



Hurstville City Council
Office of the General Manager

Ref: 10/1482 D11/10913

9 February 2011

The Director General
Department of Planning
23 – 33 Bridge Street
SYDNEY NSW 2000
ATT: Debrah Silver

Department of Planning
Received
11 FEB 2011
Scanning Room

Dear Sir,

RE: Major Project Proposal
21 – 35 Treacy Street, Hurstville
(Part 3A EPA Act)

I refer to the current public exhibition of the abovementioned mixed use development proposal and wish to proffer the comments contained in Attachment “1” (inclusive of related annexures). This submission is importantly furnished pursuant to the Mayoral Minute Extract of 15 December 2010 (refer to Attachment “2”).

Such comments are made in the light of:

- Previous communication in respect of the proposal.
- The current and evolving planning context.
- The current position of the Department and other authorities with respect to such planning context (your attention is drawn in particular to Annexure “A” of Attachment “1” in this regard).
- The Concept Plan status of the proposal.

It should be noted that these comments do not form a detailed assessment of the proposal, pursuant to prevailing planning instruments and in particular SEPP 65, but rather seek to highlight the broader City Centre context within which the development proposal is promoted. Importantly they seek to reinforce matters of concern previously communicated to the Department by Council and indeed matters the Department and Transport Authorities hold central to the evolution of a diverse and dynamic, but importantly sustainable City Centre (refer again to Annexure “A” of Attachment “1”).

Further, it is acknowledged that the proposal represents a Concept Plan and that more detailed documentation would accompany compilation of a Project Application, should the Concept Pan be approved, in some form.


Notwithstanding, it is considered fundamental that Council highlight matters which may be critical to the advancement of the Concept Plan and are of central concern to it as "custodian and manager" of a sustainable major centre. These matters are importantly highlighted at Attachment "1" (Annexures inclusive and in particular "D" and "F"), the latter being focused upon public infrastructure and engineering design.

Your earnest consideration of these matters and ongoing dialogue in respect of a revised proposal is accordingly requested. Indeed, the nature of changes considered critical are such that any preferred project report compiled pursuant to Section 75H(6) of the Environmental Planning and Assessment Act should be made publicly available, pursuant to Section 75H(7).

Further, the matter is of such a nature that it should ultimately be the subject of a report by the Planning Assessment Commission.

Should you require clarification of any aspect of this submission, please do not hesitate to contact Council's Director of Planning and Development – Mr Brett Daintry, in the first instance, on 9330 6101.

Yours sincerely



Victor GD Lampe
General Manager

ATTACHMENT "1"
Council Submission in Respect of Concept Plan:
21 – 35 Treacy Street, Hurstville

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The Proposal (The Concept Plan)

The proposal is noted to comprise a Concept Plan and accompanying Environmental Assessment submitted in accordance with the provisions of Part 3A of the Environmental Planning and Assessment Act (pursuant to an appropriate Ministerial Determination), in pursuit of an approval under Section 75 O of the Environmental Planning and Assessment Act.

It is noted that approval is sought for:

- Demolition of the existing buildings on site.
- Development comprising a mixture of retail and residential land uses and basement car park and service facilities.
- A building envelope.
- A design template.
- A maximum Gross Floor Area of 29,022m² (the salient features being 257 dwellings, 4,256m² retail floor space and 275 car spaces).
- A maximum building height of 55m.
- Staged Development of the Proposal.

Strategic Planning Context

The development is proposed in a City Centre strategic planning context which is in a state of flux. The Centre is undeniably a significant centre identified in Metropolitan and Subregional planning as a Major Centre. Such status, developmental demands, the nature of prevailing planning controls, a critique of major recent development outcomes and review of the prevailing accessibility and infrastructure framework, lead to the fashioning of a new City Centre vision encapsulated in the City Centre Masterplan, 2004.

This new vision was clearly focused upon creating a dynamic, vibrant mixed use centre that showcases Hurstville as a sustainable regional leader in Southern Sydney. Despite establishing a broad vision and key underpinning principles and statements including a maximum building height of 16 storeys, it importantly identified the need for further focused investigations that would refine the Masterplan Vision and establish a new Urban Design Blueprint, accompanied by a suite of new planning controls.

