

SUPPLEMENTARY REPORT

DEVELOPMENT APPLICATION FOR THE DEMOLITION OF THE EXISTING STRUCTURES AND THE CONSTRUCTION OF A THREE TO SIX STOREY MIXED USE DEVELOPMENT CONTAINING 102 RESIDENTIAL APARTMENTS, COMMERCIAL TENANCY AND BASEMENT CAR PARKING

JRPP Ref. No.	2012SYE031
D/A No.	DA-69/2012
Property	Nos. 359-365 Beamish Street and 33-35 Unara Street, Campsie
Proposal	Demolition of the existing structures and the construction of a three to six storey mixed use development containing 102 residential apartments, commercial tenancy and basement car parking
Zoning	Part Business Office 3(e) and Part Residential 2(c) under the provisions of the Canterbury Planning Scheme Ordinance
Applicant	365 Beamish Pty Ltd
Report By:	Stephen Pratt – Team Leader Development Assessment

INTRODUCTION

Following the completion of the planning assessment report prepared in relation to the above matter, the applicant's representatives have forwarded a further submission to the Secretariat of the Joint Regional Planning Panel for their consideration at the meeting on 15 August 2012.

The matters raised in the applicant's submission prepared by Urbis, dated 13 August 2012 include concerns about Council's rationale for the treatment of the 'multi-purpose rooms' within certain apartments and the wording of related conditions, including draft Condition 5.3 which requires certain amendments to apartment layouts and the resulting Section 94 contribution conditions reflecting the approved layout of the development.

The following supplementary report aims to address these matters from Council's perspective and where appropriate, make necessary amendments to the proposed draft conditions of consent provided in the original report to the Joint Regional Planning Panel - East.

APPLICANT'S SUBMISSION

A variety of the apartments in a number of levels of the proposed development provide spaces referred to by the applicant as 'multi-purpose rooms'. These spaces range from minor extensions to the living areas of certain apartments to separate rooms capable of being used as bedrooms.

The applicant has submitted that the multi-purpose rooms have been included in the apartment layouts to provide the 'most marketable apartment mix' and layouts to 'suit the target market'. The applicant submits that the rooms provide flexibility to

accommodate activities such as a study, media room, children's play room, hobby room, gymnasium or even storage. For these reasons, the applicant has requested that draft Condition 5.3 be deleted. This condition reads as follows:

- 5.3 *Amendments shall be carried out to the layouts of Apartments G-02, G-06, 1-07, 1-08, 1-12, 2-07, 2-08, 2-12, 3-07, 3-08, 4-07, 4-08, 5-07 and 5-08 by the removal of wall/s to ensure that those spaces (referred to as '+1' areas) are not capable of being used as separate bedrooms and become extensions to proposed living spaces to ensure compliance with the provisions of Council's Development Control Plan No. 20 – Car Parking. Details shall be provided with the application for the Construction Certificate.*

The applicant's submission also states that should the panel not accept their arguments with respect to these matters, they are willing to consider a compromise position which involves a revision of the wall lengths separating the multi-purpose rooms from the adjoining area to 50 per cent of that length for those units that act as a natural extension of the proposed living areas. This compromise position would require the amendment to the wording of Condition 5.3 to read as follows:

- 5.3 *Amendments shall be carried out to the layouts of Apartments G-06, 1-08, 1-12, 2-08, 2-12, 3-08, 4-08, and 5-08 by the modification of wall/s to ensure that those spaces (referred to as '+1' areas) are not capable of being used as separate bedrooms and become extensions to proposed living spaces to ensure compliance with the provisions of Council's Development Control Plan No. 20 – Car Parking. Details shall be provided with the application for the Construction Certificate.*

COUNCIL'S POSITION

Council's position on this matter has been that any space that is capable of being used as a bedroom should be treated as such, may have implications on the proposal's compliance with off-street car parking requirements, and on the Section 94 Contribution calculations. The additional submission prepared by the applicant has been considered and the following comments are made:

- There are 29 apartments within the proposed development which contain multi-purpose rooms.
- Multi-purpose rooms within the proposal which do not contain windows are not capable of being used as bedrooms. As such, the multi-purpose rooms within Apartments G-02, 1-02, 1-03, 1-07, 1-11, 2-02, 2-03, 2-07, 3-07, 4-07 and 5-07 should not be considered as bedrooms for the purposes of off-street car parking or Section 94 contribution calculations.
- There are a number of multi-purpose rooms within the proposal that are not of sufficient dimensions to accommodate bedroom furniture and therefore should also be excluded for the purposes of off-street car parking or Section 94 contribution calculations. These spaces are contained within Apartments G-14, 1-13, 1-22, 2-11, 2-13, 3-11, 4-03, 4-11 and 5-03.
- The multi-purpose room within Apartment G-03 is an extension of the living space and has not been considered as a bedroom.
- The remaining apartments that contain multi-purpose rooms are considered of sufficient dimension to be capable of being used as a bedroom (the minimum dimension is 2.4 metres) and as such, are considered as bedrooms for the purposes of off-street car parking or Section 94 contribution calculations. If an amendment to the layouts of these apartments is carried out in accordance with draft Condition 5.3 below, the proposed development will maintain compliance

with the requirements of Council's Development Control Plan No. 20 - Car Parking.

- Based on the applicant's submission, including the compromise position, the resulting apartment mix is as per the applicant's original submission, namely 55, one bedroom apartments, 46, two bedroom apartments and 1, three bedroom apartments. As a result, the Section 94 contributions condition will require amendment to reflect the above apartment mix.

Canterbury Development Control Plan No. 20 – Car Parking

Having regard to the following discussion, the compliance table relating to Development Control Plan No. 20 – Car Parking should be altered as noted below.

Standard	Requirement	Proposed	Complies
Residential Car Parking	- 1 space per one bedroom unit or 55 spaces - 1.2 spaces per two bedroom unit or 55.2 spaces - 2 spaces per three bedroom unit or 1 spaces Total – 111.2 spaces	114 resident spaces	Yes
Residential Visitor Parking	1 space per five units, or 20.4 spaces	21 spaces	Yes
Car Wash Bay	1 car wash bay	A car wash bay is provided within the basement level car park	Yes
Commercial	One space per 30 square metres of gross commercial floor area, 8.4 spaces or 8 spaces	8 spaces	Yes
Total	141 spaces	144 spaces	Yes
Bicycles	A total of 20 resident and 10 visitor bicycles spaces	A bicycle parking area is provided with Level 2 of the basement, however, the capacity of the space available has not been confirmed	Yes – to be conditioned. See comment below

As demonstrated in the above table, the total number of car parking spaces provided within the development satisfies the requirements of Council's Development Control Plan No. 20 and reflects the apartment mix as proposed by the applicant.

CONCLUSION

The applicant's submission dated 13 August 2012 has been considered and for the most part, the requests for modifications to the relevant draft conditions of consent are supported. Notwithstanding the applicant's opinion, Council remains of the view that there are a number of apartments within the proposed development that have the potential to be used as bedrooms and maintains that Condition 5.3 should be retained, but amended in accordance with the discussion contained in the body of this Supplementary Report. Amendments to the car parking calculations are contained in the body of this report and the Section 94 Contribution conditions have also been amended to reflect the above discussion in the recommendation below.

RECOMMENDATION:

THAT the Joint Regional Planning Panel approve DA-69/2012 the demolition of the existing structures and the construction of a part five, part six storey mixed use development containing 104 residential apartments, commercial tenancy and basement

car parking at Lots 110, 111 and 112 in DP 3995, known as No. 359-365 Beamish Street and 33-35 Unara Street, Campsie, subject to the conditions contained within the initial planning assessment report with the following amendments to Conditions 1.3, 5.3 and 13:

1.3	Payment to Council of:	
	Kerb and Gutter Damage Deposit	\$9,225.00
	Section 94 Contributions	\$886,224.62
	Certificate Registration Fee	\$36.00

5.3 Amendments shall be carried out to the layouts of Apartments G-06, 1-08, 1-12, 2-08, 2-12, 3-08, 4-08, and 5-08 by the modification of wall/s to ensure that those spaces (referred to as '+1' areas, or multi-purpose rooms) are not capable of being used as separate bedrooms to ensure compliance with the provisions of Council's Development Control Plan No. 20 – Car Parking. Such modifications will include a reduction of the opening of the space to a maximum of 50 per cent of the length of the opening. Details shall be provided with the application for the Construction Certificate.

13. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Section 94 Contributions Plan 2005, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area. The amount of the contribution (as at the date of this consent) has been assessed as \$886,224.62. The amount payable is based on the following components:

Contribution Element	Contribution	Account No.
• Open Space Acquisition	\$427,037.08	711
• Recreation Facilities	\$71,667.38	712
• Community Services	\$227,236.97	713
• Environmental Amenity Improvements	\$88,502.16	714
• Traffic Control and Management	\$15,075.43	715
• Monitoring, research and administration	\$56,705.60	717

Note: The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined.

The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.