

Shell Cove – Response to Public Submissions

Table 1 – Issues Raised

Key Issues Raised	Consultant to Action
TRAFFIC, TRANSPORT, ROADS, CAR PARKING AND PEDESTRIAN ACCESS	
Traffic	
To increase the number of dwellings from 1238 to 1556 (25%) and then conclude that the traffic within The Waterfront will only increase by 2% does not sound like a reasonable assumption.	<p>The increase in traffic generation has been assessed by an expert traffic consultant, Colston Budd Rogers and Kafes Pty Ltd (CBRK) with the assumptions and assessment reviewed and agreed with the RMS. The minor increase in traffic generation is a result of the following:</p> <ul style="list-style-type: none"> • The primary source of traffic generation will be the non-residential uses; • Traffic generated by the residential component represented only 16% of total traffic generation within the Boat Harbour precinct; and • The applicable RMS traffic generation rates for residential development are currently 8% to 20% lower than the RMS traffic generation rates used to calculate the traffic generation in the assessment submitted with the Concept Approval.
The current traffic review by Colston Budd Rogers & Kafes Pty is inadequate and unacceptable for a development of this magnitude.	The traffic assessment prepared by CBRK assesses the impacts of the changes from the approved Concept Plan and as such is supported by the further detailed traffic modelling undertaken with the 2011 approved Concept Plan. We note that the RMS confirmed, in an email dated 28 th March 2018, that the traffic report was satisfactory and that they raised no objection to the modification in principle. On this basis, the traffic analysis undertaken to date is complete.
Parking	
Existing dwellings are using the garage as a storage area and parking all vehicles on the street, resulting in addition parking congestion.	<p>The current and future car parking rates implemented in the Shell Cove Boat Harbour Precinct are generally in accordance with the Council's DCP rates. The parking rates are included in the relevant Urban Design Guidelines which are endorsed by Council.</p> <p>Council are responsible for the management of on-street parking.</p>

The proponent states that residential parking will be provided in accordance with Council's DCP rates. The problem with this is that current rates are too low and are NOT relevant to the type of development and dwellings being constructed at The Waterfront.	The appropriateness of the Council's parking rates is not a matter for consideration.
The parking requirements are totally inadequate and must be raised to reflect the actual car ownership of the local demographic.	The current and future car parking rates implemented in the Shell Cove Boat Harbour Precinct are generally in accordance with the Council's DCP rates. The parking rates are included in the relevant Urban Design Guidelines which are endorsed by Council.
Public Transport	
I believe that modifications should include the requirement for appropriate provision of bus access, within 400m walking distance of all dwellings, to each precinct as it is completed, not when the whole project is complete.	<p>The 2012 Concept Plan Approval addresses public transport with bus services in accordance with the Ministry for Transport Service Planning Guideline. The current proposed modification to the Concept Plan does not seek to modify these requirements.</p> <p>The approved Concept Plan notes that refinement of the proposed public transport network will be undertaken with the next phases of design development and this work is occurring with current design development. The Precinct D Urban Design Guidelines (endorsed by Council) include the requirement to provide public bus circulation consistent with Figure 17 in the UDG. DA 12/2016 for the first stage of the retail in the town centre (supermarket and specialty stores), was approved by the Southern Joint Regional Planning Panel (10 July 2017) and includes the design and construction of the bus stop in the location illustrated in Figure 17. The bus route was agreed in principle by the local bus company Premier Illawarra during the assessment of DA 12/2016. The bus route was contemplated by Council during the assessment of the DA for the town centre roads (DA 143/2016). The town centre roads DA has been approved.</p> <p>It is likely that the bus route will begin operating once the population is sufficient to make it viable. The first approved bus stop is located in the centre of the town and is within reasonable walking distance of the surrounding residential precincts.</p>
Road Infrastructure, access and safety	
Regarding infrastructure, the streets throughout the marina precincts have been built for the current approved plans and any increased densification will induce additional parking and traffic problems.	<p>RMS has reviewed the proposed modification plan and advised that they have no issues with the proposed traffic generation.</p> <p>Parking analysis has been undertaken to determine the requirement for each proposed land use.</p>

	<p>On-site residential and public parking will be provided in accordance with the provisions of the relevant Urban Design Guidelines. The UDGs must be endorsed by Council prior to their implementation.</p> <p>On-street parking is managed by Council.</p>
HEIGHT AND DENSITY	
Removing the maximum 150,000 sq m residential GFA limit has the potential to give Frasers a free reign on the number of dwellings that can be built including their type.	The Concept Plan, as proposed to be modified, would still be limited by the maximum dwelling cap of 1,556 dwellings across the Shell Cove Boat Harbour Precinct.
Increasing the maximum number of dwellings from 1238 to 1566 will lead to a greater number of medium and high density dwellings.	The original modification report, the first RTS and this RTS have assessed and concluded that the proposed increase in maximum dwelling numbers and type of dwelling will not have an adverse impact on the environment or the surrounding residential neighbourhoods.
Increasing the heights of dwellings will increase the percentage of daily shade.	Future detailed development applications will be required to demonstrate how they maintain direct solar access to the surrounding public and private spaces in accordance with the relevant planning assessment criteria.
<p>The Coastal Design Guidelines for NSW includes height limits for buildings in coastal towns of :</p> <ul style="list-style-type: none"> a. Generally heights of up to four storeys in town centres. b. Generally heights of up to two storeys in suburban areas. 	The Coastal Design Guidelines for NSW were adopted in 2003. They are now 15 years old and do not acknowledge demographic change, population growth, coastal development patterns, and the housing demand that have occurred over time. Notwithstanding, the Concept Approval and the proposed modifications are consistent with the principle of locating higher buildings in the town centre and lower buildings in the surrounding area.
The expansion of the apartment buildings beyond the approved 4 levels should not be approved. Other parts of Shellharbour are being developed with apartment style buildings and this expansion will cater for controlled population growth.	The additional height and residential density will create greater housing diversity in a high amenity waterfront location. The proposed increase is facilitated by seeking increases in height (of up to 2 storeys) in appropriate locations where good views and amenity is available without adversely impacting the amenity of the public domain.
Expansion of the hotel in precinct E beyond the approved 9 stories should not be approved, the hotel will still be a prominent landmark at 9 story's.	The potential impacts (visual, traffic, overshadowing) of the proposed increase in height have been analysed in the original modification application and the first RTS. The analysis demonstrates that any impacts of the proposed 2 storey height increase are reasonable and will not have an adverse impact on the surrounding area (refer to Section 2.7 of the original RTS; dated 7 th February 2018 and Section 5 of the Visual Impact Assessment prepared by Richard Lamb

and Associates).

VISUAL IMPACT & VIEW LOSS

The block-model photomontages depicting the Concept Approval of 2011 are not applicable and misleading. They do not depict what was approved by the DPE, therefore their comparison to the 75W application block-model photomontages is not applicable, therefore rendering the view comparison arguments and conclusions of the report irrelevant.

The Concept Approval included plans outlining indicative land use, height (in storeys) and dwellings numbers. The Concept Approval documentation also included indicative perspectives, plans and sections for the potential future built form in the town centre and the surrounding precincts.

The block-model photomontages depicting the current Concept Approval and the proposed modifications were constructed in a manner that enables accurate comparisons to be made. The model construction process is described below.

- A civil mesh drawing indicating the final ground levels across the Concept Approval site was prepared by Arcadis Design & Consultancy.
- The civil mesh drawing was combined with the site survey plan to create a 3D topographical representation of the Concept Approval site.
- The indicative Concept Plan building layouts for both the 2011 approval and the proposed modifications were added to the 3D model and extruded up from a base datum to intersect with the final ground levels. This created a 3D 'mesh' of the Concept Plan site area.
- Each indicative building envelope was then extruded upward by a fixed number of metres:
 - The indicative building envelopes illustrated in the 2011 approval documentation were extruded upwards by 4 metres floor to floor ground floor commercial and 3.1 metres floor to floor for residential storeys;
 - The indicative building envelopes illustrated in proposed modifications were extruded upwards by the fixed number of metres set out in the "Height Plan" within the Revised Concept Plan Design Report (**Appendix C**).
- The final envelope height of each individual envelope followed the proposed final ground levels, with each corner of the proposed indicative envelope the same number of metres above its footprints intersection with the ground level.

	<ul style="list-style-type: none"> This process was followed for each indicative building envelope. <p>The indicative envelopes produced do not represent a final building shape or form, merely the envelope in to which any future building form must fit.</p> <p>It is noted that the Visual Impact Assessment considers greater heights than those proposed in parts of the Design Report; and still determines the impact to be negligible and acceptable.</p>
The Concept Approval of 2011 only approved building heights in Storeys and did not specify heights in metres. The height of a storey in metres is subjective. Building heights specified in metres are required to produce a block-model photomontage.	Refer to the explanation above.
The height of buildings “approved” in 2011 is exaggerated to support The Modifications	The indicative building envelopes approved in 2011 are reflected accurately by the photomontages submitted with the VIA. This is explained in detail at Section 4 of the VIA.
The proposed modified Hotel will be a significant ‘Eyesore’ immediately in front of our home, and will greatly reduce the value of our property.	The proposed hotel is located within the future town centre and is not in the immediate vicinity of any existing dwellings. The Visual Impact Assessment submitted with the first RTS demonstrates that the visual impacts of the hotel from key public and private vantage points are relatively minor.
The RLA report completely ignores the significance of the visual catchment to the south of the site. Our property is almost immediately to the south of the site, and the visual impact of the development greatly affects a number of properties in Mystics Drive, Makaha Way and Shallows Drive, Shell Cove. This should be addressed again by RLA.	<p>The Visual Impact Assessment submitted with the first RTS considers the view sharing impacts from 26 Mystics Drive. The VIA concluded that:</p> <p><i>“In our opinion in each of the three private domain views inspected, the proposed development will take away a small additional horizontal section of view. In the case of 26 Mystics Drive, this is predominantly part of a district view of the outskirts of Shellharbour. In each view, part of the view composition that is occupied by an undifferentiated view of water is lost. The additional horizontal section of views lost are caused by one or two additional residential storeys of height. The relocation of the tower form of the hotel to the north and its re-orientation make it appear slimmer and the amount of view lost horizontally is less in the section 75W application than in the Concept Approval. The increased height of some approved building envelopes where they have an additional effect, will block views to a minimal additional horizontal section of undifferentiated areas of ocean.</i></p> <p><i>The compositional elements that are blocked by the approved hotel in the Concept Approval are similar to those that will be blocked if it is moved to the proposed location. The additional view blocking effects caused by the increased</i></p>

	<p><i>height sought for the hotel on private domain views will be areas of open sky. We do not consider that to constitute view loss in Tenacity terms.</i></p> <p><i>Therefore, in our opinion although the proposed development will take away views of an item (water) that is identified as more valued than land in Step 1 of Tenacity, that is not the end of it. The principle also states in relation to water views that whole views are more valued (ie where the land-water interface is visible). The land-water interface is not lost to view to any greater extent in the section 75W application. In addition, the whole view as a composition of horizontal water expanse, horizon of water, etc. is not negatively affected by the section 75W application compared to the Concept Approval. The same whole view of ocean horizon is retained.</i></p> <p><i>The water lost is simply part of a narrow, horizontal band, undifferentiated from other areas of the same feature and the horizon formed by it is retained above the built form proposed to the same extent in the section 75W application as in the Concept Approval.</i></p> <p><i>In our opinion, the visual impacts of the section 75W application are not substantively different from the Concept Approval and further that the planning principle in Tenacity has no work to do, as the threshold for proceeding past Step 1 is not met and therefore the application of the Tenacity principle is not required.”</i></p>
There is a significant quantitative increase in view loss from our home, of the ocean in front of Perkins Beach.	Refer to the response above. The VIA determined that: <i>“the visual impacts of the section 75W application are not substantively different from the Concept Approval”</i>
Any increase in view loss is significant.	Refer above.
The north-south spread of 6 and 5 storey buildings across most of The Modifications has created a virtual wall that maximises view loss for the maximum of residents leaving only minor view corridors.	Refer above.
INADEQUATE ASSESSMENT	
The impact of blast vibration from the nearby quarry on the new upper levels of the hotel?	The proposed modifications do not alter the DPE's original assessment and recommendations.
The re-engineered foundations to support the new hotel height?	This will be addressed through future Development Application and Construction Certificate.
The reflected visual impacts from the added height level of the hotel on residents?	The reflectivity levels of the glazing on the future hotel building will be assessed and conditioned as part of the hotel's development assessment and

	determination.
The additional acid sulfates created during the added construction requirements of the added buildings and levels?	The proposed modifications do not alter the DPE's original assessment and recommendations. Additionally, The northern lands are not identified as being located on acid sulfate soils under the Shellharbour LEP.
The potential for 'whistling noise" from wind as it passes around the added levels of the hotel and the impact on residents?	The detailed design of the hotel will determine whether there is any requirement for a wind / noise report.
The additional acid sulfates created during the added construction requirements of the added buildings and levels?	The proposed modifications do not alter the Department of Planning and Environments original assessment and recommendations in regards to acid sulphate soils.
Ability of emergency services to deal with a fire etc at the added height of the hotel or spread through the high density housing?	The future development applications will be required to address fire safety.
The impact of the local sea birds and migratory birds?	The proposed modifications do not alter the DPE's original assessment into the ecological impacts of the development.
Shading effects on efficiency of solar cells on nearby residents? How are they going to compensate the owners for additional power costs?	The additional height and density has been located in areas with the least impact on surrounding residential sites.
Storm water runoff from the extra homes and drains etc?	<p>A Stormwater Quality Assessment was submitted with the original modification application. It concluded that:</p> <p><i>"Stormwater quality modelling results have determined that the post-evelopment pollutant loads (with treatment) will be less than the pre-development loads, and the pollutant percentage reduction targets will be met when considering the post-development loads with and without treatment."</i></p> <p>The application has considered the impact of the additional dwellings on stormwater management.</p>
Sewerage treatment by the increase of people in the area?	Fraser's are committed to working with Sydney Water to ensure that the lead in infrastructure is delivered in order to cater for the proposed maximum number of dwellings.
The solastalgia effect on existing residents?	The environmental impacts of the proposed modification will have minimal impact beyond those considered as part of the Concept Plan Approval.
The potential impact of a 1 in 500 year storm, or an earthquake or even a tsunami?	The proposed modification does not increase the risk of a potential storm,

	earthquake or tsunami beyond those considered as part of the Concept Plan Approval.
The impact of the added accommodation to the existing tourism providers including hotels, holiday parks, holiday home rentals and air bnb accommodation?	The increased accommodation is proposed to be for the purposes of permanent accommodation. It will cater for the increasing population in the Shellharbour LGA and Illawarra region as a whole.
A detailed assessment of traffic that includes the impact of the high density residents parking on the narrow roads?	A Traffic Report was prepared by CBRK and lodged with the Section 75W Modification Application. We note that the RMS confirmed, in an email dated 28 th March 2018, that the traffic report was satisfactory and that they raised no objection to the modification in principle. As shown within the RtS response letter attached to this response, the road widths within the Boat Harbour Precinct remain largely unchanged from the approved Concept Plan. Additional roads have been provided adjoining areas of medium density development.
The developers background of corruption or donations?	A political donations disclosure statement was signed by Frasers on lodgement of the Section 75W Modification Application.
SOCIAL INFRASTRUCTURE	
The level of resources that both the Fire and Ambulance services have is insufficient for the already approved development let alone an additional increase in dwellings.	Macroplan's benchmarking provision for emergency services is acceptable and is based on Government data. The detailed development of the future buildings will include compliance with the relevant fire safety standards which will minimise risk of fire spreading.
Shellharbour FRNSW utilise a tanker that is primarily used for bush and scrub fire fighting. The pump on this appliance does not have sufficient capacity to be an asset in structure fire fighting.	The technical process of high-rise fire fighting or the inclusion of sprinkler booster systems is not a matter for consideration at the concept planning stage.
Frasers have stated that all residential flat buildings will include fire sprinklers. As no plans have been formally submitted there is no way of knowing whether the buildings will be all sprinklered or not. The Building Code of Australia (BCA) section E1.5 (from memory) outlines when sprinkler systems are mandatory. It states that buildings with an effective height of greater than 25m must be sprinklered. This means buildings of eight story's and less do not have to be sprinklered.	The fire safety requirements of the residential flat buildings will be designed in accordance with the relevant Australian Standards.
I cannot find any response to the increase in school population.	According to MacroPlan's assessment, based on annual reports from existing schools in the study/catchment area, there is spare capacity for circa 1,400 high school students (senior school) across the catchment area. This estimate is explained in the Table 2 below.

No increase in public open space, remaining at 8.5 ha, despite the proposed significant increase in resident numbers.	MacroPlan identify that 8.04 ha of open space must be provided for the proposed modified development. 8.5ha is proposed to be provided which is 4,600sqm above the minimum requirement.
There will be no contractual obligation on Frasers or the local council to fund the additional police, emergency and medical services to support the population increase.	The project delivery will entail further consultation with and feedback from the various government agencies to ensure an appropriate provision of services for the project.
The original report noted there may be an inadequate supply of ambulance and police services within the catchment area and this has not changed, with inaccurate reporting to be found within the latest report as to the increases related to all current levels of community infrastructure, particularly fire, ambulance and police services.	Macroplan's benchmarking provision for emergency services is acceptable and is based on Government data.
ACOUSTIC MOUND	
In doing so, then require that the dwellings be forced to keep windows closed and rely on mechanical ventilation and air conditioning in lieu of natural ventilation from the prevailing sea breeze. This goes against all good environmental design principles and increases ongoing cost to the community.	The single row of dwellings adjoining the acoustic wall will be oriented towards Road 28. Therefore, the backyards of these dwellings will be deep enough to facilitate suitable solar access and cross-ventilation.
The developer also proposes "Acoustic walls of height 7 metres above the hard stand of the boat maintenance facility and dry boat stacking be erected". This would give a "fortress" type appearance to the area.	<p>The visual impacts of the proposed acoustic wall are considered to be acceptable at a conceptual level for the following reasons:</p> <ul style="list-style-type: none"> • The wall is proposed to be approximately 7m high, which is significantly lower than the 4 storey maximum height (i.e. 12m - 16m) currently permissible on the boat storage land under the Concept Approval. • As outlined above, the southern residential lots are deeper than average and provide a 12m separation from the acoustic wall. The proposed separation distance will mitigate any sense of enclosure created by the wall. • Proposed landscaping measures and material treatments can be included at the detailed design stage to address any perceived visual impacts.
CHANGING CHARACTER	
The over development of the Shell Cove Marina project will take away from the attraction of the marina and I believe the over development will have a negative impact on overall tourism.	It is considered that the proposed modifications will facilitate an opportunity to create a unique community focus where tourism, recreation and leisure activities can support a broad and diverse range of employment opportunities.

It is concerning that there is a proposed reduction of active street frontages and pedestrian walkways.	<p>The concept approval contemplates up to 1.2km of active street frontages / pedestrian walkways within the town centre along Main Street, Road B and the waterfront promenade. This amount of active frontage is excessive, unnecessary and undesirable in the Shell Cove context. By comparison, Sydney CBD locations: Pitt Street Mall (200m), King Street Wharf (300m) and Cockle Bay (150m) accommodate less street frontage activity areas and are in a significantly denser population catchment. Maintaining the concept approval town centre structure is likely to result in an underutilised and dispersed town centre that is unattractive to tenants and residents.</p> <p>The proposed modifications maintain existing harbour foreshore walkways and increase permeability by providing additional laneways.</p>
NOTIFICATION PERIOD	
The 14 days notification period to make a submission is inadequate.	The Section 75W Modification was re-exhibited for a period of 14 days in accordance with the requirements of the Department of Planning and Environment.
CHANGING RULES	
It's unfair to change the planning rules after people have bought into a community; it's even more unfair for the people who will live in these apartments.	The proposed modifications are permissible with consent under the provisions of the <i>Environmental Planning & Assessment Act 1979</i> . The proposed modifications have been subject to two public exhibition periods and will be determined by the Independent Planning Commission. It is not uncommon for a development of the scale proposed at Shell Cove to evolve over time as the population and housing needs change.

Table 2 – School Enrolment Status and Total Capacity (2016)

	No. of students enrolled	No. of Classroom teachers	Total Capacity**	Gap Assessment (surplus/shortage)
Lake Illawarra High School	600	33	660	60
Oak Flats High School	800	44	880	80
Warilla High School	1,101	63	1,260	159
Albion Park High School	767	41	820	53
Kiama High School	1,048	53	1,060	12
Shellharbour Anglican College	719	53	1,060	341
Illawarra Christian School	273	26	520	247
Corpus Christi Catholic High School	984	70	1,400	416

Source:

- Source: MacroPlan (2017), Various annual reports from high schools (2016)
- ** assuming 20:1 student/teacher ratio.