

Item: ENV024-21 Georges River Foreshore Scenic Character Study (Ethos Urban)

Author: Strategic Planner/Urban Designer

Directorate: Environment and Planning

Matter Type: Committee Reports

RECOMMENDATION:

That Council notes the findings and recommendations of the technical study prepared by Ethos Urban, the *Georges River Foreshore Scenic Character Study* that will inform the preparation of future amendments to the Georges River Local Environmental Plan, the Georges River Development Control Plan and other relevant planning policies.

EXECUTIVE SUMMARY

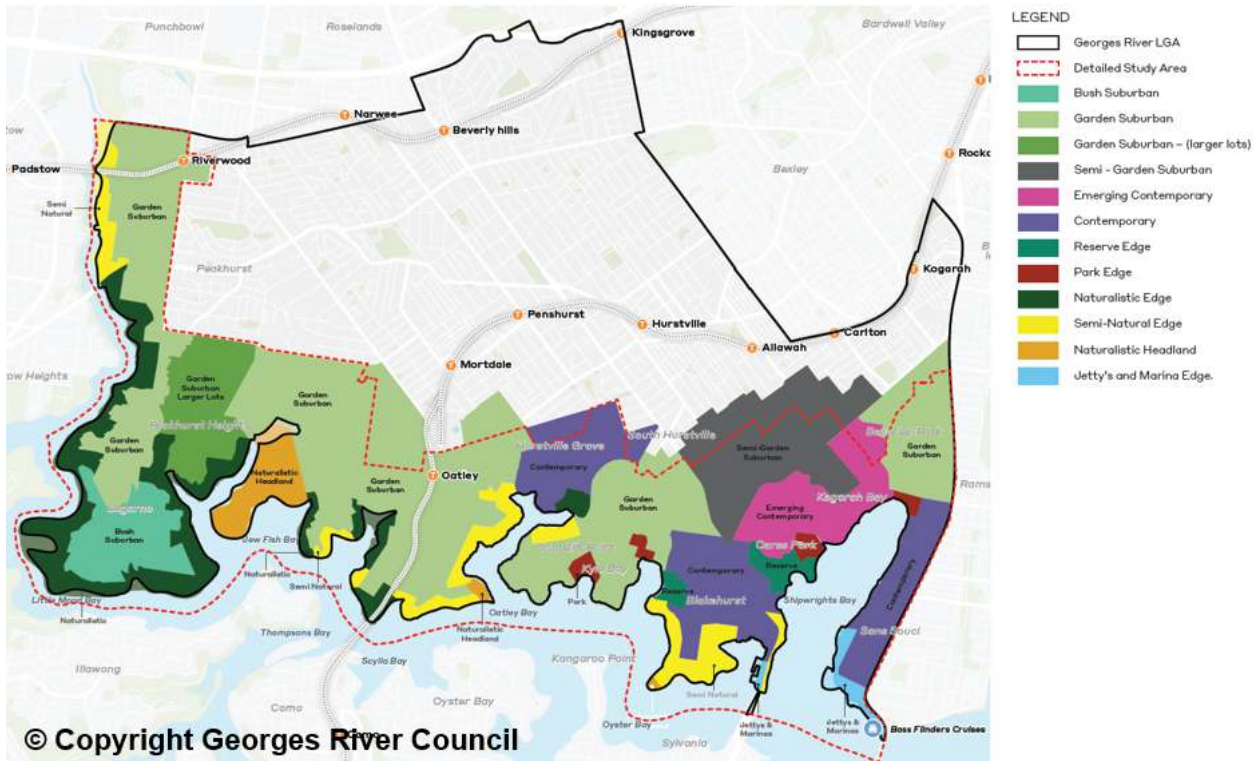
1. The purpose of this report is for Council to note the findings of the Georges River *Foreshore Scenic Character Study* (“the Study”) as a technical study which will inform the preparation of future amendments to the Georges River Local Environmental Plan, the Georges River Development Control Plan and other relevant planning policies.
2. The Study has been prepared to further investigate the role, mapped extent and zoning of the Foreshore Scenic Protection Area (“FSPA”) by building upon the existing evidence base provided by the *Foreshore Strategic Directions Paper* (“the Paper”). This is achieved through further clarifying the character typologies present in the visual catchment to and from the Georges River.
3. In light of the Study’s findings, recommendations for a set of planning controls to protect the LGA’s biodiversity are currently being developed by Ethos Urban in collaboration with Total Earth Care.
4. Concurrently, Ethos Urban is also preparing the Local Character Statements in accordance with DPIE’s *Local Character and Place Guideline* (February 2019) to enable the insertion of local character overlays into the local planning framework.
5. Both projects are currently underway as independent but complementary projects to the Study. These will be completed later this year and will be the subject of a separate Council report.

BACKGROUNDForeshore Strategic Directions Paper

6. In 2018, Ethos Urban was commissioned by Council to prepare the *Foreshore Strategic Directions Paper* (“the Paper”) for the purpose of evaluating the policy framework established by the Hurstville and Kogarah Local Environmental Plans and identifying key issues, emerging directions and key principles that will form the foundation for the preparation of the new foreshore planning controls in the Georges River Local Environmental Plan (“LEP”) and accompanying Development Control Plan (“DCP”).
7. As part of this Paper, a visual character assessment was undertaken of the foreshore localities to the ridgelines (as viewed from the water) and waterways along the land and water interface.

8. As a result, the study area is categorised into distinct character areas (refer **Figure 1** below) to allow for the designation of a rating system in terms of the overall character value and the area’s sensitivity to change such as tree clearing, larger scale development, altered geology through cut and fill, and the replacement of incongruous development with contemporary styles.

Figure 1 – Foreshore Character Typologies identified by the Paper



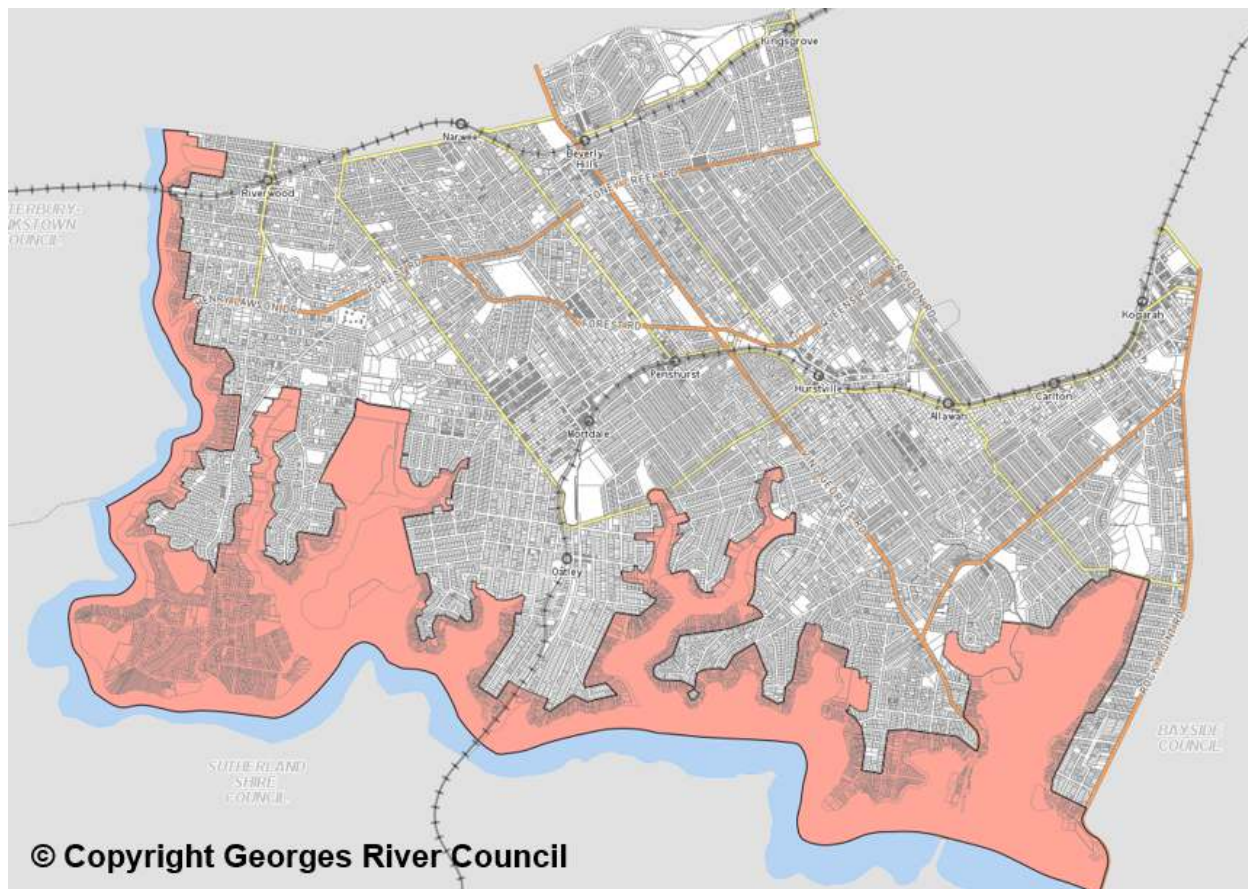
9. The common characteristics and attributes of the character areas that are considered as having a High or Very High sensitivity rating are high levels of tree coverage, steep or undulating terrain with distinctive ridgelines, all with minimal visible built form.
10. Character typologies with High or Very High sensitivity ratings generally have an interface with the Georges River and are predominantly located along the waterfront and towards the west of the study area.
11. Character areas to the east of Georges River are largely assessed as having a lower sensitivity rating. This is due to the flatter topography, lower vegetation coverage as a result of contemporary developments and the dominant built form character.
12. The character analysis conducted by the Paper was used to inform the preparation of the Georges River LEP.

Georges River Local Environmental Plan 2020

13. The amended Planning Proposal for the *Georges River Local Environmental Plan 2020* (“LEP 2020”) was endorsed by the Georges River Local Planning Panel (“LPP”) at its meeting dated 25 and 26 June 2020 and was submitted to the Department of Planning, Industry and Environment (“DPIE”) for final legal drafting on 30 June 2020.
14. The draft LEP 2020 had originally proposed to reduce the extent of the existing Foreshore Scenic Protection Area (“FSPA”) in the former Hurstville LGA to exclude areas with lower sensitivities to change as identified by the Paper. The original reduction (refer **Figure 2** below) was endorsed by DPIE through its Gateway Determination.

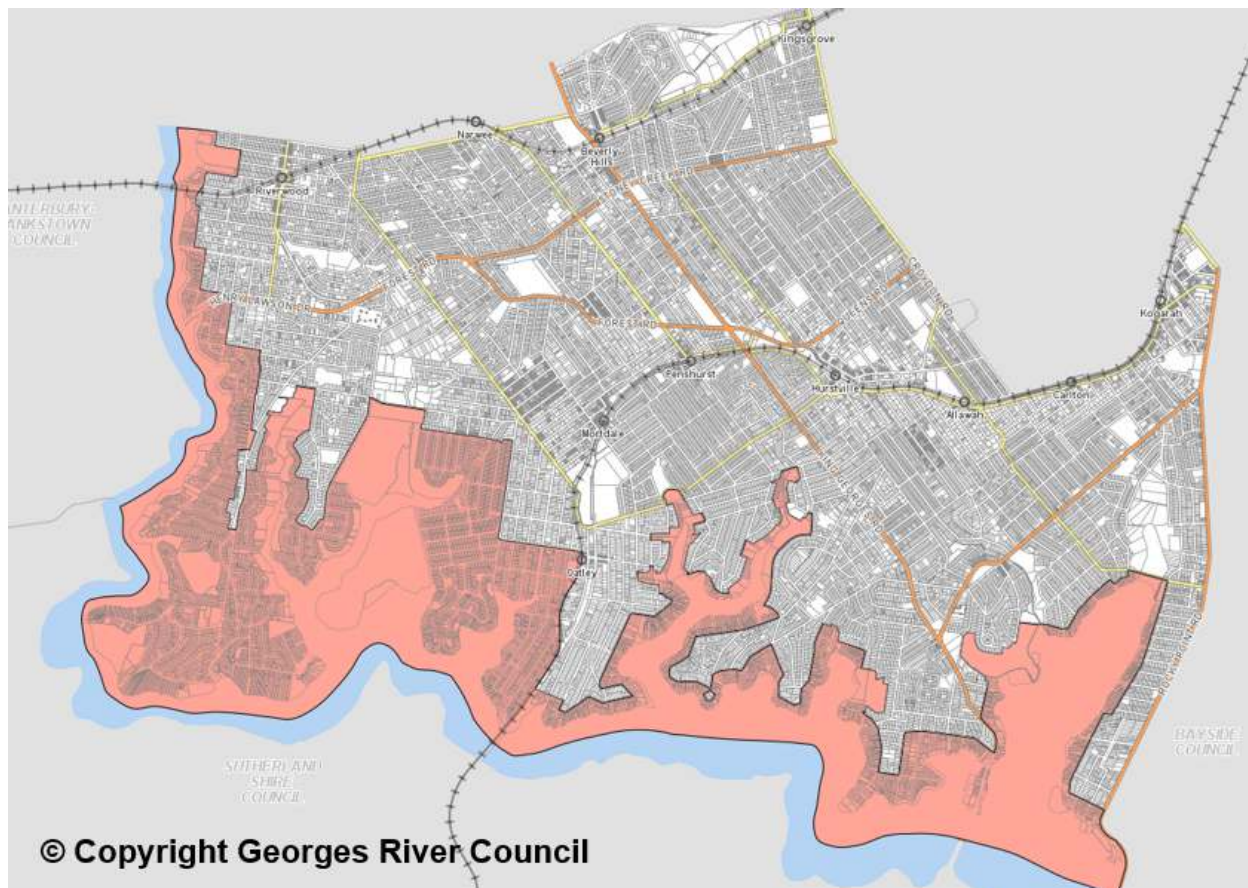
15. The removal of these properties from the existing FSPA would have enabled increased development potential (i.e. eligible for dual occupancies) for 742 sites. This proposal was endorsed by the DPIE through the Gateway Determination.

Figure 2 – Map of proposed FSPA endorsed by Gateway Determination



16. The Planning Proposal for the draft LEP 2020 was publicly exhibited from 1 April to 31 May 2020 (inclusive) and a total of 1,153 community submissions were received. The content of the submissions were categorised into 14 topic areas.
17. A total of 510 submissions were received in relation to the FSPA with over 400 submissions objecting to the removal of properties within the FSPA due to impacts associated with overdevelopment as result of the increased dual occupancy development potential and the loss of vegetation and biodiversity through overdevelopment.
18. To address the concerns raised by the submissions in relation to the FSPA, the LPP made the following amendments to the draft LEP 2020:
- Increase the minimum landscaped area requirements for dual occupancies (non-FSPA) to 25% and dual occupancies (FSPA) to 30% and to ensure new developments are accompanied by increased planting and vegetation;
 - Insert a new local provision to protect trees in the R2 and R3 zones; and
 - Retain the existing extent of the FSPA in the Hurstville LEP while expanding the FSPA to the former Kogarah LGA in accordance with the as-exhibited version. Refer **Figure 3** below for the final FSPA extent proposed by the draft LEP 2020.

Figure 3 – Map of FSPA submitted for finalisation as part of LEP 2020



19. However, further investigation was requested by the LPP in its recommendation.
20. The subject of this report, the *Foreshore Scenic Character Study*, has been prepared for the purpose of investigating the mapped extent and zoning of the FSPA in accordance with the resolution made by the LPP.

Biodiversity Study

21. Separate but concurrent to this Study, Council has commissioned Total Earth Care to conduct a LGA-wide *Biodiversity Study* which assesses the diversity of flora (plant) and fauna (animal) present, analyses historical changes and recommends key opportunities to protect and conserve biodiversity.
22. The *Biodiversity Study* has now been prepared and is subject of a separate report to this meeting.
23. This Study acknowledges the complementary nature of the *Biodiversity Study* and relies on the *Biodiversity Study* to inform considerations relating to environmental and vegetation protection.
24. Accordingly, an additional component to the *Biodiversity Study* is currently being carried out as a collaboration project between Ethos Urban and Total Earth Care for the purpose of developing draft planning controls that can be included in the Georges River LEP and DCP. This component will be completed later this year and will be the subject of a separate Council report.

Funding source

25. On 7 September 2018, Council received funding from the NSW Government of \$2,500,000 for an accelerated review of Council's existing LEPs and the preparation of a new LEP that aligns with the priorities outlined in the *South District Plan*. The grant funding also enabled Council to prepare the *Local Housing Strategy* and *Inclusive Housing Strategy* to inform the new LEP and a local strategic planning statement for the LGA.

26. The draft LEP 2020 was prepared and submitted to DPIE for final legal drafting by 30 June 2020 in accordance with the conditions of the grant funding. However, approximately \$750,000 of the grant funding remained unspent by Council.
27. DPIE advised that the surplus grant funding would be made available to Council to enable the expedited preparation of a planning proposal to address the LGA's shortfall in housing delivery.
28. Another Planning Proposal, known as LEP21 was prepared and submitted to DPIE for final legal drafting by 31 March 2021. Capacity for an additional 300 dwellings is created by LEP21 in order to meet the Greater Sydney Commission's 6-10 year housing target (3,450 - 4,250 additional dwellings) for the period from 2021/22 to 2025/26.
29. In addition to the preparation of this Planning Proposal, the LEP grant funding has also enabled the preparation of a number of key strategic studies and plans which will be used to inform future amendments to the Georges River LEP subject to Council's endorsement.
30. The *Foreshore Scenic Character Study* and *Biodiversity Study* have both been prepared using the LEP grant funding.

PURPOSE OF STUDY

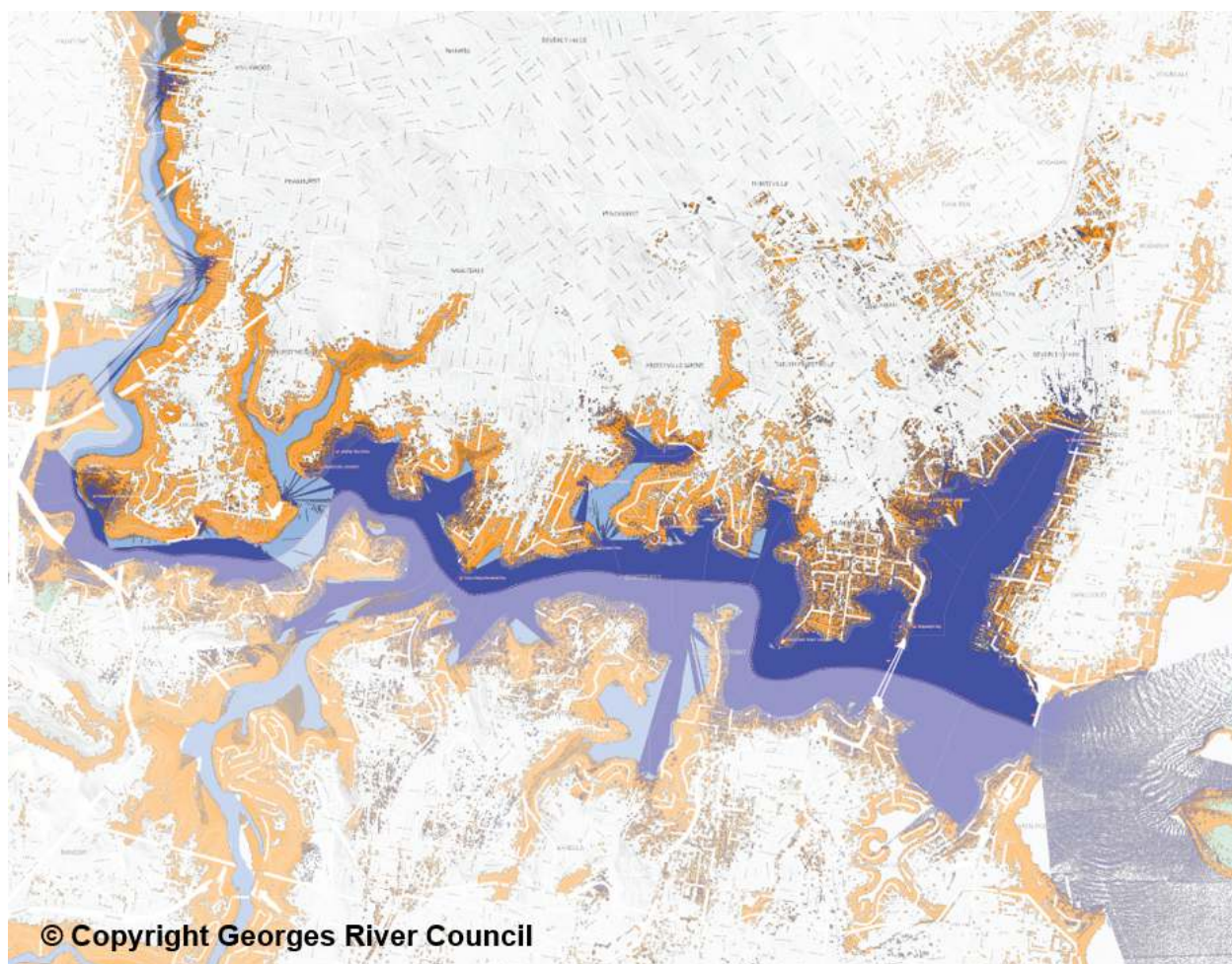
31. The purpose of preparing the *Foreshore Scenic Character Study* ("the Study") is to further investigate the role, mapped extent and zoning of the FSPA in accordance with the resolution made by the LPP during the finalisation of the draft LEP 2020.
32. The Study builds upon the existing evidence base provided by the Paper to further clarify the character typologies present in the visual catchment to and from the Georges River.
33. In recognition of the substantial body of work undertaken as part of the Paper, the intent of this project is to further develop and refine the methodologies and key directions utilised by the Paper as opposed to starting afresh.
34. The Study is a technical and evidence-based document which will assist Council in developing and reviewing local planning measures, including future amendments to the Georges River LEP and accompanying DCP.
35. A copy of the Georges River *Foreshore Scenic Character Study* is provided in **Attachment 1**.

STUDY AREA

36. The Study Area of the project is consistent with the study area previously utilised by the Paper.
37. The Study Area is inclusive of approximately 40km of shoreline along the Georges River and the following suburbs:
 - Blakehurst
 - Connells Point
 - Hurstville Grove
 - Kogarah Bay
 - Kyle Bay
 - Lugarno
 - Oatley
 - Peakhurst

- Peakhurst Heights
 - Riverwood
 - Sans Souci
38. There is also a secondary study area which has been identified using 3D visibility mapping to satisfy the LPP's requirement to identify all land visible to and from the Georges River.
39. The 3D mapping has been prepared using LiDAR data and enables structures, buildings, vegetation and landform to be captured at a high level of accuracy (to within 0.5m). The visibility has been mapped from 1.65m above the surface of the land to correspond with the average human eye height.
40. Based on this mapping, the secondary study area includes all land that are theoretically visible from the Georges River (refer **Figure 4** below), inclusive of land located at the top of ridgelines such as the Hurstville City Centre and the Kogarah Town Centre.

Figure 4 – Visibility Mapping from the Georges River



LEGEND

- Viewshed as cast from the entire river's surface
- Viewshed from identified viewpoints

41. However, the inland areas are excluded from the formal Study Area despite their theoretical visibility from the Georges River. This is due to the unlikelihood of development in these areas having a significant impact on the scenic character values of the foreshore when factors such as decreased visibility with distance are taken into consideration.

STRUCTURE OF THE STUDY

42. The Study is comprised of 4 parts:

- **Part A: Introduction** – this Part outlines the purpose of the project, defines the Study Area, examines the existing planning policy framework, provides background information relating to the *Foreshore Strategic Directions Paper* and establishes the methodology undertaken for this project.
- **Part B: The Scenic Character Foreshore Protection Area** – this Part defines the role and purpose of the FSPA examines the scenic character present within the LGA.
- **Part C: Local Character** – this Part identifies and analyses the local character typologies present within the Study Area. A precinct profile has been provided for each character typology. Each precinct profile is comprised of the following components:
 - Description
 - Character Attributes
 - Positives and Opportunities
 - Threats and Risks
 - Sensitivity Rating
 - Significance Rating
- **Part D: Towards an Integrated Local Planning Policy Response** – this Part synthesises the findings of the Parts B and C into local planning policy recommendations.

