From:	Michelle Niles
To:	Andrew McAnespie
Subject:	FW: Shell Cove Boat Harbour
Date:	Wednesday, 20 February 2019 3:41:00 PM
Attachments:	image006.png image007.png image008.png image009.png Draft Modifying Instrument - MP 07_0027 MOD 1_Feb 2019.docx

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Hi Andrew,

Please see responses to be questions below.

Kind regards,

Michelle Niles
Senior Planner
Regional Assessments
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NSW GOVERNMENT | Planning & Environment

From: Michelle Niles
Sent: Wednesday, 20 February 2019 3:29 PM
To: Michelle Niles <Michelle.Niles@planning.nsw.gov.au>
Cc: Dan Keary <dan@keylan.com.au>; brent@keylan.com.au
Subject: RE: Shell Cove Boat Harbour

Hi Andrew,

Apologies for the delay responding. Please see responses to the further questions:

1. Please confirm whether the additional 6,000 sqm of land in Precinct E is contained wholly within the approved land description. If not, please clarify the Department's position that the inclusion of this land is within the scope of Section 75W. The Commission also notes the land description in the modifying instrument may also need to be amended to include reference to this additional land.

   Response: The additional land is currently legally identified as Lot 5074 DP 1249071. The draft modification instrument has been amended to include this updated lot refence (attached).

   The Department considers that the additional land can be incorporated into the Concept Plan site area under the scope of s75W noting that the additional land will be used for residential purposes, similar to that approved by the Concept Plan, and it directly adjoins the Concept Plan area.

2. Please confirm whether the traffic generation rates included an assessment of all future uses

within the Shell Cove Boat Harbour Precinct or only for the residential component.

Response: The traffic report submitted with the Concept Plan identified that traffic generation from the site comprised commercial and tourism land uses (84%) and residential land uses (16%). The traffic report considered performance of intersections in Shell Cove both with and without development associated with the Concept Plan.

The Traffic Review submitted with the modification application (at Appendix F) considered the traffic impacts associated with the proposed changes combined with the traffic generation associated with the approved uses across the site. It found that the modified hotel building would not materially change the traffic generation of the hotel and the additional residential dwellings would only result in a 2% peak increase based on current RMS traffic generation rates. The Proponent also noted that if the previous traffic generation rates were applied (i.e. the generation rates used during assessment of the Concept Plan), the additional residential dwellings would result in a 3.5% increase in traffic during the peak period. There are no changes to the tourism or commercial components of the site. The traffic review concluded that taking into consideration additional residential component proposed in the modification, the road network would operate satisfactorily and in similar manner to the approved network.

3. The Commission notes that Council raised issues regarding the definition of heights including discrepancies across the precinct between proposed height controls in metres and number of storeys. Council suggested that consideration should be given to the concept approval specifying floor to ceiling heights to address this issue. Please advise whether this issue was considered by the Department in its assessment.

Response: The Department notes that building heights for the site are controlled via both a maximum building height in metres and storeys. The Department considered the proposed building heights in metres relative to storeys and was satisfied the overall building height is reasonable. The Department also notes building height is defined in the Shell Cove Boat Harbour Precinct Design Report dated July 2018 and as noted in the Proponent's addendum RtS, the maximum building height is inclusive of the entire height of the buildings, including plant and lift overruns, and allows for consideration of the sloping topography of the site.

The Department does not consider it necessary to include minimum or maximum floor to ceiling height restrictions noting the controls in place for building height (outlined above). Further, many of the mixed use buildings typically have different floor to ceiling heights depending on the proposed use. Therefore, it would be difficult to specify floor to ceiling heights across the site.

The Department considers the ultimate floor to ceiling heights would be best considered by Council during the assessment of future DAs for individual buildings, when the detailed design of the building is provided.

The Department suggests that if the Commission has concerns about this aspect of the proposal, an advisory note could be included outlining that the concept plan sets the maximum building heights permitted across the site but the ultimate height must be

determined by council following consideration of site constraints and proposed uses etc.

4. Please clarify why the definition of *tourist and visitor accommodation* has been included in the instrument (under 'Definitions')? It is noted that the definition is the same as that referenced in the standard instrument LEP.

   Response: The Department has included the definition as it formed part of the proposal and it would make it clear that these uses would be permitted on the site.

   It should also be noted the concept plan would set the permitted land uses across the site rather than the LEP.

If you have any questions, please feel free to give me a call.

Kind regards,

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NSW GOVERNMENT | Planning & Environment

From: Andrew McAnespie
Sent: Tuesday, 19 February 2019 11:22 AM
To: Michelle Niles <Michelle.Niles@planning.nsw.gov.au>
Cc: Dan Keary <dan@keylan.com.au>; Brent Devine <brent@keylan.com.au>
Subject: FW: Shell Cove Boat Harbour

Hello Michelle

I refer to my earlier email attached wherein the Commission has made enquiries regarding aspects of the proposal.

Could the Department please respond to the issues raised.

I apologise in advance if you have already done so however I can't find anything in my email records.

Additionally, would you be able to provide a word version of the modification instrument.

Thanks

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New South Wales Government
Independent Planning Commission

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From: Andrew McAnespie
Sent: Friday, 25 January 2019 3:17 PM
To: Michelle Niles <Michelle.Niles@planning.nsw.gov.au>
Cc: Anthony Witherdin <Anthony.Witherdin@planning.nsw.gov.au>; Brent Devine <brent@keylan.com.au>; Dan Keary <dan@keylan.com.au>
Subject: Shell Cove Boat Harbour

Michelle

Please find below further information requested by the Commission Panel in respect of the above project.

1. Please confirm whether the additional 6,000 sqm of land in Precinct E is contained wholly within the approved land description. If not, please clarify the Department's position that the inclusion of this land is within the scope of Section 75W. The Commission also notes the land description in the modifying instrument may also need to be amended to include reference to this additional land.
2. Please confirm whether the traffic generation rates included an assessment of all future uses within the Shell Cove Boat Harbour Precinct or only for the residential component.
3. The Commission notes that Council raised issues regarding the definition of heights including discrepancies across the precinct between proposed height controls in metres and number of storeys. Council suggested that consideration should be given to the concept approval specifying floor to ceiling heights to address this issue. Please advise whether this issue was considered by the Department in its assessment.
4. Please clarify why the definition of *tourist and visitor accommodation* has been included in the instrument (under 'Definitions')? It is noted that the definition is the same as that referenced in the standard instrument LEP.

Thanks for your assistance.

regards

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