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| Panel Reference | 2017SSH016 |
| DA Number | DA2017/0040 |
| LGA | Georges River Council |
| Proposed Development | Extension of existing registered club and construction of tourist and visitor accommodation. Demolition of existing structures and construction of a 9 storey building containing extension of existing Illawarra Catholic Club 5 x levels of tourist and visitor accommodation comprising 125 rooms, and basement parking |
| Street Address | 6-8 Cross Street HURSTVILLE NSW 220 (primary development site) 10 Cross Street HURSTVILLE NSW 2220 (ancillary works) |
| Applicant/Owner | Applicant: Crawford Architects Owner: Illawarra Catholic Club Limited |
| Date of DA lodgement | 23 February 2017 |
| Number of Submissions | Nil |
| Recommendation | Deferred commencement consent |
| Regional Development Criteria (Schedule 4A of the EP&A Act) | General development over \$20 million (CIV \$35,687,300) |
| 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 | As previously provided to the Panel |
| Report prepared by | Adam Coburn (Planning Consultant) |
| Report date | 10 November 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? **Yes**

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 one design change.**
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 the existing building at 6-8 Cross Street and construction of a 9-storey building including extensions to the existing Illawarra Catholic Club at 10 Cross Street, 5 x levels of tourist and visitor accommodation comprising 125 rooms, and basement parking.
2. The applicant has sought to enter into a Voluntary Planning Agreement (VPA) with Council. The applicant's written offer was accepted and endorsed by Council at its 07 August 2017 meeting, and the Heads of Agreement were signed on 1 November 2017. Any consent granted will be subject to a deferred commencement condition requiring that the VPA be executed.
3. The application has been assessed against the requirements of the relevant environmental planning instruments and development control plan and generally complies, with adequate justification provided for any variations.
4. The application was notified/advertised, and no submissions were received.

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 demolition of the existing building at 6-8 Cross Street and construction of a 9-storey building including extensions of the existing Illawarra Catholic Club at 10 Cross Street, 5 x levels of tourist and visitor accommodation comprising 125 rooms, and basement parking.

Specifically, the proposed new building contains:

- Levels B1-B5: Parking levels, four of which are underground (B2-B5), featuring 135 car parking spaces plus motorcycle and bicycle parking;
- Level B1 (street level): Retail space and hotel lobby (plus parking as noted above);
- Level 1: Hotel administration uses and extension of loading dock at 10 Cross Street;
- Level 2: Extension of club gaming hall including gaming machines, outdoor gaming hall and bistro with 174 indoor seats and 36 outdoor seats;
- Level 3: Extension of club function room (480 additional seats); and
- Levels 4-8, hotel accommodation with 124 rooms (approximately 25 rooms per floor).

The new building at 6-8 Cross Street contains 6,545sqm of gross floor area, including 3,764sqm for hotel use, 1,799sqm for club-related use and 982sqm for commercial/retail use.

The new building has been designed to connect internally to the existing club at 10 Cross Street at Levels B1-B4 and Levels 1-3.

The development also proposes to alter the basement vehicular circulation for the entire site (new building + existing club). Ingress will occur at a new driveway adjacent the pedestrian entry to the new building, and the existing ingress/egress point at the existing club will be converted to egress-only.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally identified as Lots 1-2 in DP508397 and Lot 10 in DP1153037, commonly known as 6-8 and 10 Cross Street, Hurstville, respectively. The site is located at the corner of the intersection of Cross Street and Crofts Avenue.

The land at 6-8 Cross Street forms the site of the proposed new building, and the land at 10 Cross Street contains the existing Illawarra Catholic Club.

The land at 6-8 Cross Street is rectangular in shape and has an area of 1,230sqm, and the land at 10 Cross Street is irregular in shape and has an area of 2,350sqm. The total combined site area is 3,580sqm.

The site has frontages of 63m to Cross Street and 35m to Crofts Avenue, with the land at 6-8 Cross Street having a frontage of 28m to Cross Street.

The land at 10 Cross Street contains a seven storey mixed use development containing Illawarra Catholic Club ("Club Central") and commercial uses. The land at 6-8 Cross Street is currently occupied by a 2-storey commercial building currently containing ANZ Bank.

The site is located within Hurstville City Centre in an area characterised by mixed uses. To the south of the site, opposite Cross Street, is the Westfield Hurstville shopping centre. Westfield's frontage to Cross Street at this location is used primarily for vehicular entry and servicing.

To the north the site is adjoined by a 4-storey commercial building (8 Crofts Street), a 10-storey commercial/residential tower (13-17 Woodville Road) and a 2-storey commercial building occupied by NRMA (5-9 Woodville Road).

