

AGENDA

Environment and Planning Committee

Tuesday, 14 June 2022

7.00pm

Blended Meeting



OATH OF OFFICE OR AFFIRMATION OF OFFICE

All Georges River Councillors are reminded of their Oath of Office or Affirmation of Office made at the time of their swearing into the role of Councillor.

All Councillors are to undertake the duties of the office of Councillor in the best interests of the people of the Georges River Council area and are to act faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of their ability and judgement.

DISCLOSURES OF INTEREST

All Georges River Councillors are reminded of their obligation to declare any conflict of interest (perceived or otherwise) in a matter being considered by Council or at any meeting of Council.

ENVIRONMENT AND PLANNING COMMITTEE

ORDER OF BUSINESS

1. OPENING

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES / LEAVE OF ABSENCE

4. NOTICE OF WEBCASTING

5. DISCLOSURES OF INTEREST

6. PUBLIC FORUM

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

ENV014-22	Confirmation of the minutes of the previous Environment and Planning Committee meeting held on 9 May 2022	
	(Report by Executive Services Officer)	4

8. COMMITTEE REPORTS

ENV015-22	Planning Proposal PP2022/0001 - 9 Gloucester Road Hurstville - Request for Gateway Determination	
	(Report by Strategic Planner/Information Management)	8

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Item: ENV014-22 Confirmation of the minutes of the previous Environment and Planning Committee meeting held on 9 May 2022

Author: Executive Services Officer

Directorate: Office of the General Manager

Matter Type: Previous Minutes

ENV014-22

RECOMMENDATION:

That the Minutes of the Environment and Planning Committee Meeting held on 9 May 2022 be confirmed.

ATTACHMENTS

Attachment [↓](#) 1  Unconfirmed Minutes - Environment and Planning Committee - 9 May 2022

UNCONFIRMED MINUTES

MINUTES

Environment and Planning Committee

Monday, 09 May 2022

7.00pm

UNCONFIRMED MINUTES

Blended Meeting

UNCONFIRMED MINUTES



GEORGES RIVER COUNCIL

PRESENT

COUNCIL MEMBERS

Deputy Mayor, Councillor Landsberry (Chairperson), Councillor Elise Borg, Councillor Christina Jamieson (online), Councillor Peter Mahoney, Councillor Warren Tegg (online) and Councillor Benjamin Wang(online).

COUNCIL STAFF

Acting General Manager - David Tuxford, Director City Strategy and Innovation - Sue Weatherley, Executive Manager Office of the General Manager - Roxanne Thornton, Executive Services Officer - Marina Cavar (minutes) and Technology Systems Officer - Alex Wong.

OPENING

The Chairperson, Councillor Landsberry, opened the meeting at 7.02pm

ACKNOWLEDGEMENT OF COUNTRY

The Chairperson, Councillor Landsberry acknowledged the traditional custodians of the land, the Bidjegal people of the Eora Nation.

APOLOGIES/LEAVE OF ABSENCE

There were no apologies or requests for leave of absence.

NOTICE OF WEBCASTING

The Chairperson, Councillor Landsberry, advised staff and the public that the meeting is being recorded for minute-taking purposes and is also webcast live on Council's website, in accordance with Section 4 of Council's Code of Meeting Practice. This recording will be made available on Council's website.

DISCLOSURES OF INTEREST

There were no disclosures of interest made.

PUBLIC FORUM

There were no registered speakers.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

ENV012-22 Confirmation of the Minutes of the Environment and Planning Meeting held on 11 April 2022
(Report by Executive Services Officer)

RECOMMENDATION: Councillor Borg and Councillor Mahoney

That the Minutes of the Environment and Planning Committee Meeting held on 11 April 2022 be confirmed.

Record of Voting:

For the Motion: Unanimous

COMMITTEE REPORTS

ENV013-22 Development and Building Department Functions and Services Metrics Report - Q3 2021/22
(Report by Manager, Development and Building)

RECOMMENDATION: Councillor Borg and Councillor Mahoney

That Council receive and note the Development and Building Department Functions and Services Metrics Report for the reporting period being January 2022 – March 2022.

Record of Voting:

For the Motion: Unanimous

CONCLUSION

The Meeting was closed at 7.11pm

Chairperson

COMMITTEE REPORTS

Item: ENV015-22 Planning Proposal PP2022/0001 - 9 Gloucester Road
Hurstville - Request for Gateway Determination

Author: Strategic Planner/Information Management

Directorate: Environment and Planning

Matter Type: Committee Reports

ENV015-22

RECOMMENDATION:

- (a) That Council support the recommendation of the Georges River Local Planning Panel dated 2 June 2022 for the Planning Proposal PP2022/0001 relating to 9 Gloucester Road, Hurstville.
- (b) That Council support the amendment to Schedule 1 of the Georges River Local Environmental Plan 2021 proposed by Planning Proposal PP2022/0001 relating to part of the site known as 9 Gloucester Road, Hurstville.
- (c) That Council endorse the forwarding of Planning Proposal PP2022/0001 relating to 9 Gloucester Road, Hurstville to the NSW Department of Planning and Environment (DPE) to request a Gateway Determination under Section 3.33 of the Environmental Planning and Assessment Act 1979 for an amendment to the Georges River Local Environmental Plan 2021 by:
 - 1) introducing “residential flat building” as an additional permitted use on "Area A" of the Site (being Part Lot 30 DP785238); and
 - 2) excluding the application of Clause 6.13 Development in certain business zones from "Area A" of the Site (being Part Lot 30 DP785238).
- (d) That the Planning Proposal be placed on formal public exhibition in accordance with the conditions of any Gateway Determination issued by the DPE.
- (e) That Council consider a report on the submissions received following the public exhibition.

EXECUTIVE SUMMARY**PROPOSAL**

1. The Planning Proposal (PP2022/0001) (Attachment 1) relating to 9 Gloucester Road, Hurstville seeks to amend Schedule 1 of the Georges River Local Environmental Plan 2021 (“GRLEP”) to:
 - 1) introduce “residential flat building” as an additional permitted use on "Area A" of the Site (being Part Lot 30 DP785238); and

- 2) exclude the application of Clause 6.13 Development in certain business zones from "Area A" of the Site (being Part Lot 30 DP785238).
2. "Area A" within 9 Gloucester Road, Hurstville (known as the Site) is illustrated in Figure 1 and Attachment 2.
3. The Planning Proposal does not seek to amend the B4 Mixed Use zoning, floor space ratio (FSR), height or any other LEP (Local Environmental Plan) provisions of the Site, except Clause 6.13 Development in certain business zones.
4. The Planning Proposal is to correct an anomaly that occurred upon the gazettal of the GRLEP, which occurred subsequently to the finalisation of the Planning Proposal (PP2015/0005) for the Site to amend the Hurstville Local Environmental Plan 2012 ("HLEP 2012"). The intended outcome of this Planning Proposal is to facilitate the redevelopment of the Site as envisaged by PP2015/0005, in particular, to allow a residential flat building with ground floor residential apartments at the northern end of the Gloucester Road frontage within "Area A" of the Site – being Part Lot 30 DP785238.
5. This report has the following attachments:
 - a. Attachment 1 – Planning Proposal prepared by Sutherland & Associates Planning;
 - b. Attachment 2 – Map of "Area A" of the Site prepared by Turner Studio.



Figure 1: Map of "Area A" of the Site (Source: Turner Studio)

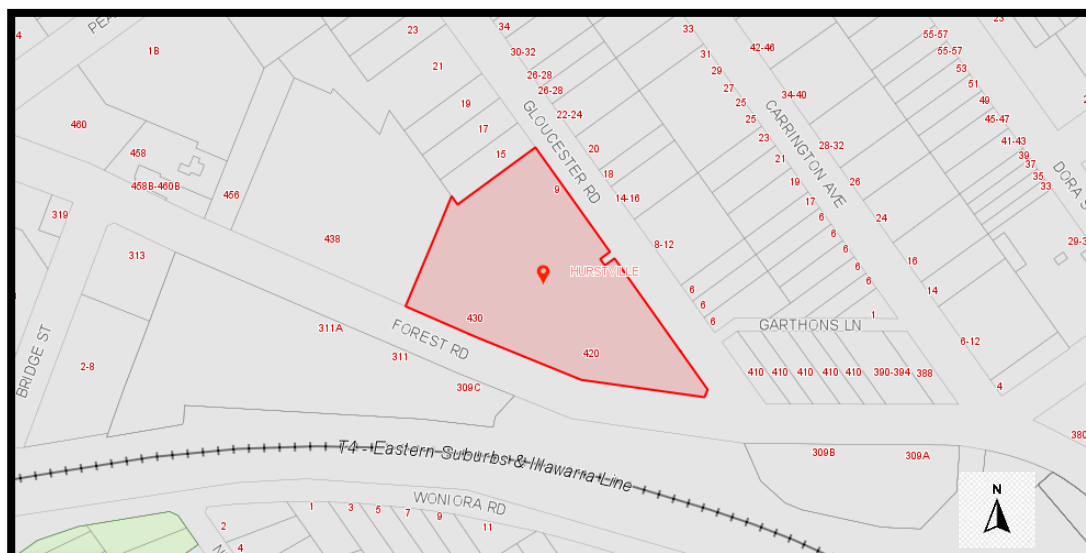


Figure 2: The Site (Source: IntraMaps)



Figure 3: Locality of the Site (Source: IntraMaps)

SITE AND LOCALITY

6. The Site is identified as Lot 30 DP785238 and known as 9 Gloucester Road, Hurstville or 420 Forest Road, Hurstville (refer to Figure 2). The entire site is in the ownership of GTB Hurstville Pty Ltd.
7. The Site has a total area of 9,240sqm. It excludes a 4x6m area on Gloucester Road (refer to Figure 2) which is used as an electrical substation. The Site has a 148.7 metre frontage to Gloucester Road, a 158.3 metre frontage to Forest Road, and a staggered north-western boundary of 108.5 metres.
8. The Site is located towards the western edge of the Hurstville City Centre (refer to Figure 3). Its immediate context comprises an at-grade public car park, service station, single-storey factory outlet, other commercial premises, and vacant railway land holdings.

ZONING AND PERMISSIBILITY

9. The Site is currently zoned B4 Mixed Use zone pursuant to the Georges River Local Environmental Plan 2021 ("GRLEP"). A non-residential FSR of 0.5:1 applies to the Site.
10. Since the gazettal of the new controls for the Site proposed by PP2015/0005 through Amendment 18 to Hurstville Local Environmental Plan 2012 (HLEP 2012) on 12 February 2021, the HLEP 2012 has been replaced by the new GRLEP.
11. While the new GRLEP maintains the same B4 Mixed Use zone for the Site, the Land Use Table for the B4 Mixed Use zone has been modified with residential flat buildings listed as prohibited in the B4 Mixed Use zone.
12. Under Clause 6.13 Development in certain business zones of GRLEP, one of the objectives is 'to maintain existing, and encourage additional, non-residential uses along ground floor street frontages' in the B4 Mixed Use zone.

13. It is also prescribed in Clause 6.13 *'development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied the development will not cause a part of the ground floor of a building that is facing a street to be used for the purposes of residential accommodation or tourist and visitor accommodation'* in the B4 Mixed Use zone.

DEVELOPMENT APPLICATION

14. A development application (DA2022/0061) has been lodged for the demolition of all existing structures on the Site and the erection of a mixed-use development with a 4 storey podium and 5 x buildings (Buildings A, B, C, D and E) above between 6 to 18 storeys. The development is prohibited in the B4 Mixed Use zone and inconsistent with Clause 6.13 pursuant to the new GRLEP, as a residential flat building (Buildings D and E) is proposed at the northern end of the Gloucester Road frontage. However, the proposed development is not inconsistent with the endorsed Planning Proposal (PP2015/0005). The proposed development would be permissible if this Planning Proposal (PP2022/0001) is endorsed to amend Schedule 1 of the Georges River Local Environmental Plan 2021 to permit residential flat buildings.

CONCLUSION

15. As outlined in this report, the Planning Proposal meets both the strategic and site-specific merit tests that are outlined in the Department of Planning and Environment's *Local Environmental Plan Making Guideline* dated December 2021.
16. This report recommends Council acknowledge that Planning Proposal PP2022/0001 was considered by the Georges River Local Planning Panel (LPP) at its meeting on 2 June 2022 and support the LPP's recommendations:
1. *That the Georges River Local Planning Panel note and acknowledge the amendment to Schedule 1 of the Georges River Local Environmental Plan 2021 proposed by Planning Proposal PP2022/0001 and recommend that Council:*
 - a) *Support the amendment to Schedule 1 of the Georges River Local Environmental Plan 2021 proposed by Planning Proposal PP2022/0001;*
 - b) *Endorse the forwarding of Planning Proposal PP2022/0001 to the NSW Department of Planning and Environment (DPE) to request a Gateway Determination under Section 3.33 of the EP&A Act 1979 for an amendment to the Georges River Local Environmental Plan 2021 by:*
 - 1) *introducing "residential flat building" as an additional permitted use on "Area A" of the Site (being Part Lot 30 DP785238); and*
 - 2) *excluding the application of Clause 6.13 Development in certain business zones from "Area A" of the Site (being Part Lot 30 DP785238).*
 2. *That the Planning Proposal be placed on formal public exhibition in accordance with the conditions of any Gateway Determination issued by the DPE.*
 3. *That a report to Council be prepared by Council staff to advise of the LPP recommendations.*
17. Concern was raised by the LPP regarding the proposed timeframes for the Planning Proposal and the potential resulting delays to the determination of the DA (DA2022/0061). The DA determination target date is likely to be in September 2022 but will be confirmed at the Sydney South Planning Panel (SSPP) briefing on 23 August 2022. Accordingly, the LPP suggested that Council officers request the DPE fast track the Planning Proposal process, including the issuing of a Gateway Determination, reduced public exhibition period, and finalisation for gazettal.

REPORT IN FULL

THE PROPOSAL

18. The Planning Proposal (PP2022/0001) seeks to amend Schedule 1 of the Georges River Local Environmental Plan 2021 (“GRLEP”) to:
 - 1) introduce “residential flat building” as an additional permitted use on "Area A" of the Site (being Part Lot 30 DP785238); and
 - 2) exclude the application of Clause 6.13 Development in certain business zones from "Area A" of the Site (being Part Lot 30 DP785238).
19. “Area A” of the Site is illustrated in Figure 1 and Attachment 2.
20. The Planning Proposal does not seek to amend the B4 Mixed Use zoning, FSR, height or any other LEP (Local Environmental Plan) provisions including the non-residential requirement of 0.5:1 relating to the Site. The Planning Proposal seeks to exclude the application of Clause 6.13 Development in certain business zones for the Site.
21. The Planning Proposal is to correct an anomaly that occurred upon the gazettal of the GRLEP, which occurred subsequently to the finalisation of the Planning Proposal (PP2015/0005) for the Site to amend the Hurstville Local Environmental Plan 2012 (“HLEP 2012”). The intended outcome of this Planning Proposal is to facilitate the redevelopment of the Site as envisaged by PP2015/0005, in particular, to allow a residential flat building with ground floor residential apartments at the northern end of the Gloucester Road frontage within "Area A" of the Site – being Part Lot 30 DP785238.

THE SITE AND LOCALITY

22. This Planning Proposal applies to the Site known as 9 Gloucester Road, Hurstville (refer to Figure 4 below). The Site is also sometimes referred to as 420 or 430 Forest Road, Hurstville. The Site has a legal description of Part Lot 30 DP785238. The entire Site is in the ownership of GTB Hurstville Pty Ltd.



Figure 4: Aerial View - 9 Gloucester Road, Hurstville (Source: IntraMaps)

23. The Site is triangular in shape and is bound by Gloucester and Forest Roads to its north and south. These roads intersect at the eastern point in a splayed corner. The Site is bound by private properties on its irregular western boundary and is located at the transition threshold between the central and western areas of the Hurstville City Centre.
24. The Site has a total area of 9,240sqm. It excludes a 4x6m area on Gloucester Road (refer to Figure 4 above) which is used as an electrical substation. The Site has a 148.7 metre frontage to Gloucester Road, a 158.3 metre frontage to Forest Road, and a staggered north-western boundary of 108.5 metres.
25. The ground surface along the Forest Road frontage slopes gently downwards to the east and surface levels vary between about RL65.4 and RL61.4 according to the Australian Height Datum ("AHD"). The ground surface level at the Gloucester Road frontage is relatively level between RL60.9 and RL61.4.
26. The Site is currently occupied by three commercial buildings between 2 to 4 storeys (refer to Figure 5 below). Vehicular access is provided from Gloucester Road and there is a through-site link from Forest Road to Gloucester Road. The existing built form represents a 'suburban campus' or 'office park' style configuration with a partially exposed basement car park. The remainder of the Site comprises controlled access to the basement car park from Gloucester Road, an irregular through-site link and hardstand areas.



Figure 5: Oblique Aerial View of the Site from the North-West (Source: Nearmap)

27. Views of the Site are shown in Figures 6 to 9 below.



Figure 6: View towards the Site from Gloucester Road



Figure 7: View towards the eastern frontage of the Site from Forest Road



Figure 8: View towards the western frontage of the Site from Forest Road



Figure 9: View towards the corner of the Site from the intersection of Forest Road and Gloucester Road

28. The Site is located towards the western edge of the Hurstville City Centre, refer to Figure 10 below for the location of the Site in relation to the extent of the Hurstville City Centre.



Figure 10: The Site and Existing and Future Development in Hurstville City Centre (Source: Hurstville City Centre Urban Design Strategy)

29. Its immediate context comprises an at-grade public car park, service station, single-storey factory outlet, other commercial premises, and vacant railway land holdings.
30. The Site has direct access to Forest Road, which is a major road with local and regional bus services and a high level of accessibility for pedestrians, allowing for lesser car reliance for travel.
31. The Site enjoys good access to Hurstville and Penshurst Railway Stations, being located within approx. 600m and 1,000m walking distance respectively, refer to Figures 11 to 13 below.



Figure 11: View from the Site to the east direction of Forest Road (Hurstville CBD)



Figure 12: View from the Site to the west direction of Forest Road

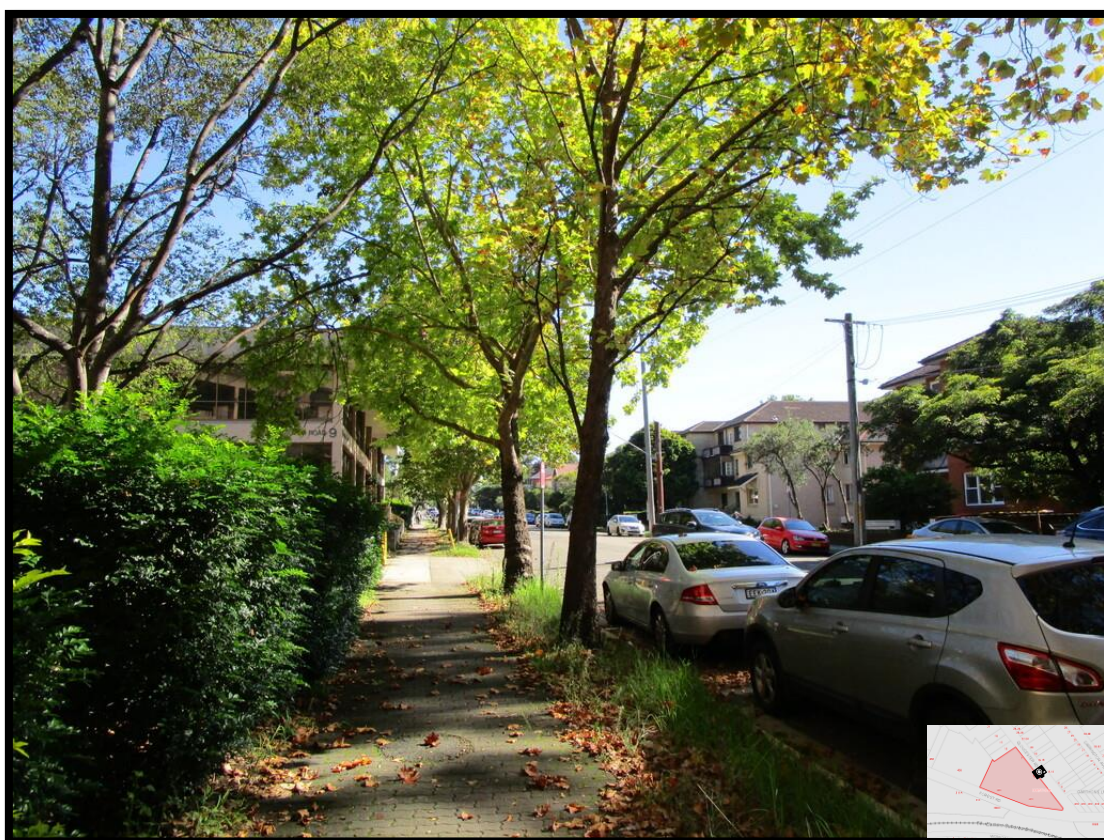


Figure 13: View from the Site to the northwest direction of Gloucester Road

EXISTING PLANNING CONTROLS UNDER THE GRLEP

32. The Site is currently zoned B4 Mixed Use under the Georges River Local Environmental Plan 2021 ("GRLEP").

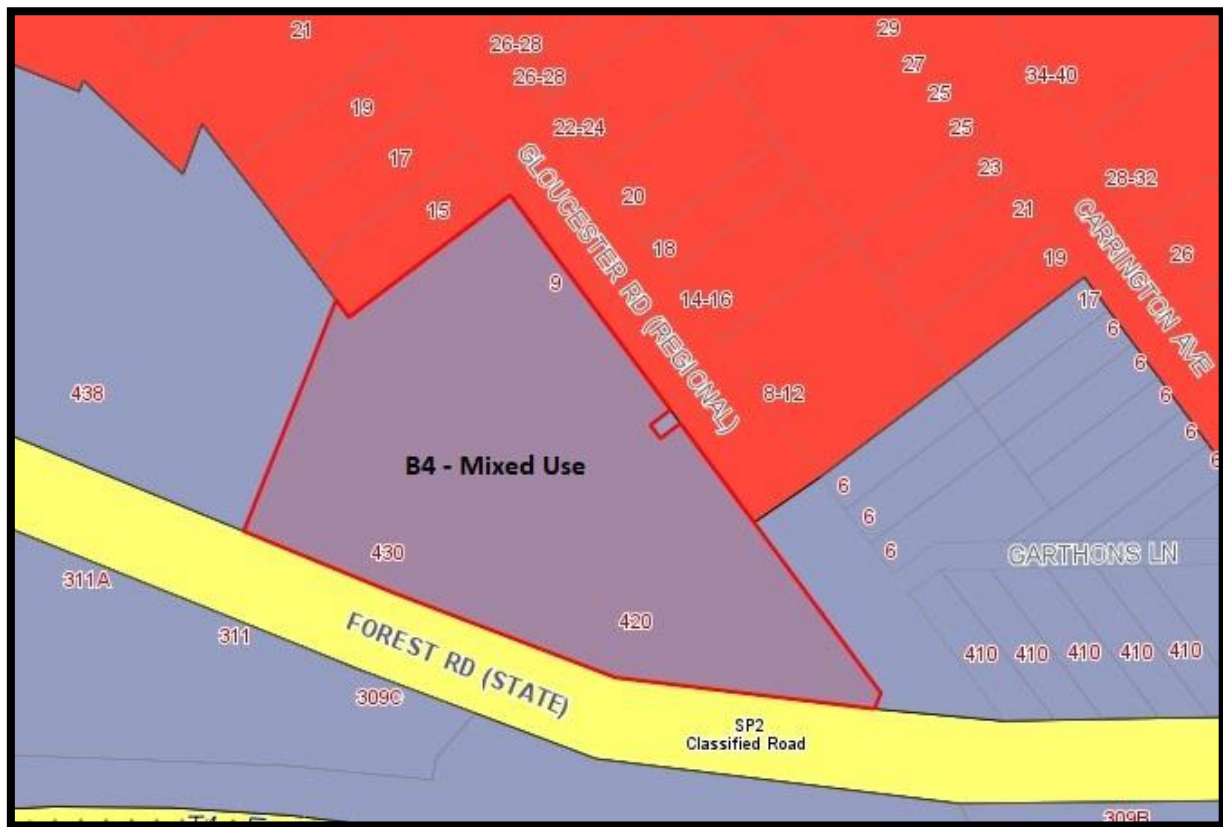


Figure 14: GRLEP Land Use Zoning -- 9 Gloucester Road, Hurstville

33. The objectives of the B4 Mixed Use zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To allow residential development that contributes to the vitality of the centre and provides housing that meets the needs of the community.
- To encourage the provision of community facilities and public infrastructure so that all residents have reasonable access to a range of facilities and services.

34. The following uses are permitted with consent in the B4 Mixed Use zone:

- Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

35. The following uses are prohibited in the B4 Mixed Use zone with residential flat buildings being listed:

- Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Attached dwellings; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Highway service centres; Home occupations

(sex services); Industrial retail outlets; Industrial training facilities; Jetties; Marinas; Mooring pens; Moorings; Multi dwelling housing; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Rural industries; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sewerage systems; Sex services premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

36. A non-residential FSR of 0.5:1 applies to the Site.
37. Under Clause 6.13 Development in certain business zones of the GRLEP, one of the objectives is 'to maintain existing, and encourage additional, non-residential uses along ground floor street frontages' in the B4 Mixed Use zone.
38. It is also prescribed in Clause 6.13 '*development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied the development will not cause a part of the ground floor of a building that is facing a street to be used for the purposes of residential accommodation or tourist and visitor accommodation*'.
39. The Site has mixed maximum building heights of 23, 30, 40, 55 and 60 metres under the GRLEP as shown in Figure 15 below.

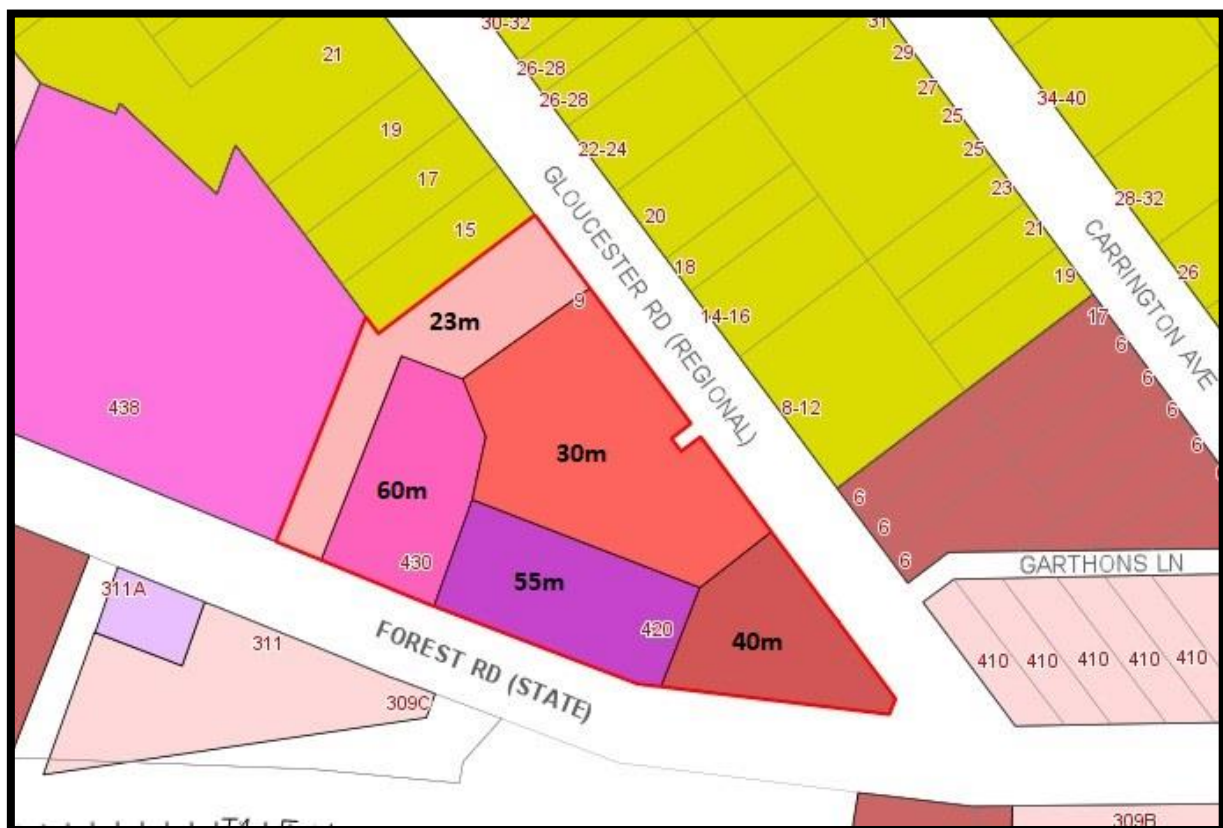


Figure 15: GRLEP Height of Building Map - 9 Gloucester Road, Hurstville

40. The Site has a maximum floor space ratio of 4:1 under the GRLEP as shown in Figure 16 below. The Site is also nominated as "Area 3" subject to Clause 4.4B which states that development consent must not be granted unless the non-residential floor space ratio is at least 0.5:1. The objective of this clause is to encourage an appropriate mix of residential

and non-residential uses in order to ensure a suitable level of non-residential floor space is provided to promote employment and reflect the hierarchy of the business zones.

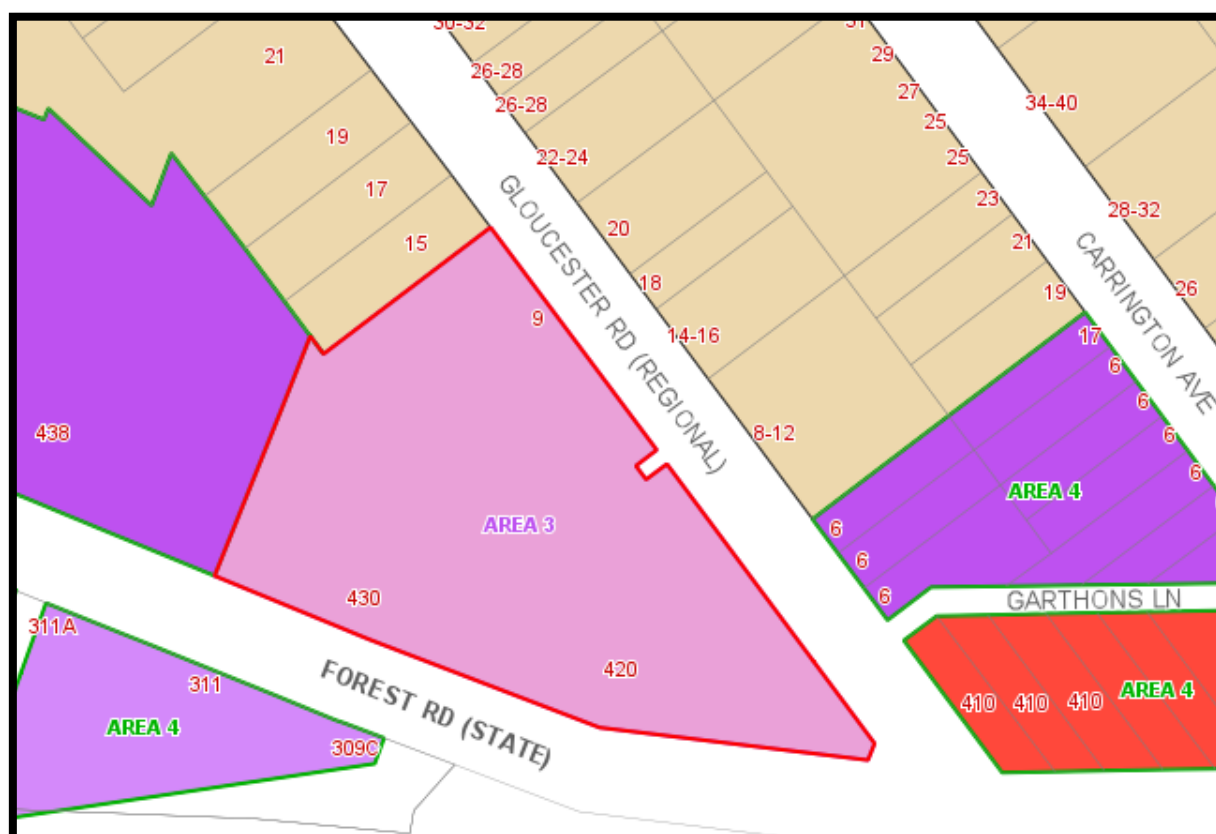


Figure 16: GRLEP Floor Space Ratio Map - 9 Gloucester Road, Hurstville

EXISTING DEVELOPMENT CONTROLS UNDER HURSTVILLE DEVELOPMENT CONTROL PLAN NUMBER 2 - AMENDMENT NO. 12 (HDGP 2 AMENDMENT 12)

41. A Master Plan which supported the Planning Proposal (PP2015/0005) provides general guidance on the overall form of development on the Site. Figure 17 below, which is an extract from HDCP 2 Amendment 12, provides an overview of the access to residential apartments and commercial premises from the street to the Site. As shown in Figure 17, non-commercial use, including a ground floor residential apartment, is provided at the northern end of the Gloucester Road frontage. Commercial activities are provided to the rest of the street frontages at the ground floor level.

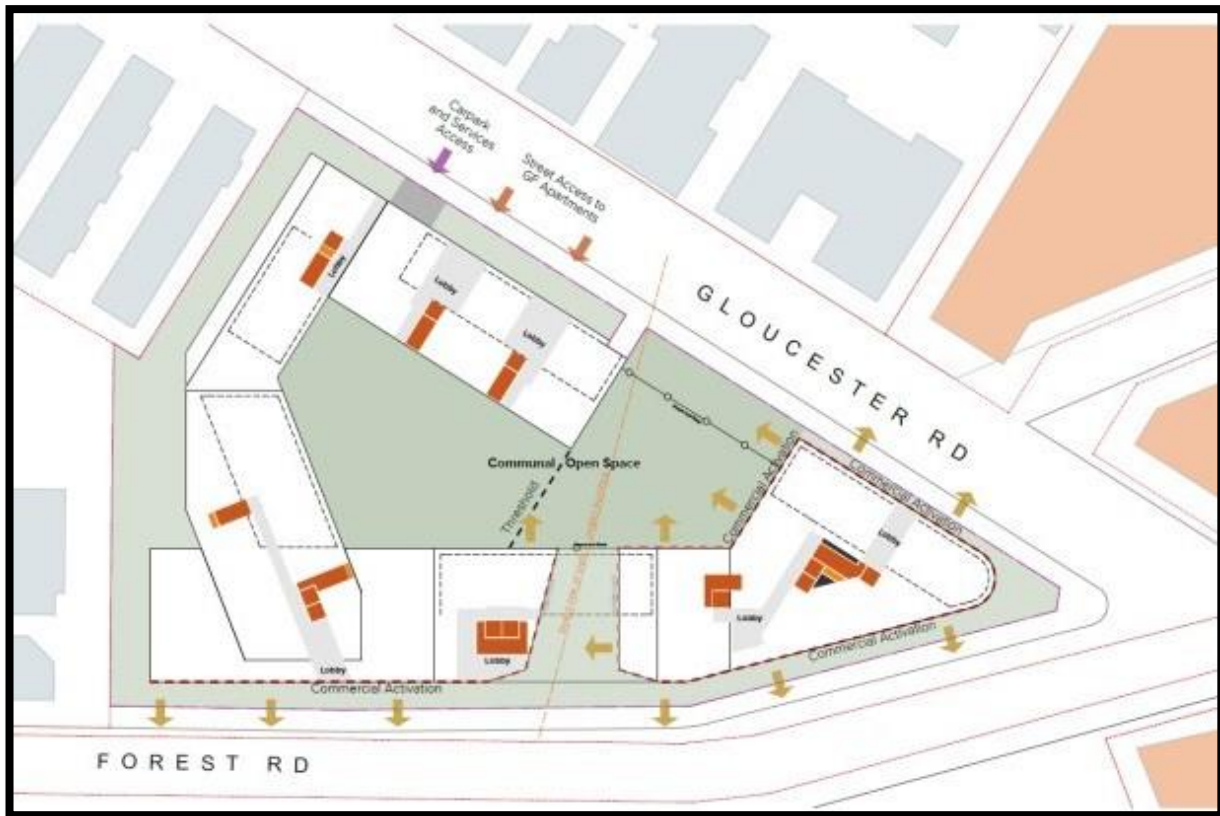


Figure 17: HDCP 2 Amendment 12 Vehicular and Pedestrian Access

BACKGROUND

42. A Planning Proposal (PP2015/0005), seeking to amend the Hurstville Local Environmental Plan 2012 (HLEP 2012) to increase the FSR from 3:1 to 4:1 (including a minimum non-residential FSR of 0.5:1) and increase the maximum building height applying to the Site from 23m to a range of heights of 23m, 30m, 40m, 50m and 60m, was lodged with Council on 9 October 2015.
43. At its meeting on 27 August 2018, Council resolved to endorse the Planning Proposal (PP2015/0005) to be forwarded to the Department of Planning and Environment for a Gateway Determination, seeking to amend FSR and Height controls of the Hurstville Local Environmental Plan 2012 (HLEP 2012) for the Site.
44. A Gateway Determination to publicly exhibit the Planning Proposal was issued by the Department on 26 February 2019.
45. At its meeting on 24 June 2019, Council resolved to endorse an amended Planning Proposal and supporting documentation, including the correct height range and extension of timing to complete the amendment to the LEP, to be forwarded to the Department of Planning and Environment for their endorsement and approval to publicly exhibit.
46. The Planning Proposal and draft DCP were publicly exhibited in January and February 2020. The Planning Proposal sought to:
 - 1) Increase height from 23m to a range of heights of 23m, 30m, 40m, 55m and 60m.
 - 2) Increase FSR from 3:1 to 4:1 including a minimum non-residential FSR of 0.5:1.

47. The Master Plan, which is illustrated in Figure 18 below, supports the Planning Proposal (PP2015/0005). The Master Plan comprises a mixed-use component (commercial and residential flat building) at the northern end of the Site with ground floor apartments and a shop top housing component at the southern end of the Site.

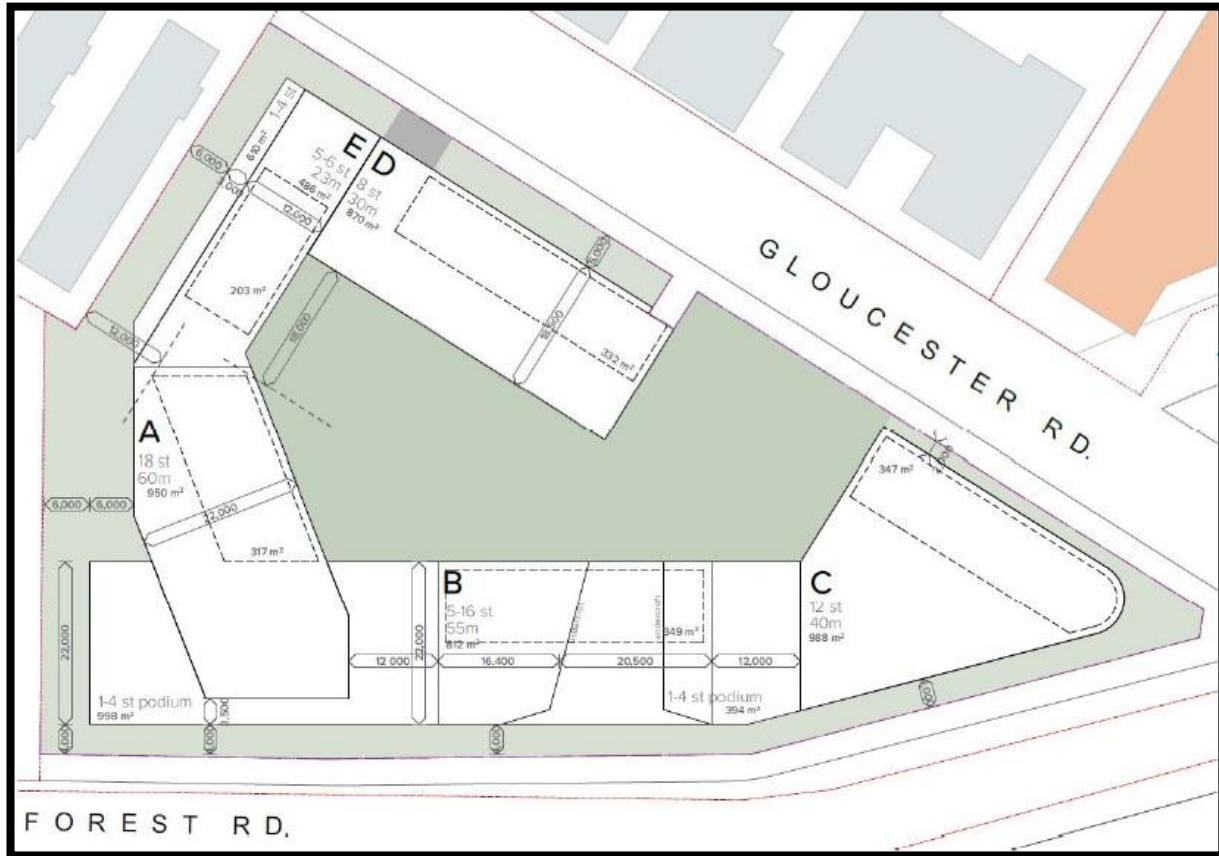


Figure 18: Building Envelopes

48. The configuration of the Master Plan design comprises a perimeter block form of development with buildings ranging in height from 4 to 18 storeys as follows:
- Building A – 4 to 18 storeys (60m)
 - Building B – 4 to 16 storeys (55m)
 - Building C – 12 storeys (40m)
 - Building D – 8 storeys (30m)
 - Building E – 4 to 6 storeys (23m)
49. The concept scheme formed the basis of the Planning Proposal (PP2015/0005) including a residential flat building (Building D and E) at the northern end of the Site on Gloucester Road, as well as a 0.5:1 commercial component along the Forest Road frontage and also the corner of Forest Road and Gloucester Road.
50. Building D is located centrally along the Gloucester Road frontage of the Site and is an 8 storey residential flat building with a rooftop common open space. Building E is located along the north-western side of the Site and is a 6 storey residential flat building that is attached to Building D.

51. The Planning Proposal was also supported by a Voluntary Planning Agreement which requires the developer to pay a monetary contribution of \$3,619,308 to the Council for the provision of public facilities in the Council's area, including public infrastructure, amenities and services, public domain and public road infrastructure, and key traffic and road infrastructure in the Hurstville City Centre. The Voluntary Planning Agreement has been executed and the contribution paid to Council.
52. On 25 May 2020, Council resolved to forward the Planning Proposal (PP2015/0005) to the Department of Planning, Industry and Environment for gazettal. On 12 February 2021, Amendment 18 to amend the Hurstville Local Environmental Plan 2012 (HLEP 2012) by increasing the FSR and the maximum building height for the Site was gazetted.
53. Since the gazettal of the new controls for the Site, the Hurstville Local Environmental Plan 2012 has been replaced by the Georges River Local Environmental Plan 2021 ("GRLEP"). Whilst the new GRLEP maintains the same B4 Mixed Use zone for the Site, it has nonetheless made "residential flat development" a prohibited use. In addition, one of the objectives of Clause 6.13 Development in certain business zones, which applies to the B4 Mixed Use zone, is '*to maintain existing, and encourage additional, non-residential uses along ground floor street frontages*'. As a result, a residential flat building (Building D and E) at the northern end of the Site on Gloucester Road is not permissible under the GRLEP.

DEVELOPMENT APPLICATION

54. A development application (DA2022/0061) has been lodged for the demolition of all existing structures on the Site and the erection of a mixed-use development with a 4 storey podium and 5 x buildings (Buildings A, B, C, D and E) above between 6 to 18 storeys comprising 4,620 square metres of commercial floor space and 349 apartments, and 3 basement levels containing 459 car parking spaces.
55. The development application has been submitted pursuant to Section 3.39 of the Environmental Planning & Assessment Act 1979 which states that nothing in the Act prevents:
 - (a) *the making of a development application to a consent authority for consent to carry out development that may only be carried out if an environmental planning instrument applying to the land on which the development is proposed to be carried out is appropriately amended, or*
 - (b) *the consideration by a consent authority of such a development application.*
56. Buildings D and E at the northern end of the Gloucester Road frontage of the proposed development are prohibited in the B4 Mixed Use zone and inconsistent with Clause 6.13, as they propose residential flat buildings. However, they are not inconsistent with the endorsed Planning Proposal (PP2015/0005). The proposed development would be permissible if this Planning Proposal (PP2022/0001) is endorsed to amend Schedule 1 of the Georges River Local Environmental Plan 2021 to permit residential flat buildings. The development application is to be determined by the Sydney South Planning Panel.

ASSESSMENT OF THE PLANNING PROPOSAL

57. The following table including Section A – E provides a detailed assessment and justification of the proposal's strategic and site-specific merit to determine whether the Planning Proposal should be supported. The table contains the 12 questions from the Department of Planning and Environment's *Local Environmental Plan Making Guideline* dated December 2021 which outlines the matters for consideration when describing, evaluating, and justifying a proposal.

STRATEGIC MERIT**SECTION A – NEED FOR THE PLANNING PROPOSAL****1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?**

Proponent: Yes. *This Planning Proposal is the result of an extensive master planning process for the Site with the Council since October 2015.*

The purpose of the Planning Proposal is to correct an anomaly that has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local environmental Plan 2021, with the prohibition of “residential flat building” on the Site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the Site.

Council: This Planning Proposal reflects the endorsed Planning Proposal (PP2015/0005) to amend the Hurstville Local Environmental Plan 2012 (HLEP 2012) to increase the FSR from 3:1 to 4:1 (including a minimum non-residential FSR of 0.5:1) and increase the maximum building height applying to the Site from 23m to a range of heights of 23m, 30m, 40m, 50m and 60m.

Since the gazettal of the new controls for the Site on 12 February 2021, the HLEP 2012 has been replaced by the Georges River Local Environmental Plan 2021 (“GRLEP”). Whilst the new GRLEP maintains the same B4 Mixed Use zone for the Site, it has nonetheless made “residential flat development” a prohibited use on the Site.

The intended outcome of the Planning Proposal is to facilitate the redevelopment of the Site as envisaged by the Planning Proposal (PP2015/0005). In particular, the objective of this Planning Proposal is to allow the development of the Site as intended with ground-floor residential apartments at the northern end of the Gloucester Road frontage within “Area A” of the Site.

As such, the Planning Proposal is consistent with the endorsed Planning Proposal (PP2015/0005).

Although the Planning Proposal (PP2022/0001) is not a direct result of the Georges River Local Strategic Planning Statement (GRLSPS) 2040, the Planning Proposal is consistent with the endorsed GRLSPS as it seeks to provide both residential and commercial development within the Hurstville City Centre in a Mixed Use zone.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Proponent: Yes. *The Planning Proposal is the best and only means of achieving the objectives and intended outcomes for the Site to allow the delivery of the final concept scheme which supported the recent Planning Proposal for the Site.*

In the absence of support for this Planning Proposal, the entire ground floor of the Gloucester Road frontage would be required to be commercial floorspace, which would most likely result in a dead and inactive zone in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 commercial floor space requirement.

Council: Council is satisfied the Planning Proposal represents the best means of achieving the objectives or the intended outcomes to allow the development of the Site as intended with ground-floor residential apartments at the northern end of the Gloucester Road frontage within “Area A” of the Site.

SECTION B – RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK**3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?**

Proponent:

Greater Sydney Region Plan – A Metropolis of Three Cities

In March 2018 the Greater Sydney Region Plan - A Metropolis of Three Cities was released. The Plan sets a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for Greater Sydney. The vision for Greater Sydney as a metropolis of three cities — the Western Parkland City, the Central River City and the Eastern Harbour City where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The Plan sets out 10 Directions which set out the aspirations for the region and objectives to support the Directions. The 10 Directions are:

- *A City supported by infrastructure*
- *A collaborative city*
- *A city for people*
- *Housing the city*
- *A city of great places*
- *A well-connected city*
- *Jobs and skills for the city*
- *A city in its landscape*

- An efficient city
- A resilient city

The Plan provides 38 objectives concerning, Infrastructure and collaboration, Liveability, Productivity and Sustainability which are aimed at achieving the identified Directions.

The following table summarises the proposals consistency with relevant objectives of the Plan:

Objective	Comment	Consistent
4. Liveability		
Objective 10: Greater housing supply Objective 11: Housing is more diverse and affordable	The Planning Proposal does not in itself result in any difference to the overall quantum of housing to be delivered as part of the redevelopment of the Site. However, it facilitates a distribution of the housing and commercial floorspace in an optimal arrangement across the Site. This is achieved by locating the commercial floor space in the best location on the Site for success being along the Forest Road frontage and the corner of the Site to Forest Road and Gloucester Road. At the same time, the proposal seeks to allow ground floor apartments at the northern end of the Gloucester Road frontage, which is more consistent with the context at this end of the Site.	Yes
Objective 12: Great places that bring people together	The Planning Proposal will support the development of the Site as previously envisaged with the provision of a publicly accessible pocket park towards the centre of the Site on Gloucester Road, as well as a public pedestrian underpass through-site link which connects Forest and Gloucester Roads. The communal open space will be activated by retail uses at ground level. The proposal intends to transform the existing underutilised office park into an attractive new community meeting space.	Yes
5. Productivity		
Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	A central component of this objective is to co-locate activities in metropolitan, strategic and local centres and attract housing in and around centres to create walkable, cycle-friendly neighbourhoods. The Planning Proposal will support a significant quantum of new employment floor space in locations on the Site which have the greatest likelihood of success, and therefore the proposal will contribute towards the 30-minute city objective, by providing increased employment in very close proximity to an existing train station.	Yes
Objective 22: Investment and business activity in centres. Objective 24: Economic sectors are targeted for success	The Planning Proposal remains consistent with this objective as it does not seek any relief from the required minimum amount of commercial floor space, rather, it will facilitate the placement of this floor space in the optimal parts of the development where it will have the greatest likelihood of success. The Planning Proposal will facilitate the appropriate redevelopment of a site that will deliver additional employment floor space and housing within an existing centre which will promote both business activity and private sector investment within the centre providing for the growth and evolution of the centre.	Yes

South District Plan

In March 2018 the Greater Sydney Commission published the South District Plan which outlines how the Government will make decisions on public spaces, community facilities, housing, jobs, transport

options, schools and hospitals to meet the needs of communities across Greater Sydney to give effect to the Greater Sydney Region Plan - A Metropolis of Three Cities.

The South District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney.

The Planning Proposal will support the development of the Site as previously envisaged. In particular, the Planning Proposal will enable the delivery of the previously identified quantum of housing and commercial floorspace on the Site, albeit with an optimised distribution, and is therefore consistent with Planning Priority S5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.

Council: Council is satisfied the Planning Proposal is consistent with the objectives and actions of the Greater Sydney Region Plan and the South District Plan given that the resulting development will provide:

- a) Employment opportunities within the proposed commercial and retail floor space (approximately 4,620sqm); and
- b) Improvements to housing choice and availability in close proximity to public transport and the Hurstville City Centre which offers retail and essential services.

