



SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-143
DA Number	DA/556/2020
LGA	City of Parramatta Council
Proposed Development	Alterations and additions to the existing building including partial demolition of the internal walls, layout, internal fit-out and change of use to office premises, medical centre and training facility associated with Family Planning NSW. Proposed operating hours will be from Monday - Friday 8:00am to 8:00pm and on Saturday from 8:00am to 5:00pm. This application will be determined by the Sydney Central City Planning Panel.
Street Address	8 Holker Street, NEWINGTON NSW 2127
Applicant/Owner	Family Planning NSW (owner and applicant)
Date of DA lodgement	28 September 2020
Number of Submissions	2 submissions
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	General Development Over \$5 Million Cost of Construction proposed = \$5,650,160.00
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act and Regulations• State Environmental Planning Policy (Sydney Harbour Catchment) 2005• Auburn Local Environmental Plan 2010• Auburn Development Control Plan 2010
Report prepared by	Apoorva Chikkerur, Development Assessment Officer
Report date	16 February 2021

Summary of S4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **N/A**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

1. Executive Summary

This report considers a proposal for alterations and additions to the existing building including partial demolition of the internal layout, internal fit-out and change of use to office premises, medical centre and training facility associated with Family Planning NSW. The operating hours will be from Monday - Friday 8:00am to 8:00pm and on Saturday from 8:00am to 5:00pm.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concerns. The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel:

- Grant development consent for development proposal subject of this application, subject to the recommended conditions.

2. The Site and Surrounds

The subject site is known as 8 Holker Street. Newington NSW 2127, Lot 15 DP 1011115.

The subject site is an irregular corner allotment with a frontage to Holker Street and Avenue of Africa. The following dimensions apply to the site:

- Site Area: 5832m²;
- Frontage (Northern) : 53m;
- Rear (Southern) : 45m;
- Eastern Boundary: 88m; and
- Western Boundary: 104m.

The site is currently used for commercial and industrial purposes, including a two-storey premises for commercial food operations and office premises. The site includes an at-grade park with 92 vehicle spaces (two accessible). Vehicle access and egress is provided from the Avenue of Asia at the southern boundary.



Figure 1: Aerial image of the subject site (highlighted in blue) and the surrounding properties.



Figure 2: Photo of the subject site facing Holker Street.



Figure 3: Entrance to the subject site facing Avenue of Africa.

3. The Proposal

The development application proposes internal alterations to the existing premises, to facilitate a change of use to:

- Office premises;
- Medical Centre; and
- Educational Establishment

The proposed internal alterations include:

- Ground Floor:
 - Partial demolition of the existing internal layout;
 - Installation of a new awning above the existing pedestrian entry, located internally facing the car park;
 - Three (3) x training rooms with equipment storage;
 - Kitchen area with adjoining informal dining/table areas;
 - Three (3) x multipurpose rooms and one (1) x phone booth;
 - A medical centre adjoining the waiting area comprising of consultation rooms, day procedure operating room and recovery area, associated services, storage rooms as well as W/C rooms;
 - Installation of a gas cylinder and generator service area located externally;
 - One (1) x subtenancy to future detail.
- Level 1:
 - Lift and stair access (x2) from ground level, near primary entry;
 - Internal fit-out for an office premises including open desk plan, conference room, meeting rooms, quiet rooms, utilities, wellness room and CEO's office;

- Toilet facilities and storage areas;
- Kitchen and informal dining/breakout area.

Operational Details:

Family Planning NSW is a not-for-profit community, non-government organisation providing reproductive and sexual health services. The proposed use will be for the organisation's head office but will also carry out medical procedures and training services.

Opening Hours:

General opening hours to the public for the clinic is proposed:

- Monday to Friday: 8:00am to 8:00pm; and
- Saturday 8:00am to 5:00pm

Office premises

- Monday to Friday from 8:00am to 6:00pm

4. Referrals	
Specialist	Comment
Heritage Advisor	The site of subject proposal is not of heritage interest; however, it immediately adjoins the Silverwater Prison Complex. Given the nature of the item, the proposal will have no impact on heritage values.
Environmental Health Officer – General	Supported, subject to conditions.
Environmental Health Officer – Waste	Supported, subject to conditions.

5. Assessment under Environmental Planning and Assessment Act 1979

The sections of this Act which require consideration are addressed below:

Section 4.15: Evaluation

This section specifies the matters which a consent authority must consider when determining a development application, and these are addressed in the Table below:

Provision	Comment
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to section 6.
Section 4.15 (1)(a)(ii) - Draft environmental planning instruments	Refer to section 7.
Section 4.15 (1)(a)(iii) – Development control plans	Refer to section 8.
Section 4.15 (1)(a)(iv) - The Regulations	Refer to section 9.
Section 4.15 (1)(b) – The likely impacts of the development	Refer to section 10.
Section 4.15 (1)(c) – The suitability of the site for development	Refer to section 11.
Section 4.15 (1)(d) – Any submissions	Refer to section 12.
Section 4.15 (1)(e) – The public interest	Refer to section 13.

6. Environmental Planning Instruments

Overview

The instruments applicable to this application comprise:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy (Infrastructure) 2007; and
- Auburn Local Environmental Plan 2010.

Compliance with these instruments is addressed below.

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

Clause 7 of this Policy requires that the consent authority must consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use. In considering this matter it is noted:

The site is not identified in Council's records as being contaminated. The proposal largely relates to internal alterations with no external changes proposed to the existing building or hardstand car park.

Therefore, in accordance with Clause 7 of the State Environmental Planning Policy No 55—Remediation of Land, the land is suitable for the proposed development.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)

The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained within the deemed SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause	Comment
45 – Electricity infrastructure and Endeavour Energy / Ausgrid concurrence	The subject site is not in the vicinity of electricity infrastructure that would trigger concurrence.
85 – Development adjacent to rail corridors	The subject site is not adjacent to a rail corridor.
101 – Frontage to a classified road and RMS concurrence	The subject site does not have frontage to a classified road.
102 – Average daily traffic volume and acoustic management	Holker Street has average daily traffic volume of less than 40,000 vehicles per day. As such, Clause 102 is not applicable to the development application.

PERMISSIBILITY

The site is zoned B7 Business Park under Auburn Local Environmental Plan (ALEP) 2010. The proposed uses are defined as “*medical centre, office premises and educational establishment*”.

ALEP 2010 defines a medical centre as:

*“**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.”*

ALEP 2010 defines an office premises as:

***office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.*

ALEP 2010 defines an educational establishment as

***educational establishment** means a building or place used for education (including teaching), being—*
(a) a school, or
(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

Family Planning NSW is a registered training organisation authorised by the Australian Skills Quality Authority (ASQA) to provide nationally accredited courses under the Australian Qualifications Framework.

The above uses are permissible with consent within B7 Business Park zone under the ALEP 2010.

The proposal meets the objectives of the B7 Business Park zones in that the development:

- Provides a range of office uses;
- Encourages employment opportunities;
- Encourages the creation of well-designed and sustainable business park developments;
- Creates an accessible and safe public domain; and
- Minimises adverse effects on the natural environment.

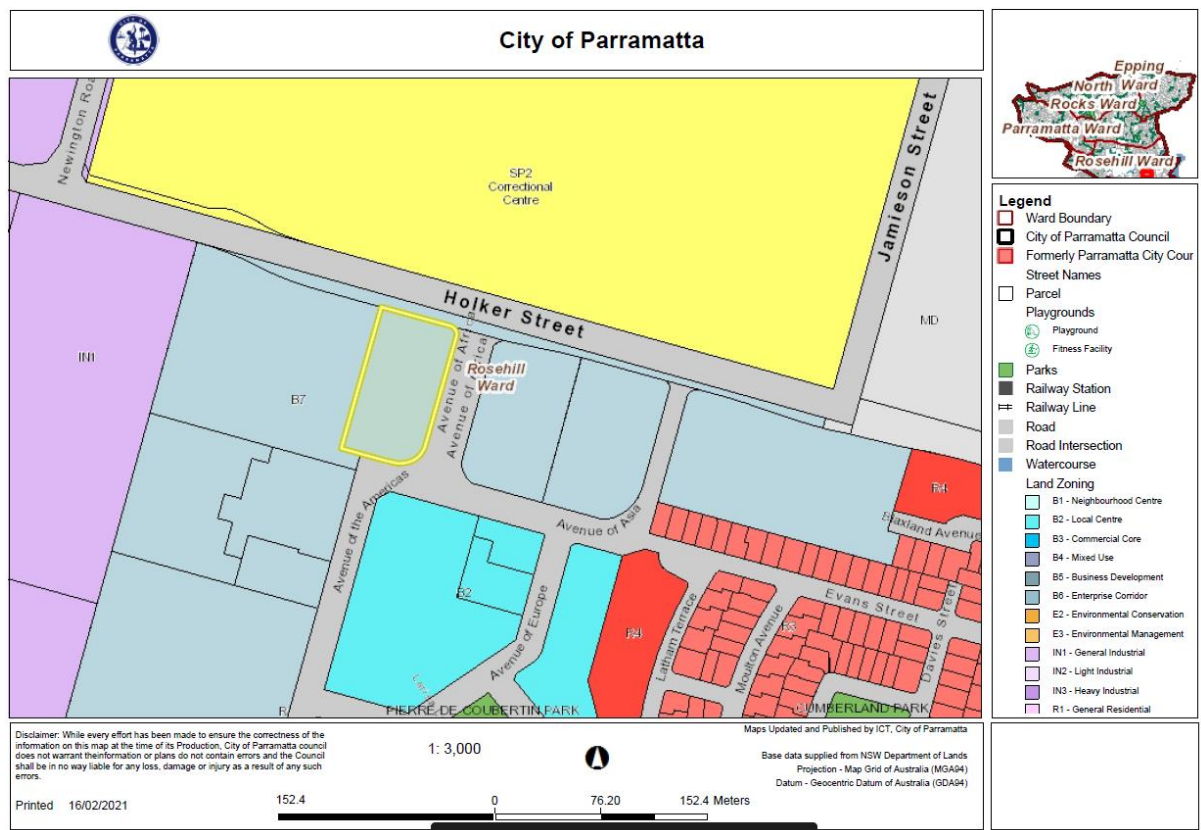


Figure 4: Zoning map of the subject site (outlined in yellow) and the surrounding properties.

Clause 4.3 Height of Buildings Allowable = 16m	No changes are proposed to the existing height of the building.
Clause 4.4 Floor Space Ratio <u>Allowable:</u> 1.2:1 (6998.4m ²) <u>Proposed:</u> 0.4:1 (2433.147m ²)	Yes.
Clause 4.5 Calculation of floor space ratio and site area	The Floor Space Ratio and Site Area has been calculated in accordance with this clause.
Clause 4.6 Exceptions to development standards	N/A.
Clause 5.1A Development on land intended to be acquired for public purposes	The site is not identified to be acquired for public purposes.
Clause 5.6 Architectural roof features	An architectural roof feature is not proposed.
Clause 5.7 Development below mean high water mark	The proposal is not for the development of land that is covered by tidal waters.
Clause 5.10 Heritage Conservation	The site of subject proposal is not of heritage interest; however, it immediately adjoins the Silverwater Prison Complex. Given the nature of the item, the proposal will have no impact on heritage values.

Aboriginal Places of Heritage significance	Yes. The site is identified as Low Aboriginal Heritage Sensitivity.
Clause 5.11 Bush fire hazard reduction	The site is not identified as bushfire prone land.
Clause 6.1 Acid Sulfate Soils	The site is classified as containing Class 5 Acid Sulfate Soils. The proposed works are not within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and is unlikely to lower the water table below 1m AHD on adjacent Class 1, 2, 3 or 4 land.
Clause 6.2 Earthworks	No earthworks are proposed within this development application.
Clause 6.3 Flood planning	The site is not identified by council as being flood prone.
Clause 6.4 Biodiversity protection	The site is not identified on this map.
Clause 6.5 Water protection	The site is not identified on this map.
Clause 6.6 Development on landslide risk land	The site is not identified on this map.
Clause 6.7 Affected by a Foreshore Building Line	The site is not located in the foreshore area.

7. Draft Environmental planning instruments

Draft Parramatta Local Environmental Plan 2020 was placed on public exhibition on the 31 August 2020, with exhibition closing on the 12 October 2020. The draft LEP will replace the five existing LEPs that apply within the Local Government Area and will be the primary legal planning document for guiding development and land use decisions made by Council.

Whilst the draft LEP must be considered when assessing this application, under cl4.15(1)(a)(ii) of the Environmental Planning & Assessment Act, the LEP is neither imminent or certain and therefore limited weight has been placed on it.

Notwithstanding, the proposed development is consistent with the objectives of the Draft LEP.

8. Development Control Plans

The relevant matters to be considered under Auburn Development Control Plan 2010 for the proposed development are outlined in the compliance table below.

Development Control	Compliance
2.0 Built Form The built form of proposed development is consistent with the existing character of the locality. Buildings shall be designed to: Introduce variations in unit design within building groups. <ul style="list-style-type: none"> Introduce solid surfaces, preferably masonry, incorporate horizontal and vertical modulation 	The proposed works are minor and internal in nature.

<p>including windows in appropriate proportions and configurations.</p> <ul style="list-style-type: none"> • Include an appropriate variety of materials and façade treatments so as to create visual interest on a high quality design outcome. 	
<p>3.1 Streetscape</p> <p>Fencing along street boundaries with a height greater than 1m shall be located at a minimum setback applicable to buildings (refer to setback controls overleaf) and with landscaping in the area available between the fence and the property boundary.</p> <p>Facades of new industrial buildings shall adopt a contemporary appearance. Facades of proposed infill development located in established industrial areas shall reflect the style and architecture of adjoining buildings.</p> <p>Architectural features shall be included in the design of new buildings to provide for more visually interesting industrial areas, including:</p> <ul style="list-style-type: none"> • elements which punctuate the skyline; • distinctive parapets or roof forms; • visually interesting facades; • architectural emphasis on the built form; and • a variety of window patterns. 	<p>The existing façade of the building was designed in accordance with the relevant DCP controls.</p>
<p>4.0 Landscaping</p> <p>Storage areas and other potentially unsightly areas shall be screened from adjacent properties.</p> <p>Landscaping within setback areas shall be of a similar scale to buildings. All landscaped areas shall be separated from vehicular areas by means of a kerb or other effective physical barriers.</p>	<p>No trees are proposed for removal under this development application.</p>
<p>5.1.4 Car Parking</p>	<p>No change is proposed to the ninety-two (92) car spaces, including 2 accessible spaces, located in the existing at-grade car park.</p>
<p>4.1 Waste Storage and Removal</p> <p>Storage and disposal of hazardous waste shall comply with DECCW guidelines.</p> <p>Garbage storage and location areas shall be designed, so as to be readily serviced within the confines of the site with minimum impact on adjoining uses.</p>	<p>A Waste Management Plan has been submitted with the development application. Appropriate conditions relating to waste management have been included within the development consent.</p>
<p>8.2 Noise</p> <p>Development is to minimise the possibility of noise to the occupants of adjoining or neighbouring dwellings.</p>	

<p>The use of premises, any plant, equipment and building services associated with a premise does not create an offensive noise or add significantly to the background noise level of a locality.</p>	<p>The proposed development will not result in adverse impacts to adjoining properties.</p> <p>The site is located within an established business area, with the nearest residential dwellings located approximately 200m to the east.</p>
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9. The Regulations

Conditions have been recommended to ensure the following provisions of the Regulation will be satisfied:

- Clause 98 - Building works are to satisfy the Building Code of Australia.

10. The likely impacts of the development

Context and setting

The Land and Environment Court planning principle on “compatibility with context” as established in *Project Venture Developments v Pittwater Council* provides the following test to determine whether a proposal is compatible with its context:

Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites?

Response

This proposal will not result in unacceptable adverse physical impacts as:

- The location of the building will not preclude surrounding land from being developed in accordance with planning controls; and
- The proposal will not generate noise or diminish views that would be detrimental to adjacent and surrounding sites.

Is the proposal’s appearance in harmony with the buildings around it and the character of the street?

Response

- There are no external changes proposed to the existing building located on the subject site. All proposed works are internal.

11. Site suitability

Subject to the conditions provided within the recommendation to this report the site is suitable for this development given:

- It is an appropriate “fit” for the locality given the preceding analysis which demonstrates a lack of adverse built form and operational impacts; and
- The site attributes are conducive noting natural constraints/hazards; ecological and heritage impacts are able to be properly managed.

12. Submissions

The application was notified and advertised in accordance with Appendix 5 of DCP 2010 for a 21-day period between 7 October and 21 October 2020. During this time, 2 individual unique submissions were received. The issues raised within those submissions are addressed below. Issues have been grouped to avoid repetition.

Issue	Response
Increase in traffic	Whilst there may be more trips generated by the change of use to the above uses from a commercial and industrial building, Council's Traffic and Transport team did not raise any objections to the proposal. The proposal complies with the maximum DCP 2010 parking rates applicable for the site.
Incompatible with the local area	The proposed development is permissible within the B7 zone and is considered to be consistent with the relevant objectives for this zone.
Increase in Noise	Council's Environmental Health Officer (Acoustic) has reviewed the application and raised no objections to the proposal.
Hours of Operation	The proposal complies with the hours of operation as prescribed for the B7 zone.

CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

“If more than 7 unique submissions are received over the whole LGA in the form of an objection relating to a development application during a formal notification period, Council will host a conciliation conference at Council offices.”

Council's Crisis Management Team suspended all Conciliation Meetings from 25 March 2020, for the foreseeable future, due to COVID19 and maintaining social distancing requirements. Therefore, a conciliation meeting in accordance with Council's resolution was not required to be held for this application.

13. Public interest

Subject to resolution of the issues of concern as addressed by the recommendation of this report, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

14. Auburn S94A Contributions Plan (Outside CBD) (Amendment No. 5)

As the cost of works for the works exceeds \$200,000 1.0% is required to be paid. A condition will be included in the consent.

Summary and conclusion

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. The proposal is recommended for approval subject for the following reasons:

1. The development is permissible in the B7 zone and satisfies the requirements of the applicable planning controls.
2. The uses will provide facilities and services to meet the day to day needs of workers in the area
3. The premises will add to the range of office uses already present within the zone
4. The development will be compatible with the emerging and planned future character of the area.
5. For the reasons above, approval of the application is in the public interest.

The proposal is recommended for approval subject to conditions for the following reasons:

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of the relevant Council Planning Instruments.
2. To ensure that local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
3. To ensure that the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure that the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 are maintained.

Recommendation

- a) That** the Sydney Central City Planning Panel as the consent authority grant consent to Development Application No. DA/556/2020 for *alterations and additions to the existing building including partial demolition of the internal layout, internal fit-out and change of use to office premises, medical centre and training facility associated with Family Planning NSW* at 8 Holker Street, Newington NSW 2127 for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the conditions in Attachment 1, for the following reasons:

1. The development is permissible in the B7 zone and satisfies the requirements of the applicable planning controls.
2. The uses will provide facilities and services to meet the day to day needs of workers in the area
3. The premises will add to the range of office uses already present within the zone
4. The development will be compatible with the emerging and planned future character of the area.
5. For the reasons above, approval of the application is in the public interest.

- b) That** submitters are advised of the decision.