

Panel Reference	PPSSSH-51
DA Number	DA2020/0425
LGA	Georges River Council
Proposed Development	Alterations to the Westfield Hurstville Shopping Centre including demolition works and construction of a new leisure precinct split over levels 3, 4, and 5
Street Address	3 Cross Street, Hurstville Lots 1 and 2 in DP610827 and Lot 1 in DP808463
Applicant/Owner	Georges River Council PT Limited Westfield Management Limited RE1 Limited DWPL Nominees Pty. Ltd.
Date of DA lodgement	11 November 2020
Number of Submissions	Nil
Recommendation	That the application be approved for the reasons in this report.
Regional Development Criteria (Schedule 7)	Regionally significant development is defined in Schedule 7 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i> . The proposed development is classified as “Regional” development as it has a Capital Investment Value (CIV) of over \$30 million. The CIV of the project is \$17,300,978.46 Excl. GST
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2000 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 64 – Advertising and Signage • Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment • Hurstville Local Environmental Plan 2012 • Draft State Environmental Planning Policy – Remediation of Land • Draft State Environmental Planning Policy – Environment • Draft Georges River Local Environmental Plan 2020 • Hurstville Development Control Plan No. 2 – Hurstville City Centre – Amendment 5

List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Statement of Environmental Effects • Variation requests – DCP height and FSR • Registered survey • Architectural plans • Landscape Plan • Traffic and Parking Assessment
Report prepared by	Independent Planning Consultant – Think Planners
Report date	14 July 2021

Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	NA
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	NA
Conditions Have draft conditions been provided to the applicant for comment?	No

Site Plan



The development site is outlined in blue.

EXECUTIVE SUMMARY

Proposal

1. This development application (DA) seeks consent for demolition works, the removal of 70 car spaces and the construction of a new entertainment and leisure precinct within existing levels 3, 4, and a new level 5 of the existing Westfield shopping centre.
2. On Level 3, the works involved improved pedestrian access from the intersection of Cross Street/Crofts Avenue through the refurbishment of paving, lighting and introduction of additional stairs to Level 4 as well as use of Tenancy 1/460/062 (270m²) as a recreational facility;
3. On Level 4 the works involve the removal of 70 parking spaces, plant rooms, kids play area, pavilions and the creation of 14 restaurants/food and beverage tenancies, amenities, external seating areas and plant and store rooms;
4. On Level 5, the works involve the provision of a second level of a restaurant (500m²) that also has external seating, outdoor area with associated community room. The documentation submitted with the application indicates that the outdoor area will be used for a variety of activities including;
 - Sports & Fitness events
 - Music/Dramatic performances
 - Markets
 - Outdoor Cinema
 - Informal Games
5. The site and areas of proposed work are shown in Figure 1 below.

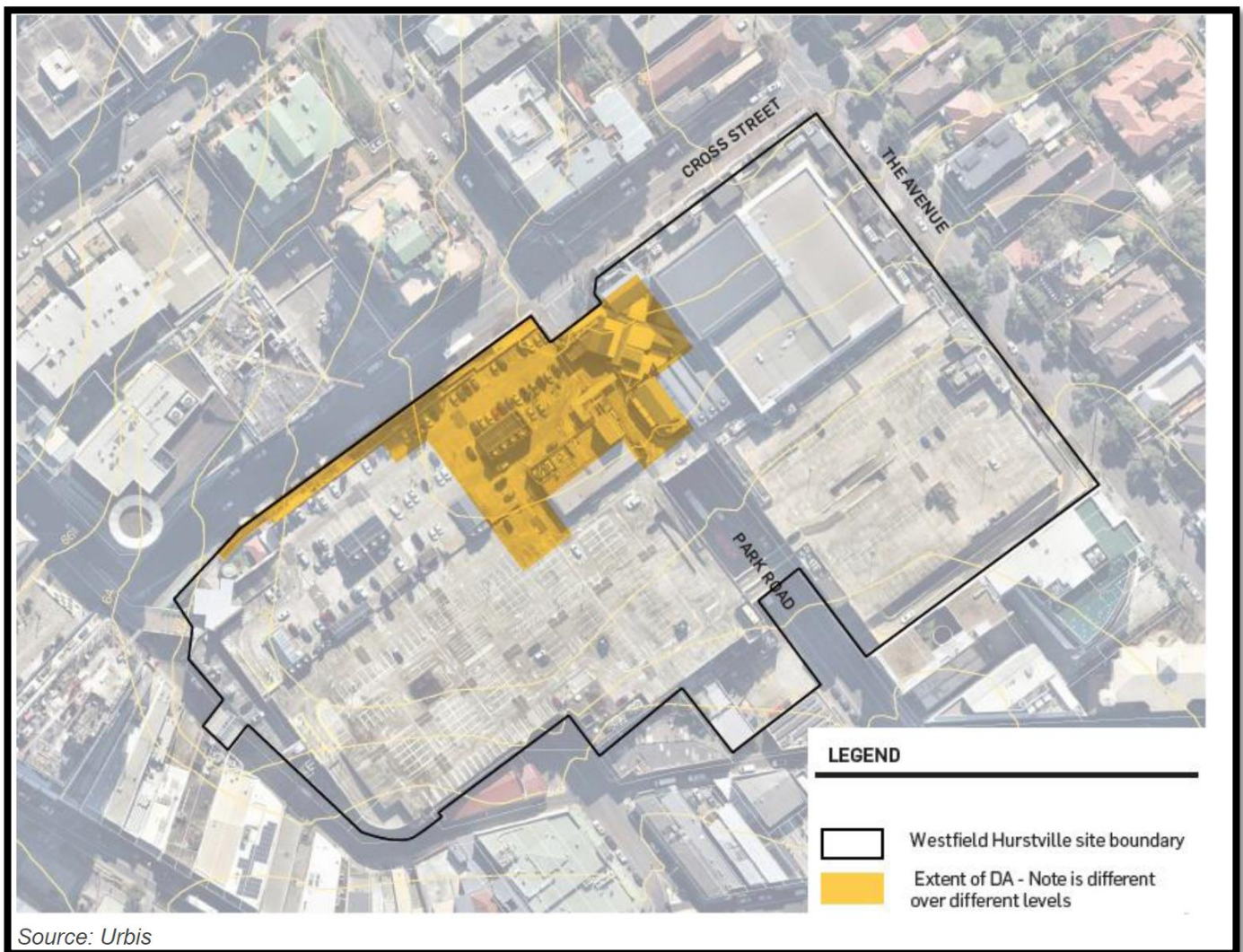


Figure 1: Site and area of proposed work (Source Urbis SEE)

Site and Locality

6. The site is legally identified as Lots 1 and 2 in DP610827 and Lot 1 in DP808463 but commonly known as Hurstville Westfield at 3 Cross Street Hurstville. The site is irregular in shape and has a site area of 32,335sqm.
7. The site has frontages to The Avenue, Cross Street, Humphreys Lane and Rose Street, and is intersected by Park Road (which runs partially beneath the existing shopping centre and the area of proposed works).
8. The site contains the existing 5 storey regional shopping centre and its associated car parking. The current shopping centre has a gross floor area of 77,280m² comprising 60,803m² of retail space and 623m² of restaurant space. Major retail tenants include Big W and Kmart as well as Coles, Woolworths and Aldi supermarkets, together with a Dan Murphy's liquor store. The centre has over 260 mini-major and specialty shop retailers as well as a 7-screen Events Cinema.
9. The site is partially owned by Georges River Council with the remainder of the site being in private ownership.
10. The site is located within the Hurstville CBD. Development surrounding the site consists predominantly of commercial and mixed use development of varying scale and form, ranging from single and two storey housing along The Avenue opposite the site, to the 19

storey mixed use retail and residential building opposite the site (on the intersection of Cross Street and Park Road).

11. North West of the site (across Cross Street) is a 7 storey club building (Club Central) and (under construction) an associated expansion including a hotel. West of the site is Hurstville Plaza and a 14 office tower with retail below (under construction). The site is located within 200m of Hurstville Station (at its nearest point).

State Environmental Planning Policies

12. The proposal has been considered to be satisfactory in respect to the following policies which have been considered in respect to the application:
 - State Environmental Planning Policy (State and Regional Development) 2011;
 - State Environmental Planning Policy No.55 – Remediation of Land;
 - State Environmental Planning Policy (Infrastructure) 2007;
 - State Regional Environmental Plan No 2 – Georges River Catchment;
 - State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
 - Draft Environment State Environmental Planning Policy; and
 - Draft Remediation of Land SEPP.

Zoning and Permissibility

13. The subject site is zoned 3(b) City Centre Business Zone under the Hurstville Local Environmental Plan 1994. The proposal satisfies the 3(b) zone objectives.
14. '*Refreshment rooms*' (a definition which includes a restaurant, café, tea room, eating house, or the like), 'shops' (for take-away food premises) and a '*recreation facility*' are permissible with development consent under the 3(b) City Centre Business Zone applying to the land.

Hurstville Local Environmental Plan 2012 (HLEP 2012)

15. The Land Application Map of the HLEP 2012 identifies the site as a 'deferred matter'. Under Clause 1.3 (1A), it is stated that the HLEP 2012 does not apply to this site.
16. It is noted that Clause 1.8 of the HLEP 2012 only repeals planning instruments where they apply to land to which the HLEP 2012 applies. Accordingly, the Hurstville Local Environmental Plan 1994 continues to apply to these sites.

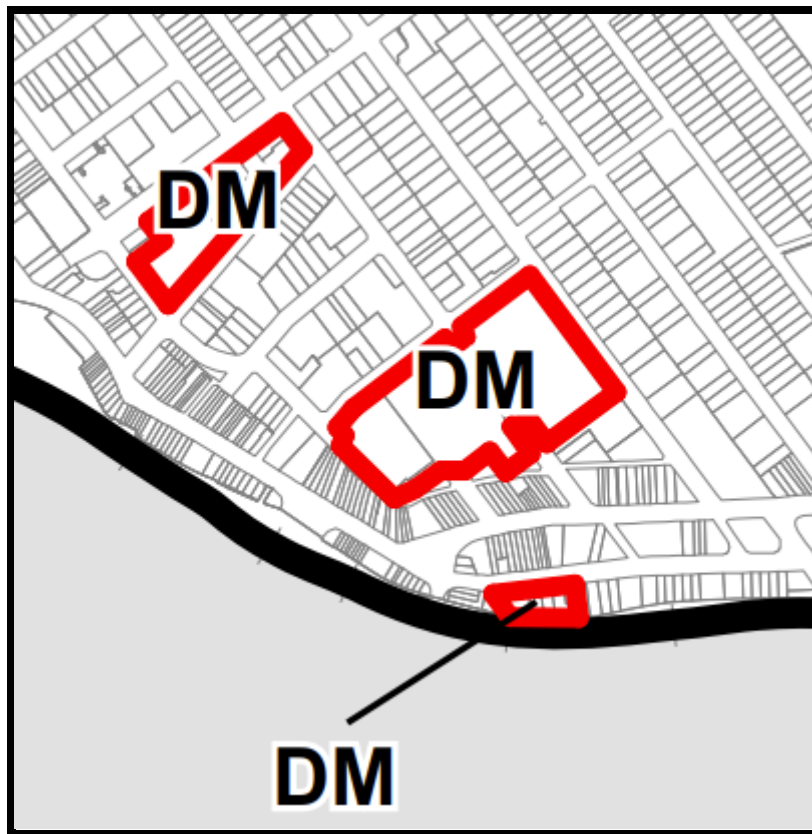


Figure 2: Extract from the Land Application Map of the HLEP 2012 showing the site (the middle of the 3 outlined in red above) as being DM – a deferred matter to which the LEP does not apply.

