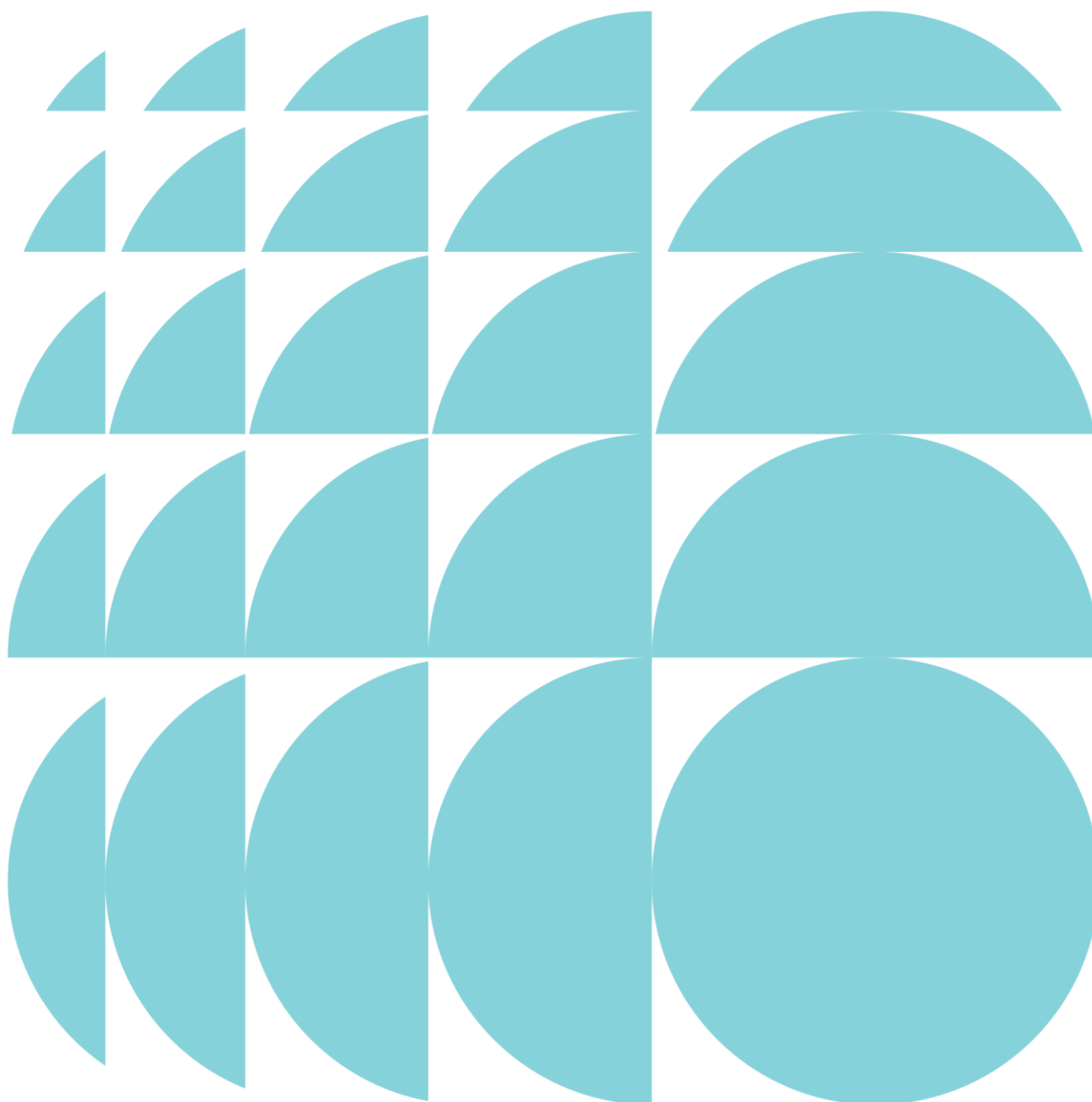


Response to Submissions

Boollwarroo Parade, Shell Cove
Section 75W Modification Application

Submitted to Department of Planning and
Environment
On behalf of Frasers Property Australia

31 May 2018 | 16075



CONTACT

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1.0 Introduction

1.1 Purpose of this Report

This Response to Submissions (RTS) Report has been submitted on behalf of the proponent Frasers Property Australia (Frasers), in relation to the proposed Concept Plan Modification MP 07_0027 (MOD 1) for the Shell Cove Boat Harbour Precinct.

The Environmental Assessment Report (EAR) for MOD 1 was publicly exhibited between the 15th September 2017 and the 20th October 2017. In total, 6 agency submissions and 207 public submissions were received during the exhibition period and one submission was received after the exhibition period. The Department of Planning and Environment (the Department) requested additional information on the 27th November 2017. A Response to Submissions package was submitted to the Department and then publicly exhibited between 13th March 2017 and the 27th March 2018. In total, 7 agency submissions (including the Department), and 12 public submissions were received during the second exhibition period.

Pursuant to clause 85A of the EP&A Regulation, the Department has requested additional information as well as a written response to the issues raised in the submissions.

Frasers and its specialist consultant team have reviewed and considered the Department's comments, the agency and Council's submissions, and the public submissions. This RTS Report has been prepared to respond to the issues raised by the Department and the submissions. Each of the submissions received has been collated, analysed and addressed, and this package provides a consolidated response to the public submissions and the Department's requests for information.

This RTS Report should be read in conjunction with the EAR (and appendices) prepared by Ethos Urban dated December 2017, the Response to Submissions (and appendices) prepared by Ethos Urban dated February 2018, and the Revised Concept Plan Design Report and other supporting documentation appended to this report.

1.2 Amendments to the Proposed Modifications

Based on the assessment undertaken as part of this second RTS, the exhibited EAR (and appendices) and the first RTS (and appendices) there are limited environmental impacts beyond those originally assessed and determined to be acceptable in the EAR. As such, no significant material changes are proposed. The proposed amendments to the modifications exhibited between 13th March and 27th March are summarised below:

- It is proposed to include a building height definition in the Concept Approval. This is discussed further at **Section 2.1** below;
- The building height in metres for two storey + attic houses in Precincts A, B1, C1, G and H is proposed to be reduced from 11m to 10.5m. This is discussed further at **Section 2.1.2** below.
- It is proposed to update the "Housing Typologies Plan" in the Revised Concept Plan Design Report to include townhouses as an additional potential building typology in Precincts B2, C2, D, F and G in the locations where only apartments were previously proposed. This is discussed further at **Section 2.4** below; and
- It is proposed to update the "Street Network Plan" in the Revised Concept Plan Design Report to reflect design development that has occurred during the modification assessment process. This is discussed further at **Section 2.4** below.

2.0 Issues Summary and Proponent's Response

In total, 7 agency submissions (including the Department), and 12 public submissions were received in response to the public exhibition of the second RTS. Specifically, this encompassed:

- 12 submissions from the public; and
- Seven (7) submissions from public authorities, including:
 - Department of Planning and Environment;
 - Shellharbour City Council (the Council);
 - Sydney Water
 - NSW Environmental Protection Authority (EPA);
 - Office of Environment and Heritage NSW (as delegate of the Heritage Council);
 - Roads and Maritime Services;
 - Department of Primary Industries (Land & Water).

A number of these submissions confirmed that the relevant agencies or authority had no further comment on the application, or simply provided guidance on recommended conditions. These included the submissions from the RMS and the EPA.

A detailed summary of each submission, and responses to all the issues raised in each submission are provided in **Appendix A** for agencies and Council, and **Appendix B** for public submissions.

The issues summarised below specifically respond to the additional information requested by the Department. The additional information provided in response to the Department's issues below has also been prepared to ensure that the key issues raised in other submissions have also been addressed where relevant

2.1 Maximum Building Heights in Metres

The Department considers that:

“there is scope to reduce the maximum building heights across the site while still achieving the same number of proposed storeys. Consideration should, therefore, be given to reducing the maximum heights particularly for:

- *the four storey/16m apartments in Precincts E, F and G*
- *the two storey + attic/11m houses in Precincts A, B1, C1 G and H*
- *the three storey/12m townhouses in Precinct E, F, G, H*
- *clarification regarding the potential community use in Precinct D requiring the two storey/15m height and mixed-use land use in Precinct D with the two storey/12 height.”*

The Council also raised concerns regarding the potential discrepancies between the proposed maximum height in storeys and the proposed maximum height in metres in certain locations, but subsequently clarified that their comment related to a lack of definition as to what constituted building height (refer attached email correspondence). The following subsections discuss the maximum building height in metres for the building types identified above by the Department.

To assist with the future assessment and determination of detailed development applications, it is proposed that the following building height definition is included under 'Definitions' in the Concept Approval:

Building height in metres means:

“(a) in relation to the height of a building in metres—the vertical distance from ground level (finished) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

Note – ground level (finished) means “the ground level indicated on the plans approved under the relevant subdivision development approval.”

The proposed definition is generally consistent with the definition contained in the Shellharbour Local Environmental Plan 2013 (the LEP). Ground level (existing) has been replaced with ground level (finished) in the definition to allow for changes in level resulting from earthworks to accommodate civil infrastructure requirements and to prepare the lots for construction.

2.1.1 Four storey / 16m apartments in Precincts E, F and G

Frasers have reviewed the 16m building height limit and wish to maintain the 16m maximum height limit for the proposed four storey apartment buildings in Precincts E, F and G. The rationale for this is outlined in the table and discussion below.

Table 1 Four storey apartment – rationale for building height in metres

Element	Allowance	Comments
Basement	1.5m	Allowance has been made for minor basement protrusions above the ground level where conditions require (i.e. site slope).
Floor to floor	3.1m (x4)	Allowance has been made to accommodate 2.7m floor to ceiling heights as required by the Apartment Design Guide.
Roof structure	2m	Allowance has been made for plant and lift overruns
Total	16	The actual total height is 15.9m. For simplicity, the maximum height has been rounded up to the nearest whole number.

The application of the building height rationale is illustrated in the reference section provided as **Figure 1** below. The section is provided for reference only and does not form part of the modification application. The drawing illustrates a section of the proposed four storey apartment building in Precinct E, and demonstrates how the future four storey building relates to the 16m maximum building height in metres. The reference design provides a 12.4m height from the finished floor level of the ground floor apartment to the underside of the ceiling of the top floor apartment. When the basement (half-in/half-out), roof structure and plant and slope on the site are accommodated the height of the building is close to 16m.

Therefore, the proposed 16m maximum building height in metres limit is considered reasonable and appropriate.

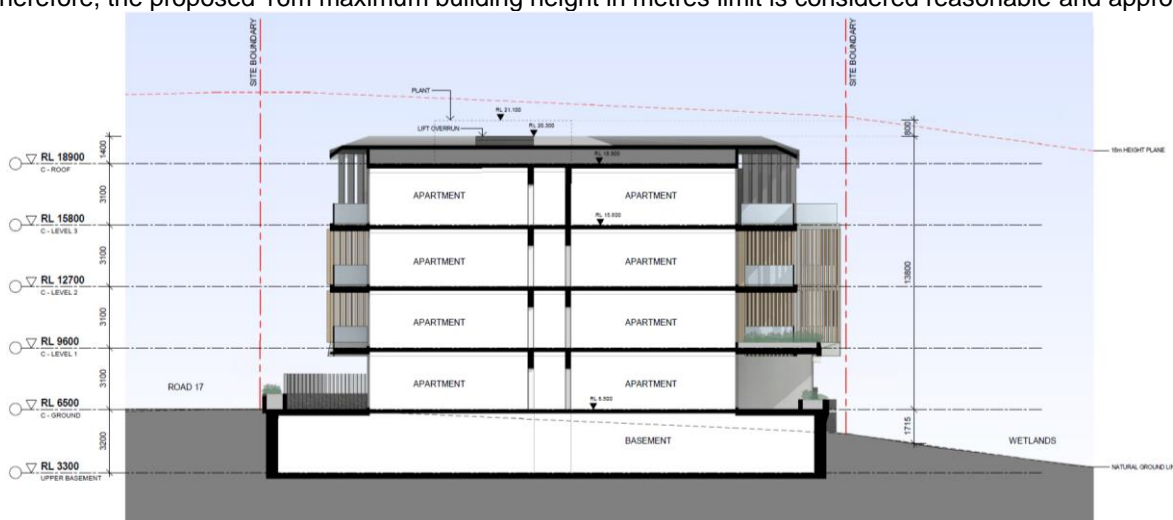


Figure 1 Precinct E - Indicative Section

Source: WMK Architects

2.1.2 Two storey + attic / 11m houses in Precincts A, B1, C1, G and H

Frasers have reviewed the building height in metres and propose to reduce the height to 10.5m. An indicative section of a two storey + attic house is provided as **Figure 2**. It demonstrates how the building relates to the maximum height in metres control after allowance is made for site slope etc.

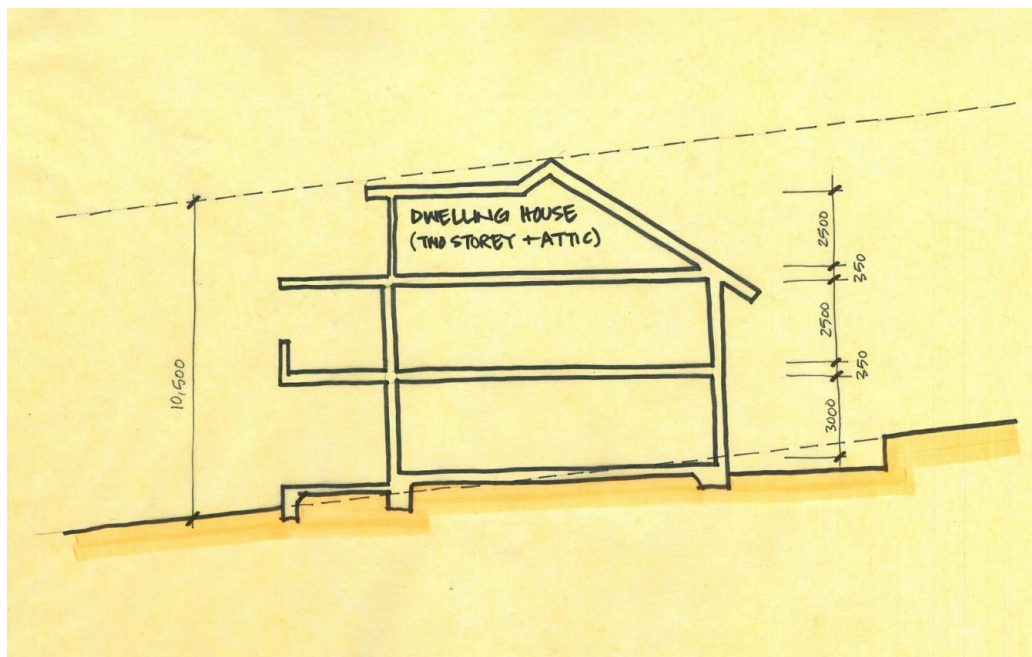


Figure 2 Indicative Section – 2 storey + attic dwelling

Source: Frasers Property Australia

2.1.3 Three storey / 12m townhouses in Precinct E, F, G and H

Frasers have reviewed the 12m building height limit and wish to maintain the 12m maximum height limit for the proposed three storey townhouses in Precincts E, F, G and H. The proposed 12m maximum height limit is generally consistent with the current LEP height in metres control for the approximate townhouse locations in Precincts E, F, G and H (refer to **Figures 3** and **4** below). **Figure 5** further below is an indicative section which demonstrates how the proposed three storey townhouses (including pitched roof) will relate to the 12m height limit.

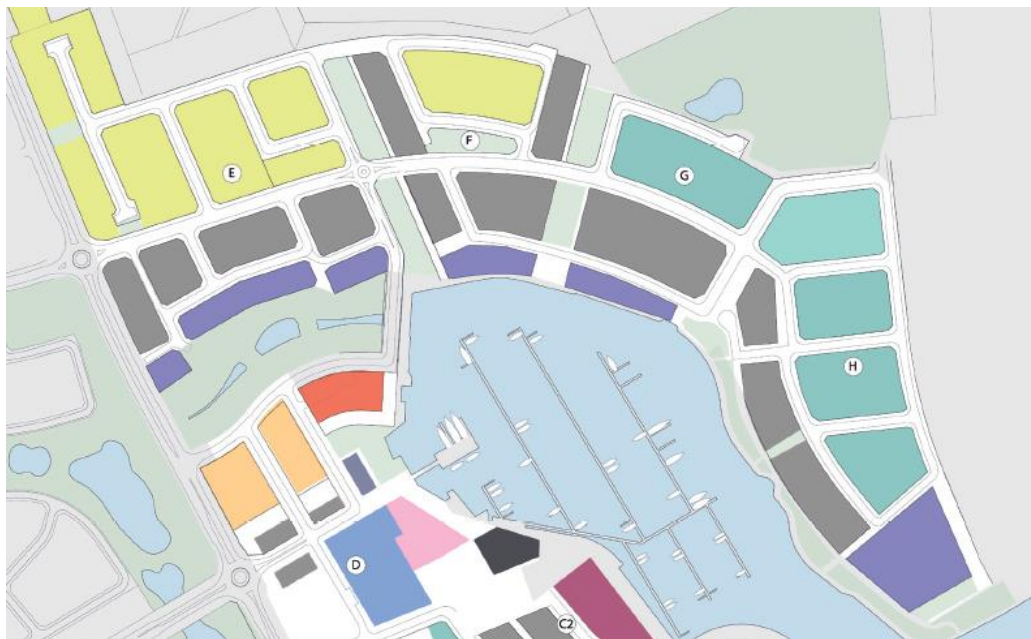


Figure 3 Proposed maximum height plan – 12m three storey townhouse locations in Precincts E, F, G and H are shaded grey.

Source: Revised Concept Plan Urban Design Report (Cox Architecture)



Figure 4 Height of Buildings Map (green – 9m; yellow (M) – 12m; beige (O) – 15m & light brown (P) – 18m)

Source: Shellharbour Local Environmental Plan 2013

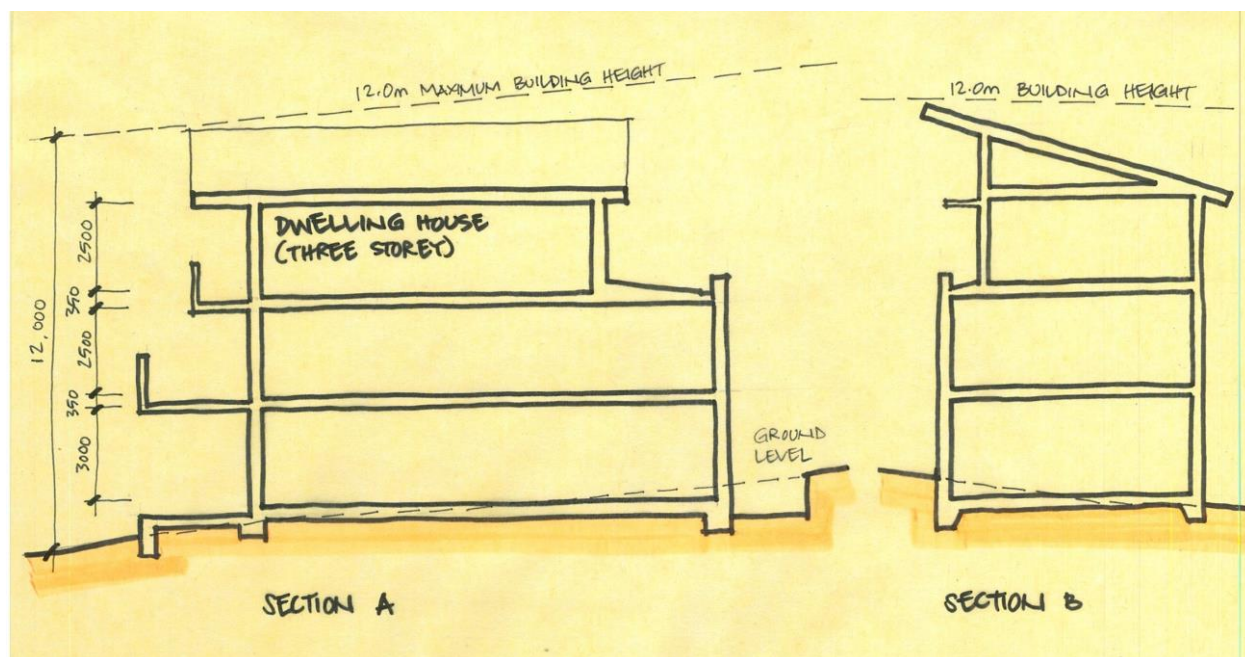


Figure 5 Indicative Section – 3 storey townhouse

Source: Frasers Property Australia

2.1.4 Precinct D – Community use two storey/15m height and mixed-use two storey/12m height

Frasers have reviewed the height in storeys and metres for the proposed community use building in Precinct D and have identified an error in the “Height Plan” within the Revised Concept Plan Report submitted with the previous RTS. The height in storeys should be three storeys. The maximum 15m height in metres is based on three storeys with a proposed floor to floor height per storey of 3.7m, and allowance for site slope, roof structure and lift overrun.

The mixed use two storey / 12m height building is on the site of the proposed tavern. Council are currently assessing a development application for the tavern (DA 0005/2018). The DA proposes a single storey building with a maximum height of 7.1m. The height in metres and storeys proposed as part of the modification application allows for future flexibility to add an additional storey, as such Frasers wish to maintain the building height in metres at 12m.

2.1.5 Summary

To be clear, it is not Frasers’ intention to seek approval for additional storeys beyond those proposed in the concept plan modification application as part of any future development application. The maximum building heights in metres have been provided in response to the Department’s previous request for further information. They are intended to be used in conjunction with the height in storeys control. Any future development proposal that sought additional storeys above the number proposed by the Concept Plan is unlikely to be considered consistent with the concept plan.

The Department and Council can be comfortable that the proposed maximum building heights in metres for each building type have been derived in a rational manner to correspond to the maximum building heights in storeys, and will not enable additional storeys to be proposed or approved under future detailed development applications.

2.2 Residential Lot Layout adjacent to the Boat Storage Lot

The Department requests that:

“Further consideration be given to the residential layout next to the boat storage lot. The current layout compromises the level of solar access to the adjoining properties during mid-winter as a result of overshadowing from the proposed acoustic wall. An alternative layout should be considered to minimise amenity impacts on future residential properties.”

Frasers have reviewed the proposed residential layout with regard to the Department’s comment, and wish to maintain the residential layout as proposed. The proposed layout is considered to be reasonable for the following reasons:

- The Precinct A Urban Design Guidelines for Detached Housing apply to the residential lots adjacent to the boat storage lot. The UDGs require:
 - Deeper lots adjoining the boat maintenance facility to minimise the impact of overshadowing throughout the year (refer to **Figure 6** below);
 - All detached housing lots to provide a minimum of 24m² principal private open space; with a requirement to provide direct solar access to 50% of the private open space for a minimum of 2 hours in mid-winter. The deep lots proposed next to the boat storage lot enable direct solar access to a minimum of 26m² of the private open space adjoining the dwelling for 2 hours in mid-winter, and to a minimum of 156m² of the private open space on December 22. This exceeds the minimum solar access requirements for a standard detached dwelling lot in Precinct A.

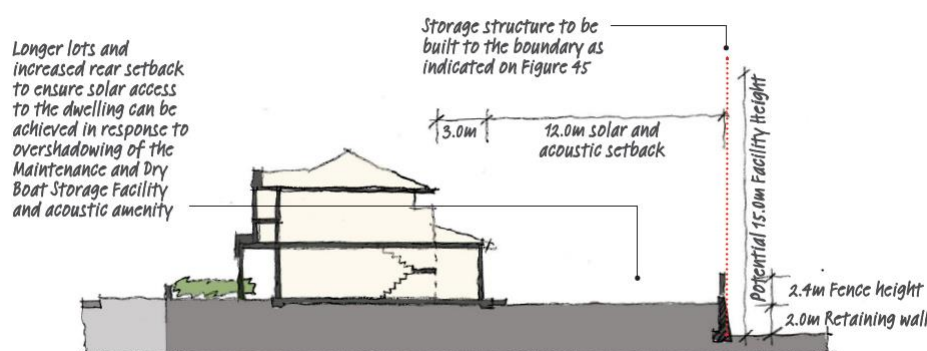


Figure 6 Rear setback diagram for lots adjacent to the dry boat storage

Source: Precinct A – Urban Design Guidelines for Detached Housing (LFA)

The residential lots adjacent to the boat storage lot have been designed to offset any unreasonable solar impacts of the acoustic wall along the northern boundary. The increased depth of the lots will result in the private open space receiving direct solar access to a greater square metre area than is required for a standard residential lot in Precinct A. Therefore, the level of solar access to the nine lots next to the boat storage lot is considered reasonable and will not have an adverse impact on the amenity of the future dwellings.

2.3 Future Public Transport

The Department stated that they:

“Encourage higher density development to be serviced by public transport. Please clarify whether provision has been made for a bus route within the development and confirm if the bus route has sufficient width to accommodate turning movements as well as pick up drop offs.”

The Precinct D Urban Design Guidelines (endorsed by Council) include the requirement to provide public bus circulation consistent with **Figure 7** (below) which is included 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 below. 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 DA has been approved.



Figure 7 Precinct D – Indicative Public Bus Route and Town Centre Bus Stop

Source: Precinct D Urban Design Guidelines (Group GSA)

2.4 Road Widths

The Department have requested that:

1. "Clarification of any proposed changes to the road width including a comparison between the approved and proposed widths; and
2. Confirmation that the proposed road widths can accommodate service vehicles including Council garbage trucks."

The following table compares the approved and proposed road widths.

Table 2 Road Width Comparison

Road Types	Concept Plan Approval	Section 75W	Change	Notes
1A	30m	30m	Zero (0m)	No change
1B	25m	25m	Zero (0m)	No change
2A	28m	28m	Zero (0m)	No change
2B	23m	23m	Zero (0m)	No change
2C	18.5	18.5m	Zero (0m)	No change
3A	18.5m & 19.5m	18.5m & 19.5m	Zero (0m)	No change
3B	15.5m	15.5m	Zero (0m)	No change
3C	13m	13m	Zero (0m)	No change
3D	Not previously included	18.7m (with 90° parking)	N/A	Includes: <ul style="list-style-type: none"> • Boollwarroo Parade and Bass Point Tourist Road; • Waterfront Promenade (formerly Road 10) – in the Town Centre.
LN (conceptual laneway in CPA)	4.5m – 6m	8m	+2m	Includes the additional rear lanes provided across Precincts A2, B1, C1 and E that will provide a secondary point of access for medium density dwellings.
MS	23m	18.9m	-4.1m	Relates to the eastern extension of Cove Boulevard within the Town Centre. This

Road Types	Concept Plan Approval	Section 75W	Change	Notes
				road has already received development consent (DA0143/2016).

The manoeuvrability of service and waste collection vehicles throughout Precincts A, B1, C1 and E has been considered during the assessment of the subdivision and civil works DAs for each stage. Swept path diagrams were prepared and submitted as part of these applications, ensuring that the proposed road widths can accommodate service vehicles including Council's garbage trucks. Council have not opposed the assessment of vehicular access occurring at the development application stage.

The RTS also includes proposed amendments to the street network (refer **Appendix C**). These include the addition of laneways in Precincts C2, F and G; the minor realignment of a road in Precinct A1; and the inclusion of connecting roads in Precincts C2 and F. The proposed amendments will increase permeability throughout the Boat Harbour.

2.5 Apartment Design Guidelines (ADG)

The Department have requested that Frasers:

“Please provide an assessment against the relevant provisions of the ADG for the concept stage of the development and demonstrate that the modified building envelopes will be capable of providing high levels of residential amenity.”

Cox Architecture has provided a preliminary analysis of the indicative envelopes for the residential apartment buildings proposed as part of the modification. The analysis is submitted as an appendix to the updated Design Report which forms part of this RTS at **Appendix C**, and demonstrates that the indicative envelopes are capable of achieving the design objectives in the Apartment Design Guide. Further assessment will be undertaken at the detailed development application stage for each residential apartment building.

The RTS also proposes to include townhouses as a potential future building typology in Precincts B2, C2, D, F and G in the locations where only apartments were previously proposed. The townhouses are included as a potential typology to provide Frasers with the future flexibility to provide either townhouses or apartments in these locations to meet housing demand.

2.6 Traffic and Parking

The Department have requested that Frasers:

“Submit all previous traffic and parking assessments identified and relied upon in the Traffic Reviews submitted by Colston Budd Rogers & Kafes Pty Ltd. The Department notes that there has been no modifications approved since the original concept plan and any updated traffic reports (containing revised parking figures) have not been approved by the Department. As such, any changes proposed to the indicative parking figures/rates approved as part of the Concept Plan will need to be identified and justified.”

The previous traffic and parking assessments are submitted together as **Appendix D**. They are:

- Shell Cove Boat Harbour Precinct Traffic Study - Maunsell Australia (dated 24th March 2009).
- Shell Cove Boat Harbour Stage 1 Traffic and Parking Assessment - Christopher Hallam and Associates (dated 15th December 2015)
- Shell Cove Boat Harbour Road Network Traffic Assessment – Precinct D - Stage 1 Roads DA - Christopher Hallam and Associates (dated 26th April 2016)
- Hotel Parking Review - Colston Budd Rogers & Kafes (CBRK) (dated 17th November 2016)
- Traffic Review – Colston Budd Rogers & Kafes (CBRK) (dated 20th July 2017)

Parking rates for the land uses within each Precinct sit within the relevant Urban Design Guideline. These are agreed and endorsed by Council prior to the implementation of the UDGs as a development assessment document.

3.0 Conclusion

This Response to Submissions (RTS) Report has been submitted on behalf of the proponent Frasers, in relation to the proposed Concept Plan Modification MP 07_0027 (MOD 1) for the Shell Cove Boat Harbour Precinct. In total, 7 agency submissions, and 12 public submissions were received in response to the previous response to submissions package.

Frasers has considered and responded to the issues raised in submissions by the public, agencies, the Council and the Department. This RTS Report has further clarified that the proposed modifications are appropriate in the circumstances and will have acceptable impacts beyond those considered during the assessment of the original Concept Approval.

APPENDIX A Response to Agency Submissions
Ethos Urban

APPENDIX B Response to Public Submissions
Ethos Urban

APPENDIX C Revised Concept Plan Design Report
Cox Architecture

APPENDIX D Traffic and Parking Assessments

- Shell Cove Boatharbour Precinct Traffic Study, Maunsell (24 March 2009)
- Shell Cove Boat Harbour Precinct Masterplan Traffic and Parking Assessment, Christopher Hallam & Associates (May 2015);
- Shell Cove Boat Harbour Stage 1 Traffic and Parking Assessment, Christopher Hallam & Associates (December 2015);
- Shell Cove Boat Harbour Road Network Traffic Assessment Precinct D Stage 1 Roads DA, Christopher Hallam & Associates (26th April 2016);
- The Waterfront Shell Cove Hotel Parking Review, Colston Budd Rogers & Kafes (17 November 2016)

APPENDIX E Email Correspondence with Shellharbour City Council
Shellharbour City Council

APPENDIX F Email Correspondence with Heritage Council