

Rezoning request for 23-27 Lytton Street, Wentworthville (Northside West Clinic)

Responsible Department: Environmental and Planning Services
Executive Officer: Director of Environmental & Planning Services
File Number: INFOC/19 - BP15/599
Delivery Program Code: 5.1.1 Oversee the land use planning, design and compliance framework for managing and facilitate appropriate development

Summary:

A planning proposal to amend Holroyd LEP 2013 by rezoning 23-27 Lytton Street, Wentworthville, known as the Northside West Clinic, was submitted to Council on 31 March 2015. The Proposal was prepared by McKenzie Group on behalf of the property owners, Ramsay Health Care. The proponent is requesting a rezoning of the site from R2 Low Density Residential to R4 High Density Residential, an increase in the maximum building height from 9 metres (2 storeys) to 15 metres (3-4 storeys) and an increase in the floor space ratio from 0.5:1 to 1:1. The primary purpose of the rezoning request is to permit the development of a *health service facility* on the site, *which* is a prohibited land use under the current zoning, to enable to the expansion of the existing facility. A copy of the submitted Planning Proposal is attached to this report.

This report provides a pre-Gateway assessment of the strategic merit of the proposal proceeding to the next stage of the plan-making process. On the basis of the assessment it is considered that the proposal has sufficient merit for Council to make a decision to proceed with a planning proposal for the site.

Report:

Site and Context

The site comprises Lot 1 DP 787784 and is known as the Northside West Clinic at 23-27 Lytton Street, Wentworthville. The site is approximately 6,655m² and has a singular street frontage to the western side of Lytton Street (see Figure 1 in **Attachment 1**). The site is currently occupied by a one and two storey private hospital with associated landscaping and formal car park adjacent to the hospital buildings to the north and south. Existing loading and servicing for the hospital is located at the southern end of the site and is accessible from Lytton Street.

Deferred Commencement consent (DA2014/195) was granted by Council in August 2014 for the expansion of the existing hospital facility to accommodate an Adolescent Eating Disorder Unit. That development, currently under construction, increases the floor space ratio on the site to 0.62:1 and building height to 9.925 metres.

The site has an eastern frontage of approximately 107 metres to Lytton Street. The northern boundary adjoins a residential property and the southern and western boundaries are adjacent to public open space.

The site is affected by the flood planning level (1% AEP) and mostly located within flood prone land. An existing stormwater drain is located to the west of the site within Lytton Street Park.

The site is situated within 500m of the Wentworthville Town Centre and is accessible by rail services from the Wentworthville centre and bus services from nearby streets.

Surrounding land uses are predominantly residential and public recreation. The properties adjacent to the north of the site are zoned R4 High Density Residential. R2 Low Density Residential zoned properties to the east and south are separated by a street and open space entrance to Lytton Street Park, respectively. Land adjacent to the western boundary is zoned RE1 Public Recreation.



Figure 1. Location of subject site

*Strategic Merit Assessment*Proposed Land Uses and Planning Controls

The proposal seeks to rezone the site and increase the maximum height of building and floor space ratio controls. A summary of the changes is detailed in the table below.

	Current	Proposed
Zone	R2 Low Density Residential	R4 High Density Residential
FSR	0.5:1	1:1
HOB	9m	15m
Land use	Health service facility (prohibited. Operating under Existing Use Rights)	Health service facility (permitted with consent)

The primary outcome sought by the proponent for the proposal is to allow for the expansion of the Northside West Clinic under the defined land use term 'health service facility'. A 'health service facility' is not a permitted land use under the current zone, however, is permitted with consent in the R4 High Density Residential zone. The proposed height limit is similar to the 12.5 metre height standard on the adjacent R4 High Density Residential zoned properties to the north and the 15 metre height standard 60 metres further to the north. The proposed FSR of 1:1 is consistent with that of the adjacent R4 zone.

The current use of the site is prohibited under Holroyd LEP 2013 and is operating under Existing Use Rights (EUR). An existing use is defined under Part 4 of the Environmental Planning and Assessment (EP&A) Act 1979 and relates to buildings, work or land that were granted development consent prior to an environmental planning instrument coming into effect that will prohibit that use occurring on the site. There are limitations on the extent to which EURs can be utilised when expansion or redevelopment of the site is proposed, which are stipulated in Part 5 of the Environmental Planning and Assessment Regulation 2000. The proposed development would result in a substantial intensification of the existing use and is therefore beyond the provisions of EURs.

