



IRF22/2390

Gateway Determination Report – PP-2021-7338

9 Gloucester Road, Hurstville

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Georges River Council Local Planning Panel Report – 2 June 2022
Georges River Council Local Planning Panel Meeting Minutes – 2 June 2022
Georges River Council Environment and Planning Committee meeting report – dated 14 June 2022
Georges River Council Environment and Planning Committee meeting minutes – dated 14 June 2022
Georges River Council Ordinary Council Meeting minutes – dated 27 June 2022

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Georges River
PPA	Georges River Council
NAME	9 Gloucester Road, Hurstville
NUMBER	PP-2021-7338
LEP TO BE AMENDED	Georges River Local Environmental Plan 2021
ADDRESS	9 Gloucester Road, Hurstville
DESCRIPTION	Lot 30 DP 785238
RECEIVED	1/07/2022 (Adequate 08/07/2022)
FILE NO.	IRF22/2390
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

1.2 Objectives of planning proposal

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

The objective of the proposal is *“to provide a “residential flat building” as an additional permitted use on the site, to facilitate the redevelopment of the site as envisaged by the Planning Proposal process which has just been completed on the site.”* (p.21)

A subsequent outcome of the proposal is to exclude the application of clause 6.13 of the Georges River Council Local Environmental Plan 2021 (GRLEP).

The objective of this proposal is clear and adequate.

1.3 Explanation of provisions

The proposal seeks to amend Schedule 1 ‘Additional permitted uses’ of the GRLEP to:

- introduce ‘residential flat building’ as an additional permitted use on ‘Area A’ of the site (being Part Lot 30 DP785238), where a residential flat building is proposed; and
- exclude the application of Clause 6.13 ‘Development in certain business zones’ from ‘Area A’ of the site (being Part Lot 30 DP785238).

Table 3 Current and proposed controls

Control	Current (Georges River LEP 2021)	Proposed
Zone	Zone B4 Mixed Use (the B4 zone) (Note: A 'Residential flat building' is currently a prohibited use in the B4 Zone)	No change to zoning. *Proposal seeks to amend Schedule 1 of the GRLEP 2021 to introduce 'residential flat building' as an additional permitted use on a portion (Area A) of the site.
Maximum height of building	Part 23 metres Part 30 metres Part 40 metres Part 55 metres Part 60 metres	No change.
Floor Space Ratio	4:1 (<i>Note: Clause 4.4B 'Exceptions to floor space ratio – non-residential uses' of the GRLEP 2021 applies a non-residential FSR of at least 0.5:1 to the site</i>)	No change.
Development in Certain business zones	Clause 6.13 prevents a consent authority from granting development consent in the business zone (i.e. the B4 zone) unless they are satisfied the development will not cause a part of the ground floor of a building that is facing a street to be used for the purposes of residential accommodation or tourist and visitor accommodation.	To exclude application of clause to proposed 'Area A'.

Except for excluding the application of Clause 6.13 from a portion of the site, the planning proposal does not seek to amend the existing zoning, FSR, height of building control or any other provision relating to the site under the GRLEP 2021.

Intended land use outcomes

The proposal seeks to facilitate the redevelopment of the site for mixed use commercial/residential purposes, as envisaged by the final concept Master Plan prepared by Turner Architects which underpinned the recent Planning Proposal PP-2020-166 for the site (discussed further in **Section 1.6** of this report).

This concept Master Plan comprises the provision of approximately 4,620m² commercial floor space, retail tenancies, 349 apartments, 459 car parking spaces and open space areas on the site.

The concept Master Plan includes residential flat buildings (with ground floor apartments) in the northern portion of the site and shop top housing in the southern portion of the site (refer to **Figures 1 to 3**).

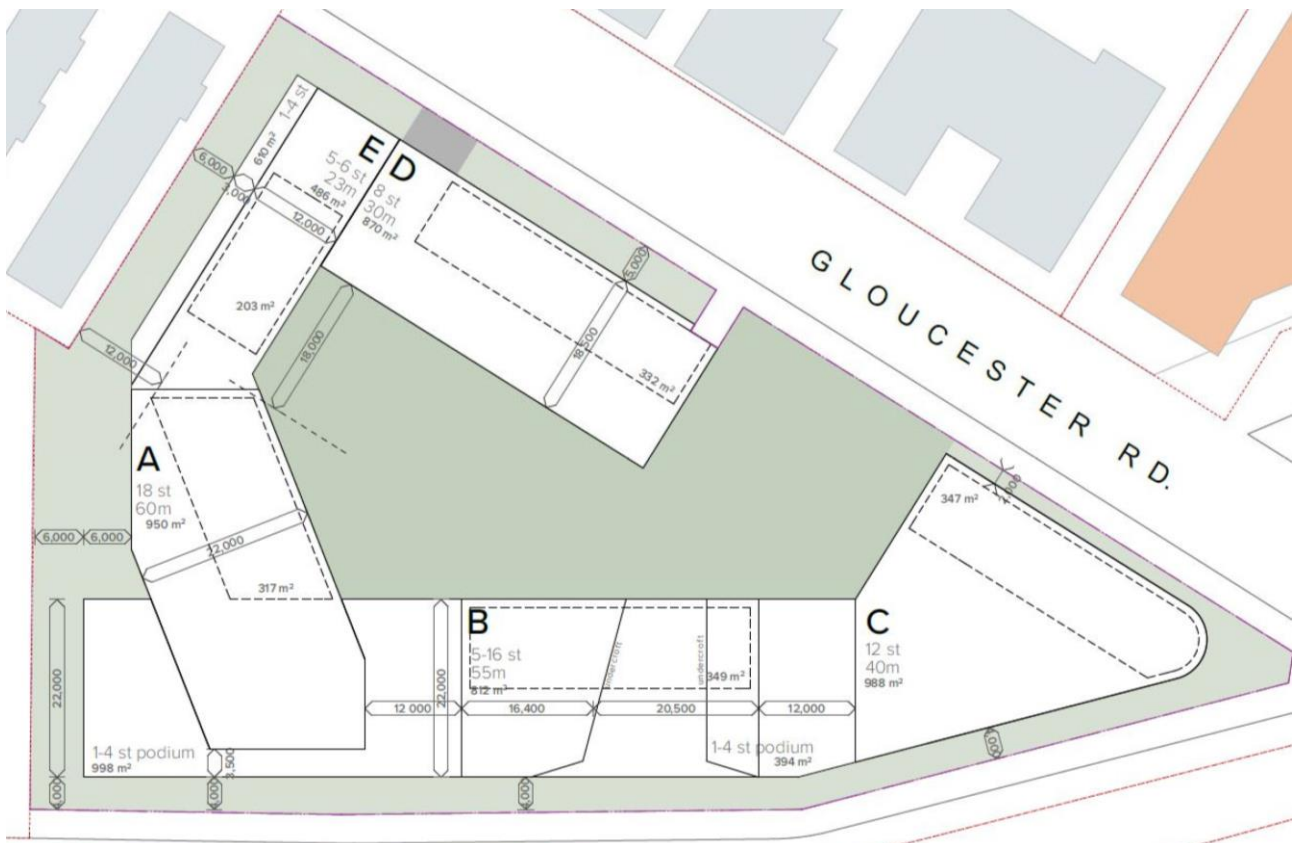


Figure 1. Planning Proposal envelopes. (Source: Extract from Planning Proposal, Figure 3, p.13)

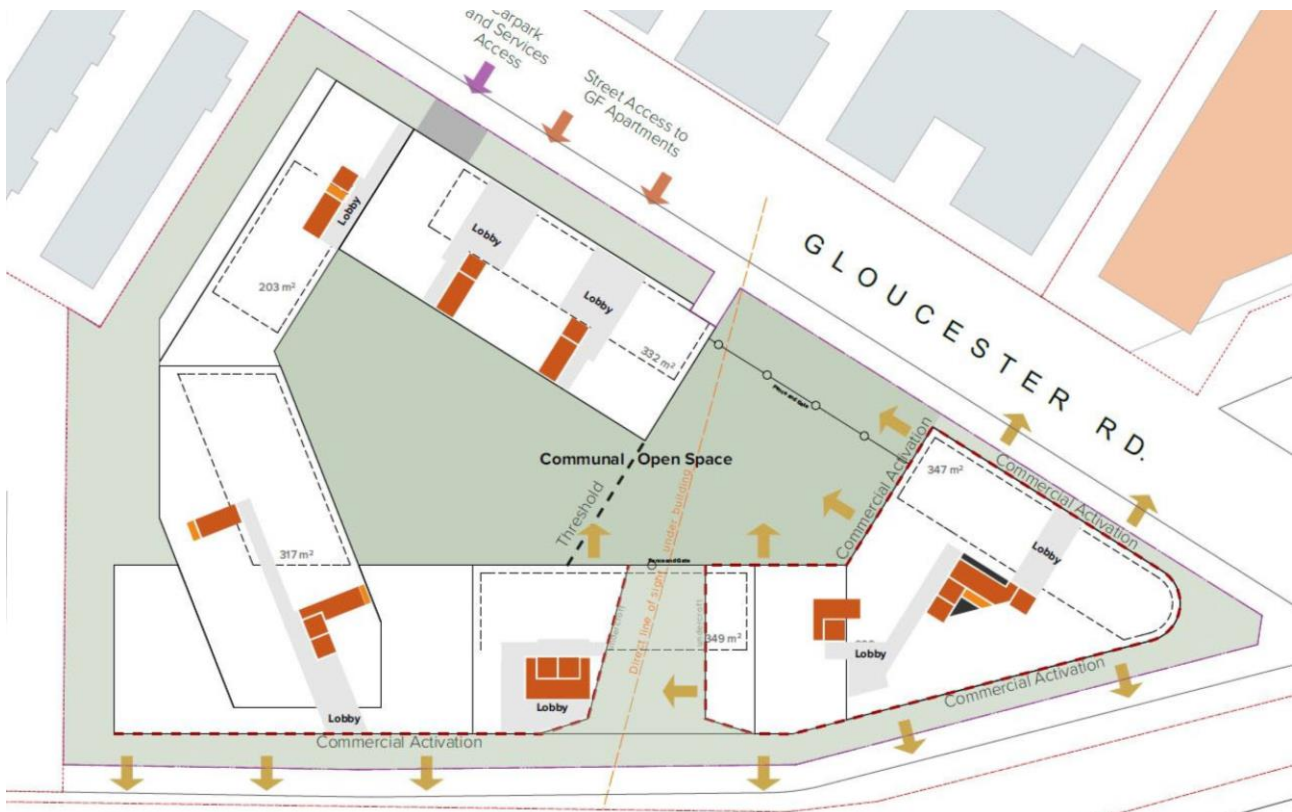


Figure 2. Planning Proposal ground floor strategy with ground floor apartments facing Gloucester Road
(Source: Extract from Planning Proposal, Figure 4, p.13)



Figure 3. Indicative ground floor plan from the Masterplan which supported the recent Planning Proposal for the site. (Source: Extract from Planning Proposal, Figure 10, p.22)

The proposal states that “the concept which underpinned the previous Planning Proposal for the site....[is] now reflected on the site specific section 8.3 of the Hurstville Development Control Plan No.2” (p.26).

1.4 Site description and surrounding area

The site

The planning proposal applies to 9 Gloucester Road, Hurstville, which is legally described as Lot 30 DP 785238 (**Figure 4**). The site is under sole ownership of GTB Hurstville Pty Ltd.

The site covers an area of 9,240m² with 148.7m frontage to Gloucester Road to the north and east, 158.3m frontage to Forest Road to the south, a staggered north-western boundary of 108.5m, and a 4m slope across the site to the south-eastern corner. The site excludes approximately 24m² of land with frontage to Gloucester Road, which is occupied by an electrical substation.



Figure 4. Subject site. (Source: Nearmap, July 2022)

The site is zoned B4 Mixed Use, with a maximum building height control of part 23m, 30m, 40m, 55m and 60m, and FSR of 4:1 under the Georges River Local Environmental Plan 2021.

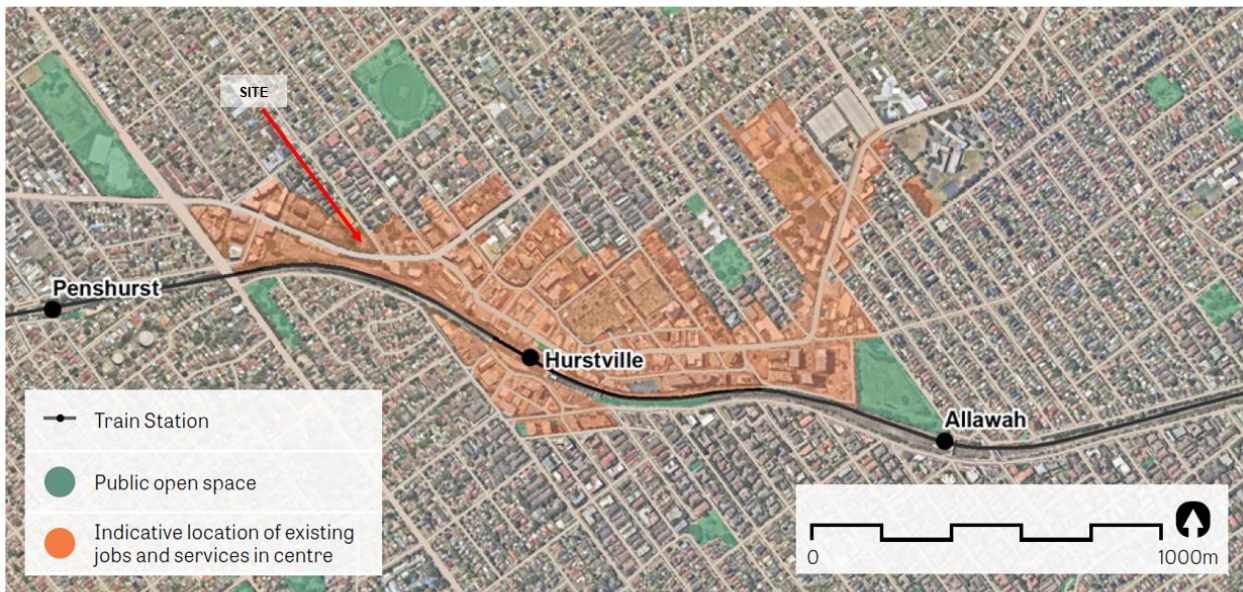
The site is currently occupied by three 2 to 4 storey commercial buildings, a partially exposed basement car park as well as established trees and landscaping. Vehicle access to the site is provided via Gloucester Road, with a through site link provided between Forest Road and Gloucester Road.

The site is bounded by Forest Road (as state classified road) to the south, Gloucester Road (a regional classified road) to the north and east, a 4-storey walk-up residential flat building to the north and north-west, as well as retail/offices and a tennis court to the west.

The site is located in close proximity to bus services which operate along Forest Road and Gloucester Road, is approximately 600m north-west of Hurstville Railway Station and bus interchange and is approximately 1km north-east of Penshurst Railway Station.

The surrounding context

The site is located within the western extent of Hurstville Strategic Centre (**Figure 5**).



Data sources: Public open space – Sydney Open Space Audit (DPE 2016), aerial photo – Nearmap 2018

Figure 5. Location of the subject site within the Hurstville Strategic Centre. (Source: Extract from South District Plan, p.69)

The site is located outside the commercial core of the Hurstville City Centre (**Figure 6**).

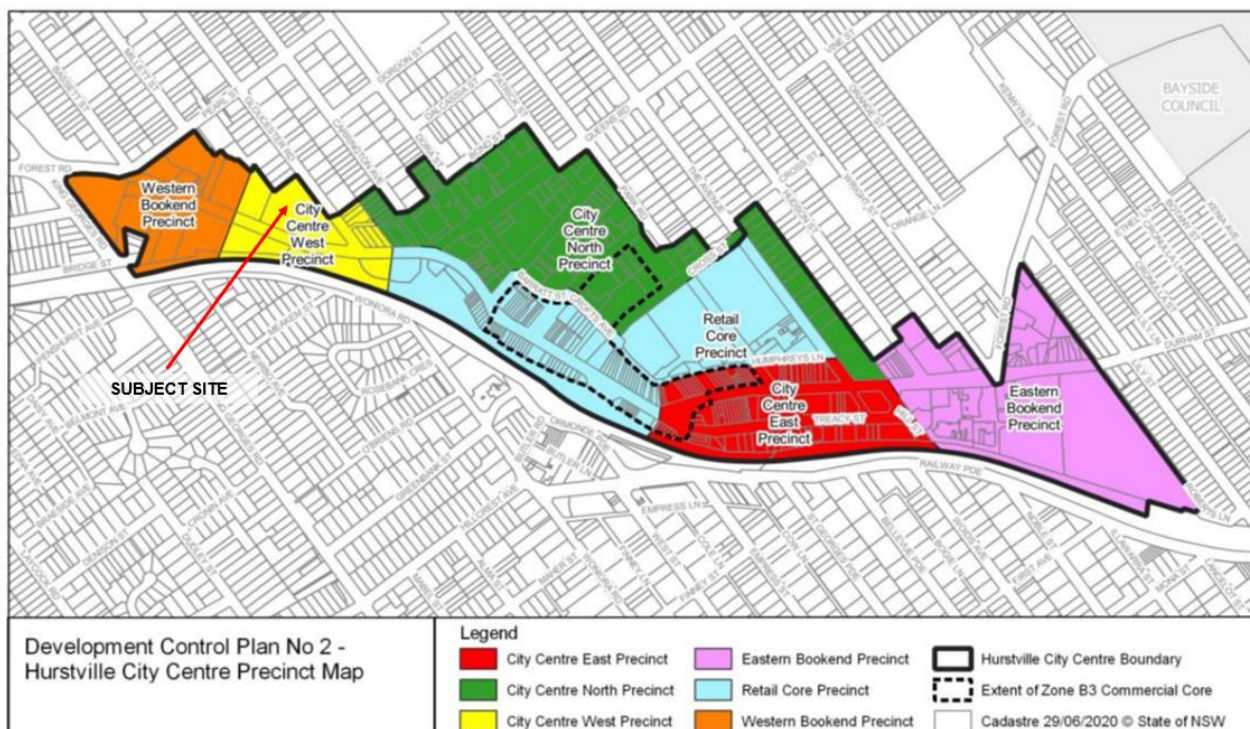


Figure 6. Location of the subject site within the Hurstville City Centre. (Source: Extract from Hurstville Development Control Plan No.2 – Amendment No.12, Section 4 – Hurstville City Centre Precincts, p.39)

Table 4 below provides an overview of land uses and features which surround the site.

Table 4 Site surrounds

Direction	Surrounding context
North	<ul style="list-style-type: none"> Land immediately north is zoned R4 High Density Residential, largely characterised by 3 to 4 storey residential flat buildings. Land further north is predominantly zoned R2 Low Density, characterised by one and two storey dwellings. Regis Hurstville Aged Care Facility and Hurstville Private Hospital are <500m to the north-west. Hurstville Oval, Hurstville Park and Timothy Reserve approximately 300m to the north-east. Danebank Anglican Girls School is located to the north-east.
South	<ul style="list-style-type: none"> Land to the south on Forest Road is zoned B4 Mixed Use with low scale development. Low density detached dwellings characterise land south of the railway line and Woniora Road. Hurstville Central Shopping Mall and Hurstville Westfield are <1km south-east of the site. Approximately 600m south-east is the Hurstville bus interchange and Hurstville Railway Station.
East	<ul style="list-style-type: none"> Land is predominantly zoned R4 High Density Residential, SP2 Infrastructure and B4 Mixed Use. A service station is opposite the site at the corner of Forest Road and Gloucester Street, Development further east along Forest Road and Queens Road comprises of a mix of uses including restaurants, retail and office premises, high density residential as well as Waratah Private Hospital and Hurstville Library.
West	<ul style="list-style-type: none"> Land to the west is primarily zoned B4 Mixed Use, containing uses such as retail premises, mixed use commercial, residential development and an educational establishment along Forest Road, as well as high density residential, commercial offices and an early learning centre on Bridge Street. Land west of King Georges Road is zoned R3 Medium Density Residential and is largely comprised of low density detached dwellings along Bridge Street and Carrington Street, a Church on Carrington Street, and a mix of low-density dwellings and medium-density residential flat buildings along Apsley Street. Several open space and recreational centres are located to the north-west near King Georges Road including an Aquatic Leisure Centre, Indoor Sports Centre, Penshurst Park and Penshurst Cricket Centre. Several schools are located further west of the site (see Figure 7).

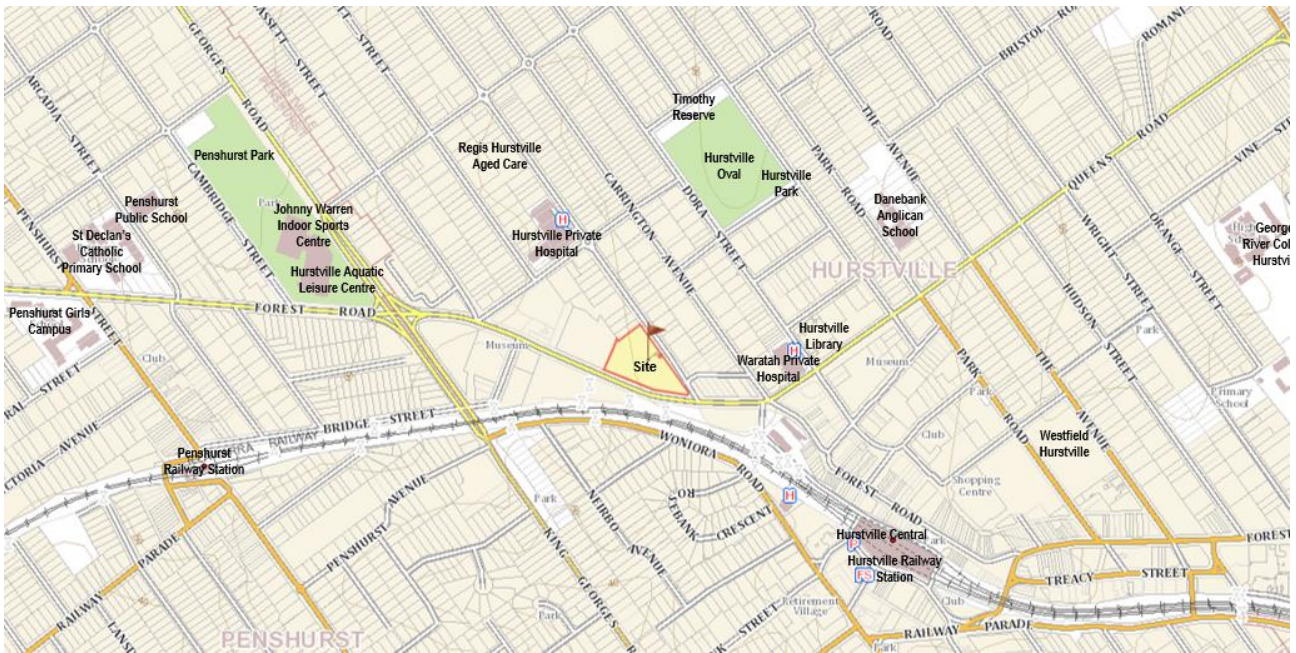


Figure 7. Site context map. (Source: Adapted from SIX Maps, July 2022)

1.5 Mapping

Current controls

The current zoning, floor space ratio and height controls that apply to the site under GRLEP 2021 are shown in **Figures 8 to 10**.

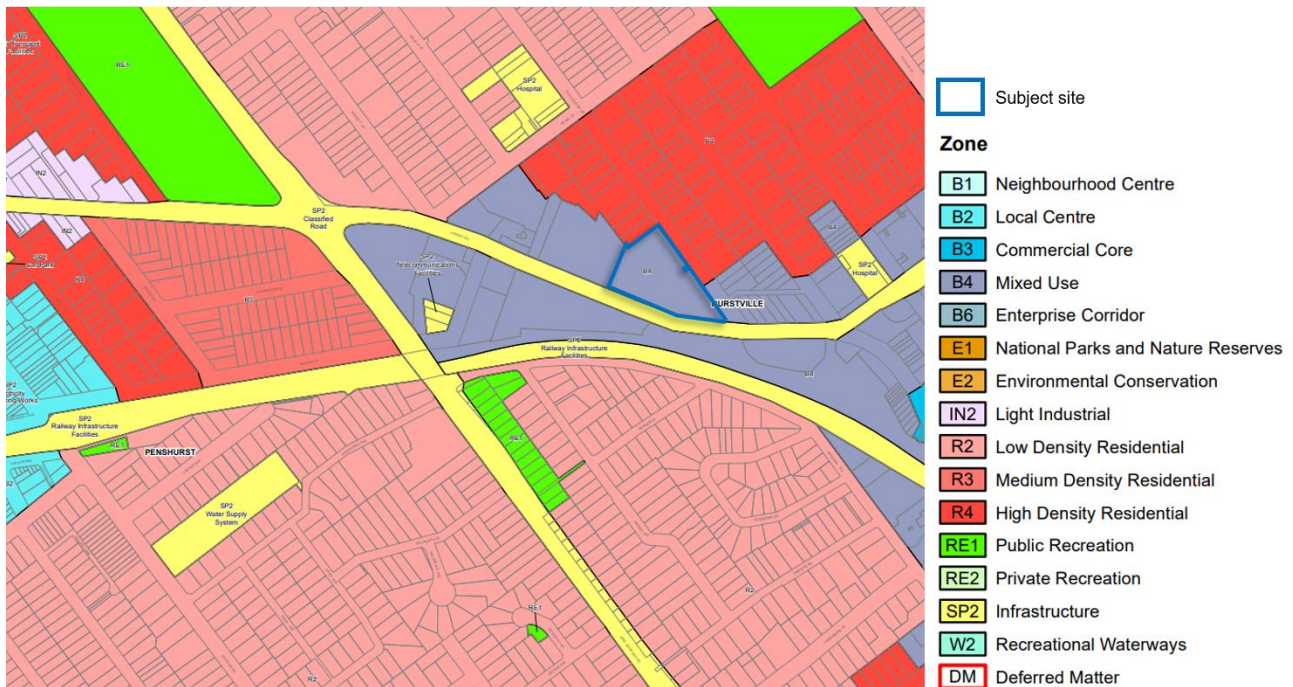


Figure 8. Existing land use zoning

(Source: Extract from Georges River Local Environmental Plan 2021, Zoning Map Sheet LZN_008A)

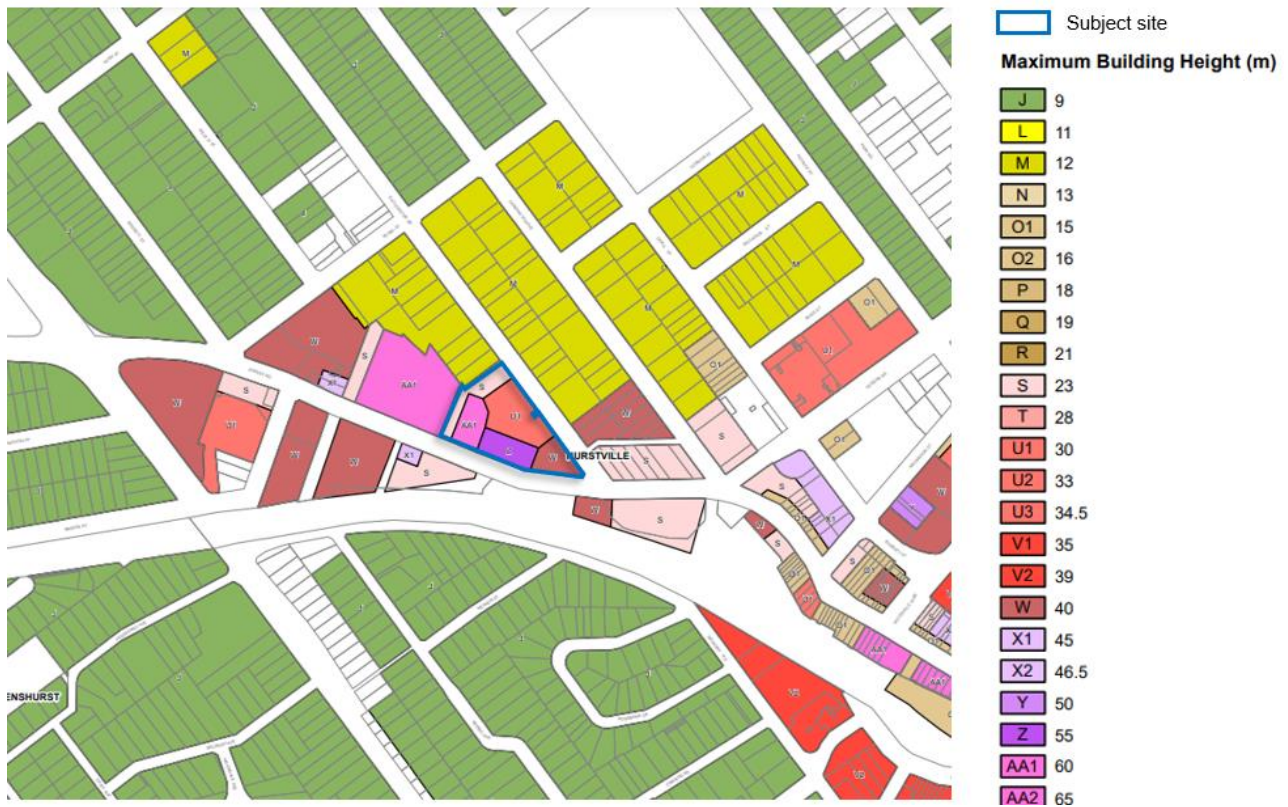


Figure 9. Existing height of building control. (Source: Extract from Georges River Local Environmental Plan 2021, Height of Building Map Sheet HOB_008A)

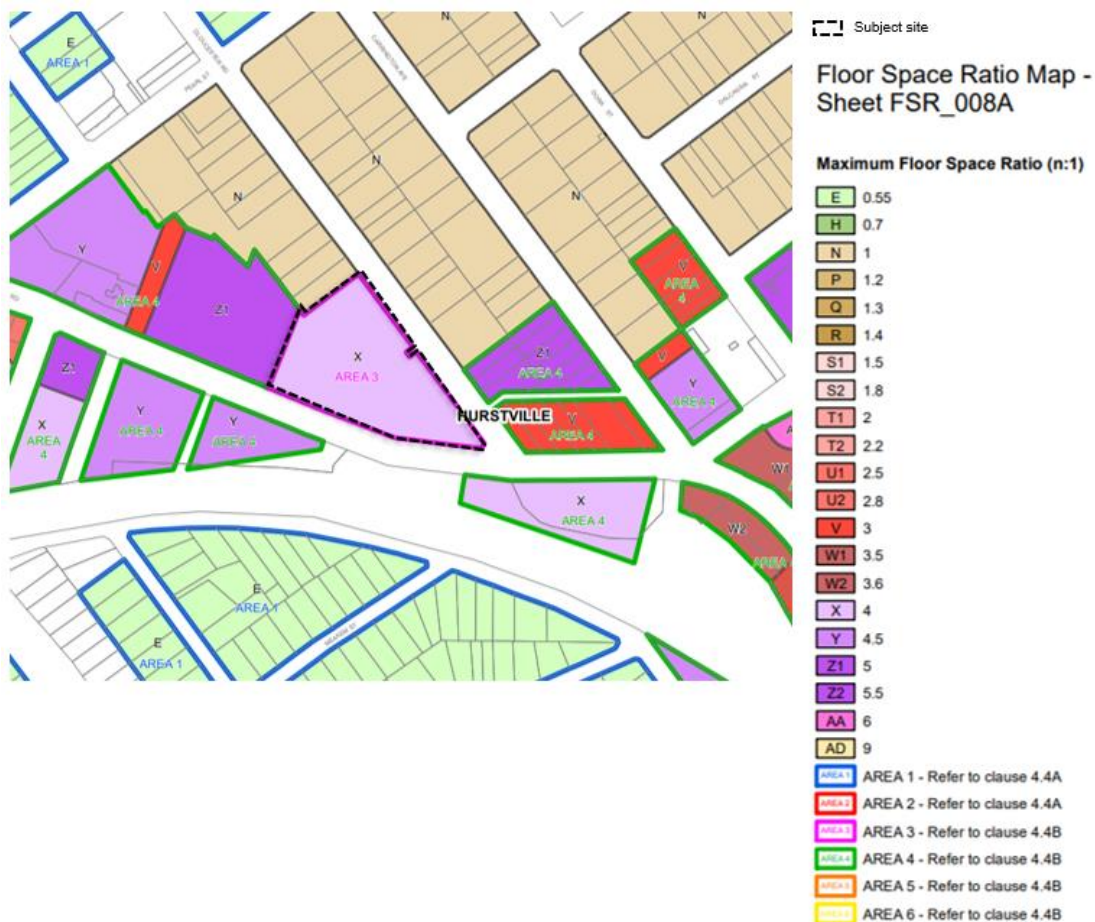


Figure 10. Existing floor space ratio control. (Source: Extract from Georges River Local Environmental Plan 2021, Height of Building Map Sheet FSR_008A)

Clause 4.4B 'Exceptions to floor space ratio – non-residential uses' of the GRLEP 2021

This clause applies a non-residential FSR of at least 0.5:1 for the site, as outlined in the extract below:

(4) Development consent must not be granted for development on the following land identified on the Floor Space Ratio Map unless the non-residential floor space ratio is—

- (a) for land identified as "Area 3"—at least 0.5:1,*
- (b) for land identified as "Area 4"—at least 1:1.*

Proposed mapping amendment

The planning proposal outlines that an amendment to the GRLEP 2021 land use zoning map is required to introduce 'Area A' on the site where a 'residential flat building' is proposed to be designated as an additional permitted use. It is noted the planning proposal includes a draft map illustrating the proposed amendment to the GRLEP 2021 zoning map, as shown in **Figure 11** below.

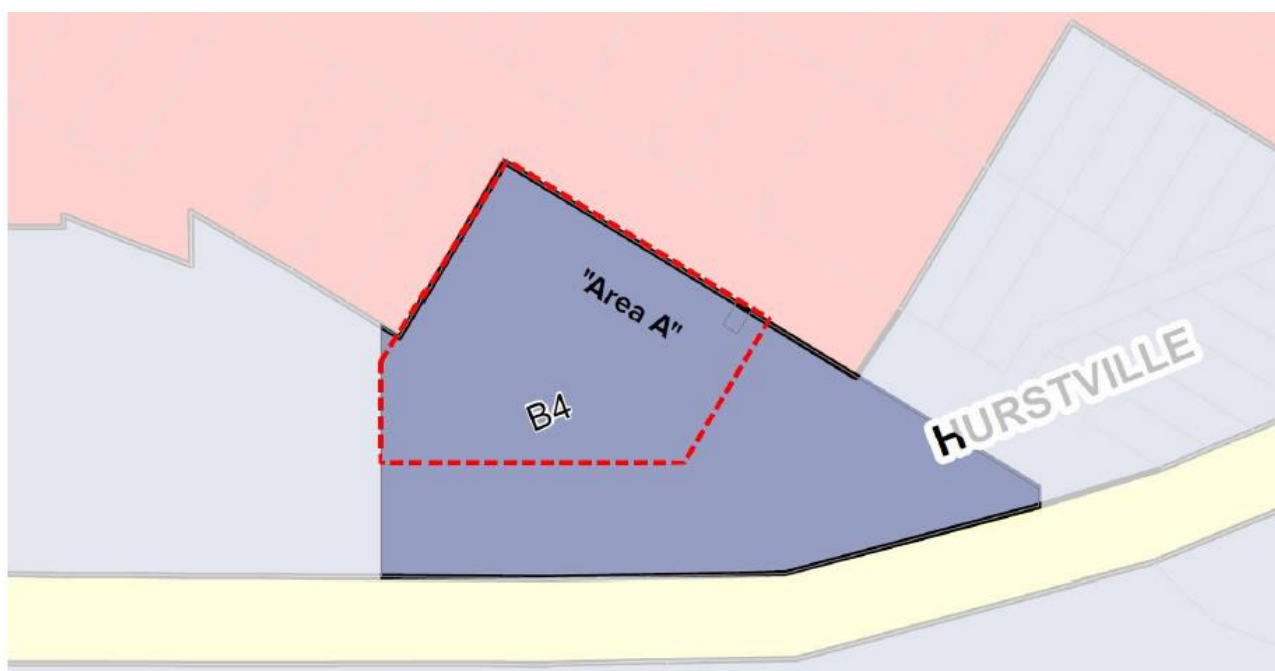


Figure 11. Proposed amendment to the GRLEP 2021 Zoning Map. (Source: Extract from Planning Proposal (April 2022), p.37)

Notwithstanding the above, the proposal does not clearly articulate an appropriate mechanism to map the portion of site where a 'residential flat building' is proposed and to switch off the application of clause 6.13 'Development in certain business zones' of the GRLEP 2021 to this portion of the site.

Should the planning proposal be supported to proceed, a condition of any Gateway determination should require the planning proposal to be updated to include a plain English and clear Explanation of Provisions with mapping (as may be relevant) that demonstrates the intended outcome of the Planning Proposal, in accordance with the Principal Local Environmental Plan Standard Instrument and the Department's Local Environmental Plan Making Guideline (December 2021).

1.6 Background

The following background information is relevant to the planning proposal:

Initial Planning Proposal for the site – PP-2020-166 (formerly identified as PP_2018_GRIVE_005 on the NSW Planning Portal)

- In **October 2015** Council received a request for the preparation of a Planning Proposal for the site.
- In **August 2018** Council resolved to endorse an amended Planning Proposal for submission to the Department for Gateway Determination. This proposal sought to amend the then Hurstville Local Environmental Plan 2012 to:
 - increase the FSR for the site from 3:1 to 4:1 (including a minimum non-residential FSR of 0.5:1); and
 - increase the maximum building height controls for the site from 23 metres to part 23, 30, 40, 50 and 60 metres.

Council also endorsed the preparation of an amendment to the Hurstville Development Control Plan (DCP) to assist in facilitating the proposal.

- A Gateway Determination was issued by the Department in **February 2019**, which conditioned consultation with relevant State agencies.
- An error in Council's resolution pertaining to the height controls proposed was identified. An amended Planning Proposal was endorsed by Council on **24 June 2019** with revised proposed height controls, from 23m to part 23m, 30m, 40m, **55m** and 60m.
- In **January-February 2020** the planning proposal and draft DCP were publicly exhibited. In **May 2020** Council resolved to forward the planning proposal to the Department for finalisation. PP-2020-166 was gazetted in **February 2021**.
- The final concept Master Plan for the site which underpinned PP-2020-166 is now reflected in Section 8.3 '9 Gloucester Road Hurstville' of the Hurstville Development Control Plan No. 2 Hurstville City Centre (Amendment No. 12), which came into effect on 12 May 2021.

Current Development Application for the site - DA2022/0061

- In **December 2021** a Development Application (DA) for the demolition and construction of a mixed used development on the site was lodged with Council.
- The DA proposes the demolition of all existing structures and erection of a mixed-use development comprising 4,620m² commercial floor space, 349 apartments, 459 car parking spaces and landscaped open space (pp.14-15).
- The DA was publicly exhibited from 17 March 2022 to 31 March 2022.
- The DA notes that the proposed 'residential flat building' is a prohibited use in the B4 Mixed Use zone and that the development is inconsistent with the provisions of Clause 6.13 of the GRLEP 2021;
- The proposal states that *"The Development Application will be made permissible by the proposed draft amendment to the GRLEP and is submitted pursuant to Section 3.39 of the Environmental Planning & Assessment Act 1979"* (p.14).
- The DA is currently under assessment and will be determined by the Sydney South Planning Panel (PPSSSH-110).

Current Planning Proposal for the site – PP 2021-7338

- The planning proposal was lodged with Council in **December 2021**.
- On **2 June 2022** the Georges River Local Planning Panel (LPP) recommended that Council support the amendment to Schedule 1 of the GRLEP as proposed, and that the proposal proceed to Gateway (refer to **Section 3.4** of this report).

- On **14 June 2022** the Georges River Environment and Planning Committee recommended that Council support the recommendations of the LPP and endorse forwarding the proposal to the Department for Gateway Determination.
- At the Ordinary Council meeting on **27 June 2022**, it was resolved that the planning proposal be forwarded to the Department for Gateway Determination (refer to **Section 3.4**).
- The planning proposal was submitted to the Department on **1 July 2022** for Gateway Determination.

2 Need for the planning proposal

The planning proposal is not the result of any specific strategy, study or report.

The proposal seeks to correct an anomaly which occurred upon gazettal of the GRLEP 2021, after the gazettal of a previous Planning Proposal (PP-2020-166) for the subject site in February 2021.

PP-2020-166 was the outcome of an extensive master planning process with Council, dating back to 2015. PP-2020-166 amended the height and FSR controls under the (former) Hurstville Local Environmental Plan 2012 (now part of Georges River Local Environmental Plan 2021), to facilitate mixed use development on the site, including a residential flat building with ground floor residential apartments at the northern end of the site fronting Gloucester Road. The Hurstville Local Environmental Plan 2012 has subsequently been replaced by the new GRLEP.

The GRLEP, which came into effect in October 2021, maintains the B4 Mixed Use zoning and development controls for the site. However, during the transition of the local planning instruments the land use table for the B4 Zone was modified, prohibiting development for the purposes of a 'residential flat building' in the B4 Mixed Use zone.

Additionally, the provisions of Clause 6.13 'Development in certain business zones' of the GRLEP 2021 apply to the subject site as it relates to land in the B1 Neighbourhood Centre, B2 Local Centre, **B4 Mixed Use** and B6 Enterprise Corridor zone.

The objectives of Clause 6.13 include:

'(b) to maintain existing, and encourage additional, non-residential uses along ground floor street frontages'

Clause 6.13 also provides that:

(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied the development will not cause a part of the ground floor of a building that is facing a street to be used for the purposes of residential accommodation or tourist and visitor accommodation.

As a result, the concept Master Plan which underpinned PP-2020-166 is unable to be delivered on the site, as development for the purposes of a 'residential flat building' is a prohibited use in the B4 Mixed Use zone the site. The intended outcome of the proposal, which includes the provision of ground floor apartments along the northern end of the sites Gloucester Road street frontage, is also inconsistent with the provisions of Clause 6.13.

A planning proposal is considered the best means to deliver the intended outcome on the site.

The planning proposal seeks to facilitate the redevelopment of the site as envisaged by the final Master Plan that supported PP-2020-166, which has the potential to deliver new housing (an e349 apartments), retail and 4,620m² of commercial floor space for future employment opportunities within the Hurstville strategic centre, in proximity to existing public transport, retail, essential services, open space and recreational areas.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan – *A Metropolis of Three Cities* (the Region Plan) was released by the NSW Government in 2018. The Plan contains objectives, strategies and actions which seek to manage growth and change across Greater Sydney over the next 20 years.

Table 4 provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan.

The Department is satisfied the planning proposal gives effect to the Region Plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
<i>Objective 4: Infrastructure use is optimised</i>	<p>This objective recognises the need to maximise the use of existing infrastructure.</p> <p>The proposal is consistent with this objective as it seeks to facilitate the delivery of a mixed-use development which includes 349 apartments and approximately 4,620m² commercial floor space in proximity to public transport.</p>
<i>Objective 10: Greater housing supply</i> & <i>Objective 11: Housing is more diverse and affordable</i>	<p>These objectives are focused on the supply and diversity of housing in the right locations to accommodate the needs of Sydney's growing population.</p> <p>The proposal is consistent with this objective as it seeks to facilitate the delivery of a mixed-use development scheme for the site, which will comprise of 349 new apartments in an optimal arrangement on the site.</p> <p>This will contribute to the supply and diversity of housing in the Georges River LGA, in proximity to existing public transport, retail, essential services, recreational and open space areas.</p>
<i>Objective 12: Great places that bring people together</i>	<p>This objective outlines the importance of accessibility, connectivity and amenity in delivering great places.</p> <p>The proposal will enable the delivery of the concept Master Plan envisaged for the site which includes the provision of <i>"a publicly accessible pocket park towards the centre of the site on Gloucester Road, as well as a public pedestrian underpass through-site link which connects Forest and Gloucester roads"</i> (p.25 of the proposal).</p> <p>The proposal notes the benefits it will have in revitalising the existing underutilised office park into a new community meeting space.</p>
<i>Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30 minute cities</i>	<p>This objective recognises the importance of integrating land use and transport to support the delivery of walkable, 30-minute cities.</p> <p>The proposal seeks to facilitate the delivery of employment floorspace and housing growth on a site which is located within the Hurstville strategic centre and in close proximity to existing public transport, retail, essential services, open space and recreational areas.</p>

Regional Plan Objectives	Justification
<p><i>Objective 22: Investment and business activity in centres</i></p> <p>&</p> <p><i>Objective 24: Economic sectors are targeted for success</i></p>	<p>Objective 22 highlights the benefits of well-connected and diverse centres, including maximising opportunities to attract higher density and higher amenity residential developments to enhance the vibrancy and support walkable neighbourhoods.</p> <p>Objective 24 recognises the importance of driving economic activity and jobs growth.</p> <p>The proposal is consistent with these objectives as it seeks to facilitate development which will provide employment and residential opportunities within the Hurstville strategic centre, which will allow future residents to benefit from access to jobs, goods and services in the centre.</p>

3.2 District Plan

The site is located within the South District. The South District Plan, released by the Greater Sydney Commission in March 2018, sets out the planning priorities and actions to guide the growth of the District while improving its social, economic and environmental assets.

The planning proposal is consistent with the South District Plan. The Department is satisfied the planning proposal gives effect to the South District Plan, in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

Table 5 includes an assessment of the planning proposal against relevant directions and actions of the South District Plan.

Table 5 District Plan assessment

District Plan Priorities	Justification
<p><i>Planning Priority S5: Providing housing supply, choice and affordability, with access to jobs, services and public transport</i></p>	<p>This planning priority is focused on the delivery of housing supply, diversity and affordability.</p> <p>The proposal will contribute to increasing the supply and diversity of housing by enabling the delivery of mixed-use commercial/residential development (comprising 349 apartments) on a site that is located within the Hurstville strategic centre and is accessible to jobs, services and public transport.</p>
<p><i>Planning Priority S6: Creating and renewing great places and local centres, and respecting the District's heritage</i></p>	<p>This planning priority recognises the importance of creating and renewing great places and local centres.</p> <p>The planning proposal is consistent with this priority as it will enable the renewal and revitalisation of the site, which has been identified by Council as containing underutilised office facilities with poor economic prospects (refer to p.25 of report to Georges River Council Local Planning Panel – 2 June 2022).</p> <p>The subject site does not contain existing heritage listings nor is it located in a heritage conservation area.</p>

District Plan Priorities	Justification
<p><i>Planning Priority S9: Growing investment, business opportunities and jobs in strategic centres</i></p>	<p>This planning priority is focused on providing access to jobs, goods and services in centres, and highlights employment growth as the principle underlying economic goal for metropolitan and strategic centres.</p> <p>The subject site is located within the Hurstville strategic centre.</p> <p>The South District Plan identifies Hurstville Strategic Centre as an <i>“important retail destination for the South District, with its high street and large shopping centres. It is a commercial precinct for residents...”</i> (p.69).</p> <p>Action 35 of the South District Plan outlines the need to strengthen Hurstville through a variety of approaches including to:</p> <p><i>“f. retain and manage existing commercial lands for future employment opportunities</i> <i>g. facilitate the attraction of office and commercial floor space and provide opportunities to allow commercial and retail activities to innovate”</i> (p.69)</p> <p>Council has stated that the proposal <i>“will reduce the amount of commercial floor space offered by the existing development, the current office facilities are redundant with poor economic prospects”</i> (refer to p.25 of Council’s report to the Georges River Local Planning Panel, 2 Jun 2022).</p> <p>The Department however considers the proposal to be generally consistent with S9 of the South District Plan as:</p> <ul style="list-style-type: none"> • the subject site is located outside the commercial core of the Hurstville CBD and adjacent to zone R4 High Density Residential land; • it will enable the revitalisation of the site and delivery of housing and employment opportunities, previously approved under planning proposal PP-2020-166; • the proposal does not seek to alter the existing required minimum of 0.5:1 non-residential floor space on the site under the GRLEP 2021; and • the proposal will facilitate a mixed use development which will include approximately 4,620m² of employment floor space, and residential opportunities on the site which has the potential to activate the streets and generate increased demand for local services.
<p><i>Planning Priority S12: Delivering integrated land use and transport planning and a 30-minute city</i></p>	<p>This planning priority is focused on integrating land use and transport planning to deliver on the long-term vision for a 30-minute city.</p> <p>The proposal is consistent with this planning priority as it supports the vision for a 30-minute city and seeks to facilitate the delivery of commercial floor space and residential opportunities on a site within the Hurstville Strategic Centre, that is accessible via car, bus, walking and rail.</p>

District Plan Priorities	Justification
<p><i>Planning Priority S15 Increasing urban tree canopy cover and delivering Green Grid connections</i></p> <p><i>&</i></p> <p><i>Planning Priority S16 Delivering high quality open space</i></p>	<p>Planning Priority S15 highlights the importance of increasing the urban tree canopy cover in the district and enhancing the Greater Sydney green grid, to support sustainable and liveable neighbourhoods, and promote a healthy urban environment.</p> <p>Planning Priority S16 recognises the importance of public open space in enhancing the character of the district and highlights the need to provide for and optimise open space areas as the district grows.</p> <p>The proposal is broadly consistent with these priorities as it seeks to enable the delivery of the concept Master Plan which supported the recent Planning Proposal for the site (PP-2020-166). This concept design for the site, as outlined in Figure 10 of the proposal, provides for rooftop common open space on the building's rooftops and a central landscaped open space <i>"with sufficient soil depth and volume to provide for mature and generous trees and vegetation"</i> (refer to pp.15 and 22 of the proposal).</p> <p>The Department also notes that Section 8.2 '9 Gloucester Road Hurstville' of the Hurstville Development Control Plan No. 2 Hurstville City Centre (Amendment No. 12) includes specific controls for the future development of the site, including provisions for open space and landscaping, and the retention of significant trees.</p>

The planning proposal has not commented on its consistency with all the relevant priorities of the South District Plan. Should the planning proposal be supported to proceed an administrative condition of any Gateway Determination should require the planning proposal to be updated to address consistency with these priorities prior to community consultation.

3.3 Local

An assessment of the consistency of the proposal with the relevant local plans is included below.

Table 6 Local strategic planning assessment

Local Strategies	Justification
<p>Working together for a better future – Community Strategic Plan 2022-2032</p>	<p>The Georges River Community Strategic Plan 2022-2032 'Working together for a better future', adopted by Council on 27 June 2022, <i>"identifies the community's main priorities for the future of Georges River LGA"</i> over the next ten years.</p> <p>The Plan identifies a number of goals and strategies, organised under six key themes ('pillars'). The goals of relevance to this proposal include:</p> <ul style="list-style-type: none"> • <u>Pillar 3: Our economy</u> <ul style="list-style-type: none"> - Goal 3.1. Local jobs and local businesses are supported to grow • <u>Pillar 4: Our built environment</u> <ul style="list-style-type: none"> - Goal 4.1 New development should make Georges River more liveable, vibrant and sustainable - Goal 4.2 Affordable and quality housing options are available. <p>The proposal will help to deliver on these goals by facilitating the previously approved revitalisation of the site and the supply of housing and employment opportunities.</p>

Local Strategies	Justification
<p>Georges River Local Strategic Planning Statement 2040 (February 2020)</p>	<p>The proposal is consistent with the vision, priorities and actions of the Georges River Local Strategic Planning Statement 2040. In particular:</p> <ul style="list-style-type: none"> • <u>Visions for Theme 3 – ‘Housing and Neighbourhoods’</u> which include: <ul style="list-style-type: none"> ○ New housing choices near transport • <u>Local Planning Priorities:</u> <ul style="list-style-type: none"> ○ P9. A mix of well-designed housing for all life stages caters for a range of lifestyle needs and incomes ○ P12. Land is appropriately zoned for ongoing employment growth • <u>Key Actions:</u> <ul style="list-style-type: none"> ○ A44. Provide zones and development controls that confine higher density development to centres along public transport corridors in Council’s LEPs ○ A48. Facilitate a broader range of housing types across the LGA through rezoning land, including controls for medium density development in Council’s LEP and DCP 2020. <p>The proposal will facilitate increased supply and diversity of housing choices and subsequent employment generating floor space within the Hurstville strategic centre and in close proximity to existing public transport, retail, essential services, open space and recreational areas.</p>
<p>Hurstville City Centre Urban Design Strategy (May 2018)</p>	<p>The subject site is identified within the City West Transition Area character area of the Hurstville City Centre, under the Hurstville City Centre Urban Design Strategy.</p> <p>The Strategy includes recommendations for amendment to the height controls for the site (identified in the Strategy as sub-block 2D) under the Hurstville LEP 2012 (former GRLEP), from 23m to 60m at the western end and transitioning to 40m at the eastern end of the site.</p> <p>The previous planning proposal for the site (PP-2020-166) facilitated an increase in heights from 23 metres to part 23m, 30m, 40m, 55m and 60m to enable the mixed-use development of the site, consistent with the overall maximum building height recommended for the site under the Strategy. This Master Plan is now reflected in Section 8.3 of the Hurstville Development Control Plan No. 2 Hurstville City Centre (Amendment No. 12).</p> <p>This proposal is considered consistent with the Hurstville City Centre Urban Design Strategy as it seeks to enable the delivery of the concept Master Plan which supported the previously approved planning proposal for the site (PP-2020-166).</p>
<p>Georges River Commercial Centres Strategy – Part 1 Centres Analysis (February 2020)</p>	<p>The Commercial Centres Strategy - Part 1 ‘Centres Analysis’ (which informed the preparation of the Georges River LEP 2021 and DCP) was adopted by Council in February 2020. Part 2 of the Strategy is currently under preparation by Council.</p> <p>The subject site is identified in the Strategy as being within the Hurstville City Centre however, outside the commercial core. The Department notes the recommendations regarding Hurstville City Centre as outlined in Appendix 2 ‘Centres Review’ of Part 1 of the Commercial Centres Strategy, which include to:</p> <ul style="list-style-type: none"> - <i>Investigate the provision of affordable and diverse housing products that are balanced with the demand for commercial and community land uses (refer to the Inclusive Housing Strategy); and</i> - <i>Review the minimum non-residential FSR requirement in the B4 Mixed Use zone with the aim of providing sufficient non-residential floor space to meet the 2036 demand, including the provisions of additional non-residential floor</i>

Local Strategies	Justification
	<p><i>space within the maximum height and FSR recommended by the HCCUDS (refer to p.8)</i></p> <p>The proposal is considered consistent with this Strategy as it does not seek to amend the minimum FSR provisions for non-residential floor space which apply to the site under the GRLEP.</p>
Georges River Council - Local Housing Strategy (August 2020)	The planning proposal is consistent with the Georges River Local Housing Strategy as it will facilitate the supply and diversity of housing choice in proximity to jobs, transport and infrastructure, retail and essential services which has previously been found suitable by Council and the Department. It will support housing growth in the Georges River LGA which is targeting 14,000 additional dwellings by 2036.
Georges River Council – Economic Development Strategy (2018-2022)	The Economic Development Strategy is a high-level plan for economic development and place-making in centres and aims to increase the competitive advantage of the Local Government Area. The proposal will assist to revitalise the site, facilitating employment and residential uses that will support population growth, provide housing diversity and choice, provide opportunities for people to live and work locally and support the local economy.

The planning proposal has not commented on its consistency with all the relevant local plans, in particular Georges River Council's 'Working together for a better future – Community Strategic Plan 2022-2032'. Should the planning proposal be supported to proceed, an administrative condition of any Gateway Determination should require the planning proposal to be updated to address consistency with the relevant local plans prior to community consultation.

3.4 Local planning panel (LPP) recommendation

Local Planning Panel Meeting – 2 June 2022

On 2 June 2022 the Georges River Local Planning Panel (LPP) recommended that Council:

- (a) *Support the amendment to Schedule 1 of the Georges River Local Environmental Plan 2021 proposed by Planning Proposal PP2022/0001;*
- (b) *Endorse the forwarding of Planning Proposal PP2022/0001 to the NSW Department of Planning and Environment (DPE) to request a Gateway Determination under Section 3.33 of the EP&A Act 1979 for an amendment to the Georges River Local Environmental Plan 2021 by:*
 - 1) *introducing “residential flat building” as an additional permitted use on “Area A” of the Site (being Part Lot 30 DP785238); and*
 - 2) *excluding the application of Clause 6.13 Development in certain business zones from “Area A” of the site (being Part Lot 30 DP785238).*
2. *That the Planning Proposal be placed on formal public exhibition in accordance with the conditions of any Gateway Determination issued by the DPE.*
3. *That a report to Council be prepared by Council staff to advise of the LPP recommendations.*

Environment and Planning Committee Meeting – 14 June 2022

On 14 June 2022 the Georges River Environment and Planning Committee recommended:

- (a) *That Council support the recommendation of the Georges River Local Planning Panel dated 2 June 2022 for the Planning Proposal PP2022/0001 relating to 9 Gloucester Road, Hurstville.*

- (b) That Council support the amendment to Schedule 1 of the Georges River Local Environmental Plan 2021 proposed by Planning Proposal PP2022/0001 relating to part of the site known as 9 Gloucester Road, Hurstville.
- (c) That Council endorse the forwarding of Planning Proposal PP2022/0001 relating to 9 Gloucester Road, Hurstville to the NSW Department of Planning and Environment (DPE) to request a Gateway Determination under Section 3.33 of the Environmental Planning and Assessment Act 1979 for an amendment to the Georges River Local Environmental Plan 2021 by:
- 1) introducing “residential flat building” as an additional permitted use on “Area A” of the Site (being Part Lot 30 DP785238); and
 - 2) excluding the application of Clause 6.13 Development in certain business zones from “Area A” of the Site (being Part Lot 30 DP785238).
- (d) That the Planning Proposal be placed on formal public exhibition in accordance with the conditions of any Gateway Determination issued by the DPE.
- (e) That Council write to the DPE requesting that the Planning Proposal be placed on the public exhibition for 28 days.
- (f) That Council consider a report on the submissions received following the public exhibition.

Council Meeting – 27 June 2022

At the Ordinary Council meeting on 27 June 2022 a resolution was passed that the Environment and Planning Committee Recommendation for Item ENV015-22 (Planning Proposal PP2022/0001 – 9 Gloucester Road Hurstville – Request for Gateway Determination) be adopted by Council.

Planning proposal

The planning proposal was submitted to the Department on 1 July 2022 for Gateway Determination.


3.5 Local Planning Directions (s.9.1 Directions)

The planning proposal's consistency with the relevant Local Planning Directions (section 9.1 Directions) is discussed in **Table 7** below:

Table 7 Local Planning Directions (9.1 Ministerial Direction) assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 1.1 Implementation of Regional Plans	Consistent	<p>The planning proposal has identified Ministerial Direction 1.1 ‘Implementation of Regional Plans’ as not being applicable to the proposal. However, the Greater Sydney Region Plan released by the NSW Government in 2018, applies to the subject site.</p> <p>The proposal is consistent with this direction as it gives effect to the Region Plan.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 1.3 Approval and referral requirements	Consistent	<p>This direction seeks to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>The Planning Proposal does not seek to include provisions in the GRLEP 2021 which require concurrence from other agencies.</p>
Direction 1.4 Site Specific Provisions	Inconsistent, minor significance	<p>This direction seeks to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The proposal seeks to correct an anomaly which occurred upon gazettal of the GRLEP 2021, to introduce 'residential flat building' as an additional permitted use on a portion of the site (Area A) and exclude the application of clause 6.13 from this area of the site.</p> <p>Amending the B4 land use zoning table to permit 'residential flat buildings' with consent is the alternative. This however would render the land use permissible on all B4 zoned land in the LGA.</p> <p>The proposed site-specific provisions are supported as the inconsistency with the direction is of minor significance. The site-specific controls are considered the most appropriate way to enable the delivery of the Master Plan which supported the recently approved planning proposal (PP-2020-166) for the site and will not restrict any existing permissible land uses that currently exist under the GRLEP 2021. This inconsistency is resolved.</p>
Direction 3.2 Heritage Conservation	Consistent	<p>The subject site does not contain a heritage item, nor is it located within a heritage conservation area.</p> <p>The Department notes the presence of heritage items and heritage conservation areas in proximity (including a local heritage item on Carrington Avenue and the O'Brien's Estate Heritage Conservation Area to the south) however, these are not directly adjoining the site.</p> <p>The Department is satisfied that matters associated with potential heritage impacts can be addressed as part of any future development assessment for the site.</p>
Direction 4.4 Remediation of Contaminated Land	Inconsistent, minor significance	<p>This direction aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered at the planning proposal stage.</p> <p>While the proposal has identified this Direction as not being applicable, this direction applies as the proposal seeks to enable the delivery of residential development on the site.</p> <p>The Department notes that the planning proposal does not include specific comment on the contamination status of the land subject to the proposal. However, the Department considers this matter of minor significance as the proposal seeks to correct an anomaly which occurred upon gazettal of the GRLEP, to allow a 'residential flat building' as an additional permitted use on the site, which was previously approved under PP-2020-166.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>Any further consideration of contamination (if relevant) can be considered as part of any future development assessment for the site.</p> <p>Whilst a minor inconsistency, should the planning proposal be found suitable to proceed, it should be updated to address Direction 4.4.</p>
Direction 5.1 Integrating Land Use and Transport	Consistent	<p>This direction seeks to ensure development is appropriately located to improve access and transport choice with access to jobs and services by walking, cycling and public transport. This direction applies to all planning proposals which seek to alter zoning or provisions relating to urban land, including residential and business uses.</p> <p>The proposal supports the delivery of integrated land use and transport outcomes as it seeks to facilitate the delivery of jobs and housing on the site, which is well located in proximity to existing transport infrastructure.</p>
Direction 5.3 Development Near Regulated Airports and Defence Airfields	Consistent	<p>This direction aims to ensure the effective and safe operation of regulated airports and defence airfields, and ensure their operation is not compromised by development.</p> <p>While the proposal has identified Direction 5.3 as not being applicable, this direction applies as the proposal seeks to alter provisions relating to land identified on the Obstacle Limitation Surface map for Sydney Airport (see Figure 13).</p>  <p>Figure 13. Obstacle Limitation Surface Map (Source: Extract from Sydney Airport Prescribed Airspace Obstacle Limitation Surfaces Map, Latest Version as at February 2021)</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>The Department considers that consultation with the Sydney Airport Corporation and the Civil Aviation Safety Authority is not required for this planning proposal on the following grounds:</p> <ul style="list-style-type: none"> • The proposal does not seek to alter the existing development controls (i.e. height and FSR provisions) which apply to the site under the GRLEP 2021; • The proposal seeks to correct an anomaly which occurred upon gazettal of the GRLEP 2021, to permit the development of 'residential flat building' as an additional permitted use on the site, which was previously approved under PP-2020-166; and • Consultation with Sydney Airport Corporation and the Civil Aviation Safety Authority was a requirement of the Gateway determination issued on 26 February 2019 for the previous planning proposal (PP-2020-166) for the site. <p>Notwithstanding this, the Department notes that given the sites location in proximity to Sydney Airport, referral to the aforementioned stakeholders may be required at any DA stage.</p>
Direction 7.1 Business and Industrial Zones	Consistent	<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 seeks to introduce a residential land use at ground floor level on part of the site. The minimum 0.5:1 non-residential floor space requirement for the site is not being altered by the proposal. The proposal will facilitate the master planned land use outcome for the site which was previously considered via PP-2020-166, this includes approximately 4,640m² commercial floor space.</p> <p>Council's report to the Local Planning Panel, dated 2 June 2022, states that:</p> <p><i>"... the proposal does not preclude the development of the Hurstville CBD commercial core. Instead, it intends to generate additional demand for local services through the introduction of 400 new dwellings and provides contemporary street-based economic activity on Forest Road.</i></p> <p><i>While the proposed redevelopment reduces the amount of commercial floor space offered by the existing development, the current office facilities are redundant with poor economic prospects as demonstrated by an approximately 77% vacancy rate"(p.25).</i></p> <p>With no changes to minimum non-residential floor space controls on the site, the proposal is consistent with this direction. Furthermore:</p> <ul style="list-style-type: none"> • the site is located outside the Hurstville CBD commercial core; • the proposal will facilitate the revitalisation of an existing under-utilised office park for mixed use purposes and provide opportunities for people to live and work locally, enabling

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		future employment opportunities on the site which is located within the Hurstville strategic centre.

Should the planning proposal be supported to proceed an administrative condition of any Gateway Determination should require the planning proposal to be updated prior to community consultation to address the requirements of Ministerial Direction's 1.1 'Implementation of Regional Plans', 4.4 'Remediation of Contaminated Land' and 5.3 'Development Near Regulated Airports and Defence Airfields'.

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with the relevant SEPP's, as outlined below.

Table 8 State Environmental Planning Policy assessment

SEPPs	Proposal
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>The SEPP aims to facilitate the effective delivery of infrastructure across the state.</p> <p>Section 2.119 'Development with frontage to classified road' of the SEPP seeks to ensure that new development does not compromise the operation and function of classified roads.</p> <p>Subdivision 2 'Development in or adjacent to rail corridors and interim rail corridors – notification and other requirements' of the SEPP also requires the referral of DA's relating to land in or adjacent to rail corridors to TfNSW.</p> <p>The Department notes that potential traffic impacts were addressed as part of the previously approved planning proposal for the site (PP-2020-166). Notwithstanding this, any subsequent DA for the site will trigger traffic generating development provisions under this SEPP, requiring referral to Transport for NSW.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021	<p><u>Chapter 4 Remediation of land</u></p> <p>An assessment against the provisions of the Section 9.1 Direction 4.4 Remediation of Contaminated Land has been previously provided in Section 3.5 of this report.</p>
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	<p>This SEPP seeks to encourage sustainable residential development and ensure consistency in the implementation of the BASIX Scheme throughout NSW.</p> <p>The Department notes that any future development application comprising a residential component for the site will need to demonstrate compliance with the BASIX SEPP.</p>
SEPP No 65 – Design Quality of Residential Apartment Buildings	<p>This SEPP aims to improve the design quality of residential apartment development in NSW.</p> <p>The Department notes that the proposal seeks to amend the GRLEP to permit (with consent) 'residential flat buildings' at the northern portion of the site "<i>where the immediate context is residential rather than commercial</i>" (refer to p.30 of the proposal).</p> <p>The Department is satisfied that sufficient regard has been provided to the context, neighbourhood character and residential amenity and that further detailed testing and analysis can be undertaken as part of any future development assessment for the site.</p>

4 Site-specific assessment

4.1 Environmental

Biodiversity

The site is located within an established urban area and is not known to contain any critical habitat or threatened species, populations or ecological communities.

As such, the proposal is not considered to pose any risk to the existing biodiversity.

Natural Hazards

The site has not been identified in the planning proposal as contaminated or flood affected. Refer to Section 3.5.

Built form and density

The proposal does not seek to alter the existing development controls for the site. Rather, it seeks to correct an anomaly which occurred in the finalisation of the GRLEP 2021. The proposal will enable the delivery of the Master Plan which underpinned the recently approved planning proposal for the site, which has since been reflected in Section 8.3 -9 Gloucester Road, Hurstville of the Hurstville Development Control Plan No.2 Amendment No.12.

The proposal is considered compatible with the surrounding R4 High Density Residential zoned land to the north and east of the site, as it seeks to permit (with consent) a 'residential flat building' within the northern portion of the site.

The Department is satisfied that the existing site-specific provisions contained in the Hurstville DCP No.2 Amendment No.12 are capable of providing an appropriate planning framework to guide the quality of the future built form and its relationship and transition to surrounding properties.

Traffic and parking

The Planning Proposal will not impact traffic or parking within the locality. As previously outlined in **Table 8** of this report, the previously approved proposal for the site (PP-2020-166) addressed potential traffic impacts. Any subsequent DA on the site will trigger traffic generating development provisions under State Environmental Planning Policy (Transport and Infrastructure) 2021, requiring referral to Transport for NSW.

4.2 Social and economic

The proposal has the potential to generate a variety of positive social and economic benefits for the local area and District. These include:

- contributing to the supply and diversity of housing on a site that is well located, outside the Hurstville City Centre's commercial core and in proximity to existing infrastructure, retail, jobs and essential services, transport, open space and recreational areas;
- facilitating employment opportunities within the Hurstville Strategic Centre, during the construction phase and through the future operation of commercial and retail uses on the site; and
- facilitating the creation of great places through the redevelopment of an underutilised office park and revitalisation of the site.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 9 Infrastructure assessment

Infrastructure	Assessment
Open space	<p>The site is well located in proximity to existing open space and recreation areas, as previously outlined in Section 1.4 of this report.</p> <p>The Department also notes that the concept design which has informed the proposal, provides for open space areas on the site (refer to Section 3.0 of the proposal).</p>
Traffic and transport	An assessment of traffic and transport is provided in Sections 3 and 4.1 of this report .
Utilities	The site can be suitably serviced in terms of water, wastewater, electricity, gas and telecommunications subject to upgrade works. These matters will be subject to detailed design at DA stage.

5 Consultation

5.1 Community

Council has proposed a community consultation period of a minimum of 28 days (refer to Council's letter to the Department dated 1 July 2022).

A Gateway condition is recommended for a maximum 20-day community consultation period in accordance with the requirements of the Department's *Local Environmental Plan Making Guideline* (December 2021) for 'standard' planning proposals.

5.2 Agencies

The Gateway determination issued on 26 February 2019 for the previous planning proposal (PP-2020-166) for the site included consultation with relevant agencies. This proposal simply seeks to correct an anomaly and allow the intended Masterplan as previously considered to proceed.

6 Timeframe

The proposal outlines a 3-month timeframe to complete the LEP from receipt of a Gateway determination (p.38).

The Department considers a completion timeframe of 6-months from receipt of Gateway determination as more appropriate, having regard to the nature of the proposal and plan-making processing times.

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

7 Local plan-making authority

Council has requested to be the local plan-making authority under section 3.36 of the *Environmental Planning and Assessment Act 1979* (refer to Council's letter to the Department dated 1 July 2022).

Due to the relatively minor nature of the proposal, it is recommended that Council be granted delegation to be local plan making authority should a Gateway Determination be issued.

8 Assessment summary

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

- the planning proposal has demonstrated strategic and site-specific merit
- the planning proposal is consistent with the relevant provisions of the Greater Sydney Region Plan, applicable State Environmental Planning Policies and local strategic plans
- the planning proposal is generally consistent with the relevant provisions of the South District Plan
- any inconsistencies with section 9.1 Ministerial Directions are considered of minor significance
- the proposal provides opportunity for transit-oriented development within the Hurstville strategic centre
- the proposal will facilitate the revitalisation of an underutilised site, to deliver future employment opportunities within the Hurstville strategic centre
- the proposal will facilitate the delivery of new housing supply and choice, on a site that is well located in proximity to existing transport and infrastructure, retail, jobs and services, open space and recreation areas.
- the proposal will facilitate the delivery of a concept Master Plan for the site, which was approved under Planning Proposal PP-2020-166 in February 2021.

9 Recommendation

It is recommended the delegate of the Secretary:

- **agree** that any inconsistency with certain aspects of section 9.1 Directions *1.4 Site Specific Provisions* and *4.4 Remediation of Contaminated Land* is of minor significance.

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

1. Prior to public exhibition the planning proposal is to be updated to:
 - a) include a plain English and clear Explanation of Provisions (with mapping as may be relevant) that demonstrates the intended outcome of the Planning Proposal, in accordance with the Principal Local Environmental Plan Standard Instrument and the Department's Local Environmental Plan Making Guideline (December 2021)
 - b) address the consistency of the proposal with all the relevant planning priorities of the South District Plan
 - c) address the consistency of the proposal with the Georges River Council's 'Working together for a better future – Community Strategic Plan 2022-2032'
 - d) address the requirements of Ministerial Direction's 1.1 'Implementation of Regional Plans', 4.4 'Remediation of Contaminated Land' and 5.3 'Development Near Regulated Airports and Defence Airfields'

2. Public exhibition is required under section 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 maximum of 20 working days; and
 - 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 Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021).
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
5. The planning proposal must be placed on exhibition not more than 2 months from the date of Gateway determination.
6. The planning proposal must be reported to council for a final recommendation 4 months from the date of the Gateway determination.
7. The timeframe for completing the LEP is to be **6 months** from the date of the Gateway Determination.

4 August 2022



Kendall Clydsdale

Manager, Infrastructure and Planning

5 August 2022



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