43. The Study is supported by a Site Survey Matrix (refer **Attachment 2**) which details the observations of the following attributes for each local character typology:

- Built form
- Setbacks and siting of buildings
- Fencing
- Geology
- Topography
- Vegetation
- Street layout
- Interface between the public and private domains
- Views to and from the Georges River

METHODOLOGY

44. To fulfil the objectives of this project, a methodology has been developed and applied by Ethos Urban in the preparation of this Study. This process has been guided by the aim of defining the role of the FSPA and specifically the objectives of defining what is considered to be 'foreshore' and 'scenic'.
45. The preparation of the methodology draws from an extensive body of knowledge including government-issued guidelines, existing literature, journal publications from professional chartered bodies and NSW case law. All of the FSPA-related submissions received as part of the public exhibition of the draft LEP 2020 have also been reviewed by Ethos Urban.

46. A number of considerations pertaining to 'views' and 'local character' have resulted from this research. Subsequently, the Study has been conducted by Ethos Urban in accordance with the following methodology which is comprised of 3 components.
47. The first component focuses on the FSPA and includes the following tasks:
 - Define and clarify the role of the FSPA in the local planning framework;
 - Identify what is the 'foreshore' in the context of the FSPA;
 - Understand the 'scenic character' of the Georges River foreshore by undertaking site surveys of every street within the Study Area; and
 - Review the extent of the FSPA to reflect visibility and scenic character.
48. The second component focuses on local character by analysing the results of the site surveys. It includes the following tasks:
 - Assess the existing attributes nominated in **Paragraph 43** above;
 - Identify and map out the location of the various character typologies in accordance with the observed attributes;
 - Prepare Local Character Area Profiles for each character typology to provide descriptions of key characteristics;
 - Identify threats and risks such as tree clearing, reduction of building setbacks and incongruous contemporary developments;
 - Assess the sensitivity of each character typology based on the threats identified; and
 - Assign ratings of sensitivity and significance to the character typologies.
49. It should be noted that the character typologies have been mapped in accordance with the prevailing attributes. There will always be exceptions and outliers to the common local character. The exact locations of these 'out of character' developments have not been identified by this Study.
50. The third component synthesises the findings of the 2 components above and provides recommendations for amending the Georges River LEP to more effectively protect and enhance the LGA's scenic and local character.

KEY FINDINGS

Character Typologies

51. Based on the site surveys of every street within the Study Area, a more comprehensive and detailed assessment has been undertaken to review the character typologies presented by the Paper (refer **Figure 1** above).
52. As a result, the following 15 character typologies have been identified as shown in **Figure 5** below:

Residential

- Garden Suburban – Traditional
- Garden Suburban – Naturalistic
- Garden Suburban – Medium Density
- Bush Suburban
- Garden Court
- Emerging Contemporary

- Rivers Edge – Naturalistic
- Rivers Edge – Semi-Naturalistic
- Rivers Edge – Contemporary

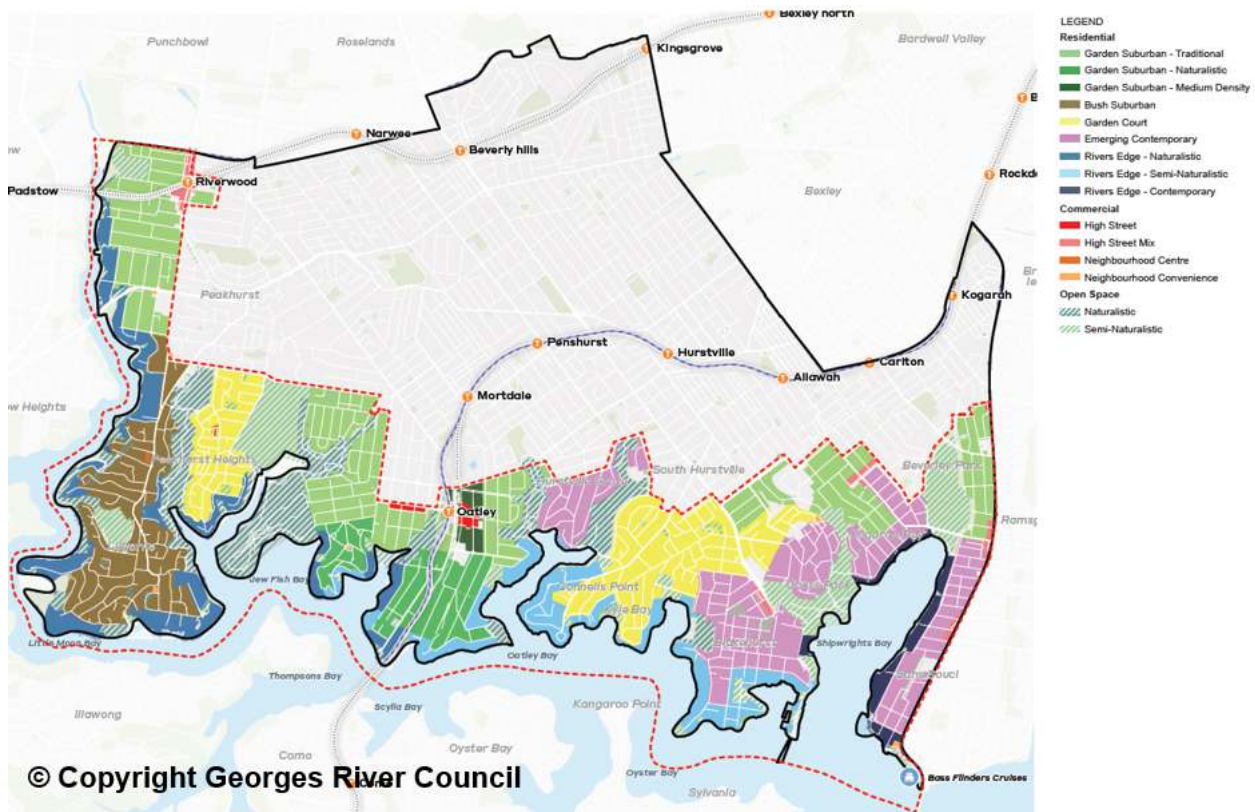
Commercial

- High Street
- High Street Mix
- Neighbourhood Centre
- Neighbourhood Convenience

Open Space

- Naturalistic
- Semi-Naturalistic

Figure 5 – Character Typologies identified by the Study



53. An individual precinct profile has been provided by the Study for each of the above character typologies.

Foreshore Scenic Protection Area

54. In accordance with the LPP resolution, the Study investigates the role, mapped extent and zoning of the FSPA.

Role of the FSPA

55. The Study identifies that the role of the FSPA is to protect the scenic character of the Georges River, including its foreshore. There are a number of areas in the LGA that exhibit

scenic character, which is particularly sensitive to threats such as tree clearing and larger scale development.

