

## **AGENDA**

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### **Environment and Planning Committee**

**Monday, 10 February 2025**

**7:00 PM**

**Dragon 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

#### CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

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#### COMMITTEE REPORTS

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## **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**Item:** ENV001-25 Confirmation of the Minutes of the Environment and Planning Committee Meeting held on 9 December 2024

**Author:** Manager Office of the General Manager


**Directorate:** Office of the General Manager

**Matter Type:** Previous Minutes

### **RECOMMENDATION:**

That the Minutes of the Environment and Planning Committee Meeting held on 9 December 2024, be confirmed.

### **ATTACHMENTS**

Attachment [↓](#)1  Minutes of the Environment and Planning Committee Meeting held on 9 December 2024

## MINUTES

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### Environment and Planning Committee

Monday, 09 December 2024

7:00 PM

Dragon Room

Georges River Civic Centre,  
Hurstville

UNCONFIRMED



**GEORGES RIVER COUNCIL**

## **PRESENT**

### **COUNCIL MEMBERS**

Councillor Elise Borg (Mayor), Councillor Peter Mahoney (Chairperson), Councillor Matthew Allison Councillor Tom Arthur, Councillor Christina Jamieson, and Councillor Kathryn Landsberry.

### **COUNCIL STAFF**

Director Environment and Planning – Joseph Hill, Manager Development & Building – Carine Elias, Manager Office of the General Manager – Vicki McKinley, Executive Services Officer – Marisa Severino, Chief Information Officer - Brendan Scott and Team Leader Technical Services Mark Tadros.

### **OPENING**

The Chairperson, Councillor Mahoney, opened the meeting at 7.01pm.

### **ACKNOWLEDGEMENT OF COUNTRY**

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

### **APOLOGIES/LEAVE OF ABSENCE**

There were no apologies or requests for leave of absence.

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

There were no requests to attend via Audio Visual Link.

### **NOTICE OF WEBCASTING**

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

### **CODE OF MEETING PRACTICE**

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

### **DISCLOSURES OF INTEREST**

There were no disclosures of interest made.

## PUBLIC FORUM

ITEM	SPEAKER
ENV046-24 Annual Update – Progress towards Net Zero Carbon Emissions Target	Adrian Polhill

### CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**ENV045-24 Confirmation of the Minutes of the Environment and Planning Committee Meeting held on 11 November 2024**  
(Report by Executive Services Officer)

**RECOMMENDATION:** Councillor Landsberry, Councillor Jamieson

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

#### Record of Voting

For the Motion: Councillor Mahoney, The Mayor, Councillor Borg, Councillor Allison, Councillor Arthur, Councillor Jamieson, Councillor Landsberry

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

### COMMITTEE REPORTS

**ENV046-24 Annual Update - Progress towards Net Zero Carbon Emissions Target**  
(Report by Manager Environment Health & Regulatory Services)

**RECOMMENDATION:** Councillor Allison, Councillor Jamieson

- (a) That Council note the progress made in financial year FY23/24 toward meeting the target of net zero carbon emissions in Council's operations by 2025.
- (b) That Council's determination of the use of national and/or international carbon offsets be deferred until December 2025 after:
  - i. Council has undertaken an independent assessment of its emissions scope by July 2025 and sought confirmation of the emissions data used to date in Council's energy and emissions reporting; and
  - ii. A market assessment has been completed to compare the costs of purchasing internal or national offsets and presented to council in a further report, expected prior to December 2025.
- (c) That Council supports the expedition of the Fleet Transition Plan with the goal to reduce fleet related emissions as an organisational priority.
- (d) That Council note the increase of gas usage in Council's operations and supports FY25/26 budget bids to investigate the transition of gas assets to electric to reduce emissions.
- (e) That Council note budget bids will be submitted in February 2025 for the 25/26 operational budget using available market pricing closer to the time of submission for the purchase of carbon offsets by December 2025 and for operational projects that may be identified to further reduce fleet and gas related emissions as outlined within this Report.

#### Record of Voting

For the Motion: Councillor Mahoney, The Mayor, Councillor Borg, Councillor Allison, Councillor Arthur, Councillor Jamieson, Councillor Landsberry



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

**ENV047-24 T24/005 Residential Electronic (eWaste) Drop-Off Events**  
(Report by Team Leader Procurement and Contracts Governance)

**RECOMMENDATION:** Councillor Allison, Councillor Landsberry

- (a) That in accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accepts the Tender that is recommended for T24/010 Residential Electronic (e-waste) Drop-Off Events, as outlined in the confidential attachments.
- (b) That the General Manager be authorised to execute the Contract with the successful Contractor on behalf of Council.
- (c) That Council inform the unsuccessful Tenderers of the resolution.

**Record of Voting**

For the Motion: Councillor Mahoney, The Mayor, Councillor Borg, Councillor Allison, Councillor Arthur, Councillor Jamieson, Councillor Landsberry

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

**CONCLUSION**

The Meeting was closed at 7:30pm.

*Peter Mahoney.*

Chairperson, Peter Mahoney

(in accordance with Clause 18.5 of Council's Code of Meeting Practice, these Minutes have been signed by the Chairperson of the 10 December 2024 meeting)

UNCONFIRMED

**COMMITTEE REPORTS**

**Item:** ENV002-25 Adoption of Donnelly Park Plan of Management and Master Plan

**Author:** Strategic Planner/Information Management

**Directorate:** Environment and Planning

**Matter Type:** Committee Reports

ENV002-25

**RECOMMENDATION:**

- (a) That Council adopt the Donnelly Park Plan of Management (**Attachment 1**) and Master Plan (**Attachment 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 Donnelly Park Plan of Management and Master Plan.
- (c) That all individuals who provided a submission during the public exhibition of the Donnelly Park Plan of Management and Master Plan be notified of Council's decision.
- (d) That the adopted Donnelly Park Plan of Management and Master Plan be forwarded to the NSW Department of Planning, Housing and Infrastructure (DPHI) – NSW Crown Lands for information.
- (e) That the Donnelly Park Plan of Management and Master Plan be placed on Council's website following adoption by Council.

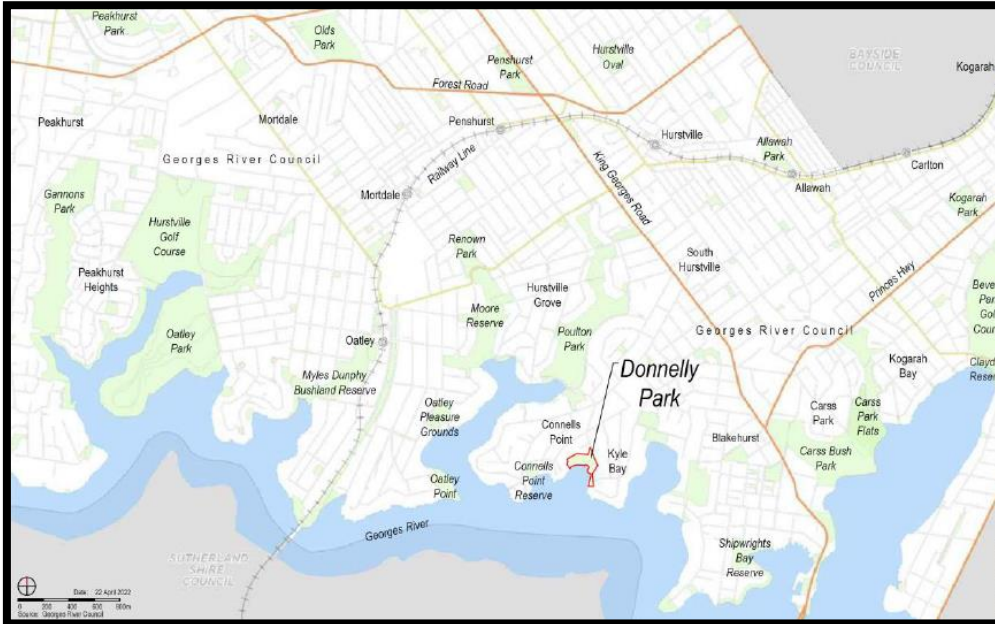
**EXECUTIVE SUMMARY**

1. At its meeting on 25 September 2023, Council endorsed the draft Donnelly Park Plan of Management (PoM) and Master Plan for public exhibition and for the draft PoM to be forwarded to the then Department of Planning and Environment (DPE) for landowners' consent; which was provided on 7 March 2024.
2. The draft PoM and Master Plan were publicly exhibited for a period exceeding 28 days, from 27 March 2024 until 26 April 2024.
3. A total of sixty-two (62) individual submissions were received on the draft PoM and Master Plan. Whilst the submissions expressed strong support for playground upgrades and amenity improvements; concerns were raised about actions regarding additional tree planting and the proposed perimeter pathway.
4. On 30 April 2024, Council held a public hearing into the proposed changes to the land categorisation of parts of Donnelly Park in accordance with Section 40A of the *LG Act*. Two submissions relevant to categorisation or recategorisation matters were received.
5. This report recommends that the Donnelly Park PoM (**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**Description of Donnelly Park

6. This PoM applies to Donnelly Park (the Park), which is an irregularly shaped south-facing foreshore park that wraps around the end of Connells Bay, on the Georges River, between

the suburbs of Connells Point and Kyle Bay. **Figure 1** below shows a location plan of the Park.



**Figure 1. Location plan and context within the Georges River LGA (Source: Gondwana Consulting)**

7. The Park is a relatively small and secluded park, covering a total area of approximately 2.5 hectares. The park is bounded to the west and north by residential housing backing onto the Park and along the east side by Kyle Parade. The surrounding land use is predominantly residential, comprising mainly detached dwellings on large blocks. To the south is Connells Bay. **Figure 2** below shows an aerial view of the Park.



**Figure 2: Aerial view of the Park (Source: IntraMaps)**

8. The Park is covered by largely a flat open mown grassed area, comprising a larger open area in the west and a smaller grassed space to the southeast. There is also a small area of bushland on the more sloping shoreline in the Park's southeast.
9. In addition to these open parklands, the Park offers leisure and recreation space. It includes a playground, a sealed basketball half-court and nearby dual basketball hoops (over grass), and picnic facilities under shady trees. **Figure 3** below shows a photo taken from the eastern boundary towards the Park.
10. A seawall runs along much of the Donnelly Park foreshore. Two short concrete boat ramps are found towards the bay's eastern side, with a nearby public jetty and pontoon (both of which have recently been upgraded). As of today's report, Council has completed the concept design for the Donnelly Park Foreshore Improvement Works and will proceed with the detailed design and construction phases of the project.



**Figure 3: Site photo of the Park (taken from the east to the west)**

11. The Park includes two community facilities that are currently home to the Connells Point Sailing Club and the 1st Kyle Bay Sea Scouts, who are also the users of the boat ramp and jetty. An internal access road provides vehicle and pedestrian access between Kyle Parade and the carpark to the west of the building structure.
12. The subject land at Donnelly Park comprises 18 individual parcels of land, a road reserve, and a crown waterway (as listed in **Table 1** and shown in **Figure 4**).

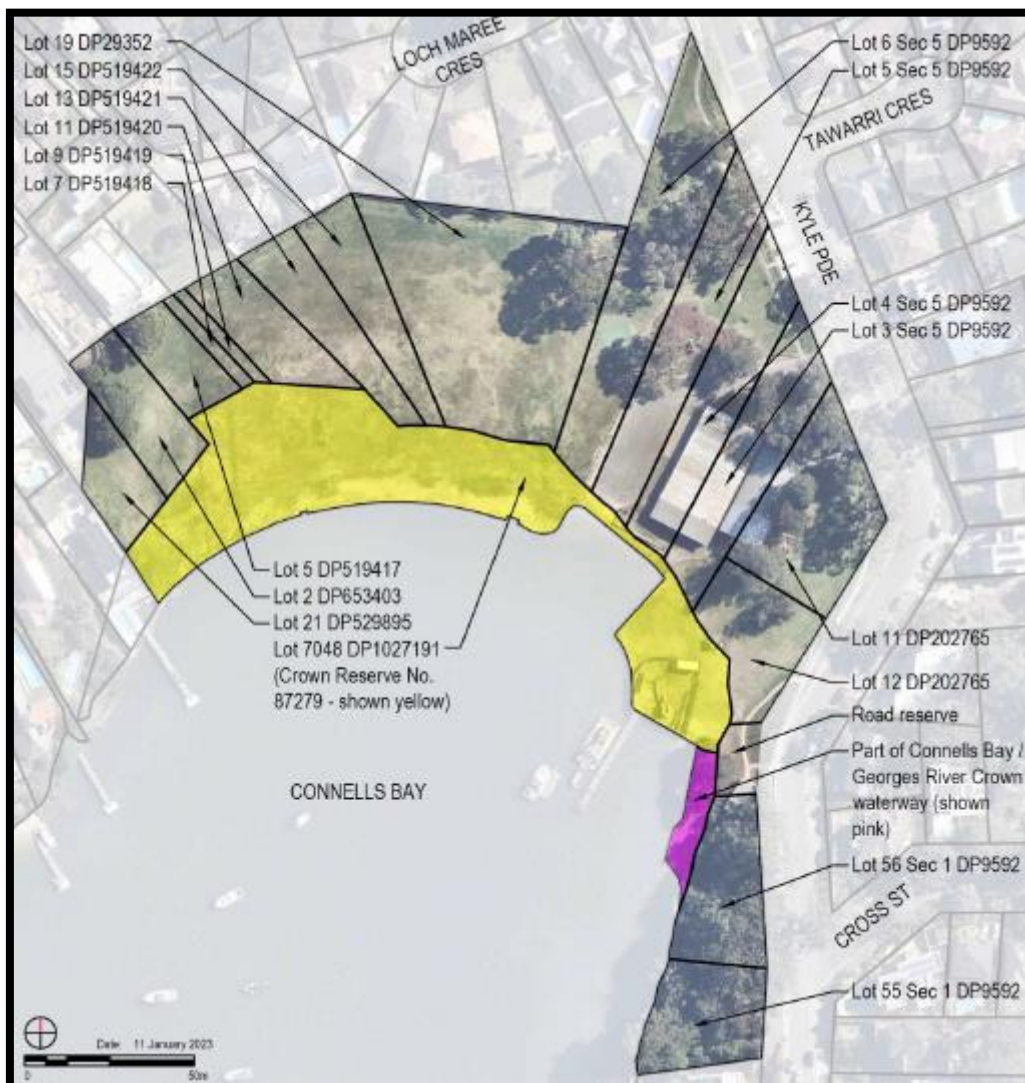
**Table 1 – Parcels within Donnelly Park**

<b>Parcel</b>	<b>Land Tenure / Classification (Ownership)</b>	<b>Management Responsibility</b>
Lot 55 Sec 1 DP9592	Community Land (GRC)	Council
Lot 56 Sec 1 DP9592	Community Land (GRC)	Council
Lot 11 DP 202765	Community Land (GRC)	Council
Lot 19 DP 29352	Community Land (GRC)	Council
Lot 21 DP 529895	Community Land (GRC)	Council
Lot 11 DP 519420	Community Land (GRC)	Council
Lot 15 DP 519422	Community Land (GRC)	Council
Lot 2 DP 653403	Community Land (GRC)	Council
Lot 12 DP 202765	Community Land (GRC)	Council
Lot 5 Sec 5 DP 9592	Community Land (GRC)	Council
Lot 7 DP 519418	Community Land (GRC)	Council
Lot 9 DP 519419	Community Land (GRC)	Council
Lot 13 DP 519421	Community Land (GRC)	Council
Lot 4 Sec 5 DP 9592	Community Land (GRC)	Council
Lot 6 Sec 5 DP 9592	Community Land (GRC)	Council
Lot 3 Sec 5 DP 9592	Community Land (GRC)	Council
Lot 5 DP 519417	Community Land (GRC)	Council
Lot 7048 DP1027191	Crown Reserve No 87279 (State of	Council (as Crown Land

Parcel	Land Tenure / Classification (Ownership)	Management Responsibility
	NSW)	Manager)
Road reserve (westside of Kyle Parade)	Road reserve	Council
Crown waterway	Connells Bay/Georges River Crown waterway (State of NSW)	State of NSW

ENV002-25

13. As shown in **Table 1**, Georges River Council is the major part owner of the Park, owning and managing 17 lots as Community Land. Council is also the owner and manager of the unmade road reserve occurring within the Park. However, the remaining lot (Lot 7048 DP 1027191) along the foreshore as shown in yellow in **Figure 4** is owned by the Crown (State of NSW) as Crown Reserve No. 87279. Georges River Council is appointed as Crown Land Manager of Crown Reserve No. 87279 under the *CLM Act 2016*.



**Figure 4: Land and parcels to which this Plan of Management applies (Source: Gondwana Consulting)**

14. A small part of the Connells Bay/Georges River Crown waterway as shown in pink in **Figure 4** is also managed and used as part of the Park. This is an area of reclaimed/filled land, approximately 40 metres long and 6.5 to 8.5 metres wide located east/south-east of the jetty, which is set behind the seawall and above the high water mark.

15. The land at Donnelly Park is zoned RE1 Public Recreation under the Georges River Local Environmental Plan 2021. Permitted uses with Council consent include Aquaculture; Boat launching ramps; Centre-based childcare facilities; Emergency services facilities; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Water recreation structures; and Water storage facilities.

Crown Land Management (CLM) Act 2016 Requirements

16. The Park is now managed by Council under an existing Plan of Management (PoM 2009), which was adopted by the former Kogarah City Council in 2009.
17. The *CLM Act 2016* 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 dedicated or reserved Crown Land as if it were public land under the *Local Government Act 1993*.
18. With the legislation changes to the Crown Land, Council is required to prepare a new Plan of Management and submit the draft Plan of Management to the DPHI (formerly known as the Department of Planning and Environment, DPE), as the representative landowner of part of the land under section 39 of the *Local Government Act 1993*.
19. Council is also required to seek the DPHI’s written consent to adopt the draft PoM under clause 70B of the *CLM Regulation 2018*. Consent to adopt can be obtained at the same time as notifying the landowner of the draft Plan of Management.
20. In 2021, Council engaged Gondwana Consulting to prepare a new Plan of Management and Master Plan for the Park.

Council’s Resolution

21. Council at its meeting on 25 September 2023 endorsed the public exhibition of the draft PoM and Master Plan for Donnelly Park and for the draft PoM to be forwarded to the then DPE – Crown Lands, as the representative landowner of part of the land (being Crown Reserve No 87279 and Crown waterway), for landowners’ consent to exhibit.

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

22. On 4 October 2023, Council requested landowner consent from the DPE and written consent for public exhibition of the draft PoM.
23. Council received initial feedback from the DPE on 4 December 2023 requesting the following changes (shown in **Table 2**) to the draft PoM (dated 30 August 2024).

