

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA16/0995
Proposed development:	Multi-Disciplinary Allied Health Centre for People & Animals with Disabilities (Unit 2)
Property address:	382 - 396 Great Western Highway, ST MARYS NSW 2760
Property description:	Lot 1 DP 783929
Date received:	20 September 2016
Assessing officer	Timothy Mahoney
Zoning:	Zone B4 Mixed Use - LEP 2010
Class of building:	Class 6
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for a change of use from a gym to a multi-disciplinary allied health centre (physiotherapy, occupational therapy and speech therapy) for people and animals with disabilities. Under the Penrith Local Environmental Plan 2010, the proposal is permissible with Council consent.

The subject site is zoned B4 Mixed Use and the proposal is a permissible land use in the B4 zone with Council consent.

The application was notified to adjoining and nearby properties as well as placed on public exhibition for a period of 14 days (26/09/16 - 10/10/16). No submissions were received by Council in response.

An assessment of the proposal under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to recommended conditions.

Site & Surrounds

The subject site is located on the southern side of the Great Western Highway in St Marys, 90m from the Mamre Road/Queen Street intersection. The site also has a frontage to Sainsbury Street. The site is a 3752 sq.m allotment with 52m frontages to the Great Western Highway and Sainsbury Street.

The site is currently occupied by a single storey commercial building with two tenancies and a car park. The existing building is situated on the northern part of the site. The subject application relates to Unit 2.

The surrounding area is characterised by residential and commercial development.

Proposal

The applicant seeks approval for a change of use from a gym to a multi-disciplinary allied health centre (physiotherapy, occupational therapy and speech therapy) for people and animals with disabilities at Unit 2, 382-396 Great Western Highway, St Marys. The vast majority of clientele will be children with developmental disabilities and dogs and cats who are paralysed or recovering from surgery.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• 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

An assessment has been undertaken of the application against relevant criteria within Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application is satisfactory subject to recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies
Clause 7.8 Active street frontages	Complies

Clause 2.3 Permissibility

Medical centres and veterinary hospitals are permissible with consent in the B4 Mixed Use zone under the Penrith Local Environmental Plan 2010.

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

There are no draft Environmental Planning Instruments that apply to this proposal.

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

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	N/A
C3 Water Management	N/A
C4 Land Management	N/A
C5 Waste Management	Complies
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	Complies - see Appendix - Development Control Plan Compliance
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	Complies

Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to this proposal.

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

Subject to the recommended conditions of consent, the proposed development will comply with the relevant requirements of the EP & A Regulations.

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

The proposed development is considered to be keeping with the existing residential and commercial character of the area.

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

The site is suitable in light of the above assessment. Council can therefore be satisfied that the site is suitable for the development subject to conditions.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining properties and exhibited for a period of fourteen (14) days.

Council notified twenty seven (27) property owners/occupiers in the area and the exhibition period was between 26/09/16 and 10/10/16. Council received no submissions in response.

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Environmental - Public Health	No objections - subject to conditions

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

The proposed development will not generate any significant issues of public interest.

Conclusion

In assessing the proposal against the relevant environmental planning policies, being Penrith Local Environment Plan 2010 and the Penrith Development Control Plan 2014, the proposal satisfies the aims, objectives and provisions of these policies. The proposal does not contravene any development standards and will not incur any significant impacts on the surrounding/immediate natural, social or economic environments.

The site is suitable for the proposed development, the proposal is in the public interest and there is unlikely to be negative impacts arising from the proposed development. Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

That DA16/0995 for a change of use from a gym to a multi-disciplinary allied health centre for people and animals with disabilities at Unit 2, 382-396 Great Western Highway, St Marys be approved subject to the attached conditions.

General

1 [A001](#)

The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form and any supporting information received with the application, except may be amended in red on the approved plans and by the following conditions.

Description	Reference	Prepared By	Date
Site Plan	159	Sharon Jones Architectural Design	22/10/2010
Floor Plan	-	-	21/09/2016

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 2014.

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 approved hours of operation are 8:00am to 9:00pm Monday to Friday and 9:00am to 6:00pm on Saturday and Sunday.

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

No animals are permitted by this consent to stay on site overnight.

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

Prior to the issue of an Occupation Certificate, a waste management plan shall be submitted in accordance with the requirements of Penrith Development Control Plan 2014. The waste management plan shall include details of the manner in which animal waste is to be managed.

9 [A special BLANK](#)

No food is to be sold at the premises and no food preparation is to occur on the premises without the prior approval of Penrith City Council

10 [A special BLANK](#)

Public waiting areas and toilets in the premises shall be maintained in a clean and hygienic condition free from a build up of waste at all times.

Environmental Matters

11 [Disposal of waste water from cleaning](#)

Any waste water generated from the cleaning of the premises including animal waste must be disposed of in an environmentally satisfactory manner.

12 [D Special \(BLANK\)](#)

In the event of on-going noise complaints being received by Council relating to the use of the premises by cats and dogs (e.g. persistent barking), the owner and/or occupier of the premises may be required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a noise impact assessment on the premises to address the Industrial Noise Guidelines and the concerns of the community. The noise impact assessment report is to be prepared and provided to Council within 45 days of being requested. The assessment report is to be approved by Council, with any recommendations being implemented in accordance with the approved assessment report.

BCA Issues

13 [E006 - Disabled access and facilities](#)

Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility".

14 **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.

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.

15 **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.

Health Matters and OSSM installations

16 **F029 - Hand basin within staff toilets**

A hand basin must be located within the toilet cubicle. Hand basins must be serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

17 **F057 - Waste storage**

All garbage must be stored in accordance with the requirements of the *Protection of the Environment Operations Act 1997* to prevent the harbourage of vermin or generation of odours.

Certification

18 **Q05F - Occupation Certificate for Class10**

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the development.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

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

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C9 Advertising and Signage

Any signage required for the proposal will be located within existing approved signage areas and therefore will be exempt development.

C10 Transport, Access and Parking

The proposed use will have a total of seven (7) staff consisting of two (2) receptionists, two (2) physiotherapists, one (1) occupational therapist, one (1) speech therapist and one (1) psychologist. The parking requirements of *Penrith Development Control Plan 2014* state that for a *Medical Centre* there must be 3 spaces per health care professional practising at any one time plus 1 space per receptionist/support staff, plus 1 space per associated dwelling. This equates to a total of seventeen (17) car spaces. The premises is entitled to use of the shared on-site car parking spaces of which there are fifty-four (54) spaces to be shared among two premises on the site, therefore satisfying the parking requirements of the *Penrith Development Control Plan 2014*.