The Masterplan and planning control review process has been exhaustive in nature and extended over the 2007-2010 period. Extensive investigations and design options analysis was underpinned by the following:

- Market Forecast Study (SGS, September 2007)
- Urban Form Study (Dickson Rothschild, October 2007)
- Traffic Study (ARUP, October 2007)
- Review of Heritage Items (Paul Rappoport, 2007)
- Hurstville City Centre Parking Rate Review (ARUP, August 2009)
- Economic Feasibility of Draft Amended Masterplan (SGS, June 2010)
- Accessibility Review of Draft Amended Masterplan (SKM, June 2010)

The emergent Amended Masterplan is summarised in the Draft Hurstville Local Environmental Plan (Hurstville City Centre) 2010 (draft LEP 2010) and in particular the development objectives and controls contained in Part 4 and reflected in the maximum height of buildings and maximum floor space ratio plans. Such plans are reproduced as Annexure "B", together with a relevant 3D Image.

Draft LEP 2010 has been prepared by Council to reflect the ultimate long term vision for the Centre and is not bereft of some significant challenges in their implementation. This is particularly evidenced in the attached Sinclair Knight Mertz review of June 2010 (Refer to Annexure "C") and alluded to in McLaren Report (refer to Annexure "D").

Council expressly undertook not to vary the existing controls in the precinct within which the development proposed is situated, given the amount and distribution of floor space promoted in the Amended Masterplan and Draft City Centre LEP. In doing so it acknowledged that the prevailing precinct controls provided sufficient incentive for redevelopment of the subject precinct in a reasonably performing market. It also acknowledged that it is on the fringe of the zone of influence of the accessibility hub and does not provide a site of the capacity of the East Quarter Development for a masterplanned community, inclusive of higher buildings, in an urban parkland setting.

Council has focused the most intense proposed development forms on the "transport hub" (Hurstville Railway Station/Bus Interchange), so as to optimise the return on investment and the benefits of higher order accessibility, whilst negating the prospects of a continuous "wall" of development and other undesirable design outcomes. Similarly, it has sought to optimise the return on investment, and relative accessibility in the Civic precinct.

Council also noted that the future demand for commercial/retail floor space to 2031 to be 54,000m², of which existing approvals for 74,086m² are in place.

It should also be noted that the model and related 3D images accompanying the Concept Plan project an inaccurate future context. Indeed they model future built forms that do not reflect any publicly exhibited Council Planning Strategies for the subject precinct.

Strategic Overview

Clearly, to pursue development of a scale beyond that provided for in the current controls in the subject precinct would undermine Council's endorsed strategy and lead to an unacceptable compounding of envisaged accessibility and servicing challenges. Any consequential trigger to review Council's planning aspirations for other precincts, is a most undesirable and unacceptable prospect, given the exhaustive planning review process undertaken to date and the merits of increased density as promoted by Council in the Amended Masterplan and Draft City Centre LEP.

It is further noted that the Department of Planning, Ministry of Transport and Roads and Traffic Authority have expressed concern in respect of the impacts of the amount and distribution of floor space as currently proposed in Council's draft controls. Indeed the Department of Planning's concern has led it to withhold endorsement of the Draft City Centre LEP for exhibition purposes and suggest a strategy of reducing the amount of floorspace proposed (refer to Annexure "A").

Accordingly, given the preceding strategic planning context alone, the Department is respectfully requested not to consider increased development beyond that provided for in the Draft City Centre LEP i.e. essentially the prevailing controls in the subject case.

Comparative Analysis

The Department of Planning in the Standard Instrument has established maximum height of buildings and maximum floor space ratio as two prime order controls in guiding appropriate building forms and Centre development, particularly in respect of building bulk and attendant infrastructure impacts.

Council, in considering the building forms proposed on sites within the range of 1000m² to 5000m², commissioned a peer review exercise which focused in a comparative sense on other major centres and regional centres within the same notional site area ranges (refer to Annexure "E").

