



Gateway Request

Planning Proposal (PP2015/0001)

Hurstville East Site

(53-75 Forest Road, 108-126 Durham Street
& 9 Roberts Lane, Hurstville)

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Attachments

- Attachment 1: Georges River Council Report 7 August 2017, Item CCL146-17 Planning Proposal PP2015/0001 53-75 Forest Road, 108-126 Durham Street & 9 Roberts Lane, Hurstville (includes as Attachment 1, Georges River Independent Hearing & Assessment Panel Report 20 July 2017, Item 3.3 PP2015/0001 Planning Proposal, 53-75 Forest Road, 108-126 Durham Street and 9 Roberts Lane, Hurstville)
- Attachment 2: Hurstville LEP 2012 Proposed Amended Maps
- Attachment 3: SEPP & s117 Direction Compliance Tables
- Attachment 4: Planning Proposal Request – Dickson Rothschild (June 2017) and supporting studies

1. Introduction

Georges River Council considered a Planning Proposal (PP2015/0001) at its 7 August 2017 meeting and resolved to support the following proposed changes to the Hurstville Local Environmental Plan 2012 (“LEP”) for the “Hurstville East Site” being land known as 53-75 Forest Road, 108-126 Durham Street and 9 Roberts Lane, Hurstville:

- Amend the **Land Zoning Map** to zone the site from IN2 Light Industrial and part R2 Low Density Residential to B4 Mixed Use,
- 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),
- 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.
- 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,
- amend the **Active Street Frontages Map** to apply an active street frontage along Forest Road and Durham Street frontages of the site.

The Planning Proposal relates to a 14,070m² triangular shaped site within the Hurstville City Centre which is bounded by Forest Road to the north, Durham Street to the south and Roberts Lane to the east (refer **Figure 1**). The Site is being referred to as Hurstville East PP2015/0001 (previously known as Landmark) and includes 19 individual lots known as 53-75 Forest Road, 108-126 Durham Street and 9 Roberts Lane.

The Hurstville East site currently accommodates a range of industrial and residential uses including self storage facility, automotive services and sales, community uses (Hurstville Scout Hall), funeral home, two storey residential flat building and single dwelling houses.

The Planning Proposal is a revision of a previous Planning Proposal forwarded to the Department of Planning in May 2016, and which was returned to the former Hurstville Council on 4 August 2016 as detailed in Section 2 Background.

The anticipated development from the Planning Proposal (based on the indicative built form provided by Dickson Rothschild – refer **Figure 2**) includes:

- Residential apartments (approx. 450 apartments),
- Soho units along Roberts Lane in a 3 storey element,
- Commercial and ground floor retail (approx. 7,023m²),
- Hotel accommodation (approx. 110-130 rooms),
- Publicly accessible open space (approx. 3000m²),
- Through-site connections,
- Basement parking (approx. 670 spaces) associated with the development.



Figure 1: Hurstville East (previously known as Landmark Square) (shown red) (Source: Six Maps NSW)

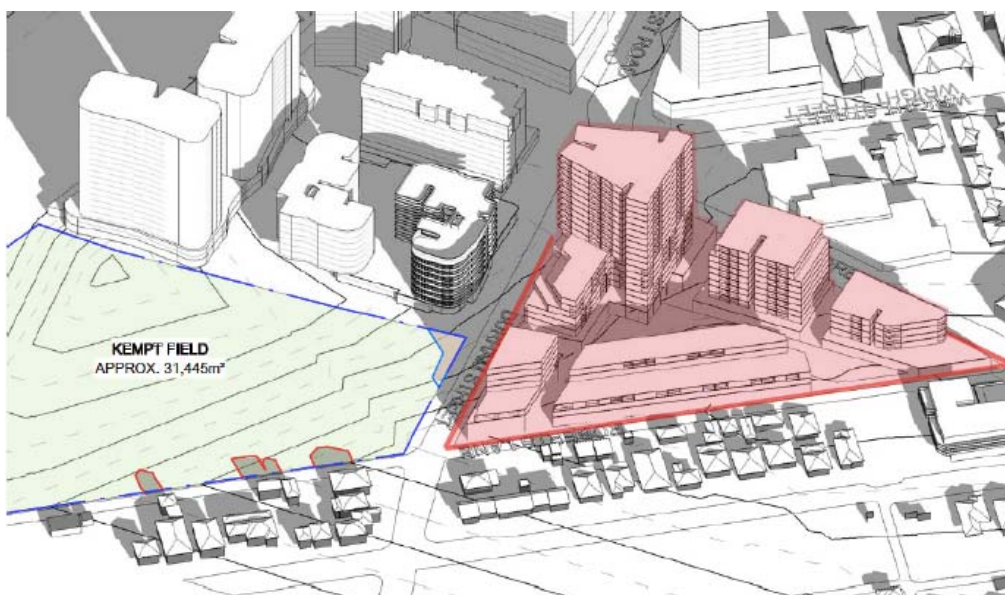


Figure 2: Indicative built form(site shown red) (Source: Dickson Rothschild, May 2017)

Council also considered at its meeting of 7 August 2017 the **Draft Georges River LGA Employment Lands Study – Review of Land Zone IN2 – Light Industrial** and resolved to endorse the categorisation of the site (being referred to as Hurstville Industrial – Hurstville East Precinct) as an “Investigation Precinct”. A peer review was also endorsed at the meeting to consider the methodology and assessment recommendations of the draft Study.

The draft Study recommends rezoning the site from IN2 Light Industrial to B4 Mixed Use with maximum height and FSR “*to be reviewed in the context of the surrounding development*”. Consideration of the draft Study is provided in Section 5.

The **draft Hurstville City Centre Urban Design Strategy** (July 2017) was also considered by Council (7 August 2017) and endorsed for public exhibition; which is anticipated in September/October 2017. The draft Strategy identifies the site in its “Built Form Strategy – Additional Capacity Investigation” for a maximum FSR of 3:1 and maximum height range of 23-40m with future investigation recommended. Consideration of the draft Strategy is provided in Section 5.

This Planning Proposal report includes the following sections:

1. Introduction.
2. Background: describes the history of the Planning Proposal, its previous submission to the Department of Planning and how the revised Planning Proposal addresses the issues raised,
3. The Site: provides a description of the site and its surrounds,
4. Planning Controls, Strategies and Policies: considers the relevant Georges River local environmental plan, development control plans and policies,
5. The Planning Proposal: provides a description and assessment of the Planning Proposal in accordance with the relevant sections of the Environmental Planning and Assessment Act 1979 and Regulation 2000 and “A guide to preparing planning proposals” (August 2016) and “A guide to preparing local environmental plans” (August 2016),
6. Conclusion.

2. Background

A request to prepare a Planning Proposal (PP2015/0001) for 53-75 Forest Road, 108-126 Durham Street and 9 Roberts Lane (Hurstville East) was originally submitted by Dickson Rothschild ("the Applicant") on 12 June 2015. A summary of the background to the Planning Proposal is provided in the Georges River IHAP report (refer **Attachment 1**).

In August 2016, in response to a Gateway request by the former Hurstville City Council, the Department of Planning & Environment returned the Planning Proposal to Council to "*consider the following matters and whether the proposal should be resubmitted for a Gateway determination*":

- *The disproportionate distribution across the site of the proposed density increases and Council's advice as to the reasons for this recommended approach and why the urban design advice, which appears to better reflect the site potential, was not followed,*
- *Concerns that the proposed planning controls would not allow Council to fully incorporate the development potential of the site into its contributions framework and difficulty to address additional demands, particularly on the road and traffic network in the City Centre that would be generated by the proposed development.*

This revised Planning Proposal (August 2017) is being resubmitted for a Gateway determination and addresses the issues raised in the Department's correspondence of 4 August 2016 in relation to the distribution of the proposed density increases, consistency with urban design advice and infrastructure contributions and proposes the following amendments to the Hurstville Local Environmental Plan 2012 ("LEP") in relation to the Hurstville East (Landmark) site:

- Amend the **Land Zoning Map** to zone the site from IN2 Light Industrial and part R2 Low Density Residential to B4 Mixed Use,
- 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),
- 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,
- 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,
- amend the **Active Street Frontages Map** to apply an active street frontage along Forest Road and Durham Street frontages of the site.

A copy of the Applicant's revised Planning Proposal Request (June 2017) is included as **Attachment 4** and includes the following reports:

- Planning Proposal, Forest Road, Durham Street and Roberts Lane, Hurstville, Dickson Rothschild (29 May 2017) which includes the following Appendices:
 - Urban Design Presentation (Dickson Rothschild, June 2017)
 - Economic Impact Assessment Update (HillPDA, June 2017)
 - Social Impact Assessment (HillPDA, June 2017)

- Hotel Demand Analysis (HillPDA, June 2017)
- Traffic and Transport Impact Assessment (Mott MacDonald, June 2017)
- Assessment of Heritage Significance (Rappoport, June 2017)
- Preliminary Site Investigation (Environmental Investigations, August 2015)
- Detailed Site Investigation (DLA Environmental Services, March 2017)

The Planning Proposal request was considered by the St George Design Review Panel ("DRP") 6 June 2017, the Georges River IHAP (20 July 2017) and Georges River Council (7 August 2017) as detailed in the Council Report in **Attachment 1**.

3. The Site

Overview of the Site

The Site is known as 53-75 Forest Road, 108-126 Durham Street and 9 Roberts Lane, Hurstville and includes 19 lots, as shown in **Figure 3**, legally described as:

Lot A DP372835	53 Forest Road
Lot 1 DP225302	61-65 Forest Road
Lot 101 DP776275	67-69 Forest Road
Lot 100 DP776275	71A Forest Road
Lot 10 DP621395	73 Forest Road
Lot 4 DP12517	75 Forest Road
Lot 3 DP12517	75 Forest Road
Lot 2 DP12517	126 Durham Street
Lot 1 DP12517	126 Durham Street
Lot 15 DP601341	122A Durham Street
Lot 1 DP337499	120 Durham Street
Lot 1 DP213685	118A Durham
Lot 2 DP213685	118 Durham Street
Lot 5 DP171179	116 Durham Street
Lot A DP391801	114 Durham Street
Lot B DP391801	112 Durham Street
Lot C DP391801	110 Durham Street
Lot D DP391801	108 Durham Street
Lot 1 DP172819	9 Roberts Lane

The triangular shaped lot is bounded by Forest Road to the north, Durham Street to the south and Roberts Lane to the east.

The Site has an area of approximately 14,070m² and the following boundaries:

- Forest Road frontage of approx. 175m,
- Durham Street frontage of approx. 140m,
- Roberts Lane boundary of approx. 207m.



**Figure 3: Hurstville East Site, Hurstville (bounded in red)
(Source: SixMaps, NSW Government)**

The Site is currently occupied by a range of uses including self-storage facility, automotive services and sales, community uses (Hurstville Scout Hall), funeral home, two storey residential flat building and single dwelling houses – as shown in **Figure 4** and views of the Site in **Figures 5 – 11** below.

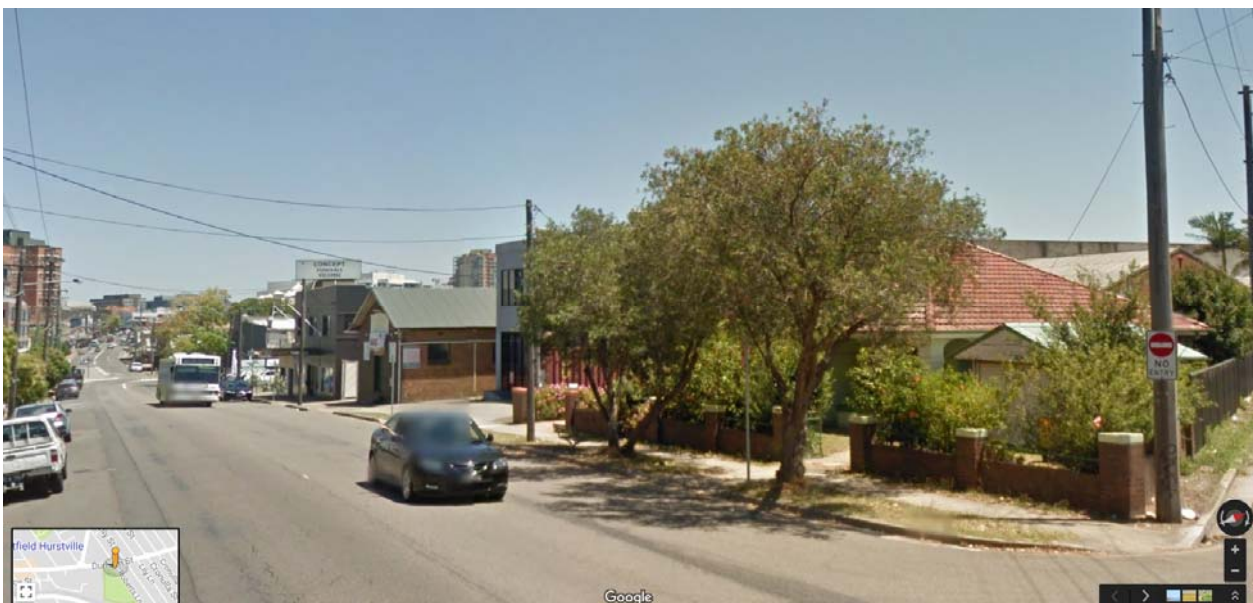




**Figure 6: Site photo showing residential properties on corner Durham Street & Roberts Lane
(Source: Google Maps)**



**Figure 7: Site photo showing the Forest Road and Durham Street intersection
(Source: Google Maps)**



Figure 8: Site photo showing residential flat building on the corner of Forest Road and Roberts Lane (Source: Google Maps)



Figure 9: Site photo showing retail and commercial premises along the Forest Road frontage looking south west to the East Quarter development (Source: Google Maps)



Figure 10: Site photo showing retail and commercial premises along the Forest Road frontage looking south (Source: Google Maps)



Figure 11: Site photo showing Roberts Lane looking south from Forest Road (Source: Google Maps)

The Site is within 400m of Allawah Station, 800m of Hurstville Station and 1km to the bus interchange on Woodville Street and is in close proximity to the retail and entertainment offerings along Forest Road. Two (2) areas of open space are within walking distance, Kempt Field (directly opposite the site to the south) and Woodville Park (approx. 400m or 5 minute walk) and provide for passive recreation opportunities. A draft Plan of Management for Kempt Field is currently on public exhibition, and identifies staged landscape improvements to cater to the requirements of existing residents and the increased population in the south eastern precinct of the Hurstville City Centre.

Surrounding Development

The Site is located on the eastern extent of the Hurstville City Centre, within the “Eastern Bookend Precinct” which forms the eastern gateway. The Precinct is dominated by the East Quarter buildings, transforming it into a mixed-use gateway to the City Centre with its prominent position on the axis of Forest Road. Regional traffic corridor function offers access to the City Centre via Forest Road and across the rail line to the east via Durham and Lily Streets. The eastern side of the Precinct (which includes the Hurstville East site) has a concentration of smaller industrial/retail businesses and a number of education facilities situated along the northern side of Forest Road between Durham and Lily Street.

A summary of the surrounding land is provided below and shown in **Figures 12 to 17**:

South: To the south, on the opposite side of Durham Street is a large development known as East Quarter which includes a number of mixed use buildings up to 19 storey in height (refer **Figure 12**). The recent Stage 3 approval for the East Quarter development provides for heights up to 65m.

The large open space area of Kempt Field (approx. 3 hectares) is also located opposite the site to the south and provides for a direct pedestrian connection through the park to the Allawah Rail Station (refer **Figure 13**).



Figure 12: View of Kempt Field and the East Quarter development on the opposite side of Durham Street to the south of the Site (Source: Google Maps)



**Figure 13: View of Kempt Field looking west to the East Quarter site
(Source: Google Maps)**

West: On the other side of Forest Road 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. Residential land on Wright Street and Hudson Street is a mix of 1-2 storey dwelling houses and other low density residential development and 3 storey residential flat buildings (refer **Figure 14**). A Planning Proposal for 108, 112 and 124 Forest Road and 1 and 3 Wright Street, which is located diagonally opposite the site, was given Gateway Approval (subject to conditions) in February 2017 and provides for a mixed use development with maximum heights of 46.5 and 34.5m and a maximum FSR of 4:1.



**Figure 14: View to the north of the site on the opposite side of Forest Road
at the intersection with Wright Street (Source: Google Maps)**

North: A number of educational facilities are located to the north of the site along Forest Road including Hurstville Public School, Georges River College – Hurstville Boys Campus, Bethany College and Sydney Technical High School (refer **Figure 15**).

There are also sites along Forest Road zoned B2 Local Centre which have recently been redeveloped with shops on the ground floor and generally 2 levels of residential apartments above (refer **Figure 16**).



**Figure 15: View along Forest Road of Hurstville Public School
(Source: Google Maps)**

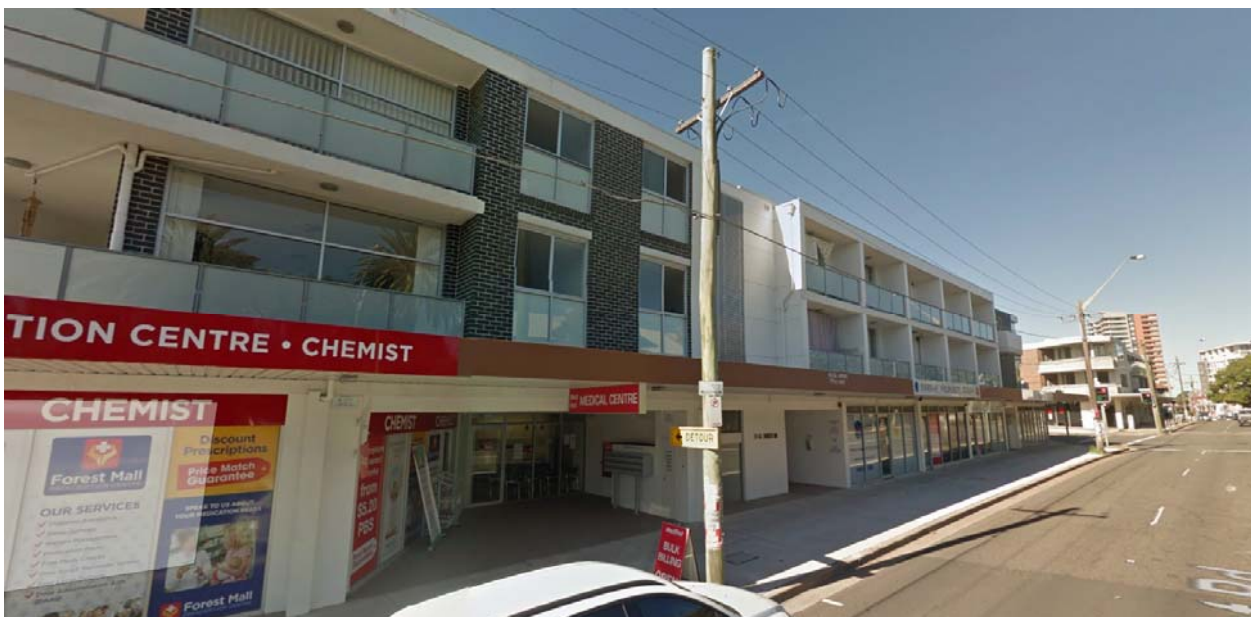


**Figure 16: View mixed use development along the southern side of Forest Road
adjacent to the site (Source: Google Maps)**

North/East: Land to the north and east along Lily Street, Cronulla Street and Botany Street is zoned R2 Low Density Residential. This area is predominantly characterised by 1-2 storey dwelling houses, with the rear yards of properties along Lily Street backing onto Roberts Lane (refer **Figure 17** and **Figure 6**).



Figure 17: View looking north along Lily Street to the east of the site (Source: Google Maps)

4. Planning Controls, Strategies and Policies

Hurstville LEP 2012

The Hurstville Local Environmental Plan 2012 (“LEP 2012”) applies to the Site and the following provisions are relevant to the Planning Proposal:

Land Zoning: The Site is zoned part IN2 Light Industrial and part R2 Low Density Residential (one lot on the northern side of the Subject Site) as shown on the extract of the Land Zoning Map – Sheet LZN_008B below (**Figure 18**).

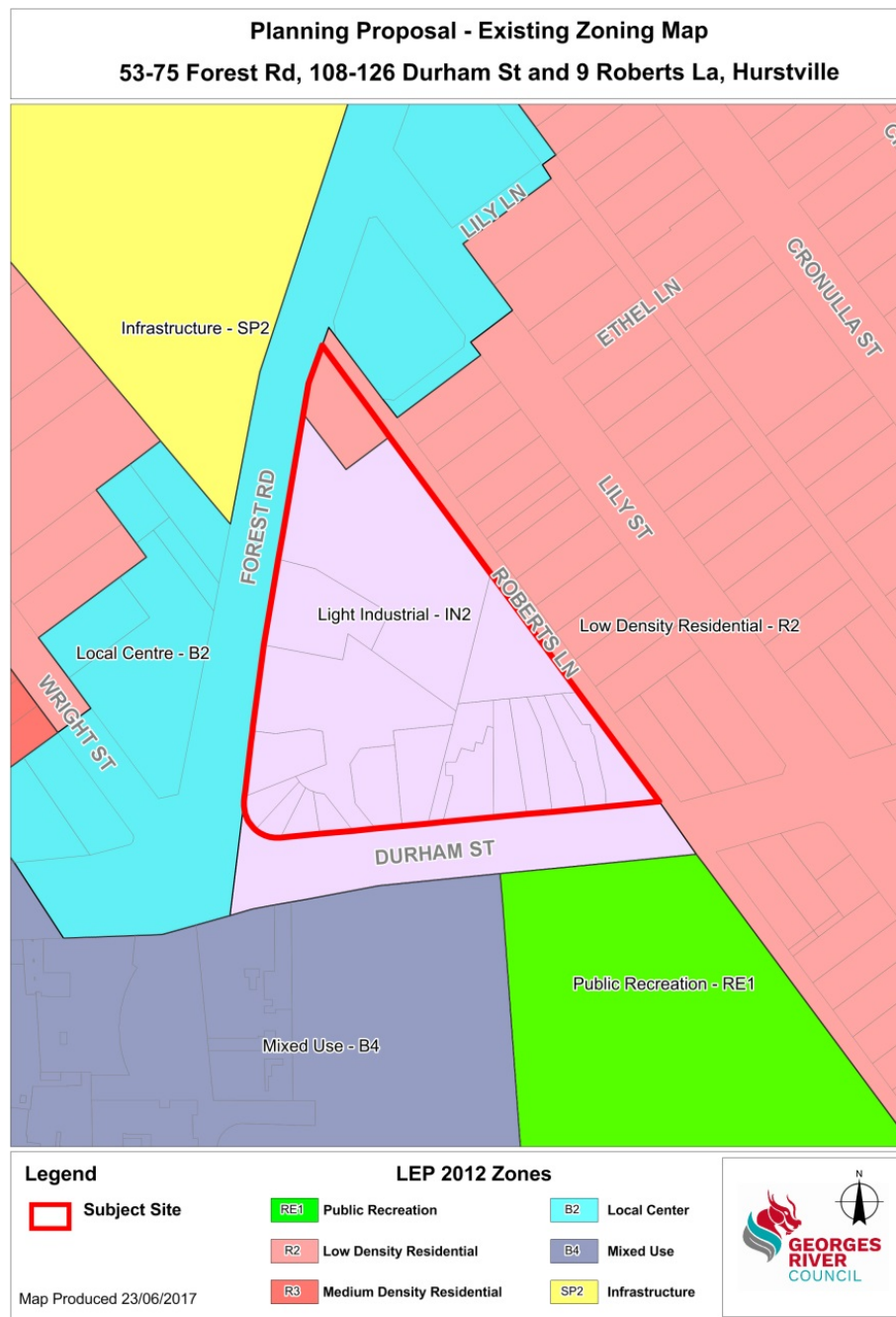


Figure 18: Extract of Land Zoning Map (Hurstville LEP 2012)

Height of Buildings: the Site has a maximum building height of 9m and 10m as shown on the extract of the Height of Buildings Map – Sheet HOB_008B below (**Figure 19**). The adjacent and surrounding land has a range of maximum building heights:

- 9m west and north on the B2 Local Centre zoned land,
- 9m to the east on the R2 Low Density Residential zoned land,
- 30, 35, 60 & 65m to the south on the B4 Mixed Use zoned land.

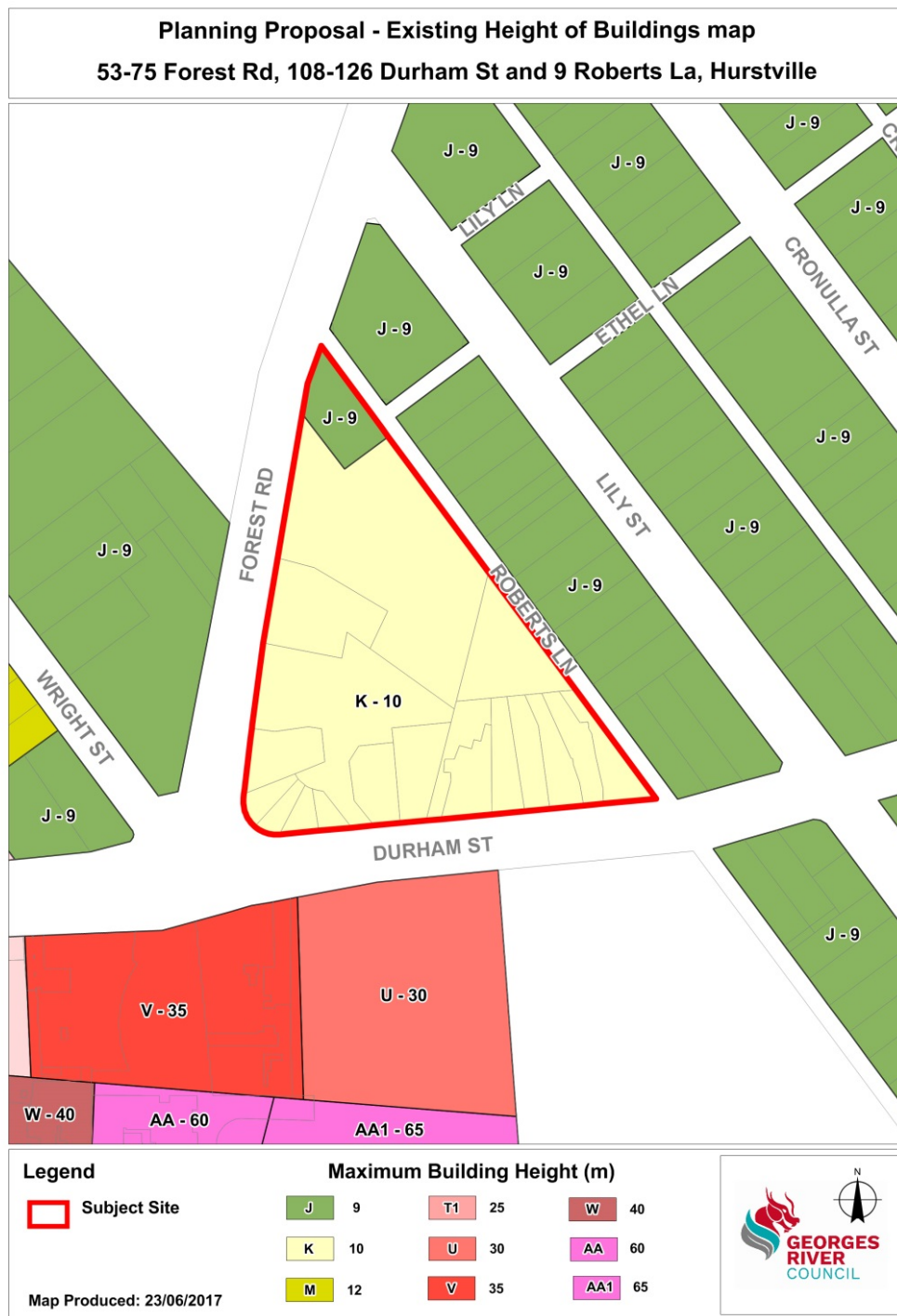


Figure 19: Extract of Building Height Map (Hurstville LEP 2012)

Floor Space Ratio: the Site has a maximum floor space ratio of part 0.6:1 and part 1:1 as shown on the extract of the Floor Space Ratio Map – Sheet FSR_008B below (**Figure 20**). The adjacent and surrounding land has a range of maximum floor space ratios:

- 1.5:1 to the west and north on the B2 Local Centre zoned land,
- 0.6:1 to the east on the R2 Low Density Residential zoned land,
- 3.5:1 to the south on the B4 Mixed Use zoned land.

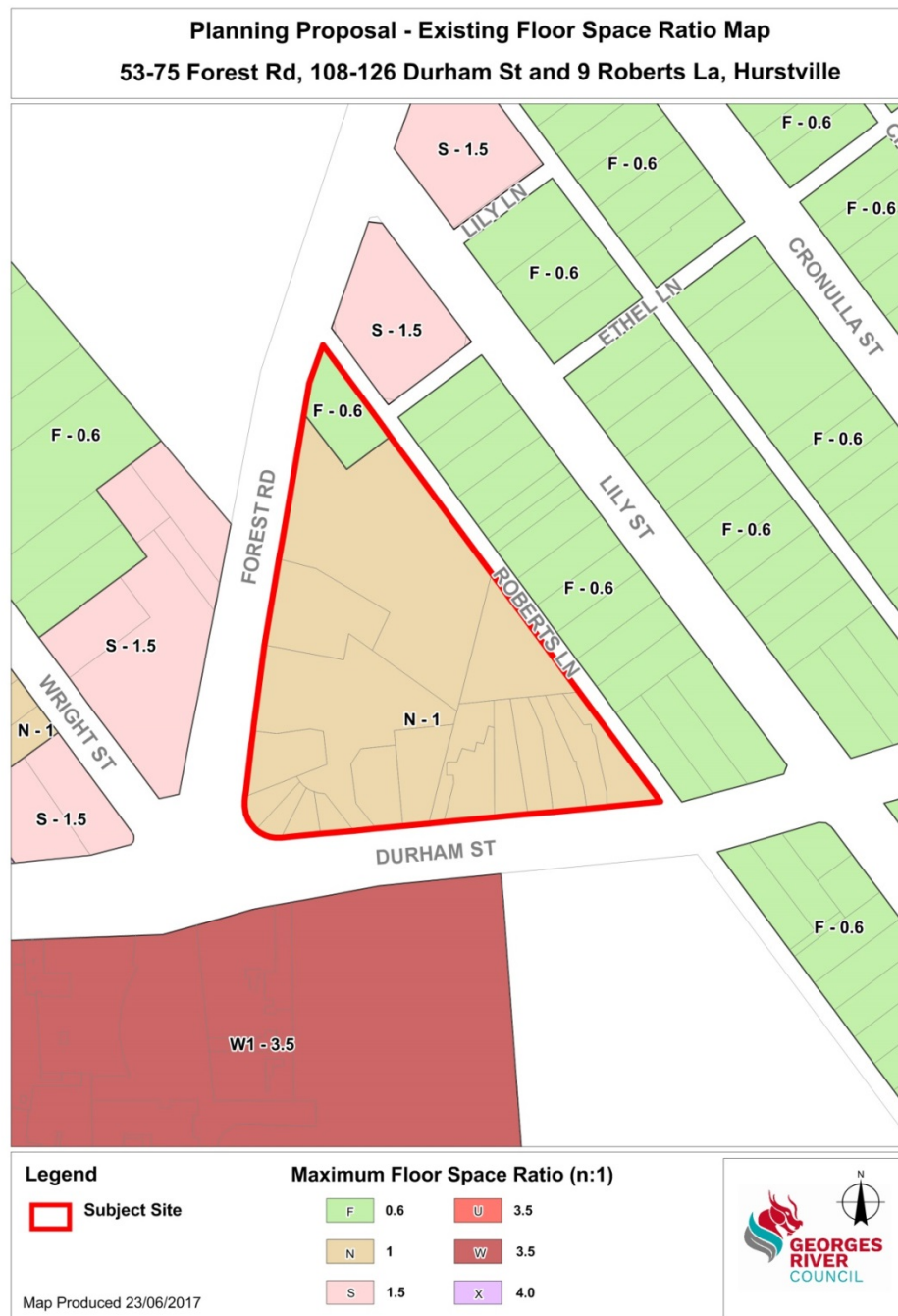


Figure 20: Extract of Floor Space Ratio Map (Hurstville LEP 2012)

Active Street Frontage: part of the Forest Road opposite the site is identified as Active Street Frontage as shown on the extract of the Active Street Frontage Map – Sheet ASF_008B below (**Figure 21**).

