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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-988464

INDEPENDENT PLANNING COMMISSION

MEETING WITH COUNCIL

RE: SHELL COVE BOAT HARBOUR PRECINCT CONCEPT APPROVAL

PANEL: STEVE O'CONNOR
PETER COCHRANE
ILONA MILLAR

ASSISTING PANEL: MATTHEW TODD-JONES
ANDREW McANESPIE
DAN KEARY
BRENT DEVINE

COUNCIL: REBECCA KENNEDY
MELISSA BOXALL
GRANT MEREDITH
GEOFF HAYNES
JASMINA MICEVSKI
MICHAEL TUFFY

LOCATION: THE TASMAN ROOM, SHELLHARBOUR CLUB
CNR WATTLE & SHELLHARBOUR ROADS
SHELLHARBOUR, NEW SOUTH WALES

DATE: 3.06 PM, THURSDAY, 7 FEBRUARY 2019

MR S. O'CONNOR: Okay. We might get started then if that's fine with you. Good afternoon and welcome. Before we begin, I would like to acknowledge the traditional owners of the land upon which we meet and pay my respects to their elders, past, present and emerging. Welcome to the meeting today on a request
5 seeking to modify the concept plan approval for Shell Cove Boat Harbour Precinct located at Boollwarroo Parade, Shell Cove, in the Shellharbour Local Government Area. This proposal seeks to – approval to, (1) increase the number of dwellings from 1238 to 1566 dwellings; secondly, revise the housing densities, typology and building heights in certain areas of the Boat Harbour Precinct; thirdly, amend the
10 hotel building by relocating it to the northern edge of the Town Centre, increasing its maximum building from a maximum of nine storeys to 11 storeys; and fourth, and finally, revise the road pattern and layout.

My name is Steve O'Connor and I'm the chair of this IPC panel. Joining me on the
15 Panel is Ilona Millar and Peter Cochrane. The other attendees are Andrew McAnespie from the Commission's Secretariat – I think you've been in touch with Andrew – and Dan Keary and Brent Devine from Keylan Consulting, who are assisting the Commission's Secretariat on this project. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is
20 being recorded and a full transcript will be produced and made available on the Commission's website.

This meeting is just one part of the Commission's process of determining this modification application. It is taking place at the preliminary stage of this process
25 and it will form one of several sources of information upon which the Commission will base its final determination. It is important for the Commissioners to ask questions of attendees and to clarify issues whenever we consider it appropriate. If you're asked a question and you are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing. We
30 will then put that information on our website. So with those preliminaries out of the way, we are able to begin. Because this meeting – we're taking a transcript of the meeting, it's useful if I can just get everyone as we go around the table, maybe starting with Brent, just to identify who you are and where you're from and that will just help later on when this is all being typed up. So Brent?

35 MR B. DEVINE: Yes. Brent Devine, Keylan Consulting.

MR D. KEARY: Dan Keary, Keylan Consulting.

40 MR A. McANESPIE: Andrew McAnespie, from the Commission's Secretariat.

MR P. COCHRANE: Peter Cochrane from the Independent Planning Commission.

45 MR O'CONNOR: Steve O'Connor, IPC.

MS I. MILLAR: Ilona Millar, IPC.

