

Panel Reference	2016SSH002
DA Number	DA2016/0322
LGA	Georges River Council
Proposed Development	Demolition of existing structures and construction of a 14 storey building comprising 3 x levels of retail floor area, 11 x levels of commercial floor area, and basement parking accessed from Humphreys Lane
Street Address	282 – 290 Forest Road HURSTVILLE NSW 2220
Applicant/Owner	Telado Pty Ltd (Applicant and owner)
Date of DA lodgement	25 November 2016
Number of Submissions	1
Recommendation	Deferred Commencement Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	General development over \$20 million (CIV \$56,015,000.00)
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment • State Environmental Planning Policy No 55 - Remediation of Land • Hurstville Local Environmental Plan 2012 (amendment 3) • Development Control Plan No. 2 – Hurstville City Centre (amendment 6)
List all documents submitted with this report for the Panel's consideration	Amended Plans
Report prepared by	Paula Bizimis - Senior Development Assessment Officer
Report date	2 August 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not Applicable**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **No, standard conditions have been attached with no design changes.**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

1. The application seeks consent for the demolition of existing structures and construction of a 14 storey building comprising 3 x levels of retail floor area and 11 x levels of commercial floor area, and basement parking accessed from Humphreys Lane.
2. The subject site is located adjoining the Central Plaza. This Plaza is publicly owned and currently under construction by Georges River Council. The ground floor retail area of the proposed development opens into the plaza and the first floor terrace overhangs the plaza. The applicant is currently in negotiations with Council regarding the easements required for these areas. As such any consent granted will be subject to deferred commencement conditions requiring the establishment of these easements.
3. The application has been assessed against the requirements of the relevant environmental planning instruments and development control plan and complies.
4. The application was notified/advertised to 71 resident/owners and one submission was received in reply. The issues raised in the submission are detailed in the report.

RECOMMENDATION

THAT the application be approved as a deferred commencement consent in accordance with the conditions included in the report.

DESCRIPTION OF THE PROPOSAL

The proposed development seeks approval for the demolition of existing structures, site preparation works and construction of a 13-14 storey commercial development containing:

- Four basement levels comprising car parking spaces for 84 cars, bicycle parking and storage, servicing and loading bays, building services, and waste areas and storage.
- Construction, fit-out and use of an 11 storey commercial office building above a three storey retail podium, comprising 11232sqm of gross floor area. The development has been amended from that originally submitted and now includes additional terrace areas and common area, enhanced facilities for tenants/staff, and changes to the roof structure.
- Extension/augmentation of infrastructure and services as required including the provision of an onsite stormwater detention system.
- The subject site is located adjoining the Central Plaza. This Plaza is publicly owned and currently under construction by Georges River Council. The ground floor retail area of the proposed development opens into the plaza and the first floor terrace overhangs the plaza. The applicant is currently in negotiations with Council regarding the easements required for these areas. The finalisation of these easements will form part of any development consent granted for the site.



DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the southern side of Forest Road Hurstville near the corner of the lane known as Diment Way. The rear of the site has a boundary to Humphreys Lane. The site is known as 282 – 290 Forest Road and legally described as SP66662. The land is an irregular rectangular shape with a frontage to Forest Road of 28.975m, a frontage to Humphreys Lane of 18.99m and a site area of 1248sqm.

Existing on the site is a three storey building with 3544sqm of retail area which is built to the four boundaries. Fronting Forest Road at ground level are three retail tenancies and located centrally to the site is an arcade that provides pedestrian access to a number of retail tenancies at the lower ground level. The arcade extends to the rear of the development and connects to Humphreys Lane.

