

Planning Services

Gateway Determination Report

LGA	Georges River
RPA	Georges River Council
NAME	Proposal to amend the zoning and planning controls for land at 53-75 Forest Road, 108-126 Durham Street and 9 Roberts Lane, Hurstville (450 homes, 411 jobs)
NUMBER	PP 2017 GRIVE 005 00
LEP TO BE AMENDED	Hurstville Local Environmental Plan 2012
ADDRESS	53-75 Forest Road, 108-126 Durham Street and 9 Roberts Lane, Hurstville
DESCRIPTION	Lot A DP372835 Lot 1 DP225302 Lot 101 DP776275 Lot 100 DP776275 Lot 10 DP621395 Lot 4 DP12517 Lot 3 DP12517 Lot 2 DP12517 Lot 1 DP12517 Lot 15 DP601341 Lot 1 DP337499 Lot 1 DP213685 Lot 2 DP213685 Lot 5 DP171179 Lot A DP391801 Lot B DP391801 Lot C DP391801 Lot D DP391801 Lot 1 DP172819
RECEIVED	21 September 2017
FILE NO.	17/13418
QA NUMBER	qA419229
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of Planning Proposal

The planning proposal seeks to amend Hurstville Local Environmental Plan (LEP) 2012 in relation to a 14,070m² triangular shaped site including 19 lots at 53-75 Forest Road, 108-126 Durham Street and 9 Roberts Lane, Hurstville known as 'Hurstville East' (see Figure 1).

Specifically, the proposal seeks to rezone the site from predominantly IN2 Light Industrial (13,378 m²) and part R2 Low Density Residential (692m²) to B4 Mixed Use, increase the maximum floor space ratio (FSR) from 0.6 (R2) and 1:1 (IN2) to 2:1 along Roberts Lane and up to 3.5:1 for the remainder of the site (including a minimum commercial FSR of 0.5:1) and increase the maximum building height from 9m (R2) and 10m (IN2) to a range of heights of 12m along Roberts Lane and 21m, 28m, 30m, 40m and 65m for the remainder of the site. The proposal also seeks to introduce an active street frontage along Forest Road and Durham Street and provide a hotel incentive of 0.5:1 for hotel accommodation land uses for the portion of the site on the corner of Forest Road and Durham Street.

The concept associated with the proposal provides for approximately 450 residential apartments within buildings of up to 19 storeys, units along Roberts Lane within a 3-storey element, 7-levels of hotel accommodation containing 110-130 rooms, approximately 7,023m² of ground floor retail space, approximately 670 basement car parking spaces, through-site connections and approximately 3,000m² of publicly accessible open space.

Site Description

The site is located on the eastern extent of the Hurstville City Centre and accommodates approximately 10,127m² of employment floor space. The site is currently occupied by a range of industrial and residential uses including a self-storage facility, automotive services and sales, community uses (Hurstville Scout Hall), funeral home, two storey residential flat building and single dwelling houses.



Figure 1: Hurstville East Site (Source: Nearmap)

Surrounding Area

The site is located approximately 850m walking distance from Hurstville Train Station, 550m walking distance from Allawah Train Station and 900m walking distance from the

Hurstville bus interchange on Woodville Street. There are two areas of open space within walking distance of the site, specifically Kempt Field located directly opposite the site to the south and Woodville Park located approximately 400m or 5 minutes walking distance from the site. To the north of the site along Forest Road there is a number of educational facilities including Hurstville Public School, Georges River College – Hurstville Boys Campus, Bethany College and Sydney Technical High School. The site is also located in close proximity to a variety of retail and commercial offerings within Hurstville City Centre specifically to the southwest along Forest Road.

The site is located within the “Eastern Bookend Precinct” of the Hurstville City Centre as defined by the Hurstville City Centre Development Control Plan (DCP). This area is dominated by a large mixed-use development directly south of the subject site known as the East Quarter. The final stage of the East Quarter development is currently under construction and includes building heights of up to 65m. The land to the north and east of the site is predominantly characterised by 1-2 storey dwelling houses with the rear yards of properties along Lily Street backing onto Roberts Lane.

West of the site on the opposite side of Forest Road there is an area of land zoned B2 Local Centre with a range of commercial uses including a car dealership at the corner of Forest Road and Wright Street. The area west of the site also includes residential zoned land on Wright Street and Hudson Street predominately characterised by a mix of 1-2 storey dwelling houses and 3 storey residential flat buildings.

It should be noted that in February 2017, the Department issued a Gateway determination for a proposal for the land at 108, 112 and 124 Forest Road and 1 and 3 Wright Street, Hurstville which is located diagonally opposite the site to the west. The proposal seeks to provide for a mixed-use development with maximum building heights of 46.5m and 34.5m and a maximum FSR of 4:1.



Figure 2: Site Context (Source: Nearmap)



Figure 3: Site Context (Source: Nearmap)

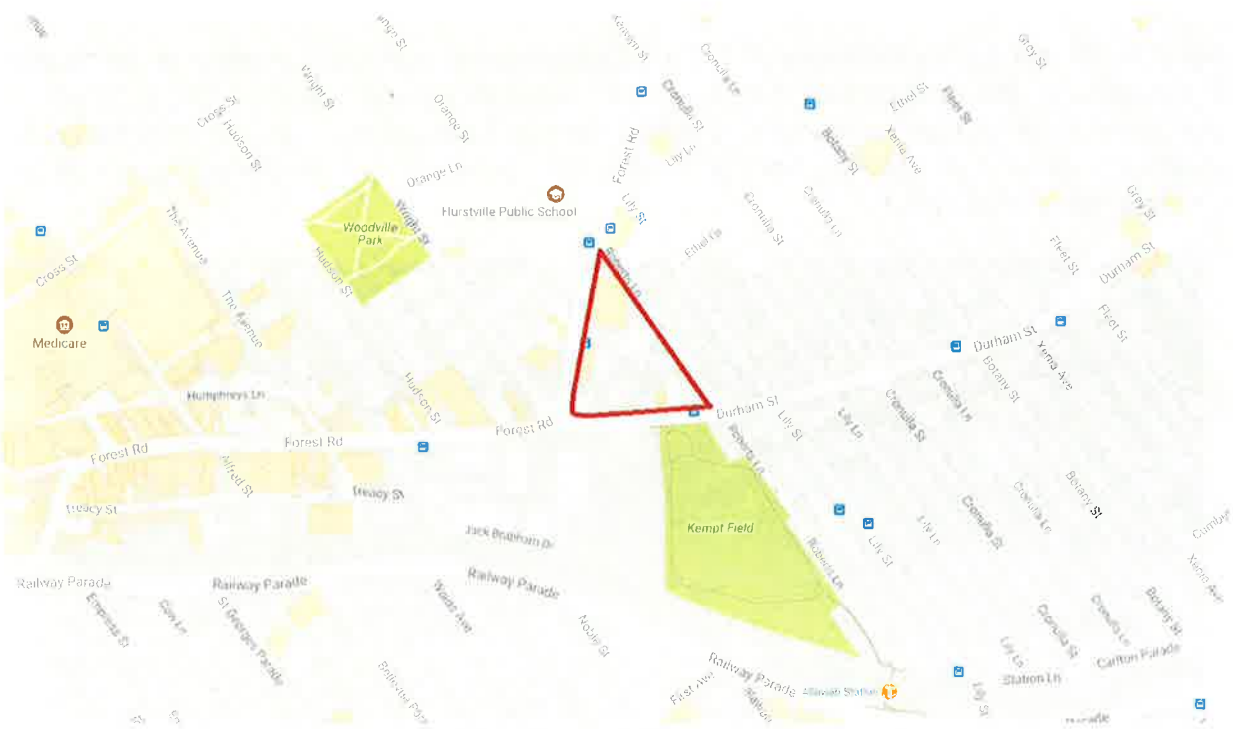


Figure 4: Site Context (Source: Nearmap)



Figure 5: Site Context (Source: Sixmaps)

Summary of Recommendation

It is recommended the planning proposal proceed subject to the following conditions:

- Prior to community consultation the planning proposal is to be updated to address consistency with the draft South District Plan - Productivity Priority 5: Protect and support employment and urban services land.
- Community consultation is required for a minimum of 28 days.
- Consultation is required with the following public authorities;
 - Transport for NSW;
 - Roads and Maritime Services;
 - Sydney Airport Authority;
 - NSW Department of Education;
 - Civil Aviation Safety Authority; and
 - Commonwealth Department of Infrastructure and Regional Development.
- A public hearing is not required to be held into the matter.
- The timeframe for completing the LEP is to be 12 months.

PROPOSAL

Objectives or Intended Outcomes

The statement of objectives accurately describes the intention of the planning proposal. The stated objective of the planning proposal is to ensure that the light industrial and low density residential zoned site is rezoned to allow for a range of commercial, residential, community and tourism land uses within a mixed-use zone. Specifically, the proposal seeks to provide for employment, housing and tourism opportunities that will benefit from the site's proximity to the Hurstville City Centre and public transport services.

Explanation of Provisions

The explanation of provisions adequately addresses the intended method of achieving the

objectives of the planning proposal. The proposal seeks to amend the Hurstville LEP 2012 in relation to land at 53-75 Forest Road, 108-126 Durham Street and 9 Roberts Lane, Hurstville as follows:

- amend the Land Zoning Map to rezone the site from IN2 Light Industrial and part R2 Low Density Residential to B4 Mixed Use;
- amend the FSR Map to increase the FSR from 0.6 (R2) and 1:1 (IN2) to 2:1 along Roberts Lane and up to 3.5:1 for the remainder of the site;
- amend *Clause 4.4A Exceptions to floor space ratios for buildings on land in certain zones* to require a minimum commercial floor space ratio of 0.5:1 on the site;
- amend *Clause 4.4 Floor Space Ratio* to introduce a FSR incentive of 0.5:1 for part of the site for “hotel accommodation” and identify the site of the FSR incentive (the corner of Forest Road and Durham Street) on the Floor Space Ratio Map;
- amend the Height of Buildings Map to increase the maximum building height from 9m (R2) and 10m (IN2) to a range of heights of 12m along Roberts Lane and to 21m, 28m 30m, 40m and 65m for the remainder of the site; and
- amend the Active Street Frontages Map to apply an active street frontage along Forest Road and Durham Street frontages of the site.

Mapping

The planning proposal contains maps which adequately show the current and proposed zoning and development controls. These maps are considered adequate for public exhibition purposes.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is not the direct result of any strategic study or report and was initiated by the former Hurstville City Council following a request lodged by Dickson Rothschild (the Applicant) in June 2015 to prepare a planning proposal for the site. However, it should be noted that the proposal is generally consistent with the direction identified for the land in the draft Hurstville Employment Lands Study 2015, draft Georges River Employment Lands Study 2017 and draft Hurstville City Centre Urban Design Strategy 2017 which have considered the site and proposed changes to the land use zone and planning controls. These local strategic planning documents are discussed in more detail in the STRATEGIC ASSESSMENT section of this report.

The planning proposal states that it is the best means of achieving the objectives and intended outcomes as a change in the zoning to B4 Mixed Use will allow for the redevelopment of the site for a range of land uses (including commercial, residential and hotel or motel accommodation) on a site with excellent access to services and public transport. In addition, the proposal notes that the proposed rezoning of the site to B4 Mixed Use is consistent with the recommended zoning identified in Council’s strategic planning documents.

The proposal also states that the proposed amendment to Clause 4.4A to require a minimum non-residential floor space of 0.5:1 will ensure a continuation of employment uses on the site following the rezoning. Further the proposal notes that the proposed amendment to Clause 4.4 to provide for a bonus FSR for development of “hotel accommodation” effectively provides an incentive for development for tourist accommodation on the site.

Whilst it is noted that there has already been significant provision of new residential apartments in the vicinity of the site, it is considered that the site’s strategic location makes it appropriate for high-density mixed use development.

Amendment to zoning and development standards

By rezoning the site to B4 Mixed Use, increasing development standards (maximum building height and FSR) and identifying an active street frontage along Forest Road and Durham Street the proposal seeks to facilitate additional development on a site that is strategically located near a commercial centre and a variety of public transport options.

The proposed rezoning and amendment of planning controls is considered to be an appropriate means to achieve the stated intended outcomes of the planning proposal.

Provision for minimum non-residential floor space (Clause 4.4A)

The requirement for a minimum non-residential FSR of 0.5:1 seeks to ensure that some employment generating floor space is provided on the site. The existing concept plan provides for a non-residential floor space of approximately 7,023m² which will provide for additional employment opportunities (approximately 270 jobs) and help support the vitality of the eastern end of the Hurstville City Centre.

The proposed amendment to Clause 4.4A is therefore considered an appropriate means to ensure employment generating uses are retained on the site.

Provision for FSR incentive for 'Hotel Accommodation' (Clause 4.4)

The 0.5:1 bonus FSR for hotel accommodation seeks to promote the provision of hotel/motel accommodation within the site. It should be noted that approximately 110 additional employees were estimated for the proposed hotel use.

The proposed amendment to Clause 4.4 is therefore considered an appropriate means to encourage the delivery of hotel accommodation on the site.

STRATEGIC ASSESSMENT

State

A Plan for Growing Sydney

The proposal is considered to be generally consistent with the goals and guiding principles relating to the growth and development of strategic centres outlined in A Plan for Growing Sydney. Specifically, the planning proposal is consistent with the following objectives of the plan:

Goal 1 – A competitive economy with world-class services and transport

Direction 1.7: Grow strategic centres – providing more jobs closer to home

The proposal will assist in facilitating the growth of Hurstville. It will help strengthen its role as a Strategic Centre by encouraging higher density redevelopment and accelerating housing choice.

Goal 2 – A city of housing choice, with homes that meet our needs and lifestyles

Direction 2.1: Accelerate housing supply across Sydney

Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs

Direction 2.3: Improve housing choice to suit different needs and lifestyles

By providing a mix of studio, one, two and three bedroom apartments the proposal will increase the local housing supply and choice in close proximity to jobs and public transport. It will facilitate urban infill and increase housing production around a local centre, transport corridors and public transport access point.

Goal 3 – A great place to live with communities that are strong, healthy and well connected

Direction 3.1: Revitalise existing suburbs

Direction 3.3: Create healthy built environments

The proposal will help to revitalise the existing suburb of Hurstville. It provides potential for a mixed-use development within the City Centre that benefits from its close proximity to transport, open space, services and retail.

Sydney Subregions – South Subregion

The subject site falls within the Sydney South Subregion. The proposal will facilitate housing intensification around an established centre and along a key public transport corridor. It will provide additional capacity for mixed-use development in Hurstville, and offer housing close to jobs and near the commercial core of Hurstville's City Centre.

Regional / District

Draft South District Plan

The draft South District Plan (the draft Plan) identifies Hurstville as a generally population-serving District Centre which also plays an important role in supporting the District's productivity. The draft Plan identifies a number of priorities for the District, which should be considered in strategic planning proposals.

Productivity Priorities and Actions

Key relevant priorities include:

- Planning for job target ranges for strategic and district centres
- Growing economic activity in centres
- Managing employment and urban services land across the District
- Growing the District's tourism economy

Productivity Priority 1: Manage growth and change in strategic and district centres and, as relevant, local centres

As noted, the draft Plan has identified the Hurstville Centre as a District Centre and has identified both a baseline and higher job target for the Centre to 2036. The 2016 job estimate for the Hurstville Centre is 11,600 and future jobs growth targets for 2036 are 15,000 (baseline target), and 20,000 (higher target). This equates to a baseline target of 3,400 additional jobs and a higher target of 8,400 additional jobs by 2036.

The proposed minimum non-residential FSR of 0.5:1 will allow for the provision of up to 7,023m² of employment floor space. The Economic Impact Assessment (EIA) calculated that this floorspace could provide for an estimated 270 employees. Additional employees were also estimated for the proposed hotel (approximately 110) and work from home (approximately 30) uses. The concept plan therefore provides for a total of approximately 410-413 jobs.

It should be noted the site currently accommodates approximately 10,127m² of employment floor space and the EIA estimates the site's current employment figure to be 83 employees. These jobs will be lost as a result of the planning proposal.

Productivity Priority 5: Protect and support employment and urban services land

The draft Plan notes that employment and urban services land supports activities that are critical to Greater Sydney's productivity, sustainability and liveability and play a critical role in the efficient and effective function of the South District. Further it notes that good access to urban services locally reduces the need to travel to other areas, minimising congestion of the land transport system. It is therefore crucial to ensure that employment lands are efficiently managed and protected across Greater Sydney and specifically within the South District.

Additionally, the draft Plan notes the relative scarcity of employment and urban services land as a resource, and therefore recommends a holistic and precautionary approach to their planning. The draft Plan states that relevant planning authorities should take a precautionary approach to rezoning employment and urban support lands unless there is a clear direction in the regional plan, the District Plan or an alternative strategy endorsed by the relevant planning authority. Any alternative strategy should be based on a net community benefit assessment (i.e. analysis of the economic, environmental and social implications) of the proposed exception taking into account a District wide perspective in accordance with Action P3. How these matters are taken into account need to be demonstrated in any relevant planning proposal.

Prior to community consultation it is recommended the planning proposal be updated to explicitly address its consistency with Productivity Priority 5 of the draft Plan.

Productivity Priority 8: Support the growth of tourism infrastructure

Productivity Priority 8 states that in preparing strategic plans, the relevant planning authorities should consider opportunities to incentivise investment in hotel and short-term accommodation for overnight visitors and invest in more facilities to attract visitors. By providing an incentive for the provision of 'Hotel Accommodation' the proposal has the potential to increase the tourism offer and supply short-term visitor accommodation that could convert day visitors to overnight stays.

Liveability Priorities and Actions

Key relevant priorities include:

- Improve housing choice
- Improve housing diversity and affordability
- Create great places in the South District
- Respond to people's need for services

Liveability Priority 1: Deliver South District's five-year housing target

The stated five-year housing target (2016-2021) for Georges River is 4,800 dwellings. The planning proposal will provide for approximately 450 new dwellings in the form of a mix of studio, one, two and three bedroom apartments. The proposal will contribute towards the Georges River housing target and provide for increased housing choice.

Liveability Priority 6: Conserve heritage and unique local characteristics

The proposal notes that it intends on retaining the local heritage item located within the site and is therefore considered to be consistent with this Priority.

Despite potential inconsistency with Productivity Priority 5 due to loss of employment land, the planning proposal is considered to be generally consistent with the objectives of the draft Plan.

Local

Draft Hurstville Employment Lands Study (2015)

In September 2014, the former Hurstville Council commissioned the preparation of the Hurstville Employment Lands Study to consider all industrial areas (lands zoned IN2 Light Industrial) and commercial centres (lands zoned B1 Neighbourhood Centre and B2 Local Centre) in the Hurstville LEP 2012. The draft Study provided a draft Industrial Lands Strategy (Stage 1) and draft Commercial Lands Strategy (Stage 2) which recommended planning controls for the employment lands.

The preliminary recommendations of draft Hurstville Employment Lands Study suggested the subject site was suitable for rezoning from IN2 Light Industrial to B4 Mixed Use. It also recommended a maximum FSR of 2.5:1 (with a minimum 0.5:1 non-residential floor space requirement) and a maximum building height ranging from 30 metres and 23 metres along the R2 Low Density Residential zone interface with Roberts Lane. It is noted these maximum building height and maximum floor space ratio recommendations are inconsistent with those included in this planning proposal.

Draft Georges River Employment Lands Study (2017)

In September 2016, Council appointed a consultant to expand the application of the draft Hurstville Employment Lands Study to include land within the former Kogarah City Council area. The draft study identifies the subject site as Hurstville Industrial – Hurstville East Precinct.

The draft Study estimates the site's vacancy rate to be 9.3% and identified the demand for industrial use to be low-medium. The study notes that potential exists for intensification of the industrial uses however demand is most likely to come from services that satisfy the local community. Further, the study considers it likely that regional level industrial and logistics users will continue to locate primarily in northwest and southwest Sydney. It also notes that considering the site's proximity to the CBD it would likely be costly for continued use as industrial opposed to an alternate use.

The draft Study identified the demand for residential use as medium-high however also notes that there has already been significant supply of residential in the immediate vicinity which may lessen residential demand to a degree.

The draft Study identified the following strengths of the area:

- Relatively high employment land efficiency (0.83:1);
- Proximity to Hurstville and Allawah railway stations;
- Proximity to Hurstville City Centre; and
- Accessibility via Forest Road.

The draft Study also identified 'opportunities of the area' and noted the site's potential redevelopment for more employment intensive uses, benefiting from proximity to the Hurstville City Centre.

The draft Study makes the following draft recommendation in relation to the subject site:

- rezone the Precinct from IN2 – Light Industrial and No 53 Forest Road from R2 – Low Density Residential to B4 – Mixed Use;
- implement a minimum non-residential FSR of 0.5:1 and ensure that non-residential floor space is provided at the ground floor to encourage street activation which promotes vibrancy in the centre, as well as continued employment opportunities; and
- a further review be undertaken with respect to the height and FSR in the context of the adjoining development.

It is noted that the draft recommendation to rezone the site to B4 Mixed Use and implement a minimum non-residential FSR of 0.5:1 is consistent with the intent of the planning proposal. It is noted that a further review has yet to be undertaken in respect to the most appropriate height and FSR controls for the site.

Council considered the draft Georges River Employment Lands Study – Review of Land Zone IN2 – Light Industrial at its meeting of 7 August 2017 and resolved to endorse the

categorisation of the site as an "Investigation Precinct". A peer review was also endorsed at the meeting to consider the methodology and assessment recommendations of the draft Study.

Hurstville Transport Management and Accessibility Plan (TMAP)

TMAP was adopted by Council in June 2013 and informed the finalisation of planning controls for the Hurstville City Centre in July 2015. The TMAP recommended a potential to develop 363,000m² additional GFA resulting in a total of approximately 861,354m² in the City Centre by 2036. The site is within the boundaries of the Hurstville City Centre, and was included in the area considered by the TMAP. It has been noted that the total GFA allowed for by planning controls and adopted in the City Centre exceed the recommendation in the TMAP.

Hurstville City Centre Action Plan included in the TMAP provides a list of road network and intersection improvements along with other transport and land use works and actions required in the short, medium and long term to support the future planning of the City Centre and to provide an efficient road network.

It is noted that as part of their current review of the Hurstville City Centre planning controls, Council is reviewing the Hurstville City Centre TMAP. Specifically, they will assess existing approvals and planning proposals to identify key works required. It is recommended that Transport for NSW and Roads and Maritime Services are consulted during exhibition of the proposal.

Hurstville Development Control Plan (DCP)

The Hurstville DCP No. 1 currently applies to the site. The planning proposal notes that a site-specific amendment to the Hurstville DCP No.2 (Hurstville City Centre) is proposed to accompany the draft amendment to the Hurstville LEP 2012. The amendment will include the site within the provisions of the Hurstville DCP No.2 (Amendment No. 6) and address the issues which reflect the revised urban design analysis for future development of the site including the inter-relationship between the proposed height and floor space ratio, amount and location of ground level open space, landscaped setbacks, deep soil areas, site access, road widening, through site links and site amalgamation requirements.

Hurstville City Centre Concept Masterplan (2004)

The Hurstville City Centre Concept Masterplan prepared in 2004 includes the following key objectives relevant to the planning proposal:

- Consolidating Hurstville's regional role
- Improving pedestrian movement
- Providing a framework by which improvements to infrastructure may be facilitated
- Introducing a balanced approach to height and density

The Masterplan divides the Hurstville City Centre area into six precincts defined geographically and by land use function. The subject site is located in the City Centre Eastern Bookend precinct. The Masterplan notes that this precinct has the potential to form the eastern gateway to the City. It is considered that the planning proposal is consistent with the key principles in the Masterplan.

Section 117(2) Ministerial Directions

Direction 1.1 – Business and Industrial Zones

The objective of this Direction is to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the vitality of identified strategic centres.

The Direction states that a draft LEP shall not reduce the total potential floor space area for industrial uses in industrial zones. The planning proposal seeks to rezone industrial zoned land to B4 Mixed Use, resulting in a reduction of the total floor space area available for industrial uses therefore representing an inconsistency with the Direction.

The existing IN2 Light Industrial zoned site can provide for approximately 13,000m² of industrial floor space under the current maximum FSR of 1:1 and the EIA estimates the site's current number of employees to be 83. The planning proposal will result in a net reduction of employment floor space from the existing 10,127m² to approximately 7,023m². However according to the EIA, the proposal will result in an increased number of employment opportunities by providing for more intensive employment uses through retail floor space. As discussed above, in order to ensure that the proposal maintains employment floor space a minimum non-residential FSR of 0.5:1 is to be required.

The proposal suggests its inconsistency with Direction 1.1 is justified and that the proposal is broadly consistent with the objectives of the Direction as the proposed B4 Mixed Use zone is consistent with the draft Georges River Employment Land Study, will provide for an increase in employment opportunities as identified in the associated EIA and will support the viability of the Hurstville City Centre.

The proposal's inconsistency with Direction 1.1 is considered to be adequately justified in accordance with the terms of the Direction.

Direction 2.3 – Heritage Conservation

The objective of the Direction is to protect items, areas, objects and places of heritage significance.

There is a locally listed heritage item located on the site at 116 Durham Street (item I26) known as Hurstville Scout Hall. The heritage impact assessment states that the item has historical, associational, aesthetic, social, rarity and representative significance. It notes the building is associated with the prominent Scouts organisation and the civic development of the Hurstville community and is a distinct example of buildings of this period and type.

The planning proposal seeks to retain the heritage item. Whilst it is noted that the current concept plans do not include the heritage item, it has been stated that the concept design and yield testing do not rely on the demolition of the Scouts Hall to achieve proposed height and density.

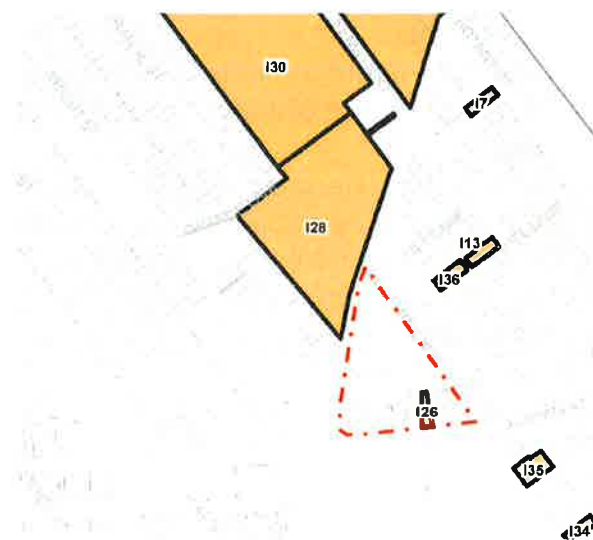


Figure 6: Hurstville LEP 2012 Heritage Map

Hurstville Public School (item I28) is located directly north west of the site and is also a locally listed heritage item. The planning proposal states that the protection of heritage on and around the site can be addressed at the Development Application (DA) stage.

Direction 3.1 – Residential Zones

The objectives of this Direction are to encourage a variety of housing types, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource land.

While not proposing the rezoning of the site to a residential zone, the B4 Mixed Use Zone allows for significant residential development. The proposal states it will improve housing choice, and make efficient use of existing infrastructure, services and amenities.

The Direction requires that residential development is not permitted until the land can be serviced. Consultation with essential services providers regarding the capacity of existing services is recommended to determine whether any augmentation is required.

Direction 3.4 – Integrating Land Use and Transport

The objective of this Direction is to ensure the built form improves access to housing, jobs and services by walking, cycling or public transport use, further it seeks to reduce car dependency and provide for the efficient movement of freight.

The planning proposal states it is consistent with this Direction as it will allow for additional housing in a location with good access to the facilities within the Hurstville City Centre, in particular public transport. It also notes additional housing in this location will ease traffic demand on the Sydney road network generally when compared with additional housing in a less accessible location. Indeed the site is strategically positioned in term of proximity to the Hurstville City Centre, the Allawah and Hurstville Railway Stations and the Hurstville Bus Interchange.

The planning proposal notes that local traffic infrastructure demands associated with the proposal will be addressed through a Voluntary Planning Agreement (VPA). It is noted the applicant made an offer to enter into a VPA that includes:

- a monetary contribution to be used at Council's discretion for public works, including any public utilities, public domain and public road infrastructure;
- the construction and dedication at no cost to Council a 3m strip of land adjoining the Developers Land and Roberts Lane prior to the issue of the first subdivision certificate or the issue of the first occupation certificate for building C as referenced in the planning proposal. The widened Robert's Lane shall be constructed in accordance with Council's Standards and requirements; and
- the Developer will register an easement to Council to enable public access through the site upon prior to the issue of an occupation certificate which authorises the occupation and use of 75% or more of the development on the Developer's land.

Direction 3.5 – Development Near Licensed Aerodromes

Consultation with airport authorities is recommended to ensure compliance with Sydney Airport and commonwealth airspace protection requirements including consideration of the Obstacle Limitation Surface (OLS).

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.

The planning proposal includes an amendment to Clause 4.4 to introduce a maximum floor space ratio incentive for “hotel accommodation”. This is not considered unnecessarily restrictive as it is only to encourage the provision of “hotel accommodation” on the site.

The proposal also includes an amendment to Clause 4.4A to require a minimum non-residential floor space of 0.5:1 on the site. This is necessary to ensure employment uses continue on the site as it transitions from an industrial to a business zone.

Direction 7.1 Implementing of A Plan for Growing Sydney

Generally consistent - see discussion in STRATEGIC ASSESSMENT section of this report.

State Environmental Planning Policies

SEPP 55 – Remediation of Land

A Detailed Site Investigation (DSI) was undertaken by DLA Environmental Services for the site. The investigation states that the site is not currently suitable for future residential land use due to elevated TRH, VOC and heavy metal concentrations within soil, and the presence of petroleum-based contamination in groundwater. The study notes that given most of the subsurface of the site will be excavated to create a basement carpark, the identified areas of soil contamination will be removed as part of the redevelopment of the site. The DSI concludes that the site can be made suitable for the intended land use following implementation of a specialised remediation action plan.

This SEPP will need to be considered further at the DA stage.

SEPP 65 – Design Quality of Residential Apartment Development

The St George Design Review Panel (DRP) has considered various versions of the concept design associated with the proposal request and has provided an assessment against the Design Quality Principles in SEPP 65 – Design Quality of Residential Apartment Development.

The final indicative development concept within the Dickson Rothschild June 2017 planning proposal request was considered by the St George DRP on 6 April 2017 and the proposed maximum FSR and the range of building heights depicted were generally supported. The DRP supported the planning proposal subject to a detailed design at DA stage which is to be the subject of a further DRP Meeting upon lodgement of a DA.

The Dickson Rothschild planning proposal request notes that the footprint of each tower form has been tested against SEPP 65 and the Apartment Design Guide design criteria. It states that the concept design demonstrates that the site can accommodate the maximum density and height proposed if the site was to fully consolidate and other proposed incentives were captured in relation to bonus hotel accommodation FSR.

Any future development application on the site for residential development will be required to carefully address the provisions of the SEPP 65 and the Apartment Design Guide.

See further discussion regarding SEPP 65 and the Apartment Design Guide in the SITE SPECIFIC ASSESSMENT section of this report.

SEPP (Infrastructure) 2007

The development is likely to constitute 'traffic generating development' under the SEPP. The requirements of this SEPP will need to be considered at the DA stage.

SITE SPECIFIC ASSESSMENT

Social

Affordable Housing

At its meeting of 7 August 2017, Council resolved to negotiate with the proponent on the provisions of affordable housing on the site in association with the uplift proposed in the planning proposal. Whilst outside the scope of the Gateway determination, it is important to note that the provision of affordable housing in association with the proposal is to be encouraged as it will provide for a social benefit for both the local community and greater Sydney as a whole.

Increased Population Density

The social impact assessment estimates the proposal is likely to increase the local population by approximately 1,090 - 1,190 residents. This increase in residents, when considered in conjunction with recent rezoning and development approvals in the vicinity, is likely to have significant flow on effects on local infrastructure and services. For example, local schools, such as adjacent Hurstville Public School, are likely to experience increased demand for enrolment in the short to medium term; consultation with the Department of Education is therefore recommended.

Environmental

Natural Environment

The site is located within an established area of Hurstville and it is not likely that critical habitats or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

The proposal is likely to increase pressure on adjacent Kempt Field, which is the primary area of open space at the southeastern end of the Hurstville City Centre and provides a thoroughfare to nearby Allawah Station. It is noted that a draft Plan of Management for Kempt Field was recently exhibited and identifies staged landscape improvements to cater to the requirements of existing residents and the increased population in the southeastern precinct of the Hurstville City Centre.

Proximity to Urban Services

There is potential for the proposal to result in negative social and environmental impacts associated with the loss of urban services in proximity to a densely populated urban area. Specifically, the subject site is the only industrially zoned site in proximity to Hurstville City Centre and following its rezoning local residents will have to travel further in order to access urban services currently accommodated for by the site, such as self-storage, auto and electrical services. This has the potential to both increase congestion of the land transport system and represent an inconvenience to local residents.

Traffic and Parking

The Traffic and Transport Impact Assessment notes the following road network improvements are proposed by RMS in the vicinity of the site:

- an upgrade to the intersection of Durham Street/Forest Road to include a right turn from Durham Street into Forest Road; and
- the construction of a roundabout on Durham Street, which will provide access to the subject site and East Quarter.

The Traffic and Transport Assessment has estimated traffic generation as a result of the proposal to be:

- 174 trips (80 inbound and 94 outbound) in the AM peak; and
- 273 trips (178 inbound and 95 outbound) in the PM peak.

The assessment conducted modelling using SIDRA and results indicated that all intersections performed satisfactorily in all scenarios, assuming that:

- on-street parking arrangement restrictions at the Lily Street/Durham Street intersection are implemented during peak hours;
- the existing intersection of Forest Road/Durham Street/Wright Street is signalised as per an RMS upgrade proposal; and
- a roundabout is provided at the Durham Street/Hurstville East Site Access/East Quarter intersection as per an RMS proposal.

The assessment indicates that all proposed future developments in the eastern section of Hurstville CBD, including the subject proposal can be accommodated, assuming all future developments will contribute to local road network upgrades.

As discussed above Council intends to manage traffic and access issues associated with the proposal primarily through a VPA.

Heritage

As discussed above the site contains a local heritage item which is proposed to be retained.

Bulk and Scale

The proposed planning controls have the potential to give rise to privacy and shadow impacts. However, the proposal notes that the subject site has an appropriate depth to achieve internal and external building separations which achieve SEPP 65 objectives including the achievement of a transition in built form where a site adjoins a lower density residential area. A demonstration of the shadow impacts from the indicative built form is provided in the Urban Design Presentation and shows moderate impacts. The most significant impacts appear to be winter overshadowing on the East Quarter buildings to the site's south.

As noted above, full site consolidation would be required in order to achieve the proposed density and heights whilst also meeting the requirements of SEPP 65. It is noted that the site consists of 19 lots in various ownership and the planning proposal does not have all owners consent. It is important that Council address the need for site consolidation in order to ensure the best outcome is achieved on the site.

It is noted that the 7 August 2017 Report to Council recommended that Council defer the planning proposal so that a revised urban design analysis could be undertaken to assess the inter-relationship between the proposed height and floor space ratio, considering provision of ground level communal open space, street setbacks, road widening as well as compliance with all aspects of the Apartment Design Guide, and provisions could be developed that require amalgamation in order to develop to the maximum heights and floor space ratios as outlined in the proposal.

The Administrator subsequently resolved to support sending the planning proposal to the Department and resolved that if the planning proposal should proceed, then prior to community consultation, the following shall be undertaken:

- the proponent shall prepare a revised urban design analysis that assesses the interrelationship between the proposed height and floor space ratio and considering

- provision of ground level communal open space, street setbacks, road widening and compliance with all aspects of the Apartment Design Guide; and
- site amalgamation provisions are to be developed in order to ensure superior development outcome based on the maximum floor space ratios and heights.

The urban design analysis will need to be updated at the DA stage to include specific information demonstrating the concept's ability to address all relevant requirements of SEPP 65 and the Apartment Design Guide. Further, it is noted that a site specific DCP is to be exhibited concurrently to the proposal and will deal with more specific design related issues as well as site amalgamation requirements.

Economic

The planning proposal states that there will be a number of positive economic effects associated with the proposal, including:

- the provision of additional housing supply to meet the strong demand for housing in the area;
- the provision of additional residential population to stimulate demand and employment within the Hurstville City Centre; and
- the provision of residential and employment opportunities which can take advantage of the close proximity to Hurstville City Centre's multi-modal public transport interchange and amenities.

As previously noted, the proposed B4 Mixed Use zone and the requirement of a minimum commercial FSR of 0.5:1, will provide for approximately 7,023m² of floorspace for more intensive employment uses. These uses are estimated to provide for approximately 400 jobs, including approximately 268 retail jobs, 111 hotel jobs and 30 home workers.

The proposal is also supported by a hotel demand assessment which assesses the viability of a 130-room hotel at the subject site (as per the concept plan). The assessment considers factors effecting both local demand and supply and concludes that the site is suitable to accommodate a hotel of the scale proposed. The hotel associated with the concept plan is estimated to provide for approximately 110 additional jobs on top of those provided as a result of the ground floor retail floor space.

CONSULTATION

Community

The planning proposal states that public consultation will be undertaken in accordance with the Gateway determination. An exhibition period of 28 days is considered acceptable.

Agencies

The proposal notes that State and Commonwealth public authorities will be consulted following the outcomes, and in line with any recommendations, of the Gateway determination. This approach is considered acceptable.

TIMEFRAME

Council has proposed a timeframe of approximately 14 months to complete the LEP. A timeframe of 12 months is considered appropriate given the nature of the proposal.

DELEGATION

Council wishes to exercise its Plan making delegation in relation to the planning proposal.

It is recommended delegation is issued as the proposal constitutes a local planning matter.

CONCLUSION

The planning proposal is supported to proceed with conditions as it:

- generally satisfies State, draft district and local planning objectives, which encourage developments that will facilitate increased housing provision in locations well serviced by public transport and in close proximity to employment opportunities;
- contributes to the delivery of Georges River five-year housing target of 4,800 additional dwellings by allowing for the delivery of approximately 450 new dwellings;
- ensures the provision of employment generating floor space by requiring a minimum non-residential FSR of 0.5:1, providing for approximately 270 jobs; and
- promotes the provision of tourism infrastructure through providing a hotel accommodation FSR incentive of 0.5:1.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree any inconsistency with Section 117 Direction 1.1 Business and Industrial Zones is justified.

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - Transport for NSW;
 - Roads and Maritime Services;
 - NSW Department of Education;
 - Sydney Airport Authority;
 - Civil Aviation Safety Authority; and
 - Commonwealth Department of Infrastructure and Regional Development.
3. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.
5. Prior to exhibition the planning proposal should be updated to address consistency with Productivity Priority 5 of draft South District Plan.



19/10/2017

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19/10/17

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