To the east the site is adjoined by a 4-storey commercial building (2 Cross Street), and further east is a 17-storey residential tower above a 3-storey commercial podium. To the west, across Crofts Avenue, is 1- to 2-storey commercial buildings which generally have their primary frontages to Forest Road.

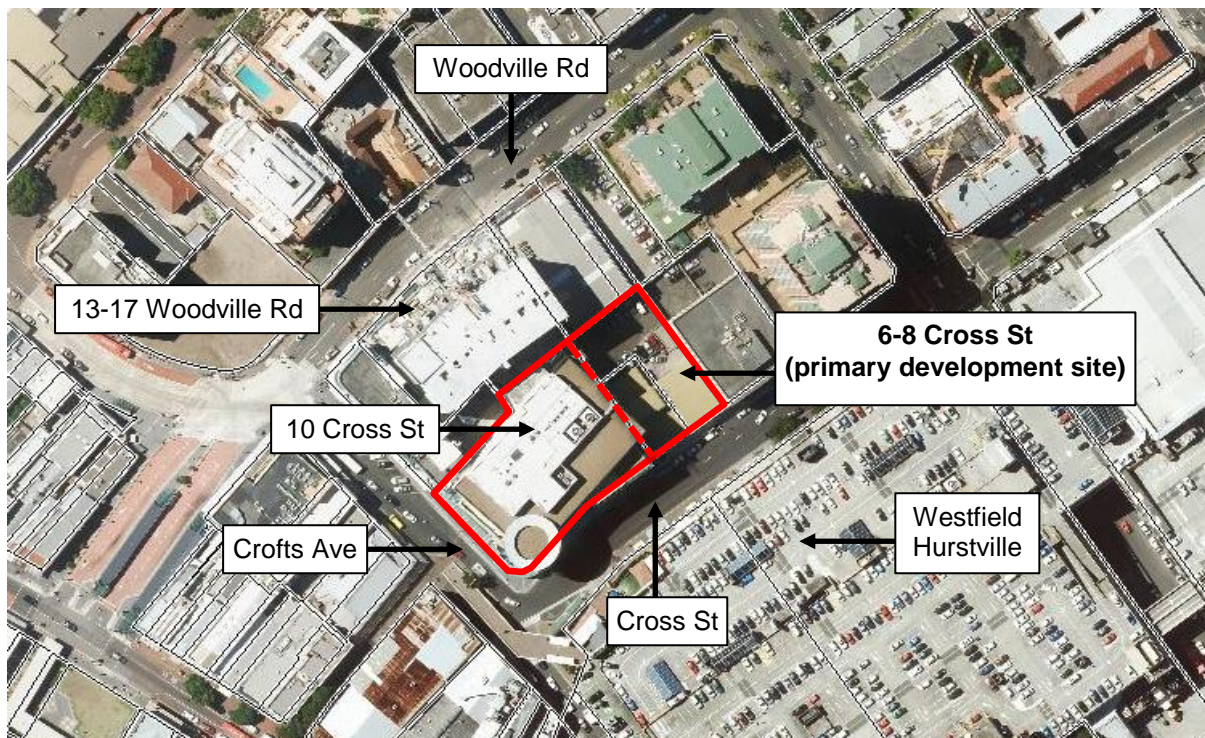


Figure 1: Subject Site

BACKGROUND – VPA

At its 7 August 2017 meeting, Council resolved to accept and endorse the written offer by Illawarra Catholic Club Limited (Developer) accompanying the subject development application to enter into a Voluntary Planning Agreement (VPA), which will deliver the following public benefits:

The Developer will provide a monetary contribution of \$976,147 for providing infrastructure improvements in the Hurstville City Centre, including the embellishment of the Civic Plaza and upgrade to the local road network.

The Heads of Agreement document was signed on 1 November 2017.

A deferred commencement condition has been recommended to ensure that the consent does not operate until such time as a planning agreement satisfactory to Council has been executed.

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” “Hotel or motel accommodation” “Registered club” | 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. The proposed hotel will assist in meeting the economic and social objectives of a mixture of land uses within the town centre. | Yes |
| 2.7 - Demolition | Demolition is permissible with consent. | Demolition is proposed as part of this application. | Yes |
| 4.3 – Height of Buildings | 30m as identified on Height of Buildings Map | 39.35m maximum | No, see discussion below |
| 4.4 – Floor Space Ratio | <ul style="list-style-type: none">6-8 Cross Street: 4.5:1 as identified on Floor Space Ratio Map10 Cross Street: 5:1 as identified on Floor Space Ratio Map | <ul style="list-style-type: none">6-8 Cross Street: 5.33:110 Cross Street: 4.61:1 | No, see discussion below |
| 4.6 Exceptions to development standards | Written request for variation must be considered. | Development seeks variation to clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio. A request for the variations has been provided and is discussed later in this report. | Yes |
| 5.9 – Preservation of Trees or | Trees to be removed are specified in DCP 2. | The site contains no vegetation. | N/A |

| | | | |
|--------------------------------|---|---|-----|
| Vegetation | | | |
| 5.10 (5) – Heritage Assessment | <p>The consent authority may, before granting consent to any development:</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(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 affect the heritage significance of the heritage item or heritage conservation area concerned.</p> | <p>The site adjoins locally listed heritage item “Victory House” (I118) at 8 Crofts Avenue. Specifically, the portion of the site containing the Catholic Illawarra Club (10 Cross Street) adjoins the item.</p> <p>The proposed new building works are at 6-8 Cross Street away from the heritage item, with the only works at 10 Cross Street being the internal connections to the proposed new building and the change to the vehicle access point on Cross Street. Furthermore, the proposed new building would not obscure views to the heritage item or impact its significance in any other way. For these reasons, it is considered that no heritage impact statement is required.</p> | Yes |
| 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> <p>-Supply of water, electricity and disposal and management of sewerage</p> <p>-Stormwater drainage or on-site conservation</p> <p>-Suitable vehicular access</p> | <p>-Adequate facilities for the supply of water and for the removal of sewage are available to this land.</p> <p>-Stormwater can drain from the site via gravity to the street.</p> <p>-The vehicular access has been assessed by Council’s Traffic Engineer, who has raised no objection subject to conditions of consent.</p> | Yes |

Detailed assessment of variations to Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio

Extent of Variation – Height

The proposed development features a maximum building height of 39.35m, which is 9.35m or 31% above the permitted building height of 30m shown on the HLEP 2012 Height of Building Map. The non-compliance occurs over a significant portion of the uppermost habitable storey (Level 8) and over nearly the entirety of the plant level, as shown in Figures 2 and 3 below.

To support the non-compliance, the applicant has provided a request for a variation to Clause 4.3 in accordance with Clause 4.6 of HLEP 2012.

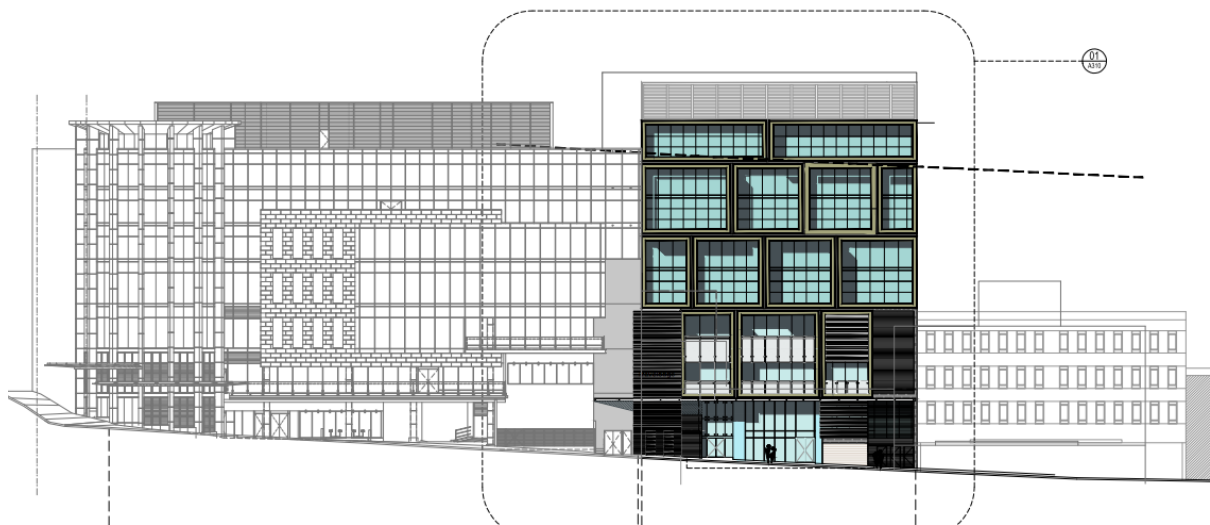


Figure 2: South elevation (to Cross Street)

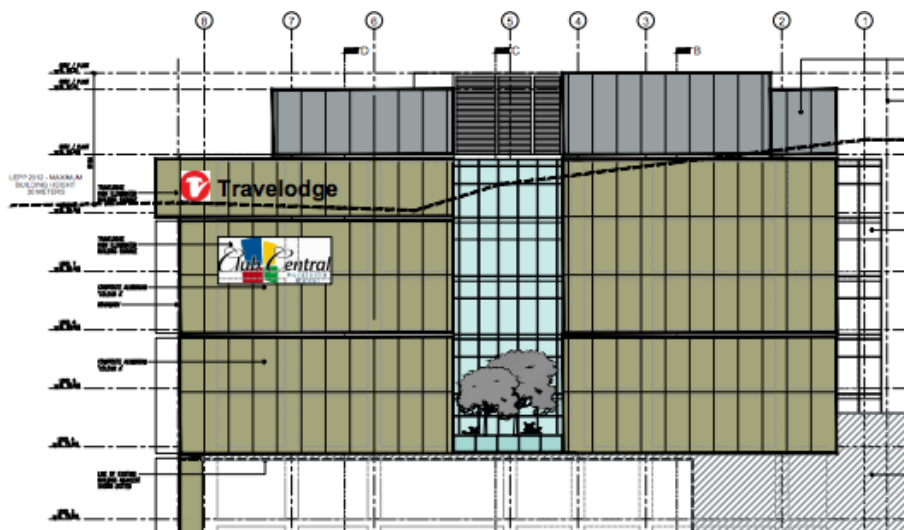


Figure 3: East elevation

Extent of Variation – FSR

The development results in an FSR of 5.33:1 for the portion of the site at 6-8 Cross Street, which is 1.33:1 or 30% above the permitted FSR of 4.5:1.

Note: The development results in no change to the FSR for the portion of the site at 10 Cross Street, which retains a compliant FSR of 4.61:1 (5:1 allowed).

To support the non-compliance, the applicant has provided a request for a variation to Clause 4.4 in accordance with Clause 4.6 of HLEP 2012.

Is the planning control in question a development standard?

Comment: Yes, both the Height of Buildings limitation and the Floor Space Ratio limitation under Clause 4.3 and Clause 4.4, respectively, of the HLEP 2012 are development standards.

What are the underlying objectives of the development standard?

Comment: The objectives of Height of Buildings standard under Clause 4.3 of HLEP 2012 are:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas and public domain, including parks, streets and lanes,*
- (c) to minimise the adverse impact of development on heritage items,*
- (d) to nominate heights that will provide a transition in built form and land use intensity,*
- (e) to establish maximum building heights that achieve appropriate urban form consistent with the major centre status of the Hurstville City Centre,*
- (f) to facilitate an appropriate transition between the existing character of areas or localities that are not undergoing, and are not likely to undergo, a substantial transformation,*
- (g) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain.*

The objectives of Height of Buildings standard under Clause 4.4 of HLEP 2012 are:

- (a) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
- (b) to establish the maximum development density and intensity of land use, accounting for the availability of infrastructure and generation of vehicular and pedestrian traffic to achieve the desired future character of the locality,*
- (c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- (d) to facilitate an appropriate transition between the existing character of areas or localities that are not undergoing and are not likely to undergo a substantial transformation,*
- (e) to minimise the adverse impact of the development on heritage items,*
- (f) to establish maximum floor space ratios that ensure the bulk and scale of development is compatible with the major centre status of the Hurstville City Centre.*

The applicant has provided combined justification on the development's consistency with the above objectives, as summarised below:

- The development's street frontage height to Cross Street sits below the adjoining Club Central at 10 Cross Street, and as such the development will not appear as overly bulky when viewed from Cross Street.

- The roof plant level, which comprises the majority of the non-complying height, is set back from Cross Street and the north boundary by 5.8m and 4.2m, respectively, and, as such, will minimise perceptible additional bulk.
- When one takes a standard viewing position when standing on Cross Street (30 degree or 45 degree viewing angle), the non-complying habitable storey is not visible. Only at a 65 degree viewing angle does this storey become visible. The roof top plant level, which is set back 5.8m from the front boundary, is in no way visible from Cross Street when standing at street level. Therefore, the entirety of the non-compliance would go unnoticed from the street.
- When viewed from in front of 9 Woodville Street, the non-compliance would be in full view; however, the existing building at 9 Woodville Street would draw the viewer's attention away from development. [Planner's comment: It is also noted that 9 Woodville Street can be developed to a height of 30m. Such a height would assuredly obscure the proposed development when viewed from Woodville Street.]
- The eastern elevation has no window openings, allowing for no privacy impacts to residential development to the east. [Planner's comment: To the north-west, the adjoining neighbouring residential development would not be affected, as the proposed development's windows are generally oriented to the north, and, furthermore, all habitable windows to the north are below the maximum height limit.]
- As shown in the submitted overshadowing diagrams, the additional overshadowing impact resulting from the non-compliance is limited and occurs only over the roadway or adjoining commercial buildings, which are not subject to solar access requirements.
- The non-compliance will not adversely affect any heritage item within the vicinity of the site.
- To the east there is a reduction in maximum height and FSR controls. However, actual built development to the east, namely the 17-storey residential tower at 25 Park Road, is plainly inconsistent with controls, which eliminates the need for a transition in built form at the subject site.