Sites ranging from 1,000m² to 5,000m²

	Maximum Building Height	Maximum FSR
<i>Regional Cities</i>		
Parramatta	54m – 80m	5.0:1
Liverpool	35m – 80m	2.5:1
Penrith	32m	3.5:1 – 4.0:1
<i>Major Centres</i>		
Chatswood	60m	5.0:1 – 6.0:1
Bondi Junction	60m	6.0:1 – 7.0:1

The buildings in the height range of 51 – 59.9m have a maximum floorspace ratio (FSR) of 5.1 ranging to 6.1. The proposal in contrast advocates a FSR of 7.0:1, clearly exceeding that of the sample regional cities and major centres.

The FSR of 7.0:1 is considered to be excessive, a situation reinforced by the limited comparison across Metropolitan Sydney.

Statutory Planning Context

The subject land and indeed all land in the Hurstville City Centre is currently zoned 3(b) – City Centre Business Zone, pursuant to Hurstville LEP, 1994.

Development of shops, office premises and residential flat buildings are permissible, with consent under such zoning.

There are no FSR provisions or building height controls contained in respect of such land in the prevailing LEP.

Development controls of such nature, together with other provisions are contained in Hurstville Development Control Plan 2 (DCP No.2).

In particular, the building height and maximum floor space ratio controls for Part Precinct 29B and Precincts 29C and 29D in DCP No.2 are relevant. Maximum building heights ranging

from four to seven storeys or approximately 15m to 23m are promoted, in contrast to the proposal's range of 15m to 55m. Similarly, a maximum floor space ratio of 2.2:1 to 4.0:1 is promoted in the DCP compared to 7.0:1 in the development proposal.

Assessment Considerations Generally

Drainage and Utilities

An overview of drainage, flooding and service infrastructure impacts is provided. The initial investigations and enquiries are justifiably focussed upon the impact of the proposal on the existing system/s.

The flooding overview and drainage analysis does not have regard, at least conceptually, to the implications of more comprehensive redevelopment of the subject catchment as foreshadowed in the Draft City Centre LEP.

Similarly, the possible need for augmentation of major infrastructure servicing the envisaged redevelopment of the broader precinct should at least be noted and more fully considered in any future development of the subject site. Any future development scheme should not frustrate future economic upgrade of precinct infrastructure.

It is also noted that some of the premises underpinning the initial investigations, such as a present 100% impervious area site coverage are considered to be inaccurate.

The site corresponds with a low point in the local topography (a "sag point" in the local drainage regime"). Provision in such circumstances must be made for an overland flow path through the site and beyond. This will have major redesign implications for the proposal and may not be easily achieved. Additionally, it will have implications beyond the site which need to be catered for and cannot be easily addressed without adversely impacting down slope properties.

Any flood proofing/engineering design should not force stormwater/flood flows onto adjoining properties; such being a clearly unacceptable outcome.

Stormwater depths of up to one metre in the Treacy Street "low point", coinciding with the development proposal, need to be reviewed, with the acceptability of same patently questionable.

Requirements in respect of shop floor levels, openings of doors, windows, vents, duct openings and the driveway ramp crest need to observe freeboard requirements (above the 1 in 100 year flood).

Reference should be made to Annexure "F" for specific requirements that should underpin any revised design and/or conditions of approval.

The need to balance urban design, accessibility and flood management is accepted. The concept of partial flood-proofing requires more detailed review as a potentially amended development scheme is advanced.

Parking and Access

Attached at Annexure "D" is an independent review of the accessibility implications of the proposal, which concludes "that development of the nature proposed in the Concept Plan, in

such context (characterised by underperforming intersections and network decline) will further compound unacceptable and unsustainable accessibility outcomes".

