


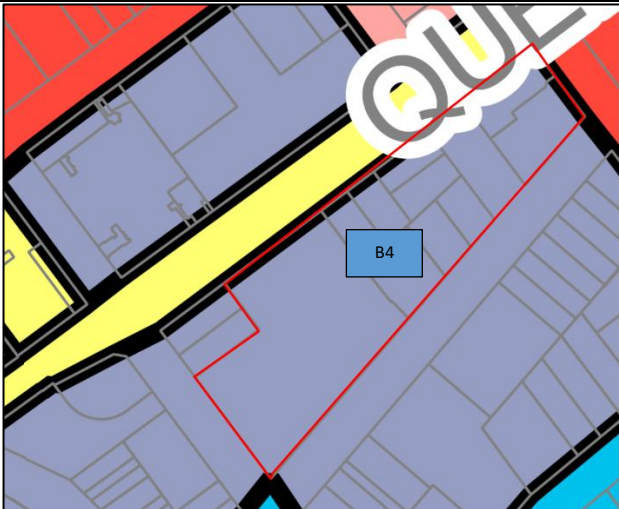
Appendix 4: Assessment of sites deferred from HLEP 2012


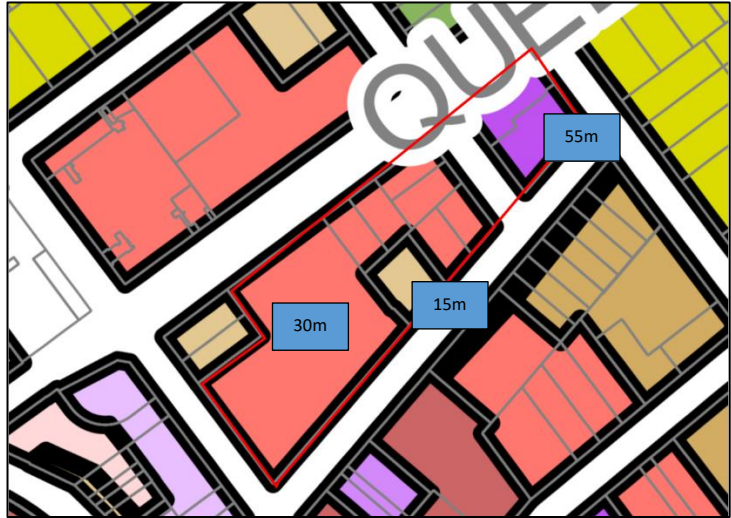
The planning proposal involves incorporating three sites in Hurstville which were deferred from HLEP 2012 into the new consolidated LEP. Each site is in the 3(b) City Centre Business Zone under HLEP 1994. The existing height of buildings, FSR and Active Street Frontages controls for these sites are located in *Hurstville Development Control Plan Number 2 - Amendment No. 5* (HDCP2A5). The planning proposal involves rezoning each deferred site to a standard instrument zone and applying the building height and FSR development standards similar to those stipulated in the DCP to the new consolidated LEP.



A4.1 Civic Precinct (Macmahon St, Park Road and Queens Road, Hurstville)




Figure 1: Civic precinct site context (Source: Nearmap)

Existing	Proposed	Council justification
 <p data-bbox="237 772 889 804">3(b) City Centre Business Zone under HLEP 1994</p>	 <p data-bbox="1030 780 1290 812">Zone B4 Mixed Use</p>	<ul style="list-style-type: none"> • The rezoning is sought in accordance with a draft planning proposal made by Council in 2019 but not submitted to the Department for Gateway assessment • The Georges River LPP advised at its meeting of 4 April 2019 that the planning proposal should proceed subject to conditions. In light of this general support for a B4 zoning, the consolidated LEP should include the rezoning.

Existing	Proposed	Council justification
 <p>Under HDCP2A5 Height of Buildings Map 008A</p> <p>Height of buildings across the site:</p> <p>U: 30m</p> <p>O: 15m</p> <p>Z: 55m</p> <p>Surrounding land:</p> <p>W: 40m</p> <p>X: 45m</p>	 <p>Height of buildings across the site:</p> <p>30m, including the southern corner to which no building height applies in the DCP</p> <p>15m</p> <p>55m</p> <p>Surrounding land:</p> <p>W: 40m</p> <p>X: 45m</p>	<ul style="list-style-type: none"> The controls are translated directly from HDCP2A5 (Note: this is incorrect, as HOB is to be applied across the entire site, unlike HDCP2A5- see the existing controls to the left).

Existing	Proposed	Council justification
 <p>Under HDCP2A5 Floor Space Ratio Map 008A</p> <p>FSR across the site:</p> <p>X: 4:1</p> <p>AA: 6:1</p> <p>Surrounding land:</p> <p>V: 3:1</p> <p>Y: 4.5:1</p> <p>Z: 5:1</p>	 <p>FSR across the site:</p> <p>4:1, including the southern corner to which no FSR applies in the DCP</p> <p>6:1</p> <p>Clause 4.4B Area 4 (in green highlight) which stipulates a minimum non-residential floor space ratio of 1:1</p>	<ul style="list-style-type: none"> The controls are translated directly from HDCP2A5 (this is incorrect, as FSR is to be applied across the entire site, unlike HDCP2A5).

Existing	Proposed	Council justification
 <p>Under HDCP2A5 Active Street Frontages Map 008A</p>	<p>No Active Street Frontages Map or clause is proposed in the consolidated LEP.</p>	<ul style="list-style-type: none"> • Clause 6.14 Development in certain business zones is proposed to restrict any development within the B4 Zone from including residential or tourist and visitor accommodation land uses on the ground floor of a building that is facing the street. See A2.5.10 for consideration of this clause. • In addition, Clause 4.4B Non-residential floor space ratios is proposed to require a minimum non-residential FSR at the site. See A2.3.8 for consideration of this clause.

Department Comment

The following issues are identified with the proposed rezoning of the Civic Precinct:

- It is noted that the proposed building heights and FSR include the southern portion of the site which is not subject to these controls in HDCP2A5. Should public open space have been envisaged for this portion of the site, a detailed consideration of why that public space is no longer pursued is required.
- Council justifies the proposed rezoning with accompanying building height and FSR development standards by the 'general support' provided by the Georges River LPP at its meeting of 4 April 2019 to a draft planning proposal which was not submitted to the

Department. However, the details of that planning proposal, including justification, site specific and strategic merit, and assessment with regard to the draft LSPS, Section 9.1 Directions and applicable SEPPs are not provided within this planning proposal. On 19 February 2019, Council provided the Department with a link to its report to the April LPP meeting, however that planning proposal was substantially different to what is proposed at this time. The LPP report describes a particular redevelopment concept of the Civic Centre site, including new public space and different development standards. That concept is not a simple translation of the controls of HLEP 1994 and HDCP2A5. That concept is not pursued by the subject planning proposal. As such, it cannot be said that the former planning proposal provides justification for the rezoning proposed at this time.

- The LPP recommended a number of conditions, including that Council consider:
 - The delivery of community facilities and benefits;
 - Design excellence, including a requirement for a design competition; and
 - Defining the size of the civic space and the provision of solar access to that space.

No consideration of the conditions recommended by the Georges River LPP is provided, and it is unclear whether the planning proposal seeks to incorporate them.

- The site specific and strategic merit of the proposed rezoning and development standards is not clear. It neither matches the existing situation of HLEP 1994 and HDCP2A5, nor the planning proposal presented to the LPP in April 2019. It is clear that a specific redevelopment of the site has been recently envisaged by Council, and was presented to the LPP, but this is not addressed by the information provided in the planning proposal.
- Due the complexity of the issues identified above and lack of justification for the proposed rezoning and development standards, it is considered appropriate that a separate planning proposal be pursued for this precinct. A Gateway condition requires the planning proposal to be amended prior to community consultation to remove the proposed rezoning and accompany development standards. Rezoning of this site should be pursued as a separate planning proposal where the complexity of the site-specific issues involved can be fully considered.

A4.2 Treacy Street Carpark (37-41 Treacy Street)

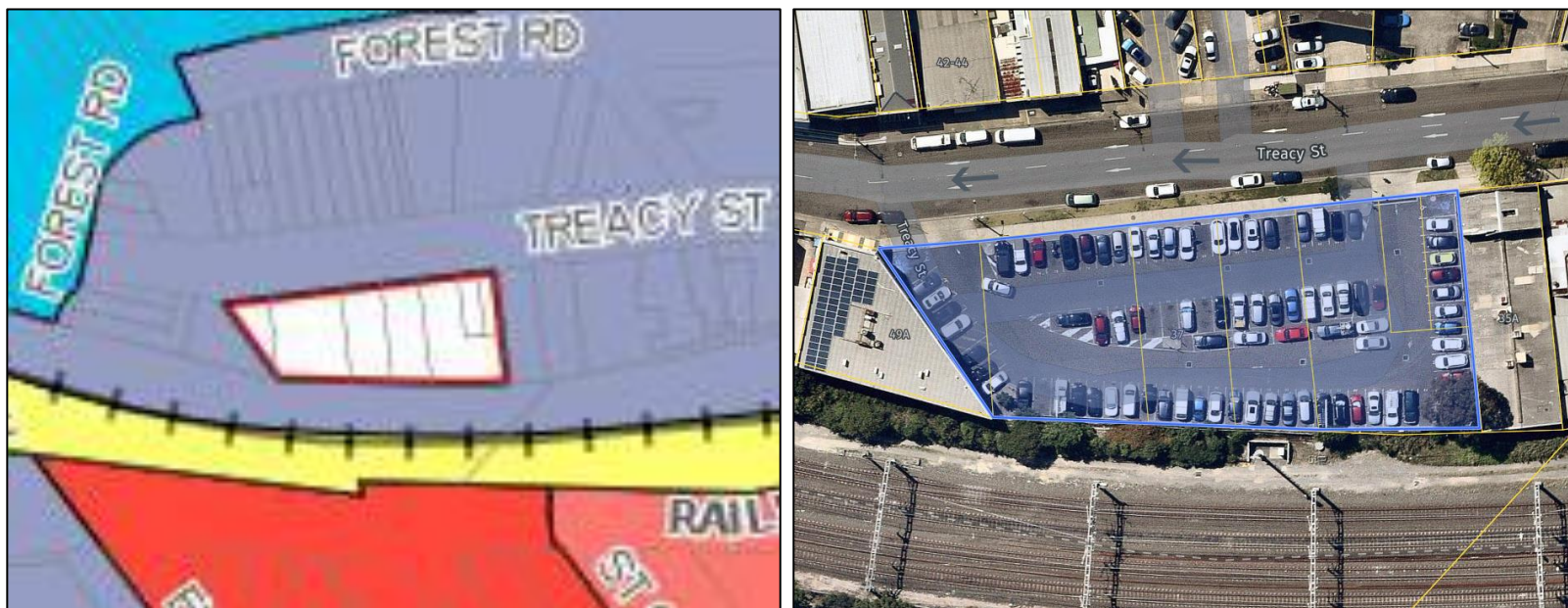
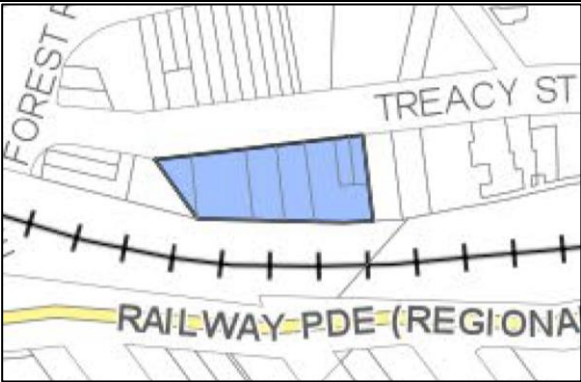
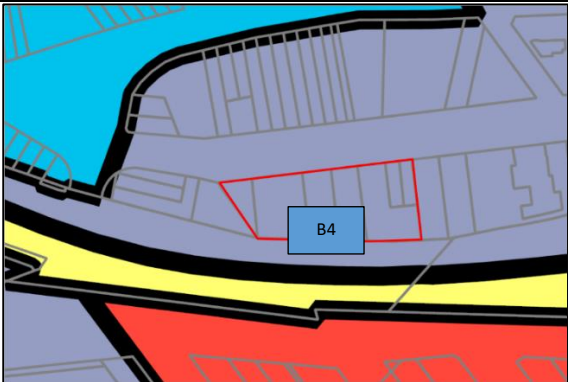
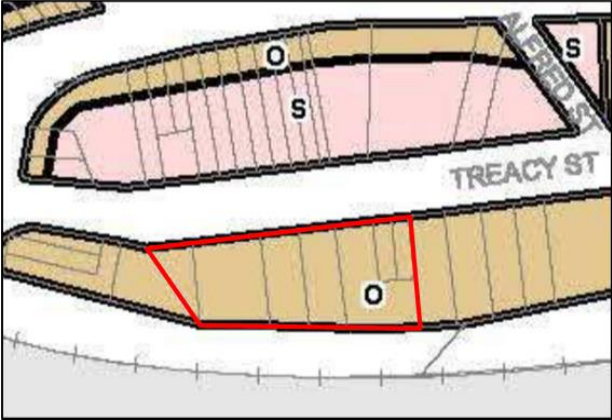
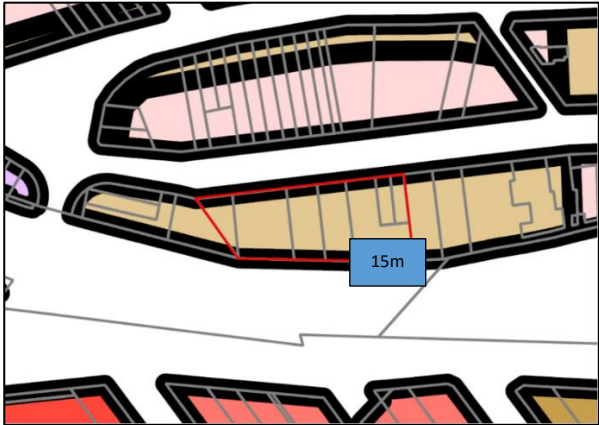
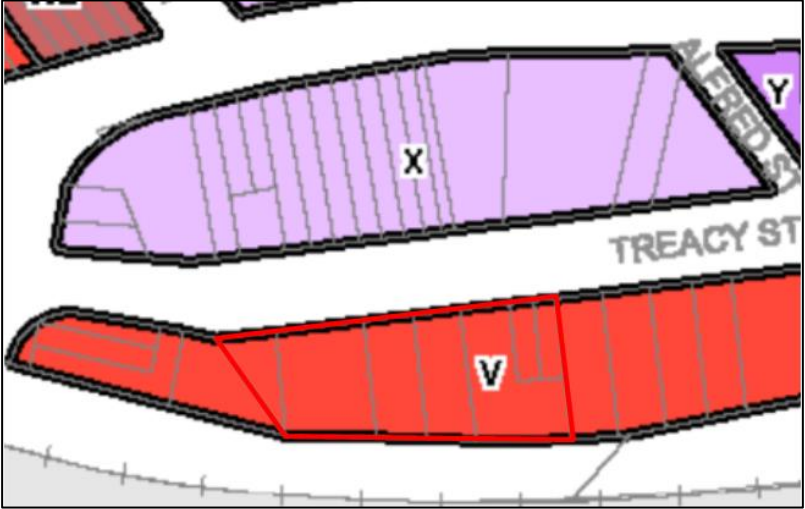
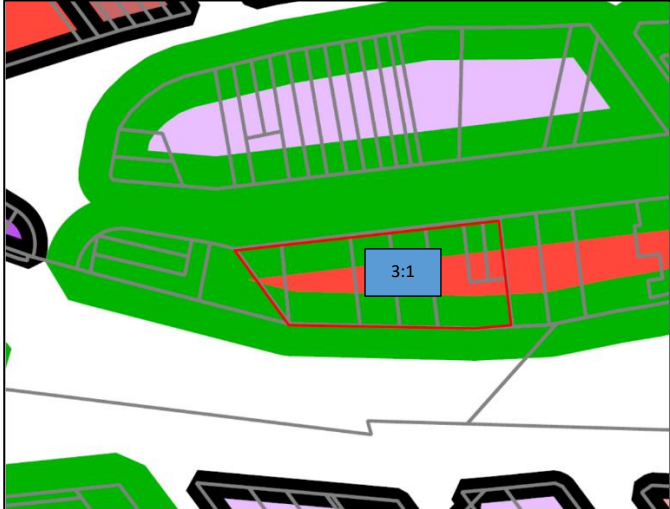
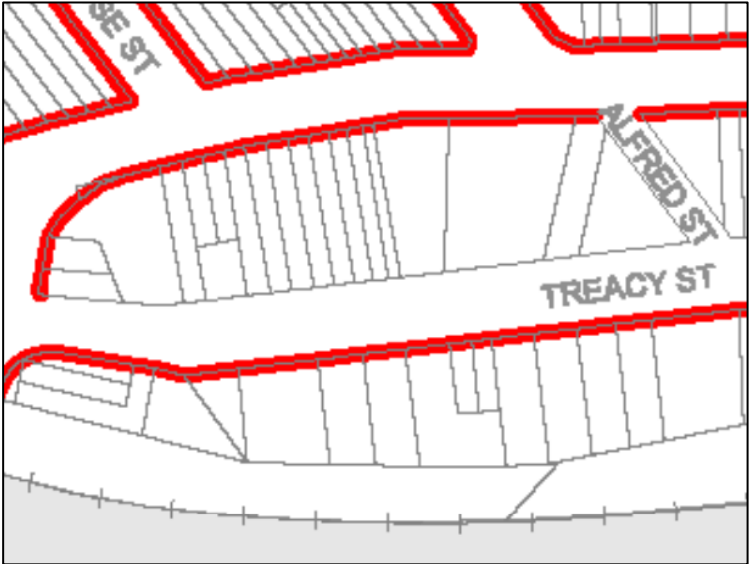


