

**Item:** ENV034-23 Proposed Planning Proposal for 28 Carlton Crescent, Kogarah Bay

**Author:** Strategic Planner

**Directorate:** Environment and Planning

**Matter Type:** Committee Reports

**RECOMMENDATION:**

- (a) That Council acknowledge the Heritage Significance Assessment Report for 28 Carlton Crescent, Kogarah Bay, prepared by Edwards Heritage Consultants dated July 2023.
- (b) That Council forward the Planning Proposal No. 2023/0003 enclosed in **Attachment 1** to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
- (c) That Council endorse to publicly exhibit the Planning Proposal in accordance with the terms of the Gateway Determination issued by the Department of Planning and Environment and the Georges River Council Engagement Strategy.

**EXECUTIVE SUMMARY**

1. This report seeks Council's endorsement to forward the draft Planning Proposal (PP) in **Attachment 1**, to the Department of Planning and Environment (DPE) for a Gateway Determination.
2. The PP seeks to amend the *Georges River Local Environmental Plan 2021* (GRLEP 2021) by amending the listing of Heritage Item No. I208 ('*House and front garden, "Bayview"*') at 28A Carlton Crescent, Kogarah Bay by:
  - a. Revising the item name from '*House and front garden, "Bayview"*' to "*Bayview" house and garden, boatshed, garage and summerhouse*' in Schedule 5 Environmental heritage.
  - b. Revising the address from '28A Carlton Crescent, Kogarah Bay' to '28 and 28A Carlton Crescent, Kogarah Bay' in Schedule 5 Environmental heritage.
  - c. Revising the property description to include both Lots 21 and 22 in Section 15 of Deposited Plan (DP) 1963 in Schedule 5 Environmental heritage.
  - d. Updating the Heritage Map to reflect the above changes.
3. The PP is supported by a Heritage Significance Assessment Report prepared by Council's Heritage Advisor dated July 2023 which is provided in **Attachment 2**. The Report concludes that both Lot 21 and Lot 22 are considered to be of equal cultural significance and neither one lot is mutually exclusive – they both rely on each other to complete the historical narrative of the Site, retain the original design intent, and protect the curtilage, setting, significant fabric and landscaped features as well as physical and visual relationships. There is also clear evidence that the intent of the heritage listing was to include Lot 21 and Lot 22 both in their entirety and to be managed and protected as a single heritage item, though only Lot 21 was identified in Schedule 5 and mapped accordingly. This is considered erroneous and the heritage listing of the Site should in fact be inclusive of both Lots 21 and 22 in Section 15 of DP 1963 so that the entire Site

and all of its built and landscape elements of identified cultural significance and value are afforded appropriate statutory protection.

- 4. As outlined in this report, the PP meets both the strategic and site-specific merit tests that are outlined in the DPE’s *Local Environmental Plan Making Guideline* dated August 2023.
- 5. The Planning Proposal and Heritage Significance Assessment Report were considered by the Georges River Local Planning Panel (LPP) at its meeting on 17 August 2023. The LPP supported the Planning Proposal to be forwarded to the DPE for a Gateway Determination.

## BACKGROUND

### Site and Locality

- 6. The Site is identified as Lot 21 in Section 15 of DP 1963 (known as 28A Carlton Crescent, Kogarah Bay) and Lot 22 in Section 15 of DP 1963 (known as 28 Carlton Crescent, Kogarah Bay). Refer to **Figures 1 and 2** below.

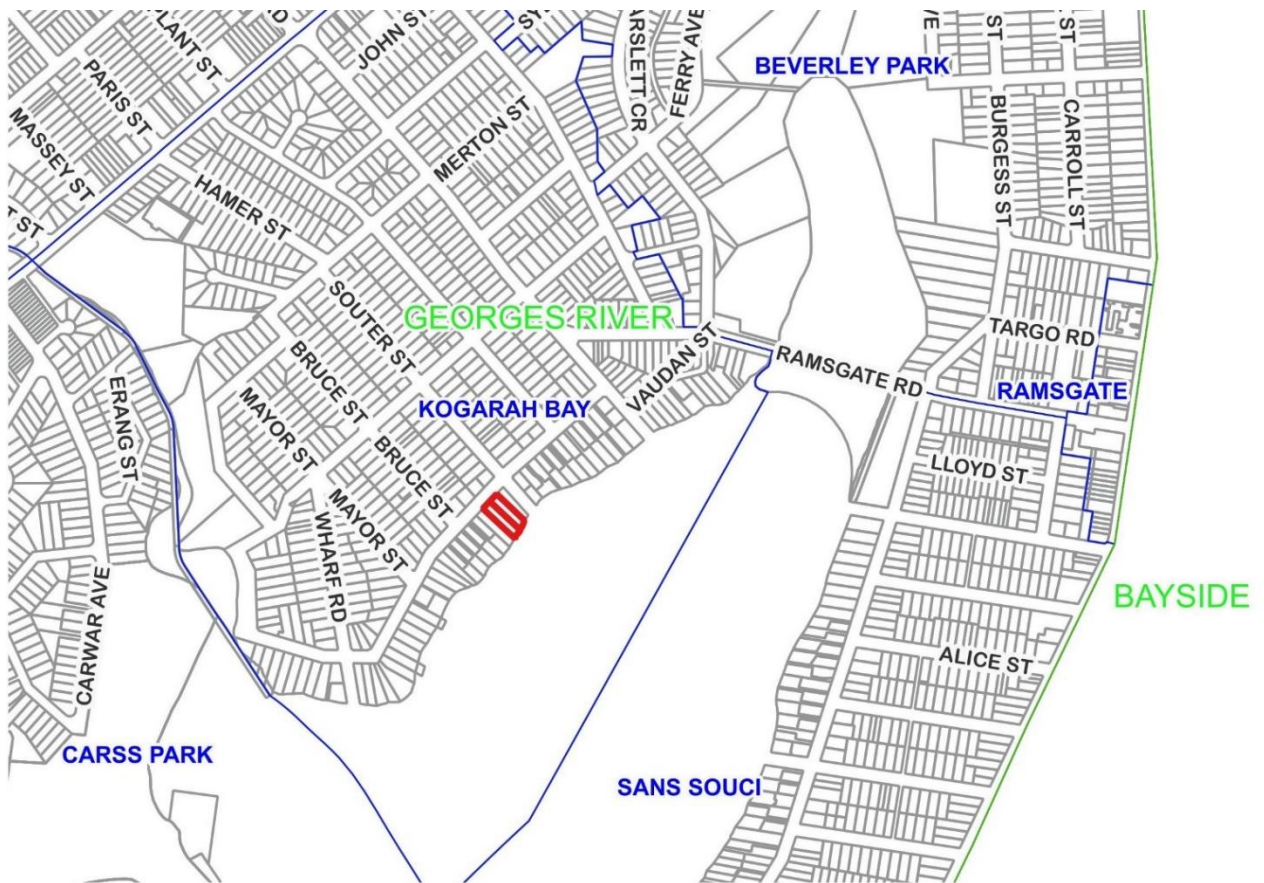
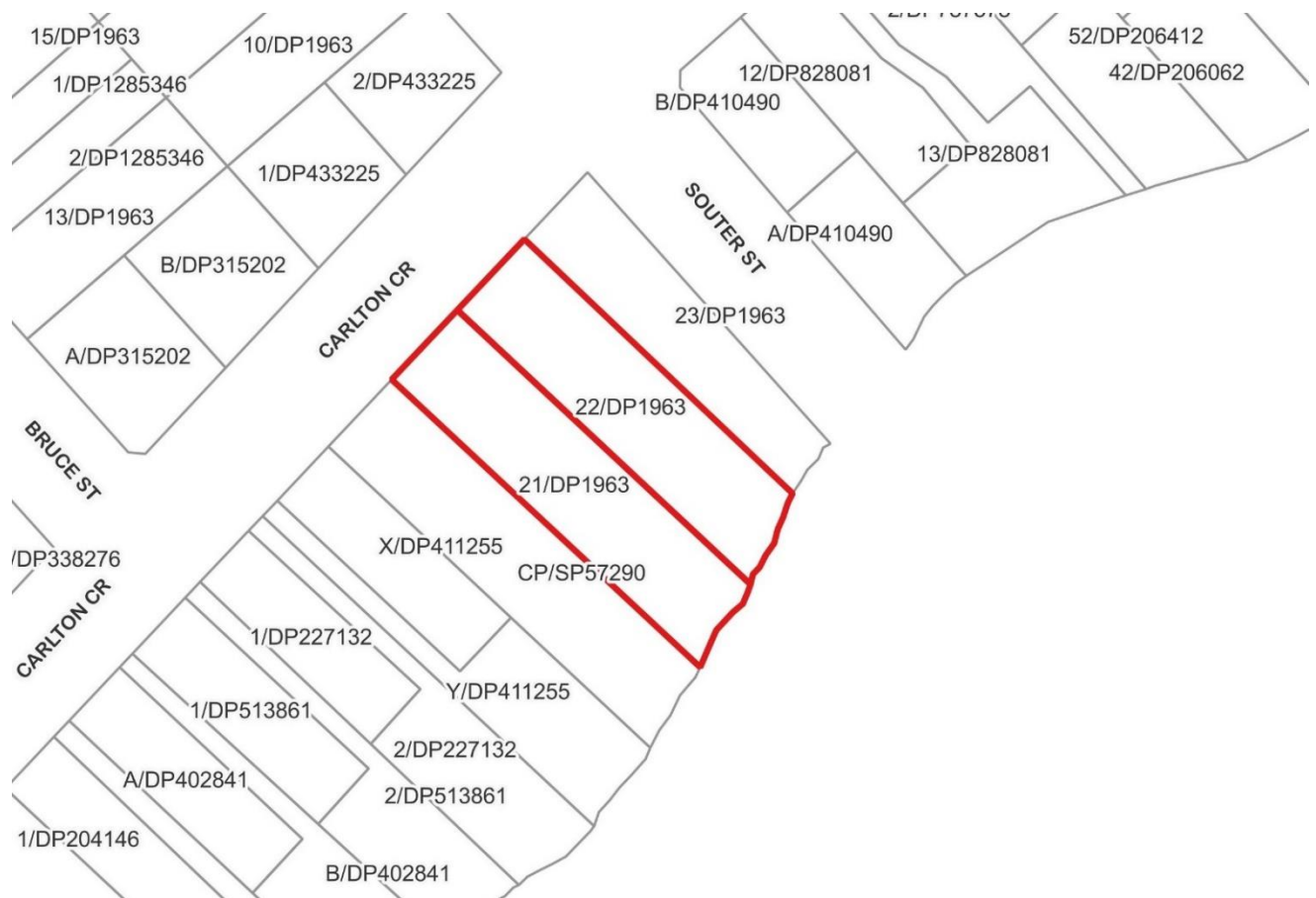


Figure 1 – Locality of the Site (outlined in red)



**Figure 2 – The Site (outlined in red)**

7. The two allotments back onto Kogarah Bay on the southern side of Carlton Crescent.
8. Presently, only part of the Site is listed in Schedule 5 of the GRLEP 2021 as ‘House and front garden, “Bayview”’, being Lot 21, Section 15, DP 1963, 28A Carlton Crescent, Kogarah Bay.
9. The entire Site comprising the two allotments is approximately 1,915 m<sup>2</sup> combined for the two allotments. Lot 21 (28A Carlton Crescent) contains the dwelling, the former boat shed and numerous semi-mature palms and shrubbery. Lot 22 (28 Carlton Crescent) includes all but one of the mature Canary Island Palms, together with the majority of the circulation paths, the detached garage and detached former teahouse / summerhouse.
10. The two lots function as one site / one dwelling and have been in continual and unsevered ownership since the original purchase in 1916 from the c1911 Kogarah Bay Estate subdivision.

### **Development Application**

11. A Development Application (DA2023/0025) for No. 28 (Lot 22 Section 15 DP 1963) and 28A (Lot 21 Section 15 DP 1963) Carlton Crescent, Kogarah Bay, was accepted by Council on 21 March 2023. The DA involves a boundary adjustment, tree removal, demolition of an existing detached garage structure and detached secondary dwelling, construction of a new dwelling house with associated in-ground swimming pool and construction of a new hardstand carparking space and vehicular access driveway to Lot 21. The DA is currently subject to a court appeal with the NSW Land and Environment Court.

12. Presently, only part of the Site is listed in Schedule 5 Environmental heritage of the GRLEP 2021 as '*House and front garden, "Bayview"*', being Lot 21, Section 15, DP 1963, 28A Carlton Crescent, Kogarah Bay.
13. Given No. 28A Carlton Crescent, Kogarah Bay is mapped as a local heritage item in the GRLEP 2021 (House and front garden – "Bayview"), the DA was referred to Council's Heritage Advisor for review and comment.

### **Heritage Advisor Comments to DA2023/0025**

14. Situated on No. 28A is a single storey, detached style dwelling house which displays the principal characteristics attributed to the early 20th century Inter-War period and of the Inter-War Californian Bungalow architectural style. The dwelling displays a remarkably intact form, with many distinguishing features that amplify and accentuate the aesthetic significance and architectural interest and value, making it a good representative example of the style and class.
15. The dwelling is set within an established landscaped garden setting, comprised of two individual allotments. The Site benefits from direct water access to the Georges River at the rear. No. 28A (Lot 21) contains the dwelling house (towards the front of the Site), with a detached (former) boat shed at the very rear of the Site. No. 28 (Lot 22) contains the detached garage structure (at the front of the Site) and a (former) summerhouse or teahouse at the rear.
16. Each of the detached structures are positioned in each of the four corners of the Site, interconnected by established landscaped gardens comprising numerous mature Canary Island Palms, lawn areas and circulation paths. Cumulatively, they form a pleasant and deliberately arranged relationship that evokes a strong early 20th century Inter-War period character. The positioning of the dwelling, echoed through the arrangement of large bay windows and the verandahs, evidence a deliberate design that takes advantage of the double-lot, with outward facing views to the northeast over the sprawling garden setting and to the southeast towards the Georges River.
17. The deliberate design of the dwelling and arrangement of ancillary structures is evident on the 1937 and 1943 aerial photos, from which the following key observations can be made:
  - a. The extant structures and landscaped setting (inclusive of the numerous Canary Island Palms) on the Site display a high degree of integrity, having been largely unaltered since the early inception of the Site, whereby having historical significance.
  - b. The footprint of the dwelling is substantially larger by comparison to other extant dwellings in the street at the time, demonstrating a deliberate and clear intent for a more 'substantial' dwelling and garden setting, and the design of the dwelling to have a strongly defined side elevation that exploits views over the garden setting.
18. The name of the heritage item in Schedule 5 of the GRLEP 2021 identifies the heritage item as '*House and front garden, "Bayview"*' and identifies the listing as relating to 28A Carlton Crescent (which can be taken to be the entire Site), though lists only Lot 21. This is evident in the mapping accompanying the LEP, showing only half the Site as being heritage listed – that is, Lot 21 which contains the dwelling, former boat shed and numerous semi-mature palms. All but one of the mature Canary Island Palms, together

with most of the circulation paths, the detached garage and detached former teahouse are situated on Lot 22.

19. It is evident from a visual examination of the Site together with historical land titles, that the Site was always intended to be comprised of both lots, evident in the original purchase of two adjoining lots and continued ownership of the same, together with the deliberate regard the dwelling has for its broader landscaped setting and visual relationship with the ancillary structures. Both Lot 21 and Lot 22 are therefore considered to be of equal cultural significance and neither one lot is mutually exclusive – they both rely on each other to complete the historical narrative of the Site, retain the original design intent, and protect the curtilage, setting, significant fabric and landscaped features as well as physical and visual relationships.
20. Photographs of the heritage item from the 1993 *Kogarah Heritage Study* clearly depict the substantial garden setting (inclusive of both Lots 21 and 22) as forming the key elements of significance.
21. Schedule 5 of the GRLEP 2021 references the house and ‘front garden’. An examination of the existing front garden in the conventional sense of the word, that is, the landscaped area between the street-facing front boundary and the street-facing front elevation of the dwelling, comprises a simple landscaped area, mostly open grass with a dense *Murraya* hedge delineates the front boundary, which is considered a contemporary planting to the Site. There are no other notable or distinguishing features within the ‘front garden’ area. Consequently, it is understood that the intent of the listing of the ‘front garden’ was to in fact include the substantial gardens that envelope the dwelling from the front elevation, wrapping around the north-eastern side (Lot 22) and to the rear.

### **Interim Heritage Order**

22. The *Heritage Act 1977* (Section 25(2)) allows councils, subject to the authorisation by the Minister, to make an Interim Heritage Order (IHO) over a property, where a council has a reasonable belief that the place or item may have potential heritage significance and that a ‘threat of harm’ either exists or is perceived to exist. In this case, the lodgement of the current DA (DA2023/0025) constitutes such a threat of harm.
23. Council considered preliminary heritage advice from Michael Edwards, Heritage Advisor to Georges River Council, dated 24 April 2023, which found that:
  - a. There is clear evidence that the intent of the heritage listing for 28A Carlton Crescent was to include 28 Carlton Crescent, though only 28A was identified in Schedule 5 of the GRLEP 2021 and mapped accordingly.
  - b. This is considered to be incorrect and incomplete, and the heritage listing of the Site should in fact be both 28 and 28A.
  - c. 28 Carlton Crescent does not appear to be afforded any statutory heritage protection, meaning the demolition of the garage, summerhouse / teahouse and mature Canary Island Palms could potentially occur via a Complying Development Certificate (CDC). Demolition of those described features would have an adverse impact on the identified heritage values and significance of the Site.
  - d. The DA which proposes demolition of the garage and summerhouse, together with the construction of a new two-storey dwelling house at 28 Carlton Crescent presents a threat of harm to the heritage item and Council should consider urgently placing an IHO on 28 (Lot 22) to prevent demolition and to allow the anomaly of the heritage listing to be corrected in Schedule 5.

