

Proposed Modifications	Council's Position	Council's Comment	Response
1. Increase in Indicative building envelope by the addition of three (3) levels to the top of the Stage 1 portion of the building;	Opposed.	As with the original proposal and previous modification, this proposal substantially exceeds the height controls for the site set in Council's DCP No2 ranging from 15-23m (4-7st). The original proposal represented a 128% increase in height (storeys) over Council's planning control. This current proposal represents a 20% increase in height (storeys) and a 14% increase in GFA. In terms of FSR the planning control of 3-4.0:1 has been increased to 6.78:1 (Mod 1-69.5% increase) and now proposed at 7.74:1 (Mod 2 - 14%increase).	The PAC supported the significant increases in scale, bulk and density because they <i>"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"</i> . The additional information provided in response to the Department's request provides support for the further increase in height and FSR (refer Section 3 of the Response to Submissions).
2. Increase in gross residential floor area primarily due to the addition of three levels to the top of the building and minor increase to residential floor area on the ground level;	Opposed.	This change stems from the increase in levels which is opposed, and introduction of the child care on the ground floor.	Increase in Gross Residential Floor Area (GRFA) is directly related to the increase in height for Stage 1 of the proposed development. It is considered that the proposed increase in GRFA does not detrimentally impact on the merits of the proposed development and remains consistent with the key conditions of consent contained in the Concept Approval.
3. Changes to basement and ground floor levels including a 0.5m adjustment to basement car park levels and addition of mezzanine level;	Not opposed.	Changes arising from design development and do not result in any significant change in terms of bulk, scale, height and intended uses.	No further comment required.
4. Decrease in the gross retail floor space on the ground level to be replaced with a child care centre;	Not opposed.	While Council's planning controls encourage retail, commercial and other active street level and frontage uses the introduction of the child care use is an acceptable alternative use and likely to assist in addressing demand. This will not be a Council facility. Council's position and requirements for the community space remain unchanged.	No further comment required.
5. Addition of a child care centre on the ground level and upper ground level;	Not opposed.	See above.	No further comment required.

<p>6. Changes to the car parking provision and layout resulting in an increase in the total car parking provision that meets the requirements of Hurstville City Council DCP No. 2;</p>	<p>Not opposed.</p>	<p>Increase of 95 car parking spaces addresses a previous concern raised by Council.</p>	<p>No further comment required.</p>
<p>7. Amend the 'Green Travel Plan' that forms part of the Statement of Commitments to include: - Investigation of the use of a community bus; - Promotion of a car share scheme; and - Details of the provision of bicycle facilities.</p>	<p>Not opposed.</p>	<p>The Statement of Commitments is supported however there is no definitive commitment to specific initiatives or consequences in the event that none prove to be implementable or viable. The preference should be to focus on deliverable initiatives and for these to be conditioned in any subsequent consent eg. Provide a car share and bicycle scheme,</p>	<p>No further comment required.</p>

Reasons for Proposed Modifications	Council's Position	Council's Comment	Response
1. In the preparation of finer grain detail drawings for a development application it was found that efficiency of car park design yields a significant increase in the number of car parks available;	Justified.	No comment	No further comment required
2. Preliminary assessment indicated that additional 3 levels of residential floor space in Stage 1 of the development has minimal increased environmental impact on amenity of the locality, particularly in relation to overshadowing, traffic and parking impacts;	Not justified	Bulk and scale of the buildings increased by an additional 4,023m ² of GFA representing an increase of 14%. This impact is translated into increased overshadowing to properties in Kogarah where representations have previously been made on this issue and again with this proposal.	The potential for increased overshadowing to properties in Kogarah LGA has been addressed in detail in the S75W(2) application and in the subsequent Response to Submissions. A review of the shadow diagrams reveals that while there is a minor increase in the amount of shadow cast over the building as a result of the proposed modifications, this overshadowing has minimal additional impact on the shadows cast over living areas by the approved development, by the existing buildings and in some cases by existing landscaping. As part of this application no representations have been made on this issue from residents in the Kogarah or Hurstville LGAs.
3. The additional 3 levels will continue to be well below the Obstacle Limitation Surfaces (OLS) provided by the Civil Aviation Safety Authority (CASA)	Not justified	All buildings regardless of height must be below the limitations sets by CASA. This limitation does not represent the height planning control for buildings in Hurstville which this building already exceeds.	There was no intention to suggest the Obstacle Limitation Surfaces (OLS) provided by the Civil Aviation Safety Authority (CASA) are justification for the proposed increase in height. It has been simply stated that the proposed modified building height continues to be within the limits set by CASA.
4. The release of the draft Metropolitan Strategy for Sydney identifies a significant expansion in housing supply on the estimates from previous strategies and has set a target of at least 545,000 new dwellings across Sydney by	Not justified	While the comments are noted these stem from a metropolitan wide position where it is the role of local plans to interpret the preferred locations for density development. Council's Draft Hurstville City Centre LEP and Development Control Plan No 2 provide this local based planning framework and coupled with the recently gazetted Hurstville LEP 2012 clearly provide for housing targets to be met for Hurstville.	The Planning Assessment Commission (PAC), in their determination of the original development application dated 1/7/2011, noted "a general perception of a lack of strategic planning in the City Centre" was noticeable. The PAC also expressed disappointment with the Council's attempts to retain existing development control standards for a site they considered "from a strategic point of view is well located to provide higher density residential development to meet the strong housing demand and objectives of various policy

2031		<p>The recently completed and endorsed Transport Management and Accessibility Plan based on the Draft LEP did not propose any increase in height controls. Rather it accepted Council's plan as a long term vision for Hurstville City Centre and set planning goals for a time horizon of 2036. The TMAP estimated that by 2036 only 73% of the LEP capacity would be met and on this basis there can be no justification for this site to be increased in height in order to meet a metropolitan or local housing target.</p>	<p>directions including the State Plan, Metropolitan Plan 2036 and the draft South Subregional Strategy.</p> <p>It is generally recognised that the site is suitable for residential development at a much higher density than envisaged by Hurstville City Centre.</p>
<p>5. Recent approval from Joint Regional Planning Panel to increase the height of Building E in East Quarter, 95 Forest Road, Hurstville to 19 storeys (65.15m).</p>	<p>Not justified</p>	<p>Each proposal needs to be considered on merit. The planning controls for East Quarter allowed taller buildings than the subject site. These range from 23-60m with an FSR of 2.5:1. The resulting FSR impact was to increase from 2.63:1 to 2.82:1 over the whole site an increase of 7%.</p>	<p>It is agreed that each proposal has to be considered on merit. As part of this consideration the context of the proposal is of paramount consideration. The East Quarter development is in very close proximity to the proposed development on Treacy Street and any changes to East Quarter have significant impacts on the context in which the proposed development is perceived.</p>