

**BRIEFING DETAILS**

<b>BRIEFING DATE / TIME</b>	Wednesday, 19 June 2024, 10:15 – 11:45am
<b>LOCATION</b>	MS Teams

**BRIEFING MATTER(S)**

PPSSTH-402 – SHELLHARBOUR – DAM0043/2024 - 6 Civic Avenue SHELL COVE 2529 - Mixed Use Building - Modification to DA0350/2022 (Two residential flat buildings and one mixed use building comprising a total of 155 apartments and 360sqm of retail space) - Modification to increase the number of apartments from 155 to 178, relocation of Building B basement driveway, reconfiguration of building B basement, increase of communal space, modification to façade.

**PANEL MEMBERS**

<b>IN ATTENDANCE</b>	Chris Wilson (Chair), Juliet Grant, Grant Christmas
<b>APOLOGIES</b>	Graham Rollinson
<b>DECLARATIONS OF INTEREST</b>	The Panel Chair confirmed that Clr Chris Homer, Cr Kellie Marsh and Clr Maree Duffy-Moon were conflicted given it is a Council interest DA

**OTHER ATTENDEES**

<b>COUNCIL ASSESSMENT STAFF</b>	Jacob Lia, Madeline Cartwright, Matt Rawson.
<b>APPLICANT REPRESENTATIVES</b>	Ben Sutton (Frasers Property), Alby Peros (Frasers Property), Peter Valeontis (Frasers Property), Rido Pin (Plus Architecture), Mahtab Bahrami (Plus Architecture), Jim Murray (Ethos Urban), Juliet Wittenoom Louw (Ethos Urban)
<b>DPHI</b>	Amanda Moylan, Tracey Gillett

**KEY ISSUES DISCUSSED****Council Briefing**

- Assessment pathway and need for the modification to be consistent with the Shell Cove Concept Approval noting the applicant is not seeking to modify the Concept Approval MP07\_0027 Mod 1.
- The proposed modification is considered inconsistent with the Concept Approval for the site which has a specific reference to height, number of storeys and parking requirements.
- Further consideration of appropriate assessment pathway is required and may include:
  - Modification of the Concept Approval to accommodate the proposed modification; or
  - Amendment of the proposal to make it generally consistent with the existing Concept DA.
- Further to the above, the Panel queries whether the modification application would result in substantially the same development to that which was originally approved in accordance with section 4.55(2)(a) of the EP&A Act.

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- The Panel needs to be confident that the modification is not inconsistent with the Concept Approval so the Panel has the power to determine the Modification proposal.
- No submissions were received during the public exhibition of the modification application.
- RFI sent to applicant on 3<sup>rd</sup> June 2024.
- Further justification for the modification is required particularly given the non-compliances. Justification in the SEE is limited to reference to affordable housing and need for housing in general.
- Key issues:
  - Implications for the residual lot, particularly in relation to development potential.
  - Justification for additional height exceedance.
  - Non-compliances with storey and parking requirements.
  - Changes to the built form need to be better expressed in particular the changes to the façade.
  - The number of car spaces does not meet the car parking requirement being 10 parking spaces short for building B. The Concept Approval requires the provision of 169 spaces and 159 are proposed. Parking is an issue in Shell Cove.
  - Increased dwelling numbers and resultant non-compliances with ADG.
  - Role of Council's Design Review Panel.
- A reduction in dwelling yield may be required to address the car parking deficiency and other areas of non-compliance.

### **Applicant Briefing**

- The applicant provided a power point presentation to the Panel which outlined:
  - Site strategy, existing site conditions, access and permeability, built environment scale, views and solar access.
  - Ground plane articulation and built form massing.
  - Summary of key components of modifications being sought.
- Modification is being sought as a response to the market demand.

### **Panel Comments**

- The Panel requested the applicant provide further commentary and explanation to justify the proposed modification.
- A key consideration will relate to the nature of the modification and threshold issues such as consistency with the Concept Approval. This needs to be clearly demonstrated to enable the Panel to determine the application.
- Given the areas of non-compliance with the ADG and the design outcomes, the Panel recommends that the application be referred to the DRP for design input.

### **Next Steps**

- The Council advised it will send a further RFI outlining the matters raised during the Panel briefing.
- The applicant indicated it will address the issues raised by the Panel in its response to Council's RFI and will revisit previous comments from the DRP.
- The Panel requested further background details of the Shell Cove Master Plan and Concept Approval be provided.

The Panel will need to be kept updated on the timing of the above matters. The Panel expect the applicant to continue to communicate and respond to Council regarding any requests for further information.

### **TENTATIVE DETERMINATION DATE TBA**

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