

**Response to :**

**MP 07 0027 MOD 1 - Modification to Shell Cove Boat Harbour Concept Plan**

**1. Number of Dwellings**

The developer requests an increase of 25% in the number of dwellings while removing the maximum GFA limitation. It is also unclear if this figure includes the proposed residential/serviced apartment component of the hotel complex which would significantly further increase the overall number of dwelling well above 25%.

A 25% (or greater) increase in the housing density is a significant increase with no apparent increase in public space and amenities to cater for the increase in population.

The developer claims that no additional open space provision is required (ref 5.2.5 of S75 Modification Report). However, a significant amount of the claimed “useable public open space” is in fact wetlands and flood-ways which are not generally accessible for use by the public by way of their very designation – a wetland being water filled areas and flood-ways are not safe pedestrian areas. Only the perimeter areas are accessible by footpath.

In addition, this significant increase in dwelling numbers will bring with it a commensurate increase in the number of vehicles in the area – private cars, work vehicles, boats, caravans, trailers, etc. With the more compact design of the dwellings currently being constructed in the shell cove marina precinct, there is reduced storage space within the dwellings. As a result, many dwellings are using the garage as a storage area and parking all vehicles on the street, resulting in addition parking congestion. This issue is already evident in the shell cove area. Adding to this issue is the lack of available storage for boats, caravans and trailers, which can already be seen parked on undeveloped sites and roadways which will add to the parking and access issues in the future.

The developer has provided a Traffic Report which claims the 25% increase in dwelling numbers will result in only a minor 2% increase in traffic in the vicinity. This would seem unrealistic, particularly in an area of high reliance on vehicular based travel due to the very limited availability of public transport services in the area. The Traffic Report also claims that the number of additional car parking spaces required due to the increased number of dwellings is only 14. However, the comparison table excludes residential requirements for overflow parking from all dwellings in the area.

This significant increase in dwelling numbers must be rejected.

**2. Retail/Commercial**

The developer requests to remove the hotel/community development from the retail/commercial sub-clause while retaining the maximum GFA limit to apply only to the retail/commercial component. This will result in a significant increase in the retail/commercial component of the development, again increasing traffic and local congestion of roads.

The proposed modification must include an equivalent reduction in the GFA limit.

### **3. Landmark Hotel**

The developer requests to create a new sub-clause and modify the definition of the landmark hotel of 8 to 9 storeys to a mixed-use landmark (hotel) building of up to 11 storeys with no limit on GFA.

The development application is unclear on whether the developer is planning to build a hotel or a high-rise unit block – the developer appears to request an open book to decide what they build. The rate payers and residents of Shell Cove have a right to clarity – is there to be a hotel or a high-rise unit block. The implications for population density and amenity in the area are significantly different. A private home builder must submit detailed plans of their proposed for approval so it is clear what is to be built, the same principal should apply to this developer.

The developers own web sites states the facility as including a “Boutique Hotel: A future boutique hotel with conferencing facilities and accommodation overlooking the marina”.

The original Major Project Assessment document highlighted concerns over the scale of the proposed hotel :

#### **7.1 Built Form, Urban Design and Landscape**

Concerns were raised by the public about the height of the proposed 9 storey hotel building at the edge of the boat harbour. Due to the undeveloped nature of the site and the relatively low scale of residential development at Shell Cove, a building of that height would be a dominant feature within the landscape. In response to those concerns, the Department's architect/urban designer expert reviewed the hotel design. The expert recommended a slender tower form above a 3-4 storey high podium which will relate well to the centre's urban form, create visual interest, and better define the street and water edges. The Department is satisfied that the revised design will ameliorate the impacts of the original design, and it is reflected in the conditions of approval

The introduction of mixed-use landmark buildings is a concept utilised in more recent times in densely developed major capital cities like Sydney, Brisbane, Melbourne, etc. It is not a principle appropriate to a regional, sea-side development such as Shell Cove.

The Coastal Design Guidelines for NSW includes height limits for buildings in coastal towns of :

#### **“6.Height**

- a) Generally heights of up to four storeys in town centres.
- b) Generally heights of up to two storeys in suburban areas.”

An 8 to 9 storey building is already a major deviation from these guidelines in a generally low, sweeping, open environment.

While the Shell Cove Marina Precinct has it's own plan of management, it is still part of the Shellharbour council area and the Shellharbour Development Control Plan outlines the following limits :

#### **7.6 - Building height**

##### **Advice**

- 7.6.3 This Section illustrates general building heights for the city centre, see Figure 7.5 below. Principal features of this plan are:
  - **a general height limit of 3 storeys**

- b. potential for an extra floor in significant locations and where the urban form of the city may be celebrated
- c. **potential for a landmark building to 6 storeys immediately south of the city square and the civic precinct.**

The hotel component should be retained as a Boutique Hotel in accordance with the original development approval while allowing for minor relocation to suit marina layout.

#### **4. Building Heights (excluding Hotel)**

The developer requests a modification to implement maximum building heights of 6 storeys, in lieu of 4 storeys.

While the Shell Cove Marina Precinct has its own plan of management, it is still part of the Shellharbour council area and the Shellharbour Development Control Plan outlines the following limits :

##### **7.6 - Building height**

###### **Advice**

- 7.6.1 Building heights need to comply with the relevant LEP provisions.
- 7.6.2 Any parapet or parapeted gable needs to be within the LEP height limit unless it can be demonstrated it meets the LEP criteria for an architectural roof feature.
- 7.6.3 This Section illustrates general building heights for the city centre, see Figure 7.5 below. Principal features of this plan are:
  - **a general height limit of 3 storeys**
  - b. potential for an extra floor in significant locations and where the urban form of the city may be celebrated
  - c. **potential for a landmark building to 6 storeys immediately south of the city square and the civic precinct.**

The Coastal Design Guidelines for NSW includes height limits for buildings in coastal towns of :

##### **“6.Height**

- a. Generally heights of up to four storeys in town centres.
- b. Generally heights of up to two storeys in suburban areas.”

The original development approval is in line with these principles.

The significant increase in building heights proposed by the developer are a gross deviation from the above development guidelines.

The proposed increase in building heights, in the vicinity of the marina foreshore, will result in greater over-shadowing and over-towering of the marina foreshore areas.

In conclusion, the current residents of the Shell Cove marina vicinity have purchased their properties throughout the life of the project to date, based on the plans and commitments provided by the developer over many years, including the model of the development located at the sales office. Prospective purchasers have used this information to assess the likely traffic issues and crowding issues in the area along with the views from the property which has a significant impact on the property value, 'values' the developer has consistently used in sales promotions.

An increase in the allowable height of the Hotel/High Rise Unit Block up to 11 storeys and a 50% increase in the height of the apartment buildings directly adjacent to the marina is inconsistent with the visual amenity of the area and disregard both NSW and Local Council design guidelines.

The developer has provided little additional or new information in support of the proposed changes as much of the supporting information was available at the time of the original approval. The proposed modifications significantly water down the limits and controls on the developer and are supported mainly by revised "comfort statements".

The proposed modifications as submitted should therefore be rejected.