

**PLANNING PANEL (SOUTH)**  
**SUPPLEMENTARY REPORT – New Recommended Conditions of Consent**

<b>Panel Reference</b>	PPSSTH-402
<b>DA Number</b>	DAM0043/2024
<b>LGA</b>	Shellharbour
<b>Proposed Development</b>	Modification to DA0350/2022 (Two residential flat buildings and one mixed use building comprising 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 open space, modification to façade
<b>Development Characterisation</b>	Shop Top Housing Residential Flat Building
<b>Location</b>	Lots 4204 and 4205 DP 1254978 and Lot 4006 DP 1219051 5 and 6 Civic Avenue and 5 Waterfront Promenade, Shell Cove Alternative address – 9 Waterfront Promenade, Shell Cove
<b>Applicant/Owner</b>	Australand Corporations (Frasers Australia) – Applicant Shellharbour City Council (Landowner)
<b>Mod Lodgement Date</b>	30 <sup>th</sup> April 2024
<b>Original DA Determination Date</b>	Approved 22 <sup>nd</sup> June 2023
<b>Date of Report</b>	12 December 2024

### **Purpose of this report**

This report provides an updated set of recommended conditions for DAM0043/2024 for consideration by the Southern Regional Planning Panel.

These conditions have been considered and agreed upon by both Shellharbour Council and Frasers, following review by both parties.

The updated conditions are attached as a 'tracked changes' version with editors' comments, and a completed version.

### **Summary of Condition Changes**

A summary table of condition changes is included below for consideration.

Condition No	Condition Requirements	Changes Proposed	Reason for Change
3 – Development in Accordance with Plans and Documents	Indicating the stamped plans and documents	Updated revision numbers and document references	Correspondence from Frasers indicated updates required
4 – Easements	Restricting structures from encroaching easements.	Included exception to encroachment where approved as part of this application.	Agreed condition wording between Frasers and Council
8 – House Numbering	Indicating house numbering for the development.	Changing Building B's addressing from 6 Civic Avenue to 9 Waterfront Promenade	Request from Frasers which Council's GIS team is satisfied with
9 – Section 7.11 Development Contributions	Stating the payment of contributions for the development	Staging the contributions payable	Modified condition to reflect the staged nature of the consent
10 – Bond – Existing Street Trees	Indicating bonds payable on street trees	Staging the bonds payable	“
13 – Amended Plans	Indicating amendments required	Included wording 'relevant construction certificate'	“
14 – Detailed Drainage Design	Indicating drainage design requirements	Included wording on items relevant to staged CCs	“
20 – Pedestrian Wind Environment	Indicating wind design treatments	Including wording 'relevant construction certificate'	“
21 – SEPP Housing Design Verification Statement	Indicating design verification requirements	Changed wording to reflect housing SEPP	Housing SEPP supersedes SEPP 65

22 – Car Washing Facility	Indicating car washing facility design requirements	Including wording 'relevant'	Modified condition to reflect the staged nature of the consent
23 – Flood Wall Design	Indicating flood wall design requirements	“	“
24 – Groundwater Impacts	Indicating groundwater assessment and treatment requirements	“	“
25 – Acoustic Impacts	Indicating acoustic treatment requirements	Included wording on staged CC, and on updated acoustic assessment	Modified condition to reflect staged nature of consent, and updated acoustic treatments
26 – Access to Power in Carparks	Indicating carpark EV charging requirements	Included wording 'relevant construction certificate'	Modified condition to reflect staged nature of consent
27 – Crime Prevention through Environmental Design	Indicating CPTED design requirements	Including wording on staged CC requirements, and on additional CPTED documents	Modified condition to reflect staged nature of consent, and updated CPTED requirements
29 – Parking Allocation Plan	Indicating parking allocation requirements	Included wording on staged CC requirements	Modified condition to reflect staged nature of consent
30 – Traffic Committee – Signposting and Line Marking Plan	Indicating traffic committee approval requirements	“	“
31 – Soil and Water Management Plan (SWMP)	Indicating SWMP design and assessment requirements	“	“
32 – Grated Drain	Indicating grated drain construction requirements	“	“
33 – Flood Planning Level	Indicating flood level planning construction requirements	Amended wording to allow more accurate flood planning level (PMF) design requirements	Modified wording following consultation with Frasers and Council's Flooding technical officers to achieve more accurate flood planning level requirements
35 – Commercial Kitchen Exhaust Design	Indicating commercial kitchen design requirements	Included wording on staged CC requirements	Modified condition to reflect staged nature of consent

44 – Soil and Water Management Plan Implementation (SWMP)	Indicating Soil and Water management requirements.	Amended wording to reflect staged consent requirements.	Modified condition to reflect staged nature of consent.
44a – Acid Sulfate Soil Management Plan	Indicating acid sulfate soil management requirements	Amended wording to only capture works applicable prior to commencement of works	Modified condition to reflect that some of the ASSMP requirements are not applicable prior to commencement of works
54 – Connection to Council Pit and/or Pipe	Indicating drainage design and inspection requirements	Amended wording to remove specification of PCA to organise inspection	Allows the builder / frasers / PCA to organise the inspection rather than specifically the PCA
58 – Approved External Materials & Colours	Indicating external treatment and appearance requirements	Amended wording to update plan references	Updated external treatment plan provided
64 – Residential Flooding Survey Certification	Indicating survey requirements	Removed	The condition was a duplicate of condition 62, which is retained
66 – Occupation Certificate	Indicating requirements prior to issue of a OC	Included wording 'relevant'	Modified condition to reflect staged nature of consent
76 – Sign for Visitor and public Parking	Indicating signage requirements for parking spaces	Included staged requirements	Modified condition to reflect staged nature of consent
78 – SEPP Housing Design Verification Statement	Indicating design verification requirements	Changed wording to reference housing SEPP.	Housing SEPP supersedes SEPP 65
79 – Liveable Housing Design Guidelines	Indicating liveable housing design requirements	Changed wording to correct error in amount within the consent	Error in original consent rectified
90 – Street Tree Bond Refund	Indicating street tree bond refund requirements	Included wording 'relevant'	Modified condition to reflect staged nature of consent
103 – Flooding Storage of Materials	Indicates flood storage requirements for ongoing use	Included more accurate flood planning level, similar to condition 33	Modified wording following consultation with flood technical officers (Frasers and Council) for more accurate flood planning level requirements

## **Attachments**

### **Attachment A1 – New Recommended Conditions of Consent (tracked changes)**

**Attachment A2 – New Recommended Conditions of Consent (completed)**