

14-16 Victoria Street, Kogarah

# Planning Proposal

# Planning Proposal

**14-16 VICTORIA STREET, KOGARAH**

**May 2019**

Prepared under instructions from  
**Ms Noeline Ross and Jocelyn Gooch**  
by

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## 1.0 INTRODUCTION

This Planning Proposal has been prepared by Sutherland & Associates Planning Pty Ltd on behalf of Ms Noeline Ross in relation to the site known as 14-16 Victoria Street, Kogarah.

The purpose of the Planning Proposal is to remove the heritage listing of 14-16 Victoria Street, Kogarah (Item No. I111) under Schedule 5 of the Kogarah Local Environmental Plan 2012 as the heritage listing is no longer warranted due to the impacts on the item associated with the recent rezoning of land in the Kogarah North precinct from R2 to R4 and the significant increase to the permitted height and FSR in the precinct. These impacts include visual, privacy and solar access impacts on the dwellings, potential impacts to the structural integrity of the buildings and the loss of historic context.

The Planning Proposal has been prepared following a preliminary review of the proposed delisting by Council staff. At the Council meeting held on 18 December 2017 Council considered a Council Report concerning the Adoption of the Kogarah North Precinct Development Control Plan Amendment. The report addressed submissions received during the Exhibition of the draft DCP. In response to the issue of the heritage status of 14-16 Victoria Street, Kogarah and the resulting sterilisation of the redevelopment of properties in Victoria Street, Council's Heritage Advisor made the following comment:

While 14-16 Victoria Street can still be considered to be relatively rare within the Georges River Council area. There are at least two other comparable examples which are listed in Schedule 5 of Kogarah LEP. Based on the above, 14-16 Victoria Street could potentially be removed from Schedule 5 if it can be demonstrated that future planning policies would probably diminish the setting of the place.

Based on this preliminary review Council staff recommended that a more detailed review be undertaken with response to consideration of the heritage listing of Nos 14-16 Victoria Street, Kogarah. Based on this recommendation Council made the following resolution:

Council endorse a detailed review be undertaken (at the applicant/owners costs) with respect to consideration of the heritage listing of No's 14-16 Victoria Street, Kogarah, and should it be identified that the properties do not have heritage value that a Planning Proposal be prepared (at the applicant's cost) to Kogarah LEP 2012 to remove the heritage listing from the properties."

As recommended by Council this Planning Proposal is supported by a Heritage Assessment prepared by Perumal Murphy Alessi dated May 2019. The assessment of the item has been undertaken based upon the relevant criterion of the NSW Heritage Branch, Office of Environment and Heritage, namely, the guidelines for Inclusion/Exclusion as provided by *Assessing Heritage Significance, NSW Heritage Manual Update*.

The Heritage Assessment recommends Council remove 14 and 16 Victoria Street, Kogarah from Schedule 5 of the Kogarah Local Environmental Plan 2012 due to the impact of the rezoning and loss of context and given there are other examples of late Victorian Italianate terraces in the area.

The Planning Proposal demonstrates the strategic merit of the proposed amendment to Kogarah Local Environmental Plan 2012 and seeks to commence the statutory process to:

- Amend Schedule 5 of the Kogarah Local Environmental Plan 2012 to remove the local heritage listing of 14-16 Victoria Street (Item I111).

- Amend the Kogarah Local Environmental Plan 2012 Heritage Map - Sheet HER\_006 by removing the colouring from the subject properties at 14-16 Victoria Street, Kogarah to indicate the properties are not an Item.

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

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

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

## 2.0 SITE DESCRIPTION AND LOCATION

### 2.1 Locality Description

The land to which the Planning Proposal relates is located in the suburb of Kogarah which is within the Georges River local government area. Kogarah is located 15 kilometres south of the Sydney Central Business District.

Kogarah is identified as a Health and Education Precinct and Strategic Centre in the Structure Plan for the Metropolitan of three cities and the South District Plan. Kogarah contains a high concentration of medical facilities (including St George Private and St George Public Hospitals) and a mix of retail and commercial activities focused on the finance and insurance industry.

Kogarah is a highly accessible centre with the Kogarah Railway Station located on the western side of the town centre and the Princes Highway forming the eastern boundary of the centre.

The land to which the Planning Proposal relates is located within the Kogarah North Precinct as identified in Part E4 of the Kogarah Development Control Plan 2013. The Kogarah North Precinct sits to the north of the Kogarah Town Centre. The Kogarah North Precinct is situated at the northern tip of the Georges River local government area. The Precinct is bounded by the Illawarra and Eastern Suburbs rail line, Harrow Road, the Princes Highway, Bank Lane and Gladstone Street. The boundaries of the precinct are shown in Figure 1.

The vision for the Kogarah North Precinct described in Part E4 of the DCP is as follows:

Kogarah North offers high density living within an excellent public domain. Kogarah North will consist of residential and community uses in the form of apartment buildings that will deliver a diversity of heights but will maintain a human scale built form at street level creating a balance between increased housing opportunities, public and private amenity and an active and safe pedestrian environment. The built form will be complemented by generous public domain with a strong landscape character to create a verdant, attractive and high quality landscape for the amenity of residents, neighbours and visitors to Kogarah North.

A variety of apartments help to build a community made up of many kinds of households. Importantly, this enables people to pass through life's different stages while remaining within the neighbourhood. The convenience of having work, services, entertainment and the station nearby means people rarely need a car to meet their daily needs, or to access the rest of Sydney.

The area's leafy streets, beautiful public and hidden parks, community facilities and visible heritage features make for an attractive, people-friendly environment. There are many pleasant places to stop awhile and chat to neighbours, providing the setting for a rich and varied community life.

Consistent with the vision for the precinct, the majority of land in the precinct has been rezoned from R2 low density residential to R4 High Density residential as shown in Figure 2. A maximum building height of 33 metres and an FSR of 4:1 has also been introduced.



