

Panel Reference	PPSSSH-61
DA Number	DA2020/0387
LGA	Georges River Council
Proposed Development	Demolition of existing buildings and construction of a new multi-storey mixed use facility for church and community purposes.
Street Address	23 Dalcassia Street, Hurstville
Applicant/Owner	Applicant: The Salvation Army (NSW) Property Trust Owner: The Salvation Army (NSW) Property Trust
Date of DA lodgement	13 October 2020
Number of Submissions	Three (3) submissions
Recommendation	Refusal
Regional Development Criteria (Schedule 7)	Pursuant to Clause (5)(b) of Schedule 7 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i> ('SRD SEPP'), the proposal is classified as Regionally significant development as the development is for <i>community facilities</i> and a <i>place of public worship</i> with a CIV over \$5 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (State and Regional Development) 2011</i> • <i>State Environmental Planning Policy (Infrastructure) 2007</i> • <i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</i> • <i>State Environmental Planning Policy No 55 – Remediation of Land</i> • <i>State Environmental Planning Policy (Building and Sustainability Index: 2004)</i> • <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> • <i>Greater Metropolitan Regional Environmental Plan No 2— Georges River Catchment</i> • <i>Hurstville Local Environmental Plan 2012</i> • <i>Draft State Environmental Planning Policy – Remediation of Land</i> • <i>Draft State Environmental Planning Policy – Environment</i> • <i>Draft Georges River Local Environmental Plan 2020 and Hurstville Development Control Plan No.1.</i> • <i>Georges River Interim Policy Development Control Plan 2020</i>
List all documents submitted with this report for the	<ul style="list-style-type: none"> • Statement of Environmental Effects • Architectural plans and photomontage • Landscape Plan

Panel's consideration	<ul style="list-style-type: none"> • Stormwater Plan • Subdivision Plan • Traffic and Parking Assessment report • SEPP 65 Design Verification Statement • Access Report • Arborist's Report • Heritage Impact Statement • Plan of Management • Social Impact Assessment • Waste Management Plan
Report prepared by	Kim Johnston Consultant Planner (KJ Planning)
Report date	28 June 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?	N/A
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions	
Have draft conditions been provided to the applicant for comment?	No (refusal)

EXECUTIVE SUMMARY

The Proposal

The development application (DA2020/0387) seeks consent for the demolition of existing buildings and the construction of a seven (7) storey mixed use building to be used by The Salvation Army ('TSA') for church and community purposes with upper level residential accommodation.

The building will include a two storey church and community uses facility which is proposed for meetings and activities operated by TSA. Studio, two and three bedroom apartments are proposed on the upper levels for families in need under the management of TSA. Associated landscaping and stormwater infrastructure is proposed as well as a Torrens title subdivision of the site to create a new lot to Dalcassia Street.

Site and Locality

The site is known as 23 Dalcassia Street, Hurstville ('the site') and is legally described as Lot 1 in D.P. 586989. The site comprises a corner lot with three (3) road frontages including Dora Street to the west, Bond Street to the south and Dalcassia Street to the north. The site is located between Bond Street in the south and Gordon Street to the north and occupies an irregularly shaped area of 1,679m². There are multiple vehicle access points to the site, including from Dora Street and Bond Street.

Existing development on the site consists of a number of buildings, with the main building comprising a two-storey rendered building on the corner of Dora Street and Bond Street currently used as a 'Corp' (a place of worship). Several single storey buildings also exist on the site, currently used as part of TSA's activities.

The site is located in an area of transition from the high density and multi use buildings of the Hurstville City Centre, located approximately 150 metres to the south, to the predominantly low to medium density residential development area which surrounds the site to the north, east and west. This area comprises predominantly three (3) to four (4) storey residential flat buildings with ground level car parking.

Zoning and Permissibility

The site is located in the SP2 – Infrastructure zone (Church and Community Purposes) pursuant to Clause 2.2 of the *Hurstville Local Environmental Plan 2012* ('HLEP 2012'). The proposal involves demolition, construction of a church and community purpose building and residential accommodation and subdivision.

While demolition, subdivision and the construction of a building for church and community purpose is permissible with consent in the zone, the proposed residential development is prohibited. This is further discussed in this report.

Planning Controls

The following Environmental Planning Instruments, Development Control Plans, and policies are relevant to the proposal:

- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (Building and Sustainability Index: 2004)*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *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.1; and*
- *Georges River Interim Policy Development Control Plan 2020.*

Submissions

The application was placed on public exhibition from 21 October 2020 to 18 November 2020. Three (3) submissions were received, which raised the following issues:

- Height of the building
- Streetscape and site context
- Views
- Residential use in an infrastructure zone
- Overdevelopment
- Potential acoustic impacts
- Traffic congestion and access points
- Potential privacy and overshadowing impacts
- Impact on property values
- Alternative locations
- Apartment mix

Reason for Referral to the Regional Panel

The application is referred to the Sydney South Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Clause (5)(b) of Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011* as the proposal is development for *community facilities* and a *place of public worship* with a CIV over \$5 million.

Panel involvement

A briefing was held with the Panel on 11 March 2021 where the following key issues were discussed:

- Zoning and permissibility – permissibility of the proposed residential development needs verification;
- Draft LEP exceedance

- SEPP 65 and ADG non compliances include unit sizes, balcony sizes and communal open space
- Traffic impacts
- Noise impacts of proposed uses on neighbouring development
- Waste management
- Proposed subdivision and potential for site isolation
- Potential heritage impacts
- Social impact assessment
- Architectural expression

Key Issues

A summary of the key issues associated with the proposal includes:

1. *Permissibility* - The proposed residential accommodation component of the proposal is not permissible in the SP2 zone as it can only be considered to be for *residential accommodation* which is prohibited in the SP2 zone and cannot be considered to be ancillary to a *church and community purpose*. The proposed residential units also are inconsistent with the objectives of the infrastructure zone and cannot be considered to be infrastructure.
2. *Urban Design* - The proposed built form does not achieve a sympathetic response to the existing and desired future context, does not provide visual interest to the public domain and the building facades fail to contribute positively to the existing streetscape character. Front setbacks are insufficient and the basement driveway also presents a poor outcome resulting in adverse impacts to surrounding properties and the streetscape. There is a shortfall of proposed communal space and there are insufficient dimensions to ascertain compliance with apartment layout and balcony dimensions. The resulting urban design outcome is poor.
3. *Bulk and Scale* - The bulk and scale of the proposal is not supported as it is incompatible with the existing prevailing character of the surrounding residential area and the future 12 metre height and FSR of 1:1 development standards proposed for the site under the Draft LEP 2020. A reduction in the overall building height transitioning down towards the northern and eastern portion of the site is required to achieve a better scale transition from the town centre area to surrounding residential areas.
4. *Site Isolation* - The proposed two (2) lot subdivision results in a new lot with a total site area of 594m² and a width of 14.77m, which is a small allotment within the context of the surrounding medium to high density residential developments. The proposed subdivision is likely to result in an isolated allotment as the only adjoining site contains a strata titled residential flat development. The Draft LEP 2020 also proposes a minimum lot size of 1000m² and a rezoning to R4 High Density Residential for the site, with new height and FSR controls (12 metres and an FSR of 1:1) identifying this site for future residential flat and/or mixed use development (among other uses). Such redevelopment requires a large site area, which is unlikely to be achieved on the new lot as currently proposed and accordingly, the proposed subdivision is not supported.
5. *Traffic and Car Parking* - There are a number of fundamental car parking, vehicle access and traffic issues that have not been adequately addressed by the proposal. The traffic

report is considered to be inadequate, including minimal reference to the proposed Plan of Management, with limited consideration of the proposed uses on the site and how they interact together. The likely traffic generation of the proposal has not been adequately determined in the Traffic report and the proposal provides insufficient car parking in the order of around 18 car parking spaces (DCP control) for the church and community uses and a shortfall of around 3 spaces for the proposed residential component of the proposal (ADG control). The proposal also lacks a loading area and the design of the vehicle access and car parking areas have not been assessed for compliance with AS2890.1:2004, including the internal vehicle circulation. Accordingly, the proposed is not supported on car parking and traffic grounds.

6. *Acoustic Impacts* - The Acoustic Report provided is inadequate in relation to the methodology used and the assessment provided (including the road traffic noise assessment) and cannot be relied upon to assess acoustic impacts. The proposal is not supported as potential acoustic impacts have not been adequately addressed.
7. *Waste Management* - The Waste Management Plan ('WMP') is inadequate as the method of transporting waste within the building is not provided, the location of the bin storage area is not supported and the private collection of residential waste is not supported by Council. The waste management provisions for the proposal have not been adequately addressed.
8. *Tree Removal* - A *Callistemon salignus* tree (White Bottlebrush and noted as Tree 5 in the Arborist's report) is located on the adjoining site to the east (No 18-20 Bond Street), in close proximity to the subject site's eastern boundary. The proposed basement has the potential to significantly affect the future viability of this tree and there is currently no approval to remove this tree.
9. *Stormwater Management* – There are several concerns with the proposed stormwater management provisions for the site which have not been adequately addressed by the proposal.

Conclusion and Recommendation

The proposal has been assessed having regard to the matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment 1979* ('EP&A Act'), the provisions of the relevant State environmental planning policies, in particular *State Environmental Planning Policy No 65*, the HLEP 2012 and HDCP No 1.

The permissibility issue is a fundamental issue and does not allow the application to be supported. The issues of urban design, bulk and scale and site isolation are also critical issues, but not fatal as with the permissibility issue, as it is possible that design amendments may have resolved these issues in the absence of the permissibility issue. The remaining issues are of a technical nature which, if the permissibility issue could have been resolved, is likely to have been resolved through amendments and/or additional information.

Since the application fails on the permissibility issue, the design and technical issues were not further addressed by the applicant. These technical issues, along with the other critical issues, are still considered in this report in terms of the acceptability of the proposal as currently presented and accordingly contribute to the reasons for refusal.

Throughout the assessment, the applicant was made aware that the Council and the consulting planner support the work undertaken by The Salvation Army (the applicant) in their provision of important services to the community and for those people who may need their support and assistance. However, the application needs to be considered under the planning controls and the issues of concern raised by the submitters, which in this instance does not allow for a recommendation for approval for the reasons set out in this report.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA2020/00387 is recommended for refusal subject to the reasons contained at **Schedule 1** of this report.

Full Report

Site and Locality

The subject site is legally described as Lot 1 in D.P 586989 and is known as No. 23 Dalcassia Street, Hurstville ('the site'). The site comprises a corner lot with three (3) road frontages including Dora Street to the west, Bond Street to the south and Dalcassia Street to the north. The site is located between Bond Street in the south and Gordon Street to the north and adjoins the northern extent of the Hurstville centre to the south of the site. The site location is illustrated in **Figure 1**.



Figure 1: Site Location (Source: SIX Maps)

The site comprises an irregularly shaped lot with a total site area of 1,679m² (prior to proposed subdivision). The site consists of a northern boundary to Dalcassia Street of 14.77 metres and a frontage to Bond Street (southern) of 26.96 metres. The side boundaries measure 80.47 metres, however, the eastern side boundary steps in midway through the length (**Figure 2**).



Figure 2: Existing Development on the site (Source: SIX Maps, 2021)

The site has a moderate fall of approximately 2-3 metres from the southern (street) corner to the low point in the northern corner. The site contains one (1) tree within its boundaries, with a further five (5) trees located in either the adjoining Dora Street road reserve or adjoining properties. These trees are considered in the Arborist's report.

Existing development on the site consists of a number of buildings including:

- Two-storey rendered building on the corner of Dora and Bond Streets used as a 'Corp' (place of worship) with a capacity of 250 seats (to be demolished) (**Figure 3**); and
- Two (2) single storey buildings on the Bond Street frontage currently being used as an administrative office (both to be demolished) (**Figure 4**); and
- A single storey brick cottage on the Dalcassia frontage currently used as a counselling office (to be retained) (**Figure 5**).

There are multiple vehicle access points to the site, including two (2) from Dora Street servicing the building fronting Dalcassia Street as well as one to the main building while there is a further vehicle access on Bond Street to service the building addressing Bond Street. There are currently 6 car-parking spaces available onsite, accessed from the Bond Street driveway.



Figure 3: Existing Place of Worship on the site

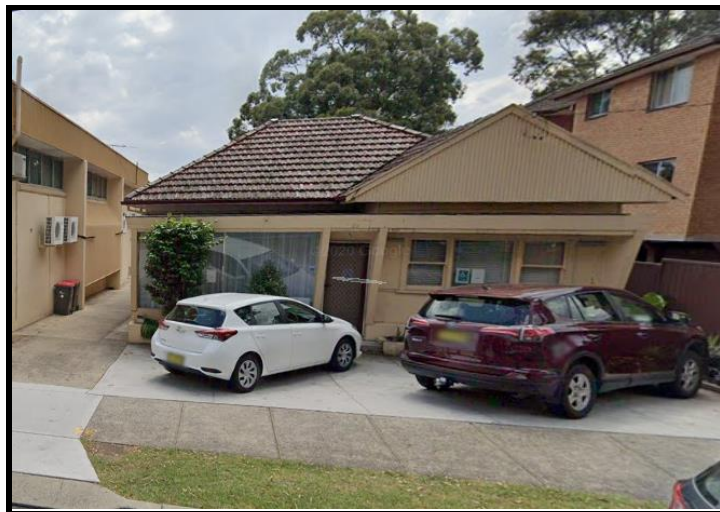


Figure 4: Existing Salvation Army buildings facing Bond Street



Figure 5: Existing Salvation Army building facing Dalcassia Street – to be retained

Surrounding Development

The site is located within a transition area from the Hurstville City Centre, located approximately 150 metres to the south, which comprises large, multi storey buildings with a mix of uses to the predominantly low to medium density residential development area which surrounds the site to the north, east and west.

Development adjoining the site to the north-east, known as No 18-20 Bond Street, comprises a 3 storey residential flat building with ground level garages accessed via a driveway down the western boundary of the site, adjoining the boundary with the subject site (**Figure 6**). Beyond this adjoining development along the northern side of Bond Street are generally three storey residential flat buildings.

Adjoining development to the south, located on the opposite side of Bond Street, comprises an eight (8) storey building forming the northern edge of the Hurstville City Centre (**Figure 7**), with various other six (6) to eight (8) storey mixed use buildings, located along this southern side of Bond Street.

Adjoining to the west are single storey terraces addressing Dora Street, one set of which are listed as local heritage items (**Figure 8**). Further south along Dora Street are the multi storey buildings of the Hurstville City centre, including Hurstville Library directly to the south and the Waratah Private Hospital to the south west.

The adjoining development to the north comprises a four (4) storey residential flat building, known as No 19-21 Dalcassia Street (**Figure 9**), with ground level car parking with a driveway along the common boundary with the subject site. The remainder of Dalcassia Street is largely comprised of three (3) and four (4) storey residential flat buildings with some single storey detached buildings existing in the street.



Figure 6: Adjoining development to the north-east - No 18-20 Bond Street



Figure 7: Adjoining development to the south - No 22 Dora Street



Figure 8: Adjoining development to the west on the opposite side of Dora Street – 35 & 37 Dora Street



Figure 9-: Adjoining development to the north along Dalcassia Street - No 19-21 Dalcassia Street

The site is located to the north of the Hurstville City Centre, with the immediately adjoining premises on the opposite side of Bond Street comprising the southern edge of this town centre. Waratah private hospital is located a short distance to the south, also forming the northern edge of the Centre (**Figures 10 and 11**). **Figure 12** outlines the various uses in the immediate vicinity of the site.



Figure 10: Looking south towards the Hurstville Centre beyond the site in foreground

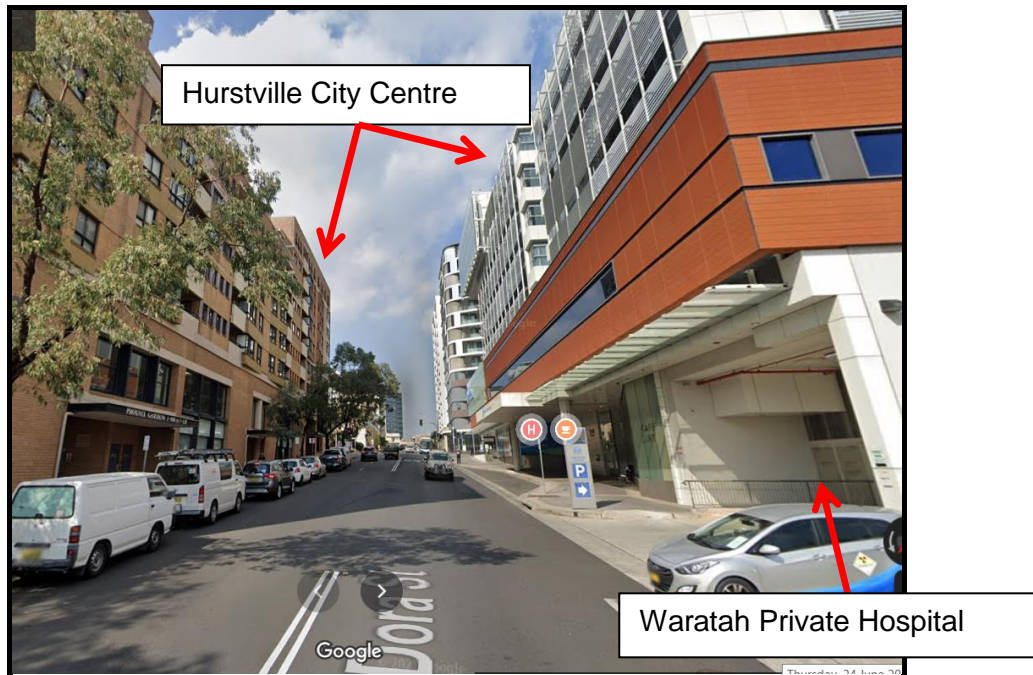


Figure 11: Looking south from near the site towards the Hurstville City Centre (Source: Google Maps)

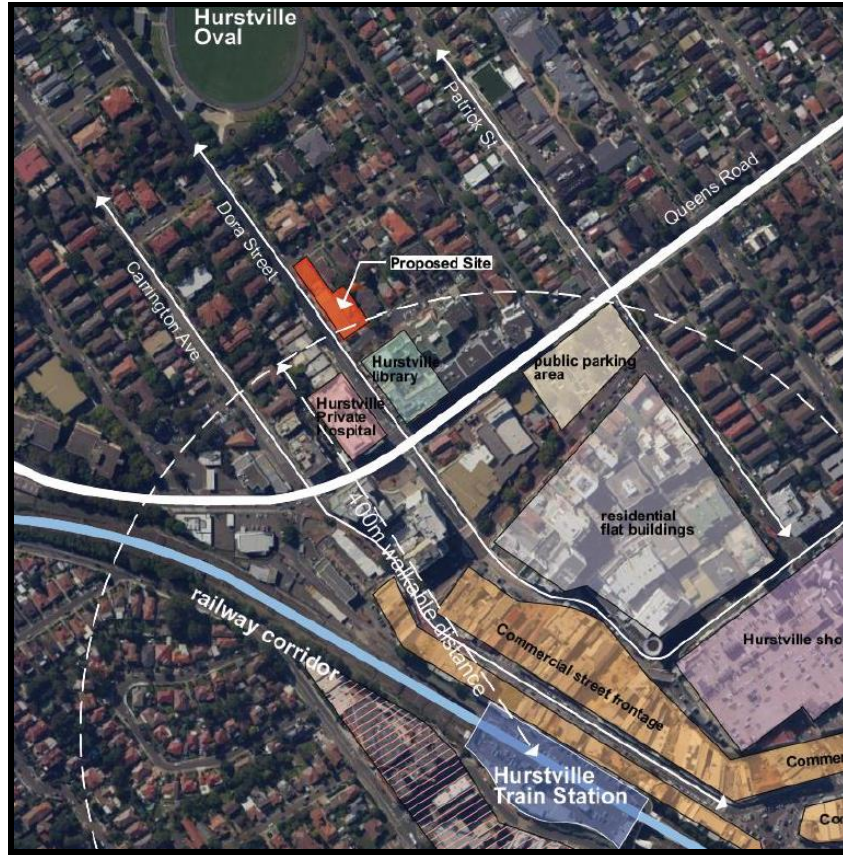


Figure 12: Location Plan (Source: Integrated Design Group, Issue D, September 2020)

The Proposal

Development consent is sought for the redevelopment of the site for the continued use by The Salvation Army ('TSA'), the current owners and operators of the site. Specifically, the proposal comprises the following (**Figures 13-17**):

- Demolition of the existing main building, the single storey weatherboard cottage along Bond Street and the single storey demountable in the northern corner of the site (single storey brick cottage addressing Dalcassia Street is to be retained – Figure 5);
- Construction of a seven (7) storey plus rooftop terrace building as The Salvation Army mixed-use facility for church and community purposes comprising:
 - Basement car parking level consisting of four (4) levels containing a total of 48 car parking spaces,
 - Ground and Level One church and community facility, including:
 - place of public worship comprising 257m² (approx.. 160 seats),
 - Salvos Café (84sqm)
 - activity room
 - community/meeting rooms and
 - offices to operate the premises.

- Five (5) storey residential flat building (above the church and community uses), comprising 27 apartments for the provision of housing for people who are experiencing disadvantage, comprising the following:
 - 18 x studio units;
 - 4 x two bedroom family units; and
 - 5 x three bedroom family units; and
- Torrens title subdivision of the site to create:
 - A new lot for the proposed development to Bond Street (1,084.74m²); and
 - A new lot to Dalcassia Street (No 23 Dalcassia Street – 594.27m²).



Figure 13: Photomontage of the Proposal (Source: Integrated Design Group, September 2020)

Vehicle Access and Servicing

Car parking is proposed within four (4) levels of basement parking, which also includes storage areas and a waste room for the both the residential and commercial/community uses. Car parking is proposed as follows:

- Community – 20 spaces

- Residential – 21 spaces
- Café/visitors – 3 spaces
- Visitors(residential) – 4 spaces
- Total car parking spaces – 48 spaces

A combined driveway is proposed in Bond Street, adjoining the eastern side boundary. There is no separate loading area, with all loading activities related to deliveries and maintenance utilising any available on-street parking or on-site visitor car parking. All waste is proposed to be transferred to the kerb frontage on the nominated days for collection by private waste collectors.

Proposed Uses on the Site

The Salvation Army plans to provide for the following community activities on the premises:

- Worship hall (ground floor): religious activities for 160 people;
- Café (ground floor) - the café is an ancillary use on the site to the Church and Community purposes, which will provide light snacks and refreshments for participants and the community (Monday to Sunday);
- Activity room (first floor) - this room will be available for various activities including training, bible studies, after school activities, meetings regarding financial assistance, counselling services and other community services;
- Community/Meeting rooms (first floor) - these rooms will provide for small group meetings, community assistance and small teaching and assistance classes; and
- Residential accommodation (upper level) for those in need.

The main development data is outlined in **Table 1**.