The applicant's justification is supported. The development is compatible with the streetscape in terms of bulk and scale due to the existing similarly scaled development to the east (Club Central) and the 17-storey residential tower to the west. Furthermore, the additional height would not be visible from standard viewing positions, and there are no notable privacy, overshadowing or other adverse amenity impacts associated with the non-compliances.

What are the underlying objectives of the zone?

Comment: The objectives of the B3 Commercial Core zone are as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

The applicant's written demonstration of consistency with the above objectives is summarised as follows:

- The development provides for a compatible mixture of uses to cater to the demands of residents and visitors.
- The development provides additional employment opportunities (hotel, commercial, conference, club and retail) in close proximity to Hurstville Station.
- The development locates users in close proximity to Hurstville Station, thus encourage public transport patronage.

The applicant's justification on these matters is supported. The proposed development including height and FSR variations is consistent with the zone objectives.

Is the variation to the development standard consistent with Clause 4.6 of the HLEP 2012?

(1) The objectives of Clause 4.6 are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Comment: Flexibility in applying the standard is considered appropriate, as the proposed variations ensure that the hotel is capable of achieving the commercially viable minimum number of rooms. A new hotel at this location would provide social and economic benefits to Hurstville City Centre, but it is unlikely that the development would be built if the variations were not allowed. The variations therefore help achieve a better outcome.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment: Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio are not excluded from the operation of Clause 4.6.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment: The applicant has provided written justification regarding subclause (3) above, summarised as follows:

- Compliance is unreasonable and unnecessary because:
 - The objectives of the standards are met (as set out above).

- The non-compliances result in no unreasonable impact to neighbouring properties, particularly in terms of bulk, scale and overshadowing.
- The non-compliances are compatible with the streetscape, considering the adjoining Club Central at 10 Cross Street and the 17-storey residential tower at 25 Park Street.
- There are sufficient environmental planning grounds to justify contravening the standards, as set out below:
 - The development provides tourist and visitor accommodation of which there is a significant shortage in the locality.
 - The non-compliance results in no adverse impact to neighbouring properties, particularly in terms of bulk, scale and overshadowing.
 - The non-compliance is compatible with the streetscape.

In addition to the above justification, the applicant has submitted an Economic Impact Assessment prepared by AEC Group, which provides additional commentary on the viability and economic impacts of the development. AEC's report confirms, based on expert experience and a review of similar hotels, that a 120+ room hotel is the minimum number of rooms likely to be viable on the site for an international brand hotel such as Travelodge (page 27). As such, the development is very unlikely to proceed if the variation is not supported, and the benefits associated with a hotel at the site would not be realised.

AEC's report also makes the point that the co-location of hotel and club uses reduces costs and makes development at the site more feasible. AEC notes that if a hotel does not proceed at the subject site, it is unlikely that a similar hotel would be built on another site unless it could achieve similar co-location advantages.

Given the above, it is considered there are sufficient environmental planning grounds for contravening the standard. The site provides a unique opportunity to achieve a reputable hotel in Hurstville, and there will be no unacceptable adverse environmental impacts.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

Comment: A written request for the variation prepared by Hampton's Property Services (supported by additional commentary by Hampton's Property Services and an Economic Impact Assessment prepared by AEC Group) was submitted with the application and adequately addresses the matters in subclause (3).

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

Comment: For the reasons detailed above, the development is considered to be consistent with the objectives of Clause 4.3 and Clause 4.4 and the B3 Commercial Core zone. Furthermore, the development provides positive social

and economic impacts to the community in the form of hotel accommodation, employment and recreation opportunity, and is therefore considered to be in the public interest.

(b) the concurrence of the Director-General has been obtained.

Comment: Planning Circular PS 08-003 dated 9 May 2008, as issued by the NSW Department of Planning, advises that the concurrence of the Director General may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, if the variation is found to be consistent with the objectives of the zone, the concurrence of the Director-General for the variation to the building height Development Standard can be assumed.

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 applicant has submitted a Stage 1 Preliminary Site Investigation (prepared by SLR, dated 16 February 2017), which has concluded that the potential for significant or widespread unacceptable contamination is low and that the site is suitable for the proposed use, subject to removal of all surface fill material during basement excavation works. In accordance with SLR's advice, it is recommended that a condition of consent be imposed requiring the removal of surface fill material to be validated by a suitably experienced environmental consultant.

Based on the above, it is considered that the proposal satisfies clause 7 of the SEPP.

2. Draft Environmental Planning Instruments

There are no draft environmental planning instruments relevant to the application.

Any other matters prescribed by the Regulations

The Regulations prescribe no other matters for consideration for the proposed development.

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 4.4 City Centre North

The proposed development is consistent with the objectives and principles for development in City Centre North precinct.

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

The proposed development is largely consistent with the objectives and principles of Section 5.3. There are some aspects of the development that require clarification or discussion, which is provided below:

Section 5.3.1 Site Amalgamation

This section states that an amalgamation must achieve a general building floor plate of 900-1000sqm. The proposal will result in a floorplate greater than this for the club floor stretching across both buildings. This is considered acceptable because the non-compliance would not be perceptible externally. The proposed new building at 6-8 Cross Street features a distinct form that is visually separated from the existing club building.

The proposed amalgamation will result in no isolation of adjoining lots. The site to the east at 2 Cross Street is zoned B3 Commercial Core and sized similarly to 6-8 Cross Street, and is thus capable of redeveloping for more intensive commercial use.

The development is consistent with the objectives of this section.

Section 5.3.3 Floor Space Ratio

The proposal seeks a variation to the floor space ratio requirements of HLEP2012. This is discussed earlier in this report under HLEP 2012 and is supported.

Section 5.3.4 Building Height

The proposal seeks a variation to the building height requirement of HLEP 2012. This is discussed earlier in this report under HLEP 2012 and is supported.

The proposal does not fully comply with the floor to ceiling height requirements. Specifically, the development provides for a 2.6m ceiling height at Level B1 (ground) and Level 1, while the DCP requires 3.6m and 3.3m, respectively. Also, at the hotel levels, the development provides for a ceiling height of 2.7m, while the DCP requires 3.3m.

In regards to Level B1 and Level 1, the applicant states that these levels have been designed to ensure continuity with the existing floor levels of Club Central at 10 Cross Street. This justification is supported. The non-complying ceiling heights remain BCA-compliant and allow for a variety of uses, while ensuring that the club floors can extend across into the new building.

For the hotel levels, the non-compliance is considered acceptable because the hotel use can operate effectively with residential-type ceiling heights, and the proposal provides for 3.6m floor to floor heights, which is sufficient for enabling ceiling heights greater than 2.7m if required in the future.

The DCP provides indicative conversion of building heights to a maximum number of storeys. The site is subject to a height limit of 30m, which the DCP translates as eight storeys comprising one retail and seven commercial levels. The proposal features nine levels, i.e. one above the indicative conversion. This height variation is discussed earlier in this report under HLEP 2012.

The development is generally consistent with the objectives of this section.

Section 5.3.5 Street Setbacks

The Activation, Accessibility and Alignment Map specifies “Build to boundary 30%-70% max (active lobbies, foyers)” for the site’s Cross Street frontage. At street level, the development features a 12m frontage of retail and hotel lobby active uses, which is 43% of the total frontage of 28m and therefore compliant with the percentage aspect of the control.

The glass line of the active uses is not built to the boundary but rather is set back approximately 2.2m. It is understood this setback is due to two factors—the sloping street level and the development’s strategy of aligning floor levels of the new building with those of the adjoining club at 10 Cross Street. The combination of these factors requires a step down from street level to Level B1. Despite the active uses not being built to the boundary, it is considered that the development is consistent with the objectives of this section, promoting a positive street address and activation of the streetscape.

The development is consistent with the objectives of this section.

Section 5.3.6 Building Separation

The proposal does not include residential uses, and the site is not identified on the Building Setbacks Map. As such, this section does not apply to the proposal.

Section 5.3.7 Solar Access

The development complies with this section. The submitted shadow diagrams demonstrate that the proposal results in acceptable overshadowing impacts consistent with its urban location. At midwinter, the proposal’s shadow primarily falls on the Westfield Shopping Centre and Cross Street, with no residential habitable windows affected.

Section 5.3.8 Natural Ventilation

The development provides mixed natural and mechanical ventilation in accordance with the requirements for commercial development in this section.

Section 5.3.9 Visual Privacy, Acoustic and Vibration Amenity

The development features no window openings to the side boundaries, only to the front and rear of the site. The site fronts Cross Street, with Westfield shopping centre beyond this, and therefore privacy impacts to this boundary are insignificant. To the rear, surrounding development includes a 2-storey commercial building directly to the north and a 10-storey mixed use commercial/residential building, which sits northwest of the proposed new building directly opposite the existing club building. The site with the 2-storey building is zoned B3 Commercial Core and cannot be redeveloped for residential purposes. The site with the 10-storey mixed use building is not directly opposite the proposed hotel rooms, and there is reasonable separation between the residences and the hotel uses (approximately 6m from glass line to glass line). Therefore, it is considered there will be no unacceptable privacy impacts to development to the north.

In regards to acoustic amenity, the applicant has submitted an Environmental Noise Impact Statement (prepared by Day Design, dated 20 February 2017). The report assesses noise emissions from the development as well as internal noise amenity for the proposed hotel rooms. The report concludes that, subject to implementation

of recommendations in the report, the development is capable of comply with relevant noise criteria, including the Liquor and Gaming NSW and EPA's Industrial Noise Policy. Key recommendations in the report include installation of automatic doors, absorptive treatment to the ceiling and walls and acoustic louvres for the outdoor gaming area. It is recommended that a condition of consent be applied requiring full compliance with the report's recommendations.

Overall the development is consistent with the objectives of this section.

5.3.10 Building Entrances and Lobbies

The hotel lobby entry and retail entry are slightly below street level and are set back 2.2m from the frontage. Nonetheless, the entries are safe and easily identifiable from the street, and therefore demonstrate consistency with this section.

Section 5.3.11 Building Facades and Articulation

The development features a highly articulated front façade with various box-like architectural elements, resulting in an overall form that offers visual interest and is compatible with adjoining development and the overall streetscape.

The development is consistent with the objectives of this section.

Section 5.3.12 Awnings and Balconies

The development includes multiple terraces and balconies to Cross Street which are integrated with the overall form and design of the building. The proposal also includes an awning over Cross Street in accordance with controls.

The development is consistent with the objectives of this section.

Section 5.3.13 Active Street Frontages

Cross Street is identified on the Street Hierarchy Map as a 'Second Order Street', and therefore the development is required to have active uses at the ground level. The proposal features a hotel lobby and retail premises at the ground level in accordance with controls. The uses have glazed frontages which contribute to light and colour in the street and provide passive surveillance.

Section 5.3.14 Permeability and Accessibility

The Pedestrian Access Map indicates a 'New Pedestrian Link' generally across the adjacent lot to the east (4 Cross Street). The proposal does not hinder the ability to achieve this link in the future. The map indicates no link through the subject site.

Section 5.3.15 Crime Prevention through Environmental Design

The development has been assessed against the crime prevention design principles and has been found to be acceptable. The development allows for passive surveillance from the ground level glazed frontage and upper level balconies to public places, and features direct and easily identifiable entries.

Section 5.3.16 Landscaping

The applicant has submitted a Landscape Plan, which details landscape treatments to the terraces and internal courtyards. The plan satisfies the objectives of this section.

Section 5.3.17 Planting on Structures

The submitted Landscape Plan provides details for the proposed plantings on the structure in accordance with the objectives of this section.

Section 5.3.18 Site Servicing

Services have been appropriately integrated into the overall development and are unobtrusive. The development is consistent with the objectives of this section.

DEVELOPMENT CONTROL PLAN NO 2 – HURSTVILLE CITY CENTRE - SECTION 5.4 TRANSPORT, TRAFFIC, PARKING AND ACCESS

A Traffic Assessment by TTM (dated 22 February 2017) has been submitted with the application. The report concludes:

- The proposed access complies with Australian Standards and is suitable for the development.
- The parking supply is adequate for the development.
- The development will not have a significant impact on the future road network, and as such no mitigation works are required.
- The existing service vehicle arrangements are adequate to meet the needs of the development.
- The public transport infrastructure and propose bicycle facilities are considered adequate for the development.

5.4.3.2 Travel Plans

A Travel Guide has been submitted as part of the submitted Traffic Assessment in accordance with the requirements of this section.

5.4.3.3 Bicycle Facilities

The proposed additional 198sqm of retail space triggers a requirement for one bicycle parking space (one space per 200sqm). The development provides eight spaces, exceeding this requirement.

5.4.4 Parking and Service Delivery Requirements

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

| Section 5.4 | Requirement | Proposal | Complies |
|---|------------------------|-----------------|-----------------|
| Retail premises: 1 space per 50sqm (198sqm of GFA) | 4 spaces | 135 spaces | Yes |
| Commercial premises: 1 space per 200sqm (630sqm of GFA) | 4 spaces (rounded up) | | |
| Registered clubs: 1 space per 18.5sqm (1,799sqm) | 98 spaces (rounded up) | | |

| | | | |
|--|--|---|-----|
| Hotel: 1 space per 5 rooms | 25 spaces | | |
| Total car parking | 131 spaces | | |
| 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, etc. | 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 Stage Access Review (prepared by Morris Goding Accessibility Consulting, dated 21 February 2017). The report concludes that the proposed development is capable of achieving compliance with the relevant requirements, subject to development of detailed design incorporating the recommendations contained within the report.

