



# **160 – 178 Stoney Creek Road, Beverly Hills**

Statement of Environmental Effects for Development Application



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- Attachment 3: Statement of Compliance – Access for People With A Disability prepared by Morris Goding Accessibility Consultants
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## Executive Summary

This document has been prepared to support a Development Application (DA) for land at 160 -178 Stoney Creek Road, Beverly Hills ("the site") which is situated in the Georges River Council local government area (LGA).

The proposal seeks consent for:

- Demolition of the existing commercial buildings and construction of a part three (3) and part five (5) storey mixed use development;
- Remediation of land;
- Construction of shop top housing with three (3) retail tenancies at ground level, plus a supermarket, 44 residential units on Levels 1 to 3, and three (3) basement levels containing a loading dock, retail storage areas, and 203 car spaces in total;
- Consolidation of existing allotments into one (1) allotment; and
- Ancillary landscaping, footpath widening and improvements.

The proposal will result in excavation that may transect the water table and require dewatering. Therefore, the proposal is 'Integrated Development' under the provisions of Section 91 of the *Environmental Planning and Assessment (EP&A) Act 1979*.

The application is assessed having regard to the heads of consideration under Section 79C(1) of the *EP&A Act 1979* and the Environmental Planning and Assessment (EP&A) Regulation 2000, the provisions of the relevant State Environmental Planning Policies (SEPPs), and Council's Local Environmental Plans (LEPs), Development Control Plans (DCPs), codes, and policies.

The site is located at 160 -178 Stoney Creek Road in the Georges LGA. The site is comprised of the following ten (10) allotments:

- Lot 1 DP 129260;
- Lot 1 DP 128696;
- Lots 1 & 2 DP 136146;
- Lot 134 DP12807; and
- Lots 1, 2, 3, 4 & 5 DP 19301.

The site has previously been developed, however at present it is largely vacant, with three (3) small two (2) storey commercial buildings occupying the south-western corner of the site.

The site is on the north eastern corner of the intersection between Stoney Creek Road and King Georges Road at the southern end of the Beverly Hills commercial centre.

The key considerations of the design philosophy include:

- Respecting the amenity of adjoining residential properties in Beresford Avenue and Lee Avenue;
- Ensuring that the interface between the commercial and residential land uses results in an appropriate level of amenity for both land uses;

- Activation of the Stoney Creek Road street frontage at ground level;
- Providing appropriate protection for retail and residential units from noise and other impacts associated with traffic on Stoney Creek Road;
- Providing an improved link and pedestrian experience from the northern side of the site via the existing lane to the commercial buildings, and remainder of the B2 Local Centre zone along King Georges Road;
- Ensuring that there is the ability for compliant redevelopment of the adjacent land at 152 -158 Stoney Creek Road; and
- Providing adequate parking to service the proposed development without significant adverse impacts upon adjacent properties.

This SEE addresses the relevant heads of consideration listed under section 79C of the *EP&A Act 1979* and provides an assessment of the relevant environmental planning instruments (EPIs) and DCPs that apply to the proposal, including the Hurstville Local Environmental Plan (HLEP) 2012 and the Hurstville Development Control Plan 1 (HDCP 1). This SEE also provides an assessment of the potential environmental impacts of the proposal.

The proposal is consistent with the broad objectives of HELP 2012. The proposed land use is permissible within the B2 Local Centre zone and is consistent with the objectives of the zone.

The key controls applying to the site are the maximum building height and maximum FSR as set by the HLEP. For both height and FSR, the site is split into two (2) portions, with different development standards applying to the eastern and western portions of the site.

This calls for some flexibility in the assessment of the compliance of the development proposal, in relation to FSR in particular. This is discussed in detail in the body of the Statement, however in summary, the density of the proposed development over the the western end of the site is greater than the applicable FSR standard, while the density of the proposed development over the eastern end of the site is less than the applicable FSR standard.

Importantly, the proposal involves a gross floor area (GFA) which is less than the maximum GFA permitted over the site on a pro rata basis. Notwithstanding, a formal request under the provisions of Clause 4.6 of HELP 2012 to vary the FSR development standard (as it applies to the western end of the site) accompanies this Statement.

It is also noted that the proposed onsite car parking arrangements allow for 203 car spaces. Table 1 within Part 3 of HDCP 1 indicates a prescriptive car parking rate for the development which is less than the 203 car spaces provided. Notwithstanding, HDCP 1 also outlines within the Design Solutions for car parking, that the prescriptive parking requirements in Table 1 are applied on a discretionary basis only, and that the parking requirement for specific developments may be established according to expert reports on the existing parking and traffic conditions in the vicinity of the subject. In this instance the proposal is supported by an expert parking and traffic report which identifies that the proposed 203 car spaces are appropriate to the demand that will be generated by the proposed mixed use development. In that regard the proposal does not represent a surplus of car spaces.

Notwithstanding, and for abundant caution, a Clause 4.6 Statement has been submitted which addresses the non-compliant FSR in the event that the prescriptive car parking rate in Table 1 of Part 3 of HDCP 1 is applied by Council.

Compliance with the relevant height controls is more easily identified and the proposed development projects above the 15m height control that applies to the western portion of the site by a maximum of 2.92m. The 9m maximum height control applying to the eastern portion of the site is complied with. The increased height does not result in any detrimental impacts on surrounding properties. A formal request under the provisions

of Clause 4.6 of HLEP 2012 to vary the Height of Buildings development standard accompanies this SEE for the variation to the 15m height control.

Otherwise, the proposal substantially complies with the provisions of HDCP 1, and satisfies the design quality principles of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP 65).

An assessment of the potential environmental impacts of the development concludes that the proposal will not give rise to unacceptable impacts in terms of amenity, traffic and parking, noise or other environmental impacts.

The proposed development has sought to deliver a project that is capable of providing infill development that will provide important retail floor space, a high level of residential amenity, and enhance a prominent corner site. The proposed design provides an appropriate transition in scale between the B2 Local Centre zone and the R2 Low Density Residential zone to the north and east of the site, with higher elements of the proposed mixed used building positioned over the centre and to the south and south west of the site, away from the lower density dwellings in Beresford Avenue and Lee Avenue.

The design creates a new connection from the north west corner of the site to existing shops along King Georges Road within the B2 Local Centre zone and beyond to the Beverley Hills Train Station. The new connection includes widening of the existing lane, a landscaped area at the eastern end of the lane, and the provision of a pedestrian entry courtyard into the ground floor retail area on the northern side of the subject site.

The proposal will generate positive social impacts by increasing the supply of quality housing within the LGA. Additionally, the inclusion of a fully serviced new supermarket and three (3) well sized retail tenancies will generate new employment opportunities within the B2 Local Centre and expand and reinforce the sites contribution to retail activity within the commercial centre.

The proposed development is well located in relation to transport, employment, shopping, business, and community services, as well as recreation facilities. It will deliver an efficient use of the site with well designed, high amenity dwellings that facilitate live/work opportunities and enhanced streetscape interface. The proposal will provide off-street car parking that is appropriate for the demand that will be generated by the proposed mixed use development.

The proposal does not result in significant adverse environmental, social, economic or amenity impacts on the neighbourhood.

Based on the assessment undertaken, the support of Council for the proposed development is sought.



# 1.0 Introduction

## 2.1 Overview

This SEE has been prepared in support of an application for the redevelopment of 160 -178 Stoney Creek Road, Beverly Hills ("the site") for a mixed use development.

Approval is sought for the following:

- Demolition of the existing commercial buildings and construction of a part three (3) and part five (5) storey mixed use development;
- Remediation of land;
- Construction of shop top housing with three (3) retail tenancies at ground level, plus a supermarket, 44 residential units on Levels 1 to 3, and three (3) basement levels containing a loading dock, retail storage areas, and 203 car spaces in total;
- Consolidation of existing allotments into one (1) allotment; and
- Ancillary landscaping, footpath widening and improvements.

The proposal will result in excavation that may transect the water table and require dewatering. Therefore, the proposal is 'Integrated Development' under the provisions of Section 91 of the *EP&A Act 1979*.

Approval is sought under Part 4 of the *EP&A Act 1979*. The proposed development is located within the City of Georges River LGA.

The proposal has a Capital Investment Value of \$20,325,000. Accordingly, under the provisions of 18 of the *Greater Sydney Commission Act 2015* and S23G and Schedule 4A of the *EP&A Act 1979*, the consent authority is the relevant Sydney Planning Panel.

## 2.2 Scope and Format of Report

This SEE has been prepared in accordance with the provisions of the *EP&A Act 1979* and the EP&A Regulation 2000, and is set out as follows:

- Section 1 provides an overview of the project and the report;
- Section 2 describes the site;
- Section 3 describes the proposed development;
- Section 4 outlines the applicable statutory controls and policy and provides an assessment of the proposed development pursuant to section 79C of the *EP&A Act 1979*; and
- Section 5 outlines the conclusion of the assessment.

The following plans are provided in the Drawing Package submitted with this SEE:

- Site Survey prepared by Stuart De Nett Land Surveyors;
- Architectural drawings prepared by Candalepas Associates;
- Landscape Plans prepared by Elysium Design; and
- Stormwater Services drawings prepared by AJ Whipps Consulting Group;

The following reports and information are provided as attachments to the SEE:

- Attachment 1: SEPP 65 Design Statement and Compliance Table prepared by Candalepas Associates;
- Attachment 2: Traffic and Parking Assessment prepared by John Coady Consulting Pty Ltd;
- Attachment 3: Access Review prepared by Morris Goding Accessibility Consulting;
- Attachment 4: BCA Assessment Report prepared by City Plan Services;
- Attachment 5: Detailed Cost Report prepared by ARCHI – QS Pty Ltd;
- Attachment 6: Preliminary Site Investigation and Detailed Site Investigation, prepared by Aargus;
- Attachment 7: Site Decommissioning Report prepared by CMPS&F Environmental;
- Attachment 8: BASIX Certificate, Assessor Certificate and associated stamped plans, issued by Building Sustainability Assessments;
- Attachment 9: Road Traffic Noise Impact and BCA Assessment prepared by Rodney Stevens Acoustics;
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- Attachment 13: Clause 4.6 Statement Requesting Exception to the Building Height Development Standard and FSR Standard;
- Attachment 14: Copy of evaluations and offers of purchase made to the owners of 152-158 Stoney Creek Road; and
- Attachment 15: Indicative architectural design for redevelopment of 152-158 Stoney Creek Road.

## 2.0 Site Context and Development Background

### 2.1 Site Context and Locality

The site is located on the eastern corner of the intersection of Stoney Creek Road and King Georges Road (refer to Figures 1 and 2).

The site is irregular in shape with a frontage of approximately 88m to Stoney Creek Road, 35m to Lee Avenue and 36m to a rear lane. The site has an area of approximately 3,780m<sup>2</sup>.

The eastern component of the site, being 178 Stoney Creek Road (i.e. Lots 1, 2, 3, 4 & 5, DP 19301) is currently vacant, although this portion of the site previously accommodated a service station.

The western component of the site, 160 -166 Stoney Creek Road (i.e. Lot 1, DP 129260, Lot 1, DP 128696, Lot 134, DP12807, Lot 1 and 2, DP 136146 and Lot 34, DP12807), currently accommodates three (3) x two (2) storey brick commercial buildings.

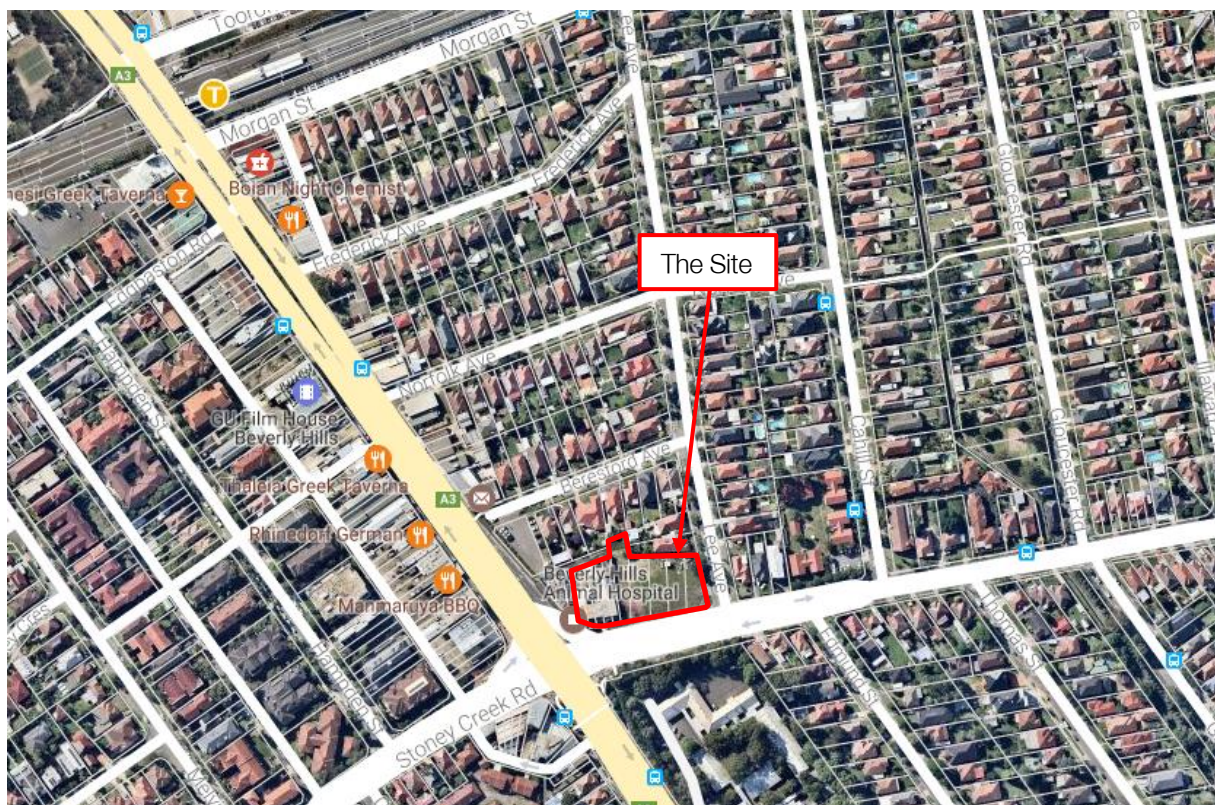


Figure 1: Aerial image of broad site locality (Source: Nearmap)







Figure 3: Closer aerial view of the site (Source: Nearmap)



Figure 4: View of site looking north from Stoney Creek Road





Figure 5: View of existing commercial buildings on site looking north from Stoney Creek Road



Figure 6: View of pedestrian over bridge across Stoney Creek Road looking south from the site

### 2.3 Description of the Surrounding Development and Land Uses

Adjacent to the irregularly shaped northern boundary, at the eastern end of the site, are low density residential dwellings of one (1) and two (2) storeys in scale, which address either Lee Avenue or Beresford Avenue.

Along the western end of the northern boundary, immediately behind the three (3) commercial buildings at the site, is a service lane which is an extension of an adjoining Council car park. This car park has frontage to King Georges Road, which allows pedestrian access to the shopping strip, but vehicular access is exclusively

off of Beresford Avenue. On the opposite side of the service lane are more low density residential dwellings (refer to Figure 8).

To the immediate west of the site, with frontages that wrap around the corner of the King Georges Road and Stoney Creek Road intersection, are two (2) commercial properties which are known as 158 and 152 Stoney Creek Road, which currently accommodate a veterinary clinic and a Chinese restaurant (refer to Figures 9 to 11).



Figure 7: View looking north (over the eastern end of the site) toward the dwelling located at 1 Lee Avenue



Figure 8: View of the rear lane to the north of the site. The fences and garages doors belong to residential properties known as 11, 13 and 15 Beresford Avenue





Figure 9: Commercial buildings located to the west of the site at 158 and 152 Stoney Creek Road



Figure 10: Northern (rear) elevation of the Chinese restaurant located at 152 Stoney Creek Road with Council car park located in foreground





Figure 11: View looking east along the rear lane located to the north of the site – Chinese restaurant located at 152 Stoney Creek Road positioned on the right of the photo

## 2.4 Accessibility and Transport

### 2.4.1 Roads

The subject site is located within close proximity to a number of major thoroughfares and road connections.

The site is at the intersection of two (2) major arterial roads. Both Stoney Creek Road and King Georges Road are important collector roads. King Georges Road is part of the strategic north-south route identified as the A3, while Stoney Creek Road is a major east-west link, which distributes traffic to Bexley, Rockdale and beyond.

The site is also just 1km south from the M5 Motorway that connects to the Sydney CBD in the easterly direction, and Liverpool and Campbelltown in the westerly direction.

### 2.4.2 Trains

The site is within close proximity to the Beverly Hills Railway Station, which is located approximately 400m to the north.

Beverly Hills Station is located on the T2 Airport Line servicing the Sydney CBD, Green Square, Domestic and International Airports, Beverly Hills, Revesby, Glenfield and on to Campbelltown.

During the travel peaks of 7:00am to 9:00am, and 4:00pm to 6:00pm, train services arrive and depart on an average of every 7.5 minutes. Off peak and weekend services are approximately every 10 to 15 minutes in both directions.

### **2.4.3 Buses**

The subject site is in close proximity to three (3) regular bus services operated by Sydney Buses. These routes are detailed as follows:

- Route 496: between Hurstville and Bankstown via Roselands, Lakemba and Greenacre;
- Route 450: Frequent services to Burwood via Roselands, Lakemba, Belfield and Strathfield; and
- Route 452: Frequent services to Hurstville and Rockdale via Bexley.

## **2.5 Background to Development**

The applicant had a formal pre-DA meeting with the then Hurstville Council in August 2015.

Several matters were raised at the Pre-DA by Council, including the following:

- Confirmation that a future development (which includes residential development) satisfies the definition of shop top housing;
- Stoney Creek Road street activation;
- Widening of the rear lane per DCP requirements;
- Vehicular access to be via Lee Avenue and provision of adequate off-street car parking and servicing facilities; and
- Amenity of adjacent residential development.

Discussions were held with respect to the split FSR development standard across the site and the potential to 'pro rata' the FSR development standard across the entire site.

Council indicated that there was the potential for pro rata of the FSR control, but that any variation to a development standard would require a formal request and would be considered at the time of lodgement.

Additionally, discussions were also held on the potential to amalgamate the two (2) 'left over' properties to the west of the subject site (i.e. 152 and 158 Stoney Creek Road) into the development site. In this respect, the subject properties were formally evaluated and formal offers of purchase were made by the applicant to the owners of 152 and 158 Stoney Creek Road.

It is noted that the offers were ignored and not taken up by the respective owners. A copy of the evaluations and offers to the owners are provided at Attachment 14 of this Statement.

Consequently, the development has progressed based upon the development site identified at the pre-DA meeting with Council. It is, however, noted that the project architect has prepared indicative concepts for the redevelopment of 152 -158 Stoney Creek Road which demonstrate one option of how 152 -158 Stoney Creek Road could be redeveloped in the future, subject to the approval of the proposed development, and compliant with the relevant LEP, DCP, SEPP 65 and ADG provisions.

The indicative concept design for redevelopment of 152 -158 Stoney Creek Road is provided at Attachment 15.

## 3.0 Proposed Development

### 3.1 Overview

The proposal seeks consent for the following:

- Demolition of the existing commercial buildings and construction of a part 3 and part 5 storey mixed use development;
- Remediation of the land;
- Construction of a new development incorporating shop top housing with three (3) retail tenancies at ground level, plus one (1) larger retail space for a supermarket;
- 44 residential units on Levels 1 to 3;
- Three (3) basement levels accessed via Lee Avenue, containing a loading dock, retail storage areas and 203 car spaces for both retail customers and residents, and motor cycle spaces; and
- Ancillary site landscaping, including the upgrade of an existing public laneway to the north of the site that will enhance the connectivity between the site and existing Council car parking, and to other businesses within the Beverly Hills centre to the north of the site.

The proposal will result in excavation that may transect the water table and require dewatering. Therefore, the proposal is 'Integrated Development' under the provisions of Section 91 of the *EP&A Act 1979*.

The proposed development is described in more detail in the following sections.

### 3.2 Development Statistics

The key statistics of the proposal are summarised in Table 1 below.

Element	Proposed
Site Area	3,780m <sup>2</sup>
Total Dwellings	44 (five (5) adaptable)
Total Retail Tenancies	Three (3) individual retail spaces (shops), plus one (1) larger floor area for a supermarket
Residential GFA	4,088m <sup>2</sup>
Non-Residential GFA	2,197m <sup>2</sup>
Car Parking Spaces (above the requirement outlined in DS1.3 of Part 3 of HDCP 1) GFA	1,574.65m <sup>2</sup>
Total GFA	6,285m <sup>2</sup>
Total GFA if car parking spaces (above the requirement outlined in DS1.3 of Part 3 of HDCP 1) are included	7,859.65m <sup>2</sup>

Element	Proposed
GFA and FSR of the western component of the site within the area marked 'T1' on the HLEP FSR Maps	2,470m <sup>2</sup> GFA (on a site area of 1,178m <sup>2</sup> ) 2.10:1 FSR
GFA and FSR of the eastern component of the site within the area marked 'S' on the HLEP FSR Maps	3,815m <sup>2</sup> GFA (on a site area of 2,602m <sup>2</sup> ) 1.47:1 FSR
FSR of total residential GFA on total site area FSR of total commercial GFA on total site area	1.08:1 0.56:1
Overall FSR	1.66:1
Off-Street Parking	203 car spaces in total including: <ul style="list-style-type: none"> <li>• 66 residential car spaces (including 11 visitor spaces) on Basement Level 3;</li> <li>• 137 retail car spaces on Basement Levels 1 and 2; and</li> <li>• 1 loading bay within a designated loading dock serviced with a HRV turn table to facilitate access and egress.</li> </ul>
Communal Open Space	490m <sup>2</sup> (Level 1)

Table 1: Development Statistics

### 3.3 Detailed Description

#### 3.3.1 Built Form and Siting

The proposal involves the construction of a part three (3) and part five (5) storey building above three (3) levels of basement. The building is described below:

- In response to the site dimensions, the building form is rectangular in shape on an east west orientation;
- There are three (3) basement levels, accessed via a ramp running along the northern site boundary, off Lee Avenue which is to the east of the site. The basements accommodate car parking spaces and service vehicle spaces associated with the retail component of the development (Levels B1 and B2), garbage collection and storage areas (Level B1) and resident and visitor spaces for the residential component on Level B3, including storage areas and motor cycle parking spaces;
- The basements are serviced by two (2) goods lifts, a lift dedicated to retail customers to the ground level and two (2) dedicated resident lifts, one at each end of Basement Level 3 to service all residential levels above. In addition, there is a travelator to provide access from Levels B1 and B2 to the shopping level;
- The Ground Floor Level sits above the basement footprint, and is dedicated to the retail floor space, the majority of which is one (1) large floor plate suitable for occupation by the proposed supermarket. At the western end of the ground floor are three (3) smaller separate retail tenancies clustered around a retail forecourt which provides pedestrian access to both the Stoney Creek Road frontage to the south and the adjoining Council car park and King Georges Road to the north. There is a small area for a centre management office and public toilets;

- Level 1 has a smaller footprint than the ground level, and is a combination of residential floor area and open space/landscaping. There are 17 units in total, with the units that face south towards Stoney Creek Road provided with balconies, while those with a northern orientation have an open courtyard. The northern portion of the Level 1 is dedicated to communal open space and landscaping;
- Level 2 repeats the footprint of Level 1 below with 17 units, but with the north facing apartments having balconies rather than courtyards; and
- Levels 3 and 4 have a significantly reduced footprint with just five (5) units on each level. These levels are confined to the western end of the building, furthest away from the low density residential neighbours to the north and east.

### **3.3.2 Land Use**

The proposal seeks consent for a mixed use development comprising commercial premises (retail) and a residential flat building. The residential component is correctly defined as shop top housing.

Each use is described below.

#### Commercial Premises

A total of 2197m<sup>2</sup> of commercial premises floor space is proposed within three (3) smaller retail tenancies and one (1) larger tenancy, designed for occupation by a supermarket. The smaller retail tenancies have floor area of 161m<sup>2</sup>, 165m<sup>2</sup> and 140m<sup>2</sup>, while the supermarket has 1046m<sup>2</sup> of shop area, and 447m<sup>2</sup> back of house floor area. The centre administrative office and amenities are 59m<sup>2</sup> in total.

It is envisaged that the smaller retail tenancies may accommodate shops, food and beverage premises and the like. The retail tenancies have been designed to be flexible in their configuration so that two (2) or more tenants may utilise the floor area in the future if smaller areas are favoured.

All loading and unloading for the retail spaces has been contained within Basement Level 1. There is a large loading dock that will be contained within a retractable security screen. Within this defined area there is ample area for smaller delivery vehicles to park and unload directly into the dedicated goods lift. Importantly, there is also a vehicle turntable, suitable for a 12.5m Heavy Rigid Vehicle, that will facilitate the necessary manoeuvrability of the larger delivery/service vehicles required for the supermarket use. There is a dedicated supermarket goods lift direct to the supermarket back of house area above. This secure loading area also caters for garbage trucks.

Car parking for the retail component is distributed over Basement Levels 1 and 2, with 59 spaces on Level 1 and 78 spaces on Level 2. There is a dedicated retail lift to take customers from the basement levels to the retail court on Ground Level as well as a travelator servicing both basement levels that is suitable for shoppers with trolleys.

#### Residential

The residential component of the development proposal is in the form of shop top housing from Level 1 to Level 4. Key elements of the residential component are provided in Table 2.

Element	Description
Total Number of Dwellings	44
Residential Gross Floor Area	4,088m <sup>2</sup>
Dwelling mix	5 x one (1) bedroom dwellings (11%) 31 x two (2) bedroom dwellings (71%) 8 x three (3) bedroom dwellings (18%)
Dwelling sizes	One (1) bedroom dwellings: 63m <sup>2</sup> – 70m <sup>2</sup> Two (2) bedroom dwellings: 70m <sup>2</sup> - 89m <sup>2</sup> Three (3) bedroom dwellings: 96m <sup>2</sup> - 100m <sup>2</sup>
Adaptable dwellings	Five (5) dwellings = 1 per 8.8 dwellings
Private open space	Level 1 dwellings provided with open courtyards Area = 45m <sup>2</sup> to 83m <sup>2</sup>  Level 1 dwellings with balconies Area = 10m <sup>2</sup> to 25m <sup>2</sup>  Upper Level dwellings with balconies Area = 10m <sup>2</sup> to 12m <sup>2</sup>
Communal Open Space	490m <sup>2</sup> - Located on Level 1 to the north of the building
Storage	Storage is provided within each individual unit and additional residential storage areas are located within Basement Level 3.

Table 2: Residential key details

### 3.3.3 Retail Tenancies and Supermarket

No specific use is proposed for the three (3) smaller retail tenancies, and the use and fit out these will be subject to future applications and/or the provisions of exempt and complying development.

Additionally, the operational details of the supermarket are yet to be finalised with respect to matters relating to staffing numbers, hours of operation, signage, waste management and the like. Nonetheless the supermarket has been designed to suit the requirements of ALDI and it is expected that that company will take up the supermarket tenancy. The operation and final fitout of the supermarket will be the subject of a further application and/or the provisions of exempt and complying development.

### 3.3.4 External Materials and Finishes

External materials and finishes are detailed in the Architectural Design Package (provided under a separate cover) and the Architectural Design Statement prepared by Candalepas Associates (refer to Attachment 1). These Materials include:

- Pre-cast concrete panels and in situ concrete (some white painted);
- External wall tiles;
- Aluminium framed glazing;
- Glass blocks;
- Timber hand rails and steel balustrades;
- Various screening; and
- Face brick.

### **3.3.5 Landscape Area and Open Space**

The proposed landscape treatment is outlined in the Landscape Plan prepared by Elysium Design Landscape Architects (provided with the Architectural Drawings under a separate cover).

The landscape design provides detail for all communal open space areas, all private open space areas, and also for the landscaped setback along the northern boundary of the site.

#### Perimeter Landscaping

The interface between the site and its residential neighbours to the north has been landscaped in order to provide a soft edge to the development that will assist in the transition between the two (2) areas that have different zonings, and therefore different development expectations.

Along the northern boundary, a landscape strip (averaging 1.9m in width) will provide separation between the basement access ramp and the adjoining single dwelling house at 1 Lee Avenue. This landscape strip continues along the northern boundary of the site and wraps to screen the ground floor retail space and the communal open space that sits above it on Level 1. In particular, the landscape strip provides a screen between Retail Tenancy 1 and the rear yards of 9 Beresford Avenue and 1 & 3 Lee Avenue.

Complementing the ground floor level vegetation is a further landscaped strip at first floor level which sits in front of the northern facing private open space courtyards, and wraps around the communal open space, providing a second layer of vegetation buffer between the development and the dwellings to the north and north east.

Without the perimeter landscaping, the blank external wall of the ground level retail space would result in an inappropriate visual impact to the adjoining low density residential development to the north. It would also lead to potential privacy impacts from the future use of the communal open space that is located on Level 1, which is elevated above the rear yards of the adjoining residential development. The landscaping both softens the building and provides some visual screening so direct overlooking is avoided.

#### Communal Space

The proposal provides a total of 490m<sup>2</sup> of communal space, which represents 13% of the site area. The following is a summary of the elements of the communal space:

- The communal open space is located on Level 1;
- It is situated to the north of the site in order to maximise solar access;
- It is accessed directly from the main circulation corridor on Level 1, to which all units have lift access;
- It is adjacent to the private open space courtyards of the north facing units on Level 1 and therefore will provide a contiguous landscaped area on this Level; and
- The communal area includes seating and BBQ facilities, timber screening to enhance the privacy of both those using the space and those residents on adjoining sites;

### **3.3.6 Private Open Space**

All dwellings have private open space and there are two (2) forms of private open space provided.

The north facing units on Level 1 all have private open space in the form of landscaped courtyards. These have a 'backyard' quality and range in area from 45m<sup>2</sup> to 83m<sup>2</sup>.

All other dwellings have balconies that are directly accessed from the main living area of the dwelling.

### 3.3.7 Parking and Vehicular Access

Details of parking and vehicular access are provided in the architectural drawings and Traffic and Parking Assessment prepared by John Coady Consulting (refer to Attachment 2).

#### Parking and Servicing

The proposal provides a total of 203 car parking spaces over the three (3) levels of basement. A breakdown of the car parking is provided Table 3 below.

Element	Description
Resident Parking Spaces	57 spaces (including five (5) adaptable spaces)
Resident Visitor Parking Spaces	9 spaces
Commercial/Retail Parking Spaces	137 spaces (including four (4) accessible space)
Service Vehicle Spaces	1 dedicated secure loading area with 12.5m HRV turntable to facilitate manoeuvrability of service vehicles including garbage
Motorcycle Spaces	15 spaces over the three (3) basement levels

Table 3: Breakdown of car parking spaces

#### Vehicular Access/Servicing

All vehicular access will be via Lee Avenue, to which the site has frontage along its eastern boundary. Lee Avenue is a local road that intersects with Stoney Creek Road approximately 100m east of the signalised intersection of Stoney Creek Road and King Georges Road. It provides access to the lower density residential area to the north of the site and runs north through to Morgan Street, a collector that provides direct access to Kingsgrove to the west.

The driveway and entry to the car park is situated on the northern boundary of the site approximately 35m along Lee Avenue.

The ramp into the basement provides for two-way movements into, and out of the site with a 7.1m wide constructed driveway.

### 3.3.8 Accessibility

The DA is supported by Access Review prepared by Morris Goding Accessibility Consulting (refer to Attachment 3) which provides an assessment of the accessibility of the proposal, including adaptable housing, in accordance with the following:

- The access provisions of the BCA;
- The Access to Premises Standard;
- AS 1428.1 suite of Standards;
- AS 2890.6 for car parking;
- AS 1735.12 for lifts;
- AS 4299 for the adaptable units;
- SEPP 65 Part 4Q; and
- The Council's DCP relating to Access for People with a Disability.



The report demonstrates that the proposal complies with, or is capable of complying with the accessibility requirements upon resolution of detailed design issues.

### **3.3.9 Building Code of Australia**

The proposal is readily capable of complying with the Deemed to Satisfy provisions and Performance Requirements of the Building Code of Australia (BCA) as demonstrated by the BCA Compliance Report prepared by City Plan Services (refer to Attachment 4).

### **3.3.10 Demolition and Remediation**

The proposal requires the demolition of all existing buildings on the development site. The demolition works are to be undertaken in accordance with the provisions of Australian Standard AS 2601-1991.

The development is supported with site investigation reports (refer to Attachment 6) which identify some contamination at the site. It is proposed to remediate the site in accordance with a Remedial Action Plan (RAP). It is noted that the site previously accommodated a service station. The service station has since been demolished and decommissioned. Remediation works were undertaken at the time, and a Site Decommissioning Report prepared by CMPS & F Environmental confirming the removal of underground storage tanks and remediation works is attached to this SEE (refer to Attachment 7).

### **3.3.11 Excavation**

Excavation is proposed to construct the three (3) basement car park levels.

The depth of excavation varies with the maximum depth being approximately 14m to the bottom of Basement Level 3 from the existing ground level above.

Construction of the proposed development will require excavation adjacent to Stoney Creek Road and King Georges Road which are both Roads and Maritime Services (RMS) roads. Therefore, in accordance with the requirements of the 'RMS Technical Direction "Geotechnology" GTD 2012/001' dated 27 April 2012, there will be certain requirements to ensure the safety and integrity of the roads are not compromised. These matters have been considered in the Geotechnical assessment report prepared by Aargus, and submitted to support the Development Application (refer to Attachment 10).

### **3.3.12 Stormwater Management**

Hydraulic Services drawings have been prepared by AJ Whipps Consulting. The drawings demonstrate that the stormwater management system has been designed to connect to Council's current infrastructure, and includes on site detention as required by Council's stormwater policy

### **3.3.13 Waste Management**

Separate waste storage rooms have been included for the different components of the mixed use development (i.e. retail waste and residential waste). The waste management rooms are within the various Basement Levels and are of a size and capacity required to serve the development and consistent with Council's requirements.

In addition, a Construction Waste Management Plan has been prepared for the development, which addresses the demolition, excavation and construction phases of the development.

### **3.3.14 Signage**

The does not seek consent for specific signage. Any future signage will be subject to a separate application and/or the provisions of exempt and complying development (if they are applicable).

## 4.0 Section 79C Assessment

The assessment of the proposal outlined below addresses matters listed under section 79C of the *EP&A Act 1979*. The assessment set out in this section is provided to assist Council in its consideration of the application.

### 4.1 Overview of Statutory and Policy Controls

The relevant statutory and policy controls applicable to the subject site and proposed development are listed below.

#### 4.1.1 Relevant State and Regional Environmental Planning Policies

- State and Regional Development (SRD SEPP) 2011;
- State Environmental Planning Policy No.55 – Site Remediation (SEPP 55);
- State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development (SEPP 65);
- State Environmental Planning Policy (Building Sustainability Index: BASIX) (BASIX SEPP) 2004; and
- State Environmental Planning Policy (Infrastructure) (ISEPP) 2007.

#### 4.1.2 Relevant Local Environmental Plans

- Hurstville Local Environmental Plan (HLEP) 2012

#### 4.1.3 Draft Environmental Planning Instruments

There are no draft EPIs applicable to the development.

#### 4.1.4 Relevant Development Control Plans

- Hurstville Development Control Plan 1 (HDCP 1)

#### 4.1.5 Policies

- The Apartment Design Guide (ADG). This policy is to be considered in conjunction with SEPP 65.

### 4.2 Provisions of Relevant Environmental Planning Instruments

#### 4.2.1 State Environmental Planning Policy (State and Regional Development) (SRD SEPP) 2011

The proposal has a CIV of \$20,325,000 (refer to Attachment 5).

As the proposal has a CIV exceeding \$20 million, and is development identified in Schedule 4A of the *EP&A Act 1979*, it is deemed to be Regional Development in accordance with Part 4 of SRD SEPP. The specified consent authority functions for the application, including the determination of the application, are exercised by the relevant Sydney Planning panel, and not the Georges River Council.

#### **4.2.2 State Environmental Planning Policy No. 55 – Site Remediation (SEPP 55)**

SEPP 55 prescribes a statutory process associated with the development of land that is contaminated and needs remediation.

Clause 7 of SEPP 55 provides the following:

- “(1) A consent authority must not consent to the carrying out of any development on land unless:*
- (a) it has considered whether the land is contaminated, and*
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose”*

In order to satisfy the requirements of the SEPP, a Preliminary Site Investigation and a Detailed Site Investigation have been undertaken (refer to Attachment 6).

The assessment concludes that the risks to human health and the environment associated with soil contamination are low in the context of the proposed use and that the site can be made suitable for the proposed development subject to the implementation of the RAP.

It is noted that the site previously accommodated a service station. The service station has since been demolished and decommissioned. Remediation works were undertaken at the time and a Site Decommissioning Report prepared by CMPS & F Environmental confirming the removal of underground storage tanks and remediation works is attached to this SEE (refer to Attachment 7).

The proposal is considered to be consistent with the requirements of SEPP 55, and the development site can be considered suitable for the proposed mixed use residential and commercial development.

#### **4.2.3 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)**

The proposal seeks to construct a mixed use development, including a residential component up to four (4) levels above the ground floor retail spaces with 44 residential apartments and accordingly the provisions of SEPP 65 applies to the proposal.

A detailed SEPP 65 Architectural Design Verification Statement prepared by Candalepas Associates has been submitted (refer to Attachment 1). The Statement verifies that Angelo Candalepas (a registered architect) has completed the design of the residential apartment development, and that it achieves the design quality principles set out in Part 2 of SEPP 65.

The SEPP 65 Design Statement includes the following:

- Design Verification Statement;
- Design overview and an assessment of the design quality principles set out in SEPP 65; and
- SEPP 65 Compliance Checklist which provides an assessment of the proposal against the design criteria and objectives of the Apartment Design Guide.

Table 4 includes a summary of the proposal in context with the key numerical design criteria contained in the ADG.

#### **Apartment Design Guide Summary**

## Apartment Design Guide Summary

### Communal and Public Open Space

*Minimum area equal to 25% of the site.*

The equivalent of 13% of the site area has been provided for the purposes of communal open space. This is considered to be appropriate given the B2 zoning of the site, the mixed use nature of the development, and the requirement to have no residential uses at ground level. Additionally, it is noted that many of the units are provided with private open space areas which are greater than the minimum area requirement.

### Solar and Daylight Access

*Living rooms and private open spaces of 70% of apartments receive a minimum 2hrs of direct sunlight between 9am and 3pm at mid winter.*

Complies

70% of units receive a minimum of two (2) hours solar access to the internal living areas between 9:00am and 3:00pm in mid-winter;

70% of units receive a minimum of two (2) hours solar access to the primary POS between 9:00am and 3:00pm in mid-winter;

*A maximum of 15% apartments in a building receive no direct sunlight between 9am and 3pm at mid winter.*

Less than 15% of apartments receive no direct sunlight between 9:00am and 3:00pm in mid-winter.

### Natural Ventilation

*60% of apartments are naturally cross ventilated.*

Complies.

The design exceeds this requirement, such that 64% of units will be naturally cross ventilated.

*Overall depth of cross-over or cross-through apartment does not exceed 18m.*

Complies. Depth of dwellings is less than 18m.

### Apartment Size

*Apartments are to have the minimum internal areas:*

- 1 bedroom: 50m<sup>2</sup>
- 2 bedroom: 70m<sup>2</sup>
- 3 bedroom: 90m<sup>2</sup>

Complies. All apartments are consistent with the design criterion for apartment size.

- 1 bedroom dwellings: 63m<sup>2</sup> – 70m<sup>2</sup>
- 2 bedroom dwellings: 70m<sup>2</sup> - 89m<sup>2</sup>
- 3 bedroom dwellings: 96m<sup>2</sup> - 100m<sup>2</sup>

*Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each.*

All apartments that contain additional bathrooms are provided with an additional 5m<sup>2</sup> in floor area per additional bathroom.

## Apartment Design Guide Summary

### Private Open Space and Balconies

*Apartments are to have primary balconies with minimum areas as follows:*

- 1 bedroom: 8m<sup>2</sup>/ 2m minimum depth
- 2 bedroom: 10m<sup>2</sup>/ 2m minimum depth
- 3 bedroom: 12m<sup>2</sup>/ 2.4m minimum depth

*Apartments on ground or podium level are to provide a private open space with a minimum area of 15m<sup>2</sup> and minimum depth of 3m.*

Complies. All balconies comply with the minimum area and minimum depth requirements.

The depth and placement of balconies have been configured with the aim to maximise the quantity of daylight able to penetrate internal habitable rooms of the development on June 21 winter solstice.

For the nine (9) units at Level 1 with north facing orientation, generous Landscaped courtyards ranging between 45m<sup>2</sup> to 83m<sup>2</sup>.

The south facing units on Level 1 and the upper level dwellings on Levels 2, 3 and 4, all have private open space balconies that are larger than the minimum requirement with some private open space areas ranging up to 25m<sup>2</sup> in area.

### Storage

*In addition to kitchen, bathroom and bedroom storage, apartments are to have provide the minimum volume of storage as follows:*

- 1 bedroom: 6m<sup>3</sup>
- 2 bedroom: 8m<sup>3</sup>
- 3+ bedroom: 10m<sup>3</sup>

Complies.

All apartments are provided with equal to, or, in excess of the minimum storage areas within the relevant apartment. Additional residential storage space (i.e. above storage that is in addition to the minimum requirement) is provided within the basement levels.

### Visual Privacy - Building Separation

*Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:*

Building height	Habitable rooms and balconies	Non-habitable rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

*Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2 in ADG).*

*Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring Properties.*

Complies. As per 3F1.2, the proposal provides a single setback at podium level. Privacy impacts are ameliorated by:

- Orientation of primary outlook 90° to neighbouring outlook
- Provision of architectural screening to make outlook more oblique and artificially increase separation

Refer to further detailed discussion regarding building separation under Section 4.9.3 of this SEE.

Table 4: ADG Summary

#### **4.2.4 SEPP (Building Sustainability Index: BASIX) (BASIX SEPP) 2004**

A BASIX Certificate has been issued for the proposed development. The Certificate ensures the proposal meets the required water and energy targets and accordingly satisfies the aims of the SEPP. The Certificate and associated reports are at Attachment 8.

#### **4.2.5 State Environmental Planning Policy (Infrastructure) (ISEPP) 2007**

The ISEPP 2007 provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

The aim of the policy is:

- “(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.”*

The SEPP applies to the State and therefore applies to the subject site.

The SEPP is divided into three (3) parts being preliminary, general and development controls. The Development Controls in Part 3 are divided into 25 use based divisions. The Division that applies to the proposed development is Division 17, Subdivision 2 – Development in or adjacent to road corridors and road reservations.

This Division is addressed below:

##### Division 17, Subdivision 2 Clause 101 - Development with frontage to a classified road

Clause 101 of the SEPP seeks to ensure that development does not compromise the operation of classified roads and prevent the potential impact of traffic noise and emissions on development adjacent to classified roads.

Clause 101 applies to the proposed development as the site has a frontage to Stoney Creek Road.

The proposal complies with Clause 101(2)(a) in that the proposed development does not seek access directly via Stoney Creek Road. Vehicular access will be provided via Lee Avenue, an existing local road.

An assessment of the traffic impacts has been undertaken in the Traffic and Parking Assessment at Attachment 2.

#### Division 17, Subdivision 2 Clause 102 - Impact of road noise or vibration on non-road development

Clause 102 of the SEPP applies to development for residential use that is proposed on land adjacent to a road corridor for a freeway, tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles.

In accordance with the RMS's Traffic Volume Maps for Noise Assessment For Building Land Adjacent to Busy Roads – Map 15, Stoney Creek Road is a road with an annual average daily traffic volume of more than 20,000 vehicles but less than 40,000 vehicles and therefore clause 102 does not apply. However, the adjacency of Kings Georges Road, which has traffic volumes above the SEPP threshold, results in a situation that warrants assessment of noise and vibration. To this effect an appropriate report has been prepared by Rodney Stevens Acoustics and submitted to support the Development Application (refer to Attachment 9).

#### Division 17, Subdivision 2 Clause 104 - Traffic generating development

Clause 104 identifies that development listed in Schedule 3 of the SEPP is considered traffic generating development, and is required to be referred to the RMS.

Column 3 of Schedule 3 of the SEPP identifies that where an “apartment or residential flat building” of 75 or more dwellings is proposed with access to a classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road), the matter is to be referred to the RMS. The proposed development contains only 44 dwellings.

However, Column 3 of Schedule 3 also refers to development for shops of 500m<sup>2</sup> or more when the site access is from a local road and the distance to the intersection with the RMS road is less than 9m. In this case, the proposed site access to and from Lee Avenue is approximately 35m from its intersection with Stoney Creek Road, and therefore Clause 104 is applicable.

Each of the other divisions has been considered and are not of relevance to the proposal.

### **4.2.6 Hurstville Local Environmental Plan 2012**

#### Zoning and Permissibility

The proposal is subject to the provisions of HLEP 2012. The subject site is zoned ‘B2 Local Centre’ (refer Figure 12).



**Hurstville Local  
Environmental  
Plan 2012**

#### Land Zoning Map - Sheet LZN\_004

##### Zone

B1	Neighbourhood Centre
B2	Local Centre
E1	National Parks and Nature Reserves
IN2	Light Industrial
R2	Low Density Residential
R3	Medium Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP2	Infrastructure
W2	Recreational Waterways
HCC	Hurstville LEP 1994

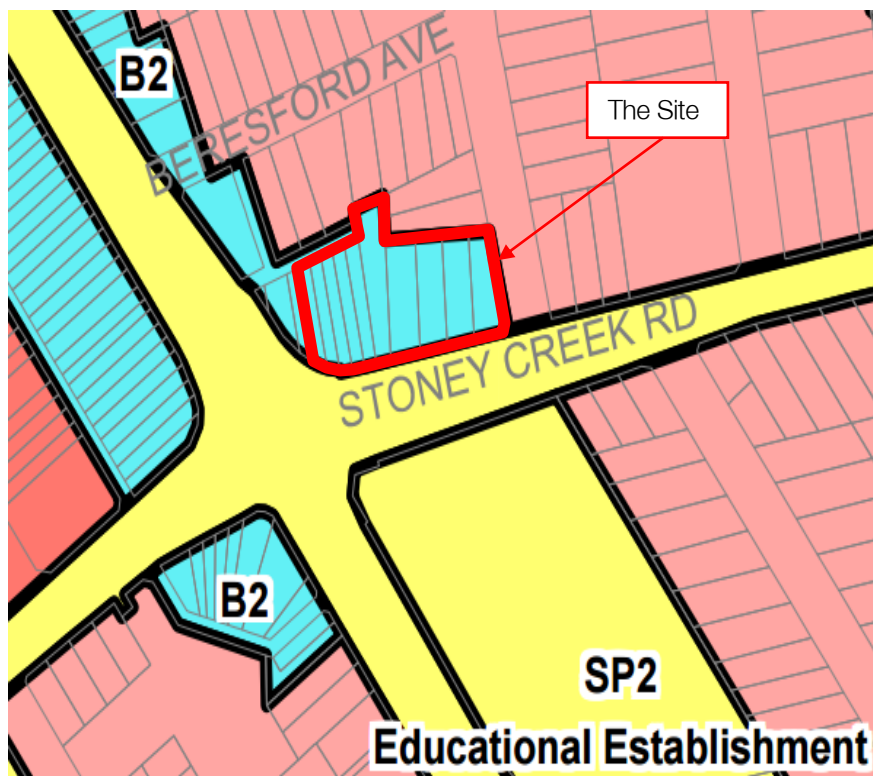


Figure 12: Extract of HLEP 2012 Zoning Map

The proposal seeks consent for a five (5) storey mixed use building which accommodates four (4) retail premises, including a supermarket and a residential flat building containing 44 residential units.

Development for the purpose of commercial premises (of which retail premises, office premises and business premises are all types) and shop top housing are both permissible with consent in the 'B2 Local Centre' zone.

It is noted that the ground level development is comprised of retail premises only, in the form of four (4) retail tenancies (one (1) for the purpose of a supermarket). The residential component the development (being the 44 units) is above the retail tenancies. Specifically, it is noted that notwithstanding a significant change in levels across the site, the level which accommodates the four (4) retail premises rises at least 1.5m above the existing ground level (such that the floor level of the storey above is at least 1.5m above the existing ground level) and it constitutes a "storey" and not a basement level in accordance with HLEP 2012 definitions.

The retail level can therefore be accurately defined as the ground level. Given the residential units are all above ground level retail premises, the residential component is appropriately defined as shop top housing in accordance with the HLEP 2012 definition.

The proposal is consistent with the objectives of the 'B2 Local Centre' zone as detailed in Table 5.



Objective	Comment
<i>To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.</i>	The proposal includes commercial premises, which could include business and or retail premises as well as a large floor area specifically for a supermarket and residential dwellings. All of these forms of land uses are envisaged for the zone.
<i>To encourage employment opportunities in accessible locations.</i>	The proposed retail floor space will provide employment opportunities.  Because of the sites proximity to a range of public transport, it can be considered to be an accessible location.
<i>To maximise public transport patronage and encourage walking and cycling.</i>	The site has good access to public transport and is an accessible location. It is approximately 400m from Beverly Hills Train Station. The site is also well serviced by bus routes that provide transport to a range of other nearby centres.
<i>To maintain a commercial and retail focus for larger scale commercial precincts.</i>	In the hierarchy of commercial centres within the Council area, Beverly Hills is a secondary centre. It is a well known entertainment precinct, with a high proportion of restaurants and cafes. The proposed supermarket in particular will broaden the retail offer available.  Additionally, the proposal seeks to significantly improved the access to the site from the adjacent lane to the north. This will improve the pedestrian connectivity of the site with the northern part of the B2 zone. The improvements include a footpath widening, landscaping to the end of the lane way and the creation of a wide 'mouthed' pedestrian entry to a retail courtyard into the site.

Table 5: 'B4 Mixed Use' Zone Objectives Assessment Table

#### Height of Buildings (Clause 4.3)

Although the site is within the one (1) zone (B2 Local Centre), Clause 4.3 establishes two (2) maximum height controls as illustrated in the extract of the Height of Building Map included in Figure 13.

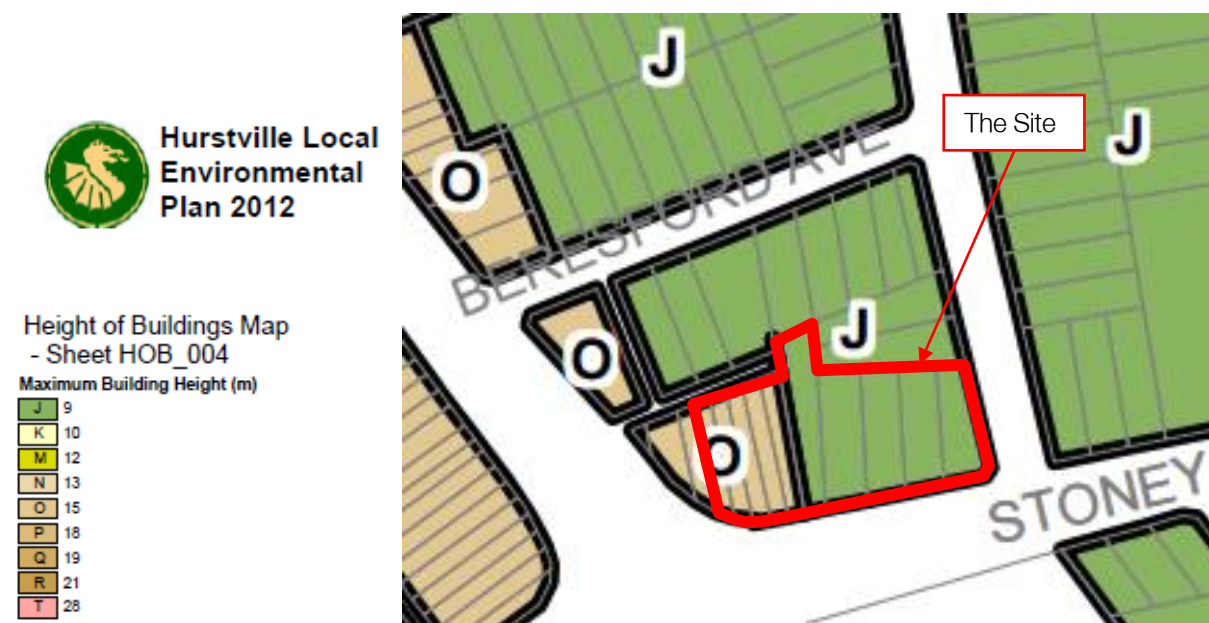


Figure 13: Extract of HLEP 2012 Height of Building Map

Height O is 15m and Height J is 9m.

The proposed building exceeds the 15m building height control at the northern and western end of the site. The top height of the building is AHD 50.66m, resulting in a maximum height of 17.92m or a variation of approximately 2.92m.

A formal exception to the height control is sought in accordance with Clause 4.6 Exceptions to development standards of HLEP 2012 and is included at Attachment 13.

In summary, the Clause 4.6 request demonstrates that the proposal is consistent with the objectives of the building height standard outlined in Subclause 4.3, despite the variation, and that the variation is justified.

#### Floor Space Ratio (Clause 4.4)

Although the site is within the one (1) zone (B2 Local Centre), Clause 4.4 establishes two (2) maximum FSR controls as illustrated in the extract of the Floor Space Ratio Map included in Figure 14 below.

Area S provides for a maximum FSR of 1.5:1, and Area T1 provides for a maximum FSR of 2:1.

The proposed development achieves an FSR of 2.10:1 over Area T1 and an FSR of 1.47:1 over area S of the site.

It is noted that when the FSR is treated on a 'pro-rata' basis over the entire site, the applicable FSR would be 1.66:1 with a maximum GFA of 6,290m<sup>2</sup>. This is based upon the component identified as S having a site area of 2602m<sup>2</sup> (representing 69% of the total site area) and the component of the site identified as T1 having a site area of 1,178m<sup>2</sup> (representing 31% of the total site area).

The proposal involves a total GFA of 6,285m<sup>2</sup>, which is less than the maximum GFA permitted over the entire site on a pro rata basis. Notwithstanding the above, the proposal is supported by a formal request under the provisions of Clause 4.6 of HLEP 2012 to vary the FSR development standard (as it applies to the western end of the site) at Attachment 13.

It is also noted that the proposed onsite car parking arrangements allow for 203 car spaces. Table 1 within Part 3 of HDCP 1 indicates a prescriptive car parking rate for the development which is less than the 203 car spaces provided. Notwithstanding, the HDCP 1 also outlines within the Design Solutions (i.e. DS1.1 and DS1.2) for car parking, that the prescriptive parking requirements in Table 1 are applied on a discretionary basis only, and that the parking requirement for specific developments may be established according to expert reports on the existing parking and traffic conditions in the vicinity of the subject. In this instance the proposal is supported by an expert parking and traffic report which identifies that the proposed 203 car spaces are appropriate to the demand that will be generated by the proposed mixed use development. In that regard the proposal does not represent a surplus of car spaces.

Notwithstanding, a precautionary Clause 4.6 Statement has been submitted which addresses the non-compliant FSR in the event that the prescriptive car parking rate in Table 1 of Part 3 of the HDCP 1 is applied by Council.



