

Item 9.**Development Application: 3 Joynton Avenue, Zetland - D/2020/923****File No.:** D/2020/923**Summary****Date of Submission:** 1 October 2020**Applicant:** Council of the City of Sydney**Owner:** Council of the City of Sydney**Planning Consultant** DF Planning Pty Ltd**Cost of Works:** \$1,886,907.00**Zoning:** The site is identified in the 5(a) Special Uses Zone. The works are permissible in the zone.**Proposal Summary:** The application proposes site remediation in preparation for a future application to build an integrated public primary school and community facilities.

The application is presented to the Local Planning Panel in accordance with the schedule of delegations, as the Council is both the landowner and applicant for the development.

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

- (i) State Environmental Planning Policy No 55—Remediation of Land
- (ii) Sydney LEP (Green Square Town Centre – Stage 2) 2013
- (iii) South Sydney Local Environmental Plan 1998 (SSLEP 1998)

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings

Recommendation

It is resolved that consent be granted to Development Application No. D/2020/923 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 application is supported by a detailed environmental site investigation and remediation action plan that demonstrates that the site can be made suitable for the future Green Square Integrated Community Facilities and School, in accordance with State Environmental Planning Policy No. 55 - Remediation of Land.
- (B) The application is consistent with other relevant local environmental planning policies and City planning and public domain strategies.
- (C) Subject to conditions, excavation can be undertaken whilst protecting any unexpected archaeological finds.
- (D) The development is therefore within the public interest.

Background

The Site and Surrounding Development

1. The subject site is located between Joynton Avenue and Portman Street with a frontage to the future Zetland Avenue. It can be described in two parts:
 - (a) a L-shaped section containing the future Green Square Integrated Community Facilities and School (GSICFS) (4,707sqm) and
 - (b) a small rectangular section containing a future extension to the playground of the adjoining centre-based child care.
2. This land once formed part of the former South Sydney hospital.

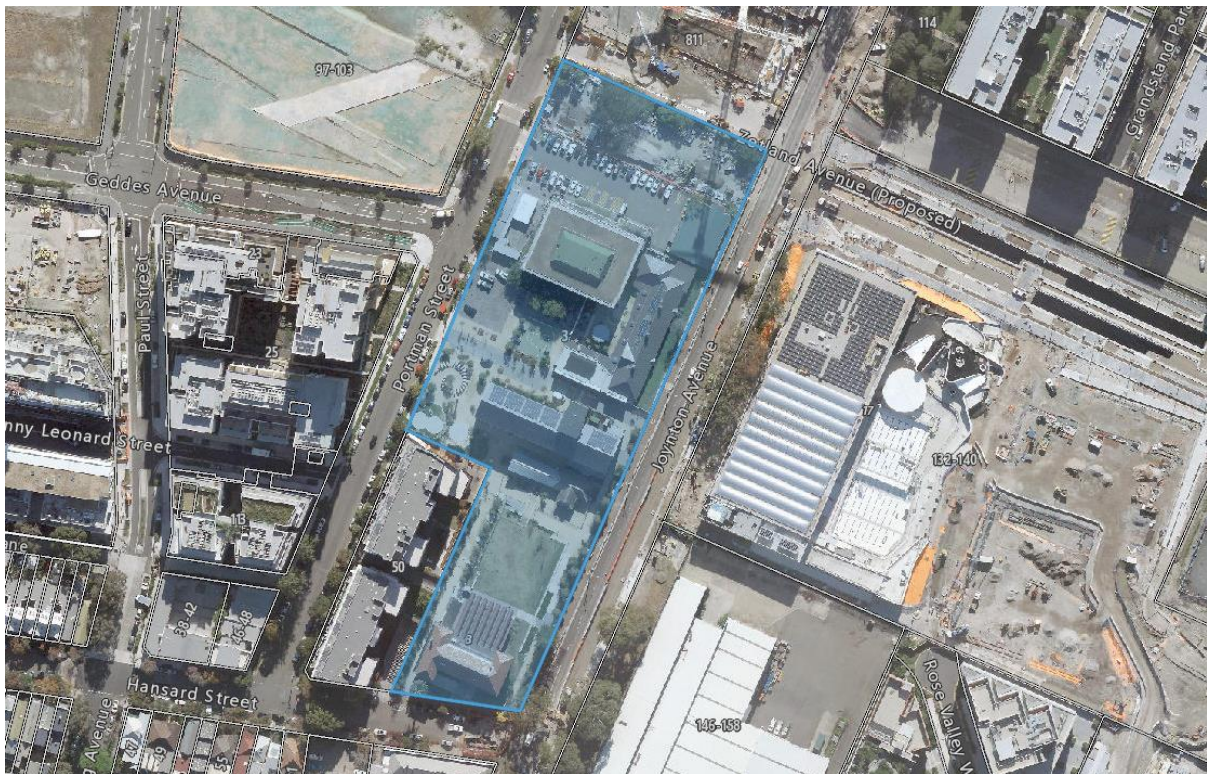


Figure 1: Aerial view of site and surrounds



Figure 2: The area of the site to be remediated is outlined in red and green

3. The site currently contains:
 - (a) a three-storey building with hydrotherapy pool and associated rehabilitation facilities;
 - (b) a single storey building with community facilities;
 - (c) a car park;
 - (d) a half basketball court, and
 - (e) landscaping.
4. There are no significant trees on the site, however there are two street trees located on Portman Street.



