

Item: CCL146-17 Planning Proposal PP2015-0001 53-75 Forest Road 108-126 Durham Street and 9 Roberts Lane Hurstville

Author: Manager Strategic Planning

Directorate: Environment and Planning

Matter Type: Environment and Planning

Recommendation

- (a) That Council defer the Planning Proposal to amend Hurstville Local Environmental Plan 2012 ("Hurstville LEP 2012") in respect of the "Hurstville East" site so that:
- i. A provision is included for affordable housing to be incorporated in any development on the site equivalent to not less than 5% of the gross floor area of the development.
 - ii. A revised urban design analysis is 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.
 - iii. Provisions are developed that require amalgamation in order to develop to the maximum heights and floor space ratios as outlined in the proposal.

Executive Summary

1. The Independent Hearing and Assessment Panel (IHAP), at its meeting on 20 July 2017 considered a report on a Planning Proposal to amend Hurstville Local Environmental Plan 2012 ("Hurstville LEP 2012") as follows, in respect of the "Hurstville East" site (refer to **Figure 1**):
 - a. To change of land use zoning from IN2 Light Industrial and part R2 Low Density Residential to B4 Mixed Use,
 - b. To amend the Floor Space Ratio 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 (including a minimum commercial FSR of 0.5:1).
 - c. To 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.
 - d. To amend the Active Street Frontages Map to apply an active street frontage along Forest Road and Durham Street frontages of the site
 - e. To provide a Hotel incentive 0.5:1 for the hotel accommodation land uses for that portion of the site on the corner of Forest Road and Durham Street.
2. A copy of the report (and its attachments) considered by IHAP is contained in **Attachment 1**. The report is comprehensive in its assessment and should be read in conjunction with this report.
3. As a result of the meeting, the IHAP resolved:
 - a. That the Georges River IHAP recommends to the Council that the Planning Proposal to amend Hurstville Local Environmental Plan 2012 ("Hurstville LEP 2012") in respect of the "Hurstville East" site be deferred so that:

- i. A provision is included for affordable housing to be incorporated in any development on the site equivalent to not less than 5% of the gross floor area of the development.
- ii. A revised urban design analysis is 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.
- iii. Provisions are developed that require amalgamation in order to develop to the maximum heights and floor space ratios as outlined in the proposal.



Figure 1 – Hurstville East Site

Background

4. The request to prepare a Planning Proposal (PP2015/0001) for the site bounded by Forest Road, Durham Street and Roberts Lane, Hurstville was originally submitted by Dickson Rothschild ("the Applicant") on 16 June 2015. Table 2 in Attachment 1 provides a chronology of the events leading up to this report on the revised Planning Proposal.
5. Dickson Rothschild submitted a revised Planning Proposal request (PP2015/0005) on behalf of One Capital Pty Ltd on 2 June 2017 that requests that Council amend the Hurstville Local Environmental Plan 2012 ("LEP 2012") in relation to the site bounded by Forest Road, Durham Street and Roberts Lane, Hurstville (the "Hurstville East" site) to:
 - a. Change of land use zoning from IN2 Light Industrial and part R2 Low Density Residential to B4 Mixed Use,
 - b. Amend the Floor Space Ratio 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 (including a minimum commercial FSR of 0.5:1).