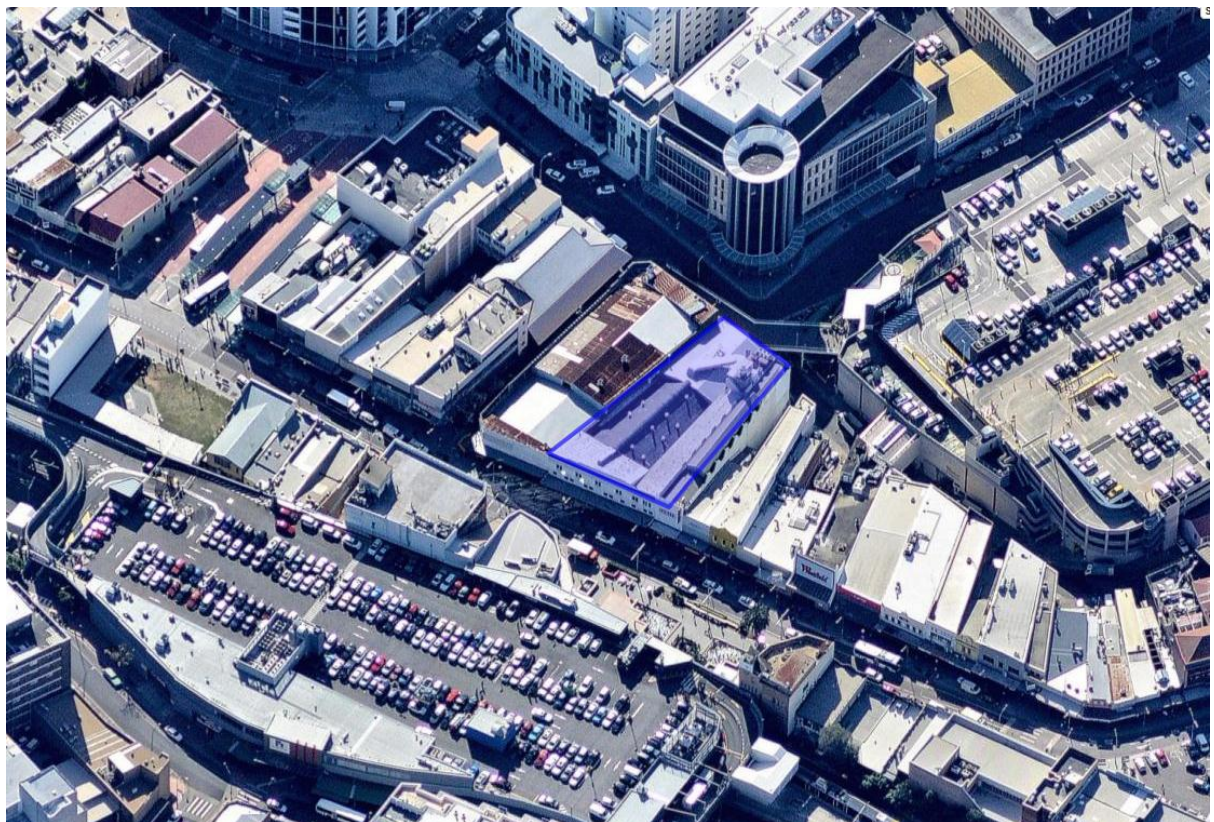
The site has a 4.25m slope across the site from north to south. A driveway at the rear of the site from Humphreys Lane is the primary vehicle access point. Humphreys Lane consists of a single lane road which restricts curb side parking and is located adjacent to an intersection of Cross Street and Crofts Avenue.

To the immediate south of the site is the Soul Pattinson Building, a 1920s commercial development of historic significance due to its social associations and location within the historic town square. To the immediate south west are three heritage listed buildings that comprise 235 Forest Road, 237 Forest Road and 239 Forest Road. To the south east of the site is the heritage listed Hurstville Memorial Square. This part of Forest Road forms part of the commercial retail core of the Hurstville City Centre and it is characterised by a number of low scale commercial developments and functions as the main civic space within Hurstville.

To the immediate north east, on the opposite side of Humphreys Lane is the Westfield Shopping Centre which is 5 storeys in height. To the south east of the site are two and three storey buildings which are aligned to Forest Road. These buildings are characterised by narrow shop front facades and are typified by 1920s architectural facades. Further east is the street entrance to Westfield Shopping Centre.

To the immediate north west of the site was a two storey building known as 292-296 Forest Road which is under demolition and will be the site for the Central Plaza which is a site owned by Georges River Council and be constructed as an urban park/public open space.

Directly opposite the site to the south is Hurstville Central Shopping Centre, which incorporates a range of retail areas and Hurstville train station. Located to the immediate south of the site is the Westpac banking tenancy (225 Forest Road).



COMPLIANCE AND ASSESSMENT

The development has been inspected and assessed under the relevant Section 79C (1) "Matters for Consideration" of the Environmental Planning and Assessment Act 1979.

1. Environmental Planning Instruments

HURSTVILLE LOCAL ENVIRONMENTAL PLAN 2012

The extent to which the proposed development complies with the Hurstville Local Environmental Plan 2012 (LEP 2012) is detailed and discussed in the table below:

Clause	Standard	Proposed	Complies
1.2 – Aims of the Plan	In accordance with Clause 1.2 (2)	The development is consistent with the aims of the plan	Yes
1.4 - Definitions	"Commercial premises"	The proposed development meets definitions	Yes
2.3 - Zone objectives and Land Use Table	Meets objectives of B3 Commercial Core Development must be permissible with consent	Development meets objectives and is permissible development with consent	Yes
2.7 - Demolition	Demolition is permissible with consent	Demolition is proposed with this application	Yes
4.3 – Height of Buildings	60m as identified on Height of Buildings Map	60m maximum	Yes
4.4 – Floor Space Ratio	9:1 as identified on Floor Space Ratio Map	9:1	Yes
5.9 – Preservation of Trees or Vegetation	Trees to be removed are specified in DCP 2	The site contains no vegetation.	N/A
5.10 (5) – Heritage Assessment	The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would	The subject site is in the vicinity of several building identified as heritage items which include 8 Crofts Ave, 225 Forest Rd, 235-239 Forest Rd and 272 Forest Rd. The applicant has submitted a Heritage Impact Statement (prepared by Design 5 Architects, dated 13 July 2017). The statement considers the impact of the proposed development on the heritage items and concludes that <i>...the predominant character along Forest Road and in</i>	Yes

	<p>affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p><i>the immediate vicinity will remain of low scale, and this is continued in the proposed development with the podium fronting Forest Rd with the tower set behind... the proposed development at 282-290 Forest Road, Hurstville will not cause any detrimental impacts to the significance of heritage items located in the vicinity of the subject site.</i></p> <p>The site is located within the Hurstville City Centre which is in transition with new developments. The proposed development being a contemporary building is considered acceptable in the context of the evolving character of the city centre.</p>	
6.7 – Essential Services	<p>The following services that are essential for the development shall be available or that adequate arrangements must be made available when required:</p> <ul style="list-style-type: none"> -Supply of water, electricity and disposal and management of sewerage -Stormwater drainage or on-site conservation -Suitable vehicular access 	<ul style="list-style-type: none"> -Adequate facilities for the supply of water and for the removal of sewage available to this land -Stormwater can drain from the site via gravity to the street. -New vehicular crossing to Humphreys Lane has been considered by Council's Senior Traffic Engineer and has raised no objection subject to conditions of consent. 	Yes

STATE ENVIRONMENTAL PLANNING INSTRUMENTS

Compliance with the relevant state environmental planning policies is detailed in the table below:

State Environmental Planning Policy	Complies
Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment	Yes
State Environmental Planning Policy 55 – Remediation of Land	Yes (1)

(1) State Environmental Planning Policy 55 – Remediation of Land

The subject site has been used for retail uses for decades and it is unlikely to contain contamination. Notwithstanding this, a condition of consent has been attached to the recommendation which requires the applicant to confirm that the site is suitable for the proposed use prior to a construction certificate being issued.

2. Draft Environmental Planning Instruments

There are no draft environmental planning instruments that apply to the proposed development.

Any other matters prescribed by the Regulations

The Regulations prescribe the following matters for consideration for development in the Georges River Council area:

Demolition

Safety standards for demolition and compliance with AS 2601 - 2001 apply to the demolition of any buildings affected by the proposal.

3. Development Control Plans

Hurstville Development Control Plan No 2 applies to the proposed development. The relevant sections of the DCP are:

DEVELOPMENT CONTROL PLAN NO 2 – HURSTVILLE CITY CENTRE - SECTION 4.5 RETAIL CORE

The proposed development is consistent with the objectives and principles for development in the Retail Core precinct.

DEVELOPMENT CONTROL PLAN NO 2 – HURSTVILLE CITY CENTRE - SECTION 5.3 BUILT FORM CONTROLS

The proposed development is consistent with the objectives and principles of Section 5.3. There are some aspects of the development that require clarification or discussion and this is provided as follows:

5.3.4 Building Height

The proposed development complies with the height standard of Hurstville Local Environmental Plan 2012 of 60m. DCP 2 identifies that the maximum number of storeys for a 60m height be 16 storeys. The proposed development is 13/14 storeys with three levels of retail floor area and eleven levels of commercial floor area in accordance with section 5.3.4.

DCP 2 identifies that the floor to floor heights are to be 4.5m for retail uses and 3.6m for commercial uses. The proposed development has floor to floor heights in excess of the requirements which is consistent with section 5.3.4.

Section 5.3.15 Crime Prevention through Environmental Design

The proposed development has been assessed against crime prevention principles and is considered to be acceptable. The proposed development does not create any additional opportunities for crime. The entrances to the building are clearly visible from the street and the placement of terraces and windows allows casual surveillance of the site and public places including the Central Plaza.

Section 5.4 Transport, Traffic, Parking and Access

The proposed development complies with the requirements of this section as follows:

Section 5.4	Standard	Proposal	Complies
Retail premises: 1 space per 50sqm (1769sqm of GFA)	36 spaces	36 spaces	Yes
Commercial/office premises: 1 space per 200sqm (9463sqm of GFA)	48 spaces	48 spaces	Yes
1 bicycle space per 300sqm of retail space (1769sqm) 1 bicycle space per 200sqm office space (9463sqm)	-6 spaces for retail component -48 spaces for residential component Required spaces = 54	56 spaces	Yes
Loading/unloading facilities and service vehicle manoeuvring	Adequate space for loading, unloading, parking and manoeuvring of delivery and service vehicles are to be provided	Loading/unloading area provided with appropriate dimensions	Yes

Section 5.4.7 Pedestrian Access and Mobility

The development is required to provide appropriate access and facilities for people with a disability in accordance with the relevant legislation. The application is accompanied by a DA Access Review Report (prepared by Morris Goding Accessibility Consulting, dated November 2016). The report concludes that the proposed development is capable of achieving compliance with the relevant requirements.

DEVELOPMENT CONTROL PLAN NO 2 – HURSTVILLE CITY CENTRE - SECTION 6 SITE PLANNING CONSIDERATIONS

Section 6.1 Public Domain

The proposed development does not involve works to the public domain.

Section 6.2 Environmental Management

The proposed development is consistent with the objectives of section 6.2 in terms of energy efficiency and conservation, stormwater management, and waste minimisation and management.

Section 6.3 Development of Heritage Item or in the Vicinity of a Heritage Item

This matter has been discussed in the report above under the provisions of Hurstville Local Environmental Plan.

4. Impacts

Natural Environment

Although the proposal includes excavation for the basement levels, this is not uncommon in the Hurstville CBD area. The proposal is unlikely to adversely impact on existing drainage patterns and soil stability in the locality. The proposed development includes the provision of two terrace areas and an open space area for tenants/staff. These areas are required to be landscaped and a condition to this effect has been included in the recommendation. It is therefore considered unlikely that the proposal will have adverse impacts on the natural environment.

Built Environment

The proposed development is unlikely to have an adverse impact on the built environment. The proposed development complies with the relevant requirements relating to height and floor space ratio and is of a bulk and scale anticipated by the planning requirements. The applicant has addressed the issues raised by the Design Review Panel through amendments to the design.

The proposed development will result in overshadowing to the Memorial Square which is located on the opposite side of Forest Rd. The shadow to the square will occur incrementally to a portion of the square after 9am until 12noon and by 3pm the square will be in full sun again. The shadow is a result of the subject site's orientation and its location within the urban environment of the city centre which inevitably results in shadow over Forest Rd. The maximum height and floor space ratio have been established in the Hurstville Local Environmental Plan and the proposed development complies with this. As such it is assumed that there was an expectation of overshadowing when these development standards were established. It is noted that the proposed development does not contribute to overshadowing of the adjoining Central Plaza.

Social Impacts

The proposed development has no perceived adverse social impacts.

Economic Impacts

The proposed development has no perceived adverse economic impacts. The proposed development will provide employment opportunities to the site and the

Hurstville City Centre. The development will provide 11232sqm of employment generating floor space in the Hurstville City Centre.

Suitability of the Site

The subject site has no impediments that preclude it from being developed for the proposed development. The easements required for access to the Central Plaza and

for the overhang of the first floor terrace are subject to negotiation with Council. These easements will be required to be finalised before the consent is “activated” and deferred commencement condition have been provided in the recommendation requiring this.

5. Referrals, Submissions and the Public Interest

Resident

The application was notified/advertised to 79 resident/owners and one submission was received in reply. The submission was received from Westfield Shopping Centre and the issues raised relate to the proposed easements over the public plaza, access to parking being potentially hazardous, and the pedestrian ramp to Westfield to be redesigned to have a better interface with the public plaza.

Applicant's comment:

It is noted that the submission dated 13 June 2017 made by Ingham Planning on behalf of Westfield Hurstville was made outside the notification period of 7 December 2016 to 5 January 2017 for the proposed development. Notwithstanding the above, it is also noted the submission does not object to the proposed development but rather seeks clarifications from Council on a number of items. Responses are provided below:

DAO comment:

The submission was received after the notification date. The consultant who prepared the submission on behalf of Westfield's was aware of this and requested an opportunity to submit a response. Given that the application had not been finalised, it was considered reasonable to receive and consider the submission.

Applicant's comment:

Details of Proposed Easements

Details of the easements and property rights sought for the proposed development are included in the development application as Appendix Q “Property Rights Details”. The grant of the necessary property rights is currently under negotiation with Georges River Council. Our understanding is that Council is committed to develop Central Plaza, with demolition works well underway and the tender of the construction works currently advertised to contractors. Notwithstanding this, there is an acceptance that the proposed development can only be undertaken on the basis that Central Plaza is developed.

DAO comment:

Easements relating to access and overhang for the development are currently being negotiated with Council. The finalisation of these easements will be required prior to the development consent being “activated” and this is reflected in the conditions of consent. Details of the easements were submitted with the application and the

consultant for Westfield's was directed to the relevant information available to the public.

Applicant's comment:

Details of Original VPA

The original VPA offer mentioned in the Statement of Environmental Effects provides historical background relating to the site. That offer was not accepted by Council and is therefore not relevant to the proposed development and the development application. The grant of the necessary property rights to accommodate the outdoor dining area overhanging Central Plaza is currently under negotiation with Georges River Council.

DAO comment:

When the development application was lodged it referenced a potential Voluntary Planning Agreement (VPA) relating to the Central Plaza which, at that time, had not been finalised in terms of design or development consent. Council resolved in May 2017 to construct the Plaza independently, so any VPA became irrelevant to the application.

Applicant's comment:

Parking and Access

- *The proposed development will provide the minimum parking to satisfy the relevant DCP requirements. Following the adjustment to the total GFA to strictly comply with the FSR of 9:1, the required car parking numbers is now 84 spaces, which is reflected in the updated plans DA-0095, DA-0096, DA-0097, and DA-0098;*
- *Parking and traffic movement around the site have been considered in the Transport Impact Assessment prepared by GTA Consultants (included in the development application as Appendix H). The car park basement entry off Humphreys Lane is the best location to minimise the interface with and potential impacts on the public domain around the site; and*
- *The reference to Council and DRP comments on basement car parking being integrated with the Central Plaza site relates to a superseded scheme proposed by Council on its land which is not relevant to the proposed development. Basement parking for the proposed development is contained wholly within our site and accessed from Humphreys Lane.*

DAO comment:

The proposed development complies with the car parking requirements of the Hurstville Development Control Plan No 2. The application has been examined by Council's Senior Traffic Engineer who raised no objection subject to conditions of consent being attached to any consent granted. The application was also referred to Roads and Maritime Services who raised no objection to the application.

Applicant's comment:

Plan of Management for Central Plaza

The Plan of Management and concept design for Central Plaza was adopted by Council on 10 October 2016. The proposed development has been designed to appropriately address and integrate with the plans prepared by Council for Central Plaza, including the recently approved DA plans (DA2017/0049).

DAO comment:

The Central Plaza will be constructed and managed by Georges River Council and the plan of management does not relate to the proposed development. The easements required by the proposed development for access and overhang are being negotiated with Council and the development will not be able to proceed until these easements are finalised.

Applicant's comment:

Ramp Design

Any redevelopment, reconfiguration, or improvements to the Council-owned ramp on Crofts Avenue is not relevant to the proposed development and is subject to the separate and recently approved DA plans (DA2017/0049) for Central Plaza. Telado Pty Limited neither owns nor controls the ramp or the land on which the ramp is located.

DAO comment:

The ramp located on Crofts Ave near Humphreys Lane is subject to easements that are independent of the subject site and the Central Plaza. The removal/demolition of the ramp would be of benefit to the road and public area surrounding the ramp, but this is a separate matter to be resolved by Council.

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.

Senior Traffic Engineer

Council's Senior Traffic Engineer has raised no objection to the application subject to conditions of consent being attached to any consent granted.

External referrals

Roads and Maritime Services (RMS)

The RMS has advised that it raises no objection to the application in terms of traffic generation and impact on the road network.

Design Review Panel

The application was referred to the Design Review Panel for comment relating to the design of the development and its urban design response. This section outlines the advice provided by the Design Review Panel (DRP), the Applicant's response to this advice and the Development Assessment Officer's (DAO's) comments.

Principle 1 - Context and Neighbouring Character

DRP advice:

The Panel was provided by Council with a very diagrammatic plan of the proposed new public space titled 'Hurstville Central Plaza' by Group GSA and dated 17 February 2017. This gives some indication but little detail of the intended design. This appears to be similar but different in detail to the space indicated in the three (3)

dimensional images submitted by the applicant for the building. It would be very desirable to know precisely what is intended for the new 'Plaza' because its interface with the new high rise tower is one of the critical issues.

The LEP height controls provide for re-development to a maximum height of 45m immediately opposite the subject site on the north corner and 23m on the southern corner of the open space of the plaza. This will cause considerable winter overshadowing of the proposed new plaza. It is understood that sites to the north east immediately adjoining the site are limited to a height of three (3) storeys, so that the tall south eastern façade of the tower block above the third level will be permanently exposed and very prominent.

The Panel notes that the proposal would in winter, spring and autumn substantially overshadow Memorial Square on the opposite side of Forest Road. This is a significant public civic space. Given the 60m height permissible under the LEP control, and the high FSR, it is inevitable that any development on the subject site would cause substantial overshadowing.

The subject project in combination with any redevelopment of the Westfield site provides a once-only opportunity to improve pedestrian access and the presently unpleasant character of the public space at the intersection of Crofts Avenue, Cross Street and Humphreys Lane. Whilst the best design solution requires detailed investigation, it would be highly desirable to remove the unattractive ramp system in Humphreys Lane.

Applicant's comment:

Integration with Central Plaza

Council's DA plans (DA2017/0049) for Central Plaza were approved on 18 May 2017. Aesthetic and functional integration between the proposed development and Central Plaza has been achieved through ongoing design consultation with Council during the design development for Central Plaza, including elements such as natural paths of travel, landscaping placement, and the provision of an overhanging awning to provide public amenity and shelter for pedestrian movement between Forest Road and Crofts Avenue. Retail shops and the commercial office lobby fronting Central Plaza have been deliberately designed to maximise amenity, security, and activity around Central Plaza.

Adjoining Planning Controls

The planning controls and potential future overshadowing from other sites adjoining Central Plaza (300 Forest Road and 1-5 Crofts Avenue) are not relevant to the proposed development.

South East Elevation

The south east elevation for the proposed development has been designed to incorporate articulation and texture to ensure the architectural form presents well in the long term should the adjoining site not be developed.

Overshadowing

Shadow diagrams have been provided with the development application. The proposed development complies with the 60m maximum height control. As such, the proposed development does not result in any additional overshadowing beyond that which is already envisaged by the existing planning controls provided by Council.

Westfield Planning Proposal

Details of the preliminary planning proposal for the redevelopment of the Westfield site referred to by the DRP are not publicly available and not relevant to the proposed development.

Ramp Design

Any redevelopment, reconfiguration, or improvements to the Council-owned ramp on Crofts Avenue is not relevant to the proposed development and is subject to the separate and recently approved DA plans (DA2017/0049) for Central Plaza. Telado Pty Limited neither owns nor controls the ramp or the land on which the ramp is located.

DAO's comment:

The floor space ratio and height have been established for the subject site in the Hurstville Local Environmental Plan and the proposed development complies with these. The applicant has amended the application to address the issues raised by the Design Review Panel and issues raised by the Council officers. In particular, the applicant was required to reduce the floor space ratio which was originally proposed above 9:1 as it was considered that there was no justification for the increased floor space ratio when considering the context of the development in relation to adjoining sites with smaller built forms. The proposed development now has a built form that is consistent with the planning controls established for the site.

Principle 2 – Built Form and Scale

DRP advice:

The design as submitted has not adequately responded to the above recommendation in relation to the three (3) storey podium. It has not been carried across the Forest Road frontage and Plaza, rather, on the Plaza frontage there is a sheer wall, broken only by the first floor balcony cantilevered over the Plaza - on the Forest Road frontage there is a two (2) storey podium with street awning below, and the southern end of the tower above setback varying distances. This form is not considered acceptable for two (2) main reasons:-

- *It is not sympathetic to the scale and grain of Forest Road.*
- *The tower would unacceptably dominate the future Plaza, with the first floor balcony not serving to adequately screen the tower or create an adequate human scale podium/base.*

The previous Panel recommendations for a three storey podium around the three facades is reiterated. The projecting first floor balcony could still be maintained.

Applicant's comment:

The Hurstville LEP prescribes a 15m height limit along the Forest Road retail centre. Buildings of up to 23m are permitted by the LEP above this podium. Section 5.3.4(c) and Figure 5.3.7 of the DCP require a 6-8m setback above 4 storeys within these development standards. Importantly, neither the development standards provided by the LEP nor these DCP controls apply to the site. According to the LEP, a building with a maximum height of 60m is permissible and no podium height (in either number of storeys or meters) is specified.

Notwithstanding the above, the podium profile has been designed to be sympathetic to and compliment the 3-storey character and height along Forest Road (refer to the

streetscape elevation study). Due to the sloping grade of the footpath levels, the podium manifests itself as a 2-storey podium fronting Central Plaza, which is consistent with the existing urban context, character, and fabric. Furthermore, the “human scale” of the level 1 terrace along Central Plaza provides multi-level boundary activation and opportunities for extended hours passive surveillance of Central Plaza, and the overhanging awning provides public amenity and shelter for pedestrian movement between Forest Road and Crofts Avenue.

The 5.5m widths of the shops fronting Forest Road have been deliberately designed to be sympathetic to and compliment the fine grain character along Forest Road (refer to the streetscape elevation study attached).

The tower incorporates a “cutout” on the corner of Forest Road and Central Plaza which has been deliberately designed to reduce the bulk, scale, and overshadowing impacts of the tower. The plans for the proposed development have been amended to incorporate a top floor setback on level 12 to provide articulation and better definition at the top of the tower. This setback also creates additional tenant amenity by way of private external terraces (refer to updated plans DA-0104, DA-0400, DA-0401, DA-0402, DA-0403, DA-0500, and DA-0501).

DAO’s comment:

The applicant has amended the development to address the issues raised by the DRP.

Principle 3 – Density

DRP advice:

The proposed density has been reduced to 9.2:1 which is still in excess of the LEP standard. There is no apparent justification for exceeding the 9:1 FSR control.

Applicant’s comment:

Reasons and justification for exceeding the FSR of 9:1 was provided with our development application (Appendix I) in the form a Clause 4.6 Variation to Development Standard. Notwithstanding the above, the plans for the proposed development have been amended to reduce the total GFA to strictly comply with the FSR of 9:1.

DAO’s comment:

The development has been amended and complies with the floor space ratio requirement.

Principle 4 – Sustainability

DRP advice:

No evidence was provided of sustainability measures. The Panel expects that the development of this scale will exhibit best practice and innovative sustainability measures.

Applicant’s comment:

- *The proposed development has been designed to comply with the requirements of Section J of the BCA which outlines required performance levels for materials, components, services, and systems to achieve minimum energy efficiency standards;*

- *Further to the above, the proposed development has been designed to meet minimum NABERS (National Australian Built Environment Rating System) environmental standards for energy efficiency (4.5 star) and water (4 star) usage;*
- *To achieve the various sustainability targets, high performing glazing and an efficient double-glazed window system is planned for the tower facade; and*
- *The incorporation of solar panels on the roof of the tower (subject to space and height controls) is also being investigated as an opportunity to enhance the energy efficiency and sustainability of the proposed development.*

DAO's comment:

The measures incorporated into the design of the development to achieve acceptable sustainability measures are appropriate.

Principle 5 – Landscape

DRP advice:

The proposal does not demonstrate any resolution of the interface between the development and Forest Road public realm. The design drawings must show proposed levels, materials and any existing or proposed planting. The proposal should demonstrate how the green walls are to be designed and successfully maintained. The proposal should clearly set out how the proposal integrates with the public Plaza aesthetically and functionally. Little information was provided in relation to the design of the Plaza. It is not clear as to the extent as to which this has been developed or finalised by Council.

Applicant's comment

Forest Road and Public Realm

- *The proposed development does not intend to make changes to Council's recently upgraded footpath paving and street tree planting along Forest Road;*
- *The floor levels within the shops fronting Forest Road have been deliberately designed to be "stepped" to match the sloping grade of the footpath paving levels along Forest Road to ensure full compliance with disability access requirements. The shop FFLs are noted on the plans; and*
- *The floor levels within the lobby and shops fronting Central Plaza have been designed to match the paving levels in the Plan of Management and the recently approved DA plans (DA2017/0049) for Central Plaza to ensure full compliance with disability access requirements. The lobby and shop FFLs are noted on the plans.*

Green Walls

The green walls on level 1 will be self-supported on their own frame and constructed wholly within the site with no attachments or fixings to the adjoining neighbouring property (280 Forest Road). Maintenance requirements will be specific to the green wall system selected and will form part of the proposed development's maintenance regime.

Integration with Central Plaza

Council's DA plans (DA2017/0049) for Central Plaza were approved on 18 May 2017. Aesthetic and functional integration between the proposed development and Central Plaza has been achieved through ongoing design consultation with Council during the design development phase for Central Plaza, including elements such as natural paths of travel, landscaping placement, and the provision of an overhanging awning to provide public amenity and shelter for pedestrian movement between Forest Road and Crofts Avenue. Retail shops and the commercial office lobby

fronting Central Plaza have been deliberately designed to maximise amenity, security, and activity around Central Plaza.

DAO's comment:

Council has resolved to construct and manage the Central Plaza independently and there is no proposal to integrate the proposed development with the Plaza other than for the relevant easement to be established. The finished floor level of the development relates to the finished floor levels of the Plaza in that appropriate access is provided between the Plaza and the retail areas.

Principle 6– Amenity

DRP advice:

Diagrams have now been provided which reinforce the Panel's concern about overshadowing of Memorial Park. A minimum of 2hrs solar access to 50% of the space is desirable, particularly in the context of limited public domain amenity along Forest Road and potential future high rise development, although it is difficult to see how this could be maintained with development on the subject site opposite to the height and density permissible under the LEP controls. It would be highly desirable for the subject site and the Council site to develop in an integrated fashion particularly as both sites provide inefficient parking layouts. It was not explained how this integration would be organised.

A 'Pedestrian Wind Environment Statement' by Windtech is included as Appendix C of the SEE. It comments that the Central Plaza will be exposed to westerly wind, and that the awning would provide 'protection from downwash above from this prevailing wind', with conditions being 'acceptable for their intended uses'. It appears that conditions on the first floor terrace have not been assessed. It is considered that the podium form recommended by the Panel would also have the potential to result in more satisfactory outcomes in relation to wind impacts.

End of trip facilities for cyclists ought to be provided (showers, lockers, etc). The applicant may wish to consider providing a communal break-out space for the use of tenants.

Applicant's comment

Overshadowing

Shadow diagrams have been provided with the development application. The proposed development complies with the 60m maximum height control. As such, the proposed development does not result in any additional overshadowing beyond that which is already envisaged by the existing planning controls provided by Council.

Car Parking below Central Plaza

The reference to Council and DRP comments on basement car parking being integrated with the Central Plaza site relates to a superseded scheme proposed by Council on its land which is not relevant to the proposed development. Basement parking for the proposed development is contained wholly within our site and accessed from Humphreys Lane.

Wind Impact Assessment

The Pedestrian Wind Environment Statement prepared by Windtech (Appendix C) concludes the proposed development will not create adverse wind impact on pedestrians and the public domain around the site; and

The treatment of the outdoor terrace areas on level 1, including any wind attenuation elements, will be subject to the final tenancy fitout design (which is subject to its own individual approval) by the tenant.

EOT Amenities

End-of-trip amenities are provided for use by retail and commercial tenants. Secure bike store is provided on B1. Male and female changing rooms and lockers are provided on B1 (refer to the updated B1 plan). Unisex shower/toilet are located on B1 and on tower levels 2 to 11.

Common Areas

- *The planning controls applicable to the site do not require the provision of communal open space areas for commercial and/or retail tenants;*
- *The interaction with and activation of Central Plaza and other surrounding public areas should not be discouraged as one of the primary benefits from the proposed development is the complimentary urban activation created by office workers throughout the day;*
- *The scale and quality of the proposed development will likely attract and will be able to accommodate a number of large tenants. Generally these larger tenancies will incorporate internal kitchen and staff breakout areas as part of their fitout, therefore it is uncertain how often any communal open space areas for commercial and/or retail tenants will be used;*
- *Notwithstanding the above, the plans for the proposed development have been amended to incorporate a tenant communal space on level 2 which will be accessible to all tenants and includes a tea point, an internal breakout and lounge area, and access to an external north-facing terrace (refer to updated plan DA-0102); and*
- *The plans for the proposed development have been amended to incorporate a top floor setback on level 12 to provide articulation and better definition at the top of the tower. This setback also creates additional tenant amenity by way of private external terraces (refer to updated plans DA-0104, DA-0400, DA-0401, DA-0402, DA-0403, DA-0500, and DA-0501).*

DAO's comment:

The applicant has amended the development to address the issues raised by the Design Review Panel including the provision of additional terrace areas and communal room that can be used by tenants/staff and enhanced end of trip facilities.

Principle 7 – Safety

DRP advice:

Satisfactory.

Applicant's comment

Noted.

DAO's comment:

The design of the development is consistent with crime prevention principles.

Principle 8 - Housing Diversity and Social Interaction

DRP advice:

N/A

Principle 9 – Aesthetics

DRP advice:

Because of the lack of recommended three (3) storey podium the tower form continues to be more assertive than desirable. The consistent grey tones of the materials and finishes would also contribute to the assertiveness of the built form. The building lacks any articulation to define the top silhouette of the tower. The recommended three (3) storey podium preferably should have more 'solid' character at its two (2) upper levels and its top parapet clearly articulated, so that the tower above would be less obvious and less assertive from the future plaza and surrounding streets. The podium should extend to the Forest Road street boundary, with the tower slightly setback above along that frontage.

In Forest Road the podium should also be vertically articulated to reflect the pattern of the adjoining and nearby traditional streetscape. The tower facades could be more 'lightweight' in visual character - generally as already proposed - but with desirably less grey and more warmth in tone/colours of finishes.

The tower form should be articulated in a way which would minimise overshadowing of Memorial Square. The recommended reconfiguration of the podium form would mean that some additional floor space would be accommodated at Levels 2 and 3, the typical tower floor plan might be slightly improved, and these measures along with reduction of the FSR to comply with the LEP control, could make some worthwhile improvement to shadow impacts.

Applicant's comment

Podium Height

The Hurstville LEP prescribes a 15m height limit along the Forest Road retail centre. Buildings of up to 23m are permitted by the LEP above this podium. Section 5.3.4(c) and Figure 5.3.7 of the DCP require a 6-8m setback above 4 storeys within these development standards. Importantly, neither the development standards provided by the LEP nor these DCP controls apply to the site. According to the LEP, a building with a maximum height of 60m is permissible and no podium height (in either number of storeys or meters) is specified.

Notwithstanding the above, the podium profile has been designed to be sympathetic to and compliment the 3-storey character and height along Forest Road (refer to the streetscape elevation study attached). Due to the sloping grade of the footpath levels, the podium manifests itself as a 2-storey podium fronting Central Plaza, which is consistent with the existing urban context, character, and fabric. Furthermore, the "human scale" of the level 1 terrace along Central Plaza provides multi-level boundary activation and opportunities for extended hours natural surveillance of Central Plaza.

Tower Silhouette

The plans for the proposed development have been amended to incorporate a top floor setback on level 12 to provide articulation and better definition at the top of the tower. This setback also creates additional tenant amenity by way of private external terraces (refer to updated plans DA-0104, DA-0400, DA-0401, DA-0402, DA-0403, DA-0500, and DA-0501).

Tower Setback

The proposed development is consistent with the DRP comment for the podium to be designed to the Forest Road boundary and the tower above slightly set back. The “cutout” to the tower on the corner of Forest Road and Central Plaza has been deliberately designed to reduce the bulk, scale, and overshadowing impacts of the tower as well as improve the relationship with the existing urban context.

Streetscape Vertical Articulation

The 5.5m widths of the shops fronting Forest Road have been deliberately designed to be sympathetic to and compliment the fine grain character along Forest Road (refer to the streetscape elevation study).

Tower Facade

The architectural expression and material palette selected for the proposed development seeks to create a level of architectural sophistication to achieve an iconic yet timeless design and contrast the predominantly residential forms within the Hurstville CBD. The light coloured glass selected also provides a transparent and lightweight visual character.

Tower Form and Overshadowing

Shadow diagrams have been provided with the development application. The proposed development complies with the 60m maximum height control. As such, the proposed development does not result in any additional overshadowing beyond that which is already envisaged by the existing planning controls provided by Council. The tower incorporates a “cutout” on the corner of Forest Road and Central Plaza which has been deliberately designed to reduce the bulk, scale, and overshadowing impacts of the tower.

DA's comment:

The amendments undertaken to the development in response to the issues raised by the Design Review Panel and Council officers has improved the appearance of the development and enhanced the facilities provided within the development. The external appearance of the building is of good architectural merit with articulation and interest provided through various materials and finishes.

6. Conclusion

The application seeks approval for the demolition of existing structures and construction of a 14 storey building comprising 3 x levels of retail floor area and 11 x levels of commercial floor area, and basement parking accessed from Humphreys Lane. The proposed development has been assessed against the requirements of the relevant environmental planning instruments and development control plan and complies.

The proposed development has been amended from that originally submitted to address the issues raised by the Design Review Panel and Council officers. One submission was received in response to the public advertising and notification of the application which has been addressed in the report. Accordingly, the application is recommended for approval as a deferred commencement consent.

RECOMMENDATION

THAT pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979, as amended, the Sydney South Planning Panel grants deferred commencement development consent to Development Application DA2016/0322 for the demolition of existing structures and construction of a 14 storey building comprising 3 x levels of retail floor area and 11 x levels of commercial floor area, and basement parking accessed from Humphreys Lane on Lots 1-26 SP66662 and Lot CP SP66662 and known as 282-290 Forest Road Hurstville subject to the following conditions of consent: