

**MAJOR PROJECT ASSESSMENT:**

**Mixed Residential and Retail Development  
21 – 35 Treacy Street, Hurstville  
Earljest Pty Ltd**

**MP 10\_0101**



**Director-General's  
Environmental Assessment Report  
Section 75I of the  
Environmental Planning and Assessment Act 1979**

**March 2011**

## ABBREVIATIONS

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CIV	Capital Investment Value
Department	Department of Planning
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	Earljest Pty Ltd
RtS	Response to Submissions

Cover Photograph: Proposed concept plan looking south down Albert Street

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## EXECUTIVE SUMMARY

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The Proponent, Earljest Pty Ltd, proposes a mixed use retail and residential development at 21 – 35 Treacy Street, Hurstville. The site is located within the Hurstville City Centre East precinct. It has an area 4,119m<sup>2</sup> with the rear (southern) boundary abutting the Eastern Suburbs and Illawarra Railway Line.

The proposal seeks a Concept Plan approval for a mixed use development which includes:

- building envelope for a 16 storey development, with retail uses at ground and lower ground floor levels and 3 levels of basement parking;
- a mix of retail and residential uses (maximum of 257 apartments);
- a maximum total Gross Floor Area (GFA) of 29,036m<sup>2</sup>;
- a maximum height of 55 metres (114.6 metres AHD); and
- staging plan.

This project has a CIV of **\$134 million**. The proposal will create **250** full time equivalent construction jobs and **35** full time equivalent operational jobs.

The proposal is a major project under Part 3A of the *Environmental Planning and Assessment Act 1979*, being development for the purpose of a residential or retail project with a capital investment of more than \$100 million under clause 13 of Schedule 1 of *State Environmental Planning Policy (Major Projects) 2005 (as amended)*. Therefore the Minister for Planning is the approval authority.

The Department exhibited the proposal for a 58 day period from Wednesday 15 December 2010 until Friday 11 February 2011 and received 38 submissions. A total of 25 public submissions supported the proposal, with 7 submissions stating their objection. 6 submissions were from public authorities, including Hurstville Council, which objected to the proposal. Generally, these objections related to concerns excessive height/density, traffic generation/congestion and the inability of existing infrastructure to accommodate and support this development.

The Proponent submitted a Preferred Project Report (PPR) proposing to amend the scheme by:

- increasing the separation between the two tower elements from 9 metres to 11 metres;
- decreasing the GFA from 29,036m<sup>2</sup> to 28,474m<sup>2</sup> and the Floor Space Ratio from 6.92:1 to 6.78:1; and
- providing an updated Statement of Commitments.

The PPR also addressed concerns relating to:

- traffic and parking;
- serviceability of the site to existing infrastructure;
- impact of development on existing heritage items at 16 and 18 Treacy Street;
- accessibility of residents to proposed communal open space areas and 'skygardens'; and
- overshadowing impacts on properties at the south of the railway line.

The Department has considered the merits of the proposal in accordance with the objects of the EP&A Act and ecologically sustainable development, also taking into consideration the issues raised in all submissions. The Department has determined that the proposed development is appropriate and fits within the context of the Hurstville City Centre. This site affords an opportunity to provide retail services and residential accommodation within the eastern precinct of the City Centre, in close proximity to Hurstville Railway Station and will enhance Hurstville's role as a major centre.

It is considered that all issues raised and likely impacts have been addressed in the PPR, the Statement of Commitments and recommended modifications and future assessment requirements. The impacts can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance.

In summary, the project is considered to be in the public interest and it is recommended that the Concept Plan be **approved**, subject to modifications.

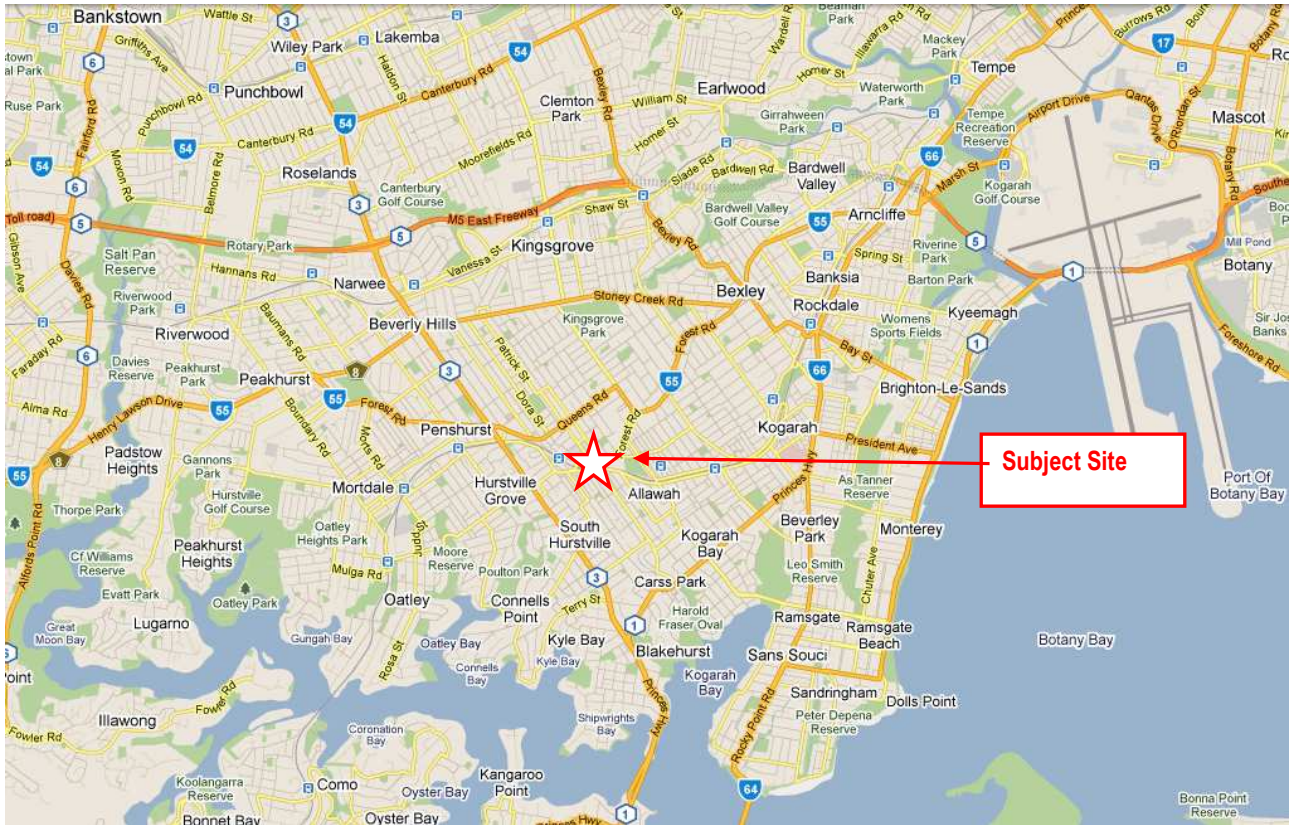
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# 1. BACKGROUND

## 1.1 Site Description

The site, known as 21 – 35 Treacy Street Hurstville, is located on the southern side of Treacy Street, approximately 15 kilometres south-west of Sydney CBD. The site is located within the Hurstville Local Government Area and is bounded by Treacy Street to the north and the Eastern Suburbs and Illawarra Railway Line to the south (refer to **Figure 1**).



**Figure 1: Site Locality – Regional Context**

## 1.2 Existing Site Features

The site is located within the City Centre East precinct (refer to **Figure 2**). The subject site comprises 5 parcels of land, each containing existing or former commercial uses, including:

- No. 21 contains Buber Mechanics (Lot 6 DP 2752);
- Nos. 23 – 29 are currently vacant, however the premises were previously tenanted by Ferguson's Toyota (Lots 1 – 5 DP 2752 and Lots 1 – 2 DP 2256951);
- Nos. 31 – 33 contain a commercial building (Lot A DP 398056 and Lot 6 DP 11931 respectively); and
- Nos. 35 & 35A contain Jump Street Studio (Lot 5 DP 11931).





**Figure 3: Existing development along Treacy Street to the north of the site**

To the east of the site are more recent developments which contain mixed uses and have a larger bulk and scale than those to the north and west of the site. The existing building, to the immediate east of the subject site, contains a 4 storey mixed use development (refer to **Figure 4**) with retail/commercial uses at ground floor and residential above. The adjoining building, which is currently being constructed, is a 6 storey mixed use development.



**Figure 4: Development to the east of the site**

Immediately to the south of the site is the Eastern Suburbs and Illawarra Railway Line.

There are bulkier and taller buildings with large footplates within the vicinity of the site in both Hurstville and Kogarah Council areas. At the corner of Treacy Street and The Avenue (to the north-east of the site) is a 12 storey mixed use development which contains retail, above ground parking and residential uses (refer to **Figure 5**). Furthermore, Hurstville Council recently approved residential development, the East Quarter, to the east of the site along Forest Road which contains buildings ranging in height from 6 storeys to 14 storeys (refer to **Figure 6**). A 16 storey building, which has also received approval, has not been constructed as yet.



**Figure 5: High rise development at the corner of Treacy Street and The Avenue**



**Figure 6: The East Quarter development**

To the south-west of the site, beyond the railway line in the Kogarah LGA, are mixed use developments with heights varying between 8 and 16 storeys (refer to **Figure 7**).



**Figure 7: Developments within Kogarah Council, at the intersection of Railway Parade and West Street**

## 2. PROPOSED PROJECT

### 2.1 Project Description

The proposal, as exhibited, seeks Concept Plan approval for a 16 storey mixed use retail and residential building. The key components of the EA, which was exhibited, are summarised below in **Table 1**. The project is described in full in the Proponent's EA, which is attached in **Appendix A**.

