

167 HUME HIGHWAY, GREENACRE – THE PALMS



Panel Briefing PPSSH – 153 (DA1196/2023)

Prepared for Iris Capital 20 November 2023

OVERVIEW OF APPLICANT

- Palms (Chullora) Pty Ltd atf Palms Hotel (Chullora) Property Trust are the Applicant.
- Iris Capital are the Development Managers for the proposal.
- Iris Capital are sophisticated developers with an emphasis on hospitality. Iris have owned and operated 'The Palms' for some time now; and play an important role in the Chullora community.
- Iris have demonstrated a willingness to engage early with City of Canterbury Bankstown, Transport for NSW and Sydney Water, and have had extensive discussions regarding public domain, servicing requirements and the built form.
- The Applicant sort to ensure the highest level of design excellence for this highly strategic site by providing a variety of design responses. A public art consultant has also inputted into the design development.
- Most of the comments from Council related to design matters in response to CBLEP, CBDCEP and ADG compliance. EJE have reviewed Council's commentary and redesigned aspects of the proposal to improve compliance and amenity. The proposed development is considered to provide a high quality and amenity design response, which emphasises residents' wellbeing and experience.



OVERVIEW OF PROPOSAL

The key features are summarised below:

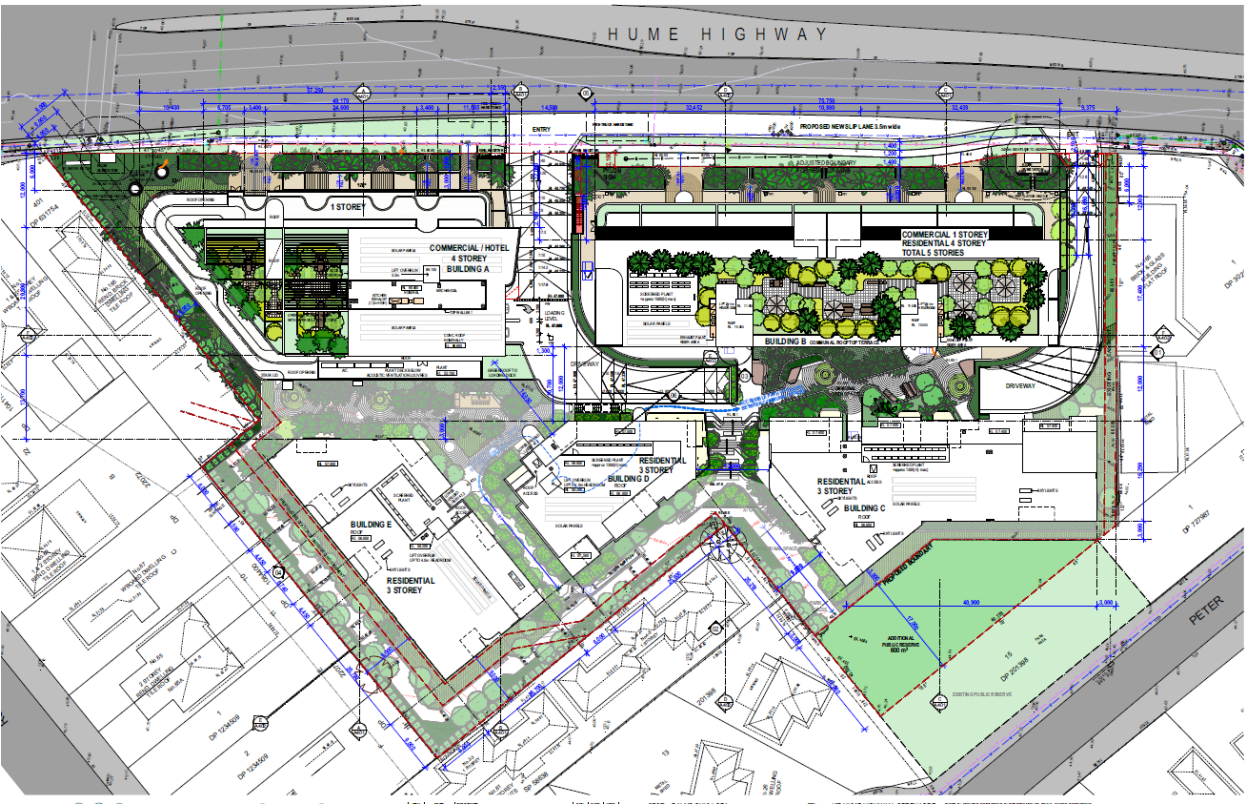
- Demolition of existing hardstand and structures including an existing pub, and construction:
 - rehoming of existing pub / bistro / gaming on site
 - hotel accommodation containing 56 rooms,
 - a mixed-use building containing 37 apartments and 1,459m² of ground floor commercial GFA, and
 - three residential flat buildings containing 55 apartments.
- Basement car parking comprising 323 car spaces;
- Vehicle access to the site via a new slip lane on Hume Highway;
- Associated landscaping and public domain improvements;
- Commercial tenancies will front Hume Highway to enhance activation of the ground plane and pedestrian traffic. These will be accompanied by appropriate landscaping features to enhance the public domain; and
- Construction of ancillary infrastructure and utilities as required.



