

**Development Application 10.2015.28.1 - Mixed use development consisting of fifteen (15) ground floor retail premises and seventy one (71) residential units**

**Lot 1 DP 1073158, 28 Bong Bong Street, Kiama**

**Addendum report**

At the Southern Joint Regional Planning Panel meeting on 13 November 2015 the Panel expressed concern about the 2.65m floor to ceiling heights proposed for habitable rooms of the residential units within proposed Blocks D & E. The Residential Flat Design Code and Council's DCP 2012 require minimum 2.7m floor to ceiling heights for habitable rooms of residential units. It was the view of the Panel that this requirement could be satisfied without increasing the finish building height levels currently proposed with the amended plans.

The developer responded to these concerns at the meeting by confirming that the buildings D & E can be designed and engineered to achieve the required 2.7m floor to ceiling clearances, as suggested by the panel.

Accordingly, the Panel may include a condition of consent, should consent be granted, requiring minimum 2.7m floor to ceiling heights be observed within habitable rooms of the residential units within Blocks D & E, without increasing the finish building height levels. Alternatively, a deferred commencement condition of consent may be imposed requiring amended plans to be submitted identifying the 2.7m floor to ceiling clearances, as discussed.

On another matter, it was requested by the Panel that the issue of shop top housing be explained in relation to the proposal.

“Shop top housing” is defined under Kiama Local Environmental Plan (LEP) 2011 to mean *“one or more dwellings located above ground floor retail premises or business premises.”*

The “Ground floor” of the proposed development is made up primarily by the retail premises and the retail car parking module. The retail car parking module is encapsulated by the retail use, because it is directly subordinate to the retail premises on the same floor level (Ground floor, as identified on the plans).

The retail premises front both street frontages (Manning & Bong Bong Street) at footpath level. The proposed residential units are situated on “Level 1” of the proposal, above the ground floor retail premises and associated retail car parking module. Council officers thereby consider that the proposal satisfies the definition of shop top housing.