24. A report to Council on the potential heritage listing of No. 28 Carlton Crescent, Kogarah Bay, was considered by Council at its meeting on 22 May 2023 where it was resolved:
- a. *That Council acknowledges that the potential heritage listing over No. 28 Carlton Crescent Kogarah Bay is necessary for the protection of the heritage integrity of No. 28A Carlton Crescent as both Nos. 28 and 28A create an historic narrative through retaining the original design intent and the physical and visual relationship of both sites.*
  - b. *That Council make an Interim Heritage Order over No. 28 Carlton Crescent Kogarah Bay (Lot 22, Section 15, DP1963) as the potential heritage item:*
    - i. *is likely to be of heritage significance*
    - ii. *is under threat of demolition and unsympathetic alteration through any consent given to Development Application No. 2023/0025*
    - iii. *does not have statutory heritage protection under the Environmental Planning and Assessment Act 1979 or the Heritage Act 1977.*
  - c. *That Council authorise the preparation of a detailed assessment of the heritage significance of No. 28 Carlton Crescent Kogarah Bay in accordance with Heritage Council guidelines.*
  - d. *That if the heritage assessment prepared in (c) above determines that No. 28 Carlton Crescent is of heritage significance then Council resolve to prepare a Planning Proposal to amend the listing for Item I208 to include both No. 28 (Lot 22) and No. 28A (Lot 21) Carlton Crescent Kogarah Bay, as a local heritage item in Schedule 5 to the Georges River LEP 2021.*
25. In accordance with Council's resolution, the Director Environment and Planning used her delegation to make the IHO for 28 Carlton Crescent, Kogarah Bay on 24 May 2023. The IHO was gazetted on Friday, 26 May 2023. A copy of the notice published in the NSW Government Gazette is provided in Appendix C of the Heritage Significance Assessment Report in **Attachment 2**.
26. It is noted that the IHO will lapse six months from the date that it is made unless, in the case of an item which, in the council's opinion, is of local significance, the local council has passed a resolution before that date to place the item on the heritage schedule of a local environmental plan. The IHO allowed further heritage assessments to be undertaken to inform an understanding of the cultural significance of the Site and whether Council should proceed with the heritage listing.

### **Heritage Significance Assessment**

27. Council commissioned its Heritage Advisor to prepare a Heritage Significance Assessment Report to establish the cultural heritage significance of the dwelling 'Bayview' and its setting at the Site to assist in determining whether the Site reaches the threshold for heritage listing. The Report is dated July 2023 and provided in **Attachment 2**.
28. The Report provides an assessment of the heritage values and cultural significance of the Site and its heritage curtilage in accordance with '*Assessing Heritage Significance – Guidelines for assessing places and objects against the Heritage Council of NSW criteria*' (NSW Department of Planning and Environment, 2023). The Report also provides preliminary guidelines and recommendations to ensure that any identified heritage values are retained, protected and appropriately managed.

29. The Heritage Significance Assessment Report assessed the Site against the NSW Heritage Assessment criteria, and found that the Site meets the following Criterion at a Local level:
- Criterion (a) Historical Significance
  - Criterion (b) Historical Association Significance
  - Criterion (c) Aesthetic Significance
  - Criterion (d) Social Significance
  - Criterion (e) Technical / Research Significance
  - Criterion (f) Rarity
  - Criterion (g) Representativeness
30. In terms of Criterion (a) Historical Significance (*An item or place is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)*), the following is to be noted:
- 'Bayview' at 28 Carlton Crescent, Kogarah Bay, is of historical significance at the local level as it evidences early residential development in Kogarah Bay following the speculative subdivisions of earlier land grants into residential allotments and the resulting residential development that ensued.
  - 'Bayview' is historically significant as it evidences the changing attitudes to living in the city and established populated areas, preferring instead to develop the outer suburbs in a desire for a healthier lifestyle and environment.
  - 'Bayview' is historically significant as it retains strong evidence of the original 1911 subdivision pattern, together with its original boathouse, garage / workshop and summerhouse, together with much of the original landscape plantings and theme, which allows the property to be easily understood as a representation of its early 20th century history.
- 'Bayview' satisfies Criterion (a) in demonstrating historical significance at a local level.
31. In terms of Criterion (b) Historical Association Significance (*An item or place has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)*), the following is to be noted:
- 'Bayview' is of historical associative significance for its strong association with builder, Frederick Rowe, who is attributed with building the dwelling and ancillary structures in or about 1928 as his own home and place of business. Rowe is attributed with having built numerous houses in and around Kogarah throughout the 1920s and 1930s period.
  - 'Bayview' was also likely used by Rowe to showcase his craftsmanship to prospective clients, exhibiting an unequivocal superiority to the other examples of his work and demonstrates features which are unparalleled in his other work, with a high degree of ornamentation and quality craftsmanship.
- 'Bayview' satisfies Criterion (b) in demonstrating historical associative significance at a local level.
32. In terms of Criterion (c) Aesthetic Significance (*An item or place is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)*) the following is to be noted:

- ‘Bayview’ exhibits quality craftsmanship with overt detailing and embellishments, making it a fine and highly distinctive example of an early 20th century Inter-War Californian Bungalow.
- The aesthetic qualities and visual distinctiveness of ‘Bayview’ is directly enhanced by the double allotment width, which creates a generously proportioned garden setting with numerous significant landscape plantings extant, protected and reinforced through the deliberate positioning of the dwelling, boatshed, garage / workshop and summerhouse to sit in each of the four corners of the site.
- The sensory appeal and aesthetic values of the site are also directly enhanced by uninterrupted wide sweeping waterfront views and relationship to Kogarah Bay at the rear, with the original allotment configuration having been retained.
- The incorporation of multiple large bay windows and veranda’s to the dwelling evidence a deliberate design approach to celebrate the contrived aesthetic values of the expansive garden setting and water views.
- ‘Bayview’ and its garden setting is visually distinctive in the street and broader landscape through the uncharacteristically wide presentation to Carlton Crescent, with the property distinguished by the large collection of mature Canary Island Palms.
- ‘Bayview’ exhibits a high degree of aesthetic quality that is unparalleled in other similar Inter-War period bungalows, with ‘Bayview’ retaining its original elements, site features, garden setting, subdivision pattern and visual and physical relationships. This makes ‘Bayview’ visually distinctive and an exemplar of its style and class because of its setting.

‘Bayview’ satisfies Criterion (c) in demonstrating aesthetic significance at a local level.

33. In terms of Criterion (d) Social Significance (*An item or place has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons*) the following is to be noted:
- ‘Bayview’ contributes to the community’s sense of place, being a visually distinctive feature of the local landscape.
  - Having functioned throughout the 1950s until the late 1980s as a function Centre, hosting weddings, parties and other social events, ‘Bayview’ is likely to have social significance and importance to the local and broader community, particularly those who attended social events at the property.

‘Bayview’ satisfies Criterion (d) in demonstrating social significance at a local level.

34. In terms of Criterion (e) Technical / Research Significance (*An item or place has potential to yield information that will contribute to an understanding of NSW’s cultural or natural history (or the cultural or natural history of the local area)*) the following is to be noted:
- ‘Bayview’ exhibits an unusually high degree of ornamentation and quality craftsmanship, with numerous distinguishing, unusual and uncommon features that suggest Rowe used the dwelling to showcase his craftsmanship to prospective clients.
  - The dwelling exhibits construction techniques and features which are uncommon to the style and class of domestic building, particularly evidenced in the large floor area and matching ceiling span of the formal lounge room, being uninterrupted by support columns or partition walls and the innovative use of the splayed ceiling paneling to follow the roof profile and maximise the perceived and actual spaciousness internally.



- The high-quality craftsmanship combined with the incorporation of uncommon construction techniques and features, makes 'Bayview' an important benchmark and reference site.

'Bayview' satisfies Criterion (e) in demonstrating technical / research significance at a local level.

35. In terms of Criterion (f) Rarity (*An item or place possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)*), the following is to be noted:

- 'Bayview' is attributed to the work of local builder Frederick Rowe, having been built c1928. Rowe is credited with having built numerous houses around Kogarah during the 1920s and 1930s period, however 'Bayview' is considered his best and most distinguished work.
- Other examples of Rowe's domestic work display similarities in themselves, yet 'Bayview' exhibits an unparalleled superiority in the quality of craftsmanship and detailing, containing numerous design features that are unique to 'Bayview', including the distinctive large bay windows and curved balcony as well as many distinct internal features, including the elaborate leadlight windows, timber flooring and ceiling paneling.
- 'Bayview' is a highly intact early 20th century residential property which displays deliberate design intent to address the expansive garden setting and waterfrontage, and is both unusual and uncommon as it is spread across two adjoining allotments, having been originally purchased together and continually maintained as such.
- 'Bayview' evidence early 20th century marine activity, including a boatshed and summerhouse, both built right on the water's edge and the retention of the boatshed, garage / workshop and summerhouse is exceptionally rare in the local context, demonstrating rarity significance accordingly

'Bayview' satisfies Criterion (f) in demonstrating significance through the item's rarity at a local level.

36. In terms of Criterion (g) Representativeness (*An item or place is important in demonstrating the principal characteristics of a class of NSW's: • Cultural or natural places; or • Cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments.)*) the following is to be noted:

- 'Bayview' is described as a single storey dwelling, which displays characteristics attributed to the early 20th century Inter-War period and of the Californian Bungalow architectural style.
- Built c1928 by local builder Frederick Rowe, the dwelling exhibits a high degree of design integrity, having been little altered. It exhibits fine craftsmanship, with exceptional detailing that is uncommon to the architectural style and domestic scale of the building. 'Bayview' is considered of remarkable quality and detailing, making it of high architectural interest and value as an excellent representative example of the style and class.
- The dwelling is complemented by a freestanding boatshed, garage / workshop and summerhouse, each of which exhibit similarity in design and language, having each been constructed around the same time. The high degree of design integrity and intactness of each of the structures make an important group setting of outstanding quality, enhanced by the retention of the original allotment boundaries and garden setting. Collectively, the site is representative of an early 20th century waterfront property.

- The garden setting spread over two adjoining allotments continue to communicate the early functions and relationships, retaining many original landscape plantings including the Canary Island Palms, pathways and front fence.

'Bayview' satisfies Criterion (g) in demonstrating representative significance at a local level.

37. Based upon the assessed cultural significance, the Report provides the following Statement of Cultural Significance:

*'Bayview' at 28 Carlton Crescent, Kogarah Bay, is an Inter-War period waterfront property, containing the main dwelling known as 'Bayview', together with its original detached boatshed, garage / workshop and summerhouse – all of which have been designed in the Inter-War Californian Bungalow architectural style and exhibit deliberate relationship to each other.*

*The property is of historical importance as it evidences early residential development in Kogarah Bay and the changing attitudes to living in the city, instead preferring the outer suburbs in a desire for a healthier lifestyle and environment. This is further demonstrated through the original purchase of two adjoining lots to create a high-quality waterfront property.*

*Constructed c1928 by local builder Frederick Rowe as his place of residence and likely used to showcase his fine craftsmanship to prospective clients, the house exhibits exceptionally fine craftsmanship and detailing that is uncommon to the architectural style and domestic scale of the building. This detailing is unparalleled in Rowe's other domestic work, making 'Bayview' arguably his best and most distinguished work.*

*'Bayview' is considered an important benchmark and reference site for the incorporation of many distinguishing and unique features uncommon to the architectural style and domestic scale of building, notably the large ceiling span of the formal lounge room, being uninterrupted by support columns or partition walls and elaborately detailing internal flooring, ceilings and leadlight windows.*

*Each of the buildings retain a high degree of design integrity, having been little altered and collectively, the group is considered of outstanding quality, making it of high architectural interest and value as an excellent representative example of an early 20th century Inter-War period waterfront property.*

*The property has high aesthetic value and significance, being visually distinctive and unique for it comprises two adjoining allotments that create a generously proportioned and well-established garden setting with numerous original landscape plantings extant, including a large collection of Canary Island Palms. The garden setting has been self-protected and reinforced through the deliberate positioning of the dwelling, boatshed, garage / workshop and summerhouse to sit in each of the four corners of the site. The deliberate placement of the large bay windows in the dwelling provides a commanding and pleasant outlook over the expansive garden setting and wide water frontage.*

*'Bayview' and its setting is considered an exemplar of its style and class, retaining its original lot configuration and proportion and is strongly associated with water activity, evident through the boatshed and summerhouse and the uninterrupted wide sweeping waterfront views and relationship to Kogarah Bay.*

*Collectively, the site is considered a rare and substantially intact example of an early 20<sup>th</sup> century Inter-War period waterfront property.*

*'Bayview' has some social significance having been used throughout the 1950s until the late 1980s as a function Centre, hosting weddings, parties and other social events.*

38. In summary, the Heritage Significance Assessment Report concludes that both Lot 21 and Lot 22 in Section 15 of DP 1963 are considered to be of equal cultural significance and neither one lot is mutually exclusive – they both rely on each other to complete the historical narrative of the Site, retain the original design intent, and protect the curtilage, setting, significant fabric and landscaped features as well as physical and visual relationships. There is also clear evidence that the intent of the heritage listing was to include Lot 21 and Lot 22 both in their entirety and to be managed and protected as a single heritage item, though only Lot 21 was identified in Schedule 5 and mapped accordingly. This is considered erroneous and the heritage listing of the Site should in fact be inclusive of both Lots 21 and 22 in Section 15 of DP 1963 so that the entire Site and all of its built and landscape elements of identified cultural significance and value are afforded appropriate statutory protection.

## PLANNING PROPOSAL

39. The PP seeks to amend the GRLEP 2021 by amending the listing of Heritage Item No. I208 at 28A Carlton Crescent, Kogarah Bay by:
- a. Revising the item name from *'House and front garden, "Bayview"'* to *"Bayview" house and garden, boatshed, garage and summerhouse'* in Schedule 5 Environmental heritage.
  - b. Revising the address from *'28A Carlton Crescent, Kogarah Bay'* to *'28 and 28A Carlton Crescent, Kogarah Bay'* in Schedule 5 Environmental heritage.
  - c. Revising the property description to include both Lots 21 and 22 in Section 15 of DP 1963 in Schedule 5 Environmental heritage.
  - d. Updating the Heritage Map to reflect the above changes.
40. As discussed above, the heritage listing of the Site is supported by a Heritage Significance Assessment Report prepared by Council's Heritage Advisor dated July 2023 which is provided in **Attachment 2**.
41. A revised heritage inventory sheet has also been prepared and a copy is provided in Appendix D of the Heritage Significance Assessment Report in **Attachment 2**.
42. The PP does not seek to amend the R2 Low Density Residential zoning, floor space ratio (FSR), height, nor any other LEP provisions relating to the Site.
43. The intended outcome of the PP is to:
- a. Amend the listing in Schedule 5 for Heritage Item No. I208 by revising the item name, address and property description to include both Lots 21 and 22.
  - b. Assist in conserving the environmental heritage of the Georges River Local Government Area.
  - c. Conserve the heritage significance of the Site, including all built and landscape elements with identified cultural significance and value.

## Assessment of the Planning Proposal

44. The following **Tables 1 to 5** provide a detailed assessment and justification of the strategic and site-specific merit of the PP. The Tables contain the 12 questions from the DPE's

*Local Environmental Plan Making Guideline* dated August 2023 which outlines the matters for consideration when describing, evaluating and justifying a proposal.

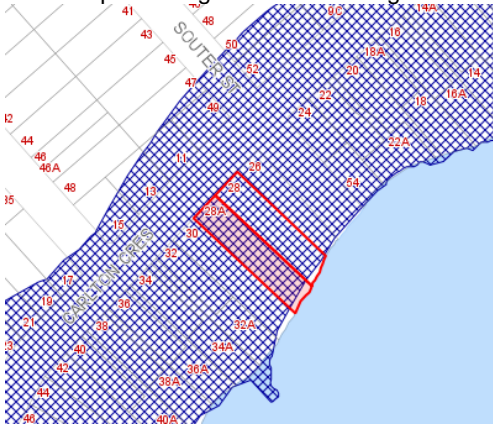
**Table 1: Section A – Need for the planning proposal.**

| Question   | Considerations   |
|--|--|
| 1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?                                   | <p>The PP is the result of the Heritage Significance Assessment Report by Edwards Heritage Consultants (EHC) dated July 2023.</p> <p>While it is not a direct result of an endorsed LSPS or strategic study, it is consistent with the following Council adopted documents:</p> <ul style="list-style-type: none"> <li>• Council's <i>Community Strategic Plan 2022-2032</i> Goal 1.4 "Georges River area heritage and history are protected" and Strategy 1.4.1 "Encourage and promote heritage and history through collections, programs, heritage trails and protection policies."</li> <li>• <i>Georges River Local Strategic Planning Statement 2040</i> ('LSPS 2040') Planning Priority P11 "Aboriginal and other heritage is protected and promoted."</li> </ul> <p>The Heritage Significance Assessment finds that the Site meets the following NSW Heritage Assessment Criterion at a Local level:</p> <ul style="list-style-type: none"> <li>• Criterion (a) Historical Significance</li> <li>• Criterion (b) Historical Association Significance</li> <li>• Criterion (c) Aesthetic Significance</li> <li>• Criterion (d) Social Significance</li> <li>• Criterion (e) Technical / Research Significance</li> <li>• Criterion (f) Rarity</li> <li>• Criterion (g) Representativeness</li> </ul> |
| 2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way? | <p>The PP represents the best means of achieving the intended outcomes established in Section 3.</p> <p>Only part of the Site (i.e., 28A Carlton Crescent, Kogarah Bay) is currently listed as a heritage item in Schedule 5 of the GRLEP 2021. An IHO was made over the Site that is not heritage listed (i.e., 28 Carlton Crescent, Kogarah Bay) on 24 May 2023 to afford the Site protection whilst further heritage assessment is undertaken to inform an understanding of the heritage significance of 28 Carlton Crescent, Kogarah Bay and whether Council should proceed with the planning proposal process to list the Site as a heritage item in the LEP.</p>   |

**Table 2: Section B – Relationship to the strategic planning framework**

| Question   | Considerations   |
|--|--|
| 3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)? | <p>Yes. The PP gives effect to the following objective within the <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i>:</p> <ul style="list-style-type: none"> <li>• <i>Objective 13. Environmental heritage is identified, conserved and enhanced.</i></li> </ul> <p>Comment: The PP gives effect to this objective by seeking to amend the listing for Heritage Item No. I208 in Schedule 5 Environmental heritage of the GRLEP 2021 to include both Lot 21 and 22, therefore ensuring all built and landscape elements of identified cultural significance and value on the Site are afforded appropriate statutory protection.</p> <p>The PP also gives effect to the following planning priority of the <i>South District Plan</i>:</p> <ul style="list-style-type: none"> <li>• <i>Planning Priority S6. Creating and renewing great places and local centres and respecting the District's heritage.</i></li> </ul> <p>Comment: The PP gives effect to this planning priority by amending the listing of Heritage Item No. I208 in Schedule 5 Environmental heritage and the corresponding Heritage Map of the GRLEP 2021 to include both Lot 21 and Lot 22, therefore ensuring all built and landscape elements of identified cultural significance and value on the Site are afforded appropriate statutory protection.</p> |
| 4. Is the planning proposal  | Yes. The PP is consistent with the endorsed <i>Georges River Local Strategic</i>   |

| Question   | Considerations   |      |                        |  |   |   |  |   |  |  |   |  |   |
|--|--|------|------------------------|--|---|---|--|---|--|--|---|--|---|
| <p>consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?</p> | <p><i>Planning Statement 2040</i> ('LSPS 2040'), specifically the following planning priorities:</p> <ul style="list-style-type: none"> <li>• <i>P11. Aboriginal and other heritage is protected and promoted.</i> The PP is consistent with this priority as it seeks to amend Schedule 5 Environmental heritage and the Heritage Map within the GRLEP 2021 to include both Lot 21 and 22 as comprising the listing for Heritage Item No. I208.</li> <li>• <i>P17. Tree canopy, bushland, landscaped settings and biodiversity are protected, enhanced and promoted.</i> The PP is consistent with this priority as it proposes to include both Lot 21 and 22 in the listing of Heritage Item No. I208 in Schedule 5 Environmental heritage of the GRLEP 2021, therefore ensuring all built and landscape elements of identified cultural significance and value on the Site are afforded appropriate statutory protection.</li> </ul>  |      |                        |  |   |   |  |   |  |  |   |  |   |
| <p>5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?</p>                                    | <p>There are no other applicable State and regional studies or strategies.</p>   |      |                        |  |   |   |  |   |  |  |   |  |   |
| <p>6. Is the planning proposal consistent with applicable SEPPs?</p>   | <p>The PP is consistent with the following SEPPs:</p> <table border="1" data-bbox="555 797 1481 2116"> <thead> <tr> <th data-bbox="555 797 954 831">SEPP</th> <th data-bbox="954 797 1481 831">Comment on consistency</th> </tr> </thead> <tbody> <tr> <td data-bbox="555 831 954 1727"> <p><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></p> </td> <td data-bbox="954 831 1481 1727"> <p>This SEPP consolidates, transfers and repeals provisions of the following 11 SEPPs (or deemed SEPPs):</p> <ul style="list-style-type: none"> <li>• <i>SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)</i></li> <li>• <i>SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)</i></li> <li>• <i>SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)</i></li> <li>• <i>Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)</i></li> <li>• <i>SEPP No 19—Bushland in Urban Areas (SEPP 19)</i></li> <li>• <i>SEPP No 50—Canal Estate Development (SEPP 50)</i></li> <li>• <i>SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)</i></li> <li>• <i>Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP)</i></li> <li>• <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)</i></li> <li>• <i>Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)</i></li> <li>• <i>Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP)</i></li> </ul> <p>The PP is not inconsistent with the SEPP.</p> </td> </tr> <tr> <td data-bbox="555 1727 954 1812"> <p><i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i></p> </td> <td data-bbox="954 1727 1481 1812"> <p>The PP is not inconsistent with the SEPP.</p> </td> </tr> <tr> <td data-bbox="555 1812 954 1897"> <p><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></p> </td> <td data-bbox="954 1812 1481 1897"> <p>The PP is not inconsistent with the SEPP.</p> </td> </tr> <tr> <td data-bbox="555 1897 954 1982"> <p><i>State Environmental Planning Policy (Housing) 2021</i></p> </td> <td data-bbox="954 1897 1481 1982"> <p>The PP is not inconsistent with the SEPP. The PP does not change the existing zoning, height or FSR provisions relating to the Site.</p> </td> </tr> <tr> <td data-bbox="555 1982 954 2116"> <p><i>State Environmental Planning Policy (Industry and Employment) 2021</i></p> </td> <td data-bbox="954 1982 1481 2116"> <p>This SEPP consolidates, transfers and repeals the provisions of the following 2 SEPPs:</p> <ul style="list-style-type: none"> <li>• <i>SEPP (Western Sydney Employment Area) 2009 (Western Sydney</i></li> </ul> </td> </tr> </tbody> </table> | SEPP | Comment on consistency | <p><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></p> | <p>This SEPP consolidates, transfers and repeals provisions of the following 11 SEPPs (or deemed SEPPs):</p> <ul style="list-style-type: none"> <li>• <i>SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)</i></li> <li>• <i>SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)</i></li> <li>• <i>SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)</i></li> <li>• <i>Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)</i></li> <li>• <i>SEPP No 19—Bushland in Urban Areas (SEPP 19)</i></li> <li>• <i>SEPP No 50—Canal Estate Development (SEPP 50)</i></li> <li>• <i>SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)</i></li> <li>• <i>Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP)</i></li> <li>• <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)</i></li> <li>• <i>Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)</i></li> <li>• <i>Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP)</i></li> </ul> <p>The PP is not inconsistent with the SEPP.</p> | <p><i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i></p> | <p>The PP is not inconsistent with the SEPP.</p> | <p><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></p> | <p>The PP is not inconsistent with the SEPP.</p> | <p><i>State Environmental Planning Policy (Housing) 2021</i></p> | <p>The PP is not inconsistent with the SEPP. The PP does not change the existing zoning, height or FSR provisions relating to the Site.</p> | <p><i>State Environmental Planning Policy (Industry and Employment) 2021</i></p> | <p>This SEPP consolidates, transfers and repeals the provisions of the following 2 SEPPs:</p> <ul style="list-style-type: none"> <li>• <i>SEPP (Western Sydney Employment Area) 2009 (Western Sydney</i></li> </ul> |
| SEPP   | Comment on consistency   |      |                        |  |   |   |  |   |  |  |   |  |   |
| <p><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></p>   | <p>This SEPP consolidates, transfers and repeals provisions of the following 11 SEPPs (or deemed SEPPs):</p> <ul style="list-style-type: none"> <li>• <i>SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)</i></li> <li>• <i>SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)</i></li> <li>• <i>SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)</i></li> <li>• <i>Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)</i></li> <li>• <i>SEPP No 19—Bushland in Urban Areas (SEPP 19)</i></li> <li>• <i>SEPP No 50—Canal Estate Development (SEPP 50)</i></li> <li>• <i>SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)</i></li> <li>• <i>Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP)</i></li> <li>• <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)</i></li> <li>• <i>Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)</i></li> <li>• <i>Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP)</i></li> </ul> <p>The PP is not inconsistent with the SEPP.</p>  |      |                        |  |   |   |  |   |  |  |   |  |   |
| <p><i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i></p>  | <p>The PP is not inconsistent with the SEPP.</p>   |      |                        |  |   |   |  |   |  |  |   |  |   |
| <p><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></p>  | <p>The PP is not inconsistent with the SEPP.</p>   |      |                        |  |   |   |  |   |  |  |   |  |   |
| <p><i>State Environmental Planning Policy (Housing) 2021</i></p>   | <p>The PP is not inconsistent with the SEPP. The PP does not change the existing zoning, height or FSR provisions relating to the Site.</p>  |      |                        |  |   |   |  |   |  |  |   |  |   |
| <p><i>State Environmental Planning Policy (Industry and Employment) 2021</i></p>   | <p>This SEPP consolidates, transfers and repeals the provisions of the following 2 SEPPs:</p> <ul style="list-style-type: none"> <li>• <i>SEPP (Western Sydney Employment Area) 2009 (Western Sydney</i></li> </ul>  |      |                        |  |   |   |  |   |  |  |   |  |   |

