

Contact: Stephanie Lum
Phone: 9330 9437
File Reference: D21/186896

9 August 2021

Ms Laura Locke
Director Eastern and South Districts
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Ms. Locke,

Request for Gateway Determination – Planning Proposal – Hurstville Civic Precinct

As you are aware, on 26 August 2020, Council submitted to the Department of Planning, Industry and Environment (DPIE) the Hurstville Civic Precinct Planning Proposal for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

Subsequently, Council's Strategic Planning and Property Teams, along with their consultants, met with the DPIE staff to discuss the Hurstville Civic Precinct Planning Proposal on 8 February 2021. In particular, the DPIE's concerns relating to overshadowing impacts from Building D on the neighbouring residential development along Dora Street that will arise from the scheme were discussed at the meeting.

In response to your letter dated 12 February 2021 outlining the discussion at the meeting, Council wrote to the DPIE on 19 February 2021 requesting to withdraw the Gateway request to enable resubmission of a revised planning proposal.

We appreciate the DPIE staff meeting with Council to discuss concerns relating to the Planning Proposal and present some options to revise the current scheme to address the overshadowing impacts.

Following these discussions, the proponent submitted a revised Planning Proposal. The key amendments to the Planning Proposal are:

- Adoption of a 'two tower' approach requiring a change to the height of buildings at the south western end of the site. The proposed amendments relate to attaining an improved solar access outcome to properties to the south of the site in Dora Street. This has been achieved through the redistribution of building height at the southern end of the site. That is, the previous 48m building height control across the southern

end of the site has been reconfigured to a 20m, 30m and 60m control along the southern end of the site.

- A change in the wording of proposed Clause 6.10 of HLEP 2012 subsections (c) and (d) relating to the minimum amount of sunlight to be received to the Civic Plaza and the deletion of a reference to DCP requirements for car parking.
- Changes to s9.1 Ministerial Directions (relating to contaminated land).
- Refinement of the strategic justification having regard to the Georges River LSPS 2040.
- Other housekeeping revisions to the wording of the Planning Proposal that do not result in any further amendments to the HLEP 2012 itself.

The Planning Proposal for the Hurstville Civic Precinct was reported to Council's Environment and Planning Committee on 12 July 2021 and subsequently to Council at its meeting on 26 July 2021. Council resolved:

- a) *That the Georges River Council endorse the Planning Proposal (PP 2016/0002) to amend the Hurstville Local Environmental Plan 2012 (HLEP 2012) (or if gazetted the Georges River Local Environmental Plan) as it applies to the Georges River Council owned site known as the Hurstville Civic Precinct Site, bound by Queens Road, Dora Street, MacMahon Street and Park Road which seeks to:*
 - a. *Amend the HLEP 2012 Land Zoning Map - Sheet LZN_008A to remove the 'Deferred Matter' and rezone the site to B4 Mixed Use;*
 - b. *Amend the HLEP 2012 Height of Buildings Map - Sheet HOB_008A to set:*
 - i. *a maximum height of 20 metres under the height designation of 'Q1' at the south western portion of the site;*
 - ii. *a maximum height of 30 metres under the height designation of 'U' at the south western corner of the site; and*
 - iii. *a maximum height of 60 metres under the height designation of 'AA' at the north eastern portion and south eastern corner of the site.*
 - c. *Amend the HLEP 2012 Maximum Floor Space Ratio Map - Sheet FSR_008A to set:*
 - i. *a maximum FSR of 3:1 under the FSR designation of 'V' at the south western portion of the site;*
 - ii. *a maximum FSR of 7:1 under the FSR designation of 'AB' at the central/ north eastern portion of the site; and*
 - iii. *a maximum FSR of 5:1 under the FSR designation of 'Z' at the north eastern portion of the site.*
 - d. *Amend Schedule 4 of HLEP 2012 to reclassify Lot 13 in DP 6510 and Lot 14 in DP 6510 (i.e. former Baptist Church and adjoining land, known as 4-6 Dora Street) from 'community' to 'operational' land.*

- e. Amend HLEP Active Street Frontages Map - Sheet ASF_008A by deleting the red line identifying 4-6 Dora Street (Lot 13 in DP 6510 and Lot 14 in DP 6510) as having active street frontage.
- f. Amend HLEP 2012 by including the heritage item (Item I157) listed in Schedule 2 of the HLEP 1994 within Schedule 5 (Environmental heritage) of HLEP 2012 and amend Heritage Map - Sheet HER_008A to identify the same Item on the map.
- g. Amend HLEP 2012 by inserting a development standard under Part 6 Additional Local Provision as follows:

