



1 July 2011

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

Executive Summary

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

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

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

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

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

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

The Proposal

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

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

Delegation to the Commission

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

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

The Assessment Report

The DG report identified the following key issues:

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

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

Meeting with the Department of Planning and Infrastructure

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

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

Meeting with the Proponent

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

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

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

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

Meeting with Hurstville City Council

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

Council's key objections to the proposal include:

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

The Previous PAC Advice

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

The Commission advice concluded that:

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

Commission's Comment

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

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

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

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

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

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

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

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

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

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

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

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

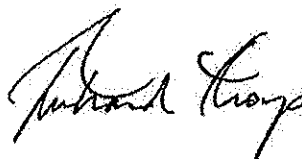
The Commission is satisfied that other issues have been adequately addressed in the Department's assessment report and considered the recommendation to approve is reasonable.

Commission's Determination

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



Garry Payne AM
PAC Member



Richard Thorp
PAC Member

APPENDIX 1

REVIEW OF PARKING PROVISIONS

	Hurstville DCP2 Section 4.2 Site specific	Proposed rate	RTA rate for subregional centre	Burwood rate within town centre	Willoughby rate within railway precinct
1 bedrooms	1 per 100m ²	No provision	0.6 per unit	1 per unit	1 per unit
2 bedrooms	100% on site	1 per unit	0.9 per unit	1 per unit	1 per unit
3+ bedrooms		2 per unit	1.4 per unit	1.5 per unit	1.25 per unit
Visitor retail	1 for 4 units 1 per 25m ² GFA Min 70% on site	Share with retail 79 spaces equivalent to 53% DCP2 requirement	1 for 5 units* 6.1 per 100m ²	1 for 6 units 1 per 50m ² GFA	1 for 4 units 1 per 25m ² GFA
* Council may reduce this requirement for buildings located in close proximity to public transport, or where short term unit leasing is expected.					
	Hurstville DCP2 Section 4.2 Site specific	Proposed	RTA rate for subregional centre	Burwood rate within town centre	Willoughby rate within railway precinct
74x1 bedrooms	Residential GFA 20,513m ²	196	45	74	74
171x2 bedrooms	= 206 spaces		154	171	171
12x3+ bedrooms			17	18	15
Visitor for 257 units	65	0	52	43	65
Subtotal residential	271	196	268	306	325
Retail (3,726m ² floor space)	149 70% on site = 105	79	227	75	149
Total	376	275	495	381	474

APPENDIX 2

Approval Conditions