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 HLEP 2012.

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.

Overall, the development is unlikely to have any notable adverse impacts on the natural environmental.

Built Environment

The proposed development is unlikely to have an adverse impact on the built environment. The development varies from the height and FSR standards under HLEP 2012. However, given the similar scale of nearby development and lack of a consistent streetscape, the development would not be perceived as overly bulky or disrupt the desired character of the area.

Social Impacts

There are potential adverse social impacts associated with the club uses. To address this concern, the applicant has submitted a Social Impact Statement (prepared by Urbis, dated 31 January 2017). The report concludes that the proposed development is consistent with strategic directions for Hurstville and supports the role and function of the town centre, and that potential adverse impacts can be effectively mitigated. The mitigation measures identified in the report are general and do not require design changes or special conditions of consent.

Smoke

There are potential health impacts associated with the proposed outdoor smoking area.

The development has been assessed by Council's Environmental Health Section and has been found to be acceptable, subject to conditions being attached to any consent granted. It is noted that conditions are recommended requiring demonstration of compliance with the *Smoke Free Environment Act 2000* and *Smoke Free Environmental Regulation 2007*.

Noise

There are potential noise impacts associated with the club uses. Specifically, there is potential for activity in the outdoor gaming area to disturb the sleep of nearby residents.

A special condition has been recommended by Council's Environmental Health Section to limit hours of operation of the outdoor gaming area to 10am to midnight. This condition was recommended following consideration of the Environmental Noise Impact Assessment by Day Design (dated 1 June 2017). The key relevant excerpt from Section 4.5 of Day Design's assessment are provided below:

³The Road Noise Policy, in Section 5.4, contains a wide variety of information on research carried out on the effects of noise on sleep. From the research on sleep disturbance to date (in 2011), it can be concluded that:

- Maximum internal noise levels below 50-55 dBA are unlikely to awaken people from sleep; and*
- One or two noise events per night, with maximum internal noise levels of 65-70dBA are not likely to affect health and wellbeing significantly.*

...

It further predict that calculated at L1, 1 minute sound pressure levels at the nearest receptor from people shouting in the outdoor gaming area is 55 at the closest affected resident with the acceptable noise limit being 61(dBA). This is calculated based on 50% capacity after midnight.

Council's Environmental Health Section considers that in a social situation there are likely to be more than two noise events per night. Accordingly, a midnight closing is recommended to protect the amenity of residents and vulnerable groups, such as the elderly and shift workers.

Economic Impacts

The proposed development will provide employment opportunities and will not result in any identified adverse economic impacts. The applicant has submitted an

Economic Impact Assessment (prepared by AEC Group, dated August 2017), which identifies the following net increase in economic activity resulting from the development:

- \$18 million in direct and indirect output;
- \$5 million in Gross Regional Product;
- \$8 million in incomes; and
- 133 full time equivalent jobs.

Suitability of the Site

The subject site has no impediments that preclude it from being developed for the proposed development.

5. Referrals, Submissions and the Public Interest

Submissions

No submissions were received.

Council Referrals

Building

Council's Building Section has raised no objection to the development subject to conditions of consent being attached to any consent granted.

Environmental Health

Council's Environmental Health section has raised no objection to the application subject to conditions being attached to any consent granted. Refer to discussion of key conditions under "Noise" and "Smoke" in the Social Impact section above.

Traffic

Council's Traffic Engineering section raises no objections to the proposed development on traffic grounds subject to conditions being attached to any consent granted. It is noted that a special condition has been recommended requiring construction of a crossing facility in Cross Street.

External referrals

No external referrals were required.

6. Conclusion

The application seeks approval for demolition of the existing building at 6-8 Cross Street and construction of a 9-storey building including extensions to the existing Illawarra Catholic Club at 10 Cross Street, 5 x levels of tourist and visitor accommodation comprising 125 rooms, and basement parking. The proposed development has been assessed against the requirements of the relevant environmental planning instruments and development control plan and generally complies, with sufficient justification provided for any variations.

RECOMMENDATION

THAT pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979, as amended, the Sydney South Planning Panel grant deferred commencement development consent to Development Application DA2017/0040 for demolition of the existing building at 6-8 Cross Street and construction of a 9-storey building including extensions to the existing Illawarra Catholic Club at 10 Cross

Street, 5 x levels of tourist and visitor accommodation comprising 125 rooms, and basement parking, subject to the following conditions of consent: