

# **PLANNING PROPOSAL**

for

Increasing the Height and FSR Controls applying to the site

at

29-31 MacMahon Street Hurstville

as denoted in Hurstville LEP 2012

August 2016

Prepared for:  
The Churches of Christ Property Trust  
o.b.o. Hurstville Church of Christ  
29-31 MacMahon Street  
Hurstville NSW 2220

Prepared by:  
KPoint Investments Pty Ltd  
ABN 85 591 882 160  
Development Managers

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This report has been prepared by:  
Craig Irwin



1<sup>st</sup> August 2016

## Introduction

Hurstville Church of Christ (Church) is one of the last civic institutions in MacMahon Street, traditionally the major civic precinct in Hurstville. The Church has been serving the community in Hurstville for over 105 years.

The Church through its representative consultants approached council planners in June 2013 regarding re-instatement of the 55 metre height limit that existed in 'draft' Hurstville City Centre Local Environmental Plan (HCC LEP) 2011 and to request council increase the Floor Space Ratio (FSR) applicable to the site. Council planners advised that public exhibition of the second and final version of the 'City Centre LEP', being HCC LEP 2014, was imminent and, therefore, the most efficient method of dealing with our request was by making a submission during the exhibition. Unfortunately, that LEP finalisation process was delayed over 15 months.

Some constructive discussions were had with council planners prior to the exhibition which enabled the Church's October 2014 submission to include a variety of relevant information required by council, such as a detailed traffic report analysing what 'impact' an additional 2.5:1 site FSR would have on the council commissioned Transport Management and Accessibility Plan (TMAP) for the Hurstville City Centre. Importantly, the Colston Budd Hunt and Kafes traffic report concluded the 'impact' would be 'unnoticeable'.

On 22nd May 2015, after council decided not to support the Church's October 2014 planning proposal, for reasons generally based around the 'City Centre LEP' not yet having been made, a Pre-Gateway Review application was lodged on behalf of the Church to the Department of Planning (Department).

Following a thorough and rigorous examination the Department report of February 2016 concluded the proposal had merit and recommended it be forwarded to the Joint Regional Planning Panel (JRPP) for further review.

On 1<sup>st</sup> June 2016, after two (2) hearings, the JRPP unanimously concluded and subsequently recommended to the Minister that the proposal proceed to Gateway determination stage.

On 30<sup>th</sup> June 2016, the Department Deputy Secretary for Planning Services, on behalf of the Minister, then determined the proposal should proceed to Gateway determination stage.

This updated planning proposal requests an increase in Height and FSR controls, for 29-31 MacMahon Street Hurstville, from those existing in Hurstville Local Environmental Plan 2012.

## Objectives

The objectives and intended outcomes of the proposed instrument are to provide a higher yield from the site at 29-31 MacMahon Street Hurstville, under the existing B4 zoning, see *Figure 1 (in MAPPING)*.

## Explanation of Provisions

The proposed outcome will be achieved by:

- amending Hurstville LEP 2012 Map 8A – Height of Buildings Map in accordance with the proposed height map, *extract shown in Figure 2*, which indicates a maximum permissible height of 50 metres on the site; and
- amending Hurstville LEP 2012 Map 8A – Floor Space Ratio Map in accordance with the proposed floor space ratio map, *extract shown in Figure 3*, which indicates a maximum permissible floor space ratio of 5.5:1 on the site.



*Figure 2:* Extract from proposed amended Hurstville LEP 2012 Map 8A – Height of Buildings Map showing 29-31 MacMahon St marked 'Y' & coloured 'purple' denoting 50 metre height.