NUMERICAL OVERVIEW

Descriptor	Proposed
Total GFA	<ul style="list-style-type: none"> Residential: 9,507m² Commercial/retail: 4,837m² Total: 14,344m²
Maximum Height of Building	<ul style="list-style-type: none"> Building A – 17.5m (exceedance of 0.5m from the kitchen exhaust) Building B – 22.9m (exceedance of 2.9m from the lift overrun) Building C – 11m (no exceedance) Building D – 11m (no exceedance) Building E – 11m (no exceedance)
Floor Space Ratio	<ul style="list-style-type: none"> Residential: 0.86:1 Commercial: 0.44:1 Total: 1.30:1
Parking spaces	<ul style="list-style-type: none"> Commercial: 179 spaces Residential: 144 spaces Total: 323 spaces
Apartments	<ul style="list-style-type: none"> Building B: 37 apartments Building C: 23 apartments Building D: 11 apartments Building E: 21 apartments Total: 92 apartments
Communal Open Space	<ul style="list-style-type: none"> 3,175m² is 29% of site area (including Building B rooftop)
Deep Soil Zone	<ul style="list-style-type: none"> 1,847m² is 16.75% of site area

SITE OVERVIEW





Building A (Pub and Hotel) – viewed from Hume Highway



Building B (Mixed-use building) – viewed from Hume Highway



Building B and C – View from Communal Open Space



Building C – View from Communal Open Space between Building B, C and D

OVERVIEW OF PLANNING PROPOSAL

In July 2023, NSW DPE gazetted a Planning Proposal (PP-2021-5181) for the site. The Planning Proposal amended the Canterbury-Bankstown LEP 2023 as follows:

- Amend zoning from B6 Enterprise Corridor to part B6 Enterprise Corridor and part RE1 Public Recreation;
- Amend maximum height of building (HOB) from part 11m and part 14m to part 11m, part 14m, part 17m and part 20m;
- Amend the floor space ratio (FSR) from 1:1 to part 1.3:1 and part 1:1; and
- Amend the minimum non-residential FSR requirement from N/A to 0.3:1 (to apply to the 1.3:1 FSR portion of the site).

The Planning Proposal was supported by an Urban Design Report prepared by Squillace in September 2021. It is also noted that subsequent work has been undertaken through a Council commissioned peer review undertaken by Architectus which has informed revisions to setbacks and the structure plan. The massing of the buildings and arrangement on site have been subject to a rigorous review.



Figure 2: Existing and Proposed Zoning Maps (Source: Council)



Figure 3: Existing and Proposed Height of Buildings Maps (Source: Council)



Figure 4: Existing and Proposed FSR Maps (Source: Council)

OVERVIEW OF VPA

A draft Voluntary Planning Agreement was exhibited alongside the Planning Proposal from 16 February 2022 to 18 March 2022. The draft VPA included the delivery of the following public benefits associated with the planning proposal:

- the dedication of 600m² of land to facilitate the extension of Peter Reserve, valued at \$660,000.
- a monetary contribution of \$75,000 towards the embellishment of Peter Reserve.
- a monetary contribution of \$20,000 to improve the existing bus stop at Hillcrest Avenue, opposite Cardigan Road.
- a monetary contribution of \$80,000 towards district level community and recreation facilities.
- a monetary contribution of \$201,361 towards affordable housing provision.

On 9 December 2022, the Department requested clarification from Council whether it granted concurrence to being nominated as the relevant acquisition authority for the 600m² part of the site to be rezoned RE1 and dedicated to Council.

On 28 March 2023, Council resolved to nominate itself as the relevant acquisition authority for the land if the VPA would be amended to ensure that in the event Council would be required to acquire the land without a dedication, that it could be acquired for a maximum value of \$1. Council can only acquire the land in the event of certain conditions being met. The revised VPA was exhibited from 12 April 2023 to 11 May 2023 to reflect this. It should be noted that the revised planning agreement does not make any material change to the public benefits and infrastructure exhibited in the original VPA.

Council considered the revised VPA at its meeting of 23 May 2023 and resolved to endorse the revised VPA and write to the Department confirming its nomination as the relevant acquisition authority for the RE1 land once the VPA was executed

CONSULTATION OVERVIEW

Canterbury-Bankstown Council

A Pre-DA meeting was held with Council on 19 January 2023. The key themes from the meeting included:

- Proposal should comply with the maximum building heights and FSR identified by the LEP.
- Communal open space should be incorporated into the site and provide a range of passive and active spaces for residents within the development.
- Rooftop terraces should comply with maximum building height control, provide adequate weather protection and be oriented away from the south of the building footprint.
- Setbacks are to comply with the DCP.
- Building length should not exceed 45m and where this occurs, appropriate building breaks and indentations to reduce bulk, scale and massing.
- Reduce the number of single aspects residential dwellings and dwellings that face south.
- Building layout should be amended to ensure compliance with the ADG.
- Detailed solar diagrams to understand the impacts on adjoining residential properties to the south.
- Potential site isolation concerns with 165 and 185 Hume Highway, Greenacre.

TfNSW

- During the Planning Proposal process, extensive consultation with TfNSW occurred relating to the vehicle ingress to the site.
- TfNSW provided in principal support for a new entry-only slip lane located midway along the Hume Highway frontage.

Sydney Water

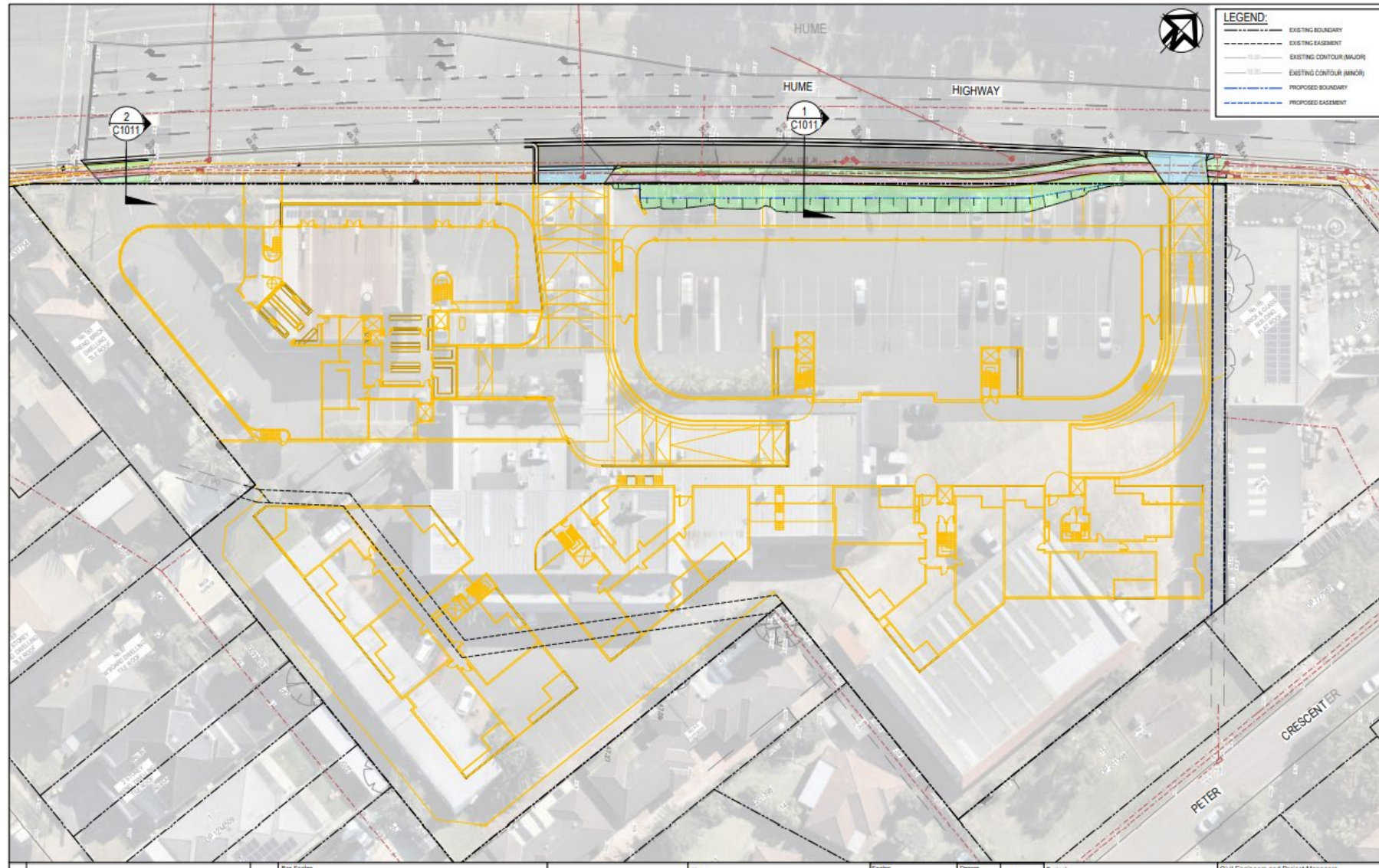
During the Planning Proposal process, Sydney Water provided general comments regarding future approval processes for servicing requirements. The following considerations were given:

- Proposed development presents potentially large servicing demands and will require further investigation to determine the servicing requirements for the site.
- Water Servicing Coordinator should be engaged, and a feasibility application be lodged with Sydney Water prior to a Section 73 application being lodged.
- Inception meeting be held after the proponent has prepared a detailed concept servicing proposal for potable water and wastewater services.

Public submissions

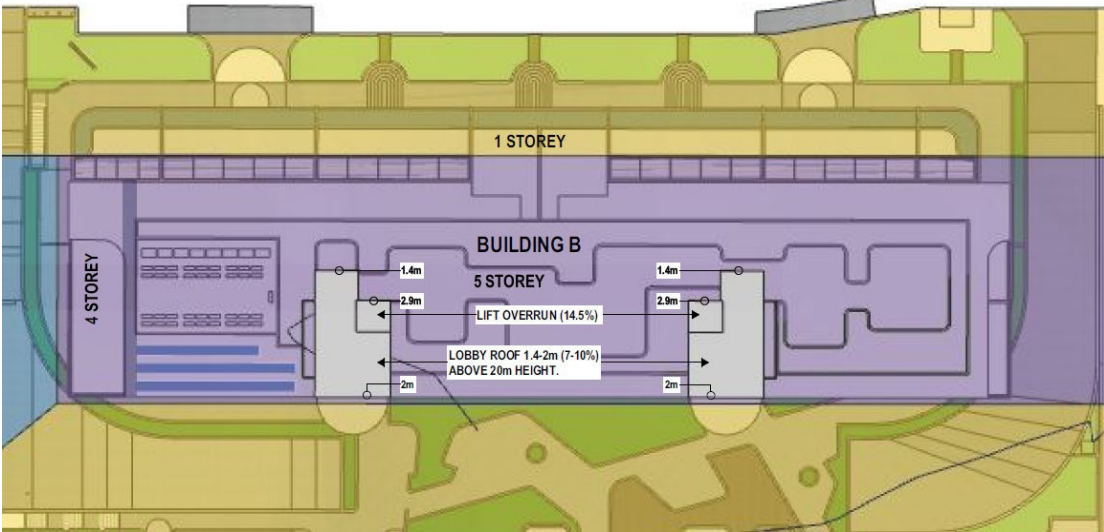
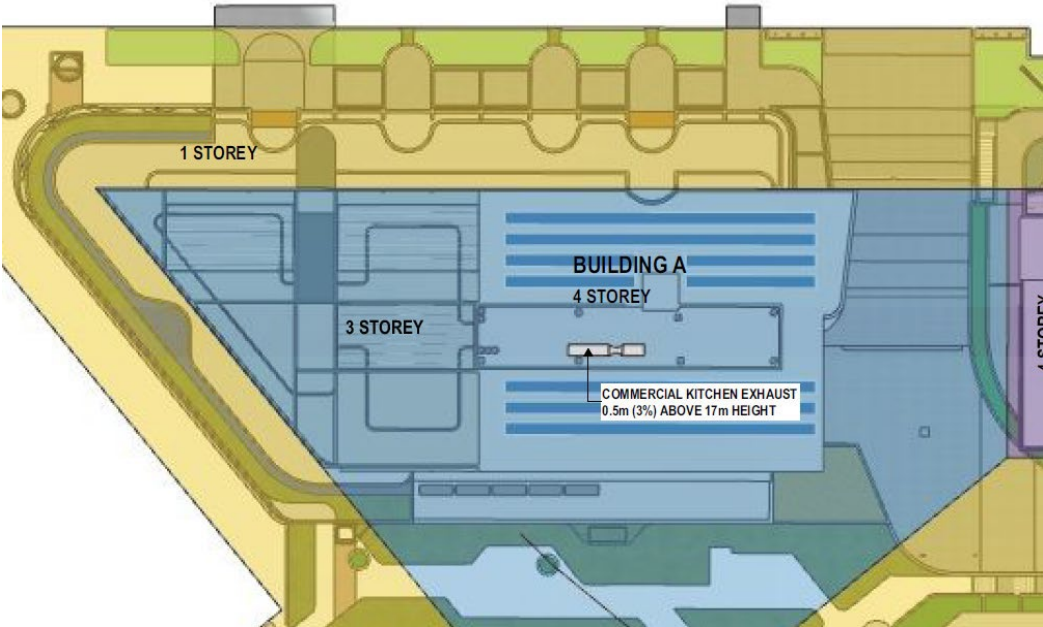
No public submissions have been received (as confirmed by Council on 13 November), the notification period extends to 14 November.

SLIP LANE



HEIGHT OF BUILDINGS

Building	Standard LEP	Control DCP	Description of Variation	Variation
Building A	17 metres (part 11 metres)	5 storey	Commercial Kitchen Exhaust – 0.5m above the prescribed 17 metre height development standard	17.5 metres (0.5 metres above the prescribed height limit). 2.94% Note: a 4-storey building is proposed.
Building B	20 metres (part 11 metres)	6 storey	Lift overrun and lobby – ranging between 1.4 to 2.9 metres above the 20-metre height development standard	22.9 metres (2.9 metres above the prescribed height limit) – lift overrun 14.5% 22 metres (2 metres above the prescribed height limit) – lobby roof 10% Note: a 4-storey building plus a roof terrace is proposed.
Building C	11 metres	3 storey	Nil variation – complies with prescribed height of building standard.	N/A
Building D	11 metres (part 17 metres)	3 storey	Nil variation – complies with prescribed height of building standard.	N/A
Building E	11 metres	3 storey	Nil variation – complies with prescribed height of building standard.	N/A



HEIGHT OF BUILDINGS – CONTINUED

Key reasons for the increase in height being supportable:

- **The proposed variations do not give rise to any inconsistency with the objectives of the height standard.** Specifically, the minor variations relate principally to plant/service/exhaust spaces which do not compromise the established character, amenity and landform of the area.
- **The proposed variation does not result in any unreasonable impacts to surrounding properties.** The additional building height will not result in unreasonable impacts to public spaces adjacent residential developments. All additional overshadowing falls within the existing site area and will not be discernible from the public domain.
- **There is misalignment between CBLEP 2023 and CBDP 2023 site specific provisions in relation to the maximum building height (LEP) and height in storeys (DCP).** CBDP 2023 identifies a height in storeys control of 5 storeys (Building A) & 6 storeys (Building A) which the proposed development is under (i.e., 4 and 5 storeys respectively). We believe the misalignment arises from differing assumptions of floor-to-floor heights and allowances in the DCP compared to the LEP. The DA scheme proposes a more generous floor to floor height (i.e., 6m) an assumed typical floor to floor height of 3.1m and an allowance for plant/lift cores above this. To fully comply with the height of building standard this would inevitably result in either reduced floor to floor heights at the ground level, or a reduction in residential floor levels or a 3 to 4 storey-built form arrangement which differs a lot from a 5 to 6 storey form anticipated under the DCP.
- **The proposed massing and site specific DCP provisions have gone through rigorous assessment.** The Planning Proposal was supported by an Urban Design Report prepared by Squillace in September 2021. It is also noted that subsequent work has been undertaken through a Council commissioned peer review undertaken by Architectus which has informed revisions to setbacks and the structure plan. The massing of the buildings and arrangement on site have been subject to a rigorous review and deemed acceptable. As noted above, the proposed development is below the 'height in storeys' provisions of the CBDP 2023.
- **The proposed variation results in an enhanced residential amenity improvement compared to a strictly compliant form.** The proposed development includes 29% (3,175m²) of the site area for communal open space, which exceeds the ADG requirement. The rooftop provides 574m² of communal open space; equating to 18.6% of the sites communal open space. The proposed rooftop communal open space will provide high quality communal open space for future residents to improve residents' wellbeing, enable DDA access, has been programmed to improve social connection and their overall experience. The rooftop communal space has been carefully designed to deliver high quality landscaping and shade for residents. Most of the rooftop is below the height plane, with only the lift lobby and lift overrun above the prescribed height.
- **As a result of land dedication for public reserve, the available site area has been reduced therefore making it more difficult to deliver communal open space below the prescribed height plane.** The proposal (via a Voluntary Planning Agreement) seeks to deliver 600m² of public open space to improve the Peter Reserve. The reduced site area has challenged the site planning and resulted in the need for communal open space to be provided on the rooftop.
- **The bulk of the building is compliant with the height control; both the parapet of Building A and Building B comply.** The parapet of Building A is 15.94m and the parapet of Building B is 17.05m, therefore the bulk of the building is sitting below the respective 17m and 20m prescribed height limit.

SITE ISOLATION

Council also raised concerns with potential lot isolation concerns with 165 and 185 Hume Highway. The proposed development will not result in lot isolation of the adjoining site, for which the adjoining site is capable of being developed on its own in the future. The planning principles for lot isolation and redevelopment, established by the NSW Land and Environment Court in the proceedings pertaining to *Karavellas v Sutherland Shire Council [2004] NSWLEC 251* have been considered in Section 7 of the SEE prepared by Urbis. Site isolation of the adjoining sites (165 and 185 Hume Highway) was reviewed and considered by Council during the Planning Proposal stage.

Council deemed the following justification acceptable:

- The North East LAP identifies the subject site, along with the neighbouring properties to the north (165 Hume Highway and 74 Tennyson Road) and to the south (185 Hume Highway), as forming a single key site capable of redevelopment. The subject site is many times larger than the three other sites. The proponent has approached the landowners of the neighbouring sites with commercial offers to amalgamate, but the offers have been declined. Accordingly, these sites have not been included in the planning proposal.
- Regardless of the unsuccessful attempts to amalgamate, the neighbouring sites would not be isolated or incapable of redevelopment as a result of the planning proposal. The dwelling house at 185 Hume Highway, while zoned B6 Enterprise Corridor, is consistent with the surrounding residential development and would not, therefore, be stranded as a solitary, incongruous dwelling if the subject site were redeveloped.
- The sites at 165 Hume Highway and 74 Tennyson Road, which are directly to the north of the subject site and comprise a combined area of more than 2,000sqm, are capable of redeveloping for the purposes of shop top housing. While Bankstown LEP 2015 does not permit a residential flat building in the B6 zone on a site with an area of less than 5,000sqm (cl. 4.1B), there is no similar restriction related to shop top housing in the B6 zone. These sites could also redevelop for purely commercial purposes.
- It is noted that the LEP restricts development in “Area 2” to a maximum height of 11m unless the site is at least 5,000sqm (cl. 4.3(2A)). The sites at 165 Hume Highway and 74 Tennyson Road are located in Area 2 and do not achieve a combined 5,000sqm area. Nonetheless, the 11m restriction would not preclude redevelopment at these sites but would only moderately limit the height of such redevelopment.

A detailed assessment was undertaken by Urbis, utilising the LEC Planning Principal, and concluded: ***that redevelopment of 165 and 185 Hume Highway, would not prejudice the adjoining site by way of lot isolation by applying the available Development Standards and controls to each site in isolation. Each allotment is therefore capable of being redeveloped independently, within a compliant building envelope under the existing planning framework.***

DCP NON-COMPLIANCES

Front setback along Hume Highway: 6m to the building line. 12m to the first, second and third floors that are provided for residential use.

There is a non-compliance with the front landscape setback to Hume Highway. Within the front setback 3m is landscaping and 3m is paving to allow access into the commercial tenancies, however most of the setback is landscaped (deep soil). The control requires a 6m setback only with landscaping. It is not reasonable to provide 6m of landscaping and encouraging activation at the same time. The proposed setback arrangement is considered appropriate given the built form objectives are satisfied, the proposal provides a smooth entrance transition from the public domain to the commercial tenancies and no additional environmental impacts are created.

Building length should not exceed 45m.

Building A, B and E exceed 45m in length. These buildings all provide recesses that ensure no building component is longer than 45m.

Consistent with Council's DCP, each individual building would require a separate loading dock which must be separate from parking circulation or exit lanes to ensure safe pedestrian movement and uninterrupted flow of other vehicles in the circulation roadways.

Consistent with the approved planning proposal two dedicated loading bays are proposed; one located on the lower ground floor at the rear of Building A and the other located within basement level 1 at the rear of Building B

The Building A loading dock is for the exclusive use of Building A only, whilst the Building B loading dock services the remainder of the development, including Building B commercial/retail.

Whilst Council's site specific DCP as well as the pre-lodgement notes specify that loading bays must be provided for each building, this is not possible, nor feasible. The buildings are relatively small in yield, and comprise 11, 21, 23 & 37 apartments in Buildings D, E, C & B, respectively. If the proposed buildings were standalone developments in their own right, they would not warrant an onsite loading bay.

Reference is also made to Council's CBDP 2023, Chapter 3.2, Section 3.13, which states that 'mixed use development must provide appropriate loading/unloading or furniture pick-up spaces', however, is silent on the quantum of loading bays

The provision of additional loading docks was explored during the design process. However, it resulted in significant impact to the design given the parameters required for trucks, including 4.5m overhead clearances. This in turn either resulted in deeper excavation and/or buildings exceeding the height limit

Furthermore, there are a number of similar developments scaled developments within the Sydney metropolitan area where 1-2 loading docks are provided

A loading dock management plan will be implemented to ensure the safe and equitable use of the loading bays by all users of the development. Non-regular service vehicles such as deliveries, tradesmen, removalists etc, will need to pre-arrange with the building manager to ensure there will be a loading bay available. Regular service vehicles such as the waste truck and keg delivery truck will be allocated time slots, in consultation with stakeholders, which they must adhere to.

Furthermore, residential waste collection will be undertaken by Council's contractor whilst non-residential waste collection will be undertaken by private contractor.

CONSULTANT INPUT OVERVIEW

Document Name	Prepared By
Architectural Plans	EJE Architecture
Design Statement and SEPP65 Assessment	EJE Architecture
Survey Plan	LTS Lockley
Landscape Plans	Terras
Cost Estimate Report	Altus Group
Traffic Impact Assessment	CJP Consulting Engineers
Waste Management Plan	MRA
Detailed Site Investigation Report	Aargus
Contamination Report	Aargus
Services Infrastructure Report	Neuron
Stormwater Management Plans	Entec
Flooding	Entec
Fire Engineering Statement	GHD
Access Statement	Projected Design Management
BCA Statement	Credwell
Acoustic Report	Renzo Tonin
BASIX / Section J Report	Credwell
Subdivision Plans	LTS Lockley
Road Design	AT&L
Public Art Strategy	UAP
Air Quality Assessment	CETEC

