



**GEORGES
RIVER
COUNCIL**

Gateway Request

Planning Proposal (PP2015/0006)

37-41 Treacy Street, Hurstville

(Council Owned, Treacy Street Car Park Site)

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Attachments

- Attachment 1: Georges River Council Report 5 June 2017, Item CCL085-17 Planning Proposal, 37-41 Treacy Street, Hurstville (includes as Attachment 1, Georges River Independent Hearing & Assessment Panel Report 18 May 2017, Item 3.4 PP2015/0006 Planning Proposal, 37-41 Treacy Street, Hurstville)
- Attachment 2: Hurstville LEP 2012 Proposed Amended Maps
- Attachment 3: SEPP & s117 Direction Compliance Tables

EXECUTIVE SUMMARY

Georges River Council considered a Planning Proposal (PP2015/0006) (October 2015 and revised November 2016) which proposed the following changes to the Hurstville Local Environmental Plan 2012 ("LEP") for the Council owned car park at 37-41 Treacy Street, Hurstville ("the Site"):

- Zone B4 Mixed Use to permit business and residential land uses (shop top housing) and parking,
- Amend the Height of Building Map (HOB) to specify a maximum building height of 53m (16 storeys),
- Amend the Floor Space Ratio Map (FSR) to specify a maximum floor space ratio of 7:1 (increased in the revised Planning Proposal request to 7.2:1),
- Include the Treacy Street frontage of the Site as "active street frontage" (included in the revised Planning Proposal request).

The Planning Proposal relates to a 2,497m² site within the Hurstville City Centre which is bounded by Treacy Street to the north and the railway corridor to the south. The Site is known as 37-41 Treacy Street and currently accommodates a public car park (approx. 90 spaces).

The Site is one of three (3) sites which are identified as a "deferred matter" in the Hurstville LEP 2012 and the provisions of the Hurstville LEP 1994 apply including zoning of 3(b) City Centre Business Zone. The development standards (including maximum building height of 15m and FSR of 3:1) in the Hurstville DCP No.2 (Amendment No.5) also currently apply. The "deferred matters" of the Hurstville LEP 2012 are to be finalised by September 2017. The anticipated development from the revised Planning Proposal request (November 2016) is a 16 storey mixed use development including:

- 180 residential apartments (mix of 1, 2 and 3 bedroom),
- 780m² ground level retail floor space,
- 1,800m² commercial (office) floor space (Level 2),
- 375 basement parking spaces including 90 public spaces (replacing existing), 237 residential and 48 commercial/retail spaces.

The St George Independent Hearing and Assessment Panel ("IHAP") considered the Planning Proposal request at its meeting of 18 May 2017 and Georges River Council resolved at its meeting of 5 June 2017 (refer **Attachment 1**) to endorse the following amendments to the Hurstville LEP 2012 in relation to the Site:

- Amend the Land Application Map to remove the "deferred matter" status from the site,
- Amend the Land Zoning Map to remove the "deferred matter" from the Site and zone the Site B4 Mixed Use,
- Amend the Height of Building Map (HOB) to specify a maximum building height of 55m (increased from the proposed 53m),
- Amend the Floor Space Ratio Map (FSR) to specify a maximum FSR of 7:1,
- Amend the Active Street Frontages Map (ASF) to identify an active street frontage along the Treacy Street boundary of the site,
- Amend Clause 4.4A of Hurstville LEP 2012 to include a provision requiring a minimum 'non-residential' floor space ratio of 1:1 on the site,

- Amend to include provision for affordable housing to be incorporated in any development on the site equivalent to not less than 5% of the gross floor area of the development.
- Amend to include provision for public car parking to be provided in any development on the site equivalent to not less than 90 car spaces.

Council at its meeting of 5 June 2017 also resolved (if Gateway Approval is granted) to:

- Prepare a site specific development control plan amendment,
- Require a revised urban design analysis,
- Consideration be given to the traffic impacts generated by future development and contributions that can be made to offset the impact,
- Consider to including additional parking spaces within the development to assist in improving parking availability within the centre.

A Letter of Offer to enter into a Planning Agreement (dated 27 April 2017) was provided by the Applicant; a copy of which was included as an Attachment to the Georges River IHAP report of 18 May 2017 and subsequently as an attachment to the Georges River Council report of 5 June 2017 (refer **Attachment 1**). However Council subsequently received legal advice that Council can't enter into a planning agreement with itself as it is legally defective, the Environmental Planning & Assessment Act doesn't contemplate it and the agreement could not be registered on title.

Consideration and background to a Planning Agreement for the Treacy Street Car Park site is included in Section 3.2 of this report in relation to the Georges River Council Policy on Planning Agreements (August 2016).

1. INTRODUCTION

A request to prepare a Planning Proposal (PP2015/0006) for 37-41 Treacy Street, Hurstville (Treacy Street Car Park) was originally submitted by Hurstville City Council ("the Applicant") on 16 October 2015 and revised on November 2016, and proposed the following amendments to the Hurstville LEP 2012 in relation to the Site:

- Zone B4 Mixed Use to permit business and residential land uses (shop top housing) and parking,
- Amend the Height of Building Map (HOB) to specify a maximum building height of 53m (16 storeys),
- Amend the Floor Space Ratio Map (FSR) to specify a maximum floor space ratio of 7:1 (increased in the revised Planning Proposal request to 7.2:1),
- Include the Treacy Street frontage of the Site as "active street frontage" (included in revised Planning Proposal request).

A copy of the Applicant's revised Planning Proposal Request (November 2016) is included within the Attachments the Council report (**Attachment 1**) and includes the following reports:

- Planning Proposal, Site Specific Land Use, Height and FSR Amendment, 37-41 Treacy Street, Hurstville, The Planning Group NSW Pty Limited (November 2016) which includes the following Appendices:
 - Hurstville LEP 2012 Maps (Land Zoning, Height, FSR, Active Street Frontage)
 - Transport Impact Assessment, GTA Consultants (04/10/16),
 - Plan Showing Selected Detail & Levels Over Treacy Street Car Park, Hurstville (Site Survey), Higgins Surveyors (05/12/14),
 - Compliance Tables Ministerial s117 Directions and State Environmental Planning Policies,
 - Indicative Design Concept, BKA Architecture, Revision A (undated)

The Applicant has stated that the basis for the requested amendment to the maximum building height and maximum floor space ratio development standards is to "*enable the development of a high density mixed use development within the Hurstville City Centre*". The supporting documents note that "*the PP is considered to have strategic planning merit and appropriately aligns with Council's strategic vision for the site set out within the Hurstville City Centre Concept Master Plan and Hurstville City Centre Urban Form Study*".

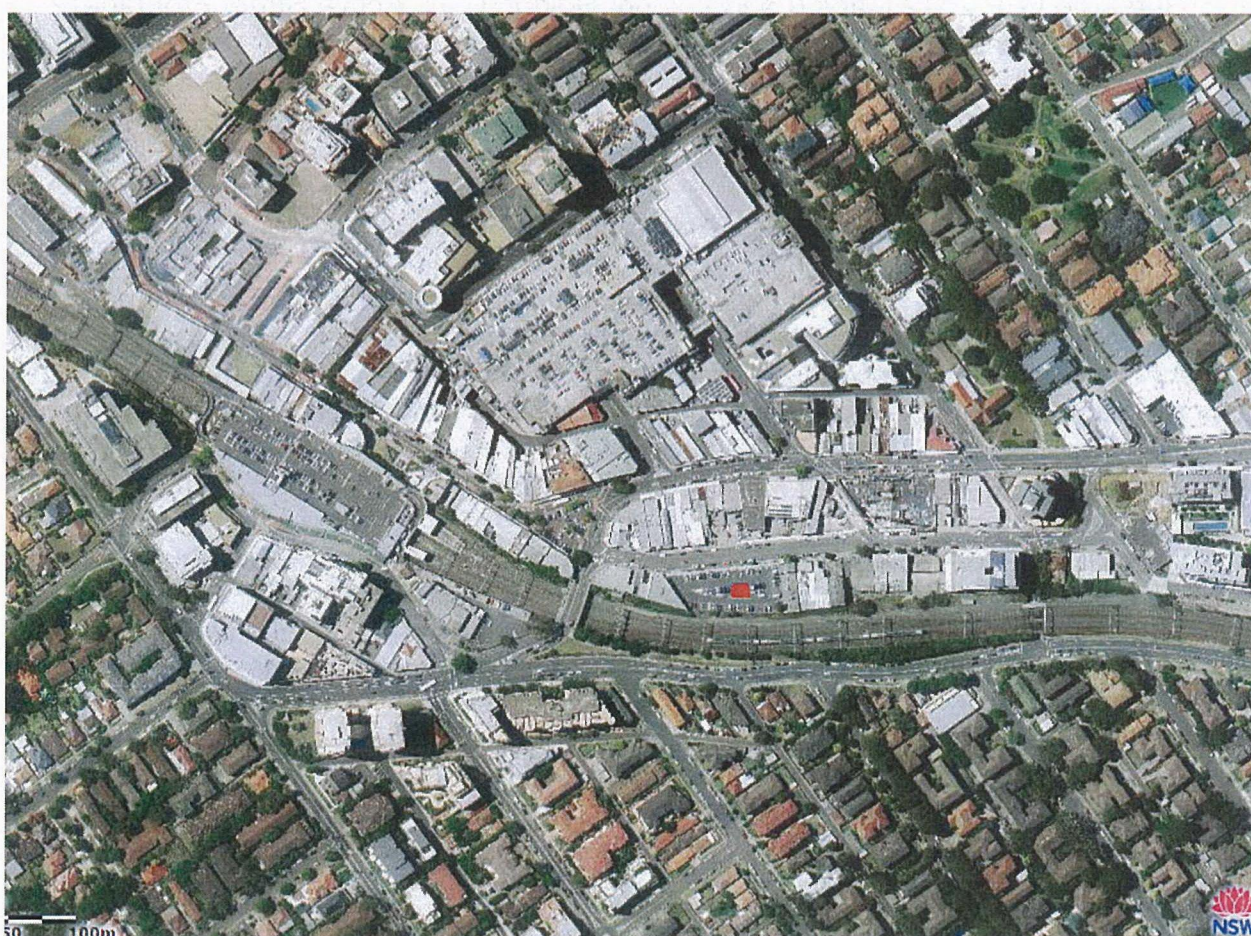
The Treacy Street Car Park site is one of three (3) Hurstville City Centre sites which were "deferred" from the Hurstville LEP 2012. The provisions of the Hurstville LEP 1994 and Hurstville DCP No.2 (Amendment No. 5) currently apply to these sites. Council has until September 2017 to submit a Planning Proposal to the Department of Planning for the Treacy Street Car Park Site (a "deferred matter").