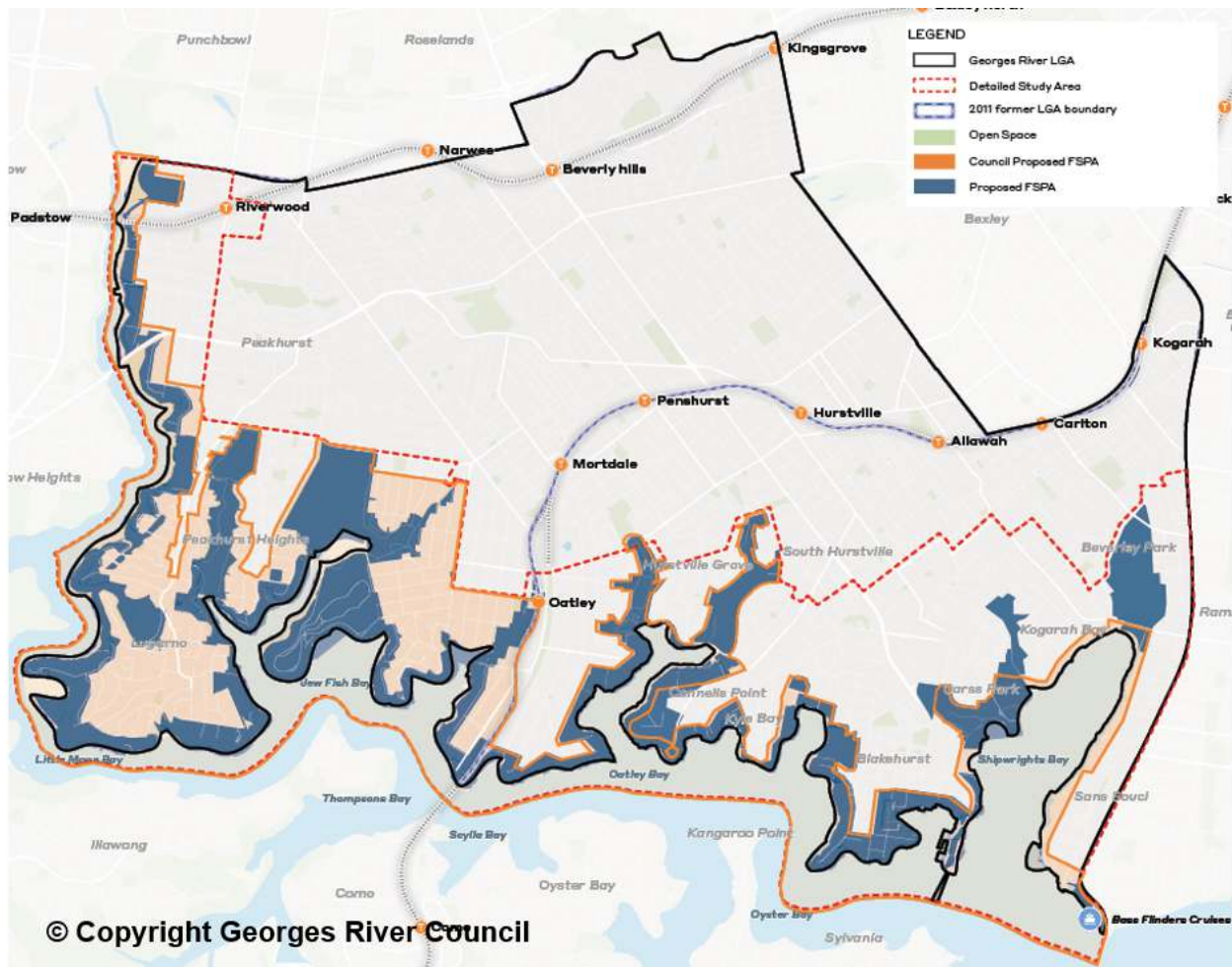
56. On this basis, having a dedicated local provision in the form of a FSPA clause within the LEP is warranted.
57. With consideration of its role, the wording of the existing FSPA clause within the *Hurstville Local Environmental Plan 2012* (“HLEP 2012”) is preferred as it targets the focus of the clause on addressing scenic character attributes.
58. In comparison, the FSPA clause proposed by the draft LEP 2020 introduces additional requirements relating to the protection of biodiversity. Providing additional emphasis on environmental values is considered to dilute the focus of the clause and runs the risk of implementation challenges.
59. Detailed provisions relating to biodiversity should be removed from the FSPA clause. However, environmental values are nonetheless critical.
60. On this basis, a new biodiversity overlay should be created to apply to the whole LGA and not just the areas in the foreshore.
61. Nonetheless, references to trees and vegetation that contribute to the scenic character are recommended to be retained in the FSPA clause.

Extent of the FSPA

62. The Study concludes that the extent of the FSPA should correlate to the areas that satisfy both the visibility and scenic character criteria.
63. Visibility is comprised of two aspects:
 - It is visible from the river and/or its foreshores; and
 - Due to factors such as distance and zoning, there is a threat of inappropriate development being highly visible from the river and/or its foreshores.
64. The scenic character criteria refer to land that has a naturalistic character; in particular through a dominance of visual dominance of natural elements over built elements.
65. The common elements contributing to scenic character are water, the land and water interface, land rising upwards from the land and water interface and the sky.
66. Within this overall pattern, scenic character is different in the eastern and western parts of the foreshore as generally delineated by Tom Uglys Bridge.
67. The western part of the foreshore comprises an undulating landform, a complex coastline of headlands, peninsulas and bays, extensive tree canopy including at the land and water interface and visual dominance of natural (including curated) elements over human elements. In general, this can be considered a naturalistic foreshore.
68. A naturalistic foreshore is considered to closely correlate with scenic character, and overall is more vulnerable to the risks posed by the nature of many types of new development.
69. The eastern part of the foreshore comprises a more level landform, a simpler, largely modified coastline, substantially less tree canopy overall and in particular at the land and water interface, built structures including jetties, pontoons, revetment walls, swimming pools and other structures between the land and water interface and built form, and a more dense, larger scale and newer built form.
70. Overall, this can be considered an urban foreshore and have a higher capacity to accommodate change. While of value, an urban foreshore is not considered to closely correlate with scenic character.

