

30 May 2014

Section 75W Modification Application (Mod 2)
Mixed Use Residential and Retail Development at 21-35 Treacy Street, Hurstville

1. BACKGROUND

On 1 July 2011, the Planning Assessment Commission (the Commission) approved the Concept Plan MP 10_0101 for the construction of a mixed-use retail and residential development including basement car parking, public domain improvements and landscaping at 21-35 Treacy Street, Hurstville. On 4 September 2012, the Director of Metropolitan and Regional Projects South of the then Department of Planning and Infrastructure, as delegate for the Minister, approved a modification to the concept plan that included an increase to the residential floor space and a reduction to the retail space.

This current modification application seeks approval for the following:

- Increase in the height of the approved stage 1 envelope by 3 storeys (from 16 to 19 storeys) or 11.4 m (from 55 m to 66.4 m in height);
- Addition of an upper ground floor mezzanine level incorporating additional parking and floor space;
- Increase the maximum gross floor area by 4,023 m² (from 28,474 m² to 32,497 m²);
- Increase residential floor area by 3,684m² (from 26,775m² to 30,459m²)
- Reduce retail floor area (from 1,499 m² to 687 m²) in lieu of a new child-care centre (1,151 m²);
- Changes to floor levels;
- Changes to car parking provision and layout;
- Amendments to the approved Green Travel Plan required by the Statement of Commitments; and
- A draft voluntary planning agreement for \$540,000 to Council towards public purposes.

2. DELEGATION TO THE COMMISSION

The application was referred to the Commission for determination as it satisfies the Ministerial delegation of 14 September 2011 relating to an application where the Council has objected to the proposal.

Commission members nominated to determine the application were Ms Jan Murrell (chair) and Ms Abigail Goldberg. Members visited the site and surrounding locality on 12 May 2014.

3. MEETINGS WITH STAKEHOLDERS

On 14 May 2014, the Commission met separately with Hurstville City Council (the Council) and representatives of the proponent.

Hurstville City Council

Senior officers of the Council briefed the Commission on Council's objections to the proposed modification as follows:

- The proposed increase in height from 16 to 19 storeys is without regard to Council's adopted Development Control Plan (DCP) and draft Local Environmental Plan (LEP), which establishes a 4-7 storey height limit for the site. Both instruments have been prepared subsequent to the original concept plan approval;

- 'A Traffic Management Access Plan' (TMAP) has also been prepared subsequent to the original concept plan approval. Research underpinning the TMAP indicated that intersections surrounding the site and also serving the CBD have already failed. There is no justification for increasing the approved level of car parking in this context;
- The proposed 19 storey height is incompatible with Council's long-term vision for this part of the CBD; and
- The Draft Voluntary Planning Agreement is unacceptable to Council.

The Proponent

The Commission met with representatives of the proponent who focused on their justification for the proposed modification and the increase in height and car parking, and related impacts such as overshadowing.

Department of Planning and Environment

On 29 May 2014, the Commission met with senior officers of the Department of Planning and Environment (the Department). Matters discussed included the recent traffic review and TMAP produced for the Hurstville centre; Council's current DCP and draft LEP for the centre; height and bulk of the proposed building in the context of Treacy Street and the wider centre; overshadowing; and maintaining the architectural integrity of the approved concept plan.

4. KEY ISSUES CONSIDERED BY COMMISSION

Following detailed consideration of the information before it, the Commission identified the following key issues in relation to the subject modification:

- Current capacity of Hurstville centre
- Height, bulk and context
- Architectural design
- Additional overshadowing

Current capacity of Hurstville centre – TMAP, new DCP and draft LEP

There have been changes in the context of the assessment of this modification since the original approval with the benefit of recent reviews. In particular, Council's preparation and adoption of a TMAP for the Hurstville centre.

In its assessment of the original concept plan in 2011 at the time the Commission noted the traffic and congestion difficulties within the Hurstville centre and the need to complete a review as a matter of urgency. The Department had written to the Council in 2010 requiring a review to determine how to resolve the existing and future movement of traffic through the centre including preparation of a TMAP and reduction in floor space ratios (FSR) for the centre through a draft LEP.

Council subsequently developed a TMAP for Hurstville centre in consultation with Roads and Maritime Services (RMS) and the Department, and this was adopted by Council in June 2013. Council also prepared a DCP and draft LEP for the centre wherein the maximum FSR control for the site is now 4.0:1. The approved concept plan has an FSR of 6.78:1 and the proposed modification would increase the FSR to 7.74:1. The findings of the TMAP have indicated that the key intersections in the vicinity of the site have already failed and this is without factoring in development from the approved concept plan and other sites.

On balance, given the circumstances and with the benefit of the current reviews of traffic capacity and planning, the Commission has formed the view that approval of the modification is not warranted on its merits. The proposed modification would be counter to Council's strategic

direction and would exacerbate the existing traffic and congestion problems within the Hurstville centre. The Commission attaches significant weight to this issue.

Height, bulk and context

The proponent's justification for the proposed increase in height relies, in part, on the notion that the proposed 19 storey building height would be consistent with the heights of recently approved buildings within the centre, including the East Quarter development and the Meriton development at the western end of the centre.

While the East Quarter development contains a 19 storey building, this is a gateway site that provides a number of discrete buildings displaying a variety of architecture and heights within a generous public domain ground plane. In comparison, the proposed modification would add additional height and bulk to the already substantial 16 storey building, which is without a public domain setting, and the subject site and is not a gateway site.

The Commission is of the view that the height of development on the site should reflect the topography of the Hurstville centre and be subservient to the height of the CBD's gateway and hilltop developments, as proposed in Council's Master Plan for the centre.

In terms of its immediate context the Commission notes that on the northern side of Treacy Street opposite the subject site, there is currently an eight storey building under construction. The additional height and bulk of the proposed modification is not considered appropriate or reasonable in this location.

Architectural design

In its assessment of the original concept plan in 2011, the then Commission noted:

"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."

The Commission is of the view that the proposed additional three storeys will not maintain the architectural integrity of the concept plan as approved.

Additional overshadowing

The proposed additional three storeys would result in additional overshadowing to a number of properties south of the rail corridor. The Commission notes that the additional shadow impact to these dwellings is a consequence of significant non-compliance with Council's controls for the site as contained in the draft LEP and DCP and also considers on merit that this is unwarranted.

5. COMMISSION'S DETERMINATION

The Commission has considered all relevant information in relation to the proposed modification and on balance determines that the application does not warrant approval on its merits and should be refused (**Attachment 1**).

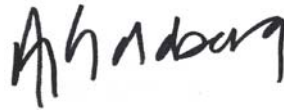
Accordingly, the application to modify the consent is refused for the following reasons:

- The current capacity of Hurstville City Centre has recently been reviewed resulting in the adoption of a TMAP, and a revised planning framework to guide development in the centre. The application is contrary to current evidence and planning context.
- The proposed increase in the height and mass of the approved building lacks merit in the immediate context of Treacy Street and the wider context of the Hurstville City Centre.

- The integrity of the original architectural design as approved would be compromised.
- Additional overshadowing of properties to the south of the railway line is unwarranted in the circumstances.



Jan Murrell
PAC Member (Chair)



Abigail Goldberg
PAC Member

Attachment 1

Project Modification Refusal

Project Modification Refusal

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

As delegate of the Minister for Planning and Infrastructure under delegation dated 14 September 2011, we the Planning Assessment Commission of New South Wales **refuse** to give approval for the modification of the project application referred to in schedule 1, for the reasons listed in schedule 2.

Jan Murrell
Member of the Commission

Abigail Goldberg
Member of the Commission

Sydney

30 May 2014

SCHEDULE 1

Concept Approval: **MP10_0101** granted by the Planning Assessment Commission, as delegate for the Minister for Planning and Infrastructure, on 1 July 2011.

For the following:

Mixed use development, including:

- Use of the sites for retail and residential purposes and associated car parking;
- Indicative building envelope to a maximum height of 55 metres (to a maximum of 114.6 metres AHD);
- Maximum GFA of 28,474m² (26,775m² residential, 1,499m² retail & 200m² community);
- Public domain improvements to Treacy Street;
- Landscaping areas throughout the site; and
- Staging of the Development

Proposed Modification

MP10_0101 MOD 2: Modification includes:

- Change to building envelopes including increase in height to 66.4m ((to a maximum of 126.0 metres AHD)
- Addition of upper ground floor mezzanine level incorporating additional parking and floor space;
- Increase maximum gross floor area to 32,497m²) (30,459m residential, 200m² community 687m² retail and 1,151 m² child care centre);
- Changes to floor levels; and
- Changes to car parking provision and layout.

SCHEDULE 2

REASONS FOR REFUSAL

- The current capacity of Hurstville centre has recently been reviewed resulting in the adoption of a TMAP, and a revised planning framework to guide development in the centre. The application is contrary to current evidence and planning context.
- The proposed increase in the height and mass of the approved building lacks merit in the immediate context of Treacy Street and the wider context of the Hurstville City Centre.
- The integrity of the original architectural design as approved would be compromised.
- Additional overshadowing of properties to the south of the railway line is unwarranted in the circumstances.