**Table 1: Key Components of the Project**

<b>Aspect</b>	<b>Description</b>
<b>Project Summary</b>	<b>Concept Plan for a mixed use development</b>
<i>Building Envelopes / Heights</i>	Maximum building height of 55 metres, with a maximum RL of 114.6m AHD
<i>Gross Floor Areas</i>	Maximum total Gross Floor Area of 29,036m <sup>2</sup> for the mixed use development, which includes: <ul style="list-style-type: none"> <li>• 4,256m<sup>2</sup> GFA for retail use; and</li> <li>• 24,766m<sup>2</sup> GFA for residential use.</li> </ul> Resulting FSR is 6.92:1
<i>Residential Apartment Size and Mix</i>	Total of 257 apartments ranging in size from: <ul style="list-style-type: none"> <li>• 51m<sup>2</sup> – 72m<sup>2</sup> for 1 bedroom apartments</li> <li>• 75m<sup>2</sup> – 188m<sup>2</sup> for 2 bedroom apartments</li> <li>• 117m<sup>2</sup> for 3 bedroom apartments</li> </ul> Apartment mix of: <ul style="list-style-type: none"> <li>• 28.8% (74) one bedroom apartments</li> <li>• 66.6% (171) two bedroom apartments</li> <li>• 4.7% (12) three bedroom apartments</li> </ul> 10% of the apartments will be adaptable.
<i>Landscaping</i>	Associated landscaping including treatment to the public domain along Treacy Street, communal courtyard at level 1, skygardens at levels 4, 7 and 10 and a rooftop garden at level 13
<i>Parking Rates</i>	Total of 275 parking spaces over a 3 level basement, comprising the following rates: <ul style="list-style-type: none"> <li>• 0 spaces for 1 bedroom unit</li> <li>• 1 space per 2 bedroom unit</li> <li>• 2 spaces per 3 bedroom unit</li> <li>• Residential visitor parking and retail parking spaces will be combined</li> </ul>
<i>Land Uses</i>	Retail and residential uses are permitted in the City Centre Business 3(b) zone under the Hurstville LEP 1994
<i>Section 94 Contribution</i>	Contributions towards open space, library and information services, community services and facilities, drainage, management (within Council), traffic management and car parking and urban spaces
<i>Employment</i>	
- <i>Construction</i>	• Approximately 250 full-time equivalent jobs
- <i>Operational</i>	• Approximately 35 full-time equivalent jobs
<i>Capital Investment Value</i>	\$134,004,540 (GST exclusive)

Images of the proposed Concept Plan are included at **Figures 8 and 9**.



**Figure 8: Photomontage of proposed Concept Plan, looking east along Treacy Street**



**Figure 9: Photomontage of proposed Concept Plan, looking west along Treacy Street**

## 2.2 Preferred Project Report (PPR)

A copy of all submissions was forwarded to the Proponent following the conclusion of the public exhibition period. In response to these submissions, the Proponent submitted a PPR to the Department. The PPR and additional supporting information were placed on the Department's website. Key changes from the EA to the PPR include:

- the separation between the two tower elements is increased from 9 metres to 11 metres. In order to help satisfy the requirements of SEPP 65/ Residential Flat Design Code, the Proponent has removed all openings from the eastern tower element which will reduce privacy impacts; and
- by increasing the separation between the two tower elements, the GFA is reduced from 29,036m<sup>2</sup> to 28,474m<sup>2</sup>, with FSR reduced from 6.92:1 to 6.78:1.

The Proponent also provided additional information addressing concerns raised through the public exhibition period and by the Department, including:

- clarifying that all communal spaces, including the communal courtyard at level 1, the skygardens at levels 4, 7 and 10 and the rooftop garden, are accessible by residents of the development;
- a deep soil zone of 260m<sup>2</sup> is included at the south-west of the site;
- additional overshadowing diagrams and analysis have been provided to reflect the likely impact of the proposal on the properties on the southern side of the railway line;
- confirming that the development will be constructed in 3 phases, due to the use of 3 level luffing cranes, which extend vertically rather than horizontally over the site;
- the traffic assessment has been updated and responds to the concerns raised by the RTA, Transport NSW and Kogarah and Hurstville Councils;
- a view analysis of the impact of the proposed development and its relation with the existing heritage items at 16 and 18 Treacy Street; and
- revising the Statement of Commitments to reflect additional requirements by the public authorities consulted as part of the exhibition process.

## 2.3 Need and Justification

### NSW State Plan

The NSW State Plan seeks to achieve improved urban environments and deliver attractive and sustainable development through reductions in greenhouse gas emissions and development in close proximity to existing centres, services and transport. The proposal is consistent with the NSW State Plan 2010, including:

- *Increase the number of jobs closer to home:* the proposal will facilitate an estimated 35 (FTE) operational jobs plus an estimated 250 (FTE) construction jobs which are within walking distance to the Hurstville train station. Additionally, the development will provide 257 dwellings within the Hurstville City Centre, close to employment opportunities.
- *Increased business investment and support jobs:* the proposal provides additional investment of \$134 million for the Hurstville City Centre.

### Sydney Metropolitan Plan for Sydney 2036

The Sydney Metropolitan Plan was released on 16 December 2010. It is a strategic document which guides the development of the Sydney metropolitan area towards 2036. The Plan establishes housing and employment targets for the Sydney region at 770,000 additional dwellings and 760,000 new jobs by 2036.

The Plan identifies targets for the south subregion for an increase of 58,000 dwellings and 52,000 jobs by 2036. The Plan seeks at least 70% of new dwellings to be located within existing urban areas, focused around centres serviced by public transport. Furthermore, the Plan identifies Hurstville as a regional centre.

The proposal is consistent with these aims and will contribute towards meeting the targets for new dwellings and jobs through its delivery.

### **Draft South Subregional Strategy**

The site falls within the area defined as the Draft South Subregional Strategy. The Subregional Strategy currently targets the provision of an additional 29,000 jobs and 35,000 dwellings for the region by 2031. Hurstville LGA has a total employment capacity target of 3,000 jobs and 4,100 additional dwellings.

Hurstville is recognised as a major centre within the Strategy, and is identified as being a centre likely to experience both significant growth in employment and housing, facilitated by improvements to local transport infrastructure. The proposal will assist in contributing to the identified dwelling capacity targets for the Hurstville LGA through its provision of residential accommodation close to the Hurstville train station.

### 3. STATUTORY CONTEXT

#### 3.1 Major Project

The proposal is a major project under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development for the purpose of a residential, commercial or retail project with a capital investment value of more than \$100 million under clause 13 of Schedule 1 of State Environmental Planning Policy (Major Projects) 2005 (as amended). Therefore the Minister for Planning is the approval authority.

On 25 January 2010, the Minister for Planning delegated responsibility for the determination of concept plans and project applications under Part 3A of the Act to the Director-General where:

- the development the subject of the application is consistent (in the opinion of the delegate) with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning and endorsed by the Minister for Planning; and
- there are fewer than 25 submissions in the nature of objections in respect of the project application; and
- the project is not a critical infrastructure project under section 75C of the EP&A Act.

The proposed Concept Plan is consistent with the relevant Strategy (see Section 2.3), received fewer than 25 submissions in the nature of objections, and is not a critical infrastructure project. The Proponent has also confirmed that no reportable political donations have been made within the previous 2 years. As such, the Director-General can therefore determine the project under delegated authority.

#### 3.2 Permissibility

##### Hurstville Local Environmental Plan 1994

Under the Hurstville Local Environmental Plan 1994 (HLEP), the site falls within Zone 3(b) City Centre Business Zone (refer to **Figure 10**). The zone promotes mixed use development, including commercial, retail, and residential uses and seeks to encourage and enhance a viable town centre. The proposal, which involves both retail and residential uses, is therefore permissible within the zone.

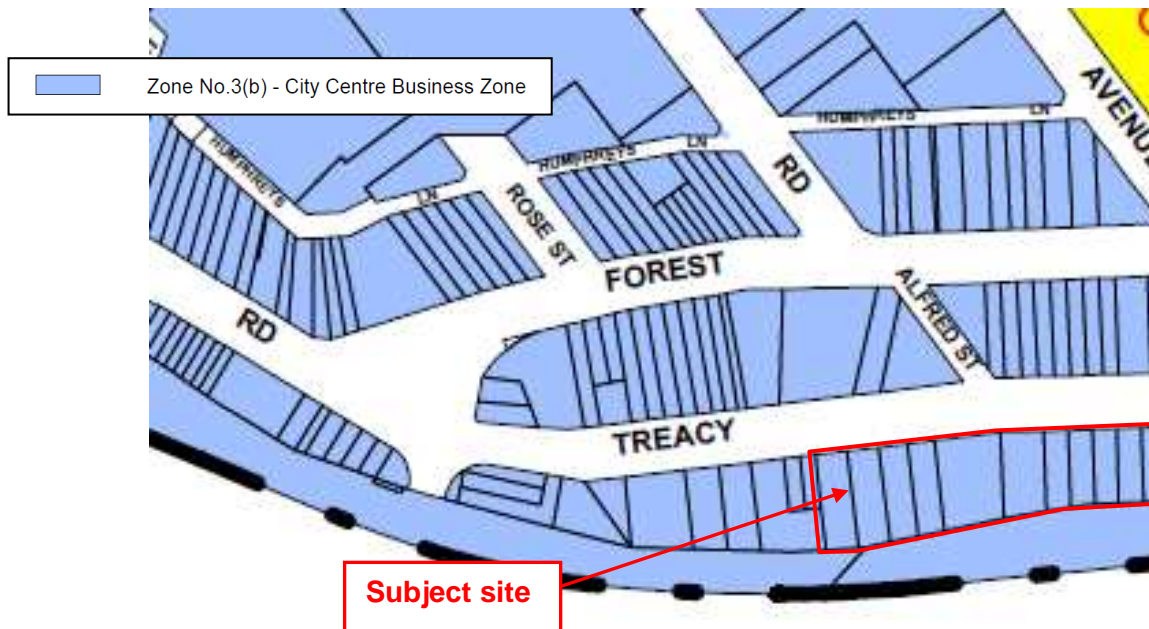


Figure 10: HLEP Zoning Map

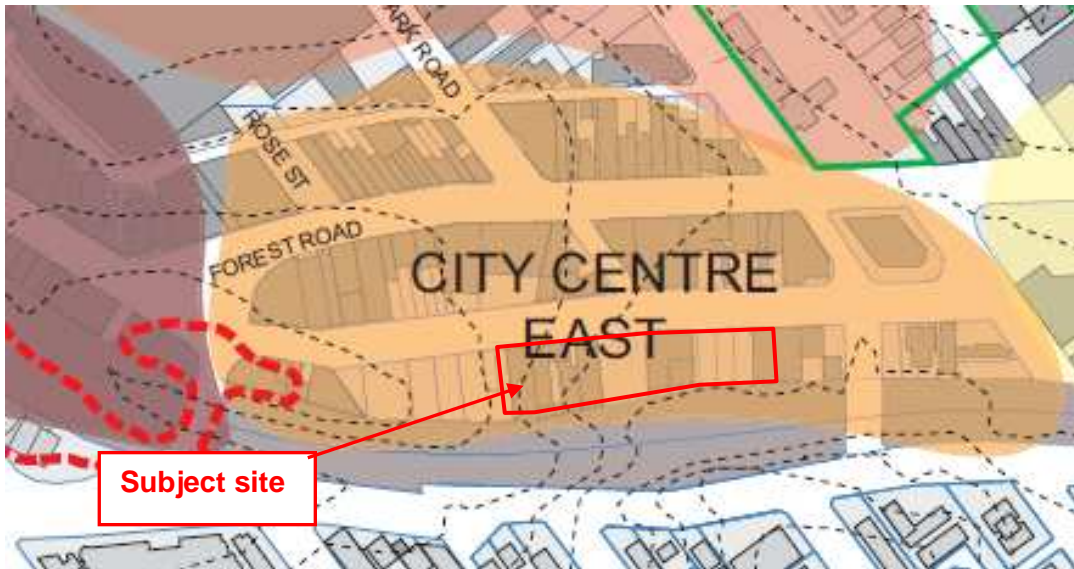
The current height and density controls are contained within Hurstville Council's DCP No. 2, and are detailed below (refer to **Table 2** below):

**Table 2: Height and density controls as contained in Hurstville Council's DCP No. 2**

Control	DCP Requirement
Height	4 – 7 storeys
Density (FSR)	2.2-4.0:1 residential 2.3-3.6:1 commercial

**Hurstville City Centre Concept Master Plan 2004**

The site is located within the City Centre East Precinct of the Hurstville City Centre Concept Master Plan area (refer to **Figure 11**), south east of the central commercial core area. The Master Plan describes Treacy Street as being 'underutilised' with it forming 'rear vehicular and service access to properties in Forest Road'. The subject site is identified as being a future 'Business Incubator Area'. The Master Plan limits the height of any individual building in the central commercial core to 16 storeys and generally encourages the use of high quality materials and strong articulation of building facades.



**Figure 11: Master Concept Plan 2004 – City Centre Precinct**

The Master Plan has been prepared to function as a policy direction for Council and to give some certainty for developers. The document acknowledges that the Council will need to revise and update its policies on its adoption. This revision is currently being achieved through the preparation of the draft LEP 2010.

**Proposed Draft Hurstville Local Environmental Plan (Hurstville City Centre) 2010**

Hurstville Council is currently preparing an LEP which revisits the controls and development requirements for the city centre, as identified in the Council's Master Plan. Hurstville Council resolved on 18 August 2010 to seek permission from the Department of Planning to publicly exhibit the draft LEP. The proposed zoning (refer **Figure 12**) for the site under the draft document is Zone B4 Mixed Use which permits both residential flat buildings and retail premises. It should be noted that the City Centre East Precinct has been excluded from any increase in height or density within the draft LEP, that is the Precinct retains the existing controls from the current DCP No. 2.

The draft LEP has not yet been exhibited. During s62 consultations, the RTA and Transport NSW requested Council prepare a Transport Management and Accessibility Plan (TMAP) for the area, and maintain their objection to the draft LEP until such time that a TMAP has been undertaken. On 20 October 2010, the Department advised the Council of the requirement to prepare a TMAP in order to demonstrate consistency with s117 direction 3.4 – Integrating Land Use and Transport,

before the draft LEP can be exhibited. Council has received an offer of 'deferred' funding from the Department under the LEP Acceleration Fund for the TMPA study, which is yet to commence.

Notwithstanding this, the RTA has raised no objection to the proposal.

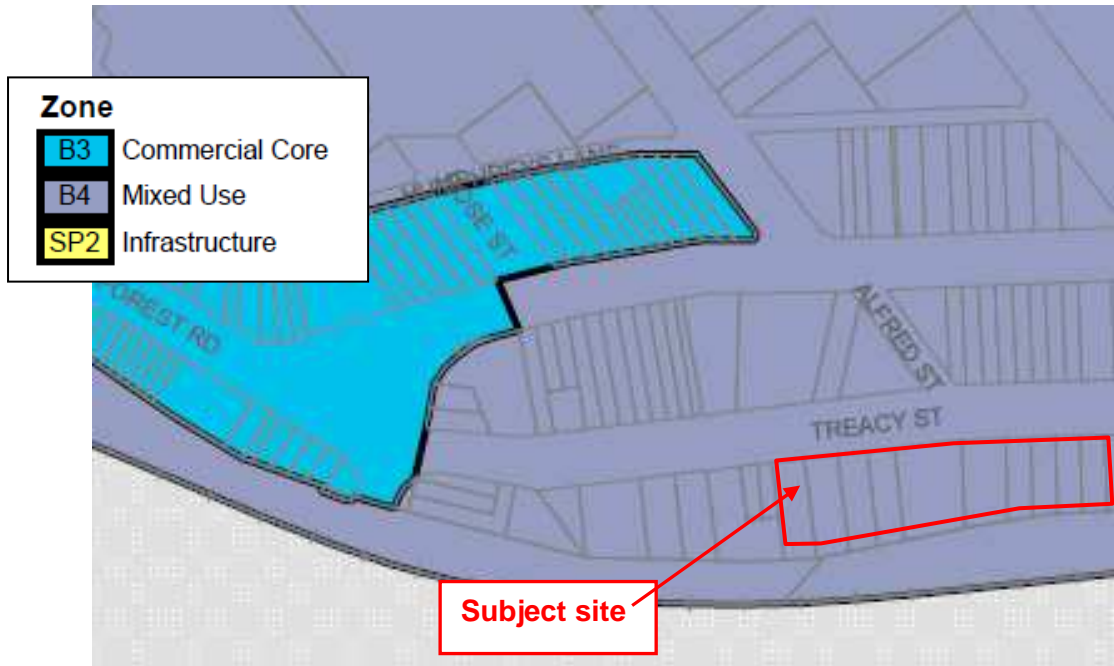


Figure 12: Zoning Map from the draft Hurstville LEP 2010

### 3.3 Environmental Planning Instruments

The Department's consideration of relevant SEPPs and EPIs is provided in **Appendix D**.

### 3.4 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- (a) to encourage:
  - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
  - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
  - (iii) the protection, provision and co-ordination of communication and utility services,
  - (iv) the provision of land for public purposes,
  - (v) the provision and co-ordination of community services and facilities, and
  - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
  - (vii) ecologically sustainable development, and
  - (viii) the provision and maintenance of affordable housing, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The Department has considered the Objects of the Act, including the encouragement of ESD in the assessment of the application. The project does not raise significant issues with regards to the Objects under the Act.

### **3.5 Ecologically Sustainable Development**

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

The project is consistent with the key principles of the ESD. A further detailed assessment against ESD Principles is at **Appendix D**.

### **3.6 Statement of Compliance**

In accordance with section 75I of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements have been complied with.

## 4. CONSULTATION AND SUBMISSIONS

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### 4.1 Exhibition

Under section 75H(3) of the EP&A Act, the Director-General is required to make the environmental assessment (EA) of an application publicly available for at least 30 days. After accepting the EA, the Department publicly exhibited the proposal from 15 December 2010 to 11 February 2011 (total of 58 days) on the Department's website, the Department's Information Centre, and the Hurstville Council Offices. The Department also advertised the public exhibition in the Sydney Morning Herald, the Daily Telegraph and the St George Sutherland Shire Leader newspapers and notified nearby landholders and relevant State agencies and Hurstville City Council in writing.

The Application, Director-General's Environmental Assessment Requirements, Environmental Assessment, and Response to issues raised in submissions (in Preferred Project Report) were placed on the Department's Website. This satisfies the requirements in Section 75H (3) of the EP&A Act.

The Department received a total of 38 submissions during the exhibition of the EA. Of these, 25 submissions were from the general public in support of the proposal, 7 were objections raised by the general public and 6 were from public authorities including Hurstville Council.

### 4.2 Public Authority Submissions

#### Sydney Water

Sydney Water raised concerns relating to the capacity of the existing water main fronting the site in Treacy Street to service the proposed development. The water main will need to be upgraded from a 150mm to a 200mm main for approximately 250 metres from the existing 200mm main at the corner of Treacy Street and Forest Road to the site. Furthermore, although the existing wastewater system has capacity to service the proposal, an extension to the available main which traverses the site will need to be designed and constructed.

In response, the Proponent has included the required connection to the existing water main in the revised Statement of Commitments which can be dealt with in any future Development Applications.

#### Roads and Traffic Authority (RTA)

The RTA, under the Sydney Regional Development Advisory Committee, raised the following issues:

- The submitted traffic report does not contain sufficient detail to properly assess the traffic impact of the subject development on the surrounding road network;
- Hurstville Council has a current application with the RTA to change the flow of traffic on Park Road and The Avenue from one-way pairing to becoming a two-way thoroughfare on both of these roads;
- The loading and service area as proposed is unsatisfactory;
- The swept path plans contained within the traffic report are extremely tight and minimal area has been provided from the manoeuvring of service vehicles;
- The proximity of the proposed retail and residential access driveway to the right turn lane and the shared right turn/through lane from Treacy Street into Alfred Street;
- The proposed number of car parking spaces does not meet the Council's requirements;
- There is a lack of information to assess the accessibility of the development site by public transport; and
- No bicycle parking facilities have been indicated on the submitted drawings.

