
Proposal: Use of Units 7 and 8 of the Greenway Supacenta Complex for the purpose of a Health Services Facility including a medical centre and a private hospital

Location: Lot 1, DP 1136689, No. 1183-1187 The Horsley Drive, Wetherill Park

Owner: Greenway Australia Properties Pty Limited

Proponent: Gaintak Investments Pty Ltd

Capital Investment Value: \$8,716,650

File No: DA 398.1.1/2013

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Fairfield City Council

RECOMMENDATION

1. That the application proposing the use of Units 7 and 8 of the Greenway Supacenta Bulky Goods retail complex be approved subject to draft conditions as outlined in Attachment G of this report.
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SUPPORTING DOCUMENTS

AT-A	Locality Plan	1 page
AT-B	Architectural Plans	23 pages
AT-C	Statement of Environmental Effects	42 pages
AT-D	Traffic & Parking Report	68 Pages
AT-E	Letters of submissions	11 pages
AT-F	Legal Advice – Gadens Lawyers	9 Pages
AT-G	Draft conditions of consent	14 pages

EXECUTIVE SUMMARY

This application proposes the use of Units 7 and 8 of the Greenway Supacenta complex, at No. 1183-1187 The Horsley Drive, Wetherill Park, as a health services facility including a medical centre and private hospital. The proposal seeks approval for the fit-out and conversion of the existing approved bulky goods retail floor space within Units 7 and 8, including construction of a mezzanine level, into a one-stop medical centre complex incorporating a private hospital. Health services that will be incorporated into

the use will include Day Surgery, Medical Imaging, Medical Suites, Dental Clinic, Sleep Clinic, Pathology and Private hospital. The existing Fernwood Gymnasium presently operating on the first floor of Unit 7 will be retained.

The site is situated in the Fairfield Local Government Area within the Wetherill Park Industrial Estate. It is within the Greenway Supacentra bulky goods retail complex, located on the south-west corner of The Horsley Drive and Elizabeth Street. Also situated within the site is the Greenway Plaza bulky goods retail complex. These two (2) bulky goods retail complexes sit side by side and share common vehicular access points and car parking facilities.

The application has been submitted as a health services facility, which is permitted with consent within the B5 – Business Development zone pursuant to Fairfield Local Environmental Plan 2013 and State Environmental Planning Policy (Infrastructure) 2007.

The application was advertised in the local newspaper and notified to neighbouring properties in accordance with Fairfield City-Wide DCP 2013. Two (2) submissions were received in response to the public consultation process. One (1) supports the proposal; the other, a submission from a planning consultant for a nearby health care provider, objects to the application.

The issues of concern raised in the submission with respect to permissibility, adequacy of the documentation and impact upon the viability of surrounding businesses are considered to have been satisfactorily addressed by the applicant.

The application is required to be determined by the Joint Regional Planning Panel (JRPP) as the proposal exceeds the threshold Capital Investment Value of \$5million applicable to 'Private Infrastructure and Community Facility'.

The fundamental issues with the application relate to the permissibility of certain components of the development and the adequacy of the existing traffic and parking arrangements of the site in order to accommodate the demand generated by the proposed development.

An assessment of the application has concluded that the applicant has properly characterised the proposal as a Health Services Facility including the ancillary retail components (cafe/kiosk, pharmacy and gift/flower shop) of the development, which is permissible with consent within the B5 – Business Development zone under Fairfield LEP 2013 and Infrastructure SEPP. The issue of permissibility has been confirmed by the submission of legal advice submitted by the applicant.

In respect to traffic and parking implications of the development, it is considered that the applicant's traffic consultant has demonstrated that the proposal is unlikely to result in an unacceptable traffic, parking or servicing implications. Council's Traffic Engineer has assessed the submitted traffic report and is satisfied that sufficient parking is available to accommodate the

proposed use, and the proposed alterations to the traffic arrangements within the site are acceptable.

The existing centre contains a variety and scale of uses that generate significant traffic volumes to the site. Concern was raised that adding an additional large traffic generating development to the site may create adverse impacts on the local traffic system.

The site is presently provided with 672 car parking spaces. 624 car parking spaces are required for the centre based on Council's parking requirements. Therefore, there is a surplus of 48 car parking spaces presently on site.

The floor area, which is the subject of this application, being Units 7 and 8, generates 180 car parking spaces (which are presently provided on site) and will be utilised by the proposed development. The proposed development generates 216 car parking spaces representing a shortfall of 36 car parking spaces. However, as the site currently has a surplus of 48 car parking spaces, the additional car parking spaces generated by the proposal would be accommodated on site.

Notwithstanding the above, the development proposes 68 additional car parking spaces (31 spaces within Unit 7) and 37 spaces within The Horsley Drive frontage). In respect to the car parking spaces proposed along The Horsley Drive frontage of the site, this area is subject to road widening by the RMS. As such, it is proposed that a condition be incorporated into any consent requiring the relocation of 20 of these car parking spaces to the service lane. A plan showing the relocation of these spaces will be requested of the applicant. Furthermore, a condition is also to be imposed upon any consent requiring the removal of the additional car parking spaces proposed within this area should the RMS acquire this land for road widening or any other purposes in the future.

Based on the submitted documentation and the assessment of the application, it is recommended that the application be approved subject to the impositions of standard conditions.

SITE DESCRIPTION AND LOCALITY

The site is situated in the Fairfield Local Government Area. It is within the Greenway Supacentra bulky goods retail complex within the Wetherill Park Industrial Estate, being the largest industrial complex in the southern hemisphere as a hub for manufacturing in Greater Western Sydney.

The area is generally characterised by industrial developments and bulky goods retail complexes along The Horsley Drive. Exception being the properties on the opposite side of The Horsley Drive, which is the Wetherill Park residential suburb comprising of low density detached residential housing stock. These residences are separated from the industrial zoned lands by The Horsley Drive (a classified arterial road), local roads that run

parallel to The Horsley Drive and wide nature strips. The nearest residence is located approximately 270m from the site.

The site comprises Lot 1 in Deposited Plan 1136897 and is known as No. 1183-1187 The Horsley Drive, Wetherill Park. It presently contains two (2) bulky goods retail complexes located at the north-west corner of the intersection of The Horsley Drive and Elizabeth Street, Wetherill Park. These being the Greenway Supacenta bulky goods retail complex and the Greenway Plaza bulky goods retail complex. These bulky goods retail complexes share their driveways and parking facilities.

The site is almost a rectangular shaped allotment. It has a frontage of approximately 242metres to The Horsley Drive and 232metres to Elizabeth Street and with a depth and width of between 222metres and 229metres. It has a total site area of approximately 63,922m².

The existing retail and commercial buildings that form the Greenway Supacenta and Greenway Plaza are characterised as:

- Two – three storeys in height buildings with a 4 storey North Tower fronting Elizabeth Street and a South Tower fronting The Horsley Drive;
- The Greenway Supacenta and Greenway Plaza comprise of an L-shaped built form;
- The Greenway Supacenta comprises 14 units aligned with the south and west boundaries of the site. These units are being tenanted by bulky goods retailers including Supercheap Auto, The Good Guys, Officeworks, BCF Boating/Camping, Sneakers, Sweet Home Decore, Spotlight, Pet Barn, Bed R Us and Roads and Maritime Services and a coffee shop.
- The Greenway Plaza is to the north of the Greenway Supacenta, consisting of two buildings forming an 'L' shaped built form. The Greenway Plaza is being tenanted by Red Rooster, Subway, Guzman & Gomez restaurant, a gym supplies shop, Thai restaurant, Furniture store, seafood store, a butcher, baker, laundry mat, fruit shop and office premises.
- The buildings have smooth rendered finishes in white, grey, red and maroon colour scheme. They are provided with flat roofs behind parapet walls.

Vehicular access to the site is via multiple entry/exit points: an entry/exit driveway off The Horsley Drive; 2 separate entry/exit driveways off Elizabeth Street; and an exit only driveway off Elizabeth Street. The Horsley Drive driveway and the exit only driveway off Elizabeth Street are capable of accommodating semi-trailers.

The Greenway Supacenta and Greenway Plaza have combined car parking facilities that provide for a total of 672 car parking spaces.

BACKGROUND

- On 27 June 2013, the subject application was received by Fairfield City Council for the use of Units 7 & 8 of the Greenway Supacenta for the establishment of a medical centre including a private hospital.
- The application was advertised in the local newspaper and notified to neighbouring properties for twenty-one (21) days from 18 July to 8 August 2013. One (1) submission supporting the proposal was received during the notification period. A late submission was received from a planning consultant on behalf of a nearby health care provider objecting to the proposal.
- On 18 July 2013, a deferral letter was sent to the applicant requesting clarification / submission of additional information in respect to: updated Quantity Surveyor's report; rectify inconsistencies within documentation; rectify anomalies within traffic/parking report; and how the proposal meets the objectives of the zone.
- On 27 July 2013, a letter was sent to South Western Sydney Local Health District for comments.
- On 15 August 2013, a further letter was sent to the applicant in respect to traffic and parking issues, impact of use of sirens and lights of ambulance on nearby residences, and amended plans to show the location of relocated disabled spaces.
- On 21 August 2013, correspondence was received from the applicant in response to Council's letter dated 18 July 2013.
- A letter received from South Western Sydney Local Health District (5 September 2013) supporting the application on the basis *'it will provide additional choice for local residents in accessing needed health care services, where these residents are able to afford the private services on offer'*.
- On 11 September 2013, additional information was received from the applicant replying to Council's letter of 15 August 2013.
- Following a meeting with the applicant, a letter was sent to the applicant (30 October 2013) requiring the following matters be addressed: permissibility of various components of the project; clarification of the Capital Investment Value of the project; discrepancies in floor areas and parking be clarified; installation of traffic calming devices within the car park.

- On 26 November 2013, additional information was received in reply to Council's letter of 30 October 2013.
- On 2 December 2013, the application lodged with the JRPP, as its CIV now exceeds the \$5million threshold for 'Private Infrastructure and Community Facility'.
- A memorandum sent to Councillors by Council's Strategic Land Use Planning Section (2 December 2013) advising Council of the amended proposal and whether or not Council wished to make a submission to the JRPP. Council raised no objection to the proposal and did not make a submission to the proposal.
- Application was re-advertised in the local newspaper and re-notified to neighbouring properties for a further 21 days (12 December 2013 - 2 January 2014). A further submission in support of the proposal received from an adjoining property owner who previously made a submission endorsing the proposal.
- On 6 February 2014, the Sydney West Joint Regional Planning Panel was briefed of the proposal where a number of issues were discussed, including the need for the applicant to obtain legal advice demonstrating that the proposed pharmacy, café kiosks and gifts/flower shop are ancillary uses to the proposal and are permitted with consent.
- On 28 February 2014, the requested legal advice was received from the applicant in respect to permissibility.

