

# JOINT REGIONAL PLANNING PANEL

## (Southern Region)

### ASSESSMENT REPORT SUMMARY AND RECOMMENDATION COVER SHEET

JRPP No	2017STH008
DA Number	97/2017
Local Government Area	Shellharbour
Proposed Development	18 dwellings and 18 lot Torrens title subdivision
Location	Lot 2043 in DP 1203745, The Promontory Drive, Shell Cove Lot 2116 in DP 1203746, Wharf Parade, Shell Cove
Applicant/Owner	Frasers Property Australia Pty Ltd / Shellharbour City Council
Number of Submissions	Nil
Regional Development Criteria (Schedule 4A of the Act)	Clause 4 'Council related development with a CIV over \$5 million' Development that has a capital investment value of more than \$5 million as the council is the owner of any land on which the development is to be carried out. The proposed development has a CIV of \$7,009,000.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 71 – Coastal Protection</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (SEPP) No 55 – Remediation of Land</li> <li>• State Environmental Planning policy (Building Sustainability Index: BASIX) 2004</li> <li>• Shellharbour Local Environmental Plan 2013</li> <li>• Shellharbour Development Control Plan</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
List all documents submitted with this report for the panel's consideration	Attachment 1 – Draft Schedule of Conditions Attachment 2 – Site Context & Boat Harbour Precinct Attachment 3 – Locality Plan Attachment 4 – Site photos Attachment 5 – Site Plan & Street Elevations – Stage 93 (Lot 2043) Attachment 6 – Site Plan & Street Elevations – Stage 94 (Lot 2116) Attachment 7 – Extract from Statement of Environmental Effects Additional Shadow Diagram information
Recommendation	That DA No. 97/2017 (JRPP Ref no. 2017STH008) be approved subject to the schedule of conditions contained in Attachment 1.
Report prepared by	Victoria Nicholson, Senior Development Assessment Officer
Report endorsed by	Grant Meredith, Group Manager City Development
Date of report	19 June 2017

## PLANNING REPORT

### 1 Context of development site

The development site falls within the Shell Cove Boat Harbour Precinct, a master planned estate approved under the Major Project Approval *Shell Cove Boat Harbour Precinct Concept Plan*, Concept Approval No. 07\_0027 in 2011. The masterplan comprises of residential, commercial, retail, hotel, business park, dry boat storage facility, open space and wetlands.

The development site is located within Precinct C1, a residential precinct. The location of the site in context of the Shell Cove Boat Harbour Precinct can be seen in Attachment 2.

### 2 Description of development proposal

Development consent is sought for the construction of 18 two storey dwellings and 18 lot Torrens title subdivision on two residential superlots. Each lot will contain one dwelling. The number of dwellings on each lot is:

Lot 2043<sup>1</sup> - 10 dwellings and 10 lot Torrens title subdivision

Lot 2116<sup>2</sup> - 8 dwellings and 8 lot Torrens title subdivision

A locality plan showing the development site can be seen in Attachment 3.

Site photos of the development site are found in Attachment 4. It can be seen that the site does not include any vegetation or street trees. Both sites have a cross fall and the street elevations of Attachments 5 and 6 illustrate the dwellings 'stepping down' the street in response to topography.

Main features of Lot 2043 development include:

- The rectangular shaped superlot is bounded on all four sides by roads. Its primary frontage is The Promontory Drive. The Promontory Drive is identified as a view corridor street in the Concept Approval and thereby referred to as such in the Urban Design Guidelines for precincts B1 and C1. Vehicle access from the view corridor street is denied with alternative access via the laneway, Stern Way, which runs parallel to the primary frontage. The secondary frontages are along the shorter roads, Anchorage Parade and another laneway, Keel Way.
- The ten (10) residential lots vary in size between 212sqm – 265sqm. Four lots have a zippered side boundary line. The zippered boundary line coincides with the location of the garage thereby providing a regular shaped private open space area for the dwelling.
- The spatial arrangement of the ten (10) dwellings is three attached, four attached and three attached dwellings. Each group of dwellings have a side boundary setback of 1200mm, achieving a separation distance of 2400mm between the buildings.
- The dwellings are rear loaded with access from Stern Way. The rear loaded garages are similarly arranged as the dwellings although the group of 4 dwellings have their garages separated into two groups of 2 attached garages. This arrangement enables future residents to have direct external access from their private open space area to the laneway.

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<sup>1</sup> Lot 2043 has been referred to within the supporting documentation and plans as 'stage 93'; 'stage' refers to the lot number as shown on the subdivision plan as approved under the subdivision DA, DA 411/2013.

<sup>2</sup> Similarly, Lot 2116 is also referred to as 'stage 94'.

Two dwellings, CN9302 and CN9309, will achieve access from their private open space area to the laneway via the garage; the width of these garages has been increased to accommodate the absence of direct external access.

- Each garage is a double garage with a 2m setback from the laneway. This setback facilitates landscaping which will soften the visual dominance of laneway pavement and garages. Two dwellings, CN9304 and CN9307, can accommodate one off street parking space, that is, these dwellings have three (3) car parking spaces.
- On street parking is available on all streets.
- The front building line of eight (8) of the ten (10) dwellings is 3m with open structure encroachments. The corner dwellings have an increased setback of at least 5m in response to the splay boundary at the corners. The secondary frontage building lines are at least 1360mm. The dwelling design addresses the secondary frontage.

Main features of Lot 2116 development:

- Lot 2116 is also bound by 4 road frontages, with Wharf Parade as the primary frontage, Keel Way being the laneway from which vehicles access on-site parking and the two secondary frontages being The Promontory Drive and Dockside Avenue. Wharf Parade is identified in the Concept Approval as a main corridor street. Wharf Parade connects to the future commercial precinct, precinct D.
- The lot size varies between 165sqm – 354sqm. Four lots have an area of less than 200sqm.
- All dwellings are two storey with single storey garages, with exception of the two (2) garages that have a 'fonzi' flat above the garage.
- The spatial arrangement of the dwellings along Wharf Parade is one detached dwelling, three attached dwellings, three attached dwellings and one detached dwelling, a total of eight dwellings.
- The rear loaded garages are similarly arranged as the dwellings. The centre dwelling of each block of three (3) attached dwellings does not have direct external access from their private open space area to the rear laneway.

Six of the eight dwellings have a double garage. The remaining 2 dwellings have a single covered car parking space, presenting to the laneway as a single garage but open at the rear for option of dual use as open space. The two dwellings with single garage are on the smallest sized lots. On street parking is available on all streets.

- The two detached dwellings at the 'bookends' of the superlot each have a 'fonzi' flat constructed over the double garage for use by the residents of the dwelling. The 'fonzie' flats include a small balcony on the laneway frontage thereby enabling passive surveillance of the surrounding streets.

No site facilities have been provided for the 'fonzie' flats such as separate open space, waste bin storage area, clothes drying area or vehicle parking. Having regard to the latter, on street parking is available on all streets. 'Fonzi' flats will remain on the same land title as the main dwelling.

- The dwellings on the four lots having an area less than 200sqm have been designed to have the ground floor living areas with a ceiling height of 3m and floor to ceiling glazing to maximise the amount of natural light to these areas. The side boundary setback of

1200mm will allow for services to be sited in the setback area rather than adjoin the private outdoor living areas. These measures will contribute to the amenity of these dwellings on the smaller lots.

Attachments 5 and 6 show the site and elevation plans of the proposal.

## **4 Statutory development assessment framework**

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 71 – Coastal Protection
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Shellharbour Local Environmental Plan 2013
- Shellharbour Development Control Plan 2013

### **4.1 *Environmental Planning & Assessment Act 1979***

#### **4.1.1 Public notice of application**

Pursuant to s79A of the *Environmental Planning & Assessment Act 1979* (the Act), the DA was publicly notified as required by the provisions of the *Shellharbour Development Control Plan* (SDCP).

The DA was publicly notified for a period of 21 days commencing 30.03.2017 and closing 19.04.2017. The notification included a DA notification sign on the land, letters to property owners/occupiers within 50m of the site and an advertisement notice in the local newspaper seeking representations regarding the proposal to be submitted for Council's consideration within the 21 day period.

#### **4.1.2 Schedule 6A Transitional arrangements – repeal of Part 3A**

The Concept Plan for the Shell Cove Boat Harbour Precinct (MP07\_0027) was approved under Part 3A of the Act on 15 February 2011.

The Boat Harbour Precinct Concept Plan provides indicative dwelling numbers and gross floor areas for each Precinct rather than stipulating development standards for minimum lot size and floor space ratio. The Concept Plan also refers to number of storeys of a building rather than maximum building heights.

Multi dwelling housing development is integral in achieving the residential densities identified in the Concept Plan. The development of the superlots in Precincts B1 and C1 as multi dwelling housing is consistent with the strategic outcome of higher dwelling densities in the Boat Harbour Precinct.

The Concept Approval also required the preparation of detailed urban design guidelines for each stage of the development. This is discussed in the following section.

Part 3A of the Act however has since been repealed.

Schedule 6A of the Act is applicable to this development application as the Shell Cove Boat Harbour Precinct Concept Plan was approved under the now repealed Part 3A of the Act. Under the transitional provisions of Schedule 6A clause 3B, environmental planning instruments will apply but only to the extent that they are consistent with the approved Concept Plan. The provisions of any environmental planning instrument or any development control

plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan.

Schedule 6A also requires that a consent authority must not grant consent under Part 4 of the Act for the development unless it is satisfied that the development is generally consistent with the terms of the approval of the concept plan. [subclause 3B(2)(d)]. The proposal is considered to be consistent with the Concept Approval as firstly, the Design Guidelines have been developed to establish design controls, that are of relevance to the Precincts, in accordance with condition D.1 in schedule 3 of the Concept Approval, and secondly, the proposed 18 dwellings have been designed to generally comply with the design controls set out in the Design Guideline. Attachment 7 shows the indicative dwelling yield and floor area for the B and C Precincts and the contribution of this proposal toward meeting these parameters of these development precincts.

The Concept Approval also required further environmental studies to be prepared, submitted and approved by the relevant authority with the first DA, this being the residential subdivision of Precinct B1 and C1 (DA 411/2013). Further environmental assessments were also to be carried out and these were also submitted with DA 411/2013. These assessment reports were considered in the assessment of the subdivision proposal of and supported. The environmental matters considered in the DA 411/2013 have not been revisited as part of the proposed dwelling development.

#### **4.1.2.1 Urban Design Guidelines**

The Concept Approval (MP07\_0027) requires the preparation of urban design guidelines to establish design controls to achieve criteria specified in Schedule 3 Part D condition no. 1. *Design Guidelines for Medium Density Housing Precincts B1 and C1* for the 14 superlots created under the Development Consent No. 411/2013 for the subdivision of land within Precincts B1 and C1 were lodged with the first superlot development application (DA) (DA 651/2015; 2015STH028). The subject DA is the fourth DA for multi dwelling development of the residential superlots. Attachment 3 shows the location of the eight (8) superlots that have been approved for multi dwelling housing in these two precincts. The consent authority for these multi dwelling housing developments was the Joint Regional Planning Panel (Southern Region).

The Approval requires urban design guidelines to be prepared by a suitably qualified architect or urban designer to develop design controls that will achieve the following (only those applicable to precinct B1 and C1 have been noted):

- architectural diversity within all stages which complements the site's coastal context,
- a variety of detailed designs which avoid monotones and repetition,
- 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,
- compliance with *Crime Prevention Through Environmental Design* (CPTED) principles,
- appropriate density, bulk, scale, textures and colours in relation to surrounding development, topography and streetscape,
- consistency with the *New South Wales Coastal Policy 1997* and *Coastal Design Guidelines New South Wales* in terms of visual impact, bulk, scale and amenity,
- buildings which address main avenues or boulevards and services by rear laneways/access ways to improve legibility and prevent gated communities.

The design guidelines have been prepared by an appropriately qualified person and are considered to have duly considered the relevant design criteria as set out in the Concept Approval. The dwelling development has been designed in accordance with these guidelines. The applicant has completed a compliance table to demonstrate how the proposal meets the quantitative controls of the Guideline; the compliance table forms part of the Statement of Environmental Effects submitted with the DA.

Adaptable housing has not been provided as part of this proposal due to, as explained by the applicant, the site's topography. Precinct E, another residential area, will be established as having levels more suitable for adaptable housing and it is expected that adaptable housing in this precinct will be provided and at greater levels than the 20% of dwellings recommended by the SDCP to catch up on the deficiency in precincts B1 and C1.

The applicant was requested to demonstrate the adequacy of the Design Guidelines in meeting the objectives and intentions of the Concept Approval and in meeting the Concept Approval Schedule 3 Part D – Urban Design requirements. The applicant referred to sections 4.1 and 4.2 of the Statement of Environmental Effects. The SEE extracts are found in Attachment 7.

#### **4.2 Section 79C Environmental Planning & Assessment Act 1979**

In determining a development application, a consent authority is to take into consideration matters referred to in section 79C(1) of the Act as are of relevance to the development the subject of the application:

##### **4.2.1 Section 79C (1) (a)(i)(ii)(iii)(iiia)(iv)(v) - environmental planning instruments; any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority, any development control plan, and any planning agreement entered into under Section 93F or any draft planning agreement that a developer has offered to enter into under Section 93F, the Regulations, any coastal zone management plan;**

###### **4.2.1.1 State Environmental Planning Policy (State and Regional Development) 2011**

The provisions of this Policy apply to the development proposal, however only insofar as identifying the proposal as regional development where the consent authority is the Joint Regional Planning Policy.

###### **4.2.1.2 State Environmental Planning Policy No. 71 – Coastal Protection**

*State Environmental Planning Policy No. 71.* (SEPP 71) aims to protect and manage the natural, cultural, recreational and economic attributes, vegetation and visual amenity of the NSW Coast as it applies to the site. In doing so it requires development to be assessed under a range of considerations (such as clause 8 and Part 4).

The site will not have direct frontage to the coast and will have limited visibility from the coastal area as it will be surrounded by future residential development that is likely to have heights exceeding two storeys.

The proposal is considered to be consistent with the provisions of SEPP 71. The subdivision design and layout of the proposal is generally consistent with the Concept Plan approval and stormwater and water cycle management was a consideration under the subdivision DA 411/2013 approval.

###### **4.2.1.3 State Environmental Planning Policy No. 55 – Remediation of Land**

The land was formerly used as farmland and grazing. Considerable bulk earthworks have been undertaken as part of the approved subdivision works.

The aim of SEPP 55 is to provide for the remediation of contaminated land for the purpose of reducing the risk of harm to human health or environment and requiring that any remediation work meet certain standards and notification requirements.

A Phase 2 site contamination assessment of the Boat Harbour Precinct, including land subject to this DA, was submitted with the Preferred Planning Report for the Concept Plan application and concluded that a remedial action plan was required for the former golf course and at the location of a former farm structure. The aforementioned land use and structure however are not located on land within the precincts B1 and C1 and accordingly remediation works were not required in this regard.

Based on the above, the proposal within precinct C1 will not undermine the objectives of this Policy.

#### 4.2.1.4 State Environmental Planning policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been prepared for the development for both stages 93 and 94 and relevant conditions requiring the fulfilment of commitments will form part of the development consent, and in this regard the aims of the Policy have been satisfied.

#### 4.2.1.5 Shellharbour Local Environmental Plan 2013 (SLEP 2013)

Notwithstanding Schedule 6A of the Act, the following assessment of the proposal pursuant to SLEP 2013 has been carried out as follows.

##### Permissibility

Under this Instrument, the land is zoned R3 Medium Density Residential.

Pursuant to the Dictionary of SLEP 2013, the proposal is characterised as multi dwelling housing. The Dictionary defines multi dwelling housing as:

*multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building*

Multi dwelling housing on land zoned as R3 is permissible development subject to development consent.

Pursuant to clause 2.6, the land can be subdivided subject to development consent.

Notwithstanding the Concept Plan Approval, the development proposal is permissible development pursuant to Part 2 'permitted or prohibited development' of SLEP 2013.

##### Development standards

The development standards that apply to the land and development are:

- a. a building height development standard of 9m.
- b. a floor space ratio development standard of 0.7:1.
- c. pursuant to clause 4.1B 'exceptions to minimum lot sizes for certain residential development' where a DA is lodged for both Torrens title subdivision and dwelling construction, a minimum lot area of 200 sqm.

As earlier stated, the Concept Approval refers to:

- a. building height as number of storeys. For this site, the building height is 2-3 storeys. The proposal, being a 2 storey development, is consistent with the Approval. The height of the dwellings also less than 9m and so does not exceed the height development standard of SLEP 2013.
- b. indicative dwelling numbers and gross floor areas on a precinct wide basis. Using the ground floor living and first floor living areas and site area information provided on the plans, the FSR for stage 93 is 0.709:1 and for stage 94, the FSR is 0.67:1.
- c. indicative dwelling yields not to minimum lot areas. 12 of the 18 lots have a lot area of at least 200sqm. The four lots that fall below this standard have lot areas of 165sqm, 170sqm, 197sqm and 194sqm. The applicant asserts that dwellings on these lots are designed to ensure high levels of amenity to future residents.

Clause 4.6 of SLEP2013 enable exceptions to certain development standards to be considered however, pursuant to Schedule 6A of the Act an exception is not required as clause 3B provides that in an event of an inconsistency between the development standards contained in SLEP 2013 and the Concept Approval, the latter prevails.

#### Zone objectives

The R3 zone objectives as provided in the Land Use Table are:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Under clause 2.3(2) of SLEP 2013, the consent authority must have regard to the objectives for development in the zone. The proposed subdivision and dwelling development is consistent with the objectives of the land use zone.

#### Clause 5.5 Development in the coastal zone

Refer to the earlier SEPP 71 comment. The site does not have direct frontage to the foreshore and stormwater generated by the development will be diverted to water quality treatment areas and as such will not adversely affect the heads of consideration of the policy.

#### Clause 5.10 Heritage conservation

Heritage was considered during the assessment of DA 411/2013 subdivision proposal. In brief, it was concluded that the site does not contain any European heritage items, conservation areas or Indigenous places or objects. Aboriginal heritage significance was investigated as part of the Part 3A Concept Plan application and the archaeological sensitivity of the area was considered low. The proposal is not likely then to undermine the heritage conservation objectives of this clause.

#### Clause 6.1 Acid sulfate soils

The subject site is not mapped as an area containing potential acid sulfate soils.

#### Clause 6.3 Flooding

The subject site is not flood affected land.

#### 4.2.1.6 Shellharbour Development Control Plan 2013



Pursuant to schedule 6A of the Act, the provisions of any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan. The DA is assessed then under the design guidelines developed for the proposed form of development as required by the Concept Approval. Development objectives and provisions of SDCP will only apply where the *Design Guidelines for Medium Density Housing Precincts B1 and C1* is silent on a development objection/provision, for example stormwater management and public notification of a development application.

A comparison of the Design Guidelines and SDCP includes:

- Reduced building lines and boundary setbacks of the Design Guidelines
- Greater focus in the Design Guidelines on design with emphasis on materials and colours of dwelling facades, roofing and guttering and fencing style and materials which consistent with the emphasis placed on design aesthetics included in the MP07\_0027 Approval.
- The area of private open space in the Design Guidelines is numerically less however in practice those DAs approved meet and exceed the minimum total private open space area requirements of the SDCP.
- Car parking numerical requirement is comparable with exception of the rate for 2 bedroom dwellings where only one car space is required.

The Guidelines however are site specific to create an urban form that contrasts with the remaining LGA and so promote a point of difference / distinction. Nevertheless, the site facilities required by the Design Guidelines are comparable to those required by SDCP. Stage 93 dwellings for example, have site facilities that are comparable with the SDCP total private open space area and car parking facilities are equivalent or exceed the requirements of SDCP.

#### 4.2.1.7 Other matters

No planning agreement under Section 93F applies to the site or any draft planning agreement. No coastal zone management plan applies to the site. With regard to the Regulations, the prescribed conditions relating to demolition are relevant to this proposal.

#### **4.2.3 Section 79C (1)(b)- the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality;**

The proposal has the potential to result in adverse impacts however those impacts are capable of being mitigated by conditions of consent (eg construction impacts) or can be considered to result in minimal impact within reasonable/acceptable limits. There are no adverse social and economic impacts associated with the proposal.

#### **4.2.4 Section 79C (1)(c)- the suitability of the site for development;**

The site suitability has been discussed throughout this report. The development site does not appear to have any physical impediments to prevent development.

An acoustic report was prepared for the subdivision of the land for residential purposes and concluded that road traffic noise is predicted to exceed relevant noise guidelines at residences along Harbour Boulevard. The reports recommended acoustic attenuation measures for those lots within 40m of the Harbour Boulevard do not apply to the development site.

The site is suitable for the proposed development subject to the imposition of conditions contained in the Attachment 1.

#### **4.2.5 Section 79C (1)(d)- any submissions made in accordance with the Act or the Regulations;**

No submissions were made to Council regarding the proposed development.

#### **4.2.6 Section 79C (1)(e)- the public interest.**

The proposal is consistent with the Concept Plan Approval through its general compliance with the Urban Design Guidelines for multi dwelling housing in Precinct C1. The proposal will increase the supply and diversity of housing in a coastal environment and will contribute to supporting the future Shell Cove commercial precinct. The construction stage of the development will provide employment and economic benefits to the Illawarra.

As such, development consent of this proposal will not undermine the public interest subject to appropriate conditions being imposed on any development consent.

## **5 Recommendation**

Having regard to *Environmental Planning & Assessment Act 1979* Schedule 6A clause 3B (2)(d), the proposal is generally consistent with the Concept Approval. The proposal is consistent with relevant state and local statutory planning policies and controls. Thus, it is recommended that DA No. 97/2017 (JRPP Ref no. 2017STH008) for the construction of 18 dwellings and 18 lot subdivision be approved subject to the schedule of conditions in Attachment 1.

## Attachments

Attachment 1 – Draft Schedule of Conditions

Attachment 2 – Site Context & Boat Harbour Precinct

Attachment 3 – Locality Plan

Attachment 4 – Site photos

Attachment 5 – Site Plan & Street Elevations – Stage 93 (Lot 2043)

Attachment 6 – Site Plan & Street Elevations – Stage 94 (Lot 2116)

Attachment 7 – Extract from Statement of Environmental Effects sections 4.1 and 4.2

### Attachment 1 – Schedule of draft conditions

This development consent has been divided into different parts according to where, during the development process, each condition may be most relevant. Some conditions may be appropriate to more than one part. All conditions must be complied with.

#### 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*. The prescribed conditions include compliance with the *Building Code of Australia*.

##### **3 Development in Accordance with Plans and Documents**

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

<b>Name of Plan/Document</b>	<b>Prepared By</b>	<b>Drawing/Document No./Revision</b>	<b>Drawing/Document Date</b>
Site Plan – <b>Stage 93 (Lot 2043)</b>	Frasers Property	Drawing no. 1.2 Version A	23.01.2017
Floor/Setback Plans – Stage 93	Frasers Property	Drawing no. 2.1 & 2.2 Version A	23.01.2017
Dwelling & Garage Floor, Section & Elevation Plans CN9301-9303	Frasers Property	Drawing no. 5.1 - 5.3 Version A	23.01.2017
Dwelling & Garage Floor, Section & Elevation Plans CN9304-9307	Frasers Property	Drawing no. 5.5 - 5.8 Version A Drawing no. 5.4 Version B	23.01.2017 12.05.2017

<b>Name of Plan/Document</b>	<b>Prepared By</b>	<b>Drawing/Document No./Revision</b>	<b>Drawing/Document Date</b>
Dwelling & Garage Floor, Section & Elevation Plans CN9308-9310	Frasers Property	Drawing no. 5.9 - 5.11 Version A	23.01.2017
BASIX* – Stage 93	Victor Lin & Associates Pty Ltd	Certificate No. 788316M	01.03.2017
Subdivision Plan – Lot 93	Frasers Property	Drawing no. 1.1 Version A	23.01.2017
Landscape Plan – Stage 93	ecodesign	L- 01 Revision C	01.03.2017
Details & Plant Schedule – Stage 93	ecodesign	L- 02 Revision C	01.03.2017
Site Plan – <b>Stage 94 (Lot 2116)</b>	Frasers Property	Drawing no. 1.2 Version A	27.01.2017
Floor, Section & Elevation Plans CN9401	Frasers Property	Drawing no. 5.1 & 5.2 Version A	23.01.2017
Floor, Section & Elevation Plans CN9402-9404	Frasers Property	Drawing no. 5.3 & 5.4 Version A	27.01.2017
Floor, Section & Elevation Plans CN9405-9407	Frasers Property	Drawing no. 5.5 & 5.7 Version A	27.01.2017
Garage Plans, Sections & Elevations CN9402-9404	Frasers Property	Drawing no. 5.5 Version A	23.01.2017
Garage Plans, Sections & Elevations CN9405-9407	Frasers Property	Drawing no. 5.8 Version A	27.01.2017
Floor, Section & Elevation Plans CN9408	Frasers Property	Drawing no. 5.9 & 5.10 Version A	23.01.2017
BASIX* – Stage 94	Victor Lin & Associates Pty Ltd	Certificate No. 797011M	02.03.2017
Subdivision Plan – Stage 94	Frasers Property	Drawing no. 1.1 Version A	27.01.2017
Landscape Plan – Stage 94	ecodesign	L- 01 Revision C	01.03.2017
Details & Plant Schedule – Stage 94	ecodesign	L- 02 Revision C	01.03.2017
Waste Management Plan	-	-	Undated As submitted with DA

\* The approved BASIX Certificate may only be updated, without the need to lodge a modification to the development consent, where any change to the BASIX Commitments does not result in the proposal being inconsistent with this development consent and/or alter the approved development application plans.

#### **4 Compliance with Notations on Drawings**

Works must comply with notations made on the approved plans.

#### **5 Easements**

Structures must not encroach onto any easement.

#### **6 House Numbering**

House numbering will be as follows:

- Dwelling CN9301 – 9 The Promontory Drive, Shell Cove
- Dwelling CN9302 – 11 The Promontory Drive, Shell Cove
- Dwelling CN9303 – 13 The Promontory Drive, Shell Cove
- Dwelling CN9304 – 15 The Promontory Drive, Shell Cove
- Dwelling CN9305 – 17 The Promontory Drive, Shell Cove
- Dwelling CN9306 – 19 The Promontory Drive, Shell Cove
- Dwelling CN9307 – 21 The Promontory Drive, Shell Cove
- Dwelling CN9308 – 23 The Promontory Drive, Shell Cove
- Dwelling CN9309 – 25 The Promontory Drive, Shell Cove
- Dwelling CN9310 – 27 The Promontory Drive, Shell Cove
- Dwelling CN9401 – 14 Wharf Parade, Shell Cove
- Dwelling CN9402 – 16 Wharf Parade, Shell Cove
- Dwelling CN9403 – 18 Wharf Parade, Shell Cove
- Dwelling CN9404 – 20 Wharf Parade, Shell Cove
- Dwelling CN9405 – 22 Wharf Parade, Shell Cove
- Dwelling CN9406 – 24 Wharf Parade, Shell Cove
- Dwelling CN9407 – 26 Wharf Parade, Shell Cove
- Dwelling CN9408 – 28 Wharf Parade, Shell Cove

The allocated house numbers must be shown on the Construction Certificate plans, subdivision plans and where plans and details are provided to service suppliers, the house numbers must be in accordance with the above.

## **PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **7 Section 94 Contributions**

A contribution of \$171,726.40 (less \$11,994.72 for C1.26 Passive Open Space Embellishment), subject to annual indexation, must be paid to Council towards the provision of public amenities and public 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 2016 Amendment 1* dated 8 March 2017 in the following manner:

- Residential contribution – Precinct 2, Shellharbour - \$159,731.68

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](http://www.shellharbour.nsw.gov.au)

### **8 Soil and Water Management Plan (SWMP)**

Prior to the issue of the Construction Certificate, a Soil and Water Management Plan (SWMP) must be submitted to and approved by the Certifying Authority.

The SWMP must clearly identify site features, constraints and soil types together with the nature of the proposed land disturbing activities and specify the type and location of erosion and sediment

control measures. In addition, rehabilitation techniques that are necessary to deal with such activities shall be referred to where applicable.

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 in 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, and
  - 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 stabilised (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 20 year ARI event at all inlet and outlet structures, and
- j. include measures to prevent the tracking of sediment off the site.

## **9 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 Site Plan 2.1 Rev F prepared by Australand on 03/09/2015,
- b. drain to the street (CN9301-CN9310 to drain to Stern Way, CN9401-CN9408 to Wharf Parade),
- c. indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines,
- d. be designed to cater for a 1 in 20 year Average Recurrence Interval storm event,
- e. show that overflow drainage paths are designed to cater for 1 in 100 year Average Recurrence Interval storm event,
- f. comply with Council's *Shellharbour Development Control Plan* unless variation is specifically noted and approved on DA concept drainage plan,
- g. include reference to the rainwater tank, dimensions and point of discharge of overflow from the rainwater tank and details of any pump required to provide water to the toilets, clothes washer and/or any other fixture identified in the BASIX certificate,
- h. show all stormwater drainage to go to a pit just within and adjacent to property boundary prior to discharge. This pit shall have a debris screen installed, and

- i. be to the satisfaction of the Certifying Authority.

## **10 Stormwater Conduit in Road Reserve and Connection with Kerb**

Where the existing connection point is not available in either normal kerb and gutter or roll type kerb and gutter, the kerb must be saw cut to provide for the connection of the pipe. The saw cut must ensure that a minimum of 50mm of cover is available on all 3 sides of the pipe to permit adequate strength and thickness for the concrete finish.

Galvanized steel pipe, sewer grade UPVC pipe or 'Corflow' spirally reinforced PVC pipe must be used from the property boundary to the kerb and gutter. The kerb and gutter connection must be a 100mm diameter galvanised steel circular section for 150mm kerb and gutter or a 150mm x 50mm galvanised rectangular steel section for roll kerb ensuring that the galvanised section is fully encased by concrete.

A maximum of two pipes of 100mm diameter may be used to discharge to the kerb and gutter.

These details must be submitted with application for a Construction Certificate.

## **PART C - PRIOR TO COMMENCEMENT OF WORKS**

### **11 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.

### **12 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.

Council records indicate that fill may be present in this area. The engineer's design must make specific reference to fill as a consideration.

### **13 Building Plan Approval - Sydney Water**

The approved plans must be submitted to a Sydney Water TapIn™ 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. Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

The Certifier must ensure that Sydney Water TapIn™ has issued appropriate electronic approval prior to the commencement of any works.

### **14 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 is not transported on wheels or tracks of vehicles or plant and deposited on the roadway, and
- 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.

#### **15 Open or Occupy a Roadway or Footpath - Section 138 Roads Act 1993**

Prior to any physical works within the road reserve a Road Opening Permit under section 138 of the *Roads Act 1993* is required. An application must be made to Council for the temporary occupation of the road reserve. Please note the application *may* require the following:

- a. detailed engineering drawings of the proposed works in the road and footpath area,
- b. a Traffic Management Plan,
- c. provision of Public Risk Insurance, and
- d. details of timing and length of works.

#### **16 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 supported with suitable photographic records. This information must be submitted to Council prior to the commencement of work.

#### **17 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 DEMOLITION & CONSTRUCTION WORKS**

#### **18 Hours of Work During Demolition and Construction Work**

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



- 7am to 6pm Mondays to Fridays
- 8am to 1pm Saturdays

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

## **19 Maintenance of Soil and Water Management Plan (SWMP)**

The soil and water management controls must be maintained at all times 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
- b. drains, gutters and roads must be maintained clear of sediment at all times.

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.

## **20 Waste Management**

The management of waste must comply with the approved Waste Management Plan. All receipts such as waste disposal dockets must be retained (refer Part E). Any variations to the Waste Management Plan must have prior written approval of Council.

## **21 Storage of Materials**

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

## **22 Survey Certification**

A report from a registered surveyor must be provided to the Certifying Authority prior to external walls being raised above ground floor level OR on completion of the ground floor slab formwork prior to the concrete being poured.

The report must certify all of the following:

- a. the distance of the structure to all boundaries of the allotment are in accordance with the approved plans,
- b. the height of the floor level/s in relation to the natural ground level are in accordance with the approved plans, and
- c. the garage floor level complies with the garage floor level shown on the approved plans and grades comply with Council's gradient standards.

## **23 Cut/Fill**

The cut and fill areas must be in accordance with the approved plans and be suitably retained in accordance with the *Shellharbour Development Control Plan*.

## **24 Retaining Walls**

Any retaining walls must be located wholly within the property, including footings and agricultural drainage lines. This may require the retaining wall to have a minimum boundary setback of 200mm. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.

## **25 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*.

## **26 Driveway and Layback - From Kerb to Property Boundary**

A residential standard vehicular concrete driveway and layback must be constructed between the kerb and the property boundary. The driveway must:

- a. maintain a perpendicular alignment from the kerb to the property boundary line,
- b. be located and have a width in accordance with the approved plans,
- c. not interfere with the existing public utility infrastructure,
- d. be finished with a slip resistant coating, and
- e. be constructed by Council, or a Council approved contractor, at the developer's expense, including all alterations of public infrastructure where necessary.

Where there is conflict between the location of the proposed driveway and the assets of a service utility, such as Telstra pits/manholes, the relevant service provider must be contacted prior to any driveway works commencing. It is an offence to modify or tamper with the assets of a service provider.

## **PART E - PRIOR TO OCCUPATION**

### **27 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 a final Occupation Certificate. The buildings must not be occupied until the Principal Certifying Authority issues an Occupation Certificate.

## **28 Sydney Water Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

It is recommended that applicants apply early 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.

Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

## **29 BASIX**

All commitments listed in the BASIX Certificates for the development must be carried out prior to the issue of an Occupation Certificate.

## **30 Works As Executed - Stormwater Drainage**

Prior to the issue of an Occupation Certificate, Works As Executed Plans must be submitted the Principal 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.

## **E6 Verification of Waste Management**

Documentation verifying that all waste streams were managed in accordance with the Waste Management Plan must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate. All records, such as waste disposal dockets or photographic evidence, must be retained by the Principal Certifying Authority.

## **31 Completion of Landscape Works**

Landscape works must be carried out 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.

## **PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

## **32 Final Plan of Subdivision**

Prior to the release of the final plan of subdivision, it will be necessary to obtain a Subdivision Certificate. In this regard, it will be necessary to submit:

- a. an application for a Subdivision Certificate,
- b. five paper prints of the final plan of subdivision,
- c. the original and two paper copies of the 88B Instrument and Administration Sheet,
- d. fees appropriate at the time of submission of the application, and
- e. an electronic copy of the subdivision linework. The electronic copy should be in Map Grid of Australia 1994 Zone 56 (GDA94) coordinates and must contain closed linework of boundaries and easements. It must be submitted in DWG or DXF format on cd-rom or by email to [traffic&subdivision@shellharbour.nsw.gov.au](mailto:traffic&subdivision@shellharbour.nsw.gov.au)

The email and the electronic copy should be named "Subdivision Title & Stage - DA No/Year Street Address Final Plan".

All sections of the plan, 88B Instrument and Administration Sheet including the original and copies, (except for the General Manager's date and signature) must be completed prior to lodging the plan.

### **33 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.

Restrictions must be placed on title to address the following:

- a. vehicular access is not permitted from The Promontory Drive, notated as View Corridor Street 1 in *Design Guidelines for Medium Density Housing Precincts B1 and C1*, for those lots having a boundary frontage to The Promontory Drive. This restriction applies to Lots CN9301-CN9310 and CN9408, and
- b. general fill.

### **34 Release of Certificate**

The Subdivision Certificate for stage 93 and for stage 94 must not be released until the walls of the dwellings and garages have been constructed to a minimum height of 1m above ground level. Evidence that this requirement has been satisfied must be provided in the form of a registered surveyor's identification survey report. This survey report must show all allotment boundaries and the position of the buildings in relation to the boundaries. The distance of the buildings to the boundaries must be in accordance with the approved plans.

## **PART G - AFTER ISSUE OF OCCUPATION CERTIFICATE/DURING OCCUPATION**

### **35 BASIX Commitments**

All commitments listed in the BASIX Certificates for the development must be maintained for the life of the development.

**END OF RECOMMENDED CONDITIONS**



## Attachment 2 – Site Context & Boat Harbour Precinct



**Subject development site**

The development site is 2 of the 14 superlots approved under Development Consent No. DA 411/2015.

JRPP No. 2017STH008  
 Development Application No. 97/2017  
 Lot 2116 in DP 1203746, Wharf Parade & Lot 2043 in DP 1203745, The Promontory Drive, Shell Cove

### Attachment 3 – Locality Plan

Locality plan of development site in context of the subdivision which created the subject superlots and the approved developments on other superlots

#### Subject development site





JRPP No. 2017STH008  
Development Application No. 97/2017  
Lot 2116 in DP 1203746, Wharf Parade & Lot 2043 in DP 1203745, The Promontory Drive, Shell Cove

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## Attachment 4 – Site Photos

### Stage 93 (Lot 2043)

Street frontage (primary) – The Promontory Drive

Laneway Access – Stern Way



Taken along Stern Way looking north-east



Stage 93

Stage 94

Intersection of The Promontory Drive & Keel Way

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**Stage 94 (Lot 2116)**

Street frontage (primary) – Wharf Parade

Laneway access – Keel Way





JRPP No. 2017STH008  
Development Application No. 97/2017  
Lot 2116 in DP 1203746, Wharf Parade & Lot 2043 in DP 1203745, The Promontory Drive, Shell Cove

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### **Built form context**

Similar multi dwelling housing development on southern (opposite) side of Harbour Boulevard.

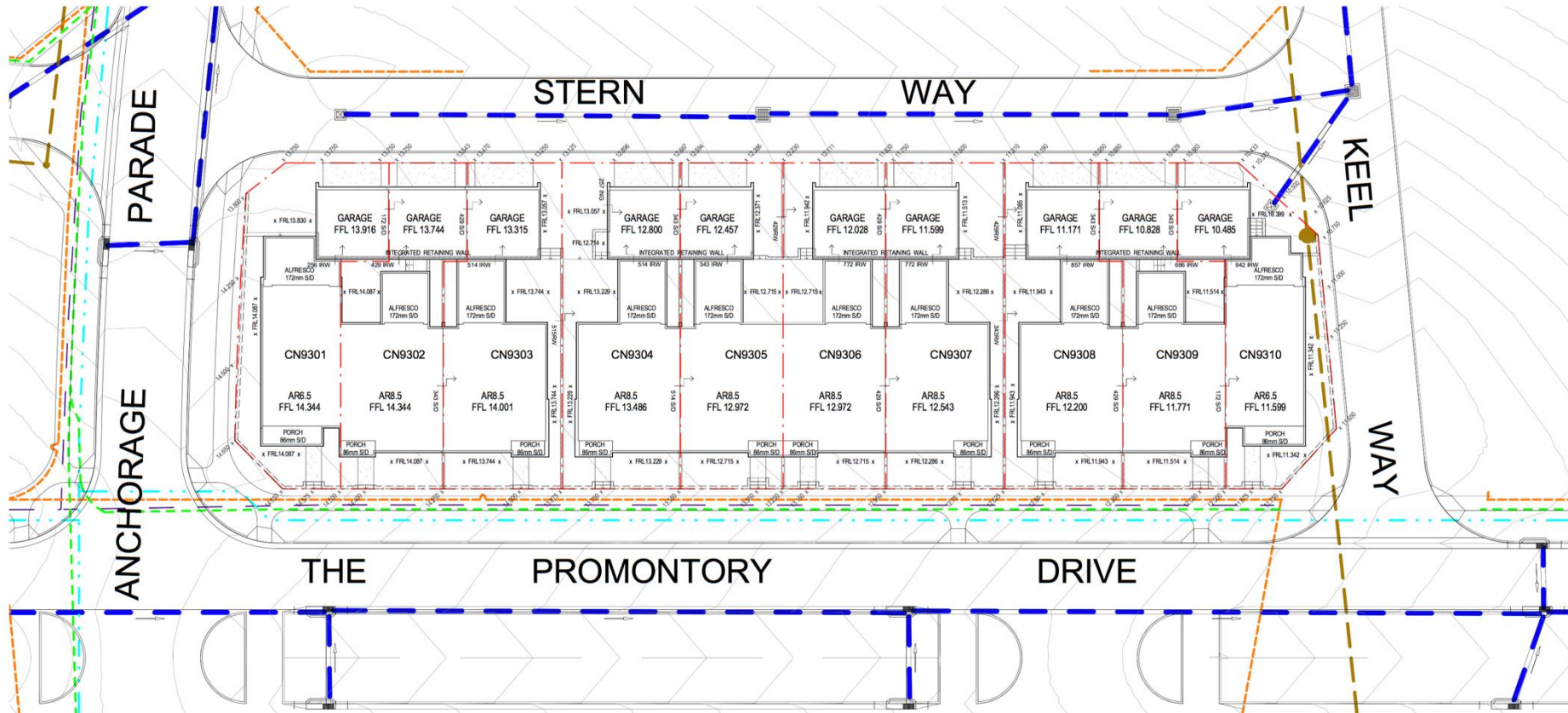
The planning framework for this multi dwelling housing development included SLEP 2013 and SDCP.

Approved by Joint Regional Planning Panel (JRPP Ref. 2015STH010).



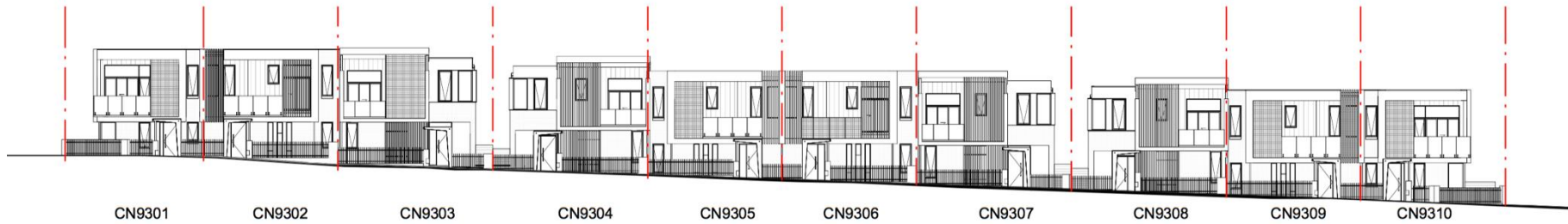
JRPP No. 2017STH008  
 Development Application No. 97/2017  
 Lot 2116 in DP 1203746, Wharf Parade & Lot 2043 in DP 1203745, The Promontory Drive, Shell Cove

### Attachment 5 – Site Plan & Street Elevations – Stage 93 (Lot 2043)

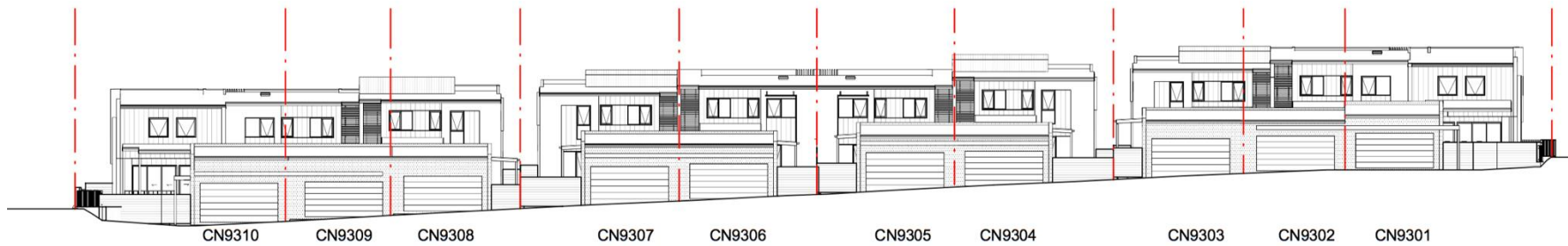


JRPP No. 2017STH008  
Development Application No. 97/2017  
Lot 2116 in DP 1203746, Wharf Parade & Lot 2043 in DP 1203745, The Promontory Drive, Shell Cove

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**THE PROMONTORY DRIVE**

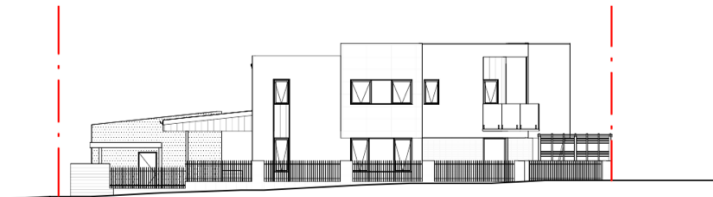


**STERN WAY**



JRPP No. 2017STH008  
Development Application No. 97/2017  
Lot 2116 in DP 1203746, Wharf Parade & Lot 2043 in DP 1203745, The Promontory Drive, Shell Cove

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CN9301

**ANCHORAGE PARADE**

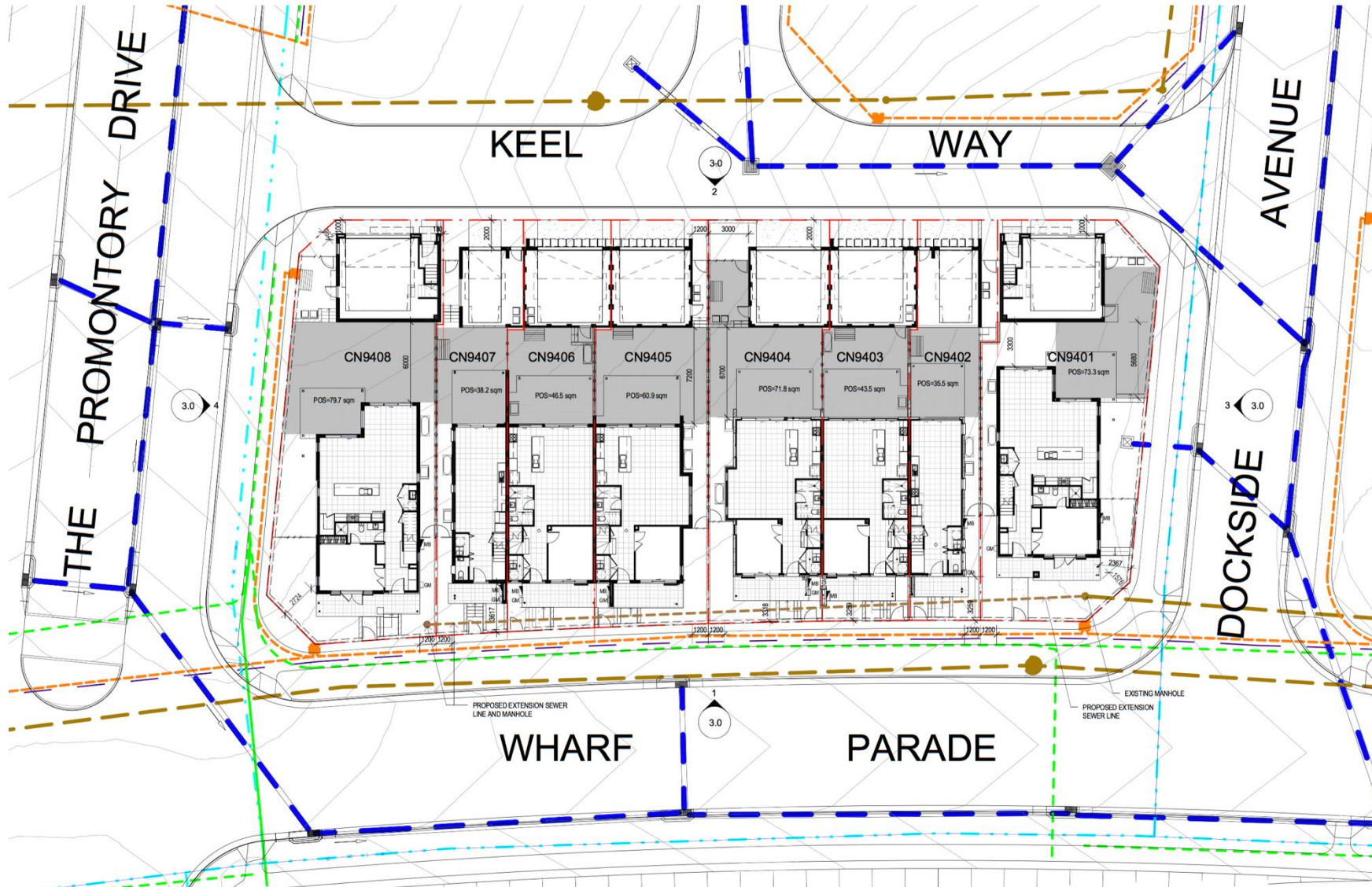


CN9310

**KEEL WAY**



## Attachment 6 – Site Plan & Street Elevations – Stage 94 (Lot 2116)



JRPP No. 2017STH008  
Development Application No. 97/2017  
Lot 2116 in DP 1203746, Wharf Parade & Lot 2043 in DP 1203745, The Promontory Drive, Shell Cove

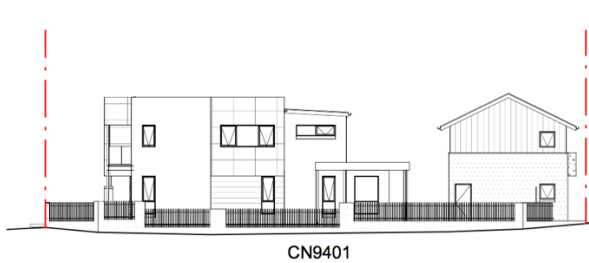
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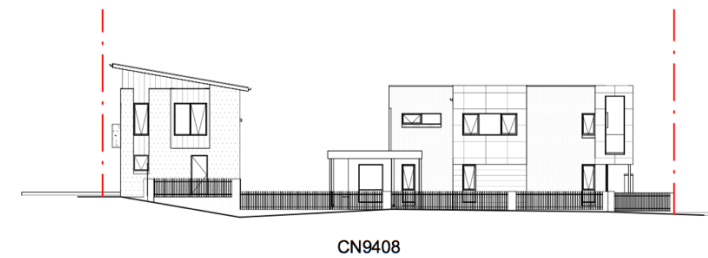
### WHARF PARADE



### KEEL WAY



### DOCKSIDE AVENUE



### THE FROMONTORY DRIVE

INSERT PAGE BREAK & portrait

## 4.1 Consistency with the Concept Plan

The subject DA is generally consistent with the approved Concept Plan by providing medium density housing in Precinct C in accordance with the Design Guidelines for Medium Density Housing. The Concept Plan identified a maximum of 1,238 dwellings with a total gross floor area of approximately 150,000m<sup>2</sup> comprising single dwellings, medium density and apartments. The proposal would contribute 18 of the approved total dwellings.

The Southern JRPP has requested in their most recent residential approval that all future Development Applications within the Boat Harbour to demonstrate how the total yield is to be achieved in accordance with the Part 3A approval. Table 3 identifies the current dwelling yield status across all Boat Harbour precincts. Table 3 demonstrates that the proposed development is consistent with the dwelling and floor space yields for the Shell Cove Boat Harbour development.

Table 3 – Residential Yield Analysis & Balance

Precinct	Concept Plan Approval		DA Approved		Balance remaining	
	Dwellings	GFA (m <sup>2</sup> )	Dwellings	GFA (m <sup>2</sup> )	Dwellings	GFA (m <sup>2</sup> )
A1	26	4,680	None		26	4,680
A2	84	9,240	None		84	9,240
A3	31	4,740	None		31	4,740
B	254	32,280	47	8,364.8	207	23,915.2
C	220	24,200	40	6,301.41	180	17,898.59
D	161	17,710	None		161	17,710
E	151	19,480	None		151	19,480
F	109	12,830	None		109	12,830
G	90	10,460	None		90	10,460
H1	75	8,530	None		75	8,530
H2	37 or 48	5,330 or 5,280	None		37 or 48	5,330 or 5,280
<b>Total</b>	<b>1,238</b>	<b>149,480m<sup>2</sup></b>	<b>87</b>	<b>14,666.21m<sup>2</sup></b>	<b>1,151</b>	<b>134,813.79m<sup>2</sup></b>

### 4.1.1 Schedule 2 – Terms of Approval

The transitional arrangements introduced during the NSW Government's repeal of the former EP&A Act's Part 3A provisions states that a consent authority must not grant consent to development unless it is satisfied that the development is generally consistent with the terms of an approved concept plan (Schedule 6A, Clause 3B(2)(d) of the EP&A Act). Tables 3 and 4 and Appendix C collectively demonstrate that the proposal is generally consistent with the key controls established by the Concept Plan.



**Table 4 – Consistency with Concept Plan Terms of Approval**

Component	Approved Concept Plan	Approved Development	Proposed Development	Consistency
Number of Dwellings	1,238	87 dwellings	18 dwellings	✓
GFA for residential	Overall 150,000m <sup>2</sup>	Overall 14,666.21m <sup>2</sup>	2995.6m <sup>2</sup>	✓
	Precinct C 24,200m <sup>2</sup>	Precinct C 6,301.41m <sup>2</sup>	2995.6m <sup>2</sup>	✓
Use	Medium Density Residential	Medium Density Residential	Medium Density Residential	✓

#### 4.1.2 Schedule 3 – Further Assessment Requirements

The relevant Further Assessment Requirements have been satisfied as part of previous Development Applications or are satisfied by the proposed DA as detailed in in **Appendix D**. Accordingly no variations to the approved Concept Plan are required.

An assessment of the DA against the DGMDH also demonstrates compliance with the Further Assessment Requirements specific to the Residential Precinct (see **Table 5**).

#### 4.1.3 Schedule 4 – Statement of Commitments

The DA will satisfy all relevant Statement of Commitments made in relation to the development as part of the proposed Concept Plan. The Statement of Commitments includes many aspects that were addressed as part of the original subdivision approval (DA 411/2013). The commitments do include design requirements around the proposed buildings and built form within the precinct.

The Urban Design Commitments require a maximum building height of 4 storeys, the adoption of a coastal village materials palette and the provision of parks and boardwalks to establish public access to the harbour. An assessment of the proposals consistency with the approved Concept Plan Statement of Commitments is attached at **Appendix D**.

The DA proposes to construct dwellings that are two storeys in height. The external colours of the dwellings utilise cotemporary coastal village materials and colours and have been visually differentiated through the use of windows, roof forms and building articulation. This consistency with the Concept Plan is demonstrated within the architectural plans (**Appendix A**) and the Streetscape and External Colour Plans (**Appendix H**).

### 4.2 Design Guidelines for Medium Density Housing

The DGMDH provide specific built form and structure controls for the sites within Precinct B1 and C1. These guidelines were prepared in accordance with the requirements of the Part 3A Concept Plan and give consideration to the significant amenity that will be afforded by the surrounding locality, and the high level of amenity that will be developed throughout the precinct as a whole.

The application represents the fourth of the medium density housing DAs under the Part 3A Concept Plan. An assessment of the consistency of the proposal with each of the relevant sections of the DGMDH is provided in **Table 5**.

In accordance with the DGMDH, no vehicular access has been proposed from The Promontory Drive being the primary view corridor street leading down to Precincts B2 and C2.



**Stage 93 & 94 Shell Cove Waterfront Precinct - Statement of Environmental Effects | February 2017**

The proposal seeks approval for two minor non-compliances. These are:

- The setback to the secondary street frontage for CN9301 & CN9310; and
- The alfresco roof setbacks for CN9402, CN9403, CN9406 & CN9407.

Each proposed non-compliance is addressed below.

**Secondary street setback**

The required secondary street setback is 2 metres. CN9301 provides a setback of between 1.7 – 2.2 metres whilst CN9310 provides a setback of between 1.4 – 2.5 metres. The average secondary street frontage to both lots is approximately 2 metres. The design of the buildings meets the intent of the DGMDH with the dwellings addressing both the primary and secondary street frontages. No additional structures have been located in the articulation zone and the private open space will still allow garden spaces to be well used.

The non-compliance is minor in nature and is appropriate in the circumstances.

**Alfresco roof**

The alfresco roof non-compliance is the result of the narrow lots provided within Stage 94. The intent of this clause within the DGMDH is to ensure that these structures do not impact on the amenity of the adjoining residents. Compliance with this control would provide a poor outcome for the shading and protection of areas that will be used for family outdoor activities. The zero metre setback of a single storey structure is unlikely to have a detrimental impact on the amenity of adjoining residents.

All roof construction will comply with the National Construction Code with regards to fire protection.

The non-compliance is minor in nature and is appropriate in the circumstances.

JRPP No. 2017STH008

Development Application No. 97/2017

Lot 2116 in DP 1203746, Wharf Parade &amp; Lot 2043 in DP 1203745, The Promontory Drive, Shell Cove

Table 5 – Consistency with Design Guidelines for Medium Density Housing

Medium Density Housing Controls					
	Control	Built Form	Dimension	Comments	Complies
Lot Size	Minimum lot size		120m <sup>2</sup> (minimum dimension 4.5m)	All of the proposed lot sizes are greater in area than the minimum requirements under the DGMDDH	✓
Building Height	Dwellings	Two storeys	7.5m (maximum wall height)	The proposed dwellings are two storeys in height with maximum wall heights less than the maximum permitted 7.5 metres.	✓
		Three storeys	10m (maximum wall height)	Not applicable	N/A
	Garages	Standalone garage	3.5m (maximum wall height)	Garages are compliant with the maximum wall height of 3.5 metres (except the two with above ground studios)	✓
		With dwelling component above	7.5m (maximum wall height)	The two 'Fonzie Flat' above garage studios do not have a maximum wall height greater than 7.5 metres.	✓
		Maximum percentage of garages with dwelling components above in any superlot	20%	Compliant. Only 11% of the garages in Stage 94 have a dwelling component above the garage.	✓
Setbacks	Primary Street	Building frontage	3m (minimum)	Stage 93 and 94 have primary street frontages to The Promontory Drive and Wharf Parade respectively. All dwellings are provided with a 3 metre setback.	✓
		Articulation zone	2m (maximum)	The articulation zone for each dwelling is less than the maximum 2 metres permissible.	✓
		Garage Frontage	5.5 metres (minimum - to door)	Non-applicable. No garages front the primary road frontage	N/A
	Secondary Street (for corner lots)	Building frontage	2m (minimum)	CN9401, CN9408 maintain a compliant setback CN9301, CN9310 have minor non-compliances of 1.65m and 1.36m setbacks respectively Non-compliant	No Justification provided in Section 4.2
		Articulation zone	1m (maximum)	Compliant	✓
		Garage Frontage	0.5 (metres)	Not applicable. No garages face the secondary street	N/A
	Side	Duplexes, Townhouses and Garden Studios (corner lots)	0m (where one side of the building is not attached, the minimum setback is 0.9m)	The unattached facades of the proposed dwellings all maintains a side setback greater than 0.9 metres.	✓
		Small lot housing	0.9m (minimum)	Not applicable	N/A
		Garage frontage (at end of superlot)	0.5m (minimum)	Relevant for CN9401 CN9408 which maintain a 1.2 metre side setback.	✓
	Alfresco	Setback of roofs associated with alfresco	0.9m (minimum)	Within Stage 93 all alfresco roofs are setback a minimum of 0.9 metres.	No

Medium Density Housing Controls					
		areas from any boundary		Within Stage 94, CN9402, CN9403, CN9406 & CN9407 contain alfresco roofs that directly adjoin the future Torrens Title Boundary	Justification provided in Section 4.2
Private Open Space	Provision	Per dwelling	16m <sup>2</sup> (minimum dimension of 3m)	All dwellings contain Private Open Space that is well above the 16m <sup>2</sup> metre minimum	✓
		Solar access requirement	2 hours for 50% of private open space area during mid-winter minimum 50% of the superlot	Assessment undertaken within Architectural Plans (Appendix A)	✓
Parking	Provision	One to two bedroom dwelling	1 car space	Provided for the two, 2 bedroom dwellings CN9402 & CN9407	✓
		Three bedroom + dwelling	2 car spaces (minimum 1 space covered)	The three bedroom + dwellings are all provided with two car spaces within undercover garages	✓