The option of applying additional permitted use (APU) on this site to permit a *health service facility* was raised during initial discussions. However, the proposal is also to increase building height and FSR development standards such that they would essentially mirror what could be achieved in the adjacent R4 High Density Residential zone. As such, proceeding with a rezoning request for an R4 zone with associated standards was the most appropriate and transparent approach.

The supporting concept for the new facility proposes the addition of 60 private rehabilitation rooms, gym and ward therapy rooms, a hydrotherapy pool, dining room

and kitchen and rehabilitation courtyard and landscaping. It is noted that this is conceptual at this stage and any development application will be considered separately at a later stage, should the LEP be amended.

The proponent has indicated that the primary use of the new facility would be for surgical rehabilitation and occupational therapy. Patients would primarily be transported from health care facilities in the area and expected to be generally elderly and not car dependent. The proponent has stated that there would be no drug or alcohol rehabilitation taking place at the new facility. Mental health services would continue to run at the existing clinic in addition to the recently approved eating disorder unit and proposed rehabilitation facility.

The strategic assessment demonstrates that the proposed zone, building height and FSR are considered acceptable for the site and proposed use. Consideration is given to the site's proximity to the Wentworthville Town Centre, the adjoining R4 zoned land north of the site with comparable building height and FSR controls, and separation from the adjacent R2 zone at the southern end of the site.

The current owner has stated that there is no intention to redevelop the site for residential purposes, however, it should be noted that if the rezoning occurs, land uses such as residential flat buildings would become permissible development, and as such that potential must also be considered. While it is not anticipated that significant negative impacts would result from the redevelopment of the site for residential flat building purposes, potential amenity impacts such as traffic and reduced privacy do need to be considered. Given the street and open space separation from R2 Low Density Residential zoned properties, it is considered that such issues would be capable of being sufficiently addressed at the detailed design and development application stage.

Strategic Planning Context

The rezoning request has been prepared in accordance with the Department of Planning and Environment's *Guide to Preparing Local Environmental Plans* and considers the state and local planning strategies. It notes that the proposal is not the result of a strategic study or report but aligns with broad Regional and State studies. The future use of the land will improve the health services within the local and broader Sydney Metropolitan Area, as well as generate employment. The rezoning will not decrease housing development opportunities as the site is not currently used for residential purposes.

Design, Amenity and Social Impact Considerations

The proposed height and FSR control changes are not expected to have a substantial impact on neighbouring properties or the local area. A development concept, including

shadow diagrams, has been prepared for the site and is included in the rezoning request (refer to Attachment 2). The proposed amended built form controls provide a logical expansion of the facility and the massing of the site reflects the existing scale to the street with a building height of less than 15 metres and setbacks similar to those of the existing and approved building and surrounding residential dwellings. Although the proposed height limit of 15 metres is higher than that permissible on the adjacent R4 zoned properties, the 2.5 metre difference is relatively minor and considered appropriate for the location due to the topography and separation from adjoining properties of the site. The topography of the site slopes west away from the street and will help reduce the impact of building bulk and height perception on the site. This higher height limit and increased FSR of 1:1 is also consistent with other similarly zoned R4 sites and helps to reduce the bulk and scale of high density development.

The southern boundary is separated from the nearest residential property by an open space corridor access to Lytton Street Park that provides a buffer between the neighbouring residential uses. This corridor of approximately 9 metres also provides adequate separation between the uses and ameliorates potential negative amenity impacts such as overshadowing and loss of privacy. The height of the proposed development is shown to be less than 15 metres and the provided shadow diagram shows that the adjacent residential property to the south would not be overshadowed by development at this height. This matter can also be further addressed at the development application stage. Concept Development Plans and supporting Architectural Statement for the development are contained within Attachment 2 of this report.

The rezoning request was referred to Council's Social Planner for comments. It was noted that the potential negative impacts on adjoining properties are not considered to be significant and are proposed to be mitigated by sufficient building separation, the retention of trees, and appropriate landscaping. It is noted that any subsequent development application for Stage 2 of the site will need to be accompanied by comprehensive social impact assessments and other amenity impacts can be addressed at this stage.

Traffic & Transport Considerations

The subject site has one road frontage to Lytton Street, which is classified as a local road. A Traffic Impact Assessment (TIA) has been undertaken by Traffix Traffic and Transport Planners on behalf of the proponent and submitted as part of the proposal, which was referred to Council's Traffic Engineering section for review and comments. The TIA is contained within Attachment 3 of this report.

The TIA stated that this development is recognised as a 'low impact' traffic category and that despite some inconsistencies in the information provided by the proponent, the existing road network is able to accommodate the anticipated traffic increase.

Some inconsistencies relating to off-street car parking provision and trip generation were identified between the findings of the TIA and Council's own assessment. The TIA states that adequate parking can be provided on site (88 spaces plus 4 disabled spaces) in three levels of basement parking under the new building; however, it appears that the number of staff stated in the TIA is different to that stated in the body of the rezoning request. Council's Traffic Engineers require the provision of parking space calculation to be shown in a table that represents the existing use, approved development application and current proposed development to ensure adequate car parking is provided in accordance with the rates prescribed in Council's DCP 2013.

The TIA stated that the new development will generate 84 trips during peak hour; however, according to the Roads and Maritime Service's (RMS) Guide to Trip Generating Development the proposed development would generate 95 trips per peak hour, which would have some impact on the existing local road capacity. This inconsistency will need to be addressed prior to the lodgement of a development application for this site.

Other concerns were raised by Council's traffic engineers relating to the concept car park layout and design, which will also need to be addressed at the development application stage, but do not need to be resolved at the rezoning proposal stage. Further information is required regarding the current and additional traffic flows in the area and what impact the development will have on the local road network and capacity. The proponent will need to identify measures to mitigate any identified impacts. A copy of Council's Engineering Services comments are provided as Attachment 4 to this report.

Environmental, Economic and Infrastructure Considerations

The site is not located on any environmentally sensitive land and no impacts on local parks and bushland, critical habitats or threatened species have been identified.

A flood impact study was prepared by ACOR Consultants and included in the proposal (refer to Attachment 5 of this report). It identified that the site is within the flood planning level (1% Annual Exceedance Probability (AEP)). Internal review of the study and the site raised concern that the existing flood affectation on the site may affect its suitability for rezoning for intensification of the hospital use (a sensitive land use) or potential for intensified residential use.

Clarification was sought from Council's Engineering Section regarding the ability of any redevelopment to obtain flood free access to the site. Despite the flood affectation

on the site, advice received reveals that the level of inundation at the street is less than 100mm for a 1% AEP flood event and therefore falls within the level of margin that would not be classified as "flood" for planning purposes. Due to the low level of affectation, reasonable flood free access is achievable from site the in the event that a 1% flood event occurs such that emergency vehicles could access the site and evacuation could occur. Probable maximum flood (PMF- the highest possible flood that could occur on the site) levels are only used when the 1% "flood" prevents dry evacuation from the site, which is not applicable on this particular site. As a result of this low level of flood affectation at the street, flooding controls do not need to be strictly applied to the site. If the site were to be redeveloped in the future for another use, then appropriate flood controls would be required for lower parts of the development to ensure this flood free access throughout the site is achieved. This would be dealt with at the development application stage. As a result, the level of flood affectation on this site is not considered to be such that it would prevent the planning proposal from proceeding. This would be specifically addressed in the gateway report addressing Ministerial Direction 4.3 Flood Prone Land.

Other matters relating to waste, construction and operational management are not considered critical at this stage of the rezoning proposal and will be considered in further detail should a development application be lodged.

There are no known issues relating to bushfire hazards, acid sulphate soils, soil stability, erosion and water quality affecting the land subject to the rezoning request.

The rezoning proposal is not expected to have a negative impact on housing affordability or supply given the site's current non-residential land use and its proposed future use. The expansion of the health service facility will generate employment both during the construction and operational phases. When complete, the facility will employ approximately 24 full-time and 8 part-time staff.

It is not anticipated that the proposal will require the need for further investment in infrastructure and a full audit will be undertaken with the lodgement of a development application, which has been acknowledge by the proponent in their rezoning request.

Consultation with other sections of Council

The Planning Proposal was referred to Council's Technical Services (Traffic and Stormwater Engineering) section and Social Planner for comment. Details of these comments are provided in the relevant sections of this report.

Preliminary Consultation with Council

At a meeting with Council in December 2014, the owner's future intentions were discussed with Council's Strategic Planning officers, including the intention to lodge a rezoning request to amend Holroyd LEP 2013 for the use outlined in this report.

In addition to this preliminary discussion, a Councillor Briefing was held on 10 February 2015 where the proponent outlined their intentions for the site. Three main concerns were raised by Councillors during the briefing, including the future use of the site for residential purposes, parking availability and building height.

These matters are addressed in the table below

Matters raised by Councillors at the briefing of 10 February 2015	Response from Proponent
Future development of the site for residential purposes	If the site is rezoned R4 High Density Residential with the corresponding height and FSR increases then residential development utilising these provisions is permissible with consent on the site. However, Ramsay Health Care has stated that it does not intend to develop the site for residential purposes.
Availability of parking	Future built form of the site will provide adequate car parking for the proposed site. A Traffic Report is attached as Appendix 2 of this report demonstrating that adequate parking can be provided on site and that sufficient capacity exists for the road network to accommodate the proposal without alteration. Council's Traffic Engineers have identified inconsistencies between traffic study and their own assessment of the proposal regarding parking requirements and this matter will need to be addressed at the development application stage. The site does have the capacity to accommodate the required number of off-street parking spaces as per Council's DCP 2013.
Building height	The proposed maximum building height of 15m is required in order to meet the health facility guidelines for hydrotherapy pools. The building height is similar to the 12.5m height to the north of the site and it

	is not anticipated that this will adversely impact the residential areas adjacent to the site due to the topography of the site. There is adequate separation between the proposed development on the southern portion of the site and the adjacent residential dwelling and no amenity impacts are expected to result from the increased building height.
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Conclusion:

Council received a Planning Proposal from McKenzie Group in behalf of the owners of 23-27 Lytton Street, Wentworthville in March 2015. The Proposal seeks to amend Holroyd LEP 2013 by rezoning the subject site from R2 Low Density Residential to R4 High Density Residential as well as adjust the applicable maximum building height control from 9 metres to 15 metres and floor space ratio control from 0.5:1 to 1:1 to permit the proposed *health service facility*.

- The strategic merit assessment that has been undertaken supports the proposal proceeding to the next stage of the plan-making process.

Consultation:

Community and agency consultation would be undertaken in accordance with the requirements stipulated by the Gateway Determination, and would include public exhibition for 28 days, notices in the local newspaper and letters to adjoining and opposite property owners.

Financial Implications:

The \$21,700 fee for a standard rezoning was paid with the lodgement of the rezoning request.

Policy Implications:

If Council were to proceed with the preparation of a planning proposal for the site, this would form the basis for an amendment to Holroyd LEP 2013.

Communication / Publications:

There are no communication / publication issues for Council associated with this report.

Report Recommendation:

- i) That Council proceed with a Planning Proposal to amend Holroyd LEP 2013 to rezone 23-27 Lytton Street, Wentworthville to R4 High Density Residential, increase the maximum building height to 15 metres and increase the floor space ratio to 1:1.
- ii) That following gateway determination, Council undertake community consultation in relation to the planning proposal.

Council Resolution

Note: Clr. Lake declared a significant non-pecuniary interest in this item, being that she owns property and resides in close proximity of the subject site, left the Chamber and took no part in the debate nor vote thereon.

Note: Standing Orders were suspended to permit the following speaker to address the meeting: Mr. Matthew O'Donnell.

On resumption, a motion was moved by Clr. Grove, seconded Clr. Nasr Kafrouni:

- i) That Council proceed with a Planning Proposal to amend Holroyd LEP 2013 to rezone 23-27 Lytton Street, Wentworthville to R4 High Density Residential, increase the maximum building height to 15 metres and increase the floor space ratio to 1:1.
- ii) That following gateway determination, Council undertake community consultation in relation to the planning proposal.

The motion moved Clr. Grove, seconded Clr. Nasr Kafrouni on being Put was declared CARRIED.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Ayes

Clr. Whitfield (Deputy Mayor)

Clr. Colman

Clr. Grove

Clr. Nadima Kafrouni

Clr. Nasr Kafrouni

Clr. Rahme

Clr. Sarkis

Clr. Zaiter

Noes

Nil.

Attachments:

1. Planning Proposal
2. Design Concept and Architectural Statement
3. Traffic Impact Assessment
4. Traffic Engineer comments
5. Flood Impact Assessment

