

# KACOE

Kiama Aged Care Centre of Excellence

14a Bonaira Street Kiama NSW 2533

## Section 79C Assessment

November 2015



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# Contents

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1.0 Introduction.....	6
1.1 Site.....	6
1.2 Locality .....	7
1.2.1 Character Assessment.....	7
1.3 Proposal.....	12
1.4 Relevant History.....	14
2.0 Assessment.....	15
2.1 SEPP (Housing for Seniors or People with a Disability) .....	15
2.1.1 Clause 33 Neighbourhood Amenity and Streetscape.....	28
2.1.2 Clause 34 Visual and acoustic privacy.....	37
2.1.3 Clause 35 Solar access and design for climate change .....	40
2.1.4 Clause 36 Stormwater.....	46
2.1.5 Clause 37 Crime Prevention .....	47
2.1.6 Clause 38 Accessibility.....	48
2.1.7 Clause 39 Waste Management.....	48
2.1.8 Clause 48 Standards that cannot be used to refuse development consent for residential care facilities .....	50
2.1.9 Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings .....	54
2.2 Variation of Development Standards.....	58
SEPP (Building Sustainability Index – BASIX) 2004.....	60
SEPP 55 Remediation of Land .....	60
SEPP 71 Coastal Protection .....	60
SEPP (Infrastructure) 2007.....	62
Kiama Local Environmental Plan (LEP) 2011 .....	62
Kiama Development Control Plan (DCP) 2012.....	65
2.2 Section 79C (1B) – Other Impacts of the Development.....	68
2.3 Section 79 C (1C) – Suitability of the Site for the Development .....	68
2.4 Section 79C (1D) – Any Submissions .....	68
Issues in Objection.....	68
Issues in Support .....	70
2.5 Section 79C (1E) – Public Interest.....	70
3.0 Referrals.....	71

4.0 Summary .....	72
5.0 Recommendation to Joint Regional Planning Panel .....	73
Appendix A .....	74
Conditions of Consent .....	74
Appendix B .....	75
Landscape Concept Plan (Taylor Brammer Landscape Architects) .....	75
Appendix C .....	76
Setbacks Site Plan (boffa robertson group) .....	76
Appendix D .....	77
Solar Access Study (boffa robertson group) .....	77

Application number	DA10.2015.198.1
Site Address	14A Bonaira Street Kiama Lot 1 DP 596755
Proposal	Demolition of existing structures on site with the exception of heritage listed Barroul House.  Construction of: <ul style="list-style-type: none"> <li>• One 134-bed residential aged care facility (RACF).</li> <li>• Three independent living unit (ILU) blocks providing a total of 51 units, including one common basement parking level.</li> <li>• One assisted living unit (ALU) block providing a total of 16 units.</li> <li>• One community support services, activities and administration centre.</li> <li>• Internal roads, pedestrian walkways, utility services and stormwater drainage infrastructure.</li> <li>• Total of 139 car parking spaces at grade and on basement levels.</li> </ul>
Date of lodgement	August 2015
Owner	Kiama Municipal Council
Applicant	Kiama Municipal Council
Submissions	6 objecting, 1 supporting.
Cost of works	> \$70 million
Issues	Seniors SEPP, 8 metre height limit, 2 storey height limit, neighbourhood character and streetscape.
Recommendation	That the application be APPROVED subject to conditions.



# I.0 Introduction

## I.1 Site

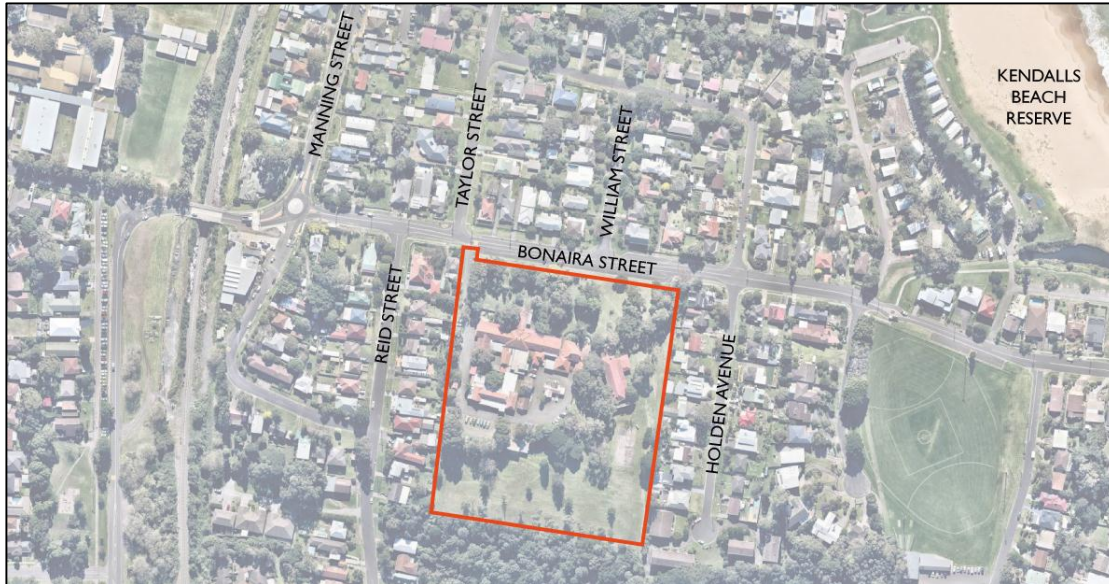


Figure 1: Subject Site

The property, Lot 1 DP 596755, is located at 14a Bonaira Street, Kiama. It has an area of 33,225 m<sup>2</sup> and is rectangular in shape.

It slopes moderately from east to south and drains overland primarily to the Bonaira Native Gardens to the south. The southern portion of site is extensively cleared whilst vegetation is located in the central and northern sections.

The site is:

- Zoned: R2 Low Density Residential (Kiama LEP 2011, see Figure 2);
- Currently contains Class 9c buildings;
- Bounded by:
  - Residential development containing one and two storey detached dwellings to the north, east and west; and
  - Bonaira Native Gardens to the south.
- Access to property is currently gained through a private road off Bonaira Street;
- Serviced by:
  - Water,
  - Sewer,
  - Electricity, and
  - Telecommunications.

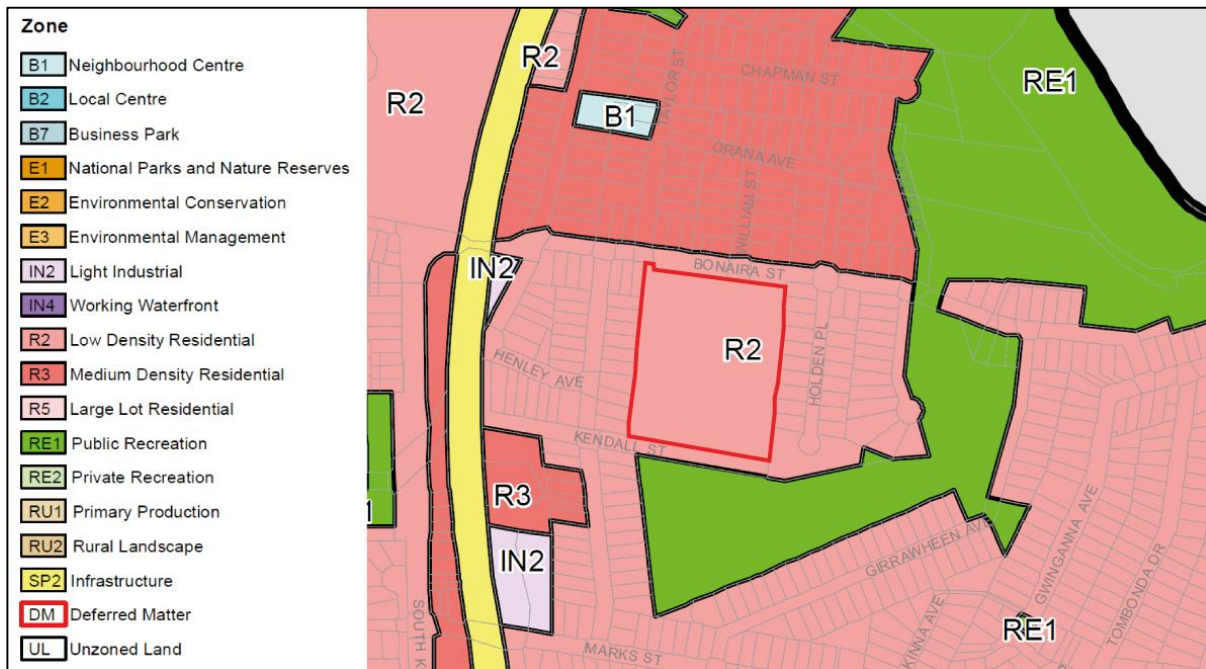


Figure 2: Kiama LEP 2011.

The site is subject to the following constraints:

- Bushfire affectation: Site impacted by buffer zone to bushfire prone vegetation located within the Bonaira Native Vegetation Reserve to south of the site.
- Contamination: Phase 1 and Phase 2 contamination assessment determined that the site contains asbestos, lead and hydrocarbons. Remediation will be required.
- Heritage: Heritage item I81 'Barroul House' (Kiama LEP 2011) on site.
- Services: A number of existing utilities will require augmentation to accommodate the intensification of use on site. A pad mounted substation has been proposed as part of this development.

## 1.2 Locality

The site located in southern Kiama:

- 200 metres from local shops to the north west.
- 300 metres from Kendalls Beach Reserve to the north east.
- 1.5 kilometres to the south of Terralong Street and the main commercial services along Kiama's main street.
- 1.5 kilometres south of existing Blue Haven Village.

Site located on zone boundary:

- Lots south of Bonaira Street zoned R2 Low Density Residential.
- Lots north of Bonaira Street zoned R3 Medium Density Residential.

### 1.2.1 Character Assessment

The area is characterised by low density residential development.

Along Bonaira Street between Holden Avenue and Reid Street (looking south):



Figure 3: 13 Holden Ave.

Development along Bonaira Street is described as (see Figure 3):

- Slope to the east an undulating fall to the sea.
- Fences are common within front setbacks, separating property boundaries and the road reserve on Bonaria Street.
- Within the road reserve there are some larger street trees and manicured lawns.
- Within the front setbacks of property boundaries are typical suburban front yards with gardens, lawns and driveways to garages and carports.
- There is a pedestrian footpath.
- 13 Holden Avenue, on the corner of Bonaira Road and Holden Avenue (see Figure 3) presents as three storeys due to sloping topography.
- There are detached single storey dwellings with hipped roofs to west of subject site.

Along Bonaira Street between Holden Avenue and Reid Street (looking north):



Figure 4: 13 Bonaira Street (SEE, Cardno, p. 27).





Figure 5: 29 Bonaira Street.

Development along Bonaira Street is described as (see Figures 4 and 5):

- Slope to the east, undulating towards the sea.
- Distinct separation between road reserve and property boundaries as illustrated in image above.
- Detached one and two storey residential dwelling with pitched and hipped roofs.
- Recent development are larger two storey buildings with large pitched roofs. Some appear above 8m in height when viewed from the street.
- 13 Bonaira Street (see Figure 4) is located directly opposite the site and incorporates four attached multi-unit dwellings with car parking below the first level.

Holden Street (looking west):



Figure 6: Side Boundary Analysis and Holden Avenue dwellings (SEE, Cardno, p. 29 and p. 30).



19 Holden Avenue.



21 Holden Avenue.



29 Holden Avenue.



Holden Avenue Residential Flat Building.

Development along Holden Avenue is described as (see Figure 6):

- Suburban front yards with vegetated front setbacks, with lawns and large trees.
- Predominantly detached residential dwellings with pitched and hipped roofs (see Figure 6). Single storey dwellings present as two storeys due to sloping topography.
- Recent development is larger in scale. Large two storey developments with high pitched roofs, which often appear above 8m from the street.
- A two storey residential flat building at southern end of Holden Avenue.

Reid Street (looking east):

Development along Reid Street is described as:

- Typical front setbacks as discussed in Bonaria and Holden Street.
- Street slopes down steeply from north to south.
- Older one storey detached residential dwellings with pitched and hipped roofs.
- Low brick, wooden picket, wooden slat and metal fencing along front boundary.

Summary of Local Character:

- Northern portion of Bonaria Street is undergoing transition from low density residential to medium density development.
- Recent multi-unit development and dual occupancies illustrate that there is a trend for intensification of built form.
- Holden Street is also undergoing transition, however not an increase in density. Smaller single storey dwellings are being replaced by large two storey detached homes with high pitched roofs.
- Development orientated to the street with Holden Street dwellings orientated toward Kendalls Beach.
- There is a mix of materials and finishes utilised within the area with no predominant materials.
- Trends to improving views toward Kendalls Beach and increase the size of dwellings.
- Recent development has seen an increase in the size of built form with larger dwellings constructed in Holden Street and more intensive development across from subject site.
- Front and rear setbacks are defined by existing large mature trees.



## I.3 Proposal





- The provision of a 2,000m<sup>2</sup> site for the future use of the Illawara Shoalhaven Local Health District within North West of site. Not part of this application.
- Associated tree removal and planting (refer to Appendix B)
- Associated earthworks and landscaping.

Finishing materials/colours:

- A sample finishes board has been included in the DA Drawing set.

Vehicular access:

- Service Access road off Bonaira Street opposite Taylor Street
- Access Roadway off Bonaira Street opposite William Street.

Parking:

- 139 car spaces to be provided. These are split across the site into dedicated car parking spaces including:

RACF Staff Parking – basement (Figure 34).	15
RACF Visitor Parking (Figure 35)	10
ILU Resident Parking (Figure 36)	51
Community Staff Parking (Figure 37)	14
Additional Parking (Figure 37)	49

Waste storage/collection:

- General site and office waste and residential waste will be collected via Council's waste services vehicles. Each building on site has been designed to allow for appropriate access for the service vehicles and dedicated space has been allocated for bins.
- Medical related waste will be removed from the site via a licensed contractor.

Operating hours:

- RACF: will operate 24 hours a day 7 days a week, Visiting hours will largely occur during day time hours.
- Communities Activities Centre: will operate between 8.30am to 4.30pm Monday to Friday.
- Café within Barroul House: will operate 7 days a week.

## I.4 Relevant History

- Concept Masterplan presented for Site presented to Kiama Councillors in May 2015.
- Subdivision application DA 145/2015 lodged in June 2015 to subdivide 2,000 sqm lot in north west corner of site to be used for construction of a Community Health building.
- Pre-lodgement meeting with ae design partnership and proponent in July 2015.
- A second pre-lodgement meeting was held in August 2015.
- Lodgement 24 August 2015.
- JRPP Briefing September 30, 2015.
- A Preliminary Assessment of proposal provided to applicant 22 October 2015.

## 2.0 Assessment

### 2.1 SEPP (Housing for Seniors or People with a Disability)

The development application has been made pursuant to the provisions of the Seniors SEPP. The provisions contained in the SEPP override the controls contained in the Kiama LEP 2011.

As assessment of Part 3 Design requirements and Part 4 Development standards to be complied with are addressed below.

#### Chapter 1 Preliminary

##### Clause 4 Land to which Policy applies

CLAUSE	COMMENT	COMPLIANCE
(1) This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:		
(a) development for the purpose of any of the following is permitted on the land: (i) dwelling-houses, (ii) residential flat buildings, (iii) hospitals, (iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or	Seniors SEPP applies to this site as it zoned primarily for urban purposes.	YES

#### Chapter 2 Key Concepts

##### Clause 10 Seniors housing

CLAUSE	COMMENT	COMPLIANCE
In this Policy, seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of: (a) a residential care facility, or (b) a hostel, or (c) a group of self-contained dwellings, or (d) a combination of these, but does not include a hospital.	A residential Aged Care facility that incorporates 134 beds and 51 Independent Living Units for Seniors.  The proposed application can be assessed pursuant to the SEPP.	YES

#### Chapter 3 Development for seniors housing

##### Part 2 Site-related requirements

Clause 26 Location and access to facilities

CLAUSE	COMMENT	COMPLIANCE
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner.</p>	<p>Operator will provide a dedicated community services shuttle bus to allow residents to access surrounding shops and services. Addressed as condition of consent.</p>	YES

Clause 28 Water and Sewer

CLAUSE	COMMENT	COMPLIANCE
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</p>	<p>Upgrades will be required to service intensification of use.</p> <p>Consultation with service providers prior to the issuance of a construction certificate. Addressed as a condition of consent.</p>	YES
<p>(2) If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.</p>	<p>Existing water and sewer connections available to site.</p> <p>Consultation with local water providers is required prior the issuance of a construction certificate. Addressed as a condition of consent.</p>	YES



## Part 3 Design Requirements

### Division 2 Design Principles

These will be discussed in further detail later in the report.

