

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA14/0930
<b>Proposed development:</b>	Alterations & Additions to Existing Youth Counselling Service
<b>Property address:</b>	600 - 606 High Street, PENRITH NSW 2750
<b>Property description:</b>	Lot 1 DP 567138
<b>Date received:</b>	28 July 2014
<b>Assessing officer</b>	Lauren Van Etten
<b>Zoning:</b>	ZONE B4 MIXED USE PCCLEP 2008
<b>Class of building:</b>	Class 5
<b>Recommendations:</b>	Approve

### Executive Summary

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Council is in receipt of a development application for Alterations and Additions to the Counselling Rooms at 600-606 High Street. Under Penrith City Centre Local Environmental Plan 2008, the proposal is defined as a *Medical Centre*. The subject site is zoned B4 Mixed Use and the proposal is a permissible land use in the zoning with Council consent. An assessment under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval.

### Site & Surrounds

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The subject site is situated on the south side of High Street, with a street frontage to High Street to the northern boundary, and fronts Union Lane to the southern boundary. It is approximately 300m east of the High Street intersection with Mulgoa Road.

The site is approximately 1724m<sup>2</sup> and the subject tenancy is 486m<sup>2</sup>. A site inspection was undertaken on 28/8/14 and the site is currently occupied by a 3 storey office building and basement car parking. The subject tenancy is currently used as a counselling service. The additional first floor area they propose to use is approximately 475m<sup>2</sup> and it is currently vacant. Penrith Plaza and the Joan Sutherland Centre are located to the north of the subject site; a vacant lot is located to the west and a mix of commercial development and medium density residential development to the south and east. There are a number of public car parks within close proximity to the subject site.

## Proposal

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The proposed development includes the following aspects:

- Alterations to ground floor tenancy, including 5 additional counselling rooms, 2 additional group meeting rooms and 1 additional bathroom.
- Fit out and use of tenancy on the first floor (474m<sup>2</sup>) for 5 private offices, 30 workstations and 1 lunchroom kitchen.
- Tenancy supplied with 15 on-site car parking spaces
- 36 employees.
- Operating hours 8am – 8pm, Monday to Friday, with a small core of staff (approximately 3 working in shifts) to operate a 24 hour a day call centre.

Previous consents for the site include:

- DA13/0098 Fit-Out & Use as Counselling Rooms
- DA08/0576 3 Storey Commercial Office Building with Basement Car Parking
- DA08/0576.02 3 Storey Commercial Building – Modify Conditions
- DA08/0576.04 Modify Condition 66

An amended floor plan was provided by email on 01/09/14. Council's Building Surveyor reviewed the plans on 08/09/14 and had no objections to the amended plan, nor any additional conditions.

## Plans that apply

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- Penrith Local Environmental Plan 2008 (City Centre)
- Development Control Plan 2006
- Development Control Plan 2007 (City Centre)
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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### • Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

### **Section 79C(1)(a)(i) The provisions of any environmental planning instrument**

#### **Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River**

It is considered that the proposal would not compromise the water or scenic qualities of the river environment and is therefore consistent with the planning considerations, strategies and aims of SREP 20.

#### **Penrith Local Environmental Plan 2008 (City Centre)**

Provision	Compliance
Clause 2 - Aims of the Plan	Complies
Clause 12 - Zoning of land to which this plan applies	Complies
Clause 13 - Zone objectives	Complies
Clause 15 - Additional permitted uses for particular land	N/A

Clause 16 - Subdivision consent requirements	N/A
Clause 17 - Temporary use of land	N/A
Clause 21 - Height of buildings	N/A
Clause 22 - Architectural roof features	N/A
Clause 23 - Sun Access	N/A
Clause 24 - Floor space ratio	N/A
Clause 25 - Minimum building street frontage	N/A
Clause 26 - Design Excellence	N/A
Clause 27 -Car parking	Complies
Clause 28 - Ground floor development within B3 and B4	Complies
Clause 29 - Building separation	N/A
Clause 30 - Ecologically sustainable development	N/A
Clause 31 - Serviced apartments	N/A
Clause 32 - Exceptions to development standards	N/A
Clause 33 - Land acquisition within certain zones	N/A
Clause 34 - Development on proposed classified roads	N/A
Clause 35 - Classification and reclassification of public land	N/A
Clause 36 - Community use of educational establishments	N/A
Clause 37 - Classified roads	N/A
Clause 38 - Development in proximity to a rail corridor	N/A
Clause 39 - Preservation of trees or vegetation	N/A
Clause 40 - Heritage conservation	N/A
Clause 41 - Bush fire hazard reduction	N/A
Clause 42 - Development for group homes	N/A
Clause 43 - Crown development and public utilities	N/A
Clause 44 - Location of sex services premises and restricted premises	N/A
Schedule 1 - Additional permitted uses	N/A
Clause 45 - Application of Part	N/A
Clause 46 - Interpretation	N/A
Clause 48 - Suspension of covenants, agreements and instruments	N/A
Clause 49 - Land use zones	N/A
Clause 50 - zone objectives and land use table	N/A
Clause 51 - Height of buildings	N/A
Clause 52 - Development near zone boundaries	N/A
Clause 53 - Architectural roof features	N/A

Clause 54 - Heritage Conservation	N/A
Clause 55 - Earthworks	N/A
Clause 56 - Savings provision relating to pending applications	N/A
Clause 47 - Certain planning instruments cease to apply to the land	N/A

### *Permissibility*

The subject site is zoned 4 Mixed Use under Penrith City Centre Local Environmental Plan 2008. The proposed development is defined as a *Medical Centre*, which is permissible with the consent of Council.

The proposed development is consistent with the aims and objectives of both the LEP and the zone itself in that it provides a suitable land use serving the needs of the local and wider community.

### *27 Car Parking*

Clause 27(2) states that development for the purpose of car parking is to be provided in accordance with the City Centre Development Control Plan. The DCP does not contain specific car parking requirements for medical centres. Under DA13/0098 the development was required to provide 8 car parking spaces at a rate of 1/60m<sup>2</sup>. As the subject tenancy now proposes a total floor area of approximately 955m<sup>2</sup>, 15 parking spaces should be provided under the calculations of the original DA. On 01/09/14, the applicant stated via email that 15 car parking spaces are available for their tenancy within the building. It is recommended that a condition requiring the provision of at least 15 on-site car parking spaces be provided for use of the staff. As public transport and a number of public car parks are located within close proximity and that the staff will work in shifts, the provision of 15 on-site parking spaces is considered adequate.

## **Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument**

The draft environmental planning instrument, Penrith City-wide Local Environmental Plan 2010 (Stage 2), is applicable to the subject proposal. Under this draft policy the site will remain zoned B4 Mixed Use and the proposed use will be defined as a medical centre, which is permitted with Council consent. The proposal is consistent with the proposed zone objectives.

## Section 79C(1)(a)(iii) The provisions of any development control plan

### Development Control Plan 2006

Provision	Compliance
Chapter 2.1 - Contaminated land	N/A
Chapter 2.2 - Crime prevention through environmental design	Complies - see Appendix - Development Control Plan Compliance
Chapter 2.3 - Engineering works	N/A
Chapter 2.4 - Erosion and sediment control	N/A
Chapter 2.5 - Heritage management	N/A
Chapter 2.6 - Landscape	N/A
Chapter 2.7 - Notification and advertising	Complies - see Appendix - Development Control Plan Compliance
Chapter 2.8 - Significant trees and gardens	N/A
Chapter 2.9 - Waste planning	Complies - see Appendix - Development Control Plan Compliance
Chapter 2.10 - Flood liable land	N/A
Chapter 2.11 - Car parking	N/A
Chapter 2.12 - On-site sewage management	N/A
Chapter 2.13 - Tree preservation	N/A

### Development Control Plan 2007 (City Centre)

Provision	Compliance
Part 3 - Pedestrian amenity	Complies - see Appendix - Development Control Plan Compliance
Part 4 - Accessing, parking and servicing	Complies - see Appendix - Development Control Plan Compliance

## Section 79C(1)(a)(iv) The provisions of the regulations

Subject to the imposition of conditions of consent, Council's Building Surveyor has raised no objections to the proposed development regarding fire safety considerations as prescribed under the Environmental Planning and Assessment Regulation 2000.

## Section 79C(1)(b) The likely impacts of the development

### *Built Form*

There are no alterations proposed to the existing building exterior.

### *Traffic Impacts*

The development is unlikely to have negative impacts on the local road system and the existing car parking arrangements are considered satisfactory.

### *Social and Economic*

The development is appropriate to the locality and is not likely to have any adverse impacts on neighbouring or surrounding developments. The proposed use will provide a suitable service within the city centre and is considered to be in an appropriate location.

## Section 79C(1)(c) The suitability of the site for the development

In view of the above assessment, Council can be satisfied that the site is suitable for the development subject to conditions.

## **Section 79C(1)(d) Any Submissions**

### **Community Consultation**

In accordance with Section 2.7 (Notification and Advertising) of Penrith Development Control Plan 2006, the proposed development did not have to be notified.

### **Referrals**

The application was referred to the following stakeholders and their comments have formed part of the assessment:

<b>Referral Body</b>	<b>Comments Received</b>
Building Surveyor	No objections - subject to conditions

## **Section 79C(1)(e)The public interest**

The proposal will not generate any matters of public interest.

## **Conclusion**

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With the recommended conditions of consent, the development is considered unlikely to have a negative impact on the surrounding properties and environment, the site is suitable for the development proposed and is considered to complement the existing surrounding developments.

## **Recommendation**

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That DA14/0930 for Alterations and Additions to existing counselling rooms at 600-606 High Street, PENRITH NSW 2750, be approved subject to the attached conditions.

# CONDITIONS

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## General

1 [A001](#)

The development must be implemented substantially in accordance with the architectural plans numbered DA01 and DA03, Issue A, drawn by Angel Machut Architects Pty Ltd, dated December 2013 and stamped approved by Council, the waste management plan prepared by Greg Angel, dated 25/07/14 and stamped approved by Council, the application form, and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

2 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

**The development shall not be used or occupied until an Occupation Certificate has been issued.**

3 [A026 - Advertising sign \(not for residential\)](#)

A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan-Advertising Signs.

4 [A032 - Goods in buildings](#)

All materials and goods associated with the use shall be contained within the building at all times.

5 [A039 - Graffiti](#)

The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

6 [A Special \(BLANK\)](#)

The centre shall not involve any procedures such as x-rays, ultrasounds, cat scans, radiography, pathology tests or the like.

7 [A Special \(BLANK\)](#)

The centre shall only be open to the public from 8am to 8pm, Mondays to Fridays. Operation of the call centre is also permitted.

## Environmental Matters

8 [D009 - Covering of waste storage area](#)

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

9 [D010 – Appropriate disposal of excavated or other waste](#)

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

## BCA Issues

10 [E002 - BCA ISSUES TO BE ADDRESSED](#)

A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed **prior to the issue of any Occupation Certificate** to ensure compliance with the Building Code of Australia:

The existing emergency lights, exit lights, mechanical ventilation vents and hose reel may need relocation or additional services installed to comply with the relevant Australian Standards. Specifically Council records indicate that there is a hose reel near door D05 which will be isolated by the proposed surrounding wall PT1 of the " Group ( Dividable ) " room. The hose shall be relocated outside the room or the wall redesigned to ensure the hose reel is visible and accessible from the common area.

Upon completion appropriate certification is to be submitted to Council.

#### 11 E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

- (a) deal with each essential fire safety measure in the building premises, and
- (b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.
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As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

#### 12 E01A - BCA compliance for Class 2-9

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
  - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

## Construction

#### 13 H041 - Hours of work (other devt)

Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

## Engineering

#### 14 K Special (BLANK)

A total of fifteen (15) off-street parking spaces are to be provided and maintained for the development.

## Certification



15 [Q006 - Occupation Certificate \(Class 2 - 9\)](#)

**An Occupation Certificate** is to be obtained from the Principal Certifying Authority on completion of all works and **prior to the use of the medical centre** and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and if the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of that Certificate including the above mentioned documents shall be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

# Appendix - Development Control Plan Compliance

## Development Control Plan 2006

### Part 2 - City wide controls

As outlined in Section 1.4 of DCP 2007, sections of DCP 2006 apply to development within the city centre. Assessment against the relevant sections is contained below.

#### *2.2 Crime Prevention Through Environmental Design (CPTED)*

The internal layout of the tenancy ensures that passive surveillance is maintained throughout the complex.

#### *2.7 Notification and Advertising*

Notification requirements have already been discussed in Section 79C(1)(d) of this report.

#### *2.9 Waste Planning*

A standard condition will be imposed that requires waste to be stored in a designated area to ensure that it does not enter the stormwater system or cause a nuisance to other tenancies or disrupt the use of the building.

## Development Control Plan 2007 (City Centre)

### **3 Pedestrian Amenity**

This chapter provides provisions for pedestrian amenity and is intended to achieve a high quality of urban design and pedestrian comfort in the public spaces of the city centre. In this regard, the proposed development does not impact on the existing pedestrian link provided through the premises.

### **4 Access, Parking and Servicing**

The car parking arrangements are considered satisfactory and are discussed above.

Further, disabled access is also provided externally given there is a ramp into the building and adequate internal circulation routes with a minimum width of 1 metre.