

PO Box 3108 Blaxland East NSW 2774 – theteam@wholefamilyhealth.com.au – 02 4739 4557

## Development Application – Change of Use

### 2/382 Great Western Hwy St Marys NSW 2760

This is the information to accompany my application to change the use of this building from a gym to a multidisciplinary allied health clinic (physiotherapy, occupational therapy, speech therapy, etc) for people and animals with disabilities. The vast majority of our clientele are children with developmental disabilities and dogs and cats who are paralysed or recovering from surgery. We also have a passion for animal-assisted therapy, as children really find it inspiring and normalizing to interact with animals, especially those who have disabilities similar to their own.

To give an example to explain a little better, we might have a dog who wears leg braces after cruciate ligament surgery come in for a physiotherapy session at 11am. At 11.30, a child who wears similar braces for their cerebral palsy arrives and plays with the dog during their own physiotherapy session, e.g. improving their balance by kicking a ball for the dog to chase, and improving their hand strength by cutting up treats for the dog to eat. At 12 noon, both the child and the dog return to their homes, with the dog happy from a lovely outing and the child feeling a lot more normal about their own braces.

**Site Plan** – The site plan is not changing from that submitted for the Development Application number DA10/1134.

**Floor Plan** – Attached. The gym's main office becomes consult room 1, the gym's child minding room becomes consult room 2, and the gym's aerobics area becomes a group therapy room for us.

**Elevation Plan** – I have been advised by Council staff during phone conversations that this is not necessary for me to submit as I am only applying to change the use.

**Section Plan** – also N/A as per elevation plan.

**Specification** – N/A – no building work is being done as there are sufficient rooms for us to get started, and we will submit an additional DA when we have outgrown them and need to build more rooms.

**Statement of Environment Effects** – The new use as a therapy centre should have less of an impact on the environment than the existing use, due to a much smaller number of clients on site compared to a 24-hour gym. These fewer clients will also cause less noise and be on-site for fewer hours.

**BASIX** – N/A.

**Shadow Diagrams** – N/A.

**Notification Plan** – as per site plan.



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**Landscaping** – no change.

**Erosion/Sediment Control** – no change.

**Drainage Plans** – no changes.

**Waste Management** – We will contract general and recycling services from a commercial waste company. All dog waste will be collected promptly by staff or owners and disposed of in the general bin, as unfortunately we can't dispose of these in a worm farm because of the regular worming medication, which would kill the worms in a worm farm. All staff and clients will be encouraged to reduce waste and recycle items through verbal and visual prompts. Food scraps will be taken home by Helen Nicholson for her chickens to eat.

**External Colour Scheme** – not changing. However, new signage will be installed over the existing gym signs:

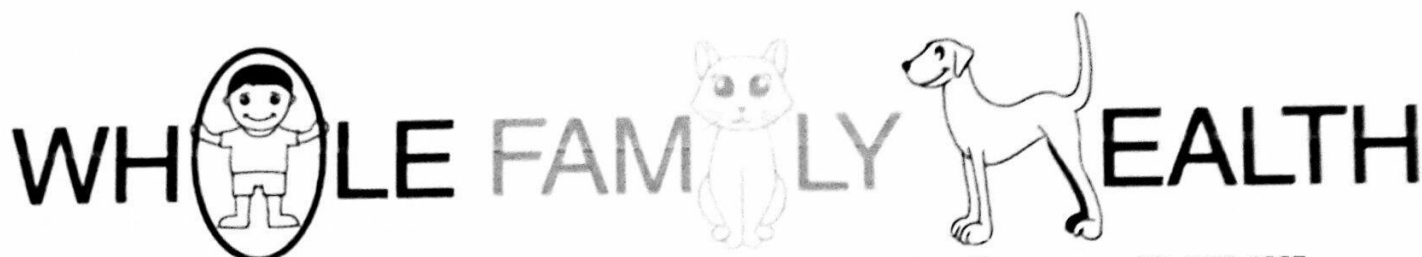


**Building Sustainability Rating Certificate** – N/A

**Site and Soil Assessment Report** – N/A

**Hours of Operation** – The gym is currently 24/7 from Monday to Saturday, and more limited hours on Sunday. We won't be doing therapy overnight, though, nor will we have dogs staying on site to require overnight usage. Our regular operation hours will be:

- Monday to Friday – 8am – 7pm
- Saturday – 9am – 6pm
- Sunday - closed



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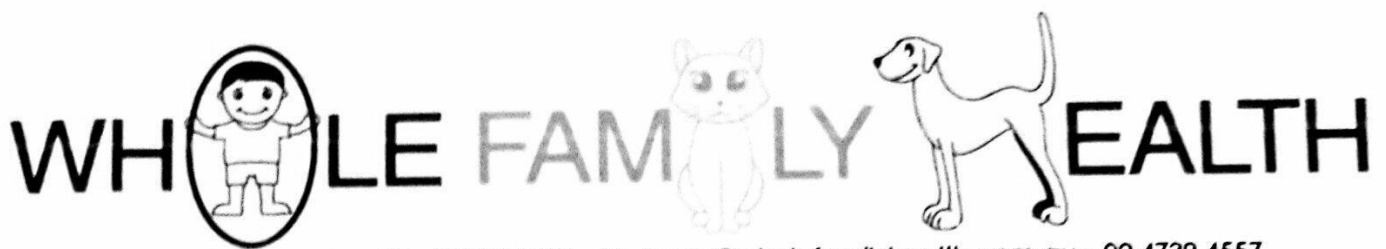
However, we will also run occasional courses, e.g. evening lectures and workshops, and weekend seminars, approximately weekly for the evening workshops and fortnightly for the weekend seminars. These would require us to also be open until 9pm on weeknights and from 9am – 6pm on Sundays, but only on the relevant weeknights and weekends, with dates to be confirmed by demand.

**Staff Numbers** – We will have weekly staff meetings at which a total of 7 staff will be present – 2 receptionists, 2 physios, 1 occupational therapist, 1 speech therapist and 1 psychologist. During treatment times, we will initially be limited to 6 staff members, with 2 receptionists, 2 physios in the group room, and 1 other therapist in each of the renamed consult rooms.

**Available Car Parking** – our lease states that we have shared use of the on-site car parks, of which there are 60:



RENT REVIEW: 1/1/2016 - 31/12/2016 - 01/01/2017 - 01/01/2018 - 01/01/2019 - 01/01/2020 - 01/01/2021 - 01/01/2022 - 01/01/2023 - 01/01/2024 - 01/01/2025 - 01/01/2026 - 01/01/2027 - 01/01/2028 - 01/01/2029 - 01/01/2030 - 01/01/2031 - 01/01/2032 - 01/01/2033 - 01/01/2034 - 01/01/2035 - 01/01/2036 - 01/01/2037 - 01/01/2038 - 01/01/2039 - 01/01/2040 - 01/01/2041 - 01/01/2042 - 01/01/2043 - 01/01/2044 - 01/01/2045 - 01/01/2046 - 01/01/2047 - 01/01/2048 - 01/01/2049 - 01/01/2050 - 01/01/2051 - 01/01/2052 - 01/01/2053 - 01/01/2054 - 01/01/2055 - 01/01/2056 - 01/01/2057 - 01/01/2058 - 01/01/2059 - 01/01/2060 - 01/01/2061 - 01/01/2062 - 01/01/2063 - 01/01/2064 - 01/01/2065 - 01/01/2066 - 01/01/2067 - 01/01/2068 - 01/01/2069 - 01/01/2070 - 01/01/2071 - 01/01/2072 - 01/01/2073 - 01/01/2074 - 01/01/2075 - 01/01/2076 - 01/01/2077 - 01/01/2078 - 01/01/2079 - 01/01/2080 - 01/01/2081 - 01/01/2082 - 01/01/2083 - 01/01/2084 - 01/01/2085 - 01/01/2086 - 01/01/2087 - 01/01/2088 - 01/01/2089 - 01/01/2090 - 01/01/2091 - 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**Patients at a Time** – The maximum number of patients at the centre at any one time would be 8, i.e. a group of 6 in the group therapy room with 2 therapists supervising, and 2 individual patients, 1 in each consult room, each with 1 therapist.

**Permissibility** – I appreciate that this service is unusual and thus it can be difficult to classify. I experienced the same initial uncertainty last year, when I opened the Spring Forward Family Centre at 31-33 Henry St, Penrith. I have been advised that Council now has the CDC from the certifier, Troy Meyers, that we were eligible to use that address, also in a B4 zone, for our business.

Spring Forward Family Centre is exactly the same type of business, in exactly the same zone, as Whole Family Health is; I am selling my part in Spring Forward Family Centre because we ran out of room to do the animal physiotherapy to the extent that I want to. 2/832 Great Western Hwy, St Marys will allow me, as funds permit, to submit a further DA to build additional rooms in 2/382 Great Western Hwy so that I can install more equipment for the animals to utilise.

Further, when looking for new premises, I received the following advice from Grant Rokobauer, of Rokobauer Planning and Environment:

#### **Proposal Details**

Change of use from office to a facility offering physiotherapy services to both people and animals.

#### **Characterisation**

The development is not an **industry** (light, general or heavy) in that it provides as service to people and animals and does not principally undertake an activity on *goods, substances, food, products or articles for commercial purposes*.

The development is not a **health consulting room** or **health services facility** because it provides the services to both people and animals.

The development is a **business premises** because it will be a building at which a service is provided directly to members of the public on a regular basis and it does not fit any child term better than it fits this one.

Although this advice referred to a property in High St, Penrith, not the one I eventually settled on in St Marys, both are in B4 zones.

Further, even though **veterinary hospitals** are permitted in B4 zones, we are not a veterinary hospital because we don't perform any acts of veterinary science (invasive techniques, surgeries, immunisations, etc), we don't have animals staying overnight, and we also provide services to people, not just animals.





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Please refer to the below excerpts from the 2010 LEP, which lead me to believe we are a business premises, which is permitted in a B4 zone as a type of **commercial premises**:

- B4 zone information:

Land Use Table > Zone B4

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#### Zone B4 Mixed Use

##### 1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To create opportunities to improve public amenity.
- To provide a wide range of retail, business, office, residential, community and other suitable land uses.

##### 2 Permitted without consent

Home occupations

##### 3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Home-based child care; Home businesses; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Mortuaries; Multi dwelling housing; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; Sex services premises; Shop top housing; Signage; Veterinary hospitals

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- Definition of a business premises, with footnote that it is a type of commercial premises:

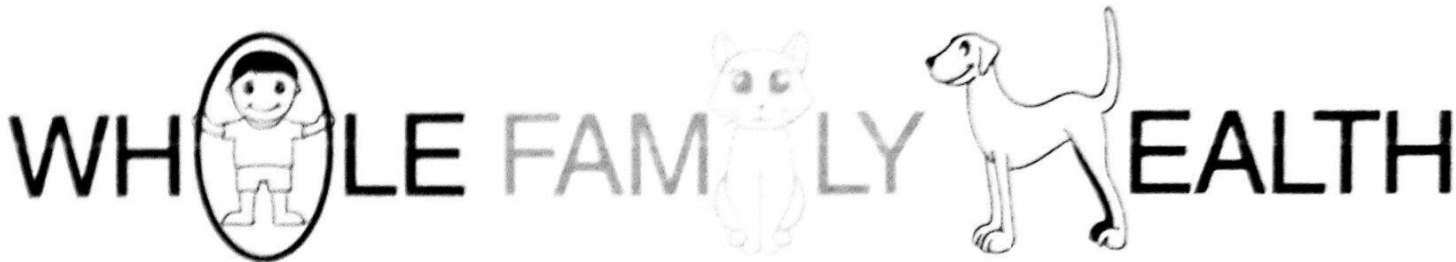
**business premises** means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis.

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital

**Note.** Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary

- Definition of medical centre, which might otherwise cover us, as we are health care professionals, however the footnote refers to health service facility, the definition of which refers solely to people, not animals:



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**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

**Note.** Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

**health care professional** means any person registered under an Act for the purpose of providing health care.

**health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

**Note.** Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

- Definition of commercial premises, which is permitted in zone B4, specifying that business premises are included in the category of commercial premises:

**commercial premises** means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

I hope that this information is helpful to you in determining my proposed change of use of this property. Please feel very welcome to contact me with any questions – my mobile number is 0413 900 536.

Sincerely,

Dr Helen Nicholson BPhy, MAnSt (Animal Physiotherapy), PhD