



# ***Shell Cove Boat Harbour Precinct Modification***

*Part 3A Modification  
Assessment  
(MP 07\_0027 MOD 1)*



November 2018

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### **Cover photo**

Aerial view of the Shell Cove Boat Harbour construction site (Source: Proponent's Environmental Assessment)]

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# Glossary

Abbreviation	Definition
Council	Shellharbour City Council
Department	Department of Planning and Environment
DPI	Department of Primary Industries
EPA	Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EPL	Environment Protection Licence
FEAR	Further Environmental Assessment Requirement
GFA	Gross Floor Area
HIS	Heritage Impact Statement
IPC	Independent Planning Commission
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
Proponent	Frasers Property Australia
RMS	Roads and Maritime Services
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
TfNSW	Transport for New South Wales
TIS	Traffic Impact Study
VIA	Visual Impact Assessment



# Executive Summary

This report is an assessment of a request seeking to modify the Concept Plan Approval (MP 07\_0027) for the Shell Cove Boat Harbour Precinct (Shell Cove Concept Plan) located at Boollwarroo Parade, Shell Cove (the site), in the Shellharbour local government area.

The approved Shell Cove Concept Plan includes residential land uses to a maximum of 1,238 dwellings and 150,000 square metres (m<sup>2</sup>) gross floor area, a business park, commercial/retail/hotel/community land uses to a maximum of 30,000 m<sup>2</sup>, wetlands and open space and associated infrastructure.

The proposal seeks approval to:

- increase the maximum number of dwellings from 1,238 to 1,566
- revise the housing densities, typologies and building heights in certain areas of the Boat Harbour Precinct
- amend the hotel building, by relocating it to the northern edge of the Town Centre and increasing its maximum building height from a maximum of nine storeys to 11 storeys
- revise the road pattern and layout.

The proposal has been lodged by Ethos Urban on behalf of Frasers Property Australia (the Proponent), pursuant to section 75W of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The proposal was publicly exhibited between 15 September 2017 and 29 September 2017, however due to the level of public interest, the exhibition was extended to 20 October 2017. The Department of Planning and Environment (the Department) received a total of 210 submissions, comprising eight submissions from public authorities and 202 submissions (including 192 objections) from the public, including two petitions with 199 and 198 signatures.

Shellharbour City Council and the Government agencies did not object to the proposal, raising general comments or recommending conditions of approval.

The public submissions raised concerns about density, traffic, amenity, view loss, and built form.

The Department considers the proposed increase in density is acceptable, as it would be consistent with the strategic planning objectives for the site and increase housing supply and choice within the Shellharbour LGA. The development is well placed to accommodate additional density, given the new town centre would provide excellent access to retail and other services to meet the needs of future residents.

The proposal would result in a 2 percent increase in traffic generation compared with the Concept Plan Approval. This increased traffic generation would not be noticeable in the context of traffic movements, or result in any significant impacts on the surrounding road network. Moreover, the proposal does not seek to change the approved amount of retail and commercial floorspace which are the key drivers for peak hour traffic movement. Roads and Maritime Services and Council did not raise any concerns about traffic impacts of the proposal.

The Concept Plan Approval allows development of up to four storeys in height across parts of the site, a hotel up to nine storeys, and no limit on gross floor area for the hotel or community facilities. This will result in some existing views of the water and horizon from areas to the west of the site being lost. Whilst the proposal would result in minor view loss impacts on properties located further to the west of the site, the impacts of the modification would be negligible from most of the elevated vantage points. The panoramic views from the majority of vantage points,

view sharing, as well as associated levels of amenity, would be retained. The overall appearance of the site would remain similar to the Concept Plan Approval.

The proposal would continue to provide public access to the harbour and foreshore, and sufficient open space for future residents and visitors.

Most of the proposed built form changes are located centrally within the site, would relate well to the previously approved buildings, and not result in any significant visual or amenity impacts. The proposed increased heights in the town centre will increase activation and be offset by areas of lower heights. The Department is satisfied that the proposed changes are acceptable.

Overall, the Department considers the proposal is consistent with the broader strategic planning objectives for the site and would provide positive social and economic benefits to the region. The Department is also satisfied the proposed density and building heights are acceptable as the proposal would not result in any significant visual, amenity or traffic impacts beyond those already assessed and approved.

The Department is, therefore satisfied that the modification should be approved, subject to the recommended conditions (see **Appendix F**).

As more than 25 public submissions in the nature of objections were received, this assessment report is hereby presented to the Independent Planning Commission for determination.



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# 1. Introduction

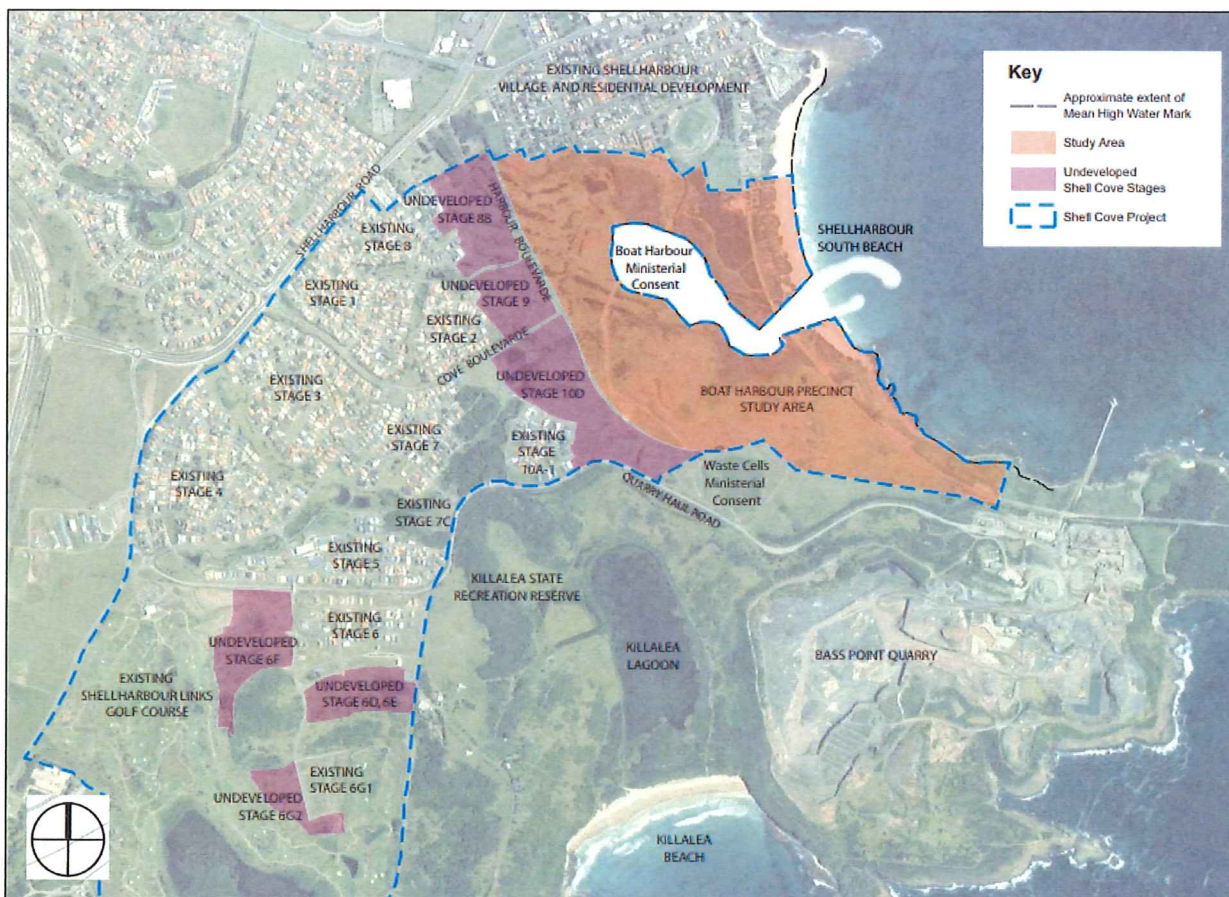
## 1.1 Background

In 1977, several studies were undertaken to identify facilities required to improve recreational boating in the Illawarra region. Those studies included the Wollongong Region Recreational Boating Study (1977) by the then Department of Public Works, and the Wollongong Region Boat Harbour Preliminary Investigation (1981). The studies recommended that a marina be located in the Shellharbour region. A subsequent feasibility study was undertaken for the then Tourism Commission and Public Works Department of NSW in 1985. It concluded that a boat harbour would lead to economic stimulation of the region and should be developed with integrated residential and recreational community facilities.

The Shell Cove Boat Harbour Precinct (Shell Cove Concept Plan) (the site) surrounds the approved Shell Cove Boat Harbour and Marina development (harbour and marina development, which comprises a 350 berth boat harbour/marina at South Shellharbour Beach, construction of acoustic barriers adjacent to the Bass Point Quarry and enlargement and enhancement of the Shadforth Wetlands (DA 95/133). The harbour and marina development was the subject of a 1996 Commission of Inquiry, which examined matters including the environmental aspects of the proposal, significance of the wetlands proposed for removal and effectiveness of the compensatory measures. The then Minister for Urban Affairs and Planning subsequently approved the application in 1996. The harbour and marina development has been modified on seven occasions.

The land surrounding the new harbour and marina was subsequently identified as key employment land in the then Illawarra Regional Strategy (IRS) with opportunities for conferences, events and accommodation to strengthen growth in tourism. The Illawarra Urban Development Program, which underpinned the IRS, also identified Shell Cove as a major residential release area to be provided around the harbour and marina development.

Shell Cove was subject to detailed site investigation and the development of a range of masterplans and development options. The final development proposal by Council and Australand (now Frasers) for the wider Shell Cove area, comprises a residential estate and golf course (see **Figure 1**). The residential component comprises a ten-staged release of residential lots, with separate development consents required for each stage. The harbour and marina development are subject to separate consents and do not form part of the ten-stage release.



**Figure 1** | Location of the site (shaded orange) in relation to the harbour and marina development (shaded white) and the adjoining staged release of the Shell Cove residential estate (Source: Original Concept Plan Approval Application)

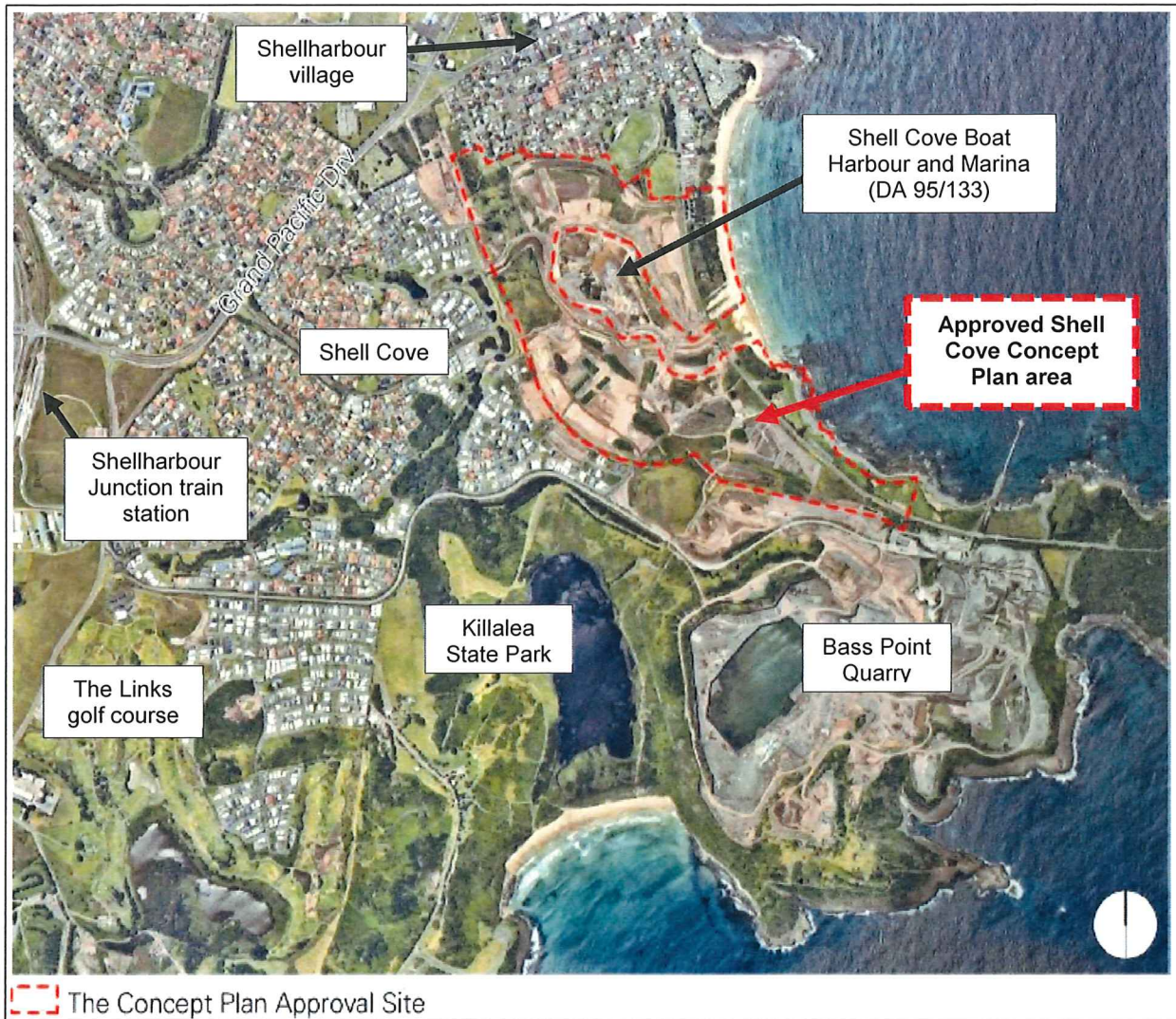
## 1.2 The Site and Surrounds

The site is located approximately 17 km south of Wollongong, adjoining Shellharbour village, Shellharbour South Beach and the existing Shell Cove residential area (refer to **Figure 2**). The majority of the site has been vacant since prior to the 1960s, with the north-western portion of the site developed into a golf course in the 1970s which operated until 2004. The remainder of the site was used as the former Council landfill or for farming purposes.

The site surrounds the approved Shell Cove harbour and marina (DA 95/133), which is under construction. The development associated with the site will provide supporting land-based facilities for the harbour and marina, and a range of residential and employment uses as part of the wider development of the locality. The site is bounded by Harbour Boulevard to the west, and Shellharbour South Beach and the Pacific Ocean to the east. Bass Point Quarry is located south of the site and residential properties and recreational open space are located north of the site (**Figure 2**).

The residential properties located north of the site are identified as being in the neighbouring suburb of Shellharbour and the residential properties directly west of the site form the remainder of Shell Cove residential estate (**Figures 1** and **2**). Further west of the site is the Shellharbour Junction train station and entry ramps to the Princes Highway. Killalea State Recreational Area and The Links Shell Cove golf course are located south west of the site (**Figure 2**).





**Figure 2** | Site Location and surrounding local context (Source: Proponent's application)

### 1.3 Approval History

On 15 February 2011, the Deputy Director-General, Development Assessment & Systems Performance, granted Concept Plan Approval for the Shell Cove Boat Harbour Precinct for the following purposes:

- up to 1,238 dwellings with a total gross floor area of approximately 150,000 m<sup>2</sup> comprising single dwellings, medium density and apartments
- a business park with a maximum gross floor area of 30,000 m<sup>2</sup>
- retail/commercial/hotel/community development with a maximum gross floor area of 22,000 m<sup>2</sup>
- public open space and wetlands
- associated drainage, stormwater infrastructure and roads.

The Concept Plan Approval has not been previously modified.



## 2. Proposed Modification

On 9 August 2017, Ethos Urban on behalf of Frasers Property Australia (the Proponent) lodged a modification request under section 75W of the EP&A Act seeking various amendments to the Concept Plan Approval, including:

- increasing the maximum number of dwellings from 1,238 to 1,566
- revising housing densities and typologies across the site
- removal of the maximum 150,000 m<sup>2</sup> residential gross floor area (GFA) limit
- reconfiguring the town centre layout, including relocating the hotel building to the northern gateway and amending the layout of the public square
- increasing the maximum building heights in certain areas
- making 'serviced apartments' and 'residential accommodation' permissible uses within the hotel building
- an additional 6,000 m<sup>2</sup> of land within Precinct E (the 'northern lands') for residential development
- amendments to road patterns and layout.

The Response to Submissions (RtS), addendum RtS and additional information amended the scope of the modification to include:

- provision of acoustic walls in place of landscape mounds for the dry boat storage
- a maximum building height in metres and definition of building height
- further revisions to the housing typologies to include townhouses in some precincts where only apartments were permitted
- further revisions to the road patterns and layout to reflect design development

No changes to the provision of open space, which remains at 8.49 hectares, or the location of the wetlands, are proposed.

A summary of the proposed modification is demonstrated in **Figures 3 to 5** and detailed in **Appendix A**.

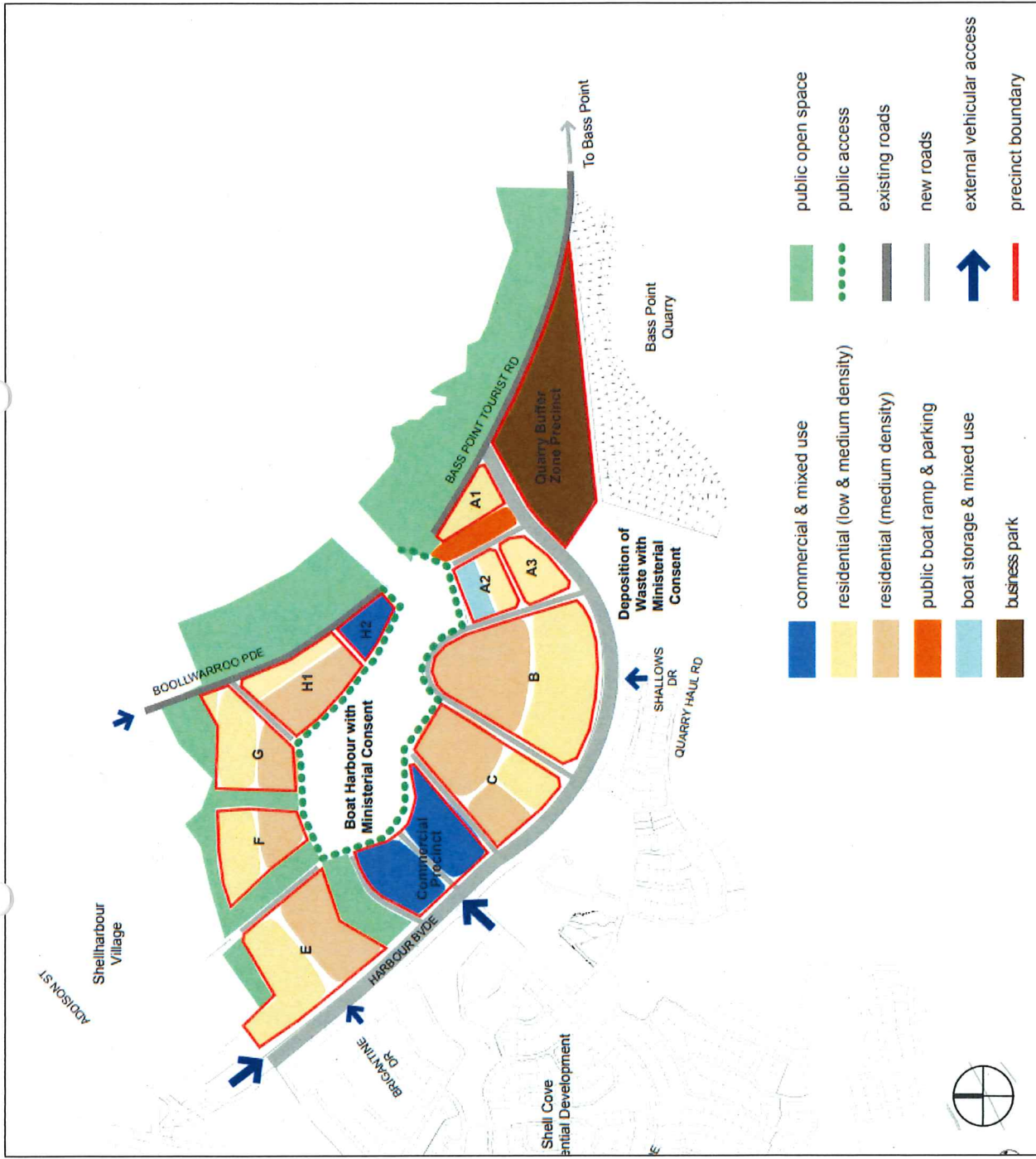
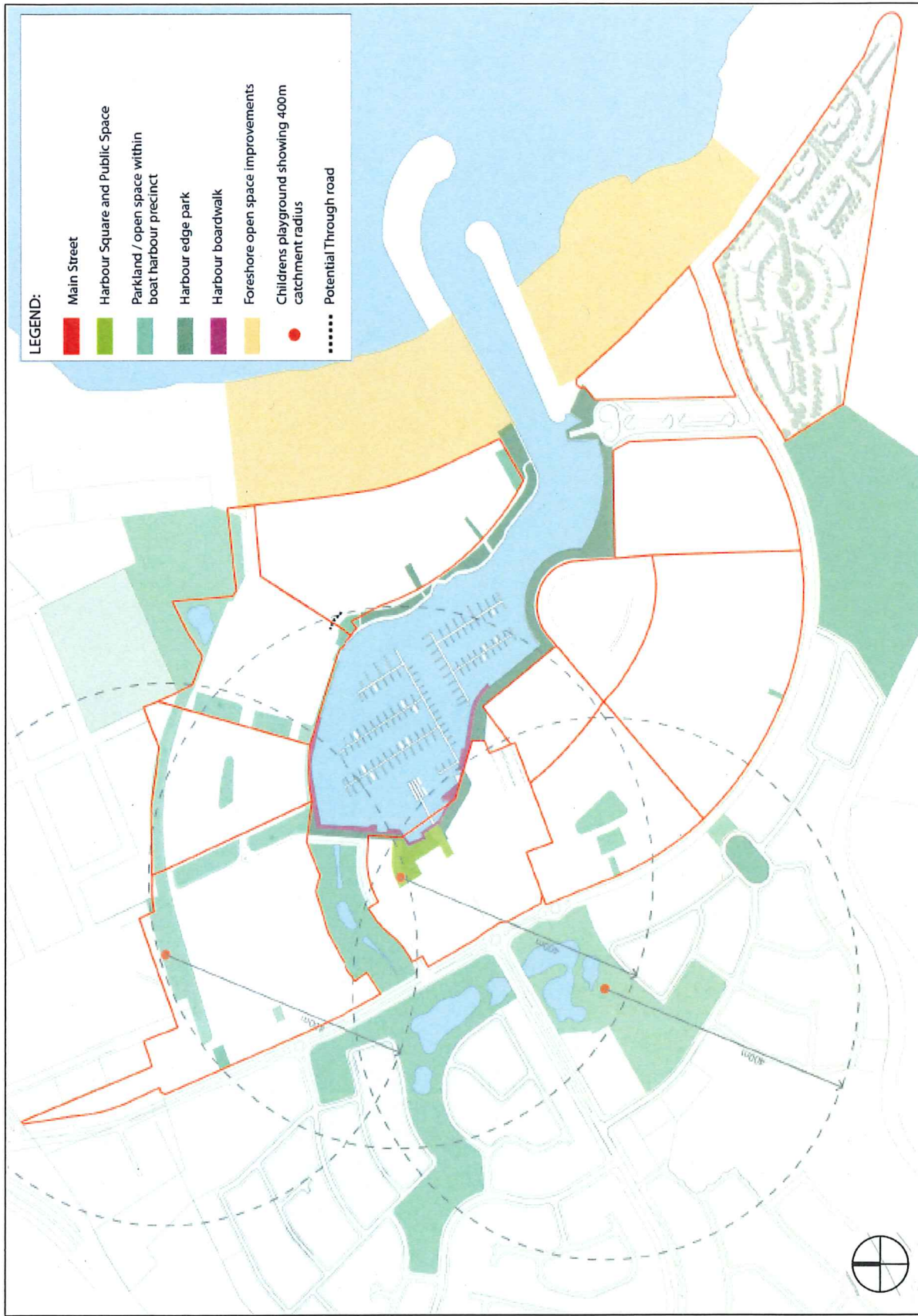


Figure 3 | Approved Concept Plan



**Figure 4** | Proposed Concept Plan – Public Domain  
 Note: Building footprints and street tree planting do not form part of the modification application



**Figure 5** | Proposed Concept Plan – Land Uses



### 3. Strategic Context

The subject site is part of the wider strategically planned Shell Cove development, a ten stage coastal residential precinct, based on the development of the adjoining boat harbour, the initial planning of which commenced in 1977, and was granted Ministerial approval in 1996. Overall, the precinct represents a major investment in the local area of Shell Cove and the Shellharbour City region, with economic benefits, including:

- a major ongoing construction program across a number of different residential and commercial developments resulting in spending and employment multipliers throughout the region
- a wide range of residential dwellings not typically offered in the area
- associated job creation in retailing, hospitality and commercial sector.

The Department considers that the proposed modification is appropriate for the site given it is consistent with:

- the Premier's Priorities to make housing more affordable by increasing housing supply
- The NSW State Priorities to increase housing supply and create jobs. This would be achieved by the provision of approximately 328 new dwellings and associated construction jobs
- The Illawarra-Shoalhaven Regional Plan objective of providing a variety of housing choices to meet needs and lifestyles. This would be achieved by increasing the supply and variety of housing choices on the site, consistent with the changes in market demand
- the NSW Future Transport Strategy 2056, as it would concentrate additional density close to the proposed town centre, thus reducing the need for private vehicle use by minimising walking and cycling distances
- Making it Happen in the Regions: Regional Development Framework, by encouraging investment and supporting growth in the Shellharbour regional centre
- the Shellharbour Local Environmental Plan 2013, which identifies the site for future medium density residential and mixed-use development.



## 4. Statutory Context

### 4.1 Scope of Modifications

The project was originally approved under Part 3A of the EP&A Act. The project is a transitional Part 3A project under Schedule 2 to the EP&A (Savings, Transitional and Other Provisions) Regulation 2017. The power to modify transitional Part 3A projects under section 75W of the Act as in force immediately before its repeal on 1 October 2011, is being wound up – but as the request for this modification was made before the ‘cut-off date’ of 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the carrying out of the project under section 75W of the EP&A Act.

### 4.2 Consent Authority

The Minister for Planning is the approval authority for the request. However, the Independent Planning Commission may determine applications under delegation, as more than 25 public submissions in the nature of objections have been made.



# 5. Engagement

## 5.1 Department's Engagement

### Modification Request

The Department placed the modification request on public exhibition between Friday 15 September 2017 and Friday 29 September 2017. Given the level of public interest in the request, the exhibition was extended to Friday 20 October 2017. The modification request was exhibited for a total of 36 days. The request was made publicly available on the Department's website and exhibited at the Department's office in Sydney and at Shellharbour City Council's office at Shellharbour.

The Department also placed public exhibition notices in the Illawarra Mercury, Wollongong Advertiser and the Shoalhaven and Nowra News and notified adjoining landholders and relevant State and local government authorities in writing.

The Department received a total of 210 submissions, comprising eight submissions from public authorities and 202 submissions (including 192 objections) from the general public.

### Response to Submissions

The Department made the RtS publicly available on its website and notified public authorities and members of the public who made submissions for 15 days between Tuesday 13 March 2018 and Tuesday 27 March 2018. The Department received an additional five submissions from public authorities and 12 submissions from the general public.

## 5.2 Public Authority Submissions

The issues raised by public authorities are summarised in **Table 1** below.

**Table 1** | Summary of Public Authority Submissions

### Council

<b>Modification Request</b>	<p>Council did not object to the modification, however raised the following concerns:</p> <ul style="list-style-type: none"> <li>• Sufficient on-site parking should be provided to minimise reliance on street parking, particularly as some Precincts have narrower lots reducing capacity for on-street parking</li> <li>• Parking for the hotel/mixed use land uses should not be fixed at concept stage</li> <li>• The Department should be satisfied that requirements of the State Environmental Planning Policy No 65 can be complied with</li> <li>• Draft Precinct Urban Design Guidelines submitted to Council for assessment include provisions different from Council's controls</li> <li>• The modification introduces numerous parks/pedestrian links, with some to function as narrow pedestrian links</li> <li>• It appears that public access to the foreshore is not maintained in Precincts F and G</li> <li>• The Business Park, approved in the Concept Plan, is not identified in the proposal, however should remain as part of any modification to the Concept Plan.</li> </ul> <p>Council also requested that conditions related to parking rates, driveway and kerb design, provisions of flexibility for road design, Crime Prevention Through</p>
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Environmental Design principles (CPTED), building design and public access. be incorporated into the modification.

RTS

- Council noted that it and the Proponent had reached an agreement on some issues identified in Council's previous submission and requests that conditions recommended previously for driveway and kerb design, parking rates, flexible road design, CPTED and building design not be included
- The modification should not approve any Precinct Urban Design Guidelines (included as an appendix to the modification request), building footprints or building envelopes
- The numerical building heights identified are not substantiated or supported by a definition. The building heights proposed are different from the SEPP 65 floor to ceiling heights and the Department should review the height provisions to minimise visual and amenity impacts
- Provision of a building height in metres may impact on population numbers, traffic, parking and infrastructure provisions from additional storeys
- Clarification was sought on provision of additional lanes
- The graphics do not support the Statement of Commitment for public access to the foreshore
- Numerical parking standards should not be approved as part of the modification, but assessed with the Urban Design Guidelines

EPA

Modification Request

- Any modification should be carried out in accordance with the issued Environmental Protection Licence
- Best practice methods to achieve targets identified in the NSW Water Quality Objectives should be adopted to improve the health of receiving waters, rather than the current generic load requirements.
- The modification seeks to remove bio-retention swales in favour of gross pollutant traps and tertiary treatment devices. Justification should be provided for the removal or inclusion of specific controls or treatment
- The modification should ensure there is adequate capacity in the existing sewerage system to cater for any additional load and that the system's environmental performance will not be compromised.

RTS

- EPA noted the Proponent's responses and had no further comment on the modification.

Heritage Division

Modification Request

- A Heritage Impact Assessment (HIS) should be prepared to assess the impact on the significance of heritage items in the vicinity, particularly the State Heritage item, Bass Point Reserve
- Clarification is needed on whether a statement of heritage impact was prepared for the foreshore development along the eastern side of the study area; and any further development of this area must consider maritime heritage impacts
- Any further excavation with the potential to impact on terrestrial or maritime archaeology should require an archaeological assessment.

RTS

- The impact of the additional bulk, associated with the modification, is minor when considered in the context of the overall visual impact from the previously approved Concept Plan
- Additional information related to maritime archaeology and a previous HIA for the eastern portion of the site were not provided in the RTS.

The Heritage Division subsequently confirmed that no further heritage and archaeological assessment is required.

#### RMS

**Modification Request**

- A traffic impact study (TIS) and more detailed plans are required for assessment of the impacts of the modification.

**RTS**

- After review of the traffic report, RMS is satisfied that the modification will only have a minor traffic increase and not significantly impact on the State road network.

#### Sydney Water

**Modification Request**

- The proposed increase in dwellings will exceed the maximum capacity of water and wastewater servicing the precinct.
- It is recommended that a condition requiring the Proponent discuss the proposal with Sydney Water and lodge a Section 73 Compliance certificate prior to development commencement in each stage.

**RTS**

- The Proponent and Sydney Water met to discuss the proposed development yield
- The Proponent will need to undertake further servicing investigations, in consultation with Sydney Water, to determine whether there is sufficient capacity in the wastewater system to accommodate the additional growth
- The additional investigation is to commence soon.

#### Land & Water, Department of Industry

**Modification Request**

- Clearly distinguish the differences between the modification and current approval, partially in Precinct E
- Demonstrate consistency with the Guidelines for Controlled Activities on Waterfront Land
- Road patterns and layout should ensure minimal impact on waterfront land and further information is needed regarding impact on the watercourse at the proposed two crossing locations.

**Addendum RTS**

- No further comments on the proposal, however recommended that subsequent development applications consider impacts on surface and groundwater sources and provide details of any groundwater dewatering required.

#### TFNSW

**Modification Request**

- TfNSW advised it did not have any comments on the modification.

#### OEH

**Modification Request**

- OEH advised it did not have any comments on the modification.

### 5.3 Public Submissions

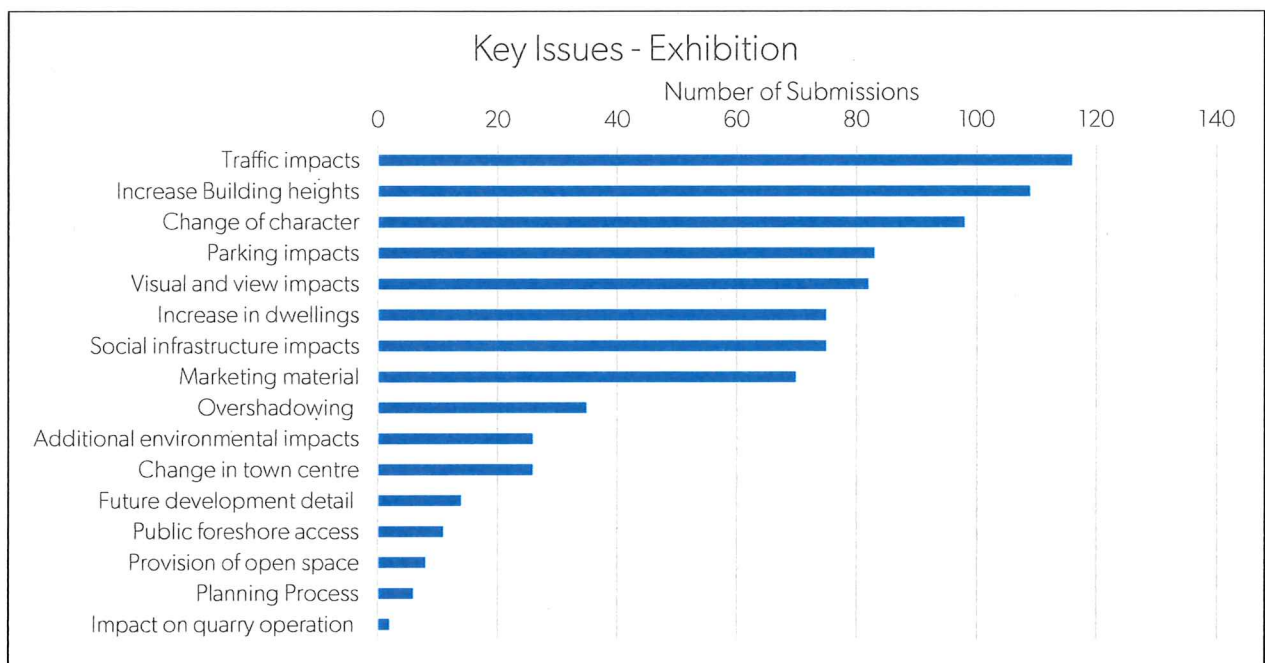
The Department received 202 public submissions in response to exhibition of the modification request, including a submission from Hanson Construction Materials, Hones Lawyers on behalf of a number of residents, and two petitions. The majority of submissions (96%) were in the nature of an objection.

Key concerns raised in the public objections include:

- View impacts, particularly due to the increase in building heights blocking water views from existing dwellings

- Lack of infrastructure, including schools, emergency services and medical facilities, to accommodate the additional population
- Traffic and access impacts, particularly during the morning and afternoon peak periods, road safety concerns and impact of traffic from visitors to the area
- Parking impacts, particularly insufficient on-site residential and commercial parking and availability of street visitor parking
- Built form impacts, including building heights, overshadowing and adverse amenity impacts
- Structural stability of the hotel building
- The 11 storey hotel building is unsympathetic to the low density, coastal character of the locality and surrounding suburbs
- Overcrowding leading to increased crime, reduced property values and anti-social behaviour
- Need for additional open space to accommodate additional residents
- Removal of commitments to encourage conservation and enjoyment of natural and coastal environment
- Removal of the GFA maximum
- Lack of consultation about the modification and misleading marketing material prior to purchasing land in Shell Cove.

**Figure 6** summarises the issues raised in submissions, presented in the order of frequency they were raised (most to least)



**Figure 6** | Public objections by issue and the number of submissions per issue

In response to the issues raised during the exhibition period, the Proponent submitted its RtS which included:

- a Visual Impact Assessment (VIA) reviewing view impacts associated with the modification from within and surrounding the site
- identification of maximum numerical building heights across the site
- clear identification of proposed height changes per precinct
- further explanation of the methodology used to calculate the updated traffic impacts associated with the development.

The Department received a further 12 public submissions following notification of the RtS. All the public submissions received were in the nature of an objection. In addition to the key concerns raised during exhibition, the RtS notification identified the following key concerns:

- the VIA is based on an undefined numerical height to which the developer is not bound, and a landform which has been elevated since the concept approval
- lack of ground-truthing in identifying provision of existing and proposed essential services
- lack of public benefit associated with the modifications
- replacement of acoustic mounds with acoustic walls will create a 'fortress' appearance
- limited RtS notification period.



## 6. Assessment

In assessing the merits of the modification request, the Department has considered:

- the modification request and associated documents
- the Environmental Assessment and conditions of the original Concept Plan Approval
- all submissions received on the proposal
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department considers the key issues with the modification request are changes to density, built form and character, residential and public amenity and traffic. All other issues are discussed in **Table 2** below.

### 6.1 Density

The approved Concept Plan comprises of up to 1,238 low and medium density dwellings with a GFA of 150,000 m<sup>2</sup>. The Concept Plan also included 22,000 m<sup>2</sup> retail/commercial/ hotel/ community space and 30,000 m<sup>2</sup> business space.

The proposed modification seeks to increase the maximum number of dwellings to 1,566 (+26.5%), remove the maximum residential GFA limit, revise the housing typologies across the site to include a greater proportion of residential flat buildings, and increase building heights. It also seeks to remove the limit on GFA for community and hotel uses.

The Proponent advises that the additional density is sought to enable it to respond to the change in housing trends and market demand since the original Concept Approval in 2011. There is now a greater demand for a range of housing types and sizes, including a higher demand for apartment living and attached dwellings. The removal of the GFA limit on the hotel and community uses is sought on the basis that it unnecessarily limits the provision of those uses which have direct benefits to the local and wider community.

The increase in density was a key concern raised in submissions, particularly:

- the built form impacts from denser and taller buildings required to provide the additional dwellings, particularly view loss and overshadowing impacts
- change to the low-density coastal character of the area
- traffic, access and on-street parking impacts
- lack of infrastructure, community facilities and servicing to accommodate the additional population
- social impacts: increased crime and anti-social behaviour from overcrowding
- impact on the environment, particularly the wetlands and bird life, from increased population and development density.

To assess the appropriateness of the proposed density, the Department has considered the site's strategic context and the potential amenity impacts associated with the proposal.

The Department considers the proposed increase in dwelling density on the site is consistent with strategic planning objectives, including:

- The NSW State Priorities to increase housing supply and create jobs. This would be achieved by the provision of approximately 328 new dwellings and associated provision of construction jobs.

- The Illawarra-Shoalhaven Regional Plan objective to provide a variety of housing choices to meet needs and lifestyles of residents. This would be achieved by increasing the supply and variety of housing choices on the site, consistent with the changes in market demand.
- The objectives of the R3 Medium Density Residential and B2 Local Centre zonings which apply to the site under the *Shellharbour Local Environmental Plan 2013*, which encourage medium density residential development, mixed use development, and maximising public transport, walking and cycling which will be achieved by locating density close to the town centre.

The Department also considers the site is well suited to support additional residential density, due to the large area encompassed by the Concept Plan site which:

- will incorporate its own town centre and retail services to meet the needs of future residents, with increased densities concentrated within and around the centre
- is able to locate greater density in the central parts of the site, whilst maintaining low scale development at the site boundaries thereby minimising off-site impacts.

The Department has considered the concerns associated with the increased density raised in the submissions, including character and built form impacts (**Section 6.2**), views and overshadowing impacts (**Section 6.3**), traffic, infrastructure provision, social impacts and environmental impacts (**Section 6.4**). The Department's assessment has found that the proposal would not result in any unacceptable impacts subject to appropriate future assessment requirements and conditions. On this basis, the Department considers the site can support the proposed density.

The Department also considers it is unnecessary to limit the residential floor space on the site. Built form impacts would be controlled by the maximum building heights and the development design guidelines required for each precinct (as discussed in **Section 6.2**). Parking, traffic and infrastructure impacts would be controlled by the cap on dwelling numbers. Similarly, it is not considered necessary to limit the floor space of the hotel or community facilities, given the economic and social benefits they would provide and the need for community facilities to support the increased residential population (discussed further in **Section 6.4**). The Department also notes that future buildings on the site will be subject to future development applications.

Overall, the Department is satisfied that the increased density is acceptable as it would be consistent with the strategic planning objectives for the site and would not result in any unacceptable impacts, subject to recommended conditions.

## 6.2 Built Form and Character

The modifications propose changes for the built form and character of the precincts. Key changes affecting built form and character include changes to the building heights, building typologies and design of the town centre.

### Building Heights

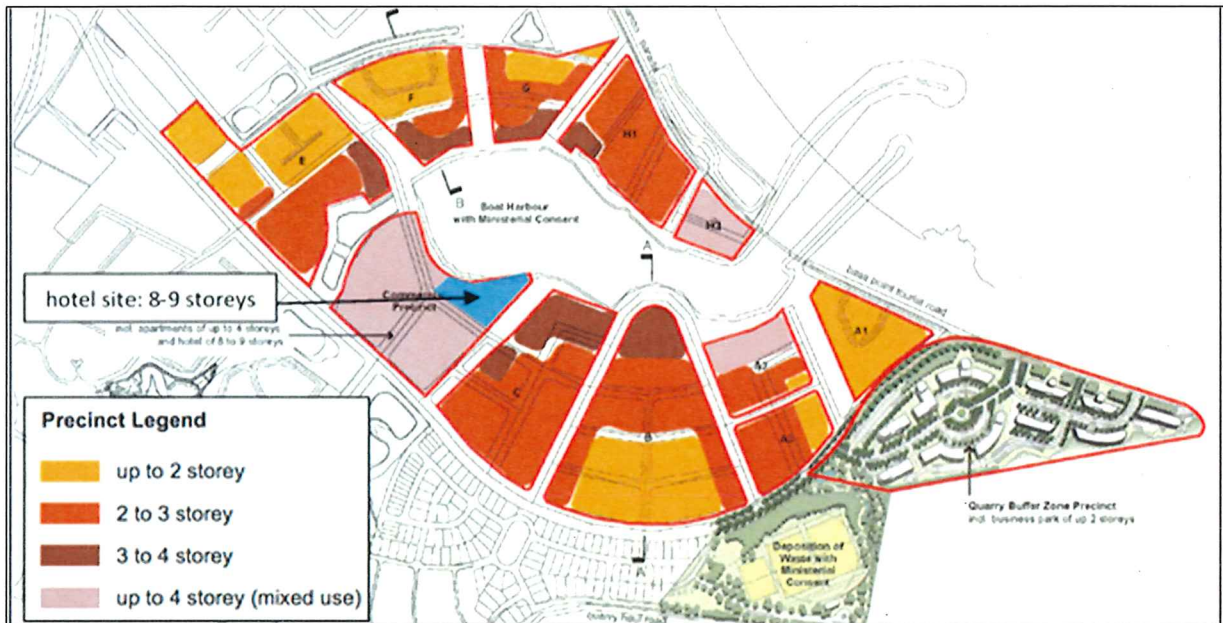
The approved Concept Plan incorporates maximum building heights across the site, with parts of the site able to be developed up to two, three, or four storeys in height; with the exception of a hotel, which may be up to nine storeys (**Figure 7**). The Concept Plan height controls are expressed in storeys, not metres, however the Department notes that the Shellharbour LEP 2013 includes height controls in metres for the site, based on the number of storeys approved under the Concept Plan.

The proposal seeks to modify the building heights, designating parts of the site as being either two, three, four, five or six storeys in height, and the hotel which may be up to 11 storeys. At the Department's request, the Proponent also included a maximum height control in metres.

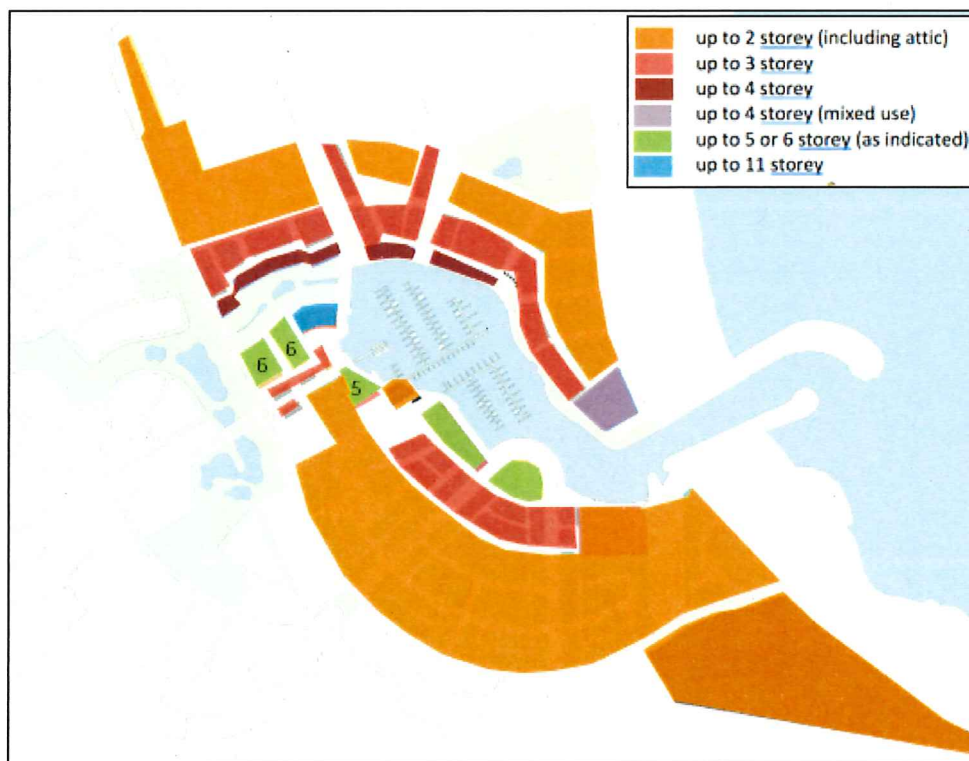
To enable a comparison of the proposed changes with the number of storeys, **Figure 8** has incorporated shading in colours similar to the approved Concept Plan. The figure illustrates that key changes are:

- relocation and increase in the height of the hotel from nine to 11 storeys (shown in blue)
- buildings with a height of five or six storeys in place of four storey buildings (shown green)

- additional four storey buildings north of the wetlands / open space corridor (shown in burgundy)
- relocated three storey buildings adjacent to the northern boundary (shown in red)
- overall reduction in three and four storey building heights in favour of an increase in two storey buildings (shown in orange).



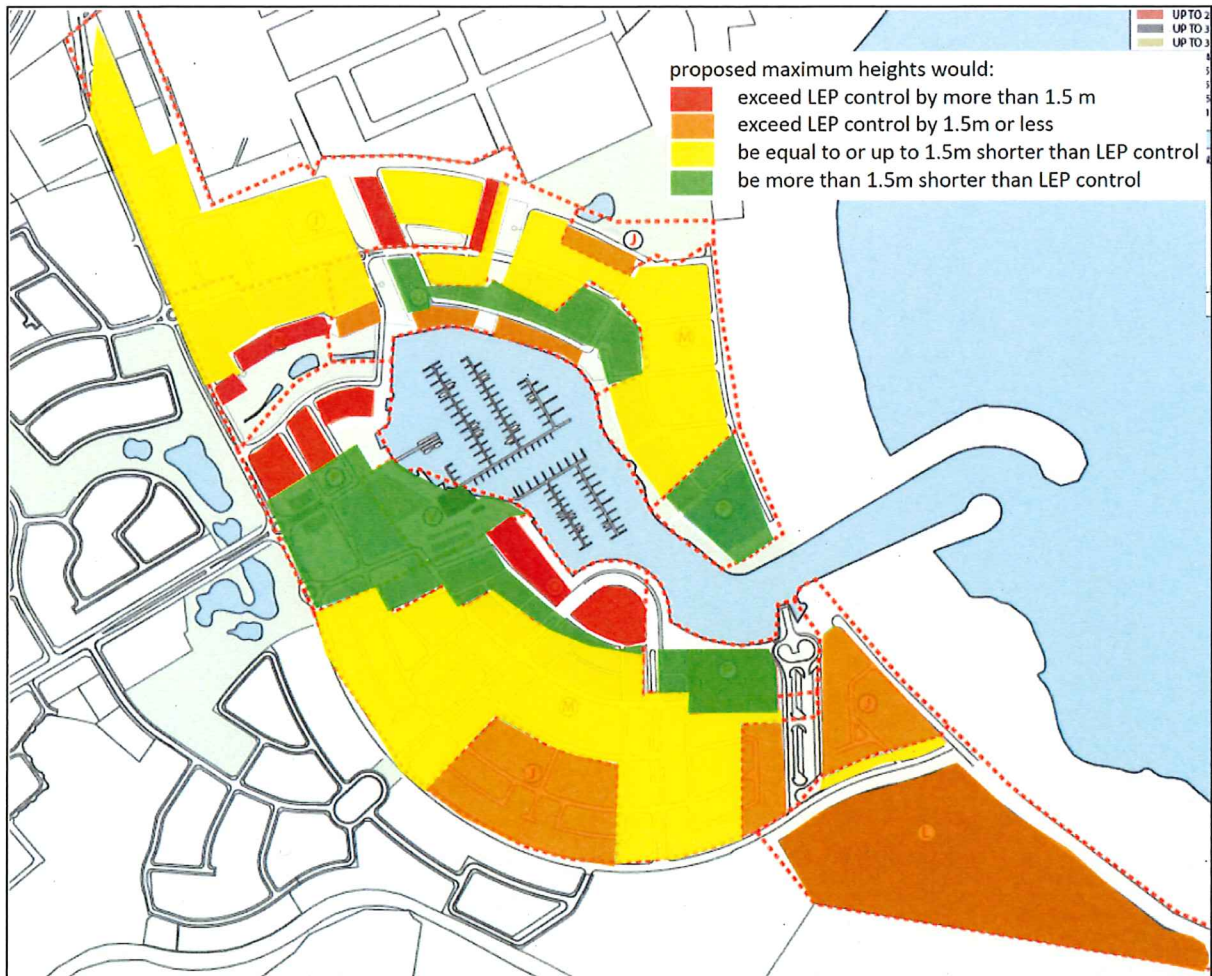
**Figure 7** | Approved building heights on the site, and location of nine storey hotel (Base image source: original Concept Plan Application)



**Figure 8** | Proposed building heights in storeys (Base image source: Revised Concept Plan Design Report)

Although the Concept Approval overrides the LEP height controls to the extent of any inconsistency, the Department has also considered the proposed building heights in metres, compared with the permissible building heights under the LEP (noting that the LEP height control was based on the Concept Plan). A comparison

of the difference between the proposed maximum building heights in metres with the existing LEP controls is shown in **Figure 9**.



**Figure 9** | Comparison of differences between proposed building heights in metres with the existing LEP controls (Base image source: Application documents)

For the majority of the site, the proposed buildings heights would be less than or equal to the LEP building height controls. However, some development would exceed the LEP height control including:

- the hotel, would exceed the LEP height control in this part of the site by up 22 metres, and the 36 metre height control applicable to the previous hotel site by four metres.
- most of the five and six storey buildings, would exceed the LEP height controls by four to seven metres
- the four storey buildings north of the swale / open space corridor, would exceed the LEP control by four metres
- the three storey buildings on the northern boundary, would exceed the LEP control by three metres.

All other exceedances are minor, generally 1 m - 1.5 m higher than the LEP height controls. The increase in maximum building heights in those parts of the site would be generally offset by a reduction in the maximum building heights in other parts of the site. Therefore, the maximum building heights across much of the remaining site would be lowered by between 1.5 m and 24 m compared with the LEP height controls.

Overall, the Department considers the proposed changes to building heights across the site would not be significant. Areas of increased height would be generally located in the central parts of the site, or close to the town centre and offset by other areas of lower heights. However, the Department has considered the impacts of the key areas of increased building heights, in key areas including the hotel, the five – six storey buildings, four

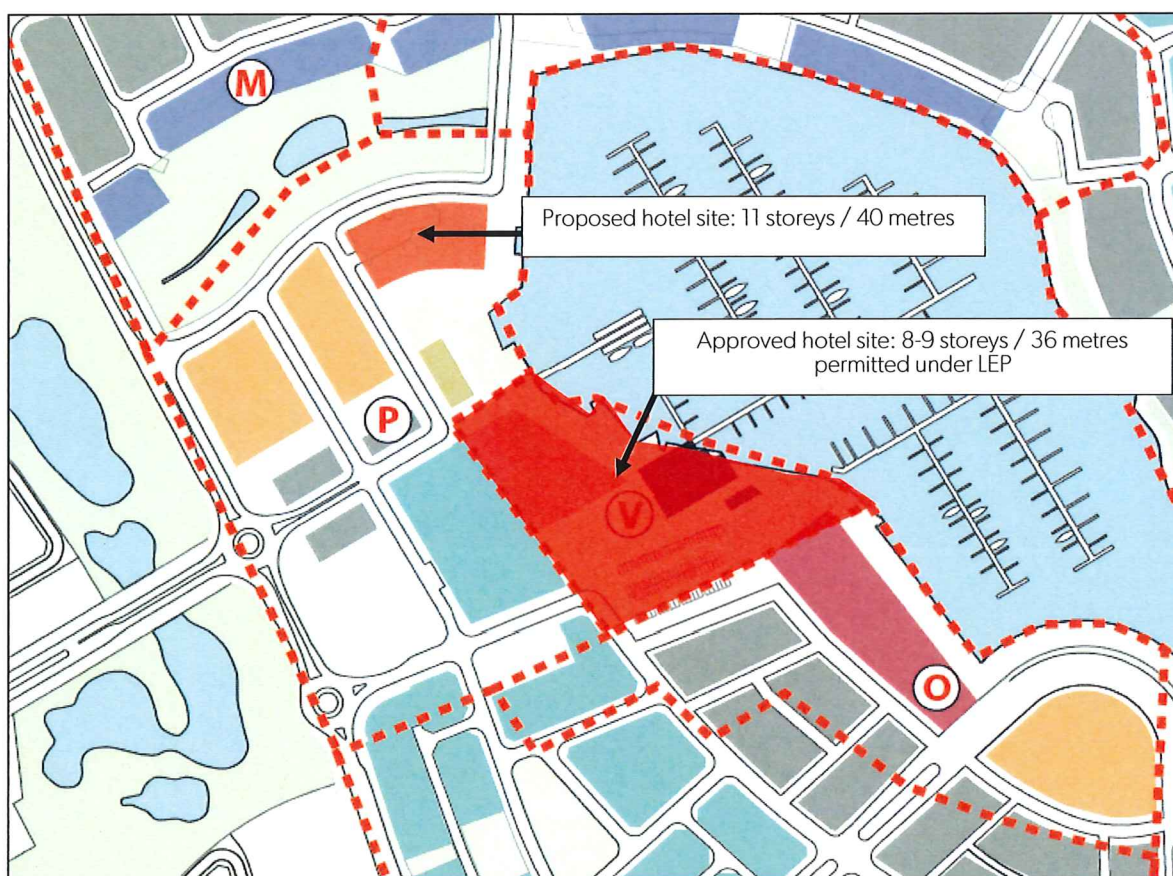


storey buildings north of the swale/ open space corridor, and three storey buildings adjacent to the northern boundary.

### The Hotel

The Concept Approval includes a nine storey hotel incorporating an east-west 'tower' element on a three to four storey podium, subject to future DA approval. The modification seeks to increase the maximum height of the hotel by two storeys to 11 storeys. It also seeks to relocate the hotel slightly to the north, reduce the footprint, and retain the required east-west orientation to maximise view sharing.

The Department notes that compared to the LEP controls, the proposed hotel would be up to four metres taller but would have a significantly reduced footprint (**Figure 10**). The Department considers that despite the increase in height, the modification is likely to result in a building that is less bulky than what could be achieved under the existing Concept Approval, with the increase in maximum height appropriately offset by a reduction in the potential width of the tower and podium.



**Figure 10** | Comparison of approved and proposed hotel sites (Base image source: Application documents)

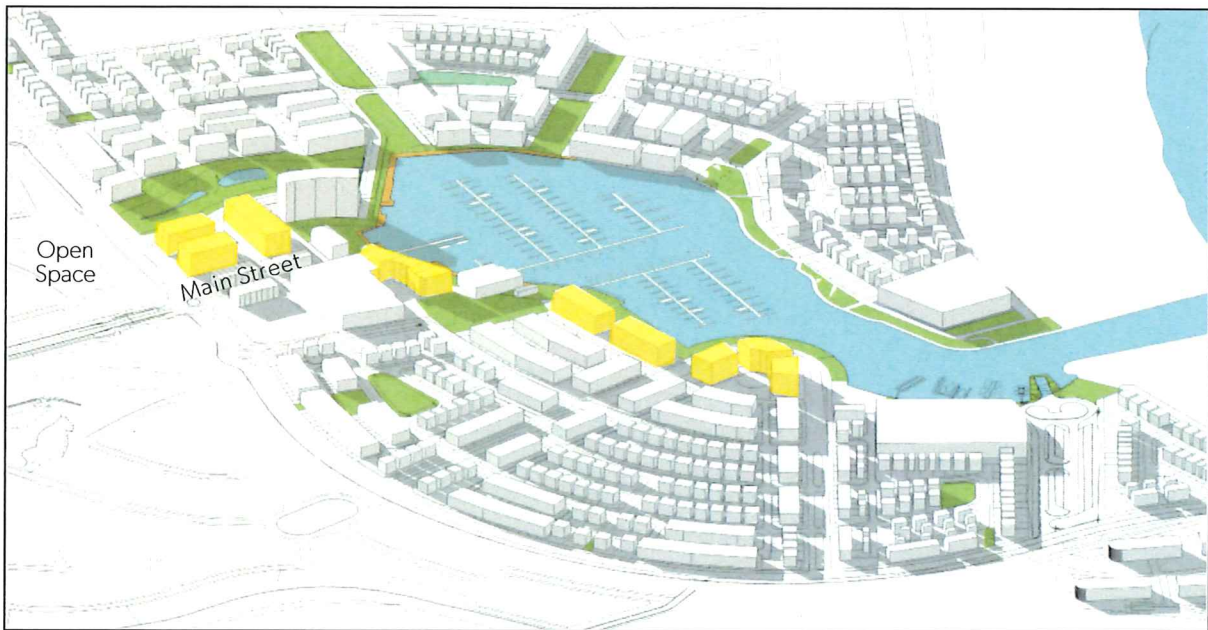
Therefore, despite the four metre increase in maximum building height, the proposal is likely to result in less impacts compared to the current approval, as:

- there is a reduction in view loss impacts, as the additional height would result in a loss of sky views only and the reduced width would improve water and horizon views (discussed further in **section 6.3**)
- there is a reduction in overshadowing as a result of the reduced building width and the new location does not include residential properties immediately south of the hotel
- there is an improvement to the character and urban design of the area, allowing for a tall slender building in place of a bulky building.

### *The five and six storey buildings*

The proposed modification seeks to permit five to six storey buildings in place of current four storey buildings and nine storey hotel site. The buildings would be located on the harbour foreshore and within the town centre.

The Department considers that in the context of entire Concept Approval, the additional one to two storey height in the central parts of the site would not be significant and would not materially change the character of the overall development. The five and six storey buildings would not appear out of scale and could fit comfortably with surrounding built forms as can be seen in **Figure 11**. Further, the Department considers taller buildings are appropriate for the town centre and marina location as they would add to the vitality of the centre and foreshore and the variety of built forms on the site. It is also noted that the six storey buildings would be located away from the main street, in accordance with the intent of the original Concept Plan to provide solar access and a pedestrian scale to the street. The Department is therefore satisfied the proposal is appropriate in terms of its impact to the character of the area.



**Figure 11** | Overall perspective view of the site showing potential 5 and 6 storey buildings (in yellow) in the context of surrounding development (base image source: Revised Concept Plan Design Report)

Overshadowing analysis submitted with the proposal demonstrates future 5-6 storey buildings would achieve good levels of solar access and despite the additional heights, can still be designed to ensure adequate solar access would be provided to adjoining properties. Solar access to the foreshore is also not affected by the proposed height increase, due to the location of the buildings south-west of the foreshore areas.

Views are discussed in greater detail in **Section 6.3**, but due to the relatively flat nature of the site and surrounding area, the proposed increase in height would have limited impacts on view sharing, noting that most existing views would be lost by the current approval. Where distant views over the site would be available under the approved Concept Plan, the change from four to five and six storey built forms is considered to result in only marginal or minor impacts, and the overall view loss impacts are considered acceptable.

The Department is therefore satisfied the proposed increase in height of these buildings would not be significant and would not result in unacceptable impacts to the character of the area, overshadowing, or view loss.

### *Four storey buildings north of the wetlands/ open space corridor*

The proposed modification would also allow for buildings four storeys in height in place of permitted three storey buildings to the north of the wetlands/open space corridor.

The Department considers that additional building height is appropriate in this location as it would take advantage of the amenity of the adjoining open space area and given the absence of residential development to the south, would not result in adverse overshadowing impacts. No material view loss impacts would arise from the proposed change.

### **Three storey buildings adjoining northern boundary**

The proposal incorporates two blocks with three storey building heights in place of the permitted two storey buildings adjacent to the northern boundary. The areas of increased building height would have a north-south orientation to take advantage of the amenity of the adjoining open space and to minimise shadowing impacts.

As can be seen in **Figures 7 and 8**, the proposed arrangement is a relocation of the approved layout, which moves the previously located three storey buildings adjoining approved open space corridors slightly to the east. The modification arises due to the relocation of the open space corridors westwards.

As such, the impacts of additional building height in this location would generally be offset by reduced building heights further to the east. However, the revised layout results in the three storey development directly adjoining one and two storey residential development to the north, while in the approved layout, three storey development would have predominantly adjoined open space areas.

Therefore, to ensure an appropriate interface with adjoining dwellings, the Department recommends future buildings should step down to two-storeys at the northern boundary. A future environmental assessment requirement (FEAR) has been recommended to this effect. Subject to this requirement, the Department is satisfied the proposed heights would not result in any significant impacts compared with the existing approval.

### **Conclusion**

The Department has considered the proposed changes to building heights in detail. In the context of the entire site, the proposed changes would not be significant, and areas of increased height would generally be offset by other areas of lower heights. Key areas of increased building heights have been shown to result in no significant impacts on the character of the area and no unacceptable overshadowing or view loss impacts. The Department's assessment therefore concludes the proposed building heights are acceptable.

### **Building Typology and Design**

The Concept Approval includes a range of building typologies including detached dwellings, town houses, apartments, mixed use, commercial and community buildings.

The proposed modification includes similar building types, but with an increase in the number and proportion of dwellings provided in residential flat buildings. The Concept Plan allows for flexibility in building types (subject to a maximum of 1,566 dwellings overall) and **Figure 5** illustrates the potential housing typologies and upper development type permitted on each block.

The built form and design of the town centre is considered in detail below, however for the remainder of the site, the Department considers the likely built form arising from the proposed building typologies and housing mix is appropriate noting:

- the proposal would still allow for a range of different development types to ensure variety and visual interest throughout the site;
- higher density is appropriately located close to the town centre, waterfront and open space to take advantage of the amenity of these locations
- as discussed above in **Section 6.2**, other than the residential flat buildings, building heights would remain similar to that permissible under the existing Concept Approval

- block layouts ensure all dwellings can front public streets and town houses would have rear lane access to prevent frontages being dominated by garages and access.

In addition, the Department notes Further Environmental Assessment Requirement D1 requires the Proponent to develop detailed urban design guidelines for each precinct to demonstrate an appropriate mix of dwelling types and sizes, building separation, setback, solar access, privacy, environmental amenity, safety, appropriate building density, bulk, scale, textures and colours, and building address.

The Department considers that the revised building typologies, in conjunction with required detailed urban design guidelines will ensure a variety of future built forms can be provided on the site to contribute to architectural diversity, environmental amenity and appropriate character for the precinct.

### **Town Centre**

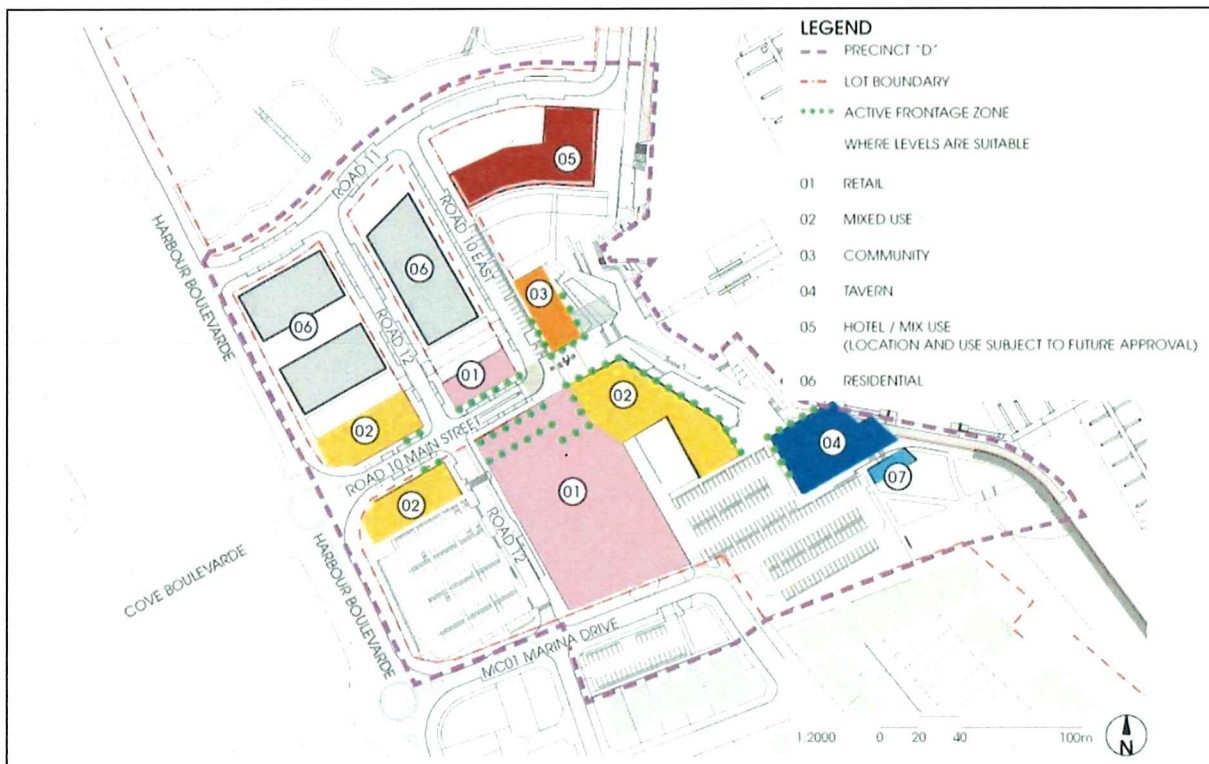
The Concept Approval provides indicative layout plans for the future town centre (**Figures 12 and 13**).

The proposed modification includes a detailed review of the town centre structure and incorporates the following key changes:

- Reduction in active retail frontages and clustering of retail and community uses closer to the waterfront to maximise use of the amenity of the boat harbour setting and ensure an active and vibrant centre. The Proponent advises the exiting approval which contemplates up to 1.2 km of active frontages is excessive for the size of the centre and likely to result in an unattractive and dispersed town centre. The Proponent also advises that maintaining a street presence all the way to Harbour Boulevard would require the public domain to step down to the waterfront and would reduce accessibility and the quality and walkability of the public domain
- Reduction in the size of the public square. The proponent advises the size of the approved square is excessive compared to other urban squares resulting in a vast space that would be sparsely populated with adverse effects for the quality and walkability of the public domain. (Note: the overall amount of open space across the Concept Plan area would remain unchanged)
- Relocation of the landmark hotel building to the north of the public square and provision of a tavern to the south of the waterfront promenade to encourage high levels of pedestrian activity in the area
- Increase in height of residential buildings and the number of dwellings to add vitality to the centre
- Relocation of the community facility to the western end of the town centre adjoining the harbourfront



**Figure 12** | Approved town centre concept diagram (Source: EIS for original Concept Plan application)



**Figure 13** | Proposed town centre concept diagram (Source: EIS for original Concept Plan application)

The Department notes a number of key aspects of the original town centre are maintained, including the alignment of the main street, view lines, pedestrian connections and high-quality waterfront promenade area.

The Department also acknowledges the potential difficulty of attracting enough retail tenants to provide active frontages throughout the centre and generally agrees with the Proponent’s approach to concentrate retail along

the main street and around the waterfront to ensure a vibrant retail and outdoor dining area. The Department also notes that towards the western end of Road 10/Main Street, the street slopes making it difficult to provide active street frontages in this location. As such, the Department is satisfied with the level of retail development and activation within the town centre.

The Department has considered the proposed changes to the public square and finds the size of the square, in conjunction with the adjoining boardwalk, would be appropriate for a civic space and subject to careful landscape planning, could provide a very high quality and active open space area. The Department notes the landscape quality and design of the space are matters for detailed consideration by Council when assessing the revised precinct urban design guidelines and the future development applications for the site.

The proposed location of the hotel, tavern and community uses are all considered appropriate and would not result in adverse impacts on the functioning or design of the centre.

Overall, the Department is satisfied the revised town centre design would enable the development of an attractive and active centre to provide a focal point for visitors and the community and to serve the retail needs of the surrounding residents.

### **6.3 Residential and Public Amenity**

Public submissions raised concerns about potential amenity impacts of the proposed modification including impacts on view sharing, overshadowing and visual impacts of the acoustic wall adjacent to the dry boat storage.

#### **View sharing**

Loss of views was a key concern raised by residents in the submissions. As a result, the Proponent engaged Richard Lamb and Associates to carry out a VIA to consider the impact of the proposed modification on views. Block-model photomontages were prepared to demonstrate the difference between the likely view impacts of development under the approved and proposed Concept Plan.

The VIA demonstrates that from low lying areas adjacent to the site and further afield at other foreshore locations, views to the site are constrained by intervening residential development, vegetation, and local variations in topography.

Any existing views of the water or horizon from low lying areas or slightly elevated areas to the west of the site are likely to be lost once the site is developed, regardless of proposed changes to the approved building heights. Views through the site could only be retained along street axes and the Department notes the modification has been designed to ensure views to the marina and harbour along street corridors are retained.

The views most affected by the proposal are those from elevated slope locations west of the site. The detailed VIA can be viewed in **Appendix B**. The visual impacts to some key locations under the approved and proposed Concept Plan are shown in **Figures 14 to 17**.

The VIA demonstrates that from most of the elevated vantage points, the impacts of the modification would not be significant. At locations 2, 6 and 7, the overall appearance of the site remains similar. Views of the water and horizon are retained and any marginal loss of water views as a result of increased building heights would barely be discernible and would not impact on the overall quality of the view. Where views would be interrupted by the hotel building under the approved Concept Plan, the revised location of the hotel changes the point at which it intersects the skyline. The panoramic nature of the views from these locations and associated levels of amenity would be retained.

A more significant level of view impact would be experienced from location 8, being a private dwelling on Mystics Drive. The dwelling is less elevated than at locations 2, 6 and 7 and therefore has only relatively shallow views across the site. Views under the approved Concept Plan would be characterised by:

- roofs of residential development in the foreground
- development on the Concept Plan site in the mid-ground
- a narrow view of the horizon consisting of dwelling roofs, vegetation and a very narrow ribbon of water view below the horizon line
- an interruption in the right-hand side of the view by the future hotel and other development in the foreground.

Under the modification, much of the horizon at the left-hand side of the view would be lost due to the increase in building heights and the relocated hotel. However, horizon and water views would be improved at the right-hand side of the view.

The Department has assessed the impact of the proposal having regard to the planning principle established by *Tenacity Consulting v Warringah* [2004] NSWLEC 140, which sets out four steps for the assessment of view sharing and notes the following:

1. The affected views: The affected view is not an iconic view. While it includes a very narrow strip of ocean views (as shown in **Figure 15**) along the horizon, the overall view is dominated by roofs and buildings in the mid and foreground.
2. From where the views are obtained: The views are standing views from the first-floor street facing balcony / window.
3. The proposal would result in:
  - the narrow view of the horizon to the left would be lost
  - horizon and water views to the right would be improved
  - foreground building form views and overall sky views would not be affected

The Department considers the overall change in views compared to the original approval is minor.

4. Reasonableness of the proposal and compliance with controls: The proposal does not seek to breach planning controls but to change them. The proposal has been assessed in detail and in all other regards the proposed building forms and heights are considered to be reasonable and would not result in any unacceptable impacts for the area.

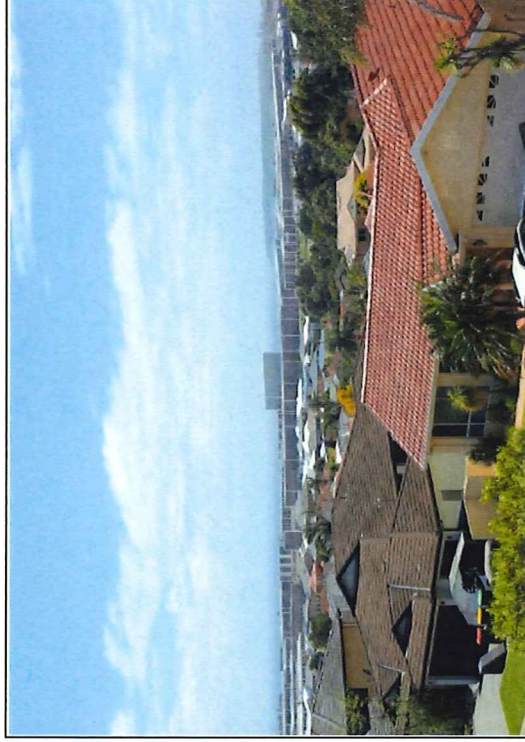
Based on the above assessment, and a detailed consideration of view impacts from the most affected known residence, the Department is satisfied the proposal is reasonable with regards to view sharing impacts. While the proposal would result in some minor view impacts, the overall view loss impacts are considered to be negligible compared to the approved Concept Plan.



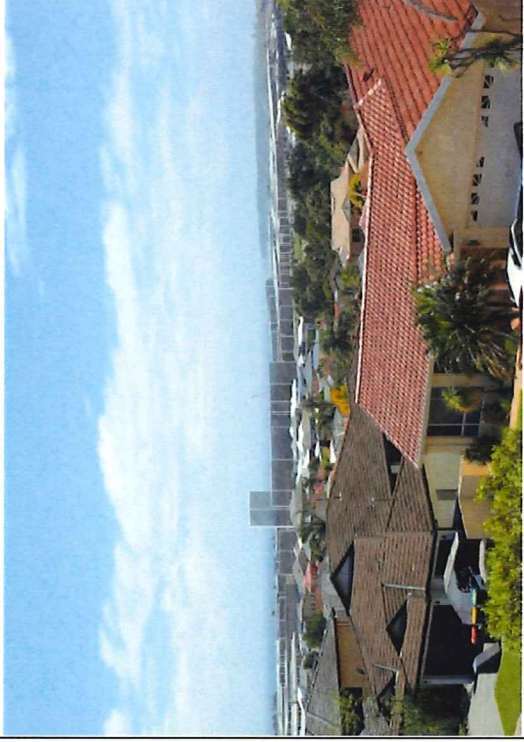
Location 2  
James Cook Parkway Concept Approval envelope



Location 2  
James Cook Parkway section 75W application envelope



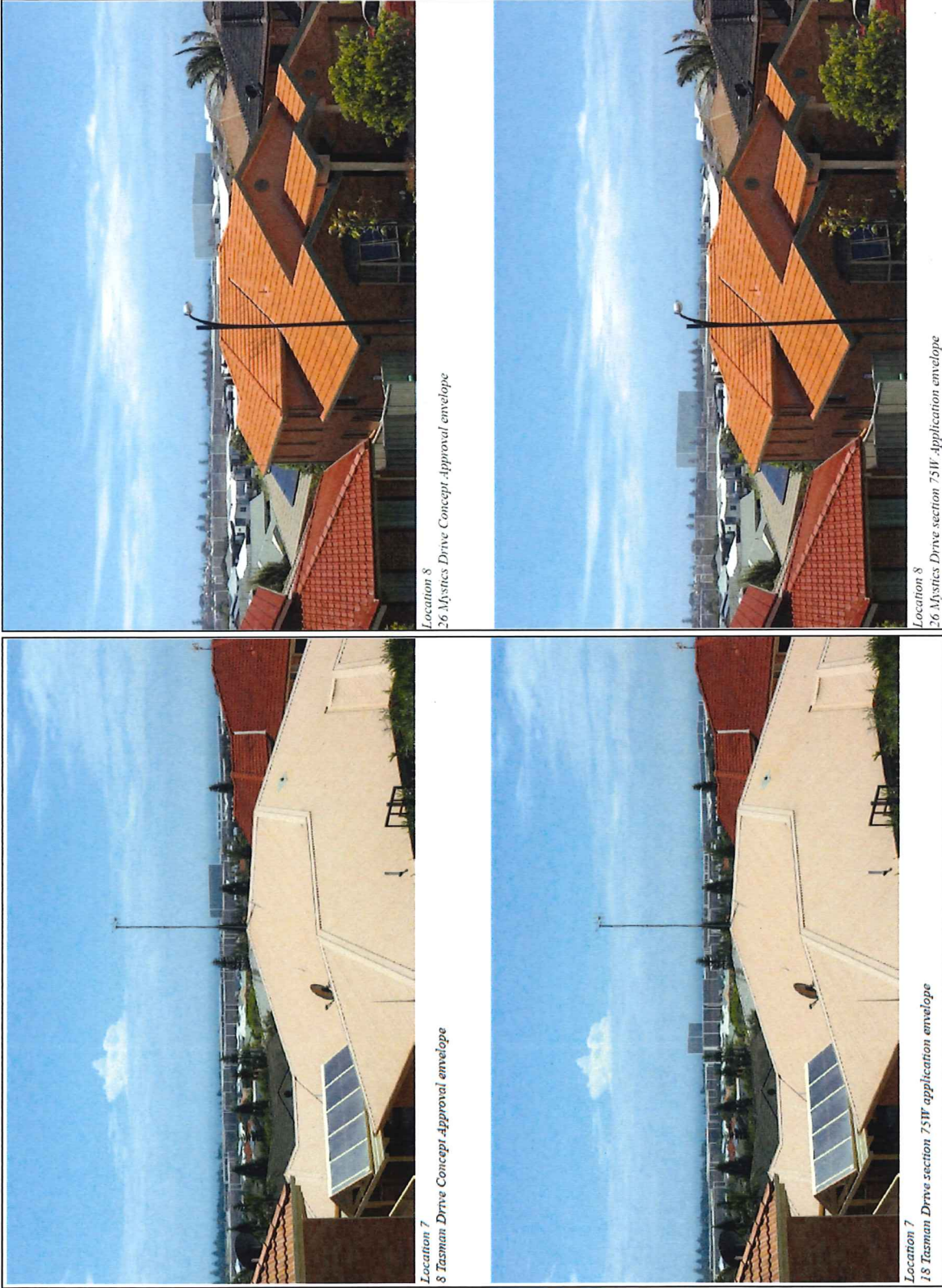
Location 6  
27 Ragamuffin Circuit Concept Approval envelope



Location 6  
27 Ragamuffin Circuit section 75W application envelope

**Figures 14 - 15** | Visual Impacts of approved (top) and proposed (bottom) Concept Plan from various locations to the west of the site (Source: VIA)



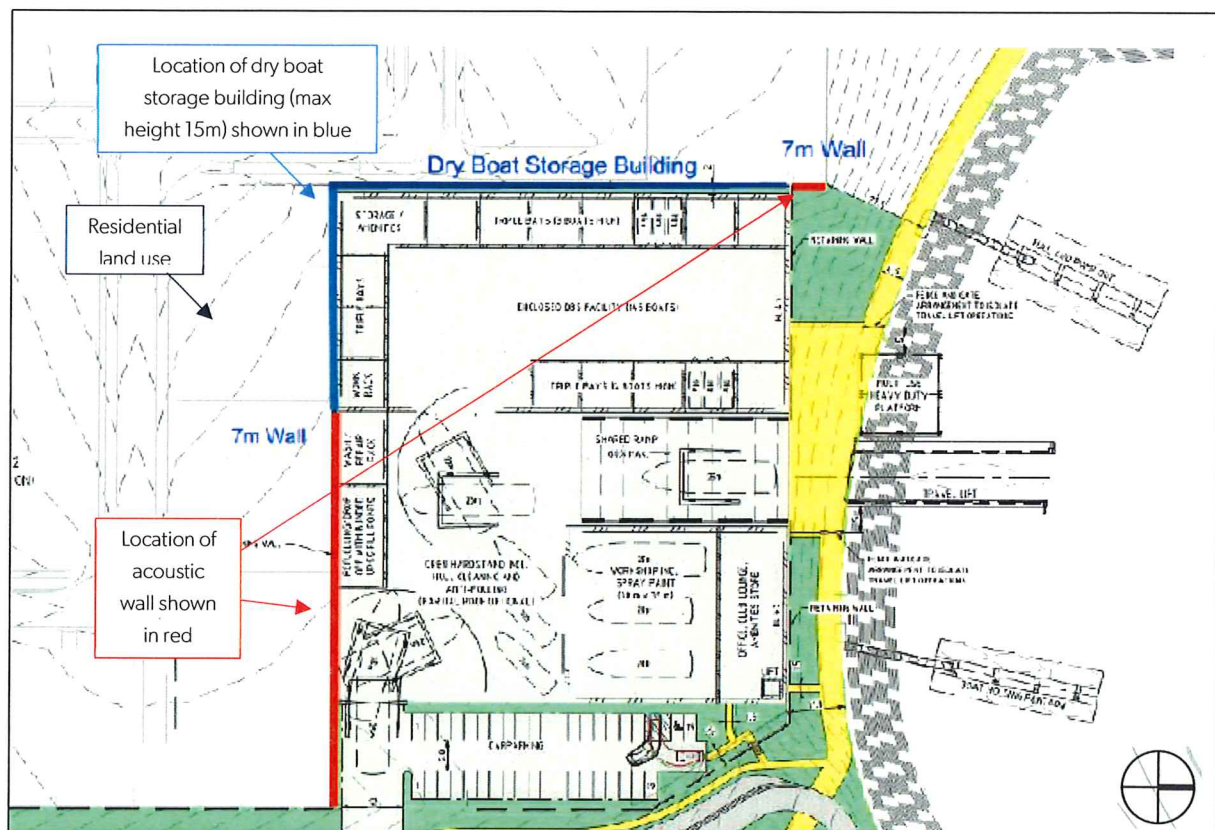


**Figures 16 - 17** | Visual Impacts of approved (top) and proposed (bottom) Concept Plan from various locations to the west of the site (Source: VIA)

## Location of the Marina Commercial Land Use and Removal of Acoustic Mounds

The proposal seeks approval to modify the layout and provide an inter-allotment noise wall between residential properties and the marina commercial land use. The Concept Plan approval currently requires the provision of landscaped mounds to provide acoustic shielding to residential properties surrounding the marina commercial land use.

The Proponent provided an acoustic report which recommended the provision of a 7 m high acoustic wall above the hard stand of the boat maintenance area and the north-west corner of the dry storage facility (refer to **Figure 18**) and a 1.8 m acoustic wall at the boat ramp carpark boundary. The acoustic report did not identify the need for a 7 m acoustic wall around the dry storage facility building, which is identified as being built to the boundary as shown in **Figure 18**. Additionally, the windows of residential dwellings overlooking the facilities would need to be constructed of a minimum 6 mm of glazing and the rooms mechanically ventilated.



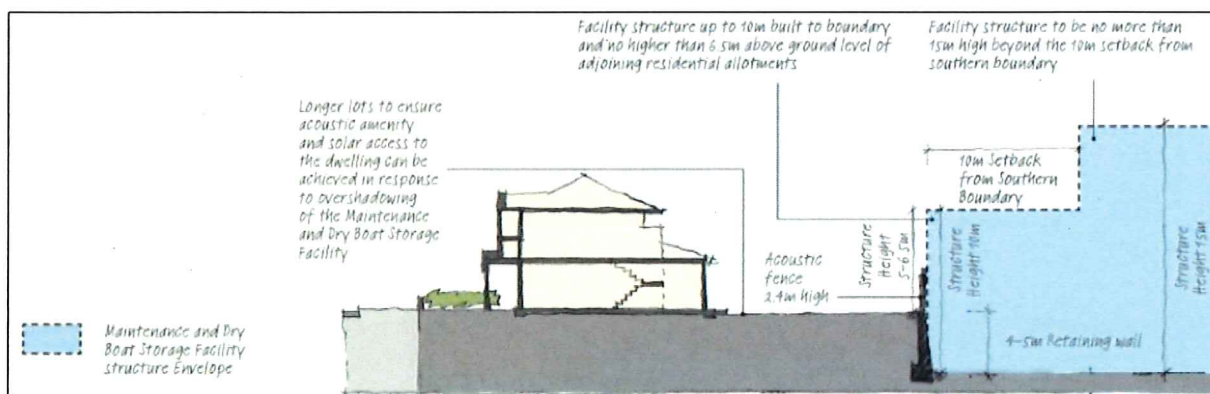
**Figure 18** | Proposed location of the acoustic wall surrounding the marina commercial land use (Source: Acoustic Report submitted in RtS) (Note: the internal layout of the dry storage shed is not approved as part of the modification)

The Proponent stated that the 7 m high acoustic wall is lower in height than the maximum building height permitted on the site (i.e. 15 m), the residential lots are deeper than average at 40 m and that the detailed design stage could include treatments to reduce any visual impacts. Additionally, the Proponent provided a Solar Access Study to demonstrate that the principal private open space of the residential lots, to the immediate south of the dry boat storage, will receive a minimum two hours of direct solar access mid-winter with the 7 m wall at the boundary.

The Department raised concerns about the residential development directly adjoining the marina commercial land uses, noting the acoustic wall would reduce solar access to the residential properties and that an alternative layout should be considered to improve amenity to the properties. The Proponent's addendum RtS considered that the layout was acceptable and reiterated that the Urban Design Guidelines for the precinct requires deeper lots for the site and that adequate solar access would be received.

The Department considers the layout of the residential lots adjoining the marina commercial land use is not optimal and notes that the submitted Solar Access Study only considered the acoustic wall between the two uses. As nominated in the submitted acoustic report, the acoustic wall will only be located at the boundaries that do not have the dry storage building which has a potential maximum height of 15 m. The Department notes that this is further reflected in the Proponent's addendum RtS, which identifies that structures associated with the dry boat storage building would be constructed to the boundary. As such, it is unlikely the residential properties would have mid-winter solar access to their private open space taking into the consideration the future dry boat storage building. The Department also considers the acoustic wall and dry boat storage building at the rear of the properties would result in significant visual impacts and reduce the overall amenity and useability of the private open spaces.

The Proponent subsequently provided information noting that further design work has been undertaken and that the ground levels for the marina commercial land use has been lowered which will aid in reducing visual and acoustic impacts to the adjoining residential land uses. The Proponent has also provided an updated image (see **Figure 19**) which identifies that the dry boat storage building will be a maximum height of 6.5m at the boundary and only reach 15 m after a setback of 10 m from the southern boundary.



**Figure 19** | Cross section identifying alignment of residential lots and the marina/commercial land use (Source: Proponent's response to draft conditions)

The Department considers that the reduced ground level of the marina commercial land use and the 10 m setback to the maximum height of the dry boat storage building will aid in reducing adverse impacts to the residential land use. However, the boundary between the two uses will continue to present as either a 6.5 m building or 7 m acoustic wall.

The Concept Plan Approval provides for partial road separation between the marina commercial and residential land uses and required acoustic mounds to separate the two uses to mitigate potential amenity impacts. The Department considers removal of these measures and provision of an acoustic wall with deeper lots does not adequately ameliorate the visual and solar access impacts to the residential properties south of the marina commercial land use. As such, the Department recommends that a landscape buffer be provided between the two land uses to minimise the amenity impacts to the residential properties. The landscape buffer is to be:

- a minimum of 5m in width along the entire length of the southern boundary of the marina/commercial land use
- located south of the acoustic wall and dry boat storage building
- wholly located on land associated with the marina/commercial land use
- include appropriate landscaping to screen the acoustic wall and dry boat storage building.

Subject to the recommended condition requiring the provision of a landscape buffer, the Department is satisfied that the proposed noise wall can appropriately minimise impacts between the two adjoining land uses.

## Overshadowing

Shadow diagrams have been submitted with the application to demonstrate the overshadowing impacts of future built forms on the site. The diagrams demonstrate that despite the proposed increase in heights in some parts of the site, good levels of solar access can be provided to all open space areas, foreshore walkways and the Town Square at midwinter and throughout the year. Further, the modified proposal results in no overshadowing impacts to residential properties outside the site. The diagrams also indicate that subject to good design, future development will be able to achieve good levels of solar access to residential properties. The Department also notes that future development applications are required to be designed in accordance with a Precinct Plan which incorporates adequate building separation and setbacks to ensure solar access and where applicable, compliance with solar access requirement for residential flat buildings in accordance with SEPP 65. The Department is therefore satisfied the proposal will not result in any unacceptable overshadowing impacts.

Overall, the Department is satisfied that the proposal would not result in any significant amenity impacts noting that view sharing impacts are considered minimal compared to the approved Concept Plan, good levels of solar access is achieved at public open spaces and subject to recommended conditions, the residential land uses adjacent to the marina/commercial land use will achieve good levels of residential amenity.

## 6.4 Traffic

Public submissions raised concerns about increased traffic, access, and road safety impacts, particularly during the morning and afternoon peak periods.

The Department notes traffic was considered in detail in the assessment of the original application and the proposal was found to be acceptable in terms of traffic impacts, subject to a FEAR that updated traffic impact assessments were provided for each future stage / precinct. The approval was based on RTA modelled traffic generation rates for the entire suburb of Shell Cove, inclusive of the Concept Plan area, of 40,123 vehicles/day.

The modification seeks to increase the number of residential dwellings by 328. However, the concept approval does not seek to change the total retail and commercial floor space, being the key driver for peak hour traffic movements.

The Proponent's traffic assessment identified that the concept plan approval identified a traffic generation of 4000 vehicles per hour (two-way) in the weekday afternoon peak, made up of 655 residential vehicle trips and the majority of the remaining 3345 trips being attributed to the commercial and retail uses. The Proponent later clarified that weekday afternoon peak hour traffic flows are typically 10% of daily flows (i.e. 40,123 vehicles/day).

The Department notes that since the original Concept Plan was determined, RMS has revised its traffic generation rates for residential development down from 0.85 trips per residential lot and 0.4 trips per apartment to 0.75 trips per residential lot and 0.32 trip per apartment. This means that predicted traffic generation associated with the residential development would be less than previously predicted.

The Proponent's traffic assessment demonstrates that, based on current RMS traffic generation rates, the revised number of residential dwellings would result in 750 (two way) residential trips in the weekday afternoon peak. The additional 95 vehicle movements equates to a 2% increase in overall weekday afternoon peak compared to the traffic modelling under the original approval. The traffic assessment also advises the change from hotel rooms to serviced apartments within the hotel building would not materially change the traffic generation of the hotel.

RMS has advised it is satisfied that the modification would result in only a minor traffic increase and would not significantly impact the State road network. Council did not raise any concerns with the impact of the proposal on the local road network.

The Department is satisfied that a 2% increase in traffic, would not be noticeable in the context of total traffic movements, and would not materially impact on the operation of the surrounding road network. Further, existing Further Environmental Assessment Requirement (FEAR) 16 which requires updated traffic impact assessments with consideration of cumulative impacts, will ensure traffic will be considered in detail as part of the assessment of future stages, and if necessary, appropriate intersection upgrades or network improvements can be incorporated to mitigate adverse impacts at that stage.

## 6.5 Other Issues

**Table 2** | Summary of other issues raised

Issue	Findings	Recommended Condition
Parking	<ul style="list-style-type: none"> <li>• Public submissions raised concerns with a lack off-street and on-street parking, particularly close to the marina and town centre. Concerns were also raised about the ability of the Proponent to accommodate parking demand in peak holiday periods.</li> <li>• Council raised concerns that on-site parking rates should not be locked in at the Concept Plan stage, but rather be a matter for further consideration as part of the assessment of future DAs.</li> <li>• The traffic report submitted with the modification request includes an analysis of parking requirements for the town centre and the hotel use, and concludes:               <ul style="list-style-type: none"> <li>• the town centre would require 596 car parking spaces, similar to a previous analysis of 578 spaces</li> <li>• the hotel building would require 209 spaces, which is less than the 265 spaces previously estimated due to inclusion of concessions for shared use parking between the serviced apartment and restaurant/function area and applying the RMS rates for high density residential.</li> </ul> </li> <li>• The Department notes that while the original Concept Application included estimates and indicative parking figures, these were indicative only and that residential parking would be provided in accordance with Council's DCP and parking associated with other uses would be detailed at the time of future development applications.</li> <li>• The Department considers it is unnecessary to change this approach and therefore does not consider it appropriate to endorse the parking assessment provided with the application. Final parking requirements would be dependent on final built forms, layout and uses, which have not yet been determined in detail.</li> <li>• It is therefore recommended that parking estimates set out in the application are not endorsed and that final parking requirements are a matter for Council to assess as part of any future applications and as part of precinct Urban Design Guidelines, where relevant.</li> </ul>	<ul style="list-style-type: none"> <li>• A term of approval clarifying parking estimates are not endorsed is recommended.</li> </ul>
Water Servicing	<ul style="list-style-type: none"> <li>• Sydney Water raised concerns that the existing and proposed water and wastewater infrastructure did not have the capacity to service 1,566 dwellings. Sydney Water recommended that a condition be imposed requiring the Proponent lodge a Section 73 Certificate prior to development commencing in each Stage to determine whether there is adequate servicing capacity.</li> <li>• In response, the Proponent advised it would continue to engage with Sydney Water to ensure adequate servicing capacity was available.</li> <li>• Sydney Water noted that the current water and wastewater infrastructure could currently service a maximum of 1,422 dwellings. Sydney Water also advised that the Proponent would be undertaking further servicing investigations to determine whether there is adequate capacity in the local wastewater system to accommodate the additional growth.</li> </ul>	<ul style="list-style-type: none"> <li>• A recommended condition has been included limiting the maximum number of dwellings to 1,420, unless written advice from Sydney Water is provided that</li> </ul>

Issue	Findings	Recommended Condition
	<ul style="list-style-type: none"> <li>The Proponent advised that it would liaise with Sydney Water to ensure that water and wastewater servicing can be provided for the site and provided a Statement of Commitment limiting the maximum number of dwellings to 1,422, unless Sydney Water has confirmed in writing that there is servicing capacity to accommodate the additional dwellings.</li> <li>Based on discussion with Sydney Water, the Department considers adequate water and wastewater servicing can be provided to accommodate 1,566 dwellings in the future, however until the Proponent demonstrates that adequate water and wastewater infrastructure can be provided, the maximum number of dwellings permitted is recommended to be capped at 1,420 dwellings. Sydney Water has advised to a condition to this effect would be appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>a maximum of 1,566 dwellings can be adequately serviced.</li> </ul>
Foreshore Access	<ul style="list-style-type: none"> <li>The Concept Plan approval provides public access around the Harbour foreshore. The Proponent indicated that public access to the Harbour foreshore would be maintained as part of the modification.</li> <li>Council raised concern that the submitted plans indicated that the foreshore setback in Precincts F and G were reduced and may not allow for public access to the foreshore.</li> <li>The Department also requested that the Proponent clarify whether public access will continue to be provided around the Harbour foreshore.</li> <li>In response, the Proponent updated the submitted Design Report to clearly identify that the foreshore area within Precincts F and G will contain a boardwalk and parkland, respectively. The Proponent also noted that the Statement of Commitments requires the Proponent to provide continuous public access to the perimeter of the Harbour.</li> <li>The Department notes that the entire Harbour foreshore area will continue to be publicly accessible through a connection of Harbour edge parklands and continuous boardwalks along Precincts C, D, E, F and G. Additionally, the Harbour Square adjoining the Harbour foreshore would provide additional open space connected to the foreshore.</li> <li>The Department also notes that an existing condition of approval requires a public walkway around the Harbour be provided with clear and direct access to the street network and a statement of commitment requires that parking and boardwalks be provided to establish public access to the Harbour perimeter.</li> <li>The Department therefore is satisfied that the proposal will continue to provide public access to the perimeter of the Harbour foreshore.</li> </ul>	<ul style="list-style-type: none"> <li>No additional conditions or amendments necessary.</li> </ul>
Open Space	<ul style="list-style-type: none"> <li>The community raised concerns that additional public open space should be provided to cater for the additional population.</li> <li>In response, the Proponent noted that the proposal will continue to provide 8.5 hectares (ha) of open space which exceeds the 8.04 hectares of public open space required in the Social Infrastructure Assessment (SIA). The SIA recommends that the open space includes one to two local parks with playground equipment and passive play areas, and the remaining open space comprised of foreshore, bushwalking or bike riding areas. The SIA concludes that the Shell Cove Concept Plan exceeds the minimum requirement and that there are good levels of recreational facilities in the catchment area to cater for the predicted population.</li> <li>It is noted that the minimum requirement for useable open space has decreased from 8.49 ha identified in the SIA submitted during assessment of the Concept Plan to 8.04 ha in the SIA submitted as part of the modification. The SIA identifies that additional open space and facilities have been built within the vicinity of the Shell Cove Concept Plan since the original Concept Plan approval.</li> </ul>	<ul style="list-style-type: none"> <li>No additional conditions or amendments necessary.</li> </ul>

Issue	Findings	Recommended Condition
	<ul style="list-style-type: none"> <li>The Department has considered the level of public open space provided and is satisfied that the proposal would provide sufficient public open space for the development as:               <ul style="list-style-type: none"> <li>the amount of public open space provided is 0.46 hectares more than the minimum requirement identified in the submitted SIA</li> <li>there are a number of playgrounds and ovals that adjoin or are located within close vicinity of the site, including The Shallows, Ron Costello Oval and Keith Hockey Oval</li> <li>the Harbour foreshore will be provided with continual public access</li> <li>the site adjoins Shellharbour South Beach</li> </ul> </li> <li>On this basis, the Department considers that adequate levels of useable open space will be provided to future residents both within and in close vicinity of the site.</li> </ul>	
Heritage	<ul style="list-style-type: none"> <li>The Heritage Division recommended that a heritage assessment be undertaken to determine whether the modification would result in any heritage impacts to Bass Point Reserve, which was added to the State Heritage Register after approval of the Concept Plan. The Heritage Division also noted that if any further works along the foreshore and beach areas are proposed, additional investigation of terrestrial and marine archeology must be undertaken. The community also raised concerns that impacts to the historical significance of the environment should be considered.</li> <li>In response, the Proponent submitted a Heritage Impact Assessment (HIA) which assessed the impacts of the proposal on the Bass Point Reserve, Cowrie Island Reserve Breakwater, Shellharbour Foreshore Conservation Area, Beachside Tourist Caravan Park and Trees and Beverley Whitfield Pool.</li> <li>The HIA noted that while the proposal would be visible from Bass Point Reserve, it will be outside direct views from Bass Point Reserve to Shellharbour. Additionally, while the modification would result in higher buildings, the proposal's bulk would be reduced when viewed from Bass Point Reserve. As such, the impact of the modification would not be substantially different from the approved Concept Plan, which is considered minor.</li> <li>The HIA concluded that no significant additional impacts would arise from the modification, which would have similar impacts on nearby heritage items and conservation areas as the Concept Approval.</li> <li>The Proponent's RTS confirmed that no additional works will be undertake along the foreshore and beach areas and as such, no further investigation into terrestrial and marine archeology is required as part of the modification.</li> <li>The Heritage Division agreed with the conclusion of the HIA and advised that as no additional excavation is proposed, further heritage or archaeological assessment is not required.</li> <li>The Department accepts the findings of the HIA and agrees with the Heritage Division that the modification would not result in any significant impacts to heritage items or conservation areas in vicinity of the site, particularly given the distance between the site and Bass Point Reserve.</li> </ul>	<ul style="list-style-type: none"> <li>No additional conditions or amendments necessary.</li> </ul>
Social Infrastructure Provision	<ul style="list-style-type: none"> <li>A number of public submissions raised concerns that there is inadequate social infrastructure, including schools, medical facilities and emergency services, available to meet the demand generated by the proposal.</li> <li>In response, the Proponent noted that the SIA and addendum RTS reviewed existing and proposed infrastructure available within a 10km</li> </ul>	<ul style="list-style-type: none"> <li>No additional conditions or amendments necessary.</li> </ul>

catchment of the site based on government data. The SIA concluded there is adequate social infrastructure within the site's catchment, however there is need for additional:

- community health facilities within the catchment area, however there no need for a community health facility to be incorporated into the development as the demand will be met elsewhere in the catchment, including the current redevelopment of Kiama Hospital
- aged care places within the catchment area however there no need for them to be located in the development. The SIA notes that the Commonwealth government is shifting funding mechanisms to more home care packages and as home care packages are delivered more efficiently when retirees are co-located, it is likely aged care places will be provided on the site in the proposed apartments. The SIA also notes that there will be a new seniors living project located adjacent to the site which will provide additional aged care and affordable retirement dwellings
- after school care places, however the existing and proposed primary schools in the catchment will meet the need generated by the site
- community centres for the catchment area, however noted that there is additional community space offered as part of the development.
- As demonstrated in the SIA, the Department notes that the additional dwellings associated with the modification are relatively minor when considered in the context of the catchment area and as such, the modification has minimal impact on demand for community health facilities, aged care places, after school care and community centres.
- The Department also notes the development provides commercial and retail floor space for potential future social infrastructure uses including health facilities. The development also provides open spaces, foreshore access and a community building, which will be of benefit for Shell Cove residents and wider community.
- The Department considers the modification:
  - will continue to provide floor space for community uses and commercial/retail floor space
  - will have minimal impact on the provision of social infrastructure for the catchment area due to the minor nature of the dwelling increase proposed.

Therefore, the Department considers adequate social infrastructure will be provided to accommodate the proposal.

#### Water Quality Management

- The EPA advised the proposal does not require a change to the Environment Protection Licence for the site. The EPA noted that the modification adopts generic load reductions for total suspended solids, total phosphorus and total nitrogen, which is not the current best practice of water quality targets to support the NSW Water Quality Objectives. EPA also requested clarification for the reason for removal of bio-retention swales in favour of gross pollutant traps and tertiary treatment devices and noted that adequate capacity should be available in the existing system to service the additional density.
- In response, the Proponent noted a stormwater treatment strategy incorporating the following three water quality objectives are in use and when considered together, they are in accordance with current best practice:

- No additional conditions or amendments necessary.



Issue	Findings	Recommended Condition
	<ul style="list-style-type: none"> <li>ensure annual pollutant load export to the Boat Harbour does not exceed pre-development conditions</li> <li>generic load reductions for total suspended solids, total phosphorus and total nitrogen</li> <li>ensure nutrient concentration within the harbour is below the trigger values for an estuarine aquatic ecosystem.</li> <li>The Proponent also undertook an assessment against the OEH and EPA risk-based framework which informed nutrient concentration targets in the stormwater treatment strategy. Further, the Proponent advised bio-retention swales were removed at the request of Council.</li> <li>The EPA and DPI noted the Proponent's response and had no further comment on the proposal (see letter attached at <b>Appendix C</b>).</li> <li>Given the water quality targets have been set in accordance with best practice principles and the EPA and DPI raised no further concerns, the Department considers that adequate water quality measures would be put in place to mitigate the potential impacts associated with the proposal.</li> </ul>	
Surface Water and Groundwater	<ul style="list-style-type: none"> <li>DPI raised concerns regarding potential impacts on ground and surface water.</li> <li>The Proponent responded noting that groundwater impacts were addressed in the original assessment of the Concept Plan, with the Department requiring further drainage, stormwater and groundwater assessments to be submitted with the development application for each precinct. In relation to surface water and water flow, the Proponent noted that the watercourses on the site are man-made and do not require further assessment.</li> <li>DPI reviewed the Proponent's response and raised no comment, however it recommended future development applications submit an assessment of impacts to surface water and groundwater sources and details of any required groundwater dewatering.</li> <li>The Department notes that an existing FEAR requires details of groundwater management issues be submitted with the development application to identify achievement with water quality targets set in DA95/133 (the Shell Cove boat harbour and marina). The Department has recommended an additional FEAR be included requiring the Proponent submit details of surface water and groundwater sources and potential dewatering as recommended by DPI.</li> </ul>	<ul style="list-style-type: none"> <li>A condition has been recommended requiring further surface and groundwater details be submitted with each precinct.</li> </ul>
Operation of the Quarry	<ul style="list-style-type: none"> <li>Hanson Construction Materials (Hanson) raised concerns regarding potential for overlooking into Bass Point Quarry (the quarry) from the increased building heights and requested that the developer mitigate visual impacts to the quarry. Concern was also raised regarding removal of the GFA limit leading to over development of the site.</li> <li>In response, the Proponent noted that the hotel was located approximately 1.5km from the quarry and views from the hotel toward the quarry will also capture ocean and coastline views.</li> <li>The Department notes the development closest to the quarry will be two storey, low density dwellings with minimal overlooking opportunity into the quarry. The development with the tallest heights, typically apartment and mixed used development, will generally be located centrally on the site and away from the section of the site closest to the quarry. The Department considers there to be minimal overlooking opportunity into the quarry noting the quarry is 1km away from the site.</li> <li>The Department also notes that while the maximum GFA limit would be removed, the density would be appropriately managed by maximum</li> </ul>	<ul style="list-style-type: none"> <li>No additional conditions or amendments necessary.</li> </ul>

Issue	Findings	Recommended Condition
	<p>density and building height limits and as such, removal of GFA limits is considered accepted.</p> <ul style="list-style-type: none"> <li>Therefore, the Department is satisfied that the proposal will have no significant impact on the operation of the quarry.</li> </ul>	
Other Issues	<ul style="list-style-type: none"> <li>The Department notes public submissions raised concerns about the provision of sprinklers for apartment buildings and fire-fighting methods. The Department notes that compliance with relevant building standards will be considered as part of the development application process.</li> <li>The Department notes public submissions raised concerns that there is no maximum building height in metres. In response to these concerns and at the request of the Department, the Proponent has included a maximum building height in metres in addition to a maximum building height in storeys. Future development applications will be required to comply with the maximum building height in both storeys and metres.</li> </ul>	<ul style="list-style-type: none"> <li>No additional conditions or amendments necessary.</li> </ul>



## 7. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed modification is appropriate on the basis that:

- the proposal continues to be consistent with key strategic objectives for the State and region including Premiers Priorities to make more housing affordable through increased supply, NSW State Priorities to increase housing supply and create jobs and the Illawarra Shoalhaven Regional Plan to provide a variety of housing choices.
- the proposal also continues to achieve the wider strategically planned development of Shell Cove
- the proposal would continue to deliver a mixed-use development site with residential, tourism, recreational, community and leisure uses consistent with the original approval
- the proposed building heights are considered appropriate noting that areas of increased heights are located centrally on the site and they do not result in adverse visual or amenity impacts
- the proposal would result in some minor view loss impacts however these impacts are negligible when compared to the approved Concept Plan
- there will be minimal traffic impacts associated the increase in density compared to the previously assessed modelling
- the proposal will continue to maintain sufficient levels of public open space and public access to the perimeter of the harbour foreshore area
- appropriate conditions have been recommended to limit the maximum number of dwellings to 1420 until the Proponent demonstrates adequate water servicing can be delivered, manage the interface with adjoining low-density development to the north of the site and the marina commercial land use within the site and the submission of surface and groundwater reports

The Department is satisfied that the modification should be approved, subject to the recommended conditions (see **Appendix F**). This assessment report is hereby presented to the IPC for determination.

Recommended by:

**Anthony Witherdin**

Director

Regional Assessments

Recommended by:

**Anthea Sargeant** 6/11/18

Executive Director

Key Sites and Industry Assessments



# Appendices

## Appendix A – Detailed summary of the proposed modifications by Precinct

Precinct	Concept Plan Approval	Proposed modification
A	<p>Sub-precinct A1</p> <ul style="list-style-type: none"> <li>• Low and medium density residential land use</li> <li>• Height: 1 to 2 storeys</li> <li>• GFA: 4,680m<sup>2</sup></li> <li>• Dwellings: 26</li> <li>• Typical standard dwelling houses which are approximately 180m<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Residential land uses comprising dwelling houses and townhouses, and a marina commercial (dry boat storage) land use</li> <li>• Height: <ul style="list-style-type: none"> <li>- 2 storeys + attic to a maximum of 10.5m</li> <li>- 3 storeys to a maximum of 12m</li> <li>- 2 storeys to a maximum of 15m for the dry boat storage only</li> </ul> </li> <li>• GFA: no GFA limit</li> <li>• Dwellings: up to 150 dwellings</li> </ul>
	<p>Sub-precinct A2</p> <ul style="list-style-type: none"> <li>• A mixture of land uses comprising the boat storage, mixed use and low and medium density residential</li> <li>• Height: 1 to 3 storeys for residential uses and 4 storeys for the boat storage and mixed-use land uses</li> <li>• GFA: 4,680m<sup>2</sup></li> <li>• Dwellings: 84</li> <li>• Typical apartments being 110m<sup>2</sup></li> </ul>	
	<p>Sub-precinct A3</p> <ul style="list-style-type: none"> <li>• Low and medium density residential land use</li> <li>• Height: 1 to 3 storeys</li> <li>• GFA: 4,740m<sup>2</sup></li> <li>• Dwellings: 31 comprising 19 standard dwelling houses (being typically 180m<sup>2</sup>) and 12 medium density dwellings (being typically 110m<sup>2</sup>)</li> </ul>	
B	<ul style="list-style-type: none"> <li>• Low and medium density residential land use</li> <li>• Height: 1 to 4 storeys</li> <li>• GFA: 2,280m<sup>2</sup></li> <li>• Dwellings: 254 dwellings comprising 62 standard dwelling houses (being 180m<sup>2</sup>), 80 medium density dwellings (being typically 110m<sup>2</sup>) and 112 apartments (being typically 110m<sup>2</sup>)</li> </ul>	<ul style="list-style-type: none"> <li>• Residential land uses comprising dwelling houses, townhouses and apartments</li> <li>• Height: <ul style="list-style-type: none"> <li>- 2 storeys + attic to a maximum of 10.5m</li> <li>- 3 storeys to a maximum of 12m</li> <li>- 6 storeys to a maximum of 22m</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• GFA: no GFA limit</li> <li>• Dwellings: up to 287 dwellings</li> </ul>
C	<ul style="list-style-type: none"> <li>• Low and medium density residential land use</li> <li>• Height: 2 to 4 storeys</li> <li>• GFA: 24,200m<sup>2</sup></li> <li>• Dwellings: 220 dwellings comprising 72 standard dwelling houses (being typically 110m<sup>2</sup>) and 148 apartments (being typically 110m<sup>2</sup>)</li> </ul>	<ul style="list-style-type: none"> <li>• Residential land uses comprising dwelling houses, townhouses and apartments</li> <li>• Height: <ul style="list-style-type: none"> <li>- 2 storeys + attic to a maximum of 10.5m</li> <li>- 3 storeys to a maximum of 12m</li> <li>- 5 storeys to a maximum of 19m</li> </ul> </li> <li>• GFA: no GFA limit</li> <li>• Dwellings: up to 234 dwellings</li> </ul>
D/Commercial	<ul style="list-style-type: none"> <li>• A mixture of supermarket, tourist, retail, commercial, library, hotel and medium density housing land uses</li> <li>• Height: 8 to 9 storeys for the hotel use only and 2 to 4 storeys for all other uses</li> <li>• GFA: 14,950m<sup>2</sup> for retail/commercial uses and 17,710m<sup>2</sup> for residential uses</li> <li>• Dwellings: 161 dwellings</li> <li>• Typical apartments being 110m<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Mixed use development, community and residential apartment land uses</li> <li>• Height: <ul style="list-style-type: none"> <li>- 2 storeys to a maximum of 12m</li> <li>- 2 storeys to a maximum of 14m</li> <li>- 3 storeys to a maximum of 15m</li> <li>- 5 storeys to a maximum of 19m</li> <li>- 6 storeys to a maximum of 22m</li> <li>- 11 storeys to a maximum of 40m (hotel use only)</li> </ul> </li> <li>• GFA: 7,930m<sup>2</sup> for retail/commercial land uses</li> <li>• Dwellings: up to 250 apartments</li> </ul>
E	<ul style="list-style-type: none"> <li>• Low and medium density residential land uses</li> <li>• Height: 1 to 4 storeys</li> <li>• GFA: 19,480m<sup>2</sup></li> <li>• Dwellings: 151 comprising 41 standard dwellings (being typically 180m<sup>2</sup>), 38 medium density dwellings (being 110m<sup>2</sup>) and 72 apartments (being 110m<sup>2</sup>)</li> </ul>	<ul style="list-style-type: none"> <li>• Residential land uses comprising dwelling houses, townhouses and apartments</li> <li>• Height: <ul style="list-style-type: none"> <li>- 2 storeys to a maximum of 9m</li> <li>- 3 storeys to a maximum of 12m</li> <li>- 4 storeys to a maximum of 16m</li> </ul> </li> <li>• GFA: no GFA limit</li> <li>• Dwellings: up to 300 dwellings</li> </ul>
F	<ul style="list-style-type: none"> <li>• Low and medium density residential land uses</li> <li>• Height: 1 to 4 storeys</li> <li>• GFA: 12,830m<sup>2</sup></li> <li>• Dwellings: 109 comprising 12 standard dwellings (being typically 180m<sup>2</sup>), 53</li> </ul>	<ul style="list-style-type: none"> <li>• Residential land uses comprising dwelling houses, townhouses and apartments</li> <li>• Height: <ul style="list-style-type: none"> <li>- 2 storeys to a maximum of 9m</li> <li>- 3 storeys to a maximum of 12m</li> </ul> </li> </ul>

	<p>medium density dwellings (being 110m<sup>2</sup>) and 44 apartments (being 110m<sup>2</sup>)</p>	<ul style="list-style-type: none"> <li>- 4 storeys to a maximum of 16m</li> <li>• GFA: no GFA limit</li> <li>• Dwellings: up to 250 dwellings when combined with Precinct G</li> </ul>
G	<ul style="list-style-type: none"> <li>• Low and medium density residential land uses</li> <li>• Height: 1 to 4 storeys</li> <li>• GFA: 10,460m<sup>2</sup></li> <li>• Dwellings: 90 comprising 8 standard dwellings (being typically 180m<sup>2</sup>), 44 medium density dwellings (being 110m<sup>2</sup>) and 38 apartments (being 110m<sup>2</sup>)</li> </ul>	<ul style="list-style-type: none"> <li>• Residential land uses comprising dwelling houses, townhouses and apartments</li> <li>• Height: <ul style="list-style-type: none"> <li>- 2 storeys + attic to a maximum of 10.5m</li> <li>- 3 storeys to a maximum of 12m</li> <li>- 4 storeys to a maximum of 16m</li> </ul> </li> <li>• GFA: no GFA limit</li> <li>• Dwellings: up to 250 dwellings when combined with Precinct G</li> </ul>
H	<p>Sub-precinct H1</p> <ul style="list-style-type: none"> <li>• Low and medium density residential land uses</li> <li>• Height: 2 to 4 storeys</li> <li>• GFA: 8530m<sup>2</sup></li> <li>• Dwellings: 75 comprising 4 standard dwellings (being typically 180m<sup>2</sup>), 56 medium density dwellings (being 110m<sup>2</sup>) and 15 apartments (being 110m<sup>2</sup>)</li> </ul>	<ul style="list-style-type: none"> <li>• Residential land uses comprising dwelling houses and townhouses, and mixed-use hotel, tourist retail and residential apartment.</li> <li>• Height: <ul style="list-style-type: none"> <li>- 2 storeys + attic to a maximum of 10.5m</li> <li>- 3 storeys to a maximum of 12m</li> <li>- 4 storeys to a maximum of 16m</li> </ul> </li> <li>• GFA: 6,900m<sup>2</sup> for commercial/retail land uses</li> <li>• Dwellings: up to 200 dwellings</li> </ul>
	<p>Sub-precinct H2</p> <ul style="list-style-type: none"> <li>• Flexible commercial and mixed use land uses</li> <li>• Height: 4 storeys</li> <li>• GFA: 6,900m<sup>2</sup> for hotel/retail (option 1) or 5,330m<sup>2</sup> for standard and medium density (option 2) or 5,280m<sup>2</sup> for apartments (option 3)</li> <li>• Dwellings: Option 2 – 37 dwellings comprising 18 standard dwelling houses and 19 medium density houses. Option 3 – 48 apartments.</li> </ul>	
Quarry Buffer Zone	<ul style="list-style-type: none"> <li>• Business park land use</li> <li>• Height: 2 storeys</li> <li>• GFA: 30,000m<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Business park land use</li> <li>• Height: 2 storeys to maximum of 12m</li> <li>• GFA: 30,000m<sup>2</sup></li> </ul>

## **Appendix B – Environmental Assessment, Response to Submissions and additional Response to Submissions**

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8679](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8679)

## **Appendix C – Submissions**

### **Exhibition**

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8679](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8679)

### **Response to Submissions**

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8679](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8679)



## Appendix D – Community views for Draft Notice of Decision

A summary of the Department’s consideration of the issues raised in submissions is provided below.

Issue	Consideration
Density	<ul style="list-style-type: none"><li>• The Department considers the proposed increase in density has strategic merit as it will provide additional housing and increased varied housing choice consistent with the NSW State Priorities, Illawarra-Shoalhaven Regional Plan and Shellharbour Local Environmental Plan 2013 (<b>Section 3</b> and <b>6.1</b>).</li><li>• The Department considers this increase would have acceptable impacts to the character, built form, view, overshadowing, traffic and infrastructure subject to the Further Environmental Assessment Requirements (FEAR) and conditions.</li></ul>
Built Form / Character	<ul style="list-style-type: none"><li>• <b>Section 6.2</b> considered the built form impacts associated with the proposal including building height, building typologies and design of the town centre.</li><li>• The Department considers the changes to the building height are acceptable as the level of change is not significant, areas of increase height would generally be located centrally on the site closest to the town centre and would not lead to adverse amenity or character impacts.</li><li>• The proposal includes similar building typologies to the approved Concept Plan but with a greater proportion of residential flat buildings. The location of the higher densities are appropriately located closer to the town centre, waterfront and open space. Additionally, a FEAR requires the Proponent develop detailed urban design guidelines for each precinct to demonstrate future built forms include architectural diversity, environmental amenity and appropriate charter for the precinct.</li><li>• The Department considers the revised town centre design would enable the future development of an attractive, active centre which is a focal point for visitors and to serve the retail needs of the surrounding residents.</li></ul>
View Sharing	<ul style="list-style-type: none"><li>• As discussed in <b>Section 6.3</b>, the Department notes that the proposal will result in minor view impacts in one location, however considers that the overall view impacts associated with the proposal compared to the approved Concept Plan are minimal.</li></ul>
Overshadowing	<ul style="list-style-type: none"><li>• As discussed in <b>Section 6.3</b>, the shadow diagrams submitted identify that despite the increased heights in some parts of the site, solar access can be provided to all open space areas, foreshore walkways and the town centre midwinter. The Department is satisfied that the proposal will not result in any unacceptable overshadowing impacts to public areas.</li></ul>
Removal of Acoustic Mounds/ Location of Marina Commercial Land Use	<ul style="list-style-type: none"><li>• As discussed in <b>Section 6.3</b>, subject to provision of a laneway and landscaped separation between the marina commercial and residential land use, the Department considers the removal of the acoustic mounds and interface between the two land uses acceptable.</li></ul>

Traffic	<ul style="list-style-type: none"> <li>As discussed in <b>Section 6.4</b>, the traffic impacts associated with the proposal is only expected to lead to a 2% increase in traffic movements during the weekday afternoon peak. The Department notes that since the original Concept Plan was approved, Roads and Maritime Services have revised and reduced the daily trips associated with the residential development. As such, the baseline traffic generation rates have fallen, and the additional residential dwellings will only lead to minimal increases to traffic.</li> <li>The Department notes that RMS advised it was satisfied that the modification would only result in a minor traffic increase.</li> <li>On this basis, the Department considers the increase in peak hour traffic would not be noticeable in the context of total traffic movements and would not impact on the operation of the surrounding road network.</li> </ul>
Parking	<ul style="list-style-type: none"> <li>The proposal included a traffic report with an updated analysis of parking requirements for the town centre. In <b>Section 6.4</b> the Department acknowledges the updated parking analysis and notes, as per the original Concept Plan, parking figures are indicative only and subject to future assessment by Council.</li> </ul>
Foreshore Access	<ul style="list-style-type: none"> <li>As discussed in <b>Section 6.4</b>, the Proponent has clarified that the proposal will not change foreshore access and public foreshore access will continue to be provided to the entire permitter of the harbour foreshore.</li> </ul>
Open Space	<ul style="list-style-type: none"> <li>As discussed in <b>Section 6.4</b>, the level of open space proposed for the Concept Plan will remain at 8.49 hectares. The Department considers the level of open space provided is adequate noting that it is more than the minimal requirement of 8.04 hectares, there is a number of open space located in close vicinity of the site, the Harbour foreshore will be provided with continual public access and the site adjoins Shellharbour South Beach.</li> </ul>
Social Infrastructure	<ul style="list-style-type: none"> <li>As discussed in <b>Section 6.4</b>, the level of dwelling increase (a maximum of 328) is considered minor in the context of the catchment area. The Social Impact Assessment noted that there is need for additional community health facilities, aged care places, after school care places and community centres in the catchment, however noting that proposed facilities in the catchment will aid in fulfilling these requirements. The Department also notes that a community building and retail/commercial space for potential future social infrastructure uses are part of the Concept Plan.</li> </ul>
Operation of the Quarry	<ul style="list-style-type: none"> <li>As discussed in <b>Section 6.4</b>, the Department considers there are adequate measures included to limit the number of residential dwellings and height of building to ensure the proposal has minimal impact on the operation of the quarry.</li> </ul>
Future Development Detail	<ul style="list-style-type: none"> <li>As discussed in <b>Section 6.4</b>, the Department notes compliance with relevant building standards will be considered as part of the future development application process.</li> </ul>

## Appendix E – Consolidated Consent

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8679](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8679)

## Appendix F – Notice of Modification

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8679](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8679)