

Georges River Environmental Alliance



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To: The General Manager, The Mayor, Councillors and Staff, Georges River Council.

Submission to Georges River LEP 2020 - SF20/881

Submission prepared by:

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Secretary, Georges River Environmental Alliance.

I/We do not make political donations or gifts and have no objection to our submission being public document.

S. 1 Objection

The Georges River Environmental Alliance is a network of individuals and groups with a commitment to environmental quality and liveability throughout the Georges River catchment, and has both an interest and representation among the residents of the Georges River Council (GRC) Local Government Area (LGA). This objection is made on their behalf.

We object to the proposal that approximately 2,380 properties be removed from the proposed Foreshore Scenic Protection Area (FSPA), from Oatley in a westerly direction to Lugarno, and to the inadequate soft landscaping provisions for both the FSPA and R2 zones in the Georges River LGA. We support the addition of 1, 297 properties to the FSPA as Proposed.

In **Section 2** of the submission following, we outline our **Recommendations**, that reflect a desire to find a satisfactory and constructive alternative proposition that will better reflect environmentally sound outcomes and greater liveability for residents of this LGA now and into the future.

In **Section 3**, we outline the manner in which the **LEP and the Planning Proposal** are flawed and fail in terms of **Statutory requirements and community expectations**.

In this section also we provide the **substantive arguments in support of our recommendations**.

S.2 Recommendations

Recommendation One

That GRC abandons its proposal to remove properties from the FSPA, so as to continue to include ridgetop vegetation and significant remnant native trees that form habitat and movement corridors for significant and threatened fauna, or rezone the FSPA to E3 or E4, to retain effectively the same protection.

Recommendation Two

The LEP needs amendment to consider the landslip hazard and risk, and represent it in another mapping layer, and in an LEP clause that reflects the risk and standards for human safe and environmentally sensitive management. That may involve the imposition of zones of undevelopable land on such sites, or placing the onus on the developer to choose the building footprint of least impact, and require that softer slope stability measures (ie the protection and re-instating of natural features) be mandated.

Recommendation Three

The 2014 Hurstville LEP recognised implicitly the importance of maintaining a low density FSPA buffer zone around creek lines and waterways to maximize infiltration rather than runoff. This justifies the retention for the FSPA as it exists around them. Also there needs to be a strengthening of development controls, so as to require a 40% soft landscaping standard, so as to maximise the slowing and filtering of stormwater.

Recommendation Four

The context here is the lack of control that GRC has over the delivery of Sewerage Infrastructure, the lack of any assurances from Sydney Water that system upgrades can manage the cumulative, rather than the incremental loads on a D/A by D/A basis, the high frequency of overflows around Lime Kiln Bay and Myles Dunphy Reserves, and the nearness of Jewfish Bay baths. We thus recommend GRC do not proceed with property removal from the FSPA nor reduced lots sizes in these vicinities, in order to avoid increased pressure on the system.

Recommendation Five

In order to protect biodiversity on private land, properties that are within the current FSPA remain, rather than be removed (as proposed) between Oatley and Lugarno, where canopy cover on private land is arguably greatest. (re-iterates Recommendation One)

Recommendation Six

Re-set development controls, but also incentives to keep trees on private properties rather than resort to off-set plantings elsewhere, in order to support biodiversity across the landscape and also to mitigate the heat island effect more equitably across suburban areas. Again, pursue in the LEP the target of 40% soft landscaping in the FSPA and R2 zone to achieve this. (re-iterates Recommendation Four)

Recommendation Seven

Biodiversity mapping and an Environmental Strategy be prioritised, and done before any other LEP changes or Strategies are finalised.

Recommendation Eight

Redraw the boundaries of the FSPA to better reflect the viewsheds as defined by the Strategic Directions Paper Figure 31 (Ethos Urban) and to largely reflect the status quo in terms of the extent of the FSPA in the old Hurstville LGA. Extend the FSPA into Kogarah as proposed and with extra properties added on the ridgetops where bushland occurs.

Recommendation Nine

Council explores urban renewal and density possibilities in areas that will benefit from revitalisation, rather than 'damage' foreshore areas.

Council looks at ways of extending foreshore access through arrangements made on the National Trust listed estate 'Glenlee' and keeping Jubilee/Kogarah Park in a manner consistent with its past historical and cultural character.

Recommendation 10

In the interests of reputation management, Council should evaluate its performance around the LEP process in terms of community trust and organisational transparency.

