

# **DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT**

<b>DSDS6</b>	<b>CHANGE OF BUILDING USE FROM COMMERCIAL OFFICE SPACE TO RECREATION FACILITY FILE: T6-05-432 GGL</b>
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## **SUMMARY:**

Reporting that Council has received a development application to change a building use from commercial office space to a women's fitness centre, which requires a variation to Council's Car Parking Code.



**Applicant:** S Hokin  
**Subject Property:** Lot 9 DP 37215 Shop 2, No 146-148 Belgrave Street, Kempsey  
**Zones:** 3 (a) Business General

## **Kempsey Local Environmental Plan 1987**

The proposed development is defined as "Recreation Facility" under the KLEP 87 and is permissible with Council's consent in the 3(a) (Business (General)"A" Zone). The objective of the zone is accommodate commerce, retailing and public administration development at accessible locations.

It is considered that the proposal satisfies the zone objective.

## **Matters for Consideration**

The proposal has been examined having regard for the Matters for Consideration identified under Section 79C (1) of the Environmental Planning and Assessment Act with the following matters considered to be of particular relevance to the proposal.

## **Background**

Development consent was previously granted in May 1987 to construct a commercial building on the subject site. The total floor area of the building is 504m<sup>2</sup> which required fifteen car spaces. The premises has since been divided into three (3) separate shops, each suite being allocated five (5) car spaces. In this current proposal the applicant proposes to fit out Shop 2 for the purpose of a women's fitness centre.

## **Council's Car Parking Code**

Under Council's Parking Code, shops require provision of 1 space per 35m<sup>2</sup> of floor area. The Women's Fitness Centre would be assessed as a Gymnasium under Council's Parking Code, which requires 1 space per 25m<sup>2</sup> of floor area. Shop 2 has an area of 176m<sup>2</sup>, resulting in an increased demand for parking from 5 spaces (176m<sup>2</sup> at 1/35m<sup>2</sup>) to 7 spaces (176m<sup>2</sup> at 1/25m<sup>2</sup>).

Council's Car Parking Code aims "*to ensure that adequate provision is made for off-street parking commensurate with the volume and turnover of traffic generated by the particular development.*" The development application makes no provision for the required two (2) additional onsite car spaces and the land is not within the identified catchment for Council's Off Street Car Parking Section 94 Plan.

## **Section 94 Plan for Off-Street Carparking**

The subject premises is not within the area identified under Council's Section 94 Plan and Council does not provide parking that would service the development. As the plan does not apply to the development, Council is unable to require payment in lieu of providing parking.

## **Planning Comment**

The development is deficient 2 off-street carparking spaces under Council's Parking Code. The impact of this deficiency will be an increase in the demand for kerbside parking in Belgrave Street. Generally, there is substantial kerbside parking available in this section of Belgrave Street, and it is recommended that Council vary the Parking Code requirements in this instance.

### ***REPORT IMPLICATIONS:***

- ***Environmental***

***Subject to recommended conditions the proposal is unlikely to result in any unacceptable environmental impacts.***

- **Social**

***No adverse impacts are likely.***

- ***Economic (Financial)***

***The development would result in positive economic impacts.***

- ***Policy or Statutory***

***The application has been assessed under Section 79 (c) of the Environmental Planning and Assessment Act 1979.***

**RECOMMENDATION:**

**That Council agree to vary the Car Parking Policy and approve the development subject to the following conditions:**

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
- 2 The use being carried out in accordance with the details submitted with the application.**
- 3 The building is not to be occupied until all conditions of Council's consent have been complied with to the satisfaction of Council and an Occupation Certificate has been obtained.**
- 4 All building work must be carried out in accordance with the provisions of the Building Code of Australia.**
- 5 The hours of fitness centre are to be confined to 6.00 a.m. to 7.00 p.m., Mondays to Fridays, and 7.00 a.m. to 5.00 pm, Saturdays.**
- 6 A minimum of 5 off street parking spaces shall be available for the approved use at all times.**