

JOINT REGIONAL PLANNING PANEL
(Southern Region)

JRPP No	2013STH027
DA Number	411/2013
Local Government Area	Shellharbour City Council
Proposed Development	Residential Subdivision – Precincts B1 & C1, Shell Cove Boat Harbour Precinct
Street Address	Lot 206 DP 857030 Boolwarroo Parade, Shell Cove Lot 8422 DP 1169822 Shallows Drive, Shell Cove
Applicant/Owner	Australand Corporation (NSW) Pty Ltd / Shellharbour City Council
Number of Submissions	Nil
Regional Development Criteria (Schedule 4A of the Act)	Development has a capital investment value of more than \$5 million and Council is the owner of the land on which the development is to be carried out. Cost of development: \$9,750,000
List of All Relevant s79C(1)(a) Matters	Relevant environmental planning instruments: s79C(1)(a)(i) <ul style="list-style-type: none"> SEPP 71 - Coastal Protection SEPP 55 - Remediation of Land Shellharbour Local Environmental Plan 2013 Relevant regulations: s79C(1)(a)(iv) <ul style="list-style-type: none"> NSW Coastal Policy 1997
List all documents submitted with this report for the panel's consideration	Documents form part of the Report as attachments
Recommendation	Conditional Approval
Report by	Victoria Nicholson, Senior Development Assessment Officer
Report endorsed	Grant Meredith, Group Manager City Development

Assessment Report and Recommendation Cover Sheet

JRPP No. 2013STH027
Development Application No. 411/2013
Lot 206 DP 857030, Boolwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

EXECUTIVE SUMMARY

Reason for Consideration by Joint Regional Planning Panel

The development application has been referred to the Joint Regional Planning Panel (JRPP) pursuant to Clause 4(b) of Schedule 4A of the *Environmental Planning & Assessment Act 1979* ("the Act") as Council is the owner of land on which the proposed development is to be carried out and the capital investment value exceeds \$5M.

Lot 206 in DP857030 is partly mapped as sensitive coastal location and more than 100 lots for residential purposes is proposed (clause 9(b)(ii)). The land upon which the development is to be carried out however does not fall within the sensitive coastal location.

Proposal

The development site forms part of the Major Project Approval *Shell Cove Boat Harbour Precinct Concept Plan*, Shell Cove.

The Development Application (DA) seeks approval for the subdivision of residential precincts B1 and C1 of the Shell Cove Boat Harbour Precinct (BHP) to create 88 residential lots, 14 superlots for future medium density residential development, 4 public reserves, 1 auxiliary lot for future carparking and sewerage pump station, and associated local streets and laneways. The subdivision will be carried out in 4 stages.

The DA is the first development of the BHP.

Permissibility

The site is zoned R3 Medium Density Residential under *Shellharbour Local Environmental Plan 2013* (SLEP 2013). Pursuant to SLEP 2013 clause 2.6, subdivision of land is permissible subject to development consent.

Public Notification

The application was publicly notified in accordance with statutory requirements. No submissions were made to Council.

Recommendation

It is recommended that DA No. 411/2013 be approved subject to the conditions contained in Attachment 7.

ATTACHMENTS

- Attachment 1 – Site context - surrounding lands
- Attachment 2 – Site context - Boat Harbour Precinct
- Attachment 3 – Subdivision Layout Plan
- Attachment 4 – Subdivision staging plan
- Attachment 5 – Bulk Earthworks Plan
- Attachment 6 – Correspondence from applicant dated 2 September 2014
- Attachment 7 – Recommended Conditions
- Attachment 8 – Concept Plan Approval

PLANNING REPORT

1 Context

The BHP Concept Plan (MP 07_0027) sought approval under the now repealed Part 3A of the Act for the development of a 100 hectare precinct, surrounding an approved in-shore boat harbour and 300 berth marina, to include a mix of land uses, building height (in terms of number of storeys), indicative floor areas, number of dwellings, indicative street alignments, pedestrian networks and a network of open space and wetlands. The land uses comprise of residential (low to high density), mixed use town centre including a landmark hotel, a dry boat storage facility and a business park. The BHP Concept Plan was approved on 15 February 2011.

The BHP Concept Plan approval including plans and documents can be found at <http://majorprojects.planning.nsw.gov.au/>

The BHP is the centrepiece of the wider master-planned Shell Cove project of which the suburban areas have been substantially developed. The BHP is the future retail and commercial hub of the wider Shell Cove residential development

The Boat Harbour Project is a joint venture between Australand Corporation Pty Ltd and Shellharbour City Council.

The development site relates to residential precincts B1 and C1. Refer to Attachment 1 which shows the context of the development site to the wider Shell Cove development to the west and the Shellharbour Village to the north, in addition to the BHP area and the Boat Harbour, currently under construction. Attachment 2 illustrates the context of the site having regard to the layout of the various land uses within the Precinct. It can be seen that the area of precincts B1 and C1 approximates at least 60% of the areas of precinct B and C.

The development application is the first residential release and has been termed by the applicant as 'The Waterfront Shell Cove'.

The application is supported by a Statement of Environmental Effects (SEE) prepared by LFA (Pacific) Pty Ltd) which:

- includes the further environmental assessments required by the Concept Plan approval, these being a detailed Coastal Hazards Study and a Fauna assessment for the Green & Golden Bell Frog (Appendices D and E respectively), and
- addresses the Concept Plan approval by identifying conditions applicable to the DA and detailing how each of these has been addressed (Appendix B), supported by specialist reports (Appendices C, G-K).

Information has also been provided as to how the Statement of Commitments (Schedule 4 of the approval) have been satisfied.

The proposed subdivision development application is being reported to the JRPP as the proposed development exceeds the capital investment value of \$5M with Council having an interest in the proposal as landowner.

JRPP No. 2013STH027
Development Application No. 411/2013
Lot 206 DP 857030, Boolwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

2 Site Description

As seen in Attachments 1 and 2, the development site is to the east of the future Harbour Boulevard, and to the south of the BHP commercial precinct. Stage 10D of the planned Shell Cove Estate adjoins the site to the south west.

The site was formerly used as farmland and grazing. Vegetation is limited to grass cover.

The site slopes gently and generally uniformly, about 1 in 20 to 1 in 25, to the north-east from the future Harbour Boulevard road. There is a slight ridge in the centre of the precincts with a small dam and drainage line within precinct B1 which falls to the east.

The development application was lodged over Lot 206 DP 857030 and Lot 9041 DP 1172320. Lot 9041 DP 1172320 has subsequently been subdivided and registered with the LPI on 23.12.2013. The development site is now Lot 8422 DP1169822 (created by the subdivision of Lot 9041) and Lot 206 DP 857030.

3 The Proposal

The subdivision will create 88 residential lots, 14 superlots for future residential development, 4 public reserves, 2 open space links, 1 auxiliary lot for future carparking and sewerage pump station, local streets and laneways. It is envisaged that the superlots will be subsequently developed to provide about 117 dwellings, to provide a total of some 205 residential lots. The total subdivision area approximates 13 hectares; precinct B1 covers 7.9 hectares and precinct C1 covers 5.1 hectares.

Two of the public reserves are landscaped open space links between Harbour Boulevard and a local park or to the local street network. The remaining 2 parklands are surrounded by 4 superlots to be developed later as medium density housing.

The subdivision layout is provided in Attachment 3.

The subdivision will be undertaken in 4 stages; refer to Attachment 4.

Attachment 5 shows the earthworks proposed on the site. About 70% of the site will require some cut and fill from 0m to 1m. A small area in the north western corner of precinct C will require excavation of about 2m while the low lying north eastern area precinct B1 will be filled to around 2m or greater.

4 Major Project Approval (MP 07_0027)

Further environmental assessment requirements – first application

Schedule 3 of the Concept Plan approval specifies 2 further environmental assessments to be submitted with the first application and be approved by the relevant approval authority. These environmental assessments are a detailed Coastal Hazards Study and a fauna assessment and survey for the Green & Golden Bell Frog (GGBF) (conditions C1 and C2 respectively).

In brief:

- precincts B1 and C1 are located well landward of the combined beach erosion and shoreline hazard and as such these hazards are not considered to be an issue for the proposed development;

JRPP No. 2013STH027
Development Application No. 411/2013
Lot 206 DP 857030, Boolwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

- the large separation distance between the precincts and the beach and dunal system means that the coastal inundation hazard is not considered to be an issue for the development;
- the height of the sea wall around the perimeter of the Boat Harbour is reasonable;
- the beach nourishment and rehabilitation management plan and dunal stabilisation works form part of the Shell Cove Boat Harbour Operation Environmental Management Plan and Construction Environmental Management Plan respectively. Both plans have been prepared under the framework of the Boat Harbour Consent No. 133/1995 and have been approved by the Director General of the Department of Planning; and
- the habitat survey concluded that the GGBF was not found in the BHP study area.

These assessment reports have been assessed as satisfactorily addressing the requirements of these conditions.

Further environmental assessment requirements – for each Project stage

Part D of the Concept Plan approval (refer Attachment 8) details further environmental assessment requirements to be addressed where relevant to each stage/precinct of the project, and are briefly discussed as follows (in sequential order as the consent conditions):

- Urban Design Guidelines are required for each stage. Precinct B1 & C1 Design Guidelines for single detached dwellings, prepared by an architect, form part of the SEE (Appendix C). Design Guidelines for the multi-dwelling housing superlots will be developed with the first application for this form of housing. The guidelines have addressed all relevant design parameters as detailed in the condition.
- A concept landscape plan has been submitted. Detailed landscaping of the public domain including the local parks and open space links form part of the recommended conditions; refer to Attachment 7.
- Noise management assessment applies to the proposal. The noise assessment report of the Concept Plan approval identified that Precincts B1 and C1 dwellings located within 40m of the Harbour Boulevard road pavement would be affected by traffic noise and will require acoustic treatment to facades to meet the relevant internal acoustic criteria for residential dwellings.

The subdivision does not propose noise attenuation along Harbour Boulevard. The Design Guidelines do not address noise attenuation. The requirement for noise attenuation for potentially affected dwellings will be addressed via a restriction on the land title. A condition is recommended (see F11) and included in Attachment 7.

- Utility infrastructure requirements of the BHP have been supported by a water and sewer servicing strategy and electrical services masterplan prepared by specialists in consultation with relevant service providers.
- A preliminary earthworks strategy and erosion sediment control plans have been prepared by a suitably qualified person.

Acid sulphate soil (ASS) were investigated as part of the Part 3A Concept Plan application and for most of the land to be developed, the risk of encountering ASS was low however the risk increased in the north-eastern corner of precinct B1 being lower lying. This area is to be filled by some 2m of non ASS fill to the bulk earthworks levels. The Acid Sulfate Soil Management Plan (ASSMP) considers it unlikely and low risk that

following construction of the Boat Harbour land platform up to the bulk earthwork level that ASS materials will be encountered on a large scale.

The ASSMP has been assessed by Council as being sufficient however is limited to providing general recommendations for ASS only and a site specific approach is to be developed and approved for ASS management if required; this has been included in the recommended conditions.

