

ATTACHMENTS EXCLUDED FROM AGENDA

Environment and Planning Committee

Monday, 08 July 2024

7:00 PM

Waratah Room

**Georges River Civic Centre,
Hurstville**



ENVIRONMENT AND PLANNING COMMITTEE MEETING

ATTACHMENTS EXCLUDED FROM AGENDA

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Planning Proposal No. 2024/0002

**Biodiversity, Character and Foreshore Scenic
Protection Area (FSPA)**

Planning Portal Reference - PP-2024-803
Council Ref: D24/167760
July 2024



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1. Introduction

This Planning Proposal (PP), known as the Biodiversity, Character & Foreshore Scenic Protection Area (FSPA) Planning Proposal, has been prepared to implement the *Georges River Biodiversity Study* and the *Foreshore Scenic Character Study* (Foreshore Study) in accordance with the Local Housing Strategy Approval Conditions. This PP comprises of the following components:

- **Biodiversity:** Introduce new biodiversity objectives, planning provision and mapping overlay to preserve and protect areas of moderate and high local terrestrial biodiversity values as identified by the *Biodiversity Study*,
- **Unique Character Area:** Introduce new local character objectives, planning provision and mapping overlay to provide statutory protection to Unique Character Areas (UCAs) as identified by the *Foreshore Study*,
- **Foreshore Scenic Protection Area:** Replace the existing Foreshore Scenic Protection Area (FSPA) planning provision and amend the mapped extent to ensure the role of the FSPA focuses on foreshore scenic character as identified by the *Foreshore Study*,
- **Design Excellence:** Amend *Clause 6.10 Design Excellence* to consider visual amenity and visual impacts when viewed from the foreshore and waterway of the Georges River and local character,
- **Lot Size:**
 - Retain existing lot size requirements within areas proposed to be removed from the existing FSPA as follows:
 - Subdivision lot size: 700sqm
 - Dual occupancy lot size: 1,000sqm
 - Increase lot size requirements for areas proposed to be added to the proposed FSPA and/or UCAs as follows:
 - Increase subdivision lot size from 450sqm to 700sqm
 - Increase dual occupancy lot size from 650sqm to 1,000sqm
 - Insert objectives to ensure that lots in the FSPA are of sufficient size to protect natural values, in particular areas of high terrestrial biodiversity value,
- **Floor Space Ratio:** Reduce the maximum permissible Floor Space Ratio (FSR) for R2 Low Density Residential 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 land zoned R2 Low Density Residential located within the existing FSPA, proposed FSPA and the proposed UCA,
- Introduce a minimum 20% landscaped area requirement for multi dwelling housing, terraces and manor houses across the LGA in response to the NSW Government's *Low and Mid-Rise Housing Reform*.

As part of this PP Council is requesting 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.

2. Background

Draft Georges River Local Environmental Plan 2020

The consolidated Local Environmental Plan (LEP) for the Georges River LGA, also known as draft LEP 2020, was publicly exhibited and submitted for plan-making in 2020.

The draft LEP 2020 had originally proposed to reduce the extent of the existing 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.

The reduced FSPA extent was endorsed by the then Department of Planning, Industry and Environment (DPIE) through its Gateway Determination of the draft LEP 2020 before the proposal was placed on public exhibition.

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 a result of the increased dual occupancy development potential and the loss of vegetation and biodiversity.

As the PP authority, the Georges River Local Planning Panel (LPP) considered the draft LEP 2020 for finalisation at its meeting dated 25 and 26 June 2020.

To address the concerns raised by the submissions in relation to the FSPA, the LPP made a number of amendments to the draft LEP 2020 before it was submitted to the then DPIE for final plan-making, including:

- 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.



