

## Shell Cove – Response to Public Submissions

**Table 1 – Issues Raised**

Key Issues Raised	Consultant to Action
<b>TRAFFIC, TRANSPORT, ROADS, CAR PARKING AND PEDESTRIAN ACCESS</b>	
<b>Traffic</b>	
Additional developments on the Northern Land will influence additional traffic load.	<p>Development of the Northern Land has always been envisaged and accounted for in traffic studies and the major road network design.</p> <p>The Northern Land development is not additional to the project. The modification only moves the boundary of the concept plan area to include project development that was not previously covered under the framework of the part 3A approval. This change simply allows for greater consistency on the balance of the Shell Cove development.</p>
Access to Shellharbour Village should be provided via Mary and Sophia Streets.	The approved Concept Plan does not provide vehicular connections between Shellharbour Village and Shell Cove via Mary and Sophia Streets. Connections via these streets would introduce traffic in local roads with adverse amenity impacts and is not required. These streets will however, include pedestrian linkages to ensure appropriate permeability between Shellharbour Village and the Shell Cove Waterfront.
<p>The Traffic Assessment:</p> <ul style="list-style-type: none"> <li>• miscalculates and underestimates the impact that the proposed provision will have for permitting the hotel to be 30% residential.</li> <li>• underestimates car usage. There is an estimate of traffic in the current modification of 2%. I reject that amount</li> <li>• doesn't outline or consider the full range of proposed changes to the original concept approval.</li> <li>• Doesn't justify the reduction in the required amount of hotel parking</li> <li>• states a lower figure of parking required for restaurant use than what their DA currently submitted to Shellharbour City Council states as required.</li> <li>• do not take into consideration expected visitors and how they will use streets and public</li> </ul>	<p>CBRK have provided the following comments in response to the submissions questioning the methodology, thoroughness and accuracy of the Traffic Assessment:</p> <ul style="list-style-type: none"> <li>• The Hotel Parking Review (dated November 2016) submitted with the Modification considers an indicative provision of 146 serviced apartments and apartments within the hotel building. The indicative total parking provision of 210 spaces has been assessed to accommodate the hotel's day-to-day parking requirements. The final parking requirements for the hotel will be determined with the relevant development application for the hotel based on the final yield.</li> <li>• The Traffic Review (dated July 2017) submitted with the Modification takes into account the proposed changes in uses from the original concept</li> </ul>

<p>parking.</p> <ul style="list-style-type: none"> <li>Uses data based on the 2011 statistics not 2016. Does not address impacts on the traffic at Shellharbour Road, Cove Boulevard and Cove Boulevard traffic intersections</li> </ul>	<p>approval.</p> <ul style="list-style-type: none"> <li>The traffic generation rates used by CBRK to calculate the traffic impacts are the current RMS guidelines for regional areas. It is noted that the while the residential component has increased by some 21%, the overall traffic generation has only increased by some 2%. This is due to: <ul style="list-style-type: none"> <li>Traffic generated by the residential component represented only 16% of total traffic generation; and</li> <li>Current RMS traffic generation rates for residential development in regional areas are 8% to 20% lower than those used in traffic assessment in the concept approval.</li> <li>If the previous RMS traffic generation rates were adopted, the increase in traffic would still be minor at some 3.5%.</li> </ul> </li> <li>The indicative hotel parking provision identified in the Concept Approval calculated the parking required for each use within the hotel separately (i.e. hotel rooms; function rooms, restaurants and cafes). In reality, patrons would likely attend the restaurants and function rooms, as well as stay at the hotel (particularly at times of peak demand). Hence parking demand would be less than if parking for each component was calculated separately. This reduction is justified in the Hotel Parking Review (dated November 2016) submitted with the Modification.</li> <li>The restaurant parking rates used in the DA and S75W are the same (15 spaces/100m<sup>2</sup>). The S75W looks at parking for the whole area and adjusts the parking rate to reflect that there is shared parking for the area and that peak parking demands of various uses occurs at different times.</li> <li>The parking assessment takes into account visitor parking within Boat Harbour precinct.</li> <li>No additional traffic assessment was required as the increase in traffic resulting from the S75W is minor and traffic effects would be similar to the approved concept plan. It is noted that there are still further works required to provide the approved connections from Shell Cove to the surrounding road network.</li> </ul>
<p>The proposed modifications will increase congestion at the following locations:</p> <ul style="list-style-type: none"> <li>Town centre;</li> </ul>	<p>The proposed increase in traffic is minimal and will not increase congestion at the locations identified in the public submissions.</p>

<ul style="list-style-type: none"> <li>• Boating areas;</li> <li>• Entry and exit points to the area;</li> <li>• Cove Boulevard</li> <li>• Boolwarroo Parade;</li> <li>• Darley Street</li> <li>• Shell Cove Public School</li> <li>• The Shallows</li> </ul>	<p>As noted in the Traffic Review accompanying the S75W, the approved Concept Plan was estimated to generate some 4,000 vehicles per hour (two way) in the weekday afternoon peak hour (source: Shell Cove Boat Harbour Precinct Traffic Study – Maunsell 2009). The residential component (1,238 dwellings) of the approved concept plan was estimated to generate some 655 vehicles per hour (two way) in the weekday afternoon peak hour. The S75W will increase the number of dwellings by 318. Applying current RMS traffic generation rates for residential development in regional areas, the increased residential component (1,501 dwellings) would generate some 750 vehicles per hour (two way) in the weekday afternoon peak period. This is an increase of some 95 vehicles per hour (two way) or some 2%. This is a minor increase and would result in the S75W having similar traffic effects as the approved concept approval.</p> <p>It is noted that the while the residential component has increased by some 21%, the overall traffic generation has only increased by some 2%. This is due to:</p> <ul style="list-style-type: none"> <li>• traffic generated by the residential component represented only 16% of total traffic generation; and</li> <li>• current RMS traffic generation rates for residential development in regional areas are 8% to 20% lower than those used in traffic assessment in the concept approval.</li> <li>• It should also be noted that the majority of the traffic generation (i.e. 84%) will be generated by the tourism and commercial components of the Concept Approval. The Modification does not propose to change these components.</li> </ul> <p>If the previous RMS traffic generation rates were adopted, the increase in traffic would still be minor at some 3.5%.</p> <p>Chris Millet (Manager, Land Use at RMS South Region) confirmed in an email dated 19<sup>th</sup> December 2016, that:</p> <p><i>“RMS has reviewed the information provided in the attached traffic report. RMS is satisfied with the consultant’s reasoning which indicates the modification is only likely to increase traffic generation by 2%. Based on this, RMS agrees with the consultants’ statement that this is only a minor increase and is satisfied it will not significantly impact on the state road network (including the approved arrangements for modified traffic signals at Shellharbour Road, Wattle Street, Addison Street and Harbour Boulavarde.</i></p> <p><i>Based on the above, RMS does not require any further traffic analysis for the S75W and has no objections to the modification in principle.”</i></p>
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<b>Parking</b>	
Every household requires at least two car parking spaces.	Parking for the residential component will be provided in accordance with Council's DCP rates or other relevant standard where applicable.
There is a lack of parking close to the marina and town centre	Appropriate parking (minimum 596 spaces) will be provided in the Boat Harbour Precinct consistent with the parking assessment for the S75W. This takes into account shared parking areas and that not all uses have peak parking demand at the same time.
No parking provisions for Christmas/Summer period	It is not appropriate to design parking for peak events such as Christmas as for the rest of the year this parking is not required and will result in hardstand that is unused for the majority of the year. The parking rates used in the parking assessment are based on Council and/or RMS rates. Additionally, a strategy has been prepared that provides for temporary overflow parking arrangements during events in peak periods. This provides for additional event parking with overflow parking provided in the business park site (grassed area in short term and within carparking areas in long term) with the potential for a shuttle bus to be temporarily operated in these circumstances. Refer Section 12, <b>Appendix K(2)</b> .
The lack of parking will impact on surrounding businesses	As noted in the previous responses appropriate parking will be provided in accordance with the relevant RMS / Council requirements.
<b>Public Transport</b>	
There is a lack of public transportation available.	The roads within Shell Cove have been designed for buses with bus stops to be provided within the town centre. Bus routes connect to the local Shellharbour Junction Railway Station which is located within 3km of the Waterfront Town Centre. Frasers is in consultation with the local bus operator to provide services as development is completed.
<b>Road Infrastructure, access and safety</b>	
There is no direct access to major roads.	Harbour Boulevard will be extended to provide direct access through to Shellharbour Road and Wattle Road. This in turn will provide additional points of access through to the Princes Highway and the state road network.
The width of our street is inadequate and is dangerous with cars parked on both sides of the road.	Street widths within the Concept Plan boundary have been designed having regard to the agreed hierarchy of streets. Cars' being parked on either side of the road is a compliance matter to be addressed by Council and its staff.
The planned increase in population will certainly heighten the probability of accident and injury from occurring unless traffic flow is restricted and speed reduced.	Road designs are consistent with the approved concept plan. Additional traffic generation resulting from the increase in dwellings is minimal and will not have an adverse impact on traffic flow.

There are no stop signs or pedestrian crossings at intersections.	Road designs are consistent with the approved concept plan.
Safety concerns regarding increased traffic along the length of Cove Blvd travels at 60 plus kilometres per hours in front of entry points to parks with playground equipment for young children.	The S75W will result in only a minor increase in traffic above the approved concept plan and thus no change in safety along Cove Blvd.
The is limited road accessibility and limited consideration of buses, emergency vehicles and even garbage trucks	The roads have been designed to accommodate buses, emergency vehicles and trucks. Extensive consultation has been undertaken with the local bus operator, emergency service providers and Council, to ensure that the design of the roads is appropriate to accommodate service and emergency vehicles.
The road network is too narrow for the overdeveloped area	The indicative road designs are consistent with the approved Concept Plan.
Recommendations in the Traffic Statement regarding modifications to intersections, widening of roads, provisions for bus-bays, should be enforceable and paid for by the developer.	Outside of the Town Centre, the general layout and road hierarchy of the approved Concept Plan has been retained within the proposed modification, providing more minor roads. The refined road network will function in a similar manner to the approved road network and accommodate the traffic generated in the proposed modification. The road network will be built and funded by the developer.
<b>CHANGING CHARACTER</b>	
<p>The proposed modifications are:</p> <ul style="list-style-type: none"> <li>• Unjustified</li> <li>• Out of character and not sympathetic to the area.</li> <li>• Detrimental to the very fabric of a community.</li> <li>• Downgrading to the viability, enjoyment and comfort for those living and visiting the Marina area.</li> </ul>	The EAR submitted with the proposed Modification provides an environmental assessment that demonstrates that any impacts are minor and consistent with the approved Concept Plan. The impact of the Modification on the character of the area is considered in more detail in the RtS Report.
The lifestyle and the original feel of the area is being taken away due to the amended concept plan.	The purpose of the Shell Cove development is to create a new mixed-use community to generate tourism and economic benefits. This necessitates a change in character compared to an undeveloped site. As discussed in the RtS Report, the proposed Modification will not result in any material change to the character of the area approved in the original Concept Plan.
The decision to purchase properties off the plan was based on the existing character for some residents.	A structure plan for the development of Shell Cove has been in place since the 1990s which predates the Concept Plan being approved in 2012.
Town planners should look at successful developments where there is sympathetic consideration to the liveability of the area and the environment.	Shell Cove is being jointly developed by Shellharbour City Council and Frasers Property Australia, the latter being responsible for a large number of successful developments which focus on achieving the highest level of liveability and

	sustainability. The Concept Plan and Modification have been prepared by an award-winning consultant team also recognised for their creation of liveable and sustainable developments.
An increase in population will see a rise in crime rates due to rat runs in townhouse alleyways.	Increases in population have been demonstrated to increase passive surveillance which in turn reduces crime. A crime risk assessment will be undertaken, where appropriate as part of the detailed design of the town houses and other development.
The increase in crime will see an impact on the friendly family nature of the area.	See above.
The proposal will impact the quality of life for current and future residents.	The environmental assessment that accompanies the Modification demonstrates that it will have a negligible impact on the 'quality of life' of the existing and future residents.
Overall land lot sizes will be reduced to make way for town houses shifting away from the character.	The Concept Plan outlines the opportunity for higher densities closer to the boat harbour to capitalise on the enhanced amenity of the precinct. The proposed modifications will increase density, spread across the site in a way that is consistent with the approved character of the area.
There is an oversupply in high and medium density constructions. In future, the boat harbour precinct could easily resemble a ghetto.	The proposed modification provides a more diverse range of housing typologies to meet market demand. Increased density near the boat harbour to take advantage of the enhanced amenity in the precinct will deliver positive socio economic benefits.
The proposal will diminish the architectural character and change the character to replicate a congested city environment – not the community's shared experience.	The impact of the Modification on the character of the area is consistent with approved Concept Plan and is considered in more detail in the RtS Report.
The proposal will impact on the existing quiet and peaceful enjoyment of existing residents of their community with the added light, noise, shading, wind and pollution effects.	The proposed Modification will have a negligible impact in terms of light, noise, shading, wind and pollution effects on existing areas.
The area will look like a tourist site rather than a low key, coastal community.	The approved Concept Plan already includes a landmark hotel building. The Shell Cove project has from its inception been structured to include for marine based tourism with the creation of one of the largest marinas on the East Coast of Australia. The additional height will not materially change the approved character of the area, which remains a predominantly residential community with a town centre and tourism based development structured around the boat harbour.
The amenity of the area is already lost to this development. If this is approved, then it will become an over development. There is no community justification for changing the	The public interest of the proposal was considered as part of the EAR that accompanied the Modification. The Modification is consistent with the principles

approved development.	of the approved Concept Plan to deliver a mixed-use development to generate tourism and economic benefits to the area.
The increase in height will see an increase in noise, taking away the existing character of the area.	The increase in height has no direct connection with an increase in noise. Where appropriate future DAs will be required to assess the acoustic impacts of development on surrounding uses.
The downgrade of amenity will pull people away from the area.	The proposed Modifications will not result in any downgrade to the amenity of the area. Enhancing amenity and the provision of public space is a key principle of the development.
There is no prestige to the Marina anymore.	The Boat Harbour and Marina is intended to be enjoyed by all members of the community.
The proposal will not provide the coastal feel with low and medium density housing as originally envisaged.	The proposed Modifications retain low and medium density housing on the site and are consistent with the character of the area as approved in the original Concept Plan.
Lack of safety for residents and tourists, creating an unsafe environment.	The additional density will create increased passive surveillance and activation across the site, improving safety.
There is no need or demand for apartment living.	It is widely accepted that there has been a distinct 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 proposal seems to be shifting the issue of urban density onto the community. Why turn this into the Gold Coast or Port Douglas?	The approved Concept Plan always intended to have more density in order to capitalise on the unique amenity of the boat harbour and infrastructure provided within the area. The proposed modification will increase the density in a manner that is consistent with that already approved.
The proposal will detract from the original vision of the town centre	The vision for the town centre has always been and continues to be for a mixed use centre. As detailed in <b>Section 2.5</b> of the RtS Report, the Modification does not detract from the original vision for the town centre.
<b>HOTEL</b>	
Increasing the hotel to 11 storeys is obscene and offensive to the landscape.	<p>A hotel of 9 storeys is part of the Concept Plan approval. The Modification proposes an 11 storey hotel in a new, more suitable location to the northern edge of the Shell Cove Town Centre.</p> <p>RLA have determined, through their View Impact Analysis, that the increased</p>

	height of the hotel, in its amended location further north, does not cause a significant increase in view blocking compared to the Concept Approval. Furthermore, the re-orientation of the hotel building envelope causes a decrease in horizontal bulk visible from the residences assessed.
<b>HEIGHT AND DENSITY</b>	
A residential increase of 30%, or 278 dwellings, is too much.	<p>An increase of 318 dwellings on the sites represents an overall increase of approximately 25%. The increase in the number of dwellings is relatively minor, noting:</p> <ul style="list-style-type: none"> <li>the site area has also been expanded through the inclusion of 5,850m<sup>2</sup> of land to the north of Precinct E (the northern lands);</li> <li>a large number of the additional dwellings will be provided in the town centre which was always intended to accommodate higher density;</li> <li>the change in dwelling typologies means a greater number of dwellings can be achieved within the same footprint; and</li> <li>the increase strengthens the achievement of the original strategies embodied within the Concept Plan.</li> </ul> <p>The environmental assessment that accompanies the Modification demonstrates that the proposed increase will not result in any adverse environmental impacts.</p>
There should be NO buildings higher than 4 stories in this area.	The approved Concept Plan allows for buildings higher than 4 storeys. A discussion regarding the impact of the increased height on the character of the area is provided in the RtS Report.
Inadequate planning for additional density.	The environmental assessment that accompanies the Modification demonstrates that the planning to accommodate the additional density has been robust and appropriate.
FSR are too great for residential lots. This will be exacerbated by increased heights and densities.	No FSR standard applies to the site.
The "Hotel Building" is in fact a residential development which will, for a relatively short term, incorporate an apartment hotel, possibly a Quest. The case against the height increase in the hotel is, in my view, that this is not an 11 storey hotel. It is an 11 storey residential apartment block.	<p>The proposed changes will enable flexibility to adjust and respond to demand for tourist and visitor accommodation in the Illawarra region.</p> <p>The amended Statement of Commitments requires that a minimum of 70% of the landmark building's total Gross Floor Area (GFA) be Tourist and Visitor Accommodation, including a minimum of 35% of this GFA to be a hotel (as a form of Tourist and Visitor Accommodation). This commitment also sets a</p>



	requirement that a maximum of 30% of the site be for residential accommodation. Any future residential apartments would be provided in accordance with the proposed dwelling cap of 1,566.
It is unclear what the impact will be from the removal of the residential GFA limit.	A maximum number of proposed dwellings is being used as an alternative measure to GFA, in conjunction with maximum heights and uses, to limit the density on the site. The environmental assessment that supports this Modification considers the impacts associated with the maximum number of dwellings.
A maximum GFA ensures that residential development of this scale has controls by metrics which are readily assessable with a high level of certainty. The removal of important development controls such as GFA will result in uncontrolled outcomes and over development.	See above
There was no mention in the original concept plan that there was the potential for development to become even more dense.	The Concept Plan represents the application as proposed at that point in time. The ability to seek to modify the Concept Plan was available to the proponent under the EP&A Act.
Higher rise developments should be built at Shellharbour City.	With the exception of the landmark hotel building, which was always intended to be a tall building in the context of the site, the tallest buildings located in the town centre at 6 storeys are less than the maximum heights allowed in the Shellharbour City Centre, which allow for up to 8 storeys.
Heights should be limited to 4 stories for apartments and 9 storeys for hotels.	The impact of the additional height was considered as part of the exhibited EAR and in further detail in the RtS Report.
The plans showed a unique tourist destination with the potential to only add to the beauty – the modification only shows high rise metro areas.	The proposed Modification will retain the character approved under the Concept Plan.
The increase in height to any of these buildings goes completely against the open free flowing low-key atmosphere.	Where increases in height do occur across the site outside of the town centre, they are typically limited to a single storey increase which will have a negligible impact.
The idea of raising the height of buildings, mixed with higher density dwellings from 1238 to 1556 is a horrible idea. Shell Cove is already becoming too crowded.	The impact on the character of the area is considered in detailed in the RtS Report.
The proposed height limit is too high – it is clear that the developer is seeking to further capitalise financial gain from the development at the expense of the local residents.	The impact of the additional height was considered as part of the exhibited EAR and in further detail in the RtS Report.
The recently changed model in Frasers Display & Sales Office, showing town centre apartments to the proposed six storeys does not include eleven storeys in the modelled	The model in the sales office does not form part of the documentation submitted for approval as part of the proposed Modification.

hotel.	
The added development will see construction phase increase which will cause lifestyle disruption to Shell Cove residents. The disruption for residents will continue to occur after the development is complete due to the increase in density.	As part of the detailed DA phase for each stage, conditions of consent will be imposed to ensure that any construction impacts are managed appropriately and no unacceptable adverse impacts occur on the surrounding areas.
The replacement of a stepped-design for the waterfront apartment blocks with a design for single dense buildings.	The Modification documentation includes block forms which represent indicative maximum building envelopes for future apartment buildings. The future buildings will not utilise the entire envelopes. They will be refined and articulated at the detailed design stage which will reduce the bulk, scale and mass of the block modelling currently shown.
The location of the town centre is out of place.	The Shell Cove Town Centre remains in the same location as approved under the Concept Plan.
Any buildings over 3/4 storeys should have been built from a planning perspective on the higher elevations and not at sea level.	Higher buildings are located within the Town Centre and along the Boat Harbour foreshore to capitalise on the enhanced amenity of the Boat Harbour. This is consistent with the approved Concept Plan.
The proposal will form an unacceptable physical barrier between the low rise residential (majority of Shell Cove) and the harbour and beach.	RLA have determined, through their View Impact Analysis that the proposed height increases do not cause a significant increase in view blocking compared to the approved Concept Plan. Furthermore, the re-orientation of the hotel envelope causes a decrease in horizontal bulk visible from the private residences assessed.
The design is being sacrificed in order to maximise retail floor space and number of apartment units.	The key design elements of the Concept Plan are maintained. This is demonstrated at Section 3.1 of the EAR.
The increase in the building heights and suggested architectural changes will impact negatively on the relaxed but stylish feel of the original concept.	<p>The environmental impacts of the proposed increases in building height have been considered in the EAR and the RtS.</p> <p>The key Concept Plan design elements are maintained in the Modification.</p>
<b>VISUAL IMPACT &amp; VIEW LOSS</b>	
Residents purchased in the area due to the views – this development will have a negative impact on those properties if the modification were to proceed.	<p>RLA undertook a Visual Impact Analysis of the comparative visual impacts of the approved Concept Plan and the Modification. The VIA is submitted as <b>Appendix D</b>.</p> <p>RLA consider that the modification does not cause significantly greater view loss than the approved Concept Plan. The differences in terms of views available have been assessed to be minor and not significant.</p>

<p>The visual impact of a coastal village/town will be overshadowed with absurd tall buildings. It takes away the amphitheatre of the surrounding estate.</p>	<p>The Concept Plan envisaged apartment buildings up to 4 storeys in the Town Centre and around the Boat Harbour foreshore and a 9 storey hotel in the Town Centre.</p> <p>The proposed increases in building heights and the relocation of the hotel will have a similar visual impact to the approved building envelopes.</p> <p>Overshadowing is discussed further below and in <b>Section 2.7</b> of the RtS.</p>
<p>The DG Requirements required view loss to be assessed. This was only undertaken in relation to views within the project. The modification has failed to assess the impact on external views</p>	<p>The Visual Impact Assessment prepared by RLA has assessed view loss from 8 key locations in the surrounding area (refer <b>Appendix D</b>).</p>
<p>The 11-story hotel will have a significant visual impact and be an eyesore.</p>	<p>RLA have determined that the increased height of the hotel, in its amended location further north, does not cause a significant increase in view blocking compared to the approved Concept Plan and the re-orientation of the hotel building envelope causes a decrease in horizontal bulk visible from the residences assessed.</p>
<p>Cove Boulevard provides a beautiful avenue of trees, grass and gardens only to end in unsightly medium to high density buildings built on narrow inadequate roads. This is blocking views of the marina and ocean beyond.</p>	<p>The view corridor will be continued along Cove Boulevard, through the Town Centre out towards the marina. This view corridor will be maintained through the proposed modification, whereas it is currently impacted by the approved design of the Town Centre.</p>
<p>View loss should be further assessed for surrounding developments that are of greatest impact. Current height controls will be breached if this development were to commence.</p>	<p>A VIA has been prepared and is submitted as <b>Appendix D</b>. The purpose of the Modification (among other items) is to amend the current height controls.</p>
<p>No reference to the properties whose view lines are affected.</p>	<p>RLA have conducted a view sharing analysis from 8 keys locations around the Boat Harbour Precinct. The locations include public and private views and are identified at <b>Appendix D</b>.</p>
<p>Information around the proposal is not correct by the visual examples in the concept plan in View 3. The height changes are displayed from different distances. This creates an illusion of a lower impact.</p>	<p>The massing comparison shown as View 3 within the Cox Design Report is taken from the same location. The location of the open space and public domain in the foreground has been amended and the built form is now located further from the view location.</p>
<p>Many home owners including myself bought land and a home here for a relaxed open neighbourhood not for an estate that is visually impacted by high rise buildings.</p>	<p>A structure plan for the development of Shell Cove has been in place since the 1990s which predates the Concept Plan being approved in 2012. RLA have determined that the visual impacts of the Modifications when compared to the visual impacts of the Concept Approval are not significant.</p>

	<p>RLA consider that the proposed building envelopes are compatible and consistent with the intended future character for the site, as established by the approved Concept Plan.</p>
<p>Under Section 5.2.3 of the Report there is insufficient evidence to conclude that an increase in building height will not result in views looking into the quarry. In particular, the proposal to increase the landmark (hotel) building up to 11 storeys presents a significant risk which has not been addressed or mitigated.</p> <p>Any benefits resulting from an increase in developable areas should not have adverse impacts on the Bass Point quarry's operations. Mitigation of visual impacts should be undertaken by the proponent.</p>	<p>The proposed hotel location is a minimum of 1.5 kms (approx.) from the quarry boundary. Any views from the Hotel towards the quarry will also capture extensive views of the ocean and coastline.</p> <p>The increase in developable area is proposed on the 'Northern Lands' which are separated from the quarry and will not be impacted by the quarry operations.</p>
<b>GENERAL INFRASTRUCTURE</b>	
<p>The proposed modifications will put more stress on surrounding infrastructure which is not proposed to be upgraded.</p>	<p>Macroplan's benchmark assessment has determined that there is appropriate existing social infrastructure and facilities within the Shell Cove catchment to meet the demand generated from the proposed additional population.</p>
<p>Additional dwellings will place a strain on surrounding services in the area. There is a lack of consideration for infrastructure.</p>	<p>The overall project comprises development of a 300 berth Boat Harbour, an 18-hole championship golf course, a business park, district retail centres, community facilities and open space networks – Macroplan have determined that these are more than sufficient to accommodate local needs.</p>
<p>We don't have adequate infrastructure such as hospital facilities, public transport and emergency services in the area.</p>	<p>MacroPlan undertook a comprehensive analysis of the precinct, including generating an inventory and subsequent assessment of its existing private and public community infrastructure including parks, schools, and libraries.</p> <p>According to Macroplan's benchmark assessment there is an appropriate social infrastructure and existing facilities including hospital facilities, public transport and emergency services in the defined 10km catchment.</p>
<p>Wollongong Hospital is already running at capacity, adding more residents will only put more stress on the hospital.</p>	<p>There are two hospitals located in the 5 km catchment radius, Shellharbour Hospital (public) and Shellharbour Private hospital.</p> <p>Furthermore, a major upgrade to Shellharbour hospital (\$215m) has been announced by the State Government. This investment is extensive; delivering more operating theatres, a new emergency department and greatly expanded surgical services.</p>

The increase in the population (especially during public holidays and on the weekends) will put stress on infrastructure.	MacroPlan's catchment assessment accounts for the normal demands generated by the current and expected population base of the area. This assessment covers the potential population that could be accommodated by housing stock, and therefore considers the potential occupancy of otherwise vacant holiday homes. It has been determined that infrastructure is sufficient to account for the full occupation of all homes.
Nearest fire service is over 30 minutes away. Aerial appliances are mainly used for high rise firefighting.	<p>Shellharbour Fire Station is under 5 minutes away by car. The fire station has both permanent firefighters and retained firefighters (<i>i.e. not rostered on duty at the station but notified by pager or mobile phone call</i>) employed to respond to emergency incidents in the Shellharbour region, including the nearby Shell Cove.</p> <p>Furthermore, Frasers has indicated that all new apartment and hotel buildings will have sprinkler systems in place.</p>
People choose to live in the area to avoid high stress areas and corresponding impacts on key services and infrastructure. The development is replicating Sydney.	<p>Shell Cove Boat Harbour Precinct has been identified as an ideal opportunity with a very clear objective – to be an integrated mixed-use precinct focused on creating a healthy, sustainable and liveable community.</p> <p>The overall project comprises development of a community with over 3,000 residential dwellings, a 300 berth Boat Harbour, 18-hole championship golf course, district retail centres, community facilities and open space networks.</p> <p>The establishment of a well-positioned mixed-use centre will serve the requirements of the local residents and facilitate employment creation. The mixed-use centre also delivers improved urban, environmental, economic and social outcomes.</p>
There will be an increase in the usage of electricity and have diverse impact on the environment.	Part D Condition 4 of the approved Concept Plan requires that utilities are provided in an appropriate manner and in consultation with the relevant agencies. The Modification does not seek to amend the existing condition.
Ambulance Service of NSW is already inadequate for the region – with the additional population increase, there needs to be more services made available.	<p>An ambulance station is located within the 5km catchment radius and a further station is located within the 10km catchment radius of the site.</p> <p>MacroPlan's benchmark analysis determines that this provision is appropriate.</p>
There should be an increase of the public amenity to offset the loss of green space and vegetation.	According to MacroPlan's benchmark assessment, 8.04 ha of useable open space will need to be set aside in the development site. This should include at

	<p>least one and potentially two local parks that incorporate playground and passive play areas. The remainder can be made up of foreshore, bushwalking or bike riding areas.</p> <p>A total of 8.5 Ha of public open space is proposed to be provided within the Shell Cove Boat Harbour Precinct.</p>
There is no social impact assessment for existing residents of the modification.	MacroPlan's benchmark assessment accounts for the cumulative needs for both incoming and existing residents (and workers).
<b>PLANNING PROCESS</b>	
Frasers and the Council are the only ones benefited from the development – design changes should not be allowed.	The Concept Plan provides a framework for the long term delivery of the strategic intent for Shell Cove. The Proposed Modifications are consistent with and enhance the strategic intent of the Concept Plan and are therefore in the public interest.
No advertising was seen in the Illawarra Mercury on the stated date.	<p>The Section 75W was advertised in the local papers as follows:</p> <ul style="list-style-type: none"> <li>• Illawarra Mercury – 13<sup>th</sup> September 2017;</li> <li>• Wollongong Advertiser – 13<sup>th</sup> September 2017; and</li> <li>• Shoalhaven &amp; Nowra News – 15<sup>th</sup> September 2017.</li> </ul>
Lack of community consultation for the modification. Most people only found out about this modification through social media.	This was a regrettable oversight on our part. The joint developers have subsequently held additional community consultation and will be providing further community consultation sessions in February 2018.
There was not enough notification in terms of the process of the development.	The Modification was exhibited for comment for an additional 3 weeks beyond the minimum statutory period.
There was no community open nights to inform residents of the proposed modification – this only eventuated after several residents who became aware of the modification	This was a regrettable oversight on our part. The joint developers have subsequently held additional community consultation and will be providing further community consultation sessions in February 2018.
The proposal is not an amendment – it's a completely new plan due to the significant increase in height and density levels. This should be assessed under a whole new proposal and impact assessment.	A detailed response to the question of process forms part of the RtS Report.
I cannot find anything on the Dept of Planning NSW website to verify when the modifications from 6 storey hotel to 8-9 storeys was approved.	The 9 storey hotel formed part of the original Concept Plan and has not been subject to a modification.

Many residents, based our decisions to purchase land and build in the area on the 2013 Shell Cove Boat Harbour Concept Plan in good faith. We had to abide by the restrictions applicable to the dwellings under that plan, including the type of materials used, height restrictions and external colour schemes.	All homes within each precinct of the Waterfront will still be required to comply with urban design guidelines regardless of the proposed modification. The urban design guidelines ensure appropriate design outcomes are delivered in each precinct in accordance with the overall project vision.
The minutes from the meetings between the developers and Councillors should be made public.	Meetings are not conducted between Frasers Property Australia and Shellharbour City Councillors and there are therefore no minutes. All dealings between Frasers Property and Council are conducted at Council officer level. Subject to commerciality, documentation in respect of the project can be sought from Council under the framework of the Government Information (Public Access) Act 2009. Council has legal obligations and rights in relation to the supply of information under this Act.
Unsure if the proposal is consistent with the Shellharbour LEP.	In accordance with the EP&A Act, a Concept Plan prevails to the extent of any inconsistency with the LEP. Therefore there is no requirement to be 'consistent' with the Shellharbour LEP. It is noted that the LEP was drafted after the Concept Plan was approved to be consistent with the Concept Plan as approved.
The minister has no statutory power to approve the modification – Hones Lawyers submission	A detailed response to this submission forms part of the RtS Report.
<b>ECOLOGICAL &amp; COASTAL IMPACTS</b>	
Any Environmental Impact Studies were done a long time ago and identified some significant marine life and fauna which were endemic to the cove. The recommendations from these reports were largely ignored. Any additional development of any kind will only speed up and eventually make certain of the loss of these species.	The Department of Planning's assessment of the approved Concept Plan determined that any impacts on the aquatic ecology <i>'can be managed by the implementation of environmental safeguards and the existing framework of the Construction Environmental Management Plan (EMP) and Operational EMP for the approved boat harbour'</i> . The Modification does not seek to change this requirement.
The waterway environment will be negatively affected by the increased pressure caused by the proposed changes. Birdlife, Flora and Fauna in the waterways and surrounding natural areas will be stressed by growth.	See response above. In addition, Frasers have engaged Advisian to undertake an assessment of the Modification's impact on coastal and stormwater quality. An addendum to Advisian's assessment is submitted as <b>Appendix G</b> . The assessment concludes that there will be no increase in nutrient or sediment loads to the waterways.
Overcrowding will have a detrimental impact on the wildlife.	<p>The Myimbarr Wetlands have been constructed by Frasers to compensate for any impact of the development on aquatic and land based flora and fauna and their habitats.</p> <p>The Advisian letter at <b>Appendix G</b> confirms that the Modification will not increase nutrient or sediment loads into the aquatic environment.</p>

There is no provision for the preservation and enjoyment of the natural resources, wetlands and coastal environment.	<p>The Myimbarr Wetlands have been constructed by Frasers to compensate for any impact of the development on aquatic and land based flora and fauna and their habitats.</p> <p>The Modification seeks to amend the approved Concept Plan boundary to include the 'Northern Lands', which are of low environmental value. There are no other boundary amendments proposed. Therefore, the Modification will not erode the provision of natural resources, wetlands or the coastal environment beyond any parameters already determined by the Department to be acceptable.</p>
The construction of the marina and its breakwaters will mean a loss of more than half of South Shellharbour beach.	The marina and breakwaters were approved in 1996 and do not form part of the approved Concept Plan or Modification.
Assessment should be done in terms of the impacts of climate change from the construction design.	Frasers are committed to using the safest, most renewable and responsible materials during the design and construction. The detailed development applications will be assessed against the relevant planning legislation.
There is no assessment of impacts on birds due to the additions to the hotel.	The proposed additional two storeys is unlikely to have any impact on birds.
Where is the wetland that the Shell Harbour Council said would be included in the original plans?	The Myimbarr Wetlands are located adjacent to Myimbarr Fields. This wetland includes 12.4Ha of freshwater wetland and saltmarsh.
Profit is being put before the environment.	The assessment that was undertaken during the preparation of the Concept Application; the Department's assessment and approval of the Concept Plan; and the Modification have been assessed to have acceptable environmental impacts.
Concerns about the removal of the 2011 commitment to conserving the local natural resources coastal environment.	The Modification does not include any proposal to amend the Statement of Commitments as they apply to the coastal environment.
<b>HERITAGE IMPACTS</b>	
Most of the environment has historical significance and any planning should be considerate of that.	Frasers engaged GML Heritage to undertake a non-aboriginal heritage assessment of the Modification (refer <b>Appendix F</b> ). GML concluded that <i>'the changes proposed have similar impacts on the nearby heritage items and conservation area to the approved Concept Plan'</i> .
<b>MISCELLEANEOUS MATTERS</b>	
There has been an increase in rubbish in the local area	Waste management systems will be provided in accordance with the relevant Council and Australian Standards.
There is no light pollution assessment.	A light pollution assessment is not necessary as there are no key observatories



	<p>that require dark sky provisions be maintained in the Illawarra region.</p> <p>Lighting will be provided in accordance with the relevant lux prescribed by Australian Standards.</p>
Increasing the building height to support housing abundance will only compound the issue as there will be an increase in noise from the increase traffic using main thoroughfares, bounded by town homes, particularly along the Promontory Drive.	The CBRK Traffic Review concluded that the Modifications would result in a minor 2% increase in traffic. The increase in noise will be minimal.
The development is not in the public interest. The proposal only seems to reduce the benefit for future users and residents of the area who have already invested into the area.	The Modification is in the public interest as it will increase the opportunity for people to live close to, visit and enjoy a high quality boat harbour and new town centre on the South Coast. The assessments undertaken as part of the Modification proposal demonstrate that the impacts of the Modifications are not significant and are generally consistent with those anticipated by the approved Concept Plan.
Proposed changes seem to be unfair as it is clear the developers are simply thinking about the money.	See above.
The proposed development is not what Frasers and the developers promised.	The EP&A Act allows Concept Approvals to be modified over time. This is important particularly for long term projects where market needs and demands evolve. The Modification is in the public interest as it will increase the opportunity for people to live close to, visit and enjoy a high quality boat harbour and new town centre on the South Coast. The assessments undertaken as part of the Modification proposal demonstrate that the impacts of the Modifications are not significant and are generally consistent with those anticipated by the approved Concept Plan.
Pulling people away from buying in the area due to the area being over developed.	Noted. The Modification provides for increased diversity in housing typologies and provides people more choice.
The increase in people will see an increase in waste – this will also mean more bins in the street which is an issue for garbage collection days.	Waste management systems will be provided in accordance with the relevant Council and Australian Standards.
More information needs to be made available about the proposal. What has been provided is not enough.	Additional information has been provided in response to the submissions received during the public exhibition. The developers will hold additional community consultation events in February 2018.
Inconsistencies between the recommendations of the Social Infrastructure Assessment with the modification Application.	An updated Social Impact Assessment has been submitted as <b>Appendix E</b> .

The development will see an increase in pollution and waste.	Waste management systems will be provided in accordance with the relevant Council and Australian Standards.
Another waste facility is required as there will be longer travel times for waste drivers, which means complete runs additional staff and vehicles will have to be approved.	Waste management systems will be provided in accordance with the relevant Council and Australian Standards.
There is no geotechnical assessments for the additions to the hotel.	Geotechnical assessment will be undertaken as part of the detailed development application.
The overdevelopment will see a rise in property prices.	The Modification proposal is in the planning assessment phase and property prices are not a consideration in this part of the process.
Bring property prices down as the amenity is not at a high standard and the area will be highly congested.	See above.
There is a risk an oversupply will occur and therefore property prices will go down.	See above.
In respect of the proposed Hotel, it is obvious initial requests for expressions of interest have been falling short. The Proponent is therefore seeking to change the current approval in order to make the Hotel site more appealing. However, there is no consideration for those of us who will live in the surrounding area.	The assessment submitted with the Modification demonstrates that the proposed hotel will not create any significant view loss or traffic impacts beyond those considered acceptable by the Department when approving the original Concept Plan.
Has there been an impact assessment for the modification that has included the reduction in tourists / visitors visiting Shellharbour Village and Kiama and business losses that will occur there?	<p>The Department's assessment of the original Concept Plan determined that '<i>the [Boat Harbour Precinct] centre will have a tourism focus and primarily serve the needs of the Shell Cove residents. The Department is satisfied the proposal will not adversely affect the economic viability of Shellharbour village.</i>'</p> <p>Kiama is an established tourist destination and economic centre with unique qualities that are unlikely to be compromised by the development of Shell Cove.</p>
Developers need to worry about surrounding developments before trying to fix this area.	The Modification applies to the land within the approved Concept Plan boundary.
The high-rise hotel does not make financial sense. The effect on the rest of Shellharbour/Shell Cove is disproportional to benefits derived. It is basically an unattractive investment for any hotel operator.	The commerciality of the hotel is not a planning consideration. The Concept Plan approved the land use and the Modification application has demonstrated that the impacts of the additional two storeys are insignificant compared to the approved hotel.
<b>OVERSHADOWING</b>	
The proposal will result in major overshadowing and a decrease in solar access to surrounding sites.	<p>The shadow analysis prepared by Cox Architects demonstrates that:</p> <ul style="list-style-type: none"> <li>The majority of the town centre open space, being the public parkland</li> </ul>

	<p>and foreshore area, will receive solar access between 9am-12pm in mid-winter and all day at the Autumn equinox. The Precinct D Urban Design Guidelines include provisions to protect solar access to the town centre open space, the public parkland and foreshore area.</p> <ul style="list-style-type: none"> <li>• The neighbourhood parks in Precincts A, C and F receive full sun between 9am and 3pm in mid-winter and 21 March;</li> <li>• The majority of the green spine parks between Precincts E, F and G receive full sun between 9am and 3pm in mid-winter and 21st March;</li> <li>• The public waterfront receives good solar between 9am and 3pm in mid-winter and on 21 March; and</li> <li>• The wetlands south of Precinct E receive full solar access between 9am and 3pm in mid-winter as well as on March 21.</li> </ul>
Overshadowing will worsen over the coast/beach.	A shadow analysis has been undertaken by COX within the Design Report ( <b>Appendix C</b> ). There will be no overshadowing impact on Shellharbour South Beach.
The increase in height of the hotel and apartments will create unsightly overshadowing.	The Cox shadow analysis demonstrates that the public open space, public parkland and the foreshore area within the Town Centre and around the harbour foreshore will receive good solar access throughout the year.
<b>OPEN SPACE</b>	
An increase in residents, means there needs to be an increase in open space capacity.	<p>According to MacroPlan's benchmark assessment, 8.04 ha of useable open space will need to be set aside in the development site. This should include at least one and potentially two local parks that incorporate playground and passive play areas. The remainder can be made up of foreshore, bushwalking or bike riding areas.</p> <p>The Shell Cove Boat Harbour Precinct's current and future open space provision will exceed this benchmark.</p>
Public parks will be unkept due to the expected population enhancement.	Public parks will be maintained in accordance with Council's management plans.
Loss of balance between open space and urban development.	MacroPlan have determined that the provision of open space exceeds the amount required to appropriately serve the proposed population.
Precinct C has been allocated some green space but Precinct B with the highest density of	Precinct B has good access to the harbour foreshore and Killalea Park.

residents has been allocated nothing.	
Access to public parks and open space is limited and therefore will not be utilised.	Public parks and open space are located throughout the Boat Harbour Precinct and are within walking distance of all residential precincts.