Figure 1:

Location of the Kogarah North Precinct (Source: Kogarah Development Control Plan 2013)

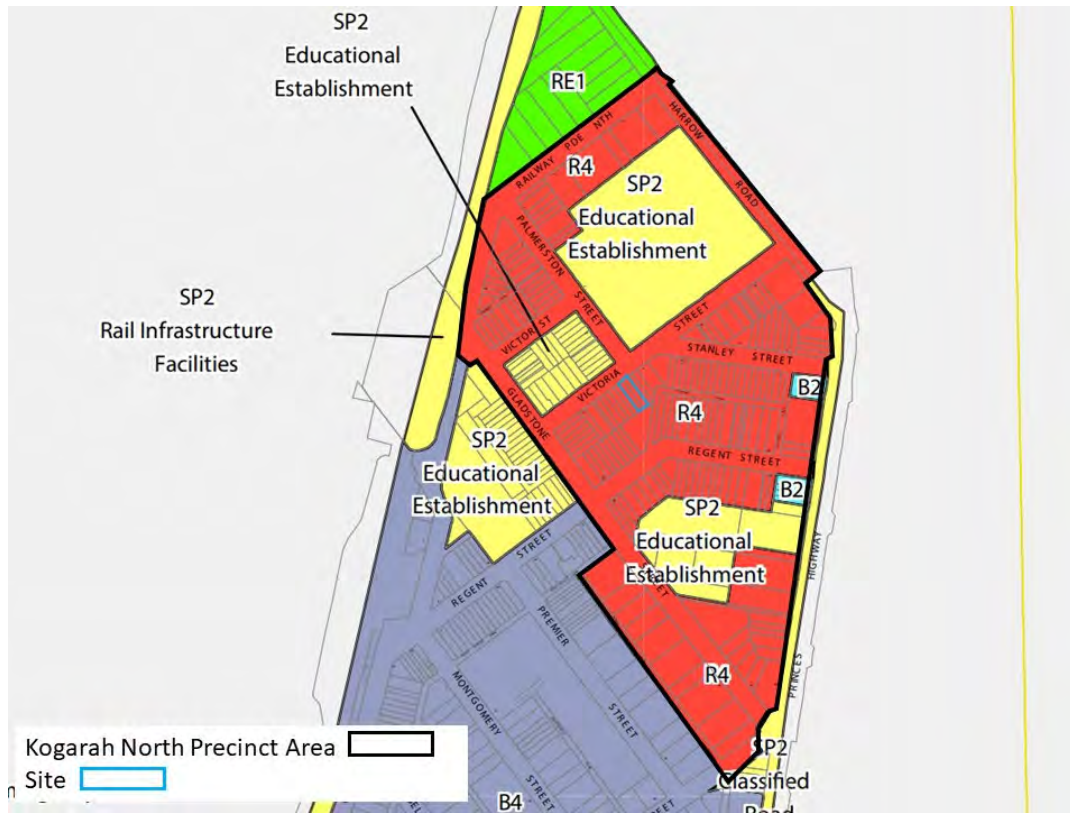


Figure 2:

Site Location (Source: Extract from the KLEP Land Zoning Map)

## 2.2 Site Description

This Planning Proposal relates to land legally described as Lot 73 DP 1397 and Lot 72 Section B DP 13976 and known as 14 and 16 Victoria Street, Kogarah.

The site is rectangular in shape and the two allotments have a combined area of 442 square metres. Both allotments have frontage to Victoria Street. No vehicular access is available to either allotment.

Nos 14 and 16 Victoria Street are improved by a pair of two storey, late Victorian style painted brick terraces. The internal and external features of the dwellings are described in detail in the accompanying Heritage Assessment prepared by Perumal Murphy Alessi. An aerial view of the site and surrounds is included as Figure 3.

The terraces and gardens of 14 and 16 Victoria Street are listed as a local heritage item under Schedule 5 of the Kogarah Local Environmental Plan 2012 (Item I111). The Statement of Significance for the item found in the heritage inventory is as follows:

Relatively rare within the Kogarah LGA, 14-16 Victoria Street is a pair of two-storey late Victorian period terraces which are representative of the Victorian Italianate style. Integrity has been somewhat compromised by unsympathetic alterations (particularly No. 16) but they are still able to be conserved. These terraces make a positive contribution to the streetscape



and provide evidence of the development of the Kogarah Township Estate and the historic building stock of Kogarah.

The site is within the R4 High Density Residential zone pursuant to KLEP 2012 as shown in Figure 2 and is located opposite SP2 zoned land.



Figure 3:

Aerial View of the Site and Surrounds (Source: Six Maps, Department of Lands 2019)

Photograph 1:

14-16 Victoria Street (centre)



Photograph 2:

16 Victoria Street

Photograph 3:

14 Victoria Street



Photograph 4:

View looking along Stanley Street from the junction with Victoria Street. Note the larger scale residential buildings which are indicative of the proposed developments in the immediate area. (Source Heritage Assessment).



### 2.3 Existing Surrounding Development and Development Applications

The southern side of Victoria Street is currently characterised by one and two storey dwellings on relatively narrow allotments. The majority of dwellings appear to have been constructed from the early 20<sup>th</sup> century.

The site adjoins land known as 18 Victoria Avenue to the east. 18 and 20 Victoria Street are a pair of painted and face brick single storey inter-war period dwellings.

To the west the site adjoins 12 Victoria Street. The building at 12 Victoria Street is a face brick, single storey dwelling with a hipped roof clad in terracotta tiles.

To the south the site adjoins 54 Regent Street. 54 Regent Street is improved by a three-storey residential flat building.

Opposite the site, on the northern side of Victoria Street is an open space area for Kogarah High School.

Whilst the area currently maintains a low density, low scale character, it is evident from the number of development applications lodged for sites in the area that the character of the area will rapidly transition to a high density residential area, consistent with the recent changes to the zoning of land in the Kogarah North precinct and the associated increases to the height and FSR development standards.

A development application was lodged on 30 November 2017 for the adjoining site to the north-east at 18-24A Victoria Street, Kogarah (DA2017/0597). The Development Application proposes the demolition of existing structures and the construction of a residential flat building over basement parking and associated landscaping and drainage works. An FSR of 3.97:1 and a building height of 37.6 metres (12 storeys) was originally proposed. According to Council's website this application has not yet been determined. The notification plan prepared for this development application shows the significant scale differential between the proposed development and 14 and 16 Victoria Street (refer to Figures 4 and 5). The abrupt change in scale results in an undesirable streetscape outcome and the development results in significant visual, privacy and overshadowing impacts on 14 and 16 Victoria Street.

Further to the north-east along Stanley Street, Development Application DA2018/0178 for the demolition of existing structures and the construction of an 11 storey residential flat building with basement parking at 12-24 Stanley Street was lodged with Council in May 2018 and is still under assessment.

Still further to the north-east along Stanley Street, Development Application DA2017/0483 for the demolition of existing structures and the construction of a 10 storey residential flat building with basement parking at 2-10 Stanley Street, Kogarah was approved on 11 December 2018 (refer to Figure 7).

Development Application DA110/2017 for the demolition of existing dwellings and the construction of a ten (10) storey residential flat building within three (3) levels of basement car parking at 11 Stanley and 28-36 Victoria Street, Kogarah was approved on 23 October 2018. The application was subject to an appeal to the Land and Environment Court.



Figure 4:

Streetscape elevation of the development proposed at 18-24A Victoria Street  
(Source: Notification Plan dated February 2017 prepared by a.BASTAS Architects)

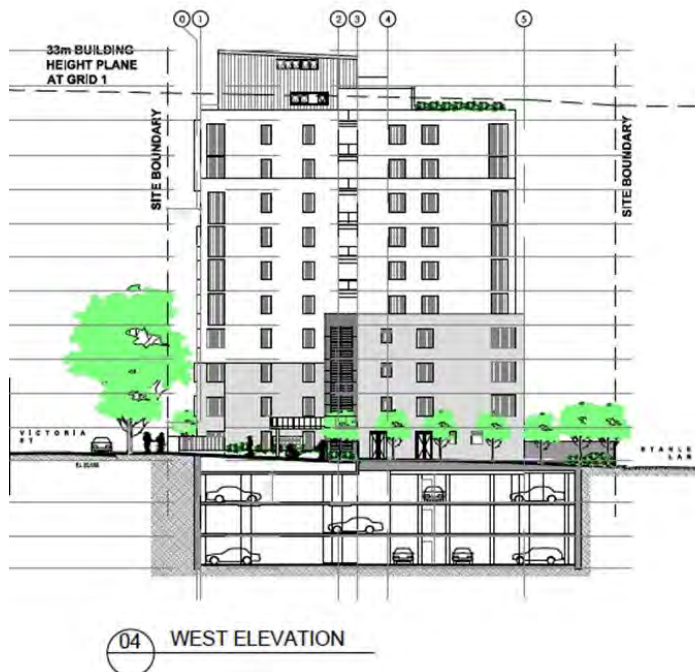


Figure 5:

West elevation of the development proposed at 18-24A Victoria Street  
(Source: Notification Plan dated February 2017 prepared by a.BASTAS Architects)



Figure 6:

Photomontage of the development at 18-24A Victoria Street (adjoining the subject site)  
(Source: Drawing DA902 dated February 2017 prepared by a.BASTASarchitects)



Figure 7:

2-10 Stanley Street Approved Elevations (Source: Drawing 800c dated 12/10/2018 prepared by Level 33)

## 2.4 Future Surrounding Development

As discussed above, there is currently a development application under assessment for a 12 storey development on the adjacent site to the north-east at 18-24A Victoria Street, Kogarah (DA2017/0597), which is illustrated in the above Figures 4 and 6. To assist in understanding the complete impact of redevelopment on both sides of 14-16 Victoria Street under the current planning controls, Figures 8 and 9 below illustrate an indicative complaint development envelope on the adjacent sites to the south-west. The figures below illustrate the profound disparity in scale between the likely future development on both sides and the existing terraces at 14-16 Victoria Street. The impact to the residential amenity of 14-16 Victoria Street in terms of privacy, visual dominance and solar access will be devastating which will also result in a significant adverse economic impact to these properties.



Figure 8:

Plan of future development on adjacent sites surrounding 14-16 Victoria Street



Figure 9:

Streetscape of future development on adjacent sites surrounding 14-16 Victoria Street

## 3.0 LOCAL PLANNING PROVISIONS

### 3.1 Kogarah Local Environmental Plan 2012

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

#### 3.1.1 Zoning and Permissibility

The site is located within the R4 High Density Residential zone pursuant to LEP 2012. An extract of the Land Zoning Map is included as Figure 10.

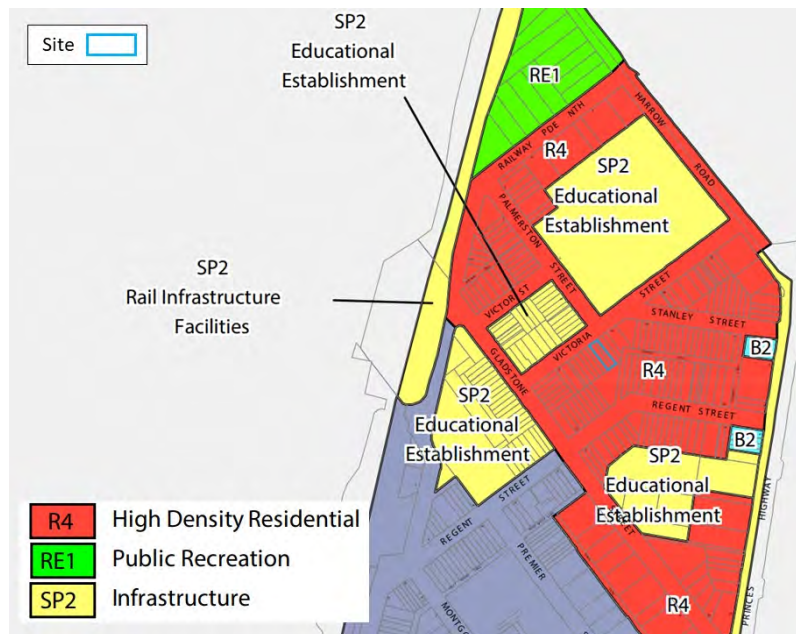


Figure 10:

Extract from KLEP  
2012 Land Zoning  
Map

The objectives of the R4 High Density Residential zone are:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The following uses are permitted with consent in the R4 High Density Residential zone:

Attached dwellings; Boarding houses; Car parks; Centre-based child care facilities; Community facilities; Exhibition homes; Flood mitigation works; Group homes; Home-based child care; Home businesses; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Residential flat buildings; Respite day care centres; Shop top housing; Tourist and visitor accommodation



### 3.1.2 Height

Clause 4.3 (Height of Buildings) establishes a maximum building height of 33 metres for the site. An extract of the Height of Buildings Map is included as Figure 11.

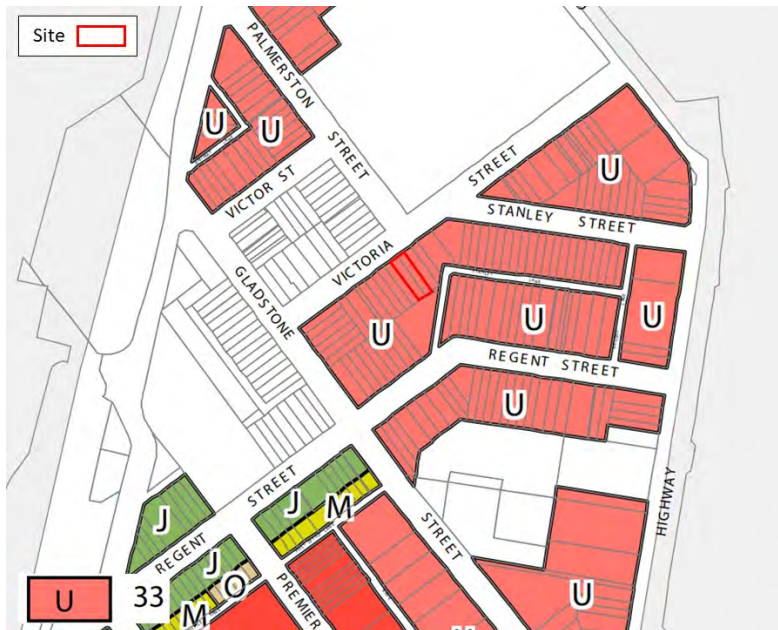


Figure 11:

Extract from the KLEP  
2012 Height of  
Buildings Map

The objectives of the clause are:

- (a) to establish the maximum height for buildings,
- (b) to minimise the impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas,
- (c) to provide appropriate scale and intensity of development through height controls.

#### 3.1.1 Floor Space Ratio

Clause 4.4 (Floor Space Ratio) establishes a maximum floor space ratio of 4:1 for the site. An extract of the Floor Space Ratio Map is included as Figure 12.

The objectives of the clause are:

- (a) to ensure the intensity of development is compatible with the desired future character and zone objectives for the land,
- (b) to limit the bulk and scale of development.



Figure 12:

Extract from LEP 2012  
FSR Map

### 3.1.2 Heritage

Clause 5.10 relates to heritage conservation. The subject site is identified as a heritage item in Schedule 5 of the KLEP 2012 (Item I111). The site is not located within a heritage conservation area. An extract of the KLEP 2012 Heritage Map is shown in Figure 13.

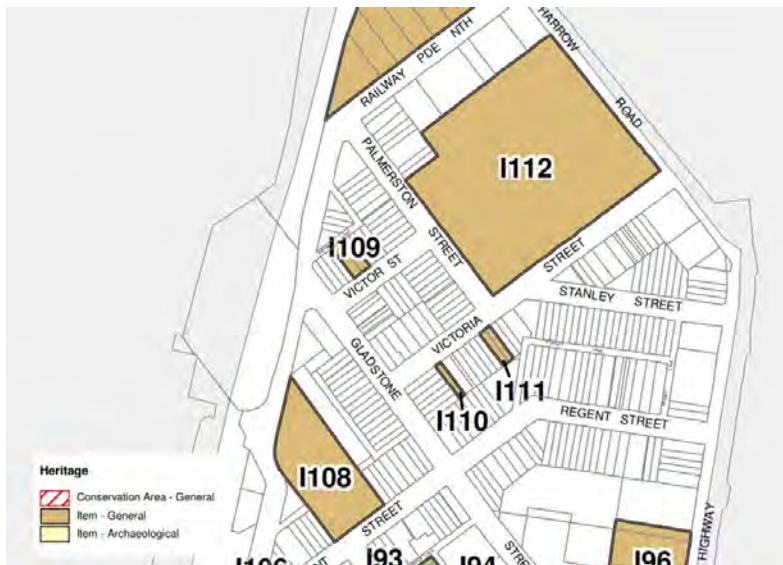


Figure 13:

Extract from the KLEP  
2012 Heritage Map

The Statement of Significance for the item found in the heritage inventory is as follows:

Relatively rare within the Kogarah LGA, 14-16 Victoria Street is a pair of two-storey late Victorian period terraces which are representative of the Victorian Italianate style. Integrity has been somewhat compromised by unsympathetic alterations (particularly No.

16) but they are still able to be conserved. These terraces make a positive contribution to the streetscape and provide evidence of the development of the Kogarah Township Estate and the historic building stock of Kogarah.

## 4.0 PLANNING PROPOSAL

### 4.1 Overview

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

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

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

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

The project timeline forms Part 6 of a Planning Proposal.

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

### 4.2 Part 1: Objectives or Intended Outcomes

The objective of the Planning Proposal is to remove the heritage listing of 14-16 Victoria Street, Kogarah from the Kogarah Local Environmental Plan 2012.

The intended outcomes of the Proposal are;

- To remove the heritage listing of 14-16 Victoria Street, Kogarah as the heritage significance of the item has been eroded or diminished by the changes to the zoning and FSR and Height development standards for land in the Kogarah North Precinct.
- To facilitate the redevelopment of the site and the adjoining land in the manner that supports, and is consistent with, the Masterplan for Kogarah.

### 4.3 Part 2: Explanation of Provisions

#### 4.3.1 Proposed Changes to Kogarah Local Environmental Plan 2012

The amendments proposed to the Kogarah Local Environmental Plan 2012 include:

- Amend the 'Heritage Map' – Sheet HER\_006 by removing the colouring from the subject properties at 14-16 Victoria Street, Kogarah to indicate the properties are not an Item
- Amend Schedule 5 to remove the listing of 14-16 Victoria Road as a heritage item.

#### 4.4 Part 3: Justification

This Part of the Planning Proposal sets out the case for removing the heritage significance of 14-16 Victoria Street, Kogarah.

##### 4.4.1 Need for the Planning Proposal

###### Is the Planning Proposal the result of any strategic study or report?

The Kogarah Local Environmental Plan 2012 Amendment No. 2 New City Plan came into effect on 26 May 2017. The amendment rezoned an area known as Kogarah North from R2 Low Density Residential to R4 High Density Residential in order to provide additional housing opportunities close to the Kogarah Town Centre. An FSR of 4:1 and a maximum building height of 33 metres applied to land in Kogarah North following the amendment to the LEP.

A number of development applications have been lodged for land adjoining or in close proximity to the site as detailed in Section 2.3 of this Planning Proposal.

The curtilage, development context and amenity of 14-16 Victoria Avenue will be significantly affected by the recent rezoning of the North Kogarah Precinct and substantial uplift to the maximum FSR and height permitted in the precinct.

In response to concerns raised regarding the impact of the recent changes to the applicable planning provisions on the heritage significance of 14-16 Victoria Street, on 18 December 2017 Council resolved that a detailed review be undertaken (at the applicant/owners costs) with respect to consideration of the heritage listing of Nos 14-16 Victoria Street, Kogarah.

In response to this resolution A Heritage Assessment has been prepared by Perumal Murphy Alessi, dated May 2019. The Report includes an assessment of the heritage significance of 14-16 Victoria Street having regard to the recent and significant changes to the zoning and development standards applicable under KLEP and the vision for the Kogarah North Precinct. The report also identifies other comparable heritage listed developments in Kogarah.

The assessment of the heritage significance of 14-16 Victoria Street undertaken by Perumal Murphy Alessi is based on the current State Heritage Inventory (SHI) evaluation criteria outlined in the guideline document "Assessing Heritage Significance by the NSW Office of Environment and Heritage.

The assessment notes that Nos 14-16 Victoria Street are of local historic and aesthetic significance as good and largely intact representative examples of two storey, late Victorian Italianate terraces. The assessment also however raises a number of points and reasons for "exclusion" from heritage listing including:

- The area currently retains the subdivision pattern and evidence of the early development of the area, however, the recent rezoning and proposals will result in site amalgamations and loss of the early subdivision pattern and development and context that contributes to the historical significance of the sites.
- The site, like the surrounding area is associated with a number of local land owners and speculators of no particular note.
- The terraces are currently neighboured by single storey dwellings and due to their high parapeted two storey facades, building setbacks and

low front fence make a positive visual contribution to the Victoria Street streetscape. However, the rezoning of the area, proposed and anticipated redevelopment of the neighbouring sites will potentially have some impact on the views to and from the items and their visual contribution to the streetscape. It could be argued that the positive visual or sensory appeal and scenic qualities will be permanently degraded.

- The buildings have no association with an identifiable group or community for social, cultural or spiritual reasons and are not important to a community's sense of place.
- The terraces retain early fabric, however, generally are not considered to be a benchmark site incorporating standard construction materials and techniques and parts have been modified and fabric renewed and replaced and overall would not reveal any new information that is not available elsewhere.

The buildings appear to be the first to be constructed on the site, however, the archaeological potential is considered to be low with any early resources likely to have been disturbed by the relatively tight subdivision and development of the area, construction of the building, alterations and additions and landscaping including addition of an in-ground swimming pool at the rear of No. 14.

- There are at least four groups and a number of single two storey Victorian Italianate terraces in the Georges River Council area. This building form and type is not unique or rare in the wider context.
- The R4 zoning will dramatically alter the scale of the area and setting of the buildings and will result in a loss of their visual dominance and historical context.

The Heritage Assessment prepared by Perumal Murphy Alessi separately considers the issues arising from the R4 zoning of the area and the maximum height of 33 metres and FSR of 4:1 now permitted. The Assessment notes that objective (1)(b) of clause 5.10 of the KLEP is to

to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

Perumal Murphy Alessi notes that the aesthetic character of the buildings at 14-16 Victoria Street is enhanced by the existing streetscape pattern resulting from the narrow, residential sized allotments of the 1884 subdivision and low scale and setbacks of the existing built context. The existing low scale and setbacks allows the buildings to be visually prominent and contributes to their setting and views to and from the items (page 38). The Report makes the following important observation about the impact of the recent changes to the zoning and development standards:

The proposed and potential redevelopment of the neighbouring sites will result in a marked change in scale and character of the area. Whilst careful design of any new development in the street may "reduce" potential impacts on the subject buildings, the allowable, (12 storey) height is considerably higher. Setbacks of any new development may also allow continued views to and from the items, however, the buildings will be diminished by the larger scale development which will create an irreversible change on the items' setting.

The R4 zoning applies to the subject site and surrounding area which means that the sites can potentially be incorporated or isolated between a number of 12 storey developments which is not an optimal or desirable heritage or practical outcome. In addition to the loss of amenity (particularly privacy and overshadowing) for any occupants of the terraces the difference in height is considerable, particularly in this case where the opportunity exists to develop around three sides of the sites.

Amalgamation will invariably have some impact on the integrity and interpretation of the buildings. There are cases where items have been incorporated into new development, such as at No. 95 The Avenue, Hurstville. However, in this instance the scale is compatible and complimentary to the item. There is also real concern relating to the structural integrity of the items and required excavation on the neighbouring site for the larger buildings and associated basement car parking structure. (page 38)

The Heritage assessment ultimately concludes that the heritage listing of 14 and 16 Victoria Street be removed due to the impact of the rezoning and loss of context and given there are other examples of late Victorian Italianate terraces in the area.

[Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?](#)

A local heritage listing conserves and protects sites that have been assessed as satisfying the NSW Heritage Council's Criteria for local heritage significance. 14-16 Victoria Street, Kogarah no longer satisfy these criteria as detailed in the accompanying Heritage Assessment. The Planning Proposal is the best and only means of removing the listing from Schedule 5 of the KLEP 2012.

#### **4.4.2 Relationship to Strategic Planning Framework**

[Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy \(including any exhibited draft plans or strategies\)?](#)

#### **Greater Sydney Region Plan – A Metropolis of Three Cities**

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

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

- A City supported by infrastructure
- A collaborative city
- A city for people
- Housing the city
- A city of great places

- A well-connected city
- Jobs and skills for the city
- A city in its landscape
- An efficient city
- A resilient city

Kogarah is identified a Health and Education Precinct and Strategic Centre in the Plan as Kogarah contains a high concentration of medical facilities and a mix of retail and commercial activities, focused on the finance and insurance industry.

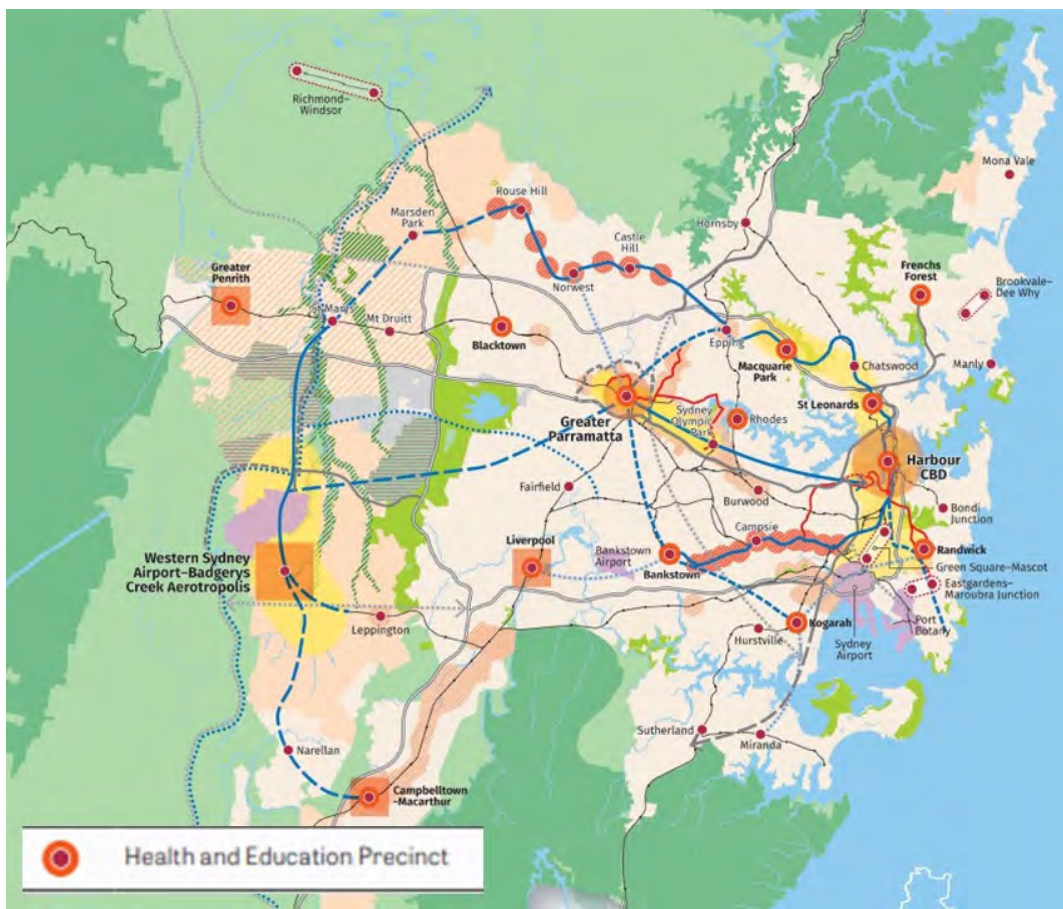


Figure 14:

Extract from the Structure Plan for the 'A Metropolis of Three Cities'

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



Objective	Comment	Consistent
<b>3. Infrastructure and Collaboration</b>		
Objective 4: Infrastructure use is optimised.	This objective is concerned with ensuring that existing infrastructure is optimised. The Planning Proposal will facilitate the orderly and efficient development of the street block and contribute to the provision of additional housing close to existing rail and bus services. In this regard the Planning Proposal will positively contribute to this objective by facilitating increased density in a highly convenient location that will encourage usage of existing transport infrastructure, without profound adverse impact to the occupants of the terraces if they were to be retained as heritage items.	Yes
Objective 5: Benefits of growth realised by collaboration of governments, community and business.	The Planning Proposal will assist the government in reaching housing and employment targets ensuring the proposal positively contributes to housing and economic policy of government.	Yes
<b>4. Liveability</b>		
Objective 7: Communities are healthy, resilient and socially connected	This objective is concerned with delivering healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by providing walkable places at a human scale with active street life and prioritising opportunities for people to walk, cycle and use public transport.  The Planning Proposal will facilitate the delivery of an appropriate density on the site and the street block in a location that is within walking distance of Kogarah Railway station and bus services and a variety of community and social facilities, including schools, childcare centres, community centres, open space and recreational facilities.	Yes
Objective 10: Greater Housing Supply	The Planning Proposal will assist the government in reaching housing targets.	Yes
Objective 11: Housing is more diverse and affordable	The Planning Proposal is consistent with the objective to improve housing affordability because it will increase housing supply.	Yes

### South District Plan

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

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

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

Chapter	Comment	Consistent
Liveability	<p>The District Plan seeks to develop a city of housing choice, with homes that meet our resident's and lifestyles in a great place to live, with communities that are strong, healthy and well connected.</p> <p>The District Plan establishes the following overarching liveability priorities:</p> <ul style="list-style-type: none"> <li>• Providing services and social infrastructure to meet people's changing needs</li> <li>• Fostering healthy, creative, culturally rich and socially connected communities</li> <li>• Providing housing supply, choice and affordability, with access to jobs and services</li> <li>• Creating and renewing great places and local centres, and respecting the District's heritage</li> </ul> <p>The District Plan identifies a 5-year housing target for Georges River of 4,800 dwellings for the 2016 – 2021 period which is based on the Districts dwelling needs and existing opportunities to deliver supply.</p> <p>The Planning Proposal is consistent with the stated priorities as the removal of the heritage listing of the site will facilitate the redevelopment of land on the street block and consequently contribute to the provision of housing supply in an accessible location.</p> <p>Planning Priority S6 is 'Creating and renewing great places and local centres and respecting the District's heritage. This Planning Priority seeks to give effect to Objective 13 of Objective 13 of A Metropolis of Three Cities. Action 20 of the South District Plan seeks to identify, conserve and enhance environmental heritage by:</p> <ol style="list-style-type: none"> <li>a. engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place</li> <li>b. applying adaptive re-use and interpreting of heritage to foster distinctive local places</li> </ol>	Yes

Chapter	Comment	Consistent
	<p>c. managing and monitoring the cumulative impact of development on the heritage values and character of places</p> <p>The Planning Proposal is consistent with this action in that it is a result of monitoring the impact of development on the heritage value of the item. As the proposed and potential redevelopment of the neighbouring sites will result in a marked change in the scale and character of the area, there will be a loss of the visual prominence of the heritage item and its historical context. As the setting of the item will be irreversibly diminished (and there are other examples of similar developments in the area) the heritage listing of the property is no longer warranted.</p> <p>By ensuring that the Kogarah Heritage schedule accurately reflects those places with real and meaningful heritage significance, the Planning Proposal reinforces the LEP as a robust and defensible planning instrument and thereby strengthens the protection of Kogarah's heritage.</p>	

[Is the Planning Proposal consistent with a Council's local strategy or other local strategic plan?](#)

#### **Kogarah 2031 Housing Strategy**

The Kogarah Housing Strategy was finalised in July 2014. The goal of the Strategy is to ensure that there is a sufficient supply of appropriate housing over the next 20 years suited to meet the needs of the community. The Strategy seeks to promote redevelopment and the revitalisation of Centres. Action 2 of the Strategy is to increase housing capacity in and around the Kogarah Town Centre.

The Strategy initiated a review of the zoning around Kogarah Centre and a review of building heights and densities to provide significant opportunities for redevelopment close to the major employment generators and provide Council with an opportunity to investigate opportunities for housing that is more affordable than other suburbs within the LGA.

Since the Housing Strategy was prepared the Kogarah North Precinct has been rezoned. The Planning Proposal is consistent with the Strategy in that it will remove the heritage listing of the property that is no longer appropriate. The removal of this listing will facilitate the orderly and efficient development of the street block and allow for additional housing to be provided in walking distance of the Kogarah Town Centre and key transport nodes, consistent with the objectives of the Housing Strategy.

#### **Kogarah North Precinct Urban Design Strategy**

The Kogarah North Urban Design Strategy seeks to coordinate the renewal and redevelopment of the Kogarah North Precinct following amendments to the zoning, height and FSR of land in the precinct under the KLEP. The Strategy recognises that the amended height and FSR which enables 10-storey built forms represents a significant change in the scale and character of the Precinct (page 3).

A key constraint for the Precinct identified in section 2.1 of the Strategy is that some sites may be difficult to develop due to heritage or other site constraints that could lead to orphan sites that retain the existing low-scale character of the area.

In Section 2.4 'Heritage' the Strategy also notes that the residences on Victoria Street will significantly impact the potential redevelopment of the adjoining sites and its street character.

The Planning Proposal seeks to remove the listing of 14-16 Victoria Street as a heritage item pursuant to Schedule 5 of the KLEP as the listing is no longer warranted. The removal of the heritage listing will remove a constraint on development in the precinct and lead to an improved streetscape outcome.

**Is the Planning Proposal consistent with applicable State Environmental Planning Policies?**

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

SEPP	Comment	Consistent
State Environmental Planning Policy – (Infrastructure) 2007	<p>The aim of SEPP Infrastructure is to facilitate the effective delivery of infrastructure across the State.</p> <p>The future redevelopment of the site in a manner consistent with the Planning Proposal would be capable of complying with the relevant sections of SEPP Infrastructure. Detailed compliance with SEPP Infrastructure will be demonstrated at the time of making an application for development.</p>	Yes
State Environmental Planning Policy No 55 – Remediation of Land	<p>When carrying out planning functions under the Act (including undertaking LEP amendments), SEPP 55 requires that a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.</p> <p>The site has not been the subject of environmental site assessment in regard to potential contamination. Detailed compliance with SEPP 55 will be demonstrated at the time of making an application for development, noting that the site is currently zoned for residential uses and so there is no increase proposed to the sensitivity of uses on the site.</p>	Yes
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	<p>The aim of SEPP BASIX is to encourage sustainable residential development.</p> <p>The future redevelopment of the site in a manner consistent with the Planning Proposal would be capable of complying with BASIX. Detailed compliance with BASIX will be demonstrated at the time of making an application for development.</p>	Yes
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development	<p>SEPP 65 aims to improve the design quality of residential flat developments, provide sustainable housing in social and environmental terms that is a long-term asset to the community and delivers better built form outcomes.</p> <p>The future redevelopment of the site in a manner consistent with the Planning Proposal would be capable of complying with SEPP 65. Detailed compliance with SEPP 65 will be demonstrated at the time of making an application for development.</p>	Yes

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

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

S.9.1 Direction No. and Title	Comment	Consistent
Employment and Resources		
1.1 Business and Industrial zones	Not Applicable.	N/a
1.2 Rural Zones	Not Applicable	N/A
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable.	N/A
1.4 Oyster Aquaculture	Not Applicable.	N/A
1.5 Rural Lands	Not Applicable.	N/A
Environmental and Heritage		
2.1 Environment Protection Zones	The Planning Proposal does not impact on any environmentally sensitive areas.	N/A
2.2 Coastal Protection	Not Applicable.	N/A
2.3 Heritage Conservation	<p>The objective of this direction is to conserve items, areas, objects and places of environmental Heritage significance and indigenous heritage significance.</p> <p>The Planning Proposal is consistent with this direction as the Planning Proposal seeks to remove a heritage listing of a property as the property no longer meets the criteria for heritage listing.</p>	Yes
2.4 Recreation Vehicle Areas	Not Applicable.	N/A
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPS	Not Applicable.	N/A
Housing, Infrastructure and Urban Development		
3.1 Residential Zones	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> <li>To encourage a variety and choice of housing types to provide for existing and future housing needs,</li> <li>To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</li> </ul>	Yes

S.9.1 Direction No. and Title	Comment	Consistent
	<ul style="list-style-type: none"> <li>To minimise the impact of residential development on the environment and resource lands.</li> </ul> <p>The Planning Proposal will facilitate the achievement of these objectives by removing an impediment to the development of the subject sites as part of a broader development parcel to enable the delivery of a diversity of housing to the full site potential.</p> <p>The site is located within walking distance to bus and train services. The removal of the heritage listing applicable to the site will facilitate the redevelopment of the site and adjoining land. By increasing the number of residents in walking distance to these services, the Proposal will maximise the patronage of public transport and assist in reducing commuting times.</p>	
3.2 Caravan Parks and Manufactured Home Estates	Not Applicable.	N/A
3.3 Home Occupations	Not Applicable.	N/A
3.4 Integrating land use and transport	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> <li>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</li> <li>(b) increasing the choice of available transport and reducing dependence on cars, and</li> <li>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</li> <li>(d) supporting the efficient and viable operation of public transport services, and</li> <li>(e) providing for the efficient movement of freight.</li> </ul> <p>The direction applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>In accordance with this direction a Planning Proposal must be consistent with the aims, objectives and principles of “Improving Transport Choice” and “The Right Place for Business and Services” prepared by Department of Urban Affairs and Planning.</p> <p>The Planning Proposal is consistent with these documents in that it provides the opportunity for the development of additional</p>	Yes

S.9.1 Direction No. and Title	Comment	Consistent
	dwelling on a site within an identified Strategic Centre which is within comfortable walking distance to bus and train services.	
3.5 Development Near License Aerodromes	Not Applicable.	N/A
3.6 Shooting Ranges	Not Applicable.	N/A
<b>Hazard and Risk</b>		
4.1 Acid Sulfate Soils	The site is not identified as Class 1, 2, 3, 4 or 5 land on the Acid Sulfate Soil Map. Accordingly this Direction is not applicable to the Proposal.	N/A
4.2 Mine Subsidence and Unstable Land	Not Applicable.	N/A
4.3 Flood Prone Land	The site is not identified as Flood Prone Land.	N/A
4.4 Planning for Bushfire Protection	The site is not identified as Bushfire Prone Land nor is it located in close proximity to land mapped as bushfire prone land.	N/A
<b>Regional Planning</b>		
5.1 Implementation of Regional Strategies	Not Applicable.	N/A
5.2 Sydney Drinking Water Catchments	Not Applicable.	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable.	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable.	N/A
5.5 Development in the vicinity of Ellalong, Paxton and Millfield	Revoked.	N/A
5.6 Sydney to Canberra Corridor	Revoked.	N/A
5.7 Central Coast	Revoked	N/A
5.8 Second Sydney Airport: Badgerys Creek	Not Applicable.	N/A
5.9 North West Rail Link Corridor Strategy	Not Applicable.	N/A

S.9.1 Direction No. and Title	Comment	Consistent
5.10 Implementation of Regional Plans	This direction applies to land to which a Regional Plan has been released by the Minister for Planning. No specific regional plan applies to the site.	N/A
Local Plan Making		
6.1 Approval and Referral Requirements	<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>In accordance with the direction the Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. Further the Proposal does not identify future development on the site as designated development.</p>	Yes
6.2 Reserving Land for Public Purposes	Not Applicable.	N/A
6.3 Site Specific Provisions	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The direction applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out.</p> <p>The Planning Proposal seeks to remove the listing of a heritage item.</p>	Yes
Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	In accordance with this direction Planning Proposals shall be consistent with the NSW Government's A Plan for Growing Sydney published in December 2014. As already discussed, the Planning Proposal is consistent with the relevant provisions of A Plan for Growing Sydney (now known as the Greater Sydney Region Plan - A Metropolis of Three Cities) as it will allow for the redevelopment of the site consistent with the Governments vision for Sydney.	Yes
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable.	N/A
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable.	N/A
7.4 Implementation of North West Priority Growth Area Land	Not applicable.	N/A



S.9.1 Direction No. and Title	Comment	Consistent
Use and Infrastructure Implementation Plan		

**4.4.3 Environmental, Social and Economic Impact**

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

The Planning Proposal will not adversely impact any critical habitat, threatened species, populations or ecological communities, or their habitats as a result of the removal of the heritage listings.

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

There are no environmental effects envisaged as a result of the removal of heritage listings proposed by the Planning Proposal.

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

The Planning Proposal has no expected social effects.

The Planning Proposal would have the effect of removing the financial hardship on the owners of 14 and 16 Victoria Avenue resulting from the current heritage listing of the site, profound adverse amenity impacts on the dwellings and the rapidly diminishing setting of the item as a result of current planning controls allowing a vastly different scale of development on the surrounding sites.

The economic effect of the Planning Proposal would be the realisation of the development potential associated with the site and surrounding sites as envisaged by the relevant planning controls.

**4.4.4 State and Commonwealth Interests**

Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal relates to the removal of heritage listings of established buildings. The removal of the heritage listing will facilitate the redevelopment of the site and surrounds in accordance with the applicable planning controls for the Kogarah North precinct. The demand for public infrastructure associated for any future development of the site will be appropriately considered during the assessment of a development application for any such proposal.

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

Relevant public authorities will be consulted following the Gateway determination. It is expected that the Office of Environmental Heritage may be consulted in relation to the project.

#### 4.5 Part 4: Mapping

The Planning Proposal will require the amendment of the Kogarah Local Environmental 2012 Heritage Map – Sheet HER\_006 by removing the colouring from the subject properties at 14-16 Victoria Street, Kogarah to indicate the properties are not an Item.

#### 4.6 Part 5: Community Consultation

‘A guide to preparing local environmental plans’ produced by the NSW Department of Planning and Environment sets out the community consultation requirements for Planning Proposals.

The guide indicates that consultation will be tailored to specific Proposals. The exhibition for low impact Planning Proposals will generally be 14 days and all other Planning Proposals will be 28 days.

A low impact Planning Proposal is described as a Planning Proposal that, in the opinion of the person making the gateway determination is consistent with the pattern of surrounding land use zones and/or land uses; is consistent with the strategic planning framework; presents no issues with regard to infrastructure servicing; is not a principal LEP; and does not reclassify public land.

It would be appropriate to exhibit the Planning Proposal for 14 days as it is considered to be a low impact Planning Proposal.

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

The written notice of the Planning Proposal will:

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

#### 4.7 Part 6: Project Timeline

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

In a letter dated 4 June 2018 responding to representations made by the owner of 16 Victoria Street regarding the financial hardship experienced due to the limitations imposed on the sale and redevelopment of the site due to the heritage listing of the property, Council’s General Manager indicated that every effort will be made by officers to process the application in a timely manner.

The relevant milestones and expected timeframes for each stage are summarised in the following table.

Stage	Timeframe
Council Review of Planning Proposal	May-June 2019
Submission to NSW Planning and Environment	June 2019
Gateway Determination issued	July 2019
Public exhibition and public authority consultation	August 2019
Consideration of submissions and reporting of the Planning Proposal to Council	September-October 2019
Submission to the NSW Planning and Environment and Legal Drafting	November 2019
Publication of LEP amendment	December 2019

## 5.0 CONCLUSION

The purpose of the Planning Proposal is to amend Kogarah Local Environmental Plan 2012 (KLEP 2012) to remove the heritage listing of 14-16 Victoria Street, Kogarah.

A Heritage Assessment prepared by Perumal Murphy Alessi has been prepared to assess the significance of the dwellings at 14 and 16 Victoria Street, Kogarah in light of the impacts on the significance of the item associated with the rezoning of the Kogarah North Precinct from R2 Low Density Residential to R4 High Density Residential and the substantial uplift to the maximum FSR and height permitted within the precinct. The Heritage Assessment recommends Council remove 14 and 16 Victoria Street, Kogarah from Schedule 5 of the Kogarah Local Environmental Plan 2012 due to the impact of the rezoning and loss of context and given there are other examples of late Victorian Italianate terraces in the area.

The Planning Proposal is consistent with 'A Metropolis of Three Cities', the South District Plan and relevant local policies in that the removal of the heritage listing will preserve the integrity of Schedule 5 of KLEP 2012 and facilitate the orderly and economic redevelopment of the site and neighbouring properties at a scale that is consistent with the desired future character of the Kogarah North precinct.

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

APPENDIX A

PERUMAL MURPHY ALESSI

HERITAGE ASSESSMENT

A