#### Proponent's Response

In response to the above submission, the Proponent met with RTA officers to resolve these concerns by:

- Providing a complete copy of the traffic report;

- Noting the Council's proposal to change Park Road and The Avenue from one-way to two-way and confirming that the RTA does not require the Proponent to analyse the intersections of these roads with Treacy Street;
- Amending the submitted drawings to indicate that a 8.8 metre truck is able to enter the site, circulate and use the loading dock, and exit in a forward direction;
- Agreeing that the requirement for a road safety audit be imposed as a requirement of any future assessment and undertaken prior to the issue of a construction certificate;
- Confirming that the parking requirements are a matter for consideration by the Department, not the RTA;
- Agreeing that the requirement for a travel access guide be imposed as a requirement of any future assessment and prepared prior to the issue of a construction certificate; and
- Providing amended drawings indicating bicycle parking for residents, employees and visitors.

Based on this additional and amended information, the RTA has advised the Department that, subject to future assessment requirements, they do not raise any objection to the proposal.

### **Kogarah City Council**

Kogarah City Council raised comments regarding the impact of the proposal on surrounding intersections, the lack of on-site parking and the accessibility of the site for construction vehicles. In the first instance, the Proponent has satisfied this concern through their negotiations with the RTA. The issue of on-site parking is discussed in more detail in section 5.3.2 of this report. In regard to construction traffic, a requirement will be imposed requiring a Construction Traffic Management Plan be submitted for approval with future applications.

### **Transport NSW**

Transport NSW requests that a Green Travel Plan be prepared and approved prior to occupation and included as a future assessment requirement. Further, the reduced amount of on-site parking is supported, whilst a co-ordinated car share scheme and secure basement parking and amenities for workers walking and cycling to the site should be provided by the Proponent. In response, the Proponent has amended the requirements and their commitments to providing a Green Travel Plan as part of their Statement of Commitments.

### **RailCorp**

A submission was also received from RailCorp requesting the imposition of future assessment requirements which seek to protect the railway line and other adjoining RailCorp facilities during construction and occupation. These modifications will be included as future assessment requirements on the Concept Plan approval.

### **Hurstville City Council**

The submission from Hurstville City Council raised concerns regarding the proposal's non-compliance with the draft Hurstville LEP (Hurstville City Centre) 2010 and the background and capacity studies undertaken in preparation of this document. Specifically, the Council considers the proposed building height and density to be excessive and out of character with other major centres and regional centres.

Council also raised concerns relating to:

- The flooding overview and drainage analysis provided within the EA does not have regard to the implications of more comprehensive redevelopment of the catchment area within which the subject site is located, as predicted by the draft LEP;
- The traffic and transport implications of the proposed development on the Hurstville City Centre;
- A lack of photographic analysis detailing the impact of the proposal on the existing heritage items at 16 and 18 Treacy Street;
- The submitted Stage 1 Environmental Site Assessment does not contain sufficient analysis of adjoining sites and needs to be more comprehensive. A Stage 2 Environmental Assessment has not been undertaken and neither has a Hazardous Materials Assessment, which is required prior to demolition;

- The internal acoustic assessment does not adequately assess the amenity which would be enjoyed by future residents by not considering all existing and future freight movements, by not assessing the noise environment during the evening and by relying heavily on mechanical ventilation;
- No detailed assessment of derailment protection for the building being included in the EA;
- No wind impact study being included in the EA;
- The view impact analysis is too limited and does not include a commentary to accompany the images;
- A requirement for more detailed and additional geotechnical and groundwater investigations assessing the location and level of groundwater;
- No Crime Prevention Through Environmental Design (CPTED) assessment has been undertaken;
- S94 contributions; and
- A revised Statement of Commitments is required in light of the aforementioned design modifications.

### Proponent's Response

In response to Council's submission, the Proponent states that the design, scale and bulk of the proposed development are based on the principles and direction of the Metropolitan Plan, NSW State Plan and Metropolitan Transport Plan. A more detailed discussion of the issue of height and density is at section 5.1 of this report.

Furthermore, the Proponent's PPR response included:

- an updated assessment of the drainage and flooding issues which concluded that the development will appropriately manage flood risk for its own uses, will have finished floor levels that meet Council's freeboard requirements and will contribute to the long-term improvement in runoff water quality discharged to Council's drainage system;
- a response by Colston Budd Hunt and Kafes Pty Ltd stating that the traffic impacts from the proposal will be minor in comparison to the overall City Centre redevelopment which is being proposed by the Council in the draft HLEP;
- a photographic analysis indicating the location of 18 Treacy Street and the proposed impacts of the development on this heritage item;
- a confirmation that additional assessment will be undertaken regarding contamination, acoustic privacy, derailment protection measures, wind impact studies, derailment protection for the building, and Crime Prevention Through Environmental Design at future project application stage;
- additional view impact analysis showing the building along Alfred Street; and
- revising the Statement of Commitments in light of the design modifications required through the exhibition process.

### **4.3 Public Submissions**

A total of 38 submissions were received from the public during the exhibition period. Of these, 25 submissions support the proposed Concept Plan. The key issues raised in the remaining 7 submissions objecting to the proposal include:

**Table 3: Summary of Issues Raised in Public Objections**

Issue	Number of objections (%)
Traffic congestion	6 (86%)
Creates stress on existing infrastructure, including schools, public transport, electricity, water, waste and sewerage	6 (86%)
Insufficient on-site parking	5 (71%)
No additional community benefit, eg playgrounds, parks, sports ovals	4 (57%)
Excessive density	1 (14%)
Excessive height	1 (14%)
Impact of the building in creating a 'wind screen effect' by virtue of its height and bulk	1 (14%)
No environmental studies have been undertaken to assess impact of the proposal	1 (14%)
Loss of light	1 (14%)

The 25 submissions received in support of the project stated that the proposal:

- Enhances and improves the area;
- Is an exciting design, makes good use of SEPP 65 principles and limits overshadowing on adjoining and surrounding properties;
- Is in a good location near to trains and buses, and in an area with existing infrastructure and amenities for new residents; and
- Presents a good mix of uses, including employment opportunities and affordable housing.

The Department has considered the issues raised in the submissions in its assessment of the project.

## 5. ASSESSMENT

The Department considers the key environmental issues for the project to be:

- Height, Bulk and Scale
- Overshadowing
- Residential amenity
- Traffic, access and parking
- Heritage
- Other issues

### 5.1 Height, Bulk and Scale

The Department has considered the height, bulk and scale of the proposal in the context of adjoining development and the wider Hurstville City Centre, together with associated overshadowing impacts on surrounding properties.

The current height and density controls for the site are contained within Hurstville Council's DCP No. 2 (DCP). The proposed draft Hurstville LEP (Hurstville City Centre) 2010 (DHLEP) proposes the maximum building height and density for the site. These controls are detailed in **Table 4** below.

**Table 4: Height and density controls from the existing and proposed Hurstville Council controls**

Control	DCP No. 2	Proposed Draft LEP	Proposed (PPR)
<b>Height</b>	4 – 7 storeys	15m – 23m	16 storeys / 55 metres
<b>Density (FSR)</b>	2.2-4.0:1 residential 2.3-3.6:1 commercial	3.0-4.0:1	4.89:1 residential 0.89:1 retail 6.78:1 total

As indicated above the proposal exceeds the existing and draft height and density controls for the site.

The Proponent has addressed the merits of the proposed height of the building by submitting a comparative east-west and north-south height study. These diagrams illustrate how the proposed towers relate to the Hurstville skyline. The height study images at **Figures 13** and **14** detail the location and form of the proposed development in relation to the existing City Centre context.

Contextually, the height studies illustrate the site is located in an area which consists predominantly of buildings which range from low to medium rise in the immediate vicinity to a number of taller buildings to the east and west of the site including:

- a 12 storey mixed use building at the corner of Treacy Street and The Avenue;
- the former AMCOR site which is being redeveloped with 8 buildings ranging in height between 23 and 60 metres; and
- 2 buildings adjacent to the Hurstville train station within the Kogarah LGA which have heights up to 16 storeys.

The Department has analysed the east-west height study and considers that the tall towers to the east at the East Quarter development and at Hurstville train station to the west provide a height backdrop similar to the proposed development which will ensure that the height of the proposed new towers does not contrast against the established City Centre skyline, particularly when viewed from the residential area to the south.

In relation to the north-south elevation height study, the Department considers that the proposed towers will frame the southern end of the City Centre, similar to the East Quarter development which is also located close to the railway line.

PLANNING COMPARISONS

CITY CENTRE PROPOSED CROSS SECTIONS:  
WEST-EAST

The east-west cross sections show the comparison between the proposed building height in the DHLEP-HCC and increases in the building height in the Concept Plan, both of which are placed onto the existing topography. The increased building heights on the subject site are extended to the adjoining Council car park site to the west. They also illustrate the improved definition of the urban edge along the Illawarra Rail line.