S.3 Failure of the draft Georges River Council LEP to meet statutory requirements, community expectations and substantive arguments in support of our Recommendations

S.3.1 Statutory Guideline in accordance with S.3.33(3) of the EP&A Act

The GRC Planning Proposal (underpinning the draft LEP) fails to address key elements outlined by the Statutory guideline in accordance with Section 3.33(3) of the EP&A Act, (NSW Planning and Environment: Planning Proposals: A guide to preparing planning proposal.)

In terms of Part 3-justification, it is required that;

“As a minimum, a Planning proposal before a Gateway determination has been issued must identify relevant environmental, social, economic and other site-specific considerations (pp. 9-10)

It is disturbing that in terms of environmental factors the draft LEP has failed to recognise or ignored the outstanding natural values of the LGA, valued by the community and recognised otherwise by the NSW government.

In relation to Fauna: The Department of Environment and Climate Change (formerly OEH and now the Department of Planning, Industry and Environment, DPIE) in a report in 2008 *“Rapid*

Fauna Habitat Assessment of the Sydney Metropolitan Catchment Management Authority Area” identified the lower Georges River estuary and surrounds, including the Lugarno to Oatley stretch of the river within this LGA had the highest fauna values for the whole Georges River catchment area, in line with those of the Royal National Park, Towra Point Nature Reserve and Dharawal National Park. The DPIE Bionet Atlas of NSW Wildlife records an astounding 203 species of native animals are known to occur in the LGA, 25 of those are threatened species listed under the NSW *Biodiversity Conservation Act 2016* and the Commonwealth *Environment Protection and Biodiversity Conservation Act (1999)* (Table 1). At least 10 of those species have been recently confirmed by sightings. These threatened species are carefully monitored and loved by dedicated local naturalists, who are acutely aware of how special it is to have within this LGA, a local suburban landscape that has allowed people and threatened species to live in relative harmony, until now.

In relation to Flora: Local vegetation has been mapped by the Office of Environment and Heritage (now included in the Department of Planning, Industry and Environment) and published as maps in GIS layers and in its report in 2013 *“The Native Vegetation of the Sydney Metropolitan Area, Volumes 1 and 2”* which is readily available on their website. This report identified 373 hectares (ha)(Maps 1-4) (Table 2) of native vegetation remnants and a further 309 ha of street and garden trees, much of which are surviving native trees, especially in the suburbs of Oatley, Peakhurst and Lugarno. Twenty-one different vegetation communities were identified of which ten communities are considered part of listed Threatened Ecological Communities under the NSW *Biodiversity Conservation Act 2016* (Table 2, Maps 1-4). Council has not acknowledged or provided any information on the presence of these Threatened Ecological Communities or how the new LEP 2020 will impact on the survival of these vegetation communities.

Section C of the guidelines sets out Question 7, which is;

‘Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?’ (p.15)

It is exceptionally disturbing that the Planning Proposal quire erroneously responds that *“This Planning Proposal will not adversely affect critical habitat, threatened species, populations or ecological communities or their habitats.” (p.67)*

Such a statement is demonstrable nonsense. It is not sufficient to conserve the habitats of the aforementioned threatened fauna species and ecological communities within the public bushland reserves alone. Their presence and abundance depend on significant stands of vegetation that are also on private allotments, along ridgelines and foreshores but also within the current bushy and garden suburban matrix, either unassessed or ignored by GRC in the preparation of this Planning Proposal. As evidence see attached map of the threatened species, the Powerful owl, with its dispersed distribution.

The removal of more than 2,000 lots from the relatively well vegetated FSPA and the corresponding reduction in lot size, will lead to an overall reduction in the space for tree

retention and soft landscaping, will inevitably require the clearing of large canopy trees, that provide the foraging and nesting habitat of some of these threatened species, and the corridors of these are the essential linking conduits enabling the movement and migration of species from one reserve to another. In particular are the large trees with essential nesting hollows for many species, their continued survival depends on large suburban gardens as they have a considerable canopy spread, and thus are entirely incompatible with the 20% landscaping criterion applied for a dual occupancy which will enable 2 dwellings on sites as small as 650m.

In terms of the standard of evidence and investigation, GRC has fallen short of another reasonable benchmark, reached by other councils undergoing this same LEP process. The draft GRC LEP has failed to provide within Appendix 7 a Map of biodiversity. Other councils within, within the Georges River catchment, also preparing their draft LEPs and include such a map. Neighbouring Bayside, have mapped Biodiversity, thus recognising it is both a significant value that provides an area and its residents value, and that is also can be viewed as a constraint or consideration when determining land use at the strategic LEP stage. Campbelltown Council, part of the Georges River headwaters, has also recognised the important baseline that biodiversity represents, as both an opportunity and a constraint, and have also mapped it. The Hills Council demonstrated best practise by developing an Environmental Strategy, in support of the Local Strategic Planning Statement, that specifically recognises threatened species:https://www.thehills.nsw.gov.au/files/sharedassets/public/ecm-website-documents/page-documents/building/plans-guidelines/environment_strategy.pdf

Recommendation One

That GRC abandons its proposal to remove properties from the FSPA, so as to continue to include ridgetop vegetation and significant remnant native trees that form habitat and movement corridors, or rezone the FSPA to E3 or E4, to retain effectively the same protection.

The guidelines also pose as Question 8:

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed? Further it states that ‘natural hazards’ like these ‘flooding, landslip, bushfire hazard and the like’ be addressed in the planning proposal (p.16)

In response GRC has addressed Acid Sulphate soils, Earthworks, Flood Planning and Foreshore Area and coastal hazards and risks, and Riparian Land and watercourses within these respective clauses 6.1, 6.2, 6.3, 6.5, 6.6. GREA commends the inclusion of these clauses, but has reservations about some aspects of them.

For example, the **Earthworks clause** (6.2) allows minor earthworks without consent defining what minor is. Furthermore, it proposes the adoption of the standard achieved in the Kogarah LEP 2012, when this clause has demonstrably not prevented disfiguring foreshore impacts, directly at odds with the maintenance of both visual amenity and ecological functions, as demonstrated by the example in Figure 1. Here is a building site with approved earthworks

involving extensive cut and fill, also as circled, occurring presumably right down to the high-water mark of the river.

Figure 1



This Planning Proposal, has designated in clause 6.6 that that land within the 40-metre buffer zone to the river has been identified as 'sensitive lands', that is below the Foreshore Building Line, and the Planning Proposal makes the statement that the development within it must be designed to avoid adverse environmental impacts. This is a position we regard as not sufficiently protective of ecological processes, this clause should emphasise that the default position is that any development is highly undesirable, if not prohibited, and should be the exception rather than the rule. The onus on the developer/resident should be to prove that the low scale proposed development (ie jetty/access stairs and small boatsheds) will not require earthworks that disturb trees and in situ rock features.

Many unsightly, overscale and unjustified developments are visible along the waterfront on what is classified of what is sensitive land within this zone. The current provisions are apparently inadequate, and we are convinced that what appears in the LEP2020 will not improve matters.

What is not specifically addressed in any of the abovementioned clauses are the **related issues of slope instability, manifest as erosion and landslip**, and the level of risk these hazards present to the built form, human safety, ecological processes and the scenic character of the

river foreshores. With climate change the scenario is likely that in the future an increase in the intensity and frequency of storm and runoff events this risk will increase.

We maintain that the risks could be so great in instances that some steep parts of foreshore properties should be flagged as potentially undevelopable, particularly when they fall within the supposed 40 metre buffer to the river defined by the FBL. The proposed Council LEP does not consider such risks.

Case Study of Slope, Erosion and Landslip risk, Jewfish Pt within the viewshed of Oatley Park.

On the west facing 14 Marine Drive, Oatley the average angle of slope across the east-west axis has been measured as 35 degrees, with the steepest parts being a number of near vertical boulder faces on the up-slope. Near to the foreshore the slope is severe and rocky with layers of sand and clay-like materials. There is a small garage at the eastern extremity, a small house down the slope and a boatshed. Each of these positions reflect the most developable footprints. During a severe storm in the 1990's, a landslide occurred on this property that demolished the back wall of the boatshed and filled it with soil and rubble. Otherwise stability is achieved through a dense vegetated cover.

On 2 properties either side, (but not the adjoining ones) recent earthworks and vegetation clearance have occurred. Subsequently the recognition of a severe landslip risk, just above an existing boatshed and the intended site of another, hard rock retaining walls and gabion baskets have been installed, that are totally out of character with the semi naturalistic headland overall, and seriously contradicting of the objectives of the FSPA. See Figures 2 and 3, that demonstrates both the slippery slopes, unstable rocks and the gabion wall solution, at odds with a 'naturalistic' headland context.

Figure Two



Figure 3



The proposed LEP does not include a strong enough clause to ensure built asset and human safety and an environmentally sensitive management response to landslip and erosion risks.

Recommendation Two

The LEP needs amendment to consider the landslip hazard and risk, and represent it in another mapping layer, and in an LEP clause that reflects the risk and standards for its human safe and environmentally sensitive management. That may involve the imposition of zones of undevelopable land on such sites, or placing the onus on the developer to choose the building footprint of least impact, and require that softer slope stability measures (ie the protection and re-instating of natural features) be mandated.

The State Planning Proposal guidelines also requires, via Question 10, the issue of whether infrastructure adequacy is addressed.

GREA will limits its comments to matter of infrastructure to waste water impacts

In regard to stormwater

This proposal to remove more than 2000 from the FSPA from Oatley to Lugarno, will enable greater dwelling density on smaller lots sizes. This poses an exacerbated risk to water quality

and ecological integrity of the Georges River, and is a particular threat to the community swimming asset of Jewfish Bay baths. Increased dwelling density and hard cover will increase the volumes and velocities of polluted urban runoff, particularly impacting on the tributaries of Dairy Ck-Lime Kiln Bay wetlands and the creek lines of Myles Dunphy Reserve, that drain into the George's River. These have already been recognised as poor in both ecological function and water quality performance. (Georges Riverkeeper, Report Card, 2017-18

<https://georgesriver.org.au/resources/georges-river-health-report-card-2017-2018>. The increasing urban runoff crisis in these receiving waterways is described in academic literature, for the Georges River and is exacerbated by increasing hardcover <http://www.ecosmagazine.com/?paper=EC12187>, https://www.researchgate.net/publication/277683501_The_influence_of_concrete_on_the_geochemical_qualities_of_urban_streamshttps://www.researchgate.net/publication/286331354_Ecosystem_Guidelines_for_the_Conservation_of_Aquatic_Ecosystems_of_the_Georges_River_Catchment_A_Method_Applicable_to_the_Sydney_Basin

The existing stormwater management regime of GRC has failed to manage water quality and stream amenity issues. The older style suburban development with 40-50% soft landscape cover was and is, less of a stream risk. Yet council has endorsed the modern urban renewal trend with only a 20-25% soft landscaping cover and thus exacerbated the current local waterway crisis. There is strong and well-grounded community sentiment that this is unacceptable, and an understanding that stream health and amenity will get worse in the future as a result of the council's dual occupancy push into the sub-catchments of these creek lines. These are particularly sensitive creek lines that spill into the back of Lime Kiln and Oatley Bays that cannot rely on strong tidal flushing, so pollution incidents can hang around for a long time.

GREA welcomes the intended LEP inclusion of the Clause 6.4 Stormwater Management, (GRC, Planning Proposal, p.54) particularly with its emphasis on 'on-site infiltration of water". This is overwhelmingly the best strategy the council could implement. However, this measure is entirely contradicted by the council proposal to reduce lot size and require only 20% of soft landscaping per dwelling or dual occupancy. The continued pursuit of this inadequate soft cover target, will overwhelm any other strategies, and thus, and thus the 20% rule will worsen not improve the stormwater runoff metrics.

Recommendation Three

The 2014 Hurstville LEP recognised implicitly the importance of maintaining a low density FSPA buffer zone around creek lines and waterways to maximize infiltration rather than runoff. This justifies the retention for the FSPA as it exists around them. Also there needs to be a strengthening of development controls, so as to require a 40% soft landscaping standard, so as to maximise the slowing and filtering of stormwater.

Sewerage

In the IPART inquiry of 2019 Sydney water, reported in terms of capital expenditure a particular funding preoccupation with the delivery of drinking water supplies to the new growth areas of the Greater Sydney south west urban fringe. Their report reflected their failure to manage sewer leaks, chokes and wet weather overflows, and noted the EPA expressed the perception of a low expenditure on these matters since 2012 by Sydney Water. (Sydney Water, Keeping Sydney liveable, productive and thriving for a sustainable future, Nov2019, p.8

<https://www.ipart.nsw.gov.au/files/sharedassets/website/shared-files/pricing-reviews-water-services-metro-water-prices-for-sydney-water-corporation-from-1-july-2020/legislative-requirements-prices-for-sydney-water-corporation-from-1-july-2020/sydney-water-pricing-proposal.pdf>)

Local residents and the local Streamwatch monitoring program, have noted the increased frequency of both wet weather and highly polluting dry weather overflow events as well, in both Myles Dunphy and Dairy Creeks. Council can claim it has no control and it's not to blame for the frequency and severity of sewer overflows, as they don't own the sewers. However, should dwelling density and population increase result from deliberate council policies, like this 2020 increasing density plan, this will put more pressure on this ailing system. So, in this sense council will be increasingly complicit in the cause of increased sewer overflow impacts. In response to an email query (S. Cullis, 22/05/20) Council demonstrated no strategic overview of cumulative impacts, but made a lame comment, they would assess infrastructure demands at each DA level.

Recommendation Four

The context here is the lack of control that GRC has over the delivery of Sewerage Infrastructure, the lack of any assurances from Sydney Water that system upgrades can manage the cumulative, rather than the incremental loads on a D/A by D/A basis, the high frequency of overflows around Lime Kiln Bay and Myles Dunphy Reserves, and the nearness of Jewfish Bay baths. We thus recommend GRC do not proceed with property removal from the FSPA nor reduced lot sizes in these vicinities, in order to avoid increased pressure on the system.

S. 3.2 Failure to meet the requirements of other statutory instruments: SEPPs.

State Environmental Planning (SEPP) No. 19-Bushland in Urban Areas & SEPP -Vegetation in Non-Rural Areas

We challenge the Georges River Council claims that they will achieve protection and enhancement of the tree canopy and biodiversity through Clause 6.7. It states it will seek "to protect, maintain and improve the scenic amenity, significant views, diversity and condition of the native vegetation and habitats." However, their intention to add 1,297 properties in the old Kogarah LGA to the FSPA, is far in deficit of the 2,380 properties of the old Hurstville LGA they will remove. The net loss in the FSPA is thus 1,083 properties. Many of these properties have dense canopy cover, and when they are subjected to diminished lot size and subdivision, the

retention of the same number large canopy trees will be incompatible with the increased number and density of dwellings the council is pursuing.

Similarly, the GRC claims that Clause 6.13 with its landscaped requirement of just 20% in residential zones and 25% in the FSPA ensures vegetation, biodiversity and tree canopy is retained. This is the current norm which is leading to loss in all those qualities as contemporary re-development involves both a bigger built footprint and more hardstand, than the earlier settlement pattern. In order to retain the status quo, in terms of canopy a landscaping of 40% would be far more likely to achieve the target

The combined effect of a smaller lots, the mushrooming of dual occupancies, plus the effect of just a 20% soft landscaping requirement can be shown with this actual case study below;

Jewfish Point Dual Occupancy Potential Case Study.

This property marked with a red spot (Figure Four), on Marine Drive on Jewfish Point headland is currently within the FSPA, as are all the properties on this headland, and has recently traded.

Figure Four



If the LEP2020 proceeds, the only properties retained within the FSPA will be the strip on immediate waterfront. All others, on the landward side of the waterfront properties, will be taken out, including this one. Based on a confined headland extent, bounded by Marine Drive, Lansdowne Pde, Burke St and Freeman Ave, our estimation is that approximately 50% of the blocks (around 70) will be zoned out, and many are developable as dual occupancy sites.

This property is 765sqm in size and would accommodate a dual occupancy. The current house is small, within the soft scaped garden occupying more than 50% of site leaving ample space for a thick tree canopy. Figures Five and Six record most of the 10 canopy trees, 9 of which are indigenous trees, and a diversity of palms and medium to large shrubs. Many neighbouring blocks also are heavily vegetated, and also developable as dual occupancies. At the moment these bush gardens provide rich resources and a safe movement corridor, for wildlife including the threatened species, the Powerful owl. Dual occupancy with only 20% soft landscaping on this site, would require the decimation of this tree canopy, and that impact could be multiplied across the whole of this headland, and arguably occur across the landscape from Oatley to Lugarno, as a result of more than 2,000 properties to be removed from the FSPA.

The GRC argument that biodiversity and tree canopy can be retained, post removal from the FSPA, is a nonsense. Tree replacement of the equivalent number of indigenous habitat species is impossible on a paltry 20% of each of these sites. Off-set plantings elsewhere public land is not 'like-for like' and does not maintain the interlinked and dispersed habitat corridors needed for biodiversity across the landscape.

By the way, a visual assessment of the Jewfish Pt headland and hinterland, reveals it has the same visual qualities and bushland cover as the Lugarno Headland and its hinterland. It is inexplicable and must be a failing of the methodology of the Councils Foreshore study, that this was not recognised, and consequently Lugarno remained in, and Jewfish Pt was taken out of the FSPA. (Ethos Urban, Georges River Strategic Directions Paper)

Figure Five



Figure Six



It is an irony that tree canopy cover is observably greatest on both public and private land, in precisely the area where GRC intends to remove properties from the FSPA and thus reduce bushland protection.

Recommendation Five

In order to protect biodiversity on private land, properties that are within the current FSPA remain rather than be removed (as proposed) between Oatley and Lugarno, where canopy cover on private land is arguably greatest.

S. 3. 3 Inconsistent with the Greater Sydney Commission (GSC) Objectives

Objective 27, of the GSC Regional Plan (p.23) states "Biodiversity (should be) protected, urban bushland and remnant vegetation (should be) enhanced". Council has erroneously claimed: "This Planning Proposal will not adversely affect critical habitat, threatened species, populations or ecological communities or their habitats". (GRC, Planning Proposal, p. 67

<https://yoursay.georgesriver.nsw.gov.au/53819/widgets/279858/documents/136697>

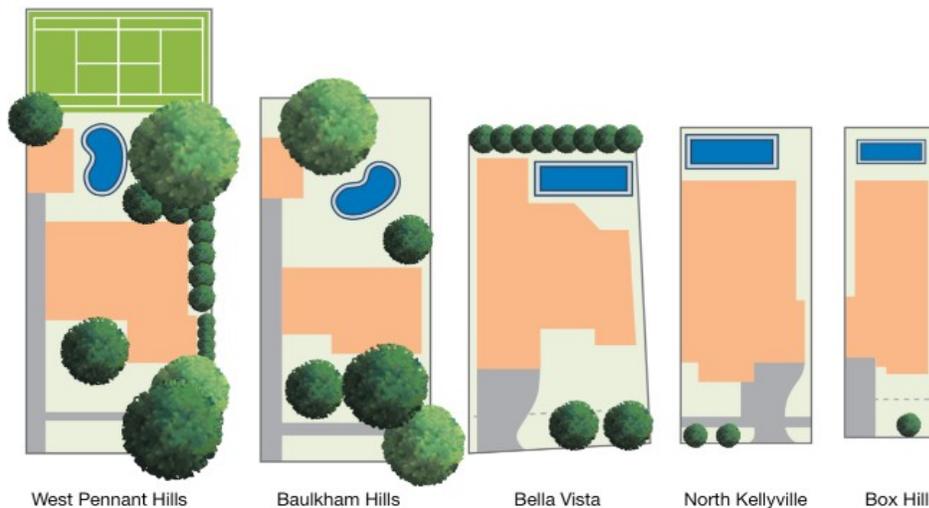
Sections 3.1 and 3.2 of this Georges River Environmental Alliance (GREA) submission have already presented ample evidence of the rich biodiversity and the presence of threatened species and ecological communities in the area, subject to the reduction of properties in the FSPA and the dire threat this poses.

Objective 28, of the GSC highlights the importance of protecting "Scenic and cultural landscapes", and GREA will vigorously argue that the iconic scenic values of the Georges River bushland foreshores are severely threatened by this LEP 2020, but to avoid repetition, will defer that discussion until Sections 3.3.4 and 3.3.5 below,

Objective 30 of the GSC Plan determines that the Urban Tree Cover (should be increased) yet our evidence is that Council proposal will diminish it. The GSC has noted in a district report, https://gsc-public-1.s3.amazonaws.com/s3fs-public/south_district_plan_implementation_report.pdf, that GRC had only 20% tree canopy cover as a baseline in 2016. GRC has tried inappropriately to include mangrove forests (actually aquatic rather than terrestrial vegetation) in their calculation to conflate this figure, (GRC, Tree Management Policy, 2019). The removal of the dispersed spread of canopy trees throughout the suburban matrix is to be rapidly exacerbated by the proposal to remove more than 2,000 properties from the FSPA in what is known to be the leafiest suburbs of the Local Government Area, and this is not acceptable. Trees must remain integrated tightly into streetscapes and on private land in order to provide amelioration from the heat island effect. Wherever possible large canopy tree species should be chosen as street trees, and this is not occurring at the moment. It is not an appropriate strategy to approve tree removal in this context, and claim that mass plantings into public parks, (financed through bio-certification and offsets paid for by developers), somehow compensates. Cramming trees into ecologically functioning forests may upset the balance, and does nothing to cool and shade exposed urban heat islands created by widespread clearing associated with increased densities and heat generating hardscapes. The Hills council, in developing their LEP (2020) did an Environmental Strategy first, and has provided this excellent model of the impact on the urban tree canopy with increasingly smaller lots, less landscaped areas and denser dwelling patterns. (Figure Seven) GRC should learn from this example.

Figure Seven: Extract from The Environment Strategy, p. 35

https://www.thehills.nsw.gov.au/files/sharedassets/public/ecm-website-documents/page-documents/building/plans-guidelines/environment_strategy.pdf



Recommendation Six

Re-set development controls, but also incentives to keep trees on private properties rather than resort to off-set plantings elsewhere, in order to support biodiversity across the landscape and also to mitigate the heat island effect more equitably across suburban areas. Again, pursue in the LEP the target of 40% soft landscaping in the FSPA and R2 zone to achieve this.

S. 3. 4 Failure to achieve Consistency with Georges River Local Strategic Planning Statement (February 2020)

http://www.georgesriver.nsw.gov.au/StGeorge/media/Documents/Development/Strategic%20Planning/LSPS_revised-FEB-2020-FINAL-WEB.pdf

With regards to **Priority 16**, with a focus on Waterways, **Key Action A84** explicitly commits to this in the short term: 'Expand the Foreshore Scenic Protection Area (FSPA) across the LGA through Councils LEP 2020.

However rather than expand the FSPA, the Council will contract it, as it intends to add only 1, 297 properties in the old Kogarah LGA, but it will remove approximately 2,380 properties from the old Hurstville LGA. That is a net loss of 1,083 properties.

Priority 17, requires that 'Tree canopy, bushland, landscaped settings and biodiversity is protected', so that should have required that the foreshadowed changes to land use planning within LEP 2020 was underpinned by high quality data and biodiversity mapping. Other councils have demonstrated this as a pre-emptive step towards such protections, and prior evidence of that has been provided. GREA has not attempted to survey widely the approach of other councils, but certainly is aware that The Hills Council have developed an Environmental Strategy ahead of its LEP 2020, Bayside Council, the immediate neighbour of Georges River Council, provided a Biodiversity Map to inform the LEP process as did Campbelltown City Council, at the headwaters of our same river catchment.

It is very unsatisfactory that GRC does not acknowledge biodiversity and especially locally occurring endangered species, when nature in the suburban landscape is such a valued and key defining characteristic of the LGA. Natural values need to be foreshadowed at the LEP stage, rather than just at the individual DA stage. A proper assessment of cumulative impacts of the predicted population and dwelling density changes, must occur holistically at the strategic level.

Recommendation Seven

Biodiversity mapping and an Environmental Strategy be prioritised, and done before any other LEP changes or Strategies are finalised.

S. 3. 5 Failure to achieve its own vision for the FSPA

GRC's Planning Proposal (p.20) defines the aims of the LEP Plan to include (g) to protect, preserve and enhance the natural landform, vegetation and open space, especially foreshores or bushland...' Further it contains a special local provision: which is Clause 6.7 Foreshore Scenic Protection Area:

'This clause seeks to control development within the foreshore area to protect, maintain and improve the scenic amenity, significant views, diversity and condition of native vegetation and habitats, and environmental, social and character values of the Georges River foreshore in line with the overarching principles of this LEP.'

Sadly, the Council response to this is a de-lineation of FSPA that is clumsy, illogical and generalised. It is simply drawn as a narrow strip that hugs an immediate foreshore, often already heavily built, without taking heed of the need to protect the highly visible bushland behind it, and despite its scenic value and its functionality as a continuous wildlife corridor. Figure Eight illustrates this perfectly, a shoreline from the old Kogarah LGA, where the ridgetop trees that give visual relief (circled in yellow), should be encompassed in the FSPA, but council does not intend this at this time.

Figure Eight



In respect to the FSPA, on the western side of Oatley station, the 2014 Hurstville LEP inherently recognised the importance of protecting vegetation on the immediate foreshore, but also that supporting vegetation on the steep slopes behind it, and the important stands of trees framing it, on the headlands and ridgelines. The current GRC is rejecting this past good judgment. Figure Nine, below is a view from Oatley Park, across to the head of Jewfish Bay, at a heavily forested view, which must be maintained. Instead GRC have narrowed the intended FSPA here so as to include the trees on the immediate waterfront, but to exclude all of the circled canopy, because these trees now taken out, are on the landward side of Freeman Ave. That proposal is totally unacceptable and inconsistent with the objectives of the FSPA.

Figure Nine



In terms of the **'harmonisation concept'**, GREA endorses the inclusion of the additional foreshore properties in the old Kogarah LGA, and in this sense supports the control standard being 'harmonised'. However different precincts and localities along the river do require a nuanced approach. In the broadest 'visual' rather than 'control' sense, a harmonised approach is not as significant in the east west direction along the river as it is along the north-south axis. For example, at very prominent vantage points, like Oatley Park lookouts and Como bridge, the visual extent and quality of canopy cover of bushland should be matched when looking at both the northern and southern shorelines because this is what can be seen. Figure Ten below illustrates this with the view from Websters Lookout, the beauty of the view needs to reflect an approach 'in harmony', that is consistency between the controls of the Georges River Council who manage the northern shoreline with those of Sutherland who manage the southern shore-line.

Figure 10



The Foreshore Strategic Directions Paper, commissioned by GRC to inform the LEP, did provide an excellent summary of the viewsheds from the Georges River and elsewhere represented in its own Figure 31. Using this viewshed visibility criteria, would justify huge additions to the FSPA across the LGA. If that is then limited by adding the criteria of bushland present, that would then refine and limit the area. By then considering the water quality sensitivities of the creek lines into both Myles Dunphy Reserve and Lime Kiln Bay, extra low-density suburban blocks interlaced with a bushland canopy providing a creek buffer zone, would also be added to the FSPA. The end result should be re-drawn by the GRC. We predict it would be quite consistent to what was the FSPA extent in the old Hurstville LGA, and require the addition of some ridgetops to what is proposed.

Recommendation Eight

Redraw the boundaries of the FSPA to better reflect the viewsheds as defined by the Strategic Directions, Figure 31 and to largely reflect the status quo in terms of the extent of the FSPA in the old Hurstville LGA. Extend the FSPA into Kogarah as proposed and with extra properties added on the ridgetops where bushland occurs.

S.4 A united Community opposition

Micro-pockets of a particular character, like Oatley West and its surrounds, offer residents a particular housing choice that is quite unique and this should be maintained. Furthermore though, at the heart of the precinct of Oatley West and its surrounds is Oatley Park, which is of wider regional significance, for both recreation and biodiversity, and its continued resilience and values are supported by its context of low density and foreshore protected character.

GREA is aware that there is an overwhelming community objection to the Council plan to remove properties from the FSPA, and urges council to act according to the perceived interests and desires of the community it supposedly represents, by changing its mind on this. We support the submissions to this process by Oatley Flora and Fauna, Friends of Oatley and by Deb Andrew who has made an expert submission based on her career as a practising Zoologist. We also support the submission of Kogarah Residents Association, on wider LGA issues and the redevelopment of Jubilee/Kogarah Park.

In terms of achieving the extra 740 housing lots, that council seeks, there are huge urban renewal opportunities in the Beverley Hills, Narwee, Riverwood and Hurstville town centres. Redesign of these precincts with tougher controls around the nature of high-rise development, could and should create much better street level open space and leafy landscaping for the enhancement of resident liveability.

The Glenlee property at Lugarno, offers a great opportunity to improve access to river foreshores, which then could be linked imaginatively through a network of cycle and walker routes, and this was recently listed for sale. GREA does not support the compulsory acquisition of properties for open space.

Recommendation Nine

Council explores urban renewal and density possibilities in areas that will benefit from revitalisation, rather than 'damage' foreshore areas.

Council looks at ways of extending foreshore access through arrangements made on the National Trust listed estate 'Glenlee' and keeping Jubilee/Kogarah Park in a manner consistent with its past historical and cultural character.

S. 5 Community Consultation

GREA is disappointed that much of the data and mapping released as part of the public consultation is selective and misleading. As an example, Fact Sheet 10 (Foreshores) did not reveal in user friendly ways the true impact of the intended changes to the FSPA. The actual numbers of properties to be added and removed was not included, and there was no spatial calculation of the net loss. (<file:///C:/Users/Owner/Downloads/Fact%20Sheet%2010%20-%20Foreshore-%20WEB.pdf>) This fact sheet does not illustrate transparently how lot size and landscaping provisions differ for the FSPA and the de-fault zone, that is Residential 2 (R2). The

actual figures were only revealed, after a great deal of community pressure via a FAQ on the 15/5/20, which is considered way too late in the consultative process.

The maps that council provides are poor in quality and misleading. Specifically, there is no map in the Foreshore Fact sheet that shows clearly the extent of the area to be removed. The only map included shows the area representing the FSPA (shaded pink). It implies this is all 'the foreshore' ie land. There is no explanation, that it also represents the waterways out to the council boundary. Members of the public could be fooled by this, its misrepresentation does favour the council, insofar as the FSPA it looks far wider than it really is.

Given the outstanding natural values of the area, the failure to provide a Biodiversity Map in Appendix Seven leaves a significant data gap.

It has been disappointing that when extra vegetation maps held by council (Koagarah 2012, Hurstville 2014, Georges River Council 2018) , have been requested by residents, there has been a response that GIPA access is the only alternative.

The webinars have been a frustrating experience.

Recommendation 10

In the interests of reputation management, Council should evaluate its performance around the LEP process in terms of community trust and organisational transparency.