The Planning Proposal request was considered by the St George Design Review Panel ("DRP"), the Georges River IHAP (18 May 20127) and Georges River Council (5 June 2017) as detailed in the Council Report (and attachments) in **Attachment 1**.

The proposed changes in this Planning Proposal will be implemented through an amendment to the Hurstville LEP 2012 to remove the "deferred matter" status of the site and amend LEP 2012 Maps (Land Zoning, Height of Buildings, Floor Space Ratio and Active Street Frontages) as follows:

- Amend the Land Application Map to remove the “deferred matter” status from the site,
- Amend the Land Zoning Map to remove the “deferred matter” from the Site and zone the Site B4 Mixed Use,
- Amend the Height of Building Map (HOB) to specify a maximum building height of 55m (increased from the proposed 53m),
- Amend the Floor Space Ratio Map (FSR) to specify a maximum floor space ratio of 7:1,
- Amend the Active Street Frontages Map (ASF) to identify an active street frontage along the Treacy Street boundary of the site,
- Amend Clause 4.4A of Hurstville LEP 2012 to include a provision requiring a minimum ‘non-residential’ floor space ratio of 1:1 on the site,
- Amend to include provision for affordable housing to be incorporated in any development on the site equivalent to not less than 5% of the gross floor area of the development.
- Amend to include provision for public car parking to be provided in any development on the site equivalent to not less than 90 car spaces.

Consideration and background to an Offer to enter into a Planning Agreement for the Treacy Street Car Park site is included in Section 3.2 of this report in relation to the Georges River Council Policy on Planning Agreements (August 2016).



**Figure 1: Treacy Street Car Park Site (shown red) location within the Hurstville City Centre
(Source: Six Maps NSW)**

2. THE SITE

2.1 Overview of the Site

The Site is known as 37-41 Treacy Street and includes seven (7) lots, as shown in **Figure 2**, legally described as:

- Lots 1 & 2 in DP323090 (201.3m² & 638.9m²),
- Lot 2 in DP11931 (402.0m²),
- Lot B in DP31479 (408.3m²),
- Lots 1, 2 & 3 in DP535805 (606.3m², 119.4m² & 120.9m²).

The trapezoid shaped lot is bounded by Treacy Street to the north and the Illawarra Rail Line to the south and existing commercial developments (single and two (2) storey) immediately to the east and west. The area to the east along Treacy Street is the subject of a significant increase in scale through recent development approvals.

The Site has an area of approximately 2,497m² and the following boundaries:

- Treacy Street frontage of approx. 87.09m,
- Illawarra Rail Line boundary of approx. 72.7m,
- Eastern boundary approx. 36.0m,
- Western boundary of approx. 30.39m.

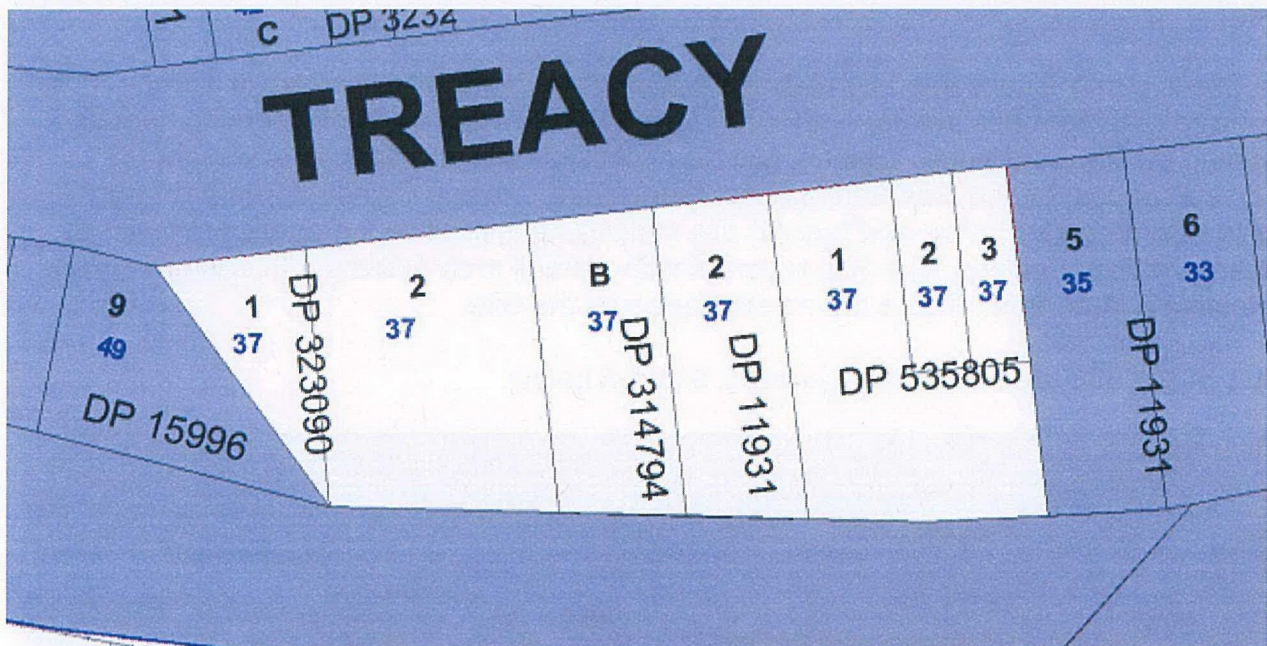


Figure 2: Treacy Street Car Park Site, 37-41 Treacy Street, Hurstville (shown uncoloured)
(Source: Exponare, Georges River Council)



Figure 3: Aerial Photograph of Site and Surrounding Land (Source: SIX Maps NSW)

The Site is owned freehold by Hurstville City Council (now Georges River Council). Lots 1 and 2 in DP323090, Lot B in DP31479 and Lot 2 in DP11931 were acquired by Council on 1 June 1979. Lots 1, 2 and 3 in DP535805 were acquired on 3 December 1986. Since acquiring the land, Council demolished all buildings on the land and operated a public car park.

The Site is currently occupied by at-grade public car parking with access via Treacy Street (separate entry and exit points) – refer to **Figure 3**. There are 90 public parking spaces, including 80 standard public spaces, two (2) accessible parking spaces and eight (8) reserved spaces. Of the reserved spaces, four (4) are under a licence agreement with 3 Bridges Community Centre and four (4) are under an expired licence agreement with St Vincent De Paul Society. The Site is paved with a small area in the south eastern corner containing a large tree. There are no structures on the Site.

Views of the Site are shown in **Figures 4, 5 and 6** below.



Figure 4: Site photo showing car park eastern entry off Treacy Street (Source: Google Maps)



Figure 5: Site photo showing car park western exit off Treacy Street (Source: Google Maps)



Figure 6: Site photo showing view from south from Railway Parade

The ground surface of the Site gently slopes towards the south eastern boundary from an approx. RL68 at the Treacy Street (western) corner to RL65.5 at the south eastern corner (Illawarra Rail Line).

The Site occupies a key location in the Hurstville City Centre, within the "City Centre East Precinct" which is characterised by the extension of the retail strip along Forest Road and very under-utilised development along the railway line in Treacy Street (currently experiencing change with a number of new development located along Treacy Street). Treacy Street also provides the rear vehicle and service access to properties in Forest Road.

The rear of the Site has a prominent position when viewed from the railway line and residential properties (single dwelling houses and residential flat buildings) to the south along Railway Parade.

Treacy Street is a one-way east/west road which caters for westbound movements only, extending over the rail line (two way) and intersecting with Forest Road. The Site is within 350m of Hurstville Station and 450m to the bus interchange on Woodville Street and is in close proximity to the retail and entertainment offerings along Forest Road. Two (2) areas of open space are within walking distance, Woodville Park (approx. 650m or 8 minute walk) and Kempt Field (approx. 750m or 10 minutes) and provide for passive recreation opportunities.

2.2 Surrounding Development and Approvals

A summary of the surrounding land is provided below and shown in **Figures 7 to 11**:

- North: To the immediate north, the site adjoins a number of single and two (2) storey commercial developments with frontage to Treacy Street. Further north over Forest Road, the site adjoins more commercial development forming part of the central retail core of the City, with Hurstville Westfield further to the north.
- East: To the east, the site adjoins one (1) and two (2) storey commercial premises and land upon which a Major Project approval has been issued, being 21-35 Treacy Street. Further to the east, the site adjoins commercial and mixed use developments (either existing or currently under construction), with the Eastern Quarter site located at the eastern end of Treacy Street.
- South: To the immediate south, the site adjoins the railway corridor of the T4 Eastern Suburbs & Illawarra Line. Further south, the site adjoins Railway Parade and a mix of low, medium and high density residential development.
- West: To the immediate west, the site adjoins two storey commercial developments on the southern side of Treacy Street, fronting the corner of Treacy Street and Forest Road. Further to the west, the site adjoins Hurstville City Centre commercial development and the Hurstville Railway Station.



Figure 7: View of one and two storey commercial premise to the west, adjacent to the Site
(Source: Google Maps)



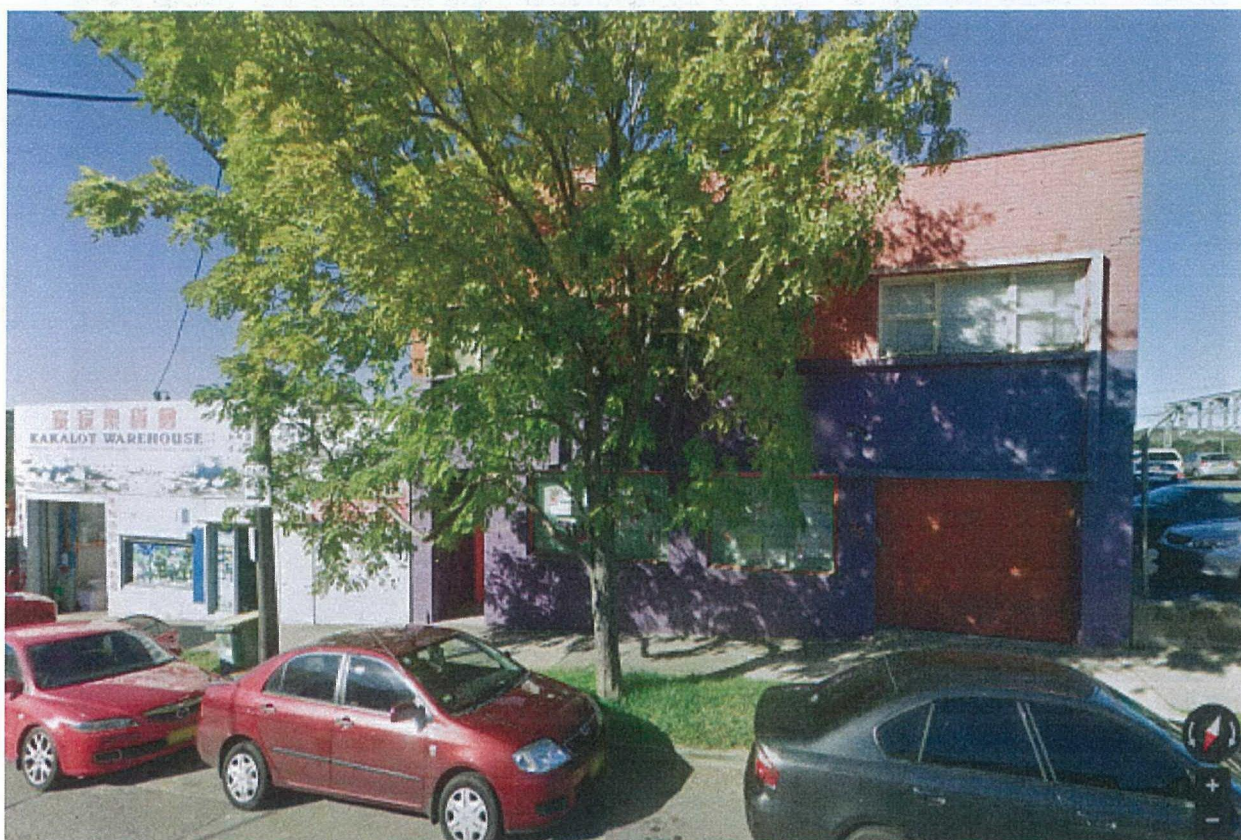
Figure 8: View looking north to one and two storey commercial premises
(Source: Google Maps)



Figure 9: View of the residential development (single dwellings and residential flat buildings) to the south along Railway Parade on the opposite side of the rail line



Figure 10: View of the frontage of the car park to Treacy Street looking east



**Figure 11: View of one and two storey commercial premise to the east, adjacent to the site
(Source: Google Maps)**

On 1 July 2011 the Minister for Planning and Infrastructure approved a Concept Plan (ref MP10_0101) for a residential, commercial and retail development at 21-35 Treacy Street under Part 3A of the Environmental Planning & Assessment Act, 1979 (Major Project Approval). Modification 1 to the development was approved on 4 September 2012, while Modification 2 was refused on 30 May 2014.

The Mod 1 approved development (see **Figures 12 and 13**) comprises the following:

- Building envelope with a maximum building height of 55 metres (16 storeys),
- 283 dwellings (26,775m²),
- Ground floor retail floor area (1,499m²),
- Community floor space (200m²),
- Overall Gross Floor Area (GFA) of 28,474m² with a FSR of 6.78:1,
- 3 levels of basement parking for 377 vehicles,
- Public domain improvements to Treacy Street,
- On site landscaping.



Figure 12: Treacy Street perspective of approved Mod 1 development (Subject Site shown on the right) (Source: View Analysis prepared by Stanasic Architects)

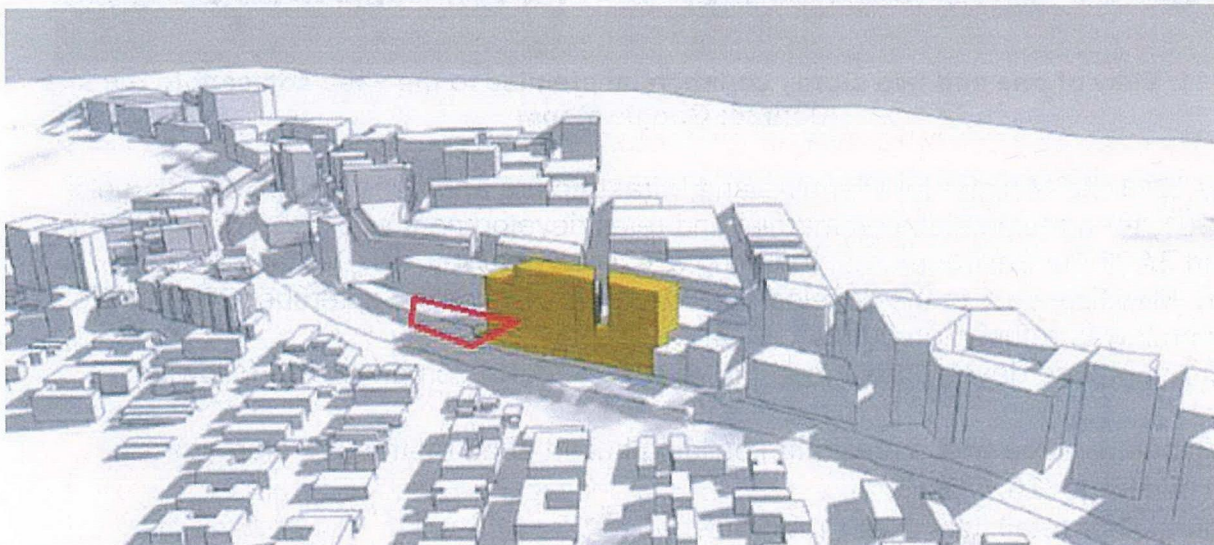


Figure 13: View analysis of approved form looking north to Hurstville cityscape (Subject Site depicted in red outline) (Source: View Analysis prepared by Stanasic Architects)

The Planning Proposal request places considerable weight upon the height and FSR of the development approved at 21-35 Treacy Street as justification for the same controls being applied to the Subject Site.

3. PLANNING CONTROLS, STRATEGIES AND POLICIES

3.1 Hurstville LEPs and DCPs

Hurstville Local Environmental Plan 1994 ("LEP 1994") applies to the Site (the site is one of the three (3) "deferred matters" of the Hurstville LEP 2012) and the following provisions are relevant to the Planning Proposal:

Land Zoning: The Site is zoned 3(b) (City Centre Business Zone) as shown on the extract of the Land Zoning Map (**Figure 14**). The relevant objectives of the 3(b) zone are:

- (a) to designate sufficient areas of land to meet the projected needs of the Hurstville Town Centre as a multi-functional regional centre,
- (b) to facilitate development of land within the Hurstville Town Centre for commercial, retail, residential and community purposes,
- (c) to provide a single business zone for the Hurstville Town Centre as a sub-regional centre,
- (e) to improve traffic flow in and around the Hurstville Town Centre.

The 3(b) zone includes a wide range of permissible uses including business premises, office premises, shops, residential flat buildings and car parks, with prohibited development including industrial and warehousing type developments, amusement centres, boarding houses, sex services premises and caravan parks.

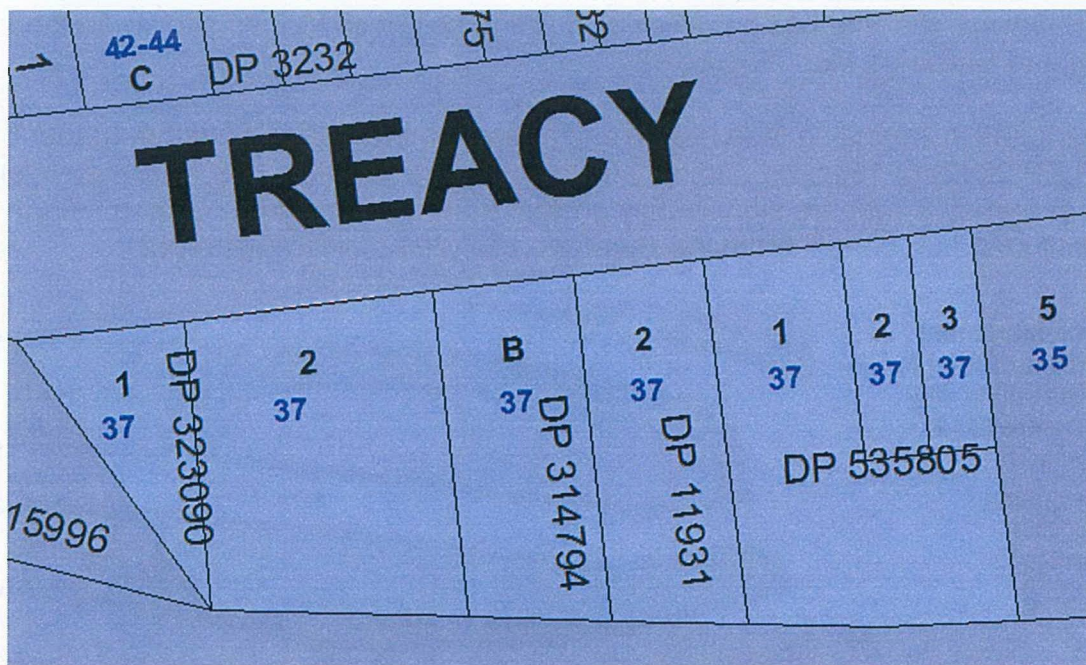


Figure 14: Extract of Hurstville LEP 1994 – Land Zoning Map 3(b)(City Centre Business Zone)
(applies to subject site only)

Heritage: The site is not identified as a heritage item under the Hurstville LEP 1994 (listed in Schedule 2 of the Hurstville LEP 1994). There are four (4) heritage items located in the vicinity of the site (a range of inter-war commercial buildings) as shown on the extract of the Hurstville LEP 2012 – Heritage Map (**Figure 15**).

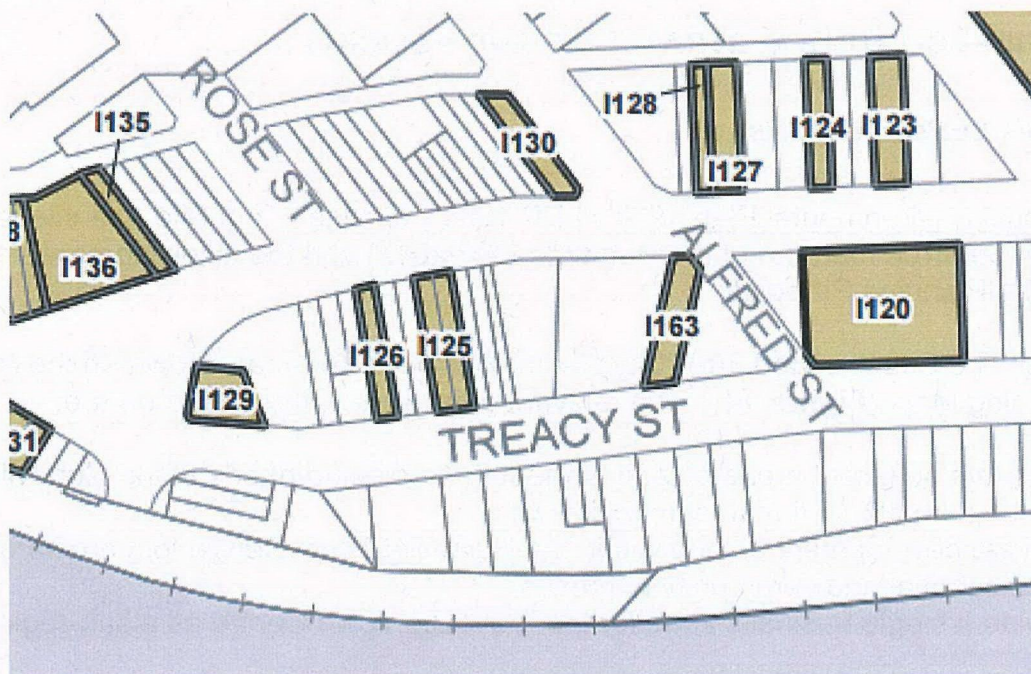


Figure 15: Extract of Hurstville LEP 2012 – Heritage Map (applies to surrounding sites)

Hurstville DCP No.2 (Amendment No.5) includes the height and FSR development standards for the site as it is a “deferred matter” from the Hurstville LEP 2012. All surrounding sites are subject to the development standards (including building height and FSR) in the Hurstville LEP 2012.

Height of Buildings: the Site has a maximum building height of 15m as shown on the extract of the Height of Buildings Map (**Figure 16**).

The adjacent and surrounding land has a range of maximum building heights (under the Hurstville LEP 2012) of 15m and 23m as shown in **Figure 17**. Note that recent development approvals in Treacy Street are significantly greater than the maximum building height development standard contained in the Hurstville LEP 2012 (refer **Figure 12**).

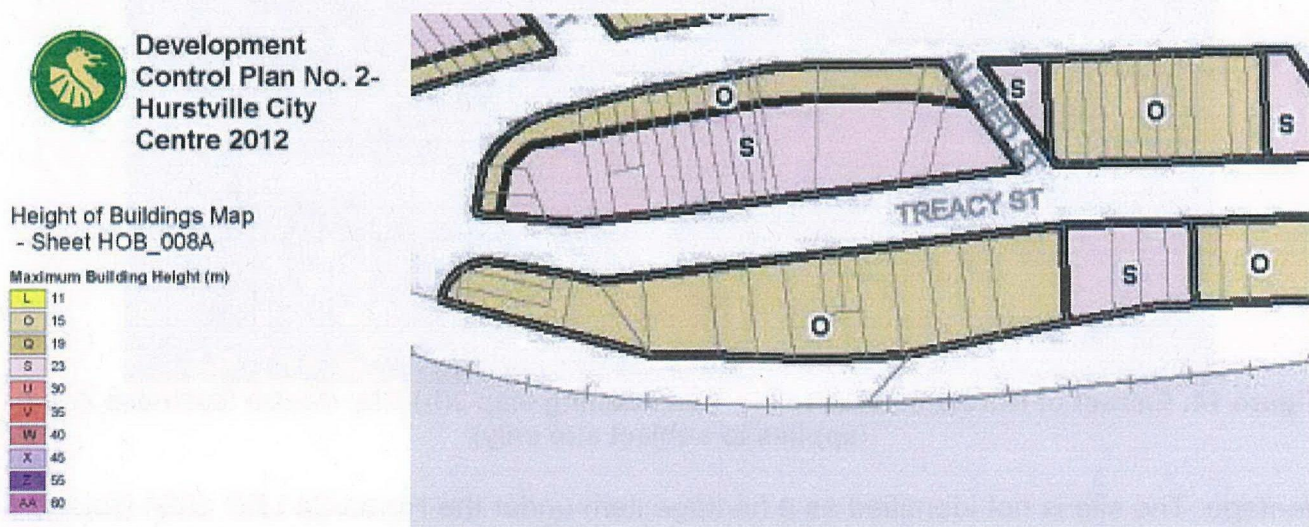


Figure 16: Extract Hurstville DCP No.2 (Amendment No.5) – Height of Buildings Map (applies to the subject site only)

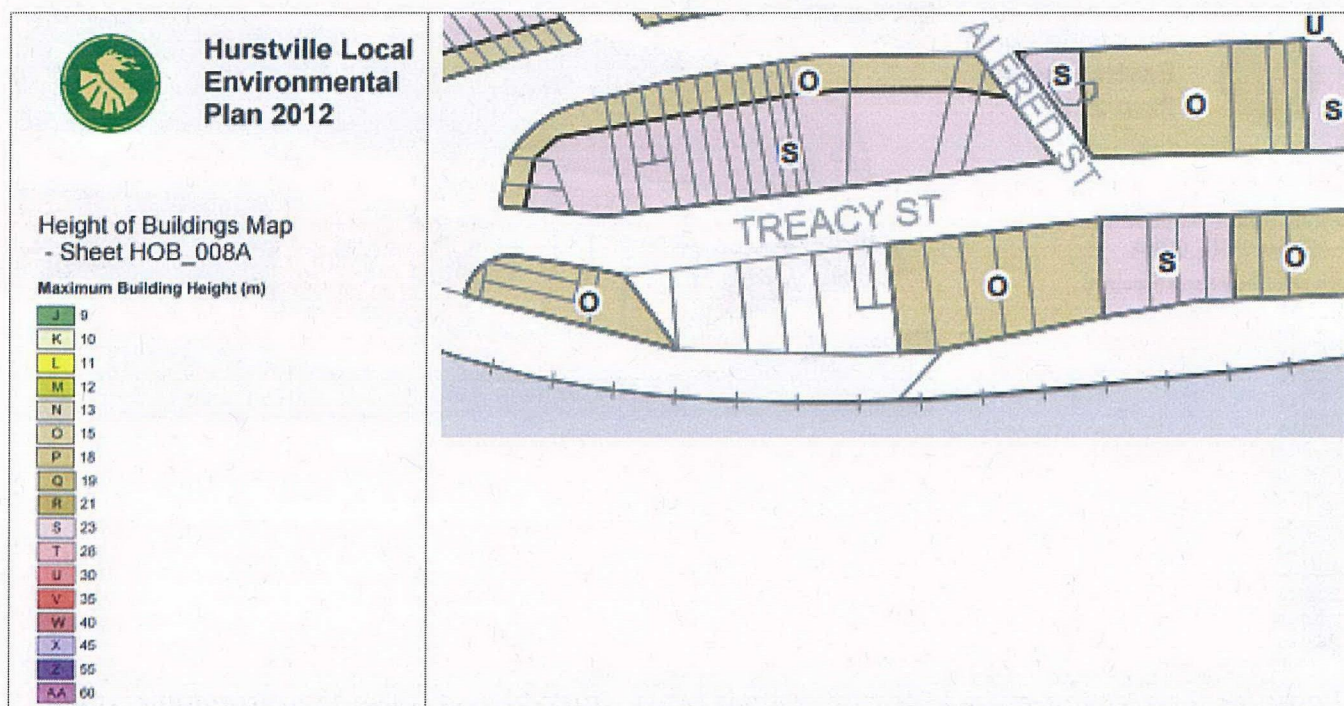


Figure 17: Extract Hurstville LEP 2012 – Height of Buildings Map (applies to surrounding sites)

Floor Space Ratio: the Site has a maximum floor space ratio of 3:1 as shown on the extract of the Floor Space Ratio Map below (**Figure 18**). The adjacent and surrounding land has a range of maximum floor space ratios of 3:1, 4:1 and 4.5:1 (refer **Figure 19**).

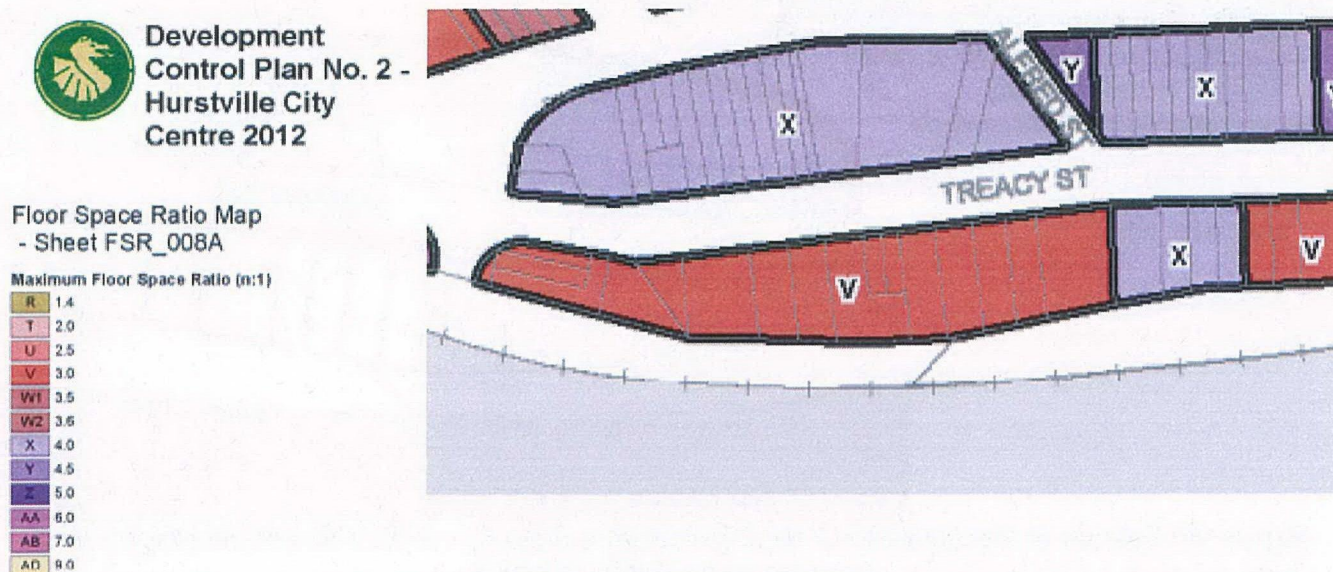


Figure 18: Extract of Hurstville DCP No.2 (Amendment No.5) – Floor Space Ratio Map (applies to subject site only)