6.10 Hurstville Civic Precinct

- 1) *The objective of this clause is to facilitate the provision of community facilities and public benefits on the Hurstville Civic Precinct site.*
 - 2) *This clause applies to land bounded by Queens Road, Park Road, MacMahon Street and Dora Street.*
 - 3) *Development consent must not be granted on land to which this clause applies unless the consent authority is satisfied that the development will include:*
 - a. *Residential land uses to a maximum of 55% of the total permissible GFA; and*
 - b. *Community uses and facilities to a minimum of 25% of the total permissible GFA; and*
 - c. *Public open space at ground level to a minimum of 50% of the total site area inclusive of a civic plaza that receives an average of 50% direct sunlight between 11 am and 2pm midwinter; and*
 - d. *Car parking for general public use that is additional to the requirements for all land uses.*
 - 4) *For the purposes of this clause, community facilities for Hurstville Civic Precinct site means Council administrative and civic offices; multipurpose auditorium, library, museum, art gallery, community centre, associated uses such as cafés; a range of recreation, relaxation or study areas; and any other use that Council may consider appropriate to meet the needs of the community.*
- b) *That Georges River Council forward the Planning Proposal (PP 2016/0002) to the delegate of the Minister for Planning requesting a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979 (EP&A Act).*
 - c) *That should a Gateway Determination be issued by Department of Planning, Industry and Environment to permit exhibition of the Planning Proposal, a public hearing take place in accordance with the provisions of the NSW Local Government Act 1993 and the DPIE's Practice Note PN 16-001 Classification and Reclassification of Public Land through a Local Environmental Plan.*

- d) *That the Planning Proposal be placed on formal public exhibition in accordance with the conditions of any Gateway Determination issued by the Department of Planning, Industry and Environment.*
- e) *That prior to the public exhibition of the Planning Proposal as part of any successful Gateway determination, the following documents are prepared by the Proponent in order that they form part of the public exhibition:*
 - a. *Civic Precinct Public Amenities and Facilities Strategy.*
 - b. *A Civic Precinct Public Domain Plan Strategy.*
 - c. *A Conservation Management Plan (CMP) prepared for the Hurstville City Museum and Gallery; and*
 - d. *A revised Traffic Impact Assessment.*
- f) *That Council resolve to prepare an amendment to the Hurstville DCP No. 2 (which applies to land within the Hurstville City Centre) and exhibit the amendment along with the Planning Proposal in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and its Regulation.*
- g) *That prior to the exhibition of the amendment to the Hurstville DCP No. 2 the DCP prepared by the Proponent be amended by the Proponent to address the recommendations in this report and the recommendations of the Council Report dated 25 May 2020.*

In accordance with Council's resolution, Council requests a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and that the Minister or its delegate undertake the functions of the local plan-making authority in accordance with Section 3.31 of the *EP&A Act*.

A Planning Proposal is enclosed together with the relevant LEP maps and attachments. The Planning Proposal has been prepared in accordance with Section 3.33 of the *EP&A Act*, and the DPIE's guidelines titled, "A guide to preparing local environmental plans" and "A guide to preparing planning proposals".

Please note that the amendments to the revised Planning Proposal considered by Council at its meeting on 26 July 2021 have only resulted in amendments to the following documents:

- Planning Proposal report (dated 7 June 2021)
- Appendix A – DWP Concept Design Report (dated 20 May 2021)
- Appendix B – Draft Site Specific DCP (dated 25 May 2021)
- Appendix H – Mapping Amendments – HOB Map

However, for ease of reference, the Planning Proposal and all relevant supporting documents are attached.

The enclosed Planning Proposal includes the following relevant supporting documents:

- Appendix A – DWP Concept Design Report (separate attachment)
- Appendix B – Draft Site Specific DCP (separate attachment)
- Appendix C – Transport Impact Statement (separate attachment)
- Appendix D – Site survey (separate attachment)

- Appendix E – Table of SEPPs (refer to the Planning Proposal report)
- Appendix F – Table of Section 9.1 Directions (refer to the Planning Proposal report)
- Appendix G – Community Consultation Outcomes (JBA 2016) (separate attachment)
- Appendix H – Mapping Amendments (separate attachment)
- Appendix I – Executed Deed of Release (Redacted) for 4-6 Dora Street (separate attachment)
- Appendix J – Land Titles for 4-6 Dora Street (separate attachment)
- Appendix K – Lease Agreements (Redacted) for 4-6 Dora Street (separate attachment)

In addition to the Planning Proposal (dated 7 June 2021), please also find enclosed a copy of the following documentation:

- Local Planning Panel report and minutes – dated 4 April 2019
- Environment and Planning Committee meeting report – dated 11 May 2020 (including an independent urban design assessment and heritage assessment)
- Council resolution – dated 25 May 2020
- Environment and Planning Committee meeting report – dated 12 July 2021
- Council resolution (unconfirmed – Note: confirmed minutes will be forwarded to DPIE following Council's meeting on 23 August 2021) – dated 26 July 2021
- Information Checklist for the Planning Proposal

Should you have any queries regarding this matter, please do not hesitate to contact Stephanie Lum on 9330 9437 or the undersigned on 9330 6260.

Yours sincerely



Catherine McMahon
Manager Strategic Planning

Attached:

- Planning Proposal for the Hurstville Civic Precinct and supporting documents
- Local Planning Panel report and minutes – dated 4 April 2019
- Environment and Planning Committee meeting report – dated 11 May 2020 (including an independent urban design assessment and heritage assessment)
- Council resolution – dated 25 May 2020
- Environment and Planning Committee meeting report – dated 12 July 2021
- Council resolution (unconfirmed) – dated 26 July 2021
- Information Checklist for the Planning Proposal