- The flood risk assessment concluded that flooding would not impact on the residential lands of precinct B1 and C1 and the hazard risk for 'view corridor street 2', identified in the Part 3A Concept Plan consent flood management assessment, has been designed to address this.
- The stormwater management plan includes a water sensitive urban design strategy for precincts B1 and C1 so as to achieve the stormwater quality targets of the overall Shell Cove development. These targets include reducing post development pollutant to equal to and below pre-development loads, in addition to the water quality targets identified in the Boat Harbour Development Consent.
- A construction management plan (CMP) has, in part, been addressed with specialist reports for acid sulphate soils management and erosion and sedimentation control plans. A detailed CMP, including traffic management plan, will be provided at the construction certificate stage; relevant conditions in this regard have been recommended (refer Attachment 7).
- An updated traffic report has been prepared for the proposal and has confirmed that the traffic flows on all streets will be low volume and on this basis there are no concerns with regards to traffic operations, pedestrian conflicts and local amenity, and minimal impact on the operation of nearby roads and intersections. The proposed street types and cross sections are appropriate to the use and function of the various streets. Council does not raise any objection to the report subject to conditions.
- The subdivision layout and design will maintain the public access principles as detailed in the Concept Plan approval. For example, the design includes 2 open space links to facilitate access from the main off-road pedestrian and cycle shareway along the future Harbour Boulevard.

Consistency with the Concept Plan approval

The proposed subdivision design and layout is generally consistent with the conditions, plans and documents of the Concept Plan approval. There are some minor inconsistencies as discussed below:

- The subdivision shows the public car park associated with the commercial precinct that adjoins the residential precinct C located within the boundaries of precinct C (proposed lot 103). The Concept Plan approval however shows the carpark located within the public domain along the length of 'main connecting street no. 2' (main street), physically separated from the residential development of precinct C by a landscaped footpath between the carpark and dwellings, with dwellings having frontage to the main street and car parking areas (with rear vehicular access) to provide a built edge between the different land uses.

'Standard' lots now adjoin the future car parking lot (lot 103) with dwellings fronting an internal street (street 2). An acoustic wall and landscaping screen is likely to be

provided along the rear boundary of lot 103, however the development of the car park will be the subject of a separate application.

3 'standard' lots are now proposed along the western end of main street. The Concept Plan approval indicates that this land was to form part of the car park along the main street.

- The type of residential development proposed for precinct C now includes 'standard' lots where none were proposed. A change in the spatial distribution of the 'low/medium' residential forms is also proposed to now interface with the main street rather than being limited to interface with the 'low/medium' area of adjoining precinct B. The approval shows medium residential density interfacing with the main street/commercial precinct. There appears to be a dilution in the transition of low to higher residential densities with closer proximity to the town centre.
- There is a potential for a decrease in residential density of the overall development of precinct B and C. The SEE (pages 16 & 18) states that the residential density of precincts B and C were approved as 30 dwellings/hectare and 38 dwellings/hectare, respectively. The proposed density for precinct B1 and C1 are 20 dwellings/hectare* and 15 dwellings/hectare*. (*dwellings/hectare indicative as subject to superlot development).

Note: The term 'standard' lots is referred to in the Concept plan approval and refers to lots that will typically contain a single dwelling.

The applicant asserts that the subdivision layout and design remains consistent with the strategic direction of the Concept Plan approval; refer Attachment 6. In brief, the applicant argues that:

- The approval shows parking provided along the southern edge of the Town Centre extending to the harbour edge supported by a number of drawings.

Whilst the drawings show this linear car park outside the nominated boundaries of Precinct C, whether the car park is within precinct C or within the road reserve public domain could be considered irrelevant as a linear car park along main street is still being provided.
- Replacing the car park at the intersection of Harbour Boulevard and main street with a residential edge will assist in partly screening the extent of the car park from Harbour Boulevard.
- Whilst the spatial distribution of low/medium density and medium density forms of housing of the proposed subdivision and of the Concept Plan approval for precinct C1 are not entirely the same, the applicant has provided a table showing the relative areas of each form. The reduced area for medium density housing in precinct C1 appears to be offset by an increase in medium density housing in precinct B1.
- Subject to market demand, it is anticipated that the remaining land of the 2 precincts will be developed with 3 storey townhouses and apartments. The development capacity of the precincts as a whole will approximate the approved dwelling yields.

Council agrees with the applicant however the issue of residential density will need to be addressed with the remaining development of precincts B and C and/or remaining residential precincts to ensure the long term sustainability of an economically viable town centre.

5 *Environmental Planning and Assessment Act 1979 (the Act)*

In determining a development application, the consent authority must take into consideration matters referred to in Section 79C(1) of the Act as relevant to the proposal. The table below summarises the Section 79C(1) assessment with relevant matters discussed further following the Table.

Section 79C(1) of the <i>Environmental Planning & Assessment Act 1979</i>
(a)(i) any environmental planning instrument
State Environmental Planning Policies <ul style="list-style-type: none"> • <i>SEPP 71 - Coastal Protection</i> • <i>SEPP 55 - Remediation of Land</i> Local Environmental Plans <ul style="list-style-type: none"> • <i>Shellharbour Local Environmental Plan 2013</i>
(a)(ii) any draft environmental planning instrument that has been placed on public exhibition and details of which have been notified by the consent authority
Not Applicable
(a)(iii) any development control plan
Shellharbour Development Control Plan (DCP), where applicable (and only to the extent the DCP is consistent with the Concept Approval)
(a)(iiia) any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F
None applicable
(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)
<i>NSW Coastal Policy 1997</i> applies. Refer to SEPP 71 discussion below. The SEPP is a means of implementing the State's Coastal Policy.
(b) the likely impacts of development
Context and Setting <ul style="list-style-type: none"> • The land benefits from a Part 3A major project approval. The land is zoned for residential development. The proposal is consistent with the Part 3A Approval. For these reasons the development is appropriate for its context and setting. Access, Transport and Traffic <ul style="list-style-type: none"> • The traffic report finds that the traffic flows on all streets will be light and there are no concerns with regards to traffic operations, pedestrian conflicts and local amenity, and minimal impact on the operation of nearby roads and intersections. The proposed street types and cross sections are appropriate to the use and function of the various streets Utilities <ul style="list-style-type: none"> • Adequate provision of utilities to support the subdivision and future development of the residential lots can be provided.

JRPP No. 2013STH027
 Development Application No. 411/2013
 Lot 206 DP 857030, Boolwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

Section 79C(1) of the *Environmental Planning & Assessment Act 1979*

Soil, Water, Air and Microclimate

- The management of subdivision works so as to minimise any impact on the surrounding environment have been detailed in the supporting specialist reports, and has been addressed via conditions of consent.

Flora and Fauna

- The land has been previously cleared for its use as farm land grazing. A report on the GGBF has not identified the area as a critical habitat for the frog. The development is unlikely to impact on any threatened species, populations or ecological communities.

Waste

- The application has detailed 'waste' likely to be generated and submitted a Site Waste Minimisation and Management Plan. The main 'waste' stream is excavated material will, for the most part, be managed on-site. Relevant consent condition/s imposed.

Noise and Vibration

- Noise and vibration associated during the construction stage must be managed and are issues which can be addressed via conditions of consent notwithstanding they are matters covered by other legislation. Acoustic nuisance arising from the future Harbour Boulevard road pavement will require acoustic mitigation measures to be incorporated into the design and construction of dwellings; this has been addressed via a condition of consent.

Natural Hazards

- Possible natural hazards for the site include flooding, coastal hazards and acid sulphate soils. Specialist reports advise that the former 2 are not applicable to precinct B1 and C1 and that acid sulphate soils can be managed to mitigate adverse environmental impacts (subject to conditions).

Social Impacts

- The creation of new lots and future residential buildings will increase the supply of housing in a planned urban project close to natural environmental attributes and existing urban facilities and services. The additional population will provide additional demands on urban infrastructure, services and facilities. Section 94 contributions will assist in supplying some services/facilities provided by Council.

Economic Impacts

- The new subdivision construction will have an economic impact by providing employment opportunities.

(c) the suitability of the site for development

The site has been the subject to Part 3A Concept Plan approval. The subdivision design, provision of urban infrastructure, and the various management plans to mitigate any environmental impact are generally consistent with the approval. Accordingly, the proposal is appropriate for the site.

(d) any submissions made in accordance with this Act or the regulations

The application was publicly notified for a period of 28 days from 21 November 2013 to 18 December 2013. No submissions were made to Council.

(e) the public interest

Section 79C(1) of the *Environmental Planning & Assessment Act 1979*

The proposal is considered to be in the public interest as:

- it will contribute to the supply and diversity of housing in a coastal environment,
- it will continue the progression of the Shell Cove project,
- it will support the future development of the adjoining town centre,
- it will provide economic benefits during the construction phase of the development, and
- it is generally consistent with the BHP Concept Plan approval.

5.1 *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)*

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.

The proposal will not undermine the objectives of this Policy. A Phase 2 site contamination assessment of the BHP 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 lands within precincts B1 and C1 do not contain the former golf course land nor the former farm structure and thus remediation works are not required.

5.2 *State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)*

SEPP 71 applies to land and development within the coastal zone as defined by the *Coastal Protection Act 1979*. Precincts B1 and C1 are located within the coastal zone. SEPP 71 aims to protect the unique attributes of the NSW Coast by ensuring that flora and fauna are protected, heritage is conserved and that development is appropriate. In doing so it requires development to be assessed under a range of considerations (clause 8 and Part 4). Part 5 is not relevant as the proposal relates to the subdivision and development of land which benefits from a Concept Plan approval under the then Part 3A of the Act.

The proposal is considered to be consistent with the provisions of SEPP 71 given the design and layout of the proposal is generally consistent with the Concept Plan approval.

5.3 *Shellharbour Local Environmental Plan 2013 (SLEP 2013)*

Notwithstanding the Part 3A Concept Plan approval takes precedence over the planning controls of SLEP 2013, it is noted that development consent is required for the subdivision, the proposal is permissible development in the land use zone subject to development consent (clause 2.6) and the proposal will not undermine the objectives of the land use zone.

The land is zoned R3 Medium Density Residential. 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.

JRPP No. 2013STH027
Development Application No. 411/2013
Lot 206 DP 857030, Boolwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

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 is consistent with the objectives of the land use zone.

Relevant clauses of Part 5 and 6 of SLEP 2013 have been addressed with the Concept Plan approval, with exception of heritage.

The SEE states 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 Director-General's Environmental Assessment Report of the BHP considers that the existing Aboriginal Heritage Impact Permit (AHIP), which includes the BHP site, and the Boat Harbour consent will provide appropriate management of Aboriginal objects during the excavation and construction of land surrounding the boat harbour.

Compliance with the existing Permit for the area forms part of the recommended conditions; refer Attachment 7.

Accordingly clause 5.10(1) heritage conservation objectives, namely (c) and (d), are unlikely to be undermined by the proposal, these being:

5.10 (1) (c) to conserve archaeological sites,

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

6 Consultations

Internal (Council)

Environmental Officer

The Environmental Officer provided the following advice.

'An assessment of the information presented to address the criteria for Coastal Hazards, Fauna, Stormwater, Contamination and Acid Sulfate Soils (ASS) reveals that the studies and responses prepared are satisfactory.

The Acid Sulfate Management Plan (ASMP) is sufficient however provides general recommendations for acid sulfate soils only. The following recommendation in the ASMP is to be satisfied prior to the issue of a construction certificate. Implementation of this recommendation will allow a site specific approach to be developed and approved for ASS management if required.

The monitoring and management of ASS will be the responsibility of the Contractor. Once the actual construction scenario is defined, an addendum to this ASSMP shall be prepared using the framework provided by this general ASSMP, if it is assessed that the proposed work could intersect and disturb ASS. The addendum will either be prepared by the contractor or by the Principal's representative in consultation with the Contractor. The addendum will require review and approval by the Superintendent.