4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Proponent:

Georges River Local Strategic Planning Statement (GRLSPS) 2040

The subject Planning Proposal is seeking an amendment to the Georges River LEP 2021 to allow the delivery of the concept which underpinned the previous Planning Proposal for the Site and now reflected in the site specific section 8.3 of the Hurstville Development Control Plan No. 2.

In Council's assessment of that concept and Planning Proposal, the following was noted in the Council's Environment and Planning Committee Report dated 11 May 2020 in relation to the GRLSPS:

'46. In March 2018, amendments to the Environmental Planning and Assessment Act 1979 introduced a new requirement for local councils to prepare and make a Local Strategic Planning Statement (LSPS) which will set out planning priorities which meet the community's needs, and deliver key State and regional planning objectives. The LSPS received assurance from the Greater Sydney Commission in March 2020.

47. Council's LSPS guides land use planning and the delivery of significant infrastructure for the Georges River LGA until 2040. It delivers on the NSW Government's Greater Sydney Region Plan (A Metropolis of Three Cities) and the Greater Sydney South District Plan.

48. It creates a land vision for the future of the LGA that recognises the character of its suburbs and builds on the Georges River community's social, environmental and economic values and strengths.

49. The Statement includes visions for a number of themes, one of which is Theme 3 – Housing and Neighbourhoods, which includes the ability to have access to a choice of housing types and sizes, and new high quality buildings to be concentrated in key transport nodes. Further, it also includes Theme 4 – Economy and Centres. This theme visualises appropriately zoned land for employment growth which can be supported long term.

50. The Planning Proposal is consistent with the abovementioned themes, as it seeks to provide both residential and commercial development within the Hurstville City Centre in a Mixed Use zone.'

The subject Planning Proposal is likewise consistent with the GRLSPS as it only seeks an amendment to allow the delivery of the concept already supported by Council and subsequently the Department of Planning & Environment.

Notwithstanding, further detail is provided below in relation to the consistency of the Planning Proposal with the GRLSPS.

In relation to Theme 4 Economy and Centres, the GRLSPS identifies the following in relation to future commercial activity in the Georges River local government area (emphasis added):

'As part of Greater Sydney's Eastern Harbour City, Georges River LGA is home to almost 56,000 jobs. Community surveys indicated that the number one reason for locating a business in Georges River was 'proximity to home'. Our well educated community works in knowledge intensive job sectors with an emerging presence in the health and education job sectors.

The growth, innovation and evolution of commercial centres are central to the economy of the South District and critical to achieving a well-connected 30 minute Greater Sydney. Facilitating the growth of our centres is a priority in growing the number of jobs available in Georges River.

It's forecast that between 2016-2036 employment generated within the LGA's centres is to increase by around 13,000 jobs. It is important that our centres accommodate this growth by remaining economically viable and by providing an additional 25% of employment floor space. Council will seek to facilitate this additional floor space not only through development controls, but also through the growth of the following commercial centres:

- Allawah
- Beverly Hills
- Carlton
- Hurstville
- Kingsgrove
- Kogarah
- Mortdale
- Narwee
- Oatley
- Peakhurst
- Penshurst
- Ramsgate
- Riverwood and
- South Hurstville'

The Planning Proposal is entirely consistent and aligned with the need to provide an additional 25% of employment floor space, as it does not seek any relief from the obligation to deliver a minimum 0.5:1 FSR as commercial floorspace. Rather, it seeks flexibility to optimise the location of the commercial floorspace by not needing to locate it at the ground floor across the entire Site. This is important to provide the greatest likelihood of success of the commercial floor space.

Hurstville City Centre Urban Design Strategy (2018)

The subject Planning Proposal is seeking an amendment to the Georges River LEP 2021 to allow the delivery of the concept which underpinned the previous Planning Proposal for the Site and now reflected in the site specific section 8.3 of the Hurstville Development Control Plan No. 2.

In Council's assessment of that concept and Planning Proposal, the following was noted in the Council's Environment and Planning Committee Report dated 11 May 2020 in relation to the Hurstville City Centre Urban Design Strategy (2018):

'42. The Hurstville City Centre Urban Design Strategy was endorsed by Council at its meeting dated 25 June 2018 as a strategic planning document which informs the review and update of existing development standards within the Hurstville City Centre.

43. The site is located in the City West Transition Area character precinct. The Strategy identifies that the area is well planted with mature street trees and creates a green gateway to the Centre when entering from King Georges Road.

44. The Strategy acknowledges that the site is subject to a current Planning Proposal and recommends that the HLEP 2012 is amended to increase the height of the sub-block 2D (the subject site) from 23m to 60m at the western end of the site, stepping down to 40m at the eastern end.

45. The Planning Proposal is consistent with the overall maximum building height identified by the Strategy and retains the existing landscaped character of the City West Transition Area character precinct.'

The subject Planning Proposal is likewise consistent with the Hurstville City Centre Urban Design Strategy (2018) as it only seeks an amendment to allow the delivery of the concept already supported by Council and subsequently the Department of Planning & Environment.

The Site is specifically identified as being located within the City West Transition Area character precinct. and is not a core business location and so there is a reduced basis for ground floor commercial use across the entire Site. Furthermore, the northern end of the Gloucester Road frontage is on the peripheral of the B4 Mixed Use zoned land and is also directly opposite and adjacent to R4 High Density Residential zoned land and is a fundamentally residential context where ground floor residential use is more appropriate and consistent with the immediate Site context at this end of the Site.

The Planning Proposal is consistent with the Hurstville City Centre Urban Design Strategy (2018).

Commercial Centres Strategy

On 24 February 2020, Council adopted the Commercial Centres Strategy Part 1 Centres Analysis to inform the preparation of GRLEP 2021 and its development control plan.

From the evidence findings and community consultation, the Strategy identifies a number of issues that need to be addressed to ensure the continued growth and ongoing viability of the LGA's centres. In

particular, the Strategy is particularly focused on the provision of sufficient employment floor space to support ongoing employment growth across the LGA.

The subject Planning Proposal seeks no change to the minimum commercial FSR which applies to the Site. In fact, the Planning Proposal is in complete alignment with the Strategies' concern with the provision of sufficient employment floorspace, because it seeks flexibility to deliver the required commercial floor space in the most optimal locations on the Site which have the greatest likelihood of success.

In the absence of support for this Planning Proposal, and the entire ground floor of the Gloucester Road frontage would be required to be commercial floorspace, most likely resulting in a dead and inactive zone in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 FSR commercial floor space requirement.

Georges River Local Housing Strategy

The Georges River Local Housing Strategy (Strategy) sets out the strategic direction for housing in the Georges River Local Government Area (LGA) over the next 20 years. It identifies the housing demand, gaps and issues, and establishes housing objectives to manage future growth.

The Strategy provides that the population of the LGA is projected to increase from 156,293 in 2017 to approximately 185,000 by 2036, resulting in the need for approximately an additional 14,000 dwellings by 2036. The Strategy further provides that under the existing planning controls, major development applications and planning proposals under assessment, approximately an additional 12,000 dwellings can be provided, which results in a shortfall of approximately 2,000 dwellings that will need to be provided by 2036. To address this shortfall, the Strategy commits to providing the capacity for an additional 2,000 dwellings in the next 20 years.

The Housing Survey which was undertaken in the preparation of the Strategy identifies that the Georges River community values a home that is close to public transport, shops, services and open space.

The subject Planning Proposal is not of direct relevance in relation to the Strategy. In the event that the Planning Proposal did not proceed, this would require a redistribution of the residential and commercial floorspace within the development, rather than any change to the quantum of dwellings to be delivered on the Site. The consequence of a redistribution of the commercial floorspace to the ground floor along Gloucester Street instead of apartments would be an adverse impact to the success of the commercial floorspace.

Council: Council is satisfied the Planning Proposal is consistent with Council's LSPS and other local strategies or local strategic plans.

The Planning Proposal will provide approximately 400 new apartment dwellings. The Site is suitable for this increase in dwellings as it is located within the Hurstville Strategic Centre, close to jobs and public transport (Hurstville Railway Station and bus interchange) with frequent services capable of moving large numbers of people. Housing choices to suit different needs and lifestyles will be provided with a range of apartment sizes to meet the community's needs and deliver key State and regional planning objectives.

Housing in close proximity to a range of regional public transport services will assist in meeting the 30-minute job access target. It is noted that the Site is located well within the walkable catchments of the following transport hubs:

- 550m walking distance from the Hurstville bus interchange;
- 550m walking distance from the Hurstville Railway Station; and
- 1,000m walking distance from the Penshurst Railway Station.

Furthermore, the proposal does not preclude the development of the Hurstville CBD commercial core. Instead, it intends to generate additional demand for local services through the introduction of 400 new dwellings and provides contemporary street-based economic activity on Forest Road.

While the proposed redevelopment reduces the amount of commercial floor space offered by the existing development, the current office facilities are redundant with poor economic prospects as demonstrated by an approximately 77% vacancy rate. Health, education, knowledge and professional services as well as tourism are recognised sectors of future employment growth. The Site is outside the commercial core of the Hurstville CBD and is, therefore, better suited for personal and professional services with different and more flexible accommodation needs.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Proponent:

The subject Planning Proposal seeks no change to the quantum of commercial and residential floor space to be delivered across the Site, and instead seeks flexibility to deliver the required commercial

floor space in the most optimal locations on the Site which have the greatest likelihood of success. Furthermore, the Planning Proposal will allow the location of ground floor apartments at the northern end of the Gloucester Road frontage where the immediate context is residential rather than commercial. Accordingly, the nature of the Planning Proposal is of no consequence in relation to State and regional studies or strategies.

Council: There are no other State and regional studies or strategies applicable.

6. Is the planning proposal consistent with applicable SEPPs?

Proponent:

The Planning Proposal is consistent with all relevant State Environmental Planning Policies as summarised in the following table:

SEPP	Comment	Consistent
State Environmental Planning Policy – (Transport and Infrastructure) 2021	The aim of SEPP Transport and Infrastructure is to facilitate the effective delivery of infrastructure across the State. Detailed compliance with SEPP Transport and Infrastructure will need to be demonstrated in the development application. The proposed amendment does not alter the required mix of uses and minimum 0.5:1 FSR commercial component.	Yes
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 4 Remediation of Land under State Environmental Planning Policy (Resilience and Hazards) 2021 is relevant to the Planning Proposal. The Planning Proposal does not contain provisions that will contradict or hinder the application of this SEPP. The Site's historical use was for commercial purposes and the proposed use will comprise of retail / commercial purposes with residential above.	Yes
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	The aim of SEPP BASIX is to encourage sustainable residential development. The future redevelopment of the Site for a residential flat building would be capable of complying with BASIX. Detailed compliance with BASIX will be demonstrated at the time of making an application for development.	Yes
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development	SEPP 65 aims to improve the design quality of residential flat developments, provide sustainable housing in social and environmental terms that is a long-term asset to the community and delivers better built form outcomes. The future redevelopment of the Site for a residential flat building would be capable of complying with SEPP 65. Detailed compliance with SEPP 65 will be demonstrated within the development application.	Yes
State Environmental Planning Policy (Housing) 2021	SEPP Housing aims to enable the development of diverse housing types, including purpose-built rental housing. Many of the forms of development provided under SEPP Housing such as co-living housing rely on a residential flat building or shop top housing being a permissible form of development. The Planning Proposal is not of any consequence as shop top housing is already a permissible use on the subject Site, and it is noted that boarding house is also already a permissible use on the Site.	Yes

State Environmental Planning Policy (Primary Production) 2021	SEPP Primary Production aims to facilitate the orderly economic use and development of lands for primary production. The Site does not currently comprise agricultural land, nor will the subject Planning Proposal make it possible to be used for primary production and so the Planning Proposal is of no consequence in relation to this SEPP.	N/A
State Environmental Planning Policy (Biodiversity and Conservation) 2021	SEPP Biodiversity and Conservation aims to protect the biodiversity values of trees and other vegetation and includes provisions in relation to vegetation clearing and is predominantly aimed at providing controls in relation to vegetation in rural settings. The non-rural controls apply to the subject Site irrespective of the subject Planning Proposal, which is of no consequence in relation to this SEPP.	N/A
State Environmental Planning Policy (Industry and Employment) 2021	SEPP Industry and Employment includes provisions in relation to the western Sydney employment area, as well as controls relating to signage. The subject Site is not located within the western Sydney employment area and so this component of the SEPP is irrelevant for the purpose of the subject Planning Proposal. Any signage proposed as part of a development application will be assessed at the development application stage.	Yes
State Environmental Planning Policy (Planning Systems) 2021	SEPP Planning Systems comprises provisions which identify State and regional development, development on Aboriginal land, and concurrences required. These provisions are not of direct relevance to the subject Planning Proposal, however, may be relevant to future development applications made possible as a result of the Planning Proposal.	Yes
State Environmental Planning Policy (Exempt and Development Codes) 2008	SEPP Codes provides a range of exempt and complying development. The subject Planning Proposal is not of any consequence in relation to SEPP Codes.	Yes

Council: Council is satisfied the Planning Proposal is consistent with the requirements of the relevant SEPPs.

7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

Proponent:

The following table summarises the Planning Proposal's consistency with applicable Ministerial Directions:

9.1 Direction No. and Title	Comment	Consistent
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	This direction applies to land to which a Regional Plan has been released by the Minister for Planning. No specific regional plan applies to the Site.	N/A
1.2 Development of the Aboriginal Land Council	Not Applicable	N/A
1.3 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. In accordance with the direction the Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. Further the Proposal does	Yes

	<i>not identify future development on the Site as designated development.</i>	
1.4 Site Specific Provisions	<i>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The direction applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out. In this instance, the Planning Proposal seeks an additional permitted use in Schedule 1 of the GRLEP in order to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of “residential flat building” on the Site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the Site.</i>	Yes
Focus Area 1: Place Based		
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not Applicable	N/A
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not Applicable	N/A
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable	N/A
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable	N/A
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not Applicable	N/A
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not Applicable	N/A
1.11 Implementation of Bayside West Precincts 2036 Plan	Not Applicable	N/A
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not Applicable	N/A
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not Applicable	N/A
1.14 Implementation of Greater Macarthur 2040	Not Applicable	N/A
1.15 Implementation	Not Applicable	N/A

<i>of the Pyrmont Peninsula Place Strategy</i>		
<i>1.16 North West Rail Link Corridor Strategy</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>1.17 Implementation of the Bays West Place Strategy</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>Focus area 3: Biodiversity and Conservation</i>		
<i>3.1 Conservation Zones</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>3.2 Heritage Conservation</i>	<i>The Site is not an identified heritage item or within a conservation area. The Site is not located within the immediate vicinity of any heritage items.</i>	<i>N/A</i>
<i>3.3 Sydney Drinking Water Catchments</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>3.5 Recreation Vehicle Areas</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>Focus area 4: Resilience and Hazards</i>		
<i>4.1 Flooding</i>	<i>The Site is not flood affected.</i>	<i>N/A</i>
<i>4.2 Coastal Management</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>4.3 Planning for Bushfire Protection</i>	<i>The Site is not identified as Bushfire Prone Land nor is it located in close proximity to land mapped as bushfire prone land.</i>	<i>N/A</i>
<i>4.4 Remediation of Contaminated Land</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>4.5 Acid Sulfate Soils</i>	<i>The Site is not identified as Class 1, 2, 3, 4 or 5 land on the Acid Sulfate Soil Map. Accordingly, this Direction is not applicable to the Proposal.</i>	<i>N/A</i>
<i>4.6 Mine Subsidence and Unstable Land</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>Focus area 5: Transport and Infrastructure</i>		
<i>5.1 Integrating Land Use and Transport</i>	<i>The Planning Proposal will enable a quantum of residential as previously envisaged for the Site, in close proximity to jobs and services, thereby encouraging walking, cycling and use of public transport.</i>	<i>Yes</i>
<i>5.2 Reserving Land for Public Purposes</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>5.3 Development Near Regulated Airports and Defence Airfields</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>5.4 Shooting Ranges</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>Focus area 6: Housing</i>		
<i>6.1 Residential Zones</i>	<i>Whilst the Site is not a residential zone, it nonetheless permits residential accommodation in the form of shop-top housing development. The purpose of the Planning Proposal is to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of “residential flat building” on the Site, which would prevent the delivery of the concept which</i>	<i>Yes</i>

	<i>underpinned the recent Planning Proposal for the Site.</i>	
6.2 Caravan Parks and Manufactured Home Estates	Not Applicable	N/A
Focus area 7: Industry and Employment		
7.1 Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic Centres. The proposal remains consistent with the Direction as it does not reduce the required minimum 0.5:1 non-residential floor space on the Site.	Yes
7.2 Reduction in non-hosted short-term rental accommodation period	Not Applicable	N/A
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable	N/A
Focus area 8: Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	Not Applicable	N/A
Focus area 9: Primary Production		
9.1 Rural Zones	Not Applicable	N/A
9.2 Rural Lands	Not Applicable	N/A
9.3 Oyster Aquaculture	Not Applicable	N/A
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable	N/A

Council: Council is satisfied the Planning Proposal is consistent with the relevant Directions. Additional information may be required after a Gateway Determination being issued to demonstrate consistency with a Direction or enable the Planning Secretary to agree to an unresolved inconsistency. With respect to Direction 1.4 Site Specific Provisions, the Planning Proposal seeks to correct an anomaly which occurred upon gazettal of the GRLEP to allow a residential flat building on the Site. The Planning Proposal does not seek to amend the B4 Mixed Use zoning, floor space ratio (FSR), height or any other LEP (Local Environmental Plan) provisions except Clause 6.13 Development in certain business zones relating to the Site. Therefore, the inconsistency with Direction 1.4 is considered of minor significance.

Site-Specific Merit

Section C – ENVIRONMENTAL, SOCIAL AND ECONOMIC

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Proposal?

Proponent: The Planning Proposal will not adversely impact any critical habitat, threatened species, populations or ecological communities, or their habitats.

Council: No critical habitat or threatened species, populations or ecological communities, or their habitats have been identified within the Site and surroundings.

9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Proponent: There are no environmental effects envisaged as a result of the Planning Proposal.

Council: There are no adverse environmental effects resulting from the Planning Proposal given the nature of the Planning Proposal. The environmental impacts from the development will be dealt with during the assessment of the development application.

10. Has the Planning Proposal adequately addressed any social and economic effects?

Proponent:

The Planning Proposal seeks to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of “residential flat building” on the Site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the Site.

The Planning Proposal will facilitate a positive economic and social outcome as it will provide flexibility to distribute the required commercial floor space to the most optimal locations on the Site to provide the greatest likelihood of success of the commercial floor space. The success of the commercial component of the development is important because it will contribute to the growth of the local economy and also towards job creation.

The proposal will avoid the need to deliver retail or business floor space in areas of the Site where it will not be viable to lease or sell this type of floor space. The Planning Proposal does not alter the delivery of 0.5:1 FSR commercial floorspace.

Council: The social and economic impacts from the development were assessed under the Planning Proposal (PP2015/0005). The Planning Proposal is consistent with Council’s endorsed LSPS that creates a land use vision for the future of the LGA that recognises the character of its suburbs and builds on the Georges River community’s social, environmental and economic values and strengths, as it seeks to provide both residential and commercial development within the Hurstville City Centre in a Mixed Use zone.

Section D – Infrastructure (Local, State and Commonwealth)**11. Is there adequate public infrastructure for the Planning Proposal?****Proponent:**

Required electricity, telecommunication, gas, water, sewer and drainage services are available to the Site.

The Site is well served by public transport infrastructure in that the Site is within walking distance of the Hurstville train station and numerous bus services.

The demand for public infrastructure required for any future development of the Site will be appropriately considered during the assessment of a development application for any such proposal.

Council: Council is satisfied the existing infrastructure is adequate to serve the needs of the proposal given the Planning Proposal is consistent with the endorsed Planning Proposal (PP2015/0005). Furthermore, Section 7.11 Local Infrastructure Contributions will be levied on any development consent issued for the development.

Section E – State and Commonwealth Interests**12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

Proponent: *Relevant public authorities will be consulted following the Gateway Determination.*

Council: Consultation will be confirmed by the Gateway Determination.

GEORGES RIVER LOCAL PLANNING PANEL

58. The Planning Proposal was considered by the Georges River LPP at its meeting on 2 June 2022. The LPP recommended:

1. *That the Georges River Local Planning Panel note and acknowledge the amendment to Schedule 1 of the Georges River Local Environmental Plan 2021 proposed by Planning Proposal PP2022/0001 and recommend that Council:*
 - a) *Support the amendment to Schedule 1 of the Georges River Local Environmental Plan 2021 proposed by Planning Proposal PP2022/0001;*
 - b) *Endorse the forwarding of Planning Proposal PP2022/0001 to the NSW Department of Planning and Environment (DPE) to request a Gateway Determination under Section 3.33 of the EP&A Act 1979 for an amendment to the Georges River Local Environmental Plan 2021 by:*
 - 1) *introducing "residential flat building" as an additional permitted use on "Area A" of the Site (being Part Lot 30 DP785238); and*
 - 2) *excluding the application of Clause 6.13 Development in certain business zones from "Area A" of the Site (being Part Lot 30 DP785238).*
2. *That the Planning Proposal be placed on formal public exhibition in accordance with the conditions of any Gateway Determination issued by the DPE.*
3. *That a report to Council be prepared by Council staff to advise of the LPP recommendations.*

59. The Panel notes that Council is part of a DPE Pilot program for improving the determination times for regionally significant development applications. The Site is subject to a DA under this program - being (DA2022/0061).

60. Concern was raised by the LPP regarding the proposed timeframes for the Planning Proposal and the potential resulting delays to the determination of the DA (DA2022/0061). The Panel were advised that the DA determination target date by the Regional Panel is likely to be in September 2022. Accordingly, the LPP suggested that Council officers request the DPE fast track the Planning Proposal process, including the issuing of a Gateway Determination, reduced public exhibition period, and finalisation for gazettal in order not to significantly delay the determination of the development application.

61. As a result, the expected timeframes for each stage in the following table have been amended from the LPP report to:

	Stage	Timeframe/date
1	Consideration by Georges River LPP	2 June 2022
2	Council decision	27 June 2022
3	Gateway Determination	July 2022 (Subject to DPE time frames) *
4	Pre-exhibition	August 2022
5	Commencement and completion of public exhibition period	August 2022
6	Consideration of submissions	August-September 2022
7	Post-exhibition review and additional studies	September 2022
8	Council resolution to endorse	September 2022
9	Submission to the Department for finalisation (where applicable)	September 2022
10	Gazettal of LEP amendment	September 2022 (Subject to DPE)

*Stages 3-10 are impacted by the date the Gateway Determination is issued by the Department.

62. A copy of the report that was referred to the LPP is available on Council's website.

SUMMARY OF ASSESSMENT/CONCLUSION

63. The Planning Proposal (PP2022/0001) seeks to amend Schedule 1 of the Georges River Local Environmental Plan 2021 ("GRLEP") to:
- 1) introduce "residential flat building" as an additional permitted use on "Area A" of the Site (being Part Lot 30 DP785238); and
 - 2) exclude the application of Clause 6.13 Development in certain business zones from "Area A" of the Site (being Part Lot 30 DP785238).
64. The Planning Proposal does not seek to amend the B4 Mixed Use zoning, FSR, height or any other LEP (Local Environmental Plan) provisions except Clause 6.13 Development in certain business zones relating to the Site.
65. The Planning Proposal is to correct an anomaly that occurred upon the gazettal of the GRLEP, following the gazettal of the controls proposed by the Planning Proposal (PP2015/0005) for the Site to amend the Hurstville Local Environmental Plan 2012 ("HLEP 2012"). The intended outcome of this Planning Proposal is to facilitate the redevelopment of the Site as envisaged by PP2015/0005, in particular, to allow a residential flat building with ground floor residential apartments at the northern end of the Gloucester Road frontage within "Area A" of the Site – being Part Lot 30 DP785238.
66. The Planning Proposal meets both the strategic and site-specific merit tests that are outlined in the DPE's *Local Environmental Plan Making Guideline* dated December 2021.
67. In terms of Strategic Merit, the proposal:
- a. Gives effect to the Greater Sydney Region Plan and the South District Plan given that the resulting development will provide:
 - i) Increased employment opportunities within the proposed commercial and retail floor space (approximately 4,620sqm);
 - ii) Improvements to housing choice and availability in close proximity to public transport and the Hurstville City Centre which offers retail and essential services.
 - b. Is consistent with the endorsed Georges River LSPS as it seeks to provide both residential and commercial development within the Hurstville City Centre in a Mixed Use zone.
68. In terms of Site-specific Merit, the proposal:
- a. Seeks to correct an anomaly that occurred upon the gazettal of the GRLEP to allow a residential flat building on the Site.
 - b. Does not adversely affect critical habitats or threatened species, populations or ecological communities or their habitats.
 - c. Will not sterilise the Site. The Site can be developed and is currently the subject of a development application.
 - d. Will comply with the non-residential requirement in the GRLEP for the Site which is 0.5:1.

MAPS

69. A map of "Area A" of the Site (Figure 1 and Attachment 2) has been submitted with the Planning Proposal. Should the Planning Proposal be supported, the Gateway

Determination may require technically compliant mapping using the same format, symbology, labelling and appropriate map scale to ensure consistency with any current LEP maps.

VOLUNTARY PLANNING AGREEMENT

70. The Planning Proposal (PP2015/0005) was supported by a Voluntary Planning Agreement which requires the developer to pay a monetary contribution of \$3,619,308 to the Council for the provision of public facilities in the Council's area, including public infrastructure, amenities and services, public domain and public road infrastructure, and key traffic and road infrastructure in the Hurstville City Centre. The Voluntary Planning Agreement has been executed and the contribution paid to Council.

FINANCIAL IMPLICATIONS

71. No budget impact for this report.

RISK IMPLICATIONS

72. Operational risk/s identified and management process applied.

COMMUNITY ENGAGEMENT

73. Should the Planning Proposal be supported, it will be forwarded to the delegate of the Minister for Planning and Homes, requesting a Gateway Determination.
74. If a Gateway Determination (Approval) is issued, and subject to its conditions, it is anticipated that the Planning Proposal will be exhibited for a period of 20 days in accordance with the provisions of the EP&A Act, 1979 and Regulation, 2021 and any requirements of the Gateway Determination.
75. Exhibition material, including explanatory information, land to which the Planning Proposal applies, a description of the objectives and intended outcomes, a copy of the Planning Proposal and relevant maps will be available for viewing during the exhibition period on Council's website and hard copies available at the Council offices and libraries.
76. Notification of the public exhibition will be through:
- Newspaper advertisement in The Leader;
 - Exhibition notice on Council's website;
 - Notices in Council offices and libraries;
 - Letters to State and Commonwealth Government agencies identified in the Gateway Determination (if required); and
 - Letters to adjoining landowners (in accordance with Council's Notification Procedures).
77. The project timeframe will depend on the Gateway Determination date and the required public exhibition period based on the different planning proposal categories. The following is based on a basic planning proposal with a public exhibition period of 10 working days.
78. It is noted that the project timeline will be assessed by the DPE and may be amended by the Gateway Determination.

INDICATIVE PROJECT TIMELINE

79. The expected timeframes for each stage are summarised in the following table.

	Stage	Timeframe/date
1	Consideration by Georges River LPP	2 June 2022
2	Council decision	27 June 2022
3	Gateway Determination	July 2022 (Subject to DPE time frames) *
4	Pre-exhibition	August 2022
5	Commencement and completion of public exhibition period	August 2022
6	Consideration of submissions	August-September 2022
7	Post-exhibition review and additional studies	September 2022
8	Council resolution to endorse	September 2022
9	Submission to the Department for finalisation (where applicable)	September 2022
10	Gazettal of LEP amendment	September 2022 (Subject to DPE)

*Stages 3-10 are impacted by the date the Gateway Determination is issued by the Department.

80. It is noted that the project timeline will be subject to the DPE and may be amended.

NEXT STEPS

81. If the Planning Proposal is endorsed by Council, it will be forwarded to the Minister for Planning and Homes for a Gateway Determination under Section 3.34 of the EP&A Act 1979 and placed on public exhibition.

FILE REFERENCE

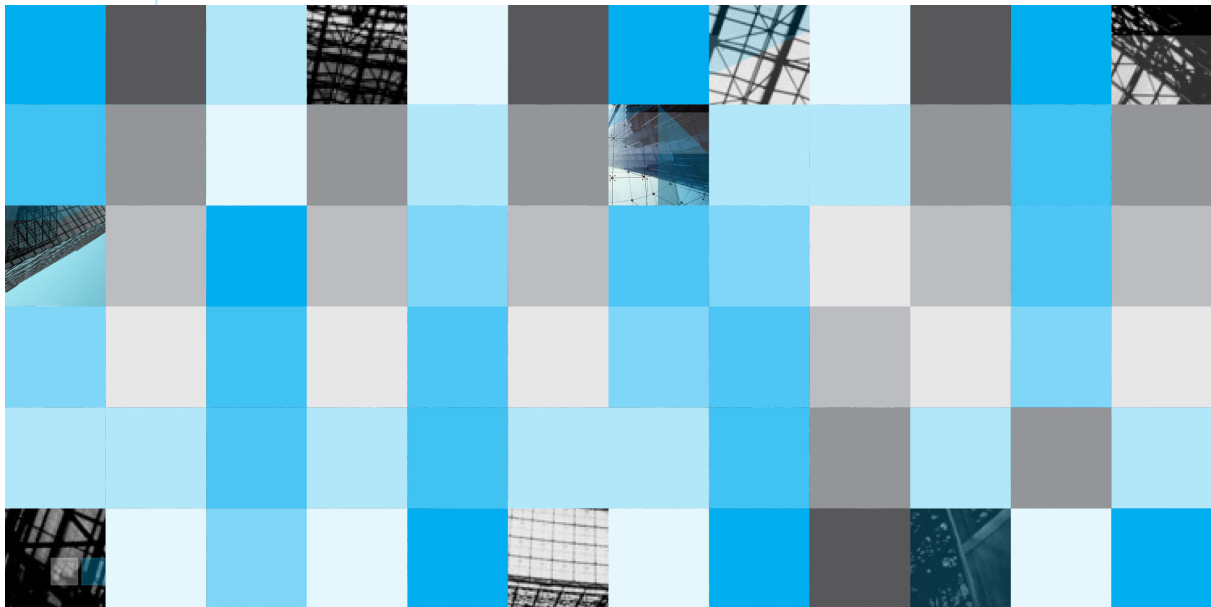
PP2022/0001

ATTACHMENTS

Attachment [↓1](#)  Planning Proposal - 9 Gloucester Road, Hurstville

Attachment [↓2](#)  Map of "Area A" of the Site

**SUTHERLAND
& ASSOCIATES
PLANNING**



9 Gloucester Road, Hurstville

Planning Proposal

SUTHERLAND & ASSOCIATES PLANNING

ABN 14 118 321 793 ACN 144 979 564

Planning Proposal

9 GLOUCESTER ROAD, HURSTVILLE

April 2022

Prepared under instructions from
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1.0 EXECUTIVE SUMMARY

This Planning Proposal has been prepared by Sutherland & Associates Planning Pty Ltd on behalf of GTB Hurstville Pty Ltd in relation to the site known as 9 Gloucester Road, Hurstville.

The site has been the subject of an extensive master planning process since 2015. The master planning process informed a Planning Proposal for new planning controls which were implemented as changes to the height and FSR controls in the Hurstville Local Environmental Plan 2012 as well as a site specific section 8.3 of the Hurstville Development Control Plan No. 2. The concept prepared for the site by Turner architects which formed the basis of the Planning Proposal included a residential flat building at the northern end of the site on Gloucester Road, as well as 0.5:1 commercial component along the Forest Road frontage and also the corner of Forest Road and Gloucester Road.

However, since gazettal of the new controls for the site, the Hurstville Local Environmental Plan 2012 has been replaced by the Georges River Local Environmental Plan (GRLEP) 2021. Whilst the new GRLEP maintains the same B4 Mixed Use zone for the site, it has nonetheless made "residential flat development" a prohibited use on the site.

This results in an adverse outcome because it will prevent the distribution of the required quantum of commercial floor space to the most optimal and appropriate parts of the site, and instead would require commercial floor space to be relocated to the ground floor along the entire of the Gloucester Road frontage of the site. This is contrary to the concept and vision that underpinned the recent site specific Planning Proposal for the site.

It is appropriate to allow ground floor apartments along the northern end of the Gloucester Road frontage for the following reasons:

- At a macro level, the subject site is in a transition area and is not a core business location and so there is a reduced basis for ground floor commercial use across the entire site.
- At a micro level, the northern end of the Gloucester Road frontage is on the peripheral of the B4 Mixed Use zoned land and is also directly opposite and adjacent to R4 High Density Residentially zoned land and is a fundamentally residential context where ground floor residential use is more appropriate and consistent with the immediate site context at this end of the site.
- The Planning Proposal does not seek any relief from the requirement to provide a minimum 0.5:1 commercial component and instead is intended to provide flexibility to deliver this commercial floorspace in the most optimal parts of the site which is important to ensure the success of the development and maximise its potential for job creation.

In order to allow the development of the site as intended with ground floor residential apartments at the northern end of the Gloucester Road frontage, this Planning Proposal seeks to amend Schedule 1 of the Georges River Local Environmental Plan 2021 to:

- introduce "residential flat building" as an additional permitted use on "Area A" of the site, and
- exclude the application of Clause 6.13 from "Area A".

The proposed additional permitted use has strategic and site merit as it is based upon the principles established for the site under the recent Planning Proposal.

In the absence of support for this Planning Proposal and the entire ground floor of the Gloucester Road frontage is required to be commercial floorspace, this will most likely result in a dead and inactive zone in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 commercial floor space requirement.

The Planning Proposal has been prepared in accordance with section 3.33 of the Environmental Planning & Assessment Act 1979 (EP&A Act). As required by section 3.33 of the EP&A Act this Planning Proposal includes the following:

- a statement of the objectives or intended outcomes of the proposed instrument,
- an explanation of the provisions that are to be included in the proposed instrument,
- the justification for those objectives, outcomes and provision and the process for their implementation,
- if maps are to be adopted by the proposed instrument – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument, and
- details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

The Planning Proposal has also been prepared having regard to the 'Local Environmental Plan Making Guideline – December 2021' developed by the NSW Department of Planning and Environment. The report addresses the Proposal's consistency with Greater Sydney Region Plan - A Metropolis of Three Cities, the South District Plan, strategic plans and assesses the consistency of the Planning Proposal against relevant State Environmental Planning Policies and Ministerial Directions.

