

JOINT REGIONAL PLANNING PANEL
(Southern Region)

SUPPLEMENTARY REPORT

JRPP No	2016STH007
DA Number	12/2016
Local Government Area	Shellharbour
Proposed Development	Retail component of Shell Cove Boat Harbour Precinct comprising of supermarket, liquor tenancy, speciality stores, retail plaza, carpark & signage
Location	Lots 2054 and 2055 DP 1203745 Lot 8032 DP 1072187 Shell Cove
Recommendation	Approval subject to the conditions of Attachment 1
Date	7 July 2017
Report prepared by	Victoria Nicholson, Senior Development Assessment Officer
Report endorsed by	Melissa Boxall, Acting Director Community and Customers Jasmina Micevski, Acting Team Leader City Development (Planning)

Purpose of supplementary report

Development application 2016STH007 was reported to the Joint Regional Planning Panel at its public meeting held 3 July 2017. The Panel requested additional information to enable determination of the application.

Additional information was requested by the Panel that addresses:

1. Council's endorsement of the urban design guidelines for Precinct D Shell Cove
2. Changes to the urban design guidelines for Precinct D Shell Cove, that formed part of the 2016STH007 planning report dated 23 November 2016, and the subsequent endorsed *Shell Cove – Precinct D Urban Design Guidelines*
3. Identify the inconsistencies in the endorsed *Shell Cove – Precinct D Urban Design Guidelines* and Concept Approval 27_2007 Shell Cove Boat Harbour Precinct
4. Assessment of the proposal against the endorsed urban design guidelines for Precinct D
5. Inadequacies of the guidelines identified in section 6.1.4.1 of the planning report for 2016STH007 dated 23 November 2016
6. The operational hours as originally proposed.

1 Urban Design Guidelines

The *Shell Cove – Precinct D Urban Design Guidelines* have been endorsed by the Group Manager City Planning of Shellharbour City Council. The endorsed Guidelines are publicly available and can be downloaded from Council's website.

The endorsement of these guidelines is based on the following considerations.

The guidelines have been prepared in accordance with Condition 1 of Schedule 3 Part D of Concept Approval 07_0027. This condition states:

Supplementary Report July 2017

2016STH007 / Development Application No. 12/2016

Lots 2054 and 2055 DP 1203745 & Lot 8032 DP 1072187

'The proponent must submit detailed urban design guidelines for the project prepared by a suitably qualified architect or urban designer, for each stage. The guidelines must establish design controls which achieve the following where relevant to the particular stage:

- architectural diversity within all stages which complements the site's coastal context,
- a variety of detailed designs which avoids monotones and repetition,
- design of the hotel building and public square in the commercial precinct which define street and water edges, and create visual interest,
- a hotel building with tower angled to the east to maximise views to the coast to the north and south and reduce impacts on the boat harbour and which may comprise a 3 – 4 storey high podium,
- demonstration of a mix of dwelling types and sizes for each residential precinct, including consideration of affordable and adaptable housing,
- building separation, setbacks, solar access, visual and acoustic privacy, view corridors and an adequate level of environmental amenity,
- the location and distribution of car parks,
- where applicable, that SEPP 65 principles and the Residential Flat Design Code can be achieved,
- appropriate density, bulk, scale, textures and colours in relation to surrounding development, topography and streetscape,
- consistency with the NSW Coastal Policy 1997 and Coastal Design Guidelines NSW in terms of visual impact, bulk, scale and amenity,
- layout and design which satisfies the design considerations in Healthy by Design: A Planners Guide to Environment's for Active Living, National Heart Foundation of Australia,
- clear addresses for buildings fronting public walkways along the harbour and direct access from walkways where possible,
- an indicative staging plan identifying the likely timing and sequence for each stage,
- buildings which address main avenues or boulevards and serviced by rear laneways/access ways to improve legibility and prevent gated communities, and
- design and layout to minimise noise impacts to sensitive residential areas near the quarry boundary.'

The guidelines have been reviewed by Council staff. In endorsing the guidelines, it is acknowledged that the guidelines are not in strict accordance with the town centre layout contained in the Concept Approval. The revised town centre layout, as reflected in the guidelines, will amongst other things form part of a modification application to Concept Approval 07_0027. Council has been advised that the lodgement of the modification application is imminent.

Notwithstanding, the town centre layout as contained in the guidelines and proposed modification application have been developed in consultation with Councillors and Council staff over a substantial period of time. Council, via various resolutions, have also agreed to:

1. the proposed relocation of the hotel (and indicative height),
2. the proposed relocation of the library and community centre (and indicative design),
3. general changes to the retail precinct and tavern area.

DA 12/2016 is in general compliance with the current Concept Approval. The subject development proposal, and the assessment of this proposal, does not rely on any approval of the proposed modifications to the Concept Approval.

In endorsing the guidelines it is acknowledged that part of their implementation may rely on the successful modification of the Concept Approval. Council cannot however consider development applications that are not in general compliance with the Concept Approval. Endorsement of the guidelines does not override the Concept Approval.

2 Changes to the *Shell Cove – Precinct D Urban Design Guidelines (UDG)*

The changes to the urban design guidelines for Precinct D Shell Cove dated October 2016 (issued 4.11.2016) that formed part of the 2016STH007 planning report dated 23 November 2016, and the endorsed *Shell Cove – Precinct D Urban Design Guidelines* are described in **Table 1** below.

Table 1 – Changes made to UDG dated October 2016 and the endorsed UDG dated June 2017

UDG issued 4/11/16	Endorsed UDG
Section 1.0 Introduction	Remains generally consistent. Section 1.6 'Indicative Staging' has been added. This section has been embellished to include the urban design requirements of the Shell Cove Concept Approval. As the guidelines refer to the whole of Precinct D, the guidelines are inclusive of the future modifications to the Concept Approval. These are outlined in the Introduction section. These proposed modifications have also been referred to in the previous section under point 1.
Section 2.0 Vision and Principles	Remains generally consistent.
Section 3.0 Precinct D – Stages	Renamed 'Precinct D – Character Areas'. Incorporates the tables previously under Section 4.0 in the UDG 4/11/16 version.
Section 4.0 Key Elements and Urban Structure This section addresses: <ul style="list-style-type: none"> • Street Network and Public Domain, including: <ul style="list-style-type: none"> ○ Street & Pedestrian Network ○ Public Domain – General ○ Materials and landscaping ○ View corridors • Land use mix • Built form and design, including: <ul style="list-style-type: none"> ○ Building height ○ Architectural Design ○ Setbacks ○ Residential Apartment Design ○ Parking and Access ○ Materials • Crime Prevention Through Environmental Design • Environmentally Responsive Design 	Renamed 'Urban Design Guidelines. Section restructured/revised to read similar to a DCP. The changes to the November issued UDG result in a document that addresses the whole of Precinct D in an appropriate manner. Existing figures have been revised and additional figures have been provided that consider the whole of Precinct D in greater detail. Further Town centre core characteristics now include: <ul style="list-style-type: none"> ○ water play area to provide interest and activity in the civic plaza (this element is already in the waterfront stage public domain section) ○ additional information regarding Road MC01 access to various land uses • Community area <ul style="list-style-type: none"> ○ movement – continuous open space created along waterfront which prioritises pedestrian movement, now excludes cycles • setbacks (section 4.3.4) for residential flat buildings - increase in minimum setback from 3.0m to 3.5m from street boundary. A setback of 6m for buildings (excluding tavern, hotel & marina services) from boardwalk promenade. • additional information on indicative building materials and architectural design (section 4.3.7) • requirements to set basement entries above the PMF level (section 4.3.6) and indicative basement entry locations (Figure 22) • new sections on crime prevention and environmental design (section 4.4) and environmentally responsive design (section 4.5).

Supplementary Report July 2017

2016STH007 / Development Application No. 12/2016

Lots 2054 and 2055 DP 1203745 & Lot 8032 DP 1072187

UDG issued 4/11/16	Endorsed UDG
Section 5.0 Design Guidelines	Content previously under Section 5.0 transferred to Section 4.0.
Schedule 1 Materials and Planting Palette	Renamed 'Schedule A Indicative Public Domain Materials and Planting'. Indicative imagery updated with additional information provided.
Schedule 2 – Street Types – Indicative Sections	Schedule deleted

With reference to Table 1 above, the amendments to the October 2016 version of the UDG are considered to result in a document that comprehensively addresses the whole of Precinct D. It is important to note that these amendments do not relate to the proposed retail development.

3 Endorsed UDG and future modifications to the Concept Approval

The endorsed Shell Cove – Precinct D Urban Design Guidelines includes a revised town centre layout which will form part of a modification application to Concept Approval 07_0027. The town centre layout as contained in the Guidelines and proposed modification application have been developed in consultation with Councillors and Council staff. Notwithstanding, the development proposal does not rely on any approval of the proposed modifications to the Concept Approval.

The sections of the endorsed UDG that refer to the future modifications to the Concept Approval are shown in **Attachment 2** (page 23).

4 Assessment of the proposal against the endorsed urban design guidelines for Precinct D

The proposed retail development as reported to the Panel in December 2016 was assessed as being designed in accordance with the October 2016 version of the UDG. Section 6.1.4.2 'consistency Precinct D urban design guidelines' and Table 13 of the planning report explains how the proposal is consistent with the guidelines. In the following 2 sections, the report goes on to explain how the proposal is consistent with both the Statement of Commitments that relate to the Concept Approval and the Concept Approval. These sections from the 2016STH007 planning report dated 23 November 2016 can be found in **Attachment 3** (page 26).

As discussed in the previous section, the amendments made to the October 2016 version of the UDG, that is now the endorsed guideline, result in a document that considers the whole of Precinct D in a thorough and appropriate manner. An assessment of the proposed retail development against the endorsed UDG is provided as **Attachment 4**. The assessment concludes that the proposed retail development is consistent with the endorsed urban design guidelines for Precinct D Shell Cove.

5 Section 6.1.4.1 of the planning report for 2016STH007 dated 23 November 2016

The 2016STH007 planning report section 6.1.4.1 considered the adequacy of the Precinct D Urban Design Guidelines. The report acknowledges that the Guidelines have been prepared by a qualified architect or urban designer and that the authors have reasonably considered the relevant design criteria as set out in the Concept Plan. The report however identifies some concerns regarding the guidelines (October 2016 version). The Panel have requested additional information in this regard.

The relevant section from pages 32-33 of the report has been provided below and a response to each matter provided below.

..., for Stage 1, urban design detail is lacking in relation to the distribution of density, bulk, scale, textures and colours for the development sites fronting east and west Main Street.

Comment

The endorsed urban design guideline (UDG) includes detailed guidelines to manage height, setbacks, active frontages and building materials for all built form development within Precinct D (refer to UDG Part 4)

No information has been included in the UDG as to the way in which the two levels of residential apartments will be offset in the town centre that were envisaged by the Concept Plan to be sited where the shops and the retail plaza are proposed. These apartments will need to be provided elsewhere in the precinct and still maintain compliance with the height controls.

Comment

The Concept Approval sets maximum heights and dwelling numbers. There is no requirement in the Concept Approval that the maximum heights or dwelling numbers are required to be achieved. An increase in building height and/or dwelling numbers will be the subject of a modification to the Concept Approval. Council staff have considered the absence of apartments and the provision of retail buildings that do not achieve the maximum allowable height in Stage 1 will not impact on its general consistency with the Concept Approval.

The UDG is lacking in relation to identifying the target apartment and commercial floor space yields within the EA for the precinct. Further investigation of core land use target yields in the Concept Plan for Precinct D across of 6 stages should be carried out, with Part 3 of the UDG updated accordingly.

Comment

The Concept Approval sets maximum apartment numbers and commercial floor space yields. There is no requirement in the Concept Approval that the maximum is required to be achieved. Any future DA under the Concept Approval must demonstrate its compliance with the maximum yields, therefore there is no reason to duplicate these maximums in the UDG.

This work should be done to allow the DA consent authority and designers to ensure the development standards contained in the Concept Plan are not likely to be breached in the precinct, as well as allowing for informed consideration of matters such as the implications of the relocation of the 8 to 9 storey hotel from the south east corner of Precinct D to the north east corner as shown in Stage 4 within the UDG instead of Stage 5.

Comment

The first part of this statement has been addressed above.

The UDG endorsed by Council includes the proposed relocation of the 8-9 storey hotel and the redistribution of apartment yield. The UDG includes built form guidelines to ensure the Town Centre built form will result in a high quality public domain. The UDG endorsed by Council includes notes indicating that elements of the town centre master plan (i.e. hotel location, residential flat building heights above 4 storeys) require future approval under the EPA Act. The approval of DA 12/2016 does not rely on the elements that will form part of the modification application to the Concept Approval.

These changes may have implications for considerations such as the planned function of the road network, impacts on view corridors, solar access, streetscape context, servicing, waste management in a location master planned to be no more than 4 storeys.

Comment

The implications for the planned function of the traffic network have been addressed in consultation with Council as part of the UDG endorsement process. The UDG includes guidelines for loading, servicing and the treatment of these areas (refer UDG 4.3.6 DG 6 & 7).

The endorsed UDG includes guidelines for view corridors (UDG Part 4.1.4) and solar access (public; UDG Part 4.1.2 DG4, and private; UDG Part 4.3.5 DG1). An urban design assessment

of the streetscape context inherent in the endorsed UDG was undertaken by appropriately qualified urban designers and considered as part of the endorsement process.

[In relation to surrounding development, topography and streetscape, sufficient information has been provided in the UDG to determine the subject DA, and considering the early stage of development in the precinct, it is highly unlikely that the project yields in the Concept Plan are thwarted by the proposal.]

Further research and investigation must be done to update the UDG in relation to these matters before residential development is approved in Stage 1.

Comment

This DA does not seek approval for residential development. The endorsed UDG includes appropriate guidelines to manage future residential development. It should be noted that State Environmental Planning Policy No. 65 – Design Quality of Apartment Development will apply to future residential apartment development in Precinct D.

It should be noted that the UDG carries forward a number of design departures from the indicative layouts of town centre shown in the Concept Plan.

Comment

As the UDG was required to be updated to reflect the entire precinct, the guideline reflected the proposed modified concept plan. Accordingly, the UDG includes notes that any departures from the Concept Approval are subject to future approval under the *Environmental Planning & Assessment Act 1979*. This approach was developed in conjunction with Council and has been endorsed by Council. It is noted that it does not affect DA 12/2016, which is generally consistent with the Concept Approval and does not rely on the other changes foreshadowed in the UDG.

The report also refers to design departures proposed in the DA which require consideration to ensure the application remains generally consistent with the terms of approval of the Concept Plan. These have been discussed in detail in the report (pages 33-40) and the identified inconsistencies have been adequately justified and are supported. The proposal is generally consistent with Concept Plan for the Boat Harbour Precinct, as envisaged in NSW State Government's and Council's strategic and statutory planning documents.

6 Operational hours

The draft condition no. 59 states that the hours of operation (including loading and unloading of goods) must be confined to the working hours:

- Retail Centre Hours (including Supermarket): 24 hours 7 days a week, and
- Loading Dock Hours: 7am to 10pm 7 days a week.

As part of the proposal, the applicant sought consent for the hours of operation of the retail floor space comprising a supermarket, liquor tenancy and speciality tenancies. The hours of operation originally sought for the retail component of the development were:

- ☐ Retail Centre Hours (including Supermarket): 6am to midnight 7 days a week; and
- ☐ Loading Dock Hours: 7am to 10pm 7 days a week.

The applicant later sought to increase the proposed operational hours as reflected in draft condition 59 above. The planning report for 2016STH007 dated 23 November 2016 in the site suitability section argued in support of the proposed changes to trading hours; refer **Attachment 5**. The Panel

Supplementary Report July 2017

2016STH007 / Development Application No. 12/2016

Lots 2054 and 2055 DP 1203745 & Lot 8032 DP 1072187

raised concerns however, that due process required the public re-exhibition of the proposed increase in the operational hours. Condition no. 59 has accordingly been amended to the hours as originally proposed in the supporting documentation that was made available during the public notification period. The schedule of conditions in **Attachment 1** (page 8) includes the amendments to condition no. 59, as follows:

Amended Condition no. 59

Hours of operation (including loading and unloading of goods) must be confined to the working hours:

- Retail Centre Hours (including Supermarket): 6am to midnight 7 days a week, and
- Loading Dock Hours: 7am to 10pm 7 days a week.

Attachment 1 – Draft Schedule of Conditions

Note on recommended conditions

The schedule of conditions in attachment 1 are the recommended conditions that formed part of Council's supplementary memo to the Panel dated 12 December 2016 with exception of those conditions amended as part of a further supplementary report to the Panel dated 15 June 2017.

The June supplementary report amended condition no. 3 which refers to the approved suite of plans and documentation, to correct a number of errors such as incorrect name plan, plan reference information and reports that had been superseded. Editing corrections to various conditions in this report were highlighted in red.

This report amends Condition no. 59 which refers to the operational hours of the retail area.

PART A – ADMINISTRATIVE CONDITIONS

1. Construction Certificate & PCA Notification Environmental Planning & Assessment Act 1979 Section 81A

Before any site works, building or use is commenced, the person having the benefit of the development consent must:

- a. obtain a Construction Certificate from Shellharbour City Council or other accredited certifier, and
- b. appoint a Principal Certifying Authority.

2. Prescribed Conditions

This development consent is subject to the prescribed conditions made under the *Environmental Planning & Assessment Regulation 2000*.

3. Development in Accordance with Plans and Documents

The development must be in accordance with the approved Development Application plans as endorsed by Council's stamp except as modified by conditions of this consent.

Name of Plan/Document	Prepared By	Drawing/Document No./Revision	Date
Location Plan	HDR Rice Daubney	12009 DA01	18.12.2015
Staging Plan	HDR Rice Daubney	12009 DA02	18.12.2015
Site Survey	HDR Rice Daubney	12009 DA03	18.12.2015
Site Plan	HDR Rice Daubney	12009 DA04 Issue C	3.11.2016
Site Analysis	HDR Rice Daubney	12009 DA05 Issue C	3.11.2016
Parking, Basement and Ground Plans	HDR Rice Daubney	12009 DA06, DA07 & DA08 Issue E	3.11.2016
Roof Plan	HDR Rice Daubney	12009 DA 09 Issue B	3.08.2016

Supplementary Report July 2017

2016STH007 / Development Application No. 12/2016

Lots 2054 and 2055 DP 1203745 & Lot 8032 DP 1072187

Elevations	HDR Rice Daubney	12009 DA10 & 11 Issue B	3.08.2016
Elevations	HDR Rice Daubney	12009 DA 12 Issue B	20.6.2016
Architectural Statement	HDR Rice Daubney	14489	Undated
Flood Gate Plans	Worley Parsons	2013 ARP/SK1 2013 APR/SK5	24.09.2013
Basement Evacuation Route Plan	HDR Rice Daubney	Basement Evacuation Route Plan	Undated
Basement Evacuation Route Plan – Flood Gate	Worley Parsons	Flood Gate SK01 Evacuation Route Plan Notations made on plan	Notations Undated
Statement of Environmental Effects			
Civil Plans	Henry and Hymas	12597_DA_C101 Rev 6 12597_DA_C102 Rev 8 12597_DA_C103 Rev 4 12597_DA_C115 Rev 1 12597_DA_C116 Rev 2	22.07.2016 3.08.2016 3.08.2016 25.10.2016 3.08.2016
Landscape Plans	GSA	Drawing no. 13294 L-01-2100-G L-01-2300-G L-01-3100-B L-01-6100-G	25.10.2016 25.10.2016 25.10.2016 25.10.2016
Civil Design Statement Letter	Henry and Hymas	1527-C3/tr	30.9.2016
Flood Assessment Letter	Worley Parsons	301015-03163-WR-LET-Precinct D FIA 161027	28.10.2016
Stormwater and Water Cycle Management Letter	Worley Parsons	301015-03163-WR-LET-Precinct D WSUD 160224	24.02.2016
BCA Report	McKenzie Group	Rev 04	29.06.2016
Disability Access Review	McKenzie Group	Job no. 68882 Rev. 2	30.11.2015
Noise Assessment of Supermarket	Wilkinson Murray	Report no. 05135-CQ1 Version A	15.04.2016
Crime Prevention through Environmental Design Report	JBA Urban Planning Consultants	14489	22.12.2015
Waste Management Plan	Wasteless Consulting		30.11.2015
Targeted Site Investigation	Douglas Partners	Project 78599.10	16.02.2016
Services Infrastructure Report	ADP Consulting Pty Ltd	Job no. 2660. Rev 01	2.12.2015
Pedestrian Network Plan	HDR Rice and Daubney	SK157 Rev A	15.4.2016

4. Land Use - Operation as Liquor Shop

The operation of the tenancy No. 10 as a packaged liquor shop must at all times comply with the definition of *retail shop* as defined in *Shellharbour Local Environmental Plan 2013*, but does not include a *pub, hotel or food and drink premises*.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. Amendments to Approved Plans

The amendments described below must be incorporated into the development and must be shown on the plans prepared for the purpose of obtaining a Construction Certificate:

- a. The approved use of tenancy No. 10 is for packaged liquor sales. Unless otherwise stipulated within the Packaged Liquor Licence which must be issued by NSW Liquor and Gaming prior to commencement of the use of the premises, the hours of operation of the tenancy are:

- 7am to 10pm Monday to Saturday; and
- 10am to 10pm Sunday.

- b. The two pedestrian crossings traversing the private road burdened by the right of way must be installed on raised thresholds and comply with RMS specifications for raised thresholds.

Details demonstrating compliance with this condition are to be prepared by a suitable qualified engineer and to be submitted to the Principal Certifying Authority for approval prior to the lodgement of any Construction Certificate with the Principal Certifying Authority.

- c. Prior to the issue of an Occupation Certificate for the development, the Proponent must provide documentary evidence to the Principal Certifying Authority of the registration of a positive covenant on the title of so much of the land to be used for car parking which has Shellharbour City Council as the benefiting authority and which obliges the owner of the land from time to time to ensure that those parts of the land subject to the covenant are available for use as a car park by the public. Council is the authority permitted to alter, modify, or remove the restriction.
- d. The development must include security measures. These can include the use of security personnel, lighting, CCTV, fencing, alarms and the like or a combination thereof. Full details concerning security arrangements for the site must be provided on plan and/or written submission with the Construction Certificate application.
- e. As far as practicable, graffiti resistant surfaces and paint must be used. Details of such surfaces and paint are to be shown on plan or included in building specifications and are to be submitted with the Construction Certificate application.
- f. All landscaping must be designed to avoid creating concealment opportunities. In this regard, trees must have a growth habitat that allows visibility in and around the trunk to a minimum height of 2m at maturity. Details are to be shown on the Landscape Plan and submitted with the Construction Certificate application.
- g. *Pyrostegia venusta* is an environmental weed within the Shellharbour LGA in this regard omit the use of the plant species *Pyrostegia venusta* and replace with the plant species *Parthenocissus tricuspidata* 'Veitchii' or *Trachelospermum jasminoides*.
- h. Street tree planting and landscaping in the road reserve of Harbour Boulevard, and Road MC01 as shown on the approved landscape plans is to be planted and shown on the construction drawing.
- i. Landscape planting and landscape works, described on the plans as *Planted Temporary Landscape, Entry Wall and Signage, Grove of Cook Pines* located on the corner of Harbour Boulevard and Road 10 as shown on the approved landscape plans is to be shown on the construction drawings and planted prior to the issue of any Occupation Certificate and

maintained by the person acting on this consent until such time as the site is further developed with buildings fronting the road network.

- j. The signage over the loading dock entries shall be reduced to be not more than 0.6m high by 3.6 metres long with a maximum area of not more 2.5m².
- k. All signage approved by this consent shall be installed in accordance with the requirements of the State Environmental Planning Policy (Exempt and Comply Codes) 2008
- l. The proposed slanted timber batter screen structure shrouding the basement entry ramp shown on Dwg No. DA 12 Rev B by Rice Daubney dated 20.6.2016 shall be modified to be constructed of stainless steel cable or other visually permeable material selection for a length of not less than 12 metres from the pedestrian crossing nearest the access to Road MC01 back towards the basement entry ramp to ensure the line of sight between pedestrians and drivers is not obscured in a way that presents a traffic safety hazard. Details of the design are to be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate by the Principal Certifying Authority.
- m. A section of public road extending at least 7m south from the prolongation of the boundary of Road 10 must be dedicated to Council. This is to include the carriageway and 3m wide section of footpath on each side of the road.
- n. A section of public road extending 10m north from of the prolongation of the boundary of Road MC01 must be dedicated to Council. This is to include the carriageway and 3m wide section of footpath on each side of the road.
- o. A right of way must be registered over the private road which provide access to the public between Road 10 and Road MC01. Council is the authority permitted to alter, modify, or remove the restriction.
- p. The two pedestrian crossings across the private road burdened by the right of way must be installed on raised thresholds and comply with RMS specifications for raised thresholds.

6. Section 94 Contributions

A contribution of \$1,817.42, subject to annual indexation, must be paid to Council towards the provision of community infrastructure and services prior to the issue of the Construction Certificate. This amount has been calculated in accordance with Shellharbour City Council's *Section 94 Contributions Plan 2013* dated 18 December 2013.

The contribution amount contained in this condition is the base rate indexed to the date the consent is issued. The contribution amount will be adjusted in accordance with the indexation methods detailed in the *Contributions Plan*. Current indexed rates are available from Council.

The *Contributions Plan* may be inspected or a copy purchased at the Customer Service Counter at Council's offices, or downloaded from www.shellharbour.nsw.gov.au

7. Building Access for People with Disabilities

Access for people with disabilities must be provided to and within buildings in accordance with the *Building Code of Australia* and AS 1428. Detailed plans verifying compliance must be provided to the Certifying Authority prior to release of the Construction Certificate.

8. Street Tree Inspection Fee

The developer must lodge with Council an inspection fee of \$89 in accordance with Council's *Fees and Charges* for:

- street tree inspection prior to occupation of the development, and
- street tree inspection following completion of the maintenance period

prior to the issue of the Construction Certificate.

9. Landscape Inspection Fee

The developer must lodge with Council an inspection fee of \$89 in accordance with Council's *Fees and Charges* for:

- landscape inspection prior to occupation of the development
- landscape inspection following completion of the maintenance period

prior to the issue of the Construction Certificate.

10. Landscape Plan

Prior to the final inspection by the Principal Certifying Authority, the unbuilt upon land with the exception of the paving, must be landscaped and planted with turf, trees and shrubs. In this regard, two copies of a landscape plan prepared by a Landscape Architect must be submitted to the Accredited Certifier or Council prior to the release of the Construction Certificate. The landscape plan must be prepared in accordance with the ~~concept~~ landscape package prepared by Group GSA ~~and dated 2/6/2015~~ and with Council's Landscape ~~DCP Development Control Plan~~ available from Customer Service or Council's website.

11. Utilities - Sydney Water

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development will affect Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met.

Please refer to the web site www.sydneywater.com.au for:

- Sydney Water Tap in™ www.sydneywater.com.au/SA/plumbing-building-developing/building/sydney-water-tap-in/index.htm and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building & Developing then Building & Renovating

or telephone 13 20 92.

The Certifier must ensure that Sydney Water Tap in™ has issued appropriate electronic approval.

12. Soil and Water Management Plan (SWMP)

Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Certifying Authority approval of a Soil and Water Management Plan. The SWMP must clearly identify site features, constraints and soil types together with the nature of the proposed land disturbing activities and also specifies the type and location of erosion and sediment control measures. In addition, rehabilitation techniques that are necessary to deal with such activities should be referred to.

The SWMP must take into account the requirements of Landcom's publication *Managing Urban Stormwater - Soils and Construction (2004)* thus ensuring the following objectives are achieved, namely:

- a. minimise the area of soils exposed at any one time,
- b. conserve topsoil for reuse on site,
- c. identify and protect proposed stockpile locations,
- d. preserve existing vegetation and identify revegetation techniques and materials.
- e. control surface water flows through the development construction site on a manner that:

- i. diverts clean run-off around disturbed areas.
- ii. minimises slope gradient and flow distance within disturbed areas.
- iii. ensures surface run-off occurs at non-erodible velocities.
- iv. ensures disturbed areas are promptly rehabilitated.
- f. trap sediment on site to prevent off site damage. Hay bales are not to be used as sediment control devices. To ensure regular monitoring and maintenance of erosion and sediment control measures and rehabilitation works until the site is stabilized (includes landscaping).
- g. specifies measures to control dust generated as a result of construction activities on site.
- h. temporary sediment ponds must be fenced where the batter slope exceeds 1 vertical to 5 horizontal,
- i. design scour protection for the 10 year ARI event at all inlet and outlet structures.
- j. including measures to prevent the tracking of sediment off the site.

13. Retaining Wall Structural Engineer

Where a retaining wall exceeds 600mm in height, the wall must be designed by a practising structural engineer and a Construction Certificate must be obtained prior to the commencement of work on the retaining wall.

All retaining walls must be located wholly within the property, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.

14. Initial Geotechnical Report

A geotechnical report, prepared by a suitably qualified and experienced geotechnical engineer must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

The report must cover, but not be limited to the following:

- a. extent and stability of proposed embankments including those acting as retarding basins,
- b. recommended Geotechnical testing requirements,
- c. level of geotechnical supervision for each part of the works as defined under AS 3798 - *Guidelines on Earthworks for Commercial and Residential Developments*,
- d. an analysis of the level of risk to existing adjacent structures/buildings including the scenario of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent structures/buildings, high risk areas must be identified on a plan and indicate that no vibratory rollers shall be used within that zone,
- e. the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation,
- f. the recommended treatment of any unstable areas within privately owned allotments;
- g. requirement for subsurface drainage lines,
- h. overall assessment of the engineering plans for the proposed development and their suitability in relation to the site's geotechnical characteristics.

15. Updated Flood Risk Modelling Report ~~Flooding Commercial Development~~

~~The Probable Maximum Flood (PMF) Level for this site is RL 6.3 m AHD~~

An updated version of the 'Shell Cove Precinct D Stage 1 Roads DA - Updated assessment for Probable Maximum Flood' prepared by Worley Parsons is required that includes all updates made to the flood model as a result of including Raised Pedestrian Thresholds in the open carpark. The results of this modelling is to inform the Final Probable Maximum Flood (PMF) Level and final design of the proposed Flood Gate to the Basement Car Park Entry Ramp, and is to be submitted to the satisfaction of the Certifying Authority.

The development shall comply with the following restrictions:

- a. All structures and components within the basement car park to have flood compatible components in accordance with Appendix 9 of Shellharbour City Council's *Development Control Plan*,
- b. An engineer's certificate certifying that structures are designed to withstand forces of floodwaters, debris and buoyancy up to and including the PMF is to be submitted with the Construction Certificate Application and,
- c. There shall be NO external storage of materials below the design floor level which may cause pollution or be potentially hazardous during PMF flood.

16. Open Car Parking

Vehicles must not cause a nuisance in the PMF event by being caught in flood waters and becoming moving objects. In this regard, vehicle bollards or similar method of containment are required in areas where the flood velocity and depth exceeds vehicle stability limits. Details of vehicle containment methods are to be certified by a professional engineer with experience hydraulic engineering and provided on plan to the satisfaction of the PCA Certifying Authority. Details to be submitted with the Construction Certificate application.

17. Flood Wall Design

A detailed structural design of the proposed flood wall on the Northern, Western and Southern boundary of the proposed car park is to be provided to the satisfaction of the PCA Certifying Authority. The flood wall must also to be certified by the hydraulic engineers Worley Parsons for its suitability in deflecting flood water as intended in the document titled "Shell Cove The development Roads DA Flood Assessment" by Worley Parsons dated 27th October 2016. The flood wall is to be generally designed in accordance with the concept design approved on plan No. 13294 L-0D-2300-D, L-01-2100-G, L-01-2300-G, L-01-3100-B and L-01-6100-G. Details to be submitted with the Construction Certificate application.

18. Detailed Drainage Design

A detailed drainage design of the site must be submitted and approved prior to the release of the Construction Certificate. The detailed plan must:

- a. be generally in accordance with plans no. 15297_DA_C101 (Rev 6) and C102 (Rev 8) prepared by Henry & Hymas,
- b. drain to the council pits on road MC01,
- c. indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines,
- e. be designed to cater for a 1 in 20 year Average Recurrence Interval storm event,
- f. overflow drainage paths are to be provided and be designed to cater for 1 in 100 year Average Recurrence Interval storm event,
- g. comply with Council's *Shellharbour Development Control Plan (Chapter 25 & Appendix 12)* unless variation is specifically noted and approved on DA concept drainage plan, and

h. be to the satisfaction of the Certifying Authority,

19. Pit Grates

All pits must have flush fitting grates. All pits larger than 600mm x 600mm are to be grated galvanised steel grid hinged and be heavy duty type where traffic loading is expected. **Details to be submitted with the Construction Certificate application.**

20. Engineer Designed Pavement

All car parking areas, manoeuvring areas and the access aisle must be paved, drained and marked. The pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings from a development of this size and type. *AUSTROADS Guide to Pavement Technology* can be used as the design guideline for the pavement design.

The laybacks and crossings must be designed to accommodate expected traffic loadings. In this regard they must be constructed to a commercial/industrial standard with the work carried out by Council or a Council approved contractor at the Developer's expense, including all alteration to public infrastructure where necessary. **Details to be submitted with the Construction Certificate application.**

21. Site Facilities - Australia Post

- a. Location points for mail delivery must satisfy the requirements of Australia Post.
- b. Street numbers must be obtained from Council's GIS Department during normal office hours, prior to the issue of a Construction Certificate. The allocated street numbers must be clearly shown on the Construction Certificate drawing.

PART C - PRIOR TO COMMENCEMENT OF WORKS

22. Site Contamination

An unexpected finds protocol for contamination must be prepared and submitted to the Certifying Authority prior to the commencement of works.

23. Soil and Water Management Plan Implementation (SWMP)

The measures required in the Soil and Water Management Plan approved by the Certifying Authority must be implemented prior to the commencement of works.

24. Dilapidation Report

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a Dilapidation Report. The report must be supported with suitable photographic records. This information must be submitted to Council prior to the commencement of work.

25. Structural Details

The following structural details must be provided to the Certifying Authority prior to commencing work:

- a. structural engineer's design for all reinforced concrete footings and slabs,
- b. structural engineers design for all structural steel beams, framing and connections,
- c. roof truss and bracing details, and
- d. manufacturer's specifications for any patented construction systems.

26. Protection Fencing

~~The~~ Any vegetation/street tree protection fencing must be installed prior to works commencing.

27. Site Management Plan

Prior to the commencement of works, the applicant must submit to and obtain approval for a construction and site management plan from the Certifying Authority that clearly sets out the following:

- a. what actions are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like
- b. the proposed method of loading and unloading excavation machines, building materials and formwork within the site
- c. the proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period
- d. sediment and erosion control measures as per Landcom's publication "Managing Urban Stormwater - Soils and Construction (2004)" also known as the 'Blue Book' or subsequent revisions
- e. how it is proposed to ensure that soil/excavated materials are not transported on wheels or tracks of vehicles or plant and deposited on the roadway
- f. the proposed method of support to any excavation adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an appropriately qualified and experienced engineer

28. Section 138 Roads Act 1993 Delete as duplication of condition being no.35 and renumber following conditions

~~For works within the road reserve, the requirements of the Section 138 of the Roads Act 1993 apply. In this regard:~~

- ~~• If a driveway is proposed, a Driveway Application must be made, or~~
- ~~• If any other works are proposed and/or occupation of the road reserve proposed, a Road Opening Application must be made.~~

~~This application must be made prior to any works commencing within the road reserve and an application fee in accordance with Council's Fees and Charges will apply.~~

29. Public Liability

Prior to the commencement of works, the owner or contractor must provide evidence to Council of a Public Risk Insurance Policy with a minimum cover of \$20M in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. The Policy is to note Council as an interested party.

PART D - DURING CONSTRUCTION WORKS

30. Site Documentation

A full set of approved documents (Development Consent, Construction Certificate Drawings and associated documentation) must be maintained on site for the duration of the construction works.

31. Survey Certification

A survey certificate, signed by a registered surveyor, must be submitted for approval to the Certifying Authority when the formwork for the main floor area and basement entry ramp is completed. This certificate shall certify that any main floor area and basement entry will be constructed at the designed level.

32. Retaining Wall on Boundary

All retaining walls must be located wholly within the property, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.

33. Earthworks Cut, Fill and Grading

The maximum grading of cut or fill shall be 45 degrees (1:1) where there is no retaining wall or no other method of stabilising cut or fill during construction. The maximum depth of fill on any portion of the allotment shall be 1.0 metres. The maximum depth of cut on any portion of the allotment shall be 1.0 metres. Cut areas may exceed 1.0 metre provided the retained sections are located within the confines of the external walls of the buildings.

34. Connection to Council Pit and/or Pipe

Any connection to a Council pit and/or pipe must:

- a. be made at the pipe obvert (pipe only),
- b. be through a hole that is neatly made by cutting or drilling with any reinforcement encountered cut away,
- c. not protrude past the inner surface of the pit and/or pipe,
- d. have all junctions finished with 2:1 cement mortar,
- e. have a minimum pipe size of 150mm in diameter and either sewer grade PVC or concrete, and
- f. when the diameter of the connection is more than 1/3 the diameter of the Council pipe, connection is to be made by construction of a standard pit.

All construction is to be carried out as per Council's *Subdivision Code* requirements.

The Certifying Authority must arrange for a satisfactory inspection by Shellharbour City Council prior to backfilling. At least one working day's notice is required for the inspection and is to be arranged through Council's Customer Services.

An inspection fee will apply in accordance with Council's *Fees & Charges*.

35. Open or Occupy a Roadway or Footpath (Section 138 Roads Act 1993)

Prior to any physical works within Council's road reserve such as (but not limited to) installing a driveway or connecting stormwater facilities you will need to apply for approval under Section 138 of the *Roads Act*. There is no additional cost as this is paid for at the time of development application.

To lodge your application you ~~will~~ *may* need to submit the following information:

- a. detailed engineering drawings of the proposed works in the road and footpath area,
- b. traffic management plan,
- c. provision of public risk insurance and,
- d. details of timing and length of works.

36. Traffic Committee - Signposting and Line Marking Plan

Prior to the implementation of the Signposting and Line Marking Plan, the Plan must be lodged with the City of Shellharbour Traffic Committee for written approval. This plan must detail all facilities, signage and line-marking required within and surrounding the development.

37. Storage of Materials

Building materials and equipment must not be stored on the road reserve/footpath area.

38. Hours of Work During Building Work

Noise generating activities, including demolition, excavation, construction and delivery of equipment and materials, must only be carried out between:

- 7am to 5pm Mondays to Fridays
- 7am to 3pm Saturdays

~~unless otherwise agreed to by Council in writing.~~ Work must not be carried out on Sundays or public holidays

39. Maintenance of Soil and Water Management Plan (SWMP)

The soil and water management controls must be maintained at all times during each stage of the development and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

Maintenance must include but is not limited to ensuring:

- a. all sediment fences, sediment traps and socks are properly placed and are working effectively, and
- b. drains, gutters and roads are maintained clear of sediment at all times.

Note: It is an offence under the *Protection of the Environment Operations Act 1997* to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence.

40. Waste Management

The management of waste must comply with the approved Waste Management Plan. Any variations to the Waste Management Plan must have prior written approval of Council.

41. Protection Fencing

The vegetation/street tree protection fencing must be maintained intact at all times throughout the period of building work on the site. Machinery, structures, storage/disposal of any building materials and the like, must not be located within the fenced area at any time.

42. Approved External Materials & Colours

The external treatment/appearance of the development must be in accordance with the approved Finishes Palette.

PART E - PRIOR TO OCCUPATION

43. Occupation Certificate

All conditions in Parts A, B, C, D & E of this consent are preconditions for the purpose of section 109H of the *Environmental Planning & Assessment Act 1979*.

Compliance with all preconditions must be verified by the Principal Certifying Authority prior to issue of the Occupation Certificate. The building must not be used until the Principal Certifying Authority issues an Occupation Certificate.

44. Occupation

Occupation of the proposed development must not occur until all conditions in Parts A, C, D & E of this consent and the conditions relevant to the construction Main Street and associated intersections in Development Application No. 143/2016 have been satisfied unless otherwise agreed with Council writing. The Principal Certifying Authority must issue a certificate verifying that all conditions have been satisfied.

45. Development Completion

All conditions of consent must be complied with prior to the building being occupied.

46. Flood Risk Signage

Signage is to be provided in the basement carpark to warn people that the site may be subject to flooding and to follow the designated evacuation routes from the basement car park including vehicle exit ramp, fire stairs and travelator.

47. Flood Gate Operation and Maintenance Manual

An operation and maintenance manual for the proposed Flood Gate at the basement entry ramp is to be provided and kept onsite at all times. The operation and maintenance manual is to be written by the manufacturer and must detail a schedule of maintenance and periodic testing to be carried out on the Flood Gate over time.

48. Services & 88B Instrument

Lots affected by new or existing utility services must be burdened with easements and restrictions on the use of land to the satisfaction of the Principal Certifying Authority and the relevant utility provider.

49. 88B Instrument

Prior to the issue of an Occupation Certificate for the development, the Proponent must provide documentary evidence to the Principal Certifying Authority of the registration of a positive covenant on the title of so much of the land to be used for car parking which has Shellharbour City Council as the benefiting authority and which obliges the owner of the land from time to time to ensure that those parts of the land subject to the covenant are available for use as a car park by the public.

Council is the authority permitted to alter, modify, or remove the restriction.

50. Vehicular Access

Prior to the issue of any Occupation Certificate by the Principal Certifying Authority the Main Street (Road 10), Road 11, Road 12, and Road MC01 as shown in Construction Certificate No. 11.2013.411.3, and must be constructed.

51. Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer www.sydneywater.com.au > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 2092 for assistance. Please make early application for the Certificate as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

52. Electricity Supply

Prior to the release of the Occupation Certificate for the development, the relevant electricity provider must provide written advice to the Principal Certifying Authority that all requirements for the supply of electricity to the proposed allotments have been satisfied.

53. Works As Executed - Stormwater Drainage

Prior to the issue of an Occupation Certificate, Works As Executed Plans must be submitted the Certifying Authority by a registered surveyor certifying compliance of all drainage works with the approved design plans. The Works As Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans. This plan must verify surface and invert levels on all pits, invert levels and sizes of all pipelines, and finished surface levels on all paved areas. All levels must relate to Australian Height Datum.

54. Completion of Landscape Works

The unbuilt upon land, with the exception of the paving, must be landscaped in accordance with the approved landscape plan prior to the issue of an Occupation Certificate. Landscape or turf areas must not be reduced or replaced with hard impermeable surfaces. Any variations to the design or species used must be authorised by Council in writing before any changes are made.

A report from a suitably qualified person must be provided to the Principal Certifying Authority on completion of the landscape works certifying that the landscape is in accordance with the approved Landscape Plan.

55. Repairs to Public Infrastructure

Any damage to public infrastructure, other than that previously noted in the Dilapidation Report (refer Part C), is the responsibility of the developer. All damage must be repaired and reinstated prior to the issue of the Occupation Certificate. This work must be carried out by Council, or Council approved contractor, at the developer's expense.

PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Nil

PART G - AFTER ISSUE OF OCCUPATION CERTIFICATE/DURING OCCUPATION**56. Signalised Intersection Works**

Prior to the issue of an occupation certificate, the traffic signals at the intersection of Shellharbour Road, Wattle Street and Harbour Boulevard must be completed to RMS satisfaction.

57. Storage & Display

Goods or signs must not be stored or displayed outside the confines of the premises or within the car parking, landscaping or manoeuvring areas.

A-frame board signs located outside the premises are not permitted.

58. No Work Outside Building

Work, other than the loading or unloading of goods associated with the business, must not be carried out outside the confines of the building.

59. Hours of Operation

Hours of operation (including loading and unloading of goods) must be confined to the working hours:

- Retail Centre Hours (including Supermarket): 6am to midnight 7 days a week, and
- Loading Dock Hours: 7am to 10pm 7 days a week.

60. Operational Noise

The use of the premises must not cause offensive noise, as defined in the *Protection of the Environment Operations Act 1997*.

61. Operational Waste Management

Adequate receptacles must be used to store all landfill and recyclable waste streams pending disposal. Such receptacle must be regularly emptied and no waste must be allowed to lie or accumulate on the premises other than in the receptacle. Provision must be made for the separation and recycling of waste.

62. Location of Waste Receptacles

The landfill and recyclable waste bins must be stored in the waste storage area/s located in accordance with the approved plan. At no time shall the bins be located within the car parking, landscaping or manoeuvring areas.

63. Signage on Glazing

A maximum of 20% of the glass area of the shop may be covered by or occupied by signage. Signage on glazing includes paint, vinyl strips and the like.

64. Illegal signs

No bunting, inflatable or flashing signage or lights are permitted.

65. Signage Envelopes

Separate consent is not required where signage is restricted to the signage envelope/s as shown on the approved plans. Signage must be wholly contained within the approved signage envelope/s, unless otherwise approved in writing by Council.

66. Signage Illumination

The approved signs must only be illuminated during the approved hours of operation, unless otherwise approved in writing by Council.

The intensity of illumination of the signage must not cause objectionable glare, affect the safety for motorists or detract from the amenity of the neighbourhood.

PART H – OTHER APPROVALS**67. Controlled Activity Approval**

Prior to the issue of any Construction Certificate a copy of a controlled activity approval under the *Water Management Act 2000* is to be obtained from the NSW Office of Water and must be submitted to the Principal Certifying Authority.

END OF RECOMMENDED CONDITIONS

Attachment 2 – Extracts from endorsed UDG that refer to the future modifications to the Concept Approval

A marked up version of the endorsed UDG is also attached under separate cover.

Page 3

Modifications to the Concept Approval

Notwithstanding the discussion above, the design of Precinct D has evolved over the 6 years following the Concept Approval in 2011. The evolution has resulted

Page 4

in some fundamental changes to the layout, built form and floor space proposed within Precinct D. Specifically, the changes proposed are:

- Relocating the proposed hotel to the northern edge of Precinct D;
- Increase the maximum height of the hotel to permit 11 levels, and the residential flat buildings in the town centre to six storeys;
- Reclassify the hotel as a building that can also accommodate serviced apartments and residential apartments;
- Increase the permissible number of total residential dwellings;
- Remove the community and hotel uses from the town centre gross floor area cap of 22,000m²;
- Updates to the road network.

The proposed modifications will be the subject of a future application to the Department of Planning and Environment (DPE) under the provisions of Section 75W of the *Environmental Planning and Assessment Act 1979*. The Urban Design Guidelines identify and contemplate the proposed modifications where relevant to reflect the current design intent for Precinct D. However, the Urban Design Guidelines as they apply to these components can only be implemented following the approval of those modifications. The Urban Design Guidelines will be updated at that time to reflect any further changes a result of the assessment process.

Page 10

Table 4 – Residential Stage – Overarching Characteristics

Key Element	Characteristics
Land use	<ul style="list-style-type: none"> ▪ Residential
Built form	<ul style="list-style-type: none"> ▪ Four storey* apartments face open spaces to the north and west. ▪ Buildings have a high quality, coastal influenced architecture. ▪ Buildings create coherent streetscapes, however include diversity and variety of architectural expression to provide visual interest and reduce the appearance of bulk and scale. ▪ Buildings frame views towards the waterfront and define the public domain.
Public Domain	<ul style="list-style-type: none"> ▪ Primary areas of public domain connect and integrate to enable seamless pedestrian movement. ▪ Tree planting along roads provides a human scale to the street.
Movement	<ul style="list-style-type: none"> ▪ Pedestrian movement is prioritised over vehicular movement to encourage active movement, with strong pedestrian connections established between the Residential Area and adjoining areas.
Community	<ul style="list-style-type: none"> ▪ Informal community interaction and gathering is facilitated by an attractive, comfortable public domain.

*May increase to six storeys subject to future approval.

3.4 Hotel Area

The Hotel Area is located on the water's edge to the north of the Community Area¹ and will provide tourist accommodation which anchors the northern edge of Precinct D. The Hotel Area will be complementary to the location and function of the Community Area.

Tables 11, 12 and 13 outline the overarching characteristics of the Community Area and the public domain and movement network.



Figure 9 – Hotel Area

Source: Group GSA

Table 10 – Hotel Area – Overarching Characteristics

Key Element	Characteristics
Land use	<ul style="list-style-type: none"> Hotel and car parking[*].
Built form	<ul style="list-style-type: none"> 8-9 storey^{**} building that may be above a 3-4 storey podium. The building should face north south with an eastern frontage overlooking the waterfront. The hotel building defines the street and water's edge.
Public Domain	<ul style="list-style-type: none"> The Hotel Area provides an interface with the public realm associated with the Community Area, and additional open space to the north. Tree planting screens car parking area along Road 11.
Movement	<ul style="list-style-type: none"> Vehicular access onto car parking area is provided from Road 11

^{*}Additional serviced apartment and residential uses subject to future approval.

^{**}11 storey building subject to future DPE approval.

¹ The Hotel location is subject to future approval

Table 11 – Hotel Area – Movement Network Characteristics

Item	Characteristics
Road 11	<ul style="list-style-type: none"> Tree planting screens hotel car parking area. Open views are provided over Road 11 between the Hotel and public space.

**Figure 10 – Indicative visualisation of the waterfront looking west including the hotel, community area, and the waterfront restaurants. Source: HDR Rice Daubney**

4.3.2 Building height

Building heights are not to exceed the maximum height approved under the Concept Approval (07_0027). Figure 21 illustrates the indicative Precinct D building heights*.

**Figure 21 – Precinct D – Indicative Building Heights**
Source: Group GSA

*Subject to future approval the 9 storey hotel may increase to 11 storeys and the 4 storey residential buildings may increase to 6 storeys.

Attachment 3 – Consistency - Precinct D Urban Design Guidelines & Concept Approval from 2016STH007 planning report dated 23.11.2016

The proposed retail development as reported to the Panel in December 2016 was assessed as being designed in accordance with the October 2016 version of the UDG. Relevant sections from the 2016STH007 planning report dated 23 November 2016 are provided in this Attachment.

6.1.4.2 Consistency - Precinct D Urban Design Guidelines

The retail development has been designed in accordance with the guidelines.

Table 1 – Development Consistency with the Precinct D Urban Design Guidelines

Objectives	Comments
The creation of landmark spaces, views, built forms and landscape which will contribute to a sense of place.	<p>The proposal will not have any impact on the landmark view from Harbour Boulevard along Main Street towards the water.</p> <p>The proposal will not preclude the future development of a high quality gateway building on the southern side of the intersection of Harbour Boulevard and Main Street.</p> <p>The landscape plans submitted to Council propose the following:</p> <ul style="list-style-type: none"> • A grove of Cooks Pine trees to identify the town centre entry and intersection which will direct views towards the future town centre development. • Mature street tree planting along Main Street and Harbour Boulevard which will create a landmark street coastal environment and enhance the setting of the public domain.
Active ground floor uses that will generate a vibrant street environment.	<p>Main Street and the waterfront area will accommodate active ground floor uses that will generate a vibrant street environment.</p> <p>The pedestrian focus and heart of the town centre will be located at the eastern end of Main Street where the amenity and coastal setting will be very high quality.</p> <p>The proposal will not preclude the future development of a high quality gateway building with active ground floor uses on the southern side of the intersection of Harbour Boulevard and Main Street.</p> <p>The landscape plans submitted with the DA indicate that the proposed landscaping on site and the future landscaping of the Harbour Boulevard public domain will soften the street edge and result in a high quality and visually attractive streetscape.</p> <p>The car park is set approximately 1.2m below Harbour Boulevard at the boundary interface and will be further obscured by the proposed landscape treatment.</p>
Built forms and spaces that will contribute to a human scale of development.	The proposed landscaping on site and in the public domain will contribute to the human scale of development.
Amenities such as street furniture, lighting and landscaping which will enhance the public realm and encourage pedestrian activity and engender a slow speed traffic environment.	<p>As discussed above, the proposed landscaping treatment will result in a high quality coastal environment.</p> <p>The interface between the car park and the Harbour Boulevard public domain has been treated sensitively to create a pleasant pedestrian environment.</p>

Supplementary Report July 2017

2016STH007 / Development Application No. 12/2016

Lots 2054 and 2055 DP 1203745 & Lot 8032 DP 1072187

Parking which will support activities and land uses without dominating the streetscape.	The car park will not dominate the streetscape as it is set below the Harbour Boulevard street level and will be screened by high quality landscaping. The future development of the corner site will obscure the car park from Main Street.
Pedestrian and cyclist movement systems which will encourage those modes of transport and reduce car dependency.	The car park provides bike racks and end of trip facilities in the basement. Bike racks are also provided at grade in the car park.
Streetscapes which are suitable for surrounding land uses and which will support a movement system appropriate to each street type.	The relationship between the Harbour Boulevard streetscape and the adjacent landscaped car park will sit comfortably and provide a suitably high quality landscaped interface that is appropriate for a primary collector road in a coastal setting

6.1.5 Statement of Commitments (Schedule 4)

The proposal satisfies relevant Statement of Commitments made in relation to the development as part of the proposed Concept Plan. The Statement of Commitments included design requirements around the proposed buildings and built form within the precinct.

In particular, the Urban Design Commitments require a maximum building height of 4 storeys, the adoption of a contemporary coastal village materials palette and the provision of parks and boardwalks to establish public access to the harbour. An assessment of the proposal's consistency with the approved Concept Plan Statement of Commitments is located at Attachment 2.

6.1.6 Concept Approval Compliance

The Concept Approval required further environmental studies to be prepared, submitted and approved by the relevant authority with the first DA. The Approval also required further environmental assessments to be carried out and these were also submitted with DA 411/2013. These matters are set out at Attachment 2.

The environmental matters considered in the DA 411/2013 have not been revisited as part of the proposed retail development.

The development has been designed to comply with design guidelines formulated in accordance with the urban design criteria of the Concept Approval, the proposal is considered to be consistent with the Concept Approval No. MP 07_0027.

Attachment 4 – Assessment of the proposed retail development against the endorsed urban design guidelines**Section 3.1 Town Centre Core**

The proposed development is consistent with the characteristics set out in Tables Below.

Table 2 – Town Centre Overarching Characteristics

Key Elements	Characteristics	Consistency
Land use	<ul style="list-style-type: none"> Primarily a retail destination, with a supermarket providing for day to day to weekly food shopping. The supermarket is supported by specialty shops. Shop top housing is also provided. 	✓
Built form	<ul style="list-style-type: none"> A general height pattern comprising low rise (up to 4 storeys), human scale buildings. Buildings have a high quality, coastal influenced architecture. 	✓

Supplementary Report July 2017

2016STH007 / Development Application No. 12/2016

Lots 2054 and 2055 DP 1203745 & Lot 8032 DP 1072187

	<ul style="list-style-type: none"> Buildings create coherent streetscapes, however include diversity and variety of architectural expression to provide visual interest and reduce the appearance of bulk and scale. Buildings fronting Road 10 (Main Street) frame views towards the waterfront and define the boulevard entrance. 	
Public Domain	<ul style="list-style-type: none"> Primary areas of public domain connect and integrate to enable seamless pedestrian movement. Road 10 (Main Street) is an eastward extension of Cove Boulevard, and has an orientation and design that maximises views to the boat harbour. Tree planting along Road 10 (Main Street) screens car parking and frames views towards the waterfront. Retail Plaza provides an entry to the full line supermarket. Water play area to provide interest and activity in the civic plaza. <i>Note: the exact location of the water play area in the civic plaza will be confirmed as part of the relevant development application. It may be located across both the Town Centre Core and the Waterfront Mixed Use Area.</i> 	✓
Movement	<ul style="list-style-type: none"> Choice and ease of movement is facilitated by a permeable, grid-like structure of streets. Pedestrian movement is prioritised over vehicular movement to encourage active movement, with strong pedestrian connections established between the Town Centre Core Sub-precinct and adjoining areas. East-west streets are aligned to provide views to the boat harbour. 	✓
Community	<ul style="list-style-type: none"> Informal community interaction and gathering is facilitated by an attractive, comfortable public domain. 	✓

Table 3 – Town Centre Public Domain Characteristics

Public Domain	Characteristics	
Retail Plaza	<ul style="list-style-type: none"> A small scale, regular shaped space with an urban character. Its primary function is for seamless movement between the supermarket and Road 10 (Main Street). However, it also caters for informal community gathering and interaction, and may include a small pavilion used for retail purposes to activate and enliven the space. It is physically and visually connected to Road 10 (Main Street) and Waterfront Square. It is defined by buildings on three sides. 	✓
Road 10 (Main Street)	<ul style="list-style-type: none"> Provides a well-defined entrance to Shell Cove. High quality materials and tree planting frame views towards the waterfront. 	N/A

Supplementary Report July 2017

2016STH007 / Development Application No. 12/2016

Lots 2054 and 2055 DP 1203745 & Lot 8032 DP 1072187

Laneway	<ul style="list-style-type: none"> Provides a convenient, attractive and safe connections between key parts of the town centre. Is publicly accessible but held in private ownership. 	N/A
Parking	<ul style="list-style-type: none"> Parking areas contain planting to soften infrastructure. Parking is screened from adjacent active uses through built form or tree planting. 	N/A

Table 4 – Town Centre Core – Movement Network Characteristics

Road	Characteristics	
Road 10 (Main Street)	<ul style="list-style-type: none"> The Town Centre's primary street. Includes a shared zone at its eastern end. Includes parallel parking on both sides of the street, a central median planting and sculpture zone, extensive, co-ordinated street tree planting and wide footpaths. 	✓
Road MC01 (Marina Drive)	<ul style="list-style-type: none"> Connects Harbour Boulevard to the Tavern Area and at grade car parking. Provides vehicular access to the Waterfront Mixed Use Area and egress from the supermarket basement car park. Provides access to the Private Road. 	N/A

Section 4.1 Street Network and Public Domain**4.1.1 Street & Pedestrian Network**

Performance Criteria		Consistency
PC1	To create a legible street network.	✓
PC2	Parking areas are safe, legible, softened by vegetation and visually concealed when viewed from the street and other public areas, as far as reasonably possible.	✓
PC3	Road 10 (Main Street) is a vibrant street.	✓

Design Guidelines		
DG1	Streets and carparks are to be provided generally in accordance with Figure 15 – Indicative Street Network and Parking Plan .	✓
DG3	Street design and layout is permitted to vary from the Indicative Sections provided Precinct D will function in accordance with and remain generally consistent with the Concept Approval.	✓
DG4	Streets and spaces are to prioritise the movement of pedestrians over cars and should be designed to reflect the pedestrian network illustrated in Figure 16 – Indicative Pedestrian Network .	✓
DG5	Road 10 (Main Street) is orientated to frame views towards the waterfront.	✓
DG6	Development Applications should include details of pavement treatments, raised thresholds and pedestrian crossings where relevant.	✓

Supplementary Report July 2017

2016STH007 / Development Application No. 12/2016

Lots 2054 and 2055 DP 1203745 & Lot 8032 DP 1072187

DG7	The shared zone at the eastern end of Road 10 (Main Street) is to be designed to reduce traffic speed and create a pedestrian friendly space in accordance with the requirements of NSW Roads and Maritime Services.	N/A
DG8	Public bus circulation routes are to be consistent with Figure 17 - Precinct D – Indicative Bus Route.	✓
DG9	Parking areas are well lit and avoid hidden and enclosed areas.	✓

4.1.2 Public Domain – General

Performance Criteria		
PC1	To create a public domain that is an integrated part of the proposal for the whole of Shell Cove. The public space and landscape design must provide for a richness of experience and a variety of spaces that are designed to have specific character and functions, not just dressing to the edges of buildings.	✓
PC2	To create a public open space network that provides a variety of usable spaces for different activities.	✓
PC3	The waterfront promenade will be the civic focus of Shell Cove and will be a high quality public space accessible to a range of users	N/A
PC4	Public spaces are designed to be legible and enable people to readily perceive and understand the character of each space, its intended use and its relationship to other spaces within the network	✓
PC5	Create a connected series of high quality public spaces along the waterfront that support a wide range of activities day and night.	N/A

Design Guidelines		
DG1	The key public spaces are provided generally in accordance with Figure 18 – Precinct D - Key Public Spaces	✓
DG2	A choice of seating and resting options are designed into each area of public open space.	✓
DG3	Tree planting and structure provide shade and a comfortable environment.	✓
DG4	50% of the key public spaces identified in Figure 18 is to achieve 3 hours direct solar access on 21 June between 9am and 4pm	N/A
DG5	The public domain along Road 10 (Main Street) and the Waterfront Mixed Use Area should include 'pause places' are designed into the public realm to encourage casual interactions.	✓
DG6	Precinct D should include both formal and informal places, with hard and soft landscaping, that will support small to large-scale gatherings. It may include features such as artworks, entertainment spaces, commemorative works, landscape features, gardens, recreation spaces, play spaces, water features and outdoor dining areas.	N/A
DG7	Streets and spaces are well lit and overlooked and designed using CPTED principles.	✓
DG8	Design spaces with clear lines of sight to enable visibility of hazards and to maintain safety of pedestrians. Design out blind spot opportunities.	✓

4.1.3 Materials and landscaping

Performance Criteria	
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Supplementary Report July 2017

2016STH007 / Development Application No. 12/2016

Lots 2054 and 2055 DP 1203745 & Lot 8032 DP 1072187

PC1	Materials and landscaping are robust, well detailed and support the local character of the area whilst contributing to architectural diversity.	
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Design Guidelines		
DG1	Materials, planting and design detail celebrate and represent the coastal character.	✓
DG2	Provide shade trees and feature trees that are appropriate to the sites coastal location (indicative street tree planting is illustrated at Schedule A).	✓
DG3	Landscaping is to be provided generally accordance with Figure 19 - Precinct D Indicative Landscape Plan.	✓
DG4	Use tree planting to frame important views and screen car parking areas.	✓
DG5	Landscape treatment and street trees should be designed to provide physical and design connection to the surrounding precincts.	✓
DG6	Planter boxes may be used to complement spaces and movement networks, and be of human scale and proportion.	N/A
DG7	Simple designs using high quality materials maintain the character of spaces when activity is absent. Indicative materials are illustrated at Schedule A.	✓
DG8	Robust, unrestrictive designs ensure that the public realm can adapt and respond to the rhythms and patterns of use by time of day, day of week and season.	✓
DG9	Street furniture is encouraged to have multiple functions – for example using planter walls as seats and to also incorporate signage. Indicative examples are provided at Schedule A.	✓
DG10	Street furniture, signage, lighting and other streetscape infrastructure should be simple, elegant and robust and read as a unified design language throughout the precinct. Indicative examples are provided at Schedule A.	✓

4.1.4 View corridors

Performance Criteria		
PC1	To provide a visual link to the boat harbour from within the Town Centre.	✓

Design Guidelines		
DG1	New development along Road 10 (Main Street) frames the view to the boat harbour from the intersection of Cove Boulevard and Harbour Boulevard.	✓

4.2 Land use mix

Performance Criteria		
PC1	Provide the range of land uses envisaged under the Concept Approval.	✓
PC2	Land uses should serve to activate the public domain at appropriate locations throughout Precinct D.	✓
PC3	Buildings fronting the waterfront promenade should have clear addresses and direct access from the public walkway.	N/A

Design Guidelines		
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Supplementary Report July 2017

2016STH007 / Development Application No. 12/2016

Lots 2054 and 2055 DP 1203745 & Lot 8032 DP 1072187

DG1	Land uses should be located generally in accordance with Figure 20 – Precinct D – Indicative Land Use and Active Frontages.	✓
PC2	Development should provide active ground floor uses in accordance with Figure 20 – Precinct D – Indicative Land Use and Active Frontages.	✓

4.3.1 Floor space and dwelling numbers

The proposed floor space and dwelling numbers are to be generally consistent with the Concept Approval (07_0027), see assessment report.

4.3.2 Building height

The proposed building heights do not to exceed the maximum height approved under the Concept Approval (07_0027), see assessment report.

4.3.3 Architectural Design

Performance Criteria		
PC1	Provide architectural diversity complementary to the coastal setting.	✓
PC2	Precinct D is to be composed of a variety of building types and forms which will together form a coherent town centre.	✓

Design Guidelines		
DG1	Buildings should be designed using the materials suggested under 4.3.7 below.	✓
DG2	Buildings should provide a diversity and variety of form.	✓
DG3	Building frontages are to be articulated into separate building frontages and bays, using shop front separations, attached columns and steps in the façade.	✓
DG4	Excessive lengths or heights of blank walls which are highly visible to any area of public domain (including streets, lanes and car courts) should be avoided.	✓
DG6	Lift tower, stair towers, air conditioning plants etc. are to be integrated into the design of the buildings.	✓

4.3.4 Setbacks

Performance Criteria		
PC1	Buildings are sited to: <ul style="list-style-type: none"> activate and define the town centre streets, enable on-site landscaping to soften the visual impact of buildings; be setback from the boat harbour to provide for a wide, unobstructed publicly accessible pedestrian promenade; and provide a high level of amenity on-site and for adjoining properties, including enabling adequate sunlight, daylight access and natural ventilation. 	✓

Design Guidelines		
DG1	The ground floor of buildings fronting Road 10 (Main Street) are built to the street boundary with a 0m setback.	✓
DG2	Buildings on the northern side of Road 10 (Main Street) are to be setback above the third storey.	N/A

Supplementary Report July 2017

2016STH007 / Development Application No. 12/2016

Lots 2054 and 2055 DP 1203745 & Lot 8032 DP 1072187

DG3	Residential flat buildings fronting Roads 10 (East), 11 and 12 are setback a minimum of 3.5m from the street boundary. Articulation zones (i.e. balconies) can be setback a minimum of 2m from the street boundary.	N/A
DG4	Side and rear boundary setbacks for residential flat buildings are to be consistent with the requirements of Part 3F of the Apartment Design Guide where relevant.	N/A
DG5	Basement parking may protrude into the front setback provided any visual impacts on the public domain are appropriately addressed.	N/A
DG6	The tavern building can protrude over the boat harbour provided continuous pedestrian access is maintained along the boat harbour waterfront.	N/A
DG7	Buildings (excluding the Tavern, marina services and hotel) are to be setback a minimum of 6m from the boardwalk promenade.	N/A
DG8	The hotel can be setback a minimum of zero metres to Road 11 and a Road 10 (East) to provide definition to the street edge.	N/A
DG9	The hotel building is to be orientated east west and should provide an appropriate interface to the public open space; maximise views to the boat harbour and north and south along the coastline.	N/A
DG10	The community building can be setback a minimum of zero metres to Road 10 and the civic plaza.	N/A

4.3.5 Residential Apartment Design

Performance Criteria		
PC1	Residential dwellings are to be designed and located to achieve high levels of amenity such as solar access, privacy, noise, views, security, landscaped open space, convenience of access and parking to the occupants and to adjacent properties.	N/A
PC2	Provide independent living opportunities for different ages and abilities.	N/A
PC3	Provide a mix of apartment types that cater to the needs of a variety of household	N/A

Design Guidelines		
DG1	Development for residential flat buildings or shop top housing is subject to the requirements of <i>State Environmental Planning Policy 65 – Design Quality of Residential Flat Development</i> including the Design Quality Principles and the Apartment Design Guide.	N/A
DG2	Adaptable housing is to be provided in accordance with the requirements of the Apartment Design Guide.	N/A
DG3	Precinct D is to provide a range of 1, 2 and 3 bedroom apartments.	N/A

4.3.6 Parking and Access

Performance Criteria		
PC1	Parking and access: <ul style="list-style-type: none"> ▪ provides for an adequate amount of car, motorcycle and bicycle parking to service forecast demand. ▪ is provided in suitable locations. ▪ is safe, functional and convenient. ▪ ensures buildings can be adequately serviced. ▪ provides loading areas in locations that do not visually dominate Road 10 (Main Street). 	✓

Supplementary Report July 2017

2016STH007 / Development Application No. 12/2016

Lots 2054 and 2055 DP 1203745 & Lot 8032 DP 1072187

PC2	Waterfront buildings address the promenade.	N/A
PC3	Buildings fronting Road 10 (Main Street) address the street.	✓

Design Guidelines		
DG1	<p>Car parking is to be provided with consideration of the following rates:</p> <ul style="list-style-type: none"> Commercial premises – 1 space / 40m² Retail shop – 1 space / 35m² Supermarket – 1 space / 20m² Food and drink premises – 15 spaces / 100m² GFA Hotel – 0.8 spaces / hotel room Serviced apartments* – 0.6 spaces / 1 bedroom apartments & 0.9 spaces / 2 & 3 bedroom apartments. Residential apartments - 1 space / 1 bedroom & 1.5 spaces / 2+ bedrooms Residential visitors – 0.25 spaces / 1 bedroom & 0.5 spaces / 2+ bedrooms. <p>Note: alternative rates may be provided where justified. Consideration shall be applied to peak demand analysis where shared trips may occur and where uses have different peak demands.</p> <p>*Serviced apartment use subject to future approval</p>	✓
DG2	On-site parking areas comply with the current version of AS2890.1.	✓
DG3	Where possible, car parking is located on site to the rear of buildings and behind the front building line.	✓
DG4	<p>Entries to basement car parks are to be located above the Probable Maximum Flood (PMF) level and generally in accordance with the locations shown on Figure 22, unless an alternative solution has been agreed with Shellharbour City Council.</p> <p>The proposed basement entries identified in Figure 22 have been informed by flood modelling and analysis undertaken by Advisian which has been outlined in "Updated Assessment for Probable Maximum Flood" dated 13 January 2017 and submitted to Shellharbour City Council.</p>	✓
DG5	On-site carparking does not directly face the Road 10 (Main Street).	✓
DG6	Building servicing and loading facilities adequately cater for forecast building demand and are provided in accordance with AS2890. 2:2002.	✓
DG7	Ensure service areas and facilities do not adversely impact on the visual amenity of the streetscape.	✓
DG8	<p>Motorcycle and bicycle parking rates are to be provided in accordance with the Shellharbour DCP</p> <p>(Note: alternative rates may be provided where justified).</p> <p>Motorcycle and bicycle parking is to be delivered on a Precinct wide basis, whereby the required total quantum of motorcycle and bicycle parking can be provided across multiple locations or can be consolidated dependent on constraints. Where public motorcycle or bicycle parking cannot be provided immediately adjacent to the proposed use, it is to be provided at another parking location in Precinct D.</p>	✓
DG9	A right of carriageway for future access must be created over the land identified in Figure 22 – Precinct D – Indicative Basement Entry Locations and Access Easement prior to the at grade supermarket car park commencing operation.	✓
DG10	Buildings along the waterfront are to provide direct pedestrian access to the waterfront public domain where appropriate.	✓

Supplementary Report July 2017

2016STH007 / Development Application No. 12/2016

Lots 2054 and 2055 DP 1203745 & Lot 8032 DP 1072187

4.3.7 Materials

Performance Criteria		
PC1	Buildings are to be constructed with materials that reflect the coastal vernacular.	✓

Design Guidelines		
DG1	Buildings are to be generally constructed using primarily timber, ply, steel and glazing on the external facades. This does not preclude the use of other materials that reflect the coastal vernacular where appropriate. Indicative building materials are illustrated in Figures 23 and 24 below.	✓

4.4 Crime Prevention Through Environmental Design

Performance Criteria		
PC1	Precinct D provides a safe and welcoming environment that discourages antisocial behaviour.	✓

Performance Criteria		
DG1	Development Applications are to demonstrate that CPTED principles have been achieved.	✓

4.5 Environmentally Responsive Design

Performance Criteria		
PC1	<p>To use environmentally responsive design principles throughout the public realm to achieve:</p> <ul style="list-style-type: none"> ▪ A comfortable and long term cost efficient development. ▪ Improvements in resident, employee and construction workers' comfort and health. ▪ Minimise pollution of air, soil and water. ▪ Encourage design for durability and long life. 	✓

Design Guidelines		
DG1	Orientate residential buildings to maximise solar access and cross ventilation.	✓
DG2	Enhance biodiversity, flora and fauna habitat value, energy conservation, and microclimate wherever practical and possible	✓
DG4	Recycle building materials are used wherever practical.	✓
DG5	Use energy efficient lighting such as solar lighting and low voltage electrical facilities (e.g. public barbeques etc.).	✓

Attachment 5 – Planning Report Extract

The planning report prepared for 2016STH007 dated 23.11.2016 considered the increased in operational hours in section 7.8 under site suitability as follows:

Site Suitability [s.79C(1)(c)]

Hours of operation (including loading and unloading of goods) are proposed to be:

- Retail Centre (including Supermarket): 24 hours 7 days a week; and
- Loading Dock: 7am to 10pm 7 days a week.

The application was publicly exhibited with proposed trading hours till midnight, but since no objections were received, the need to re-exhibit the amendment to include 24 hour trading is considered unnecessary because the overnight impacts are not dissimilar to the likely impacts that are experienced from 10 pm till midnight trading anyway, but are more likely to be even less due to decreasing customer patronage through the night.

Twenty-four hour retail activity is considered appropriate in an emerging town centre because it can be managed to meet market demands without adversely impacting existing resident amenity due to the absence of residential developments in the town centre at this time. Acoustic impacts would be managed during the design and construction of the future residential accommodation to ameliorate night time acoustic impacts.

Existing residents in Stage 10 of Shell Cove (i.e. west of Harbour Boulevard) are considered to be located far enough away from the supermarket that they would not likely be unreasonably impacted during the night as the noisy activities (loading dock operations) are to cease at 10 pm.

The amended hours of operation are considered satisfactory.