

# **ADDENDUM STATEMENT OF ENVIRONMENTAL EFFECTS**

**23 MEARES PLACE &  
33 COLLINS STREET,  
KIAMA**

5 SEPTEMBER 2018  
SA6168  
FINAL  
PREPARED FOR KIAMA SHORES PTY LTD

**URBIS**

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# EXECUTIVE SUMMARY

This addendum Statement of Environmental Effects (**SEE**) has been prepared by Urbis Pty Ltd (**Urbis**) on behalf of Kiama Shores Pty Ltd to accompany a development application (**DA**) for a mixed-use development at 23 Meares Place and 33 Collins Street, Kiama (legally described as Lot 202 in DP1054190 and Lot 1 in DP473509) (**the site**).

This SEE is an addendum to that which was submitted with development application DA No. 10.2016.286.1 prepared by Urbis dated 16 November 2016. The applicant has appealed against the deemed refusal of DA No. 10.2016.286.1 by the Southern Joint Regional Planning Panel to the Land and Environment Court (Land & Environment Court case number 2017/00352423). The proposal was comprehensively reviewed and amended plans were prepared in response to the filed Statement of Facts and Contentions (**SOFACs**) in the Land and Environment Court proceedings. A section 34 conference was held on 28 June 2018 and the parties identified and agreed to a number of design refinements to the proposed development. These refinements have been documented in amended architectural plans and addressed in amended technical reports, all of which accompany this SEE.

The amended proposal involves the demolition of the existing commercial building located at 33 Collins Street and the construction of a mixed-use development containing:

- Fifty five independent living units;
- Three apartments for a facility manager and caretakers;
- A 157m<sup>2</sup> retail tenancy;
- Two levels of basement car parking for 78 vehicles; and
- Recreational, amenity and administration facilities for residents.

While 'seniors housing' is a prohibited use under the *Kiama Local Environmental Plan 2011 (KLEP 2011)*, the use is permissible with consent under to clause 4 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP)* as the site is zoned for urban purposes and 'hospitals' are permitted in the zone. Clause 5 of the Seniors SEPP states that if the SEPP is inconsistent with any other environmental planning instrument (including the KLEP 2011), the SEPP prevails to the extent of the inconsistency.

The amended proposal complies with the relevant provisions of the Seniors SEPP, *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65)* including solar access to apartments, solar access to communal open space and the and natural ventilation requirements of the Apartment Design Guide (**ADG**). The height of the proposal has been further reduced since the section 34 conference and consequently the potential adverse impacts of the proposal upon views from neighbouring properties have been ameliorated.

The proposal marginally exceeds the height of building standard for the site under KLEP 2011. The amended proposal has shifted building mass from the north-eastern corner of the site to the south- western side with accompanying minor height non-compliances. The non-compliances are a result of desire to reduce visual impacts and view loss to neighbouring dwellings. A clause 4.6 variation request to the height of building development standard accompanies this addendum SEE.

This addendum SEE and the amended architectural plans demonstrate that the proposal will not have any significant adverse social, environmental or economic impacts. The proposal will however provide additional housing stock for seniors in a convenient location in the Kiama town centre supported by onsite resident amenities and basement car parking and will provide local employment benefits through the construction and building maintenance stages.

# 1. INTRODUCTION

## 1.1. OVERVIEW

Development Application DA No. 10.2016.286.1 (**the DA**) was submitted to Kiama Council (**the Council**) for a seniors' living development at 23 Meares Place and 33 Collins Street, Kiama (legally described as Lot 202 in DP1054190 and Lot 1 in DP473509) (**the site**). Under the DA development consent was sought for the demolition of the existing commercial building located at 33 Collins Street and the construction of a mixed-use seniors housing development on the site containing:

- Fifty five independent living units;
- Three apartments for a facility manager and caretakers;
- A 157m<sup>2</sup> retail tenancy;
- Two levels of basement car parking for 78 parking spaces;
- Recreation, amenity and administration facilities; and
- associated infrastructure works, including an on-site detention tank (OSD).

On 21 December 2017 an appeal was lodged against the deemed refusal of the DA to the Land and Environment Court (Land & Environment Court case number 2017/00352423). This addendum Statement of Environmental Effects (**SEE**) has been prepared in response to the Statement of Facts and Contentions (**SOFACs**) filed in the proceedings dated 6 February 2018. The plans accompanying this SEE and the DA respond to the issues discussed during the section.34 conference held on 28 June 2018.

This SEE is an addendum to that which was submitted with the DA prepared by Urbis dated 16 November 2016 addresses the amended plans and updated technical reports. This SEE presents

- Development background;
- Proposed modifications to the scheme;
- Assessment under s.4.15 of the *Environmental Planning and Assessment Act 1979* (EP & A Act); and
- Responds to the filed SoFACs.

Accompanying this addendum SEE is a clause 4.6 variation request to the height of building development standard.

## 1.2. REPORT STRUCTURE

This addendum SEE is comprised of the following components:

- Section 2: Site context.
- Section 3: Background.
- Section 4: Description of the proposed development.
- Section 5: Statutory Planning Framework.
- Section 6: Assessment of key planning issues.
- Section 7: Response to SOFACs.
- Section 8: Conclusion.

## 1.3. SUPPORTING PLANS AND REPORTS

This addendum SEE has been prepared by Urbis and is supported by the following amended reports and plans following amended inputs from other members of the project team.

Table 1 – Consultant Team

<b>Consultant</b>	<b>Input</b>	<b>Appendix</b>
Urbis	Kiama Development Control Plan 2012 Compliance Table	A
Kennedy and Associates Architects	Architectural drawings	B
Urbis	Clause 4.6 variation	C
Urbis	Urban Design Guideline for Infill Development Assessment	D
Kennedy and Associates	Apartment Design Guide Compliance	E
Kennedy and Associates	Materials and Finishes	F
Richard Lamb and Associates	View Impact Assessment	G
TTM Consulting Pty Ltd	Acoustics	H
Bitzios	Traffic Assessment	I
Sydney Landscape Consultants	Arboricultural Impact Assessment	J
Vipac Engineers	BASIX Report	K
Certus	Building Code of Australia	L
Morris Goding Accessibility Consulting	Access Report	M
Kennedy and Associates	Crime prevention through environmental design	N
Waste Audit and Consulting Services	Waste Management Report	O
Douglas Partners	Preliminary Site Investigation	P
Partridge	Excavation Construction Methodology	Q
Taylor Brammer	Landscape Concept Plan	R
Douglas Partners	Geotechnical Investigation	S
EWFW Consulting Engineers	Stormwater Management	T
EWFW Consulting Engineers	Hydraulic services	U

Sub-consultant reports that were submitted with development application DA No. 10.2016.286.1, and as listed below have not changed and remain valid.

Henderson Consulting Engineers Pty Ltd	Electrical supply	
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## 2. THE SITE AND SURROUNDS

### 2.1. THE SITE

The site (as shown in **Figure 1**) is located at 23 Meares Place and 33 Collins Street, Kiama and is legally described as Lot 202 in DP1054190 and Lot 1 in DP473509. The site has a total area of 5,579m<sup>2</sup> and is located within the Kiama Town Centre.

The site is generally cleared, with a dated retail/commercial building located on 33 Collins Street which is presently occupied by a furniture and bedding shop (**Picture 1** in **Figure 2**). There is a steep fall of 18.5 metres from north to south across 23 Meares Place, with 33 Collins Street having relatively flat topography.

The site has a street frontage and vehicular access to Collins Street, with access available to Meares Place via a nine-metre-wide right of way (**Picture 2** in **Figure 2**).

The site is located 100 metres walking distance from the closest bus stop on Collins Street and 650 metres from Kiama Train Station. There is a wide variety of shops, services and recreational facilities located in close proximity to the site.

Figure 1 – Site Aerial



Source: Nearmap

Figure 2 – Site Photographs



Picture 1 – Street View of 33 Collins Street



Picture 2 – Site Access from Meares Place

## 2.2. SURROUNDING CONTEXT

Figure 3 below identifies the surrounding context of the site within the Kiama Town Centre.

Figure 3 – Local Context Map



Source: Nearmap

Notable items surrounding the site include:

- **North** – A range of low and medium density-scale dwellings. Residential properties fronting Minnamurra Street (street numbers ranging from 30-44) are characterised as two storey, brick or fibro dwelling houses (see **Picture 7**).
- **East** – Buildings located on the north-western side of Collins Street are generally dated and predominantly single storey in height. There is a three storey, mixed use building located at the corner of Collins Street and Minnamurra Street. On the south-eastern side of Collins Street are the heritage-listed Kiama Terrace Houses at 24-44 Collins Street, which are occupied by retail shops. Further to the east is the Kiama Harbour (**Picture 3**).
- **South** – The Kiama Shores Motel and Kiama Leagues Club including at grade car park with capacity for approximately 110 vehicles (see **Picture 8**).
- **West** – Immediately to the west of the site is a medium density residential building located at 20 Meares Place. Kiama Woolworths and other local shops along Terralong Street are located further to the west. There are a number of medium density apartment buildings along Meares Place which are generally two storeys in height (see **Pictures 5 and 6**).

Figure 4 – Photographs of Surrounding Areas



Picture 3 – View Looking South-east Towards Kiama Harbour



Picture 4 – View Looking East towards Pacific Ocean



Picture 5 – 21 Meares Place



Picture 6 – 20 Meares Place



Picture 7 – Northern Corner of Site



Picture 8 – Kiama Shores Motel and Leagues Club Carpark located to the south of the site

### 3. BACKGROUND

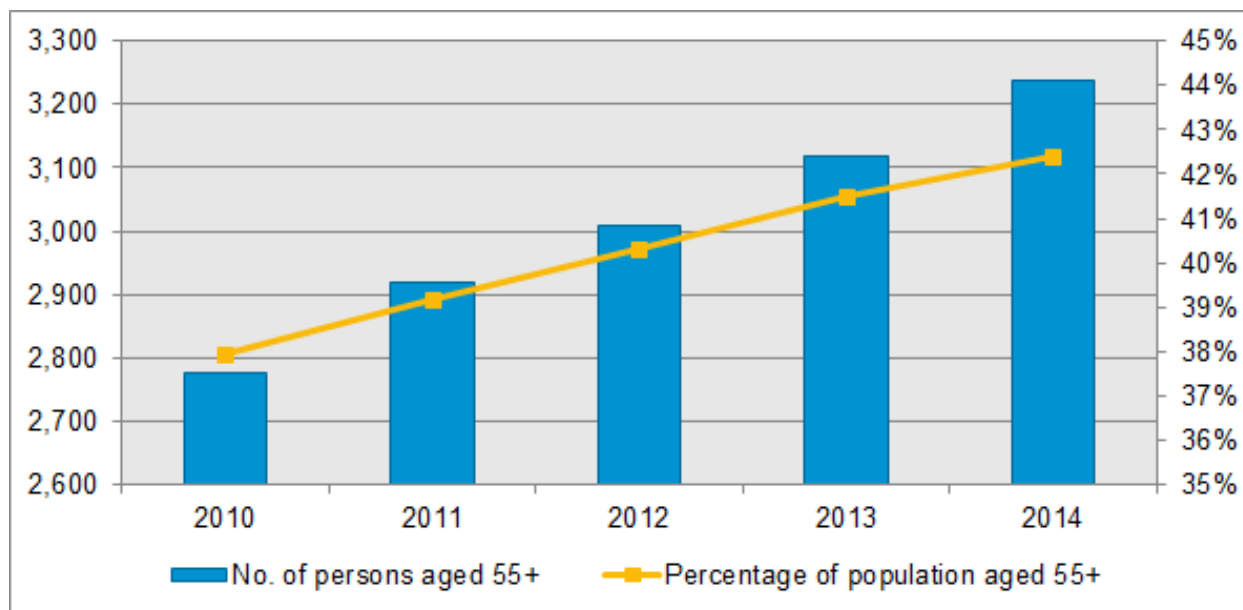
- Two pre-DA meetings were held with Council on 6 May 2015 and 15 June 2016 to discuss the proposal and identify any potential key issues. The advice received during the pre-DA process informed the design development of the proposal. The DA was lodged at Council on 16 November 2016 and given the reference DA No. 10.2016.286.1.
- The DA was placed on public exhibition for a period of 14 days from 23 November 2016.
- On 2 November 2017 Council provided the SJRPP with an assessment report recommending approval with conditions.
- On 15 November the JRPP resolved to defer the determination of the DA for additional information to be submitted.
- An appeal against the deemed refusal of the DA was filed with the Land & Environment Court on 21 December 2017.
- A section 34 Conference was held on site on 28 June 2018. The conference was terminated to enable the applicant to prepare amended plans to address the issues discussed and agreed during the section 34 conference.

#### 3.1. LOCAL DEMAND FOR SENIORS HOUSING

The Australian Bureau of Statistics (ABS) identifies that the average age of residents in Kiama (Statistical Area Level 2) in 2014 was 49.9 years, which is steadily increasing and significantly higher than the Australian average which is 37.3 years. The ABS also identifies that 24.8% of the Kiama (SA2) population is over 65, compared to the NSW average of 14.7% (Community Profile). With only 43.4% of the population active in the labour force, this is indicative of a large retired community.

The ABS' National Regional Profile estimates that there were 3,239 persons aged 55 years or older in Kiama (SA2) in 2014, accounting for 42.4% of the total population. Between 2010 and 2014, the proportion of residents aged 55 years and over grew steadily at an average rate of 2.8% per annum (see **Figure 5** below). The ABS projected an average annual growth rate of 2.54% in the population aged 65+ for the Illawarra Region, comparative to a general population growth rate of only 0.8%.

Figure 5 – Population Trends for 55+ Year Olds in Kiama SA2



Source: ABS – National Regional Profile

The increase in the aging population can be attributed to a number of factors including increased life expectancy, a trend in retirees moving to coastal and regional towns (the 'sea change' phenomenon), working age population relocating to urban centres for employment and falling fertility rates of the remaining population. When these factors are coupled with the net population increase in the area, it presents as a substantial latent demand to provide additional housing catering to the needs of this age demographic.

Local facilities, such as the Blue Haven Village, have historically met the needs of the aging population. However, additional housing stock is needed to enable locals to find suitable accommodation within the local community, as well as continue to promote the area as a desirable place to retire to.

The Aged & Community Services Australia published a paper in January 2015, titled '*The Future of Housing for Older Australians*'. The paper found that older people strongly value housing and the support that allows them to age comfortably and safely within a community where they feel a sense of belonging. Locating seniors housing with good access to shops, banks, community services, medical services and recreation facilities is important to provide suitable access to these essential services and improve quality of life for residents who may be less mobile. The demand for suitable and accessible seniors housing is expected to significantly increase in line with the overall ageing of the population over the coming decades.

Independent living units offer residents the ability to live in purpose-built, accessible dwellings with shared recreational facilities, and in the case of this development, in a location close to amenities, services and transport.

Seniors housing including independent living unit developments are employment generators, which support and create additional jobs for medical, administration and cleaning services, while also providing an additional customer base for local businesses.

The construction of purpose built seniors independent living units, also acts to free up existing, generally larger, housing stock. As over 55s move in to seniors housing, it frees up existing housing stock and provides greater housing choices for younger families.

The provision of additional seniors housing in the Kiama area will not only contribute to meeting the increasing demand for appropriate housing for the aging population, and also provide other positive economic and social public benefits to the community.

# 4. PROPOSED DEVELOPMENT

## 4.1. OVERVIEW

The proposed development comprises:

- demolition of the existing commercial building at 33 Collins Street
- the construction on site of a two-to-five storey mixed use seniors living development including:
  - 55 independent living units;
  - Three caretaker apartments for a facility manager and caretakers;
  - 157m<sup>2</sup> retail tenancy;
  - Two levels of basement car parking for 78 vehicles;
  - Recreational, amenity and administration facilities; and
  - associated infrastructure works, including an on-site detention tank (OSD).

The proposal is classified as ‘seniors housing’ as defined under the Seniors SEPP and is permissible with consent on the site under clause 4 of the Seniors SEPP. The site is ‘land zoned primarily for urban purposes’ and ‘hospitals’ are permitted within the B2 Local Centre zone.

Amended Architectural Plans prepared by Kennedy and Associates Architects are included at **Appendix A**. The key numerical aspects of the amended proposal are provided at **Table 2** and the various components of the proposed development are described in the following sections.

Table 2 – Numeric Overview of Proposal

Element	Primary Control (SEPP Seniors 2004)	Proposed
Site area	Min. 1,000m <sup>2</sup>	5,579.5m <sup>2</sup>
Seniors independent living units (ILUs)	N/A	55
ILU dwelling mix	N/A	1-bedroom – 7 (13%) 2-bedroom – 39 (71%) 3-bedroom – 9(16%)
Caretaker apartments	N/A	3
Caretaker dwelling mix	N/A	2-bedroom – 2 (67%) 3-bedroom – 1 (33%)
Commercial tenancy area	N/A	157m <sup>2</sup>
Car parking	78 spaces total	Residents – 55 spaces (15 accessible) Visitors – 15 spaces (2 accessible) Caretakers – 3 spaces Commercial – 5 spaces (1 accessible)

<b>Element</b>	<b>Primary Control (SEPP Seniors 2004)</b>	<b>Proposed</b>
		Total – 78 spaces
Wash Bays	N/A	2 residential visitor spaces will be fitted out as wash bays
Motorcycle parking	N/A	5 spaces
Bicycle parking	N/A	21 spaces
Maximum height above existing natural ground level	11 metres	12.7 metres
Gross floor area	8,369m <sup>2</sup>	6,779m <sup>2</sup>
Floor space ratio	1.5:1	1.2:1
Communal Open Space (ADG)	1,395m <sup>2</sup>	1,454m <sup>2</sup>
Deep soil zones (ADG)	391m <sup>2</sup>	490m <sup>2</sup>

## 4.2. BUILDING DESIGN

The proposed development has been amended in response to the filed SOFAC and discussions undertaken during the section 34 conference.

The amended building form ranges from two to five storeys in height. The amended design includes two breaks in the building massing on the north-south axis and a stepped form along the south-eastern boundary. The design and the breaks between the buildings provide a diversity of building massing which acts as a visual relief from a uniform built form. At ground level the site plan shows the ILUs are organised into two distinct 'L' shaped buildings, bordered by landscaping and are oriented to face a central courtyard.

The design responds to the topography of the site and steps up the slope from Collins Street to Meares Place. Due to the topography of the site and proposed excavation the buildings will have a maximum perceivable height of two to three storeys when viewed from the public domain.

The north-south breaks in the building mass also improve the amenity of and solar access to apartments as well as the central courtyard. The changes in the design also reduce the apparent bulk and scale of the proposed development.

The layout and orientation of the apartments have been focussed on the opportunity to offer generous internal and external areas, to provide excellent amenity to future occupants and to provide for wheelchair accessible layouts. Residents will have access to a multi-purpose communal room for entertaining and recreation, courtyard spaces and roof top terraces.

The site will have an active street frontage to Collins Street by incorporating a 157sqm retail tenancy at the ground floor level. The living area and balcony of the facility manager and caretaker apartments above the commercial tenancy are oriented towards the street providing passive surveillance.

Vehicle access to the basement levels will be via a driveway off Collins Street. The amended design separates vehicular and pedestrian access, with an accessible pedestrian entrance point and pathway located on the northern boundary of the site.

Pedestrian access is also available from Meares Place. Secured entry points will be provided to the resident parking within the basement levels and the building for safety purposes.

Elements of the amended proposal, primarily the lift over runs will marginally exceed the maximum 11 metre building height control under KLEP 2011 and a clause 4.6 variation request has been prepared in support of the variation (refer **Appendix C**).

Key aspects of the proposed development are described in detail in the following sections.

## 4.3. INDEPENDENT LIVING UNITS

The amended architectural plans are provided at **Appendix A**.

The amended proposal is for the development of 55 ILUs within a mixed-use development with the following dwelling mix to accommodate a range of different living arrangements and budgets:

- 1-bedroom – 7
- 2-bedroom – 39
- 3-bedroom – 9

The apartments have been designed to 'step down' following the fall of the site and to maximise views towards the ocean, harbour and headland.

All apartments will be accessible from the ground floor and basement levels via the internal lifts. All apartments will be dual aspect to provide natural ventilation and have been designed to allow for flexible arrangements with open plan living rooms, dining areas and kitchens.

All apartments comply with the minimum size requirements specified in the Apartment Design Guide (ADG) and relevant requirements under Australian Standards *AS 1428.1 Design for access and mobility* and *AS4299-1955 Adaptable housing*.

## 4.4. CARETAKER APARTMENTS

The proposal includes three caretaker apartments above the proposed commercial tenancy and vehicle access ramp. The caretaker apartments will be occupied by staff employed on site to assist with the operation of the development.

There will be two x 2-bedroom apartments and one x 3-bedroom apartment. All the caretaker apartments will be split level apartments to maximise ventilation and natural light.

The floor plan of the caretaker apartments is shown in **Figure 6** below.

Figure 6 – Caretaker Apartments Floor Plan



Level 1



Level 2



## 4.7. LANDSCAPING AND COMMUNAL OPEN SPACE

The amended proposal includes the provision of communal open space areas as follows:

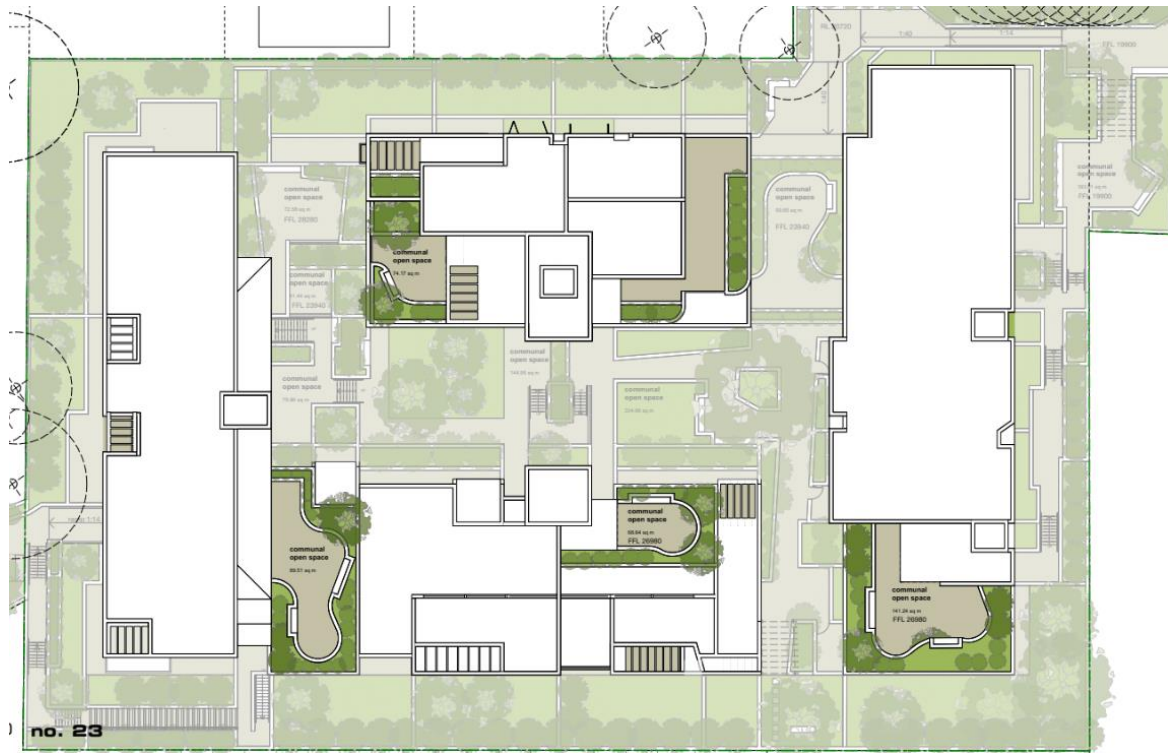
- A ground level courtyard, this will provide a landscaped area for relaxing or entertaining, as well as being an attractive outlook from apartment entries (**Figure 9**).
- Four rooftop terraces of combined area 458m<sup>2</sup>. These areas will receive a high level of solar access and will have extensive views out to the ocean and headlands.
- A landscaped walkway adjacent to the south-eastern boundary of the site will provide secured access across the site from Meares Place to Collins Street, as well as being a pleasant, light-exercise passage for less mobile residents and their guests.

The ground level courtyard and rooftop terraces are shown in **Figure 9** and **Figure 10**.

Figure 9 –Communal Open Space- ground level



Figure 10 – Rooftop terraces



## 4.8. VEHICULAR ACCESS AND CAR PARKING

### 4.8.1. Access

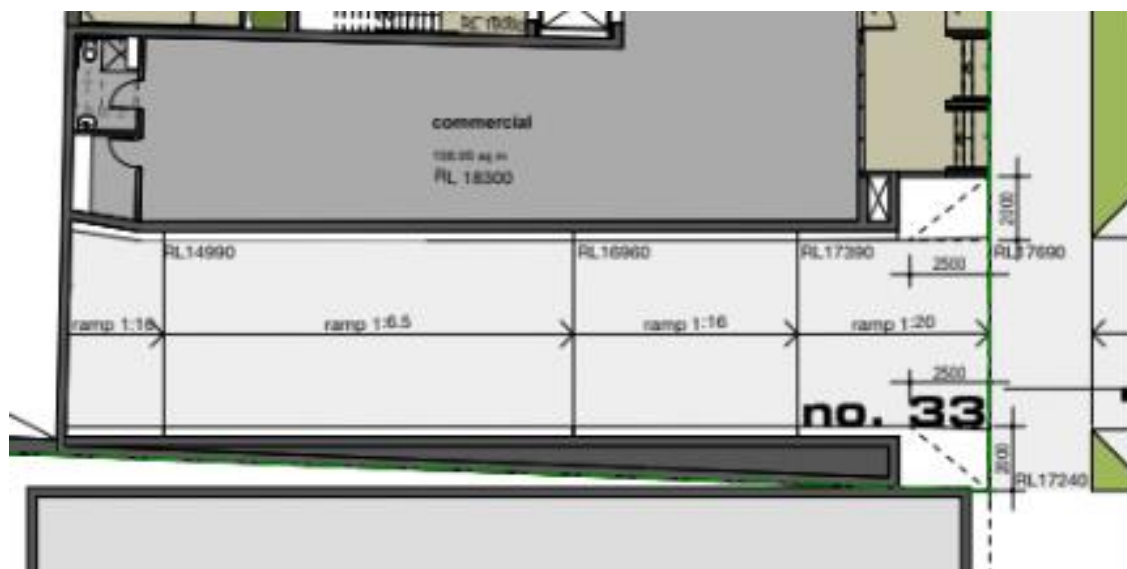
Vehicle access to the basement car park will be provided via a two-way ramp from Collins Street (see **Figure 11**). The amended plans have relocated the vehicular access to the southern side of the commercial tenancy. Entry and exit to the basement and visitor and commercial car spaces will be controlled by two boom gates, with residential parking spaces further separated by a roller security grille.

The relocation of the driveway has reduced the ramp length required for the basement and due to the slope of the site, entry is now provided one metre lower than previously, which reduces the requirements for excavation.

The upper basement level has been designed to be accessed by a medium rigid vehicle (MRV), with a turntable provided adjacent to the garbage room to allow waste collection and delivery vehicles to enter and exit in a forward direction.

The basement layout has been designed in accordance with *AS2890.1 Parking facilities – Off-street car parking*.

Figure 11 – Basement Car Park Access



### 4.8.2. Parking

The car parking provision has been adjusted in accordance with legal advice from Minter Ellison dated 8 June 2018 that only one disabled car space is required for the development. The reduction in the number of accessible spaces has reduced the size of the basement with a corresponding reduction in excavation.

All car parking spaces and circulation areas have been designed in accordance with Australian Standard *AS2890.1 Parking facilities – Off-street car parking*.

The proposed 78 car parking spaces comply with the provisions of the Seniors SEPP and KDCP 2012, as demonstrated in **Table 3**. The proposal also includes five motorcycle spaces spread across the two basement levels.

Table 3 – Car Parking Requirements and Provision

Land Use	Quantity		Rate	Requirement (Minimum)
Residential ILUs	116 bedrooms	0.5 spaces per bedroom (SEPP Seniors)	56.5	55 residents
Caretaker Apartment	3 apartments	1 space per apartment	3	15 visitors
Commercial	157m2	1 car space per 35m2 (KDCP 2012)	4.5	3
Disabled spaces		One disabled space per 100 car parking spaces (Building Code of Australia)	1	5 commercial
<b>Total car parks</b>			<b>65.4</b>	17 disabled spaces are included as part of the total parking provision, comprising 15 resident spaces and two visitor spaces.
				<b>78</b>

# 5. STATUTORY PLANNING FRAMEWORK

## 5.1. OVERVIEW

An assessment of the amended proposal has been made against the relevant statutory controls and environmental planning instruments (EPIs) applicable to the site. These include:

- *Water Management Act 2000*
- *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP) and Seniors Living Policy – Urban Design Guidelines for Infill Development.*
- *State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings (SEPP 65) and Apartment Design Guide (ADG).*
- *State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55).*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.*
- *Kiama Local Environmental Plan 2011 (KLEP 2011).*
- *Kiama Development Control Plan 2012 (KDCP 2012).*

Clause 5 of the Seniors SEPP and clause 6 of SEPP 65 include provisions that deal with the relationship with other environmental planning instruments. They provide that *“in the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after this Policy, this Policy prevails to the extent of the inconsistency”*.

Accordingly, where provisions of the KLEP 2011 are inconsistent with the Seniors SEPP or SEPP 65, the SEPPs will prevail to the extent of any inconsistency.

## 5.2. WATER MANAGEMENT ACT 2000

The *Water Management Act 2000* aims to manage the State’s water sources in a sustainable and integrated manner. The updated Geotechnical Investigation (**Appendix S**) prepared in respect of the amended proposal has identified that the groundwater table is located between RL13 and RL16.1 within the rock profile and above the proposed excavation level (RL11.9).

The report states:

*“There is also a potential for groundwater inflow into the excavation through open bedding planes or joints, and at the clay/rock interface particularly during the following inclement weather.*

*Based on previous experience in the Kiama area, it is considered that inflows during bulk excavation will be controllable by pumping from suitably located collector sumps, but in the long term, the requirement for drainage behind perimeter walling (including all shotcrete walls) and underfloor drainage (with discharge via a permanent pump system) will be required as part of the final design.*

An updated Excavation Construction Methodology Report (**Appendix Q**) prepared in respect of the amended proposal identifies that the collection and discharge of stormwater is standard practice and manageable. Further detail as to the method of collection and/or discharge of collected water will be provided with the construction certificate.

The original proposal was referred to NSW Office of Water who raised no objection to the proposal. On 24 February 2017 the Office of Water issued General Terms of Approval should the development proceed.

### 5.3. STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS AND PEOPLE WITH A DISABILITY) 2004

The Seniors SEPP aims to encourage the provision of housing that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability, make efficient use of existing infrastructure and services and be of good design. The proposed use is defined as 'self-contained dwellings', which is a type of 'seniors housing' under the Seniors SEPP.

Clause 4 of the Seniors SEPP states that:

*"[The] 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*

*(b) the land is being used for the purposes of an existing registered club."*

The site is zoned B2 Local Centre under KLEP 2011 and is 'land zoned primarily for urban purposes'. It is also noted that 'hospitals' are a permissible land use within the B2 Local Centre zone. 'Seniors housing' is a permissible land use on the site under the Seniors SEPP.

Notwithstanding that 'seniors housing' is identified as a prohibited land use in the B2 Local Centre zone under the KLEP 2011, the land use remains permissible under the Seniors SEPP.

An assessment of the proposal against the relevant provisions of the Seniors SEPP has been undertaken and is provided in **Table** . An assessment of the proposal against the *Seniors Living Policy: Urban Design Guideline for Infill Development* is provided at **Appendix D**.

Table 4 – Seniors SEPP Compliance Table

Control	Comments	Complies
<b>4 Land to which Policy applies</b>		
<p>This Policy applies to land within NSW that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:</p> <ul style="list-style-type: none"> <li>• development for the purpose of any of the following is permitted on the land:</li> <li>- dwelling-houses;</li> <li>- residential flat buildings;</li> <li>- hospitals;</li> <li>- development of a kind identified in respect of land zoned as special uses,</li> </ul>	<p>The site is zoned for urban purposes (being B2 Local Centre) and hospitals are permissible in the zone.</p>	✓

<p>including (but not limited to) churches, convents, educational establishments, schools and seminaries; or</p> <ul style="list-style-type: none"> <li>the land is being used for the purposes of an existing registered club.</li> </ul>		
<b>26 Location and access to facilities</b>		
<p>The proposed development will have access to:</p> <ul style="list-style-type: none"> <li>shops, bank service providers, other retail and commercial services;</li> <li>community services and recreation facilities, and</li> <li>the practice of a general medical practitioner.</li> </ul>	<p>The proposal and site are located within the Kiama Town Centre, providing residents access to a wide range of goods and services. The pedestrian access points and paths of travel are shown on the architectural plans at <b>Appendix B</b>.</p>	✓
<p>The facilities and services are located not more than 400 metres from the site that is a distance accessible by a suitable access pathway and the overall average gradient is no more than 1:14, although the following are also acceptable:</p> <ul style="list-style-type: none"> <li>Gradient up to 1:12 for a max of 15m at a time.</li> <li>Gradient of up to 1:10 for a max length of 5m at a time.</li> <li>Gradient of up to 1:8 for up to 1.5m at a time.</li> </ul>	<p>The proposal is located within the Kiama Town Centre and is within 400m of services, with an acceptable overall average gradient between the site and services.</p>	✓
<b>27 Bush fire prone land</b>		
<p>A consent authority must not consent to development on land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2” or “Bush fire prone land—vegetation buffer” unless satisfied that the development complies with the requirements of the document titled Planning for Bush Fire Protection, ISBN 0 9751033 2 6.</p>	<p>The site is not located on bush fire prone land.</p>	✓
<b>28 Water and sewer</b>		
<p>A consent authority must be satisfied, by written evidence, that the housing will be</p>	<p>The proposed development will be connected to the sewer line which will</p>	✓

connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.	be diverted as part of the development.	
<b>30 Site analysis</b>		
A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.	A site analysis has been prepared which has informed the revised layout and design. Refer to Drawing No. 1821-DA 05C in <b>Appendix B</b> .	✓
<b>31 Design of in-fill self-care housing</b>		
In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004.	The <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> sets out principles that are reinforced through the clauses in SEPP Seniors. The amended proposal has been designed with reference to these principles.	✓
<b>33 Neighbourhood amenity and streetscape</b>		
<p>The proposed development should:</p> <ul style="list-style-type: none"> <li>• 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, and</li> <li>• 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, and</li> <li>• Maintain reasonable neighbourhood amenity and appropriate residential character by: <ul style="list-style-type: none"> <li>- Providing building setbacks to reduce bulk and overshadowing, and</li> </ul> </li> </ul>	<p>The proposed development recognises and responds to both the current and future character of the Kiama Town Centre and will contribute to the quality and identity of the area.</p> <p>The amended development proposal is an appropriate response to the heritage items located opposite in Collins Street.</p> <p>The proposal will enhance neighbourhood amenity by improving the residential character of the area, while also improving and activating the commercial streetscape of Collins Street.</p> <p>The frontage of the building to Collins Street has been setback in line with the desired building line as expressed in KDCP 2012. The two storey building form to Collins Street is</p>	✓

<ul style="list-style-type: none"> <li>- Using building form and siting that relates to the site’s land form, and</li> <li>- Adopting building heights at the street frontage that are compatible in scale with adjacent development, and</li> <li>- Considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</li> <li>• 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, and</li> <li>• Embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</li> <li>• Retain, wherever reasonable, major existing trees, and</li> <li>• Be designed so that no building is constructed in a riparian zone.</li> </ul>	<p>compatible in scale with adjacent development.</p> <p>The proposal requires the removal of 10 trees; however the updated arboricultural assessment (refer <b>Appendix J</b>) identifies the removal of these trees as acceptable and recommends that replacement trees be provided as part of site landscaping – this is discussed further in <b>Section 6.6</b>.</p> <p>No building will be constructed in a riparian zone.</p>	
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**34 Visual and acoustic privacy**

<p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <ul style="list-style-type: none"> <li>• Appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</li> <li>• Ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</li> </ul>	<p>The amended proposal has been designed and sited to reduce potential impacts on the visual and acoustic privacy of future residents and neighbouring properties.</p> <p>The development is benched into the site and consequently there is a significant level change between the lower levels of the amended proposal and the neighbouring properties on both the northern western and north eastern sides. The amended proposal incorporates glazed balustrading and privacy screens to the ILUs located on the north western and north eastern elevations.</p> <p>All bedrooms in the ILUs are located away from the driveway entrance on Collins.</p>	<p>✓</p>
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**35 Solar access and design for climate**

<p>The proposed development should:</p>	<p>The apartments in the amended proposal will receive adequate</p>	<p>✓</p>
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<ul style="list-style-type: none"> <li>• 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</li> <li>• 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.</li> </ul>	<p>daylight to the main living areas, balconies and communal spaces, with 71 % of apartments receiving 3-hours solar access at the winter solstice. Furthermore, the amended proposal will not result in unacceptable overshadowing of private open space and living areas of neighbours in the vicinity.</p>	
<p><b>36 Stormwater</b></p>		
<p>The proposed development should:</p> <ul style="list-style-type: none"> <li>• 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, and</li> <li>• Include, where practical, on-site stormwater detention or re-use for second quality water uses.</li> </ul>	<p>The amended proposal development minimises the use of impervious surfaces in its landscape design and so minimises stormwater runoff.</p>	<p>✓</p>
<p><b>37 Crime prevention</b></p>		
<p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <ul style="list-style-type: none"> <li>• 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, and</li> <li>• Where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</li> <li>• Providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</li> </ul>	<p>The amended proposal has been designed with reference to the principles of Crime Prevention Through Environmental Design, and an updated CPTED Report has been prepared in respect of the proposal, refer <b>Appendix N</b>. The proposed development provides opportunities for passive surveillance of pedestrian entries and the driveway. It has been designed to provide a high level of personal property security for residents and visitors.</p>	<p>✓</p>
<p><b>38 Accessibility</b></p>		

<p>The proposed development should:</p> <ul style="list-style-type: none"> <li>• Have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</li> <li>• Provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</li> </ul>	<p>The amended proposal has safe pedestrian links from Meares Places to Collins Street and local services and facilities. The amended proposal separates the pedestrian accessway from the driveway.</p> <p>The amended design provides a safe environment for pedestrians and motorists alike, with clear and convenient access and parking for residents and visitors.</p>	<p>✓</p>
<p><b>39 Waste management</b></p>		
<p>The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.</p>	<p>The amended proposal's waste facilities will maximise recycling through the provision of appropriate facilities located in the basement underneath the commercial tenancy and accessible from Collins Street.</p>	<p>✓</p>
<p><b>40 Development standards—minimum sizes and building height</b></p>		
<p>The size of the site must be at least 1,000 square metres.</p>	<p>The site has an area of 5,579.5m<sup>2</sup>.</p>	<p>✓</p>
<p>The site frontage must be at least 20 metres wide measured at the building line.</p>	<p>The site's frontage to Collins Street is 20.115 metres.</p>	<p>✓</p>
<p><b>50 Standards that cannot be used to refuse development consent for self-contained dwellings</b></p>		
<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><b>Building height:</b> if all proposed buildings are eight metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to two storeys).</p>	<p>This control does not set a maximum building height. Rather it is a matter which cannot be a ground for refusal if compliance with the eight metres control is achieved. The KLEP 2011 sets an 11m height of building control. The amended proposal has a maximum building height of 12.7m and a clause 4.6 variation to the height of building standard is included at <b>Appendix C</b>.</p>	<p>N/A</p>
<p><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 amended proposal will have a FSR of 1.2:1. This control does not set a maximum FSR. Rather it is a matter which cannot be grounds for refusal if compliance with the 0.5:1</p>	<p>N/A</p>

	control is achieved. The KLEP 2011 sets 1.5:1 FSR control. The proposal complies with the LEP control.	
<b>Landscaped area:</b> if a minimum of 30% of the area of the site is to be landscaped.	The amended proposal provides 57% of the site as landscaped area, including the roof terraces.	✓
<b>Deep soil zones:</b> if an area of not less than 15% of the area of the site is a deep soil zone.	The amended proposal provides 18% of the site as deep soil zone with a minimum dimension of 3m.	✓
<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.	Under the amended proposal 71% of dwellings will receive a minimum of 3 hours' direct sunlight between 9am and 3pm in mid-winter.	✓
<b>Private open space for in-fill self-care housing:</b> if 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.	All apartments have private balconies that exceed these requirements.	✓
<b>Parking:</b> if at least 0.5 car spaces for each bedroom is provided.	Parking has been provided at a rate of 0.5 car spaces for each bedroom.	✓
<b>Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings</b>		
<b>2 Siting standards</b>		
If the whole of the site does not have a gradient of less than 1:10: <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul>	The proposed development has an overall site gradient and cross falls of greater than 1:10. The updated Access Report- refer <b>Appendix M</b> prepared in respect of the amended proposal confirm that the amended proposal provides a continuous accessible path of travel to 100% of the dwellings, exceeding the requirements of the SEPP Seniors.	✓
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.	Access has been provided in accordance with AS 1428.1 to all common areas and common facilities associated with the proposal.	✓

<b>3 Security</b>		
<p>Pathway lighting:</p> <ul style="list-style-type: none"> <li>• Must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and</li> <li>• Must provide at least 20 lux at ground level.</li> </ul>	<p>All pathway lighting will comply with AS 1680 - 150lux for all paths of travel, but will be designed so as to minimise light glare for pedestrians and adjacent dwellings.</p> <p>Details in relation to pathway lighting will be provided during the design development stage of the project.</p>	✓
<b>4 Letterboxes</b>		
<p>Letterboxes:</p> <ul style="list-style-type: none"> <li>• 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>• Must be lockable, and</li> <li>• 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>Letterboxes are located at the main pedestrian entrance of Collins Street, and able to be designed and provided in accordance with this requirement.</p>	✓
<b>5 Private car accommodation</b>		
<p>If car parking (not being car parking for employees) is provided:</p> <ul style="list-style-type: none"> <li>• Car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and</li> <li>• 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>• 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>Resident car parking spaces have been provided in accordance with the Minter Ellison advice (refer Access report at <b>Appendix M</b>). Fifteen of the 78 total spaces are proposed as accessible spaces. Seven of these are capable of being enlarged to 3.8m width.</p>	✓
<b>6 Accessible entry</b>		

<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>The architectural design and layout have been based on the development of housing that is located and designed in a manner particularly suited to both those older people who are independent, mobile and active as well as people with a disability regardless of their age.</p> <p>The main entry doorway of each residential unit in the development has a clear width of 850mm (920mm door leaf), compliant with AS 4299. The amended proposal will be capable of complying with this requirement.</p>	<p>✓</p>
<p><b>7 Interior: general</b></p>		
<ul style="list-style-type: none"> <li>• Internal doorways must have a minimum clear opening that complies with AS 1428.1.</li> <li>• Internal corridors must have a minimum unobstructed width of 1,000 millimetres.</li> <li>• Circulation space at approaches to internal doorways must comply with AS 1428.1.</li> </ul>	<p>The main entry doorway of each residential unit in the development has a clear width of 850mm (920mm door leaf), compliant with Schedule 3 clause 6.</p> <p>The corridors within all of the units in the development have a clear width of no less than 1000mm.</p> <p>The door circulation for all required rooms (main bedroom, bathroom, laundry) achieve appropriate door circulation compliant with AS1428.1.</p>	<p>✓</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>• An area sufficient to accommodate a wardrobe and a queen-size bed, and</li> <li>• A clear area for the bed of at least: <ul style="list-style-type: none"> <li>- 1,200 millimetres wide at the foot of the bed, and</li> <li>- 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and</li> </ul> </li> <li>• 2 double general power outlets on the wall where the head of the bed is likely to be, and</li> </ul>	<p>In all units within the proposal, there is one bedroom with internal dimensions which meet these requirements.</p> <p>Detail in relation to switches and power points complying with this clause will be provided at construction certificate stage.</p>	<p>✓</p>

<ul style="list-style-type: none"> <li>• 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>• 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>• Wiring to allow a potential illumination level of at least 300 lux.</li> </ul>		
<b>9 Bathroom</b>		
<p>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>	<p>The accessible bathroom in all units provides appropriate circulation around the toilet pan, washbasin and shower recess compliant with AS1428.1.</p>	✓
<b>10 Toilet</b>		
<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>The accessible bathrooms within each unit achieve spatial compliance with AS 1428.1. Additionally, there is a visitable toilet within each unit in the development, which is compliant with Schedule 3 clause 10.</p>	✓
<b>11 Surface finishes</b>		
<p>Balconies and external paved areas must have slip-resistant surfaces.</p>	<p>All balconies and external paved areas will have slip-resistant surfaces. Details demonstrating compliance with this clause will be provided during the design development stage of the project.</p>	✓
<b>12 Door hardware</b>		
<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>All door hardware will comply with AS4299. Detail in relation to door hardware to be provided during the design development stage of the project.</p>	✓
<b>13 Ancillary items</b>		
<p>Switches and power points must be provided in accordance with AS 4299.</p>	<p>All switches and power points will comply with AS4299. Detail in relation to switches and power points complying with this clause will be</p>	✓

	provided during the design development stage of the project.	
<b>15 Living room and dining room</b>		
<p>A living room in a self-contained dwelling must have:</p> <ul style="list-style-type: none"> <li>• A circulation space in accordance with clause 4.7.1 of AS 4299, and</li> <li>• A telephone adjacent to a general power outlet.</li> </ul> <p>A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.</p>	Proposed units have living and dining room internal dimensions that will accommodate the minimum 2250 mm diameter unobstructed circulation area required under AS 4299.	✓
<b>16 Kitchen</b>		
<p>A kitchen in a self-contained dwelling must have:</p> <ul style="list-style-type: none"> <li>• A circulation space in accordance with clause 4.5.2 of AS 4299, and</li> <li>• A circulation space at door approaches that complies with AS 1428.1, and</li> <li>• The following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299: <ul style="list-style-type: none"> <li>- Benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),</li> <li>- A tap set (see clause 4.5.6),</li> <li>- Cooktops (see clause 4.5.7), except that an isolating switch must be included,</li> <li>- An oven (see clause 4.5.8), and</li> </ul> </li> <li>• “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</li> <li>• General power outlets: <ul style="list-style-type: none"> <li>- At least one of which is a double general power outlet within 300</li> </ul> </li> </ul>	<p>The kitchens are generally either linear or “L-shaped”. For those kitchens with a parallel bench a separation of at least 1550mm has been provided between benches. Suitable circulation space is achieved within the kitchen areas.</p> <p>At this stage of the design, the drawings do not detail the provision of a separate cook top and wall-mounted oven. Generally, the overall kitchen layouts have the ability to achieve this provision of oven, cook top and bench space in accordance with the requirements of the SEPP. Compliance with this requirement will be demonstrated at construction certificate stage.</p>	✓

<p>millimetres of the front of a work surface, and</p> <ul style="list-style-type: none"> <li>- One of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.</li> </ul>		
<b>17 Access to kitchen, main bedroom, bathroom and toilet</b>		
<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 the proposed ILUs are single storey.</p>	✓
<b>18 Lifts in multi-storey buildings</b>		
<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>The amended proposal includes a total of six passenger lifts. As the site is on a steep gradient, each of these lifts service a small number of units providing an accessible path of travel between these units and the ground floor. The lifts also provide access to the underground car parking levels below.</p> <p>The lifts all have sufficient space to install minimum 1400mm x 1600mm lift cars compliant with AS1735.12 and the DDA Premises Standards.</p> <p>In general, the lift lobbies for all lifts on all floors provide an ample amount of circulation space of minimum 2000mm depth that will allow a wheelchair user to make a 180° turn or pass another wheelchair user travelling in the opposite direction in accordance with the DDA Premises Standards.</p>	✓
<b>19 Laundry</b>		
<p>A self-contained dwelling must have a laundry that has:</p> <ul style="list-style-type: none"> <li>• A circulation space at door approaches that complies with AS 1428.1, and</li> <li>• Provision for the installation of an automatic washing machine and a clothes dryer, and</li> </ul>	<p>All apartments will have:</p> <ul style="list-style-type: none"> <li>• Circulation spaces which comply with AS 1428.1.</li> <li>• Space for an automatic washing machine.</li> <li>• A clear space of 1.3 metres in front of appliances.</li> </ul>	✓

<ul style="list-style-type: none"> <li>• A clear space in front of appliances of at least 1,300 millimetres, and</li> <li>• A slip-resistant floor surface, and</li> <li>• An accessible path of travel to any clothes line provided in relation to the dwelling.</li> </ul>	<ul style="list-style-type: none"> <li>• Slip-resistant floor surfaces.</li> <li>• An accessible path of travel to clothes drying areas.</li> </ul>	
<b>20 Storage for linen</b>		
<p>A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.</p>	<p>All units have storage provision. Whilst a specific allocation to a type of storage is not indicated, the provision of linen storage in accordance with this SEPP provision is achievable.</p>	✓
<b>21 Garbage</b>		
<p>A garbage storage area must be provided in an accessible location.</p>	<p>There is a waste storage room on basement level as well as waste holding rooms on all levels. An accessible path if travel is provided to a waste holding room from all units.</p>	✓

## 5.4. STATE ENVIRONMENTAL PLANNING POLICY 65 – DESIGN QUALITY OF RESIDENTIAL FLAT BUILDINGS

Clause 4 of the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings* (SEPP 65) states that:

*“(1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:*

- (a) the development consists of any of the following:*
  - (i) the erection of a new building,*
  - (ii) the substantial redevelopment or the substantial refurbishment of an existing building,*
  - (iii) the conversion of an existing building, and*
- (b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and*
- (c) the building concerned contains at least 4 or more dwellings.”*

As the proposed development will comprise the erection of a new seniors' living facility, is at least three or more storeys and contains at least four or more dwelling, SEPP 65 is applicable.

A summary assessment of the proposal against SEPP 65 and the design criteria outlined in the ADG is provided in

**Table .** A full ADG assessment is contained at **Appendix E.**

Table 5 – SEPP 65 Compliance

Objective	Design Criteria	Proposed/Comments	Complies
<b>PART 3: SITING THE DEVELOPMENT</b>			
<b>3D Communal and Public Open Space</b>			
<b>Objective 3D-1</b> An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	<ul style="list-style-type: none"> <li>• Communal open space has a minimum area equal to 25% of the site.</li> <li>• Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).</li> </ul>	<ul style="list-style-type: none"> <li>• 26% of the site will be allocated as communal open space in the form of ground floor courtyard and roof terraces.</li> <li>• The site's topography and orientation make it difficult to achieve a high level of solar access within the site. Under the amended proposal, the principal</li> </ul>	✓

		<p>useable communal open space receives over 2 hours solar access to over 50% of its area between 9am and 3pm on the winter solstice. The amended proposal also includes four rooftop terraces which will receive solar access between 9am and 3pm.</p> <ul style="list-style-type: none"> <li>• The caretakers' apartments all include outdoor balconies which will receive solar access will between 9am and 3pm.</li> <li>• The site is also within proximity to public parks which receive good levels of solar access throughout the year.</li> </ul>	
<b>3E Deep Soil Zones</b>			
<p><b>Objective 3E-1</b> Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</p>	<p>Deep soil zones are to have minimum width of 6m and minimum of 7% of site area.</p>	<p>Under the amended proposal 9% of the site will be deep soil zone with a minimum width 6m.</p>	<p>✓</p>
<b>3F Visual Privacy</b>			
<p><b>Objective 3F-1</b> Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</p> <p>Note: Separation distances between buildings on the</p>	<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from habitable rooms and balconies to the side and rear boundaries are as follows:</p>	<p>The amended proposal provides 12.2m separation between the buildings in the centre of the site.</p> <p>On the north-south axis, the four storey built elements</p>	<p>✓</p>

same site should combine required building separations depending on the type of room	Up to 12m/4 storeys: 6m Up to 25m/5-8 storeys: 9m Over 25m (9+storeys): 12m	within the site are separated by 7.6m.  Separation between the residences adjoining the north eastern boundary of the site ranges between 12-20m providing visual privacy for both the neighbours and future occupants of the development.	
<b>3J Bicycle and Car Parking</b>			
<b>Objective 3J-1</b> Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	For development on sites not located on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre, the car parking requirements prescribed by the relevant council are applicable.  The car parking needs for a development must be provided off street.	Underground parking will be provided that satisfies the KDCP 2012 parking requirements.	✓
<b>PART 4 – DESIGNING THE BUILDING</b>			
<b>4A Solar and Daylight Access</b>			
<b>Objective 4A-1</b> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter.	Under the amended proposal 71% of apartments will receive three hours of sunlight access between 9am and 3pm, mid-winter.	✓
	A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.	10% of apartments will receive no solar access between 9am and 3pm, mid-winter.	✓
<b>4B Natural Ventilation</b>			
<b>Objective 4B-3</b> The number of apartments with natural cross ventilation is maximised	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	Under the amended proposal 67% of the apartments will be naturally cross ventilated.	✓

to create a comfortable indoor environment for residents	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	All cross through apartments have depths less than 18m.	✓
<b>4C Ceiling Heights</b>			
<b>Objective 4C-1</b> Ceiling height achieves sufficient natural ventilation and daylight access	Measured from finished floor level to finished ceiling level, minimum ceiling heights are:  Habitable: 2.7m  Non habitable: 2.4m	The proposed development has a floor-to-ceiling height of 3.04m.	✓
<b>4D Apartment Size and Layout</b>			
	Apartments are required to have the following minimum internal areas:  <ul style="list-style-type: none"> <li>• Studio: 35m<sup>2</sup></li> <li>• 1 bed: 50m<sup>2</sup></li> <li>• 2 bed: 70m<sup>2</sup></li> <li>• 3 bed: 90m<sup>2</sup></li> </ul> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12sqm each.</p>	Under the amended proposal apartments will have the following minimum internal areas:  <ul style="list-style-type: none"> <li>• 1 bed: 60.27m<sup>2</sup></li> <li>• 2 bed: 76.18m<sup>2</sup></li> <li>• 3 bed: 112.65m<sup>2</sup></li> </ul> <p>All 2 bedroom/2 bathroom apartments are greater than 75m<sup>2</sup>.</p>	✓
<b>Objective 4D-1</b> The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	Every habitable room will have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.	✓
<b>Objective 4D-2</b> Environmental performance of the apartment is maximised	Habitable room depths are limited to a maximum of 2.5x the ceiling height.  In open plan layouts (where the living, dining and kitchen	Apartments have a depth of no more than eight metres to the edge of the functional space of open planned living/dining/kitchen areas.	✓

	are combined) the maximum habitable room depth is 8m from a window		
<b>Objective 4D-3</b> Apartment layouts are designed to accommodate a variety of household activities and needs	Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space).	All master bedrooms have a minimum area of 10.5m <sup>2</sup> . All other bedrooms have a minimum area over 9m <sup>2</sup> .	✓
	Living rooms or combined living/dining rooms have a minimum width of 3.6m for studio and 1 bedroom apartments, and 4m for 2 and 3 bedroom apartments.	The living rooms of all apartments in the proposal have a minimum width of 4m.	✓
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	All cross through apartments are at least 4m wide internally.	✓
<b>4E Private Open Space and Balconies</b>			
<b>Objective 4E-1</b> Apartments provide appropriately sized private open space and balconies to enhance residential amenity	All apartments are required to have primary balconies as follows:  Minimum area: <ul style="list-style-type: none"> <li>• 1 bed: 8m<sup>2</sup></li> <li>• 2 bed: 10m<sup>2</sup></li> <li>• 3 bed: 12m<sup>2</sup></li> </ul>	97% of apartments have primary balconies that comply with these areas.  Two of the 2 bedroom apartments have primary balconies of depth 2.7m. However these balconies have areas of 13m and 14.79m <sup>2</sup> which exceed the minimum area.  It is considered that the balconies achieve appropriate functionality.	✓
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m.		
<b>4F Common Circulation and Spaces</b>			

<p><b>Objective 4F-1</b> Common circulation spaces achieve good amenity and properly service the number of apartments</p>	<p>The maximum number of apartments off a circulation core on a single level is eight.</p>	<p>The development has a single circulation loop, with six lifts spread throughout for access.</p>	<p>✓</p>
<p><b>4G Storage</b></p>			
<p><b>Objective 4G-1</b> Adequate, well designed storage is provided in each apartment</p>	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <ul style="list-style-type: none"> <li>• Studio: 4m<sup>3</sup></li> <li>• 1 bed: 6m<sup>3</sup></li> <li>• 2 bed: 8m<sup>3</sup></li> <li>• 3 bed: 10m<sup>3</sup></li> </ul>	<p>The proposal provides storage areas in accordance with the specified sizes.</p>	<p>✓</p>

## 5.5. STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND

*State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)* aims to promote the remediation of contaminated land for the purpose of reducing the risks of harm to human health or any other aspect of the environment by identifying what remediation work requires consent, and requiring that remediation work meets certain standards for the proposed use.

Clause 7 of SEPP 55 specifies that a consent authority must not consent to the carrying out of any development on land unless it has considered whether land is contaminated and, if the land is contaminated, that it is satisfied that the land is or can be made suitable for the proposed development.

The SOFAC states:

*Part B Contention 1 that the Development Application should be refused because inadequate information has been submitted to demonstrate that the Site is suitable for the proposed development pursuant to the requirements of clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)."*

A preliminary site investigation was undertaken by Douglas Partners (refer **Appendix P**). This investigation identified that the site has the potential for contamination as a result of the:

- Migration of contaminants from the adjacent service station;
- Filling of the site associated with the previous development of 33 Collins Street; and
- Possible hazardous building material present in the commercial building at 33 Collins Street.

The preliminary site investigation previously concluded that the site can be made suitable for the proposed development, subject to the results of further investigation and the successful implementation of a remediation action plan (RAP) (if required). Accordingly, the proposal satisfies clause 7 of SEPP 55 and consent can be granted to the proposal- refer **Appendix P**.

Notwithstanding this, as a result of discussions held at the section 34 conference, the proponent committed to undertaking further intrusive contamination investigations on the site. Douglas Partners are currently undertaking this additional contaminated land investigation and it is anticipated that this work will be completed shortly.

## 5.6. STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

*State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* aims to ensure that new residential development within New South Wales is designed and constructed to minimise water and energy usage.

An updated BASIX report outlining the measures proposed to meet energy and water efficiency targets has been prepared and is included at **Appendix K**.

## 5.7. KIAMA LOCAL ENVIRONMENTAL PLAN 2011

KLEP 2011 is the relevant local environmental planning instrument which prescribes the zoning and relevant development standards for the site. As discussed above, the provisions of SEPP Seniors prevail to the extent of any inconsistency with KLEP 2011.

The key compliance considerations under the KLEP 2011 are addressed in the following sections and include:

- Land use zoning and permissibility (Clause 2.3)
- Height of buildings (Clause 4.3)
- Floor space ratio (Clause 4.4)
- Acid sulfate soils (Clause 6.1)
- Earthworks (Clause 6.2)
- Active street frontages (Clause 6.8)

### 5.7.1. Land Use Zoning and Permissibility (Clause 2.3)

The site is zoned B2 Local Centre under the KLEP 2011 (see **Figure 12** below). The objectives of the B2 Local Centre zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

'Residential accommodation' which includes 'seniors housing' is prohibited in the B2 Local Centre zone and therefore the proposal relies upon clause 4(4) of the Seniors SEPP for permissibility as discussed in **Section 5.3**.

The proposed development is consistent with the B2 Local Centre zone objectives as it:

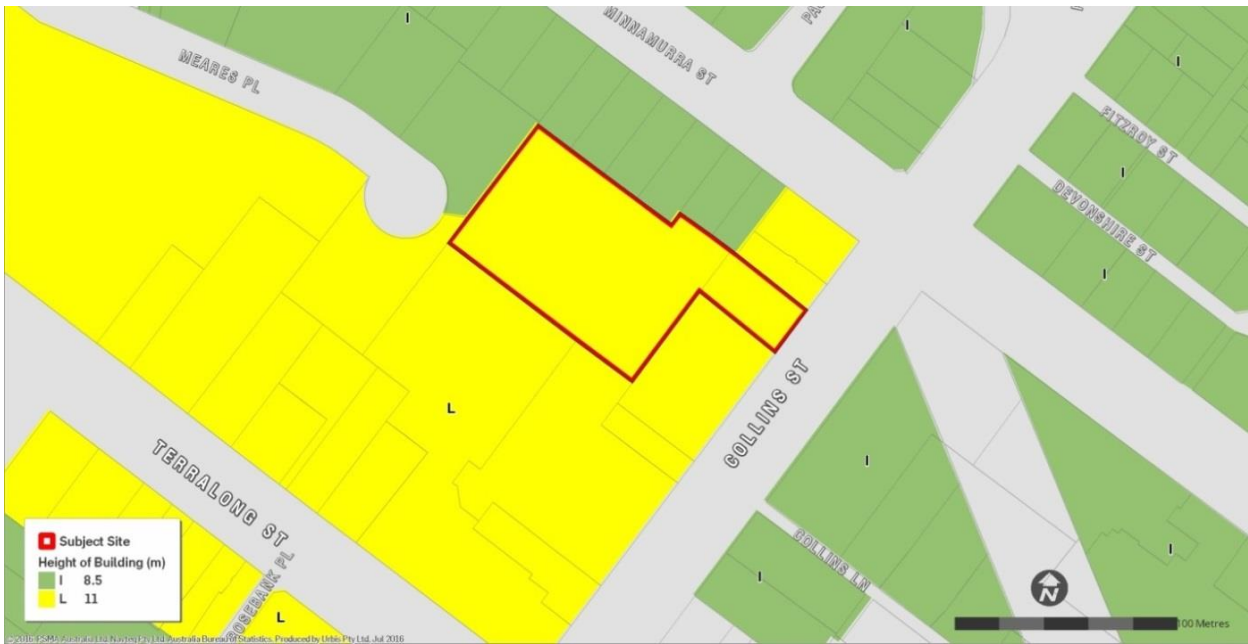
- Positively contributes to the range of retail and business uses in the local area by providing a retail tenancy at the ground floor level;
- Provides additional jobs through the construction and operation phases of the development in an accessible location; and
- Is located within the Kiama Town Centre, providing future residents with excellent access to local facilities and services.



### 5.7.2. Height of Buildings (Clause 4.3)

A maximum building height development standard of 11 metres applies to the site as shown in Error! Not a valid bookmark self-reference. below. The amended proposal has a maximum height of 12.7m when measured from the existing natural ground level (refer the elevation at **Figure 14**). The building design uses the slope of the site to step the building from Meares Place to Collins Street and through excavation sets the development into the site as shown in the section at Figure 15. Additional section plans are provided at **Appendix B**. The non-compliance with the height of buildings control is related to three of the lift over runs, and the top storey of the development on the south western and south eastern boundaries. Figure 16 shows the building height plane over the site and the points where the building exceeds the height of building standard. A clause 4.6 variation request has been prepared in support of the height non-compliance and is included at **Appendix B**.

Figure 13 – Height of Buildings Map



Source: KLEP 2011

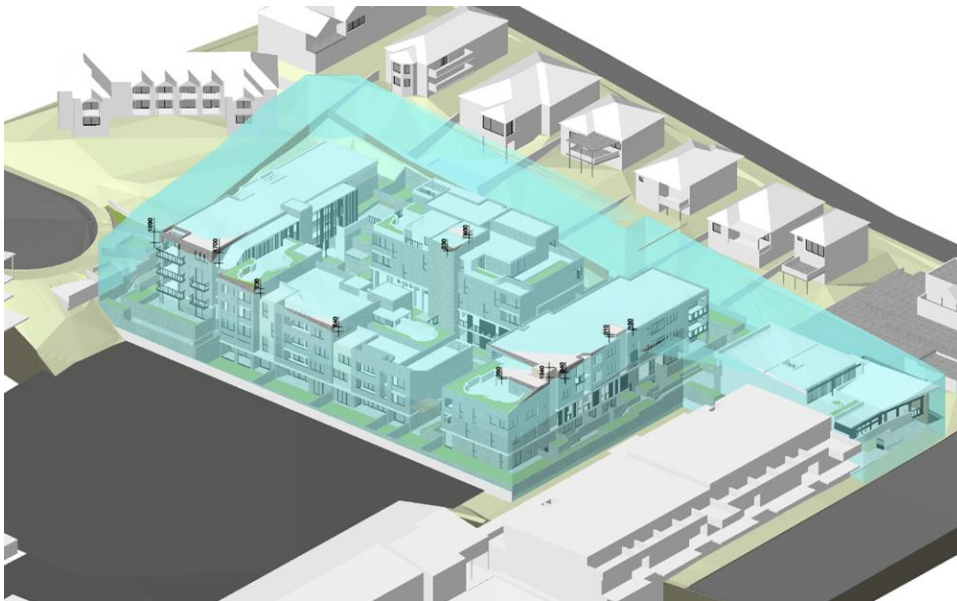
Figure 14 – South-West Elevation



Figure 15 – Section A



Figure 16 – Height Plane Diagram



### 5.7.3. Floor Space Ratio (Clause 4.4)

The site has a FSR development standard of 1.5:1 as shown in **Figure 17** below. The amended proposal will have a FSR of 1.2:1, and complies with the FSR development standard.

Figure 17 – Floor Space Ratio Map



Source: KLEP 2011

#### 5.7.4. Heritage Conservation (Clause 5.10)

The site is not a listed heritage item, nor is it within a heritage conservation area. However, the site is in the vicinity of heritage listed items, including Kiama Terrace Houses at 24-44 Collins Street and the Kiama Masonic Lodge at 46 Collins Street. These vicinity heritage items are also listed on the State Heritage Register. The State Heritage Register describes the heritage items as follows:

*'The oldest building of the group is the Masonic Temple (1870s). Nos 42-44 Collins Street was built in the late 1870s to house quarry workers. The terrace No.s 24-40 Collins Street was built in stages during the 1880s. No. 24 was originally an inn, with 26 the inn-keeper's residence; No.s 28-38 housed quarry workers, and No. 40 was originally a post office.'*

The site is also in the vicinity of the Minnamurra Street Precinct Group at 13-21 Minnamurra Street, containing Glennifer House, Bayview House, two cottages and Bellevue.

A Heritage Impact Statement was prepared by Urbis in support of the original application which identifies the following:

*'While the eastern alignment of Collins Street retains its historical context with the state listed terrace rows, the western alignment, containing the subject 33 Collins Street portion of the property, has been substantially altered and contains a variety of contemporary retail buildings with differing architectural styles and ages. The proposed development along the Collins Street frontage will be constrained to a two storey height limit, which is in line with existing development along the western alignment of the street.'*

*The 23 Meares Place portion of the property is physically separated from the Collins Street heritage items as an isolated island lot. Development on this portion of the site will be obscured from the heritage listed Collins Street terraces by both the existing retail development along the western alignment of Collins Street, and the steep topography of this portion of the site.*

*As the proposed development will occur on the opposite side of Collins Street, and will therefore be located behind the observer, it will have no impact on views to the heritage items from the public domain. The modest scale of development proposed to the Collins Street frontage means that existing views looking north and south along Collins Street, which incorporate the heritage items, will not be adversely impacted.*

*The proposed development will have little or no visual impact on the vicinity heritage items on Minnamurra Street. The development will be obscured from these Minnamurra Street vicinity heritage items by existing development along Minnamurra and Collins Streets.*

*Overall, the modest scale of development proposed to the Collins Street frontage, as well as the physical separation between the subject site and heritage listed items, mean that there will be no identified heritage impacts, either visual or physical, associated with the proposal.'*

The amended proposal presents a similarly modest two storey scale to Collins Street, and for the reasons stated above is not considered to result in impacts on the identified heritage items.

### 5.7.5. Acid Sulfate Soils (Clause 6.1)

The northern portion of the site is identified as being Class 5 under the Acid Sulfate Soils Map (see **Figure 18** below). Development consent is required for works on Class 5 land where it occurs within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below five metres Australian Height Datum and by which the water table is likely to be lowered below one metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

A Geotechnical Assessment was undertaken by Douglas Partners in support of the original development application and this included a description of the regional geology underlying the site. The findings of this report are still relevant in respect of the amended proposal. The assessment states that the Wollongong Acid Sulphate Soil Risk Map, published by NSW Department of Land and Water Conservation, and web-based NSW state-wide mapping shows that there is no acid sulphate soil risk at the subject site. The report does not recommend any further testing be carried out.

Figure 18 – Acid Sulfate Soils Map



Source: KLEP

### 5.7.6. Earthworks (Clause 6.2)

Clause 6.2 of KLEP 2011 requires that consideration must be provided to the following:

- *The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality;*
- *The effect of the development on the likely future use or redevelopment of the land;*
- *The quality of the fill or the soil to be excavated, or both;*
- *The effect of the development on the existing and likely amenity of adjoining properties;*
- *The source of any fill material and the destination of any excavated material;*
- *The likelihood of disturbing relics;*
- *The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area; and*
- *Any measures proposed to minimise or mitigate any impacts.*

The original proposal involved the excavation of up to 16 metres in depth to accommodate the proposed basement levels and lower levels of the apartments. An updated Geotechnical Investigation (**Appendix S**),

Excavation Construction Methodology Report (**Appendix Q**) and Stormwater Concept Plan (**Appendix T**) have been prepared in respect of the amended proposal. A Preliminary Site Investigation (**Appendix P**) was prepared in respect of the original development application.

The development will incorporate suitable measures, such as retaining walls, anchored contiguous pile walls down to rock, soldier piles and rock bolts, to ensure the site and surrounding properties remain structurally sound during construction and occupation/operation of the development. The reduction in the size of the basement will mean that less extensive excavation will be required.

The Excavation Construction Methodology Report concludes that the proposed works can be safely carried out when undertaken in accordance with standard practice, a good workmanlike manner, structural engineering guidance and supervision and the recommendations provided in the Geotechnical Report.

#### **5.7.7. Active Street Frontages (Clause 6.8)**

Clause 6.8 of KLEP 2011 requires that new buildings on land zoned B2 Local Centre incorporate an active street frontage at ground floor level. The amended proposal retains a commercial tenancy fronting Collins Street, providing an active street frontage.

The future fit out and signage associated with this tenancy will be the subject of a separate DA.

### **5.8. KIAMA DEVELOPMENT CONTROL PLAN 2012**

A summary of the proposal's consistency with the Kiama DCP is provided at **Appendix A**. This table demonstrates that the proposal is consistent with the objectives of the relevant controls and achieves a high level of compliance.

## 6. ASSESSMENT OF KEY PLANNING ISSUES

This section provides an assessment of the key planning issues relevant to the proposed development.

### 6.1. BUILT FORM AND SCALE

The amended proposed built form ranges from two to five storeys in height, resulting in a maximum building height of 12.7m at the south-western corner of the proposal.

The amendments to the proposed design, in particular the building height and distribution of building mass across the site, have been influenced by a number of factors:

- **Topography** – There is a steep fall of 18.5 metres from north to south across 23 Meares Place, while the eastern edge of the site (33 Collins Street) is relatively flat. The design has responded to this topography with a built form outcome that provides ease of access within the units across all levels and at the interface with areas external to the building.
- **View sharing** – the amended design aimed to reduce view impacts of the proposal upon Meares Place. To achieve this, the amended proposal has reduced the height of the building closest to Meares Place, and incorporates north-south breaks in building massing, which create improved view sharing opportunities for neighbouring residents. The shifting of building height to other parts of the site to meet this outcome has meant that there are some minor non-compliances with the height plane on the east and south edges of the building. The updated view impact assessment (refer **Appendix G**) identifies that the non-compliances are on parts of the building that are distant from dwellings that could be affected by view loss in Minnamurra Street and Meares Place.
- **Adjacent neighbours** – The amended design has been mindful of adjoining neighbours and the sensitivities of these interfaces, specifically the one and two storey dwellings to the north of the site. To this end, the building is set back 6m and is only two levels in height at the western-most wing where it is closest to the residential boundary. It is also noted that the dwellings in Minnamurra Street are located greater than 15m from the boundary and that impacts to their amenity and privacy will be acceptable. The amended proposal also incorporates privacy screens to the upper level units on the northern façade and facing the boundary adjoining Meares Place.
- **Accessibility** - To meet the accessibility requirements of a seniors living complex, the building levels have been designed to be consistent across the internal floor space at each level to avoid level changes for occupants. Where appropriate, the proposed building has adopted a stepped form in response to the topography of the site and sensitive residential interfaces.
- **Integration with the streetscape** – When viewed from Collins Street, the built form has been designed to integrate with the existing adjacent buildings (**Figure 19**). The building envelope will provide a suitable transition from Collins Street to the adjacent buildings to the north-west, ensuring the proposed development sits comfortably within the streetscape. In addition, the Meares Place frontage is well set back from the street boundary, approximately 15 metres. Due to the fall of the site in this location, the proposed development has been 'stepped' to present as a two storey element from the streetscape, with existing and proposed vegetation providing partial screening of the building (**Figure 20**).

Figure 19 – Collins Street (South-East) Elevation

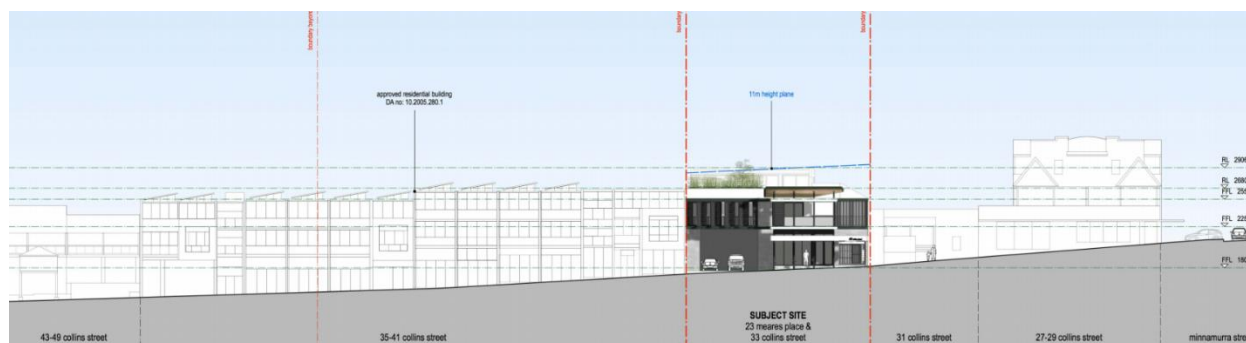


Figure 20 – North East Elevation



- Landscaping** - The amended proposal increases the amount of landscaping on the site with the breaks in building massing and amended design allowing for the opportunity to extend the landscaped area from the northern and southern boundaries to connect in a central courtyard space. The landscape concept plan is included at **Appendix R**. The landscape design responds to existing site conditions, reflecting existing topography with a series of connected courtyards, and supporting a range of plant sizes and types. There is a balance of active and passive spaces.
- The amended landscaping concept is shown in Figure 20 below and includes significant planting along the boundaries of the site.

Figure 21 – Landscape Concept Plan



- Colours and materials** – The colour palette and materials have been inspired by the hues of the natural environment around the seascapes and countryside of Kiama. Consequently, the building has been designed to blend into the landscape while complement the existing built form in Meares Place. To address concerns raised during the section 34 conference, timber panelling has been introduced to the underside of the roof form facing Collins Street. This material provides additional warmth to the appearance of the proposed development. A materials and finishes schedule has been prepared by Kennedy and Associates and included at **Appendix F**.

The siting and design of the building has been carefully considered to address the topographical constraints of the site; the interface with the adjoining residents to the west and potential view impacts on neighbours to the north-east. In the amended proposal this has been done by stepping the structure, breaking the building mass, providing adequate setbacks and building separation distances, the incorporation of complementary finishes and materials and comprehensive landscaping.



## **6.2. RESIDENTIAL AMENITY**

### **6.2.1. Solar Access**

The ADG includes design criteria for residential flat buildings for both internal and external elements. In terms of solar access, the ADG recommends that 70% of apartments in developments receive at least three hours of direct solar access to the private open space and living areas between 9am and 3pm at the winter solstice, and that a maximum of 15% of apartments be permitted to receive no solar access. However, the ADG also states that achieving the design criteria may not be possible on some sites which are south-facing sloping sites or where significant views are orientated away from the desired aspect for direct sunlight.

In the amended proposal 42 of 58 (71%) apartments will achieve at least three hours of direct solar access to the private open space and living areas between 9am and 3pm at the winter solstice, with 6 of 58 (10 %) apartments receiving no solar access. The remaining 19% of apartments will receive varying degrees of solar access and sunlight.

The amended proposal therefore achieves in excess of the 70% design criteria of the ADG; providing future residents with a high degree of access to sunlight and residential amenity.

### **6.2.2. Natural Ventilation**

The ADG includes a design criterion that 60% of apartments within the first nine stories of a building be naturally cross ventilated. Thirty-nine of the 58 apartments, or 67% achieve cross ventilation.

### **6.2.3. Apartment Sizes**

The ADG specifies minimum apartment areas in accordance with the following:

- 1 Bedroom – 50m<sup>2</sup>
- 2 Bedroom – 70m<sup>2</sup>
- 3 Bedroom – 90m<sup>2</sup>
- An additional 5m<sup>2</sup> for each bathroom over one in an apartment.

The apartment sizes in the amended proposal all exceed the minimum internal areas as summarised in the following table.

Table 6 – Apartment Sizes

Apartment Type	Required Size	Proposed Range
1 bed/1 bath	50m <sup>2</sup>	60.27-65.22m <sup>2</sup>
2 bed/1 bath	75m <sup>2</sup>	76.18-101.66m <sup>2</sup>
3 bed/2 bath	95m <sup>2</sup>	104.58 – 126.69m <sup>2</sup>

### 6.3. VIEW IMPACT

An updated visual impact assessment was prepared by Richard Lamb and Associates in respect of the amended proposal and is included at **Appendix G**. The assessment below follows the four-step process provided in the Land and Environment Court (LEC) case, *Tenacity Consulting v Warringah* (Tenacity), in relation to the assessment of view loss in the private domain. Extracts of the four-step analysis are provided as follows:

#### Step 1 – Are views taken away?

*Views from No.30 Minnamurra Street are constrained by existing vegetation and include district views and residential development on north facing slopes and a small amount of the horizon ridgeline.*

*Properties at No.32, No.34 and No.36 Minnamurra Street located towards the east end of Minnamurra Street are relatively low-placed and similar in elevation to the adjacent part of the site. Views lost will include foreground and mid-ground features such as commercial development, and some of the development on the north-facing slopes beyond the commercial area of Kiama, to the south of the site. No views of water, land-water interfaces or icons identified in Tenacity as highly valued are available from these lower locations.*

*No.21 Meares Place will lose views to the east which includes many scenic and highly valued features. Therefore, in our opinion step 1 of Tenacity is achieved for each of these dwellings and the assessment should proceed to step 2.*

#### Step 2 – From where are views available?

*Views from the properties in Minnamurra Street are across rear boundaries, and from No.21 Meares Place from the front of the dwelling, but arguably across a side boundary of the property. In our opinion these viewing locations warrant further assessment in Step 3.*

#### Step 3 – Extent of impact

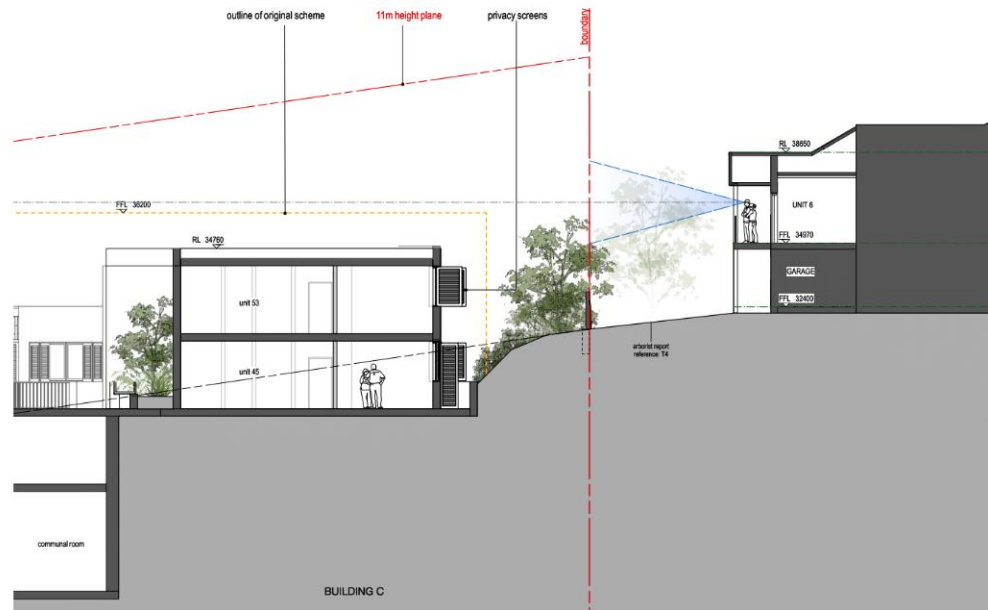
*Views from properties in Minnamurra Street would be lost in any permissible development under the controls. Views lost include the majority of mid-ground commercial development, residential development, heritage items and vegetation and most of the ridgeline horizon.*

*Views lost from are not from of highly valued items in Step 1 of Tenacity. The view loss for properties in Minnamurra Street is considered minor to moderate.*

*The height of the north-west sector of the development has been reduced compared to the original proposal. It is equivalent to or less than one storey in height above the adjacent existing ground level of 21 Meares Place. The floor level of Unit 6/21 Meares Place, is approximately the same as the parapet height of the proposed building, providing a clear view line for both a standing and seated viewer in Unit 6/21 Meares Place, over the top of the proposed development.*

This view is shown in Figure 22.

Figure 22 – Sectional view across development from 6/21 Meares Place



Each of the units in 21 Meares Place has the same floor level at the lower living level as Unit 6, and therefore these units would have standing and seated views over the building. Units 1 and 6/21 Meares Place, which have a single living level, will experience minor and moderate-severe view loss, respectively.

The four units in the centre of 21 Meares Place (Units 2-5) are two-storey units, which have first floor levels, predominantly bedrooms off circulation space, that would have views unaffected by the proposal.

View loss considered for the whole building, as recommended by O'Neill C in Arnott, would in our assessment, be moderate.

#### Step 4 – Reasonableness

The height and bulk of the proposed development is contemplated by the controls and in this context, it would be an unrealistic expectation for single and two-storey dwellings along Minnamurra Street and for the lowest living level at 21 Meares Place to expect to retain all their existing views across this site, which have fortuitously been available for some time. In this regard, some view loss is inevitable in relation to development across a previously undeveloped site.

The minor height non-compliances do not increase view loss. The outcome for all dwellings is considered to be reasonable in the circumstances.

The Tenacity assessment concludes that view loss from any form of development on the subject is inevitable based on the height of building controls and that it would be unrealistic to expect that dwellings adjacent to the development could expect to retain existing views across the site. The proposal as amended will result in reduced impacts on view loss due to the substantial breaks that have been introduced into the design of the development, providing view opportunities into and through the site.

The north-east elevation that is visible from the rear of residences that face Minnamurra Street to the north of the site is broken by substantial breaks between Buildings A and E and A and D into what will appear as four discrete elements, between which there are view opportunities into and in some cases through the site

The assessment concluded that the impacts presented by the amended proposal are considered reasonable regard to view sharing in this context and reasonable when assessed against guidance established in Tenacity.

## 6.4. NOISE

A Construction and Operational Noise Impact Assessment was undertaken by TTM Consulting in respect of the amended proposal to address the potential noise impacts associated with the construction and operation of the proposed development and required acoustic controls. An addendum acoustic statement was also

provided in response to Council queries about whether indoor noise levels for the ILUs would meet relevant standards. These assessments include the following conclusions:

- *The construction noise assessment demonstrates for a realistic average-case scenario, eight to eleven residential and commercial premises surrounding the site will be 'highly affected' by all phases of the construction works;*
- *The impact of construction noise will generally be of short duration for a specific property due to the regular movement of plant and equipment on site. Plant and equipment will be used at different locations on the site and not all at the same time, resulting in a lower cumulative impact;*
- *The opportunities for practical physical noise control are few given the transient and constantly moving nature of the construction work. It is recommended to use mobile noise barriers/enclosures to mitigate construction noise during certain activities, such as around stationary work activities and plant;*
- *In other circumstances, management measures should be employed to minimise the construction noise impact onto residential and commercial premises;*
- *The recommended vibration criterion for building damage is recommended to be set at 5mm/s PPV. It is recommended to conduct vibration monitoring when construction work is being undertaken inside or close to the safe working distances, in order to provide measurement records to residents should a complaint be received.*
- *Selecting smaller plant when conducting construction work may potentially reduce the risk of cosmetic building damage or human comfort vibration impact, and complaints of vibration from the residents.*
- *The threshold noise transmission standards, from road traffic noise, rail noise and noise from adjacent car parks, as measured in the dwelling as defined in the Kiama DCP 2012 are expected to be achieved;*
- *Noise generated from future driveways has been assessed and the existing Leq,night-time will not increase; and*
- *Indoor noise levels in accordance with the acoustic privacy provisions of SEPP Seniors can be achieved.*

The proposed development will not have adverse noise impacts to adjoining properties and the amenity of future residents of the development will not be compromised by road or rail noise impacts.

## 6.5. TRAFFIC, ACCESS AND PARKING

An updated Traffic Impact Assessment was prepared by Bitzios Consulting in respect of the amended scheme (**Appendix I**). This addresses the changes to access and parking arrangements and the traffic impacts of the scheme. The report provides an overview of existing transport conditions, analyses the trip generation of the proposal on the surrounding road network, assesses site access and parking within the site, and outlines the anticipated construction details and assesses the impacts.

The findings of this report are summarised below:

- **Traffic Generation:** all road links are forecast to operate within their nominated capacity, with the development placing no undue strain on the existing road network. The development is expected to generate 22 trips in the PM peak, with the split being 79% (17.4) of those trips being undertaken by residents. Trips generated as a result of this development are not expected to adversely impact intersections or carrying capacities along Collins Street to warrant the need for external traffic works to be imposed (i.e. central median).
- **Car Parking Requirement:** The *Seniors SEPP* outlines the car parking requirements for the seniors living component of the development. Legal advice received in respect of the *Seniors SEPP* concluded that the number of disabled parking spaces required to be provided was 1 space per 100 car spaces. Consequently, the number of disabled car spaces has been reduced in the amended basement design. The breakdown of the proposed car parking provision is provided in **Section 4.8**. The proposed seniors living and commercial component car parking provisions of 55 resident car spaces, 15 visitor car spaces, three staff car spaces (i.e. caretaker) and five commercial spaces complies with the *Seniors SEPP* and *KDCP 2012* requirements.
- **Bicycle and Motorcycle Parking Requirement:** No bicycle rates are stipulated in the *Seniors SEPP* or *Kiama DCP* for the seniors living component of the development. The proposal is only required to

provide one staff bicycle space for the commercial component. Sixteen bicycle spaces are provided, which is considered appropriate given that residents and visitors use bicycles as a mode of travel and recreational use. The amended proposal makes provision for five motorcycle spaces within the basement levels.

- **The driveway** the proposed development provides one all movement driveway access on Collins Street. The 6m driveway width is designed in accordance with AS2890.1 driveway category 1 and the swept paths of a medium rigid vehicle (MRV) and rubbish collection vehicle (RCV) entering and exiting the site;
- An MRV and rubbish truck can ingress and egress the site in a forward gear, when utilising the turntable. The boom gates at the bottom of the ramp and parking area are to be secured during the operation of the turntable.
- A site management plan will be prepared for the operations of both the service vehicles and rubbish collection vehicle; and
- **Alternative Transport Options:** Given the location of the site in the Kiama Town Centre, there is sufficient public transport facilities and active transport infrastructure within proximity to the site.

Based on the above assessment there are no significant traffic or transport impacts associated with the amended proposal that would preclude its approval.

## 6.6. TREE REMOVAL

The proposed development will require the removal of 12 *Allocasuarina littoralis* (Black She Oak), which are located along the southern boundary of the site, and the pruning of two lower structural branches of a *Eucalyptus elata* (River Peppermint), which is located adjacent to Meares Place, to accommodate the building footprint.

The SOFAC contends that impacts from the development on neighbouring trees were uncertain. The amended plans for the scheme have relocated the driveway from the northern boundary to the southern boundary of the site. The extent of overall excavation required for the basement has also been reduced through adjustments to the car parking design. An updated Arboricultural Impact Assessment was undertaken by Sydney Landscape Consultants in respect of the amended proposal (**Appendix J**).

This assessment found that the removal cluster of Black She Oak trees would have a negligible environmental impact and that the setbacks proposed around the development would provide opportunities for compensatory re planting of mature tree and plant species. The pruning of the River Peppermint tree will not detrimentally impact the health and longevity of this tree.

This assessment also considers the impacts of the proposed development on nine trees located on neighbouring properties to the site. The assessment found that all nine trees should be retained and protected during construction. Recommendations for tree protection measures to ensure these trees are not impacted include the identification of a tree protection zone (TPZ) to be established prior to construction. The TPZ encompasses the relevant critical root zones of the trees to be protected. In the case of three of the trees, the excavation works will result in minor incursions into the TPZ. The report provides recommendations for the management of excavation works in the TPZ of these trees, including the attendance of a AQF Level 5 Consulting Arborist to be in attendance to manage and oversee excavation.

Sydney Landscape consultants also advised the architects to amend the building setbacks at the northern boundary to preserve a Black She Oak growing within 21 Meares Place. The recommendations of the arboriculturally assessment are shown on the architectural plans, with the trees on neighbouring sites to be protected clearly identified with the numbering used in the Sydney Landscape report.

Implementation of the recommendations in this report will manage potential impacts to neighbouring trees.

## 6.7. ECOLOGICAL SUSTAINABLE DEVELOPMENT (ESD)

An updated BASIX report has been prepared in respect of the amended proposal confirming that the proposed development will meet sustainability requirements- refer **Appendix K**. The inclusion of a range of sustainability initiatives will significantly contribute to the longevity and environmental sustainability of the proposed development.

## 6.8. BUILDING CODE OF AUSTRALIA

All new buildings are required to comply with the design and operational requirements of the BCA as in force at the time of the issuing of a relevant construction certificate. A Building Code of Australia (BCA) Compliance Statement has been prepared by Certus in respect of the amended proposal and is provided at **Appendix L**.

The assessment concludes that the proposed development is capable of complying with the relevant provisions of the BCA.

## 6.9. ACCESS

Morris-Goding Accessibility Consulting has undertaken a review of the amended proposal to ensure that functional and compliant access has been applied to the design. The design principles have been based on the development of housing that is located and designed in a manner particularly suited to both those older people who are independent, mobile and active as well as people with a disability regardless of their age.

The Access Review is provided at **Appendix M** and provides an assessment of the proposal against the relevant requirements of the AS1428 series, BCA, Commonwealth Disability Discrimination Act (DDA), DDA Access to Premises Standards (including DDA Access Code) and Seniors SEPP.

The Accessibility reports sets out the following assessment:

*In general, the development has accessible paths of travel that are continuous throughout. In line with the reports recommendations, the proposed development has demonstrated an appropriate degree of accessibility.*

*The Development Application drawings indicate that compliance with statutory requirements, pertaining to site access, common area access and sanitary facilities can be readily achieved.*

*The recommendations in this report are to be developed in the ongoing design development and should be confirmed prior to construction certificate stage. As the project proceeds, further review of documentation is strongly recommended to ensure that appropriate access is provided to and throughout the development.*

The main recommendation that has arisen from the access review relates to wheelchair passing bays at the end of corridors. The resolution of this recommendation can be accommodated within the current proposal.

## 6.10. SECURITY AND SURVEILLANCE

Situational crime prevention involves changing various aspects of the environment so that the efforts and risks required to commit crime are increased, and an offender's perceived rewards are reduced. Crimes such as vandalism, assault, break and enter, theft, trespassing and motor vehicle theft tend to be more responsive to situational crime prevention strategies. These are the types of crimes that most commonly occur in public spaces.

A Crime Prevention Through Environmental Design (CPTED) (**Appendix N**) Report has been prepared by Kennedy and Associates in respect of the amended proposal. The amended proposal has been prepared having regard for CPTED principles, including passive surveillance, and clear and visible paths of travel. The safety and security of residents, staff and visitors has been integrated into the planning and design of the proposed development.

## 6.11. INFRASTRUCTURE SERVICING

### 6.11.1. Stormwater

An updated Stormwater Concept Plan has been prepared for the amended proposal by EFWF Consulting Engineers and is provided at **Appendix T**.

The proposed stormwater concept plan for the site has been designed to ensure that the post-development stormwater design matches the pre-development flow behaviour and does not direct more catchment area to Collins Street or the car park.

The stormwater design for the site is summarised as:

*Utilise the main stormwater easement for the site. There is an existing 375mm RCP within the easement, with very little existing infrastructure draining to it (as would be expected as it's the easement for the subject site only). This pipe will drain the majority of the post-development site, which currently drains to the carpark lands now.*

*Utilise the existing KMC stormwater system in Collins Street for the small portion of the site that can drain to Collins Street. This small area also drains to Collins St now.'*

*The above methodology for the post-development stormwater design matches the predevelopment flow behaviour and does not direct more catchment area to Collins Street or the carpark (or vice versa).*

*The modelling has shown that 5, 10, 20, 50 and 100 years ARI event flow is contained within the proposed drainage system and drainage outflow are restricted to pre development flows, using OSD (on site detention) with controlled discharge*

The stormwater concept plan for the amended proposal site has been designed to ensure that the post-development stormwater design matches the pre-development flow behaviour and does not direct more catchment area to Collins Street or the car park.

The concept design also includes water quality measures, including gross pollutant traps, to capture suspended solids and oils and avoid impacts on the quality of the downstream receiving waters. Soil erosion and sediment control measures have also been incorporated into the proposed redevelopment which will be implemented during construction to comply with Council's requirements and avoid impacts on the stormwater network.

### **6.11.2. Electricity**

An 'Application for Connection of Load' was lodged with Endeavour Energy by Henderson Consulting Engineers in respect of the original development application. It is anticipated that an electrical substation in accordance with Endeavour Energy's requirements will be required to supply the development, with details to be provided with the Construction Certificate application.

### **6.11.3. Sewer**

There is an existing sewer line running through the site which services properties to the north. The preferred option for the relocation of this sewer line will be negotiated with a Sydney Water Coordinator as part of the Section 73 Certificate. The probable option is that the sewer line will be diverted at a high level along the driveway ramp and out to a connection in the Collins Street frontage. Initial calculations indicate an approximate invert level (IL) of 20.4 at the northern end, falling to an approximate IL of 15.7 at the southern end.

Spatial requirements for hydraulic services required to service the development, including a sewer pump-out station were provided by EFW Consulting Engineers in respect of the amended proposal and have been incorporated into the amended design.

## **6.12. OPERATIONAL WASTE MANAGEMENT**

An updated Operational Waste Management Plan (WMP) (**Appendix O**) was prepared by Waste Audit and Consultancy Services in respect of the amended proposal. The WMP has three key objectives:

1. Ensure waste is managed to reduce the amount of waste and recyclables to land fill by assisting residents to segregate appropriate materials that can be recycled; displaying signage to remind and encouraging recycling practices; and through placement of recycling and waste bins in the retail precinct to reinforce these messages.
2. Recover, reuse and recycle generated waste wherever possible.
3. Ensure compliance with all relevant codes and policies.

The WMP contains recommendations for managing waste within the development, including:

- *Waste/Recycling bins are to be Mobile Garbage Bins (MGB's) and sized in accordance with Kiama Development Control Plan 2012, Chapter 11 – Waste Requirements.*

- *Storage of bins is in the basement in an adequately sized room. Access to the room is via a roller door, to allow both the ease of handling of cleaning staff, and for use by occupants of the adaptable unit.*
- *Access to the bin room is via both a centrally located lift and stairwell. This access connects all levels and apartments/tenancies.*
- *All tenants (residential and commercial), will have space allocated within the tenancy for the interim storage of waste and recyclables. As required the space allocated will be able to “fit” bins that have the capacity to store a minimum of 2 days’ worth of waste and recyclables*
- *All waste/recycling MGB’s will be stored within the waste storage area in the basement for collection by Council.*
- *Commercial waste will be stored in a separate area to the residential waste.*
- *If hazardous waste is generated, specific storage and management procedures are to be implemented in accord with NSW EPA requirements.*
- *All tenants will have the responsibility of ensuring that wastes/recyclables from their premises are transported to the basement waste storage area and then deposited into the correct MGB. This will be achieved by education programs, signage within tenancies, colour coded and signed bins and waste storage areas, written information and providing feedback on correct and incorrect management processes.*
- *Waste and recyclables will be transported by the caretaker via the lift.*
- *Mechanical ventilation is to be provided to the waste room and holding rooms on each level*

Implementation of these measures will enable the operational waste generation within the site to be appropriately managed.

# 7. RESPONSE TO STATEMENT OF FACTS AND CONTENTIONS (SOFAC)

The following section outlines how each of the SOFACs have been either resolved in full or addressed:

## B1 - Contentions that warrant the refusal of the application

- 1) Inadequate information has been submitted to demonstrate that the Site is suitable for the proposed development pursuant to the requirements of clause 7 of *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)*.** A preliminary site investigation has been undertaken and concludes that the site can be made suitable for the proposed development, refer **Appendix P**. A further intrusive contamination investigation has been undertaken and will be furnished separately when complete.
- 2) Inadequate solar access is provided to living rooms and private open space areas of the proposal-** The amended proposal achieves ADG compliant solar access to living rooms and private open space areas, refer **Section 5.4** and the Architectural Plans at **Appendix B**.

Under the amended proposal 71 % of apartments will receive three hours of sunlight access between 9am and 3pm, mid-winter, 10 % of apartments will receive no solar access between 9am and 3pm, mid-winter and the remaining apartments receive some solar access on June 21.

Apartments in the development will be able to access several communal open space areas which receive good solar access throughout the day. Different parts of the central courtyard will receive two hours of solar access on June 21. The area receiving solar access constitutes over 50% of the principal useable open space. The proposal also includes four rooftop terraces which will receive solar access between 9am and 3pm.

- 3) Unacceptable privacy impacts on adjoining (existing) residential development.** The amended proposal has side and rear boundary setbacks that are compliant with SEPP Seniors and KDCP 2012.

The amended proposal has reduced the height of the building closest to Meares Place and incorporates north- south breaks in building massing. The amended proposal is separated from the residences adjoining the north eastern boundary of the site ranges by between 12-20m providing visual privacy for both the neighbours and future occupants of the development. These design measures contribute to preserving the visual privacy of neighbouring residences.

The development is benched into the site and consequently there is a significant level change between the lower levels of the amended proposal and the neighbouring properties on both the north western and north eastern sides. The living areas and balconies of the ILUs are oriented away from existing neighbouring dwellings and landscape screening is proposed in the setbacks. The majority of balconies are recessed into the building facades and have balustrades and privacy screening to provide privacy for the occupants and neighbours.

- 4) Bulk, scale and massing of the proposed building is excessive and out of character with the surrounding area –** the amended proposal is below the permissible FSR for the site and thus demonstrates a built form in accordance with Council's controls for the site. The areas of minor height non-compliance are primarily related to lift over runs and the re-distribution of building mass over the site, and are not a reflection of an excessively bulky or disproportionate building.

The amended design achieves reduced visual impacts to neighbours and uses a stepped design, with levels benched into the sloping site to reduce the apparent scale of the development. The amended proposal presents as a two-storey built form to Collins Street and the additional storeys located to the north will not be readily discernible. This results in a development in keeping with the streetscape and surrounding built form.

The amended building design incorporates external finishes and materials in keeping with the surrounding area, utilising a colour palette of greys, whites and pale terracotta. The elevation to Collins Street incorporates timber elements to provide warmth to the streetscape. The windows and

balconies on the south western elevation are recessed into the building form making them visually recessive. The amended proposed also incorporates boundary landscaping around the development that will also serve to moderate the visual appearance of the building.

**5) Unacceptable impacts on views and view corridors from adjoining residential development-**

The amended proposal has been designed to reduce visual impacts to adjoining neighbours. The highest point of the building in the amended proposal is RL 34.860 at the roof parapet of Building D. In comparison, the maximum RL of the original proposal when it was lodged was RL 37.94 at the north eastern corner of the development closest to Meares Place. This height was reduced in the course of the assessment of the proposal to RL36.02.

The amended proposal has relocated building mass from this north-eastern corner to lower parts of the site and reduced the building height at this sensitive location. Under the amended proposal, the RL in this location is now RL34.76, a reduction of almost 3m from the original proposal as lodged. The building mass has also been broken up, with gaps in the building form allowing for increased visual permeability across the site

It is noted that the finished floor level of Unit 6, 21 Meares Place is RL34.97. The maximum height of the amended proposal in proximity to Meares Place is generally below the view line of units at 21 Meares Place. The amended view impact assessment prepared by Richard Lamb has found that view impacts from all adjoining properties are reasonable. The view impact assessment also found that the areas of non-compliance were located on parts of the building away from the adjoining residential properties; and that the areas of the development with height non compliances did not result in view loss impacts to these properties – refer **Appendix G**.

- 6) Inadequate amenity will be afforded to future residents of the proposal** - The proposed apartments exceed the minimum sizes specified in the ADG. The amended proposal is compliant with the solar access, cross ventilation and communal open space requirements of the ADG. The amended proposal is considered to offer excellent residential amenity for future occupants.
- 7) Inadequate information has been provided in relation to the impact of the proposal on trees on the adjoining property** - The amended plans relocate the driveway from the northern side of the development. The extent of basement excavation has been reduced thus lessening the extent of construction disturbance on the northern boundary. An updated Arboricultural assessment has been prepared and the setback of the building footprint was further amended to reflect this advice (**Appendix J**). The majority of the amended proposal is located outside the TPZ of trees on neighbouring properties. Where there are minor incursions into TPZs, management measures have been recommended to be implemented during excavation to address any potential impacts.
- 8) An adequate assessment of the proposal cannot be completed until the following further information is submitted:**
- a. **The adjoining single storey dwellings on the North East side of the site must be added in details to the architectural sections- specifically in Sections F, G and H-** The amended plans provide architectural sections including the adjacent single storey dwellings- refer **Appendix B**.
  - b. **Amended plans to show consistency between the landscape plan and the architectural plans** the amended plans demonstrate consistency between landscape and architectural plans. They also show the trees to be retained and protected on neighbouring properties – refer **Appendix B** and **Appendix R** and **Appendix J**.
  - c. **Further information to demonstrate compliance with Clause 29 of SEPP Seniors Housing 2004** – The site is well located for seniors housing having excellent access to local services, public transport, and open space. The proposal provides in excess of the communal open space requirements for a seniors housing development. The site is within the Kiama Town centre and within walking distance of shops and other services for older residents. The site is cleared and not subject to significant environmental constraints. The use of the site for seniors housing is compatible with the surrounding residential uses and the proximity to local services.

- d. The amended proposal demonstrates an accessible development of bulk, scale, built form and character that will not have unreasonable impacts on surrounding development. This site is considered suitable for the proposal as it complies with the requirements of the relevant planning controls and policies and will facilitate the delivery of seniors housing and retail space in accordance with the B2 Local Centre land use zoning provisions, Seniors SEPP and SEPP 65.

**9) The approval of the proposal would not be in the public interest-** All of the contentions raised in the SOFAC have been addressed and/or resolved. The proposal will provide high amenity seniors' housing and is in the public interest.

## **8. MATTERS FOR CONSIDERATION UNDER SECTION 4.15**

### **8.1. ANY ENVIRONMENTAL PLANNING INSTRUMENT**

The provisions of relevant environmental planning instruments have been addressed under **Section 5** and **Appendix A**.

### **8.2. ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT**

There are no draft environmental planning instruments applicable to the site.

### **8.3. ANY DEVELOPMENT CONTROL PLAN**

The provisions of the *Kiama Development Control Plan 2012* have been addressed under **Section 5.8** and **Appendix A**. The proposal satisfies the objectives of the KDCP 2012.

### **8.4. ANY PLANNING AGREEMENT**

There are no planning agreements relevant to the site.

### **8.5. THE REGULATIONS**

The relevant regulations have been considered in preparation of this application.

### **8.6. THE LIKELY IMPACTS OF THE DEVELOPMENT**

The relevant impacts of the proposed development have been discussed under **Section 6** and have been found to be acceptable.

### **8.7. SITE SUITABILITY**

This site is considered suitable for the proposal as it complies with the requirements of the relevant planning controls and policies and will facilitate the delivery of seniors housing and retail space in accordance with the B2 Local Centre land use zoning provisions, Seniors SEPP and SEPP 65.

Further, there are no significant environmental constraints associated with the land and appropriate mitigation measures contained within the conditions of consent will ensure that potential impacts are managed and/or mitigated.

### **8.8. PUBLIC INTEREST**

The proposal is considered to be in the public interest for the following reasons:

- The amended proposal is largely consistent with and satisfies the intent of the relevant planning controls;
- The amended proposal achieves a high level of compliance with the detailed design requirements set out in the ADG. This addendum SEE has demonstrated that the proposal satisfies the control's objective and that a quality development with a high level of residential amenity will be provided to the residents.
- The proposal will generate a positive economic impact by creating employment opportunities throughout construction and operation of the development and provide additional personnel within the catchment of local businesses.
- The anticipated impacts of the proposed development can be managed or mitigated to not adversely affect the public;
- Amended plans have addressed the concerns of objectors and the consent authority.

## 9. CONCLUSION

This addendum SEE has been prepared by Urbis on behalf of Kiama Shores Pty Ltd to accompany amended plans prepared in response to the SoFACs. It has been prepared in respect of amended plans prepared by Kennedy and Associates Architects for a mixed-use seniors living development at 23 Meares Place and 33 Collins Street, Kiama.

It is considered that the revised proposal as detailed in the architectural plans has responded to and addressed the issues raised SOFAC and matters discussed during the section 34 conference and represent a good design outcome for the site.

As detailed in this addendum SEE the proposal satisfies the objectives of the relevant design guidelines and where there is a minor non-compliance with the height of building development standard that strict compliance with this controls is both unreasonable and unnecessary and would serve no planning purpose.

The proposed development is considered an appropriate development for the site for the following reasons:

- The proposed development is permissible with consent under the Seniors SEPP.
- The development is generally compliant with all provisions of the relevant State and local planning instruments and policies. Where numerical variations are proposed, the proposal has been found to comply with the objectives of the relevant controls and the variations are minor in nature.
- The land use and overall built form of the proposal provides a site-specific response to the development of the site. The amended proposal has considered the visual and amenity impacts within the site and upon the surrounding area and provides a design that will deliver excellent amenity to future occupants and reduced impacts to neighbouring properties.
- The proposal provides benefits including:
  - Increased provision and diversity of seniors housing allowing senior members of the Kiama community to 'age in place',
  - Introduction of seniors living housing within the Kiama Town Centre and close to transport infrastructure;
  - Improvement to the physical appearance of the site through the replacement of vacant land and demolition of a dated commercial building;
  - Positive economic impact to the area by providing a retail tenancy and by creating jobs through the construction and operation phases of the development; and
  - a high-quality design outcome that responds to the site context and considers neighbouring amenity;
- Despite the topography and orientation of the site, the proposal provides a high level of natural ventilation with compliant solar and daylight access to apartments.
- The amended proposed development will not unreasonably impact on the amenity of neighbouring properties by way of noise, overshadowing, visual and privacy intrusion.

Having regard to the above, the amended proposal is considered to be a positive planning and development outcome for the site that will provide high quality seniors living accommodation in close proximity to services and amenities.

# DISCLAIMER

This report is dated 5 September 2018 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Kiama Shores Pty Ltd (**Instructing Party**) for the purpose of SEE Report (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

**APPENDIX A      KIAMA DEVELOPMENT CONTROL PLAN  
2012 COMPLIANCE TABLE**

# KIAMA DEVELOPMENT CONTROL PLAN 2012 – COMPLIANCE TABLES

## Chapter 5 – Medium Density Development

Element	Development Control	Comment	Complies
Section 1 - Assessment Benchmarks	Lots must have a minimum frontage of 25m wide.	<p>While the site has a street frontage width of 20.11m at Collins Street, the principal portion of the site has a width of 43.48m.</p> <p>It is noted that the acquisition and substantial design of the development (including DAU meeting) occurred prior to the DCP amendment when the development control was 15m.</p> <p>The site complies with the requirement of the Seniors SEPP that sites have a width of 20 metres.</p>	N/A
	Provision of Adaptable Housing (Australian Standard AS4299) at a ratio of 1:4 dwellings or part thereof.	The 55 seniors housing units (95% of the total units) are compliant with AS4299.	✓
	Cutting and filling on site is limited to 900mm external to the perimeter of the building.	<p>The proposed cut and fill exceeds 900mm from the building perimeter. However, due to the topographical constraints of the site, the proposed earthworks are considered necessary to achieve a suitable building footprint.</p> <p>An updated Geotechnical Assessment was provided in respect of the amended proposal, which identifies that excavation for the proposal will not impact the adjacent properties. Refer <b>Appendix S</b>.</p>	×
	Terracing on site may be permissible if earthworks are retained by engineer designed walls	The proposed design of the development has been 'stepped' in response to the slope of the	✓

	and stepped at minimum of 1 metre horizontal intervals.	site. An updated structural engineering assessment has been provided which outlines an excavation methodology to be employed during construction.	
Section 2 - Setbacks	Primary street frontage – 4.5m	The proposal will have a zero setback, which is consistent with the streetscape character along Collins Street and will assist in providing an active street frontage.	x
	Dual street frontages (front and rear) – 6m	The proposal will have a 6m setback to the boundary adjacent to Meares Place.	✓
	Side boundary – Refer to Chapter 2	The proposal will have 6m side boundary setbacks.	✓
Section 3 - End User Amenity	75% of dwellings within a development must have a dual aspect.	62% of the units will be dual aspect. The majority of the single aspects dwelling face in a north westerly direction. providing good amenity to occupants The proposed development is also compliant with the ADG requirement for 60% of units to be cross ventilated The variation from the DCP control is therefore considered acceptable.	x
	The maximum depth for single orientation units is 8m from back of the kitchen.	One of the caretaker apartments has a maximum depth of 11m from the back of the kitchen. This unit has a large ventilated skylight to allow natural light and airflow through the apartment and is therefore considered acceptable.	x
	Developments should include some dwellings designed for groupings other than families i.e. adults dual master-bedroom apartments, which can support two independent adults living together or a live/work situation.	71% of the ILUs have at least two master bedrooms to support varied household types and living arrangements associated with seniors living.	✓
	Developments should include some dwellings designed for groupings	The development has been designed for seniors housing.	✓

	<p>other than families i.e. adults dual master-bedroom apartments, which can support two independent adults living together or a live/work situation.</p>	<p>The majority of apartments have more than one bedroom to allow for different groupings, and to facilitate ageing in place.</p>	
	<p>Minimum internal areas:</p> <ul style="list-style-type: none"> <li>▪ 1 bedroom – 50m<sup>2</sup></li> <li>▪ 2 bedroom – 70m<sup>2</sup></li> <li>▪ 3 bedroom – 90m<sup>2</sup></li> </ul> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each.</p> <p>Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space).</p>	<p>All apartments meet the minimum internal area requirements.</p>	✓
	<p>Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space).</p>	<p>All master bedrooms have a minimum area of 10.5m<sup>2</sup>.</p> <p>All other bedrooms have a minimum area over 9m<sup>2</sup>.</p>	✓
	<p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p>	<p>All bedrooms have a minimum dimension of 3 metres.</p>	✓
Section 4 - Solar Access	<p>A minimum of 70% of apartments in a development should receive a minimum of three hours' direct sunlight between 9am and 3pm on 22 June to living rooms and private open spaces.</p>	<p>71% of dwellings will receive a minimum of 3 hours' direct sunlight between 9am and 3pm in mid-winter.</p>	✓
	<p>A minimum of 3 hours of direct sunlight is to be retained to north facing living room windows and/or doors and primary private open space of existing development adjoining proposed medium density development. Where this standard is not met by predevelopment conditions, any proposal should not decrease current levels of solar access.</p>	<p>The proposed development will not impact on the current levels of solar access enjoyed by surrounding development.</p>	✓
	<p>A minimum of 4 hours of solar access should be retained to solar collectors on both neighbouring buildings and on-site.</p>	<p>The proposal will not impact on the solar collectors located on the Kiama Shores Motel.</p>	✓

	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Every habitable room has a window in an external wall with a total minimum glass area of more than 10% of the floor area of the room.	✓
Section 5 - Acoustic Requirements	Applications must demonstrate compliance with the Sound Transmission Class ratings in the Building Code of Australia (BCA).	The development is compliant with the requirements of the Building Code of Australia (BCA). Refer to <b>Appendix H</b> and <b>Appendix L</b> .	✓
	All units located in close proximity to: commercial centres, arterial roads, sub arterial major collector roads, railway lines, and highways must meet the following threshold noise transmission standards as measured in the dwelling of 42 dB(A) for night and 55 dB(A) during the day time.	The threshold noise transmission standards, from road traffic noise, rail noise and noise from adjacent car parks, as measured in the dwelling as defined in the Kiama DCP 2012 are expected to be achieved. Refer to <b>Appendix H</b> .	✓
	Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.	The development has been designed to limit noise impacts on bedrooms by having minimal pedestrian activity along communal walkways and locating the principal usable part of communal open spaces away from bedrooms.	✓
Section 6 - Storage	In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: <ul style="list-style-type: none"> <li>▪ 1-bedrooms – 6m<sup>3</sup>;</li> <li>▪ 2-bedrooms – 8m<sup>3</sup></li> <li>▪ 3+-bedrooms – 10m<sup>3</sup></li> </ul> At least 50% of the required storage is to be located within the apartment.	Sufficient accessible storage spaces have been provided for each apartment in addition to bedroom and kitchen storage, with at least 50% of the required storage located within each apartment.	✓
Section 7 - Open Space	Apartments should provide balconies as follows: <ul style="list-style-type: none"> <li>▪ 1-bed – 16m<sup>2</sup> (3m min. depth)</li> </ul>	All balconies comply with the minimum dimension requirements set out in SEPP Seniors which is the prevailing	x

	<ul style="list-style-type: none"> <li>▪ 2-bed – 20m<sup>2</sup> (3m min. depth)</li> <li>▪ 3+-bed – 24m<sup>2</sup> (3m min. depth)</li> </ul>	control for this type of development.	
	Minimum balcony depth to be counted as contributing to the balcony area is 3m.	At the entrance point to each primary balcony the balcony has a depth of at least 3m.	✓
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m.	The ground floor apartments include private open spaces that meet the minimum area requirements.	✓
	Private open spaces of at least 70% of apartments in a building must receive a minimum of three hours' direct sunlight between 9 am and 3 pm on 22 June.	71% apartments will achieve at least three hours of direct solar access to the private open space and living areas between 9am and 3pm at the winter solstice.	✓
	Communal Open Space must be provided if the development has more than 8 dwellings and must be provided at a minimum rate of 5m <sup>2</sup> per dwelling.	Communal open space has been provided within the development at a rate of 25m <sup>2</sup> per dwelling.	✓
Section 8 - Ceiling Heights	<ul style="list-style-type: none"> <li>• Habitable rooms – min. 2.7m</li> <li>• Non-habitable rooms – min. 2.4m</li> </ul>	Ceiling heights comply with the requirements.	✓
Section 10 - Building Footprint	Buildings and basement/sub-basement/surface car parking should not fully cover the site, allowing for 25% deep soil landscaping.	<p>The proposed development is subject to the provisions of SEPP Seniors 2004 which take precedence over the provisions of the DCP. SEPP Seniors requires 15% of the site area to be provided as deep soil, with a minimum dimension of 3m.</p> <p>The proposed development provides 994m<sup>2</sup> (or 18% of the site area) of deep soil with a minimum dimension of 3m and complies with SEPP Seniors 2004.</p>	x
Section 11 - Facade	All new development must incorporate facades with an appropriate scale, rhythm and proportion, which respond to the	The building's façade represents an appropriate response to the buildings context and future use.	✓

	building's use and the desired contextual character.		
Section 12 - Drying Areas	Drying areas must be provided at a rate of 5 lineal meters of line per unit.	Sufficient space has been provided for the installation of at least 5 lineal meters of line per apartment.	✓
Section 16 - Additional Controls for Developments Containing a Mix of Permissible Commercial Premises and Permissible Residential Accommodation	The mix of uses must be compatible and must complement and reinforce the character, economics and function of the local area.	The mix of uses between commercial and seniors living is considered to be compatible with the local area and will serve to reinforce the character, economics and function of Kiama.	✓
	Design must ensure that the end result provides flexible building layouts, which promote variable tenancies or uses. A minimum ceiling height of 3.3m for ground floor is required to promote future flexibility of use.	The commercial tenancy has a floor to ceiling height of 3.8m to allow for a variety of commercial tenancies or uses of the space.	✓
	All shop top housing dwellings must meet the following threshold noise transmission standards as measured in the dwelling of 42 dB(A) for night and 55 dB(A) during the day time.	The proposal will comply with the specified acoustic levels.	✓
Section 17 - Additional Controls for Seniors Housing	Development must be provided in accordance with the provisions under the <i>SEPP (Housing for Seniors and People with a Disability) 2004</i> as amended from time to time and where relevant, the <i>Seniors Living Policy – Urban Design Guidelines for Infill Development</i> .	An assessment against the <i>Urban Design Guidelines for Infill Development</i> is provided at <b>Appendix D</b> .	✓

## Chapter 9 – Car Parking Requirements

Element	Development Control	Comment	Complies
Section 2.2 – How Much Parking Is Required	Seniors Housing <ul style="list-style-type: none"> <li>Residents – 1 space per unit</li> <li>Visitors – 1 visitor space per 4 units</li> </ul>	55 residential spaces are required to be provided and 14 visitor spaces. The proposed development will provide the required spaces.	✓
	Business/retail premises	Five commercial spaces are required to be provided. The	✓

Element	Development Control	Comment	Complies
	<ul style="list-style-type: none"> <li>1 space per 35m<sup>2</sup> GLFA</li> </ul>	proposed development will provide five commercial spaces.	

## Chapter 11 – Waste Requirements

Matter	Control	Comment	Complies
Section 5 - Garbage, Recycling Bin Storage Rooms	Garbage and recycling bin storage rooms must be constructed in accordance with the requirements of the National Construction Code, Building Code of Australia and all relevant Australian Standards mobility and applicable legislation.	The garbage and recycling bin storage room will be constructed in accordance with the requirements of the National Construction Code, Building Code of Australia and all relevant Australian Standards.	✓
Section 12 - Medium Density Housing (3 or more dwellings/units, including residential flat buildings, multi-unit dwelling housing, boarding houses, group homes, shop top housing, seniors housing)	<p><u>Collection Bins</u></p> <p>As part of the residential development each single dwelling house, flat, unit, shop top housing, group home and senior residential accommodation shall:</p> <ul style="list-style-type: none"> <li>Be provided with its own separate garbage, recycling and garden waste/food organics collection bins that comply with Council's Waste Services Code and capacity requirements, with front lift waste containers being prohibited.</li> <li>Be provided with bins that comply with AS4123 and as amended including specific requirements for designated colour schemes for the different types of bins and lids.</li> </ul>	Each dwelling will be provided with its own separate garbage, recycling and garden waste/food organics collection bins that comply with Council's Waste Services Code and capacity requirements and AS 4123.	✓
Section 13 - Demolition	A completed Site Waste Minimisation and Management Plan - Demolition (SWMMP) shall accompany any Development Application that proposes the demolition of buildings or other ancillary structures. This shall be accompanied with a statement and information on how the General and	A completed Site Waste Minimisation and Management Plan – Demolition (SWMMP) was provided with the original DA and will be updated for the construction certificate.	✓

Matter	Control	Comment	Complies
	Specific Objectives (for Demolition) and the design Controls as listed below will be achieved and complied with.		
	The preparation and submission of an Asbestos and Hazardous Materials Assessment Audit Report as outlined in Chapter 2 Section 1 Demolition Requirements.	As part of the SWMMP, an Asbestos and Hazardous Materials Assessment Audit Report was provided with the original DA and remains current for the amended proposal.	✓

## Chapter 26 – Kiama Town Centre

Matter	Control	Comment	Complies
Section 1 - Character of The Town Centre	<u>Street Pattern</u>		
	Streetscape improvements should be extended along Manning Street, the western end of Terralong Street and Collins Street to create a more continuous streetscape within the grid.	The redevelopment of 33 Collins Street will allow for improvements to the overall streetscape along Collins Street and will create a more continuous streetscape consistent with the future streetscape outcomes identified by Council.	✓
Section 3 - Residential Form in the Town Centre	Medium density and mixed-use residential/commercial developments are encouraged within the Kiama Town Centre. Prominent and gateway sites should be recognised for their significance. Particular attention should be paid to siting any new development so as to avoid blocking views, access and vehicular and pedestrian access. Where appropriate, proper pedestrian links between residential and commercial precincts (e.g. laneways and thoroughfare connections) should be provided.	The proposed development involves a medium density, mixed-use development, which is encouraged within the Kiama Town Centre.  The building has been designed and sited to avoid blocking views. The development will not have an adverse effect on vehicular or pedestrian access to surrounding developments.	✓
Section 4 - Future Building Design	A general building height of no more than three (3) storeys currently applies within the Kiama Town Centre. Council may consider the provision of one (1) additional storey but only where such a storey will	The building will present as a three storey building of a stepped design in order to reflect the natural topography of the site.	✓

Matter	Control	Comment	Complies
Section 6 - Building Alignment	<p>cater only for basement level car parking and will not measure more than one (1) metre above natural ground level at any point.</p> <p>Buildings should extend to the property boundaries where appropriate to reinforce the street patterns and the continuity of existing street facades.</p>	<p>At the Collins Street frontage, the building extends to the property boundary to provide a continuous building frontage.</p>	<p>✓</p>
Section 7 - Facade Design	<p><i>(b) Ground Level Building Detail</i></p> <p>Facades should be interesting to passers-by. Plain blank walls are not appropriate. Windows and doors which open onto activities, displays or art can be used to create interest. Appropriate architectural detailing can be used to further enhance ground level facades.</p>	<p>A commercial tenancy is provided at ground level to activate the Collins Street frontage.</p>	<p>✓</p>
Section 8 - Building Materials	<p><i>(c) Entrances to Buildings</i></p> <p>Entry points to buildings should identify themselves and should be at the same level as the street where possible.</p> <p>Any new building work within the Kiama Town Centre should maintain the scale, texture and proportion of the existing Terralong, Manning and Collins Streetscapes.</p> <p>Building materials should include:</p> <p>(a) walls of masonry construction, rendered to a flat surface for painting;</p> <p>(b) roof slate, corrugated sheet metal or concrete tiles; and</p> <p>(c) architectural detail and trim in timber and moulded cement.</p>	<p>Entry points to the development will be clearly identified and will be at street level. The residential and commercial components of the development will have separate pedestrian entrances.</p> <p>Building materials include masonry construction, painted render, timber and corrugated sheet metal for the roof above caretaker apartments. A flat roof design has been adopted for the apartments to reduce view impacts upon adjoining properties.</p>	<p>✓</p>
Section 9 - Colours	<p>Colours appropriate for use in the Kiama Town Centre include white, light grey, light brown and deep brown ochre. Lighter colours can be</p>	<p>The colour palette for the development has been selected in response to the streetscape context, while also</p>	<p>✓</p>

<b>Matter</b>	<b>Control</b>	<b>Comment</b>	<b>Complies</b>
	<p>used as highlights to emphasise particular parts of the building. Deeper colours may be used as trim.</p> <p>Roof colours such as deep grey, charcoal, deep green-grey, and olive are appropriate for use in the Kiama Town Centre.</p>	<p>maintaining the integrity of the original design concept.</p>	

**APPENDIX B      ARCHITECTURAL PLANS**

# **APPENDIX C      CLAUSE 4.6 VARIATION**

# **APPENDIX D**

# **URBAN DESIGN GUIDELINE FOR INFILL DEVELOPMENT ASSESSMENT**

Section	Comment	Complies
Responding to context		
Street layout and hierarchy	The development addresses Collins St, the principal street frontage of the site. There is no opportunity for new streets of lanes on the site due to topographical constraints.	✓
Block and lots	The site is surrounded by a mix of detached dwelling houses, residential flat buildings and commercial developments. The proposal is consistent with the character of the surrounding area.	✓
Built environment	<p>The existing character along the north-western side of Collins Street is somewhat outdated and it is expected that the streetscape will evolve over the coming years.</p> <p>The two-storey building height at the street frontage will complement the general two-to-three street walls of the prominent buildings being the Kiama Leagues Club, 27 and 55 Collins Street and proposed development at 35-41 Collins Street.</p>	✓
Trees	The proposal will not result in the removal of any significant trees. Exotic species and noxious weeds will be removed, with a number of native species planted to provide privacy and amenity.	✓
Policy environment	<p>The proposal is sympathetic to the heritage listed items in the surrounding area, being the Kiama Terrace Houses at 24-44 Collins Street, Kiama Masonic Lodge at 46 Collins Street and Minnamurra Street Precinct Group at 13-21 Minnamurra Street, as the development will be of a modest scale and is physically separated from the items so as not to disrupt views.</p> <p>The proposal provides an activated street frontage to Collins Street in accordance with the desired character for the Kiama Town Centre.</p>	✓
Site planning and design		
General	Site design principles achieved by designing the building to work with the contours of the site, keeping the development within appropriate scale and providing a range of dwelling sizes	✓
Built form	Building bulk is evenly distributed over the site with most dwellings oriented towards views to the east. The built form will be set back from Collins Street, being the busier trafficked road, so as to provide suitable noise mitigation.	✓

Section	Comment	Complies
Trees, landscaping and deep soil zones	The proposal will have deep soil zones around the perimeter of the site to provide trees for visual privacy and stormwater infiltration.	✓
Parking, garaging and vehicular circulation	All parking will be within the basement levels and accessed via a single point. All parking spaces, circulation and ramps comply with the relevant Australian Standards and will adequately service the dwellings and retail tenancy.	✓
SEPP Controls	The relevant SEPP controls have been addressed in the Statement of Environmental Effects.	✓
Impacts on streetscape		
General	Development is consistent with the desired streetscape of the Kiama Town Centre. Building siting follows the natural contours of the land. Building scale and height is consistent with nearby similar developments. The zero front setback is consistent with other prominent buildings in the street.	✓
Built form	The façade of the building fronting Collins Street will be activated by the commercial tenancy and appropriately scaled to align with the anticipated future character of the area.	✓
Trees, landscaping and deep soil zones	The proposal has a zero front setback to Collins Street, which does not provide space for landscaping along the front boundary. However, this is consistent with the character of the north-western side of Collins Street.	✓
Residential amenity	62% of the dwellings will be naturally ventilated and 71% of apartments will receive 3 hours of solar access at the winter solstice. The building has been designed such that many apartments will have coastal views to the ocean and headland. A range of open space areas has been provided for passive recreation, entertaining and relaxation.	✓
Parking, garaging and vehicular circulation	<p>Car parking will be provided via a single access point and will be provided across two basement levels, away from public viewing areas.</p> <p>All spaces and circulation areas will comply with the Australian Standards.</p>	✓

Section	Comment	Complies
Impacts on neighbours		
Built form	The building has been designed to provide suitable building separation to all boundaries. The building incorporates a flat roof design to minimise view loss.	✓
Trees, landscaping and deep soil zones	All perimeter edges will have deep soil zones for tree planting and visual privacy.	✓
Residential amenity	The building will not have an unacceptable impact on solar access to adjoining properties and suitable building separation and operable screens are provided on balconies for privacy.	✓
Parking, garaging and vehicular circulation	The location of the vehicle crossing and access to the basement will not impact on the amenity of neighbouring properties.	✓
Internal site amenity		
Built form	<p>All dwellings will overlook landscaped areas surrounding the site and will be suitably separated from surrounding buildings for privacy and amenity.</p> <p>The building entrance is easily identifiable from Collins Street and is delineated from the commercial tenancy.</p>	✓
Parking, garaging and vehicular circulation	All dwellings will have lift access to the basement car parking. Residents' spaces will have security doors to prevent access from the commercial tenancy workers and customers and the public.	✓
Residential amenity	<p>All apartments will have private balconies for relaxation and entertaining, as well as access to multiple communal open space areas for passive recreation and entertainment.</p> <p>The development has been designed to provide a high level of passive surveillance in all directions, with security screening provided at key access points.</p> <p>Garbage storage areas have been located discreetly to avoid unsightliness and odours.</p>	✓

# **APPENDIX E      ADG COMPLIANCE TABLE**

# APPENDIX F

# MATERIALS AND FINISHES

# APPENDIX G

# VIEW IMPACT ASSESSMENT

# APPENDIX H

# ACOUSTIC REPORT

# APPENDIX I

# TRAFFIC ASSESSMENT

**APPENDIX J**

**ARBORICULTURAL IMPACT ASSESSMENT**

# APPENDIX K      BASIS REPORT

# APPENDIX L

# BUILDING CODE OF AUSTRALIA

# APPENDIX M      ACCESS REPORT

# **APPENDIX N      CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

# APPENDIX O

# WASTE MANAGEMENT REPORT

# APPENDIX P

# PRELIMINARY SITE INVESTIGATION

**APPENDIX Q      EXCAVATION CONSTRUCTION  
METHODOLOGY**

# APPENDIX R

# LANDSCAPE ARCHITECTURE

# APPENDIX S

# GEOTECHNICAL INVESTIGATION

# APPENDIX T

# STORMWATER MANAGEMENT

# **APPENDIX U      HYDRAULIC SERVICES**



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