PROPOSAL

Details of the application can be summarised as follows:

- The application originally sought approval for the use of Units 7 and 8 of the Greenway Supacentra as a medical centre incorporating a private hospital.
- As a result of concerns raised by Council regarding permissibility and the characterisation of the proposal, the application was amended whereby the development was changed to a health services facility in order to appropriately encompass medical centre, community health services, health consulting rooms and hospital.
- The amended application now proposes the establishment of a health services facility within Units 7 and 8 of the Greenway Supacentra bulky goods retail centre.
- The proposal provides for the internal fit-out of the presently vacant 2-storey Units 7 and 8 including the construction of a mezzanine floor for a

one-stop health services facility that will incorporate a medical centre, private hospital and various allied health services.

- Existing plasterboard partitions and bulkheads will be removed along with the creation of new openings within existing walls. These demolition works will be restricted to the confines of these units, except for the tenancy occupied by Fernwood Gymnasium on the first of Unit 7 which will continue to operate.
- No changes are proposed to the external structure of the building, apart from alterations to the Port Cochere.
- The following table outlines the various uses within the proposed health services facility, staffing levels, hours of operation and peak trading hours (AE Design Partnership 2013, pages 15-17).

Ground Floor 4,951m²	Use	Area (m²)	Staffing Levels	Hours Operation	Peak Times
1	Pharmacy	210	5	8am -12am	3pm – 6pm
2	Pathology	153	3	7am – 6pm	7am – 9am & 3pm – 6pm
3	Medical Imaging	680	7	8am – 6pm	3pm – 6pm
4	Day Surgery	972	20	7am – 6pm	7am – 10am
5	Allied Health 5 Doctors	201	6	8am – 6pm	By appointment – 15 -20 patients/hour
6	Health/Wellness/ Cafe	47	3	8am – 6pm	8am – 10am
7	Gifts Flower shop	50	1	8am – 6pm	8am – 10am & 3pm – 6pm
8	Lobby Lounge Wait Reception	324	0	24 hours	8am – 10am & 6pm – 8pm
9	Hydro Pool/Chemical Store	458	4	8am – 10pm	4pm – 10pm
10	Consulting rooms (7 doctors/7 rooms)	408	8	8am – 6pm	By appointment – 15 -20 patients/hour
11	Physio/Chiropractor (9 doctors/9 rooms)	265	10	8am – 8pm	4pm – 8pm
12	GP Clinic (6 doctors/6 rooms)	305	10	8am – 8pm	4pm – 8pm
13	Dental Clinic (4 doctors/4 rooms)	377	9	8am – 6pm	3pm – 6pm
14	Hypoxia Hyperbaric	342	4	8am – 8pm	4pm – 8pm
Mezzanine 2,018m²	Use	Area	Staffing Levels	Hours Operation	Peak Times
1	Medical Suites	1180	9	8am – 6pm	By appointment – 15 -20 patients/hour
2	Foyer	70	0	8am – 6pm	N/A
3	Reception	48	2	8am – 6pm	Courier
4	Board or Meeting Room	226	0	N/A	N/A
5	Admin, Records	225	2	8am – 6pm	N/A
First Floor 2,783m²	Use	Area	Staffing Levels	Hours Operation	Peak Times
1	Allied Health Speech	222	6	8am – 6pm	4pm – 6pm

	Pathologist				
2	Sleep Clinic	180	2	7pm – 7am	7pm – 7am
3	Private Hospital – 44 rooms	2381	22	24 hours	4pm – 8pm

- The operating hours of the proposed health services facility will be 24 hours a day, 7 days a week. The trading hours of the various uses will range between 10 hours and 24 hours.
- The proposal will accommodate a maximum of 134 staff during peak times of operation. These will include health care professionals, office administration and general employees working from the premises at any given time. At all other times it is expected that the use will accommodate up to 124 staff.
- The existing Fernwood Gymnasium, which occupies 988m² of floor area, will be maintained and continue to operate as existing.
- Vehicular access to the site is presently via multiple entry/exit points: an entry/exit driveway off The Horsley Drive, 2 separate entry/exit driveways off Elizabeth Street and an exit only driveway off Elizabeth Street. These will remain unaltered. However, in order to improve traffic circulation within the centre, it is proposed that internal roundabout be installed within the entry of the site to allow right turn movements (refer to Drawing No. 27 of Attachment B).
- The combined Greenway Supacenta and Greenway Plaza complex are currently provided with 672 spaces. The development proposes to provide 31 covered car spaces within the ground floor of the premises, reserved for doctors and health care professionals. The covered car park will include an ambulance bay and a loading bay for small delivery vehicles.
- 37 additional car spaces are proposed along The Horsley Drive frontage of the site, bringing the total number of car spaces on site to 740.
- Additional disabled parking spaces are proposed within the existing car park, near the entrance to the development.
- The main entrance to the development will be reconfigured to incorporate a 2 lane port cochere for ambulance parking and quick drop-off/pick-up of patients.
- Up to 16 deliveries per day by small vans are anticipated for the proposed health services facility.
- A 3-hour parking restriction is proposed to be applied to the car parking areas that are currently highly utilised by patrons (523 spaces). The remaining 217 underutilised car parking spaces are to be allocated to long term staff parking.

STATUTORY REQUIREMENTS APPLICABLE TO THE SITE

Fairfield Local Environmental Plan 2013

The subject site is zoned B5 Business Development under Fairfield LEP 2013. The proposed development, submitted as a health services facility, is permissible with consent within B5 zoned land.

Health services facility is defined by Fairfield LEP 2013 as follows:

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.

It is noted that the development incorporates three uses that have a general retailing component: pharmacy (201m²), Gifts/Flower shop (50m²), and Café/Kiosk (47m²) and Café/Lounge (102m²).

Under Fairfield LEP 2013, 'retail premises' are listed as prohibited in the B5 zoning table.

However, the provisions of SEPP (Infrastructure) 2007, which prevails over Fairfield LEP 2013, expressly permit health services facility as permissible with consent within B5 zone and retail shops are regarded as 'ancillary uses' to hospitals. As such, and as demonstrated below, the proposal is permissible with consent.

The objectives of the zone are as follows;

- a. *to enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- b. *To encourage the establishment of light industrial uses that are compatible with nearby residential areas, generate employment and contribute to the economic development of Fairfield.*

In relation to objective (a), the amended Statement of Environmental Effects argues that the proposed development will contribute to the commercial

viability of existing businesses within the Greenway Supacentra and Greenway Plaza, as it will attract high number of patrons to the centre.

In respect to objective (b), the applicant has submitted that the development is not only a permitted use but would also cater for day to day needs of workers and residents of the area, as well as contribute to the employment and economic development of the City through the provision of employment opportunities for 134 people.

It is considered that the applicant has sufficiently demonstrated that the proposal is consistent with the objectives of the B5 zone under Fairfield LEP.

State Environmental Planning Policy (Infrastructure) 2007

Clause 57(1) of State Environmental Planning Policy (Infrastructure) 2007 provides that:

57 Development permitted with consent

- (1) *Development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone.*

Clause 56 identifies B5 as a prescribed zone. As such, health services facility is a permitted land use with consent within B5 zoned land.

Health services facility is defined by the Infrastructure SEPP as:

***health services facility** means a facility 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 the following:*

- (a) *day surgeries and medical centres,*
- (b) *community health service facilities,*
- (c) *health consulting rooms,*
- (d) *facilities for the transport of patients, including helipads and ambulance facilities,*
- (e) *hospitals.*

Clause 5(1) of the Infrastructure SEPP provides that *a word or expression used in the Infrastructure SEPP has the same meaning as it has in the 'Standard Instrument' unless it is otherwise defined.* In this case, the Infrastructure SEPP does not contain a definition for 'hospital', but the Standard Instrument does, which relevantly reads:

***hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients*

are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,*
- (b) accommodation for nurses or other health care workers,*
- (c) accommodation for persons receiving health care or for their visitors,*
- (d) shops, kiosks, restaurants or cafes or take-away food and drink premises, (emphasises added)***
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,*
- (f) educational purposes or any other health-related use,*
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),*
- (h) chapels,*
- (i) hospices,*
- (j) mortuaries.*

Having regard to the above, the proposed health services facility including the proposed pharmacy, gifts/flower shop and café/kiosk and café/lounge is permissible with consent within B5 Business Development zone under the provisions of Infrastructure SEPP.

Fairfield City Wide Development Control Plan 2013

The submitted Statement of Environmental Effects, as prepared by AE Design Partnership dated November 2013 (refer to Attachment B), has provided an analysis of the proposal against the provisions of Fairfield City Wide DCP 2013, particularly Chapter 9 - Industrial Development and Chapter 12 – Car Parking, Vehicle and Access Management.

An assessment of the application against Chapter 9 of Fairfield City Wide DCP has found that the proposed development achieves compliance including the required landscape setback area. The existing landscaped area within The Horsley Drive frontage of the site exceeds the minimum required 10m wide landscaping area. However, it is noted that The Horsley Drive frontage of the site is subject to road widening. In this regard, should the RMS widen this part of The Horsley Drive, some of the proposed car parking spaces within The Horsley Drive frontage of the site would encroach upon the required 10m landscaped area.

Accordingly, and in order to maintain the integrity of Council's DCP in respect to landscaping, it is to be made as a condition of consent that the proposed 20 car parking spaces along The Horsley Drive frontage of the site be relocated to the area along the service lane of the site. An analysis conducted by Council indicates that the service lane has sufficient capacity to accommodate 20 car parking spaces.

The existing landscaping along The Horsley Drive frontages of the site is considered to be in less than satisfactory condition. Accordingly, a condition is to be incorporated into any approval requiring the submission of a landscape plan to and approved by Council prior to the issue of a Construction Certificate for the development requiring the upgrading of the

landscaping area along The Horsley Drive frontage of the site to incorporate lush shrubs and trees.

With respect to Chapter 12 of the Fairfield City Wide DCP relating parking, it is considered that the applicant has adequately demonstrated that the development complies with Council's parking requirements and sufficient car parking spaces exist within the centre to accommodate the proposed development, as detailed later in this report.

Overall, this report is satisfied that the applicant has satisfactorily demonstrated that the proposal is consistent with the objectives and relevant development standards of Fairfield City Wide DCP 2013.

INTERNAL REFERRALS

During the assessment process, comments were sought from a number of sections within Council, as detailed below:

Building Control Branch	No objection, subject to standard conditions
Development Engineering	No objection, subject to standard conditions
Environmental Management Branch	No objection, subject to standard conditions
Traffic and Road Safety Branch	No objection, subject to standard conditions See below for a more detailed assessment

Road and Traffic Safety Branch

Following discussions with Council, the applicant has amended the proposal incorporating the following amendments in respect to traffic and parking:

- Increase the amount of off-street parking by providing 37 new spaces on The Horsley Drive frontage of the site.
- Provision of 31 additional car parking spaces within the rear of Unit 7, accessible via the service access road and reserved for doctors and professionals. Loading/unloading as well as ambulance bay are provided within this area.
- Imposition of 3-hour restriction in the car parking areas that are currently highly utilised by patrons (523 spaces). The 3 hours parking limit is to be enforced by the Centre Management with regular number plate checks.
- Allocate currently underutilised car parking spaces for staff use (long-term parking) (217 spaces). Staff vehicles to display a form of identification (such as a sticker) to assist Centre Management with the enforcement of the parking arrangement.

- Improve traffic circulation on site by incorporating amendments to the 'tear drop' traffic islands (internal roundabouts) to allow vehicles to make right turn movements near The Horsley Drive and Elizabeth Street entry/exit driveways. These will allow vehicles to circulate within the car park, rather than having to exit the site and then re-enter again, as is the current case. In order to facilitate traffic circulation, the applicant proposes to install regulatory "Give Way" signs at the gap in the islands to ensure that right of way is given to the main spine of the car parking area.
- Installation of traffic calming devices at the entry/exit points of the proposed porte-cochere in order to slow vehicles and improve safety for pedestrians.

Council's Traffic and Road Safety Branch is satisfied that the above proposed traffic measures will assist with the management of the car park in ensuring the availability of the highly occupied sections of the car park for visitors to the centre. It also accepts that the amended traffic and parking assessment report has demonstrated that there will be sufficient car parking spaces to cater for the development.

Therefore, Council's Traffic and Road Safety Branch raise no objection to the proposal regarding traffic and parking matters.

EXTERNAL REFERRALS

South Western Sydney Local Health District

The South Western Sydney Local Health District in its correspondence dated 5 September 2013 supports the proposal in that *it will provide additional choice for local residents in accessing needed health care services, where these residents are able to afford the private services on offer.*

It further states: *The DA refers to a trending upwards of the ageing population. This is particularly true for the very old age cohorts which make a high demand on health care, particularly in chronic care e.g. (sic) the Fairfield population aged 85 years or older is projected to increased by 49% in the decade 2011-2021, a much higher increase than the 30% average growth in NSW projected for this age cohort. Therefore, the focus of the private hospital component of the DA on providing sub-acute rehabilitation and chronic care is an appropriate response to expected demand trends. Our projections indicate that there will be a significant increase in demand for sub-acute rehabilitation from Fairfield residents over the decade 2011-2021, in the order of 70% increase for episodes of care. Meeting this increased demand will require an increase in rehabilitation capacity in Fairfield and a contribution from the private section in providing for the overall increase in capacity required would be welcome.*

TOWN PLANNING ASSESSMENT

Permissibility

The subject site is zoned B5 Business Development pursuant to Fairfield LEP2013. The application has been submitted as a Health Services Facility, which is permissible within B5 zoned land under Fairfield LEP 2013.

Health services facility is defined by Fairfield LEP 2013 as follows:

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.

It is noteworthy that the proposed development includes three uses that have a general retailing component: pharmacy (ground floor - 210m²), Gift/Flower shop (ground floor - 50m²), and Café/Kiosk (ground floor - 47m²) and Café/Lounge (first floor - 102m²).

Under the Fairfield LEP, general retailing is a type of 'retail premises'. 'Retail premises' are a type of 'commercial premises', which are listed as prohibited in the B5 zoning table.

Consideration must also be given to the provisions of SEPP (Infrastructure) 2007 on the basis that health services facility is expressly identified as permissible with consent within B5 zone pursuant to the SEPP.

Pursuant to Clause 1.9 of Fairfield LEP 2013, the provisions of SEPP (Infrastructure) override the Fairfield LEP 2013, and the above uses are permissible under the Standard LEP Group Term of 'health services facilities' via the specific definition applying to hospitals which permits shops and cafes as underlined below;

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,

- (d) **shops, kiosks, restaurants or cafes or take-away food and drink premises,**
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

On the basis of the above, it can be concluded that the general retailing component of the development relating to a pharmacy, gifts/flower shop and café/kiosk and café/lounge are considered to be ancillary facilities to the hospital aspect of the proposal. Accordingly, the proposed development is permitted with consent within B5 Business Development zone.

Legal Advice

In response to concerns raised during the assessment of the application in respect to permissibility, particularly the retailing aspect of the development associated with the proposed pharmacy, cafe/kiosk and gifts/flower shop, the applicant has obtained legal advice on this matter.

The legal advice provided advice in respect to whether the proposed pharmacy, café/kiosk and gifts/flower shop component of the development are ancillary uses to the proposed health services facility, and whether these uses are permitted with consent within the relevant zone.

The legal advice from Gadens Lawyers can be summarised as follows (distributed separately):

The cafe/kiosk will be 'take away food and drink premises'. This type of development is expressly 'permitted with consent' in the B5 zone under the LEP. The LEP's prohibition on 'commercial premises' in the B5 zone does not include 'take away food and drink premises'.

Furthermore, Gadens advised that the cafe/kiosk will be an 'ancillary facility' of the health services facility in that a health services facility is permissible with consent under the Infrastructure SEPP, which overrides Fairfield LEP. As such, the cafe kiosk is permissible with consent.

In respect to the gifts/flower shop and pharmacy, Gadens advised that *the gifts/flower shop and the pharmacy are both 'shops' within the meaning of the Standard Instrument. As such, both will be 'ancillary facilities' of the health services facility.*

The presence of the gifts/flower shop and the pharmacy within the development proposal does not, as a matter of law, prevent development consent from being granted to the development application.

On the basis of the applicant's legal advice and an assessment against Fairfield LEP 2013 and Infrastructure SEPP in respect to permissibility, this report is satisfied that the pharmacy, gifts/flower shop and cafe/kiosks component of the application are ancillary uses to the proposed health services facility. Accordingly, there does not appear to be any impediment for the granting of consent to the proposed development, as health services facility is permitted (with consent) within B5 zoned land.

Traffic and Parking

The application is accompanied by a Traffic and Parking Assessment Report as prepared by Terraflow Pty Ltd dated 22 November 2013 (refer to Attachment D) that provides an analysis of the traffic, parking and servicing implications of the proposed development. It also provides an assessment of the adequacy and suitability of the Greenway Supacentra and Greenway Plaza to accommodate the proposed development.

The Greenway Supacentra and Greenway Plaza presently have combined total of 672 car parking spaces.

Applying Council's DCP requirements with respect to parking (Chapter 12 of Fairfield City Wide DCP) the applicant's traffic consultant has calculated the maximum parking demand generated by the existing centre is 624 spaces. This figure is derived from the following calculation:

Retail	3,365.4m ² @ 1 space per 40m ²	84.1 spaces
Commercial Office	939m ² @ 1 space per 40m ²	23.5 spaces
Bulky Goods Retail	22,758.3m ² @ 1 space per 50m ²	455.2 spaces
Restaurant	322m ² @ 1 space per 25m ²	12.9 spaces
Red Rooster	16 seats @ 1 space per 2 seats	8 spaces
Fernwood Gymnasium	25 daytime parking spaces	25 spaces
Coffee Shop	104m ² @ 1 space per 7m ²	14.9 spaces
Total		624 spaces

As such, the existing centre presently has a surplus of 48 car parking spaces on site.

In addition to determining the parking generated by the existing centre, the applicant's traffic consultant conducted a parking survey on Thursday 4 April 2013 and Saturday 6 April 2013 for the centre in order to ascertain the peak operating capacity of the complex. Presumably, these days were selected because they would be the busiest trading days for the centre. The findings of the surveys (as detailed on page 9 of Terraflow Report 2013) were as follows:

- The peak parking accumulation recorded on Thursday was at midday at 464 vehicles and there was a surplus of 212 unoccupied car parking spaces on site.

- The peak parking accumulation recorded on Saturday was at 11am at 449 parked vehicles, resulting in 227 surplus unoccupied car parking spaces on site.

Given that the applicant's parking surveys were carried almost one year ago, and there have been a number of new traffic generating tenancies opened at the Greenway Plaza since, such as the new Guzman & Gomez Mexican fast food outlet, a parking count of the centre was carried out by the author of this report. This parking count, conducted between 12noon and 12.30pm on Friday 28 March 2013, found that there were 139 unoccupied car parking spaces. The unoccupied car parking spaces were observed generally along The Horsley Drive frontage and the service access road of the site and the basement car park, which is consistent with the applicant's parking surveys.

Whilst the parking count/surveys indicate a discrepancy of between 73 and 88 car parking spaces between both survey data, it is clear that there are surplus car parking spaces within the centre sufficient to cater for the proposed facility.

The existing floor space of Units 7 and 8 yields a parking demand of 180 car parking spaces, when applying Council's parking requirements. These car parking spaces will be utilised by the proposed health services facility. The proposed mezzanine floor, with a floor area of 2,018m², generates 40 car parking spaces when Council's parking rate for bulky goods is applied. Therefore, the total number of car parking spaces required for Units 7 and 8 would be 220.

The applicant's traffic consultant's assessment of the parking demand by the proposed health services facility generates a peak parking demand of 216 car parking spaces based on the RMS and Council's parking requirements (refer to Attachment D - Terraffix 2013, page 23). This represents a shortfall of 36 car parking spaces.

The application proposes to overcome the shortfall of car parking spaces by providing an additional 68 car parking spaces on site as follows:

- Use of the rear proportion of the ground floor of Unit 7 to provide 31 car parking spaces that will be accessible via the service road that circles the perimeter of the Supacenta complex. This car park will be reserved for doctors and professionals and will also contain an ambulance bay and a loading bay for small delivery vehicles, such as vans.
- The provision of an additional 37 car parking spaces along The Horsley Drive frontage of the site.
- Provision of additional disabled car parking spaces within the existing car park, near the entrance to the health services facility.

In respect to the proposed 37 car parking spaces along The Horsley Drive frontage of the site, it is noted that this area is zoned SP2 Infrastructure under Fairfield LEP 2013. Clause 5.1 of the LEP identifies the Roads and Maritime Services as the relevant acquisition authority in respect to SP2 zoned land.

Council's Traffic Engineer has confirmed that it does not appear as though the RMS has any short-term plan to acquire this part of the site for any road widening purposes associated with The Horsley Drive. In addition, a title search conducted by Council did not reveal any proposed road widening along this part of The Horsley Drive that would prevent the provision of the additional 37 car parking spaces.

The RMS has indicated via an email that it has no objection to the proposal on Property grounds on the basis that any new building or structures (including parking spaces) are erected clear of the land required for road. Also, it advised that the proposed car parking spaces shall not compromise the integrity of its drainage easement along The Horsley Drive frontage of the site. In this case, the proposed additional car spaces within The Horsley Drive frontage of the site appear to be clear of the land required for road and drainage easement.