In addition, the proponent is to engage a suitably qualified environmental scientist to prepare a Management Plan for any artificial waterways, wetland systems, open space and riparian/vegetated areas as applicable to the proposal. The management plan is to provide details on the condition of such areas at the time of handover to Council from the developer, prescribe future management actions and a schedule of works including but not limited to the management of vegetation, stormwater and sedimentation.'

JRPP No. 2013STH027
Development Application No. 411/2013
Lot 206 DP 857030, Boolwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

Recommended conditions relating to acid sulphate soils management are included in the attached conditions. Refer to Attachment 7.

Aboriginal Community Liaison Officer (ACLO)

The ACLO advised the consent permit #2534 shall be complied with and that there is to be Aboriginal heritage induction training with the contractors to ensure if any Aboriginal objects are uncovered that work is ceased. Recommended conditions are included in the conditions of Attachment 7.

Section 94 Accountant

A monetary contribution for community infrastructure and services is to be paid in accordance with *Shellharbour Section 94 Contributions Plan 2013* dated 18 December 2013. The developer will dedicate land and embellishment in lieu of a monetary contribution toward passive open space embellishment. These requirements form part of the recommended conditions; refer Attachment 7.

Community Safety Officer & Community Planner

The social impact of the proposal and an assessment of the proposal against the principles of the Crime Prevention Through Environmental Design has been undertaken. Relevant conditions have been included in the recommended conditions; refer to Attachment 7.

Waste Management

The waste management officer has assessed the proposal and noted that waste services will not be available from Harbour Boulevard or view corridor streets. No objection to the proposal is raised subject to conditions. Relevant conditions have been included in the recommended conditions; refer to Attachment 7.

Development Engineer

The civil works and management thereof to minimise any environmental impacts, road design, drainage and traffic have been assessed as acceptable subject to conditions being imposed on any development consent. The flood assessment study (required by condition D7 of the Concept Plan approval) indicated that the residential lots of precincts B1 and C1 will not be flood affected. Refer to the conditions of Attachment 7.

Landscape Technical Officer (LTO)

The submitted landscape plans for the development have been reviewed by Council's LTO and approval recommended. Recommended conditions are included in the attached conditions; refer to Attachment 7.

External

Roads & Maritime Services (RMS)

RMS advised that they 'will not object to the proposed subdivision as all access is from the local road network and the proposal is not considered to have any significant impact on the classified road network'.

JRPP No. 2013STH027
Development Application No. 411/2013
Lot 206 DP 857030, Boolwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

Procedural Audit – Cardno

In instances where Council has an interest in an application, Council obtains a procedural audit, via a consultancy service, to ensure the development application has been processed in accordance with relevant statutory requirements, for example, correctly received and publicly notified. It is not a planning assessment.

The audit found that the processing of this development application is in accordance with the Act and its Regulation.

Public Exhibition of the Development

The proposal was publicly notified in accordance with statutory requirements. No submissions were received.

7 Political Donations/Disclosures

None made.

8 Recommendation

The proposal is generally in accordance with the BHP Concept Plan approval and is in the public interest.

Accordingly, it is recommended that DA No. 411/2013 be approved subject to the conditions contained in Attachment 7.

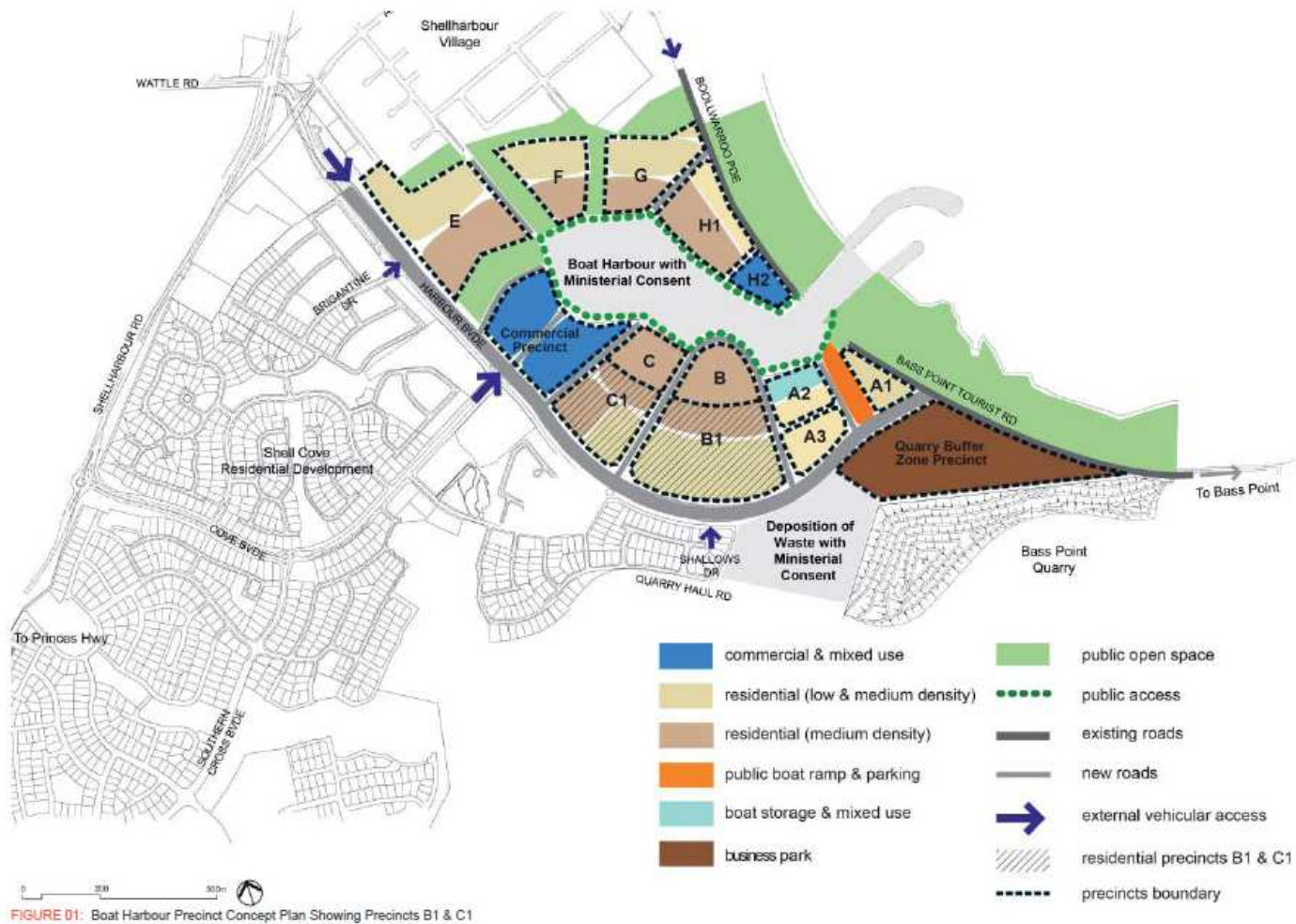
Attachment 1 – Site context - surrounding lands



Source: DA Statement of Environmental Effects, page 2

JRPP No. 2013STH027
 Development Application No. 411/2013
 Lot 206 DP 857030, Boollwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

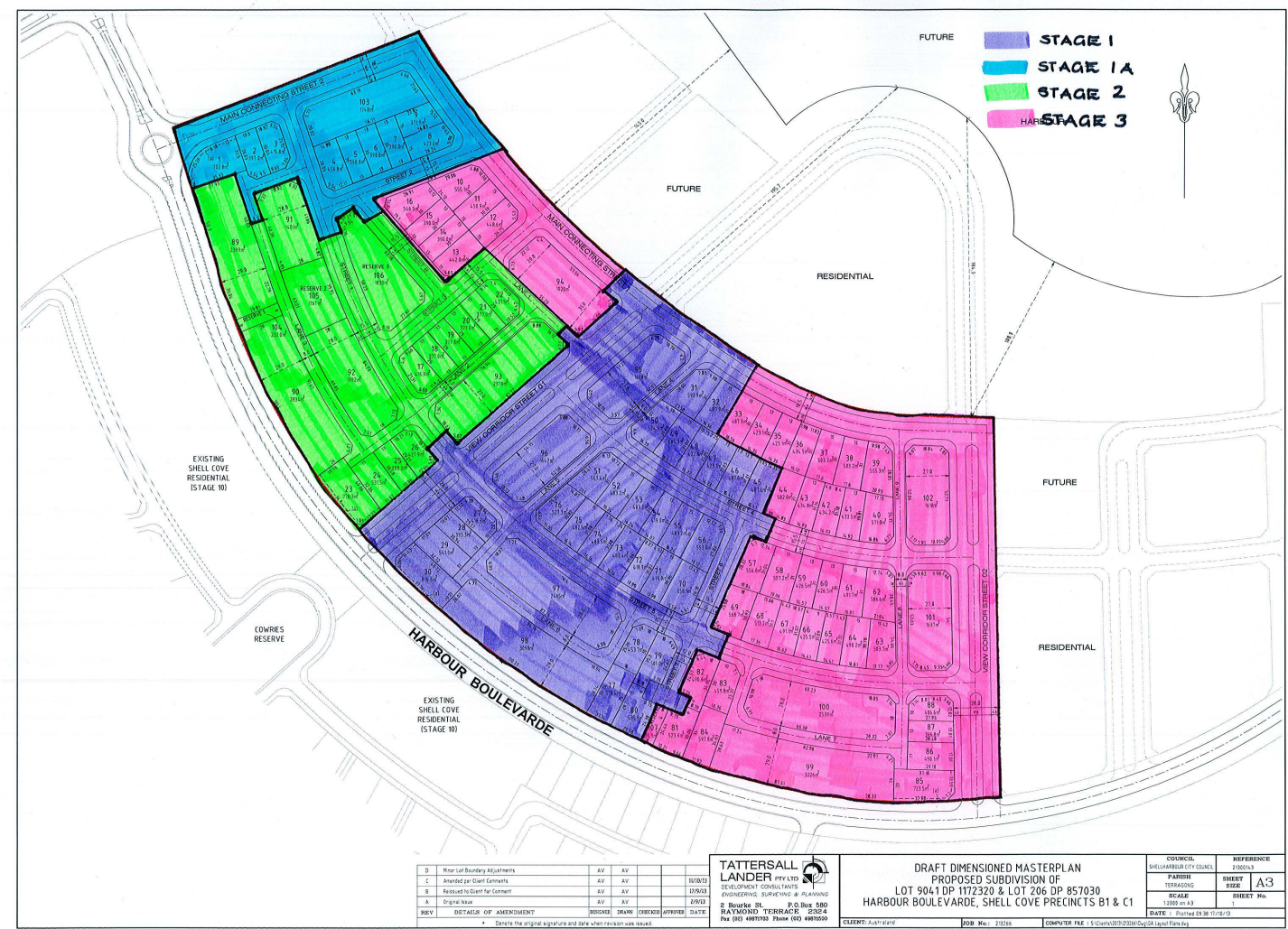
Attachment 2 – Site context - Boat Harbour Precinct



Source: DA Statement of Environmental Effects, page 1

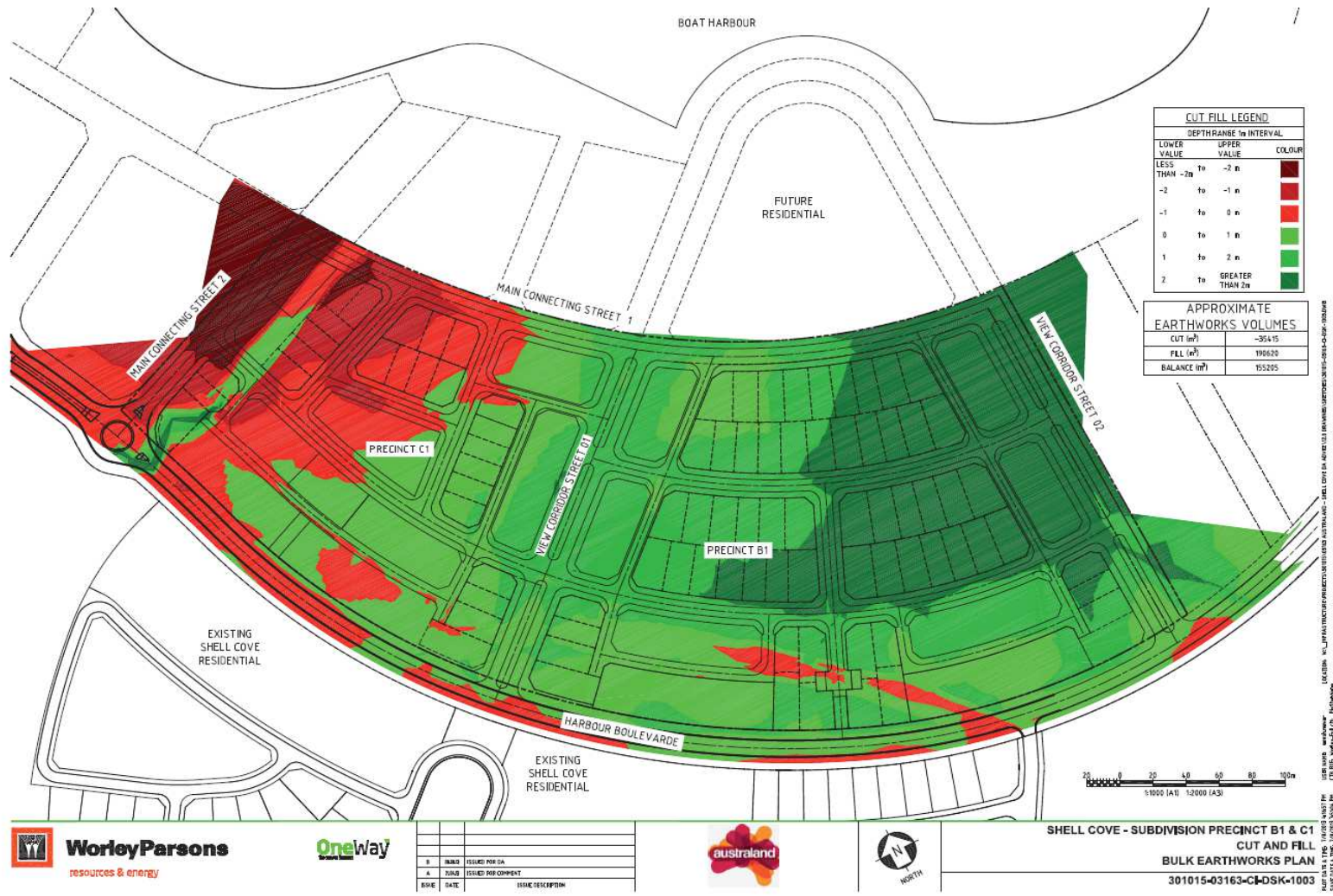
JRPP No. 2013STH027
Development Application No. 411/2013
Lot 206 DP 857030, Boollwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

Attachment 4 – Subdivision staging plan



JRPP No. 2013STH027
Development Application No. 411/2013
Lot 206 DP 857030, Boollwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

Attachment 5 – Bulk Earthworks Plan



LFA (PACIFIC) PTY LIMITED



SHELL COVE BOAT HARBOUR

DEVELOPMENT APPLICATION No. 411/2013

LOT 206 DP 857030 BOOLLWARROO PARADE, SHELL COVE &

LOT 8032 DP 1072187 SHALLOWS DRIVE, SHELL COVE

Introduction

It has been indicated that there are concerns relating to "two areas of inconsistency" between the Subdivision application and the approved Concept Plan.

Council has advised that the specific issues of concern to the JRPP, following an initial briefing, are as follows:-

- a) *The type of residential development proposed for Precinct C with the inclusion of 'standard' lots and associated decrease in residential density; and*
- b) *The proposed future use of 103 as a carpark and, to a lesser extent, sewerage pumping station.*

It is suggested that there is a need to demonstrate that the proposal within the Subdivision Development Application is consistent with the strategic direction of the Concept approval or, in the event of a variation, to indicate how the strategic intent can be achieved.

Residential Development

The issues identified in Council's letter of 29 July 2014 appear to be focused on a perceived inconsistency between the approved Concept Plan, supporting documentation and the proposed pattern of Subdivision.

In Council's letter particular reference is made to Figure 3.01 - Concept Precinct Plan, although it is noted that the relevant plan has been drawn from the Statement of Environmental Effects. There is also reference to an extract from the Concept Plan Application and Environmental Assessment which indicated that the northern boundary of Precinct C adjacent to the Town Centre would be comprised of medium / high density housing with a maximum of four storeys.

To assist the review of the issues raised, a more detailed drawing has been prepared indicating the extent to which the development zones for Precincts B1 and C1 occupy development areas B and C respectively and the comparative development densities (refer **Figure 1 – Boat Harbour Concept Plan**).

The development of Precincts B1 and C1 marked the first stage of translating the approved Concept Plan for the total Boat Harbour complex into detailed precinctual design. As part of that process, there has been a need to carefully review a wide range of issues that had been touched on in the Concept Plan as well as a need to 'ground truth' the Concept Plan against the reality of the Shell Cove Boat Harbour site.

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Figure 1 – Boat Harbour Concept Plan

In developing the detailed Subdivision design, the review process carefully assessed site constraints and opportunities, as well as information gathered from extensive market research to define the preferred residential pattern. In particular, the Subdivision design was influenced by a decision to minimise the mass impact of garages on the principal circulation corridors, including Harbour Boulevard and the two view corridor streets within the proposed Subdivision.

This led to a review of the Subdivision pattern that had been initially envisaged in the Concept Plan Report and resulted in the identification of a series of super lots (which represent medium density development) being aligned with Harbour Boulevard and the view corridor streets. It also ensured that the denser urban forms would be served by carefully controlled rear lane access.

The precinct design approach reflected extensive and detailed market research which demonstrated a clear demand for a diversity of housing choice in the Boat Harbour Precinct ranging from land lots for detached housing, terrace and medium density housing, as well as waterfront apartments.

A detailed analysis (refer **Figure 2 – Concept Plan / Subdivision Comparison**) examined the extent of areas associated with the two identified forms of density within the approved Concept Plan and compared the areas associated with each form of density in the Subdivision.

JRPP No. 2013STH027

Development Application No. 411/2013

Lot 206 DP 857030, Boollwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

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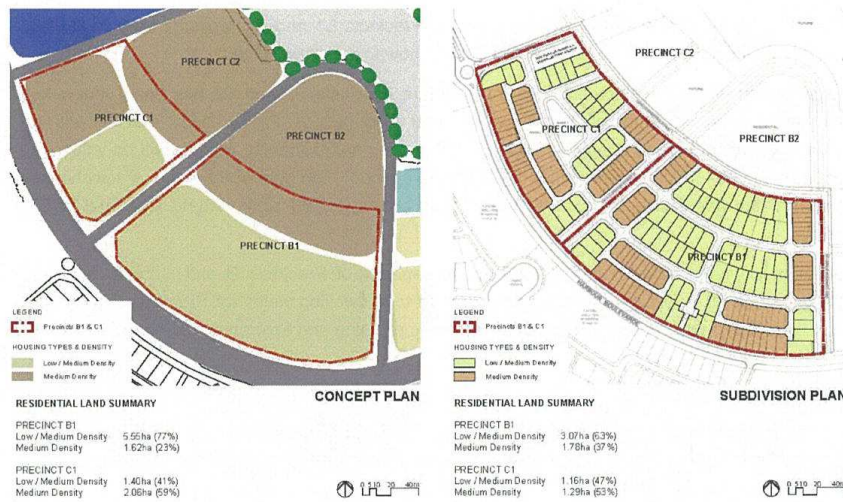


Figure 2 – Concept Plan / Subdivision Comparison

The assessment below indicates that for Precinct B1, when a comparison is drawn between the Concept Plan and the Subdivision, the latter has less area (14%) committed to low / medium density use and an increased area (14%) identified for medium density purposes.

With Precinct C1, the areas identified for low / medium density and medium density at the Subdivision level are slightly lower (6%) than the areas identified in the Concept Plan.

PRECINCT	B1		C1	
	Low / Medium %	Medium %	Low / Medium %	Medium %
Concept	77	23	41	59
Subdivision	63	37	47	53

Within the proposed Subdivision the density of dwellings per hectare for Precincts B1 and C1 is 18.4. The density for Precinct C1 is based on the exclusion of the common open space and Site 103.

As previously noted, the translation and refinement of the Concept Plan led to the introduction of an internal open space in Precinct C1, designed in part to offset the higher density residential patterns

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associated with the super lots. Built form associated with the super lots is anticipated to be between two and three storeys.

In overall terms the proposed Subdivision covering Precincts B1 and C1 provides for a total of 88 detached / lot line dwellings and 117 medium density (townhouse) dwellings.

An assessment of the development potential of future Precincts B2 and C2 has been undertaken based on the approved Concept Plan drawings (refer **Appendix A, Figure 3.12**), together with an internal assessment carried out by Australand. While the final residential product will be influenced by market demand, it is anticipated that it will include a mix of high quality, three storey townhouses and apartments addressing the Boat Harbour. The potential yield could extend to a total of 250 dwellings.

In effect, this would mean that the development capacity of Precincts B and C could total 455 dwellings, some 19 dwellings less than the approved total dwelling yields for Precincts B and C set out in Figure 3.07 in the Boat Harbour Concept Plan Application and Environmental Assessment.

Concept Plan Changes

The transition from the broad Concept Plan for the Shell Cove Boat Harbour complex to detailed design has involved the need to carefully address a wide range of objectives and policies that in some instances are divergent.

The extent and depth of issues that needed to be resolved are reflected in the detailed 62 page report (excluding appendices) prepared in response to issues raised by Council during the assessment process associated with the Shell Cove B1 and C1 subdivision application. The extent of issues canvassed demonstrates the range of matters that were considered as part of the design evolution process.

The pattern of proposed development adjacent to the Shell Cove Centre took into account the linear form of the proposed car parking identified in the approved Concept Plan (refer Figure 4.05), which extended from Harbour Boulevard to the Harbour's edge.

As indicated in the Concept Plan, the intention has been to provide for a progressive transition from the existing low density development west of Harbour Boulevard to higher density residential development adjacent to the Boat Harbour.

Experience elsewhere demonstrates that it is not uncommon for change to occur as Concept Plans are progressively translated into detailed design. In some ways an analogy can be drawn between the Rouse Hill Town Centre and Shell Cove.

The original concept for Rouse Hill Town Centre provided for apartments adjacent to Town Park Drive (refer **Appendix B**) immediately adjacent to the Rouse Hill Town Centre. As the design process has been progressively refined, changes have been introduced partly based on market demand and partly based on detailed assessment to replace the proposed apartments with medium density residential in a form not dissimilar to that proposed for the Precinct B1 / C1 Subdivision. The changes have been supported by the Design Review Panel.

