

**Item 6.****Development Application: 3 Joynton Avenue, Zetland**

File No.: D/2021/683

**Summary****Date of Submission:** 24 June 2021**Applicant:** Department of Education c/o DFP Planning Pty Ltd**Owner:** City of Sydney Council**Planning Consultant:** DFP Planning Pty Ltd**Cost of Works:** \$20,000**Zoning:** The site is identified in the 5(a) Special Uses Zone. The works are permissible in the zone.**Proposal Summary:** The application proposes the removal of 23 trees from the site in preparation for the construction of the Green Square Integrated Community Facilities and School under State Significant Development (SSD) 10381.

The Environmental Impact Assessment associated with SSD 10381, that is, the application seeking approval for the new Integrated Community Facilities and School is not yet lodged, but eminent.

The Vegetation in Non-Rural Areas State Environmental Planning Policy (SEPP) applies and provides for the removal of vegetation by way of a permit issued by the City. However, as the site is a heritage item, development consent is required for the removal of the trees.

The application must be determined by the Local Planning Panel as the site is owned by the City of Sydney in accordance with the schedule of delegations.

One submission was received in support of the application.

It is anticipated that replacement tree canopy will be provided as part of the construction of the school. A detailed landscape plan will be submitted with that application along with details of protecting existing street trees and the provision of additional street trees where deemed suitable.

**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) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- (iii) Sydney LEP (Green Square Town Centre - Stage 2) 2013
- (iv) South Sydney Local Environmental Plan 1998 (SSLEP 1998)
- (v) South Sydney Local Environmental Plan 114 (Southern Industrial and Rosebery/Zetland Planning Districts) (SSLEP 114)

**Attachments:**

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

**Recommendation**

It is resolved that consent be granted to Development Application No. D/2021/683 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 an Arborist Report that demonstrates the trees identified for removal cannot be retained during the remediation process approved under D/2020/923 (as amended) and the proposed layout under SSD 10381.
- (B) The application is consistent with relevant local environmental planning policies and City planning and public domain strategies.
- (C) The development will facilitate the construction of the future Green Square Integrated Community Facilities and School which will involve replacement tree canopy and 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) an 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.
3. Photos of the site and surrounds are provided below:

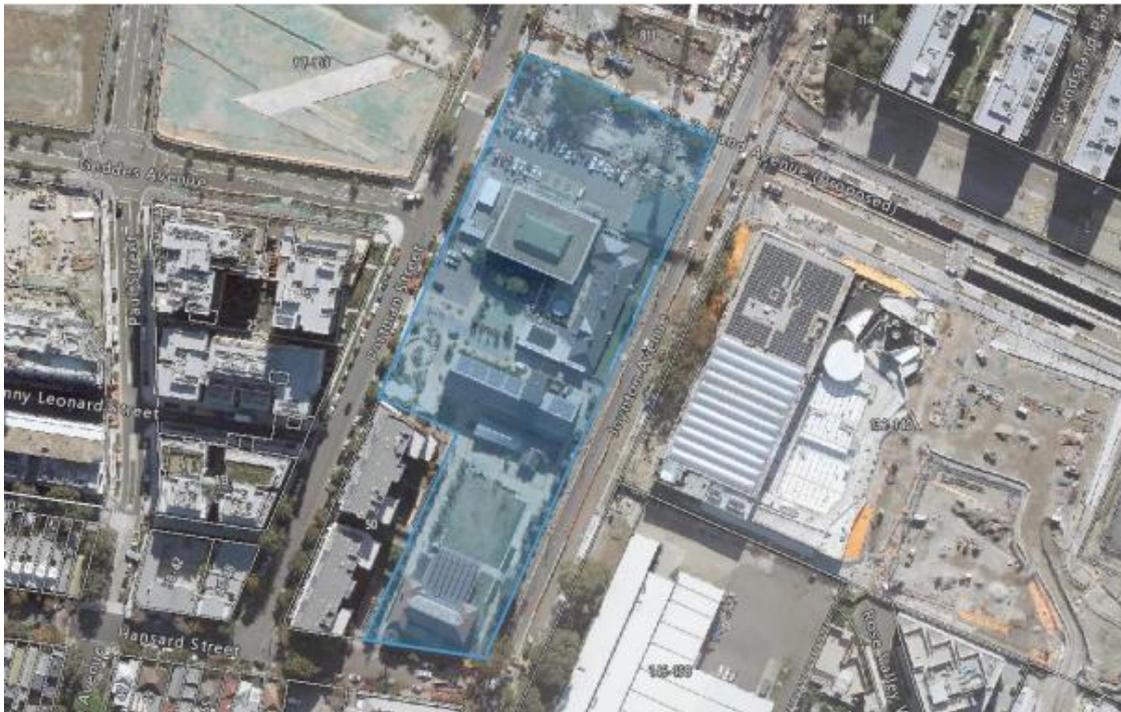
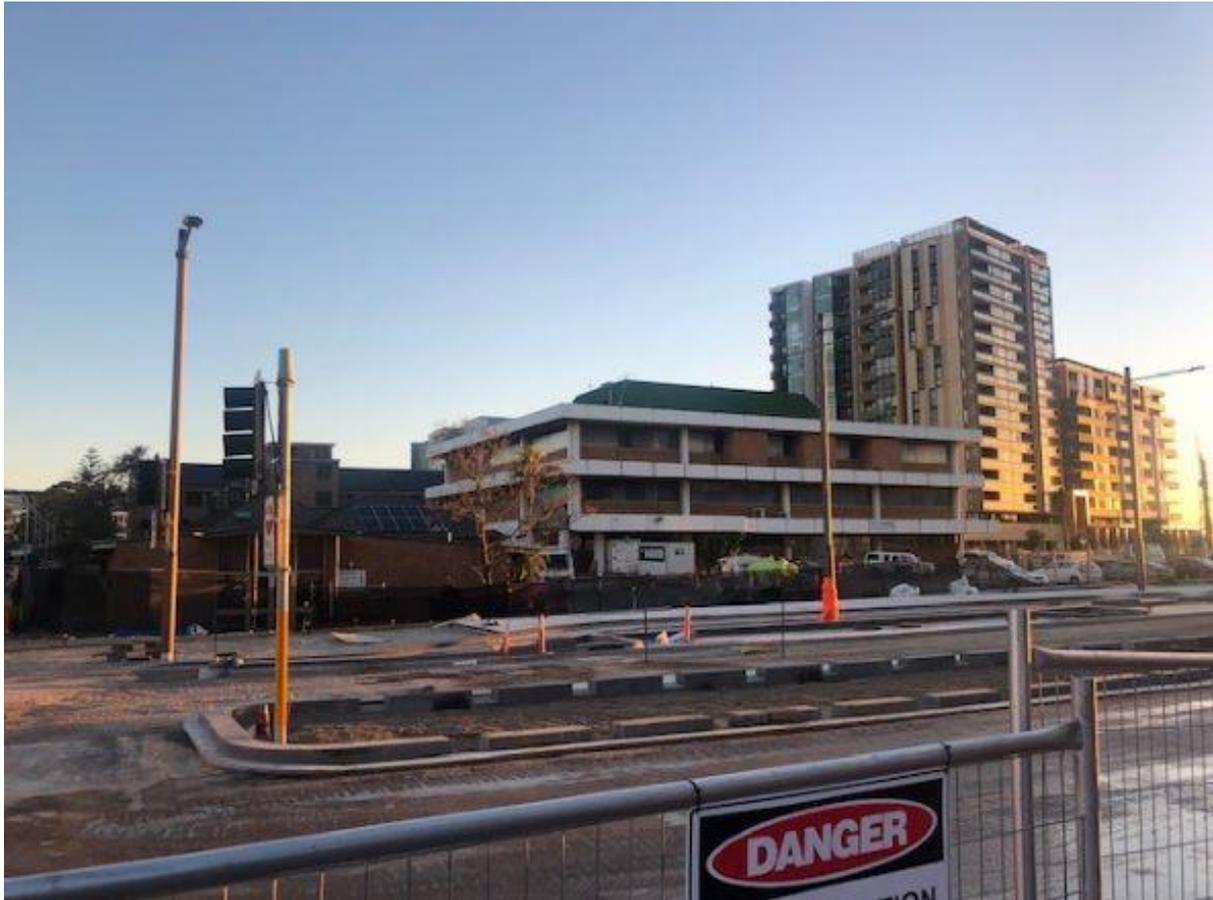


Figure 1: Aerial view of site and surrounds



Figure 2: The area of the site to accommodate the new school is outlined in red



**Figure 3:** The site on the future Zetland Avenue viewed from Joynton Avenue

## History Relevant to the Development Application

### Development Applications

4. 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 buildings 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 10381 proposes the future Green Square Integrated Community Facilities and School (GSICFS). A design competition was held in 2019 and the environmental impact statement 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).
- Development application D/2020/923 was approved by the Local Planning Panel on 16 December 2020 for the remediation of the site. The application was modified on 14 July 2021 (modification A).

### **Proposed Development**

5. The application proposes the removal of 23 trees from the site (an additional 5 trees that are dead will also be removed). The trees are required to be removed to facilitate remediation approved under development consent D/2020/923 and the construction of the Green Square Integrated Community Facilities and School (GSICFS), proposed under SSD 10381. The Environmental Impact Statement for the SSD is yet to be lodged, but imminent.

6. The schedule of trees to be removed includes Japanese Zelkova (11), Broad-leaved Paperbark (3), Jacaranda (1), Orange Jasmine (2), Kentia Palm (5), and White Cedar (1). 12 of 23 trees are identified as having 'medium' retention value and 11 are of 'low' retention value.
7. Plans and elevations of the proposed development are provided below.



Figure 4: Location of the existing trees on site proposed to be removed, overlaid on the proposed layout of the GSICFS (extract from applicant’s Arborist Report)

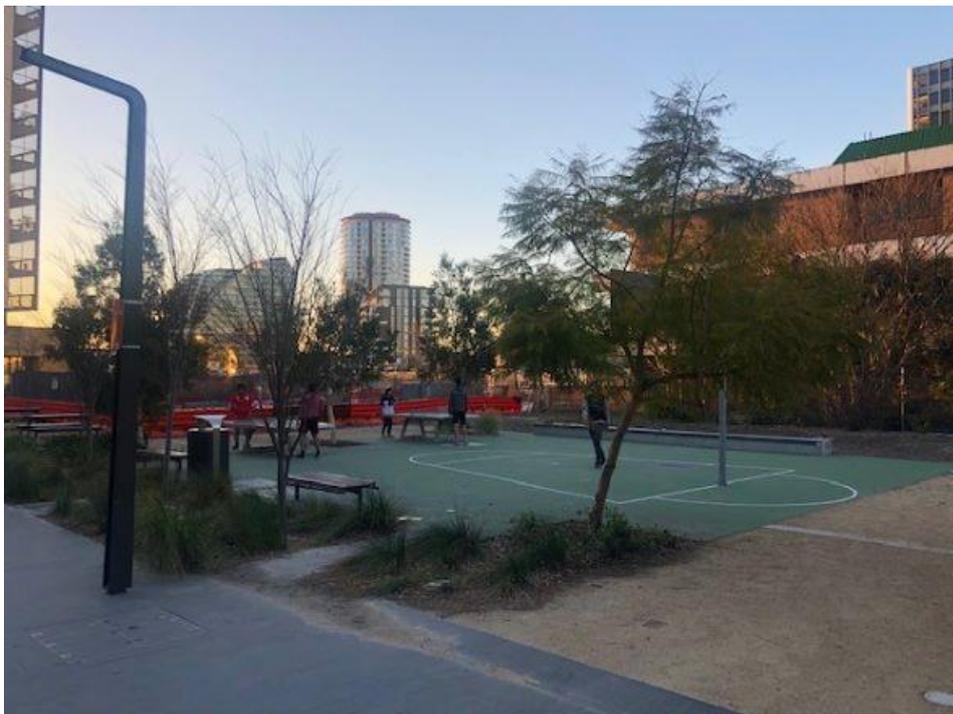


Figure 5: A view of some of the trees to be removed from the rear of the site



**Figure 6:** A view of the trees to be removed from the site (left side of the picture) and Ruby Lane (grey paving), looking east from Portman Street towards Joynton Avenue

## Assessment

8. 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

### SEPP No 55 - Remediation of Land

9. The site has been identified as containing contaminated land and is subject to remediation in accordance with development consent D/2020/923 (as amended).
10. A condition of consent is recommended requiring the works approved under this consent to have regard to the Remediation Action Plan and Environmental Management Plan approved under that consent.

### SEPP (Vegetation in Non-Rural Areas) 2017

11. The SEPP provides for the removal of vegetation by way of a permit issued by the City.
12. The removal of dead trees that are not required for habitat does not require any approval from Council under the SEPP. Five trees in addition to the 23 that are the

subject to this application have been identified as dead and not required for habitat, and as such are exempt from Council approval.

13. The SEPP does not apply to the removal of non-exempt trees on land identified as a heritage item. As such, development consent is required for the removal of the remaining 23 trees.

## **Local Environmental Plans**

### **Sydney LEP (Green Square Town Centre - Stage 2) 2013**

14. The site 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 LEP (SSLEP 1998)**

15. The site is identified as a deferred commencement matter within the SSLEP 1998 and as such, the zoning provisions are contained within the SSLEP 114. Schedule 2 applies despite the land being a deferred matter.
16. 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 which raises no concerns with the removal of the proposed trees.
17. The matter has been discussed with the City's Heritage officer who raised no objections to the proposal.

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

18. The 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.
19. The site is identified in the 5(a) Special Uses zone. The permitted uses in this zone 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. The removal of the trees will facilitate the remediation of the site approved under development consent D/2020/923 and the construction (subject to separate development consent) of the Green Square Integrated Community Facilities and School (GSICFS), proposed under SSD 10381.

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

Provision	Compliance	Comment
12 Tree Preservation orders	Yes	<p>There is no existing tree preservation order applicable to the site. However, the site is identified as a heritage item and as such the proposed removal of the trees requires development consent in accordance with SEPP (Vegetation in Non-Rural Areas) 2017.</p> <p>The matter is discussed under the Consultation heading.</p>

## Consultation

### Internal Referrals

21. The application was referred to Council's Heritage and Tree Management officers for review.
22. 28 trees within the site are proposed for removal (including 5 dead trees which are permitted to be removed without consent) and in addition to the 28, 12 street trees could be affected by the proposed development. Five Japanese Zelkova (Trees 24 – 28) are planted in tree pits along Ruby Lane outside the building footprints proposed under SSD 10381. However, Ruby Lane is included in the site remediation works approved under development consent D/2020/923 (as amended) and will provide for construction access.
23. The Arborist Report submitted with the application did not assess street trees. The City's Tree Management Team found that 12 street trees located on the south side of Ruby Lane and in Ruby Matron Park could be impacted by vehicle movement during works. Conditions are recommended to protect these trees during remediation and construction works.
24. The provision of sufficient canopy cover and overall site greening will be a key consideration during the design development of SSD 10381 (the application has been delegated to the City for assessment and determination). As such, all 23 trees sought to be removed by way of consent are recommended approval for removal.

### Advertising and Notification

25. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 14 days between 28 June and 13 July 2021. One submission was received in support of the application.

### **Relevant Legislation**

26. Environmental Planning and Assessment Act 1979.
27. Heritage Act 1977.

### **Conclusion**

28. The application proposes the removal of 23 trees to facilitate remediation of the site under development consent D/2020/923 and the construction of the future Green Square Integrated Community Facilities and School under State Significant Development Application 10381.
29. It is anticipated that the tree canopy will be restored with the construction of the new school. Conditions of consent are recommended to protect adjacent street trees during works on the site.
30. One submission was received in support of the application.
31. The development is in the public interest and is therefore recommended for approval.

### **ANDREW THOMAS**

Executive Manager Planning and Development

David Zabell, Senior Planner