

CCL565-15 PLANNING PROPOSAL REQUEST - EAST QUARTER 93 FOREST RD HURSTVILLE - STAGE 3

Report Author/s	Strategic Planner, Ms L McMahon Manager Strategic Planning, Ms C Gregory
File	14/1496
Previous Reports Referenced	CCL294-14 - Submissions received to Public Exhibition - Draft Hurstville Local Environmental Plan (Hurstville City Centre) 2014 and Draft Amendment to Development Control Plan No 2 - Hurstville City Centre - Council - 17 Sep 2014 7:00pm
Community Strategic Plan Pillar	Economic Prosperity
Existing Policy?	Yes New Policy Required? No
Financial Implications	Within Budget
Reason for Report	For Approval
Interested Parties	East Quarter Hurstville P/L
Company Extract included	Yes

EXECUTIVE SUMMARY

Council has received a Planning Proposal for East Quarter 93 Forest Road, Hurstville (Stage 3) ('the Site').

The Proposal requests that Council consider an increase in the height and floor space ratio controls for the East Quarter Site. The outcome of the proposal includes:

- An increase in height from:
 - 23m to 30m for the north-eastern portion of the site (Building X);
 - 40m to 65m (Building F); and
 - 60m to 65m (Building E) for the south-eastern portion of the Site.
- An increase in the overall floor space ratio (FSR) for the Site from 2.5:1 to 3.5:1.

The applicant has requested Council consider two options to implement these amendments as follows:

Option A – Amend the Hurstville Local Environmental Plan 1994; or

Option B – Amend the Draft Hurstville Local Environmental Plan (Hurstville City Centre) 2014 (draft City Centre LEP).

The Planning Proposal indicates that there would likely be an increase of approximately 102 residential units and over 4600m² of additional retail floor space on the Site, of which approximately 3600m² has been identified as being for a supermarket. As a result of the Planning Proposal, the overall East Quarter Development (inclusive of all 3 stages) would provide potentially 850 residential units and approximately 7356.9m² of retail floor space on the Site.

It should be noted that Option A is not supported on the basis that the Hurstville Local Environmental Plan 1994 (HLEP 1994) is not consistent with the Standard Instrument LEP and does not include development standards for building height and FSR. The current height and FSR controls are contained in the Development Control Plan No.2 – Hurstville City Centre (DCP No.2).

This report provides Council with a copy of the applicant's Planning Proposal and the outcome of an assessment of the Planning Proposal.

The report recommends that Council not support the Planning Proposal to amend the planning controls for the Site. The Planning Proposal is not supported as it seeks to amend the draft City Centre LEP, which has not yet been made and the terms of which are not yet known; the proposed development controls exceed those adopted by Council in the draft City Centre LEP and the existing controls under 'DCP No.2'; is inconsistent with the Hurstville City Centre Transport Management and Accessibility Plan (TMAP) Report 2013 adopted recommendations for floor space in the City Centre and would result in an unacceptable urban design outcome, specifically related to the overall height and bulk of Building F on the Site.

AUTHOR RECOMMENDATION

THAT Council not support the Planning Proposal for East Quarter 93 Forest Road, Hurstville (Stage 3), which seeks to amend the draft Hurstville Local Environmental Plan (Hurstville City Centre) 2014

Height of Buildings and Floor Space Ratio controls for the following reasons:

1. The Planning Proposal requests to amend the draft City Centre LEP, which was recently adopted by Council, but has not been made by the Minister for Planning and the terms of which are not known yet. The proposal is premature as it seeks to amend a draft LEP.
2. The proposed building height and floor space ratio under the Planning Proposal exceed those recently adopted for the Site under the draft City Centre LEP.
3. The proposed building height and floor space ratio are the same as those presented in the submission to Council on the exhibited draft City Centre LEP. These amendments were not supported by Council at its meeting of 17 September 2014.
4. The proposed building height and floor space ratio under the Planning Proposal exceed the existing controls for the Site under Development Control Plan No.2 – Hurstville City Centre.
5. An amendment to Hurstville LEP 1994 which currently applies to the Site is not supported on the basis that this LEP is not consistent with the Standard Instrument LEP and does not include development standards for building height and FSR. The height and FSR controls are contained in the Development Control Plan No.2 – Hurstville City Centre.
6. The Planning Proposal will result in an increase in the total floor space in the draft City Centre LEP and will be inconsistent with the Hurstville City Centre Transport Management and Accessibility Plan (TMAP) Report 2013 adopted recommendations for floor space in the City Centre. This will result in potential impacts on traffic and infrastructure within the City Centre.
7. The Planning Proposal is not consistent with a number of aims and objectives of State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development as the proposed building height of 65m (Building F) would result in an unacceptable overall building height and bulk and compromise the presence of the landmark Building E on the Site.
8. The Planning Proposal is not consistent with all of the objectives of Section 117 Direction 3.4 Integrating Land Use and Transport.
9. The Planning Proposal should not be considered in isolation as Council has received other Planning Proposals in the Hurstville City Centre seeking increases to the development controls. The impact of increasing the development controls on sites across the City Centre is unknown. An integrated approach should therefore be undertaken for reviewing all future and undetermined Planning Proposals for sites within the City Centre.
10. A precedent would be set if the Planning Proposal was supported.

THAT Council undertake an integrated approach for reviewing planning proposals requesting amendments to the height and floor space ratio controls within the Hurstville City Centre, in consultation with the Department of Planning and Environment.

THAT any future planning proposals seeking amendments to the height and/or floor space ratio controls under the draft City Centre LEP have regard to the cumulative impact of increases to planning controls in the context of the TMAP recommendations and urban design outcomes for the Hurstville City Centre.

THAT Council write to the applicant to advise of Council's decision.

FURTHER THAT Council advise the Department of Planning & Environment of its decision.

REPORT DETAIL

Background

17 July to 14 August 2014	Exhibition of draft City Centre LEP (2014) and draft DCP No.2 – Hurstville City Centre (2014) The draft City Centre LEP was exhibited with a maximum building height for the Site ranging from 23-60 metres and an FSR of 2.5:1 for the whole Site. The site for Building F was proposed at 40m and the site for Building X was proposed at 23m. Submission by ddc urban planning did not support the exhibited building heights and FSR for the Site and requested a maximum building height of 65m for Building F and 30m for Building X and an overall FSR of 3.5:1 for the Site.
17 Sept 2014	Council adopted the draft City Centre LEP (2014) and approved the draft DCP 2 (2014) The above submission to the draft City Centre LEP requesting variation to the building height and FSR were not supported by Council for reasons

	related to integrated land use and transport planning. The approved DCP 2 (2014) will become effective when the City Centre LEP is made by the Minister for Planning and commences.
19 Sept 2014	Planning Proposal submitted by East Quarter Hurstville Pty Ltd.
21 October 2014	Council acknowledged receipt of the Planning Proposal and requested additional information.
16 December 2014	Meeting with Mayor and Council staff presenting the Planning Proposal.
19 December 2014	Letter from East Quarter Pty Ltd providing additional information.
22 January 2015	Letter from Council indicating not supporting Planning Proposal.

History of Prior Development Applications on the Subject Site

- On 17 June 2004, development consent no.03/DA-1046 was granted for a mixed residential/retail/commercial development comprising seven (7) buildings and basement parking including demolition of the existing factory building and remediation of the Site at 95 Forest Road, Hurstville. The development consent was for the entire Site known as "East Quarter" and incorporated Stages 1, 2 and 3. The development consent has been modified on sixteen occasions.
- On 8 November 2011 the Joint Regional Planning Panel granted a deferred commencement development consent for development application no. 11/DA-21 to remediate the Site and construct a mixed retail/commercial/residential development comprising three (3) buildings containing basement car parking area, ground floor retail, first floor commercial, and two hundred and fifty eight (258) residential units (known as Stage 2) at 93 Forest Road, Hurstville. The deferred commencement consent was activated on 12 January 2012. This development consent replaces Stage 2 of the development consent 03/DA-1046.

The above development consent has been modified on six (6) occasions (the most recent being MOD2013/0004). The approved Stage 2 development now provides 303 residential units, retail and commercial floor space as well as basement car parking for both Stages 2 and 3. The most recent modification also relocated 76 visitor spaces from Stage 2 to Stage 3 on grade parking.

- On 19 November 2013 development consent (DA2013/0385) was sought for the construction of Stage 3 of the East Quarter development on land known as 93 Forest Road, Hurstville. The application comprised the construction of two mixed used retail/residential buildings known as Building F and Building X which were to be 19 storeys and 8 storeys respectively. In total, the two buildings were to include 402 residential units and 3,514m² of retail floor space. A part one/part four level basement car parking was proposed along with landscaping and public domain works. A report was prepared for the Joint Regional Planning Panel, however the application was withdrawn by the applicant at the Panel meeting on 15 April 2014.

A summary table of the development statistics to date as provided by the applicant is below:

Stage	Building	03/DA-1046	11DA-21	Proposed under DA2013/0385	Current Planning Proposal
1	C	7 Storeys	Height Unchanged	Height Unchanged	Height Unchanged
	D	12 Storeys	Height Unchanged	Height Unchanged	Height Unchanged
2	A	10 Storeys	13 Storeys	Height Unchanged	Height Unchanged
	B	10 Storeys	11 Storeys	Height Unchanged	Height Unchanged
	E	16 Storeys	19 Storeys	Height Unchanged	65m (formalising approved DA height)
3	F	12 Storeys	Height Unchanged	19 Storeys (including raised basement parking level B1)	20 Storeys - 65m (including raised basement parking level B1)
	X	5-8 Storeys	Height Unchanged	8 Storeys (including raised basement parking level B1)	8 Storeys - 30m (including raised basement parking level B1)
Total FSR		2.63:1	2.77:1	3.19:1	3.11:1
Total Residential Units		629	748	873	850
Total		7,690.30	1,241.60	592.6	Unchanged

Commercial					
Total Retail		2,139.60	2,723.20	6,129.90	7,356.90
STATUS		APPROVED	APPROVED	WITHDRAWN BY APPLICANT AT JRPP 15 APRIL 2014	NOT DETERMINED

Site Description

The Site consists of a number of legal descriptions, two lots and six strata plans and is commonly known as “East Quarter” 93 Forest Road, Hurstville. The Site is located on the southern side of Durham Street at its intersection with Forest Road.

The Site has a total area of approximately 2.844ha, however Stages 1 and 2 of the East Quarter development have now been completed and strata subdivision has taken place. Whilst the Planning Proposal applies to the whole “East Quarter” Site, the proposed building height amendments primarily relate to Stage 3 which is the remaining undeveloped lot (Lot 10 DP 270611) and has a frontage of approximately 75m to Durham Street and a Site area of approximately 13.360m².



Figure 1: Site Location

Site Context

The Site is located in the Eastern Bookend precinct identified within the Hurstville City Centre Concept Masterplan 2004 and draft *DCP 2*. It is in close proximity to significant open space at Kempt Field to the east. Allawah Station is the nearest railway station to the Site, but Hurstville Railway Station is also within walking distance of the Site.

The northern boundary of the Site adjoins Durham Street and the southern boundary adjoins the Illawarra Railway Line. Opposite the Site on the northern side of Durham Street are a number of industrial uses accommodated in one and two storey buildings. Adjoining the Site to the east is Kempt Field, an area of public open space which is managed by Hurstville Council.

The western boundary of the East Quarter Site is a property containing a single storey building which was previously used as a pub that is now vacant, but has approval for the construction of a 13 storey mixed use development.

Beyond Kempt Field and approximately 500 metres to the east of the Site are single dwelling houses and on the southern side of the Illawarra Railway Line is mixed development comprising single dwellings and older style residential flat buildings (within the Kogarah Council Local Government Area).

Existing Planning Controls - Hurstville LEP 1994 & DCP 2 – Hurstville City Centre

The Site is currently zoned 3(b) - City Centre Business under *Hurstville LEP 1994*. This LEP does not

have any building height or FSR controls.

The current building height and FSR controls are contained in *DCP No. 2 – Hurstville City Centre*. Council incorporated these controls into the DCP on 1 August 2012. The maximum building height over the whole Site ranges from 23 metres to 60 metres (as identified in Figure 3a) and the maximum FSR is 2.5:1 (refer to Figure 4a).

Draft City Centre LEP Planning Controls

The Site is zoned B4 Mixed Use under the draft City Centre LEP. The objectives of this zone include:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To allow for residential development in the Hurstville City Centre while maintaining active retail, business or other non-residential uses at street level.*

The maximum building height in the draft City Centre LEP ranges from 23 metres to 60 metres (as identified in Figure 3b) and the maximum FSR is 2.5:1 (Refer to Figure 4b).

Figure 2a: Hurstville LEP 1994 (Zoning)

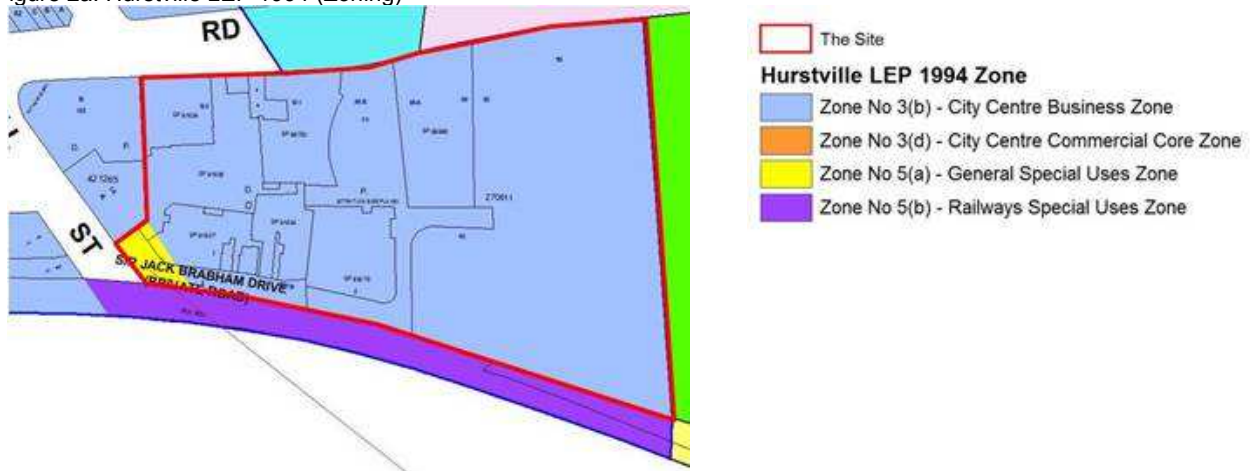


Figure 2b: Draft City Centre City Centre LEP (Zoning)

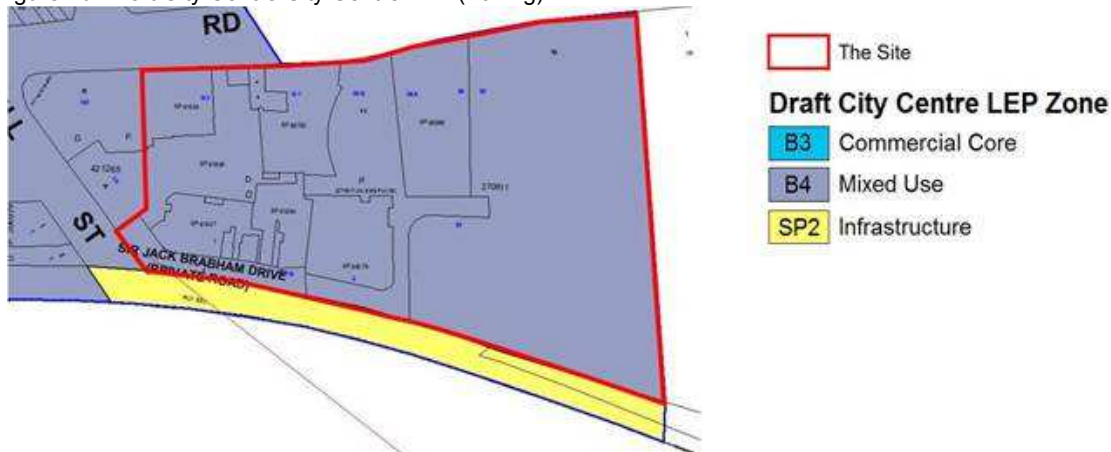


Figure 2c: Planning Proposal Request (Zoning) – no change to draft City Centre LEP





Figure 3a: Existing Height of Buildings - DCP No. 2



Figure 3b: Draft City Centre LEP 2014 (Height of Buildings)

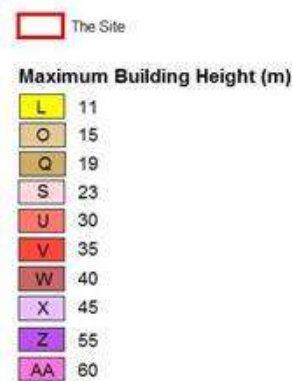
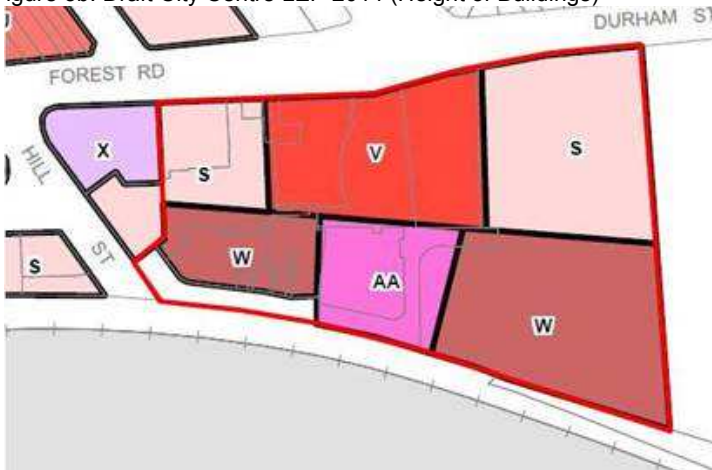


Figure 3c: Planning Proposal Request (Height of Buildings)

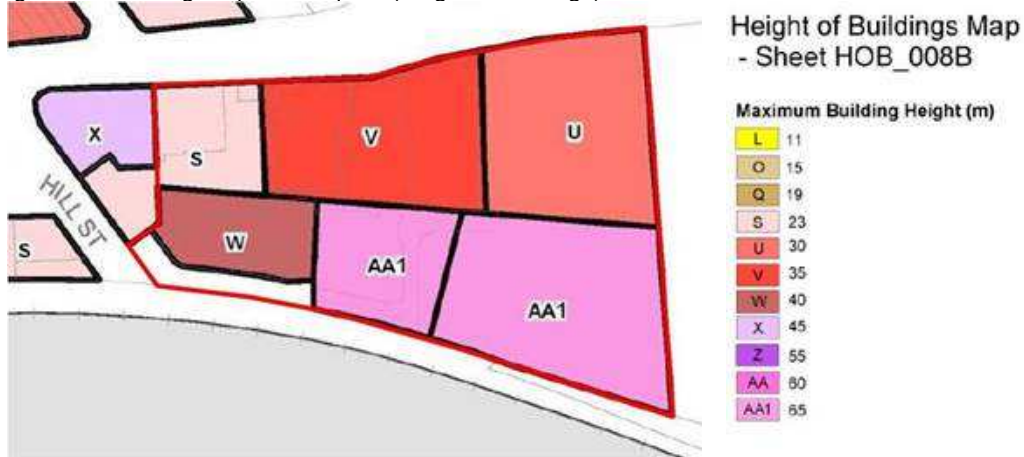


Figure 4a: Existing Floor Space Ratio - DCP No. 2



Figure 4b: Draft City Centre LEP (Floor Space Ratio)

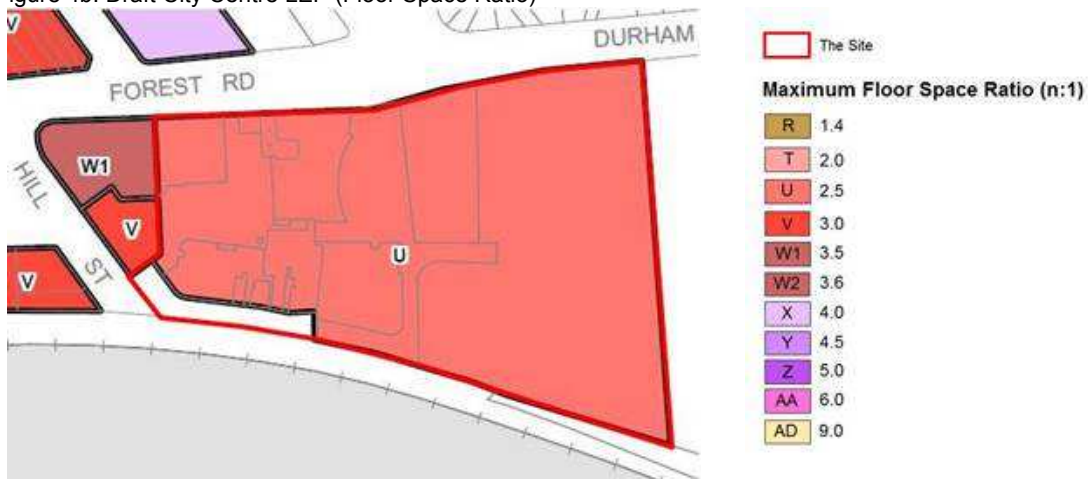


Figure 4c: Planning Proposal Request (Floor Space Ratio)



Table 2: Comparison of existing / draft City Centre LEP / Planning Proposal Request (as shown in Figures 2, 3 and 4)

Zone	Existing DCP2/draft City Centre LEP	Planning Proposal
	3(b) City Centre Business/ B4 Mixed use	B4 Mixed Use (no change to draft LEP)
Height of Buildings	23m - Building F (Stage 3) 40m - Building X (Stage 3) 60m - Building E (Stage 2)	30m - Building F (Stage 3) 65m - Building X (Stage 3) 65m - Building E (Stage 2)
FSR	2.5:1	3.5:1

DESCRIPTION OF PLANNING PROPOSAL

The Planning Proposal seeks amendments to the draft City Centre LEP as follows:

- Amend the Height of Buildings Map for the Site from:
 - 23 metres to 30 metres for a portion of the Site (Building E), allowing approximately 8 storeys;
 - 40 metres to 65 metres (Building F), allowing approximately 20 storeys and
 - 60 metres to 65 metres (Building E).
- Amend the FSR Map for the Site from 2.5:1 to 3.5:1.

Refer Figure 5 below which shows the location of buildings on the Site.

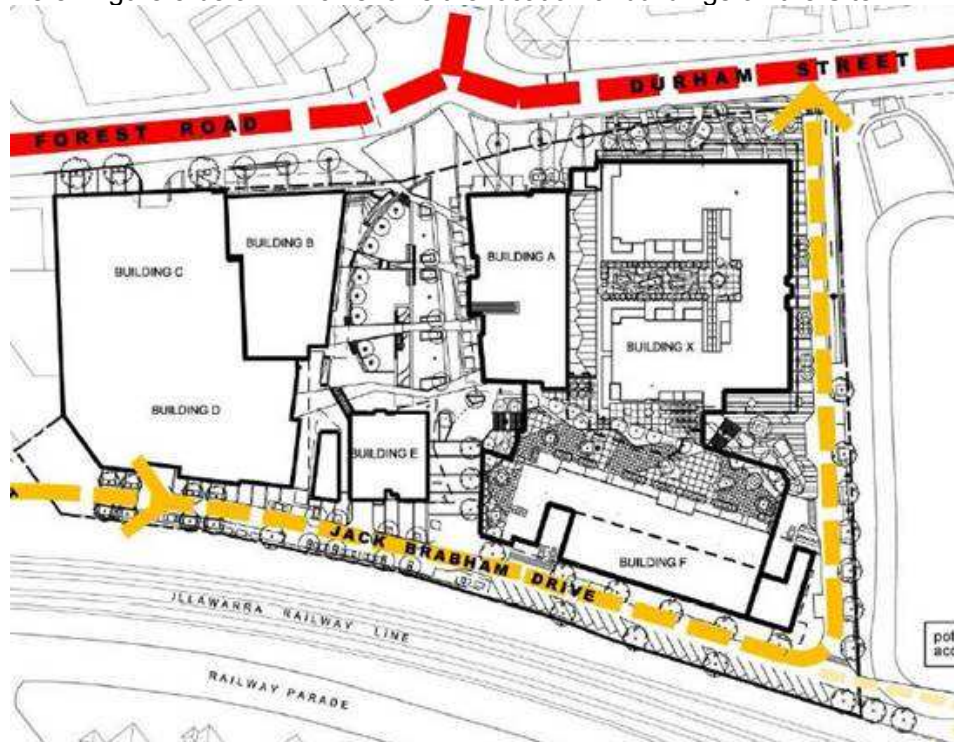


Figure 5: Planning Proposal Building Location Plan (DEM, 2014)

Building E is located in the centre of the Site on the southern side. The building has been built to 19 storeys and approximately 63m in height. The Planning Proposal is seeking to formalise the height that has already been approved for the building as part of Stage 2 for the East Quarter development.

As a result of the Planning Proposal, the overall East Quarter Development (inclusive of all 3 stages) would provide potentially 850 residential units and approximately 7356.9 m² of retail floor space. This Planning Proposal for Stage 3 includes potentially 102 additional residential units and over 4600 m² of additional retail floor space, from what was approved under the 2011 Development Approval for the Site (11/DA-21).

The proposal does not request any change to the B4 Mixed Use zoning for the Site under the draft City Centre LEP.

The Planning Proposal outlines *“The objective of this Planning Proposal is to amend the planning controls for the subject Site which will allow for its development to a maximum FSR of 3.5:1 and to a maximum height of 65m for Building F and 30m for Building X.*

A key outcome resulting from the development of the Site, as set out in the attached urban design report, will be the reconfiguration of vehicular links and parking arrangements around the Site to enable more effective retail ‘activation’ and to create a functional central courtyard area to the north of Building F.”

The Planning Proposal notes that *“It is well established that Hurstville is a key centre in Sydney and one of several localities that much help deliver the significant housing density required to accommodate Sydney’s growing population and also improve affordability. It is therefore considered appropriate that the development potential on this Site be maximised having regard to the future character of the area. Obviously it is accepted that this potential must not go beyond the point where unacceptable impacts may arise.*

Well-placed density provides an opportunity for community benefit with the creation of significant through Site connections as well as pedestrian and possible future connections to the adjoining park and Allawah Station.”

The Planning Proposal does not include a detailed design for the final development but indicative concepts, drawings and building envelopes illustrating future development for the Site. These are included in **Appendix 1**.



Figure 6: Planning Proposal Building Envelope – Eastern Elevations (DEM, 2014)



Figure 6: Planning Proposal Building Envelope – Southern Elevations (DEM, 2014)

As part of the planning proposal the applicant has identified that an existing Voluntary Planning Agreement exists for the whole of the East Quarter Site *“however it may be appropriate that an amended VPA and Statement of Offer for Stage 3 be explored with one of the issues foreshadowed being pedestrian and cycle links to Allawah Station. Another issue also relates to the interface treatment and ‘battering’ adjoining Kempt Field.”*

Planning Proposal Documentation

The Planning Proposal submitted to Council on 19 September 2014 was supported by the following documents which are attached to this report.

Appendix 1: Planning Proposal Submission, September 2014 (ddc urban planning). This includes:

- Planning Proposal Report
- Urban Design Report (DEM)
- Expert Opinion/Peer Review of Urban Design Report (Steve King Consultant)
- Expert Opinion Verification – Overshadowing Compliance (Steve King Consultant)
- Expert Opinion Verification – SEPP65 Compliance – Solar Access & Natural Ventilation (Steve King Consultant);
- Site Contamination Review (JBS&G)
- Preliminary Traffic and Parking Review Traffic Statement (GTA Consultants)
- Photographic Examination (ddc urban planning)

Appendix 2: Submission to draft City Centre LEP, 14 August 2014.

ASSESSMENT OF PLANNING PROPOSAL

The Planning Proposal has been assessed under the relevant sections of the Environmental Planning and Assessment Act 1979 and Regulation, *“A guide to preparing planning proposals”* (October 2012) and *“A guide to preparing local environmental plans”* (April 2013) prepared by the then Department of Planning and Infrastructure.

The assessment includes a review of the strategic planning framework and a site-specific assessment as listed below:

1. Hurstville City Centre Concept Masterplan 2004
2. City Centre Background Studies
3. Hurstville Local Environmental Plan 1994
4. Development Control Plan No. 2 – Hurstville City Centre
5. Draft Hurstville Local Environmental Plan (Hurstville City Centre) 2014 and draft DCP 2 (2014)
6. Legal Advice on Planning Proposals in the City Centre
7. Metropolitan Plan for Sydney to 2036
8. A Plan for Growing Sydney 2014
9. South Subregion – Draft Subregional Strategy (November 2007)
10. State Environmental Planning Policies

11. Ministerial Section 117 Directions
12. Traffic, Infrastructure and Access Issues (including the Transport Management and Accessibility Plan (TMAP 2013))
13. Environmental Impacts
14. Social & Economic Impacts
15. Services and Infrastructure
16. Other Matters – Existing Voluntary Planning Agreement

1. Hurstville City Centre Concept Masterplan 2004

Council in collaboration with the NSW Government Architect Chris Johnson developed a Concept Master Plan for Hurstville City Centre, which was adopted in 2004. This Concept Master Plan includes a 10-point strategy to improve the public infrastructure and amenity in Hurstville City Centre. The Masterplan divides the City Centre into six precincts, each having unique characteristics. The Site is located within the Eastern Bookend precinct and forms the eastern gateway to the City.

2. City Centre Background Studies

The Masterplan 2004 recommended that Council should undertake subsequent investigations and studies to further develop and implement the Masterplan principles and inform the preparation of the draft City Centre LEP. Council undertook these background studies in 2007. They include:

- Hurstville City Centre Traffic Study, May 2007
- Hurstville City Centre Market Forecast Study, Sep 2007
- Hurstville City Centre Public Domain Plan, Oct 2007
- Hurstville City Centre Urban Form Study, Oct 2007
- Review of Heritage Items within Commercial Centres, Nov 2007

3. Hurstville Local Environmental Plan 1994

Currently, the Hurstville City Centre is governed by Hurstville LEP 1994 and the Site is zoned 3(b) City Centre Business. Uses permissible in this zone are similar to those permitted in B4 Mixed Use Zone under the draft City Centre LEP and are listed in the section on the draft City Centre LEP below.

Comment: Hurstville LEP 1994 is the LEP which currently applies to the land. The proposed land uses are permissible under the LEP. The LEP however provides no building height or FSR controls.

As outlined in the legal advice obtained by Council (see below), amendments to HLEP 1994 are not supported on the basis that this LEP is not consistent with the Standard Instrument LEP and does not include development standards for building height and FSR. The height and FSR controls are contained in *DCP No. 2*. Council has resolved to adopt the draft City Centre LEP and it is intended to replace HLEP 1994.

In addition, the proposed development would not be consistent with one of the objectives of this zone, “to improve traffic flow in and around the Hurstville Town Centre”. This is addressed further under Traffic Issues.

4. Development Control Plan No. 2 – Hurstville City Centre

The development controls for all land within the City Centre are currently contained within *DCP No. 2* until such time as the draft City Centre LEP is made. On 1 August 2012, Council incorporated the adopted draft City Centre LEP Maps into DCP No. 2. These included the Height of Buildings, Floor Space Ratio and Active Street Frontages maps.

The Sites’ maximum building height currently ranges from 23 metres to 60 metres and maximum FSR is 2.5:1.

Prior to this DCP, the planning controls were contained within the Hurstville Town Centre DCP No.4, the Site was known as Block 27B and had a building height of 4 storeys across the whole Site and an FSR of 1:1. It should be noted that the DCP indicated that the FSR was to be negotiated depending on use.

Comment: The Planning Proposal is not consistent with the building height and FSR controls in DCP No. 2.

5. Draft Hurstville LEP (Hurstville City Centre) 2014 (draft City Centre LEP 2014) and draft DCP 2 (2014)

The Site is zoned B4 Mixed Use under the draft City Centre LEP 2014. The objectives of the zone are to

provide a mixture of compatible land uses and to allow for residential development in the Hurstville City Centre while maintaining active retail, business or other non-residential uses at street level.

The maximum building height ranges from 23m to 60m and the maximum FSR is 2.5:1.

Permissible uses under this zone include: *“Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi Dwelling Housing; Passenger transport facilities; Places of Public Worship; Recreation Areas; Recreation facilities (indoor); Registered clubs; Residential Flat Buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Service Stations; Shop top housing; Signage; Tourist and visitor accommodation”*.

Comment: The uses proposed in the Planning Proposal, i.e. Retail use and Shop top housing are permissible under the current and draft City Centre LEP zones.

The Planning Proposal requests to amend the FSR for the Site from 2.5:1 to 3.5:1.

In the adopted draft City Centre LEP, it is noted that the total floor space for the City Centre remains higher than the recommended floor space under the Transport Management and Accessibility Plan land use Scenario 5 (refer to details in S117 table below). Therefore any further increases to the floor space under the draft City Centre LEP would have implications on the traffic and infrastructure for the City Centre.

Status of draft City Centre LEP and draft DCP 2

On 17 September 2014, Council adopted the draft City Centre LEP and on 1 October 2014 forwarded the draft LEP to NSW Department of Planning and Environment for finalisation.

Council also resolved to approve the draft DCP No. 2 at this meeting. The draft DCP No. 2 will become effective when the LEP is made by the Minister for Planning.

Integrated Approach on Planning Proposals

On 17 September 2014, Council resolved to consult with the Department of Planning and Environment to achieve an integrated approach for reviewing future Planning Proposals lodged for sites in the Hurstville City Centre.

Council has sought direction from the Department on this issue. The Planning Proposal should not be considered in isolation of other planning proposals in the City Centre. It is important that the cumulative impact of the proposals be assessed in relation to the TMAP recommendations, the effect on floor space and potential impacts on traffic and other infrastructure within the City Centre.

6. Legal Advice on Planning Proposals in the City Centre

Legal advice was obtained in October 2014 in relation to the lodgement of planning proposals in the City Centre that requested to amend the development controls in the draft City Centre LEP recently adopted by Council. In summary, the legal advice did not provide support for these planning proposals for the following reasons:

1. The Planning Proposals are considered premature insofar as they seek to amend the draft City Centre LEP, which has not yet been made and the terms of which are not yet known.
2. The proposed amendments to the draft planning controls are the same as those presented in submissions to Council on the exhibited draft City Centre LEP. These amendments were not supported by Council at its meeting of 17 September 2014. Council officers do not consider that there is any reason why Council would come to a different view in relation to the Planning Proposals.
3. Any amendments to HLEP 94 are not supported on the basis that this LEP is not consistent with the Standard Instrument LEP and does not include development standards for building height and FSR. The height and FSR controls are contained in the DCP No. 2 – Hurstville City Centre. Council has resolved to adopt the draft City Centre LEP and it is intended to replace HLEP 1994.

Comment: Based on the legal advice, the Planning Proposal is not supported.

7. Metropolitan Strategy for Sydney to 2036

The Metropolitan Plan vision notes that by 2036, Sydney will be a more compact, networked city with improved accessibility, capable of supporting more jobs, homes and lifestyle opportunities within the existing urban footprint.

The Metropolitan Plan has a number of objectives and actions relating to residential and employment lands. The Planning Proposal includes some of the relevant objectives and actions:

- *Plan for centres to grow and change over time (Action B1.1).*
- *Aim to locate at least 80% of all new housing within the walking catchments of existing and planned centres of all sizes with good public transport (Action B1.3).*
- *Plan for urban renewal in identified centres (Action B3.2)*
- *Locate at least 70% of new housing within existing urban areas (Action D1.1)*
- *Ensure an adequate supply of retail, office space and business parks (Action E2.2)*
- *Ensure all new LEPs provide for a broad range of local employment types (Action E4.1).*

Comment: The draft City Centre LEP includes two major zones, B4 Mixed Use and B3 Commercial Core which meet the Metropolitan Plan objectives relating to planning for growth of centres and location of residential development yet still providing for a broad range of employment types as well. A wide range of housing types are permitted in the Hurstville City Centre in the B4 Mixed Use zone. This includes dual occupancies, multiple dwelling housing, shop top housing, seniors housing and residential flat buildings. It is anticipated that a significant amount of residential development will be accommodated through to 2036 if the draft City Centre LEP is made.

The Planning Proposal seeks to increase the height and floor space ratio controls applying to the Site. This is not consistent with the draft City Centre LEP and adopted TMAP recommendations which provide a total 'sustainable' floor space for the City Centre. Refer to comments on integrating land use and transport planning in the Section 117 table below.

8. A Plan for Growing Sydney 2014

The recently released *A Plan for Growing Sydney* classifies Hurstville as a 'Strategic Centre' and recognises that the State Government needs to work with Council to:

- Retain a commercial core in Hurstville, as required, for long-term employment growth; and
- Provide capacity for additional mixed-use development in Hurstville including offices, retail, services and housing.

'Strategic centres' are defined as locations that currently or are planned to have least 10,000 jobs. These are priority locations for employment, retail, housing, services and mixed-uses.

Comment: Council already retains a Commercial Only Core within the City Centre as part of the 3(d) – City Centre Commercial Core Zone under HLEP 1994. The adopted floor space in the draft City Centre LEP is anticipated to cater to the provision of the additional mixed use development in Hurstville.

9. South Subregion – Draft Subregional Strategy (November 2007)

The draft South Subregional Strategy sets dwelling and employment targets for the South subregion to 2031. The dwelling target for the Hurstville LGA to 2031 is 4,100 additional new dwellings and the employment target is 3,000 additional new jobs. The Strategy identifies the Hurstville City Centre as a 'Major Centre'. The Metropolitan Plan describes a "major centre" as "the main shopping, business and civic centres for their subregions".

Comment: The draft City Centre LEP provides increased dwelling and employment capacity which will satisfy the targets set in the draft Strategy. Although the Planning Proposal is consistent with the draft Strategy, as it proposes to provide dwellings and additional employment within the Site, it results in additional floor space above and beyond that adopted in the draft City Centre LEP and TMAP for the City Centre.

It is noted that a new Subregional Plan will be prepared for the South Subregion following the release of "*A Plan for Growing Sydney*" in December last year.

10. State Environmental Planning Policies (SEPPs)

The full assessment of the Planning Proposal against all applicable SEPPs is provided in Appendix 3 and within the applicant's submission. Provided below is an assessment of the relevant SEPPs.

SEPP 65 – Design Quality of Residential Flat Development

This Policy aims to improve the design quality of residential flat development in NSW by:

- (a) *to ensure that it contributes to the sustainable development of New South Wales:*
 - (i) *by providing sustainable housing in social and environmental terms, and*
 - (ii) *by being a long-term asset to its neighbourhood, and*
 - (iii) *by achieving the urban planning policies for its regional and local contexts, and*

- (b) *to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and*
- (c) *to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and*
- (d) *to maximise amenity, safety and security for the benefit of its occupants and the wider community, and*
- (e) *to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions.*

There are ten design quality principles that need to be considered under this policy, that include Context, Scale, Built form, Density, Resource, Energy and water efficiency, Landscape, Amenity, Safety and security, Social dimensions and Housing affordability and Aesthetics.

Comment: As identified previously in this report, the Site has been the subject of a number of Development Applications over the past ten years, the most recent Development Application for the Site (DA2013/0385) relates to Stage 3 (Buildings X and F). This application was withdrawn by the applicant at the Joint Regional Planning Panel on 15 April 2014. It should be noted that although the indicative design of Building F in the current Planning Proposal has been amended by slightly lowering and stepping away from the existing adjacent Building E, the building mass and overall design of Building F can be considered similar to that which was submitted as part of DA2013/0385.

As part of the assessment of DA2013/0385, the proposal was referred to the Design Review Panel, who provided comments on all of the ten design quality principles. The Design Review Panel overall did not support the application and identified that the development did not comply with a number of provisions of the Residential Flat Design Code. One of the key concerns related to Principle 3: Built Form. It was considered that Building F (65m) was not acceptable and would result in potential negative impacts including:

- *“Compromising the landmark presence of Building E on the axis of Forest Road.*
- *Additional overshadowing particularly over the park, public domain and residential development on the south side of Railway Parade.*
- *Potential increase in wind and impacting on the amenity of public spaces.*
- *Increase demand for parking onsite reducing the potential for deep soil planting.*
- *Strong adverse visual impact particularly when seen from the South (from Kempt Field).*
- *Creating an even more dominant built form as seen from Kempt Field.”*

The Planning Proposal notes that

SEPP 65 will be required to be considered during the assessment of any future development on the Site that includes three or more storey and 4 or more dwellings.

The key findings of the Urban Design Report relating to the Site indicate that SEPP 65 Principles and rules of thumb can be readily achieved at the development stage. The separation distances and solar access principles have been considered in the conceptual design of building envelopes reflected in the Urban Design Report for this Site (Appendix 1 of this report). This has been extensively peer reviewed by consultant architect Steve King in reports attached at Appendices 2-5 of this report. The indicative unit layouts and building separations have all been significantly analysed in relation to the overall issue of amenity and compliance. Comments from the previous JRPP refusal report have also underpinned a review of the overall design. While this is a consideration at a future Part 4 assessment stage, it is considered appropriate to demonstrate that SEPP 65 is capable of being complied with as part of this request.

The concept development has unacceptable impacts in relation to the overall bulk and massing of Building F, specifically the impacts to the east (Kempt Field) and south of the Site (residential properties in the Kogarah Council LGA). It is considered that a maximum height of 65m for the overall site for Building F would result in excessive bulk and height and will relate poorly to the adjoining private open space at Kempt Field and will appear visually dominant from Railway Parade to the south.

Building E which was approved as part of Stage 2 of the East Quarter development has been identified as the landmark building for the East Quarter Site; it has been constructed to a height of approximately 63m (19 storeys). It is meant to be the focal point of the overall East Quarter development; anchoring the rest of the buildings, A, B, C, D, F & X together. It is considered that the proposed overall building height of 65m for the Site for Building F would compromise the 'landmark presence' of Building E in terms of its bulk and visual dominance. The applicant has indicated that the indicative building design for Building F

is lowered and stepped away from the existing landmark Building E, however there is still serious concern raised in relation to compromising the landmark presence of Building E.

The planning proposal is not considered to satisfy the aim of this SEPP of achieving '*better built form and aesthetics of buildings and of the streetscapes and the public spaces they define*' as the overall building height and building bulk compromises the landmark Building E and is considered unacceptable.

It is further considered that the possible adverse impacts from an overall building height of 65m for the Site for Building F, raises concern for the overshadowing of Kempt Field and also the properties on Railway Parade to the south. It is acknowledged that the applicant has submitted an overshadowing report on the 'indicative building design' of Building F, however it is still considered that the overall impacts from a proposed 65m building would result in an adverse impact on the surrounding residential properties to the south and Kempt Field. Thus it is inconsistent with the aim of the SEPP – "*to maximise amenity, safety and security for the benefit of its occupants and the wider community*"

The planning proposal is also not considered to satisfy a further the aim of this SEPP of 'ensuring that the proposed development contributes to the sustainable development....' as the potential floor space generated by the Planning Proposal controls is not consistent with the total 'sustainable' floor space for the City Centre as recommended in the *Hurstville City Centre TMAP 2013* and adopted in the draft City Centre LEP. This will have implications on the traffic and infrastructure for the City Centre.

Based on the above, the Planning Proposal is not supported.

SEPP (Infrastructure) 2007

Clause 104 – *Traffic generating development* applies to any other development having ancillary parking accommodation. These developments are to be referred to Transport for NSW.

Comment: A Preliminary Traffic and Parking Review Traffic Statement was submitted with the Planning Proposal which examined the potential traffic and parking effects relating to the East Quarter Stage 3 planning proposal. The report noted:

- that the level of additional traffic is considered acceptable in terms of overall traffic impact, however the Forest Road-Durham Street intersection would require traffic lights installed;
- It also highlighted that the expansion of the Lily Street Bridge to four lanes will dramatically improve traffic in the area.

Please refer to comments in the s.117 table below relating to integrating land use and transport.

11. Ministerial Directions (Section 117 Directions)

Appendix 4 of this report provides the checklist of Ministerial Directions within the Planning Proposal. The Directions that are relevant to the Planning Proposal are outlined below.

Section 117 – Key Objectives	Comment
Direction – 1.1 Business and Industrial Zones The objectives of this direction are: (a) <i>Encourage employment growth in suitable locations,</i> (b) <i>Protect employment land in business and industrial zones, and</i> (c) <i>Support the viability of identified strategic centres.</i>	The planning proposal states: <i>This direction directly applies to this site. In compliance with this Direction, attention is drawn to the site's nomination as a 'mixed use' in the draft LEP and the fact that the current zone is commercial.</i> <i>The increase of building heights and floor space ratios for the site is not considered to contravene this Direction.</i> Comment: The Planning proposal meets the objectives and is consistent with Direction 1.1 Business and Industrial Zones.
Direction - 2.3 Heritage Conservation The objective of this direction is to " <i>is to conserve items, areas, objects and places of</i>	The Planning Proposal states that it is "consistent" with the objectives of Direction 2.3 in that: <i>The proposal does not directly affect a heritage item although there is an item within the vicinity.</i> <i>The requested density increase is not</i>

<i>environmental heritage significance and indigenous heritage significance.”</i> A planning proposal must contain provisions that facilitate the conservation of Aboriginal and European heritage. A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning that the heritage significance is conserved by existing or draft planning instruments or the provisions of the planning proposal that are inconsistent are of minor significance.	<i>considered to have any direct impact on this item and the change in character of the development is not considered so significant that it will damage the significance of this item.</i> Comment: The East Quarter Site is located within the vicinity of two heritage items, 140-142 and 144 Forest Road as identified under the HLEP 1994. It is considered that Buildings located in Stage 3 of the East Quarter Site would be a significant distance away from these items to not result in any detrimental impacts on the existing heritage items and also the building constructed as part of Stage 1 and 2 of the East Quarter development already act as a visual buffer between the heritage items. Therefore the Planning Proposal meets the objectives and is consistent with Direction 2.3 Heritage.
Direction - 3.4 Integrating Land Use and Transport The objectives of this direction are 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 states that it is consistent with the objectives of this Direction. Comment: The Planning Proposal does not fully meet the objectives of Direction 3.4 as it is not consistent with all of the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001). Council was required to undertake a 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 s117 Direction 3.4 Integrating Land Use and Transport. The TMAP was adopted in June 2013 and recommended Land Use scenario 5 which provided a potential to develop 363,000m² additional GFA resulting in approx. 861,354m² by 2036. This meant that the FSR in the City Centre needed to be reduced. Council endeavoured to reduce the FSR in the draft City Centre LEP on specific sites that resulted in a decrease in floor space of approximately 50,000m². The draft City Centre LEP still retains a level of inconsistency with Direction 3.4 as the total GFA after the FSR reduction is approx. 1,091,000m² which is 229,646m² more than recommended in the TMAP. Although the draft City Centre LEP seeks to achieve the dwelling and employment targets as set out in the Metropolitan Plan for Sydney 2036, A Plan for Growing Sydney; Council's

	long term vision (of an emerging role of serving the South subregion and supporting future growth along key metropolitan urban renewal corridors); and address the integration of land use and transport, the draft City Centre LEP still retains a level of inconsistency with Direction 3.4 due to the higher level of GFA provided compared to the TMAP recommendations. Despite this inconsistency the TMAP provides Council with strategies for increasing the use of public transport, active transport, constraining vehicle demand, and road network improvements. Any proposal that requests greater FSR in the City Centre thus, is effectively amplifying the inconsistency with Direction 3.4. The Preliminary Traffic and Parking Review Traffic Statement that was submitted with the Planning Proposal noted that the proposed increase in density for Stage 3 is likely to result in an overall development traffic of approximately 315 vph (vehicles per hour) and 726 vph during the morning and evening peak periods respectively. This is an increase of approximately 86vph during the busiest peak period over the original approval.
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12. Traffic, Infrastructure and Access Issues

The Planning Proposal includes a Preliminary Traffic and Parking Review Traffic Statement prepared by GTA consultants. The Statement notes that the Hurstville TMAP has recommended the following works in the vicinity of the East Quarter Site:

- Upgrade of Lily Street rail overpass
- Additional peak hour traffic lanes along Forest Road between The Avenue and Lily Street, and
- Intersection upgrade at Railway Parade with Lily Street.

Key comments from the applicant's report include:

- The increase of 102 additional units and additional 4600m² of retail floor space, will be manageable in terms of street capacity however the resultant increase in morning and afternoon peak periods will require traffic lights be installed at the Durham Street – Forest Road intersection.
- It is also highlighted that the expansion of the Lily Street Bridge to four lanes will dramatically improve traffic in the area.
- That the proposed increase in density for Stage 3 is likely to result in an overall development traffic of approximately 315 vph (vehicles per hour) and 726 vph during the morning and evening peak periods respectively. This is an increase of approximately 86vph during the busiest peak period over the original approval.
- The traffic report notes a likely reduction in visitor parking to 1 per 6 as done elsewhere and suggests that this has merit in the context. While this is a DA matter it is important to understand this as a potential impact of greater density. The Site's unique proximity to two train stations renders it suitable for a slightly reduced parking requirement if Council were favourable to the overall proposal.

Comment: Please refer to comments on integrating land use and transport planning in the S117 table above.

It should be noted that the applicant has submitted a Traffic Statement not a full traffic study. Concern is raised over the impact of not only the increase residential density but also the full sized supermarket (approximately 3600m²) proposed within the 4600m² of additional retail space. A detailed Traffic Study should be provided should this planning proposal be supported.

13. Environmental Impacts

The Planning Proposal does not have major identifiable environmental impacts. The existing Site is cleared of all trees and vegetation and no environmentally sensitive areas, critical habitat or threatened species in its vicinity. There are no landslip or bushfire issues known.

Land Contamination

In relation to compliance with SEPP 55 – Remediation of Land, the Planning Proposal notes:

The Site is well known to be contaminated. Remediation is required prior to construction of any residential and retail building on this Site. This request for additional density makes no difference to the contamination issue on the Site... Given the existing DA process underway, no additional report is required on this matter.

The applicants Contamination Report prepared by JBS&G is included in **Appendix 1**.

Overshadowing

The planning proposal includes an Urban Design Report that has been peer reviewed by architect, Steve King, the “Expert Opinion Verification – Overshadowing Compliance” report is included in Appendix 1. Steve King’s primary conclusion is:

The proposed concept for Building F conforms with my recommendations by a combination of stepped floors and amended building plot compared to the previous DA approved scheme. A detailed analysis of the digital model to 5 minute accuracy confirms that the proposed concept envelope achieves a complying quantum of preserved winter sun to all the relevant properties that are impacted by overshadowing from the building in the East Quarter Site. In my considered opinion, overshadowing should not be determinative in adopting the proposed concept envelope for Building F.

Health, Acoustic and Vibration Impacts

The following comment is provided as part of the planning proposal by the applicant:

Railway noise has already been considered as part of the overall zoning and consideration of the dwellings approved on the overall Site previously. The additional units would be higher still and less subject to noise impacts. This can be further considered at the DA stage if required.

Comment: The Planning Proposal addresses a variety of environmental effects that might occur from the floor space ratio and building height increase; which includes land contamination, overshadowing and health, acoustic and vibration impacts. The applicant identifies that there will be no adverse environmental effects as a result of this proposal. However concern is raised in relation to the possible overshadowing and solar access impacts as a result of Building F on the surrounding residential uses to the South along Railway Parade.

14. Social and Economic Impacts

The Planning Proposal includes a net community benefit and notes that the community benefits include

- *An enhanced mixed use development in proximity to Allawah and Hurstville Railway Stations that promotes a highly sustainable urban form that provides people of all ages and incomes with improved access to transportation and housing choices;*
- *The development of the site allows for significant activation of the buildings along the railway line;*
- *The development allows for enhanced public access possibilities along the rail corridor to Kempt Field and Allawah Station;*
- *Improved demand for public transport resulting in increased patronage and services;*
- *The development will improve affordability by increase housing supply;*
- *The proposal will provide additional jobs and local investment during and after the construction phase.*

In relation to specifically addressing any social and economic effects the planning proposal states:

This site is already being established as a higher density precinct and additional height such as that requested will not have a significant negative impact socially or economically.

Comment: The applicant fails to address how this proposal will impact on existing social infrastructure such as schools. Whilst it is acknowledged that the addition of 102 residential units would not be an excessive increase in population numbers, it is still considered relevant to address the possible impacts on the existing social infrastructure considering there is already an identified high demand on the

surrounding schools. Further details in relation to the possible social impacts should be provided should this Planning Proposal be supported.

The applicant also fails to address how this Planning Proposal which proposes an additional 4600m² of retail floor space will impact on surrounding retail uses/centres within the Hurstville City Centre. The applicant has indicated that a full scale supermarket is likely to be contained within 3600m² of the 4600m² of additional retail floor space however no economic feasibility investigations have been undertaken. Further details in relation to the economic impacts on the surrounding existing retail uses/centres of Hurstville City Centre should be provided, should this Planning Proposal be supported.

15. Services and Infrastructure

The Planning Proposal indicates that the Site can be connected to available utilities and services. It does not analyse whether sewerage, water, stormwater and gas infrastructure would need to be upgraded if the Site is redeveloped. Further consultation with the relevant Authorities would be required if the Planning Proposal is supported and progressed. It should be noted that as this Site does contain a Development Approval for a smaller sized development it would be considered that services and infrastructure should be satisfactorily provided.

16. Other Matters – Existing Voluntary Planning Agreement

As indicated previously, the applicant has identified that an amended VPA for the East Quarter Site and Statement of Offer for Stage 3 should be explored. The possible issues foreshadowed include:

- pedestrian and cycle links to Allawah Station,
- the interface treatment and 'battering' adjoining Kempt Field.

Comment: A Voluntary Planning Agreement (VPA) for the East Quarter Site was executed on 13 December 2011. The VPA required the developer of the Site to provide: landscaping and associated works outside the Site and at Kempt Field; monetary contribution to Hurstville Public School and provide public access to plaza spaces and landscaped park areas within the development site. The total value of the works and contributions made under the executed VPA was \$935,198.25.

No further details on the amended VPA or the Statement of Offer for Stage 3 are provided by the applicant as part of this Planning Proposal.

Should Council decide to support this Planning Proposal, further discussion and negotiations would be required in accordance with Council's Policy for Voluntary Planning Agreements (2006).

SUMMARY OF ASSESSMENT

In summary the Planning Proposal to amend the height and FSR controls for 93 Forest Road, Hurstville (East Quarter Site) is not supported. The key reasons include:

1. The Planning Proposal requests to amend the draft City Centre LEP, which was recently adopted by Council, but has not been made by the Minister for Planning and the terms of which are not known yet. The proposal is premature as it seeks to amend a draft LEP.
2. The proposed building height and floor space ratio under the Planning Proposal exceed those recently adopted for the Site under the draft City Centre LEP.
3. The proposed building height and floor space ratio are the same as those presented in the submission to Council on the exhibited draft City Centre LEP. These amendments were not supported by Council at its meeting of 17 September 2014.
4. The proposed building height and floor space ratio under the Planning Proposal exceed the existing controls for the Site under Development Control Plan No.2 – Hurstville City Centre.
5. An amendment to Hurstville LEP 1994 which currently applies to the Site is not supported on the basis that this LEP is not consistent with the Standard Instrument LEP and does not include development standards for building height and FSR. The height and FSR controls are contained in the Development Control Plan No.2 – Hurstville City Centre.
6. The Planning Proposal will result in an increase in the total floor space in the draft City Centre LEP and will be inconsistent with the Hurstville City Centre Transport Management and Accessibility Plan (TMAP) Report 2013 adopted recommendations for floor space in the City Centre. This will result in potential impacts on traffic and infrastructure within the City Centre.
7. The Planning Proposal is not consistent with a number of aims and objectives of the State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development as the proposed building height of 65m (Building F) would result in an unacceptable overall building height and bulk and compromise the presence of the landmark Building E on the Site.
8. The Planning Proposal is not consistent with all of the objectives of Section 117 Direction 3.4

Integrating Land Use and Transport.

9. The Planning Proposal should not be considered in isolation as Council has received other Planning Proposals in the Hurstville City Centre seeking increases to the development controls. The impact of increasing the development controls on sites across the City Centre is unknown. An integrated approach should therefore be undertaken for reviewing all future and undetermined Planning Proposals for sites within the City Centre.
10. A precedent would be set if the Planning Proposal was supported.

It is recommended that Council undertake an integrated approach for reviewing planning proposals requesting amendments to height and floor space ratio controls within the City Centre, in consultation with the Department of Planning and Environment. Any future planning proposals seeking amendments to the height and/or floor space ratio controls under the draft City Centre LEP 2014 should have regard to the cumulative impact of increases to planning controls in the context of the TMAP recommendations and urban design outcomes for the Hurstville City Centre.

NEXT STEPS

Pre-Gateway Review

If Council resolves to adopt the recommendation in this report not to support the Planning Proposal, the applicant has the opportunity to request a pre-Gateway review by the Department of Planning and Environment. The applicant has 40 days from the date of notification of Council's decision to request a review.

The Department will notify Council of an applicant's request for review if it is confirmed to be eligible and complete. The Council will have 21 days to provide a response in relation to why the original request to Council was not supported. The Department will review the proposal and the Director General will make the final decision whether the proposal proceeds to Gateway or not.

If Council Supports Planning Proposal

If Council supports the Planning Proposal it would be necessary for Council to provide the reasons and justification for supporting the Planning Proposal. Also the applicant should be requested to:

- Consolidate all the documents submitted for the Planning Proposal into one Planning Proposal document to assist in the assessment and exhibition of the proposal;
- Undertake an economic feasibility study for the proposed retail floor space to investigate possible economic impacts on existing retail centres in the Hurstville City Centre;
- Provide further details in relation to the possible social impacts on existing social infrastructure;
- Undertake a Traffic Study for the proposal which includes modelling of key intersections and considers the findings and recommendations of the Hurstville City Centre TMAP (June 2013);
- Commence discussions and negotiations in accordance with Council's Policy for Voluntary Planning Agreements for amendments to the existing VPA; and
- Submit any additional information required by Council.

Council would then forward the Planning Proposal to the Department of Planning and Environment for Gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

With regard to public exhibition, if the Gateway is issued by the Department, it will specify the community consultation that must be undertaken on the Planning Proposal.

Timeframes

The Planning Proposal includes an indicative project timeline which provides the projected times for each stage of the local environmental plan process. It is noted that these timeframes would need to be revised whether Council resolves to support or defer the Planning Proposal.

[View appendices related to Planning Proposal for East Quarter 93 Forest Road, Hurstville \(Stage 3\)](#)

[View video relating to Planning Proposal for East Quarter 93 Forest Road, Hurstville \(Stage 3\) – from Forest Rd](#)

[View video relating to Planning Proposal for East Quarter 93 Forest Road, Hurstville \(Stage 3\) – from Kempt Field](#)

[View video relating to Planning Proposal for East Quarter 93 Forest Road, Hurstville \(Stage 3\) – from](#)

[Railway Parade](#)

APPENDICES

Appendix [View](#)¹

Company Extract - East Quarter Hurstville Pty Ltd (Confidential)

CCL565-15 Planning proposal request - East Quarter 93 Forest Rd Hurstville - Stage 3 (14/1496)

(Report by Strategic Planner, Ms L McMahon)

Prior to the matter being considered, the following Speakers addressed Council:

- *Mr Tim Stewart (in favour of the application's approval)*
- *Mr Rudi Valla (in favour of the application's approval)*

Minute No. 157

RESOLVED THAT Council:

- Support the Planning Proposal request for 93 Forest Road, Hurstville to amend the height and floor space ratio controls under the Draft Hurstville Local Environmental Plan (Hurstville City Centre) 2014 as outlined in the report.
- Request the applicant to consolidate all the documents submitted for the Planning Proposal into one Planning Proposal document to assist in processing the proposal.
- Forward the Planning Proposal to the Department of Planning and Environment for Gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

(Moved Councillor P Sansom / Councillor R Kastanias)

For: His Worship the Mayor, Councillor C Hindi, Councillor P Sansom, Councillor C Wu, Councillor V Badalati, Councillor C Drane, Councillor R Kastanias, Councillor N Liu

Against: Councillor J Jacovou, Councillor J Mining, Councillor B Thomas

It was noted that Councillor B Thomas left the Chambers at 9.22pm.

It was noted that His Worship the Mayor, Councillor C Hindi called a short recess at 9.22pm.

The Council Meeting resumed at 9.27pm with all Councillors present except Councillor C Wu.

Councillor Wu returned to the Chamber at 9.28pm