



SYDNEY CENTRAL CITY PLANNING PANEL

BRIEFING NOTE

Panel Reference	PPSSCC-83
DA Number	DA/135/2020
LGA	City of Parramatta
Proposed Development	Demolition, tree removal and construction of a new 6-storey medical centre with ancillary neighbourhood shop (pharmacy) over basement car parking.
Street Address	16 Park Avenue, Westmead (Lot 4 DP 76345)
Applicant	St Mary Community Group Pty Ltd ATF SMC Trust
Owner	St Mary Community Group Pty Ltd
Date of DA lodgement	18 March 2020
Number of Submissions	Five
Recommendation	Approval
Regional Development Criteria	The development is for private infrastructure and community facilities (health services facility) with a capital investment of more than \$5 million (Schedule 7, Clause 5(b)).
Clause 4.6 requests	N/A
Summary of key submissions	<ul style="list-style-type: none">• Permissibility• Building Form and Massing• Parking and Vehicle Access• Private View Impact• Impact on Streetscape• Setbacks• Privacy• Overshadowing• Flooding and Drainage• Tree Removal• Noise• Increased Demand on Utilities• Deep Soil• Insufficient Demand for Proposed Use
Report prepared by	Frances Mehrstens
Report date	2 November 2020

1. Project Description

The proposal seeks approval for the following development:

- Demolition of existing structures.
- Removal of 5 trees
- Excavation of one basement level for the provision of nine car parking spaces;
 - 1 visitor parking space.
 - 7 staff parking spaces.
 - 1 accessible parking space.
 - 1 van parking space.
- Construction of a six storey medical centre comprising:
 - Ground floor neighbourhood shop and foyer.
 - Five levels of medical centre uses, subject to future detailed fit out.
 - Level 3 outdoor terrace.
- Landscaping including planting of 13 trees; and
- Public domain works.

The medical centre use is proposed pursuant to clause 57(1) of State Environmental Planning Policy (Infrastructure) 2007, which permits 'health services facilities' to be carried out by any person in a prescribed zone. The R4 High Density Residential zone is a prescribed zone.

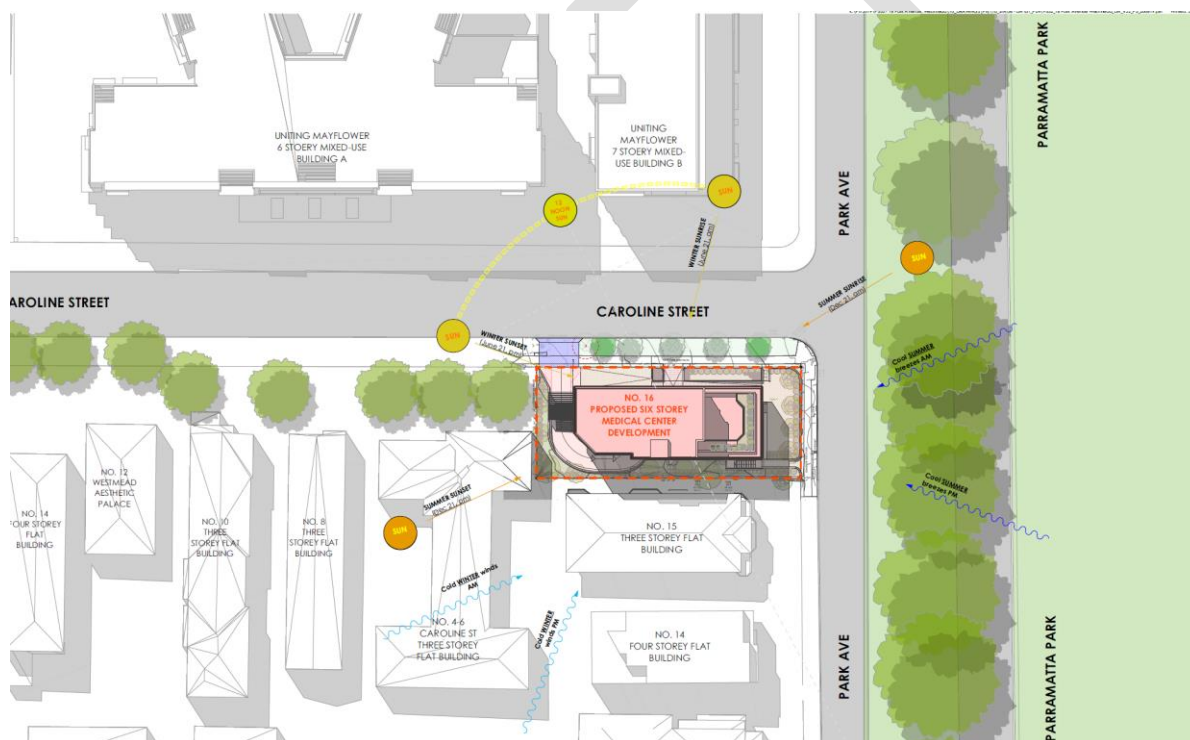


Figure 1 Site plan



Figure 2 Photomontage of proposal as viewed from corner of Park Avenue and Caroline Street looking west

2. Site Description, Location, and Context

2.1 Site and Location

The corner site is located in Westmead, with Parramatta Park immediately opposite to the east and Westmead Station approximately 500 metres to the south-west. The rectangular shaped site comprises one allotment with a site area of 694.5 square metres and a dual frontage to Park Avenue (17 metres) and Caroline Street (41 metres). The site gradually slopes from the north-west to the south-east of approximately 2 metres over a distance of approximately 41 metres.