Hurstville Development Control Plan No.2 Amendment No.5 (HDCP)

17. The Hurstville Development Control Plan No. 2 Amendment No. 5 (HDCP) applies to sites within the Hurstville City Centre identified as 'deferred matters' on the Hurstville Local Environmental Plan 2012 Land Application Map. The subject site is identified on the Land Application Map as being a deferred matter and therefore this DCP applies to the site.
18. The DCP contains the primary planning controls for the site including height and FSR. The existing built form on the site departs from these primary planning controls and this development application further varies these DCP controls. Despite this, the proposal is considered to be an acceptable urban design and planning outcome for the site and generally satisfies the applicable provisions contained within the HDCP.
19. In addition to the above policies and controls, the applicant has considered the issues identified by Council's internal departments and the independent traffic consultant engaged by Council and the issues that arose during the Sydney South Planning Panel Briefing meeting held on 11 March 2021.

Submissions

20. The DA was publicly notified to neighbours between 16 November and 30 November 2020 in accordance with the Hurstville Development Control Plan and the Georges River Council Community Engagement Strategy notification criterion. No submissions were received.

Reason for Referral to the Local Planning Panel

21. This application is referred to the South Sydney Planning Panel for determination as part of the subject site where works are occurring is owned by Georges River Council and the proposal has a CIV of \$17,300,978.46 including GST The development application is to

be determined by the Sydney South Planning Panel due to the capital investment value (CIV) exceeding \$5 million for a Council Related development pursuant to the definition of regional development contained within Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011. The CIV has been confirmed and is outlined in the Registered Quantity Surveyors Detailed Cost Report which accompanies the Development Application.

Conclusion

22. Having regard to the matters for consideration under section 4.15(1) of the Environmental Planning and Assessment Act 1979 and following a detailed assessment, the proposed Development Application (DA2020/0425) is recommended for approval subject to the conditions referenced at the end of this report.

REPORT IN FULL

Description of the Proposal

23. This development application (DA) seeks consent for demolition works, the removal of 70 car spaces and the construction of a new entertainment and leisure precinct within existing levels 3, 4, and a new level 5 of the existing Westfield shopping centre.
24. On level 3, the works involved improved pedestrian access from the intersection of Cross Street/Crofts Avenue through the refurbishment of paving, lighting and introduction of additional stairs to level 4 as well as use of Tenancy 1/460/062 (270m²) as a recreational facility;
25. On level 4 the works involve the removal of 70 parking spaces, plant rooms, kids play area, pavilions and the creation of 14 restaurants/food and beverage tenancies, amenities, external seating areas and plant and store rooms;
26. On level 5, the works involve the provision of a second level of a restaurant (500m²) that also has external seating, outdoor area with associated community room and the provision of two new lifts to service this area. The documentation submitted with the application indicates that the outdoor area will be used for a variety of activities including;
- Sports & Fitness events
 - Music/Dramatic performances
 - Markets
 - Outdoor Cinema
 - Informal Games
27. Façade works
- Replace existing carpark 'grill' on northern elevation with a perforated metal screen and artist graphic;
 - Repaint existing façade;
 - Repaint pre-cast mouldings;
 - Construct new works with a mix of textured panel screening, insulated powder coated solid aluminium panels, face brick and glazing;
 - Install a frosted/semi-opaque curtain wall glazing with frit pattern designed by artist.
 - Identification of Signage zones.

Use

28. The expanded shopping centres seek approval to operate in accordance 6am to 12 midnight daily which is consistent with the existing operations of the centre. with existing hours (6a.m to midnight)

Description of the Site and Locality

29. The site is legally identified as Lots 1 and 2 in DP610827 and Lot 1 in DP808463 but commonly known as Hurstville Westfield at 3 Cross Street Hurstville. As illustrated by figure 3 below, the site is irregular in shape and has a site area of 32,335sqm.



Figure 3: Aerial view of subject site as outlined in blue (Source Six Maps 2021)

30. The site has frontages to The Avenue, Cross Street, Humphreys Lane and Rose Street, and is intersected by Park Road (which runs partially beneath the existing shopping centre and area of proposed works).
31. The site contains the existing 5 storey regional shopping centre and its associated car parking. The current shopping centre has a gross floor area of 77,280m² comprising 60,803m² of retail space and 6,233m² of restaurant space. Major retail tenants include Big W and Kmart as well as Coles, Woolworths and Aldi supermarkets, together with a Dan Murphy's liquor store. The centre has over 260 mini-major and specialty shop retailers as well as a 7-screen Events Cinema. A photograph of the area of part of the area of works is provided overleaf:



Photo 1 : Part of the area where existing works will occur as viewed from the intersection of Cross Street and Park Road



Figure 4: Artist impression of development- as viewed from the junction of Cross Street and Park Road
(Source: Scentre Group 2020)

32. As illustrated by figure 5 below, the site is partially owned by Georges River Council with the remainder of the site being in private ownership.



Figure 5: Map outlining the ownership of the site (source Urbis SEE)

33. The site is located within the Hurstville CBD. Development surrounding the site consists predominantly of commercial and mixed use development of varying scale and form, ranging from single and two storey housing along The Avenue opposite the site, to the 19 storey mixed use retail and residential building opposite the site (on the intersection of Cross Street and Park Road).



Photo 2 : Photo 2 of the existing 19 storey Mixed Use Retail building opposite the area of works and the streetscape view opposite the site in Cross Street.

34. North West of the site (across Cross Street) is a 7 storey club building (Club Central) and (under construction) an associated expansion including a hotel. West of the site is Hurstville Plaza and a 14 office tower with retail below (under construction). The site is located within 200m of Hurstville Station (at its nearest point).



Photo 3: View from Hurstville Plaza towards area of works along Cross Street.



Figure 6: Artist impression of development as viewed from Hurstville Plaza (Source: Scentre Group. 2020)



Photo 4: View of the works location on level 5 (between the projection black structure at the rear of the photo to the projection to its left)

Background

35. A shopping centre was first constructed on the site in 1978. Since that time, the centre has been expanded. The most recent expansion of the centre was via DA/2017/0613 that was approved on 12 June 2018 and increased the size of the centre by 600m² to cater for a department store and expanded centre management offices.
36. The planning controls that apply to this site are unusual as Hurstville LEP 2012 (that applies to the majority of the former Hurstville LGA) does not apply to the site.
37. Council staff have advised that when Draft LEP 2012 was exhibited, it included this site, however when the draft LEP was sent to the Department of Planning for making, it was gazetted with three deferred sites, Westfield being one of them. No consultation was held with council staff on those deferrals. They just “appeared”.
38. In July 2016, there was a proponent led Planning Proposal lodged which sought to increase the mapped height of the site to RL 138m AHD and FSR for the site to 5:53:1. After much back and forth, no agreement could be reached between what council wanted and what Westfield were prepared to provide, and so it was withdrawn in August 2019. Westfield have advised Council that a new Planning Proposal will be lodged at some point in the future.

Statutory Framework

Environmental Planning and Assessment Act 1979 (EP & A) Act 1979

39. The proposal has been assessed and considered against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the objects of the EP&A Act, and the principles of ecologically sustainable development as follows below.

Objectives of the EP & A Act

40. A Consent authority is required to consider the objects in Section 1.3 of the EP&A Act when making decisions under the Act. This report has considered the objects of the EP&A Act in the Table below and is satisfied that the proposal complies with all the objectives.

Objectives of the EP&A Act	Proposal	Compliance
<i>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources.</i>	The proposal results in additional entertainment and food premises within the Hurstville City Centre and will increase employment opportunities.	Yes
<i>b) to facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment</i>	The development provides additional entertainment and food and drink premises within a CBD environment that that will support the resident and office population of the precinct.	Yes
<i>(c) to promote the orderly and economic use and development of land</i>	The development facilitates additional floorspace in a central CBD location.	Yes
<i>(d) to promote the delivery and maintenance of affordable housing</i>	Not applicable to this development.	N/A
<i>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	The proposal is not considered to result in adverse impacts on any threatened and other species of native animals and plants, ecological communities and their habitats. There are no significant species mapped within the Site or its immediate vicinity.	Yes
<i>(f) to promote the sustainable management of</i>	The site is not heritage listed and is not located within a conservation area.	Yes

<i>built and cultural heritage</i>	The development will not unduly impact on the curtilage of heritage items or the wider vicinity of the site.	
<i>(g) to promote good design and amenity of the built environment</i>	The development will improve the façade of part of the existing shopping centre and improve the sites interface with the public domain.	Yes
<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants</i>	The proposal will achieve this objective by complying with the recommended consent conditions relating to the construction phase of the development.	Yes
<i>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State</i>	The proposal is a regionally significant development given the cost of works exceeds \$5 million dollars and part of the site is owned by Georges River council and therefore the Sydney South Planning Panel is the consent authority.	Yes
<i>(j) to provide increased opportunity for community participation in environmental planning and assessment</i>	Surrounding residents and landowners were provided with a chance to comment of the development application.	Yes

Ecologically Sustainable Development (ESD)

41. The Act adopts the definition of ESD found in the Protection of the Environment Administration Act 1991. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:
42. **(a) The precautionary principle**
Comment: The site has been zoned for this form of development, The proposed refreshment rooms and entertainment are all permitted uses within the zone. The design of the additions have been sensitively considered and it is unlikely that there will be any serious or irreversible environmental damage created.
43. **(b) Inter-generational equity**
Comment: The proposal will not have adverse impacts on the environment for future generations.

(c) Conservation of biological diversity and ecological integrity

44. **Comment:** The site is within an urbanised and established residential/commercial area which does not contain any significant flora or fauna. There are no threatened species or significant vegetation within the development site or within the immediate vicinity of the Site.

(d) Improved valuation, pricing and incentive mechanisms

45. **Comment:** The proposal includes a number of energy and water initiatives, waste reducing measures to reduce the ongoing cost, resource, and energy requirements of the development for the longer term.

State Environmental Planning Policies (SEPPs)

46. Compliance with the relevant SEPPs is summarised in the following table and discussed in further detail below it.

SEPP Title	Complies
State Environmental Planning Policy (Infrastructure) 2007	Yes
State Environmental Planning Policy No. 64 Advertising and Signage	No
State Environmental Planning Policy No 55 - Remediation of Land	Yes
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes
Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment	Yes
State Environmental Planning Policy (State and Regional Development) 2011	Yes

State Environmental Planning Policy (Infrastructure) 2007

47. Clause 104 of the Infrastructure SEPP requires that before granting consent to a development with a car park of more than 50 spaces which connects to a classified road within 90 metres, Councils must refer the application to the Roads and Maritime Services (Transport for NSW) for comment and must consider the accessibility of the site, including:
- *The efficiency of movement of people to and from the site and the extent of multi-purpose trips, and*
 - *The potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - *Any potential traffic safety, road congestion or parking implications of the development.*
48. Although the proposal consists of additional food and drink premises with less than 200 or more motor vehicles, does not generate an additional gross floor area in excess of 10,000m² or 2000m² of shops (other than food or drink premises), and is not within 90m of a classified road, the cumulative size of the shopping centre triggers referral under Clause 104.
49. The application is accompanied by a Traffic and Transport Impact Assessment prepared by SLR which addresses the relevant traffic issues associated with the proposal. The proposal has been referred to Transport for NSW who support the development subject to conditions.
50. The application was also referred to McClaren Traffic for an independent review. McLaren Traffic were not satisfied that the proponent had adequately addressed traffic

and parking matter and the applicant provided a response to these concerns, but McClaren Traffic maintained their concerns with the development. It is considered that the remaining concerns are either satisfactory or can be conditioned and this is discussed in the referral section of the report.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

51. The Vegetation SEPP regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.
52. The Vegetation SEPP applies to clearing of:
 - a) Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and
 - b) Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (DCP).
53. The objectives of the SEPP are to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of non-rural areas through the preservation of trees and other vegetation. This policy is applicable pursuant to Clause 5(1) of the SEPP as the site is within the Georges River Council area.
54. Pursuant to Clause 8(1) of the SEPP, clearing does not require authority under the policy as it is a type of clearing that is authorised under Section 60O of the Local Land Services Act 2013 (specifically, that associated with a development consent issued under Part 4 of the Environmental Planning and Assessment Act 1979).
55. No vegetation or trees will require removal as part of this proposal.

State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64)

56. SEPP 64 applies to the state and commenced on 16 March 2001. The policy aims to ensure that signage is compatible with the desired amenity and visual character of an area. The SEPP applies to the whole State and particularly as per clause 6, to all signage that:
 - (a) *can be displayed with or without development consent under another environmental planning instrument that applies to the signage, and*
 - (b) *is visible from any public place or public reserve.*
57. Clause 3 - Aims, objectives etc. of SEPP 64 are as follows:
 - (a) *to ensure that signage (including advertising):*
 - (i) *is compatible with desired amenity and visual character of an area, and*
 - (ii) *provides effective communication in suitable locations, and*
 - (iii) *is of high-quality design and finish, and*
 - (b) *to regulate signage (but not content) under Part 4 of the Act, and*
 - (c) *to provide time-limited consents for the display of certain advertisements, and*
 - (d) *to regulate the display of advertisements in transport corridors, and*
 - (e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*
58. The SEPP applies to the development, however the application seeks consent for signage zones only at this time. Accordingly an assessment against the detailed requirements cannot be conducted and a condition of consent is recommended that

requires any proposed signage that is not exempt development to be the subject of a separate Development application or Complying Development Certificate.

State Environmental Planning Policy (State and Regional Development) 2011

59. This application is referred to the South Sydney Planning Panel for determination as part of the subject site where works are occurring is owned by Georges River Council and the proposal has a CIV of \$17,300,978.46 including GST. The development application is to be determined by the Sydney South Planning Panel due to the capital investment value (CIV) exceeding \$5 million for a Council Related development pursuant to the definition of regional development contained within Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011. The CIV has been confirmed and is outlined in the Registered Quantity Surveyors Detailed Cost Report which accompanies the Development Application.

Deemed State Environmental Planning Policy – Georges River Catchment

60. Due to the nature of the proposal, stormwater management does not form part of the proposed development as the development does not reduce hard surfaces.

DRAFT STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

Draft Environment SEPP

61. The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.
62. Changes proposed include consolidating the following seven existing SEPPs:
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
 - State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
 - State Environmental Planning Policy No. 50 – Canal Estate Development
 - Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
 - Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
 - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
 - Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property
63. The proposal is not inconsistent with the provisions of this Draft Instrument.

Draft Remediation of Land SEPP

64. The Department of Planning and Environment has announced a Draft Remediation of Land SEPP, which will repeal and replace the current State Environmental Planning Policy No 55 — Remediation of Land.
65. The main changes proposed include the expansion of categories of remediation work which requires development consent, a greater involvement of principal certifying authorities particularly in relation to remediation works that can be carried out without development consent, more comprehensive guidelines for Councils and certifiers and the clarification of the contamination information to be included on Section 149 Planning Certificates.
66. Whilst the proposed SEPP will retain the key operational framework of SEPP 55, it will adopt a more modern approach to the management of contaminated land. The Draft SEPP will not alter or affect the findings in relation to contamination at the site.

67. The proposal does not seek approval for any soil disturbance. Given this, no further assessment is warranted with regard to site contamination.

HURSTVILLE LOCAL ENVIRONMENTAL PLAN 2012

68. The Land Application Map of the HLEP 2012 identifies the site as a 'deferred matter'. Under Clause 1.3 (1A), it is stated that the HLEP 2012 does not apply to this site.
69. It is noted that Clause 1.8 of the HLEP 2012 only repeals planning instruments where they apply to land to which the HLEP 2012 applies. Accordingly, the Hurstville Local Environmental Plan 1994 continues to apply to these sites.

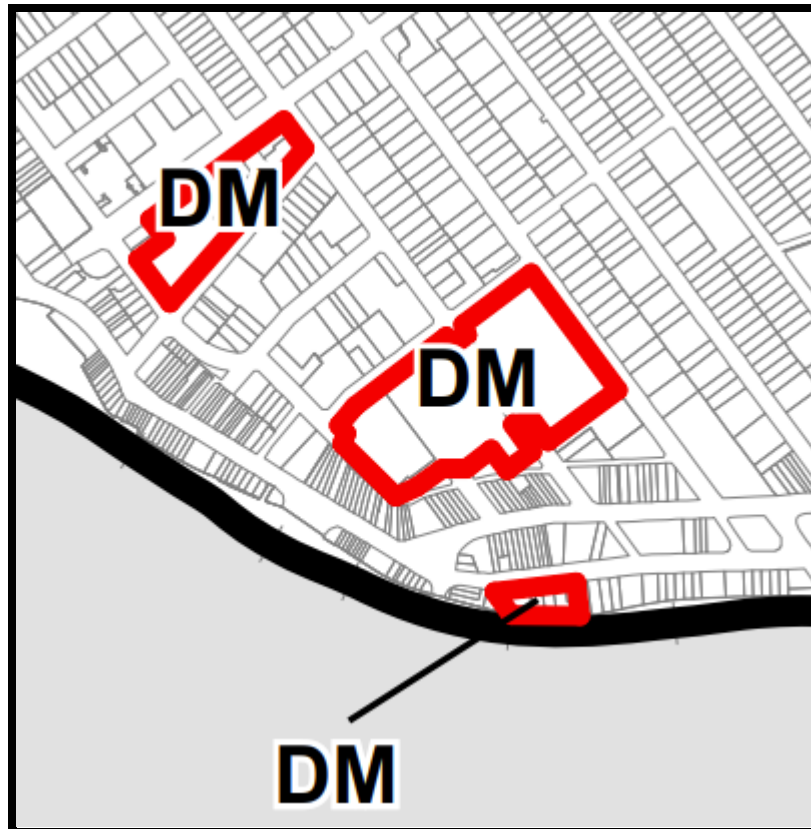


Figure 7: Extract from the Land Application Map of the HLEP 2012 showing the site (the middle of the 3 outlined in red above) as being DM – a deferred matter to which the LEP does not apply.

Hurstville Local Environmental Plan 1994 (HLEP 1994)

70. The site is zoned 3(b) 'City Centre Business' under HLEP 1994. The development is defined as both '*refreshment rooms*' and '*entertainment facilities*'. Both these landuses are permissible with consent.
71. The objectives of the 3(b) City Centre zone are as follows:
- (a) *to designate sufficient areas of land to meet the projected needs of the Hurstville Town Centre as a multi-functional regional centre,*
 - (b) *to facilitate development of land within the Hurstville Town Centre for commercial, retail, residential and community purposes,*
 - (c) *to provide a single business zone for the Hurstville Town Centre as a sub-regional centre,*
 - (d) *to facilitate the implementation of a development control plan for the Hurstville Town Centre—*
 - (i) *by introducing appropriate floor space ratio controls,*

- (ii) by encouraging an economically viable retail core which is centrally located and in close proximity to public transport,
- (iii) by enhancing employment opportunities and to service the needs of the local and regional community,
- (iv) by encouraging and facilitating the use of public transport,
- (v) by providing and enhancing pedestrian and public open space areas for shoppers and workers,
- (vi) by maintaining and improving the environmental and aesthetic quality of the Hurstville Town Centre and its surrounds,
- (vii) by ensuring adequate and accessible off-street car parking, and
- (e) to improve traffic flow in and around the Hurstville Town Centre.

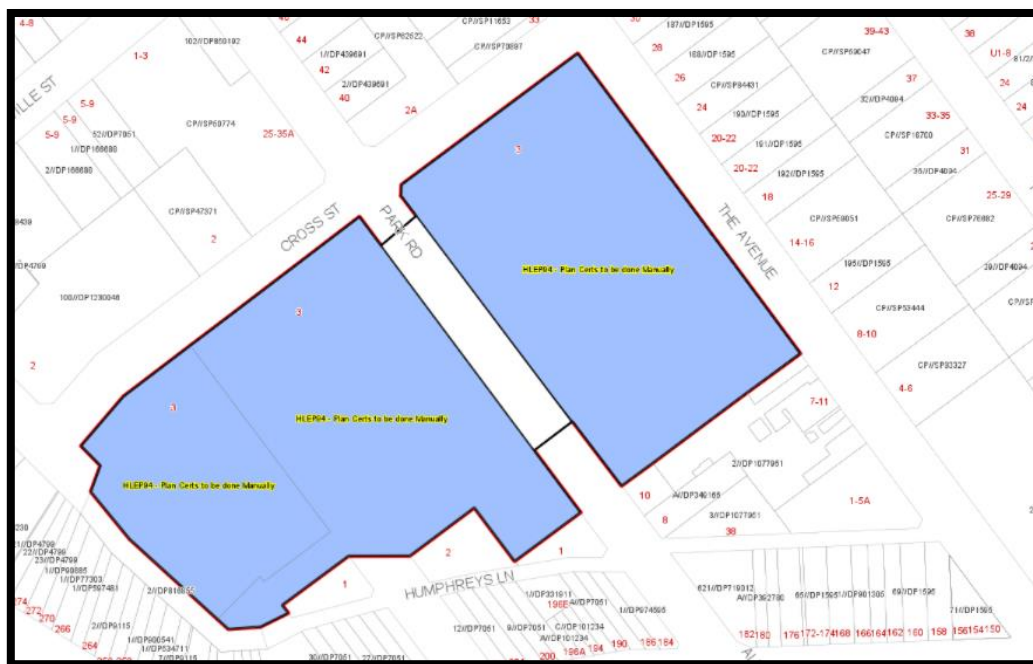


Figure 8: Zoning Map extract of Hurstville LEP 1994 showing the site in blue – the 3(b) City Centre zone. Surrounding sites are unzoned under this LEP, instead being zoned under the Hurstville LEP 2012.

72. The proposed Entertainment and Leisure Precinct is consistent with the zone objectives as:

- It provides additional leisure facilities and dining options within the regional centre;
- It increases employment opportunities within the Hurstville CBD;
- The site is located in close proximity to public transport and reduces reliance on motor vehicles by proving services within walking distance of public transport;
- It improves the visual appearance of part of the external façade of the building;
- It provides space for community style events on the upper level of the centre; and
- The development continues to provide parking that exceeds the requirements of the DCP;

73. The extent to which the proposal complies with the relevant standards of the Hurstville Local Environmental Plan 1994 is outlined in the table below.

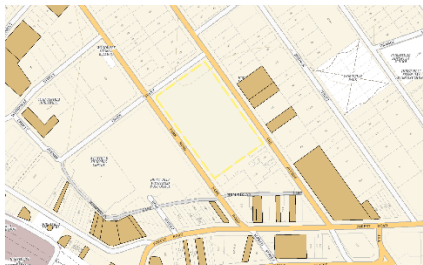
An assessment of the proposal against the relevant LEP clauses is as follows:

Clause	Standard	Proposal	Compliance
Part 2 – General restrictions on development of land			
Table	3(b) City Centre Business Zone applies.	The application seeks consent for uses	Yes

		<p>defined under the LEP as 'refreshment rooms' (a definition which includes a restaurant, café, tea room, eating house, or the like), shops (for take-away food premises) and a 'recreation facility'.</p> <p>These uses are permissible under the 3(b) City Centre Business Zone applying to the land.</p> <p>The 'ancillary amusement centre' is considered to be incidental and ancillary to the dominant use of the premises as a recreational. The applicant supports this by legal advice provided by Minter Ellison and concept plans or the majority of the premises that outlines that the floor area dedicated to the amusement machines will be around 10% of the floorspace of the tenancy. A specific condition of consent will require the future DA for the fitout of the recreational tenancy to be consistent with the concept plan.</p> <p>The proposal is consistent with the objectives of the zone.</p>	
Part 3 Special Provisions			
9B Exceptions to development standards	<p>Allows a consent authority to vary a development standard under the LEP provided that:</p> <p>(a) the consent authority is satisfied that—</p> <p>(i) the applicant's written request has adequately</p>	<p>None required – the LEP does not contain development standards that apply to the site.</p>	N/A

	<p>addressed the matters required to be demonstrated by subclause (3), and</p> <p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Planning Secretary has been obtained</p>		
13 Floor Space Ratios	Applies to Zones 3(a), 3(c), and Zone 4	<p>As the site is located in Zone 3(b), no LEP Floor Space requirement applies.</p> <p>See DCP discussion for FSR control.</p>	N/A
15A Height Restrictions for land within Zones Nos 3(a) and 3(c)	Applies to Zones Nos 3(a) and 3(c)	<p>The site is located in Zone 3(b) and as such, no LEP height requirement applies as a development standard.</p> <p>See DCP discussion for height control.</p>	N/A
15 Services	<p>Before granting consent to the carrying out of development on land for any purpose the council must be satisfied that—</p> <p>(a) facilities for the supply of water and for the removal or disposal of sewage and drainage are available to that land</p>	<p>The site has satisfactory water supply and sewerage disposal.</p> <p>Council's engineer is satisfied that the civil plans appropriately facilitate the disposal of stormwater subject to conditions.</p>	Yes
21 Roads	(1) A person may, with the consent of the council,	Part of the site is over a public road, Park	Yes

	<p>carry out development on any part of a public road, or any other land shown uncoloured on the map, for any purpose which is permissible on land adjoining that road.</p>	<p>Street. The proposal is permissible as advised earlier in this table.</p>	
<p>25A Advertising and Signage</p>	<p>The council must not grant consent for any such development unless it is satisfied that—</p> <p>(a) the advertisement will not detract from the amenity of the local environment because of its appearance, size, design, illumination or location, or as a result of the number and location of other advertisements within the vicinity, and</p> <p>(b) the size and likely impacts of the advertisement are compatible with the size and design of the premises on which the advertisement is to be placed or constructed and with the size and design of the surrounding buildings, and</p> <p>(c) the advertisement will not detract from any item of scenic, historic, architectural, scientific or cultural interest, and</p> <p>(d) appropriate setbacks, clearances and structural features are incorporated into the proposed advertisement to ensure safe pedestrian and vehicular traffic circulation.</p> <p>(4) Development that will result in the display of the following kinds of</p>	<p>The application seeks consent for signage zones only. Conditions would be imposed to require signage (other than exempt signage) to be subject to further approvals in accordance with the stated requirements.</p> <p>Given the scale of the regional shopping centre building, the signage zones are appropriately scaled and located.</p>	<p>Yes - Conditions</p>

	<p>advertisements is prohibited—</p> <p>(a) posters on poles or other structures in public places,</p> <p>(b) temporary signs of a commercial nature on land whether zoned or unzoned,</p> <p>(c) flag pole signs,</p> <p>(d) advertisements that uses flashing lights,</p> <p>(e) advertisements in a foreshore scenic protection area, within the meaning of clause 19B.</p>		
Part 4 Heritage Provisions			
33 Development in the vicinity of a heritage item	<p>Applies where development is in vicinity of a heritage item and requires Council to assess the impact</p> 	<p>The site is in the vicinity of a number of local heritage items on Forest Road and The Avenue. The application was referred to Council's Heritage Advisor who raised no objection to the proposal.</p>	Yes

Draft Georges River Local Environmental Plan 2020

74. In accordance with section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 any proposed instrument that is or has been the subject of public consultation is a relevant matter for consideration in the assessment of a development application
75. The Georges River Local Planning Panel endorsed at its meeting dated 26 June 2020 the Planning Proposal (as amended) to be forwarded to the Department of Planning, Industry and Environment for gazettal in accordance with Section 3.36 of the Environmental Planning and Assessment Act 1979.
76. The draft amendments do not apply to the subject proposal as the impacted sites remain 'deferred matters' under the Draft LEP.

DEVELOPMENT CONTROL PLAN

Hurstville Development Control Plan No.2 Amendment No.5 (HDCP)

77. The Hurstville Development Control Plan No. 2 Amendment No. 5 (HDCP) applies to sites within the Hurstville City Centre identified as 'deferred matters' on the Hurstville Local Environmental Plan 2012 Land Application Map.
78. The subject site is identified on the Land Application Map as being a deferred matter and therefore this DCP applies to the site.
79. The extent to which the proposal complies with the relevant standards of the Hurstville DCP is outlined in the table below.

An assessment of the proposal against the relevant DCP clauses is as follows:

Clause	Standard	Proposal	Compliance
3.3.2.3 Town Centre North			
3.3.2.3	Town Centre North precinct provides the greatest densities in terms of retail, residential and commercial uses in the Town Centre. It includes Westfield Shoppingtown and a pair of residential towers, one twenty storey and one eight storey. These developments do not contribute positively to the streetscape or public life of the Town Centre: Westfield Shoppingtown presents blank walls and pedestrian ramps to the street, and the residential towers are not only out of scale with the street but have car parking at their lower levels.	The development improves its interactions with Cross Street with part of the façade refurbished to improve its relationship with the street.	Yes
	to encourage street-defining mixed use developments, with retail or commercial uses on the lower two levels;	The lower two levels of the centre are not modified by this proposal, other than for façade improvements.	Yes
	to remove the Westfield Shoppingtown Ramp and to open up the Westfield Shoppingtown and Entertainment Precinct to the street system and the rest of the town.	This modest application for alterations and additions to the shopping centre retains the ramp but improves the pedestrian access to the entertainment precinct.	Yes
3.6.3 -Ecologically Sustainable Development			

3.6.3.1	<p>Energy Efficiency</p> <p>Hurstville will attempt to reduce these effects by requiring:</p> <ul style="list-style-type: none"> ▪ demand management; ▪ energy efficiency; ▪ fuel and power source substitution; ▪ use of recycled and low embodied energy materials; ▪ construction of buildings capable of adaptation in the long term. 	<p>The applicant has submitted an ESD report that indicates that the development will strive to achieve a Retail – 5-star Green Star Design As Built equivalency. A condition of consent will reinforce this and require the additions to achieve a minimum of a 4 Star Green Star design.</p>	Yes
3.6.3.2	<p>Water Conservation and Pollution Minimisation</p> <p>Hurstville can contribute to the development of better practice to stabilise or overcome these problems by consideration of the total water cycle including:</p> <ul style="list-style-type: none"> ▪ demand management; ▪ water efficiency; ▪ fit for purpose substitution; ▪ nutrient reclamation; ▪ source control of pollution; ▪ recycling; ▪ rainwater harvesting. 	<p>The applicant has submitted an ESD report that indicates that the development will strive to achieve a Retail – 5-star Green Star Design As Built equivalency. A condition of consent will reinforce this and require the additions to achieve a minimum of 4 star Green star design.</p>	Yes
3.6.3.3	<p>Recycling and Waste Minimisation</p> <p>Hurstville can contribute to the development of better practice to stabilise or overcome these problems by consideration of integrated waste management including:</p> <ul style="list-style-type: none"> ▪ waste avoidance; ▪ waste minimisation; ▪ recycling; ▪ construction waste 	<p>Council's Waste Officer has reviewed the revised Waste Management Plan and considers it satisfies the requirements of the DCP.</p>	Yes

	minimisation; ■ source separation facilities		
4.1 Built Form			
4.1.1.1 – Floor Space Calculation	The floor space is not to exceed the ratio shown on the Floor Space Ratio Map (2:1 or 64,670m ²)	<p>Existing – 77,280m² or 2.38:1</p> <p>Proposed – 79,654m² or 2.46:1</p> <p>(variation to DCP FSR control of 23.1%)</p> <p>As this control is contained relates to the Hurstville DCP 2012 it is dated and does not reflect the FSR's allowed or achieved on nearby sites within the Hurstville CBD.</p> <p>Given this the additional FSR is considered satisfactory and appropriate. This is discussed in more detail at the end of the table.</p>	No
4.1.1.3 – Height	The height is not to exceed the maximum height shown on the Height of Buildings Map (19m or 5 storeys)	<p>Existing – 27.65m</p> <p>Proposed – 31.27m</p> <p>(variation to DCP Height of 64.6%)</p> <p>As this control is contained relates to the Hurstville DCP 2012 it is dated and does not reflect the Heights allowed or achieved on nearby sites within the Hurstville CBD.</p> <p>Given this the additional Height is considered satisfactory and appropriate. This is discussed in more detail at the end of the table.</p>	No
4.14 – Traffic and Parking	Car Parking Rates- CBD Core –	The shopping centre is currently provided with	Yes

	<p>1/30m² of GFLA for retail/ refreshment rooms</p> <p>63,035m²/30 =</p> <p>2,101 spaces required</p>	<p>2,740 spaces and this will be reduced by 70 spaces.</p> <p>Notwithstanding this, the development provides a surplus of 639 parking spaces. Complies</p> <p>Notwithstanding this the independent traffic assessment raises some concerns about parking provision and this is discussed in the referral section of this report.</p>	
5.14 – Façade Composition	<p>To provide a balance of horizontal and vertical elements to relate to adjacent facades.</p> <p>Long facades are to be subdivided with other elements to provide a balanced composition.</p>	<p>The proposed modifications significantly improve the existing upper level facades along Cross street by breaking up the mass of the existing centre.</p>	Yes
5.1.10 Safety and Security	<p>Avoid secluded areas where surveillance is limited</p>	<p>A satisfactory CPTED assessment is provided in the Statement accompanying the application</p>	Yes
6.2.4.2 Waste Storage	<p>Adequate space for storage of waste and recycling provided.</p>	<p>A satisfactory revised waste management plan accompanies the application. This plan concludes that the present waste collection and storage facilities on site can accommodate the additional demand.</p>	Yes

DCP Height Departure

80. The DCP indicates that the site benefits from a mapped height of 19m.
81. The existing building exceeds this DCP height control for the majority of the site with the highest point of the existing building having a height of 35.7m.
82. The proposed alterations and additions will result in the following additional height departures to the building.

Component	Proposed Height	Extent of Variation
Park Road Restaurant (R03)	26.79m / RL 82.43	7.79m
Community green space	27.96m / RL 83.7	8.96m
Pergola atop green space	29.64m / RL 86.43	10.64m
Anchor tenant (R05)	31.27m / RL 87.27	12.27m
Lift Core	30.71m / RL 86.45	11.71m

83. As demonstrated in the table above the proposed variations do not increase the existing numerical departure but rather increase the portions of the building that exceed 19m in height. The proposed numerical departure equates to a 64.6% departure to this DCP control.
84. Although not technically required as the height control is contained in the DCP, the proponent has submitted a clause 4.6 style document and an urban design analysis to assist with justifying the departure to this primary planning control.
85. In accordance with the case law tests for a clause 4.6 departure (that is not technically required), the applicant outlines why strict numerical compliance with this DCP control is unreasonable in the particular circumstances of the case as follows:

The above demonstrates that strict compliance with the controls is unreasonable in the particular circumstance of the case as:

- *the controls in the DCP apply a uniform standard across the entire Westfield Hurstville site. The control does not reflect the current built form of this long-established land use;*
- *the controls have been flexibly applied by Council through the granting of various development consents;*
- *the controls are outdated, and Council acknowledges a need to work with the Applicant to formulate new controls;*
- *strict compliance with the numerical requirements of the DCP would preclude the Scentre Group from delivering additional employment floor space that directly service the immediate community, including the provision of community and leisure-based activities. This is consistent with the vision for the Hurstville City Centre which is identified as a strategic centre within the South District Plan which will play an important role in providing employment and entertainment opportunities for the area. Strict compliance with the height control would prevent Westfield Hurstville from contributing to achieving this vision.*

86. In accordance with the case law tests for a clause 4.6 departure (that is not technically required), the applicant outlines how there are sufficient Environmental planning grounds to justify the contravention of the DCP Control:

There are sufficient environmental planning grounds to justify the proposed variation to the development standard, including the following:

- *The proposed built form is consistent with the existing and future character of the 3(b) zone and Hurstville City Centre.*
- *The building envelope controls set out in the DCP were applied to the site some 26 years ago and do not reflect the existing built form, resulting in direct non-compliances with the controls. It is evident by the current built form that Council has previously supported variation to the DCP controls which apply to the site, allowing Westfield to evolve over time, with the surrounding context and continue to provide employment floor space and entertainment facilities to cater for the demands generated by the local community.*
- *A strictly compliant building height would defeat Objective (a) of the height of buildings standard which seeks to 'establish maximum building heights that achieves appropriate urban form consistent with major centre status of the Hurstville City Centre.'*

The DCP notes that the height limit on the site is to "remain as in the current development until such time as building envelopes are designed by Council with input from Westfield, related to a specific brief." The proposal maintains the status quo by not exceeding the maximum height limit currently built on site.

- *Council, during the preparation of the Planning Proposal for the GRLEP 2020 noted that whilst the current building height control is 19m, this would not preclude the applicant from expanding the existing ELP, in line with that proposed as part of this applicant. An extract from the Council report to the Local Planning is provided below (refer to Appendix H):*

The Panel also recognised the proposed B3 zone would not inhibit the proposed growth of Westfield Hurstville, such as the expansion of the rooftop terrace for additional dining.

- *The additional height does not result in overshadowing to adjoining residential buildings or areas of public open space.*
- *The visual impacts associated with the additional height are considered negligible in the context of the Hurstville City Centre where tall tower-like buildings are emerging in the streetscape.*
- *The proposed works has been appropriately articulated and treated to break down the overall massing and assist in presenting an acceptable interface with the residential building to the north and low-density development to the east.*
- *Sites within the immediate vicinity of the site range from 19m to 60m, increasing towards the rail line. The proposed height of 26.79m-31.27m is considered in keeping with the existing and emerging streetscape character.*
- *The site to the north at 6-8 & 10 Cross Street (Club Central) was approved with a building height of 39.35m (9.35m above the 30m height control) (DA 2017/0040). The proposed development will sit below the adjoining Club Central building opposite the site and as such will not appear overly bulky when viewed from Cross Street.*
- *The areas of the greatest exceedance are set back from Cross Street and located centrally within the room form and as such the perceived bulk is minimal*

87. It is agreed that the DCP control is dated, that the existing building departs from it and that possible future planning controls will likely increase the mapped height of the site.. It is noted that the location of the proposed works is in an area of the Hurstville CBD occupied by larger buildings in terms of height and FSR (relative to their respective sites) than the proposal and associated works, and as such, the proposal is not out of scale with surrounding development. This development does not increase the numerical height departure. Given all of the above the increased extent of the height departure is considered to have planning merit.

DCP Floor Space Ratio Departure

88. The DCP indicates that the site benefits from a mapped FSR of 2:1.
89. The existing building exceeds this DCP FSR control with the existing shopping centre having a FSR of 2.38:1.
90. The proposed alteration and additions add an additional 2,374m² of GFA and will result in the centre having an FSR of 2.46:1. will result in the following additional height departures to the building. This equates to a 23.1% departure to this DCP control, noting that the existing FSR non-compliance equates to a 19.4% departure.
91. Although not technically required as the height control is contained in the DCP, the proponent has submitted a clause 4.6 style document to assist with justifying the departure to this primary planning control.
92. The following map extracts illustrate the mapped FSR of surrounding properties.

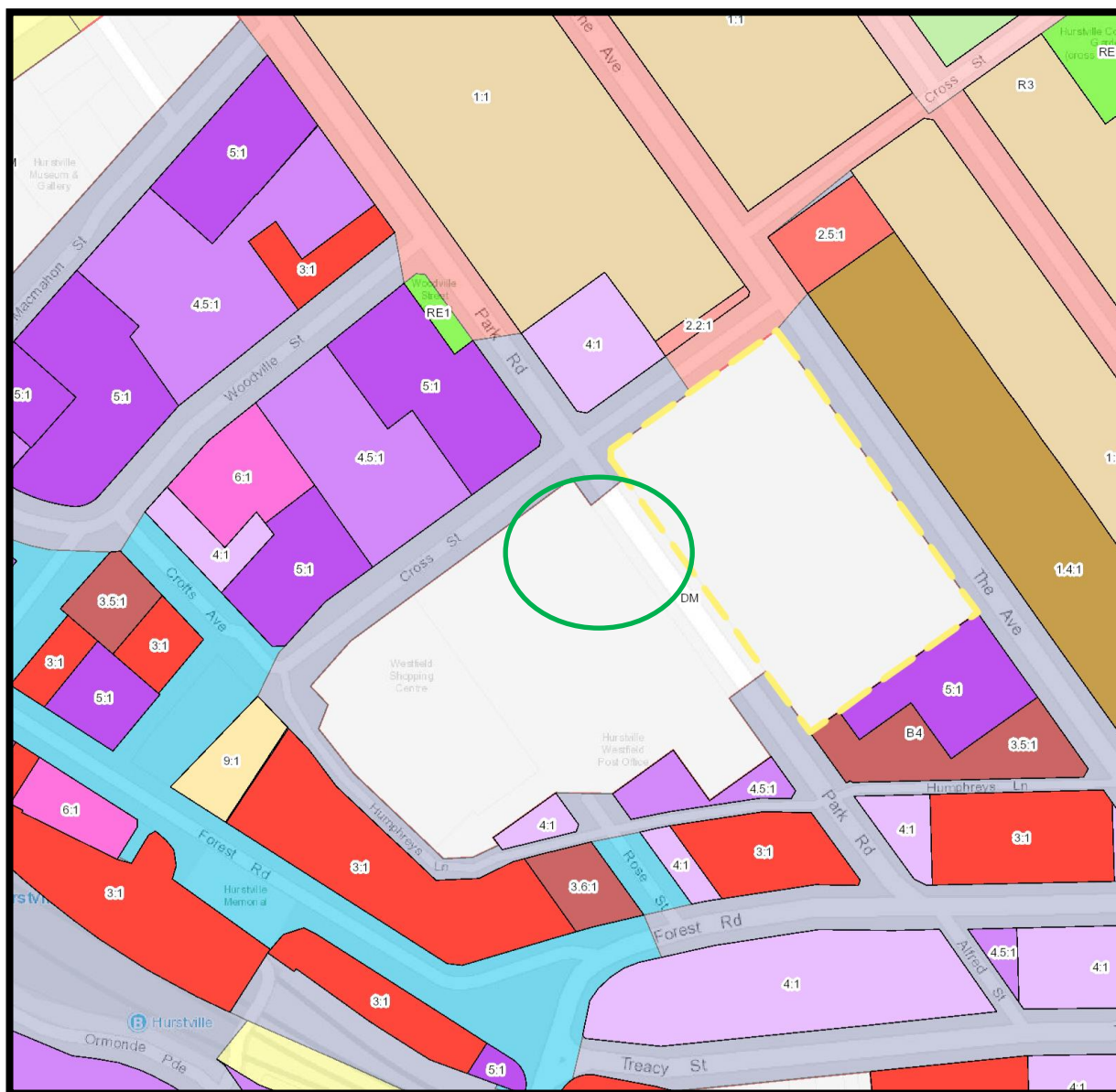


Figure 9: Extract from the FSR Map of the HLEP 2012 showing the approximate area of the majority of work in green and the mapped FSR of surrounding properties.

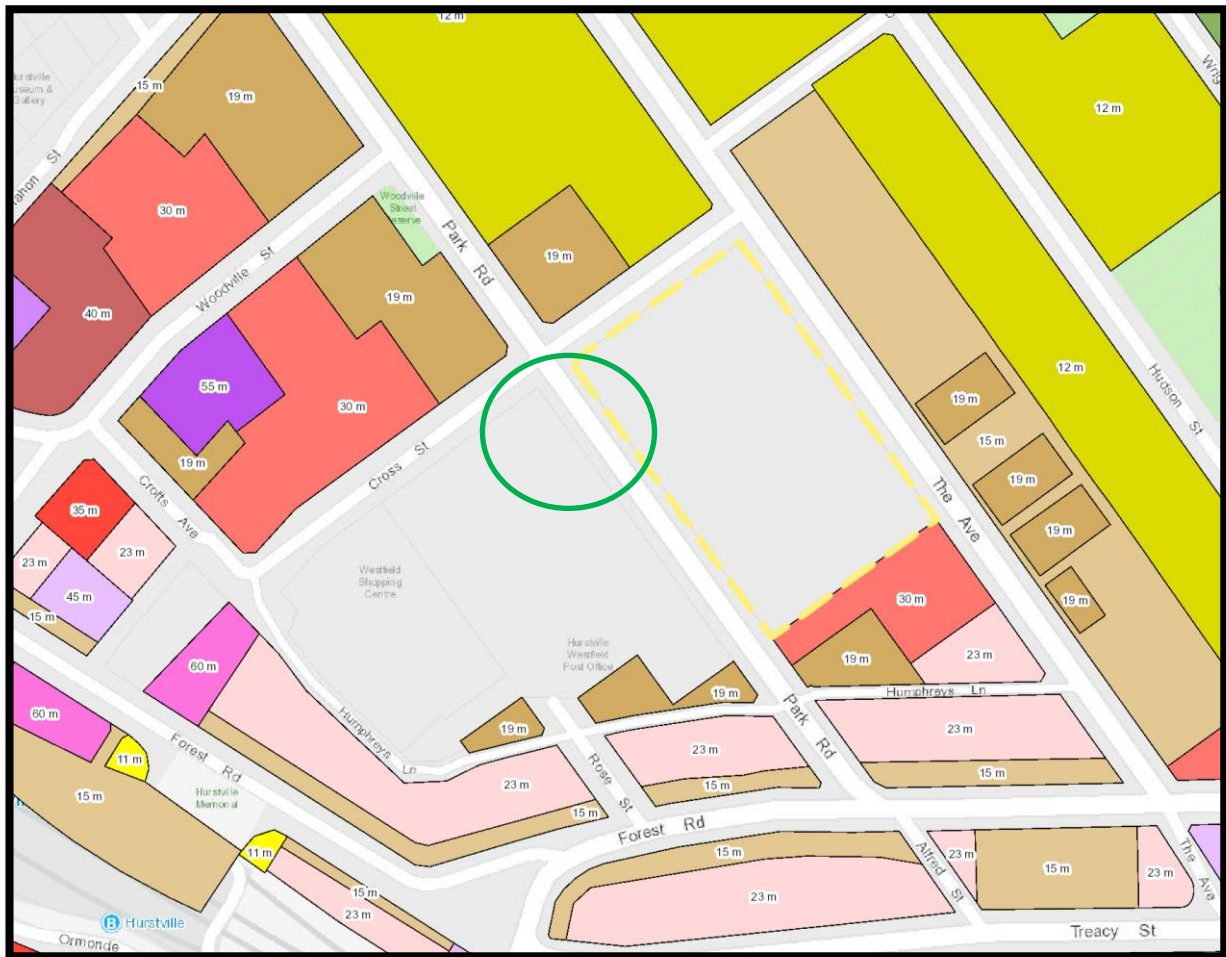


Figure 10: Extract from the Height Map of the HLEP 2012 showing the approximate area of work in green and the mapped FSR of surrounding properties.

93. The applicant's clause 4.6 style document to the DCP departure concludes that:

This request seeks to vary the FSR control prescribed for the site in HDCP. HDCP sets a maximum floor space ratio (FSR) of 2:1, equating to a permissible FSR of 64,670sqm. The proposal seeks to increase the GFA by 2,374sqm (FSR 0.073:1 or 3%), equating to a total GFA of 79,654sqm (2.46:1).

As discussed throughout this request, strict compliance with the FSR control is unreasonable and unnecessary in the circumstances because:

- *The proposed development achieves the objectives of the FSR control and the land use zoning objectives despite the proposed variation.*
- *The strict application of the FSR control would prevent the orderly development of the site to deliver a new entertainment and leisure precinct that will benefit the wider community by providing an improved shopping, entertainment, and leisure experience.*
- *It has been demonstrated that the proposed variation will not result in any adverse environmental impact on the neighbourhood amenity and streetscape.*
- *The building envelope controls set out in the DCP were applied to the site some 26 years ago and do not reflect the existing built form, resulting in direct non-compliances with the controls. It is evident by the current built form that Council*

acknowledges this and has flexibly applied the controls which apply to the site, allowing Westfield to evolve over time,

- *The FSR variation does not compromise the proposal's ability to provide a massing that is responsive to the surrounding public domain and built form that is consistent with the emerging streetscape character of Hurstville City Centre.*

For the reasons outlined above, the FSR control is unnecessary and unreasonable in the circumstances, and there are sufficient environmental planning grounds that warrant contravention of the provision. In the circumstances of this case, flexibility in the application of the FSR control should be applied.

94. It is agreed that the DCP control is dated, that the proposed FSR is consistent and indeed less than that of many immediately adjoining and adjacent properties and that possible future planning controls will likely increase the mapped FSR of the site. It is noted that the location of the proposed works is in an area of the Hurstville CBD occupied by larger buildings in terms of height and FSR (relative to their respective sites) than the proposal and associated works, and as such, the proposal is not out of scale with surrounding development. This development does not substantially increase the numerical FSR departure. Given all of the above the increased extent of the FSR departure is considered to have planning merit.

DEVELOPER CONTRIBUTIONS

95. The proposed development requires payment of developer contributions under Section 7.12 of the Environmental Planning and Assessment Act 1979. A condition of consent reinforces this.

IMPACTS

Natural Environment

96. The proposed development is unlikely to result in adverse impacts to the natural environment. The development is for alterations and existing to existing buildings and hard surface areas. plan that increases landscaping provision on the site.
97. The application is accompanied by a Landscaping Plan prepared by a qualified landscape which shows appropriate suitable landscaping, predominantly on the roof level that appropriately increases landscaping provision on the site.

Built Environment

98. The proposed alterations and additions will provide an improved interface with the public domain along Cross Street and will contribute positively to the building stock within the area. The siting, scale, bulk, and massing of the development is considered acceptable as discussed previously in this report. The proposal represents an appropriately designed development which will contribute positively to the character of the area.
99. The proposed alterations introduces an increased modulated and articulated front façade treatment along Cross Street to improve the developments interactions with the public domain.

Social Environment

100. The development is accompanied by a Social Impact Assessment prepared by Urbis. This report concludes that:

Based on the assessment in this report, the key social impacts of this proposal are considered to be:

- **Increased employment and economic opportunities:** the development of a new ELP is expected to have a high positive impact by supporting new, local employment opportunities in an area of identified need. The Economic Impact Statement prepared by Urbis considers that the proposal will result in a net community benefit with the proposal expected to contribute to key strategic directions for the Hurstville City Centre and support ongoing employment and other economic benefits.
- **Stimulating the night time economy:** the proposal is expected to have a positive impact in the community by increasing the diversity, provision and quality of night time uses within the city centre, in line with strategic aspirations for Hurstville.
- **Community safety:** the proposal is not expected to increase opportunities for crime or negatively impact on community safety on site. The proposal has incorporated CPTED principles within its design, including increasing opportunities for activation and natural surveillance. The proposal also includes a new pedestrian accessway which does not travel through the entire carpark, thereby reducing potential conflicts between pedestrians and vehicles.

As such, the proposal is likely to have a neutral to low impact on community safety and safe access on site, which could be further enhanced with the implementation of the recommendations contained in this SIA.

- **Increased access to open space:** the provision of a multi-purpose, publicly accessible community green is expected to have a high positive impact in the local community by increasing open space access in an area of identified need. The flexible design of the space provides the opportunity for the community green to support a range of community, cultural and recreational uses, which will benefit the community.

Section 10.1 below contains recommendations to help further manage and improve the potential impacts arising from the proposal. Based on this assessment and the recommendations provided, it is likely the proposal will have a positive impact on the community.

101. The recommendations of this report are incorporated into the recommended conditions of consent (refer conditions 21 and 52,53,55 and 56)and are:

- Consider creating an employment strategy for the construction and operation of the new ELP to target local hires. The plan may also include inclusion or diversity targets.
- Encourage programming events in collaboration with Council for the community green that will help support the local night time economy and promote inclusive evening activities.
- Implement the recommended management measures contained in the Noise Impact Assessment prepared by WSP to reduce potential noise impacts to neighbours during the evening.
- Install adequate lighting along the new accessway to ensure the pathway is lit throughout the night and any opportunities for concealment are minimised.
- Extend the current CCTV camera network along the new accessway to provide 24/7 surveillance of this area.
- Consider installing public art within the new accessway (e.g. pavement murals, mood lighting) to help increase the attractiveness of the space and contribute to a more cared for environment.

- *Engage and collaborate with a local artist/s for the identified public art zone. Scentre Group should consider engaging a public art piece which celebrates the culture of Georges River LGA, in collaboration with Council.*
- *Establish a regular maintenance schedule to ensure all landscaping and plants are well maintained and do not block key sight lines.*
- *Develop clear internal guidelines which outline the intended use and principles for the community green to guide Westfield management in the types of events and activities which could be hosted on site. Based on this SIA, it's suggested the community green could be hired for activities which: –*
 - Support community health and wellbeing*
 - *Provide affordable and accessible access to the Hurstville community*
 - *Support the needs of disadvantaged or marginal community groups, or*
 - *Celebrate the values and cultural diversity of Hurstville.*
- *Continue to inform Council around the final hiring policy/intended use of the community green to ensure Council are aware of the future opportunities to use this space.*

Economic Environment

102. The proposed development will have no adverse economic impact in fact it will benefit in the longer term the sustainability of the Hurstville City Centre and will in the immediate term contribute to maintaining jobs in the construction industry.
103. The proposed development will provide temporary employment through the construction of the development. In addition, the proposal will increase employment associated with the use of the site.

Suitability of the Site

104. It is considered that the proposed development is suitable for the site as it is not incompatible with the scale, character and amenity of the surrounding development and the locality.

SUBMISSIONS, REFERRALS AND THE PUBLIC INTEREST

105. The application was neighbour notified for a period of fourteen (14) days between 16 November 2020 and 30 November 2020 in accordance with the Hurstville Development Control Plan. No submissions were received.

Council Referrals

Development Engineer

106. Council's Development Engineer reviewed the proposal. Conditions of development consent have been imposed.

Landscape Officer

107. Council's Landscape officer reviewed the proposal. Conditions of development consent have been imposed.

Waste Officer

108. Council's Waste Officer has advised that the proposed arrangements for ongoing waste management are acceptable and have provided conditions of development consent to enable demolition and construction waste to be appropriately managed.

Consultant Heritage Planner

109. Council's Consultant Heritage planner has reviewed the proposal. No objection is raised to the proposal.

Consultant Traffic Engineer

110. The application was referred to a Consultant Traffic Engineer given that Council owns part of the site. The traffic engineer raised some initial concerns that were responded to by the applicant. The consultant reviewed this information and raised the following concerns in respect of traffic and parking.

- *The proposed development estimates the car parking demand of the development to be 80 car parking spaces (based upon Council's DCP), but does not demonstrate that the existing car park is underutilised such that the additional demand of 80 car parking spaces and removal of 70 spaces is satisfactory.*
- *The site does not provide an impact assessment of the traffic generated by the development to demonstrate the development will not have an adverse traffic impact upon the surrounding road network.*
- *There are outstanding design issues that need to be addressed as a result of the proposed changes being:*
 - *Internal Carpark Design. This item is not resolved. There has been no assessment for the changes in design and the additional conflicts it creates as a result of the proposal.*

For shopping centre developments the major circulation internal aisles should be designed to be one-way, with minor circulating aisles being two-way. The subject changes are located close to the ramp and in my view is a major circulation aisle that is required to be assessed to ensure there will be no major internal vehicle queuing as a result of the proposed changes.

- *Linemarking. Plans have not been amended to reflect the additional linemarking required which is required to be provided, this can be conditioned, although if preferred it is shown on the plans*

111. In response to the above, the following comments are provided:

- When calculating carparking provision in accordance with the requirements of the DCP, a surplus of 639 parking spaces is provided. The DCP is considered to be the appropriate basis to ascertain whether adequate parking is provided.
- The development application was referred to Transport for NSW as the development triggered a referral via the ISEPP for Traffic Generating Development. Transport for NSW raised no objection to the development subject to standard conditions. Given this and the proximity of the site to arterial roads (that TFNSW would have considered during its assessment of the proposal), it is not considered that the development will unduly impact upon the surrounding road network.
- The outstanding design changes will be required to be addressed by proposed conditions of consent.

112. Given the above, it is considered that traffic and parking impacts of the development have been appropriately considered.

External Referrals

Ausgrid

113. The application was referred to Ausgrid in accordance with Clause 45 of State Environmental Planning Policy (Infrastructure) 2007. Comments were received from Ausgrid and they have raised no objection to the proposed development. No conditions were recommended.

Sydney Airport and CASA (Civil Aviation Safety Authority)

114. The application is supported subject to specific conditions relating to the height limitation for the building and any construction equipment (such as cranes). The building must not exceed a maximum height of 99 metres AHD, inclusive of all lift over runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc." The application does not exceed this criterion and standard conditions of consent are recommended to reflect this

Transport for NSW (TfNSW)

115. The application was referred to TfNSW in accordance with the requirements of clause 104 of the Infrastructure SEPP.
116. Concurrence was subsequently provided by TfNSW as well as conditions of consent in correspondence dated 23 March 2021.

CONCLUSION

117. The proposal has been assessed in accordance with Section 4.15 (1) of the Environmental Planning and Assessment Act, 1979. As discussed throughout this report, the proposal is considered a form of development which is compatible with its surrounding environment. The proposal is not considered to exacerbate physical environmental impact to the adjoining and immediate locality. In addition, it is considered that the proposed is within character and is capable of existing harmoniously with its surroundings.
118. The proposal on its merits is considered to be acceptable for the reasons outlined within this report. The proposal is reasonable given that the objectives of the controls have been reasonably satisfied.
119. Operationally, the proposal will not result in any unreasonable impacts on the amenity of adjoining properties subject to conditions of consent as recommended below.
120. The application is recommended for approval subject to conditions.

DETERMINATION AND STATEMENT OF REASONS

Statement of Reasons

121. The reasons for this recommendation are:

- The proposed development is considered to be compatible with surrounding development and surrounding land uses;
- The proposed development complies with the requirements of the relevant environmental planning instruments including Hurstville LEP 1994;
- The variation to the DCP height and DCP FSR are considered to be acceptable having regard to the justification provided in the report above;
- The alterations and additions will not unreasonably affect the amenity of any immediately adjoining properties in terms of unreasonable overlooking, overshadowing or view loss;
- The proposed development is well considered and sensitively designed so that it will not result in any unreasonable impact on the natural and built environment;

- The proposed development is not considered incompatible with the character of the locality and is capable of existing harmoniously with its surroundings; and
- The size and scale of the proposed alterations and additions to the Westfield Shopping Centre is acceptable on its merits.

Determination

122. That the Sydney South Planning Panel as the Consent Authority pursuant to Section 4.16(1)(a) Environmental Planning and Assessment Act 1979, grant consent to Development Application No DA2020/0425 for the Alterations to Westfield Hurstville Shopping Centre including demolition works and construction of a new leisure precinct split over levels 3, 4, and 5 at 3 Cross street Hurstville, subject to the following conditions of consent.

Development Details

1. **Approved Plans** - The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Demolition Plan, Level Retail 03	Sheet01.0503	Undated	A	Scentre Group
Demolition Plan, Level Retail 04	Sheet01.0504	Undated	A	Scentre Group
Demolition Plan, Roof Level	Sheet01.0506	Undated	A	Scentre Group
Proposed Alterations to retail level 3 plan	Sheet 01.1003	Undated	B	Scentre Group
Proposed Alterations to retail level 4 plan and parking level 5	Sheet 01.1004	Undated	B	Scentre Group
Proposed Alterations to retail level 5 plan and parking level 6	Sheet 01.1005	Undated	B	Scentre Group
Proposed Alterations to roof level	Sheet 01.1006	Undated	A	Scentre Group
North Elevation and schedule of Materials and finishes	Sheet 01.2000	Undated	A	Scentre Group
East and South Elevations	Sheet 01.2001	Undated	A	Scentre Group
Sections	Sheet 01.2501	Undated	A	Scentre Group
Landscape Masterplan	Sheet 100	2/9/2020	C	Arcadia Landscape Architecture
Landscape Plant	Sheet 400	2/9/2020	C	Arcadia

schedule				Landscape Architecture
Softworks plan level 5	Sheet 401	2/9/2020	C	Arcadia Landscape Architecture
Softworks plan – Communal Activity Zone	Sheet 402	2/9/2020	C	Arcadia Landscape Architecture
Typical Details	Sheet 601	2/9/2020	C	Arcadia Landscape Architecture
Typical Details	Sheet 602	2/9/2020	C	Arcadia Landscape Architecture
Typical Details	Sheet 603	2/9/2020	C	Arcadia Landscape Architecture
Specification	Sheet 701	2/9/2020	C	Arcadia Landscape Architecture
Maintenance Strategy	-	2/9/2020	C	Arcadia Landscape Architecture
Recreation Facility with Ancillary Amusement concept fitout Plan	SDC-01.08200	undated	A	Not specified
CPTED Report	-	13 May 2021	-	Urbis
Waste Management Plan	-	6 May 2021	D	WSP
Construction Quality and Environmental Management Plan	-	23 September 2020	1	Scentre Group

2. **Fit-out of retail premises** - No approval is granted for the use or fit-out of the refreshment rooms or recreational facility. A Separate Development Consent or Complying Development Consent for the use and fit-out is required prior to the occupation of the refreshment room component of the development. A further development application must be submitted for the fitout and use of the recreational facility that is consistent with the concept plan referenced in this consent.
3. **Signage** - A separate application shall be submitted to Council prior to the erection of any additional signage unless the proposed signage is 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or any other applicable environmental planning instrument.
4. **Stormwater System – Gravity to the Kerb and Gutter** - All stormwater shall drain by gravity to Council's kerb and gutter directly in front of the development site in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).

Separate Approvals Required Under Other Legislation

5. **Section 138 Roads Act 1993 and Section 68 Local Government Act 1993** - Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a "works zone";
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council's website www.georgesriver.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9330 6222.

6. **Stormwater Drainage Application** - This Development Consent does not give approval to undertake works on public infrastructure. A separate approval of a Stormwater Drainage Application is required under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993 to undertake:

- (a) Stormwater & ancillary works in the road reserve. This includes connections to council.
- (b) Stormwater & ancillary to public infrastructure on private land

The Stormwater Drainage Application approval must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The Application Form for this activity can be downloaded from Council's website www.georgesriver.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9330 6400.

7. **Building – Hoarding Application** - Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the [Local Government Act 1993](#) and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the [Local Government Act 1993](#) and Section 138 of the [Roads Act 1993](#):

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
 - (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
 - (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at www.georgesriver.nsw.gov.au) before the commencement of work; and
 - (d) A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.
8. **Road Occupancy Licence (Transport for NSW Condition)** - A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
9. **Utility Arrangements** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The owner shall bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines & cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site
10. **Trade Waste Agreements** - A Trade Waste Agreement with Sydney Water may be required. Details of any work required to comply with the agreement must be detailed on the plans lodged with the Construction Certificate. If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be submitted with the application for the Construction Certificate.
11. **Sydney Water - Tap in TM** - The approved plans must be submitted to a Sydney Water Tap inTM to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap inTM agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

12. **Notice of Requirements for a Section 73 Certificate** - A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the Sydney Water Act 1994 <http://legislation.nsw.gov.au/> must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au <http://www.sydneywater.com.au> then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

13. **Department of Infrastructure, Regional Development and Cities** - In accordance with The Airports (Protection of Airspace) Regulations 1996, regulation 14(1) (b), by the Department of Infrastructure, Regional Development and Cities imposes the following conditions on any approval:
- a) The building must not exceed a maximum height of 88 metres AHD, this includes all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any rooftop garden plantings, exhaust flues etc.
 - b) Approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

Prior to the Issue of a Construction Certificate

14. **Compliance with submitted Acoustic Report** - The Construction Certificate plans shall demonstrate compliance with the Acoustic Assessment submitted to Council, titled the "*Westfield Hurstville Entertainment & Leisure Precinct Extension Noise Impact Assessment*" dated September 2020; Project No PS119912-ACO-REP-IV Rev003.docx by WSP Australia Pt Ltd. The Construction Certificate will not be issued until Council approves this validation.
15. **Landscape Plans** – All landscape works shall be carried out in accordance with the approved landscape plans and specifications, drawn by Arcadia Landscape Architecture, Ref No Issue C, dated 02/09/2020. The landscaping shall be maintained in accordance with the approved plans in perpetuity, subject to the following –
- a) The proposed three (3) palms/ trees and plant species, pot/ bag size and quantities of plants shall be in accordance with the proposed plant schedule upon the landscape plan. If plant species, pot/ bag size and quantities cannot be sourced, Council shall be contacted for alternatives;
 - b) The proposed palm *Pandanus tectorius* at 800 litre, and other two (2) palms must be contract grown early in the build phase to ensure guaranteed stock and size at the time of landscape implementation.
 - c) All trees proposed upon the approved landscape plan shall comply with AS 2303 – 2018, *Tree Stock for Landscape use* and *NATSPEC Specifying Trees: a guide to assessment of tree quality (2003)*, and be planted and maintained in accordance with Councils standard specification;
 - d) If the planted trees and plants are found to be faulty, damaged, dying or dead within

twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Councils Tree Management Controls, they must be replaced with the same species and pot/bag size;

16. **Waste Management Plan** - Prior to the issue of the Construction certificate, the applicant shall prepare a waste management plan that outlines how demolition and construction waste will be appropriately managed and recycled where possible. Prior to the issue of the Construction Certificate by the Principal Certifying Authority, the plan shall be submitted to and approved by Council's Waste Management Officer.
17. **Wind Mitigation Report** - The recommendations in the Pedestrian Wind Environment Report WF560-01F02 (REV0) -WS Report prepared by Wind Tech and dated 1 September 2020 shall be included as part of the Construction Certificate Plans to the satisfaction of the Principal Certifier.
18. **Construction Traffic Management Plan** - A Construction Traffic Management Plan detailing but not limited to the following:
 - (a) Construction vehicle routes;
 - (b) Anticipated number of trucks per day;
 - (c) Anticipated number of staff per day
 - (d) Hours of construction;
 - (e) Duration of construction;
 - (f) Traffic Control Plans to manage construction vehicles;
 - (g) Access arrangements; and
 - (h) Proposed traffic measures to minimise impacts of construction vehicles must be submitted for the approval of Council's Traffic Engineer. Council's Traffic Engineers must specify in writing that they are satisfied with the Traffic Management Plan prior to the issue of the Construction Certificate.
19. **Site Management Plan** - A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:
 - (a) location of protective site fencing;
 - (b) location of site storage areas/sheds/equipment;
 - (c) location of building materials for construction, e.g. stockpiles
 - (d) provisions for public safety;
 - (e) dust control measures;
 - (f) method used to provide site access location and materials used;
 - (g) details of methods of disposal of demolition materials;
 - (h) method used to provide protective measures for tree preservation;
 - (i) provisions for temporary sanitary facilities;
 - (j) location and size of waste containers/skip bins;
 - (k) details of any proposed sediment and erosion control measures;
 - (l) method used to provide construction noise and vibration management;
 - (m) construction and demolition traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

20. **Stormwater System** – The development proposed to utilize currently existing stormwater systems with the Westfield development. However, any future proposed drainage system must be prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.
- (a) All stormwater shall be drained in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).
 - (b) Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, shall accompany the application
21. **Social Impact Mitigation** - To realise the recommendations of the Social Impact Assessment Report plans and documents submitted with the construction certificate shall, be approved by the author of the Social Impact Assessment Report to the satisfaction of the Principal Certifier with regards to the following:
- (a) Create an employment strategy, prepared by a suitably qualified and experienced expert for the construction and operation of the new ELP to target 25% local hires. The plan must also include inclusion or diversity targets.
 - (b) Develop programming events in collaboration with Council for the community green that will help support the local night time economy and promote inclusive evening activities. In this regard a minimum of 10 days a year shall be made available to Georges River Council to utilise the space at a cost recovery rent, with a further 10 days per calendar year available to community, sporting or cultural groups at a cost recovery rent;
 - (c) Provide a lighting installation plan demonstrating that adequate lighting will be installed along the new pedestrian accessway to ensure the pathway is lit throughout the night and any opportunities for concealment are minimised.
 - (d) Provide a CCTV plan demonstrating that the current CCTV camera network will be extended along the new pedestrian customer accessway to provide 24/7 surveillance of this area.
 - (e) include a public art plan prepared by a suitably qualified and experienced consultant within the new public pedestrian accessway (e.g. pavement murals, mood lighting) to help increase the attractiveness of the space and contribute to a more cared for environment.
 - (f) Include a public arts plan prepared by a suitably qualified and experienced consultant for installation by a local artist/s for the identified public art zone which celebrates the culture of Georges River LGA, in collaboration with Council.
 - (g) Develop clear internal guidelines in conjunction with Georges River Council and condition (b) which outlines the intended use and principles for the community green to guide Westfield management in the types of events and activities which could be hosted on site. Based on this SIA, the community green is to be available to be hired on a cost recovery rent or less for activities which:
 - Support community health and wellbeing;
 - Provide affordable and accessible access to the Hurstville community;

- Support the needs of disadvantaged or marginal community groups, or
- Celebrate the values and cultural diversity of Hurstville.

In this regard the community green is to be available for a minimum of 25 events (in addition to the requirements of part (b) of this condition) a calendar year.

22. **Fees to be paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.georgesriver.nsw.gov.au).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact council prior to the payment of Section 7.11 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable).

A summary of the fees to be paid are listed below:

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Major Developments – Damage Deposit Works greater than \$2,000,000	\$1,236.00 per metre of each street frontage in accordance with Council's Fees and Charges
Inspection fees (minimum 2)	\$371.00
DEVELOPMENT CONTRIBUTIONS	
Hurstville Section 94 Development Contributions Plan 2012 - Non-Residential Hurstville City Centre (Public Domain)	\$407,389.55

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

Development Contributions

The Section 7.11 contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Section 94 Development Contributions Plan.

Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

Further Information

A copy of the *all current Development Contributions Plans* may be inspected or a copy purchased at Council's offices (Civic Centre, MacMahon Street, Hurstville and 2 Belgrave Street, Kogarah) or viewed on Council's website www.georgesriver.nsw.gov.au.

23. **Car park level P6** - To ensure appropriate vehicle movements are provided within the modified carparking level P6 all major aisles are to be designed and line marked for one way circulation. Further a new traffic engineer shall review this carparking level to ensure that there will no major internal vehicle queuing as a result of the proposed changes. The recommendations of a further traffic review shall be incorporated on the revised plans submitted with the construction certificate to the satisfaction of the Principal Certifier.
24. **Dial before your dig** - The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.
25. **Green Star Design** – Plans submitted with the construction certificate shall demonstrate that the additions approved by this development application achieve at least a of a 4 Star Green Star design to the satisfaction of the Principal Certifier.

Prior to the Commencement of Work (including Demolition & Excavation)

26. **Erosion & Sedimentation Control** - Erosion and sediment controls must be provided to ensure:
 - (a) Compliance with the approved Erosion & Sediment Control Plan
 - (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
 - (c) All clean water runoff is diverted around cleared or exposed areas
 - (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
 - (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
 - (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
 - (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
 - (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004](#).

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

27. **Dilapidation Report on Public Land** – Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site, including:

- (a) Foot paths, Kerb and gutter and roadways
- (b) Stormwater drainage pits and pipes

The report must include the following:

- (a) Photographs showing the existing condition of the road pavement fronting the site,
- (b) Photographs showing the existing condition of the kerb and gutter fronting the site,
- (c) Photographs showing the existing condition of the footpath pavement fronting the site,
- (e) Photographs showing the existing condition of any retaining walls within the footway or road, and
- (f) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (g) The full name and signature of the structural engineer ;
- (h) The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the PCA and a copy provided to the Council.

The Dilapidation Report must be prepared by a professional engineer. The report must be provided to the PCA and a copy provided to the Council. The report is to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether to refund the damage deposit after the completion of works.

28. **Demolition & Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2001 - Demolition of Structures, NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011. The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011 unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the Demolition Code of Practice (NSW Work Cover July 2015).

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

29. **Demolition Notification Requirements** – The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the

letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.

- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

During Construction

- 30. **Hours of construction for demolition and building work** - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Note: A penalty infringement notice may be issued for any offence.

- 31. **Structural Certificate During Construction** - The proposed building must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of Construction or prior issue of the Occupation Certificate
- 32. **Hazardous or Intractable Waste – Removal and Disposal**- Hazardous or intractable waste arising from the demolition or construction process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority and with the provision of:
 - Work Health and Safety Act 2011 (NSW) (as amended);
 - Work Health and Safety Regulation 2011 (as amended);
 - Protection Of the Environment Operations Act 1997 (NSW) (as amended); and
 - Protection of the Environment Operations (Waste) Regulation 2014 (as amended)
- 33. **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.
- 34. **Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council

property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.

35. **Road Opening Permit** - A Road Opening Permit must be obtained from Council for every opening of a public road reserve to access services including sewer, water mains, gas mains, connecting of stormwater to the kerb and telecommunication. This is for any work that involves excavation through or within a public road, kerb and gutter, and or the public footway between the road and the property boundary. The permit is to be lodged prior to the commencement of works. Additional approval is required from Roads and Maritime Services for works on a State Road.

Prior to the Issue of the Occupation Certificate

36. **Acoustic Compliance** - Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled the "westfield hurstville entertainment & leisure precinct extension noise impact assessment" dated September 2020; Project No PS119912-ACO-REP-IV Rev003.docx by WSP Australia Pt Ltd.
37. **Noise from roof top mechanical plant and equipment** – Noise from the operation of rooftop mechanical, equipment, ancillary fittings, machinery, mechanical ventilation system and / or refrigeration systems must not exceed *background noise* when measured at the nearest lot boundary of the site. Where noise sensitive receivers are located within the site, noise from the operation of mechanical plant and equipment must not exceed background noise when measured at the nearest strata, stratum or community title boundary.

A professional acoustic engineer shall be engaged to certify that the design and construction of all sound producing plant and equipment associated with the new building works complies with the above requirements. Certification that the requirements of this condition have been achieved shall be submitted to the PCA prior to the issue of any Occupation Certificate.

38. **Certification - Air handling systems (including water-cooling system, hot-water systems and warm-water systems)** - Certification by a suitably qualified person engineer '2012 must be submitted to the PCA prior to the issue of any occupation certificate verifying that the air handling system has been installed in accordance with:

- (a) [Public Health Act 2010](#) (as amended)
- (b) [Public Health Regulation 2012](#) (as amended)
- (c) AS/NZS 3666.1:2011 *Air-handling and water systems of buildings -Microbial control - Design, installation and commissioning*

39. **Completion of Landscape Works** - All landscape works and planting of all trees and plant species as per Plant schedule, page 400, issue C, must be completed before the issue of the Final Occupation Certificate and to the satisfaction of Councils Tree Management Officers. In accordance with approved landscape plans and specifications, drawn by Arcadia Landscape Architecture.

A certificate of compliance for the planting of all trees and shrubs proposed for the site. An AQF 5 Horticulturist shall be engaged and in writing certify that all trees have been planted as per landscape plan and specifications and forwarded to the PCA – Principal Certifying Authority.

40. **Maintenance of Landscaping** - All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilising, pest and disease control, replacement of dead or dying plants and other operations required to maintain healthy trees, plants and turfed areas.

A copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy, Masterplan, and Tree Management Policy 2019, can be downloaded from Council's website www.georgesriver.nsw.gov.au.

41. **Waste Collection** Any waste streams generated at the site must not be collected more than five days per week. The site manager must coordinate waste collections to ensure that only 5 days per week have waste collections occurring at the site
42. **Line marking of parking spaces** – All altered Parking spaces on parking level P06 shall be clearly designated (sign posted and marked on ground) and line marked prior to the issuing of an Occupation Certificate. Signage, pavement symbols and line marking shall comply with Australian Standards, AS1742, Manual of Uniform Traffic Control Devices and NSW Road Transport (Safety and Traffic Management) Regulations 1999.
43. **Vehicular crossing - Minor development** - Any proposed or alteration to vehicular access, the vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the specifications contained in the 'Application for Driveway Crossing and Associated Works on Council Road Reserve' approval issued by Council's Assets and Infrastructure Division and in accordance with Council's Specification for Vehicular Crossings and Associated Works and the issued.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

No stencilled or coloured concrete may be used outside the boundary of the property. The work must be completed before the issue of an Occupation Certificate.

44. **Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

45. **Damage within Road Reserve and Council Assets** - The developer shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.

46. **Public Utility and Telecommunication Assets** -The owner shall bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines & cables and restoring any footpath, roadway and any other
47. **Payment of S7.11 and S7.12 Contributions** - Prior to the issue of any Occupation Certificate, written confirmation from Councils delegate that all outstanding s7.11 and s7.12 contributions have been paid, is to be obtained and provided to the satisfaction of the PCA.
48. **Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted
49. **Dilapidation Report on Public Land**– Upon completion of works, a follow up dilapidation report must be prepared for the items of Council infrastructure adjoining the development site:

- (a) Footpaths, kerb and gutter
- (b) Drainage Infra-structure

The dilapidation report must be prepared by a professional engineer specialising in structural engineering, and include:

- (a) Photographs showing the condition of the road pavement fronting the site;
- (b) Photographs showing the condition of the kerb and gutter fronting the site;
- (c) Photographs showing the condition of the footway including footpath pavement fronting the site;
- (d) Photographs showing the condition of retaining walls within the footway or road;
- (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and;
- (f) The full name and signature of the professional engineer.

The report must be provided to the PCA and a copy provided to the Council. The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

NOTE: Council will use this report to determine whether or not to refund the damage deposit.

Council's Assets and Infrastructure Division must advise in writing that the works have been completed to their satisfaction prior to the issue of an Occupation Certificate.

50. **Electricity Supply** - Evidence shall be provided demonstrating that the development has been connected to Ausgrid (or relevant electricity provider).
51. **Green Star Design** – Prior to the issue of the Occupation Certificate the developer shall demonstrate to the PCA that the alterations have achieved at least a 4 Star Green Star design.
52. **Public art** -To realise the Social Impact Report submitted with the application

The following must occur before the issue of the occupation certificate to the satisfaction of the Principal Certifier, with correspondence provided from the author of the Arts Plan confirming its intent has been satisfied by the works:

- Implementation of the required arts plan along the new pedestrian pathway and

- Installation of the public art piece

53. **CCTV and Lighting** – The CCTV and Lighting forming part of the Construction Certificate documentation are to be installed as per the plans and details provided at that stage prior to the release of the Occupation Certificate by the Principal Certifying Authority.

Operational Conditions (Ongoing)

54. **Hours of operation** -The approved hours of operation of the tenancies shall be restricted to 7am to 12 midnight daily.

55. In accordance with the Social Impact Mitigation and the programme developed between Council at Construction Certificate stage a minimum of 10 days a year shall be made available to Georges River Council to utilise the space at a cost recovery rent, with a further 10 days per calendar year available to community, sporting or cultural groups at a cost recovery rent, and the community green is also to be available to be hired on a cost recovery rent or less for activities which:

- Support community health and wellbeing;
- Provide affordable and accessible access to the Hurstville community;
- Support the needs of disadvantaged or marginal community groups, or
- Celebrate the values and cultural diversity of Hurstville.

In this regard the community green is also to be available for a minimum of 25 events (in addition to the 20 days specified earlier in this condition) a calendar year.

56. **Employment Strategy** – The employment strategy provided as part of the Construction Certificate documentation is to be implemented and applied at all times.

57. **Noise Control** - The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997 (as amended).

58. **Final Acoustic Report – Verification of Noise report** - Within three months from the issue of an Occupation Certificate, an acoustic assessment is to be carried out by an appropriately qualified acoustic consultant, in accordance with the EPA's Industrial Noise Policy and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report “westfield hurstville entertainment & leisure precinct extension noise impact assessment” dated September 2020; Project No PS119912-ACO-REP-IV Rev003.docx by WSP Australia Pt Ltd are effective in attenuating noise to an acceptable noise level and that the use is not calculated to give rise to ‘offensive noise’ as defined under the provision of the Protection of the Environment Operation Act 1997 (as amended).

59. **Operation of Air Handling Systems** – The occupier must operate air handling systems in compliance with Part 2 of the Public Health Regulation 2012 (as amended). Where there is any change in the air handling system the occupier must register the changes in the regulated systems with Council.

60. **Noise Control** - The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997 (as amended).

61. **Outdoor Lighting** - To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with *AS 4282-1997: Control of the obtrusive effects of outdoor lighting*.
62. **Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

Advice

63. **Stormwater & Ancillary Works – Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993** - To apply for approval under Section 138 of the [Roads Act 1993](#) and/or Section 68 [Local Government Act 1993](#):
- (a) Complete the 'Stormwater Drainage Application Form' which can be downloaded from Georges River Council's website at www.georgesriver.nsw.gov.au.
 - (b) In the Application Form, quote the Development Consent No. (e.g.. DA2018/****) and reference this condition number (e.g. Condition 23)
 - (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with stormwater applications.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new storm water drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.

NOTE: A minimum of four weeks should be allowed for assessment.