## Part 4 Development standards to be complied with

### Division 1 General

#### Clause 40 Development Standards – minimum sizes and building height

CLAUSE	COMMENT	COMPLIANCE
<b>(2) Site Size</b> The size of the site must be at least 1,000 square metres.	Site has total area of 3.3 hectares, exceeding the minimum requirement.	YES
<b>(3) Site Frontage</b> The site frontage must be at least 20 metres wide measured at the building line.	Frontage to Bonaira Street is 165 metres, exceeding the minimum requirement.	YES
<b>(4) Height in zones where residential flat buildings are not permitted</b> If the development is proposed in a residential zone where residential flat buildings are not permitted:	Residential flat buildings are not permitted within R2 Low Density Residential (Kiama LEP 2011).	YES
(a) the height of all buildings in the proposed development must be 8 metres or less, and	Development breaches the 8 metre height control.  Discussion in relation to this is provided in Part 2 of this report.	NO
(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and	Development proposes three 3 storeys buildings along eastern boundary.  Discussion in relation to this is provided in Part 2.1 of this report.	NO
(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.	There are no buildings located in rear 25% of the site.	YES

Division 3 Hostels and self-contained dwellings – standards concerning accessibility and useability

Clause 41 Standards for hostels and self-contained dwellings

CLAUSE	COMMENT	COMPLIANCE
(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.	Refer to Schedule 3 Assessment below in Section 2.1 of this assessment.	YES

Part 7 Development Standards that cannot be used as grounds to refuse consent

Division 2 Residential Care Facilities

Clause 48 Standards that cannot be used to refuse residential care facilities

CLAUSE	COMMENT	COMPLIANCE
A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds:		
(a) <b>building height:</b> if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),	Portions of upper level of RACF do not comply. The assessment of the breach is discussed in part 2.1 of this report.	NO
(b) <b>density and scale:</b> if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,	FSR of RACF component has maximum FSR 1:1. Overall FSR applicable for site is 0.68:1. Development proposes 0.53:1, which is compliant.	YES
(c) <b>landscaped area:</b> if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,	A 134 bed RACF requires 3,350m <sup>2</sup> of landscape. Development proposes a total: <ul style="list-style-type: none"> <li>16,160m<sup>2</sup> of soft porous landscape.</li> <li>5,718m<sup>2</sup> of non-porous landscape.</li> </ul>	YES
(d) <b>parking for residents and visitors:</b> if at least the following is provided: <ul style="list-style-type: none"> <li>(i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if</li> </ul>	34 spaces are required.  The development proposes: <ul style="list-style-type: none"> <li>29 spaces for staff.</li> </ul>	YES

<p>(ii) the facility provides care only for persons with dementia), and 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and</p> <p>(iii) 1 parking space suitable for an ambulance.</p>	<ul style="list-style-type: none"> <li>• 49 space general parking area (providing 14 spaces to RACF).</li> <li>• One Ambulance parking space.</li> </ul>	
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#### Division 4 Self-contained dwellings

#### Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings

CLAUSE	COMMENT	COMPLIANCE
<p>A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds:</p>		
<p>(a) <b>building height:</b> if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),</p>	<p>ILUs exceed 8 metre height limit. This is discussed in greater detail in Section 2.1 of this report.</p>	<p>NO</p>
<p>(b) <b>density and scale:</b> if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,</p>	<p>The maximum FSR of ILUs, ALU, Community Activities Centre and Barroul House is 0.5:1. Overall FSR applicable for site is 0.68:1. Development proposes 0.53:1, which is compliant.</p>	<p>YES</p>
<p>(c) <b>landscaped area:</b> if:  (ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,</p>	<p>The Total site area is 30,949m<sup>2</sup>. The Development proposes:</p> <ul style="list-style-type: none"> <li>• 16,160m<sup>2</sup> of soft porous landscape (52.2% of site area).</li> <li>• 5,718m<sup>2</sup> of non-porous landscape (18.5% of site area).</li> </ul>	<p>YES</p>
<p>(d) <b>Deep soil zones:</b> if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less</p>	<p>16,160m<sup>2</sup> of soft porous landscape (52.2% of site area).</p>	<p>YES</p>

than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,		
(e) <b>solar access:</b> if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	<ul style="list-style-type: none"> <li>86% of Independent Living Units receive in excess of 3 hours of sunlight to private open space areas.</li> <li>80% of Independent Living Units receive in excess of 3 hours of sunlight to their living rooms.</li> </ul>	YES
<p>(f) <b>private open space for in-fill self-care housing:</b> if:</p> <p>(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and</p> <p>(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,</p>	ILUs provide at least 15 sqm of private open space for ground floor dwellings and 10 sqm for dwellings above.	YES
<p>(h) <b>parking:</b> if at least the following is provided:</p> <p>(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or</p> <p>(ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.</p>	<p>ILU and ALU components requires 58 spaces (50 spaces for ILU and 8 for ALU). Development proposes:</p> <ul style="list-style-type: none"> <li>51 car spaces provided on basement level of ILU</li> <li>49 spaces provided south of ILU.</li> </ul>	YES



## Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings

### Part 1 Standards applying to hostels and self-contained dwellings

CLAUSE	COMMENT	COMPLIANCE
<b>1. Application of standards in the part</b>  The standards set out in this Part apply to any seniors housing that consists of hostels or self-contained dwellings.		YES
<b>2 Siting standards</b>  (1) <b>Wheelchair access</b> If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.	<ul style="list-style-type: none"> <li>Three separate external pathways linking the covered walkway/arbours to the main entrance of each ILU building and appears to be level and continuous.</li> <li>Access to RACF provided through covered walkway/arbours which provides travel from public footpath on Bonaira Street to RACF.</li> </ul>	YES
(2) If the whole of the site does not have a gradient of less than 1:10: (a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and (b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents. <b>Note.</b> For example, if 70% of the site has a gradient of less than 1:10, then 70% of the dwellings must have wheelchair access as required by this subclause. If more than 50% of the site has a gradient greater than 1:10, development for the purposes of seniors housing is likely to be unable to meet these requirements.	Addressed by condition of consent to demonstrate the access ways are continuous and level and comply with AS 1428.1 prior to the issuance of a construction certificate.	
(3) <b>Common areas</b> Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.	Addressed by condition of consent.  Proposal complies, detailed design will be required to be consistent with AS 1428.1.	YES

<p><b>3 Security</b></p> <p>Pathway lighting:</p> <ul style="list-style-type: none"> <li>(a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and</li> <li>(b) must provide at least 20 lux at ground level.</li> </ul>	<p>Addressed by condition of consent.</p> <p>Detailed design will be provided at CC stage.</p>	<p>YES</p>
<p><b>4 Letterboxes</b></p> <ul style="list-style-type: none"> <li>(a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and</li> <li>(b) must be lockable, and</li> <li>(c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.</li> </ul>	<p>Addressed by condition of consent.</p> <p>Detail in relation to letterboxes will be provided during detailed design prior to issuing of CC.</p>	<p>YES</p>
<p><b>5 Private car accommodation</b></p> <p>If car parking (not being car parking for employees) is provided:</p> <ul style="list-style-type: none"> <li>(a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and</li> <li>(b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and</li> <li>(c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.</li> </ul>	<p>Addressed by condition of consent.</p> <p>Detail in relation to compliance of car parking space to AS 2890 will be provided during detailed design prior to issuing of CC</p> <p>All spaces within ILU basement car park are disabled access car spaces.</p> <p>ILU basement car park will have secure roller door that can be opened by residents via a FOB key.</p>	<p>YES</p>
<p><b>6 Accessible entry</b></p> <p>Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.</p>	<p>Addressed by condition of consent.</p> <p>Detail in relation to compliance of entries with clauses 4.3.1 and 4.3.2 of AS 4299 will be provided during detailed design prior to issuing of CC.</p>	<p>YES</p>

<p><b>7 Interior: general</b></p> <ul style="list-style-type: none"> <li>(1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.</li> <li>(2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.</li> <li>(3) Circulation space at approaches to internal doorways must comply with AS 1428.1.</li> </ul>	<p>Addressed by condition on consent.</p> <p>Detail in relation to compliance of doorways and corridors to AS 1428.1 will be provided during detailed design prior to issuing of CC.</p>	<p>YES</p>
<p><b>8 Bedroom</b></p> <p>At least one bedroom within each dwelling must have:</p> <ul style="list-style-type: none"> <li>(a) an area sufficient to accommodate a wardrobe and a bed sized as follows: <ul style="list-style-type: none"> <li>(i) in the case of a dwelling in a hostel—a single-size bed,</li> <li>(ii) in the case of a self-contained dwelling—a queen-size bed, and</li> </ul> </li> <li>(b) a clear area for the bed of at least: <ul style="list-style-type: none"> <li>(i) 1,200 millimetres wide at the foot of the bed, and</li> <li>(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and</li> </ul> </li> <li>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and</li> <li>(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and</li> <li>(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and</li> <li>(f) wiring to allow a potential illumination level of at least 300 lux.</li> </ul>	<p>Addressed by condition of consent.</p> <p>Detail in relation to bedroom sizes, power outlets, telephone outlets and lighting will be provided during detailed design prior to issuing of CC.</p>	<p>YES</p>

<p><b>9 Bathroom</b></p> <p>(1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:</p> <ul style="list-style-type: none"> <li>(a) a slip-resistant floor surface,</li> <li>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1</li> <li>(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future: <ul style="list-style-type: none"> <li>(i) a grab rail,</li> <li>(ii) portable shower head,</li> <li>(iii) folding seat,</li> </ul> </li> <li>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</li> <li>(e) a double general power outlet beside the mirror.</li> </ul> <p>(2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.</p>	<p>Addressed by condition of consent to show compliance with AS 1428.1.</p> <p>Detail in relation to compliance of bathrooms with AS 1428.1 will be provided during detailed design prior to issuing of CC.</p>	<p>YES</p>
<p><b>10 Toilet</b></p> <p>A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.</p>	<p>Addressed by condition of consent to show compliance with AS 4299.</p> <p>Details in relation to compliance of toilets with AS 4299 will be provided during detailed design prior to issuing of CC.</p>	<p>YES</p>
<p><b>11 Surface finishes</b></p> <p>Balconies and external paved areas must have slip-resistant surfaces.</p> <p><b>Note.</b> Advice regarding finishes may be obtained from AS 1428.1.</p>	<p>Addressed by condition of consent to show compliance with AS 1428.1.</p> <p>Details will be provided during detailed design prior to issuing of CC.</p>	<p>YES</p>
<p><b>12 Door hardware</b></p> <p>Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.</p>	<p>Addressed by condition of consent to show compliance with AS 4299.</p> <p>Details will be provided during detailed design prior to issuing of CC.</p>	<p>YES</p>



<p><b>I3 Ancillary items</b></p> <p>Switches and power points must be provided in accordance with AS 4299.</p>	<p>Addressed by a condition of consent to show compliance with AS 4299.</p> <p>Details will be provided during detailed design prior to issuing of CC.</p>	<p>YES</p>
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Part 2 Additional standards for self-contained dwellings

CLAUSE	COMMENT	COMPLIANCE
<p><b>I4. Application of standards in the part</b></p> <p>The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of self-contained dwellings.</p>		
<p><b>I5 Living room and dining room</b></p> <p>(1) A living room in a self-contained dwelling must have:</p> <ul style="list-style-type: none"> <li>(a) a circulation space in accordance with clause 4.7.1 of AS 4299, and</li> <li>(b) a telephone adjacent to a general power outlet.</li> </ul> <p>(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.</p>	<p>Addressed by condition of consent to show compliance with Clause 4.7.1 of AS 4299.</p> <p>Details will be provided during detailed design prior to issuing of construction certificate.</p>	<p>YES</p>

<p><b>I6 Kitchen</b></p> <p>A kitchen in a self-contained dwelling must have:</p> <ul style="list-style-type: none"> <li>(a) a circulation space in accordance with clause 4.5.2 of AS 4299, and</li> <li>(b) a circulation space at door approaches that complies with AS 1428.1, and</li> <li>(c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299: <ul style="list-style-type: none"> <li>(i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),</li> <li>(ii) a tap set (see clause 4.5.6),</li> <li>(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,</li> <li>(iv) an oven (see clause 4.5.8), and</li> </ul> </li> <li>(d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</li> <li>(e) general power outlets: <ul style="list-style-type: none"> <li>(i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and</li> <li>(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.</li> </ul> </li> </ul>	<p>Addressed by condition of consent to show compliance with AS 4299 and AS 1428.1.</p> <p>Details will be provided during detailed design prior to issuing of CC.</p>	<p>YES</p>
<p><b>I7 Access to kitchen, main bedroom, bathroom and toilet</b></p> <p>In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.</p>	<p>All ILUs are single level.</p>	<p>YES</p>
<p><b>I8 Lifts in multi-storey buildings</b></p> <p>In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the <i>Building Code of Australia</i>.</p>	<p>Lifts are provided in ILUs. Addressed by condition of consent to show compliance with clause E3.6 of the Building Code of Australia.</p>	<p>YES</p>

<p><b>19 Laundry</b></p> <p>A self-contained dwelling must have a laundry that has:</p> <ul style="list-style-type: none"> <li>(a) a circulation space at door approaches that complies with AS 1428.1, and</li> <li>(b) provision for the installation of an automatic washing machine and a clothes dryer, and</li> <li>(c) a clear space in front of appliances of at least 1,300 millimetres, and</li> <li>(d) a slip-resistant floor surface, and</li> <li>(e) an accessible path of travel to any clothes line provided in relation to the dwelling.</li> </ul>	<p>Addressed by condition of consent to show compliance with AS 1428.1.</p> <p>Details will be provided during detailed design prior to issuing of construction certificate.</p>	<p>YES</p>
<p><b>20 Storage for linen</b></p> <p>A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.</p>	<p>There is a suitable storage cupboard in all ILUs in accordance with this clause.</p>	
<p><b>21 Garbage</b></p> <p>A garbage storage area must be provided in an accessible location.</p>	<p>Garbage bays provided within ILU basement. Refer to section 2.1.7 of this report for location of garbage storage area.</p>	<p>YES</p>

## 2.1.1 Clause 33 Neighbourhood Amenity and Streetscape

*The proposed development should:*

(a) *recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area,*

- Locality characterised by one and two storey detached residential dwellings.
- Desirable elements of locality's current character:
  - Large front setbacks.
  - Front setbacks containing:
    - Lawn.
    - Vegetation which screen dwellings.
  - Dwellings oriented to street and towards ocean views where possible.
  - Street trees.
- Land to north of subject site undergoing transition due to R3 Medium Density zoning. Transition to higher density evident through construction of attached dwellings within R3 Medium Density zone such as 13 and 29 Bonaira Street.

(b) *retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan,*

- Heritage listed Barroul House (Heritage Item 181 within Kiama LEP 2011) located within subject site. It is to be conserved as part of the proposal.
- RACF and ILUs sited to maintain a 45 degree view corridor from the frontage of Barroul House to maintain major view corridors.
- Heritage consultant James Stephany states that:  
*"it is my opinion that: the architectural language expressed in the use of pitched roofs, highly articulated facades and use of traditional materials is sympathetic with the historic character of Barroul House"*  
(James Stephany, 1 September 2015, p. 2).

(c) maintain reasonable neighbourhood amenity and appropriate residential character by:

(i) *providing building setbacks to reduce bulk and overshadowing;*

Eastern Boundary:



Figure 8: Setbacks along eastern boundary (boffa robertson group). Setback measurements identified below and this Figure is attached as Appendix C.

- Figure 8 illustrates setbacks of ILU A, B and C from eastern boundary.
  - Orientated to the north east. No balcony directly over looks the adjacent property as illustrated in Figure 8.
  - ILU A setback greater than 6 metres from eastern boundary with exception of north eastern balcony of Units 6 and 12. Balcony setback 4.6 metres from eastern boundary.
  - ILU B setback greater than 6 metres from eastern boundary with exception of north eastern balcony of Units 6 and 12. Balcony setback 4.9 metres from eastern boundary.
  - ILU C setback 6.435 metres from eastern boundary.
- Third levels of ILU A, B and C are further setback from eastern boundary. Third storey setback reduces bulk of ILUs when viewed from Holden Avenue properties.
  - 15 Holden Avenue:

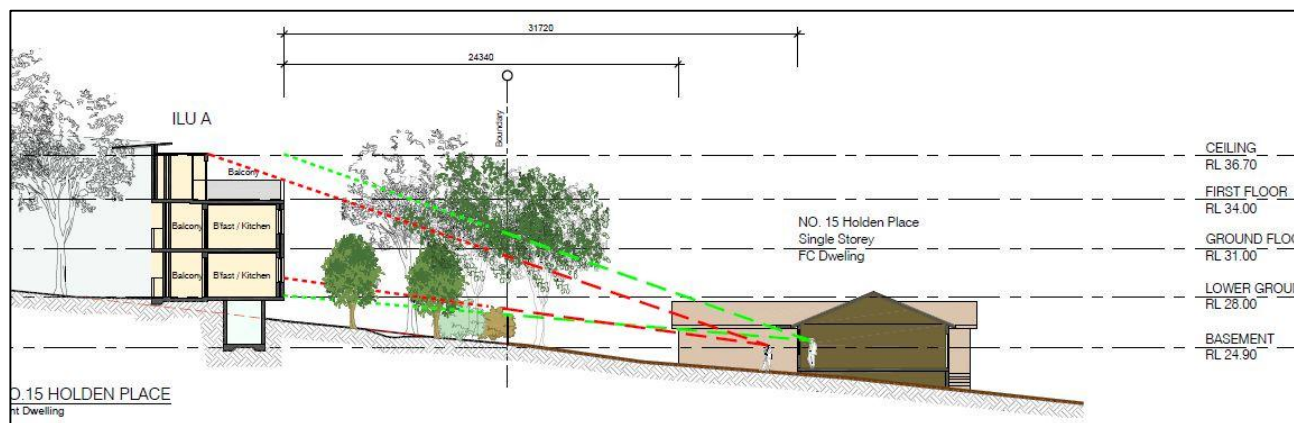


Figure 9: 15 Holden Avenue (boffa robertson group).

- Portion of third level of ILU A visible from 15 Holden Avenue.
- This is acceptable as the visible bulk is reduced due to third level setback from building line.
- New vegetation planted within setback.

o 17 Holden Avenue:

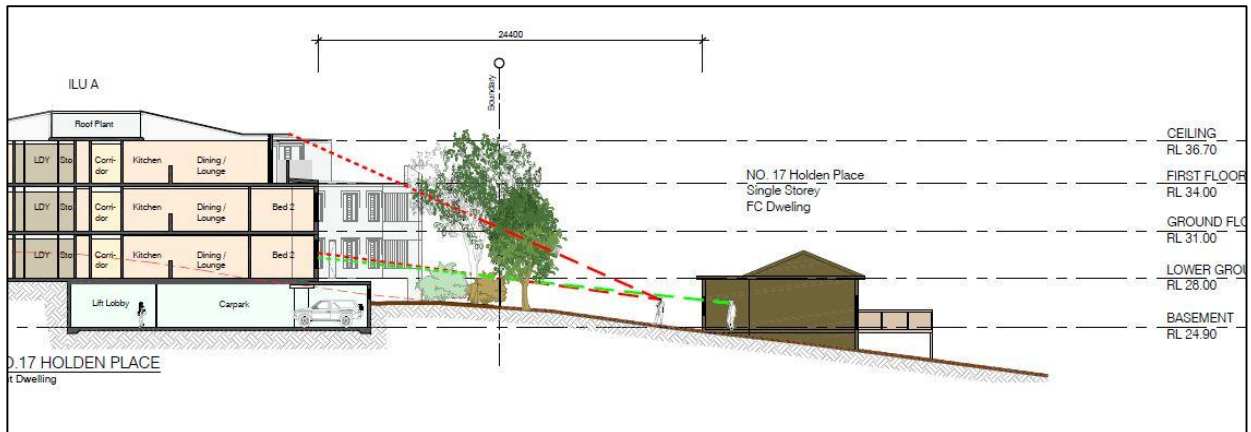


Figure 10: 17 Holden Avenue (boffa robertson group).

- First level of ILU A visible from within dwelling.
- Third level of ILU A visible from outside dwelling.
- This is acceptable as visible bulk is reduced due to third level setback from building line.

o 19 Holden Avenue:

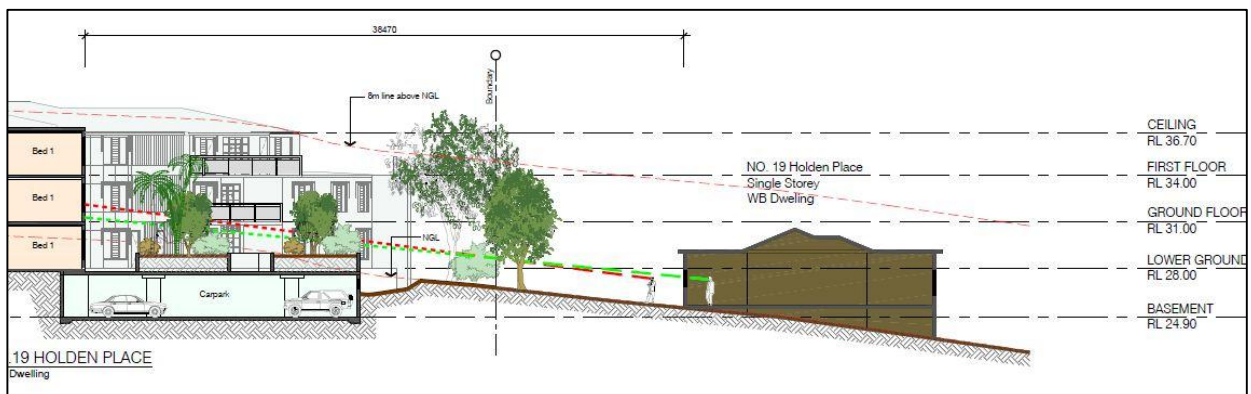


Figure 11: 19 Holden Avenue (boffa robertson group).

- Second level of ILU A visible from inside and outside 19 Holden Avenue.

o 21 Holden Avenue:

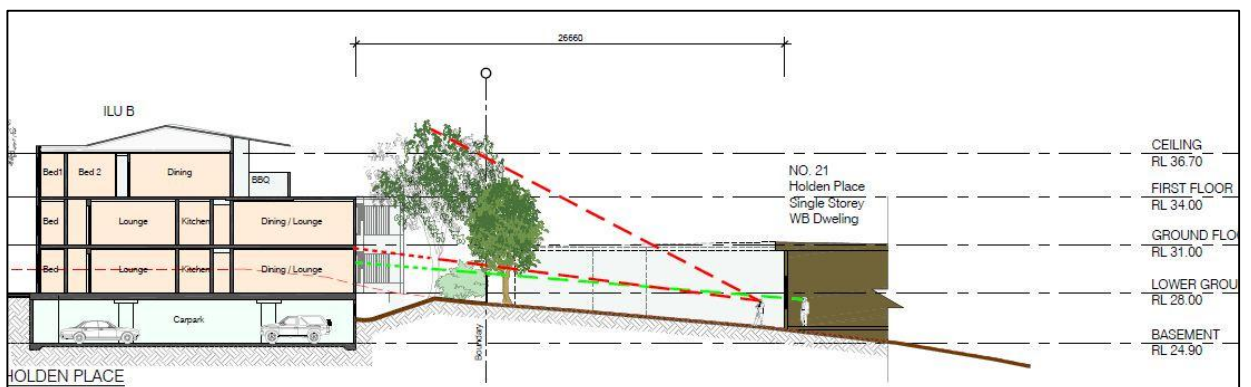


Figure 12: 21 Holden Avenue (boffa robertson group).



- First level of ILU B visible from within dwelling.
- Third level of ILU B visible from outside dwelling.
- This is acceptable as visible bulk is reduced due to third level setback.

o 23 Holden Avenue:

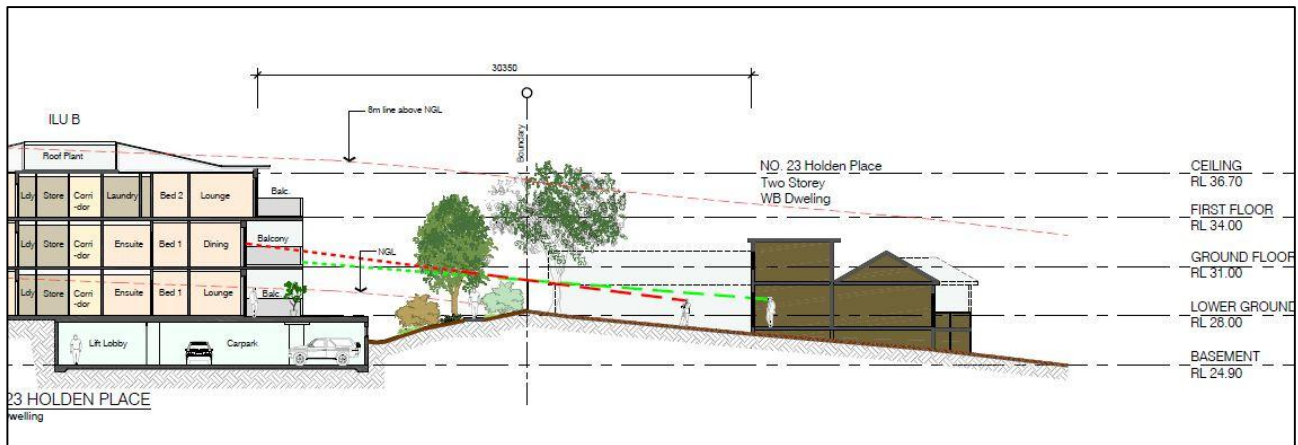


Figure 13: 23 Holden Avenue (boffa robertson group).

- Second level of ILU B visible from inside and outside dwelling.

o 25 Holden Avenue:

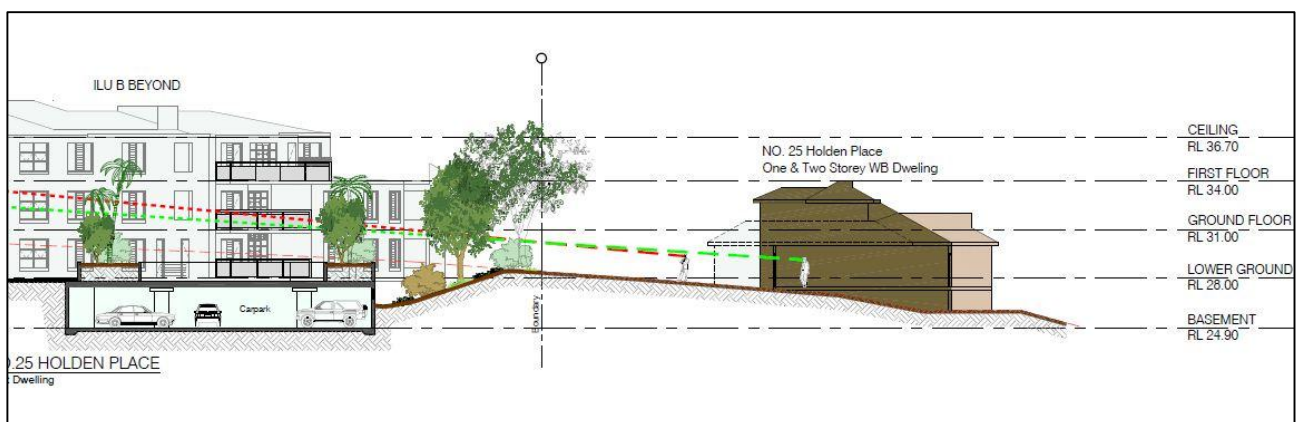


Figure 14: 25 Holden Avenue (boffa robertson group).

- Sight lines from 25 Holden Avenue are between ILU A and ILU B.

o 27 Holden Avenue:

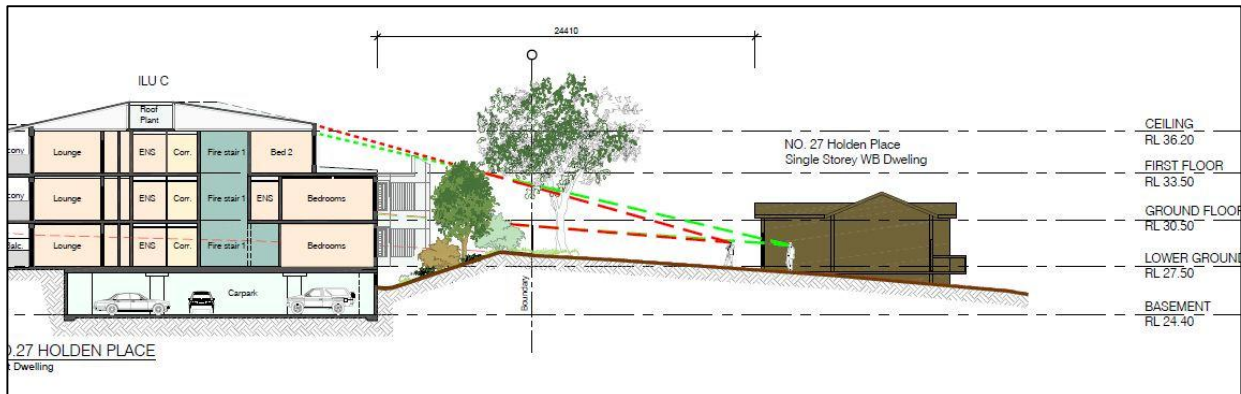


Figure 15: 27 Holden Avenue (boffa robertson group).

- Third level of ILU C visible from inside and outside dwelling.
- This is acceptable as visible bulk is reduced due to third level setback from building line.

o 29 Holden Avenue:



Figure 16: 29 Holden Avenue (boffa robertson group).

- Second level of ILU C will be visible from inside and outside 29 Holden Avenue.
- Sections (Figures 9-16) illustrate that from within Holden Avenue dwellings, ILUs will present as three storeys and have the greatest impact on 15, 17, 21 and 27 Holden Avenue. The ILUs however do not present a solid three storey building wall to Holden Avenue properties. The third level of all ILUs are setback from the building line to minimise bulk.
- Existing and proposed vegetation along eastern boundary will further screen the ILUs from Holden Avenue properties.

## Western Boundary

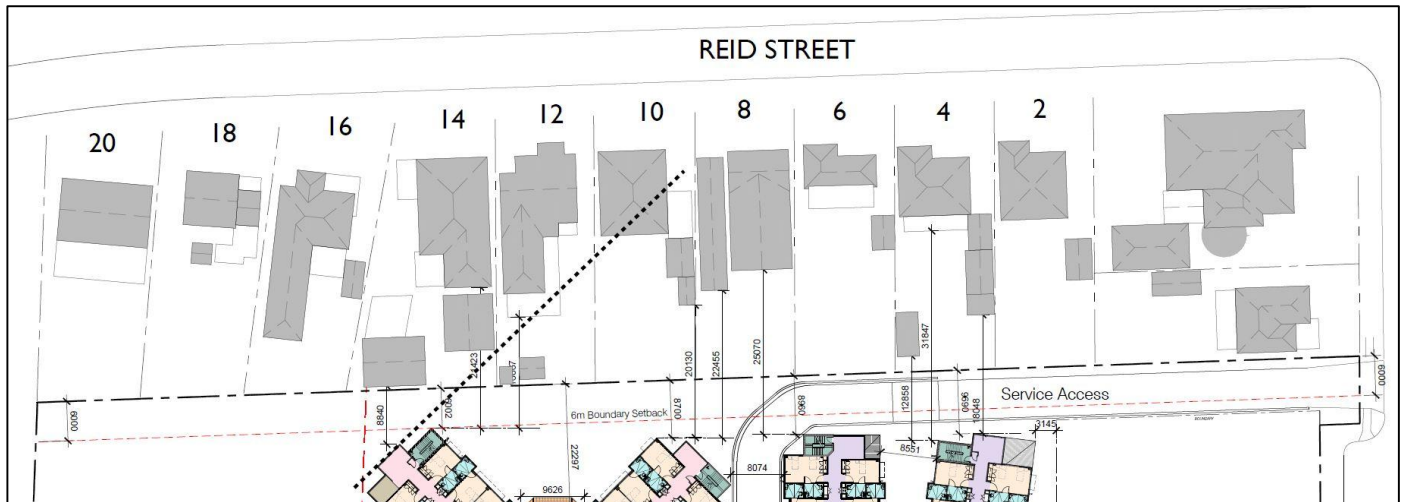


Figure 17: Setbacks along western boundary (boffa robertson group). Setback measurements identified below and this Figure is attached as Appendix C.

- Figure 17 illustrates that RACF buildings exceed 6 metre setback from boundary.
- The RACF on the western edge of the site is below the minimum height limit.
- 14 and 16 Reid Street identified on Figure 17 above.

Reid Street properties:

- o 14 Reid Street

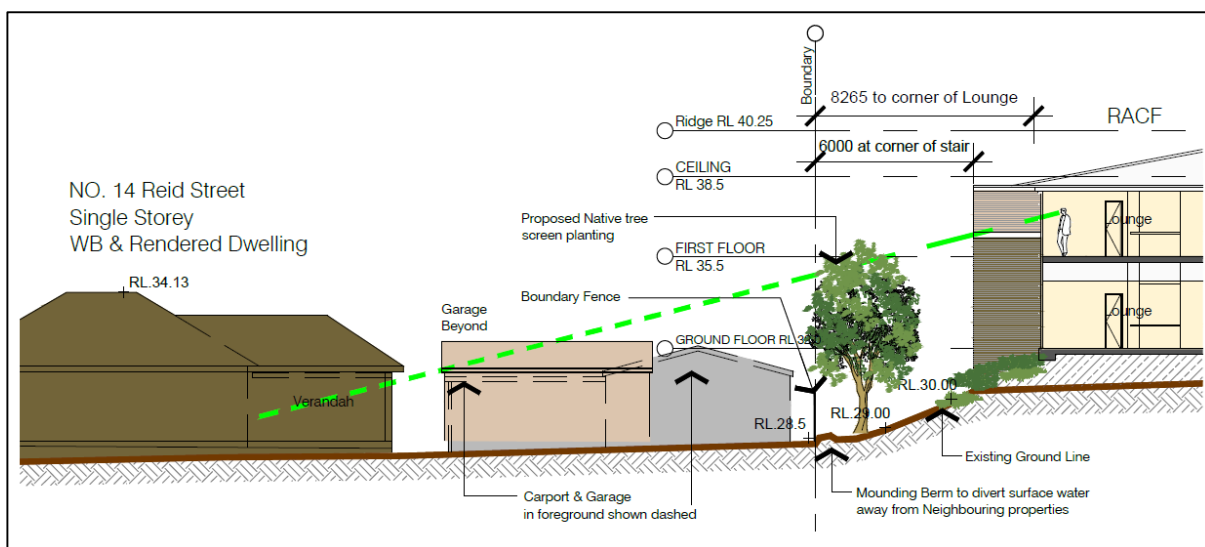


Figure 18: 14 Reid Street (boffa robertson group).

- Building at oblique angle not directly facing 14 Reid Street as illustrated in Figure 18..
- RACF compliant with 6 metre side boundary setback.
- Compliant with height limit.

16 Reid Street:

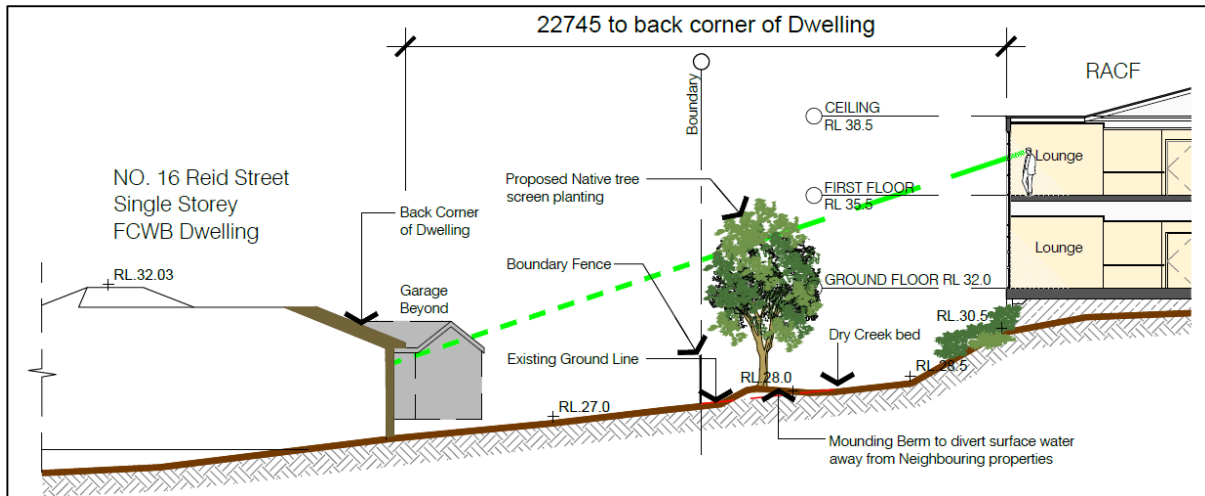


Figure 19: 16 Reid Street.

- RACF compliant with 6 metre side boundary setback.
  - RACF will present as two storeys to 16 Reid Street.
  - RACF is two storeys at western boundary and will be viewed as two storeys from 14 and 16 Reid Street.
  - 16 Bed Pod Dementia Unit (Western Wing) of RACF is closest to 14 and 16 Reid Street. This section of the RACF is compliant with 6 metre setback from western boundary.
  - Vegetative screening assists in reducing apparent bulk of RACF.
- (ii) *using building form and siting that relates to the site's land form,*
- The largest building within the complex, ALU which has height of 11.34 metres and breaches 8 metre height limit by 3.34 metres, is located in the southern portion of the development (see Figure 20).
  - This does not impact the amenity of the streetscape as it is over 100m from Bonaria Street and 50m from the neighbouring properties at Holden Street.
  - The upper levels will not have a detrimental impact on the residential character of Bonaira Street.



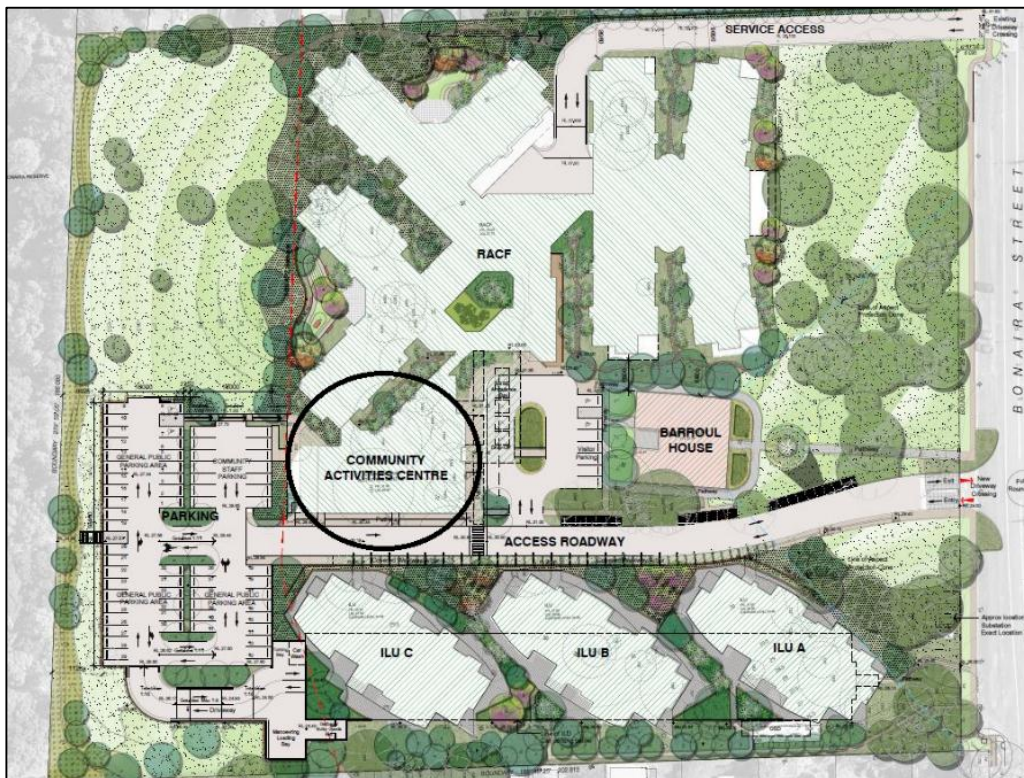


Figure 20: Location of Community Activities Centre/ALU.

- (iii) *adopting building heights at the street frontage that are compatible in scale with adjacent development, and*
  - o The highest building on the site (ALU with RL 43.58) breaches the 8m height limit by 3.34m. It does not have any detrimental impacts on the surrounding area.
  - o The Independent Living Units are three storeys. They are higher than any other building located along Holden Street. Impacts are mitigated through
    - Orientated in a north east direction to prevent direct overlooking.
    - Vegetated setbacks, which are typically over 6m.
    - Setting the third level further west to mitigate overlooking impacts and protect the privacy of the rear yards of Holden Street properties.
  - o Solar access to private open space is not impacted by the Independent Living Units between 9.00am-2pm.
  - o The additional height sought in this proposal is reasonable because it does not detract from the streetscape of Bonaria Street.
  - o Acoustic impacts have been addressed through a proposed noise barrier along the eastern side of ILU car park ramp. The noise barrier would be 1.5 metres in height and constructed from concrete. It will assist in mitigating noise impacts.
- The design details of the acoustic wall are required to be assessed by a Council Engineer prior to the issuance of a construction certificate.
- (iv) *considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours,*
  - No building located at Boundary.

(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line,



Figure 21: Masterplan indicating Barroul House protected views (Heritage Impact Assessment, Premier Consulting Australia, p. 37).

- The north western portion of the site (illustrated purple in Figure 21) has a separate application for subdivision. This is proposed for a health services facility. However, we cannot assess what impact this will have on the streetscape in the future.
- Building ILU A setback preserving a 45 degree view cone in and out from Barroul House (see Figure 21).
- The north eastern portion of ILU A is located in front of Barroul House, however does not interrupt the 45 degree view cone.



## 2.1.2 Clause 34 Visual and acoustic privacy

The proposal takes into consideration the visual and acoustic privacy of neighbouring properties.

*The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:*

- (a) *appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and*

The Residential Aged Care Facility:

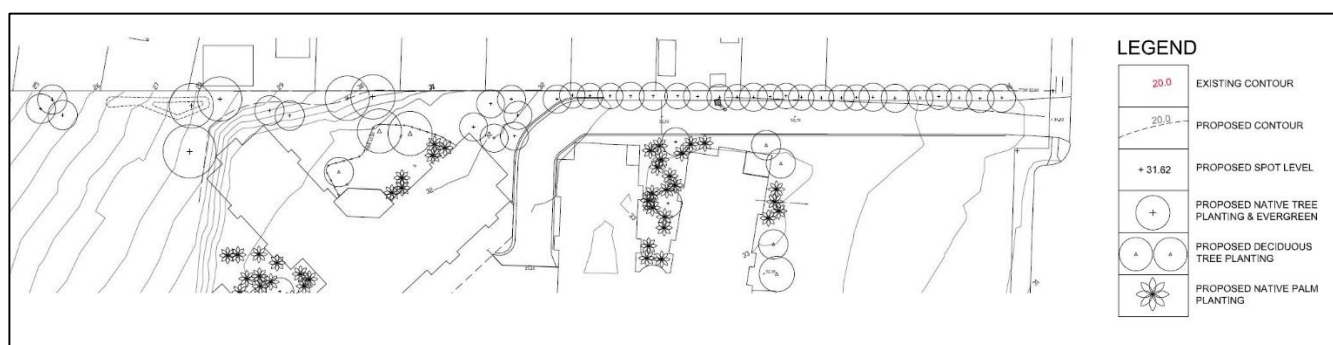


Figure 22: Proposed planting along western boundary (Taylor Brammer). Figure attached as Appendix B.

- Setback is a minimum 6m from 14 Reid Street, 8m from 6 Reid Street and 9m from 4 Reid Street.
- Vegetation is proposed between the service lane and Residential Aged Care Facility. Proposed planting along western boundary will screen the RACF and prevent overlooking into Reid Street properties (see Figure 22). The Residential Aged Care Facility is only two storeys. Bedrooms windows are oriented form the neighbouring properties to avoid overlooking into the rear setbacks of Reid Street.
- Figures 18 and 19 in Section 2.1.1 indicate how overlooking from the southern RACF Lounge area to 14 and 16 Reid Street is minimised through vegetative screening along the western boundary.



(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.



Figure 25: ILU driveway noise barrier (boffa robertson group).

- A noise barrier is proposed along the eastern side of ILU car park ramp (see Figure 25). The noise barrier would be 1.5 metres in height and constructed from concrete. It will assist in mitigating noise impacts to Holden Avenue properties.
- The design details will be assessed by Council engineer prior to the issuance of a construction certificate.



## 2.1.3 Clause 35 Solar access and design for climate change

*The proposed development should:*

- (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and

Reid Street

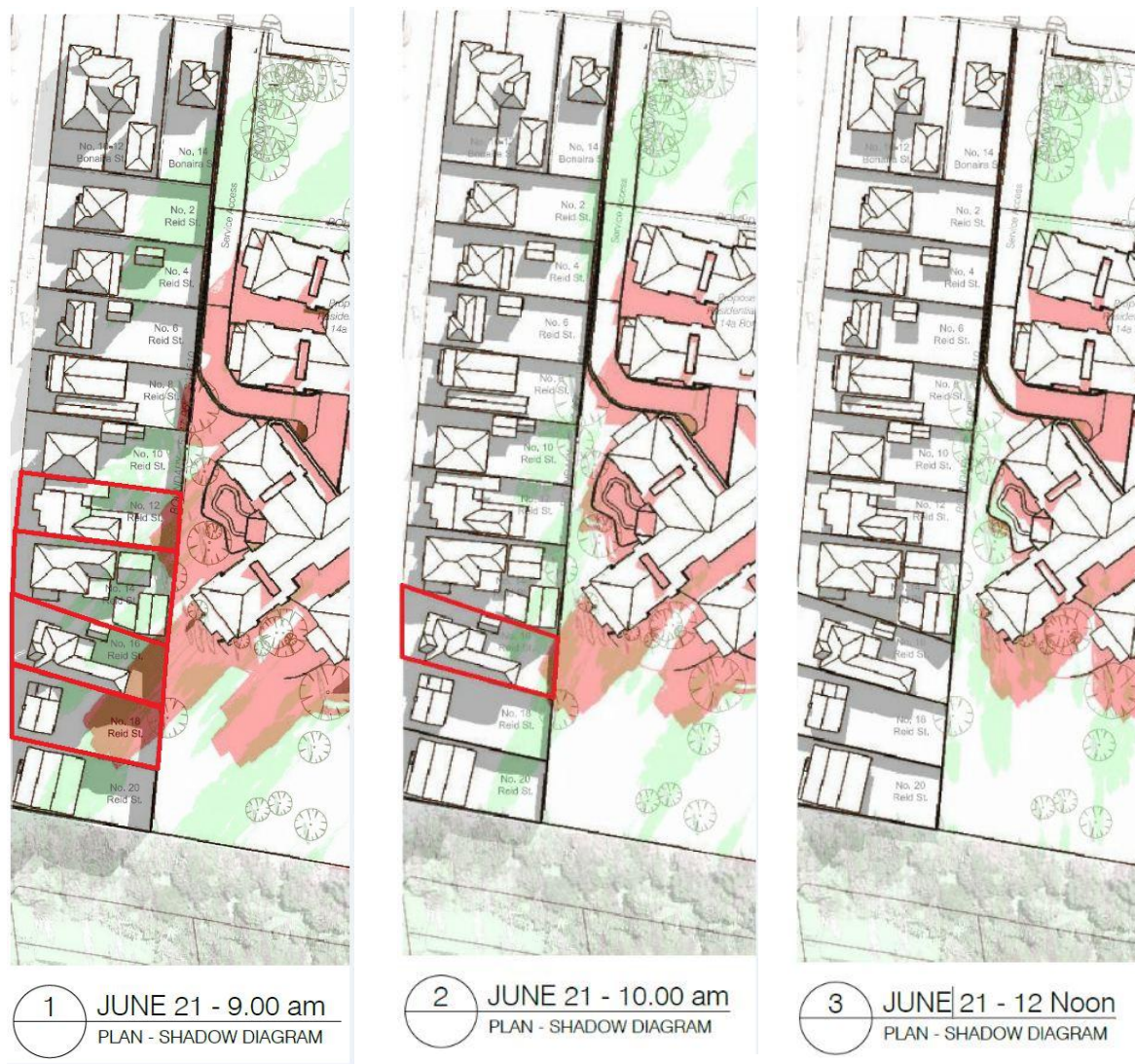


Figure 26: Impacted properties identified in red.

- 2-20 Reid Street dwellings currently get uninterrupted solar access.
- Rear setback 12-18 Reid Street are impacted by shadow of south western portion of RACF between 9.00am and 10.00am. The rear yard of these properties get sunlight between 11 and 3pm.
- Rear Setback of 12 and 14 Reid Street are impacted by shadow of western wing of RACF at 9.00am. The rear portion of the yard is not impacted between 10 and 3pm.
- 2 to 10 Reid Street and 14 Bonaira Street do not receive any shadow impacts.

The proposed bulk and scale of the Residential Aged Care Facility do not have unreasonable impacts on the neighbouring properties on Reid Street or 14 Bonaira Road.

## Holden Avenue

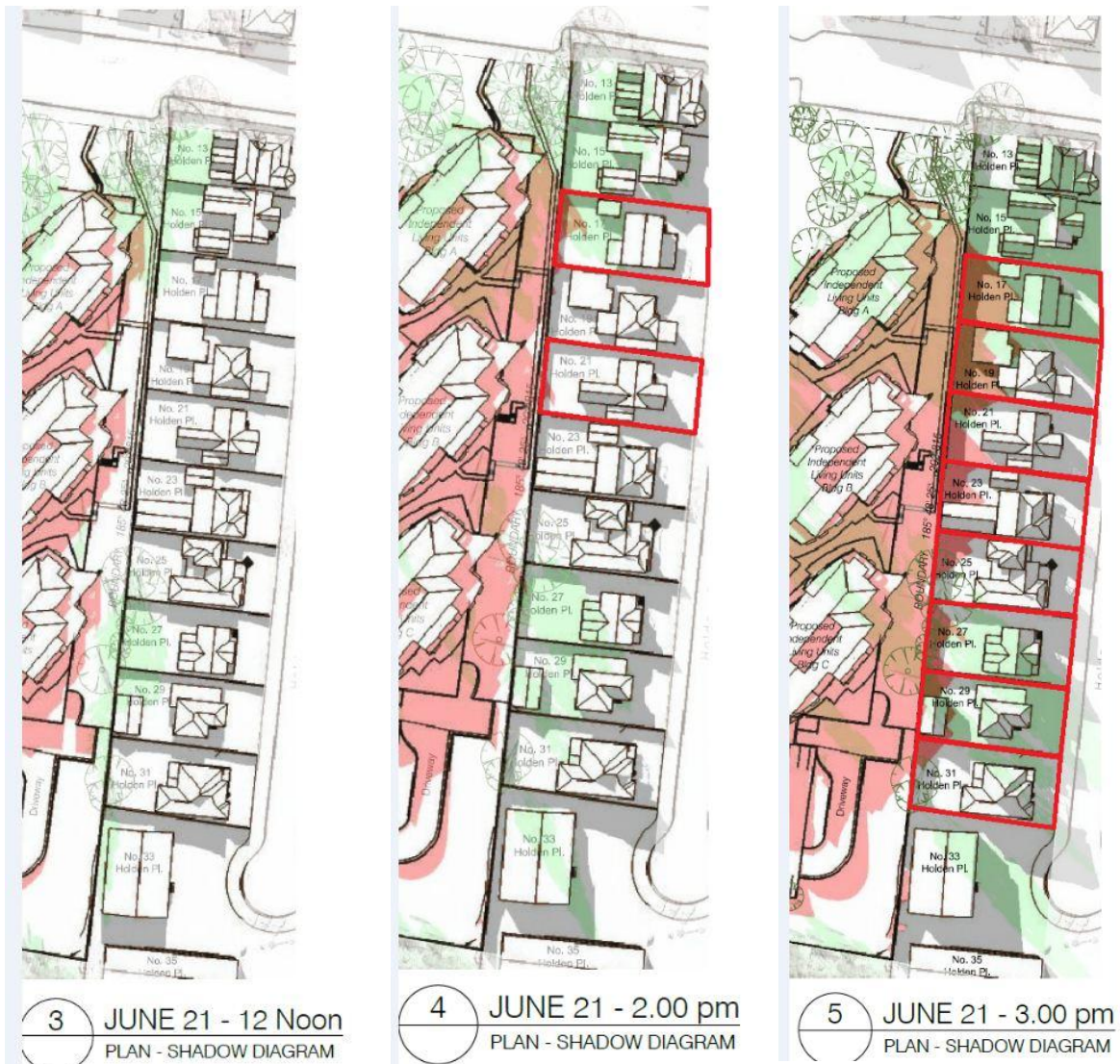


Figure 27: Impacted properties identified in red.

- Rear Setbacks of Holden Avenue properties are not impacted by shadows between 9 and 2pm except for a portion of rear setback of 17 and 21 Holden Avenue where there is overshadowing from 2pm onwards.
- 19 Holden Avenue is overshadowed by ILU A from 3pm onwards.
- 21-25 Holden Street have less than half of their rear yards overshadowed by ILU B at 3pm.
- Half of the rear yards for 25-31 Holden Street are overshadowed by ILU C's shadow from 3pm onwards.

The bulk and scale of the Independent Living Units do not have an unreasonable impact on the living areas or private open space of neighbouring properties at Reid Street.



Residential Aged Care Facility:

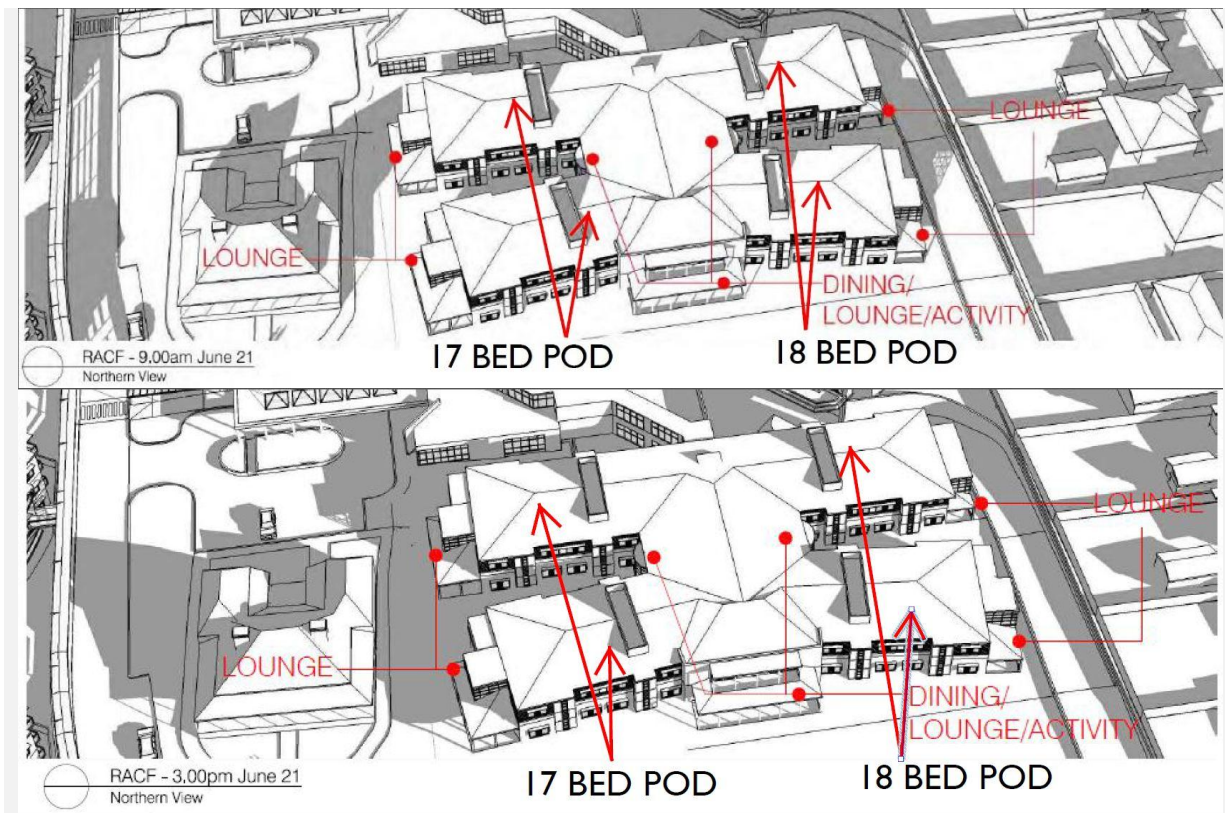


Figure 28: Shadow diagrams of 17 and 18 bed pods of RACF.

- 18 and 17 Bed Pod North West Portion of the Site (see Figure 28).
  - 18 and 17 Bed Pod address Bonaria Road.
  - Terraces and Lounge areas receive sunlight between 9.00am and 2pm. These are north facing and not overshadowed by any built form.
  - Lounge and activity areas will receive sun between 9.00am and 2pm.
  - Bedrooms that are facing south and north facing rooms located behind the northern wing will not receive direct sunlight during winter.
  - Northern facing bedrooms fronting Bonaria Road will receive in excess of three hours sun during winter.
  - Western facing bedrooms will receive sunlight between 12pm and 3pm (see Figure 29).
  - Future development on the subdivided north western portion of the site will have to consider overshadowing of western wing of RACF.

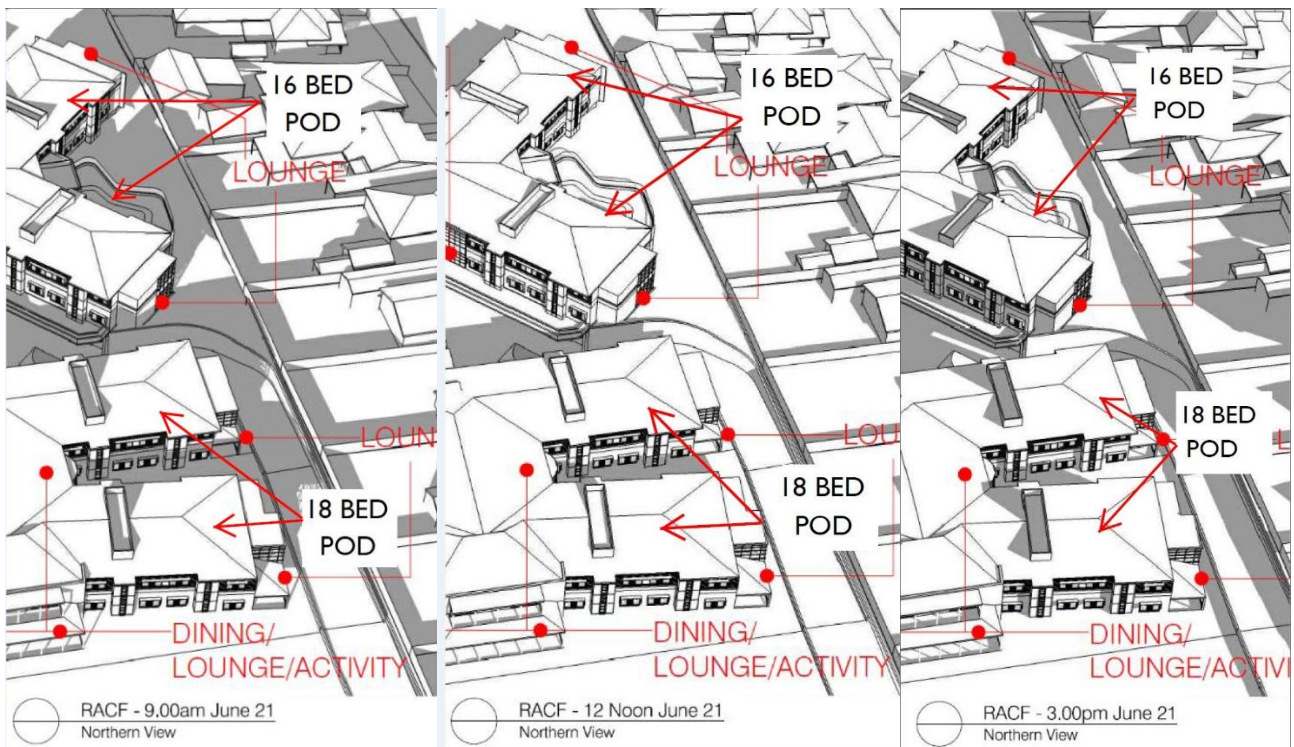


Figure 29: Shadow diagrams of 18 and 16 bed pods of RACF.

17 pod and 18 Pod of the Residential Aged Care Facility its rooms, its common spaces and its communal open space areas receive the most amount of access to sunlight.

Over 50% of all bedrooms do not receive direct access to sunlight.

The communal open spaces are large in size and would accommodate the residents of these pods during the day to enable these residents to have access to sunlight in winter months.

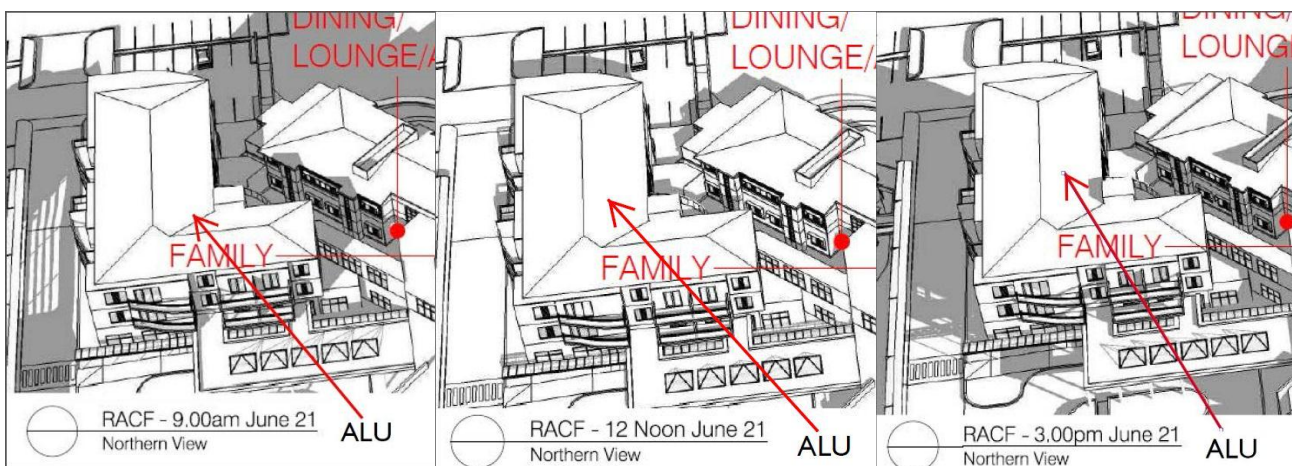


Figure 30: Shadow diagrams of ALU/ Community Activities Centre.

- Community Activities Centre and Assisted Living Units(see Figure 30):
  - Private Balconies of upper two levels of the assisted living units (along northern boundary) receive direct sunlight between 9 and 1pm.
  - Lounge and Communal open space of this area does not receive direct solar access till sunlight till 1pm.

- 16 Bed Pod Dementia Unit (Southern Wing):
  - A winter garden is provided at the northern portion of this wing, which will receive a limited amount of direct sunlight during the middle of the day.
  - The Dementia Garden does not receive any direct sun during winter.
  - Communal rooms such as lounge and dining receive some sunlight between 9 and 12pm.
  - Bedrooms facing north receive some sunlight between sunrise and 12pm.
  - Bedrooms facing west receive some late morning and early afternoon sun.
  - South facing bedrooms and ground level bedrooms located between the assisted living unit areas receive little or no sunlight during the winter months.

16 bed Pod and Dementia Unit have the least access to direct sunlight. The winter garden with communal activity areas, receive direct sunlight. This is an acceptable approach to ensuring residents have access to sunlight during the winter months

- 16 Bed Pod Dementia Unit (Western Wing):
  - Dementia Gardens receive sunlight between noon and 3pm.
  - Communal Terrace and private balconies at northern portion of the wing receive sunlight between 9am and 1pm.
  - Communal areas and terrace at western portion of the building receive sunlight between noon and 3pm.
  - Bedrooms facing north receive sunlight between 9am and 1pm.
  - South facing bedrooms and bedrooms at ground level towards the middle of the building receive no direct access to the sun.

Outdoor space and communal areas receive the most access to open space. This is an acceptable approach to ensuring residents have access to sunlight during winter.

#### Independent Living Unit A

A solar study of the Independent Living Units prepared by BRG is provided as an attachment to this report please refer to Appendix D.

- Lower Ground Apartments:
  - A05 does not receive any direct sunlight between 9 and 3pm on June 21
  - A01-A04 receive more than three hours during June 21.
  - A06 receives sunlight between 9 and 3pm.
- Ground Level Apartments:
  - A11 does not receive any sunlight between 9.00am and 3pm.
  - A07 to A10 receive sun between 11.30 and 2pm.
  - A12 receives sunlight between 9 and 3pm.
- First Floor Apartments
  - All upper level apartments receive the minimum three hours of sunlight between 9 and 3pm.

#### Independent Living Unit B

A solar study of the Independent Living Units prepared by BRG is provided as an attachment to this report please refer to Appendix D.

- Lower Ground Apartments:
  - B05 does not receive any direct sunlight between 9 and 3pm on June 21.
  - B01-B04 receive more than three hours during June 21.
  - B06 receives sunlight between 9 and 3pm.
- Ground Level Apartments:
  - B11 does not receive any sunlight between 9.00am and 3pm.



- o B07 to B10 receive sun between 11.30 and 2pm/
  - o B12 receives sunlight between 9 and 3pm.
- First Floor Apartments
  - o All upper level apartments receive a minimum three hours of sunlight between 9 and 3pm

#### Independent Living Unit C

A solar study of the Independent Living Units prepared by BRG is provided as an attachment to this report please refer to Appendix D.

- Lower Ground Apartments:
  - o C05 does not receive any direct sunlight between 9 and 3pm on June 21
  - o C01-C04 receive more than three hours during June 21.
  - o C06 receives direct sun between 9 and 3pm.
- Ground Level Apartments:
  - o C11 does not receive any sunlight between 9.00am and 3pm.
  - o C07 to C10 receive sun between 11.30 and 2pm/
  - o C12 receives sunlight between 9 and 3pm.
- First Floor Apartments
  - o All upper level apartments receive a minimum three hours of sunlight between 9 and 3pm

Independent Living units satisfy the ADG requirements in relation to access to sunlight. 86% of units receive in excess of 3 hours of sunlight to private open space areas and 80% of units receive in excess of 3 hours of sunlight to living rooms. They are orientated to the north ensuring that private open space also achieve good access to sunlight.

*(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.*

- Common rooms and dining areas are predominantly orientated to the north.
- Independent Living Units are orientated in a north-easterly direction maximising access to sunlight for private open space and living areas of independent living units.

## 2.1.4 Clause 36 Stormwater

*The proposed development should:*

*(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas,*

- Landscape proposed within the proposal integrates with the stormwater treatment of the proposed development. Paths and roads are buffered by vegetation and on site detention.
- Council engineer is satisfied with the overall proposal, however incorporate the following proposed changes as part of detailed design:

*Proposed stormwater treatment and disposal is deemed to be consistent with Council's requirements with the exception that:*

- Stormwater discharge from OSD 4 and 6 shall be designed to avoid the concentration of flows over the adjoining Kendall Street road reserve;*
- The surcharge pit arrangements from OSD 4, 5 and 6 has a weir level one metre above the invert level of the OSD storage, meaning backwater flooding of the OSD orifice outlets and permanent water sitting in the pipes and pits. The plans shall be amended accordingly;*
- No indicative access grates are shown for OSD 1, 2 and 3. The plans shall be amended accordingly;*
- The ramp into the basement under ILU has no drainage and is below ground level, Clarification on stormwater disposal shall be provided;*
- Eleven (11) enviropods and twenty (20) storm filter products are proposed in the design; however, no details have been included on the plans;*
- The WSUD report indicates that:*
  - *Gerringong rainfall data was used in the music model; and*
  - *Rainwater storage tanks in OSD 1, 3, 4 and 5 indicates toilet, laundry and landscaping re-use components as part of the calculations. Given the multi-storey nature of the development it is unlikely that the toilet and laundry re-use will be included in the plumbing design. The plans shall be amended to show that the re-use components shall be implemented.*

*(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.*

- Onsite detention basins are incorporated as part of the development.



## 2.1.5 Clause 37 Crime Prevention

*The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:*

*(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street,*

- Access to independent dwelling units is controlled and residents can see who approaches without allowing them to enter.
- Access to underground basement car parks and basements is controlled 24 hours.
- CCTV is required at all vehicular entrance points and loading areas.
- Lighting along footpaths and court yards is proposed.

*(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and;*

Security locking is provided for all shared entries.

*(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.*

Access to independent dwelling units is controlled and residents can see who approaches without allowing them to enter.

## 2.1.6 Clause 38 Accessibility

*The proposed development should:*

- (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and

Pedestrian paths within the development connect to local footpaths, which provide access to local shops and a bus stop.

- (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.

- Footpaths and roads are clearly delineated.
- Compliance with AS 1428.1 in relation to footpaths.
- An upgrade to Bonaira Road, which will incorporate a roundabout will have to be assessed by Council traffic engineers prior to the issuance of a construction certificate. Impacts on pedestrians within the proposal and along Bonaira Street will be required to be considered.

## 2.1.7 Clause 39 Waste Management

*The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.*

Satisfactory waste arrangements have been incorporated as part of this proposal. Garbage areas located in the following locations:

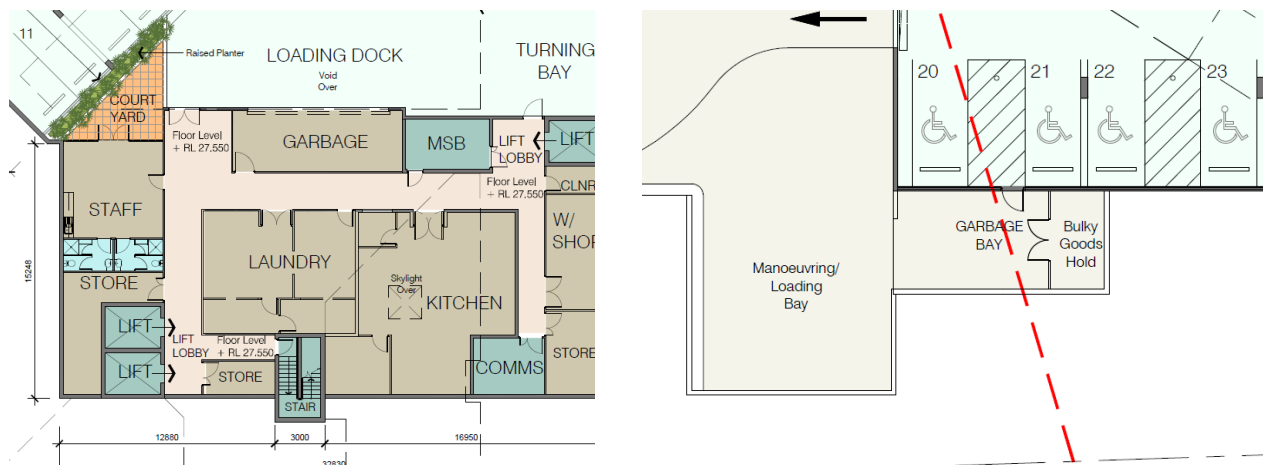


Figure 31: Garbage bays of RACF and ILUs

### RACE

- In basement adjacent to loading dock (services both RACF and ALU).

### ILU

- In basement adjacent to manoeuvring/loading bay and southern entrance.

Operational waste generated by RACF, ILU, ALU, Barroul House and Community Activities Centre will be managed in the following ways:

- General site, office and residential waste will be removed via Council's waste services vehicles.
- Medical related waste will be removed via a licenced contractor.

## 2.1.8 Clause 48 Standards that cannot be used to refuse development consent for residential care facilities

*A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds:*

- (a) **building height:** if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),



Figure 32: Height exceedance, viewed from the south east (SEE, Cardno).



Figure 33: Height plan indicating building forms which breach 8 metre building height, viewed from south east (SEE, Cardno)

RACF breaches 8 metre height limit (see Figures 32 and 33). As illustrated above the roof of the southern portions of RACF building exceeds 8 metre height limit by approximately 200mm.

- Breach in height is acceptable as:
  - RACF does not cause significant overshadowing on Reid Street properties on June 21 (refer to section 2.1.3 of this report).
    - Backyards of 12-18 Reid Street impacted by overshadowing by RACF at 9am.
    - Portion of 16 Reid Street backyard impacted at 10am.
    - After 10 am Reid Street properties receive uninterrupted solar access.
  - Units within southern portion of RACF building receive adequate solar access on June 21 (refer to section 2.1.3 of this report).

(b) **density and scale:** if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,

- FSR provisions of the site vary according to building classification:
  - RACF has FSR of 1:1 as it is classified as a residential care facility.
- RACF building located on 36.23% of the site (11,214m<sup>2</sup>).
- Overall FSR applicable to the site is 0.68:1. Development proposes overall FSR of 0.53:1 and is therefore compliant.

(c) **landscaped area:** if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,

- 134 bed residential aged care facility required 3,350m<sup>2</sup> of landscape.
- Total landscape proposed is:
  - 16,160m<sup>2</sup> of soft porous landscape (52.2% of site area).
  - 5,718m<sup>2</sup> of non-porous landscape (18.5% of site area).
- Provision of landscape is compliant.

(d) **parking for residents and visitors:** if at least the following is provided:

- (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and
- (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and
- (iii) 1 parking space suitable for an ambulance.
- 134 bed aged care facility with a maximum of 40 employees will require:
  - 14 spaces for residents.
  - 20 spaces for employees.
  - 1 ambulance space.
- Proposal provides:

RACF Staff Parking – basement (Figure 34).	15
RACF Visitor Parking (Figure 35)	10
ILU Resident Parking (Figure 36)	51
Community Staff Parking (Figure 37)	14
Additional Parking (Figure 37)	49



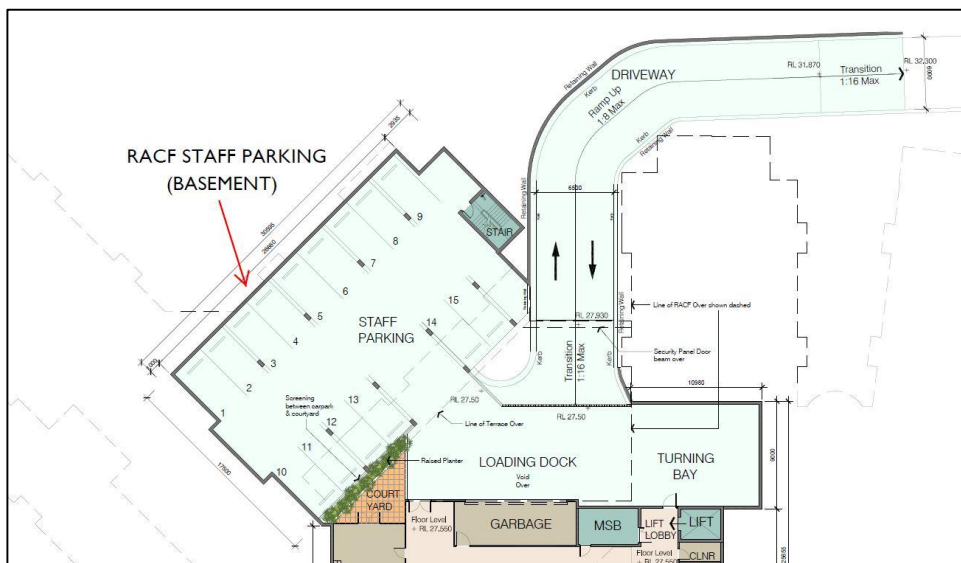


Figure 34: RACF and Community Administration Lower Ground Floor Plan (boffa robertson group).

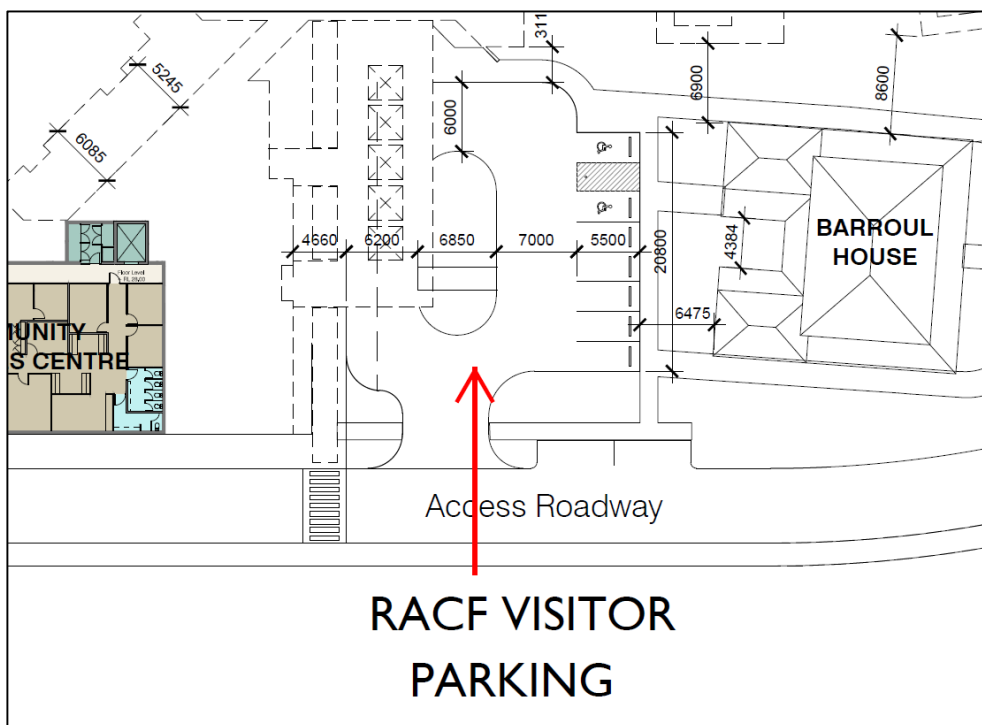


Figure 35: RACF/Community Admin Lower Ground and ILU Basement carpark floor (boffa robertson group).

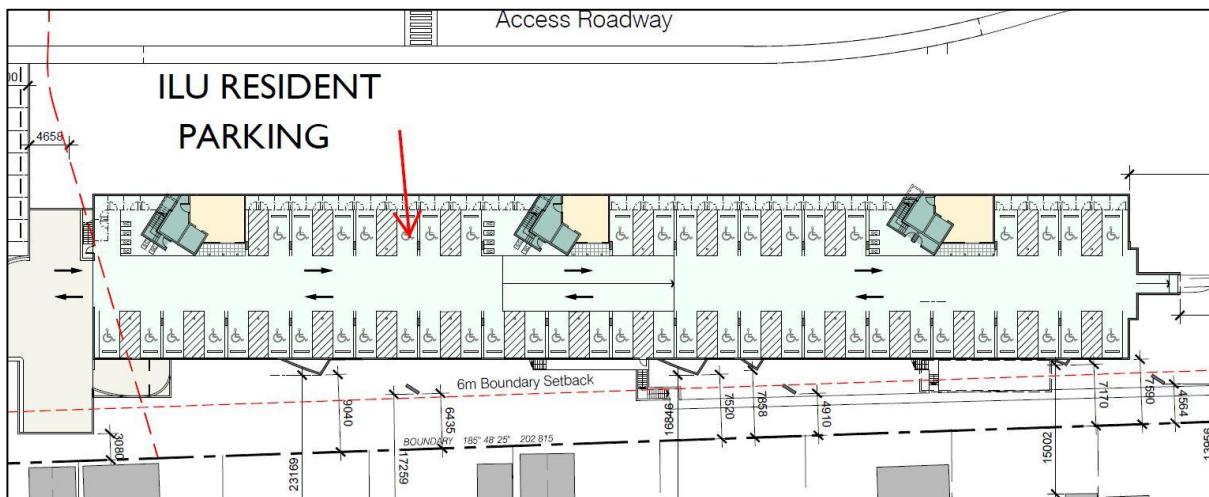


Figure 36: RACF/Community Admin Lower Ground and ILU Basement carpark floor (boffa robertson group).

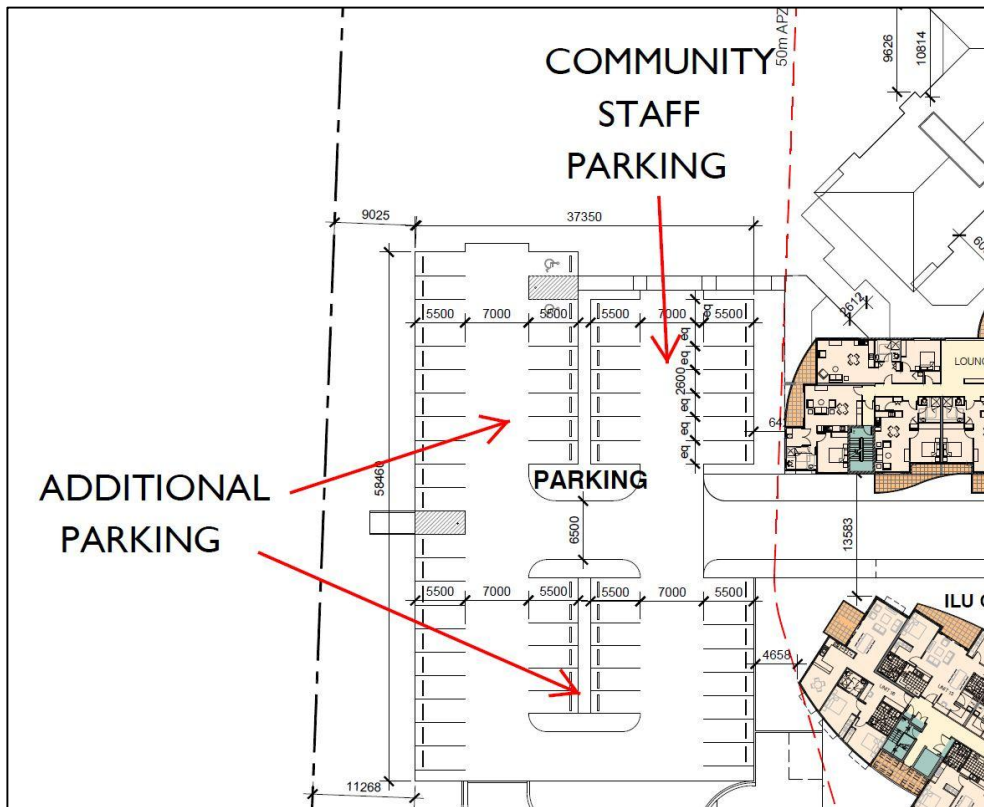


Figure 37: ALU Second Floor and ILU First Floors (boffa robertson group).

- The proposed number of Car parking spaces is compliant.

## 2.1.9 Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings

*A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds:*

- (a) **building height:** *if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),*

Development breaches 8 metre height limit (see Figure 32 and 33):

- Upper level of ALU building (exceeds 8 metre height limit by 3.34 metres).
- Upper level northern ILU buildings (exceeds 8 metre height limit by approximately 200mm).

Notwithstanding the height breach, the proposal is reasonable as:

- Building with greatest breach (ALU with breach of 3.34 metres) is located at the centre of the site. ALU will have no impact on solar access of neighbouring properties on Reid Street or Holden Avenue.
- Overshadowing impacts of ILUs on Holden Street properties are consistent with requirements of the SEPP and as such is acceptable:
  - Rear setbacks of Holden Avenue properties not impacted by shadows between 9am and 2 pm except for a portion of rear setback of 17 and 21 Holden Avenue where there is overshadowing from 2pm.
- Internal amenity:
  - ILUs:
    - 86% of Independent Living Units receive in excess of 3 hours of sunlight to private open space areas.
    - 80% of Independent Living Units receive in excess of 3 hours of sunlight to their living rooms.

- (b) **density and scale:** *if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,*

- FSR provisions of the site vary according to building classification:
  - ILUs, ALU, Community Activities Centre and Barroul House have FSR of 0.5:1
- Overall FSR applicable to the site is 0.68:1. Development proposes overall FSR of 0.53:1 and is therefore compliant.

- (c) **landscaped area:** *if:*

- (i) *in the case of a development application made by a social housing provider—a minimum 35 square metres of landscaped area per dwelling is provided, or*
- (ii) *in any other case—a minimum of 30% of the area of the site is to be landscaped,*
- Total landscape proposed is:
  - 16,160m<sup>2</sup> of soft porous landscape (52.2% of site area).
  - 5,718m<sup>2</sup> of non-porous landscape (18.5% of site area).
- Provision of landscape is compliant.

- (d) **Deep soil zones:** *if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees*

*and shrubs on an area of not less than 15% of the area of the site (the **deep soil zone**). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,*

16,160m<sup>2</sup> of soft porous landscape (52.2% of site area) is provided. This is compliant.

(e) **solar access:** *if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,*

- Solar access diagrams and tables have been reviewed:
  - 86% of Independent Living Units receive in excess of 3 hours of sunlight to private open space areas on June 21.
  - 80% of Independent Living Units receive in excess of 3 hours of sunlight to their living rooms on June 21.
  - Independent living units satisfy requirements of this clause and ADG requirements in relation to access to sunlight. Units are oriented to the north to maximise solar access to private open space. Units which do not receive 3 hours of sunlight and listed in section 2.25 of this report.
  - Solar access diagrams on June 21 for all Independent Living Units are attached as Appendix D.

(f) **private open space for in-fill self-care housing:** *if:*

- (i) *in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor; and*
  - (ii) *in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,*
- ILUs provide:
    - 18 ground level dwellings (require 15sqm of private open space per dwelling).
    - 33 dwellings on floors above (require 10sqm of private open space per dwelling).
  - Floorplans illustrating private open space have been reviewed and are included below (see Figures 38-40).



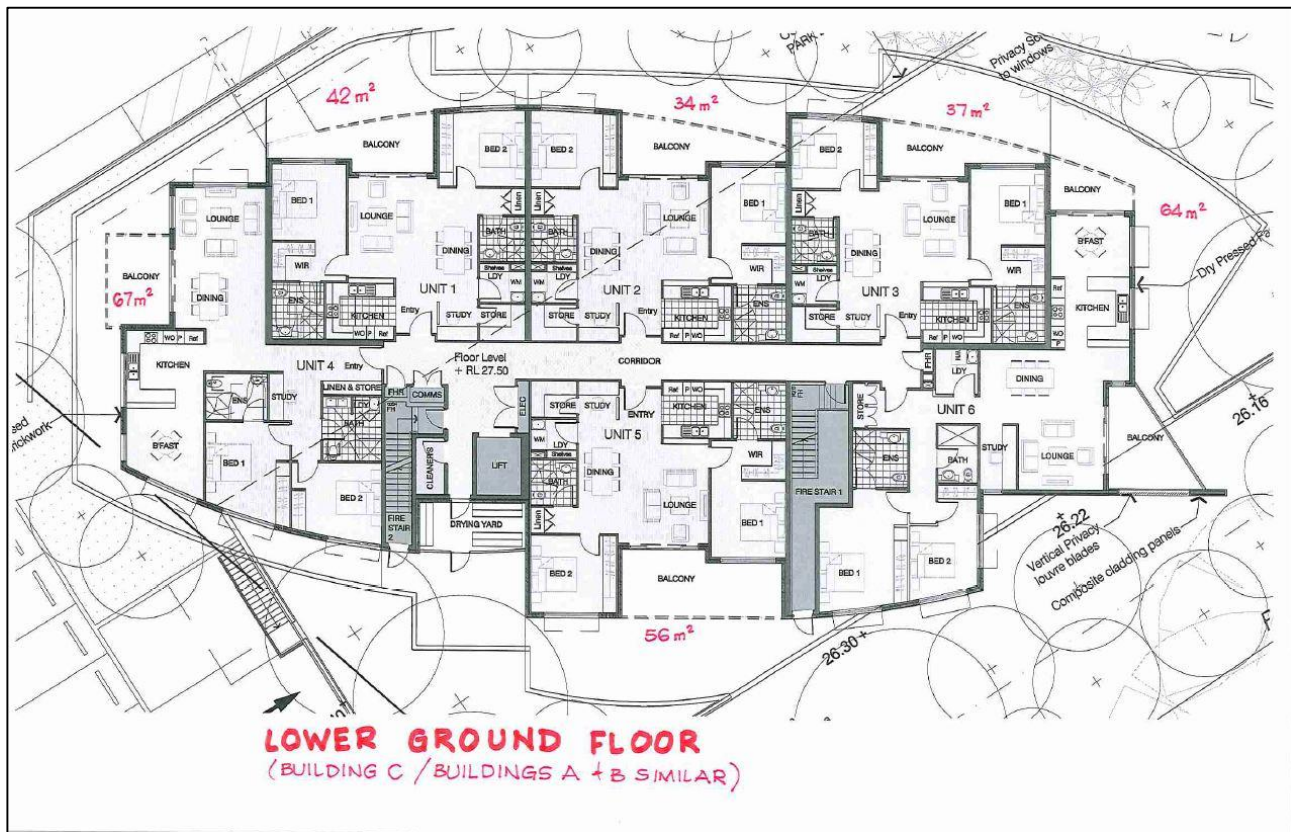


Figure 38: Lower Ground Floor private open space provision.

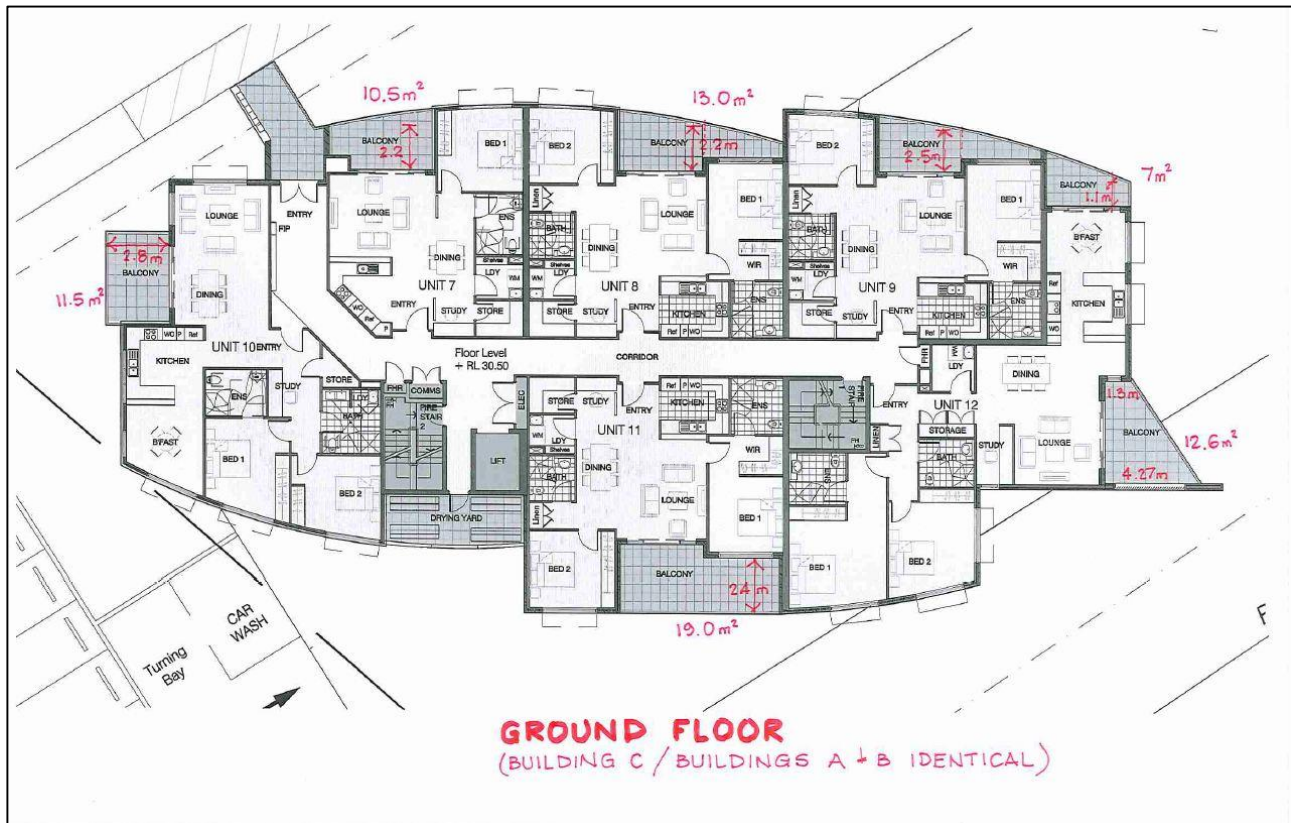


Figure 39: Ground Floor private open space provision.

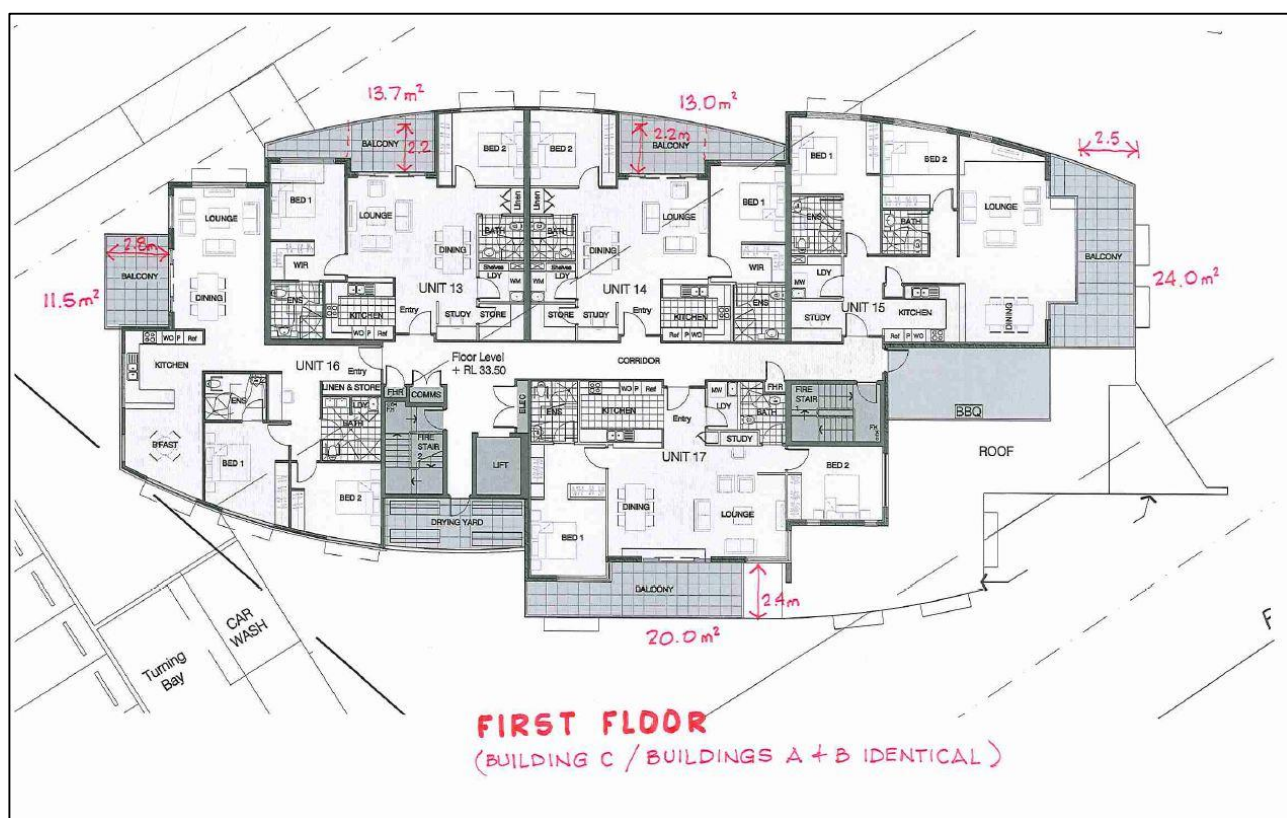


Figure 40: First Floor private open space provision.

- Provision of private open space is compliant with this clause for ground level dwellings and for dwellings above.

(g) (Repealed)

N/A

(h) **parking:** if at least the following is provided:

- 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider; or
- 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.

ILU and ALU components require 58 spaces (50 spaces for ILU and 8 for ALU). Development proposes (refer to Figures 34-37 in Section 2.1.8 of this report):

RACF Staff Parking (basement)	15
RACF Visitor Parking	10
ILU Resident Parking	51
Community Staff Parking	14
Additional Parking	49

Provision of parking is sufficient.

## 2.2 Variation of Development Standards

### Variation to Clause 40 Subclause 4a and 4b

SEPP I Objection have been provided to justify the proposal's noncompliance with Clause 40 of SEPP (Housing for seniors or People with a Disability) 2004. The proposal breaches the following development standards:

A legal opinion was provided by Thompson Greer, which recommended that a SEPP I objection is suitable for this application as it is pursuant to a Statement Environmental Planning Policy.

- State Government Policy prevails over Local Environmental Plans.

#### Section 36 of EP&A Act

- a) There is a general presumption that a State Environmental Planning Policy prevails over a local environmental plan or other instrument made before or after that State Environmental Planning Policy,
- b) repealed
- c) The general presumptions of the law as to when an Act prevails over another Act apply when one kind of environmental planning instrument prevails over another environmental planning instrument of the same kind.

As the development application has been made pursuant to the SEPP and not the Kiama Local Environmental Plan the SEPP I Objection can be assessed. This is supported by a legal opinion provided.

### **(4) Height in zones where residential flat buildings are not permitted**

*(a) the height of all buildings in the proposed development must be 8 metres or less.*

*(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height*

The following components of the proposal breach the above standards:

- Upper level of ALU building (exceeds 8 metre height limit by 3.34 metres).
- Upper level northern ILU buildings (exceeds 8 metre height limit by approximately 200mm).
- Southern portions of RACF building (exceeds 8 metre height limit by approximately 200mm).
- ILUs along eastern boundary are 3 storeys.

Thomson Geer Lawyers offer the following advice:

*(a) On balance, in our opinion the better view is that a SEPP I objection is the correct mechanism to seek to vary the development standards contained in clauses 40(4)(a) and (b) of the Seniors SEPP.*

*(b) However, this view is not free from doubt, particularly in the absence of any clear authority on this point.*

*(c) The alternative view, which we consider is arguable, is that a variation made pursuant to clause 4.6 of the KLEP is the correct mechanism to seek to vary the development standards contained in clauses 40(4)(a) and (b) of the Seniors SEPP (Thomson Geer Lawyers, 11 November 2015, p. 3).*

Thomson Geer Lawyers advised Kiama Council to provide both a SEPP 1 Objection and a Clause 4.6 variation under the KLEP as part of the DA submission. Provision of both sufficiently covers all relevant issues.

We are satisfied with this approach.

### **SEPP 1 Objection**

Objection sought pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1) aiming to prove that compliance with Clause 40(4) of the Seniors SEPP is unreasonable or unnecessary in the circumstances of the case.

The test focuses on Test 1 which states:

*1. The objectives of the standard are achieved notwithstanding noncompliance with the standard.*

The test identifies that the purpose of two storey control contained in Clause 40(4)(b) is to avoid an abrupt change in the scale of the development along the streetscape. Relevant objectives of Kiama LEP (as there are no specific objectives of Clause 40(4)(a)) aim to ensure development is in character with the desired scale and character of the street and allow reasonable daylight access to surrounding developments and the public domain.

- Each of the objectives of Clause 4.3 Height of buildings of the KLEP 2011 are addressed.
- Clause 40(4)(b) of the Seniors SEPP is addressed.

Compliance with Clause 40(4)(a) and (b) is unreasonable and unnecessary as:

- Overshadowing impacts are in accordance with Kiama DCP, Apartment Design Guide and Seniors Housing SEPP.
- Measures to reduce bulk of proposal (setbacks, vegetative screening, and stepping back of upper levels of ILUs) ensure proposal does not unreasonably modify the streetscape or impact the amenity of neighbouring properties.

### **Clause 4.6 Variation Request.**

Variation sought pursuant to Clause 4.6(3) of the KLEP 2011. The following are addressed:

- Objectives of Clause 4.3 Height of buildings of KLEP 2011.
- Clause 40(4)(b) of the Seniors SEPP.
- Objectives of Zone R2 Low Density Residential.



## SEPP (Building Sustainability Index – BASIX) 2004

- A BASIX Certificate was lodged with the application which demonstrates that the dwellings have been designed in accordance with BASIX.

## SEPP 55 Remediation of Land

- Clause 7 of SEPP 55 requires the consent authority to consider whether the land is contaminated.
- A Phase 1 and Phase 2 contamination assessment determined that the site contains asbestos, lead and hydrocarbons that will require remediation.
- A remedial action plan will be required prior to issue of construction certificate in accordance with recommendations from Coffey (SEE, August 2015, p. 67).

## SEPP 71 Coastal Protection

- Site is located within the coastal zone, as defined by SEPP 71.

The relevant Aims under Clause 2, Matters for consideration under Clause 4 and the development controls in Part 4 of SEPP 71 are addressed below.

### Part 1 Preliminary

#### Clause 2: Aims of Policy

CLAUSE	COMMENT	COMPLIANCE
(I) This Policy aims:		
(e) to ensure that the visual amenity of the coast is protected	Proposal will not diminish visual amenity of coast as it is extensively screened by existing and proposed vegetation.	YES
(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area	The scale of development is mitigated through the appropriate siting of buildings, setbacks and use of landscape.	YES

### Part 2 Matters for consideration

#### Clause 8 Matters for consideration

CLAUSE	COMMENT	COMPLIANCE
(d) the suitability of development given its type, location and design and its relationship with the surrounding area,	Development will provide for elderly and disabled population within Kiama. Proposal does not diminish ability of	YES

	<p>surrounding land uses to provide for residents.</p> <p>Design is suitable for low density residential locality as bulk and scale is reduced through:</p> <ul style="list-style-type: none"> <li>• Compliance with 6 metre side boundary setbacks.</li> <li>• Additional third level setbacks of ILUs.</li> <li>• Location of largest and highest building (ALU) within centre of development.</li> <li>• Proposed and retained vegetative screening.</li> </ul>	
(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,	Proposal will not have significant overshadowing or overlooking impacts to Reid Street or Holden Avenue dwellings (as demonstrated in section 2.1.3).	YES

#### Part 4 Development Control

CLAUSE	COMMENT	COMPLIANCE
<p><b>(14) Public Access</b></p> <p>A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.</p>	Development will not impede public access to or along foreshore.	YES
<p><b>(15) Effluent disposal</b></p> <p>The consent authority must not consent to a development application to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an</p>	<p>Effluent will discharge into the existing system.</p> <p>Upgrades will be required due to intensification of use. This will be managed as a condition of consent.</p>	YES

estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.		
<p>(16) <b>Stormwater</b></p> <p>The consent authority must not grant consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.</p>	<p>Stormwater drainage plan provides:</p> <ul style="list-style-type: none"> <li>• OSD basins.</li> <li>• Bio retention swale to control release of stormwater from the site.</li> </ul>	YES

## SEPP (Infrastructure) 2007

- The required consultation with relevant public authorities during the assessment process has been undertaken.

## Kiama Local Environmental Plan (LEP) 2011

The subject land is zoned R2 Low Density Residential pursuant to Kiama Local Environmental Plan (LEP) 2011. It is noted that the provisions contained in the Seniors SEPP override the controls contained in the Kiama LEP 2011.

The relevant matters to be considered under the Kiama LEP 2011 for the proposed development are outlined below.

### Part 2 Permitted or prohibited development

#### Zone R2 Low Density Residential

CLAUSE	COMMENT	COMPLIANCE
Objectives of zone:		
To provide for the housing needs of the community within a low density residential environment.	<p>Development provides for housing needs of elderly residents within Kiama by providing Independent Living Units, Assisted Living Units and a Residential Aged Care Facility.</p> <p>Siting, setbacks and screening of development responds to surrounding low density residential environment.</p>	YES
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Development will provide for elderly and disabled population within Kiama.	YES

	Proposal does not diminish ability of surrounding land uses to provide for residents.	
To increase the supply of secondary dwellings for affordable rental housing stock.	N/A	
To provide economic and employment opportunities for people who conduct business activities from their homes where these will not adversely affect the amenity of neighbours or the neighbourhood.	N/A	

#### Part 4 Principal development standards

##### Clause 4.3 Height of buildings

CLAUSE	COMMENT	COMPLIANCE
(I) The objectives of this clause are as follows:		
(a) To ensure future development is in keeping with the desired scale and character of the street and local area.	Proposal is well setback from Bonaira Street and is screened by existing and proposed trees to reduce bulk and scale.	YES
(b) To allow reasonable daylight access to all developments and the public domain.	Reid Street and Holden Avenue dwellings will receive over three hours of solar access (refer to section 2.1.3 of this report).	YES

#### Part 5 Miscellaneous Provisions

##### Clause 5.5 Development within the coastal zone

CLAUSE	COMMENT	COMPLIANCE
(I)(b)(ix) ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area,	<p>The bulk of the Independent Living Units is acceptable as they are:</p> <p>Located at a 45 degree angle to the rear boundaries along Holden and Reid street thereby reducing the apparent bulk of each building when viewed</p>	YES



	<p>form the adjoining properties .</p> <ul style="list-style-type: none"> <li>• Setback a minimum of 6m from the rear boundary of Holden Street. Third levels of all ILUs are further setback to minimise bulk.</li> <li>• Setback a minimum 6m from 14 Reid Street, 8m from 6 Reid Street and 9m from 4 Reid Street.</li> <li>• Vegetation between service lane and RACF and along eastern boundary screens development.</li> </ul>	
<p>(2)(b)the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:</p> <ul style="list-style-type: none"> <li>• the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and</li> <li>• the location, and</li> <li>• the bulk, scale, size and overall built form design of any building or work involved,</li> </ul>	<p>Seniors Housing is permissible through the use of the SEPP.</p> <p>Bulk and scale of development minimised through:</p> <ul style="list-style-type: none"> <li>• Compliance with 6 metre side boundary setbacks.</li> <li>• Additional first floor (third level) setbacks of ILUs from lower ground.</li> <li>• Location of largest and highest building (ALU) within centre of development.</li> <li>• Proposed and retained vegetative screening.</li> </ul>	YES
<p>(c) the impact of the proposed development on the amenity of the coastal foreshore including:</p> <ul style="list-style-type: none"> <li>(i) any significant overshadowing of the coastal foreshore, and</li> <li>(ii) any loss of views from a public place to the coastal foreshore,</li> </ul>	<p>Shadow diagrams indicate that overshadowing of Reid Street and Holden Avenue properties are reasonable (refer to section 2.1.3 of this report).</p>	YES

	Proposal will not cause loss of views from a public place to the foreshore.	
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#### Clause 5.10 Heritage Conservation

CLAUSE	COMMENT	COMPLIANCE
<p>(l) Objectives:</p> <p>The objectives of this clause are as follows:</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.</p>	<p>Views to and from Barroul House will be maintained with the landscape design maintaining a 45 degree view protection zone measured from the edge of the veranda's on Barroul House.</p> <p>Structures surrounding Barroul House will be finished in dark, non-reflective materials. Facades facing Barroul House will be made of:</p> <ul style="list-style-type: none"> <li>• Face brickwork in muted toning.</li> <li>• Tinted-low reflectivity glazing.</li> <li>• Weatherboard upper floor cladding (Supplementary DA information, BRG, p. 3).</li> </ul>	YES

## Kiama Development Control Plan (DCP) 2012

The relevant matters to be considered under the Kiama DCP 2012 for the proposed development are addressed below.

It is noted that although the site is zoned R2 Low Density, the Kiama DCP 2012 states that:

*"For the purposes of this chapter development encompassing 3 or more dwellings/units is classed as medium density development and includes: Residential Flat Buildings, Multi dwelling Housing, Boarding Houses, Group Homes, Seniors Housing, Shop Top Housing."* (Kiama DCP 2012 Chapter 5 Medium Density Development, p. 5.1).

As the development proposes Seniors Housing, the objectives and controls of Chapter 5 Medium Density Development are applicable.

## Chapter 5 Medium Density Development

CONTROLS	COMMENT	COMPLIANCE
7. Cutting and filling on site is limited to 900mm external to the perimeter of the building.	Cut and Fill plans have been provided. Plans indicate proposed retaining walls greater than 900mm. These retaining walls are within the southern portion of the site and used in the creation of the southern car park, driveway to ILU basement car park and RACF garden. Retaining walls are acceptable.	NO

### Section 2 – Setbacks

CONTROLS	COMMENT	COMPLIANCE
9. Setback controls for development up to 8.5m in height above natural ground: <ul style="list-style-type: none"> <li>• Primary Street frontage: 4.5 metres</li> <li>• Side Setback: 3 metres</li> <li>• Rear Setback: 6 metres</li> </ul>	<p>Proposal is compliant with a 6 metre side setback from eastern and western boundaries.</p> <p>Proposal exceeds front setback to maintain vegetative screening and provide 45 degree view protection zone from Barroul House.</p> <p>Proposal exceeds rear setback due to required APZ.</p> <p>Setbacks addressed in Section 2.1.1 of this report.</p>	YES

### Section 3 – Building Separation

CONTROLS	COMMENT	COMPLIANCE
14. Design should not unreasonably reduce the sunlight permeation to adjacent development by greater than 30% of existing levels.	The proposal does not unreasonably reduce solar access to Reid Street and Holden Avenue as addressed in Section 2.1.3 of this report.	YES

## Section 7 – Storage

CONTROLS	COMMENT	COMPLIANCE
30. In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: <ul style="list-style-type: none"> <li>studio apartments 6m<sup>3</sup></li> <li>one-bedroom apartments 6m<sup>3</sup></li> <li>two-bedroom apartments 8m<sup>3</sup></li> <li>three plus bedroom apartments 10m<sup>3</sup></li> </ul>	Storage facilities are under the requirement however are sufficient as it is not a requirement of the Seniors SEPP.	NO

## Section 13 – Drying Area

CONTROLS	COMMENT	COMPLIANCE
53. Drying areas should have a northerly aspect.	Drying areas have an easterly aspect however overall ILU design is appropriate as it is not a requirement of the Seniors SEPP.	NO

## Chapter 9 – Car Parking Requirements

### Section 19 Car Wash Bays

CONTROLS	COMMENT	COMPLIANCE
44. For multiple residential developments, provision must be made for a car washing area at the rate of 1 wash bay per 12 dwellings or part thereof. This area must be identified on the site plan, be clearly signposted as a designated car washing area and be equipped with a tap and appropriate waste water drainage. A visitor carparking space may be utilised for the dual purpose of a car washing bay, provided it is appropriately signposted, bunded and designed to drain waste water to the sewer.	One wash bay is provided in basement of ILU carpark. Does not comply however is sufficient as it is not a requirement of the Seniors SEPP.	NO



## 2.2 Section 79C (1B) – Other Impacts of the Development

The proposal will have no significant detrimental environmental, social or economic impacts on the locality, subject to the appropriate controls being adhered to.

## 2.3 Section 79 C (1C) – Suitability of the Site for the Development

The site is suitable for the proposed development for the following reasons:

- Proposal will provide residential aged care facilities of which there is a demand
- Location close to local shops and facilities.
- Large site area.

## 2.4 Section 79C (1D) – Any Submissions

Six (6) submissions of objection and one (1) submission of support were received.

The issues raised during the notification period are summarised and discussed below.

### Issues in Objection

- Difference between natural ground level (NGL) and ground floor level (GFL)/ RACF visual impact on 14 and 16 Reid Street / 6 metre setback to western boundary not sufficient/ does not reflect neighbourhood character / change in single storey scale of Reid Street streetscape / overlooking from RACF lounge room to 14 and 16 Reid Street / vegetative screening insufficient/ incorporation of CCTV system/ potential noise impacts not addressed.

#### Comment:

- o Natural ground levels on sections and elevations equate to existing ground levels. The existing ground levels shown on the plans come from the February 2014 Site Survey.
  - o Ground Level used in plans are accurate and in accordance with LEP and SEPP definitions.
  - o Lounge located 6 metres from western boundary (compliant with Kiama DCP 2012 requirement of 3 metre side setback. Proposed vegetation will adequately screen RACF from 14 and 16 Reid Street. Additional privacy screens proposed on RACF Lounge window facing western boundary to mitigate overlooking concerns.
  - o Impact on neighbourhood character and amenity has been addressed through SEPP 1 Objection and Clause 4.6 Variation (refer to section 2.6 of this report).
  - o Front setbacks comply 4.5 metre control identified in Kiama DCP 2012.
- Height and bulk of ILUs from Holden Avenue dwellings / ILUs exceed 8 metre and 2 storey height limit / 3 storeys not compatible with existing character / abrupt change in scale of streetscape / not compatible with low density residential locality / overshadowing onto Holden Avenue properties / entrance to ILU underground carpark and loading bay causing noise impacts

#### Comment:

- o ILUs are compliant with 3 metre side setback (identified in Kiama DCP 2012). ILUs setback 6 metres from eastern boundary with the exception of blade columns and small sections of balconies. Setback in conjunction with vegetative planting will sufficiently reduce bulk of ILUs.
- o Exceedance of 8 metre height limit has been addressed through SEPP 1 Objection and Clause 4.6 Variation (refer to section 2.2 of this report).

- Shadow diagrams have been provided which indicate that Holden Avenue Properties receive a sunlight between 0am and 2pm,, compliant with rule of thumb identified in the *Seniors Living Policy – Urban design guidelines for infill development*.
- Plans have been submitted which identify position of noise barrier along eastern side of ILU carpark.
- Revised plans to be assessed by Council engineer prior to issuance of Construction Certificate.
- Scale of development imposing/ visual impact on Whitten Place and Gwinganna Avenue/ Visual impact of ILUs to Holden Avenue properties / ILUs close to fence line  
Comment:

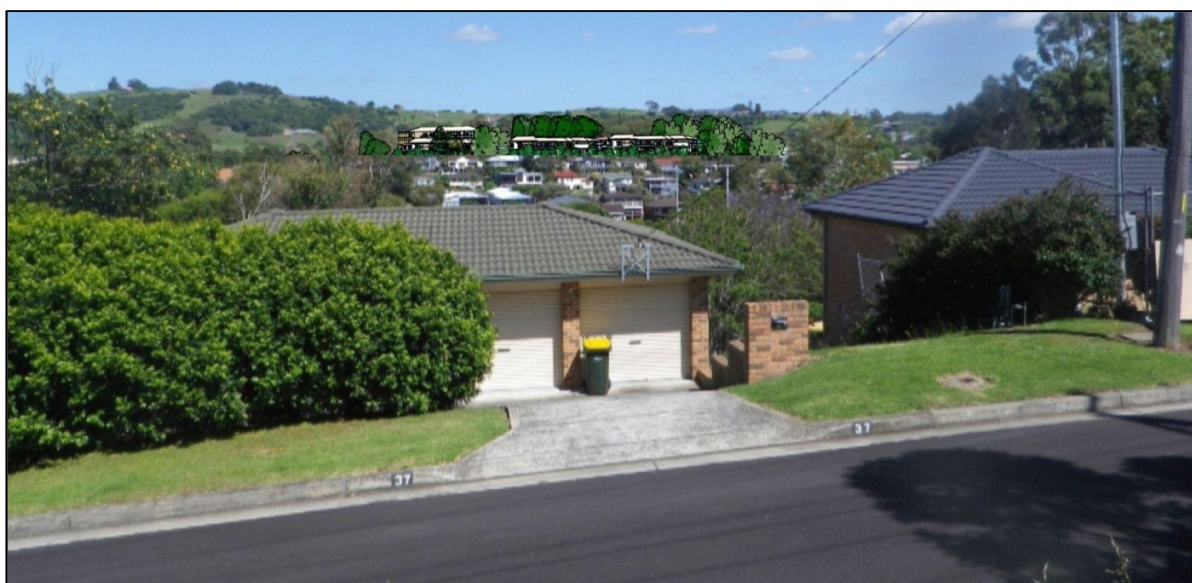


Figure 41: View of development from Gwinganna Avenue (boffa robertson group).

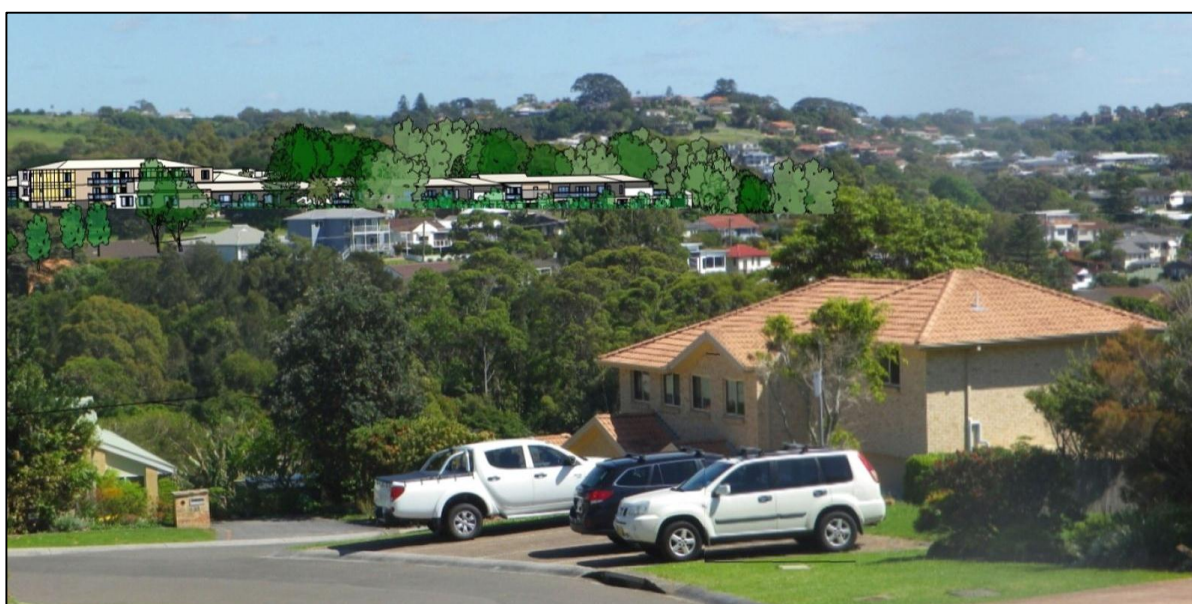


Figure 42: View of development from Whitten Place (boffa robertson group).

- Figures 41 and 42 above indicate that the proposal will be visible from Gwinganna Avenue and Whitten Place.

- The view is impacted moderately, however the ridgeline will not be blocked as a result of the development.
- **Balconies of ILUs provide overlooking into Holden Avenue properties / Overshadowing of ILUs**  
**Comment:**
  - Balconies oriented to the north east, blade columns, louvered openings and vegetative screening are sufficient to maintain visual privacy to Holden Avenue properties from ILU balconies.
  - Shadow diagrams indicate that:
    - Rear setbacks of Holden Avenue properties not impacted by shadows between 9am and 2 pm apart from a portion of rear setback of 17 and 21 Holden Avenue impacted at 2pm.
    - Overshadowing complies with Clause 50 of Seniors SEPP and ADG guidelines.
- **Drainage concern from south western corner / flooding concerns from drainage system on Reid Street**  
**Comment:**
  - Stormwater drainage plans have been submitted as part of this proposal. Proposed swale along western boundary is appropriate to divert stormwater away from Reid Street properties.
- **Lack of detail in DA plans regarding roundabout on corner of Bonaira and William Streets / traffic flow and safety concerns.**  
**Comment:**
  - Further detail on design and impacts of roundabout will be provided during detailed design phase and this is acceptable. Traffic and safety impacts can be managed through conditions of consent.

## Issues in Support

- **Offer of provision of telecommunications infrastructure to facility.**
  - Noted.

## 2.5 Section 79C (1E) – Public Interest

The proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

## 3.0 Referrals

### Environmental Health Officer

- Contamination identified in soil on site (containing asbestos material, lead and benzo(a)pyrene ) which will require remediation.
- Removal and decommissioning of underground fuel storage tank required.
- Remediation options proposed:
  1. Excavation and offsite disposal or
  2. On-site containment/capping with long term management controls.
- Site remediation Action Plan and site audit statement will be required to be issued prior to any development being undertaken on areas of the site that may have been previously contaminated but subsequently remediated.
- Noise barrier along eastern side of car parking area or car park relocation recommended to mitigate noise impacts on Holden Avenue properties.
- Remaining construction noise impacts, operational noise controls, food safety and construction requirements and demolition and construction environmental impacts can be addressed through conditions of consent.

### Landscape Officer

- The proposal in its current form is not satisfactory and amendments are recommended.
- Certain trees recommended for removal. And a detailed landscape plan required prior to issue of CC.
- Landscape plan showing trees to be retained, removed and additional planting has been provided with supplementary DA information.

### Subdivision and Development Engineer

- The site access arrangement is satisfactory, with the exception that:
- an appropriately designed round-a-bout shall be constructed at the intersection of Bonaira Street and William Street;
- the proposed internal pedestrian crossing in the access roadway, shall for safety concerns, be constructed as a raised pedestrian crossing; and
- Threshold shall be provided at the entrance to the proposed access road to provide linkage to the proposed pathway in Bonaira Street.
- Stormwater treatment and disposal can be addressed through conditions of consent.

### Building

- Proposal in its current form is satisfactory and conditions of consent are identified.

### Heritage

- Recommended to delete the visitor car parking spaces located in front and to the east of Barroul House and relocate to a more discrete location. This was addressed through DA revision. Supplementary DA information provided by BRG states that:  
*"Note also that car spaces previously shown as parallel parking on the western side of the proposed access road adjacent and in front of Barroul House have been deleted, as illustrated in plans included in appendices"* (BRG, 10 November 2015, p. 3).
- Further conservation issues can be addressed through conditions of consent.

## 4.0 Summary

The site, currently utilised as health service facility, has not been operating at its capacity for over ten years. The proposal allows for redevelopment of a much needed facility providing aged care services to older people in the Kiama area.

The site is zoned R2 for low density development under the Kiama LEP 2011. The immediate context of the surrounding development is one and two storey detached dwellings.

The core height controls for this development are the enabling provisions within the Senior SEPP that provide a height limit of 8m. However, these are 'cannot refuse, if you comply' controls and not maximums in the traditional sense of the control. The SEPP is specifically focused on facilitating aged care facilities.

The proposed development incorporates a Residential Aged Care Facility that has four storeys within the centre of the site. The three storey ILU's on the eastern portion of the site only appear two stories from the rear of Holden Street properties. The setbacks are consistent with the Apartment Design Guidelines and are well vegetated. Privacy has been dealt with using screens.

The bulk and scale of the proposed development is mitigated through the large site area. Landscape proposed and increased amount of vegetation within the setbacks along Holden and Reid Street further mitigate the visual impact.

The process with this application from the Pre-DA to the modified current scheme has also been constructive between the independent assessment team and the applicant. This is reflected in the approved presentation to Bonaira Street and reduced bulk of the Residential Aged Care Facility with increased separation between building wings.

The development is recommended for approval subject to conditions.



## 5.0 Recommendation to Joint Regional Planning Panel

Development Application No: DA10.2015.198.1 for a residential aged care facility and Independent Living Units at 14a Bonaira Road, Kiama be APPROVED by the Joint Regional Planning Panel subject to the conditions in Appendix A: