

1 July 2011

**Concept Plan Application
For a mixed use development at Treacy Street, Hurstville**

Executive Summary

The concept plan application for a mixed residential and retail development at 21-35 Treacy Street Hurstville was referred to the Planning Assessment Commission for determination under delegation by the Minister for Planning and Infrastructure.

The Commission was aware of the background, publicity and lobbying in relation to the development of this site. It should be made very clear that the Commission's sole criteria for making its decision related purely to planning issues both at a specific and strategic level. Its considerations relied entirely on the merits of this site to provide residential and retail floor space in a highly convenient location in a major centre identified in the *Metropolitan Plan for Sydney 2036*. It is not the Commission's role to take into account matters other than proper and reasonable planning outcomes that are consistent with strategies endorsed by the NSW Government and local planning instruments and policies.

The Commission was also informed by the Proponent that the ICAC had been asked to investigate matters relating to the proposed development. The Commission did not enter into discussions on those issues nor did it take any of those matters into consideration in making its determination. The Commission did, however, advise the ICAC that it was in the process of determining an application to develop this site. The ICAC response was to the effect that the Commission should proceed as it saw fit.

The Commission inspected the site and surrounding areas prior to meeting with the Proponent and Hurstville City Council.

The proximity of the site to public transport, particularly rail, was seen as a distinct advantage for high density residential development. The current traffic difficulties, congestion and general perception of a lack of strategic planning in the City Centre were noticeable. However, the Commission considered that this development by itself would not add to the existing problems in any measurable way. There is no doubt that Council has major issues to resolve in relation to planning for the future development of Hurstville and the current and future movement of traffic through the centre. It is understood that the Department has requested studies to be carried out in that regard before the draft City Centre LEP is finalised. The Commission can only reinforce the need to complete those reviews as a matter of urgency.

While the Council's preferred position would be to wait for those matters to be finalised before proceeding to develop its strategic position in relation to this site and two others mentioned by the Council, by its own comments it is unlikely to reach a position before the next local government elections and possibly some time beyond that period. In fact, the Commission noted that the development controls for the Treacy Street area have not been reviewed since at least the 2004 Masterplan. The Commission does not consider that it is reasonable to delay the provision of suitable housing in a major centre within walking distance to a major public transport hub for an extended period when it is evident that the most logical use of the site is for high density residential purposes with a commercial/retail mix.

The Proposal

This is a concept plan application for a mixed use residential and retail development at 21-35 Treacy Street, Hurstville. The site is located to the east of the Hurstville CBD and is about 400m from Hurstville station. The proposal includes:

- A building envelope with a maximum building height of 55 metres (16 storey);
- 257 dwellings and 3726m² saleable retail area;
- Overall GFA of 28,474m² with a FSR of 6.78:1;
- 3 level of basement parking for 275 vehicles;
- Public domain improvements to Treacy Street; and
- On site landscaping.

Delegation to the Commission

On 28 May 2011 the Minister for Planning and Infrastructure, the Hon Brad Hazzard MP, delegated his power to determine the application to the Planning Assessment Commission (PAC). The Minister also requested the PAC Chair to nominate two members that were not previously involved in the advice on the Director General's recommendations on the application.

The Commission members nominated to determine the application were Mr Garry Payne AM (chair) and Mr Richard Thorp. They visited the site and its surrounding areas separately on 1 June 2011.

The Assessment Report

The DG report identified the following key issues:

- Building height, bulk and scale;
- Overshadowing;
- Residential amenity;
- Traffic, access and parking; and
- Heritage.

A total of 38 submissions from the public and government agencies were received by the Department during the public exhibition period. The Department considered the issues raised in these submissions can be addressed through appropriate conditions of consent and is satisfied that potential impacts have been adequately addressed by the proponent via the Environmental Assessment, Preferred Project Report, Statement of Commitments and the Department's recommended conditions of approval.

Meeting with the Department of Planning and Infrastructure

The Commission met with Departmental staff, Mr Chris Wilson, Mr Michael Woodland and Mr Anthony Witherdin on 2 June 2011 for a briefing. The discussion focused on the following issues:

- Maintenance of architecture integrity in future development applications;
- Building height and overshadowing;
- Adequacy of parking provision and traffic impact; and
- Provision of community facility in addition to s94 contribution requirement.

Meeting with the Proponent

On 6 June 2011, the Commission met with the Proponent represented by the Hon Garry Punch, Mr Rusty Moran, Mr Tony Polvere and Mr Frank Stanisic. Mr Punch briefly outlined the development history of the site and the proponent's previous dealing with Hurstville City Council. Issues discussed at the meeting included:

- Strategic planning for the area and the CBD;
- House requirement to meet expected population growth;
- Existing development controls;
- Building height and bulk;
- Architectural design and quality of development; and
- Traffic and parking.

Mr Punch also informed the Commission that he has referred matters to ICAC for investigation because of his concern relating to Council's approach to the development proposal. The Commission advised the meeting that it would not enter into any discussion on matters of that nature and its determination of the proposal would be on its merit only.

Subsequent to this meeting, the Commission informed the ICAC that it was in the process of determining an application to develop this site. The ICAC responded that the Commission should determine the application as it saw fit.

Meeting with Hurstville City Council

On 16 June 2011, the Commission met with Hurstville City Council's General Manager, Mr Victor Lampe and Ms Carina Gregory to seek further understanding of Council's strategic planning for the City Centre area and particularly the Treacy Street precinct.

Council's key objections to the proposal include:

- undermining Council's vision for the area;
- serving as a precedent for other sites in the CBD;
- impact on traffic and inadequate parking provision; and
- Council can meet the allocated housing target without the need to increase density in this area;

The Previous PAC Advice

On 23 March 2011, the Director General (DG) on behalf of the former Minister for Planning requested the Planning Assessment Commission (PAC) to advise on the Department's recommendation on the proposed concept plan. The Commission consisted of Professor Kevin Sproats (chair), Ms Gabrielle Kibble AO and Mr Lindsay Kelly.

The Commission advice concluded that:

- There is strategic merit of the proposal having regard to its location that is within walking distance to a major transport hub;
- Council should re-examine the development controls in the area before finalising the draft City Centre LEP;
- Future development applications should not reduce the architectural integrity of the concept plan;
- Community should benefit from the proposed development via the contribution of an area within the development for community use in addition to s94 contribution.

Commission's Comment

The Commission has examined the documents and plans provided by the Department including the Director General's assessment report, public and agencies' submissions, the proponent's response to submissions and the earlier PAC advice. The Commission also benefited from the meetings with the Department, Council and the Proponent.

The Commission agreed with the earlier Commission's advice to the Minister and the Department's assessment conclusion that from a strategic point of view, the site is well located to provide higher density residential development to meet the strong housing

demand and objectives of various strategic policy directions including the State Plan, Metropolitan Plan 2036 and the draft South Subregional Strategy.

The Commission noted the area was identified as “very under utilized” in the *City Centre Concept Master Plan 2004*, and designated as a “Business Incubator Area” with a maximum building height of 16 storeys.

Council’s submission pointed out that the “Masterplan and planning control review process has been exhaustive and extended over the 2007-2010 periods”. However the Commission noted with disappointment that the draft City Centre LEP retains existing development controls for the Treacy Street area and two other sites as they require further studies. The Commission considered the preparation of the draft City Centre LEP is an ideal opportunity to carry out a comprehensive review of the development potential and controls of the whole City Centre and recommends it to be undertaken as a matter of urgency to provide proper planning framework to guide future developments in the City Centre.

The Commission agreed that traffic issue is the biggest concern in Hurstville and noted Council’s view that the traffic issue will take a long time to resolve. The Commission also noted that the Department of Planning and Infrastructure has provided funding support to enable Council to prepare a Transport Management Accessibility Plan (TMAP) for the City Centre. Both the RTA and Transport NSW raised no objection to the proposal subject to further performance assessment on critical intersections. The Commission accepted the conclusion that the proposal would not have any measurable impact on existing traffic.

In terms of parking provision, the Commission is not convinced that visitor parking should be shared with retail parking. It also questioned the proposed rate for residents. The Commission undertook a review of parking requirements in other similar major centres and the RTA subregional criteria. The review found the total residential requirements under the Hurstville Council DCP2 is comparable to the RTA subregional centre and more stringent than Burwood town centre and areas within railway precinct in Willoughby City Council area. See Appendix 1. Having regard to the result of the review, the Commission considered residential parking provision should comply with the Hurstville Council’s DCP2 requirements. This is also consistent with RTA comments on the proposal.

In terms of parking provision for retail, the review found the number of parking spaces proposed are comparable to that require under the Burwood Council’s development controls. Given Burwood town centre is quite similar to the Hurstville city centre, the proposed retail parking number is considered acceptable.

The Commission does not agree with the proposal to share visitor/retail parking. The trading hours of existing retailing in the area include evenings and weekends. Public parking in the area is at a premium and congestion happens not only at weekday peak hours, but also at weekends. Without sufficient onsite visitor parking, it will generate more demand on on-street parking and will have a negative impact on existing traffic situation.

In brief, the Commission considers a parking provision of 350 spaces is required. Of which 206 is for residents, 65 for visitors and 79 for retail use. To ensure parking are properly managed in future development, the Commission also imposed a condition requiring a parking management plan to be submitted for Council’s approval outlining parking space allocation and management approaches to residents, visitors and retail parking.

As to architectural design the Commission agreed that it is of critical importance that the architectural integrity of the concept plan should be maintained in future applications. Hence the Commission included a condition requiring future development applications to achieve design excellence in accordance with the Director General’s *Design Excellence Guidelines*.

The Commission considered the Department's recommendation that at least 100m² areas should be dedicated for community use is too small an area for any practical use. The recommended condition has been amended to require the dedication to be a minimum of 200m².

The Commission is satisfied that other issues have been adequately addressed in the Department's assessment report and considered the recommendation to approve is reasonable.

Commission's Determination

The concept plan application to develop 21-35 Treacy Street Hurstville for retail and residential development with basement car parking is approved subject to the conditions in Appendix 2.



Garry Payne AM
PAC Member



Richard Thorp
PAC Member

APPENDIX 1

REVIEW OF PARKING PROVISIONS

	Hurstville DCP2 Section 4.2 Site specific	Proposed rate	RTA rate for subregional centre	Burwood rate within town centre	Willoughby rate within railway precinct
1 bedrooms	1 per 100m ²	No provision	0.6 per unit	1 per unit	1 per unit
2 bedrooms	100% on site	1 per unit	0.9 per unit	1 per unit	1 per unit
3+ bedrooms		2 per unit	1.4 per unit	1.5 per unit	1.25 per unit
Visitor	1 for 4 units	Share with retail	1 for 5 units*	1 for 6 units	1 for 4 units
retail	1 per 25m ² GFA Min 70% on site	79 spaces equivalent to 53% DCP2 requirement	6.1 per 100m ²	1 per 50m ² GFA	1 per 25m ² GFA

* Council may reduce this requirement for buildings located in close proximity to public transport, or where short term unit leasing is expected.

	Hurstville DCP2 Section 4.2 Site specific	Proposed	RTA rate for subregional centre	Burwood rate within town centre	Willoughby rate within railway precinct
74x1 bedrooms	Residential GFA 20,513m ²	196	45	74	74
171x2 bedrooms	= 206 spaces		154	171	171
12x3+ bedrooms			17	18	15
Visitor for 257 units	65	0	52	43	65
Subtotal residential	271	196	268	306	325
Retail (3,726m ² floor space)	149 70% on site = 105	79	227	75	149
Total	376	275	495	381	474

APPENDIX 2

Approval Conditions

Concept Approval

Section 75O of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 25 January 2010, the Planning Assessment Commission determines:

- (a) to approve the Concept Plan referred to in Schedule 1, subject to the terms and modifications in Schedule 2, and the Statement of Commitments in Schedule 4 pursuant to section 75O of the *Environmental Planning and Assessment Act 1979*; and
- (b) pursuant to section 75P(1)(a) and 75P(2)(c) of the *Environmental Planning and Assessment Act 1979*, that further environmental assessment requirements for approval to carry out the mixed use development are as set out in Schedule 3; and
- (c) pursuant to section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that all future stages of the Concept Plan approval are to be subject to Part 4.



Garry Payne AM
Commission Member

Sydney 1 July 2011



Richard Thorp
Commission Member

SCHEDULE 1

Application No.:	MP 10_0101
Proponent:	Earljest Pty Ltd
Approval Authority:	Minister for Planning
Land:	21 – 35 Treacy Street, Hurstville
Project:	Mixed use development, including: (a) Use of the sites for retail and residential purposes and associated car parking; (b) Indicative building envelope to a maximum height of 55 metres (to a maximum of 114.6 metres AHD); (c) Maximum number of 257 dwellings; (d) Public domain improvements to Treacy Street; and (e) Landscaping areas throughout the site

NOTES RELATING TO THE DETERMINATION OF MP 10_0101

Responsibility for other approvals/ agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

Legal notices

Any advice or notice to the approval authority shall be served on the Director General.

DEFINITIONS

Act, the	Environmental Planning and Assessment Act, 1979
Council	Hurstville City Council
Department, the	Department of Planning and Infrastructure
Director-General, the	Director-General of the Department of Planning and Infrastructure (or delegate).
EA	Environmental Assessment Concept Plan Mixed Use Development for 21 35 Treacy Street Concept Plan dated 10 December 2010
Minister, the	Minister for Planning and Infrastructure
Modifications of Approval	The Minister's modifications of approval for the Concept Plan.
Preferred Project Report (PPR)	Preferred Project Report for 21 35 Treacy Street Concept Plan dated 15 March 2011
Proponent	Earljest Pty Ltd
GFA	Gross Floor Area - as defined by the standard LEP template

SCHEDULE 2

PART A - TERMS OF APPROVAL

A1. Development Description

Concept approval is granted to the development as described below:

- (a) Use of the site for retail and residential purposes and associated car parking;
- (b) Indicative building envelope to a maximum of 55 metres (to a maximum of 114.6 metres AHD);
- (c) Maximum number of 257 dwellings;
- (d) Public domain improvements to Treacy Street; and
- (e) Landscaping areas throughout the site.

A2. Development in Accordance with Plans and Documentation

The approval shall be generally in accordance with MP 10_0101 and with the Environmental Assessment, except where amended by the Preferred Project Report and additional information to the Preferred Project Report, and the following drawings prepared by Stanisis Associates Architects and Habitation.

Concept Plan Drawings prepared Stanisis Associates Architects			
Drawing No.	Revision	Name of Plan	Date
CD03	C	Site Plan	15.03.11
CD04	C	Basement 3	15.03.11
CD05	C	Basement 2	15.03.11
CD06	C	Basement 1	15.03.11
CD07	C	Lower Ground Level	15.03.11
CD08	C	Ground Level	15.03.11
CD09	C	Level 1	15.03.11
CD10	C	Level 2	15.03.11
CD11	C	Level 3	15.03.11
CD12	C	Level 4	15.03.11
CD13	C	Level 5	15.03.11
CD14	C	Level 6	15.03.11
CD15	C	Level 7	15.03.11
CD16	C	Level 8	15.03.11
CD17	C	Level 9	15.03.11
CD18	C	Level 10	15.03.11
CD19	C	Level 11	15.03.11
CD20	C	Level 12	15.03.11
CD21	C	Level 13	15.03.11
CD22	C	Level 14	15.03.11
CD23	C	Level 15	15.03.11
CD24	C	Roof	15.03.11
CD25	C	North Elevation	15.03.11
CD26	C	South Elevation	15.03.11
CD27	C	East + West Elevations	15.03.11
CD28	C	Section AA	15.03.11

CD29	C	Section BB	15.03.11
CD30	C	Unit Types A + B SEPP 65 Compliance	15.03.11
CD31	C	Unit Types B + D SEPP 65 Compliance	15.03.11
CD32	C	Unit Types E SEPP 65 Compliance	15.03.11
CD33	C	Unit Types E SEPP 65 Compliance	15.03.11
CD34	C	Unit Types F + H SEPP 65 Compliance	15.03.11

Landscape Concept Plans prepared by Habitation			
Drawing No.	Revision	Name of Plan	Date
10_081 L01	A	Streetscape Landscape Plan	26.11.10
10_081 L02	A	Communal Courtyard Landscape Plan	26.11.10
10_081 L03	A	Level 4 Sky Gardens	26.11.10
10_081 L04	A	Level 7 Sky Gardens	26.11.10
10_081 L05	A	Level 10 Sky Gardens	26.11.10
10_081 L06	A	Level 13 Rooftop Garden	26.11.10
10_081 L07	A	Roof Landscape Plan	26.11.10
10_081 L08	A	Proposed Plant Palette	26.11.10

A3. Inconsistencies between Documentation

In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings/documents including Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.

A4. Building Envelopes

Building footprints and setbacks are to be generally consistent with the Concept Plan building envelope parameter diagrams for each site, except where amended by the Department of Planning's Modifications in Part B.

A5. Maximum Gross Floor Area (GFA)

The maximum GFA for the development shall not exceed 28,474m².

A6. Maximum Height

The maximum height for the development shall not exceed 16 storeys and shall not exceed a maximum RL of 114.6 metres AHD.

A7. Maximum Number of Residential Units

The maximum number of residential dwellings shall not exceed 257 units.

A8. Parking Provision

Residential Parking provision shall comply with Hurstville City Council Development Control Plan No 2 requirements and a minimum of 79 parking spaces are to be provided for retail uses.

A9. Lapsing of Approval

Approval of the Concept Plan at 21 – 35 Treacy Street Hurstville shall lapse 5 years after the determination date in Part A of Schedule 1, unless an application is submitted to carry out a project or development which concept approval has been given.

End of Part A

PART B – MODIFICATIONS

B1 Building Separation

The building separation between the two tower elements shall be increased to a minimum of 12 metres.

B2 Basement Parking

An additional level of basement parking may be required to accommodate the number of parking spaces that are required under this approval.

End of Part B

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

1. RESIDENTIAL AMENITY

Future applications shall demonstrate compliance with the provisions of the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code 2002*, except where modified by this Concept Plan approval.

2. BUILT FORM

Future applications shall demonstrate that the development:

- is consistent with the design integrity of the approved Concept Plan;
- creates a very high quality, five star green star building of distinguished architecture, with an interconnected spatial network of landscaped communal open spaces and public domain; and
- achieves a high level of modulation / articulation consisting of a range of high quality materials and finishes.

3. DESIGN EXCELLENCE

Future applications for development on the site shall achieve design excellence in accordance with the requirements of the Director Generals' Design Excellence Guidelines.

4. PRIVACY

Future applications shall demonstrate an adequate level of privacy screening / treatment is provided for apartments located adjoining areas of communal open space.

5. LANDSCAPING

Future applications shall include detailed landscape plans demonstrating consistency with the landscape concept plans prepared by Habitation, including that a sufficient soil depth is provided within the deep soil zone at the south-western corner of the site.

6. ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

Future applications shall demonstrate that any future development will incorporate ESD principles in the design, construction and ongoing operation phases of the development, including water sensitive urban design measures, energy efficiency, recycling and water disposal.

7. NOISE AND VIBRATION

Future applications shall ensure that the internal residential amenity of the proposed units is not unduly affected by the noise and vibration impacts from the Eastern Suburbs and Illawarra Railway Line to comply with the requirements of the Department of Planning's 'Development Near Rail Corridors and Busy Roads – Interim Guidelines'.

8. SYDNEY WATER

Extension to the existing wastewater system will need to be designed and constructed to the available 225mm wastewater main that transverse the site. The extension will need to be sized and configured according to the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002) and to the Guidelines for Building Over of Adjacent to Sydney Water's wastewater mains. Details shall be submitted with future applications in accordance with Sydney Water and Council requirements.

9. SECTION 94 CONTRIBUTIONS

Future applications shall be required to pay developer contributions to the Council towards the provision or improvement of public amenities and services. The amount of the contribution shall be determined in accordance with the requirements of the Contributions Plan current at the time of approval.

10. RTA

- a) The layout of the proposed car parking areas associated with the proposed development (including driveway, ramp grades, aisle widths, aisle lengths, parking bay dimensions, sight distances and loading bays) should be designed in accordance with AS2890.1 – 2004 and AS2890.2 – 2002.
- b) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council, for approval.
- c) An independent roads safety audit shall be prepared in accordance with RTA requirements. Should any amendments to the development proposal or findings of the independent roads safety audit impact on the operation of nearby traffic signals, the Proponent shall submit this information to the RTA for review. The Audit report shall be submitted to Council as part of any future applications.
- d) The intersections at Forest Road and The Avenue, Railway Parade and The Avenue and Forest Road, Park Road and Alfred Street require further assessment on their performances and measures to be recommended to improve their performances. The assessment report shall be reviewed by the RTA and submitted to Council as part of any future applications.

11. RAILCORP

Future applications shall demonstrate consistency with the following:

Property & Title Search and Survey

- a) The Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative. A copy of the plan shall be submitted to Council for record purposes.

Dilapidation Surveys

- b) A joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

Noise and Vibration

- c) Future applications shall include an acoustic assessment that demonstrates how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines".

Stray Currents and Electrolysis from Rail Operations

- d) The Proponent is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. All measures recommended in the report to control Electrolysis Risk shall be incorporated into future applications.

Geotechnical and Structural Stability and Integrity

- e) The Proponent shall provide a Geotechnical Engineering report to RailCorp for review by RailCorp's Geotechnical section. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by RailCorp. The report shall include the potential impact of demolition and excavation, and demolition- and excavation- induced vibration in rail facilities, and loadings imposed on RailCorp Facilities by the development.

Building, Balconies and Window Design

- f) Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that face the rail corridor, measures (eg awning windows, louvers, etc) shall be installed which prevent the throwing of objects onto the rail corridor.

Derailment Protection of Structures

- g) The development must be designed and constructed so that supporting elements comply with the redundancy requirements or the minimum collision loads specified in Australian Standard AS5100.
- h) The Proponent is to provide the Rail Authority with a report from a qualified structural engineer demonstrating that the structural design of the development satisfies the requirements of AS5100.

Use of Lights and Reflective Materials

- i) The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Rail Authority.

Demolition, Excavation and Construction Impacts

- j) A Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to the Rail Authority for review and comment on the impacts on rail corridor.

Environmental Conditions

- k) During all stages of the development, environmental legislation and regulations shall be complied with.
- l) During all stages of the development extreme care shall be taken to prevent environmental harm within railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Proponent.
- m) During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Proponent.

Drainage

- n) Given the development site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Rail Authority.

12. FLOODING

Future applications shall comply with Council's flooding requirements.

13. SYDNEY AIRPORTS

Future applications shall demonstrate all necessary approvals have been obtained from Sydney Airports Commission and Air services Australia.

14. PARKING MANAGEMENT PLAN

Future applications shall include a parking management plan detailing the allocation and management approaches to residential, visitor and retail parking.

15. COMMUNITY SPACE

Future applications shall include, at no cost to Council, an appropriate community space within the development, of at least 200m² on the ground floor level with street frontage, that can be used by Council for community purposes. Note: The provision of the community space is in addition to Council's Section 94 Contributions for future development.

End of Schedule 3

SCHEDULE 4

STATEMENT OF COMMITMENTS

MP 10_0101

CONCEPT PLAN FOR A MIXED RETAIL & RESIDENTIAL DEVELOPMENT

21 – 35 TREACY STREET, HURSTVILLE

(Source: Preferred Project Report Dated 15 March 2011)

8.1 Environmental and Residential Amenity

8.1.1 Acoustic Privacy

The details of the mechanical plant for the Concept Plan will be finalised at the Project Application stage. Therefore the Proponent will commit to prepare an Acoustic Report to assess the impact and make necessary recommendation to manage these potential impacts as part of the Project Application stage.

8.1.2 Wind Impact

The Proponent will undertake a detailed and accurate analysis of the effects of wind on the proposed building and the environment as part of the Project Application.

8.2 Traffic and Parking

All access, servicing and internal layout will be provided in accordance with AS 2890.1:2004 and AS 2890.2 – 2002.

An assessment of the construction traffic generated by the development will be undertaken at the Project Application stage.

The traffic impacts during construction will be assessed in more detail for the Project Application when the construction staging, construction period, truck movements and truck sizes are considered. A construction traffic management plan will be undertaken at the Project Application stage.

A "Green Travel Plan" will be developed for the Project Application stage and will include initiatives such as:

- Bicycle storage, showers and changing facilities for employees and bicycle storage for residents. Visitor bicycle parking facilities will be provided at ground level close to entrances, in a visible and weather protected location subject to casual surveillance.
- Provide train and bus timetables to staff and residents.
- Provision of a small commuter vehicle to transport elderly and infirm residents to Hurstville railway station and for local shopping trips etc. to the CBD.
- Co-ordinated car share scheme.

8.3 Obstacle Limitation Height

Prior to lodging a Project Application, a request will be made to Sydney Airports Corporation regarding any further assessments of the proposal.

8.4 Geotechnical and Ground Water

The building will be designed and constructed in accordance with the recommendations prepared by Asset Geotechnical and summarised in Table 5 of the Environmental Assessment.

The Concept Plan will be assessed for derailment protection requirements as per *Rail Infrastructure Corporation (RIC) Standard C4004 Design Requirements for Pier or Column Protection* and then designed to the standard as appropriate. An engineering report will be provided at the Project Application stage for review by the RIC.

8.5 Public Domain

The footpath adjacent to the building will be treated with bluestone banding with asphalt infill.

Street trees will be planted on the footpath at 8 metre centres.

8.6 Safety

A detailed Crime Prevention through Environmental Design assessment will be undertaken at the Project Application stage. The assessment will address the commitments expressed in the EA under the four key principles of surveillance, access control, territorial reinforcement and space management.

8.7 Ecologically Sustainable Development (ESD)

The Proponent is committed to achieving a 5-Star rating (min. 4-Star rating) as detailed in the Architectural Design Report subject to confirmation from the design and development team at the project application stage.

8.8 Drainage

The Proponent is committed to incorporating Water Sensitive Urban Design features such as rainwater harvesting and rain gardens that will be further detailed in the project application.

8.9 Contamination

A field based investigation comprising of a Stage 2 Environmental Site Assessment will be conducted prior to the commencement of any future site redevelopment and will form part of any Project Application.

A Hazardous Materials Assessment will be carried out prior to any site demolition.

Remediation Action Plans will be prepared where required.

8.10 Noise and Vibration

The Proponent will incorporate the recommendations of the Acoustic Assessment prepared by Koikas Acoustics Pty Ltd and which relate to:

- Selection of building materials in relation to external walls and windows/sliding doors;
- Mechanical ventilation in nominated spaces; and
- Building Code of Australia requirements in relation to walls, entry doors, soil and waste pipes and concrete sub-floor systems.

8.11 Utilities

The Proponent commits to up-sizing the existing 150mm water main fronting the site in Treacy Street to a 200mm main that will be laid from the existing main at the corner of Treacy Street and Forrest Road to the building connection point. The extension will be sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002) and evidence of Code compliance will be attached with the extension design.

End of Schedule 4

Appendix 3

Previous Commission Advice to the Minister



21 April 2011

**CONCEPT PLAN FOR A MIXED USE DEVELOPMENT AT
21 – 35 TREACY STREET, HURSTVILLE**

1.0 REQUEST FOR ADVICE

On 23 March 2011, the Director General on behalf of the Minister for Planning wrote to the Planning Assessment Commission (the Commission) requesting advice on the Department's recommendation on the proposed concept plan for a mixed use development at 21-35 Treacy Street, Hurstville in the Hurstville local government area.

The Commission consisted of Emeritus Professor Kevin Sproats (chair), Mr Lindsay Kelly and Ms Gabrielle Kibble AO.

2.0 THE PROPOSAL

The concept plan seeks approval for a mixed use development which includes:

- Use of the site for retail and residential purposes and associated car parking;
- Indicative building envelope to a maximum height of 55 m (i.e. 16 storeys, RL 114.6m AHD);
- Maximum number of 257 residential units;
- Maximum total Gross Floor Area (GFA) of 28,474sqm;
- Public domain improvements to Treacy Street; and
- Landscaping areas throughout the site.

3.0 COMMISSION MEETINGS

On 5 April 2011, the Commission met with Mr Richard Pearson and Mr Michael Woodland from the Department of Planning and Infrastructure (the Department) for a briefing. Key issues discussed included:

- Built form including departures from existing building height and floor space ratio (FSR) controls;
- Strategic context of the development; and
- Status of the draft *Hurstville Local Environmental Plan (Hurstville City Centre) 2010*

On 19 April 2011, the Commission met with Mr Brett Daintry and Ms Carina Gregory from Hurstville City Council for a briefing. Key issues discussed included:

- History of development proposals on the site;
- Strategic planning work for the Treacy Street precinct undertaken by Council;
- Status of the draft *Hurstville Local Environmental Plan (Hurstville City Centre) 2010*; and
- Council's submission on the exhibited concept Plan

4.0 INFORMATION PROVIDED TO THE COMMISSION

The Commission was provided with the Director General's Report (DG Report), the proponent's Environmental Assessment and Preferred Project Report (to the concept plan), the proponent's Statement of Commitments and draft instrument of approval for the concept plan (including modifications and future environmental assessment requirements).

In addition to the above, the Commission also reviewed the following documents:

- Public and agency submissions including Hurstville City Council's submission (dated 9 February 2011);

- *Hurstville City Centre Concept Master Plan 2004* (dated December 2004, prepared by Government Architects Office for Hurstville City Council); and
- *Draft Hurstville Local Environmental Plan (Hurstville City Centre) 2010* (the City Centre LEP)

4.1 Additional Information Made Available to the Commission

Following the briefing with the Department, the Commission sought further advice from the Department's Plan Making and Urban Renewal team on the background and current status of the draft Hurstville Local Environmental Plans, the Department's position on Council's approach to planning for the Hurstville City Centre area and their views of increases in height and density within the Treacy Street Precinct. Further advice was provided by the Department on 19 April 2011. The Department's advice specified that:

- There are three draft Local Environmental Plans (LEP) being progressed by Hurstville City Council including the draft Commercial Core LEP, the draft City Centre LEP and the draft Comprehensive LEP. The draft City Centre LEP covers the Hurstville City Centre area which includes the site at 21-35 Treacy Street.
- Given the Treacy Street Precinct's proximity to Hurstville railway station and its inherent capacity for development of a more transit oriented approach, the Department considers an increase in the allowable height and FSR has merit.

5.0 COMMISSION'S COMMENT

A total of 38 submissions from the public and agencies were received by the Department during the public exhibition period.

The Department in the DG Report identified the following key issues in the concept plan:

- Height, bulk and scale;
- Overshadowing;
- Residential amenity;
- Traffic, access and parking; and
- Heritage.

The Commission has reviewed the Department's assessment of the concept plan as contained in the DG Report (dated March 2011) and supplementary advice. The Commission has also reviewed public submissions, the Hurstville City Centre Master Plan 2004 and the draft City Centre LEP. Based on the review, the Commission is generally satisfied that the assessment and recommendations presented by the Department are reasonable and concurs with the key issues that have been identified and addressed in the DG Report.

In forming this view, the Commission has considered both the merits of the proposal (particularly the future built form in terms of bulk, height and scale) and the strategic context of the proposal in the Hurstville City Centre. The Commission has also considered future environmental assessment requirements relating to architectural design and the provision of future community spaces.

5.1 Built Form

The Commission considers that a key merit issue for this development is the appropriateness of the height, bulk and scale of the proposed building envelope proposed in the concept plan.

The development outlined in the concept plan proposes a maximum height of 55m (16 storeys) and a FSR of 6.78:1 (based on a site area of 4199sqm and a GFA of 28,474sqm). As depicted in Table 1 below, the proposal exceeds the existing height and density controls for the site which are outlined in Hurstville City Council's *Development Control Plan No. 2 – Hurstville City Centre* (DCP No.2). The development also exceeds the controls outlined in

Council's draft *Hurstville Local Environmental Plan (Hurstville City Centre) 2010* (City Centre LEP). The Commission notes the draft City Centre LEP has not yet been endorsed by the Department to proceed to public exhibition.

Table 1 Comparison of height and density controls applying to the site at 21-35 Treacy Street

Controls	Existing Controls DCP No.2	Proposed Draft LEP	Proposed Concept Plan
Height	4-7 storeys	15m – 23m	55 m (16 storeys)
Floor Space Ratio	2.2-4.0:1 residential 2.3-3.6:1 commercial	3.0 - 4.0:1	6.78:1 total

Having examined the Department's assessment of the height, bulk and scale of the concept plan and considered the context of the development with the surrounding development, the Commission concurs with the assessment taken by the Department and their overall conclusions.

The Commission supports a building envelope on this site which exceeds the existing height and FSR controls required by DCP No.2. Given the size of the site (following the consolidation of a number of land parcels) and its proximity to Hurstville Railway station, the proposed development presents an opportunity to create a high density residential development in a major centre which is very accessible to public transport. This assists in achieving the objectives of the Metropolitan Plan and the draft South Subregional Strategy.

5.2 Strategic Planning Context

In supporting the proposed departures in existing controls, the Commission took into account the strategic planning context for the development and acknowledges the planning review process which has been undertaken by Council to date. The Commission notes that Council's submission on the concept plan highlights that the *"development is proposed in a City Centre strategic planning context which is in a state of flux"*.

In supplementary advice to the Commission, the Department provided information on the formulation of proposed development standards in the draft City Centre LEP. The Department advised that Council considered a number of design options for six precincts in the Hurstville City Centre area in determining height and FSR controls in the draft City Centre LEP. Within the Treacy Street Precinct, the Council resolved to translate the current controls for the precinct into the draft City LEP. As a result, the Treacy Street Precinct has been excluded from any increases in height or FSR, pending further investigation.

The Commission agrees with the Department's view of the strategic merit of the proposal and the wider Treacy Street precinct. That is, the development presents an opportunity to locate high density residential development in close proximity to public transport (with Hurstville Railway Station being within 300m – 400m walking distance) which would be consistent with the strategic policy settings outlined in the Metropolitan Plan of locating new housing close to existing centres and public transport.

The Commission is satisfied that there is a demand for this type of development in the local area, being a mix of 1, 2 3 bedroom apartments in a high density residential environment.

As a consequence of allowing development on the site which departs from current controls, the Commission recognises that it will be necessary for Council to re-examine the height and FSR development standards proposed in the Treacy Street Precinct in finalising the draft City Centre Plan.

5.3 Architectural Design

The Commission emphasises the importance of ensuring the architectural design quality of the final scheme is not diminished in future development applications. The high quality conceptual plan presented in the design concept, visualisations and architectural drawings prepared by Stanisic Associates Architects on behalf of the proponent, Earljest Pty Ltd was an influential factor in the Commission's support of this project.

During the briefing with the Department, the Commission sought clarification on the level of certainty that the key design principles from the concept plan would be maintained in the final architectural outcomes of the development (as presented in future development applications to Council). The Department advised that a future assessment requirement has been incorporated in Schedule 3 of the draft instrument of approval which states "*Future applications shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of modulation/articulation of the building and a range of high quality materials and finishes*".

The Commission is supportive of this requirement, but considers the condition should be further strengthened to ensure detailed architectural designs formulated in future development applications do not reduce the integrity of the original concept plan. The Commission recommends that any future detailed architectural designs should also be consistent with the design concepts and vision of the development "to create a very high quality, five green star building of distinguished architecture, with an interconnected spatial network of landscaped, communal open spaces and public domain", as conveyed in the '*Architectural Design Report for a Mixed Use Development, 21-35 Treacy Street, Hurstville*' (dated 10 December 2010, prepared by Stanisic Associates Architects for Earljest Pty Ltd).

5.4 Provision of Community Space

In permitting this development, the Commission considers it is important that the community is able to benefit from value captured in the larger development. The Commission considers the developer should provide a contribution to community facilities which will benefit both residents of the development and the wider community, over and above developer contributions payable in accordance with Council's Section 94 Contribution Plan. The Commission recommends that one way of doing this is to require the developer to allocate part of the proposed retail space to Council at no cost which can be used for community purposes. The Commission acknowledges that the enforcement of this requirement is not in its remit, but would strongly recommend that the developer work with the Council to explore the opportunity of incorporating a community space in the development.

5.5 Other Issues

The Commission notes that the Department has also considered issues relating to: overshadowing, residential amenity, traffic and parking, and heritage. The Commission's review indicates that the Department's recommendations are adequate and reasonable for addressing these issues.

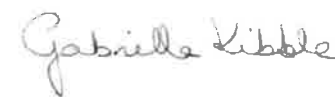
6.0 COMMISSION'S RECOMMENDATION

The Commission has reviewed the DG Report, supplementary advice from the Department and has also considered the issues raised in submissions and the views of Council including existing strategic planning work undertaken for the Hurstville City Centre. Based on the review, the Commission is satisfied that the Department has appropriately considered all relevant aspects of the concept plan and that the recommendations in the DG Report are reasonable.

In terms of future assessment requirements, the Commission recommends that requirements be strengthened to ensure future development applications will achieve the high level of architectural quality envisaged in the concept plan. The Commission also strongly recommends the developer should work with Council to explore the opportunity of providing, at no cost to Council, a community space within the proposed development that can be used by Council for community organisations. This will ensure that the local community is able to benefit from the value captured in the development which results from the allowances for additional floor space and height.



Emeritus Professor Kevin Sproats
PAC Chair

Lindsay Kelly
PAC Member

Gabrielle Kibble AO
PAC Member