

**Item: ENV008-24 Outcomes of Community Consultation and Preparation of Biodiversity and Character Planning Proposal****Author:** Principal Strategic Planner**Directorate:** Environment and Planning**Matter Type:** Committee Reports

## &lt;Summary Section&gt;

**RECOMMENDATION:**

- (a) That Council notes the outcomes of the pre-exhibition community consultation conducted for the proposed implementation of the *Biodiversity Study and Foreshore Scenic Character Study*.
- (b) That Council endorses the preparation of the Biodiversity and Character Planning Proposal to amend the *Georges River Local Environmental Plan 2021*, comprising of the following components:
- (i) Introduce new biodiversity planning provision and mapping overlay to preserve and protect areas of moderate and high terrestrial biodiversity values,
  - (ii) Introduce new local character planning provision and mapping overlay to provide statutory protection to Unique Character Areas (UCA),
  - (iii) Amend the existing Foreshore Scenic Protection Area (FSPA) planning provision and mapped extent to ensure the role of the FSPA focuses on foreshore scenic character,
  - (iv) Retain existing lot size requirements within areas removed from the existing FSPA as follows:
    - A. Subdivision lot size: 700sqm
    - B. Dual occupancy lot size: 1,000sqm
  - (v) Increase lot size requirements for areas proposed to be added to the proposed FSPA and/or UCA as follows:
    - A. Increase subdivision lot size from 450sqm to 700sqm
    - B. Increase dual occupancy lot size from 650sqm to 1,000sqm
  - (vi) Reduce the maximum permissible FSR for R2-zoned land located within the existing FSPA, proposed FSPA and the proposed UCA from 0.55:1 for dwelling houses and 0.6:1 for dual occupancies to 0.5:1 for all development typologies,
  - (vii) Amend the landscaped area planning provision to:
    - A. Protect, maintain and improve the diversity and condition of native vegetation and habitats across the Local Government Area (LGA),
    - B. Encourage the recovery of threatened species and their communities, populations and habitats across the LGA, and
    - C. Retain and strengthen the green and leafy character of the LGA, including trees in the private domain that contribute to local character and visual amenity,
  - (viii) Increase the minimum landscaped area requirement for dwelling houses and dual occupancies by 5% to 30% and 35% respectively for R2-zoned land located within the existing FSPA, proposed FSPA and the proposed UCA,
  - (ix) Introduce minimum 20% landscaped area requirement for multi dwelling house,

terraces and manor houses in response to the NSW Government's Low and Mid-Rise Housing Reform, and

- (x) Request Department of Planning, Housing and Infrastructure to exclude the application of the *Low-Rise Housing Diversity Code* from the proposed FSPA and proposed UCA to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the Development Application process.
- (c) That all persons who made a submission be advised of Council's decision.

## EXECUTIVE SUMMARY

1. Council is required to submit a Planning Proposal which amends the *Georges River Local Environmental Plan 2021* (GRLEP 2021) in accordance with the findings of the *Georges River Foreshore Scenic Character Study* (Foreshore Study) and the *Georges River Biodiversity Study* (Biodiversity Study).
2. This requirement is enforced by the State Government's Conditions of Approval for the *Georges River Local Housing Strategy* and by the recommendation of the Georges River Local Planning Panel (LPP) dated 25 and 26 June 2020 in its consideration of the GRLEP 2021.
3. The community has expressed strong interest to be involved in the process of implementing the recommendations of the Foreshore Study. In particular, the inclusion of community input in the development of planning controls related to the Foreshore Scenic Protection Area (FSPA).
4. In response to the strong request from the community to be involved in the development of planning controls for any Planning Proposal which amends the FSPA, pre-exhibition community consultation commenced on 17 October 2022 and concluded on 31 March 2023 (inclusive). The consultation period lasted for a total of 24 weeks.
5. A total of 325 submissions have been received during the consultation period. The Community Consultation Summary Report is provided in **Attachment 1** which provides a summary of the consultation activities undertaken and the submissions received by Council.
6. All submissions have been reviewed and summarised (refer **Attachment 2**). The majority of community submissions object to any changes to existing planning controls. Four (4) recurring themes have been identified throughout the objections received:
  - Natural environment – Objects to the proposed changes because it will destroy the natural environment by allowing more development. Submissions also request better protection of the environment but provide no consideration of the proposed biodiversity controls.
  - Density – Objects to any increase in density or new development in general. Issues including traffic congestion, old sewers, poor amenity and loss of existing 'exclusivity' are also raised as the negative impacts of increasing housing and density.
  - Lot size – Objects to the reduction of existing lot size requirements and new development that will increase density.
  - Local character – Objects to the proposed changes due to concerns about local character being destroyed by new development. Submissions also request stronger protection of local character but provide no consideration on the proposed local character controls.
7. In response to the submissions received from the community, this Report considers whether an amendment to the draft planning controls is recommended and details the components of the Planning Proposal including post-consultation amendments.

8. In summary, the subject Planning Proposal (known as the Biodiversity and Character Planning Proposal) will be comprised of the following components:

### **Biodiversity**

- Introduce new biodiversity planning provision and mapping overlay to preserve and protect areas of moderate and high terrestrial biodiversity values,

### **Local Character Area**

- Introduce new local character planning provision and mapping overlay to provide statutory protection to Unique Character Areas (UCA),

### **Foreshore Scenic Protection Area**

- Amend the existing FSPA planning provision and mapped extent to ensure the role of the FSPA focuses on foreshore scenic character,

### **Lot Size – land no longer in FSPA**

- Retain existing lot size requirements within areas removed from the existing FSPA as follows:
  - Subdivision lot size: 700sqm
  - Dual occupancy lot size: 1,000sqm

### **Lot Size – land added to FSPA**

- Increase lot size requirements for areas proposed to be added to the proposed FSPA and/or UCA as follows:
  - Increase subdivision lot size from 450sqm to 700sqm
  - Increase dual occupancy lot size from 650sqm to 1,000sqm

### **Floor Space Ratio**

- Reduce the maximum permissible FSR for R2-zoned land located within the existing FSPA, proposed FSPA and the proposed UCA from 0.55:1 for dwelling houses and 0.6:1 for dual occupancies to 0.5:1 for all development typologies,

### **Landscaping**

- Amend the landscaped area planning provisions through the insertion of new objectives to:
  - Protect, maintain and improve the diversity and condition of native vegetation and habitats across the Local Government Area (LGA),
  - Encourage the recovery of threatened species and their communities, populations and habitats across the LGA, and
  - Retain and strengthen the green and leafy character of the LGA, including trees in the private domain that contribute to local character and visual amenity,
- Increase the minimum landscaped area requirement for dwelling houses and dual occupancies by 5% to 30% and 35% respectively for low density land located within the existing FSPA, proposed FSPA and the proposed UCA,
- Introduce minimum 20% landscaped area requirement for multi dwelling house, terraces and manor houses in response to the NSW Government's Low and Mid-Rise Housing Reform,

### **Exclusion from Complying Development**

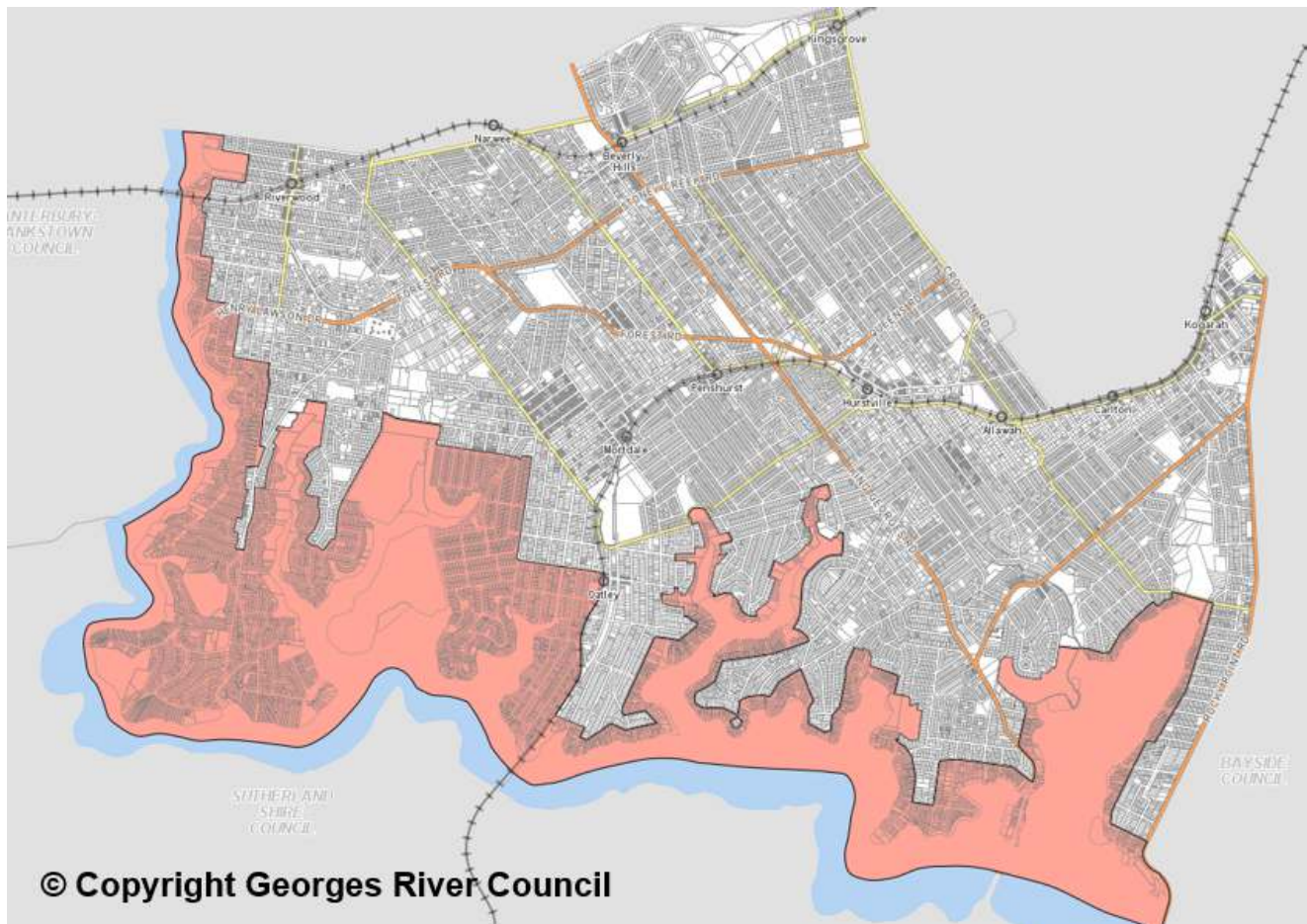
- Request the Department of Planning, Housing and Infrastructure (DPHI) to exclude the application of the *Low-Rise Housing Diversity Code* from the proposed FSPA and proposed UCA to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the Development Application process.

9. The purpose of this Report is to seek Council's endorsement to prepare the Biodiversity and Character Planning Proposal to amend the GRLEP 2021.
10. Once the Planning Proposal is prepared, it will be reported to Council in a future meeting seeking endorsement to request a Gateway Determination from the DPHI for the Planning Proposal.

## **BACKGROUND**

### Georges River Local Environmental Plan 2020

11. The consolidated Local Environmental Plan (LEP) for the Georges River Local Government Area (LGA), also known as draft LEP 2020, was publicly exhibited and finalised for plan-making in 2020.
12. The draft LEP 2020 had originally proposed to reduce the extent of the existing Foreshore Scenic Protection Area (FSPA) in the former Hurstville LGA. The minimum lot size required for dual occupancy developments in the areas removed from the FSPA was proposed to be reduced from 1,000sqm to 650sqm, which would have enabled increased development potential (i.e., eligible for dual occupancies) for 742 sites.
13. The reduced FSPA extent was endorsed by the Department of Planning, Housing and Infrastructure (DPHI) through its Gateway Determination of the draft LEP 2020 before the proposal was placed on public exhibition.
14. The draft LEP 2020 was publicly exhibited from 1 April to 31 May 2020 (inclusive) and a total of 1,153 community submissions were received. Over 400 submissions objected to the removal of properties within the FSPA due to concerns for overdevelopment as result of the increased dual occupancy development potential and the loss of vegetation and biodiversity.
15. As the planning proposal authority, the Georges River Local Planning Panel ("LPP") considered the draft LEP 2020 for finalisation at its meeting dated 25 and 26 June 2020.
16. To address the concerns raised by the submissions in relation to the FSPA, the LPP made the following amendments to the draft LEP 2020 before it was submitted to the DPHI for final plan-making:
  - 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 1** below for the final FSPA extent proposed by the draft LEP 2020.

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

17. In addition, further investigation of the role, extent and zoning of the FSPA was requested by the LPP in its recommendation:

*The Panel recommends that Council as part of the preparation of the draft Local Environmental Plan in 2021/2022, further define the role, mapped extent and zoning of the FSPA, in both the former Hurstville and Kogarah Local Government Areas, having regard to those properties and ridge lines visible to and from the Georges River and its tributaries, and associated environmental protection applying to those areas in order to better reflect the objectives of Clause 6.7 of the Georges River Local Environmental Plan 2020. This may include the consideration of additional environmental protection zones or modifications of the FSPA.*

18. The draft LEP 2020 was gazetted on 24 September 2021 and is now in effect as the *Georges River Local Environmental Plan 2021* (GRLEP 2021). The local provision relating to the protection of trees in the R2 and R3 zones was removed by the NSW Parliamentary Counsel's Office through the plan-making process.

### Biodiversity Study

19. In 2021, Total Earth Care prepared an LGA-wide Biodiversity Study to identify the key biodiversity values within the LGA by assessing the diversity of flora (plant) and fauna (animal) present, analysing historical changes and identifying key opportunities to protect and conserve biodiversity.
20. In addition to providing a holistic and LGA-wide assessment of the current biodiversity values, conditions, locations and opportunities, the Biodiversity Study will also inform amendments to the GRLEP 2021, the *Georges River Development Control Plan 2021* (GRDCP 2021) and other relevant environmental strategies.

21. A comprehensive overview of the Biodiversity Study is provided in **Item ENV025-21** (dated 15 June 2021). The key planning-related recommendations are summarised as follows:
  - Develop biodiversity controls in the LEP as the Georges River LGA does not have a dedicated provision to protect existing moderate to high value biodiversity,
  - Develop a Habitat Connectivity Plan to inform the planning of the Green Grid across the LGA,
  - Develop and implement initiatives for private landholders to improve vegetation condition and extend street tree canopy onto private land, and
  - Develop and implement a planting plan to increase the tree canopy in streets corridors.
22. The Biodiversity Study was noted by Council at its meeting dated 28 June 2020.

#### Foreshore Scenic Character Study

23. In accordance with the LPP's recommendation, the *Foreshore Scenic Character Study* ("Foreshore Study") was prepared by Ethos Urban in 2021 to further investigate the mapped extent and zoning of the FSPA.
24. This is achieved through further clarifying the character typologies present in the visual catchment to and from the Georges River by building upon the existing evidence base provided by the *Foreshore Strategic Directions Paper (2018)*.
25. The Foreshore Study has been prepared as a technical, objective and evidence-based document which will assist Council in developing and reviewing local planning measures, including future amendments to the GRLEP 2021 and accompanying GRDCP 2021.
26. A comprehensive overview of the Foreshore Study is provided in **Item ENV024-21** (dated 15 June 2021). The key recommendations are summarised as follows:
  - The existing FSPA control is not working as it tries to address too many planning considerations,
  - Revise the FSPA extent to exclude areas that:
    - Are not visible from the river, and/or
    - Do not contribute to the scenic character of the river,
  - Revise objectives of the FSPA clause to focus on scenic character,
  - Introduce new standalone provision in LEP to protect and enhance biodiversity as informed by the findings of the Biodiversity Study,
  - Introduce new overlay to identify Unique Character Areas (UCA) that require greater protection,
  - Retain dual occupancy lot size of 1,000sqm and 30% landscaped area in the FSPA and UCA, and
  - Council to consider seeking exemption from the *Low Rise Housing Diversity Code* for the above areas.
27. The Foreshore Study was reported to Council at its meeting dated 28 June 2021 as a technical document. Due to Councillors appropriately managing conflicts of interest, no quorum could be reached to note the findings of the Study. However, this does not affect the ability of the Study to be used as an evidence base to support changes to planning controls.
28. In light of the Foreshore Study's findings, recommendations for a set of planning controls relating to the FSPA, biodiversity and local character have been developed by Ethos Urban in collaboration with Total Earth Care. These are outlined further in this Report.

### Community Information Webinar

29. On 3 August 2021, a community information webinar was held to present the findings and recommendations of the Biodiversity Study and Foreshore Study.
30. The online webinar comprised of two presentations by the technical consultants (Ethos Urban and Total Earth Care) of the respective Studies followed by interactive question and answer sessions where the community asked questions of Council's project team and presenters.
31. The webinar was advertised through Council's What's On event listing and individual invitations were sent to the submitters of the draft LEP 2020. Each invitation was supported by a Biodiversity Study Information Sheet and Foreshore Study Information Sheet.
32. A total of 56 community members registered and attended the webinar. The key issues raised by the attendees are summarised as follows:
  - The preparation of a Biodiversity Strategy should be prioritised in accordance with the recommended actions of the Biodiversity Study,
  - The trees and vegetation in backyards are equally as important as parks and reserves for wildlife, especially the protection of mature, hollow-bearing trees,
  - The reduction of the FSPA will lead to overdevelopment and loss of trees, and
  - The existing FSPA acts as a buffer that protects the biodiversity of Oatley Park and should not be reduced.
33. Furthermore, there was strong request for the community to be involved in the process of implementing the recommendations of the Foreshore Study. In particular, the attendees have requested for the extent of the recommended FSPA to be reviewed and revised by Ethos Urban and include community input in the development of planning controls.

### Low and Mid-Rise Housing Reform

34. In late 2023 the NSW Government released a series of housing reform proposals to dramatically increase the supply of housing to address the existing housing crisis. One of the reforms is the Low and Mid-Rise Housing proposal which seeks to permit dual occupancies on reduced lot sizes (450sqm) across the R2 zone, permit manor houses, multi dwelling housing and terraces on R2 zoned land within 800m of a 'station and town centre precinct' and to permit 6 storey residential flat buildings in R3 and R4 zones within 800m of a 'station and town centre precinct'.
35. The full extent of the proposed changes is outlined in the report titled "**NSW Government Housing Reforms 2023-24**" at the Extraordinary Council Meeting held on 12 February 2024 (refer item CCL001-24).
36. Once in effect, manor houses, multi dwelling housing and manor houses will become permissible in the R2 zones that are within 800m of a railway station or within 800m of commercial centres that provide a range of frequently needed goods and services, such as full-line supermarkets.
37. The GRLEP 2021 requires minimum 20% landscaped area for developments within the R3 zone where manor houses, multi dwelling housing and terraces are currently permitted. However, the GRLEP 2021 does not nominate the landscaped area required specifically for these developments which means if these development types are carried in a R2 zone then there will be no minimum landscaped area requirement.
38. Although Council is seeking a deferral from the NSW Government in relation to the application of the Low and Mid-Rise Housing Reform, there is the possibility that the

deferral will not be granted and medium density development typologies of manor houses, multi dwelling housing and terraces become permissible in some R2 zones in the LGA.

39. Therefore, amendments are required to the GRLEP 2021 to ensure the minimum 20% landscaped area requirement is applied to manor houses, multi dwelling housing and terraces irrespective of the land use zone where these developments are carried out.

### **OUTCOMES OF PRE-EXHIBITION COMMUNITY CONSULTATION**

40. Pre-exhibition consultation with the Georges River community was conducted for the purpose of inviting community input into the preparation of planning controls relating to biodiversity, local character and the FSPA.
41. The draft planning controls have been developed by Ethos Urban with input from Total Earth Care for the purpose of implementing the findings and recommendations of the Biodiversity Study and Foreshore Study; and have been prepared to respond to the need for balance between enabling development and protecting the environment. In developing the planning controls, the following factors were considered:
- Georges River Council is one of the few councils in Sydney without a dedicated biodiversity control in its LEP to protect local biodiversity when new development occurs.
  - The existing FSPA currently covers a large portion of inland area and many properties within the FSPA cannot be seen from the Georges River or have views of the River but are still required to comply with the FSPA control of respecting and enhancing the scenic qualities of the River.
  - The Studies found that scenic character is not the only character worthy of additional protection. Some areas have strong naturalistic qualities, created by the presence of canopy trees and planting in the private domain, even though these areas cannot be seen from the River. If not well managed, new developments can threaten the green and vegetated qualities of these areas.
  - Changes to existing planning controls are needed to address the issues of lack of clarity, overdevelopment and overprotection.
42. The proposed changes to the planning controls focus on creating the most appropriate controls for the three (3) values of biodiversity, unique local character and foreshore scenic character. The consulted changes to planning controls as summarised in **Table 1** below.

