



Council approvals

Your local council is now all that stands between you and your dream

By Genna Levitch, BDS

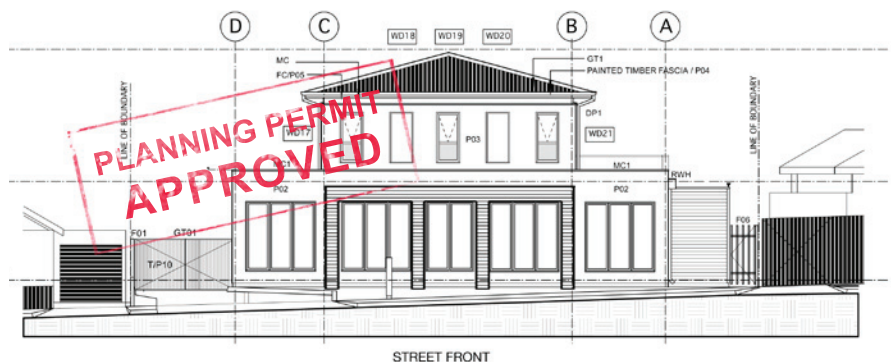
You have secured your premises and now you need council approval. Councils have a notorious reputation and it is only natural to want to ignore them. Dealing with public servants is considered a sure way to bring about a Kafkaesque descent into a regulatory quagmire.

We are often asked, “Why do I need council approval? There is a vet/doctor/accountant across the road. That should mean I’m OK? There is plenty of car parking in the street. I don’t think I’ll bother with council this time.” The short answer to that is:

1. If your premises were previously used (for example) as a residence, shop or office and you want to now use it for healthcare, that change is defined as “a material change of use” and by law requires council approval;
2. If you don’t have council approval and a complaint is made to council, council has the power to close your business and/or fine you until you comply with regulations; and
3. If you don’t have approvals and there is a fire or a patient trips and breaks a leg, your insurance could be void if you have not complied with regulations.

So council approval is required unless there is an existing medical/dental use and approval for the site.

Councils have the duty to control the type and density of uses for land. They do this by zoning land for specific usage. They



are also responsible for roads, parking, water sewage and waste removal. They have the power to control development so these services are not over-stretched.

Some dentists and doctors feel council should go easy on them as they are providing a valuable community service. Councils have no capacity to assess the quality of care you provide, nor can they take that into account as it is up to APHRA and other government agencies to provide controls over practitioner conduct. All councils do is look at the planning laws and implement them.

State governments have passed Environmental Planning and Assessment Acts which allow councils to formulate local codes, called Local Environmental Plans (LEP’s) and Development Control Plans (DCP’s), which cover these requirements. If you are planning to erect a new building

or change the exterior of an existing building, a lot more codes need to be satisfied than an interior fitout of a tenancy. You can save a lot of time and effort by using a Town Planner, a Designer or an Architect who is properly briefed and has experience dealing with councils.

The purpose of using experts is to reduce costs. You could submit a simple application to council only to find a minor piece of information was missing. Council will tell you what is missing, but not how to correct it. They expect you to know the codes and they are not obliged to explain them to you. It may take anything from a few weeks to several months to have an application processed. Add any corrections to this little exercise and it can increase the time required by weeks or months. If the clock is ticking on your lease, any delays add to your budget.



An early visit to the planning department is invaluable. It is vital to make sure you ask to speak to the Town Planner who will be handling your approval. Too often enquires at the front counter or phone are

“An early visit to the planning department is invaluable. It is vital to make sure you ask to speak to the Town Planner who will be handling your approval. Too often enquires at the front counter or phone are handled by a ‘duty planner’ in the Town Planning department who is manning the front desk...”

handled by a ‘duty planner’ in the Town Planning department who is manning the front desk. This is usually a junior member of the team whose advice can often be misleading or absolutely incorrect! There is no recourse if you act on incorrect or

partial advice. Councils are not bound by their own advice, verbal or written! Speaking to the right person reduces the risk of incorrect information and allows you to establish some knowledge of how the council system operates.

We have had recent instances where dentists have acted on the advice of junior town planners and brought properties that proved on more thorough investigation to be unsuitable for development.

Some states have passed legislation that has allowed councils to outsource their approvals by allowing a Private Certifier to assess applications. Once again there is higher cost than council fees, but Private Certifiers are usually quicker and more accessible. If available, they are recommended.

The approval process has two stages:

1. Planning Permit

Plans are submitted that present what is being proposed:

- medical/dental usage;
- number of rooms;
- use of each room;

- entrances and exits;
- disabled access; and
- number of car spaces provided.

If approval is given, it is accompanied by ‘Conditions’ that specify what areas require responses. For example, how will the fire rating, disabled access and structural alterations be fulfilled?

2. Construction Certificate

Plans and specifications are submitted that detail how council requirements are to be satisfied during the building stage.

Once approval is given, construction can begin. Council will inspect the building works at the end of construction, pre-occupancy, to check compliance. If all is in order, a Certificate of Occupancy will be issued and it is time to start the real work!

The 3 stages of the design process is the topic for the next edition.

About the author

Dr Genna Levitch is a principal of Levitch Design Associates. He has had 25 years experience in private practice can be reached on (02) 9496-5700.