| Question   | Considerations   |
|--|--|
|  | <p><i>Employment SEPP</i></p> <ul style="list-style-type: none"> <li>SEPP 64 – Advertising and Signage (SEPP 64)</li> </ul> <p>The PP is not inconsistent with the SEPP.</p>   |
| <p><i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</i></p> | <p>The PP is not inconsistent with the SEPP.</p>   |
| <p><i>State Environmental Planning Policy (Planning Systems) 2021</i></p>                                      | <p>This SEPP consolidates and repeals the provisions of the following 3 SEPPs:</p> <ul style="list-style-type: none"> <li>SEPP (State and Regional Development) 2011 (State and Regional Development SEPP)</li> <li>SEPP (Aboriginal Land) 2019 (Aboriginal Land SEPP)</li> <li>SEPP (Concurrences and Consents) 2018 (Concurrence SEPP)</li> </ul> <p>The PP is not inconsistent with the SEPP.</p>   |
| <p><i>State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021</i></p>                      | <p>The PP is not inconsistent with the SEPP. The Site is not the subject of a Precinct identified by the SEPP.</p>   |
| <p><i>State Environmental Planning Policy (Primary Production) 2021</i></p>                                    | <p>This SEPP consolidates, transfers and repeals the provisions of the following SEPPs:</p> <ul style="list-style-type: none"> <li>SEPP (Primary Production and Rural Development) 2019 (Primary Production and Rural Development SEPP)</li> <li>Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas) (Central Coast Plateau SREP)</li> </ul> <p>The PP is not inconsistent with the SEPP.</p>  |
| <p><i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></p>                                | <p>This SEPP consolidates and repeals the provisions of the following 3 SEPPs:</p> <ul style="list-style-type: none"> <li>SEPP (Coastal Management) 2018 (Coastal Management SEPP)</li> <li>SEPP 33 – Hazardous and Offensive Development (SEPP 33)</li> <li>SEPP 55 – Remediation of Land (SEPP 55)</li> </ul> <p>The PP is not inconsistent with the SEPP. The Site is within a coastal use area as identified by the former <i>State Environmental Planning Policy (Coastal Management) 2018</i>. Refer to <b>Figure 3</b> below. The Planning Proposal does not propose a rezoning nor intensification of uses permitted. The Planning Proposal only proposes to amend the Heritage Map in the GRLEP 2021 and not the other maps relating to coastal management.</p>  <p><b>Figure 3 – Area of Site affected by coastal use area</b></p> |
| <p><i>State Environmental Planning Policy (Resources and Energy) 2021</i></p>                                  | <p>This SEPP consolidates and repeals the provisions of the following 2 SEPPs:</p> <ul style="list-style-type: none"> <li>SEPP (Mining, Petroleum Production and</li> </ul>  |

| Question  | Considerations   |  |                       |                        |                           |  |  |   |   |   |  |  |  |   |   |  |  |           |   |           |   |           |   |           |   |           |   |           |
|---|--|--|-----------------------|------------------------|---------------------------|--|--|---|---|---|--|--|--|---|---|--|--|-----------|---|-----------|---|-----------|---|-----------|---|-----------|---|-----------|
|   |  | <p><i>Extractive Industries) 2007 (Mining SEPP)</i></p> <ul style="list-style-type: none"> <li>• <i>Sydney Regional Environmental Plan No. 9 – Extractive Industries (No 2 – 1995) (Extractive Industries SREP)</i></li> </ul> <p>The PP is not inconsistent with the SEPP.</p>  |                       |                        |                           |  |  |   |   |   |  |  |  |   |   |  |  |           |   |           |   |           |   |           |   |           |   |           |
|   | <p><i>State Environmental Planning Policy (Sustainable Buildings)</i></p>  | <p>The PP is not inconsistent with the SEPP.</p>   |                       |                        |                           |  |  |   |   |   |  |  |  |   |   |  |  |           |   |           |   |           |   |           |   |           |   |           |
|   | <p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></p>  | <p>This SEPP consolidates and repeals the provisions of the following 4 SEPPs:</p> <ul style="list-style-type: none"> <li>• <i>SEPP (Infrastructure) 2007 (Infrastructure SEPP)</i></li> <li>• <i>SEPP (Educational Establishments and Childcare Facilities) 2017 (Education and Childcare SEPP)</i></li> <li>• <i>SEPP (Major Infrastructure Corridors) 2020 (Corridor SEPP)</i></li> <li>• <i>SEPP (Three Ports) 2013 (Three Ports SEPP)</i></li> </ul> <p>The PP is not inconsistent with the SEPP.</p> |                       |                        |                           |  |  |   |   |   |  |  |  |   |   |  |  |           |   |           |   |           |   |           |   |           |   |           |
| <p>7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?</p>                      | <p>The PP is consistent with the applicable Ministerial Directions as follows:</p> <table border="1"> <thead> <tr> <th data-bbox="547 808 916 864">Ministerial Direction</th> <th data-bbox="916 808 1492 864">Comment on Consistency</th> </tr> </thead> <tbody> <tr> <td colspan="2" data-bbox="547 864 1492 898"><b>1 Planning Systems</b></td> </tr> <tr> <td data-bbox="547 898 916 1070"> <p><b>1.1 Implementation of Regional Plans</b></p> </td> <td data-bbox="916 898 1492 1070"> <p>Consistent – The PP is consistent with:</p> <ul style="list-style-type: none"> <li>• <i>A Metropolis of Three Cities – Greater Sydney Region Plan</i> – see previous discussion on Question 3.</li> <li>• <i>South District Plan</i> – see previous discussion on Question 3.</li> </ul> </td> </tr> <tr> <td data-bbox="547 1070 916 1160"> <p><b>1.2 Development of Aboriginal Land Council land</b></p> </td> <td data-bbox="916 1070 1492 1160"> <p>N/A – The PP does not affect land shown on the Land Application Map of <i>State Environmental Planning Policy (Planning Systems) 2021</i>.</p> </td> </tr> <tr> <td data-bbox="547 1160 916 1272"> <p><b>1.3 Approval and Referral Requirements</b></p> </td> <td data-bbox="916 1160 1492 1272"> <p>Consistent – The PP does not seek to make any additional provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.</p> </td> </tr> <tr> <td data-bbox="547 1272 916 1491"> <p><b>1.4 Site Specific Provisions</b></p> </td> <td data-bbox="916 1272 1492 1491"> <p>Consistent – The PP does not place unnecessarily restrictive site-specific planning controls on the Site as it is informed by a Heritage Significance Assessment which recommends the heritage listing of the Site to ensure all built and landscape elements of identified cultural significance and value on the Site are afforded appropriate statutory protection.</p> </td> </tr> <tr> <td colspan="2" data-bbox="547 1491 1492 1525"><b>1 Planning Systems – Place-based</b></td> </tr> <tr> <td data-bbox="547 1525 916 1603"> <p><b>1.5 Parramatta Road Corridor Urban Transformation Strategy</b></p> </td> <td data-bbox="916 1525 1492 1603"> <p>NA</p> </td> </tr> <tr> <td data-bbox="547 1603 916 1715"> <p><b>1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b></p> </td> <td data-bbox="916 1603 1492 1715"> <p>NA</p> </td> </tr> <tr> <td data-bbox="547 1715 916 1850"> <p><b>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b></p> </td> <td data-bbox="916 1715 1492 1850"> <p>NA</p> </td> </tr> <tr> <td data-bbox="547 1850 916 1962"> <p><b>1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b></p> </td> <td data-bbox="916 1850 1492 1962"> <p>NA</p> </td> </tr> <tr> <td data-bbox="547 1962 916 2051"> <p><b>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b></p> </td> <td data-bbox="916 1962 1492 2051"> <p>NA</p> </td> </tr> <tr> <td data-bbox="547 2051 916 2101"> <p><b>1.10 Implementation of the Western Sydney</b></p> </td> <td data-bbox="916 2051 1492 2101"> <p>NA</p> </td> </tr> </tbody> </table> |  | Ministerial Direction | Comment on Consistency | <b>1 Planning Systems</b> |  | <p><b>1.1 Implementation of Regional Plans</b></p> | <p>Consistent – The PP is consistent with:</p> <ul style="list-style-type: none"> <li>• <i>A Metropolis of Three Cities – Greater Sydney Region Plan</i> – see previous discussion on Question 3.</li> <li>• <i>South District Plan</i> – see previous discussion on Question 3.</li> </ul> | <p><b>1.2 Development of Aboriginal Land Council land</b></p> | <p>N/A – The PP does not affect land shown on the Land Application Map of <i>State Environmental Planning Policy (Planning Systems) 2021</i>.</p> | <p><b>1.3 Approval and Referral Requirements</b></p> | <p>Consistent – The PP does not seek to make any additional provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.</p> | <p><b>1.4 Site Specific Provisions</b></p> | <p>Consistent – The PP does not place unnecessarily restrictive site-specific planning controls on the Site as it is informed by a Heritage Significance Assessment which recommends the heritage listing of the Site to ensure all built and landscape elements of identified cultural significance and value on the Site are afforded appropriate statutory protection.</p> | <b>1 Planning Systems – Place-based</b> |  | <p><b>1.5 Parramatta Road Corridor Urban Transformation Strategy</b></p> | <p>NA</p> | <p><b>1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b></p> | <p>NA</p> | <p><b>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b></p> | <p>NA</p> | <p><b>1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b></p> | <p>NA</p> | <p><b>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b></p> | <p>NA</p> | <p><b>1.10 Implementation of the Western Sydney</b></p> | <p>NA</p> |
| Ministerial Direction   | Comment on Consistency   |  |                       |                        |                           |  |  |   |   |   |  |  |  |   |   |  |  |           |   |           |   |           |   |           |   |           |   |           |
| <b>1 Planning Systems</b>   |  |  |                       |                        |                           |  |  |   |   |   |  |  |  |   |   |  |  |           |   |           |   |           |   |           |   |           |   |           |
| <p><b>1.1 Implementation of Regional Plans</b></p>  | <p>Consistent – The PP is consistent with:</p> <ul style="list-style-type: none"> <li>• <i>A Metropolis of Three Cities – Greater Sydney Region Plan</i> – see previous discussion on Question 3.</li> <li>• <i>South District Plan</i> – see previous discussion on Question 3.</li> </ul>  |  |                       |                        |                           |  |  |   |   |   |  |  |  |   |   |  |  |           |   |           |   |           |   |           |   |           |   |           |
| <p><b>1.2 Development of Aboriginal Land Council land</b></p>   | <p>N/A – The PP does not affect land shown on the Land Application Map of <i>State Environmental Planning Policy (Planning Systems) 2021</i>.</p>  |  |                       |                        |                           |  |  |   |   |   |  |  |  |   |   |  |  |           |   |           |   |           |   |           |   |           |   |           |
| <p><b>1.3 Approval and Referral Requirements</b></p>  | <p>Consistent – The PP does not seek to make any additional provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.</p>   |  |                       |                        |                           |  |  |   |   |   |  |  |  |   |   |  |  |           |   |           |   |           |   |           |   |           |   |           |
| <p><b>1.4 Site Specific Provisions</b></p>  | <p>Consistent – The PP does not place unnecessarily restrictive site-specific planning controls on the Site as it is informed by a Heritage Significance Assessment which recommends the heritage listing of the Site to ensure all built and landscape elements of identified cultural significance and value on the Site are afforded appropriate statutory protection.</p>  |  |                       |                        |                           |  |  |   |   |   |  |  |  |   |   |  |  |           |   |           |   |           |   |           |   |           |   |           |
| <b>1 Planning Systems – Place-based</b>   |  |  |                       |                        |                           |  |  |   |   |   |  |  |  |   |   |  |  |           |   |           |   |           |   |           |   |           |   |           |
| <p><b>1.5 Parramatta Road Corridor Urban Transformation Strategy</b></p>  | <p>NA</p>  |  |                       |                        |                           |  |  |   |   |   |  |  |  |   |   |  |  |           |   |           |   |           |   |           |   |           |   |           |
| <p><b>1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b></p>                 | <p>NA</p>  |  |                       |                        |                           |  |  |   |   |   |  |  |  |   |   |  |  |           |   |           |   |           |   |           |   |           |   |           |
| <p><b>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b></p> | <p>NA</p>  |  |                       |                        |                           |  |  |   |   |   |  |  |  |   |   |  |  |           |   |           |   |           |   |           |   |           |   |           |
| <p><b>1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b></p>             | <p>NA</p>  |  |                       |                        |                           |  |  |   |   |   |  |  |  |   |   |  |  |           |   |           |   |           |   |           |   |           |   |           |
| <p><b>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b></p>   | <p>NA</p>  |  |                       |                        |                           |  |  |   |   |   |  |  |  |   |   |  |  |           |   |           |   |           |   |           |   |           |   |           |
| <p><b>1.10 Implementation of the Western Sydney</b></p>   | <p>NA</p>  |  |                       |                        |                           |  |  |   |   |   |  |  |  |   |   |  |  |           |   |           |   |           |   |           |   |           |   |           |

| Question | Considerations   |  |
|----------|--|--|
|          | <b>Aerotropolis Plan</b>   |  |
|          | <b>1.11 Implementation of Bayside West Precincts 2036 Plan</b>                               | NA   |
|          | <b>1.12 Implementation of Planning Principles for the Cooks Cove Precinct</b>                | NA   |
|          | <b>1.13 Implementation of St Leonards and Crows Nest 2036 Plan</b>                           | NA   |
|          | <b>1.14 Implementation of Greater Macarthur 2040</b>   | NA   |
|          | <b>1.15 Implementation of the Pymont Peninsula Place Strategy</b>                            | NA   |
|          | <b>1.16 North West Rail Link Corridor Strategy</b>   | NA   |
|          | <b>1.17 Implementation of the Bays West Place Strategy</b>                                   | NA   |
|          | <b>1.18 Implementation of the Macquarie Park Innovation Precinct</b>                         | NA   |
|          | <b>1.19 Implementation of the Westmead Place Strategy</b>                                    | NA   |
|          | <b>1.20 Implementation of the Camellia-Rosehill Place Strategy</b>                           | NA   |
|          | <b>1.21 Implementation of the South West Growth Area Structure Plan</b>                      | NA   |
|          | <b>1.22 Implementation of the Cherrybrook Station Place Strategy</b>                         | N/A  |
|          | <b>2 Design and Place</b>  |  |
|          | <b>3 Biodiversity and Conservation</b>   |  |
|          | <b>3.1 Conservation Zones</b>  | Consistent – The PP does not affect land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP.  |
|          | <b>3.2 Heritage Conservation</b>   | Consistent – Heritage conservation is covered by a compulsory clause in the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> . The GRLEP 2021 has adopted the Standard Instrument and does identify such items, areas, objects or places of environmental heritage significance or indigenous heritage significance as are relevant to the terms of this direction on the Heritage Map and relevant Schedule of the LEP.<br>The PP seeks amend the listing for Heritage Item No. I208 within Schedule 5 Environmental heritage and on the Heritage Map within the GRLEP 2021 to include both Lot 21 and 22 to ensure the significant features of the Site are protected and conserved. The proposed listing is supported by a Heritage Significance Assessment Report included in <b>Attachment 2</b> . |
|          | <b>3.3 Sydney Drinking Water Catchments</b>  | NA – the PP affects the Georges River LGA which the Direction does not apply to.   |
|          | <b>3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs</b> | NA   |
|          | <b>3.5 Recreation Vehicle Areas</b>  | Consistent – The PP does not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i> ).  |
|          | <b>3.6 Strategic Conservation</b>  | NA – The PP does not affect land under the <i>State</i>  |



| Question                              | Considerations   |  |
|---------------------------------------|--|--|
|                                       | <b>Planning</b>  | <i>Environmental Planning Policy (Biodiversity and Conservation) 2021</i> that is identified as avoided land or a strategic conservation area.   |
|                                       | <b>3.7 Public Bushland</b>   | Consistent – The PP does not propose any changes to existing controls protecting bushland in urban areas.  |
|                                       | <b>3.8 Willandra Lakes Region</b>                                    | NA   |
|                                       | <b>3.9 Sydney Harbour Foreshores and Waterways Area</b>              | NA – The PP does not affect land within the Foreshores and Waterways Area as defined in the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> .  |
|                                       | <b>3.10 Water Catchment Protection</b>                               | N/A – The PP does not propose any changes to controls that would impact on water catchments.   |
| <b>4 Resilience and Hazards</b>       |  |  |
|                                       | <b>4.1 Flooding</b>  | Consistent – The PP does not create, remove or alter a zone or provision that affects flood prone land.  |
|                                       | <b>4.2 Coastal Management</b>  | Consistent – The PP affects land within the coastal zone; however, it does not propose an intensification of uses permitted. The PP does not propose any changes relating to coastal management.   |
|                                       | <b>4.3 Planning for Bushfire Protection</b>                          | Consistent – The PP does not result in controls that place development in hazardous areas. It does not change any existing provisions relating to bushfire prone land.   |
|                                       | <b>4.4 Remediation of Contaminated Land</b>                          | Consistent – The PP does not affect any known contaminated land.   |
|                                       | <b>4.5 Acid Sulfate Soils</b>  | Consistent – The PP does not seek to introduce or change provisions relating to Acid Sulfate Soils.  |
|                                       | <b>4.6 Mine Subsidence and Unstable Land</b>                         | Consistent – The PP does not permit development on land that:<br>(a) is within a mine subsidence district, or<br>(b) has been identified as unstable in a study, strategy or other assessment undertaken:<br>(i) by or on behalf of the relevant planning authority, or<br>(ii) by or on behalf of a public authority and provided to the relevant planning authority. |
| <b>5 Transport and Infrastructure</b> |  |  |
|                                       | <b>5.1 Integrating Land Use and Transport</b>                        | Consistent – The PP will not create, alter or remove a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.  |
|                                       | <b>5.2 Reserving Land for Public Purposes</b>                        | Consistent – The PP does not seek to create, alter or reduce existing zonings or reservations of land for public purposes.   |
|                                       | <b>5.3 Development Near Regulated Airports and Defence Airfields</b> | NA – The PP does not create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defense airfield.  |
|                                       | <b>5.4 Shooting Ranges</b>   | NA – The PP does not seek to affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.  |
| <b>6 Housing</b>                      |  |  |
|                                       | <b>6.1 Residential Zones</b>   | Consistent – The PP does not propose changes to the existing R2 Low Density zone of the Site.  |
|                                       | <b>6.2 Caravan Parks and Manufactured Home Estates</b>               | Consistent – The PP does not propose to permit development for the purposes of a caravan park or manufactured home estate.   |
| <b>7. Industry and Employment</b>     |  |  |
|                                       | <b>7.1 Business and Industrial Zones</b>                             | N/A – The PP does not affect land within an existing or proposed employment zone (including the alteration of any existing employment zone boundary).  |
|                                       | <b>7.2 Reduction in non-hosted</b>                                   | NA – The PP does not cover the Byron Shire   |

| Question |   | Considerations  |
|----------|---|---|
|          | <b>short-term rental accommodation period</b>                                       | Council area or identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out within the LGA.  |
|          | <b>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</b> | NA  |
|          | <b>8 Resources and Energy</b>   |   |
|          | <b>8.1 Mining, Petroleum Production and Extractive Industries</b>                   | NA – The PP does not have the effect of:<br>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or<br>(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development. |
|          | <b>9 Primary Production</b>   |   |
|          | <b>9.1 Rural Zones</b>  | NA – The PP does not affect any land within an existing or proposed rural zone.   |
|          | <b>9.2 Rural Lands</b>  | NA  |
|          | <b>9.3 Oyster Aquaculture</b>   | NA – The PP does not propose a change in land use which could impact on a Priority Oyster Aquaculture Area.   |
|          | <b>9.4 Farmland of State and Regional Significance on the NSW Far North Coast</b>   | NA  |

**Table 3: Section C – Environmental, social and economic impact**

| Question  | Considerations   |
|---|--|
| 8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal? | No. The PP proposes to amend the listing for Item No. I208 in Schedule 5 Environmental heritage of the GRLEP 2021 to include both Lot 21 and 22 of Section 15 in DP 1963, so it is not expected that any critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal.   |
| 9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?   | No other environmental impacts are anticipated.  |
| 10. Has the planning proposal adequately addressed any social and economic effects?   | The PP seeks to amend the listing for Item No. I208 in Schedule 5 Environmental heritage of the GRLEP 2021 to include both Lot 21 and 22 of Section 15 in DP 1963.<br>The Heritage Significance Assessment notes that the identified and reassessed cultural significance of the property does not preclude any further development or changes being made or undertaken to the building and site. However, the following activities would not be considered acceptable: <ul style="list-style-type: none"> <li>i. Demolition of the dwelling or its ancillary structures.</li> <li>ii. Removal of significant trees and other landscape elements.</li> <li>iii. Further subdivision of the allotments (except a boundary adjustment to amalgamate Lots 21 and 22).</li> <li>iv. Vertical additions to the existing dwelling.</li> <li>v. Horizontal additions to the existing dwelling that involve the obscuration or removal of significant features and elements or serve visual and physical relationships.</li> <li>vi. New development that obscures or severs visual and physical relationships.</li> <li>vii. Removal of the existing heritage listing.</li> </ul> |

**Table 4: Section D – Infrastructure (Local, State and Commonwealth)**

| Question   | Considerations  |
|--|---|
| 11. Is there adequate public infrastructure for the planning proposal? | The PP does not create additional requirements for public infrastructure. |

**Table 5: Section E – State and Commonwealth Interests**

| Question   | Considerations  |
|--|---|
| 12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway Determination? | Council has not yet consulted with relevant State and/or Commonwealth public authorities but will do so in accordance with the conditions of the Gateway Determination. |

**GEORGES RIVER LOCAL PLANNING PANEL MEETING HELD 17 AUGUST 2023**

45. The Planning Proposal and Heritage Significance Assessment Report were considered by the Georges River Local Planning Panel (LPP) at its meeting on 17 August 2023. There were no speakers for the item. However, the Panel noted correspondence from Wilshire Webb Staunton Beattie Lawyers on behalf of the owners of the property requesting that the Panel defer any recommendation that the proposed Planning Proposal be forwarded for a Gateway determination.
46. The LPP recommended:
1. That the Georges River LPP support the attached Planning Proposal to amend the *Georges River Local Environmental Plan (GRLEP) 2021* by amending the listing of Heritage Item No. I208 (*'House and front garden, "Bayview"'*) at 28A Carlton Crescent, Kogarah Bay by:
    - a) Revising the item name from *'House and front garden, "Bayview"'* to *"Bayview" house and garden, boatshed, garage and summerhouse'* in Schedule 5 Environmental heritage.
    - b) Revising the address from *'28A Carlton Crescent, Kogarah Bay'* to *'28 and 28A Carlton Crescent, Kogarah Bay'* in Schedule 5 Environmental heritage.
    - c) Revising the property description to include both Lots 21 and 22 in Section 15 of Deposited Plan (DP) 1963 in Schedule 5 Environmental heritage.
    - d) Updating the Heritage Map to reflect the above changes.
  2. That the Georges River LPP recommends to Council that the attached Planning Proposal to amend the *Georges River Local Environmental Plan (GRLEP) 2021* be forwarded to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
47. A copy of the report that was referred to the LPP is available on Council's website.

**SUMMARY OF ASSESSMENT / CONCLUSION**

48. In summary, the PP seeks to amend the GRLEP 2021 by amending the listing of Heritage Item No. I208 at 28A Carlton Crescent, Kogarah Bay by:
- a. Revising the item name from *'House and front garden, "Bayview"'* to *"Bayview" house and garden, boatshed, garage and summerhouse'* in Schedule 5 Environmental heritage.

- b. Revising the address from '28A Carlton Crescent, Kogarah Bay' to '28 and 28A Carlton Crescent, Kogarah Bay' in Schedule 5 Environmental heritage.
  - c. Revising the property description to include both Lots 21 and 22 in Section 15 of DP 1963 in Schedule 5 Environmental heritage.
  - d. Updating the Heritage Map to reflect the above changes.
49. The PP is supported by a Heritage Significance Assessment and meets both the strategic and site-specific merit tests that are outlined in the DPE's *Local Environmental Plan Making Guideline* dated August 2023.
50. As discussed in **Table 2** of this report, the PP demonstrates strategic merit as it:
- a. Gives effect to the following objectives within the *Greater Sydney Region Plan – A Metropolis of Three Cities*:
    - i. *Objective 13. Environmental heritage is identified, conserved and enhanced.*
  - b. Gives effect to the following planning priorities of the *South District Plan*:
    - i. *Planning Priority S6. Creating and renewing great places and local centres, and respecting the District's heritage.*
  - c. Is consistent with the following planning priorities of the endorsed Georges River Local Strategic Planning Statement 2040 ('LSPS 2040'):
    - i. *P11. Aboriginal and other heritage is protected and promoted.*
    - ii. *P17. Tree canopy, bushland, landscaped settings and biodiversity are protected, enhanced and promoted.*
51. As discussed in **Table 3** of this report, the PP demonstrates site-specific merit as it:
- a. Does not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.
  - b. Does not create additional requirements for public infrastructure.

## NEXT STEPS

52. If the PP is endorsed by the Environment and Planning Committee, the minutes will subsequently be considered at a future Council meeting. If the PP is endorsed by Council, it will be forwarded to the Minister for Planning and Public Spaces for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment (EP&A) Act 1979*.

## FINANCIAL IMPLICATIONS

53. No budget impact for this report. The PP is being resourced within the existing Strategic Planning budget.

## RISK IMPLICATIONS

54. No risks identified.

## COMMUNITY ENGAGEMENT

55. Should the PP be supported, it will be forwarded to the delegate of the Minister for Planning and Public Spaces requesting a Gateway Determination.
56. Subject to issue of a Gateway Determination, the Planning Proposal will be exhibited in accordance with the provisions of the EP&A Act 1979 and its Regulation and any requirements of the Gateway Determination. It is anticipated that the PP will be exhibited for a minimum period of 28 days as specified in the Gateway Determination.

57. It is intended to make the PP available for viewing at:
- Council's Your Say website;
  - Georges River Civic Centre, MacMahon Street, Hurstville, between 8.30am and 5.00pm, Monday to Friday;
  - Clive James (Kogarah) Library and Service Centre, during library hours; and
  - Hurstville Library, during library hours.
58. Notification of the public exhibition will be through:
- Newspaper advertisement in The Leader;
  - Exhibition notice on Council's website;
  - Notices in Council offices and libraries;
  - Letters to State and Commonwealth Government agencies identified in the Gateway Determination (if required); and
  - Letters to affected landowners (in accordance with Council's Notification Procedures).
59. The project timeframe will depend on the Gateway Determination date and the required public exhibition period. The indicative project timeline is below.

#### Indicative project timeline

| Stage  | Timeframe/date        |
|--|-----------------------|
| Consideration by the Georges River LPP   | 17 August 2023        |
| Report to Council's Environment & Planning Committee seeking endorsement to forward the PP for a Gateway Determination | 11 September 2023     |
| Report to Council seeking endorsement to forward the PP for a Gateway Determination                                    | 25 September 2023     |
| Gateway Determination  | November 2023         |
| Pre-exhibition   | December 2023         |
| Commencement and completion of public exhibition period  | January/February 2024 |
| Consideration of submissions   | March 2024            |
| Post-exhibition review and additional studies  | March 2024            |
| Report to Council on the results of the community consultation and finalisation of the PP                              | April 2024            |
| Submission to the Department for finalisation  | April 2024            |
| Gazettal of LEP amendment  | May 2024              |

60. It is noted that the project timeline will be assessed by the DPE and may be amended by the Gateway Determination.

#### FILE REFERENCE

PP2023/0003

## **ATTACHMENTS**

- Attachment 1 Planning Proposal Document - 28 Carlton Crescent, Kogarah Bay - Pre Gateway Version
- Attachment 2 Heritage Significance Assessment - Bayview - 28 Carlton Crescent, Kogarah Bay (includes Interim Heritage Order over 28 Carlton Crescent as Appendix C; and Draft Heritage Inventory Sheet as Appendix D)