

Item 3.**D/2019/875 - 100 Joynton Avenue, Zetland****File No.: D/2019/875****Summary**

Date of Submission:	13 August 2019. Amended plans were received on 14 October 2019.
Applicant:	Sydney Local Health District, NSW Health
Architect/Designer:	Kit Handley Architects
Owner:	City of Sydney Council
Cost of Works:	\$172,040.00
Zoning:	R1 General Residential. The development is for a Community Health Services Facility and is permitted with consent.
Proposal Summary:	<p>The proposal is a 'Crown' Development Application as it has been lodged by the Sydney Local Health District of NSW Health.</p> <p>The proposal seeks to change the use of part of ground floor of the heritage listed 'tote' building located within the precinct known as 'Victoria Park'. The change of use includes a community health services facility involving fit-out works and signage. Proposed hours of operation are 8:00am to 5:30pm, Monday to Friday.</p> <p>This application is reported to LPP as the application includes a change of use within the site, which is owned by Council.</p> <p>Crown applications require the agreement of the applicant to all recommended conditions of consent prior to determination. The draft conditions of consent, as listed in 'Attachment A' to this report have been agreed by the applicant. It is noted that a Crown Development application cannot be refused except with the approval of the Minister for Planning. If the LPP determines that the application should be refused, it should resolve to seek approval from the Minister to refuse the application.</p>

The application was notified between 3 September 2019 and 25 September 2019. One submission was made in comment of the proposal, regarding the loss of on-street parking. The proposal does not change the existing on-street parking arrangements. It is considered that the previous use generated an equivalent or greater vehicular movement and as such the proposal will not create unreasonable demand on on-street car parking.

The application complies with relevant controls and does not seek to add any additional floor space to the site. Consequently it is recommended for approval.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) SEPP 64 - Advertising and Signage
- (ii) Sydney Local Environmental Plan 2012
- (iii) Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Operational Plan of Management

Recommendation

It is resolved that consent be granted to Development Application No. D/2019/875 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposed use is permissible under the provisions of *Sydney Local Environmental Plan 2012*;
- (B) The proposal is consistent with the relevant provisions of Sydney Development Control Plan 2012;
- (C) The proposed signage is considered to comply with the provisions of *State Environmental Planning Policy 64 - Advertising and Signage* and Part 3.16 - Signs and Advertising of Sydney DCP 2012;
- (D) The proposal is not considered to result in adverse impacts to the heritage value of the building in accordance with the objectives of Cl. 5.10 of Sydney LEP 2012 and 3.9 of Sydney DCP 2012; and
- (E) The proposal is not considered to result in adverse amenity impacts to the immediate area.

Background

The Site and Surrounding Development

1. A site visit was carried out by staff on 6 September 2019.
2. The site is rectangular, with area of approximately 1061sqm. It has a primary street frontage to Joynton Avenue to the west and secondary street frontages to Wolseley Grove to the north and Austin Grove to the south.
3. The site includes a part one part 3 storey heritage listed building, known as the 'Tote' building. Tote Park is located on the eastern side of the building. The site is located within the Victoria Park Precinct of the Green square Urban Renewal area. The site is a heritage item known as I2212, "Former Victoria Park Racecourse group including former Totalisator building, park and interpretation device", but is not located within a heritage conservation area.
4. The building is owned by the Council and includes multiple spaces at ground, first and second floor used independently as publically available meeting/function rooms.
5. The area is zoned residential and has a predominantly residential character. Development includes several contemporary multi-storey residential flat buildings to the west across Joynton Avenue, to the south across Austin Grove, and to the north across Wolseley Grove containing a ground floor commercial tenancy. A mixed use building is currently being constructed further to the north. Tote Park is located to the immediate east. Photos of the site and surrounds are provided below:



Figure 1: Aerial image of subject site and surrounding area.



Figure 2: Site viewed from the primary Joynton Avenue frontage.



Figure 3: The primary Joynton Avenue entry to the site including location of proposed freestanding pillar sign.