Table 1: Development Data

Control	Proposal
Site area	1,679m ²
GFA	2,922m ²
FSR	2.54:1 (based on proposed subdivision)
No of apartments	27 apartments (18 x studios; 4 x 2 beds & 5 x 3 beds)
Max Height	28.8 metres (to top of lift overrun; 24.5m to top of roof terrace)
Landscaped area	102.85m ² (deep soil) and 85m ² = 188m ²
Car Parking spaces	48 spaces
Setbacks	Ground – 3m; 2.25m – 6m upper levels
Proposed lot sizes	Bond Street lot – 1,085m ² ; Dalcassia St lot – 594m ²

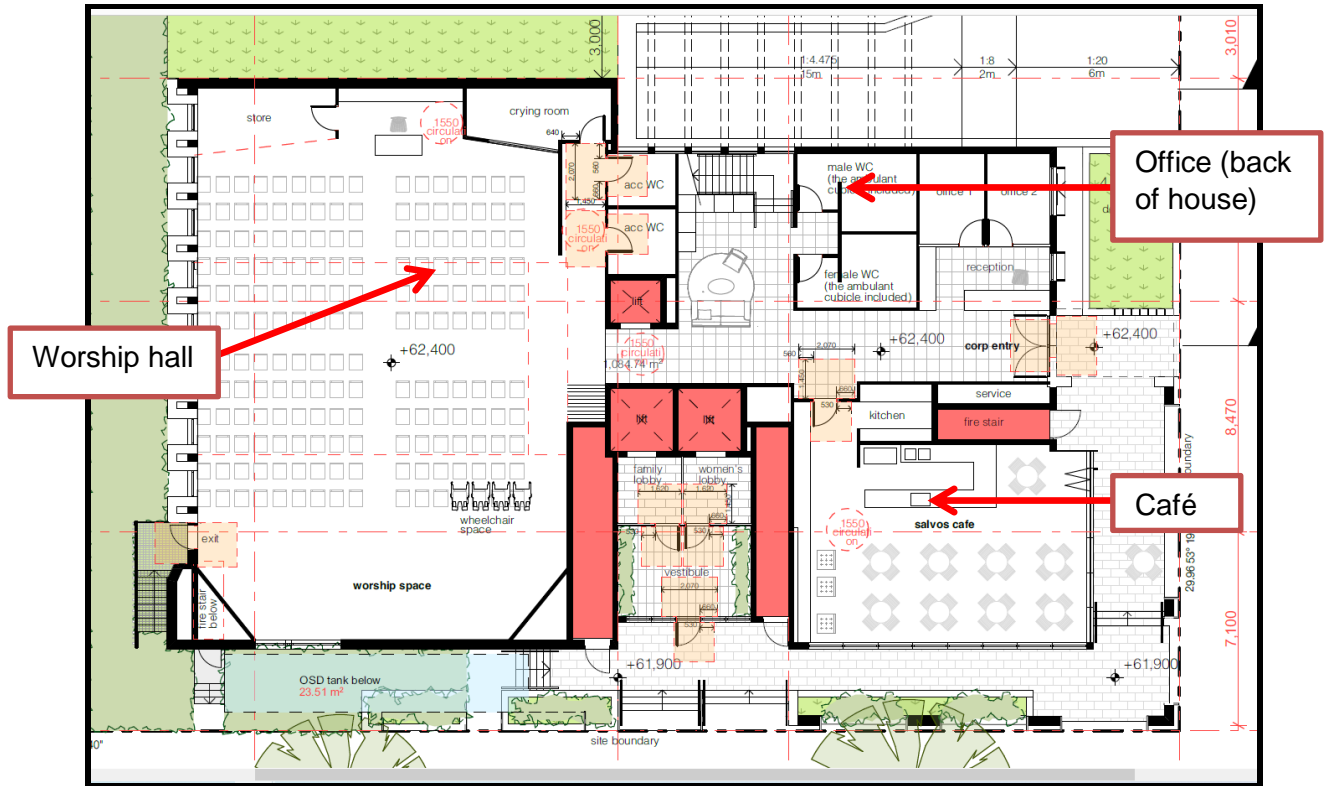


Figure 14: Proposed Ground Floor Plan (Source: Integrated Design Group, September 2020)

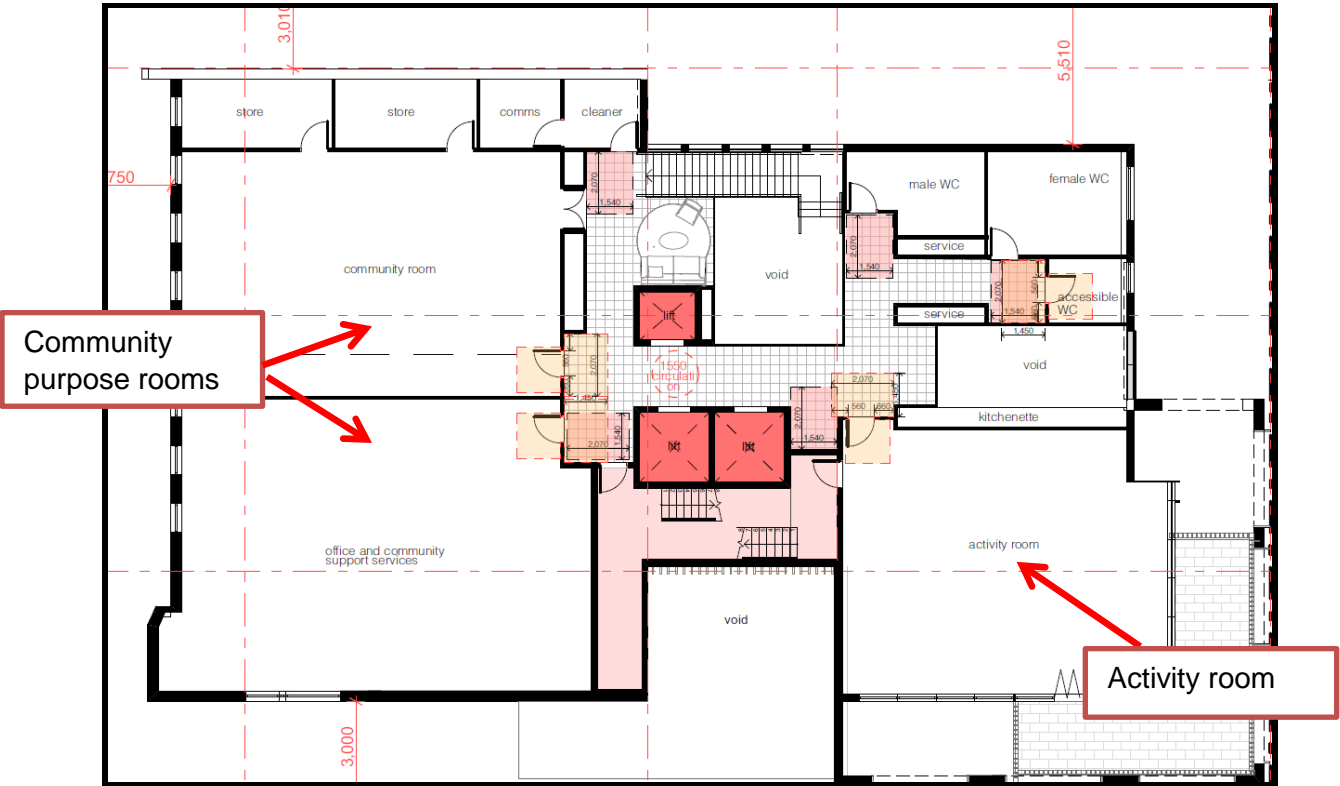


Figure 15: Proposed First Floor Plan (Source: Integrated Design Group, September 2020)

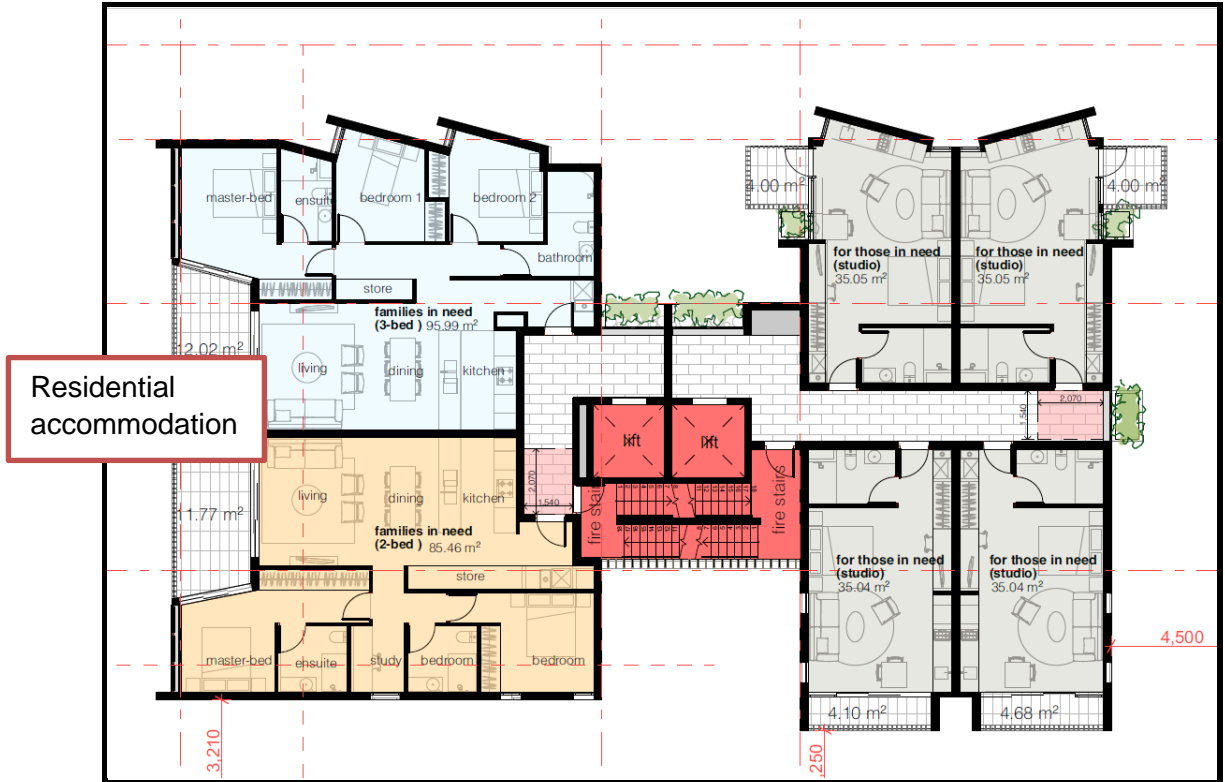


Figure 16: Proposed residential floor (typical) (Source: : Integrated Design Group, September 2020)



Figure 17: Level 6 Proposed residential floor (typical) (Source: Integrated Design Group, September 2020)

Landscaping

Landscaping is proposed as a deep soil zone along the northern boundary of the proposed lot to be created for the proposed development, adjoining the rear boundary of the new lot to be created facing Dalcassia Street. A small garden and trees are proposed along the Bond Street boundary. Planting is also proposed along the edges of two (2) communal areas, one on Level 6 and the other on the rooftop.

Background

A brief history of the development application is provided in **Table 2** below.

Table 2: Chronology of the DA

Date	Event
13 October 2020	DA lodged. The applicant informally met with Council in September 2020 to discuss the project; however, there was no formal pre-lodgement meeting.
21 October – 18 November 2020	Exhibition of the application, with three (3) submissions were received
18 November 2020	<p>Council requested additional and amended information in relation to the following:</p> <ul style="list-style-type: none"> - Acoustic Report - Additional Ramp and Driveway details - Survey detail - Additional stormwater detail (long section of proposed new 375mm diameter pipe) - A detailed Landscape Plan - NCC/BCA Report (fire safety) - Geotechnical Report - Preliminary Site Contamination Investigation Report - Proposed café details and Sydney Water trade waste agreement - SEPP 65 report, Design Verification Statement and consideration of the ADG <p>Council also advised the application will be referred to the SSPP for determination pursuant to the SRD SEPP.</p>
17 December 2020	<p>Amended plans and additional information was lodged by the applicant, including the following:</p> <ul style="list-style-type: none"> - Acoustic report - Details of the access driveway - Detailed landscape plan - Additional stormwater detail - NCC/BCA report - Geotechnical Report - Preliminary Site Contamination Report - Site survey - SEPP 65 and ADG Report (a Design Verification Statement was provided with the application). <p>The applicant noted that the commercial kitchen and servery area were no longer proposed and accordingly the kitchen details and Sydney</p>

	Water trade waste information was not required. Further, the applicant stated that it did not consider that the proposal was for <i>regionally significant development</i> as the community facilities component of the development was less than \$5 million.
17 December 2020	Council engaged an urban design consultant to review the proposal with comments being received on 17 December 2020 (following Council's request for additional information on 18 November 2020). These comments raised several fundamental concerns with the design, bulk and scale of the proposal which need to be addressed (discussed further in this report).
23 December 2020	Referral comments from Council's Waste Officer raised fundamental concerns with the proposed waste management for the proposal (discussed further in this report).
19 February 2021	The Acoustic report prepared by Acoustic Logic submitted in December 2020 was peer reviewed by an Acoustic consultant engaged by Council, concluding that the Acoustic Report was unsatisfactory (discussed further in this report).
4 March 2021	The Traffic report was peer reviewed by a Traffic Engineering consultant engaged by Council, concluding that it was unsatisfactory (discussed further in this report).
11 March 2021	The proposal was referred to the Panel for a briefing where the following key issues were discussed and required further resolution: <ul style="list-style-type: none"> ▪ Zoning and permissibility – permissibility of the proposed residential development needs verification; ▪ Draft LEP exceedance ▪ SEPP 65 and ADG non compliances include unit sizes, balcony sizes and communal open space ▪ Traffic impacts ▪ Noise impacts of proposed uses on neighbouring development ▪ Waste management ▪ Proposed subdivision and potential for site isolation ▪ Potential heritage impacts ▪ Social impact assessment ▪ Architectural expression
4 May 2021	Council sent a Request for Information ('RFI') letter to the applicant outlining various concerns with the proposal following the Panel briefing. The RFI letter raised the following issues which the applicant was requested to address: <ul style="list-style-type: none"> ▪ Permissibility ▪ Urban design ▪ Bulk and scale ▪ Site isolation (of lot facing Dalcassia Street) ▪ Traffic and car parking ▪ Acoustic impacts ▪ Waste management ▪ Tree removal ▪ Stormwater management
6 May 2021	Meeting held between Council and the applicant to further discuss Council's RFI letter dated 4 May 2021. The permissibility issue was primarily the only issue discussed as this was fundamental to the

	proposal.
25 May 2021	The applicant (via an email to Council) proposed to address the permissibility issue with recommended conditions including the requirement for a <i>Housing for Community Purpose Operational Plan of Management (OPM)</i> and the registration of an Affordable Housing Covenant condition (as a public positive covenant under section 88E of the <i>Conveyancing Act 1919</i> (NSW)). The applicant stated that this would provide greater certainty and surety that the residential accommodation would be tied to the overarching community purpose component and would therefore be permissible as <i>special purpose – church and community purpose</i> under the SP2 Zoning of the site.
9 June 2021	Following further consideration by Council, these conditions were considered inadequate and the permissibility issue remained unresolved. The applicant was advised by Council that the proposed conditions did not overcome the fact that residential accommodation is not permissible in the SP2 zone. Accordingly, the applicant was advised that an assessment report would be prepared for the Panel's determination based on the proposal currently with Council.

Statutory framework

Environmental Planning and Assessment Act 1979

The proposal has been assessed and considered against the provisions of Section 4.15(1) 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:

Objects of the EP&A Act

The consent authority is required to consider the objects pursuant to Section 1.3 of the EP&A Act when making decisions under the EP&A Act. The objects of the EP&A Act are considered in **Table 3**. The proposal is considered to be contrary to some of the objects.

Table 3: Consideration of the EP&A Act Object

OBJECTS OF THE EP&A ACT	PROPOSAL	COMPLY
<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 is urban infill development of a church and community purpose in close proximity to a local town centre. The provision of additional and renewed church and community purpose floor space in the locality is desirable. While the residential development is proposed for a social housing purpose, it is nevertheless prohibited and cannot be supported. The remaining aspects of the proposal satisfy this object.	Yes

<p><i>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment</i></p>	<p>The proposal has been designed having regard to the principles of ESD, particularly in relation to energy efficiency.</p>	<p>Yes</p>
<p><i>(c) to promote the orderly and economic use and development of land</i></p>	<p>The proposal involves a residential use of the land which is prohibited in the zone and which is therefore considered to not promote the orderly use of the land. Furthermore, the proposed built form is considered to be incompatible with the character of the area given the medium density nature of the immediately surrounding area.</p> <p>The proposed land subdivision is also considered not to promote the orderly use of land since the remaining lot facing Dalcassia Street is small and is unlikely to be capable of significant redevelopment. This is considered further in Note 1.</p>	<p>No Refer to Note 1</p>
<p><i>(d) to promote the delivery and maintenance of affordable housing</i></p>	<p>This is unable to be achieved on the site given the permissibility issue.</p>	<p>N/A</p>
<p><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></p>	<p>The site is located within an urban area which almost entirely consists of impermeable surfaces and existing development. There are no known threatened species or other significant vegetation located on the site or other significant species mapped within the site or its immediate vicinity. The proposal is unlikely to adversely impact on the natural environment.</p>	<p>Yes</p>
<p><i>(f) to promote the sustainable management of built and cultural heritage</i></p>	<p>The site does not contain any local or state heritage items and is not located within a Heritage Conservation Area. The site however, is located in the vicinity of a locally listed heritage item (33-47 Dora Street). A Heritage Impact Statement concluded that the proposal will have an acceptable impact on the heritage significance of the identified heritage items in the</p>	<p>Yes</p>

	vicinity of the site. Therefore, it is considered there is no adverse impact on heritage value of the nearby item nor any heritage value on the site (subject to conditions).	
<i>(g) to promote good design and amenity of the built environment</i>	This report assesses the proposal's design and amenity against State Environmental Planning Policy 65, the Apartment Design Guide Guidelines and HDCP No 1. There are concerns with the urban design aspects of the proposal which are considered in this report. The proposal is considered to be unsatisfactory having regard to urban design.	No
<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 can 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 as the CIV exceeds \$5 million for a church and community purpose and therefore the Sydney South Planning Panel is the consent authority. The proposal is considered to satisfactorily address the local planning issues.	Yes
<i>(j) to provide increased opportunity for community participation in environmental planning and assessment</i>	The application was notified to adjoining owners in accordance with the HDCP No 1. Three submissions were received and are discussed in this report.	Yes

Note 1: Site Isolation (Object (c))

The proposed two (2) lot subdivision results in a new lot facing Dalcassia Street which has a total site area of only 594m² with a lot width of only 14.77 metres. This is a small allotment within the context of the surrounding medium to high density residential developments surrounding the site.

The following concerns are raised:

- a) The Draft LEP 2020 proposes a minimum lot size of 1000m² and a rezoning to R4 High Density Residential for the site. Such zoning and lot size changes, coupled with a new height limit of 12 metres and a maximum FSR control of 1:1, identifies this site for future residential flat and/or mixed use development (among other uses). Such development types ordinarily require a large area of land to

provide the necessary facilities (and for viability reasons). This is unlikely to be achieved on a site as currently proposed.

- b) The proposed subdivision is likely to result in an isolated allotment given the site is a corner lot and the adjoining lot to the east at 19-21 Dalcassia Street contains a strata titled residential flat development containing six (6) apartments.
- c) The proposal has not provided an adequate indicative building envelope which demonstrates how solar access, vehicular access, setbacks, landscaped areas, and tree preservation can be achieved on the proposed small lot pursuant to Design Solution DS1.12 of Part 3.2 of the *Hurstville Development Control Plan No 1*.

Accordingly, the proposed subdivision component of this proposal is not supported.

Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of ESD in the Protection of the *Environmental Administration Act 1991*. Pursuant to Section 6(2) of that Act, ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implantation of:

- (a) the Precautionary principle – the proposal has been sensitively designed and is unlikely to result in any serious or irreversible environmental damage given the zoning of the site;
- (b) Inter-generational equity – the proposal will not have adverse impacts on the environment for future generations;
- (c) Conservation of biological diversity and ecological integrity – 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 site or within the immediate vicinity of the site;
- (d) Improved valuation, pricing and incentive mechanisms – the proposal includes a number of energy and water initiatives, waste reducing measures to reduce the ongoing cost, resources and energy requirements of the development for the longer term.

Integrated Development

The development is not identified as integrated development and does not require approval under any of the other Act pursuant to Section 4.46 of the EP&A Act.

Section 4.15 Assessment

Section 4.15(1) of the EP&A Act requires various matters to be considered in the determination a development application as outlined below:

(1) Matters for consideration—general *In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

(a) the provisions of:

(i) any environmental planning instrument; and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

(iv) the regulations

that apply to the land to which the development application relates,

The following environmental planning instruments, proposed instruments and development control plans apply to the proposal:

- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (Building and Sustainability Index: 2004)*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *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.1; and*
- *Georges River Interim Policy Development Control Plan 2020.*

The provisions of these planning matters are considered below.

Environmental Planning Instruments (S4.15(1)(a)(i))

State Environmental Planning Policy – State and Regional Development 2011

State Environmental Planning Policy (State and Regional Development) 2011 ('SRD SEPP') applies to the proposal as it identifies if development is regionally significant development. In this case, pursuant to Clause 20(1) of SRD SEPP, the proposal is a regionally significant development as it satisfies the criteria in Clause 5(b) of Schedule 7 of the SRD SEPP as the

proposal is development for *community facilities* and a *place of public worship* with a CIV over \$5 million. Accordingly, the Sydney South Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 ('Infrastructure SEPP') applies to the proposal and aims to facilitate the effective delivery of infrastructure across the State by, among other things, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development. The relevant clauses of the Infrastructure SEPP include the following:

- *Clause 45 (Determination of development applications—other development)*

This Clause applies to a development application for development comprising or involving development carried out (among other things) within 5 metres of an exposed overhead electricity power line. These power lines run along the Dora and Bond Street boundaries of the site. Accordingly the application was referred to Ausgrid, being the local energy provider. There were no objections raised subject to standard conditions as outlined below in the referrals discussion.

- Clause 101 – development with frontage to classified road

The proposal does not have a frontage to a classified road and accordingly this clause is not applicable to the proposal.

- *Clause 102 - Impact of road noise or vibration on non-road development*

The proposal is not located on a road requiring noise and acoustic assessments and accordingly this clause is not applicable to the proposal.

- *Clause 104 – Traffic-generating development*

Pursuant to Clause 104, certain development must be referred to the Roads and Maritime Services, now *Transport for NSW* ('TfNSW') for comment based on the type, capacity or location of the proposal. In this instance, the proposal does not meet these criteria and accordingly, a referral to TfNSW is not required.

The proposal is considered to be consistent with the Infrastructure SEPP.

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Building ('SEPP 65') aims to improve the design quality of residential apartment development in New South Wales. This Policy applies to the proposal pursuant to Clause 4, as the proposed residential component comprises at least 3 storeys and contains at least 4 or more dwellings. The relevant clauses of SEPP 65 to the proposal are considered below in **Table 4**. The proposal

is accompanied by a Design Verification Statement pursuant to Clause 50(1A) of the Regulations.

Table 4: Consideration of SEPP 65 and the ADG

REQUIREMENT	PROPOSAL	COMPLY
Part 4 Application of design principles		
Determination of development applications (CI 28)		
(1) Consent authority to refer application to relevant design review panel (if any) for advice on design quality of development.	The Council does not currently have a Design Review Panel; therefore the proposal was referred to an external urban design consultant for an urban design review. These comments are considered in this report and provided at Attachment A .	N/A
(2) A consent authority is to take into consideration (a) advice (if any) obtained from the design review panel, and	Refer above	N/A
(b) design quality of the development when evaluated in accordance with the design quality principles, and	Consideration of the design quality principles contained in Schedule 1 of SEPP 65 has been undertaken and the proposal is inconsistent with the following and are discussed in Note 1 below: <ul style="list-style-type: none"> • Principle 1: Context and neighbourhood character • Principle 2: Built form and scale • Principle 3: Density • Principle 9: Aesthetics 	No Refer to Note 1
(c) Apartment Design Guide.	The proposal has been assessed against the design criteria of the <i>Apartment Design Guide</i> ('ADG') with a table of compliance provided in Attachment B . The following inconsistencies were noted and are discussed in Note 2 below: <ul style="list-style-type: none"> (a) Communal open space (Part 3D) (b) Vehicle Access (Part 3H) (c) Car Parking (Part 3J) (d) Apartment layout (Part 4D) (e) Balconies (Part 4E) (f) Facades (Part 4M) (g) Water management & conservation (Part 4V) (h) Waste Management (4W) 	No Refer to Note 2
Standards that cannot be used as grounds to refuse development consent or modification of development consent (CI 30)		
(1) Consent authority must not refuse application because of those matters—		

<p>(a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,</p> <p>(b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,</p> <p>(c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.</p>	<p>Car parking (Part 3J) – the proposal does not comply with the car parking requirements of the ADG. Accordingly, refusal on car parking is available to the consent authority. Refer to note 2 and the DCP table in Attachment C.</p> <p>Minimum internal area for apartments (Part 4D) – the proposal complies with the minimum internal apartment area requirements of the ADG; and</p> <p>Ceiling heights (Part 4C) - the proposal complies with the minimum ceiling height requirements of the ADG;</p>	<p>No</p> <p>✓</p> <p>✓</p>
<p>(2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to—</p> <p>(a) the design quality principles, and</p> <p>(b) the objectives specified in the Apartment Design Guide for the relevant design criteria.</p>	<p>As outlined above, the application does not have adequate regard for several of the design quality principles and several parts of the ADG.</p>	<p>No</p>

Note 1: Design Quality Principles

- **Principle 1: Context and neighbourhood character** – It is considered that the proposal does not respond or contribute to its context as the proposed design, bulk and scale do not have adequate regard for the built features of the area, their relationship and the character they create when combined. The proposal fails to identify and respond to the desirable elements of the character of the area which include buildings of lower height and scale and upper level setbacks. The proposal is considered to be inconsistent with Principle 1.
- **Principle 2: Built form and scale** – The proposed does not achieve a scale, bulk or height which is appropriate to the existing or desired future character of the street and surrounding buildings given the excessive bulk and scale of the proposal when compared to existing development. The proposed building alignments, setbacks and articulation of facades are not an appropriate built form for the site. The proposed building form does not contribute to

the character of the streetscape given its excessive bulk and scale and the provision of internal amenity is unknown given the lack of appropriate dimensions of room and balcony sizes as outlined in the ADG assessment. The proposal is considered to be inconsistent with Principle 2.

- **Principle 3: Density** – The proposed density is inappropriate for the site and its context. The site is located between the lower densities immediately to the north, north-west and east of the site characterised by 3 to 4 storey residential flat buildings and largely 8 storeys buildings to the south within in the B4 Mixed Use zone of the Hurstville town centre. While the site is located in close proximity to the Hurstville town centre which could sustain a larger density in terms of proximity to services, a more transitional density is appropriate for the context and one which is more compatible with the 12 metre height and FSR of 1:1 development standards proposed for the site under the Draft LEP 2020. The proposal is considered to be inconsistent with Principle 3.
- **Principle 4: Sustainability** – The proposal achieves a good level of sustainability in relation to cross ventilation, access to sunlight and complying with the BASIX requirements. The proposal is considered to be consistent with Principle 4.
- **Principle 5: Landscape** – Landscaping has been provided, with some issues in relation to tree retention to be resolved. The proposal is generally considered to be consistent with Principle 5.
- **Principle 6: Amenity** – Further information is required on room and balcony dimensions to ensure that an adequate level of amenity is achieved for future occupants of the building as outlined in the ADG assessment. It is unknown whether the proposal is consistent with Principle 6.
- **Principle 7: Safety** – While further opportunities to maximise passive surveillance of public and communal areas to promote safety are required, the proposal is considered to be generally consistent with Principle 7.
- **Principle 8: Housing diversity and social interaction** - A mix of apartment sizes are provided, although greater communal open space is required. The proposal is generally considered to be consistent with Principle 8.
- **Principle 9: Aesthetics** – The built form does not achieve good proportions or visual appearance and is not well designed for its context. Visual interest is not created as the current design presents a large portion of blank wall facades on the upper levels facing Bond and Dora Streets and to the east elevation.

It also fails to contribute positively to the existing streetscape character, lacks passive surveillance and visual interest to the public domain. Larger window openings on the southern and western elevations with the main balconies orientated towards the streets as well as high-quality materials and architectural design to the side elevation are required. More horizontal façade elements to break up its verticality, achieving a more balanced composition, as the proposed façade design presents a strong sense of verticality, is also required.

A more defined podium base on the north elevation through expressed horizontal elements and a balanced solid and void pattern to mitigate the perceived scale and height of the podium is lacking. The proposal is considered to be inconsistent with Principle 9.

Note 2: Apartment Design Guide

The following inconsistencies were noted, which require further consideration:

- **Communal open space** (Part 3D) – The proposal provides a total of 160m² as communal open space (Level 6 women's area) and the rooftop), approximately 14.8% of the site area (following the proposed subdivision). This is a shortfall of around 110m² as 25% of the site (or 271.12m²) is required pursuant to Part 3D(1). The proposal is considered to be inconsistent with the objectives for communal open space as it does not provide an adequate area of communal open space to enhance residential amenity and is therefore unsatisfactory in this regard (Objective 3D-1);
- **Vehicle Access** (Part 3H) – The proposed vehicle access is provided from Bond Street; however, this access is exposed along the eastern boundary which results in an adverse impact on the streetscape resulting from the visual dominance of the basement entry. This entry should be more appropriately integrated into the overall building design. The proposal is considered to be inconsistent with the objectives for vehicle access as it does not create high quality streetscapes (Objective 3H-1). The proposal is also contrary to the design guidance in that the car park access has not been integrated with the buildings overall façade.
- **Car Parking** (Part 3J) – The proposal is inconsistent with the design criteria for car parking in that only 21 residential and 4 visitor spaces are provided (total 25 spaces) when 22 residential and 6 visitor spaces (28 spaces on the basis of the site being located within a subregional centre – outlined in the DCP table) are required pursuant to Part 3J(1);
- **Apartment layout** (Part 4D) – There is insufficient information in the form of dimensions on the plans to ascertain compliance with the living and bedroom room size controls pursuant to Part 4D(1). Furthermore, the architectural plans currently indicate that the 2 bedroom units contain three (3) bedrooms with no main bathroom. Therefore, the proposal is inconsistent with the objectives for apartment size and layout as it is unknown if the proposal provides apartments which are functional, and well organised and provides a high standard of amenity (Objective 4D-1);
- **Balconies** (Part 4E) – The depth of balconies for the two (2) and three (3) bedroom units is unknown and accordingly it is unclear if the proposed balconies provide an appropriately sized private open space to enhance residential amenity, inconsistent with the objectives for balconies (Objective 4E-1);
- **Facades** (Part 4M) – The facades of the proposal are considered to be unsatisfactory as there is no visual interest created as there are large portions of blank wall facades on the upper levels facing Bond and Dora Streets and to the east elevation. It also fails to contribute positively to the existing streetscape character, lacks passive surveillance and visual interest to the public domain. Larger window openings on the southern and western

elevations with the main balconies orientated towards the streets as well as high-quality materials and architectural design to the side elevation are required.

More horizontal façade elements to break up its verticality, achieving a more balanced composition, as the proposed façade design presents a strong sense of verticality, is also required. A more defined podium base on the north elevation through expressed horizontal elements and a balanced solid and void pattern to mitigate the perceived scale and height of the podium is required. Accordingly, the proposal is inconsistent with the building façade objectives 4M-1 and the design guidance as building facades do not provide visual interest along the street and do not respect the character of the local area.

- **Water management and conservation** (Part 4V) - The proposed stormwater management arrangements for the site are unsatisfactory and accordingly the proposal is contrary to Part 4V (outlined in the DCP assessment).
- **Waste Management** (4W) - The proposed waste management arrangements for the site are unsatisfactory and accordingly the proposal is contrary to Part 4W.

The proposal is inconsistent with numerous parts of the Apartment Design Guide, contrary to Clauses 28(2)(c) and 30(2)(b) of SEPP 65. The proposal is also inconsistent with numerous design quality principles, contrary to Clauses 28(2)(b) and 30(2)(a) of SEPP 65. Given the permissibility issue, these matters were not addressed by the applicant and remain outstanding.

State Environmental Planning Policy No. 55 – Contamination of Land

The provisions of *State Environmental Planning Policy 55 - Remediation of Land* ('SEPP 55') have been considered in the assessment of the development application. Clause 7(1) of SEPP 55 requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. In order to consider this, a Preliminary Site Investigation ('PSI') has been prepared for the site.

The PSI consisted of a search of historical records and a site walkover. This research found that the main church and storage building have been present and in use on the site since approximately 1919. The administration office was present in 1943 and the demountable Chinese church in 1961. Building extensions/modifications were completed in 1961 for the main church, and 1982 for the administration office. Outside of these changes, the land use has remained the same. The report also notes that aerial photographs show the land immediately surrounding the site has remained predominantly residential.

The potential sources of contamination were considered to be weathering of hazardous building materials such as asbestos, metal flashing and lead based paint as well as fill materials of unknown origin on the front (northern) garden of the administration office at 23 Dalcassia Street.

The report concluded that the site can be made suitable for the proposed community facility/place of worship and residential/crisis accommodation subject to conditions of consent. This conclusion was based on the proposed demolition of the buildings and the excavation of the site for the basement removing fill materials (if present) as well as shallow residual soils and perched water that may have been impacted by the contamination sources identified. This will effectively mitigate the potential health and ecological risks associated with these materials for

future use of the site. The proposal is considered to be consistent with SEPP 55, subject to imposition of relevant conditions of consent in relation to remediation works during construction on any consent granted.

State Environmental Planning Policy – Building Sustainability Index BASIX– 2004

State Environmental Planning Policy – Building Sustainability Index BASIX– 2004 ('BASIX SEPP') applies to the proposal. The objectives of this Policy are to ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development.

The application is accompanied by BASIX Certificate No.1139640M_02 prepared by Northrop Consulting Engineers Pty Ltd dated 29 September 2020 committing to environmental sustainable measures. The Certificate demonstrates the proposed development satisfies the relevant water, thermal and energy commitments as required by the BASIX SEPP. The proposal is consistent with the BASIX SEPP subject to the recommended conditions of consent.

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

State Environmental Planning Policy – Vegetation in Non-Rural Areas 2017 ('the Vegetation SEPP') aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. This Policy applies to the site pursuant to Clause 5(1) as the site is within the Georges River Councils LGA.

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) (Clause 9).

Clause 9 (Preservation of Trees and Vegetation) of Appendix 1 to the Hurstville DCP No 1 states that a tree management approval is required for all trees greater than 3 metres in height (among other criteria). The Arborist's report considers six (6) trees, with only one (1) of these trees being located on the site (Tree 1), with the remainder located in either the road reserve as street trees (Trees 2, 3 and 4) and Trees 5 and 6 being located on the adjoining properties to the north and east.

The consultant Arborist engaged by Council has reviewed all the relevant documentation and plans and considers that further Arborist advice is required in relation to the *Callistemon salignus* which is located in very close proximity to the eastern boundary of the site and within the neighbouring site at No 20 Bond Street (Tree 5). A tree management approval would be required for the removal of Tree 5 as it exceeds 3 metres in height, which Council's consultant Arborist considers will be adversely impacted, and likely not be retained, as a result of the proposal and its proximity to the root zone of this tree.

There is no tree management approval for the removal or pruning of Tree 5 on the adjoining property and it is Council's consultant's Arborist's opinion that sufficient evidence demonstrating that this tree can be retained has not been provided. Accordingly, it is considered that the tree is likely to be adversely impacted and likely to not be retained, which is contrary to the aims and controls of the vegetation SEPP. It is considered that the proposal is unsatisfactory having regard to tree protection and is contrary to the Vegetation SEPP.

Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment

The *Greater Metropolitan Regional Environmental Plan No 2 — Georges River Catchment* ('Georges River REP') aims to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the Catchment. The site is within the area affected by the Plan and generally applies to proposals which may have an adverse impact on the catchment.

The proposed use is generally in accordance with the aims of this Plan in that best practice water management techniques will be utilised which reduces potential water pollution from the site within the catchment. Council's Development Engineers have raised various issues with the proposed stormwater management on the site which remain outstanding.

Clause 7 of the Policy requires that when a Council determines a development application that the planning principles of the Policy are to be applied. These planning principles contain both general (Clause 8) and specific (Clause 9) matters. The proposal is considered to be generally consistent with these principles subject to amendments and additional information in relation to stormwater management which is further addressed under the DCP requirements.

Clause 11 of the Georges River REP includes a Planning control table which deals with development defined in that table. The proposal does not fall within the scope of the Planning Control Table. The proposal is considered to be consistent with this Policy.

Local Environmental Plan

Hurstville Local Environmental Plan 2012

The *Hurstville Local Environmental Plan 2012* ('HLEP 2012') is the principal planning instrument applying to the site. The site is not affected by numerous constraints including active street frontages, land acquisition, riparian land, foreshore scenic protection or any other foreshore issues. The relevant clauses of the Plan are considered below.

Aims of the Plan

The aims of the Plan pursuant to Clause 1.2(2) include (most relevant in bold):

- (a) to encourage and co-ordinate the orderly and economic use and development of land that is compatible with local amenity,**
- (b) to provide a hierarchy of centres to cater for the retail, commercial, residential accommodation and service needs of the Hurstville community,*
- (c) to provide a range of housing choice that—*
 - (i) accords with urban consolidation principles, and*

- (ii) is compatible with the existing environmental character of the locality, and
 (iii) is sympathetic to adjoining development.
- (d) to conserve, protect and enhance the environmental heritage, cultural heritage and aesthetic character of Hurstville,**
- (e) to maintain and enhance the existing amenity and quality of life of the Hurstville community,**
- (f) to ensure development embraces the principles of quality urban design,**
- (g) to ensure development is carried out in such a way as to promote the efficient and equitable provision of public services, infrastructure and community facilities,
- (h) to protect and enhance areas of remnant bushland, natural watercourses, wetlands and riparian habitats,
- (i) to retain, and where possible extend, public access to foreshore areas and link existing open space areas for environmental benefit and public enjoyment,
- (j) to ensure development embraces the principles of ecologically sustainable development,**
- (k) to strengthen the role of Hurstville City Centre as a major business, retail and cultural centre of southern Sydney,
- (l) to encourage a range of employment, services, housing and recreation to meet the needs of existing and future residents of the Hurstville City Centre,**
- (m) to concentrate intensive land uses and trip-generating activities in locations most accessible to transport and centres,**
- (n) to foster economic, environmental and social wellbeing so that the Hurstville City Centre continues to develop as a sustainable and prosperous place to live, work and visit.**

The proposal is generally consistent with these plan aims with the exception of aim (a) and (f), resulting from the proposed residential development component of the proposal. The residential aspect does not encourage and co-ordinate the orderly and economic use and development of land that is compatible with local amenity as it proposes development which is prohibited in the zone. The site is zoned for infrastructure use according to the controls, while residential development is to be located in the appropriate residential zonings.

In relation to aim (f), it is considered that the proposed residential component does not adequately embrace the principles of quality urban design given the significant concerns with the design aspect of this part of the proposal as outlined in this report.

Zoning & Permissibility

The site is located in the SP2 – Infrastructure (Church and Community Purpose) zone where permissible uses include *'the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose (Figure 18)*. Generally, any other development is prohibited in the zone.

The objectives of zone pursuant to Clause 2.3 of the LEP include:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The church and community purpose aspects of the proposal are generally considered to be consistent with these objectives given these aspects of the proposal provides for a place of worship as well as facilities for the provision of community purposes. The proposed residential development component of the proposal, however, is considered to be inconsistent with these objectives given such development cannot be characterised as infrastructure or a related use and is considered to be development which is incompatible with the provision of infrastructure. Issues relating to design, bulk and scale and other technical matters in relation to the proposal are further considered as outlined in this report.

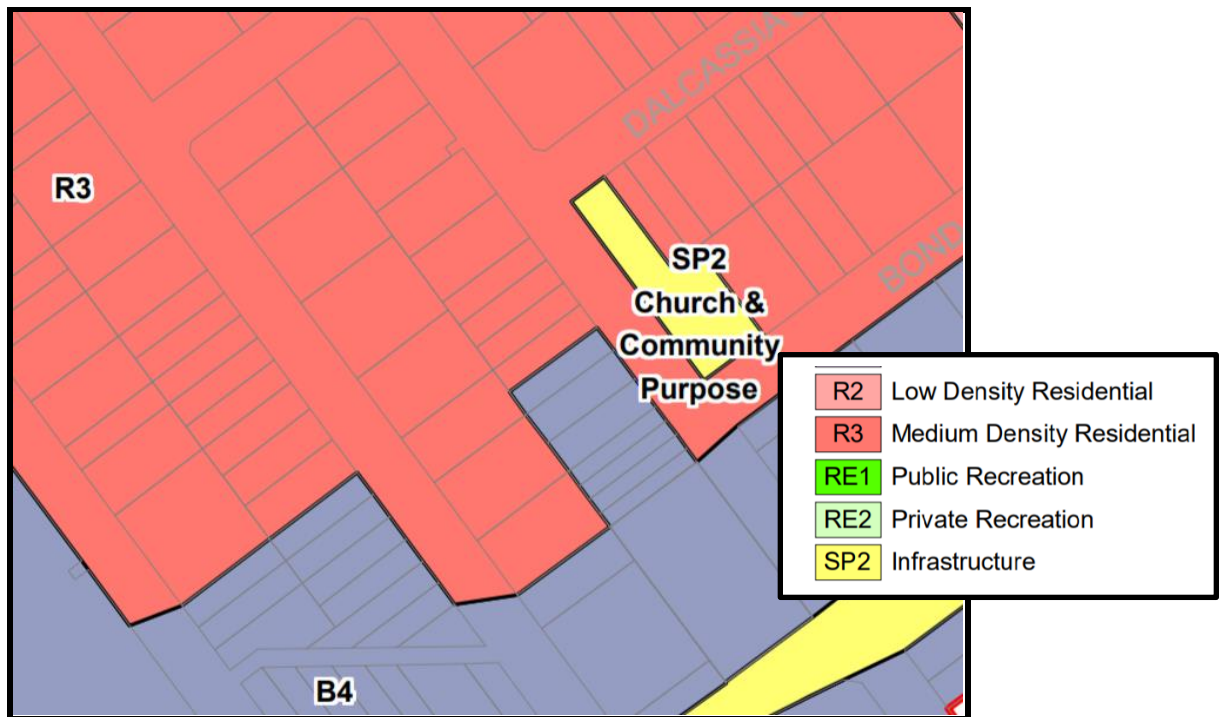


Figure 18: Zoning of the site pursuant to Hurstville LEP 2012 (Source: www.legislation.nsw.gov.au)

The proposal involves a number of uses on the ground and first floors (Figures 14 & 15 above) with residential accommodation on Levels 2 to 6 (Figures 16 & 17). The permissibility of these uses is considered in Table 5.

Table 5: Categorisation of Proposed Uses

COMPONENT/USE	CATEGORISATION (& DEFINITION)	PERMISSIBLE
Worship hall (ground floor) - Church	place of public worship <i>a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training;</i>	Yes (Church)
Café (ground floor) - providing refreshments to people on site as well as training opportunities for people seeking future	food and drink premises <i>premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—</i>	Only as an ancillary use to the dominant use for community purposes (which has yet to be established by the Plan of Management).

employment	<p>(a) a restaurant or cafe, (b) take away food and drink premises, (c) a pub, (d) a small bar.</p> <p>Note— Food and drink premises are a type of retail premises—see the definition of that term in this Dictionary</p>	<p>An amended Plan of Management would be required to clearly link this use to the Church and Community Purpose use.</p>
Office (ground floor reception & offices) - administration purposes for TSA	<p>Office Premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.</p> <p>Note— Office premises are a type of commercial premises—see the definition of that term in this Dictionary</p>	<p>Only as an ancillary use to the dominant use for community purposes (which has yet to be established by the Plan of Management).</p> <p>An amended Plan of Management would be required to clearly link this use to the Church and Community Purpose use.</p> <p>Relevant conditions of consent will also need to be imposed.</p>
Activity room (first floor) - activities including training, bible studies, mini musos, after school activities, financial assistance meetings, counselling services and other community services	<p>Community purposes (not defined in the HLEP 2012 or the EP&A Act).</p> <p>community facility means a building or place—</p> <p>(a) owned or controlled by a public authority or non-profit community organisation, and (b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.</p>	<p>Yes</p> <p>(considered to satisfy 'community purposes' of the Infrastructure zone given it provides services for the social development and welfare of the community by a non-profit community organisation)</p>
Community/Meeting rooms (first floor) - small group meetings, community assistance and small teaching and assistance classes	<p>Community purposes (not defined in the HLEP 2012 or the EP&A Act)</p>	<p>Yes</p> <p>(considered to satisfy 'community purposes' of the Infrastructure zone given it provides services for the social development and welfare of the community by a non-profit community organisation)</p>
Residential apartments – accommodation for those in need	<p>Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.</p> <p>Note— Residential flat buildings are a type of residential accommodation—see the definition of that term in this Dictionary.</p>	<p>No</p>

Residential Accommodation Component

The proposal involves residential apartments on Levels 2 to 6 inclusive for people in need of housing. The SEE states in Section 4.3.2 in relation to the proposed residential component of the development;

4.3.2 Residential

The five levels of residential uses above the Corps Levels, comprise a mix of studios, 2 and 3 bedroom units. The accommodation is intended to house people within the Salvation Army's housing continuum and therefore forms part of its community purpose. This includes a diverse range of users that might be experiencing disadvantage based on need at the time and could include everything from crisis housing for individuals and families through to market rentals. The flexibility is important for the Salvo's to enable it to meet the needs of the community at any point in time whilst also providing on-going revenue to support the community services it provides as a charitable organisation.

The applicant submitted a legal opinion on the permissibility of the proposed residential apartments, which has been considered in detail by Council and the Consulting Planner.

Residential units cannot be characterised as being for infrastructure or a church and community purpose. The units are a type of '*residential accommodation*', which may not be included in a 'community facility'. Regardless of the likely people who are proposed to utilise the proposed units, they will be used predominately as places of residence, consistent with the definition of *residential accommodation* in the HLEP 2012. The proposed units cannot be defined as anything other than being for *residential accommodation* which is prohibited in the SP2 zone.

It is also not sufficiently apparent how the use of the units as residential accommodation could be sufficiently differentiated from the ordinary understanding of that term and the definition of it in the HLEP 2012 so as to allow them to be permissible on the site as serving a church and community purpose or as being ancillary to that purpose. The application has been submitted on the basis of the proposed residential component being essentially a residential flat building, including in the BASIX Certificate and the references to SEPP 65.

The application also fails to establish in any of the supporting documents (SEE, POM, plans etc) that the proposed residential accommodation will in fact serve a church and community purpose or be ancillary to that purpose. There is nothing to guarantee that the housing would be used for those in need, particularly given there is nothing preventing the owner from selling the units at market value, or renting them at market rent as is referred to in the SEE.

Residential flat buildings, however, are permissible in the adjoining R3 Medium density residential zone. Pursuant to Clause 5.3 of the HLEP 2012, development consent may be granted for any purpose that may be carried out in the adjoining zone, in this case being the R3 zone, provided that the requirements in Clause 5.3 are satisfied.

The site is surrounded on all boundaries by the R3 zone. Clause 5.3 appears to indicate that any development that is permissible in the R3 Zone may be permissible (assuming compliance with the relevant matters in Clause 5.3) to a depth of 10 metres from each boundary of the site.

It would appear that the central portion of the site would not benefit from this clause which would significantly restrict the provision of this component of the proposal.

Following consideration of the applicant's legal opinion lodged with the application and a further assessment of the HLEP 2012 provisions, Council informed the applicant in the RFI letter dated 4 May 2021 that the proposed residential component is not permissible and that only Clause 5.3 of the HLEP 2012 could provide permissibility subject to compliance with the requirements of Clause 5.3. The options were to either remove the residential component of the proposal or amend that component to be consistent with Clause 5.3.

The applicant attempted to address Council's concerns by proposing various draft conditions of consent relating to a requirement for a *Housing for Community Purpose Operational Plan of Management* (OPM) and the registration of an Affordable Housing Covenant condition (as a public positive covenant under section 88E of the *Conveyancing Act 1919* (NSW)). The applicant considered that this would provide greater certainty that the residential accommodation would be tied to the overarching community purpose component and would therefore be permissible as *special purpose – church and community purpose* under the SP2 Zoning of the site.

While this additional information from the applicant was considered, it was deemed to be inadequate as the proposed conditions did not overcome the fact that residential accommodation is not permissible in the SP2 zone. This is a fundamental issue for the proposal and accordingly warrants refusal of the application.

Other Relevant Controls

There are a number of other relevant clauses to the proposal as outlined in **Table 6**.

Table 6: Consideration of Hurstville LEP 2012

Requirement	Proposal	Comply
Part 2: Permitted or prohibited development		
Additional permitted uses for particular land (CI 2.5)		
Development described/referred to in Schedule 1 may be carried out with development consent, or if the Schedule so provides—without development consent.	The site is not listed in Schedule 1.	N/A
Subdivision (CI 2.6)		
Land to which this Plan applies may be subdivided, but only with development consent.	Subdivision is proposed.	✓
Demolition requires development consent (CI 2.7)		
Demolition requires consent.	Demolition is proposed. Relevant conditions of consent to be imposed on any consent.	✓
Part 4: Principal development standards		
Minimum subdivision lot size (CI 4.1)		

<p>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p>	<p>This Clause does not apply to the proposal as the land is not shown on the Lot Size Map.</p>	<p>N/A</p>
<p>Height of buildings (CI 4.3)</p>		
<p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map – N/A.</p>	<p>There is no maximum height for the site as it is within the SP2 zone.</p>	<p>N/A</p>
<p>Floor space ratio (CI 4.4)</p>		
<p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. – N/A.</p>	<p>There is no maximum FSR for the site as it is within the SP2 zone.</p>	<p>N/A</p>
<p>Exceptions to development standards (CI 4.6)</p>		
<p>(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p>	<p>None required.</p>	<p>N/A</p>
<p>Part 5: Miscellaneous provisions</p>		
<p>Relevant acquisition authority (CI 5.1)</p>		
<p>The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map</p>	<p>The site is not identified on this map.</p>	<p>N/A</p>
<p>Development near zone boundaries (CI 5.3)</p>		
<p>(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 10 metres.</p> <p>(3) This clause does not apply to—</p> <p>(a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or</p> <p>(a1) land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core, Zone B4</p>	<p>This clause was considered in terms of permissibility however the relevant distance of 10 metres from each boundary resulted in the central portion of the site being excluded from this clause and therefore was not capable of making the proposed residential accommodation component permissible.</p>	<p>N/A</p>

<p>Mixed Use, Zone IN2 Light Industrial, Zone RE2 Private Recreation, or Zone W2 Recreational Waterways, or</p> <p>(b) land within the coastal zone, or</p> <p>(c) land proposed to be developed for the purpose of sex services or restricted premises.</p> <p>(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—</p> <p>(a) the development is not inconsistent with the objectives for development in both zones, and</p> <p>(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.</p>		
<p>Controls relating to miscellaneous permissible uses (CI 5.4)</p>		
<p>Various uses</p>	<p>The proposal does not include any of these uses.</p>	<p>N/A</p>
<p>Heritage conservation (CI 5.10(5))</p>		
<p>Before granting consent to any development, among other things, on land that is within the vicinity of a heritage item or heritage conservation area, a heritage management document may be required that assesses the extent to which the carrying out of the proposal would affect the heritage significance of that item or area concerned.</p>	<p>There are no heritage items located on the site and the site is not located within a Heritage conservation area. However, there is a heritage items in close proximity to the site including:</p> <ul style="list-style-type: none"> • Item I119 – 33–47 Dora Street - Semi-detached Victorian terraces <p>A Heritage Impact Statement accompanies the application which concluded that the proposal is acceptable from a heritage perspective as the established heritage significance of items in the vicinity of the subject site will be retained. Accordingly, there will be no adverse impact on any heritage items or values. Council's heritage consultant reviewed the proposal and considered it to be acceptable subject to conditions relating to</p>	<p>✓</p>

	heritage interpretation prior to demolition.	
Part 6: Local Provisions		
Acid Sulphate Soils (CI 6.1)		
(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	The site is not affected acid sulphate soils.	N/A
Essential services (CI 6.7)		
Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required— (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road and vehicular access.	The site has adequate services for the proposal which may need to be augmented subject to conditions.	✓
Airspace operations (CI 6.9)		
(1) The objective of this clause is to protect airspace around airports. (2) The consent authority must not grant development consent to development that is a controlled activity within the meaning of Division 4 of Part 12 of the <i>Airports Act 1996</i> of the Commonwealth unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that Division.	A referral was sent to the SAC and there were no objections raised to the proposal.	✓

The proposal is generally consistent with the Hurstville LEP 2012, with the exception of the permissibility of the residential accommodation component of the proposal.

Proposed Instruments (S4.15(1)(a)(ii))

Draft Georges River Local Environmental Plan 2020

The *Draft Georges River Local Environmental Plan 2020* ('Draft LEP 2020') was publicly exhibited from 1 April to 31 May 2020 and 1,153 community submissions were received. Accordingly, the Draft LEP 2020 is a consideration pursuant to Section 4.15(1)(a)(ii) of the EP&A Act.

The Georges River Local Planning Panel ('GRLPP') considered the report on the outcomes of the Public Exhibition and Finalisation of the draft LEP 2020 on 25 and 26 June 2020. The GRLPP resolved to endorse a number of variations to the exhibited Planning Proposal for LEP 2020 and to forward the amended Planning Proposal for the draft LEP 2020 to the Department of Planning, Industry and Environment ('DPIE') for plan-making and gazettal in accordance with

Section 3.36 of the EP&A Act. The amended Planning Proposal for LEP 2020 was submitted to the DPIE for final legal drafting on 30 June 2020 in accordance with the funding agreement. There are no further updates available on its progress.

The Draft LEP 2020 proposes to rezone the site to R4 High Density Residential (**Figure 19**) and impose development standards for height of buildings (**Figure 20**) and FSR (**Figure 21**) to 12 metres and 1:1 (max GFA of 1084.74m²) respectively. The current LEP does not impose either of these development standards on the site due to its SP2 Infrastructure zoning.

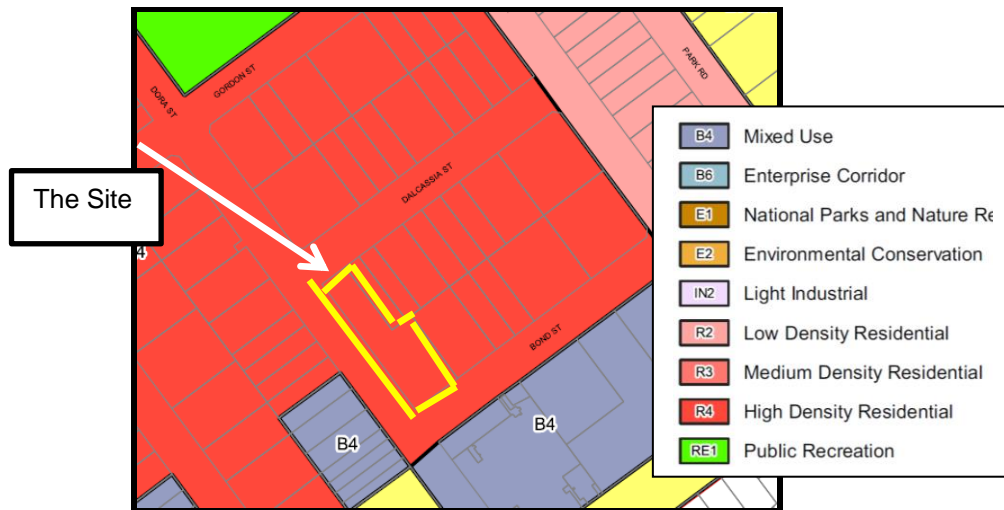


Figure 19: Proposed Zoning - Draft - LEP 2020 (Source: www.georgesriver.nsw.gov.au)

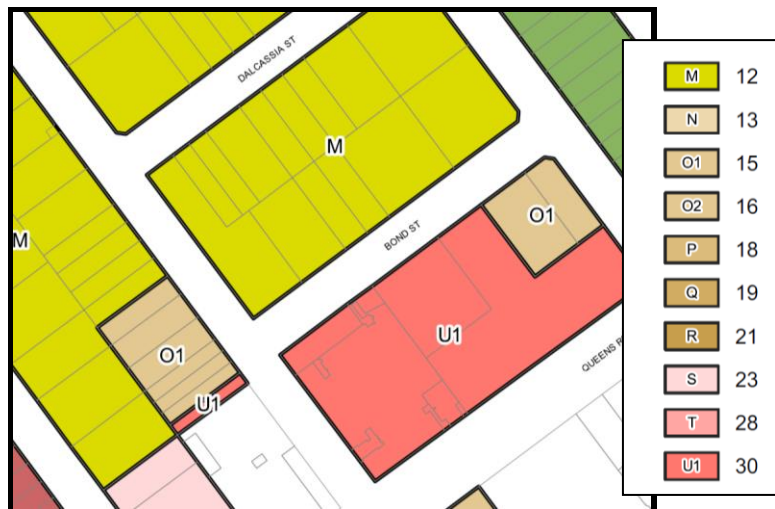


Figure 20: Proposed Height Map - Draft 2020 (Source: www.georgesriver.nsw.gov.au)

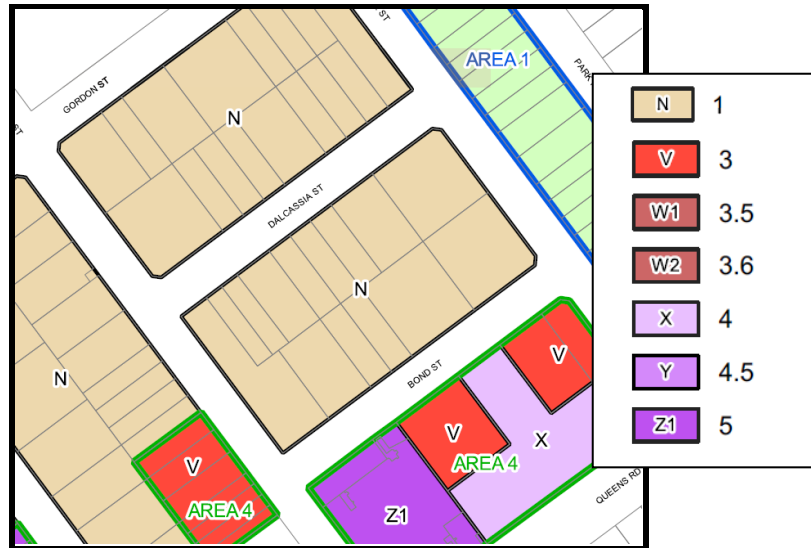


Figure 21: Proposed FSR Map - Draft LEP 2020 (Source: www.georgesriver.nsw.gov.au)

The proposal significantly exceeds the proposed maximum height of buildings development standard (28.8 metre height proposed) and the proposed maximum FSR (1.74:1 proposed) development standard for the site, representing an exceedance of 16.8 metres and 1,671.05m² if these development standards were to be adopted for the site. This is considered to be an excessive exceedance of the development standards particularly given the site is reasonably unconstrained and a compliant building envelope could be achieved on the site.

The proposed zoning to R4 would permit *residential flat buildings, place of public worship and community facilities*, resulting in the proposal being permissible in the zone.

Draft State Environmental Planning Policy – Remediation of Land

The draft *Remediation of Land SEPP* will replace SEPP 55 when gazetted and will include the following additional requirements:

- To require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant
- To categorise remediation work based on the scale, risk and complexity of the work
- To require environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to Council.

The proposed changes will deliver the following improvements:

- reduce the risks associated with remediation projects
- encourage proponents to better consider and plan remediation work
- better protect the community from unnecessary risks, disturbance and inconvenience
- ensure there is consistent regulation of contaminated land and facilitate enforcement of long-term environmental management plans.

The overarching objective of SEPP 55 is to promote the remediation of contaminated land to reduce the risk of potential harm to human health or the environment, which remains relevant and will be replicated in the new SEPP. 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. In this way, the accompanying Contamination report adequately addresses the requirements of both SEPP 55 and the Draft Remediation of Land SEPP. Relevant conditions can be recommended to be imposed. The proposal is consistent with this draft instrument.

Draft Environment SEPP

A draft *State Environmental Planning Policy (Environment)* for the protection and management of the natural environment is proposed. The Draft Environment SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property and seeks to combine seven existing SEPPs into a simple, modern and accessible instrument. These environmental policies will be accessible in one location, and updated to reflect changes that have occurred since the creation of the original policies.

The site is affected by the Georges River REP, with the changes to this Policy being largely to remove some duplication between the Georges River REP and the Standard Instrument LEPS, Ministerial Directions and other SEPPs which now apply in the catchments. There are no draft provisions of this policy which would affect the proposal. Accordingly, the proposal is not inconsistent with this policy.

Development Control Plan (S4.15(1)(a)(iii))

Hurstville Development Control Plan No. 1

The *Hurstville Development Control Plan No 1* ('the HDCP No 1') applies to the site, with the relevant controls including:

- Section 3: General planning considerations relevant to the site – considered below;
- Section 4: Specific controls for residential development - only applies to development in the residential zones and therefore do not strictly apply as the site is located within the SP2 Infrastructure zone – limited application as outlined below;
- Appendix 1 – Supporting Information (Clause 7 – Waste Management and Clause 9 - Preservation of Trees and Vegetation)

Sections 5 (Controls for Specific Non-Residential Development) and 6 (Controls for Specific Sites) are not relevant to the proposal.

The relevant controls are considered below, with a detailed compliance table in **Attachment C**.

Section 3: General Planning Considerations

Part 3.1: Vehicle Access, Parking and Manoeuvring

The controls in this section are addressed in the Traffic Report and its assessment by Council's consultant. The proposal is inconsistent with numerous controls in this part including:

- **DS1.3: On-site parking requirements for each specific land use**

The ADG provides the relevant minimum car parking requirement for residents and visitors, which is set out in the *Guide to Traffic Generating Developments*, or the car parking requirement prescribed by the relevant council, whichever is less. These controls relate to the proposed residential development component of the proposal and have been considered in the ADG assessment in this report. It is noted that the proposal utilised the metropolitan centre controls for the residential parking, when the site is not located in the Hurstville City Centre (metropolitan centre).

The HDCP No 1 provides the relevant car parking requirements for the other aspects of the proposal comprising the Church and Community Purposes components of the proposal. There are several concerns with the proposal having regard to these controls including the following

- a) **Car parking provision** - The proposal does not utilise the correct car parking rates for the retail (DCP controls requires 15 spaces for the café; not 3 as proposed) and does not allocate parking to satisfy the Place of Worship car parking requirements. The Traffic report fails to justify or explain the shortfall, as such the parking allocation fails to satisfy the relevant DCP and SEPP requirements or justify any departures sought by the application. The report fails to outline and assess the disabled parking, and the bicycle and motorcycle requirements of the proposal. The proposed bicycle parking on the lowest basement level is also considered to be impractical. The DCP also requires that the Café requires a loading bay on site, which is currently not provided. There is nowhere within close proximity to the site where a loading zone can be accommodated on the street and it is not an option that Council will allow; and
- b) **Traffic Generation** - The traffic generation of the proposal has not been adequately determined within the report. No assessment has been made on the traffic impacts associated with daily operations of the site, particularly those that effect the AM and PM commuter peak periods. It is noted that the operations of the community facilities are not detailed in the Traffic Report. A detailed schedule of regular and special events is supplied within the Plan of Management, which has not been considered within the traffic report. This schedule should be assessed with respect to traffic to ensure that weekday events do not significantly impact the peak hour traffic conditions of the surrounding roads. Traffic modelling is likely to be required. Further, the proposed café has not been assessed in accordance the traffic generation rates from the TfNSW Guide to Traffic Generating Developments.
- c) **Inadequate Traffic Report** – The report is inadequate for the following reasons:-
 - The Traffic report does not reference the Plan of Management, in that there is no indication as to when services or events occur, the duration of services or

events and the expected patronage associated with each service or event. These activities may have an impact upon parking conditions or traffic conditions during the AM or PM peak hour periods.

- The Traffic Report does not adequately outline the baseline structure and patronage / parking demand of existing operations in order to undertake a robust comparison to the future operations.
- The Traffic Report has not completed an accurate outline of the existing traffic volumes surrounding the site, corresponding to the peak operation of the subject site. The report relies upon TfNSW AADT data from counter locations remote from the site and from 'site observations' with no date or time, assumed to be conducted by the traffic consultant. As such, the existing traffic environment has not been adequately assessed, with the data provided in the Traffic report unable to be relied upon to robustly support the external traffic and parking impact of the proposed development.

Therefore, it is considered that the proposal does not achieve Performance Criteria PC1 (a) and (c) in that car parking and service vehicle areas are not sufficient, safe or convenient and does not meet user requirements including pedestrians, cyclists and vehicles and is not provided according to projected needs and provide pleasant areas in which to park. The proposal is also inconsistent with Design Solution DS1.1 of Part 3.1 of the HDCP No 1 as insufficient car parking has been provided.

- ***DS1.5: Compliance with layout, circulation, access and egress requirements of AS 2890.1 2004 & AS2890.2 Part 2 for the design and layout of parking facilities***

The proposal has not satisfactorily demonstrated that the basement and entry areas comply with the relevant Australian Standards for the following reasons:

- a) **Vehicle access** - The design of the access arrangement and car parking areas have not been assessed for compliance with the relevant Australian Standards, namely AS2890.1:2004. Most notably, the width of access ramps, non-compliant pedestrian sight lines and provision of a one-way ramp between ground and basement 1 and its impact upon queuing are unacceptable. The combined entry and exit Driveway to the development on Bond Street requires a minimum width of 5.5 metres from kerb to kerb for the first 6 metres from the boundary, and a swept path diagram of a B85 passing a B99 at the vehicular access is required.
- b) **Internal vehicle circulation** - Swept path testing of critical areas and how internal vehicle circulation will be management during peak service times to ensure efficiency within the car park has not been considered. Additional information is needed in regards to the waiting bay and STOP line proposed in the upper basement plan.
- c) **Car park design** – The Traffic Report does not consider compliance of the car parking design to the relevant Australian Standards, with the exception of internal circulation (which is not properly assessed) with limited dimensions on the plans in order to ensure compliance. The design of car park should be as per the relevant clauses of AS2890.1:2004, including car parking space dimensions, aisle widths, column locations, clearances, blind aisle extensions and the like. The Traffic report also fails to detail how the car park will operate during peak service times. A Traffic Management Plan is required in order to direct visitors of the Place of Worship during peak service times to ensure efficient operations within the car park due to its

constrained layout and to close the car park when all spaces are occupied.

Therefore, it is considered that the proposal does not achieve Performance Criteria PC1 (b) in that it is unclear whether the proposal provides car parking that is safe, easily accessible, does not obstruct the passage of vehicles or create traffic conflicts, or impact pedestrians or cyclists no 1. The proposal is also inconsistent with Design Solution DS1.5 of Part 3.1 of the HDCP no 1 as compliance with AS 2890.1-2004 of the car parking has not been provided.

- ***DS1.12 Driveways to underground car parks are to be designed so as to minimise the visual impact on the street, and to maximise pedestrian safety. Pedestrian access to the development should be separate and clearly defined.***

The proposed basement driveway is accessed via Bond Street and is exposed along the eastern boundary which presents a poor outcome resulting in a significant visual impact on the street and surrounding properties. This is also contrary to Part 3H-1 of the ADG. To prevent this visual dominance and to provide more deep soil landscape screening along the common boundary, the driveway is recommended to be incorporated within the built form and integrated into the composition of the front façade. There is separate pedestrian access provided to the site further to the west along this boundary as well as from Dora Street.

Therefore, it is considered that the proposal does not achieve Performance Criteria PC1 (b) of Part 3.1 of HDCP No 1 in that car parking and service vehicle areas result in detrimental effects to adjoining and nearby properties. The proposal is also inconsistent with Design Solution DS1.12 of Part 3.1 of the HDCP No 1 as the proposed driveway to underground car parks has not been designed so as to minimise the visual impact on the street.

Part 3.2: Subdivision

The controls in this section address the subdivision of land, including minimum lot dimensions. The proposal is located in the SP2 zone and accordingly, the minimum lot sizes do not apply. The proposal is inconsistent with DS1.12 as the proposed new allotment does not include an indicative building envelope which demonstrates how solar access, vehicular access, setbacks, landscaped areas, and tree preservation can be achieved.

Part 3.3: Access and Mobility

The controls for access and mobility are addressed in the Access report, which concluded that the proposal has the capacity to meet the performance requirements of the BCA and relevant standards through deemed to satisfy provisions and is capable of compliance with the HDCP No 1. Relevant conditions can be imposed on any consent granted.

Part 3.4: Crime Prevention Through Environmental Design

The controls for crime prevention can be achieved through conditions of consent being imposed where relevant.

Part 3.5: Landscaping

The controls in this Part of the DCP only apply to residential development in the R2 and R3 zones and accordingly, do not strictly apply to the proposal. A Landscape Plan and an Arborist Report have been provided, however, both require amendment, due to:

- Potential impact on tree 5 have not been satisfactorily addressed in the Arborist Report (DS 3.1); and
- Further landscaping should be provided along the eastern side boundaries as this area comprises a basement on a nil side setback when 2 metres is required for significant boundary planting to be provided for residential development (DS4.1).

Part 3.6: Public Domain

Council's Engineers consider the proposal is consistent with this part of the DCP and that relevant conditions of consent can be imposed to ensure compliance.

Part 3.7: Stormwater

The Stormwater Drainage Plan has been reviewed by Council's Development Engineer and the following concerns were raised:

- a) Stormwater and OSD documentation check list as per Appendix-1 of Council's Stormwater Management Policy (SMP) shall be completed by a qualified registered engineer (current NER in Civil Engineering) and be submitted;
- b) Finished ground levels would need to be clearly shown on the drainage plans in addition to pits' surface levels and consistent with landscaping plan;
- c) Driveway entry finished pavement level at Bond Street property boundary should be raised to minimum RL 63.270 in order to prevent street runoff entering directly to the basement;
- d) Basement pump sump capacity is currently provided as 5.5m³, however, this needs to be increased to 10.0m³ minimum (3.0m x 3.0m x 1.1m) given the proposed four basement levels and incorporating subsoil drainage seepage collection (noting there are two pumps to be installed in the sump);
- e) Internal drainage system long section with HGL analysis leading to boundary pit is to be submitted for internal drainage performance;
- f) Provide long section of proposed new 375mm RCP from boundary pit to proposed new street pit and then to the nearest downstream pit. Hydraulic Grade line Analysis must be from the proposed Kerb Inlet Pit to nearest downstream Kerb Inlet Pit.

The proposal is considered to be inconsistent with Part 3.7 of the HDCP No 1 in that:

- The proposal has not adequately demonstrated that rainwater is directed into an approved stormwater drainage system and therefore is inconsistent with PC1 (b);
- The development application has not been supported by a concept stormwater management plan showing how surface and roof waters are to be discharged by gravity to the street or easement and the size of all pipes and is therefore inconsistent with DS1.5.

Section 4: Specific Controls for Residential Development

The controls of section 4 do not strictly apply to this site, however, they do apply to the surrounding sites and accordingly consideration of some of these controls is relevant. In particular, the following controls should be considered (Section 4.3.1) and are outlined in this report where relevant:

- Site frontage (DS 2.1) – 24 metres (26.96m proposed);
- Isolated sites (DS3.1) – Council to consider on merit and whether attempts have been made to acquire adjoining sites;
- Building height (DS4.1) - HLEP 2012 and 3 storeys (not applicable);
- Excavation (DS5.1 & DS5.2) - Natural ground level is not excavated more than 0.5m for finished ground floor level – excavation only for basement with the ground floor of the development being at ground level;
- Setbacks and building separation (DS6.1 & 6.2) - Front setback – 6 metres, side & rear setbacks as per the ADG. An articulation zone for lightweight elements is permissible – front setback only 4.5m. it is considered that the front setback is to be increased as outlined in the urban design advice;
- Landscaped open space (DS8.1 & 8.2) – 20% of site area with a minimum dimension of 2 metres – only 16.8% of the site is provided as landscaped area.
- Solar access (DS9.1) - Min 3 hours to adjoining dwellings (open space and habitable rooms) – complies;
- Streetscape (DS11.1 & 11.2) – addressed in urban design comments; and
- Site facilities (DS14.6) – provided.

Appendix 1: Supporting Information

Clause 7 - Waste Management

The objectives of these controls, which apply to all land, are to provide on-going control for waste handling and minimisation in all premises. The Waste Management Plan ('WMP') has been reviewed by Council's Waste Officer and the following concerns were raised:

- a) The method for transporting waste to the central storage area from each unit/floor is not provided. Separate waste streams must be stored in separated MGB's and transferred to the central bin storage area by an onsite building manager or similar (two days' worth of waste can be stored on each floor). It is unacceptable for residents to transport loose/unbagged waste/ recycling likely to cause spills through stairwells and/or lifts from each occupied level to the basement bin storage area.
- b) The bin storage area should be provided on the ground floor (and not the upper basement) to reduce the need for unsightly large volumes of bulky waste being presented on the kerbside and reduces the need for waste to be moved from the basement to the kerbside by the building manager;
- c) There is no bulky waste storage area provided (separate 4m² areas for residential and commercial/retail components are referred to in the WMP);
- d) There is no provision for the management of garden organic waste;
- e) The applicant proposes waste collection services by private waste contractor. However, Council is required to levy fees and charges for the residential component of the proposal so it is more appropriate for on-going operation of the

- site that the residential properties receive a Council waste collection service, designed in accordance with Council's controls.
- f) Separate (lockable) bin storage areas are required for the commercial/community uses and residential uses of the site.

This information remains outstanding given the permissibility issue. The proposal is considered to be unacceptable in regard to waste management.

Clause 9 - Preservation of Trees and Vegetation

The primary aims of this Section are to, among other things, encourage the planting and preservation/conservation of suitable trees and other vegetation which will contribute positively to the City's visual amenity, environmental heritage, habitat connectivity and ecological sustainability.

These controls apply to all of the trees identified in the Arborist's Report, being Trees 1 to 6, as all these trees exceed the 3 metres in height as outlined in this Appendix. Therefore, a tree management approval would be required for the removal of Tree 5, which Council's consultant Arborist considers will be adversely impacts, and likely not be retained, as a result of the proposal and its proximity to the root zone of this tree. This issue is considered in the assessment of the Vegetation SEPP in this report and is considered to be outstanding. The proposal is considered to be unsatisfactory having regard to the preservation of trees and vegetation.

Georges River Interim Policy Development Control Plan 2020

The *Georges River Interim Policy Development Control Plan 2020* was approved by Council on 24 June 2019 and is effective from 22 July 2019 ('the Interim Policy'). The aim of the Interim Policy is to address current inconsistencies in development controls arising from the amalgamation of Kogarah and Hurstville Councils. The Interim Policy is a public document used by Development Assessment planners in their assessment of residential Das and will ensure that assessment is consistent across the LGA.

The Interim Policy came into effect on 22 July 2019 and shall be considered in the assessment of all applications from this date. The provisions of this Interim Policy for the current proposal relate to residential flat buildings as follows:

- Site frontage – 20 metres (site complies)
- Height – the LEP controls relating to maximum height will prevail, over DCP controls relating to height in storeys (refer to LEP assessment);
- Private and communal open space and solar access – ADG (SEPP 65) controls prevail over the DCP (refer to the ADG assessment); and
- Parking – Metropolitan subregional centre rates apply (refer to the ADG assessment).

The proposal is consistent with the Interim Policy.

Planning Agreements (S4.15(1)(a)(iia))

There are no planning agreements that pertain to this site.

The Regulations (S4.15(1)(a)(iv)

Clause 92 of the Regulations contains additional matters that the consent authority must consider, which include, in the case of a development application for the demolition of a building, the provisions of AS 2601. Relevant conditions can be recommended to be imposed on any consent issued for compliance with this Australian Standard in Schedule 1.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

The consideration of impacts on the natural and built environments includes:

- **Context and setting** –The proposed built form does not achieve a sympathetic response to the existing and desired future context, does not provide visual interest to the public domain and the building facades fail to contribute positively to the existing streetscape character. Front setbacks are insufficient and the basement driveway also presents a poor outcome resulting in adverse impacts to surrounding properties and the streetscape. The bulk and scale of the proposal is also not supported as it is incompatible with the existing prevailing character of the surrounding residential area
- **Access and traffic** – The proposal has been considered having regard to access, car parking and traffic generation in the accompanying Traffic Report, by Council's engineers and Traffic Consultant engaged by Council. Following a thorough consideration of the proposal and the relevant controls, it is considered that there are significant concerns with the amount and design of car parking, and vehicle access as well as the inadequacy of the traffic report. The proposal is considered unsatisfactory having regard to access and traffic issues.
- **Public Domain** – The proposal will not utilise any of the existing footpaths or public roads. The proposal will not impede pedestrian access in the area and will not impinge on any public areas. The proposal will enhance the public domain by providing additional activation of the public domain along the street and awnings for pedestrian comfort.
- **Utilities** – All utilities are available at the site.
- **Heritage** – The site does not contain any heritage items and is not located within a Heritage Conservation Area. An item of heritage is located in the vicinity of the site, located to the west of the site at 33-47 Dora Street. This item comprises semi-detached Victorian Terraces. Potential impacts on this heritage item have been considered in the Heritage Impact Statement, which has been reviewed by a Heritage Consultant engaged by Council. The Heritage Impact Statement concluded that there will be no adverse impacts on this nearby heritage item as a result of the proposal. Council's Heritage Consultant concurred with this conclusion. It was also recommended that conditions are to be imposed on any consent issued regarding the salvage of materials and building elements and commemorative plaques, a photographic archival recording is undertaken and that a Heritage Interpretation Strategy is prepared as well as standard heritage discovery conditions.

- Natural environment – The proposed development is unlikely to result in adverse impacts to the natural environment as the site is within the urban footprint of Hurstville and there are limited trees and other vegetation proposed to be removed and additional landscaping is proposed. Potential impacts on trees are considered in the DCP assessment.
- Noise and Vibration – The proposal has the potential to create a noise disturbance in the area as the site is located adjoining residential development and includes uses which may generate noise such as a place of worship and other community purposes. An Acoustic Report has been prepared for the proposal, however, it is considered that this report is unsatisfactory as a result of the following:
 - a) The methodology, noise levels used for calculation purposes and assumptions are not satisfactory for the assessment of noise for this type of development. The report did not show any type calculations or resulting noise levels at the sensitive receivers. Accordingly, it was considered that compliance with Council's and NSW EPA's *Noise Policy for Industry* ('NPfI') requirements could not be verified.
 - b) The noise emissions assessment from the site must be based on detailed, substantiated noise source levels of the activities taking place at the site while operating simultaneously. Specific scenarios must be presented for each use as recommended in the peer review report.
 - c) The resulting noise levels from the use of the site must be compared to NPfI's criteria, including sleep arousal (if applicable);
 - d) A new road traffic noise assessment must be carried out. Traffic noise logging must be carried out at a suitable location(s). The measured traffic noise levels derived from the noise survey must be processed in accordance with the EPA's *Development in Rail Corridors and Busy Roads – Interim Guideline*.
 - e) The noise control recommendations must be reviewed and updated once the new noise assessment has been carried out to reflect the new findings and changes as required

These fundamental acoustic issues remain outstanding given the permissibility issue, and have therefore not been addressed by the applicant. The proposal is considered to be unacceptable in regard to acoustic issues.

- Natural hazards – The site is not affected by any natural hazards.
- Social and economic impact – The proposal will improve the social and economic environment of the locality through a redevelopment of the site. The economic benefits of the proposal include additional employment opportunities, better activation of the street, improved longer term viability and the additional jobs in the construction phase of the development. The proposal will provide additional community services in an accessible location and will therefore have significantly improved social benefits to the locality.
- Site design and internal design – There are urban design concerns with the proposal which have been considered in the SEPP 65 assessment, while the proposed vehicle access is unsatisfactory given the adverse impact on the public domain. There are also concerns with the manoeuvring of vehicles which are unresolved as outlined in the traffic consultant's comments.

- Construction – Relevant conditions can be imposed on any consent issued.
- Cumulative impacts – The proposal has the potential to result in an adverse cumulative impact if the proposal was supported in its current form as the proposal involves residential accommodation which is prohibited in the zone.

Accordingly, it is considered that the proposal is likely to result in adverse impacts on the built environment in the locality,

(c) the suitability of the site for the development,

The site is suitable for the proposed place of public worship and community services as proposed on the ground and first floors of the development. However, the prohibited nature of residential accommodation on the site renders the proposed residential component unsuitable on the site. Any form of residential accommodation is prohibited on the site under the current infrastructure zoning on the site. The site is not known to be affected by any natural hazards or other site constraints that are likely to have a significant adverse impact on the proposal.

(d) any submissions made in accordance with this Act or the regulations,

The application was notified to immediately adjoining properties for 28 days from 21 October 2020 to 18 November 2020. Notification procedures were conducted in accordance with HDCP No 1. Three (3) submissions were received, with the issues raised discussed in **Table 7**.

Table 7: Issues from Community Submissions

Issue	Consultant Planner Response	Resolved
<p>Height of the building</p> <p>The submissions raised concern that the proposal is contrary to the LEP and planning controls and is out of character with the surrounding development to the north. A 4 storey height limit is recommended</p>	<p>While there is no maximum height development standard for the site, the height of the proposal is considered to be incompatible with the surrounding area.</p> <p>Council's urban design consultant reviewed the application and considered the proposal which concluded that the current scheme requires adjustments to the overall built form to achieve a more sympathetic response to the existing and desired future context and a better urban design outcome.</p> <p>Outcome: The proposed height of the development is not supported.</p>	<p>No</p>
<p>DCP height limit of 3 storeys</p> <p>The proposal exceeds this limit by 5 storeys.</p>	<p>The residential fat building controls of the DCP do not strictly apply as they only apply to development on land within the R3 Medium Density Residential zone. The site is within the SP2 Infrastructure zone. However, the overall height of the building is not supported.</p>	<p>No</p>

	<p>Outcome: The proposed height of the development is not supported.</p>	
<p>Changes to Height of building development standard</p> <p>The submissions raised concern that the proposal would be a precursor to raising the height limit of the block bordered by Dora, Bond, Patrick and Dalcassia</p>	<p>There are no changes to the height limit under the planning controls and there is no maximum height development standards applying to the site. A thorough assessment of the height and the bulk and scale of the proposal has been undertaken and it is considered that the proposal is unacceptable.</p> <p>Outcome: The proposed height of the development is not supported. Given the permissibility issue, however, this has not been further addressed by the applicant.</p>	No
<p>Streetscape and site context</p> <p>Concerns were that the overwhelming size and scale of the proposal is unprecedented in the area; the design of the building is extremely obtrusive to all surrounding properties; it looks extremely bulky, large and flat; it does not blend into the local area but sticks out in its size and scale.</p>	<p>A thorough assessment of the bulk and scale of the proposal has been undertaken and it is considered that the overall built form fails to achieve a sympathetic response to the existing and desired future context and does not provide a good urban design outcome.</p> <p>Outcome: The proposed height and bulk and scale of the development are not supported. Given the permissibility issue, however, this has not been further addressed by the applicant.</p>	No
<p>View loss</p> <p>Concerns were that there would be loss of horizon views to the southwest from No 22 Dora St, No 12-22 & 11-15 Bond St (particularly at sunset) and is likely to affect the property values.</p>	<p>There is potential for view loss arising from the proposal for No 22 Dora Street.</p> <p>Outcome: Given the permissibility issue, however, this has not been further addressed by the applicant. Loss of property value is not a consideration under the EP&A Act.</p>	No
<p>Residential use in an infrastructure zone</p> <p>Concerns included that the current zoning is SP2 infrastructure for church. However, vast majority of the new building is residential apartments. This is against</p>	<p>It is considered that the residential accommodation component of the proposal is not permissible in the zone as outlined in this report.</p> <p>Outcome: The residential accommodation component of the proposal is not permissible in the zone.</p>	No

<p>the zoning purpose. The key purpose of the new DA is to get the commercial and financial interests from selling the apartments rather than church.</p>		
<p>Overdevelopment Hurstville is already overdeveloped.</p>	<p>A thorough assessment of the bulk and scale of the proposal has been undertaken and it is considered that the proposal involves a bulk and scale which is excessive in response to the lower scale residential context.</p> <p>Outcome: The proposed height and bulk and scale of the development are not supported. Given the permissibility issue, however, this has not been further addressed by the applicant.</p>	<p>No</p>
<p>Potential acoustic Impacts There were concerns that there would be increased noise from the proposal</p>	<p>The proposal involves a variety of uses on the site, which have the potential to create acoustic impacts in the area for surrounding residents. A peer review of the submitted Acoustic Report concluded that it was unsatisfactory and that the noise control recommendations must be reviewed and updated once the new noise assessment has been carried out to reflect the new findings and changes as required</p> <p>Outcome: These fundamental acoustic issues need to be addressed by the applicant in the form of a revised Acoustic Report. Given the permissibility issue, however, this has not been further addressed by the applicant.</p>	<p>No</p>
<p>Traffic congestion and access points Concerns were that the current garage of the new DA is at Bond St. However, this is too close to the intersection; it will significantly affect the traffic volume turning into the Bond St from Dora St. It will also congest the peaceful and quiet street.</p>	<p>Council engaged a Traffic consultant to review the submitted Traffic report, which raised concerns with regard to the proposed scale of the proposal and the lack of references to the Plan of Management, lack of an accurate outline of the existing traffic conditions, car and motorbike parking being inadequate as well as inadequate traffic generation discussion. Vehicle access, internal vehicle circulation and the design of the car park were further concerns raised.</p> <p>Outcome: The consideration of the potential traffic and parking aspects of the</p>	<p>No</p>

	proposal is unsatisfactory, however, given the permissibility issue this has not been further addressed by the applicant	
<p>Potential privacy Impacts for No 12-22 Bond St</p> <p>The concerns were that there are windows facing Bond Street which directly look into the windows of No 12-22 Bond St.</p>	<p>There are limited direct overlooking opportunities to the adjoining eastern property given the orientation of the windows and blade walls on this elevation.</p> <p>Outcome: The proposal is satisfactory having regard to privacy for adjoining sites.</p>	Yes
<p>Overshadowing of No 22 Dora Street</p> <p>The proposal will affect the sun of the existing apartment at No 22 Dora Street.</p> <p>Overshadowing of No 39-59 Dora Street and 12-22 Bond St - Units overshadowed, in some cases completely overshadowed.</p>	<p>There is some overshadowing of the properties along Dora Street in the morning in mid-winter however this shadow has moved by midday such that adequate solar access is provided for the remainder of the day. The proposal does not overshadow properties on Bond Street.</p> <p>Outcome: There is minor overshadowing of this property, although it will receive solar access in accordance with the DCP.</p>	Yes
<p>Alternative locations</p> <p>The concerns stated that there are better places where the disadvantaged can be housed.</p>	<p>The site is well located in relation to proximity to transport and services and is an appropriate location for community services.</p> <p>Outcome: The site is location is suitable for the proposal.</p>	Yes
<p>Apartment mix</p> <p>Vast majority of the apartments are 1 bed studio, which is contrary to the NSW new residential building code, which specify the limit of proportion of the studio.</p>	<p>SEPP 65 and the ADG do not specify a unit mix composition, only that a variety of unit sizes should be provided. The proposed units are for people in need, which often requires small, single bedroom dwellings.</p> <p>Outcome: The proposed unit mix is satisfactory if the proposed residential development were permissible on the site.</p>	Yes

(e) the public interest

The proposal does not satisfy the relevant planning controls and is inconsistent with some of the objects of the EP&A Act in relation to permissibility and the orderly and economic development of land as well as urban design concerns and bulk and scale of the proposal. Accordingly, it is considered that the proposal is not in the Public interest. The development will adversely affect

the amenity of immediately adjoining properties and will negatively affect the character and nature of the neighbourhood.

The proposal provides an updated and improved place of public worship as well as additional community services provided by The Salvation Army in a well serviced location, and accordingly, this component of the proposal is considered to be consistent with the public interest.

Environmental Planning and Assessment Regulations 2000 (EP&A) Regs 2000

The proposed development satisfies the relevant matters for consideration for development under the Regulations, including demolition being undertaken in accordance with the Australian Standard *AS2601: The demolition of structures*. Relevant conditions can be imposed on any consent granted.

Development Contributions

The proposed development would require the payment of development contributions, however, given the permissibility issues these contributions have not been calculated for the proposal.

REFERRALS

The application was referred to the following internal Council referral officers:

- Urban Design Consultant
- Design Engineer
- Development Engineer (Traffic)
- Consultant Traffic Engineer
- Environmental Health Officer
- Consultant Acoustic Engineer
- Waste Officer
- Consultant Arborist
- Heritage Consultant
- Drainage Engineer

Comments are outlined below.

- *Urban design (consultant for Council - 17/12/2020)* - Council engaged an Urban Design Consultant to review the design of the proposal, in the absence of a SEPP 65 design review panel. There were significant concerns raised in relation to the design and bulk and scale of the proposed built form and the proposal in its current form was not supported. These issues are considered in the assessment of the SEPP 65 and ADG above and are provided in **Attachment A**. This information remains outstanding given the permissibility issue. The proposal is considered to be unacceptable in regard to urban design.
- *Engineering (alignment levels)* – Council's engineer requested additional information in relation to the alignment levels for the access driveway from Bond Street, which was received in the amended package in December 2020. The Driveway Profile submitted complies with the B85 vehicle for the portion over Council land. No objections were

subsequently raised, subject to standard conditions being imposed on any consent granted.

- *Engineering (Traffic)* – Council's traffic engineer raised several concerns with the proposal including the driveway needing to be a minimum 5.5m from kerb to kerb for the first 6m from the boundary, and a swept path diagram of a B85 passing a B99 at the vehicular access being required, the lack of a loading bay for the café and more information being needed in regards to the waiting bay and stop line proposed in the upper basement plan. These issues are considered in the assessment of the HDCP No 1 above. This information remains outstanding given the permissibility issue. The proposal is considered to be unacceptable in regard to car parking and traffic.
- *Traffic Engineer (McLaren Traffic Engineering - 4/3/21)* – Council engaged a consultant Traffic Engineer to peer review the traffic Report lodged by the applicant, including the amended and additional parking and traffic information lodged in December 2020. This peer review concluded that the submitted traffic report was deemed to be inadequate to identify the parking demand and external traffic impact of the proposal development and insufficient car parking in terms of amount of layout has been provided. These issues are considered in the assessment of the HDCP No 1 above. This information remains outstanding given the permissibility issue. The proposal is considered to be unacceptable in regard to car parking and traffic.
- *Drainage Engineer* – Council's Drainage Engineer reviewed the proposal and raised several concerns with the proposal which are considered in the assessment of the HDCP No 1 above. This information remains outstanding given the permissibility issue. The proposal is considered to be unacceptable in regard to stormwater management.
- *Environmental Health Officer* – Council's Environmental health Officer required additional information in relation to potential land contamination, acoustic impacts and compliance of the proposed café with food regulations and the Sydney Water requirements. The amended package provided by the applicant in December 2020 removed the commercial kitchen and provided a contamination report and an acoustic report (considered by a separate consultant, discussed below). No further comments were provided, however, it is considered that the contamination issue has been adequately addressed with the PSI report and relevant conditions can be imposed on any consent granted. The acoustic Report has been peer reviewed and discussed further in this report.
- *Acoustic Engineer (Consultant – 19/02/2021)* – Council engaged a consultant Acoustic Engineer (Rodney Stevens Acoustics) to peer review the Acoustic Report prepared by Acoustic Logic ('AL') submitted by the applicant in December 2020. This peer review concluded that the calculations and assumptions do not satisfy Council's requirements and that a more detailed noise assessment must be prepared to determine if the proposed development complies with Council's requirements. This information remains outstanding given the permissibility issue. The proposal is considered to be unacceptable in regard to acoustic issues.
- *Waste Officer (23/12/2020)* – Council's Waste Officer reviewed the proposal and considered there were no concerns in relation to the demolition and construction waste management, however, raised several concerns in relation to the proposed waste management arrangements for the ongoing use of the premises. This issue is considered

in the assessment of the HDCP No 1 above. This information remains outstanding given the permissibility issue. The proposal is considered to be unacceptable in regard to waste management.

- *Council's Heritage Consultant* - Concurred with the conclusion of the Heritage Impact Statement that there would not be any adverse impacts on heritage values arising from the proposal. It was also recommended that conditions are to be imposed on any consent issued regarding the salvage of materials and building elements and the retention of the commemorative plaques and a photographic archival recording is undertaken and that a Heritage Interpretation Strategy is prepared as well as standard heritage discovery conditions. Satisfactory subject to standard conditions being imposed on any consent granted.
- *Consulting Arborist (20/10/20)* – Council engaged a Consultant Arborist to review the proposal and considered that the proposal was likely to impact on a tree on the adjoining site to the east, as it is located close to the proposed basement. This issue is considered in the assessment of the HDCP No 1 above. This information remains outstanding given the permissibility issue. The proposal is considered to be unacceptable in regard to tree protection.

External Referrals

The application was referred to the following external government agencies. No objections were raised to the proposal subject to relevant conditions of consent as outlined below:

- *Sydney Airport Corporation Limited ('SACL')* – SACL was notified as the site is located within an area defined in schedules of the *Civil Aviation (Buildings Control) Regulations* which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority. No objections were raised to the proposed height of 90.6 metres AHD subject to standard conditions in relation to the operation of cranes on the site. Satisfactory subject to standard conditions to be imposed on any consent granted.
- *Air Services Australia* – No comments or decision were needed and considered that the Sydney Airport operator should provide comments given the proximity to Sydney Airport. No further consideration required given SACL has provided comments and draft conditions. Satisfactory subject to standard conditions to be imposed on any consent granted.
- *Ausgrid* – The application was referred to Ausgrid pursuant to Clause 45 of the Infrastructure SEPP. No objections were raised subject to standard conditions. Satisfactory subject to standard conditions to be imposed on any consent granted.
- *NSW Police* – Comments provided in relation to potential concerns included the underground parking which may attract opportunistic offenders as it provides a relatively isolated area where natural surveillance is intermittent, active only when residents come and go, increased traffic coming from and to Forest Road and Durham Street and offside parking for the residents and increased pedestrian traffic.

Recommended conditions to be imposed included the installation of CCTV cameras within and around the development, which must record continuously at all times and must cover the entry and exit points on the premises, the footpath immediately adjacent to the premises, all publicly accessible areas (other than toilets) within the premise and throughout the underground car park to monitor activities around these areas. Lighting which complies with the Australian Standard must be installed in and around the property to increase visibility during the hours of darkness and the mailboxes should be located in a secure or residents only area of the building.

Further to those general conditions were that the applicant is to provide a Closed-Circuit Television Plan, submission of a Crime Risk Assessment Report and adherence to the provided Plan of Management.

Consultant Planner Comment: Security arrangements are addressed in the Plan of Management submitted with the application, which is considered to satisfactorily address these issues. The traffic assessment is required to be revised to ensure all relevant issues are satisfactorily addressed. Recommended conditions can be imposed on any consent granted.

CONCLUSION

The development application seeks consent for the demolition of existing buildings and the construction of a seven (7) storey mixed use building to be used by TSA for church and community purposes with upper level residential accommodation for those in need. Associated landscaping and stormwater infrastructure is proposed as well as a Torrens title subdivision of the site to create a new lot to Dalcassia Street.

The application has been assessed having regard to the Matters for Consideration under Clause 4.15(1) of the *Environmental Planning and Assessment Act 1979*, the provisions of the relevant State Environmental Planning Policies, Hurstville Local Environmental Plan 2012 and Hurstville Development Control Plan No 1.

The proposed residential accommodation component of the proposal is considered to be prohibited in the zone and cannot be supported. Furthermore, the proposal fails to satisfy various design quality principles of SEPP 65 and is also inconsistent with various controls under the ADG. There are also various technical issues which have not been adequately addressed by the application. It is considered that the proposed built form and design is unsatisfactory and a good planning outcome is not achieved for the site and locality.

The development has been assessed against the requirements of the relevant planning instruments and development control plans and is inconsistent with some of those requirements. Following detailed assessment it is considered that Development Application No DA2020/0387 be refused subject to the reasons outlined in Schedule 1.

DETERMINATION AND STATEMENT OF REASONS

The reasons for this recommendation are:

- The proposed development is not permissible (residential component).
- The proposed development does not meet various objectives and controls of the relevant environmental planning instruments and development control plan.
- The proposal has not been designed to satisfy some of the key provisions of SEPP 65 and the Apartment Design Guide (ADG).
- The proposed design is inconsistent with the anticipated, desired future character for development in this area.
- The proposed development will result in a new allotment which is considered to be undersized for its location in a future high density zone.
- The proposal has failed to adequately address various technical issues including car parking and vehicle access, stormwater management, waste management, acoustic privacy and tree protection.

THAT pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act, 1979*, as amended, the South Sydney Planning Panel, refuse development consent to Development Application DA2020/0387 for Demolition of existing buildings and construction of a new multi-storey mixed use facility for church and community purposes. on Lot 1 in DP 1262370 and known as 23 Dalcassia Street subject to the following reasons:

Schedule 1: Reasons for Refusal – DA 2020/0387

Premises: 23 Dalcassia Street, Hurstville (Lot 1 D.P 586989)

1. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the residential component of the proposal is prohibited in the SP2 zone pursuant to Clause 2.3(1)(d) of the *Hurstville Local Environmental Plan 2012*.
2. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the residential component of the proposal is contrary to the objectives of the SP2 zone pursuant to Clause 2.3(2) of the *Hurstville Local Environmental Plan 2012* in that such development cannot be characterised as infrastructure or a related use and is considered to be development which is incompatible with the provision of infrastructure.
3. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the residential component of the proposal is contrary to the objectives of the *Hurstville Local Environmental Plan 2012* pursuant to Clause 1.2(2)(a) in that the residential component does not encourage and co-ordinate the orderly and economic use and development of land that is compatible with local amenity as it proposes development which is prohibited in the zone.
4. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the design quality of the proposal when evaluated in accordance with the design quality principles of is unacceptable, contrary to Clause 28(2)(b) of *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development* ('SEPP 65') and adequate regard has not been demonstrated to the design quality principles contrary to Clause 30(2)(a) of SEPP 65. In particular, the proposal is inconsistent with the following design quality principles:
 - (a) Principle 1: Context and neighbourhood character **as** the proposal does not respond or contribute to its context as the proposed design, bulk and scale do not have adequate regard for the built features of the area, their relationship and the character they create when combined.
 - (b) Principle 2: Built form and scale **as** the proposed does not achieve a scale, bulk or height which is appropriate to the existing or desired future character of the street and surrounding buildings given the excessive bulk and scale of the proposal when compared to existing development.
 - (c) Principle 3: Density as the proposed density is inappropriate for the site and its context.
 - (d) Principle 9: Aesthetics as the proposed built form does not achieve good proportions or visual appearance and is not well designed for its context.
5. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as there are

numerous inconsistencies with the Apartment Design Guide pursuant to Clause 28(2)(c) of *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development* ('SEPP 65') and adequate regard has not been demonstrated to some of the objectives specific in the Apartment Design Guide contrary to Clause 30(2)(b) of SEPP 65. Inconsistencies of the proposal when evaluated in accordance with the Apartment Design Guide include the following:

- (a) Communal open space (Part 3D) - a shortfall of around 110m² of communal space for the site;
 - (b) Vehicle Access (Part 3H) - basement driveway is exposed along the eastern boundary which presents a poor outcome resulting in adverse impacts to surrounding public and private domain areas;
 - (c) Car Parking (Part 3J) – the proposal is deficient in car parking;
 - (d) Apartment layout (Part 4D) - insufficient dimensions to ascertain compliance with apartment design layout requirements
 - (e) Balconies (Part 4E) - insufficient dimensions to ascertain compliance with balcony dimensions.
 - (f) Facades (Part 4M) - Building facades which fail to contribute positively to the existing streetscape character, reduces passive surveillance and visual interest to the public domain
 - (g) Water management & conservation (Part 4V) – unsatisfactory arrangements have been made; and
 - (h) Waste Management (4W) - unsatisfactory arrangements have been made.
6. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the proposed building form of the proposal is contrary to the objectives of the *Hurstville Local Environmental Plan 2012* pursuant to Clause 1.2(2)(f) in that the proposed residential component does not adequately embrace the principles of quality urban design.
7. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979* as the proposal significantly exceeds the development standards of maximum height and maximum floor space ratio proposed under the Draft *Georges River Local Environmental Plan 2020* which has been the subject of public consultation.
8. The proposed development is considered unacceptable as the proposal is inconsistent with the objects of the *Environmental Planning and Assessment Act 1979* pursuant to Section 1.3 in that:
- (a) The proposal involves a residential use of the land which is prohibited in the zone and which does not promote the orderly use of the land, contrary to Object (c);
 - (b) The proposed land subdivision does not promote the orderly and economic use of land since the remaining lot facing Dalcassia Street is small, will form an

isolated allotment and is unlikely to be capable of significant redevelopment, contrary to Object (c); and

- (c) The proposed built form does not promote good design and is incompatible with the character of the area contrary to Object (g).
9. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) and (iii) of the *Environmental Planning and Assessment Act 1979* as the adverse impacts on Tree 5 (*Callistemon salignus*) arising from the proposal is contrary to the aims and controls of *State Environmental Planning Policy – Vegetation in Non-Rural Areas 2017* in that the biodiversity values of trees is not preserved and no tree management approval has been provided under the *Hurstville Development Control Plan No 1* (Appendix 1, Clause 9).
10. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(b) of the *Environmental Planning and Assessment Act 1979* as the proposal is likely to adversely impact on the acoustic amenity of the area as a result of the proposed uses on the site. Appropriate acoustic measurement and mitigation measures have not been adequately demonstrated by the proposal.
11. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as the proposal is inconsistent with Part 3.1 Vehicle access, parking and manoeuvring of the *Hurstville Development Control Plan No 1* in that:
- (a) The proposed car parking and service vehicle areas are insufficient as there is a shortfall in the number of car parking spaces required for the proposed uses. The proposal has also failed to provide an adequate consideration of traffic generation in the area and the Traffic Report submitted is considered to be inadequate. Accordingly, the proposal does not achieve Performance Criteria PC1 (a) and (c) in that the proposed car parking is insufficient and has not been provided in accordance with the projected need.
 - (b) The proposal is inconsistent with Design Solution DS1.1 as the required number of car parking spaces have not been provided on the site;
 - (c) The proposed basement driveway from Bond Street is exposed along the eastern boundary which presents a poor outcome resulting in a significant visual impact on the street and surrounding properties and is contrary to Performance Criteria PC1 (b) and inconsistent with Design Solution DS1.12 as the proposed driveway to underground car parks has not been designed so as to minimise the visual impact on the street.
 - (d) The proposal has not satisfactorily demonstrated that the car parking area, internal vehicle circulation and vehicle access complies with the relevant Australian Standards. Accordingly, the proposal is inconsistent with Performance Criteria PC1 (b) in that it is unclear whether the proposal provides car parking that is safe, easily accessible, does not obstruct the passage of vehicles or create traffic conflicts, or impact pedestrians or cyclists no 1.
 - (e) The proposal is inconsistent with Design Solution DS1.5 as compliance with AS 2890.1-2004 of the car parking has not been adequately demonstrated.

12. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as the proposal is inconsistent with Part 3.7 Stormwater of the *Hurstville Development Control Plan No 1* in that:
 - (a) The proposal has not adequately demonstrated that rainwater is directed into an approved stormwater drainage system and therefore is inconsistent with Performance Criteria PC1 (b);
 - (b) The development application has not been supported by a concept stormwater management plan showing how surface and roof waters are to be discharged by gravity to the street or easement and the size of all pipes and is therefore inconsistent with Design Solution DS1.5.

13. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as the proposal is inconsistent with the waste management objectives and requirements of Appendix 1, Clause 7 *Hurstville Development Control Plan No 1* in that the waste management plan is unacceptable and does not adequately demonstrate compliance with the requirements.

Attachment A: Urban Design Comments

Hi Liam and Monica,

GMU has reviewed the DA information provided by Council relating to the proposed mixed-use development located at No. 15 Dalcassia Street, Hurstville. Please see below our urban design comments summarising the key findings of the initial review and recommended amendments for consideration.

Bulk and scale

The subject site is currently zoned SP2 with no height and FSR limits. It is understood that there are no specific built form controls applied to the site that will guide the future redevelopment. Therefore, this assessment mainly focuses on the merit of the proposal, its contextual fit and whether the proposed built form responds to the existing and desired future character of the area.

The area to the immediate north, north-west and east of the site is predominately characterised by 3-4 storey strata-titled residential flat buildings with landscaped street front setbacks. There are some low scale dwellings (1-2st) scattered around. The maximum allowable height under the current HELP for these areas is 12m (equivalent to 3-4st). The adjacent building at 18-20 Bond Street has a number of habitable rooms facing the site's eastern boundary.

The lands to its south-west and south are zoned B4 Mixed Use with a max. permissible height of up to 30m. The existing developments that are higher in scale (8st) are generally built to the street boundaries to form a strong street definition and activation to the public domain. There is a low of heritage cottages (1-storey plus roof form in commercial/retail uses) across Dora Street to its south-west with a permissible height of 15m.

Building height

The proposal presents a 7-storey mixed-use development with an additional level of roof structure on top, reaching a building height of up to 27.1m (Drawing 2003, North Elevation, Integrated Design Group, September 2020). We consider that there are some merits in considering an uplift for the site, given the existing context and its corner location as well as its proposed uses for church and community facility. However, we are concerned that the perceivable bulk and scale of the proposal would appear excessive in response to the surrounding lower scale residential context. We consider that a reduction in the maximum building height to 5-6 storeys near the intersection of Bond and Dora Street with a transitional height of 4 storeys towards the northern and eastern portion of the site may achieve a better scale transition from the town centre area to surrounding residential areas. Also, we recommend council to seek advice from independent heritage consultant on its response to the heritage items on the western side of Dora Street.

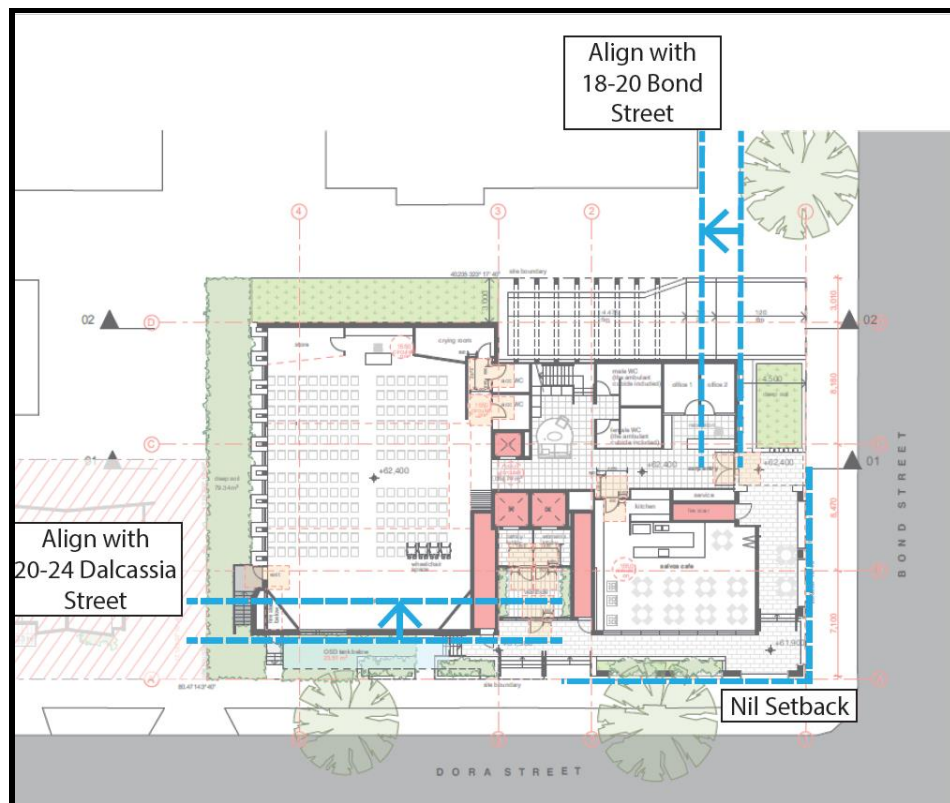
Setbacks

As per the Ground floor plan (Drawing 1100, Integrated Design Group, September 2020), the building provides nil setback to the corner of Dora and Bond Streets and increased setbacks to the remaining street-front boundaries.

The site borders Hurstville town centre mixed-use area and the DCP allows for nil setback to 30-70% of the site frontages for this part of the centre. Therefore, we consider that it is

acceptable to have nil setback from the podium levels to the street corner, which also provides increased opportunity for street activation.

The set of the floor plans (Drawing 1100-1104) shows that the proposal provides a 4.5m street level setback towards the eastern half of the Bond Street frontage and 4.5m across the upper levels above the podium. It provides a 3m street level setback towards the northern end of the Dora Street boundary and varied upper-level setbacks from the street boundary (2.25-4.31m). As is measured from Google map, the existing development at 18-20 Bond Street (to the east of the site) achieves an approx. 6m front setback and the property at 20-24 Dalcassia Street (further north of the site) also provides a front setback of approx. 5-6m. Hurstville DCP 4.1.3 DS 6.1 recommends 6m setback to primary and secondary streets for neighbouring properties. We recommend the proposal providing setbacks that align with the existing developments (Please refer to Attachment 1 attached).



Building facades

The current design presents a large portion of blank wall facades on the upper levels facing Bond and Dora Street and to the east elevation, which is a concern. It fails to contribute positively to the existing streetscape character, as well as providing desired passive surveillance and visual interest to the public domain. It is recommended that the proposal to be amended to incorporate larger window openings on the southern and western elevations with main balconies orientated towards the streets as well as high-quality materials/architectural design to the side elevation.

The photomontage (Drawing 7003, Integrated Design Group, September 2020) further shows that the building has not yet achieved a well-balanced façade design, especially to its southern and western elevations. The proposed façade design presents a strong sense of verticality, which contributes to its perceived scale. We recommend incorporating more horizontal façade elements to break up its verticality, achieving a more balanced composition.

The north elevation could be further improved to have a more defined podium base through expressed horizontal elements and a balanced solid and void pattern to mitigate the perceived scale and height of the podium.

Existing Tree Retention

It could be observed from Google map that, there is a significant tree within 18-20 Dalcassia Street, adjacent to the site's north-eastern boundary. There is another smaller tree within 22 Bond Street next to the eastern boundary. According to the basement plan (Drawing 1001-1004, Integrated Design Group, September 2020), basements are built to the eastern boundary, which is a potential hazard for the abovementioned trees. Hence GMU recommends council to seek further advice from arborists to confirm such design will not threaten the wellbeing of trees.

Vehicular entry

As per the Ground floor plan (Drawing 1100, Integrated Design Group, September 2020), the basement driveway is exposed along the eastern boundary. It appears that there are precedents of similar driveway locations established by the other RFB type developments in the vicinity of the subject site. Nevertheless, it presents a poor outcome resulting in adverse impact to surrounding public and private domain areas. To meet ADG guidelines (3H-1) and prevent visual dominance, the driveway is recommended to be encapsulated within the built form and integrated into the composition of the front façade. Currently, the driveway occupies almost 50% of the side setback, leaving insufficient capacity for deep soil landscape screening along the common boundary.

Internal Layout

The ground floor plan (Drawing 1100, Integrated Design Group, September 2020) has not suggested where the fire stair will be connected. However, it could be estimated from upper-level plans that the fire stairs are likely to end within the lift lobby, which is a safety concern.

Conclusion

It is GMU's opinion that the current scheme requires adjustments to the overall built form to achieve a more sympathetic response to the existing and desired future context and a better urban design outcome.

Should you have any queries, please don't hesitate to let us know.

Kind Regards,

Chang Liu
Urban Designer

Please note all GMU staff are now working remotely but we continue to respond to emails. Should you wish to contact me via phone, please send me an email and I will call you back as soon as possible.



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Attachment B: Table of Compliance - SEPP 65 and the Apartment Design Guide

ADG - DESIGN CRITERIA	PROPOSAL	COMPLIES									
<p><u>Communal and Public Open Space (3D)</u> Communal open space has a minimum area equal to 25% of the site (271.12m²).</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p> <p><i>Design Guidance</i> Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions Located on a podium or roof if it can't be located on ground level Provide variety of facilities</p>	<p>The proposal provides 160m² (14.8% of the site) as communal open space on Level 6 (women's area) and the rooftop.</p> <p>The communal open space is located on the northern elevation (Level 6) and on the roof and therefore receives good solar access throughout the day in mid-winter.</p> <p>Achieved.</p> <p>Located on the roof.</p>	<p>No refer Note 1</p> <p>✓</p> <p>✓</p> <p>✓</p>									
<p><u>Deep Soil Zones (3E)</u></p> <p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1" data-bbox="186 1150 803 1417"> <thead> <tr> <th>Site Area</th> <th>Minimum Dimension</th> <th>Deep Soil Zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>650m² to 1,500m²</td> <td>3m</td> <td rowspan="2">7% (75.93m²)</td> </tr> <tr> <td>Greater than 1500m²</td> <td>6m</td> </tr> </tbody> </table>	Site Area	Minimum Dimension	Deep Soil Zone (% of site area)	650m ² to 1,500m ²	3m	7% (75.93m ²)	Greater than 1500m ²	6m	<p>The deep soil zone comprises an area of 79.34m² along the northern side boundary, 7.3%.</p>	<p>✓</p>	
Site Area	Minimum Dimension	Deep Soil Zone (% of site area)									
650m ² to 1,500m ²	3m	7% (75.93m ²)									
Greater than 1500m ²	6m										
<p><u>Visual Privacy (3F)</u></p> <p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="186 1690 803 1894"> <thead> <tr> <th>Building Height</th> <th>Habitable Rooms and Balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>12m – 25m</td> <td>9m</td> <td>4.5m</td> </tr> </tbody> </table>	Building Height	Habitable Rooms and Balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	12m – 25m	9m	4.5m	<p>Proposed setbacks (ground & level 1 are non-residential floors):</p> <ul style="list-style-type: none"> • <u>Eastern boundary:</u> <ul style="list-style-type: none"> • Level 2 & 3 (up to 4 storeys) – 6m (min 3m required) • Level 4, 5 & 6 (5-8 storeys) – 6m (min 4.5m required) ▪ <u>Western boundary:</u> <ul style="list-style-type: none"> • Level 2 & 3 (up to 4 	<p>✓</p> <p>✓</p> <p>✓</p>
Building Height	Habitable Rooms and Balconies	Non-habitable rooms									
Up to 12m (4 storeys)	6m	3m									
12m – 25m	9m	4.5m									

(5-8 storeys)			stores) – 3.21m (min 3m required) • Level 4, 5 & 6 (5-8 storeys) – 3.21m and 4.3m for level 6 (min 4.5m required) Addressed in setbacks – visual bulk and scale	-
Over 25m (9+ storeys)	12m	6m		
<p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see Figure 3F.2).</p> <p>Gallery access circulation should be treated as habitable spaces when measuring privacy separation distances between neighbouring properties.</p>			<p>One building is proposed on the site.</p> <p>No gallery circulation areas.</p>	<p>N/A</p> <p>N/A</p>
<p><u><i>Pedestrian Access and Entries (3G)</i></u></p> <p>Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge</p> <p>Building entries and pedestrian access connects to and addresses the public domain</p> <p>The design of ground floors and underground car parks minimise level changes along pathways and entries</p> <p>Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate</p>			<p>A separate residential lobby and a church and community lobby are located off separate street frontages.</p> <p>Access to the building addresses the public domain along Bond and Dora Streets.</p> <p>There are minimal level changes along the street frontages or upon entry to the building.</p> <p>Pedestrian access and entry areas are well overlooked by the church and community uses.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
<p><u><i>Vehicle Access (3H)</i></u></p> <p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</p>			<p>Proposed vehicle access is provided to the building from Bond Street; however, this access is exposed along the eastern boundary which results in a negative impact on the streetscape resulting from the visual dominance of the basement entry with an adverse urban design</p>	<p>No</p>

<p>Car park entry and access should be located on secondary streets or lanes where available</p>	<p>outcome. This entry should be more appropriately integrated into the overall building design. Separate pedestrian access is provided from Bond and Dora Streets.</p> <p>Car park access is from Bond Street. No vehicle entry or exit is proposed to Dora Street.</p>	<p>✓</p>
<p><u>Bicycle and car parking (3J)</u></p> <p>For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</p> <p>The car parking needs for a development must be provided off street</p>	<p>Required parking (subregional centre):</p> <ul style="list-style-type: none"> 0.6 spaces x 18 (1B) = 10.8 spaces 0.9 spaces x 4 (2B) = 3.6 spaces 1.4 spaces x 5 (3B) = 7 spaces Visitor 1/5 = 6 spaces <p>Residential – 22 spaces</p> <p>Provided – 21 residential spaces and 4 residential visitor spaces</p> <p>Parking is provided in the proposed basement.</p>	<p>No</p>
<p><u>Solar Access and Daylight (4A)</u></p> <p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter (max 7.5 units)</p>	<p>19 of 27 units (70.3%) receive greater than 2 hours.</p> <p>The 2 and 3 bedroom units are all corner/dual aspect units. The studios units receive direct sunlight throughout the day.</p>	<p>✓</p> <p>✓</p>
<p><u>Natural Ventilation (4B)</u></p> <p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot</p>	<p>All of the units (100%) are naturally cross ventilated.</p>	<p>✓</p>

<p>be fully enclosed</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</p> <p>The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths</p>	<p>All proposed apartments comply.</p> <p>4 of 6 units on each level are dual aspect units.</p>	<p>✓</p> <p>✓</p>
<p><u>Ceiling Height (4C)</u></p> <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> • Habitable Rooms – 2.7 metres • Non-habitable rooms – 2.4 metres • Mixed use areas – 3.3m for ground and first floor to promote future flexibility of use 	<p>The minimum ceiling heights comprise:</p> <ul style="list-style-type: none"> ▪ Ground floor – 4.2m ▪ First floor - 3.6m ▪ Residential – 3.2m 	<p>✓</p>
<p><u>Apartment Layout (4D)</u></p> <p>Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> • Studio - 35m² • 1 Bedroom - 50m² • 2 Bedroom - 70m² • 3 Bedroom - 90m² <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A 4th bedroom and further additional bedrooms increase the minimum internal area by 12m² each</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p> <p>Master bedrooms have a minimum area of 10m² & other bedrooms 9m² (excluding wardrobe space). Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p> <p>Living rooms or combined living/dining rooms</p>	<p>All apartments meet minimum internal sizes:</p> <ul style="list-style-type: none"> • Studio – 35.04m² to 43.45m² • 2 Beds – 85.46m² • 3 beds – 95.99m² <p>The 2 and 3 bed units have a second bathroom and provide the additional 5m² (2 bed unit floor plan is incorrect – 3 beds shown and no main bathroom).</p> <p>There are no 4 bedroom units proposed.</p> <p>Each habitable room has a suitably sized window.</p> <p>No room dimensions have been provided, therefore compliance is unknown.</p> <p>No room dimensions have</p>	<p>✓</p> <p>✓</p> <p>N/A</p> <p>✓</p> <p>No</p>

<p>have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p> <p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height (6.75m).</p> <p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p>	<p>been provided, therefore compliance is unknown.</p> <p>All of the proposed units are a minimum width of 4 metres.</p> <p>All rooms are compliant.</p> <p>All units are compliant.</p>	<p>No</p> <p>✓</p> <p>✓</p> <p>✓</p>
<p><u>Private Open Space and Balconies (4E)</u></p> <p>All apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> • Studio - 4m² • 1 Bedroom - 8m² (Min depth 2m) • 2 Bedroom - 10m² (Min depth 2m) • 3 Bedroom - 12m² (Min depth 2.4m) <p>Minimum balcony depth contributing to the balcony area is 1m.</p> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	<p>The proposal involves the following primary balcony sizes:-</p> <ul style="list-style-type: none"> • Studio units – >4m²; no min depth (complies) • 2 bed units – 11.77m² - no min depth dimension • 3 bed units – 12.02m² - no min depth dimension <p>Noted.</p> <p>There are no ground level units.</p>	<p>✓</p> <p>✓</p> <p>Depth unknown</p> <p>N/A</p> <p>N/A</p>
<p><u>Common Circulation Space (4F)</u></p> <p>The maximum number of apartments off a circulation core on a single level is eight.</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</p>	<p>There are two (2) lift cores in the building, with the maximum number of units off a single lift core comprising 4 units per floor (studies) and max of 2 for 2 and 3 bedroom units.</p> <p>The building is less than 10 storeys.</p>	<p>✓</p> <p>N/A</p>

<p><u>Storage (4G)</u></p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <ul style="list-style-type: none"> • Studio - 4m³ • 1 Bedroom - 6m³ • 2 Bedroom - 8m³ • 3 Bedroom - 10m³ <p>At least 50% of the required storage is to be located within the apartment.</p>	<p>The proposal involves 25 storage areas in the basement levels as well as storage areas within the proposed units.</p>	<p>✓</p>
<p><u>Acoustic Privacy (4H)</u></p> <p>Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses</p> <p>Window and door openings are generally orientated away from noise sources</p> <p>Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas. Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources</p>	<p>An Acoustic report has been prepared for the application and concludes that subject to recommendations the proposal can comply with the relevant guidelines for noise from the road.</p> <p>The apartment layouts allow for like areas to be grouped together with the noisy areas adjoining the stairwells being bathroom or kitchen areas.</p> <p>Circulation areas such as corridors and stairs adjoin bathroom and kitchen areas, while bedrooms generally adjoin bedrooms.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
<p><u>Noise Pollution (4J)</u></p> <p>To minimise impacts the following design solutions may be used:</p> <ul style="list-style-type: none"> • physical separation between buildings and the noise or pollution source • residential uses are located perpendicular to the noise source and where possible buffered by other uses • buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer • landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry 	<p>An Acoustic report has been prepared for the application and concludes that subject to recommendations the proposal can comply with the relevant guidelines for noise from the railway and road.</p>	<p>✓</p>

<p><u>Apartment Mix (4K)</u></p> <p>A range of apartment types and sizes is provided to cater for different household types now and into the future.</p> <p>The apartment mix is distributed to suitable locations within the building.</p>	<p>A range of unit sizes are provide comprising studio and 2 and 3 bedroom units as well as 2 adaptable units (Level 6).</p> <p>There is a mix of units evenly distributed throughout the building which is appropriate.</p>	<p>✓</p> <p>✓</p>
<p><u>Facades (4M)</u></p> <p>Building facades provide visual interest along the street while respecting the character of the local area</p> <p>Design solutions for front building facades may include:</p> <ul style="list-style-type: none"> • a composition of varied building elements • a defined base, middle and top of buildings • revealing and concealing certain elements • changes in texture, material, detail and colour to modify the prominence of elements <p>Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale.</p> <p>Building entries should be clearly defined</p>	<p>Visual interest is not created as the current design presents a large portion of blank wall facades on the upper levels facing Bond and Dora Streets and to the east elevation. It also fails to contribute positively to the existing streetscape character, lacks passive surveillance and visual interest to the public domain. Larger window openings on the southern and western elevations with the main balconies orientated towards the streets as well as high-quality materials and architectural design to the side elevation are required. More horizontal façade elements to break up its verticality, achieving a more balanced composition, as the proposed façade design presents a strong sense of verticality, is also required. A more defined podium base on the north elevation through expressed horizontal elements and a balanced solid and void pattern to mitigate the perceived scale and height of the podium is required.</p> <p>Building entries are well defined.</p>	<p>No</p> <p>✓</p>
<p><u>Roof Design (4N)</u></p>		

Roof treatments are integrated into the building design and positively respond to the street	The simple flat roof line is compatible with other similar flat roof buildings in the streetscape. The lift overrun is located in the central portion of the roof ensuing there is minimal visual impact on the area, centralised within the building.	✓
Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations	The proposed roof incorporates communal open space for residents of the building with a good level of solar access throughout the day in mid-winter. Perimeter planting ensures overlooking opportunities from the roof top to adjoining buildings is minimised.	✓
Roof design incorporates sustainability features	The proposed roof allows for additional landscaping opportunities on the site and complies with BASIX.	✓
<u>Landscape Design (4O)</u>		
Landscape design is viable and sustainable.	The proposed landscape design provides for additional tree planting as well as rooftop planting for the communal open space areas. There is also deep soil landscaped areas along the side (northern) boundary.	✓
Landscape design contributes to the streetscape and amenity	The landscape design is of a high quality and suitable for the location.	
<u>Planting on Structures (4P)</u>		
Appropriate soil profiles are provided Plant growth is optimised with appropriate selection and maintenance Planting on structures contributes to the quality and amenity of communal and public open spaces	The proposal provides for landscaping on the rooftop raised planters which are satisfactory and assist in the overall design of the proposal.	✓
<u>Universal Design (4Q)</u>		
Universal design – design of apartments allow	No liveable dwellings	✓

for flexible housing, adaptable designs, accommodate a range of lifestyle needs. Benchmark of 20% liveable dwellings.	proposed but 2 units are nominated as adaptable.	
<u>Mixed Use (4S)</u> Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Mixed use is proposed with community uses on the ground floor frontage which provides casual surveillance for the residential apartments and encourages pedestrian activity in the area.	✓
<u>Awnings and Signage (4T)</u> Awnings are well located and complement and integrate with the building design Awnings should be located over building entries for building address and public domain amenity	An awning is proposed at ground level over the entry areas.	✓
<u>Energy Efficiency (4U)</u> Development incorporates passive environmental design, passive solar design to optimise heat storage in winter and reduce heat transfer in summer, natural ventilation minimises need for mechanical ventilation	The proposal has a good orientation to the north for the vast majority of the units and provides for good natural ventilation to all units. The proposal results in the development exceeding the BASIX target for energy efficiency.	✓
<u>Water Management and Conservation (4V)</u> Potable water use is minimised, stormwater is treated on site before being discharged, flood management systems are integrated into the site design.	The proposed stormwater management arrangements for the site are unsatisfactory.	No
<u>Waste Management (4W)</u> Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents Domestic waste is minimised by providing safe and convenient source separation and recycling	The proposed waste management arrangements for the site are unsatisfactory.	No

<p><u><i>Building Maintenance (4X)</i></u></p> <p>Building design detail provides protection from weathering Systems and access enable ease of maintenance Material selection reduces ongoing maintenance costs</p>	<p>Suitable materials and finishes are proposed including concrete, steel framing and stone cladding, rendered and painted masonry.</p>	<p>✓</p>
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Attachment C: Table of Compliance – Section 3 of Hurstville Development Control Plan No 1

REQUIREMENTS	PROPOSAL	COMPLY																
3.1 Vehicle Access Parking and Manoeuvring																		
<p>General</p> <p>DS1.1 In determining the prescriptive parking requirements for each type of land use, Council has been informed by a range of technical studies and documents, including detailed review of car parking rates in business and industrial zoned land and the Roads and Traffic Authority Guide to Traffic Generating Developments, October 2002. However, Council uses these prescriptive parking requirements on a discretionary basis only, and may be flexible in establishing parking conditions according to expert reports on the existing parking and traffic conditions in the vicinity of the subject site.</p> <p>DS1.2 In calculating the number of car spaces required, Council takes into consideration: a. the type of development (or land use) proposed b. the size and scale of the development c. the intensity of the development d. street hierarchy and existing traffic situation</p> <p>DS1.3 Table 1 and Table 2 provide on-site parking requirements for each specific land use. Where parking calculations produce a fraction, the requirement is rounded up e.g. 3.2 spaces = 4 spaces. Note: Parking requirements may also be contained in area specific DCPs</p>	Noted.	N/A																
	Refer above	N/A																
	<table border="1"> <thead> <tr> <th align="center">Component</th> <th align="center">Requirement</th> <th align="center">Proposal</th> <th align="center">Comply</th> </tr> </thead> <tbody> <tr> <td>Retail/café (85m²)</td> <td>15 spaces/100m² GFA or 1 space/3 seats (whichever greater) = 15 spaces</td> <td>3 spaces</td> <td align="center">No (12 short)</td> </tr> <tr> <td>Place of Worship (257m²; approx.. 160 seats)</td> <td>1 space/10 seats or 1 space/10m² GFA (whichever greater) 16 (on seats) or 25.7 spaces = 26 spaces</td> <td>20 spaces</td> <td align="center">No (6 short)</td> </tr> <tr> <td>Community uses (340m²)</td> <td>Office/business premises - 1 space per 40m² GLFA)</td> <td>9 spaces – included in place of worship</td> <td align="center">Yes</td> </tr> </tbody> </table>	Component	Requirement	Proposal	Comply	Retail/café (85m ²)	15 spaces/100m ² GFA or 1 space/3 seats (whichever greater) = 15 spaces	3 spaces	No (12 short)	Place of Worship (257m ² ; approx.. 160 seats)	1 space/10 seats or 1 space/10m ² GFA (whichever greater) 16 (on seats) or 25.7 spaces = 26 spaces	20 spaces	No (6 short)	Community uses (340m ²)	Office/business premises - 1 space per 40m ² GLFA)	9 spaces – included in place of worship	Yes	No
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<p>DS1.4 Within an existing premise where a change of use is proposed from a shop/business premise to a food and drink premises, the following parking requirements will apply: •Where the public area in the proposed use is less than 100m² no additional parking is required.</p>	<table border="1"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;">parking.</td> <td style="width: 20px; height: 20px;"></td> </tr> </table> <p>A change of use is not proposed.</p>			parking.		<p>N/A</p>
		parking.				
<p>Layout, Circulation, Access and Egress DS1.5 Refer to AS 2890.1 2004 & AS2890.2 Part 2 for the design and layout of parking facilities. DS1.6 Council does not encourage, but may consider stacked parking for parking spaces in a controlled parking situation which: a. allows no more than two cars in the stacked parking arrangement; b. is likely to maintain a very low turnover; or c. is able to function easily within the management of the site's future operation</p>	<p>Some concerns as outlined in the traffic referral. There is no stacked parking proposed.</p>	<p>No N/A</p>				
<p>Stenciling of Street Driveways DS1.7 All driveways in Hurstville are to be finished in plain concrete DS1.8 In streets which have brick paved surfaces, driveways are constructed to Council's Engineering Specification including a concrete base with matching brick paving surface</p>	<p>Not proposed.</p>	<p>N/A</p>				
<p>Ramps, Transitions & Driveways DS1.9 Alignment levels for all points of vehicular access must be obtained prior to submission of a development application. These levels will be made available by Council's Engineering Department following the payment of the appropriate fee. Note: Ramp grades are to be designed in accordance with AS/NZS 2890.2 2004 Part 2. DS1.10 The AS/NZS 2890.1 2004 Ground Clearance Template is to be used as follows: a. prepare a longitudinal section of the grade change or irregularity to natural scale, and to the same scale as the template – scale to be 1:20</p>	<p>Public domain engineer raised no objections.</p>	<p>Yes</p>				
<p>Underground/Basement Parking Areas DS1.11 Underground parking areas are to be concentrated under building footprints so as to maximise deep soil landscaping. DS1.12 Driveways to underground car parks are to be designed so as to minimise the visual impact on the street, and to maximise pedestrian safety. Pedestrian access to the development should be separate and clearly defined.</p>	<p>The basement is generally under the building. The basement is accessed via Bond Street and will have a significant visual impact on the street given it is exposed along the eastern boundary. There is separate pedestrian access provided to the site further to the west along this boundary as well as from Dora Street.</p>	<p>✓ No</p>				

<p>DS1.13 Access ways to underground car parking areas is to be located away from doors and windows to habitable rooms wherever possible.</p>	<p>The proposed basement entry is located away habitable rooms and balconies given there is no residential units until level 3.</p>	<p>✓</p>
<p>DS1.14 Basement car parking is preferable in commercial and residential flat buildings.</p>	<p>Provided and is appropriate.</p>	<p>✓</p>
<p>DS1.15 All underground parking areas are to have security doors. Where mechanical ventilation is proposed the motor room and exhaust shafts are to be shown on the development application plans.</p>	<p>The proposed basement residential spaces are to be secured with key card access as a condition.</p>	<p>Condition</p>
<p>Parking for People with a Disability DS1.16 Parking complies with AS 1428 Design for access and mobility and AS/NZS 2890.6. DS1.17 The provision of parking areas for drivers with a disability is an important consideration in any development. Council encourages the provision of parking for those with a disability beyond the minimum requirements of the Australian Standards.</p>	<p>Accessible spaces have been provided. Access report indicates 4 spaces are sufficient.</p>	<p>✓</p>
<p>Section 94 DS1.18 Council may consider accepting a cash contribution in lieu of on-site parking where a Section 94 Plan is in place. This applies to retail and commercial developments. The contribution is a payable under Section 94 - developer contributions, of the Environmental Planning and Assessment Act 1979. Note: Contact Council to see whether the Hurstville Section 94 Contributions Plan 2012 applies to your development and determine any applicable charges. A copy of this plan can be downloaded from www.georgesriver.nsw.gov.au.</p>	<p>To be made compliant.</p>	<p>N/A</p>
<p>Car Washing Area DS1.19 A designated car washing area (which may also be a designated visitor car space) is required for service stations and residential developments of four or more dwellings. DS1.20 Car wash bays which collect waste water must be covered and discharge the water to the sewer in accordance with the requirements of Sydney Water.</p>	<p>Not required.</p>	<p>N/A</p>
<p>Environmental Design DS2.1 Proposals for parking areas are to be accompanied by a landscape plan, prepared by a qualified landscape architect or designer, illustrating means to soften the visual impact of parked cars and any associated structures, as per these landscaping controls.</p>	<p>Basement car parking is provided.</p>	<p>N/A</p>

<p>DS2.2 Significant environmental features within the land such as rock outcrops, benches and trees are to be retained as a landscaped feature of the parking area.</p> <p>DS2.3 Council considers that landscaping needs to be included in every car parking design, within and on the perimeters of the car parking area. Accordingly, the following is required: a. planting beds fronting a street or public place are to have a minimum width of 1 metre b. shade trees are to be provided in open parking areas at the ratio of 1 shade tree for every 6 spaces c. plants to avoid are those which have a short life, drop branches, gum or fruit or those which interfere with underground pipes</p> <p>DS2.4 Parking areas are to incorporate a 150mm concrete kerb or edge treatment to reduce the likelihood of vehicles damaging adjoining landscaped areas. The use of bollards should also be considered</p>		
<p>Drainage</p> <p>DS2.5 All parking areas are to have adequate drainage for runoff and seepage. Council requires that minimum gradients be provided in car parks.</p> <p>DS2.6 A detention tank or pipe with reduced outlet should be offered, preferably integrated with a pollution trap. Parking areas may provide for temporary detention of water to a maximum depth of 150mm to reduce the velocity of stormwater runoff. Such parking areas are to be designed to provide pollution traps around the perimeter so as to reduce the impact of pollutants on the water quality of downstream watercourses. See Council's Drainage Code for further information</p>	<p>Council's development engineer raised various objections to the proposal in relation to the stormwater management.</p>	<p>No</p>
<p>Streetscape</p> <p>DS2.7 Proposals for multi-level car parking areas are to provide a facade at the street frontage which is consistent with the streetscape and character of adjacent development.</p> <p>DS2.8 If a proposed parking area adjoins a residential property Council requires fencing and/or mounding to be included in the landscaping proposal to protect the privacy of the residential property and reduce noise.</p>	<p>Basement car parking is provided.</p>	<p>N/A</p>
<p>Safer By Design – visibility</p> <p>DS3.1 On-site parking spaces are to be located in areas visible from nearby habitable windows, entrances, public spaces etc.</p> <p>DS3.2 On-site driveways are to provide an unobstructed view of passing pedestrians and vehicles.</p>	<p>Proposed units overlook the basement entry ramp which provides for casual surveillance.</p>	<p>✓</p>
<p>Safer By Design – safety</p> <p>DS3.3 Sloping ramps from car parks, garages and other communal areas are to have at least one full car length of level driveway before they intersect pavements</p>	<p>A 6 metre long area is provided between the slope to the basement and the property boundary. Refer to</p>	<p>✓</p>

and carriageways.	traffic referral for other comments.	
<p>Safer By Design – security</p> <p>DS3.4 Entry to basement car parks, including pedestrian routes, are to be available only to residents through security access/egress routes via main buildings.</p> <p>DS3.5 Visitor parking shall be provided in open unrestricted areas. If visitor parking is provided within a secure parking area (basement or otherwise) suitable access provisions shall be made such as a security intercom.</p> <p>DS3.6 Exit points for driveways to basement car parks for block edge development may require pedestal activated boom gates.</p>	An intercom system will be required via conditions.	Condition
<p>Safer By Design – lighting</p> <p>DS3.7 The intensity of lighting in the entranceway to covered or underground car parks is to be graded from the most bright (at the entrance proper), to minimum levels of accepted illumination (away from entrances), to allow for the gradual adjustment of driver/pedestrian “light” vision</p>	Lighting to be provided via conditions.	✓
<p>Safer By Design – Pedestrians and Car Park Layouts</p> <p>DS3.8 To help minimise the likelihood of conflict when sites have both pedestrian and vehicular access, the following is required:</p> <p>a. parking areas are to be designed so that through traffic is either excluded or appropriately managed</p> <p>b. pedestrian entrances/exits are to be separated from the vehicular entrances/exits (parking spaces must not obstruct required exit doors)</p> <p>c. developments generating a significant amount of pedestrian movement throughout the car park (such as shopping centres or office parks) are to establish clear and convenient pedestrian routes. These routes should minimise the number of points which cross vehicle paths and be appropriately marked to heighten driver awareness (e.g. painting, use of contrasting materials, lighting and/or signage).</p>	Separate access points are provided for pedestrians and motorists.	✓
3.2 Subdivision		
<p>Lot Size and Shape</p> <p>DS1.1 - Residential allotment sizes are to conform to Table 1 – Lot size and shape – 450m² x 15m wide (diagram), Table 1 – 450m²</p>	Proposed new lot – 14.77m wide and 594m ² although it is not located on the R2 or R3 zone.	✓
DS1.2 The width or the area of any existing or proposed access handle is to be excluded when determining the area or width of each allotment (Refer to Figure 1 - Site area or width calculations - access handles) Note: Clause 4.1 of Hurstville Local Environmental Plan 2012. In battle-axe allotments an access handle comprises any access corridor, access way, right-of carriageway or the like	<p>No access handle proposed.</p> <p>There is no minimum lot size under the LEP as the site is within the SP2 zone.</p> <p>Complies with min lot size of 450m² of surrounding R3</p>	<p>N/A</p> <p>N/A</p> <p>✓</p>

	zone.	
DS1.3 Allotment sizes for dual occupancy housing are to conform to Table 2 - Lot size and shape for Dual Occupancy – 630m ² (R2 and R3 zones)	The site is not located in the R2 or R3 zones.	N/A
DS1.4 Allotments for multi-dwelling housing are to have a minimum size of 500m ² per dwelling in the FSPA.	The site is not located in the FSPA.	N/A
DS1.5 Allotments in the IN2 Light Industrial Zone are to have a minimum size of 650m ² .	The site is not located in the IN2 zone.	N/A
DS1.6 New allotments for dwelling houses and attached dual occupancy developments are to have a minimum width of 15m for the entire allotment.	The proposed new lot has a width of 14.77 metres.	On merit
DS1.7 Where the street layout or site feature results in irregularly shaped allotments the lots must have a minimum width of 15m for the whole building footprint and applicants must demonstrate that a development that complies with Council's other controls for development including setback, landscaping and open space can be achieved.	The proposed new lot has a width of 14.77 metres.	On merit
DS1.8 Battle-axe allotments are to conform to Table 3 – Battle-axe Lots.	The site is not a battle axe lot.	N/A
DS1.9 Width of easement is to comply with Table 4 – Width of Easements	No easements are required.	N/A
DS1.10 Where the topography of a site requires separate pedestrian access or is only accessible by the use of an inclinor, an accessway with a minimum width of 2 metres is to be provided.	The site topography does not require separate pedestrian access as it is all at street level.	N/A
DS1.11 Corner allotments may be required to provide a 3 metre x 3 metre splay corner (road to road), or 1.5 metre x 1.5 metre (lane to road). Applicants are advised to consult with Council staff prior to lodgement of any development application to determine specific requirements.	To be provided in the conditions if required.	✓
DS1.12 On newly created allotments an indicative building envelope must be able to demonstrate how solar access, vehicular access, setbacks, landscaped areas, and tree preservation can be achieved.	This has not been provided.	No
Roads, Vehicular Access and Car Parking DS2.1 Public roads are to be constructed to Council's Traffic Engineers' satisfaction, in accordance with the relevant Australian Standards and relevant road authority's policy and specifications on road design and road safety guidelines.	There are no new roads proposed.	N/A
DS2.2 Pedestrian footpaths or shared pathways / cycle ways are to be designed in accordance with AS 1428.1— 2001 Design for Access and Mobility.	Not proposed. Conditions if required by Council Engineers.	Cond
DS2.3 Consent should be obtained from the relevant road authority under the Roads Act 1993 for each opening of a public road required for the development.	Condition.	Cond

DS2.4 Driveways and car parking are to be constructed in accordance with AS 2890.1—2004, Parking facilities— Off-street car parking and with the relevant road authority’s policy and specifications on vehicle and driveway crossings.	Condition.	Cond
DS2.5 Driveways and car parking must satisfy the requirements contained in Section 3.1.2.1—Parking Provision of this DCP and comply with the relevant DCP controls according to the development type.	Condition.	Cond
DS2.6 A driveway on a battle-axe lot is to conform to the following requirements: a. is to be capable of carrying a variety of service vehicles, including fire engines b. is to be provided from the carriageway to the building line c. reciprocal right-of-way and easement for services must be shown d. where access is shared by three or more residential allotments: • the driveway is to be 6m wide or passing bays are to be provided at suitable locations • a 12 metre diameter turning circle, or appropriately designed “hammer head” or “T-turn” to Council’s Traffic Engineers’ satisfaction, full concrete construction, is required at a location which will suit all allotments • access is to be constructed prior to the release of the linen plan by Council	The site is not a battle-axe lot.	N/A
Utilities and Services DS3.1 Development consent must not be granted unless Council is satisfied that any public utility infrastructure that is essential for the proposed development (including water and electricity supply, disposal and management of sewage and stormwater) is available or that adequate arrangements have been made to make that infrastructure available when required. See Clause 6.7 of HLEP 2012	There are adequate services on the site, conditions for extension.	✓
DS3.2 Service supply to multiple battle-axe subdivisions is to be provided by underground cable. Confirmation that this has been arranged is required in writing from the relevant authority before approval and release of plans can be finalized. DS3.3 Adequate space for the storage of waste and recycling bins is to be provided on the site in an accessible location (see Waste Management in Appendix 1).	The site is not a battle-axe lot.	N/A
Drainage DS4.1 All subdivisions must be fully drained by an appropriately designed piped gravity drainage system. This system shall be designed for a minimum 1 in 20 year ARI storm frequency and discharge to a suitable location approved by Council.	Concerns with the drainage plan as outlined by Council’s Development Engineer.	No
3.3 Access & Mobility		
DS1.1 Development is to comply with Table 1 – Assessment Criteria	Considered in the Access report which concluded that	✓

	the proposal has the capacity to meet the BCA and DCP requirements.	
3.4 Crime Prevention Through Environmental Design		
Site and Building Layout		
DS1.1 Avoid blank walls fronting the street.	Some blank walls facing either of the site frontages as outlined in urban design comments.	✓
DS1.2 Offset windows, doorways and balconies to allow for natural observation while protecting privacy.	Satisfactory – corner lot and adequate separation.	✓
DS1.3 Access to dwellings or other uses above commercial/retail development should not be from rear lanes.	Complies	✓
DS1.4 Entrances should be located in prominent positions, be easily recognisable through design features and directional signage and should allow users to see into the building before entering.	Pedestrian access points are clear and legible from both street frontages.	✓
DS1.5 Pathways within and to the development should be direct and all barriers along the pathways should be permeable including landscaping and fencing.	Pedestrian access points are clear and legible from both street frontages with appropriate planting to provide vision.	✓
DS1.6 Consider the installation of mirrors, glass or stainless steel panels to allow users to see ahead and around corners in corridors and stairwells.	The corridors are straight and allow for good vision along their lengths from the lift well.	✓
DS1.7 Locate active uses or habitable rooms with windows adjacent to the main communal/public areas e.g. playgrounds, swimming pools, gardens, car parks etc.	Rooms overlook both entry areas while common open space at ground level exists along Bond Street to monitor entry. Rooms overlook basement and pedestrian entry from both streets.	✓
DS1.8 Communal areas and utilities e.g. garbage bays should be easily seen and lit.	Considered acceptable.	✓
DS1.9 Where elevators or stairwells are provided, open style or transparent materials are encouraged on doors and/or walls of elevators/stairwells.	There is satisfactory vision in and around the stairs and lift wells.	✓
DS1.10 Waiting areas and entries to elevators/stairwells should be close to areas	The lift is located adjoining the lobby area on each of	

of active uses, and should be visible from the building entry.	the floors of the building and can be overlooked by several rooms on each floor.	✓
DS1.11 Seating should be located in areas of active uses.	Seating can be provided in appropriate areas	condition
Car Parks		
DS1.25 Avoid large expanses of car parks. Where large expanses of car parks are proposed, surveillance such as security cameras should be provided.	Basement car parking is proposed.	N/A
DS1.26 Where possible, locate entry/exit points in close proximity and close to the car park operator or shops, cafes etc.	The basement entry is overlooked by proposed offices and entry areas.	✓
DS1.27 Minimise the number of entry and exit points to car parks.	Only one driveway is proposed.	✓
DS1.28 Access to lifts, stairwells and pedestrian pathways should be clearly visible within the car parks.	The lift is clearly visible with the basement.	✓
DS1.29 Car park design should avoid hidden recesses.	The basement is satisfactory and the entry to the lift in the basement is clearly visible from the majority of the basement area.	✓
DS1.30 Locate car parks in areas that can be observed by adjoining uses.	A basement is provided.	N/A
DS1.31 Pedestrian corridors/routes should be clearly identified in car parks servicing large developments.	Refer above	✓
DS1.32 Locate disabled parking spaces in highly visible and convenient areas.	Disabled space is provided near the entry to the basement.	✓
DS1.33 Where staff car parking is provided it should be separate and secured from the public car park.	There is no public car park proposed.	N/A
Open Space		
DS1.34 Open spaces should be clearly designated and situated at locations easily observed by people. Parks and playgrounds should be located in front of buildings; shopping centres etc and should face the street rather than back lanes.	The communal open space is provided on the upper level and rooftop, which is overlooked by the entry areas.	✓

<p>DS1.35 Seating, play equipment, BBQ areas etc should be provided to encourage the use of open spaces.</p>	<p>A BBQ and seating is provided in the communal open space.</p>	<p>✓</p>
<p>DS1.36 Seating should be conveniently located and easily seen.</p>	<p>Refer above</p>	<p>✓</p>
<p>DS1.37 Facilities e.g. toilets and telephones, should be located close to areas of active uses and access to facilities should be direct and free of obstruction.</p>	<p>Amenities are provided within the public areas of the building.</p>	<p>✓</p>
<p>DS1.38 Pathways should be direct, follow pedestrian desire lines and avoid blind corners.</p>	<p>Pathways are direct and are overlooked by rooms and common facilities.</p>	<p>✓</p>
<p>Lighting</p>		
<p>DS2.1 Dwelling and commercial unit main entries should be well lit at night.</p>	<p>Entries will be lit (to be imposed as a condition).</p>	<p>✓</p>
<p>DS2.2 Use diffused lights and/or movement sensitive lights.</p>	<p>Refer above, and to be imposed as a condition.</p>	<p>✓</p>
<p>DS2.3 All lighting must be vandal resistant and easy to maintain.</p>	<p>Refer above</p>	<p>✓</p>
<p>DS2.4 Direct lights towards access/egress routes and possible hiding places to illuminate potential offenders, rather than towards buildings or resident observation points.</p>	<p>Refer above.</p>	<p>✓</p>
<p>DS2.5 Illuminate possible places for intruders to hide.</p>	<p>Refer above</p>	<p>✓</p>
<p>DS2.6 Lighting should have a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site or area being traversed, thereby avoiding dark shadows.</p>	<p>Refer above</p>	<p>✓</p>
<p>DS2.7 Generally areas should be lit to enable users to identify a face 15 metres away.</p>	<p>Refer above</p>	<p>✓</p>
<p>DS2.8 Avoid light spillage onto neighbouring properties as this can cause nuisance and reduce opportunities for natural surveillance.</p>	<p>Refer above</p>	<p>✓</p>
<p>DS2.9 Use energy efficient lamps/fittings/switches to save energy.</p>	<p>Refer above</p>	<p>✓</p>
<p>Car Parks</p>		
<p>DS2.12 Illuminate all external edges and access points to car parks during its</p>	<p>To be conditioned</p>	<p>✓</p>

<p>opening hours.</p> <p>DS2.13 Ensure that the intensity of lighting to covered or underground car parks is graded to allow for the adjustment of driver and pedestrian vision. Brighter light should be used at entrance and pedestrian access ways and dimmer light should be used elsewhere. DS2.14 Lighting should be sufficiently bright to enable a car park user to see into the rear seat of a parked car before they enter the car.</p>		
<p>Open Space</p> <p>DS2.15 Illuminate access points to areas of open space and pathways.</p> <p>DS2.16 Locate brighter lights in highly used areas.</p> <p>DS2.17 Ensure lighting does not produce dark shadows close to pathways and entries/exits.</p> <p>DS2.18 Lighting should be increased where parks are used by pedestrians as a thoroughfare or shortcut. As a guide, areas should be lit to enable users to identify a face 15 metres away. Note: Details of all lighting (location, type and intensity) for public areas must be submitted with a development application for multi dwellings housing, residential flat buildings, commercial premises and car parks.</p>	<p>To be well lit (conditions)</p> <p>Refer above</p> <p>Refer above</p> <p>Not proposed.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
<p>Landscaping</p> <p>DS2.19 Avoid medium height vegetation with concentrated top to bottom foliage. Plants such as low hedges and shrubs, creepers, ground covers and high canopied vegetation are good for natural surveillance. Refer Figure 1 – Vegetation placement for passive surveillance.</p> <p>DS2.20 Trees with dense low growth foliage should be spaced or crown raised to avoid a continuous barrier.</p> <p>DS2.21 Use low ground cover or high canopied trees, clean trunks, to a height of 2m around children’s play areas, car parks and along pedestrian pathways.</p> <p>DS2.22 Avoid vegetation, which conceals the building entrance from the street.</p> <p>DS2.23 Select planting species having regard to their type and location to minimise possible places for intruders to hide.</p>	<p>The landscape plan indicates shrubs, groundcovers and trees which are acceptable in terms of casual surveillance throughout the site.</p> <p>As above</p> <p>As above</p> <p>Entry areas are clear of proposed plantings.</p> <p>Refer above</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

DS2.24 When planting is provided within 5m of a pedestrian pathway, it should be lower than 1 metre or thin trunked with high canopy.	Provided	✓
DS2.25 Planting should not prevent informal surveillance by adjacent residents.	Provided, refer above	✓
DS2.26 Prickly plants can be used as effective barriers. Species include bougainvilleas, roses, succulents, and berberis species.	Noted	✓
DS2.27 Avoid large trees, carports, skillion extensions, fences, and downpipes next to second storey windows or balconies that could provide a means of illegal access to the building.	Not proposed	N/A
DS2.28 Ensure vegetation is maintained regularly	Conditions	
Fencing DS4.1 Front fences are to be predominantly open in design to allow sight through the fences eg picket fences, wrought iron. DS4.2 If noise insulation is required, install double-glazing at the front of the building rather than a high solid fence (greater than 1 metre). DS4.3 Fences are not to inhibit surveillance of the communal areas, pathways, and footpath by occupants of the building. Both the height of the fence in relation to the building as well as the nature of the construction materials need to be considered.	There is no fencing proposed.	N/A
Security and Operational Management DS5.1 Locks are to be fitted on all doors and windows to the Australian Standard. DS5.2 Security devices such as grilles on door and window openings must be 'permeable' to allow casual surveillance. Solid shutters are not permitted on the window and door openings, which have frontage to the street or are adjacent to open space. DS5.3 Install viewers on entry doors to allow building occupants to see who is at the door before it is opened. DS5.4 Install intercom, code or card locks or similar for main entries to residential flat buildings and commercial premises including car parks. DS5.5 Entry doors are to be self-closing and signs displayed requesting building occupants not to leave doors wedged open. DS5.6 Consider installing user/sensor electronic security gates at car park entrances, garbage areas and laundry areas etc., or provide alternative access	Condition Condition Condition Condition – intercom to building and entry points. Condition Condition	✓

<p>controls</p> <p>DS5.7 Pedestrian entry to basement parking must be through secured access via the main building.</p> <p>DS5.8 External storage areas are to be well secured and well lit.</p> <p>DS5.9 If security grilles are used on windows they must be operable from inside in case of emergencies.</p> <p>DS5.10 Ensure skylights and/or roof tiles cannot be readily removed or opened from outside.</p> <p>DS5.11 Provide lockable gates on side and rear access.</p>	<p>Pedestrian entry to basement through ground floor</p> <p>Condition</p> <p>Condition</p> <p>Roof inaccessible</p> <p>Condition</p>	
<p>Car Parks</p> <p>DS5.13 Use security devices, such as an intercom or remote lock facility in multi-level car parks where appropriate.</p> <p>DS5.14 Locate a help point on each parking level and/or allocate security staff for larger developments.</p> <p>DS5.15 Use only a limited area of a multi-level car park outside peak hours.</p> <p>DS5.16 Consider the installation of boom gates or similar devices at entrances and exits of the car park.</p>	<p>Multi-level car park is not proposed.</p>	<p>N/A</p>
<p>Building Identification</p> <p>DS6.1 Each individual dwelling or commercial unit is to be clearly numbered and unit numbers and directions should be provided on each level of the development.</p> <p>DS6.2 Each building entry must clearly state the dwelling or unit numbers accessed from that entry.</p> <p>DS6.3 Street numbers are to be at least 7cm high, and positioned between 1m and 1.5m above ground level on the street frontage.</p> <p>DS6.4 Street numbers should be made of durable materials preferably reflective or luminous, and should be unobstructed (e.g. by foliage).</p> <p>DS6.5 Location maps and directional signage should be provided for larger developments.</p> <p>DS6.6 Both directional and behavioural signage should be provided at entrances to open space areas and parks.</p>	<p>Building to be identified from both street frontages (condition).</p> <p>Condition</p> <p>Condition</p> <p>Condition</p> <p>Condition</p> <p>Not required</p> <p>Not required</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>N/A</p> <p>N/A</p>
<p>Car Parks</p> <p>DS6.7 Building identification and directional signage in car parks should be clearly visible, easy to read and simple to understand and utilise strong colours, standard symbols and simple graphics.</p> <p>DS6.8 Both pedestrians and drivers should be provided with a clear understanding of the direction to stairs, lifts and exits.</p>	<p>Condition</p> <p>Condition</p>	<p>✓</p> <p>✓</p>

<p>DS6.9 In multi-level car parks, creative signage should be used to distinguish between floors to enable users to easily locate their cars.</p> <p>DS6.10 Signage should advise car parks users of the security measures that are in place and where to find them eg. Intercom systems.</p> <p>DS6.11 Signage should be provided in car parks to advise users to lock their cars and not display valuables.</p> <p>DS6.12 Where exits are closed after hours, ensure this information is indicated at the car park entrance.</p>	<p>Not required</p> <p>Condition</p> <p>Condition</p> <p>Not required</p>	<p>N/A</p> <p>✓</p> <p>✓</p> <p>N/A</p>
<p>Building Ownership</p> <p>DS7.1 Use psychological barriers such as fences, gardens, lawn strips, varied textured surfaces to define different spaces within a development.</p> <p>DS7.2 To distinguish dwellings or groups of dwellings use design features e.g. colouring, vegetation, paving, artworks, fencing, furniture etc.</p> <p>DS7.3 Ensure the speedy repair or cleaning of damaged or vandalised property and the swift removal of graffiti.</p> <p>DS7.4 Provide information advising where to go for help and how to report maintenance or vandalism problems.</p>	<p>Fencing and vegetation is used to separate areas within the site.</p> <p>Only one building.</p> <p>Condition/POM</p> <p>Condition/POM</p>	<p>✓</p> <p>N/A</p> <p>✓</p> <p>✓</p>
<p>Open Space</p> <p>DS7.5 Provide features that reflect the community's needs and that will consequently be well utilised (e.g. play equipment, seating areas etc).</p> <p>DS7.6 Consider using cultural themes applicable to the area and encourage community involvement in design.</p> <p>DS7.7 Encourage volunteer management and maintenance of public areas.</p>	<p>Reflects likely future occupants</p> <p>Designed for use by TSA</p> <p>Not relevant to this proposal</p>	<p>✓</p> <p>✓</p> <p>N/A</p>
<p>Building Materials</p> <p>DS8.1 Use toughened or laminated glass at ground floor public areas.</p> <p>DS8.2 Roller shutters for commercial premises or car parks should be in the form of an opaque or clear security grille rather than a solid material.</p>	<p>High quality materials to be used.</p> <p>Not relevant to this proposal</p>	<p>✓</p> <p>N/A</p>
<p>Car Parks</p> <p>DS8.3 Use materials that enhance natural surveillance within the car park.</p> <p>DS8.4 Encourage use of transparent materials for walls and doors of car parks.</p> <p>DS8.5 Paint the ceilings and walls of the car park in light colours to enhance brightness.</p> <p>DS8.6 Reflective film can be used on windows overlooking car parks. Potential intruders will not know if they are being observed during daylight hours.</p> <p>DS8.7 Consider the installation of open style security grilles to individual parking</p>	<p>Basement parking provided – mirrors provided.</p> <p>Adequate surveillance of basement is provided</p> <p>Condition</p> <p>Condition</p> <p>Garages not proposed.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>N/A</p>

spaces rather than separate garaging. DS8.8 Where feasible include security grilles from underground car parks to the street to provide some surveillance.	Not required	N/A
Building Maintenance DS9.1 Ensure the speedy repair or cleaning of damaged or vandalised property and the swift removal of graffiti. DS9.2 Provide information advising where to go for help and how to report maintenance or vandalism problems. DS9.3 Strong, wear resistant laminate, impervious glazed ceramics, treated masonry products, stainless steel materials, anti-graffiti paints and clear over sprays will reduce the opportunity for vandalism. Flat or porous finishes should be avoided in areas where graffiti is likely to be a problem. DS9.4 Where large walls are unavoidable, consider the use of vegetation or anti-graffiti paint. Alternatively, modulate the wall, or use dark colours to discourage graffiti on vulnerable walls. DS9.5 External lighting should be vandal resistant. High mounted and/or protected lights are less susceptible to vandalism. DS9.6 Communal/street furniture should be made of hardwearing vandal resistant materials and secured by sturdy anchor points or removed after hours	Conditions/POM Conditions/POM Satisfactory Conditions/POM Conditions/POM Conditions/POM	✓ ✓ ✓ ✓ ✓ ✓
3.5 Landscaping (only applies to R2 and R3 zones so not strictly relevant to the proposal)		
Street and neighbourhood landscape character DS1.1 Where a street or neighbourhood has an existing desirable landscape character, similar species are planted on site, except where the species are identified as being undesirable in accordance with Appendix 1 – Recommended species for landscaping. DS1.2 Where a street or neighbourhood does not have an existing desirable landscape character, a coherent range of species are planted on site in accordance with Appendix 1 – Recommended species for landscaping	The landscape character satisfactory.	✓
Landscaping area and dimensions DS2.1 No design solution is provided and each proposal is assessed on its own merits.	A landscape plan is provided.	✓
Significant trees and vegetation DS3.1 Site layout and design, including buildings, structures and hardstand, ensures the long term retention and health of existing significant trees and vegetation. DS3.2 Where significant trees or vegetation are required to be removed to allow	Further Arborist's advice is required given proximity of proposal to Tree 5.	No

<p>for site development, they are to be replaced with the same or similar species achieving the same coverage at maturity.</p>		
<p>Front, side and rear boundaries DS4.1 Landscaping in front setbacks consists of: a. an area of sufficient dimensions to accommodate planting Note: this area must be a minimum of 2m b. shade trees that grow to a height consistent with or greater than that of the building c. screening shrubs where required to mitigate the visual impact of blank walls d. low shrubs and ground covers to ensure complete coverage of planting area. DS5.1 Landscaping is provided along the entire length of rear boundaries where buildings are located and consists of: a. an area of sufficient dimensions to accommodate planting Note: this area must be a minimum of 2m b. shade trees that grow to a height consistent with or greater than that of the building c. screening shrubs where required to mitigate the visual impact of blank walls d. low shrubs and ground covers to ensure complete coverage of planting area</p>	<p>Further landscaping is required to be provided along the eastern side boundaries as this area comprises a basement on a nil side setback when 2 metres is required for significant boundary planting to be provided.</p>	<p>No</p>
<p>Communal and private open space DS6.1 A minimum of one shade tree is planted in each area of private open space. DS6.2 Trees planted in areas of communal open space are to provide shade to a minimum of 25% of the area at maturity. DS6.3 A minimum of 50% of private and communal open space areas are to be covered in turf and / or planting area. DS6.4 Trees planting in area of private or communal open space are to: a. enable the penetration of winter sun and mitigate the penetration of afternoon summer sun b. enable the penetration of desirable cooling winds in summer and mitigate the penetration of undesirable cold winds in winter</p>	<p>The landscaped areas are predominantly provided on the roof top, however, are landscaped.</p>	<p>✓</p>
<p>Carparks DS7.1 Landscaping is to be provided within and around the perimeter of carparking areas that accommodate over 6 vehicles. DS7.2 Shade trees are provided at a ratio of at least 1 for every 6 carparking spaces Note: this requirement may be reduced for Child Care Centres or for other uses where there is typically a short term usage pattern, eg primarily customer drop off/pick up. DS7.3 Raised or sunken planting beds having a minimum width of 1m are provided around the entire perimeter of carparks. DS7.4 Landscaped areas and trees are to be protected with a 150mm concrete</p>	<p>Basement car parking is provided.</p>	<p>N/A</p>

kerb or edge treatment to protect them from damage by vehicles.		
Landscaping plans DS8.1 Development that involves landscaping is to be supported by a: a. a survey plan showing the location of existing trees, their type and condition and what are being proposed to be removed b. concept level landscape plan showing the extent, function and character of landscaped area c. detailed landscape plan showing excavation, location of site services, proposed levels, drainage, construction detail; and a detailed planting schedule	Provided.	✓
Landscaping near areas of ecological significance DS9.1 Landscaping comprises species that are consistent with the dominant species in the adjoining area of ecological significance. Note: exceptions may be made where adjoining an area that is bushfire prone.	Plantings are acceptable for the site.	✓
Landscaping near bushfire prone areas DS10.1 Fire resistant species are planted in areas that are susceptible to bushfire hazard.	The site is not bushfire prone.	N/A
Stormwater management DS11.1 Opportunities for on-site stormwater infiltration are provided through measures such as: a. turf and raised planting beds b. minimising the extent of impervious surfaces DS11.2 Landscaped areas and suitably drained and ensure the soil and sediment does not exit the site.	Drainage engineer referral raised concerns – refer to stormwater comments.	
Maintenance DS12.1 Trees that have short life, drop branches or have gum or fruit or those that can damage underground pipes through invasive root systems are avoided. DS12.2 Turfed areas are readily accessible by standard lawn cutting devices. DS12.3 Planting beds are provided with a durable automatic irrigation system. DS12.4 One hose cock is provided for each separate area of communal or landscaped open space. DS12.5 Where they are difficult to access, landscaping areas are planted with durable, long life species that have minimal maintenance requirements.	POM indicates site manager.	✓
Safety DS13.1 Landscaping is sited and designed in accordance with the principles of CPTED. DS13.2 Landscaping enables clear sight lines to be achieved along pathways and minimise opportunities for concealment. DS13.3 Dense screening vegetation is not provided within front setbacks.	Plantings allow for casual surveillance Plantings allow for vision throughout the site Planting along frontages is not dense.	✓

<p>Utilities DS14.1 Landscaping does not interfere with the effective functioning of overhead, surface level or underground utilities.</p>	<p>Planting is considered appropriate as street trees to Council requirements.</p>	<p>✓</p>
<p>3.6 Public Domain</p>		
<p>General DS1.1 Development that proposes works in the public domain is to obtain all necessary council and statutory authority approvals before work commences. DS1.2 Where council has prepared a streetscape design manual for a street or area detailing public domain requirements, works are consistent with the requirements of the manual. DS1.3 Construction activity that damages council assets in the public domain such as kerb and gutter is to replace the damaged asset to the same or an equivalent standard. DS1.4 The placement of trees, street furniture and signage is to provide for amenity without causing clutter. DS1.5 Footpath pavement width is to allow for comfortable walking, unimpeded by obstacles. DS1.6 Streets are to have shared services pits to reduce maintenance costs and reduce conflict with street plantings. DS1.7 For large scale development, high quality, durable and coordinated street furniture that enhances the comfort, legibility and attractiveness of the public domain is to be provided, and may include a selection of: a. seating b. lighting c. rubbish bins d. signage DS1.8 Street trees are to be provided on all streets to achieve the following outcomes: a. coordinated palette of climatically responsive species b. reinforce the street hierarchy and create distinct places c. be robust and low-maintenance d. be planted in a coordinated, regularly spaced and formalised manner e. increase the comfort of the public domain for pedestrians f. enhance the environmental performance of the precinct by increasing opportunities for energy efficiency, reducing the heat island effect and providing habitat for wildlife</p>	<p>Conditions of consent Council's asset engineer raises no objections subject to conditions Conditions of consent Provided Conditions of consent Conditions of consent Council's asset engineer raises no objections subject to conditions Provided, conditions of consent where required</p>	<p>✓</p>
<p>3.7 Stormwater</p>		
<p>Stormwater management systems DS1.1 Stormwater flows are managed within the drainage sub-catchment the site is located. DS1.2 Original or existing stormwater flow patterns are formalised and are not significantly altered in terms of direction and fall. DS1.3 Development does not concentrate, divert or increase overland flow of</p>	<p>Drainage engineer referral raised numerous concerns.</p>	<p>No</p>

stormwater onto an adjoining property and where overland flow is an issue in a rare storm event as determined by Council's Hurstville Flood Study, a post-development flood analysis is to be provided.

DS1.4 Measures are implemented during construction to reduce soil erosion from development sites.

DS1.5 A development application is supported by a concept stormwater management plan showing how surface and roof waters are to be discharged by gravity to the street or easement and the size of all pipes.

DS1.6 On-site retention of roof run-off using rainwater tanks or detention tanks for storage and re-use must be provided.

DS1.7 All runoff is discharged to the adjacent road kerb and council's drainage system or an easement over a downstream property.

DS1.8 On-site infiltration is maximised by minimising sealed surfaces and increasing porous surfaces to reduce stormwater runoff.