

Panel Reference	2017SSH017
DA Number	DA2017/0074
LGA	Georges River Council
Proposed Development	Construction of a 14 storey mixed development comprising ground floor commercial/retail area and 51 residential units with basement car parking
Street Address	15 Dora Street HURSTVILLE NSW 2220
Applicant/Owner	Icon Construction Group (Applicant) Sydney South Gateway Pty Limited, Queens Forest Pty Limited, Coopa Group Pty Limited (Owner)
Date of DA lodgement	31 March 2017
Number of Submissions	1
Recommendation	Approval with conditions of consent
Regional Development Criteria (Schedule 4A of the EP&A Act)	General development over \$20 million (CIV \$23,401,596.00)
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 (Infrastructure) 2007 • State Environmental Planning Policy No 55 - Remediation of Land • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Draft State Environmental Planning Policy (Competition) 2010 • 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	1 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?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions,

No, standard conditions

notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

**have been
attached with
no design
changes.**

EXECUTIVE SUMMARY

1. The application seeks consent for the construction of a 14 storey mixed development comprising ground floor commercial/retail area and 51 residential units with basement car parking.
2. The application has been assessed against the requirements of the relevant environmental planning instruments and development control plan and complies.
3. The application was notified/advertised to 244 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 in accordance with the conditions included in the report.

DESCRIPTION OF THE PROPOSAL

The proposed development seeks consent for the construction of a mixed use development containing 3 basement levels containing car parking, ground floor commercial/retail area and 13 levels of residential units above comprising 6 x 1 bedroom, 38 x 2 bedroom and 7 x 3 bedroom units. Access to the proposed basement is via the approved driveway (with right-of-way) of 378 Forest Rd which necessitates the relocation of 6 car spaces from the basement of 378 Forest Road to the basement of the proposed development. Specifically, the proposed development will contain the following:

Basement 3 Plan:

- Parking for 25 residential cars (including 3 accessible spaces)
- Parking for bicycles
- Individual resident's storage space
- Lift cores and fire stairs

Basement 2 Plan:

- Parking for 25 residential cars (including 3 accessible spaces). 6 spaces are for the adjoining development at 378 Forest Rd which were relocated to accommodate the right of way/access into the subject site.
- Parking for bicycles
- Individual resident's storage space
- Lift cores and fire stairs

Basement 1 Plan:

- Parking for 11 residential cars (including 1 accessible space)
- Parking for 7 retail cars (including 1 accessible space)
- Parking for 8 resident visitor cars (including 1 accessible space)
- Parking for bicycles
- Car wash bay
- Individual resident's storage space
- Plant room
- Lift cores and fire stairs

Ground Floor Plan:

- 342sqm commercial/retail floor space
- Accessible wc
- Residential entry & lobby
- Plant and services areas
- Loading dock/service area
- Waste and recycling bin storage areas

First Floor Plan:

- 6 residential units
- Lift lobby/circulation corridor & fire stairs
- Communal open space area (143sqm)

Second Floor and Third Floor Plan:

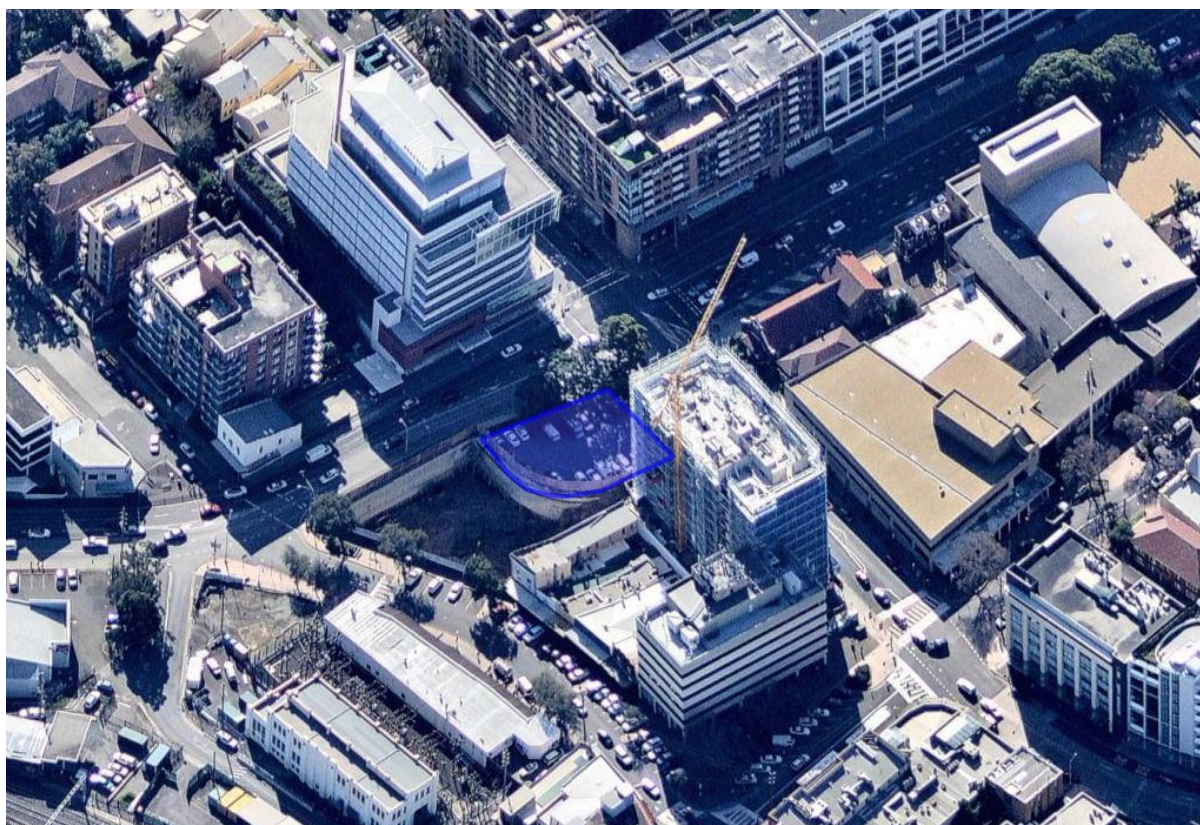
- 6 residential units
- Lift lobby/circulation corridors & fire stairs

Fourth Floor Plan:

- 6 residential units

The site is known as 15 Dora Street, Hurstville which consists of one lot with legal description of lot 2 DP 260103. The site is located on the corner of Dora Street and Queens Road Hurstville. The site is irregular in shape and has a site area of 794.1sqm with street frontages to Queens Road and Dora Street of 30.9m and 20.5m respectively. The land falls approximately 2m from Dora Street to the north-eastern corner along Queens Road. There are several trees along the Queens Road frontage that are to be removed to accommodate the development. Existing on the site is an “at grade” public car park which was owned by Georges River Council until sold to the applicant.

Adjoining the site on the western boundary at the corner of Forest Rd and Queens Rd is an approved 9 – 13 storey mixed use development at 378 – 384 Forest Road which is currently under construction. The driveway access for this development is to the south-east of the site from Dora Street. Also to the south-east is a 13 storey mixed use development (at 9 Dora Street) which was recently completed. Directly opposite the site in Dora Street is the Hurstville Baptist Church and residence and next to this are the Georges River Council offices. To the north of the site on the opposite side of Queens Road is the Waratah Private Hospital and Hurstville Public Library.



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” and “Shop top housing”	The proposed development meets definitions	Yes

2.3 - Zone objectives and Land Use Table	Meets objectives of B4 Mixed Use Development must be permissible with consent	Development meets objectives Is permissible development with consent	Yes
2.7 - Demolition	Demolition is permissible with consent	Demolition is not proposed with this application	N/A
4.3 – Height of Buildings	45m as identified on Height of Buildings Map	45m maximum	Yes
4.4 – Floor Space Ratio	6:1 as identified on Floor Space Ratio Map	6:1	Yes
5.9 – Preservation of Trees or Vegetation	Trees to be removed are specified in DCP1	The site contains trees located along the Queen St boundary. Council's Tree Management Officer has not objected to their removal subject to replacement planting on the footpath.	Yes
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 affect the heritage significance of the heritage item or heritage conservation area concerned.	The subject site is in the vicinity of the heritage item known as Belmontes Pizza Shop at 372 Forest Rd. The LEP identifies in Schedule 2 - Heritage Items Part 2 Elements of Buildings, that the rendered façade including the windows above awning level have heritage significance. The proposed development has a frontage to Dora St and Queens Rd and has no direct interface with Forest Rd and the heritage item. As such it was considered that an assessment of the impact of the proposed development on the heritage item was not warranted.	Yes
6.7 – Essential Services	The following services that are essential for the development shall be available or that adequate arrangements must be made available when required: -Supply of water, electricity and disposal and management of sewerage	-Adequate facilities for the supply of water and for the removal of sewage available to this land	Yes

	-Stormwater drainage or on-site conservation	-Stormwater can drain from the site via gravity to the street.	
	-Suitable vehicular access	-The vehicular crossing approved in association with the development at 378 Forest Rd Hurstville will be utilised through a right-of-way to gain access to the site and basement levels. The use of this crossing was required due to the constrained nature of the site.	

STATE ENVIRONMENTAL PLANNING INSTRUMENTS

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

State Environmental Planning Policy	Complies
Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment	Yes
State Environmental Planning Policy 55 – Remediation of Land	Yes (1)
State Environmental Planning Policy (Building Sustainability Index BASIX) 2004	Yes
State Environmental Planning Policy (Infrastructure) 2007	Yes (2)

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

A Preliminary Site Investigation was undertaken by Martins Consulting Engineers (report number P1705838JR02V01, March 2017). The report concludes that the site is unlikely to be heavily contaminated and can be suitable for the proposed development. The report recommends that a detailed site investigation be undertaken during construction of the proposed development.

(2) State Environmental Planning Policy (Infrastructure) 2007 (SEPP (Infrastructure))

The proposed development is subject to Clause 101 and Clause 102 of the SEPP (Infrastructure) as the subject site is located on Queens Rd which is listed as a classified road. Clause 101 requires that the development does not compromise vehicle movements on the classified road. The proposed development has vehicle access from Dora St and the location of the vehicle access to the site does not compromise vehicle movements on Queens Rd. The application was referred to Roads and Maritime Services (RMS) for comment. RMS has raised no objection to the development subject to their general conditions of consent being attached to any consent granted.

Clause 102 requires that residential developments located adjoining a road corridor or road that experiences high volumes of traffic to be considered in terms of potential noise and vibration from the road. The applicant has submitted an Acoustic Assessment – Road/Rail Traffic Noise/Mechanical Plant Noise/Acoustic Privacy Between Units prepared by Koikas Acoustics Ltd (reference no 3136R20170320mfc,

dated 20 March 2017). The report concludes that the proposed development can meet the requirements of Clause 102 subject to the recommendations of the report being adopted in the design of the development. The recommendations include treatment of windows and doors, insulation to ceilings, and material for the external walls.

STATE ENVIRONMENTAL PLANNING POLICY NO 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

Application of SEPP 65

Clause	Standard	Proposal	Complies
3 - Definitions	Complies with definition of “Residential Apartment Development” (RAD)	Complies with definition	Yes
4 - Application of Policy	Development involves the erection of a new RFB, substantial redevelopment or refurbishment of a RFB or conversion of an existing building into a RFB	Erection of a new residential flat building (mixed development)	Yes
50 – Development Applications	Design verification statement provided by qualified designer Registered Architect Name and Registration No.	Design Verification Statement provided by Registered Architect Mr Jim Apostolou (Registration No 7490)	Yes

Part 2 Design Quality Principles under the SEPP

Clause	Standard	Proposal	Complies
1 – Context and neighbourhood character	Good design responds and contributes to its context (e.g. natural and built features of an area)	Proposed development has been designed to respond to its context.	Yes
2 – Built form and scale	Good design provides an appropriate scale in terms of the existing and desired future character and built form that suits the scale of the street and surrounding buildings	The proposed development provides an appropriate scale in relation to the relevant requirements relating to floor space ratio, height, and setbacks	Yes
3 - Density	Good design has a density appropriate for a site and its context, in terms of projected population and can be sustained by existing and proposed infrastructure	Proposed development complies with the floor space ratio requirements	Yes
4 –	Good design combines	Proposed development	Yes

Sustainability	positive environmental, social and economic outcomes. Includes use of natural cross ventilation and sunlight, recycling and reuse of materials and waste, use of sustainable materials and deep soil zones	provides appropriate outcomes for sustainability, through energy efficiency measures, landscape open space areas, cross ventilation and sunlight	
5 - Landscape	Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity, enhances the development's environmental performance, optimises useability, privacy and opportunities for social interaction, equitable access, and practical management	Landscaping to the site will be in the form of communal open space areas. The proposed planting to this area will improve the current site conditions.	Yes
6 - Amenity	Good design influences internal and external amenity for residents and neighbours	The proposed development mitigates privacy impacts with the placement of balconies on the front and rear elevations and away from the adjoining development at 378 Forest Rd. It is considered that privacy impacts to adjoining developments have been reduced.	Yes
7 – Safety	Good design optimises safety and security, both internal to the development and for the public domain	Proposed development is consistent with crime prevention principles	Yes
8 –Housing diversity and social interaction	Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Includes different types of communal spaces for social interaction	Proposed development provides apartments of various sizes and bedrooms including adaptable housing.	Yes
9 - Aesthetics	Good design achieves a built form that has a balanced composition of elements, a variety of materials, colours and	Design of development and proposed external materials and finishes are appropriate. The proposed development results in a good architectural	Yes

	textures and responds to the future local context	outcome.	
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Clause 30 – Consideration of Residential Flat Design Code Design Controls

Clause	Standard	Proposal	Complies
Objective 3D-1	<p>1. Communal open space has a minimum area equal to 25% of the site.</p> <p>-Where it cannot be provided on ground level it should be provided on a podium or roof</p> <p>-Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:</p> <ul style="list-style-type: none"> • provide communal spaces elsewhere such as a landscaped roof top terrace or a common room • provide larger balconies or increased private open space for apartments • demonstrate good proximity to public open space and facilities and/or provide contributions to public open space <p>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p>	<p>384sqm (48.4%) communal open spaces provided to the first floor, fourth floor and seventh floor.</p> <p>The communal open space areas have good amenity in that most of these areas receive at least 3 hours sunlight during winter and are functional with landscaping and seating provided.</p> <p>The Pedestrian Wind Environment Statement submitted with the application specifies treatment to the perimeter of the open space areas in terms of planting and this has been adopted in the design of the landscaping.</p>	Yes
Objective 3E-1	<p>1. Deep soil zones are to meet the following minimum requirements:</p> <p>-Where the site is less than 650sqm = no minimum dimension</p>	<p>Site area 794.1sqm - minimum 3m dimension required</p>	Yes

	<p>-Where site area is between 650sqm and 1500sqm = 3m minimum dimension</p> <p>-Where the site is more than 1500sqm = 6m minimum dimension</p> <p>Deep soil = 7%</p> <p>Achieving the design criteria may not be possible on some sites including where:</p> <ul style="list-style-type: none"> • the location and building typology have limited or no space for deep soil at ground level (eg central business district, constrained sites, high density areas, or in centres) • there is 100% site coverage or non-residential uses at ground floor level <p>Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure</p>	<p>Deep soil = No deep soil can be provided due primarily to the excavation required for the basement level to achieve appropriate dimensions for car parking. The ground floor of the development is required to be commercial floor area.</p> <p>The communal open space areas are appropriately located on the first floor, fourth floor and seventh floor where there is privacy and good amenity for residents. The proposed landscaping to these areas, which has been design by a landscape architect provides various types of planting including trees, shrubs and ground covers, and seating. The common open space areas have dimensions of over 3m.</p>	
Objective 3F-1	<p>1. Separation between windows and balconies is provided to ensure visual privacy is achieved.</p> <p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <p>-Up to 12m (4 storeys) Habitable rooms and balconies = 6m Non-habitable rooms = 3m</p> <p>-Up to 25m (5-8 storeys) Habitable rooms and</p>		Yes

	<p>balconies = 9m Non-habitable rooms = 4.5m</p> <p>-Over 25m (9+ storeys) Habitable rooms and balconies = 12m Non-habitable rooms = 6m</p>	<p>-Up to 45m (14 storeys) The proposed development exceeds the separation distances.</p>	
Objective 3J-1	<p>1. For development in the following locations:</p> <ul style="list-style-type: none"> - On sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area; - The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less <p>The car parking needs for a development must be provided off street</p>	<p>Subject site is within 800m of a railway station. Development complies with the requirements of the ADG for residential parking and provides bicycle parking and storage area.</p>	Yes
Objective 4A-1	<p>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area</p> <p>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</p>	<p>Living room and private open spaces of 100% of units receive at least 2 hours of solar access.</p> <p>0% (nil) units receive no direct sunlight</p>	Yes
Objective 4B-3	<p>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels</p>	<p>81.1% of units are appropriately cross ventilated.</p>	Yes