Proposal

6. The application has been lodged by the South West Health District of NSW Health, and is considered to be Crown DA. Crown applications require the agreement of the applicant to all recommended conditions of consent prior to determination. The draft conditions of consent, as listed in 'Attachment A' to this report have been agreed by the applicant.
7. The application seeks consent for the fitout and use of part of the ground floor of the building as a community health services facility, containing 3 consulting rooms. The use includes services such as counselling, physiotherapy, child and family health nursing, and paediatric medical services. Proposed operating hours are 8:00am to 5:30pm, Mondays to Fridays inclusive.
8. Internal demolition consists of the removal of modern elements including cabinetry and joinery, skirting which currently hides service cabling, and a high level window within a modern wall on the northern side of the space.
9. Fitout elements include partition walls for 3 consulting rooms, associated water and power utilities, staff kitchen, and new sliding door separating the subject area from a function room located at ground floor to the immediate south of the subject area. Internal signage is also proposed on existing glazed sliding doors, which will be used as the primary entry for the tenancy.
10. A 2.2m freestanding non-illuminated pillar sign is also proposed, adjacent to the primary Joynton Avenue entrance. The sign includes lettering indicating the community health services facility use and includes the NSW Government wattle logo.
11. The existing uses within the remainder of the ground, first and second floors will remain the same, and are separately accessible via entries on the western Joynton Avenue frontage and the southern Austin Grove frontages. These areas retain services such as bathrooms and kitchenettes.
12. Plans of the proposed development are provided below.

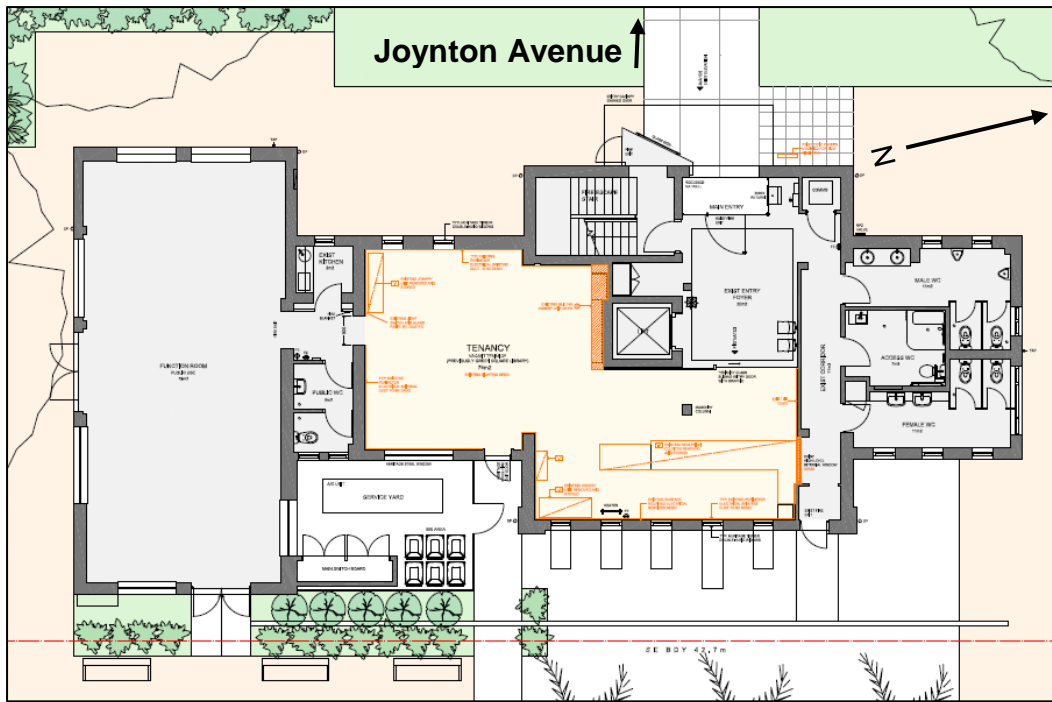


Figure 4: Proposed demolition plan.

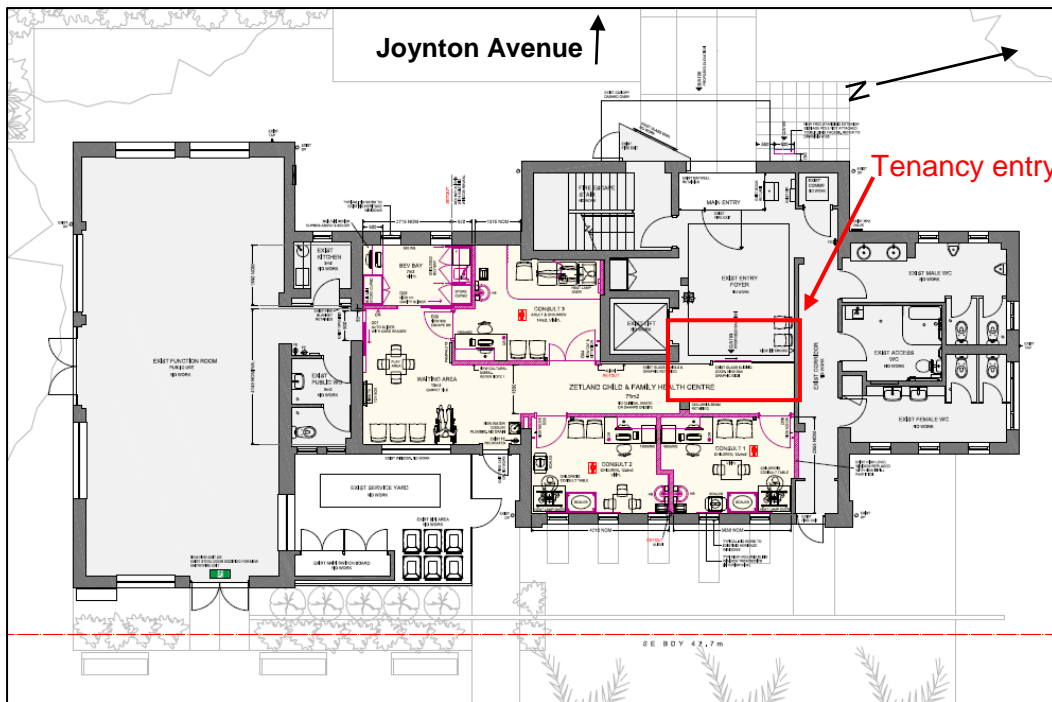


Figure 5: Proposed internal floor plan.