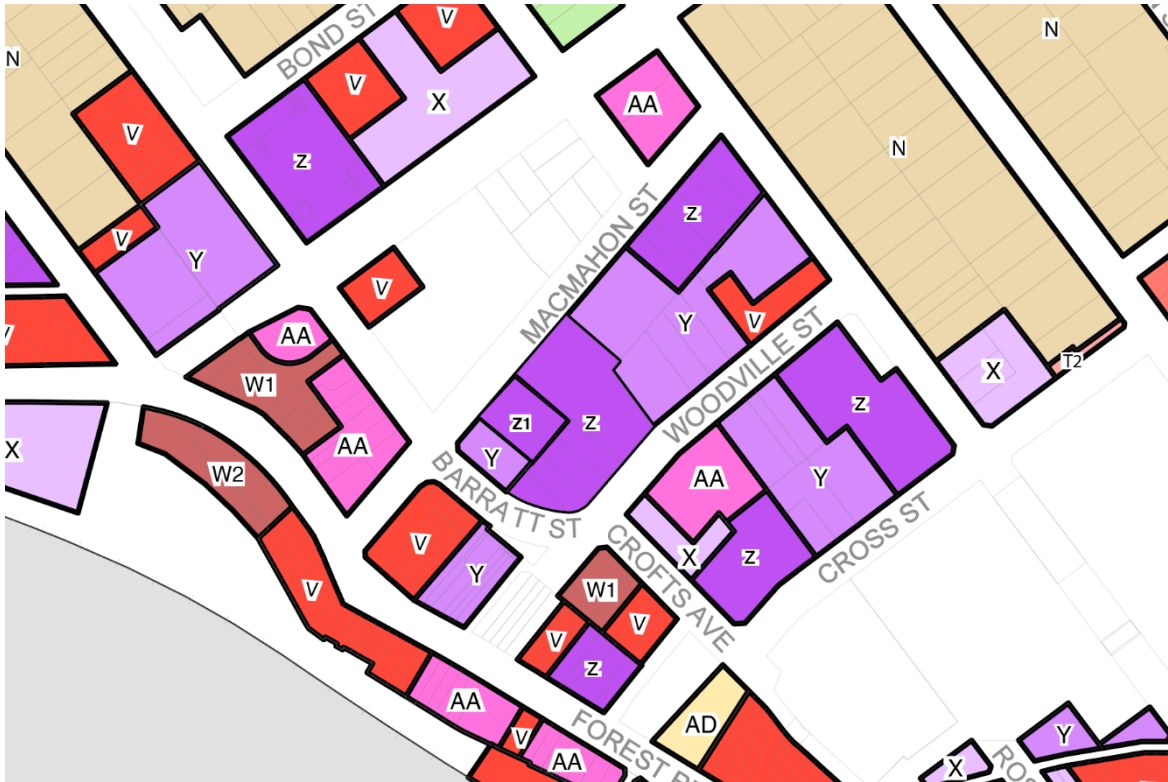


Figure 3: As per Figure 2, but Floor Space Ratio Map, with the site marked 'Z1' & coloured 'purple' denoting 5.5:1 FSR.

## Justification

### Site Analysis

The site is located on the southern side of MacMahon Street. It is bounded by MacMahon Street to the north and existing buildings to the south, east and west. The site contains two lots and one strata plan. The real property descriptions of the lots are Lot 10, Section A in DP 1297, Lot 11 in DP 455603 and SP 12396.

The site is generally rectangular in shape, with a frontage to MacMahon Street of 30.18 metres and an overall area of 1112.6 square metres. Current improvements include a two storey residential apartment building and a single storey community church.

Hurstville is approximately 16km south west of the Sydney Central Business District (CBD). The city is situated in the Georges River Local Government area which falls within the South Sub-region of Sydney.

The Hurstville City Centre is a significant CBD with a range of employment and residential opportunities. There are a range of high profile retail facilities supported by a variety of commercial office space and ancillary land uses.

The Hurstville Transport Interchange is located within the City Centre, only 70 metres from the site. This major bus and rail node provides excellent access by public transport to

Sydney CBD, Sydney Airport, the eastern suburbs, Illawarra, the south west, Parramatta and the north west.

More detail on context is included under the Kennedy Associates Architects *Urban Design Study*, attached as Appendix 1 to this proposal.

***Is the planning proposal a result of any strategic study or report?***

Yes. This planning proposal is the result of a Department review recognising there is merit in considering an alteration to the existing LEP controls governing the site, then a JRPP decision recommending a change to those LEP controls, culminating in a determination by the Minister's representative that the planning proposal proceed to Gateway determination stage, on 30<sup>th</sup> June 2016.

***Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?***

Yes. This planning proposal follows the procedures laid down in the Environmental Planning and Assessment Act and the directions/recommendations made by the Department, JRPP and council.

***Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?***

Yes. Absolutely. The applicable strategy is 'A Plan for Growing Sydney (2014)' which identifies Hurstville City as a 'Strategic Centre' in the South Sub-region. The clear message from the NSW Government through this plan is that there is an ongoing need to provide greater housing choice and affordability in accessible locations in the Sydney region.

***Is the planning proposal consistent with a council's local strategy or other local strategic plan?***

Yes. The applicable local strategies are:

Hurstville Strategic Community Plan 2025 (HCSP 2025)

The HCSP 2025 was effective from 1<sup>st</sup> July 2015. The guiding principles of this plan have been developed around environmentally sustainable development, social justice principles and the 'Quadruple Bottom Line Approach'.

The Quadruple Bottom Line strategies result from the issues raised through the community engagement process. The four pillars are Social and Cultural Development, Environmental Sustainability, Economic Prosperity and Civic Leadership.

