

**JOINT REGIONAL PLANNING PANEL**  
**(Sydney East Region)**  
**SUPPLEMENTARY REPORT**

JRPP No	2015SYE151
DA Number	13/200/12
Local Government Area	City of Botany Bay
Proposed Development	Section 96(2) Application to modify Development Consent No. 13/200 to change selected residential units within buildings in Quadrant 2 and Quadrant 4 to re-categorise the multi purpose rooms to bedrooms, changing the unit mix of the development from 62% to 54% studio/1 bedroom apartments and to recalculate car parking rates under the amended SEPP65, changes to car parking allocation to reduce residential parking and create a retail surplus.
Street Address	19-33 Kent Road, Mascot
Applicant/Owner	Karimbla Construction Services (NSW) Pty Ltd
Number of Submissions	Nil
Regional Development Criteria (Schedule 4A of the Act)	Section 96(2) Application to modify a consent for an application previously determined by the JRPP.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• List all of the relevant environmental planning instruments: s79C(1)(a)(i) <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;</li> <li>○ Botany Bay Local Environmental Plan 2013;</li> </ul> </li> <li>• List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii); <ul style="list-style-type: none"> <li>○ <b>Nil</b></li> </ul> </li> <li>• List any relevant development control plan: s79C(1)(a)(iii); <ul style="list-style-type: none"> <li>○ Botany Bay Development Control Plan 2013;</li> <li>○ Draft Amendment No. 4 - Botany Bay Development Control Plan;</li> </ul> </li> <li>• List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv); <ul style="list-style-type: none"> <li>○ <b>Nil</b></li> </ul> </li> <li>• List any coastal zone management plan: s79C(1)(a)(v) <ul style="list-style-type: none"> <li>○ <b>Nil</b></li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288; <ul style="list-style-type: none"> <li>Nil</li> </ul> </li> </ul>
List all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> <li>Planning Assessment Report.</li> <li>Amended Plans</li> </ol>
Recommendation	Approval
Report by	Christopher Mackey – Senior Development Assessment Planner
Date of report	5 April 2016

## RESPONSE TO APPLICANT SUBMISSION

On the 24 March 2016, the applicant submitted an email response to the Planning Assessment Report. Two main issues are raised, including unit mix and car parking.

This Supplementary Report provides a response to the matters raised by the applicant. The matters raised by the applicant are as follows:

### ***Unit Mix/Numbers:***

The total number of studio, 1 2 and 3 bedroom apartments has been re-calculated off the submitted Section 96 plans, cross referenced with the current approved plans and it is confirmed that the applicants statement is correct, that is the following unit changes occur:

Studio to 1 bedroom units = 106

1 bedroom units to 2 bedroom units = 70

2 bedroom to 3 bedroom units = 71

This will result in an additional Section 94 contribution unit, from those calculated in the initial assessment report.

### ***Car Parking***

The applicant states that the Planning Assessment Report erroneously refers to a reduction in car parking from 1225 spaces to 917 spaces.

This is actually a reference to the Section 96(2) application as originally submitted. This was assessed by Council as not being substantially the same development as originally approved. This then led to the applicant agreeing to amend the Section 96(2) application to retain the car parking as approved where possible.

## **CONFIRMATION OF AMENITY**

As detailed in the initial assessment report, not all apartments in the development will have multi purpose rooms changed to bedrooms. This application only relates to 31% of the approved apartments.

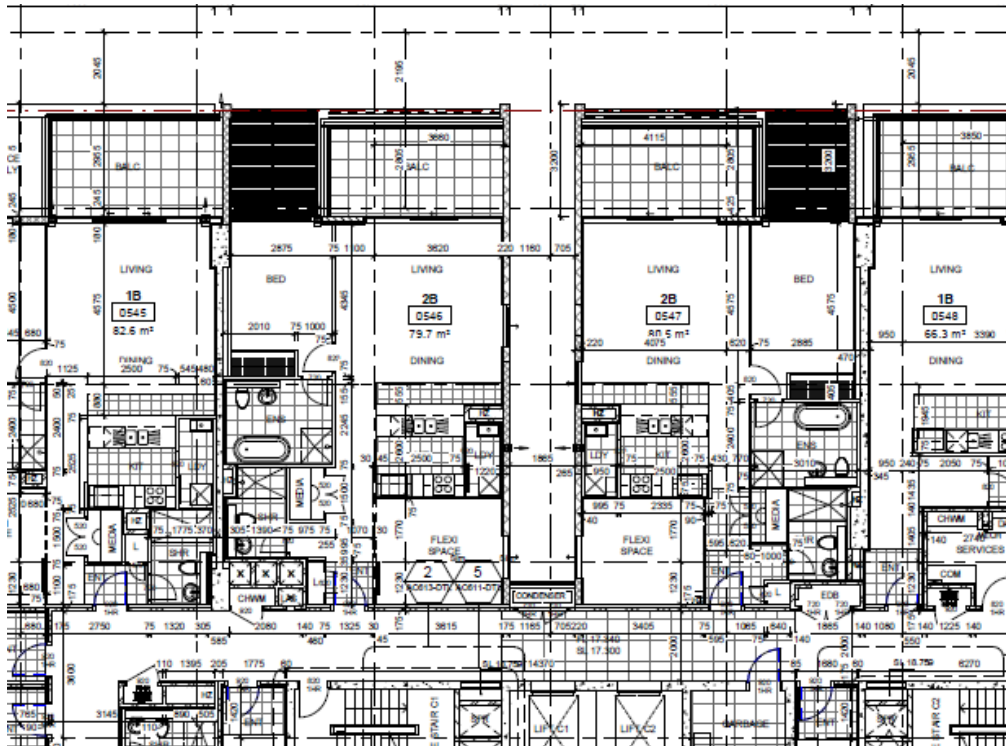
On Page 9 of the JRPP report, it is acknowledged that the application was accompanied by a Revised Solar Access and Ventilation Analysis prepared by SLR, which assessed a total of 250 apartments. This indicates that the internal changes proposed will have no negligible effect on the amount of solar access to the apartments and that adequate natural ventilation is maintained.

As detailed at the discussion meeting held on 31 March 2016, a total of 25 apartments are examples of bedroom windows in close proximity to another habitable window of an adjacent apartment. These are discussed below, however it has been confirmed by the Applicant and Council's Accredited Certifier that in fact in each case, the bedrooms will comply with the BCA. The windows represent 10% for the floor area of each room and the windows remain accessible to the open sky. Each window can be physically opened as required by the standards, to provide cross ventilation.

Notwithstanding this, the applicant was requested to consider physical changes to improve visual and aural amenity between the corresponding windows, and Meriton has advised that this will be problematic as the apartments are already constructed. The applicant has confirmed that they have reviewed the subject apartment layouts and advise that there is no objection to a condition requiring the windows be treated with permanent obscure glazing.

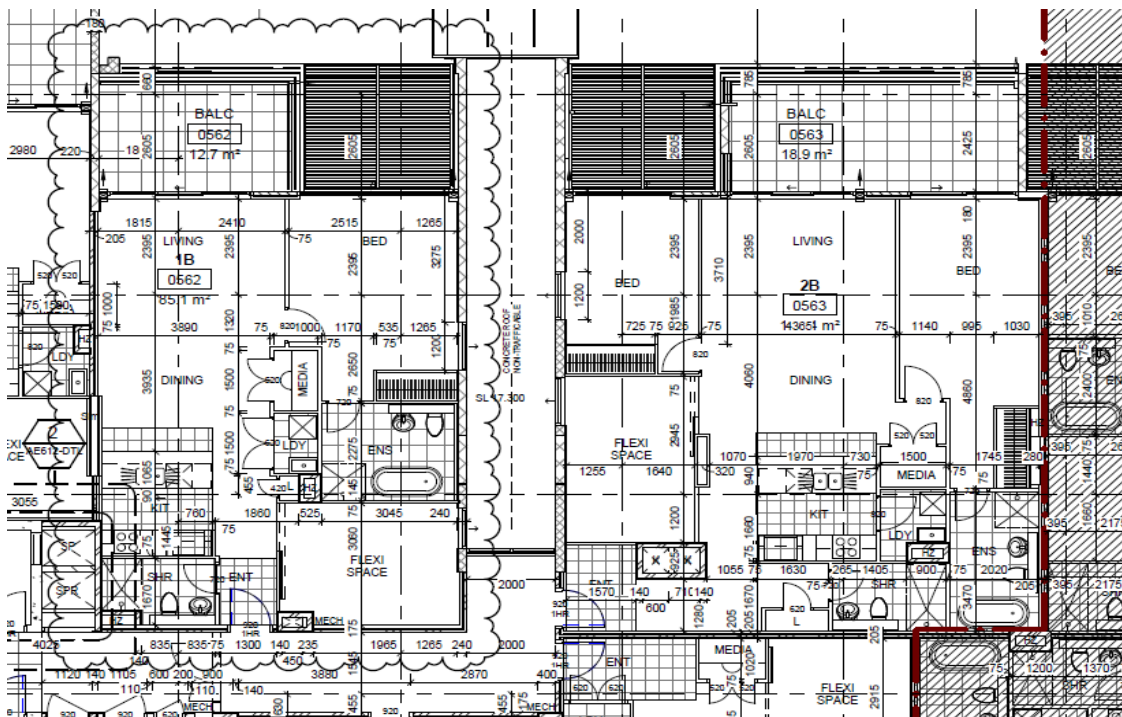
This form of treatment is considered the most appropriate option. Some of these rooms will look out onto other multi purpose rooms, which are not proposed to change to bedrooms. In this instance, it is reasonable to expect that blinds or curtains will also be installed. The applicant has agreed to obscure glazing. In order to maintain amenity to the bedrooms, natural ventilation will be required. Therefore, the windows should be fixed translucent to 1500mm with clear operable windows above 1500mm.

## **Building C**



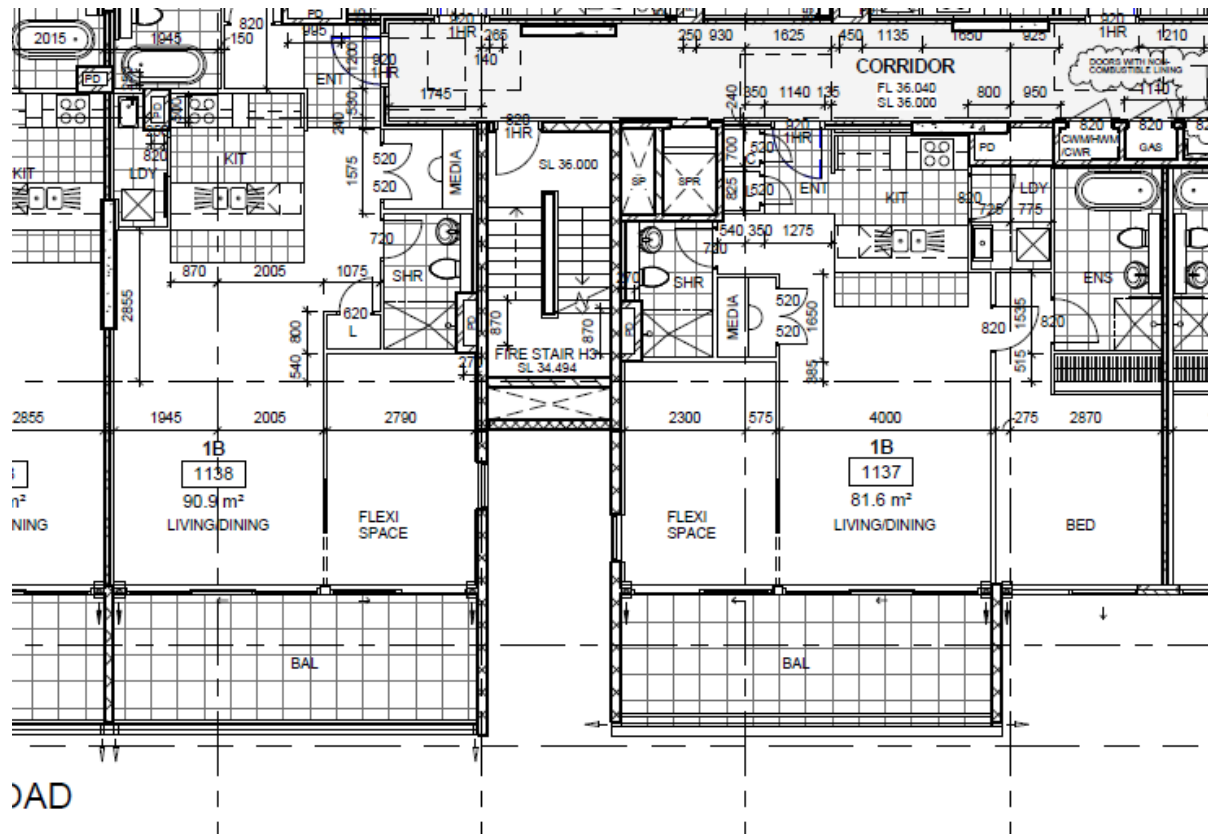
The snorkel bedroom arrangement above only occurs between Units C546 and C547. However, with Units C646, C1345 and C1445 these are opposite a multi purpose room window which is not proposed to change to a bedroom, however still a habitable room. In this case, permanent obscure glazing treatment should still apply to the bedroom window in accordance with the draft condition.

## Building E



In building E, only three (3) apartments are of concern, where the snorkel bedroom windows will be slightly offset. In this regard, it is still recommended that permanent obscure glazing be provided to the window of the room which is changing, in accordance with the draft condition.

## Building H



17 apartments are of concern, however in each case a second window or balcony opening is provided and or the corresponding apartment is not proposed to change its multi purpose room to a bedroom, therefore, only one of the corresponding windows requires to be treated with permanent obscure glazing, in accordance with the draft condition.

## Proposed Additional Condition Wording

*Prior to the issue of the relevant Occupation Certificate, the windows in the rooms changing from multi purpose rooms to bedrooms are to be fixed translucent to 1500mm with clear operable windows above 1500mm. (DA13/200/012)*

## RESPONSE TO APPLICANT SUBMISSION

On the 24 March 2016, the applicant submitted an email response to the Planning Assessment Report. Two main issues are raised, including unit mix and car parking.

This Supplementary Report provides a response to the matters raised by the applicant. The matters raised by the applicant are as follows:

***Unit Mix/Numbers:***

The total number of studio, 1 2 and 3 bedroom apartments has been re-calculated off the submitted Section 96 plans, cross referenced with the current approved plans and it is confirmed that the applicants statement is correct, that is the following unit changes occur:

Studio to 1 bedroom units = 106

1 bedroom units to 2 bedroom units = 70

2 bedroom to 3 bedroom units = 71

This will result in an additional Section 94 contribution unit, from those calculated in the initial assessment report.

***Car Parking***

The applicant states that the Planning Assessment Report erroneously refers to a reduction in car parking from 1225 spaces to 917 spaces.

This is actually a reference to the Section 96(2) application as originally submitted. This was assessed by Council as not being substantially the same development as originally approved. This then led to the applicant agreeing to amend the Section 96(2) application to retain the car parking as approved where possible.

**RECOMMENDATION**

1. That the Panel note the clarification in relation to the windows to the rooms proposed to be changed from multi purpose rooms to bedrooms, note the clarification in relation to the parking and the unit mix.
2. The Panel resolve to approve DA13/200/12 as per the recommendation of the original Planning Assessment Report, subject to:
  - a. An additional condition, number 87A as follows;

***Prior to the issue of the relevant Occupation Certificate, the windows in the rooms changing from multi purpose rooms to bedrooms are to be fixed translucent to 1500mm with clear operable windows above 1500mm. (DA13/200/012)***

- b. An updating of Condition 66, so that a total of 66 additional contribution units are included on the consent (as opposed to 65 in the original assessment

report), to correct the error in the total number of 1 bedroom units changing to 2 bedroom units, as per the applicants email dated 24 March 2016.