**Table 1 – Overview of Consulted Changes to Planning Controls**

Values	Proposed Key Planning Controls
1	Biodiversity <ul style="list-style-type: none"> <li>• Introduce a Terrestrial Biodiversity local provision and mapping overlay in the GRLEP 2021, including the relocation of biodiversity-related controls from the existing FSPA clause.</li> <li>• The main objective of this control is to protect trees and other natural landscape features that contribute to terrestrial biodiversity within and adjacent to development sites.</li> <li>• Areas identified as Terrestrial Biodiversity are supported by a 40m buffer zone. The purpose of this buffer zone is to prevent degradation by managing edge effects like weed invasion and spread.</li> <li>• Replace the existing Green Web control in the GRDCP 2021 with a series of Green Corridors across the LGA to protect existing habitat corridors and facilitate more opportunities for creating a corridor where there is little existing vegetation.</li> </ul>



Values		Proposed Key Planning Controls
2	Local Character	<ul style="list-style-type: none"> <li>• Introduce Unique Character Areas (UCA) to ensure locations with strong naturalistic qualities are protected and enhanced through new developments, including areas that are not visible from the Georges River.</li> <li>• Some of the UCA will replace the existing FSPA in the western portion of the LGA while the UCA will be applied to land not located within the existing FSPA in the eastern portion.</li> <li>• Introduce detailed character statements and tailored provisions in the GRDCP 2021 to ensure new developments will have the desired characteristics of the respective UCA.</li> <li>• Land located within the UCA will have the same larger minimum lot size requirement as the FSPA under the GRLEP 2021 to assist with maintaining the naturalistic qualities created by the presence of extensive landscaping – 700sqm for the creation of new lots and 1,000sqm for dual occupancies.</li> </ul>
3	Foreshore Scenic Character	<ul style="list-style-type: none"> <li>• Reduce the extent of the existing FSPA on the western side of the LGA and insert additional areas on the eastern side.</li> <li>• Revise the existing FSPA clause in the GRLEP 2021 to ensure the focus is directed at protecting the scenic character of the Georges River and the views to and from the River.</li> <li>• Revise the existing FSPA clause to clearly identify the protection of trees, vegetation and other natural elements that contribute to scenic character while ensuring the built form integrates with the natural environment.</li> <li>• Introduce provisions within the GRDCP 2021 to further enhance the protection of the foreshore scenic character.</li> <li>• The existing larger lot size requirements will be retained in the proposed FSPA.</li> </ul>

43. In addition, a Lot Size Poll was conducted for properties which are currently located within the FSPA but will not be included in the proposed UCA or FSPA. The purpose and outcomes of the Poll is detailed under the **Results of the Lot Size Poll** heading. In summary, the existing lot size requirements are not proposed to be reduced.

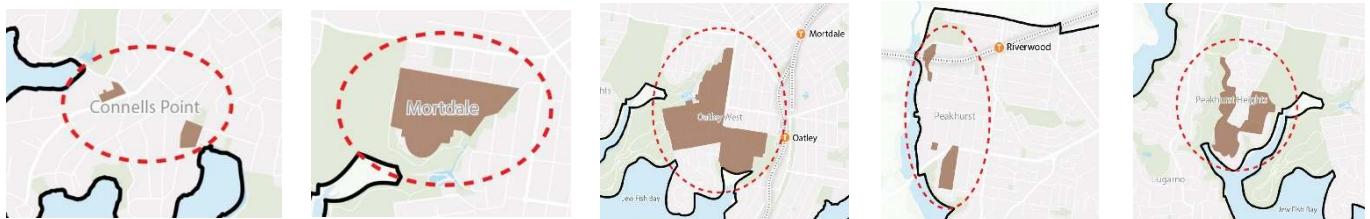
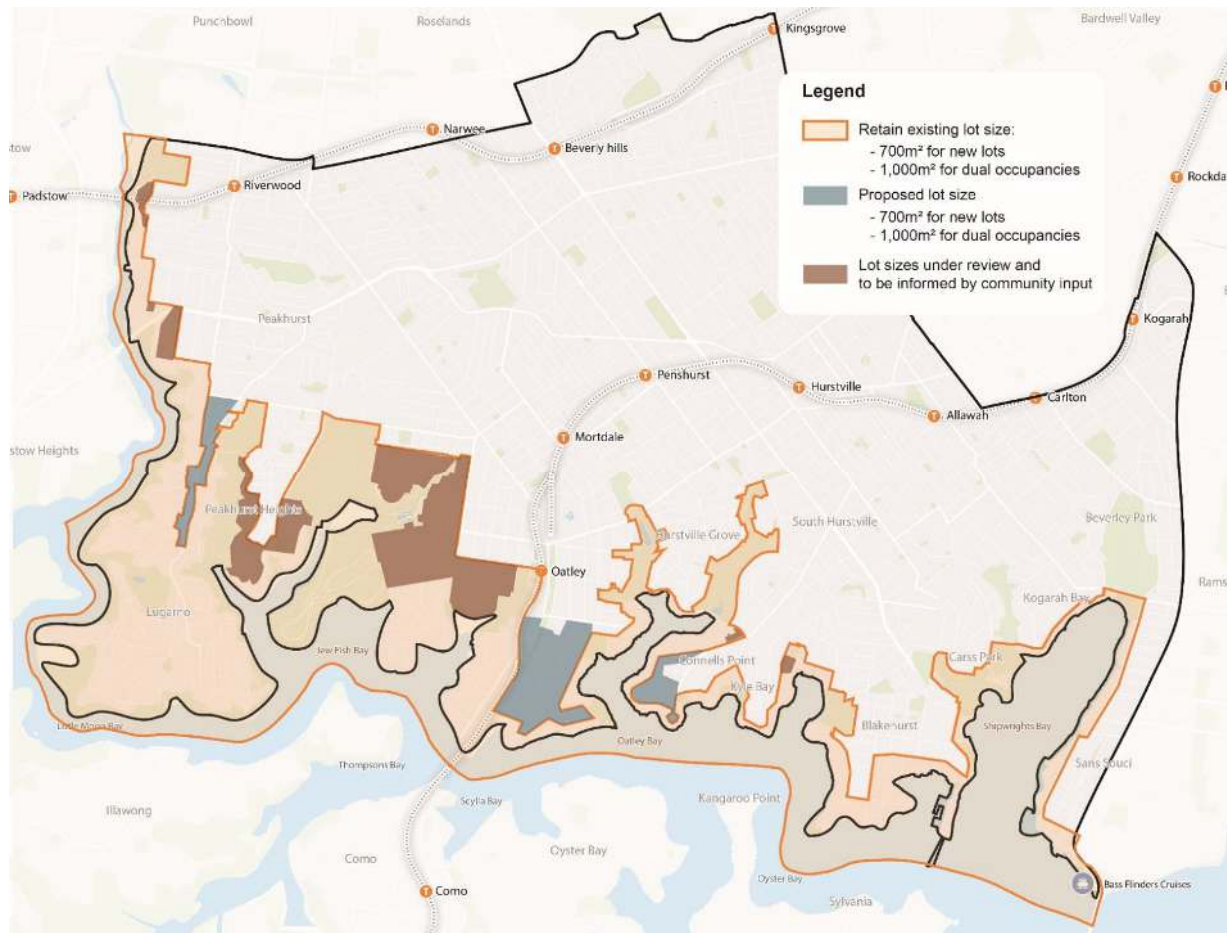
#### Consultation Activities

44. The pre-exhibition consultation period commenced on 17 October 2022 and concluded on 31 March 2023 (inclusive). The consultation period lasted for a total of 24 weeks.
45. The Community Consultation Summary Report is provided in **Attachment 1** which details the consultation activities undertaken and the submission received by Council.
46. In summary, Council undertook the following consultation activities:
- Combination of postal mail and email notification to approx. 24,000 landowners,
  - Dedicated Your Say project page,
  - One-on-one virtual Zoom meetings (10 – 15 minutes) by appointment during business hours,
  - Face-to-face meetings (10 – 15 minutes) during business hours,
  - Plain-English fact sheets on the different elements of the proposed changes to planning controls,
  - Frequently Asked Questions in response to questions received during the consultation period,

- One (1) online community workshop (2 hours) on 25 October 2022,
  - One (1) in-person community workshop (2 hours) on 27 October 2022,
  - Online submission form,
  - Online poll on preference for potential changes to lot size, and
  - Recording and uploading of online workshop presentation onto the Your Say project page as an additional resource for the community.
47. An overview of the community participation statistics is provided below:
- 2,403 visits to the Your Say project page during the consultation period,
  - 825 documents were downloaded from the Document Library of the Your Say project page,
  - 98 attendees at the online community workshop,
  - 94 attendees at the in-person community workshop,
  - 19 individual meetings were held,
    - 6 of these made submissions, and
    - 13 of these did not make submissions,
  - 178 responses to the Lot Size Poll, and
  - 325 unique written submissions were received and considered, including:
    - 1 submission from the Environmental Protection Authority (EPA),
    - 1 submission from a current Councillor,
    - 293 unique community submissions, and
    - 30 community submissions based on a proforma.

#### Results of the Lot Size Poll

48. The GRLEP 2021 has controls in place which specify the minimum subdivision lot size to create a new parcel of land and the minimum lot size requirement to carry out a dual occupancy development.
49. Currently, there are two sets of lot size controls in place with a smaller requirement for land located outside of the FSPA and a larger requirement for land located within the FSPA as follows:
- Subdivision lot size outside of the FSPA: 450sqm
  - Dual occupancy lot size outside of the FSPA: 650sqm
  - Subdivision lot size within the FSPA: 700sqm
  - Dual occupancy lot size within the FSPA: 1,000sqm
50. The Foreshore Study recommends retaining the existing larger lot size requirements for land located within the existing FSPA and to expand the larger lot size requirement to the proposed FSPA and UCAs.
51. However, during the draft LEP 2020 consultation process Council received numerous requests for properties which are removed from the FSPA to adopt the smaller lot size requirement to enable greater development potential.
52. In response, the Lot Size Poll was made available during the subject community consultation program to gather community feedback regarding the outcome of lot size requirements for the areas excluded from the proposed FSPA and UCAs. The location of land with potential lot size changes as shown in **Figure 2** below.

**Figure 2 – Location of Potential Lot Size Changes**

53. The Poll was comprised of five (5) sections corresponding to each of the 5 localities of Connells Point, Mortdale, Oatley West, Peakhurst and Peakhurst Heights.
54. The following options were available for selection for each locality:
- Keep lot sizes the same, do not reduce them
  - Reduce lot sizes so they are the same as other areas in the LGA
  - I don't mind what happens in this area
55. A total of 178 responses have been received on the Lot Size Poll. The majority of the responses seek to retain existing lot size requirements in the areas excluded from the proposed FSPA and UCAs.
56. The results of the Lot Size Poll are tabulated in **Table 2** below.

**Table 2 – Results of the Lot Size Poll**

	<b>Connells Point</b>	<b>Mortdale</b>	<b>Oatley West</b>	<b>Peakhurst</b>	<b>Peakhurst West</b>
Keep lot sizes the same	81%	84%	88%	78%	86%
Reduce lot sizes	9%	9%	7%	10%	8%
Don't mind what happens here	10%	7%	4%	12%	6%

Analysis of Submissions

57. A total of 325 submissions have been received during the consultation period, including:
- 1 submission from the Environmental Protection Authority (EPA),
  - 1 submission from a current Councillor (the submission was made as a resident)
  - 293 individual submissions from the community, and
  - 30 community submissions based on a proforma.
58. The EPA does not raise any objections or concerns with the proposed planning controls in their submission.
59. All submissions have been reviewed and summarised, refer **Attachment 2**. The majority of community submissions object to changes to existing planning controls.
60. Four (4) recurring themes have been identified throughout the objections received. **Table 3** below provides a summary of key issues raised within each of the 4 themes.
61. It should be noted that many submissions contained feedback that can be included in more than one theme, with some submissions containing all 4 themes below.

**Table 3 – Themes and Key Issues raised by Submissions**

<b>Number of Submissions</b>	<b>Theme</b>	<b>Key Issues Raised</b>
196 (60% of submissions)	<b>1. Natural environment –</b> Objects to the proposed changes because it will destroy the natural environment by allowing more development. Submissions also request better protection of the environment but provide no comment on the proposed biodiversity controls.	<ul style="list-style-type: none"> <li>• Perception of the existing FSPA as an environmental protection mechanism that is protecting the area from new development, with some requests for the FSPA to be turned into an “Environmental Protection Zone”,</li> <li>• Belief that changing the FSPA will lead to devastating environmental damage,</li> <li>• Wildlife and habitats for wildlife are highly valued,</li> <li>• Trees are highly valued, and</li> <li>• Requests for greater enforcement action on illegal tree clearing.</li> </ul>
155 (47% of submissions)	<b>2. Density –</b> Objects to any increase in density or new development in general. Issues including traffic congestion, old sewers, poor amenity and loss of existing	<ul style="list-style-type: none"> <li>• Assumption that changing and/or reducing the FSPA extent will lead to increased density in the areas where the FSPA is removed,</li> <li>• Increasing density will have negative impacts on the natural environment like</li> </ul>

Number of Submissions	Theme	Key Issues Raised
	'exclusivity' are also raised as the negative impacts of increasing housing and density.	<p>mature trees being removed to make way for new development, buildings taking up a significantly larger footprint, less landscaped area to allow stormwater infiltration,</p> <ul style="list-style-type: none"> <li>• Amenity impacts on the neighbourhood amenity like more cars parked on the street and more traffic,</li> <li>• Loss of perceived property value associated with the 'exclusivity' of living in an area with a green and low density character,</li> <li>• Frustration that Council is undermining the amenity for existing residents by allowing more development to occur, and</li> <li>• Requests for dual occupancies to be prohibited.</li> </ul>
126 (39% of submissions)	<p><b>3. Lot size –</b> Objects to reduction to lot size requirements and new development that will increase density.</p>	<ul style="list-style-type: none"> <li>• Reducing existing lot size requirements will lead to more development, and</li> <li>• Raise the same issues as the previous "density" theme.</li> </ul>
96 (29% of submissions)	<p><b>4. Local character –</b> Objects to the proposed changes due to concerns about local character being destroyed by new development. Submissions also request stronger protection of local character but provide no comment on the proposed local character controls.</p>	<ul style="list-style-type: none"> <li>• Assumption that changing and/or reducing the FSPA extent will lead to increased development, and</li> <li>• More development will destroy the current 'exclusive' low density character.</li> </ul>

62. Furthermore, there are 28 submissions (or 9%) that contain additional feedback as follows:

- Support for the introduction of biodiversity controls,
- Concerned about further delays to DA timeframe as biodiversity controls will prohibit complying development as a development approval pathway,
- Support for removal of areas not visible from the riverfront,
- Requests inclusion of additional areas into the FSPA, including the eastern side of Kogarah Bay, the southern ends of Woronora Parade, Mi Mi Street and Myall Street,
- Requests for certain properties in Peakhurst to be removed from the FSPA,
- Opposes controls that unfairly burden FSPA properties,
- Requests more car parking spaces to be provided per dwelling because residents have too many cars, and
- Assumes the proposed changes are identical to the amendments proposed by the draft LEP 2020 and objects for that reason.

## COUNCILLOR BRIEFING WORKSHOPS AND MEETINGS

63. A number of workshops and meetings have been held with the Councillors to inform the preparation of a planning proposal which implements the Biodiversity and Foreshore Studies. **Table 4** below outlines the content of each workshop and/or meeting.

**Table 4 – Timeline of Councillor Workshops and Meetings**

Date	Workshop / Meeting Content
Workshop No.1 6 June 2022	<ul style="list-style-type: none"> <li>• Outlines the need for a planning proposal</li> <li>• Provides a recap of the evidence base and recommendations from the Biodiversity and Foreshore Studies</li> <li>• Provides update on the Community Information Session held on 3 August 2021</li> <li>• Outlines the areas of focus for the proposed controls within the future planning proposal, i.e., biodiversity, FSPA and local character</li> <li>• Recommends additional community engagement to occur to develop the proposed controls together with the community</li> </ul>
Workshop No.2 21 August 2023	<ul style="list-style-type: none"> <li>• Provides update on the outcomes of the pre-exhibition community consultation program, including the recurring themes and key issues raised by the submissions and the results of the Lot Size Poll</li> <li>• Councillors confirm the “do nothing” option of maintaining the status quo is not a viable option as current planning controls are not working to address community concerns regarding the loss of trees and overdevelopment within the existing FSPA</li> <li>• Councillors’ express preference for stronger environmental protection to be implemented, including the reduction of the maximum floor space ratio (FSR) and increasing landscaped area requirements</li> <li>• Councillors request Council staff to explore the option of rezoning some areas within the existing FSPA to Zone C4 Environmental Living in response to community submissions for the creation of an “Environmental Protection Zone”</li> <li>• Councillors raise concerns regarding the application of the C4 Zone as it prohibits dual occupancies and Complying Developments</li> </ul>
Workshop No.3 6 November 2023	<ul style="list-style-type: none"> <li>• A partial C4 Zone is presented, applying to land affected by both the recommended FSPA and terrestrial biodiversity mapping</li> <li>• Highlights the potential loss of dwellings and development potential if a C4 Zone is introduced, which is unlikely to be supported by the State Government</li> <li>• Some Councillors support the proposed preferred option – the implementation of the Biodiversity and Foreshore Studies as per consultation but with revisions to reduce the FSR and increase landscaped area for land located within the existing FSPA</li> </ul>
Meeting between Councillors Borg, Jamieson and Mahoney with Council staff 8 November 2023	<ul style="list-style-type: none"> <li>• Councillors acknowledge the option of rezoning land from zone R2 to zone C4 would not progress through the Gateway process due to the direction of the State Government regarding increasing housing supply</li> <li>• Councillors express concerns regarding the exhibited planning provisions, especially in relation to the loss of environmental protection for the areas proposed to be removed from the existing FSPA</li> <li>• Councillors request existing LEP objectives relating to native vegetation, threatened species and habitats are retained and</li> </ul>

Date	Workshop / Meeting Content
	<p>strengthened for areas removed from the existing FSPA</p> <ul style="list-style-type: none"> <li>• Councillors request objectives relating to the increase of tree canopy and environmental protection to be introduced across the whole LGA</li> </ul>

### AMENDMENTS IN RESPONSE TO FEEDBACK RECEIVED

64. **Table 5** below provides an analysis of each issue and considers whether an amendment to the draft planning controls is recommended in response to the issues raised.

**Table 5 – Analysis of Key Issues and Proposed Post-Consultation Amendments**

Theme	Key Issue	Council Response
Natural environment	The existing FSPA is perceived as an environmental protection mechanism that is protecting the area from new development, with some requests for the FSPA to be turned into an “Environmental Protection Zone”.	Amendment is recommended – the proposed amendment is detailed under heading <b>Environmental Protection for Non-FSPA</b> below.
Natural environment	Belief that changing the FSPA will lead to significant environmental damage.	
Natural environment	Wildlife and habitats for wildlife are highly valued.	Amendment is not required to the consulted controls as the proposed controls are introduced to protect wildlife and their habitats. The proposed biodiversity controls in the LEP ensures existing local biodiversity is protected while the proposed DCP green corridor controls will enhance vegetation to create habitat connectivity for wildlife.
Natural environment	Trees are highly valued and requests for greater enforcement action on illegal tree clearing.	Amendment is not recommended to consulted controls – enforcement action for tree vandalism within the LGA (both public and private) are managed in accordance with Council’s <i>Tree Management Policy</i> and internal operational procedures. Penalties vary depending on the severity of the offence. Penalties can be up to a maximum of \$5 million for an offence against the <i>Environmental Planning and Assessment Act 1979</i> . Council has written to the NSW Government requesting greater penalties be applied to prosecute illegal tree clearing.
Density	Changing and/or reducing the FSPA extent will lead to increased density in the areas where the FSPA is removed.	Amendment is not recommended to consulted controls – the existing lot size requirements are not proposed to be reduced and therefore will not create the development potential for additional density.

Theme	Key Issue	Council Response
Density	Increasing density will have negative impacts on the natural environment like mature trees being removed to make way for new development, buildings taking up a significantly larger footprint, less landscaped area to allow stormwater infiltration.	Amendment is recommended – the proposed amendment is detailed under heading <b>Reducing Development Footprint and Increasing Landscaping</b> below.
Density	Increasing density will result in amenity impacts on the neighbourhood like more cars parked on the street and more traffic.	Amendment is not recommended to consulted controls – the existing lot size requirements are not proposed to be reduced and therefore will not create the development potential for additional density.
Density	Loss of perceived property value associated with the ‘exclusivity’ of living in an area with a green and low density character.	Amendment is not recommended to consulted controls – the proposed local character controls have been developed with the intent of strengthening the protection of the existing green and leafy character.
Density	Frustration that Council is undermining the amenity of existing residents.	Amendment is recommended – the proposed amendment is detailed under heading <b>Local Character in the LEP</b> below.
Density	Requests for dual occupancies to be prohibited.	Amendment is not recommended to consulted controls – dual occupancies are a mandated land use within the Zone R2 Low Density Residential under the <i>Standard Instrument LEP</i> and all councils must adhere to the mandated land uses in their LEPs.
Lot size	Reducing existing lot size requirements will lead to more development.	Amendment is not recommended to consulted controls – the existing lot size requirements are not proposed to be reduced and therefore will not create the development potential for additional density.
Local character	More development will destroy the current ‘exclusive’ low density character.	Amendment is recommended – the proposed amendment is detailed under heading <b>Local Character in the LEP</b> below.
Additional feedback	Support for the introduction of biodiversity controls.	Amendment is not recommended to consulted controls – the support for the proposed biodiversity controls is noted.
Additional feedback	Concerned about further delays to DA timeframe as biodiversity controls will prohibit complying development as an approval’s pathway.	Amendment is not recommended to consulted controls – the proposed biodiversity controls ensure existing moderate to high value terrestrial biodiversity is correctly identified



Theme	Key Issue	Council Response
		during the preparation of a DA through appropriate ecological studies. The assessment of ecological studies will be undertaken by Council's experts concurrently with other supporting DA documentation like arborist and heritage reports and may result in increase to processing times due to the assessment being undertaken by external experts.
Additional feedback	Support for removal of areas not visible from the riverfront.	Amendment is not recommended to consulted controls – the support for the proposed FSPA is noted.
Additional feedback	Requests inclusion of additional areas into the FSPA, including the eastern side of Kogarah Bay, the southern ends of Woronora Parade, Mi Mi Street and Myall Street.	Amendment is recommended – the proposed amendment is detailed under heading <b>Revised FSPA Extent</b> below.
Additional feedback	Requests for certain properties in Peakhurst to be removed from the FSPA.	Amendment is not recommended to consulted controls – the properties in question are not included within the proposed FSPA.
Additional feedback	Requests more car parking spaces to be provided per dwelling because residents have too many cars.	Amendment is not recommended to consulted controls – car parking rates is not the subject of consultation.
Additional feedback	Opposes controls that unfairly burden FSPA properties.	Amendment is not recommended to consulted controls – the proposed controls do not restrict the existing development potential of properties.
Councillor feedback	Areas removed from the FSPA will no longer have adequate environmental protection.	Amendment is recommended – the proposed amendment is detailed under heading <b>Environmental Protection for Non-FSPA</b> below.
Councillor feedback	Requests existing LEP objectives relating to native vegetation, threatened species and habitats are retained for areas removed from the existing FSPA.	
Councillor feedback	Requests objectives relating to the increase of tree canopy and environmental protection to be introduced across the whole LGA.	

65. In response to the key issues and additional feedback raised by the community submissions and Councillors, a number of amendments to the consulted planning controls have been prepared for incorporation into the planning proposal which implements the Foreshore and Biodiversity Studies. The following subheadings explore the amendments.

#### Environmental Protection for Non-FSPA

66. The proposed changes to the FSPA includes revising the mapped extent to exclude land that do not contribute to scenic character. Furthermore, **Clause 6.6 Foreshore scenic protection area** of the GRLEP is proposed to be revised to relocate existing considerations relating to biodiversity to the proposed Terrestrial Biodiversity clause.
67. It is acknowledged that terrestrial biodiversity (see green shading in **Figure 3** below) has primarily been identified along the Georges River foreshore to the west of Tom Uglys Bridge. The absence of terrestrial biodiversity to the east of Tom Uglys Bridge and the inland localities exemplifies the need to implement changes which will ensure provision of trees and other vegetation are prioritised across the whole LGA and not just along the foreshore.
68. In particular, a number of areas (shaded pink in **Figure 3** below) will be removed from the existing FSPA as a result of the proposed changes and will not be included within the extents of the proposed Terrestrial Biodiversity clause due to the current absence of moderate to high value biodiversity. Nonetheless, development in these areas will need to consider local character and follow the proposed local character controls in the DCP.

**Figure 3 – Location of existing FSPA vs proposed Terrestrial Biodiversity**



69. However, community submissions have repeatedly expressed the importance of continued environmental protection for land which are removed from the existing FSPA.
70. To address the community request for a formal “Environmental Protection Zone” to replace the existing FSPA, the conversion of the existing FSPA to Zone C4 Environmental Living was investigated and presented to Councillors at briefing workshops (see **Table 4** above).
71. The C4 zone contains objectives that focus on ecological protection and prohibits dual occupancies and secondary dwellings via the land use table. Additionally, complying development will also be prohibited as a development approval pathway in the C4 zone.

72. The potential rezoning from R2 to C4 has been considered by the Foreshore Study. The Study identifies that the focus of zoning is to regulate land use and on this basis, changing the zone of land can have a significant impact on a person's ability to use their land.
73. The Foreshore Study concludes that while the objectives of the C4 zone are aligned with environmental protection, the C4 zone provides limited consideration towards scenic character when compared to the FSPA local provision. The C4 zone also unreasonably restricts development by negatively impacting the property owner's ability to use their land when compared to the existing R2 zone.
74. The only permissible residential use in the C4 zone is dwelling houses. Dual occupancies and secondary dwellings are prohibited in the C4 zone. Other essential community-oriented developments such as centre-based child care facilities, community facilities and health services will also become prohibited. The conversion of the R2 zone to C4 can be considered as a 'down-zoning'.
75. Therefore, the existing R2 zone is considered to be the most appropriate land use zone to achieve a balance between protecting the natural environment and enabling reasonable, appropriate development to occur.
76. Additionally, the *Standard Instrument LEP* allows councils to introduce local provisions to supplement the land use zones in response to nuanced local issues. In this instance, the existing R2 zone is to be supplemented by the proposed introduction of biodiversity controls in the GRLEP to ensure existing moderate to high value terrestrial biodiversity are protected and enhanced in the development process.
77. Further in response to the community request for greater environmental protection, especially for areas removed from the existing FSPA, amendments are proposed to strengthen the 'green and leafy character' of all low density neighbourhoods across the LGA and to elevate the significance of enhancing biodiversity in the private domain.
78. This is proposed to be achieved by inserting additional objectives into **Clause 6.12 Landscaped areas in certain residential and conservation zones** of the GRLEP. These new objectives are to focus on:
  - Ensuring private land without existing moderate to high value terrestrial biodiversity will provide new vegetation (for example to the east of Tom Uglys Bridge and in the inland localities),
  - Protecting, maintaining and improving the diversity and condition of native vegetation and habitats on private land to supplement green corridors in the public domain,
  - Encouraging the recovery of threatened species and their communities, populations and habitats across the whole LGA, and
  - Retaining and strengthening the green and leafy character of the LGA, including trees in the private domain that contribute to local character and visual amenity.
79. Since **Clause 6.12** applies to all land in the R2 zone, the proposed additions will ensure all low density development (including areas removed from the existing FSPA) will be given the opportunity to increase the presence of biodiversity through the protection of existing vegetation and the provision of new planting.

#### Reducing Development Footprint and Increasing Landscaping

80. The existing FSPA is valued by the residents for its 'green and leafy' local character, which is recognised by the designation of certain character typologies by the Foreshore Study.
81. However, throughout the submissions received, the community has continuously raised their objections to new developments which have been occurring within the existing FSPA even though the planning controls for the FSPA have not been changed.

82. Submissions state that there is a notable loss of tree canopy and vegetation on sites with new development. The building footprint of recent development is significantly larger compared to the single storey post-war bungalows that are being replaced. When the overall building footprint is increased, the amount of landscaped area is decreased as the result. The loss of landscaping through new development is perceived by the community as a form of overdevelopment and an increase in density.
83. The community's concern of new developments taking on a larger footprint and providing less landscaped area has prompted a review of the maximum Floor Space Ratio (FSR) for dwelling houses and dual occupancies within the existing FSPA.
84. The reason for this review stems from the modelling undertaken for the preparation of the comprehensive GRLEP 2021. The modelling demonstrated that a development site which fully utilises the FSR granted by the LEP is unlikely to accommodate a landscaped area that exceeds the minimum requirement of 25% and 30% landscaped area for dwelling houses and dual occupancies respectively within the FSPA.
85. It is evident that dwelling houses in the Georges River LGA are 5% larger than the neighbouring LGAs while dual occupancies are 10% larger due to the difference in maximum permissible FSR. A comparison of the FSR granted by the GRLEP 2021 and the respective LEPs of the neighbouring councils at Bayside, Canterbury-Bankstown, and Sutherland Shire is tabulated below:

**Table 6 – Comparison of FSR prescribed by adjoining councils**

<b>FSR</b>	<b>Georges River</b>	<b>Bayside</b>	<b>Canterbury-Bankstown</b>	<b>Sutherland Shire</b>
Dwelling houses	0.55:1	0.5:1	0.5:1	0.5:1
Dual occupancies	0.6:1	0.5:1	0.5:1	0.5:1

86. The more generous FSR granted by the GRLEP 2021 results in greater site coverage and less landscaped area of up to 10% when compared to development outcomes in the R2 zone of neighbouring councils.
87. The existing 'green' character of the FSPA is attributed to the dominance of natural landscape over built form, as reinforced by Objective (d) of the subject clause (Clause 6.6) in the GRLEP 2021:

***Clause 6.6 Foreshore scenic protection area***

*(d) to reinforce and improve the dominance of landscape over built form, hard surfaces and cut and fill,*

88. A reduction in the maximum permissible FSR to 0.5:1 for R2-zoned land within the existing FSPA is recommended to ensure Objective (d) can be achieved. The reduced FSR is also recommended to be applied to R2-zoned land located within the proposed FSPA and UCAs to ensure the strong naturalistic qualities of these areas are adequately protected moving forward.
89. In summary, the proposed FSR for R2-zone land is as follows:
- Land located within the existing FSPA – 0.5:1 for all development
  - Land located within the proposed FSPA – 0.5:1 for all development
  - Land located within the proposed UCA – 0.5:1 for all development
  - Land located in the remainder of the LGA – 0.55:1 for dwelling houses and 0.6:1 for dual occupancies



90. As a result of the reduction in maximum permissible FSR, the minimum landscaped area within the existing FSPA is able to be increased by 5% as follows shown in **red text**:

- for a dwelling house located on land within the existing FSPA, proposed FSPA and the proposed UCA (see **Figure 4** below) — **25% 30%** of the site area
- for a dual occupancy located on land within the existing FSPA, proposed FSPA and the proposed UCA (see **Figure 4** below) — **30% 35%** of the site area

**Figure 4 – R2-zoned land with reduced FSR and increased landscaped area (land within the existing FSPA, proposed FSPA and the proposed UCA)**



### Local Character in the LEP

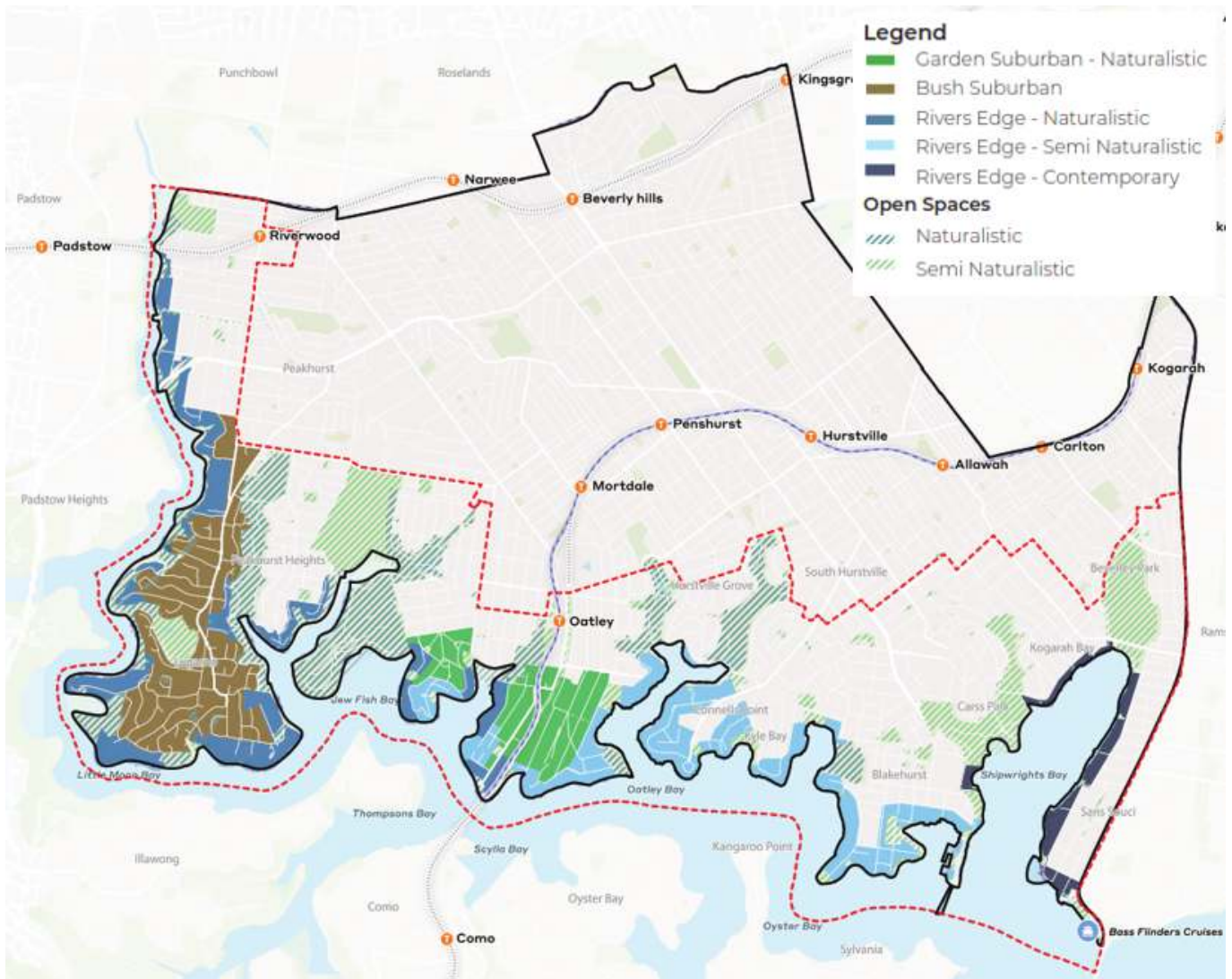
91. In November 2021, the DPHI proposed to introduce a new local character planning provision and mapping overlay to provide statutory protection to special character areas via councils' LEPs.
92. However in September 2022, Council was advised that the DPHI was no longer proceeding with the proposed local character overlays in LEPs and advised councils to continue to provide guidance on local character through their local strategic planning statements (LSPSs) and DCPs.
93. Accordingly, the community consultation was carried out with the proposal to identify the following Unique Character Areas (UCA) in the GRDCP 2021, comprising of land located within the following character typologies:
- River Edge Naturalistic (applies to private land)
  - River Edge Semi Naturalistic (applies to private land)

- Rivers Edge Contemporary (applies to private land)
- Garden Suburban Naturalistic (applies to private land)
- Bush Suburban (applies to private land)
- Public Open Space Naturalistic (applies to public reserves)
- Public Open Space Semi Naturalistic (applies to public reserves)

94. It should be noted that the UCA includes areas located within the proposed FSPA.

95. In response to community requests for stronger protection of the existing ‘green and leafy’ character of the above low density residential areas, an amendment is proposed to insert the UCA as an overlay and local provision within the GRLEP 2021 to strengthen the protection afforded to these localities (see **Figure 5** below).

**Figure 5 – Proposed Unique Character Areas in the LEP**



96. Additional guidance for the UCA including desired future character statements and specific typology-based design controls will continue to be inserted into the GRDCP 2021.

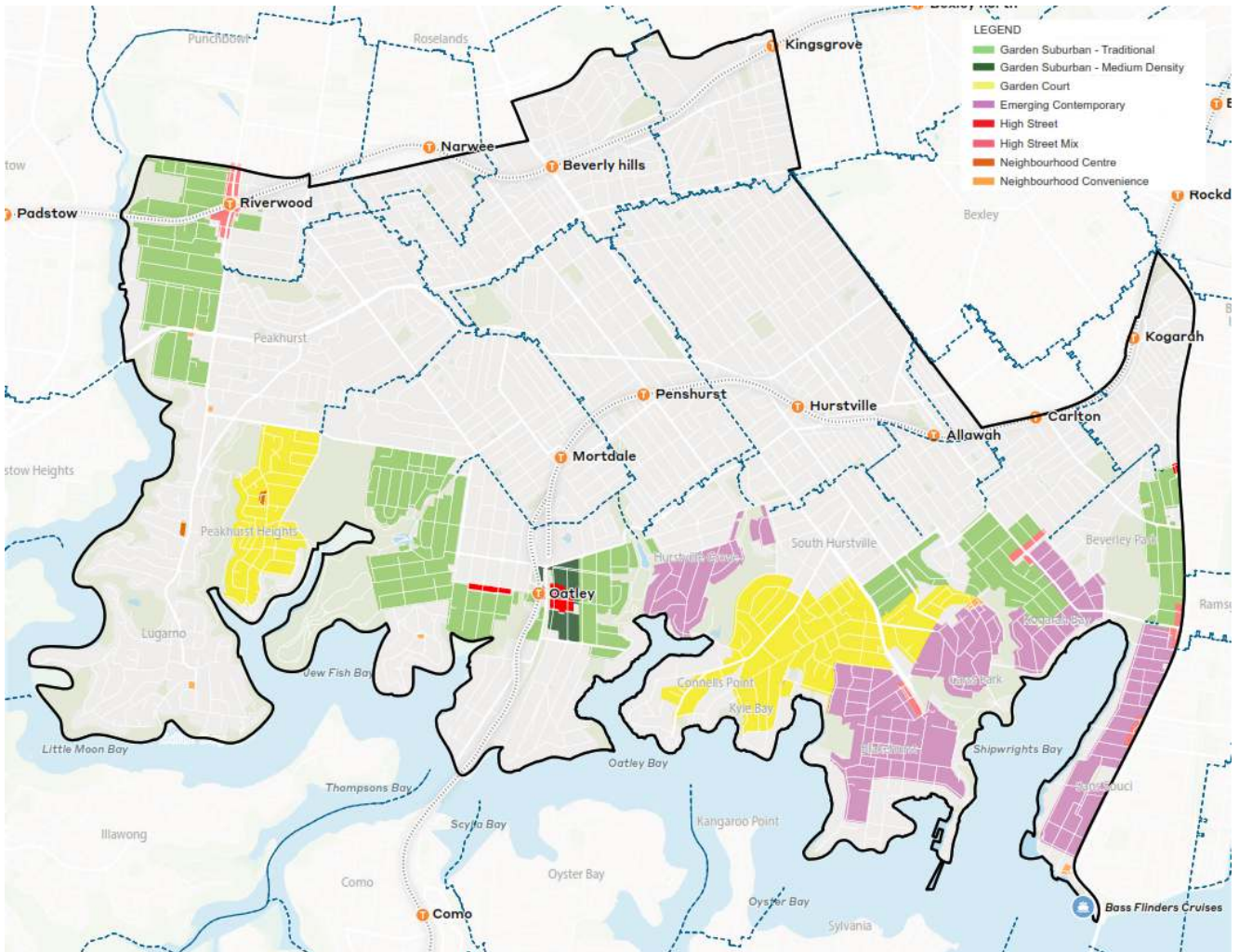
97. Furthermore, the GRDCP 2021 will include desired future character statements and specific typology-based design controls for the character typologies which are not proposed to be included within the UCA overlay in the GRLEP 2021 (see **Figure 6** below). These remaining character typologies are:

- Emerging Contemporary
- Garden Court



- Garden Suburban Traditional
- Garden Suburban Medium Density

**Figure 6 – Remaining character typologies in the GRDCP 2021**



98. However, it should be noted that support for the inclusion of a new UCA overlay within the GRLEP 2021 may not be granted by the DPHI due to its previous decision to withdraw the insertion of local character provisions into councils' LEPs.
99. Furthermore, the Planning Proposal will include a request to the DPHI to exclude the proposed FSPA and proposed UCA from the application of the *Low Rise Housing Diversity Code* to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only assessed through the Development Application process so that the existing scenic and local character are maintained and enhanced.
100. It should also be noted that the DPHI may not support the exclusion of certain areas from the application of the *Low Rise Housing Diversity Code* as there are no current active areas of exclusions in the State.

**Revised FSPA Extent**

101. The recommended FSPA as recommended by the Foreshore Study comprises of character typologies that exhibit scenic character, including:
  - River Edge Naturalistic (applies to private land)
  - River Edge Semi Naturalistic (applies to private land)
  - Public Open Space Naturalistic (applies to public reserves)
  - Public Open Space Semi Naturalistic (applies to public reserves)

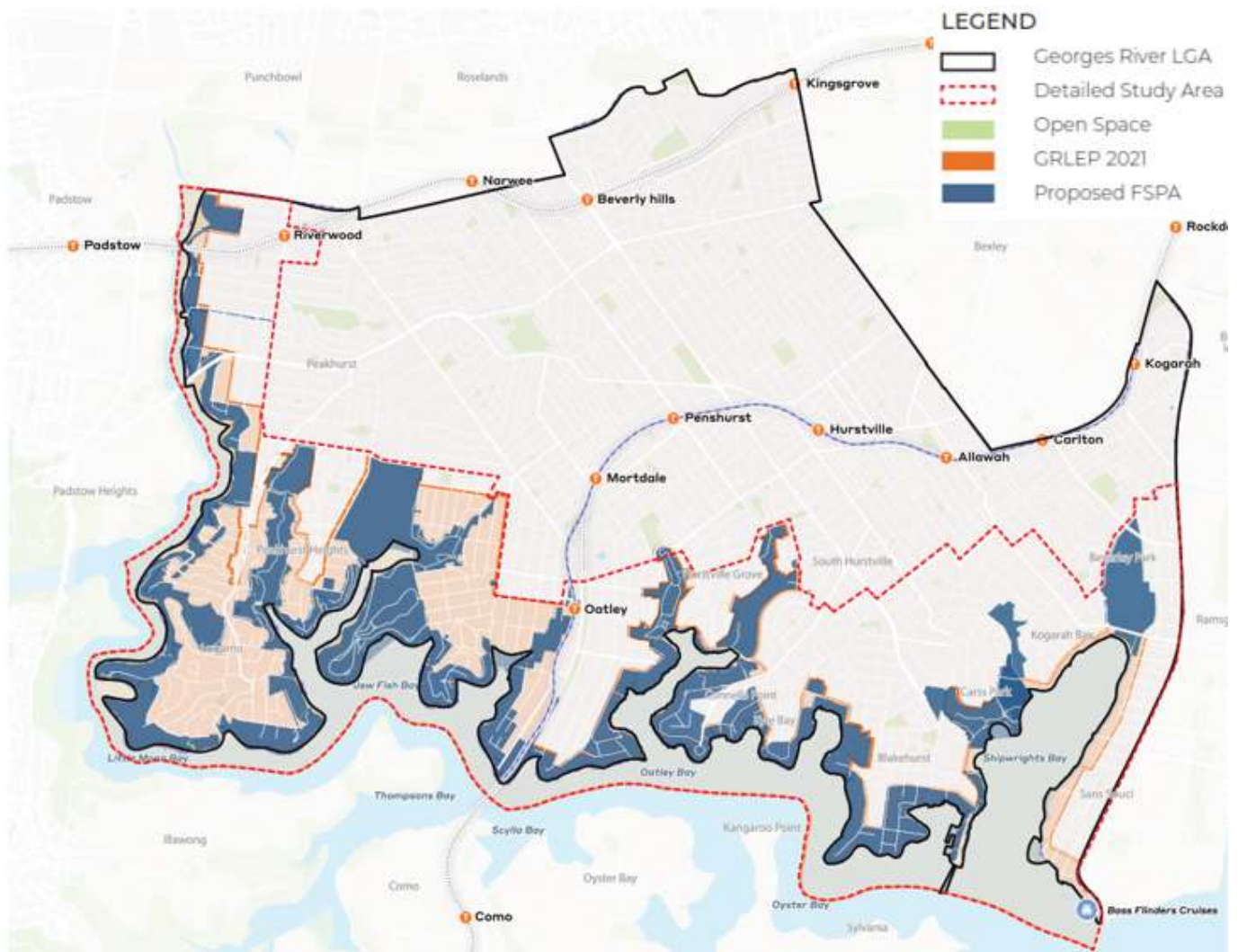
102. In response to the community submissions received, the project team at Ethos Urban undertook further desktop analysis and additional site visits to the Study Area located to the east of the Como Bridge, the southern ends of Woronora Parade, Mi Mi Street and Myall Street in accordance with the methodology adopted in the Foreshore Study.
103. The purpose of the additional investigation is to determine whether a reclassification is required for the character typologies of these locations.
104. As the result, two areas “Garden Court” character typology in Connells Point and Kyle Bay (shown in **Figure 7** below) have been identified with the characteristics that are better aligned with “River Edge Semi Naturalistic”. These characteristics include more sloping topography, moderate levels of vegetation in the public and private realms and established canopy trees visible from the Georges River.
105. Accordingly, these areas have been reallocated from the “Garden Court” character typology to “River Edge Semi Naturalistic” and included within the revised FSPA extent as shown in **Figure 8** below.
106. No other changes to the Foreshore Study have been recommended by the additional investigations.

**Figure 7 – Areas reallocated from “Garden Court” to “River Edge Semi Naturalistic”**



**Figure 8 – Revised FSPA Extent as per Foreshore Study**





107. The Foreshore Study with the revised FSPA extent and the accompanying Site Survey Matrix is provided in **Attachment 4 and 5**.

### NEED FOR A PLANNING PROPOSAL

108. This Report details the planning controls which will be included within the planning proposal which implements the Biodiversity and Foreshore Studies. The need to prepare a planning proposal is driven by two main factors:

- The LPP's recommendation dated 25 and 26 June 2020 (refer to **Paragraph 17** above), and
- The NSW Government's Conditions of Approval for the *Georges River Local Housing Strategy*.

109. On 23 June 2021, the letter of approval was issued by DPHI for the *Local Housing Strategy* (refer **Attachment 3**). The approval is subject to Council addressing a set of requirements.

110. Specifically, requirement Condition No.15 requires Council to submit a planning proposal in 2022 to DPHI which will amend the GRLEP 2021 in accordance with the recommendations of the Foreshore Study:

*Subject to completing appropriate studies, including the Biodiversity Study, Council is to bring forward a Planning Proposal in 2022 to implement Council's Foreshore Scenic Character Review. The Planning Proposal is to be supported by further evidence, including data on the number of affected lots and potential yield, to assess*

*the potential benefits and of the proposed amendments to minimum subdivision lot sizes and changes to the Foreshore Protection Area.*

111. In response to the strong request from the community to be involved in the development of planning controls for any planning proposal which amends the FSPA, pre-exhibition community consultation was carried out prior to the preparation of the required planning proposal.

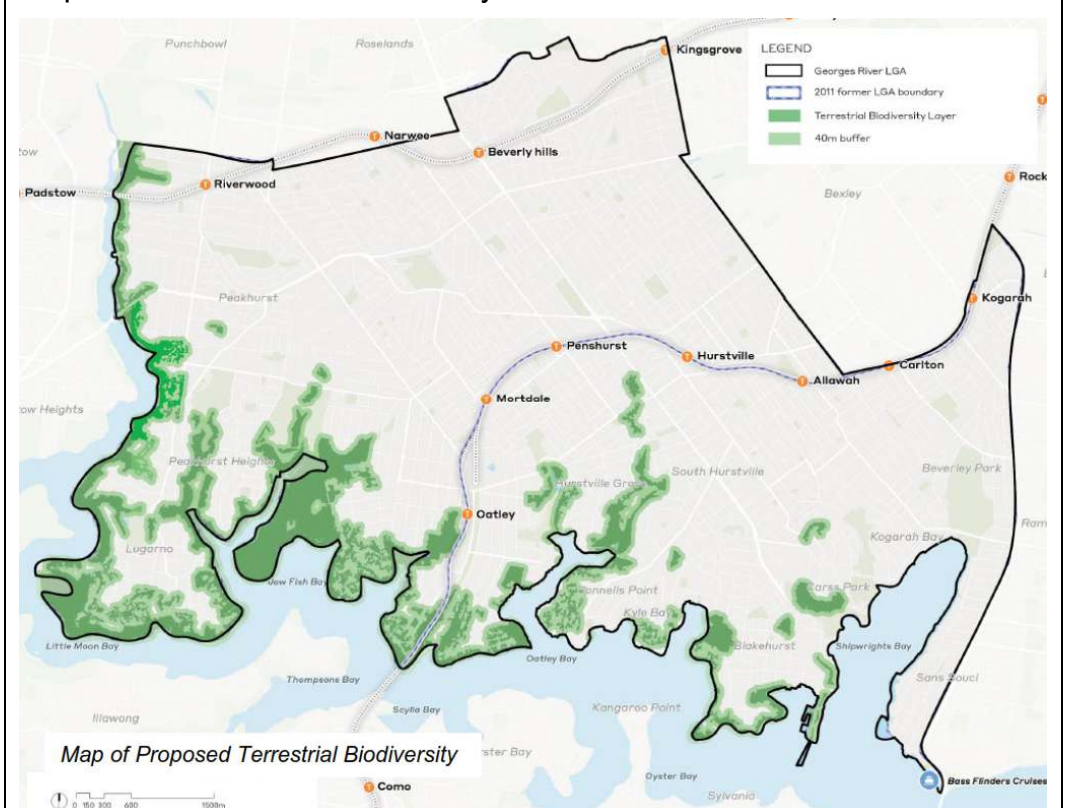
**BIODIVERSITY AND CHARACTER PLANNING PROPOSAL**

112. The required planning proposal, known as the Biodiversity and Character Planning Proposal, will be prepared with the intent of implementing the recommendations of the Biodiversity Study and Foreshore Study in accordance with the approval conditions of the *Local Housing Strategy*.

113. It will be comprised of components which were placed on community consultation as well as the post-consultation amendments as outlined in the above headings of this Report.

114. In summary, the Biodiversity and Character Planning Proposal to amend the GRLEP will include the following components as outlined in **Table 7** below:

**Table 7 – Components of the Biodiversity and Character Planning Proposal**

Description of Proposed Control	Map Affected Area (if applicable)
<p><b>Biodiversity</b></p> <p>Introduce new terrestrial biodiversity planning provision and mapping overlay in the LEP to preserve and protect areas of moderate and high biodiversity values.</p>	<p>Map of new terrestrial biodiversity in GRLEP</p>  <p>The map displays the geographical layout of the Georges River Local Government Area (LGA). A blue dashed line indicates the 2011 former LGA boundary. A solid black line represents the current Georges River LGA. A green shaded area, labeled as the 'Terrestrial Biodiversity Layer', is overlaid on the map, with a 40m buffer zone around it. Numerous suburbs are labeled, including Punchbowl, Roselands, Kingsgrove, Narwee, Beverly hills, Riverwood, Padstow, Peakhurst, Mortdale, Penshurst, Hurstville, Allawah, Carlton, Kogarah, Rock, Bexley, Kogarah, Beverley Park, Ram, Oatley, Hurstville Green, South Hurstville, Kogarah Bay, Carrs Park, Shipwrights Bay, Sans Souci, Bass Finders Cruises, Sylvania, Oyster Bay, Kangaroo Point, Como, Scyfa Bay, Thompsons Bay, Little Moon Bay, Lugarno, Peakhurst Heights, New Fish Bay, and Oatley Bay. A legend in the top right corner defines the symbols used. A scale bar at the bottom left shows distances up to 1000m.</p>