**Hurstville Local  
Environmental  
Plan 2012**

#### Floor Space Ratio Map - Sheet FSR\_004

Maximum Floor Space Ratio (n:1)

F	0.6
N	1.0
P	1.2
S	1.5
T1	2.0
T2	2.2
U	2.5
V	3.0

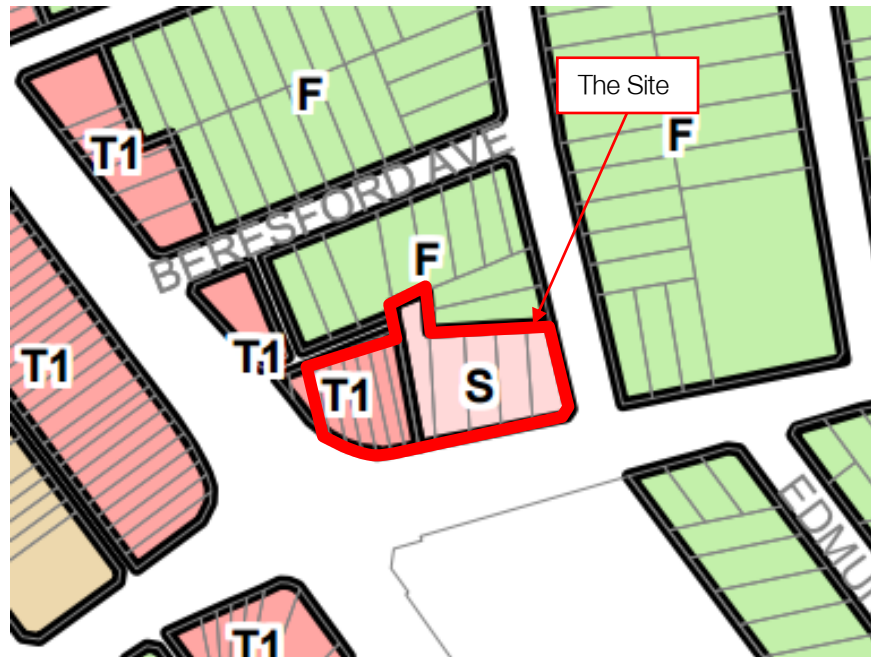


Figure 14: Extract of HLEP 2012 FSR Map

#### Exceptions to floor space ratios for buildings on land in certain zones (Clause 4.4a)

Clause 4.4A outlines a requirement in the B2 zone that the non-residential FSR must be at least 0.5:1 for a development. The proposal readily complies in this instance, such that the non-residential floor space of the development is equivalent to 2,157m<sup>2</sup>, which represents 0.57:1.

#### Relevant acquisition authority (Clause 5.1)

Clause 5.1 of HLEP 2012 identifies the “Relevant Acquisition Authority”. The clause refers to the Land Reservation Acquisition Map. There is no land associated with this development proposal that is nominated upon the Map.

#### Acid sulfate soils (Clause 6.1)

Clause 6.1 seeks to minimise the impacts of acid sulphate soils to the environment. Classes of acid sulphate soils have been applied to land throughout the LGA and mapped on the Acid Sulfate Soils Map. The site and surrounds are not identified upon the Maps and therefore the Clause is of no relevance to this Development Application.

#### Active street frontages (Clause 6.6)

Clause 6.6 requires the provision of active street frontages at ground level for certain land within the B2 Local Centre zone, as identified on the Active Street Frontages Map.

The site is identified on the Active Street Frontage Map, as is the entire King Georges Road commercial strip. It is therefore subject to the requirements of Clause 6.7 which describes an active street frontage as a development having all premises on the ground floor of the building facing the street being used for the purposes of business premises or retail premises.



**Hurstville Local  
Environmental  
Plan 2012**

**Active Street Frontages Map  
- Sheet ASF\_004**

— Active Street Frontage



Figure 15: Extract of HLEP 2012 Active street Frontages Map

The proposed development incorporates these active commercial uses on the ground level along the southern and northern elevations (i.e. retail tenancies) in a way that helps to connect the site and these uses with the broader public realm. This is particularly so to the north where there is a strong connection between the development and the Council car park to encourage access from shoppers off Kings Georges Road, although pedestrian access is also available directly off the Stoney Creek Road frontage.

Importantly, and notwithstanding the relatively 'hostile nature' of the frontage (due to impacts associated with the built form and the traffic), all development at ground level addressing the Stoney Creek Road frontage is retail in nature, with openings and pedestrian access facing the street. In that respect, the proposal satisfies the provisions of Clause 6.6.

#### **4.3 Provisions of Draft Environmental Planning Instruments**

There are no relevant draft EPIs.

#### **4.4 Provisions of a Development Control Plan**

##### **4.4.1 Hurstville Development Control Plan 1 Amendment No. 5 (HDCP 1)**

The HDCP 1 Amendment No. 5 is the only DCP applicable to the proposed development. The DCP came into effect on 13 July 2016.

The relevant controls within the DCP have been addressed in the following table, noting that Section 4 Specific Controls for Residential Development does not apply to mixed use development or development within the B2 Local Centre zones. In this respect, assessment of the residential (shop top housing) component of the development has been undertaken against the provisions of SEPP 65 and the ADG.

It is noted that some of the DCP controls duplicate the equivalent ADG design criteria (e.g. natural ventilation). In such instances the following table does not assess the development against the equivalent DCP control.

Section 3 General Planning Considerations	Comment
3.1 Vehicle access, parking and manoeuvring	<p>Car parking, traffic generation and compliance with the relevant standards for vehicular access are considered within the Traffic and Parking Assessment – refer to Attachment 2.</p> <p>In summary however, it is noted that the proposal will provide car parking in excess of the minimum prescriptive rate identified within DS1.3 and Table 1 of Part 3 of the DCP. Notwithstanding, the proposal relies upon the provisions within DS1.1 and DS1.2 and is supported by an expert report which identifies that the proposed number of on-site car spaces is consistent with the demand that is likely to be generated by the mixed use development (particularly given the proposed supermarket component).</p> <p>It is therefore considered that the on-site car parking rate proposed satisfies the requirements under DS1.1 and DS1.2 of the DCP and complies with the Performance Criteria PC1 of Part 3.1 as the proposed basement car park will achieve the following:</p> <ul style="list-style-type: none"> <li>• Be of sufficient in size, be safe and convenient and meet the user requirements including pedestrians, cyclists and vehicles;</li> <li>• Be safe, easily accessible, does not obstruct the passage of vehicles or create traffic conflicts, impact pedestrians or cyclists and will not result in detrimental effects to adjoining or nearby properties</li> <li>• And provide car parking that accords with the projected needs of the development.</li> </ul>
Section 5 Controls for Specific non-residential development	Comment
5.1 Extended trading Hours	The proposal includes retails premises at ground level, which include three (3) small to medium sized retail tenancies, as well as a large floor area specifically for a supermarket. There is no current proposal for any extended hours commercial uses.
5.5 Signage	No signage is proposed at this stage.
Section 6 Controls for Specific sites and localities	Comment
6.1 Beverly Hills	The site lies within the area identified as the Beverly Hills Study Area within Section 6.1 of the DCP, and the provisions of that part therefore apply to the development.
Building Envelope	“Control Drawings” 1, 8 and 9 are relevant to the development site. The proposal is generally consistent with the objectives of the building envelope controls, although the proposal does seek a part five (5) and part three (3) storey building compared to the part four (4) and part two (2) storey building envisaged in the controls.

Additionally, the proposal varies the rear setback compared to that identified in Control Drawings 8 and 9.

Notwithstanding the variations, the proposal responds to the site specific conditions (including the varying topography) and existing built forms at adjacent sites.

A 2m footpath widening allowance has been included into the design with respect to the rear lane.

Specifically, the proposal seeks to respond to the rear lane and includes significant upgrade and additional landscaping, and thereby significantly improves the pedestrian connect between the site and the nearby Council car park and commercial strip along King Georges Road.

The proposal includes appropriate setbacks along the northern boundary, ensure adequate (and ADG compliant) building separation to the lower density residential properties in Beresford Avenue and Lee Ave.

The nil setback proposed to the western commercial properties is envisaged within the building envelope controls. In respect of this matter it is noted that the adjacent land owners have been contacted and offers made to purchase the sites. To date these offers have been unsuccessful (refer to Attachment 14).

Notwithstanding that amalgamation of the site with the adjacent western commercial properties has not been accomplished, the design of the proposed development allows for the development of those properties in a compliant manner and a indicative concept has been prepared to demonstrate one form of future potential development at those sites (refer to Attachment 15).

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*Building Use*

Complies. The building has been designed for mixed uses with all ground floor levels in buildings to incorporate retail uses to activate the street.

Access to residential uses above ground floor does occupy more than 20% of the frontage.

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*Height*

The development complies with the LEP height control applicable to the eastern portion of the site and seeks a variation to the LEP height control to the western portion of the site. This matter is discussed in detail within the attached Clause 4.6 Statement – refer to Attachment 13.

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*Building Design*

Complies. The proposed building:

- Will enhance the streetscape;
  - Will provide a high quality working and living environment for employees and residents;
-

- Is appropriately modulated and articulated and will provide well proportioned elevations; and
- Responds to noise, sunlight, breezes, privacy and views.

<i>Balconies</i>	<p>The proposed balconies are of a size and dimensions that respond to the ADG requirements.</p> <p>Additionally, the design of the balconies respond to the circumstances of the site such that they are orientated to the north where possible, and where they are orientated towards Stoney Creek Road, the balconies employ appropriate materials, screening and building elements to buffer users from the relatively harsh traffic dominated environment of Stoney Creek Road.</p> <p>The balconies are considered to enhance the architectural and streetscape character; enhance the amenity of residents; and contribute to building articulation and modulation.</p>
<i>Acoustic Privacy</i>	Complies – refer to attached Acoustic Report (Attachment 9)
<i>Lifts</i>	Complies. The proposed development provides a series of lifts including designated retail lifts and residential lifts, ensuring accessibility throughout the building.
<i>Awnings</i>	Awnings are provided where appropriate at the main Stoney Creek Road pedestrian entry and also to the rear laneway.
<i>Through Block Connections</i>	The proposal will result in a new through site connection. The connection will provide access to from Stoney Creek Road through the site via a retail courtyard, then onto a widened footpath at the rear lane. The lane provides access to Council's car aprk and the remainder of the shopping strip along Kiong Georges Road. The proposal will significant enhance the site's contribution to the amenity and convenience of Beverly Hills as a local centre.
<i>Shop Fronts</i>	<p>The proposed design will ensure visual interest to Stoney Creek Road and also to the rear lane.</p> <p>The design of the proposal incorporates the principles of crime prevention through environmental design.</p>
<i>Landscaping and Open Space</i>	<p>The DCP does not require deep soil gardens, however open space must be provided above ground, in the form of gardens over car parking areas, verandahs, balconies and/or loggias.</p> <p>In this regard the proposal complies with the DCP. The proposal will provide a 1.9 to 3m landscaped area around the northern perimeter at ground level with extensive landscaped open space at Level 1.</p> <p>The proposal seeks to enhance the public domain through the provision of footpath widening to the rear lane with</p>

additional landscaping at the eastern end of the laneway.

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*Vehicular Access and Loading Dock*

Complies. Vehicular access and servicing requirements are considered within the attached Traffic and Parking Assessment – refer to Attachment 2.

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*Building Address and Articulation*

Complies.

The proposal incorporates the following elements to provide appropriate articulation:

- entries, balconies, terraces, decks and planters
- external walkways and seating
- screens, external patterned walls, awnings, deep reveals, roof overhangs

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*Building Resolution*

The proposed building represents high quality architectural design which will enhance the Beverly Hills commercial centre and assist in creating a desirable living and working environment.

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*Solar Access and Natural Daylight*

The proposed building complies with the ADG requirements for solar access.

In terms of overshadowing of adjacent properties, it is noted that due to the north south orientation of the site the shadows from the proposed building tend to fall over Stoney Creek Road. The proposal will not result in any adjacent residential property receiving less than 3 hours solar access in mid-winter.

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*Water Conservation and Stormwater Management*

Complies. A comprehensive stormwater concept design, with relevant calculations, has been prepared by AJ Whipps and accompanies the DA.

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Table 6: Assessment against the DCP provisions

#### **4.5 Other Relevant Policies**

There are no other relevant Council policies that are applicable to development.

#### **4.6 Contribution Plans**

The following Council contribution plans apply to the proposed development:

- Hurstville Section 94 Development Contributions Plan 2012

The relevant contributions will need to be assessed having regard to the extent and cost of any land to be excised and used by Council as part of the proposal.

#### **4.7 Any Matters Prescribed by the EP&A Regulations 2000**

Demolition works are proposed to remove the existing building and structures on site, accordingly clause 92 of the Regulations applies.

All demolition works will comply with AS2601.



## 4.8 Any Planning Agreement or draft Planning Agreement

A Voluntary Planning Agreement (VPA) does not apply to the site and the application does not propose a VPA.

## 4.9 The Likely Impacts of the Development

### 4.9.1 Visual Impacts

The visibility of a development is determined by its scale, the local topography, proximity to busy roads, landscape features and built form that combine to expose a development to the views of the surrounding community.

The site of the proposed development is located at the intersection of the heavily trafficked Stoney Creek Road and King Georges Road. The intersection is at the southern end of the Beverly Hills commercial strip and can be described as the southern entry point to this centre.

The development will be prominent, particularly along its southern elevation that fronts onto Stoney Creek Road.

However, the existing commercial buildings on the properties immediately to the west of the site that occupy the corner will reduce visibility of the new development, in particular the western elevation where only Levels 3,4 and 5 will be visible. This can most easily be understood with reference to the architectural drawings of the west elevation from Candalepas Associates (refer to Figure 16). The adjoining existing sites also have future development potential for 15m building heights.

The fact that similar scale of development is permissible and envisaged for adjacent properties means that the site is unlikely to remain prominent when viewed from the north and western views.

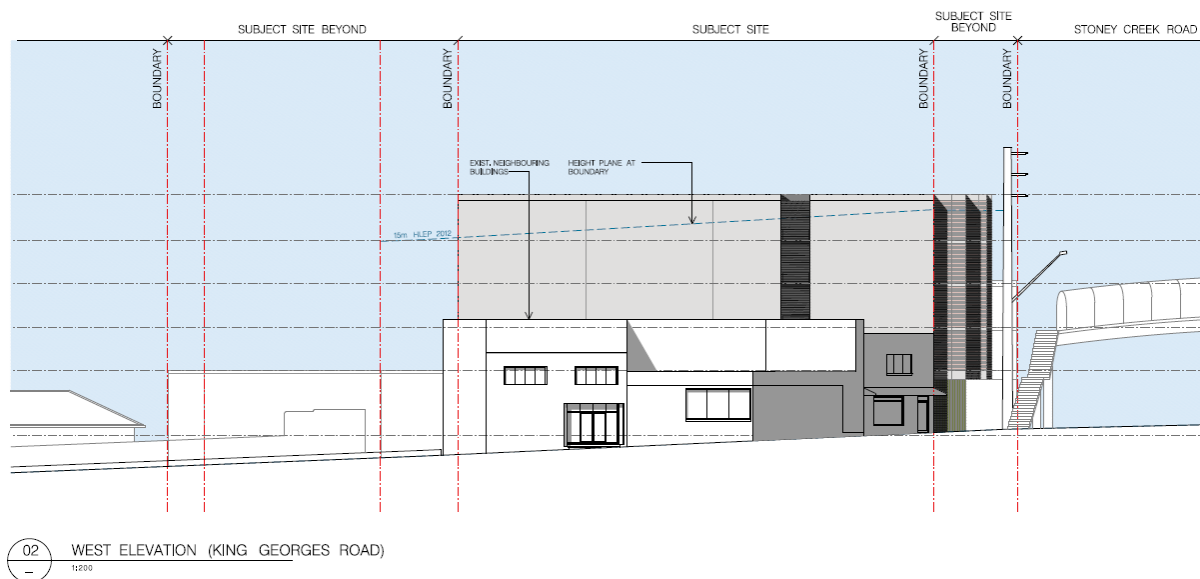


Figure 16: Extract from West Elevation

### 4.9.2 Height, Bulk and Scale

The current height and scale of development within the immediate context of the site varies quite distinctly.

The proposal seeks to vary the height control of 15m by a maximum of 2.92m. The variation relates to the western end of the building noting that the eastern end is compliant with the height control.

The variation reduces quickly as the building moves up the slope towards Stoney Creek Road (i.e. along the north-south axis) and also towards Lee Avenue (i.e. along the east-west axis). The variation in height will not be clearly discernible when viewing the building and does not result in adverse solar access impacts or visual massing impacts.

It is likely that in addition to existing development, future development surrounding the site within the local commercial centre will reflect the same scale as that proposed for the site.

Additionally, the site is on a prominent corner and the highest part of the development is positioned towards the two (2) major roads and the existing overhead pedestrian bridge, and away from the lower density residential development to the north and north east. Specifically, the development drops to three (3) storeys at the eastern end of the site, and includes significant setbacks to the northern boundary so that the proposed building is well separated from the one (1) and two (2) storey development in Lee Avenue and Beresford Avenue.

The proposed building therefore will not result in a change in the character of the site and surrounding areas, as its height and scale will be consistent with the scale of development originally envisaged and now being delivered by the planning controls for the Beverly Hills centre.

Finally, as discussed elsewhere in this SEE, the height of the proposed building is entirely reasonable and appropriate for the site given its prominent location at the main southern entry point to the Beverley Hills commercial centre. The building will provide a visual and physical focus and signify an entry into the commercial centre, while respecting the residential development to the east.

### 4.9.3 Building Separation and Privacy

The ADG establishes guidance for building separation distances relative to the height of a building form and the proximity of the nearest use.

The objectives of these guidelines are:

- To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings;
- To provide visual and acoustic privacy for existing and new residents;
- To control overshadowing of adjacent properties and private or shared open space;
- To allow for the provision of open space with appropriate size and proportion for recreational activities for building occupants; and
- To provide deep soil zones for stormwater management and tree planting, where contextual and site conditions allow.

The suggested dimensions within a development and between adjoining sites as identified in the ADG are summarised in Table 10:

	Up to four (4) storeys	Five (5) to eight (8) storeys	Nine (9) storeys and above
Habitable Room	12m	18m	24m
Habitable Room to Non-habitable	9m	13m	18m
Non-Habitable to Non-Habitable	6m	9m	12m

Table 7: ADG Building Separation Distances

The majority of the proposed development complies with the suggested building separation distances of the ADG. With Stoney Creek Road to the south and Lee Avenue to the east, the separation distances to other development in these directions is well in excess of the minimum requirements.

The proposed building is designed to directly abut the existing commercial building to the west. There are no openings to the western elevation of the building at any of the residential levels. This is best understood with reference to the Section A drawing from the Candalepas Associates Architectural drawing package (Figure 17).

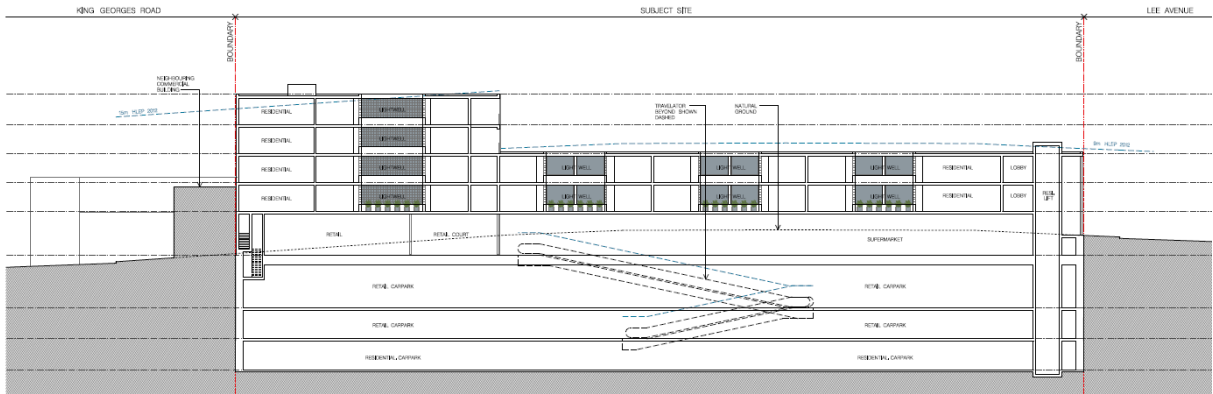


Figure 17: Extract of Section Drawing

To the north, which adjoins lower scale, lower density residential development, the ground level of the proposed residential development is a minimum of 9m (for the supermarket) 1.9m for the proposed vehicular ramp, and 8.4m for Retail Tenancy 1 from the northern boundary.

The upper residential levels, are setback from the common boundary with 1 Lee Avenue by in excess of 12m.

The upper levels of the western end of the development, which rises to five (5) storeys, is setback from the northern boundary by between 2m and 19.5m. In this respect, it is noted that to the northern of the site is a 6m wide lane, so that the building will be separate from Beresford Avenue properties by a minimum of 8m and up to 25.5m. Additionally it is noted that the closet living opening and/or balcony is 6m from the northern boundary, effectively creating a minimum 12m separation between living rooms/balconies at the proposed development and the residential properties to the north in Beresford Avenue.

As such, the proposal will not result in visual privacy impacts, bulk and scale impacts and is consistent with the ADG objectives for building separation.

This issue has been further discussed in detail in the SEPP 65 Design Statement prepared by Candalepas Associates (refer to Attachment 1).

#### 4.9.4 Parking, Access and Traffic

##### Parking and loading

Sufficient onsite parking is provided to accommodate the parking demand that is expected to be generated by the development. That claim is based upon an understanding of the relationship between various planning documents that are commonly used to judge the adequacy of onsite parking, being the ADG, the Council’s DCP, the RMS Guide to Traffic Generating Development, and the project Traffic Engineer’s expert opinion (based upon surveys of similar mixed use developments).

The Council DCP includes detailed requirements in relation to car parking set out in Chapter 3 Section 3.1.

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The proposal includes onsite parking that is above the minimum prescriptive Council requirement, but which is considered appropriate for a mixed use development of the nature proposed. In particular, the proposed supermarket is expected to generate a relatively high demand for onsite parking (notwithstanding the sites proximity to the train station) and for that reason the proposed 203 car spaces are considered appropriate in this instance.

Section 3.1.3 sets out performance criteria and corresponding design solutions for the design, functionality and appearance of car parking areas. These guidelines call up the relevant AS 2890.1 2004 and AS2890.2 Part 2 for the design and layout of parking facilities.

The proposed basement car parking has been designed to be in accordance with these guidelines.

Specific requirements are identified for basement car parking and the developments response to these as outlined in the attached Traffic and Parking Assessment.

Importantly, it is noted that the proposed entry to the car park is via Lee Avenue, consistent with the DCP requirements. Care has been taken in the design of the driveway/ramped access to the basement car park, such that it is setback far enough from the common boundary with 1 Lee Avenue so to allow a meaningful landscape buffer to be included between the driveway and the common boundary.

The driveway has been designed so as to minimise its visual impact to Lee Street and is located to maximise pedestrian safety. All pedestrian access points to the proposed building are separate from the vehicular access.

The basement has been concentrated under the building footprint as far as possible. The basement design also includes allowance for a 'punch through' space in the western wall to allow access to a future basement car park on the property to the west. This is demonstrated in the indicative concept plans for that site submitted with this application.

The proposal also provides for loading and servicing for a variety of commercial vehicles, including medium rigid vehicles and garbage trucks. To maximise the manoeuvrability of service vehicles within the basement, a vehicle turntable suitable for a vehicle up to the size of a 12.5 Heavy Rigid Vehicle has been included, allowing them to enter and exit the site in a forward direction at all times. This will minimise potential impacts on vehicle and pedestrian traffic associated with service vehicles.

### Traffic

The traffic impacts of the proposed development have to be considered in the context of the existing traffic network, the projected traffic generation from the development, and the proposed site ingress/egress arrangements.