Notwithstanding such, and given that the RMS may in the future acquire the SP2 Zoned land along The Horsley Drive frontage of the site, it is considered appropriate that consent conditions be formulated that in the event that the RMS acquires the SP2 zoned land for road widening purposes, the applicant shall relocate the car parking spaces along The Horsley Drive frontage of the site elsewhere on the site and the landscape area be re-instated. This approach is consistent with the consent conditions of a previous approval that allowed the provision of additional car parking spaces along The Horsley Drive frontage of the site for the centre.

However, and in order to maintain the existing landscaping along The Horsley Drive frontage of the site, and as alluded to above, scope exists for 20 of the proposed additional car parking spaces to be relocated to the service access road that circles the perimeter of the Greenway Supacenta. Accordingly, it is proposed that conditions be incorporated into the approval requiring the relocation of the 20 additional car spaces to the service lane.

The SP2 zoned land is allowed to be used for the purposes of providing additional car parking spaces for the centre, pursuant to Clause 5.3(1) and (2) Development near zone boundaries, which relevantly states:

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres from land in Zone SP2 Infrastructure, or 1 metre in all other cases.*

In respect to traffic and parking implications of the proposal, Council's traffic Engineer advises as follows:

- The findings of the traffic and parking assessment report are acceptable and the proposed provision of onsite car parking will satisfy the parking rates required under Council's City Wide DCP for the use of the subject development as a health services facility.
- The traffic study shows that there will be some likely dual and complementary uses of the proposed development with other established commercial use of other units. The study also shows that there are some underutilised parking areas at this development.
- To improve the utilisation of the underutilised car parking areas (to ensure their accessibility for both pedestrians and vehicles) it is recommended measures be included to:
 - Improve pedestrian accessibility and visibility of car parking areas to be utilised in the development (e.g. directional signage/instructions).
 - Improve traffic circulation on site by incorporating amendments to the 'tear drop' traffic islands to allow vehicles to make turn movements near The Horsley Drive and Elizabeth Street entry/exit driveways. These will allow vehicles to circulate within the car park, rather than having to exit the site and then re-entry again, as is the current case.
 - Designate underutilised car parking areas for long-term staff car parking. This will relieve some of the fully utilised parking area for the high-turnover demand shown by patrons to the development. These spaces are to be appropriately marked and signposted for staff only use.
 - The introduction of short term (i.e. 3-hour parking) for the highly utilised car parking areas where car parking spaces are 90% occupied at its peak operation times.

In view of the applicant's Traffic and Parking Assessment report and the assessment conducted by Council's Traffic Engineering Branch, it can be concluded that the applicant has adequately demonstrated that the centre has sufficient car parking spaces to accommodate the proposed development. Also, the proposed measures to the car parking arrangements would satisfactorily improve vehicle circulation within the car park.

PUBLIC NOTIFICATION

In accordance with Fairfield City-Wide Development Control Plan 2013, the application was advertised in the local papers and notified to adjoining and

surrounding owners and occupiers for a period of twenty-one (21) days on two (2) separate occasions. The initial notification period was from 18 July 2013 to 8 August 2013. One (1) submission in support of the proposal was received during this notification period. A late submission from a planning consultant representing a nearby health care provider objected to the application. The concerns raised include permissibility and inconsistencies between the documentation and impact on the nearby health care provider.

The amended application was advertised in the local paper and notified to adjoining and surrounding owners/occupiers for twenty-one (21) days from 12 December 2013 to 2 January 2014. A letter of support was received from the same person who previously supported the proposal.

The following comments are provided with respect to the issues of concern as raised in the submission:

Notification

The objector raised concerns in respect to the adequacy of the application and requested that the application be renotified when deficiencies raised by Council and additional information has been submitted in order to afford them an opportunity to properly consider the appropriateness of the application.

The amended application was advertised in the local paper and notified to neighbouring residents in accordance with Council's Notifications Policy.

Permissibility

The issue pertaining to permissibility of the proposal is addressed in detail elsewhere in the report. It is considered that the development is now properly characterised as a health services facility, which is permissible with consent within B5 Business Development zone under Fairfield LEP 2013 and the Infrastructure SEPP.

Capital Investment Value

The proponent has submitted a revised Quantity Surveyor's report for the subject Development Application attesting that the estimated gross construction cost for the proposed building works including the Hydrotherapy Pool and fitout works to the Specialised Area is \$8,716,650.

Accordingly, the application exceeds the \$5million threshold applicable to the category of 'Private Infrastructure and Community Facility'. As such, the application is required to be determined by the JRPP, not Fairfield Council as originally nominated by the applicant.

Fit-out Compliance

It is proposed that conditions be incorporated into any Development Consent for the subject application requiring the lodgement of separate Development

Application for the fitout of the individual tenancy prior to the occupation of such tenancy.

SEE Omissions

It is noted that the originally Statement of Environmental Effects accompanied with the application contained some errors and did not adequately address certain aspects of the development. However, the amended Statement of Environmental Effects prepared by AE Design Partnership dated November 2013 (refer to Attachment B) is considered adequate to enable a proper assessment of the proposal and its suitability for the site and locality.

Mezzanine

The amended application has clarified that 2,086m² of mezzanine floor is proposed to be constructed within Units 7 and 8. The proposed mezzanine floor will contain 9 medical suites, seminar/training room, storage archives, administration management/E records staff change room, foyer and a reception lounge.

Traffic

An updated Traffic and Parking Assessment Report as prepared Terraffic Pty Ltd, dated 22 November 2013 (refer to Attachment D) has been submitted in response to discrepancy in floor areas for the proposal and car parking numbers. The anomalies between the traffic report and the SEE have been rectified.

SEPP Infrastructure

The objector requested Council to consider whether the application is required to be referred to the Roads and Maritime Services. A review of the Infrastructure SEPP indicates that the proposal is not listed within Schedule 3 of the SEPP as a traffic generating development. Accordingly, the application is not required to be referred to the RMS for comments/concurrence.

Ambulance

The applicant has advised that the proposed health services facility will only receive patient transport vehicles that will not require the use of sirens. Council's Environmental Management Section is satisfied that noise from ambulance sirens is not an area of significant concern.

Furthermore, the amended SEE states that the services provided by the proposal will be occupational, as opposed to medical emergencies which will be taken to Fairfield Hospital.

In respect to the frequency of ambulance services, the applicant anticipates that the proposal is unlikely to require more than one ambulance service per fortnight.

Training/Conference Facility

The amended application has clarified that the proposed seminar/training room within the mezzanine level of the development will be used exclusively for the proposed health services facility staff for staff and board meetings. It is not intended to be a function centre as suggested by the objector. On this basis a condition is to be incorporated into any approval stipulating that the seminar/conference room shall only be used by the health services facility staff for staff and board meetings and not be used leased out for external functions/conferences.

Gross Floor Area

The discrepancy in the gross floor areas of the development identified by the objector and Council have been clarified within the amended SEE and the amended architectural drawings.

Private Hospital

The proposed health services facility incorporates a 44 bed private hospital, a sleep clinic, medical centre and an array of allied medical uses. As articulated earlier in this report, health services facility is a permissible use with consent within B5 Business Development under Fairfield LEP 2013 and the Infrastructure SEPP.

The objector raised concerns that the scale and magnitude of the proposed health services facility, having close to 10,000m² of floor area, is likely to have an impact upon the viability of a nearby private health service provider presently operating from Fairfield Hospital. Whilst the concerns raised have been noted, it is considered that insufficient evidence exists to suggest that the proposed health services facility would have any significant adverse impact upon the viability of any businesses including private health care providers within the locality. Also, the objector has not provided any evidence suggesting otherwise.

As outlined earlier in this report, the submission from the South Western Sydney Local Health District welcomes the proposal and has advised that the proposal *will provide additional choice for local residents in accessing needed health care services, where these residents are able to afford the private services on offer.*

Overall, it is considered that insufficient evidence exists for the rejection of the application on the grounds that it may have an impact on the viability of nearby businesses and/or health care providers.

SECTION 94A CONTRIBUTIONS

Fairfield Council's Section 94A Developers Contributions Plan is applicable to the proposed development. The payable Section 94A Developer Contributions fee for the proposed development is \$87,165.50, which is equivalent to 1% of the total cost of the development.

Section 79C Considerations

The proposed development has been assessed and considered having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment (EP&A) Act 1979 and no issues have arisen that would warrant the application being refused on planning grounds. The following is a brief assessment of the proposal with regard to Section 79C.

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) Any environmental planning instrument

Comment:

The subject site is zoned B5 – Business Development under Fairfield LEP 2013, within which the proposal is permissible with consent. It is noted that the proposal contains general retailing component relating to a pharmacy, cafe/kiosk and gifts/flower shop, which are uses identified as prohibited within B5 zone under Fairfield LEP 2013.

However, the provisions of Infrastructure SEPP overrides the Fairfield LEP 2013, and these uses are permissible under the Standard LEP Group Term of 'health services facility' via the specific definition applying to hospitals, which permits shops and cafe.

It is considered that the proponent has demonstrated that the proposal meets the objectives of the zone.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

Comment:

There is no draft environmental planning instrument that is relevant to the proposal.

(iii) *any development control plan, and*

Comment:

The proposal is consistent with the provisions of Fairfield City Wide Development Control Plan 2013.

(iv) *the regulations (to the extent that they prescribe matters for the purpose of this paragraph)*

Comment:

The application satisfies the statutory requirements of Fairfield LEP 2013.

b *the likely impact of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

Comment:

It is considered that the proposal will not result in a negative impact on the natural and built environment. The proposal will provide social and economic benefits to the community.

c *the suitability of the site for the development,*

Comment:

The site is considered suitable for the proposed development. There are no known constraints which would render the site unsuitable for the proposed development.

d *any submissions made in accordance with this Act or the regulations,*

Comment:

All submissions made with regard to the application have been considered in the assessment of the application.

e *the public interest*

Comment:

It is considered that the public interest has been taken into account with regard to the assessment of the application.

CONCLUSION

In conclusion, the proposed health services facility is permissible with consent in B5 Business Development zone pursuant to the provisions of Fairfield LEP 2013 and Infrastructure SEPP. Furthermore, the legal advice submitted with the application has contended that there is no legal impediment with respect to the permissibility matters raised in granting consent for the proposed development.

It is considered that the applicant has sufficiently demonstrated that the proposed development is appropriate and suitable for the Greenway Supacentra and the locality, and the development is unlikely to adversely impact any neighbouring retail/commercial or residential developments.

Overall, this report is satisfied that the development is likely to make a positive contribution to the area in offering much needed health services facility to the locality. Accordingly and notwithstanding the submissions received, the application is considered worthy of support.

RECOMMENDATION

That the application proposing the use of Units 7 and 8 of the Greenway Supacentra bulky goods retail complex for the purposes of a health services facility including a medical centre and a hospital be approved subject to draft conditions as outlined in Attachment G of this report.