At a more detailed level, the review highlights assumptions and statements which in their current form raise significant doubts in respect of the veracity of the development and require further clarification and review/qualification. Areas highlighted in such regard include:

- The unsubstantiated departure from existing and proposed parking controls and the likely attendant adverse impacts in nearby precincts including residential neighbourhoods. (It should be noted that parking departures of 113 spaces (29.1%) and 99 spaces (26.5%) occur in respect of Council's prevailing and proposed parking requirements respectively.)
- The lack of detail in respect of achieving major changes in travel behaviour and parking demands.
- The lack of regard to future traffic/transport scenarios
- The current design of proposed service facilities and related efficiency and conflict challenges.

Heritage

The Statement of Heritage Impact which accompanies the proposal assumes, in the absence of further documentation, that the future review of heritage items will lead to a "downgrading" in heritage significance of the two nearby items at Nos 16 and 18 Treacy Street. In doing so, it fails to present photographic evidence of the two items and despite claims in respect of a lack of adverse view impact, presents no view analysis, but makes a recommendation that such an analysis occur at the Development Application stage.

It is also suggested that an archaeological survey occur at a future time and defers to the SEPP 65 report generally in respect of neighbourhood compatibility.

Clearly, if the proposal is to be advanced in some form, more detailed analysis as suggested above, as a minimum, must be pursued.

Contamination

A Stage 1 Environmental Site Assessment (ESA 1) was undertaken in respect of the development site. Such assessment appears to have followed adopted protocols. It is, however, deficient to the extent that it did not involve access to Council's relevant property/historical records or access to some buildings (particularly Nos 31 and 33).

A number of Areas of Environmental Concern (AEC) were identified.

In view of the foregoing, it is critical that the deficiencies be addressed in respect of the ESA 1 and a Stage 2 Environmental Assessment be undertaken focussing upon soil sampling from the identified AECs, with strategic groundwater sampling up-gradient and down-gradient of the AEC (underground storage tank). Any additional AECs identified in addressing the deficiencies of the Stage 1 investigation should also be subject to further investigation.

Further, a Hazardous Materials Assessment (HMA) should be pursued prior to any demolition.

Clearly, advancement of the development proposal in some form will require more detailed contamination investigations, Hazardous Materials Assessment and Remediation Action

Plans (where required). Such requirements should attach to any approval which may be forthcoming.

Acoustic

An Acoustic Assessment accompanies the proposal. The Assessment is focused upon internal acoustic amenity with inadequate regard for the impact of the proposal upon acoustic amenity beyond the site. Impacts beyond the site occasioned by the proposal should not be ignored.

The following comments are made in respect of internal acoustic amenity:

There are doubts in respect of the veracity of information pertaining to freight movements and in particular the assumptions of the consultant in respect of current movements and lack of consideration of possible future movement patterns.

Further, there is no evening meteorological data evidenced, a time which coincides with a generally more sensitive noise environment and has potential consequential implications for residential amenity.

It is noted that, notwithstanding the ability to adopt appropriate materials and methods of construction, that there is an exceedingly high reliance on mechanical ventilation, with such required "in most habitable spaces". This proposal accordingly does not "showcase" leading edge residential amenity and sustainability.

Rail Corridor

The geotechnical and ground water investigations undertaken to date highlight the need for more detailed investigations should the Concept Plan be advanced and the sensitivity in respect of infrastructure, particularly the rail focused infrastructure.

The issue of derailment protection highlighted in the Director General (DG) Requirements is not addressed, but rather deferred to the Project Application stage and a relevant review by the Rail Infrastructure Corporation in the context of their design standards.

Wind Impact

The issue of potential wind impact similarly identified in the DG Requirements is not addressed but rather deferred to the Project Application stage, given the preliminary nature of the proposal and the lack of detail for advanced analysis.

Some preliminary analysis, as a minimum, would appear to be clearly in order at the current Concept Plan stage.

View Loss

The view impact analysis has a somewhat limited focus. The Environmental Assessment Report highlights the unlikely impact on key or significant views enjoyed by existing residential towers in the Hurstville CBD.

The photo montages included in the Architectural Design Report are no more conclusive.

Indeed, the photo montage work is not accompanied by a comprehensive analysis/commentary. Nevertheless, it provides a foundation for drawing the following

conclusions and further flagging the need for more detailed analysis and potential design review.

Despite the break in the development aligning with Alfred Street, it still presents a largely "impermeable wall" when viewed locally from areas in the City Centre to the immediate north. This is expressly in contrast to the lower heights promoted by Council in the current/proposed controls, which seek to facilitate balance with strategically located tower elements and avoid the emergence of wall style continuum with consequential adverse impacts upon views.

The pronounced impacts on views to the Centre from the adjoining Kogarah LGA and reflected in part in Views C and D (Architectural Design Report), is not canvassed in any detail.

Further, as highlighted previously, no view analysis accompanies the overarching statements in respect of the lack of adverse view impacts upon the immediate local heritage items.

Again, if the proposal is to be advanced in some form, a more exhaustive visual analysis should be undertaken.

Sydney Airports Corporation (SAC)

More detailed consultation should occur with SAC in respect of building height and construction equipment (cranes) relative to the prevailing obstacle limitation surfaces and broad ranging airport operational matters including nav aid surfaces, should the Concept Plan be approved.

Geotechnical and Groundwater

Preliminary investigations and the anticipated subsurface conditions, including likely groundwater presence have significant implications for future excavation and construction practices, including dewatering. Extreme sensitivity is a foreshadowed fundamental underpinning in respect of the proposed development and surrounding properties and infrastructure, particularly the rail infrastructure.

The suggested need for additional investigations, including modelling, is imperative if the development is to be advanced, in any form.

Safety

The Concept Plan is stated to have been assessed against the key principles of Crime Prevention through Environmental Design (CPTED). No detailed CPTED assessment, however, accompanies the proposal, with it being promoted that such an assessment will be undertaken at the Project Application stage.

It is questionable whether such an assessment should occur at this Concept Plan stage given the centrality of the concept to the design philosophy.

Public Amenities and Services Impacts

(Section 94 and Voluntary Planning Agreements)

(Statement of Commitments)

The proposal, as contained in the Concept Plan, is acknowledged to generically impact upon amenities and facilities including:

- Open Space
- Library and Information Services
- Community Services and Facilities
- Drainage
- Management (within Council)
- Traffic Management and Car Parking, and
- Urban Spaces

It is proposed that relevant contributions be paid in accordance with the prevailing Development Contributions Plans. It is also noted that the proponent does not propose entering into a Voluntary Planning Agreement. It should be further noted that Council is currently reviewing its Contributions Plan framework, with a draft Contributions Plan to be exhibited shortly.

The possible nature and scale of infrastructure augmentation/enhancement required to support implementation of the Draft Hurstville Local Environmental Plan (Hurstville City Centre) 2010, inclusive of redevelopment of precincts such as Treacy Street, may require a more detailed review of Section 94 contributions in respect of the City Centre and/or the entering of relevant Voluntary Planning Agreements.

Indeed, Council wishes to foreshadow that the engineering infrastructure requirements of the proposal, particularly in terms of traffic management and stormwater drainage, will likely reflect in increased developer commitments and should be noted in a revised Statement of Commitments.

It should also be noted that the proposed limited upgrade of the Lily Street overpass (critical to the functioning of the local traffic network and not planned to accommodate ad hoc development of the scale proposed in the Concept Plan and the like) should be the subject of a comprehensive funding strategy.

Statement of Commitment (and Design Review)

A draft Statement of Commitment accompanies the Concept Plan proposal and is documented in the Concept Plan Environmental Assessment. The Statement is formulated in respect of "environmental management, mitigation and monitoring measures that are to be implemented to manage and minimise any potential impacts of the project".

These commitments are all desirable. They should, however, be augmented as suggested in the preceding overview. Further, many of them, rather than being considered environmental management and monitoring undertakings, should be pursued immediately (at this Concept Plan stage) to better inform the design and its potential modification and in particular a "downsizing", as referenced below.

Design Review Overview

It is considered imperative that the design (contained in the Concept Plan) be revised in keeping with the proposed planning controls for the reasons cited in the preceding commentary and informed by more detailed analysis as summarised below:

- The building height and FSR should conform with the proposed provisions of Draft Hurstville LEP (Hurstville City Centre) 2010.

- The traffic assessment should have regard to background growth and implementation of the future Urban Design Blueprint (the Amended City Centre Masterplan 2010), as reflected in the height and FSR maps contained in the Draft City Centre LEP.
- Parking provision shall be at the minimum rate of Council's revised policy.
- The flooding/drainage assessment should have regard to the prospects of comprehensive redevelopment of the subject catchment as reflected in the Draft Hurstville Local Environmental Plan (Hurstville City Centre) 2010 and should have regard to prevailing piping, overland flow and water quality standards.
- More graphic analysis of the potential impact upon the two nearby heritage items (No. 16 and 18 Treacy Street) should be undertaken.
- The deficiencies in respect of the Stage 1 Environmental Site Assessment should be addressed.
- Preliminary wind impact analysis should be undertaken.
- A more comprehensive annotated view analysis should be undertaken.
- A comprehensive CPTED analysis should inform the design review.

Revised Statement of Commitment

Additionally, the following revised Statement of Commitment should be considered in respect of the modified design (having addressed the preceding design review requirements and the matters contained in the submission generally):

- Drainage
 - 8.8 as detailed in the Concept Plan Environmental Assessment and Annexure 'F' of this Submission.
- Traffic and Parking
 - 8.2 as detailed in the Concept Plan Environmental Assessment and Annexure "D" of this Submission.
- Contamination
 - 8.9 as detailed in the Concept Plan Environmental Assessment.
- Acoustic Privacy/Noise/Vibration
 - Details in respect of freight movements shall be more accurately established and modelled.
 - Evening meteorological data should be obtained and modelled.
 - The need for such a high reliance on mechanical ventilation shall be reviewed.
 - 8.1.1 as detailed in the Concept Plan Environmental Assessment.
 - 8.10 as detailed in the Concept Plan Environmental Assessment.

- Safety
 - A further CPTED analysis shall accompany a relevant Project Application.
 - Derailment Protection requirements should be pursued as detailed in 8.4 of the Concept Plan Environmental Assessment.
- Wind Impact
 - 8.1.2 as detailed in the Concept Plan Environmental Assessment.
- Public Domain
 - 8.5 as detailed in the Concept Plan Environmental Assessment.
- Geotechnical and Groundwater
 - 8.4 as detailed in the Concept Plan Environmental Assessment.
- Obstacle Limitation Height
 - 8.3 as detailed in the Concept Plan Environmental Assessment.
- Ecologically Sustainable Development
 - 8.7 as detailed in the Concept Plan Environmental Assessment.

Conclusion

The development proposal contained in the Concept Plan is clearly inconsistent with Council's vision for the subject precinct; a vision that has been progressively refined since the adoption of the City Centre Masterplan of 2004 and is summarised in Draft Hurstville Local Environmental Plan (Hurstville City Centre) 2010.

The amended vision is underpinned with detailed background studies and design options analysis, but is yet to be endorsed for public exhibition (as the Draft LEP cited above) due to accessibility concerns expressed by the Department of Planning, Ministry of Transport and Roads and Traffic Authority

To pursue development, of the scale proposed in the subject precinct would undermine the focus of Council's strategy and lead to an unacceptable compounding of envisaged accessibility and services challenges.

The potential repetition of similar proposals departing so markedly from planning controls will challenge the very integrity of Council's planning strategies and potentially expose Council to significant infrastructure shortfalls.

It should be noted that contributions to physical infrastructure beyond the current Development Contributions Plan and non exhibited Hurstville Development Contributions Plan, 2010 are likely and are accordingly foreshadowed.

In the subject circumstances, the Concept Plan must clearly be revised. The review process should importantly include further focused analysis as highlighted in this submission.

Finally, an amended Statement of Commitment to support a revised Concept Plan as detailed in the submission (Revised Statement of Commitment) is respectfully suggested as being appropriate.

ANNEXURE "A"
Department of Planning and RTA Position in Respect of
Current Hurstville City Centre Draft LEP