



## Statement of Environmental Effects

Shop Top Housing

108, 112 and 124 Forest Road and 1 and 3 Wright Street, Hurstville

18 December 2020

## ppd | planning consultants

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# 1 Introduction

PPD Planning Consultants has been engaged to prepare this Statement of Environmental Effects (SEE) to accompany a development application for shop top housing at 108, 112 and 124 Forest Road and 1 and 3 Wright Street, Hurstville.

This SEE has been prepared pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979 and Clause 50 of the Environmental Planning and Assessment Regulation 2000.

In preparing the SEE, PPD Planning Consultants has relied upon the adequacy and accuracy of the assessments and advice contained in the reports, plans, diagrams, tables and so forth prepared by consultants engaged to provide necessary specialist advice in their respective fields of expertise.

Particular consideration has also been given to the advice provided in the record of the Pre-Development Application meeting that was held with Council planning staff on 14 July 2020.

This statement should be read in conjunction with the various professional reports and plans submitted with the Development Application (DA).

The DA has been prepared in accordance with Council's requirements for the submission of DAs.

## 2 Project Team

The following project team has been formed to deliver the project:

Architecture	Durbach Block Jagers George El Khouri Architects
Urban Planning	PPD Planning Consultants
Landscaping	TCL Landscape Architecture
Arborist	NSW Trees
Heritage	City Plan
BASIX	Windtech
Section J	Windtech
Traffic	GHD
Acoustic	Koikas Acoustics
Access	Code Performance
BCA	Steve Watson & Partners
Geotechnical	Aargus
Acid Sulfate Soil	Aargus
Contamination	Aargus
Structural	TTW
Civil Works / Water Management	Kozarovski and Partners
Waste Management	MRA Consulting Group
Quantity Surveyor	Altus Group
Construction Management	BuildX
Survey	W. Buxton Pty Ltd



## 3 Context and Site Details

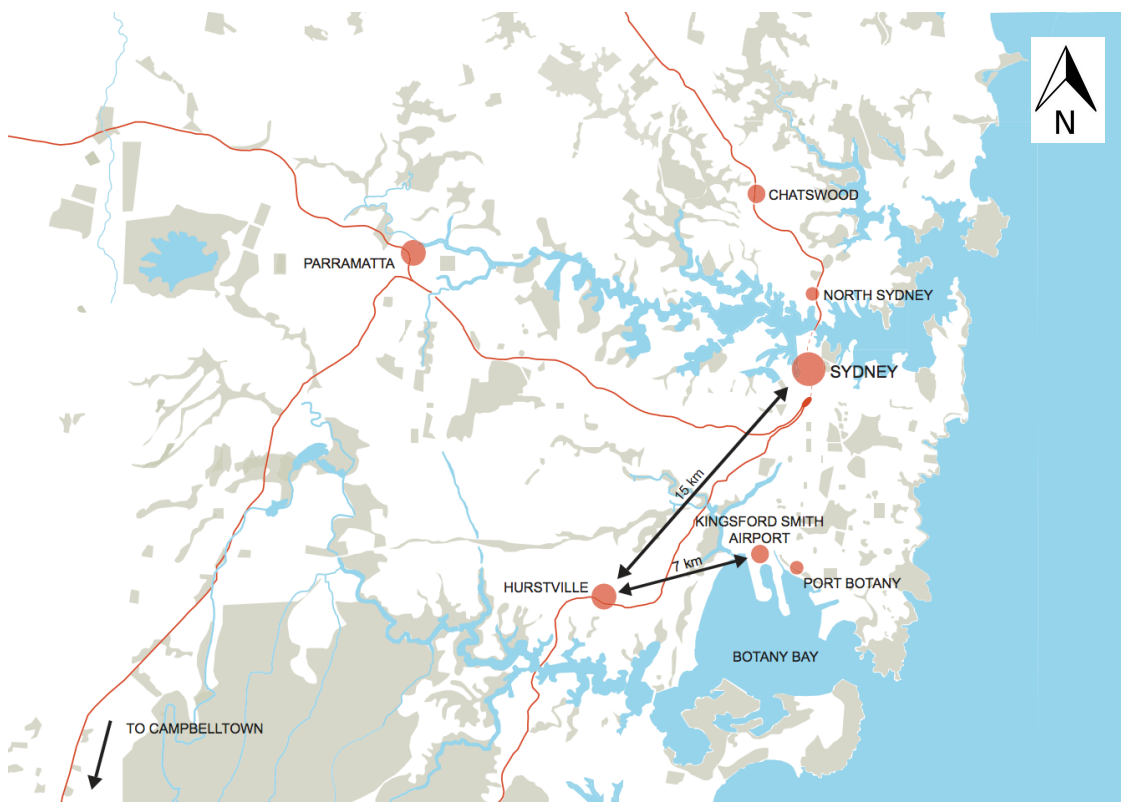
### 3.1 Regional Context

The site is located in the south Sydney suburb of Hurstville in the Georges River Local Government Area (LGA). Hurstville is located 15km southwest of Sydney and is the main regional centre of southern Sydney (refer Figure 1). It sits at the southern end of the global arc that begins at Macquarie University and ranges over the CBD and Sydney Airport to Hurstville.

Hurstville has close access to the M5 and is 7km away from Sydney Airport and Port Botany. Two major railway lines—the Illawarra and the East Hills Lines—transect the area. Hurstville Station is the major hub on the Illawarra Line; all suburban and most interurban trains on the line stop there. The station is 20 minutes from Sydney Central station on the express service. Hurstville is also a major bus interchange location, with high volume services departing from Forest Road and Ormande Parade.

Hurstville contains a broad mix of residential development, including low-density housing, medium-density flats and high-density apartment buildings.

Figure 1. Regional Context



## 3.2 Local Context

Within Hurstville, the subject site sits at the east end of the Hurstville City Centre—on the north side of Forest Road between Wright Street and Hudson Street (refer Figures 2 & 3).

Figure 2. Local Context

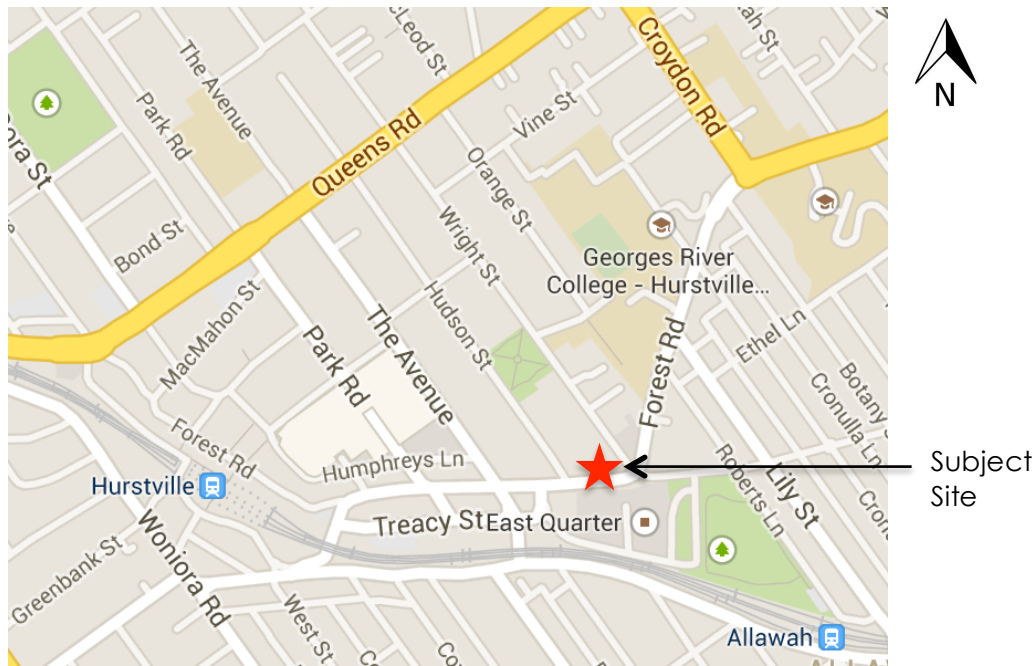


Figure 3. Local Context



The Hurstville City Centre is an elongated east-west shape with the Hurstville Railway Station and retail hub at its centre. Most of the Hurstville City Centre area is located within a 5-minute walk (with the edges of the city centre within a 10-minute walk) from the railway station and major bus route stops.

Forest Road, the area's traditional main street, runs parallel to the railway line. The street is lined with 2-3 storey buildings with shops on street level. Westfield Hurstville lies in a valley to the north of the railway station and has a number of pedestrian paths in the form of arcades and laneways leading through the central retail area to the shopping centre.

The centre's urban form is characterised by its hill top location, the clear street grid and the traditional main street with retail and other commercial uses.

All the major public open spaces in Hurstville are located outside the Hurstville City Centre. Hurstville Oval, Penshurst Park, Woodville Park, Croot Park and Kempt Field lie outside the boundary of the city centre and are within a 10-minute walking distance. Within the city centre there are very few public squares or parks.

Many local schools are located close to the Hurstville City Centre including Penshurst Girls High, Danebank School, St Declans Catholic Primary School, Hurstville Boys High, Hurstville Public School (350m from subject site), Bethany College and Hurstville Technical High (650m from subject site).

### 3.3 Site Details

The subject site is located on Forest Road, Hurstville between Hudson Street and Wright Street. The site comprises five (5) distinct properties as outlined in red in [Figure 4](#) and detailed in Table 1. A **Survey Plan** accompanies this application and provides details of the site including lot dimensions, topography and existing improvements.

The subject site has a total area of 5,407 sm with a 90.6m frontage to Forest Road, 70.9m frontage to Wright Street and 49.3m frontage to Hudson Street.

The **Architectural Plans** that accompany this proposal provide further analysis of the subject site.

