

<b>DATE OF DETERMINATION</b>	11 December 2017
<b>PANEL MEMBERS</b>	Alison McCabe (Chair), Renata Brooks, Lindsay Fletcher
<b>APOLOGIES</b>	Pam Allen, Mark Honey, Andrew Sloan, Michael Forsyth
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held at Kiama Council, 11 Manning St, Kiama on 11 December 2017, opened at 1:10 pm and closed at 3:10 pm.

#### **MATTER DEFERRED**

**2016STH035 – Kiama - DA10.2016.304.1** at 100 Terralong Street Kiama, 3 Akuna Street Kiama, 55 Shoalhaven Street Kiama, 61 Shoalhaven Street Kiama.

#### **PANEL CONSIDERATION AND DECISION**

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



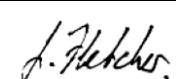
1. The Panel resolved to defer the development application as described in Schedule 1 for amended plans to address:
  - i. The appropriate relationship of the building to Akuna Street. Significant trees on Akuna Street should be preserved. To accommodate some trees, it may be more appropriate to provide a more residential presentation to Akuna Street subject to resolving privacy for dwellings. A pedestrian pathway within the site should also be explored. There would be scope to address this more in a revised Clause 4.6.
  - ii. Resolution of the issues raised in the assessment report including:
    - (i) Measures requiring the retention of trees on adjoining properties.
    - (ii) Details of the easement for service arrangements.
    - (iii) SEPP55 contamination.
    - (iv) Location of communal open space on western boundary.
    - (v) Capacity for improved landscape and provision of canopy trees on site.
2. That the current and amended plans be review by Council's external architecture/urban design consultants to improve the urban design response.
3. That any amended plans be readvertised and notified.
4. That a further report be prepared assessing the amended proposal in accordance with Section 79C of the EPA Act.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel have deferred the matter for the reasons given above.

<b>PANEL MEMBERS</b>	
 Alison McCabe (Chair)	 Renata Brooks
 Lindsay Fletcher	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016STH035 – Kiama - DA10.2016.304.1
2	PROPOSED DEVELOPMENT	Mixed use development comprising retail and commercial premises (including supermarket); ninety-seven (97) residential units; and multi-level basement car park containing a total of 405 spaces.
3	STREET ADDRESS	Various allotments, Terralong, Akuna and Shoalhaven Streets Kiama
4	APPLICANT/OWNER	Applicant: ADM Architects / Owner: Kiama Municipal Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ol style="list-style-type: none"> <li>State Environmental Planning Policy No 55 – Remediation of Land</li> <li>State Environmental Planning Policy No 64 – Advertising Signage</li> <li>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</li> <li>State Environmental Planning Policy No 71 – Coastal Protection</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Building and Sustainability Index – BASIX) 2004</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>Kiama Local Environment Plan 2011</li> </ol> </li> <li>Draft environmental planning instruments: Draft State Environmental Planning Policy (Coastal Management) 2011</li> <li>Development control plans: <ol style="list-style-type: none"> <li>Kiama Development Control Plan 2012</li> </ol> </li> <li>Planning agreements: Nil</li> <li>Provisions of the Environmental Planning and Assessment Regulation 2000: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the Environmental Planning and Assessment Act 1979 or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Addendum Assessment Report (dated 6 December 2017) and attachments, including revised architectural plans. <u>Note:</u> due to their late submission (received by the Secretariat two business days prior to the public meeting) these documents were not able to be considered by the Panel at the public meeting on 11 December 2017.</li> <li>Council assessment report: 24 November 2017</li> <li>Written submissions during public exhibition: Nine (9) submissions in first round exhibition, six (6) submissions in second round exhibitions</li> <li>Verbal submissions at the public meeting: <ol style="list-style-type: none"> <li>Support – Nil</li> <li>Object – Harry Osman, Tamara Campbell</li> </ol> </li> </ul>

		3. On behalf of the applicant – Angelo Di Martino, Nicolas Daoud, Elaine Treglown
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection and briefing meeting 15 March 2017</li> <li>• Site inspection by Lindsay Fletcher 11 December 2017</li> <li>• Final briefing meeting to discuss council's recommendation, 11 December 2017 at 12.30pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Renata Brooks, Lindsay Fletcher</li> <li>○ <u>Council Staff</u>: Linda Davies, Brendan Leo</li> <li>○ <u>Consultant Planner</u>: Stephen Richardson of Cowman Stoddart PTY LTD</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A