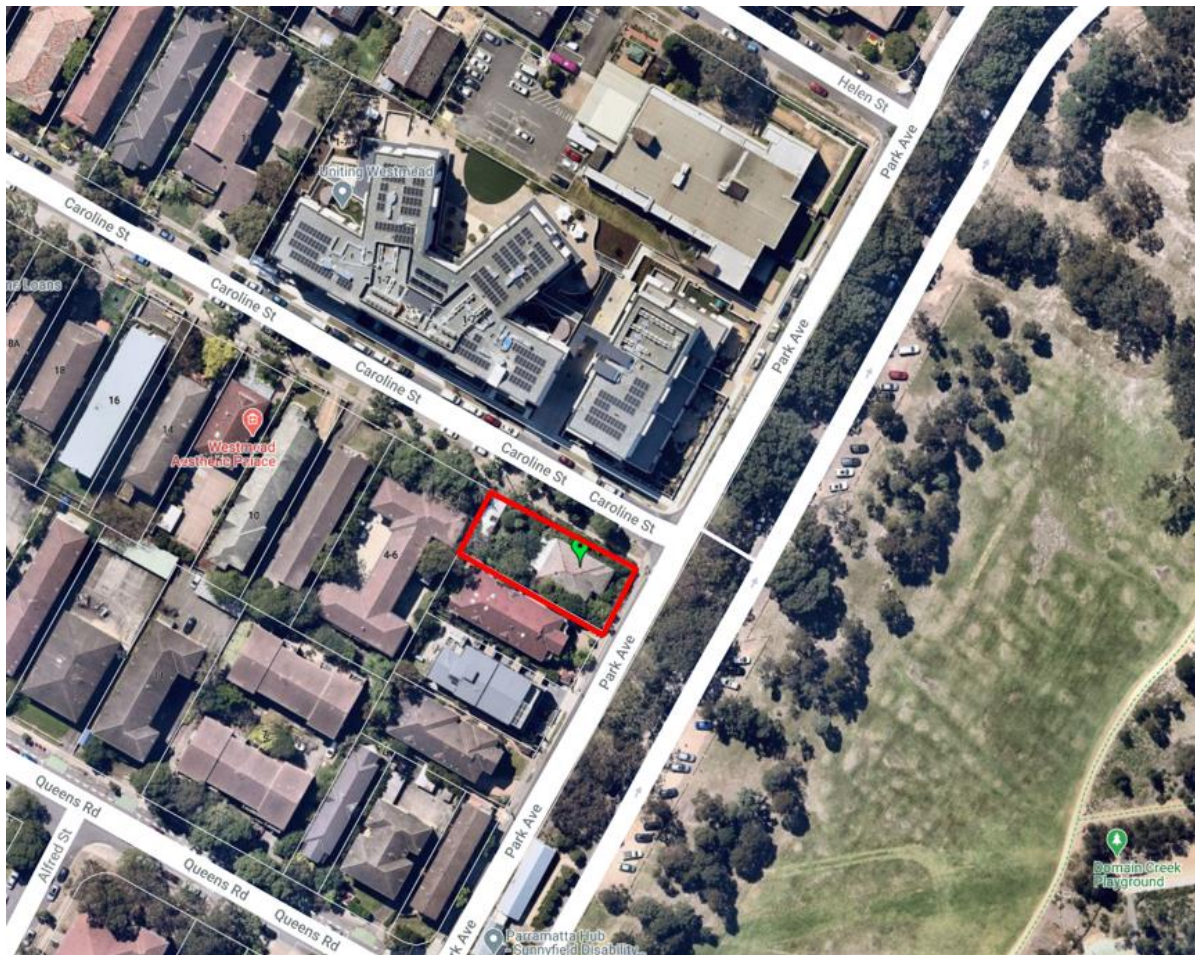


Figure 3 Locality Map (subject site in red)

The site is currently occupied by a single storey dwelling and ancillary garage. It is located in an established residential area characterised by three and four storey residential apartment buildings and proximity to Parramatta Park. Parramatta Park is State and World heritage listed, with the listing comprising the landscape and numerous buildings, including Old Government House.

2.2 History

A pre-lodgement meeting was held on 10 October 2019. Council's key concerns related to:

- Permissibility of the food and drink premises.
- FSR variation.
- Privacy from the Level 3 terrace.
- Dual street frontages resulting in a variation to the street setback requirements of the PDCP 2011.
- Southern side setback proposes a variation of 1.5m from the 3m required by the PDCP 2011 and may result in amenity impacts to adjoining properties.
- Rear setback non-compliance.
- Inadequate deep soil zone provided.
- Overshadowing of the adjoining property to the south.

The current application includes the following key changes to address these concerns:

- Deletion of food and drink premises.
- Compliant FSR.
- Privacy measures integrated into the design of the Level 3 terrace to prevent overlooking.
- Complementary streetscape treatment to street setbacks and appropriate privacy measures to side and rear setbacks.
- Deep soil planting maximised.
- Comprehensive assessment of overshadowing impacts.

The site has not been subject to a site-specific Planning Proposal or consideration by Council.

3. Key Assessment Issues

3.1 State Environmental Planning Policy (Infrastructure) 2007

The development is proposed pursuant to clause 57(1) of the ISEPP, which permits 'health services facilities' to be carried out with development consent by any person on land in a prescribed zone. The R4 High Density Residential zone is a prescribed zone for the purpose of clause 57(1). There are no development standards prescribed for health services facilities under the ISEPP.

A 'health services facility' is defined in the *Standard Instrument – Principal Local Environmental Plan 2006* as a 'building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons' and includes a medical centre. The proposed medical centre meets this definition.

3.2 Parramatta Local Environmental Plan 2011

Development standard	Proposal	Compliance
2.3 Zoning		
R4 – High Density Residential	<p>The site is zoned R4 High Density Residential under the PLEP 2011. In accordance with the PLEP 2011, the proposed uses are defined as follows:</p> <ul style="list-style-type: none"> • A medical centre is a type of 'health services facility'. • A pharmacy is a 'neighbourhood shop'. <p>The proposed medical centre use is prohibited in the R4 High Density Residential zone. However, the ISEPP permits health services facilities to be carried out with consent in the R4 High Density Residential zone (refer to clause 57(1) of the ISEPP).</p> <p>A neighbourhood shop is permissible with consent.</p> <p>Accordingly, the proposed development is permissible with consent.</p>	Yes
4.3 Height of Buildings		
Control: Part 11m/Part 20m	Part 11 metres (maximum RL 29.637) and part 20 metres (maximum RL 39.180)	Yes
4.4 Floor Space Ratio		
Control: 1.7:1 (1,639.65m ²)	<p>Total GFA: 1,155m² (1.66:1)</p> <ul style="list-style-type: none"> • Retail: 137m² (19.7%) • Commercial: 1,018m² (80.3%) 	Yes, however refer to clause 5.4 below in relation to retail floor area.
5.4 Controls Relating to Miscellaneous Permissible Uses		

Retail floor area of a neighbourhood shop must not exceed 80 square metres.	<p>The development proposes 137m² of floor area for a neighbourhood shop use. A neighbourhood shop is a type of retail and the floor area used for retail must not exceed 80m².</p> <p>The fit out of the neighbourhood shop will be subject to a separate approval and insufficient detail is provided on the plans to determine the retail floor area, as distinguished from associated storage or staff facilities. A condition of consent will be imposed to limit the total retail floor area to 80m². It is expected that the surplus area could be allocated for circulation space in the lobby, medical centre uses or 'back of house' facilities for staff and storage.</p>	<p>No.</p> <p>A condition of consent will be imposed to limit the total retail floor area to 80m².</p>
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5.10 Heritage conservation

<p>The subject site is not listed as a heritage item and is not located within a heritage conservation area, however is located across Park Avenue from the State heritage listed Parramatta Park and old government house (I00596).</p> <p>The subject site is identified as having low Aboriginal heritage sensitivity.</p> <p>The subject site is identified as having local archaeological significance, and is identified as having little archaeological research potential.</p> <p>In addition to this, Parramatta Park is included on the UNESCO World Heritage Register. <i>Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values – Technical Report</i> identifies a series of significant views from Parramatta Park, including views from heritage buildings, precincts and landscape features. The proposed development is visible from the Dairy Precinct, with views from the Dairy Precinct identified as being of 'high significance'.</p> <p>Part 2 of the <i>Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values – Technical Report</i> identifies a series of significant views from Parramatta Park, from multiple significant buildings or landscape features.</p> <p>The site and development may impact the significant views from the "Dairy Precinct" identified as a view with "High Significance". Photomontages submitted with the application illustrate that the proposed development will not adversely impact on the significant view from the Dairy Precinct or heritage value of Parramatta Park for the following reasons:</p> <ul style="list-style-type: none"> • The setbacks ensure that a sense of openness to the sky between buildings is retained. • The building is oriented with the narrow facade facing Parramatta Park. • The façade treatment will reduce distant visibility against the sky by incorporating light colours, glass and reflective surfaces. 	Yes
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Table 1 Assessment of the proposal against PLEP 2011



Figure 4 PLEP 2011 Zoning map (subject site outlined in yellow). The site is zoned R4 – High Density Residential.



Figure 5 PLEP 2011 Height map (subject site outlined in yellow). The site is classified Q2 – 20 metres and L – 11 metres.

3.3 Parramatta Development Control Plan 2011

Development Control	Comment	Compliance
<i>Part 3 Development Principles</i>		
<i>Setbacks</i>	<i>Primary frontage</i>	Yes.
<i>Primary frontage</i>	A 6 metre setback is proposed to Park Avenue, which is in	Variation

<p>(Park Avenue) – 3 – 5m</p> <p>Secondary frontage (Caroline Street) – 5 – 9m</p> <p>Rear (western boundary) – 15% of site boundary (6 metres)</p> <p>Side (south) – per ADG</p>	<p>excess of the amount required to comply.</p> <p><i>Secondary frontage</i></p> <p>A 3 metre setback is proposed, which is supported on merit due to the corner location of the lot and integration with the streetscape through landscaping within the site and public domain improvements.</p> <p><i>Rear</i></p> <p>A 6 metre setback is proposed.</p> <p><i>Side</i></p> <p>From Ground to Level 3, the side setback complies with the 3m setback from the boundary for non-habitable rooms.</p> <p>At Level 4 – 5, the separation distance is a variation from the required 4.5m from non-habitable rooms. The development predominantly proposes a blank wall or high sill windows to this boundary to mitigate visual privacy impacts and the adjoining residential building is only three storeys in height, which prevents any direct visual privacy impacts. Accordingly, the proposed design is considered acceptable.</p>	<p>proposed to secondary street frontage and side setback are acceptable on merit.</p>
<p>Deep Soil Zone</p> <p>30% of site area, of which at least 50% is to be located at rear of site</p> <p>Minimum dimensions 4m x 4m</p>	<p>9.7% of 67.7m² with minimum dimension of 4m x 4m, located in front setback.</p> <p>The non-compliance is acceptable on the basis that the site will allow for some water to infiltrate naturally to groundwater and enables mature vegetation to be provided in the front setback, including four new trees, shrubs and ground covers.</p> <p>It is noted that the deep soil controls are for a residential flat building, and that the PDCP controls for non-residential zones requires only that the rear setback is a deep soil landscape area. Non-residential rear setback controls are 15% of the site length.</p> <p>Applied to this development, 15% of the site length is 5.4 metres. The deep soil area is provided in the front setback, which is a total of 6 metres and exceeds 15% of the site length.</p> <p>The variation is acceptable on the basis that the development meets the intent of the controls, and is generally compliant with comparable controls for non-residential development.</p> <p>Proposed permeable paving will be required to enable water to percolate below and a condition of consent will be imposed requiring detailed drawings to demonstrate this prior to the relevant construction certificate.</p>	<p>No – variation acceptable on merit.</p>
<p>Landscaped Area</p> <p>40% of site area (including deep soil zone)</p>	<p>32.9% or 228.3m²</p> <p>In addition to the reasons outlined above for deep soil planting, the variation is acceptable on the basis that the development is for a non-residential use and that the amount of landscaping provided is suitable for a medical centre.</p>	<p>No – variation acceptable on merit.</p>
<p>3.6.2 Parking and Vehicular Access</p>	<p><u>Vehicle Parking</u></p> <p>A total of 46 car parking spaces are required in accordance with the relevant rates set by the PDCP and the RMS Guide to Traffic Generating Development.</p> <p>9 car parking spaces are proposed. Whilst a variation from the required rate, the proposal is supported on the basis that the development is located in the Westmead precinct and is in close proximity to public transport. Similar development in the Westmead precinct has provided reduced car parking to encourage public transport usage and is in accordance with the application of maximum car parking rates for site-specific development in Westmead.</p>	<p>No – variation acceptable on merit.</p>

Table 2 Assessment of the proposal against PDCP 2011.

4. Referrals		
Authority	Comment	
Western Sydney Local Health District	No response received.	
Design Excellence Advisory Panel	Supported	
Development/Catchment Engineer	Supported, subject to conditions of consent.	
Landscape Officer	Supported, subject to conditions of consent.	
Traffic Engineer	Supported, subject to conditions of consent.	
Environmental Health – Acoustic	Supported, subject to conditions of consent.	
Environmental Health – Waste	Supported, subject to conditions of consent.	
Environmental Health – Food	Supported, subject to conditions of consent.	
Public Domain	Supported, subject to conditions of consent.	
Social Outcomes	Supported.	
Environmental Sustainability Officer	Supported, subject to conditions of consent.	
Heritage	Supported.	
Access	Supported, subject to conditions of consent.	

Table 3 Internal referrals

8. Submissions

The public submission issues are summarised and commented on as follows:

Issues Raised (Number of submissions which raise issue)
Permissibility (4)
Building Form and Massing (5)
Parking and Vehicle Access (5)
Private View Impact (5)
Impact on Streetscape (4)
Setbacks (4)
Privacy (4)
Overshadowing (4)
Flooding and Drainage (3)
Tree Removal (4)
Noise (3)
Increased Demand on Utilities (2)
Deep Soil (2)
Insufficient Demand for Proposed Use (1)

Table 4 Summary of public submissions to the proposal.