**Figure 4.** Subject Site Properties



**Table 1.** Site Details

Site	Address	Lot/DP	Current Use	Area (m <sup>2</sup> )
1	108 Forest Road	Lot 1 DP78322	Auspeed Pty Ltd (car mechanical repairs and tyre service).	741
2	112 Forest Road	Lot 1 DP75572	Wangke (timber flooring showroom)	903
3	124 Forest Road	Lot 4 DP421391	<u>Ground Floor</u> Anytime Fitness, Bing Lee Electricals, Nutrition Warehouse & Ideal Store <u>First Floor</u> Business premises	2.771
4	1 Wright Street	Lot 55 DP78322	Dwelling house	496
5	3 Wright Street	Lot 54 DP78322	Vacant	496

### 3.4 Key Opportunities

The location and amalgamation of the sites provide an exceptional opportunity for future development summarised as follows:

#### Transport Orientated Development

The site is 650m from the major Hurstville railway station and 530m from the Allawah railway station—an 8 and 6-minute walk, respectively. This location provides the opportunity to utilise Transport Orientated Development (TOD) principles to promote high quality mixed-use development.

#### Vibrant Streetscape and Increased Pedestrian Activity

Since the site is strategically located within walking distance to shops, schools, parks and public transport, dense redevelopment will boost pedestrian activity in the area. Redevelopment also provides the opportunity to create a more vibrant streetscape by activating Forest Road with ground floor retail space.

Pedestrian flow across Forest Road can be enhanced. East Quarter has set up a potential link from the village square to Kempt Field to Allawah Station, per the intentions of council in its Masterplan.

#### Public Domain

Redevelopment provides an opportunity to improve the public domain through provision of public plaza, pedestrian linkages, attractive landscaping and footpath upgrades.

#### Gateway to Hurstville City Centre

Redevelopment provides an opportunity to strengthen the site's function as the eastern gateway to the City Centre.



### **Local Traffic Network**

A key principle of the Hurstville City Centre Concept Masterplan 2004 is “a simplified traffic system including rationalisation of traffic flows on key streets and enhanced integration of alternate traffic modes”. The proposal provides for the dedication of land fronting Forest Road to provide for road widening and major improvements to the local traffic network.

### **Pedestrian Activity**

The proposal provides the opportunity for through site links that integrate with pedestrian linkages proposed for adjoining sites and generally improve the local pedestrian network.

## 4 Development Application

### 4.1 Proposal

Approval is sought for

- demolition of existing buildings; and
- construction of shop top housing with basement parking and associated landscaping.

More specifically, the proposal is for construction of a building with a four-storey podium with two (2) separate residential towers above. The podium comprises retail spaces at the ground level with two (2) residential towers above that are 10 storeys and 14 storeys above ground level that yield 219 residential apartments.

At ground level, the development provides for

- publicly accessible pedestrian linkages through the site connecting with and a central courtyard;
- community gardens;
- playground;
- BBQ areas with seating; and
- significant deep soil landscaping.

Additional landscaping is provided with communal roof gardens.

Car parking for 287 vehicles is provided over three basement levels. Access for retail and residential uses is separated with access for retail car parking and visitor car parking off Wright Street and access for residential tenants off Hudson Street. Access to loading and unloading bays is from a further separate access point off Hudson Street.

The site has an area of 5,407m<sup>2</sup> and yields 19,349m<sup>2</sup> of residential gross floor area and 2,279m<sup>2</sup> of non-residential gross floor area (refer [Table 2](#)). The proposal results in:

- a Floor Space Ratio (FSR) of 4:1; and
- a non-residential FSR of 0.43:1.

**Architectural Plans** accompany this application and provide detail of the proposed development.

The **SEPP 65 Design Verification Statement** that accompanies this application provides a comprehensive summary of the design quality of the development.

Figures 5 and 6 provide perspectives of the proposed development.

STATEMENT OF ENVIRONMENTAL EFFECTS  
SHOP TOP HOUSING  
108, 112 AND 124 FOREST ROAD AND 1-3 WRIGHT STREET, HURSTVILLE

**Figure 5.** Perspective view (fronting Wright Street)



Source: Durbach Block Jagers Architects

**Figure 6.** Perspective view (east along Forest Road)



Source: Durbach Block Jagers Architects

## 4.2 Overview

A summary of the key numerical development aspects of the proposal is provided in Table 2 below.

**Table 2.** Summary of Proposal

Level	Use	Gross Floor Area (m <sup>2</sup> )	Dwelling Units			Car Parks
			1-bed	2-bed	3-bed	
Basement 3	Car Parking Plant Rooms & Bike Cages	-	-	-	-	111 (Residential)
Basement 2	Car Parking Plant Rooms & Bike Cages	-	-	-	-	100 (Residential) (22 Adaptable)
Basement 1	Car Parking Bin Storage, Plant Rooms & Bike Cages	-	-	-	-	45 (Retail) 31 (Visitor)
Level 1	Retail Residential Lobbies	2,350 140	-	-	-	-
Level 2	Residential	2,263	3	18	4	-
Level 3	Residential	2,263	3	18	4	-
Level 4	Residential	2,263	3	18	4	-
Level 5	Residential	1,671	3	12	4	-
Level 6	Residential	1,671	5	13	2	-
Level 7	Residential	1,671	5	13	2	-
Level 8	Residential	1,671	5	13	2	-
Level 9	Residential	1,671	5	13	2	-
Level 10	Residential	1,478	4	10	3	-
Level 11	Residential	771	2	5	2	-
Level 12	Residential	771	2	5	2	-
Level 13	Residential	771	2	5	2	-
Level 14	Residential	196			1	
<b>Total</b>		<b>21,621</b>	<b>42 (19%)</b>	<b>143 (65%)</b>	<b>34 (16%)</b>	<b>287</b>



## 4.3 Supporting Documentation

### 4.3.1 Accessibility

An **Access Report** accompanies this application the stated purpose of which is “to identify the compliance status of the architectural design documentation against the following –

- Relevant accessibility related ‘deemed-to-satisfy’ (DTS) requirements of Building Code of Australia (BCA) 2019 Amendment 1. These provisions are generally contained within Part D3 and Clause(s) E3.6, F2.4 & F2.9 of the code.
- Accessibility related Australian Standards as referenced by BCA 2019 Amendment 1, as relevant to this project and as directly nominated in the report.
- The Disability (Access to Premises – Building) Standards 2010 (Premises Standards).
- AS4299 -1995 – Adaptable Housing.
- Liveable Housing Design Guidelines – 4th Edition – Silver Level”.

The assessment has identified “that the proposed design is readily capable of compliance with the above requirements at construction certificate phase”.

### 4.3.2 Geotechnical Investigations

A **Geotechnical Investigation Report** accompanies this application the stated purpose of which is assess the ground conditions and feasibility, from a geotechnical perspective, of the site for the proposed development.

This report presents the results of the geotechnical site investigation, laboratory testing, interpretation, and assessment of the site’s existing geotechnical conditions as a basis to provide recommendations for design and construction of ground structures for the proposed development.

Subject to adoption of the recommendations in the report, the subject site is considered to be suitable for the proposed development.

### 4.3.3 Structural Statement

A **Structural DA Report** accompanies this application and provides detail on the following:

- Proposed structure;
- Geotechnical conditions; and
- Structural design.

### 4.3.4 BCA Compliance

A **Building Code of Australia (BCA) Compliance Statement** accompanies this application and presents the findings of an assessment undertaken of the proposed development against the Deemed-to-Satisfy (DtS) provisions of Building Code of Australia (BCA) 2019-Amendment 1.

In summary, the statement confirms the design of the proposed development is capable of achieving compliance with the BCA subject to further details being prepared at later stages for the development process.

#### 4.3.5 Cost Report

A **Cost Report** accompanies this application and estimates the Capital Investment Value of the development to be \$95,029,939.

#### 4.4 Additional Supporting Documentation

The following additional plans and reports are provided in support of this application:

- **Stormwater Plans and Erosion & Sediment Control Plans**
- **Landscape Plans**
- **BASIX Certificate and Stamped Plans**
- **Acoustic Report**
- **Assessment of Traffic and Parking Implications**
- **Construction Management**

## 5 Compliance Assessment

Section 4.15(1) of the EP&A Act 1979 details the following matters of relevance that a consent authority is to take into consideration in determining a development application:

(a) *the provisions of:*

*(i) any environmental planning instrument, and*

*(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

*(iii) any development control plan, and*

*(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement a developer has offered to enter into under s 93F, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

*that apply to the land to which the development application relates,*

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

*(c) the suitability of the site for the development,*

*(d) any submissions made in accordance with this Act or the regulations,*

*(e) the public interest.*

The following provides an assessment of how the proposed development complies with the relevant matters detailed in Section 4.15(1) of the EP&A Act 1979.

### 5.1 Environmental Planning Instruments

In accordance with the provisions of Section 4.15(1)(a)(i) of the EP&A Act 1979 the development proposal has been assessed for compliance with the provisions of the following relevant environmental planning instruments:

- Environmental Planning & Assessment Act 1979
- State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65)
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy 55—Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

- Hurstville Local Environmental Plan 2012

### 5.1.1 Environmental Planning & Assessment Act 1979

The objects of the Environmental Planning and Assessment Act are:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) the protection, provision and co-ordination of communication and utility services,*
- (iv) the provision of land for public purposes,*
- (v) the provision and co-ordination of community services and facilities, and*
- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) ecologically sustainable development, and*
- (viii) the provision and maintenance of affordable housing, and*

*(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*

*(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposed development provides for orderly and economic use of the land for mixed-use development in accordance with the objectives for the zone.

### 5.1.2 State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65)

The NSW Government promotes better apartment design across NSW through the State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65). The Apartment Design Guide (ADG) explains how to apply SEPP 65's design principles to the design of new apartments.

A comprehensive analysis of the proposed development in accordance with the provisions of SEPP 65, including an assessment of the proposal against the ADG has been undertaken. A copy of the **Design Verification Statement** accompanies this application.

