



SYDNEY CENTRAL CITY PLANNING PANEL
COUNCIL ASSESSMENT REPORT

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 two neighbourhood shop tenancies at ground level 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)).
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment (EP&A) Act 1979• EP&A Regulation 2000• SEPP (Infrastructure) (ISEPP) 2007• SEPP (State and Regional Development) 2011• SEPP (Sydney Harbour Catchment) (SEPP Sydney Harbour) 2005• SEPP No. 55 (Remediation) (SEPP 55)• SEPP (Vegetation in Non-Rural Areas)• Parramatta Local Environmental Plan (PLEP) 2011• Parramatta Development Control Plan (PDCP) 2011
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none">• Attachment 1 – Architectural Drawings• Attachment 2 – Landscape Drawings
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 Mehrrens
Report date	2 November 2020

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**

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 (s7.24)? **No**

Conditions - Have draft conditions been provided to the applicant for comment? **Yes**

1. Executive Summary

The proposal seeks approval for demolition of existing structures, tree removal, and construction of a new 6 storey medical centre with a neighbourhood shop and pharmacy, over basement car parking. The medical centre is defined as a 'health services facility' and is proposed pursuant to clause 57(1) of State Environmental Planning Policy (Infrastructure) 2007.

The proposed development generally follows the form for the site envisaged by *Parramatta Local Environmental Plan (PLEP) 2011*, Parramatta Development Control Plan (PDCP) 2011, and the Parramatta Public Domain Guidelines.

The development has been subject to review by Council's Design Excellence Advisory Panel (DEAP) and is considered to be of a high standard in relation to architectural, landscape and urban design.

The amenity impacts on adjoining and nearby properties and the public domain are considered to be reasonable. It is considered that the proposed development is not expected to have a significant traffic impact on the surrounding road network.

The application has been assessed relative to section 4.15 of the *Environmental Planning and Assessment (EP&A) Act 1979*, taking into consideration all relevant state and local planning controls. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. As such approval is recommended.

2. Key Issues

Parramatta Development Control Plan 2011

- **Secondary frontage setback** – A setback of 5-9 metres is required to Caroline Street, whilst a 3 metre setback is proposed. This variation is supported on merit due to the corner location at the start of the street and the integration with the streetscape through landscaping within the site and public domain improvements.
- **Deep soil zone** – 30% of site area required, however 9.7% is achieved. This is supported on the basis that the development meets the intent of the controls and is generally compliant with comparable controls for non-residential development.
- **Landscaped area** – 40% of site area required, 32.9% proposed. This variation is acceptable on the basis that the development is for a non-residential uses and the amount of landscaping, including Level 3 terrace garden, is suitable for a medical centre.
- **Parking** – 46 car parking spaces required, whilst 9 car parking spaces are provided. The parking provision is supported on the basis that 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. The proposal provides in excess of the amount of bicycle parking required and end-of-trip facilities on each floor.

3. Site Description, Location, and Context

3.1 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.