Figure 3: The existing hydrotherapy pool building (Naomi Wing) viewed from the northwest corner



Figure 4: View of the existing hydrotherapy pool building from the southwest

5. Adjoining to the east is the Waranara centre-based childcare, and to the south is the City's Green Infrastructure Centre. Both buildings are items of local heritage significance. Further to the east is the future Gunyama Park Aquatic Centre, currently under construction.

6. To the north opposite on Zetland Avenue is a future mixed-use development. Residential apartment buildings are located to the west.

History Relevant to the Development Application

Development Applications

7. The following applications are relevant to the current proposal and relate to the former Royal South Sydney Hospital site:
 - Development application D/2011/1022 was approved by Council on 26 September 2011 and applied to the whole of the site. The approval granted development consent for the demolition of buildings of lesser significance, and partial internal demolition/rectification works to heritage listed buildings, removal of trees and removal of the northern carpark, ancillary pathways, services and site rectification works. This application has been subsequently amended via section 96 (now 4.55) modification applications.
 - Development application D/2012/835 was approved by Council on 15 October 2012. The approval granted development consent for alterations and additions to the former Hospital administration building which is located immediately to the north of the former Pathology Building. The development approved facilities for the re-use of the building for infrastructure associated with the Green Square Town Centre. This application has been subsequently amended via section 96 modification applications.
 - Development application D/2012/1211 was approved by Council on 10 December 2012. The approval granted development consent to demolish the later western additions of the Esme Cahill building, including removal of surrounding paths and hardstand areas, tree removal and site rectification works. This application has been subsequently amended via section 96 modification applications.
 - Development application D/2012/1175 was approved by Central Sydney Planning Committee on 8 March 2013. The approval granted development consent to provide essential infrastructure for the Green Square Town Centre. This application has been subsequently amended via section 96 modification applications.
 - Development application D/2012/1909 was approved by Council on 24 June 2013. The approval granted consent for the installation and operation of a trigeneration power station within the existing heritage listed administration building.
 - Development application D/2014/1313 was approved by Council on 23 February 2015. The approval granted consent for earthworks, remediation and additions to the former Outpatients building. This application has been subsequently amended via section 96 modification applications.

- Development application D/2014/1686 was approved by Council on 27 April 2015. The approval granted development consent for adaptive re-use of two building at the southern end and the establishment of a new park known as Matron Ruby Grant Park. This application has been subsequently amended via section 96 modification applications.
- State Significant Development application SSD-10381 proposes the future Green Square Integrated Community Facilities and School (GSICFS). A design competition was held in 2019 and the EIS is currently being prepared. The application will be assessed by the City of Sydney and determined by the Local Planning Panel.
- Council is currently preparing to demolish the buildings in accordance with development consent D/2011/1022 (as amended).

Proposed Development

8. The application proposes site remediation in preparation for SSD-10381 for the future GSICFS.

Assessment

9. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy No 55 - Remediation of Land

10. The aim of State Environmental Planning Policy (SEPP) No 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed. The application does not seek a change of use, however it presupposes the development of the GSICFS. Pursuant to clause 7 of the SEPP, a detailed environmental site investigation (DESI) is required to ensure that the site is suitable for a future school.
11. The land contains elevated levels of several contaminants within fill materials including Asbestos, Lead, Polyaromatic Hydrocarbons (PAH), and Total Recoverable hydrocarbons. (TRH). There is a disused underground service tank on the north side of the development that will be removed as part of the proposed works.
12. The DESI recommends a Remediation Action Plan (RAP) to manage remediation. The preferred remedial strategy is for removal of the Underground Service Tanks and any material impacted by leakages from the tanks and elevated hot spots of lead.
13. The strategy further recommends capping and covering of all remaining in-situ fill material to be retained with implementation of a long-term environmental management plan (LTEMP) including the areas to be dedicated to the City of Sydney Council.

14. Section 6.2.5 of the RAP states the cap has minimum requirements of 500mm clean soil for landscaped areas and paving over a marker layer for other areas with clean fill and marker layer are proposed to wrap around services to allow sufficient room for any necessary excavation and maintenance.
15. Whilst the Site Auditor has endorsed this approach as a minimum requirement for which Health and Building can recommend conditions of approval, this does not meet the City's standard procedures for managing remediation on land owned or to be dedicated to the City. Instead, at least 1.5m clean fill above a marker layer for all areas is required so as to minimise ongoing management of contaminated land. Furthermore, there is to be no onerous or active LTEMP attached to any approval.
16. As such, subject to a condition requiring clean fill above a marker layer to a depth of 1.5 metres below ground level and for a passive LTEMP, the proposed remediation will be sufficient for the future GSICFS.

