

Table 1 – Concept Plan Approval		
Assessment of Compliance with Concept Approval MP07_0027 MOD 1		
Schedule 2 Part A Terms of Approval condition 1.	Proposed	Compliance
(a) Up to <u>1,566</u> dwellings comprising single dwellings, medium density and apartments	Proposal does not included or affect any residential dwellings	Not applicable
(b) A business park with a maximum gross floor area of 30,000sqm	Proposal does not include or affect the provision of a retail park	Not applicable
(c) Retail/commercial and community facilities with a maximum gross floor area of <u>14,830sqm</u>	The Tavern will be included in the retail/commercial precinct and will form part of the 14,830sqm. The Tavern Gross Floor Area (GFA) is 1,085sqm.	Complies retail/commercial area currently being delivered 4,623sqm. Current retail/commercial area under assessment including Tavern – 2,071sqm.
(d) <u>A mixed use landmark (hotel) building of up to 11 storeys:</u>	Proposal does not affect the provision of the hotel building	Not applicable
(e) Public open space and wetlands	Proposal does not include or affect the provision of public open space and wetlands. The Tavern design and location will support and take advantage of the public open space and access provisions.	Complies.
(f) Associated drainage, stormwater infrastructure and roads.	Concept stormwater plan provided. The proposed development drains to a council pit, it will drain into the pit network of the nearby carpark. Infrastructure and roads not included or affected by the proposed development.	Complies subject to condition – suitable conditions recommended by Council engineers.
Schedule 2 Part A – Terms of Approval condition 2.	Proposed	Compliance
(a) Shell Cove Boat Harbour Precinct Concept Plan Application and Environmental Assessment, dated 26 February 2010,		Suitably complies as detailed in compliance table

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prepared by LFA (Pacific) Pty Ltd, including Volumes 1 and 2 and Appendices A to P.		
(b) Shell Cove Boat Harbour Precinct Preferred Project Report, dated November 2010 prepared by LFA (Pacific) Pty Ltd, including Appendices 1 and 2.		Suitably complies as detailed in section 4.1 of the original assessment report dated 27/11/2018.
(c) Statement of Commitments (Schedule 4), <u>as amended by the updated Statement of Commitments provided in Appendix C of the Section 75W Modification, dated 8 August 2017, prepared by Ethos Urban</u>		Suitably complies as detailed in table 2 Statement of Commitments (Schedule 4) included below.
(d) <u>Section 75W Modification, dated 8 August 2017, prepared by Ethos Urban, and Response to Submissions, prepared by Ethos Urban, dated 7 February 2018, 31 May 2018 and 31 July 2018.</u>		Suitably complies
	Proposed	Compliance
<u>Schedule 2 Part A – New Term of Approval 6. 6. Maximum Number of Dwellings</u> <u>The maximum number of dwellings permitted on the site is limited to 1420 dwellings, unless the developer submits, written confirmation from Sydney Water that adequate water and wastewater servicing is available to accommodate a maximum of 1566 dwellings, to the satisfaction of the Secretary.</u>	The proposed development will not include or affect any residential dwellings.	Not applicable
	Proposed	Compliance
<u>Schedule 2 Part A – New Term of Approval 7. 7. Parking</u> <u>The parking requirements set out in the approved plans and documentation submitted as part of MOD 1 are not approved as part of the Concept Plan. Parking requirements shall be assessed and</u>	No parking is proposed as part of this development. However the Tavern does require customer and staff parking as well as service vehicle access to enable the operation of the premises. The parking required has been provided by the adjoining public car park and	A full parking assessment has been included in attachment 4 of this report. Parking requirements have been assessed by Council as part of the adjoining development DA0385/2017 2017STH0025.

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<u>determined by Council as part of any future development applications and as a part of the precinct Urban Design Guidelines, where relevant.</u>	forms part of the development DA0385/2017 2017STH0025.	
	Proposed	Compliance
<u>Schedule 2 Part A – New Term of Approval 8. 8. Urban Design Guidelines</u> <u>The Urban Design Guidelines submitted as part of MOD 1 are not approved as part of the Concept Plan. The Urban Design Guidelines are to be assessed and determined by Council, as set out in Part D of this approval.</u>	The Shell Cove – Precinct D Urban Design Guidelines dated June 2017 are relevant to this development. These guidelines were endorsed by Council on the 19 th June 2017.	The proposed development is suitably consistent with the relevant sections of the Urban Design Guidelines for Precinct D. A compliance table was included as attachment 4 of the original assessment report dated 27/11/2018.
	Proposed	Compliance
<u>Schedule 2 Part A – New Term of Approval 9. 9. Indicative design</u> <u>The indicative design / layouts for open space, foreshore areas, works within the water, the boat maintenance/storage facility and buildings as shown in the approved plans and documentation submitted with MOD 1 are not approved as part of the Concept Approval. These matters shall be assessed and determined by Council as part of any future development applications and as part of precinct Urban Design Guidelines, where relevant.</u>	The proposed Tavern building is being assessed and determined under DA0005/2018 2018STH0006.	Complies – DA currently under assessment to be determined by the Southern Regional Planning Panel.
Schedule 2		
	Proposed	Compliance
<u>Schedule 2 Part B – Modifications to the Concept Plan</u> <u>to ensure an appropriate interface with adjoining dwellings, all future buildings at the northern edge of the Concept Plan site are to present a height of no greater than two storeys and a maximum of 9m</u>	The proposed Tavern site is within the Waterfront Precinct and not included in the northern edge of the Concept Plan Site.	Does not apply to the Tavern site.

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<u>to the northern boundary. This requirement does not apply to buildings that adjoin Ron Costello Oval or Keith Hockey Oval.</u>		
Schedule 3		
	Proposed	Compliance
<p>Schedule 3 Part D – Further Environmental Assessment Requirements, Condition 1</p> <p>1. Urban Design</p> <p>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:</p> <ul style="list-style-type: none"> • architectural diversity within all stages which complements the site's coastal context; and • a variety of detailed designs which avoid monotones and repetition; • design of the hotel mixed use landmark (hotel) building and public square in the commercial precinct which define street and water edges, and create visual interest; • a hotel mixed use landmark (hotel) building with a slender tower angled to the east to maximise views to the coast to the north and south, reduce impacts on the boat harbour, and relate well to the area's existing urban form and which may comprise a 3-4 storey high podium; 	<p>The Shell Cove – Precinct D Urban Design Guidelines dated June 2017 are relevant to this development. These guidelines were endorsed by Council on the 19th June 2017.</p>	<p>Complies</p>

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<p>Modifying Instrument – MP 07_0027 MOD 1 5</p> <ul style="list-style-type: none"> • 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; • the location and distribution of public car parks; • where applicable, that State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development principles and the Residential Flat Design Code Guidelines can be achieved; • 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; • 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 		

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<p>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.; and • demonstrate adequate on-site parking is provided for the mixed-use landmark (hotel) building, to not adversely impact on-street parking in the town centre and surrounding precincts.</p>		
<p>Schedule 3 Part D – Further Environmental Assessment Requirements condition 17.</p> <p>17. Public Access</p> <p>The detailed design and layout of the project must adopt the following principles:</p> <p>(a) direct, legible and inviting public pedestrian access from adjoining residential development and pedestrian connections which follow existing and proposed well-connected streets; (b) clear and direct access from the public walkway around the harbour to streets that meet the harbour edge to ensure public access is well defined and integrated; and (c) clear, through-site pedestrian links with active street frontages, direct and legible access to key points of interest, including Shellharbour village, which are publicly accessible at all times; (d) consistency with the Shellharbour</p>	<p>The Tavern building will be cantilevered over the boardwalk to allow a continuous walkway around the marina. This is subject to a separate DA (DA0357/2018 2017STH0025), currently under assessment.</p> <p>The Urban Design Guidelines for Precinct D highlight the route around the southern and western elevations of the building as a primary pedestrian route. The loading dock will traverse this route on the south western corner of the building.</p> <p>The main entrance to the Tavern premises will be via the public space area to the north of the building, with outdoor seating available along part of this interface at certain times of the day (controlled by condition and Operational Plan of Management). The premises will also include a</p>	<p>Suitably complies</p> <p>The design of the building allows the boardwalk to be a continuous pathway around the marina. This is consistent with the concept plan and the Urban Design Guidelines.</p> <p>The proposed location of the main entrance, outdoor seating and positioning of the balcony on the northern elevation will ensure that the Tavern has strong links with the public space/retail promenade to the north of the application site.</p>

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Shared Use Path Strategy (Shellharbour City Council, 10 August 2010) unless otherwise justified.; and (e) continuous public access around the entire harbour perimeter connecting to the beach on either side of the harbour entrance. The public access shall be provided in the form of a paved concrete footpath and/ or timber boardwalk and constructed to a minimum width of 1.5 m to allow for two wheelchairs to pass.	separate public entrance along the southern façade.	
<p>Schedule 3 Part D – New Further Environmental Assessment Requirements 18.</p> <p>18. Surface Ground Water</p> <p>The proponent must submit a surface and groundwater report, prepared by a suitability qualified person, which includes:</p> <p>(a) an assessment of impacts to surface and groundwater sources including water use, water licensing arrangements, impacts on water users, waterfront land and aquifers, as well as compliance with relevant policies; and</p> <p>(b) details of any groundwater dewatering which may be required during the construction phase of the precinct, including:</p> <p>i. information on the site's hydrogeology;</p> <p>ii. a description of the current groundwater situation, such as groundwater quality and groundwater level;</p> <p>iii. predicted groundwater take, inclusive of the calculations supporting this estimate; and iv. a discussion on impacts in line with the Aquifer Interference Policy (2012)</p>	A flood study and geo-technical reports were submitted with the previously approved subdivision DA (DA0143/2016) which relates to the DA land. These reports note that no free groundwater was encountered in any test pits during excavation.	Complies

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<p>Schedule 3 Part D – New Further Environmental Assessment Requirements 19.</p> <p>19. Visual Impacts</p> <p>All future stages of development are to include a Visual Impact Assessment (VIA) as part of the application, prepared by a suitably qualified person. The VIA is required to</p> <p>Modifying Instrument – MP 07_0027 MOD 1 7 provide representative 3-dimensional computer models of any built form structures, and prepared based on the approved Reduced Levels (RLs) of the land subject to the application.</p>	<p>This is a new condition subsequent to the approval of MOD 1 in March 2019. The subject DA was lodged in January 2018 and is not a future stage, therefore this requirement is not relevant.</p>	<p>Not applicable</p>

Table 2 - Schedule 4 Statement of Commitments		
4.2 Strategic Planning	Proposed	Compliance
<p>The Proponent undertakes to demonstrate consistency with the relevant directions and actions within the Illawarra Shoalhaven Regional Plan 2015 Sustainability Criteria set out in Appendix 1 of the Illawarra Regional Strategy, which includes:</p> <ul style="list-style-type: none"> • Develop a stronger marine-based tourism industry and encourage tourists to stay overnight and for longer periods. • Growing the economic competitiveness of Shell Cove to support growth across the region. • Delivering housing in new release areas best suited to build new 		

<p>communities, provide housing choice and avoid environmental impact.</p> <ul style="list-style-type: none"> Sequence development of Shell Cove so that the working quarry can continue to operate. 		
4. 3 Urban Design, Visual Impact and Sustainability	Proposed	Compliance
<p>The Proponent undertakes to respond to the surrounding area by addressing bulk, scale, amenity (including noise) and visual amenity, with regards to the NSW Coastal Policy (1997), which includes:</p> <ul style="list-style-type: none"> Implementing maximum building heights of 6 storeys (excluding mixed use landmark (hotel) building which is proposed to have a maximum height of 11 storeys). Adopting a contemporary coastal village materials palette. Providing parks and boardwalks which establish public access to the harbour perimeter Establishing visual connections between streets and open spaces and the harbour. The Proponent undertakes to respond to the surrounding area by addressing bulk, scale, amenity (including noise) and visual amenity, with regards to the Coastal Design Guidelines of NSW (2003), which includes: <ul style="list-style-type: none"> Incorporating visual and physical links to the natural environment, such as integrating wetlands. 	<ul style="list-style-type: none"> The proposed Tavern will be single storey, with a basement floor for services and storage. The palette proposed is consistent with the coastal village feel. The Tavern will not include parks or boardwalks but the cantilevered design allows the continual boardwalk around the Marina basin. The limited height of the Tavern will help to establish visual connections between the surrounding streets and harbour. The proponent has addressed bulk, scale, amenity and noise within the supporting documentation to the satisfaction of the Council. The Tavern does not include any residential components. 	Complies

<ul style="list-style-type: none"> - Providing an open space network. - Maintaining the Shell Cove Town Centre as a visual landmark. - Managing increased local population and visitor access to the foreshore. • The Proponent undertakes to ensure that the relevant residential components of the development demonstrate compliance with SEPP 65 - Design Quality of Residential Flat Development, which includes providing: <ul style="list-style-type: none"> • Private open spaces. • Courtyards. • Useable balconies. • Decks. • Designing 10% of all residential apartments in accordance with AS4299-1955 Adaptable Housing and that an additional 10% of all residential apartments incorporate the Liveable Housing Guideline's silver level universal design features. 		
4.4. Landscape	Proposed	Compliance
<ul style="list-style-type: none"> • The Proponent undertakes to implement street tree planting in accordance with a landscape plan to be submitted as part of each Project Development Application. 	<p>The proposed Tavern development does not include any landscaping, this is included in the adjoining development application (DA0385/2017 2017STH0025) including the car park and public areas.</p>	<p>Not applicable to this development application.</p>

<ul style="list-style-type: none"> The Proponent undertakes to implement planting and other works in areas of public open space as designated in the landscape plan to be submitted as part of each Project Development Application 		
4.15. Mixed Use Landmark (Hotel) Building	Proposed	Compliance
<ul style="list-style-type: none"> Tourist and Visitor Accommodation (inclusive of the hotel land use) will encompass a minimum of 70% of the overall GFA for the mixed use landmark (hotel) building Residential GFA cannot comprise more than a maximum of 30% of the total GFA of the landmark (hotel) building. 	Not applicable	Not applicable