In summary, the Design Statement confirms the accompanying documentation achieves the design principles as set out in the State Environmental Planning Policy No 65 (Design Quality of Residential Apartment Development) and has been designed with regards to the Apartment Design Guide.



### 5.1.3 State Environmental Planning Policy (Infrastructure) 2007

The primary aim of this Policy is to facilitate the effective delivery of infrastructure across the State and to do this, in part, by identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development.

The **Acoustic Report** that accompanies this application addresses the noise issues from nearby railway corridor and adjacent classified road (Forest Road).

The Acoustic Report concludes acoustic criteria as determined in Clause 102 of the SEPP (and quantified in the Department of Planning's Guideline) can be achieved for this development subject to nominated controls from the report that will be incorporated into the building design.

### 5.1.4 State Environmental Planning Policy (SEPP) No 55—Remediation of land

SEPP 55 requires that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

A **Detailed Site Investigation** (DSI) has been undertaken with the stated objectives of the DSI being

- Identify potential areas where contamination may have occurred from current and historical activities;
- Identify potential contaminants associated with potentially contaminating activities;
- Assess the potential for soils and groundwater to have been impacted by current and historical activities; and
- Assess the suitability of the site for the new construction of a mixed commercial / residential high-rise building with basement car parking and deep landscaping area based on its current condition and the findings of this investigation.

The site can be considered to be rendered suitable for the proposed use, subject to the following actions that will be undertaken:

- Data gaps identified in the DSI will be addressed by undertaking an additional site investigation once site access is available (ie post demolition).
- An appropriate remedial / management strategy will be developed, culminating in preparation of a Remedial Action Plan (RAP) in accordance with EPA guidelines, in regard to the hotspot locations identified in the DSI.
- Any soils removed from the site as part of future site works will be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW EPA (2014).

### 5.1.5 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The NSW Government has established the BASIX scheme to encourage sustainable residential development.

A **BASIX Report** and **BASIX Certificate** accompany this application. Subject to carrying out development in accordance with the schedule of BASIX commitments for the proposed dwellings, the project scores for the development are as follows:

Water	40% (Target 40%)
Thermal Comfort	Pass (Target Pass)
Energy	27% (Target 25%)

Subject to carrying out development in accordance with the schedule of BASIX commitments, the proposed development will provide for sustainable residential development.

### 5.1.6 Hurstville Local Environmental Plan (HLEP) 2012

An assessment of the proposed development's compliance with the relevant clauses of HLEP 2012 has been undertaken and can be found at **Appendix 1**.

This assessment confirms that the proposed development complies with all the relevant provisions of HLEP 2012 except for Clause 4.3 relating to height of buildings and clause 4.4A relating to non-residential Floor Space Ratio. A Clause 4.6 application for an exception to each development standard accompanies this application and can be found at **Appendix 2** and **Appendix 3**. The Clause 4.6 applications provide support for the exceptions.

## 5.2 Proposed Environmental Planning Instruments

In accordance with the provisions of Section 4.15(1)(a)(ii) of the EP&A Act 1979 the development proposal has been assessed for compliance with the provisions of the draft Georges River Local Environmental Plan (GRLEP) 2020.

The draft GRLEP 2020 is currently with the State government for finalisation. The primary objective of the draft LEP is to harmonise and consolidate the planning controls currently in force across the Georges River LGA, including Hurstville Local Environmental Plan 2012. Consequently the assessment of the proposed development's compliance with the relevant clauses of draft GRLEP 2020 is consistent with the above assessment undertaken of HLEP 2012.

## 5.3 Development Control Plans

In accordance with the provisions of Section 4.15(1)(a)(iii) of the EP&A Act 1979 the development proposal has been assessed for compliance with the provisions of Hurstville DCP Number 2 – Amendment No. 9. A copy of the compliance table can be found at **Appendix 4**.

It is noted that the DCP includes provisions to allow flexibility in the application of development control standards, particularly in relation to allowing alternative solutions to otherwise strict numeric compliance to achieve the objectives of the DCP control.

This is in general compliance with Section 4.15(3A) of the EP&A Act, 1979, that provides requirements which govern the application of controls within Development Control Plans and seeks to provide flexibility and an outcome based approach to the achievement of the objectives expressed by specific controls. Section 4.15(3A) provides

**(3A) Development control plans**

*If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:*

*(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*

*(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*

*(c) may consider those provisions only in connection with the assessment of that development application.*

*In this subsection, “standards” include performance criteria.*

The proposed development has been designed to comply with the relevant development control standards in the DCP where possible. Where the proposed development does not fully comply with the standards the following justification is provided for a variation to the non-compliance with the development control standard (numbered and highlighted in bold).

**#1 Height of Buildings**

Non-compliance

The maximum height of buildings on the subject site do not comply with the Hurstville LEP 2012 Height of Buildings Map. The non-compliances relate only to lift/stair overruns and plant enclosures.

Justification

An application for an exception to the maximum height of buildings standard accompanies this application and can be found at **Appendix 2**. The application is made pursuant to Clause 4.6 of Hurstville LEP 2012 and provides support for the exception.

**#2 Car parking spaces**

Non-compliance

The provision of car parking for the residential component of the development does not comply with the residential car parking rates in the DCP.

### Justification

A **Traffic and Parking Impact Assessment** accompanies this application and examines parking associated with variation in commercial and residential uses. The development has been assessed with the parking rate as outlined in DCP 2 (Amendment 10) with reference to State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide.

The parking assessment describes how SEPP 65, in association with the Apartment Design Guide, can be applied to the residential component of this development. Subsequently, the proposed development is considered to comply with:

- the DCP parking rate for retail development; and
- the SEPP 65 requirements for residential car parking.

In addition, the provision of retail car parking on the same level as residential visitor car parking allows greater flexibility in utilisation of the car parking spaces, particularly in the early mornings and late evenings. Furthermore, there is the provision of three motorcycle spaces to provide alternate transport opportunity for visitors to the development.

### Upper level setbacks

#### Non-compliance

Development is required to provide an appropriate transition in height to the adjoining B4 Mixed Use and R3 Medium Density Residential areas along Hudson and Wright Streets respectively to provide a comfortable pedestrian environment. This transition in height is expressed diagrammatically as being a 12m setback from the boundary to the B4 and R3 zone interface. The proposed development provides for a 9m setback for development over 4 storeys to the interface with the B4 and R3 boundary.

#### Justification

Development provides a significant transition in height of 9m (+ setback of existing or proposed adjoining buildings) to the adjoining B4 and R3 zoned areas along Hudson and Wright Streets. The upper level setbacks have been able to be reduced from the suggested 12m to a proposed 9m because the design of the building along this interface continues to ensure there is adequate separation between the proposed development and adjacent development to provide:

- reasonable daylight access to all developments, open space and the public domain; and
- privacy to occupants of residential developments on the subject site and adjoining sites.

The design of the building along this interface, particularly the considered orientation of habitable rooms and placement of windows, will continue to ensure compliance with the relevant objectives for requiring such a setback. In particular:

- The proposal continues to provide modulation of form and articulation of facades that break up the perceived expanses of building wall.

- Spatial proportions of the street reflect the desired future character of the locality being compatible with the more recent developments and more recently approved proposals in the immediate locality.

Appropriate consideration has also been given to the existing maximum building height constraints of 15m and 12m for the adjacent B4 and R3 zoned land respectively and the minimal impact the proposed boundary setback of 9m will have on any existing and proposed development of the adjoining sites.

## 5.4 Planning Agreements

In accordance with the provisions of Section 4.15(1)(a)(iia) of the EP&A Act 1979 the development proposal has been assessed for compliance with the provisions of a planning agreement that has been entered into under section s7.11 of the Act.

The development proposal provides for dedication of 2m strip of land fronting Forest Road for road widening purposes in accordance with the provisions of the planning agreement.

## 5.5 Environmental Impacts

In accordance with the provisions of Section 4.15(1)(b) of the EP&A Act 1979 the development proposal has been assessed for the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

### 5.5.1 Heritage

The subject site is located in the vicinity of several heritage items and consequently a **Heritage Impact Statement** (HIS) accompanies this application. The stated purpose of the HIS is *"to assess the potential impact the proposed works may have on the known heritage values of the heritage items located in the vicinity of the subject site"*.

In summary, the HIS concludes the following:

- The proposed works will have a positive to neutral impact on the heritage significance of the nearby heritage items.
- None of the structures across the site has heritage values that would warrant their retention.
- The proposal has been designed so as to be in keeping with the preferred future character of the local area and will not visually detract from the heritage items.
- The proposed development will be viewed essentially at the foreground of the recent development forming a backdrop in the changing urban context of the site.

Overall, the HIS concludes *"the proposal demonstrates compliance with the existing controls regarding heritage conservation and is therefore recommended to Council for approval"*.

### 5.5.2 Landscaping

**Landscaping Plans** accompany this application and provides details of how the proposal will comply with the landscape controls prescribed in Council's DCP.

The Landscaping Plan provides details of landscaping to be incorporated on Level 1 (ground), Level 2, Level 5, Level 10, Level 11 and Level 14.

Implementation of the Landscape Plan will:

- Contribute to streetscape character and the amenity of the public domain.
- foster attractive outlooks, privacy and communal open space areas of high aesthetic quality.
- Improve the microclimate within the development.
- Contribute to water and stormwater efficiency by integrating landscape design on the roof with stormwater management.

The landscaping on the site will result in greater aesthetic quality and amenity for the occupants of the development and neighbours. The landscaping is of high quality and contributes positively to its context and site.

Access is provided to the roof space that is provided as landscaped communal open space. The green roofs provide improved amenity for the occupants and visitors of the building.

### 5.5.3 Trees

An **Arboricultural Impact Assessment** accompanies this application and identifies a total of twelve (12) trees to be assessed. Such trees are greater than 3.5m in height, being prescribed vegetation for Georges River Council, and assessed with respect to the Australian Standard- Protection of trees on development sites (AS 4970/2009).