	<p>allows adequate natural ventilation and cannot be fully enclosed</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</p>	Maximum depth is less than 18m	
Objective 4C-1	<p>1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Habitable rooms = 2.7m Non-habitable rooms = 2.4m</p>	2.7m for all rooms	Yes
Objective 4D-1	<p>1. Apartments are required to have the following minimum internal areas:</p> <p>1 bedroom = 50sqm 2 bedroom = 70sqm 3 bedroom = 90sqm</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>	<p>1 bedroom = 52sqm 2 bedroom = 75-76sqm 3 bedroom = 98sqm</p> <p>Window provided for each habitable room with appropriate glass area provided.</p>	Yes
Objective 4D-2	<p>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height</p> <p>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p>	<p>Within range.</p> <p>Open plan layouts with depths of 8.2m-8.5m.</p> <p>The layout of these units is open plan and the depth of the kitchen does not compromise its amenity. The kitchens which have natural ventilation and good sunlight and the design of the</p>	Yes

		apartments allows for flexibility in furniture placement and layout.	
	<p>1. Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space)</p> <p>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>3. Living rooms or combined living/dining rooms have a minimum width of:</p> <p>-3.6m for studio and 1 bedroom - 4m for 2 and 3 bedroom apartments</p> <p>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	Development complies with all requirements	Yes
Objective 4E-1	<p>1. All apartments are required to have primary balconies as follows:</p> <p>-1 bedroom = 8sqm/2m depth -2 bedroom = 10sqm/2m depth -3+ bedroom = 12sqm/2.4m</p> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a</p>	<p>All balconies meet or exceed these requirements except for the dimension of the balcony to the 3 bedroom units which is less than 2.4m to part of the balcony where the balcony curves with the boundary of the site. These balconies have an area of 18sqm and the reduced width to part of the balcony does not compromise their function.</p> <p>No ground floor units.</p>	Acceptable

	balcony. It must have a minimum area of 15sqm and a minimum depth of 3m		
Objective 4F-1	1. The maximum number of apartments off a circulation core on a single level is eight	Maximum 6 units	Yes
Objective 4G-1	1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: -1 bedroom = 6m ³ -2 bedroom – 8m ³ 3 bedroom – 10m ³	All units have storage areas that comply with the requirements.	Yes
Objective 4M	Facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale.	Façade of development provides articulation and interest and is of high architectural appeal.	Yes
Objective 4N	Roof treatments are integrated into the building design and positively respond to the street. Opportunities to use roof space for residential accommodation and open space are maximised. Incorporates sustainability features.	Roof design is appropriate and integrated with design of the development. Communal open space provided to the first floor, fourth floor and seventh floor provides relief to the side and rear elevations.	Yes
Objective 4O	Landscape design is viable and sustainable, contributes to the streetscape and amenity	Landscape design is appropriate and provides suitable communal and private open space areas	Yes
Objective 4P	Planting on structures – appropriate soil profiles are provided, plant growth is optimised with appropriate selection and maintenance, contributes to the quality and amenity of communal and public open spaces	Landscaping to the site which includes planting on structures has been designed by a landscape architect with details provided on species, soil depth etc.	Yes
Objective 4Q	Universal design – design of apartments allow for flexible housing, adaptable designs, accommodate a range of lifestyle needs	Design of apartments allows for use by different lifestyles	Yes
Objective 4R	Adaptive reuse as apartment of existing buildings- new additions	New development	N/A

	are contemporary and complementary, provide residential amenity while not precluding future adaptive reuse		
Objective 4S	Mixed use developments are provided in appropriate locations, provide active street frontages, residential levels of the building are integrated within the development and safety and amenity is maximised for residents	The development provides an active street frontage to Dora St and Queens Rd. Access to residential and commercial areas is separated. Development is consistent with crime prevention principles.	Yes
Objective 4T	Awnings and signage – awnings are well located and compliment and integrate with the building design, signage responds to the context and desired streetscape character	An awning has been incorporated into the façade of the development which is consistent with the streetscape.	Yes
Objective 4U	Development incorporates passive environmental design, passive solar design to optimise heat storage in winter and reduce heat transfer in summer, natural ventilation minimises need for mechanical ventilation	Development incorporates BASIX commitments in the design to provide appropriate energy efficiency features.	Yes
Objective 4V	Water management and conservation – potable water use is minimised, stormwater is treated on site before being discharged, flood management systems are integrated into site design	Development incorporates appropriate stormwater measures.	Yes
Objective 4W	Waste management – storage facilities are appropriately designed, domestic waste is minimised by convenient source separation and recycling	Waste facilities are provided which are accessible to all residents	Yes
Objective 4X	Building maintenance – building design provides protection from weathering, enables ease of maintenance, material selection reduces ongoing maintenance cost	Design incorporates a mix of external finishes that require minimal maintenance such as metal cladding and concrete with an applied finish.	Yes

Advice from the Design Review Panel

This application was presented to the Design Review Panel. The Panel advised that it supports the application subject to the issues raised in its comments being resolved. The application satisfies the design quality principles contained in SEPP 65. This section outlines the advice provided by the Design Review Panel (DRP), the applicant's response, and the author's (DAO) comments.

PRINCIPLE 1 - CONTEXT AND NEIGHBOURING CHARACTER

DRP advice:

The proposal is for a very difficult site caused by historical land amalgamation issues. The proposal sits well with the evolving quite dense mixed use framework. The proposal uses similar materials to the adjacent site to the south west (by the same developer) but could perhaps relate a little more strongly to the adjacent building to the south east.

The existing mature Tallowwood trees on and close to the Queens Road boundary are a desirable element of the existing and future landscape character of the area. Steps should be taken to retain one (1) or both of these trees. The application documentation indicates that the presence of these trees was not seriously considered as contributing significantly to the existing streetscape or as a site constraint.

Applicant's comment:

The proposed development will result in the removal of a six (6) of trees from the garden within the carpark along the Queen Street frontage. An Arborist Report accompanied the application and identified these trees as either being of low or moderate retention value and concludes:

"The developer of the property seeks to remove the surveyed trees and replace them with advanced container grown stock within the footpath precincts adjacent to the site where consensus with Council or governing authorities is established. Following consultation with the projects' landscape architect, Mr. Mathew Wood, we concur that the amenity of the tree-scape in the locale can be preserved and enhanced with the use of appropriate amenity planting." Additional drawings have been prepared that showing both the SRZ and TPZ for the Tallowwood trees. These zones encroach significantly into the site and would severely impact on the site achieving its anticipated yield based on Council's controls.

Given the urbanised character of the locality and the constrained nature of the site it is considered that it is not possible to retain the existing trees and development the site in a form that is anticipated by council's controls. A more integrated landscape scheme which incorporates appropriate street trees is considered more suitable and will achieve a better urban design outcome.

DAO's comment:

The applicant has submitted additional information regarding the tree protection zone for the trees which shows that the tree roots significantly encroach into the site. The retention of the trees will result in a significant portion of the development being effected such that a viable floor plan could not be provided. It is noted that Council's Tree Management Officer has not objected to the removal of the trees subject to planting on the footpath as nominated in conditions of consent.

PRINCIPLE 2 – BUILT FORM AND SCALE

DRP advice:

Setting aside the fact that no attempt has been made to retain one or both of the Tallowood trees, the built form and scale is appropriate in the evolving context of the locality. It appears that retention of the corner Tallowood tree would at minimum affect the corner units up to Level 6 floor plate. The Panel feels that this floor space could be re-distributed generally throughout the building or as additional height, provided that there is no increase in amenity impacts on the surrounding development.

Applicant's comment:

The retention of one or both trees would result in an undesirable urban edge to the corner of the site. The massing of the proposal takes into consideration the overshadowing of the neighbouring site. Any redistribution of massing would have adverse impacts on its solar access.

DAO's comment:

The applicant has amended the development to address the issues raised by the DRP. The trees however could not be retained due to their significant encroachment into the site which would affect the viability of the site.

PRINCIPLE 3 – DENSITY

DRP advice:

Complies and satisfactory.

Applicant's comment:

Noted.

DAO's comment:

The development complies with the floor space ratio requirement.

PRINCIPLE 4 – SUSTAINABILITY

DRP advice:

Sustainability features were discussed. The applicant noted that stormwater is to be contained and reused. The drawings appear to be in conflict – tanks shown on the stormwater drawings conflict with the communal open space as depicted in the architectural and landscape drawings.

Applicant's comment:

Amended Architectural and Landscape Plans show no conflict between the rainwater and OSD tanks and the communal open space.

DAO's comment:

The plans are consistent in the detail they show.

PRINCIPLE 5 – LANDSCAPE

DRP advice:

See comments in 'Context' and 'Built Form' above regarding the existing mature trees on the site.

The Level 1 communal open space will be over shaded for nearly 100% of the time. The design needs to propose planting that will perform in 100% shade and the micro-climate in this area. The soil volume proposed for on-structure tree planting is insufficient and should be increased to support the species proposed.

Concern is raised as to the location and provision of street trees given the extent of undergrounding of services. Investigation needs to be made as to whether the street trees can actually be provided. In the event that they cannot, then additional effort should be applied to either retaining existing trees or providing opportunity for additional on-structure tree planting, including the Level 7 communal open space area.

Applicant's comment

The Landscape Plans have been amended to include shade tolerant plants and increased soil volumes to tree plantings.

DAO's comment:

Council's Tree Management Officer was consulted on whether street planting could be accommodated within the footpath and the appropriate species for the street trees. The planting of Callery Pear has been nominated for the Queens Rd frontage and Magnolia for the Dora St frontage. These requirements are to be included as conditions to any consent granted.

PRINCIPLE 6– AMENITY

DRP advice:

Generally satisfactory. See landscape communal area comments above.

Applicant's comment

Noted.

DAO's comment:

See comments above relating to landscaping.

PRINCIPLE 7 – SAFETY

DRP advice:

Satisfactory. However, consideration should be given to lighting, transparency, and possibly CCTV for the external entrance lobby.

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:

Reasonable mix.

Applicant's comment

The amended plans have resulted in a better mix of apartment types:

1 bedroom – 6 apartments (11.7%)

2 bedrooms – 38 apartments (74.5%)

3 bedrooms - 7 apartments (13.8%)

DAO's comment:

The proposed development provides a variety of apartment sizes, layout, and bedrooms.

PRINCIPLE 9 – AESTHETICS

DRP advice:

The Panel acknowledges the way that the lower levels of the building attempt to integrate with adjacent development, however the façade pattern of the upper floors appears arbitrary and could be revised. The top level requires further consideration as a “building top”.

Applicant's comment

The façade has been amended to better reflect the internal planning and therefore is less arbitrary.

DA's comment:

The external materials and finishes have been changed from that originally proposed to address the comments of the Panel. The external appearance of the building is of good architectural merit with articulation and interest provided through various materials and finishes.

2. Draft Environmental Planning Instruments

DRAFT STATE ENVIRONMENTAL PLANNING POLICY (COMPETITION) 2010

The aims of this policy are to:

- a) Promote economic growth and competition, and
- b) Remove anti-competitive barriers in environmental planning and assessment.

The policy includes criteria to remove anti-competitive barriers to commercial development, being retail premises, business premises, and/or office premises. The use of proposed commercial area is permissible on this site and is encouraged in the current controls and the intended proposed controls. The proposal is not inconsistent with the Policy.

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 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 45m. DCP 2 identifies that the maximum number of storeys for a 45m height be 14 storeys. The proposed development is 14 storeys with ground floor commercial floor area and residential above in accordance with section 5.3.4.

DCP 2 identifies that the floor to ceiling heights are to be 3.6m with 0.9m services zone (4.5m floor to floor height) for non-residential uses and 2.7m for residential uses. The proposed development has a floor to ceiling height of between 4.05m and 4.6m for the ground floor with 2.7m for the residential uses. The floor to ceiling height of the residential component is consistent with section 5.3.4.

The floor to ceiling height for the non-residential component is not consistent with this requirement. The varying floor to ceiling height of between 4.05m and 4.6m primarily relates to the slope of the site. It is considered that the variation of 0.45m for part of the floor to ceiling height does not compromise the use of the space. The ground floor has been designed for specifically as five retail uses with associated facilities and the floor to ceiling height is not critical to their use or adaptability. Accordingly, the floor to ceiling height is acceptable.

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 commercial component and residential lobby are clearly visible from the street and the placement of windows allows casual surveillance of the site.

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	7 spaces	7 spaces	Yes
1 space per 50sqm (342sqm of GFA)			

Residential parking	<p>DCP 2 requirements:</p> <ul style="list-style-type: none"> -1 space/1 bedroom unit (6 proposed) = 6 spaces -1 space/2 bedroom unit (38 units) = 38 spaces -2 spaces/3 bedroom unit (7 units) = 14 spaces <p>DCP 2 required spaces = 58 spaces</p> <p>Apartment Design Guide requirements:</p> <ul style="list-style-type: none"> -0.4 spaces/1 bedroom unit (6 units) = 2.4 spaces -0.7 spaces/2 bedroom unit (38 units) = 26.6 spaces -1.2 spaces/3 bedroom unit (7 units) = 8.4 spaces <p>ADG required spaces = 38 spaces</p>	55 spaces	Yes, but see comment below (1)
Residential visitor spaces (4 or more dwellings). <i>Council can reduce this for buildings located in close proximity to public transport, or where short term leasing is expected.</i>	<p>Apartment Design Guide requirements override DCP 2.</p> <p>Total required under ADG = 1 space/7 dwellings (51 proposed) = 8 spaces</p>	8 spaces	Yes
Total car parking spaces required:	<p>ADG = 53 spaces</p> <p>DCP 2 = 73 spaces</p>	70 spaces	Yes
<p>1 bicycle space per 300sqm of retail (342sqm)</p> <p>1 bicycle space per 3 dwellings (51 dwellings)</p>	<p>-2 spaces for retail component</p> <p>-17 spaces for residential component</p> <p>Required spaces = 19</p>	19 provided	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 etc	Yes
Car wash bay	1 (which can be within a visitor space)	Can be provided within a visitor space	Yes

(1) Residential parking

A Traffic and Parking Assessment Report has been submitted with the application (prepared by Varga Traffic Planning P/L, reference 17094, dated 27 March 2017). The Report assesses the development's compliance with the provisions of DCP 2 and the ADG due to the site's location within the Hurstville city centre. The report concludes that the development is appropriate in terms of car parking spaces, aisle and manoeuvring areas and vehicle generation. The report has been examined by Council's Senior Traffic Engineer who has raised no objection to the application.

The proposed development provides car parking in accordance with the relevant requirements. The applicant has provided 55 residential car parking spaces which is more than the ADG requirements and less than the DCP 2 requirements. This provides a compromise in providing car parking spaces to the residential component, and recognising the site's location with the Hurstville city centre. The provision of these spaces is acceptable.

Section 5.4.7 Pedestrian Access and Mobility

The proposed development provides six adaptable dwellings. The development is required to provide appropriate access and facilities for people with a disability in accordance with the relevant legislation and these can be provided in the development.

***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 other than the planting of four street trees at the front of the site. Council's Tree Management Officer has advised that the relevant species to be planted are *Callery Pear* and *Magnolia* and these will be required as a condition of consent.

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 6.4 Preservation of Trees and Vegetation

There are six trees on the subject site located adjoining the front boundary of Queens Rd. The applicant has submitted a Tree Report (prepared by arborist's All Seasons Trees and Gardens). The report identifies that two trees are of moderate value and four trees are of low value. Information submitted shows that the tree root zone of these trees encroaches significantly into the site and the trees are recommended for removal as they cannot be retained and a viable footprint provided to the site. Council's Tree Management Officer has examined the application and has raised no objection to the removal of trees subject to four street trees being planted.

The proposed development will also introduce planting to the communal open space area on the first floor, fourth floor and seventh floor and four street trees at the front of the site. This will provide some soft landscaping to the site and the street which will improve the current site conditions.

4. Impacts

Natural Environment

Although the proposal includes excavation for the basement level, 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 removal of six trees from the site but the proposed development will include three communal open space areas which will be landscaped and four trees to the street frontage. 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.

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.

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

Resident

The application was notified/advertised to 244 resident/owners and one submission was received in reply. The submission primarily relates to too many “high rise” being in the Hurstville CBD which is an overdevelopment of infrastructure and that there is more need for carparks or open space than buildings. The proposed development is permissible in the B4 Mixed Use zone and complies with the relevant requirements including height, floor space ratio, and car parking.

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.

Tree Management Officer

Council's Tree Management Officer has raised no objection to the development subject to conditions of consent being attached to any consent granted.

External referrals

Design Review Panel

The comments of the DRP have been discussed in the report above.

Roads and Maritime Services (RMS)

The RMS were referred the application for comment. The RMS has raised no objection to the application subject to conditions of consent.

6. Conclusion

The application seeks approval for the construction of a mixed use development containing 3 basement levels containing car parking, ground floor commercial/retail area and 13 levels of residential units. Access to the proposed basement will be via the approved driveway (with right-of-way) of 378 Forest Rd which necessitates the relocation of 6 car spaces from the basement of 378 Forest Road to the basement of the proposed development. 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. 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 subject to conditions of consent.

RECOMMENDATION

THAT pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended, the Council grants development consent to Development Application DA2017/0074 for the construction of a mixed use development containing 3 basement levels containing car parking, ground floor commercial/retail area and 13 levels of residential units comprising 6 x 1 bedroom, 38 x 2 bedroom and 7 x 3 bedroom units. Vehicle access will be via a right-of-way established over the approved vehicular crossing of 378 Forest Rd Hurstville which includes the relocation of 6 car spaces from the basement of 378 Forest Road to the basement of the subject development on Lot 2 DP 260103 and known as 15 Dora Street Hurstville subject to the following conditions of consent: