Reserve's land and assets and their condition (including photographs) is provided in Appendix D.

#### b Current leases and licences

The current leases within the General Community Use category of land in Merriman Reserve are set out in Table 6.6.

**Table 6.6 Current leases within land categorised as General Community Use**

Lease	Location	Commence	Terminate
Christodoulou Pty Limited	Partners The building located on the land within Lot 11, Section 1, DP7641 Also includes a non-exclusive Licence for Christodoulou to use land in the immediate vicinity of the building	19 September 2021	18 September 2026 (with a further 5-year option for the lessee)
Blakehurst Men's Bowling Club	Kyle Bay Bowling Club bowling greens, office space and storage area	1 March 2022	1 March 2027

### 6.4.5 Permissible uses / future uses

Section 36 (3A) of the LG Act requires a PoM to detail the uses currently permitted on the land and any planned or committed future uses of the land.

The general types of uses which may occur on community land categorised as General Community Use and the forms of development generally associated with those uses, are set out in detail in Table 6.7. The facilities on community land may change over time, reflecting the needs of the community.



**Table 6.7 Permissible use and development of land categorised as General Community Use**

Purpose/use	Development to facilitate uses
<p>Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.</p> <p>Providing multi-purpose building/s with specialised community uses such as:</p> <ul style="list-style-type: none"> <li>Casual or informal recreation.</li> <li>Meetings (including for social, recreational, educational or cultural purposes).</li> <li>Functions.</li> <li>Performances (including film and stage).</li> <li>Exhibitions.</li> <li>Fairs and parades.</li> <li>Workshops.</li> <li>Kiosk, café and restaurant purposes.</li> <li>Leisure or training classes.</li> <li>Child care (for example, before and after school care, vacation care).</li> <li>Designated group use (e.g. scout and girl guide use).</li> <li>Educational centres, including information and resource centres.</li> <li>Entertainment facilities.</li> </ul>	<p>Development for the purposes of social, community, cultural and recreational activities, such as youth services, aged services, men's sheds.</p> <p>Development includes:</p> <ul style="list-style-type: none"> <li>Provision of buildings or other amenity areas to facilitate use and enjoyment by the community.</li> <li>Development (particularly within buildings) for the purposes of addressing the needs of a particular group (for example, a stage).</li> <li>Development for the purpose of a kiosk, café or restaurant.</li> <li>Landscaping and finishes, improving access, amenity and the visual character of the general community area.</li> <li>Water-saving initiatives such as rain gardens.</li> <li>Energy-saving initiatives such as solar lights and solar panels.</li> <li>Car parking and loading areas.</li> <li>Advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> <li>Relate to approved uses/activities.</li> <li>Are discreet and temporary.</li> <li>Are approved by Council.</li> </ul> </li> <li>Locational, directional and regulatory signage.</li> </ul>

#### 6.4.6 Express authorisation of leases, licences and other estates – General Community Use

Section 46 (1) (b) and 36 (3 A) of the LG Act requires a PoM to provide an express authorisation for the granting of leases, licences or other estates.

This PoM expressly authorises the issue of leases, licences and other estates over the land categorised as General Community Use, listed in Table 6.8. The term of any lease, licence or other estate will be subject to the relevant provisions of the LG Act and Council's policies, including *Community Lease Policy* (if applicable).

**Table 6.8 Leases, licences and other estates and purposes for which they may be granted for community land categorised as General Community Use**

Type and tenure of arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> <li>Child care or vacation care.</li> <li>Educational purposes, including libraries, education classes, workshops.</li> <li>Cultural purposes, including dramatic productions and galleries.</li> <li>Recreational purposes, including fitness classes, dance classes and games.</li> <li>Kiosk, café, restaurant and refreshment purposes.</li> <li>Commercial retail uses associated with the facility.</li> </ul>
Licence	<ul style="list-style-type: none"> <li>Social purposes (including child care, vacation care).</li> <li>Educational purposes, including education classes, workshops.</li> <li>Recreational purposes, including lawn bowls, fitness classes, dance classes.</li> <li>Café/restaurant/kiosk areas.</li> </ul>



**Table 6.8 Leases, licences and other estates and purposes for which they may be granted for community land categorised as General Community Use**

Type and tenure of arrangement	Purpose for which tenure may be granted
Short-term licence	<ul style="list-style-type: none"> <li>Sale of goods or services that are ancillary to a community land use and reserve purpose, for example flower sales at a cemetery.</li> <li>Public speeches, meetings, seminars and presentations, including educational programs.</li> <li>Functions (including commemorative functions, book launches, film releases, balls, and similar activities).</li> <li>Displays, exhibitions, fairs, fashion parades and shows.</li> <li>Events (including weddings, corporate functions, and community gatherings) and other performances, including both live performances and film (cinema and TV).</li> <li>Broadcasts associated with any event or public speech.</li> <li>Engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities.</li> </ul>
Other estates	This PoM allows Council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of Council or a public utility provider on the community land in accordance with the LG Act.

## 6.5 Natural Area - Foreshore

The category Natural Area - Foreshore applies to the area of the Crown Reserve adjacent to the foreshore.

### 6.5.1 Guidelines and core objectives

Clause 102 of the LG Regulation identifies natural areas as land possessing a significant feature that would be sufficient to further categorise the land as Bushland, Wetland, Escarpment, Watercourse or Foreshore.

Section 36 E of the LG Act identifies the following core objectives for Natural Areas:

- conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area;
- maintain the land, or that feature or habitat, in its natural state and setting;
- provide for the restoration and regeneration of the land;
- provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion; and
- assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in the *Biodiversity Conservation Act 2016* or the *Fisheries Management Act 1994*.

Clause 102 of the LG Regulation identifies foreshores as land situated on the water's edge forming a transition zone between the aquatic and terrestrial environment.

The core objectives for foreshores, as outlined in Section 36 N of the LG Act, are to:

- maintain the foreshore as a transition area between the aquatic and the terrestrial environment;
- protect and enhance all functions associated with the foreshore's role as a transition area; and



- facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

This PoM and the Master Plan have been prepared having regard to these objectives, as reflected in the objectives and performance targets in the Action Plan (Appendix C).

#### **6.5.2 Key issues, values and threats**

Key issue, values and threats associated with the land categorised as Natural Area – Foreshore in Merriman Reserve, which were raised during stakeholder engagement (refer Section 2.6 and the community engagement discussion paper in Appendix E), include:

- retention of existing views and the ambience of Merriman Reserve;
- the need for walking paths and improved pedestrian access to the foreshore;
- provision of more seating/tables/picnic settings and/or picnic areas within the Reserve and the foreshore area to take advantage of views;
- required upgrades to the foreshore edge, including stabilisation/erosion control of embankment, and upgrade to fencing; and
- avoidance of elements or activities which may negatively impact on the quiet ambience of Merriman Reserve, including large gatherings, concerts and allowing motorised craft to launch or access the foreshore.

#### **6.5.3 Development and use**

The permitted development and uses of the Natural Area - Foreshore category of land in Merriman Reserve are:

- infrastructure and facilities, including boardwalks;
- passive recreation;
- landscaping and non-sporting equipment and facilities;
- foreshore regeneration; and
- signage.

Specific permitted and future uses are identified in Table 6.10.

#### **6.5.4 Current use of the land**

##### **a Condition and use of the land and structures**

Section 36 (3 A) (a) of the LG Act requires a PoM to include a description of the condition of the land and structures on adoption of the plan. A table identifying all of Merriman Reserve's land and assets and their condition (including photographs) is provided in Appendix D.

##### **b Current leases and licences**

There are no formal leases or licences over any land to be categorised as Natural Area – Foreshore.

#### **6.5.5 Permissible uses / future uses**

Section 36 (3 A) of the LG Act requires a PoM to detail the uses currently permitted on the land and any planned or committed future uses of the land.



The general types of uses which may occur on community land categorised as Natural Area – Foreshore, and the forms of development generally associated with those uses, are set out in detail in Table 6.10. The facilities on community land may change over time, reflecting the needs of the community.

**Table 6.10 Permissible use and development of land categorised as Natural Area - Foreshore**

Purpose/use	Development to facilitate uses
<ul style="list-style-type: none"> <li>• Preservation of the council's natural heritage including the identified endangered ecological communities.</li> <li>• Preservation of biological diversity and habitat.</li> <li>• Providing a location for formal and informal recreation.</li> <li>• Walking and cycling.</li> <li>• Environmental and scientific study.</li> <li>• Approved bush care projects requiring ecological restoration activities associated with protection of flora and fauna.</li> <li>• Fire hazard reduction.</li> </ul>	<ul style="list-style-type: none"> <li>• Visitor facilities: toilets, picnic tables, BBQs, sheltered seating areas, lighting, low-impact carparks, refreshment kiosks (but not restaurants).</li> <li>• Low-impact walking trails.</li> <li>• Interpretive signage and information kiosks.</li> <li>• Water-saving initiatives such as rain gardens, swales and sediment traps.</li> <li>• Energy-saving initiatives such as solar lights and solar panels.</li> <li>• Bridges, observation platforms.</li> <li>• Work sheds or storage sheds required in connection with the maintenance of the land.</li> <li>• Bicycle/boat hire or similar.</li> <li>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out.</li> <li>• Locational, directional and regulatory signage.</li> </ul>

### 6.5.6 Express authorisation of leases, licences and other estates – Natural Area - Foreshore

Section 46 (1) (b) and 36 (3 A) of the LG Act requires a PoM to provide an express authorisation for the granting of leases, licences or other estates.

This PoM expressly authorises the issue of leases, licences and other estates over the land categorised as Natural Area - Foreshore, listed in Table 6.11. The term of any lease, licence or other estate will be subject to the relevant provisions of the LG Act and CLM Act.

**Table 6.11 Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area - Foreshore**

Type and tenure of arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> <li>• Walkways, pathways, bridges, causeways.</li> <li>• Observation platforms, signs.</li> <li>• Information kiosk.</li> <li>• Work sheds or storage sheds required in connection with the maintenance of the land.</li> <li>• Toilets.</li> <li>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out.</li> </ul>
Licence	<ul style="list-style-type: none"> <li>• Walkways, pathways, bridges, causeways.</li> <li>• Observation platforms, signs.</li> <li>• Information kiosk.</li> <li>• Work sheds or storage sheds required in connection with the maintenance of the land.</li> <li>• Toilets.</li> <li>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out.</li> </ul>



**Table 6.11** Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area - Foreshore

Type and tenure of arrangement	Purpose for which tenure may be granted
Short-term licence	<ul style="list-style-type: none"> <li>Scientific studies and surveys or similar.</li> <li>Temporary erection or use of any building or structure necessary to enable a filming project to be carried out.</li> </ul>
Other estates	This PoM allows Council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of Council or a public utility provider on the community land in accordance with the LG Act.



## Appendices

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## Appendix A

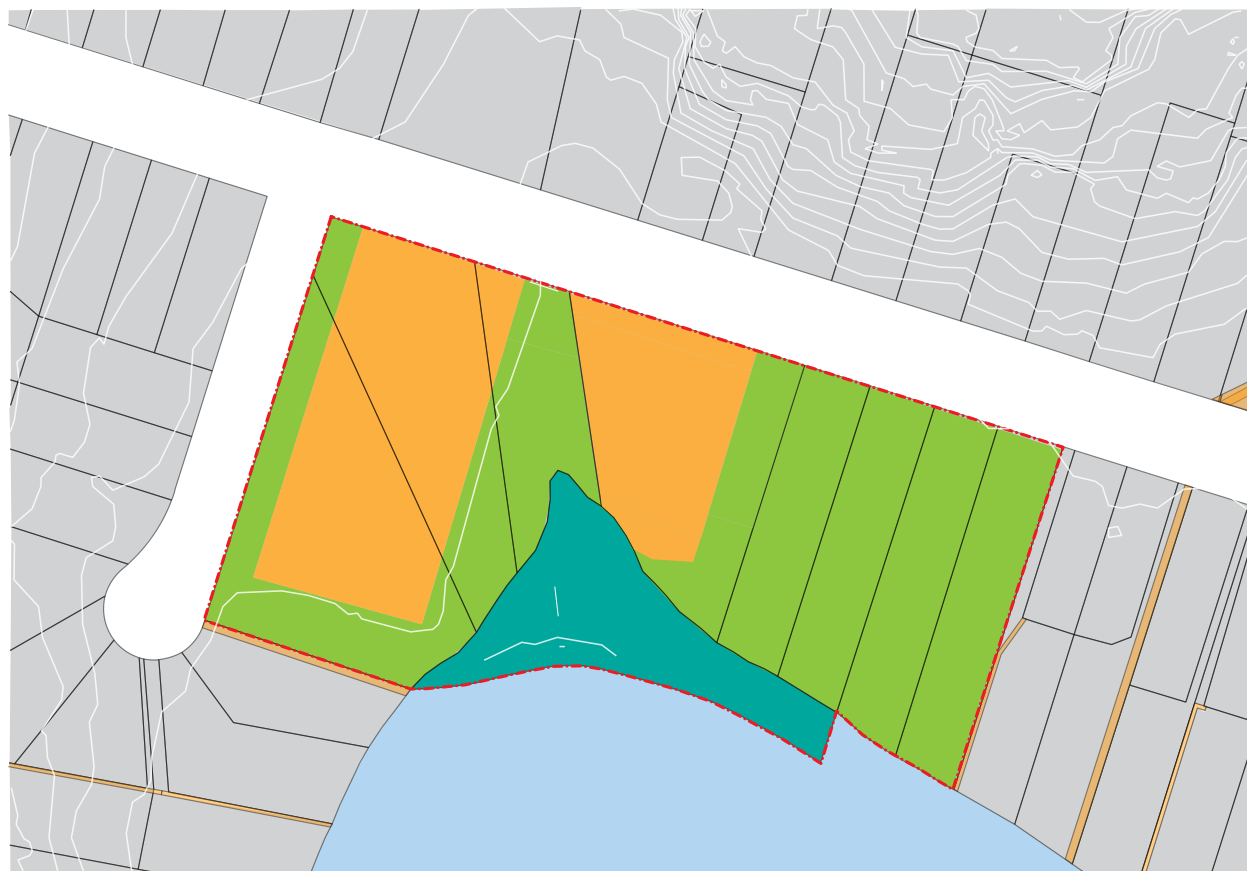
### Categorisation plan

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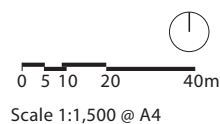


## MERRIMAN RESERVE, KYLE BAY LAND CATEGORISATION



### LEGEND

- SITE
- PARK
- GENERAL COMMUNITY USE
- NATURAL AREA - FORESHORE
- LOTS



Scale 1:1,500 @ A4



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## Appendix B

### Merriman Reserve Master Plan

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Merriman Reserve -  
Master Plan

Project Name: Merriman Reserve PoM  
Client: Georges River Council

Project No: 210269  
Drawing no: SK 01  
Rev: N  
Date: 24.01.2024

Scale:  
1:500 @ A1

North:



GROUPSA

- LEGEND**
- 01 Retain Bowling Greens.
  - 02 Upgrade Carpark – Improve efficiency of carpark layout (subject to detailed investigation). Reduce carpark encroachment to foreshore & allow for increased open space/address to building. Address existing localised flooding to carpark. Review DDA compliant carparking.
  - 03 Sandstone blocks or similar installed to control vehicular movements along foreshore edge.
  - 04 Construct new maintenance/amenities building for bowling greens. New location reduces visual encroachment on foreshore.
  - 05 Pedestrian Loop Path links to existing street verge paths. Consider widening existing pathways.
  - 06 Pedestrian entry points and connections from surrounding streets, including new pedestrian crossing / pram ramps (subject to further traffic investigations).
  - 07 Increased open space along foreshore edge as a result of revised and improved carpark layout (where practical).
  - 08 Foreshore restoration:
    - Erosion stabilisation works
    - Rock protection works
    - Formalised foreshore access points
    - Revegetation to foreshore with local plant community
    - Accommodation of tidal inundation
    - Riparian vegetation
  - 09 Maintain views across Kyle Bay. Build small viewing platform where structurally feasible.
  - 10 Existing trees retained.
  - 11 Increased “green” open space area including more tree cover for shade in selected locations within low maintenance native groundcovers.
  - 12 Maintain service access to Sydney Water infrastructure (access width and construction suitable for service trucks).
  - 13 Landscape buffer/ screen to Sydney Water infrastructure (Authority approval for future planting/screening will be sought prior to documentation and implementation).
  - 14 Seating, picnic shelters, bins and casual picnic areas with a focus on water views.
  - 15 New low fencing of appropriate material along boundary and new reserve signage.
  - 16 Vehicular drop off zone & back of house servicing retained.
  - 17 Buffer planting to screen noise from waste pick-up point.
  - 18 Formal access to beach zone.
  - 19 Address works to convert old bowling green to park area.
  - 20 Landscape buffer/ screen to Sydney Water infrastructure (Authority approval for future planting/screening will be sought prior to documentation and implementation).



High Priority

FORESHORE ZONE

Foreshore restoration works (refer to Georges River Foreshore Access and Improvements Plan) to include but not limited to:

- Stabilisation of foreshore through rock protection, accommodation of tidal inundation, riparian and environmental enhancement.
- Re-vegetate foreshore with endemic groundcover planting to reduce erosion and create a green edge.
- Formalise beach access point and re-instate new fencing.
- Improve beach access providing wider access ramps (timber or FRP (Fibre Reinforced Plastic) ramp surface).
- Restore, repair and beautify beach zone – removal/tidy up random rocks scattered on beach area etc.

PATHS AND CONNECTION

- Create pedestrian entry points into Merriman Reserve from surrounding streets.
- Construct new pathways along the reserve foreshore to create a pedestrian loop which links to existing pathways along Merriman Street.
- Construct new pathways, creating formal pedestrian access to building entry points including equal access where required.

SHADE & SHELTER

- Increase of tree cover for shade in selected locations with consideration to low maintenance native planting within new planting beds and co-located near seating.
- Provide some well-located small shelters with seating/picnic settings.
- Confirm health and longevity of existing trees with arborist evaluation. Retain, remove and replace where practical.

INFRASTRUCTURE

- Provide a vegetation or sympathetic built screen to Sydney Water infrastructure to reduce its visual impact without impacting on service access and assets (authority approval for future planting/screening will be sought prior to documentation and implementation).
- Provide water fountain in suitable locations.
- Provide new bins (general/recycled) along pathway in suitable locations.

CARPARK

- Provide scattered shade trees to edges of foreshore carpark where appropriate and without compromising visual amenity.

Legend

- Better connectivity
- Keep it green
- Share the space
- Enjoy the view
- Encourage activation

Medium Priority

PATHS AND CONNECTIONS

- Construct a formal pedestrian crossing across Merriman Street, linking the Reserve to "The Green" (location subject to further traffic investigation).
- Create a small viewing platform over existing stormwater outlet to reduce visibility of outlet while providing a viewing deck across the bay. Liaise with Sydney Water as necessary (subject to structural investigation).

GREENING

- Create buffer planting along adjoining fence lines.

CARPARK

Southern carpark works including:

- Reconfiguration/improved efficiency to carpark layout reducing carpark encroachment on foreshore (subject to detailed investigation).
- Address existing localised flooding in link road between carparks and improved drainage to building (community facility entrance flooding).
- Utilise sandstone blocks or similar to control vehicular movements along foreshore edge (particularly link road).
- Inclusion of trees for shade where practical.
- Provision of path connections from carpark to building entry points/desire lines.
- Removal of carpark spaces along foreshore to increase open space along foreshore edge (investigate capacity following traffic study).
- New linemarking.
- Review, upgrade and/or relocate DDA carparking ensuring accessible parking spaces comply to current standards.

Low Priority

PATHS AND CONNECTIONS

- Explore widening existing pedestrian footpath along Merriman Street

INFRASTRUCTURE

- Construct new maintenance/amenities building for Bowling Greens in a location which does not impact on foreshore area and includes new public amenities with appropriate wayfinding signage
- Replace fencing along Merriman Street boundary
- New park signage including new traffic, way-finding, interpretive and regulatory signage

OBSOLETE BOWLING GREEN

- Opportunity to activate this area for functions/flexible uses. Consider infrastructure for other community events, including lighting, access to power and water etc.



Merriman Reserve :  
Master Plan - Priority Plan

Project Name: **Merriman Reserve PoM**  
Client: Georges River Council

Project No: 210269  
Drawing no: SK 01  
Rev: G  
Date: 24.01.2024

Scale:  
1:500 @ A1

North:



GROUPSA



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## Appendix C

### Action Plan

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In accordance with Section 36 of the LG Act, the Action Plan below provides performance objectives and targets for the following categories of community land at Merriman Reserve:

- Parks (P).
- General Community Use (GCU).
- Natural Area – Foreshore (NAF).

Objectives and targets are derived from the following statutory and strategic planning documents, the outcomes of stakeholder engagement and the values, issues and threats identified in the PoM for each category of land:

- LG Act = *Local Government Act 1993*.
- LG Regulation = *Local Government (General) Regulation 2021*.
- LEP 2021 = *George River Local Environmental Plan 2021*.
- LSPS 2040 – *Georges River Local Strategic Planning Statement 2040* (Note: PP = Planning Priority within LSPS 2040).
- CSP = *Georges River Community Strategic Plan 2022-2032*.
- LHS = *Georges River Local Housing Strategy 2020*.
- FAIP = *Georges River Foreshore Access and Improvement Plan 2021*.
- OSS = *Open Space, Recreation and Community Facilities Strategy 2019-2036*.

The corresponding Master Plan item numbers as shown on the Master Plan (Appendix B) are provided in the last column of the Action Plan.

The Priority Plan (Appendix B) forms part of the Master Plan and details Council's priorities for the implementation of the various components of the Master Plan, including as low, medium and high priority actions. These priorities are reflected in the Action Plan.