71. It is important to note that despite this overall pattern, how scenic character manifests on the ground is complex, and includes a level of variance. For example, there is the large, open and green space of Carss Park within the broader urban foreshore character east of Tom Uglys Bridge. Within the naturalistic foreshore in Lugarno and Oatley, there are pockets where much of the escarpment is occupied by buildings.
72. The Study identifies that the extent of the FSPA proposed by the draft LEP 2020 does not align with the two determinative factors of visibility and scenic character, and subsequently recommends a reduction to the extent of the FSPA as follows:
- Removal of areas further away from the river that do not satisfying the visibility criterion; and
 - Removal of areas around the Kogarah Bay foreshore that do not exhibit scenic character.
73. In summary, the proposed FSPA is comprised of the following character typologies:
- Rivers Edge – Naturalistic
 - Rivers Edge – Semi-Naturalistic
 - Naturalistic
 - Semi-Naturalistic (note: only includes parks and reserve located along the river)
74. A comparison of the proposed FSPA extent (shaded in blue) is provided against the draft LEP 2020 (outlined in orange) in **Figure 6** below.

Figure 6 – Comparison of Proposed FSPA and draft LEP 2020 FSPA



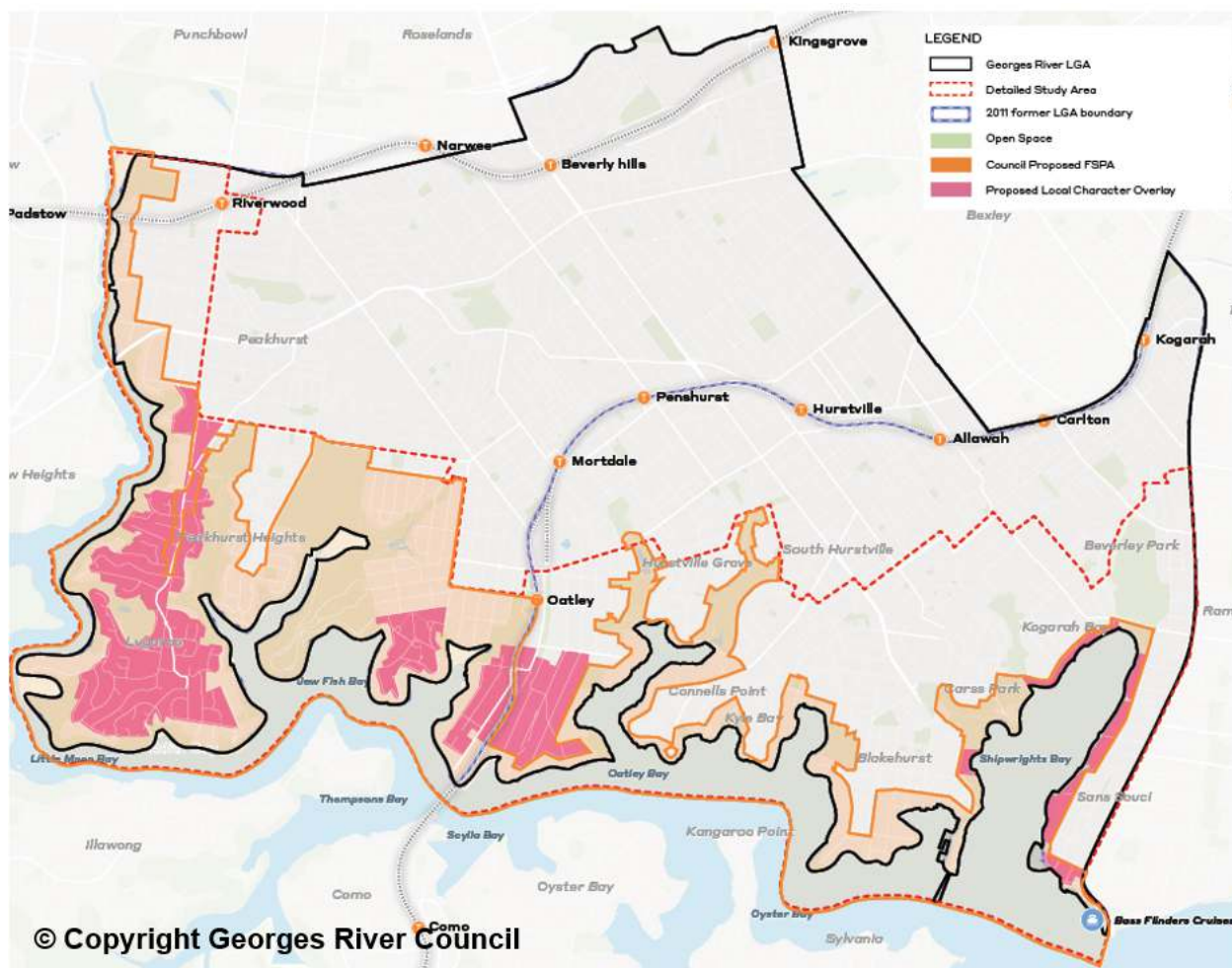
75. It should be noted that a significant portion of residential zoned land are deemed to possess significant local character that warrant greater protection in local planning policies. On this basis, a new local character overlay should be created.