- c. 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.
 - d. Amend the Active Street Frontages Map to apply an active street frontage along Forest Road and Durham Street frontages of the site.
 - e. Hotel incentive 0.5:1 for the hotel accommodation land uses for that portion of the site on the corner of Forest Road and Durham Street.
6. The Urban Design Presentation (Dickson Rothschild) shows a concept which provides for:
 - a. Between 440 and 480 residential units across the site, which are located within buildings of 3 storeys up to 19-20 storeys. The Traffic Report (Refer to Attachment 8) states that 450 residential apartments will be provided comprising of:
 - i. 10 studio units
 - ii. 38 one bedroom units
 - iii. 364 two bedroom units
 - iv. 38 three bedroom units
 - b. Seven (7) level hotel containing between 110-130 rooms (approx. 5,260sqm) located on Ground Level and Levels 1 to 6 within the corner building (Building A).
 - c. Ground level retail uses along Forest Road, Durham Street and internal.
 - d. Central area of communal open space of approximately 3000m².
 - e. Through site connections linking Durham Street and Forest Road.
 - f. Provision of 670 carparking spaces.
 - g. Road widening along the Roberts Lane frontage of 3m.
 - h. Soho units along Roberts Lane in a 3 storey element 18m wide.
7. The Site is located within the boundary of the Hurstville City Centre and currently accommodates approximately 10,127m² of employment floor space. Council at its Meeting held 3 July 2017 adopted a report and approved Hurstville Section 94 Development Contributions Plan (Amendment No. 2) to include Kempt Field, the Hurstville East Site (bounded by Forest Road, Durham Street and Roberts Lane) and the Bing Lee Site (being 108, 112 and 124 Forest Road) Hurstville into the Hurstville City Centre land application map.
8. The site consists of 19 allotments in various ownerships. The Planning Proposal does not have all owners consent.
9. Council, at its meeting on 3 April 2017 considered a report on the draft Georges River Employment Lands Study (the draft Study) and resolved to publicly exhibit the draft Study. The draft Study makes the following recommendation for the Hurstville Industrial – Hurstville East Precinct:
 - a. Rezone the Precinct from IN2 – Light Industrial and No 53 Forest Road from R2 – Low Density Residential to B4 – Mixed Use zone,
 - b. Implement a minimum non-residential floor space ratio (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,
 - c. That a further review be undertaken with respect to the height and FSR in the context of the adjoining development.
10. The revised Planning Proposal request lodged in June 2017 has been considered by the St George Design Review Panel ("DRP") on 6 April 2017 and the proposed maximum FSR and the range of building heights included in this revision was 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.

Overview of the Site

11. The Hurstville East site is a triangular shaped site bounded by Forest Road, Durham Street and Roberts Lane, Hurstville. The site adjoins the area defined as the Hurstville City Centre and within 400m walking distance from Allawah Station and 800m from Hurstville Station. The site is shown in **Figure 1**.
12. The site has multiple land owners and contains a total of 19 separate lots legally described in **Table 1** below. One Capital Pty Ltd has an interest in 8 of the allotments. **Figure 2** of this report indicates the land that One Capital Pty Ltd has an interest in.

Table 1 – Legal Site Description

Lot/DP & Address	Zone under HELP 2012	Ownership
Lot A DP.372835 53 Forest Road	R2 – Low Density Residential	Mrs K Giacchi
Lot 1 DP. 225302 61-65 Forest Road	IN2 – Light Industrial	Sentumar Pty Ltd One Capital has an interest
Lot 101 DP.776275 67-69 Forest Road	IN2 – Light Industrial	Sentumar Pty Ltd One Capital has an interest
Lot 100 DP.776275 71A Forest Road	IN2 – Light Industrial	Mrs VM and Mr AW Garthon One Capital has an interest
Lot 10 DP.621395 73 Forest Road	IN2 – Light Industrial	South East Automotive Pty Ltd One Capital has an interest
Lot 4 DP.12517 75 Forest Road	IN2 – Light Industrial	South East Automotive Pty Ltd One Capital has an interest
Lot 3 DP.12517 75 Forest Road	IN2 – Light Industrial	South East Automotive Pty Ltd One Capital has an interest
Lot 2 DP.12517 126 Durham Street	IN2 – Light Industrial	South East Automotive Pty Ltd One Capital has an interest
Lot 1 DP.12517 126 Durham Street	IN2 – Light Industrial	South East Automotive Pty Ltd One Capital has an interest
Lot 15 DP.601341 122A Durham Street	IN2 – Light Industrial	A & C Motor Repairs Pty Ltd
Lot 1 DP.337499 120 Durham Street	IN2 - Light Industrial	Mr G & Mrs R Topalidia
Lot 1 DP.213685 118A Durham	IN2 – Light Industrial	Mr H and Mrs W Hage
Lot 2 DP.213685 118 Durham Street	IN2 – Light Industrial	Mr H and Mrs W Hage
Lot 5 DP.171179 116 Durham Street	IN2 – Light Industrial	Boy Scouts Association Trustees (Heritage Item)
Lot A DP.391801 114 Durham Street	IN2 - Light Industrial	Bagi Pty Ltd
Lot B DP.391801 112 Durham Street	IN2 – Light Industrial	Bagi Pty Ltd
Lot C DP.391801 110 Durham Street	IN2 – Light Industrial	Bagi Pty Ltd
Lot D DP.391801 108 Durham Street	IN2 – Light Industrial	Bagi Pty Ltd
Lot 1 DP.172819	IN2 – Light Industrial	Mrs J and Mr I Kordic

Lot/DP & Address	Zone under HELP 2012	Ownership
9 Roberts Lane		

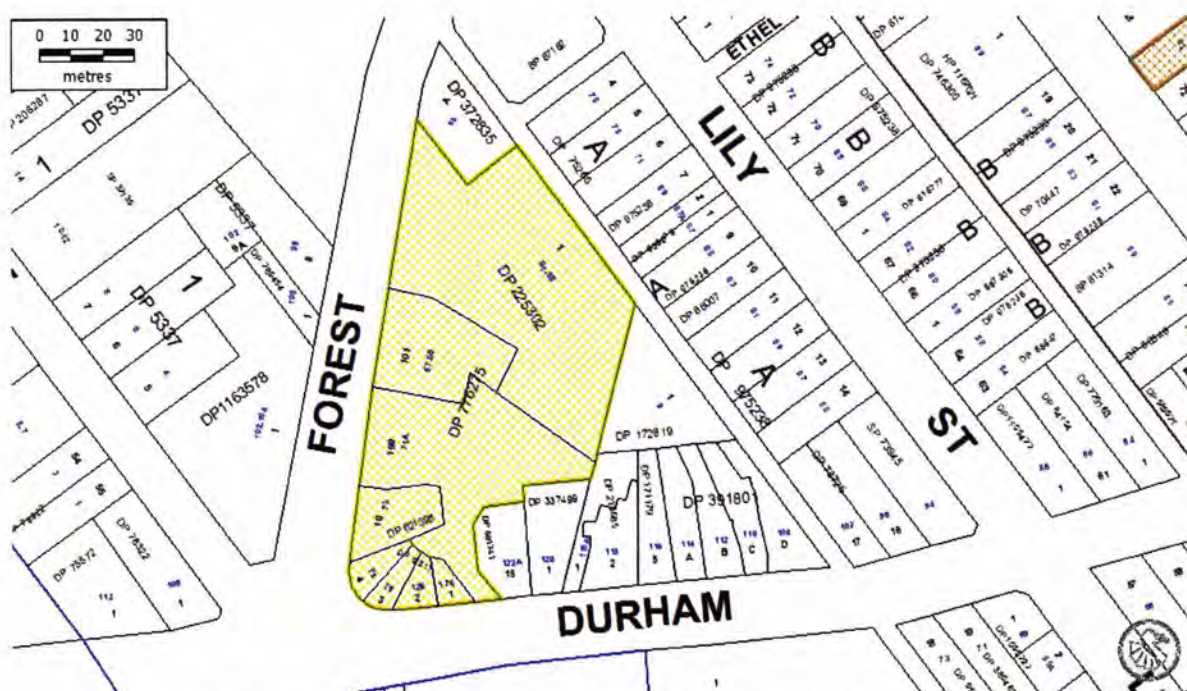


Figure 2 – Allotments highlighted in yellow under One Capital Interest

13. The site has an area of 14,070m² (approx. 1.4 hectares) and the following boundaries:
 - Forest Road boundary of 175m,
 - Durham Street boundary of 140m,
 - Roberts Lane boundary of 207m.
14. The existing buildings on the site are described below:
 - Self-storage facility
 - Automotive services and sales
 - Community uses (Hurstville Scout Hall)
 - Funeral home
 - Two (2) storey residential flat building on the corner of Roberts Lane and Forest Road (land zoned R2 Low Density Residential)
 - Dwellings on Durham Street on land zoned IN2 Light Industrial

The Planning Proposal

15. The objective of the Planning Proposal is to amend the Hurstville LEP 2012 by:
- Changing of land use zoning from IN2 Light Industrial and part R2 Low Density Residential to B4 Mixed Use.

- Amending the Floor Space Ratio 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 (including a minimum commercial FSR of 0.5:1).
 - Amending 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.
 - Amending the Active Street Frontages Map to apply an active street frontage along Forest Road and Durham Street frontages of the site.
 - Providing for a Hotel incentive 0.5:1 for the hotel accommodation land uses for that portion of the site on the corner of Forest Road and Durham Street.
16. The intended outcomes of the Planning Proposal are to permit a mixed use development on the site which provides for:
- Between 440 and 480 residential units across the site, which are located within buildings of 3 storeys up to 19-20 storeys.
 - Seven (7) level hotel containing between 110-130 rooms (approx. 5,260sqm) located on Ground Level and Levels 1 to 6 within the corner building (Building A).
 - Ground level retail uses along Forest Road, Durham Street and internal.
 - Central area of communal open space of approximately 3000m².
 - Through site connections linking Durham Street and Forest Road.
 - Provision of 670 carparking spaces.

Summary Of Assessment / Conclusion

17. The matters raised by IHAP require further work by both Council Officers and the proponent.
18. It is recommended that the Council support the deferral of the Planning Proposal to amend Hurstville Local Environmental Plan 2012 ("Hurstville LEP 2012") in respect of the "Hurstville East" site be deferred so that:
- a. A provision is included for affordable housing to be incorporated in any development on the site equivalent to not less than 5% of the gross floor area of the development.
 - b. A revised urban design analysis is 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.
 - c. Provisions are developed that require amalgamation in order to develop to the maximum heights and floor space ratios as outlined in the proposal.

Financial Implications

19. No budget impact for this report.

File Reference

15/793

ATTACHMENTS

Attachment
[View1](#)

Hurstville East Planning Proposal IHAP Report 20 July 2017 - *published in separate document*

Council IHAP Review Body.

- (c) That Council adopt the amended IHAP Charter and Guidelines annexed to this report, with changes included in (b) above.
- (d) That the Council delegate the General Manager to appoint four (4) members to comprise the IHAP Review Body.

CCL144-17 Processing Variations to Height in the Kogarah North Precinct under the Kogarah LEP 2012 Amendment No 2

(Report by Coordinator Strategic Planning)

The Administrator moved and declared carried:

- (a) That Council adopt the criteria that guide the variations to the height of buildings in the Kogarah North Precinct.
- (b) That advice be sought from Sydney Airport Corporation Limited (SACL) prior to the exhibition of the draft Development Control Plan (DCP) with respect to the proposed consideration of the variation to the maximum building height above 33m up to a maximum 40m with respect to the Obstacle Limitation Surface (OLS) in the Kogarah North Precinct.
- (c) If SACL raises no objection to the maximum building height up to a maximum 40m across the Kogarah North Precinct, then the criteria to guide a variation in building height above the 33m and associated objectives and controls as outlined in the body of the report be incorporated into the draft Development Control Plan (DCP) and placed on exhibition.
- (d) That if no submissions are received on the draft Development Control Plan that the Plan is submitted to the General Manager for adoption.

CCL145-17 Planning Proposal to vary clauses 4 4A and 6 6 of Hurstville Local Environmental Plan 2012

(Report by Manager Strategic Planning)

The Administrator moved and declared carried:

- (a) That Council adopt the amendment to the Hurstville Local Environmental Plan (LEP) to amend *Clauses 4.4A – Exceptions to floor space ratios for buildings on land in certain zones* and *6.6 Active street frontages*, as exhibited, and request the Department of Planning and Environment to draft and finalise the amendment to Hurstville LEP 2012 in accordance with Section 59 of the Environmental Planning and Assessment Act 1979.
- ~~(b) That those who made a submission be notified of Council's decision.~~

CCL146-17 Planning Proposal PP2015-0001 53-75 Forest Road 108-126 Durham Street and 9 Roberts Lane Hurstville

(Report by Manager Strategic Planning)

The Administrator moved and declared carried:

1. That Council acknowledge the recommendations of the Georges River IHAP in relation to the "Hurstville East" Planning Proposal for the provision of affordable housing, detailed urban design analysis and site amalgamation.
2. That Council support forwarding to the delegate of the Greater Sydney Commission a

request for a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 the "Hurstville East" Planning Proposal to amend Hurstville Local Environmental Plan 2012 in respect of land known as 53-75 Forest Road, 108-126 Durham Street and 9 Roberts Lane, Hurstville:

- a. To change of land use zoning from IN2 Light Industrial and part R2 Low Density Residential to B4 Mixed Use.
- b. To amend the Floor Space Ratio 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 (including a minimum commercial FSR of 0.5:1).
- c. To 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.
- d. To amend the Active Street Frontages Map to apply an active street frontage along Forest Road and Durham Street frontages of the site.
- e. To provide a Hotel incentive 0.5:1 for the hotel accommodation land uses for that portion of the site on the corner of Forest Road and Durham Street.

3.
 - (a) That Council delegate the General Manager to negotiate with the proponent on the provisions of the affordable housing on the site in association with the uplift proposed in the "Hurstville East" Planning Proposal, prior to the issue of the Gateway determination by the Greater Sydney Commission.
 - (b) Should negotiations referred to in (a) above not be finalised prior to the issue of the Gateway Determination, a further report be submitted to Council outlining progress to date and providing options for satisfactory completion of the matter.
4. That if a Gateway Determination is issued by the Greater Sydney Commission or its delegate under Section 56 of the Environmental Planning and Assessment Act 1979 that 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 inter-relationship 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 developed in order to ensure superior development outcome based on the maximum floor space ratios and heights; and
 - A suitable mechanism for the delivery of affordable housing on the site be agreed.
5. That if it is determined by the Greater Sydney Commission or its delegate under Section 56 of the Environmental Planning and Assessment Act 1979 that the Planning Proposal should proceed, Council prepare an amendment to the Hurstville DCP to run concurrently with an amendment to the Hurstville Local Environmental Plan 2012, which reflects 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. The DCP shall be prepared at the proponents cost.

6. That all land owners the subject of the Planning Proposal to amend Hurstville Local Environmental Plan 2012 ("Hurstville LEP 2012") be notified of Council's resolution.
7. That the General Manager place the Planning Proposal on formal public exhibition subject to the satisfactory completion of the requirements of the recommendations 3 to 5 and in accordance with the conditions of any Gateway Determination issued by the Department of Planning and Environment.

**~~CCL147-17~~ Heads of Agreement to enter into a VPA - Planning Proposal PP2015-0001
53-75 Forest Road 108-126 Durham Street and 9 Roberts lane Hurstville
(Report by Manager Strategic Planning)**

The Administrator moved and declared carried:

- (a) That Council accept the written offer dated 11 July 2017 from The One Capital Group Pty Ltd (**Developer**) to enter into a Voluntary Planning Agreement (**ATTACHMENTS 1 & 2**) in relation to the Planning Proposal PP2015/0001 which seeks amendments to Hurstville LEP 2012 at 53-75 Forest Road, 108-126 Durham Street and 9 Roberts Lane, Hurstville (legally described as Lot 1 in DP 225302; Lot 100 & 101 in DP 776275; Lot 1, 2, 3 & 4 in DP 12517; and Lot 10 in DP621395), which will deliver the following public benefits:
 1. A monetary contribution of \$7,375,878 (indexed). The monetary amount is to be paid in stages as follows:
 - i. \$1 million within 30 days of Hurstville LEP 2012 Amendment;
 - ii. \$1 million immediately prior to the issue of a notice of determination granting the first Development Consent for the Developer's Land; and
 - iii. The remainder prior to the issue of any Construction Certificate for the Development on the Developer's Land
 2. The construction and dedication at no cost to Council a 3m wide strip of land adjoining the Developer's Land and Robert's Lane prior to the issue of the first subdivision certificate or the issue of the first occupation certificate for building C as referred to in the Planning Proposal. The widened Robert's Lane shall be constructed in accordance with the Council's standards and requirements. The estimated value of the land being dedicated and the road widening works totals \$514,122.
 3. An easement that benefits Council which will enable public access through the site.
- (b) The Council delegate authority to the General Manager to execute the Heads of Agreement (**ATTACHMENT 2**) as referred to in Item (a) above.
- (c) That Council delegate authority to the General Manager to negotiate the specific terms of the Voluntary Planning Agreement as agreed by the Parties in the Heads of Agreement (**ATTACHMENT 2**), and to subsequently exhibit a draft of the Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979, and if a Gateway is issued by the delegate of The Greater Sydney Commission for the Planning Proposal.
- (d) That Council delegate authority to the General Manager to:
 1. Authorise any minor changes to the draft Voluntary Planning Agreement following public exhibition, provided that those changes do not diminish the value or nature of the public benefits to be delivered as identified in (a) above;
 2. ~~Subsequently enter into the Voluntary Planning Agreement on behalf of Council.~~