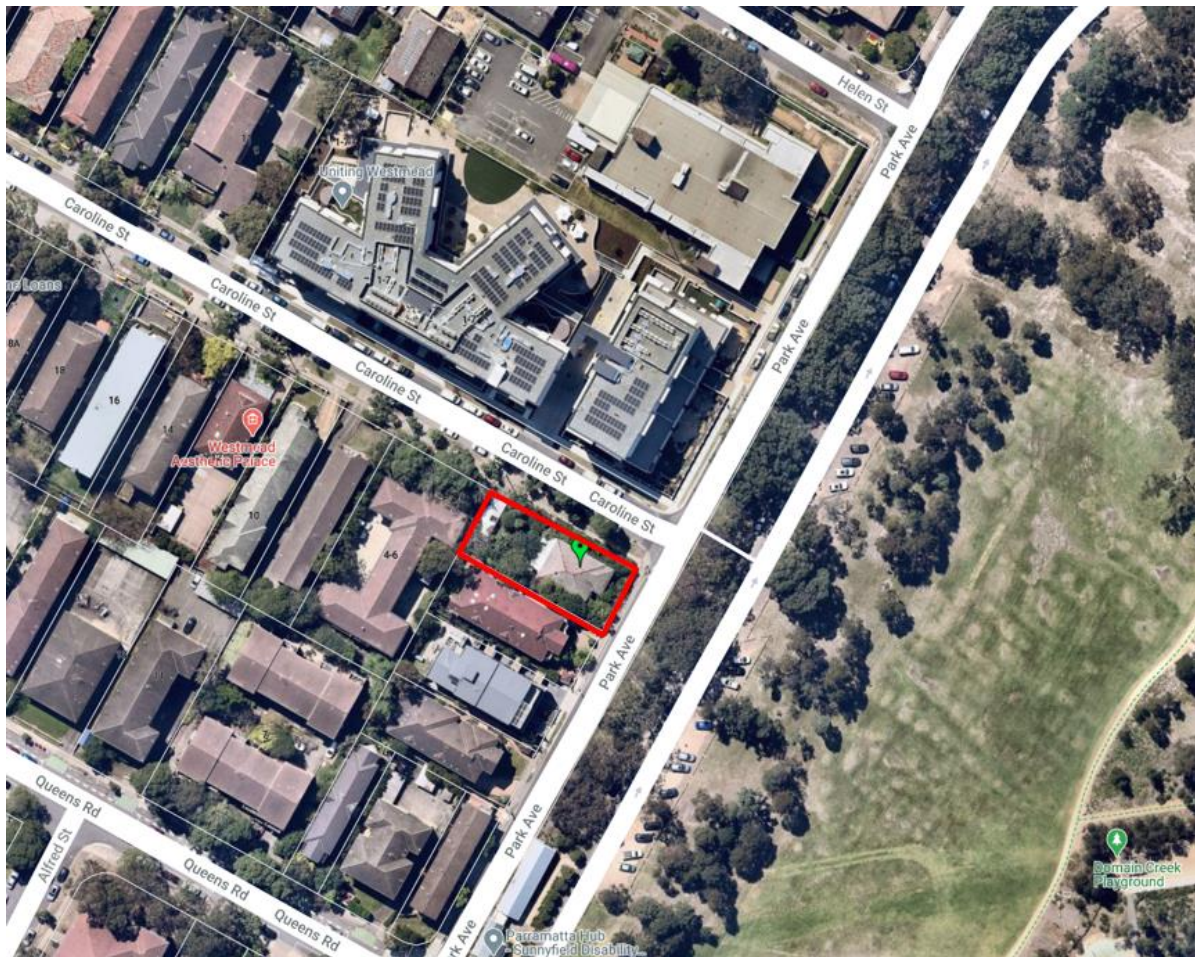


Figure 1 Locality Map (subject site in red)

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 UNESCO World heritage listed, with the listing comprising the landscape and numerous buildings, including Old Government House.



Figure 2 Extract from heritage map (subject site in yellow)



Figure 3. Site as viewed from within Parramatta Park (Park Avenue) looking west



Figure 4. Site as viewed from Caroline Street looking south

3.2 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 PDGP 2011.
- Southern side setback proposes a variation of 1.5m from the 3m required by the PDGP 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.

4. The Proposal

4.1 Summary of Proposal

The proposal seeks approval for the following development:

- Demolition of existing structures.
- Removal of 5 trees
- Excavation of one basements 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 shops 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.

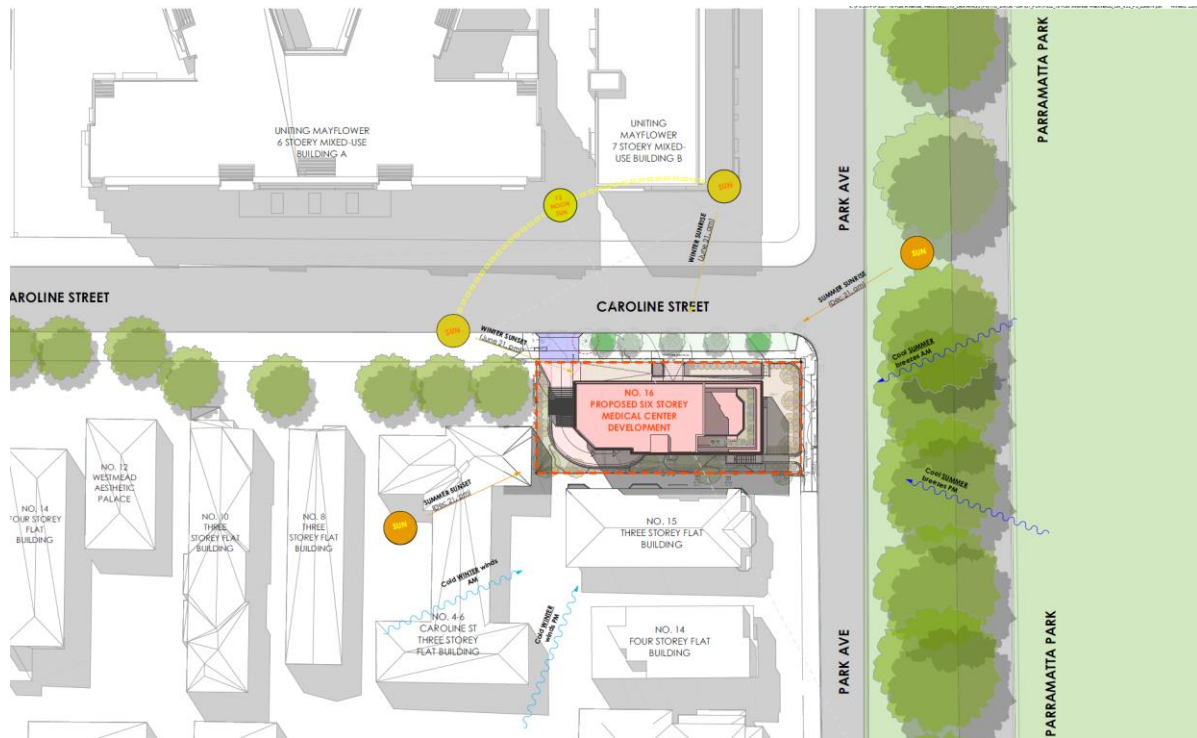


Figure 5 Site plan



Figure 6 Photomontage of proposal as viewed from corner of Park Avenue and Caroline Street looking west

