Section A:A

Western Elevation

Proposed First Floor Addition to an Existing
Storefront Elevation
DEVELOPMENT APPLICATION ASSESSMENT TEAM

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Section 79C, Environmental Planning & Assessment Act, 1979.

DA Reference: DA06-1086

Address: 268 Guildford Road, Guildford

Applicant: H Hanna

Owner: As above

Date lodged: 30th November, 2006

The proposal: Alterations and additions to a single storey commercial premises, including a new first floor level to an existing pharmacy and doctor's surgery.

Description of site and locality: The site is located on the southern side of Guildford Road. Surrounding development is predominantly retail and commercial. Residential properties are located behind the shops in nearby streets.

Background: There is no background of relevance to the proposal. A DA for roller shutters on the building was recently refused by Council.

Conclusion:

Relevant matters pursuant to Section 79C of the EPA Act 1979 have been considered in the assessment of this proposal and it is concluded that the proposal is unsatisfactory, for the reasons outlined in this report.

1. MANDATORY REQUIREMENTS [S.79C(1)(a)]

Planning Instruments/Zoning:

The site is located in the 3(a) Centre Business zone. The proposal is permissible with the consent of Council. However, the proposal fails to satisfy the relevant aims of the zone, namely, to promote a high standard of development in the locality. This issue is discussed below.

Development Control Plans:

The site is subject to the relevant provisions of Parramatta DCP 2005.

Section 94:

There would be an 222.2m² increase in floor area, therefore Section 94 Contributions would apply.
PLEP 2001

<table>
<thead>
<tr>
<th>Control (max)</th>
<th>Standard</th>
<th>Proposal</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>FSR</td>
<td>2:1</td>
<td>0.94:1 (existing)</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.88:1 (proposed)</td>
<td></td>
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</tbody>
</table>

PDCP 2005

<table>
<thead>
<tr>
<th>Control</th>
<th>Standard</th>
<th>Proposal</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carparking</td>
<td>1 space per 50m² (8.8)</td>
<td>2 (existing)</td>
<td>No</td>
</tr>
<tr>
<td>Height</td>
<td>3 storeys</td>
<td>2 storeys</td>
<td>Yes</td>
</tr>
<tr>
<td>Side setbacks</td>
<td>Merit</td>
<td>Nil</td>
<td>Yes</td>
</tr>
<tr>
<td>Rear setback</td>
<td>Merit</td>
<td>Nil</td>
<td>Yes</td>
</tr>
<tr>
<td>Front setback</td>
<td>Nil</td>
<td>Nil</td>
<td>Yes</td>
</tr>
</tbody>
</table>

3. LIKELY IMPACT of the DEVELOPMENT [Section 79C(1)(b)]

3.1 Site Analysis (constraints, opportunities, air & microclimate):

The site is capable of accommodating the proposed use. However, issues in relation to parking and the BCA have not been addressed by the applicant.

3.2 Siting & Design:

The design of the proposal has failed to take into consideration disabled access.

3.3 Landscaping, tree removal, flora & fauna:

No landscaping of significance on the site.

3.4 Access, Traffic & Parking:

The carparking requirement is a minimum outlined in PDCP 2005. The carpark at the rear caters for 2 vehicles and would fail to meet the minimum requirement of 8 as outlined in the DCP. The applicant was asked to justify the carparking shortfall, by way of letter dated 15th December, 2006, but has failed to respond to date. The DA was referred to Council’s Traffic Engineer who provided the following comments:

"The proposal does not comply with Council’s DCP. It is recommended that a parking demand be carried out in order to determine if the parking provision on-site is considered sufficient. The parking demand study should include the available parking spaces in the Council’s carparking area, as indicated in the Statement of Environmental Effects and on-street parking availability. For medical centre developments, it is desirable that a parking space for a disabled person be provided on site which is to be included with the total parking provision.

It is noted that a bus zone exists near the site, fronting the building. As the location of the proposed medical centre is in close proximity to nearby shops in Guildford and with existing bus services, the parking demand may be reduced subject to the confirmation of the parking demand survey.

The current DA, as submitted to Council, cannot be supported due to insufficient parking spaces provided on site. It is recommended that a parking demand study be submitted to Council for consideration in order to determine if the parking provision on-site is considered sufficient. The parking demand study should include the available parking spaces in the Council’s carparking..."
3.5 Utilities/Infrastructure:

Existing services are considered capable of catering for the proposed development.

3.6 BCA Compliance:

Council’s Building Surveyor assessed the plans and has found them deficient and unsatisfactory. The following comments are made:

1. The distance of travel to the first floor stairway is over 30 metres (BCA requires a maximum of 20 metres)

2. Disabled access is required and is not indicated on the plans.

3. There are windows shown in the eastern wall which would require protection (i.e. sprinklers etc.). However, the BCA does not permit windows in walls which are less than 1 metre from a side boundary.

4. This would therefore require mechanical ventilation for the first floor.

5. The rear southern elevation does not show a personnel door to garage.

6. Bollards would need to be incorporated in the garage to ensure egress is not compromised by vehicles parked in the garage.

A redesign of the proposed additions is necessary to comply with the BCA 2007. The proposal in its present form would not comply with the BCA 2007 and cannot be approved.

3.7 Heritage Impacts:

The site has no heritage or conservation significance.

3.8 Social & Economic Impact:

Subject to satisfying BCA and parking issues, the proposal is likely to be of suitable public benefit.

3.9 Noise & Vibration:

Not an issue.

3.10 Water Management (flooding, OSD, s.73 Certificate):

Existing facilities satisfactory.

3.11 Soil Management/Contamination: (acid sulphate, sediment & erosion control)

No access to soil.

3.12 Waste Minimisation/Management:

Unknown at this stage.
Security issues are currently being addressed by the applicant following the recent refusal of the DA for roller shutters on this site.

3.14 Impacts during Construction:

Minimal impacts on residential properties. The proximity of residential premises is not near enough to have any significant impact.

3.15 Signage

No signs are shown on the submitted plans.

4. Suitability of the Site for the Development [s.79C(1)(c)]

4.1 Does the Proposal Integrate into the Locality?

The proposed development would integrate into the streetscape.

4.2 Is the Proposal appropriate for the Site? (alternatives/options)

The development is considered appropriate for the site and the locality, with most of the shops in this neighbourhood shopping centre being two storeys. However, Council cannot approve the DA in its current form.

5. Public Interest [s.79C(1)(c) & (e)]

<table>
<thead>
<tr>
<th>Notification/Advertisement</th>
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<tbody>
<tr>
<td>Notification occurred between 17th January to 7th February, 2007.</td>
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<table>
<thead>
<tr>
<th>Have amended plans been submitted?</th>
<th>No.</th>
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<table>
<thead>
<tr>
<th>Issue</th>
<th>Objections</th>
<th>Comments</th>
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<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Objections received?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Do the objections warrant refusal of the application or amendments?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(Provide details).</td>
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<td></td>
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<tr>
<td>Is approval of the application in the public interest?</td>
<td>X</td>
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</table>

The following issues have been raised in the submissions:

- The site access to level two is one access only and does not comply with the BCA
- The second level has no disabled access
- Level two has one access staircase which does not comply with fire regulations
- The plans do not show WC facilities for disabled persons
The plans do not show illuminated exit signs and system of emergency lighting in accordance with parts E4-2 and E4-4 of the BCA
- The plans do not show portable fire extinguishers according to part E1-6 of the BCA
- No ramp for the main entrance to the building
- No WC disabled for ground floor as well
- The access to the first floor is narrow for medical patients

Comment:

The proposal fails to satisfy the BCA in a number of respects. These will be highlighted in the reasons for refusal of the DA. Some of the aspects raised above are not required to be detailed at DA stage.

Damage to property

Comment:

This has been referred to Council’s Compliance Division for action.

6. RECOMMENDATION

Conclusion:

The proposal is considered to be unsatisfactory in its present form. Council is left with no alternative but the refuse to grant its consent.

Recommendation/Conditions:

Refusal, for the following reasons:

1. That the proposal does not address access and amenity considerations for disabled persons, thereby failing to comply with the relevant provisions of the Building Code of Australia 2007, the Disability Discrimination Act 1992 and Parramatta LEP 2001

2. That the proposal fails to satisfy the requirements of the Building Code of Australia in the following respects:
   (i) protection of walls and openings located on the boundary;
   (ii) disabled access; and
   (iii) travel distance at first floor level with only one means of egress.

3. That the plans are inaccurately drawn, vis-à-vis, no entry door is shown on the rear elevation.

4. That the proposal fails to comply with the minimum carparking rate outlined by Part 4.5.1 of Parramatta DCP 2005 and that no parking study has been submitted justifying the non-compliance.

5. That granting consent to the proposal in its current form would not be in the public interest.

Senior Planner: Alan Middlemiss

Service Manager: Scott Cox

30th May, 2007
### History of Development Application

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>30 November 2006</td>
<td>Original development application plans were submitted to Council, seeking first floor additions to the medical centre.</td>
</tr>
<tr>
<td>15 December 2006</td>
<td>Council wrote to applicant advising of issues in relation to parking, disabled access, quality of the design, lack of landscaping, overshadowing and inadequate DA fees having been paid.</td>
</tr>
<tr>
<td>17 January to 7 February 2007</td>
<td>Notification of DA. Receipt of two objections.</td>
</tr>
<tr>
<td>1 June 2006</td>
<td>DA refused by Council.</td>
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<tr>
<td>27 July 2007</td>
<td>Section 82A review for determination lodged with Council.</td>
</tr>
<tr>
<td>15 August to 5 September 2007</td>
<td>Notification off Section 82A review. Receipt of two objections.</td>
</tr>
<tr>
<td>30 October 2007</td>
<td>Receipt of amended plans.</td>
</tr>
<tr>
<td>3 November 2007</td>
<td>Council site inspection.</td>
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