Redevelopment of the site would provide opportunity to introduce environmentally sustainable practices in regard to water use, energy consumption and waste management.

The opportunity for economic prosperity will be enhanced by encouraging viable, sustainable commercial and residential redevelopment of the site to meet population and employment needs.

#### Hurstville City Centre Public Domain Plan October 2007 (HCCPDP 2007)

The 'aims' of HCCPDP 2007 as they are relevant to the new Civic Precinct, of which 29-31 MacMahon Street is a part, are to:

- Define and characterise the Hurstville City Centre through the public domain
- Provide guidelines for public domain improvements for private development
- Recommend how future private development can contribute to the theme by including principles for public areas, entrances etc.

The Indicative Scheme prepared by Kennedy Associates Architects, included in Appendix 1, shows a non-residential use on ground floor level in accordance with the B4 zoning and the introduction of a forecourt, on part of the MacMahon Street-front, adjacent to the 'Old Fire Station' heritage item on the neighbouring site.

Environmentally sustainable design techniques such as rainwater collection from downpipes, for irrigation re-use, should be possible.

An awning over the street could be integrated off the front of the building.

There would be no overshadowing, or other solar access impact, on the public domain created by the additional building height and FSR, sought by the objectives and provisions of this proposal. All the associated public domain lies to the north (or in the northern arc) of the 29-31 MacMahon Street site.

Creating an integrated private development/public domain space should contribute to the 'Hilltop civic precinct incorporating all of the major civic/community functions with quality open space/gathering areas' and facilitating the "feeder" pedestrian access role into the CBD from areas to the north, as encouraged by council's city centre Development Control Plans.

#### ***Is the planning proposal consistent with applicable State Environmental Planning Policies?***

There are no State Environmental Planning Policies (SEPPs) or known 'draft' SEPPs that would prohibit or restrict the planning proposal. An assessment against relevant SEPPs is provided in Table 1 (Note: SEPPs not relevant to the proposal are not included in the table).

Table 1: RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES

SEPP no.	Relevance	Consistency	Comments
21 – Caravan Parks	Applies to all land in the state	yes	Prohibited on the site under proposed B4 zoning
32 – Urban Consolidation (Redevelopment of Urban Land)	The land is suitable for urban development under the Zone B4 Mixed Use. Part 7 directs councils to “implement the aims and objectives of this policy to the fullest extent practicable.”	yes	This planning proposal (PP) is consistent with the policy by facilitating the opportunity to achieve the requirements of Part 7. The land is <u>NOT</u> subject to Schedule 1.
55 – Remediation of Land	Introduces state-wide planning controls for the remediation of contaminated land.	Yes	The site history indicates it is likely to be suitable for community, commercial and residential uses.
64 – Advertising and Signage	To be considered for the community and any commercial uses	Yes	Matter for consideration at the time of DA
65 – Design Quality of Residential Flat Development	Residential apartments are permitted with consent in Zone B4.	Yes	Compliance with the SEPP will need to be demonstrated with a future development application. The Indicative Scheme (IS) supporting this planning proposal has been developed with regard to the SEPP & NSW Department of Planning & Environment ‘Apartment Design Guide (July 2015)’.
(Affordable Rental Housing) 2009	The policy seeks to retain and provide affordable housing in areas with good access to public transport and established utilities, services & facilities.	Yes	The PP will not reduce the availability of affordable rental housing or the opportunities for new affordable housing. The PP will not change the manner in which the policy applies.
(Building Sustainability Index: BASIX) 2004	Aims to achieve energy and water efficient buildings.	Yes	Compliance with BASIX would need to be demonstrated in a future development application. It appears there are no site constraints precluding future compliance.



(Exempt and Complying Development Codes) 2008	Defines types of development for which development consent is not required.	Yes	The PP does not alter how the policy applies to the site.
(Housing for Seniors or People with a Disability) 2004	Facilitates the delivery of housing suitable for older people with special needs and sets minimum design standards for sites, dwellings and ancillary facilities.	Yes	The PP does not alter how the policy applies to the site.
(Infrastructure) 2007	May apply to a future development application in relation to energy and water supply.	Yes	The PP does not alter how the policy applies to the site.
(State and Regional Development) 2011	Applies if cost of future development at DA stage classifies site as 'regionally significant'.	Yes	The Joint Regional Planning Panel is likely to be the DA consent authority.
Greater Metropolitan Regional Environmental Plan No. 2 Georges River	Aims to maintain and improve water quality, watercourse flows and environmental integrity throughout the catchment and consistency between planning and assessment at local and catchment-wide levels.	Yes	Future site development will be connected to existing water supply, waste water management and stormwater management systems, integrated within the overall management of water in the catchment. The PP does not alter how the policy applies to the site.

***Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?***

The planning proposal is consistent with all applicable Ministerial Directions under section 117 of the Environmental Planning & Assessment Act, 1979. An assessment against the applicable directions is provided in Table 2 as follows:

Table 2: S.117 MINISTERIAL DIRECTIONS

Ministerial Direction	Relevance	Consistency & Comments
<b>1. Employment and Resources</b>		
<p>1.1 Business &amp; Industrial zones</p>	<p>Direction objectives are:</p> <ul style="list-style-type: none"> <li>- Encourage employment growth in suitable locations; and</li> <li>- Protect employment land in business &amp; industrial zones; and</li> <li>- Support the viability of identified strategic centres.</li> </ul> <p>A planning proposal (PP) must retain business and industrial zones and not reduce the floor space created for business and industrial uses.</p>	<p>Consistency – Yes.</p> <p>The planning proposal (PP) supports the Zone 4 Mixed Use application of the site. The Indicative Scheme prepared by KAA &amp; attached in Appendix 1 shows non-residential use occupying the ground floor level, which is consistent with the existing land use (B4) zoning. The end user would be an employer (of) and service provider to the Hurstville community.</p> <p>In keeping with the B4 Mixed Use zoning there may well be opportunity for further business use on upper levels (of the Indicative Scheme), to be determined at the development application stage.</p> <p>The ground floor non-residential use would help complete ‘activation of the MacMahon street-front’, as well as, being in harmony with the main civic streetscape directly across the road.</p>
<b>2. Environment and Heritage</b>		
<p>2.3 Heritage Conservation</p>	<p>Direction objective is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance</p>	<p>Consistency – Yes</p> <p>The site is NOT identified as containing any heritage items, or being within a heritage conservation area. There are NO known items of indigenous heritage significance at the site.</p> <p>There is a council registered heritage item of local significance on an adjoining property.</p>
<b>3. Housing, Infrastructure and Urban Development</b>		
<p>3.1 Residential Zones</p>	<p>Direction objectives are to:</p> <ul style="list-style-type: none"> <li>a) encourage a variety and choice of housing types to provide for existing and future housing needs; and</li> <li>b) make efficient use of existing infrastructure and services and</li> </ul>	<p>Consistency – Yes</p> <p>The IS indicates that a variety of high amenity housing can be accommodated within the site to excellent design standards. Future apartments would benefit from good solar access and natural ventilation</p>

	ensure that new housing has appropriate access to infrastructure and services; and c) minimise the impact of residential development on the environment & resource lands	opportunities created by the favourable site orientation, as well as, a potentially 'green' outlook over a future public (civic) park. The site is connected to available utilities and services, making efficient use of existing infrastructure.
3.2 Caravan Parks and Manufactured Home Estates	<p>Direction objectives are to provide:</p> <ul style="list-style-type: none"> <li>- A variety of housing types; and</li> <li>- Opportunities for caravan parks and manufactured home estates</li> </ul>	<p>Consistency –Yes</p> <p>The PP proposes no change to land use. Caravan parks and manufactured home estates are prohibited under Zone B4 Mixed Use.</p>
3.3 Home Occupations	<p>Direction objective is to encourage the carrying out of low-impact small businesses in dwelling houses.</p>	<p>Consistency – Yes</p> <p>The PP proposes no change to land use. Home occupations are permissible under Zone B4 Mixed Use.</p>
3.4 Integrating Land Use and Transport	<p>Direction objective is to ensure that urban structures, building forms, land use locations, development designs, subdivision &amp; street layouts:</p> <ul style="list-style-type: none"> <li>a) Improve access to housing, jobs and services by walking, cycling and public transport; &amp;</li> <li>b) Increase the choice of available transport and reduce dependence on cars; and</li> <li>c) reduce travel demand incl the number of trips generated by development and the distances travelled, especially by car; and</li> <li>d) supporting the efficient and viable operation of public transport services; and</li> <li>e) providing for the efficient movement of freight.</li> </ul>	<p>Consistency – Yes</p> <p>The PP proposes no change to land use, therefore, no change to aims, objectives and principles of:</p> <ul style="list-style-type: none"> <li>a) Improving Transport Choice – Guidelines for planning and Development (DUAP 2001); and</li> <li>b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</li> </ul> <p>A Colston Budd Hunt &amp; Kafes Traffic Report for the previously larger scheme concluded that the additional residential apartments (30) generated by that proposed FSR increase would have had <u>NO</u> noticeable effect on the TMAP (2013) prepared by council for future 'transport' planning. This PP proposes 11-12 additional apartments which would generate even less traffic (approx. only 20 car movements per day).</p> <p>The increase in FSR generated by the PP will enhance the opportunity of achieving housing &amp; employment targets in Georges River LGA, in a</p>

		more preferred location relative to public transport options available.
3.5 Development near licensed aerodromes	Direction objectives are to ensure the: a) effective and safe operation of aerodromes; and b) operation is not compromised by development that constitutes an obstruction, hazard, or potential hazard to aircraft flying in the vicinity; & c) development for residential purposes or human occupation, if situated on land within ANEF contours 20-25 incorporates appropriate mitigation measures.	Consistency – Yes The increase in building height proposed by the PP does NOT in any way encroach on the safe Obstacle Limitation Surface (OLS) set by council and other govt. authorities. The PP is NOT seeking to increase the density of residential development in an area of obtrusive ANEF ratings. The PP FSR and Height is consistent with the residential densities proposed for adjoining and surrounding land.
<b>6. Local Plan making</b>		
6.1 Approval and referral Requirements	Direction objective is to ensure that LEP provisions encourage the efficient and appropriate assessment of development	Consistency – Yes The PP does NOT introduce any provisions that require the concurrence, consultation or referral of a future development application to the Minister or public authority.
6.3 Site Specific Provisions	Direction objective is to discourage unnecessarily restrictive site specific planning controls	Consistency – Yes The PP is NOT seeking to change the land use of Zone B4 Mixed Use. There are no restrictive controls proposed. The Indicative Scheme included in Appendix 1 of this PP is intended (only) to demonstrate that redevelopment of the site <u>can</u> achieve compliance with the ‘proposed controls’ being applied to the site.
<b>7. Metropolitan Planning</b>		
7.1 Implementation of the Metropolitan Strategy	A PP shall be consistent with the Metropolitan Strategy: <i>A Plan for Growing Sydney</i> (2014)	The PP is consistent with NSW Dept of Planning strategy ‘A Plan for Growing Sydney (2014)’ & will therefore facilitate the delivery of those key goals & directions contained therein.

***Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

The site is within an established urban area and is not identified as having any ecological significance. On this basis, it is unlikely that any critical habitats, threatened species populations, ecological communities or their habitats would be impacted.

***Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

There are no known or likely environmental effects to be dealt with as a result of this planning proposal (PP). Using the 'Attachment 1 – Checklist' from the PP preparation guide, the pertinent Environmental Considerations can be summarised as follows:

- Bushfire hazard – not applicable
- Acid Sulphate soil – not applicable
- Noise impact – the additional FSR, subject of the PP is consistent with the existing, proposed and surrounding land use (B4) and won't generate incompatible noise. There are no external noise generations in the immediate surrounds that will impact on the FSR being added by this PP.
- Flora &/or Fauna – dealt with by previous question, not applicable.
- Geotechnical – based on development that has taken place on neighbouring properties the site contains a strong shale foundation that would support the additional FSR contemplated by the Indicative Scheme. See Appendix 1.
- Water quality – existing utility available.
- Flooding and Stormwater management – the site is not affected by flooding. Stormwater from the site can be connected to the existing stormwater management system without the need for easements over adjoining properties.
- Land/site contamination – dealt with in SEPP analysis – likely not applicable.
- Resources – not applicable.
- Sea level rise – not applicable.

***Has the planning proposal adequately addressed any social and economic effects?***

Social and Cultural Effects

Social and cultural benefits are inherent with this Planning Proposal. They have been covered in the discussion on local strategies and plans, specifically as they would apply under 'A Plan for Growing Sydney (2014), Hurstville Strategic Community Plan 2025 and Hurstville City Centre Public Domain Plan October 2007.

Creating an active street-front and ground floor non-residential uses could enhance the civic purpose and enrich the environs of MacMahon Street.

Urban Design Considerations

An Urban Design Study prepared by Kennedy Associates Architects (KAA) accompanies and forms part of this planning proposal and can be found in Appendix 1. It consists of 3 parts:

1. Site and Context Analysis
2. Proposal

### 3. Indicative Scheme

These drawings, when read with the Hurstville LGA Cadastre and Local Environmental Plans, show the 29-31 MacMahon Street site to be on the highest area of Hurstville City Centre, surrounded by the same building form planning as contemplated by the provisions of this planning proposal.

In accordance with Example 6 of the 'Guide to Preparing Planning Proposals' a building envelope 'massing diagram' has been prepared as a reasonable method of providing a suitable level of detail, by which any potential 'amenity' impacts can be evaluated. The building envelope drawings can be found in the Indicative Scheme part of the KAA Urban Design Study, in Appendix 1.



*Photograph 1:* The 29-31 MacMahon building would have zero setback against the stark 23 metre 'rear' masonry boundary wall of 33 MacMahon St seen rising above the streetscape. See *Part 2 – Proposal* in KAA Urban Design Study – Appendix 1



*Photograph 2:* Forecourt & street-front planting at '29-31' would contribute to the tree-lined civic vista of MacMahon Street.

### Streetscape Analysis

A streetscape analysis covering the immediate vicinity of MacMahon, Barratt, Woodville and (the top of) Dora Streets derived from the KAA Urban Design Study and Hurstville LEP 2012 shows:

- The area surrounding 29-31 MacMahon Street ('29-31') is an established area for high rise buildings, ie >10 storeys.
- Neighbouring properties on 2 boundaries of '29-31' have buildings in excess of 45 metres high.
- Former Hurstville Council encouraged increased height and density in the city centre.
- Diagonally opposite '29-31', the owner of 1-9 Dora Street is constructing a building in excess of 45 metres high and around the corner in Barratt Street council have designated a 40 metre height zone adjacent to the Hurstville Transport Interchange.

- '29-31' would be a new focal point for the south-west end of MacMahon Street which would 'book end' this civic quarter against the 55 metre mixed use building planned on council land at the east end of MacMahon Street next to Park Road (the zone boundary).
- All buildings on the MacMahon/Barratt/Woodville Streets block would transition down in height from '29-31' in a very orderly manner. It would be progressive for this end of the civic precinct to have a new feature building replacing 23-27 MacMahon Street, which is now over 20 years old.
- Many of the buildings near '29-31' have been, or are being, constructed to heights in excess of that prescribed by, both current and specifically proposed controls set down in Hurstville LEP 2012. For example:
  - a) 2 Barratt & 18-22 Woodville Streets – building height 46.8 metres in a 40m Height zone.
  - b) 23-27 MacMahon Street – building height approx. 45 metres in a 40 metre Height zone.
  - c) 17-19 MacMahon Street - building Height over 35.5 metres in a 30 metre Height zone.
  - d) "Park Plaza Apartments" in nearby Park Road – building height over 60 metres in a 19 metre Height zone.

Our original planning proposal (Oct 2014) was submitted to the NSW Department of Planning for Pre-Gateway Review on 22 May 2015. On 1<sup>st</sup> June 2016, following a Pre-Gateway Review hearing, the Joint Regional Planning Panel (JRPP) unanimously recommended to the Minister that the planning proposal proceed to Gateway determination subject to the following:

- They determined the maximum building height should be 50m, reasoning that existing buildings in the immediate vicinity of the site are in the 40-45m range and that a 55m building is likely to be dominant; and
- Following the height decision the JRPP opted for 5.5:1 FSR on the basis of a consultant suggested urban design analysis on a 48m outcome option, choosing from a selective, but far from exhaustive, range of outcomes possible.

On 30<sup>th</sup> June 2016, the Department Deputy Secretary for Planning Services, on behalf of the Minister, then determined the proposal should proceed to Gateway determination.

In relation to FSR, there are a number of other properties nearby '29-31' with FSR's in excess of 5.5:1. Most notably:

- 15-19 Woodville Street @ 6:1
- 2 Barratt & 18-22 Woodville Streets (development approval in excess of 5.7:1)
- 1-9 Dora Street (development approval well in excess of 7:1)
- 2-4 MacMahon Street @ 6:1
- 13-15 Dora Street
- 34 MacMahon Street

The Provisions put forward in this planning proposal are compatible with the MacMahon/Barratt/Woodville Street block and the City Centre North precinct of Hurstville City Centre. See *Figures 5 & 6*, extract from 'draft' DCP 2 – Hurstville City Centre.



#### 4.4 City Centre North

City Centre North is identified as the precinct shaded green, between the City Centre West precinct on the west, Retail Core to the south and has an interface with residential zoned areas on the northern side. (Note: the areas outside of the Hurstville City Centre boundary, shown by the red line, are not covered by the provisions of this DCP).



SUBJECT  
SITE  
29-31  
MACMAHON

##### 4.4.1 Characteristics

1. The City Centre North precinct concentrates most civic and community activities and high-rise residential and commercial developments in the City Centre.
2. This precinct includes part of the B3 Commercial Core Zone, where residential development is prohibited.
3. This precinct includes the Civic area bounded by Dora Street, MacMahon Street, Park Road and Queens Road.
4. MacMahon Street contains a number of important buildings which were built from 1920 to 1930.
5. The public buildings include three churches, Council's Civic Centre, Hurstville Library and the St George Regional Museum.
6. This is one of the busiest traffic routes in the City Centre and it provides an east-west through route for regional traffic and access to the City Centre via a number of north-south road corridors (Forest Road, Park Road and The Avenue).

Figure 4: The provisions put forward in this planning proposal are compatible with the MacMahon/Barratt/Woodville Street block & the City Centre North precinct of the city centre, ... ..

**4.4.2 Desired Future Character**

The City Centre North provides a focus for community and civic functions for the Hurstville City Centre. The Civic area will continue to be the focus of civic, cultural and community life within the City Centre. This precinct will be characterised by the integration of public buildings with new civic spaces for public celebration, ceremony and recreation. This precinct will create strong pedestrian networks and linkages with surrounding areas.



**4.4.3 Key Land Use Principles**

**1. Promoting a Civic Presence**

Built form is to adopt a strong civic presence created by well defined streets and civic spaces. The Precinct is to support a significant civic meeting space to facilitate community interaction and gatherings with emphasis placed on creating community meeting points of interest. The basement levels will support service access and public car parking.

**2. Activation of the Street**

Active uses are to be promoted at the ground and lower levels of development to promote vibrancy and passive and active surveillance of the public domain.

**3. Transition with residential**

Where land adjoins established residential areas on the boundary of the City Centre, the Precinct performs a transitional role, with new development to be suitably designed to maintain the amenity of adjoining residential land uses.

Figure 5: ... .. as depicted in DCP2 – Hurstville City Centre.

### Relationship of Planning Proposal to Height and FSR Clauses of Hurstville LEP 2012

Although this planning proposal seeks to introduce increased Height and FSR controls for 29-31 MacMahon Street (29-31), these amended controls would not diminish the Principal Development Standards of the written instrument. In particular the objectives of:

- Clause 4.3(a) – To establish maximum building heights that achieve appropriate urban form consistent with major centre status of the Hurstville City Centre. [Continues to meet objectives.](#)
- Clause 4.3(b) – To facilitate an appropriate transition between the existing character of areas or localities that are not undergoing and not likely to undergo a substantial transformation. '29-31' is in the City Centre North precinct of the 'city centre' and not near any transition boundaries.
- Clause 4.3(c) – To minimise the adverse impact of development on heritage items. [There are no heritage items on the site. However, introduction of a forecourt near a heritage item on a neighbouring property carries over from DCP 4, when a heritage impact statement was carried out.](#)
- Clause 4.3(d) – To minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain. [There will be no unacceptable loss of solar access to existing development. Redevelopment of '29-31' would have no adverse environmental effect on and, in fact, would only enhance the public domain.](#)
- Clause 4.4(a) – To establish maximum floor space ratios that ensure the bulk and scale of development is compatible with the major centre status of the Hurstville City Centre. [Continues to meet objectives.](#)
- Clause 4.4(b) – To facilitate appropriate transition between the existing character of areas or localities that are not undergoing or that are not likely to undergo a substantial transformation. [See comments from Clause 4.3\(b\) above.](#)
- Clause 4.4(c) – To minimise the adverse impact of development on heritage items. [See comments from Clause 4.3\(c\) above.](#)
- Clause 4.4(d) – To minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain. [See comments in Clause 4.3\(d\) above.](#)

### Lighting Impact

There is no obtrusive light source emanating from any surrounding structures that would affect residential 'amenity' from the outside-in. Like the residential uses surrounding, this development will conform to and be consistent with new DCP 2 by not creating any intrusive light sources. The exterior design may introduce, code compliant, subtle architectural lighting, normally a character feature associated with a landmark building.

### Development Yield Analysis

The additional FSR provided by this planning proposal would generate approximately 1000sqm of non-residential use space or 11-12 residential apartments.

### Economic Considerations

The net economic benefit generated for the Hurstville community, by this redevelopment proceeding, will be significant. As examples, it would:

- Bring more money into City Centre via rates & charges for council and resident incomes for spending with local business, thus helping underpin employment levels.

- Save on state and local government infrastructure costs, as transport, utilities and essential services fully exist to cope with the increased FSR generated by this planning proposal.
- The new building could employ technologically advanced energy saving and management systems.

Adopting the objectives and provisions of this planning proposal would also provide significant additional employment to Hurstville City Centre during the 18 months – 2 year construction period and beyond due to additional business use opportunities in the new building.

***Is there adequate public infrastructure for the planning proposal?***

Hurstville City Centre is extremely well serviced by a range of public transport options reducing reliance on the motor vehicle. The Hurstville Transport Interchange, a major bus and rail node is located only 70 – 250 metres from the site.

The full array of service utilities are available for connection to the site. Council organise waste management and recycling services. Arrangements can be made direct with the various utilities providers and council waste services, in conjunction with any specific development application.

MacMahon Street has become a very pedestrian friendly thoroughfare, with ‘slowed’ reduced traffic flow and wide, tree lined footpaths. Excellent for civic activities and residential living.

Hurstville City Centre is well catered for regarding essential services such as emergency, health and education. The additional FSR generated by this planning proposal would not impact on the provision of these services.

***What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?***

Other than NSW Department of Planning and the JRPP, no other state and commonwealth authorities have yet been consulted. This would be carried out subsequent to Gateway determination and in parallel with the public exhibition process. See ‘Project Timeline’.

**MAPPING**

Attached to this planning proposal are the following A3 size maps, equal to a scale that could be downloaded and printed from the public exhibition materials available on council’s website:

- Figure 1 – Hurstville LEP 2014 Map 8A – Land Zoning Map, showing the area in which the site, 29-31 MacMahon Street, is located and zoned B4 – Mixed Use. This planning proposal seeks no amendment to this map.

- Figure 2a – Hurstville LEP 2012 Map 8A – Height of Buildings Map amended in accordance with the Explanation of Provisions.
- Figure 3a – Hurstville LEP 2012 Map 8A – Floor Space Ratio Map amended in accordance with the Explanation of Provisions.

## COMMUNITY CONSULTATION

The council would place the planning proposal on public exhibition for 14 – 28 days in accordance with relevant legislation or as otherwise directed by the Gateway. The planning proposal would be advertised in the local St. George and Sutherland Leader newspaper. Council would also display the proposal at council venues, as well as making it publicly available on their website. All land owners, residents and stakeholders within or adjoining the site would be notified of the proposal by mail.

## PROJECT TIMELINE

It is anticipated that this planning proposal would be recommended and referred to NSW Department of Planning & Environment for Gateway determination in August 2016.

The Church believes the level of information provided in the planning proposal will enable the plan making process to be completed in a reasonable time. An indicative Project Timeline is summarised in the Table 3 below:

TABLE 3: INDICATIVE PROJECT TIMELINE

Plan Making Step	Estimated Completion Date
Referral to NSW Planning & Environment	August 2016
Gateway Determination (anticipated)	August 2016
Completion of technical assessment	August 2016
Government agency consultation	September 2016
Public exhibition period	September 2016
Public hearing (if required)	unlikely
Submissions assessment	October 2016
Responsible Planning Authority (RPA) assessment of planning proposal and exhibited outcomes – report to council	October 2016
Submission of endorsed LEP to NSW Planning & Environment for finalisation	October 2016
RPA decision to make LEP amendment – if delegated	November 2016
Forwarding of LEP amendment to NSW Planning & Environment for notification – if delegated	November 2016

## CONCLUSION

The objective and intended outcomes of this updated planning proposal are to provide a higher yield from the site at 29-31 MacMahon Street under the existing B4 zoning. Overall, the planning proposal presents a strong and compelling case that, in summary:

- Is consistent with the NSW State Government's *A Plan for Growing Sydney* (2014), under which Hurstville is identified as a 'Strategic Centre'. It will contribute to achieving housing targets in suitable locations, a mix of uses and a density of development that is appropriate for its urban context; and
- The analysis undertaken for the site by consultants, Kennedy Associates Architects and KPoint Investments demonstrates that amendments to Hurstville LEP 2012 Height and Floor Space Ratio controls would support a built form outcome that is appropriate to the context of the site;
- The development of residential uses on the site would increase affordability and housing choice;
- The site is adjacent (70 metres level walk) to the Hurstville Transport Interchange, where there is a major bus node, then Hurstville railway station, both providing high quality public transport access to Sydney CBD & east, airports, Port Botany, Parramatta, Bankstown, the inner west, Macquarie north-west and the south coast. There are also well developed road networks leading into, and out of, Hurstville City Centre from every direction. In relation to the Hurstville TMAP, the effect of the additional density on the site, created by the increased floor space ratio would be 'unnoticeable'. Creating additional density in this location is consistent with the NSW Planning transport 'pillar' of 'reducing car travel demand';
- Redevelopment of 29-31 MacMahon Street would revitalise the civic precinct and public domain, enhancing pedestrian and cycling amenity.
- A full range of infrastructure and utilities services are available on and adjacent to the site. All have capacity to accommodate the additional development capacity contemplated;
- There is no environmentally sensitive or significant biodiversity value affected land on the site;
- The site is level and has a wide frontage. 29-31 MacMahon Street is a 'significant site' in the civic centre of Hurstville City Centre; and
- The Minister through his representative, the Deputy Secretary – Planning Services, on 30<sup>th</sup> June 2016, determined the project should proceed to Gateway determination.