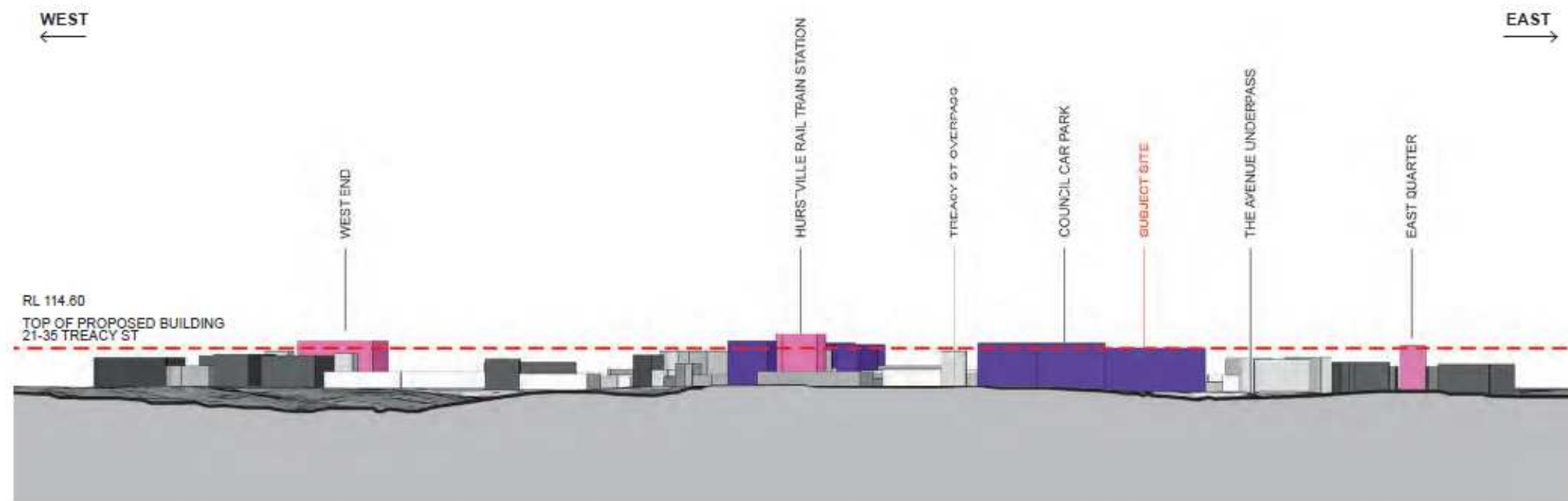
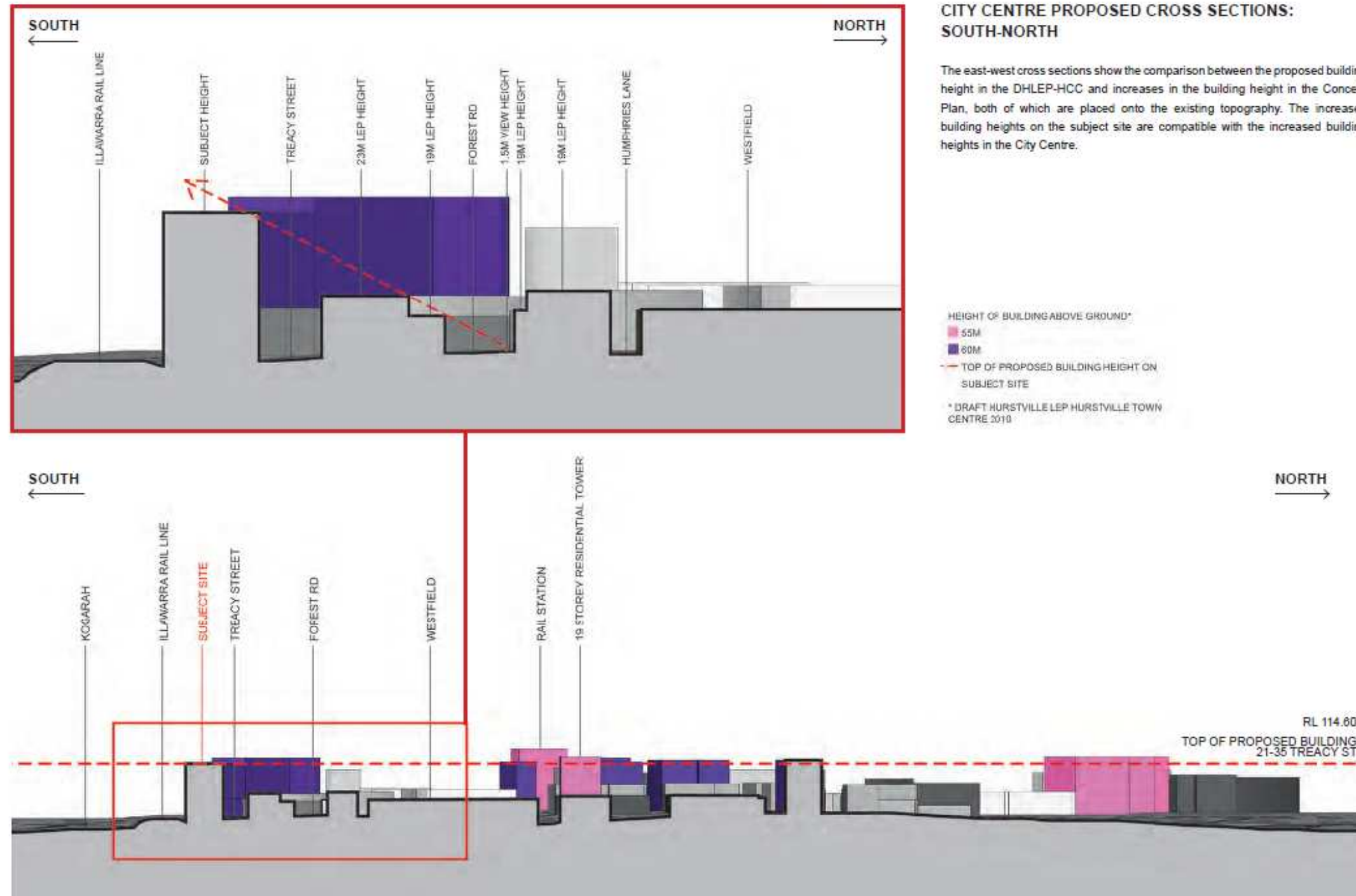


Figure 13: West-East Cross Section



PLANNING COMPARISONS

STANISIC ASSOCIATES ARCHITECTS

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Figure 14: South-North Cross Section

In view of the above height study it is considered that the proposed buildings maintain the Hurstville City Centre environment which is characterised by a mix of taller larger scale buildings. The Department considers that introduction of tall buildings at the southern boundary would therefore be reasonable in this location.

Although the proposed development has a height which is comparable with surrounding buildings, the major point of difference is that other buildings have smaller floor plates. To address this issue and reduce bulk and scale, the proposed building is designed with two tower elements which have the appearance of long building forms due to the site orientation and dimensions. The building envelope will also taper from a maximum of 16 storeys to 13 storeys towards the Council-owned car park to the site's west.

Despite the length of the proposed building envelopes the Department considers that the building has largely been appropriately designed to break up the visual bulk of the envelope. The building separation which aligns with Alfred Street providing views towards Kogarah LGA breaks up the visual mass of the envelopes forming two tower elements (refer to **Figure 15**). The amended scheme, submitted in the PPR, proposes an increased 11 metre separation between the two tower elements from 9 metres as proposed in the EA. The Department considers that further increasing the separation to 12 metres would ensure a greater reduction in the visual bulk and mass of the development. This amendment to the design of the building envelope will be required as a modification in any future Development Application.



**Figure 15: View of proposed development looking south along Alfred Street**

In terms of architectural interest, the building envelope has been designed with an articulation zone and recesses within the Treacy Street elevation which will form vegetated skygardens, further

reducing the bulk and scale of the proposal. To ensure that the development achieves a high standard of architectural design in the Project Application stage, a future assessment requirement will be imposed requiring a high level of modulation and articulation of the building and a range of high quality materials and finishes.

Furthermore, the reduced height at the western end to 13 storeys of the proposal provides further articulation and improves the visual appearance of the proposal.

In view of the above the Department considers the building envelope has largely been appropriately designed to reduce its visual bulk and scale. Future applications will be able to provide further detailed design to demonstrate a high level of building articulation and façade treatment.

Overall, the Department supports the proposed height, bulk and scale of the proposal as:

- there are other tall buildings, up to 16 storeys, in the vicinity of the subject site and height studies illustrate that the proposal will not contrast against the city centre skyline ;
- the building envelopes have been appropriately designed to reduce the overall bulk and scale of the proposal; and
- the proposal is consistent with the objectives of the Metropolitan Plan and the draft South Subregional Strategy which seeks to promote higher density developments in close proximity to transport hubs and job opportunities.

## 5.2 Overshadowing

The Department has considered the impact of the proposal on adjoining properties in terms of amenity impacts, particularly overshadowing. Given the extent of overshadowing cast towards properties in the south, the Proponent was requested to provide an additional analysis of overshadowing impacts.

In their PPR, the Proponent provided a more detailed analysis of the overshadowing impacts of the proposal on sites south of the railway line. The shadow diagrams (refer to **Appendix C**) indicate the extent of overshadowing resulting from the proposal during the mid-winter solstice, 21 June, for each hour between 9am and 4pm. They also provide additional drawings for 2pm and 3pm on 21 March/September, 2pm on 21 April/August, and 2pm and 3pm on 10 May and 21 May.

These drawings illustrate that, at the winter solstice, sites between 546 Railway Parade and 522 Railway Parade are overshadowed for 3 hours or more by the proposed development. Of these sites however, only one site at 522 Railway Parade (6 units) is likely to have reduced solar access to private open space and living areas (refer to **Figure 16**). Generally, living rooms and private open space areas of other residential sites are oriented away from Railway Parade and the railway line which lie to the north and retain existing solar access to private open space and living rooms.

The private open spaces and living rooms for 522 Railway Parade are located along the south-western façade of the building. Currently, these areas receive sunlight on the mid-winter solstice (between 9am -3pm) for approximately 1 hour, between 2pm and 3pm. The proposed building envelope will overshadow these units for the afternoon period and will reduce the ability of this property to receive sunlight at the mid-winter solstice. The additional overshadowing to these units is however considered to be acceptable given:

- current solar access to the units is compromised by the south west orientation of the building which only currently receives 1 hour of sunlight; and
- at other times of the year overshadowing impacts improve. At May/July 4 of the 6 units are overshadowed by the development and at April/August 21 and at the equinox the proposal does not overshadow the units.

