

AGENDA

Environment and Planning Committee

Monday, 08 July 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: ENV024-24 Confirmation of the Minutes of the Environment and Planning Committee Meeting held on 11 June 2024

Author: Executive Services Officer

Directorate: Office of the General Manager

Matter Type: Previous Minutes

RECOMMENDATION:

That the Minutes of the Environment and Planning Committee Meeting held on 11 June 2024, be confirmed.

ATTACHMENTS

Attachment [↓](#)1 Minutes - Environment and Planning Committee 11 June 2024



MINUTES

Environment and Planning Committee

Tuesday, 11 June 2024

7:00 PM

Waratah Room
Georges River Civic Centre,
Hurstville

UNCONFIRMED



GEORGES RIVER COUNCIL

PRESENT

COUNCIL MEMBERS

Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ashvini Ambihaipahar, Councillor Christina Jamieson, Councillor Nick Katris, Councillor Kathryn Landsberry, and Councillor Benjamin Wang.

COUNCIL STAFF

Acting Director Environment and Planning – Andrew Spooner, Manager Development & Building – Mr Liam Frayne, Manager Office of the General Manager – Vicki McKinley, Executive Managers City Futures – Simon Massey, Legal Counsel – James Fan, Executive Assistant to the Director, Environment and Planning - Leanne Allen (Minutes), Executive Services Officer – Marisa Severino and Team Leader Technical Services Mark Tadros.

PROCEDURAL MOTION

ELECTION OF CHAIRPERSON

MOTION: Mayor, Councillor Elmir, Councillor Landsberry

That as the Environment and Planning Committee Chairperson, Councillor Mahoney is an apology for tonight's meeting, a vote be taken of the Councillors present, appointed to the Environment and Planning Committee, to elect a Chairperson for this meeting.

That Councillor Borg assume the position of Chairperson for the Environment and Planning Committee meeting of 11 June 2024.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, 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.

OPENING

The Acting Chairperson, Councillor Borg, opened the meeting at 7pm.

ACKNOWLEDGEMENT OF COUNTRY

The Chairperson, Councillor Borg 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

MOTION: Councillor Landsberry, Councillor Jamieson

That an apology be accepted for Councillor Mahoney

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, 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.

NOTICE OF WEBCASTING

The Chairperson, Councillor Borg 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

There were no registered speakers.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

ENV022-24 Confirmation of the Minutes of the Environment and Planning Committee Meeting held on 13 May 2024
(Report by Executive Services Officer)

RECOMMENDATION: Councillor Katris, Councillor Landsberry

That the Minutes of the Environment and Planning Committee Meeting held on 13 May 2024, be confirmed.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, 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.

COMMITTEE REPORTS

ENV023-24 Development and Building Q3 Metrics Report
(Report by Manager Development and Building)

Note: It was noted that The Mayor, Councillor Elmir left the Chambers at 07:19pm and did not return to the meeting.

RECOMMENDATION: Councillor Katris, Councillor Landsberry

That Council receive and note the Development and Building Section Functions and Services Metrics Report for the reporting period being January to March 2024.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, 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 7.25pm.

Chairperson

UNCONFIRMED

COMMITTEE REPORTS

Item: ENV025-24 **Endorsement of Biodiversity, Character and FSPA Planning Proposal for Gateway Determination**

Author: Principal Strategic Planner and Manager Strategic Planning

Directorate: Environment and Planning

Matter Type: Committee Reports

<Summary Section>

RECOMMENDATION:

- (a) That Council forward Planning Proposal No. 2024/0002 (Biodiversity, Character and FSPA) enclosed in Attachment 1 to the Department of Planning, Housing and Infrastructure for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
- (b) That the Director Environment and Planning be authorised to make minor editorial amendments to the Planning Proposal as required throughout the reporting 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, Housing and Infrastructure in accordance with the *Georges River Council Engagement Strategy*.

EXECUTIVE SUMMARY

1. This Planning Proposal (PP) (known as the Biodiversity, Character and Foreshore Scenic Protection Area Planning Proposal) comprises of the following components:
 - (a) **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,
 - (b) **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 Scenic Character Study,
 - (c) **Foreshore Scenic Protection Area:** Amend the existing Clause 6.6 Foreshore Scenic Protection Area (FSPA) local provision and the existing mapped extent to ensure the role of the FSPA focuses on foreshore scenic character as identified by the Foreshore Scenic Character Study,
 - (d) **Design Excellence:** Amend existing Clause 6.10 Design Excellence local provision to consider visual amenity, visual impacts and the local character of developments when viewed from the foreshore and waterway of the Georges River,
 - (e) **Lot Size:**
 - (i) Retain existing lot size requirements within areas proposed to be removed from the existing FSPA as follows:
 - a) Subdivision lot size: 700sqm
 - b) Dual occupancy lot size: 1,000sqm
 - (ii) Increase lot size requirements for areas proposed to be added to the proposed FSPA and/or UCAs as follows:
 - a) Increase subdivision lot size from 450sqm to 700sqm

- b) Increase dual occupancy lot size from 650sqm to 1,000sqm
 - (iii) Insert objectives to ensure that lots in the proposed FSPA are of sufficient size to protect natural values, in particular areas of high terrestrial biodiversity value,
 - (f) **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 UCAs from 0.55:1 for dwelling houses and 0.6:1 for dual occupancies to 0.5:1 for all development typologies, and
2. **Landscaping:**
- (a) Amend the existing Clause 6.12 Landscaped areas in certain residential and conservation zones local provision through the insertion of new objectives to:
 - (i) Protect, maintain, and improve the diversity and condition of native vegetation and habitats across the Local Government Area (LGA),
 - (ii) Encourage the recovery of threatened species and their communities, populations, and habitats across the LGA, and
 - (iii) 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,
 - (b) 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 UCAs, and
 - (c) 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 proposal.
3. The PP applies to land covered by the Georges River LEP 2021. The GRLEP 2021 does not apply to land identified as “Deferred Matter” on the GRLEP Land Application Map which consists of the Westfield’s site within the Hurstville City Centre.
4. A copy of the PP is included in **Attachment 1** to this report. The PP is accompanied by the following attachments:

Table 1 – List of Attachments to the PP

Attachments	
Attachment 1	Letter of approval issued by the then DPIE for the Local Housing Strategy
Attachment 2	Georges River Biodiversity Study
Attachment 3	Foreshore Scenic Character Study
Attachment 4	Neighbourhood Character Site Survey Matrix
Attachment 5	Community Consultation Summary Report Pre-exhibition
Attachment 6	Summary of Submissions
Attachment 7	Review of Environmental Planning Provisions for Biodiversity in Georges River Local Government Area (June 2023)
Attachment 8	Review of Environmental Planning Provisions for Local Character in the Georges River Local Government Area (June 2023)
Attachment 9	Report to Environment and Planning Committee (Item ENV008-24) held 11 March 2024
Attachment	Minutes of Council Meeting held 25 March 2024

Attachments	
10	
Attachment 11	Local Character Statements for land in FSPA
Attachment 12	Local Character Statements for Local Character Clause

ENV025-24

5. The above attachments can be found on Council's website at <https://www.georgesriver.nsw.gov.au/Development/Planning-Controls/Planning-Proposals/Planning-Proposal-for-Biodiversity-Character-and-the-Foreshore-Scenic-Protection-Area>
6. As part of this PP Council is requesting the 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.
7. The Direction from the Minister for Planning and Public Spaces under Section 9.1 of the Environmental Planning and Assessment Act 1979 and the charter of the Georges River Local Planning Panel 2018 both specify that the Planning Proposal is to be referred to the Local Planning Panel before it is forwarded for Gateway Determination (approval).
8. The Georges River Local Planning Panel at its meeting held 20 June 2024 considered the PP and recommended as follows:
 - (a) *That the Georges River Local Planning Panel recommends to Council that the Planning Proposal No. 2024/0002 (Biodiversity, Character and FSPA) to amend the Georges River Local Environmental Plan (GRLEP) 2021, be forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979.*
 - (b) *That the Director Environment and Planning be authorised to make minor editorial amendments to the Planning Proposal as required throughout the reporting process.*
 - (c) *That the Georges River Local Planning Panel notes that the Council is seeking exclusion of the application of the Low-Rise Housing Diversity Code from the proposed Foreshore Scenic Protection Area and proposed Unique Character Area to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the Development Application process in these locations.*
 - (d) *The Panel notes that this planning proposal has to be considered in conjunction with the Additional and Diverse Housing Planning Proposal (PP2024/0004) which provides for increased housing numbers with the Local Government Area.*

BACKGROUND

Georges River Local Environmental Plan 2020

9. 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.
10. 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 also 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.

11. 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.
12. 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.
13. 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.
14. 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 then DPIE for final plan-making, including:
 - (a) 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,
 - (b) Insert a new local provision to protect trees in the R2 and R3 zones, and
 - (c) 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.

15. 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.

16. The draft LEP 2020 was gazetted on 24 September 2021 and came into effect as the *Georges River Local Environmental Plan 2021* (GRLEP 2021) on 8 October 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, as it had not been subject to public exhibition.

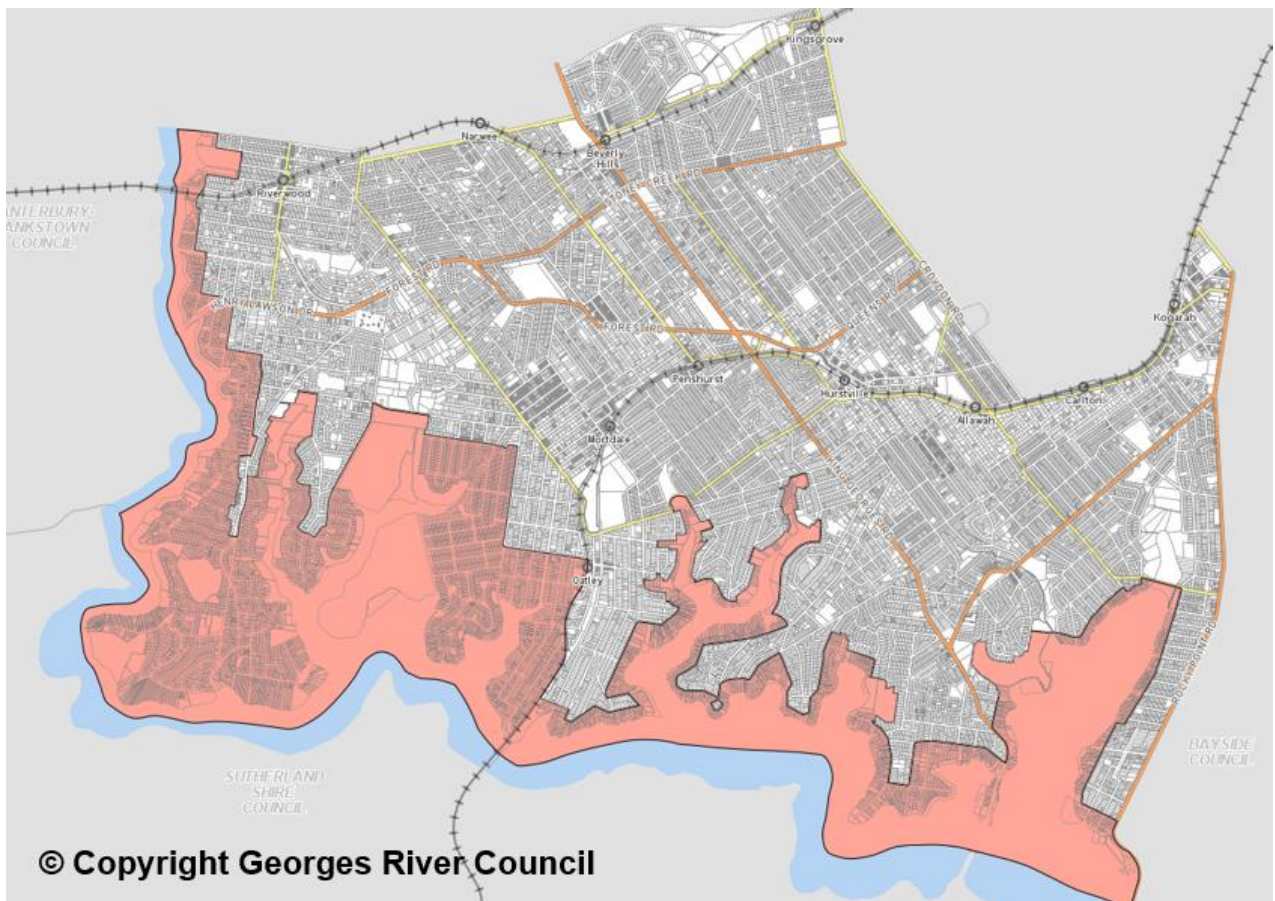


Figure 1 - Map of FSPA submitted for finalisation as part of LEP 2020

ENV025-24

NSW Government's Conditions of Approval for the Georges River Local Housing Strategy

17. On 23 June 2021, a letter of approval was issued by the then DPIE for the *Georges River Local Housing Strategy*. The approval is subject to Council addressing a set of requirements.
18. Specifically, requirement Condition No. 15 required 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.

Biodiversity Study

19. In 2021, Total Earth Care prepared an LGA-wide *Georges River 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. The key planning-related recommendations are summarised as follows:
 - (a) 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,
 - (b) Develop a Habitat Connectivity Plan to inform the planning of the Green Grid across the LGA,
 - (c) Develop and implement initiatives for private landholders to improve vegetation condition and extend street tree canopy onto private land, and
 - (d) 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. A comprehensive overview of the *Foreshore Study* was provided in the report to Environment and Planning Committee (Item ENV024-21) held 15 June 2021. The *Foreshore Study* has recommended amendments to the GRLEP 2021 and accompanying GRDCP 2021.
26. The key recommendations to the GRLEP 2021 are summarised as follows:
 - (a) The existing FSPA control is not working as it tries to address too many planning considerations,
 - (b) Revise the FSPA extent to exclude areas that:
 - (i) Are not visible from the river, and/or
 - (ii) Do not contribute to the scenic character of the river,
 - (c) Revise the objectives of the FSPA clause to focus on scenic character,
 - (d) Introduce a new standalone provision in the LEP to protect and enhance biodiversity as informed by the findings of the Biodiversity Study,
 - (e) Introduce a new overlay to identify Unique Character Areas (UCA) that require greater protection,
 - (f) Retain the dual occupancy lot size of 1,000sqm and 30% landscaped area in the FSPA and UCA, and
 - (g) Council to consider seeking exemption from the *Low Rise Housing Diversity Code* for the above areas.
27. 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.

Community Information Webinar

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

Pre-exhibition Community Consultation

31. Subsequently 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.
32. 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.
33. A total of 325 submissions were received during the pre-exhibition consultation period.
34. The majority of community submissions objected to any changes to existing planning controls. Four (4) recurring themes were identified throughout the objections received:
 - (a) 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.
 - (b) 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.
 - (c) Lot size – Objects to the reduction of existing lot size requirements and new development that will increase density.
 - (d) 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.
35. In addition, a Lot Size Poll was conducted for properties which are currently located within the FSPA but would not be included in the proposed UCAs or the amended FSPA. 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.

Recommended Planning Controls

36. The *Foreshore Study* and the *Biodiversity Study* made a number of recommendations, including changes to the GRLEP and the accompanying Development Control Plan to address many of the current gaps and issues to appropriately protect and enhance the values of biodiversity, local character and scenic qualities of the Georges River.
37. The recommended planning controls are outlined in two reports:
 - (a) *Review of Environmental Planning Provisions for Biodiversity in Georges River Local Government Area* (June 2023), and
 - (b) *Review of Environmental Planning Provisions for Local Character in Georges River Local Government Area* (June 2023).

Council resolution dated 25 March 2024

38. In response to the submissions received from the community, the Council at its Environment and Planning Committee meeting on 11 March 2024 considered a report (ENV008-24) that summarised the submissions received to the pre-exhibition community consultation; assessed whether an amendment to the draft planning controls was required; and detailed the components of the Planning Proposal including post-consultation amendments.
39. Council resolved (CCL015-24) at its meeting held 25 March 2024 to adopt the minutes of the Environment and Planning Committee (held 11 March 2024) as follows:
 - (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.*

PLANNING PROPOSAL

- 40. A draft PP to amend the GRLEP has been prepared and is provided in **Attachment 1** to this report. The PP is known as the Biodiversity, Character, and Foreshore Scenic Protection Area (FSPA) PP and will be Amendment No.9 to the GRLEP.
- 41. The PP has been prepared to amend various clauses and maps to the GRLEP 2021 to implement the recommendations of the Biodiversity Study and Foreshore Study in accordance with the approval conditions of the Local Housing Strategy. The implementation of the recommendations also requires two additional clauses (relating to local character and biodiversity) as well as two additional maps.
- 42. The PP applies to land covered by the GRLEP 2021. The GRLEP 2021 does not apply to land identified as “Deferred Matter” on the GRLEP Land Application Map which consists of the Westfield’s site within the Hurstville City Centre.

Scope of Amendments

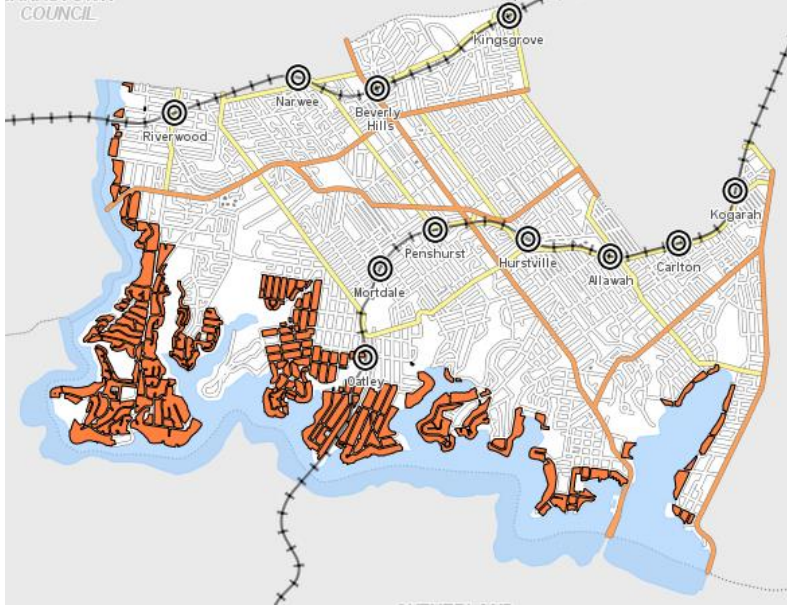
- 43. The PP seeks the following amendments (as set out in **Table 2** below) to the Georges River LEP 2021:

Table 2 - Table of Amendments

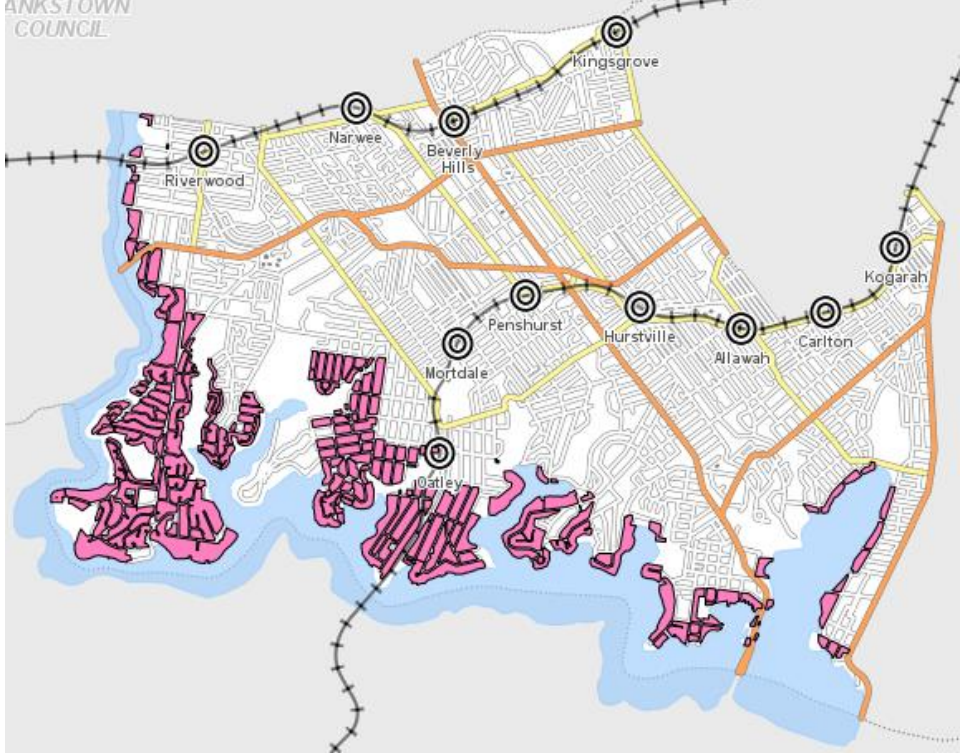
Item	Amendment to the GRLEP
Item 1 – Amendments to Clause 1.2 Aims of the Plan To insert an additional aim (ee) in	Amendments proposed by this PP are shown in red text : Clause 1.2 – Aims of Plan (1) <i>This Plan aims to make local environmental planning provisions for land in Georges River in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.</i>

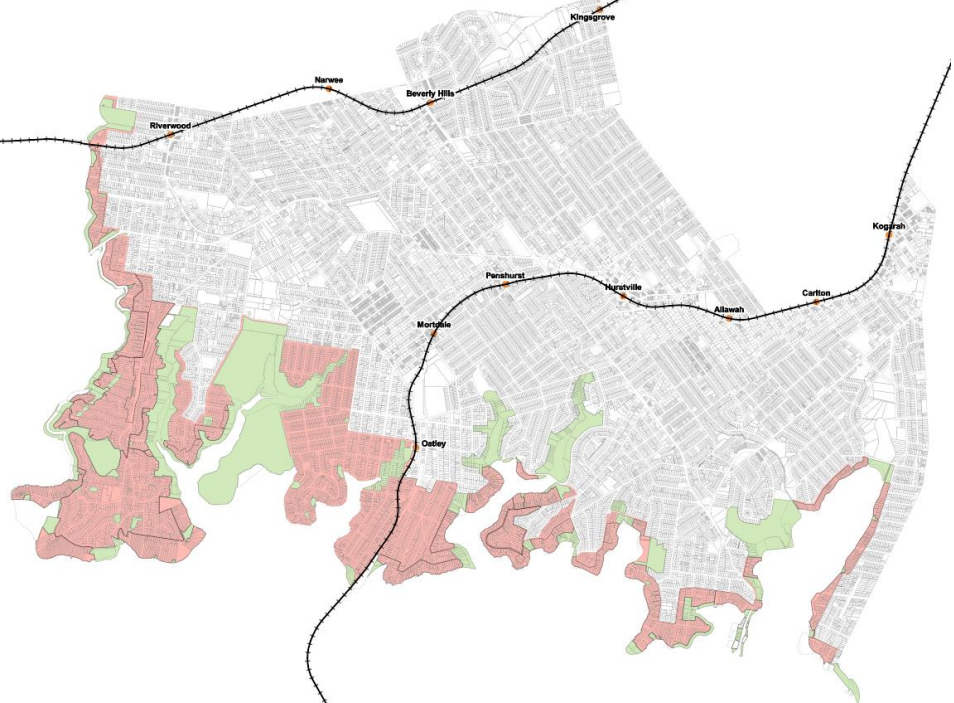
Item	Amendment to the GRLEP
<p>Clause 1.2(2) to address character and to amend (e) so that it only relates to natural, built, cultural and Aboriginal heritage of Georges River.</p>	<p>(2) <i>The particular aims of this Plan are as follows—</i></p> <ul style="list-style-type: none"> (aa) <i>to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i> (a) <i>to provide for housing choices to cater for changing demographics and population needs,</i> (b) <i>to provide for a range of business uses which promote employment and economic growth and contribute to the viability and vibrancy of centres,</i> (c) <i>to promote and facilitate an ecologically and economically sustainable and vegetated urban environment in which the needs and aspirations of the community are realised,</i> (d) <i>to provide for a range of recreational, social, cultural and community service opportunities to meet the needs of the Georges River community,</i> (e) <i>to protect and preserve the natural, built, cultural and Aboriginal heritage of Georges River</i> <i>and to build upon and enhance the character of local areas,</i> (ee) <i>to respect the character of Georges River communities,</i> (f) <i>to promote a high standard of urban design and built form,</i> (g) <i>to protect, preserve and enhance the natural landform, vegetation, and open space, especially foreshores or bushland, in order to maintain landscape amenity and public access and use,</i> (h) <i>to protect, maintain and improve waterway health to achieve the environmental values of the community and uses for waterways,</i> (i) <i>to facilitate infrastructure to support new development,</i> (j) <i>to promote and facilitate transit-oriented development that encourages the use of public transport, cycling and walking.</i>
<p>Item 2 – Amendment to the objectives to the R2 Low Density Residential Zone To amend the zone objective relating to local character in the R2 zone so that a high standard of urban design and built form that enhances local character is promoted.</p>	<p>Amendments proposed by this PP are shown in red text:</p> <p>Zone R2 Low Density Residential</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a low-density residential environment.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> • <i>To promote a high standard of urban design and built form that enhances the local character of the suburb and achieves a high level of residential amenity.</i> • <i>To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River local government area.</i>
<p>Item 3 – Amendment to the objectives to the R3 Medium Density Residential Zone To amend the zone objective relating to local character in the</p>	<p>Amendments proposed by this PP are shown in red text:</p> <p>Zone R3 Medium Density Residential</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a medium density residential environment.</i> • <i>To provide a variety of housing types within a medium density residential environment.</i> • <i>To enable other land uses that provide facilities or services to</i>

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<p>R3 zone so that a high standard of urban design and built form that enhances local character is promoted.</p>	<p><i>meet the day to day needs of residents.</i></p> <ul style="list-style-type: none"> • <i>To enable other land uses that contribute to the vibrancy of the neighbourhood.</i> • <i>To promote a high standard of urban design and built form that enhances the local character of the suburb and achieves a high level of residential amenity.</i> • <i>To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River local government area.</i>
<p>Item 4 – Additional objective to the RE1 Public Recreation & RE2 Private Recreation Zones To insert a new objective in the zone objectives for the RE1 and RE2 zones to protect the environmental values of the land, in particular areas of high biodiversity significance.</p>	<p>Amendments proposed by this PP are shown in red text:</p> <p>Zone RE1 Public Recreation</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • <i>To enable land to be used for public open space or recreational purposes.</i> • <i>To provide a range of recreational settings and activities and compatible land uses.</i> • <i>To protect and enhance the natural environment for recreational purposes.</i> • <i>To protect the environmental values of the land, in particular areas of high biodiversity significance</i> <p>Zone RE2 Private Recreation</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • <i>To enable land to be used for private open space or recreational purposes.</i> • <i>To provide a range of recreational settings and activities and compatible land uses.</i> • <i>To protect and enhance the natural environment for recreational purposes.</i> • <i>To ensure the scale, density and form of development reflects the nature of the recreational use of the land and is compatible with the surrounding urban form and natural setting.</i> • <i>To protect the environmental values of the land, in particular areas of high biodiversity significance.</i>
<p>Item 5 – Clause 4.1 Minimum Subdivision Lot Size and Lot Size Map To amend the Lot Size Map (Sheets LSZ_001, LSZ_002, LSZ_003, LSZ_005, LSZ_006, LSZ_009, LSZ_011 and LSZ_012) to increase the lot size requirements for areas proposed to be added to the proposed Foreshore Scenic Protection Area (FSPA) and/or Unique Character Area (UCAs) from</p>	<p>Mapping change only – <i>Lot Size Map</i>.</p> <p>The proposed “Area Q” applies to land within the existing FSPA, proposed FSPA and the proposed UCAs as shown in Figure 2 below.</p>

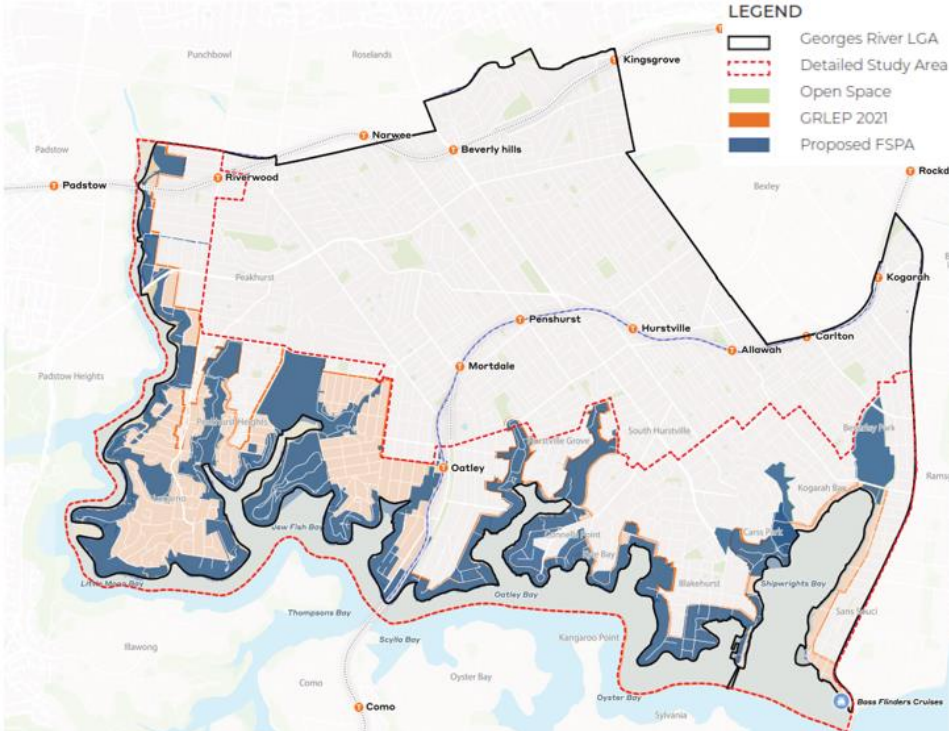
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<p>Item</p> <p>450sqm (Area G) to 700sqm (Area Q).</p>	 <p style="text-align: center;"><i>Figure 2 - land to be identified as Area Q on the Lot Size Map</i></p> <p>Note:</p> <ul style="list-style-type: none"> • No word changes to Clause 4.1 Minimum subdivision lot size • The existing subdivision lot size requirements in the GRLEP within areas removed from the existing FSPA will be retained as 700sqm (Area Q).
<p>Item 6 – Clause 4.1A Minimum subdivision lot size for dual occupancies and Minimum Lot Size for Dual Occupancy Map</p> <p>To amend Clause 4.1A and the Minimum Lot Size for Dual Occupancy Map (Sheets LSD_001, LSD_002, LSD_003, LSD_005, LSD_006, LSD_009, LSD_011 and LSD_012) to increase the minimum lot size requirements for dual occupancies for areas proposed to be added to the proposed FSPA and/or UCAs from 650sqm (Area O) to 1000sqm (Area U).</p>	<p>Amendments proposed by this PP are shown in red text:</p> <p>Clause 4.1A Minimum subdivision lot size for dual occupancies</p> <p>...</p> <p>(2) <i>Despite clauses 4.1 and 4.1B, development consent may be granted for the subdivision of land—</i></p> <p>(a) <i>in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential if—</i></p> <p style="margin-left: 20px;">(i) <i>there is a dual occupancy on the land that was lawfully erected, or a dual occupancy is proposed on the land, and</i></p> <p style="margin-left: 20px;">(ii) <i>the lot size for each resulting lot will be at least 300 square metres, or</i></p> <p>(b) <i>on land identified as “Area U” on the Minimum Lot Size for Dual Occupancy Map in the Foreshore Scenic Protection Area on land as identified as on the Foreshore Scenic Protection Area Map if—</i></p> <p style="margin-left: 20px;">(i) <i>there is a dual occupancy on the land that was lawfully erected, or a dual occupancy is proposed on the land, and</i></p> <p style="margin-left: 20px;">(ii) <i>the lot size for each resulting lot will be at least 430 square metres.</i></p> <p>...</p> <p>The above amendment is supported by an amendment to the <i>Minimum Lot Size for Dual Occupancy Map</i> where the proposed “Area U” applies to land within the existing FSPA, proposed FSPA and the proposed UCAs as shown in Figure 3 below.</p>

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	 <p data-bbox="518 940 1484 996">Figure 3 - land to be identified as "Area U" on the Minimum Lot Size for Dual Occupancy Map</p>
<p data-bbox="199 1064 494 1220">Item 7 – Clause 4.1B Minimum lot sizes and special provisions for certain dwellings</p> <p data-bbox="199 1220 494 1288">To amend Clause 4.1B to:</p> <ul data-bbox="199 1310 494 2094" style="list-style-type: none"> <li data-bbox="199 1310 494 1680">• Insert a new objective to ensure that lots in the FSPA are of sufficient size to protect natural values, in particular areas of high terrestrial biodiversity value, and <li data-bbox="199 1691 494 2094">• Amend subclause (3) so that the Minimum Lot Size for Dual Occupancy Map and reference to Area U (1000sqm) replaces the reference to the FSPA so Area U is applied to the existing FSPA, 	<p data-bbox="518 1064 1260 1097">Amendments proposed by this PP are shown in red text:</p> <p data-bbox="518 1120 1484 1198">Clause 4.1B Minimum lot sizes and special provisions for certain dwellings</p> <p data-bbox="518 1198 1484 1232">(1) <i>The objectives of this clause are as follows—</i></p> <ol data-bbox="598 1232 1484 1825" style="list-style-type: none"> <li data-bbox="598 1232 1484 1400">(a) <i>to ensure that lots for residential accommodation are of sufficient size to accommodate proposed dwellings, setbacks to adjoining residential land, private open space and landscaped areas, driveways and vehicle manoeuvring areas,</i> <li data-bbox="598 1400 1484 1500">(b) <i>to ensure that dual occupancies in Zone R2 Low Density Residential retain the general low-density scale and character of existing single dwelling development,</i> <li data-bbox="598 1500 1484 1601">(c) <i>to ensure that multi dwelling housing in Zone R3 Medium Density Residential retain the general medium-density scale and character of existing multi dwelling development,</i> <li data-bbox="598 1601 1484 1668">(d) <i>to minimise any likely adverse impact of the development on the amenity of the area,</i> <li data-bbox="598 1668 1484 1736">(e) <i>where an existing lot is inadequate in terms of its area or width—to require the consolidation of 2 or more lots.</i> <li data-bbox="598 1736 1484 1825">(f) To ensure that lots in the FSPA are of sufficient size to protect natural values, in particular areas of high terrestrial biodiversity value. <p data-bbox="518 1825 1484 2038">(3) Development consent must not be granted for the erection of a dual occupancy in "Area U" on the Minimum Lot Size for Dual Occupancy Map in the Foreshore Scenic Protection Area as identified on the Foreshore Scenic Protection Area Map unless the lot has an area of at least 1,000 square metres as shown on the Lot Size for Dual Occupancy Map.</p>

Item	Amendment to the GRLEP												
<p>proposed FSPA and the proposed UCAs.</p>													
<p>Item 8 – Clause 4.4 Floor space ratio and Floor Space Ratio Map (map change only) To amend the Floor Space Ratio Map (Sheets FSR_001, FSR_002, FSR_003, FSR_005, FSR_006, FSR_009, FSR_011 and FSR_012) to reduce the maximum permissible FSR from 0.55:1 to 0.5:1 for R2 zoned land located within the existing FSPA, proposed FSPA and the proposed UCAs for all development typologies. No change is proposed to the provisions of Clause 4.4 Floor space ratio.</p>	<p>Mapping change only – <i>Floor Space Ratio Map</i>. The reduction in maximum permissible FSR from 0.55:1 to 0.5:1 is to be applied to R2 zoned land located within the existing FSPA, proposed FSPA and the proposed UCAs as shown in Figure 4 below.</p>  <p><i>Figure 4 - R2 Zoned land with reduced FSR (0.5:1)</i></p>												
<p>Item 9 – Clause 4.4A Exceptions to floor space ratio—certain residential accommodation and Floor Space Ratio Map To amend Clause 4.4A to introduce two additional FSR sliding scales (two additional tables) relating to dwelling houses and dual occupancies respectively for R2 zoned land located within the existing FSPA, proposed FSPA and the proposed UCAs in response to the reduction in maximum FSR from 0.55:1 and 0.5:1. The applicable areas are proposed to be identified as “Area</p>	<p>Amendments proposed by this PP are shown in red text:</p> <p>Clause 4.4A Exceptions to floor space ratio—certain residential accommodation Insert the following subclauses:</p> <p>(5) <i>The maximum floor space ratio for a dwelling house on land identified as “Area 7” on the Floor Space Ratio Map must not exceed the maximum floor space ratio specified in the table to this subclause.</i></p> <table border="0"> <thead> <tr> <th style="text-align: left;">Site area</th> <th style="text-align: left;">Maximum floor space ratio</th> </tr> </thead> <tbody> <tr> <td><i>Not more than 650 square metres</i></td> <td><i>0.5:1</i></td> </tr> <tr> <td><i>More than 650 square metres but not more than 1,000 metres</i></td> <td><i>$[(\text{site area} - 650) \times 0.3 + 325] \div \text{site area}:1$</i></td> </tr> <tr> <td><i>More than 1,000 metres but not more than 1,500 square metres</i></td> <td><i>$[(\text{site area} - 1000) \times 0.2 + 430] \div \text{site area}:1$</i></td> </tr> <tr> <td><i>More than 1,500 square metres</i></td> <td><i>$[(\text{site area} - 1500) \times 0.1 + 530] \div \text{site area}:1$</i></td> </tr> </tbody> </table> <p>(6) <i>The maximum floor space ratio for a dual occupancy on land identified as “Area 7” on the Floor Space Ratio Map must not exceed the maximum floor space ratio specified in the table to this subclause.</i></p> <table border="0"> <thead> <tr> <th style="text-align: left;">Site area</th> <th style="text-align: left;">Maximum floor space ratio</th> </tr> </thead> </table>	Site area	Maximum floor space ratio	<i>Not more than 650 square metres</i>	<i>0.5:1</i>	<i>More than 650 square metres but not more than 1,000 metres</i>	<i>$[(\text{site area} - 650) \times 0.3 + 325] \div \text{site area}:1$</i>	<i>More than 1,000 metres but not more than 1,500 square metres</i>	<i>$[(\text{site area} - 1000) \times 0.2 + 430] \div \text{site area}:1$</i>	<i>More than 1,500 square metres</i>	<i>$[(\text{site area} - 1500) \times 0.1 + 530] \div \text{site area}:1$</i>	Site area	Maximum floor space ratio
Site area	Maximum floor space ratio												
<i>Not more than 650 square metres</i>	<i>0.5:1</i>												
<i>More than 650 square metres but not more than 1,000 metres</i>	<i>$[(\text{site area} - 650) \times 0.3 + 325] \div \text{site area}:1$</i>												
<i>More than 1,000 metres but not more than 1,500 square metres</i>	<i>$[(\text{site area} - 1000) \times 0.2 + 430] \div \text{site area}:1$</i>												
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Site area	Maximum floor space ratio												

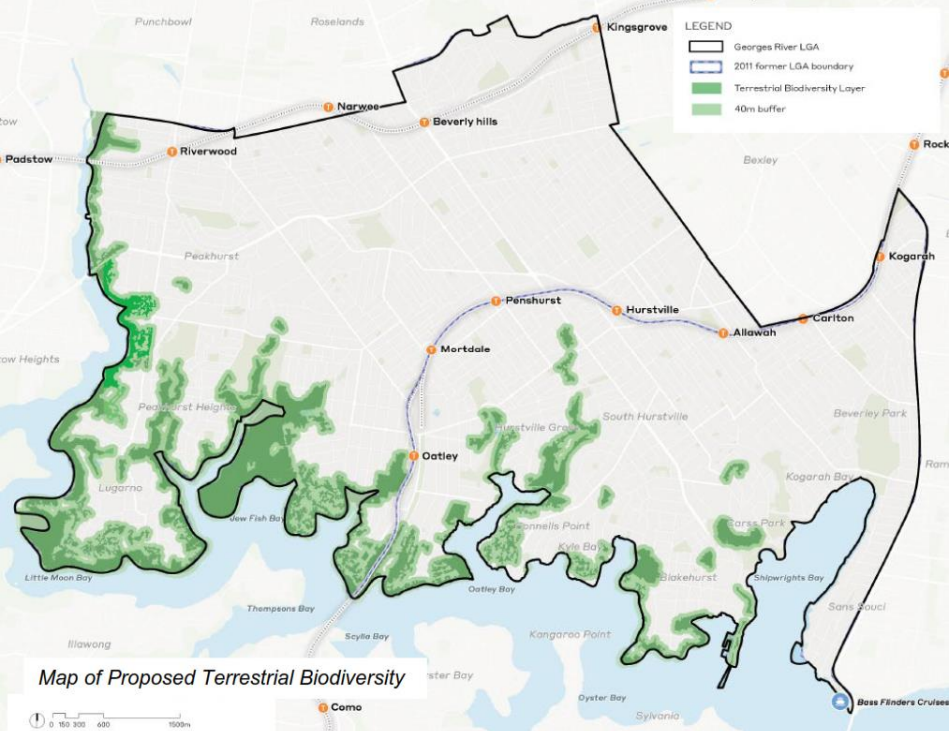
Item	Amendment to the GRLEP
<p>7" on the Floor Space Ratio Map.</p>	<p><i>Not more than 1,000 square metres 0.5:1</i></p> <p><i>More than 1,000 square metres but not more than 1,500 metres $[(\text{site area} - 1000) \times 0.3 + 500] \div \text{site area}:1$</i></p> <p><i>More than 1,500 metres but not more than 2,000 square metres $[(\text{site area} - 1500) \times 0.2 + 650] \div \text{site area}:1$</i></p> <p><i>More than 2,000 square metres $[(\text{site area} - 2000) \times 0.1 + 750] \div \text{site area}:1$</i></p> <p>The proposed subclauses are to be applied to R2 zoned land located within the existing FSPA, proposed FSPA and the proposed UCAs as shown in Figure 5 above.</p> <p><i>Note: Land located in the remainder of the LGA will retain the existing FSR – i.e. 0.55:1 for dwelling houses and 0.6:1 for dual occupancies.</i></p>
<p>Item 10 – Clause 6.6 Foreshore Scenic Protection Area and Foreshore Scenic Protection Area Map To amend Clause 6.6 and the associated Foreshore Scenic Protection Area Map to ensure that the role of the FSPA focuses on foreshore scenic character.</p>	<p>Amendments proposed by this PP are shown in red text:</p> <p>Clause 6.6 Foreshore scenic protection area</p> <p>(1) <i>The objectives of this clause are—</i></p> <ul style="list-style-type: none"> (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. <i>(a) to protect and strengthen the scenic character of the Georges River foreshore,</i> <i>(b) to protect significant views from the public and private domain to and from the Georges River.</i> <p>(2) <i>This clause applies to land identified as “Foreshore scenic protection area” on the Foreshore Scenic Protection Area Map.</i></p> <p>(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must be satisfied that the development would facilitate the following—</p> <ul style="list-style-type: none"> (a) the protection of the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation; (b) the avoidance or minimisation of the disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations; (c) the maintenance and enhancement of native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors; (d) the achievement of no net loss of significant vegetation or habitat; (e) the avoidance of clearing steep slopes and facilitation of the

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	<p>stability of the land;</p> <p>(f) the minimisation of the impact on the views and visual environment, including views to and from the Georges River, foreshore reserves, residential areas and public places;</p> <p>(g) the minimisation of the height and bulk of the development by stepping the development to accommodate the fall in the land.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority is to be satisfied that the development:</p> <p>(a) retains and protects trees and vegetation that contribute to scenic character,</p> <p>(b) retains and protects other natural elements, including topography, waterways and rock formations that contribute to scenic character,</p> <p>(c) ensures built form is integrated with the natural landscape and is not visually prominent to the detriment of scenic character,</p> <p>(d) avoids significant adverse impact on views obtained from the public domain, and</p> <p>(e) enables reasonable sharing of views from the private domain.</p> <p>A comparison of the existing FSPA against the proposed FSPA is provided in Figure 5 below.</p>  <p><i>Figure 5 - Proposed FSPA (blue shading) vs existing FSPA (orange shading)</i></p>
<p>Item 11 – Amendment to Clause 6.10 Design Excellence</p> <p>To amend Clause 6.10 to introduce consideration of the visual amenity and visual impacts when viewed from the foreshore and waterway of the</p>	<p>Amendments proposed by this PP are shown in red text:</p> <p>Clause 6.10 Design excellence</p> <p>Insert the following subclauses:</p> <p>(5) <i>In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—</i></p> <p>...</p> <p>(d) <i>how the development addresses the following matters—</i></p> <p>...</p> <p>(xvi) <i>the impact on any local character area,</i></p> <p>(xvii) <i>for development within the Foreshore Scenic</i></p>

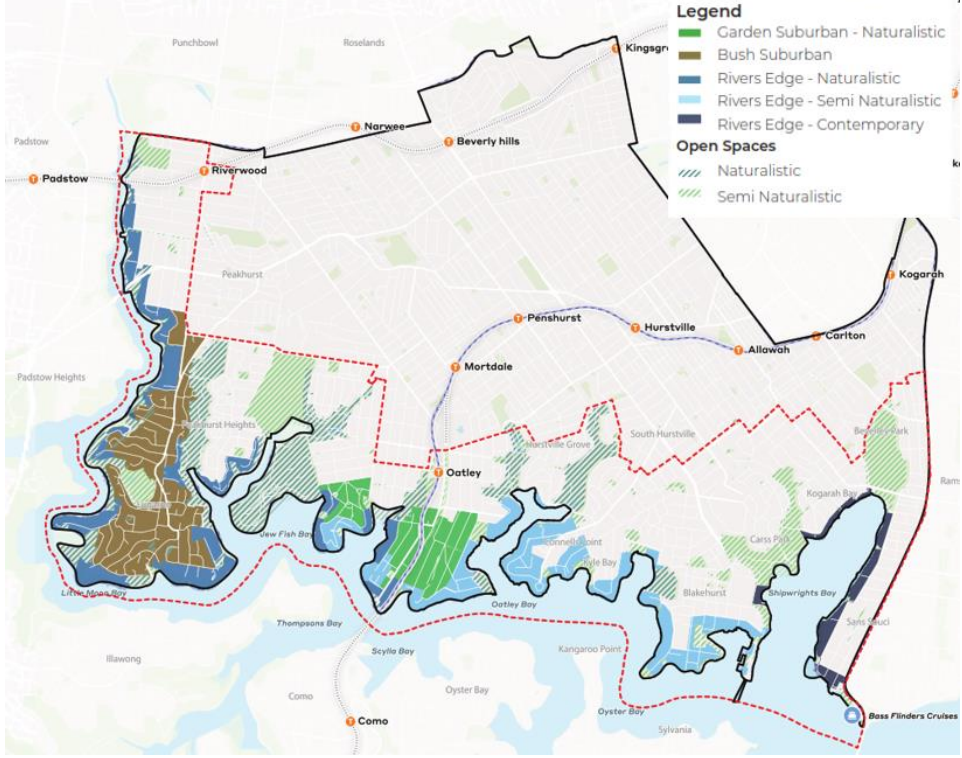
Item	Amendment to the GRLEP
<p>Georges River and local character.</p>	<p><i>Protection Area, the impact on visual character and amenity of the foreshore area when viewed from the Georges River or foreshore areas.</i></p>
<p>Item 12 – Amendments to Clause 6.12 Landscaped areas in certain residential and conservation zones To amend Clause 6.12 by:</p> <ul style="list-style-type: none"> • Inserting new objectives relating to the LGA-wide protection and improvement of native vegetation, habitats, threatened species and the green and vegetated character of the LGA, • Increasing 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 UCAs, and • Introducing a minimum 20% landscaped area requirement for multi dwelling housing, terraces and manor housing in response to the NSW Government’s <i>Low and Mid-Rise Housing</i> proposal. 	<p>Amendments proposed by this PP are shown in red text:</p> <p>Clause 6.12 Landscaped areas in certain residential and conservation zones</p> <p>(1) <i>The objectives of this clause are as follows—</i></p> <ul style="list-style-type: none"> (a) <i>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,</i> (b) <i>to minimise urban run-off by maximising permeable areas on the sites of development,</i> (c) <i>to ensure that the visual impact of development is minimised by sufficient and appropriately located landscaping that complements the scale of buildings,</i> (d) <i>to ensure that the use of surfaces that absorb and retain heat are minimised.</i> (e) <i>to protect, maintain and improve the diversity and condition of native vegetation and habitats,</i> (f) <i>to encourage the recovery of threatened species and their communities, populations, and habitats, and</i> (g) <i>to retain and strengthen the existing green and leafy local character of residential areas, including trees in the private domain that contribute to local character and visual amenity,</i> <p>(2) <i>This clause applies to land in the following zones—</i></p> <ul style="list-style-type: none"> (a) <i>Zone R2 Low Density Residential,</i> (b) <i>Zone R3 Medium Density Residential,</i> (c) <i>Zone R4 High Density Residential,</i> (d) <i>Zone C2 Environmental Conservation.</i> <p>(3) <i>Despite subclause (2), this clause does not apply to residential apartment development within the meaning of State Environmental Planning Policy (Housing) 2021.</i></p> <p>(4) <i>Development consent must not be granted to development on land to which the clause applies unless the consent authority is satisfied that the development—</i></p> <ul style="list-style-type: none"> (a) <i>allows for the establishment of appropriate plantings—</i> <ul style="list-style-type: none"> (i) <i>that are of a scale and density commensurate with the height, bulk, and scale of the buildings to which the development relates, and</i> (ii) <i>that will maintain and enhance the streetscape and the desired future character of the locality, and</i> (b) <i>maintains privacy between dwellings, and</i> (c) <i>does not adversely impact the health, condition and structure of existing trees, tree canopies and tree root systems on the land or adjacent land, and</i> (d) <i>enables the establishment of indigenous vegetation and habitat for native fauna, and</i> (e) <i>integrates with the existing vegetation to protect existing trees and natural landscape features such as rock outcrops, remnant bushland, habitats, and natural watercourses.</i> <p>(5) <i>Development consent must not be granted to development on land to which this clause applies unless a percentage of the site</i></p>

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	<p>area consists of landscaped areas that is at least—</p> <ul style="list-style-type: none"> (a) for a dwelling house located on land within Area 1 of the FSR Map outside the Foreshore Scenic Protection Area—20% of the site area, or (b) for a dwelling house located on land within Area 7 of the FSR Map the Foreshore Scenic Protection Area—25 30% of the site area, or (c) for a dual occupancy located on land within in Area 1 of the FSR Map outside the Foreshore Scenic Protection Area—25% of the site area, or (d) for a dual occupancy located within Area 7 of the FSR Map the Foreshore Scenic Protection Area—30 35% of the site area, or (e) for development in Zone R3 Medium Density Residential—20% of the site area, or (f) for development in Zone R4 High Density Residential—10% of the site area, or (g) for development in Zone C2 Environmental Conservation—70% of the site area, or (h) for multi dwelling housing, terraces, and manor houses in the R2 Low Density Residential Zone – 20% of the site area. <p>(6) 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 (5).</p> <p>(7) In this clause— Foreshore Scenic Protection Area means land shown on the Foreshore Scenic Protection Area Map.</p>
<p>Item 13 – Introduction of Clause 6.19 Terrestrial Biodiversity and associated mapping To insert a new local provision in Part 6 Additional Local Provisions titled “Terrestrial Biodiversity” aimed at protecting areas of high biodiversity value. The new provision will be accompanied by a Terrestrial Biodiversity Map.</p>	<p>Amendments proposed by this Planning Proposal are shown in red text below.</p> <p>The drafting of this local provision is based on the drafting of numerous other Sydney Metropolitan councils including but not limited to <i>Bayside LEP 2021, Sutherland LEP 2015, Ku-ring-gai LEP 2015 and Pittwater LEP 2014.</i></p> <p>New clause: Clause 6.19 Terrestrial Biodiversity</p> <ul style="list-style-type: none"> 1) <i>The objective of this clause is to protect and enhance terrestrial biodiversity by:</i> <ul style="list-style-type: none"> a) <i>protecting native plants and animals, and</i> b) <i>protecting the ecological processes necessary for their continued existence, and</i> c) <i>encouraging the recovery of native plants and animals.</i> 2) <i>This clause applies to land identified as “Terrestrial Biodiversity” and “40m Buffer” on the Terrestrial Biodiversity Map.</i> 3) <i>In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the impact of the development on:</i> <ul style="list-style-type: none"> i) <i>the condition, ecological value and significance of native plants and animals on the land, and</i> ii) <i>the importance of the vegetation on the land to the habitat and survival of native animals, and</i> iii) <i>the potential to fragment, disturb or diminish the biodiversity structure, function, and composition of the land, and</i> iv) <i>habitat elements providing connectivity on the land, and</i>

Item	Amendment to the GRLEP
	<p>v) <i>any opportunity to restore native vegetation</i></p> <p>4) <i>Development consent must not be granted for development on land identified as “Terrestrial Biodiversity” to which this clause applies unless the consent authority is satisfied that—</i></p> <ul style="list-style-type: none"> a) <i>the development is sited, designed, and will be managed to avoid any significant adverse environmental impact, or</i> b) <i>if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is sited, designed, and will be managed to minimise that impact, or</i> c) <i>if that impact cannot be minimised—the development will be managed to mitigate that impact.</i> <p>The proposed extent of the terrestrial biodiversity mapping (see Figure 6 below) applies to areas of moderate and high local biodiversity values. The mapping overlay also includes a 40m buffer. The purpose of this buffer is to prevent degradation of areas of high terrestrial biodiversity value through management of edge effects, including weed invasion and spread; as well as to encourage strengthening of areas of high terrestrial biodiversity value through supplementary landscaping.</p>  <p><i>Figure 6 - Map of Proposed Terrestrial Biodiversity (LEP clause applies to both the buffer and the core areas)</i></p> <p>The introduction of this local provision has implications for complying development as this approval pathway will no longer be available. Approval for development on land affected by the Terrestrial Biodiversity mapping will need to be sought via the development application pathway. Additionally, where a property is affected by mapping, consideration of a number of performance-based matters as part of the DA process is triggered. These matters are aimed at protecting and enhancing biodiversity values and will require the development to demonstrate alignment with the “avoid, minimise or mitigate” approach to environmental impact.</p>
Item 14 –	Amendments proposed by this Planning Proposal are shown in red text

Item	Amendment to the GRLEP
<p>Introduction of Clause 6.20 Unique Character Area and associated mapping To insert a new local provision in Part 6 Additional Local Provisions titled "Unique Character Area" to provide statutory protection to the proposed UCAs. The new local provision will be accompanied by a Unique Character Area Map.</p>	<p>below.</p> <p>The drafting of this local provision is based on the draft model clause for the Standard Instrument LEP prepared by the then DPIE in 2021. However, references to the published Local Character Areas Statement have since been removed from the DPHI's website and are no longer accessible.</p> <p>New clause: Clause 6.20 Unique Character Area</p> <ol style="list-style-type: none"> 1) <i>The objectives of this clause are as follows—</i> <ol style="list-style-type: none"> a) <i>to identify local character areas,</i> b) <i>to promote the desired future character of unique character areas.</i> 2) <i>Development consent must not be granted to development on land in a unique character area unless the consent authority has taken into account the desired future character for the land.</i> 4) <i>In this clause —</i> <i>unique character area means land identified as "unique character area" on the Unique Character Area Map.</i> <p>The proposed extent of the UCA mapping (see Figure 7 below) is comprised of the following character typologies in accordance the recommendations of the Foreshore Study:</p> <ul style="list-style-type: none"> • 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) <p>It should be noted that the UCAs includes areas located within the proposed FSPA due to the homogenous local character within these localities:</p> <ul style="list-style-type: none"> • 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) <p>Development applications affected by this local provision will need to consider and demonstrate consistency with the desired future character of the applicable UCA.</p> <p>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.</p>

Item	Amendment to the GRLEP
	 <p>Legend</p> <ul style="list-style-type: none"> Garden Suburban - Naturalistic Bush Suburban Rivers Edge - Naturalistic Rivers Edge - Semi Naturalistic Rivers Edge - Contemporary <p>Open Spaces</p> <ul style="list-style-type: none"> Naturalistic Semi Naturalistic <p><i>Figure 7 - Map of proposed UCAs</i></p>
<p>Item 15 – Exclusion from Complying Development under the Low-Rise Housing Diversity Code</p> <p>Exclude the application of the <i>Low-Rise Housing Diversity Code</i> from the proposed FSPA and proposed UCAs to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the DA process.</p>	<p>Council resolved at its meeting held 25 March 2024 to request the DPHI to exclude the application of the <i>Low-Rise Housing Diversity Code</i> from the proposed FSPA and proposed UCA to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the DA process.</p> <p>The area that Council is seeking exclusion from the Code is comprised of all areas within the UCA mapping above in Figure 7.</p>

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44. The proposed amendments (and the reasons for the amendments) are detailed within the draft PP provided in **Attachment 1** to this report. The attachments to the PP can be found on Council’s website at <https://www.georgesriver.nsw.gov.au/Development/Planning-Controls/Planning-Proposals/Planning-Proposal-for-Biodiversity-Character-and-the-Foreshore-Scenic-Protection-Area>

45. The following **Tables 3 to 7** provide a detailed assessment and justification of the strategic and site-specific merit of the proposed housekeeping amendments to determine whether the PP should be supported. 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 3: Section A – Need for the planning proposal

Question	Considerations
<p>1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?</p>	<p>The Planning Proposal is the result of the findings and recommendations of the Foreshore Study and Biodiversity Study. 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 <i>Biodiversity Study</i> and <i>Foreshore Study</i>; and have been prepared to respond to the need for balance between enabling development and protecting the environment.</p> <p>In developing the planning controls, the following factors were considered:</p> <ul style="list-style-type: none"> • 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. <p>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.</p> <p>The PP is also the result of a request from the then DPIE. On 23 June 2021, a letter of approval was issued by the then DPIE for the Local Housing Strategy. The approval is subject to Council addressing a set of requirements. Specifically, requirement Condition No. 15 requires Council to submit a PP in 2022 to the then DPE which will amend the GRLEP 2021 in accordance with the recommendations of the <i>Foreshore Study</i>:</p> <p><i>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.</i></p>

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Question	Considerations
	<p>The PP is also the result of a recommendation from the LPP dated 25 and 26 June 2020 in its consideration of the GRLEP 2021. The LPP recommended:</p> <p><i>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.</i></p>
<p>2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</p>	<p>Yes, the PP is the best and only means of addressing the recommendations of the <i>Biodiversity Study</i> and <i>Foreshore Study</i>.</p> <p>The PP will be supported by amendments to the <i>Georges River DCP 2021</i>.</p>

Table 4 - Section B – Relationship to the strategic planning framework

Question	Considerations
<p>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>	<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"> • <i>Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced.</i> The PP gives effect to this objective by seeking to amend the GRLEP 2021 to include a provision in Part 6 Additional Local Provisions titled “Terrestrial Biodiversity” aimed at protecting areas of high biodiversity value. The provision will be accompanied by a Terrestrial Biodiversity Map. The local provision and map are the result of the <i>Biodiversity Study</i> and the further work by Ethos in the <i>Review of Environmental Planning Provisions for Biodiversity in Georges River LGA</i> (Attachment 7 to the PP). The <i>Biodiversity Study</i> recorded 8 threatened fauna species, one threatened flora species and one threatened flora population. • <i>Objective 28: Scenic and cultural landscapes are protected.</i> The PP gives effect to this objective by seeking to: <ul style="list-style-type: none"> ○ update Clause 6.6 Foreshore scenic protection area and the Foreshore Scenic Protection Area Map of the GRLEP 2021 to ensure that the role of the FSPA focuses on foreshore scenic character. ○ introduce a new local character planning provision and mapping overlay in the LEP to provide statutory protection to the proposed UCAs. • <i>Objective 30: Urban tree canopy cover is increased.</i> The PP gives effect by seeking to amend Clause 6.12

Question	Considerations
	<p>Landscaped areas in certain residential and conservation zones of the GRLEP by:</p> <ul style="list-style-type: none"> ○ Inserting new objectives to: <ul style="list-style-type: none"> ▪ Protect, maintain and improve the diversity and condition of native vegetation and habitats across the 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, ○ Increasing 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 UCAs, and ○ Introducing a minimum 20% landscaped area requirement for multi dwelling housing, terraces and manor houses in response to the NSW Government's Low and Mid-Rise Housing Reform. <p>The PP also gives effect to the planning priorities of the <i>South District Plan</i>:</p> <ul style="list-style-type: none"> • <i>Planning Priority S14 - Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes and better managing rural areas.</i> The PP gives effect by introducing a new terrestrial biodiversity planning provision and mapping overlay in the LEP to preserve and protect areas of moderate and high biodiversity values. • <i>Planning Priority S15 - Increasing urban tree canopy cover and delivering Green Grid connections.</i> The PP gives effect by amending Clause 6.12 Landscaped areas in certain residential and conservation zones to increase the minimum landscaped area requirement within the existing FSPA, the proposed FSPA, and UCAs, as well as requiring a minimum landscaped area for manor houses, terraces and multi dwelling housing in the R2 zones in response to the NSW Government's Low and Mid-rise Housing proposal. This will ensure that private land provides new vegetation and retains and strengthens the green and leafy character of the LGA, including trees in the private domain that contribute to local character and visual amenity.
<p>4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning</p>	<p>Yes. The PP is consistent with the endorsed <i>Georges River Local Strategic Planning Statement 2040</i> (LSPS 2040), specifically the following planning priorities:</p>

Question	Considerations
<p>Secretary or GSC, or another endorsed local strategy or strategic plan?</p>	<ul style="list-style-type: none"> <p><i>Planning Priority P5 – The community is involved in planning our future:</i> The existing FSPA is valued by the residents for its ‘green and leafy’ local character. Council has worked with the community to develop the controls through the preparation of the Biodiversity and Foreshore Studies, community webinars and workshops and the pre-exhibition community consultation that went for 26 weeks. This work with the community culminated in the report to Council’s Environment and Planning Committee on 11 March 2024 (Attachment 9 to the PP) which was adopted by Council on 25 March 2024 (Attachment 10 to the PP).</p> <p><i>Planning Priority 7. Residential suburbs will be protected and retained unless identified as areas of change or investigation. A42. Identify the key characteristics of each suburb to be protected and/or retained and incorporate into Council’s DCP 2020.</i> The PP gives effect to this planning priority and action by proposing a new local character planning provision and mapping overlay to provide statutory protection to the special character areas identified in the work by Ethos Urban.</p> <p><i>Planning Priority 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 conservation zones</i> to ensure that 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.</p> <p><i>Planning Priority P16. Our waterways are healthy and publicly accessible: A83. Review development controls in the foreshore area to protect the Georges River from inappropriate development in Council’s LEP 2020 and DCP 2020. A84. Expand the Foreshore Scenic Protection Area across the LGA through Council’s LEP 2020:</i> The PP gives effect to this planning priority by amending the existing FSPA planning provision and mapped extent in the LEP to ensure the role of the FSPA focuses on foreshore scenic character.</p> <p><i>Planning Priority P17. Tree canopy, bushland, landscaped settings, and biodiversity are protected, enhanced, and promoted.</i> The PP is consistent with this priority by amending the current <i>Clause 6.12 Landscaped areas in certain residential and conservation zones</i> to ensure that 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. The PP gives effect to this priority by introducing a new terrestrial biodiversity planning provision and mapping overlay in the LEP to preserve and protect areas of moderate and high biodiversity values.</p>

Question	Considerations										
	<ul style="list-style-type: none"> <i>Planning Priority P19. Everyone has access to quality, clean, useable, passive and active open and green spaces and recreation places.</i> The PP gives effect by amending Clause 6.12 Landscaped areas in certain residential and conservation zones to increase the minimum landscaped area requirement within the existing FSPA, proposed FSPA and UCAs, as well as requiring a minimum landscaped area for manor houses, terraces, and multi dwelling housing in the R2 Zones which will ensure that private land provides new vegetation and retains and strengthens the green and leafy character of the LGA, including trees in the private domain that contribute to local character and visual amenity. 										
<p>5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?</p>	<p>There are no other applicable State and regional studies or strategies.</p>										
<p>6. Is the planning proposal consistent with applicable SEPPs?</p>	<p>The PP is consistent with the following SEPPs:</p> <table border="1" data-bbox="646 952 1492 2094"> <thead> <tr> <th data-bbox="646 952 1005 985">SEPP</th> <th data-bbox="1005 952 1492 985">Comment on consistency</th> </tr> </thead> <tbody> <tr> <td data-bbox="646 985 1005 1384"> <p><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></p> </td> <td data-bbox="1005 985 1492 1384"> <p>The PP is not inconsistent with the SEPP. The PP seeks to introduce a new terrestrial biodiversity planning provision and mapping overlay in the LEP to preserve and protect areas of moderate and high local biodiversity values. The proposed controls do not conflict or seek to compete with the provisions of this SEPP.</p> </td> </tr> <tr> <td data-bbox="646 1384 1005 1825"> <p><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></p> </td> <td data-bbox="1005 1384 1492 1825"> <p>The PP is not inconsistent with the SEPP. Council is however requesting the DPHI as part of this PP to exclude the application of the <i>Low-Rise Housing Diversity Code</i> from the proposed FSPA and proposed UCAs to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the Development Application process.</p> </td> </tr> <tr> <td data-bbox="646 1825 1005 2027"> <p><i>State Environmental Planning Policy (Housing) 2021</i></p> </td> <td data-bbox="1005 1825 1492 2027"> <p>The PP is not inconsistent with the SEPP as a range and density of residential accommodation is still permitted in the land covered by the PP.</p> </td> </tr> <tr> <td data-bbox="646 2027 1005 2094"> <p><i>State Environmental Planning Policy (Industry</i></p> </td> <td data-bbox="1005 2027 1492 2094"> <p>The SEPP does not affect employment and industrial lands.</p> </td> </tr> </tbody> </table>	SEPP	Comment on consistency	<p><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></p>	<p>The PP is not inconsistent with the SEPP. The PP seeks to introduce a new terrestrial biodiversity planning provision and mapping overlay in the LEP to preserve and protect areas of moderate and high local biodiversity values. The proposed controls do not conflict or seek to compete with the provisions of this SEPP.</p>	<p><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></p>	<p>The PP is not inconsistent with the SEPP. Council is however requesting the DPHI as part of this PP to exclude the application of the <i>Low-Rise Housing Diversity Code</i> from the proposed FSPA and proposed UCAs to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the Development Application process.</p>	<p><i>State Environmental Planning Policy (Housing) 2021</i></p>	<p>The PP is not inconsistent with the SEPP as a range and density of residential accommodation is still permitted in the land covered by the PP.</p>	<p><i>State Environmental Planning Policy (Industry</i></p>	<p>The SEPP does not affect employment and industrial lands.</p>
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<p><i>State Environmental Planning Policy (Housing) 2021</i></p>	<p>The PP is not inconsistent with the SEPP as a range and density of residential accommodation is still permitted in the land covered by the PP.</p>										
<p><i>State Environmental Planning Policy (Industry</i></p>	<p>The SEPP does not affect employment and industrial lands.</p>										

Question	Considerations									
	<i>and Employment) 2021</i>									
	<i>State Environmental Planning Policy (Planning Systems) 2021</i>	The PP is not inconsistent with the SEPP as it does not affect state infrastructure.								
	<i>State Environmental Planning Policy (Precincts—Central River City) 2021</i>	The PP is not inconsistent with the SEPP. The site is not the subject of a Precinct identified by the SEPP.								
	<i>State Environmental Planning Policy (Primary Production) 2021</i>	The PP is not inconsistent with the SEPP as the PP does not impact on primary production.								
	<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	The PP does not amend the coastal provisions contained in the SEPP; therefore, the PP is consistent with the SEPP.								
	<i>State Environmental Planning Policy (Resources and Energy) 2021</i>	The PP is not inconsistent with the SEPP. The PP does not contain any planning provisions relating to development of mineral, petroleum and extractive material resources, etc.								
	<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	The PP is not inconsistent with the SEPP. The PP does propose two additional provisions in whether or not a development exhibits design excellence – impact of local character and impact of visual character and amenity of the foreshore area.								
	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	The PP is not inconsistent with the SEPP as the PP does not impact on the effective delivery of infrastructure across the State.								
<p>7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority</p>	<p>The PP is consistent with the applicable Ministerial Directions as follows:</p> <table border="1" data-bbox="643 1644 1426 2107"> <thead> <tr> <th data-bbox="643 1644 970 1697">Ministerial Direction</th> <th data-bbox="970 1644 1426 1697">Comment</th> </tr> </thead> <tbody> <tr> <td colspan="2" data-bbox="643 1697 1426 1771">1 Planning Systems</td> </tr> <tr> <td data-bbox="643 1771 970 2078">1.1 Implementation of Regional Plans</td> <td data-bbox="970 1771 1426 2078"> Consistent – The PP is consistent with: <ul style="list-style-type: none"> • <i>A Metropolis of Three Cities – Greater Sydney Region Plan</i> – see previous discussion on Question 3. • <i>South District Plan</i> – see previous discussion on Question 3. </td> </tr> <tr> <td data-bbox="643 2078 970 2107">1.2 Development of</td> <td data-bbox="970 2078 1426 2107">Consistent – The PP does not</td> </tr> </tbody> </table>		Ministerial Direction	Comment	1 Planning Systems		1.1 Implementation of Regional Plans	Consistent – The PP is consistent with: <ul style="list-style-type: none"> • <i>A Metropolis of Three Cities – Greater Sydney Region Plan</i> – see previous discussion on Question 3. • <i>South District Plan</i> – see previous discussion on Question 3. 	1.2 Development of	Consistent – The PP does not
Ministerial Direction	Comment									
1 Planning Systems										
1.1 Implementation of Regional Plans	Consistent – The PP is consistent with: <ul style="list-style-type: none"> • <i>A Metropolis of Three Cities – Greater Sydney Region Plan</i> – see previous discussion on Question 3. • <i>South District Plan</i> – see previous discussion on Question 3. 									
1.2 Development of	Consistent – The PP does not									

Question	Considerations	
	Aboriginal Land Council land	affect land shown on the Land Application Map of <i>State Environmental Planning Policy (Planning Systems) 2021</i> .
	1.3 Approval and Referral Requirements	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.
	1.4 Site Specific Provisions	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.
	1.4A Exclusions of Development Standards from Variation	Consistent - This PP does not propose to introduce or alter an existing exclusion to Clause 4.6 of a Standard Instrument LEP or an equivalent provision of any other environmental planning instrument.
1 Planning Systems – Place-based		
	1.5 Parramatta Road Corridor Urban Transformation Strategy	This Direction does not apply to the LGA.
	1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	This Direction does not apply to the LGA.
	1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	This Direction does not apply to the LGA.
	1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	This Direction does not apply to the LGA.
	1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	This Direction does not apply to the LGA.

Question	Considerations	
	1.10 Implementation of the Western Sydney Aerotropolis Plan	This Direction does not apply to the LGA.
	1.11 Implementation of Bayside West Precincts 2036 Plan	This Direction does not apply to the LGA.
	1.12 Implementation of Planning Principles for the Cooks Cove Precinct	This Direction does not apply to the LGA.
	1.13 Implementation of St Leonards and Crows Nest 2036 Plan	This Direction does not apply to the LGA.
	1.14 Implementation of Greater Macarthur 2040	This Direction does not apply to the LGA.
	1.15 Implementation of the Pymont Peninsula Place Strategy	This Direction does not apply to the LGA.
	1.16 North West Rail Link Corridor Strategy	This Direction does not apply to the LGA.
	1.17 Implementation of the Bays West Place Strategy	This Direction does not apply to the LGA.
	1.18 Implementation of the Macquarie Park Innovation Precinct	This Direction does not apply to the LGA.
	1.19 Implementation of the Westmead Place Strategy	This Direction does not apply to the LGA.
	1.20 Implementation of the Camellia-Rosehill Place Strategy	This Direction does not apply to the LGA.
	1.21 Implementation of the South West Growth Area Structure Plan	This Direction does not apply to the LGA.
	1.22 Implementation of the Cherrybrook Station Place Strategy	This Direction does not apply to the LGA.
	2 Design and Place	
	3 Biodiversity and Conservation	
	3.1 Conservation Zones	Consistent – The PP does not affect land within a conservation zone or land otherwise identified for environment conservation/

Question	Considerations	
		protection purposes in a LEP. The PP does introduce a new terrestrial biodiversity planning provision and mapping overlay in the LEP to preserve and protect areas of moderate and high biodiversity values.
	3.2 Heritage Conservation	Consistent – The PP does not seek to amend the heritage conservation provisions.
	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	This Direction does not apply to the LGA.
	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	The PP is consistent as it seeks to protect biodiversity by a new biodiversity provisions and map.
	3.7 Public Bushland	Consistent – The PP does not propose any changes to existing controls protecting bushland in urban areas. The PP does introduce a new terrestrial biodiversity planning provision and mapping overlay in the LEP to preserve and protect areas of moderate and high biodiversity values which includes bushland areas.
	3.8 Willandra Lakes Region	This Direction does not apply to the LGA.
	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.
	4 Resilience and Hazards	
	4.1 Flooding	Consistent – The PP does not propose any changes to controls relating to flooding provisions.
	4.2 Coastal	Consistent – The PP affects

Question	Considerations	
	Management	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.
	4.3 Planning for Bushfire Protection	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.
	4.4 Remediation of Contaminated Land	Consistent – The PP does not affect any known contaminated land.
	4.5 Acid Sulfate Soils	Consistent – The PP does not seek to introduce or change provisions relating to Acid Sulfate Soils.
	4.6 Mine Subsidence and Unstable Land	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.
5 Transport and Infrastructure		
	5.1 Integrating Land Use and Transport	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).
	5.2 Reserving Land for Public Purposes	Consistent – The PP does not propose to make any changes to land reservations.
	5.3 Development Near Regulated Airports and Defence Airfields	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.
	5.4 Shooting Ranges	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.

Question	Considerations	
	6 Housing	
	6.1 Residential Zones	Consistent – The PP does not alter permissible uses on residential land. The PP does seek to minimise the impact of residential development on the environment by reducing the permissible FSR by 0.05 and increasing the required landscaped area by 5%.
	6.2 Caravan Parks and Manufactured Home Estates	Consistent – The PP does not propose to permit development for the purposes of a caravan park or manufactured home estate.
	7. Industry and Employment	
	7.1 Business and Industrial Zones	Consistent – The PP does not propose to make any changes to business and industrial zones.
	7.2 Reduction in non-hosted short-term rental accommodation period	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.
	7.3 Commercial and Retail Development along the Pacific Highway, North Coast	This Direction does not apply to the LGA.
	8 Resources and Energy	
	8.1 Mining, Petroleum Production and Extractive Industries	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.
	9 Primary Production	
	9.1 Rural Zones	NA – The PP does not affect any land within an existing or proposed rural zone.
	9.2 Rural Lands	This Direction does not apply to the LGA.
	9.3 Oyster Aquaculture	NA – The PP does not propose a change in land use which

Question		Considerations	
		could impact on a Priority Oyster Aquaculture Area.	
	9.4 Farmland of State and Regional Significance on the NSW Far North Coast	This Direction does not apply to the LGA.	
	<p>Key Government Priorities: The PP is not inconsistent with key government priorities. The PP does not alter permissible uses on residential land. The PP does seek to minimise the impact of residential development on the environment by reducing the permissible FSR within the areas of the LGA that have high biodiversity and character and increasing the required landscaped area. By increasing the subdivision allotment size for areas within the existing FSPA, proposed FSPA and UCAs there will be a loss of 190 dwellings. Council has a concurrent PP (PP2024/0004 – Additional and Diverse Housing) underway that will create capacity for an additional 8,245 dwellings. PP2024/0004 is the subject of a report to the Local Planning Panel.</p>		

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Table 5 - Section C – Environmental, social, and economic impact

Question	Considerations
<p>8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?</p>	<p>The PP seeks to include a provision in Part 6 Additional Local Provisions titled “Terrestrial Biodiversity” aimed at protecting areas of high biodiversity value. The provision is supported by a Terrestrial Biodiversity Map. The local provision and map are the result of the <i>Biodiversity Study</i> and the further work by Ethos in <i>the Review of Environmental Planning Provisions for Biodiversity in Georges River LGA</i> (Attachment 7 to the PP).</p> <p>The key findings of the <i>Biodiversity Study</i> have been summarised as follows, according to fauna and flora species.</p> <p><u>Fauna</u></p> <ul style="list-style-type: none"> • Eight threatened fauna species were recorded, including two species previously unrecorded in the LGA. Species are listed as follows: <ol style="list-style-type: none"> i. Grey-headed flying fox (<i>Pteropus poliocephalus</i>); ii. Powerful Owl (<i>Ninox strenua</i>); iii. White-Bellied Sea Eagle (<i>Haliaeetus leucogaster</i>); iv. Eastern Coastal Free-tailed Bat (<i>Micronomus norfolkensis</i>); v. Little Bent-winged Bat (<i>Miniopterus australis</i>); vi. Large Bent-winged Bat (<i>Miniopterus orianae oceanensis</i>); vii. Southern Myotis (<i>Myotis macropus</i>); and the viii. Greater Broad-nosed Bat (<i>Scoteanax rueppellii</i>). • The abundance and diversity of honeyeaters (Family: Meliphagidae), other than the Noisy Miners (<i>Manorina melanocephala</i>), was low. The abundance and diversity of small scrub-dependant birds (i.e., wrens, thornbills, and

Question	Considerations
	<p>robins) were low. This may be influenced by the limited shrub-layer in the dominate vegetation communities (i.e., Coastal Enriched Sandstone Dry Forest) and/ or the pressure from Noisy Miners (<i>Manorina melanocephala</i>). The abundance and diversity of shorebird species (i.e., snipes, curlews) was lower than expected.</p> <ul style="list-style-type: none"> • Few predatory bird species (i.e., raptors and owls) were recorded, as such it is likely there are few roosting in the LGA. However, they may utilise the area as foraging habitat. • Indications of the presence of gliders (likely the Sugar Glider (<i>Petaurus brevicep</i>) were recorded at several sites. There are previously only two records (in 2014 and 2018) of the species in the LGA. <p><u>Flora</u></p> <ul style="list-style-type: none"> • The survey recorded one threatened flora species and one threatened flora population, being the Magenta Lilly Pilly (<i>Syzygium paniculatum</i>) and Gosford Wattle (<i>Acacia prominens</i>), respectively and a number of Threatened Ecological Communities, being: Coastal Saltmarsh, Freshwater Wetlands; Littoral Rainforest; Swamp Oak Floodplain Forest; Swamp Sclerophyll Forest on Coastal Floodplains; and Sydney Turpentine Ironbark Forest. • The Study found that the Coastal Enriched Sandstone Dry Forest is the most prevalent native vegetation community in the LGA. Flora details are further outlined as follows: <ul style="list-style-type: none"> ○ Most of the vegetation remaining in the LGA is on sandstone geology around the foreshore areas. There is little shale influenced vegetation remaining as areas with this geology are mostly developed urban areas on the plateaus of headlands and the northern section of the LGA. As such, the few patches of shale influenced communities remaining are of conservations significance (i.e., Coastal Shale-Sandstone Forest at Oatley Point Reserve and Sydney Turpentine Ironbark Forest at Myles Dunphy Reserve, Quarry Reserve and Black Forest Reserve). ○ All patches of Estuarine Swamp Oak Forest were highly impacted by weeds with dominance of <i>Tradescantia fluminensis</i> (Wandering Jew) and/or <i>Asparagus</i> spp. (<i>Asparagus</i> fern) in the understory. The larger patches of vegetation are typically in better condition. This is likely due to having higher resilience and less pressures (i.e., weed invasion, predation by exotic fauna, edge effects). ○ The extent of most mangrove communities has expanded in the past 50 years. This is likely due to sedimentation from development and climate change impacts. ○ Numerous individuals of the endangered population <i>Acacia prominens</i> (Gosford Wattle) were recorded. Due to the locations of many of these plants, it is likely many have been planted. ○ The retention of vegetation, particularly mature trees

Question	Considerations
	<p>(i.e., with large canopies and hollows), in street corridors and on private property is important in supporting connectivity between larger patches.</p> <ul style="list-style-type: none"> Overall, there is generally greater biodiversity in the south western suburbs of the LGA and less in the northern more urbanised suburbs. This is predominantly due to historical urbanisation and fewer bushland areas in the north.
<p>9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?</p>	<p>No other environmental impacts are anticipated other than positive environmental effects as a result of the proposed changes to increase landscaped area requirements; reduce FSR for land in the existing FSPA, proposed FSPA and proposed UCAs; increase the lot size requirements for areas proposed to be added to the proposed FSPA and UCAs; and the new clauses for local character and biodiversity.</p>
<p>10. Has the planning proposal adequately addressed any social and economic effects?</p>	<p>Yes, the PP is likely to have positive social and economic effects as:</p> <ul style="list-style-type: none"> Green infrastructure will be enhanced, There will be stronger protection of the existing 'green and leafy' character of low-density residential areas in the Foreshore Study Area, larger footprint of new developments, Community concerns relating to the loss of landscaping through new development, which is perceived by the community as a form of overdevelopment and an increase in density, will be addressed. The protection of existing trees contributes to the mitigation of economic losses due to extreme climate events as existing trees are protected and are able to continue to sequester CO2 and thereby reduce overall carbon emissions.

Table 6 - Section D – Infrastructure (Local, State and Commonwealth)

Question	Considerations
<p>11. Is there adequate public infrastructure for the planning proposal?</p>	<p>The PP does not create additional requirements for public infrastructure, as the PP does not seek to increase the number of dwellings permitted within the GRLEP. This PP will result in the loss of development potential for 190 dwellings due to the increase in minimum lot size requirements for dual occupancies.</p> <p>However, Council has a concurrent PP (PP2024/0004 – Additional and Diverse Housing) underway that will create capacity for an additional 8,245 dwellings and the infrastructure impacts will be separately addressed by PP2024/0004.</p>

Table 7 - Section E – State and Commonwealth interests

Question	Considerations
<p>12. What are the views of state</p>	<p>To date Council has not consulted any government agencies to inform the</p>

Question	Considerations
and federal public authorities and government agencies consulted in order to inform the Gateway Determination?	PP. Council will seek the views of State and Federal public authorities and government agencies in accordance with the Gateway Determination.

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SUMMARY OF ASSESSMENT/CONCLUSION

- 46. In summary, the PP seeks to amend the GRLEP to implement the recommendations of the Biodiversity Study and Foreshore Study in accordance with the approval conditions of the Local Housing Strategy.
- 47. The PP meets both the strategic and site-specific merit tests that are outlined in the Local Environmental Plan Making Guideline dated August 2023.
- 48. In terms of Strategic Merit, the PP:
 - (a) Gives effect to the following objectives within the Greater Sydney Region Plan – A Metropolis of Three Cities:
 - (i) Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced.
 - (ii) Objective 28: Scenic and cultural landscapes are protected.
 - (iii) Objective 30: Urban tree canopy cover is increased.
 - (b) Gives effect to the planning priorities of the South District Plan:
 - (i) Planning Priority S14 - Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes and better managing rural areas.
 - (ii) Planning Priority S15 - Increasing urban tree canopy cover and delivering Green Grid connections.
 - (c) Is consistent with the endorsed Georges River Local Strategic Planning Statement 2040 (LSPS 2040), specifically the following planning priorities:
 - (i) Planning Priority P5 – The community is involved in planning our future.
 - (ii) Planning Priority P7 - Residential suburbs will be protected and retained unless identified as areas of change or investigation and A42. Identify the key characteristics of each suburb to be protected and/or retained and incorporate into Council’s DCP 2020.
 - (iii) Planning Priority P10. Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces.
 - (iv) Planning Priority P16. Our waterways are healthy and publicly accessible, A83. Review development controls in the foreshore area to protect the Georges River from inappropriate development in Council’s LEP 2020 and DCP 2020, and A84. Expand the Foreshore Scenic Protection Area across the LGA through Council’s LEP 2020.
 - (v) Planning Priority P17. Tree canopy, bushland, landscaped settings and biodiversity are protected, enhanced and promoted.

- (vi) Planning Priority P19. Everyone has access to quality, clean, useable, passive and active open and green spaces and recreation places.

49. In terms of Site-Specific merit, the PP:

- (a) Seeks to include a provision in Part 6 Additional Local Provisions entitled "Terrestrial Biodiversity" aimed at protecting areas of high biodiversity value. The provision is supported by a Terrestrial Biodiversity Map. The local provision and map are the result of the Biodiversity Study and the further work by Ethos in the Review of Environmental Planning Provisions for Biodiversity in Georges River LGA.
- (b) Will have a positive environmental effect as a result of the proposed changes to Clause 6.12 Landscaped areas in certain residential and environment protection zones, the reduction of FSR for land in the FSPA and the new clauses for local character and biodiversity.
- (c) Will have positive social and economic effects as:
 - (i) Green infrastructure will be enhanced,
 - (ii) There will be stronger protection of the existing 'green and leafy' character of low-density residential areas in the Foreshore Study Area,
- (d) Community concerns relating to the loss of landscaping through new development, which is perceived by the community as a form of overdevelopment and an increase in density, will be addressed, and
- (e) The protection of existing trees contributes to the mitigation of economic losses due to extreme climate events as existing trees are protected and are able to continue to sequester CO₂ and thereby reduce overall carbon emissions.

GEORGES RIVER LOCAL PLANNING PANEL

- 50. The Direction from the Minister for Planning and Public Spaces under Section 9.1 of the Environmental Planning and Assessment Act 1979 and the charter of the Georges River Local Planning Panel 2018 both specify that a Planning Proposal is to be referred to the Local Planning Panel before it is forwarded for Gateway Determination (approval).
- 51. The Georges River Local Planning Panel at its meeting held 20 June 2024 considered the PP and recommended as follows:
 - (a) That the Georges River Local Planning Panel recommends to Council that the Planning Proposal No. 2024/0002 (Biodiversity, Character and FSPA) to amend the Georges River Local Environmental Plan (GRLEP) 2021, be forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
 - (b) That the Director Environment and Planning be authorised to make minor editorial amendments to the Planning Proposal as required throughout the reporting process.
 - (c) That the Georges River Local Planning Panel notes that the Council is seeking exclusion of the application of the *Low Rise Housing Diversity Code* from the proposed Foreshore Scenic Protection Area and proposed Unique Character Area to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the Development Application process in these locations.
 - (d) The Panel notes that this planning proposal has to be considered in conjunction with the Additional and Diverse Housing Planning Proposal (PP2024/0004) which provides for increased housing numbers with the Local Government Area.
- 52. A copy of the report that was referred to the LPP is available on Council's website.

FINANCIAL IMPLICATIONS

53. Within budget allocation.

RISK IMPLICATIONS

54. Operational risk/s identified, and management process applied.

AMENDMENTS TO GEORGES RIVER DCP 2021

55. 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.

56. The amendments to the GRDCP will include:

- (a) Replacing the existing Green Web control with a series of Green Corridors (see **Figure 8** below) across the LGA to protect existing habitat corridors and facilitate more opportunities for creating a corridor where there is little existing vegetation,
- (b) Introducing supporting biodiversity controls, including a list of preferred plant species,
- (c) Introducing detailed character statements and tailored provisions to ensure new developments will have the desired characteristics of the respective UCA, and
- (d) Introducing provisions to further enhance the protection of the foreshore scenic character.



Figure 8 - Map of proposed Green Corridor in GRDCP 2021

COMMUNITY ENGAGEMENT

57. Should the PP be supported, it will be forwarded to the delegate of the Minister for Planning and Public Spaces requesting a Gateway Determination.
58. If a Gateway Determination is issued, it is intended to exhibit the PP for a minimum period of 28 days as specified in the Gateway Determination.
59. It is intended to make the PP available for viewing at:
 - (a) Council's Your Say website;
 - (b) Georges River Civic Centre, MacMahon Street, Hurstville, between 8.30am and 5.00pm, Monday to Friday;
 - (c) Clive James (Kogarah) Library and Service Centre, during library hours; and
 - (d) Hurstville Library, during library hours.
60. Consultation will also be undertaken with any relevant public authorities / organisations as conditioned by the Gateway Determination.
61. The project timeframe will depend on the Gateway Determination date and the required public exhibition period. The indicative project timeline is set out in **Table X** below.


Table 8 – Indicative Project 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
Timeframe for public exhibition (including both government agency and community consultation as required by Gateway Determination)	October-November 2024
Timeframe for consideration of submissions	December 2024
Report to Council on community consultation and finalisation	February 2025
Submission to the Department to finalise the Biodiversity and Character Planning Proposal as an amendment to the GRLEP 2021	February 2025

FILE REFERENCE

D23/315071

ATTACHMENTS

Attachment 1  Planning Proposal PP2024/0002 Report - Biodiversity, Character & FSPA - *published in separate document*

Item: ENV026-24 Oatley Park Plan of Management and Master Plan - Adoption

Author: Strategic Planner

Directorate: Environment and Planning

Matter Type: Committee Reports

ENV026-24

RECOMMENDATION:

- (a) That Council adopt the Oatley Park Plan of Management and Master Plan provided in Attachments 1 and 2 in accordance with section 40 of the *Local Government Act 1993* and section 3.23(6) of the *Crown Land Management Act 2016*.
- (b) That Council authorise the General Manager to make minor editorial modifications in the finalisation of the Oatley Park Plan of Management and Master Plan.
- (c) That all individuals who provided a submission during the public exhibition of the Oatley Park Plan of Management and Master Plan be notified of Council's decision.
- (d) That the adopted Oatley Park Plan of Management and Master Plan be forwarded to the NSW Department of Planning, Housing and Infrastructure – NSW Crown Lands for information.
- (e) That the Oatley Park Plan of Management and Master Plan be placed on Council's website following adoption by Council.

EXECUTIVE SUMMARY

1. The Oatley Park Plan of Management is required to be updated to meet Council's obligations under the *Crown Land Management (CLM) Act 2016*. As of July 2018, local councils that manage dedicated or reserved Crown Land are required to manage that land as if it were public land under the *Local Government (LG) Act 1993* – including applying the plan of management requirements of that Act.
2. At its meeting on 11 April 2023, Council endorsed the public exhibition of the draft Plan of Management and Master Plan for Oatley Park and for the draft Plan and Master Plan to be forwarded to the then Department of Planning and Environment (DPE) for landowners consent to exhibit.
3. The draft Plan of Management and Master Plan for Oatley Park was forwarded to the then DPE for landowners' consent on 4 May 2023. Landowner's consent to exhibit was provided by the then DPE on 27 September 2023.
4. The draft Plan of Management and Master Plan were publicly exhibited from 1 November to 15 December 2023.
5. A total of 51 submissions were received. Key issues raised included:
 - Greater protection of flora and fauna,
 - Need for more signage within the park (e.g., traffic, no picking flowers, no littering etc),
 - Safety concerns in regard to vehicles and pedestrians,
 - Objection to additional development,
 - Greater maintenance within the Park,
 - Improved management of parking,
 - Objection to mountain biking within the Park,

- Objection to car entry from Douglas Haig Street, and
 - Recommendation to not relocate park entry gates.
6. The exhibited draft Plan of Management and Master Plan have been amended following consideration of the issues raised in the submissions. **Table 2** and **Attachment 3** contain a summary of the issues raised. In response to the submissions, the recommended amendments to the draft Plan of Management and Master Plan are detailed in **Table 4** and **Table 5** respectively.
 7. This report recommends that the Oatley Park Plan of Management (**Attachment 1**) and Master Plan (**Attachment 2**) be adopted and finalised in accordance with the requirements of section 40 of the LG Act and section 3.23(6) of the CLM Act.

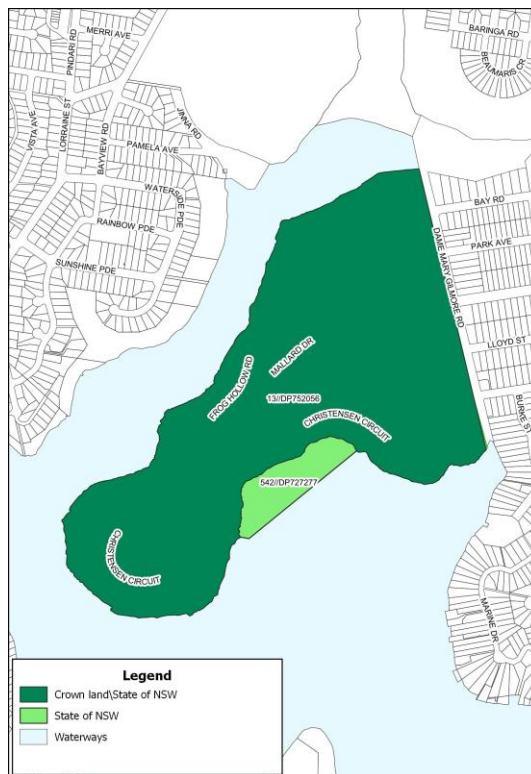
BACKGROUND

8. This Plan of Management applies to Oatley Park, which is located in the southern suburbs of Sydney between Lugarno and Hurstville. The park is situated on a peninsula, as three of the Park’s boundaries are defined by water. Dame Mary Gilmore Road forms the Park’s eastern boundary, which is the only land in direct contact with the park.
9. Oatley Park comprises of 2 lots (**Table 1**). **Figure 1** displays the extent of Oatley Park.

Table 1 – Property Details

Lot and DP	Owner
Lot 13 in DP752056 (Oatley Park)	Crown Reserve No.500166 – State of NSW
Lot 542 in DP727277 (Oatley Baths)	State of NSW

Figure 1 – Oatley Park



10. Council is Crown Land Manager for Lot 13 in DP752056 (R500166) (Oatley Park). The Crown (now part of the Department of Planning, Housing and Infrastructure) is the land

manager for Lot 542 in DP727277 (Oatley Baths); and consequently, the Plan of Management and Master Plan do not govern Oatley Baths.

11. The CLM Act commenced on 1 July 2018. The CLM Act introduces significant changes to the management of Crown Land by councils. Councils are now required to manage Crown Land as if it were public land under the Act.
12. With the legislation changes to the Crown Land, Council is required to submit the draft Plan of Management to NSW Department of Planning, Housing, and Infrastructure (DPHI), as representative owner of part of the land under section 39 of the LG Act.
13. In July 2021, Council engaged Thomas Berrill Landscape Design to assist Council in preparing a draft Plan of Management and Master Plan for Oatley Park.
14. The following engagement activities were undertaken to raise awareness of the draft Plan's preparation and provide opportunity for community input:
 - "Your Say" webpage,
 - Phone and/or email contact with known stakeholders or user groups,
 - Social media via the Georges River Council Facebook page,
 - Online survey form,
 - Direct letterbox drops to properties adjoining Oatley Park, and
 - Online visioning workshop for key stakeholders and the general community.
15. A total of 446 community members completed the survey and nominated the following areas and facilities as those they most frequently used:
 - Walking and cycling trails
 - Lookouts
 - Jewfish Bay Baths
 - Steamroller Park
 - The Castle
16. Respondents identified the following improvements that could make their experience more enjoyable at the Park:
 - Maintenance of walking and cycling tracks
 - Speed control on the roads
 - A mountain bike track
 - No activities that damage the bushland
 - Improved management of car parking
17. A detailed analysis of the feedback received was completed, which informed the preparation of the draft Plan of Management and draft Master Plan. Council at its meeting on 24 April 2023 endorsed the draft Plan of Management and Master Plan for Oatley Park for public exhibition and for the draft Plan to be forwarded to the then DPE (landowners).
18. The draft Plan of Management has been prepared under the provisions of both the LG Act and the CLM Act and responds to the statutory requirements by setting out clear guidelines and designation of areas to enhance the use of the Park and minimise any conflict between existing and future user groups.

19. In accordance with Council's resolution, on 24 April 2023, Council referred the draft Plan of Management to the then DPE, as the owner of Crown Land, in accordance with section 39 of the LG Act.

Consent from the then Department of Planning and Environment (Landowners)

20. Council referred the draft Oatley Park Plan of Management on 4 May 2023 to the then DPE as the owner of Crown Land, seeking landowners' consent in accordance with section 39 of the LG Act.
21. Council received initial feedback from the DPE in August 2023 requesting the following changes (shown in **Table 2**) to the draft Oatley Park Plan of Management:

Table 2 – Amendment requested by the Crown

Page & Section References	Amendments
Page 9 Section 1.2	Reserve purpose is Public Recreation – please update this. Also, Lot 542 DP727277 is not within the R500166. Please add an additional row of information stating that Lot 542 is Crown Land held under licence by Council for the purpose of swimming enclosure. The Plan of Management needs to be very clear about these two different parcels of land as they have different management requirements
Page 12 Figure 02	Update the land categorisation map so that the baths are not shown as Park category.
Page 36 Section 2.10.4	Add "consistent with the reserve purpose of public recreation" to the first list of dot points.
Page 57	Action 1.12 - Reference to 'Casual leasing' change to 'Hire agreement'
Page 60	Amend Action 1.22 to read Telecommunications Towers. There is a current Crown Land Management Rule which states Council Crown Land Managers are unable to grant any lease or licence authorising telecommunications infrastructure.
Page 41	Make reference in the PoM to the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>
Page 45	Include statement(s) linking the PoM to Council's future Coastal Management Program (CMP)

22. On the 27 September 2023, the DPE confirmed that the Oatley Park Plan of Management and Master Plan satisfied the requirements under section 3.23(6) of the CLM Act, and that Council can publicly exhibit the draft Plan in accordance with section 38 of the LG Act.

COMMUNITY CONSULTATION - OUTCOMES OF PUBLIC EXHIBITION

23. The draft Oatley Park Plan of Management and Master Plan was publicly exhibited from 1 November until 15 December 2023.
24. As part of the community consultation, the following was undertaken:
- An on-site drop-in session was held on 11 November 2023 at Oatley Park. Community and key stakeholders were invited to attend, view the exhibition material, ask questions, and provide feedback,
 - The draft Plan of Management and Master Plan was available for viewing on Council's 'Your Say' webpage,
 - Hard copies of the draft Plan of Management and Master Plan were available for viewing at Council's Service Centre and Hurstville and Clive James (Kogarah) libraries and Oatley Library,
 - Letters were mailed to adjoining owners advising of the public exhibition, and

- An advertisement placed in The Leader newspaper notifying the community of the public exhibition.

Public Submissions

25. A total of 51 submissions were received. Key issues raised included:
- Greater protection of bushland, flora and fauna,
 - Need for more signage within the park (e.g., traffic, no picking flowers, no littering etc),
 - Safety concerns in regards to shared roads,
 - Objection to additional development,
 - Greater maintenance within the Park and car parks,
 - Improved management of parking,
 - Objection to mountain biking within the Park,
 - Objection to car entry from Douglas Haig Street, and
 - Recommendation to not relocate park entry gates
26. Council officers have responded to the concerns in **Table 3** below.

Table 3 – Submissions Received

Concerns Raised	Council Response
Greater protection of bushland, flora and fauna	<ul style="list-style-type: none"> – Section 1.4 of the PoM notes the Purpose of PoM/MP is to protect and conserve remnant bushland while protecting natural character and values of the park. No amendment is proposed. – Section 2.7.4 'Bushland Management' to be updated with reasons of bushland preservation to include carbon sequestering, cooling surrounding area, fauna refuge, indirect wellbeing benefit to community. See Table 4 below for proposed amendments. – Section 3.4 'Park Values' identifies significant values of the park including heritage, diversity of local flora and fauna and other key features of the park. No amendment is proposed. – Action Table items 4.2 and 4.3 note the need to investigate and consolidate informal walking tracks through bushland (i.e., tracks causing erosion, located near threatened flora/fauna species or heritage sites, etc). No amendment is proposed.
Need for more signage within the park	<ul style="list-style-type: none"> – Council is currently developing an LGA-wide signage strategy. A review of the regulatory signage within Oatley Park is currently underway and will be implemented (subject to funding) in 2024/25. No amendment is proposed.
Safety concerns in regard to the shared roads	<ul style="list-style-type: none"> – Refer Action Table item 1.24 'Shared Roads' recommends undertaking Traffic Engineering to develop recommendations for improvements to shared road configurations and line markings including regular inspections and repairs of asphalt shared road surfaces as per Council's service level agreements. No amendment is proposed.
Objection to additional development	<ul style="list-style-type: none"> – Refer Action Table item 1.10 prohibiting new development/buildings/buildings within existing bushland and foreshore areas of Oatley Park. No amendment is

Concerns Raised	Council Response
Greater maintenance within the Park and car parks	<p>proposed.</p> <ul style="list-style-type: none"> – Refer Action Table item 2.2 noting ongoing maintenance of sports field amenity block, item 3.8 notes ongoing maintenance of Steamroller Playground. No amendment is proposed. – Action Table item 1.24 ‘Shared Roads’ notes regular inspections and repairs of asphalt shared road surfaces as per Council’s service level agreements. No amendment is proposed. – Refer Action Table item 3.2, 3.9 and General Park Management items 1.13 which note the need to investigate and implement (if feasible) opportunities to improve carpark unsealed surface, improved drainage and signage and item 1.14 to improve efficiency, reducing footprints while retaining overall carparking spaces, line marked parking bays, vehicle aisles. No amendment is proposed.
Objection to mountain biking within Oatley Park	<ul style="list-style-type: none"> – Council resolved on 28 November 2022 to not proceed with undertaking any detailed site environmental and recreational feasibility studies to determine if Oatley Park should be pursued for any new off-road bike facilities, given the severe threats which those facilities would present to the environment. Refer Action Table item 1.8 noting off-road biking is not permitted in Oatley Park. No amendment is proposed.
Objection to car entry from Douglas Haig Street and request for remaining side of road marked as disabled access to the Castle and the Baths.	<p>Council to investigate feasibility to change Douglas Haig Street access point to exit-only for cars (excluding emergency access vehicles) and turn road from Castle to Douglas Haig Street one-way, provide line marking and separation measures as required, on remaining road for pedestrian and disabled access. Action Plan will note that proposal could proceed if feasibility assessment determines that would have no adverse impact on site character, safety, traffic/parking conditions elsewhere in the Park.</p>
Recommendation to not relocate park entry gates	<p>Recommendation to relocate park entry gates (PoM Action Table 3.1 & MP sheet 3, action 1) to be removed because concerns were raised in regards to antisocial behaviour and security. See Table 4 below for proposed amendments.</p>

27. Submissions have also identified typographical errors (e.g. “firetail” should be “fire trail” and “Neverfail Bay Lookout” should be “Jew Fish Bay Lookout”). These are proposed to be amended throughout the Plan.

Amendments to the draft Oatley Park Plan of Management

28. As a result of the public exhibition, the following changes in **Table 4** (shown in *blue text*) are proposed to be made as part of the finalisation of the draft Oatley Park Plan of Management:

Table 4 – Amendments to Oatley Park Plan of Management

Section	Amendments
1.2 Land to which this Plan of Management Applies	Key features of Oatley Park which are integral to this Plan of Management include:

Section	Amendments
<p>Update Key features by adding 'Bushland areas' and 'Sealed roadway system'</p>	<ul style="list-style-type: none"> • <i>Bushland areas</i> • Oatley Park Sports Oval • Oatley Park Baths • Steamroller Park • Oatley Park Castle • Walking tracks • Carparks • Maintenance shed • Amenities blocks • <i>Sealed roadway system</i>
<p>2.5.3 Fauna</p> <p>Include text on the importance of hollow trees for nesting habitat of the Powerful Owl</p>	<p><i>Hollows in large trees are very important nesting habitat of the Powerful Owl. Many other native fauna species are dependent on tree hollows.</i></p>
<p>2.7 Management of Oatley Park</p> <p>Add an additional section on 'Bushland Management' with reasons of bushland preservation to include carbon sequestering, cooling surrounding area, fauna refuge, indirect wellbeing benefit to community</p>	<p><i>2.7.4 Bushland Management</i></p> <p><i>The goal of the Bushland Management program is to protect and enhance the bushland and to manage the bushland in accordance with the provisions of NSW Biodiversity and Conservation SEPP.</i></p> <p><i>The protection and management of the bushland is one of the critical issues facing Oatley Park. Reasons for its preservation include:</i></p> <ul style="list-style-type: none"> • <i>Significant contribution to drawing down and sequestering carbon.</i> • <i>Lowering ambient temperatures and providing cooling effect for surrounding residential area.</i> • <i>Value as habitat and refuge for native fauna.</i> • <i>Wide variety of flora.</i> • <i>Mental health and environmental advantages provided by green space.</i>
<p>2.9 Use and conditions table</p> <p>Add the lone tree located within the entrance carpark</p>	<p>1.3 Environment / Flora</p> <p>Lone Pine Tree and signage located at entrance. Large shade trees (bushland area edge) surround the carpark area. Small trees and medium shrubs within the garden bed. <i>Single leaning tree located within carpark area.</i></p>

Section	Amendments												
<p>2.9 Use and conditions table</p> <p>Add boat docking and swimming pontoon to the table</p>	<p>5.2 Infrastructure</p> <table border="1" data-bbox="679 286 1449 797"> <thead> <tr> <th data-bbox="679 286 935 322">Item</th> <th data-bbox="935 286 1190 322">Use</th> <th data-bbox="1190 286 1449 322">Condition</th> </tr> </thead> <tbody> <tr> <td data-bbox="679 322 935 495"><i>Concrete Wharf (South side)</i></td> <td data-bbox="935 322 1190 495"><i>Wharf is used for walking, and to access the adjacent floating pontoon.</i></td> <td data-bbox="1190 322 1449 495"><i>Wharf is in moderate condition.</i></td> </tr> <tr> <td data-bbox="679 495 935 667"><i>Angling/ Boat Docking Pontoon</i></td> <td data-bbox="935 495 1190 667"><i>Floating pontoon adjacent to wharf is used for fishing and docking boats.</i></td> <td data-bbox="1190 495 1449 667"><i>Pontoon is in good condition.</i></td> </tr> <tr> <td data-bbox="679 667 935 797"><i>Swimming Pontoon</i></td> <td data-bbox="935 667 1190 797"><i>Used for swimming and diving.</i></td> <td data-bbox="1190 667 1449 797"><i>Swimming Pontoon is in moderate condition.</i></td> </tr> </tbody> </table>	Item	Use	Condition	<i>Concrete Wharf (South side)</i>	<i>Wharf is used for walking, and to access the adjacent floating pontoon.</i>	<i>Wharf is in moderate condition.</i>	<i>Angling/ Boat Docking Pontoon</i>	<i>Floating pontoon adjacent to wharf is used for fishing and docking boats.</i>	<i>Pontoon is in good condition.</i>	<i>Swimming Pontoon</i>	<i>Used for swimming and diving.</i>	<i>Swimming Pontoon is in moderate condition.</i>
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<p>3.5 Community Consultation</p> <p>Add details on public exhibition of Plan of Management in November – December 2023</p>	<p><i>Exhibition of Draft Plan of Management (November to December 2023)</i></p> <p><i>The Draft Plan of Management (version 7) was publicly exhibited on Council's Your Say webpage from 1 November to 15 December 2023. Comments from the stakeholders and the general public were reviewed and summarised, with relevant comments and actions addressed in the Final Plan of Management (version 8).</i></p>												
<p>4.2.1 – General Park Management Zone</p> <p>Amend Action 1.4 Bushland Management to include protection of habitat trees.</p>	<p>Prepare Vegetation Management Plan (VMP) to accurately guide recommendations, locations and timing of all future bush regeneration/revegetation works <i>including protection of hollows/habitat trees within the Park.</i></p>												
<p>4.2.1 – General Park Management Zone</p> <p>Amend Action 1.5 Weed Control to detail 'exotic species.</p>	<p>Reduction of <i>exotic species and</i> invasive weed species throughout the Park and improve local species diversity, in accordance with VMP recommendations.</p>												
<p>4.2.1 – General Park Management Zone</p> <p>Amend Action 1.7 Feral Animal</p>	<p>Council to continue ongoing feral animal management <i>including management strategy for cat control.</i></p>												

Section	Amendments
Control to add cat control.	
<p>4.2.1 – General Park Management Zone</p> <p>Amend Action 1.8 No off-road Biking to prohibit mountain bike tracks.</p>	<p>Off-road biking is not permitted in Oatley Park. Develop graphic/written material to effectively communicate reasons for closure of informal off-road biking within Oatley Park, followed by installation of signage and durable fencing to prevent bike use of informal trails and pedestrian tracks, <i>and rehabilitate illegal mountain bike trails</i>, and redirect riders to nearby designated tracks. <i>Council's resolution is not to permit mountain bike tracks in the Park.</i></p>
<p>4.2.3 Passive Recreation Management Zone</p> <p>Amend Action 3.1 Main Entry (Oatley Park Avenue) to reference Council's Signage Guidelines and to remove consideration relating to Main Entry Carpark gates.</p>	<p>Upgrade entry with consolidated signage <i>in accordance with Council's LGA-wide Signage Guidelines</i>, improved groundcover plantings and retention of 'Lone Pine' tree and adjacent memorial plaques, <i>improving visitor access to memorial plaques. Consider relocating two existing gates north and south of Main Entry Carpark to provide nighttime parking access for sporting groups.</i></p>
<p>4.2.3 Passive Recreation Management Zone</p> <p>Amend Action 3.5 Shared Road Mallard Drive (southern side of loop) to include reference to significant trees</p>	<p>Investigate feasibility of continuous off-road unsealed pedestrian path (to edge of road or appropriate adjacent area) from Oatley Park Main Entry to Steamroller Park with crushed sandstone surface, linemarking, signage and vehicle control barriers as per Council's service level agreements. <i>No encroachment onto adjacent significant trees/ vegetation for pedestrian path.</i></p>
<p>4.2.3 Passive Recreation Management Zone</p> <p>Amend Action 3.7 Mobile Food Vendor to include minimal environment impact in the use of food trucks</p>	<p>Investigate feasibility of permitting coffee van to operate within safe area of carpark (occupying no more than 2 parking spaces, location to be determined) within the operating hours of the Park. Licensing/Lease agreement to be prepared with operator to set parameters regarding noise control, timing, food waste, size of vehicle, <i>low exhaust emission generator with low noise</i> to ensure the natural character and biodiversity of Oatley Park is retained and protected <i>with minimal environmental impact</i>. Installation of additional bins near final agreed location.</p>
<p>4.2.3 Passive Recreation Management Zone</p> <p>Add additional Action 3.16 Douglas Haig Street access from Oatley Castle one-way vehicle investigation.</p>	<p><i>Subject to suitable funding, Council to investigate feasibility to change Douglas Haig Street access point to exit-only for cars (excluding emergency access vehicles and Council maintenance vehicles), change road from Castle to Douglas Haig Street to one-way only, and install linemarking and separation measures as required to provide pedestrian and disabled access along south southern edge of existing sealed surface. Proposal to proceed if feasibility assessment determines design solution will not have adverse impact on site character, safety and traffic/parking conditions elsewhere in the Park.</i></p>
<p>4.2.4 Bushland Management Zone</p>	<p>Undertake detailed investigation into numerous formal and informal walking tracks. Consolidate trails by closing unsuitable informal walking tracks (i.e., tracks causing</p>

Section	Amendments
Amend Action 4.2 Eastern Unsealed Walking Tracks (multiple paths between Sportsfield and Jew Fish Bay Lookout) to include reference to illegal mountain bike tracks	erosion, located near threatened flora/fauna species or heritage sites, etc), <i>or illegal mountain bike tracks, rehabilitating removed trails</i> , formalising approved trails and provide improved wayfinding/regulatory signage for walking tracks <i>in accordance with Council's LGA wide Signage Guidelines</i> .
Amend Action 4.3 Northern Unsealed Walking Tracks (multiple paths between Sportsfield and Lime Kiln Bay Wetlands) to include reference to illegal mountain bike tracks	

ENV026-24

29. Actions in regard to signage additional wording "in accordance with Council's LGA wide Signage Guidelines" has been added.
30. Other minor editorial modifications in the finalisation of the Oatley Park Plan of Management have been made and are shown in blue in **Attachment 1**.

Amendments to the Draft Oatley Park Master Plan

31. As a result of the public exhibition, the following changes shown in **Table 5** (shown as blue) are proposed to the exhibited draft Oatley Park Master Plan.

Table 5 – Amendment to Master Plan

Item	Amendment
<p>General Recommendations</p> <p>Amendments proposed in accordance with the Plan of Management amendments shown in Table 4 above.</p>	<p>Off-road Biking - Off-road biking is not permitted in Oatley Park. Develop graphic/written material to effectively communicate reasons for closure of informal off-road biking within Oatley Park, followed by installation of signage and durable fencing to prevent bike use of informal trails <i>and remove and rehabilitate illegal mountain bike trails</i>, and redirect riders to nearby designated tracks. <i>Council's resolution is not to permit mountain bike tracks in the Park.</i></p>
Main Entry and Sporting Oval	
<p>1. Main Entry (Oatley Park Avenue)</p> <p>Amendments proposed in accordance with the Plan of Management amendments shown in Table 4 above.</p>	<p>Upgrade entry with consolidated signage, improved groundcover plantings and retention of 'Lone Pine' tree and adjacent memorial plaques, <i>improving visitor access to memorial plaques. Consider relocating two existing gates north and south of Main Entry Carpark to provide night time parking access for sporting groups.</i></p>
<p>6. Shared Road</p> <p>Amendments proposed in accordance with the Plan of Management amendments shown in</p>	<p>Mallard Drive (southern side of loop) - Investigate feasibility of continuous off-road unsealed pedestrian path (to edge of road or appropriate adjacent area) from Oatley Park Main Entry to Steamroller Playground with crushed sandstone surface, linemarking, signage and vehicle control barriers as per Council's service level agreements. <i>No encroachment</i></p>

Item	Amendment
Table 4 above.	<i>onto adjacent significant trees/ vegetation for pedestrian path.</i>
Oatley Bush Park Playground (Steamroller Park)	
Mobile food Vendor Amendments proposed in accordance with the Plan of Management amendments shown in Table 4 above.	Investigate feasibility of permitting coffee van to operate within safe area of carpark (occupying no more than 2 parking spaces, location to be determined) within the operating hours of the Park. Licensing/lease agreement to be prepared with operator to set parameters regarding noise control, timing, food waste, size of vehicle, <i>low exhaust emission generator with low noise</i> to ensure the natural character and biodiversity of Oatley Park is retained and protected <i>with minimal environmental impact</i> . Installation of additional bin near final agreed location.
Oatley Castle, Oatley Baths and Five-ways	
<i>Douglas Haig Street access from Oatley Castle only one-way investigation</i> Amendments proposed in accordance with the Plan of Management amendments shown in Table 4 above.	<i>Subject to suitable funding. Council to investigate feasibility to change Douglas Haig Street access point to exit-only for cars (excluding emergency access vehicles and Council maintenance vehicles) and turn road from Castle to Douglas Haig Street one-way, provide linemarking and separation measures as required for pedestrian and disabled access. Proposal to proceed if feasibility assessment determines design solution will not have adverse impact on site character, safety and traffic/parking conditions elsewhere in the park.</i>
Eastern Unsealed Walking Tracks (multiple paths between Sportsfield and <i>Jew Fish Bay Lookout</i>) Amendments proposed in accordance with the Plan of Management amendments shown in Table 4 above.	Undertake detailed investigation into numerous formal and informal walking tracks. Consolidate trails by closing unsuitable informal walking tracks (i.e. tracks causing erosion, located near threatened flora/fauna species or heritage sites, etc), <i>or illegal mountain bike tracks, rehabilitating removed trails</i> , formalising approved trails and provide improved way-finding/track grade/regulatory signage for walking tracks in accordance with Council's LGA wide Signage Guidelines
Northern Unsealed Walking Tracks (multiple paths between Sportsfield and Lime Kiln Bay Wetlands) Amendments proposed in accordance with the Plan of Management amendments shown in Table 4 above.	Undertake detailed investigation into numerous formal and informal walking tracks. Consolidate trails by closing unsuitable informal walking tracks (i.e. tracks causing erosion, located near threatened flora/fauna species or heritage sites, etc), <i>or illegal mountain bike tracks, rehabilitating removed trails</i> , and provide improved way-finding/track grade/regulatory signage for walking tracks.

32. Other minor editorial modifications in the finalisation of the Oatley Park Master Plan have been made and are shown in blue in **Attachment 2**.

Next Steps

33. As the amendments are considered to be of a minor nature and do not change the intent of the Plan of Management and Master Plan there is no need to reexhibit.
34. If Council resolves to adopt the amended draft Oatley Park Plan of Management and Master Plan, the next steps will be as follows:
 - The Oatley Park Plan of Management and Master Plan will be forwarded to Crown Lands via the Department of Planning, Housing, and Infrastructure (DPHI) for their information;
 - Submitters will be advised of the adoption of the Plan of Management and Master Plan;
 - The Plan of Management and Master Plan will be placed on Council's website; and
 - Council will publish notice of its decision on its website within 28 days after the decision is made.

FINANCIAL IMPLICATIONS

35. Actions in the Plan of Management will be considered as part of the Capital Works Program as High, Medium, and Low priority as shown in the Staging Plan in **Attachment 1**.
36. The funding sources to explore are;
 - Capital works
 - Grant funding
 - S7.11/S7.12 contributions.

RISK IMPLICATIONS

37. No risks identified.

FILE REFERENCE

D23/317031

ATTACHMENTS

Attachment 1  Oatley Park Plan of Management

Attachment 2  Oatley Park Master Plan

Attachment 3  Oatley Park Plan of Management and Master Plan - Submissions Table

Item: ENV027-24 **Georges River Council Smoke Free Policy for Outdoor Areas (2024) - Outcome of Public Exhibition**

Author: Manager Environment Health & Regulatory Services

Directorate: Environment and Planning

Matter Type: Committee Reports

RECOMMENDATION:

That Council adopt the Georges River Council Smoke Free Policy for Outdoor Areas (2024) as attached to this report.

EXECUTIVE SUMMARY

1. Council at its meeting on 25 March 2024 considered a report (ENV011-24) regarding a number of policies for review, including the Georges River Council Smoke Free Policy for Outdoor Areas (2024) and resolved:
 - (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.*
2. The Draft Georges River Council Smoke Free Policy for Outdoor Areas (2024) was publicly exhibited for a 60-day period between the 13 March 2024 to 3 June 2024. During this period 10 submissions were received from community members, eight were in support of the Policy and two made suggestions or posed questions about signage and enforcement to support the Policy.
3. As the overall majority of submissions received provided general support of the Policy and there were no submissions received against the Policy it is recommended that the exhibited version of the Draft Georges River Council Smoke Free Policy for Outdoor Areas (2024) as contained in Attachment 1 be adopted.

REPORT

4. Council first adopted the Georges River Smoke Free Policy for Outdoor Areas at its meeting on 23 August 2021, with a review date of August 2024.
5. 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:
 - a. Within 10 metres of children's play equipment in outdoor public places
 - b. Public swimming pools
 - c. Spectator areas at sports ground or other recreational areas used for organised sporting events.
 - d. Public transport stops and platforms, including ferry wharves and taxi ranks.

- e. Within four metres of a pedestrian access point to a public building
 - f. Commercial outdoor dining areas.
6. The regulatory authority for the SF Act is NSW Health.
 7. 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.
 8. 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.
 9. The Policy addresses four key points including:
 - a. 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.
 - b. Establishing outdoor areas owned or occupied by Council as Designated Smoke Free Areas as required by the *Smoke-Free Environment Act 2000* (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* (NSW) and the large public domain areas previously declared by Council, being Hurstville Memorial Square, Hurstville Plaza and Kogarah Town Square.
 - c. 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:
 - i. of significant community congregation
 - ii. where visitors will have an extended stay due to the presence of seating/tables
 - iii. where significant community complaint has been received regarding outdoor smoking
 - iv. that can be easily defined from adjoining premises/land uses.
 - d. 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).
 10. 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.
 11. 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.

12. 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 was no need to amend its provisions and at its meeting on 25 March 2024, Council resolved to place the draft Policy on public exhibition for a period of 60 days.
13. The Draft Georges River Council Smoke Free Policy for Outdoor Areas (2024) was publicly exhibited for a 60-day period between the 13 March 2024 to 3 June 2024.
14. The Draft Policy, whilst on the Your Say platform attracted 14 visits, 15 document downloads with nine submissions being made. A further written submission providing general support for the Policy was received by the Kogarah Bay Progress Association. Eight submissions were in support of the Draft Policy and two made suggestions or posed questions about signage and enforcement to support the Policy. Attachment 2 contains a summary of the submissions received and staff comments to address each of the matters raised.
15. The key themes identified in the submissions can be summarised and addressed as follows:
 - (a) **Smoking is a health hazard** – There were a number of comments around this theme which supports the original reasons why Council introduced the Policy i.e., to encourage a reduction in smoking and to reduce the impacts of passive smoke on the community.
 - (b) **Smoking should be banned in all public places** - The banning of smoking in all public areas is outside the scope of this Policy and would need to be enacted at a state level under the *Smoke-Free Environment Act 2020*. The current restrictions under the Policy and the *Smoke-Free Environment Act 2020* are designed to limit the impacts of smoking in public places of significant community congregation or locations of extended stay. The establishment of a Designated Smoke Free Area by Council under this Policy in accordance with the *Local Government Act 1993* (NSW) requires the specific location to be signposted, which would not be financially or operationally practical to implement for the entire LGA.
 - (c) **Enforcement of the Policy** – Council's Rangers Team patrol the three existing signposted Designated Smoke Free Areas using a risk based resourcing approach and in accordance with Council's Enforcement Policy. Patrols aim to achieve voluntary compliance through verbal directions to stop smoking, requests to leave the area and through the distribution of educational flyers. Should the Policy be adopted by Council, Ranges will conduct regular patrols of the current Designated Smoke Free Areas during times of high usage to educate the community and encourage voluntary compliance with the Policy. The targeted enforcement campaign will extend for five weeks after the adoption of the Policy after which the Designated Smoke Free Areas will form part of routine patrols.
 - (d) **More Signage** – A review of the existing signage at each of the designated areas has revealed that while the signs are clearly visible, additional signage would be of benefit to better delineate and notify members of the public the areas in which smoking is prohibited. Additional signage will now be installed to assist with educating the community at each Designated Smoke Free Area.
 - (e) **Cigarette Butt Pollution** – Council at its meeting on 23 October 2023 resolved:
 - (a) That the General Manager makes an application under the New South Wales litter Prevention Grant Program in order to take advantage of the

numerous environmental benefits which will arise from Council's involvement in the program.

- (b) Council Waste Management Team develops a holistic education campaign to cover both illegal dumping of litter throughout the LGA.

In actioning this resolution, Council has been awarded a \$35,000 grant to complete a one-year project to tackle litter around five hospitals within the LGA. In 2023 Council's Environment Sustainability and Waste team completed a litter hotspot audit report which highlighted improvements were required in litter prevention and litter control at and around all five hospital sites. Much of the litter appears to originate from staff and patients waiting outside the hospital facilities to have a break, potentially eating and/or smoking. Council will, with the grant funding support, work to reduce litter by improving the bin infrastructure and education at each site as there is currently neither at any of the five sites. At the conclusion of the current grant funded program, Council will continue to apply for grant funding under this Program to address other high need areas.

Further, Council provides more than 500 public litter bins throughout CBD's, parks and streets of the LGA for the containment of all litter generated by the community, including extinguished cigarette butts.

- (f) **Greater Promotion of Policy** – Should the Policy be adopted by Council a communications campaign will be launched across a variety of communication channels to promote the Policy including quit smoking messaging and information on the impacts of passive smoking.

Creation of More Smoke Free Areas - The Policy provides criteria for the use by Council in determining other locations suitable to be Designated Smoke Free Areas. At this time there are no other public places of significant community congregation or locations of extended stay considered to need nomination. However, the above-mentioned communications campaign will call for nominations from the community for new Designated Smoke Free Areas and where staff consider the criteria in the Policy has been achieved the location(s) will be reported to Council for consideration.

16. As the key issues discussed above do not relate to proposed amendments to the Policy, and rather focus on ways to better educate, promote, or enforce the Policy, no changes are proposed to be made to the Policy.
17. The *Local Government Act 1993* at Section 161 - Adoption of draft local policy, outlines the next steps for Council in considering amendments to the draft Policy:
- “(1) After considering all submissions received by it concerning the draft local policy, the council may decide—
- (a) to amend its draft local policy, or
- (b) to adopt it without amendment, or
- (c) not to adopt it, except where the adoption of criteria is mandatory.
- (2) If the council decides to amend its draft local policy, it may publicly exhibit the amended draft local policy in accordance with this Part or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft local policy without public exhibition.”
18. As the overall majority of submissions received were in support of the Policy and there were no submissions received against or seeking amendment to the Policy it is recommended that the exhibited version of the Draft Georges River Council Smoke Free Policy for Outdoor Areas (2024) as contained in Attachment 1 be adopted.

FINANCIAL IMPLICATIONS

19. No budget impact for this report.

RISK IMPLICATIONS

20. No risks identified.



COMMUNITY ENGAGEMENT

21. Community engagement on the Draft Policy was conducted via advertisement in the St George and Sutherland Shire Leader and also on Council's website via the Public Exhibition page and Your Say platform for a 60-day period between the 13 March and 3 June 2024.

FILE REFERENCE

D24/147222

ATTACHMENTS

- Attachment 1  Georges River Smoke Free Policy for Outdoor Areas - *published in separate document*
- Attachment 2  Summary of submissions - Draft Georges River Council Smoke Free Policy for Outdoor Areas 2024 - *published in separate document*

Item: ENV028-24 **Georges River Council Enforcement Policy (2024) - Outcome of Public Exhibition**

Author: Manager Environment Health & Regulatory Services

Directorate: Environment and Planning

Matter Type: Committee Reports

RECOMMENDATION:

That Council adopt the Georges River Council Enforcement Policy 2024 as attached to this report.

EXECUTIVE SUMMARY

1. Council at its meeting on 25 March 2024 considered a report (ENV011-24) regarding a number of policies for review, including the Georges River Council Enforcement Policy (2024) and resolved:
 - (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.*
2. The Draft Georges River Council Enforcement Policy (2024) was publicly exhibited for a 60-day period between the 13 March 2024 to 3 June 2024. During this period no submissions were received from community members.
3. As no submissions were received it is recommended that the exhibited version of the Georges River Council Enforcement Policy (2024) as contained in Attachment 1 be adopted.

REPORT

4. Council first adopted an Enforcement Policy at its meeting on 3 July 2017, with a subsequent version adopted on 27 September 2021 which contained a review date of September 2024.
5. 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.
6. 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.

7. 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 Notice and in which Court Council will prosecute matters.
8. The Policy concludes with responsibility statements for Council Staff and Councillors in the implementation of the Policy.
9. The provisions of the Policy still remain relevant as the Policy is a useful resource not just for regulatory services 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 was no need to amend its provisions and at its meeting on 25 March 2024 Council resolved to place the draft Policy on public exhibition for a period of 60 days.
10. The Draft Georges River Council Enforcement Policy (2024) was publicly exhibited for a 60-day period between the 13 March 2024 to 3 June 2024. The Draft Policy, whilst on the Your Say platform attracted 16 visits, 17 document downloads with no submissions being made. It is therefore recommended that the exhibited version of the Draft Georges River Council Enforcement Policy (2024) as contained in Attachment 1 be adopted.
11. The *Local Government Act 1993* at Section 161 - Adoption of draft local policy, outlines the next steps for Council in considering amendments to the draft Policy:

- “(1) *After considering all submissions received by it concerning the draft local policy, the council may decide—*
- (a) to amend its draft local policy, or*
 - (b) to adopt it without amendment, or*
 - (c) not to adopt it, except where the adoption of criteria is mandatory.*
- (2) *If the council decides to amend its draft local policy, it may publicly exhibit the amended draft local policy in accordance with this Part or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft local policy without public exhibition.”*

12. Therefore, as there were no submissions received during the public exhibition period and there are no proposed amendments to the draft Policy, it is recommended that Council adopt the Georges River Council Enforcement Policy 2024 as exhibited and contained in Attachment 1 to this report.

FINANCIAL IMPLICATIONS

13. No budget impact for this report.

RISK IMPLICATIONS

14. No risks identified.

COMMUNITY ENGAGEMENT

15. Community engagement on the Draft Policy was conducted via advertisement in the St George and Sutherland Shire Leader and on Council's website via the Public Exhibition page and Your Say platform for a 60-day period between the 13 March and 3 June 2024.

FILE REFERENCE

D24/147485

ATTACHMENTS

Attachment 1  Georges River Enforcement Policy - *published in separate document*

Item: ENV029-24 Georges River Affordable Housing Policy - Outcome of Public Exhibition

Author: Manager Strategic Planning

Directorate: Environment and Planning

Matter Type: Committee Reports

RECOMMENDATION:

That Council adopt the Georges River Affordable Housing Policy 2024 as attached to this report.

EXECUTIVE SUMMARY

1. Council at its meeting held 25 March 2024 resolved (ENV014-24) to amend its *Affordable Housing Policy* and place the amended draft Policy on public exhibition for a minimum of 60 days in accordance with Section 160 of the *Local Government Act 1993*.
2. The *Affordable Housing Policy* required 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.
3. The draft Policy was on exhibition from 3 April to 5 June 2024. One submission was received raising concern that Council has not met its targets.
4. No changes are proposed to the draft Policy as a result of the submission. A copy of the final *Georges River Affordable Housing Policy 2024* is in **Attachment 1** to this report.

BACKGROUND

5. The *Georges River Affordable Housing Policy* was adopted by Council in May 2021.
6. 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 within the Local Government Area (LGA) 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.
7. The purpose of the Policy is to outline Council's position and approach to the provision of affordable housing within the LGA. The Policy comprises principles and policy statements that together will guide Council's actions to support affordable housing.
8. 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%)
9. 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.
10. 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

AMENDED AFFORDABLE HOUSING POLICY

11. Council resolved on 25 March 2024 to amend its *Affordable Housing Policy* and place it on public exhibition for a minimum of 60 days in accordance with Section 160 of the Local Government Act 1993.
12. The Affordable Housing Policy was amended to:
 - (a) **Update relevant legislation:** *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) **Delete the affordable housing targets:** Council has not met the targets for a number of reasons.
 - (i) Firstly, under Section 7.32(3)(b) of the *Environmental Planning & Assessment Act 1979*, 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.

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 for an AHCS. Correspondence dated 17 November 2023 from the DPHI provided a way forward which 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. The feasibility work is now nearing completion.

- (ii) Secondly, Council's *Planning Agreements 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 Voluntary Planning Agreement (VPA) for Affordable Housing in connection with Development Applications (DAs) (and proposed DAs). Recent new practice notes on planning agreements issued by the DPHI have further delayed the finalisation of the draft VPA Policy. The Practice Notes will not be effective until end of June/early July 2024.

Submission received

13. One submission was received to the public exhibition of the draft amended Policy. The submission raises concern that the targets have not been met, that the targets should be in accordance with the NSW State Government targets for affordable housing, and that affordable housing can be supplied in the Beverly Hills Local Centre Master Plan.
14. The concern raised in the submission is valid as Council has not met its targets. The delay has been due to a number of reasons including:

- (a) Council does not have an affordable housing contribution scheme (AHCS) for dedications or contributions for affordable housing and Council's LEP has not been amended to allow a condition requiring affordable housing provision.
 - (b) Council resolved on 28 November 2022 to prepare an Affordable Housing Contribution Scheme. Advice on a way forward was not provided by the DPHI until 17 November 2023 and that advice required Council to undertake feasibility testing. This work is nearing completion.
 - (c) Council's VPA Policy must 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).
 - (d) 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.
 - (e) 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.
15. It should be noted that Council's affordable housing program will be reviewed in 3 years (2027) to consider elements such as targets, delivery rate and the planning framework. At that stage Council's *Local Strategic Planning Statement* and *Local Housing Strategy* would have been revised; and the NSW Housing Reform Agenda would have been implemented.

FINANCIAL IMPLICATIONS

16. There is no budget impact for this report.
17. Council voted budget in FY23/24 to cover the costs of the preparation of the feasibility study. The Affordable Housing Contributions Scheme will be prepared in house using the results of the feasibility study.
18. Any partnership between Council and a community housing provider to deliver affordable housing would be separate deliberations an consideration by Council.

RISK IMPLICATIONS

19. Two strategic risks in the Council's Strategic Risks 2023/2024 Statement are identified with the amended 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.)

20. The amendments to the Affordable Housing Policy will address these risks 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

21. Community engagement on the amended Policy was 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.
22. Targeted emails were also sent to all key stakeholders, industry/community groups to seek comment on the amended Policy.

FILE REFERENCE

D24/152024

ATTACHMENTS

Attachment 1  Affordable Housing Policy 2024 - *published in separate document*

Item: ENV030-24 Endorsement of Additional and Diverse Housing Planning Proposal for Gateway Determination

Author: Principal Strategic Planner

Directorate: Environment and Planning

Matter Type: Committee Reports

ENV030-24

RECOMMENDATION:

- (a) That Council endorse Planning Proposal No. 2024/0004 (Additional and Diverse Housing Planning Proposal), to amend the *Georges River Local Environmental Plan (GRLEP) 2021*, be forwarded to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*, with Council seeking a deferral to the DPHI’s *Low and Mid-Rise Housing* proposal.
- (b) That Council endorse the content of the Planning Proposal as listed in the **Table of Amendments** within the body of this Report.
- (c) That the Director Environment and Planning be authorised to make minor editorial amendments to the Planning Proposal as required throughout the reporting process.
- (d) That Council note this Planning Proposal incorporates the amendments proposed by the Biodiversity, Character and FSPA Planning Proposal (PP2024/0002) to implement the *Georges River Biodiversity Study* and *Foreshore Scenic Character Study*.
- (e) That Council endorse to publicly exhibit the Planning Proposal in accordance with the terms of the Gateway Determination issued by the DPHI in accordance with Council’s *Community Engagement Strategy*.
- (f) That Council identify additional R3 Medium Density Residential and R4 High Density Residential Zones in its review of the Georges River Local Strategic Planning Statement in accordance with the recommendation of the Georges River Local Planning Panel.

EXECUTIVE SUMMARY

1. This Planning Proposal (known as the Additional and Diverse Housing Planning Proposal) seeks to amend the *Georges River Local Environmental Plan 2021 (GRLEP)* to create capacity for additional and diverse housing across the residential zones of the Georges River Local Government Area (LGA) and to implement the adopted *Hurstville City Centre Urban Design Strategy (2018)*.
2. To ensure development is balanced with the protection of the LGA’s biodiversity and character, this Planning Proposal will incorporate the amendments proposed by the Biodiversity, Character and FSPA Planning Proposal (PP2024/0002) to implement the *Georges River Biodiversity Study* and *Foreshore Scenic Character Study*.
3. In summary, the Additional and Diverse Housing Planning Proposal is comprised of the following components as tabulated below:

Table 1 – Table of Amendments (components of this Planning Proposal)

Item No.	Amendment to the GRLEP
Item 1: Amendment to the Land Use Table	Introduce RFBs as a permissible land use within the R3 zone.
Item 2: Amendment to Clause 4.1A Minimum	Amend the minimum subdivision lot size for dual occupancies

Item No.	Amendment to the GRLEP
subdivision lot size for dual occupancies	<p>as follows:</p> <ul style="list-style-type: none"> • Land in Zone R2 Low Density Residential to retain the existing 300sqm, • Land in Zone R3 Medium Density Residential and Zone R4 High Density Residential reduce from 300sqm to 250sqm, • Land located within the existing HCAs increase from 300sqm to 325sqm, and • Land in the existing FSPA, proposed FSPA and proposed UCA (i.e., Area U on the Minimum Lot Size for Dual Occupancy Map) increase from 430sqm to 500sqm.
Item 3: Amendment to Clause 4.1B Minimum lot sizes and special provisions for certain dwellings	<p>There are two components to this amendment:</p> <ol style="list-style-type: none"> 1. Reduce the minimum lot size for dual occupancies in all residential zones from 650sqm to 600sqm in R2, 500sqm in R3 and R4 with the exception of land in the existing FSPA, proposed FSPA and proposed UCA and in the existing HCAs, and 2. Add 800sqm minimum lot size and 24m lot width at the front building line for RFBs in the R3 zone. <p>Note: minimum lot size for dual occupancies for land in the existing FSPA, proposed FSPA and proposed UCA and in the existing HCAs are outlined in Item 10 below.</p>
Item 4: Amendment to Clause 4.3A Exceptions of height of buildings	<p>Amend the existing 5m height control for multi dwelling housing so this restriction is only applied to the R2 zone.</p>
Item 5: Amendment to Clause 4.4A Exceptions to floor space ratio – certain residential accommodation	<p>Apply a bonus of 0.2:1 FSR (equating to 1:1 total FSR) for multi dwelling housing and terrace developments on land in the Zone R3 Medium Density Residential.</p>
Item 6: Insert new clause via Schedule 1 Additional permitted uses – No.17 Use of certain land in Zone R2 Low Density Residential	<p>Introduce multi dwelling housing and terraces as permissible land uses within the R2 zone excluding the areas located in the existing HCAs, existing FSPA, proposed FSPA and proposed UCA, comprising of the following components:</p> <ul style="list-style-type: none"> • Introduce multi dwelling housing and multi dwelling housing (terraces) as a permissible land use across R2 zoned land, excluding the existing HCAs, existing FSPA, proposed FSPA and proposed UCA, • Apply minimum density control of 300sqm per dwelling within the R2 zone for multi dwelling housing and terrace developments, • Continue prohibition of manor houses in the R2 zone, • Apply maximum FSR of 0.6:1 for multi dwelling housing and terraces within the R2 zone, excluding land located within the existing HCAs, existing FSPA, proposed FSPA and proposed UCA, and • Apply minimum landscaped area of 20% for multi dwelling housing and terraces within the R2 zone, excluding land located within the existing HCAs, existing FSPA, proposed FSPA and proposed UCA.

Item No.	Amendment to the GRLEP
Item 7: Continued prohibition of manor houses within the R2 zone	Request the DPHI to continue the prohibition of manor houses within the R2 zone despite the proposed introduction of multi dwelling housing and terraces.
Item 8: Amendment to Height of Buildings Map	To amend the <i>Height of Buildings Map</i> to increase the height from 9m to 10.5m for all land within the R3 zone.
Item 9: Amendment to Floor Space Ratio Map	<ul style="list-style-type: none"> • To amend the Floor Space Ratio Map to increase the FSR from 0.7:1 to 0.8:1 for land within the R3 zone, and • To identify all R3 zoned land as “Area 8” to allow a bonus FSR to be applied for multi dwelling housing and terrace developments as per Item 5 above.
Item 10: Amendment to Lot Size for Dual Occupancy Map	<p>To support Item 3 above, the following amendments are proposed to the <i>Minimum Lot Size for Dual Occupancy Map</i>:</p> <ul style="list-style-type: none"> • Apply 500sqm to land within R3 and R4 zones, • Apply 600sqm to land within the R2 zone, • Retain 650sqm to land within the HCAs, • Retain 1,000sqm to land within the existing FSPA as per the Biodiversity, Character and FSPA Planning Proposal, and • Apply 1,000sqm to land within the proposed FSPA and UCA as per the Biodiversity, Character and FSPA Planning Proposal.
Item 11: Additional Capacity Areas	<p>The following amendments are proposed to implement the Additional Capacity Areas as recommended by the HCCUDS:</p> <ul style="list-style-type: none"> • Rezoning land from R2 to R4 on Park Road and Wright Street, • Increasing the height of the Additional Capacity Areas from 9m and 12m to a range of heights from 19m to 40m as shown on the proposed HOB Map, and • Increasing the FSR of the Additional Capacity Areas from 0.55:1 and 1:1 to a range of ratios from 1.3:1 to 3.3:1 as shown on the proposed FSR Map.
Item 12: Hurstville City Centre	<p>The HCCUDS also conducts block-by-block urban design analysis of the existing building height and FSR controls applied within the City Centre and provides a series of recommendations to update the existing planning controls for the City Centre by rectifying the mismatch between the existing height and FSR development standards.</p> <p>A number of amendments are proposed to the <i>Height of Buildings Map</i> and the <i>Floor Space Ratio Map</i>.</p>

4. This Planning Proposal applies to land covered by the GRLEP. The GRLEP does not apply to land identified as “Deferred Matter” on the GRLEP Land Application Map which consists of the Westfield’s site within the Hurstville City Centre.
5. A copy of the Planning Proposal Report is included in **Attachment 1**.
6. The Planning Proposal was considered by the Georges River Local Planning Panel (LPP) at its meeting on 20 June 2024 in accordance with Minister Direction under S9.1 of the

Environmental Planning and Assessment Act 1979 and the charter of the *Georges River Local Planning Panel 2018*. The LPP supported the Planning Proposal to be forwarded to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination.

7. This report seeks Council's endorsement to progress the Planning Proposal by forwarding to the DPHI for a Gateway Determination. However, this will be subject to Council receiving a deferral from the DPHI's *Low and Mid-Rise Housing* proposal.

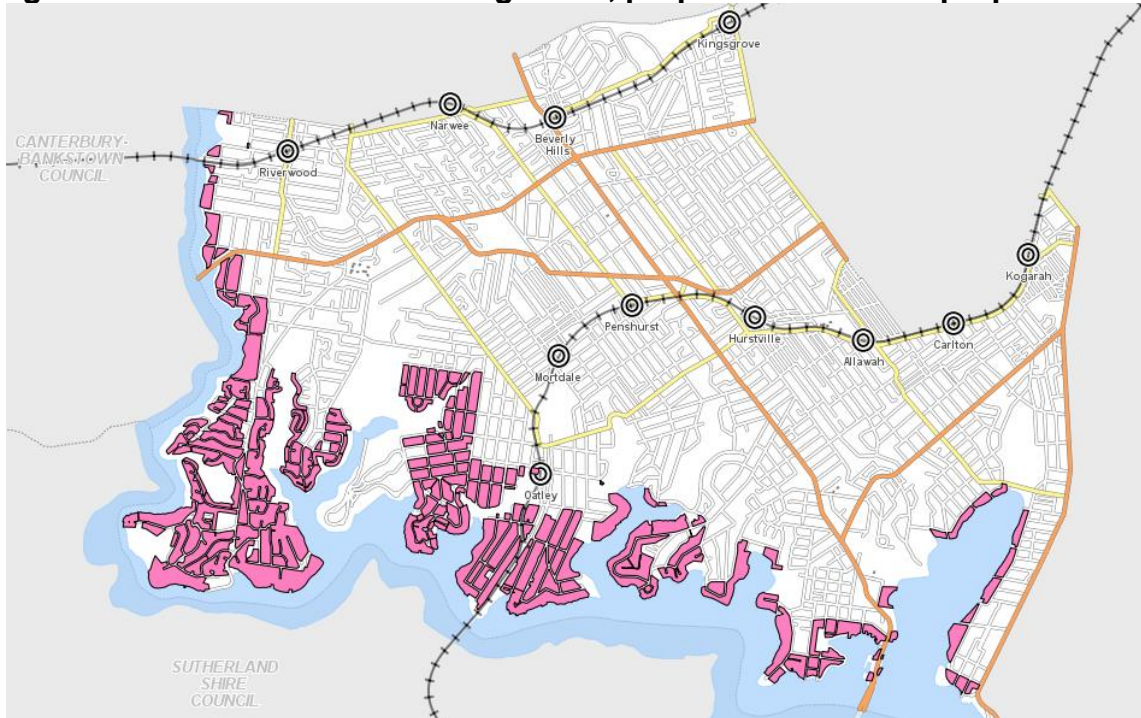
BACKGROUND

8. In late 2023, the NSW Government released a series of reform proposals to dramatically increase the supply of housing by providing bonus height and floor space to developments that contain affordable housing, mandating high density developments around key railway stations and allowing for medium rise housing in areas close to existing public transport, amenities and services.
9. Once in effect, the proposed changes will override all local controls specified by individual councils, unless local controls offer greater development potential e.g. more generous height and floor space provisions. In its current state, the provisions within the reforms offer significantly greater development potential than the *Georges River Local Environmental Plan 2021 (GRLEP)*.
10. One of the proposed reforms is the *Low and Mid-Rise Housing* proposal which will increase the capacity for housing numbers and housing styles by permitting dual occupancies on 450sqm lots across the LGA. The proposal also seeks to permit multi dwelling housing and manor houses in the R2 zone and residential flat buildings (RFBs) in the R3 zone within "station and town centre precincts" despite these development types being prohibited in the R3 zone under the GRLEP.
11. The full extent of the proposed changes is outlined in the Extraordinary Council Meeting report titled **NSW Government Housing Reforms 2023-24** dated 12 February 2024 (refer item **CCL001-24**).
12. In response to the *Low and Mid-Rise Housing* proposal, Council at its meeting held on 25 March 2024 (refer item **CCL017-24**) partly resolved to request a deferral from the application of the proposed *Low and Mid-Rise Housing* proposal on the basis that Council is committed to the provision of capacity for additional and diverse housing through immediate and midterm changes to local planning controls.
13. It was identified by Council that the urgent need for increased housing capacity and diversity across the Georges River LGA requires immediate attention but there should be a balance between providing additional dwellings and the protection of existing values such as the natural environment, local heritage, the local character of the LGA's residential suburbs, biodiversity, and tree canopy cover.
14. The request for a deferral from the application of the proposed *Low and Mid-Rise Housing* proposal was submitted to the Hon. Paul Scully MP on 23 April 2024 in a letter from the Mayor.
15. Two Councillor workshops were held in April 2024 to discuss the proposed amendments to the GRLEP which will form the content of the accelerated planning proposal to create immediate housing capacity. The proposed amendments discussed at the Councillor workshops have been informed by the following guiding principles:
 - Retain and protect the existing Heritage Conservation Areas (HCAs),
 - Retain and respect the controls proposed by the Biodiversity, Character and FSPA Planning Proposal (PP2024/0002) – subject areas are the existing Foreshore Scenic

Protection Area (FSPA), proposed FSPA and the proposed Unique Character Area (UCA), see **Figure 1** below,

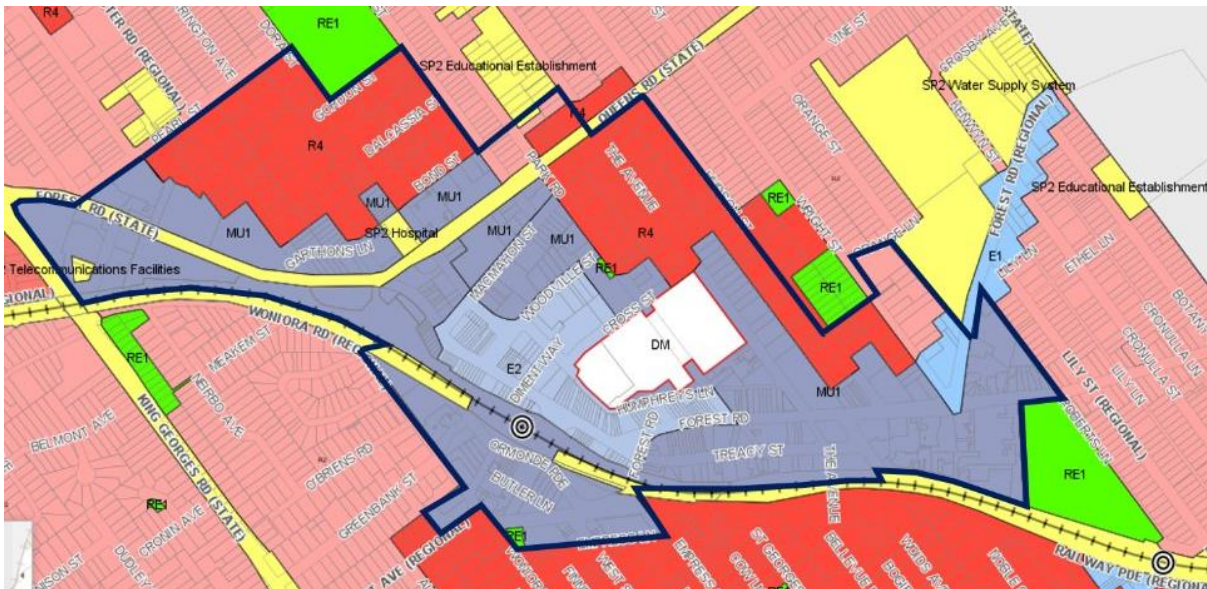
- Retain the existing hierarchy of residential zones with a different set of controls based on the respective density of the zone ranging from low, medium and high,
- Retain existing GRLEP and *Georges River Development Control Plan 2021* (GRDCP) controls in relation to landscaping and setback distances to ensure the environment and the existing local character is maintained despite increases in residential density, and
- Retain existing height and FSR controls for dual occupancies in the R2 zone to ensure the landscaped area requirements can be complied with.

Figure 2 – Location of the existing FSPA, proposed FSPA and proposed UCA



16. In addition to the LGA-wide amendments, Council’s commitment to providing immediate housing capacity also includes the implementation of the *Hurstville City Centre Urban Design Strategy* (HCCUDS).
17. The HCCUDS was prepared in 2018 for the Hurstville City Centre and existing residential areas to the north of the City Centre. The extent of the Study Area for the HCCUDS is outlined in **Figure 2** below.

Figure 2 – Study Area for the HCCUDS



ENV030-24

18. The key objectives of the HCCUDS include:
 - To provide a clear approach to the planning controls of the City Centre,
 - To reinforce the role of Hurstville as a gateway to southern Sydney,
 - To increase the use of public and active transport to and within the Centre,
 - To strengthen the identity of the Centre,
 - To improve pedestrian network and movement, and
 - To provide planning controls for each street block in the Centre.

19. The HCCUDS conducts block-by-block urban design analysis of the existing building height and FSR controls applied within the Study Area and provides a series of recommendations to update the existing planning controls for the City Centre by rectifying the mismatch between the existing height and FSR development standards.

20. The HCCUDS also recommends increases to the height and FSR in the Additional Capacity Areas to the north (refer **Figure 3** below) to provide additional dwellings to support the non-residential functions of the City Centre. Within these areas, the HCCUDS identifies opportunity sites where development take up is most likely to occur as these sites are not constrained by fragmented land ownership, strata subdivision or heritage restrictions.

Figure 4 – Location of Additional Capacity Areas



21. Subsequently, at its meeting held on 27 May 2024 (refer item **ENV019-24**), Council endorsed the preparation of the subject Planning Proposal based on the agreed outcomes from the two Councillor workshops comprising of the following:

In the R2 Low Density Residential Zone

- Reduce the minimum lot size for dual occupancies from 650sqm to 600sqm with the exception of land located within the existing HCAs, FSPA, proposed FSPA and the proposed UCA,
- Increase the minimum subdivision lot size for dual occupancies from 300sqm to 325sqm for land located within the existing HCAs,
- Increase the minimum subdivision lot size for dual occupancies from 430sqm to 500sqm for land located within the existing FSPA, proposed FSPA and the proposed UCA,
- Introduce multi dwelling housing and terraces as permissible land uses with the exception of land located within the existing HCAs, existing FSPA, proposed FSPA and the proposed UCA,
- Request continued prohibition of manor houses,
- Introduce minimum density control of 300sqm per dwelling for multi dwelling housing, terraces and manor houses (if prohibition of manor houses is not supported by the DPHI),
- Retain existing maximum FSR of 0.55:1 to 0.6:1 for multi dwelling housing and terraces,

In the R3 Medium Density Residential Zone

- Reduce the minimum lot size for dual occupancies from 650sqm to 500sqm,
- Reduce the subdivision minimum lot size for dual occupancies from 300sqm to 250sqm,
- In the R3 zone, introduce RFBs as a permissible land use to facilitate greater development take up,
- In the R3 zone, introduce minimum lot size of 800sqm and minimum lot width of 24m for RFBs to ensure appropriate development outcomes,

- In the R3 zone, increase the maximum building height from 9m to 10.5m to offer greater development yield and design flexibility,
- In the R3 zone, increase the maximum FSR from 0.7:1 to 0.8:1 to offer greater development yield and by extension greater development incentive,
- In the R3 zone, apply a bonus FSR of 0.2:1 (total 1:1 FSR) for multi dwelling housing to incentivise the provision of townhouses,

In the R4 High Density Residential Zone

- Reduce the minimum lot size for dual occupancies from 650sqm to 500sqm,
- Reduce the subdivision minimum lot size for dual occupancies from 300sqm to 250sqm,

In the Hurstville City Centre Study Area

- Implement the recommendations of the HCCUDS in relation to land within the Hurstville City Centre and residential zoned land located in the Additional Capacity Areas.

PROPOSAL – SCOPE OF AMENDMENTS

22. The Additional and Diverse Housing Planning Proposal will make amendments to the GRLEP for the purpose of demonstrating Council’s commitment to create capacity for additional and diverse housing through immediate changes to local planning controls in lieu of the blanket controls proposed by the *Low and Mid-Rise Housing* proposal.
23. The subject Planning Proposal will be progressed if Council is successful in seeking a deferral from the *Low and Mid-Rise Housing* proposal.
24. In summary, the Additional and Diverse Housing Planning Proposal to amend the GRLEP will include changes based on the following initiatives:
 - More housing capacity through dual occupancies in both the R2 and R3 zones,
 - More diversity in the R2 zone by introducing medium density development, with the exception of manor houses,
 - Encourage development activity in the R3 zone by providing greater development incentive, and
 - Implement the adopted *Hurstville City Centre Urban Design Strategy 2018* (HCCUDS).
25. Additionally, to ensure development is balanced with the protection of the LGA’s biodiversity and character, this Planning Proposal will incorporate the amendments proposed by the Biodiversity, Character and FSPA Planning Proposal (PP2024/0002). Accordingly, this Planning Proposal has been prepared as if the Biodiversity, Character and FSPA Planning Proposal is adopted and effective.
26. **Table 2** below itemises the amendments to the GRLEP proposed by this Planning Proposal:

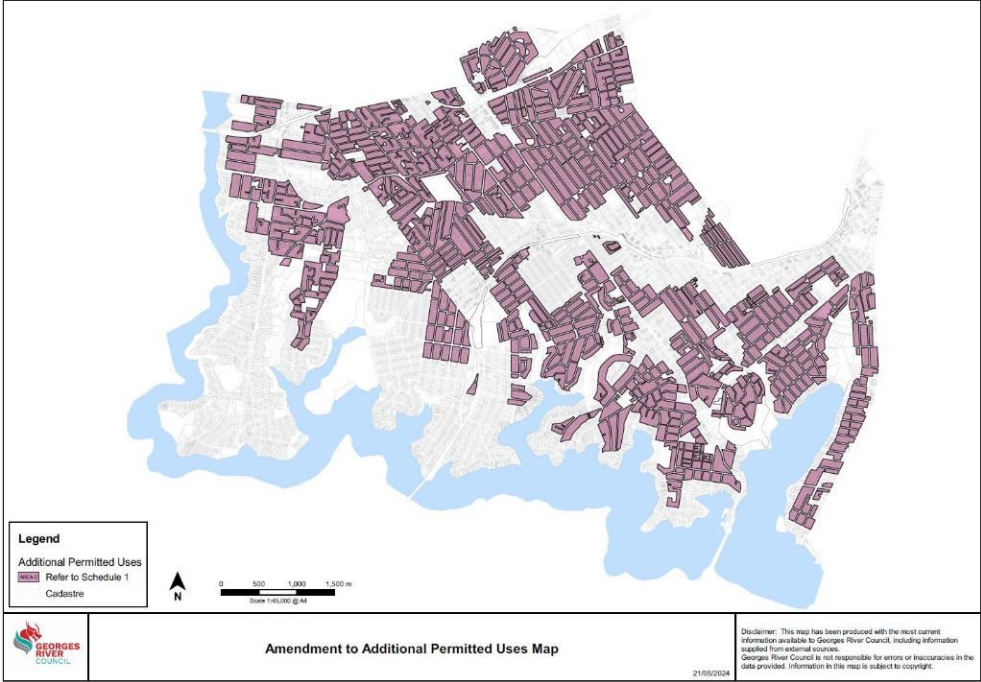
Table 2 – Overview of Proposed GRLEP Amendments

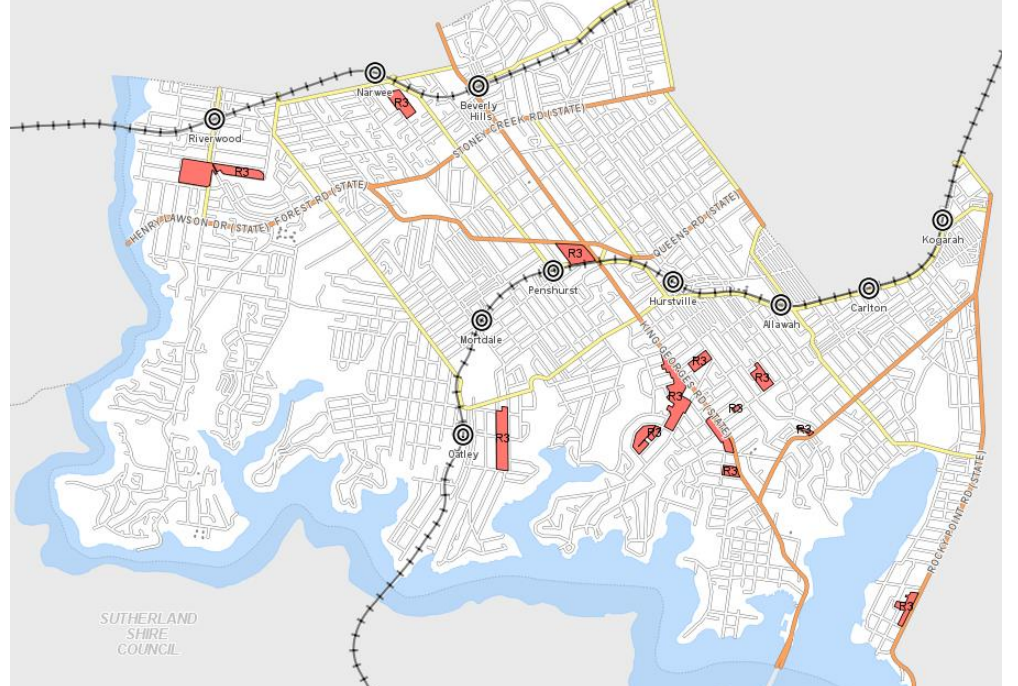
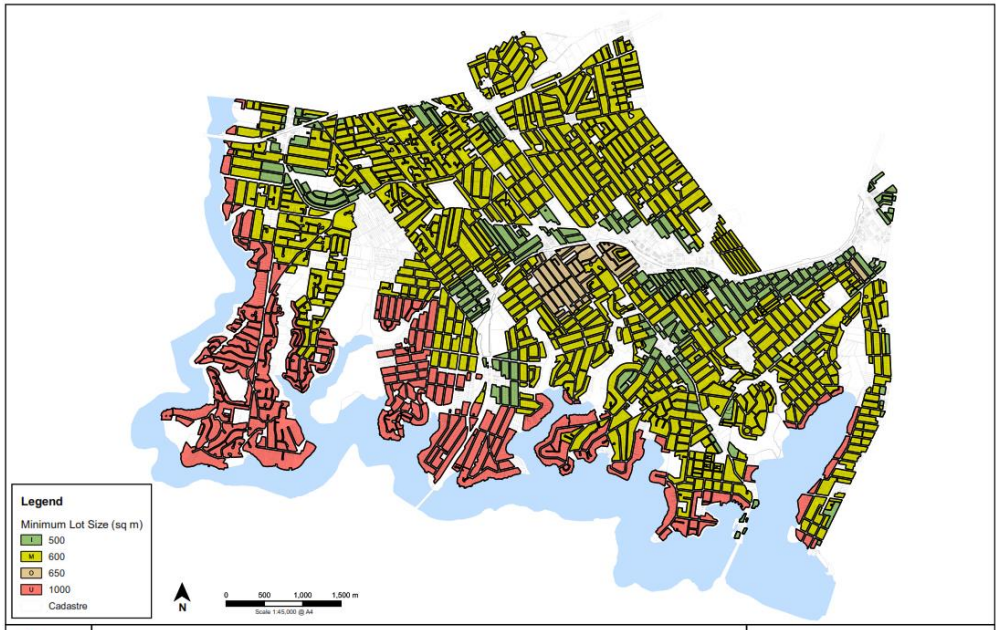
Item	Amendment to the GRLEP
<p>Item 1: Amendment to the Land Use Table Introduce RFBs as a permissible land use within the R3 zone.</p>	<p>Addition is shown in red text below:</p> <p>3 Permitted with consent <i>Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Group homes; Health services facilities; Home businesses; Home industries; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas;</i></p>

Item	Amendment to the GRLEP
	<p><i>Residential Flat Buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Tank-based aquaculture</i></p>
<p>Item 2: Amendment to Clause 4.1A Minimum subdivision lot size for dual occupancies Amend the minimum subdivision lot size for dual occupancies as follows:</p> <ul style="list-style-type: none"> Land in the R2 zone to retain the existing 300sqm, Land in the R3 and R4 zones to reduce from 300sqm to 250sqm, Land located within the existing HCAs increase from 300sqm to 325sqm, and Land in the existing FSPA, proposed FSPA and proposed UCA (i.e. Area U on the <i>Minimum Lot Size for Dual Occupancy Map</i>) increase from 430sqm to 500sqm. 	<p>Amendments proposed by this Planning Proposal are shown in red text, and amendments proposed by the Biodiversity, Character and FSPA Planning Proposal are shown in green text below:</p> <p>Clause 4.1A Minimum subdivision lot size for dual occupancies (2) Despite clauses 4.1 and 4.1B, development consent may be granted for the subdivision of land—</p> <p>(a) <i>in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential if—</i></p> <ul style="list-style-type: none"> (i) <i>there is a dual occupancy on the land that was lawfully erected or a dual occupancy is proposed on the land, and</i> (ii) <i>the lot size for each resulting lot will be at least 300 square metres, or</i> <p>(b) <i>in the Foreshore Scenic Protection Area on land as identified as on the Foreshore Scenic Protection Area Map on land identified as “Area U” on the Minimum Lot Size for Dual Occupancy Map if—</i></p> <ul style="list-style-type: none"> (i) <i>there is a dual occupancy on the land that was lawfully erected, or a dual occupancy is proposed on the land, and</i> (ii) <i>the lot size for each resulting lot will be at least 430500 square metres.</i> <p>(c) <i>in Zone R3 Medium Density Residential or Zone R4 High Density Residential –</i></p> <ul style="list-style-type: none"> (i) <i>there is a dual occupancy on the land that was lawfully erected, or a dual occupancy is proposed on the land, and</i> (ii) <i>the lot size for each resulting lot will be at least 250 square metres, or</i> <p>(d) <i>on land identified as a Heritage Conservation Area on the Heritage Map if –</i></p> <ul style="list-style-type: none"> (i) <i>there is a dual occupancy on the land that was lawfully erected, or a dual occupancy is proposed on the land, and</i> (ii) <i>the lot size for each resulting lot will be at least 325 square metres.</i> <p>(3) <i>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 lot size.</i></p>

Item	Amendment to the GRLEP																																																				
<p>Item 3: Amendment to Clause 4.1B Minimum lot sizes and special provisions for certain dwellings There are two components to this amendment:</p> <p>Component 1: Reduce the minimum lot size for dual occupancies in all residential zones (600sqm in R2 zones, 500sqm in R3 and R4 zones) with the exception of land in the existing FSPA, proposed FSPA and proposed UCA and in the existing HCAs, and</p> <p>Component 2: Introduce 800sqm lot size and 24m width for RFBs in R3 zones.</p> <p>Note: Component 1 will be supported by changes to the <i>Minimum Lot Size for Dual Occupancy Map</i> (see Item 10 below).</p>	<p>Amendments proposed by this Planning Proposal are shown in red text, and amendments proposed by the Biodiversity, Character and FSPA Planning Proposal are shown in green text below:</p> <p>Clause 4.1B Minimum lot sizes and special provisions for certain dwellings</p> <p>...</p> <p>(2) Development consent must not be granted to development on a lot in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table opposite that zone unless—</p> <p>(a) the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the table, and</p> <p>(b) the width of the lot at the front building line is equal to or greater than the width specified for that purpose and shown opposite in Column 4 of the table.</p> <table border="1" data-bbox="478 689 1481 1534"> <thead> <tr> <th>Column 1</th> <th>Column 2</th> <th>Column 3</th> <th>Column 4</th> </tr> </thead> <tbody> <tr> <td>Attached dwellings</td> <td>Zone R3 Medium Density Residential</td> <td>800 square metres</td> <td>21 metres</td> </tr> <tr> <td>Attached dwellings</td> <td>Zone R4 High Density Residential</td> <td>800 square metres</td> <td>21 metres</td> </tr> <tr> <td>Dual occupancies</td> <td>Zone R2 Low Density Residential</td> <td>650 600 square metres</td> <td>15 metres</td> </tr> <tr> <td>Dual occupancies</td> <td>Zone R3 Medium Density Residential</td> <td>650 500 square metres</td> <td>15 metres</td> </tr> <tr> <td>Dual occupancies</td> <td>Zone R4 High Density Residential</td> <td>650 500 square metres</td> <td>15 metres</td> </tr> <tr> <td>Manor houses</td> <td>Zone R3 Medium Density Residential</td> <td>800 square metres</td> <td>18 metres</td> </tr> <tr> <td>Manor houses</td> <td>Zone R4 High Density Residential</td> <td>800 square metres</td> <td>18 metres</td> </tr> <tr> <td>Multi dwelling housing</td> <td>Zone R3 Medium Density Residential</td> <td>800 square metres</td> <td>18 metres</td> </tr> <tr> <td>Multi dwelling housing</td> <td>Zone R4 High Density Residential</td> <td>800 square metres</td> <td>18 metres</td> </tr> <tr> <td>Multi dwelling housing (terraces)</td> <td>Zone R3 Medium Density Residential</td> <td>800 square metres</td> <td>21 metres</td> </tr> <tr> <td>Multi dwelling housing (terraces)</td> <td>Zone R4 High Density Residential</td> <td>800 square metres</td> <td>21 metres</td> </tr> <tr> <td>Residential flat buildings</td> <td>Zone R3 Medium Density Residential</td> <td>800 square metres</td> <td>24 metres</td> </tr> </tbody> </table> <p>(3) Development consent must not be granted for the erection of a dual occupancy in “Area U” on the <i>Minimum Lot Size for Dual Occupancy Map</i> in the Foreshore Scenic Protection Area as identified on the Foreshore Scenic Protection Area Map unless the lot has an area of at least 1,000 square metres as shown on the Lot Size for Dual Occupancy Map.</p> <p>...</p> <p>(7) Development consent must not be granted for the erection of a dual occupancy on land identified as a Heritage Conservation Area on the <i>Heritage Map</i> unless the lot has an area of at least 650 square metres as shown on the <i>Lot Size for Dual Occupancy Map</i>.</p>	Column 1	Column 2	Column 3	Column 4	Attached dwellings	Zone R3 Medium Density Residential	800 square metres	21 metres	Attached dwellings	Zone R4 High Density Residential	800 square metres	21 metres	Dual occupancies	Zone R2 Low Density Residential	650 600 square metres	15 metres	Dual occupancies	Zone R3 Medium Density Residential	650 500 square metres	15 metres	Dual occupancies	Zone R4 High Density Residential	650 500 square metres	15 metres	Manor houses	Zone R3 Medium Density Residential	800 square metres	18 metres	Manor houses	Zone R4 High Density Residential	800 square metres	18 metres	Multi dwelling housing	Zone R3 Medium Density Residential	800 square metres	18 metres	Multi dwelling housing	Zone R4 High Density Residential	800 square metres	18 metres	Multi dwelling housing (terraces)	Zone R3 Medium Density Residential	800 square metres	21 metres	Multi dwelling housing (terraces)	Zone R4 High Density Residential	800 square metres	21 metres	Residential flat buildings	Zone R3 Medium Density Residential	800 square metres	24 metres
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<p>Item 4: Amendment to Clause 4.3A Exceptions of height of buildings Amend the existing 5m height control for multi</p>	<p>Amendments proposed by this Planning Proposal are shown in red text below:</p> <p>Clause 4.3A Exceptions to height of buildings</p> <p>...</p>																																																				

Item	Amendment to the GRLEP												
<p>dwelling housing so this restriction only applies to the R2 zone.</p>	<p>(2) <i>Despite clause 4.3—</i> (a) <i>the maximum height of a dual occupancy on land in Zone R3 Medium Density Residential or Zone R4 High Density Residential is 9 metres above ground level (existing), and</i> (b) <i>the maximum height of a building that forms part of multi dwelling housing on land in Zone R2 Low Density Residential is 5 metres above ground level (existing) if the building is adjacent to the rear boundary of the lot.</i></p>												
<p>Item 5: Amendment to Clause 4.4A Exceptions to floor space ratio – certain residential accommodation Apply a bonus of 0.2:1 FSR (equating to 1:1 total FSR) for multi dwelling housing and terrace developments on land in the R3 zone.</p>	<p>Amendments proposed by this Planning Proposal are shown in red text below:</p> <p>Clause 4.4A Exceptions to floor space ratio—certain residential accommodation <i>Insert the following subclause at the end:</i> (7) <i>The maximum floor space ratio for multi dwelling housing and multi dwelling housing (terraces) on land identified as “Area 8” on the Floor Space Ratio Map must not exceed 1:1.</i></p>												
<p>Item 6: Insert new clause within Schedule 1 Additional permitted uses – No.17 Use of certain land in Zone R2 Low Density Residential Introduce multi dwelling housing and terraces as permissible land uses within the R2 zone excluding the areas located in the existing HCAs, existing FSPA, proposed FSPA and proposed UCA. The proposal includes the following components:</p> <ul style="list-style-type: none"> Introduce multi dwelling housing and multi dwelling housing (terraces) as permissible land uses across R2 zoned land, with the exception of land located within the existing HCAs, existing FSPA, proposed FSPA and proposed UCA (see Figure 5), Apply minimum density control of 300sqm per dwelling within the R2 zone for multi dwelling housing 	<p>Amendments proposed by this Planning Proposal are shown in red text below. Drafting of this clause is based on Clause 4.5A of the Pittwater LEP 2014.</p> <p>Schedule 1 Additional permitted uses <i>Insert the following clause as No.17 after existing No.16:</i></p> <p>17 Use of certain land in Zone R2 Low Density Residential (1) <i>This clause applies to the following land in Zone R2, identified as “Area C” on the Additional Permitted Uses Map.</i> (2) <i>Development for the purpose of multi dwelling housing and multi dwelling housing (terraces) is permissible with development consent.</i> (3) <i>Development consent must not be granted to development for a purpose specified in Column 1 of the table to this clause on land in the zone or area shown opposite that development in Column 2 of that table unless the development complies with the density requirements specified in Column 3 of that table.</i> (4) <i>In this clause –</i></p> <table border="1" data-bbox="478 1489 1484 1803"> <thead> <tr> <th>Column 1</th> <th>Column 2</th> <th>Column 3</th> </tr> <tr> <th>Specified development</th> <th>Zone</th> <th>Density</th> </tr> </thead> <tbody> <tr> <td><i>Multi dwelling housing</i></td> <td><i>Zone R2 Low Density Residential</i></td> <td><i>A maximum of 1 dwelling per 300 square metres of site area</i></td> </tr> <tr> <td><i>Multi dwelling housing (terraces)</i></td> <td><i>Zone R2 Low Density Residential</i></td> <td><i>A maximum of 1 dwelling per 300 square metres of site area</i></td> </tr> </tbody> </table> <p>(5) <i>The maximum floor space ratio must not exceed 0.6:1.</i> (6) <i>Development consent must not be granted to development on the land to which this clause applies unless 20% of the site area consists of landscaped areas.</i></p> <p style="text-align: center;">Figure 5 – Map showing extent of No.17 APU</p>	Column 1	Column 2	Column 3	Specified development	Zone	Density	<i>Multi dwelling housing</i>	<i>Zone R2 Low Density Residential</i>	<i>A maximum of 1 dwelling per 300 square metres of site area</i>	<i>Multi dwelling housing (terraces)</i>	<i>Zone R2 Low Density Residential</i>	<i>A maximum of 1 dwelling per 300 square metres of site area</i>
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<i>Multi dwelling housing (terraces)</i>	<i>Zone R2 Low Density Residential</i>	<i>A maximum of 1 dwelling per 300 square metres of site area</i>											

Item	Amendment to the GRLEP
<p>and terrace developments,</p> <ul style="list-style-type: none"> Continue prohibition of manor houses in the R2 zone due to incompatibility with the desired future character of the zone, Apply maximum FSR of 0.6:1 for multi dwelling housing and terraces within the R2 zone, excluding land located within the existing HCAs, existing FSPA, proposed FSPA and proposed UCA, and Apply minimum landscaped area of 20% for multi dwelling housing and terraces within the R2 zone, excluding land located within the existing HCAs, existing FSPA, proposed FSPA and proposed UCA. 	
<p>Item 7: Continued prohibition of manor houses within the R2 zone</p>	<p>Introducing multi dwelling housing into the R2 zone will allow terraces and manor houses as permissible land uses through the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>. However, as part of this Planning Proposal, Council is seeking manor houses to be prohibited within the R2 zone due to the incompatible built form and character of manor house developments within the low density setting of the LGA’s suburbs.</p>
<p>Item 8: Amendment to Height of Buildings Map To amend the <i>Height of Buildings Map</i> to increase the height from 9m to 10.5m for all land within the R3 zone.</p>	<p>Mapping change only – <i>Height of Buildings Map</i>. Refer Figure 6 below for the location of existing R3 zoned land.</p> <p>To enable viable development outcomes for small-scale RFBs within the R3 zone, it is proposed to increase the maximum building height from 9m to 10.5m across all R3 zoned land. A height of 10.5m will allow 3 storey RFBs and 2.5 storey-built forms (2 storey + attic) for multi dwelling housing developments.</p>
<p>Item 9: Amendment to Floor Space Ratio Map To amend the <i>Floor Space Ratio Map</i> to:</p> <ul style="list-style-type: none"> (i) Increase the FSR from 0.7:1 to 0.8:1 for land within the R3 zone, and (ii) Identify all R3 zoned land as “Area 8” to allow a bonus 	<p>Mapping change only – <i>Floor Space Ratio Map</i>. The increase in maximum permissible FSR from 0.7:1 to 0.8:1 and the identification of “Area 8” is to be applied to the existing R3 zones as shown in Figure 6 below.</p> <p style="text-align: center;">Figure 6 – Map showing location of existing R3 zones</p>

Item	Amendment to the GRLEP
<p>FSR to be applied for multi dwelling housing and terrace developments as per Item 5 above.</p>	
<p>Item 10: Amendment to Lot Size for Dual Occupancy Map To support Item 3 above, the following amendments are proposed to the <i>Minimum Lot Size for Dual Occupancy Map</i>:</p> <ul style="list-style-type: none"> • 500sqm to land within the R3 and R4 zones • 600sqm to land within the R2 zones • 650sqm to land within the HCAs • 1,000sqm to land within the existing FSPA, proposed FSPA and proposed UCA as per the Biodiversity, Character and FSPA Planning Proposal 	<p>Mapping change only – <i>Minimum Lot Size for Dual Occupancy Map</i>. As outlined above in Item 3, the amendment to the <i>Minimum Lot Size for Dual Occupancy Map</i> supports the proposed amendments to <i>Clause 4.1B Minimum lot sizes and special provisions for certain dwellings</i>, as shown in Figure 7 below.</p> <p>39. Figure 7 – Proposed Minimum Lot Size for Dual Occupancy Map</p>  <p>Amendment to Lot Size for Dual Occupancy Map</p> <p><small>21/05/2024</small></p> <p><small>Disclaimer: This map has been produced with the most current information available to Georges River Council, including information supplied from external sources. Georges River Council is not responsible for errors or inaccuracies in the data provided. Information in this map is subject to copyright.</small></p>
<p>Item 11: Additional Capacity Areas The following amendments are proposed to implement the Additional Capacity Areas as recommended by the HCCUDS:</p> <ul style="list-style-type: none"> • Rezoning land from 	<p>Mapping change only – <i>Land Zoning Map, Height of Buildings Map, and Floor Space Ratio Map</i>.</p> <p>The HCCUDS was prepared in 2018 for the Hurstville City Centre and existing residential areas to the north of the City Centre.</p> <p>The strategy recommends increases to the height and FSR in the Additional Capacity Areas to the north to provide additional dwellings to support the non-residential functions of the City Centre. A block-by-block analysis was</p>

Item	Amendment to the GRLEP
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- R2 to R4 on Park Road and Wright Street,
- Increasing the height of the Additional Capacity Areas from 9m and 12m to a range of heights from 19m to 40m as shown on the proposed HOB Map, and
 - Increasing the FSR of the Additional Capacity Areas from 0.55:1 and 1:1 to a range of ratios from 1.3:1 to 3.3:1 as shown on the proposed FSR Map.

conducted by the HCCUDS and development opportunity sites within the Additional Capacity Areas were identified based on the following criteria:

- Not heritage items
- Not part of a development application or planning proposal
- Has 8 or less lots (i.e., not an existing RFB development)

Within the identified opportunity sites of the Additional Capacity Areas, it is estimated the recommended HCCUDS controls will create capacity for approximately 190 additional dwellings (see **Figure 8** below).

Figure 8 - Location of Additional Capacity Areas




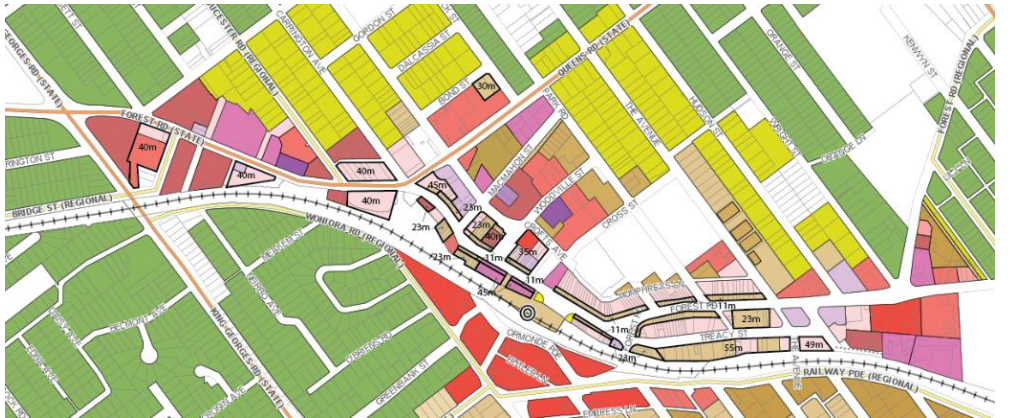

Amendments to the height and FSR within the Additional Capacity Areas is shown in **Figure 9 and 10** below.

Figure 9 – Proposed amendments to the Height of Buildings Map for Additional Capacity Areas



Figure 10 – Proposed amendments to the Floor Space Ratio Map for Additional Capacity Areas



Item	Amendment to the GRLEP
	
<p>Item 12: Hurstville City Centre</p> <p>To update the existing planning controls for the City Centre by rectifying the mismatch between the existing height and FSR development standards.</p>	<p>Mapping change only – <i>Height of Buildings Map and Floor Space Ratio Map.</i></p> <p>The HCCUDS also conducts block-by-block urban design analysis of the existing building height and FSR controls applied within the City Centre. This Item seeks to implement the recommendations of the HCCUDS by making amendments to the height and FSR as shown in Figure 11 and 12 below.</p> <p>Figure 11 – Proposed amendments to the Height of Buildings Map for HCCUDS</p>  <p>Figure 12 – Proposed amendments to the Floor Space Ratio Map for HCCUDS</p> 

- 40. The proposed amendments (and the reasons for the amendments) are detailed within the draft Planning Proposal Report provided in **Attachment 1**.
- 41. The full extent of proposed amendments to the GRLEP is set out in **Attachment 2**.
- 42. Detailed justification for the proposed development standards including urban design testing is provided in **Attachment 3**.

ASSESSMENT OF THE PLANNING PROPOSAL

- 43. The DPHI’s *Local Environmental Plan Making Guideline* dated August 2023 outlines the matters for consideration when describing, evaluating and justifying a planning proposal, including an assessment of a detailed assessment and justification of the strategic and site-specific merit of the proposed amendments.
- 44. The detailed assessment of this Planning Proposal is provided in **Attachment 1**. The following headings provide an overview of the alignment between this Planning Proposal and the strategic context, relevant *State Environmental Planning Policies* (SEPPs) and S9.1 Ministerial Directions.

Consistency with strategic context

- 45. A summary of the alignment between this Planning Proposal and the relevant *Greater Sydney Region Plan (Region Plan)* direction, *South District Plan* planning priority and *Georges River Local Strategic Planning Statement 2040 (LSPS)* planning priority is categorised by the themes of infrastructure and collaboration, liveability, and productivity in **Table 3** below:

Table 3 – Summary of Alignment with Strategic Planning Framework

Strategic Planning Framework	LSPS Planning Priority	Comment
Theme: Infrastructure and collaboration		
Region Plan Direction A city supported by infrastructure South District Plan Planning Priority S1. Planning for a city supported by infrastructure	P1. We have a range of frequent, efficient transport options to connect people, goods, services, businesses and educational facilities P10. Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces	The Georges River LGA is located 17km from the Sydney CBD and is serviced by two train lines (the T4 and the T8 lines) and several arterial roads, providing efficient access to Sydney CBD, Sydney Airport and Port Botany. Therefore, the LGA is considered to have a reasonable level of accessibility to existing transport infrastructure. Almost all residents within the Georges River LGA are within 400m walking distance of a local and neighbourhood scale open space. Areas with limited access to open space are located in existing high-density areas, for example Kogarah and Hurstville. This Planning Proposal seeks to provide capacity for additional dwellings in the R2 and R3 zones. These areas are generally within 400m of a local and neighbourhood scale open space.
Theme: Liveability		
Region Plan Directions A city for people Housing the city A city of great places South District Plan Planning Priorities	P9. A mix of well-designed housing for all life stages caters for a range of lifestyle needs and incomes P10. Homes are supported	This Planning Proposal provides additional housing and increased housing diversity through the up-zoning of existing low and medium density residential areas. The introduction of multi dwelling housing into the R2 zone and the introduction of RFBs into

Strategic Planning Framework	LSPS Planning Priority	Comment
S4. Fostering healthy, creative, culturally rich and socially connected communities	by safe, accessible, green, clean, creative and diverse facilities, services and spaces	the R3 zone allows a range of housing typologies to be delivered in response to the Georges River community’s need for more housing choice.
S5. Providing housing supply, choice, and affordability with access to jobs, services and public transport	P19. Everyone has access to quality, clean, useable, passive and active, open and green spaces and recreation places	Furthermore, the inclusion of density controls in the R2 zone for medium density development as well as the introduction of lot width and lot size controls for RFBs in the R3 zone will enable the provision of a diverse selection of housing products that are consistent with the LGA’s character.
S6. Creating and renewing great places and local centres, and respecting the district’s heritage		Additionally, the retention of minimum lot size controls for dual occupancies within the existing HCAs will ensure the LGA’s heritage character is protected.
Theme: Productivity		
Region Plan Direction Jobs and skills for the city South District Plan Planning Priority S9. Growing investment, business opportunities and jobs in strategic centres	P12. Land is appropriately zoned for ongoing employment growth	The implementation of the HCCUDS ensures ongoing viability of the Hurstville City Centre (zoned E2 and MU1) by rectifying the existing mismatch between height and FSR controls. As part of the HCCUDS recommendations, uplift in the form of significant increases in height and FSR (from 15m and 3:1 FSR to 55m and 7:1 FSR) is provided to a number of sites on Treacy Street which will encourage development to occur. The existing non-residential FSR requirement within the GRLEP remains unchanged and therefore protects the provision of employment floor space in the E1 and MU1 zoned land within the Hurstville City Centre. Furthermore, the uplift proposed for the Additional Capacity Areas to the north of the Hurstville City Centre provides capacity for additional dwellings to support the non-residential functions by increasing demands for the goods and services offered by this strategic centre.

Consistency with SEPPs

46. The Planning Proposal is consistent with the following relevant SEPPs as assessed below in **Table 4** below:

Table 4 – Consistency with SEPPs

SEPP	Consistency	Comment
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Yes	Some R2 zoned land within the LGA has been identified as containing Sydney Turpentine-Ironbark Forest (STIF), which is identified as a critically endangered ecological community in the <i>Biodiversity Conservation Act 2016</i> . It should be noted that the existing R2 zoned land where STIF is identified is unlikely to exceed the biodiversity offsets scheme

SEPP	Consistency	Comment
		<p>threshold due to existing lot sizes being less than 0.25ha in site area. Nonetheless, any future development applications will be required to address the provisions of this SEPP, including the preparation of Biodiversity Impact Assessment Reports where required.</p> <p>Accordingly, the Planning Proposal is consistent with this SEPP.</p>
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes	<p>The Codes SEPP gives regard to the lot size requirements specified by LEPs for dual occupancies, manor house and terrace developments by mandating the development to comply with the minimum lot size area specified by the relevant LEP. The introduction of lot size development standards for 'manor houses' and 'multi dwelling housing (terraces)' within the R2 zone is consistent with the intent of this SEPP.</p> <p>The proposed lot width requirements for RFBs in the R3 zone will only be applicable to development applications and does not contradict or hinder the application of this SEPP.</p> <p>Accordingly, the Planning Proposal is not inconsistent with this SEPP.</p>
State Environmental Planning Policy (Housing) 2021	Yes	<p>The Planning Proposal does not propose any changes which will contradict or hinder the application of this SEPP in relation to the provision of affordable housing and diverse housing.</p> <p>The introduction of minimum lot size and lot width provisions for RFBs within the R3 zone is consistent with the objective of this SEPP by reinforcing the importance of designing housing in a way that reflects and enhances its locality. Any future development applications proposing RFBs and shop top housing will be required to address the provisions of the SEPP and the Apartment Design Guide.</p> <p>Accordingly, the Planning Proposal is consistent with this SEPP.</p>
State Environmental Planning Policy (Industry and Employment) 2021	Yes	<p>The Georges River LGA is not located within the Western Sydney employment area. The Planning Proposal does not propose any changes which will contradict or hinder the application of this SEPP in relation to advertising and signage.</p> <p>Accordingly, the Planning Proposal is not inconsistent with the SEPP.</p>
State Environmental Planning Policy (Planning Systems) 2021	Yes	<p>The Planning Proposal is not inconsistent with the SEPP as it does not affect State infrastructure.</p>
State Environmental Planning Policy (Precincts—Central River City) 2021	Yes	<p>The Georges River LGA is located within the Central River City but does not contain any precincts or growth areas identified by this SEPP.</p> <p>Accordingly, the Planning Proposal is not inconsistent with the SEPP.</p>
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	N/A	<p>Not applicable, the Georges River LGA is not located within the Eastern Harbour City.</p>
State Environmental Planning Policy (Precincts—Regional)	N/A	<p>Not applicable, the Georges River LGA is not located within a Regional area.</p>

SEPP	Consistency	Comment
2021		
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	N/A	Not applicable, the Georges River LGA is not located within the Western Parkland City.
State Environmental Planning Policy (Primary Production) 2021	N/A	Not applicable, the Georges River LGA does not contain land used for primary production.
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes	The Planning Proposal does not propose any changes which will contradict or hinder the application of this SEPP in relation to coastal management. The Planning Proposal does not propose any hazardous and offensive development. The land that is proposed to be rezoned and uplifted under the Planning Proposal is currently zoned residential; and is long established, urban land with historical residential use. Therefore, the areas proposed for uplift are unlikely to be contaminated. Accordingly, the Planning Proposal is consistent with this SEPP.
State Environmental Planning Policy (Resources and Energy) 2021	Yes	The Planning Proposal does not contain any planning provisions relating to development of mineral, petroleum and extractive material resources. Accordingly, the Planning Proposal is not inconsistent with the SEPP.
State Environmental Planning Policy (Sustainable Buildings) 2022	Yes	The Planning Proposal does not contain any planning provisions which will contradict or hinder the application of this SEPP in relation to BASIX for residential development or the SEPP's requirements for non-residential development. Accordingly, the Planning Proposal is not inconsistent with the SEPP.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes	The Planning Proposal does not contain any planning provisions which will affect or hinder the delivery of infrastructure, educational establishments and childcare facilities or major infrastructure corridors. Accordingly, the Planning Proposal is not inconsistent with the SEPP.

Consistency with S9.1 Ministerial Directions

47. Ministerial Directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) set out a range of matters to be considered when preparing an amendment to a Local Environmental Plan.
48. The Planning Proposal is consistent with the following relevant Ministerial Directions as assessed in **Table 5** below.

Table 5 – Consistency with S9.1 Ministerial Directions

Ministerial Direction	Consistency	Comment
Focus area 1: Planning Systems		
1.1 Implementation of Regional Plans	Yes	The Planning Proposal is consistent with the <i>Greater Sydney Region Plan</i> and the <i>South District Plan</i> , see Table 3 above.
1.2 Development of Aboriginal Land Council land	N/A	Not applicable, the Georges River LGA does not contain Aboriginal Land Council land.
1.3 Approval and Referral Requirements	Yes	The Planning Proposal does not seek to make any additional provisions that require the concurrence, consultation, or referral of development applications to

Ministerial Direction	Consistency	Comment
		a Minister or public authority.
1.4 Site Specific Provisions	Yes	The Planning Proposal is comprised of amendments to LGA-wide planning provisions and does not contain any restrictive site-specific planning controls.
1.4A Exclusion of Development Standards from Variation	Yes	The Planning Proposal does not propose to introduce or alter an existing exclusion to Clause 4.6 of a Standard Instrument LEP or an equivalent provision of any other environmental planning instrument.
Focus Area 3: Biodiversity and Conservation		
3.1 Conservation Zones	Yes	The Planning Proposal does not affect land within a conservation zone or land otherwise identified for environment conservation or protection purposes in a LEP.
3.2 Heritage Conservation	Yes	The Planning Proposal does not seek to amend existing heritage conservation provisions.
3.3 Sydney Drinking Water Catchments	N/A	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	Not applicable, this Direction applies to the Ballina, Byron, Kyogle, Lismore and Tweed LGAs.
3.5 Recreation Vehicle Areas	Yes	The Planning Proposal does not contain amendments which will impact the ability for 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	N/A	Not applicable, the Planning Proposal does not affect avoided land or strategic conservation areas as defined by the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> .
3.7 Public Bushland	Yes	The Planning Proposal seeks to provide capacity for additional housing in existing R2, R3 and MU1 zones and does not propose any changes to existing controls protecting bushland in urban areas.
3.8 Willandra Lakes Region	N/A	Not applicable, the Georges River LGA is not located within the Willandra Lakes Region.
3.9 Sydney Harbour Foreshores and Waterways Area	N/A	Not applicable, the Planning Proposal 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	Yes	The Planning Proposal seeks to provide capacity for additional housing in existing R2, R3 and MU1 zones. Any development within the Georges River LGA must comply with Council's <i>Stormwater Management Policy</i> to ensure appropriate drainage systems are provided and integrated into Council's drainage network with minimal impact on existing users or catchment areas.
Focus Area 4: Resilience and Hazards		
4.1 Flooding	Yes	This Planning Proposal does not seek to amend the existing flood planning provisions within the GRLEP. Measures such as freeboard above the flood level will need to be implemented in future developments in accordance with the flood planning clause.
4.2 Coastal Management	Yes	The Planning Proposal includes amendments that will result in residential intensification on land located within the coastal zone as defined by the <i>Coastal Management Act 2016</i> . A total of 104 lots are

Ministerial Direction	Consistency	Comment
		<p>affected, a breakdown of the location of affected lots is provided below:</p> <ul style="list-style-type: none"> • 28 lots in Connells Point • 17 lots in Hurstville Grove • 59 lots in Riverwood <p>However, none of the affected lots are affected by coastal hazards (e.g., sea level rise) and therefore the impact of residential intensification on the above land is considered to be of minor significance.</p> <p>Accordingly, the Planning Proposal is consistent with this SEPP.</p>
4.3 Planning for Bushfire Protection	Yes	The proposed rezoning and uplift that will result in residential intensification under the Planning Proposal is located in existing urban areas and are not located in areas known to be bushfire affected.
4.4 Remediation of Contaminated Land	Yes	The land that is proposed to be rezoned and uplifted under the Planning Proposal is currently zoned residential; and is long established, urban land with historical residential use. Therefore, the areas proposed for rezoning are unlikely to be contaminated.
4.5 Acid Sulfate Soils	Yes	The Planning Proposal does not seek to introduce or change provisions relating to Acid Sulfate Soils.
4.6 Mine Subsidence and Unstable Land	N/A	Not applicable, the Georges River LGA does not contain land that is within a declared mine subsidence district.
Focus Area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	Yes	The Planning Proposal 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).
5.2 Reserving Land for Public Purposes	Yes	The Planning Proposal does not propose to make any changes to land reservations.
5.3 Development Near Regulated Airports and Defence Airfields	N/A	Not applicable, the Planning Proposal does not create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.
5.4 Shooting Ranges	N/A	Not applicable, the Georges River LGA does not contain land where shooting ranges are permissible.
Focus Area 6: Housing		
6.1 Residential Zones	Yes	<p>The Planning Proposal seeks to provide capacity for additional housing in existing R2, R3 and MU1 zones. The introduction of multi dwelling housing and terraces in the R2 zone and RFBs in the R3 zone will broaden the housing choice in the LGA. The LGA-wide approach to residential intensification enables the increased demand on existing infrastructure and services to be distributed. The proposed introduction of density controls for medium density development in the R2 zone and minimum lot size and lot width controls for RFBs in the R3 zone ensures new development sites have the physical capacity to accommodate a good design outcome.</p> <p>Accordingly, the Planning Proposal is consistent with this SEPP.</p>

Ministerial Direction	Consistency	Comment
6.2 Caravan Parks and Manufactured Home Estates	Yes	The Planning Proposal does not propose to permit development for the purposes of a caravan park or manufactured home estate.
Focus Area 7: Industry and Employment		
7.1 Employment Zones	Yes	The Planning Proposal ensures the ongoing viability of the Hurstville City Centre (zoned E2 and MU1) by rectifying the existing mismatch between height and FSR controls. The Planning Proposal also seeks to provide uplift on Treacy Street to encourage development. The existing non-residential FSR requirement within the GRLEP remains unchanged and therefore protects the provision of employment floor space in the E1 and MU1 zoned land within the Hurstville City Centre.
7.2 Reduction in non-hosted short-term rental accommodation period	N/A	Not applicable, this Direction applies to Byron Shire Council.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	Not applicable, this Direction applies to Port Stephens Shire and Tweed Shire Councils.
Focus Area 8: Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	Yes	The Planning Proposal provides additional housing capacity on existing residential-zoned land and will not impact the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials.
Focus Area 9: Primary Production		
9.1 Rural Zones	N/A	Not applicable, the Georges River LGA does not contain any rural zones.
9.2 Rural Lands	N/A	Not applicable, the Georges River LGA does not contain any rural lands.
9.3 Oyster Aquaculture	N/A	Not applicable, the Georges River LGA does not contain any Priority Oyster Aquaculture Areas.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	Not applicable, this Direction applies to Ballina Shire, Byron Shire, Kyogle Shire, Lismore City, Richmond Valley and Tweed Shire LGAs.

Consistency with relevant Key Government Priorities

49. The Planning Proposal is consistent with the NSW Government's priority of delivering at least 314,000 new homes by 2029 by creating capacity for approx. additional 8,245 dwellings in the Georges River LGA.
50. The breakdown of the location of the additional capacity is as follows:
- Capacity for an additional 1,340 dwellings in the R2 zone from increased dual occupancies,
 - Capacity for an additional 5,800 dwellings in the R2 zone from permitting multi dwelling housing and terraces,
 - Capacity for an additional 700 dwellings in the R3 zone from increasing the FSR and allowing bonus floor space for multi dwelling housing development,
 - Capacity for an additional 406 dwellings from implementing the HCCUDS.

RECOMMENDATION OF THE GEORGES RIVER LOCAL PLANNING PANEL

51. The Planning Proposal was considered by the Georges River Local Planning Panel (LPP) at its meeting on 20 June 2024 in accordance with Minister Direction under S9.1 of the EP&A Act and the charter of the *Georges River Local Planning Panel 2018*.
52. The LPP supported the Planning Proposal to be forwarded to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination without amendments. The decisions of the LPP are as follows:
 - a) *That the Georges River Local Planning Panel recommends to Council that the Planning Proposal No. 2024/0004 (Additional and Diverse Housing Planning Proposal) to amend the Georges River Local Environmental Plan (GRLEP) 2021 as listed in the Table of Amendments below, be forwarded to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979, subject to Council receiving a deferral to DPHI's Low and Mid-Rise Housing proposal.*
 - b) *That the Director Environment and Planning be authorised to make minor editorial amendments to the Planning Proposal as required throughout the reporting process.*
 - c) *That the Georges River Local Planning Panel notes that this Planning Proposal will incorporate the amendments proposed by the Biodiversity, Character and FSPA Planning Proposal (PP2024/0002) to implement the Georges River Biodiversity Study and Foreshore Scenic Character Study.*
 - d) *That the Georges River Local Planning Panel recommends to Council that additional R3 Medium Density Residential and R4 High Density Residential Zones are identified in its review of the Georges River Local Strategic Planning Statement.*
53. A copy of the report that was referred to the LPP is available on Council's website.

FINANCIAL IMPLICATIONS

54. Within budget allocation.

RISK IMPLICATIONS

55. Strategic Risk 7 – Reputation identified. Housing supply is a major issue as reinforced by the Commonwealth Government's National Housing Accord of building one million new well-located homes over 5 years from mid-2024 and the NSW Government's target of delivering 314,000 new homes by 2029 across NSW.
56. This Planning Proposal has been prepared to respond to the current housing crisis while responding to the *Low and Mid-Rise Housing* proposal (the Reform) released by the DPHI and the unintended effects of the blanket 'one-size-fits-all' nature of the Reform which will adversely impact the local character of the LGA's low density suburbs.
57. Not proceeding with this Planning Proposal may be perceived by the community as Council's inaction to respond to the housing crisis and failure to protect existing values such as the natural environment, local heritage, the local character of the LGA's residential suburbs, biodiversity and tree canopy cover.

COMMUNITY ENGAGEMENT

58. Should the Planning Proposal be supported, it will be forwarded to the DPHI requesting a Gateway Determination.

59. If a Gateway Determination is issued, it is intended to exhibit the Planning Proposal for a minimum period of 28 days as specified in the Gateway Determination and in accordance with Council's *Community Engagement Strategy*.
60. Consultation will also be undertaken with any relevant public authorities and/or organisations as conditioned by the Gateway Determination.
61. The project timeframe will depend on the Gateway Determination date and the required public exhibition period. The indicative project timeline is set out in **Table 6** below.




Table 6 – Indicative Project Timeline

(i) Task	Anticipated Timeframe
Referral to LPP in accordance with S9.1 Ministerial Directions	Completed on 20 June 2024
Report to Council on Planning Proposal seeking endorsement to forward Planning Proposal for a Gateway Determination	This report - 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
Timeframe for public exhibition (including both government agency and community consultation as required by Gateway Determination)	October-November 2024
Timeframe for consideration of submissions	December 2024
Report to Council on community consultation and finalisation	February 2025
Submission to the Department to finalise the Planning Proposal as an amendment to the GRLEP 2021	February 2025

FILE REFERENCE

D24/158106

ATTACHMENTS

- Attachment 1  Planning Proposal Report - Additional and Diverse Housing Planning Proposal (PP2024/0004) - *published in separate document*
- Attachment 2  Appendix 1 to the Planning Proposal Report - Draft instrument of the amended GRLEP 2021 - *published in separate document*
- Attachment 3  Appendix 2 to the Planning Proposal Report - Justification of Development Standards - *published in separate document*