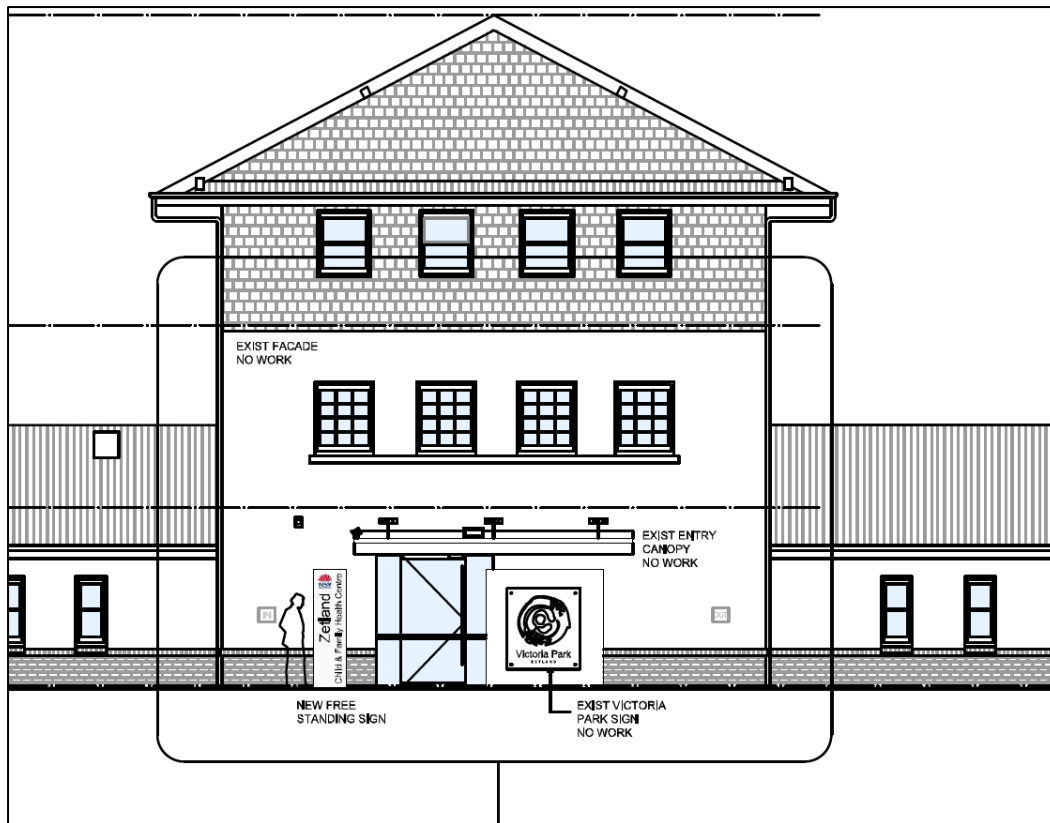


Figure 6: Proposed signage adjacent to the primary Joynton Avenue entry. It is noted that the existing 'Victoria Park' sign adjacent to this entry is not proposed to be modified.

History Relevant to the Development Application

13. D/2010/1571, subject site - Consent for fitout and use of the ground floor as a community facility (Green Square Neighbourhood Service Centre with library component), including signage. The site had previously been used as a site office and display area by Landcom. This application was approved on 8 November 2010.

A subsequent Section 96/4.55 modification was lodged to extend the site's trading hours to 9:00am to 9:00pm Mondays to Fridays and 10:00am to 4:00pm Saturdays. This application was approved on 17 April 2012.

14. D/2011/1232, subject site - Alterations and additions to first and second floor of the site for use as community services. This application was approved on 6 October 2011.

A subsequent Section 96/4.55 modification was lodged for minor internal modifications within the same area. This application was approved on 20 May 2013.

Subject DA:

15. Following the submission of this application, an amended plan has been received which includes a minor internal reconfiguration of consulting room 3, the proposed staff kitchen, relocation of a small children's play area within the central waiting room and the installation of an intercom system adjacent to the existing sliding doors at the front entry of the area.

16. Draft conditions were referred to the Crown on 12 November 2019 and were agreed to on 18 November 2019.

Economic/Social/Environmental Impacts

17. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
- (a) Environmental Planning Instruments and DCPs.

State Environmental Planning Policy No 64—Advertising and Signage

18. The application proposes one freestanding aluminium pylon sign beside the primary building entry, containing lettering identifying the health services facility.
19. SEPP 64 was gazetted on 16 March 2001 and aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.
20. Clause 8 of SEPP 64 states the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

Assessment Criteria

21. The following table outlines the manner in which the proposed signage addresses the assessment criteria of SEPP64.

1. Character of the area	Comment
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed sign is considered compatible with the existing and future character of the area and locality, as it is in keeping with the community services use of the site.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed sign is compatible with the area and assists customer wayfinding

2. Special areas	Comment
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The sign is not considered to detract from the amenity or visual character of the adjacent heritage item.

3. Views and vistas	Comment
Does the proposal obscure or compromise important views?	The proposed sign does not obscure or compromise important views.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed sign does not dominate the skyline nor reduce the quality of any vistas.
Does the proposal respect the viewing rights of other advertisers?	No other advertisers or signage is present on the facade or entry to the building. An existing sign denoting Victoria Park, Zetland exists adjacent to the primary entry which will retain viewing rights.

4. Streetscape, setting or landscape	Comment
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the signage is considered appropriate for the streetscape.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal contributes to the visual interest of the streetscape and general setting by using different proportions and materials to existing signs while being acceptable in a heritage context.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage reduces the volume of clutter that may be associated with new uses by using a single, clear item of signage.
Does the proposal screen unsightliness?	The proposed signage does not screen unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposal does not protrude above buildings, structures or tree canopies in the area.

4. Streetscape, setting or landscape	Comment
Does the proposal require ongoing vegetation management?	The signage does not require ongoing vegetation management.

5. Site and building	Comment
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposal is considered to be compatible with the scale, proportion and other characteristics of the site, including the community-focused use of the site.
Does the proposal respect important features of the site or building, or both?	The proposal respects important features of the site by being detached from the structure and being clear of any architecturally significant features of the heritage listed building.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal shows innovation by using modern materials and colours which have a complementary contrast to the form of the heritage listed building.

6. Associated devices & logos with advertisements & advertising structures	Comment
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The NSW Government Waratah logo is featured but is not an integral part of the signage. No lighting devices are proposed.

7. Illumination	Comment
Would illumination result in unacceptable glare?	N/A
Would illumination affect safety for pedestrians, vehicles or aircraft?	N/A
Would illumination detract from the amenity of any residence or other form of accommodation?	N/A

7. Illumination	Comment
Can the intensity of the illumination be adjusted, if necessary?	N/A
Is the illumination subject to a curfew?	N/A

8. Safety	Comment
Would the proposal reduce the safety for any public road?	The signage is not considered to result in a safety risk to any public road.
Would the proposal reduce the safety for pedestrians or bicyclists?	The signage is not considered to reduce safety for pedestrians or cyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage would not reduce safety for pedestrians by obscuring sightlines from public areas, as the sign is located 200mm from the front wall of the building and is oriented parallel to the wall.

22. The proposed signage is consistent with the aims and objectives of Clause 3 of SEPP 64 and as such is supported.

Sydney Local Environmental Plan 2012

23. The site is located within the R1 General Residential zone. The proposed use is defined as a Community Health Services Facility, which is under the definition of a Health Services Facility. The use is permissible with consent.
24. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	N/A	A maximum height of 12m is permitted. No increase to the height of the premises is proposed.
4.4 Floor Space Ratio	N/A	A maximum FSR of 1:1 is permitted. No increase to the GFA of the site is proposed.

Development Control	Compliance	Comment
5.3 Development near zone boundaries	Yes	The site is within 6m of an adjacent site zoned RE1 Public Recreation. The proposal is considered compatible with the objectives of both zones.
5.10 Heritage conservation	Yes	The subject site is a heritage item. See discussion under the heading Issues.

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
Division 4 Design excellence	Yes	The proposed development satisfies the requirements of this provision.

Sydney Development Control Plan 2012

25. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

2. Locality Statements – Victoria Park
The subject site is located in the Victoria Park locality. The proposed Community Healthcare Facility is considered to be in keeping with the unique character of the area and design principles in that it supplements the variety of services available to local residents following the redevelopment of the precinct within the Victoria Park local village and adjacent Green Square.

3. General Provisions	Compliance	Comment
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not adversely impact on the local urban ecology.
3.7 Water and Flood Management	Yes	The site is identified as being on flood prone land. The proposal includes internal alterations to an existing building, and in accordance with the exemptions for minor additions within the Interim Floodplain Management Policy, the flood development controls do not apply for this development.

