

Planning Proposal

On behalf of 93 Forest Road, Hurstville

East Quarter - Hurstville

May 2015

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EXECUTIVE SUMMARY

This Planning Proposal seeks an increase in the height and floor space ratio controls for the site at 93 Forest Road, Hurstville known as East Quarter (the Site). Stages 1 and 2 of the East Quarter development have now been completed and strata subdivision has taken place. In practical terms this amendment will allow Stage 3 to be increased in capacity with Buildings X and F to be increased in height.

A comprehensive Urban Design Study prepared by DEM is attached to this Proposal and examines the site's capacity in terms of urban design, roads and land-use, relationship to Kempt Field, proposed building heights, juxtaposition with other buildings on site and overshadowing impacts. This report provides foundational support for the revised planning controls being requested. A peer review of the Urban Design Report as well as overshadowing impacts and State Environmental Planning Policy No.65 (SEPP 65) compliance has been prepared by Steve King, architect and University of New South Wales academic.

The Opportunity:

- Modest increase in density for an established site already earmarked for significant density.
- Additional housing provided within an established centre and close to transport.
- No increase in urban footprint.

Significant sites earmarked for higher density should be carefully examined in terms of their absolute capability to maximise yield. Town centres in a growing city like Sydney cannot afford to have high density sites which fail to achieve their maximum potential. Sydney has an enormous growth responsibility and the major centres must accommodate growth of a scale that it hasn't had previously.

It is well established that Hurstville is a key centre in Sydney and one of several localities that must 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. Council's and the Joint Regional Planning Panel's (JRPP) previous concerns pertaining to a withdrawn development application have underpinned this examination. Indeed, a detailed overshadowing analysis has been prepared and peer reviewed to ensure a high level of rigour and professional accountability underpins this request.

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 Site's Capability:

It is concluded that the thorough examination of Stage 3 of the East Quarter development demonstrates the site's capability to accommodate an FSR of approximately 3.2:1 for the overall site and a maximum height of approximately 60m – 65m as modelled in proposed Building F in the attached Urban Design Study prepared by DEM (Appendix 1).

Note: This proposal, if approved, would result in an FSR of 2.92:1 for the Stage 3 area on its own.

Having carried out this thorough analysis of the site, this Planning Proposal requests a variation in the primary planning controls for the site which will increase the Floor Space Ratio to 3.5:1 and Building Height to 65m.

The attached Urban Design Study provides a significant examination of the site's capability having regard to the overall character of existing building forms on the site and the known policy objectives for the precinct. Previous JRPP comments have assisted in focussing the interrogation of the performance of the building forms on this site. The investigation has proven the following:

- A building form is possible on this site that will enhance the public domain areas and enable significant courtyard areas above proposed parking and loading areas. This will activate more open space areas and help reduce noise from parking and circulation areas.
- The site is capable of allowing an attractive building of significant bulk and scale which is well modulated and articulated and maintains the character of the precinct.
- The building form modelled is capable of complying with the controls outlined in SEPP 65 and in particular solar access and ventilation.
- The buildings on the site are capable of allowing for additional, functional roof terraces.
- A significant building is possible on the site which does not overshadow Kempt Field.
- Building forms on site of the scale examined are possible while still allowing 3 hours of sunlight to residential properties on the southern side of the railway line (this is supported by a peer review document).
- The site is capable of providing a high level of retail activation and the creation of a number of public/ common courtyard areas.
- Appropriate building designs are able to allow for new through site links and well-located entries which enhance safety and legibility.
- The site is capable of accommodating major development such as the one examined, while maintaining the safe and logical juxtaposition between pedestrians and motor vehicles.
- Well-designed buildings and courtyard connections can create desirable through site linkages to Durham Street and Jack Brabham Drive.
- Commercial floor plates are possible which provide for a high degree of flexibility for future uses.
- The site is capable of accommodating height and density in line with those requested while meeting the objectives of the Development Control Plan (DCP) and the Local Environmental Plan (LEP).
- The building forms modelled are capable of displaying genuine design excellence and being attractive, icon buildings at the eastern end of Hurstville Town Centre.

The assessment carried out by DEM as part of this Urban Design Report has also been the subject of a significant peer review process to validate the conclusions being made. The details of this peer review process are as follows:

- Expert Opinion Peer Review: Urban Design Report (Steve King) **Appendix 2**
- Expert Opinion Verification – Overshadowing Compliance (Steve King) **Appendix 3**
- Expert Opinion SEPP 65 Compliance – Building F (Steve King) **Appendix 4**
- Expert Opinion SEPP 65 Compliance – Building X (Steve King) **Appendix 5**

Traffic is also an issue which requires careful consideration. This has been examined as part of this planning proposal and it is contended that the proposal can proceed on this basis.

It must also be understood that traffic will also be dramatically improved in the locality once the Lily Street Bridge is upgraded to four lanes.

Planning Context:

Technically, the desired outcomes can be achieved via an amendment to Hurstville DCP No.2 – Hurstville City Centre or even just a Development Application for the desired buildings. It is however considered that the most appropriate way to progress this matter is to apply the full rigour of a Planning Proposal and work towards a DA within an established policy framework. This acknowledges the imminence of the City Centre LEP 2014 and also the previous concerns about the 2013 DA that was withdrawn.

This means an amendment to the height and floor space ratio controls will be required to the Hurstville LEP 2012 which is to include the provisions that were proposed within draft Hurstville LEP (Hurstville City Centre) 2014 (Draft City Centre LEP).

Significant changes to zoning or site controls are to be prepared and considered in accordance with the provisions of section 55 of the Environmental Planning and Assessment Act 1979 and *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

This Planning Proposal examines the potential impacts of this proposal in “*Section C – Environmental, social and economic impact.*” All other required considerations such as SEPPs, Ministerial Directions and the like are also discussed.

The need for Housing:

The State Government’s Metropolitan Development Program (MDP) provides clear monitoring of existing dwelling creation and maps the need for new dwellings. The key points supporting housing need are highlighted below:

- By 2031 Sydney will have 1.3 Million new residents which will require 545,000 new dwellings.
- Sydney needs to create 30,277 new homes each and every year to meet target.
- In March 2013 the State Government released an extensive housing strategy with urban activation precincts and a mix of significant sites and green-field development initiatives. This program identified 172,000 potential new sites which will be developed progressively. This is only 31% of the total housing requirement and represents 9,555 dwellings per year, if measured until 2031.
- Housing Data from 2008/09 – 2012/13 shows that the entire Sydney Region released 79,549 new homes. This represents an average of 15,909 dwellings per year in total.
- Sydney’s average growth (15,909) plus the recent release strategy (9,555) equals 25,464 new dwellings per annum. This is still well short of the 30,000+ new homes required each year.

Significant new opportunities must be taken and this proposed site at Hurstville represents a developing site that is well located to transport, a major centre, local amenities as well as provides an opportunity for significant through site connections to the park, Hurstville Station and Allawah Station.

Council Resolution

On 19 September 2014 Council received a Planning Proposal to increase the height and floor space ratio controls for 93 Forest Road, Hurstville, known as the East Quarter Site.

Council at its meeting of 18 March 2015 considered the submitted Planning Proposal and it was 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.*

- ii. Request the applicant to consolidate all the documents submitted for the Planning Proposal into one Planning Proposal document to assist in processing the proposal.*
- iii. 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.*

As resolved by Council the Planning Proposal is now being submitted to the Department of Planning and Environment (the Department).

Status of draft City Centre LEP and draft DCP 2

On 17 September 2014, Council adopted the draft Hurstville Local Environmental Plan 2014 (draft City Centre LEP) and on 1 October 2014 forwarded the draft LEP to the Department 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.

The Department is now progressing the draft City Centre LEP as Amendment No. 3 to Hurstville LEP 2012. This means that there will be one comprehensive LEP applicable to the whole Hurstville LGA. If the subject Planning Proposal receives a Gateway determination to proceed, it will be progressed as an amendment to Hurstville LEP 2012.

PART 1 INTENDED OUTCOMES

The objective of this Planning Proposal is to amend the Hurstville LEP 2012 to allow for a maximum FSR of 3.5:1 for the entire site and to allow a maximum height of 65m for Building F and 30m for Building X only.

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 Subject Site:

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 13,927m².

Stage	Legal Description	Current Land Use
Stage 1	SP 81836	Mixed Use Development
	SP 81837	Mixed Use Development
	SP 81834	Mixed Use Development
Stage 2	Lot 6 DP 270611	Mixed Use Development
	Pt Lot 10 DP 270611	Mixed Use Development
	Lot 11 DP 270611	Mixed Use Development
	SP 88750	Mixed Use Development
	SP 88986	Mixed Use Development
	SP 89079	Mixed Use Development
Stage 3	Pt Lot 10 DP 270611	Vacant

A site identification plan is shown below in Figure 1 and an aerial of the site is provided at Figure 2. The specific buildings proposed to have an increase in height are contained within the Stage 3 area:

Figure 1 – Site Identification Plan

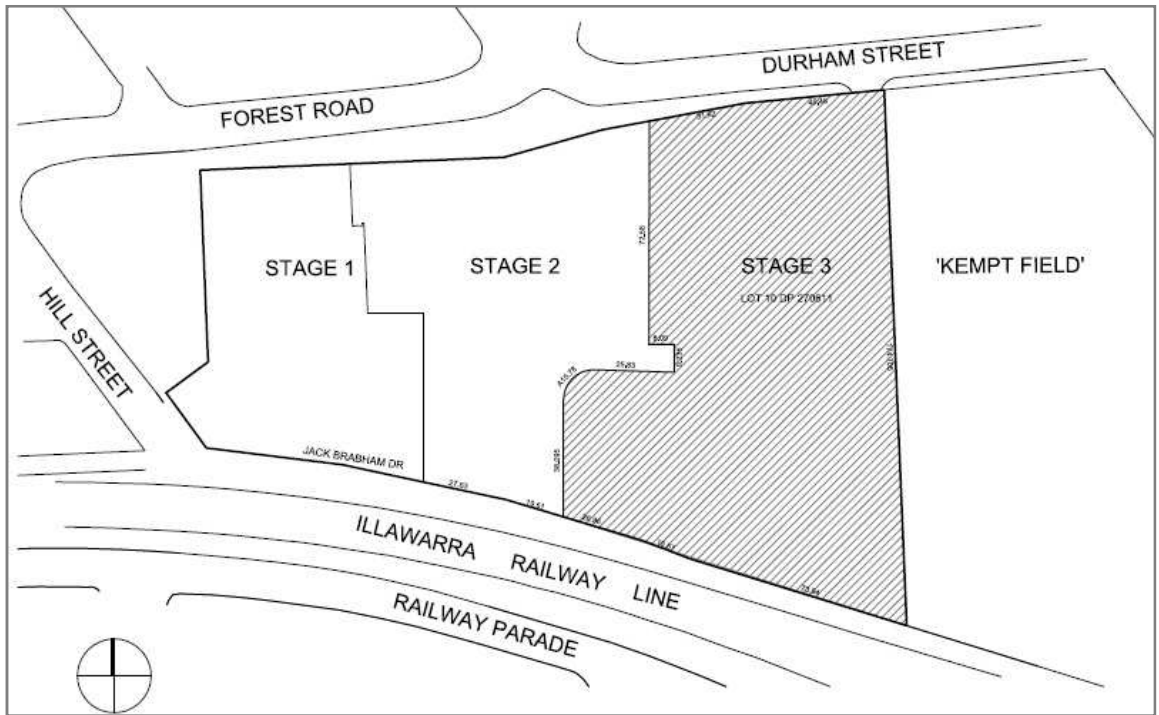


Figure 2 – Site Aerial



PART 2 EXPLANATION OF PROVISIONS

The objectives of this Planning Proposal shall be achieved through an amendment to the Hurstville LEP 2012 as follows:

- Amend the Height of Buildings Map for the Site from:
 - 23 metres to 30 metres for a portion of the Site (Building X), 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 entire Site from 2.5:1 to 3.5:1.

The height of 65m is the maximum distance having regard to natural ground level. The new ground levels are such that the building is more likely about 55m – 61m tall, depending on the ground level below, and remains lower than Building E.

SUMMARY OF PROPOSED CHANGES TO PLANNING CONTROLS			
	Current (HLEP 1994)	Proposed (Draft City Centre LEP)	Requested (Hurstville LEP 2012)
Zoning	3(b) – City Centre Business Zone Hurstville LEP 1994.	B4 – Mixed Use	No change to the proposed B4 zoning.
Floor Space Ratio		2.5:1 (“U”)	3.5:1 (“W1”)
Height of Buildings		23m (“S”) and 40m (“W”)	30m (“U”) and 65m (“AA1”)

An Urban Design Report has been prepared by DEM to demonstrate the proposed building outcomes, through-site road layouts and building heights. It is attached at **Appendix 1** and seeks to demonstrate how the requested planning controls will impact buildings on and around the subject site. This has been prepared to demonstrate overall ‘performance’ and provide Council with some surety that the requested controls will allow for an appropriate building outcome within the future context of this precinct.

Figure 3 below shows the existing mapping for the site and **Figure 4** shows the proposed mapping

Figure 3: Existing Hurstville LEP 1994 map - zoning



The proposed new LEP maps are shown below in **Figure 4**.

Floor Space Ratio Map



Height of Buildings Map



Height of Buildings Map
- Sheet HOB_008B

Maximum Building Height (m)

L	11
O	15
Q	19
S	23
U	30
V	35
W	40
X	45
Z	55
AA	60
AA1	65

Cadastre

Cadastre 01/09/2006 © Land and Property Information (LPI)
Addendum Data 01/09/2013 © Hurstville City Council

PART 3 – JUSTIFICATION

The publication entitled “*Guidelines for Preparing Planning Proposals*” outlines a range of questions which will be answered as part of any Planning Proposal justification process.

3.1 Need for the planning proposal

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

Hurstville City Council has been involved in a lengthy review of its town centre planning controls for Hurstville. This is generally summarised below:

- On 23 November 2011 Council received the Gateway Determination to exhibit Draft HCCLEP 2011.
- Draft HCCLEP 2011 was publicly exhibited from 23 January to 29 February 2012 and was subject to 107 submissions that included 68 pro-forma submissions, 15 public agency submissions and a petition containing a further 122 signatories
- Council resolved in December 2013 to re-exhibit the draft LEP in line with Gateway Determination extension letter dated 29 August 2013. Council also resolved to prepare an amendment to DCP No. 2 – Hurstville City Centre to amend car parking rates for commercial, retail and residential development in the City Centre
- In May 2014 Council considered a report on draft amendments to DCP 2 that include but are not limited to new Strategic Context section; updated City Centre Precincts; new planning controls for residential, commercial and mixed use development including changes to car parking rates in accordance with the TMAP. Council resolved that the matter be deferred for a Councillor Workshop.
- A Councillor Workshop was held on 11 June 2014 in relation to the proposed amendments to Hurstville City Centre DCP No. 2.
- On 25 June 2014 the Department of Planning and Environment granted further extension to the Gateway Determination until 31 October 2014
- On 17 July 2014 Hurstville City Council re-exhibited the draft City Centre LEP (2014) and draft DCP No.2 – Hurstville City Centre (2014). A 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.
- On 17 September 2014 Hurstville City Council adopted the draft City Centre LEP (2014) and approved the draft DCP 2 (2014)

This strategic review has coincided with the overall development of stages 1 and 2 of the East Quarter Hurstville site which has given rise to the opportunity to carefully examine the capabilities of Stage 3 development.

Council determined at its meeting on 17 September 2014 to not include these amendments into the current draft LEP for the City Centre. This has necessitated the formal lodgement of this Planning Proposal.

The opportunity also arises after the withdrawal of a recent Development Application for the site but only after some assessment had been undertaken by the Joint Regional Planning Panel – East (2013SYE102). This report outlined several concerns about the application at that time. These concerns have been discussed in the attached Urban Design Report at **Appendix 1** and have sought to be carefully addressed in the discussion around the likely new building form on the site. The contents of this Urban Design Report and the impacts arising have been extensively peer reviewed by Steve King – consultant architect (**Appendices 2 – 5**).

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

This matter could be dealt with via an amendment to Hurstville DCP No. 2 which governs the height and floor space controls for the site currently. The imminence of the draft amendment to the Hurstville LEP 2012 however means that legislative controls for height and floor space are being installed and would happen at a similar time to this Planning Proposal.

Despite a comprehensive submission being made to the public exhibition of the draft City Centre LEP 2014 (now to be known as the draft amendment to Hurstville LEP 2012), Council chose not to amend the controls for the site as part of the overall City Centre planning process.

It is also noted that the floor space ratio (FSR) proposed in the draft amendment to the Hurstville LEP 2012 for this site is 2.5:1 when the current DA approval for the site allows for a total FSR of 2.77:1.

Given this context, it is considered that new legislative controls are appropriate and a Planning Proposal is the most appropriate means of achieving this outcome.

3.1.3 Is there a net community benefit?

A net community benefit arises where the sum of all the benefits of a development or rezoning outweighs the sum of all costs. It is acknowledged that significant benefit is difficult to justify sometimes in terms of additional residential density.

Table 2 below provides an evaluation of the Planning Proposal against the key criteria for a Net Community Benefit Test set out in the Department of Planning's draft Centres Policy.

Based on the responses to the key evaluation criteria in Table 1, it is considered that the Planning Proposal will deliver a net community benefit. In summary 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;
- Improving 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.

Table 1 – Net Community Benefit Test Assessment

Evaluation Criteria	Assessment	✓/x
<p>Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?</p>	<p>The site is compatible with the strategic directions of the State which promote new development near transit nodes and major or emerging centres.</p> <p>The site is located within 300m of Allawah Railway Station and within 800m of Hurstville Station.</p>	<p>✓</p>
<p>Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional or sub regional strategy?</p>	<p>The site was located within an identified Major Centre within the former Metropolitan Strategy and as a Strategic Centre in A Plan for Growing Sydney (South Sub Region).</p>	<p>✓</p>
<p>Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?</p>	<p>The request is made on merit. The building is within Stage 3 of a much larger development site and this Planning Proposal contends the impacts arising from the changes are manageable within the strategic context of the locality and uniqueness of this site.</p>	<p>✓</p>
<p>Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?</p>	<p>The site is a significant precinct within the town centre. The overall cumulative impacts of major development in Hurstville have been well examined by Council for several years. These considerations have included traffic, transport management, heritage, public domain, building form, urban form, market forecasting and accessibility.</p>	<p>✓</p>
<p>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</p>	<p>Within a mixed use site, the mix of floor space is resolved at the DA stage. This LEP variation would therefore make no major change in the provision of employment lands. The concept however does propose and increase in retail space which will provide desirable employment generation on the site. Additional population on the site will help stimulate and consolidate overall employment viability.</p>	<p>✓</p>
<p>Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?</p>	<p>There will only be a positive impact on the supply of affordable housing.</p>	<p>✓</p>

Evaluation Criteria	Assessment	✓/x
<p>Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site?</p> <p>Is there good pedestrian and cycling access?</p> <p>Is public transport currently available or is there infrastructure capacity to support future public transport?</p>	<p>Yes.</p> <p>Pedestrian access along the railway line (Jack Brabham Drive) will be integrated into the overall development concept.</p> <p>The site is within 300m of Allawah Railway Station and in proximity to local bus services.</p>	<p>✓</p> <p>✓</p> <p>✓</p>
<p>Will the proposal result in changes to the car distances travelled by customers, employees and suppliers?</p> <p>If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?</p>	<p>Locating people within a Major Centre will serve to stimulate business, revitalize underutilized areas, improve infrastructure, increase social diversity and stimulate further new housing opportunities. This proposal provides opportunity for people to live within the catchment of Hurstville City which is highly likely to reduce travel distances and travel times.</p> <p>A reliance on public transport and reduced travel times will improve greenhouse gas emissions, operating costs and road safety.</p>	<p>✓</p> <p>✓</p>
<p>Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?</p>	<p>There will be no negative impact on significant infrastructure in the region; rather infrastructure will be rendered more efficient as a result of increased usage.</p>	<p>✓</p>
<p>Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts?</p> <p>Is the land constrained by environmental factors such as flooding?</p>	<p>No.</p> <p>The land is contaminated and this has been well studied. An appropriate remediation solution (including capping) will be addressed at a DA stage.</p>	<p>✓</p> <p>✓</p>
<p>Will the LEP be compatible or complementary with surrounding land uses?</p>	<p>The request is compatible with the surrounding buildings and within the context of a Major Centre. The buildings do adjoin Kempt Field which has been carefully considered in terms of urban design. It is considered that towers</p>	<p>✓</p>

Evaluation Criteria	Assessment	✓/x
<p>What is the impact on amenity in the location and wider community?</p> <p>Will the public domain improve?</p>	<p>adjoining public open space within a global city are considered entirely appropriate.</p> <p>The activation of retail space along the railway line is also considered a desirable activation and one that will enhance the visual appearance of the corridor. An easement (s88b instrument) is to be registered on private land which will grant public access. This is in front of Building X and will assist in providing a 'green spine' within the site as desired by Council.</p> <p>The impact of the increase in building height has been one of the major impacts considered during the preparation of the attached Urban Design Report.</p> <p>Particular attention has been given to the properties on the southern side of the railway line in Kogarah Council. The building has been carefully designed to ensure not less than three (3) hours of sunlight is available to these properties. This issue has also been independently peer-reviewed by Steve King of UNSW.</p> <p>The proposal seeks to increase the building heights from 40m to approximately 60.5m at the tallest point. Both buildings are capable of contributing positively to the public domain. To suggest there is an 'improvement' is therefore difficult to justify. Building F will be slightly lower in height than the main Building E existing on site at present.</p>	<p>✓</p> <p>N</p>
<p>Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?</p>	<p>Yes.</p>	<p>✓</p>
<p>If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?</p>	<p>This proposal is within a Major Centre or Strategic Centre catchment.</p>	<p>✓</p>
<p>What are the public interest reasons for preparing the draft plan?</p>	<p>The public interest for supporting this request will be a number of economic and social benefits including:</p> <ul style="list-style-type: none"> ▪ An enhanced mixed use development near Allawah and Hurstville Railway Stations that 	<p>✓</p>

Evaluation Criteria	Assessment	✓/x
<p>What are the implications of not proceeding at this time?</p>	<p>promotes a highly sustainable urban form that provides people of all ages and incomes with improved access to transportation and housing choices;</p> <ul style="list-style-type: none"> ▪ Improving demand for public transport resulting in increased patronage and services; ▪ The development of the site allows for significant activation of the buildings along the railway line; ▪ The development allows for enhanced public access along the rail corridor to Kempt Field and Allawah Railway Station; ▪ Improving 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 as well as local investment during construction. ▪ The project will provide ongoing jobs in the retail sector after construction. ▪ The precinct will provide well located accommodation within 800m of two heavy rail stations which is quite rare. Access to main road infrastructure and bus services only adds to the locational attributes of this site in terms of centrality and connectedness. <p>An opportunity to develop a well established and uniquely connected development site to its 'maximum' potential would be lost. Additional housing should be located in areas where impact can be well managed. This has been demonstrated.</p>	<p>N</p>

3.2 Relationship to strategic planning framework.

3.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

This Planning Proposal covers a transition period between two metropolitan plans and given the strategic relevance of both documents through this process, both have been referenced in Table 2 of this section: (1) The Metropolitan Strategy for Sydney 2036 and (2) A Plan for Growing Sydney 2014.

The inclusion of high density housing mixed with retail and commercial uses generally supports the objectives and actions of the former Metropolitan Strategy for Sydney 2036 and A Plan for Growing Sydney 2014.

A Plan for Growing Sydney 2014 identifies Hurstville as a Strategic Centre within the South Sub-region.

Increasing the resident population within walking distance of heavy rail and within the catchment of an identified Strategic Centre supports the State Governments objective of planning for new urban centres that positively contribute to urban renewal.

The former Metropolitan Strategy for Sydney 2036 previously set draft housing targets and by 2031 the population of the South Subregion is expected to grow to over 676,000 people. This requires an additional 4,100 dwellings in the Hurstville Local Government Area.

The draft South Subregional Strategy 2007 also noted:

Across the metropolitan region a target of 60–70 per cent of new housing will be accommodated in existing urban areas, focused around centres and corridors. This will take advantage of existing services such as shops and public transport and reduce development pressures in other parts of Sydney. The housing target of 35,000 new dwellings in the South Subregion between 2004 and 2031 will be accommodated within existing urban areas.

South Councils should ensure that at least 80 per cent of new dwellings are located within 30 minutes by public transport of a Strategic Centre.

The draft South Subregional Strategy 2007 also identifies as a key direction to “*Strengthen Hurstville’s Commercial Centre*”. It states that as “*Hurstville is experiencing strong residential growth, there is need to protect the commercial centre to ensure sufficient supply of commercial space in the future*”

The noted priorities for Hurstville Strategic Centre (p134) are:

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.*

This Planning Proposal will assist in providing quality high density housing in an area identified as suitable for higher density housing without compromising land within the commercial core. In terms of character and overall bulk, it is considered that the placement of additional building height in suitable locations is desirable and suitable for a major centre.

A detailed examination of the former Metropolitan Strategy for Sydney 2036 and A Plan for Growing Sydney 2014 is provided in Table 2.

Table 2 – Relationship to Strategic Planning Framework

METROPOLITAN STRATEGY FOR SYDNEY 2036	
STRATEGIC DIRECTION A: STRENGTHENING THE ‘CITY OF CITIES’	COMMENT
OBJECTIVE A2 To achieve a compact, connected, multi-centred and increasingly networked city structure.	It is the clear intent of the Metropolitan Plan to establish each centre with appropriate development to stimulate appropriately located housing and employment uses to reduce travel times around the city. This proposal accords with

	<p>this vision and will allow more people to live in attractive, well located suburbs which currently comprise land of marginal viability for its current zone.</p> <p>It is also a key objective of the NSW Government to locate more people closer to transport nodes.</p>
<p>OBJECTIVE A3 To contain the urban footprint and achieve a balance between greenfields growth and renewal in existing areas</p>	<p>Proposal will provide for additional housing within a nominated major centre and will not contribute to the ongoing growth of the urban footprint.</p>
<p>STRATEGIC DIRECTION B: GROWING AND RENEWING CENTRES</p>	<p>COMMENT</p>
<p>OBJECTIVE B1 To focus activity in accessible centres.</p> <p>Action B1.1 Plan for centres to grow over time</p> <p>Action B1.3 Aim to locate 80% of all new housing within the walking catchments of existing and planned centres of all sizes with good public transport.</p>	<p>Achieved. The site is within the Hurstville Town Centre while being close to Allawah Railway Station.</p> <p>Achieved.</p> <p>Achieved.</p>
<p>OBJECTIVE B3 To plan for new centres and instigate a program for high quality urban renewal in existing centres serviced by public transport.</p> <p>Action B3.2 Plan for urban renewal in identified centres</p>	<p>This is not a new centre but a significant CBD within Sydney which is well served by public transport.</p> <p>The subject site is being renewed already and this proposal seeks an increase in the capacity of the site for new housing.</p>
<p>STRATEGIC DIRECTION D: HOUSING SYDNEY'S POPULATION</p>	<p>COMMENT</p>
<p>OBJECTIVE D1 To ensure an adequate supply of land and sites for residential development</p>	<p>This proposal will allow for the redevelopment of a site for increased residential development. The attached urban design report has been very thorough and deliberate in examining the overall capacity of this site to accommodate additional density. It is considered to be acceptable in terms of form and overall impact.</p> <p>The Plan sets a target to increase the proportion of people living within 30 minutes by public transport of a strategic centre, as part of Priority E5 'Jobs closer to home'.</p>
<p>OBJECTIVE D2</p>	

<p>To produce housing that suits our expected future needs.</p> <p>OBJECTIVE D3 To improve housing affordability</p> <p>Action D3.1 Explore incentives to deliver moderately priced rental and purchase housing across all subregions.</p>	<p>The proposal will help provide for additional dwelling units to meet the expected future needs of the broader Sydney community.</p> <p>Increasing the supply of housing that is in high demand will directly contribute to improved affordability, particularly as the world's population and Australia's population are now growing so quickly. This process will also flow through to rental affordability as well which has strong ties to capital value.</p> <p>Great diversity brings greater choice allowing young residents or first home buys to access small housing types near to transport. This is a strong social benefit.</p>
<p>OBJECTIVE D4 To improve the quality of new housing development and urban renewal</p>	<p>This new housing will provide for 360 degree views with water views south and east and city views towards the north.</p>
<p>STRATEGIC DIRECTION E: GROWING SYDNEY'S ECONOMY</p>	<p>COMMENT</p>
<p>OBJECTIVE E1 To ensure adequate land supply for economic activity, investment and jobs in the right location.</p>	<p><i>"Sydney will require 760,000 additional jobs to support the anticipated population growth by 2036. This plan aims for half of these jobs to be in Western Sydney, to match expected population growth. The Department of Planning estimates Sydney may need:</i></p> <ul style="list-style-type: none"> <i>• 10,000,000 m² additional commercial floor space</i> <i>• 5,000,000 m² of additional retail floor space, and</i> <i>• 8,500 hectares of employment lands"</i> <p>This proposal will deliver a positive outcome in respect of new floor space.</p>
<p>OBJECTIVE E2 To focus Sydney's economic growth and renewal, employment and education in centres.</p> <p>Action E2.2 Ensure an adequate supply of retail, office space and business parks.</p>	<p>The focus of this outcome is towards Strategic centres and town centres on the public transport network.</p> <p>It is envisaged that a mixed use development of Stage 3 of the site will accommodate approximately 4765m² of employment generating retail space.</p>
<p>OBJECTIVE E3 To provide employment lands to support the economy's freight and industry needs.</p>	<p>The site is being developed currently and its "mixed use" zone supports this initiative.</p>

<p>OBJECTIVE E4 To provide for a broad range of local employment types in dispersed locations.</p> <p>Action E4.1 Ensure all new LEPs provide for a broad range of local employment types</p>	<p>This proposal will help underpin local employment lands and stimulate new business initiatives.</p>
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A PLAN FOR GROWING SYDNEY 2014	
GOAL 1: A competitive economy with world-class services and transport	COMMENT
Direction 1.1: Grow a more internationally competitive Sydney CBD.	N/A
Direction 1.2: Grow Greater Parramatta – Sydney’s second CBD	N/A
Direction 1.3: Establish a new Priority Growth Area– Greater Parramatta to the Olympic Peninsula	N/A
Direction 1.4: Transform the productivity of Western Sydney through growth and investment	N/A
Direction 1.5: Enhance capacity at Sydney’s gateways and freight networks	N/A
Direction 1.6: Expand the Global Economic Corridor	N/A
<p>Direction 1.7: Grow strategic centres - providing more jobs closer to home</p> <p>Action 1.7.1: Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity</p>	<p>Hurstville is one of the nominated Strategic Centres within the Plan. In addition to maximising connectivity between Strategic Centres and promoting jobs growth, the Plan also notes (p46):</p> <p><i>Delivering more housing through targeted urban renewal around centres on the transport network will provide more homes closer to jobs and boost the productivity of the city.</i></p> <p><i>Focusing future growth in both strategic centres and transport gateways will provide the greatest benefits to Sydney in terms of land and infrastructure costs, social infrastructure and social and environmental outcomes.</i></p> <p>The job-generating commercial uses and housing yield within this Planning Proposal supports this Direction.</p>
Direction 1.8: Enhance linkages	N/A

to regional NSW	
Direction 1.9: Support priority economic sectors	N/A
Direction 1.10: Plan for education and health services to meet Sydney's growing needs	N/A
Direction 1.11: Deliver infrastructure	N/A
GOAL 2: A city of housing choice with homes that meet our needs and lifestyles	COMMENT
<p>Direction 2.1: Accelerate housing supply across Sydney</p> <p>Action 2.1.1: Accelerate housing supply and local housing choices</p> <p>Action 2.1.2: Accelerate new housing in designated infill areas (established urban areas) through the priority precincts and urbangrowth NSW programs</p>	<p>The Plan (p65) notes the need to:</p> <ul style="list-style-type: none"> • <i>work with councils to identify where development is feasible;</i> • <i>identify where investments in local infrastructure can create housing supply;</i> • <i>target locations which deliver homes closer to jobs;</i> • <i>directly facilitate housing supply and choice through the projects of UrbanGrowth NSW and Priority Precincts; and</i> • <i>direct the Greater Sydney Commission to work with councils over the long-term with a requirement that councils review housing needs when preparing their Local Environmental Plans.</i> <p>In supporting the above Actions, this proposal delivers homes closer to jobs. It will create a feasible accommodation unit near two (2) major railway stations as well as bus services and in a significant developing precinct. It will deliver housing directly above jobs and on local and regional transport links.</p> <p>Action 2.1.1 notes that:</p> <p><i>the most suitable areas for significant urban renewal are those areas best connected to employment and include:</i></p> <ul style="list-style-type: none"> • <i>in and around centres that are close to jobs and are serviced by public transport services that are frequent and capable of moving large numbers of people; and</i> • <i>in and around strategic centres.</i> <p>This proposal is within a Strategic Centre and maximising the development potential of this key site supports this Action.</p> <p>The Plan also notes the need to “<i>develop innovative strategies to grow housing production over time</i>” (p65). It is therefore highly appropriate that a key site which is under construction be maximised to its fullest potential. The UDR attached to this proposal has carefully examined this development potential and associated impacts. This site is appropriate for the proposed development.</p>

	<p>The Plan sensibly acknowledges the role of the market and developer risk in housing provision (p66):</p> <p><i>The Government and local councils need to understand and respond to the housing market in each and every Local Government Area. The housing market reflects consumer demand and willingness to pay for particular types of housing in particular locations.</i></p> <p><i>Local councils assist housing production by identifying and rezoning suitable sites for housing.</i></p> <p><i>It is the role of the private sector to build new houses. The private sector will only develop housing on rezoned sites where there is sufficient consumer demand for it, at a price that provides a return to the developer.</i></p> <p><i>Rezoned land will only translate into new housing construction where there is sufficient market demand.</i></p> <p>Sales on this site to date have been so significant that it is clearly evident that demand is still not being adequately met. This Proposal will ensure that there is an immediate translation from new controls to a greater housing supply.</p>
<p>Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs</p> <p>Action 2.2.1: Use the greater Sydney commission to support council-led urban infill projects</p> <p>Action 2.2.2: Undertake urban renewal in transport corridors which are being transformed by investment, and around strategic centres</p>	<p><i>The Government will:</i></p> <ul style="list-style-type: none"> • <i>support council-led urban infill and to support local efforts to lift housing production around local centres, transport corridors and public transport access points; and</i> • <i>work with councils to improve their urban renewal skills, and to improve the coordination between the NSW Government, councils and private proponents of local urban infill projects.</i> <p>This project is supported by Council and represents an appropriate site for a mixed use development within a Strategic Centre. Additionally Hurstville Centre plays a significant role in future identified corridors such as <i>Hurstville to Bankstown and Parramatta and Hurstville to Macquarie Park via Burwood and Sydney Olympic Park</i> (p72 and 132).</p> <p>The Proposal represents a renewal project within a Strategic Centre with significant future corridor connections. Relevantly, the plan notes the following initiative in relation to key corridors (p72):</p> <p><i>In the long-term, the Government will investigate the potential for urban renewal in and around centres with improved public transport links in cross-city corridors.</i></p> <p>This Planning Proposal supports this Direction.</p>

<p>Direction 2.3: Improve housing choice to suit different needs and lifestyles</p> <p>Action 2.3.1: Require local housing strategies to plan for a range of housing types</p> <p>Action 2.3.3: Deliver more opportunities for affordable housing</p>	<p>In relation to overall needs, the Plan notes the following:</p> <p><i>The fastest growing households in Sydney are single person households. In 2011, only 36.6 per cent of households were couples with children. Households that are couples with children will grow at a slower rate than both couple and single person households over the next 20 years. Despite these trends, 57.3 per cent of Sydney's housing stock is detached houses.</i></p> <p><i>Research indicates a current shortage of semi-detached houses across Sydney and a shortage of apartments in the middle and outer areas of the city. This is affecting the capacity of people to buy or rent a home.</i></p> <p>This Planning Proposal seeks to amend planning controls that will allow for meaningful density above commercial uses at the lower levels. Importantly the site has been determined to be a key mixed use site but this Proposal seeks to increase yield to a level more appropriate to the strategic role Hurstville will play in the future. This additional yield is achieved without any increase in building footprints and with an acceptable impact in the overall context.</p> <p>The attached Urban Design Report carries out a thorough examination of a likely building form to demonstrate basic viability and SEPP 65 compliance.</p> <p>The Government also made the following pledge in relation to meeting appropriate needs:</p> <p><i>It will also encourage further innovative, well-designed, smaller homes to suit lifestyles and budgets.</i></p> <p>Sydney's affordability issues are well documented and government must urgently work together to ensure the highest practicable densities are located around key transport nodes. This will create dwellings better suited to the budgets of most people.</p>
<p>Direction 2.4: Deliver timely and well planned greenfield precincts and housing</p>	<p>N/A</p>
<p>GOAL 3: A great place to live with communities that are strong, healthy and well connected</p>	<p>COMMENT</p>
<p>Direction 3.1: Revitalise existing suburbs</p> <p>Action 3.1.1: Support urban renewal by directing local infrastructure to centres where there is growth.</p>	<p>Transport infrastructure has already been directed to this area confirming Government's desire for additional growth in this area, as per Action 3.1.1. Further infrastructure will support the future corridors noted within the Plan of which Hurstville is a part. This will make housing at this location desirable and appropriate.</p> <p>The Planning Proposal will assist in the revitalisation of an old industrial site and maximise development within a Strategic Centre.</p>

	<p>It is increasingly evident that significant demand exists in the future for smaller housing types. Vertical accommodation is also essential to meeting housing targets in the most sustainable fashion. The demand for housing on this site is well established and ongoing.</p> <p>Increasing the supply of housing that is in high demand will directly contribute to improved affordability, particularly as the world's population and Australia's population are growing so quickly. This process will also flow through to rental affordability as well which has strong ties to capital value.</p>
Direction 3.2: Create a network of interlinked, multipurpose open and green spaces across Sydney	N/A
Direction 3.3: Create healthy built environments	This proposal will reduce reliance on the car as a primary means of transport. Housing without increase building footprints promotes greater sustainability as well.
Direction 3.4: Promote Sydney's heritage, arts and culture	Locating residents within walking distance of a Strategic Centre supports this Direction.
GOAL 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources	COMMENT
Direction 4.1: Protect our natural environment and biodiversity	N/A
Direction 4.2: Build Sydney's resilience to natural hazards	N/A
Direction 4.3: Manage the impacts of development on the environment	This Planning Proposal demonstrates compliance with broader strategic direction and enjoys optimal access to appropriate transport nodes within an identified Strategic Centre. The environmental impacts have been thoroughly examined within the attached UDR having regard to previous concerns raised by Council. Impacts are now appropriate for the context and a more detailed interrogation can be managed at the Part 4 assessment stage. It is the desire of this Proposal that a simultaneous Development Application process also be carried out which will help in achieving this Direction.

3.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

It is considered that this request does not contravene the objectives or intention of the Hurstville Community Strategic Plan 2021, Hurstville City Centre Concept Master Plan or Council's Open Space & Facilities Strategy.

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

The Planning Proposal has been considered in relation to the following applicable State Environmental Planning Policies (SEPPs). It is not considered that the planning proposal contains any provisions that fail to accord with the application of those SEPPs:

Table 3 – Assessment against relevant State Environmental Planning Policies

State Environmental Planning Policies		Applies	Consistent
1	Development Standards	Yes	✓
4	Development Without Consent & Miscellaneous Development	Yes	✓
6	Number of Storeys in a Building	Yes	✓
14	Coastal Wetlands		N/A
15	Rural Landsharing Communities		N/A
19	Bushland in Urban Areas		N/A
21	Caravan Parks		N/A
22	Shops & Commercial Premises	Yes	✓
26	Littoral Rainforests		N/A
29	Western Sydney Recreation Area		N/A
30	Intensive Agriculture		N/A
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	✓ see notes
33	Hazardous & Offensive Development		N/A
36	Manufactured Home Estates		N/A
39	Spit Island Bird Habitat		N/A
41	Casino Entertainment Complex		N/A
44	Koala Habitat Protection		N/A
47	Moore Park Showground		N/A
50	Canal Estate Development		N/A
52	Farm Dams & Other Works Land/Water Management Plan Areas		N/A
55	Remediation of Land	Yes	✓ see notes
59	Central Western Sydney Regional Open Space and Residential		N/A
60	Exempt & Complying Development	Yes	✓
62	Sustainable Aquaculture	Yes	✓
64	Advertising & Signage	Yes	✓
65	Design Quality of Residential Flat Development	Yes	✓ see notes
70	Affordable Housing (Revised Schemes)	Yes	✓
71	Coastal Protection		N/A
	(Affordable Rental Housing) 2009	Yes	✓
	(Building Sustainability Index: BASIX) 2004	Yes	✓
	(Exempt & Complying Development Codes) 2008	Yes	✓
	(Housing for Seniors or People with a Disability) 2004	Yes	✓
	(Housing for Seniors or People with a Disability) 2004	Yes	✓
	(Infrastructure) 2007	Yes	✓ see notes
	(Kosciuszko National Park–Alpine Resorts) 2007		N/A
	(Kurnell Peninsula) 1989		N/A
	(Major Development) 2005		N/A
	(Mining, Petroleum Production & Extractive Industries) 2007		N/A
	(Penrith Lakes Scheme) 1989		N/A
	(Rural Lands) 2008		N/A
	(SEPP 53 Transitional Provisions) 2011		N/A
	(State & Regional Development) 2011	Yes	✓

	(Sydney Drinking Water Catchment) 2011		N/A
	(Sydney Region Growth Centres) 2006		N/A
	(Temporary Structures) 2007		N/A
	(Urban Renewal) 2010	Yes	✓
	(Western Sydney Employment Area) 2009		N/A
	(Western Sydney Parklands) 2009		N/A
	Greater Metropolitan REP No 2–Georges River Catchment	Yes	✓
	Sydney REP (Sydney Harbour Catchment)	Yes	✓
	Sydney REP No 18 - Transport Corridors	Yes	✓
	Draft SEPP (Competition)	Yes	✓

Specific comments in relation to the more relevant SEPPs are provided below:

SEPP 32 – Urban Consolidation

The SEPP aims to promote the orderly and economic use and development of land by enabling urban land, which is no longer required for the purpose for which it is currently zoned or used, to be redeveloped for multi-unit housing and related development. The determination for this to occur has already taken place. The question now is: What density can this significant site achieve without inappropriate impact on overall character and nearby property? This examination is carried out in the Urban Design Report (**Appendix 1**) and professionally peer reviewed (**Appendices 2 – 5**). It is contended that the proposed planning controls will result in an acceptable building form in context and represent a significant improvement on recent concepts previously explored for Stage 3.

This proposal is considered to be consistent with this SEPP.

SEPP 55 – Remediation of Land

Clause 6 of the SEPP requires that contamination issues be considered in a rezoning proposal.

- (1) *In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:*
 - (a) *the planning authority has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
 - (c) *if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*
- (2) *Before including land in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.*

JBS&G have been commissioned to review the available site contamination assessment information in relation to the updated/revised master-plan concept for the Stage 3 portion of the site and provide advice on the suitability of the available documentation to meet the regulatory requirements under State Environmental Planning Policy no 55 – Remediation of Land. This submission is attached at **Appendix 6**. They have reviewed the Remedial Action Plan's and Audit reports and generally consider that all appropriate legal obligations have been met and remain possible to meet at the appropriate stages. The report concludes:

The updated/revised development concept plans are considered to be consistent with the requirements of the site remedial strategy in relation to management of site contamination.

Stage 3 SAS can be appropriately addressed prior to the commencement of Stage 3 construction works. In the meantime, sufficiently conservative technical advice on gas mitigation requirements has been provided to assist with design of Stage 3 to address conditions reported to be present at the site based on historical and current monitoring.

On this basis, the available information provided in the existing remedial strategy documents and supporting site audit documentation are considered suitable to address the requirements for consideration of site contamination at this stage of the planning process.

It is concluded that the land is contaminated and is also possible of being remediated to accommodate the proposed building. The Planning Authority can be assured that Development Application (DA) conditions will be imposed to ensure that remediation is carried out before the land is developed. The requirements of Clause of SEPP 55 are considered satisfied and no impediment in this regard exists to the rezoning of the land in the terms requested.

SEPP 65 - Design Quality of Residential Flat Development

Clause 28 of the SEPP requires that in preparing an environmental planning instrument that makes provision for residential flat development, a provision shall be included in the instrument or plan to ensure the achievement of design quality in accordance with the design quality principles and have regard to the publication NSW Residential Flat Design Code 2002.

It is noted 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 Resign Report relating to this 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**. 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 the this request.

It is also considered that appropriate controls exist in the draft LEP and DCP in relation to active street scapes, public domain, built form controls, building facades and articulation as well as overall amenity. Collectively these ensure that the intent of Clause 28 of SEPP 65 can be achieved.

SEPP (Infrastructure) 2007

This SEPP will have relevance particularly at the DA stage of any development due to its proximity to a rail corridor, immediate to the east of the site. Clause 86 of the SEPP particularly states:

- (1) *This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land:*
 - (a) *within or above a rail corridor, or*
 - (b) *within 25m (measured horizontally) of a rail corridor. or*
 - (c) *within 25m (measured horizontally) of the ground directly above an underground rail corridor.*

With a concurrence role activated under the above conditions, the SEPP provides:

- (4) *In deciding whether to provide concurrence, the chief executive officer must take into account:*
- (a) *the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
- (i) *the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
- (ii) *the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
- (b) *what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

The SEPP has specific relevance for multi-unit housing and also flood mitigation works, parks and public reserves, storm-water management systems and waterway or foreshore management activities.

Clause 87 in the SEPP ensures that noise sensitive development proposed in or adjacent to a rail corridor is not adversely affected by rail noise or vibration. Such development includes residential buildings. Before determining noise sensitive development that is likely to be affected by rail noise or vibration, consent authorities must take into account any relevant guide lines that are issued by the Director-General. Where the development is for residential use and is located in or adjacent to a rail corridor, a consent authority must not grant consent unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- *in any bedroom in the building – 35dB(A) at any time between 10.00 p.m. and 7.00 a.m.*
- *anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.*

Clause 104 of the Infrastructure SEPP 2007 (formerly SEPP 11) outlines the planning requirements for traffic generating development listed in Schedule 3 of the SEPP. The resulting development will be captured by this clause and will also require assessment at the DA stage.

Structural engineering and acoustic engineering advice as well as other specialized reports will be required at the DA stage however it is considered that the requirements of the SEPP can be met at this stage (as demonstrated by the relevant reports provided with the 2013 DA for Stage 3). It is also noted that Rail Corp did write to Council on 17 March 2014 issuing its concurrence to the previous development application subject to a deferred commencement condition being met.

There are no impediments to this rezoning request being supported by Council which arise from this SEPP.

3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Table 4 – Assessment against Ministerial Directions

Relevant Direction	Response
1. Employment and Resources	
1.1 Business and Industrial Zones	<p><i>The objectives of this direction are:</i></p> <p><i>(a) encourage employment growth in suitable locations,</i></p> <p><i>(b) protect employment land in business and industrial zones,</i></p> <p><i>and</i></p> <p><i>(c) support the viability of identified strategic centres.</i></p> <p><i>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an</i></p>

	<p><i>existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</i></p> <p><i>This Direction aims to preserve such lands, however 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 (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</i></p> <p><i>(a) justified by a strategy which:</i></p> <p><i>(i) gives consideration to the objective of this direction, and</i></p> <p><i>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</i></p> <p><i>(iii) is approved by the Director-General of the Department of Planning, or</i></p> <p><i>(b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or</i></p> <p><i>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</i></p> <p><i>(d) of minor significance.</i></p> <p>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.</p> <p>The increase of building heights and floor space ratios for the site is not considered to contravene this Direction.</p>
1.2 Rural Zones	N/A
1.3 Mining, Petroleum Production & Extractive Industries	N/A
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	N/A
2. Environment and Heritage	
2.1 Environmental Protection Zones	N/A
2.2 Coastal Protection	N/A
2.3 Heritage Conservation	The Proposal does not directly affect a heritage item although there is an item within the vicinity. The requested density increase is not 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.
2.4 Recreation Vehicle Areas	N/A

3. Housing, Infrastructure and Urban Development	
3.1 Residential Zone	<p><i>The objectives of this direction are:</i></p> <p>(a) <i>to encourage a variety and choice of housing types to provide for existing and future housing needs,</i></p> <p>(b) <i>to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services,</i></p> <p>(c) <i>to minimise the impact of residential development on the environment and resource lands.</i></p> <p>It is considered that the proposed development will meet the objectives outlined above and certainly offer a mix of housing types in proximity to infrastructure and services, thereby enhancing their efficiency.</p>
3.2 Caravan parks & Manufactured Home Estates	N/A
3.3 Home Occupations	N/A
3.4 Integrated Land use and Transport	<p>(1) <i>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <p>(a) <i>improving access to housing, jobs and services by walking, cycling and public transport, and</i></p> <p>(b) <i>increasing the choice of available transport and reducing dependence on cars, and</i></p> <p>(c) <i>reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></p> <p>(d) <i>supporting the efficient and viable operation of public transport services, and</i></p> <p>(e) <i>providing for the efficient movement of freight.</i></p> <p>It is considered that the proposal achieves these objectives by virtue of access to existing transport infrastructure and nearby employment lands in the CBD. This will have the effect of reducing transport times and locating housing near to jobs.</p> <p>This demonstrates the project's suitability having regard to this Direction.</p>
3.5 Development Near Licensed Aerodromes	N/A
4. Hazard and Risk	
4.1 Acid Sulphate Soils	For consideration at DA stage.
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	The site is not affected.
4.4 Planning for Bushfire Protection	N/A

5. Regional Planning	
5.1 Implementation of Regional Strategies	N/A
5.2 Sydney Drinking Water Catchments	N/A
5.3 Farmland of State and Regional Significance - NSW Far North Coast	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.8 Second Sydney's Airport: Badgerys Creek	N/A
6. Local Plan Making	
6.1 Approval and Referral Requirements	N/A
6.2 Reserving Land for Public Purposes	N/A
6.3 Site Specific provisions	No restrictive site specific provisions are proposed for this site.
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	<p>The planning proposal is shown to be consistent with the NSW Government's A Plan for Growing Sydney. This has been well demonstrated within this overall submission.</p> <p>Specifically it:</p> <ul style="list-style-type: none"> • Proposes to allow greater density near to heavy rail transport and major road transport links; • Proposes multi-unit residential housing within an existing urban area and Strategic Centre; • Supports the viability of existing public transport infrastructure through the creation of additional demand for services; • Provides for the development of a significant key site which has 'stand-alone' merits within an identified growth centre as well as unique connections to main road networks across Sydney.

3.3 Environmental, social and economic impact.

3.3.1 Is there a likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

None that have not already been well examined as part of the initial DA.

3.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Land use compatibility

The site has an obvious relationship to Kempt Field. Open Space is not well discussed in the Town Centre DCP and it is considered that this development will provide unprecedented CBD living near open space within Hurstville. The request for additional density is considered supportable in terms of the overall context of the site. East Quarter is something of an 'island' in some respects and can accommodate this density without significant new impacts in the character of the area and compatibility with other sites.

Overshadowing

The impact of overshadowing to homes in Kogarah has been intensively examined as part of this request for additional density. It is considered appropriate that any request for density increases should generally demonstrate the site's capability to perform in terms of impact on surrounds. While this will be more thorough at the DA stage, this issue needs to be understood in the context of establishing building height and density.

An assessment of overshadowing has been prepared within the Urban Design Report (**Appendix 1**) and this has been peer reviewed by architect, Steve King. His "Expert Opinion Verification – Overshadowing Compliance" report is attached at **Appendix 3**. His primary conclusion is this:

Consistent with KOGARAH DCP 2013 C2 - 27I adopt the stringent standard of preserving a minimum 3 hours of direct sun between 9am and 3pm on June 21, for all such parts of the building elevations and private open space as may be impacted by any combination of shadows from the existing and proposed buildings on the East Quarter site

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 buildings on the East Quarter site. In my considered opinion, overshadowing therefore should not be determinate in adopting the proposed concept envelope for Building F.

Health, Acoustic and Vibration impacts

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. Concurrence was previously issued for the last withdrawn DA and it is expected that these issues are solvable at the Part 4 assessment stage.

Traffic Impact and Intersection capacity

A preliminary Traffic and Parking Review (**Appendix 7**) has examined the concept plans and urban design report for this site. It indicates that this request for additional density is likely to result in an estimated increase of about 4100m² of retail floor space or 102 additional units to what was likely envisaged in the original staged DA.

It confirms that this 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.

This requirement is generally as a result of the additional retail space being proposed in the concept plan. It is understood the additional residential area alone would not result in lights being required.

It is also highlighted that the expansion of the Lily Street Bridge to four lanes will dramatically improve traffic in the area. A more extensive review of traffic can be provided post Gateway if required.

Access and parking arrangements:

Internal access and parking has been well examined in the Urban Design Report (**Appendix 1**) and the current concept is considered to be significantly improved from previous concept plans. The Traffic and Parking Review (**Appendix 7**) also looks at parking in some detail to ensure that compliance is achievable and the level of amenity is sound.

It notes a likely reduction in visitor parking to 1 per 6 units 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.

Future infrastructure

The development of the site currently means that a detailed understanding of services and infrastructure already exists. The site is appropriately served in terms of water, wastewater, gas and electricity. A detailed report can be provided post Gateway if considered necessary however the current construction documentation for the site will ensure a solid understanding of this issue. At this stage no future report is considered necessary as the matter will remain a construction issue.

Contamination

The site is well known to be contaminated. Remediation is required prior to the 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. A report has been prepared by JBS&G (**Appendix 6**) and it concludes:

The updated/revised development concept plans are considered to be consistent with the requirements of the site remedial strategy in relation to management of site contamination. JBS&G are currently engaged by EQH to collect appropriate landfill gas monitoring data over a sufficiently representative time period such that the conditions nominated by the auditor in the Stage 3 SAS can be appropriately addressed prior to the commencement of Stage 3 construction works. In the meantime, sufficiently conservative technical advice on gas mitigation requirements has been provided to assist with design of Stage 3 to address conditions reported to be present at the site based on historical and current monitoring.

On this basis, the available information provided in the existing remedial strategy documents and supporting site audit documentation are considered suitable to address the requirements for consideration of site contamination at this stage of the planning process

Given the Planning Propodal is underway, no additional report is required on this matter.

3.3.3 How has the planning proposal adequately addressed any social and economic effects?

Increasing the height and density of Stage 3 will present negligible change to these issues. 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. It could be argued that it would benefit economically in terms of viability of local business and jobs growth. No significant or noteworthy social impacts are expected. If determined necessary by Gateway, a social impact report can be prepared post Gateway, however it is contended that such a report is not required.

The Urban Design Report

An Urban Design Report (**Appendix 1**) accompanies this Planning Proposal and underpins the assertion that an appropriately designed building can be constructed within the height of building and FSR controls being requested.

The following principles and issues have guided the development concept for Stage 3 of this site:

- Building juxtaposition
- Internal Road hierarchy and pedestrian access
- Likely future retail/ commercial floor plate design
- Street activation and through site linkages
- Design Excellence
- Public Domain and Open Space
- Mitigating impacts to adjoining lands
- Embracing previous concerns and conducting a peer review of design work
- Embracing context and setting

The report concludes the following:

The detailed Urban Design analysis and through examination of the site carried out as part of this report clearly indicates the site's capacity to accommodate the additional height and density suggested.

This report outlines the following design improvements possible for the final implementation of Stage 3 of the East Quarter Hurstville development:

- *An improved public realm;*
- *Safer and more legible pedestrian and vehicular connectivity both around and within the site;*
- *The potential to facilitate future desirable pedestrian linkages and activity into Kempt Field and to the nearby Allawah Rail Station;*
- *An increase of approximately 2110m² useable open space providing improved amenity for residents and the public;*
- *Reduced building bulk and massing that minimises visual and overshadowing impact to the surrounding neighbourhood and*
- *the creation of residential apartments which are fully compliant with the provisions of the SEPP 65 Residential Flat Design Code.*

It is believed that in light of the findings of our Urban Design analysis and thorough site investigations that there is justification for amendment of the LEP planning controls in relation to height and FSR to enable delivery of this project.

This report and many of its findings were also subjected to a professional peer review process by consultant architect Steve King (**Appendices 2 – 5**). The details of this peer review process are as follows:

- | | |
|--|-------------------|
| • Expert Opinion Peer Review: Urban Design Report | Appendix 2 |
| • Expert Opinion Verification – Overshadowing Compliance | Appendix 3 |
| • Expert Opinion SEPP 65 Compliance – Building F | Appendix 4 |
| • Expert Opinion SEPP 65 Compliance – Building X | Appendix 5 |

Steve King's professional peer review of the DEM report presents the following conclusion:

I have had the opportunity to review the proposed new urban design setting within which the detailed design changes to Building F are set. I confirm that in my opinion the new design successfully addresses the following issues:

- *The bulk of Building F is substantially reduced;*
- *The form of Building F has been determined by compliance with a set of 'control planes' derived from a 3D model study, to ensure that overshadowing impact on properties to the south fully complies with the local controls;*
- *The podium design between Building F and Building X emphatically improves the pedestrian environment by eliminating previous vehicle conflicts, improving connectivity between key parts of the site and its surrounds, and incidentally improving the solar access amenity for winter;*
- *The stepped building form maintains the distinct tower status of Building E; and*
- *Provides the potential to maintain or improve previous levels of SEPP65/RFDC compliance for amenity.*

To my mind, the present proposal is a significant improvement in realizing the potential for uses and benefits of the unique island site serving as the gateway development for the precinct, and worthy of support on that basis.

The reports provide some specialised opinion in respect to overshadowing impact as well as SEPP 65 compliance in respect to solar access, ventilation and general amenity. These reports confirm the ability of future buildings to comply with SEPP 65 design principles.

Voluntary Planning Agreement (VPA)

An existing VPA is in place 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

3.4 State and Commonwealth interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

Yes

3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation has been ongoing through the development of the overall precinct. Agencies are therefore well aware of this project.

It is considered that the general feeling of the Department of Planning and Environment is that density is encouraged on appropriate sites within a Major Centre subject to appropriate

mitigation of impact. This Planning Proposal seeks to provide a policy position to enable the full assessment of impact at the DA stage.

PART 4 – COMMUNITY CONSULTATION

Public consultation will take place in accordance with the Gateway Determination made by the Minister for Planning in accordance with Section 56 & 57 of the Environmental Planning and Assessment Act 1979. The planning proposal will be made publicly available for a minimum of 28 days.

Community consultation is expected to include a notice in the local newspaper and on Council's web site as well as written notice to land owners in the vicinity of the site and key stakeholders.

Council will likely consult with the following public authorities:

- Transport for NSW,
- Rail Corp,
- NSW Roads and Maritime Services,
- Relevant Utility Authorities,
- any other authorities directed via Gateway Determination

If approved, **Table 5** shows the timeline proposed for the progression of the Planning Proposal:

Table 5: Proposed Project Timeline:	
Key Milestone	Timeframe:
Gateway Determination	May – June 2015
Preparation of additional technical information	June – July 2015
Public Exhibition and Government Agency consultation	August – September 2015
Consideration of submissions and reporting to Council	October – November 2015
Submission to Department to finalise the LEP	December 2015
Making of the Plan	January – February 2016