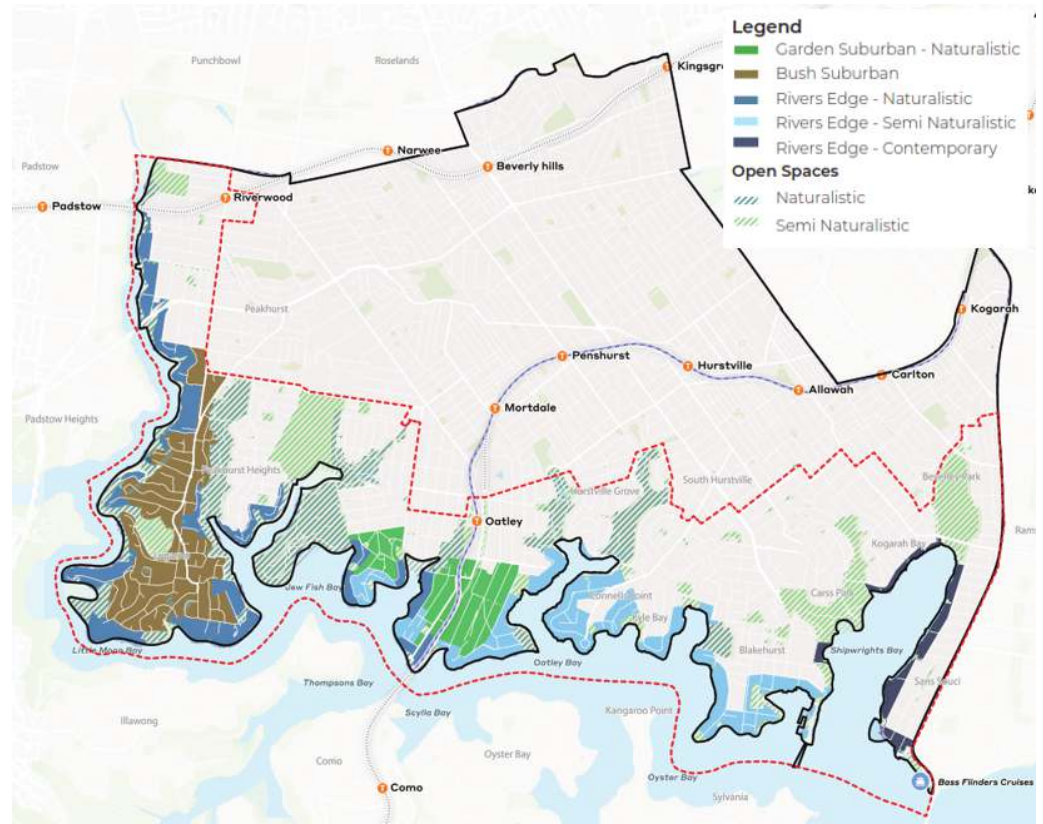
**Description of Proposed Control**

**Map Affected Area (if applicable)**

**Local Character Area**

Introduce new local character planning provision and mapping overlay in the LEP to provide statutory protection to the proposed UCA.

Map of new local character areas in GRLEP



**Foreshore Scenic Protection Area**

Amend the existing FSPA planning provision and mapped extent in the LEP to ensure the role of the FSPA focuses on foreshore scenic character.

Map of proposed FSPA vs existing FSPA in GRLEP



**Description of Proposed Control**

**Map Affected Area (if applicable)**

**Lot Size - land no longer in FSPA**

Retain existing lot size requirements in the LEP within areas removed from the existing FSPA as follows:

- Subdivision lot size: 700sqm
- Dual occupancy lot size: 1,000sqm

**Lot Size - land added to FSPA**

Increase lot size requirements in the LEP for areas proposed to be added to the proposed FSPA and/or UCA as follows:

- Increase subdivision lot size from 450sqm to 700sqm
- Increase dual occupancy lot size from 650sqm to 1,000sqm

Location of all areas with larger lot size requirements in GRLEP (700sqm subdivision and 1,000sqm dual occupancy)



**Floor Space Ratio**

Reduce the maximum permissible FSR for R2-zoned land located within the existing FSPA, proposed FSPA and the proposed UCA from 0.55:1 for dwelling houses and 0.6:1 for dual occupancies to 0.5:1 for all development typologies.

Refer map above (or **Figure 4**) for the location of all areas with reduced FSR in the GRLEP.

**Landscaping**

- Amend the landscaped area planning provisions in the LEP through the insertion of new objectives to:
  - Protect, maintain and improve the diversity and condition of native vegetation and habitats across the Local Government Area (LGA),
  - Encourage the recovery of threatened species and their communities, populations and habitats across the LGA, and
  - Retain and strengthen the green and leafy character of the LGA, including trees in the



**Description of Proposed Control**

**Map Affected Area (if applicable)**

private domain that contribute to local character and visual amenity,

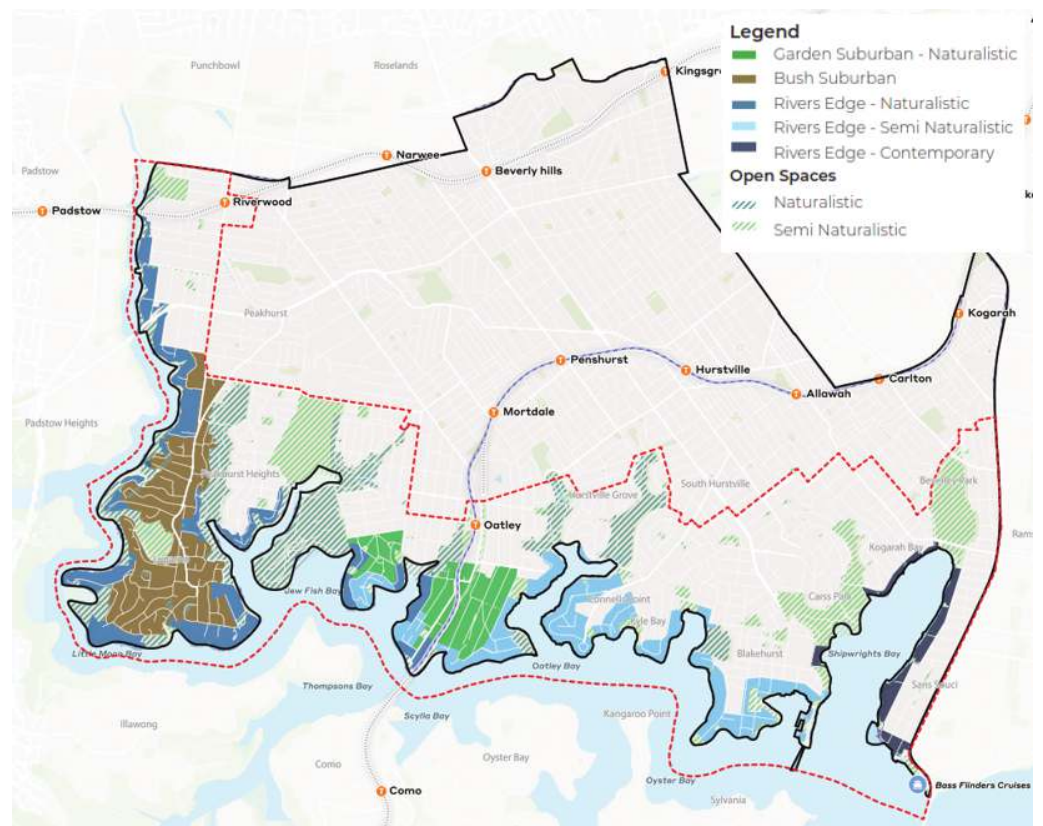
- Increase the minimum landscaped area requirement for dwelling houses and dual occupancies by 5% to 30% and 35% respectively for low density land located within the existing FSPA, proposed FSPA and the proposed UCA, and
- Introduce minimum 20% landscaped area requirement for multi dwelling house, terraces and manor houses in response to the NSW Government’s Low and Mid-Rise Housing Reform.

Refer map above (or **Figure 4**) for the location of all areas with increased landscaped area in the GRLEP.

**Exclusion from Complying Development**

Request DPHI to exclude the application of the *Low Rise Housing Diversity Code* from the proposed FSPA and proposed UCA to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the Development Application process.

Map of areas where Council will be seeking an exclusion from Complying Development



115. The anticipated project timeline for preparation of the Planning Proposal is shown below in **Table 8**:

**Table 8 – Anticipated Planning Proposal Timeline**

<b>Task</b>	<b>Anticipated Timeframe</b>
Prepare Biodiversity and Character Planning Proposal	March to May 2024
Referral to LPP in accordance with S9.1 Ministerial Directions	June 2024
Report to Council on Planning Proposal seeking endorsement to forward Planning Proposal for a Gateway Determination	July 2024
Planning Proposal to be forwarded to the DPHI for a Gateway Determination	July 2024

<b>Task</b>	<b>Anticipated Timeframe</b>
Anticipated commencement date (date of Gateway Determination)	September 2024
Timeframe for public exhibition (including both government agency and community consultation as required by Gateway Determination)	October-November 2024
Timeframe for consideration of submissions	December 2024
Report to Council on community consultation and finalisation	February 2025
Submission to the Department to finalise the Biodiversity and Character Planning Proposal as an amendment to the GRLEP 2021	February 2025

116. Amendments to the GRDCP 2021 will also be prepared to support the proposed amendments to GRLEP 2021. This will be the subject of a separate process which is anticipated to be reported to council following the receipt of a Gateway Determination from the DPHI.

117. The amendments to the GRDCP will include:

- Replacing the existing Green Web control with a series of Green Corridors (see **Figure 9** below) across the LGA to protect existing habitat corridors and facilitate more opportunities for creating a corridor where there is little existing vegetation,
- Introducing detailed character statements and tailored provisions to ensure new developments will have the desired characteristics of the respective UCA, and
- Introducing provisions to further enhance the protection of the foreshore scenic character.

**Figure 9 – Map of proposed Green Corridor in GRDCP 2021****FINANCIAL IMPLICATIONS**

118. Within budget allocation.

**RISK IMPLICATIONS**

119. No risks identified.

**COMMUNITY ENGAGEMENT**

120. Pre-exhibition community consultation was conducted as outlined in the **Pre-exhibition Community Consultation** section of this Report.

121. Should the Biodiversity and Character Planning Proposal be supported, it will be forwarded to the DPHI requesting a Gateway Determination to proceed to formal public exhibition.

122. Formal public exhibition of the Biodiversity and Character Planning Proposal will be undertaken in accordance with the conditions of the Gateway Determination and with the provisions of the *Environmental Planning and Assessment Act 1979* and its *Regulation 2000*.

**FILE REFERENCE**

D23/279881

**ATTACHMENTS**

- |              |   |
|--------------|---|
| Attachment 1 | Community Consultation Summary Report - <i>published in separate document</i>                             |
| Attachment 2 | Summary of Submissions - <i>published in separate document</i>  |
| Attachment 3 | Letter of Approval from DPHI for Council's Local Housing Strategy - <i>published in separate document</i> |
| Attachment 4 | Foreshore Scenic Character Study with Revised FSPA Extent dated June                                      |

2023 - *published in separate document*

Attachment 5

Site Survey Matrix - *published in separate document*