Zoning of the FSPA

76. Within the draft LEP 2020, the majority of privately owned land in the FSPA is zoned R2 Low Density Residential. This zone limits permissible development to uses such as dwelling house and dual occupancies and other uses that provide for the day to day needs of residents such as centre-based child care facilities. It also allows for jetties.
77. The Study considers potential alternative zones available under the Standard Instrument which can be applied to give better effect to the objectives of the FSPA, most notably the E4 Environmental Living zone.
78. While the objectives of the E4 zone are aligned with the protection of scenic character, it is considered to unreasonably restrict land use permissibility. The only permissible residential use is dwelling houses. Due to it also being a closed zone, dual occupancies and jetties are prohibited.
79. Through this comparison, the Study determines that the current zoning pattern is the most appropriate to achieve a balance between protecting the scenic character of the FSPA and enabling reasonable, appropriate development to occur.
80. In particular, the objectives of the R2 zone within the draft LEP 2020 require development 'to promote a high standard of urban design and built form within a landscaped setting that enhances the local character of the suburb and achieves a high level of residential amenity.' This is considered to clearly and succinctly articulate a key outcome sought for the FSPA.

Local character overlay

81. Scenic character is related to, but different from local character. Scenic character is more focussed on visible aspects with regional significance while local character is broad, being drawn from a range of attributes such as built form, setbacks and siting of buildings.
82. Furthermore, while every area has a local character, it may not be scenic. For example, a coherent industrial area can also be a local character area, but is not necessarily of scenic character.
83. The DPIE's *Local Character and Place Guideline* (February 2019) defines local character as what makes a neighbourhood distinctive and is the identity of a place. It differentiates one area apart from another.
84. As noted above, the Study identifies that some local character areas within the Study Area warrant consideration of greater protection in local planning policy through a local character overlay.
85. In summary, the proposed local character overlay is comprised of the following character typologies:
- Garden Suburban – Naturalistic
 - Bush Suburban
 - Rivers Edge – Contemporary
86. A comparison of the proposed local character overlay (shaded in pink) is provided against the extent of the FSPA proposed by the draft LEP 2020 (outlined in orange) in **Figure 7** below.

Figure 7 – Comparison of Local Character Overlay and draft LEP 2020 FSPA

87. Similar to the FSPA local provision, the local character overlay will comprise of a map and a clause within the Georges River LEP.
88. DPIE has developed a local character overlay and draft local character clause that will allow councils to insert a reference to local character in their LEP via a Local Character Statement and map.
89. DPIE's local character clause is still a draft, however, DPIE states that councils should use the character assessment toolkit in the *Local Character and Place Guideline* to identify local character areas.
90. Given that the scope of the Study is to identify the most appropriate provisions to better protect and enhance existing character values, further work is required to develop the range of documentation required by DPIE to enable the introduction of the local character overlay into the Georges River LEP.
91. Furthermore, the existing DCP controls will be reviewed to support the local character overlay in the LEP. This work is currently underway as an independent but complementary project to the Study and is expected to be completed later this year.

Biodiversity overlay

92. As outlined above, the Study suggests the removal of detailed provisions relating to biodiversity from the FSPA clause to ensure the focus remains on scenic character and values.

93. Instead, a new standalone biodiversity clause is recommended to be developed and applied to the whole LGA. This is supported by recommendations of the *Biodiversity Study*, in particular the following action:

Develop and implement initiatives for private landholders to improve vegetation condition and extend the tree canopy on private land, especially adjacent to important green corridors.

94. An additional component to the *Biodiversity Study* is currently being carried out as a collaboration between Ethos Urban and Total Earth Care for the purpose of developing draft planning controls that can be included in the Georges River LEP and accompanying DCP to protect the LGA's biodiversity.
95. This component will be completed later this year and will be the subject of a separate Council report.

Other provisions

96. Under the draft LEP 2020, new developments within the FSPA are required to comply with additional requirements with respect to dual occupancy lot size, subdivision lot size, landscaped area and design excellence.
97. The Study considers these additional requirements to be broadly acceptable for areas located within the proposed FSPA and the new local character overlay.
98. However, the Study does not recommend design excellence requirements to be applied to the new local character areas in its current form due to the potential duplication of controls. The design excellence clause proposed by the draft LEP 2020 focuses on context responsive design, which is already a prerequisite consideration within the preparation of Local Character Statements for the local character overlay.
99. Subsequently, the Study recommends the partial application of the design excellence provision to the local character overlay areas or the use of the draft LEP 2020 considerations as the basis to inform the preparation of the Local Character Statements. This is currently being reviewed as part of the local character work being prepared by Ethos Urban.
100. **Table 1** below provides a comparison of the Study's recommended application of these additional requirements. It should be noted that the comparison is only provided for dwelling house and dual occupancy developments in the R2 Low Density Residential zone as this is the predominate zone within the Study Area.

Table 1 – Comparison of Requirements relating to FSPA and Local Character

Requirement in draft LEP 2020	Areas within FSPA proposed by the Study	Areas within Local Character Overlay	Areas outside of FSPA and Local Character Overlay
Subdivision lot size	700sqm	700sqm	450sqm
Dual occupancy lot size	1,000sqm	1,000sqm	650sqm
Landscaped area for dwelling houses	25% of site area	25% of site area	20% of site area
Landscaped area for dual occupancies	30% of site area	30% of site area	25% of site area

Design excellence	Applicable	Not recommended in its current form	Not applicable
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FINANCIAL IMPLICATIONS

101. As noted above, the *Foreshore Scenic Character Study* and *Biodiversity Study* have both been prepared using the LEP grant funding.

RISK IMPLICATIONS

102. No risks identified.

COMMUNITY ENGAGEMENT

103. Due to the technical nature of the Study and its findings, public exhibition is not required.

NEXT STEPS

104. Recommendations for a set of planning controls is currently being developed by Ethos Urban in collaboration with Total Earth Care.
105. Concurrently, Ethos Urban is also preparing the Local Character Statements in accordance with DPIE's *Local Character and Place Guideline* to enable the insertion of local character overlays into the local planning framework.
106. Both projects are currently underway as independent but complementary projects to the Study and the *Biodiversity Study*. These will be completed later this year will be the subject of a separate Council report.
107. The outcomes of the Study, the *Biodiversity Study* and the biodiversity and local character overlays will inform a future amendment to the Georges River LEP and the accompanying DCP.

FILE REFERENCE

D21/68636

ATTACHMENTS

- Attachment 1 210603 FINAL Georges River Foreshore Scenic Character Study
- Attachment 2 E&P 10 May 2021 Attachment 2 - Site Survey Matrix