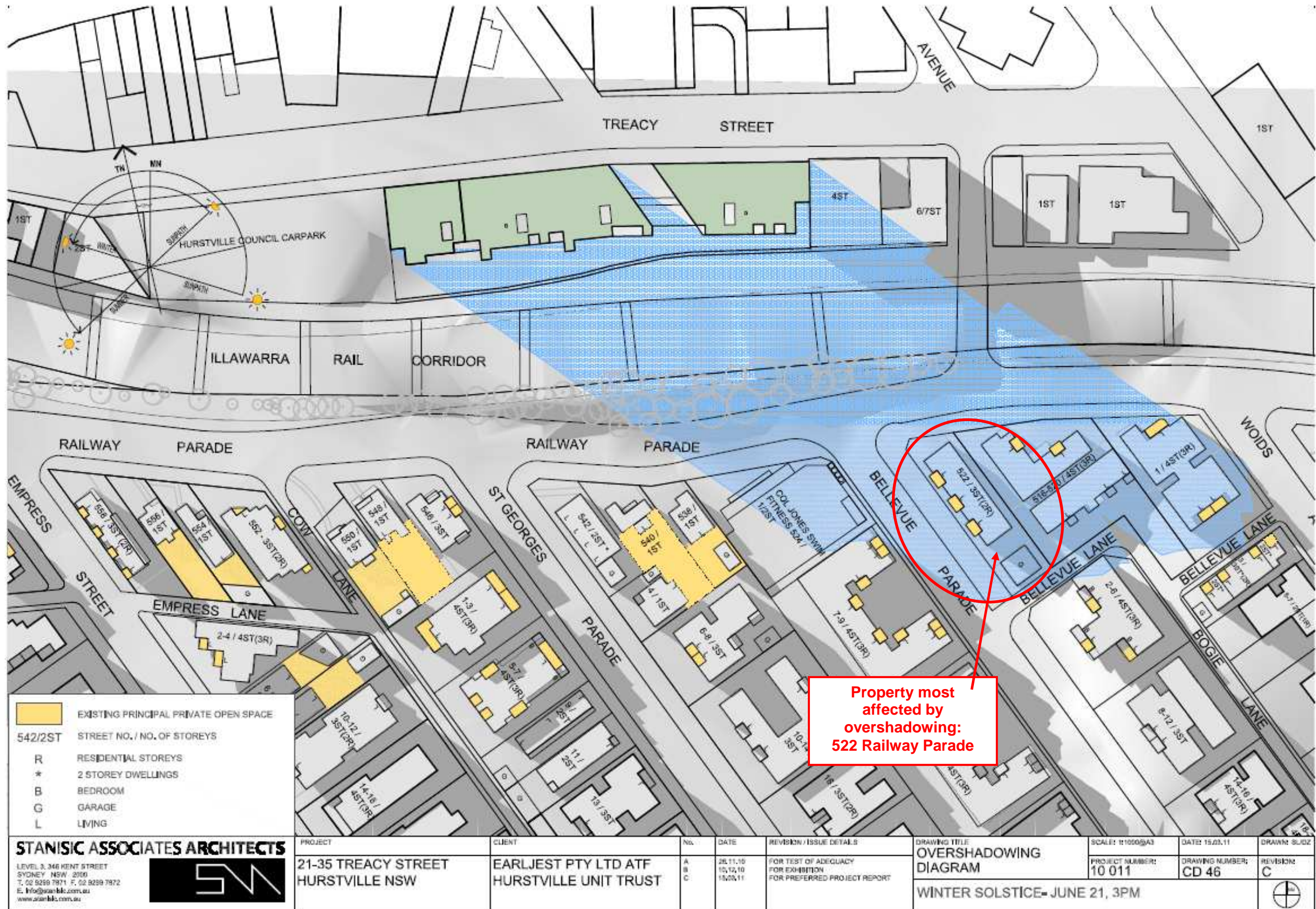


Figure 16: Overshadowing impacts of the proposal on the properties to the south of the railway line on 21 June at 3pm

It should also be noted that there are existing mature trees with a dense canopy located along the western boundary of the site. Although these trees would afford residents visual and acoustic privacy from Railway Parade and the railway line, they also impact upon the residents' current access to sunlight.

Despite the additional overshadowing, the Department considers that the impact is reasonable given all sites to the south, with the exception of one site, will still maintain reasonable/existing levels of solar access to living rooms and private open space. Given the site's location within the City Centre East Precinct, together with the Metropolitan Plan's strategic imperative of locating additional height and density in close proximity to public transport and job opportunities, it is considered that the extent of overshadowing of sites to the south is acceptable in this instance.

### 5.3 Residential Amenity

Amenity impacts of the proposal have been considered against relevant policies including the *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings* (SEPP 65) and the accompanying *Residential Flat Design Code* (RFDC).

The Concept Plan only provides indicative building and apartment layouts and strict compliance with the RFDC criteria can be demonstrated by the Proponent in future applications. Notwithstanding this, the proposal generally meets the requirements of SEPP 65 as discussed in the following assessment.

#### 5.3.1 Building Separation

The Code recommends minimum building separation distances, dependent on building height, in order to maximise visual and acoustic privacy between residential flat buildings and to minimise the bulk and scale of the building. Where buildings exceed 25 metres in height, the RFDC requires a 24 metre separation between habitable rooms and a 12 metre separation between non-habitable rooms. The exhibited tower elements were setback approximately 9 metres from each other and therefore do not comply with the Code's requirements.

The Proponent's PPR increased the separation between the two tower elements to 11 metres. Furthermore, the windows facing into the gap from the eastern tower have been deleted to reduce potential privacy impacts. The Proponent argued that the RFDC '*does not have a requirement for separation between buildings where there is a habitable or non-habitable room adjacent to a blank wall*' and that the development should be assessed against the requirement of 12 metres for the distance between habitable and non-habitable rooms.

The Department accepts that the amendments meet the Code's intention of non-habitable to non-habitable building separation requirements given the eastern tower has no external openings facing the western tower. However, the Department considers that the building separation between the two tower elements should be increased from 11 metres to 12 metres to meet the minimum separation requirements. This increase will ensure that privacy impacts are minimised between the apartments framing the gap between the towers. Also, the increase in separation will enhance the visual gap between the building envelopes at the southern end of Alfred Street, which is also consistent with the principles prescribed within Council's controls which seek to provide a view corridor towards Kogarah LGA.

#### 5.3.2 Building Depth

The Code recommends building depths be no greater than 18 metres (glass line to glass line). Should building depths be more than 18 metres, satisfactory daylight and natural ventilation are to be achieved. The aim of the control is to maintain residential amenity within the units and to reduce the bulk and visual appearance of buildings. The building depth varies from 16 metres to 20 metres (excluding the 3 metre articulation zone).

The Department considers the proposed building envelope and apartment depths are acceptable at the Concept Plan stage. The variations are minor, the buildings provide adequate solar access and cross ventilation (see section 5.2.3 of this report) and with the inclusion of open plan living areas, balconies on all apartments and minimising the depth to kitchen windows will ensure that the units will receive satisfactory daylight and natural ventilation.

It is expected further design development will occur at future application stages, which will introduce greater building articulation and recesses in the façade to reduce the depth of the building. A future assessment requirement is recommended accordingly.

### **5.3.3 Natural Ventilation, Solar Access and Single Aspect South Facing Units**

The Code recommends that 60% of units should be naturally cross ventilated. Indicative floor layouts submitted with the PPR demonstrate that approximately 66% (171 units) will be capable of being naturally cross ventilated.

The Code requires as a rule of thumb that 70% of living rooms and private open spaces of units receive a minimum of 3 hours direct sunlight between 9am and 3pm mid winter. Indicative floor levels illustrating unit layouts show that 180 out of 257 units (70%) will achieve the recommended 3 hours of direct sunlight.

The RFDC notes that maximising the number of apartments with a northern orientation for solar access is an important consideration. The orientation of the building and the design and layout of the proposed units results in 26 (10%) single aspect south facing dwellings.

The Department considers that the proposal adequately addresses the requirements of the RFDC in these instances.

### **5.3.4 Open Space and Communal Space**

The Code recommends that 25% of the site be communal open space, with 25% of this being a deep soil zone. The Code provides that exceptions to this requirement may be permissible in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the residential flat building.

The Concept Plan proposes the following communal open space areas within the development:

- Level 1 – Communal Courtyard – 1,168m<sup>2</sup>
- Level 4 – 2 x Garden Terraces – 382m<sup>2</sup>
- Level 7 – Garden Terrace – 225m<sup>2</sup>
- Level 10 – Garden Terrace – 135m<sup>2</sup>
- Level 13 – Roof Garden – 469m<sup>2</sup>

This equates to 2,379m<sup>2</sup> or 56.7% of the site which is dedicated communal open space.

In their PPR, the Proponent clarifies that the site also contains an area of deep soil planting located to the south west of the site. This area has a soil depth of 3 metres to sustain mature planting and an area of 260m<sup>2</sup>. Although this calculates at 10.9% of the open space provision, the Proponent has included a Commitment to employ Water Sensitive Urban Design features such as rainwater harvesting and rain gardens. These will be subject to detailed design through a future Development Application.

Given the existing site constraints, namely its narrow width adjoining a railway line and the existing built up nature of Treacy Street, the Department considers that reliance on rooftop communal landscaped areas, proposed deep soil landscaping and use of environmentally sustainable techniques is acceptable in this instance.

## 5.4 Traffic, Access and Parking

### 5.4.1 Traffic and Access

The RTA, Transport NSW, and Hurstville and Kogarah Councils raised concern regarding the ability of the existing road network and nearby intersections to accommodate the increase in traffic, both during and after construction, resulting from the proposed scheme.

A Traffic and Parking Assessment was included in the EA which examined traffic impacts on the surrounding road networks. This Assessment provided that:

- given the site's location close to public transport, the amount of parking provided on site will be reduced;
- the intersections of Forest Road/Park Road/Alfred Street and Forest Road/The Avenue are currently experiencing high degrees of saturation;
- the driveway gradients to the loading dock do not comply with Table 3.2 in Australian Standard AS2890.2 Part 2 Off Street Commercial Vehicle Facilities as the driveway requires lengthening; and
- a Green Travel Plan should be adopted to encourage greater use of public transport, cycling, walking and car sharing.

In response to the Proponent's EA, Hurstville Council commissioned an independent assessment of the traffic impact of the proposed development. In terms of the traffic implications of the proposal on the existing road network, the assessment concluded that:

- the current traffic analysis does not consider the Council's projected future growth as proposed under its draft LEP;
- a 'Green Travel Plan' needs to be prepared to encourage sustainable travel modes, especially in terms of changing travel behaviour and parking demand ; and
- the proposed servicing facilities do not facilitate efficient and conflict free servicing.

In response to the issues raised, the Proponent met with the RTA and commissioned an addendum traffic report. Following the Proponent's meeting with the RTA, the RTA advised the Department they no longer raised any objection to the proposal and requested that the Proponent submit an Independent Road Safety Audit to the Council as part of any future application. In addition should any amendments to the proposal or findings of the Independent Road Safety Audit impact on the operations of nearby traffic signals, then this supplementary information should be submitted to the RTA for review and comment.