AP Ref	Category of Land	S36 (3) (b) Objectives and performance targets	S36 (3) (c) How to achieve objectives and performance targets	S36 (3) (d) Performance measures	Priority (low, medium, high)	Master Plan Item
<b>1. Statutory planning – objectives and performance targets</b>						
1.1	P	<u>LG Act (Section 36 G): Park core objectives:</u> <ul style="list-style-type: none"> <li>• Encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities.</li> <li>• Provide for passive recreational activities or pastimes and for the casual playing of games.</li> </ul>	This PoM includes the categorisation of a significant portion of Merriman Reserve as Park. Together with options for leasing and licensing of the Park land, this will encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and provide greater opportunities for passive recreation and the playing of casual games.	High levels of satisfaction from users of the Reserve as reported by Council surveys.  Increased use of Merriman Reserve for passive recreational activities.  Successful completion of the proposed Park lands as identified on the Master Plan.  Low level of objections/complaints from local residents and regular park users.	Medium	02, 04, 05, 07, 10, 11, 12, 13, 14, 15, 19, 20



AP Ref	Category of Land	S36 (3) (b) Objectives and performance targets	S36 (3) (c) How to achieve objectives and performance targets	S36 (3) (d) Performance measures	Priority (low, medium, high)	Master Plan Item
		<ul style="list-style-type: none"> <li>Improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.</li> </ul>	<p>Ensure the allocation of budget for the proposed works.</p> <p>As shown on the Master Plan, it is proposed to convert the old bowling green to park area.</p> <p>Promotion of the Park's recreation and sporting facilities on Council's website and media.</p> <p>Ensure the terms of any leases/licenses include requirements to manage potential adverse impacts, such as noise, to nearby residences.</p>	High demand for the issuing of bookings and permits.		
1.2	GCU	<p><u>LG Act (Section 36 I): General Community Use core objectives:</u></p> <ul style="list-style-type: none"> <li>Promote, encourage and provide for the use of the land, and provide facilities on the land, to meet the current and future needs of the local community and of the wider public, in relation to:</li> <li>Public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public; and</li> <li>Purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).</li> </ul>	<p>This PoM includes the categorisation of the Merriman Reserve heritage building, existing bowling greens to be retained and immediate surrounds as General Community Use. Together with options for leasing and licensing of the General Community Use land, it is considered to be the most appropriate category to manage the heritage building and bowling greens and provide leases and licences that meet both the current and future needs of the local community.</p> <p>As shown on the Master Plan, it is proposed to retain the two existing bowling greens on the western side of the site. A lease has recently been granted with Blakehurst Men's Bowling Club for use of the bowling greens, office space and storage area until March 2027.</p> <p>Ensure the allocation of budget for the proposed works.</p>	<p>High levels of satisfaction from organisers and participants of sporting facilities as reported by Council surveys.</p> <p>Increase of general community uses within Merriman Reserve.</p> <p>Successful completion of the proposed General Community Use land in accordance with the Master Plan.</p>	Medium	01, 16, 17
1.3	NAF	<p><u>LG Regulation (Section 36 N): Natural Area - Foreshore core objectives:</u></p>	<p>This PoM includes the Natural Area – Foreshore category of land for the area of</p>	Undertake environmental assessment, management, and monitoring of the	High	03, 08



AP Ref	Category of Land	S36 (3) (b) Objectives and performance targets	S36 (3) (c) How to achieve objectives and performance targets	S36 (3) (d) Performance measures	Priority (low, medium, high)	Master Plan Item
		<ul style="list-style-type: none"> <li>Maintain the foreshore as a transition area between the aquatic and the terrestrial environment.</li> <li>Protect and enhance all functions associated with the foreshore's role as a transition area.</li> <li>Facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.</li> </ul>	<p>Crown Reserve 100242 adjacent to the foreshore, which will assist in maintaining the foreshore as a transition area.</p> <p>As shown on the Master Plan, the following works are proposed that will facilitate the ecologically sustainable use of the foreshore and mitigate impacts on the foreshore by the community:</p> <ul style="list-style-type: none"> <li>Stabilise erosion.</li> <li>Rock protection.</li> <li>Create designated foreshore access points.</li> <li>Revegetate zone with foreshore vegetation community.</li> <li>Accommodate tidal inundation.</li> </ul> <p>Ensure the allocation of budget for the proposed works.</p>	<p>condition of the foreshore and the impact from use by the community.</p> <p>Successful completion of the proposed works to the foreshore in accordance with the Master Plan.</p>		
1.4	NAF	<p><u>LEP 2021:</u> Objectives of the Foreshore Scenic Protection Area (FSPA):</p> <ul style="list-style-type: none"> <li>Protect, maintain and improve the scenic amenity of the Georges River foreshore.</li> <li>Protect, maintain and improve significant views of and from the Georges River.</li> <li>Protect, maintain and improve the diversity and condition of native vegetation and habitats.</li> <li>Reinforce and improve the dominance of landscape over built form, hard surfaces and cut and fill.</li> <li>Encourage the recovery of threatened species and their communities, populations and habitats.</li> </ul>	<p>As described above, this PoM includes the Natural Area – Foreshore category of land for the area of Crown Reserve 100242 adjacent to the foreshore. This will assist in maintaining the foreshore area as a transition area and provide opportunities to maintain and improve scenic amenity and views of the foreshore and improve existing environmental, cultural and built character values of the foreshore.</p> <p>As detailed above, the Master Plan includes a number of environmental management works to the foreshore as well as increasing opportunities for scenic amenity and views, including:</p> <ul style="list-style-type: none"> <li>The opportunity to create a small viewing platform over existing stormwater outlet.</li> </ul>	<p>Undertake environmental assessment, management, and monitoring of the condition of the foreshore and the impact from use by the community.</p> <p>Successful completion of the proposed works to the foreshore in accordance with the Master Plan.</p>	High	08, 09, 14



AP Ref	Category of Land	S36 (3) (b) Objectives and performance targets	S36 (3) (c) How to achieve objectives and performance targets	S36 (3) (d) Performance measures	Priority (low, medium, high)	Master Plan Item
		<ul style="list-style-type: none"> <li>Enhance existing environmental, cultural and built character values of the foreshore.</li> </ul>	<ul style="list-style-type: none"> <li>Providing seating, picnic shelters, bins and casual picnic areas with a focus on water views.</li> </ul> <p>Ensure the allocation of budget for the proposed works.</p>			
<b>2. Strategic planning – objectives and performance targets</b>						
2.1	All	<u>LSPS PP16:</u> Our waterways are healthy and publicly accessible.	As detailed above, the Master Plan includes a number of environmental management works to the foreshore, which will assist in improving the health of the Georges River.  The Master Plan proposes an interconnected network of paths that will improve public access to the foreshore, including formal access to the foreshore and a small viewing platform to enable views of Kyle Bay.  Ensure the allocation of budget for the proposed works	Successful completion of the proposed works to the foreshore in accordance with the Master Plan.  Increase in the number of people accessing the foreshore in an environmentally responsible manner.	High	05, 08, 09, 18
2.2	All	<u>LSPS PP19:</u> Everyone has access to quality, clean, useable, passive and active open and green spaces and recreation places.	This PoM provides the appropriate categorisation of land to ensure that the community has access to passive and active open and green spaces and recreation places and this is reflected in the proposed Master Plan.	Successful completion of the proposed works in the Master Plan.  Increase use of all facilities within Merriman Reserve.  High levels of satisfaction from all users of Merriman Reserve as reported by Council surveys.	Medium	All
2.3	All	<u>CSP – Pillar 2 'Our green environment:</u> The LGA's waterways are healthy and accessible: <ul style="list-style-type: none"> <li>Protect the Georges River and waterways to be clean and naturalised.</li> </ul>	As detailed above, this PoM includes the Natural Area – Foreshore category of land for the area of Crown Reserve 100242 adjacent to the foreshore, which will assist in maintaining the foreshore area in a safe and functional condition.	Successful completion of the proposed works in the Master Plan.  High levels of satisfaction from all users of Merriman Reserve as reported by Council surveys.	High	05, 08, 18



AP Ref	Category of Land	S36 (3) (b) Objectives and performance targets	S36 (3) (c) How to achieve objectives and performance targets	S36 (3) (d) Performance measures	Priority (low, medium, high)	Master Plan Item
		<ul style="list-style-type: none"> <li>Maintain and Implement strategies to provide access to our waterways.</li> </ul>	The Master Plan includes a number of environmental management work and allows for pedestrian access to both the foreshore and the wider park.			
2.4	All	<p><u>CSP – Pillar 4 ‘Our built environment’:</u> Everyone has access to quality parks and open space and active and passive recreation facilities:</p> <ul style="list-style-type: none"> <li>Ensure public parks and open space and Council buildings are accessible, well maintained and managed.</li> <li>Plan and provide active and passive recreation including skate parks, aquatic facilities and off road biking opportunities.</li> <li>Review Plans of Management for all open space in the LGA.</li> </ul>	<p>This PoM replaces the previous 2013 PoM for Merriman Reserve and has been prepared in consultation with relevant stakeholders, including the local community, to ensure that it meets the recreational needs of current and future residents.</p> <p>This PoM provides the appropriate categorisation of land to ensure that the community has access to passive and active open and green spaces and recreation places and this is reflected in the proposed Master Plan.</p>	<p>Successful completion of the proposed works in the Master Plan.</p> <p>High levels of satisfaction from all users of Merriman Reserve as reported by Council surveys.</p>	Medium	All
2.5	All	<p><u>LHS:</u> Opportunities for more open space provision to meet the growing needs of the community.</p>	<p>This PoM provides the appropriate categorisation of land to provide opportunities for more open space. This is reflected in the Master Plan design, which includes:</p> <ul style="list-style-type: none"> <li>Replacement of the obsolete bowling green with park area.</li> <li>A revised car parking layout that will increase the amount of foreshore open space.</li> </ul>	<p>Successful completion of the proposed works in the Master Plan to provide more open space within Merriman Reserve.</p>	Medium/Low	02, 07, 11, 19
2.6	All	<p><u>OSS:</u> The development of open space, recreation and community facilities should be consistent with the following guiding principles:</p> <ul style="list-style-type: none"> <li>Flexible and multipurpose.</li> <li>Clustered with complementary uses.</li> </ul>	<p>This PoM and the Master Plan have been informed by the guiding principles of the OSS, as well as the Georges River context, the outcomes of stakeholder engagement and directions from Council staff.</p>	<p>Successful completion of the proposed works in the Master Plan that meet the guiding principles of the OSS.</p>	Medium	All



AP Ref	Category of Land	S36 (3) (b) Objectives and performance targets	S36 (3) (c) How to achieve objectives and performance targets	S36 (3) (d) Performance measures	Priority (low, medium, high)	Master Plan Item
		<ul style="list-style-type: none"> <li>Equitably distributed across and within catchment areas.</li> <li>Activated and safe.</li> <li>Inclusive and reflective of the whole community.</li> <li>Part of a connected network.</li> <li>High quality and sustainable.</li> <li>Proactively managed.</li> </ul>				
2.7	NAF, P	<p><u>FAIP:</u></p> <p>Provide a staged and prioritised scheme of works for the following identified opportunities for Merriman Reserve:</p> <ul style="list-style-type: none"> <li>Coastal processes report findings: Tidal inundation within 100 years; Coastal inundation within 100 years.</li> <li>Assets, access and amenity report findings: Shoreline access needed; Non-engineered protection works; Minor intervention.</li> <li>Install foreshore protection works at western and eastern extent of foreshore, incorporating habitat infrastructure. Tie into adjoining property protection works.</li> <li>Remove loose riprap (sandstone rubble) in mid-section and use dune replanting to stabilise and restore frontal dune.</li> <li>Fix access tracks.</li> </ul>	The Master Plan allows for foreshore restoration works, improved foreshore access and the construction of new pathways along the foreshore. The Priority Plan includes these activities as 'high priority'.	Successful completion of the proposed works as high priority activities.	High	03, 08
<b>3. Stakeholder engagement – objectives and performance targets</b>						
3.1	All	Retain existing views and the ambience of Merriman Reserve.	The Master Plan design has been informed by the outcomes of stakeholder engagement and includes the following in relation to the	Successful completion of the proposed works in the Master Plan.	Medium	09, 14



AP Ref	Category of Land	S36 (3) (b) Objectives and performance targets	S36 (3) (c) How to achieve objectives and performance targets	S36 (3) (d) Performance measures	Priority (low, medium, high)	Master Plan Item
			retention of views and the ambience of Merriman Reserve: <ul style="list-style-type: none"> <li>The opportunity to create small viewing platform.</li> <li>The provision of seating, picnic shelters, bins and casual picnic areas with a focus on water views.</li> </ul>	High levels of satisfaction from all users of Merriman Reserve as reported by Council surveys.		
3.2	All	Need for walking paths and improved access to the foreshore.	The Master Plan design has been informed by the outcomes of stakeholder engagement and includes the following in relation to the need for walking paths and improved foreshore access: <ul style="list-style-type: none"> <li>A network of interconnected paths, including a new 'loop path' and access to the foreshore.</li> <li>New pedestrian entry points and connections from surrounding streets, including a new pedestrian crossing.</li> </ul>	Successful completion of the proposed works in the Master Plan. High levels of satisfaction from all users of Merriman Reserve as reported by Council surveys.	High	05, 06, 18
3.3	P, NAF	Provision of more seating/tables/picnic settings and/or picnic areas within the park and the foreshore area to take advantage of views.	The Master Plan design has been informed by the outcomes of stakeholder engagement and includes the provision of seating, picnic shelters, bins and casual picnic areas with a focus on water views.	Successful completion of the proposed works in the Master Plan. High levels of satisfaction from all users of Merriman Reserve as reported by Council surveys.	High	14
3.4	All	Avoidance of elements or activities which may negatively impact on the quiet ambience of Merriman Reserve, including large gatherings and concerts.	The Master Plan design has been informed by the outcomes of stakeholder engagement and has not proposed any elements that could negatively impact on the quiet ambience of Merriman Reserve. This PoM includes licensing requirements that allow for suitable uses within the various categories of land within Merriman Reserve.	Successful completion of the proposed works in the Master Plan. High levels of satisfaction from all users of Merriman Reserve as reported by Council surveys.	Low	N/A



AP Ref	Category of Land	S36 (3) (b) Objectives and performance targets	S36 (3) (c) How to achieve objectives and performance targets	S36 (3) (d) Performance measures	Priority (low, medium, high)	Master Plan Item
3.5	All	Desire to maintain Merriman Reserve as open space with no additional built developments.	The Master Plan does not identify any significant built development beyond ancillary shade structures, picnic facilities and seating etc.  Any additional built developments would be subject to separate assessment/approval and public exhibition requirements.	Successful completion of the proposed works in the Master Plan.  High levels of satisfaction from all users of Merriman Reserve as reported by Council surveys.	Low	N/A






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Appendix D  
Condition of assets table

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Master Plan ID / Ref No.	Asset	Description	Photos
1	Main car park	<p>Bitumen with line markings. Recently re-sheeted. Good condition. Carpark spaces: 40.</p> <p>Includes 2 DDA compliant spaces.</p> <p>Includes 3 x motorcycle spaces. Some drainage issues that result in localised flooding.</p>	
2	Foreshore carpark	<p>Bitumen with line markings. Recently re-sheeted. Good condition. Carpark spaces: 41. No DDA compliant spaces.</p>	
3	Main building -	<p>Local heritage building – renovated in 2017 under lease agreement.</p> <p>Restaurant/function centre and Bowling Club office.</p> <p>Some drainage issues that result in localised flooding.</p>	



Master Plan ID / Ref No.	Asset	Description	Photos
4	Building service zone	Well maintained and screened.	
5	Council maintenance/ amenities building	Standard brick building in reasonable condition of no architectural merit. Includes public toilets but no signage.	
6	Irrigation tank	Reasonable condition. Utilised for irrigating bowling greens.	






Master Plan ID / Ref No.	Asset	Description	Photos
7	Underground irrigation tank	Condition is acceptable. Not currently in use.	
8	Bowling Green 1 & 2	Excellent condition. Well-maintained. Includes bowling green infrastructure, such as shade and seating. Bowling Club use under a licence.	
9	Bowling Green 3	Obsolete bowling green utilised as informal open space. Well-maintained.	



Master Plan ID / Ref No.	Asset	Description	Photos
10	Sydney Water Pump Station	Upgraded and in good condition. Service vehicle access provided.	
11	Open space	Good condition.	
12	Foreshore area	Poor condition. Erosion, loss of fencing, weed infestation evident.	





Master Plan ID / Ref No.	Asset	Description	Photos
13	Edge condition to Merriman Street – bowling green	Well maintained fence to greens.	
14	Edge condition to Merriman Street – Building zone	Low brick walling in good condition. Some damaged/removed sections.	
15	Edge condition to Merriman Street – Open Space	Low timber log in poor condition.	



Master Plan ID / Ref No.	Asset	Description	Photos
16	Edge condition to Inala Avenue	Well maintained grass verge.	
17	Edge condition – adjoining residential	Fence line in good to fair condition. New boundary wall in progress at foreshore end.	
18	Seating	Poor condition.	



Master Plan ID / Ref No.	Asset	Description	Photos
19	Bins – 240 litre secured in place	Good condition	
20	Sydney Water Control Board	Good condition	



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Appendix E  
Community engagement discussion paper

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**GROUPSA**



# **MERRIMAN RESERVE, KYLE BAY**

DISCUSSION PAPER





We acknowledge First Nations peoples and their continuing connection to land, waters and culture, because we strongly believe in reconciliation and collaborative engagement for a better future.

We pay our respects to Elders past, present and emerging, whose knowledge, traditions and stories guide custodianship on what will always be their ancestral lands.

Issue	Title	Date	Prepared	Checked
A	Discussion Paper - Draft	28/10/2021	BP / FR	FR
B	Discussion Paper- For Review	19/01/2022	BP / FR	FR
C	Discussion Paper - Updated	10/02/2022	BP / FR	FR
D	Discussion Paper - Updated	07/02/23	RJ/FR	FR
E	Discussion Paper - Updated	24/02/23	RJ/FR	FR
F	Discussion Paper - Updated	17/04/23	RJ/FR	FR
G	Discussion Paper - Updated	26/04/23	RJ/FR	FR
H	Discussion Paper - Updated	27/04/23	RJ/FR	FR

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# Executive Summary

# 1.0

GroupGSA in partnership with Arnold Planning have been engaged by Georges River Council to prepare a Plan of Management (PoM) and Master Plan for the upgrade of Merriman Reserve.

This discussion paper provides a synthesis of work undertaken to date by Group GSA and supported by Georges River Council. It provides a background briefing of the project, encapsulates the detailed site analysis and summarises the community engagement process. The purpose is to utilise this information to establish a set of design principles (design drivers) to assist with the development of the Merriman Reserve Plan of Management (PoM) and Master Plan including master plan options. These options were presented back to the community for further feedback.







# Aims & Objectives 2.0

The key driver of the Plan of Management as set out within the brief is to:

- Develop objectives, management goals and action strategies which will satisfy the recreational/community needs of the community, regardless of gender, culture or level of ability.
- Provide clarity in the future development, use and management of the community land.
- Correctly categorise the site in accordance with the provisions of Division 2 (Use and management of community land) of the Local Government Act 1993 and the Crown Land Management Act 2016.
- Implement the Master Plan prepared through community consultation.

The key driver of the Master Plan as set out within the brief is to:

- Provide a clear vision for the future development and the ongoing operation of the Reserve.
- Improve and enhance recreation opportunities for a range of park users.
- Improve the landscape and ensure the Reserve is accessible and appealing to all members of the community.
- Protect and enhance the Reserve's natural resources.
- Assign space and settings appropriate to the preferred activities including both passive and active recreation.





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Site Analysis 3.0

GroupGSA undertook site visits, photographic inventory and analysis during October 2020 along with further site analysis in December 2021 following community consultation.

The initial site analysis focused on the following information including:

- Site photographic inventory
- Land Ownership
- Land Categories
- Land Use
- Pedestrian and Vehicular Access & Circulation
- Flooding & Drainage
- Trees and landscaping
- Infrastructure and Services (Dial Before You Dig)
- Visual Amenity & Landscape Character

Following initial site analysis and consultation, GroupGSA have gathered and synthesised all information to develop opportunities and constraints for the Reserve.



Merriman Reserve Kyle Bay - Plan of Management

FIGURE 31      MERRIMAN RESERVE - AERIAL



**MERRIMAN RESERVE, KYLE BAY**  
**PLAN OF MANAGEMENT & MASTER PLAN**

01 BOWLING GREENS	03 RESTAURANT & VENUE SPACE	05 ACCESS TO WATERFRONT
02 CARPARK	04 SYDNEY WATER PUMP STATION	

Merriman Reserve covers approximately 1.33 hectares and is located on the foreshore of Kyle Bay at 12 Merriman Street, Kyle Bay. The Reserve addresses access along Merriman Street, whilst faces south to Kyle Bay. It is predominantly a flat site.

North of Merriman Reserve is 'The Green' which comprises a formal sports field and new playground, which connect the park spaces to a broader green network.

As shown on Figure 31 Site Aerial, contained within Merriman Reserve are:

- Bowling Greens
- 'Jaak's - Kyle Bay' containing a Restaurant, Function Centre and Club Rooms and servicing
- Maintenance building (bowls)
- Sydney Water pump station
- Car parking
- Informal Open Space



FIGURE 3.2      MERRIMAN RESERVE - SITE PHOTOGRAPHIC INVENTORY

FIGURE 3.2      MERRIMAN RESERVE - SITE PHOTOGRAPHIC INVENTORY



- 1. Inala Avenue looking South to cul-de-sac. Bowling green on left with wide lawn verge.
- 2. Entry to car park for Jaak's Kyle Bay & Lawn bowls. Disability parking available near entry to restaurant.
- 3. Turf thoroughfare looking east over Kyle Bay.
- 4. Thoroughfare illustrated with lawn bowl maintenance building to the right and sandstone fencing/seating shown.
- 5. Car park situated next to obsolete bowling green east of the site.
- 6. Kyle Bay foreshore facing west.
- 7. Maintenance access situated next to obsolete bowling green.
- 8. View of Jaak's Kyle Bay Function Centre and car park.
- 9. Sydney Water Pump Station



FIGURE 3.3      MERRIMAN RESERVE - LAND USE

FIGURE 3.4      MERRIMAN RESERVE - LOT BOUNDARIES





FIGURE 3.5      MERRIMAN RESERVE - CURRENT LAND CATEGORISATION



FIGURE 3.6      MERRIMAN RESERVE - PEDESTRIAN & VEHICULAR CIRCULATION





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Merriman Reserve/Kyle Bay - Plan of Management

Merriman Reserve/Kyle Bay - Plan of Management

FIGURE 3.7      MERRIMAN RESERVE - FLOODING & DRAINAGE

FIGURE 3.8      MERRIMAN RESERVE - TREES & LANDSCAPING





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Merriman Reserve - Plan of Management

Merriman Reserve - Plan of Management

FIGURE 3.9      MERRIMAN RESERVE - UTILITIES & SERVICES



FIGURE 3.10      MERRIMAN RESERVE - VISUAL AMENITY







# Engagement Methodology 4.0

A multi-faceted approach was considered the best way to capture what aspects of Merriman Reserve the community currently enjoy and would like to see retained and areas of concern and how they would like to see these changed in the future. A Community Engagement Plan was prepared for the Initial Consultation and the following approach was agreed upon as follows:

- Online survey
- Ideas board
- Flyers (150 metres radius of Merriman Reserve)
- Individual external key stakeholder engagement
- Social media platforms
- Newspaper advertisements and media releases

The engagement process strongly influenced the preparation of two master plan options, which then led to a second round of community consultation to understand plan preferences. The second round of engagement involved:

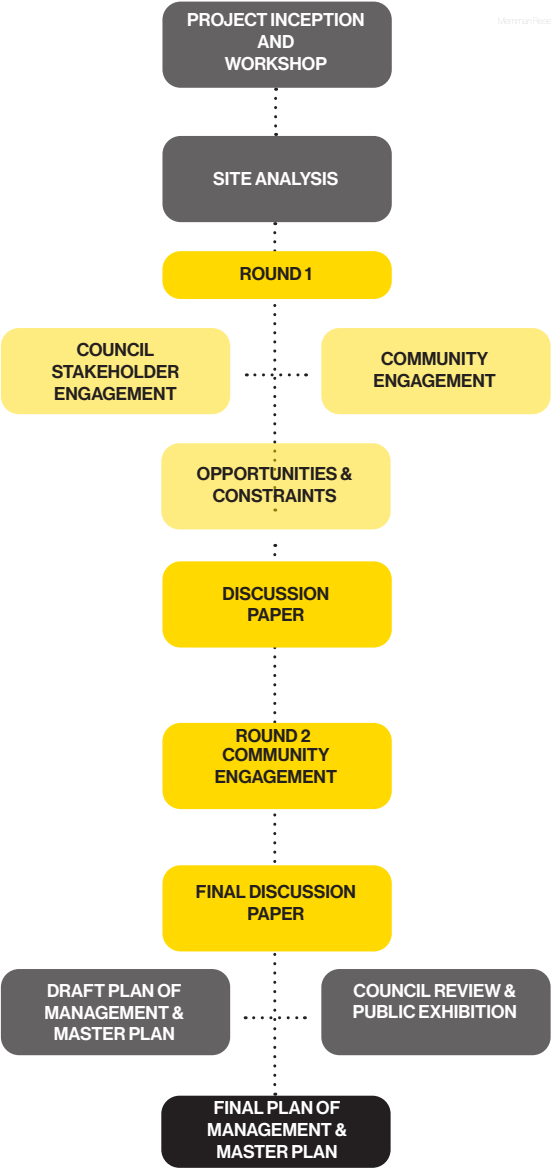
- Online survey with master plan options included
- Flyers (150 metres radius of Merriman Reserve)
- Individual external key stakeholder engagement
- Pop up tent on site for face to face discussions on master plan options

Details of the online survey, ideas board, flyers, pop -up event as well as detailed responses received have been included in the Appendices.





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# Initial Consultation, Results & Discussion

## 5.0

The following section synthesises the results of the initial consultation process which can be divided into the following categories.

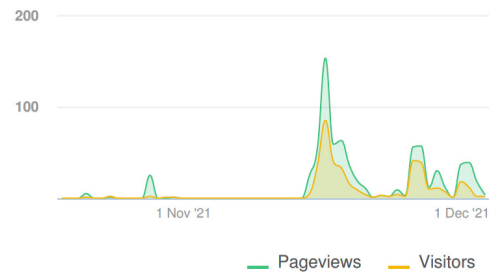
- Community survey results and key findings
- External stakeholder results



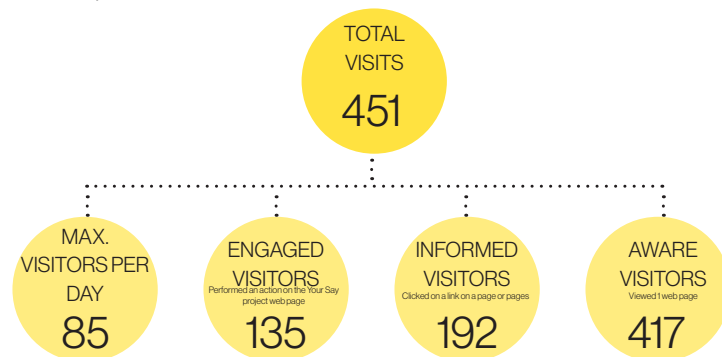


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## 5.1 WEBSITE PARTICIPATION SUMMARY



## 5.2 SURVEY VISITATION HIGHLIGHTS 131 community members responded to the survey in total.

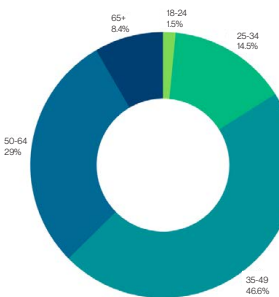


## 5.3 PROFILE OF RESPONDENTS

- Approximately 1% of people identified as Aboriginal or Torres Strait Islander, with 1.5% of people preferring not to say.
- 94% of respondents indicated that they visit the Reserve.
- Approximately 1% of respondents belong to Merriman Reserve Bowling Club, whilst 1.5% of people belonged to an organisation associated with Merriman Reserve.

## 5.4 SURVEY SUMMARY - INDIVIDUAL QUESTIONS

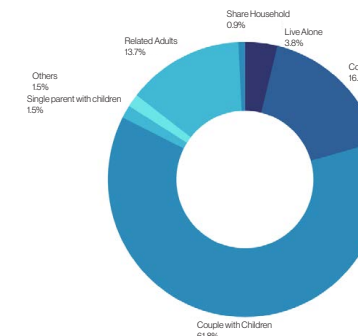
### 5.4.1 WHAT IS YOUR AGE GROUP?



### KEY FINDINGS

- Close to half of all respondents (almost 50%) were in the age range of 35 - 49 years of age.
- Close to one third of respondents (almost 30%) were in the age range 50-64 years of age.
- The smallest cohort to provide responses was in the 18-24 years age range.

### 5.4.2 WHAT TYPE OF HOUSEHOLD DO YOU LIVE IN?



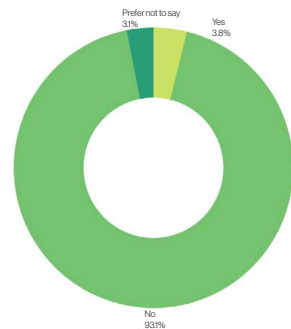
### KEY FINDINGS

- More than half of the respondents came from a household of a couple with children.
- The next largest cohort at approximately 15% described themselves as a couple.
- The couples were closely followed by a household describing themselves as related adults.



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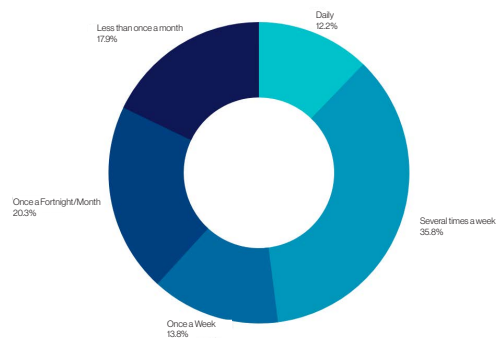
#### 5.4.3 DO YOU IDENTIFY AS A PERSON WITH A DISABILITY?



##### KEY FINDING

- An overwhelming majority of respondents did not identify as a person with a disability.

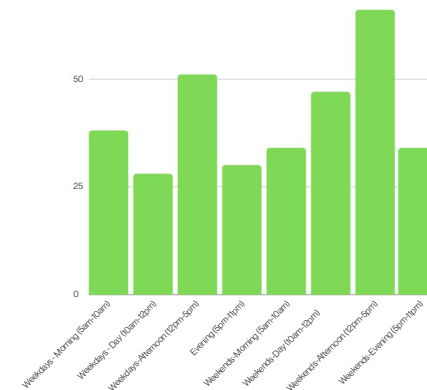
#### 5.4.4 HOW OFTEN DO YOU VISIT?



##### KEY FINDINGS

- Almost half of respondents visited the Reserve more than once a week.
- One fifth of respondents visited the Reserve either fortnightly or monthly, which was closely followed by those visiting less than once a month.
- Those visiting daily and weekly were fairly evenly split.

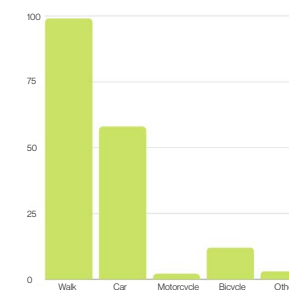
#### 5.4.5 WHAT TIMES DO YOU VISIT?



##### KEY FINDINGS

- The majority of respondents visited Merriman Reserve on the weekend, with afternoon being the most popular time.
- Weekday afternoon was very popular followed by weekday early mornings.
- Weekdays between 10am - 12pm was the least popular time to visit the Reserve.

#### 5.4.6 HOW DO YOU GET TO MERRIMAN RESERVE?

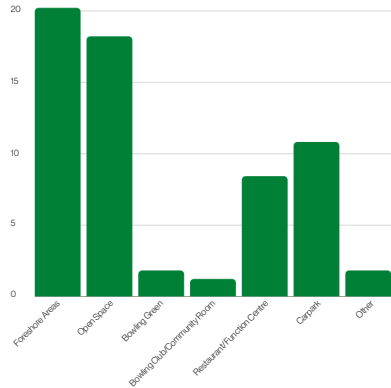


##### KEY FINDINGS

- The vast majority of people walked to the Reserve.
- The car was the second most popular way of getting to the Reserve.



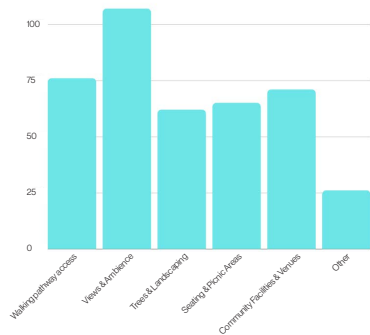
5.4.7 WHAT FACILITIES DO YOU VISIT OR ACCESS WHEN VISITING MERRIMAN RESERVE?



KEY FINDINGS

- A large majority of respondents visiting Merriman Reserve accessed the foreshore area and the open space
- This was followed by those respondents utilising the car park.
- The bowling club/community meeting rooms was the least frequent reason for visiting the Reserve.

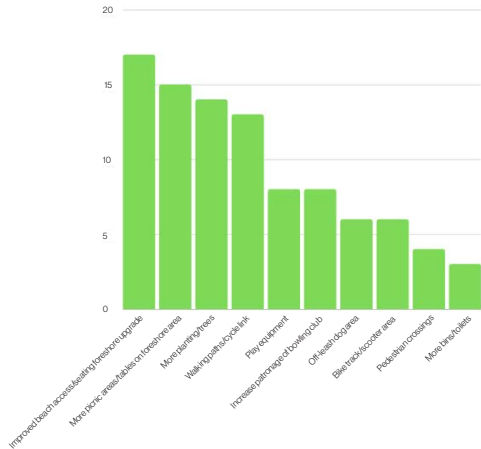
5.4.8 WHAT IS IMPORTANT OR SPECIAL TO YOU ABOUT MERRIMAN RESERVE?



KEY FINDINGS

- Retaining existing views and ambiance of Merriman Reserve was most special, with over 100 respondents proclaiming its importance to the site.
- Walking paths and community facilities were also strongly sought after, with majority of respondents wanting pedestrian foreshore access as well as a public facility that can be enjoyed for food and beverage.

5.4.9 ARE ANY CHANGES OR IMPROVEMENTS NEEDED TO MERRIMAN RESERVE?

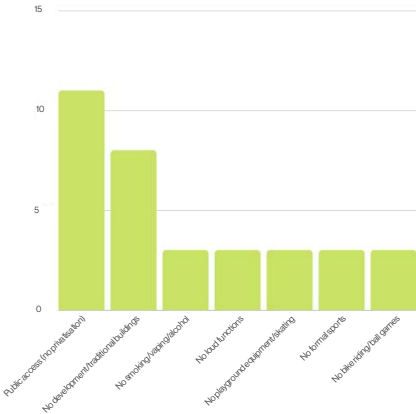


KEY FINDINGS

- A large majority of respondents comments were in relation to the current lease arrangements of the building with a general desire to increase local community patronage/accessibility of restaurant space which may lead to further discussions regarding opening hours, food and beverage offerings and opportunities for more outdoor cafe style dining/activation.
- Strong community support for more seating/tables /picnic settings and/or picnic areas on the foreshore area to take advantage of views.
- Strong community support for improved beach access, including upgrades to foreshore edge, stabilisation/erosion control of embankment, upgrading of fencing along foreshore and making access generally easier. Some concern regarding rock revetment and danger this poses.
- Good community support to improve pedestrian connectivity with more pathways connecting to and within the Reserve, possible creation of a loop path, or some type of shared path. There are currently minimal pathways into the Reserve, with pedestrians utilising the car park as a form of access.
- Desire for more 'green' in terms of trees, shade and more attractive planting.
- General support to find ways to increase patronage of bowling greens, with some suggestions for a more casual 'barefoot bowls'. Linked to this was desire to make more use of the obsolete bowling green for other outdoor activities or potential use as a spill out casual cafe area or informal play space. A small play space for younger children was also mentioned a number of times.



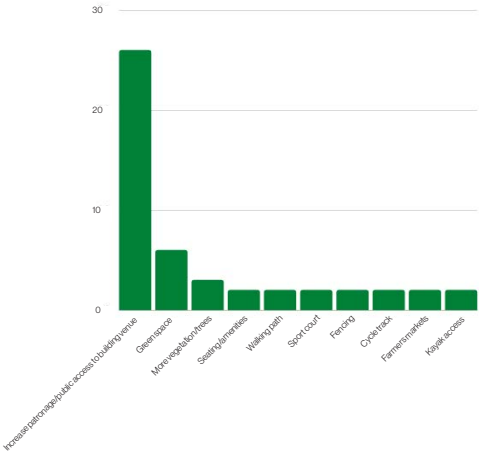
5.4.10    ARE THERE ANY ACTIVITIES THAT SHOULD NOT BE ALLOWED AT MERRIMAN RESERVE?



KEY FINDINGS

- Community support for increasing public use and access of the existing building, which may involve review of the current operational/ leasing arrangements.
- Community desire to maintain the Reserve as open space with no additional built developments or increase to existing building footprints.
- Desire to not introduce elements or activities which may negatively impact on the quiet ambience of the site, including large gatherings, concerts and allowing motorised craft to launch or access the foreshore.

5.4.11    IS THERE ANYTHING ELSE YOU WOULD LIKE TO ADD FOR US TO CONSIDER WHEN PLANNING FOR THE FUTURE OF MERRIMAN RESERVE?



KEY FINDINGS

- The feedback strongly aligns with what not to allow in the Reserve, but communicated a positive sense that is, there is a public expression to increase accessibility to the existing building in terms of making it more appealing to locals.
- Desire to retain the space as green space with community wanting to see 'green' space either maintained or increased; for example more tree planting and landscaped areas.
- The majority of responses to this question re-iterated suggested improvements previously captured within other survey questions.



5.5      EXTERNAL STAKEHOLDER ENGAGEMENT

As part of the engagement process, input from key external stakeholders was also sought. This involved following up each group with phone calls.

These groups were:

- Lakeside Fly Fishing Club
- Blakehurst Bowling Club (formerly Kyle Bay Bowling Club)
- Jaak's Restaurant and Function Centre –(Christodolou PTY LTD - leasee)

Feedback was also provided by the Kogarah Bay Progress Association which was in the form of a letter.

Responses from the external stakeholders are summarised as follows:

**How do you use Merriman Reserve (eg. activities, club membership, days/times of use, times of year)? What is important or special about Merriman Reserve to you?**

Use the obsolete bowling green to practice fly fish casting. Not many suitable sites available.

Only lawn bowls club within the former Kogarah City Council area of the amalgamated Georges River Council.

**What do you like about using Merriman Reserve for your activity?**

Set up a series of shallow casting ponds on the obsolete green using existing taps to fill ponds with water.

Club makes use of the car park.

Direct frontage and picturesque location on the bay makes it a great environment for outdoor recreation.

The close proximity to many others enjoying the amenities of this locality; often pleasant conversation contact between bowlers and people using this area.

The Reserve is a tranquil space with exceptional views of the Georges River. The Reserve is maintained by the green keeper in a clean and tidy state. The on-site parking is convenient.

Regularly use the foreshore as a relaxing getaway.

Perfect back drop for photos.

**What could be improved at Merriman Reserve for your activity?**

Tables and seats under cover.

Pedestrian safety issue– vehicle speeds along Merriman St, particularly on weekends. Suggest traffic calming measures.

Obsolete bowling green - be improved by a landscaped access leading to the waterfront.

In medium/long term, the addition or replacement of seats and sunshades around the bowling greens would be possible improvements.

Improvements to the walkway and seating on the foreshore to encourage use of that area.

Not suggesting any improvement that would attract large groups of people, particularly children, or games including ball games; already adequate area and facility for these purposes on the "Green" opposite.

Recommendations for the grassed area surrounding the clubhouse premises should be better utilised to provide outdoor activities such as:

- Live music on Sunday afternoons (e.g. jazz music whilst enjoying an alfresco meal and drink);
- An outdoor dining and drinks section, similar to the way the old bowling greens at the Greenacre Bowling Club (on King Georges Rd) have been converted; and/or
- A casual outdoor cinema during summer months.

**What feedback have you received from other users of Merriman Reserve about what they like or believe could be improved at the Reserve?**

The restaurant and Reserve provide a space where our locals can enjoy some quiet restful enjoyment. Improving the garden and surrounds will improve this experience.

**Any plans or ideas for new or improved facilities or other changes at Merriman Reserve? If so, please outline these plans or ideas.**

Being a tranquil and relaxing environment, suggest that ball games and riding of bikes on Merriman Reserve should not be permitted. With the carpark in use these activities could become hazardous. Signs need to be erected and children should be encouraged to use 'The Green' across the road.

# Opportunities & Constraints

# 6.0





61 MERRIMAN RESERVE - CONSTRAINTS



- LEGEND
- 1 SITE

2 OPEN SPACE

3 LOTS

4 WATER

5 FORESHORE

6 SANDSTONE RIPRAP

7 BOWLING GREENS

8 CARPARK

9 SYDNEY WATER PUMP STATION

10 BUILT ELEMENTS

11 EXISTING TREES

12 EXISTING VEGETATION

13 FC FUNCTION CENTRE

14 MB MAINTENANCE BUILDING

0 5 10 20 40m  
Scale 1:1,500 @ A4

- 1 Lack of pedestrian path to foreshore (no delineation of path from main car park entry).

2 Maintain service vehicle access to Sydney water pump station.

3 Sydney pump station not visually attractive.

4 Poor condition of foreshore edge & lack of easy access.

5 Car park restricts open space opportunities close to foreshore, whilst impacting views to Kyle Bay.

6 Lack of shade & tree planting. Large expanse of hard services.

7 Lack of seating & furniture.

8 Lack of formal pedestrian connection to open space opposite site.

9 Existing trees

62 MERRIMAN RESERVE - OPPORTUNITIES



- LEGEND
- 1 SITE

2 OPEN SPACE

3 LOTS

4 WATER

5 FORESHORE

6 SANDSTONE RIPRAP

7 BOWLING GREENS

8 CARPARK

9 SYDNEY WATER PUMP STATION

10 BUILT ELEMENTS

11 EXISTING TREES

12 PROPOSED TREES

13 PROPOSED VEGETATION

14 VIEWPOINTS

15 PEDESTRIAN

16 PEDESTRIAN CROSSING

17 FC FUNCTION CENTRE

18 MB MAINTENANCE BUILDING

0 5 10 20 40m  
Scale 1:1,500 @ A4

- 1 Potential pedestrian crossing.

2 Opportunity to extend path network to create connection to Merriman Street & foreshore.

3 Upgrade foreshore zone:
  - Stabilise erosion
  - Replace fencing
  - Consider low fresh planting.

4 Increase vegetation/ trees.

5 Maintain views across Kyle Bay.

6 Allow for seating, picnic setting and bins. Consider public amenity.

7 Visually screen Sydney Pump Station maintaining service access.

8 Potential to create spill out space - further activation.



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Merriman Reserve Plan of Management

Merriman Reserve Plan of Management



## Master Plan Options 7.0

In response to the feedback from the initial consultation, master plan options were developed for Merriman Reserve which take into consideration both opportunities available as well as site constraints. The key differences between the options focuses on the location of carparking on site with the opportunity to consolidate open space linked to the foreshore. However, this option results in the division of bowling greens. Options are as follows

- Option A - no change to carpark locations
- Option B - change to carpark location





71 MERRIMAN RESERVE - MASTER PLAN OPTION 1



LEGEND

- 01

Retain Bowling Greens.
- 02

Upgrade Carpark – Improve efficiency of carpark layout (subject to detailed investigation). Reduce carpark encroachment to foreshore & allow for increased open space/address to building. Address existing localised flooding to carpark. Review DOK compliant carparking.
- 03

Sandstone logs or similar installed to control vehicular movements along foreshore edge.
- 04

Construct new maintenance/amenities building for bowling greens. New location reduces visual encroachment on foreshore.
- 05

Pedestrian Loop Path links to existing street verge paths. Consider widening existing pathways.
- 06

Pedestrian entry points and connections from surrounding streets, including new pedestrian crossing / prism ramps (subject to further traffic investigations).
- 07

Increased open space along foreshore edge as a result of revised and improved carpark layout where practical.
- 08

Foreshore restoration:
  - Erosion stabilisation works
  - Rock protection works
  - Formalised foreshore access points
  - Revegetation to foreshore with local plant community
  - Accommodation of tidal inundation
  - Riparian vegetation
- 09

Maintain views across Kyle Bay. Build small viewing platform where structurally feasible.
- 10

Existing trees retained.
- 11

Increased "green" open space area including more tree cover for shade in selected locations within low maintenance native groundcovers.
- 12

Maintain service access to Sydney Water infrastructure (access width and construction suitable for service trucks).
- 13

Landscape buffer/ screen to Sydney Water infrastructure (Authority approval for future planting/ screening will be sought prior to documentation and implementation).
- 14

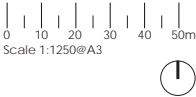
Seating, picnic shelters, bins and casual picnic areas with a focus on water views.
- 15

New low fencing of appropriate material along boundary and new reserve signage.
- 16

Vehicular drop off zone & back of house servicing retained.
- 17

Buffer planting to screen noise from waste pick-up point.
- 18

Formal access to beach zone + launching ramp for kayaks.



72 MERRIMAN RESERVE - MASTER PLAN OPTION 2



LEGEND

- 01

Bowling Greens – opportunity to re-activate obsolete bowling green
- 02

Consider re-location of carpark
  - Consolidate "green" open space free of parking
  - Creates a larger, more flexible informal recreational area with greater opportunity to improve foreshore edge. Fewer physical constraints.
  - Improved outlook across Kyle Bay
  - Allows for more flexible spill out spaces associated with built form
  - Reduces potential conflicts between pedestrians and vehicles
  - Proposed location minimises visual impact on surrounding residences
  - Opportunity to "share" carpark with adjacent sports playing fields
  - Consider access to foreshore for kayaks
- 03

Upgrade Storage/Service Area to Bowling Greens. Re-consider storage location to reduce its visual impact.
- 04

Create Pedestrian Loop Path which links into existing street verge paths. Consider widening existing pathways. Propose new shared paths at 2500mm.
- 05

Create pedestrian entry points and connection from surrounding streets, including new pedestrian crossing.
- 06

Improve condition of foreshore edge
  - Stabilise erosion.
  - Replace fencing
  - Create foreshore access points.
  - Revegetate zone with foreshore vegetation community.
- 07

Maintain views across Kyle Bay. Opportunity to create small viewing platform over existing stormwater outlet.
- 08

Retain existing trees.
- 09

Increase/retain extent of "green" open space including increase of tree cover for shade in selected locations with consideration to low maintenance native planting.
- 10

Create spill-out zones associated with pedestrian network for more casual activation and better connection with informal lawn areas/ bowling green. Opportunity to activate this area for community events.
- 11

Maintain service access to Sydney Water infrastructure.
- 12

Provide a vegetation screen to Sydney Water infrastructure and carpark.
- 13

Provide seating, picnic shelters, BBQs and casual picnic areas with a focus on the view across water.
- 14

Upgrade low timber fencing along boundary and reserve signage.
- 15

Vehicular drop off zone & back of house servicing retained.
- 16

Buffer planting to screen noise pollution from waste pick up point.





40

Merriman Reserve (July 2024) - Plan of Management

Merriman Reserve (July 2024) - Plan of Management

73 MERRIMAN RESERVE - MASTER PLAN OPTION 1 - VIEWS



View 1

74 MERRIMAN RESERVE - MASTER PLAN OPTION 2 - VIEWS



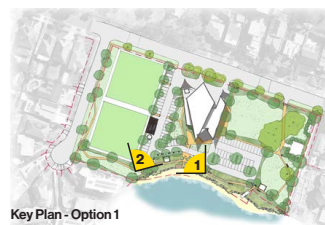
View 1



View 2



View 2





# Master Plan Options Consultation & Discussion 8.0

The following section synthesises the results of the secondary consultation process on the master plan options which can be divided into the following categories:

- Community survey results and key findings which incorporate all written responses received
- Commentary from the on site pop-up event
- Key external stakeholder responses

In summary, the results were as follows:

## ONLINE SURVEY

84 persons visited the online survey web page with 74 people responding to the survey. 57% (42) preferred Option 1, that is, no change to the carpark location.

## ADDITIONAL FEEDBACK

Some community members opted to provide a hard copy of the survey. A further 3 surveys favoured Option 1, while a co-ordinated group of 17 responses received preferred Option 2.

A few residents opted to prepare more detailed responses in the form of letters with images and mark ups. These responses have been considered in terms of improvements and suggestions offered as part of the wider feedback. For privacy reasons, personal letters have not been included as part of the discussion paper.

## SITE POP-UP

The on-site pop-up event proved to be a popular forum for public engagement which generated a lot of discussion regarding the merits of the options on display. If they hadn't done so, attendees were encouraged to respond online to the survey to state their preference and why. People also had the opportunity to fill out sticky note comments on the options and put a sticker on their preferred option. Much of the commentary gathered at this event reinforced what had already been expressed online, with a preference for Option 1 shown on the day. Of all comments received, 25 favoured Option 1 and 7 favoured Option 2. A further 15 comments, best described as neutral, were also provided. All comments have been included in the Appendices.

## EXTERNAL STAKEHOLDERS

The same group of key external stakeholders (3) were engaged a second time around. These groups expressed a preference for Option 1.

The following pages show the results of the online survey, with further discussion regarding option preference for external stakeholders and why discussed on page 49.

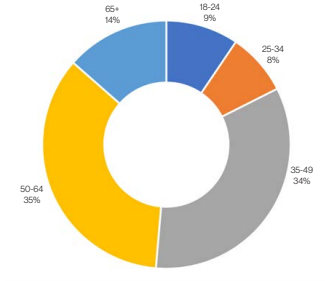


## 8.1 COMMUNITY SURVEY RESPONSES

84 people visited the online survey webpage and 74 people provided responses.

## 8.2 SURVEY SUMMARY - INDIVIDUAL QUESTIONS

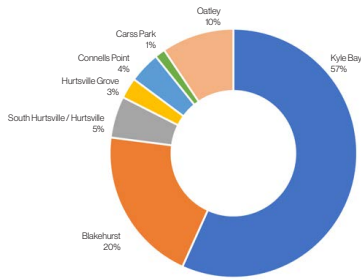
### 8.2.1 WHAT IS YOUR AGE GROUP?



## KEY FINDINGS

- 69% of respondents were aged 35 to 64 years.
- The smallest cohort to provide responses was in the 25-34 years age range.

### 8.2.2 WHICH SUBURB DO YOU LIVE IN?



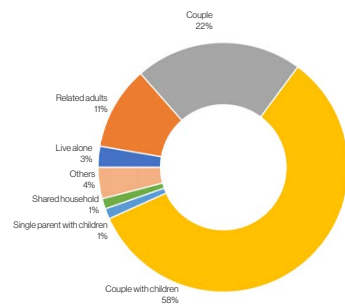
## KEY FINDINGS

- More than half of the respondents came from Kyle Bay.



44

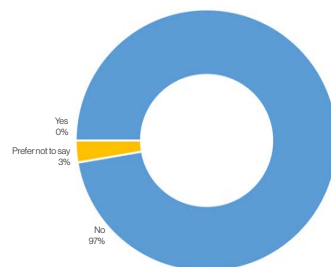
#### 8.2.3 WHAT TYPE OF HOUSEHOLD DO YOU LIVE IN?



##### KEY FINDINGS

- More than half of the respondents came from a household of a couple with children.
- The next largest cohort at approximately 22% described themselves as a couple.

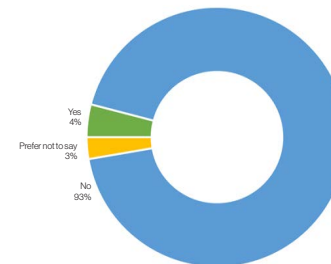
#### 8.2.4 DO YOU IDENTIFY AS AN ABORIGINAL OR TORRES STRAIT ISLANDER?



##### KEY FINDING

- An overwhelming majority of respondents did not identify as a person of indigenous descent.

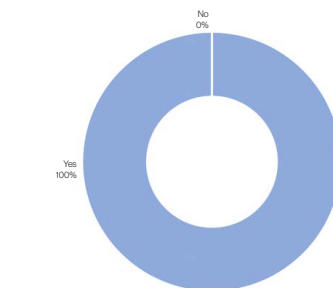
#### 8.2.5 DO YOU IDENTIFY AS A PERSON WITH A DISABILITY?



##### KEY FINDING

- An overwhelming majority of respondents did not identify as a person with a disability.

#### 8.2.6 DO YOU VISIT MERRIMAN RESERVE?

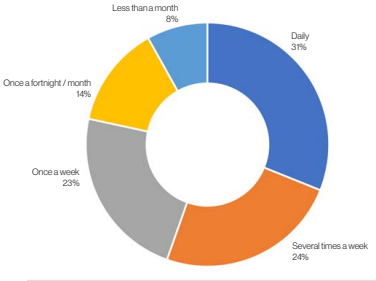


##### KEY FINDINGS

- All respondents visited Merriman Reserve.



8.2.7 IF YES, HOW OFTEN DO YOU VISIT?



KEY FINDINGS

- One third of respondents visited the Reserve daily.
- Almost half of respondents visited the Reserve several times a week or at least once a week.

8.2.9 WHY DID YOU SELECT THIS OPTION?

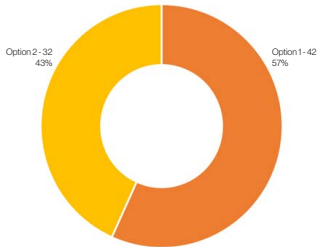
KEY FINDINGS - OPTION 1

- The online survey results favoured Option 1 due to concerns regarding cost to re-locate the carpark and not offering good "value for money" when it came to prioritising funding.
- The "waste of money" theme was a recurring reason for supporting Option 1 over Option 2, with the perceived benefit of relocation not properly considered in terms of cost/benefit analysis.
- The community also cited ease of maintenance and operation of bowling greens side by side rather than split across the site.
- Convenient access from the carpark to the foreshore.
- Preference for spending funding on higher priority outcomes such as foreshore works.
- Some concerns regarding noise if the carpark is re-located.
- Support for foreshore works.

KEY FINDINGS - OPTION 2

- Community support for Option 2 highlighted the consolidation of open space as a major reason.
- The community also noted the connection of consolidated open space to the foreshore as a benefit.
- Considered a safer option for recreational activation with reduced conflict with cars and park users if the carpark is relocated.
- Support for trees, shade and shelter.
- Support for foreshore works.

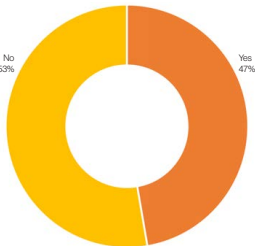
8.2.8 FROM THE CONCEPT PLANS SHOWN, WHAT IS YOUR PREFERRED OPTION FOR MERRIMAN RESERVE?



KEY FINDING

- The majority of respondents preferred Option 1.

8.2.10 IS THERE ANYTHING MISSING FROM YOUR PREFERRED OPTIONS?



KEY FINDINGS

- Refer below.



8.2.11 IF SO, PLEASE PROVIDE DETAILS

KEY FINDINGS - WHAT'S MISSING FROM OPTION

Comments regarding "what's missing" have been largely responded to in the master plan options, however, some of the issues have been re-iterated by the community as important to address. It's also worth noting that any comments regarding the current lease arrangements of the building and community patronage have not been addressed as they are outside the scope of the Master Plan. In most cases, the following issues were common to both options including:

- Fitness station
- Small playground
- Better and safer foreshore accessibility
- General clean up to foreshore and erosion control, sediment control
- Pathway along foreshore
- More bins, water fountains ( with dog bowls)
- More seating
- More shelter and shade with further suggestions regarding particular locations
- Some opposition to shelters and in particular BBQ's
- Desire for ability to hold outdoor events in the Reserve on occasions/increased activation.
- For detailed responses refer to Appendices Section 10.4.1

8.3 ADDITIONAL COMMUNITY FEEDBACK

There was community feedback received in addition to the online surveys. 3 surveys supported Option 1 reflecting the same reasoning as the online surveys. 17 surveys supported Option 2, collectively citing the following reasons for doing so:

WHY DID YOU SELECT THIS OPTION?

*"The key value offered by Merriman Reserve is in providing physical and visual access to Kyle Bay foreshore which is otherwise entirely within private ownership. The south-eastern portion of Merriman Reserve offers the highest level of amenity derived from views down the bay, headlands, Georges River and Kangaroo Point beyond. However, under existing conditions and in Option 1, this area is currently occupied by extensive car parking which prevents the quiet enjoyment of the bay, creates safety risks for pedestrians moving from Merriman Street to the foreshore and offers minimal buffer area for capture and treatment of runoff the carpark to the bay. Conversely, relocating the carpark to the north-western corner of Merriman Reserve as proposed in Option 2 opens the south-eastern portion of the reserve to the public, reduces safety issues and creates increased buffer area for stormwater management. The carpark location proposed in Option 2 is also more appropriate as it is consistent with the use of the adjoining streets as traffic thoroughfares, improves the visibility of parking for visitors and will likely result in reduced congestion (fewer narrow aisles where a single vehicle attempting to park can cause a back-log of vehicles)."*

IS THERE ANYTHING MISSING FROM YOUR PREFERRED OPTION?

*"Under existing conditions, the bin storage area associated with The Kyle Bay Club is located on the northern side of the club, resulting in severe odour, noise and visual impacts to residents in close proximity on the northern side of Merriman Street. Aside from these impacts, it is inconsistent with DA 47/2009 which required that the bin storage area be relocated to the south-eastern side of the building. The relocation of the carpark to the north-western corner of Merriman Reserve as in Option 2 creates an opportunity to rectify the issue by relocating the bin storage area into an enclosure on the western side of the building, adjoining the new carpark where it is substantially separated from neighbouring residents and easily accessible for collection by waste vehicles."*

8.4 EXTERNAL STAKEHOLDERS ADDITIONAL FEEDBACK

External stakeholders preferred Option 1 with the following reasons cited:

WHY DID YOU SELECT THIS OPTION?

- Option 1 is least expensive and least disruptive to business.
- Concern that there will be increased patronage of the carpark in Option 2 so will force patrons onto street for parking.
- Concern that a consolidated open space will attract more people to the detriment of local use.
- Believed the activation of obsolete bowling green would be sufficient open space.
- Maintaining views across Kyle Bay particularly from the northwest.
- Two adjacent bowling greens provides better amenity for bowlers and more efficient operationally for umpires.
- Toilet access in closer proximity.
- Maintains ease of vehicular access for greenkeeper.
- Substantially more cost effective.







# Preferred Master Plan Option 9.0

The engagement process for Merriman Reserve has provided useful insights into what the community values, would like to see retained and what they wish to see included as part of its future planning.

Some of the comments and recommendations relate to leasing and operational agreements in place that cannot be fully addressed within the scope of the plan of management but nevertheless, should be considered holistically in conjunction with any physical and/or management changes to the Reserve. A co-operative, integrated approach will ensure that future planning will respond to and cater for the broadest range of users, understanding that this is always a balancing act.

The engagement process allowed the team to synthesise the results and create both constraints and opportunities plans which graphically communicate ideas and guide the master planning process for the Reserve. These diagrams reflect potential future uses and opportunities available within the physical confines of the site and respond to recommendations offered.

Our approach has been to draw from all sources of information; physical in conjunction with the community engagement; to establish a set of Design "Drivers" or principles to create the desired reserve character. These principles will reinforce the strategic vision for the plan of management and master plan.

DESIGN DRIVERS

- Better connectivity
- Keep it green
- Share the space
- Enjoy the view
- Encourage activation





PREVIOUS MASTER PLAN REVIEW

The previous Plan of Management and Master Plan for Merriman Reserve was endorsed by the former Kogarah City Council in 2013. The Master Plan consisted of the following:

- Relocation of the carpark facing the foreshore to the area where the obsolete bowling green sits.
- Conversion of foreshore car park area to open space.
- Relocation of green keepers shed.
- Construction of a small playground and picnic area near the foreshore.
- Additional landscape whilst preserving views.
- Additional car parks along Inala Avenue.

While some of the above design strategies remain valid responses, the overall master plan did not progress, in particular, the key move to relocate the car park. Anecdotally, the water table affecting the car parking proposal made the work too costly.

Interestingly, upgrading the sea wall/foreshore area was not highlighted in the master plan but has since gathered momentum as an issue of concern with calls to improve the eroded edge by constructing a sea wall similar to that at Donnelly Park (next bay west of Merriman Reserve). This should be considered in conjunction with overall access to the beach zone.

Currently there appears to be no desire to increase parking in or around Merriman Reserve and no current suggestions to relocate green keepers facilities. However, there is still significant support for picnic areas, open space, play opportunities and additional landscaping.

MASTER PLAN OPTIONS

Drawing upon the constraints and opportunities as well as the previous master plan, two master plan options were prepared for Council and community feedback. These plans had one key difference, that being maintaining carparking as is in Option 1 or shifting the existing carpark to the north-west corner where a bowling green currently sits, shown in Option 2. It was considered worth exploring Option 2 since the carpark relocation had been recommended in the previous plan of management with the benefit of creating a consolidated open space area connected to the foreshore.

Nevertheless, both of the master plan options shared key design elements, which focused on;

- foreshore upgrade including erosion control, re-vegetation, new fencing, improved access
- better pedestrian access/ shared paths to create a loop
- rationalise carpark layout including tree planting
- increase shade/shelter
- proposed new green keepers shed in new location
- screening to Sydney Water pump station whilst maintaining service access
- additional landscaping whilst preserving views.

91 MERRIMAN RESERVE - PREFERRED MASTER PLAN



LEGEND

- 01 Retain Bowling Greens.
- 02 Upgrade Carpark – Improve efficiency of carpark layout (subject to detailed investigation). Reduce carpark encroachment to foreshore & allow for increased open space address to building. Address existing localised flooding to carpark. Review DDA compliant carparking.
- 03 Sandstone logs or similar installed to control vehicular movements along foreshore edge.
- 04 Construct new maintenance/amenities building for bowling greens. New location reduces visual encroachment on foreshore.
- 05 Pedestrian Loop Path links to existing street verge paths. Consider widening existing pathways.
- 06 Pedestrian entry points and connections from surrounding streets, including new pedestrian crossing / pram ramps (subject to further traffic investigations).
- 07 Increased open space along foreshore edge as a result of revised and improved carpark layout where practical.
- 08 Foreshore restoration
  - Erosion stabilisation works
  - Rock protection works
  - Formalised foreshore access points
  - Revegetation to foreshore with local plant community
  - Accommodation of tidal inundation
  - Riparian vegetation
- 09 Maintain views across Kyle Bay. Build small viewing platform where structurally feasible.
- 10 Existing trees retained.
- 11 Increased "green" open space area including more tree cover for shade in selected locations within low maintenance native groundcovers.
- 12 Maintain service access to Sydney Water infrastructure (access width and construction suitable for service trucks).
- 13 Landscape buffer/ screen to Sydney Water infrastructure (Authority approval for future planting/ screening will be sought prior to documentation and implementation).
- 14 Seating, picnic shelters, bins and casual picnic areas with a focus on water views.
- 15 New low fencing of appropriate material along boundary and new reserve signage.
- 16 Vehicular drop off zone & back of house servicing retained.
- 17 Buffer planting to screen noise from waste pick-up point.
- 18 Formal access to beach zone + launching ramp for kayaks.

0 10 20 30 40 50m  
Scale 1:1250@A3





PREFERRED OPTION

Community feedback was divided without a clear preference for one option coming to the fore.

The majority of the commentary supporting Option 1 dealt with the community citing the cost implications of upgrading the obsolete bowling green to a player worthy standard in addition to the significant expense associated with relocating the carpark. They also commented on the practicality of managing the bowling greens adjoining each other, with a clear understanding of the ease of maintenance of this existing configuration. The community was mindful of funding, particularly the cost of civil works. They expressed a desire to invest monies allocated to the Reserve on more immediate priorities such as foreshore works rather than funding a carpark re-location. Some also suggested conducting a cost/benefit analysis to fully understand the implications of Option 2.

However, there was equal support for Option 2 with the community appreciating the larger, consolidated open space along the foreshore and clearer separation between cars and pedestrians.

There was a strong preference from all respondents to prioritise work on the foreshore area, with a desire to construct sandstone walling to combat erosion, revegetate and improve beach access with the ability to launch kayaks. There was also a desire for better beach management, removing unsafe random rocks and de-silting the beach zone. It is assumed that this intervention would require further discussions between Council and Sydney Water, managers of the stormwater outlet.

With community sentiment equally divided, it is worth pointing out there are many design features shared by both options. Currently, it is possible to develop the more conservative Option 1 master plan, implementing a majority of features common to Options 1 & 2 without precluding the eventual shifting of the carpark. The foreshore works would be the priority area (common to both options). Similarly, pathways and park infrastructure could also be implemented. This is worth discussing given the equal weighting of both while accounting for Council budgetary constraints.

Further to the above, the plan of management and master plan will be implemented over a time frame of approximately 10 years, by which time circumstances regarding bowler membership may have changed substantially. This is in the context of stagnant bowler membership which reflects a broader trend of declining patronage. If the bowling club membership was no longer economically viable, Option 2 may become more compelling, understanding that the majority of works for Option 1 including foreshore works, tree planting, landscape upgrades and pathways would have been implemented.

As a result, it is recommended to proceed with a refined version of Option 1 called Preferred Master Plan. This version encapsulates shared opportunities of both options while further responding to community feedback regarding the following:

- Review of small shelter locations
- Deletion of one small shelter
- Highlighting localised flooding areas
- Use of sandstone logs for vehicular control only
- Slight increase in service storage area footprint
- More specific actions outlined for foreshore works

At this stage, it is worth re-iterating that this a master plan and will need to undergo more detailed refinement to capture the "finer grain" design response.

Appendices

10.0

- 10.1 Appendix I - Promotional Material Round 1
- 10.2 Appendix II - Initial Consultation Feedback Round 1
- 10.3 Appendix III - Promotional Material Round 2
- 10.4 Appendix IV- Master Plan Options Consultation Feedback Round 2





10.1 APPENDIX I - PROMOTIONAL MATERIAL ROUND 1

MERRIMAN RESERVE - ONLINE SURVEY ROUND 1

Help Plan the Future of Merriman Reserve  
Community Survey



Name \_\_\_\_\_

Contact number \_\_\_\_\_

Email \_\_\_\_\_

1. Age group ☐ Under 18 ☐ 18-24 ☐ 25-34 ☐ 35-49 ☐ 50-64 ☐ 65+

2. Which suburb do you live in? \_\_\_\_\_

3. What type of household do you live in? ☐ Live alone ☐ Related adults ☐ Couple ☐ Single parent with children ☐ Share household ☐ Couple with children ☐ Other (please specify) \_\_\_\_\_

4. Do you identify as an Aboriginal or Torres Strait Islander? ☐ Yes ☐ No ☐ Prefer not to say

5. Do you identify as a Person with Disability ☐ Yes ☐ No ☐ Prefer not to say

6. Do you visit Merriman Reserve? ☐ Yes ☐ No

7. If yes, how often do you visit? ☐ Daily ☐ Once a week ☐ Several times a week ☐ Once a fortnight/month ☐ Less than once a month

8. If yes, what time(s) do you visit? (Select all that apply) ☐ Weekdays - morning (5.00am - 10.00am) ☐ Weekdays - day (10.00am - 12.00pm) ☐ Weekdays - afternoon (12.00pm - 5.00pm) ☐ Weekdays - evening (5.00pm - 11.00pm) ☐ Weekends - morning (5.00am - 10.00am) ☐ Weekends - day (10.00am - 12.00pm) ☐ Weekends - afternoon (12.00pm - 5.00pm) ☐ Weekends - evening (5.00pm - 11.00pm)

9. If yes, how do you get to Merriman Reserve? (Select all that apply) ☐ Walk ☐ Car ☐ Motorcycle ☐ Public Transport ☐ Bicycle ☐ Other (please specify) \_\_\_\_\_

Reference: SF21/5850

10. If yes, which areas or facilities do you visit or access when visiting Merriman Reserve? (Select all that apply) ☐ Foreshore area ☐ Bowling Green ☐ Open space ☐ Carpark ☐ Bowling club/community room ☐ Restaurant/function centre ☐ Other (please specify) \_\_\_\_\_

11. Are you a member of the Bowling Club? ☐ Yes ☐ No

12. Are you a member of any other organisation that access Merriman Reserve? ☐ Yes ☐ No  
If so, please provide details: \_\_\_\_\_

13. What is important or special to you about Merriman Reserve? (Select all that apply) ☐ Walking/pathway access ☐ Views and ambience ☐ Trees and landscaping ☐ Seating and picnic areas ☐ Community facilities and venues ☐ Other (please specify) \_\_\_\_\_

14. Are any changes or improvements needed to Merriman Reserve? ☐ Yes ☐ No  
If so, please provide details: \_\_\_\_\_

15. Are there any activities that should not be allowed at Merriman Reserve? ☐ Yes ☐ No  
If so, please provide details: \_\_\_\_\_

16. Is there anything else you would like to add for us to consider when planning for the future of Merriman ☐ Yes ☐ No  
If so, please provide details: \_\_\_\_\_

Thank you for completing the Merriman Reserve Community Survey.

If you have any queries regarding this survey or study, or would like any further information, please contact either of the following:

Stephanie Lum (Coordinator Strategic Planning), Georges River Council  
(02) 9330 9437 or [stephanie.lum@georgesriver.nsw.gov.au](mailto:stephanie.lum@georgesriver.nsw.gov.au)

Felicity Ratcliffe (Plan of Management Consultant/Project Leader) Group GSA  
(02) 8302 3144 or [fratcliffe@groupgsa.com](mailto:fratcliffe@groupgsa.com)

Reference: SF21/5850



MERRIMAN RESERVE - FLYER

# MERRIMAN RESERVE, KYLE BAY

## PLAN OF MANAGEMENT & MASTER PLAN



**Georges River Council is preparing a new 10 year Plan of Management and Master plan for the Merriman Reserve.**

Merriman Reserve includes a leased restaurant and venue space, bowling greens and Greenkeepers building, car parking, pedestrian access to the foreshore and open space.

Many people from the immediate neighbourhood and broader Georges River community visit regularly and have an important role to play in the development of the plans.

**We need your input to prepare the plans!**

- What is important or special about Merriman Reserve to you? What do you like about the reserve?
- How do you use the area? How do you get there? What activities do you do there?
- What activities would you like to do in Merriman Reserve that aren't currently provided for?
- Are there any improvements or changes to the Reserve that you would like to see?

You can give us your input in a number of ways including:

- Completing the online community survey at [yoursay.georgesriver.nsw.gov.au/merriman-reserve-plan-of-management-masterplan](https://georgesriver.nsw.gov.au/merriman-reserve-plan-of-management-masterplan)

- Pick up a hard copy of the survey from Council's customer service centres and libraries and mail to: C/O Georges River Council Civic Centre, MacMahon Street Hurstville NSW 2220 or PO Box 205, Hurstville BC NSW 1481

This information will be used to inform the preparation of a 10 year Plan of Management and Master Plan to guide the future use and upgrade of the Reserve. The community will have an opportunity to view and comment on the draft plans in early 2022.



Further information is available at [yoursay.georgesriver.nsw.gov.au/merriman-reserve-plan-of-management-masterplan](https://yoursay.georgesriver.nsw.gov.au/merriman-reserve-plan-of-management-masterplan)



MERRIMAN RESERVE - IDEAS BOARD

GRC Communications Team  
3 months ago

Seating around the Reserve

Share 1 Comment 5

GRC Communications Team  
3 months ago

New foreshore designs

Share 0 Comment 4

GRC Communications Team  
3 months ago

Shared access and pathways

Share 0 Comment 2

MERRIMAN RESERVE - SOCIAL MEDIA



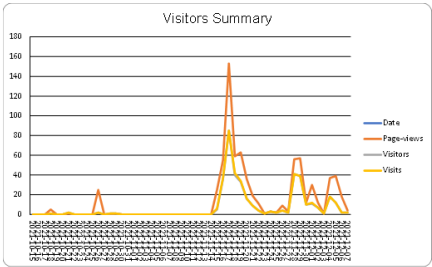


10.2

APPENDIX II - INITIAL CONSULTATION FEEDBACK ROUND 1

10.2.1

COMMUNITY FEEDBACK ONLINE COMMENTS



Project Highlights	
Total Visits	451
New Registrations	0
Video views	0
Photo Views	0
Document Downloads	24

ENGAGED PARTICIPANTS				135			INFORMED PARTICIPANTS				192		AWARE PARTICIPANTS				417		
Engaged Actions Performed				Registered	Unverified	Anonymous	Informed Actions Performed				Participants	Aware Actions Performed				Participants			
Contributed on Forums				0	0	0	Viewed a video				0	Visited at least one Page 417							
Participated in Surveys				16	113	0	Viewed a photo				0								
Contributed to Newsfeeds				0	0	0	Downloaded a document				18								
Participated in Quick Polls				0	0	0	Visited the Key Dates page				0								
Posted on Guestbooks				0	0	0	Visited an FAQ list Page				0								
Contributed to Stories				0	0	0	Visited Instagram Page				0								
Asked Questions				0	0	0	Visited Multiple Project Pages				56								
Placed Pins on Places				0	0	0	Contributed to a tool (engages)				135								
Contributed to Ideas				2	1	4													
ENGAGEMENT TOOLS SUMMARY																			
Forum Topics				0	QuickBooks	0	Places				0	News Feeds				0	Ideas		1
Galleries				0	Quick Polls	0	Stories				0	Survey Tools				1			

Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Survey Tools	Merriman Reserve Survey	Archived	167	16	113	0
Brainstormers	Planning Merriman Reserve Together	Published	38	1	1	4

INFORMATION WIDGET SUMMARY									
DOCUMENTS	2	PHOTOS	0	VIDEOS	0	FAQS	0	KEY DATES	1
Widget Type	Engagement Tool Name						Visitors	Downloads/Views	
Document	Merriman Reserve Community Survey						14	15	
Document	Aerial Shot of Merriman Reserve with Legend						8	9	
Key Dates	Key Date						0	0	

Are any changes or improvements needed to Merriman Reserve?	Online survey respondents - Direct quote
	<p>The pump station area needs to be disguised better, at the moment it is a real eye sore.. some screen wood or some short natural shrubs (at the moment it ruins the natural surroundings).</p> <p>2 speed humps needs to be introduced on Merriman Street. One on either side of the current one. This is a must as every park area normally have them. With kids and families often visiting these areas it should be a priority. They are drivers speeding everyday which is evident by the tyre marks left on the road and waiting for a accident to happen.</p> <p>The addition of 1 more red bin</p> <p>More picnic areas on the foreshore area. Many years ago picnic tables were located on the foreshore. These were replaced with only bench seats. Tables to sit at and eat a picnic should be reinstalled. Also, the access to the beach area needs repair and the vegetation around the edge. More bins should be in place for the collection of rubbish from the visitors to the area.</p> <p>Rocks are so dangerous!!!! on a daily basis kids teenagers even adults throw the rocks around and into water where people and swimmers trip and Kayaks and boats damage. The rocks are not natural they were placed there by council. It looks so horrible. And it is dangerous daily.</p> <p>Seating and foreshore upgrade</p> <p>The fence to the sand needs some repairs and the old steps down to the water have worn out due to use.</p> <p>Basketball Court! Far too few in the area!</p> <p>Walking paths, more plants/greenery, access to the water and more playground equipment for the kids</p> <p>Park area for picnics - benches. Keep lots of space for games of sport. Possibly a cafe to encourage outdoor dining, jumping castles, sunset family dinners, community events. Maybe net off an area for kids to swim. Maybe create futsal/basketball court for games. Bike track around the outside.</p> <p>Bowls open to all - ability to hire out Bowls with friends on weekends</p> <p>barefoot bowls should be an option</p> <p>Update public seating and provide some protection from sun. Improve access to water's edge with paths.</p> <p>The club to be more of a community club rather than a venue location</p> <p>This is a beautiful spot in the area and would love to keep the foreshore are accessible as it's very calming. However, a cafe or some sort would make it more family friendly.</p> <p>Please add a bike track / skating/ scooting area.</p> <p>Get a decent cafe and bistro..... zippos should have got the lease.</p> <p>Family friendly dining downstairs and do what you want upstairs (fine dining /function centre)</p>



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Merriman Reserve (Kyle Bay) - Plan of Management

Merriman Reserve (Kyle Bay) - Plan of Management

Are any changes or improvements needed to Merriman Reserve?	Online survey respondents - Direct quote
	A concrete walking track would be good for walks/scooter/bike that connects/leads/continues to The Greens across the road, also a Duck crossing sign across Merriman St for the wildlife especially to slow vehicles at the speed hump
	Family friendly bistro Club need to be more for the community
	Extra bins as rubbish tends to overflow. More seating facing the water. Internet is unstable & patchy, a telecommunication in park will help residents of Merriman St
	Waterfront needs maintenance. It use to be a lovely sandy beach now it is just mud. We used it when our children where small as a sandy beach.
	It would be good to have a community place down there again, like the bowl. The current centre is never open and does not service the community at all. Better access to the foreshore would be good, having a better connection to the park area.
	Bring the club and bistro back so the community can get together again
	Fence the lawn next to restaurant and make it family friendly restaurant where kids can play safely in the open while enjoying a meal with family and friends. Or make a RC driving track. The lawn and restaurant are underutilised.
	Include exercising equipment.
	There should be a proper club operating here again. With restaurants, bar, wine bar etc. A council daycare would be amazing, very few in Blakehurst ward.
	The fencing & access around the foreshore area is awful & needs improving.
	Public access to the club needs to be restored for the benefit of the community.
	We need a more relaxed family friendly venue back. Zippos was the best.
	A family friendly restaurant like was previously there. The restaurant building seems to be grossly under used. We would love to take our children and meet other local families there for dinner. Children are not catered for at the current restaurant.
	Bring back a family oriented bistro.. what is currently there is a sterile function centre and area where families are not welcomed!
	Family cafe and toilet facilities
	Better facilities for dining and bar
	BBQ facility, amenities, access to water for drinking washing hands.
	We need a bowling club/bar and bistro back at Kyle bay. The community misses it.
	Revert it back to being a true community venue. The previous club was a family friendly, warm inviting place to attend, with excellent food and beverage service, catering to all ages. The unused bowling green adjacent (LH side) to the building could easily be converted to a child friendly open play area.
	A casual, family friendly dining space is missed by my friends and family

Are any changes or improvements needed to Merriman Reserve?	Online survey respondents - Direct quote
	Make it into a multifunction area with eateries/cafes, specialty food shops.
	The venue should be an licensed premise with outdoor seating to maximise the view
	The privatisation of the club venue to become a function centre completely destroyed a vibrant local club and community centre. Please please please return the club to a Bistro operator that is family friendly. All the locals have been screaming for this since it happened (I'm at a loss to how the function centre got through in the first place).
	Merriman st reserve has beautiful, peaceful views of the water and surroundings, we would love to see more seating areas with shade, more garbage bins, areas where families can socialise and children can play.
	It would be good to have a community place down there again, like the bowl. The current centre is never open and does not service the community at all. Better access to the foreshore would be good, having a better connection to the park area.
	Foreshore area could be improved as it is in need of an upgrade - e.g. landscaping with new plants and sandstone features like Carrs Park but retaining access to the sandy beach. No boat ramps or anything that allows for motorised watercraft as it will ruin the peaceful ambience of the reserve. Playground equipment should be avoided as the Green Reserve has an adequate playground. In addition, more greenery and trees would add to the ambience. Currently it is dominated by the car park and the old decommissioned bowling green on the eastern side.
	Wide two lane pathways that link into a loop to allow for kids to have an open flat bike track to be able to ride bikes around. If this would affect the elderly using the pathways then maybe a dedicated bike track with road signs and crossings or even a solar powered traffic light! There isn't anything specially built like that in the area. Something along with some park benches and tables (with shelter) would be even better as a day spent around there would be really nice. The pirate playground across the road is great too but again no picnic benches and tables (with shelter) there either.
	There are so many young families around that would really enjoy using something like this!
	More accessibility for locals to enjoy a community meal and drink by the water that is relaxed and enjoyable for all types of families.
	A gated park for toddlers would be amazing - the green across the road is for older children. Or a gated off leash dog park with bench seat yo enjoy the view
	I would be potentially interested in taking over the lease for the restaurant/venue. Host a European inspired Christmas market/events/Easter events/markets throughout the year.
	Please make this dog off leash friendly. We do not have many in our area and this would be a great location for residents to bring their pets for exercise
	An undercover area with seats would be nice as it can be quite hot sitting on the seats during the warmer months.
	Current fencing to be taken down as was advised by council years ago. White sand to be bought and placed on the beach so that water can be enjoyed.



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Merriman Reserve (Kyle Bay) - Plan of Management

Merriman Reserve (Kyle Bay) - Plan of Management

Are any changes or improvements needed to Merriman Reserve?	Online survey respondents - Direct quote
	We used to go to the Bistro down there when it was the Kyle Bay Club all the time, it was kid and family friendly and not too expensive. I love sitting in the car park or on the foreshore just watching the water, it is so peaceful and lovely. Maybe a child's playground somewhere in the area would be great.
	We need a bistro or similar. The former bistro was a fantastic meeting place for all locals - singles and families. It was a vital community hub - that is now dead. It is terrible.
	Perhaps a nice coffee shop in the bowling club that serves breakfast and lunch. The former restaurant upstairs was great, before it was all be changed. You could buy a nice steak or fish and chips and it was lovely. The locals loved it, it was a lovely place to go eat and have a nice dinner overlooking the water. The current restaurant is niche focused and only opens a couple of days a week. It's a waste.
	Shaded seating near the water and for picnic areas. Many cars turning from Kyle Parade into Merriman St, do so at high speed (since there is a downward slope) and it is a danger to young children playing/cycling nearby as well as to many residents who walk their pets in this area. Recommend additional speed hump be installed in the middle of Merriman Street
	Need restaurant to be more of a bistro, rather than a function Centre. This will bring back some Community back to the area.
	It would be nice if it were clear if the green to the east of the club was marked for use, possibly picnic or if a green for own barefoot bowls. Eat right a seating in the area would be useful
	Revert back to the community club (formerly Zippos), where families were welcome, children accepted, food was excellent and prices reasonable.
	The Reserve is part of the GRC local area and should be able to be utilised by local residents as well as others - not as now as a function centre mainly - this is despite many and varied community consultations before the 5yr lease was awarded to the current leasee - back in August 2016 - when is the new lease to be announced and fairly so that others may apply? Residents are of the opinion as I am that the lease was awarded for a 5yr period?
	We used to use the club every week for meals and catching up with neighbours, we have dined at the club twice since the stupid decision to get rid of Zippos, the food is not good, too expensive and rarely open, during the week.
	Give the club back to the community. A dedicated function centre is a waste of valuable space. Insist the current leaseholders convert the function centre (or part thereof) back to a bar and bistro.
	One of the grassed areas adjacent to the club would also make a great fenced dog park. Many dogs have joined families during COVID and there are not enough dedicated local parks for them.
	Needs to be accessible to the whole community - there should be a bistro and cafe all the community can access

Are any changes or improvements needed to Merriman Reserve?	Online survey respondents - Direct quote
	The area belongs to the community and the community should have access 7 days a week and evenings for social gathering, bistro and bar
	Comment removed as it is of an inappropriate nature.
	Park can be improved by designing the park to encourage active transport options to travel to the park. 1) Add adequate & secure bike parking. 2) Add separated bike lanes & consistent footpaths to and from the park. 3) With improved connections to/from the park, there won't be a need for such a large parking lot. Shrink the parking lot and return the reclaimed land to native plants & grass.
	Trees around car park area for privacy. Couple of gazebos for picnics and weather shelter. Tidying the beach shoreline for walking.
	This area was used more frequently when Zip's and Zippo's was there. Current restaurant is not family friendly or as accessible for community gatherings.
	Better community facility. Current operation does not serve local community at all. Poor connection between the reserve and the waterfront.
	The club needs to be family friendly how it used to be. I would like the present lease ended and a new leasee run the club.
	Please bring back a bistro/ venue that is community oriented where all families can enjoy a meal and meet up with friends and families
	Make the restaurant/function centre more available to the community. When we first moved to Connells Point we had zippos and we were devastated when they lost the tender. We tried the new restaurant when it opened but it wasn't the same community vibe as zippos. Bring back zippos or something similar. It would do so well and would be busy every night of the week!!
	Hi, as a local resident with 2 young boys many locals use this area and especially the car park for kids riding bikes. If there could be a bike track that wraps around the edges of the car park towards the foreshore for the kids to be able to ride safely that would make it safer for all. We noticed daily incidents of cars nearly hitting children in that car park when they were riding bikes. This cycleway could also join up with the park across the road from there linking to the playground.
	More trees would be great, as long as there is still walking access to the water. Please do not add any buildings, car access or car parking, as this is not necessary, being a resident of Merriman Street, I can assure you there is plenty of parking on the street.
	A small children's playground, toilet facilities, better layout of the reserve



Are there any activities that should not be allowed at Merriman Reserve?	Online survey respondents - Direct quote
	<p>Please do not introduce more picnic areas, benches, huts or additional activities here. All that will do is have people leave more rubbish and not clean up after themselves. Please do not introduce any more car parks The natural surrounding is what makes this place special and should be left as a peaceful place where people can enjoy nature. you will find that the people over the years that have enjoyed this park is for this very reason.</p> <p>There should not be jet skis on the beach. The area is too small and it is dangerous for those on the foreshore area.</p> <p>Should not be operated as a private venue</p> <p>It should NOT be sold to developers</p> <p>It'd not have playground facilities as there is a playground across the road.</p> <p>Exclusive use as a part time function centre.</p> <p>Reception venues that don't serve the wider community, with a primary focus on lining the pockets of the current tenants, on land funded by rate payers.</p> <p>Boat ramps, playgrounds, BBQs or additional buildings.</p> <p>No more development around the area please! A park by the water's edge is what makes Kyle Bay so special.</p> <p>As an older person, and unsteady on my feet, perhaps skate boards should not be allowed, or maybe you could allow them where the bowling greens are if you are take them out. It is sad that the bowls have gone</p> <p>No development. Keep Merriman Reserve a sanctuary space for the local community.</p> <p>Organized sports, wedding receptions, big family/friend gatherings &amp; definitely no development of any type to remove land from public use and enjoyment</p> <p>Bike riding, maybe it was only in Covid restrictions but a lot of bike riding was happening in the car park and it appeared very risky at the pinch point in the beach front side of the club. The children moved fast and shot out in front of the cars. Also no picnic in the club grass in front of the entry doors would be preferred for the club venue to be nice ambient for guests. Maybe it was only during Covid restrictions of picnic outdoors opening and has discontinued.</p> <p>It is a passive recreation area to be enjoyed by all and the parking is to be utilised by all, not just attendees of this site but also of The Green as required. Gate security opening/closing is needed to alleviate inappropriate behaviour at inappropriate times.</p> <p>I would hope the site won't be developed. Would like to see the bowling green retained but more accessible with a more family friendly restaurant like it had in the past. We used it fortnightly back then.</p>

Are there any activities that should not be allowed at Merriman Reserve?	Online survey respondents - Direct quote
	<p>Car parking should be swapped with the unused bowling green so as to create more child safe space or potentially extend the outdoor dining area of the restaurant to be a child safe dining space</p> <p>Anything that would impact on the passive nature of the reserve no boat ramp</p> <p>Given the unique location and the park facilities across the road this should be developed as a quiet tranquil space for the elderly and retired demographic of our community.</p> <p>As a dog owner there needs to be a dedicated closed area for dogs like a dog park. This may be placed on the green rather than the reserve but people are always letting their dogs run around and there should be a dedicated space. Also, not sure how popular the bowls place is but it would be good to broaden that offering by creating some sort of ambience at the bowls area.</p> <p>Nothing built that will block the view and spoil the open space. No more buildings, including car parking. The restaurant is great and is enough.</p> <p>Kids playing, running and riding on bikes in a car park is an accident waiting to happen. We have the park across the road. Keep our kids there.</p> <p>Any plans to use the site for a purpose other than as a leisure and community hospitality venue should be rejected/ruled out</p>



Is there anything else you would like to add for us to consider when planning for the future of Merriman Reserve?	Online survey respondents - Direct quote
	<p>The area is under utilized by local residents because there is insufficient seating and amenities. The club and restaurant where the car park is located, do not encourage visitors who just want to use the foreshore area. Visitors feel uncomfortable because patrons are watching them from the venue (as the visitor has to walk right in front of the building) and the car park is situated where visitors would walk. Those coming to the area assume the foreshore is only for those who visit the venue. New amenities and seating (not directly in front of the venue) would encourage local residents to use the area and make clear the area is not just for patrons of the club/restaurant.</p> <p>The grass areas are often full of families couples sitting on kids playing around. Please do not install paths or trees that take up more of the multi usable space. Many boats come in and set up tents on grass areas both sides of the beach. Please call me for further information would be more than happy to meet with anyone.</p> <p>The rocks are a daily problem could someone please contact us. We have tried to contact council about this many times.</p> <p>Many children in the area play in the sand by the grass. It would be amazing if we could add more sand to the bay, you'll find that most of the locals go there and sit on the sand</p> <p>Protection of the sea wall - continues to be eroded over the 12 years we have lived in the area. Other than that, the reserve is lovely as it is. Our kids ride their bikes and scooters in the car park and on the single ex. bowling green east of the club. They also play sport on that ex. bowling green.</p> <p>The current club owners are not family friendly. It was great when Zippos ran the history and could get a \$12 steak mid week with kids. Now they have flashing lights and loud music and people yelling that keep me awake and wasn't the issue when Zippos ran function centre</p> <p>Community facilities and bistro Kyle bay used to do good to see and catch up with friends and family Now it's a wedding venue not serving the community</p> <p>Family bistro back on site so the community can use it. We don't need an upmarket restaurant and reception place.</p> <p>Bring back the bistro and close off the car park in non use days to create space for kids bike riding and exercise. Bring back the community feel. The current venue is divisive and creates an unsafe environment. Often intoxicated people after event end up in the open space nearby and do silly things which makes it unsafe for locals to enjoy open the space.</p> <p>Access for people with physical disabilities, and sensory modulation items for people with mental health issues.</p> <p>Bring back a bistro /club that the whole community can enjoy. A place you can visit with the family - a community oriented place</p> <p>Bring back a community style facility such as a restaurant/bistro rather than a license for a reception lounge</p>

Is there anything else you would like to add for us to consider when planning for the future of Merriman Reserve?	Online survey respondents - Direct quote
	<p>Please keep this venue open to the public, not only private functions. People should not be profiting over government/community land. It belongs to the local area community and should readily available to enjoy by anyone in the local area.</p> <p>Kyle Bay Club and the surrounding area was the perfect exhibit of what a community venue should reflect, prior to the changes made some 5 years ago now. Family friendly, great views, great service were just a few of the advantages that the area provided. After several (largely attended) community feedback forums, the resounding response was to leave it the way it was - unfortunately the administration at the time of the council amalgamation saw it fit to ignore the wishes of the rate paying residents of surrounding areas and award the lease to a business that specialised in running reception venues - makes you wonder what the agenda was at the time? Georges River Council have a unique opportunity to learn from this mistake, swallow some pride and revert the building and surrounding areas back to what it was. Possible inclusions would be a potential for boat access?</p> <p>Additional footpath access to the reserve. Waratah st is lacking a footpath and it is dangerous when families with small children and prams from the eastern side of Kyle Bay are forced to walk on the road to connect to Merriman St where there is a footpath. Kyle Parade has a footpath that connects to Merriman St so residents living on the western side of Kyle Bay don't face these hazards. Ideally footpaths should also be installed on Mooney avenue to provide access to residents to the north of the Bay given this street is a busy thoroughfare with blind spots.</p> <p>Please consider surveying local residents in future when you decide to take away a very successful business that brings so much enjoyment to the locals and their friends and family. I have lived in the area all my life and don't know why you would replace such a popular establishment that was loved by us locals and replace with an overpriced function centre who do not care or are even interested in what the local community want.</p> <p>Wide two lane pathways that link into a loop to allow for kids to have an open flat bike track to be able to ride bikes around. If this would affect the elderly using the pathways then maybe a dedicated bike track with road signs and crossings or even a solar powered traffic light! There isn't anything specially built like that in the area. Something along with some park benches and tables (with shelter) would be even better as a day spent around there would be really nice. The pirate playground across the road is great too but again no picnic benches and tables (with shelter) there either.</p> <p>Council need not ruin natural community property to be perceived as doing something with our rates.</p> <p>We already have the speed hump on Merriman St but a zebra crossing connecting Merriman reserve to The Green wouldn't be a bad idea.</p> <p>Currently it is a "nothing" place for locals. There is no life or vibrancy or anything to draw you there. We need it family friendly and interesting so it can once again be an attractive local community facility/area.</p>



Is there anything else you would like to add for us to consider when planning for the future of Merriman Reserve?	Online survey respondents - Direct quote
	Weekend farmer's markets would be a nice addition to the green space near the carpark at Merriman Reserve.
	Must remain a natural public space as the area has changed negatively and green space and trees are disappearing
	There is no need for the Gardeners to use power tools (power vacuum, chainsaw and lawn mowers) before 8am in the mornings. Surely they can be used later in the day.
	Whoever takes over the lease at the Merriman catering premises, please ensure the operators keep the business with low key operations and minimal noise (as is the case currently) because that makes it consistent with the low noise and peaceful environment that many residents enjoy currently.
	Lastly, the refrigerator of the restaurant is far too noisy and many local residents have complained about it but nothing seems to be done about it. It is difficult to sleep at night and we have to resort to closing our windows and turn the air-con on throughout the night.
	The previous community club was so valuable in us getting to know our neighbours when we first moved into the area. The atmosphere was electric, everyone knew everyone. When we had our first child, it was so easy to walk to the club to meet up with friends for an enjoyable day out. 5 years later the disastrous changes were made, Council did not listen to what the community wanted and we were left with nothing. I went on to have twins and felt I had nowhere to go with such easy access as I did with my first child... I felt disconnected from the community by that one poor decision made by council to open a reception centre instead... the whole community lost that night.
	My family now only use the area to ride bikes around the empty car park, which is much more community friendly than the mis-used building that sits within. Bring back the club, please.
	Now there is little beach and the bay is dominated by a totally under utilised building that was once a focal point for the community. Return the club to being a club that contributes both financially and materially to the community. to see how the community responds to new facilities just look at the two eateries in the shopping centre. they thrive without views , water frontage and parking. The big wasted building should be handed back to the community by better utilisation and restore the beach with some cronulla sand!!!! The ground floor is used as a s restaurant and the top floor is basically vacant almost all year,
	I think it should be available for a range of community facilities such as bowling, outdoor activities such as kayaking access. A restaurant that local can access rather than a function centre.
	Community access for outdoor activities such as bowling, kayaking access, passive recreation. A restaurant that is accessible to all residents rather than a function center.
	Return the area to the community as it was when Zippos had the catering contract and it was the heart of the community
	Since the Club was taken over the community has lost a great venue to catch up and build community spirit. The operators should be forced to maintain a functional bistro/bar area that operates 7 days a week - not just for private functions. The current set up is not working.

Is there anything else you would like to add for us to consider when planning for the future of Merriman Reserve?	Online survey respondents - Direct quote
	Cement blocks to sit on and protect beach. Leave all grass areas. Ramp access to beach . Barefoot bowls at the bowling club for all patrons, a play area for kids
	Please keep the Reserve as a 'green' space, with little intervention or concrete.
	Outdoor cafe/dining space with child friendly play area (ie fenced from road and parking)
	A venue where friends and family can meet for a casual meal/drink.
	implement the changes proposed in the 2013 Landscape Concept Sketch Allow better Community use of the Kyle Bay Georges River Building rather than it being used as a private function centre
	I think that having such a beautiful foreshore with the ability to go for a walk and then be able to relax at a lovely venue such Jaaks really sets it off as a very special location in the area to have an enjoyable family bday out. I've also had functions at the Kyle Bay which were all extremely successful and had numerous who live outside the area comment on what an amazing spot it is and how they wish they had such in their locations.
	Providing better public access to the water via a ramp and/or jetty.
	Providing water sport access e.g a ramp or jetty.
	Having the function/events centre there is a beautiful place to have a small parties/gatherings, outstanding food, and with lovely views without the need to travel afar.
	My family likes regularly visiting Jaaks restaurant. It is unique in the area as there are no other restaurants close by with that quality of food and location. Our friends and family also like having a local venue where we can small or larger functions. I think that this type of facility adds to the appeal of the suburb and area.
	Kyle Bay is a very popular location for not only the locals but the broader st George community. It is an up and coming suburb with some things to do like a cafe and a restaurant on Kyle parade. The lack of activities along the foreshore and also affordable eating options for families should be address as part of this. Things like weekend market style eating places could draw in many visitors and create a real sense of community. Being a local that has only just purchased in the area, I feel there is so much that can be done with the space, especially the foreshore where ideally there should be white sand and sitting areas so people can actually use the space.
	Please don't over-develop this lovely open space. Plant trees, add seating and picnic tables but leave it alone. We don't need every bit of green space developed. My family live in Merriman Street and we use this space regularly. It's a great spot to launch our kayaks.
	I would love for the place to be something we can enjoy while walking, without becoming a picnic spot like Brighton le Sands. We need a place we can connect with the nature and relax without inviting noise or becoming annoying to others.



## MERRIMAN RESERVE - FLYER


Reference: SF22/5009

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MERRIMAN RESERVE - EXHIBITION POSTERS



GEORGES RIVER COUNCIL

Merriman Reserve


### Master Plan Option 1



**LEGEND**

- 1. Waterbury Street
- 2. Access to site - opportunity to include additional parking
- 3. Consideration of water management of parking area
- 4. Consideration of water management of parking area
- 5. Consideration of water management of parking area
- 6. Consideration of water management of parking area
- 7. Consideration of water management of parking area
- 8. Consideration of water management of parking area
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- 17. Consideration of water management of parking area
- 18. Consideration of water management of parking area
- 19. Consideration of water management of parking area
- 20. Consideration of water management of parking area

For further information and to complete our survey, please visit our 'Your Say' page by scanning the QR code.




YOUR SAY

COMMENTS

Scale: 1:500 @ A1


North



GEORGES RIVER COUNCIL

Merriman Reserve


### Master Plan Option 2



**LEGEND**

- 1. Waterbury Street
- 2. Access to site - opportunity to include additional parking
- 3. Consideration of water management of parking area
- 4. Consideration of water management of parking area
- 5. Consideration of water management of parking area
- 6. Consideration of water management of parking area
- 7. Consideration of water management of parking area
- 8. Consideration of water management of parking area
- 9. Consideration of water management of parking area
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- 16. Consideration of water management of parking area
- 17. Consideration of water management of parking area
- 18. Consideration of water management of parking area
- 19. Consideration of water management of parking area
- 20. Consideration of water management of parking area

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YOUR SAY

COMMENTS

Scale: 1:500 @ A1



North




GEORGES RIVER COUNCIL

Merriman Reserve

### Option 1 - Montages




For further information and to complete our survey, please visit our 'Your Say' page by scanning the QR code.



YOUR SAY



COMMENTS




GEORGES RIVER COUNCIL

Merriman Reserve

### Option 2 - Montages



For further information and to complete our survey, please visit our 'Your Say' page by scanning the QR code.



YOUR SAY

COMMENTS

ENV013-24 Attachment 3



10.4 APPENDIX IV - MASTER PLAN OPTIONS CONSULTATION FEEDBACK ROUND 2  
10.4.1 COMMUNITY FEEDBACK ONLINE COMMENTS

Community Engagement round 2	
Comments	What's missing?
Option 1 – 43 Total	
There's more greens that people can see when they drive pass, best to stay the same as it is now.	
Car parking is concealed from Merriman Street and surrounded by greenery	
More practical	
is better	
I live in Inala Ave and I don't want to look out at a car park. The two bowling greens need to stay where they are	
why spend money to only move a car park.	Bring back the bowling club so the community can gather 6-7 days a week, enjoy the view, spend money and network (like before) its just a function hall Friday to Sunday that many locals have no need for on a regular basis
Less money wasted changing the current layout.	
works best with the current layout	
Prefer to keep the location of the bowling greens and car park spaces as is currently.	
Prefer to keep the traffic noise away from Merriman street. The existing location of the Bowling Greens 1 & 2 are fine as they are	
Car park out of site of street. Bowling greens are together which allows bowlers to socialise in a the same area	
The bowling greens need to be together as it keeps that organisation together. If you want the reserve on the waterfront why not put the car park where the old bowling green is? The other option only benefits the reception centre and disregards the bowling club.	. The old bowling green could be a car park and the reserve can go across the waterfront
Typically, one per fortnight 12 to 16 of us park in the current car park and launch kayaks from the beach. It is an excellent launch location for person powered watercraft.	Confirmation that the dangerous ramp down to the beach will be made safer. It is currently safer to get to the beach via the natural surface via the gap in the fence 40m to the west of the ramp with the plastic slats
A large group of us regularly launch our kayaks from the beach and access the car park	
This is the perfect launching spot for kayaks.	
We kayak every week from here and option 1 has better access to the water for us	Consideration of kayaking accessibility
Better access to water and beach	
Splitting the bowling greens (option 2) is non-sensical from environmental, functional and cost perspectives. Option 1 is practical, operational and cheaper and will provide the current number of car spaces where Option 2 will not (I have measured the spaces).	
It is better suited for the area.	
Second option is waste of taxpayer money. Nothing good at all. We enjoy to see kids scrolling along the water view. During the lock down happened When seeing kids playing, riding bicycles on the ground, it gives us a sense of enjoyment	Best to make some change is that making more park space on left side of restaurant when you face to the reserve. There a lawn is waste. If you do this, first it may increase people to enjoy the local activity then all cars can drive in from right side and out from left side of restaurant. That will make way more convenient and safe
I regularly use this reserve to launch my Kayak. Moving the carpark from the current location of the carpark near the waterfront will mean a longer distance to the beach and water	
Prefer the perimeter of the building to be surrounded by greens	
I think it's better to keep it the same and save the money for something else like fix up the beach and make it better. Also children play in that area more and everyone else who lives here is more used to option 1.	
Car park being in close proximity to the park on corner of Merriman st and Kyle Pde which generates a lot of car traffic and pedestrian traffic. Also the entrance of bowling club Ann function center is located on that side. Option 1 will generate a lot of noise pollution with people having to walk longer distance to get to and from the park and club which makes no sense.	
Better aesthetics and more practical to keep the 2 bowling lawns together as is. Suggest switching carpark away from water to lawn behind (proposed lawn bowl 2 in option 2). Currently intersection of Merriman st and Inala Ave already busy with cars parking on Saturday's for sport and cafe along Inala Ave esp with Inala being a narrow street. Already becomes one way lane when cars park both sides. Moving carpark further up the street to unused lawn behind current carpark will spread traffic and car parking density along Merriman st to avoid further density of congestion in one area. This will result in less traffic congestion changes than the proposed option 2.	Sediment in the bay has become worse over the last few years resulting in the sea floor being noticeably higher. This has decreased water quality and marine life as well as increase flooding risk. Dredging the bay will not only lower these risks but will improve the attraction/amenity of the area for users.

Comments	What's missing?
The expense to move an already good carpark the traffic on a busy corner	More sandstone to around beach, rocks removed, sediment problems in the bay, pollution from drains. Most of the expense is being spent in the wrong places and minimal on the beach. It's one of the nicest beaches in the area, deteriorating over the years very sad
Access to paths and parking	
The current bowling green configuration is efficient, compact and works well for the bowlers themselves. It should also be substantially cheaper than to re-locate the car park and bowling green #1	Both options presented are quite lame. They present very little vision and creativity beyond the planting of a few shade trees and creating a couple of access pathways. Where is the water's edge cafe? Public access jetty & pontoon? An over water walking promenade that extends a few metres out from the shoreline in a small section of the foreshore? Kayaker's launch ramp? Historical platform with plaques explaining the significance of the tank stream for the First Fleet who gathered fresh drinking water in large 'casks' towed by long rowing boats into Kyle Bay? Metal artworks or sculptures? A water feature or fountain perhaps? A small feature garden where people can go to reflect or meditate? Duck island or sanctuary as the reserve and car park are frequented by families of ducks most mornings? Frankly, both current plans should be scrapped and a completely fresh approach should be drafted for community discussion
We prefer it to be left nearly the same as we constantly use the (unused No.12) bowling green * We appreciate the introduction of the crossing and the need for an upgrade of fencing and foreshore upgrade ... (08) * (14) A short vegetation screen or man made screen wood is necessary here. The Sydney Water boxes etc is currently an eye sore and very unnatural.	We do not want picnic shelters etc. we believe we should be leaving parks and these type of areas natural. If you introduce this etc you are inviting more outer of area people that do not respect the parks and leave rubbish and their belongings everywhere. Please drive down to the neighboring parks that have these facilities and see the rubbish left everywhere not to mentioned their rubbish ends up in the river. Extremely against 15. if you wish to visit bring a picnic blanket - no problems. * x2 more bins discreetly positioned as sometimes they are overflowing which no one likes to see
Too much traffic for Inala avenue with option 2	
Less cost	
waste of money moving carpark only benefits a few houses on Merriman, don't put picnic area away from main park	beach needs to have a lot of work remove rocks and put sandstone wall
I prefer the current layout as it is more practical to keep the lawn bowl greens together	Gazebos in the open space to sit and enjoy the water views and for shade in summer. Great for the community to socialise with gazebos being made available. More lighting is required for safety reasons whilst walking through at night, as it dangerous not to be able to see who else is around
The splitting of 2 adjoining bowling greens (Option 2) simply does not make sense for both social reasons and efficiency of maintenance. Option 1 represents a better use of rate payers' money	I note my observation that the existing carpark provides easy public access to the beach and waters of Kyle Bay (KB) for both passive and active recreation. Any change in the location of the carpark would be at the detriment of accessibility. I would very much support beautification of the landscaping between the existing carparking and the beach, along with a stepped sandstone wall from that landscaping to the sand. Such a wall should provide for a small ramp as KB is used by many people with kayaks. These works should also include for clearing the beach of rocks. Periodic control of the sediment build-up in KB should ideally feature on Council's programmed maintenance. The profile of the sediment build-up and observation over the years indicate that this sediment build-up is largely from outflows from the stormwater outlet on the western side of the bay and therefore is not part of the natural KB ecosystem and is unnatural. I would suggest that the western picnic table would provide better amenity if it were relocated to the larger landscaped area to the east of the function centre building. (i.e. Improve amenity by locating the picnic table away from the stormwater outlet). I further suggest that the existing grassed nature strip to the west of the existing 2 bowling greens provides for an easy walk over easy-to-maintain grass. The construction of a 2.5m wide concrete shared pathway replaces soft landscaping with hard, and will increase future cost and complexity of maintenance for questionable benefit. Arguably, the construction of a 2.5m pathway will present a more urban streetscape as opposite to a more "green" one (as currently is the case).
Makes more sense, cheaper option	



Comments	What's missing?
why would you pull up a bowling green that is already there and i have never seen a bowling green with separated lawns!!!! pretty obvious	
Waste of money to move good bowling green and already new carpark. Money needs to be spent on beach and improving park. Already enough park area in Merriman St. Only benefits houses overlooking the present carpark. New carpark would affect safety	Sandstone blocks to save beach and rock removal for safety. No one is listening to the safety issue for the rocks on the beach.
Moving carpark is unnecessary and a danger on that corner. Money should be spent more wisely	The beach is used a lot for swimming and walking and has had no up keep for 10 years. Except dangerous rocks dumped by council
Don't want a bigger park with more people. Don't want the carpark moved.	The park needs fixing up now. Not after additions
Everything is great the way it is just need to clean up all the stones at the waterfront as it is an eyesore and very dangerous	
carpark shouldn't move or be on unused green	Do not put picnic areas where you have opted, they should all be where you're moving the carpark if it's so important to have park area there.
The other option benefits the houses. Over looking the carpark. There's a council connection to the house overlooking the carpark now. Why not look at moving carpark to the unused green.	The park area now is large enough.
Via -phone text No one could work out why you would move the car park.	
Concerns re costings for option 2	
Option 2	
31 Total	
No comments	
More green space for family recreation and separation from the danger of a car park. Prefer to see the car park moved to the side/ Merriman Street frontage.	Small section with children's play equipment
	There has to be far more attention given to casual dining/bistro at the site. It has become a function centre first and everything else a long second. It's a terrible place now with no atmosphere for locals. It was once a fantastic meeting place for the community - that is now completely lost.
Gives the user the best location not cars	New tenants for the club house The Kyle Bay venue provides nothing for the community other than noise pollution from it weddings Bring back something for the community
Feel safer to sit at river with children without cars so close and also visit restaurant with young children. Make sense to leave beach area one large recreational area and keep cars near the road.	Some play equipment or work-out equipment/obstacle course.
Nicer greenery area near the water and the bbq areas are further from the houses maintaining privacy.	
More green area by the water	Casual eatery, cafe shop. Current establishment is more fine dining and not affordable
The green space is along the water meaning it's more enjoyable rather than the carp being near the water	Playground, seating, art sculpture, bike track
It removes the carpark from the waters edge and creates a better flow in the reserve and a larger continuous green space	
Parking nearer the road and green space nearer the water	More seating and sheltered seating
More foreshore greenery	
More open space close to beach and waterfront. There should a vehicle access point maintained close to the water however to launch Kayaks etc	
Places the car park closest to the road and has more park land closer to the water.	
There is more area closer to the water available for park users	
I like the idea of the grass area between the restaurant and foreshore	
Better flow	
More inclusive for all people to use option 2 as opposites to option 1. Parking at the entrance seems ideal. Parking currently as is/ post covid, is unsafe due to kids /pets/ animals walking / playing along foreshore. There is a risk with cars going in and out.	1. A walkway along the foreshore. It needs an uplift mainly due to weather damages but also offers protection to nature surrounding it. Potentially have a walkway linking to Kyle Williams recreational reserve however understand there are housing in between. But if you look at Dollis Point there is a walkway in front of houses. 2. Clean up of the bay.. it is used.. I've seen young kids swim here, and people using it for boating (drop offs pick ups)
The best part of the reserve is the water, moving the carpark away is the best option	a decent cafe/restaurant the restaurant there is a disgrace to the community, when we had community meetings when Zippos was the tenant, you made it clear as a council it would be for the community, but nobody ever goes there because its terrible. Let them keep the reception venue upstairs but get a new operator in downstairs. Cubbyhouse or Cup and Cook?

Comments	What's missing?
Safer parking option for cars and kids to enjoy	
Better access to the foreshore and more walkable green space along the foreshore. Carpark should be close as possible to the street to allow for better access and enjoyment of the foreshore for the local residents and the broader community. In addition, having the carpark closer to the street is safer for all - including those who are walking through the reserve. Please ensure there is strong lighting in the carpark and it is locked off after dark so it doesn't attract antisocial behavior.	I don't think there should be BBQ facilities at the Merriman reserve. This will create crowding, litter, noise and congestion of a small area of green space. This will have a detrimental impact on the environment - both the community and also the flora and fauna of the foreshore. There are ample BBQ facilities at neighboring reserves, including across the road and notably Car park which is just down the road and has plenty of space for it.
Creates greenery near the water and relocates the carpark between the two green spaces.	Dog Park - Lots of Dogs in the Community Teenage Retreat - i.e. Basketball Court Waterway Recreation - i.e. Beach, Jetty
Prefer the car park is away from the beach area where kids congregate for photos	
The carpark relocated closer to the roadway allowing the green open space closer to the bay. This will bring visitors closer to this natural asset. Without the carpark, sightline will not be impeded.	
Option two best utilises the water front, with the most park and picnic areas by the water for maximum enjoyment.	In option 2, the car park and bowling green 1 should swap locations. This would be a more logical layouts and practical, leaving the bowling greens located together and the car park nearer to the parklands and water where families will be parking to enjoy the reserve.
Stabilise foreshore erosion. Move car park away from foreshore to allow a better public space for the public. Remove car movements to the foreshore.	
Prefer the foreshore to be green!	
Firstly close proximity to park that generates alot of traffic . Makes sense to have parking nearest to park and secondly club entrance. Cars are parking very close to our driveways in Merriman street making it very dangerous for pedestrians	To close boom gates at night in carpark. Too many cars coming in late Creating noise pollution and illegal activities
It keeps cars and traffic away from park and play area which is far safer for all using the play/grassed and water side areas.	
Parking in the street is crowded on weekends due to parents taking children to sport in the Green, which would be opposite the new proposed car park.	
Feel the car park will be better used if near The Green	Please add a few more trees
I live in Merriman St. diagonally opposite Merriman Reserve and prefer to have a view of parkland and the water of Kyle Bay than a carpark in front of the Bay. Option2 allows for a larger consolidated green space and more parkland along the foreshore for the public to enjoy . It removes the carpark and vehicle traffic from being adjacent to green parkland and recreation area. Relocating the carpark to the corner of Inala Ave. & Merriman St. makes it more accessible and usable for the public visiting "The Green" parkland on the corner of Kyle Parade and Merriman St. On the days that there is a sporting event at "The Green" the attendants of the event will be able to use the carpark on the corner of Inala and Merriman St. Reducing the number of cars parked along the street in Kyle Pde. and Merriman St during a sporting event at "The Green" is an advantage as the area can become congested and dangerous for vehicle traffic at that time. Option 2 reinstates the bowling green to the position it was for many years prior to moving it to the corner of Inala Ave. and Merriman St. Note; since moving the bowling green, that area of grass (shown as BOWLING GREEN 1 in Option 2 of the master plan) has not been utilised to its potential because it is far from foreshore. That practice would remain the same if Option 1 was adopted for this project. The public would utilise parkland next to the foreshore, rather than next to the road.	
Neither option	
I don't prefer either option, I emailed another option today	sandstone sea friendly wall, concrete walk/bike path, drinking water bubbler (human and dog), basketball court, fitness area, including monkey bars, duck crossing sign. All included in my emailed proposal.



10.4.2 COMMUNITY FEEDBACK POP-UP COMMENTS

MERRIMAN RESERVE COMMUNITY CONSULTATION ROUND 2	
Community Consultation - Pop Up on site	
Date:	3/12/2022
MASTERPLAN VOTES	
Masterplan Option 1 (62 red dots)	
Masterplan Option 2 (36 red dots)	
OPTION 1 COMMUNITY COMMENTS IN FAVOUR	
Direct Quotes (25)	
Option 1 only	
More lighting - Option 1	
Option 1 fine. No problem. Keeps bowles together	
Prefer Option 1 - Do not need picnic area on this side, next to parking. Should be on the other side near larger lawn.	
Spend on beach area. Focus on wrong area now! Keep Option 1	
Option 1 - I am in favour because we prefer to bowl on these greens	
2 greens together frees up foreshore down to beach dangerous.	
Option 1 - It would be better for kids for playing. As well rather spend money on useful stuff.	
Circuit option 1 - Keep circuit in park not street Inala access to corner	
Option 1 only	
Option 1 but bring carpark to the bowling green which is unused and grass existing parking. Current bowling gets maintained twice a week. Soil gets delivered on Inala Ave and mini excavators come in at 4am/5am. Doesn't make sense to work in 2 separate areas. The waterways needs to be dredged and mud taken out and put sand in like Brighton Le sands to create clean beach area to access safely for children and kayakers.	
Option 1 - Why spend money to move perfectly fine carpark when there are other areas to spend the money, e.g foreshore. Having two bowling greens seperately is not in the spirit of the game.	
Leave carpark where it is. Beautify foreshore. Beautify Merriman reserve. More shade trees and pedestrian path. Bring bistro back!	
Option 1 - Moving carpark, huge waste of money.	
Don't feel like the council will really listen to the waste of money to move carpark. Option 1	
Keep 1. Waste of tax payers money for no improvement.	
Prefer carpark in current location	
Option 2 is a waste of money	
Options should have been wasted. Looks like Option 2 is a waste of tax payers money	
Option 2 - Waste of rate payers money	
Prefer option 1. Clean up beach area. Remove rocks. New fence/ retaining wall. Bay needs dredging to remove sediments/mud which is unsightly and poor water quality.	
Too loud at night for Inala Ave residents.	
the carpark will be very disruptive to local residents	
Too noisy for Cul-de-sac. Not option 2!	
More money on beach. Remove rocks. Sandstone wall. Option 1	
OPTION 2 COMMUNITY COMMENTS IN FAVOUR	
Direct Quotes (7)	
Carpark is a good place for cycling and scootering	
Carpark at corner of site	
Option 2 - relocating carpark means extra reserve space for picnics , safer space for children and families. Better access to water.	
Prefer to not have picnic area/ BBQ close to boundary. Option 2	
Option 2 is more resident friendly with carpark location.	
Greening in carpark. Extra green spaces on foreshore.	
2 picnic area other side. Bigger lawn area	

GENERAL COMMENTS - NO OPTION REFERENCED
Direct Quotes (15)
More trees for kids to play under
Gazebos for summer + BBQs
Waterways need more attention, make it accessible, maybe a jetty for access. Whole foreshore has no real change, needs more modernisation and safe access. Bring sand cleanup debris.
Would be nice if green space around foreshore + footpath was usable green space vs. shrub boundaries
Shaded seating would be good
Prefer new trees/ shrubs to be not too tall ( don't block waterviews)
Improved tree planting. No BBQs (unnatural + creates rubbish)
Basketball ring.
Small dog park
Historic reference carpark
Sand at beach for access
Basketball court. Dog park.
Remove trees in park as they are not safe and don't provide enough shading should anyone use for sitting in shaded area. There are too much branches that fall off as well which is not safe to sit under.
Should clean up the foreshore and deposit new sand. This will make the water edge more user friendly as it is very muddy on low tide at present.
No way



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Brisbane QLD 4000  
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- HO CHI MINH CITY**  
19th Floor – Havana Tower, 132 Ham Nghi,  
Ben Thanh Ward, District 1, Ho Chi Minh City  
Vietnam





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Appendix F  
AHIMS search results

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## AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : J2112

Client Service ID : 802347

Arnold Planning Pty Ltd

Date: 20 July 2023

Suite 607 310 George Street

Sydney New South Wales 2001

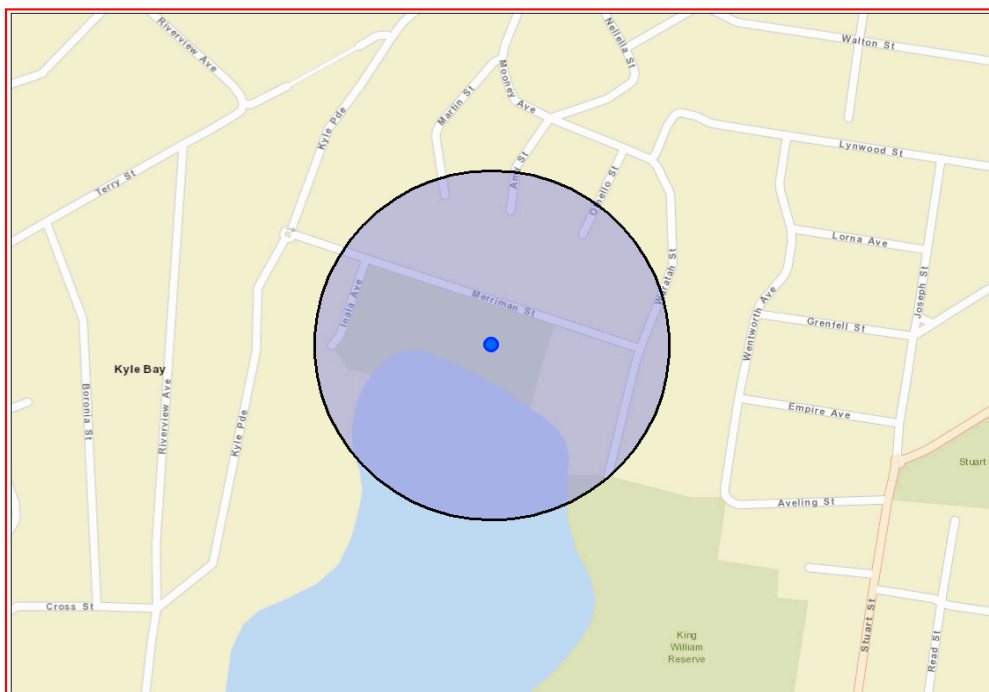
Attention: John Arnold

Email: john@arnoldplanning.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Address : 12 MERRIMAN STREET KYLE BAY 2221 with a Buffer of 200 meters, conducted by John Arnold on 20 July 2023.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *



**If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](https://www.legislation.nsw.gov.au/gazette) (<https://www.legislation.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

**Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



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## Appendix G

### Plan of management legislative framework

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DRAFT



The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding this legislation at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

### Local Government Act 1993

Section 35 of the *Local Government Act 1993* (LG Act) provides that community land can only be **used** in accordance with:

- the plan of management applying to that area of community land
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land
- the provisions of Division 2 of Chapter 6 of the Act

Section 36 of the Act provides that a plan of management for community land must identify the following:

- a) the category of the land
- b) the objectives and performance **targets** of the plan with respect to the land
- c) the means by which the council proposes to **achieve** the plan's objectives and performance targets
- d) the manner in which the council proposes to **assess its performance** with respect to the plan's objectives and performance targets

and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

- a) must include a description of:
  - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
  - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
  - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
  - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
  - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment
- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

Additionally, under section 36 of the LG Act, a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36 A (2) and 36 B (3))
- by council to contain significant natural features (section 36 C (2))



- by council to be of cultural significance (Section 36 D (2))

### Classification of public land

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the *Crown Land Management Act 2016* (CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the Minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45 and 46) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the Minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the Minister administering the CLM Act.

### Crown Land Management Act 2016

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the State government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, as Council Crown land managers, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose – for example, Crown land assigned the purpose of 'environmental protection' cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

### Principles of Crown land management

- Environmental protection principles are to be observed in the management and administration of Crown land
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible
- Public use and enjoyment of appropriate Crown land are to be encouraged



- Where appropriate, multiple uses of Crown land should be encouraged
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained
- Crown land is to be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State of NSW, consistent with the above principles

#### **Crown land management compliance**

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

#### **Native Title Act 1993**

The Commonwealth *Native Title Act 1993* (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- establish a mechanism for determining claims to native title
- provide for, or permit, the validation of past acts invalidated because of the existence of native title

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council's dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- a) granting leases, licences, permits, forestry rights, easements or rights of way over the land
- b) mortgaging the land or allowing it to be mortgaged
- c) imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land
- d) approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c)

#### **Council plans and policies relating to this Plan of Management**

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

The following is a list of documents that have a direct association with this PoM:

- *George River Local Environmental Plan 2021*
- *Georges River Local Strategic Planning Statement 2040*
- *Georges River Community Strategic Plan 2022–2032*
- *Georges River Local Housing Strategy 2020*
- *Open Space, Recreation and Community Facilities Strategy 2019-2036*
- *Georges River Foreshore Access and Improvement Plan 2021*
- *Georges River Foreshore Scenic Character Study 2021*
- *Georges River Estuary Coastal Zone Management Plan 2013*



## Other State and Commonwealth legislation

### Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a State-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

### Aboriginal Land Rights Act 1983

The *Aboriginal Land Rights Act 1983* (ALR Act) is important legislation that recognises the rights of Aboriginal peoples in NSW. It recognises the need of Aboriginal peoples for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

### National Parks and Wildlife Act 1974

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

### Biodiversity Conservation Act 2016

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The *Threatened Species Conservation Act 1995* has been repealed and superseded by the *Biodiversity Conservation Act 2016*.

The Department of Planning and Environment's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the *Threatened Species Conservation Act 1995* were repealed on the commencement of the *Biodiversity Conservation Act* in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under Section 36 B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the State.

### Fisheries Management Act 1994

The *Fisheries Management Act 1994* (FM Act) includes provisions for the management of State fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.



### **Rural Fires Act 1997**

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

### **Water Management Act 2000**

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the State will result from the sustainable and efficient use of water

### **Heritage Act 1977**

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

### **Commonwealth legislation**

#### **Environmental Protection and Biodiversity Conservation Management Act 1999**

This Act enables the Australian Government to join with the States and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

#### **Telecommunications Act 1997**

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

### **State Environmental Planning Policies**

#### **State Environmental Planning Policy (Transport and Infrastructure) 2021**

This planning policy lists development allowed with consent or without consent on community land.

#### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The key aims of this policy relevant to the Georges River LGA are:

- protect the biodiversity values of trees and other vegetation in non-rural areas of the State
- regulates development in certain catchments, including the Georges River Catchment

#### **State Environmental Planning Policy (Resilience and Hazards) 2021**

The aims of this policy are to:

- promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016
- provide a framework for the management of development of hazardous and offensive industries



- provide for a Statewide planning approach to the remediation of contaminated land

DRAFT





**Confidential**

21 March 2023

Our ref: GRC23003

The General Manager  
Georges River Council  
PO Box 205  
HURSTVILLE BC NSW 1481

Attention: Bernie Morabito

**Email**

Dear Sir,

**Native Title Advice | Adoption of Plan of Management for Merriman Reserve**

- 1 We refer to Bernard Morabito's emails of 3 and 13 March 2023 and the draft '2022 Merriman Reserve Plan of Management' (POM) attached to his email of 3 March 2023.
- 2 The Council requests advice on whether the proposed act described in item 2 below complies with the native title legislation.
- 3 Our conclusion is set out in item 3 in the table immediately below.
- 4 Our analysis is set out in the tables below and further details (as required) are provided in the attached appendices.

**Advice under Section 8.7(1) of the Crown Land Management Act 2016**

<b>1. Title details of land</b>	Lot 7316 DP 1154446 ( <b>Land</b> ) which is part of Merriman Reserve. Other lots that make up Merriman Reserve are Council owned land which are not the subject of this advice.
<b>2. What 'act' is proposed by the Council?</b>	Council proposes to adopt the draft POM under the <i>Crown Land Management Act 2016 (CLM Act)</i> and <i>Local Government Act 1993 (LG Act)</i> . Our understanding is that, in respect of the Land, the POM: <ul style="list-style-type: none"><li>• categorises the Land partly as 'park' and partly as 'natural area - foreshore' under the LG Act, and</li></ul>

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	<ul style="list-style-type: none"> <li>• sets out a concept 'Masterplan' which envisages a number of works on the Land over a period of time, including: <ul style="list-style-type: none"> <li>○ upgrading the carpark,</li> <li>○ creation of a pedestrian loop walk,</li> <li>○ utilising sandstone logs to control vehicular movements along foreshore edge,</li> <li>○ increasing open space along foreshore edge,</li> <li>○ improving the environmental condition of foreshore edge, including stabilised erosion, replacement fencing, creation of foreshore access points, revegetation with foreshore vegetation community, maintain views across Kyle Bay and create opportunity for small viewing platform over existing stormwater outlet,</li> <li>○ increasing/retaining extent of green open space including increase of tree cover for shade in selected locations,</li> </ul> </li> <li>• sets out other proposed uses and development of the Land and structures on the Land such as: <ul style="list-style-type: none"> <li>○ in the area categorised as 'natural area – foreshore' - signage, visitor facilities, bridges and observation platforms, works sheds in connection with maintenance of the land, temporary structures necessary for filming projects,</li> <li>○ in the area categorised as 'park' – paths, public art, play equipment, park amenities, kiosks and seating, landscaped areas, use of land for active and passive recreation, festivals, markets and events, low-intensity commercial activities,</li> </ul> <p>and other facilities as set out in the extracts of the POM in <b>Appendix 1</b> to this advice,</p> </li> <li>• authorises the granting of certain leases, licences and other estates on the Land provided that: <ul style="list-style-type: none"> <li>○ the purpose is consistent with the purpose for which it was dedicated or reserved,</li> <li>○ the purpose is consistent with the core objectives for the category of the land,</li> <li>○ the lease, licence or other estate is for a permitted purpose listed in the LG Act or the <i>Local Government (General) Regulation 2021 (LG Regulation)</i>,</li> <li>○ the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the <i>Native Title Act 1993</i> (Cth),</li> <li>○ where the land is subject to a claim under the <i>Aboriginal Land Rights Act 1983</i> the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted,</li> <li>○ the lease, licence or other estate is granted and notified in accordance with the provisions of the LG Act or the LG Regulation,</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.</li> <li>sets out more specific authorised leases, licences and estates that may be granted for purposes such as: <ul style="list-style-type: none"> <li>in the area categorised as 'natural area – foreshore' - visitor facilities, walkways paths etc., observation platforms, works sheds in connection with maintenance of the land, information kiosks, temporary structures necessary for filming projects,</li> <li>in the area categorised as 'park' – for café or kiosk areas, hire or sale of recreational equipment, community events and festivals, playing of musical instruments for fee or reward, private celebrations, filming, public performances,</li> </ul> </li> </ul> <p>as set out in the extracts of the POM in <b>Appendix 1</b> to this advice.</p>
<b>3. Advice</b>	The proposed act complies with the native title legislation.
<b>4. Native title notification requirements</b>	See item 15 below.

#### Status of Land

	Yes/No	Details
<b>5. Is the land 'relevant land'? (s8.1 CLM Act)</b>	Yes	<p><b>Reserve name and No.:</b> Merriman Reserve R100242</p> <p><b>Gazette date:</b> 5 November 1993 (p.6625 – pursuant to s87 Crown Lands Act 1989)</p> <p><b>Reserve purpose:</b> Public Recreation</p> <p><b>Crown land manager:</b> Georges River Council</p> <p><b>Date of appointment:</b> 5 November 1993</p> <p><b>Instrument of appointment:</b> NSW Government Gazette (p.6626) pursuant to s95 of Crown Lands Act 1989.</p> <p>Council is taken to have been appointed as Crown land manager for the Land pursuant to clause 11(5) of Schedule 7 of the CLM Act.</p>
<b>6. Is the land 'excluded land'? (s8.1 CLM Act)</b>	No.	<p>To our knowledge, the Land is not:</p> <ul style="list-style-type: none"> <li>land subject to an approved determination of native title and native title has been found to be extinguished or not exist,</li> </ul>





		<ul style="list-style-type: none"> <li>land where all native title rights and interests have been surrendered under an Indigenous Land Use Agreement,</li> <li>land subjection to a section 24FA protection,</li> <li>land where all native title rights and interests in relation to the land have been compulsorily acquired, or</li> <li>land for which a native title certificate is in effect.</li> </ul>
<b>7. Might native title have previously been extinguished?</b>	Assume 'no'	<p>It is possible that native title rights and interests have been extinguished.</p> <p>However, It is not the role of the Council or the Native Title Manager to determine whether native title had previously been extinguished. This can only be conclusively determined by the Federal Court. Council should therefore proceed on the assumption that native title rights and interests have not been extinguished</p>

#### The proposed act

	Yes/No	Details
<b>8. Might the proposed act be a 'past act'?</b>	No	<p>The adoption of the POM is not a 'past act' because it will occur after 1 January 1994 and does not fall within any of the definitions of 'past act' that can occur after 1 January 1994.</p> <p>See s228 of the <i>Native Title Act 1993</i> ('NT Act').</p>
<b>9. Is it an 'act' which affects native title?</b>	Yes	<p>In our view, the adoption of the POM is an act which likely affects native title because it will authorise:</p> <ul style="list-style-type: none"> <li>works, including earthworks, to be carried out on the Land which may have the effect of restricting access to the construction site during the works,</li> <li>the granting of interests and the occupation and use of the Land which may be inconsistent with the continued existence of any native title right to control the use of, or access to, the Land.</li> </ul> <p>See ss226 and 227 of the NT Act.</p>
<b>10. Is it a 'future act'?</b>	Yes	<p>The adoption of the POM is a future act because:</p> <ul style="list-style-type: none"> <li>it will occur on or after 1 January 1994, and</li> <li>to our knowledge, it is not taking place pursuant to a legally enforceable right before 1 July 1993, or because of an offer, commitment, arrangement or undertaking that has been made before 1 January 1994, and</li> </ul>





		<ul style="list-style-type: none"> <li>• is not a 'past act', and</li> <li>• apart from the NT Act, is invalid because of native title.</li> </ul> <p>See s233 of the NT Act.</p>
11. Which Subdivision of the future acts regime applies?	J & K	<p><b><u>Application of Subdivision J</u></b></p> <p>Subdivision J of the NT Act applies because:</p> <ul style="list-style-type: none"> <li>• the current reservation of the Land for 'public recreation' occurred on 5 November 1993, which is before 23 December 1996, and</li> <li>• in our view, the proposed uses of the Land, development of buildings and structures on the Land as shown on the Masterplan and draft POM will be done in good faith under or in accordance with the reservation of the Land for 'public recreation', and</li> <li>• in our view, whilst the proposed uses of the Land, involving commercial filming and photography, and low-impact commercial activities as shown on the Masterplan and draft POM are not acts done under or in accordance with the reservation of the Land for 'public recreation', they would not, in our view, have an impact on native title that is greater than an act done in accordance with the reservation of the Land for 'public recreation', and</li> <li>• the leases, licences or other estates that are proposed to be authorised are those which could have been granted under or in accordance with the reservation of the Land as a public recreation or which their impact on native title is no greater than leases, licences or other estates that could have been granted under or in accordance with the reservation of the Land for public recreation.</li> </ul> <p>See ss24JA(1) of the NT Act.</p> <p><b><u>Application of Subdivision K</u></b></p> <p>Subdivision K of the NT Act applies to the following acts which are proposed to be authorised by the POM:</p> <ul style="list-style-type: none"> <li>• the proposed provision of public utilities and works ancillary to public utilities, and</li> <li>• the granting of leases, licences and estates for such public utilities and works.</li> </ul> <p>Subdivision K applies because these acts:</p> <ul style="list-style-type: none"> <li>• relate to an onshore place;</li> <li>• permit the construction, operation, use, maintenance or repair of a pipeline or other water supply or reticulation facility, a drainage facility, an electricity or gas transmission or distribution facility, or a sewerage facility, or any other similar thing and the work is to be operated for the general public;</li> </ul>





		<ul style="list-style-type: none"> <li>• will be carried out by or on behalf of a local government body;</li> <li>• does not prevent native title holders in relation to reasonable access to the Land except while the thing is being constructed, or for reasons of health and safety, and</li> <li>• the <i>National Parks and Wildlife Act 1974</i> provides for the preservation or protection of areas or sites that may be in the area and of particular significance to Aboriginal or Torres Strait Islanders in accordance with their traditions.</li> </ul> <p>See ss24KA(1) and (2) of the NT Act.</p>
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#### Consequences of validity/invalidity

<b>12. Validity of act</b>	<p>The proposed adoption of the POM is valid.</p> <p>See s24JB(1) and s24KA(3) of the NT Act.</p>
<b>13. Compensation requirements</b>	<p><b><u>Acts validated under Subdivision J</u></b></p> <p>Native title holders are entitled to compensation in accordance with Division 5 of Part 2 of the NT Act in respect of adoption of the POM.</p> <p>Council will be liable to indemnify the State for any compensation required to be paid by the State for Council's conduct which impacts on native title rights and interests.</p> <p><b><u>Acts validated under Subdivision K</u></b></p> <p>Any native title holders and any registered native title claimants are entitled to compensation for the proposed provision of public utilities, works ancillary to such public utilities and leases, licences or other estates granted for such public utilities and works, as if the native title holders held title to the Land in fee simple. The compensation is payable in accordance with Division 5 of Part 2 of the NT Act.</p>
<b>14. Extinguishment</b>	<p><b><u>Acts validated under Subdivision J</u></b></p> <p>The non-extinguishment principle applies to the adoption of the POM.</p> <p>When any construction or establishment of a 'public work' (as defined in s253 NT Act) commences, any native title rights and interests are extinguished in respect of that land.</p> <p><b><u>Acts validated under Subdivision K</u></b></p> <p>The non-extinguishment principle applies to the adoption of the POM which authorises the provision of public utilities and works ancillary to public utilities and leases, licences and estates granted for such public utilities and works.</p>





<p><b>15. Notification and/or Procedural requirements</b></p>	<p><b><u>Acts validated under Subdivision J</u></b></p> <p>There are no notification requirements before the POM is adopted.</p> <p>However, before Council commences construction of any public work it will need to comply with notification requirements. This involves notifying any registered native title claimants, any registered native title body corporates and the representative Aboriginal/Torres Strait islander body in relation to the Land (currently NTSCORP) in accordance with the Native Title (Notices) Determinations 2011 (No. 1).</p> <p><b><u>Acts validated under Subdivision K</u></b></p> <p>Any native title holders and any registered native title claimants are to be treated as if they held title in fee simple to the Land in respect of any right to be notified, right to object, any right to have their interests considered or any other procedural right that is available as part of the procedures that are to be followed before the POM is adopted.</p> <p>As there are currently no registered native title body corporate for the Land, any notification that is required to be given to native title holders and native title claimants (on the basis that they are to be treated as if they held fee simple title) can be satisfied by the Council notifying by post, in accordance with the Native Title (Notices) Determination 2011 (No.1):</p> <ul style="list-style-type: none"> <li>• any registered native title claimant for the land, and</li> <li>• any representative Aboriginal/Torres Strait islander body in relation to the land (currently NTSCORP),</li> </ul> <p>and they be given an opportunity to comment.</p>
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- 5 The advice above covers the adoption of the POM. Council will need to comply with s8.7 of the CLM Act before each of the proposed acts authorised by the POM is carried out.
- 6 Separate to the matters covered by this advice, before the Council adopts the POM or carries out any of the proposed acts authorised by the POM, the Council must also ensure that it complies with any relevant:
  - 6.1 planning legislation, and
  - 6.2 land management obligations under the CLM Act, and
  - 6.3 the *Aboriginal Land Rights Act 1983* in respect of any land claims under that Act,
  - 6.4 any other obligations under the LG Act or other legislation relating to the adoption of the POM and carrying out the proposed acts that are authorised by the POM.





- 7 We thank you for your instructions in this matter. If you would like to discuss any aspect of this advice or require any further assistance, please do not hesitate to contact Dr Lindsay Taylor on 02 8235 9701 or Frances Tse on 02 8235 9711.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Lindsay Taylor'.

**Dr Lindsay Taylor**  
Senior Partner

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A handwritten signature in black ink, appearing to read 'Frances Tse'.

**Frances, Wing Yee Tse**  
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## Appendix 1 – Extract of proposed Use of Land under draft POM

Figure 3.2: Merriman Reserve lot details (Source: Group GSA)



11





**Merriman Reserve - Preferred Master Plan**

Project Name: **Merriman Reserve PoM**  
Client: Georges River Council

Project No: 210269  
Drawing No: SK 01  
Rev: 1  
Date: 10/03/2023

Scale: 1:500 @ A1



**GROUP 5A**



- LEGEND**
- 01 Bowling Greens retained.
  - 02 Carpark - Improve efficiency of layout. Reduce carpark encroachment to foreshore & allow for increased open space/address to building. Address existing localised flooding to carpark. Make carpark BDA compliant.
  - 03 Sandstone logs installed to control vehicular movements along foreshore edge.
  - 04 New maintenance/therapies building for bowling greens. New location reduces visual and encroachment on foreshore.
  - 05 Pedestrian Loop Path links to existing street verge paths. Consider widening existing pathways.
  - 06 Pedestrian entry points and connections from surrounding streets, including new pedestrian crossing / green ramps (subject to further traffic investigations).
  - 07 Increased open space along foreshore edge as a result of revised and improved carpark layout.
  - 08 Foreshore restoration:
    - Erosion stabilisation works
    - Rock protection works
    - New fencing
    - Formalised foreshore access points
    - Revegetation to foreshore with local plant community
    - Accommodation of tidal inundation
    - Salt marsh berm
  - 09 Maintain views across Kyle Bay. Build small viewing platform where structurally feasible.
  - 10 Existing trees retained.
  - 11 Increased 'green' open space area, including more tree cover for shade in selected locations within low maintenance native groundcovers.
  - 12 Split-out zones around building for more casual activation and better connection to the localised bowling green. Opportunity to reclaim this area for functionally flexible uses.
  - 13 Maintain service access to Sydney Water infrastructure access width and construction suitable for service trucks.
  - 14 Landscape buffer screen to Sydney Water infrastructure.
  - 15 Seating, picnic shelters, bins and casual picnic areas with a focus on water views.
  - 16 New low fencing of appropriate material along boundary and near reserve signage.
  - 17 Vehicular drop off zone & back of house servicing retained.
  - 18 Butler planting to screen noise from waste pick-up point.
  - 19 Formal access to beach zone + launching ramp for kayaks.
- Localised flooding issue to be addressed.





## 6.2 Park

<UPDATE BASED ON SELECTED MASTER PLAN>

The category Park applies to the community land that forms the area of Merriman Reserve, depicted in green in Figure 6.1. It includes the northern part of Crown Reserve 100242 and land to the east and west of Merriman Reserve, which comprises paths and areas of passive open space. The existing Sydney Water pump station on the eastern side of Merriman Reserve is also included in the Park category of land.

As shown on the Master Plan (Appendix A2), this area is intended to be developed as follows:

- Utilise sandstone logs to control vehicular movements along foreshore edge and act as casual seats (MP ID 03).
- Create a pedestrian loop path to link into existing street verge paths. Consider widening existing pathways. Propose new 2.5 m wide shared paths (MP ID 05).
- Create pedestrian entry points and connection from surrounding streets, including new pedestrian crossing (MP ID 06).

The permissible and future uses set out in Section 6.2.5 and the express authorisation of leases, licences and other estates set out in Section 6.2.6 are consistent with the purpose for which Merriman Reserve was dedicated, being a reserve for public recreation.

### 6.2.1 Guidelines and core objectives

Parks are defined in clause 104 of the LG (General) Regulation as land which is improved by landscaping, gardens or the provision of non-sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that do not intrude on the peaceful enjoyment of the land by others.

The core objectives for Parks, as outlined in Section 36G of the LG Act, are to:

- Encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities.
- Provide for passive recreational activities or pastimes and for the casual playing of games.
- Improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

This PoM and the Master Plan have been prepared having regard to these objectives, as reflected in the objectives and performance targets in the Action Plan (Appendix A3).

### 6.2.2 Key issues

The key issues associated with the land categorised as Park in Merriman Reserve are:

- Retention of existing views and the ambience of Merriman Reserve.
- The need for walking paths and improved pedestrian access to the foreshore.
- Provision of more seating/tables/picnic settings and/or picnic areas within the park and the foreshore area to take advantage of views.
- Avoidance of elements or activities which may negatively impact on the quiet ambience of Merriman Reserve, including large gatherings and concerts.
- The desire to maintain Merriman Reserve as open space with no additional built developments.





### 6.2.3 Development and use

The permitted development and uses of the Park categorisation of land in Merriman Reserve are:

- Infrastructure and facilities.
- Paths and walking trails.
- Landscaping and non-sporting equipment and facilities.
- Parking.
- Signage.
- Special events or uses.

Specific permitted and future uses are identified in Table 6.1.

### 6.2.4 Current use of the land

#### Condition and use of the land and structures

Section 36(3A)(a) of the LG Act requires a PoM to include a description of the condition of the land and structures on adoption of the plan. A table identifying all of Merriman Reserve's assets and their condition (including photographs) is provided in [Appendix A4](#).

#### Current leases and licences

There are no formal leases or licences over any land categorised as Park in Merriman Reserve.

### 6.2.5 Permissible uses / future uses

Section 36(3A) of the LG Act requires a PoM to detail the uses currently permitted on the land and any planned or committed future uses of the land.

The general types of uses which may occur on community land categorised as Park and the forms of development generally associated with those uses, are set out in detail in [Table 6.1](#). The facilities on community land in Merriman Reserve may change over time, reflecting the needs of the community.

**Table 6.1: Permissible use and development of land categorised as Park**

Purpose/use	Development to facilitate uses
<ul style="list-style-type: none"> <li>• Active and passive recreation including children's play and cycling.</li> <li>• Group recreational use, such as picnics and private celebrations.</li> <li>• Eating and drinking in a relaxed setting.</li> <li>• Publicly accessible ancillary areas, such as toilets.</li> <li>• Festivals, parades, markets, fairs, exhibitions and similar events and gatherings.</li> <li>• Low-intensity commercial activities.</li> <li>• Filming and photographic projects.</li> <li>• Busking.</li> <li>• Public address (speeches).</li> <li>• Community gardening.</li> </ul>	<ul style="list-style-type: none"> <li>• Development for the purposes of improving access, amenity and the visual character of the park, for example paths, public art, pergolas.</li> <li>• Development for the purposes of recreation such as play equipment, exercise equipment, bike racks.</li> <li>• Amenities to facilitate the safe use and enjoyment of the park, for example picnic tables, BBQs, sheltered seating areas.</li> <li>• Kiosks or refreshment areas including external seating.</li> <li>• Lighting, seating, toilet facilities, courts, paved areas.</li> <li>• Hard and soft landscaped areas.</li> </ul>





Purpose/use	Development to facilitate uses
Note: Some of the uses listed above require a permit from Council.	<ul style="list-style-type: none"> <li>Storage sheds.</li> <li>Car parking and loading areas.</li> <li>Commercial development that is sympathetic to and supports use in the area, for example hire of recreation equipment.</li> <li>Community gardens.</li> <li>Heritage and cultural interpretation, for example signs.</li> <li>Advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> <li>Relate to approved uses/activities.</li> <li>Are discreet and temporary.</li> <li>Are approved by Council.</li> </ul> </li> <li>Water-saving initiatives such as stormwater harvesting, rain gardens and swales.</li> <li>Energy-saving initiatives such as solar lights and solar panels.</li> <li>Locational, directional and regulatory signage.</li> </ul>

#### 6.2.6 Express authorisation of leases, licences and other estates - Park

Section 46(1)(b) and 36(3A) of the LG Act requires a PoM to provide an express authorisation for the granting of leases, licences or other estates.

This PoM expressly authorises the issue of leases, licences and other estates over the land categorised as Park, listed in Table 6.2. The term of any lease, licence or other estate will be subject to the relevant provisions of the LG Act.

**Table 6.2: Leases, licences and other estates and purposes for which they may be granted for community land categorised as Park**

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> <li>Café/kiosk areas, including seating and tables.</li> <li>Management of court facilities.</li> <li>Hire or sale of recreational equipment.</li> </ul>
Licence	<ul style="list-style-type: none"> <li>Outdoor café/kiosk seating and tables.</li> <li>Management of court or similar facilities.</li> <li>Hire or sale of recreational equipment.</li> </ul>
Short-term licence	<ul style="list-style-type: none"> <li>Community events and festivals.</li> <li>Playing a musical instrument, or singing for fee or reward.</li> <li>Picnics and private celebrations such as weddings and family gatherings.</li> <li>Filming, including for cinema/television.</li> <li>Conducting a commercial photography session.</li> <li>Public performances.</li> <li>Engaging in an appropriate trade or business.</li> <li>Delivering a public address.</li> <li>Community events.</li> <li>Fairs, markets, auctions and similar activities.</li> </ul>





Type of tenure arrangement	Purpose for which tenure may be granted
Other estates	This PoM allows Council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of Council or a public utility provider on the community land in accordance with the LG Act.

## 6.5 Natural Area - Foreshore

The category Natural Area - Foreshore applies to the area of the Crown Reserve adjacent to the foreshore.

### 6.5.1 Guidelines and core objectives

Clause 102 of the LG Regulation identifies natural areas as land possessing a significant feature that would be sufficient to further categorise the land as Bushland, Wetland, Escarpment, Watercourse or Foreshore.

Section 36E of the LG Act identifies the following core objectives for Natural Areas:

- Conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area.
- Maintain the land, or that feature or habitat, in its natural state and setting.
- Provide for the restoration and regeneration of the land.

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- Provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion.
- Assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in the Biodiversity Conservation Act 2016 or the Fisheries Management Act 1994.

Foreshores are defined in LG Regulation 111 as land situated on the water's edge forming a transition zone between the aquatic and terrestrial environment.

The core objectives for foreshores, as outlined in Section 36N of the LG Act, are to:

- Maintain the foreshore as a transition area between the aquatic and the terrestrial environment.
- Protect and enhance all functions associated with the foreshore's role as a transition area.
- Facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

This PoM and the Master Plan have been prepared having regard to these objectives, as reflected in the objectives and performance targets in the Action Plan (Appendix A3).

#### 6.4.2 Key issues

The following key issues are for the areas of land categorised as Natural Area – Bushland in Merriman Reserve:

- Retention of existing views and the ambience of Merriman Reserve.
- The need for walking paths and improved pedestrian access to the foreshore.
- Provision of more seating/tables/picnic settings and/or picnic areas within the park and the foreshore area to take advantage of views.
- Required upgrades to foreshore edge, including stabilisation/erosion control of embankment, and upgrade to fencing.
- Avoidance of elements or activities which may negatively impact on the quiet ambience of Merriman Reserve, including large gatherings, concerts and allowing motorised craft to launch or access the foreshore.

#### 6.4.3 Development and use

The permitted development and uses of the Natural Area - Bushland category of land in Merriman Reserve are:

- Infrastructure and facilities, including boardwalk.
- Passive recreation.
- Landscaping and non-sporting equipment and facilities.
- Foreshore regeneration.
- Signage.

Specific permitted and future uses are identified in Table 6.10.





#### 6.4.4 Current use of the land

##### Condition and use of the land and structures

Section 36(3A)(a) of the LG Act requires a PoM to include a description of the condition of the land and structures on adoption of the plan. A table identifying all of Merriman Reserve's land and assets and their condition (including photographs) is provided in **Appendix A4**.

##### Current leases and licences

There are no formal leases or licences over any land to be categorised as Natural Area – Foreshore.

#### 6.4.5 Permissible uses / future uses

Section 36(3A) of the LG Act requires this PoM to detail the uses currently permitted on the land and any planned or committed future uses of the land.

The general types of uses which may occur on community land categorised as Natural Area – Foreshore and the forms of development generally associated with those uses, are set out in detail in Table 6.10. The facilities on community land may change over time, reflecting the needs of the community.

**Table 6.10: Permissible use and development of community land categorised as Natural Area – Foreshore by council or the community**

Purpose/use	Development to facilitate uses
<ul style="list-style-type: none"> <li>• Preservation of the council's natural heritage including the identified endangered ecological communities.</li> <li>• Preservation of biological diversity and habitat.</li> <li>• Providing a location for formal and informal recreation.</li> <li>• Walking and cycling.</li> <li>• Environmental and scientific study.</li> <li>• Approved bush care projects requiring ecological restoration activities associated with protection of flora and fauna.</li> <li>• Fire hazard reduction.</li> </ul>	<ul style="list-style-type: none"> <li>• Visitor facilities: toilets, picnic tables, BBQs, sheltered seating areas, lighting, low-impact carparks, refreshment kiosks (but not restaurants).</li> <li>• Low-impact walking trails.</li> <li>• Interpretive signage and information kiosks.</li> <li>• Water-saving initiatives such as rain gardens, swales and sediment traps.</li> <li>• Energy-saving initiatives such as solar lights and solar panels.</li> <li>• Bridges, observation platforms.</li> <li>• Work sheds or storage sheds required in connection with the maintenance of the land.</li> <li>• Bicycle/boat hire or similar.</li> <li>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out.</li> <li>• Locational, directional and regulatory signage.</li> </ul>

#### 6.4.6 Express authorisation of leases, licences and other estates - Natural Area – Foreshore

Section 46(1)(b) and 36(3A) of the LG Act requires this PoM to provide an express authorisation for the granting of leases, licences or other estates.

This PoM **expressly authorises** the issue of leases, licences and other estates over the land categorised as Natural Area - Foreshore, listed in Table 6.11. The term of any lease, licence or other estate will be subject to the relevant provisions of the LG Act.





**Table 6.11: Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area - Foreshore**

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> <li>• Walkways, pathways, bridges, causeways.</li> <li>• Observation platforms, signs.</li> <li>• Information kiosk.</li> <li>• Work sheds or storage sheds required in connection with the maintenance of the land.</li> <li>• Toilets.</li> <li>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out.</li> </ul>
Licence	<ul style="list-style-type: none"> <li>• Walkways, pathways, bridges, causeways.</li> <li>• Observation platforms, signs.</li> <li>• Information kiosk.</li> <li>• Work sheds or storage sheds required in connection with the maintenance of the land.</li> <li>• Toilets.</li> <li>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out.</li> </ul>
Short-term licence	<ul style="list-style-type: none"> <li>• Scientific studies and surveys or similar.</li> <li>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out.</li> </ul>
Other estates	This PoM allows Council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of Council or a public utility provider on the community land in accordance with the LG Act.

#### 6.4.7 Action plan

Section 36 of the LG Act requires that a PoM for community land details:

- Objectives and performance targets for the land;.
- The means by which Council proposes to achieve these objectives and performance targets.
- The manner in which Council proposes to assess its performance in achieving the objectives and performance targets.

The Action Plan (Appendix A3) sets out these requirements for land categorised as Natural Area – Foreshore in Merriman Reserve.



**Item:** ENV014-24 Review of the Affordable Housing Policy

**Author:** Manager Strategic Planning

**Directorate:** Environment and Planning

**Matter Type:** Committee Reports

<Summary Section>

**RECOMMENDATION:**

- (a) That Council endorse the Affordable Housing Policy, as attached to this report, for the purpose of public exhibition for a minimum period of 60 days, in accordance with Section 160 of the Local Government Act, 1993
- (b) That a further report be provided to Council on the outcomes of the public exhibition.

**EXECUTIVE SUMMARY**

1. Council adopted the Affordable Housing Policy ("the Policy") at its Meeting held 24 May 2021 (CCL025-21).
2. The adopted Policy is due for review by May 2024.
3. The Policy does require amendments to reflect legislative changes, the delay in the Council's Affordable Housing Contributions Scheme (AHCS) and the subsequent delay in meeting the Affordable Housing Targets set in the Policy.
4. This report is provided to Council to seek endorsement to place the amended Policy attached to this report on public exhibition for a period of 60 Days.

**BACKGROUND**

5. At its meeting on 24 May 2021, Council adopted (CCL025-21) the Affordable Housing Policy.
6. The adoption of the Policy followed a 28 day public exhibition period. The notification for the public exhibition included the following:
  - (a) Dedicated page on Council's Your Say website (under Public Exhibitions); and
  - (b) Displays in Council's Customer Service Centre and libraries including the draft Policy.
7. Nine submissions were received. The submissions did not object to the Policy but mainly raised issues regarding the affordable housing provision itself –
  - (a) Issues around the provision of public parking, to support affordable housing.
  - (b) Suggestions that more diverse affordable housing is needed, not just units.
  - (c) That affordable housing needs to be provided close-by to where the occupant families live, rather than travelling an hour to see them.
  - (d) A number of concerns regarding behaviour of tenants were raised.
  - (e) A number of concerns on the built form outcome of affordable housing.
  - (f) Questions on how the targets in the Policy were set.

**EXISTING AFFORDABLE HOUSING POLICY**

8. The Policy contains the affordable housing targets from the Inclusive Housing Strategy and details Council's commitment to increasing the range and supply of affordable housing in the Georges River to meet the growing needs of a range of households, including the



very low to moderate income households, singles, families, couples, seniors, people with a disability, students, key workers and the broader residential market, including first home buyers.

9. The purpose of the Policy is to outline Council's position and approach to the provision of affordable housing in Georges River. The Policy comprises principles and policy statements that together will guide Council's actions to support affordable housing.
10. The Policy restates the targets in the Inclusive Housing Strategy which are:
  - (a) 2020-2025 - 14 affordable dwellings per year (70 dwellings to 2025, at 1.5%)
  - (b) 2025-2030 - 24 affordable dwellings per year (120 dwellings to 2030, at 4%)
  - (c) 2030-2040 - 34 affordable dwellings per year (340 dwellings to 2040, at 6%)
11. These targets were aimed at achieving between 5% and 10% of new dwellings as affordable dwellings by 2040, consistent with the Greater Sydney Commission requirement.
12. The Policy contains a number of policy statements outlining:
  - (a) Council's commitment to affordable housing,
  - (b) The intended recipients of affordable housing,
  - (c) Targets for new dwellings
  - (d) Establishment of an Affordable Housing Contributions Scheme,
  - (e) Partnerships, and
  - (f) Overall Planning and Management

## AMENDMENTS TO THE AFFORDABLE HOUSING POLICY

13. The adopted Policy is due for review by May 2024.
14. The Policy does require amendments to reflect legislative changes, the delay in the Council's Affordable Housing Contributions Scheme (AHCS) and the subsequent delay in meeting the Affordable Housing targets in the Policy.
15. The amendments (and the reasons) are outlined in the following table:

**Table of Amendments required to the Policy**

Existing provision in Affordable Housing Policy	Replacement provision and Reasons
<b>Policy administration</b> <ul style="list-style-type: none"> <li>Environmental Planning and Assessment Act 1979</li> <li>Local Government Act 1993</li> <li>State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)</li> <li>State Environmental Planning Policy (Affordable Rental Housing) 2009</li> </ul>	<b>Policy Administration</b> <ul style="list-style-type: none"> <li>Environmental Planning and Assessment Act 1979</li> <li>Local Government Act 1993</li> <li>State Environmental Planning Policy (Housing) 2021</li> </ul> <b>Reasons</b> State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) and State Environmental Planning Policy (Affordable Rental Housing) 2009 have been replaced with State Environmental Planning Policy (Housing) 2021.
<b>3. Affordable Housing Targets</b> 3.1. Council is committed to staggered affordable housing targets to allow	<b>Delete Clause 3. Affordable Housing Targets and renumber the clauses following.</b>  <b>Reasons</b> Council has not met the targets for a number of reasons.



Existing provision in Affordable Housing Policy	Replacement provision and Reasons
<p>the development industry and market to adjust to this new requirement. This includes:</p> <ul style="list-style-type: none"> <li>• 2020 – 2025 – 14 affordable dwellings per year (70 dwellings to 2025, at 1.5%)</li> <li>• 2025 – 2030 – 24 affordable dwellings per year (120 dwellings to 2030, at 4%)</li> <li>• 2030 – 2040 – 34 affordable dwellings per year (340 dwellings to 2040, at 6%)</li> </ul> <p>3.2. These targets will achieve between 5% and 10% of new dwellings as affordable dwellings by 2040, consistent with the Georges River Inclusive Housing Strategy and Delivery Program.</p>	<p>Firstly under Section 7.32(3)(b) of the EP&amp;A Act, any condition imposed on a development consent must be authorised by a Local Environmental Plan (LEP) and be in accordance with an affordable housing contribution scheme (AHCS) for dedications or contributions set out in, or adopted by, the LEP.</p> <p>Council resolved on 28 November 2022 to prepare an Affordable Housing Contribution Scheme. Since that date Council officers have been working with the Department of Planning, Housing and Infrastructure (DPHI) on a structure of an AHCS, with a number of meetings held. The DPHI requested that Council develop different options for an AHCS and for DPHI to review and provide guidance on Council's next steps.</p> <p>Council officers developed a number of different options and forwarded them to DPHI on 6 March 2023. A letter was received on 17 November 2023 from the DPHI which provided comments on Council's proposed options and feasibility testing required for the AHCS.</p> <p>Consequently, a brief was prepared and is currently out for quotations. The brief requires the preparation of a feasibility study to determine a viable Affordable Housing Contribution rate, accounting for any local infrastructure and Special infrastructure contributions that would be applied on the site, either existing or required as part of a future rezoning.</p> <p>Secondly Council's VPA Policy has to be updated 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 in connection with DAs (and proposed DAs).</p> <p>A draft VPA Policy was finalised in late November 2023. However in December 2023 the DPHI issued new practice notes on planning agreements which raises a question of whether or not value capture can be used. The Practice Notes will not be effective until June 2024.</p> <p>At this stage including Affordable Housing Targets in the Policy is moot as Council needs to prepare an AHCS, update its VPA Policy and review the work by the NSW State Government on the Housing Reforms.</p>
<p><b>4.3. Affordable Housing Contributions Scheme</b></p> <p>4.1. Council will prepare an Affordable Housing Contributions Scheme (AHCS) which will be compliant with the</p>	<p><b>3.3. Affordable Housing Contributions Scheme</b></p> <p>3.1. Council will prepare an Affordable Housing Contributions Scheme (AHCS) which will be compliant with the Department of Planning, Housing and Infrastructure's Guideline for Developing an Affordable Housing Contribution Scheme.</p> <p>3.2. An Affordable Housing Contribution rate under the</p>



Existing provision in Affordable Housing Policy	Replacement provision and Reasons
<p>Department of Planning, Industry and Environment's Guideline for Developing an Affordable Housing Contribution Scheme.</p> <p>4.2. The provision of affordable housing within our centres and areas adjacent to our centres (within 400m radius) will be delivered through the AHCS, and also through controls within the Georges River Local Environmental Plan.</p> <p>4.3. The AHCS for the centres will be staged over a period of 3 years commencing in 2021.</p>	<p>AHCS will be applied by Council for new residential flat buildings, independent living units, multi-dwelling housing and shop top housing developments in the Georges River LGA.</p> <p>3.3. Council will also seek an Affordable Housing Contribution towards affordable housing for sites that receive planning uplift through planning controls.</p> <p><b>Reasons</b> This clause has been updated to reflect the recent advice from the DPHI on what it would accept under an AHCS. The DPHI is generally supportive of LGA wide Affordable Housing Contributions based on economic advice that the rates are viable and would not impact on development feasibility and housing supply.</p> <p>Council officers have recently prepared a brief which is now out for quotations. The brief requires the preparation of a feasibility study to determine a viable Affordable Housing Contribution rate, accounting for any local infrastructure and Special infrastructure contributions that would be applied on the site, either existing or required as part of a future rezoning.</p>
<p><b>6. Review of Affordable Housing Program</b></p> <p>6.1. Council's affordable housing program will be reviewed in 5 years (2026) to consider elements such as targets, delivery rate and the planning framework</p>	<p><b>6. Review of Affordable Housing Program</b></p> <p>6.1. Council's affordable housing program will be reviewed in 3 years (2027) to consider elements such as targets, delivery rate and the planning framework</p> <p><b>Reasons</b> By 2027 the revised LSPS, Local Housing Strategy and the NSW Housing Reform Agenda would have been implemented.</p>

## FINANCIAL IMPLICATIONS

16. No budget impact for this report.
17. Council voted budget in FY23/24 to cover the costs of the preparation of the feasibility study.

## RISK IMPLICATIONS

18. Two strategic risks in the Council's Strategic Risks 2023/2024 Statement are identified with the amendments to the Affordable Housing Policy:
  - (a) Strategic Risk 3: Assets and Infrastructure - Council's failure to facilitate housing and infrastructure that is reflective of the ongoing needs and/or expectations of our community and the infrastructure required to provide the high quality of service being demanded by the community, that is also adequate to withstand the impact of climate change and severe weather events.
  - (b) Strategic Risk 9: Social Cohesion - Failure to identify and/or respond to the changing socio-economic needs of our community. Social cohesion erosion and growing socio-economic gap (loss of social capital and a fracture of social networks negatively impacting social stability, individual well-being, and economic productivity, as a result



of persistent public anger, distrust, divisiveness, lack of empathy, marginalisation of minorities, political polarisation etc.)

The amendments to the Affordable Housing Policy will address the risk and the work that has commenced on the feasibility for the Affordable Housing Contribution rate will ensure that Council has a viable AHCS.

### **COMMUNITY ENGAGEMENT**

19. Community engagement on the amended Policy will be conducted for a period of a minimum of 60 days via an advertisement in the local paper and requesting feedback on the Your Say page of Council's website.
20. Where appropriate, targeted consultation will occur, with key stakeholders, industry/community groups to seek comment on the amended Policy.

### **FILE REFERENCE**

D24/50533

### **ATTACHMENTS**

Attachment [↓](#)1 Draft Affordable Housing Policy







# Affordable Housing Policy

May ~~March~~ 20242021



## Policy Administration

<b>Dates</b>	Policy approved <del>24/05/2024</del> This policy is effective upon its approval. Policy is due for review <del>May 2024</del>
<b>Approved by</b>	Council Meeting <del>24/05/2024</del> Council Resolution <del>GCL025-21</del>
<b>Exhibition Period</b>	<del>Wednesday 24 March 2021 – Friday 23 April 2021</del>
<b>Policy Owner</b>	Manager Strategic Planning
<b>Related Documents</b>	Georges River Local Housing Strategy Georges River Inclusive Housing Strategy and Delivery Program Georges River Voluntary Planning Agreements Policy Georges River Local Strategic Planning Statement <a href="#"><u>Practice Notes issued by the Department of Planning, Housing and Infrastructure on planning agreements, affordable housing contributions and development contributions</u></a>
<b>References &amp; Legislation</b>	<i>Environmental Planning and Assessment Act 1979</i> <i>Local Government Act 1993</i> <del>State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)</del> <del>State Environmental Planning Policy (Affordable Rental Housing) 2009</del> <a href="#"><u>State Environmental Planning Policy (Housing) 2021</u></a>
<b>Document Identifier</b>	Policy #: Pol-077.0 <del>21</del> Doc #: <del>D21/141568</del>
<b>Breaches of Policy</b>	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.
<b>Record Keeping</b>	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.



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## Purpose

The purpose of this policy is to outline Council's position and approach to the provision of affordable housing in the Georges River Local Government Area (LGA). This policy will guide Council's actions to support affordable housing.

## Scope

This policy applies to the provision of affordable housing (as defined below) in the Georges River LGA.

This policy is supported by, and should be read in conjunction with Council's:

- Local Housing Strategy
- Inclusive Housing Strategy and Delivery Program
- Planning Agreements Policy

## Definition of Terms

Term	Meaning
Affordable Housing	<p>"Affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument".</p> <p><i>Source: Environmental Planning and Assessment Act 1979.</i></p>
Affordable rental housing	Affordable housing managed by a community housing provider and rented to very low, low, or moderate income level households.
Community housing provider	A not-for-profit organisation which provides affordable rental and social housing for very low, low, to moderate income and is registered under the National Regulatory System for Community Housing.
Housing affordability	Relates to the general affordability of both rental and purchase housing on the open market, and is not limited to those on low to moderate incomes. A common benchmark of affordability is housing that does not absorb more than 30% of the gross income of very low, low, or moderate income households.
Key workers	<p>The Bankwest Curtin Economic Centre defines key workers as "occupations which provide essential services to all Australians including teachers, nurses, police and ambulance officers and those in fire and emergency services". The groups as defined by their Census categories are:</p> <ul style="list-style-type: none"> <li>• Defence Force Members,</li> <li>• Fire Fighters and Police</li> <li>• School Teachers</li> <li>• Personal Carers and Assistants</li> <li>• Child Carers</li> </ul>



Term	Meaning
	<ul style="list-style-type: none"> <li>• Midwifery and Nursing Professionals</li> <li>• Health and Welfare Support Workers</li> <li>• Automobile, Bus and Rail Drivers</li> <li>• Cleaners and Laundry Workers</li> <li>• Sales Assistants and Salespersons</li> <li>• Hospitality Workers.</li> </ul> <p><i>Source: Georges River Inclusive Housing Strategy and Delivery Program</i></p>

## Policy Statement

### 1. Council's Commitment

- 1.1. Council is committed to increasing the range and supply of affordable housing in the Georges River LGA. Council will achieve this by:
  - a) Establishing clear targets for the provision of affordable housing in the Georges River.
  - b) Leading change by example.
  - c) Embedding affordable housing in Council's strategies, plans and policies.
  - d) Partnering with State and Commonwealth Government, other local councils, industry experts, the private sector, stakeholders and community housing providers to deliver affordable rental housing.
  - e) Advocating for change to support affordable housing in the Georges River.

### 2. Who is the housing for?

- 2.1. The affordable housing is to be provided for a range of households, including the very low to moderate income households, singles, families, couples, seniors, people with a disability, students, key workers and the broader residential market, including first home buyers.
- 2.2. A percentage of the housing is to be allocated to households with special needs; such as families / persons escaping domestic violence.

### ~~3. Affordable Housing Targets~~

- ~~3.1. Council is committed to staggered affordable housing targets to allow the development industry and market to adjust to this new requirement. This includes:~~
  - ~~• 2020 – 2025 – 14 affordable dwellings per year (70 dwellings to 2025, at 1.5%)~~
  - ~~• 2025 – 2030 – 24 affordable dwellings per year (120 dwellings to 2030, at 4%)~~



- ~~• 2030—2040—34 affordable dwellings per year (340 dwellings to 2040, at 6%)~~

~~3.2. These targets will achieve between 5% and 10% of new dwellings as affordable dwellings by 2040, consistent with the Georges River Inclusive Housing Strategy and Delivery Program.~~

#### **4.3. Affordable Housing Contributions Scheme**

~~4.1.3.1. Council will prepare an Affordable Housing Contributions Scheme (AHCS) which will be compliant with the Department of Planning, Housing and Infrastructure's Industry and Environment's Guideline for Developing an Affordable Housing Contribution Scheme.~~

~~4.2. An Affordable Housing Contribution rate under the AHCS will be applied by Council for new residential flat buildings, independent living units, multi-dwelling housing and shop top housing developments in the Georges River LGA. The provision of affordable housing within our centres and areas adjacent to our centres (within 400m radius) will be delivered through the AHCS, and also through controls within the Georges River Local Environmental Plan.~~

~~4.3. Council will also seek an Affordable Housing Contribution towards affordable housing for sites that receive planning uplift through planning controls. The AHCS for the centres will be staged over a period of 3 years commencing in 2021.~~

~~3.2.~~

#### **5.4. Partnerships**

~~5.1.4.1. Council will work with other stakeholders to develop innovative housing solutions and to achieve affordable housing for the community.~~

~~5.2.4.2. Council may enter into community housing partnerships (i.e. build to rent, dwelling in kind or council owned housing projects).~~

~~5.3.4.3. Council may consider a demonstration project for a building to rent scheme.~~

#### **6.5. Planning & Management**

~~6.1.5.1. Council will establish appropriate practices for the dedication and management of affordable dwellings, including:~~

- ~~• Establishing appropriate conditions of development consent to ensure the transfer of funds and affordable dwellings; and~~
- ~~• Establishing, in consultation with affordable housing managers or community housing providers, the timeframe for affordable dwellings in perpetuity.~~

#### **7.6. Review of Affordable Housing Program**

~~7.1. Council's affordable housing program will be reviewed in 35 years (20267) to consider elements such as targets, delivery rate and the planning framework.~~



7.2.

7.3.6.1.

## Responsibilities

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

## Version Control and Change History

Version	Amendment Details	Policy Owner	Period Active
1.0	New Affordable Housing Policy adopted by Council.	Manager Strategic Planning	24/5/2021 – <del>ongoing</del> XXX
<u>2.0</u>	<u>Review of Affordable Housing Policy by Council: the removal of “Affordable Housing Targets” and amendment to the AHCD to align with new legislation</u>	<u>Manager Strategic Planning</u>	



**CONFIDENTIAL ITEMS (CLOSED MEETING)**

Council's Code of Meeting Practice allows members of the public present to indicate whether they wish to make representations to the meeting, before it is closed to the public, as to whether that part of the meeting dealing with any or all of the matters listed should or should not be considered in closed session.

**RECOMMENDATION**

That in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993, the following matters be considered in closed Meeting at which the press and public are excluded.

That in accordance with the provisions of Section 11(2) of the Act, the reports and correspondence relating to these matters be withheld from the press and public.