**Table 2 – Amendment requested by the DPE**

Page & Section References	Amendments
Page 6 Section 1.4	<p>The comment on page 6 “No current Native Title Claims (under the Commonwealth Native Title Act 1993) etc, this statement will need to be removed. Native Title and Aboriginal Land Claims are two different things. As mentioned in the PoM and Aboriginal Land Claim can be placed on a Crown Reserve at any time, however, Native Title (unless extinguished by the Federal Court), is considered to exist.</p> <p><u>Council Response:</u> The PoM was amended to state: <i>No current Native Title Claims (under the Commonwealth Native Title Act 1993) or Aboriginal Land Claims (under the NSW Aboriginal Land Rights Act 1983) are known to affect the subject lands. However, it should be noted that, in relation to</i></p>

Page & Section References	Amendments
	<p><i>that part of the Park comprising Crown Reserve No. 87279, Native Title is considered to exist (unless extinguished by the Federal Court). An Aboriginal Land Claim (under the NSW Aboriginal Land Rights Act 1983) can also be lodged at any time throughout the life of this Plan of Management over Crown Reserve No. 87279 (if not needed for an essential public purpose or legally used and/or occupied).</i></p>
<p>Page 36 Table 6</p>	<p>Current Lease – there are two leases mentioned in the PoM, if it could be made clear as to whether those two leases sit on Crown Reserve 87279. In addition, if they do sit on the Crown Reserve, the term and expiry date of those leases should be included.</p> <p><u>Council response:</u> Table 6 has been updated as requested. Both leased community facilities are located on Council owned community land (Lots 3 and 4 Section 5 DP 9592, and Lot 11 DP 202765), and not on Crown Reserve No. 87279.</p>
<p>Page 45 Table 8</p>	<p>The Table includes restaurant and respite daycare centres, if this table relates to the Crown Reserve only, the word restaurant will need to be removed (not allowing restaurants on Crown Reserves) and more information regarding the respite daycare centre should be provided (if it is a daycare centre that does not allow other members of the community to utilise outside of daycare centre hours then this may require an additional purpose), this can also be removed from the table if necessary. If, however, the table is for both the Crown Reserve and Council-owned Land, that should be made clear. Consistent with the reserved purpose of public recreation to the first list of dot points.</p> <p><u>Council response:</u> Table 8 is the list of permitted land uses in the RE1 Public Recreation Zone under the Georges River Local Environmental Plan 2021. A paragraph has been included in the PoM above the table which states: <i>Table 8 shows the land uses that are permitted with or without Council consent, and prohibited, within land zoned RE1 Public Recreation. (However, some of these uses, such as restaurants or respite day care centres, are or may not be permissible activities within the Crown Reserve portion of the Reserve – under the applicable Crown land legislation or regulations.)</i></p>
<p>Page 37</p>	<p>Council to provide visuals (photos) of the buildings and other facilities that are located on Crown Reserve 87279. Ensure that information relating to the Crown Reserve, is made clear throughout the PoM.</p> <p><u>Council Response:</u> Photos have been added in Page 38 of the PoM and the information regarding the Crown reserve has been clarified throughout the PoM.</p>
<p>Page 7</p>	<p>Council to update the PoM to include details of when it was placed on public exhibition.</p> <p><u>Council Response:</u> This information has been added into the PoM.</p>

24. On 7 March 2024, the DPHI confirmed that the amended draft PoM for Donnelly Park (dated 15 February 2024) satisfied the requirements under section 3.23(6) of the *CLM Act*, and that Council can publicly exhibit the amended draft PoM in accordance with section 38



of the *LG Act*. Consent was also provided by the DPHI for Council to adopt the PoM in accordance with clause 70B of the *Crown Land Management Regulation 2018*.

25. On 21 March 2024, the draft PoM was further amended by adding the approved public exhibition dates.

## OUTCOMES OF PUBLIC EXHIBITION

26. The amended draft PoM (dated 21 March 2024) and Master Plan for Donnelly Park were publicly exhibited for a period exceeding 28 days, from 27 March 2024 until 26 April 2024, with submissions accepted until 7 May 2024.
27. As part of the public exhibition, the following actions were undertaken:
- The draft Plan of Management and Master Plan were made available for viewing on the Council's 'Your Say' webpage.
  - An advertisement was placed in The Leader newspaper, notifying the community of the public exhibition.
  - Letters were sent to adjoining owners and previously engaged residents to inform them of the public exhibition.
  - Hard copies of the draft Plan of Management and Master Plan were available at Council's Service Centre and the Hurstville, Clive James (Kogarah), and Oatley libraries.
  - A webinar held on 16 April 2024.

### Submissions Received

28. A total of sixty-two (62) individual submissions were received. It is noted that several individuals lodged multiple submissions (which were treated as a single submission per person), and many of the submissions contained similar or, in some cases, identical wording.
29. A detailed analysis of the 62 submissions received, Council's responses and recommendations are provided in **Attachment 3**.
30. Recurring concerns raised in the submissions are summarised below:

#### **Supportive Feedback:**

- General agreement with many aspects of the proposed plan, including playground upgrades, seawall enhancements, exercise hubs, and retaining open spaces.
- Support for the formalisation of bush track and improvements to amenities.

#### **Opposition to Action 21 (Boundary Tree Planting):**

- Opposed to tree planting on the north and west boundaries due to impacts on views and property values.
- Opposed to tree planting as it reduces the extent of the large open grassed area.
- Suggested relocating tree planting to other local parks/reserves to avoid impact on Connells Point residents.
- Concern that trees planting will compromise the park's emergency response role.
- Potential damage to sewer pipes from proposed tree planting.
- Potential damage to stormwater pipes from proposed tree planting.

- Proposed tree planting does not enhance the park's experience and is better located in playground/picnic areas.
- Suggested relocating tree planting in playground/picnic area instead of along north and west boundary.
- Increased safety and security risks due to tree planting.
- Potential hazards or dangers posed by trees to adjacent residents.
- General opposition to tree planting along the northern and western boundaries.

#### Other Issues Raised:

- Opposed to the proposed perimeter pathway by residents whose properties back onto the park due to privacy and noise issues.
- Fencing or relocating the playground to reduce risks from nearby roads and car parks.
- Concerns about insufficient rubbish disposal, maintenance of existing trees, and inadequate security lighting.
- Suggestions to improve access for activities like kayaking and to address issues with unlocked gates at night.

#### Responses to objections

31. Several submission opposing the proposals for additional tree planting within the Park, particularly Master Plan Action 21, were lodged. This action involves providing native tree plantings along Park's northern and western boundary (between houses, with clear-stem tree species, to minimise impacts on residents' views).
32. Proposed tree planting along the park's boundary and elsewhere is consistent with Council's Tree Management Policy, 2024 and its adopted target of achieving 40% urban canopy cover by 2038. The policy specifically states as follows (page 13).

*"Where a private view is likely to be affected by the planting or replacing of trees in a street or park, Council will continue its policy that no individual exclusively owns a view, but rather that the amenity provided by trees outweighs the amenity of views. New planting in public open spaces will consider the impact on views and species will be selected and placed to frame and complement views."*

33. Tree planting is also supported by, and consistent with, a range of existing Council strategies and resolutions – including the following.
- (a) Working Together for a Better Future - Community Strategic Plan 2022-2032:
- (i) Goal 2.3 - Greening, canopy cover and bushland and biodiversity preservation are maximised.
  - (ii) Strategy 2.3.1 Increase and promote our tree canopy, shrubs, and bushland coverage (target of 38% local tree canopy, including mangroves).
- (b) Georges River Local Strategic Planning Statement 2040:
- (i) Theme 5 - Environment and Open Space – proposes planting additional trees in public spaces and bushland areas.
  - (ii) Local Planning Priority P17 - Tree canopy, bushland, landscaped settings, and biodiversity are protected, enhanced, and promoted.
  - (iii) Action 88 - Implement the Tree Management Policy to increase urban tree canopy and biodiversity across the LGA.

- (c) Georges River Council Delivery Program 2022-2026:
- (i) Deliverable/Action 2.3.1A – continue expanding urban tree canopy to work towards Council's target of 40% urban canopy.
- (d) Council resolved to declare a climate emergency in 2021 and has adopted various net zero emissions targets for Council and the community. Additional tree cover across the LGA is an important contributor to these goals/initiatives.
34. Donnelly Park has a tree cover of 11.5% (2022 data and excluding the south-east bushland zone). This is a low level of cover for a passive use park. Tree cover for the surrounding area ranges from 11% to 28%.
35. Council officers do not recommend any amendments are made to Action 21, as the action aligns with Council's Tree Management Policy and directly contributes to mitigating Strategic Risk 5: Climate Change, as identified in Council's Strategic Risks 2024/25.
36. With respect to the objections received regarding the construction of new paths, it should be noted that several of the paths in question pre-date the Draft PoM whilst the development of a path along the park's foreshore and around the western area is an outstanding action from the current (adopted) Plan of Management and Masterplan (2009).
37. "Masterplan Action 6 – bay sidewalk, seats and shade planting", Masterplan Action 2 – "perimeter walking/exercise path" and "construct a walking/exercise track around the perimeter of the park" (a priority 2 action) were previously approved initiatives, but are yet to be implemented.
38. Council should note that 8.0% (35 responses) of the pre-draft community consultation and feedback identified providing an expanded path network, including a path "around the foreshore" and a shared path around the Park's perimeter as a desired change or improvement to the area. This was the third highest ranked suggested improvement.
39. Action AM11 of the PoM has been amended to state:

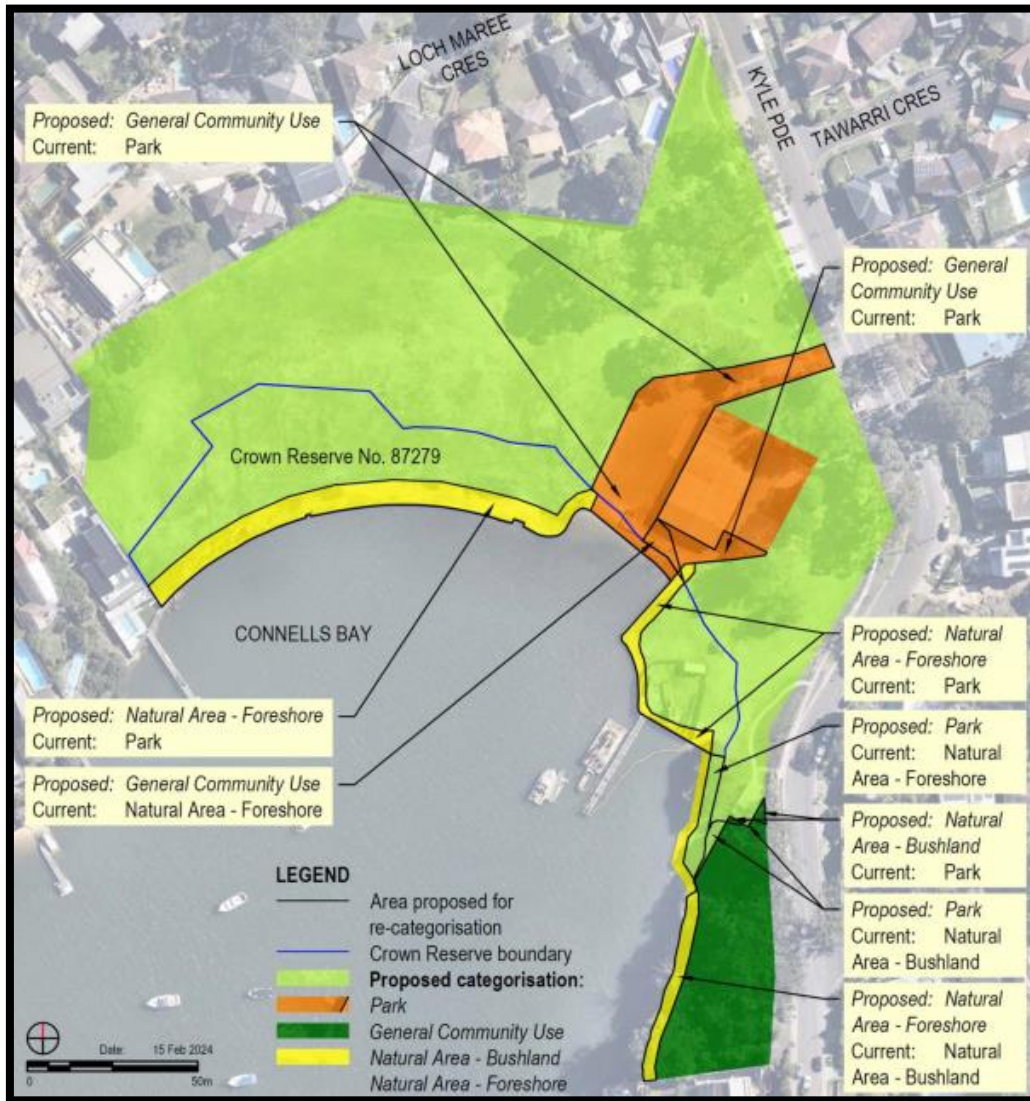
*Construct a sealed path looping around the large western grassed area (as shown indicatively on the Master Plan – Figure 9). This path will run along the rear of the redeveloped seawall/foreshore zone (see Action DF15), as a feature of this area, and the western edge of the large, sealed parking/manoeuvring area above the larger boat ramp. This path will be sealed and provide for accessible use. It will preferably follow a gently meandering alignment and aligned around the perimeter of the western open grassed area so as not to "sterilise" this large space for special events and other uses.*

*Alignment of this loop path along the Park's northern and western boundaries will also consider the privacy/visibility of adjacent residences and proposed landscape works.*

#### Categorisation of Community Land and Council Managed Crown Reserves and Public Hearings

40. Under section 40A of the *LG Act*, a "public hearing" is required (with some limited exclusions in relation to lands categorised as a Natural Area) when a draft PoM proposes to alter the current categorisation (that is recategorising) of an area of community land. The same obligation extends to the recategorisation of Crown Reserves under the management of a council acting as a "Council manager."
41. A Public Hearing was held on 30 April 2024 regarding the proposed changes to the land categorisation of parts of Donnelly Park. The Public Hearing was chaired by Alan Ginns of Gondwana Consulting, as an independent facilitator (as required and defined by section 47G of the *LG Act*). The Hearing included a presentation guiding the conduct of the Hearing and provided an opportunity for participants to voice their concerns.

42. The participants took the opportunity to speak during the Public Hearing. Only one (1) participant raised a categorisation concern relating to the area proposed for categorisation as “Natural Area – Foreshore”.
43. During the public exhibition period, two (2) submissions relevant to categorisation or recategorisation matters were received. Both submissions proposed clearer descriptions for the "Natural Area – Foreshore" category.
44. All those categorisation-related submissions/concerns were discussed in the Public Hearing Report which recommended that no amendment or alteration is required to the proposed categorisation plan (**Figure 5**) in the draft PoM.



**Figure 5: Areas of Donnelly Park proposed to be recategorised (from the “current categorisation” at the time of preparing this new Draft Plan of Management) (Source: Gondwana Consulting)**

45. However, the Public Hearing Report also recommended:
  - That the Draft Plan of Management’s descriptions of the “Natural Area – Foreshore” category are clarified or elaborated as follows:
    - Page 72: “Natural Area (Foreshore) – a narrow band along the Park’s margin with Connells Bay (excluding the two developed boat ramps and foreshore between them), encompassing the intertidal areas to be

established/enhanced by the Donnelly Park Foreshore Improvement Works (where proposed), as well as the foreshore of the Park’s far south-east.”

- Page 76 (Table 11 - Rationale for Categorisation): “Applicable to the greater majority of the Park’s foreshore margin with Connells Bay (and the strip of land immediately adjacent subject to foreshore influences/effects) – specifically the
- existing and proposed modified/built foreshore located to the east and west of the boat ramps (including any intertidal areas to be established/enhanced by the Donnelly Park Foreshore Improvement Works), and the semi-natural foreshore south of the toilet block (along the margin of the bushland area).”
- That the above-recommended clarifications or elaboration of the Draft Plan of Management’s descriptions of the “Natural Area – Foreshore” category do not represent an alteration of the Park’s proposed categorisation nor any substantial or significant changes in categorisation. As such they do not trigger the requirement for a “further public hearing in respect of the proposed plan of management” under Section 40A(3) of the *LG Act*.

46. Further details and recommendations are included in the Public Hearing Report (**Attachment 4**).

**AMENDMENTS TO THE DRAFT PLAN OF MANAGEMENT AND MASTER PLAN**

47. In response to the submissions and feedback received during the public exhibition and the Public Hearing, a range of amendments have been made to the final Donnelly Park Plan of Management (**Attachment 1**) and Master Plan (**Attachment 2**). A summary of these amendments is provided in **Table 3** below with details available in **Attachment 3**.

**Table 3 - Amendments to the Plan of Management and Master Plan for Donnelly Park as a result of public exhibition**

Proposed Amendment to the PoM	Reasons
Amend the statement on Pages 16 and 47 to read “Council is currently undertaking the Overland Flood Study, which includes Donnelly Park. The study is anticipated to be completed by 2025.”	Response to submission on the question why Council has not included “Middle Bay Flood Study” which shows two overland flow paths during extreme storm events, used by council up until 2013. The exhibited Draft Plan says council has not carried out a flood study of park’s catchment (page 16).
Amend Section 2.7 - Visitor Use, Activities and Enjoyment to note use of this sheltered area.	Response to submission that Council should acknowledge regular informal use of area on roadside of scout hall - for sheltering from southerly wind across the water and a popular sheltered picnic spot.
Amend Action AM9 to allow minor realignment of existing sealed paths where warranted.	Response to submission regarding the existing paths within the park; that these paths have conflicts between pedestrians and the sailing club.

Proposed Amendment to the PoM	Reasons
<p>Amend Action GL3 to add <i>“This expansive grassed area will also allow ‘long views’ within the park and across this open area to the bay, as well as framed views through the park from the surrounding areas (see Action GL10)”</i>.</p> <p>GL10 states: <i>Undertake carefully located tree plantings along the Park’s northern boundary (as shown indicatively only on the Master Plan at Figure 9), positioned on the property boundaries between residences and using suitable clear-stem tree species to minimise impacts on neighbours’ views across the Park to Connells Bay.</i></p>	<p>To address the submissions relating to Master Plan Action 21 (to plant native tree plantings along Park’s northern and western boundary) which raised concern that the planting of trees will reduce the useable open space within the Park.</p>
<p>Amend Masterplan Action 1 legend to clarify reference to <i>“and local views within and across the park”</i>.</p>	<p>Response to a submission on what views were supported by this action.</p>
<p>Amend Action AM11 to add <i>“Alignment of this loop path along the Park’s northern and western boundaries will also consider the privacy/visibility of adjacent residences and proposed landscape works.”</i></p>	<p>To address submission received regarding the proposed sealed path looping around the large western grassed area of the park. Submissions raised noise, privacy and security concerns.</p> <p>The proposed loop path along the foreshore and around the large western grass area (Action AM11 and Masterplan Action 14) is only shown indicatively on the DPoM’s Masterplan. Final alignment will be subject to detailed design and landscape plans (including detailed designs for the seawall and foreshore zone).</p>
<p>Amend Action DF10, first dot point, to clarify as <i>“(a single sheltered picnic table)”</i>.</p>	<p>To address a submission that raised concern with seating near the existing boat ramp as this area is used of a weekend by the sailing club for the rigging of their boats.</p> <p>The provision of a single covered picnic table at this location (just west of the larger boat ramp), as per Action DF10 and Masterplan Action 7, is incorporated as part of the foreshore/seawall upgrading – and so would have negligible additional impact on the sailing boat rigging area.</p>
<p>Amend Action AM13 to add <i>“if warranted by usage and/or site impacts, construct a short, compacted gravel path ...”</i> and <i>“ideally follow a gentry meandering alignment and minimise fragmentation of this narrow grass area.”</i></p>	<p>To address an issue raised that the proposed walking track is unnecessary as this strip of land is quite narrow and is often used as a wind protected picnic area and a track through the middle of this area would make this unviable.</p> <p>A worn footpad already exists through part of this narrow-grassed area (east of the low stone seawall). The proposed compacted gravel path would formalise this route or “desire line” to help retain most of these grassed areas as an</p>

Proposed Amendment to the PoM	Reasons
	uninterrupted usable space and minimise further grass impacts. The route shown on the Masterplan Action 15 is indicative only.
Amend Action GL12 to include reference to “ <i>small appropriately sited community gardens</i> ”.	<p>To address a suggestion that community gardens or green spaces in designated areas are attractive alternatives to tree planting initiatives. These spaces could be designed to promote biodiversity, provide recreational opportunities, and foster a sense of community among residents.</p> <p>Action GL12 already provides for the establishment of “small gardens of other more formal or intensively managed areas of amenity plantings” – but does not refer specifically to community gardens. The inclusion of the additional words will allow a community garden – subject to Council approval.</p>
Amend relevant item in Table 10 – Management Challenges, Issues or Threats to Values to read “ <i>Concrete path connecting Park to/from shared driveway off Terry Street is signposted at Park’s northern boundary as ‘Private Property’ (is part of adjacent private block Lot 5 DP258892 and is a listed easement providing a “Right of Footway and Easement to Drain Water” in favour of surrounding 1, 2, 3, 4, 6, 8 10 and 12 of DP25889. It is not available for wider public access</i> ”.	<p>To correct an error raised by a submitter that Table 10 had incorrect information.</p> <p>A title search indicates the DPoM’s description is incorrect. Cadastral information identifies the easement (the pathway) as a “Right of Footway and Easement to Drain Water” over Lot 5 and in favour of (for use by) Lots 1, 2, 3, 4, 6, 8 10 and 12 (DP25889).</p>
<p>Amend Page 77 to read “<i>Natural Area (Foreshore) – a narrow band along the Park’s margin with Connells Bay (excluding the two developed boat ramps and foreshore between them), encompassing the intertidal areas to be established/enhanced by the Donnelly Park Foreshore Improvement Works (where proposed), as well as the foreshore of the Park’s far south-east.</i>”</p> <p>Amend Page 80 (Table 11 - Rationale for Categorisation) to read “<i>Applicable to the greater majority of the Park’s foreshore margin with Connells Bay (and the strip of land immediately adjacent subject to foreshore influences/effects) – specifically the existing and proposed modified/built foreshore located to the east and west of the boat ramps (including any intertidal areas to be established/enhanced by the Donnelly Park Foreshore Improvement Works), and the semi-natural foreshore south of the toilet block (along the margin of the bushland area).</i>”</p>	To address a submission requesting that Council clarify the Draft Plan of Management’s descriptions of the “Natural Area – Foreshore” category.

Proposed Amendment to the PoM	Reasons

**NEXT STEPS**

48. It is noted that consent to adopt the Donnelly Park PoM was received from the DPHI on 7 March 2024 in accordance with clause 70B of the *Crown Land Management Regulation 2018*.
49. If Council resolves to adopt the amended draft Donnelly Park PoM and Master Plan, the next steps will be as follows:
  - The Donnelly Park PoM and Master Plan will be forwarded to the DPHI for information;
  - Submitters will be advised of the adoption of the PoM and Master Plan;
  - The PoM 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**

50. Preparation of the Donnelly Park PoM and Master Plan was within budget allocation.
51. The final PoM notes that implementation of the works/measures included in the PoM and Master Plan, is subject to the funding and resources available to Council and is determined by Council’s overall Delivery Program and shorter-term annual Operational Plans, annual budget cycles, and works/activity planning for Council’s various units.

**RISK IMPLICATIONS**

52. Adopting the final Donnelly Park PoM and Master Plan directly contributes to mitigating Strategic Risk 5: Climate Change, as identified in Council's Strategic Risks 2024/25, by aligning with Council's Tree Management Policy and fostering climate-resilient practices.
53. The adoption of the PoM and Master Plan demonstrates a proactive commitment to managing climate-related risks while preserving and enhancing both the natural and built environment in Donnelly Park.
54. This approach reinforces Council's dedication to biodiversity, liveability, and the sustainability of natural systems, ensuring the park remains a valuable community asset for future generations.

**COMMUNITY ENGAGEMENT**

55. The draft PoM and Master Plan for Donnelly Park were on public exhibition for a period exceeding 28 days, from 27 March 2024 to 26 April 2024, with submissions accepted until 7 May 2024.
56. A webinar was held on 16 April 2024 from 6:00 pm to 7:00 pm.
57. A Public Hearing was held on 30 April 2024 with regard to the proposed recategorisation of Donnelly Park.

**CONCLUSION**

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58. The report recommends that Council adopt the Donnelly Park Plan of Management (**Attachment 1**) and Master Plan (**Attachment 2**) as amended by public exhibition in accordance with section 40 of the Local Government Act 1993 and section 3.23(6) of the Crown Land Management Act 2016.
59. All submitters who provided a submission during the public exhibition of the Donnelly Park Plan of Management and Master Plan will be notified of Council's decision.

The adopted Donnelly Park Plan of Management and Master Plan will be placed on Council's website.

#### **FILE REFERENCE**

D24/228418

#### **ATTACHMENTS**

- Attachment 1  Donnelly Park Plan of Management - *published in separate document*
- Attachment 2  Donnelly Park Master Plan (as in PoM) - *published in separate document*
- Attachment 3  Submissions Analysis, Response and Recommendations - *published in separate document*
- Attachment 4  Public Hearing Report - Proposed Recategorisation of Donnelly Park - *published in separate document*

**Item:** ENV003-25 **Endorsement of updated Beverly Hills Master Plan for Public Exhibition**

**Author:** Senior Strategic Planner

**Directorate:** Environment and Planning

**Matter Type:** Committee Reports

**RECOMMENDATION:**

- (a) That Council endorse the finalisation of a draft Master Plan for the Beverly Hills Local Centre with the amendments in response to flooding and gas pipeline risks as detailed in **Table 1** of this Report.
- (b) That the amended Master Plan and accompanying Public Domain Plan, Transport and Parking Study, Moomba to Sydney Ethane (MSE) Pipeline Hazard Analysis, and Flood Impact Risk Assessment be placed on public exhibition for a minimum period of 60 days in accordance with the community engagement plan outlined in the report.
- (c) That Council endorse the community engagement program outlined in this Report for Public Exhibition of the draft amended Master Plan.
- (d) That a further report be prepared and submitted to Council at the conclusion of the exhibition period to allow consideration of any submissions received and any resulting amendments to the Master Plan.

**EXECUTIVE SUMMARY**

1. At its meeting on 24 April 2023, Council resolved (ENV007-23) not to proceed with the exhibited Master Plan for the Beverly Hills Local Centre and instead endorse certain principles and elements to guide the preparation of a revised "A Way Forward" Master Plan ("Master Plan") for the Centre.
2. Since April 2023, the progress of the Master Plan has been delayed due to:
  - a. The adoption of the Overland Flow Floodplain Risk Management Study and Plan for Hurstville, Mortdale and Peakhurst Wards by Council on 23 October 2023. The Biodiversity, Conservation and Science Group of the Department of Climate Change, Energy and Water (BCS) and State Emergency Services (SES) required the preparation of a Flood Impact Risk Assessment (FIRA) with consideration of the impact of flooding on the proposed densities and pedestrian areas; and
  - b. The assessment being undertaken by the risk consultants for Moomba to Sydney Ethane (MSE) Pipeline which runs through the northern part of the subject area.
3. The FIRA and MSE pipeline risk assessments reports have now been finalised. Both reports have identified necessary amendments to the draft Master Plan. These amendments result in a departure from the principles and elements that were adopted by Council on 24 April 2023.
4. This report presents the amendments required to the draft Master Plan. If endorsed by Council, the draft Master Plan will be finalised for exhibition purposes.

## BACKGROUND

### History of Beverly Hills Master Plan

5. The project commenced in 2017 and has undergone considerable stakeholder consultation in relation to the visioning for the Beverly Hills Local Centre between 2018 and 2022. The draft Master Plan was publicly exhibited from late July to late September 2020.
6. Around ten Councillor Workshops were held during the process. A detailed background to the Master Plan is provided in the Report to the Environment and Planning Committee (ENV034-22), dated 14 November 2022.

### Council Resolution – 24 April 2023

7. At its meeting on 24 April 2023, Council considered a report (ENV007-23) 'Beverly Hills Town Centre Master Plan - A Way Forward' and resolved:
  - (a) *That Council not proceed with the exhibited Master Plan for the Beverly Hills Local Centre.*
  - (b) *That Council notes the submissions on the previously exhibited Beverly Hills Local Centre Master Plan.*
  - (c) *That Council endorse the following principles to guide the preparation of the Master Plan for Beverly Hills Local Centre:*
    - a. *The Master Plan guides future development on both sides of King Georges Road.*
    - b. *The expansion of the business zone on the eastern side of King Georges Road to create opportunities for the growth of the Local Centre to support the local community.*
    - c. *The exploration of the western side of King Georges Road having greater maximum building heights than the eastern side of the road.*
    - d. *The investigation of the inclusion of affordable housing within the Local Centre.*
    - e. *That built form transition provisions between the business zone and adjoining low scale residential zones are incorporated into the Master Plan and future development controls.*
    - f. *That non-residential floor space within future developments ensures capacity to meet the 2036 projections for employment floor space.*
    - g. *That the Master Plan addresses the risk associated with the Moomba to Sydney High Pressure Gas Pipeline on future development.*
    - h. *The provision of a plaza and additional green spaces within the Local Centre.*
  - (d) *That Council endorse the following elements to guide the development of the Master Plan for the Beverly Hills Local Centre:*
    - a. *For the northern side of the Railway Line:*
      - i. *No changes to the zone or development controls*
      - ii. *Public domain upgrades in Warrawee Place*
      - iii. *New pedestrian bridge over the railway line*
    - b. *For the eastern side of King Georges Road:*
      - i. *Expand the B2 zone*

- ii. *Interface/setback controls are identified to address the built form transition between the B2 and R2 zone*
        - iii. *Car park at 23 Frederick Avenue and 506 King Georges Road is converted to a plaza with angled parking*
        - iv. *The maximum building heights is 21m (base height) to 28m (gateway sites)*
        - v. *The maximum floor space ratio is 2.5:1 (base FSR) to 3:1 (gateway sites)*
      - c. *For the western side of King Georges Road:*
        - i. *The maximum building heights is 21m (base height), 24.1m (sites requiring 3m road widening and min 20m frontage), 31.4m (gateway sites), and 27.2m (Cinema site)*
        - ii. *The maximum floor space ratio is 3:1 (base FSR), 3.5:1 (sites requiring 3m road widening and min 20m frontage and gateway sites), and 4:1 (Cinema site)*
        - iii. *The widening of Dumbleton Lane by 3m*
        - iv. *The provision of green space on King Georges Road (purchase of land)*
        - v. *The provision of a pedestrian air bridge over King Georges Road.*
      - d. *Melvin Street and Edgbaston Road:*
        - i. *Retention of the R4 High Density Residential Zone*
        - ii. *Any future controls (FSR + height) result in limited residential intensification and restricted range of sensitive uses.*
        - iii. *The maximum building heights ranges from 15m to 21m*
        - iv. *The maximum floor space ratio ranges from 1.5:1 to 2:1*
      - e. *That the non-residential floor space ratio in the B2 Zone be 0.75:1*
      - f. *That affordable housing is investigated to be provided on the western and eastern side of King Georges Road.*
  - (e) *That Council prepare the Master Plan based on the principles and elements in (c) and (d) above.*
  - (f) *That Council prepare and exhibit an amended Traffic, Transport and Parking Study which assesses TfNSW's concerns, the potential impacts of land use uplift on the existing network and to develop mitigation strategies in order to accommodate the expected growth under the Draft Master Plan.*
  - (g) *The Council prepare and exhibit an amended Public Domain Plan to accompany the draft Master Plan.*
  - (h) *That Council prepare a draft Affordable Housing Contributions Scheme for the Beverly Hills Town Centre Master Plan, which includes testing the viability of sites to provide affordable housing contribution.*
  - (i) *That Council requires further risk modelling in regard to the Moomba to Sydney High Pressure Gas Pipeline to be undertaken to determine the level of risk and whether the affected sites change under the Draft Master Plan.*
  - (j) *That Council endorse Beverly Hills Town Centre Master Plan as detailed in this report for public exhibition for 60 days to allow the residents sufficient time to review the draft Master Plan and provide their submissions.*
  - (k) *That Council conduct in person community consultation during the exhibition period, as well as including the provision of one-on-one telephone and meeting services by Council's town planners for community members who wish to discuss any aspects of the draft plan.*

- (l) That a further report be prepared and submitted to Council at the conclusion of the exhibition period recommending a preferred approach for the Beverly Hills Town Centre based on the submissions received and the findings of the Traffic, Transport and Parking Study.*
- (m) That the Council is to note that budget of over \$200,000 is required to action this resolution and no funds are allocated (to date) in the draft Budget for FY23/24 for Beverly Hills Master Plan.*
- (n) That the General Manager, due to the urgency of needing to progress the development of the master plan for the Beverley Hill Centre resulting in part to the planning proposal for 407-511 King Georges Road Beverly Hills and the significant impact this will have on the amenity and infrastructure of the area and the possible loss of significant development contribution funds, is to convene a meeting between the Director of Environment and Planning and the Director of Finance and Governance for the purpose of discussing the possibility of transferring \$200,000 from Council's interest investment surplus in order to fund the consultancy work required for this Master Plan.*
- (o) That Council endorse consideration of a housing investigation area in the next review of the Local Strategic Planning Statement, undertaken in 2025, in the area bound by B2 zoned land, Cahill St, Morgan St and Stoney Creek Road.*

#### **ACTION ON THE MASTER PLAN SINCE APRIL 2023 COUNCIL RESOLUTION**

- 8. Gyde Consulting were appointed in late July 2023 to commence work on the amended Master Plan in accordance with Council's resolution on 24 April 2023.
- 9. Gyde Consulting prepared the draft Master Plan (refer to **Figure 1** below). Refer to **Attachment 1** for an A3 version of the draft Master Plan that implements the principles and elements adopted by Council on 24 April 2023. Note: The April 2023 adopted Master Plan subject area has been reduced (**Figure 1**) as compared to the exhibited Beverly Hills Master Plan subject area (**Figure 15**).



Figure 1 - "A Way Forward"

**Flooding**

- 10. On 23 October 2023, Council adopted the Overland Flow Floodplain Risk Management Study and Plan for Hurstville, Mortdale and Peakhurst Wards ("Floodplain Study").
- 11. The Floodplain Study identifies lands that are affected by flooding, also known as flood planning areas. The findings of the Floodplain Study include the identification of extensive areas within and around the Beverly Hills Local Centre as being affected by significant flooding.
- 12. As background, the NSW Government released its flood-prone land package on 14 July 2021. The package includes updated advice to councils to better manage flood risks and to reduce potential property damage and loss of life in recognition of increasing extreme flood events throughout NSW. Several additional requirements also commenced, including a revised Section 9.1 Local Planning Direction 4.1 - Flooding and a planning circular on flooding: *PS21-006 – Considering flooding in land use planning: guidance and statutory requirements*.
- 13. As result of the NSW Government updates in relation to flooding, the [Section 9.1 Direction 4.1 – Flooding](#) requires planning proposals to not permit significant increase in the development and/or dwelling density in land within flood planning areas, amongst other requirements.

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14. **Figures 2 and 3** show the 1% AEP Affected Lots (2023) and Probable Maximum Flood (PMF) Affected Lots (2023) for Beverly Hills Local Centre and surrounds as identified within the Floodplain Study.

15. **AEP:** Annual exceedance probability – AEP is defined as the probability that a given rainfall intensity or depth, or runoff flow rate or volume will be exceeded in any one year, expressed as a percentage. For example, a 1% AEP event is equivalent to a 1 in 100-year event (or 100-year event).

16. **PMF - Probable Maximum Flood** – PMF is defined as the greatest depth of precipitation for a given duration meteorologically possible over a given size storm area at a particular location at a particular time of the year, with no allowance made for long-term climatic trends (World Meteorological Organisation, 1986. Manual for Estimation of Probable Maximum Precipitation, 2<sup>nd</sup> edition, Operational Hydrology Report No. 1, WMO-No. 332, Geneva, ISBN 92-63-11332-2).



Figure 2 – 1% AEP Affected Lots 2023 (Source: Floodplain Study, 2023)

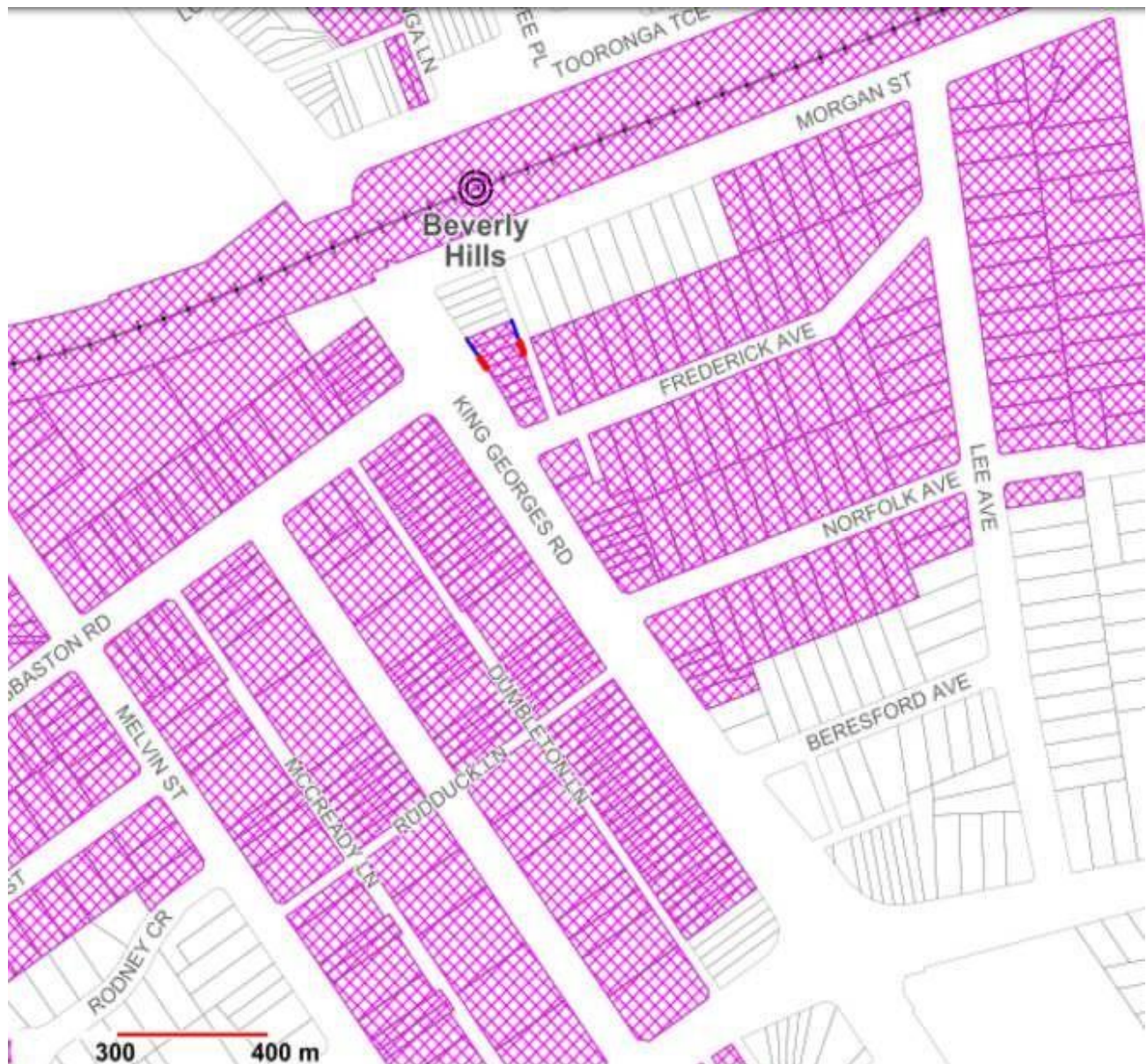


Figure 3 – PMF Affected Lots 2023 (Source: Floodplain Study, 2023)

17. Given the flooding impacts, a FIRA was required to be prepared for the draft Master Plan by the SES, the BCS and Council officers. The FIRA has been prepared and assessed by state agencies - SES, BCS and internally by Council officers.
18. SES (refer to **Attachment 2**) have suggested the following points be considered as strategies for development:
- constraints-based approach to design and development in this area, ensuring building footprints do not enter areas of high hazard flooding.
  - providing access/egress away from the flood risk and locating all basement openings (ramps, vents, etc.) above PMF level.
  - site design and stormwater management that reduces the impact of flooding and minimises any risk to the community.
19. BCS (refer to **Attachment 3**) state that the flooding conditions of the site under the PMF Event include:



- Most of the site, with the exception of two smaller portions in the north-west and south-east locations, would be flood affected with a floodwater depth of 1 – 2m and higher. Refer to **Figure 4** below.

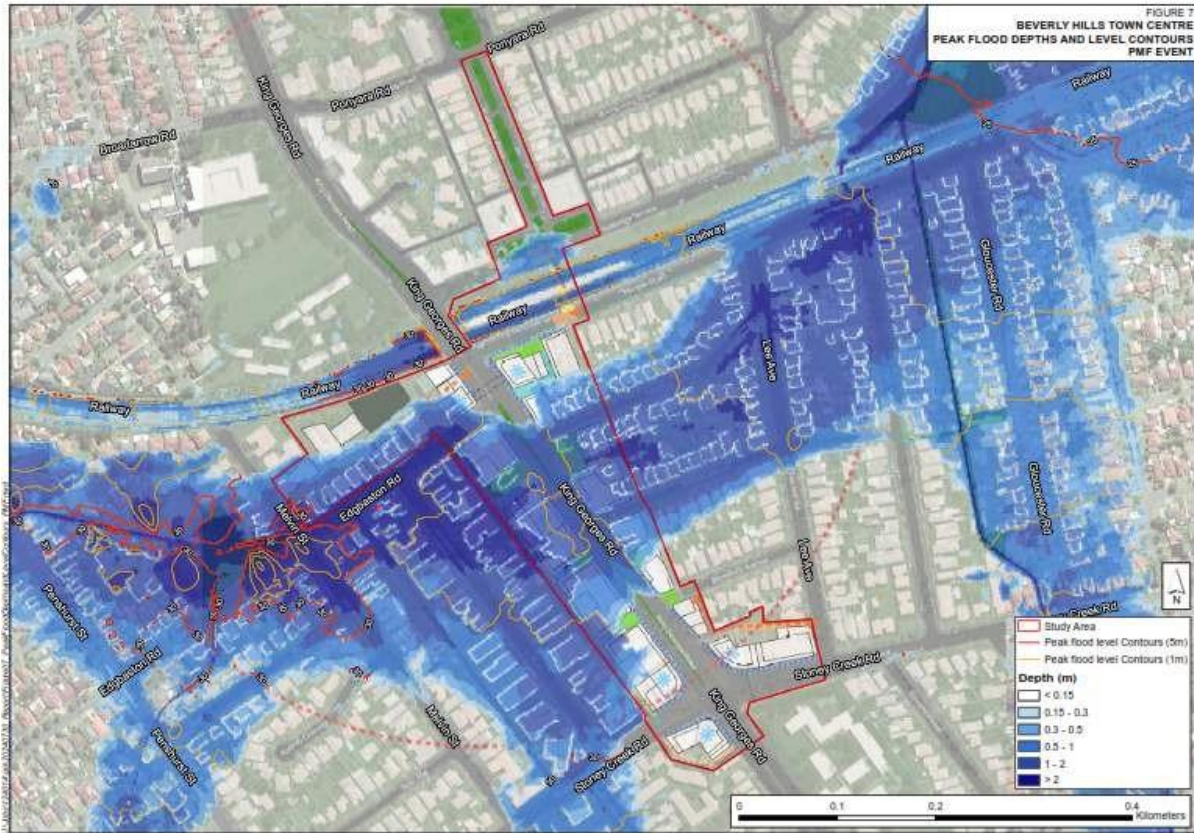


Figure 4 - Peak Flood Levels and Level Contours PMF event (Source: FIRA, November 2024)

- Flood affected areas of the site would have hazard ratings of H3 to H6 as defined in the Flood Hazard - Flood Risk Management Guideline FB03 (refer to **Figure 5** for the mapping and **Figure 6** below for an explanation of the hazard ratings).

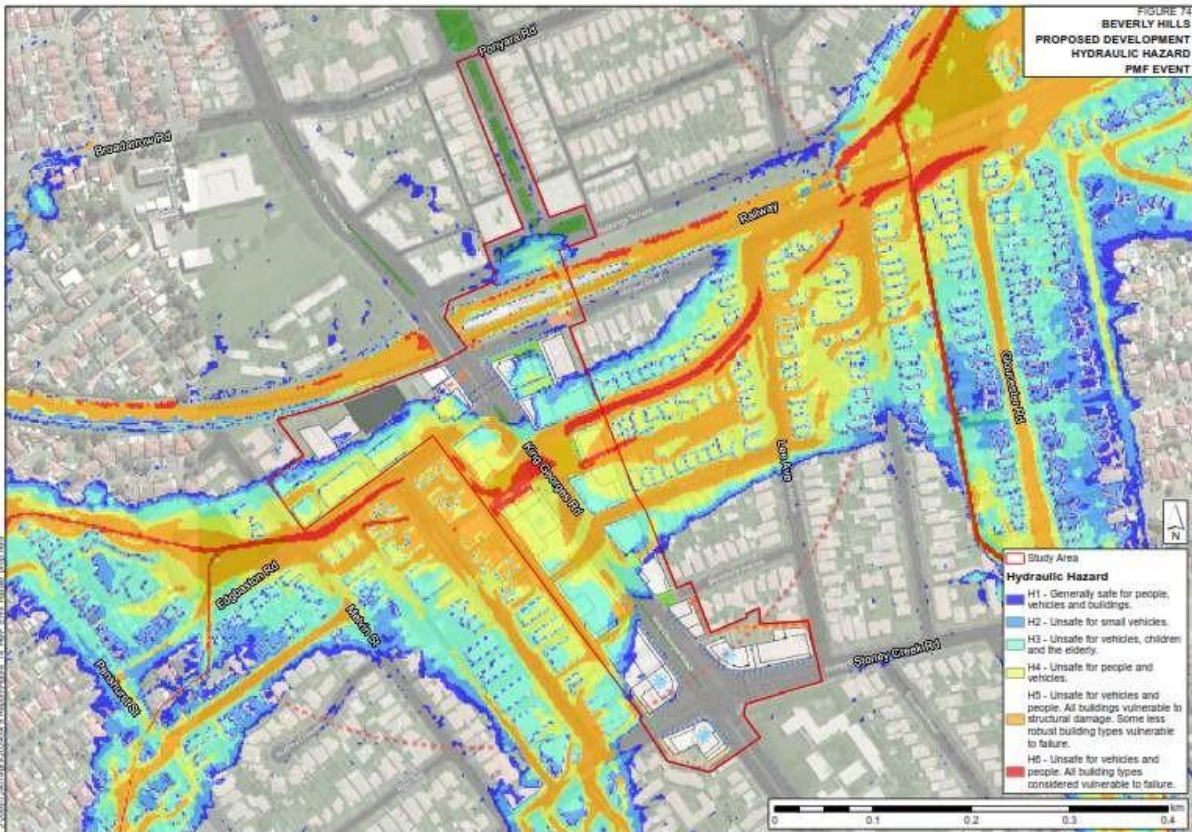


Figure 5 - Proposed development Hydraulic Hazard PMF Event (Source: FIRA, November 2024)

**Table 1 Combined hazard curves – vulnerability thresholds**

Hazard vulnerability classification	Description	Classification limit (D and V in combination) m <sup>2</sup> /s	Limiting still water depth (D) m	Limiting velocity (V) m/s
H1	Generally safe for vehicles, people and buildings	$D \cdot V \leq 0.3$	0.3	2.0
H2	Unsafe for small vehicles	$D \cdot V \leq 0.6$	0.5	2.0
H3	Unsafe for vehicles, children and the elderly	$D \cdot V \leq 0.6$	1.2	2.0
H4	Unsafe for vehicles and people	$D \cdot V \leq 1.0$	2.0	2.0
H5	Unsafe for vehicles and people. All building types vulnerable to structural damage. Some less robust building types vulnerable to failure	$D \cdot V \leq 4.0$	4.0	4.0
H6	Unsafe for vehicles and people. All building types considered vulnerable to failure	$D \cdot V > 4.0$	–	–

2.0 ↴

Figure 6 - Extract from Flood Risk Management Guideline FB03

- The proposed buildings, located on both sides of the stormwater culvert at King Georges Road, would be severely flood affected.
- King Georges Road adjacent to the site would become non-trafficable due to floodwater velocity of 1.5 m/s and higher. Refer to **Figure 7** below.



Figure 7 - Proposed Development Peak Flood Velocity PMF Event (Source: FIRA, November 2024)

- Flood affected areas would render as a floodway and the flood emergency response consequence category (FERCC) of the flood affected areas would be a flood island submerged (FIA) as described in the *Understanding and managing flood risk - Flood risk management guideline FB01*. Refer to **Figure 8** below for the floodway affectation.

Note: The guideline above states that the key considerations for land-use planning are: *Consequences of isolation and inundation can be severe. Consider the consequences of evacuation difficulty or inundation of the area on the development and its users, which may include limitations on land use, or land use that has users who are more vulnerable to disruption and loss. Consider the impacts of the development on EM planning for the existing community (including the need for measures to offset impacts), community flood recovery, and disruption or loss of the development on the users and wider community.* (Page 52-53 of *Understanding and managing flood risk - Flood risk management guideline FB01*)



Figure 8 – Proposed Development Hydraulic Categories PMF Event (Source: FIRA, November 2024)

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20. The site has significant flood affectation and emergency management issues during the PMF Event, including:

- The duration of the PMF Event would be around 60 minutes.
- It would be difficult to provide warnings under such short duration events. Warning products may not be possible (and /or would not be available) due to the flash flooding nature of the PMF Event.
- It is anticipated that the risks and hazards would be significant as the ground floors and basement carparks of future buildings would be flooded in a PMF Event. This would pose considerable safety risks to drivers and passengers trapped in basement carparks.
- At some critical locations of the site, the anticipated volume of floodwater to be conveyed would be around 162,000m over a period of 60 minutes which could result in rapid flooding of a basement carpark.
- BCS raises concerns with safe evacuation from the site, due to hazardous flooding conditions on King Georges Road.

21. In conclusion, BCS recommends that Council consider options that reduce the flood risk, including consideration of the proposed number of dwellings and exploring commercial options as an alternative to residential.

22. Council staff supports the comments from BCS and has confirmed that the flooding impact due to the proposed building layout in the draft Master Plan will cause the flood level to increase.

23. This is due to the larger footprint of buildings and loss of open space areas within the Master Plan study area. In a 1% AEP event, the flood level will increase along Dumbleton Lane (between approximately 50mm and 100mm). Dumbleton Lane is the proposed access to developments fronting King Georges Road. The future scenario, Climate change 2100 (1% AEP) model shows, that the flood level increase can be up to 200mm.
24. The PMF event also shows that there will be significant impact on adjoining sites outside the Master Plan study area. These negative impacts need to be minimised by designing building layouts with gaps to allow for flood water to flow through.
25. Finally, the sites within the Master Plan study area are already entitled to redevelopment based on the current LEP and DCP controls. However, additional height will increase the population density in the flood affected lots. Council staff have recommended that increased density in highly constraint areas (shown in red in the blue rectangles in **Figure 9**) should be avoided.



Figure 9 – Area (outlined blue) where increased density should be avoided (Source: FIRA, November 2024)

## MSE Pipeline Risk

26. The April 2023 resolution also required “*further risk modelling in regard to the Moomba to Sydney High Pressure Gas Pipeline to be undertaken to determine the level of risk and whether the affected sites change under the Draft Master Plan.*”. Clause 2.77 of State Environmental Planning Policy (Transport and Infrastructure) 2021 (known as the Transport & Infrastructure SEPP) requires councils to assess the level of risk when considering development near the pipelines, to ensure that risks to people, property and the pipelines are within acceptable levels.
27. [Section 9.1 Local Planning Direction 5.5 High Pressure dangerous goods pipelines](#) requires Council to consider risks to the integrity of relevant pipelines, human health and the environment when preparing a planning proposal that would permit development for one or more of the specified uses in the application area of relevant pipelines.
28. A draft Moomba to Sydney Ethane (MSE) Pipeline Hazard Analysis report has been prepared for the Georges River LGA in October 2024. It conducts a risk analysis and assessment to formulate recommendations for Council to consider when rezoning the land adjacent to the MSE pipeline for potential population intensification. The draft report identifies certain areas as being inappropriate for any residential intensification and other areas being inappropriate for sensitive land uses.
29. In accordance with the recommendations of the draft MSE Pipeline Hazard Analysis, residential intensification cannot occur within the 1E-06 p.a. (or 1 in 1 million per year) Location Specific Individual Risk (LSIR) fatality contours – this is the land within the two red contours in **Figure 10** below.
30. The 5E-07 p.a. LSIR fatality contours (land between the red and blue contours in **Figure 10** below) does not restrict residential intensification. Therefore, shop top housing can occur on E1 zoned land within the 5E-07 p.a. LSIR fatality contours. However, the draft report recommends the prohibition of sensitive land uses within the area affected by this LSIR fatality contour. Sensitive land uses refer to developments such as centre-based childcare facilities, early education and care facilities, educational establishments, health services facilities and seniors housing.



Figure 10 – Location Specific Individual Risk (LSIR) fatality contours for Beverly Hills Local Centre (Source: Draft MSE Pipeline Hazard Analysis Report)

31. Currently within the Georges River LEP 2021 (GRLEP), *Clause 6.16 Development in areas of activity hazard risk* is used to minimise risk to life and property in the event of an emergency arising near a high-pressure gas pipeline. This existing clause applies to the sensitive land uses mentioned above and requires future development proposals for these land uses to be forwarded to the Planning Secretary for consultation as part of the development application (DA) process.

**AMENDMENTS TO THE APRIL 2023 MASTER PLAN TO ADDRESS FLOODING AND MSE PIPELINE RISK ISSUES**

**Risk from Flooding**

Council’s Stormwater Management Policy

32. Council adopted the Georges River Stormwater Management Policy on 27 July 2020 (updated on 18 December 2023). The Policy addresses flooding impact in Section 6 - i.e., Floor Level, Driveway Access, Evacuation/ Shelter in place and Structural Soundness.

33. It is noted that there has only been one recent development application (DA) approved in the Beverly Hills Local Centre in the flood area at 443-445 King Georges Road Beverly Hills (DA2019/0114). The consent was issued on 21 May 2021 for the construction of tourist and

visitor accommodation comprising of a sixty-two (62) room hotel with a ground floor reception area and café, associated parking and site works. The consent conditions for the DA illustrate the impact of the Policy on building development in floodways.

34. **Figure 11** below shows the site location and the open Sydney Water drainage channel that runs through the centre of the site. This channel is a tributary of Wolli Creek. The site is affected by the 1% AEP and the PMF. The flood levels at this site are as follows:

- 1% AEP flood level = 27.30m AHD
- PMF flood level = 27.70m AHD



Figure 1 - 443-445 King Georges Road Beverly Hills

35. The approved development has parking and ground floor elevated at RL28.25. Furthermore, the flood prone nature of the site restricts the use of the western portion of the site and landscape elements like planter boxes are not permitted due to possible obstruction to overland flow paths.

36. The maximum height and FSR permitted in the GRLEP were 15m and 2:1. The approved development has a height of 15.85m and FSR of 1.24:1. A *Clause 4.6 Objection to the height standard* was supported as compliance with RL28.25 to satisfy the flood planning level had to be achieved.

37. Several conditions have been imposed as part of the DA consent to be able to realise the development at this location in accordance with Stormwater Management Policy, as stated below.

38. Condition 14 of the Consent requires:



14. Compliance with Flood Management Requirements - The proposed design involves building a significant structure within an active overland flow area. In order to ensure floodwater is not redirected into neighbouring lots; ensuring adequate clearance is maintained under the car park floor slab is necessary. Hence, the development shall be designed to comply with following requirements are incorporated in the final design plans and all documents together shall be submitted to the satisfaction of the Principal Certifying Authority and Council with the application for the Construction Certificate:
- (a) A detailed raised subfloor structural design of the building must be provided which shows the pier and beam layout within the flood affected area for proposed Ground Floor and Lower Ground Floor areas.
  - (b) The minimum underside of the car park floor beams' level to be set at RL27.85m AHD (1% AEP flood level 27.35 plus 0.5m freeboard). This level would ensure certain degree of floodwater movement under the building floor with less obstruction as such and hence minimum redistribution.
  - (c) The minimum car park floor level, café/foyer floor level and habitable floor level shall be set at RL28.25m AHD.
  - (d) The minimum existing ground level of RL26.60 shall be maintained in the final design layout plans to be submitted and there shall be no alteration to the existing ground levels as per survey plan.
  - (e) Circular piers are to be adopted in the structural design of the building as they provide less flow restrictions.
  - (f) The maintaining of the existing flood regime/overland stormwater flow passage through the site and no alteration to the existing site ground levels.
  - (g) The proposed fencing around the perimeter of the site and along the channel will be security fencing with larger "grated" openings to reduce the potential for blockage by debris.
  - (h) Works such as fences must not obstruct the natural stormwater flow path or alter the flow path in such a way as to direct or concentrate stormwater on to neighbouring properties.
  - (i) Design and existing spot levels are to be provided at maximum 5 metre spacing and are to include levels along the boundary, adjacent to the proposed building/channels, location of any significant change of grades or levels (e.g., tops and bottom of steps), levels across the entries of both channels. All proposed features within this area including but not limited to proposed retaining walls, planters, steps, existing and proposed trees and other structures are to be detailed and be submitted for Council's flood compatibility perspectives.

- (j) The use of flood compatible construction materials along with waterproofing construction method to be detailed and submitted.
- (k) All electrical services, wirings, switches and similar vulnerable electrical switchgear/appliances must be located above RL 27.85m AHD.

39. Conditions 15, 16, 17 and 18 require:

- The consulting flood engineer is to certify that proposed treatments of features on the site are appropriate for this development.
- Structural certification that the design is to withstand inundation impacts, debris and buoyancy forces of floodwater through the site for all floods up to RL 27.85m AHD.
- The lodgment of a Flood Emergency and Evacuation Management Plan. This report is to demonstrate how the occupants of the development will egress the site in the early stages of storm events up to the PMF level of RL 27.85m AHD, together with how they will seek refuge in the PMF event.
- The prohibition of permanent storage across the lower ground floor areas and the associated permanent storage signage.

40. **Figures 12 and 13** below show the final design for the approved DA2019/0114.



Figure 12 - Resulting development – in response to Council's Stormwater Management Policy

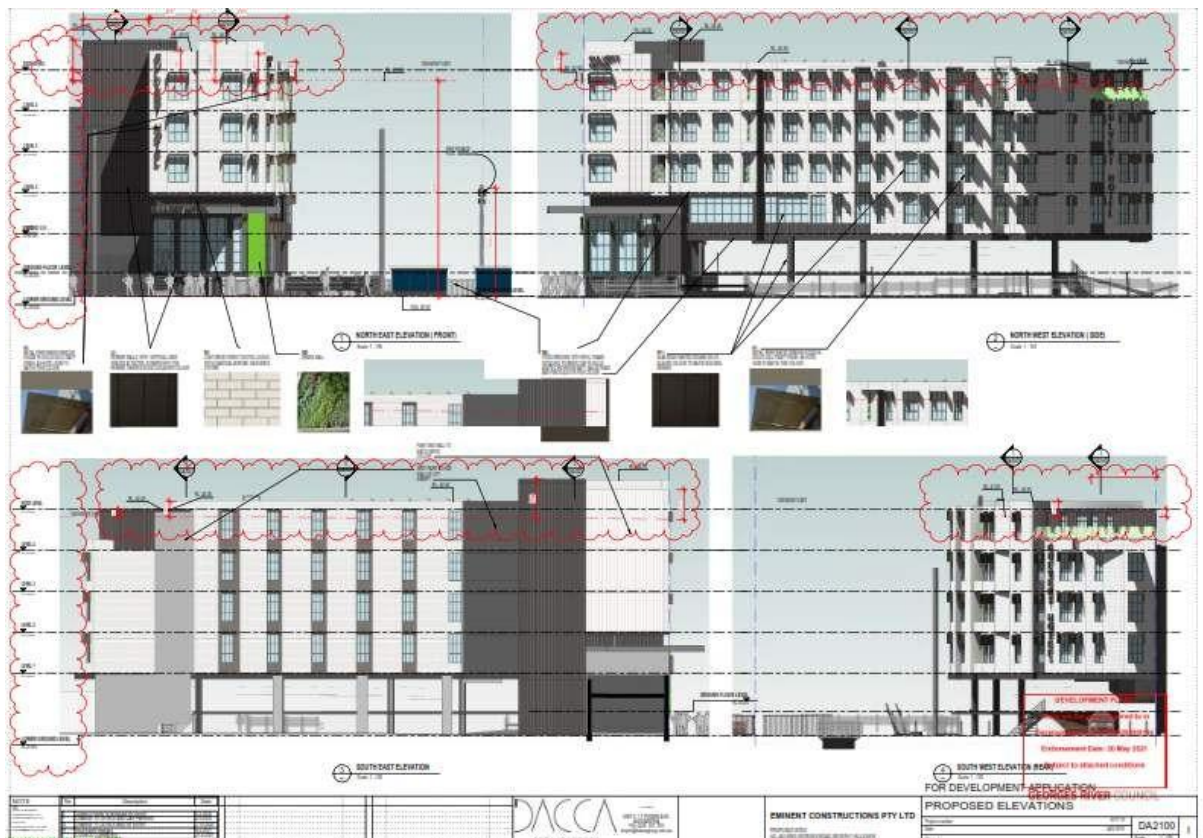


Figure 13 - Resulting Development – in response to Council’s Stormwater Management Policy

### Implications of the Council’s Stormwater Management Policy

41. The development outcome in the floodway zones as highlighted in **Figure 9** demonstrates that compliance with the Policy will result in unacceptable design of developments within the Beverly Hills Master Plan area. The resulting development in the floodway zones will:

- need to be raised on stilts;
- result in no street activation;
- have no landscape elements;
- have poor urban design and public amenity outcomes; and
- have undesirable built form for a key local centre development located along King Georges Road (refer to **Figures 12 and 13**).

### Options for addressing risks from flooding

42. Council officers considered three options to address the risk from flooding:

- Option 1 - No change to the *A Way Forward Master Plan* and use Council’s Stormwater Management Policy to deal with development in the 1% AEP and PMF events. This will require an increase in height of 1m to 2m within the majority of the Study Area.
  - o Pros:
    - the Master Plan which commenced in 2017 can be finalised.
  - o Cons:

- does not address the comments from the State Agencies - BCS and SES;
  - if implemented will result in significant structures within an active overland flow area;
  - the resulting unacceptable design of structures (on stilts; with lack of amenity) within the overland flow area;
  - inconsistent with S9.1 *Direction 4.1 Flooding*;
  - development within floodway or flood storage areas would be likely to cause water to flow into other surrounding areas redistributing the flood risk;
  - access to new developments from Dumbleton Lane will not be available during flood events; and
  - flooding impact due to the proposed building layout will cause the flood level to increase. This is due to the larger footprint of buildings and loss of open space areas within the Master Plan study area.
- Option 2 - Retain existing zoning, heights and FSRs in the GRLEP of land outlined in blue in **Figure 9**. This results in the removal of the proposed E1 Zone over Nos. 20 and 22 Norfolk Avenue and Nos. 17, 19 and 21 Frederick Avenue and no increase in the FSR and height for land zoned E1 from Nos. 423 to 463 and Nos. 506 to 526A King Georges Road – i.e., the FSR and height remain at 2:1 and 15m, respectively.
    - o Pros:
      - removes the area of land that is most constrained by flooding; therefore, reducing increased population density in severely flood affected lots;
      - will not cause an increase in flooding levels in the adjoining residential areas;
      - consistent with S9.1 *Direction 4.1 Flooding*; and
      - addresses to some extent the comments from BCS and SES.
    - o Cons:
      - will still result in structures within an active overland flow area; and
      - the resulting design of structures within the overland flow area will still be an issue.
  - Option 3 – Discontinue with the master plan
    - o Pros:
      - No additional flooding impacts caused within and surrounding the Beverly Hills Local Centre
    - o Cons
      - Opportunity to revitalise Beverly Hills is lost, and the status quo may result in no change to the Local Centre, with ageing buildings and poor public domain, reducing the livability of the surrounding area, and the desirability of the Centre for investment;
      - Landowners may submit ad-hoc planning proposals in the absence of a Council endorsed future vision, potentially limiting Council's ability to deliver required infrastructure to support future changes in the centre;
      - Potential decline in existing infrastructure with limited opportunities to improve traffic and parking situation due to no contributions plan or funding mechanisms;

and

- Lack of planning for future employment floorspace demand, may result in demand shifting to other centres.

43. The preferred option is Option 2 - that the Master Plan retain existing zoning, heights and FSRs in the GRLEP for land outlined in blue in **Figure 9**; consistent with S9.1 *Direction 4.1 Flooding*.

#### **Risk from the MSE pipeline:**

44. Council officers explored two options to address the risk implications from the pipeline:

- Option 1: – No change to the ‘A Way Forward Master Plan’; – i.e., an increase in the heights and FSRs in the R4 and E1 Zones within the 1E-06 p.a. LSIR fatality contour in **Figure 10**.
  - Pros:
    - Increased residential density adjacent to the station;
    - Increased non-residential FSR to cater for 2036 demand projections;
    - Enhancement of the local centre as a whole; and
    - No land is sterilized for upzoning.
  - Cons
    - inconsistent with S9.1 *Direction 5.5 High Pressure dangerous goods pipelines* and this option is unlikely to be supported when the planning proposal is developed to implement the adopted master plan.
- Option 2: No change to the existing situation – i.e., retain existing zoning, heights and FSRs in the GRLEP of land within the 1E-06 p.a. LSIR fatality contour in **Figure 10**.
  - Pros:
    - consistent with S9.1 *Direction 5.5 High Pressure dangerous goods pipelines*; and
    - redevelopment can still occur under existing GRLEP FSR and heights.
  - Cons:
    - There may be no upgrading of the buildings affected by the 1E-06 p.a. (or 1 in 1 million per year) Location Specific Individual Risk (LSIR) fatality contours; and
    - Removal of two gateway redevelopment sites.

45. The preferred option is Option 2 - that the Master Plan retains the existing zoning, FSR and height controls under the GRLEP for land within the 1E-06 p.a. LSIR fatality contour in **Figure 10**.

What this means:

46. This means that the population density is not recommended to be increased within the 1E-06 p.a. LSIR fatality contour – this is the land within the two red contours in **Figure 10** – and the heights and FSRs under the GRLEP will be retained for properties within this LSIR fatality contour. On the eastern side of King Georges Road, the heights and FSRs of Nos. 482 to 490 will be retained as 15m and 2:1, respectively. On the western side of King Georges Road, the height and FSR of No. 409 will remain as 15m and 1.5:1 while the height and FSR of Nos. 411-419 will remain as 15m and 2:1.

47. In relation to the zoning of land within 1E-06 p.a. LSIR fatality contour, it is also recommended that the following zoning changes be made to the Master Plan:

- East of King Georges Road

Rezone Nos. 482 to 490 King Georges Rd from E1 Local Centre to E2 Commercial Centre and rezone Nos. 135, 137, 139 and 141 Morgan Street from R2 Low Density Residential to E2 Commercial Centre. An E2 Zoning does not allow shop top housing. It is a retail and commercial zone only.

- West of King Georges Road

Rezone Nos. 409, 411-419 King Georges Rd from E1 Local Centre to E2 Commercial Centre; retain the existing R4 High Density Residential Zone, 12m height and 1:1 FSR for land fronting Edgbaston Road; and retain the existing SP2 Infrastructure zones over the commuter carpark. The gateway sites at the corner of King Georges Road/Morgan Street and at corner of Edgbaston Road/King Georges Road will be deleted from the Master Plan.

48. Population density can increase in the 5E-07 p.a. LSIR fatality contour (land between the red and blue contours in **Figure 10**), as the draft report recommends the prohibition of sensitive land uses only within the area affected by this LSIR: while the zoning, height and FSR controls remains the same as resolved by Council in April 2023, i.e., E1 Local Centre, 21m and 2.5:1 on the east of King Georges Road.

## **PLANNING PROPOSAL – 407-511 KING GEORGES ROAD, BEVERLY HILLS**

49. In January 2023, a Planning Proposal (PP) was lodged the Beverly Hills Owners Association Incorporated, to increase height and FSR for Nos. 407-511 King Georges Road, Beverly Hills, located on the western side of King Georges Road (refer **Figure 14**). The PP sought to increase FSRs from 2:1 to 4:1 and 5.5:1 and heights from 15m to 44m and 50m.



Figure 14 – Planning Proposal – 407-511 King Georges Road Beverly Hills

50. In May 2023, the proponents lodged a rezoning review with the Department of Planning, Housing and Infrastructure (“the Department”). The rezoning review (RR) was considered by the Strategic Planning Panel of the Sydney South Planning Panel (“Panel”) in August 2023. The Panel deferred a decision on the RR and requested the proponent amend the PP to make it consistent with the Council’s April 2023 resolution on the Master Plan.
51. The proponent lodged a revised RR to the Department in November 2023. The revised RR sought an increase in FSR from 2:1 to 2:1, 3:1, 3.5:1 and 5.5:1, and heights from 15m to 28m, 33m and 39m. The Panel on 11 December 2023 considered the RR and determined that the proposal should be submitted for a Gateway determination because the proposal to increase residential density has demonstrated strategic merit.
52. However, in determining that the proposal should be submitted for a Gateway determination the Panel resolved that the RR be again revised to be generally consistent with the draft exhibited Beverly Hills Master Plan and Principles in the Council resolution of 24 April 2023. The Panel reduced the FSRs and heights proposed by the proponent to that proposed by the exhibited Master Plan and Principles as well as requiring 3m road widening of Dumbleton Lane and development sites having a 20m frontage to King Georges Road.
53. The Panel also resolved that the proponent investigate open space provision, affordable housing and provides reports on flooding, risk, and traffic. The issue with the Panel’s decision is that the heights and FSRs outlined in its decision (and based on the exhibited Master Plan) were not tested and have resulted in a mismatch between heights and FSRs. The Department has confirmed that the heights and FSRs do not match.

54. The RR was updated by the proponent again in May 2024. The Department's Urban Design (UD) section prepared an urban design scenario on the heights and FSRs that could provide a solution for this subject land and ensure satisfactory compliance with Apartment Design Guide ("ADG" - The ADG provides consistent planning and design standards for apartments across the state). Feedback was provided to the Department by Council officers which in summary advised that the heights and FSRs still did not match, and no residential uses could be permitted on land located within the 1E-06 p.a. LSIR fatality contours associated with the MSE Pipeline; resulting in the loss of residential floorspace of 7,094sqm. Council officers have also advised the Department of the flooding impacts and have forwarded the FIRA to for their consideration when assessing the PP.
55. Given the impacts of flooding and the pipeline risk on landuse within the Beverly Hills Local Centre, it is highly likely the proposal will need to be further amended.
56. It is anticipated that the Panel will consider the updated Planning Proposal (Rezoning Review) and whether it is suitable for submission for a Gateway determination in the early 2025, especially considering the flooding and gas pipeline risks. Depending on timing of both the Master Plan and the RR, the Master Plan may have to be updated after exhibition. However, at this stage, no amendments are recommended to the Master Plan due to this RR.

## **PROPOSED AMENDMENTS TO DRAFT MASTER PLAN**

57. **Table 1** below summarises the changes to the Master Plan as a result of flooding, and gas pipeline risks. The table breaks the plan into Precincts.
58. **Attachment 4** has the updated Master Plan prepared by Gyde.



**Table 1 - Details of Amendments to Beverly Hills Local Centre Master Plan as a result of risk and flooding issues**

**Precinct 1 - Northern side of the Railway Line**

**9.3.4. WARRAWEE PLACE**

Warrawee Place will support a more pedestrian friendly streetscape, activating the central spine with clear lines of movement, open lawn and flexible pocket plazas. The existing condition limits the flexibility and accessibility of space for pedestrian activation, with wide roads and low timber fencing.

Existing Warrawee Place provides opportunity to be redefined as a community linear pocket park. To transform Warrawee Place, the central median will be transformed to a series of mini pocket plazas and open lawn spaces. Generous planting buffers will encourage pedestrian movement north-south along Warrawee Place.

The streetscape will be retrofitted to produce a functional linear park. Introducing permeable paving and increasing street tree canopy will improve amenity for pedestrians and increase the opportunity for the public to have access to quality public space. Undergrounding of overhead cables will be investigated.

Permeable paving will define parking space, with tree planting at grade contributing to street amenity. These landscape interventions will activate the median prioritising pedestrians, giving the street back to the community.

**Existing condition**



**Precedents**



Figure 46. Warrawee Place

Figure 15 - Northern side of railway line (Source: Exhibited Beverly Hills Master Plan, July-September 2020)

**Amended elements for the Master Plan**

No changes to the Council resolution of 24 April 2023:

- No change to the existing E1 Zone – retains the non-residential FSR as 0.5:1 as existing.
- The public domain to include the upgrades as per the exhibited draft Master Plan (refer to **Figure 15** above)
- New pedestrian bridge as per the exhibited draft Master Plan

**Precinct 2 - Eastern side of King Georges Road**

**Precinct 2 - Eastern side of King Georges Road**

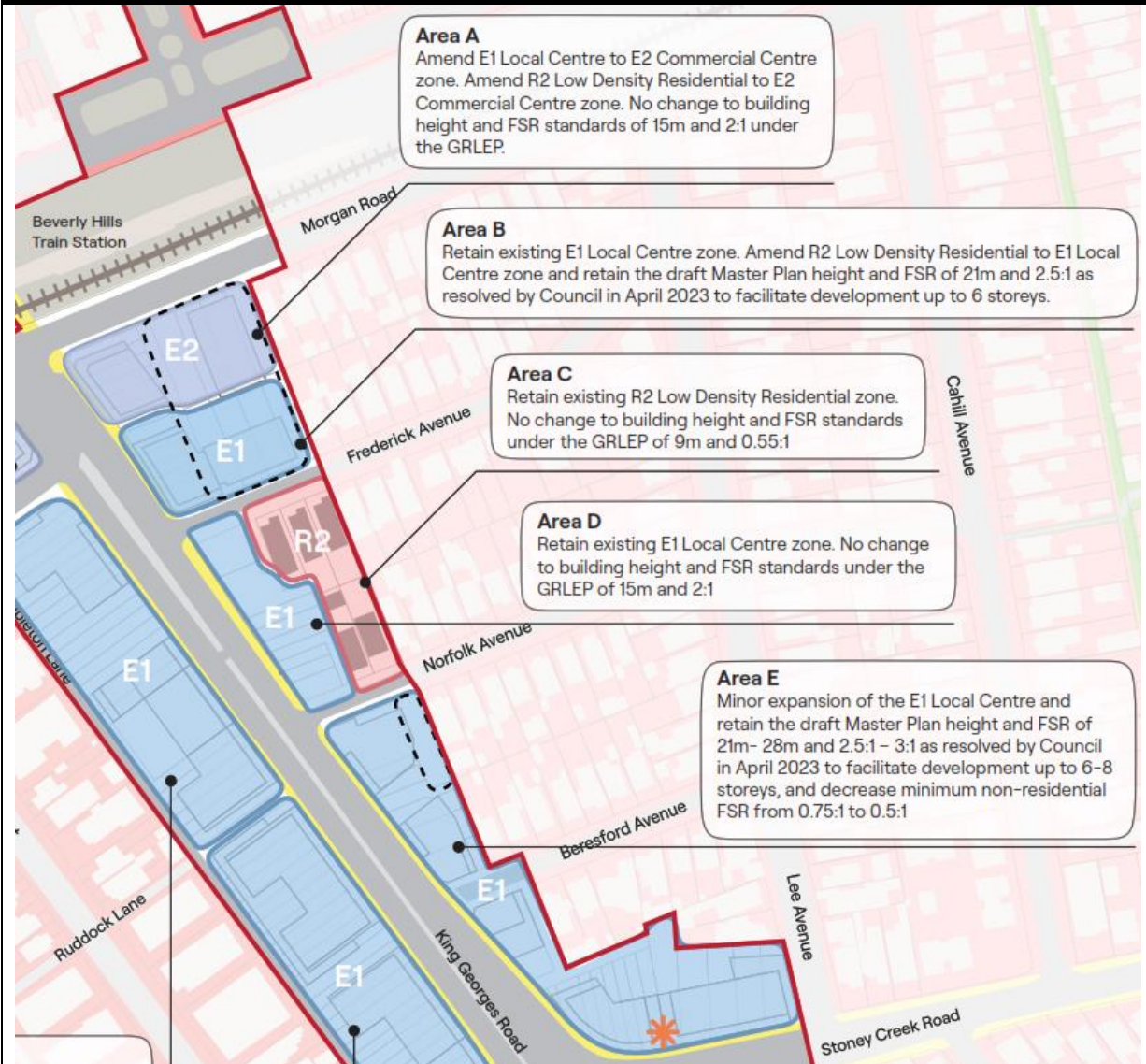


Figure 16 - Eastern side of King Georges Road (Source: Attachment 4 – Updated Draft Beverly Hills Master Plan)

**Amended elements for the Master Plan**

Changes to the Council resolution of 24 April 2023 as outlined in **Figure 16** above:

- Area A:
  - Amend the zoning over Nos. 482 to 490 from E1 Local Centre to E2 Commercial Centre and amend the zoning over Nos. 135, 137, 139 and 141 Morgan Street from R2 Low Density Residential to E2 Commercial Centre. The key objectives of E2 zone are to encourage investment in commercial development and to strengthen the role of the commercial centre. Height and FSR are to be as existing under the GRLEP and expanded to the new E2 portion – i.e., 15m and 2:1. This is to address the requirement for no increase in population intensity within the 1E-06 p.a. LSIR fatality contours.
  - Delete the Gateway Site at the corner of King Georges Road and Morgan Street.
- Area B – Retain the existing non-residential FSR in the GRLEP – being 0.5:1. The Council resolution of 24 April 2023 Master Plan included a non-residential FSR of 0.75:1 to stem the loss of the non-residential floorspace as sites are redeveloped and ensure capacity to meet the 2036 projections for employment floorspace demand. Given that the amended Master Plan will contain E2 Zones which requires 100% non-residential development, it is recommended that the E1 zones retain the 0.5:1.
  - Sensitive land uses will be restricted within Area A due to the 5E-07 p.a. LSIR

**Precinct 2 - Eastern side of King Georges Road**

fatality contour (land between the red and blue contours in **Figure 10**).

- Zoning, height and FSR controls remain the same as resolved by Council in April 2023, (E1, 21m and 2.5:1).
- Area C – Remove the E1 Local Centre Zone and retain the existing R2 Low Density Residential Zone under the GRLEP. Retain the existing GRLEP heights and FSRs for the E1 and R2 Zones. This area is within the floodway.
- Area D - Retain existing E1 Local Centre and retain the existing GRLEP heights, FSRs and non-residential FSR of 0.5:1. This area is within the floodway.
- Area E - Retain the elements of the Council resolution of 24 April 2023 with the exception of the non-residential FSR of 0.75:1. It is now proposed to reduce the non-residential FSR to 0.5:1 for the same reasons specified in Area B.

The table below is a summary of the amended Master Plan controls for Precinct 2:

Block	Proposed Zone	FSR	Height in metres	Height in storeys
Area A	E2 – Commercial Centre	2:1	15m	4 storeys
Area B	E1 – Local Centre	2.5:1 (including 0.5:1 non-residential)	21m	4 storeys (including 2 storeys residential)
Area C	Retain R2 Low Density Residential Zone	0.55:1 (Retain existing GRLEP FSR)	9m (Retain existing GRLEP HoB)	2 storeys residential
Area D	Retain E1 Local Centre	2:1 (Retain existing GRLEP FSR and non-residential 0.5:1)	15m (Retain existing GRLEP HoB)	4 storeys (including 2 storeys residential)
Area E	E1 – Local Centre	2.5:1 (including 0.5:1 non-residential)	21m	6 storeys (including 4 storeys residential)
Gateway site along Stoney Ck Rd	E1 Local Centre	3:1 (Retain existing non-residential 0.5:1)	28m	8 storeys (including 6 storeys residential)
Along Stoney Ck Rd	E1 expansion at Lee Avenue	2.5:1 (Retain non-residential 0.5:1)	21m	6 storeys to 3 storeys at Lee Avenue

The Master Plan will still address the following elements that have not changed from the April 2023 Council resolution:

- Street wall heights (4 to 6 storeys) and front and rear setbacks to be investigated.
- Setbacks to the R2 zone to the east to be incorporated in the detail of the Master Plan but will be added into the DCP that will accompany a planning proposal. Note: DCPs do not accompany Master Plans.
- Convert the existing Council car park at 23 Frederick Avenue and Ray White

**Precinct 2 - Eastern side of King Georges Road**

building at 506 King Georges Road into a plaza with angled parking on Frederick Avenue

**Precinct 3 – Western side of King Georges Road**

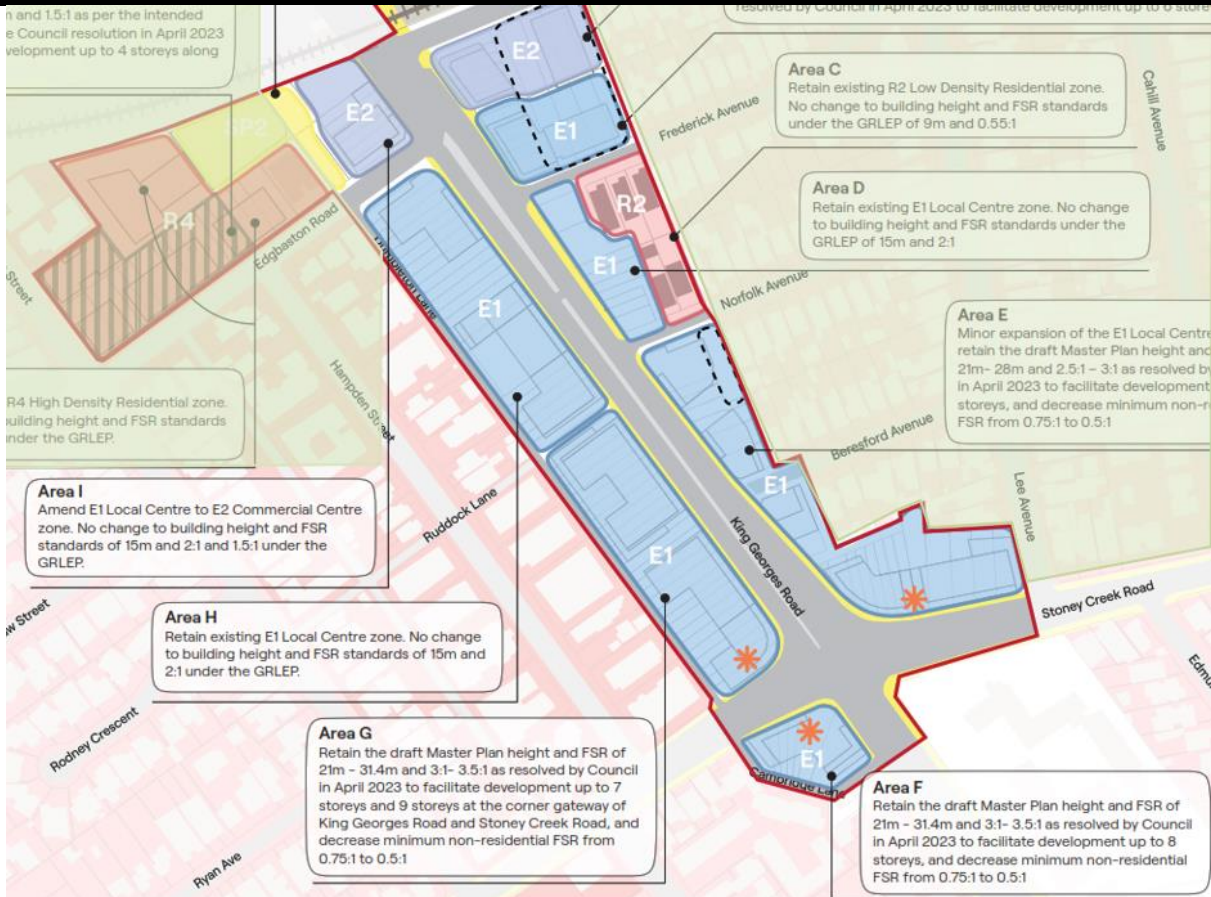


Figure 17 - Western side of King Georges Road (Source: Attachment 4 – Updated Draft Beverly Hills Master Plan)

**Elements for the Master Plan**

Changes to the Council resolution of 24 April 2023 as outlined in **Figure 17** above:

- Area I –
  - Amend the zoning over Nos. 409 to 419 King Georges Road and No. 2 Edgbaston Road from E1 Local Centre to E2 Commercial Centre zoning and retain the existing GRLEP height of 15m and FSRs 1.5:1 (No. 409 King Georges Road) and 2:1 (411-419 King Georges Road). The key objectives of E2 zone are to encourage investment in commercial development and to strengthen the role of the commercial centre. This is to address no increase in population intensity within the 1E-06 p.a. LSIR fatality contour.
  - Sensitive land uses will be restricted within Area I due to the 5E-07 p.a. LSIR fatality contour (land between the red and blue contours in **Figure 10**).
  - Delete the Gateway site at the corner of Edgbaston Road and King Georges Road.
- Area H - Retain the existing E1 Local Centre and retain the existing GRLEP heights, FSRs and non-residential FSR of 0.5:1. This area is within the floodway.
- Areas F and F - Retain the elements of the Council resolution of 23 April 2023 with the exception of the non-residential FSR of 0.75:1. A non-residential of 0.5:1 as per the existing GRLEP will be retained.

**Precinct 3 – Western side of King Georges Road**

The table below is a summary of the amended Master Plan controls for Precinct 3:

Block	Zone	FSR	Height in m	Height in storeys
Area I	E2 Commercial Centre	1.5:1 and 2:1 & non-residential FSR of 0.5:1	15m	4 storeys
Area H	Retain E1 Local Centre	2:1 (No change to GRLEP FSR controls)	15m (No change to GRLEP HoB controls)	4 storeys ((including 2 storeys residential)
Areas G and F	E1 Local Centre	3:1 (proposed – base FSR)	21m (proposed – base height)	6 storeys (including 4 storeys residential)
F and G	E1 Local Centre Zone (proposed - min frontage 20m & 3m laneway widening)	3.5:1 (Includes non-residential 0.5:1 & bonus 0.5:1 for 3m widening)	24.1 (Includes 3.1m height bonus for lane widening)	7 storeys (including 5 storeys residential)
Gateway sites x 2 at cnr of Stoney Ck and King Georges Roads (proposed - min frontage 20m plus 3m)	E1 Local Centre Zone	3.5:1 (Includes non-residential 0.5:1 & 0.5:1 for laneway)	31.4m (Includes 3.1m height bonus for lane widening)	9 storeys (including 7 storeys residential)

The Master Plan will still address the following elements that have not changed from the April 2023 Council resolution:

- Street wall heights (4 to 6 storeys) and front and rear setbacks to be investigated.
- Widening of Dumbleton Lane by 3m as per the exhibited Master Plan.
- Council to investigate the purchase of 439 King Georges Road for use as green space.
- New pedestrian air bridge to replace existing crossing.

*Note:*

*The additional work on heights and FSRs proposed in the April 2023 report to Council has been carried out. Therefore, the revised Master Plan will include the required minimum front and rear setbacks which will then need to be translated into DCP controls.*

**Precinct 4 - Melvin Street and Edgbaston Road**

**Precinct 4 - Melvin Street and Edgbaston Road**

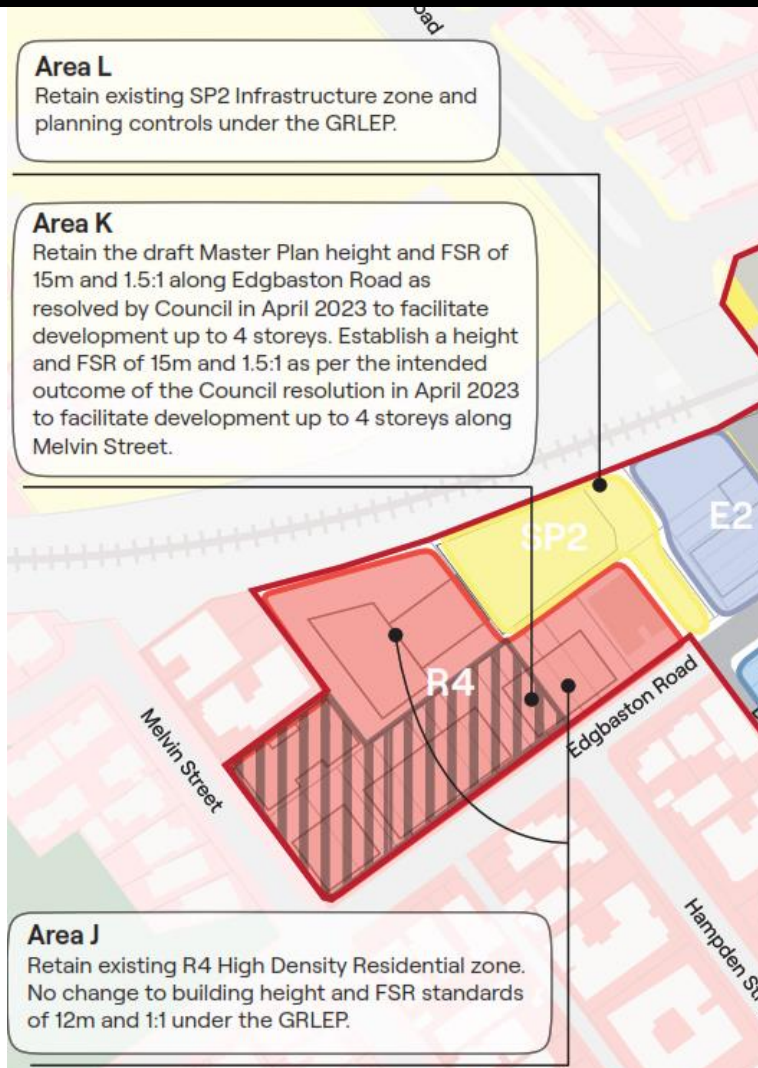


Figure 18 – Block at the corner of Melvin Street and Edgbaston Road (Source: Attachment 4 – Updated Draft Beverly Hills Master Plan)

**Elements for the Master Plan**

Changes to the Council resolution of 24 April 2023 as outlined in **Figure 18** above:

- Area J – Retain the existing zoning (R4 High Density Residential), FSR – 1.5:1 and height – 12m over the land. This is to address no increase in population intensity within the 1E-06 p.a. LSIR fatality contour.
- Sensitive land uses will be restricted within Area J within the 5E-07 p.a. LSIR fatality contours (land between the red and blue contours in **Figure 10**); as recommended by the Risk Report.
- Area K - Following the Council Resolution of April 2023, the height and FSR for the largest block (battle-axe block with access from Melvin Street) were set at 15m and 2:1 and 1.5:1, respectively. The 2:1 FSR was meant to support a 6-storey building in the largest section and a 4-storey structure within the access handle on Melvin Street. However, the 2:1 FSR based on the 6-storey section is no longer planned because it is within the 1E-06 p.a. LSIR fatality contours.  
A revised FSR of 1.5:1 is proposed for the Melvin Street portion to align with a 4-storey design, matching the height and density of Edgbaston Road and the existing strata development on Melvin Street which is unlikely to change. Maintaining a 2:1 FSR would require an additional two storeys, resulting in an out-of-character development.  
Recommendation: It is recommended that the Council resolution from 23 April 2023 be amended to exclude the 2:1 FSR. Therefore, Area K is recommended to have a

**Precinct 4 - Melvin Street and Edgbaston Road**

maximum FSR of 1.5:1 with a height of 15m.

- Area L – No change to existing GRLEP heights and FSRs for SP2 Zone.

The table below is a summary of the amended Master Plan controls for Precinct 4:

Block	Zoning	FSR	Height in m	Height in storeys
Area J	Retain R4 High Density zone	1:1 as existing under the GRLEP	12m as existing under the GRLEP	Three storeys
Area K	Retain R4 High Density zone	1.5:1 <u>Recommendation:</u> The 2:1 FSR needs to be removed for Area K – see justification above.	15m	Up to four storeys
Area L	Retain SP2 Infrastructure zone	No FSR controls apply; as per the GRLEP controls	No controls apply as per the GRLEP controls	

The Master Plan will still address the following element that has not changed from the April 2023 Council resolution:

- Delete the proposed laneway that was in the exhibited draft Master Plan to enable greater site planning flexibility to achieve height and FSR

**Precinct 5 - Housing investigation area (HIA) on the eastern side (R2 behind E1 Local Centre)**

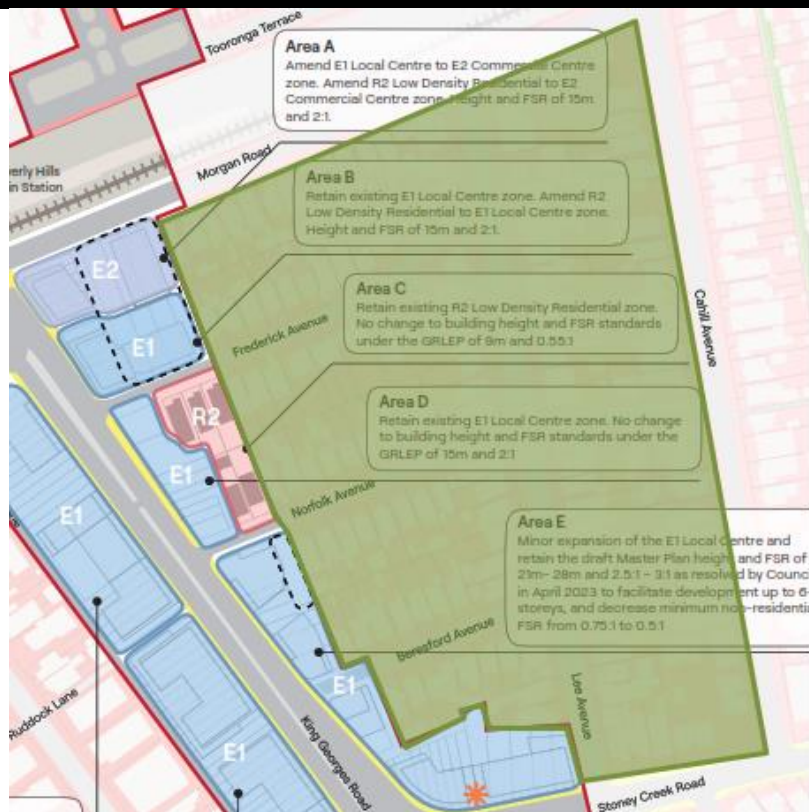


Figure 19 – Proposed HIA east of the expanded E1 zoning (Source: Attachment 4 – Updated Draft Beverly Hills Master Plan)

**Precinct 5 - Housing investigation area (HIA) on the eastern side (R2 behind E1 Local Centre)****Flooding and impact on HIA**

It is noted that at its meeting on 24 April 2023, Council endorsed consideration into the creation of a housing investigation area (HIA) on the eastern side of King Georges Road in 2025 in the area bound by E1 zoned land, Cahill Street, Morgan Street and Stoney Creek Road – highlighted green in **Figure 19** above. This area is unsuitable for increased housing due to the risks associated with flooding (refer to **Figures 2 to 9** of this report) and is recommended to be discontinued as a HIA.

ENV003-25

Affordable Housing

59. Council resolved in part at its meeting held on 23 April 2023 to prepare a draft AHCS for the Beverly Hills Master Plan.

60. Council resolved (ENV035-22) on 28 November 2022 to prepare an affordable housing contributions scheme (AHCS) for the LGA. The intention was for Council to prepare a single scheme to apply to multiple areas within the LGA, as long as the viability analysis for each area is investigated. This work is nearly completed and will be reported to Council by June 2025. HillPDA have recommended that Council implement a timed phased-in approach for affordable housing contributions, similar to those adopted by the City of Sydney and Randwick LGA. More specifically, they recommend a two-year delay from gazettal, providing a transition period that factors in cost escalations to help support the viability for developers to adjust these added costs into their feasibility and site acquisition costs.

61. The AHCS for the Master Plan has been included in the overall AHCS for the LGA.

**IMPACT OF LOW AND MID-RISE HOUSING REFORMS (LMR REFORMS) ON THE MASTER PLAN**

62. In late 2023, the NSW Government announced Housing Reforms to assist in the delivery of at least 314,000 new homes by 2029. These Housing Reforms included the Low and Mid-Rise Housing Reforms which facilitate the development of RFBs, terraces, manor houses and multi dwelling housing within “station and town centre precincts”.

63. The Beverly Hills Local Centre is defined as a “station and town centre precinct” under the Housing Reforms.

Excluded land from the LMR Reforms

64. The new policy reforms will not apply to certain sensitive areas. These include:

- high-risk land, including bushfire- and flood-prone land and land identified as coastal wetlands, littoral rainforest or a coastal vulnerability area; and
- land located close to dangerous goods pipelines and aircraft noise.

65. This means that the LMR Reforms do not apply to the flood affected areas and areas close to the MSE Gas Pipeline within the Beverly Hills Master Plan area.



66. The Housing Reforms were on public exhibition from 15 December 2023 to 23 February 2024. The Department is currently considering feedback received.

## FINANCIAL IMPLICATIONS

67. Following Council's resolution of 24 April 2023 which noted that a budget of over \$200,000 is required to action this resolution, adequate funds were allocated for the Beverly Hills Master Plan. A variation to the budget was also approved for the flood analysis recommended by SES and undertaken by WMA Water at a cost of \$7,000.

## RISK IMPLICATIONS

68. The following risks have been identified and need to be considered during the preparation of the Beverly Hills Master Plan:

- 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.

*Comment:* The updated Beverly Hills Master Plan (the Master Plan) developed in response to the flooding and gas pipeline risks may lead to limited uplift in and limited ability to deliver required infrastructure and public benefits in the northern portion of the Master Plan area. This means that the housing and infrastructure may not be reflective of the ongoing needs and/or expectations of the Beverly Hill's community.

- b. Strategic risk 5: Climate change – Council's failure to prepare and plan for climate and environmental risks, including Council's failure to protect and maintain the natural and built environment, including biodiversity, liveability, and natural systems.

*Comment:* With the updated Master Plan, Council is planning ahead to manage the climate and environmental risks, including flooding risks. This will enable Council to protect and maintain the natural and built environment in the subject area.

- c. 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.)

*Comment:* Council is endeavouring to respond to the changing socio-economic needs of our community through its work on the updated Master Plan. No development or renewal within Beverly Hills Local Centre may result in continuing decline in amenity with ageing buildings and poor public domain, reducing the liveability of the surrounding area, and the desirability of the Centre for investment.

- d. Strategic Risk 9: Housing Infrastructure - The risk that Council may fail to facilitate housing and development that aligns with the community's growing needs and expectations, while also ensuring planning regulations and building practices are

sufficient to address climate change impacts and severe weather events. This could lead to inadequate housing supply and environmental challenges.

*Comment:* The updated Master Plan will facilitate reduced housing and development as compared to the exhibited Master Plan; in response to the flooding and gas pipeline risks, while maintaining planning and building amenity.

## COMMUNITY ENGAGEMENT

69. Consultation is proposed for the owners and occupiers of properties located within the study area for Beverly Hills Centre. This consultation process will comprise of the following engagement methods:

- a. Targeted letters to landowners and occupiers
- b. Fact sheets in plain English and Chinese outlining the proposed changes
- c. Webinars
- d. Face to face meetings
- e. Dedicated email and phone call enquiries

70. The following material will be available during the exhibition period:

- a. Draft Master Plan
- b. Traffic and Parking Study
- c. Public Domain Plan
- d. Risk Analysis for the Moomba to Sydney High Pressure Ethane Gas Pipeline
- e. Fact sheets
- f. Economic analysis for the viability of an AHCS for the land under the Beverly Hills Master Plan

71. All information will be available digitally on Council's YourSay website. Hard copies will be made available at Council offices.

72. Notification of the public exhibition will be through:

- a. Newspaper advertisement in The Leader
- b. Exhibition notice on Council's website and social media
- c. Community engagement project on Council's YourSay website
- d. Council's social media channels
- e. Notices in Council offices and libraries
- f. Letters to all landowners and occupiers in areas where change to planning controls are proposed under the draft Master Plan as well as surrounding areas; and
- g. Letters to relevant Government agencies, including TfNSW, SES, BCS and the DPHI (Hazards team)

## NEXT STEPS

73. This report recommends that Council endorse amendments outlined in **Table 1** to the draft Master Plan for the Beverly Hills Local Centre.

74. If endorsed by Council, the amended Master Plan will be prepared, including an updated traffic and parking study, finalised hazard analysis, and public domain plan.

75. The amended documentation will then be placed on exhibition.

76. An indicative timeline is shown in **Table 2** below.

**Table 2 – Timeline**

Action	Indicative Timeline
Report to Environment and Planning Committee on the amended Master Plan	Feb 2025
Minutes of Environment and Planning Committee referred to Council for adoption	Feb 2025
Preparation of amended Master Plan, public domain plans, AHCS, traffic assessment, and hazard analysis	Feb-April 2025
Preparation for draft Master Plan exhibition	May 2025
Exhibition of draft Master Plan	June 2025 to July 2025
Consideration of submissions and briefing to Councillors	August 2025
Report to Environment and Planning Committee and Council to adopt the amended Master Plan	October 2025

77. It is noted that the project timeline is indicative and may be amended due to funding and reporting timeframes.

## FILE REFERENCE

D25/1746

## ATTACHMENTS

- Attachment 1  A3 Plan of 'A Way Forward' Beverly Hills Master Plan - *published in separate document*
- Attachment 2  NSW SES Advice - FIRA Beverly Hills Master Plan - November 2024 - *published in separate document*
- Attachment 3  BCS Advice - FIRA Beverly Hills Master Plan - November 2024 - *published in separate document*
- Attachment 4  Updated Beverly Hills Master Plan - 23 January 2025 - *published in separate document*

**Item:** ENV004-25 Heritage Building Grants Program 2024/25

**Author:** Strategic Planner

**Directorate:** Environment and Planning

**Matter Type:** Committee Reports

**RECOMMENDATION:**

- (a) That Council endorse the Heritage Building Grants Program 2024/25 and offers be made to successful applicants as outlined in Attachment 2 of this report – ‘Summary Table of Submissions and Recommendations for Heritage Grant Funding 2024/25’.
- (b) That the successful applicants be given until 1 December 2025 to complete the works and lodge their requests for reimbursements.

**EXECUTIVE SUMMARY**

1. The purpose of this report is to seek endorsement of recommendations for the allocation of grant funding under the Georges River Heritage Building Grants Program 2024/25.
2. The purpose of the Heritage Building Grants Program is to assist in the promotion and protection of heritage items in the Georges River LGA. There are 319 listed heritage items under Schedule 5 of the *Georges River Local Environmental Plan 2021*.
3. Grant applications are assessed against the criteria contained within the Heritage Building Grant Program Guidelines. Priority is given to those projects that involve minor, external works.
4. Grant applications were open from 15 August – 13 October 2024. A total of 22 applications were received. 13 applications are recommended for grant funding to a total amount of \$47,500.

**BACKGROUND**

5. The Heritage Building Grants Program aims to encourage the retention and maintenance of properties that have heritage significance and promote and celebrate our community’s local heritage.
6. Generally, eligible works are limited to small conservation projects or extraordinary maintenance works. The Heritage Grants Program Guideline indicates that Council may fund up to 50% of the cost of a project (up to a maximum value of \$10,000 per application) and may range from \$100 to a maximum of \$10,000.
7. Under the Heritage Building Grants Program, owners and agents of heritage listed buildings under the *Georges River Local Environmental Plan (GRLEP) 2021* are eligible to apply for financial assistance for specific restoration or conservation works on their property. There are 319 listed heritage items in the GRLEP 2021.
8. The history of the Program since FY2018/19 is as follows:
  - (a) FY2018/19 \$50,000 was allocated by Council and \$45,383 was spent.
  - (b) FY2019/20 (with program extended to 30/11/2020) – Council reimbursed 23 applicants which equated to a total of \$34,416.50.
  - (c) FY2020/21 – Council did not fund the program.
  - (d) FY2021/22 (with program extended to May 2023) – Council reimbursed 15 applicants which equated to a total of \$68,763.00.

- (e) FY2022/23 – Council did not fund the program.
  - (f) FY2023/24 – Council did not fund the program.
9. On 24 June 2024 Council resolved (CCL043-24) to allocate \$25,000 to the 2024/25 Heritage Building Grants Program:
- (b) *That in accordance with Sections 403, 404 and 405 of the Local Government Act 1993 the following documents be adopted:*
    - (i) *Delivery Program 2022 - 2026*
    - (ii) *2024/25 Operational Plan including the budget, revenue policy and Schedule of Fees and Charges subject to the capital rephasing referenced in this report and the following amendments:*
      - *Heritage Building Grants: Increase to expenditure of \$25,000, funded by a reduction to the Community Grants Budget.*
10. Council previously at its meeting on 27 November 2017 resolved (ENV002-17 & CCL231-17):
- That any unspent funds from the Heritage Building Grants Program and the Heritage Publications Grants Program be placed in a reserve to be allocated to the following year's program.*

#### **HERITAGE BUILDING GRANTS PROGRAM 2024/25**

- 11. Letters inviting applications for grant funding were sent on 15 August 2024. Applications were open until 13 October 2024. Submissions were requested to be made via SmartyGrants, although hard copy applications are accepted from those without access to a computer. One hard copy application was received.
- 12. Applications were required to submit a detailed outline of the proposed work, quotations, photos, and plans, if warranted.
- 13. The applications were reviewed by Council's Heritage Advisor and Council Officers who assessed applications for funding based on the criteria in the Heritage Building Grant Program Guidelines.

#### **CRITERIA AND PROCESS FOR ASSESSMENT OF HERITAGE BUILDING GRANTS**

- 14. The Heritage Building Grants Program Guidelines (provided in **Attachment 1**) contains the assessment criteria for assessing Heritage Building Grant Program applications. This information is publicly available.
- 15. The purpose of the grants is to assist in the promotion and protection of heritage items in the Georges River LGA. Only items listed as a heritage item are eligible to apply for a grant and does not extend to properties in a Heritage Conservation Area (HCA) due to the limited budget provided to administer the Heritage Building Grants Program.
- 16. In accordance with the Heritage Building Grant Program Guidelines, priority is given to those projects that involve minor external works such as:
  - (a) Tuck-pointing/repainting of brickwork;
  - (b) External painting in traditional heritage colour schemes;
  - (c) Reconstruction of original elements such as roof and timber trimmings;
  - (d) Restoration/repair of windows; and
  - (e) Repair of tessellated floor tiles (where visually dominant).

17. All proposed works are to meet the objectives of Clause 5.10 of the *Georges River LEP 2021* to conserve the environmental heritage of the Georges River Local Government Area heritage items including associated fabric.
18. Following close of applications, Council’s Heritage Advisor and a Council Officer inspected several sites to ensure that the application was accurate (complete and clarity of the information available); is in accordance with the Heritage Grants Program Guideline; and whether any conditions should be imposed upon the successful funding.
19. Applications were prioritised to ensure that those with the most merit are recommended for grant funding. Due to the limited funding this round, consideration was also given to:
  - (a) whether the project would be visible to the public and will have broader benefits to the community;
  - (b) whether the site/heritage item had received a grant before; and
  - (c) the necessity of the works and overall benefit the works will have to the heritage item.
20. Applications that did not contain sufficient information to allow an assessment of the proposed works, did not satisfy the criteria, or lacked merit in comparison to other higher priority grant applications, are not recommended for grant funding.
21. If Council were to fund all eligible applications to the maximum amount under the Heritage Building Grant Program Guidelines, a budget of \$90,000 would be required.

**GRANT RECOMMENDATIONS**

22. The applications recommended for grant funding for this round largely relate to external repainting, roof repairs, repairs to original timber windows and trimmings, and repointing of brickwork.
23. From a total of 22 applications, thirteen (13) are recommended for grant funding, totalling \$47,500.00.
24. Nine (9) applications are not recommended for grant funding. This is either due to a lack of information in the application to assess the proposed works, works having been completed without approval, the works relate to ineligible sites such as those within a Heritage Conservation Area (HCA), the works do not satisfy the assessment criteria in the Heritage Building Grants Program Guidelines, or the works lack merit when compared to other applications received this round.
25. It is recommended that Heritage Building Grant Program FY24/25 funding be offered as outlined in **Attachment 2** of this report and summarised in **Table 1** below:

**Table 1 – Recommended Grants under Heritage Building Grant Program FY24/25**

Address	Summary of proposed works	Amount of funding recommended
71 Penshurst Street, Penshurst	Repairs to slate roof	\$5,000
50 Dora Street, Hurstville	Replacement of timber fascia and capping at the front gable, and repainting.	\$2,500
645 King Georges Road (2-4 Carrington Street), Penshurst	Repairs to roof, turret, and downpipes	\$2,500
55 Inverness Avenue, Penshurst	Repairs to roof	\$2,500

Address	Summary of proposed works	Amount of funding recommended
90 The Avenue, Hurstville	Restore timber fretwork to verandah/awnings and decking, doors/frames, and windows, and repaint	\$5,000
2 Premier Street, Kogarah	Restore timber balcony and lacework and repair downpipe.	\$5,000
23 Annette Street, Oatley	Restore bargeboards, balustrades fascia, and external repainting.	\$2,500
7 Mutual Road, Mortdale	External repairs to front verandah posts and bracket, front gable end finial	\$2,500
34 Waratah Street, Oatley	Repainting to side elevations	\$2,500
67 Vista Street, Sans Souci	Repairs to slate roof	\$5,000
160 Forest Road, Hurstville	Repair and paint front façade, replace 3 front timber double hung windows, replace awning roof and box gutter and paint.	\$5,000
800 Forest Road, Peakhurst	Repairs to sandstone church including repainting, replace roof gutter, reinstate weather cover to port hole window, new flashings to front façade, repair, and paint timber gable barge boards.	\$5,000
84 Woronora Parade, Oatley	Restore damaged front steps with new marble and tile.	\$2,500
<b>Total</b>		<b>\$47,500</b>

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26. Subject to Council endorsement, successful and unsuccessful applicants will be notified of the outcome of their application.
27. Successful applicants will be sent a letter of offer and will have until 1 December 2025 to complete the works and lodge their requests for reimbursement.
28. Some letters of offer may be subject to conditions to ensure the works are compatible with the heritage item. This may include confirmation of a colour scheme by Council's Heritage Advisor prior to undertaking the works, use of certain timber to be compatible with the heritage item, or retention and repair of significant building fabric where possible, rather than wholesale removal and replacement.

## FINANCIAL IMPLICATIONS

29. The balance of the Heritage Building Grants Reserve (a restricted reserve) was \$23,000 as of 30 December 2024. The total available funds for the 2024/25 Heritage Building Grants Program is \$48,000.
30. Thirteen (13) applications are supported and recommended for grant funding. The recommended grants are either \$5,000 or \$2,500. The combined grants total \$47,500.
31. Given that Council cannot fund all the eligible applications to maximum of 50% of the cost of works, applications with works highly visible from the public domain, providing a high public benefit, and highly contributing to the conservation of the heritage item will be offered a grant of \$5,000.00. All other eligible works will be offered a grant of \$2,500.00.
32. As in the case with previous years, not all grants are expected to be accepted or funds expended. In the case of the previous round in the 2021/22 financial year, only \$68,763

was spent, from a total of \$76,663 approved grants. Any unspent funds will remain in the Heritage Building Grants Reserve for future grant rounds.

33. It is noted Council received funding from the NSW Department of Planning and Environment (Heritage NSW) under its Local Government Heritage Grant Program for 2023-25. This grant is used to support Council projects that help identify, conserve, and promote heritage. The \$25,000 grant has been (or is planned to be) contributed to fund Council's Heritage Advisory service and DCP heritage review (as resolved by Council on 23 October 2023). Should any grant money be left over after funding the maximum 50% towards these projects, remaining funds will be contributed towards the Heritage Building Grant Program.

## RISK IMPLICATIONS

34. Funding of the Heritage Building Grant Program addresses Strategic Risk 6 – Reputation. The grant encourages the retention and maintenance of properties that have heritage significance and promote and celebrate our community's local heritage. The Program supports Council's standing in the community.
35. The assessment criteria in the Heritage Building Grants Program Guidelines and the additional considerations of whether the project would be visible to the public and will have broader benefits to the community; whether the site has received a grant before; and the necessity of the works and overall benefit the works will have to the heritage item; address Strategic Risk 1 – Financial Sustainability. If Council were to fund all eligible applications to the maximum amount under the Heritage Building Grant Program Guidelines, a budget of \$90,000 would be required. Council only has a budget of \$48,000.00.

## COMMUNITY ENGAGEMENT

36. All owners of eligible heritage listed properties were notified of the Heritage Building Grants Program for 2024/25 and invited to apply via direct letter. Information was also placed on Council's Heritage Conservation webpage.



## CONCLUSION

37. Total available funds for the Heritage Building Grants Program for 2024/25 is \$48,000.
38. Whilst a total of 22 applications were received; 13 applications are recommended for grant funding to a total amount of \$47,500.
39. Successful applicants will be given until 1 December 2025 to complete the works and lodge their requests for reimbursements.
40. Any funds not taken up will be reallocated to the Heritage Building Grants Program Reserve.

## FILE REFERENCE

D24/297033

## ATTACHMENTS

- Attachment 1  Heritage Building Grants Program Guidelines - *published in separate document*
- Attachment 2  Summary Table of Submissions and Recommendations for Heritage Building Grant Funding 2024/25 - *published in separate document*



**Item:** ENV005-25 **Development and Building Q1/Q2 Metrics Report**  
**Author:** Manager Development and Building  
**Directorate:** Environment and Planning  
**Matter Type:** Committee Reports

**RECOMMENDATION:**

That Council receive and note the Quarterly Development and Building Section Functions and Services Metrics Report for the period July to December 2024.

**EXECUTIVE SUMMARY**

1. This report provides an overview of the Development and Building Section Services Metrics for Q1 and Q2 of the 2024/2025 financial year being July to December 2024. The data previously reported for the 2023/2024 Financial Year is also provided for comparison.
2. The Development and Building Section continues to implement best practice processes and actions that assist in improving application processing times and customer service, and operationally continues to reduce outstanding applications on hand despite labour sourcing issues and other challenges.

**REPORT*****DEVELOPMENT APPLICATIONS, MODIFICATIONS AND REVIEWS***Determining Authority

3. Under NSW Planning legislation, the Elected Council are no longer involved in determining Development Applications, Modifications to Consents, Review of Determinations or Building Information Certificates under the Environmental Planning and Assessment Act 1979 and the provisions of Council's Code of Conduct.
4. Subsequently, most applications are now determined under Delegated Authority by Council's Senior Development and Building Staff, unless they are required to be referred to the Georges River Local Planning Panel or the Sydney South Planning Panel for determination.
5. Best practice processes are used when making a determination. Council uses a peer review process which ensures that all recommendations made by our assessment officers are reviewed by a senior officer who is delegated to determine the application. This ensures transparency and consistency within the recommendations and decisions made by our staff.
6. Where council staff are not delegated to determine the application, the report is reviewed by a senior officer within the team and the application is submitted to the determining authority. In most cases these authorities are the Georges River Local Planning Panel or the Sydney South Planning Panel.

All Applications (DAs, Modifications and Reviews)

7. Metrics associated with the processing of Development Applications, Modification Applications and Review Applications is detailed in Tables 1 and 2 which provide a monthly breakdown in the previous and current financial years:

FY23/24	DA Lodged	DA Determined	MOD Lodged	MOD Determined	REV Lodged	REV Determined	TOTAL Lodged	TOTAL Determined
July	31	41	7	17	0	1	38	59
August	24	46	7	3	2	0	33	49
September	14	34	2	12	1	1	17	47
October	44	28	6	10	0	3	50	41
November	27	36	6	9	1	1	34	46
December	21	48	7	10	1	2	29	60
January	15	25	6	11	0	0	21	36
February	19	21	6	15	0	2	25	38
March	24	42	5	10	1	3	30	55
April	24	29	5	8	1	2	30	39
May	27	26	1	10	1	0	29	36
June	20	25	7	9	2	1	29	35

Table 1 – 2023/2024 financial year applications lodged and determined (Q1 to Q4).

FY24/25	DA Lodged	DA Determined	MOD Lodged	MOD Determined	REV Lodged	REV Determined	TOTAL Lodged	TOTAL Determined
July	28	36	8	10	0	4	36	50
August	15	18	4	5	3	0	22	23
September	20	28	3	7	1	4	24	39
October	32	28	4	14	1	1	37	43
November	28	16	10	6	0	1	38	23
December	15	23	8	8	2	2	25	33

Table 2 – 2024/2025 financial year applications lodged and determined (Q1 and Q2).

8. In the Q1 2024/2025 quarter a total of 82 applications were lodged, while 112 were determined.
9. In the Q2 2024/2025 quarter a total of 100 applications were lodged, while 99 were determined.
10. Of the 211 applications determined in Q1 and Q2, 34 were determined by the Georges River Local Planning Panel and 1 was determined by the Sydney South Planning Panel. The remaining 176 were determined by Council staff under officer delegation.

### Development Applications

11. The Minister's expected average assessment time for development applications across NSW, for this financial year is 115 (calendar) days and have released an interactive report available to the public which outlines the performance of all councils across NSW. This table is publicly known as the Council League table. The statistics produced do not include modification or review applications, do not account for applications with a deemed refusal appeal to the Land and Environment Court (i.e., where the application has not been determined) and do not factor in any requests for further information that stop the assessment clock under planning legislation.

12. For the purposes of consistent statistic reporting, Table 3 below provides a snapshot of the Governments League Table for the first half of the Financial Year 2024/2025 (which includes both Q1 and Q2).

<b>Average days - Determination</b>	219
<b>Average days - Portal Lodgement</b>	8
<b>Number of DAs lodged</b>	155
<b>Number of DAs submitted</b>	343
<b>Number of DAs determined</b>	121
<b>Number of DAs approved</b>	82

Table 3 – 2024/2025 financial year NSW Planning Portal League table data (Q1 and Q2).

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Processing Times – Determined Applications

13. The high determination time in this quarter was due to the finalisation of a few complex and long-standing applications and a drop in determination numbers due to staff vacancies.
14. Applications within Georges River can be complex due to factors such as topography, waterfront, engineering and drainage, flooding and other environmental sensitivities. With most applications being for single dwellings, alterations and additions and dual occupancies, these types of applications (excluding waterfront dwellings) are a focus point for the reduction in assessment time frames.
15. Due to persistent labour market challenges, a dependency on temporary and agency staff remains.

Improvements and recruitment

16. Existing procedures are currently under review by senior leaders within the Development and Building Section which will identify bottlenecks as well as areas for improvement.
17. Staff are currently working on refining internal processes.
18. There are a number of critical vacancies within Development Assessment teams including 1 Senior Development Assessment Planner and 2 Development Assessment Planners.
19. Active recruitment is underway for the vacant roles. In the interim, agency staff and consultants remain in place to maintain service levels.
20. Improvements in assessment timeframes will eventuate and become sustainable when these changes and recruiting are implemented in full. This is anticipated to occur in mid-2025.

**Development Advisory Service**

21. The Development Advisory Service (DAS) was introduced to help streamline the development assessment process and make it easier for community members and building professionals to access planning and development advice. Services provided comparative to other similar sized Councils include:
  - The Duty Planner Service;
  - Evening Development Information Sessions for community members and building professionals (recommenced in March 2024);
  - Expanded Pre-lodgement Advisory Service; and
  - Complying Development Consultation Service.

22. Table 4 outlines the number of pre-lodgements received and completed within Q1 and Q2 of this financial year:

<b>FY2024/2025</b>	<b>PRE DA (Received)</b>	<b>PRE DA (Completed)</b>
July	7	4
August	7	6
September	5	3
October	5	3
November	3	2
December	7	3

Table 4 – 2024/2025 financial year Pre-lodgements received and completed (Q1 and Q2).

## **BUILDING INFORMATION CERTIFICATES**

23. Information on metrics of processing Building Information Certificate (BIC) for Q1 and Q2 2024/2025 is provided in Table 5:

<b>FY2024/2025</b>	<b>BIC - lodged</b>	<b>BIC – Determined</b>
July	11	4
August	11	11
September	9	7
October	12	6
November	10	6
December	2	7

Table 5 – 2024/2025 financial year Building Information Certificates – Lodged and Determined (Q1 and Q2).

### Current Number of Undetermined Applications

24. The number of undetermined BIC applications at the time of finalising this report is 40 active, and 20 pending resolutions of other applications. Accordingly, a total of 60 BIC applications are undetermined. A further 25 BIC applications are undergoing initial submission quality reviews prior to lodgement.
25. It is noted that, since the Land and Environment Court decision of *Ku-ring-gai Council vs Buyozo Pty Ltd [2021] NSWCA 117* there has been an increase in BIC applications given modifications to development applications can no longer be accepted if works have been carried out retrospectively. That is the unauthorised building work is required to be assessed via a BIC and not a DA.

## **BUILDING CERTIFICATION WORK**

### Complying Development Certificates and Construction Certificates

26. Information metrics on processing Comply Development Certificates (CDC) and Construction Certificates (CC) is detailed in Table 6:

**Complying Development Certificates**

<b>FY2024/2025</b>	<b>Private Certifier CDC (following determination)</b>	<b>Council CDC (lodged)</b>	<b>Council CDC (determined)</b>	<b>% Council Market Share</b>
July	47	1	0	0.0
August	54	0	0	0.0
September	47	3	2	4.2
October	49	1	1	2.0
November	44	0	0	0.0
December	33	1	0	0.0

Table 6 – 2024/2025 financial year Private vs Council CDC assessment and market share (Q1 and Q2).

27. There are currently no CDCs under assessment by Council.

Applications Lodged

**Construction Certificates**

28. Information on the lodgement and determination of Construction Certificates for Q1 and Q2 2024/2025 is provided in Table 7:

<b>FY2024/2025</b>	<b>Private Certifier CC (once issued)</b>	<b>Council CC (Lodged)</b>	<b>Council CC (Issued)</b>	<b>% Council Market Share</b>
July	17	0	1	5.8
August	16	2	1	12.5
September	11	3	1	27.2
October	9	0	0	0.0
November	10	0	1	0.0
December	19	1	1	5.2

Table 7 – 2024/2025 financial year Construction Certificates - lodged and determined – broken down by Council and Private issued, and market share (Q1 and Q2).

29. There are currently 16 (6 Current and 10 Future) Construction Certificates under assessment by Council.

**CONCLUSION**

30. Ongoing improvement will be dependent upon maintaining staffing levels, filling vacancies and making process improvements which are beneficial to the existing practices being

undertaken. Work in those areas is underway and improvements in the processing times for Development Applications will be realised following once these factors are resolved.

**FINANCIAL IMPLICATIONS**

31. Within budget allocation.

**RISK IMPLICATIONS**

32. No risks identified.

**FILE REFERENCE**

D24/291978

**ATTACHMENTS**

Nil

**Item:** ENV006-25 Outcomes of Public Exhibition - Planning Proposal for 84D Roberts Avenue, Mortdale

**Author:** Strategic Planner/Information Management

**Directorate:** Environment and Planning

**Matter Type:** Committee Reports

**RECOMMENDATION:**

- (a) That Council note the submissions received during the public exhibition of the Planning Proposal PP2024/0003 for 84D Roberts Avenue, Mortdale.
- (b) That Council adopt the proposed amendment to Clause 5 (2) under Schedule 1 of the *Georges River Local Environmental Plan 2021* as exhibited to introduce "medical centre" as an additional permitted use at 84D Roberts Avenue, Mortdale.
- (c) That Council forward the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure for finalisation in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979*.
- (d) That Council endorse the General Manager to make minor modifications to any numerical, typographical, interpretation and formatting errors, if required, in the finalisation of the draft plans.
- (e) That all persons who made a submission during the public exhibition be advised of Council's decision.

**EXECUTIVE SUMMARY**

1. The purpose of this report is to advise the outcome of the public exhibition of a Planning Proposal (PP) (**Attachment 1**) that seeks to amend the *Georges River Local Environmental Plan 2021* (GRLEP) to permit a medical centre use at 84D Roberts Avenue, Mortdale (the Site).
2. The objective of the PP is to enable a medical centre to operate at the Site, known as Mortdale Plaza, an existing retail shopping centre, as a complementary use to the existing retail and service offerings. Specifically, the PP seeks to amend Clause 5 (2) under Schedule 1 of the GRLEP to introduce "medical centre" as an additional permitted use for the Site.
3. The Site is zoned E4 General Industrial under the GRLEP, which prohibits the use of health services facilities, including medical centres, in the Land Use Table. However, the Site is included in Schedule 1 of the GRLEP with retail premises and centre-based childcare facilities listed as additional permitted uses with development consent.
4. Mortdale Plaza, despite being situated in an E4 General Industrial Zone, has consistently operated as a retail premises since its construction in 2014. The PP does not propose to alter this current use of the building. The proposed amendment focuses solely on land use and involves no changes to the built form provisions that could impact the surrounding area.
5. At its meeting on 26 August 2024, Council resolved to support the proposed amendment and forward the PP to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination. The DPHI reviewed the PP and issued the Gateway Determination (**Attachment 2**) on 30 September 2024. The Gateway conditions authorise the PP to proceed to consultation and for Council to act as the local plan-making authority.

6. The PP and supporting documentation were publicly exhibited for a period exceeding 28 days, from 6 November 2024 to 6 December 2024, during which a total of three (3) submissions were received from the community. All three submissions supported the PP.
7. No changes are recommended to the exhibited PP. It is recommended that the PP be forwarded to the DPHI for finalisation.

## BACKGROUND

8. On 23 April 2024, Planning Proposal PP2024/0003 was submitted by the applicant to amend Clause 5 (2) under Schedule 1 of the GRLEP to introduce “medical centre” as an additional permitted use on the Site. This amendment does not propose any changes to built form provisions and addresses land use permissibility only.
9. The PP was accompanied by the following documents:
  - Planning Proposal prepared by Think Planners (**Attachment 1**)
  - Economic Statement of Medical Centre Needs Analysis prepared by MacroPlan (**Attachment 3**)
  - Traffic and Parking Assessment Report prepared by Varga Traffic Planning (**Attachment 4**)
10. The Georges River Local Planning Panel (LPP) considered the PP at its meeting on 1 August 2024, recommending that Council:
  - a) *Support the proposed amendment to Schedule 1 of the GRLEP;*
  - b) *Endorse the forwarding of the PP to the NSW Department of Planning, Housing and Infrastructure (DPHI) to request a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979 for an amendment to the GRLEP by introducing “medical centre” as an additional permitted use on the land at 84D Roberts Avenue, Mortdale (Lot 21, DP 542051).*
11. At its meeting on 26 August 2024, Council resolved to:
  - (a) *Support the proposed amendment to Schedule 1 of the Georges River Local Environmental Plan 2021;*
  - (b) *Endorse the forwarding of the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure (DPHI) to request a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979 for an amendment to the Georges River Local Environmental Plan 2021 by introducing medical centre as an additional permitted use on the land at 84D Roberts Avenue, Mortdale (Lot 21, DP 542051).*
12. The PP was forwarded to the DPHI on 28 August 2024 for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* (Act).
13. The Gateway Determination was issued by the DPHI on 30 September 2024 and authorised Council to be the local plan-making authority. The Gateway Determination conditioned that:
  - (a) *Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:*
    - (i) *the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and*



- (ii) *the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023).*
- (b) *A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*
- (c) *The LEP should be completed by 6 months from the date of the Gateway determination in accordance with Table 2 of the LEP Plan Making Guideline 2023.*

## SITE AND LOCALITY

14. The Site (**Figure 1**) at 84D Roberts Avenue, Mortdale, is legally described as Lot 21, DP 542051. The Site features an irregular battle-axe configuration with access from Roberts Avenue and spans approximately 11,170 square metres.



*Figure 1: Site photo taken from Roberts Avenue looking towards the Site*

15. The Site is positioned on the northern side of Roberts Avenue (**Figure 2**), which connects to Boundary Road (east) and Forest Road (west) and offers street parking on both sides.



18. For a visual reference, see **Figure 4**, which provides an aerial view of the Site and its surroundings.



Figure 4: Aerial view of 84D Roberts Avenue, Mortdale (outlined in blue) and surrounds (Source: Nearmap.com)

19. The site hosts Mortdale Plaza, a shopping centre building that, despite being situated in an E4 General Industrial Zone, has consistently operated as a retail premises since its construction in 2014.
20. Mortdale Plaza includes various tenancies and land uses listed in **Table 1**:

Table 1: Current tenancies

Level	Shop Name	Shop Type
Ground Floor	Woolworths	Supermarket
Ground Floor	Diana Sadig	Pharmacy
Ground Floor	BSW Liquor	Liquor Shop
Ground Floor	Fuel Espresso & Juice	Café
Ground Floor	Wala Wala Sushi	Food and drink premise
First Floor	Crunch	Fitness Club / Gymnasium
Second Floor	Young Academics Early Learning Centre (Not open yet)	Centre-based childcare facility
Second Floor	Vacant space of a total area of 838 sqm	-

21. The Mortdale Plaza provides for a total of 422 car spaces within the existing building.
22. Photos of the Mortdale Plaza building and its tenancies on each floor are in **Figures 5 to 9** below.



Figure 5: Site photo taken at the front of the Site looking towards Mortdale Plaza



Figure 6: Photo taken within the building from the ground floor - 84D Roberts Avenue, Mortdale



Figure 7: Photo taken within the building from the first floor - 84D Roberts Avenue, Mortdale



Figure 8: Photo of the vacant space from the second floor - 84D Roberts Avenue, Mortdale



Figure 9: Photo of a childcare centre on the second floor - 84D Roberts Avenue, Mortdale

ENV006-25

## PLANNING PROPOSAL

23. The PP seeks to amend the GRLEP to permit a medical centre use at Mortdale Plaza, an existing retail shopping centre. Specifically, the PP seeks to amend Clause 5 (2) under Schedule 1 of the GRLEP to introduce "medical centre" as an additional permitted use for the Site.
24. The proposed amendment to Clause 5 (2) is provided below, with the additional text highlighted in bold:
  - Cl. 5 Use of certain land at 84D Roberts Avenue, Mortdale*
  - (1) This clause applies to land at 84D Roberts Avenue, Mortdale, being Lot 21, DP 542051.*
  - (2) Development for the following purposes is permitted with development consent—*
    - (a) retail premises,*
    - (b) centre-based child care facilities,*
    - (c) medical centre.***
25. The Mortdale Plaza building, despite being situated in an E4 General Industrial Zone, has consistently operated as a retail premises since its construction in 2014. The PP does not aim to alter this current use of the building.
26. The primary objective of the PP is to enable a medical centre to operate on existing retail floor space at Mortdale Plaza, complementing the existing retail and service offerings.
27. The proposed amendment focuses solely on land use and involves no changes to the built form provisions that could impact the surrounding area.
28. The intended outcomes of the PP are to:
  - Amend Schedule 1, Item 5 of the GRLEP to introduce "medical centre" as a permissible use for the Site.
  - Create a neighbourhood centre that fulfils the day-to-day needs of residents and workers in the local area.

- Reduce the need for car trips by co-locating a medical centre with existing retail and other services, enhancing convenience for the community.
  - Resolve the shortage of medical centres in the local area, ensuring better access to healthcare services for the community.
  - Provide employment opportunities for healthcare workers within the local area, promoting local job growth and retention.
29. This PP seeks to enhance the utility of Mortdale Plaza, making it a more comprehensive service hub for the community while addressing a significant healthcare need in the area.
30. The PP is supported by:
- An Economic Statement of Medical Centre Needs Analysis prepared by MacroPlan;
  - A Traffic and Parking Assessment Report prepared by Varga Traffic Planning.
31. The Economic Statement of Medical Centre Needs Analysis assesses the need for a medical centre at Mortdale Plaza and concludes a clear need for additional medical services within the catchment area of Mortdale Plaza. The establishment of a medical centre would help alleviate the current undersupply of General Practitioners, create new jobs, and support the local economy.
32. The Traffic and Parking Assessment Report concludes that the PP will not adversely impact road network capacity or off-street parking/access requirements.
33. Council officers support the conclusions of the Economic Statement of Medical Centre Needs Analysis and the Traffic and Parking Assessment Report, concurring the need for a medical centre and that the PP will not adversely impact road network capacity or off-street parking/access requirements.

## SUMMARY OF ASSESSMENT

34. The proposed amendment focuses solely on land use and involves no changes to the built form provisions that could impact the surrounding area.
35. The PP meets both the strategic and site-specific merit tests that are outlined in the DPHI's *Local Environmental Plan Making Guideline* dated August 2023.
36. In terms of strategic merit, the proposal:
- Gives effect to the objectives of the *Metropolis of Three Cities – Greater Sydney Region Plan's Objective 23 Industrial and urban services land is planned, retained and managed*;
  - Gives effect to the Planning Priority *S10 Retaining and managing industrial and urban services land*;
  - Is consistent with the GRLSPS 2040, specifically the following Local Planning Priorities *P12 Land is appropriately zoned for ongoing employment growth*;
  - Is consistent with the *Georges River Employment Lands Study 2017* and *Georges River Industrial Zoned Land Review* by retaining industrial zoned land;
  - Is consistent with all relevant studies and strategies prepared by the NSW Government; and
  - Is consistent with applicable Ministerial Directions and SEPPs.
37. In terms of site-specific merit, the proposal:
- Focuses solely on land use, ensuring no changes to the built form provisions that could impact the surrounding area;

- Aligns with previous amendments that have gradually expanded the permissible uses of the Site to better serve community needs;
  - Does not adversely affect critical habitats or threatened species, populations or ecological communities or their habitats;
  - Does not impact road network capacity or off-street parking/access requirements;
  - Does not create additional requirements for public infrastructure; and
  - Will not contaminate the land which is suitable for commercial / industrial use.
38. In summary, by incorporating a medical centre within an existing shopping centre, the PP addresses local needs, supports community health infrastructure, and aligns with broader strategic planning goals aimed at fostering well-connected, sustainable, and vibrant communities. The proposed amendment is a logical and beneficial addition to the existing uses permitted at Mortdale Plaza, enhancing the community's access to medical services without altering the Site's built environment.

### GATEWAY DETERMINATION

39. The PP was forwarded to the DPHI on 28 August 2024 for a Gateway Determination under Section 3.34 of the Act, following the Council's resolution at its meeting on 26 August 2024 to support the proposed amendment and endorse the forwarding of the PP to the DPHI.
40. The Gateway Determination was received on 30 September 2024.
41. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:
- (a) *the planning proposal authority has satisfied all the conditions of the gateway determination;*
  - (b) *the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and*
  - (c) *there are no outstanding written objections from public authorities.*
42. The Gateway Determination conditioned that:
- (a) *Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:*
    - (i) *the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and*
    - (ii) *the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023).*
  - (b) *A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*
  - (c) *The LEP should be completed by 6 months from the date of the Gateway determination in accordance with Table 2 of the LEP Plan Making Guideline 2023.*



## PUBLIC EXHIBITION OF THE PLANNING PROPOSAL

43. The PP and supporting documentation were publicly exhibited for a period exceeding 28 days, from 6 November 2024 to 6 December 2024.
44. As part of the public consultation, the following actions were undertaken:
- The PP and supporting documentation were made available for viewing on the Council's 'Your Say' webpage.
  - An advertisement was placed in *The Leader* newspaper of 6 November 2024, notifying the community of the exhibition.
  - Letters were sent to adjoining owners to inform them of the exhibition.
  - Hard copies of the PP and supporting documentation were available at Council's Service Centre and the Hurstville, Clive James (Kogarah), and Oatley libraries.
  - A notification sign was set up in front of the Site.
  - Availability of telephone and face-to-face contact with planning officers.
45. During the exhibition, a total of three (3) submissions were received from the community. All three submissions supported the PP. No changes are recommended to the exhibited PP as a result of the community submissions.
46. A summary of the submissions, Council's responses and recommendations are provided in **Table 2** below:

*Table 2: Summary of the submissions, Council's responses and recommendations*

No	Record No. (and Date received)	Submission Content - Summary	Response to Submission	Recommendation
1	D24/332984 received on 15/112024	The medical centre is a great idea for the local families and can be reached by buses from local areas	Noted	No amendments are recommended to the exhibited PP
2	D24/332987 received on 20/112024	More medical facilities are needed in the area.	Noted	No amendments are recommended to the exhibited PP
3	D24/332988 received on 20/112024	Another Medical Practice is needed in the area, and this is a good location	Noted	No amendments are recommended to the exhibited PP

47. Acknowledgement letters were sent to all submission authors advising them of the date of this report to be considered by the Environment and Planning Committee.

## CONCLUSION AND NEXT STEPS

48. The PP and supporting documentation were publicly exhibited from 6 November 2024 to 6 December 2024, to introduce "medical centre" as an additional permitted use at 84D Roberts Avenue, Mortdale, by amending Schedule 1 of the GRLEP.
49. Council received a total of three (3) submissions from the community. All three submissions supported the PP. No changes are recommended to the exhibited PP as a result of the submissions received.

- 50. It is recommended that Council adopt the proposed amendment to Clause 5 (2) under Schedule 1 of the *Georges River Local Environmental Plan 2021* as exhibited to introduce "medical centre" as an additional permitted use at 84D Roberts Avenue, Mortdale and forward the PP to the DPHI for finalisation in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

**INDICATIVE PROJECT TIMELINE**

- 51. Subject to Council endorsement of the PP for forwarding to the DPHI for finalisation, the anticipated next steps are included in **Table 3** below.

*Table 3: Indicative Timeline*

Stage	Timeframe/date
Report to Council on community consultation and finalisation of the PP –	February 2025
Submission to the DPHI for finalisation	March 2025
Anticipated date for notification / gazettal	Prior to 30 March 2025

- 52. It is noted that the Gateway Determination requires the PP to be completed on or before 30 March 2025

**FINANCIAL IMPLICATIONS**

- 53. Finalising the PP is within budget allocation.

**RISK IMPLICATIONS**

- 54. Adopting the proposed amendment to the GRLEP as exhibited directly contributes to mitigating Strategic Risk 7 - Ineffective governance, as identified in Council’s Strategic Risks 2024/25, by ensuring compliance with legislation and the Gateway Determination.





**COMMUNITY ENGAGEMENT**

- 55. The PP and supporting documentation were publicly exhibited for a period exceeding 28 days, from 6 November 2024 to 6 December 2024.

**FILE REFERENCE**

D24/348666

**ATTACHMENTS**

- Attachment 1  Planning Proposal - 84D Roberts Road, Mortdale - *published in separate document*
- Attachment 2  Gateway Determination issued by the DPHI - *published in separate document*
- Attachment 3  Economic Statement of Medical Centre Needs Analysis - *published in separate document*
- Attachment 4  Traffic and Parking Assessment Report - *published in separate document*