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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Georges River Environment and Planning Committee Report 12 July 2021
Georges River Environment and Planning Committee Report 11 May 2020
Appendix A – Concept Design Report
Appendix B – Draft Site Specific DCP
Appendix C – Transport Impact Statement
Appendix D – Site Surveys
Appendix E – Independent Urban Design Review by SJB
Appendix F – Council Resolution
Appendix G – Community Consultation Outcomes
Appendix H – Map Amendments
Appendix I – Executed Deed of Release Redacted
Appendix J – Land Titles
Appendix K – Lease Agreements Redacted

1 Introduction

1.1 Overview of planning proposal

Table 2 Planning proposal details

LGA	Georges River
PPA	Georges River Council
NAME	Hurstville Civic Precinct Planning Proposal
NUMBER	PP-2021-5786
LEP TO BE AMENDED	Hurstville Local Environmental Plan 2012
ADDRESS	Various – see site description below
DESCRIPTION	Various – see site description below
RECEIVED	9/08/2021
FILE NO.	IRF21/3259
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

The planning proposal seeks to facilitate the redevelopment of the site for a mixed use civic, cultural, commercial and residential destination. To achieve this aim, the proposal seeks to transition the site into the Hurstville Local Environmental Plan 2012 (or Georges River LEP 2021) from the Hurstville LEP 1994 by:

- rezoning the site to B4 Mixed Use;
- increasing the maximum height of building to part 20m, part 30m and part 60m;
- increasing the maximum floor space ratio to part 3:1, part 5:1 and part 7:1;
- listing a local heritage item contained within the site;
- introducing an additional local provision concerning minimum community uses floor spaces, maximum residential floor space and minimum public open space on the site; and
- reclassifying a parcel of land within the site from 'community' to 'operational' land.

1.2 Site description

The Hurstville Civic Precinct (the site) has an area of 12,645sq.m, and includes the existing buildings and uses (**Figure 1**):

- Georges River Council's Administration Building (highlight orange – **Figure 1**);
- Civic and Entertainment Centre (highlight green – **Figure 1**);
- Baptist Church and adjoining residence (recently acquired by Council and previously approved for demolition under D/2013/0143) (highlight purple – **Figure 1**);
- Hurstville Museum and Gallery (local heritage) (highlight blue – **Figure 1**);
- Hurstville Senior Citizens Centre (highlight red – **Figure 1**); and
- A car park for the use of Council officers and the public.



Figure 1: Subject site (source: planning proposal)

The site comprises 12 lots and a road reserve owned freehold by Georges River Council (**Figure 2**).



Figure 2: Subject site (source: planning proposal)

The lots comprising the site are described below:

Table 3 Property Details

Street Address	Legal Description	DP
4-6 Dora Street, Hurstville	Lots 13 and 14	6510
16-32 MacMahon Street, Hurstville	Lot 200	831931
91 Queens Road, Hurstville	Lots 5 and 6	137320
14 MacMahon Street, Hurstville	Lot 201	831931

Street Address	Legal Description	DP
14A MacMahon Street, Hurstville	Lot B	321590
1 and 3 Patrick Street, Hurstville	Lots A and B	340310
6 MacMahon Street, Hurstville	Lot 1	137320
2 Patrick Street, Hurstville	Lots A and B	389008
Patrick Street Road Reserve	Lot 100	260103

Most of the site is classified as ‘operational land’ under the Local Government Act 1993, with the exception of 4-6 Dora Street (Lots 13 and 14 in DP 6510), which is currently classified as ‘community’ land.

The planning proposal includes a breakdown of the existing uses and their floor space as outlined below.

Table 4 Floor Space Breakdown according to planning proposal documentation

Existing Land Use	Size
Council Offices – public administration building	1,200m ² GFA
Entertainment Centre	4,291m ² GFA
Youth Centre	500m ² GFA
Seniors Centre	507m ² GFA
Museum and Gallery	615m ² GFA
Church	500m ²
Total	7,613m ²
Car Parking Spaces	157 spaces

1.3 Surrounding Area

The site is located near existing commercial, residential and mixed-use development, public transport and open space, including approximately (**Figure 3**):

- 350m from Hurstville Oval;
- 625m from Woodville Park;
- 550m from Arrowsmith Park;
- 1km from Kempt Field;
- 100m from Woodville Street bus interchange; and

- 200m from Hurstville Railway Station.

The site is located on the north east edge of the Hurstville City Centre with the surrounding area characterised by a range of buildings of varying heights and construction periods.

On the opposite side of Queens Road there is a building of up to 10 storeys providing commercial uses at ground floor level and residential above. The streets to the north-east of the site are generally characterised by low scale single storey and two storey dwellings. Park Road to the east of the site generally consists of three storey residential flat buildings. Opposite the site on Dora Street is a six storey commercial building and a 14 storey residential flat building.

The southern side of MacMahon Street opposite the site contains a number of heritage buildings including the former Fire Station, the Friendly Societies' Dispensary Building, three bungalows dating from the Federation and Inter War periods and the Presbyterian Church. Located between these low scale buildings are a range of buildings ranging from six to 12 storeys in height.

Westfield Shopping Centre is located to the south east of the site with Forest Road containing the main shopping strip connecting to Hurstville Railway Station.

1.4 Broader Strategic Context

The site is in the Georges River Local Government Area (LGA) and the Hurstville Strategic Centre, as identified within the South District Plan (**Figure 2**). Hurstville is a major centre serving as a commercial precinct and benefits from access to a railway station and several bus routes.



Figure 3: Site context (source: planning proposal)

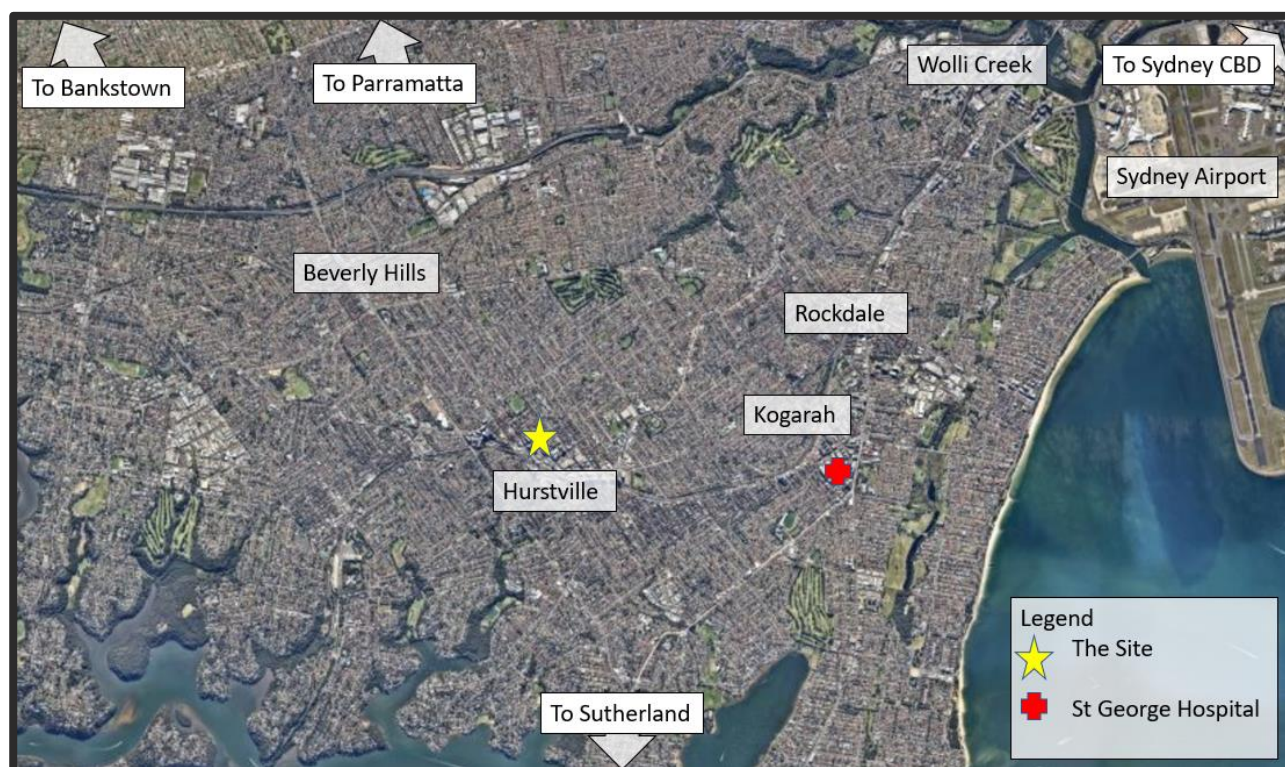


Figure 4: Site context – Greater Sydney (source: planning proposal)

2 Proposal

2.1 Objectives or intended outcomes

The objectives of the planning proposal are to facilitate the redevelopment of the site for a mixed use civic, cultural, commercial and residential destination. This is supported by an indicative concept scheme (**Figure 5**), comprising:

- Building A – 18 storey residential building;
- Building B – 18 storey residential / mixed use building;
- Building C – 4 storey building accommodating:
 - a multipurpose 500 seat auditorium;
 - Hurstville Library;
 - Hurstville Museum;
 - Senior Citizens Centre; and
 - retail spaces.
- Building D1 – 14 storey mixed use building incorporating:
 - Georges River Council's Administration Building and Council Chambers; and
 - Commercial.
- Building D2 – 7 storey mixed use building incorporating:
 - Georges River Council uses; and

- Community uses.
- 298 dwellings;
- A total GFA of 51,045sq.m, being approximately:
 - 51% residential;
 - 15% commercial;
 - 12% Council chambers and administration;
 - 6% retail; and
 - 16% community uses.
- 6,690sq.m of public open spaces (52% of the site area), including a Civic Plaza fronting MacMahon Street and a pocket park fronting Patrick Street; and
- 1,200 basement carparking spaces (including 500 public carparking spaces).



Figure 5: Masterplan layout (Source: Concept Design Report prepared by dwp Australia Pty. Ltd.)

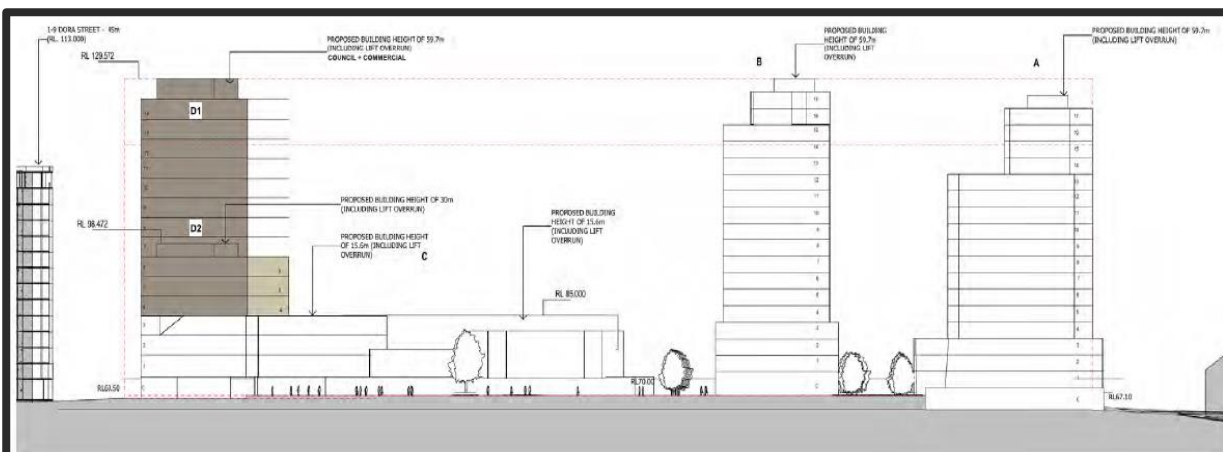


Figure 6: Masterplan cross-section (Source: Concept Design Report prepared by dwp Australia Pty. Ltd.)

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

2.2 Explanation of provisions

The planning proposal seeks to introduce the site into the Hurstville Local Environmental Plan 2012 (where it is currently identified as a 'Deferred Matter') from the Hurstville LEP 1994, per the changes below.

Table 5 Current and Proposed controls

Control	Current		Proposed
Land Application Map	Hurstville LEP 1994 – the site excluding 4-6 Dora Street	Hurstville LEP 2012 – 4-6 Dora Street	Hurstville LEP 2012 (or future Georges River LEP 2020)
Zone	3(b) City Centre Business	B4 Mixed Use	B4 Mixed Use
Maximum height of the building	N/A	15m	Part 20m, part 30m and part 60m
Floor space ratio	N/A	3:1	Part 3:1, part 5:1 and part 7:1
Active Street Frontage	N/A	Applies to 4-6 Dora Street	Remove from 4-6 Dora Street
Heritage items	Item I157 identified in Schedule 2 of the Hurstville LEP 1994 – 14 MacMahon Street, Hurstville	N/A	Introduce 14 MacMahon Street, Hurstville into Schedule 5 of the Georges River LEP
Reclassification of Lot 13 in DP 6510 and Lot 14 in DP 6510	'operational' land	'community' land	'operational' land

The planning proposal also includes a draft Additional Local Provision for insertion into Part 6 of the LEP, being:

'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 11am 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.'*

Note: The planning proposal's formatting of this clause makes it necessary to include a condition in the Gateway determination identifying that the legal drafting of this provision is subject to the satisfaction of Parliamentary Counsel.

Land Classification

Lot 13 in DP 3510 and Lot 14 in DP 6510 (4-6 Dora Street, Hurstville) are currently occupied by a Baptist Church constructed in 1939 and an adjoining Inter War face brick bungalow. The planning proposal states that the land was acquired by Council on 31 March 2017. It states that the land was acquired under the *Land Acquisition (Just Terms Compensation) Act 1991* and as such is transferred to Council with a default 'community' classification, including associated trusts.

The planning proposal seeks to reclassify these land parcels from 'community' to 'operational'. It states that there is no evidence of any trusts, estate, interests, dedications, conditions, restrictions or covenants over the site and therefore no interests are proposed to be discharged.

Draft Development Control Plan

The planning proposal is supported by a draft Development Control Plan (DCP) which seeks to describe the key aspects of the site which are to be embodied within the design and subsequent delivery of development.

Georges River LEP 2021

This planning proposal intends to introduce this deferred site into Council's Standard Instrument LEPS, likely being the Georges River LEP 2021. The Georges River LEP 2021 includes new provisions which are relevant to this planning proposal, being:

- an environmental sustainability clause (relevant requirements include building performance considerations);
- provisions for development in the business zones which seek to provide street level/ground floor activation; and
- a design excellence clause.

The planning proposal includes discussion on how these clauses will impact the proposal. The planning proposal can suitably address these new clauses, noting that the site specific DCP includes street activation, building sustainability and design excellence requirements.

The planning proposal states that the site specific DCP will be updated to account for the finalisation of these provisions in the Georges River LEP 2021.

Hurstville LEP 1994

Amendment to Hurstville LEP 1994 is not required because of clauses 1.3 and 1.8 in a Standard Instrument LEP.

2.3 Mapping

The planning proposal includes mapping showing the proposed changes to the maps of the Hurstville LEP 2012 and are in keeping with those proposed for the Georges River LEP 2021. The mapping is suitable for community consultation.

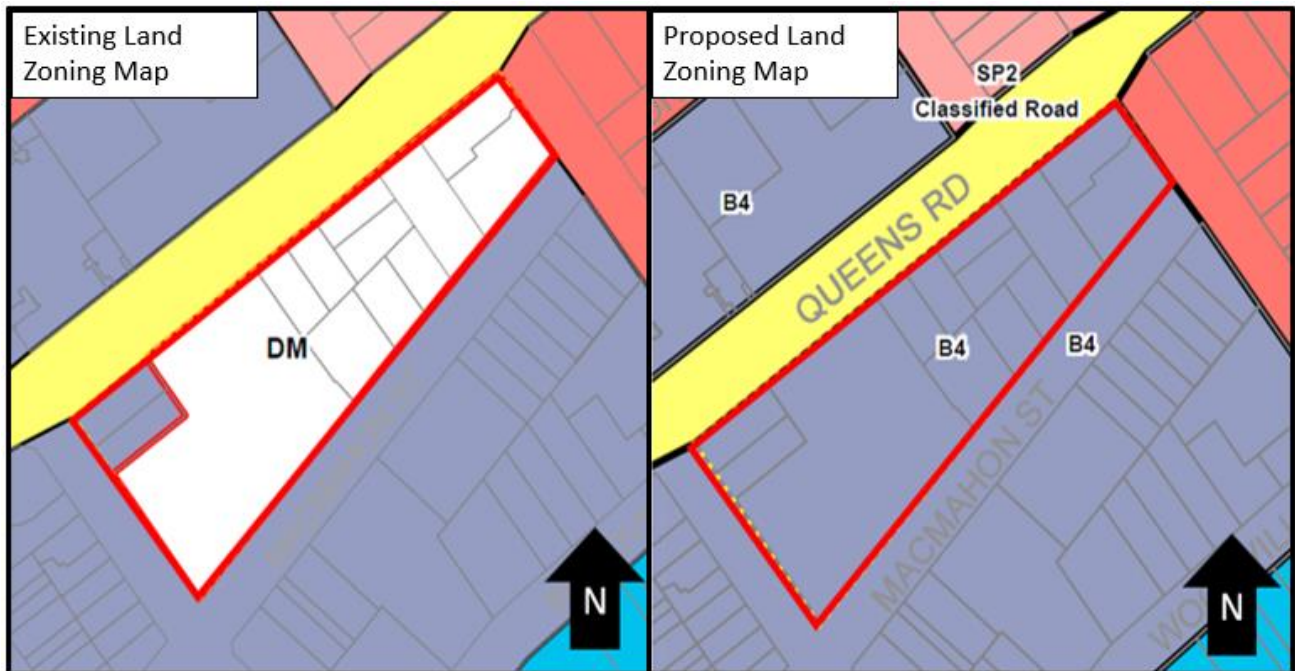


Figure 7: Zoning maps

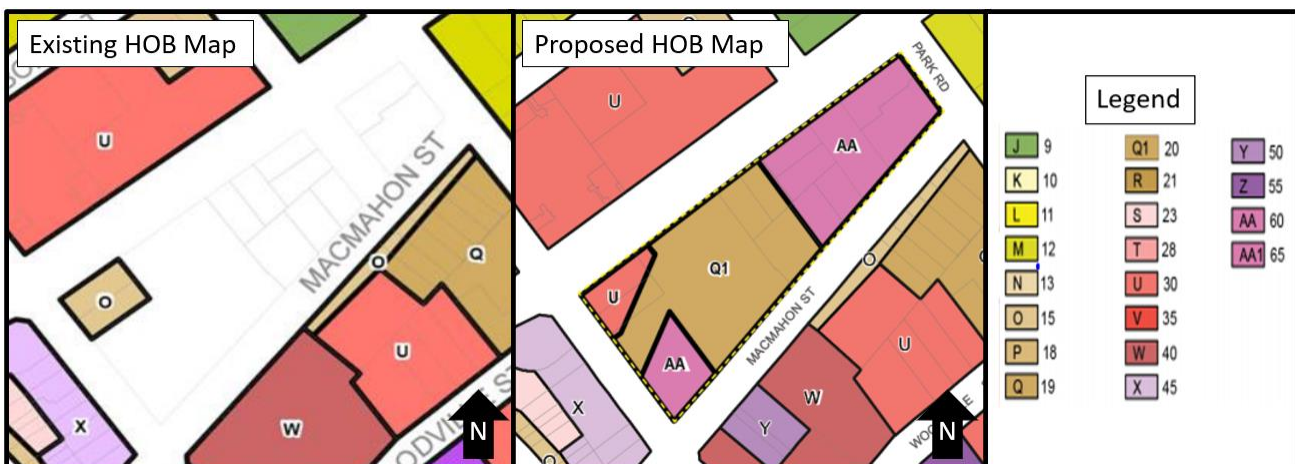


Figure 8: Height of building maps



Figure 9: Floor space ratio maps

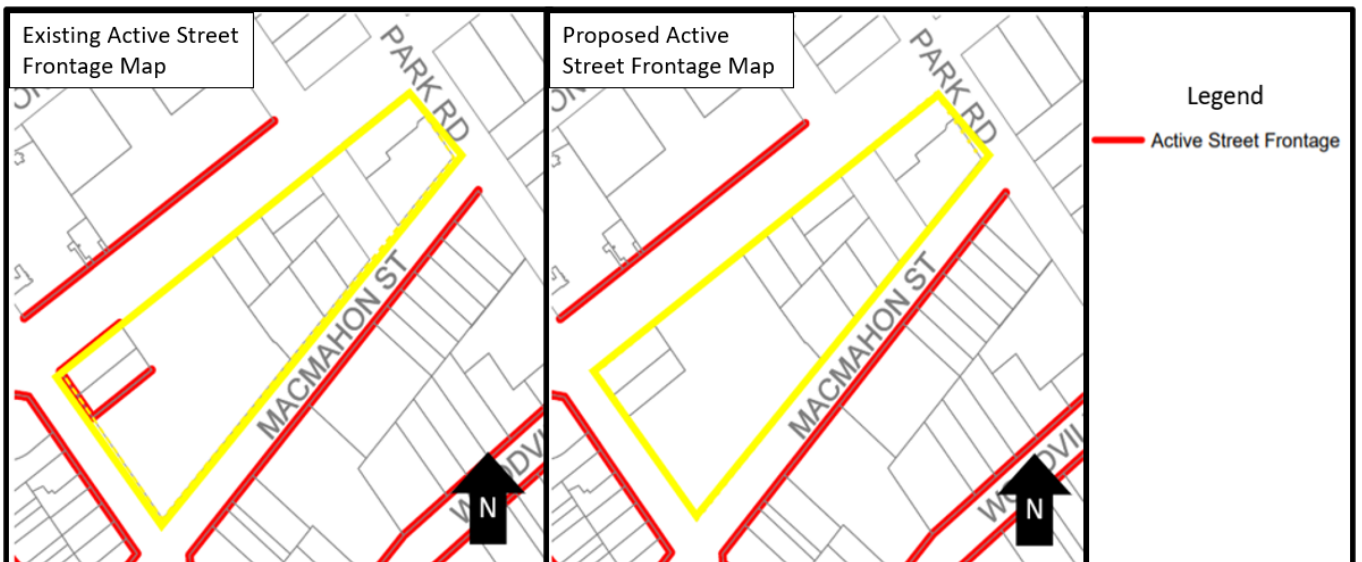


Figure 10: Active street frontage maps

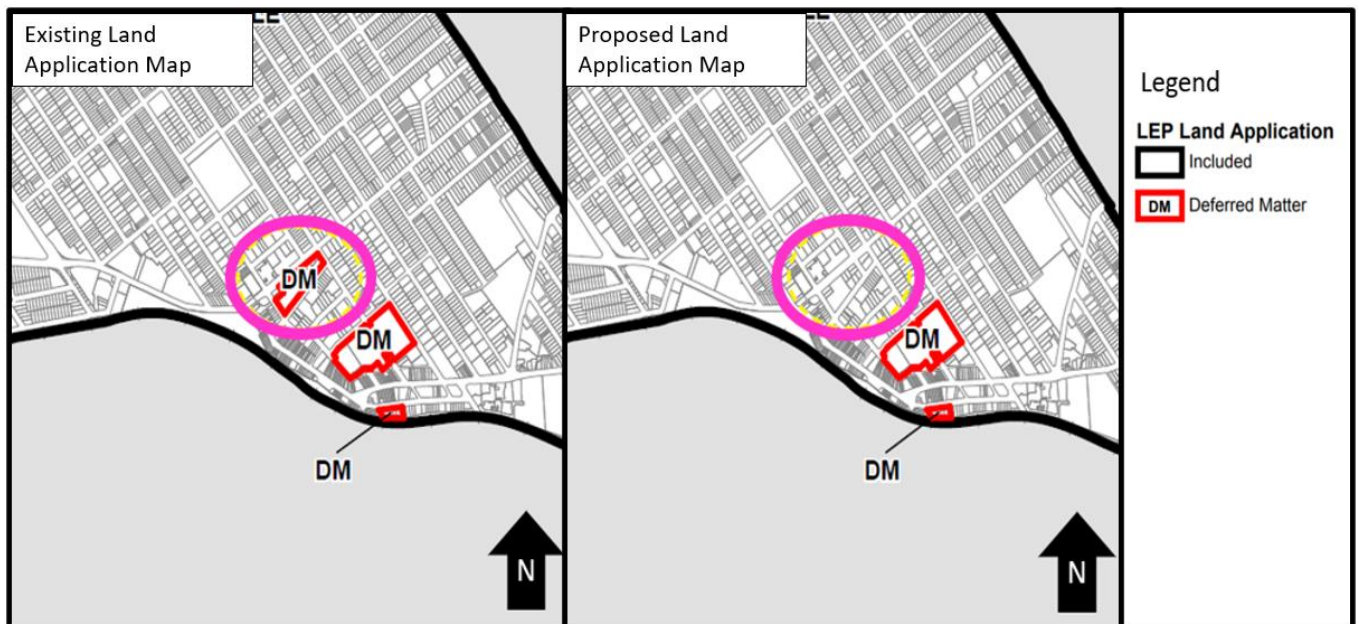


Figure 11: Land application maps

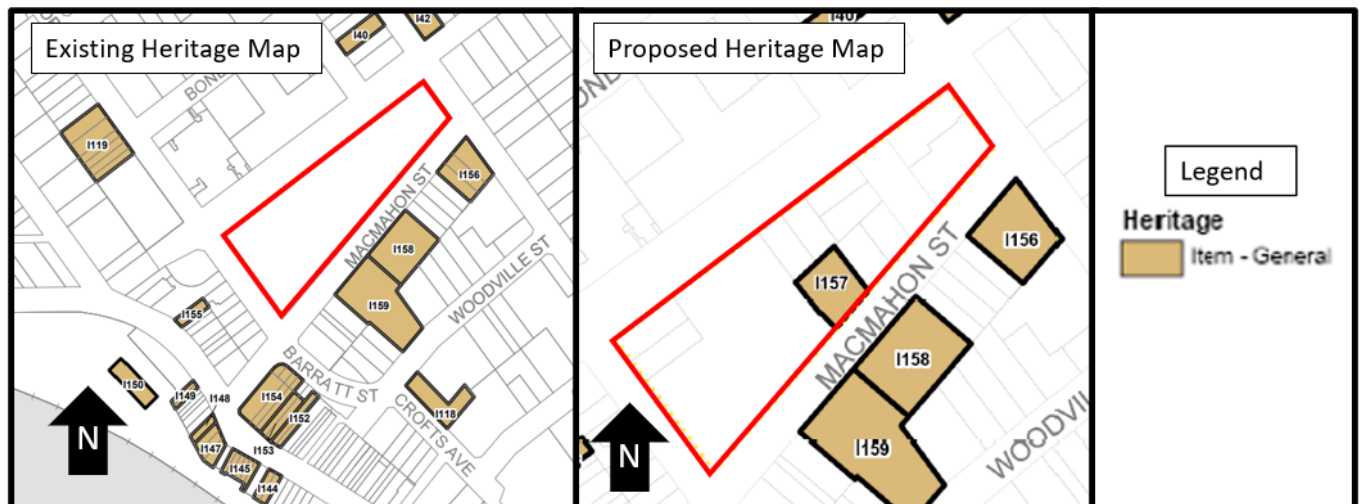


Figure 12: Heritage maps (Note: Heritage item at 14 MacMahon St identified in Hurstville LEP 1994)

2.4 Background and Planning Proposal History

The Hurstville Civic Precinct is one of three deferred sites from the Hurstville LEP 2012. The site was deferred from the Hurstville LEP 2012 because Council considered it a key strategic development site which required further investigation and planning.

A previous version of the planning proposal was prepared with an alternate distribution of height to the western end of the site (Building D) which is shown in **Figure 13**. This previous version was considered by the Georges River Local Planning Panel and Council before being submitted to the Department seeking Gateway approval. This version was ultimately withdrawn by Council as described below.



Figure 13: Previous concept design showing alternate building height to Building D

Georges River Local Planning Panel

On 4 April 2019, the previous version of the planning proposal (**shown in Figure 13**) was reported to the Georges River Local Planning Panel (LPP). The LPP made the following recommendations:

1. *The Panel considers that the Planning Proposal has strategic merit in the sense that it is:*
 - (a) *Giving effect to the various planning priorities of the South District Plan as identified in the report to the Panel;*
 - (b) *Giving effect to a relevant local Council strategy that has been exhibited and was the subject to a community consultation, namely the Hurstville City Centre Urban Design Strategy of May 2018.*
2. *In relation to the site specific merit of the Planning Proposal, the Panel is concerned that the proposal does not currently contain provisions for amendment of the Local Environmental Plan to deal with fundamental matters including:*
 - (a) *Linking of the proposed development capacity for the site to the delivery of community facilities and benefit.*
 - (b) *Design excellence including a requirement for design competition in relation to development on the site.*
 - (c) *The size of the civic space and the provision of solar access to that space. Consideration should be given to whether the civic space area is rezoned to limit potential development of that area to the identified public uses.*
3. *In order to properly inform the planning proposal including the linkage referred to in paragraph 2, the Panel considers that the following documents should be prepared prior to seeking any Gateway Determination:*
 - (a) *A Civic Precinct Public Amenities and Facilities Strategy; and*
 - (b) *A revised Traffic and Parking Impact Assessment.*

4. *The Panel also considers that the Planning Proposal should be amended to expand upon and document the basis for the proposed building heights having regard to the sites location and relationship with surrounding properties.*
5. *The Panel considers that if the Planning Proposal is amended to appropriately address the matters in paragraphs 2, 3 and 4 above, it could proceed to the next stage of seeking a gateway determination."*

The applicant was requested to respond to the recommendations of the LPP and did so by letters dated 25 June 2019, 10 October 2019 and 4 February 2020. The applicant's response included amendments to the planning proposal and associated changes to the draft DCP.

Council Meeting - 25 May 2020

On 25 May 2020, Georges River Council considered a report from Council officers which recommended submission of the previous planning proposal to the Department for Gateway approval. At the meeting, Council resolved to forward the planning proposal to the Department for Gateway approval in accordance with the Council officers' recommendation.

Previous Gateway lodgement

On 26 August 2020, the previous version of the planning proposal was lodged with the Department seeking Gateway approval. The Gateway request included a supporting concept scheme and independent peer review which was generally supportive of the scheme, noting:

- the Masterplan has been interrogated over the course of two design workshops, in addition to the review with Council's staff and design review panel;
- alternate options and approaches were discussed, tested and ruled out in favour of the current design, which configures the open space and built form in a manner that strikes an appropriate balance between maximising benefits (visual connectivity, open space configuration and activation, urban gateways and thresholds) and minimises impacts (solar access);
- the siting and orientation of the concept design prioritises addressing of street frontages over the compliance with ADG solar access requirements, which can create issue though typical apartment layouts demonstrate how solar access requirements can be achieved; and
- the height and placement of Building C is supported, as it secures the solar amenity of civic plaza, and avoids the formation of a 'built canyon' along Queens Road.

However, the peer review identified that solar access to neighbouring residential buildings along Dora Street (Building D) was of concern.

In the Department's review of the proposal it was identified that the proposal would create substantial overshadowing to the neighbouring residential development at 9 Dora Street, Hurstville. This overshadowing would mean that compliance with the ADG could not be achieved. The Department encouraged Council to explore alternative schemes to demonstrate:

- consistency with SEPP 65 and the ADG; and
- retention of the proposed area and solar access to the public open space, being a minimum:
 - 50% of the site area at ground level; and
 - 50% direct sunlight for 2hrs at midwinter.

Withdrawal of previous planning proposal

On 19 February 2021, the previous planning proposal was withdrawn by Council. At the time, Council advised it would consider the feedback of the Department and address this as part of a revised planning proposal.

Council Meeting – 26 July 2021

On 26 July 2021, Council considered a report from Council officers relating to the revised and current planning proposal. The revised planning proposal amended the proposed building height to Building D to respond to concerns raised relating to overshadowing impacts to neighbouring properties.

Council supported the changes to the concept scheme and the proposed development standards and forwarded the planning proposal to the Department seeking Gateway Determination. A comparison of the schemes can be seen in **Figure 15** below.



Figure 14: Comparison of the initial and revised concept schemes (Building D highlighted red)

3 Need for the planning proposal

The planning proposal states that it is the result of a review into the built form controls in the Hurstville City Centre. It states that the building height and FSR standards had been under consideration by

Council for some time which has resulted in several urban design studies being developed to identify an appropriate scale for the Centre.

The proposal states that a key principle from these previous studies is to “create a new civic precinct”. The proposal lists a range of documents that culminate these considerations and represent the adopted position of the Council with respect to the scale, density and character of future development within the city centre and some that apply specifically to the site:

- Hurstville Civic Centre Master Plan (DWP 2018);
- Draft Hurstville City Centre Plan (SJB 2017);
- Hurstville Centre Concept Master Plan (Government Architects Office 2004);
- Hurstville City Centre Urban Form Study (Dickson Rothschild 2007);
- Hurstville Public Domain Plan (Hurstville City Council 2007); and
- Open Space, Recreation, Community and Library Facilities Strategy (Hurstville City Council 2010).

Zoning

The planning proposal states that a comparison between the Hurstville LEP 1994 and the Hurstville LEP 2012, illustrates that land surrounding the site in the City Centre that was previously zoned 3(b) Business Centre zone, has since been rezoned under the Hurstville LEP 2012 to B4 Mixed Use. The planning proposal seeks to introduce a B4 Mixed Use zone in keeping with this zoning context.

Height and FSR

The height and FSR controls for the site are currently contained within the Hurstville DCP. The proposal states that it is appropriate to introduce height and FSR controls into the LEP that are consistent with the intended outcomes of the planning proposal as well as providing an appropriate response to the surrounding and emerging local context.

Reclassification of land

The proposed reclassification of land at 4-6 Dora Street, Hurstville aims to facilitate the intended vision for the site and permit a wider range of uses in accordance with the proposed B4 Mixed Use zoning. It states that the proposed reclassification will not result in a loss of community oriented uses, but will facilitate the establishment of new community uses and activities as outlined in the planning proposal.

A planning proposal is the most appropriate means to introduce the site to the Hurstville LEP 2012 along with appropriate classification of land with applicable zoning, height and floor space ratio standards.

4 Strategic assessment

4.1 District Plan

The site is within the South District and the Greater Sydney Commission released the South District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The Department is satisfied that the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 6 District Plan assessment

District Plan	Justification
Planning Priority S3: Providing services and social infrastructure to meet people's changing needs	<p>Planning Priority S3 seeks to ensure services and social infrastructure are provided that meet the changes in people's wellbeing needs through different stages of life.</p> <p>The proposal intends to facilitate a range of social infrastructure including community uses and facilities such as a multipurpose auditorium, library, museum, senior citizens centre and other community uses. This including the introduction of a public plaza can provide for a diverse range of uses for the benefit of the community.</p>
Planning Priority S4: Fostering healthy, creative, culturally rich and socially connected communities	<p>Planning Priority S4 seeks to implement a place based approach to focus on creating inter-relationships between, healthy, creative, culturally rich and socially connected communities.</p> <p>The proposal intends to introduce a range of uses connected to an extensive open space public plaza area for the community to gather. The intended co-location of a number of community focused uses will allow for opportunities for cultural diversity and artistic expression to be realised.</p>
Planning Priority S5: Providing housing supply, choice and affordability, with access to jobs and services	<p>Planning Priority S5 seeks to ensure the provision of housing supply is in proximity to existing infrastructure, services and jobs.</p> <p>The proposal will facilitate housing supply and choice with a mix of apartment types, in a location that optimises existing transport infrastructure and services. The proposal states that it will enable the provision of diverse housing opportunities and that affordable housing will be considered as part of any future development application or post Gateway as necessary.</p>
Planning Priority S6: Creating and renewing great places and local centres, and respecting the District's heritage	<p>Planning Priority S6 seeks to ensure planning proposals include provisions to protect existing heritage and provide spaces and development that improve the amenity of an area for the community.</p> <p>The planning proposal responds to this planning priority because it facilitates opportunities for:</p> <ul style="list-style-type: none"> • a people friendly public realm and open space as a central organising design principle; • diverse land use mixes, high amenity, and walkability in and within a 10-minute walk of centres; and • the adaptive re-use and interpreting of a local heritage item (Hurstville City Museum and Art Gallery) to foster distinctive local places. <p>The planning proposal does not seek to include any additional heritage listings within the site. It is noted that the accompanying heritage report does not include assessment of the Baptist Church and neighbouring dwelling at 4-6 Dora Street. It states that these buildings are not listed in the Hurstville LEP 2012 or Hurstville LEP 1994 and approval was granted for their demolition on 16 October 2013 under D/2013/0143 (consent lapsed on 16 October 2018). Further consideration for demolition of existing buildings not currently listed as heritage items is a matter for Council to consider as the local planning authority.</p>

District Plan	Justification
<p>Planning Priority S9 Growing investment, business opportunities and jobs in strategic centres</p>	<p>Planning Priority S9 seeks to grow investment, business opportunities and jobs within strategic centres such as Hurstville. It states that Hurstville is an important retail destination for the South District, with its high street and large shopping centres. Improvements to Hurstville's public spaces and better integration of these with the shopping centres will help activate streets and attract visitors to the centre.</p> <p>The planning proposal responds to this planning priority because it:</p> <ul style="list-style-type: none"> • builds on the centre's administrative and civic role; • facilitates a range of new community uses to attract visitors to the area; • protects existing commercial lands for future employment opportunities; and • facilitates the attraction of office and commercial floor space and providing opportunities to allow commercial and retail activities to innovate.
<p>Planning Priority S12 Delivering integrated land use and transport planning and a 30-minute city</p>	<p>Planning Priority S12 seeks to deliver integrated land use and transport planning outcomes that deliver on the objectives of creating a 30-minute city.</p> <p>The planning proposal responds to this planning priority because it:</p> <ul style="list-style-type: none"> • Prioritises infrastructure investments, particularly those focused on access to the transport network, which enhance walkability within two kilometres of metropolitan or strategic centres or 10 minutes walking distance of a local centre; and • Integrates land use and transport plans to deliver the 30-minute city.
<p>Planning Priority S15 Increasing urban tree canopy and delivering Green Grid connections</p>	<p>The proposal states that the area of deep soil within the site to achieve tree canopy will be dependent on the design, configuration and depth of basement car parking. This will be further resolved as part of future detailed design refinement.</p> <p>The extent of public open space envisaged for the site (discussed below) will provide opportunities for tree canopy to be incorporated into the site. The proposal is supported by a draft development control plan that requires sufficient deep soil provision to be considered as part of the design of basement parking in the future.</p>
<p>Planning Priority S16 Delivering high quality open space</p>	<p>Planning Priority S16 seeks to provide opportunities to expand high quality open spaces that respond to the needs and values of the community.</p> <p>The proposal intends to introduce 2 separate areas of open space being a new Civic plaza and a pocket park.</p> <p>Civic Plaza</p> <p>A key feature of the concept design is the intended introduction of a new Civic plaza positioned adjacent to MacMahon Street. The proposal outlines that the location of the plaza is positioned to be protected from high levels of traffic from Queen Street and to receive an average of 2 hours of solar access between 11am and 2pm at the winter solstice.</p> <p>The introduction of this open space to the site will provide improved opportunities for the community to gather and engage with a number of lower level commercial and civic uses. The desire to retain appropriate solar access to this space will require further consideration as part of future detailed design as part of any future development</p>

District Plan	Justification
	<p>assessment.</p>  <p>Figure 15: Overhead view of intended Civic Plaza</p> <p>Pocket Park</p> <p>The proposal also intends for additional open space to be provided as part of a pocket park situated between Buildings A and B. The location of this space has also been designed to receive extensive solar access which can be utilised by adjacent residents.</p>  <p>Figure 16: Overhead view of intended pocket park fronting Patrick Street</p>

4.2 Georges River Local Strategic Planning Statement

The Georges River Local Strategic Planning Statement (LSPS) was endorsed and made on 11 March 2020. It establishes the 20-year vision for land use in the LGA, the special character and values that are to be preserved, and how change will be managed in the future. **Table 7** provides an assessment of the proposal against the relevant priorities of the LSPS.

Table 7 LSPS assessment

Local Strategic Planning Statement Priorities	Justification
Planning Priority 3: Roads, footpaths and cycleways are safe, accessible and free of congestion	<p>The proximity of the site to existing public transport services provides the opportunity to reduce reliance on private vehicle use. The proposal anticipates car parking will be provided on site which will have an acceptable impact on the surrounding street network.</p> <p>A condition of Gateway has been recommended to require consultation with Transport for NSW to allow further consideration of parking and traffic matters.</p>
Planning Priority 4: Collaboration supports innovation and delivers infrastructure, services and facilities	The proposal directly responds to action 25 under this Priority which seeks to Develop the Hurstville Civic Precinct as the regional cultural hub with premier library, community, performance, museum and gallery facilities.
Planning Priority 8: Place-based development, quality building design and public art deliver liveable places	The proposal has the potential to facilitate a future development that provides a mix of uses for employment, residential, leisure and community uses within proximity to key public transport interchanges. The intended delivery of a public plaza can provide for an improved place for the community to gather and socialise.
Planning Priority 9: A mix of well-designed housing for all life stages caters for a range of lifestyle needs and incomes	<p>The proposal will deliver housing supply and choice with a mix of apartment types, in a location that optimises existing transport infrastructure and services.</p> <p>The proposal states that it will enable the provision of diverse housing opportunities and that affordable housing will be considered as part of any future development application or post Gateway as necessary.</p>
Planning Priority 10: Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces	The planning proposal outlines that the provision of accessible green spaces, height transitions, landscaping, vista protection and the integration of Crime Prevention through Environmental Design (CPTED) principles have all been addressed in the planning proposal, supporting master plan and draft site specific DCP.
Planning Priority 12: Land is appropriately zoned for ongoing employment growth	<p>The proposed zoning of the site to B4 Mixed Use will allow for a range of employment generating uses to occur on site. Under the Hurstville LEP 2012 or the draft Georges River LEP 2021, all B4 Mixed Use zoned land must provide a minimum non-residential floor space of 0.3:1, as such zoning this site B4 Mixed Use will ensure that employment uses will occur on the site to a minimum of 0.3:1 of the developable floor space.</p> <p>The planning proposal also intends to introduce an Additional Local Provision that requires a maximum 55% of floor space to be used for residential purposes,</p>

Local Strategic Planning Statement Priorities	Justification
	allowing the remainder to be used for non-residential purposes. Under the B4 zoning a range of commercial and retail uses are permissible.
Planning Priority 14: Hurstville, Beverly Hills and Kogarah are supported to grow night-time entertainment, dining and other recreational opportunities	The B4 Mixed Use zoning will allow for a range of uses that can grow Hurstville's night-time economy. It is expected that the public plaza will be used to activate the Hurstville Civic Precinct and will have retail uses adjacent to help activate the space.
Planning Priority 17: Tree canopy, bushland, landscaped settings and biodiversity are protected, enhanced and promoted	The planning proposal, supporting master plan and DCP will facilitate the creation of new public places, links and streetscape improvements that will enhance tree coverage. This will be further explored via the creation of a public domain strategy post Gateway.
Planning Priority 18: An environmentally friendly approach is applied to all development	The site-specific DCP accompanying this planning proposal will require all development on site to demonstrate compliance with sustainable design initiatives and provisions for waste management and achieving energy efficient buildings.
Planning Priority 19: Everyone has access to quality, clean, useable, passive and active open and green spaces and recreation places	The proposed public plaza will provide residents and workers with a space to socialise and undertake recreational activities. The provisions of management for this space will be outlined in the site-specific DCP.

4.3 Georges River Local Housing Strategy

On 23 June 2021, the Georges River Local Housing Strategy (the LHS) was endorsed by the Department. The LHS sets the housing supply targets expected for Georges River Council for 0-5 years (2016-2021), 6-10 years (2021-2026) and 10-20 years (2026-2036). To achieve this vision, the LHS includes the following 7 objectives:

1. Accommodate additional housing growth;
2. Coordinate growth with infrastructure;
3. Provide affordable and inclusive housing;
4. Provide greater housing choice and diversity;
5. Have consistent LEP zoning and controls across the LGA;
6. Enhance and protect the local character; and
7. Facilitate good design and sustainable development practices.

The planning proposal is consistent with the endorsed LHS, because the additional uplift contributes to Council's 6-10 year housing targets near:

- existing public transport infrastructure;

- existing services that provide for the needs of residents, including banks, medical practices, hospitals, schools and commercial premises; and
- both new and existing open spaces.

Though the Department is satisfied the proposal is consistent with the LHS, the proposal does not include discussion about the endorsed LHS. A condition has been included in the Gateway requiring the proposal be updated to include discussion on the endorsed LHS.

4.4 Georges River Commercial Centres Strategy

The Georges River Commercial Centres Strategy (CCS) – Part 1 was adopted by Council on 24 June 2019. The CCS will be prepared over two parts in response to the staged approach to implementing Council's strategic planning program. Council is currently progressing with Stage 2, which is yet to be exhibited and finalised.

The first part of this approach harmonises the strategic planning frameworks for the centres and resolves inconsistencies and deficiencies in this framework. The second part will consider the roles and functions of the identified centres through a place based approach to guide the future development of these centres.

The CCS – Part 1 makes the following conclusions and recommendations for the Hurstville Strategic Centre:

- there is a potential shortfall of 108,000sq.m of non-residential floor space by 2036; and
- a minimum 1:1 non-residential FSR is recommended for the Hurstville Strategic Centre.

The planning proposal is consistent with the CCS because:

- a maximum residential floor spaces requirement for 55% of the GFA is included in the explanation of provisions. This provides for a minimum non-residential FSR of 1.8:1. The CCS considers the minimum non-residential FSR to be any uses that are not residential accommodation; and
- the supporting concept scheme proposes a non-residential floor space of approximately 25,000sq.m, equating to a FSR of 2:1, being:
 - 7,400 sqm of commercial floor space;
 - 6,000 sqm of Council Chambers;
 - 8,400 sqm of community facilities; and
 - 3,145 sqm of retail floor space.

This results in a residential GFA comprising approximately 51% of the total GFA.

4.5 Hurstville City Centre Urban Design Strategy

On 25 June 2018, Council endorsed the Hurstville City Centre Urban Design Strategy (HCCUDS) prepared by SJB Architects. The HCCUDS was prepared in response to Council receiving nine planning proposals for amendments to zoning and development standards in the Hurstville Strategic Centre (the centre).

The aims of the HCCUDS were to review and update the existing development standards to:

- inform opportunities for additional housing within the Hurstville City Centre;
- provide a logical approach to the built form controls;
- reinforce the role of Hurstville as a gateway to southern Sydney;
- strengthen the use of public and active transport to and within the centre;
- enhance and strengthen the identity of the centre;

- improve pedestrian connectivity and movement; and
- provide block by block planning controls for the centre.

The study area is found in **Figure 17**, below:

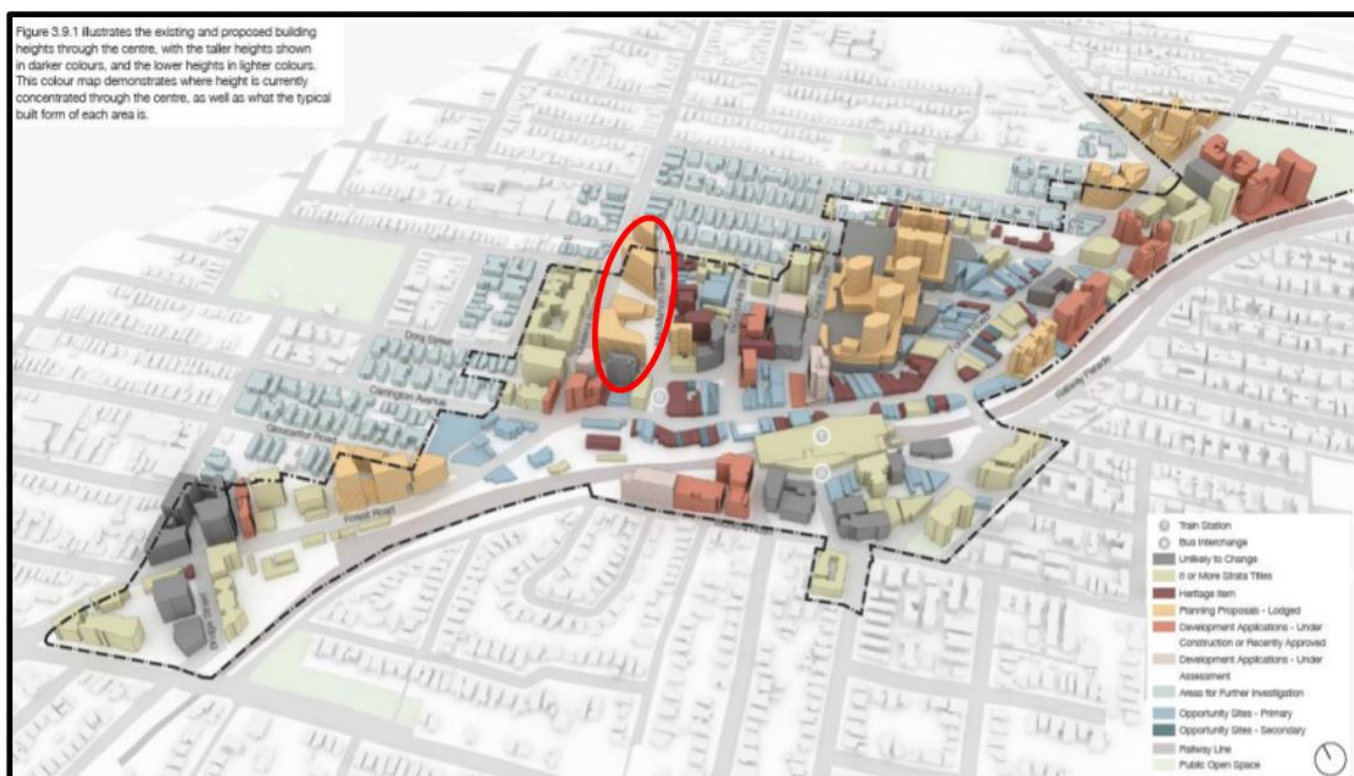


Figure 17: HCCUDS Study Area (the site circled red)

The HCCUDS makes recommendations relevant to the Hurstville Civic Centre site. These recommendations have been informed by a holistic analysis of the build form opportunities and constraints with the Hurstville Strategic Centre, being:

- the Civic Precinct is one of the three activation points for the centre, along with Forest Road and Westfield Hurstville (**Figure 17**);
- indicates a potential gateway at the northern corner of the site, at the junction of Queens Road and Park Road;
- in essence the two last large remaining development sites within the City Centre, and should be capitalised upon to deliver for the needs of residents and workers of Hurstville;
- the need for a renewed civic heart of the city; and
- building height is taller around the Civic Centre and commercial centre.

The concept scheme that supports the current planning proposal states that:

- the north eastern corner of the site is the 'Gateway' to the Hurstville CBD by providing higher building heights and using the proposed residential towers to represent the northern extent of the CBD;
- the Civic Precinct will activate the centre through the revitalised retail, residential and commercial offerings and the associated public plaza; and
- the redevelopment will deliver for the needs of the residents and workers of Hurstville and will renew the civic heart of Hurstville CBD.

The planning proposal is consistent with the HCCUDS, because:

- the built form controls consolidate the site as a 'Gateway' for the Hurstville Strategic Centre;
- locating the taller buildings to the northern and southern extents of the site to frame the extent of the Civic Centre Precinct as required by the HCCUDS. This also provides for solar access to the civic plaza through reduced heights in the centre of the site;
- the maximum height and FSR controls are consistent with existing provisions in the Hurstville Strategic Centre, noting the HCCUDS identified the site for taller buildings within the broader context of the strategic centre; and
- providing a public plaza and 'eats street' revitalises and activates the site, fulfilling the HCCUDS identified need for a renewed civic heart to the Hurstville CBD.

4.6 Hurstville City Centre Transport Management Strategy (TMAP)

The Hurstville City Centre TMAP provides an assessment of the transport impacts of forecast land use development with the identification of appropriate transport measures, to help manage the future demand for travel out to 2036. The study area is shown in **Figure 18**.

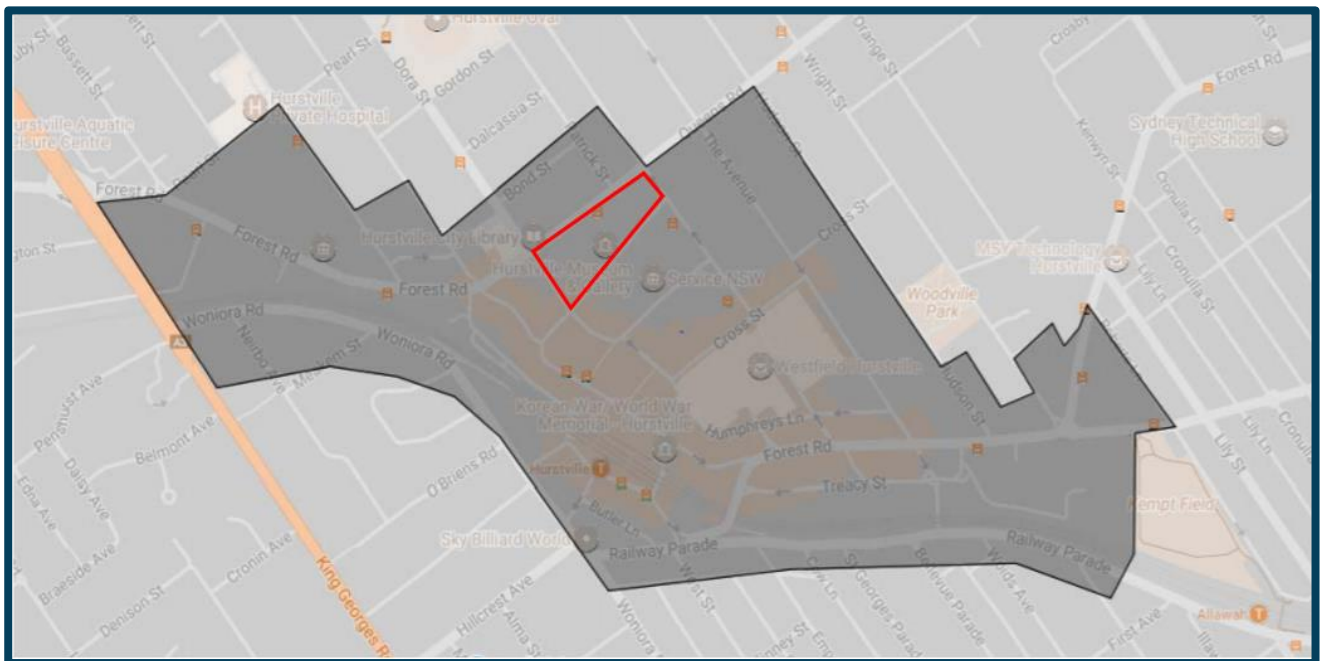


Figure 18: TMAP Study Area – the site is highlighted in red (Source: Transport Management Strategy)

The TMAP was initially prepared and adopted in 2013 and was updated in 2018. This update:

- was in response to preparation of the HCCUDS, which recommended a modest uplift in the Hurstville City Centre;
- was prepared by independent consultants GHD in conjunction with a working group including representatives from TfNSW, RMS and Georges River Council;
- was informed by primary source data collection and available strategic data from RMS' Strategic Traffic Forecasting Model (STFM); and
- includes a fully revised traffic modelling framework consisting of strategic, microsimulation and intersection models of Hurstville City Centre.

The update concluded that the planned level of development, as detailed in the HCCUDS can be accommodated without significant infrastructure upgrades. On 24 June 2019, the updated TMAP was endorsed by Georges River Council.

The Planning Proposal

GHD Transport Impact Statement

The planning proposal is supported by a Transport Impact Statement (TIS) prepared by GHD consulting and dated March 2019, which:

- reviews the Civic Centre planning proposal and provides a comparison with the TMAP; and
- undertakes microsimulation traffic modelling with the proposed land use changes and reports on the network wide impacts.

The TIS relies upon development data provided by Georges River Council and the analysis and modelling undertaken on the 2018 update of the TMAP.

Following analysis of the planning proposal, the TIS concludes that:

- consideration should be given to limiting the Hurstville Civic Centre planning proposal car parking provision, given the current trend of minimising car dependency and to promote alternative means of transport such as public and active transport. Over-supply of car parking may ameliorate the effectiveness of Travel Plans and other sustainability measures.
- to be able to conclude that the development will not adversely affect the safety and operation of the road network, further details are required to:
 - review the impact of the proposed additional parking supply.
 - assess any existing safety issues on the road network.
 - consider how the two left-in-left out accesses may disproportionately affect particular routes to and from the site.
 - consider the wider network impacts of the traffic generated.
 - support the claims made and not solely rely on analysis from the 2012 TMAP as sufficient. The 2012 TMAP study did not include a detailed representation of the Civic Centre Planning Proposal.
- overall, GHD considers that a development of this size is unlikely to have a significant effect on proximate intersections (depending upon the regime in place to control the additional parking). However,
 - this assessment depends upon the enactment of public transport, active transport, and travel demand initiatives. Without such initiatives, traffic generation for the development and for Hurstville may be greater than forecasted.
 - the development will have at least some impact on the proximate intersections and also have some impact on intersections that are further afield, but are nearing or at capacity at present and are critical to the operation of the overall road network.
 - the GHD modelling suggests there may be benefits to upgrading intersections and putting in place other road network improvements to ease traffic flow.
- GHD considers that it would be appropriate for a development of this size to:
 - ensure that appropriate steps are taken to limit trip generation through provision of public and active transport facilities on site and enacting travel demand management measures for owners, tenants and users of the development.
 - provide a reasonable contribution towards the provision of transport schemes in Hurstville generally.

Department comment

The proximity of the site to existing public transport interchanges in the city centre provides the opportunity to reduce dependence on private vehicle use.

The TIS anticipates that an additional 100 trips in the AM peak and 250 trips in the PM peak will be created, however this has not factored in the additional 500 car parking spaces proposed. The TIS states that the delivery of public car parking on site has the potential to remove car trips from the centre of the Hurstville CBD to its periphery, improving vehicular and pedestrian movement. The Department recommends the Independent Traffic Report be updated to reflect the provision for additional parking proposed by the planning proposal.

The TMAP concludes that the traffic generation resulting from the development can be accommodated within the Hurstville CBD so long as the development assisted in implementing the TMAP Action Plan actions. This includes potential need for intersection and signalisation upgrades at the Dora Street and Park Road intersections with Queens Road. The TIS notes the payment of Section 7.11 contribution payments could contribute to these actions.

A Gateway condition is recommended to require consultation to occur with Transport for NSW (TfNSW). This will provide the opportunity for discussions to occur relating to traffic implications and the delivery of any necessary infrastructure improvements.

4.7 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 8 9.1 Ministerial Direction assessment

Directions	Consistency	Reasons for Consistency or Inconsistency
1.1 Business and Industrial zones	Yes	<p>This Direction aims to encourage employment growth in suitable locations, protect employment land in business zones, and support the viability of identified centres.</p> <p>The proposal will increase the provision of employment generating floor space on the site and implement a mixed-use zoning that permits a range of retail and commercial uses. It seeks to limit the residential development to a maximum of 55% of developable floor space ensuring a reasonable mix of residential and non-residential uses.</p>
2.3 Heritage Conservation	Yes	<p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p><u>On-site Heritage Items</u></p> <p>Currently, 14 MacMahon Street, Hurstville is listed as a heritage item under Hurstville LEP 1994. The proposal seeks to list 14 MacMahon Street, Hurstville in Schedule 5 of the Hurstville LEP 2012 (or Georges River LEP 2021).</p> <p>The concept scheme demonstrates that the item can be integrated into the re-development of the site. This is supported by the conclusions of the supporting heritage impact assessment, which consider a suitable heritage outcome can be achieved.</p>

Directions	Consistency	Reasons for Consistency or Inconsistency
		<p>Listing 14 MacMahon Street as a heritage item within the LEP will provide for continued conservation under Clause 5.10 – Heritage conservation through the development application process.</p> <p><u>Neighbouring Heritage Items</u></p> <p>The site is located near several heritage items, being:</p> <ul style="list-style-type: none"> • 1 MacMahon Street - Presbyterian Church; • 17 MacMahon Street - Friendly Societies' Dispensary Building; • 27 MacMahon Street - Fire Station; • 342–344 Forest Road; • 338–340 Forest Road; and • 350 Forest Road - Hurstville Hotel <p>The planning proposal can provide for suitable heritage outcomes because it seeks to implement:</p> <ul style="list-style-type: none"> • building heights and densities which are consistent with existing controls immediately surrounding the site. This includes existing controls immediately adjoining these neighbouring heritage items; and • a site layout which has also been designed to mitigate bulk and scale impacts to these surrounding heritage items. This includes the location of the proposed Civic Plaza opposite the heritage items at 17 and 27 MacMahon Street. <p>The supporting site specific DCP also include requirements for a design excellence process seeking to provide a development that is harmonious with the surrounding heritage items and built form.</p> <p>These outcomes can be further supported through application of clause 5.10 as part of the development application process.</p> <p>Consultation with Heritage NSW is recommended.</p>
2.6 Remediation of Contaminated Land	Yes	<p>This Direction seeks to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The Direction only requires detailed consideration of contamination where a rezoning would permit a change of land use.</p> <p>The planning proposal seeks to rezone the site from zoning No 3 (b) Business centre zone to the standard instrument equivalent B4 Mixed Use. This rezoning does not introduce sensitive land uses not already permitted on the site,</p>

Directions	Consistency	Reasons for Consistency or Inconsistency
		<p>including residential accommodation, childcare centres, schools and community facilities.</p> <p>Contamination matters for the site can be considered as part of future works. Similarly, as these are existing residential developments nearby, it is considered unlikely that the site will be highly contaminated, with any contamination likely being able to be remediated. Therefore, contamination is capable of being appropriately addressed during the development application process.</p>
3.1 Residential Zones	Yes	<p>This Direction aims to encourage housing choice, make efficient use of infrastructure and services and minimise the impact of residential development on environment and resource lands.</p> <p>The proposal seeks to allow for additional residential floor space that will assist in broadening housing choice opportunities.</p> <p>The location is in close proximity to a range of services and existing infrastructure in the Hurstville centre. Therefore, the proposal will make efficient use of the existing infrastructure and services.</p>
3.4 Integrating Land use and Transport	Yes	<p>Under this Direction, a planning proposal must consider improving access to housing, jobs and services by walking, cycling and public transport and reducing reliance on cars.</p> <p>The proposal is consistent with this direction as it will facilitate increased density through residential and a mix of other uses in a location close to public transport. The site is in a strategic centre and is located near to services, schools and public transport. The site's accessibility to public transport satisfies the objectives of the direction as it seeks to reduce dependence on cars and encourage public transport use.</p>
3.5 Development Near Licensed Aerodromes	Unresolved – Consult with relevant agencies	<p>The objectives of this direction are to ensure: effective and safe operation of aerodromes; that their operation is not compromised by development; and residential development on land within the 20 and 25 Australian Noise Exposure Forecast (ANEF) incorporates appropriate mitigation measures for aircraft noise.</p> <p><u>Height</u></p> <p>The site is subject to an Obstacle Limitation Surface (OLS) - Inner Horizontal Surface of 120-130m Australian Height Datum (AHD) and Air Navigation Services - Aircraft Operations Surface (PANS-OPS) of 136 to 151m AHD. The planning proposal seeks to amend the building height control to allow for a maximum height of 60m.</p> <p>The accompany site survey notes the site ranges in height of 67-69m AHD above sea level. As such the proposal may</p>

Directions	Consistency	Reasons for Consistency or Inconsistency
		<p>exceed the OLS by maximum of 9m. However, it is unlikely that the proposal will breach the PANS-OPS.</p> <p>The Direction requires permission to be granted from the relevant department of the Commonwealth prior to undertaking community consultation where a planning proposal seeks to allow penetration of the OLS, or other controlled activities defined in the <i>Airports Act 1996</i>.</p> <p>In order to meet the requirements of Direction 3.5 a Gateway condition is recommended that require Council consult with relevant agencies, including Sydney Airport and the Commonwealth Department of Infrastructure, Regional Development and Cities prior to the commencement of community consultation.</p> <p>The planning proposal is to be updated to clearly address consistency with Direction 3.5 and the results of consultation.</p> <p><u>Noise</u></p> <p>Section 3.5(7) states that a planning proposal must include a provision to ensure that development meets <i>Australian Standard 2021-2015, Acoustic-Aircraft Noise Intrusion – Building siting and construction</i> where a planning proposal seeks to increase residential densities in areas where the ANEF is between 20 and 25 which applies to this site.</p> <p>The planning proposal is consistent with this Direction because it does not seek to increase residential density within the 20 or higher ANEF contours.</p> <p>Any noise affectation from aircraft operations can be further addressed through existing LEP provisions as necessary.</p>
6.2 Reserving Land for Public Purposes	Yes	<p>This Direction seeks to:</p> <ul style="list-style-type: none"> Facilitate the provision of public services and facilities by reserving land for public purposes; and Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. <p>The proposal is consistent with this Direction as it does not seek to alter or reduce zoning or reservations of land for public purposes.</p> <p>The proposal seeks to facilitate a number of public uses including open space, car parking and other community uses. A local provision clause is intended to be introduced ensure these public benefits are realised. However, the proposal does not propose acquisition of land for these purposes.</p>

Directions	Consistency	Reasons for Consistency or Inconsistency
6.3 Site Specific Provisions	No – Minor Significance	<p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The planning proposal includes a split level height of building map, which informed by a concept design, seeks to provide for appropriate built form outcomes.</p> <p>This map has been prepared in response to concerns with amenity impacts from potential development on the southern portion of the site.</p> <p>Though the preparation of this map is inconsistent with this Direction, it is of minor significance because:</p> <ul style="list-style-type: none"> the map addresses particular site specific issues and amenity impacts; and retains sufficient flexibility to ensure the desired land use permitted in the zone can be achieved.

4.8 State environmental planning policies (SEPPs)

The planning proposal is consistent with relevant SEPPs, including those discussed below:

SEPP No.65 – Design Quality of Residential Apartment Development

This Policy aims to improve the design quality of residential apartment development in New South Wales. This is achieved through nine design quality principles and application of the accompanying Apartment Design Guide (ADG).

Consideration of SEPP No.65 is required as the planning proposal:

- seeks to facilitate the development of residential flat buildings of three or more storeys; and
- impacts upon existing residential flat building development adjoining the site.

Detailed design of buildings that comply with the proposed envelopes sought by this proposal will be undertaken at the development application stage, where compliance with SEPP 65 and the ADG will need to be demonstrated.

Nonetheless, a general assessment undertaken by the Department of the planning proposal shows the supporting concept design is capable of appropriately responding to ADG requirements subject to further detailed design refinement. This includes:

Built Form and Solar Access

The ADG seeks to provide for adequate built form and solar access outcomes with requirements which include:

- allowance of building envelopes which are 25-30% greater than the achievable floor area to allow for components not forming part of the floor space;
- at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter;
- a maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter;
- building separation to provide urban form of an area and the amenity within apartments and open space areas; and

- building depths that can support a range of apartment layouts.

Initial Scheme – Planning Proposal dated September 2020

As discussed, the previous version of the planning proposal was not supported due to unacceptable impacts to the neighbouring residential building at Dora Street. The Department determined that the planning proposal would cause substantial overshadowing of the existing residential development at 9 Dora Street, Hurstville, such that compliance with the ADG could not be achieved. As this overshadowing was a direct consequence of the proposal, the Department encouraged Council to explore alternative schemes to demonstrate:

- consistency with SEPP 65 and the ADG; and
- retention of the proposed area and solar access to the public open space, being a minimum:
 - 50% of the site area at ground level; and
 - 50% direct sunlight for 2hrs at midwinter.

In response, a revised planning proposal was prepared.

Revised Scheme – Planning Proposal dated June 2021

The revised planning proposal is supported by an amended concept scheme by DWP. The proposal states that the revised scheme:

- has been carefully considered to ensure adequate solar access to the Civic Plaza and the complementary Patrick Street Plaza;
- the supporting concept design responds to variety of site planning and contextual factors, including the ADG.

The proposal states this has been achieved by adopting a ‘two tower’ approach requiring a change to the building height at the south western end of the site. The proposed amendments seek to attain 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 with reconfigured height of buildings being 20m, 30m and 60m;

- a human scaled built form will be provided adjacent to the plaza;
- it will allow for a significant areas of the civic plaza and pocket park to have solar access in mid-winter; and
- provides a focal point and built form gateway to the Hurstville Strategic Centre.

The redistribution of the building height across the southern portion of the site:

- mediates the overshadowing to the existing residential development along Dora Street (**Figure 19**), which is supported by a split level height of building map. This is achieved by transitioning the built form from 7 storeys, to 4 storeys to 14 storeys, north to south;
- the overshadowing from Building D1 predominately falls across B3 zoned land, which prohibits residential accommodation (**Figure 19**); and
- retains 50% of the site area at ground level for public open space with 50% direct sunlight for 2 hours at midwinter, being 11am to 1pm (**Figure 19**).

The planning proposal acknowledges that:

- 50% of the apartments at 9 Dora Street will receive 2 hours sunlight, which is less than the 68% currently achieved. Objective 4A of the ADG requires living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter; and

- design guidance under Objective 3B-2 of the ADG allows for a 20% reduction in solar access (taken from the 70% under 4A) where an adjoining property does not currently receive the required hours of solar access. This will result in the revised concept reducing the solar access to this property by approximately 26% (taken from 68% current compliance).

Nonetheless, the concept scheme accounts for compliant building separations and building envelopes which are 25-30% greater than the achievable floor area. When applied with further modulation of the built form as part of the development application process, the future development is capable of adequately responding to the ADG solar access requirements.

This is supported by the draft site specific DCP, which includes controls to minimise overshadowing to residential development on Dora Street through careful articulation of building massing.

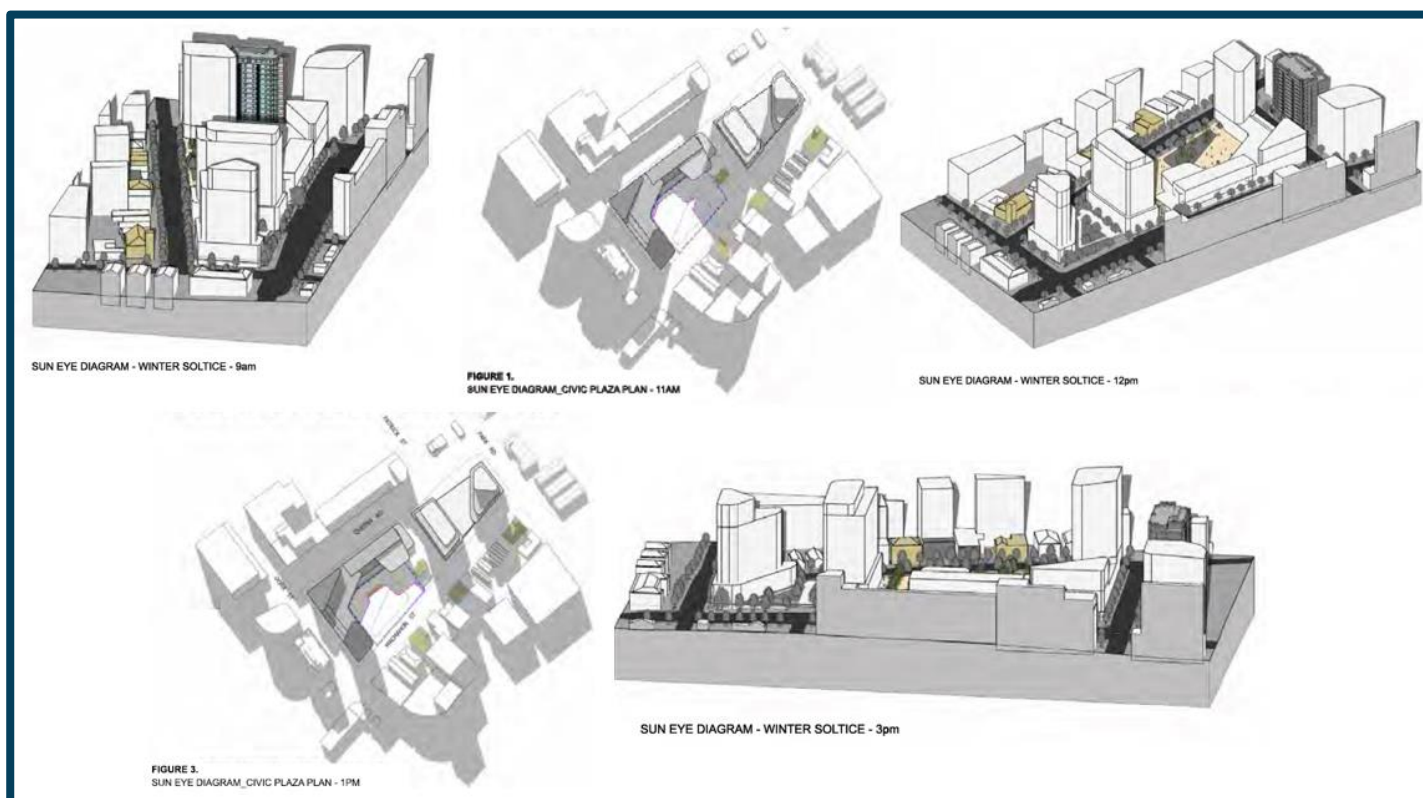


Figure 19: Shadow Diagrams of the revised scheme

Communal Open Space

The ADG explains that communal open space is an important environmental resource that provides outdoor recreation opportunities for residents, connection to the natural environment and valuable 'breathing space' between apartment buildings.

The ADG requires 25% of a site's area to provide for adequate communal open spaces.

The planning proposal notes that proposed Buildings A & B have the potential to support a combined total of approximately 1,900sq.m of communal open space on roof tops and podium spaces (**Figure 20**).



Figure 20: Overhead view of masterplan for site

The ADG notes that where development is unable to achieve the co-location of communal open spaces and deep soil, are located within business zones, or in a dense urban area, they should:

- provide communal spaces elsewhere such as a landscaped roof top terrace or a common room;
- provide larger balconies or increased private open space for apartments; and/or
- demonstrate good proximity to public open space and facilities and/or provide contributions to public open space

When cumulatively combined with the proposed public open spaces, communal and public open spaces equivalent to approximately 60% of the site area can be provided.

Deep Soil Zones

The ADG explains deep soil zones as areas of soil not covered by buildings or structures within a development, which;

- have important environmental benefits, such as allowing infiltration of rainwater to the water table; and
- promote healthy growth of large trees with large canopies and protecting existing mature trees which assist with temperature reduction in urban environments.

The ADG includes a requirement to provide deep soil zones equivalent to 7% of the site area, with a minimum 6m dimension for sites >1,500sq.m.

The ADG further explains that deep soil zones may be constrained by the size of the lot or the location of a proposed development. In such circumstances, acceptable stormwater management should be achieved, and alternative forms of planting provided such as on the structure.

The planning proposal notes that the provision of deep soil zones will be dictated by detailed design considerations, particularly concerning the provision of basement car parking.

Despite this, 50% of the site area at ground level is to be provided for public open space. Therefore, there is sufficient opportunity, as part of the development application process, for deep soil zones to be provided in accordance with the ADG. The site specific DCP also includes controls to ensure the delivery of adequate deep soil zones.

SEPP 70 – Affordable Housing (Revised Schemes)

SEPP 70 aims to provide for affordable housing across NSW by:

- describing the kinds of households for which affordable housing may be provided; and
- making a requirement with respect to the imposition of conditions relating to the provision of affordable housing.

SEPP 70 does not mandate the preparation of an affordable housing contribution scheme. Georges River Council has not prepared an Affordable Housing Contribution Scheme in accordance with SEPP 70 or the Guideline for Developing an Affordable Housing Contribution Scheme.

This does not prevent Council from exploring appropriate mechanisms to deliver affordable housing in the Hurstville Civic Precinct.

SEPP (Infrastructure) 2007

The overarching objective of the SEPP is to facilitate the effective and efficient delivery of infrastructure across NSW.

Schedule 3 of the SEPP requires consultation with TfNSW development consistent with the concept as part of any future development assessment. A Gateway condition is also recommended to require consultation with TfNSW as part of this planning proposal.

4.9 Reclassification of Land

The Department's *A Guide to preparing local Environmental Plans* includes a list of Planning Secretary requirements (as per section 3.33(3) of the *Environmental Planning & Assessment Act 1979*) for planning proposals that seek to reclassify land. Consistency with these requirements in relation to 4-6 Dora Street is discussed under **Table 9**.

Table 9 Planning Secretary's Requirements for Planning Proposals Reclassifying Land

Planning Secretary requirement	Assessment
Is the planning proposal the result of a strategic study or report?	As discussed, the proposal is the result is a range of studies for Hurstville with a key principle to "create a new civic precinct". Refer to further discussion under Section 3 of this report.
Is the planning proposal consistent with the local council's community plan, or other local strategic plan?	As discussed, the planning proposal is considered to be consistent with the Georges River LSPS.
If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided.	The planning proposal confirms that there is no evidence of any trusts, estates, interests, dedications, conditions, restrictions or covenants over land at 4-6 Dora Street.

Planning Secretary requirement	Assessment
The concurrence of the landowner, where the land is not owned by the planning proposal authority	The planning proposal confirms that the land at 4-6 Dora Street is owned by Georges River Council who are the planning proposal authority.

5 Site-specific assessment

5.1 Environmental

Critical habitats and threatened species

There are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the site. There are no likely environmental impacts that would arise as a result of the planning proposal.

Flooding

The site is not identified as being flood prone land.

Contamination

Refer to **Section 4.7 – Section 9.1 Direction 2.6 Remediation of Contaminated Land** for detailed discussion of contamination matters.

Built Form and Amenity

Refer to **Section 4.8 – SEPP No.65 – Design Quality of Residential Apartment Development** for the detailed assessment of the built form and amenity considerations.

Height and Character

Refer to **Section 4.5 – Hurstville City Centre Urban Design Strategy** for the detailed assessment of the built form and amenity considerations within the context of the Hurstville Strategic Centre.

Traffic Impacts

Refer to **Section 4.6 Hurstville City Centre Transport Management Strategy** for the detailed traffic assessment.

Heritage

Refer to **Section 4.7 – Section 9.1 Direction 2.3 Heritage Conservation**.

5.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
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Social	<p>The proposal seeks to introduce an Additional Local Provision that will secure a minimum of 25% of the total permissible GFA for community uses and facilities. The community uses and facilities secured under the Additional Local Provision will include 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. These uses will provide opportunities to service the community in a location within proximity to key public transport interchanges.</p> <p>Approximately 50% of the site will be publicly accessible including small parks, covered outdoor areas and the public plaza. The public plaza will provide the opportunity to create a revitalised space for the community to socialise and cater to the needs of the workers and residents on site and in the surrounding area. The space will be surrounded by community facilities and within proximity to public transport interchanges making it highly accessible.</p>
Economic	<p>The proposal will increase the development standards on the site which will increase the floor space available for retail and commercial uses. The resulting commercial, retail and residential uses coupled with the public plaza, will provide the opportunity to improve the viability of the centre through sustainable economic growth.</p> <p>Providing improved and revitalised facilities on the site will create a high level of amenity on site which will encourage greater amounts of foot traffic and economic activity.</p>

5.3 Infrastructure

Table 11 Infrastructure assessment

Infrastructure	Assessment
Infrastructure	<p>The site is located within the Hurstville City Centre and as such is well serviced by existing infrastructure. The site is within proximity to the Hurstville train station located only 200m away and the closest bus interchange only 100m from the site. The site is connected to all necessary utilities and services, the connection of these to new development will be assessed further at the Development Application Stage.</p>

6 Consultation

6.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

The Gateway has also been conditioned to ensure the required consultation requirements for the reclassification of 'community land' to 'operational land'.

6.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- Sydney Water;
- Transport for NSW; and
- Heritage NSW.

7 Timeframe

Council proposes a 12 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to allow for some flexibility following submissions of the planning proposal for finalisation.

A condition to the above effect is recommended in the Gateway determination.

8 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the planning proposal is located on the Hurstville Civic Centre site and involves the reclassification of land from 'community' to 'operational', the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

9 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- is consistent with the relevant the Section 9.1 Directions, with any inconsistencies considered of minor significance or unresolved subject to agency consultation;
- is consistent with the relevant planning priorities of the South District Plan and relevant SEPPs;
- is consistent with the relevant local strategies including the Georges River LSPS, Georges River Local Housing Strategy, Georges River Commercial Centres Strategy, Hurstville City Centre Urban Design Strategy and Hurstville City Centre Transport Management Strategy;
- responds to the recommendations made by the Georges River Local Planning Panel;
- provides for built form outcomes which are capable of achieving the requirements of the Apartment Design Guide; and
- provides a public plaza, revitalised community facilities, commercial and retail offerings and mixed residential unit sizes in proximity to existing services, infrastructure and public transport interchanges.

10 Recommendation

It is recommended that the delegate of the Secretary note that:

- the inconsistency with section 9.1 Direction 6.3 is of minor significance; and
- the consistency with section 9.1 Direction 3.5 Development Near Regulated Airports is unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - a) note that the proposed additional local provision is subject to the legal drafting process by Parliamentary Counsel;
 - b) include discussion of the endorsed Georges River Local Housing Strategy; and
 - c) include the supporting documentation as resolved at the 26 July 2021 Georges River Council Meeting, being:
 - i. A Civic Precinct Public Amenities and Facilities Strategy;
 - ii. A Civic Precinct Public Domain Plan Strategy;
 - iii. A Conservation Management Plan (CMP) prepared for the Hurstville City Museum and Gallery; and
 - iv. A revised Traffic Impact Assessment.
2. Prior to the commencement of community consultation, Council must consult with Sydney Airport and the Commonwealth Department of Infrastructure, Regional Development and Cities. Should Council be advised that permission is required in accordance with (5)(d) of s9.1 Direction 3.5 and/or the Airports Act 1996, this permission must be granted prior to the commencement of community consultation. The planning proposal must also be updated with the outcomes of this consultation prior to community consultation.
3. Consultation is required with the following public authorities:
 - Transport for NSW;
 - Heritage NSW; and
 - Sydney Water.
4. Community consultation is required under sections 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - a) the planning proposal must be made publicly available for a minimum of **28 days**;
 - b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans (Department of Planning, Industry and Environment, 2018)*; and
 - c) a copy of practice note PN 16-001 Classification and reclassification of public land through a local environmental plan is to be included in the public exhibition material.
5. A public hearing is required to be held into the matter by any person or body under section 3.34 of the *Environmental Planning and Assessment Act 1979* and Section 29 of the *Local Government Act 1993*. After the community consultation period has ended, at least 21 days public notice is to be given before the hearing is held.
6. The timeframe for completing the LEP is to be **12 months** from the date of the Gateway determination.
7. Given the nature of the proposal, Council is not authorised to be the local plan-making authority.



Kris Walsh
Manager, Eastern and South District



Laura Locke
Director, Eastern and South District

Assessment officer

Patrick Connor
Planning Officer, Eastern and South District Team
9274 6299