

## SOUTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Kiama Municipal Council on 3 December 2015 at 10.30 am

Panel Members: Pam Allan (Chair), Allen Grimwood, Alison McCabe, Michael Forysth

Apologies: None Declarations of Interest: None

### Determination and Statement of Reasons

**2015STH005 – Kiama – DA 10.2015.28.1 [Lot 1 DP 1073158 No 28 Bong Bong Street, Kiama] as described in Schedule 1.**

**Date of determination:** 3 December 2015

**Decision:**

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

**Panel consideration:**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

**Reasons for the panel decision:**

The Panel agreed to approve the development application for the following reasons:

1. The applicant has provided valid grounds to support an exception in accordance with Clause 4.6 of Kiama Local Environmental Plan in regard to the maximum height of the subject development, and further the application complies with relevant requirements and in particular SEPP 65 which is further reinforced in the conditions of consent.
2. The number of units has been reduced.
3. The height of the critical part of the building at the southern end has been reduced which opens the view more to the residents in Eddy Street with a reduced impact on these properties. Support provided for the variation to the heights which has been justified in terms of the topography, at least half the building is significantly under Council's height control. The height limit breach is principally on the corner of Manning and Bong Bong Streets where from an architectural point of view provides a relationship to the Grand Hotel on the opposite side. It provides for a strong development on the corner at the intersection of Bong Bong and Manning Streets.
4. It has provided a greater relationship between this proposal and the building to the south in terms of the streetscape and appearance.
5. The ground floor activation of the street frontage along Bong Bong Street will be achieved through the combination of glazing and recessed entry to the corner retail premises.
6. The amount of development on the site is controlled by the combination of Council's height controls and floor space ratio controls which goes to the amount of floor area that a building can have. The proposal is marginally under the floor space ratio allowable for the site. The intensity of the development for the site is within Council's controls, the amount of retail uses and residential uses is something which is anticipated by Council's controls.
7. The mixed use type of development is appropriate for the site, Manning Street is a wide street and it can easily, from an Urban design point of view accommodate both three (3) and four (4) storey development and development in a main street does not have to be all uniform and the same height.

**Conditions:**

The development application was approved subject to the conditions in the Council Assessment Report and as amended at the meeting. Please note the conditions that have been amended:

1. The floor to ceiling heights of habitable space within the residential units shall be a minimum of 2.7 metres without varying the proposed finished height reduced levels of any area of the building.

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2. The maximum height of the building shall not be increased as a result of the inclusion of ancillary items such as lift over-runs or plant areas.

### Panel members:

 <b>Pam Allan (Chair)</b>	 <b>Allen Grimwood</b>	 <b>Alison McCabe</b>
 <b>Michael Forysth</b>		

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### SCHEDULE 1

1	<b>JRPP Reference – LGA – Council Reference:</b> 2015STH005 – Kiama – DA 10.2015.28.1
2	<b>Proposed development:</b> Mixed Use Development
3	<b>Street address:</b> Lot 1 DP 1073158 No 28 Bong Bong Street, Kiama
4	<b>Applicant/Owner:</b> adm Architects
5	<b>Type of Regional development:</b> CIV >\$20Million
6	<p><b>Relevant mandatory considerations:</b></p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No 65 — Design Quality of Residential Flat Development</li> <li>• State Environmental Planning Policy No 71 – Coastal Protection</li> <li>• State Environmental Planning Policy No 55 – Remediation of Land</li> <li>• State Environmental Planning Policy (BASIX) 2004</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• Illawarra Regional Environmental Plan (IREP) No. 1</li> <li>• Kiama Local Environmental Plan (LEP) 2011</li> <li>• Kiama Development Control Plan (DCP) 2012</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<p><b>Material considered by the panel:</b></p> <p>Council Assessment Report Dated 3 July 2015 &amp; 29 October 2015          Council Addendum Memo Dated 24 November 2015          Written submissions during public exhibition: 6 Submissions          Verbal submissions at the panel meeting: Support- Nil; Against- 3; On behalf of the applicant- 2</p>
8	<p><b>Meetings and site inspections by the panel:</b></p> <p><b>Site Inspection:</b> 27 March 2015  <b>Briefing Meeting:</b> 30 July 2015, 13 November &amp; 3 December 2015  <b>Determination Meeting:</b> 30 July 2015, 13 November &amp; 3 December 2015</p>
9	<b>Council recommendation:</b> Approval
10	<b>Draft conditions:</b> As per the Council Assessment Report