Local Environmental Plans

Sydney LEP (Green Square Town Centre – Stage 2) 2013

17. The site is identified as a Deferred Matter within the Land Application Map of SLEP 2013. There are no provisions relevant to the site under SLEP 2013.

South Sydney Local Environmental Plan 1998 (SSLEP 1998)

18. The site is identified as a deferred matter on South Sydney Local Environmental Plan 1998 (SSLEP 1998) and as such, the zoning provisions are contained within SSLEP 114. Schedule 2 applies despite the land being a deferred matter.
19. As per schedule 2, the site is a locally listed heritage item. Demolition has previously been approved under development consent D/2011/1022 (as amended), and no heritage items are located within the subject site area. A heritage impact statement accompanies the application and states that "to ensure best heritage practice, the proposed excavation involved in the earthworks to the site are to be undertaken in accordance with the recommendations of the 2018 Baseline Archaeological Assessment prepared by AMAC."
20. Council's Heritage officer has reviewed the proposal and raised no objections subject to conditions contained in Attachment A regarding excavation and archaeological finds.

South Sydney Local Environmental Plan 114 (Southern Industrial and Rosebery/Zetland Planning Districts) (SSLEP 114)

21. The South Sydney Local Environmental Plan 114 (Southern Industrial and Rosebery/Zetland Planning Districts) (SSLEP 114) is the applicable principal planning instrument, as the site is classified as a Deferred Matter under all other LEPs that apply to the land.
22. The site is identified in the 5(a) Special Uses Zone. The permitted uses in this zone, relatively includes "any other purpose which by virtue of its type, function, scale and services provided is, in the opinion of Council, consistent with the objectives of the zone." The application does not propose a change of use, however the objectives of the zone are to provide community facilities for which this application presupposes.

23. Relevant matters to the proposal within SSLEP 114 are outlined below:

Compliance Table		
Development Control	Achieved	Discussion
24. Contaminated Land	Yes	This is addressed above under SEPP 55.

South Sydney Development Control Plan 1997

24. The South Sydney Development Control Plan 1997 applies to this application. However, there are no applicable controls to this application as they predate the Green Square Town Centre.

Green Square Town Centre DCP 2012

25. The Green Square Town Centre DCP 2012 (GSTC DCP 2012) is technically not applicable because the site is still deferred under the Sydney LEP (Green Square Town Centre – Stage 2) 2013. However, determinative weight should be given to the GSTC DCP 2012. This is because the proposal relates to the future development at Green Square Town Centre (GSTC) and provides guidance on how it should develop.

Development Control	Achieved	Discussion
Desired Future Character		
2. Locality Statement and Principles	Yes	The proposal will facilitate the eventual redevelopment of the site for the GSICFS, consistent with the locality statement and principles.
Heritage		
5.1 Heritage Impact Statements	Yes	Heritage is discussed above under SSLEP 1998.

Royal South Sydney Hospital Masterplan

26. The site is subject to the Royal South Sydney Masterplan 2013, prepared by Hill Thalys Architecture. The masterplan envisages a school on the site of the proposed application.
27. The proposal seeks to remediate the site in preparation for an SSD application for the GSICFS and is therefore consistent with the masterplan.

Discussion

Street trees

28. There are two street trees located on Portman Street that are likely to be affected by the proposed excavation and remediation, due to their roots protruding into the site. Council's City Design team has confirmed that Portman Street will be redesigned with existing street trees removed and eventually replaced in accordance with current public domain plans for Green Square Town Centre. Therefore, no further action is recommended at this time.

Excavation

29. Civil plans accompany the application, indicating the depth and method of excavation and shoring provided to protect the adjoining Waranara centre-based childcare, an item of local heritage significance - see Attachment B. The excavation is sufficiently setback to ensure no adverse impacts on the foundations of the building.
30. The application does not propose dewatering however this may be required if groundwater is intersected. Council will be required to seek a permit to extract the groundwater from WaterNSW. A condition of consent is recommended regarding the discharge of any groundwater during excavation.

Consultation

Internal Referrals

31. The application was discussed with Council's City Design, Tree Management, Environmental Health, Public Domain, Waste and Heritage officers who advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

Advertising and Notification

32. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified and advertised for a period of 14 days between 7 October 2020 and 22 October 2020. A total of 486 properties were notified and no submissions were received.

Relevant Legislation

33. Environmental Planning and Assessment Act 1979.

Conclusion

34. The application proposes remediation in preparation for the future Green Square Integrated Community Facilities and School, subject to SSD 10381. A Remediation Action Plan has been prepared and is accompanied by a Site Audit Statement. A condition of consent is recommended requiring clean fill above a marker layer to a depth of 1.5 metres and to ensure that any long-term Environmental Management Plan is passive in nature.
35. The application was notified for 14 days and no submissions were received.
36. The application is in the public interest and recommended for approval.

ANDREW THOMAS

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