For the most part, the addendum report has clarified and resolved many of the issues including:

- a traffic assessment will focus on the impact of the proposal on the surrounding road network;
- a vehicle with a maximum length of 8.8 metres will be able to enter the site, manoeuvre within it and exit in a forward direction;
- agreeing to include a Green Travel Plan and travel access guide for the building as part of any future project application;
- providing a car share vehicle space within the basement parking;
- providing bicycle parking and facilities for residents, workers and visitors to the site; and
- maintaining a reduced car parking rate to alleviate congestion in and around the site.

Notwithstanding the above, the Department requests that the Proponent undertake further assessment of the impact of the proposal on the following intersections to ensure the proposal does not lead to adverse impacts on the surrounding road network:

- Forest Road and The Avenue;
- Railway Parade and The Avenue; and
- Forest Road, Park Road and Alfred Street.

The intersections of Forest Road/Park Road/Alfred Street and Forest Road/The Avenue will require further analysis given the level of service changes from C to D and from C to F respectively. In this regard, the Proponent's original traffic report recommended '*that the intersection at Forest*

Road and The Avenue is unsatisfactory in the pm peak hour and requires additional capacity or reduction in the traffic volume turning right into The Avenue'. It is also noted that the intersection of Railway Parade and The Avenue was not modelled for the proposed development.

Given the concerns raised by both Councils in relation to the performance of this intersection it is considered reasonable to require the intersection to be modelled at future application stage. A future assessment requirement is recommended accordingly.

In summary, based on the RTA's advice and the recommended future assessment requirements the Department considers the traffic impacts are acceptable.

#### 5.4.2 Parking

The RTA, Hurstville and Kogarah Council raised concern regarding the proposed number of car parking spaces to be provided within the 3 basement levels. The existing car parking controls are contained within Council's DCP No. 2 (refer to **Table 5**). The parking calculations are based on the amended scheme provided in the Proponent's PPR of 20,513m<sup>2</sup> (257 units) residential GFA and 3,726m<sup>2</sup> retail GFA.

**Table 5: Parking controls**

Use	Rate (per m <sup>2</sup> )	Min. % on site	Required	Provided
Retail	25	70	105 – 150	79
Residential	100	100	206	196
Visitor	1 per 4 units	100	65	0*
Total			376 – 421	275

\* see Proponent's explanation below

The proposal includes the provision of 275 car parking spaces. The Proponent argues that a reduction in the amount of parking is acceptable as:

- according to the 2006 Census, only 71.4% of Hurstville LGA residents drive to work which suggests that a reduced rate of parking provision for the retail use is reasonable;
- as car parking for residential visitors is likely to occur mainly in the evenings and on weekends at times when the retail shops are trading below peak capacity, it has been assumed that visitors will be able to access vacant retail parking spaces and therefore provision has been made for shared visitor/retail parking.

Hurstville Council's independent assessment of the parking impact of the proposed development concluded that:

- the significant departure from Council's parking rates are not considered sustainable and will likely reflect adversely in nearby precincts; and
- the parking strategy lacks detail and raises significant concerns in respect of adverse impacts on residential neighbourhoods.

The Department supports proposals with reduced car parking levels near public transport. The accessibility of this location, in walking distance to Hurstville train station and bus interchange, means that a reduced parking rate is considered acceptable in this instance. Residents are likely to use a range of transport options that service the site, rather than relying heavily on private vehicles.

The Proponent is also proposing to incorporate measures to encourage and promote public transport use, walking and cycling, through the inclusion of a Green Travel Plan. These measures will be further addressed during future Project Applications.

On balance, the Department considers the amount and location of parking is sufficient, with the reduced parking provision being supported in this instance.

## 5.5 Heritage

The Council raised concern regarding the impact of the proposal on the existing heritage buildings at 16 and 18 Treacy Street, located opposite the site. In particular, they were concerned that no analysis had been undertaken by the Proponent to ensure the protection of the integrity of these items. Both of these buildings are contained in Part 2, Schedule 2 of the HLEP 1994, which states that a portion of the rendered facades are considered to be of local heritage value.

Nos. 16 and 18 Treacy Street are located to the north of the site. No. 16 is bounded by Alfred and Treacy Streets. The building is situated along Alfred Street, with a large grade car park area being along the Treacy Street frontage. The building's rendered façade along Treacy and Alfred Streets is included in Hurstville Council's list of local significance items. No 18 is a 2 storey building which currently houses a Youth Centre. The rendered façade to the upper part of the building is also included in Hurstville Council's local significant heritage items list.

A Heritage Impact Statement (HIS), prepared by Cracknell Lonergan Heritage Architects, was included with the EA. The HIS concluded that the 'proposal will have no adverse affect on the heritage significance of the items in the vicinity'.

In their PPR, the Proponent submitted a heritage view analysis looking east along Treacy Street. This drawing shows the relationship between the existing two storey building at No. 18 and the lower part of the proposed building. No.16 is not visible in this view as it has direct frontage on to Alfred Street and is setback from its Treacy Street boundary.

The ground level of the proposal will be setback 3 metres from the Treacy Street boundary which is consistent with the height of the heritage item at No. 18 and helps maintain its heritage integrity. The setback will reiterate and reinforce the 2 storey height datum and retail interface to Treacy Street established by the heritage buildings on the northern side of Treacy Street (refer to **Figure 17**).



**Figure 17: Heritage View Analysis**

## **5.6 Other Issues**

### **5.6.1 S94 Contributions**

The Proponent has indicated that they will pay developer contributions to the Council in line with the existing S94 Contributions Plan, including provisions for open space, library and information services, community services and facilities, drainage, management (within Council), traffic management and car parking, and urban spaces at the Development Application stage. This provision will be imposed as a requirement for any future assessment.

### **5.6.2 Drainage and Utilities**

In response to the submissions received, the Proponent confirmed that the building will be designed to connect to existing sewer, water, drainage, power and telecom services. The Department is satisfied that, subject to future project application requirements, the proposal will not overload the existing infrastructure.

### **5.6.3 Flooding**

The PPR confirmed that the proposal will appropriately manage its own flood risk and will have finished floor levels which meet Council's freeboard requirements and will include Water Sensitive Urban Design features such as rainwater harvesting and rain gardens. The Department is satisfied that, subject to modifications and future project application requirements and the revised Statement of Commitments, the proposal will be acceptable.

### **5.6.4 Railway Noise and Vibration**

The site adjoins the Eastern Suburbs and Illawarra Railway Line and will be affected by noise and vibrations from passing commuter and freight trains. In order to mitigate against these effects, the Proponent is incorporating the recommendations from their Acoustic Report, including selecting appropriate building materials, mechanically ventilating nominated spaces and ensuring compliance with the Building Code of Australia requirements. Furthermore, RailCorp has recommended future assessment requirements to ensure that their infrastructure and property is protected during both construction and occupation.

### **5.6.5 Sydney Airports Commission**

Although the proposed building height does not exceed the Obstacle Limitation Height imposed by the Sydney Airports Commission (SAC), it is recommended that the Proponent consult and seek approval from SAC prior to submission of any future applications. A future assessment requirement is recommended accordingly.

### **5.6.6 Privacy**

Impacts from the proposal will be minimal as it has the benefit of facing public streets to the north and the railway line to the south. Accordingly, the majority of building elevations overlook the street rather than neighbouring properties. Furthermore, the amended design in the PPR removed openings in the elevation of the eastern tower, which faces into the gap between the towers, thereby reducing the potential of overlooking between dwellings in the tower elements. As such, there are no other privacy concerns relating to the proposal.

## **6. RECOMMENDATION**

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The Department has assessed the merits of the proposal taking into consideration the issues raised in public submissions and is satisfied that the impacts have been addressed in the EA and PPR and related documentation, the Statement of Commitments and recommended future assessment requirements. It is considered that the impacts can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance, pursuant to Section 75J of the Act.

The key issues of the proposal relate to the appropriateness of the height and bulk of the proposed building envelope. Contextually, there are existing and proposed buildings which have a similar height to that being proposed in both Hurstville and Kogarah Council areas. The proposal will not result in unreasonable overshadowing on properties to the south of the railway line given their orientation. The Department considers that the proposal offers an opportunity to provide high density retail and residential development near to a transport hub, thereby meeting the objectives of the Metropolitan Plan and draft South Subregional Strategy.

Other issues relating to traffic and transport implications, capability of existing local infrastructure to support the scheme and residential amenity are addressed in the PPR, the revised Statement of Commitments and the recommended requirements for future assessment.

On balance, the proposed Concept Plan is considered appropriate for the following reasons:

- The proposal will provide increased retail and housing within the City Centre East Precinct and near to public transport infrastructure;
- The proposed land uses will enable the development to assist the Council in achieving additional dwelling and job numbers as required by the Metropolitan Plan and draft South Subregional Strategy;
- The project has demonstrated that the building envelope will generally comply with the requirements of SEPP 65, with areas of non-compliance being addressed in future Project Applications; and
- The proposed building height is consistent with the broader context of existing and proposed taller buildings near to the Hurstville train station and impacts upon neighbouring properties are considered to be reasonable.

The Department considers the proposed development is in the public interest as it will provide public benefits that are of merit and will assist in the renewing of the Hurstville City Centre East Precinct. As such, the Department recommends that the Concept Plan be approved, subject to the modifications and future assessment requirements.

**Director**  
**Metropolitan and Regional Projects South**

**Director General**

## **APPENDIX A. ENVIRONMENTAL ASSESSMENT**

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See the Department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4083](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4083)

## **APPENDIX B. SUBMISSIONS**

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See the Department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4083](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4083)

## **APPENDIX C. PROPONENT'S RESPONSE TO SUBMISSIONS**

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See the Department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4083](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4083)

## APPENDIX D. CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

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### Ecologically Sustainable Development (ESD) principles

There are four accepted ESD principles:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

The Department has considered the development in relation to the ESD principles and has made the following conclusions:

**Precautionary Principle** – It is considered that there is no threat of serious or irreversible environmental damage as a result of the proposal. The site has been developed for some time and does not contain any threatened or vulnerable species, populations, communities or significant habitats. The site therefore has a low level of environmental sensitivity.

**Inter-Generational Principle** – The proposal represents a sustainable use of the site as the redevelopment will utilise existing infrastructure and make more efficient use of the site. The redevelopment of this site will also have positive social, economic and environmental impacts.

**Biodiversity Principle** – Following an assessment of the Proponent's EA and PPR, it is considered with appropriate certainty that there is no threat of serious or irreversible environmental damage as a result of the proposal. The site has been developed for different purposes for some time and has a low level of environmental sensitivity. There is little to no natural vegetation on the site and the site does not contain any threatened or vulnerable species, populations, communities or significant habitats. Therefore the proposal will not impact upon the conservation of biological diversity or ecological integrity.

**Valuation Principle** – The approach taken for this project has been to assess the environmental impacts of the proposal and identify appropriate measures to mitigate adverse environmental effects and maximise energy efficiency through design. The mitigation measures include the cost of implementing these measures in the total project cost. The Proponent is committed to ESD principles and has reinforced this through compliance with the requirements of the RFDC by maximizing cross ventilation, solar access and natural light through apartments in the modified PPR proposal. The above measures will be included in the total cost of the project and considering greenhouse gas emissions linked to environmental performance, accessibility and travel the proposal is considered to be acceptable.

### Statement of compliance

Under Section 75I of the EP&A Act 1979 and Clause 8B of the EP&A Regulation 2000, the Director-General's report is required to include a statement relating to compliance with the environmental assessment requirements with respect to the project.

The Department is satisfied that the environmental assessment requirements have been complied with.

### Section 75I(2) of the Act

Section 75I(2) of the EP & A Act and Clause 8B of the *Environmental Planning and Assessment Regulation 2000* provides that the Director-General's report is to address a number of requirements. These matters and the Departments response are set out as follows:

<b>Section 75I(2) criteria</b>	<b>Response</b>
Copy of the proponent's environmental assessment and any preferred project report;	The Proponent's EA is at <b>Appendix A</b> and Preferred Project Report <b>Appendix C</b> .
Any advice provided by public authorities on the project;	A summary of the advice provided by public authorities on the project is set out in Section 4 of the report.
Copy of any report of a panel constituted under Section 75G in respect of the project;	No statutory independent hearing and assessment panel was undertaken in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project;	Each relevant SEPP that substantially governs the carrying out of the project is identified below, including an assessment of the impact of the SEPP on the development proposal.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division,	An assessment of the development relative to the prevailing environmental planning instrument is provided in Section 5 of this report and also below.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate;	The environmental assessment of the Concept Plan is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The environmental assessment of the Concept Plan is this report in its entirety.

The DG's report to the Minister for the proposed project satisfied the relevant criteria under Clause 8B of the EP&A Regulation as follows:

<b>Clause 8B criteria</b>	<b>Response</b>
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in Section 5 of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest/public benefits are discussed in this report.
The suitability of the site for the project	This is discussed in Section 3 of the report.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in Section 4 of this report.

To satisfy the requirements of section 75I(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

Relevant EPIs considered in this assessment include:

- Hurstville Local Environmental Plan 1994;
- Hurstville City Centre Concept Masterplan 2004; and
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

Other controls considered in the assessment of the proposal include:

- State Environmental Planning Policy No. 55 – Remediation of Land; and
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007

The provisions of development standards of local environmental plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R Part 3A of the Act. Notwithstanding, the objectives of the above EPIs, relevant development standards and other plans and policies that govern the carrying out of the project have been considered in this assessment in accordance with the DGRs.

## COMPLIANCE WITH PRIMARY CONTROLS

### Hurstville Local Environmental Plan 1994 (HLEP)

The proposal has been considered against the requirements of the HLEP. The only requirement which affects this proposal is the zoning designation of 3(b) City Centre Business. As indicated in the body of the report, the retail and residential uses which are proposed in the Concept Plan comply with the HLEP.

### Hurstville City Centre Concept Master Plan 2004

The site is located within the Hurstville City Centre Concept Master Plan area. The key objectives of this document include improving pedestrian movement and introducing a balanced approach to height and density. The Concept Plan includes measures to improve the pedestrian environment in and around the site by cantilevering the building at ground floor level to provide covered access and by proposing to plant street trees and introduce street furniture within the footpath at the front of the building. With regard to the height and density, the proposed building envelope exceeds Council's controls for the site however, as indicated through the assessment of the scheme (refer Section 5 of the report), it is consistent and comparable with other larger developments within its vicinity and supports the Department's desire for higher density developments near to transport hubs and city centres.

### State Environmental Planning Policy No. 65 (SEPP 65) – Design Quality of Residential Flat Buildings

SEPP 65 seeks to improve the design quality of residential flat development through the application of a series of 10 design principles. An assessment against these principles is given in the below table.

A Design Verification Statement has been provided by Stanisic Associates Architects, stating that the subject development has been designed having respect to the design quality principles.

Key Principles of SEPP 65	Department Response
Principle 1: Context	The retail and residential uses proposed within this Concept Plan comply with the extant and proposed zoning for the site and will regenerate and bring activity to this part of the City Centre East precinct.
Principle 2: Scale	The proposed height of the building is consistent with other tall buildings within the vicinity of the site, some of which have been approved with a maximum height of 16 storeys. In terms of the proposed scale, a recommendation of this approval is for any future project applications to increase the separation between the two tower elements which will reduce the bulk of the proposed building, rendering it more similar to the scale to these existing taller buildings.
Principle 3: Built Form	The built form is punctured with 'cut outs' which form a series of 'skygardens' for future residents and provide architectural interest within the appearance of the building. The façade treatment will be articulated and the use of high quality finishes will result in a high quality building.
Principle 4: Density	The proposal contributes towards the cumulative number of dwellings which have been identified within the Metropolitan Plan for the Hurstville LGA. The dwellings are of an appropriate size and scale to facilitate a range of living arrangements.

Principle 5: Resource, Energy and Water Efficiency	The exhibited EA included an ESD Statement which established the green benchmarks which will be sought through the detailed design of the proposal. At any future project application stage, the Proponent will be required to undertake all appropriate, and relevant, environmental assessment, including BASIX, to ensure a resource, energy and water efficient building.
Principle 6: Landscape	The proposal includes street trees within the Treacy Street footpath and hard and soft landscaping within a communal courtyard (level 1), skygardens (levels 4, 7 and 10) and on the roof. The proposed street trees comply with Council's required planting and Concept Masterplan for the site.
Principle 7: Amenity	Generally, the proposal complies with the requirements of SEPP 65 and with the recommended standards of the Residential Flat Design Code in terms of meeting acceptable standards of residential amenity. The proposed dwellings will have satisfactory access to solar energy, natural ventilation and privacy.
Principle 8: Safety and Security	The building will be designed to take into consideration principles of Crime Prevention through Environmental Design (CPTED). A more detailed assessment against the criteria of CPTED will be undertaken at future project application stage.
Principle 9: Social Dimensions and Housing Affordability	The development provides a range of accommodation types, including 74 x one bedroom units (28.8%), 171 x two bedroom units (66.6%) and 12 x three bedroom units (4.7%). The proposal also includes 26 (10%) adaptable dwellings. The delivery of this range of accommodation and facilitates the creation of a mixed and balanced community.
Principle 10: Aesthetics	The building is articulated and includes a variety of heights, materials and colours which provide an interesting streetscape appeal. The building contributes towards a desirable streetscape character, complementing the existing and future character of surrounding development.

An assessment of the proposal against the Residential Flat Design Code is set out below:

	RFDC requirement	Proposed (PPR)	Complies?
<b>Building Separation</b>	> 18m	11m	NO
<b>Building depth</b>	10m – 18m	20m	NO
<b>Naturally cross ventilated</b>	Min 60% of units	66%	YES
<b>Kitchens with natural ventilation</b>	Min 25%	> 25%	YES
<b>Single aspect apartment- distance from window</b>	Max 8m	Max 9m	Only 2 units do not comply
<b>Depth of kitchen from window</b>	Max 8m	30% do not have access to window but part of a combined living/dining room	Generally complies
<b>Apartment Size (min)</b>	1 bedroom= 50m <sup>2</sup> 2 bedroom= 70m <sup>2</sup> 3 bedroom = 95m <sup>2</sup>	1 bedroom = min. 50m <sup>2</sup> 2 bedroom = min. 70m <sup>2</sup> 3 bedroom = min. 103m <sup>2</sup>	YES YES YES
<b>Balcony Depth</b>	Min 2m	Min 2m	YES
<b>Floor to ceiling heights</b>	≥2.7m	3.05m	YES

In light of the assessment detailed in Section 5.3 of this report above, and the recommended modifications to the design of the building envelope, it is considered that the proposal displays an acceptable level of consistency with the Principles in SEPP 65 and the accompanying RFDC.

## **COMPLIANCE WITH OTHER CONTROLS**

### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

SEPP – BASIX aims to establish a scheme to encourage sustainable residential development across New South Wales.

As Concept Plan approval is sought for an indicative built form of the development only, it is considered that detailed design considerations under BASIX will be more appropriately assessed at a future project/development application stages. The Concept Plan will be modified to ensure that future project/development applications for the proposed residential tower comply with BASIX.

### **State Environmental Planning Policy No. 55 (SEPP 55) – Remediation of Land**

SEPP 55 requires a consent authority to consider whether the land is contaminated, and if so, whether the land will be remediated before the land is used for the intended purpose. The Proponent has undertaken a Stage 1 Environmental Site Assessment and has included its findings within the submission. This study concludes that the site has been predominantly used for commercial purposes since the 1930's, including an underground storage tank, bowzers and refuelling area, mechanical workshop areas, panel repairs and spray painting areas and imported fill materials used for site levelling.

In light of these former uses, the Proponent has committed to undertaking a field based investigation comprising a Stage 2 Environmental Site Assessment, which will be included within a Project Application submission. The Proponent has also committed to undertaking a Hazardous Materials Assessment prior to any site demolition.

The Department is satisfied with the Proponent's approach to this issue.

### **State Environmental Planning Policy (Infrastructure) 2007**

State Environmental Planning Policy (Infrastructure) requires that relevant public authorities be consulted with about certain development during the assessment process or prior to development commencing. As such, the RTA has been notified and given the opportunity to make representations in respect of the proposed development. Section 4.2 of this report details the RTA's comments and the Departments response to them. The Department will also notify the RTA of its determination of the subject proposal.

## **APPENDIX E. RECOMMENDED INSTRUMENTS OF APPROVAL**

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