A Traffic and Parking Assessment Report has been undertaken (refer to Attachment 2). This assessment concludes the following, amongst other matters:

*"The results of the SIDRA analysis confirm that the proposed development has no unacceptable traffic implications in terms of road network capacity because:*

- The level of service at the intersections during the AM and PM peak hour is generally the same under both existing and projected post-development traffic demand*
- The increased average delay at each of the intersections as a consequence of the proposed development is relatively minor*
- The additional traffic demand on the most congested intersection on the road network serving the site (King Georges Road/Stoney Creek Road) as a consequence of the proposed development is only minor – an increase of only 60 vtp/h (or 0.95%) during the AM peak period when the traffic demand on the intersection is in the order of 6287; and an increase of only 150*

vtp/h (or 2.4%) during the PM peak hour when the existing traffic flows through the intersection are in the order of 6251 vtp/h

- The poor level of service indicated for the King Georges Road/Morgan Street intersection is a consequence of the phase settings under which the intersection currently operates. A better Level of Services (LOS – B) can be achieved by adjusting those phase settings
- The analysis does not take into account the traffic generation potential of the former service station use of the site.

*In summary, the additional traffic demand on the local streets system serving the site has no unacceptable traffic-related environmental effect."*

The expected impacts arising from the proposed development are negligible and do not warrant any specific improvements to the road network or the installation of any other traffic management infrastructure.

The proposal is consistent with the type and intensity of development envisaged by HLEP 2012 and the HDCP, and the traffic generated by the proposed development is acceptable in these circumstances.

#### **4.9.5 Overshadowing**

Shadow diagrams have been prepared by Candalepas Associates and are included in the Architectural Design Package.

Shadows from the proposed development will fall predominately onto Stoney Creek Road and King Georges Road, with some morning shadowing of the adjoining commercial buildings to the west. Due to the type of buildings and the limited time in shadow, it is not considered that this is an issue requiring any adjustment to the development as proposed, particularly given the expected redevelopment of those properties to a similar height and density (per the applicable controls) in the future.

#### **4.9.6 Noise Impacts**

An acoustic assessment has been prepared by Rodney Stevens Acoustics (refer to Attachment 9).

The residential components of the development, by their very nature, are not expected to generate significant noise levels.

Noise intrusion impact from traffic noise onto the future occupants of the development has been assessed in accordance with ISEPP 2007, and Australian Standard 2021:2000.

The Stevens report concludes:

*"The predicted internal noise levels indicate that road traffic noise on the proposed residential dwellings will exceed the noise criteria with windows opened and closed for the residential apartments. When windows are opened, road traffic noise in the Living Areas and Sleep Areas exceed the criteria by 24 dB(A) and 28 dB(A) respectively. When windows are closed, road traffic noise in the Living Areas and Sleep Areas exceed the criteria by 14 dB(A) and 18 dB(A) respectively.*

*Based on the above predicted road traffic noise impact the following noise control measures are recommended for the residential units:*

- *Glazed windows and doors on all facades of residential development will need to be closed to meet internal noise levels. Therefore, alternative ventilation methods which meet the ventilation requirements of the BCA and Australian Standard AS 1668.2:2002 will be required and design input should be sought from an appropriately qualified mechanical services consultant."*

If the recommendations contained within the Stevens report are followed, then compliance with the noise criteria contained within the NSW Department of Planning's Development Near Rail Corridors and Busy Roads - Interim Guideline, the Council's DCP, NSW EPA Industrial Noise Policy and *Protection of the Environmental Operation Act* and Regulation are all capable of being achieved.

#### **4.9.7 Safety and Crime Prevention**

The SEPP 65 Design Statement prepared by Candalepas Associates provides an analysis of the measures implemented in the design of the proposed development to ensure that a safe and secure development is delivered.

Design measures to ensure safety and security through the development include:

- Private open space and living areas are located towards all frontages either at ground level or above the ground floor to provide activated spaces that allow good surveillance of surrounding areas;
- Appropriately sized windows to all frontages are provided to facilitate surveillance down towards the ground plane;
- The main communal open space is overlooked by surrounding apartments within the development allowing for passive surveillance by the residents;
- High quality architectural lighting throughout the development will assist in securing the area at night;
- Secure access points to the site and car park entries; and
- Clear delineation of public and private space through physical architectural and or landscaping elements.

#### **4.9.8 Construction Impacts**

A Construction Environmental Management Plan has been prepared and submitted with the DA, and construction impacts will be managed through the implementation of that Plan.

Hours of construction will be undertaken in accordance with Council's requirements, and adjoining properties will be notified prior to commencement of works on site.

#### **4.9.9 Social Impacts**

The proposal will not give rise to any adverse social impacts. The proposal will have a positive social impact by increasing the supply housing within the Georges River LGA with the provision of quality apartments of varying sizes and types.

The proposal provides greater activation and surveillance of the public domain with the provision of retail and commercial tenancies at ground level directly on the street at the prominent corner site.

The openings and balconies of the residential apartments at all levels above ground level further contribute to informal surveillance of the surrounding streets. The activation and surveillance along the street frontages will assist in discouraging and reducing opportunities for antisocial behaviour.

The proposal will also provide a good mix of housing in the form of one (1), two (2) and three (3) bedroom apartments, each with good to excellent amenity. The building is also in close proximity to public transport and the existing services present within Beverly Hills that include a high proportion of restaurants and cafes. It also has a long established and well known cinema. It is therefore well positioned to provide a highly desirable place for people to work and live within the Georges River LGA.

#### **4.9.10 Economic Impacts**

The proposal incorporates some commercial premises, predominately suited to retail uses, which will primarily service the needs of the residents of the local neighbourhood and of the proposed development and will complement nearby businesses.

The proposed amount of retail floor space is appropriate to the site's location at the southern edge of the broader Beverly Hills centre, which is identified as a secondary centre behind the regional centre of Hurstville. Some of the retail floor space has been arranged in a flexible manner that will allow it to be consolidated in the future or used as smaller individual tenancies.

The future residents of the development will be potential patrons and customers for existing and proposed nearby shops and business. The proposal will have a positive economic impact by contributing to the long term viability of local businesses and the Beverly Hills centre as a whole.

The proposed retail premises will provide long-term employment opportunities for the locality, while short term employment opportunities will be generated during the construction of the development.

The proposed development will have a positive economic impact.

#### **4.9.11 The Suitability of the Site for the Development**

The preceding sections of this report demonstrate that the site is suitable for the proposed development. The redevelopment of the site for mixed use purposes is consistent with the objectives of the B2 Local Centre zone, and is compatible with other existing and proposed land uses within the Beverley Hills centre. There are no significant natural or environmental constraints that would hinder the proposed development, and accordingly the site is considered suitable for the proposed development.

#### **4.9.12 The Public Interest**

The redevelopment of site for a mixed commercial/residential development is considered consistent with the zone objectives, and provides additional housing opportunities and employment opportunities within close proximity to public transport and other employment nodes.

The proposal will provide a new, well designed and aesthetically pleasing building in a prominent location at a key intersection and entry point to the Beverly Hills commercial centre.

A development that successfully translates Council's planning controls into a well designed development scheme is in the public interest.

## Conclusion

This document has been prepared to support a DA for land at 160 -178 Stoney Creek Road, Beverly Hills ("the site") which is situated in the Georges River Council LGA.

The application seeks development consent under section 78A of the *EP&A Act 1979* and has been assessed against the provisions of section 79C of the *EP&A Act 1979*.

The proposal seeks consent for:

- Demolition of the existing commercial buildings, remediation of the site, consolidation of the existing allotments and construction of a part three (3) and part five (5) storey mixed use development;
- Construction of shop top housing with three (3) retail tenancies at ground level, plus a supermarket, 44 residential units on Levels 1 to 3, and three (3) basement levels containing a loading dock, retail storage areas, and 203 car spaces in total; and
- Ancillary landscaping and improvements.

The site has previously been developed, however at present it is largely vacant with three (3) small two (2) storey commercial buildings occupying the south western corner of the site.

The proposal substantially complies with the provisions of HELP 2012 and the relevant DCP, and provides an appropriate response to the urban and topographical context of the site. The proposal satisfies the SEPP 65 design principles.

The scale and built form is generally consistent with the desired future character of the area that is envisaged under the HLEP and the DCP. Notwithstanding, a variation is sought for the building height and FSR development standards, the proposed design is generally of a height and density that could be reasonably envisaged given the sites location at the southern entry to the Beverly Hills commercial centre, the sites topography and the existing and emerging built context.

Importantly the design responds to the lower density residential development to the east and north by positioning the higher elements in the centre and at the western end of the site, scaling down to the northern and eastern boundaries.

Overall, the proposed building demonstrates architectural design excellence, and is a fitting design response to the sites prominent location at a key intersection and entry point to the Beverley Hills centre. The proposal will generate positive social impacts by increasing the supply of quality housing and employment generating opportunities within the LGA.

The building represents a skilful and thoughtful design which includes visually interesting and well articulated street facades, high residential amenity and thoughtful relationships with adjoining properties. The proposal is unlikely to result in significant adverse impacts upon adjacent sites by way of overshadowing, bulk and scale, or privacy.

The development will be well located in relation to transport, employment, shopping, business and community services, as well as recreation facilities. It will deliver an efficient use of the site with well designed, high amenity dwellings above an active street front.



The proposal does not result in significant adverse environmental, social, economic, or amenity impacts on the broader neighbourhood. Based on the assessment undertaken the site is suitable for the proposed development, and approval of this application is sought.

An assessment of the potential environmental impacts of the development concludes that the proposal will not give rise to unacceptable impacts in terms of amenity, traffic and parking, noise or other environmental impacts.

Based on the assessment undertaken, the support of Council for the proposed development is sought.

The proposed development has sought to deliver a project that is capable of providing infill development that will provide important retail floor space, a high level of residential amenity and enhance a prominent corner site.

The proposed development is well located in relation to transport, employment, shopping, business and community services, as well as recreation facilities. It will deliver an efficient use of the site with well-designed high amenity dwellings that facilitate live/work opportunities and enhanced streetscape interface.

The proposal does not result in significant adverse environmental, social, economic or amenity impacts on the neighbourhood.



## Attachments

Attachment 1: SEPP 65 Design Statement and Compliance Table  
prepared by Candalepas Associates

Attachment 2: Traffic and Parking Assessment prepared by John  
Coady Consulting Pty Ltd

Attachment 3: Statement of Compliance – Access for People With A  
Disability prepared by Morris Goding Accessibility  
Consultants

## Attachment 4: BCA Compliance Report prepared by City Plan

Attachment 5: Detailed Cost Report prepared by ARCHI – QS Pty Ltd

Attachment 6: Preliminary Site Investigation and Detailed Site  
Investigation, prepared by Aargus



Attachment 7: Site Decommissioning Report prepared by CMPS&F  
Environmental

Attachment 8: BASIX Certificate, Assessor Certificate and associated stamped plans, issued by Building Sustainability Assessments

Attachment 9: Road Traffic Noise Impact and BCA Assessment  
prepared by Rodney Stevens Acoustics

Attachment 10: Geotechnical Investigation Report prepared by Aargus

## Attachment 11: Fire Engineering Strategy prepared by GN Consulting

Attachment 12: Arboricultural Assessment Report prepared by Tree and  
Landscape Consultants (TALC)

Attachment 13: Clause 4.6 Statement Requesting Exception to the  
Building Height Development Standard and FSR  
Standard

Attachment 14: Copy of evaluations and offers of purchase made to the owners of 152-158 Stoney Creek Road



Attachment 15: Indicative architectural design for redevelopment of  
152-158 Stoney Creek Road