

JOINT REGIONAL PLANNING PANEL (East)

JRPP No	2014SYE122DA
DA Number	DA2014/10
Local Government Area	Hurstville City Council
	Construction of mixed use development comprising retail uses; 227 residential apartments and a maximum building height of 55 metres and basement parking
Street Address	23-31 Treacy Street, Hurstville
Applicant/Owner	Henlia 24 Pty Ltd - Owner Piety THP Capital Pty Ltd – applicant
Number of Submissions	Nil during notification/exhibition period. 1 Submission received following exhibition
Regional Development Criteria (Schedule 4A of the Act)	Value over \$20M
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> ▪ State Environmental Planning Policy No 55 - Remediation of Land ▪ State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development ▪ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ▪ State Environment Environmental Planning Policy (Infrastructure) 2007 ▪ Hurstville Local Environmental Plan 1994 ▪ Draft Hurstville (City Centre) Local Environmental Plan 2014 • Hurstville Development Control Plan No 2
List all documents submitted with this report for the panel's consideration	Plans and information as previously submitted
Recommendation	Deferred Commencement Approval
Report by	Laura Locke – Team Leader Major Projects

DESCRIPTION OF THE PROPOSAL

This report relates to Stage 1 of an approved 3 stage development that was determined as a Concept Approval by the Planning Assessment Commission.

The proposed development is for the construction of a 16 storey mixed use building which consists of the following:

- 227 residential apartments in a mix of 1, 2 and 3 bedrooms (36 x studios/1 bed, 184 x 2 bed, 7 x 3 bed) with a combined floor area of 21,197 m².
- Retail and community space on the ground floor of the development with a gross floor area of 1,012 m². This includes a community space of 200sqm to be dedicated to Council as required by the Concept Approval
- 273 car parking spaces and a car wash bay over 4 levels of basement
- Landscaped public domain and common areas.

DESCRIPTION OF THE SITE AND LOCALITY

The site is known as 23-31 Treacy Street Hurstville. This proposed development is Stage 1 of a Concept Plan approval which is in the part of the larger site known as 21-35 Treacy Street. The Concept Plan site is shown outlined in dashed yellow and the subject site is outlined in red in the figure below. The site which is subject to this development application comprises 3 lots has a total area of 3,026 m². The site area of the larger site comprising the three stages is 4,199sqm.



Hurstville Railway Station is approximately 300 - 400 metres west of the site. The site is also well serviced by public buses, with the recently completed Hurstville bus interchange located approximately 450 metres west of the site. Immediately surrounding development is generally characterised by low rise commercial buildings and new, larger scale mixed use premises.

Development on the opposite / southern side of the Railway line is predominantly low and medium density residential uses.

The site itself falls approximately 4 metres from the high point at the western site boundary, to Alfred Street. There is a cross fall of approximately 10-12 metres from Treacy Street to Railway Parade, south of the Illawarra Rail line, which is raised on an embankment, approximately 2 metres above the ground level of Treacy Street. The site is partly excavated down to the bottom of the embankment, approximately 3 metres below the level of Treacy Street.

BACKGROUND/HISTORY

August 2009 – A development application was lodged with Council seeking consent for a 16 storey mixed use development. This application was later withdrawn by the applicant

1 July 2011, the Planning Assessment Commission (PAC) approved Concept Plan MP10_0101 for the construction of a mixed use retail and residential development including basement car parking. The approval was subject to a number of conditions and included:

- Use of the sites for retail and residential purposes and associated car parking;
- A maximum gross floor area (GFA) of 28,474m²
- indicative building envelope with maximum building height of 55 metres or 16 storeys (or 114.6 metres AHD);
- maximum of 257 dwellings;
- public domain improvements to Treacy Street; and
- Landscaping.

4 September 2012 - A Section 75W Modification Application was approved including the following amendments:

- Decreasing the retail gross floor area from 3,726m² to 1,499m² (a decrease of 2,227m²) and the provision of 200m² community uses on the ground floor;
- Utilising 2,027m² of the reduced retail floor area for residential purposes while maintaining the approved maximum permissible site GFA of 26,775m² and building envelope;
- Increasing the overall number of residential units by 26 units (from 257 to 283 units) as a result of the transfer of GFA from the retail to the residential component while maintaining the approved maximum permissible site GFA and building envelope;
- Changes to the internal design and layout of the residential units, including apartment mix;
- Changes to total car parking numbers and layout including increasing the number of car spaces to 377 in order to comply with Hurstville Development Control Plan No. 2 requirements for residential parking, improve efficiency and

layout of the car park, clarify staging undertakings and other general access and loading matters;

- Provision 200 m² community floor area on the ground floor, as required by Condition 15 in Schedule 3 of the Concept Plan approval, to be included in Stage 1;
- Allowing for the staged construction of the approved Concept Plan into 3 stages being:
 - Stage 1 – Central Portion (the subject of this development application).
 - Stage 2 – Area adjacent to Council car park to the west of Stage 1.
 - Stage 3 – Remainder of the site to the east of Stage 1.

10 December 2012 – Council granted consent for the demolition of the existing structures on the site, the removal of the underground storage tanks and associated remediation works

30 May 2014 – MOD 2 refused by the PAC. In summary this modification proposed:

- Increase in the height of the approved stage 1 envelope by 3 storeys (from 16 to 19 storeys)
- Increase the maximum gross floor area by 4,023 m² (from 28,474 m² to 32,497 m²);
- Increase residential floor area by 3,684m² (from 26,775m² to 30,459m²)
- Reduce retail floor area (from 1,499 m² to 687 m²) in lieu of a new child-care centre (1,151m²);
- Changes to car parking provision and layout;
- A draft voluntary planning agreement for \$540,000 to Council towards public purposes.

CONCEPT PLAN APPROVAL REQUIREMENTS

The following is an assessment of the proposal against the requirements of the Concept Plan approval as modified.

Part A – terms of approval

Condition # Subject	Compliance
A1. Development Description	
Concept approval is granted to the development as described below:	
(a) Use of the site for retail and residential purposes and associated car parking;	a) The proposal is for a mixed use residential, retail and community use building with associated car parking.
(b) Indicative building envelope to a maximum of 55 metres (to a maximum of 114.6 metres AHD);	b) The proposal has a maximum height of 55 metres (114.6 m AHD)
(c) Maximum GFA of 28,474m ²	c) The GFA of this stage of development

<p>(26,775m² residential, 1,499m² retail & 200m² community space</p> <p>(d) Public domain improvements to Treacy Street;</p> <p>(e) Landscaping areas throughout the site; and</p> <p>(f) Staging of the development</p>	<p>is 22,209 m2 (21,197 m2 residential – 1012 m2 combined retail and community space). The GFA of this stage of the development is consistent with the concept approval as modified</p> <p>d) Public domain improvements to Treacy Street have been incorporated as part of this DA as shown on landscaped plans submitted with the application</p> <p>e) Landscaped areas are provided throughout the site as indicated on the Landscape Plans</p> <p>f) The development proposal constitutes Stage 1 of the Approved Concept.</p>
A2. Development in Accordance with Plans and Documentation.	
<p>The approval shall be generally in accordance with MP 10_0101 and with the EA, except where amended by the Preferred Project Report and additional information to the Preferred Project Report, and the drawings prepared by Stanisic Associates Architects and Habitation except where amended by section 75W Modification, prepared by Crosby Pexter Pty Ltd, dated April 2012 and the following drawings prepared by Stanisic Associates Architects</p>	<p>The plans submitted for this application are generally in accordance with MP 10_0101 as Modified in MP 10_0101 MOD1.</p>
A3. Inconsistencies between Documentation	
<p>In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings/documents including Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail</p>	<p>Noted</p>
A4. Building Envelopes	
<p>Building footprints and setbacks are to be generally consistent with the Concept Plan building envelope parameter diagrams for each site, except where amended by the Department of Planning's Modifications in Part B.</p>	<p>Footprints and setbacks are generally consistent with the concept plan envelope</p>
A5. Maximum Gross Floor Area (GFA)	
<p>The maximum GFA for the development shall not exceed 28,474m²</p>	<p>The proposed total GFA for this stage of development is 22,209 m². Maximum GFA for later stages to be confirmed as</p>

	DAs for alter stages lodged
A6. Maximum Height	
The maximum height for the development shall not exceed 16 storeys and shall not exceed a maximum RL of 114.6 metres AHD	The maximum building height is 16 storeys and is RL113.25 m AHD to the roof and RL114.6 m AHD to the top of the parapet.
A7 Deleted (related to maximum number of units)	
A8. Parking Provision	
Residential Parking provision shall comply with Hurstville City Council Development Control Plan No 2 requirements and a minimum of 30 parking spaces are to be provided for retail uses and 5 spaces for community uses.	<p>This stage of the development provides for 22 retail parking spaces. Additional parking spaces for the retail/community use to be provided in later stages of the development.</p> <p>DCP No.2 requires a parking provision of 1 car parking space per 100sqm of residential GFA and 1 space per 4 visitors for parking. A total of 231 residential spaces are required.</p> <p>The development is capable of complying with the residential parking provision.</p> <p>The required 5 spaces are provided for the community use</p> <p>See explanation below</p>
A9. Lapsing of Approval	
Approval of the Concept Plan at 21 - 35 Treacy Street Hurstville shall lapse 5 years after the determination date in Part A of Schedule 1, unless an application is submitted to carry out a project or development which concept approval has been given.	This DA was lodged prior to the lapse of the Concept Plan approval.

(1) Parking Provision:

Retail:

The original Concept Plan application proposed a reduced rate of parking as compared to the controls set out in Hurstville DCP 2 (around 30% less parking than specified by the DCP).

As part of the original assessment the PAC applied a further reduced parking rate. This included a review of Hurstville Council's existing parking rates in comparison to rates in similar major centres and RMS (then the RTA) sub regional criteria. In terms of retail parking, the PAC considered it appropriate to apply Burwood Council's parking requirements for retail development (1 space per 50m² of floor space) given the similarity of Burwood town centre to Hurstville town centre.

As part of MOD1 to the scheme the applicant proposed additional car parking to meet full compliance with Council's DCP and provide additional parking, however this was not supported by the PAC due to the good access to public transport available to the site.

This development application proposes car parking provision of 22 spaces for the retail/community use. This parking provision is consistent with the original concept approval.

Residential:

Term of Approval Condition A8 requires the provision of residential car parking consistent with DCP No.2 The following table makes an assessment of the parking against the DCP.

	DCP No.2 Requirement	Proposal	Complies
Car parking	1 car space/100sqm for residential = 174 spaces required	195 residential car parking spaces provided	Y
	1 car space/4 units for visitors (227units) = 57	42 visitor car parking spaces provided	N
	1 car wash bay (which can be a visitor space) Total residential required: 231	237 spaces provided	Y

Council officer comment:

A specific requirement of the Concept Approval is the compliance with Council's DCP in terms of residential car parking. This application proposes overall parking numbers in compliance with the DCP, however does not provide the minimum number of residential visitor car parking spaces.

In the assessment of the concept proposal the PAC advised that the residential parking requirements contained within the Hurstville Council DCP No. 2 were compatible with the RMS guidance and should be applied without a reduction in parking. The concept application proposed a shared visitor/retail parking scheme and the PAC advised that *"...the Commission undertook a review of parking requirements in other similar major centres and the RTA subregional criteria. The review found that the total residential requirement under the Hurstville DCP2 is comparable to RTA subregional centre and more stringent than Burwood Town Centre and areas within railway precinct in Willoughby Council area. Having regard to the result of the review, the Commission considered residential parking provision should comply with Hurstville Council's DCP 2 requirements"*.

The modified approval also reinforced this position by assessing that the development should apply a minimum of 1 per 4 visitors. The Traffic and Parking Report submitted with the application also states that 57 visitor parking spaces are required.

The submitted plans indicate that a compliant number of residential car parking spaces have been provided however the allocation of the spaces is not in accordance with the DCP.

Given that the visitor car parking provision has been required in the previous approvals and no justification has been provided from the applicant on why the visitor parking is not required a condition is recommended on this consent for the reallocation of parking spaces so that visitor car parking complies with the requirements of 1 space per 4 units as required by the original PAC approval.

Part B – Modifications

B1. Building Separation	
The building separation between the two tower elements shall be increased to a minimum of 12 metres.	The building separation between the two tower elements has been increased to a minimum of 12 metres. Refer to the Architectural Plans provided at Appendix C.
B2. Basement Parking	
An additional level of basement parking may be required to accommodate the number of parking spaces that are required under this approval.	This development application proposes 4 basement levels which provide sufficient space to accommodate parking
B3 Building Setbacks	
The zero lot line southern building setback at all basement and ground floor levels may be required to be increased by a distance of up to 1 metre from the southern site boundary. The final rear setback of the basement and ground floor levels shall be subject to written concurrence by RailCorp and may be subject to conditions of consent. If Railcorp concurrence is not granted, then the setback shall be 1 metre from the adjoining rail corridor boundary.	<p>This development application proposes a zero setback at the basement levels subject to Railcorp (Sydney Trains) concurrence.</p> <p>A deferred commencement consent is recommended pending Sydney Trains concurrence</p>

Schedule 3 – Future Environmental Assessment Requirements

1. Residential Amenity	
Future applications shall demonstrate compliance with the provisions of the State Environmental Planning Policy 65 - Design Quality of Residential Flat Development (SEPP 65) and the accompanying Residential Flat Design Code 2002, except where modified by this Concept Plan approval.	The proposal is assessed under the provisions of SEPP65 and the Residential Flat Design Code - see SEPP65 in a subsequent section of this report
2. Built Form	
<p>Future applications shall demonstrate that the development:</p> <ul style="list-style-type: none"> • is consistent with the design integrity of the approved Concept Plan; 	On 28/03/2012 the The Planning Assessment Commission advised, that the appointment of Frank Stanisic of

<ul style="list-style-type: none"> creates a very high quality, five star green star building of distinguished architecture, with an interconnected spatial network of landscaped communal open spaces and public domain; and achieves a high level of modulation / articulation consisting of a range of high quality materials and finishes. 	<p>Stanisic Associates Architect as design architect for future development applications relating to the approved Concept Plan, would provide confidence that the high design quality illustrated in The Concept Plan would not be diminished.</p> <p>The PAC also advised that a design integrity panel would not be required subject to the provision of certification from Mr Stanisic that the design of future applications is substantially The same as the approved Concept Plan and retains the design excellence.</p> <p>This application was accompanied by such certification</p>
3. Design Excellence	
Future applications for development on the site shall achieve design excellence in accordance with the requirements of the Director Generals' Design Excellence Guidelines.	See comment above
4. Privacy	
Future applications shall demonstrate an adequate level of privacy screening I treatment is provided for apartments located adjoining areas of communal open space.	<p>Siting, orientation, adequate building separation and internal blinds to bedrooms have been utilised to mitigate visual privacy issues.</p> <p>Screen planting is provided for the shared courtyard and terrace areas.</p> <p>Balconies are appropriately treated as required.</p>
5. Landscaping	
Future applications shall include detailed landscape plans demonstrating consistency with the landscape concept plans prepared by Habitation, including that a sufficient soil depth is provided within the deep soil zone at the south-western corner of the site.	<p>The landscape plans provided for this stage are generally consistent with the concept plans.</p> <p>The deep soil zone is part of the a later stage of the development</p>
6. Environmentally Sustainable Development	
Future applications shall demonstrate that any future development will incorporate ESD principles in the design, construction and ongoing operation phases of the development, including water sensitive urban design measures, energy efficiency, and recycling and water disposal.	This Development Application has been designed to incorporate ESD and is accompanied reports demonstrating such

7. Noise and Vibration	
Future applications shall ensure that the internal residential amenity of the proposed units is not unduly affected by the noise and vibration impacts from the Eastern Suburbs and Illawarra Railway Line to comply with the requirements of the Department of Planning's 'Development Near Rail Corridors and Busy Roads –Interim Guidelines'.	The application was accompanied by a Noise and Vibration Assessment which outlines compliance with the Department of Planning's 'Development Near Rail Corridors and Busy Roads –Interim Guidelines'. A condition is recommended to ensure compliance with the submitted Noise and Vibration Assessment
8. Sydney Water	
Extension to the existing wastewater system will need to be designed and constructed to the available 225mm wastewater main that transverse the site. The extension will need to be sized and configured according to the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002) and to the Guidelines for Building Over of Adjacent to Sydney Water's wastewater mains. Details shall be submitted with future applications in accordance with Sydney Water and Council requirements.	Sydney Water have reviewed the proposal and conditions of consent are recommended to meet the requirements of Sydney Water
9. Section 94 Contributions	
Future applications shall be required to pay developer contributions to the Council towards the provision or improvement of public amenities and services. The amount of the contribution shall be determined in accordance with the requirements of the Contributions Plan current at the time of approval.	Section 94 contributions have been calculated in accordance with council's adopted plans
10. RTA	
a) The layout of the proposed car parking areas associated with the proposed development (including driveway, ramp grades, aisle widths, aisle lengths, parking bay dimensions, sight distances and loading bays) should be designed in accordance with AS2890.1 - 2004 and AS2890.2 – 2002.	a) A condition is recommended ensuring compliance with AS2890.1 & AS2890.2
b) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council, for approval.	b) Construction Management plan submitted to Council. A condition of consent is recommended that the CMP be applied during the construction of the development
c) An independent roads safety audit shall be prepared in accordance with RTA requirements. Should any amendments to the development proposal or findings of the independent roads safety audit impact on the operation of nearby traffic signals, the Proponent shall submit this information to the	c) A Road Safety Audit has been prepared by McLaren Traffic Engineering

RTA for review. The Audit report shall be submitted to Council as part of any future applications.	
d) The intersections at Forest Road and The Avenue, Railway Parade and The Avenue and Forest Road, Park Road and Alfred Street require further assessment on their performances and measures to be recommended to improve their performances. The assessment report shall be reviewed by the RTA and submitted to Council as part of any future applications.	d) The subject intersections have been further assessed in the Traffic and Parking Report. Council officers and the RMS have raised no objections
11. RailCorp	
Future applications shall demonstrate consistency with the following:	
<p>Property & Title Search Survey</p> <p>a) The Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative. A copy of the plan shall be submitted to Council for record purposes.</p>	Sydney Trains have reviewed the application and have advised that a deferred commencement consent may be granted subject to their full concurrence
<p>Dilapidation Surveys</p> <p>b) A joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.</p>	Subject to Sydney Trains' assessment – see comment above
<p>Noise and Vibration</p> <p>c) Future applications shall include an acoustic assessment that demonstrates how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads -Interim Guidelines"</p>	Subject to Sydney Trains' assessment – see comment above
<p>Stray Currents and Electrolysis from Rail Operations</p> <p>d) The Proponent is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. All measures recommended in the report to control Electrolysis Risk shall be incorporated into future applications.</p>	Subject to Sydney Trains' assessment – see comment above
<p>Geotechnical and Structural Stability and Integrity</p> <p>e) The Proponent shall provide a</p>	Subject to Sydney Trains' assessment – see comment above

Geotechnical Engineering report to RailCorp for review by RailCorp's Geotechnical section. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by RailCorp. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on RailCorp Facilities by the development.	
Building, Balconies and Window Design f) Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that face the rail corridor, measures (eg awning windows, louvers, etc) shall be installed which prevent the throwing of objects onto the rail corridor.	Subject to Sydney Trains' assessment – see comment above
Derailment Protection of Structures g) The development must be designed and constructed so that supporting elements comply with the redundancy requirements or the minimum collision loads specified in Australian Standard AS5100.	Subject to Sydney Trains' assessment – see comment above
h) The Proponent is to provide the Rail Authority with a report from a qualified structural engineer demonstrating that the structural design of the development satisfies the requirements of AS5100.	Subject to Sydney Trains' assessment – see comment above
Use of Lights and Reflective Materials i) The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Rail Authority.	Subject to Sydney Trains' assessment – see comment above
Demolition, Excavation and Construction Impacts j) A Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to the Rail Authority for review and comment on the impacts on rail corridor.	Subject to Sydney Trains' assessment – see comment above
Environmental Conditions k) During all stages of the development, environmental legislation and regulations shall be complied with.	Subject to Sydney Trains' assessment – see comment above

<p>l) During all stages of the development extreme care shall be taken to prevent environmental harm within railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Proponent.</p> <p>m) During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Proponent.</p>	
<p>Drainage</p> <p>n) Given the development site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Rail Authority.</p>	Subject to Sydney Trains' assessment – see comment above
12. Flooding	
Future applications shall comply with Council's flooding requirements	An overland flow report has been submitted with the application
13. Sydney Airports	
Future applications shall demonstrate all necessary approvals have been obtained from SACL and Air Services Australia.	SACL has raised no objections to this proposal. Further approval may be required for construction depending on construction methods
14. Parking Management Plan	
Future applications shall include a parking management plan detailing the allocation and management approaches to residential, visitor and retail parking.	Parking allocation is detailed in the Traffic and Parking report. A more detailed assessment of this is provide in an earlier section of this report
15. Community Space	
Future applications shall include, at no cost to Council, an appropriate community space within the development, of at least 200m ² on the ground floor level with street frontage, which can be used by Council for community purposes. Note: The provision of the community space is in addition to Council's Section 94 Contributions for future development.	200m ² of community space is provided as part of this proposal

SCHEDULE 4 – STATEMENT OF COMMITMENTS

Condition # Subject	Response
8.1 Environmental and Residential Amenity	

<p>8.1.1 Acoustic Privacy</p> <p>The details of the mechanical plant for the Concept Plan will be finalised at the Project Application stage. Therefore the Proponent will commit to prepare an Acoustic Report to assess the impact and make necessary recommendation to manage these potential impacts as part of the Project Application stage.</p>	<p>A Noise and Vibration Assessment was prepared and submitted with the application</p>
<p>8.1.2 Wind Impact</p> <p>The Proponent will undertake a detailed and accurate analysis of the effects of wind on the proposed building and the environment as part of the Project Application.</p>	<p>A Wind Effects Report was prepared and submitted with the application</p>
<p>8.2 Traffic and Parking</p>	
<p>All access, servicing and internal layout will be provided in accordance with AS 2890.1:2004 and AS 2890.2 - 2002.</p>	<p>All access, servicing and internal layout have been designed in accordance with the relevant Australian Standards</p>
<p>An assessment of the construction traffic generated by the development will be undertaken at the Project Application stage. The traffic impacts during construction will be assessed in more detail for the Project Application when the construction staging, construction period, truck movements and truck sizes are considered. A construction traffic management plan will be undertaken at the Project Application stage.</p>	<p>The traffic report submitted includes assessment of traffic during construction. A condition is recommended ensuring compliance with the a detailed construction management plan</p>
<p>A "Green Travel Plan" will be developed for the Project Application stage and will include initiatives such as:</p> <ul style="list-style-type: none"> • Bicycle storage, showers and changing facilities for employees and bicycle storage for residents. Visitor bicycle parking facilities will be provided at ground level close to entrances, in a visible and weather protected location subject to casual surveillance. • Provide train and bus timetables to staff and residents. • Provision of a small commuter vehicle to transport elderly and infirm residents to Hurstville railway station and for local shopping trips etc. to the CBD. • Co-ordinated car share scheme. 	<p>A Green Travel Plan has been prepared and includes bike storage, and car share</p>
<p>8.3 Obstacle Limitation Height</p>	
<p>Prior to lodging a Project Application, a request will be made to Sydney Airports Corporation regarding any further assessments of the proposal.</p>	<p>SACL has advised approval of the development with conditions that the structure be no more than 120m above AHD. A further application will be required to be made prior to</p>

	construction for any cranes or equipment that exceed this
8.4 Geotechnical and Ground Water	
The building will be designed and constructed in accordance with the recommendations prepared by Asset Geotechnical and summarised in Table 5 of the Environmental Assessment. In relation to temporary and permanent shoring, Asset Geotechnical has confirmed that either “top-down construction” or “bottom up construction” could be adopted for the proposed development. This will be further confirmed at the Project Application stage. The Concept Plan will be assessed for derailment protection requirements as per Rail Infrastructure Corporation (RIC) Standard C4004 Design Requirements for Pier or Column Protection and then designed to the standard as appropriate. An engineering report will be provided at the Project Application stage for review by the RIC.	A Geotechnical Assessment has been prepared. Conditions are recommended ensuring compliance with this plan
8.5 Public Domain	
The footpath adjacent to the building will be treated with bluestone banding with asphalt infill. Street trees will be planted on the footpath at 8 metre centres.	A condition is recommended for a public domain plan including planting to be approved by council prior to the issue of a construction certificate.
8.6 Safety	
A detailed Crime Prevention through Environmental Design assessment will be undertaken at the Project Application stage. The assessment will address the commitments expressed in the EA under the four key principles of surveillance, access control, territorial reinforcement and space management.	A Crime Prevention Assessment has been prepared. During the assessment of the proposal the Design Review Panel identified potential safety issues which the applicant has rectified.
8.7 Ecologically Sustainable Development	
The Proponent is committed to achieving a 5-Star rating (min. 4-Star rating) as detailed in the Architectural Design Report subject to confirmation from the design and development team at the project application stage.	An ESD Report has been prepared demonstrating achievement of the minimum standard
8.8 Drainage	
The Proponent is committed to incorporating Water Sensitive Urban Design features such as rainwater harvesting and rain gardens that will be further detailed in the project	WSUD measures have been incorporated into the proposed design as reflected in the Landscape Plans

application.	
8.9 Contamination	
<p>A field based investigation comprising of a Stage 2 Environmental Site Assessment will be conducted prior to the commencement of any future site redevelopment and will form part of any Project Application.</p> <p>A Hazardous Materials Assessment will be carried out prior to any site demolition.</p> <p>Remediation Action Plans will be prepared where required.</p>	<p>A Contamination Assessment with Hazmats & a RAP has been prepared</p> <p>Site demolition and remediation was subject to a separate development consent issued by Council.</p>
8.10 Noise and Vibration	
<p>The Proponent will incorporate the recommendations of the Acoustic Assessment prepared by Koikas Acoustics Pty Ltd and which relate to:</p> <ul style="list-style-type: none"> • Selection of building materials in relation to external walls and windows/sliding doors; • Mechanical ventilation in nominated spaces; and • Building Code of Australia requirements in relation to walls, entry doors, soil and waste pipes and concrete subfloor systems. <p>It is noted that an Acoustic Report is to be prepared in relation to acoustic privacy as detailed in Section 8.1.1 of the revised Statement of Commitments subject to the finalisation of the mechanical plant equipment. There may be additional/alternative recommendations in relation to noise and vibration that will be implemented as part of this report.</p>	<p>The proposal has incorporated the recommendations of the acoustic assessment as reflected in the Noise and Vibration Assessment prepared and submitted with the application.</p> <p>Conditions of consent are recommended for compliance with this report</p>
8.11 Utilities	
<p>The Proponents commit to up-sizing the existing 150mm water main fronting the site in Treacy Street to a 200mm main that will be laid from the existing main at the corner of Treacy Street and Forrest Road to the building connection point. The extension will be sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002) and evidence of Code compliance will be attached with the extension design.</p>	<p>Sydney Water have commented on the proposal and conditions of consent are recommended to meet their requirements</p>
8.12 Provision of Community Space	
<p>The Concept Plan includes an appropriate community space of 200sm on the ground floor level with street frontage. This space will be dedicated to Council at no cost for community purposes.</p>	<p>A 200m2 community space has been provided on the ground floor. This space has an entrance to Treacy Street and is central to the development frontage.</p>

	Conditions have been recommended as per a Council resolution of 21 November 2012
8.13 Construction	
Construction of the proposed building should be undertaken without requiring access to the Railcorp owned rail corridor to the southern boundary of the site. If access is required to Railcorp land for any reason then the prior written approval of Railcorp will be required.	Railcorp (Sydney Trains) will provide council with conditions relating to access to the rail corridor for construction as part of their concurrence
8.14 Building Maintenance	
The southern boundary wall will be sealed and coated in anti-graffiti product that provides for long-term permanent protection. Any access requirements for future maintenance of the boundary wall will be infrequent and negotiated with Railcorp on an 'as needs' basis.	Conditions of consent are recommended for the materials and maintenance of the southern boundary wall.

STATE ENVIRONMENTAL PLANNING INSTRUMENTS

Compliance with the relevant state environmental planning policies is detailed and discussed in the table below.

State Environmental Planning Policy	Complies
Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment	Yes
State Environmental Planning Policy (Building Sustainability Index BASIX) 2004	Yes - BASIX certificate submitted

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

SEPP (Infrastructure) requires the following:

Clause	Provision	Authority	Comment
85	Development immediately adjacent to rail corridors	Referral to Rail Authority Sydney Trains (formerly Rail Corp)	See comment below
86	Excavation in, above or adjacent to rail corridors	Concurrence required from Rail Authority Sydney Trains (formerly Rail Corp)	At the time of writing this report Sydney Trains has not granted their concurrence. There has been considerable correspondence between the applicant and Sydney trains in attempt to meet the

			concerns of the Rail Authority. Council has been advised by Sydney Trains that there is no objection to issuing deferred commencement consent on the basis of concurrence being obtained.
87	Impact of rail noise or vibration on non-rail development	Council must take into consideration relevant guidelines	The application was accompanied by a Noise and Vibration assessment report which adequately addresses the relevant guidelines and noise and vibration mitigation measures
104	Traffic-generating development	Referral to Roads and Maritime Services (RMS)	RMS have reviewed the proposal and have raised no objection subject to conditions of consent

STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND

The applicant has submitted the following reports:

- Hazardous Materials Survey Register – The report concludes that asbestos is located in various locations in several buildings, it is highly unlikely that any PCB's are present and no paints were identified that would likely contain elevated concentrations of lead.
- Phase 2: Detailed Environmental Site Assessment – This assessment chemically evaluated the levels of soil contaminants and conducted both visual and historical investigation of the potential environmental impacts on the site. The assessment identifies some exceedances in soil chemical concentrations of the Site Acceptance Criteria; noting that they were considered minor and localised in nature and pose low risk to health and the environment generally. The report concludes that the site can be made suitable for a land use consistent with the criteria set out in NEPM Schedule 1 Table 5a Column D - Residential with Minimal Opportunities for Soil Access

and recommends that a Remediation Action Plan (RAP) be implemented for the site to facilitate and set out the remediation actions required for the site.

- Remediation Action Plan (RAP) – This RAP is based on the Phase 2 Detailed Environmental Site Assessment outlined above.

Conditions of consent have been recommended to ensure compliance with these reports.

STATE ENVIRONMENTAL PLANNING POLICY NO 65 – DESIGN QUALITY OF RESIDENTIAL FLAT BUILDINGS (SEPP 65)

The extent to which the proposed development complies with the controls and principles in the State Environmental Planning Policy 65 – Design Quality of Residential Flat development is detailed and discussed in the tables below:

Application of SEPP 65

Clause	Standard	Proposal	Complies
3 - Definitions	Complies with definition of “Residential Flat Building” (RFB)	Complies with definition	Yes
4 - Application of Policy	Development involves the erection of a new RFB, substantial redevelopment or refurbishment of a RFB or conversion of an existing building into a RFB	Development involves the construction of an RFB	Yes
30 Development Applications	Design verification statement provided by Qualified designer Registered Architect Name and Registration No.	Design verification provided by Frank Stanisic	Yes

Part 2 Design Quality Principles under the SEPP

Clause	Standard	Proposal	Complies
1 – Context	Good design responds and contributes to its context (e.g. natural and built features of an area)	The suitability of the context of the site and the development has been established by the concept approval	Yes
2 – Scale	Good design provides an appropriate scale in terms of the built and height that suits the scale of the street and surrounding buildings	The scale of the development has been established by the concept approval	Yes
3 – Built form	Good design achieves an appropriate built form for a site and the building’s purpose, in terms of building	The built form of the development has been established by the concept approval	Yes

	alignments, proportions, building type and the manipulation of building elements.		
4 - Density	Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).	The density of the development has been established by the concept approval	Yes
5 – Resource, energy and water efficiency	Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.	The application is supported by a BASIX certificate that satisfies this clause of the SEPP.	Yes
6 - Landscape	Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.	The landscaped open space areas of the development have been amended to provide appropriate and useable private and communal open space areas.	Yes
7 - Amenity	Good design provides amenity through the physical, spatial and environmental quality of a development.	The proposal provides satisfactory levels of amenity as proposed communal and private open space areas with appropriate measures to reduce reciprocal overlooking.	Yes
8 – Safety and Security	Good design optimises safety and security, both internal to the development and for the public domain.	The proposal is considered to be consistent with crime prevention principles.	Yes
9 –Social dimensions and housing affordability	Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.	The proposal responds appropriately to this clause of the SEPP by providing a range of housing options that varies in unit size, number of bedrooms and 10% adaptable units.	Yes
10 - Aesthetics	Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and	The proposed building has architectural merit with a mix of building materials and finishes and architectural features. This was an integral part of the original concept approval	Yes

	structure of the development.		
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Clause 30 – Consideration of Residential Flat Design Code Design Controls

Standard	Objective	Provided	Complies
Building Height	Ensure future development responds to desired future scale and character of street and local area	The height of the development has been established by the concept approval	Yes
Building Depth	Maximum 18m (glass line to glass line). Developments that propose wider than 18m must demonstrate how satisfactory daylight and natural ventilation are to be achieved.	Dual aspect apartments have a maximum depth of 17.8m	Yes
Building Separation	The RFDC does not provide a separation requirement between buildings where there are no habitable rooms	12m internal setback	Yes
Side and Rear Setbacks	Minimise impact on light, air, sun, privacy, views and outlook for neighbouring properties.	6-10m provided to rail corridor	Yes
Floor Space Ratio (FSR)	To ensure that the development is in keeping with the optimum capacity of the site and the local area. FSR is not specified in the Design Code.	Proposed FSR is consistent with the concept approval	Yes
Deep Soil Zones	A minimum of 25% of the open space area of a site should be a deep soil zone, more is desirable. Exceptions may be made in urban areas where sites are built out.	Basement is excavated to boundaries and deep soil planting is not possible on most of the site. The concept plan does allow for a portion of the site (5.8%) to be landscaped. The RFDC allows exceptions where sites are located in built up areas. Considering the site is built to the boundary and located in an urban city setting the provision of landscaping is	Acceptable

		acceptable.	
Landscape design	Landscape design should optimise useability, privacy, social opportunity, equitable access and respect neighbour's amenity	The proposal provides useable communal and private open space areas that will be appropriately landscaped as per the landscape plan submitted with the application.	Yes
Open Space	Communal open space should be generally 25% of the site area	The communal open space for development comprises a podium courtyard, sky gardens and roof terraces. These spaces provide adequate open space for the development	Acceptable
Orientation	Position and orientate buildings to maximise solar access	The building has been designed to have its primary frontage facing north	Yes
Planting on structures	Design for optimum conditions for plant growth	Landscape plans submitted show adequate planting	Yes
Stormwater Management	Reduce the volume impact of stormwater on infrastructure by retaining it on site	Stormwater disposal is appropriate subject to conditions of consent.	Yes
Safety	Undertake a formal crime prevention assessment of the development	<p>Development is consistent with crime prevention principles.</p> <p>Openings from units overlook the public domain providing casual surveillance of those areas.</p> <p>Controlled access is provided to the residential and commercial components of the development.</p> <p>Building entries and access ways are clearly identifiable elements of the development</p>	Yes

		and provide residents and visitors direct connection to streets and public areas.	
Visual privacy	Provide reasonable levels of visual privacy.	The proposal provides satisfactory levels of visual privacy. Private open space areas (balconies) to the development are located on the front and rear elevations of the development	Yes
Building Entry	Create entrance which provides a desirable residential identity for development, orient visitor and contribute positively to streetscape and building design.	Separate entry areas are provided to the residential and commercial component of the building. Pedestrian and vehicular entry points are separated and are clearly visible from the public domain.	Yes
Parking	Provide adequate car parking for the building and integrate parking with the design of the building	Basement car parking proposed which meets requirements.	Yes
Pedestrian Access	Promote residential flat development that is well connected to street and contributes to accessibility.	The development is well connected to street and contributes to accessibility.	Yes
Vehicle Access	Limit width of driveways to 6 metres. Integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety.	6m wide driveway Car parking and service access is provided from Treacy St and does not compromise the street character or pedestrian amenity and safety.	Yes
Apartment Layout	-Maximum depth from window of single aspect apartment 8.0m -The back of a kitchen should be no more than 8 metres from a window. -Width of cross-over apartments more than 15 metres deep should be a minimum of 4 metres.	The proposal complies with all requirements in terms of layout	Yes
Apartment Mix	To provide a diversity of	The proposal incorporates a	Yes

	apartment types, which cater for different household requirements now and in the future	diversity in the size of the units, and provision of 1, 2 and 3 bedroom units	
Balconies	Primary balconies to be a minimum of 2 metres in depth	All units have primary balcony with minimum 2m depth and comply with the sizes recommended in the RFDC	Yes
Ceiling Heights	<p>Mixed use building</p> <p>-GF retail/commercial minimum 3.3m</p> <p>-FF residential/retail/commercial minimum 3.3m</p> <p>Residential building in mixed use area</p> <p>-GF minimum 3.3m</p> <p>Residential buildings/floors</p> <p>-habitable rooms minimum 2.7m</p> <p>-non habitable rooms minimum 2.25m</p>	All floor to ceiling heights comply.	Yes
Flexibility	Provide apartment layouts which can accommodate the changing use of rooms	Layout of units allows for various furniture layouts.	Yes
Internal Circulation	Maximum of 8 units to be accessible from a double loaded corridor	<p>Generally there 4-7 units accessible from a single corridor.</p> <p>Level 2 of the development provides for a maximum of 18 units off a corridor serviced by two lift lobbies (4 lifts). Whilst this is in excess of the RFDC requirements this situation is only on one level and does not comprise the circulation and amenity of the development as a whole</p>	Acceptable
Storage	To provide adequate storage for every day household items within easy access of the apartment	All units have storage areas that comply with SEPP 65 and 50% of units have storage cages available in the basement	Yes

	1br = 6m ³ 2br = 8m ³ 3br= 10m ³		
Acoustic Privacy	Protect acoustic privacy of residents in apartments and in private open spaces	The development has provided double glazing and insulation to units fronting the rail corridor. The application was supported by an acoustic report that is recommended to be implemented as part of this consent	Yes
Daylight Access	-Min 70% of units receive min 3 hrs of solar access or 2 hrs in "close urban" development -Max 10% units southerly aspect	70% of units achieve 3 hours of solar access 5% of dwellings have a single southerly aspect	Yes
Natural Ventilation	-60% of residential units should be naturally cross ventilated.	63% of units are naturally ventilated	Yes
Facades	Facades must define and enhance the public domain and desired street character	Façade of the proposed building is considered acceptable	Yes
Roof design	Provide quality roof designs which contribute to the overall design	Roof form contributes to the overall design of the development and responds to its context.	Yes
Energy efficiency	Reduce reliance on artificial heating and cooling	The proposal is considered acceptable, subject to the energy efficiency requirements of the BASIX Certificate	Yes
Maintenance	Supply waste management plans as part of the development application	Waste management plan submitted with the application is appropriate	Yes
Water conservation	Encourage use of rainwater tanks, use AAA rated appliances and store rainwater on site	BASIX Certificate submitted addresses water conservation	Yes

Advice from the Design Review Panel

The application was presented to the Design Review Panel (DRP) on 11 December 2014. The following is an assessment by the DRP of the proposal, and the applicant's and council officer response:

PRINCIPLE 1 - CONTEXT

DRP comment:

Complies with the approved concept plan.

Officer response:

Agreed. Context has been established by the previous approvals on the site.

PRINCIPLE 2 - SCALE

DRP Comment:

Complies with the approved concept plan

Officer response:

Agreed. Scale has been established by the previous approvals on the site.

PRINCIPLE 3 - BUILT FORM

DRP comment:

Generally in accordance with approved concept plan however the Panel considers that the street level interface could be improved either by bringing the floor levels of the tenancies in to alignment with the existing footpath or deepening the 'Urban' terrace to enable more stairs and permeability with the footpath and more circulation/public useable space.

The community space on ground level should have a clear frontage to the street that is not blocked by the retail lift and is equitable with the other spaces

Applicant's comment:

The urban terrace has been increased in depth from 3 to 5 metres where possible. An additional 3 metre wide stair has been provided at the middle of the terrace, adjacent to the community room and apartment lobby 2 to improve access from the public footpath. The site is subject to flooding and the level of the urban terrace and retail tenancies (RL 61.00) is at the required possible maximum flood level (PMF) and cannot be lowered.

The retail lift has been relocated to the west of the terrace to provide clear frontage to the community space. The lobby of the retail lift has been deleted. The area of the community centre remains at 200sqm. The fire egress stairs adjacent to lobby 2 has been pushed back to the line of the retail glazing.

Council officer response:

Whilst the DRP's comments relating to the level of the urban terrace are acknowledged, the site is affected by a storm water overland flow path which requires the finished floor level of the site to be raised. The applicant's amended plans improve the ground floor interface of the development.

PRINCIPLE 4 - DENSITY

DRP comment:

Complies with the concept plan.

Officer response:

Agreed. Density has been established by the concept plan approval

PRINCIPLE 5 - RESOURCE, ENERGY AND WATER EFFICIENCY

DRP comment:

Subject to BASIX and concept plan statement of commitments

Applicant's comment:

Agree, the project will comply with the BASIX Certificate (Certificate number 571131M), prepared by BCA Energy Pty Ltd.

Agree, the project will comply with the concept plan statement of commitments. Refer to ESD statement (Design Report, Appendix F), prepared by Stanisic Architects and as modified by the ESD statement (4 Star Green Star Strategy, dated 20/04/12) prepared by Floth, Sustainable Building Consultants.

Council officer response:

Conditions of consent are recommended to ensure compliance with the submitted ESD reports.

PRINCIPLE 6 - LANDSCAPE

DRP comment:

The landscaped open spaces provided utilise areas of the built form that create unconventional communal open spaces. These spaces are challenged by a number of factors including the scale of the walls, the amount of shading and solar access. A considered program of use for these spaces is not evident within the current design.

Each space needs to uniquely respond to the constraints of the space imposed by the built form, identify an appropriate variety of uses that respond to the likely demographics of the building and provide a design response that supports these needs.

Plant species were not nominated and it is noted that in future design development the species selected for planting should be suited to the specific microclimatic conditions of each space.

The landscape drawings should demonstrate that the nominated street tree species (Corymbia maculate - which may reach a mature width of 10m and height of up to 25m in a typical street environment) are suited given the building form and site planning.

Applicant's comment:

Amended landscape plans submitted.

Council officer response:

The applicant has submitted amended landscaped plans that generally address the concerns of the Panel.

PRINCIPLE 7 - AMENITY

DRP comment:

The outlook and daylight of bedrooms in some units could be improved. This includes the high percentage of snorkel configuration such as Unit 202 and bedrooms on the southern side are nestled behind the adjacent unit, eg Unit 201.

Bedroom windows adjacent to the garden terrace on Level 4 and to the bridges on upper levels have privacy conflicts with communal spaces and need to be resolved.

Similarly the balcony and study of Unit 713 and the window to Unit 701 are located immediately adjacent to the Level 7 garden terrace.

Applicant's comment:

The 'snorkel' apartment layout been designed to comply with acceptable standards for outlook and daylight and as required by City of Sydney Council. A plan and section is provided which details the depth and width of the 'throat'. The window to the 'throat' will be clear glazed from ground to ceiling.

The windows to bed 2 on the southern side of apartment layout type E2 and E3, such as Unit 201, has been reoriented and projected out on each level to improve outlook and daylight.

The bedroom windows to Units 407 and 413, adjacent to the level 4 garden terrace, have been fitted with fixed aluminium bar grille screens to avoid privacy conflicts. The windows to the apartments, adjacent to the bridges on upper levels, have been fitted with fixed aluminium bar grille screens to avoid privacy conflicts.

The balcony of Unit 713, immediately adjacent to the Level 7 communal garden terrace, will be screened with a 1600mm high aluminium screen. The study of Unit 713 will be screened with planting from the garden terrace.

The height of the window sill to Unit 701, immediately adjacent to the Level 7 communal garden terrace, has been increased to 1600mm to avoid visual privacy issues.

Council officer response:

The amendments proposed by the applicant result in improvement to amenity in terms of privacy to the units adjoining the communal gardens. In terms of the apartment layout the plans and information submitted show general compliance with the provisions of SEPP 65 as outlined in the table above.

PRINCIPLE 8 - SAFETY AND SECURITY

DRP comment:

The letter box area for each lobby is concealed and provides a potential area of security risk. Thoroughfare should be provided or these areas should receive greater levels of visibility and passive surveillance to deter anti-social behaviour.

Applicant's comment:

The letter box areas for residential lobbies 1, 2 and 3 have been enclosed with glazed partitions to maintain security and achieve visibility and surveillance. Glazed doors have been added to the terrace entry to secure the letter box areas.

Council officer response:

The amendments to the residential lobbies are acceptable to address the security concerns of the DRP

PRINCIPLE 9 - SOCIAL DIMENSIONS

DRP comment: Consistent with the approved concept plan.

Council officer response: Unit mix generally in accordance with concept plan as modified.

PRINCIPLE 10 - AESTHETICS

DRP comment:

Consistent with the concept plan.

There is a risk that if the specific detailed design elements/materials in the concept plan and DA developed design are not implemented as shown, for example the cladding, balustrading, etc, the building will not achieve the level of aesthetic quality desired by the architect and supported by the concept approval.

Applicant's comment:

Piety THP is both the developer and builder of the project and is committed to maintaining the aesthetic integrity of the design as desired by the architect and required by the concept approval. Stanisic Architects, the concept design architect, has been retained by Piety THP to prepare the construction documentation and provide advice during construction.

Council officer response:

Part of the justification for approval of the original concept plan by the PAC was the design quality of the development. Conditions are recommended to ensure that the materials proposed as part of this development are implemented during construction.

HURSTVILLE LOCAL ENVIRONMENTAL PLAN 1994

The site is zoned 3(b) (City Centre Business Zone) under the Hurstville Local Environmental Plan 1994 (HELP 1994). The proposed development is permissible with development consent.

The following is an assessment under HLEP1994:

Clause	Provision	Compliance/Comment
13	Floor space ratios	There are no FSR standards expressed in the LEP for land zoned 3(b) (City Centre Business Zone).
15	Services	Facilities for the supply of water and for the removal or disposal of sewage and drainage are available to the land. The site is burdened by council drainage infrastructure in the form of a drainage pipe. The original proposal involved the suspension of the drainage infrastructure in the form of a culvert from the roof of the basement level. This drainage solution was not accepted by Council engineers due to access and servicing concerns. Several negotiations were undertaken and the drainage culvert is now proposed to be located adjacent to the basement driveway access. This solution was agreed to by both parties
22	Excavation, filling of land	The proposed excavations will not disrupt, or have a detrimental effect on, existing drainage patterns and soil stability especially having regard to proposed mitigation works, and is compatible with the future use or redevelopment of the land.
22A	Development on land identified on the Acid Sulphate	The land is not identified on the Acid Sulphate Planning Map

	Soils Planning Map	
22B	Remediation of contaminated land	A Hazmat and Phase 2 Detailed Environmental Site Assessment has been prepared with recommendations so as to make the land suitable for its proposed purpose.
33	Development in the vicinity of a heritage item	The site is located near two heritage items at 16&18 Treacy Street. The application was supported by a Heritage Impact Statement that concludes that the development will not have a detrimental impact on the heritage items. This is a view that is accepted by council.

2. Draft Environmental Planning Instruments

DRAFT HURSTVILLE LOCAL ENVIRONMENTAL PLAN (HURSTVILLE CITY CENTRE) 2014

Hurstville City Council exhibited the draft Hurstville Local Environmental Plan (Hurstville City Centre) 2014 (draft LEP) and draft amendments to Development Control Plan 2 – Hurstville City Centre (draft DCP 2) from Thursday 17 July to Thursday 14 August 2014.

On 17 September 2014, Council resolved to adopt the draft LEP and forward the draft LEP to NSW Department of Planning and Environment in accordance with the Act. Council also resolved to approve the draft DCP 2 at this meeting in accordance with the Act and related Regulation. The draft DCP 2 will become effective when the LEP is made by the Minister for Planning.

The LEP is not considered to be imminent and certain, however the provisions of the LEP have been considered in the assessment of this application. The following table is provided to identify the current and proposed controls for the site:

	Zone/Use	Maximum height	Maximum FSR
Draft Hurstville LEP (HCC) 2014	Zone B4 – Mixed Use	15, 23	3:1 & 4:1

The proposed development does not comply with the height and floor space ratio provisions of the draft LEP however complies with the concept approval.

DEVELOPMENT CONTROL PLAN NO 2 – HURSTVILLE CITY CENTRE – SECTION 4.2 THE CONTROLS

The controls that apply to the subject site under DCP 2 are as follows:

	Criteria	Proposed	Complies
Use	Ground floor retail/commercial – full site coverage and upper floors residential/commercial	Ground floor commercial/retail and upper floors have residential	Yes

Height	15m & 23m	Maximum height of 55m	No, but consistent with concept plan
FSR	3:1 & 4:1	7.3:1	No, but consistent with concept plan
Awnings	Cantilevered to Treacy St	The ground level is setback 3 metres along Treacy Street to provide covered pedestrian area in lieu of an awning.	acceptable solution
Balconies	Minimum 1/unit, 8sqm in size 2.5m minimum width	Minimum 1/unit, minimum size = 6m. 2m minimum width	Consistent with the RFDC
Vehicles Access	Treacy st	Treacy St	Yes
Car parking in basement	see assessment above	see assessment above	see assessment above

**DEVELOPMENT CONTROL PLAN NO 2 – HURSTVILLE CITY CENTRE –
SECTION 6.3 ACCESS AND MOBILITY**

Section 6.3 – Access and Mobility	Requirements	Proposal	Complies
Adaptable dwellings	1 adaptable dwelling for the first 8 dwellings and then 1 per 10 dwellings or part thereof (min) = 23 Adaptable dwelling complies with AS4299	23 adaptable units proposed	Yes
Access requirements	Access in accordance with AS1428 for all persons through the principal entrance of the building and to common areas	Can be provided	Yes
Accessible car spaces	2% of parking spaces where 50 or more parking	Provided	Yes

	spaces provided in accordance with AS 2890.		
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**DEVELOPMENT CONTROL PLAN NO 2 – HURSTVILLE CITY CENTRE –
SECTION 6.4 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN
(CPTED)**

The proposal is deemed to satisfy the requirements of DCP 2 by addressing CPTED principles. These are discussed below:

CPTED	Design requirements	Proposed	Complies
Fencing	Front fence maximum 1m, unless open type	No fencing is proposed	N/A
Blind corners	Direct pathways with permeable barriers Mirrors around corners Glass/steel panels in stairwells	No blind corners evident. Entrances are direct from the street. Stairwells are located within the building and not visible externally.	Yes
Communal/public areas	Habitable rooms adjacent to public viewing areas Good visibility to stairwells, entries, elevators	Habitable rooms face onto street. Good views from bedrooms and their balconies to the street and from private open space areas to the communal open space. Entries and elevators are visible from street and lobby.	Yes
Entrances	Maximum one entry point per 6-8 dwellings User can see into building before entering Entrance clearly recognisable	The building has one entry point for the residential component which is clearly visible from the street. Lobby areas are visible from the street.	Yes
Site and building layout	Main entrance orientated towards street, and not from rear lanes Habitable rooms at front of dwelling	Main entrance is from the street. Habitable rooms are orientated towards the front and rear of the development.	Yes
Landscaping	Low hedges and shrubs or high canopied vegetation No continuous barrier of dense growth Ground cover or 2m clean trunks around children's play areas, car parks and pedestrian pathways	Proposed landscaping as per landscape plan submitted is satisfactory.	Yes

	Prickly plants used as barriers Avoid vegetation that conceals building entrances Large trees next to second storey windows or balconies		
Lighting	Use of diffused and/or movement sensitive lights Access/egress routes illuminated No glare or dark shadows produced No lighting spillage onto neighbouring properties Users can identify a face 15 metres away Use of energy efficient lamps/fittings/switches	Is subject to recommended condition of consent	Yes
Building identification	Each individual dwelling numbered Unit numbers provided on each level Building entries state unit numbers accessed from that entry	Is subject to recommended condition of consent	Yes
Security	Intercom, code or card locks for building and car park entries Door and window locks comply with AS 220 Security access to basement parking via main building External storage areas well secured and lit	Details not provided however access to residential lobbies is secured. Access to car parking areas is secured.	Yes
Maintenance	Provision for the speedy removal of graffiti and repair/cleaning of damaged property Provision of information advising where to go for help and how to report maintenance or vandalism	Is subject to recommended condition of consent	Yes

DEVELOPMENT CONTROL PLAN NO 2 – HURSTVILLE CITY CENTRE – SECTION 6.5 ENERGY EFFICIENCY

A BASIX Certificate has been submitted with the application which meets the target scores. In terms of solar access to adjoining developments, the shadow diagrams submitted with the application show that the proposed development will allow solar access to adjoining developments in accordance with the requirements of DCP 2

and SEPP 65.

DEVELOPMENT CONTROL PLAN NO 2 – HURSTVILLE CITY CENTRE – SECTION 6.9 WASTE MANAGEMENT

The proposed development provides appropriate residential and commercial waste facilities within the development. The final design of the waste facilities area can be determined in consultation with Council's Manager – Environmental Services as a condition of any consent granted.

4. SECTION 79C(1)(B) IMPACTS

The likely impacts from the proposed development have been assessed as part of the Concept Plan Approvals. This development is consistent with the Concept Plan Approval as modified and does not result in any additional adverse built, natural, social or economic impacts than original proposal considered by the PAC.

The suitability of the site for the development was established as part of the concept approval for the site taking into consideration the location of the site, its proximity to transport and the absence of any mitigating site constraints that would inhibit development. This development application does not alter the suitability of the site for the development proposed.

OTHER MATTERS

Access for Future Stages:

During the assessment of the proposal council officers raised the issue of how this Stage 1 development would integrate with the remaining two stages of the development and provide access for amenities such as basement parking and provide access for later construction. This is particularly a concern for the eastern stage (Stage 3) of the development that due to its size and dimensions may not be able to achieve the full development potential allowed by the concept approval.

Further to this, there has been extensive correspondence between Council, the owners of the subject site and the adjoining owners at 33-35 Treacy Street (Stage 2) relating to access. Council officers also understand that there have been meetings between the owners of the two stages of the development to achieve an access and easement solution that satisfies both parties.

Conditions of consent have been recommended dealing with easements for access and construction of future stages of the development.

5. Referrals, Submissions and the Public Interest

Public submissions

No submissions were received during the exhibition and notification period for the development.

During the assessment of the application submissions were received on behalf of the owners of Stage 2 of the development being 33-35 Treacy Street. This has been discussed above under the heading of "Access for Future Stages".

Council Referrals

Team Leader Subdivision and Development

Council's Team Leader – Subdivision and Development has raised no objection to the development subject to conditions of consent being attached to any consent granted.

Senior Building Surveyor (Major Projects)

Council's Senior Building Surveyor (Major Projects) has raised no objection to the application subject to conditions of consent being attached to any consent granted.

Manager – Infrastructure Planning

Council's Manager – Infrastructure Planning was consulted in relation to the diversion of an existing stormwater culvert through the site. Several negotiations between the applicant and Council's engineers were undertaken and the culvert as proposed is an acceptable solution to both Council and the developer.

External Referrals

Design Review Panel

The application was referred to the Design Review Panel which has been discussed previously in this report.

Roads and Maritime Services (RMS)

The application was referred to the RMS who has raised no objection to the application subject to conditions of consent being attached to any consent granted.

Sydney Trains (formerly RailCorp)

The concurrence of Sydney Trains was required to the application due to the site's proximity to railway infrastructure under the provisions of clause 86(1) of State Environmental Planning Policy (Infrastructure) 2007. At the time of writing this report full concurrence has not been provided. Sydney Trains has however provided Council with a letter agreeing to grant concurrence subject to a deferred commencement condition for some final outstanding matters.

Office of Water

Office of Water has advised as follows *"On the basis of the current information as provided by council, the NSW Office of Water considers that the volume of groundwater to be extracted and the duration of dewatering are both likely to not be significant in terms of resource management. Therefore, an authorisation for the extraction of groundwater for the proposed activity is not considered to be warranted at this time, and consequently no general terms of approval are provided."*

Kogarah Council

No response received

6. CONCLUSION

The proposal adequately addresses the terms of approval of the concept plan approval and proposes a development of high architectural standard. With the imposition of the conditions as discussed in the report above, the development is considered acceptable and worthy of approval.

Accordingly, the application is recommended for deferred commencement approval subject to conditions of consent.