



**ORDINARY COUNCIL
MEETING – MAY 2017**

LATE REPORT

***SY058-05/17 – Development Application: St Johns Ambulance
Redevelopment: Lots 22 and 205 Joaquina Street, York***

FILE REFERENCE: JO1.12191
APPLICANT OR PROPONENT(S): St Johns Ambulance
AUTHORS NAME & POSITION: Carly Rundle, Senior Planner
RESPONSIBLE OFFICER: Paul Crewe, Executive Manager Infrastructure
& Development Services
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: A – Site Plan
B – Development Plans

Nature of Council's Role in the Matter:

- Quasi-judicial

Purpose of the Report:

The purpose of the report is to request Council to make a determination on a development application received for the re-development of the St Johns Ambulance building located at Lots 22 and 205 Joaquina Street, York.

The proposal is considered consistent with the Shire of York Town Planning Scheme No. 2 and *Planning and Development (Local Planning Schemes) Regulations 2015* and it is therefore recommended that the application be approved, subject to conditions.

Background:

Lots 22 and 205 (Hse 14) Joaquina Street are 692m² and 975m² respectively, located within the York town site at the corner of Railway and Joaquina Street (refer Site Plan at **Appendix A**). The properties contain the existing St Johns Ambulance building which consists of covered areas for ambulance parking, training room, offices, storerooms and amenities. St Johns Ambulance provides an essential community service responding to emergency calls, and first aid training.

A fire in August 2016 caused extensive damage to the building and ambulance parking. A development application (Appendix B) has now been received to repair the damage and undertake a wider redevelopment/upgrading of the building to cater for future demands including:

- Increase in overall floor area of 90.8m²;
- Upgrading of amenities and facilities for volunteers;
- Reconstruction and increase in size of ambulance parking area;
- Reconfiguration and extension of training room area and facilities to suit first aid and training needs; and
- Upgrading of facilities designed to accommodate use of the facility as a Major Incident Response Centre, with the ambulance bays and training rooms suitable.

The application also requested that the Council waive relevant fees and charges associated with the project.

The application was publicly advertised for a period of 14 days ending 4.00 pm 12 May 2017. One submission was received from the Heritage Council with no objections to the proposal, and comments received from the Shires Heritage Advisor.

Comments and details:

Development applications are required to be assessed in accordance with the Shire of York's Local Planning Scheme No.2 and Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions. An assessment against the relevant provisions is outlined below.

Zoning & Land Use

The property is identified as a reserve for 'Public Purpose' and currently used by the St Johns Ambulance as a training centre, to house ambulances and respond to emergency calls.

The Scheme does not provide specific provisions for 'Reserves'. In absence of this, Schedule 1 – Model Provisions for Local Planning Schemes of the *Regulations* provides a guide as to their purpose and specifies the objectives of a 'Public Purpose' reserve as:

“To provide for a range of essential physical and community infrastructure”.

St Johns Ambulance provides an essential community service and facilities for emergency services and its continued operation and location of the site is considered consistent with the intent of the public purpose reserve.

Car Parking

Clause 4.5 of the Scheme requires car parking spaces to be appropriately located and designed, and the number of spaces provided to be as per Schedule 4. Schedule 4 does not specifically address car parking requirements for community/public purpose land uses, and is therefore discretionary.

The applicant has provided that the standard operation of the building involves two persons on site and training courses generally occur once a month from February to November and cater for approximately ten persons.

Car parking spaces are currently provided via a separate entry to the northern part of the lot and via a double garage existing on the site. This is consistent with Local Planning Policy No. 3 Heritage Precincts and Places requiring car parking to be located to the rear. There is space for approximately five bays (or four inclusive of a disabled bay) in the rear parking area and two within the double garage. Ambulance parking will occur in designated bays within the building.

It is considered that the car parking on site is sufficient for operational uses and training days. A car parking plan will be conditioned on approval to accurately assess disabled parking requirements and configuration of parking.

York Central Heritage Precinct

The property is located within the York Central Heritage Precinct and immediately surrounded by a number of buildings to the north and west listed on the State Heritage Register (York Railway Station, York War Memorial and Convent of Mercy and School). Consideration is required to be given to the impact on adjoining heritage listed buildings, as well as Clause 5.1.3 of the Scheme requiring development to be in accordance with an adopted Local Planning Policy setting out objectives and guidelines for development for conservation of heritage values of the heritage precinct. Local

Planning Policy No. 3: Heritage Precincts and Places (LPP3) applies and specifically Section 4 relating to commercial development has been considered during assessment, which requires consideration of scale, size, form, siting, external appearance and colours and materials.

The overall form of the proposed development, will be single storey, with a 15 and 22 degree traditional pitched roof which is sympathetic to surrounding development in the locality and a gabled end roof facing Joaquina Street. The pitch of part of the roof is lesser than the minimum 22 degrees required by the policy, however is proposed to be a higher pitch than the existing building (10/15 degree roof pitch), and is supported as it will be relatively consistent with surrounding development.

The policy requires consideration of size and scale, and generally requires that plate, wall heights to be consistent with neighbouring buildings in the streetscape.

The proposed finished floor level will match that of the existing development, and the wall height of the majority of the building will be 2.7m, with the pitch increased to 5.5m, consistent with surrounding development.

The new ambulance parking area has been increased in area, resulting in an 18m long, 3.7m high wall (3.4m to the eaves), containing a gas bottle storage area, and vents presenting as the elevation visible to Railway Street. This is an increase from the previous 8.5m, 3.2m brick wall. The increased height and length of this wall (particularly combined with the existing 3.4m high, 7.5m long outbuilding on this elevation) has potential to appear bulky and present a poor visual outcome to the highly visible elevation to Railway Street that may be out of character with the surrounding heritage values.

It is Officer's recommendation that a redesign of this elevation occur to improve the visual appearance and be consistent with surrounding heritage context. This may involve a potential reduction in height (given that the roller doors are shown at a height of 2.7m, and the pitched roof provides opportunity to redesign for increased internal space if required), treatments to the wall including inclusion of windows, landscaping or improvement in external materials. The applicant has suggested that the use of artwork could provide an improved visual outcome. A redesign of this specific area will be conditioned on approval. Preliminary discussions with the applicant regarding this matter have indicated that there are constraints relating to the length of the building which cannot be reduced, and that there may be constraints with reducing the height. A further issue raised related to the cost of development, and that other suggested amendments such as including windows, will require amendments to the plans incurring further drafting fees, additional engineer's fees if amendments are made to structural portions of the development and potential construction costs that have not been budgeted for.

Should councillors consider that the proposed development will not detrimentally impact on the visual amenity/heritage values of the precinct and surrounding buildings, condition 4(a)(i) requiring the redesign could be removed, or amended.

In terms of siting of the development on the property, the property is located within an area which does not contain retail as the primary use and most surrounding buildings have a setback of 2.5 to 4m. The proposed redevelopment involves a reduced setback from 7.4/8.5m to Joaquina Street to 3.2/3.8m, and a setback of 2/5.9m to Railway Street to 3/10.5m. Proposed setbacks are relatively consistent with surrounding development and are considered appropriate, subject to resolution of the potential amenity issues of the wall facing Railway Street.

Proposed Materials and colours for the development are; roof – zincalume, walls – corrugated iron (Dulux Moxa W GR6), and rendered feature wall (Red Box TR Dulux).



Moxa W GR6



The zincalume roof is considered an acceptable material under the policy, although the use of corrugated iron or colorbond on walls are only considered appropriate for side, rear walls and outbuildings.

The use of corrugated iron as the only wall materials facing Joaquina and Railway Street is likely to appear 'industrial' in appearance, out of character with surrounding development, is inconsistent with policy requirements and is not supported. A condition of approval will be included requiring submission of details of colours and materials schedule to negotiate an alternate material for the walls and/or reduced scale of use of corrugated iron/colorbond. Colours proposed are generally acceptable, although will be given further consideration as a condition of approval.

Signage

One wall sign is proposed as part of the development facing Joaquina street. Signage is required to be assessed in accordance with Clause 5.3 of the Scheme – control of advertisements, and LPP 3 and Local Planning Policy Advertising Signage.

The proposed sign is located on the proposed gable fronting Joaquina Street consisting of a logo and name affixed to the wall. The overall signage is no greater than 1.5m in height and 4m in length, appropriately located. The signage complies with relevant policies in that it is discrete, does not; dominate as a feature of the building, cover architectural details, protrude more than 300mm from the wall or exceed 10% of the building frontage.

Planning and Development (Local Planning Schemes) Regulations 2015

Other relevant provisions, to given due regard in assessment of a proposal within the Regulations Schedule 2 Clause 67 not previously addressed include:

- o) *The amenity of the locality including the following –*
 - i) *Environmental impacts of the development;*
 - ii) *The character of the locality;*
 - iii) *Social impacts of the development.*

Subject to conditions being implemented addressing the elevation to Railway Street, the proposal is not anticipated to detrimentally impact the amenity or character of the locality. The redevelopment is anticipated to have a positive social impact through improving facilities for essential community services and volunteers that provide these services.

- (p) *any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.*

Management of stormwater on site will be a condition of approval.

- q) *Whether adequate provision has been made for the landscaping of land to which the application relates and whether any trees or other vegetation on the land should be preserved*

No landscaping has not been proposed as part of the application, and the proposal will require the reduction of some existing minor landscaping facing Joaquina Street. Larger established trees should be maintained as a result of the redevelopment. Landscaping may be proposed by the applicant in response to condition 4(a)(i) addressing the Railway Street elevation.

- t) *The adequacy of –*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading and unloading, manoeuvring and parking of vehicles.*

Proposed access to the site, manoeuvring and parking of vehicles is not proposed to be amended and is adequate.

- u) *The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probably effect on traffic and safety.*

The redevelopment is not anticipated to result in an increase in vehicular traffic to the site. regardless of this Joaquina and Railway Street are of a sufficient standard to cater for traffic generated by the development. Ingress and Egress will continue to be as per the existing development, and no safety issue are anticipated.

- v) *The availability and adequacy for the development of the following –*
 - i) *Public transport services;*
 - ii) *Public utility services;*
 - iii) *Storage, management and collection of waste;*
 - iv) *Access for pedestrians and cyclists (including end of trip storage, toilet or storage facilities);*
 - v) *Access by older people and people with a disability.*

The property has access to a reticulated water and sewer connection and the redevelopment plans for disabled access, storage of utilities, and there is adequate space for bin storage to occur onsite. It is unclear whether the existing building is actually connected to the reticulated sewer network, and an advice note will be included notifying of requirements in this regard.

- z) *Any submissions received on the application.*

The application was publicly advertised in the Avon Valley Gazette and referred to all adjoining landowners for comment for a period of 14 days ending on the 12 March 2017. No public submissions were received.

- za) *the comments or submission received from any authority consulted under clause 66.*

The application was referred to the State Heritage Office, and the Shire's Heritage Advisor. The State Heritage Office provided comments 8 May 2017 in regard to the adjoining State Heritage Listed Buildings only, and advised that:

"The proposed development does not significantly impact on the identified cultural significance of Convent of Mercy and School".

The Shire's Heritage Advisor also reviewed the proposal in terms of local heritage provisions and provided the following advice:

“The St John Ambulance facility has occupied this site for some time and I understand that the development is predominantly extending the building across the Railway/Joaquina corner. The plans show the setback from the corner will be greater than existing, but the building will be considerably wider and of greater height and bulk.

The plans indicate that the primary façade to the Railway Terrace is a blank Colorbond clad wall 18.0 metres in length with a gas bottle enclosure and a similarly clad roof with ventilators.

In response, my opinion is that the scale, bulk and treatment of the building with the 18m wall facing Railway Street, is inconsistent with, does not respond to, and will impact the character, scale and form of the immediate context of heritage places and the residential nature immediately opposite in Joaquina Street. Therefore, the proposal is not supported.”

A condition will be included on the approval requiring redesign/treatment of this elevation to address potential amenity issues.

Summary

Subject to conditions being implemented as identified above, the proposal is considered consistent with Town Planning Scheme No. 2 and the Planning and Development (Local Planning Schemes) Regulations 2015.

Implications to consider:

- Consultative

Appropriate consultation was undertaken as part of the assessment process.

- Strategic

The proposal, subject to conditions being implemented, is considered consistent with the Shire of York's 2016-2026 Strategic Community Plan and in particular the following themes and desired outcomes:

Theme 2: A leader in cultural heritage and environment.

2.3 – New development is carried out at a scale and style which retains, is compatible with and does not overshadow the historical feel and heritage character of the town of York and other settlements.

- Policy related

There are no policy implications associated with this proposal for the Shire.

- Financial

The applicant St Johns Ambulance has requested a waiver of associated fees. Total fees paid associated with the development application were \$2,260.50.

The organisation is a not-for profit group, run mainly by volunteers, and operates to provide essential community and emergency services. The service is necessary and its ongoing operation vital for the community's health and safety.

It is recommended by Officers that Council support its ongoing operation through providing assistance such as waiving of development application fees. Council could choose to not to waive the application fees, which would result in removal of resolution 1.

Legislative power to waive an application fee is provided for by provision 52 the *Planning and Development Regulations 2009* and Section 6.47 of the *Local Government Act 1995*.

Planning and Development Regulations 2009

52. Local government may waive or refund fee

A local government may waive or refund, in whole or part, payment of a fee for a planning service.

Local Government Act 1995

Section 6.47 Concessions

*Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive * a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

**Absolute majority required*

- Legal and Statutory

The proposal has been assessed in accordance with the statutory framework set by the Scheme and Regulations.

- Risk related

A risk assessment of the proposal has been undertaken, and there were no medium to high risks identified with the proposal that warrant further discussion.

- Workforce Implications

No workforce implications anticipated as a result of proposal.

Voting Requirements:

Absolute Majority Required: Yes

OFFICER RECOMMENDATION:

“That Council:

- 1. Authorises the CEO to waive the application fees associated with this development application.*
- 2. Approves the planning application for the St Johns Ambulance Redevelopment at Lots 22 and 205 (Hse 14) Joaquina Street, York, subject to the following conditions:*
 - 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.*
 - 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plans(s) (enclosed), including any notes placed in red by the Shire and except as may be modified by the following conditions.*
 - 3. Storm water is to be managed onsite to the satisfaction of the local government.*
 - 4. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the Shire’s Planning department (generally as part of the building permit) and have been approved in writing:*
 - (a) Plans or details that satisfactorily address the following required design changes and as may be indicated in red on the Approved Development Plan(s):*
 - (i) Plans or details addressing a redesign of the Railway Street façade to improve the streetscape appearance and reduce bulk of the Ambulance Bay portion of the building.*
 - (b) A Car Parking Plan.*
 - (c) A detailed schedule of materials and colours to be used for external materials (Advice Note 4).*
 - 5. The development hereby approved shall not be occupied or used until all plans, details or works required by Condition(s) 2, 3 and 4 have been implemented and the following conditions have been complied with:*
 - 6. The works undertaken to satisfy Condition(s) 2, 3, 4 and 5 shall be subsequently maintained for the life of the development.”*

ADVICE NOTES:

- Note 1:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- Note 2:** Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.

- Note 3:** If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.
- Note 4:** Please be advised that colours are required to comply with the Shire of York Local Planning Policy 3: Heritage Precincts and Places. In this regard, the proposed wall material (corrugated iron) is inconsistent with the policy requirements and will be required to be amended.
- Note 5:** In accordance with the provisions of the Building Act 2011, and Building Regulations 2012, an application for a building permit (including demolition or separate demolition permit) must be submitted to, and approval granted by the Shire, prior to the commencement of the development hereby permitted.
- Note 6:** According to the Watercorp, reticulated sewer has been available to the property since 1998 and the development is required to be connected. If existing onsite effluent systems remain on the property, these will need to be decommissioned, and the local government notified once complete.
- Note 7:** If the use of the building is to hold meetings for training ect, the premises will need to conform to the Public Building Regulations. Please contact the Shire's Environmental Health Officer to discuss further.