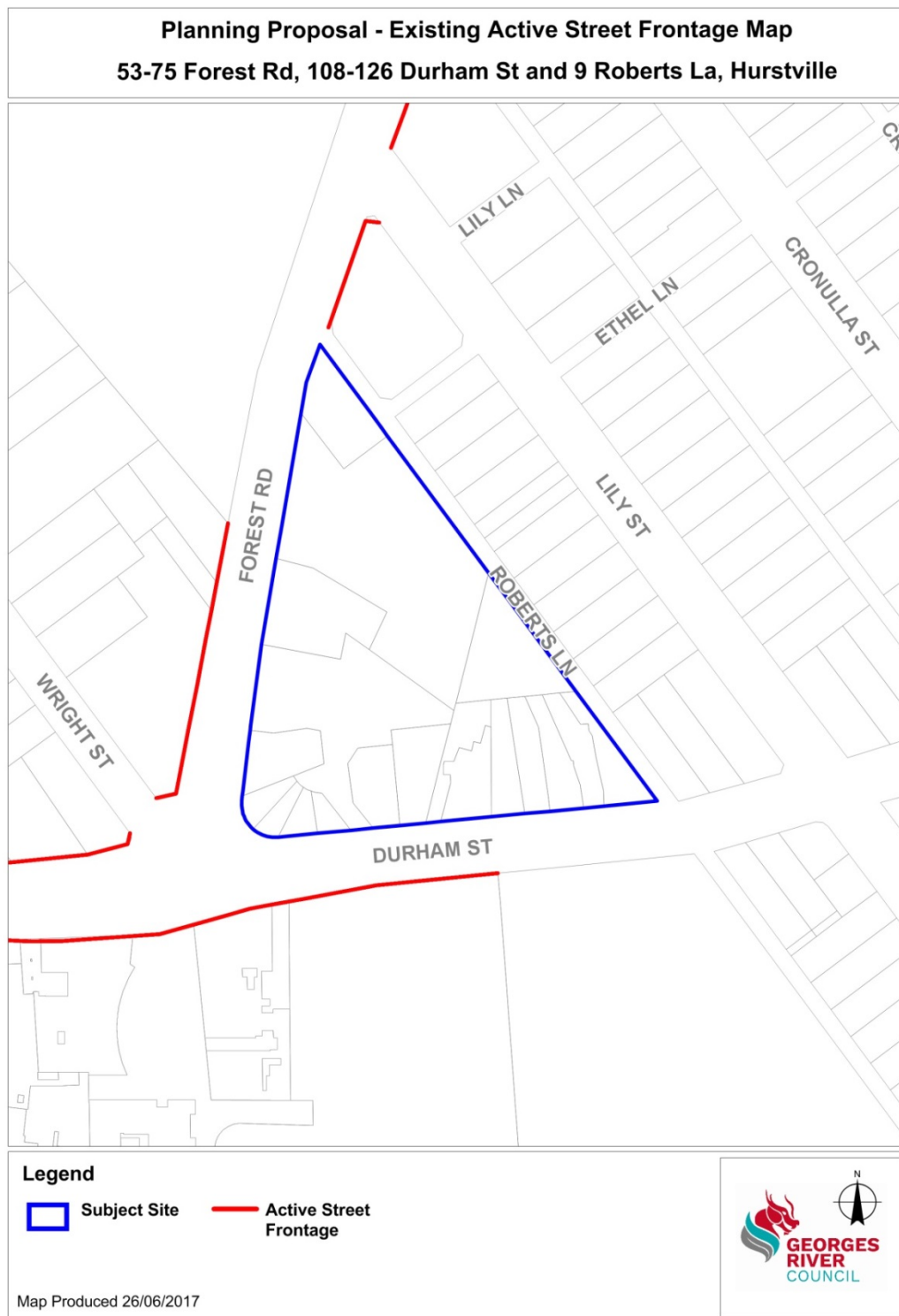


Figure 21: Extract of Active Street Frontage Map (Hurstville LEP 2012)

Heritage: One heritage items is located within the site boundary, Hurstville Scout Hall (116 Durham Street) as shown on the extract of the Heritage Map – Sheet HER_008B below (**Figure 22**). Heritage items located in the vicinity of the site include Item I36 – 76 Lily Street, Hurstville – California bungalow and Item I28 – Hurstville Public School – 80 Forest Road Hurstville.

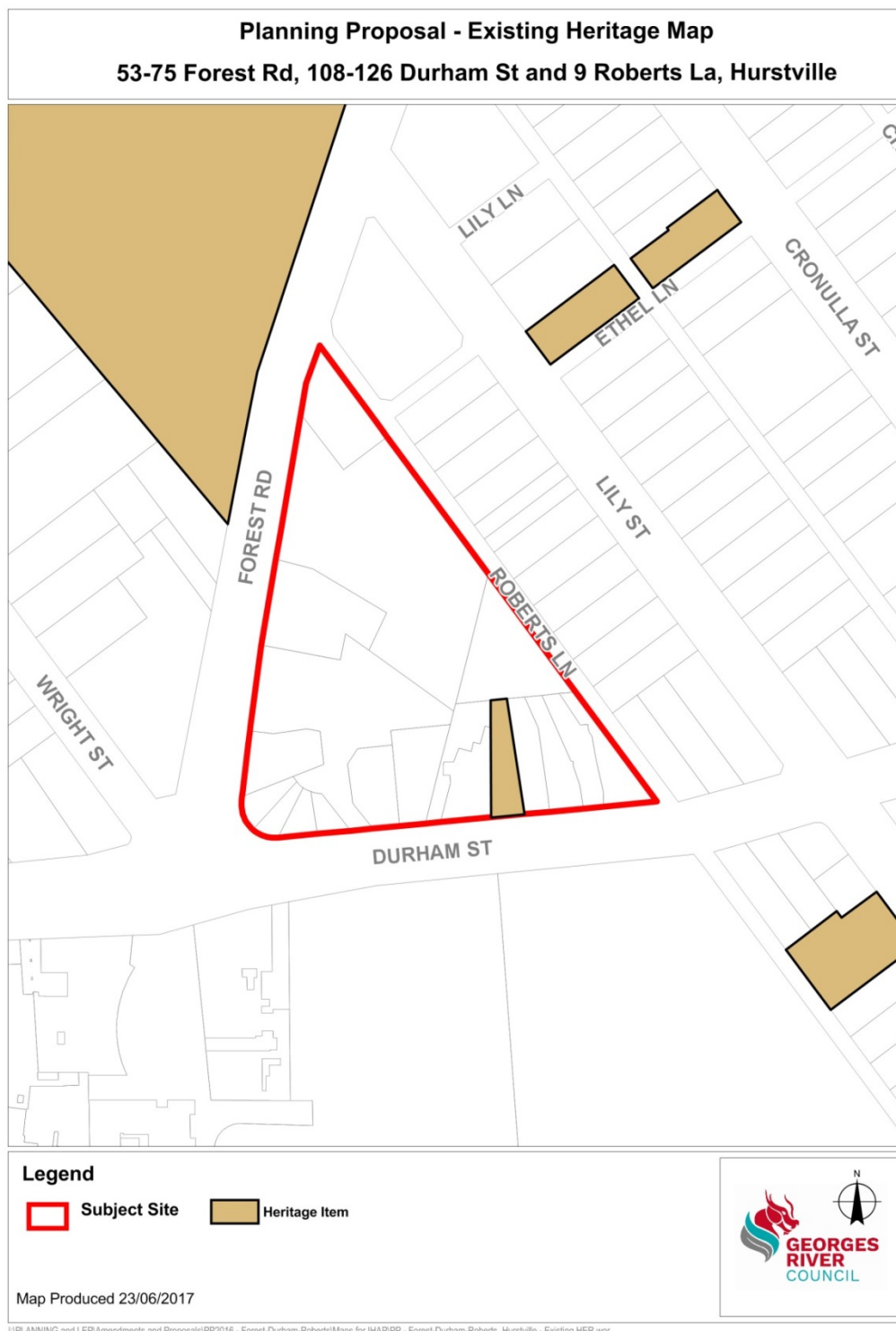


Figure 22: Extract of Heritage Map (Hurstville LEP 2012)

Hurstville Development Control Plans (DCPs)

The Hurstville DCP No.1 currently applies to the site.

A site specific amendment to the Hurstville Development Control Plan No.2 (Hurstville City Centre) is proposed to accompany the draft amendment to the Hurstville LEP 2012 (if the Planning Proposal is supported). The amendment will include the Hurstville East site within the provisions of the Hurstville DCP No.2 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.

Georges River Council Policy on Planning Agreements

A Voluntary Planning Agreement (“VPA”) is a mechanism which allows for negotiation and agreement between planning authorities and developers to extract public benefits from the planning process and ensure that development produces targeted public benefits over and above measures to address the impact of development on the public domain.

Council considered a report on the Heads of Agreement to enter into a Voluntary Planning Agreement in relation to the Planning Proposal (PP2015/0001) at its meeting of 7 August 2017 (Item CCL147-17). The Heads of Agreement outlines the terms of the Offer, which delivers additional public benefits over and above the usual s94 contributions applicable to the development. The Offer to enter into a Planning Agreement for the Hurstville East site will be in accordance with the Georges River Council Policy on Planning Agreements (August 2016).

The Heads of Agreement applies to eight (8) lots 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. The following public benefits were identified:

- 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,
 - iii. The remainder prior to the issue of any Construction Certificate for the Development on the Developer’s Land.
- 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.
- An easement that benefits Council which will enable public access through the site.

The Council also resolved in relation to the report on the Planning Proposal at its meeting of 7 August 2017 (Item CCL146-17), the following in relation to affordable housing:

- 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.*

5. The Planning Proposal

The Planning Proposal has been assessed under the relevant sections of the *Environmental Planning and Assessment Act 1979* and *Regulation 2000* and against the following advisory documents prepared by the Department of Planning and Environment:

- “A guide to preparing planning proposals” (August 2016)
- “A guide to preparing local environmental plans” (August 2016).

Section 55(2) of the Act states that a planning proposal must include the following:

- Part 1 A statement of the objectives and intended outcomes of the proposed instrument.
- Part 2 An explanation of the provisions that are to be included in the proposed instrument.
- Part 3 The justification for those objectives, outcomes and the process for their implementation.
- Part 4 Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies.
- Part 5 Details of community consultation that is to be undertaken on the planning proposal.
- Part 6 A project timeline for the planning proposal.

These Parts are considered below:

Part 1: Objectives and Intended Outcomes

The 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 that will provide employment, housing and tourism opportunities for Hurstville and will benefit from the proximity of the site to the Hurstville City Centre and public transport services.

The intended outcomes of the Planning Proposal are to:

- change the land use zoning from IN2 Light Industrial and part R2 Low Density Residential to B4 Mixed Use,
- 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,
- 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,
- introduce an active street frontage along Forest Road and Durham Street frontages,
- provide 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,
- ensure that employment land uses continue to be developed on the site by requiring a minimum non-residential land use FSR of 0.5:1. This will apply across the site including areas with a proposed base FSR of 3.5:1 (Site A) and FSR of 2:1 (Site B) – see **Figure 23** below.

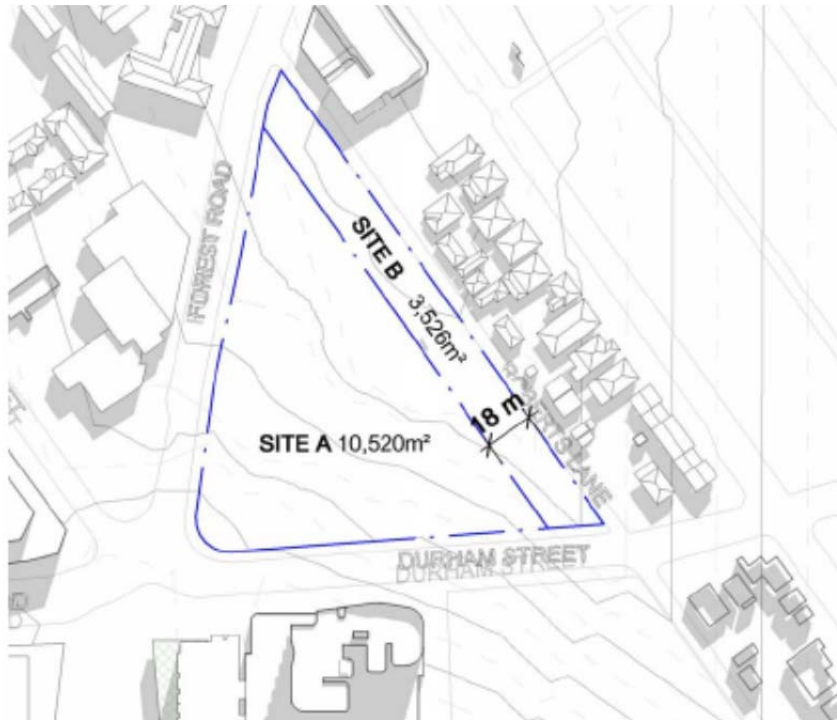


Figure 23 – Site Plan showing Site A and Site B

Note: The Planning Proposal retains heritage protection for the existing heritage item at No.116 Durham Street, Hurstville (Hurstville Scout Hall).

Part 2: Explanation of Provisions

The proposed intended outcomes described in Part 1 above will be achieved by amending the Hurstville LEP 2012 as follows:

- Amend the **Land Zoning Map** to zone the site from part IN2 Light Industrial and part R2 Low Density Residential to B4 Mixed Use,
- 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),
- 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 (refer **Figure 26**),
- 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,
- amend the **Active Street Frontages Map** to apply an active street frontage along Forest Road and Durham Street frontages of the site,

Land Zoning

- Amend the Land Zoning Map (Sheet LZN_008B) to change the zoning of the site from part IN2 Light Industrial and part R2 Low Density Residential to B4 Mixed Use.
- Amend the Land Zoning Map (Sheet LZN_008B) in relation to the adjoining roads (part of Roberts Lane and part of Durham Street) to B4 Mixed Use, consistent with the adjoining site.

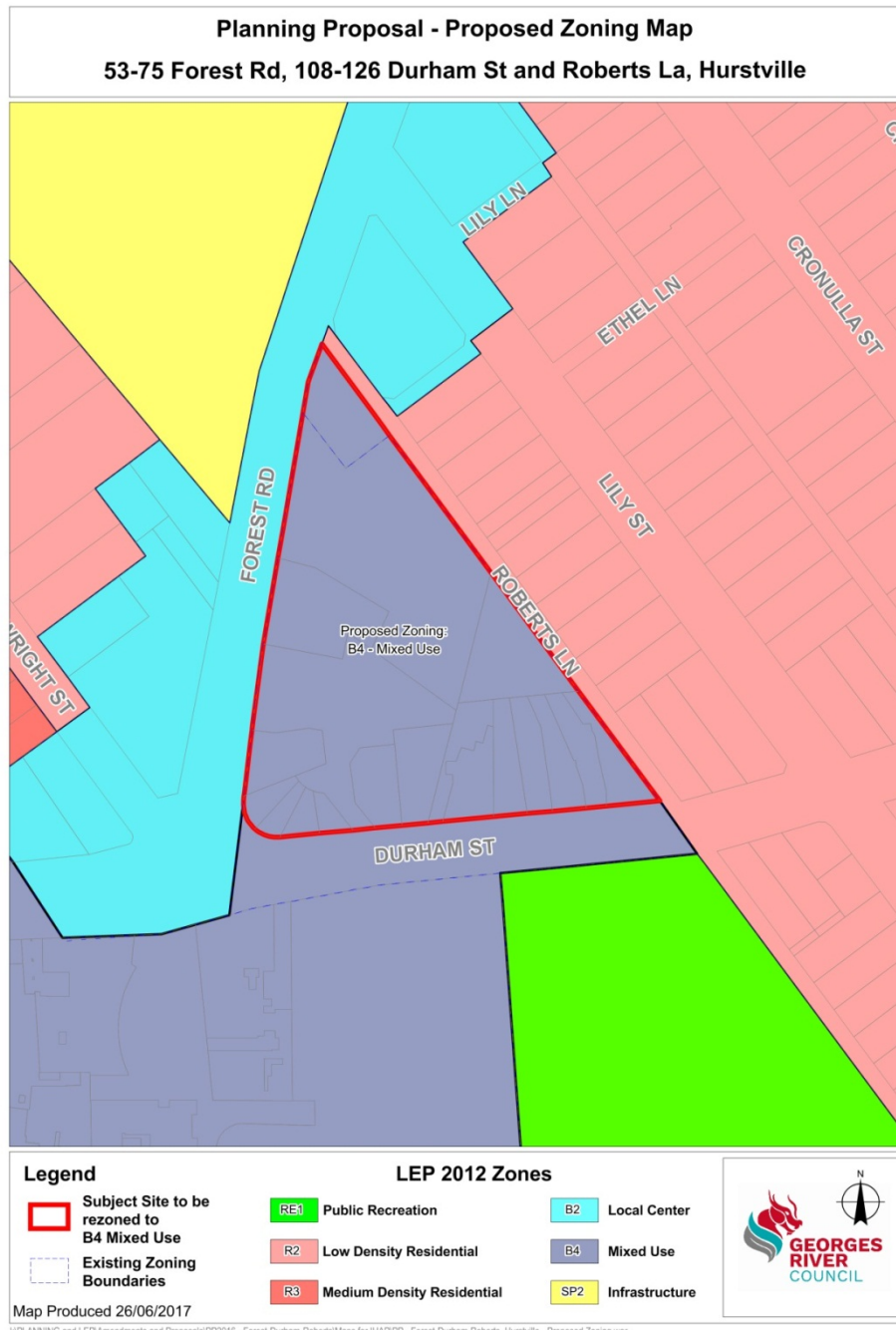


Figure 24 – Proposed Land Zoning Map (Hurstville LEP 2012)

Building Height

- Amending the Height of Buildings Map (Sheet HOB_008B) to amend the maximum building height on the Subject Site to a range of heights of 12m along Roberts Lane and to 21m, 28m, 30m, 40m and 65m for the remainder of the site.

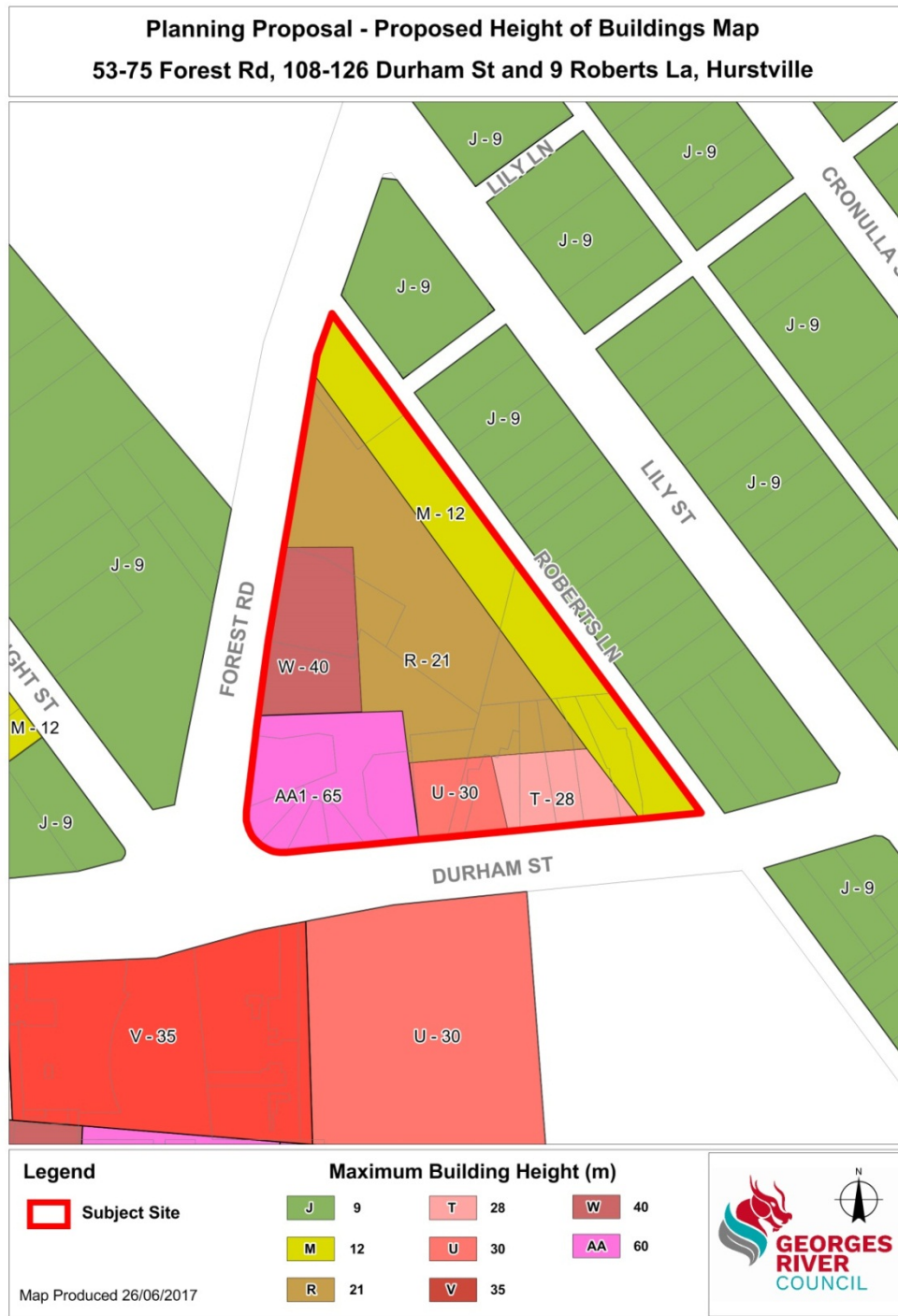


Figure 25 - Proposed Height Map (Hurstville LEP 2012)

Floor Space Ratio

- Amending the Floor Space Ratio Map (Sheet FSR_008B) to amend the maximum floor space ratio on the Site to maximum FSR 2:1 along Roberts Lane and maximum 3.5:1 for the remainder of the site (including a minimum commercial FSR of 0.5:1.
- Amend Clause 4.4 Floor Space Ratio (see detail below) 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 on the Floor Space Ratio Map (Sheet FSR_008B). The proposed clause wording is as follows:

“(2A) Despite subclause (2), the floor space ratio for development on land identified as “Area 1” on the Floor Space Ratio Map may exceed the floor space ratio shown on the land on the Floor Space Ratio Map by 0.5:1 if the development is for the purposes of “hotel accommodation.”

- Amend Clause 4.4A (Exceptions to floor space ratio) to require a minimum commercial floor space ratio of 0.5:1 on the Site (both Site A and Site B), consistent with the recommendations of the draft Hurstville Employment Lands Study. The proposed clause wording as follows:

“(3) Despite clause 4.4, development consent must not be granted on land in Zone B4 Mixed Use bounded by Forest Road, Durham Street and Roberts Lane, Hurstville unless the non-residential floor space ratio is at least 0.5:1.”



Figure 26 - Proposed FSR Map (Hurstville LEP 2012)

Active Street Frontage

- To amend the Active Street Frontages Map to apply an active street frontage along Forest Road and Durham Street frontages of the site

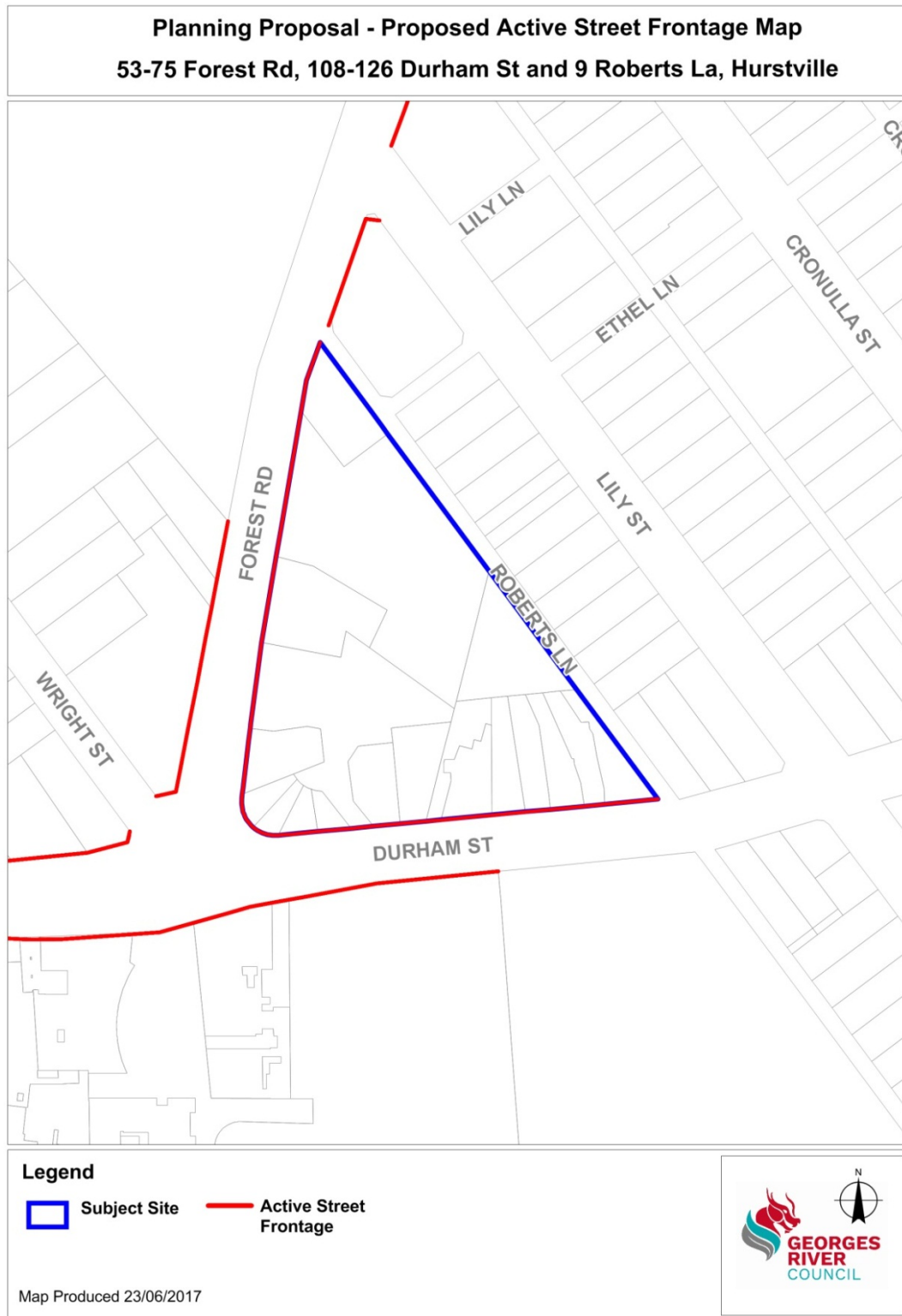


Figure 27 - Proposed Active Street Frontage Map (Hurstville LEP 2012)

Part 3: Justification

Section A – Need for the planning proposal

Q1: Is the planning proposal a result of any strategic study or report?

No. The Planning Proposal is not a direct result of any strategic study or report. However, the draft Hurstville Employment Lands Study, draft Georges River Employment Lands Study and draft Hurstville City Centre Urban Design Strategy (2017) consider the Site and the proposed changes to the land use zone (from IN2 Light Industrial to B4 Mixed Use) and changes to development standards (maximum height and FSR) as considered below.

The planning proposal is in response to a request by Dickson Rothschild, copies of the Planning Proposal request and supporting studies are included in **Attachment 4**.

Draft Hurstville Employment Lands Study (2015)

Prior to receiving the Planning Proposal request, Council had commissioned (in September 2014) the preparation of the Hurstville Employment Lands Study to consider all industrial areas (i.e. lands zoned IN2 Light Industrial) and commercial centres (i.e. lands zoned B1 Neighbourhood Centre and B2 Local Centre) in the Hurstville LEP 2012. The draft Employment Lands Study has been prepared by consultants Jones Lang LaSalle and SJB Planning and includes a:

- detailed land use survey and analysis of the strengths, weaknesses and opportunities of the employment lands,
- market assessment,
- review of the NSW State Government's employment targets,
- review of the effectiveness of the existing planning controls.

The draft Study provides a draft Industrial Lands Strategy (Stage 1) and draft Commercial Lands Strategy (Stage 2) which recommends planning controls for the employment lands. Stage 1: Industrial Lands preliminary planning control recommendations were presented to the Council Meeting of 9 December 2015 (Report No.CCL1057-15). Council "*Resolved that the matter be deferred for further consideration*".

The draft Study reviewed the Site (currently zoned IN2 Light Industrial), which it referred to as "Hurstville East – Durham Street", and recommended that the Site (including the portion of R2 Low Density Residential land) be rezoned to B4 Mixed Use. The draft Study 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). 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, JLL were appointed by Georges River Council to expand the application of the draft Hurstville Employment Lands Study (refer above) to include land within the former Kogarah City Council area.

The draft Study identifies the Site as the Hurstville Industrial – Hurstville East Precinct and comprises approximately 1.3 hectares. The Precinct provides employment for approximately 43 people within the 10,127m² of gross floor area. Key land uses in the zone are car sales and auto related services, dry cleaners, funeral home, scout hall, storage facility, furniture and home improvements and a number of residential properties.

The draft Study identified low-medium demand for office uses, noting that the potential exists for a small amount of office space to support the industrial uses. Retail demand was also identified in that the site offers good exposure from Forest Road. Industrial use was also identified as low-medium in the draft Study, noting that the potential exists for intensification of the industrial uses however demand is most likely to come from services that satisfy the local community.

The draft Study considers it likely that regional level industrial and logistics users will continue to locate primarily in northwest and southwest Sydney. Also considering its proximity to the CBD it would likely be costly for continued use as industrial opposed to an alternate use. The draft Study identified residential use as medium-high, noting that the Precinct shares characteristics with Hurstville East Forest Road including proximity to the railway station and the CBD. However, the Precinct also has greater potential due to larger landholdings, which would prove more viable. It is noted that there has already been significant supply of residential in the immediate vicinity which may lessen demand to a degree.

The draft Study considered the strengths of the Area to include:

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

The draft Study considered the opportunities of the Area to include the potential redevelopment for more employment intensive uses, benefiting from proximity to the Hurstville City Centre.

The draft Study makes the following draft 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

The draft Georges River Employment Lands Study was publicly exhibited in June 2017.

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 (being referred to as Hurstville Industrial – Hurstville East Precinct)

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

Draft Hurstville City Centre Urban Design Strategy (2017)

The Hurstville East site is not currently included in the boundary of the Hurstville City Centre, however the draft Hurstville City Centre Urban Design Strategy (17 July 2017) has considered the site in the Built Form Strategy – Additional Capacity Investigation 2A and identified an FSR of 3:1 and heights of 40m and 23m (noting that future investigation about the feasibility of the site is recommended). The draft Strategy identifies for the Hurstville East site, acknowledging that the site is subject to a current Planning Proposal, the following:

- consider reviewing the height from 10m to 40m at the corner of Forest Road and Durham Street to strengthen the residential bookend and create a gateway into the City Centre,
- consider reining the height to step down to 23m along the eastern portion to transition to lower density residential area,
- includes a through-site connection linking Forest Road and Durham Street.

The draft Strategy recommended that further studies, including an Economic Feasibility study, should be undertaken to assess the capacity for increasing height and density within the Investigation Areas located to the north of the City Centre Boundary (which includes the Hurstville East site). As such, these proposed heights have not been included in the maximum height diagram and maximum floor space ratio diagram within the recommendations section of the draft Strategy.

The draft Hurstville City Centre Urban Design Strategy was considered by Council at its meeting of 7 August 2017 and is anticipated to be on community consultation in September/October 2017.

Q2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best means of achieving the objectives and intended outcomes as a change in the land 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 the facilities and services and public transport options available in the Hurstville City Centre. In addition, as discussed above, the change of zone requested through the Planning Proposal is consistent with the recommended B4 Mixed Use zoning of the site in the draft Hurstville Employment Lands Strategy and the Draft Georges River Employment Lands Study.

The proposed inclusion of a bonus FSR subclause in Clause 4.4 for development for “hotel accommodation” provides an incentive for development for tourist accommodation on the Site.

In order to ensure a continuation of employment uses on the site following a change of zone from IN2 Light Industrial to B4 Mixed Use, it is also proposed to amend Clause 4.4A

(Exceptions to floor space ratios for buildings on land in certain zones) to require that a minimum area of 0.5:1 of non-residential floor space be provided.

Section B – Relationship to strategic planning framework

Q3: *Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?*

The draft South District Plan (November 2016) and Towards our Greater Sydney 2056 (which will amend *A Plan for Growing Sydney*) were on public exhibition earlier this year and will apply to the Georges River Council area.

Consideration of the Planning Proposal request in relation to the current plans and strategies (*A Plan for Growing Sydney* (Metropolitan Strategy) and draft South Subregional Strategy (2007) and the draft plans *Towards our Greater Sydney 2056* and *draft South District Plan* is considered below.

A Plan for Growing Sydney (Metropolitan Strategy)

The Planning Proposal is consistent with the aims of *A Plan for Growing Sydney* (Metropolitan Strategy) and achieves the following relevant Goals and Directions:

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

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

The Planning Proposal, specifically the minimum non-residential floor space requirement of 0.5:1, will contribute towards achieving this Direction through providing updated employment floorspace within the Hurstville Strategic Centre, on a site which benefits from its proximity to the commercial, retail and services within the Hurstville City Centre. This will also assist in delivering more investment and business activity, increase productivity and address the trend in the Hurstville City Centre of the dominance of residential development in the land use mix. Further consideration of the employment and economic impact of the Planning Proposal is provided in below in relation to the s117 Direction 1.1 Business and Industrial Zones.

As noted in the Metropolitan Strategy “*Locating jobs in around 30 to 40 large centres will provide greater benefits to the overall productivity of Sydney. Strategic centres are areas of intense, mixed economic and social activity that are built around the transport network and feature major public investment in services such as hospitals and education and sports facilities. Together, these centres form a network of transport-connected hubs that help to make Sydney a networked and multi-centred city.*”

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

The Planning Proposal will provide approximately 450 new apartment dwellings based on the Indicative Built Form in the Planning Proposal request (Dickson Rothschild, June 2017) (refer **Attachment 4**). The site is suitable for this increase in dwellings as it is located within the Hurstville Strategic Centre, close to jobs and service by public transport (Allawah and Hurstville Stations and Hurstville bus interchange) with frequent services capable of moving large numbers of people. Housing choice to suit different needs and lifestyles will be provided with a range of apartment sizes to satisfy the apartment mix, objectives and design guidance of the Apartment Design Guide and SEPP 65 and the apartment size mix in the Hurstville DCP No.2 (Hurstville City Centre), once amended to include the Site.

It is noted that the site is located approximately 500m (6 minutes walk) from Allawah Station, 800m (10 minutes walk) from Hurstville Station and the Hurstville Bus Interchange, well within the walkable catchments.

Goal 3: Sydney's great places to live

- Direction 3.3: Create healthy built environments

The Planning Proposal assists in encouraging healthy communities by creating mixed-use development that provides a convenient focus for daily activities and benefits from its proximity to the retail and services within the Hurstville City Centre. The location of the site in relation to public open space and recreation facilities (including Kempt Field and Woodville Park) will also benefit future residents.

Sydney South Subregion

In relation to the priorities of the South Subregion, the Planning Proposal provides housing supply and choice in a suitable location for housing intensification and urban renewal within the established Hurstville City Centre serviced by a key public transport corridor (Illawarra Line). The Planning Proposal addresses the Hurstville Strategic Centres priorities of providing capacity for additional mixed use development in Hurstville including offices, retail, services and housing.

The Planning Proposal is also consistent with the "Planning Principles" for growth identified in the Metropolitan Strategy, including:

- Principle 1: Increasing housing choice around all centres through urban renewal in established areas

The Planning Proposal (change in zone to B4 Mixed Use and increase in maximum building height and FSR) will increase housing opportunities within Hurstville City Centre (with an estimated 450 new residential apartments) and within walking distance from the Allawah and Hurstville Stations and Hurstville bus interchange and access to shops or services, travel to work or other centres and consequently will reduce car dependency. Increasing the variety of housing available will provide housing choice to suit different lifestyles, household sizes and affordability.

- Principle 2: Stronger economic development in strategic centres and transport gateways

The Indicative Built Form of the Planning Proposal includes an area of commercial and ground level retail floorspace (approx. 7,023m²) which would equate to a non-residential FSR of 0.5:1. The Economic Impact Assessment (HillPDA, June 2017) calculated that this floorspace could provide for an estimated 270 employees (refer **Attachment 4**), addressing Principle 2 through locating jobs within the strategic centre of Hurstville, an important hub for business and employment and one of Sydney's 'transport gateways'. Additional employees were estimated for the hotel (approx. 110 employees) and work from home (approx. 30 employees).

Current estimates of 83 employees within the range of land uses within the Site has been provided in the Economic Impact Assessment (refer **Attachment 4**).

Draft South Subregional Strategy (2007)

The draft South Subregional Strategy (2007) includes key directions and strategies for economy and employment, centres and corridors and housing which are relevant to this Planning Proposal.

In relation to economy and employment, the key relevant directions include:

- Retain strategic employment lands including those required for utilities and local services
- Strengthen the commercial centre of Hurstville.

The Subject Site is identified in the draft South Subregional Strategy (Employment Lands Schedule) as a Category 1 Employment Land which is "to be retained for industrial purposes". The draft Strategy notes that:

"(39) Hurstville (Local Industry and Urban Services)

Small triangular precinct approximately 1.3ha in size is located between Durham Street, Roberts Lane and Forest Road. The area is located in close proximity to the city centre and provides an area of Local Industry and Urban Services such as car repairs. The zoning for this precinct should be retained to ensure service for the local community close to the Major Centre is maintained".

The draft Strategy also notes that *"while the draft Employment Lands Schedules may provide some context, any proposal to rezone existing industrial zoned land will be subject to detailed investigation. Existing Section 117 Directions in relation to Industrial Zones apply to any proposed rezoning, which will require the agreement of the Director General of the Department of Planning and Environment, need to be justified via an environmental study and be in accordance with the relevant Regional Strategy or Subregional Strategy"*. Consideration of the Planning Proposal's inconsistency with the s117 Ministerial Direction is provided below.

The suitability of the existing IN2 Light Industrial zone on the Subject Site has been considered in the draft Hurstville Employment Lands Study (2015) and draft Georges River Employment Lands Study (2017) as considered above.

The Planning Proposal will enable the provision of additional dwellings and employment generation which will contribute towards meeting targets set in the Strategy.

In relation to centres and corridors, the key relevant directions include:

- Increase densities in centres whilst improving liveability,
- Ensure sufficient commercial office sites in strategic centres,

In relation to housing, the key relevant directions include:

- Focus residential development around centres, town centres, villages and neighbourhood centres.

Draft Towards Our Greater Sydney 2056

In relation to the draft Plan Towards Our Greater Sydney 2056, the draft Plan includes the following vision and Metropolitan priorities:

Vision	Metropolitan Priority
A productive Greater Sydney	A growing city A city with smart jobs A 30 minute city
A liveable Greater Sydney	An equitable, polycentric city A city of housing choice and diversity A collaborative city.
A sustainable Greater Sydney	A city in its landscape An efficient city A resilient city

The Planning Proposal is not inconsistent with the Visions and Metropolitan Priorities of the draft Plan as considered below.

Draft South District Plan

In relation to the draft South District Plan (November 2016) which proposes a 20-year vision for the South District, the following priorities and actions relevant to the Planning Proposal:

	Priorities Relevant to the Planning Proposal
A Productive City	Planning for job target ranges for strategic and district centres Growing economic activity in centres Manage employment and urban services land across the District Access to a greater number of jobs and services within 30 minutes
A Liveable City	Improve housing choice Improve housing diversity and affordability Create great places Respond to people's need for services
A Sustainable City	Creating an efficient South District Integrate land use and transport planning to consider emergency evacuation needs

The change in zone to B4 Mixed Use, and the proposed height and FSR increases for the site will:

- Provide for increased employment opportunities within the proposed commercial and retail floorspace (approx. 7,023m²) which could provide an estimated 270 jobs in the well-located site,
- Opportunity for hotel accommodation (through the proposed FSR bonus) which will provide for both employment opportunities and business and entertainment tourism in the Hurstville City Centre,
- Improvements to housing choice and availability in close proximity to the public transport, retail and services of the Hurstville City Centre, addressing a number of the priorities in relation to “A Liveable City”,

South District Studies

The Department of Planning and Environment recently released studies on the South District (includes the Council Areas of Hurstville, Canterbury, Kogarah, Rockdale and Sutherland) which will inform the new District Plan currently under preparation.

South District – Demographic and Economic Characteristics

This study provides a general summary of the demographic and economic characteristics of the South District including projected populations, household types and employment information. It is projected that the total number of households in the South District will reach 284,900 by 2031, an increase of around 62,800 from 2011.

South District – Local Planning Summaries

This study provides a summary of the local planning issues in each Council Area.

In relation to centres and corridors, the key directions include:

- Strengthen Hurstville’s Commercial Centre

The Site is located just outside 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.

Assessment Criteria:

a) Does the proposal have **strategic merit**? Is it:

- *Consistent with the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment*

As noted above, the proposal is consistent with *A Plan for Growing Sydney* and the draft *Plan Towards Our Greater Sydney 2056* and draft *South District Plan* as detailed above.

- *Consistent with a relevant local council strategy that has been endorsed by the Department, or*

There is no relevant local council strategy applying to the site that has been endorsed by the Department. As considered above, the suitability of the existing IN2 Light Industrial zone on the Subject Site has been investigated in the draft Hurstville Employment Lands Study (2015) and draft Georges River Employment Lands Study (2017).

- *Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.*

There has been no change in circumstances, such as investment in new infrastructure or changing demographic trends in the Hurstville City Centre since the preparation of the planning controls introduced in the Hurstville LEP 2012. The Planning Proposal is however consistent with the review and recommendations of the draft Employment Lands Studies (refer above).

The Guide notes that “*there will be a presumption against a Rezoning Review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test*”.

b) Does the proposal have **site-specific merit**, having regard to the following:

- *The natural environment (including known significant environmental values, resources or hazards), and*

The site is within the existing urban area of the Hurstville City Centre and does not have known significant environmental values, resources or hazards.

The site is occupied by a range of industrial and commercial land uses; the assessment of site in relation to land contamination has been undertaken by the Applicant and is considered below in relation to State Environmental Planning Policy No.55 – Remediation of Contaminated Land and in the Preliminary Site Investigation (Environmental Investigations, August 2015) and Detailed Site Investigation (DLA Environmental Service, March 2017) provided in **Attachment 4**.

- *The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal, and*

The site is located within the existing Hurstville City Centre and is surrounded by mixed use (residential and commercial) and residential development as detailed in the description of the Site in Section 2 above.

- *The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

The site is located in the Hurstville Strategic Centre and benefits from its proximity to the commercial, retail and services within the Hurstville City Centre. Consideration of the Heads

of Agreement and Voluntary Planning Agreement which will apply to eight (8) lots within the Site is considered in Section 4 above.

Q4: Is the planning proposal consistent with a council's local strategy or other local strategy?

There is no local strategy endorsed by the Secretary applying to the Hurstville City Centre.

The **draft Hurstville Employment Lands Study** and **draft Georges River Employment Lands Study** are the key local studies which are relevant to the Planning Proposal due to the proposed rezoning of the site from IN2 Light Industrial and part R2 Low Density Residential to B4 Mixed Use as considered in Section A above. The proposed rezoning of the site is consistent with the recommendations of the draft studies. Refer to Part 3 Section A of this report for discussion on the draft Hurstville Employment Lands Study and draft Georges River Employment Lands Study.

Consideration of the Planning Proposal request in relation to the **Hurstville City Centre Master Plan (2004)** is provided below:

The Hurstville City Centre Concept Master Plan (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 subject site is located within the "Eastern Bookend Precinct" which is described as forming the eastern gateway to the city.... the East Quarter (previously the Amcor) site has the potential to form a significant gateway because of its prominent position on the axis of Forest Road.

The Master Plan identifies the potential to provide more commercial and other job opportunities for its surrounding catchment population and the imbalance between new residential development and employment floorspace. It also identifies the advantages that the Hurstville CBD has in relation to commercial development:

- High rate of train usage on a well patronised line,
- 1000 bus movements per day in the CBD,
- Strong retail, restaurant and food sectors,
- Excellent proximity to Sydney Airport, M5 and Port Botany,
- Large skilled workforce catchment in southern Sydney and the Illawarra

The Master Plan also identified the need to:

- Examine the viability of increased commercial development,
- Attract commercial development,
- Ensure employment opportunities are maximised,
- Ensure commercial development complements the new public infrastructure and facilities.

These issues identified in the 2004 Master Plan are still relevant for planning within the Hurstville City Centre.

The Hurstville East site is not currently included in the boundary of the Hurstville City Centre, however the **draft Hurstville City Centre Urban Design Strategy** (17 July 2017) has considered the site in the Built Form Strategy – Additional Capacity Investigation 2A and identified an FSR of 3:1 and heights of 40m and 23m (noting that future investigation about the feasibility of the site is recommended). The draft Strategy identifies for the Hurstville East site, acknowledging that the site is subject to a current Planning Proposal, the following:

- consider reviewing the height from 10m to 40m at the corner of Forest Road and Durham Street to strengthen the residential bookend and create a gateway into the City Centre,
- consider reining the height to step down to 23m along the eastern portion to transition to lower density residential area,
- includes a through-site connection linking Forest Road and Durham Street.

The draft Strategy recommended that further studies, including an Economic Feasibility study, should be undertaken to assess the capacity for increasing height and density within the Investigation Areas located to the north of the City Centre Boundary (which includes the Hurstville East site). As such, these proposed heights have not been included in the maximum height diagram and maximum floor space ratio diagram within the recommendations section of the draft Strategy.

The draft Hurstville City Centre Urban Design Strategy was considered by Council at its meeting of 7 August 2017 and is anticipated to be on community consultation in September/October 2017.

Hurstville Transport Management and Accessibility Plan (TMAP)

During the development of planning controls for the Hurstville City Centre, Council was required to undertake a Transport Management and Accessibility Plan (TMAP) exercise in response to the amount of floor space (1,141,000m²) contained in the draft City Centre LEP, the potential accessibility and infrastructure implications and inconsistency with s.117 Direction 3.4 Integrating Land Use and Transport.

The purpose of the TMAP was to recommend the amount of additional GFA which can be developed in the Hurstville City Centre while giving consideration to potential accessibility and infrastructure implications.

The TMAP adopted by Council in June 2013 recommended a potential to develop 363,000m² additional GFA resulting in a total of approximately 861,354m² in the City Centre by 2036. A level of inconsistency with s.117 Direction 3.4 currently exists because the total GFA allowed for by the planning controls adopted in the City Centre is 1,091,000m² which is 229,646m² more than recommended in the TMAP. The TMAP was adopted by Council in June 2013 and informed the finalisation of planning controls for the Hurstville City Centre which were incorporated into Hurstville LEP 2012 on 10 July 2015.

The Site is within the boundaries of the Hurstville City Centre, and was included in the area considered by the TMAP, and located within the Eastern Bookend Precinct which has the following attributes:

- *Characteristics*
 - *Forms the eastern gateway to the city.*
 - *The precinct was previously dominated by the Amcor building, which has been partially transformed into a mixed use gateway to the city centre with its prominent position on the axis of Forest Road.*
- *Activity*
 - *Regional traffic corridor function offers access to the city centre via Forest Road and across the rail line to the east via Durham and Lily Streets.*
 - *Concentration of pedestrian and vehicular activity related to smaller industrial/retail businesses and a number of education facilities situated along Forest Road between Durham and Lily Street.*

The TMAP provides a number of key recommendations for road and traffic infrastructure in the City Centre. In particular it recommends policies with “road infrastructure improvements which are targeted at increasing road capacity on rail crossing and network reliability on both regional roads and city centre access routes” (RN1).

Hurstville City Centre Action Plan (Table 52) in the TMAP report 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.

The TMAP states that the road and traffic works will need to be funded by a mix of sources including State Government funding, Section 94 and VPAs. It states that “private sector funding for land use development will play a critical role in delivering the bulk of the Action Plan in partnership with local Councils”. “Developers will contribute to the cost of transport infrastructure provision through value or cost-sharing mechanisms..”.

The Hurstville City Centre TMAP is currently under review. The modelling and assessment undertaken as part of the review will consider the development potential (residential, retail, commercial and hotel floor space) in this Planning Proposal for the Hurstville East Site.

Hurstville Development Control Plans

The Hurstville DCP No.1 currently applies to the site. The site is also however identified in the Eastern Bookend Precinct of the Hurstville DCP No.2 as shown in Figure 28 and detailed below.

A site specific amendment to the Hurstville Development Control Plan No.2 (Hurstville City Centre) is proposed to accompany the draft amendment to the Hurstville LEP 2012 (if the Planning Proposal is supported). 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.

Eastern Bookend is identified as the precinct shaded lilac, on the eastern extremity of the City Centre. This precinct straddles Forest Road and Durham Street and is bounded by Hill Street on the western side, Illawarra Railway Line on the southern side, residential areas on the northern and the Kempt Field Park on the eastern 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).



Figure 28 – Extract of Eastern Bookend Precinct (Hurstville DCP No.2)

As noted above, the Site will be included within the boundaries of the Hurstville City Centre (and within the Eastern Bookend Precinct) and therefore the provisions of Hurstville DCP No.2 – Hurstville City Centre will apply.

The **Eastern Bookend Precinct** is characterised in DCP No.2 as:

- *Characteristics:* Eastern Bookend Precinct forms the eastern gateway to the city. The precinct is dominated by the East Quarter buildings, transforming it into a mixed-use gateway to the City Centre with its prominent position on the axis of Forest Road. Regional traffic corridor function offers access to the City Centre via Forest Road and across the rail line to the east via Durham and Lily Street. The precinct has a concentration of smaller industrial/retail businesses (including those located on the Hurstville East site) and a number of education facilities situated along the northern side of Forest Road between Durham and Lily Street.
- *Desired future character:* The Eastern Bookend is to define and create a sense of entry. This will be achieved through strong built form statements and feature public domain treatment. Residential use will dominate upper levels of development and optimise commanding views.
- *Key land use principles include:*
 - *Defining entry to the City Centre.* The Eastern Bookend Precinct will be characterised by a higher intensity of built form, allowing for taller buildings on designated sites to define the eastern entry of the City Centre. Buildings situated along sites identified with significant frontages are to respond to their gateway context. Buildings and public domain will delineate entry to the City through innovative design. Landmark architecture will define points of interest, especially its prominent position on the axis of Forest Road.

All new development is to respond to the public realm, requiring building scale and form to retain a pedestrian scale at street level.

- *Higher density residential land uses.* Mixed use development will be promoted. This precinct is to provide a transition between the City Centre and surrounding residential areas. Where land adjoins established residential areas (which includes the Hurstville East site) controls require that new development be suitably designed to maintain the amenity of adjoining residential and recreational land uses.

Hurstville Section 94 Development Contributions Plan 2012

The Hurstville Section 94 Development Contributions Plan 2012 (Section 94 Plan) applies to all land in the Hurstville LGA and includes specific provisions which levy development in the Hurstville City Centre for non-residential floor space (public domain improvements in the City Centre) and deficient car parking spaces. These provisions will apply to development on the Site which is located within the boundaries of the Hurstville City Centre.

Q5: Is the planning proposal consistent with applicable State Environmental Planning Policies?

The full assessment of the Planning Proposal against all the State Environmental Planning Policies ("SEPPs") is provided in **Attachment 3**. Consideration of the SEPPs relevant to the Planning Proposal is provided below:

- SEPP 55 – Remediation of Land
- SEPP 65 – Design Quality of Residential Apartment Development
- SEPP (Infrastructure) 2007

State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No.55 – Remediation of Land ("SEPP 55") requires that contamination and remediation is considered in a proposal to rezone land. Clause 6 requires that Council consider:

- Whether the land is contaminated,
- If the land is contaminated, Council is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for all the land uses permitted in the proposed zone,
- If the land requires remediation to be made suitable for all the land uses permitted in the proposed zone, the Council is satisfied that the land will be so remediated before the land is used for that purpose.

The "*Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land*" states that for rezoning to residential use, it would not be appropriate to proceed with the rezoning unless the land was proven suitable for that development or it could be demonstrated that the land can, and will be, remediated to make the land suitable.

A Preliminary Site Investigation (27 August 2015) prepared by Environmental Investigations was submitted on 31 August 2015. A copy of the report is provided at **Attachment 4**.

The key findings of the Preliminary Site Investigation include:

- Site history review indicated that the historical use of the site was predominantly commercial and industrial from the 1930s and records suggest some commercial/industrial operations of high contaminating potential had occurred on the site including bus depots, glaziers, mechanical workshops, service station, dry cleaning, electrical repair and maintenance.
- Search of WorkCover NSW records found the presence of two (2) underground storage tanks (UST) at 71 Forest Road and one (1) UST at 61-65 Forest Road. All three (3) USTs were registered for petrol storage.
- Search through the record of notices for contaminated land indicated that the site and lands in the vicinity were free of statutory notices issued by the NSW EPA/OEH. The site or lands in its vicinity was not identified on the List of NSW contaminated sites notified to the EPA, or the POEO public register, except a POEO licence was issued to 95 Forest Road (premises now redeveloped into a mixed commercial and residential).

A conceptual site model (CSM), and subsequently a qualitative risk assessment was derived for the site in the Preliminary Site Investigation. The CSM identified potential contaminating sources that may occur at the site and evaluated the likelihood for relevant exposure pathways to be completed during and after the proposed development. The risk assessment was then conducted with respect to the proposed development, which involves a more sensitive land use (i.e. residential with minimal opportunities for soil access) than the existing commercial and industrial uses on the majority of the site. The risk assessment identified a medium to high contamination risk for the site.

The Preliminary Site Investigation concluded that:

“Based on the findings from this PSI, and with considerations given to the Statement of Limitations (Section 8), Environmental Investigations concludes that potential contamination exists at the site. A number of existing and former land uses may have impacted the site soils and underlying groundwater. While the actual type and extent of any potential contamination has not been determined, the current condition of site soil and groundwater would not prevent the rezoning of the site to B4 Mixed Use.

The suitability of the site for the proposed mixed commercial and residential development, however, should be assessed to determine the extent of any contamination of the soil and groundwater and to quantify any potential risks to human health and the environment. Any contamination identified can be managed by the SEPP 55 – Remediation of Land process.

Environmental Investigations recommends that a Detailed Site Investigation (DSI), incorporating a soil and groundwater sampling program, a hazardous materials survey and a preliminary landfill gas monitoring program, to quantitatively assess soil and groundwater at the site. Due considerations should be given to potential on-site and off-site contaminating sources, as well as identified data gaps and property access, when designing and carrying out of the detailed site investigation.”

The Preliminary Site Investigation identified the following investigation constraints “as owners consents for accessing records held by government authorities (i.e. Hurstville City Council and WorkCover NSW) could not be obtained by the Client at the time of investigation, the search through historical council records and WorkCover database on following properties was not conducted: 53 Forest Road, 108-122A Durham Street and 9 Roberts Lane, Hurstville”. No site inspections were conducted within these properties. The Preliminary Site Investigation also noted a number of data gaps (Section 5.5) which would warrant closure by further investigations.

The Preliminary Site Investigation recommended that:

“Environmental Investigations concludes that there is potential for contamination to be present on site from the possible sources described in Section 4.1 (Potential Contamination Sources) and recommends that a Detailed Site Investigation (DSI), incorporating a soil and groundwater sampling program, a hazardous materials survey and a preliminary landfill gas monitoring program, to quantitatively assess soil and groundwater at the site. Due considerations should be given to potential on-site and off-site contaminating sources, as well as identified data gaps and property access, when designing and carrying out of the detailed site investigation”.

Given the Preliminary Site Investigation findings, a detailed investigation of the site undertaken in accordance with SEPP 55 and “Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land” was requested. This is to ensure that the land is suitable for all of the land uses permissible in the proposed B4 Mixed Use zone. If the site is contaminated and requires remediation, a Stage 3 Site Remedial Action Plan and Site Audit will be required.

The Detailed Site Investigation was undertaken by DLA Environmental Services (March 2017) for the site bounded by Forest Road, Durham Street and Roberts Lane, Hurstville (refer to **Attachment 4**). The investigation concluded:

“Based on the findings of this investigation, DLA concludes that the Site is not currently considered suitable for future residential land use from a contamination perspective due to elevated TRH, VOC and heavy metal concentrations within soil, and the presence of petroleum-based contamination in groundwater. Given that most of the subsurface of the Site will be excavated to depths of approximately 6m bgl to create a basement car park, the identified areas of soil contamination will be removed as part of the redevelopment of the Site. In addition, removal of any previously unidentified USTs and associated pipework will be necessary.

The recommendations of the Detailed Site Investigation include:

On the basis of the conclusions in this report, it is recommended that a Remediation Action Plan (RAP) be developed in accordance with the relevant regulatory requirements to address the identified contamination issues and render the Site suitable for the proposed land use.

The RAP would include, but not be limited to:

- *Defined remediation goals;*
- *A framework for delineation of the contaminated soils identified on-site, and / or a process for classification of fill material across the Site and to facilitate appropriate off-site disposal;*
- *A framework for delineation of the contaminated groundwater identified beneath the Site;*
- *Procedures and plans to be implemented to manage contamination issues and remediate the Site, including requirements for removal of the USTs and associated pipework, preferential excavation of contaminated soils, and treatment of contaminated groundwater;*
- *Human health and environmental management procedures to be implemented;*
- *Compliance requirements (necessary approvals and licences required); and,*
- *A validation program of to demonstrate suitability of the Site for the proposed future land use.*

The Investigation concluded:

The DSI concludes that the Site can be made suitable for the intended land use consistent with NEPM (NEPC, 2013) Residential A – Residential with Gardens / Accessible soil, following implementation of the aforementioned recommendations.

State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development

In accordance with *State Environmental Planning Policy No.65* (SEPP 65), the St George Design Review Panel (DRP) has considered the Planning Proposal request on a number of occasions, and provided an assessment against the Design Quality Principles in *SEPP 65 – Design Quality of Residential Apartment Development*.

The Indicative Development Concept within the revised Planning Proposal request (June 2017) was 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. A copy of the DRP Minutes is included in **Attachment 1**. 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.

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

State Environmental Planning Policy (Infrastructure) 2007

The provisions of SEPP (Infrastructure) 2007 relating to Traffic-generating development (clause 104 and Schedule 3) which require that development of a certain size or capacity is to be referred to the RMS and the comments taken into consideration in the determination of the development application. The Planning Proposal includes residential apartments (approx. 450 apartments), commercial and ground floor retail (approx. 7,023m²), hotel accommodation (approx. 110-130 rooms) and basement parking (approx. 670 spaces) which would fall within the development size specified in the Table in Schedule 3.

If the Planning Proposal received a Gateway Approval, it is anticipated that the RMS will be included in the public authority consultation.

Q6: *Is the planning proposal consistent with applicable Ministerial Direction (s.117 Directions)?*

The full assessment of the Planning Proposal against all the s117 Ministerial Directions is provided in **Attachment 3**. Consideration of the s.117 Directions relevant to the Planning Proposal is provided below:

- Direction 1.1 – Business and Industrial Zones
- Direction 2.3 – Heritage Conservation
- Direction 3.1 – Residential Zones
- Direction 3.4 – Integrating Land Use and Transport
- Direction 6.3 – Site Specific Provisions
- Direction 7.1 – Implementation of A Plan for Growing Sydney

Direction 1.1 – Business and Industrial Zones

The objectives of the Direction are:

- Encourage employment growth in suitable locations,
- Protect employment land in business and industrial zones,
- Support the viability of identified centres.

This Direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). The Direction states that a planning proposal must:

- give effect to the objectives of this Direction,
- retain the areas and locations of existing business and industrial zones,
- not reduce the total potential floor space area for employment uses and related public services in business zones,
- not reduce the total potential floor space area for industrial uses in industrial zones, and
- ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment that the provisions of the planning proposal that are inconsistent are:

- a. justified by a strategy which:
 - i. gives consideration to the objective of this direction, and
 - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

- iii. is approved by the Secretary of the Department of Planning and Environment,
or
- b. justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or
- c. in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or
- d. of minor significance.

The Planning Proposal rezones the existing IN2 Light Industrial site, which under the current maximum FSR of 1:1 can provide for approx. 13,000m² of industrial floor space. The Economic Impact Assessment estimates of the current employee numbers on the site at 83 employees (refer **Attachment 4**).

The proposed B4 Mixed Use zone, and the requirement of a minimum commercial FSR of 0.5:1, will provide approx. 7,000m² of floorspace for more intensive employment uses, estimated in the Economic Impact Assessment to provide for approx. 400 jobs (approx. 268 retail jobs, 111 hotel jobs and 30 home workers). The Planning Proposal will therefore provide for additional employment on the Site, satisfying the Direction objectives:

- Encourage employment growth in suitable locations,
- Protect employment land in business and industrial zones,
- Support the viability of identified centres.

A review of the Industrial zoned lands was undertaken in the **draft Georges River Employment Lands Study** (2017) as discussed in Section B above. The draft Study makes the following recommendation for the Hurstville Industrial – Hurstville East Precinct:

- Rezone the Precinct from IN2 – Light Industrial and No 53 Forest Road from R2 – Low Density Residential to B4 – Mixed Use zone,
- 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,
- That a further review be undertaken with respect to the height and FSR in the context of the adjoining development.

The draft Study, once finalised by Council, will be lodged with the Department for the approval by the Secretary of the Department of Planning and Environment.

The Planning Proposal is broadly consistent with the objectives and terms of the Direction for the following reasons:

- the proposed mix of land uses will provide an increase in employment generating uses, the number of jobs on the site and the Gross Domestic Product (GDP) generated by the site,
- the zoning change to B4 Mixed Use and increase in development standards (maximum height and FSR) and requirement for a minimum commercial FSR of 0.5:1 will encourage employment in a suitable location on the eastern edge of the Hurstville City Centre,

- is consistent with the recommendations for the Site within the draft Georges River Employment Lands Study (2017) which will, after finalisation, be lodged with the Department for approval,
- the site is isolated from other industrial uses while surrounding residential development and road networks means the site is not well suited to industrial development.

Direction 2.3 – Heritage Conservation

The objective of this Direction is *“to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance”*.

The Hurstville LEP 2012 includes Standard Instrument provisions that satisfy the objectives and requirements of this Direction.

The Site includes one (1) heritage item: 116 Durham Street, Hurstville (Hurstville Scout Hall). There is no change proposed to the existing listing of this item in Schedule 5 Environmental heritage of the Hurstville LEP 2012.

The Planning Proposal request did not propose a change to the heritage status of No.116 Durham Street and provided an Assessment of Heritage Significance (Rappaport Conservation Architects and Heritage Consultants, June 2017) (refer **Attachment 4**). In summary, the report finds the Heritage Item should be retained for its *“historical, associational, aesthetic, social, rarity and representative significance. The building is associated with the prominent Scouts organisation and the civic development of the Hurstville community. It is a distinct example of buildings of this period and type.”*

Direction 3.1 – Residential Zones

The objectives of the Direction are:

- To encourage a variety and choice of housing types to provide for existing and future housing needs,
- To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services,
- To minimise the impact of residential development on the environment and resource lands.

While not proposing the rezoning of the site to a residential zone, the B4 Mixed Use Zone will allow a greater provision of housing in an existing urban area, improve housing choice, and make efficient use of existing infrastructure, services and amenities. The relationship between the Planning Proposal and demand for existing infrastructure as a consequence of increased development on the Site, in particular traffic infrastructure, is discussed further below in relation to Direction 3.4.

Direction 3.4 – Integrating Land Use and Transport

The objectives of the Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- Improving access to housing, jobs and services by walking, cycling and public transport, and

- Increasing the choice of available transport and reducing dependence on cars, and
- Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- Supporting the efficient and viable operation of public transport services, and
- Providing for the efficient movement of freight.

The Planning Proposal is consistent with Direction 3.4 as it would allow for additional housing in a location with good access to the facilities within the Hurstville City Centre, in particular public transport. 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.

The Site is strategically positioned in term of proximity to the Hurstville City Centre and the Allawah and Hurstville Railway Stations and Bus Interchange. Consideration of the Proposal in relation to the Hurstville City Centre TMAP (refer Section B above).

In order to address local traffic infrastructure demands associated with the proposal, the Applicant made an offer to enter into a Voluntary Planning Agreement (VPA). The offer includes:

- A monetary contribution to be used at Council's discretion for public works, including any public utilities, public domain and public road infrastructure in the amount of \$7,375,878 (indexed).
- The Developer will construct and dedicate at no cost to Council a 3m strip of land dedication land adjoining the Developers Land and Roberts Lane prior to the earlier of 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. The estimated value of the land being dedicated and the road widening works is \$514,122.
- 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.

These contributions and public benefits are over and above the section 94 contributions that would be payable for the proposed development.

Direction 6.3 Site Specific Provisions

The Direction aims to discourage unnecessarily restrictive site specific planning controls. The Planning Proposal includes a maximum floor space ratio incentive for "hotel accommodation" (Clause 4.4). This is not unnecessarily restrictive as it is only to encourage the provision of "hotel accommodation" on the site.

It is also recommended that Clause 4.4A be amended 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 (IN2 Light Industrial) to a business zone (B4 Mixed Use).

Direction 7.1 Implementing of A Plan for Growing Sydney

A Plan for Growing Sydney (December 2014) is the NSW Government's plan for the future of the Sydney Metropolitan Area over the next 20 years. The Plan provides key directions and actions to guide Sydney's productivity, environmental management and liveability – including the delivery of housing, employment, infrastructure and open space.

The proposal is consistent with Direction 7.1. The rezoning of the site to B4 Mixed Use will allow for a mix of uses on a site with good access to services and transport. It will also support the role of the Hurstville Strategic Centre. The Planning Proposal is consistent with the Goals and Directions within the Plan for Growing Sydney as detailed in Section 5 above.

Section C – Environmental, social and economic impact

Q7: *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?*

No. The site is located within the established Hurstville City Centre and there is no likelihood that critical habitats or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

Q8: *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

As discussed above in relation to SEPP No.55 – Remediation of Land, the preliminary site investigation report and the detailed site investigation report commissioned by the Applicant has identified land contamination on the site.

The proposal, through a change of land use, achieves a reduced environmental impact on neighbouring dwellings by virtue of removing industrial uses from being in immediate proximity to residential uses. The proposed B4 zoning does have the potential to give rise to privacy and shadow impacts. However, 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 (Dickson Rothschild, June 2017), included in **Attachment 4**.

Q9: *Has the planning proposal adequately addressed any social and economic effects?*

The Planning Proposal will have a positive **social effect** in relation to the provision of approx. 450 residential apartments (with a range of sizes) within close proximity to the services, retail offerings and public transport options in the Hurstville City Centre.

A Social Impact Assessment (HillPDA, June 2017) was included in the supporting documents in the Planning Proposal request (refer **Attachment 4**). The Assessment found that the proposed development would accommodate around 1,090 - 1,190 additional residents (based on 440 - 480 dwellings) within the Hurstville area in close proximity to Hurstville Town Centre.

The proposed development will contribute towards the forecast population growth of the area as supported by the various strategic policies including A Plan for Growing Sydney, Draft South Subregional Plan and Hurstville Community Strategic Plan 2025.

The planning proposal would also provide a net increase and choice of housing, recreational and community opportunities which would enable the creation of a mixed and varied community (i.e. young families, professionals, key workers, older persons). A mix of affordability levels are also anticipated to be accommodated by the proposal given the location and mix of apartments.

Further, the proposal would be in close proximity to convenience retail goods and services, to the benefit of local residents, workers and visitors. This in turn would create employment opportunities and have a positive economic flow on effect to the wider economy.

Whilst the planning proposal could have some adverse impacts during the construction phase to surrounding residents, businesses and community groups, the impacts could be controlled through appropriate construction and traffic management mitigation measures. As a consequence any adverse impacts during the construction phase would be likely to be modest and short term in duration.

There will be a number of **economic effects** associated with the Planning Proposal, including:

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

The Planning Proposal request includes an Economic Impact Assessment (HillPDA, June 2017). This report makes the case that the IN2 Light Industrial zone is no longer suitable for the site for the following reasons:

- Lack of developable area for industrial uses due to the precincts small size of 1.4ha,
- Lack of accessibility to highways while adjoining residential uses limit heavy vehicle movements,
- The small scale of the precinct (around 1.4ha) means there is limited opportunity to enjoy the benefits of agglomeration of industrial land uses on the site (the clustering of similar businesses as a means to enjoy some of the economies of scale usually reserved for large firms),
- The surrounding residential and educational land uses place stringent requirements on the types of industrial uses which could locate in the precinct.

A component of the proposed development is a 130 room hotel with a GFA of 5,260m². An assessment of the viability of the hotel component has been prepared by Hill PDA (see

Attachment 4) and concludes that the site is suitable to accommodate a hotel of the scale proposed for the following reasons:

- Modest growth in domestic tourism,
- Strong growth in international tourism, particularly from China,
- Declining Australian dollar which makes Australia more price competitive for international tourists,
- Strong growth in the number of tourists staying in hotels and hotel night stays across Sydney,
- Strong hotel performance as measured by occupancy rates,
- A rise in room rates and an overall improvement in the feasibility of hotels,
- Recognition of Hurstville as a viable and more price competitive option to Sydney CBD, but with strong locational attributes including express train services, a major regional Westfield shopping centre and an established Chinatown.

Section D – State and Commonwealth interests

Q10: Is there adequate public infrastructure for the planning proposal?

Public authorities will be consulted as part of any future public exhibition, including public transport and road authorities, education and service suppliers. As previously noted, the traffic impacts and pedestrian and streetscape impacts of the proposal will be considered through a Voluntary Planning Agreement.

Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

State and Commonwealth public authorities will be consulted following the outcomes, and in line with any recommendations, of the Gateway Determination. Consultation with the Sydney Airport Authority will also be undertaken in relation to the proposed maximum building heights.

Part 4: Mapping

The maps included in **Attachment 2** have been prepared, consistent with the “Standard Technical Requirements for LEP Maps” and identify the Site and the proposed development standards including:

- Land subject to the Planning Proposal,
- Proposed Land Use Zone,
- Proposed maximum Floor Space Ratio,
- Proposed maximum Height of Buildings,
- Proposed Active Street Frontage.

Part 5: Community Consultation

If a Gateway Determination is issued, and subject to its conditions, it is anticipated that the Planning Proposal will be exhibited for a period of 28 days in accordance with the provisions of the *Environmental Planning and Assessment Act, 1979* and *Regulation, 2000* and any requirements of the Gateway Determination.

Exhibition material, including explanatory information, land to which the Planning Proposal applies, description of the objectives and intended outcomes, copy of the Planning Proposal and relevant maps will be available for viewing during the exhibition period on Council's website and hard copies available at Council offices and libraries.

Notification of the public exhibition will be through:

- Newspaper advertisement in The St George and Sutherland Shire Leader;
- Exhibition notice on Council's website;
- Notices in Council offices and libraries;
- Letters to State and Commonwealth Government agencies identified in the Gateway Determination; and
- Letters to adjoining landowners (in accordance with Council's Notification Procedures).

Part 6: Project Timeline

The anticipated project timeline for completion of the Planning Proposal is shown below:

Task	Anticipated Timeframe
Lodgement of Planning Proposal request	12 June 2015
Lodgement of Revised Planning Proposal request	2 June 2017
Reporting to Georges River IHAP on Planning Proposal	20 July 2017
Reporting to Council on Planning Proposal	07 August 2017
Anticipated commencement date (date of Gateway determination)	01 November 2017
Anticipated timeframe for the completion of technical information (if required)	31 March 2018
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	30 April 2018
Commencement and completion dates for community	July to August 2018

Task	Anticipated Timeframe
consultation period	
Dates for public hearing (if required)	TBA
Timeframe for consideration of submissions	August/September 2018
Reporting to Georges River IHAP on community consultation	October 2018
Reporting to Council on community consultation and finalisation	November 2018
Submission to the Department to finalise the LEP	December 2018
Anticipated date for notification.	January 2019

It is noted that the project timeline will be assessed by the Department of Planning and Environment and may be amended by the Gateway Determination.

6. Conclusion

In summary, the Planning Proposal seeks to 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:

- Change of land use zoning from IN2 Light Industrial and part R2 Low Density Residential to B4 Mixed Use,
- 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),
- 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,
- Amend the Active Street Frontages Map to apply an active street frontage along Forest Road and Durham Street frontages of the site,
- 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.

The key reasons for support include that the proposed increases to the development standards will facilitate future development of the highly accessible site within the Hurstville City Centre, including:

- Residential accommodation (approx. 450 apartments) within close proximity to the retail and other facilities within the Hurstville City Centre and excellent public transport options,
- Non-residential floorspace of approximately 7023m² which will provide for employment opportunities within the Hurstville City Centre, equating to approx. 410 jobs,
- Urban design analysis and requirements through an amendment to the Hurstville (City Centre) DCP No.2 which will address a range of issues identified by the St George DRP in relation to future development's consistency with SEPP 65 – Design Quality of Residential Apartment Development.

This Planning Proposal report has considered the objectives and intended outcomes of the proposed amendment to the Hurstville LEP 2012 and an explanation of the provisions. The Proposal is consistent with the objectives and actions of the Metropolitan and District Plans.

The Planning Proposal is consistent with the relevant State Environmental Planning Policies; with an assessment undertaken and recommendations made in accordance with SEPP 55 – Remediation of Contaminated Land in the Preliminary Site Investigation and Detailed Site Investigation, considered in the body of the report. The Planning Proposal's inconsistency with s.117 Ministerial Direction 1.1 Business and Industrial Zones is justified as the proposed B4 Mixed Use zone will provide for an increase in employment opportunities and support the viability of the Hurstville City Centre, satisfying the objectives of the Direction.

Attachments

Attachment 1

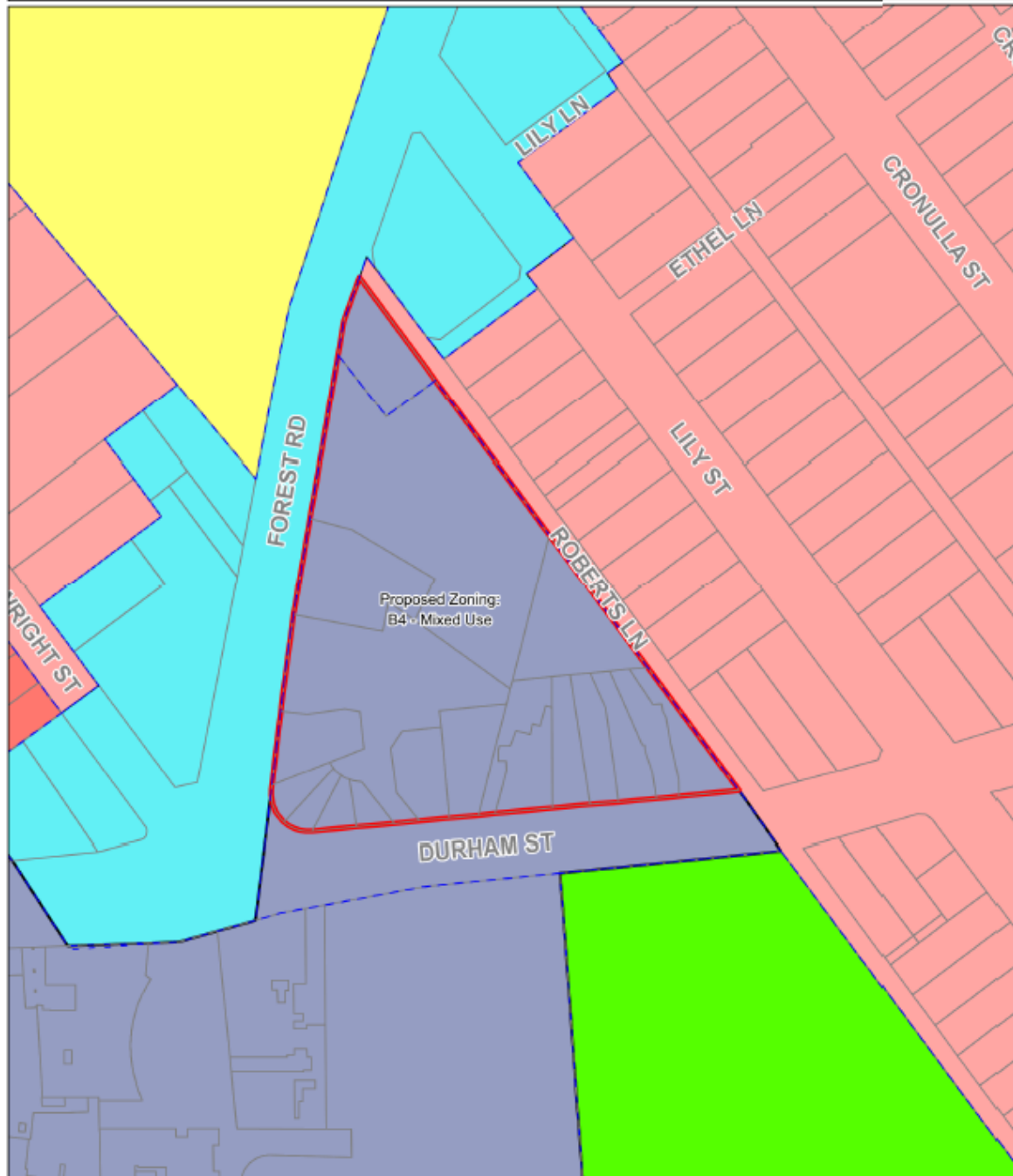
Georges River Council Report and Minutes 7 August 2017,
Item CCL146-17 Planning Proposal PP2015/0001 53-75 Forest Road 108-126 Durham
Street and 9 Roberts Lane Hurstville (including Attachment: Georges River Independent
Hearing & Assessment Panel Report 20 July 2017, PP2015/0001 Item 3.3 Planning
Proposal 53-75 Forest Road, 108-126 Durham Street and 9 Roberts Lane Hurstville)

Provided Under Separate Cover

Attachment 2:

Hurstville Local Environmental Plan 2012 Proposed Amended Maps

Planning Proposal - Proposed Zoning Map
53-75 Forest Rd, 108-126 Durham St and Roberts La, Hurstville



Legend

- Subject Site to be rezoned to B4 Mixed Use
- Existing Zoning Boundaries

LEP 2012 Zones

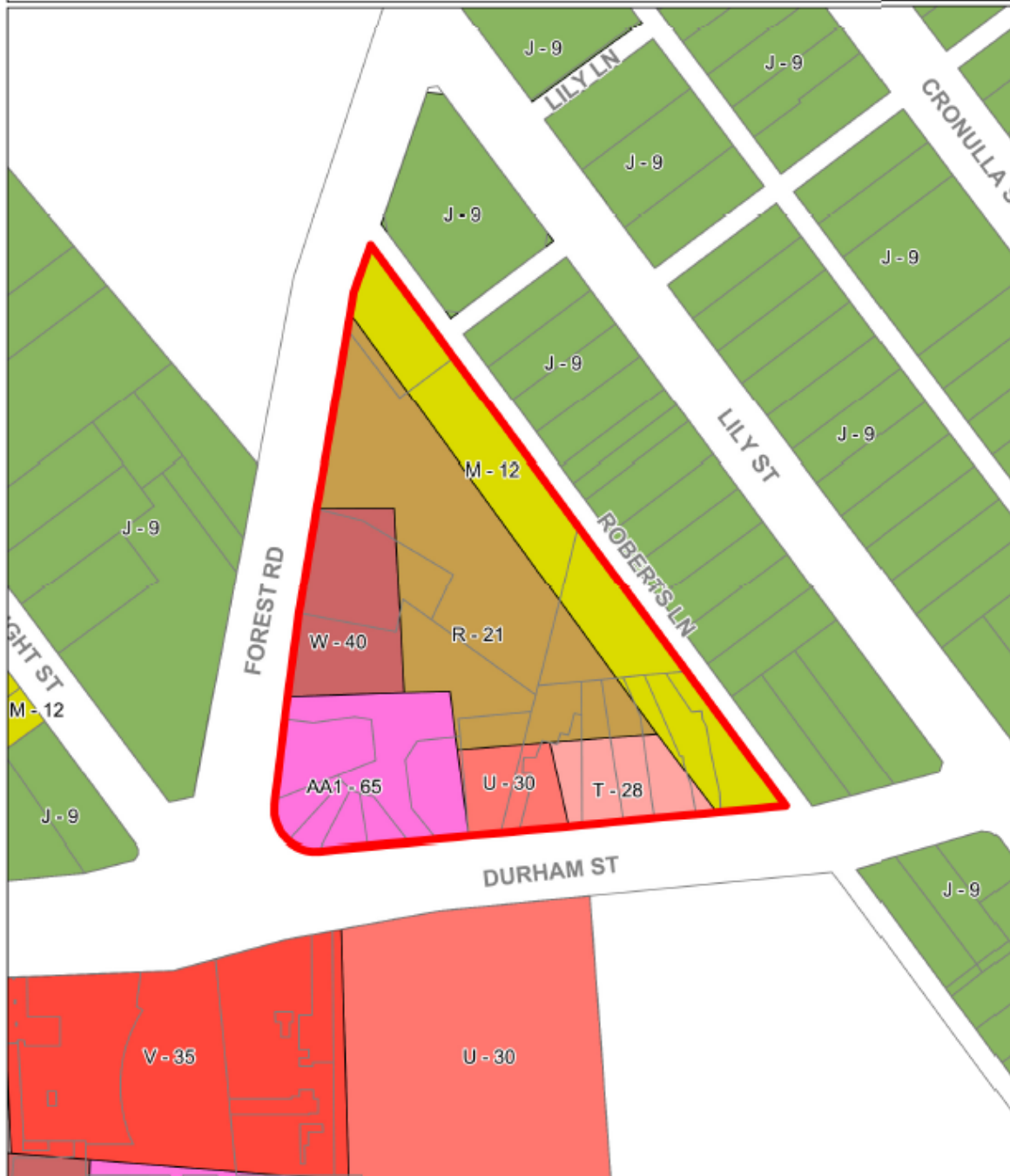
- | | |
|--|--|
| RE1 Public Recreation | B2 Local Center |
| R2 Low Density Residential | B4 Mixed Use |
| R3 Medium Density Residential | SP2 Infrastructure |



Map Produced 26/06/2017

©PLANNING and LEP Amendments and Proposals/PP2016 - Forest-Durham-Roberts/Maps for IHA/PP - Forest-Durham-Roberts, Hurstville - Proposed Zoning.wor

Planning Proposal - Proposed Height of Buildings Map
53-75 Forest Rd, 108-126 Durham St and 9 Roberts La, Hurstville



Legend

 **Subject Site**

Maximum Building Height (m)

 J	9	 T	28	 W	40
 M	12	 U	30	 AA	60
 R	21	 V	35		

Map Produced 26/06/2017



©PLANNING and LEP Amendments and Proposals/PP2016 - Forest-Durham-Roberts/Maps for Council Report/PP - Forest-Durham-Roberts, Hurstville - Proposed HCB.wor

Planning Proposal - Proposed Floor Space Ratio Map
53-75 Forest Rd, 108-126 Durham St and 9 Roberts La, Hurstville



Legend

 **Subject Site**

Maximum Floor Space Ratio (n:1)

 F 0.6	 T1 2
 N 1	 W1 3.5
 S 1.5	 X 4.0

 **Area 1** Refer to clause 4.4 A

Map Produced 26/06/2017



©PLANNING and LEP Amendments and Proposals/PP2016 - Forest-Durham-Roberts/Maps for IHA/PP - Forest-Durham-Roberts, Hurstville - Proposed FSR.wor

Planning Proposal - Proposed Active Street Frontage Map
53-75 Forest Rd, 108-126 Durham St and 9 Roberts La, Hurstville



Legend



Subject Site



**Active Street
Frontage**

Map Produced 23/06/2017



©PLANNING and LEP Amendments and Proposals/PP2016 - Forest-Durham-Roberts/Maps for IHAP/PP - Forest-Durham-Roberts, Hurstville - Proposed ASF.wor

Attachment 3:

SEPP & s117 Direction Compliance Tables

State Environmental Planning Policies

The following is a list of State Environmental Planning Policies (SEPPs) that apply to the Subject Site (Hurstville East Site) and consideration of the Planning Proposal's (PP2015/0001) consistency with the objectives and provisions of the SEPPs.

State Environmental Planning Policy	Applicable	Consideration
<i>SEPP No.1 – Development Standards</i>	Not applicable to Hurstville.	Repealed by clause 1.9 of Hurstville LEP 2012.
<i>SEPP No.14 – Coastal Wetlands</i>	Not applicable to Hurstville.	--
<i>SEPP No.19 – Bushland in Urban Areas</i>	Not applicable to the Planning Proposal.	The Subject Site is located within the established urban area of Hurstville, within an existing IN2 Light Industrial zoned area.
<i>SEPP No.21 – Caravan Parks</i>	Not applicable to the Planning Proposal.	The Planning Proposal does not hinder the application of this SEPP.
<i>SEPP No.26 – Littoral Rainforests</i>	Not applicable to Hurstville.	--
<i>SEPP No.30 – Intensive Agriculture</i>	Not applicable to Hurstville	--
<i>SEPP No.33 – Hazardous and Offensive Development</i>	Not applicable to the Planning Proposal.	The B4 Mixed Use zoning prohibits hazardous and offensive development.
<i>SEPP No.36 – Manufactured Home Estates</i>	Not applicable to Hurstville.	--
<i>SEPP No.44 – Koala Habitat Protection</i>	Not applicable to Hurstville.	--
<i>SEPP No.47 – Moore Park Showground</i>	Not applicable to Hurstville.	--
<i>SEPP No.50 – Canal Estate Development</i>	Not applicable to the Planning Proposal.	The Planning Proposal does not propose canal estate development.
<i>SEPP No.52 – Farm Dams and Other Works in Land and Water Management Plan Areas</i>	Not applicable to Hurstville.	--
<i>SEPP No.55 – Remediation of Land</i>	Applicable to the Planning Proposal.	Refer consideration in body of report and Preliminary and Detailed Site Investigation reports in Attachment 4 .
<i>SEPP No.62 – Sustainable Aquaculture</i>	Not applicable to the Planning Proposal.	Consistent. The Planning Proposal will not hinder the application of this SEPP.
<i>SEPP No.64 – Advertising and Signage</i>	Not applicable to the Planning Proposal.	Consistent. The Planning Proposal will not hinder the application of this SEPP.
<i>SEPP No.65 – Design Quality of Residential Apartment Development</i>	Not applicable to the Planning Proposal.	The Planning Proposal has been considered by the St George Design Review Panel which

State Environmental Planning Policy	Applicable	Consideration
		functions under Part 3 of the SEPP. Consideration of the advice provided by the DRP is included in the Council and IHAP Reports (Attachment 1). Any future development application on the site for residential development will be required to address the provisions of the SEPP and the Apartment Design Guide.
<i>SEPP No.70 – Affordable Housing (Revised Schemes)</i>	Not applicable to Hurstville.	The provision of affordable housing has been discussed in relation to the Georges River Council Policy on Planning Agreements in Section 4 of the body of the report.
<i>SEPP No.71 – Coastal Protection</i>	Not applicable to Hurstville.	--
<i>SEPP (Affordable Rental Housing) 2009</i>	Not applicable to Planning Proposal.	Consistent. The Planning Proposal will not hinder the application of this SEPP.
<i>SEPP (Building Sustainability Index: BASIX) 2004</i>	Not applicable to the Planning Proposal.	Any future residential development will be required to comply with the BASIX requirements for residential accommodation.
<i>SEPP (Exempt and Complying Development Codes) 2008</i>	Not applicable to the Planning Proposal.	Not inconsistent. The Planning Proposal does not hinder the application of this SEPP.
<i>SEPP (Housing for Seniors or People with a Disability) 2004</i>	Not applicable to the Planning Proposal.	The proposed B4 Mixed Use zone permits 'seniors housing' with consent. Any future development application on the site for seniors housing will be required to address the provisions of the SEPP.
<i>SEPP (Infrastructure) 2007</i>	Applicable to the Planning Proposal.	Refer consideration in the main body of the report.
<i>SEPP (Integration and Repeals) 2016</i>	Not applicable to the Planning Proposal.	--
<i>SEPP (Kosciuszko National Park – Alpine Resorts) 2007</i>	Not applicable to Hurstville.	--
<i>SEPP (Kurnell Peninsula) 1989</i>	Not applicable to Hurstville.	--
<i>SEPP (Mining, Petroleum</i>	Not applicable	Not inconsistent. The Planning

State Environmental Planning Policy	Applicable	Consideration
<i>Production and Extractive Industries) 2007</i>	to the Planning Proposal.	Proposal does not hinder the application of this SEPP.
<i>SEPP (Miscellaneous Consent Provisions) 2007</i>	Not applicable to the Planning Proposal.	Not inconsistent. The Planning Proposal does not hinder the application of this SEPP.
<i>SEPP (Penrith Lakes Scheme) 1989</i>	Not applicable to Hurstville.	--
<i>SEPP (Rural Lands) 2008</i>	Not applicable to Hurstville.	--
<i>SEPP (State and Regional Development) 2011</i>	Not applicable to the Planning Proposal.	Not inconsistent. The Planning Proposal does not hinder the application of this SEPP.
<i>SEPP (State Significant Precincts) 2005</i>	Not applicable to the Planning Proposal.	Not inconsistent. The Planning Proposal does not hinder the application of this SEPP.
<i>SEPP (Sydney Drinking Water Catchment) 2011</i>	Not applicable to Hurstville.	--
<i>SEPP (Sydney Region Growth Centres) 2006</i>	Not applicable to Hurstville.	--
<i>SEPP (Three Ports) 2013</i>	Not applicable to Hurstville.	--
<i>SEPP (Urban Renewal) 2010</i>	Not applicable to the Planning Proposal.	Not inconsistent. The Planning Proposal does not hinder the application of this SEPP.
<i>SEPP (Vegetation in Non-Rural Areas) 2017</i>	Not applicable to the Planning Proposal.	--
<i>SEPP (Western Sydney Employment Area) 2009</i>	Not applicable to Hurstville.	--
<i>SEPP (Western Sydney Parklands) 2009</i>	Not applicable to Hurstville	--
<i>Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment (deemed SEPP)</i>	Not applicable to the Planning Proposal.	Not inconsistent. The Planning Proposal does not hinder the application of this deemed SEPP.

Section 117 Ministerial Directions

The following is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act, 1979*. These Directions apply to planning proposals lodged with the Department of Planning and Environment including PP2015/0001 (Hurstville East Site).

Direction	Applicable	Comment
1. Employment and Resources		
1.1 Business and Industrial Zones Objectives: (a) <i>Encourage employment growth in suitable locations</i> (b) <i>Protect employment land in business and industrial zones,</i> (c) <i>Support the viability of identified strategic centres.</i>	Applicable to the Planning Proposal.	Refer consideration in main body of report.
1.2 Rural Zones	Not applicable to Georges River (Hurstville).	--
1.3 Mining, Petroleum Production and Extractive Industries Objective: <i>To ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</i>	Not applicable to Planning Proposal.	The Planning Proposal does not have any effect on mining, petroleum production and extractive industries.
1.4 Oyster Aquaculture Objectives: (a) <i>To ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal.</i> (b) <i>To protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oyster and oyster consumers.</i>	Not applicable to the Planning Proposal.	The Planning Proposal does not propose a change in land use which could result in adverse impacts on a Priority Oyster Aquaculture Area or an incompatible use of land.

Direction	Applicable	Comment
1.5 Rural Lands	Not applicable to Georges River (Hurstville).	--
2. Environment and Heritage		
2.1 Environment Protection Zones <i>Objective: To protect and conserve environmentally sensitive areas.</i>	Not applicable to the Planning Proposal.	The Subject Site is not located within an environmental protection zone and the Proposal does not impact on environmentally sensitive areas.
2.2 Coastal Protection	Not applicable to Georges River (Hurstville).	--
2.3 Heritage Conservation <i>Objective: To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i>	Not applicable to the Planning Proposal.	The Hurstville LEP 2012 contains Standard Instrument LEP provisions to facilitate the heritage conservation. No change to these provisions is proposed. The Subject Site includes heritage item (Hurstville Scout Hall), the listing of which is not proposed to change.
2.4 Recreation Vehicle Areas <i>Objective: To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</i>	Not applicable to the Planning Proposal.	The Planning Proposal is not within an environmental protection zone or coastal areas identified in the Direction.
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones <i>Objectives: (a) To encourage a variety and choice of housing types to provide for existing and future housing needs (b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services (c) To minimise the impact of residential development on environment and resource lands.</i>	Applicable to Planning Proposal.	Consistent. The proposed B4 Mixed Use Zone and the proposed increases in maximum building height and maximum FSR on the site will allow a greater provision of housing in an existing urban area, improve housing choice, and increase the efficiency of existing infrastructure, services and amenities.
3.2 Caravan Parks and Manufactured Home Estates <i>Objectives:</i>	Not applicable to the Planning Proposal.	The proposed B4 Mixed Use zoning of the land will prohibit caravan parks and manufactured

Direction	Applicable	Comment
(a) <i>To provide for a variety of housing types</i> (b) <i>To provide opportunities for caravan parks and manufactured home estates.</i>		home estates, both of which uses are incompatible with the character of the Hurstville City Centre
3.3 Home Occupations <i>Objective:</i> <i>To encourage the carrying out of low-impact small businesses in dwelling houses.</i>	Applicable to the Planning Proposal.	The proposed B4 Mixed Use zoning of the land permits (with consent) home occupations (an occupation carried on in a dwelling).
3.4 Integrating Land Use and Transport <i>Objective:</i> <i>To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i> (a) <i>Improving access to housing, jobs and services by walking, cycling and public transport</i> (b) <i>Increasing the choice of available transport and reducing dependence on cars</i> (c) <i>Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car</i> (d) <i>Supporting the efficient and viable operation of public transport services</i> (e) <i>Providing for the efficient movement of freight.</i>	Applicable to the Planning Proposal.	Consistent. The Subject Site is strategically positioned in term of proximity to the Hurstville City Centre and the Allawah and Hurstville Railway Stations and Bus Interchange. The Planning Proposal does not hinder the application of this Direction. Refer consideration in the main body of the report.
3.5 Development Near Licensed Aerodromes	Applicable to the Planning Proposal.	Consultation with Airport authorities would be undertaken as part of any future consultation.
3.6 Shooting Ranges	Not applicable to Georges River (Hurstville).	--
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Not applicable	The Subject Site is not within an

Direction	Applicable	Comment
<i>Objective: To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</i>	to Planning Proposal.	area identified as land having a probability of containing acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	Not applicable to Georges River (Hurstville).	--
4.3 Flood Prone Land	Not applicable to Planning Proposal.	The Subject Site is not within an area identified as Flood Prone Land.
4.4 Planning for Bushfire Protection	Not applicable to Planning Proposal.	The Subject Site is not within a Bushfire Prone Area.
5. Regional Planning		
5.1 Implementation of Regional Strategies	Not applicable to Georges River (Hurstville) .	--
5.2 Sydney Drinking Water Catchments	Not applicable to Georges River (Hurstville).	--
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to Georges River (Hurstville).	--
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to Georges River (Hurstville).	--
5.5 Revoked	--	--
5.6 Revoked	--	--
5.7 Revoked	--	--
5.8 Second Sydney Airport: Badgerys Creek	Not applicable to Georges River (Hurstville).	--
5.9 North West Rail Link Corridor Strategy	Not applicable to Georges River (Hurstville).	--
6. Local Plan Making		
6.1 Approval and Referral Requirements <i>Objective: To ensure that LEP provisions</i>	Yes	The Planning Proposal does not include provisions that require concurrence, consultation or referral of development

Direction	Applicable	Comment
<i>encourage the efficient and appropriate assessment of development.</i>		applications to the Minister or public authority or identify development as designated.
6.2 Reserving Land for Public Purposes <i>Objective:</i> (a) <i>To facilitate the provision of public services and facilities by reserving land for public purposes, and</i> (b) <i>To facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</i>	Yes	Consistent. The Planning Proposal does not hinder the application of this Direction. No lands are proposed to be reserved for Public Purposes through the Planning Proposal.
6.3 Site Specific Provisions <i>Objective:</i> <i>To discourage unnecessary restrictive site specific planning controls.</i>	Applicable to Planning Proposal.	The Planning Proposal includes a minimum non-residential FSR of 0.5:1 on the site, a means to ensure employment uses are included on the site. The requirement will be included in the Hurstville LEP 2012 through an amendment to the existing clause 4.4A. The Proposal also includes a bonus FSR of 0.5:1 on part of the site (corner of Forest Road and Durham Street) if the development is for the purposes of "hotel accommodation", to encourage tourist development in the Hurstville City Centre. Both these proposed FSR controls are site specific.
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney <i>Objective:</i> <i>To give legal effect to the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i>	Yes	The Planning Proposal is not inconsistent with the NSW Government's A Plan for Growing Sydney (December 2014). Refer consideration in the main body of the report.
7.2 Implementation of Greater Macarthur Land Release	Not applicable to Georges River (Hurstville).	--

Attachment 4:

Planning Proposal Request (Dickson Rothschild, June 2017)
and supporting studies

Provided Under Separate Cover