The Arborist has recommended the removal of all trees for the redevelopment of the sites, noting that there are no significant trees on site with high retention value or that warrant design changes.

### 5.5.4 Stormwater

A **Stormwater Management Plan** accompanies this application and consists of the following:

- Stormwater checklist;
- Flood map;
- Stormwater Drainage Plan;
- Drainage Report; and
- Erosion and Sediment Control Plan.

Key elements of the management plan can be summarised as follows:

1. The 100 year flood is fully contained within the road reserves and therefore the proposed development would not have any impact on flood behaviour;

2. Minimum floor levels are above PMF level;
3. All roof water is proposed to be collected into rainwater tanks for reuse;
4. Overflows from the rainwater tanks are directed to a below ground OSD together with the remaining surface runoff;
5. Runoff from the site is to be disposed to the existing drainage pipe; and
6. Proposed rainwater tanks and a rain garden (bio-retention) will achieve relevant Stormwater Management Policy targets.

The **Erosion and Sediment Control Plan** provides details on how the impacts of the proposed development on the subject site and adjoining properties during demolition and construction will be suitably minimised.

#### 5.5.5 Acid Sulfate Soils

An **Acid Sulfate Soils Management Plan** accompanies this application. The objective of this plan is to consider both the existing and potential future environmental impacts relating to Potential Acid Sulfate Soil (PASS) material identified in the site through fieldwork and around the project site and detail mitigation measures to minimise the potential impacts within the surrounding areas.

The key components of the acid sulphate management strategy address the following:

- Areas of PASS
- Acid Sulfate Soil Treatment
- Treatment Pad Design Features
- Leachate Control
- Monitoring
- PASS Disposal
- Actual Acid Sulfate Soils (AASS) Disposal
- Validation of Acid Sulfate Soil Management Procedures

Any natural soils excavated at a depth greater than 0.3m below ground level will be treated in accordance with the Management Plan.

The Management Plan will be amended (if required) once the construction methodology for the site is finalised.

#### 5.5.6 ESD

A **Section J Report** accompanies this application and provides a summary of the requirements for insulation and glazing for the proposed development.

Subject to carrying out development in accordance with the recommendations of the Section J report and the schedule of BASIX commitments, the proposed development will provide for ecologically sustainable development.

### 5.5.7 Waste Management

A **Waste Management Plan** (WMP) accompanies this application. The stated purpose of the WMP is “to inform the building design in order to deliver best practice waste management and promote sustainable outcomes”. The WMP has been prepared having due regard to

- Hurstville Development Control Plan (2012) (HDCCP);
- Hurstville Local Environmental Plan (2012) (HLEP); and
- Better Practice Guideline for Resource Recovery in Residential Dwellings (NSW EPA, 2019).

The WMP provides detail on how demolition, construction and on-going waste will be management as part of the development proposal. In relation to ongoing waste management, the report provides specific detail on the following:

- Residential waste;
- Commercial waste;
- Waste storage and recycling areas;
- Waste collection;
- Additional waste streams; and
- Equipment.

Additional detail is provided on the proposed waste management systems that will be implemented in the proposed development.

In summary, the waste management proposed for the development complies with Council’s codes and with all relevant statutory requirements.

### 5.5.8 Traffic and Parking

A **Traffic and Parking Impact Assessment** accompanies this application and “examines the increase in traffic movements associated with the proposed mixed development, background traffic growth and parking associated with variation in commercial and residential uses”.

The assessment makes broad conclusions in relation to traffic impact and parking provision and layout and based on these conclusions it is considered

- the proposed development satisfies the planning requirements on traffic engineering grounds; and
- the forecast traffic generation associated with the proposal is expected to have minimal impacts to the operation of the surrounding road network.

### 5.5.9 Noise

An **Acoustic Report** accompanies this application and presents an assessment of noise intrusion into and operational noise from the proposed development. The following potential sources of noise and vibration were identified;



- **Road/rail noise** associated with Forest Road and Illawarra Rail Corridor, and its impact on future occupants of the development.
- **Mechanical plant** noise emission and the resulting impact on the existing acoustical amenity of the local area
- **Inter-tenancy sound-insulation requirements** for shared partitions within the building.

In summary, the report makes the following recommendations:

1. Construction materials have been nominated that will achieve the road traffic noise reductions to comply with the nominated road/rail traffic noise criteria.
2. A detailed mechanical plant noise impact assessment is to be provided once the final mechanical design and specification have been completed.
3. General recommendations are made for mechanical plant equipment and these are to be verified once design details are available at a later stage.
4. Inter-tenancy sound insulation within the development is required to comply with the Performance Requirements of Part F5 of the BCA.

In conclusion, the report finds there is sufficient scope within the proposed building design to accommodate acoustic design requirements discussed in the report. The recommended acoustic treatments that are identified in this report will be included in the building to ensure that noise generated from the use and occupation of the proposed development will result in minimal acoustic amenity impacts to residents in the local area and comply with relevant noise criteria.

#### 5.5.10 Wind

A **Pedestrian Wind Environment Statement** accompanies this application and presents an opinion on the likely impact of the proposed design on the local wind environment affecting pedestrians within the critical outdoor areas within and around the proposed development. No wind tunnel testing has been undertaken for this assessment and the report addresses only the general wind effects and any localised effects that are identifiable by visual inspection.

In summary, the assessment indicates *"the development has incorporated several design features and wind mitigating strategies and is expected to be suitable for the intended use for the majority of the outdoor trafficable areas"*. A number of treatment strategies are proposed for the design of the development to address a number of areas that are identified as being exposed to the prevailing winds. These treatment strategies are considered to be of a nature that can be easily and appropriately addressed by conditions of consent.

#### 5.5.11 Security and Safety

The design of buildings and places in the proposed development has had consideration to achieving the principles of Crime Prevention Through Environmental Design, specifically by:

- Enhancing safety by reducing opportunities for crime to occur.

- Improving observation of public and private spaces.
- Optimising the use of public spaces and facilities by the community; and
- Promoting the design of safe, accessible and well-maintained buildings and spaces.

Key features of the development that will specifically increase safety and security include:

#### **1. Site and building layout**

- The design of the development allows for natural surveillance to and from all three (3) street frontages and between individual residential towers within the site.
- Entries between residential and retail uses are clearly visible and avoid confusion.
- Blind corners are avoided as much as practical in pathways, stairwells, hallways and car parks.
- Natural surveillance of communal and public areas is provided by balconies to apartments and from non-residential uses at ground level while still providing for a suitable streetscape appearance.
- Mixed uses are provided within buildings and this will increase opportunities for natural surveillance, while protecting amenity.
- Public services (ATMs, telephones, help points, bicycle storage etc) will be located in areas of high activity.
- Car park has been designed to ensure clear sight lines, ease of access and safety at the entrance and within the car park.

#### **2. Lighting**

Lighting will be provided throughout the site that enhances the amenity and safety of the site after dark and will increase opportunities for casual surveillance, deterring unauthorised access and reducing feelings of fear and vulnerability of legitimate site users. A lighting plan will be provided prior to issue of Construction Certificate.

#### **3. Landscaping**

A **Landscaping Plan** accompanies this application and provides detail on how landscaping has been designed to reinforce territorial/space management.

#### **4. Security**

- Development has been designed with safety in mind.
- Development will be managed with surveillance in mind.
- Development has been designed with unimpeded sightlines to key places in mind and to avoid "blind spots" as much as practical.
- CPTED principles will be supported with mechanical (cameras) and organised professional surveillance.
- Access to residential lobbies and car park areas will be limited by remote keyless entry.
- Development will provide for well-lit and active areas along all street frontages.

## 5. Building identification and ownership

- The place will be actively managed to encourage or deliver a wide array of legitimate activities and uses into the community's places.
- The buildings have been designed and will be managed to promote a sense of pride.
- The buildings have been designed with areas of private communal open space and will be managed to create opportunities for social contact and, through that, the building of social capital.

### Building materials and maintenance

- Places have been designed with sturdy materials and fittings that are not flimsy, fragile or inappropriately removable, without resorting to harsh materials that might undermine the attractiveness of the place.
- As part of the strata management, systems will be implemented for
- the regular removal of rubbish and the maintenance of lighting, signage, landscaping, equipment and other elements of the public realm.
- the quick reporting of safety risks or anti-social behaviour in, or damage to, the public realm.
- the prompt cleaning, repair or replacement of infrastructure that is damaged.
- Vandalism and graffiti will be limited by using resistant finishes, systems of quick cleaning, repair or replacement, and by appropriately limiting access.
- The owners/occupiers will be encouraged through the strata corporation to maintain their building appropriately.
- The circumstances of crime will be regularly reviewed to identify changing or new CPTED problems, and the effectiveness of management systems in operation and opportunities for improvements.

The proposed development is seen to conform to the principles outlined in Crime Prevention Through Environmental Design.

### 5.5.12 Construction Management

A **Construction Management Plan** accompanies this application and details how all construction activities will be properly facilitated, integrated and coordinated to deliver certainty to the objects of this project and not detrimentally impact on the amenity of neighbours as much as practicable.

### 5.5.13 Social Impacts

The proposal will provide a number of social benefits, including:

- A variety of housing types that respond to the social context and needs of the community, including adaptable and liveable housing, and
- A thoughtful development that has given significant consideration to the needs of the community including:

- provision of through site links;
- land for road widening;
- public open space; and
- opportunity for street activation.

The provision of forty-two (42) x 1-bedroom dwellings will have significant social impacts by providing accommodation that is affordable for smaller households.

#### 5.5.14 Economic Impacts

Potential economic benefits of the proposed development include:

- the provision of more and diverse housing to accommodate growing needs of the community;
- increased property values from new development that is well designed and contributes to the desired future character of the Hurstville CBD;
- longer term improvements in affordability across the housing market with additional 1 bedroom dwelling units;
- A variety of retail uses will be provided at street level that will contribute positively to economic and social vitality;
- additional investment in the local area arising from Section 7.11 payments from the developer to be used for improvement of amenities and/or services.

### 5.6 Suitability of the Site

In accordance with the provisions of Section 4.15(1)(c) of the EP&A Act 1979 the suitability of the site for the proposed development has been assessed.

The site is considered suitable for the proposed development because:

- It is adequately serviced by roads, utilities, and stormwater infrastructure;
- It is large enough to accommodate shop top housing;
- It is very well located in relation to shopping, services and public transport;
- the ground conditions and feasibility, from a geotechnical perspective, have been assessed and indicate the site is suitable for the proposed development; and
- the site can be considered to be rendered suitable from contamination for the proposed use.

### 5.7 Public Interest

In accordance with the provisions of Section 4.15(1)(e) of the EP&A Act 1979 the development proposal has been assessed for the public interest.

The proposal is consistent with the relevant provisions, objectives and aims of Council's planning controls and is therefore considered to be in the public interest. Specifically, the proposal provides for

STATEMENT OF ENVIRONMENTAL EFFECTS  
SHOP TOP HOUSING  
108, 112 AND 124 FOREST ROAD AND 1-3 WRIGHT STREET, HURSTVILLE

- a variety of new housing, including both adaptable and liveable housing that will accommodate the changing needs of the community; and
- well designed retail spaces that will serve the needs of the local community and activate Forest Road, Wright Street and Hudson Street.

## 6 Conclusion

Subject to Section 4.15(1) of the EP&A Act 1979, the proposed development has been assessed having regard to the relevant matters that a consent authority is to take into consideration in determining a development application.

Based on our assessment, we consider the proposed development.

- Is a permissible development with consent from the relevant authority;
- Is consistent with the objectives of the relevant environmental planning instruments;
- Meets the development controls/objectives set down in the development control plan;
- Has no significant adverse impacts on both the natural and built environments;
- Has positive social and economic impacts in the locality;
- Is suitable for the site; and
- Is in the public interest.

In conclusion, it is considered that the development application for shop top housing fits comfortably within the desired future character of Hurstville CBD because;

1. residential growth is provided in accordance with Council's Residential Development Strategy;
2. the proposal provides for a range of residential types and sizes; and
3. the proposal provides for a range of retail premises at ground level that will activate the streets.

The proposed development will also provide jobs and dwellings that can meet the aims and residential and employment population targets as outlined in the State Government's South District Plan.

Support, in the form of s4.6 requests, is provided justifying the minimal non-compliances with building height and non-residential floor space ratio.

The proposal for shop top housing at 108, 112 & 124 Forest Road and 1-3 Wright Street, Hurstville warrants Council approval.



## APPENDIX 1

### LEP Compliance Table



## Hurstville LEP 2012 Compliance Table

Relevant Clause	Comment	Complies
<b>2.3 Zone objectives and land use table</b>	<p>The site is zoned B4 Mixed Use. The proposed development is defined as “shop top housing” and is identified as being permissible development with consent in the B4 zone.</p> <p>In accordance with the relevant objectives of the B4 zone, the proposed development will provide for:</p> <ul style="list-style-type: none"> <li>• A mix of compatible land use including residential, retail and office premises.</li> <li>• An integrated mix of land uses that is in a highly accessible location and will maximise public transport patronage.</li> <li>• Residential development while maintaining active retail uses at street level.</li> </ul>	✓
<b>2.7 Demolition requires development consent</b>	This application seeks development consent for the demolition of the existing buildings on the subject site.	✓
<b>4.3 Height of buildings</b>	<p>The height of buildings on the subject site exceed the maximum heights of 34.5m and 46.5m shown for the subject site on the Height of Buildings Map (refer architectural plans lodged with the DA).</p> <p>Support for the non-compliance is provided in the request for an exception to the standard.</p>	X
<b>4.4 Floor space ratio</b>	The proposed development has a 4:1 FSR and does not exceed the 4:1 maximum FSR shown for the land on the Floor Space Ratio Map.	✓
<b>4.4A Non-residential floor space ratios</b>	The non-residential floor space for the building is 0.46:1 and is not in compliance with the minimum 0.5:1 ratio shown for the land on the Non-Residential Floor Space Ratio Map. Support for the non-compliance is provided in the request for an exception to the standard.	X
<b>4.5 Calculation of floor space ratio and site area</b>	The FSR has been calculated in accordance with the provisions of this clause. Detailed GFA calculation plans are provided as part of the architectural plans that accompany this application.	✓
<b>4.6 Exceptions to Development Standards</b>	A request for an exception to the building height development standard and the non-residential floor space ratio forms part of this application.	✓
<b>5.10 Heritage conservation</b>	<p>A <b>Heritage Impact Statement</b> (HIS) accompanies this application to assess the potential impact the proposed works may have on the known heritage values of the heritage items located in the vicinity of the subject site”.</p> <p>Overall, the HIS concludes “the proposal demonstrates compliance with the existing controls regarding heritage conservation and is therefore recommended to Council for approval”.</p>	✓

<b>6.6 Active street frontages</b>	The proposed development provides for active street frontages along Hudson Street, Forest Road and Wright Street in accordance with the provisions of this clause.	
<b>6.7 Essential services</b>	<p>The following essential services are currently available to the site:</p> <ul style="list-style-type: none"> <li>(a) the supply of water,</li> <li>(b) the supply of electricity,</li> <li>(c) the disposal and management of sewage,</li> <li>(d) stormwater drainage,</li> <li>(e) suitable road and vehicular access.</li> </ul>	

## APPENDIX 2

Request for exception to building height standard

18 December 2020

General Manager  
Georges River Council  
Corner MacMahon and Dora Streets  
Hurstville NSW 2220

**Request for exception to building height development standard**  
**Shop-top housing**  
**108, 112 & 124 Forest Road and 1-3 Wright Street, Hurstville**

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A request is made to vary the maximum building height development standard in relation to a Development Application (DA) for 'shop top housing' at 108, 112 & 124 Forest Road and 1-3 Wright Street, Hurstville.

This request is made having regard to:

- The provisions of Clause 4.6 *Hurstville Local Environmental Plan 2012*; and
- *Varying development standards: A Guide (August 2011)* prepared by the Department of Planning and Infrastructure.

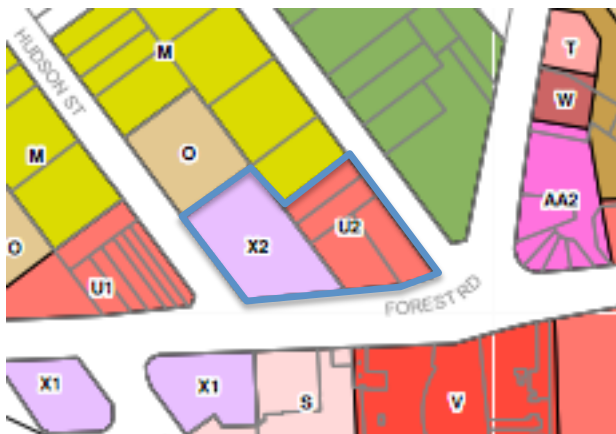
The Guide "contains details of the information applicants are required to submit to the council to assist council assess development applications and associated applications to vary a standard." The following addresses the information detailed in the Guide.

**1. Background**

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The subject site is zoned B4 Mixed Use and 'shop top housing' is a permissible land use subject to Council consent.

The extract from the *Height of Buildings Map* below shows the subject site, outlined in blue, has maximum building height controls of 34.5m (U2) and 46.5m (X2).



The development proposes two (2) individual building tower elements to complement each building height limit identified for the subject site on the *Height of Buildings Map*.

The height of both tower elements on the site exceed the maximum building heights of 34.5m and 46.5m shown for the subject site on the *Height of Buildings Map*. While the maximum building heights for the principal built form is below the maximum building heights the requirement for an exception to the maximum building height standard is triggered by the height of the lift and stair overruns and plant enclosures for each tower being:

- approximately 1.2 metres (2.6%) above the 46.5m building height limit; and
- approximately 3.3 metres (9.6%) above the 34.5m building height limit.

## **2. Clause 4.6**

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The objectives of Clause 4.6 of *Hurstville Local Environmental Plan 2012* are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6 imposes three (3) preconditions on Council in exercising the power to vary a development standard and grant consent to the proposed development.

The first precondition requires Council to consider a written request that demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and with Council finding that the matters required to be demonstrated have been adequately addressed (cl 4.6(3)(a) and cl 4.6(4)(a)(i).

The second requires Council to consider a written request that demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard and with Council finding that the matters required to be demonstrated have been adequately addressed (cl 4.6(3)(b) and cl 4.6(4)(a)(i).

The third requires Council to be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out (cl 4.6(4)(a)(ii)).

## **3. Justification for exception to the Building Height standard**

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The preconditions to vary the Building Height development standard are addressed as follows:

### **3.1 Is the development standard unreasonable or unnecessary in the circumstances of the case?**

Strict compliance with this standard is considered unreasonable or unnecessary in the circumstances of this case because strict adherence to the standard will not result in a development that is anymore consistent with the desired future built form character of the locality.

Land and Environment Court cases dealing with applications to vary development standards resulted in the Court setting out a 'five part test' for consent authorities to

consider when assessing an application to vary a standard and to determine whether the objection to the development standard is well founded and compliance is unreasonable or unnecessary. [Table 1](#) provides an assessment of the matters in the ‘five part test’.

**Table 1** – Consistency with 5-part test

Five Part Test	Comments
<ul style="list-style-type: none"> <li>The objectives of the standard are achieved notwithstanding non-compliance with the standard.</li> </ul>	<p>The relevant objectives of the Building Height standard are</p> <ul style="list-style-type: none"> <li>(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,</li> <li>(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas and public domain, including parks, streets and lanes,</li> <li>(c) to minimise the adverse impact of development on heritage items,</li> <li>(d) to nominate heights that will provide a transition in built form and land use intensity,</li> <li>(e) to establish maximum building heights that achieve appropriate urban form consistent with the major centre status of the Hurstville City Centre,</li> <li>(f) to facilitate an appropriate transition between the existing character of areas or localities that are not undergoing, and are not likely to undergo, a substantial transformation,</li> <li>(g) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain.</li> </ul> <p>The relevant objectives of the standard are achieved notwithstanding non-compliance with the standard because:</p> <ul style="list-style-type: none"> <li>- the non-compliances are very minor and less than 10% (ie 2.6% and 9.6%).</li> <li>- The non-compliances only apply to lift over runs and plant enclosures located on the roof and do not apply to the principal built form that is generally perceived as the building height (ie number of storeys).</li> </ul>

	<ul style="list-style-type: none"> <li>- Because of the minor nature of the lift overrun in terms of size and location, any reduction in the height of the lift overrun will result in strict compliance with the Building height standard but will not impact on, or improve, the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views (ie unreasonable and unnecessary).</li> </ul>
<ul style="list-style-type: none"> <li>• The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>• The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>• The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>• The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.</li> </ul>	N/A

### 3.2 Are there sufficient environmental planning grounds to justify contravening the development standard?

There are sufficient environmental planning grounds to justify contravening the Building Height development standard.

Notwithstanding the non-compliance with building height, the proposed development will:



1. achieve a high level of amenity for future occupants particularly in relation to providing equitable access to the rooftop common open space;
2. not result in additional impacts on both the natural and built environments;
3. not result in detrimental social or economic impacts; and
4. be in the public interest because it will improve the general amenity of development in the locality.

Approval of the non-compliance will not impact on the proposals ability to;

5. achieve an appropriate balance between development and management of the environment that will be ecologically sustainable, socially equitable and economically viable;
6. minimising adverse impacts of development;
7. protect and enhance the amenity of residents;
8. protect and enhance the natural and built environment; and
9. meet the future housing needs of the population of the LGA.

### **3.3 Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out?**

Assessment of the first matter in the 'five part test', Table 1 confirms the proposed development will be in the public interest because it is consistent with the objectives of the Building Height standard.

In assessing a development's consistency with the zone objectives, Commissioner Brown in *Antoniades Architects Pty Ltd v Canada Bay City Council* [2014] NSWLEC 1019, took the following approach:

*The guiding principle, then, is that a development will be generally consistent with the objectives, if it is not antipathetic to them. It is not necessary to show that the development promotes or is ancillary to those objectives, nor even that it is compatible.*

With this in mind, the proposed development is considered to be consistent with the relevant B4 zone objectives as detailed in [Table 2](#).

**Table 2** – Consistency with objectives of B4 zone

Zone objective	Comments
To provide a mixture of compatible land uses.	<p>Proposal provides for a mix of residential and retail land uses as part of a shop top housing development.</p> <p>These uses are considered to be compatible and will make a significant contribution to the vitality of the Hurstville City Centre.</p>

To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.	The proposed mixed use development is located in an area that is accessible to trains stations, shopping, schools and public open space that will encourage public transport patronage and encourage walking and cycling.
To allow for residential development in the Hurstville City Centre while maintaining active retail, business or other non-residential uses at street level.	Development provides for development of 219 residential apartments in the Hurstville City Centre while providing active retail spaces on the ground level.

#### 4. Conclusion

Clause 4.6 of *Hurstville Local Environmental Plan 2012* aims to provide an appropriate degree of flexibility in applying certain development standards to particular development and to achieve better outcomes by allowing flexibility in particular circumstances. The proposed development warrants favourable consideration under this clause because it has been demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard.

The development is considered to be in keeping with the desired future character of the zone and to provide a mixed-use development in a very accessible location. The objectives for the provision of mixed-use development are best served with development proposals that have substantial scale to provide diversity that better reflects community needs.

In conclusion, the request is well founded and granting consent is considered consistent with the requirements of Clause 4.6 of *Hurstville Local Environmental Plan 2012*.

Regards



Anthony Polvere  
Director

## APPENDIX 3

Request for exception to non-residential  
floor space ratios standard

18 December 2020

General Manager  
Georges River Council  
Corner MacMahon and Dora Streets  
Hurstville NSW 2220

**Request for exception to non-residential floor space ratios standard**  
**Shop-top housing**  
**108, 112 & 124 Forest Road and 1-3 Wright Street, Hurstville**

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A request is made to vary the minimum non-residential floor space ratio development standard in relation to a Development Application (DA) for 'shop top housing' at 108, 112 & 124 Forest Road and 1-3 Wright Street, Hurstville.

This request is made having regard to:

- The provisions of Clause 4.6 *Hurstville Local Environmental Plan 2012*; and
- *Varying development standards: A Guide (August 2011)* prepared by the Department of Planning and Infrastructure.

The Guide "contains details of the information applicants are required to submit to the council to assist council assess development applications and associated applications to vary a standard." The following addresses the information detailed in the Guide.

**1. Background**

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The subject site is zoned B4 Mixed Use and 'shop top housing' is a permissible land use subject to Council consent.

The development proposes non-residential floor space ratio of 0.43:1 (or 2,350m<sup>2</sup>). The non-residential FSR does not comply with the minimum requirement of 0.5:1 as prescribed in cl. 4.4A(1B) of *Hurstville Local Environmental Plan 2012*.

**2. Clause 4.6**

---

The objectives of Clause 4.6 of *Hurstville Local Environmental Plan 2012* are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6 imposes three (3) preconditions on Council in exercising the power to vary a development standard and grant consent to the proposed development.

The first precondition requires Council to consider a written request that demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and with Council finding that the matters required to be demonstrated have been adequately addressed (cl 4.6(3)(a) and cl 4.6(4)(a)(i)).

The second requires Council to consider a written request that demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard and with Council finding that the matters required to be demonstrated have been adequately addressed (cl 4.6(3)(b) and cl 4.6(4)(a)(i)).

The third requires Council to be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out (cl 4.6(4)(a)(ii)).

### **3. Justification for exception to non-residential FSR standard**

The preconditions to vary the non-residential floor space ratio standard development standard are addressed as follows:

#### **3.1 Is the development standard unreasonable or unnecessary in the circumstances of the case?**

Strict compliance with this standard is considered unreasonable or unnecessary in the circumstances of this case because strict adherence to the standard will not result in a development that is anymore consistent with the desired future built form character of the locality.

Land and Environment Court cases dealing with applications to vary development standards resulted in the Court setting out a 'five part test' for consent authorities to consider when assessing an application to vary a standard and to determine whether the objection to the development standard is well founded and compliance is unreasonable or unnecessary. Table 1 provides an assessment of the matters in the 'five part test'.

**Table 1** – Consistency with 5-part test

<b>Five Part Test</b>	<b>Comments</b>
<ul style="list-style-type: none"><li>The objectives of the standard are achieved notwithstanding non-compliance with the standard.</li></ul>	<p>The objective of the non-residential floor space ratios clause "is to encourage an appropriate mix of residential and non-residential uses in order to ensure a suitable level of non-residential floor space is provided to promote employment and reflect the hierarchy of the business zones".</p> <p>All attempts have been made to achieve the minimum non-residential floor space ratio but there are a number of constraints that have impacted on the 'physical' ability to provide retail space at ground level. In particular:</p> <ul style="list-style-type: none"><li>Provision of through site links, including a wider pedestrian link off Forest Road to accommodate an "eat street" type passageway;</li><li>Provision of communal open space in the</li></ul>

	<p>centre of the development;</p> <ul style="list-style-type: none"> <li>• Providing a 6m deep soil setback from the interface with adjoining residential development;</li> <li>• Provision of separate vehicular entry points for residential, retail and loading/unloading vehicles;</li> <li>• Provision of separate residential entry points and foyers for the residential towers; and</li> <li>• Provision of 2m wide strip of land fronting Forest Road for road widening purposes.</li> </ul> <p>Notwithstanding the complexity of dealing with the constraints limiting the useable ground floor area (some of which are in response to requests from Council) the proposal is still able to achieve sufficient non-residential floor space to promote employment and promote a vibrant and active CBD.</p>
<ul style="list-style-type: none"> <li>• The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>• The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>• The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>• The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.</li> </ul>	N/A

### **3.2 Are there sufficient environmental planning grounds to justify contravening the development standard?**

There are sufficient environmental planning grounds to justify contravening the non-residential floor space ratios development standard.

Notwithstanding the non-compliance, the proposed development will:

- Provide an appropriate mix of retail and residential development that is compatible with the hierarchy of similar existing and proposed developments in the immediate locality;
- Provide for activation of the area at street level and make a significant contribution to the vitality of the CBD.;
- not result in detrimental social or economic impacts; and
- be in the public interest because it will provide jobs and generally improve public amenity with
  - through pedestrian links; and
  - communal open space/courtyard with facilities to promote community interaction.

Approval of the non-compliance will not impact on the proposals ability to;

- achieve an appropriate balance between development and management of the environment that will be ecologically sustainable, socially equitable and economically viable;
- minimising adverse impacts of development;
- protect and enhance the amenity of residents;
- protect and enhance the natural and built environment; and
- meet the future housing needs of the population of the LGA.

### **3.3 Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out?**

Assessment of the first matter in the 'five part test', Table 1 confirms the proposed development will be in the public interest because it is consistent with the objectives of the non-residential floor space ratios standard.

In assessing a development's consistency with the zone objectives, Commissioner Brown in *Antoniades Architects Pty Ltd v Canada Bay City Council* [2014] NSWLEC 1019, took the following approach:

*The guiding principle, then, is that a development will be generally consistent with the objectives, if it is not antipathetic to them. It is not necessary to show that the development promotes or is ancillary to those objectives, nor even that it is compatible.*

With this in mind, the proposed development is considered to be consistent with the relevant B4 zone objectives as detailed in Table 2.



**Table 2** – Consistency with objectives of B4 zone

Zone objective	Comments
To provide a mixture of compatible land uses.	Proposal provides for a mix of residential and retail land uses as part of a shop top housing development. These uses are considered to be compatible and will make a significant contribution to the vitality of the Hurstville City Centre.
To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.	The proposed mixed use development is located in an area that is accessible to trains stations, shopping, schools and public open space that will encourage public transport patronage and encourage walking and cycling.
To allow for residential development in the Hurstville City Centre while maintaining active retail, business or other non-residential uses at street level.	Development provides for development of 219 residential apartments in the Hurstville City Centre while providing 2,350m <sup>2</sup> of active retail spaces on the ground level.

#### 4. Conclusion

Clause 4.6 of *Hurstville Local Environmental Plan 2012* aims to provide an appropriate degree of flexibility in applying certain development standards to particular development and to achieve better outcomes by allowing flexibility in particular circumstances. The proposed development warrants favourable consideration under this clause because it has been demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard.

The development is considered to be in keeping with the desired future character of the zone and to provide a mixed-use development in a very accessible location.

The development is still able to achieve sufficient non-residential floor space to promote employment and promote a vibrant and active CBD.

In conclusion, the request is well founded and granting consent is considered consistent with the requirements of Clause 4.6 of *Hurstville Local Environmental Plan 2012*.

Regards



Anthony Polvere  
Director

## APPENDIX 4

### DCP Compliance Table

## Hurstville DCP Number 2 – Amendment No. 10 Compliance Table

### Section 4 Hurstville City Centre Precincts

#### 4.7 Eastern Bookend

Controls	Comment	Complies
<b>4.7.1 Characteristics</b>	The majority of the subject site forms part of the identified eastern gateway to the city.	✓
<b>4.7.2 Desired Future Character</b>	In accordance with the desired future character for the Eastern Bookend the proposed development is of a scale and built form that will help define and create a sense of entry. This is achieved through strong built form with varying heights from 8 to 14 storeys.	✓
	Residential use dominates upper levels of the development and optimises commanding views.	✓
<b>4.7.3 Key Land Use Principles</b>	<u>Defining entry to the City Centre</u> Proposed development provides for higher intensity of built form, with taller buildings that define the eastern entry to the City Centre.	✓
	Development delineates entry to the City through innovative design. The proposed development incorporates landmark architecture that will define its prominent position on the axis of Forest Road.	✓
	Proposed development responds to the public realm with building scale and form providing a podium that retains a pedestrian scale at street level.	✓
	<u>High Density Residential Land Uses</u> Proposal provides for: <ul style="list-style-type: none"> <li>• mixed-use development that incorporates high density residential land uses; and</li> <li>• a transition between the city centre and surrounding residential areas.</li> </ul>	✓

### Section 5 Controls for Residential, Commercial and Mixed Use Development

#### 5.1 Introduction

<b>5.1.1 When does this section of the DCP apply?</b>	This section applies to the subject site because the subject site is in the area identified as the Hurstville City Centre on land zoned B4 Mixed Use.	✓
<b>5.1.2 Relationship to other sections</b>	Noted	

5.2 Building Form Character Principles		
5.2.1 Building Form Character Principles	Proposed development has had consideration to the principles guiding built form controls.	✓
5.3 Built Form Controls		
Controls	Comment	Complies
5.3.1 Site Amalgamation	The proposed development provides for amalgamation of five (5) sites that achieves. <ul style="list-style-type: none"> <li>- a general building floor plate of 900 - 1,000sqm; and</li> <li>- a minimum 30 metre street frontages;</li> </ul>	✓
	Adjoining sites on Wright Street that may have been isolated have been included in the amalgamation.	✓
	The site amalgamation has been the subject of a Planning Proposal that has been supported following extensive investigations into how the proposal will enhance: <ul style="list-style-type: none"> <li>- redevelopment opportunities;</li> <li>- public domain opportunities;</li> <li>- accessibility and linkages.</li> </ul>	✓
5.4.1 Housing Choice, Affordability and Mix	Proposed development provides the following mix of residential units that is in accordance with the DCP requirements: <p>42 x Studio 1 bedrooms apartments = 19%</p> <p>143 x 2 bedrooms apartments = 65%</p> <p>34 x 3 bedrooms apartments - 16%</p>	✓
	Twenty-two (22) adaptable dwellings are provided at a rate of 1 per 10 dwellings or part thereof.	✓
	The development application is accompanied by certification from an accredited <b>Access Consultant</b> confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS4299-1995 AS 1428 Parts 1, 2 and 4).	✓
	Car parking allocated to adaptable dwellings comply with the requirements of the relevant Australian Standard for disabled parking spaces.	✓
5.3.2 Floor Space Ratio	The maximum FSR of the building complies with the Hurstville LEP 2012 FSR Map.	✓
	Maximum FSR has been achieved and the SEE demonstrates that the building envelope enables solar access to private open space and the public domain in keeping with solar access controls and other amenity issues have been adequately addressed.	✓

<b>5.3.3 Building Height</b>	<p><u>Controls</u></p> <p>The maximum height of the building is not in accordance with the Hurstville LEP 2012 Height of Buildings Map. Refer request for exception to development standard accompanying this application for justification of the non-compliance.</p> <p>The SEE demonstrates that the building envelope:</p> <ul style="list-style-type: none"> <li>- Enables solar access to private open space and the public domain in keeping with solar access controls;</li> <li>- Adequately addresses other amenity issues;</li> <li>- Optimises lot amalgamation;</li> <li>- Provides for satisfactory traffic, parking and servicing outcomes.</li> </ul> <p><u>Street wall/Podiums – Forest Road Retail Strip</u></p> <p>Building along Forest Road has a street wall/podium of four storeys.</p> <p><u>Floor to Ceiling Heights</u></p> <p>Ground floor retail has a 4.5 metre floor-to-floor height.</p> <p>Residential uses have a minimum 2.7 metres floor-ceiling height with 0.4 services zone (3.1 metre floor-to-floor height).</p> <p><u>Height in Metres vs Number of Storeys</u></p> <p>The proposed development complies with the indicative conversion of building height in metres to a maximum number of storeys for the B4 Mixed Use zone by providing a development comprising 10 and 14 storeys.</p>	<p>X</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
<b>5.3.4 Street Setbacks</b>	<p><u>Controls</u></p> <p>Building setbacks are in accordance with the requirements of <i>Section 8 Controls for Specific Sites and Localities</i> of this DCP.</p> <p><u>Setbacks for Balconies and Terraces</u></p> <p>Balconies and other minor articulation features do not encroach more than one metre within the front setback</p> <p>Balconies are integrated into the building design and do not dominate the building façade or unreasonably reduce solar access to the public domain or neighbouring private open space.</p>	<p>✓</p> <p>✓</p> <p>✓</p>
<b>5.3.5 Building Separation</b>	<p>Proposed development provides separation between habitable rooms, balconies and non-habitable rooms, consistent with <i>State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (SEPP 65)</i> and the recommendations of the <i>Apartment Design Guide</i>.</p>	<p>✓</p>
<b>5.3.6 Solar Access</b>	<p>Shadow diagrams accompany this application and indicate the over shadowing impacts on both the public and private domains. Access to sunlight is maintained in accordance with the provisions of the DCP.</p>	<p>✓</p>

	<p>Living rooms and private open spaces for at least 70% of dwellings within the residential portion of the development receive a minimum of 2 hours of solar access between the hours of 9.00am and 3.00pm at the winter solstice (21st June). Refer Architectural Plans.</p> <p>Development does not overshadow existing or proposed public open spaces between 11.30am and 2.30pm. Refer Architectural Plans.</p>	<p>✓</p> <p>✓</p>
<b>5.3.7 Natural Ventilation</b>	As described in the Design Verification Statement, over 60% of the residential apartments are cross-ventilated in the simplest compliance of the definition.	✓
<b>5.3.8 Visual Privacy, Acoustic and Vibration Amenity</b>	<p><u>Visual Amenity</u></p> <p>Separation between habitable windows, private open space and public open space is provided in accordance with <i>State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (SEPP 65)</i> and the recommendations of the <i>Apartment Design Guide</i>.</p> <p><u>Acoustic and Vibration Amenity</u></p> <p>The design of the buildings minimises the transfer of noise through adequate separation and noise attenuation measures and through design so that there is minimal potential for conflict between uses.</p> <p>An <b>Acoustic Report</b> accompanies this application and addresses the issue of development near a rail corridor or adjacent a classified road. (refer s 5.1.3 of the SEE).</p>	<p>✓</p> <p>✓</p> <p>✓</p>
<b>5.3.9 Building Entrances and Lobbies</b>	<p>All entrances are designed to be clearly visible and identifiable from the street and public areas through the use of colour, materials and articulation in the building design to assist in entrance visibility.</p> <p>The entrances and lobbies have been designed having consideration to the relevant controls in this DCP.</p>	<p>✓</p> <p>✓</p>
<b>5.3.10 Building Facades and Articulation</b>	The building façade has been designed by Durbach Block Jagers Architects having due consideration to the DCP controls. The façade design is unique and contemporary and contributes positively to the streetscape and public domain with interesting changes to form and texture. Detail of the built form is provided in the <b>Design Verification Statement</b> that accompanies this application.	✓
<b>5.3.11 Awnings and Balconies</b>	<p><u>Balcony Controls</u></p> <p>Balconies and terraces have been designed in accordance with the provisions of this DCP and are integrated with the design and form of the building and enhance its appearance and contribution to the streetscape.</p>	✓
	<p><u>Awnings Controls</u></p> <p>Awnings are provided along all public streets and designed in accordance with the provisions of this DCP.</p>	✓

<b>5.3.12 Active Street Frontages</b>	Retail floor space is provided at ground level to active street frontages to Wright Street, Forest Road and Hudson Street in accordance with the Hurstville LEP 2012 Active Street Frontages Map and the controls in this DCP.	✓
<b>5.3.13 Permeability and Accessibility</b>	Permeability and accessibility is provided in accordance with the requirements of <i>Section 8 Controls for Specific Sites and Localities</i> of this DCP.	✓
<b>5.3.14 Crime Prevention Through Environmental Design</b>	Adequately addressed in sub-section 5.5.9 of the SEE.	✓
<b>5.3.15 Landscaping</b>	This application is accompanied by a <b>Landscaping Plan</b> and a <b>Survey Plan</b> detailing compliance with the relevant provisions of this DCP.	✓
<b>5.3.16 Planting on Structures</b>	This application is accompanied by a <b>Landscaping Plan</b> detailing compliance with the relevant provisions of this DCP.	✓
<b>5.3.17 Site Servicing</b>	Site facilities (such as clothes drying areas, mail boxes, recycling and garbage disposal units/areas, screens, lighting, storage areas, air conditioning units and communication structures) are designed to be effectively integrated into the development and are unobtrusive (refer architectural plans). Where not detailed on the architectural plans further detail will be provided as required prior to issue of a Construction Certificate.	✓

#### 5.4 Transport, Traffic, Parking and Access

Controls	Comment	Complies
<b>5.4.2 Transport, Traffic and Parking Studies</b>	<u>Transport and Parking Assessment Study Requirements</u> A <b>Transport and Parking Assessment Study</b> accompanies this application in accordance with the provisions of this DCP.	✓
	<u>Construction Traffic Management Plan (CTMP)</u> A <b>CTMP</b> will be prepared prior to the commencement of works and can be part of conditions of consent.	✓
<b>5.4.3 Sustainable Transport</b>	<u>Car Share Schemes</u> Car share scheme is not proposed.	✓
	<u>Travel Plans</u> <b>Travel Plan</b> will be prepared prior to the commencement of works and can be part of conditions of consent.	✓
	<u>Bicycle Facilities</u> The proposal includes the provision of new bicycle parking facilities (racks on Basement level one) to accommodate 17 bicycles.	✓
	Additionally, there are 163 storage cages that can be used for residential bicycle storage.	✓

<b>5.4.4 Parking and Service Delivery Requirements</b>	<u>Vehicle Parking Rates</u> The development does not provide vehicle parking rates in accordance with the provisions of the DCP. This application is accompanied by a <b>Traffic and Parking Assessment</b> that details how the car parking on site complies with the relevant controls in this DCP and Australian Standards.	X
	<u>Other Car Parking Controls</u> Disabled and visitor car parking spaces will be designated as common property.	✓
	1 accessible parking space is provided for each adaptable dwelling.	✓
	1 car wash bay is provided for residential occupants.	✓
<b>5.4.5 Vehicular Access and Manoeuvring</b>	<u>Location of Vehicular Access</u> Vehicular access points are provided in accordance with provisions of <i>Section 8 Controls for Specific Sites and Localities</i> of this DCP.	✓
	<u>Design of Vehicular Access</u> Vehicular access designed in accordance with provisions of this DCP.	✓
<b>5.4.6 Loading/Unloading facilities and Service Vehicle Manoeuvring</b>	Loading/Unloading facilities and Service Vehicle Manoeuvring is designed in accordance with the provisions of this DCP.	✓
<b>5.4.7 Pedestrian Access and Mobility</b>	Pedestrian access and mobility is designed in accordance with the provisions of this DCP.	✓

## Section 6 Site Planning Considerations

### 6.1 Public Domain

Provisions	Comment	Complies
<b>6.1.1 Landscaping (Street Trees)</b>	Development proposals for the public domain will need further discussion and agreement with Council.	✓
<b>6.1.2 Infrastructure (Street Furniture, Lighting)</b>	Development proposals for the public domain will need further discussion and agreement with Council.	✓
<b>6.1.3 Front Fences / Outdoor Dining</b>	No front fencing is proposed and any outdoor dining will be the subject of further DA.	✓
<b>6.1.4 Paving, Culture and Public Art</b>	Paving will be provided in accordance with the provisions of this DCP. Public art is not proposed given the dedication of land to Council for road widening and the significant monetary contribution made to Council as part of a Voluntary Planning Agreement that is to be used for public infrastructure improvements within the Hurstville City Centre.	✓



<b>6.1.5 Signage</b>	Signage will be the subject of further applications associated with the uses at ground level.	✓
<b>6.2 Environmental Management</b>		
<b>Provisions</b>	<b>Comment</b>	<b>Complies</b>
<b>6.2.1 Energy Efficiency and Conservation</b>	The application is accompanied by <b>BASIX Certificate</b> and compliance with this certificate will ensure the proposed development provides for sustainable energy efficiency.	✓
	Development complies with Section J Energy Efficiency of the Building Code of Australia.	✓
<b>6.2.2 Water Management</b>	The application is accompanied by <b>BASIX Certificate</b> and compliance with the certificate will ensure the proposed development provides for sustainable water management.	✓
<b>6.2.3 Stormwater Management</b>	<b>Stormwater Management Plan</b> accompanies this application and details how the proposed development will not detrimentally impact on groundwater quality or quantity. Refer sub-section 5.5.4 of the SEE for further information.	✓
<b>6.2.4 Waste Minimisation and Management</b>	Application is accompanied by a <b>Waste Management Plan</b> that details best practice recycling and reuse of construction and demolition materials as well as the management of on-going waste from the operation of the proposed development. Refer sub-section 5.5.7 of the SEE for further information.	✓
<b>6.2.5 Wind Mitigation</b>	Application is accompanied by a <b>Pedestrian Wind Environment Statement</b> that addresses the relevant objectives and controls in this DCP.  Refer sub-section 5.5.10 of the SEE for further information.	✓
<b>6.2.6 Reflectivity</b>	Buildings provide a greater proportion of solid to void on all facades and use non-reflective materials.	✓
	Buildings use non-reflective glass and / or recess glass behind balconies.	✓
	Sun shields, such as awnings, canopies and pergolas are provided, where necessary, to glazed areas where considered appropriate.	✓
<b>6.2.7 Soil Management</b>	An <b>Erosion and Sediment Control Plan</b> accompanies this application and details how the proposed demolition and construction will not detrimentally impact on the natural environment.	✓
	A <b>Detailed Site Investigation</b> (DSI) has been undertaken with the conclusion being the site can be considered to be rendered suitable for the proposed use, subject to following actions that will be undertaken as detailed in the DSI.	✓

### 6.3 Development of a Heritage item or in the Vicinity of a Heritage item

Provisions	Comment	Complies
<b>6.3.1 General Information</b>	<p>Subject site is in the vicinity of heritage items and this application is accompanied by a <b>Heritage Impact Statement</b> (HIS) accompanies this application.</p> <p>Overall, the HIS concludes “the proposal demonstrates compliance with the existing controls regarding heritage conservation and is therefore recommended to Council for approval”.</p> <p>Refer sub-section 5.5.1 of the SEE for further information.</p>	✓










### 6.4 Preservation of trees

Provisions	Comment	Complies
<b>6.4.1 Aims of this Section</b>	Noted.	
<b>6.4.2 General Information</b>	Noted.	
<b>6.4.3 Tree and Vegetation Management Process</b>	An <b>Arboricultural Impact Assessment</b> accompanies this application and recommends the removal of all trees for the redevelopment of the sites, noting that there are no significant trees on site with high retention value or that warrant design changes.	✓

### Section 8 Controls for Specific Sites and Localities

#### 8.1 Bing Lee Site, Hurstville

Controls	Comment	Complies
<b>8.1.1 General Information</b>	<p><u>Land to which this Section applies</u></p> <p>This section applies to the subject site.</p> <p><u>Urban Design Principles</u></p> <p>Proposed development has been designed having due regard to the urban design principles,</p>	<p>✓</p> <p>✓</p>
<b>8.1.2. Background and Context</b>	<p><u>Urban Context</u></p> <p>Development has been designed to maintain a human scale and pleasant pedestrian experience. The development contributes to the public domain and maintains the amenity of adjoining residential land uses (refer SEE).</p>	✓
	<p><u>Concept Master Plan</u></p> <p>The proposed development has been designed generally in accordance with the Concept Master Plan.</p>	✓

<b>8.1.3 Development Requirements</b>	<u>Surveyor's Certificate</u>  The Development Application is accompanied by a <b>Surveyor's Certificate</b> that indicates the break-up of the residential and non-residential floor area for the purpose of calculating the gross floor area.	
	<u>Site amalgamation</u>  The proposed development provides for amalgamation of five (5) individual sites that achieves. <ul style="list-style-type: none"> <li>- a general building floor plate of 900 - 1,000sqm; and</li> <li>- a minimum 30 metre street frontage;</li> </ul>	
	Adjoining sites that may have been isolated have been included in the amalgamation.	
	The site amalgamation has been the subject of a Planning Proposal that has been supported following extensive investigations into how the proposal will enhance <ul style="list-style-type: none"> <li>- redevelopment opportunities,</li> <li>- public domain opportunities;</li> <li>- accessibility and linkages.</li> </ul>	
	<u>Land Dedication</u>  Development of the site includes a dedication to Georges River Council of a strip of land of approximately 196m <sup>2</sup> and 2m wide along the Forest Road boundary that is not built on, below or above.	
	<u>Built Form and Setbacks</u>  Built form comprises a maximum 4 storeys podium above ground level and built to the street frontage. The upper levels of the buildings are set back at least 4m on Forest Road, Wright Street and Hudson Street.	
	Development does not comply with the DCP requirements for upper level setbacks to the adjoining sites along Hudson Street and Wright Street.	
	The street edge is defined by building the podium to the street frontage in accordance with Figures 6 to 9 of this section in the DCP.	
	Building layout and setbacks are in accordance with SEPP 65 and the ADG (refer Section 5.1.2 of the SEE).	
	All residential apartments will be insulated and have Impact Isolation between floors to achieve an Acoustical Star Rating of 5 in accordance with the standards prescribed by the Association of Australian Acoustical Consultants (AAAC). An Acoustic Report has been submitted with the Development Application to ensure that the above standards have been achieved.	