Figure 2: Site Context (Source: Nearmap)

Existing	Proposed	Council justification
 <p data-bbox="264 651 913 683">3(b) City Centre Business Zone under HLEP 1994</p>	 <p data-bbox="1106 651 1361 683">Zone B4 Mixed Use</p>	<ul style="list-style-type: none"> A planning proposal was granted Gateway on 8 August 2017 which includes this site within Zone B4
 <p data-bbox="304 1142 913 1174">Under HDCP2A5 Height of Buildings Map 008A</p> <p data-bbox="203 1190 454 1222">Height of buildings:</p> <p data-bbox="203 1238 304 1270">O: 15m</p> <p data-bbox="203 1286 439 1318">Surrounding land:</p> <p data-bbox="203 1334 304 1366">S: 23m</p>	 <p data-bbox="1041 1150 1290 1182">Height of buildings:</p> <p data-bbox="1041 1198 1099 1230">15m</p>	<ul style="list-style-type: none"> The controls are translated directly from HDCP2A5

Existing	Proposed	Council justification
 <p>Under HDCP2A5 Floor Space Ratio Map 008A</p> <p>FSR: V: 3:1 Surrounding land: X: 4:1</p>	 <p>FSR: 3:1 (& Clause 4.4B Area 4 in green highlight which stipulates a minimum non-residential floor space ratio of 1:1)</p>	<ul style="list-style-type: none"> The controls are translated directly from HDCP2A5

Existing	Proposed	Council justification
 <p data-bbox="271 834 949 863">Under HDCP2A5 Active Street Frontages Map 008A</p>	<p data-bbox="1039 247 1615 312">No Active Street Frontages Map or clause is proposed in the consolidated LEP.</p>	<ul style="list-style-type: none"> <li data-bbox="1765 247 2049 767">• Clause 6.14 Development in certain business zones is proposed to restrict any development within the B4 Zone from including residential or tourist and visitor accommodation land uses on the ground floor of a building that is facing the street. See A2.5.10 for consideration of this clause. <li data-bbox="1765 794 2049 1094">• In addition, Clause 4.4B Non-residential floor space ratios is proposed to require a minimum non-residential FSR at the site. See A2.3.8 for consideration of this clause.

Department Comment

The following issues are identified with the proposed rezoning of the Treacy Street Carpark:


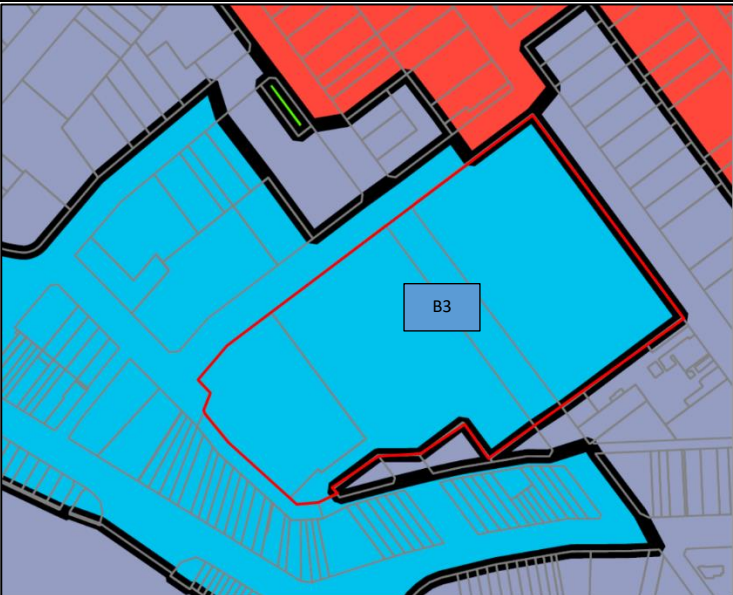
- Council justifies the proposed rezoning with the Gateway Determination granted by the Department on 8 August 2017, which proposed a B4 zone for the site. However it is noted:

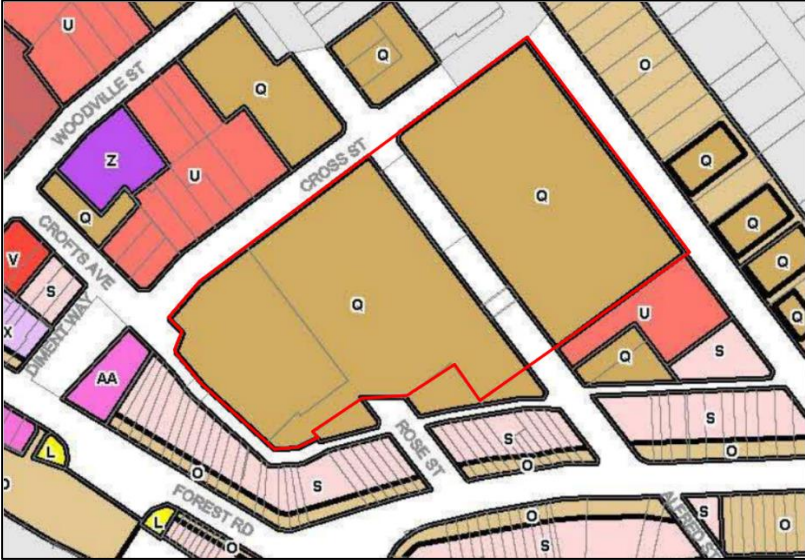
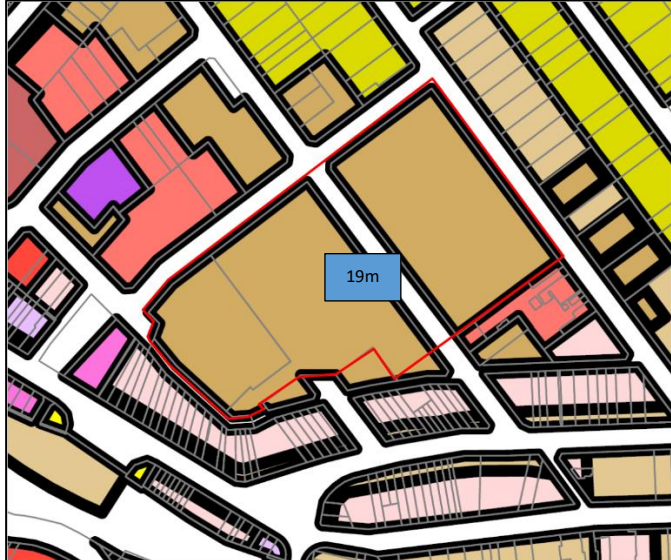
- The planning proposal (PP_2017_GRIVE_002_00) involved a building height of 55m and a FSR of 7:1, rather than the 15m and 1:1 FSR proposed at this time;
 - Council was unable to resolve the delivery of affordable housing and public carparking in line with its resolution and policies; and
 - Council deferred the proposal in 2018 in order to prepare a broader planning proposal for Hurstville City Centre.
- No consideration of the issues leading to the deferment of the matter at the Council meeting of 26 March 2018 is provided. A Gateway condition requires Council to amend the planning proposal prior to community consultation to explain that the increase in development standards involved in the prior planning proposal is no longer proposed, nor is the public benefit.
 - However, it is acknowledged that the Gateway granted in 2017 involved rezoning the site to Zone B4 Mixed Use, and that the proposed development standards are identical to those contained in HDGP2A5. Given the present use of the site as a carpark, the rezoning and imposition of development standards in the LEP raise no issues for the ongoing use of the site (unlike the Westfield site, which is discussed below). As such, the proposed rezoning of the site and accompanying development standards are considered acceptable.


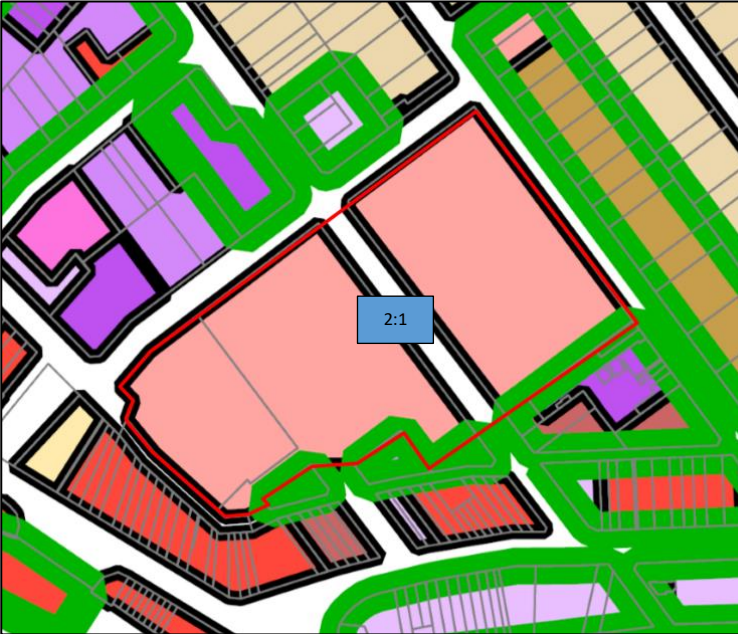
A4.3 Westfield Hurstville




Figure 3: Site context (Source: Nearmap)

Existing	Proposed	Council justification
 <p data-bbox="203 863 857 895">3(b) City Centre Business Zone under HLEP 1994</p>	 <p data-bbox="1041 863 1391 895">Zone B3 Commercial Core</p>	<ul style="list-style-type: none"> • In accordance with the existing commercial use • Consistency with 'the intent of' the South District Plan' (Council makes no specific reference to district plan planning priorities or actions) • Expanding the boundary of the commercial core will facilitate the attraction of additional office and commercial floor space to Hurstville strategic centre

Existing	Proposed	Council justification
 <p data-bbox="208 826 528 863">Q: 19m under HDCP2A5</p>	 <p data-bbox="1048 831 1099 863">19m</p>	<ul style="list-style-type: none"> <li data-bbox="1798 248 2069 368">The height control is translated directly from HDCP2A5

Existing	Proposed	Council justification
 <p>T: 2:1 FSR under HDCP2A5</p>	 <p>2:1</p>	<ul style="list-style-type: none"> The FSR control is translated directly from HDCP2A5

Existing	Proposed	Council justification
 <p data-bbox="203 831 1008 895">An active street frontage is depicted along Cross Street under HDCP2A5</p>	<p data-bbox="1043 248 1747 312">No Active Street Frontages Map or clause is proposed in the consolidated LEP.</p>	<ul style="list-style-type: none"> <li data-bbox="1796 248 2074 647">No justification for the loss of this control is provided. The proposed Clause 6.14 does not apply to Zone B3 and the site is not mapped to be in Area 4 under Clause 4.4B (unlike the other two deferred matter sites)

Department Comment

The following issues are identified with the proposed rezoning of the Westfield site:

- Zone B3 Commercial Core is not a translation of the existing 3(b) zone since it prohibits residential development;
- The concerns raised by the land owner at the 17 October 2019 meeting of the LPP, including the prospect that the proposed controls are lower than the existing development, are not addressed in the planning proposal;
- The relevant South District Plan planning priorities and actions are not cited;
- The impact of prohibiting residential uses is not considered in economic, social or environmental terms. In addition, the potential inconsistency of the proposal with the relevant Section 9.1 Ministerial Directions, including Direction 3.1 Residential Zones, is not resolved; and

- The planning proposal does not address the loss of active street frontage controls, which is addressed in the case of the Civic Precinct and Treacy Street sites.

A Gateway condition requires the planning proposal to be amended prior to community consultation to remove the proposed rezoning and accompanying development standards. Rezoning of this site should be pursued as a separate planning proposal where the complexity of the site-specific issues involved can be fully considered.