3. General Provisions	Compliance	Comment
3.9 Heritage	Yes	The existing building is a heritage item. See discussion under the heading Issues.
3.10 Significant Architectural Building Types	Yes	The proposed internal modifications, use and signage are considered acceptable as the modifications retain significant internal fabric and do not modify the external surface of the building.
3.12 Accessible Design	Yes	A condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.
3.14 Waste	Yes	A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.15 Late Night Trading Management	N/A	The use proposes trading hours of 8:00am to 5:30pm. The use is considered a Category C premises and will not trade after 10:00pm. Therefore, the provisions of this Part are not applicable.
3.16 Signage and Advertising	Yes	The proposed development includes a freestanding pylon sign adjoining the primary building entry. Though the DCP does not permit freestanding signage within the R1 zone, the sign is associated with a government operated use within a public building, the signage complies with the objectives of the control and meets the remainder of the DCP provisions for freestanding signage.

3. General Provisions	Compliance	Comment
3.16.1 Signage Strategy	Yes	<p>This application proposes signage adjoining a building which is a heritage item, and as such a Signage Strategy is required.</p> <p>A waiver to the signage strategy has been sought as it is considered that the proposal is minor in nature, and satisfies the objectives of the DCP in relation to signage.</p>

4. Development Types 4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
4.2.1 Building height	N/A	<p>The maximum building height under Sydney DCP 2012 is 3 storeys.</p> <p>The proposal does not result in an increase to the existing 3 storey building.</p>
4.2.6 Waste and Recycling Management	Yes	<p>Appropriate conditions has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>

5. Specific Areas 5.2 Green Square	Compliance	Comment
5.2.7 Stormwater management and waterways	Yes	<p>The site is identified as being on flood prone land within the Alexandra Canal catchment. The proposal includes internal alterations to an existing building, and in accordance with the exemptions for minor additions within the Interim Floodplain Management Policy, the flood development controls do not apply for this development..</p>

Issues

Heritage

26. The site is a heritage item and is therefore subject to the heritage provisions of this DCP.
27. The proposal includes internal works which remove non-original fabric such as the former service counter associated with the library/neighbourhood service centre, cabinetry, skirting and associated electrical wiring, and a high window on the northern wall of the subject area. Original elements such as a column and an overhead beam in the vicinity of the current service counter and timber framing within existing windows and doors are being retained (see Figures 6 and 7 below). New utilities are affixed to the proposed partition walls instead of the existing structure, and the internal works proposed are reversible.

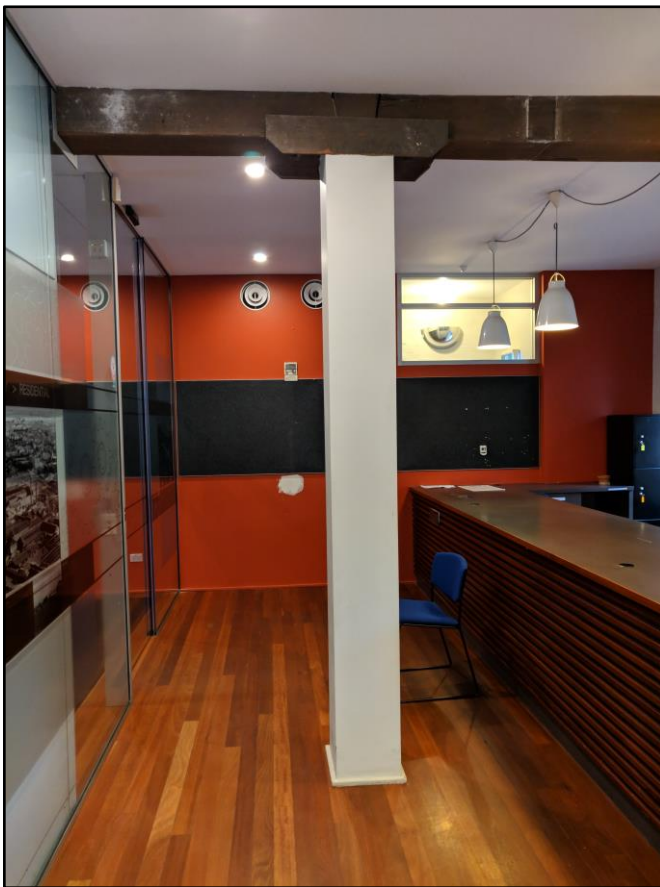


Figure 7: Existing internal elements including an original column and beam, being retained. Office fitout includes removal of the service counter, high window within an existing partition wall, cabinetry, and skirting containing wiring. All elements to be removed are modern elements.



Figure 8: Existing painted brick walls and timber framing will be retained. Modern cabinetry and skirting containing wires will be removed.

Other Impacts of the Development

28. The proposed development is capable of complying with the BCA.
29. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

30. The proposal is of a nature in keeping with the overall function of the site. The premises are in a mixed surrounding and currently include community-oriented uses.

Internal Referrals

31. Council's Heritage and Urban Design specialists were consulted due to the heritage status of the building. The proposed demolition removes modern fixtures, retains significant fabric, and the proposed works are reversible. As such, the proposal was supported subject to conditions.
32. Council's Environmental Health specialists were consulted, who generally supported the proposal subject to conditions. Conditions were recommended surrounding skin penetration, however it was confirmed by the applicant that no skin penetration would take place on the premises. As such these conditions were not included in the recommended conditions.

33. The subject site is identified in Council's Floodplain Risk Management Study as being flood prone within the Alexandra Canal catchment. As such, Council's Public Domain unit were consulted.
34. Based on Council survey information it was stated that the existing floor level is likely to be above the 1% AEP flood level, which is indicated within Council's catchment-wide flood study and current mapping information.
35. In addition, the development was considered to fall under the exemption clause for minor additions in the Interim Floodplain Management Policy and therefore flood development controls do not apply for this development involving internal fit out of the existing building. Therefore, no objection was raised to the proposed development in terms of flood risk.
36. Council's Waste specialists were consulted, and requested further information surrounding waste volume and the capacity of existing waste storage facilities to accommodate the use. The development was supported subject to conditions.

External Referrals

Notification, Advertising and Delegation

37. In accordance with Schedule 1 the Sydney DCP 2012, the proposed development is required to be notified and advertised. As such the application was notified and advertised for a period of 21 days between 3 September 2019 and 25 September 2019. As a result of this notification a total of 1899 properties were notified. One submission was received raising the following concern:

- (a) Loss of on-street car parking

Response - The proposal does not change any existing on-street car parking arrangements. The subject area was previously used as a library and Neighbourhood Service Centre operated by Council. Based on the number of consulting rooms and the proposed hours, including trading hours Monday to Friday only, it is not considered that traffic impacts from the proposed use will be greater than the existing or previous uses.

Public Interest

38. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

S7.11 Contribution

39. The development is subject of a S7.11 contribution under the provisions of the City of Sydney Development Contributions Plan 2015. This contribution is calculated on the basis of the development's net increase in resident, worker and/or visitor populations.
40. Credits have not been applied for the most recent past use of the site, as the subject area of the building was previously used as a community facility which itself is exempt from S7.11 contributions. Under Part 1.3 of the City of Sydney Development Contributions Plan 2015, an exemption is applied to development undertaken by or on behalf of Council. The use of the site as a community facility was approved and operated by Council as a library and neighbourhood service centre, and the building is also owned by Council.
41. The calculation for payable contributions is based on the use of 75m² as a Health Services Facility.
42. The following monetary contribution is required towards the cost of public amenities:
- | | |
|---------------------------|------------|
| (a) Open Space | \$2,848.14 |
| (b) Community Facilities | \$442.79 |
| (c) Traffic and Transport | \$3,615.53 |
| (d) Stormwater Drainage | \$1,429.70 |
| Total | \$8,336.17 |

Conclusion

43. Having regard to all of the above matters, it is considered that the proposed fitout, use as a Community Health Services Facility and associated signage satisfies the relevant strategy, objectives and provisions of Sydney LEP 2012 and Sydney DCP 2012, is acceptable and as such is recommended for approval.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Nicholas Beck, Planner