4.2 Summary of Amendments Since Lodgement

The applicant submitted revised drawings and documentation addressing concerns raised by Council's DEAP, Council officers and external referral bodies including, but not limited to, the following changes:

- Fire stair relocated further away from Park Avenue.
- Loading zone removed from Caroline Street frontage and relocated within the basement.
- Landscaping refined to include increased density of planting and trees of varying heights.
- Plant equipment illustrated on the roof.
- Food and drink premises removed and replaced with a neighbourhood shop.
- Retention of one tree on the Caroline Street frontage.
- Public domain design refined in accordance with Parramatta Council guidelines.

5. Referrals

The following referrals were undertaken during the assessment process:

5.1 Sydney Central City Planning Panel Briefing (13/11/2020)

The matters raised by the Panel at its Briefing meeting are addressed below:

Issues Raised	Comment
USES - The Medical use proposed is not permissible under the R4 zoning but is allowable under the Infrastructure SEPP 2007.	Noted.
<ul style="list-style-type: none"> • The Café use proposed to the ground floor is to be deleted as food and drink premises are not permissible. 	The café use originally proposed has been removed from the plans in the amended submission. Approval is no longer sought for a café.
<ul style="list-style-type: none"> • A neighbourhood shop would be permissible up to a maximum area of 80 sqm but the current application proposes an area in excess of this. The applicant has been requested to revise the proposal in this regard. 	Amended plans have been submitted that show both neighbourhood shop tenancies are less than 80sqm.
<ul style="list-style-type: none"> • A pharmacy is proposed on the ground level. The final plans should clarify the proposed uses, including in relation to the external terrace and seating area. 	The ground floor plan clearly annotates the area that is to be used as 'pharmacy'. The other ground floor tenancy is clearly annotated to be a neighbourhood shop.
<ul style="list-style-type: none"> • The Panel also sought clarification regarding the location of other local retail uses and whether they will coexist successfully with the uses proposed in this application. 	Noted. The successful operation of other retail businesses in the locality is not a relevant planning consideration.
AMENITY AND SAFETY - The proximity to Parramatta Park results in a high level of pedestrian movement. Pedestrian safety is accordingly a consideration to be addressed.	The proposal includes upgrade of the public domain surrounding the site, including new footpaths in accordance with the Parramatta Public Domain Guidelines.

<p>The acoustic and visual impact of the exposed driveway, particularly where it adjoins neighbouring apartment buildings, and how this impact is to be mitigated, is still to be addressed.</p>	<p>The Acoustic Report prepared by Acoustic Dynamics shows that noise emissions from cars entering and exiting the car park will meet the relevant noise criteria at the neighbouring properties at 4 – 6 Caroline Street and 15 Park Avenue.</p> <p>The operation of the medical centre is limited to 8am – 6pm, Monday to Friday. In addition, limited car parking spaces are provided in the basement. Accordingly, the operation of the use will further minimise acoustic impacts.</p> <p>To mitigate visual impacts, an awning is proposed over the driveway entrance and dense planting is proposed along both the western and the southern boundaries.</p>
<p>ARCHITECTURE AND MATERIALS - The blank walls proposed to the lower levels of the western façade are to be reviewed as they face into adjacent apartment buildings.</p>	<p>The western elevation has been improved through the incorporation of additional windows at the lower levels. The windows are limited in width and are appropriately designed to minimise overlooking.</p>
<p>The Panel suggested that the applicant be invited to -</p>	
<ul style="list-style-type: none"> Clarify the description and area of the uses proposed within the application in relation to the neighbourhood shop, pharmacy and medical centre so that the Panel is clear on exactly what is proposed. 	<p>The proposal seeks approval for two neighbourhood shops at ground level and medical centre within the remainder of the development.</p>
<ul style="list-style-type: none"> Amend plans to ensure the design of the proposal is appropriate to the final retail or business uses proposed. 	<p>The plans have been amended to show tenancies that are appropriate for the proposed use, being neighbourhood shop and medical centre. It is expected that the detailed fit out will be subject to a separate approval.</p>
<ul style="list-style-type: none"> Clarify how the acoustic and visual impacts of the driveway adjacent to the existing residential apartments to the south are to be addressed. 	<p>The Acoustic Report prepared by Acoustic Dynamics shows that noise emissions from cars entering and exiting the car park will meet the relevant noise criteria at the neighbouring properties at 4 – 6 Caroline Street and 15 Park Avenue.</p> <p>The operation of the medical centre is limited to 8am – 6pm, Monday to Friday. In addition, limited car parking spaces are provided in the basement. Accordingly, the operation of the use will further minimise acoustic impacts.</p> <p>To mitigate visual impacts, an awning is proposed over the driveway entrance and dense planting is proposed along both the western and the southern boundaries.</p>
<ul style="list-style-type: none"> Review the treatment of the western elevation at the lower levels to improve the visual interest of this façade, given its exposure to the public domain and adjacent development. 	<p>The western elevation has been improved through the incorporation of additional windows at the lower levels. The windows are limited in width and are appropriately designed to minimise overlooking.</p>
<p>The Panel also noted (not in relation to this DA exclusively) their concern in relation to traffic and pedestrian safety conflicts for the broader area.</p>	<p>Noted.</p>

Table 1 SCCPP briefing notes and response.

5.2 Design Excellence Advisory Panel

Council's DEAP considered the application on two occasions and provided advice which informed the subject application.

The Panel first considered the subject application at a meeting on 11 June 2020. Of note the panel suggested the following:

- Deletion of the second driveway cross over to avoid removing a street tree and improve the street frontage;
- Relocation of the loading bay out of the Caroline Street frontage and utilising permeable paving in this area;
- Reviewing the storage and bin rooms to enable commercial and medical waste to be sorted;
- Reviewing the floor to floor levels to ensure adequate height is provided to accommodate mechanical servicing;
- Exploring an alternative façade appears for Levels 4 and 5 to distinguish from the lower podium;
- Reviewing the detailing and appearance of the vehicle gates to include a pergola;
- Reviewing more suitably sized canopy trees in deep soil zones; and
- Exploring the option to create a larger level garden area and more legible pedestrian access from Park Avenue.

The applicant subsequently submitted revised drawings responding to these concerns. The Panel further considered the application at a meeting on 9 July 2020. The Panel gave the application a 'green light' and made the following comments:

- Planning issues related to permissibility of the café to be resolved.
- A hedge/low fence along the northern boundary would improve the interface with the streetscape.
- A more discrete location for the accessible bathrooms should be investigated.
- Further refinement of the waste disposal and storage design may be required when the specific medical uses are defined.
- A detailed Landscape Plan will be required.

The DEAP panel's full comments are included at Appendix 2.

5.3 External

Authority	Comment
Western Sydney Local Health District	No response received.

Table 2 External referrals

5.4 Internal

Authority	Comment
Development/Catchment Engineer	Acceptable, subject to conditions of consent.
Landscape Officer	Acceptable, subject to conditions of consent.
Traffic Engineer	Acceptable, 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.

Authority	Comment
Heritage	Supported.
Access	Supported, subject to conditions of consent.

Table 3 Internal referrals

6. Environmental Planning and Assessment Act 1979

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

6.1 Section 1.7: Significant effect on threatened species, populations or ecological communities, or their habitats

The site is in an established urban area with low ecological significance. No threatened species, populations or ecological communities, or their habitats are impacted by the proposal.

6.2 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 7
Section 4.15(1)(a)(ii) - Draft environmental planning instruments	Refer to section 8
Section 4.15(1)(a)(iii) – Development control plans	Refer to section 9
Other Planning Controls	Refer to section 10
Section 4.15(1)(a)(iiia) - Planning Agreement	Not applicable.
Section 4.15(1)(a)(iv) - The Regulations	Refer to section 11
Section 4.15(1)(a)(v) - Coastal zone management plan	Not applicable.
Section 4.15(1)(b) - Likely impacts	Refer to section 12
Section 4.15(1)(c) - Site suitability	Refer to section 13
Section 4.15(1)(d) – Submissions	Refer to section 14
Section 4.15(1)(e) - The public interest	Refer to section 15

Table 4 Section 4.15(1)(a) considerations

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application comprise:

- SEPP (Infrastructure) (ISEPP) 2007;
- SEPP (State and Regional Development) (SEPP SRD) 2011;
- SREP (Sydney Harbour Catchment) (SREP (Sydney Harbour)) 2005;
- SEPP No. 55 (Remediation) (SEPP 55);
- Parramatta Local Environmental Plan (PLEP) 2011.

Compliance with these instruments is addressed below.

7.2 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.

The proposal does not constitute a 'traffic generating development' as it is development for 'any other purpose' and will generate less than 200 vehicles per hour. As such the proposal does not require referral to Road and Maritime Services (RMS).

7.3 State Environmental Planning Policy (State and Regional Development) 2011

The proposed development is for a health service facility with a Capital Investment Value (CIV) of more than \$5 million. As such, Part 4 of this Policy provides that the application is 'regionally significant development' and the Sydney Central City Planning Panel (SCCPP) is the consent authority for this application.

7.4 Sydney Regional Environmental Policy (Sydney Harbour Catchment) 2005 (Deemed SEPP)

This Policy, which applies to the whole of the Parramatta Local Government Area (LGA), aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment, and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome will be achieved through the imposition of suitable conditions to address the collection and discharge of water during construction and operational phases of the development.

7.5 State Environmental Planning Policy No. 55 – Remediation of land

The site is not identified in Council's records as being contaminated. A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated. Given the historical use of the site for residential purposes, land contamination is not likely. In accordance with Clause 7 of SEPP 55, development consent may be granted, as the land is suitable for use as a health service facility.

7.6 Parramatta Local Environmental Plan 2011

The relevant objectives and requirements of PLEP 2011 have been considered in the assessment of the development application, and are contained within the following table.

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, under PLEP 2011. 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
Zone Objectives		
	<p>The majority of R4 High Density Residential zone objectives relate to development for the purpose of housing, however the proposed development is consistent with the following zone objective:</p> <ul style="list-style-type: none"> • To enable other land uses that provide facilities or services to meet the day to day needs of residents. <p>The proposed medical centre and ancillary pharmacy will provide facilities and services for the needs of residents. In particular, residents of the seniors housing development on Park Avenue are likely to benefit from the provision of medical and pharmacy services in the locality.</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.
4.6 Exceptions to Development Standards		

	Variation to Building Height and FSR standards.	Not applicable.
5.4 Controls Relating to Miscellaneous Permissible Uses		
Retail floor area of a neighbourhood shop must not exceed 80 square metres.	The floor area of each neighbourhood shop tenancy is less than 80sqm.	Yes.
5.6 Architectural Roof Features		
	An architectural roof feature is not proposed.	Not applicable
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>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. <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>		Yes
6.1 Acid Sulphate Soil		
Class 5	The site is identified as being subject to Class 5 acid sulphate soils. The proposed depth of excavation is approximately 3.0-3.5 metres and is unlikely to affect the water table.	Yes
6.2 Earthworks		

	Excavation to a depth of RL 15.9 (approximately 2.2 metres) is proposed for the basement. The proposed earthworks are not likely to disrupt the existing drainage pattern and soil stability and fill material will be disposed of appropriately. A standard condition of consent will be imposed in relation to potential unexpected archaeological finds during excavation.	Yes
6.3 Flood Planning		
	The site is not identified as flood prone.	Yes
6.4 Biodiversity Protection		
	The site is not identified as containing biodiversity.	Yes

Table 5 Assessment of the proposal against PLEP 2011



Figure 7 PLEP 2011 Zoning map (subject site outlined in yellow). The site is zoned R4 – High Density Residential.



Figure 8 PLEP 2011 Height map (subject site outlined in yellow). The site is classified Q2 – 20 metres and L – 11 metres.



Figure 9 PLEP 2011 Floor Space Ratio map (subject site outlined in yellow). The site is classified 1.7:1

8. Draft Environmental Planning Instruments

a. Draft Parramatta LEP 2020

Draft Parramatta LEP 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.

9. Development Control Plan

a. Parramatta Development Control Plan 2011

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within PDCP 2011.

Where there is conflict between PDCP 2011 and the SEPPs listed above the SEPP controls prevail to the extent of the inconsistency and as such are not included below.

The following table sets out the proposal's compliance with the prescriptive requirements of the Plan:

Development Control	Comment	Comply
Part 2 Site Planning		
2.3 Site Analysis	A satisfactory site analysis plan has been submitted.	Yes
2.4.1 Views and Vistas	<p>The site does contain significant views as identified in Appendix 2 Views and Vistas. The built form preserves views to and from the public domain by adopting a height and street wall that is consistent with the LEP controls. As discussed in relation to clause 5.10 of the PLEP above, the proposed development does not adversely impact on the significant views from Parramatta Park.</p> <p>The proposal does not unreasonably impact on private views to the public domain and adjoining Parramatta Park, noting that the building design is compliant with the relevant LEP controls. Adopting the four step assessment established in <i>Tenacity Consulting v Warringah [2004] NSWLEC 140</i>, the proposal is supported for the following reasons:</p> <ul style="list-style-type: none">○ The affected views are local views to Parramatta Park, some of which are partially obscured by existing development.○ The views are available from the side boundaries, which are acknowledged in <i>Tenacity</i> to be 'unrealistic' to expect to retain.○ The extent of the impact from properties at ground level is negligible as existing development already blocks these views, however the impact on views from the side boundary above ground level is moderate.○ The impact is reasonable on the basis that it complies with the relevant height and FSR controls that determine the building envelope. Whilst a variation to the Caroline Street setback is supported, a compliant setback to this boundary would not significantly alter the view impacts.	Yes
2.4.2 Water Management	The site is not identified in Council's database as being flood prone. The site does not adjoin a waterway. The application proposes the excavation of a basement for parking purposes. Appropriate conditions would be included to ensure the basement is not affected by groundwater.	Yes
2.4.3 Soil Management	A soil and water management plan have been submitted with the application. Notwithstanding, a condition has been included outlining the required soil management standards.	Yes

2.4.4 Land Contamination	Refer to assessment under SEPP 55 above.	Yes
2.4.5 Air Quality	The proposal is not likely to result in increased air pollution.	Yes
2.4.6 Development on Sloping Land	The building is sited to take into account the natural topography of the site, which is subject to a gentle slope.	Yes
2.4.7 Biodiversity	<p>The proposed development does not impact on indigenous flora and fauna, with the majority of trees to be removed on the site as exempt from requiring development consent.</p> <p>The proposal includes the provision of new trees in the public domain, in addition to the provision of landscaping within the street setbacks, which results in an increase of biodiversity within the locality.</p> <p>The subject site is not located adjacent to E2 and W1 zones.</p>	Yes
2.4.8 Public Domain	<p>The proposed building would provide passive surveillance of the public domain.</p> <p>The proposal includes upgrades to the public domain including new pavement and new street trees.</p>	Yes.
Part 3 Development Principles		
3.1 Preliminary Building Envelope	The site is located in the R4 High Density Residential zone – accordingly, the controls for a residential flat building are applied.	Yes – variation to setbacks acceptable on merit.
Height 11 m = 3 storeys 20m = 6 storeys	The proposed development complies with the height in storeys.	Yes.
Site frontage (sites with two frontages) Primary frontage – 18m Secondary frontage – 18m	The Caroline Street frontage complies with the minimum 18 metres requirement, however the Park Avenue frontage is 17 metres and numerically non-compliant. This variation is minor and is acceptable on the basis that the development is not for a residential apartment building, which is the land use that the controls are intended for.	Yes.
Setbacks Primary frontage (Park Avenue) – 3 – 5m Secondary frontage (Caroline Street) – 5 – 9m Rear (western boundary) – 15% of site boundary (6 metres) Side (south) – per ADG	<p><i>Primary frontage</i></p> <p>A 6 metre setback is proposed to Park Avenue, which is in 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>Yes.</p> <p>Variation proposed to secondary street frontage and side setback are acceptable on merit.</p>
Deep Soil Zone 30% of site area, of which at least 50% is to be located at rear of site	<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>	No – variation acceptable on merit.

<i>Minimum dimensions 4m x 4m</i>	<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 further enable water to percolate to the ground below.</p>	
<i>Landscaped Area</i> <i>40% of site area (including deep soil zone)</i>	<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>	No – variation acceptable on merit.
3.2.1 Building Form and Massing	The Design Excellence Panel (DEAP) has endorsed the proposal's form, massing, façade, articulation and roof design.	Yes
3.2.2 Building Façade and Articulation		
3.2.3 Roof Design		
3.2.4 Energy Efficient Design	A Section J assessment prepared by a suitably qualified professional has been submitted with the application and confirms that the proposed development is capable of compliance with the National Construction Code.	Yes
3.2.5 Streetscape	The proposal presents satisfactorily to the street, is in keeping with the desired future character of the area, and has been endorsed by DEAP. The proposal provides for attractive street frontages, which would be activated by the provision of the neighbourhood shop at ground floor.	Yes
3.2.6 Fences	No fences are proposed. Blank walls at ground level are minimised and landscaping appropriately defines the public domain.	Yes
3.3.1 Landscaping	The proposal includes the provision of trees in the public domain, in addition to the provision of landscaping within the setbacks and in the Level 3 terrace.	Yes
3.3.2 Private/ Communal Open Space	Whist a non-residential use, the proposed development provides a suitable private open space area at Level 3.	Yes
3.3.3 Visual and Acoustic Privacy	The proposed setbacks are appropriate to ensure that overlooking or noise impacts are minimised, and that the adjoining development will maintain visual and acoustic privacy. Appropriate privacy measures, such as high sill windows and opaque glazing, have been incorporated to prevent overlooking. The medical centre use will operate during business hours and is not expected to generate significant noise.	Yes
3.3.4 Acoustic Amenity	The Acoustic Report indicates the development is capable of complying with the relevant acoustic criteria. Subject to a condition requiring compliance with the recommendations of these report, the proposal is considered to be acceptable.	Yes, subject to conditions
3.3.5 Solar Access and Ventilation	<p>The proposed development receives a reasonable level of solar access for a commercial development.</p> <p>Adjoining properties continue to receive a reasonable level of solar access, as demonstrated on the view from the sun diagrams submitted.</p>	Yes
3.3.6 Water Sensitive Urban Design	Council's Development Engineer has advised that the concept OSD plan is satisfactory and appropriate conditions are recommended to ensure it is designed appropriately at the construction certificate stage to achieve the objectives and design principles outlined in the DCP.	Yes, subject to conditions
3.3.7 Waste Management	The waste rooms are proposed within the basement car park and can be serviced internally. A Waste Management Plan (WMP) was submitted with the application outlining the demolition, construction and operational stages of the development. The WMP was reviewed by Council's waste management team and is considered to adequately address the waste management requirements, subject to conditions	Yes, subject to conditions.

	requiring bins to be collected within the property and not visible from the street.	
3.4.1 Culture and Public Art	A Public Art Plan is not required.	N/A
3.4.2 Access for People with Disabilities	<p>An Access Report has been provided which demonstrates the proposed development is capable of complying with all relevant accessibility requirements.</p> <p>Fit out details have not been provided, which prevents an extensive audit of accessibility from being undertaken. However, the submitted Access Report confirms that the design achieves the spatial requirements required to provide access for people with a disability.</p>	Yes.
3.4.3 Amenities in Buildings Available to the Public	<p>This clause applies to buildings that are available to the public and is intended to facilitate a high standard of amenities for women and parents. Whilst the proposed medical centre will be visited by members of the public, it is not a public building.</p> <p>The proposal includes accessible amenities on each level that double as end-of-trip facilities, and it is considered that these facilities will provide high standard amenities for use by staff and visitors.</p>	Yes
3.4.4 Safety and Security	The development will provide an appropriate level of security, whilst also providing opportunities for passive surveillance of the public domain.	Yes
3.4.5 Housing Diversity and Choice	N/A	N/A
3.5 Heritage	Refer to PLEP Clause 5.10 'Heritage Conservation' above.	Yes
3.6.1 Sustainable Transport	Car share spaces and a Travel Plan are not required.	N/A
3.6.2 Parking and Vehicular Access	<p><u>Vehicle Parking</u> 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>The proposed basement layout is capable of compliance with the relevant Australian Standards.</p> <p><u>Motorcycle Parking</u> 1 motorcycle space is provided. The PDCP does not require medical centre or retail uses to provide motorcycle parking.</p> <p><u>Bicycle Parking</u> 6 bicycle parking spaces are required.</p> <p>10 bicycle parking spaces are proposed, 6 in a Class 2 compound in the basement and four outside at ground level.</p> <p>End of trip facilities are provided on every commercial level and lockers at ground level.</p> <p><u>Vehicle Loading</u> A loading bay is provided within the basement.</p> <p><u>Vehicle Access</u> The proposed location of the driveway directly adjoins the boundary of 4 – 6 Caroline Street, which accommodates a residential flat building. As the driveway gradually slopes down, it also abuts the boundary of 15 Park Avenue.</p>	No, however acceptable on merit.

	Given the limited hours of use, it is expected that adverse impacts during sensitive hours would be minimised and the proposal is capable of compliance	
3.6.3 Accessibility and Connectivity	The proposed development does not require a through-site link.	N/A
3.7 Subdivision	No subdivision is proposed.	N/A

Table 6 Assessment of the proposal against PDCP 2011.

10. Other Planning Controls

a. Parramatta Public Domain Guidelines

The latest Parramatta Public Domain Guidelines (PDG), released July 2017, include updated public domain requirements for the Westmead Town Centre, specifying paving materials, tree planting and the like. The alignment drawings and landscape plans submitted with the application are generally in keeping with the requirements of the PDG. Conditions are included requiring detailed public domain plans be prepared prior to construction, and signed off by Council's public domain team, with Council inspections undertaken throughout construction.

11. Planning Agreements

No planning agreements relate to the site.

12. The Regulations

The recommendation of this report includes conditions to ensure the following provisions of the Regulation will be satisfied:

- Clause 92 - Demolition works are to satisfy AS 2601 - 1991; and
- Clause 98 - Building works are to satisfy the Building Code of Australia.

13. The Likely Impacts of the Development

The likely impacts of the development have been considered in this report and it is considered that the impacts are consistent with those that are to be expected given the applicable planning framework. The impacts that arise are acceptable.

14. Site Suitability

The site is suitably located in Westmead, close to public transport links, the Westmead Health Precinct and other services and facilities.

Suitable investigations and documentation has been provided to demonstrate that the site can be made suitable for the proposed development and the development is consistent with the land use planning framework for the locality.

No natural hazards or site constraints exist that are likely to have an unacceptably adverse impact on the proposed development.

Subject to the conditions provided within the recommendation to this report, the site is considered to be suitable for the proposed development.

15. Submissions

The application was notified and advertised in accordance with Appendix A5 of Parramatta DCP 2011.

The advertisement ran for a 21-day period between 1 April 2020 and 24 April 2020. Five (5) unique submissions were received during this notification.

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.”

Conciliation Conference – Not Required

The application received 5 unique submissions during the formal notification period and as a result a Conciliation Conference was not required to be held.

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

Issues Raised (Number of submissions which raise issue)	Comment
Permissibility (4)	The proposed medical centre use is permissible in accordance with the ISEPP and neighbourhood shops are permissible in the R4 High Density Residential zone. The café use originally proposed has been removed from the proposal. Accordingly, the development is permissible with consent.
Building Form and Massing (5)	The built form and massing of the building complies with the relevant LEP height and FSR controls and incorporates setbacks in accordance with the PDCP and ADG controls. The overall building form has been reviewed by the Design Excellence Advisory Panel and found to be satisfactory in relation to the planning controls and local context.
Parking and Vehicle Access (5)	The proposed parking and vehicle access is acceptable on the basis that the development is located in proximity to public transport and will encourage a mode shift to alternative transport modes. This approach is consistent with similar developments in the Westmead Precinct, which apply maximum car parking rates to reduce traffic and congestion in the area.
Private View Impact (5)	Private view impacts are considered reasonable in the circumstances of the development, noting that there are no adverse impacts on significant views and moderate impacts on local views. The proposed development does not result in view impacts other than those which could reasonably have been anticipated within the planning controls. View loss has been assessed in relation to the LEC planning principle under the PDCP and found to be acceptable.
Impact on Streetscape (4)	The proposed development provides a compliant setback to Park Avenue and a variation to the dominant setback on Caroline Street, which is acceptable on the basis that the development is located on a corner site and incorporates landscaping measures to appropriately define and complement the streetscape.
Setbacks (4)	The proposal generally complies with the relevant setback and building separation controls and is supported.
Privacy (4)	The proposal provides the required separation and/or screening to adequately protect the privacy of adjoining and nearby properties.
Overshadowing (4)	The applicant has demonstrated that the proposal does not result in any overshadowing other than that which could reasonably have been anticipated within the planning controls.
Flooding and Drainage (3)	The stormwater drainage design is generally compliant with Council's stormwater controls and will ensure that appropriate drainage is provided.
Tree Removal (4)	The majority of trees on the site can be removed as exempt development, with the remaining trees supported for removal. An additional tree (Tree 20) will be retained as a result of amendments made post-notification, and thirteen trees will be planted to replace those removed.
Noise (3)	The application includes an acoustic report which demonstrates that the proposal would have an acceptable impact on the acoustic amenity of adjoining/nearby properties. Conditions are also included requiring compliance with noise criteria.

Increased Demand on Utilities (2)	The planning controls for the site were defined in the context of existing and planned infrastructure. Development contributions will also be imposed in accordance with Council's <i>Section 94A Development Contributions Plan (Amendment No. 5)</i> .
Deep Soil (2)	The variation to the deep soil control is supported on the basis that the intent of the control can be achieved, notwithstanding the numeric non-compliance.
Insufficient Demand for Proposed Use (1)	The proposed use is permissible in accordance with the ISEPP and is not required to demonstrate demand.

Table 7 Summary of public submissions to the proposal.

16. Public Interest

Subject to implementation of conditions of consent outlined in the recommendation below, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

17. Disclosure of Political Donations and Gifts

No disclosures of any political donations or gifts have been declared by the applicant or any organisation/persons that have made submissions in respect to the proposed development.

18. Development Contributions

As the cost of works for the medical centres exceeds \$200,000, a Section 7.12 Development Contribution of 1% is required to be paid.

A standard condition of consent has been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate.

19. Summary and Conclusion

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, approval of the development application is recommended.

The proposed development is appropriately located within an area that is zoned for high density development and is in close proximity to the Westmead health and education precinct. The proposed non-compliance to the retail floor area PLEP control has been addressed through a condition of consent, and variations to the PDCC controls in relation to setbacks and parking are acceptable.

In assessing the merits of the proposal, Council officers are satisfied that the development has been appropriately designed and will be compatible with the character of the area. It is considered that the proposal sufficiently minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the departures noted above, is consistent with the intentions of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979 and is recommended for approval subject to conditions.

20. Recommendation

- A. **That** the Sydney Central City Planning Panel, exercising the functions of Council pursuant to clause 4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No. DA/135/2020 demolition, tree removal, and construction of a new

6 storey medical centre with ancillary cafe, pharmacy, and basement car parking at 16 Park Avenue, Westmead (Lot 4 DP 76345) for the following reasons:

- (a) The proposed development is permissible in the R4 zone pursuant to State Environmental Planning Policy (Infrastructure) 2007 and meets the objectives of the R4 High Density Residential zone;
- (b) The proposed development is in keeping with the expected scale and form of development provided by the development controls in the Parramatta LEP 2011, Parramatta DCP 2011, and relevant policies;
- (c) The proposed development is not expected to result in any unacceptable environmental impacts and is suitable for the site.
- (d) The proposed development is in the public interest;

B. **That** all objectors be advised of the Sydney Central City Planning Panel's decision.

APPENDIX 1 – DESIGN EXCELLENCE ADVISORY PANEL COMMENTS