2.0 SITE DESCRIPTION AND LOCATION

2.1 Locality Description

The site is located within the Hurstville City Centre, the main centre for the southern Sydney region and is 15 kilometres south west of the Sydney CBD and 7 kilometres from Kingsford-Smith International Airport and Port Botany. The centre has close access to the M5, is focused around Hurstville Railway Station and forms the main centre along the Illawarra railway line.

The locality statement for the site in Section 8.3.2.1 of the Hurstville Development Control Plan No. 2 – Hurstville City Centre states:

The site is located within the Hurstville City Centre, bounded by Gloucester and Forest Roads to its north and south. The site is currently zoned B4 Mixed Use, which facilitates a variety of uses including commercial, which is present on the Site. Its immediate context comprises of a public car park and a service station on the north-east and various commercial premises along Forest Road on the south. The site is well planted with mature street trees, creating a green gateway to the Centre when entering via King Georges Road. The new development needs to provide a range of flexible commercial floor space, contribute to the public domain and maintain the amenity of adjoining residential land uses.

The location of the site is illustrated in Figure 1 below.

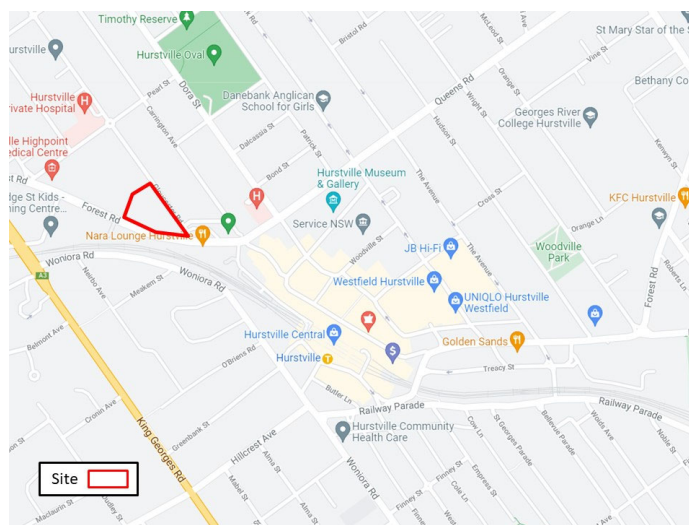


Figure 1:

Site Location:
(Source:
Google Maps)

2.2 Site Description

The site comprises a single allotment and is legally described as Lot 30 in DP 785238 and is commonly known as 9 Gloucester Road, Hurstville. The site is also sometimes referred to as 420 Forest Road, Hurstville.

The site is triangular in shape and bound by Gloucester and Forest Roads to its north and south which intersect at its most eastern point in a spayed corner. The site has a 148.7 metre frontage to Gloucester Road, a 158.3 metre frontage to Forest Road, and staggered north-western boundary of a 108.5 metre. The site has a total area of 9,240 square metres.

The highest point of the site is the western end of the Forest Road frontage with an RL of 65.4m, with a fall of approximately 4 metres to the south-eastern corner of the site. There is also a cross fall from Forest Road through to Gloucester Street at the north-western end of the site of approximately 4 metres, whilst the fall along Gloucester Road from west to east is more moderate and approximately 0.5 metre.

The site is currently occupied by three commercial buildings between two and four storeys in height in an 'office park' configuration of buildings with an indirect relationship with the adjoining public domain and a partially exposed one level basement car park. Vehicular access is provided from Gloucester Road and there is a through-site link from Forest Road to Gloucester Road.



Figure 2:

Aerial view of the site (Source: Six Maps, Department of Lands 2020)



Photograph 1:

The northern end of the
Gloucester Road
frontage of the site



Photograph 2:

The existing vehicular
access from Gloucester
Road



Photograph 3:

The eastern end of the
Gloucester Road
frontage of the site
facing west

Photograph 4:

Corner of site to Forest
Road and Gloucester
Road



Photograph 5:

The eastern end of the
Forest Road frontage
of the site



Photograph 6:

Forest Road frontage of
site





Photograph 7:

The western end of the
Forest Road frontage
of the site

3.0 BACKGROUND

3.1 9 Gloucester Road - First Planning Proposal

In October 2015, a request to prepare a Planning Proposal for the site was lodged with Council.

A rigorous assessment of the masterplan which informed the Planning Proposal was undertaken by Council, which led to a range of subsequent amendments. Following this, at its meeting on 27 August 2018, Council resolved to endorse the amended Planning Proposal to be forwarded to the Department of Planning and Environment for a Gateway Determination, seeking to amend the Hurstville Local Environmental Plan 2012 (HLEP 2012) to increase the FSR from 3:1 to 4:1 (including a minimum non-residential FSR of 0.5:1) and increase the maximum building height applying to the site from 23m to a range of heights of 23m, 30m, 40m, 50m and 60m. A Gateway Determination to publicly exhibit the Planning Proposal was issued by the Department on 26 February 2019.

However, Council's resolution contained a numerical error relating to the proposed height and so at its meeting on 24 June 2019, Council resolved to endorse an amended Planning Proposal and supporting documentation, including the correct height range and extension of timing to complete the amendment to the LEP is to be forwarded to the Department of Planning and Environment for their endorsement and approval to publicly exhibit.

The Planning Proposal and draft DCP were publicly exhibited in January and February 2020. The Planning Proposal sought to:

- Increase height from 23m to a range of heights of 23m, 30m, 40m, 55m and 60m.
- Increase FSR from 3:1 to 4:1 including a minimum non-residential FSR of 0.5:1.

The concept scheme which supported the Planning Proposal is illustrated in Figure 3 below and comprised a mixed use component (commercial and residential flat building) at the northern end of the site with ground floor apartments and a shop top housing component at the southern end of the site.

The configuration of the masterplan design comprised a perimeter block form of development with buildings ranging in height from 4 to 18 storeys as follows

- Building A – 4 to 18 storeys (60m)
- Building B – 4 to 16 storeys (55m)
- Building C – 12 storeys (40m)
- Building D – 8 storeys (30m)
- Building E – 4 to 6 storeys (23m)

The Planning Proposal was also supported by a Voluntary Planning Agreement which requires the developer to pay a monetary contribution of \$3,619,308 to Council for the provision of public facilities in the Council's area, including public infrastructure, amenities and services, public domain and public road infrastructure, and key traffic and road infrastructure in the Hurstville City Centre. The Voluntary Planning Agreement has been executed.

In conclusion, the subject site has been the subject of an extensive masterplanning process since 2015 which informed a Planning Proposal for new planning controls which were implemented as changes to the Hurstville Local Environmental Plan 2012 and the Hurstville Development Control Plan No. 2 – Hurstville City Centre.

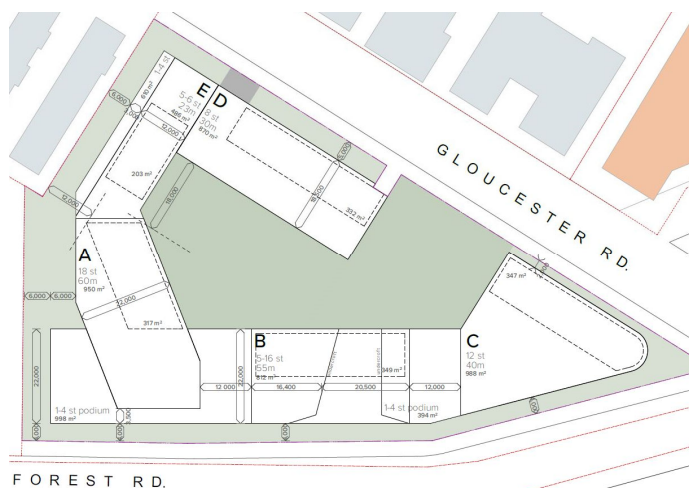
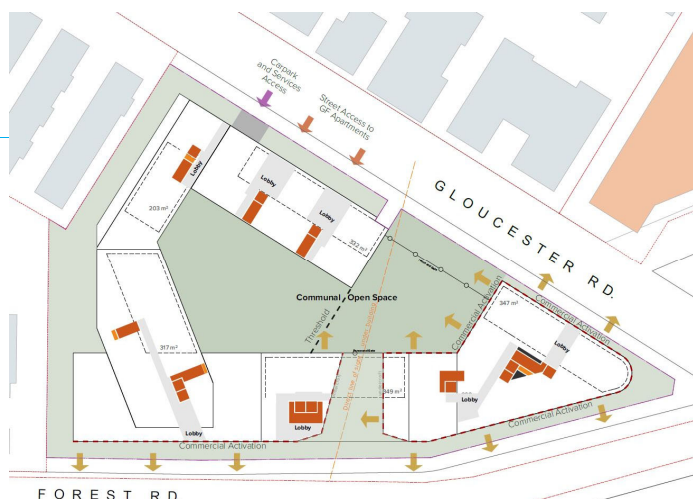


Figure 3:

- Planning
- Proposal envelopes

Figure 4:

Planning
Proposal
ground floor
strategy with
ground floor
apartments
facing
Gloucester
Road



3.2 Development Application

A Development Application is lodged concurrently with this Planning Proposal, which is the culmination of the extensive strategic planning work undertaken for the site, is consistent with the anticipated built form for the site, and fulfills the vision that has been established for the site.

The Development Application provides commercial floorspace which meets the required minimum 0.5:1 FSR.

The Development Application will be made permissible by the proposed draft amendment to the GRLEP and is submitted pursuant to Section 3.39 of the Environmental Planning & Assessment Act 1979 which states that nothing in the Act prevents:

- (a) the making of a development application to a consent authority for consent to carry out development that may only be carried out if an environmental planning instrument applying to the land on which the development is proposed to be carried out is appropriately amended, or
- (b) the consideration by a consent authority of such a development application.

A description of the Development Application is provided below.

3.2.1 General Description

The proposal provides for the demolition of all existing structures on the site and erection of a mixed use development with a 4 storey podium and 4 x buildings above between 8 to 18 storeys comprising 4,620 square metres of commercial floor space and 349 apartments, above 3 basement levels containing 459 car parking spaces,

The proposed distribution of built form and massing of the buildings across the site is the result of a considered analysis of the context of the site, the concept which informed the Planning Proposal and the desire to deliver an exemplary urban design outcome that is consistent with the desired future character of the locality. The proposal is generally consistent with the layout envisaged by the Hurstville Development Control Plan No. 2 – Hurstville City Centre and ensures that all street edges are properly addressed and activated and the internal ground floor plane is functional. The design of the proposal achieves a highly modulated built form outcome which serves to reduce the apparent bulk and mass of the development and deliver a visually dynamic outcome.

The proposal is a high quality transit orientated development that will provide both housing choice and employment generating floor space in a location that enjoys excellent access to metropolitan public transport systems inclusive of rail and cross regional bus services, a wide range of regional and district services and infrastructure such as shopping centres, entertainment facilities, schools and hospitals; and a range of employment opportunities including offices, retail and services.

A varied palette and materiality are used to provide a clear identity for the development. The varied architectural language generates a high level of visual interest.

The proposed development is detailed on the architectural plans prepared by Turner architects.

The detailed breakdown of the proposed development is as follows:

Basement Levels

Basement levels 01 to 03 contain parking, plant and storage for the various components of the development. Basement level 01 contains the loading dock. Entry and egress to the basement levels if provided from Gloucester Road.

Building A

Building A is located adjacent to Forest Road at the western end of the site and is configured with a 4 storey street wall, and a tower above with total height of 18 storeys. A roof top common open space is provided for this building. The ground level of Building A contains a retail tenancy facing Forest Road (on level 01), whilst apartments are located on the balance of Level 01 and on the floor above.

Building B

Building B is located centrally along the Forest Road frontage of the site and is configured with a 4 storey street wall with tower above and a total height of 16 storeys. A roof top common open space is provided for this building. The ground level of Building B contains a retail tenancy facing Forest Road (on level 01), whilst apartments are located above.

Building C

Building C is located at the southern corner of the site with frontages to both Forest Road and Gloucester Road and is configured with a 4 storey street wall and mid-rise building above with a total height of 11 storeys. A roof top common open space is provided for this building. The ground level of Building C contains 5 retail tenancies, the first and second floors contain commercial floor space, whilst apartments are located on the levels above.

Buildings D and E

Building D is located centrally along the Gloucester Road frontage of the site and is an 8 storey residential flat building with a roof top common open space. Building E is located along the north-western side of the site and is a 6 storey residential flat building which is attached to Building D. It also has a roof top common open space.

Public Domain and Central Open Space

The proposal will deliver a high quality public domain outcome for the area as an integral element of the development comprising a single consolidated central landscaped open space for residents, workers, and the broader community which will greatly improve the amenity and facilities within the locality.

The central open space is designed with sufficient soil depth and volume to provide for mature and generous trees and vegetation. The central open space is the focal point and one of the key place making features within the development and is considered to be a critical component to the success of the commercial component of the development. It is a highly programmed space with a variety of outdoor furniture and hardscape and softscape elements. The design of this space allows for passive and active recreation and is detailed in the landscape package prepared by RPS which accompanies this application.



Figure 5:

CGI of proposal as viewed from the intersection of Durham Street and Forest Road facing east



Figure 6:

CGI of proposal as viewed from Forest Road facing south

4.0 LOCAL PLANNING PROVISIONS

4.1 Georges River Local Environmental Plan 2021

Georges River Local Environmental Plan 2012 (LEP 2021) applies to the site. Key provisions applying to the site are identified below:

4.1.1 Zoning and Permissibility

The site is located within the B4 Mixed Use zone pursuant to Georges River Local Environmental Plan 2021 (GRLEP). pursuant to the Georges River Local Environmental Plan 2021 (GRLEP). An extract of the Land Zoning Map is included as Figure 7.

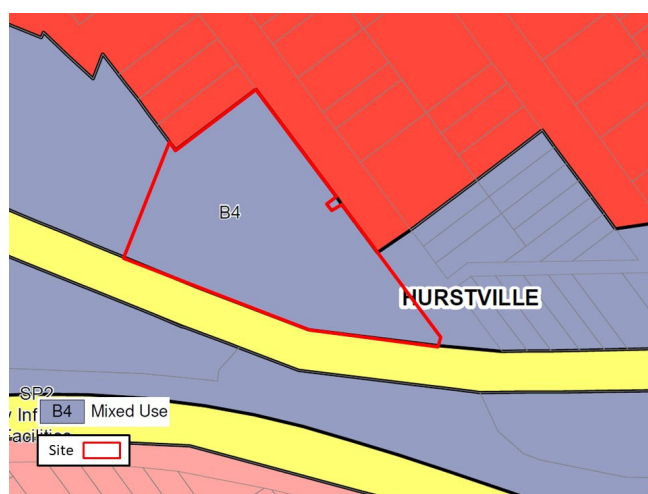


Figure 7:

Extract from GRLEP
2021 Land Zoning
Map

The objectives of the B4 Mixed Use zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To allow residential development that contributes to the vitality of the centre and provides housing that meets the needs of the community.
- To encourage the provision of community facilities and public infrastructure so that all residents have reasonable access to a range of facilities and services.

The following uses are permitted with consent in the B4 Mixed Use zone:

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres;

Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

The following uses are prohibited with consent in the B4 Mixed Use zone (emphasis added):

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Attached dwellings; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Jetties; Marinas; Mooring pens; Moorings; Multi dwelling housing; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; **Residential flat buildings**; Rural industries; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sewerage systems; Sex services premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

4.1.2 Height

In accordance with clause 4.3 'Height of Buildings' the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map'. There are five height zones for the site with 23, 30, 40, 55 and 60 metres across the site as shown in, as shown in Figure 8.

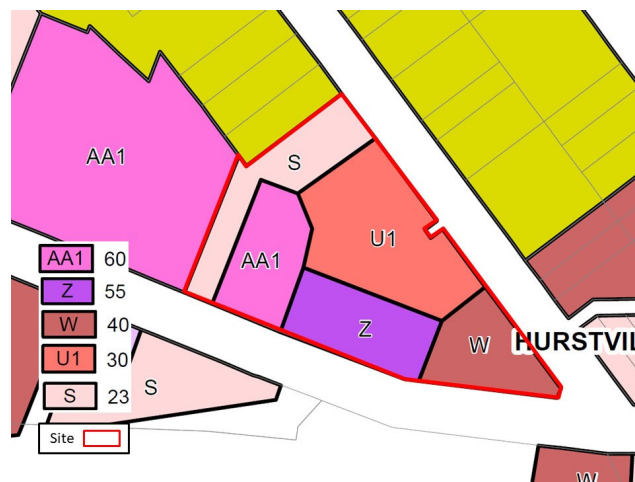


Figure 8:

Extract from the
GRLEP 2021 Height of
Buildings Map

4.1.3 Floor Space Ratio

Clause 4.4(2) of the GRLEP provides that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

An FSR control of 4:1 applies to the site, as illustrated in Figure 9 below. The site is also nominated as "Area 3" subject to Clause 4.4B which states that development consent must not be granted unless the non-residential floor space ratio is at least 0.5:1. The objective of this clause is to encourage an appropriate mix of residential and non-residential uses in order to ensure a suitable level of non-residential floor space is provided to promote employment and reflect the hierarchy of the business zones

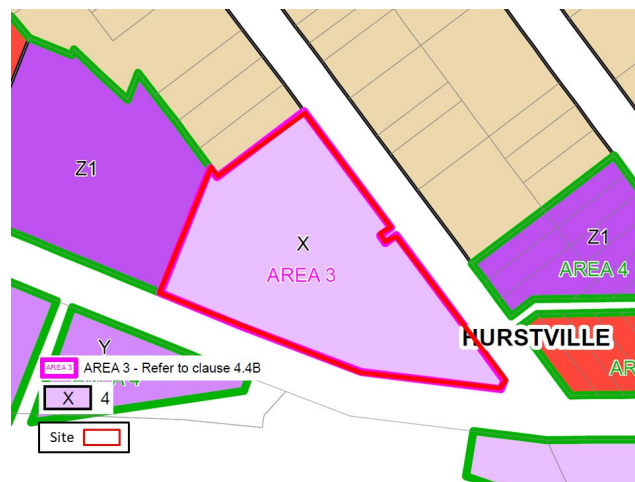


Figure 9:

Extract from GRLEP
2021 FSR Map

5.0 PLANNING PROPOSAL

5.1 Overview

In accordance with section 3.33(2) of the Environmental Planning and Assessment Act 1979 (the EP&A Act) a Planning Proposal is to be comprised of five (5) parts:

- Part 1 – A statement of the objectives and intended outcomes of the proposed instrument.
- Part 2 – An explanation of the provisions that are to be included in the proposed instrument.
- Part 3 – The justification for those objectives, outcomes and the process for their implementation.
- Part 4 – Maps, where relevant, to identify the intent of the Planning Proposal and the area to which it applies.
- Part 5 – Details of the community consultation that is to be undertaken on the Planning Proposal.

Section 3.33(3) of the Act allows the Secretary to issue requirements with respect to the preparation of a Planning Proposal. The Secretary's requirements include:

- Specific matters that must be addressed in the justification (Part 3) of the Planning Proposal
- A project timeline to detail the anticipated timeframe for the plan making process for each Planning Proposal.

The project timeline forms Part 6 of a Planning Proposal.

Section 5 of this report addresses and responds to the matters for consideration detailed within 'Planning Proposals - A Guide to Preparing Planning Proposals' (NSW Department of Planning and Environment, August 2016).

5.2 Part 1: Objectives or Intended Outcomes

A Planning Proposal for the site was first lodged with Council in October 2015 and has been the subject of a rigorous assessment by Council.

The final concept scheme which supported the Planning Proposal is illustrated in Figure 10 below and comprises a mixed use component (commercial and residential flat building) at the northern end of the site with ground floor apartments and a shop top housing component at the southern end of the site.

The master planning process for the site informed a Planning Proposal for new planning controls which were implemented as changes to the height and FSR controls in the Hurstville Local Environmental Plan 2012 as well as a site specific section 8.3 of the Hurstville Development Control Plan No. 2.

Since gazettal of the new controls for the site, the Hurstville Local Environmental Plan 2012 was replaced by the Georges River Local Environmental Plan (GRLEP) 2021 on 8 October 2021.

However, whilst the new GRLEP maintains the same B4 Mixed Use zone on the site, it has nonetheless made "residential flat development" a prohibited use on the site, which would prevent the delivery of the concept which underpinned the site specific Planning Proposal for the site, with the indicative ground floor plan which supported the Planning Proposal for the site.

This results in an adverse outcome because it will prevent the distribution of the required quantum of commercial floor space to the most optimal and appropriate parts of the site, and instead would require commercial floor space to be relocated to the ground floor along the entire of the Gloucester Road frontage of the site. This is contrary to the concept and vision that underpinned the recent site specific Planning Proposal for the site.

It is appropriate to allow ground floor apartments along the northern end of the Gloucester Road frontage for the following reasons:

- At a macro level, the subject site is in a transition area and is not a core business location and so there is a reduced basis for ground floor commercial use across the entire site.
- At a micro level, the northern end of the Gloucester Road frontage is on the peripheral of the B4 Mixed Use zoned land and is also directly opposite and adjacent to R4 High Density Residentially zoned land and is a fundamentally residential context where ground floor residential use is more appropriate and consistent with the immediate site context at this end of the site.
- The Planning Proposal does not seek any relief from the requirement to provide a minimum 0.5:1 commercial component and instead is intended to provide flexibility to deliver this commercial floorspace in the most optimal parts of the site which is important to ensure the success of the development and maximise its potential for job creation.

In the absence of support for this Planning Proposal and the entire ground floor of the Gloucester Road frontage is required to be commercial floorspace, this will most likely result in a dead and inactive zone in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 commercial floor space requirement.

Objective

The objective of this Planning Proposal is to amend Schedule 1 of the GRLEP to provide a “residential flat building” as an additional permitted use on the site, to facilitate the redevelopment of the site as envisaged by the Planning Proposal process which has just been completed on the site.

Intended Outcomes

The intended outcome for the Planning Proposal is to allow the redevelopment of the site as envisaged specifically by the recent Planning Proposal for the site, as illustrated in Figure 10 below.

In particular, the concept which underpinned the recent Planning Proposal provided the required 0.5:1 commercial floorspace along the Forest Road frontage of the site, and also across three levels at the corner of the site facing Forest and Gloucester Roads. These are the most appropriate locations for commercial floorspace on the subject site as it has the greatest exposure to the primary Forest Road.

Conversely, the context of the northern end of the Gloucester Road frontage is residential and so the proposal provides ground floor apartments at that end of the site.

This design solution was workshopped with Council over many years and this distribution of uses across the site has been endorsed by Council.



Figure 10:

Indicative ground floor plan from the Turner masterplan which supported the Planning Proposal with ground floor apartments facing Gloucester Road

5.3 Part 2: Explanation of Provisions

5.3.1 Proposed Changes to Georges River Local Environmental Plan 2021

This Planning Proposal seeks to amend Schedule 1 of the Georges River Local Environmental Plan 2021 to:

- introduce "residential flat building" as an additional permitted use on "Area A" of the site, and
- exclude the application of Clause 6.13 from "Area A".

5.4 Part 3: Justification

This Part of the Planning Proposal demonstrates both the strategic merit and site specific merit for the proposed amendments to the Georges River Local Environmental Plan 2021 as they apply to 9 Gloucester Road, Hurstville.

The table below contains the matters for consideration in Table 3 of The Local Environmental Plan Making Guideline which demonstrate that there is both strategic merit (Questions 1 to 7) and also site specific merit (Questions 8 to 12) for the proposal. The table contains a reference to the relevant section of this report where these questions are addressed.

Strategic Merit		
Section A – need for the planning proposal		
Question 1	Is the planning proposal a result of an endorsed LSPS, strategic study or report?	Section 5.4.1
Question 2	Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Section 5.4.2
Section B – relationship to the strategic planning framework		
Question 3	Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	Section 5.4.3
Question 4	Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?	Section 5.4.4
Question 5	Is the planning proposal consistent with any other applicable State and regional studies or strategies?	Section 5.4.5
Question 6	Is the planning proposal consistent with applicable SEPPs?	Section 5.4.6
Question 7	Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?	Section 5.4.7
Site-Specific Merit		
Section C – environmental, social and economic		
Question 8	Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	Section 5.4.8
Question 9	Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	Section 5.4.9
Question 10	Has the planning proposal adequately addressed any social and economic effects?	Section 5.4.10
Section D – Infrastructure (Local, State and Commonwealth)		
Question 11	Is there adequate public infrastructure for the planning proposal?	Section 5.4.11
Section E – State and Commonwealth Interests		
Question 12	What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?	Section 5.4.12

5.4.1 Question 1 - Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Yes. This Planning Proposal is the result of an extensive masterplanning process for the site with Council since October 2015.

The purpose of the Planning Proposal is to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of "residential flat building" on the site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the site.

5.4.2 Question 2 - Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal is the best and only means of achieving the objectives and intended outcomes for the site to allow the delivery of the final concept scheme which supported the recent Planning Proposal for the site.

In the absence of support for this Planning Proposal and the entire ground floor of the Gloucester Road frontage is required to be commercial floorspace, this will most likely result in a dead and inactive zone in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 commercial floor space requirement.

5.4.3 Question 3 - Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

[Greater Sydney Region Plan – A Metropolis of Three Cities](#)

In March 2018 the *Greater Sydney Region Plan - A Metropolis of Three Cities* was released. The Plan sets a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for Greater Sydney. The vision for Greater Sydney as a metropolis of three cities — the Western Parkland City, the Central River City and the Eastern Harbour City where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The Plan sets out 10 Directions which set out the aspirations for the region and objectives to support the Directions. The 10 Directions are:

- A City supported by infrastructure
- A collaborative city
- A city for people
- Housing the city
- A city of great places
- A well-connected city
- Jobs and skills for the city
- A city in its landscape
- An efficient city
- A resilient city

The Plan provides 38 objectives concerning, Infrastructure and collaboration, Liveability, Productivity and Sustainability which are aimed at achieving the identified Directions.

The following table summarises the proposals consistency with relevant objectives of the Plan:

Objective	Comment	Consistent
4. Liveability		
Objective 10: Greater housing supply Objective 11: Housing is more diverse and affordable	The Planning Proposal does not in itself result in any difference to the overall quantum of housing to be delivered as part of the redevelopment of the site. However, it facilitates a distribution of the housing and commercial floorspace in an optimal arrangement across the site. This is achieved by locating the commercial floor space in the best location on the site for success being along the Forest Road frontage and the corner of the site to Forest Road and Gloucester Road. At the same time, the proposal seeks to allow ground floor apartments at the northern end of the Gloucester Road frontage, which is more consistent with the context at this end of the site.	Yes
Objective 12: Great places that bring people together	The Planning Proposal will support the development of the site as previously envisaged with the provision of a publicly accessible pocket park towards the centre of the site on Gloucester Road, as well as a public pedestrian underpass through-site link which connects Forest and Gloucester Roads. The communal open space will be activated by retail uses at ground level. The proposal intends to transform the existing underutilised office park into an attractive new community meeting space.	Yes
5. Productivity		
Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	A central component of this objective is to co-locate activities in metropolitan, strategic and local centres and attract housing in and around centres to create walkable, cycle-friendly neighbourhoods. The Planning Proposal will support a significant quantum of new employment floor space in locations on the site which have the greatest likelihood of success, and therefore the proposal will contribute towards the 30-minute city objective, by providing increased employment in very close proximity to an existing train station.	Yes
Objective 22: Investment and business activity in centres. Objective 24: Economic sectors are targeted for success	The Planning Proposal remains consistent with this objective as it does not seek any relief from the required minimum amount of commercial floor space, rather, it will facilitate the placement of this floor space in the optimal parts of the development where it will have the greatest likelihood of success.	Yes

Objective	Comment	Consistent
	The Planning Proposal will facilitate the appropriate redevelopment of a site that will deliver additional employment floor space and housing within an existing centre which will promote both business activity and private sector investment within the centre providing for the growth and evolution of the centre.	

South District Plan

In March 2018 the Greater Sydney Commission published the South District Plan which outlines how the Government will make decisions on public spaces, community facilities, housing, jobs, transport options, schools and hospitals to meet the needs of communities across Greater Sydney to give effect to *Greater Sydney Region Plan - A Metropolis of Three Cities*.

The South District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney.

The Planning Proposal will support the development of the site as previously envisaged. In particular, the Planning Proposal will enable the delivery of the previously identified quantum of housing and commercial floorspace on the site, albeit with an optimised distribution, and is therefore consistent with Planning Priority Planning Priority S5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.

5.4.4 Question 4 - Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Georges River Local Strategic Planning Statement (GRLSPS) 2040

The subject Planning Proposal is seeking an amendment to the Georges River LEP 2021 to allow the delivery of the concept which underpinned the previous Planning Proposal for the site as illustrated in Figure 10 of this report and now reflected on the site specific section 8.3 of the Hurstville Development Control Plan No. 2.

In Council's assessment of that concept and Planning Proposal, the following was noted in the Council's Environment and Planning Committee Report dated 11 May 2020 in relation to the GRLSPS:

46. In March 2018, amendments to the Environmental Planning and Assessment Act 1979 introduced a new requirement for local councils to prepare and make a Local Strategic Planning Statement (LSPS) which will set out planning priorities which meet the community's needs, and deliver key State and regional planning objectives. The LSPS received assurance from the Greater Sydney Commission in March 2020.

47. Council's LSPS guides land use planning and the delivery of significant infrastructure for the Georges River LGA until 2040. It delivers on the NSW Government's Greater Sydney Region Plan (A Metropolis of Three Cities) and the Greater Sydney South District Plan.

48. It creates a land vision for the future of the LGA that recognises the character of its suburbs and builds on the Georges River community's social, environmental and economic values and strengths.

49. The Statement includes visions for a number of themes, one of which is Theme 3 - Housing and Neighbourhoods, which includes the ability to have access to a choice of housing types and sizes, and new high quality buildings to be concentrated in key transport nodes. Further, it also includes Theme 4 - Economy and Centres. This theme visualises appropriately zoned land for employment growth which can be supported long term.

50. The Planning Proposal is consistent with the abovementioned themes, as it seeks to provide both residential and commercial development within the Hurstville City Centre in a Mixed Use zone.

The subject Planning Proposal is likewise consistent with the GRLSPS as it only seeks an amendment to allow the delivery of the concept already supported by Council and subsequently the Department of Planning & Environment.

Notwithstanding, further detail is provided below in relation to the consistency of the Planning Proposal with the GRLSPS.

In relation to Theme 4 Economy and Centres, the GRLSPS identifies the following in relation to future commercial activity in the Georges River local government area (emphasis added):

As part of Greater Sydney's Eastern Harbour City, Georges River LGA is home to almost 56,000 jobs. Community surveys indicated that the number one reason for locating a business in Georges River was 'proximity to home'. Our well educated community works in knowledge-intensive job sectors with an emerging presence in the health and education job sectors.

The growth, innovation and evolution of commercial centres are central to the economy of the South District and critical to achieving a well connected 30 minute Greater Sydney. Facilitating the growth of our centres is a priority in growing the number of jobs available in Georges River.

It's forecast that between 2016-2036 employment generated within the LGA's centres is to increase by around 13,000 jobs. It is important that our centres accommodate this growth by remaining economically viable and **by providing an additional 25% of employment floor space**. Council will seek to facilitate this additional floor space not only through development controls, but also through the growth of the following commercial centres:

- Allawah
- Beverly Hills
- Carlton
- **Hurstville**
- Kingsgrove
- Kogarah

- Mortdale
- Narwee
- Oatley
- Peakhurst
- Penshurst
- Ramsgate
- Riverwood and
- South Hurstville

The Planning Proposal is entirely consistent and aligned with the need to provide an additional 25% of employment floor space, as it does not seek any relief from the obligation to deliver a minimum 0.5:1 as commercial floorspace. Rather, it seeks flexibility to optimise the location of the commercial floorspace by not needing to locate it at the ground floor across the entire site. This is important to provide the greatest likelihood of success of the commercial floor space.

[Hurstville City Centre Urban Design Strategy \(2018\)](#)

The subject Planning Proposal is seeking an amendment to the Georges River LEP 2021 to allow the delivery of the concept which underpinned the previous Planning Proposal for the site as illustrated in Figure 10 of this report and now reflected on the site specific section 8.3 of the Hurstville Development Control Plan No. 2.

In Council's assessment of that concept and Planning Proposal, the following was noted in the Council's Environment and Planning Committee Report dated 11 May 2020 in relation to the Hurstville City Centre Urban Design Strategy (2018):

42. The Hurstville City Centre Urban Design Strategy was endorsed by Council at its meeting dated 25 June 2018 as a strategic planning document which informs the review and update of existing development standards within the Hurstville City Centre.

43. The site is located in the City West Transition Area character precinct. The Strategy identifies that the area is well planted with mature street trees and creates a green gateway to the Centre when entering from King Georges Road.

44. The Strategy acknowledges that the site is subject to a current Planning Proposal and recommends that the HLEP 2012 is amended to increase the height of the sub-block 2D (the subject site) from 23m to 60m at the western end of the site, stepping down to 40m at the eastern end.

45. The Planning Proposal is consistent with the overall maximum building height identified by the Strategy and retains the existing landscaped character of the City West Transition Area character precinct.

The subject Planning Proposal is likewise consistent with the Hurstville City Centre Urban Design Strategy (2018) as it only seeks an amendment to allow the delivery of the concept already supported by Council and subsequently the Department of Planning & Environment.

The site is specifically identified as being located within the City West Transition Area character precinct. and is not a core business location and so there is a reduced basis for ground floor commercial use across the entire site. Furthermore, the northern end of the Gloucester Road frontage is on the peripheral of the B4 Mixed Use zoned land and is also directly opposite and adjacent to R4 High Density Residentially zoned land and is a fundamentally residential context where ground floor residential use is more appropriate and consistent with the immediate site context at this end of the site.

The Planning Proposal is consistent with the Hurstville City Centre Urban Design Strategy (2018).

Commercial Centres Strategy

On 24 February 2020, Council adopted the Commercial Centres Strategy Part 1 Centres Analysis to inform the preparation of GRLEP 2021 and its development control plan.

From the evidence findings and community consultation, the Strategy identifies a number of issues that need to be addressed to ensure the continued growth and ongoing viability of the LGA's centres. In particular, the Strategy is particularly focused on the provision of sufficient employment floor space to support ongoing employment growth across the LGA.

The subject Planning Proposal seeks no change to the minimum commercial FSR which applies to the site. In fact, the Planning Proposal is in complete alignment with the Strategies' concern with the provision of sufficient employment floorspace, because it seeks flexibility to deliver the required commercial floor space in the most optimal locations on the site which have the greatest likelihood of success.

In the absence of support for this Planning Proposal and the entire ground floor of the Gloucester Road frontage is required to be commercial floorspace, this will most likely result in a dead and inactive zone in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 commercial floor space requirement.

Georges River Local Housing Strategy

The Georges River Local Housing Strategy (Strategy) sets out the strategic direction for housing in the Georges River Local Government Area (LGA) over the next 20 years. It identifies the housing demand, gaps and issues, and establishes housing objectives to manage future growth.

The Strategy provides that the population of the LGA is projected to increase from 156,293 in 2017 to approximately 185,000 by 2036, resulting in the need for approximately an additional 14,000 dwellings by 2036. The Strategy further provides that under the existing planning controls, major development applications and planning proposals under assessment, approximately an additional 12,000 dwellings can be provided, which results in a shortfall of approximately 2,000 dwellings that will need to be provided by 2036. To address this shortfall, the Strategy commits to providing the capacity for an additional 2,000 dwellings in the next 20 years.

The Housing Survey which was undertaken in the preparation of the Strategy identifies that the Georges River community values a home that is close to public transport, shops, services and open space.

The subject planning proposal is not of direct relevance in relation to the Strategy. In the event that the Planning Proposal did not proceed, this would require a redistribution of the residential and commercial floorspace within the development, rather than any change to the quantum of dwellings to be delivered on the site. The consequence of a redistribution of the commercial floorspace to the ground floor along

Gloucester Street instead of apartments would be an adverse impact to the success of the commercial floorspace.

5.4.5 Question 5 - Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

The subject Planning Proposal seeks no change to the quantum of commercial and residential floor space to be delivered across the site, and instead seeks flexibility to deliver the required commercial floor space in the most optimal locations on the site which have the greatest likelihood of success. Furthermore, the Planning Proposal will allow the location of ground floor apartments at the northern end of the Gloucester Road frontage where the immediate context is residential rather than commercial.

Accordingly, the nature of the Planning Proposal is of no consequence in relation to State and regional studies or strategies.

5.4.6 Question 6 - Is the planning proposal consistent with applicable SEPPs?

The Planning Proposal is consistent with all relevant State Environmental Planning Policies as summarised in the following table:

SEPP	Comment	Consistent
State Environmental Planning Policy – (Transport and Infrastructure) 2021	The aim of SEPP Transport and Infrastructure is to facilitate the effective delivery of infrastructure across the State. Detailed compliance with SEPP Transport and Infrastructure will need to be demonstrated in the development application. The proposed amendment does not alter the required mix of uses and minimum 0.5:1 commercial component.	Yes
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 4 Remediation of Land under State Environmental Planning Policy (Resilience and Hazards) 2021 is relevant to the Planning Proposal. The Planning Proposal does not contain provisions that will contradict or hinder the application of this SEPP. The site's historical use was for commercial purposes and the proposed use will comprise of retail / commercial purposes with residential above.	Yes
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	The aim of SEPP BASIX is to encourage sustainable residential development. The future redevelopment of the site for a residential flat building would be capable of complying with BASIX. Detailed compliance with BASIX will be demonstrated at the time of making an application for development.	Yes
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development	SEPP 65 aims to improve the design quality of residential flat developments, provide sustainable housing in social and environmental terms that is a long-term asset to the community and delivers better built form outcomes.	Yes

SEPP	Comment	Consistent
	The future redevelopment of the site for a residential flat building would be capable of complying with SEPP 65. Detailed compliance with SEPP 65 will be demonstrated within the development application.	
State Environmental Planning Policy (Housing) 2021	SEPP Housing aims to enable the development of diverse housing types, including purpose-built rental housing. Many of the forms of development provided under SEPP Housing such as co-living housing rely on a residential flat building or shop top housing being a permissible form of development. The Planning Proposal is not of any consequence as shop top housing is already a permissible use on the subject site, and it is noted that boarding house is also already a permissible use on the site.	Yes
State Environmental Planning Policy (Primary Production) 2021	SEPP Primary Production aims to facilitate the orderly economic use and development of lands for primary production. The site does not currently comprise agricultural land, nor will the subject Planning Proposal make it possible to be used for primary production and so the Planning Proposal is of no consequence in relation to this SEPP.	N/A
State Environmental Planning Policy (Biodiversity and Conservation) 2021	SEPP Biodiversity and Conservation aims to protect the biodiversity values of trees and other vegetation and includes provisions in relation to vegetation clearing and is predominantly aimed at providing controls in relation to vegetation in rural settings. The non-rural controls apply to the subject site irrespective of the subject Planning Proposal, which is of no consequence in relation to this SEPP.	N/A
State Environmental Planning Policy (Industry and Employment) 2021	SEPP Industry and Employment includes provisions in relation to the western Sydney employment area, as well as controls relating to signage. The subject site is not located within the western Sydney employment area and so this component of the SEPP is irrelevant for the purpose of the subject Planning Proposal. Any signage proposed as part of a development application will be assessed at the development application stage.	Yes
State Environmental Planning Policy (Planning Systems) 2021	SEPP Planning Systems comprises provisions which identify state and regional development, development on Aboriginal land, and concurrences required. These provisions are not of direct relevance to the subject Planning Proposal, however, may be relevant to future development applications made possible as a result of the Planning Proposal.	Yes
State Environmental Planning Policy (Exempt and Development Codes) 2008	SEPP Codes provides a range of exempt and complying development. The subject Planning Proposal is not of any consequence in relation to SEPP Codes.	Yes

5.4.1 Question 7 - Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The following table summarises the Planning Proposal's consistency with applicable Ministerial Directions:

S.9.1 Direction No. and Title	Comment	Consistent
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	This direction applies to land to which a Regional Plan has been released by the Minister for Planning. No specific regional plan applies to the site.	N/A
1.2 Development of the Aboriginal Land Council	Not Applicable.	N/A
1.3 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. In accordance with the direction the Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. Further the Proposal does not identify future development on the site as designated development.	Yes
1.4 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The direction applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out. In this instance, the Planning Proposal seeks an additional permitted use in Schedule 1 of the GRLEP in order to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of "residential flat building" on the site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the site.	Yes
Focus Area 1: Place Based		
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not Applicable	N/A
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not Applicable	N/A

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S.9.1 Direction No. and Title	Comment	Consistent
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable	N/A
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable	N/A
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not Applicable	N/A
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not Applicable	N/A
1.11 Implementation of Bayside West Precincts 2036 Plan	Not Applicable	N/A
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not Applicable	N/A
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not Applicable	N/A
1.14 Implementation of Greater Macarthur 2040	Not Applicable	N/A
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not Applicable	N/A
1.16 North West Rail Link Corridor Strategy	Not Applicable	N/A
1.17 Implementation of the Bays West Place Strategy	Not Applicable	N/A

S.9.1 Direction No. and Title	Comment	Consistent
Focus Area 3: Biodiversity and Conservation		
3.1 Conservation Zones	Not Applicable	N/A
3.2 Heritage Conservation	The site is not an identified heritage item or within a conservation area. The site is not located within the immediate vicinity of any heritage items.	N/A
3.3 Sydney Drinking Water Catchments	Not Applicable	N/A
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not Applicable	N/A
3.5 Recreation Vehicle Areas	Not Applicable	N/A
Focus Area 4: Resilience and Hazards		
4.1 Flooding	The site is not flood affected.	N/A
4.2 Coastal Management	Not Applicable	N/A
4.3 Planning for Bushfire Protection	The site is not identified as Bushfire Prone Land nor is it located in close proximity to land mapped as bushfire prone land.	N/A
4.4 Remediation of Land	Not Applicable.	N/A
4.5 Acid Sulphate Soils	The site is not identified as Class 1, 2, 3, 4 or 5 land on the Acid Sulfate Soil Map. Accordingly, this Direction is not applicable to the Proposal.	N/A
4.6 Mine Subsidence and Unstable Land	Not Applicable.	N/A
Focus Area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	The Planning Proposal will enable a quantum of residential as previously envisaged for the site, in close proximity to jobs and services, thereby encouraging walking, cycling and use of public transport.	
5.2 Reserving Land for Public Purposes	Not Applicable.	N/A
5.3 Development Near Regulated Airports and Defence Airfields	Not Applicable.	N/A

S.9.1 Direction No. and Title	Comment	Consistent
5.4 Shooting Ranges	Not Applicable.	N/A
Focus Area 6: Housing		
6.1 Residential Zones	<p>Whilst the site is not a residential zone, it nonetheless permits residential accommodation on the form of shop-top housing development.</p> <p>The purpose of the Planning Proposal is to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of "residential flat building" on the site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the site.</p> <p>The Planning Proposal does not result in any change to the quantum of residential floor space, and instead provides flexibility to distribute the commercial and residential floor space in the most appropriate locations across the site.</p>	Yes
6.2 Caravan Parks and Manufactured Home Estates	Not Applicable.	N/A
Focus Area 7: Industry and Employment		
7.1 Business and Industrial Zones	<p>The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in business and industrial zones, and</p> <p>(c) support the viability of identified strategic Centres.</p> <p>The proposal remains consistent with the Direction as it does not reduce the required minimum 0.5:1 non-residential floor space on the site.</p>	Yes
7.2 Reduction in non-hosted short-term rental accommodation period	Not Applicable.	N/A
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable.	N/A
Focus Area 8: Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	Not Applicable.	N/A

S.9.1 Direction No. and Title	Comment	Consistent
Focus Area 9: Primary Production		
9.1 Rural Zones	Not Applicable.	N/A
9.2 Rural Lands	Not Applicable.	N/A
9.3 Oyster Aquaculture	Not Applicable.	N/A
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable.	N/A

5.4.2 Question 8 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Proposal?

The Planning Proposal will not adversely impact any critical habitat, threatened species, populations or ecological communities, or their habitats.

5.4.3 Question 9 - Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are no environmental effects envisaged as a result of the Planning Proposal.

5.4.4 Question 10 - Has the Planning Proposal adequately addressed any social and economic effects?

The Proposal seeks to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of "residential flat building" on the site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the site.

The Planning Proposal will facilitate a positive economic and social outcome as it will provide flexibility to distribute the required commercial floor space to the most optimal locations on the site to provide the greatest likelihood of success of the commercial floor space. The success of the commercial component of the development is important because it will contribute to the growth of the local economy and also towards job creation.

The proposal will avoid the need to deliver retail or business floor space in areas of the site where it will not be viable to lease or sell this type of floor space. The Planning Proposal does not alter the delivery of 0.5:1 commercial floorspace.

5.4.5 Question 11 - Is there adequate public infrastructure for the Planning Proposal?

Required electricity, telecommunication, gas, water, sewer and drainage services are available to the site.

The site is well served by public transport infrastructure in that the site is within walking distance of the Hurstville train station and numerous bus services.

The demand for public infrastructure associated for any future development of the site will be appropriately considered during the assessment of a development application for any such proposal.

5.4.6 Question 12 - What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Relevant public authorities will be consulted following the Gateway determination.

5.5 Part 4: Mapping

The Planning Proposal will require the amendment of the land zoning map referenced in Georges River Local Environmental 2021 as it applies to the subject site to introduce "Area A" which is the part of the site where a "residential flat building" is proposed as an additional permitted use.

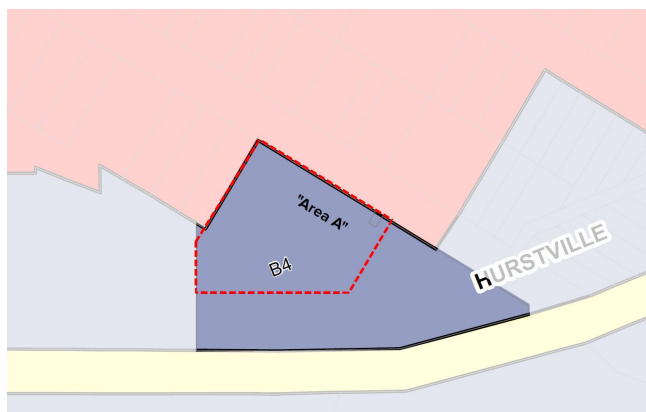


Figure 7:

Proposed GRLEP
zoning map change

5.6 Part 5: Community Consultation

Georges River Council have been consulted during the preparation of the subject Planning Proposal.

The Local Environmental Plan Making Guideline produced by the NSW Department of Planning and Environment sets out the community consultation requirements for Planning Proposals. The guide indicates that consultation will be tailored to specific Proposals. The exhibition for standard Planning Proposals will generally be 20 working days whilst complex Planning Proposals will be 30 working days.

The proposal is considered to be a standard Planning Proposal as it is consistent with the pattern of surrounding land use zones and/or land uses; is consistent with the strategic planning framework; presents no issues with regard to infrastructure servicing; is not a principal LEP; and does not reclassify public land.

Given that the proposal, and in particular the height and FSR, reflect the scale and density of the already approved building on the site, it would be appropriate to exhibit the Planning Proposal for 20 days as it is considered to be a standard Planning Proposal.

Community consultation to be commenced by giving notice of the public exhibition of the Planning Proposal in a local newspaper, on the Council website and in writing to adjoining landowners.

The written notice of the Planning Proposal will:

- give a brief description of the objectives or intended outcomes of the Planning Proposal
- indicate the land affected by the Planning Proposal
- state where and when the Planning Proposal can be inspected
- give the name and address of the relevant planning authority (Georges River Council Council) for the receipt of submissions
- indicate the last date for submissions
- confirm whether delegation for making the LEP has been issued to the relevant planning authority.

5.7 Part 6: Project Timeline

The Project timeline will be dependent on Georges River Council and the Department of Planning.

However, the expected timeframes for each stage are summarised in the following table.

Stage	Timeframe
Consideration by Council	March 2021
Council decision	May 2021
Gateway Determination	June 2022
Pre-exhibition	June 2022
Commencement and completion of public exhibition period	July 2022
Post-exhibition review and additional studies	August 2022
Submission to the Department for finalisation	September 2022
Gazettal of LEP amendment	September 2022

6.0 CONCLUSION

The purpose of the Planning Proposal is to amend Schedule 1 of the Georges River Local Environmental Plan 2021 in relation to the site to:

- introduce "residential flat building" as an additional permitted use on "Area A" of the site, and
- exclude the application of Clause 6.13 from "Area A".

The site has been the subject of an extensive master planning process since 2015. The concept prepared for the site by Turner architects comprised a mixed use component (commercial and residential flat building) at the northern end of the site and a shop top housing component at the southern end of the site.

The master planning process informed a Planning Proposal for new planning controls which were implemented as changes to the height and FSR controls in the Hurstville Local Environmental Plan 2012 as well as a site specific section 8.3 of the Hurstville Development Control Plan No. 2.

However, since gazettal of the new controls for the site, the Hurstville Local Environmental Plan 2012 has been replaced by the Georges River Local Environmental Plan (GRLEP) 2021.

Whilst the new GRLEP maintains the same B4 Mixed Use zone for the site, it has nonetheless made "residential flat development" a prohibited use on the site, which would prevent the delivery of ground floor apartments at the northern end of the site which was a fundamental element of the concept which underpinned the site specific Planning Proposal for the site.

In order to allow the development of the site as intended with an optimal distribution of the required commercial floor space, it is necessary to amend the Georges River Local Environmental Plan 2021 as proposed.

The proposal is demonstrated to have both strategic and site merit and is consistent with 'A Metropolis of Three Cities', the South District Plan and the Georges River Local Strategic Planning Statement and will facilitate the orderly and economic use of the site.

In the absence of support for this Planning Proposal and the entire ground floor of the Gloucester Road frontage is required to be commercial floorspace, this will most likely result in a dead and inactive zone in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 commercial floor space requirement.

For the reasons outlined above it is appropriate for Georges River Council, as the relevant planning authority, to support the Planning Proposal.



NOTES:
 1. This map is a summary of the information provided in the Planning Proposal. It is not a substitute for the Planning Proposal or the Planning Proposal Report.
 2. The Planning Proposal is available for public inspection at the Council's offices during business hours.
 3. The Planning Proposal is available for public inspection at the Council's website.
 4. The Planning Proposal is available for public inspection at the Council's website.

CLIENT:
 Great Tang Brothers Pty Ltd
 Suite 2.03 Bond Junction NSW 2202

Project Title:
 Hurstville
 9 Gloucester Road Hurstville NSW 2220
Control Diagram:
 Area A - Ground Level

A - 11/04/2022	CA	DA Submission
Rev	Date	Approved by
1.00	11/04/2022	14048 CAJO MKAL
Development Application	DA-715-011	A

TURNER

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