- MR G. MEREDITH: Grant Meredith from Shellharbour Council.
- MS M. BOXALL: Melissa Boxall, Director, Community & Customers,
Shellharbour Council.
- 5 MR R. KENNEDY: Rebecca Kennedy, Shellharbour Council.
- MS J. MICEVSKI: Jasmina Micevski, Shellharbour Council.
- 10 MR M. TUFFY: Michael Tuffy, Strategic Planning, Shellharbour Council.
- MR G. HOYNES: Geoff Hoynes, Shellharbour Council.
- MR O'CONNOR: Thank you. So we normally commence these proceedings with a
15 presentation, a summary, of the main issues or concerns or things council wants to
make us aware of. We are here to hear what you've got to say and to learn as much
as we can about council's viewpoint in relation to this proposed modification. So if I
can hand over, and then we may have some questions.
- 20 MR HOYNES: Yes. Michael Tuffy, our Senior Strategic Planner, will give a
general overview of our involvement in the modification and the issues that we have.
- MR O'CONNOR: Okay.
- 25 MR TUFFY: Council has had four opportunities to consider this application and
we've duly lodged four submissions during that process, one on the original 75W
exhibition, then on the first response to submissions and the second and then on the
draft modification instrument of October 2018. We note most of the things we have
30 raised during the process have been addressed and resolved and that has happened by
way of that they've become development application matters and resolved during
those processes or matters for the urban design guidelines and as DAs and UDGs
have been running concurrently with this application or they have been addressed as
part of the modification approval documentation itself.
- 35 And, as some examples of the latter, we note the modification approval has
provisions requiring parking to be assessed and determined as part of the UDGs and
DAs, ie, parking requirements are not approved in the concept plan. Also, provisions
requiring design layouts for buildings, open space, foreshore areas within the
water and the boat maintenance storage facility to be assessed and determined as part
40 of UDGs and DAs and, again, these requirements are not approved in the concept
plan. Deletion of a lane that appeared in the October '18 draft modification approval
and that's behind the boat maintenance storage facility – we opposed that on crime
prevention through environmental design reasons and that was deleted. And we also
note there's a condition requiring continuous public access around the entire harbour
45 perimeter – another thing we requested.

So it brings us to the remaining issues. We only have two issues with the November version of the draft modification approval and both of these we included in our October – in our submission on the October draft modification approval. And they are, firstly, it's a fairly minor thing on – if you have the modification instrument in front of you, on page 1, there's a reference in the description of the modification to an additional 6000 square metres of land area being added to the site. That's actually more like 8000 square metres – a fairly minor one, as I say. The other one is on page 2, schedule 1, part A – that lists the items that are approved under the instrument – under:

10

(1) *Approval for the Boat Harbour Precinct.*

And what has happened, community – the term “community development” has been deleted and we would like that reinstated, although in a different form because it has always been the plan to have a community centre and a library in the Boat Harbour Precinct. And in the standard instrument, those two things are defined as community facility and information and education facility, respectively. And we would like those terms added to that description in that condition. And that's it.

MR O'CONNOR: Okay. Thank you. Anyone else from council wish to make any statements or raise any points? Okay. Good. Then open to any questions that we might have. The – I think we do have a question around the boat storage workshop area that's proposed. And just trying to get a good understanding of what the JRPP apparently has approved on that site in terms of the creation of that parcel of land and the residential land that abuts that area. Does council have a good understanding of that - - -

MS MICEVSKI: I can answer in part. So the boat maintenance facility has only been approved for the purposes of the delivery of the lot, so not the actual facility itself.

MR O'CONNOR: Yes.

MS MICEVSKI: That's subject to a future application. The lots abutting the Boat Harbour – or the boat facility has got restrictions for acoustic reasons and that's probably as far as that precinct was dealt with with the JRPP.

MR O'CONNOR: So are you aware if the JRPP in granting that subdivision approval required any landscaping or a covenant requiring landscaping along the rear of those residential properties as a visual screen against the acoustic wall and eventually what might be boat storage buildings?

MS MICEVSKI: So if you have a look at the profile, the finished level of the boat facility lot - - -

45

MR O'CONNOR: Is much lower.

MS MICEVSKI: Yes.

MR O'CONNOR: Yes.

5 MS MICEVSKI: Yes. And so I'm not exactly sure what the finished RLs would be of that boat facility, but with the difference in RLs together with the setbacks for that facility that was proposed or was, kind of, indicatively shown to us, there wasn't going to be a big impact in terms of overshadowing or visual.

10 MR O'CONNOR: So when you say "setbacks", you're saying that the scheme you've seen shows that the buildings that are proposed on the boat storage facility are set back from the boundary or they come right to the boundary?

MS MICEVSKI: Was there a setback - - -

15

MR HOYNES: No. Commissioners, the residential lots were elongated. They're fairly long lots that are to the south. And they were elongated to get that separation. It wasn't something that was part of the boat maintenance facility storage area setback. It was designing in to the subdivision a reasonable separation in terms of the elongated lots to create that buffer. Have you got anything else you might want to say about that in the EGBs?

20

MR TUFFY: And I think that figure Mr Hoynes refers to, it's 10 metres and then the boat maintenance storage facility would be on the boundary, but the top level, which is set back further. There are details on this in the Urban Design Guidelines for Precinct though, which have been approved, which we can refer you to if you like.

25

MR O'CONNOR: Okay.

30

MR HOYNES: So, Commissioners, that condition, I think, that's on the draft instrument modification, that was not a requirement of council for any reason.

35 MR O'CONNOR: Yes. So you're not aware whether the JRPP required some sort of covenant that requires landscaping in the rear of those residential lots?

MR HOYNES: Jasmina, maybe that's something you can take on notice.

MS MICEVSKI: No. Yes. I can take on notice.

40

MR O'CONNOR: Okay.

MR HOYNES: We will be able to let you know, but we will check.

45 MR O'CONNOR: Okay. Thank you. Peter, did you want to ask a question in relation to traffic generation?

MR COCHRANE: Yes. So the concept plan, as I understand it, includes the technology park, but we don't have any of the details on that, but the traffic generation estimates at least included what you think the technology park will generate. And I'm assuming also what those new sports fields will also generate and also the boat ramp, which is more likely a generator of traffic, at least at weekends, I guess, and so I'm – can I assume correctly that all of that's encompassed in the sort of estimate of 4000 vehicles an hour as the peak load, I guess, because traffic has come up quite a lot in the public submissions and this morning at the public meeting, and so the choke points – I guess this is what Guy Formica raised – is the two roundabouts on Harbour – is it Harbour Boulevard? He was querying the capacity of reasonable movement along that drive with those two roundabouts and 4000 vehicles an hour.

MR HOYNES: Commissioners, I think that was ultimately a question for the department in their assessment of the modification.

MR COCHRANE: Yes.

MR HOYNES: And the RMS – like that – and the RMS in terms of traffic generating development.

MR COCHRANE: Yes.

MR HOYNES: With that said, in terms of the town centre, Michael referred to a requirement to do some detailed parking analysis, but, in terms of traffic, that was part of the overall assessment that the department made in terms of the modification.

MR COCHRANE: Presumably based on the data that you've generated for your estimates of traffic generation from the businesses?

MR HOYNES: Well, on behalf of the applicant, and we're not the applicant today, and we would have had input into overall traffic modelling for that area - - -

MR COCHRANE: Yes.

MR HOYNES: - - - but I don't think anyone here today could provide an answer on that.

MR COCHRANE: Right.

MR HOYNES: It would be a matter for the department.

MR COCHRANE: Okay.

MS MILLAR: So no separate traffic studies were undertaken from a council perspective in terms of the impacts on the local road network?

MR HOYNES: The main impact is that intersection at New Lake Entrance Road and Harbour Boulevard, but that was an intersection that was designed and approved by a traffic engineer so – with – in consultation with a traffic engineer. So I don't think there's anyone here that could answer that question, except to say I'm aware
5 that there has been some phasing issues at those traffic lights, and those have been taken on board and the phasing is being adjusted as we see what – which is common with a new major intersection. So I think the phasing of those lights are being looked at, but, in terms of Harbour Boulevard and its capacity to take traffic, it's a fairly large road with limited intersections.

10 There is proposed to be a roundabout intersection where the proposed sports fields are to cater for that traffic. That sports field area is still being designed and parking requirements for that sports field is still being assessed, but, once again, that's a parking issue rather than a traffic issue. I don't know, Grant, if you've got anything
15 to add to that.

MR MEREDITH: No, no. There has been only preliminary discussions in those sports field, but the roundabout has been designed to take capacity as per what was proposed, I think, in those limits of vehicles per day.

20 MR O'CONNOR: Okay. There was – as Peter just mentioned, traffic was raised in the submissions we heard this morning, but visual impacts were also raised and I take it from what you said, Michael, that the submissions – that council's assessment about view impacts, etcetera, you must have been satisfied, because it's not one of
25 the remaining issues that's still - - -

MR TUFFY: We did not assess it separately, but we have read the department's assessment and we have no objection on their approach and the outcomes – conclusions that it has reached.

30 MR O'CONNOR: Thank you. Any questions?

MS MILLAR: I think you've said you're now comfortable with the approach in terms of parking being dealt with through the DA - - -

35 MR TUFFY: And UDG.

MS MILLAR: - - - UDG process, so no further issues on parking from council's perspective?

40 MR TUFFY: No.

MR HOYNES: No. Based on those conditions, no.

45 MS MILLAR: Yes. Okay.

MR O'CONNOR: And, Peter, anything you - - -

MR COCHRANE: No. I think it's really good to hear just what those two remaining issues were from council's perspective. I wasn't aware of either of those, but that does – they seem relatively easy to deal with.

5 MR HOYNES: Yes.

MR TUFFY: Yes.

MR O'CONNOR: Andrew?

10 MR McANESPIE: No. I'm good. Thank you very much.

MR O'CONNOR: Dan?

15 MR KEARY: No. None from me.

MR O'CONNOR: Brent?

MR DEVINE: No.

20 MR O'CONNOR: Look, I think that wraps it up. Thank you for your time.

MR HOYNES: Good. Thank you.

25 MR O'CONNOR: We will go away and consider it all and make our determination in due course. Thank you.

MR HOYNES: Thank you. And we will get back to you on that question on notice about the JRPP and that area - - -

30 MR O'CONNOR: Yes. If you can.

MR HOYNES: - - - that adjoins the boat maintenance storage facility.

35 MR O'CONNOR: Yes. That would be very helpful.

MR COCHRANE: I will actually – because when we had the discussion with the proponent, they did sort of suggest a difference of view of who actually was going to be responsible for that five-metre buffer. I think, in their view, it should be council, and Kevin's input was council wasn't interested at all; it should be part of the private land. So I'm assuming the JRPP has decided it's all part of the allotment and, therefore, it's up to the owners to decide what happens on that five-metre buffer up against the wall; is that - - -

40

45 MR HOYNES: Yes. We will have to get back to you about what involvement the JR - - -

MR COCHRANE: Who is going to be responsible and what the - - -

MR HOYNES: Yes. And also who imposed that requirement, because we will confirm whether or not it was the JRPP. It certainly wasn't council as a determining
5 - well, not a determining authority - an authority with its determining eye on it.

MR COCHRANE: Yes. Yes.

MR HOYNES: Kevin represents a different part of the council - - -

10 MR COCHRANE: Yes.

MR HOYNES: - - - and we're not discussing that part of the council today, although we do have our governance manager here, Rebecca Kennedy, to make sure
15 that - yes - probity is taken care of.

MR COCHRANE: But we were just a little unclear after all the toing and froing
- - -

20 MR HOYNES: Yes.

MR COCHRANE: - - - exactly what the preferred outcome would be and - - -

MR HOYNES: Yes. Yes. It certainly wasn't our imposition of a requirement for
25 that five-metre landscape buffer.

MR COCHRANE: Yes. Okay.

MR KEARY: Actually, Steve, can I just clarify one thing, please. Am I correct in
30 understanding due to a CPTED issue, there was previously a road that ran between the boat management facility and those lots, and that - and, due to issues raised by council, the applicant removed that road; is that - - -

MR HOYNES: Yes. We didn't require the road.

35 MR KEARY: Right.

MR HOYNES: In our opinion, in assessing the application, the road wasn't required. It came in at some stage during the process.

40 MR TUFFY: It was a requirement on the October version of the modification instrument and we submitted opposing it and it was removed consequently in the November version.

45 MR KEARY: Right. Which resulted in the backyards effectively coming up to the wall of the boat maintenance facility.

MR HOYNES: As proposed. Yes.

MR KEARY: Yes.

5 MR HOYNES: So because of the levels, as Jasmina explained earlier, we did not see a problem with those longer lots terminating with a wall.

MR KEARY: Yes. Yes.

10 MS MILLAR: And that was the only area where there were CPTED concerns from council?

MR HOYNES: In terms of putting that laneway there, yes, because you would have an industrial wall – residential – that I don't even think the laneway was capable of being vehicular.

MR KEARY: Right.

MR HOYNES: It was just a pedestrian laneway, from memory.

20

MR: Like a walkway.

MR KEARY: Yes.

25 MR O'CONNOR: Yes. Yes.

MR HOYNES: It wasn't our imposition, it was the department's, so maybe that could be clarified with the department, but I don't think there was vehicular access and, therefore, from a CPTED perspective, it was just a long, narrow laneway between a residential and an industrial area - - -

30

MR O'CONNOR: An uninviting place.

MR HOYNES: Yes.

35

MR O'CONNOR: Yes. Okay. Yes. Thank you. Thanks very much.

RECORDING CONCLUDED

[3.26 pm]