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The above changes have been implemented even though the Rouse Hill Town Centre has been operational for a number of years and providing a wide range of retail, educational and entertainment facilities.

Accordingly, it suggests that the observations set out in Council's letter that the development of Precincts B1 / C1 may be "*premature*" and that higher residential density forms would be closely linked to the effective development of the Shell Cove Centre are questionable.

Car Parking Provision

Council's letter also suggests that there are concerns about the utilisation of Site 301 for car parking, and implies that such car parking is not consistent with the Concept Plan.

A careful assessment of a series of drawings contained in the approved Concept Plan demonstrates the intention of providing parking along the southern edge of the Town Centre and extending through to the Harbour edge. In particular **Figure 3 – Car Parking Provision** highlights the linear extent of potential car parking along the southern boundary of the Shell Cove Town Centre. Other relevant plans and drawings (refer **Appendix A**) also indicate the intent and, in a number of cases, include text with references to car parking.

In developing the detailed design for Precincts B1 / C1, a deliberate decision was made not to extend the axis of the car parking provision to Harbour Boulevard. A decision was made to develop a residential edge which would screen, in part, the proposed extent of car parking from Harbour Boulevard.

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Figure 3 – Car Parking Provision

(Drawing based on Figure 4.05 –
Boat Harbour Precinct Concept Plan)

As indicated on the drawings set out above, the intent has been to provide surface car parking extending from Site 301 to the Harbour edge in support of not only the Centre, but other facilities including the Hotel and the Marina.

The potential demand for a sewerage pumping station within the Boat Harbour Precinct was identified under Infrastructure Provision on page 57 of the Shell Cove Boat Harbour Concept Plan. It was indicated that two minor pump stations had been planned as part of the Boat Harbour Precinct development. The stations will pump sewerage to SPS 1101 before it is pumped via the existing, completed infrastructure to Shell Harbour STP. The location of the sewerage pump station shown as part of the proposed Subdivision has been influenced by the existing / proposed land form pattern.

JRPP No. 2013STH027

Development Application No. 411/2013

Lot 206 DP 857030, Boollwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

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SHELL COVE BOAT HARBOUR

APPENDIX A

(Relevant drawings extracted from approved Shell Cove Boat Harbour Concept Plan Application)

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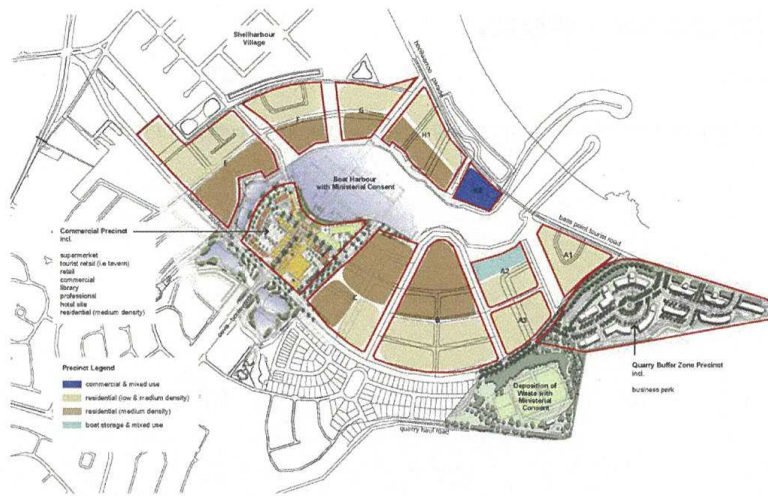


Figure: 3.05 – Land Use Per Precinct



Figure: 3.06 – Indicative Height Per Precinct

JRPP No. 2013STH027
Development Application No. 411/2013
Lot 206 DP 857030, Boollwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

LFA (PACIFIC) PTY LIMITED

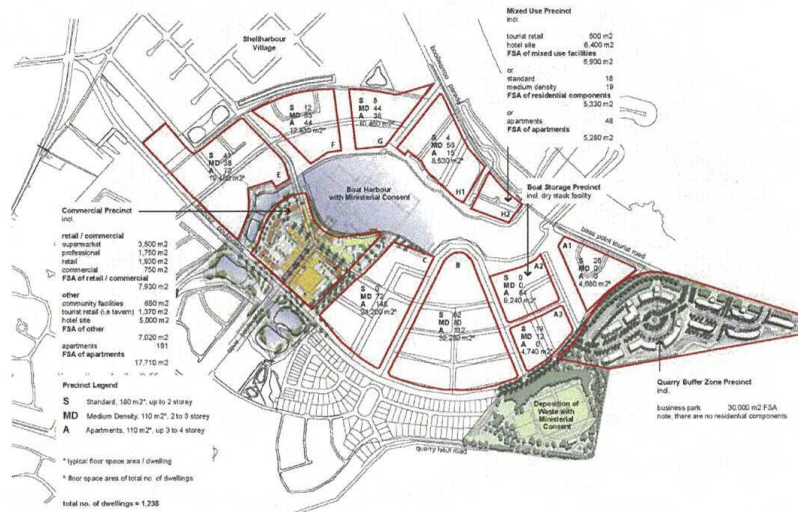


Figure 3.07 – Indicate Dwelling Numbers & Floor Space Area Per Precinct

JRPP No. 2013STH027
Development Application No. 411/2013
Lot 206 DP 857030, Boollwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

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Figure 3.12 – Residential Precincts Indicative Overall Plans

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Figure 4.05 – Town Centre Commercial Precinct Concept Diagram



Figure 4.12 – Town Centre Concept Diagram & Key Roads

JRPP No. 2013STH027

Development Application No. 411/2013

Lot 206 DP 857030, Boolwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

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SHELL COVE BOAT HARBOUR

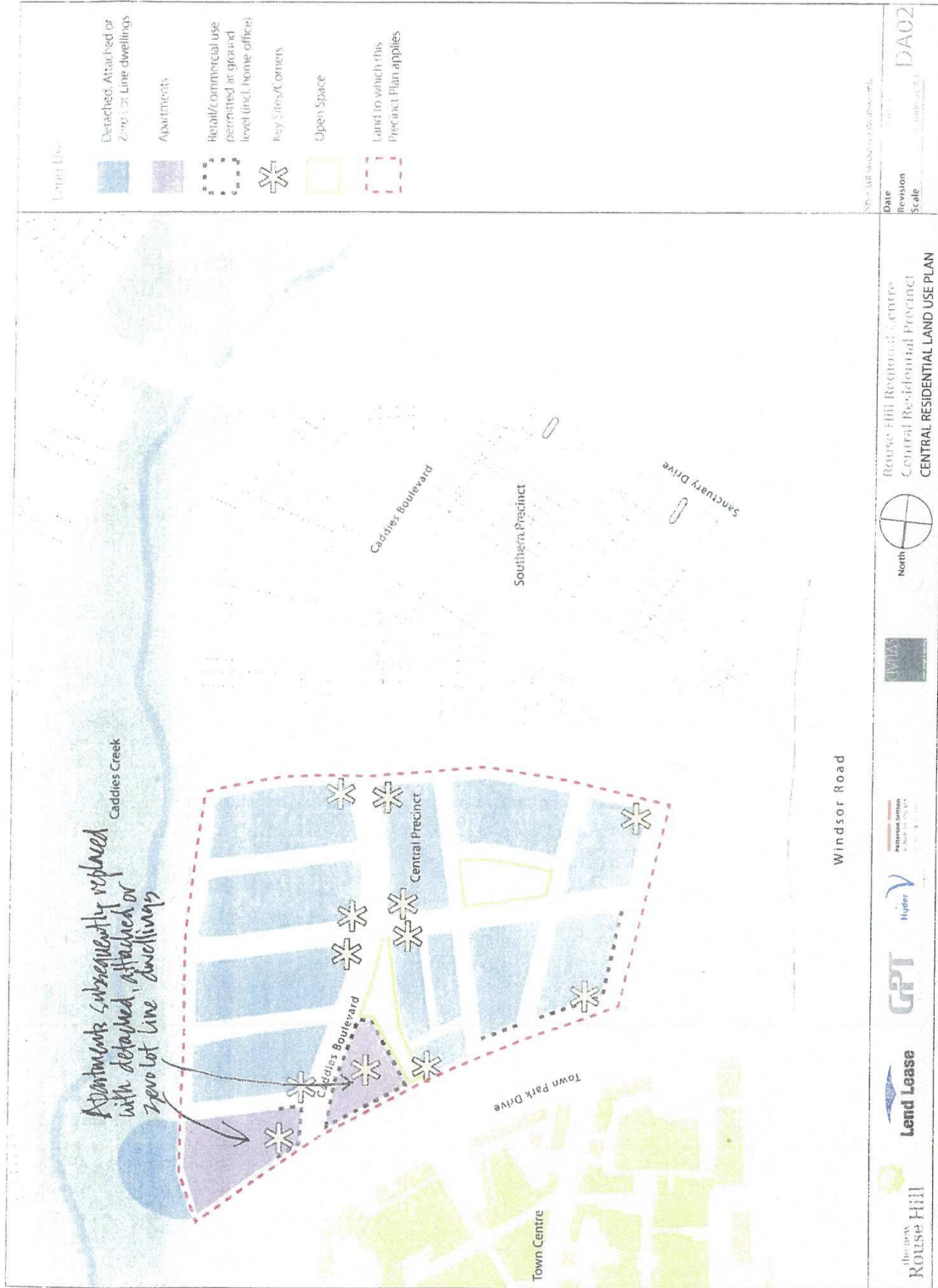
APPENDIX B

ROUSE HILL TOWN CENTRE

JRPP No. 2013STH027

Development Application No. 411/2013

Lot 206 DP 857030, Boollwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove



JRPP No. 2013STH027
 Development Application No. 411/2013
 Lot 206 DP 857030, Boollwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

Attachment 7 – Recommended Conditions

PART A - ADMINISTRATIVE CONDITIONS

A1 Construction Certificate (Subdivision) & 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:

- obtain a Construction Certificate from Shellharbour City Council or other accredited certifier, and
- appoint a Principal Certifying Authority.

Note: For Torrens Title Subdivision, the appointed Principal Certifying Authority must be Shellharbour City Council.

A2 Prescribed Conditions

This development consent is subject to the prescribed conditions made under the *Environmental Planning & Assessment Regulation 2000*.

A3 Development in Accordance with Plans

The development must be in accordance with the following except as modified by conditions of this consent.

Name of Plan	Prepared By	Drawing No./Revision	Drawing Date
Subdivision Plan	Tattersall Lander Pty Ltd	Job no. 213266 Reference no. 21300143 Issue D sheet no. 1	17.10.2013
Grading Plan	WorleyParsons	301015-03163-C1-DSK-1001 Issue C	08.08.2013
Site Sections	WorleyParsons	301015-03163-C1-DSK-1002 Issue B	08.08.2013
Bulk Earthworks Plan	WorleyParsons	301015-03163-C1-DSK-1003 Issue B	08.08.2013
Concept Drainage Plan	WorleyParsons	301015-03163-C1-DSK-1005 Issue B	08.08.2013
Waste Management Plan	Australand Corporation (NSW) Pty Ltd	-	06.11.2013
Statement of Environmental Effects	LFA (Pacific) Pty Ltd	Issue D	04.11.2013
Staging Plan	-	-	15.09.2014

A4 Easements

Structures must not encroach onto any easement.

A5 AHIP No. 2534

The terms of the Aboriginal Heritage Impact Permit No. 2534 must be complied with at all times.

A6 Staging of Development

The development must be staged as follows, unless otherwise approved by Council in writing:

Stage	Development
1	4 superlots & 29 lots; Lots 27-32, 45-56, 70-80, superlots 95-98 & associated streets & laneways as shown on the staging plan.
1A	9 lots & 1 auxiliary lot; Lots 1-9 & 103 & associated streets as shown on the staging plan.
2	5 superlots, 10 lots & 3 public reserves; Lots 17-26, superlots 89-93, reserves 104-106 & associated streets & laneways as shown on the staging plan.
3	5 superlots & 40 lots & 1 public reserve; Lots 10-16, 33-44, 57-69, 81-88, superlots 94, 99-102, reserve 107 & associated streets & laneways as shown on the staging plan.

All conditions of this consent apply to each stage, unless otherwise specified.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (SUBDIVISION)

B1 Initial Geotechnical Report

A geotechnical report, prepared by a suitably qualified and experienced geotechnical engineer, must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

The report must cover, but not be limited to, the following:

- a. extent and stability of proposed embankments including those acting as retarding basins,
- b. recommended Geotechnical testing requirements,
- c. level of geotechnical supervision for each part of the works as defined under AS 3798 - *Guidelines on Earthworks for Commercial and Residential Developments*,
- d. an analysis of the level of risk to existing adjacent structures/buildings including the scenario of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent structures/buildings, high risk areas must be identified on a plan and the approved engineering plans must be amended to indicate that vibratory rollers must not be used within that zone,
- e. the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation,
- f. the recommended treatment of any unstable areas within privately owned allotments,
- g. requirement for subsurface drainage lines, and
- h. overall assessment of the engineering plans for the proposed development and their suitability in relation to the site's geotechnical characteristics.

B2 Soil and Water Management Plan (SWMP)

Prior to the issue of the Construction Certificate, a 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

JRPP No. 2013STH027

Development Application No. 411/2013

Lot 206 DP 857030, Boolwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

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.

B3 Soil and Water Management Plan (SWMP) Bond

The developer must lodge a bond to the amount of \$200 per lot to ensure compliance with erosion and sediment control measures incorporated in the approved SWMP. This bond must be in the form of an irrevocable bank guarantee made out in favour of Shellharbour City Council, and must operate as follows:

- a. the bond must be submitted to Council prior to the release of the Subdivision Construction Certificate,
- b. the bond must be held by Council until the expiration of the defects liability period for the subdivision, which commences at the completion of all engineering works, including placement of the final seal on all new roads, and
- c. if Council is to advise the developer that maintenance work is required on the erosion and sediment control measures, remedial work shall be substantially commenced within forty eight (48) hours from the time of advice. Failure to comply with this direction will give Council the right to employ an appropriate contractor, (which could include the Soil Conservation Service) to undertake such measures as deemed necessary and fund these works from the bond guarantee.

B4 Section 94 Contribution - Open Space Dedication – Stages 2 & 3

In accordance with the provisions of Council's *Section 94 Contributions Plan 2013* dated 18 December 2013, passive open space must be dedicated to Council free of cost to cater for the open space needs of this development. The land required for dedication and embellishment is for:

JRPP No. 2013STH027

Development Application No. 411/2013

Lot 206 DP 857030, Boolwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

- Stage 2 – 3,223m² (lot no.s 104 – 106), and
- Stage 3 – 195.3m² (lot no. 107).

Lot no.s 105 and 106, to be dedicated as open space, have been classified as a local park and must be embellished in accordance with the requirements for this category of park as contained in Appendix D of Shellharbour *Section 94 Contributions Plan 2013*.

Details of all proposed embellishment works must be submitted to Council for approval prior to the release of the Subdivision Construction Certificate for Stages 2 and 3.

The *Section 94 Contributions Plan 2013* may be inspected or a copy purchased at the Customer Service Counter at Council's offices, or downloaded from www.shellharbour.nsw.gov.au

B5 Road Design

The road design must comply with the following:

- a. the grading and layout of all roads and lots must not allow for trapped low points and in addition ensure that overland flow is passed safely over public land,
- b. the road pavement must be designed with one layer of asphalt having a minimum thickness of 40mm AC 14. The pavement design for the proposed roads must be carried out by a qualified Geotechnical/Civil engineer in accordance with *AUSTROADS Guide to Pavement Technology*,
- c. all vertical and horizontal alignment of all streets and all street intersections within the development must have adequate sight distance provided in accordance with AUSTROADS requirements,
- d. the geometric design of all roads, traffic facilities, intersection treatments, mid-block devices and entry features must be such as to permit a 12.5m single unit vehicle to manoeuvre in order to enter and leave each road travelling in a forward direction and without leaving the carriageway, and
- e. the relevant drawings must be annotated and properly referenced showing compliance with this condition. The drawings must be submitted with application for a Subdivision Construction Certificate for approval by the Certifying Authority.

B6 Road Drainage Plans

Road and drainage plans must be prepared by a suitably qualified engineer in accordance with Council's *Subdivision Design Code*. The plans must be submitted to the Certifying Authority for approval prior to the release of the Subdivision Construction Certificate. All road and drainage work must then be constructed in accordance with Council's construction standards and approval at no cost to Council.

All stormwater pipes within the road reserves and within drainage easements intended to be dedicated to Council must be installed generally to the HS3 standard in accordance with the current edition of AS 3725 - *Design for Installation of Buried Concrete Pipe*.

B7 Pit Grates

All pits must have flush fitting grates. All pits larger than 600mm x 600mm must be grated galvanised steel grid hinges and be heavy duty type where traffic loading is expected.

B8 Structural Design of Deep Pits

All pits deeper than 0.9 metres shall be designed by a certified structural engineer and be in accordance with AS3600-2009. Pits deeper than 1.2 metres must have plastic Coated galvanised steel step irons (plastic coated black steel step irons will not be accepted) and pits deeper than 1.8 metres must be reinforced concrete. Details to this effect must be incorporated on the detailed drainage design that is submitted to the Certifying Authority for the Subdivision Construction Certificate.

B9 Stormwater Discharge

Stormwater discharge point to the natural watercourse must be protected against erosion.

Details must be submitted and be to the satisfaction to the Certifying Authority prior to the release of the Subdivision Construction Certificate.

B10 Electricity Substation

Where required, the land owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site (excluding any approved landscaped area) to enable an electricity substation to be installed. The size and location of the substation must be submitted for approval of both Council and the energy provider prior to the Subdivision Construction Certificate being issued.

B11 Acid Sulfate Soils

Prior to the issue of a Construction Certificate, a suitably qualified professional must be engaged to prepare a site specific acid sulfate soils management plan. The management plan is to provide detail on how the framework outlined in Appendix J of the Statement of Environmental Effects, Acid Sulfate Soils Management Plan will be specifically applied.

B12 Bond & Inspection Fee

Prior to the issue of the Construction Certificate:

- a. a deposit must be lodged with Council to ensure that the street trees are maintained for a six month period following the release of the Subdivision Certificate. A bank guarantee can be lodged with Council where the bond is \$2,000 or more, and
- b. an inspection fee in accordance with Council's *Fees and Charges* must be paid to Council for:
 - street tree & landscape inspection prior to the release of the Subdivision Certificate
 - street tree & landscape inspection following completion of the maintenance period,
 for each stage as detailed in the following table:

Stage	New Street Tree Bond (\$300 per lot)	Street Tree & Landscape Inspection Fee
1	\$9,900	\$246
1A	\$2,700	\$70
2	\$4,500	\$114
3	\$13,500	\$340

B13 Landscape Plan

Prior to the issue of a Subdivision Construction Certificate, the nominated communal land/public reserves must be landscaped. In this regard, two copies of a landscape plan prepared by a landscape architect must be submitted to Council prior to the release of the Construction Certificate. The landscape plan must be prepared in accordance with:

- a. Council's *Shellharbour Development Control Plan*,
- b. the requirements of condition no. B4 (Stages 2 & 3), and
- c. 'Crime Prevention Through Environmental Design' (CPTED) principles.

PART C - PRIOR TO COMMENCEMENT OF WORKS

C1 Aboriginal Archaeology

The applicant must ensure that the construction/project supervisors are fully informed and briefed with respect to the Consent and Aboriginal Heritage Impact Permit No. 2534. Details of measures taken to ensure compliance with this condition must be submitted to Council prior to the commencement of works but no later than the meeting referred to in Condition C2.

C2 Site Council

A site meeting with Council's Senior Subdivision Engineer (or delegate), Council's Aboriginal Community Liaison Officer, the applicant and contractor must be held not less than 7 days prior to the commencement of work on site.

C3 Public Liability

Where occupation of and/or works within Council's road reserve are proposed, the owner or contractor must provide evidence to Council of a Public Risk Insurance Policy with a minimum cover of \$20M for the full duration of the proposed works prior to the commencement of works. The Policy must note Council as an interested party.

C4 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 shall be submitted to Council prior to the commencement of work.

C5 Waste Management - Excavated Material

Any surplus excavated material from the site must be taken to an approved land fill site. Details of this location shall be submitted and be approved by the Certifying Authority prior to the commencement of works. Excavated material may only be taken to another site with prior written approval of Council.

C6 Soil and Water Management Plan Implementation (SWMP)

The measures required in the SWMP approved by the Certifying Authority must be implemented prior to the commencement of works.

C7 Construction Traffic Management Plan (CTMP)

Prior to the commencement of works, a CTMP detailing vehicle routes, number of trucks, hours of operation, access arrangements, impact on pedestrians and traffic control must be submitted to and approved by the Certifying Authority.

It is the developer's responsibility to adequately inform construction workers, sub-contractors and supervisors to ensure that the Construction Traffic Management Procedures are adhered to at all times.

C8 Site Management Plan

Prior to the commencement of works, the developer 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. 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
- e. 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 accredited certifier in civil engineering.

PART D – DURING CONSTRUCTION WORKS

D1 Site Documentation

A full set of approved documents (Development Consent, Construction Certificate Drawings and associated documentation) must be maintained on site for the duration of the construction works.

D2 Hours of Work

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

- 7am to 5pm Mondays to Fridays, and
- 8am to 1pm Saturdays.

D3 Maintenance of Soil and Water Management Plan (SWMP)

The soil and water management controls must be maintained at all times during each stage of the development and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised to the satisfaction of the Certifying Authority.

Maintenance must include but is not limited to ensuring:

JRPP No. 2013STH027

Development Application No. 411/2013

Lot 206 DP 857030, Boolwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

- a. all sediment fences, sediment traps and socks are properly placed and are working effectively, and
- b. that drains, gutters and roads are 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.

D4 Lots and Site Filling

All lot and site filling shall be performed under level 1 Geotechnical supervision in accordance with AS 3798-2007 or subsequent amendments.

D5 Subdivision Design Code Compliance

All works to be dedicated as a Council asset must be installed/constructed in accordance with Council's *Subdivision Design Code*.

D6 Geotechnical Testing - Drainage

Geotechnical testing must be carried out and results submitted to the Certifying Authority to verify that the pipe trench bedding and backfill complies with the requirements outlined in Australian Standard AS 3725 - *Design for Installation of Buried Concrete Pipe*.

Geotechnical testing must verify that the pipe trench bedding and backfill complies with the requirements for HS3 bedding/backfill must be performed at the rate of one test per 50m of pipeline with not less than two tests in any section of pipe exceeding 25m in length.

D7 Earthworks Cut, Fill & Grading

The maximum grading of cut or fill must be 45 degrees (1:1) where there is no retaining wall or no other method of stabilising cut or fill. The maximum depth of cut or fill on any portion of the allotment must generally be in accordance with the Grading, Site Sections and Bulk Earthworks Plans.

D8 Road Construction and Road Drainage Construction

The site manager must arrange for a satisfactory inspection by Shellharbour City Council of the following works:

- a. all road drainage works prior to backfilling of the work, and
- b. all road construction inspections as per Council's *Subdivision Design Code*.

D9 Street Lighting

A Public Lighting Design Brief must be submitted to Shellharbour City Council for approval for the provision of street lighting on all new public roads to be dedicated to Council. A street lighting design plan must be prepared by an accredited service provider for contestable works in NSW and submitted to the Energy provider for approval prior to construction. All street lighting must comply with the electricity service provider *Street Lighting Policy* and illumination requirements. All costs associated with the installation of street lighting must be borne by the developer.

The street lighting plan should take into consideration the open space links, nominated as Lots 104 and 107, having regard to CPTED principles.

D10 Traffic Committee – Signposting & Line Marking

A Signposting and Line Marking Plan must be lodged with Shellharbour City Council's Traffic Committee for written approval. The plan must detail all facilities, signage and line-marking required within and surrounding the development.

D11 Waste Management

The management of waste must comply with the approved Waste Management Plan. All receipts such as waste disposal dockets must be retained. Any variations to the Waste Management Plan shall have prior written approval of the Certifying Authority.

PART E - PRIOR TO OCCUPATION

Not Applicable

PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

F1 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

The email and the electronic copy should be named "Subdivision Title & Stage DA 350268/2013, Pine Valley Place Shell Cove 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.

F2 Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* shall be obtained from Sydney Water Corporation.

Application shall be made through an authorised Water Servicing Coordinator. Please refer www.sydneywater.com.au > *Building and Developing* > *Developing your Land* > *Water Servicing Coordinator* or telephone 13 2092 for assistance. Please make early application 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.

The Section 73 Certificate shall be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

F3 Section 94 Contributions

A contribution must be paid to Council towards the provision of community infrastructure and services prior to the issue of the Subdivision Certificate for each stage as detailed in the table below. This amount has been calculated in accordance with Shellharbour City Council's *Section 94 Contributions Plan 2013* dated 18 December 2013.

Stage	S94 Contribution, subject to annual indexation
1	\$346,245.00
1A	\$94,430.45
2	\$157,384.09
3	\$472,152.27

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

F4 Road Dedication

Prior to issue of the Subdivision Certificate, Benkelman beam testing must be undertaken on all roads proposed for dedication as road reserve. Testing must be carried out in accordance with the current version of the Shellharbour City Council's *Subdivision Design Code* at the time of issue of this consent. The acceptance criteria will be based on the tolerable deflections as specified by AUSTRROADS at the time of issue of this consent.

At the time immediately prior to all subdivision roads becoming designated gazetted public road, an inspection is to be undertaken by Council to determine that the road is in satisfactory condition. The roads are to be handed over to Council at no cost to Council prior to issue of the Subdivision Certificate.

F5 Inspection of Stormwater Pipes

All stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council must be inspected by CCTV. The CCTV must be carried out after all earthworks and road pavement works within the locality of the pipelines have been completed. A copy of the CCTV inspection must be recorded and submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate. Damaged pipes must either be replaced or repaired to the Principal Certifying Authority's satisfaction prior to the issuing of a Subdivision Certificate.

F6 Final Geotechnical Report

A final geotechnical report prepared by a suitably qualified and experienced geotechnical consultant must be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate. The report must include, but is not necessarily limited to,:

- a. all earthwork operations,
- b. a fill plan showing extent and depth of fill,

JRPP No. 2013STH027

Development Application No. 411/2013

Lot 206 DP 857030, Boollwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

- c. certification that all earthworks within the site have complied with Council's *Subdivision Design Code*. This shall include appropriate test results, test location diagram and date of testing,
- d. certification that all recommendations contained in geotechnical reports lodged in support of this development have been satisfied,
- e. the exact extent of any restricted building zones or any other restrictions affecting any of the allotments. Particular attention shall be paid to the location of drainage lines, which must be burdened with a title restriction in the Section 88B Instrument,
- f. identification of all land affected by landslip or instability constraints (if applicable), and
- g. verification that the pipe trench bedding and backfill complies with the requirements for HS3 bedding/backfill.

F7 Lot Creation Geotechnical Report

A Geotechnical Engineer's report must be submitted to the Principal Certifying Authority with the Subdivision Certificate application. The report must be prepared by a Chartered Professional Engineer with professionally recognised geotechnical experience and must include:

- a. the classification of the proposed lot in accordance with the Australian Standard 2870-Residential Slabs and Footings or subsequent amendments,
- b. the classification of the lot in relation to risk of slope instability, and
- c. the required site preparation and construction constraints within the building envelope of the lot appropriate to the assessed risk of slope instability.

F8 Works As Executed Plans - Subdivision

Works As Executed plans must be submitted to the Principal Certifying Authority by a Registered Surveyor with the Subdivision Certificate application. The Works As Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans. As a minimum, the plan must show:

- a. compliance with the approved design plans of all drainage works within council land, road reserve and drainage easements including connection into the subject lot/s, surface and invert levels of all pits, invert levels and sizes of all pipelines,
- b. certification from a registered surveyor that all storm water pipes and other services are wholly within an appropriate easement (where relevant),
- c. compliance with the approved design plans of paved areas within rights of carriageway and road reserve,
- d. the extent, depth and final levels of filling,
- e. the location of all underground service conduits, and
- f. all deviations from the approved Civil Engineering Plans

All levels must relate to Australian Height Datum.

F9 Service Conduits

Service conduits must be placed across carriageways prior to the placing of any pavement material. In this regard, a copy of the services plans must be submitted to the Principal Certifying Authority prior to the placement of pavement material. Alternatively, the services crossings must be under bored.

F10 Statement of Completion of Subdivision Construction Works

A Statement of Completion of Subdivision Construction Works issued by the Certifying Authority must be submitted to the Principal Certifying Authority with the Subdivision Certificate application. The Statement can be obtained upon satisfactory completion of works approved by the Construction Certificate.

F11 Land Title & 88B Instrument

Prior to issue of a Subdivision Certificate:

- a. All irrelevant easements and title restrictions must be expunged,
- b. Lots affected by new or existing 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 providers, and
- c. Restrictions must be placed on title as relevant with respect to:
 - drainage/inter-allotment drainage
 - kerbside collection of waste is not permitted from Harbour Boulevard and view corridor street no.s 1 and 2
 - any substation
 - fill on affected lots
 - acid sulphate soils
 - acoustic attenuation for lots within 40m of Harbour Boulevard in accordance with 'The Assessment of Air Quality and Noise' prepared by Wilkinson Murray Pty Limited Report no. 05135-CP Version E dated January 2010 with Council being the consent authority to modify, revoke or vary
 - preventing vehicular access from Harbour Boulevard.

F12 Utility services

Prior to the release of the Subdivision Certificate for the development written advice must be submitted to the Principal Certifying Authority:

- a. that all requirements for the supply of electricity to the proposed allotments have been satisfied from the relevant electricity provider, and
- b. that all requirements for the supply of gas services to the proposed allotments have been satisfied from a natural gas accredited contractor.

F13 Street Names

Proposed street names for all new roads shall be submitted for Council's consideration.

The submission shall include the:

- a. reasons for/or background/history to the names and estate theme,
- b. an A4 size plan of the street/reserve layout with proposed names and road numbers if applicable, and
- c. fees in accordance with Council's *Fees & Charges*.

JRPP No. 2013STH027
Development Application No. 411/2013
Lot 206 DP 857030, Boolwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

Street names and/or public reserve names must be finalised prior to release of the Subdivision Certificate.

F14 Completion of Landscape works

The nominated communal land/public reserves must be landscaped in accordance with the approved Landscape Plan prior to the release of the Subdivision Certificate. The landscape or turf areas must not be reduced or replaced with hard impermeable surface. Any variations to the design or species used must be authorised by Council in **writing before any changes are made.**

F15 Street Tree & Public Reserve Inspection

The street trees and public reserves must be inspected by Council and be to the satisfaction of Council prior to the release of the Subdivision Certificate. It is the responsibility of the developer to notify Council for the inspection/s.

F16 Verification of Waste Management

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

F17 Repairs to Public Infrastructure

Any damage to public infrastructure, other than that previously noted in the Dilapidation Report (refer Part C), is the responsibility of the developer. All damage must be repaired and reinstated prior to the issue of the Subdivision Certificate. This work shall be carried out by Council, or Council approved contractor, at the developer's expense.

F18 Release of Certificate

The Subdivision Certificate shall not be released until all works required for the development, subject of this consent, have been completed.

PART G - AFTER ISSUE OF SUBDIVISION CERTIFICATE

G1 Street Trees – Minor Roads

One tree must be planted on the Council footpath reserve for each lot following the completion of an estimate of 70% of construction of the dwellings of the subdivision. All trees are to be installed and fitted with the following requirements:

- a. tree species as per the approved plan
- b. trees must be set back a minimum 900mm from the back of the kerb or midway between the footpath and kerb. Where the tree is less than 900mm from the footpath, root barriers must be installed
- c. 1m x 1.5m timber edging installed at the base of the tree constructed from the back of the kerb
- d. two hardwood stakes with 50mm hessian ties, fixed in a figure 8, to support each tree
- e. minimum 75mm depth of organic mulch applied a minimum 600mm diameter surrounding the base of the trunk.

G2 Street Tree Planting Distances

The following recommended clearances are to be taken into account prior to the installation of street trees:

- a. minimum three metres either side of a driveway or vehicular crossing
- b. minimum two metres from services and signage
- c. minimum one point five metres from a stormwater outlet/pit
- d. minimum three metres from street light posts
- e. minimum fifteen metres from pedestrian crossing and traffic signals

G3 Street Tree & Public Reserve Maintenance Period

The newly planted street trees and landscaped public reserve/s must be maintained for a period of 6 months from the date as determined by Council's Landscape Technical Officer.

G4 Street Tree & Public Reserve Handover Inspection

The street tree and public reserve handover inspection is required to be carried out at the end of the street tree and public reserve maintenance period. Council shall take full maintenance responsibility of all street trees following a satisfactory result at the end of the 6 month maintenance period.

G5 Public Reserve Dedication

All areas to be dedicated as public reserve must be cleared of both environmental weeds and noxious weeds prior to dedication.

G6 Street Tree & Landscape Bond Refund

The street tree and landscape bond will be returned following a six month maintenance period commencing from the date of the satisfactory result of the final inspection of the street trees and landscaped public reserve/s. In the event that any street trees/landscape are found damaged, dying or removed, Council will have the option to retain the whole or part of the bond. The developer must notify Council for a reinspection of the street trees and public reserves.

G7 Maintenance of Road & Drainage Works

All road and drainage works must be maintained for a minimum period of 12 months commencing from the date of issue of the Subdivision Certificate, unless otherwise agreed to by Council. The developer must ensure that any defective works must be rectified and/or replaced during the maintenance period in accordance with the approved Construction Certificate plans. All costs arising during the maintenance period must be borne by the developer. Roads and drainage shall be maintained in its original construction condition for this liability period. The developer must notify Council for a re-inspection at the end of the maintenance period.

END OF RECOMMENDED CONDITIONS

JRPP No. 2013STH027
Development Application No. 411/2013
Lot 206 DP 857030, Boolwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

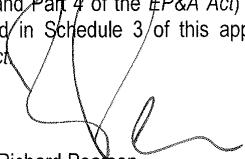
Attachment 8 – Concept Plan Approval

Concept Approval

Section 750 of the *Environmental Planning & Assessment Act 1979*

I, the Deputy Director-General, acting under delegation from the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* (the *EP&A Act*) determine:

- (a) Pursuant to Section 750 of the *EP&A Act* to grant concept plan approval to the proposal (as described in A1 of Part A, Schedule 2), subject to the modifications set out in Part B of Schedule 2.
- (b) Pursuant to section 75P(1)(b) of the *EP&A Act*, approval to carry out the project or any particular stage of the project is to be subject to the provisions of Part 4 or Part 5 of the *EP&A Act*, except where it meets the criteria in Schedules 1 or 2 of the *State Environmental Planning Policy (Major Development) 2005*.
- (c) All future applications (under Part 3A and Part 4 of the *EP&A Act*) are subject to further environmental assessment requirements (as specified in Schedule 3 of this approval) in accordance with sections 75P(1)(a) and 75P(2)(c) of the *EP&A Act*.


Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance
Department of Planning

Sydney

15th February

2011

SCHEDULE 1

Application No.:	07_0027.
Proponent:	Australand Corporation (NSW) Pty Ltd.
Approval Authority:	Minister for Planning.
Land:	Lot 8032 DP 1072187, Lot 8100 DP 1082981, Lot 206 DP 857030, Lot 9004 DP 1117743 and Lot 30 DP 229374 Boolwarroo Parade, Shell Cove.
Project:	Shell Cove Boat Harbour Precinct, including residential, commercial, community, retail, hotel, business park, dry boat storage facility, open space and wetlands.
Local Government Area:	Shellharbour City Council.

JRPP No. 2013STH027

Development Application No. 411/2013

Lot 206 DP 857030, Boollwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

DEFINITIONS

Concept Plan	Shell Cove Boat Harbour Precinct Concept Plan comprising residential, commercial, community, retail, hotel, business park, dry boat storage facility, open space and wetlands as described in <i>Shell Cove Boat Harbour Precinct Concept Plan Application and Environmental Assessment</i> , 26 February 2010 prepared by LFA (Pacific) Pty Ltd.
Council	Shellharbour City Council.
DECCW	Department of Environment, Climate Change and Water.
Department	Department of Planning.
Director-General	Director-General of the Department (or delegate).
Environmental Assessment	Shell Cove Boat Harbour Precinct Concept Plan Application and Environmental Assessment, dated 26 February 2010, prepared by LFA (Pacific) Pty Ltd, including Volumes 1 and 2 and Appendices A to P.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> .
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i> .
Minister	Minister for Planning.
NOW	NSW Office of Water.
Preferred project report	Shell Cove Boat Harbour Precinct Preferred Project Report, November 2010 prepared by LFA (Pacific) Pty Ltd.
Project	The development as described in the EA.
Proponent	Australand Corporation (NSW) Pty Ltd, or its successors in title.
RTA	Roads and Traffic Authority.
Site	Land to which the concept plan application applies (see Schedule 1).
Statement of Commitments	Statement of Commitments, January 2011, prepared by LFA (Pacific) Pty Ltd (Schedule 4).

SCHEDULE 2

Part A – Terms of Approval

1. Approval for the Boat Harbour Precinct

Except as modified by this approval, Concept Plan approval is granted only to the carrying out of development within the Concept Plan area as listed below and in more detail in Shell Cove Boat Harbour Precinct Concept Plan Application and Environmental Assessment, 26 February 2010, as amended by the Preferred Project Report:

- (a) Up to 1,238 dwellings with a total gross floor area of approximately 150,000m² comprising single dwellings, medium density and apartments;
- (b) a business park with a maximum gross floor area of 30,000m²;
- (c) retail/commercial/hotel/community development with a maximum gross floor area of 22,000m²;
- (d) public open space and wetlands; and
- (e) associated drainage, stormwater infrastructure and roads.

2. Approved Plans and Documentation

The project shall be generally in accordance with the following plans and documentation:

- (a) Shell Cove Boat Harbour Precinct Concept Plan Application and Environmental Assessment, dated 26 February 2010, 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; and
- (c) Statement of Commitments (Schedule 4).

except as otherwise provided by the terms of this approval.

3. Limits on Approval

This approval does not allow any components of the Concept Plan to be carried out without further approvals or consents being obtained.

4. Lapsing of Approval

Approval of Major Project No. 07_0027 shall lapse 5 years after the date of determination unless works the subject of any related application have been physically commenced, on or before that lapse date. The Director-General may extend this lapse date if the proponent demonstrates to the satisfaction of the Director-General that the project remains current, appropriate and reflective of the best use of the site at the date the approval would otherwise lapse.

5. Inconsistencies

- (1) In the event of any inconsistency between:
 - a) the terms of this approval and the Statement of Commitments, the conditions of this approval prevail; and
 - b) the terms of this approval and the documents referred to in Part A - condition 2, the conditions of this approval prevail.
- (2) If there is any inconsistency between the terms of the approval of the concept plan and any project approval or development consent, this concept approval shall prevail to the extent of the inconsistency.

Part B – Modifications to the Concept Plan

There are no modifications required to the Concept Plan outlined in the Shell Cove Boat Harbour Precinct Preferred Project Report.

SCHEDULE 3

Part C – Further Environmental Assessment Requirements

The following environmental assessment requirements apply to the entire project and the requirements specified below must be submitted and approved by the relevant approval authority with the first application made under Part 3A or Part 4 of the *EP&A Act*.

1. Coastal Hazards Study

A detailed Coastal Hazards Study, prepared by a suitably qualified person comprising a coastal hazard risk assessment for the project taking into consideration the requirements of the *Shellharbour Coastal Hazard Study* (April 2010), and complying with the NSW Government's coastal risk planning benchmarks. The study must include an assessment of adequacy of height of sea wall against the predicted impacts of sea level rise, inundation and more frequent and intense storms to the year 2100; and details of dunal stabilisation works to 4.5m AHD. It must also provide details of responsibility for implementation and funding of the operational phase of the Beach Nourishment/Rehabilitation Management Plan.

2. Fauna Assessment

A contemporary fauna assessment and survey for the Green and Golden Bell Frog undertaken in accordance with *Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna – Amphibians*, Department of Environment and Climate Change (April 2009). If the assessment concludes that there will be an impact on the Green and Golden Bell Frog, appropriate mitigation measures and/or changes must be incorporated into the project as recommended by the assessment.

Part D – Further Environmental Assessment Requirements

The following environmental assessment requirements apply, where relevant, to development of each stage/precinct of the project and must be submitted with any subsequent applications to the relevant approval authority made under Part 3A or Part 4 of the *EP&A Act*.

1. Urban Design

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:

- 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 building and public square in the commercial precinct which define street and water edges, and create visual interest;
- a hotel building with tower angled to the east to maximise views to the coast to the north and south and reduce impacts on the boat harbour and which may comprise a 3-4 storey high podium;
- 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 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.

2. Landscaping

A landscape plan prepared by a suitably qualified landscape architect detailing the locations, types and treatments for landscaping and public domain elements with consideration of Council's requirements.

3. Noise Management Assessment

A detailed Noise Management Assessment identifying:

- traffic noise mitigation measures for the road design;
- areas which require acoustic treatments to dwelling facades to provide satisfactory indoor noise levels; and
- appropriate mitigation measures (the use of mounds and landscape buffers, not acoustic walls) for the design and layout of stages affected by truck noise from the Quarry Haul Road, dry boat storage and marina activities.

4. Utilities

Address and document the existing capacity and requirements of the project for utilities, including any necessary augmentation and staging of any infrastructure works, in consultation with relevant agencies.

5. Earthworks Strategy

Provide a detailed Earthworks Strategy, prepared by a suitably qualified person which addresses erosion and sedimentation controls and includes measures to manage acid sulfate soils and stockpiling.

6. Remedial Action Plan

A Remedial Action Plan is to be prepared for the former golf course area and the south-eastern area of the site at the location of the former farm structure by a suitably qualified person in accordance with *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land* (DUAP/EPA, 1998), based on the recommendations and conclusions of the Phase 2 Contamination Assessment prepared by Douglas Partners dated October 2010 (Appendix 2D of the Preferred Project Report).

7. Flood Assessment

A detailed Flood Assessment, prepared by a suitably qualified person identifying flood affected parts of the land and showing how the proposed project at each stage will comply with Shellharbour City Council *Floodplain Risk Management Development Control Plan (April 2006)*, (except where it is inconsistent with NSW State Government policy and guidelines), and comply with and the government's sea level rise and climate change benchmarks, current at the time of preparation of the Flood Assessment. The findings of the Flood Assessment must inform the ultimate layout and design of each stage of the project.

JRPP No. 2013STH027

Development Application No. 411/2013

Lot 206 DP 857030, Boollwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

The assessment must include a flood planning levels map, details of flood planning levels adjacent to the boat harbour and for the major overland flow paths; and mitigation measures to reduce impacts on flood levels in vicinity of Ron Costello oval.

8. Stormwater and Water Cycle Management Plan

Identify drainage, stormwater and groundwater management issues, on-site stormwater detention (if required), and drainage infrastructure to ensure achievement of the water quality targets identified in the Boat Harbour Development Consent 95/133 for each stage of the project consistent with Council's requirements.

9. Environmental Management Plan

An Environmental Management Plan (EMP), prepared by a suitably qualified person demonstrating measures to mitigate potential impacts on aquatic habitats and aquatic species during the construction and operation periods. The EMP must be prepared in consultation with the Department of Environment, Climate Change and Water.

10. Construction Management Plan

A comprehensive Construction Management Plan, including a traffic management plan identifying truck routes, vehicular frequency, hours of operation, use of equipment, and measures to minimise dust, noise and vibration impacts on surrounding areas, and ensure vehicular and pedestrian safety.

11. Ecologically Sustainable Development

Demonstrate that any future development will incorporate ESD principles in its design, construction and ongoing operation phases, including water sensitive urban design measures, water re-use/recycling, energy efficiency, recycling and waste disposal.

12. Acid Sulfate Soils

An Acid Sulfate Soil Management Plan (ASSMP) for each stage of the project for actual and potential acid sulphate soils prepared by a suitably qualified person in accordance with the *NSW Acid Sulfate Soil Manual* (NSW Acid Sulfate Soil Management Advisory Committee, August 1998). The ASSMP must examine how the pre-loading process and treatment of ASS will be staged and managed throughout the life of each stage especially regarding the impacts of trenches (for service and drainage) on groundwater and acid leachate.

13. Social Infrastructure

Social infrastructure shall be provided in accordance with Council's Section 94 Contributions Plan. The details of any playground, local library and multi-purpose community centre shall be provided with each stage of the project.

14. Local Infrastructure Contributions

Contributions towards local infrastructure in accordance with the *EP&A Act 1979* must be provided.

15. Erosion and Sedimentation Control

A detailed Erosion and Sedimentation Control Plan prepared in accordance with *Managing Urban Stormwater: Soils and Construction*, Landcom (March 2004) ('the Blue Book') detailing the design, construction and implementation of measures to manage stormwater, and erosion and sediment control during the construction phases of each stage of the project.

16. Traffic Assessment

An updated traffic impact assessment prepared by a suitably qualified person for each stage/precinct of the project which includes a cumulative impact assessment having regard to the status of the future construction of the intersection of Harbour Boulevard and Shellharbour Road.

JRPP No. 2013STH027

Development Application No. 411/2013

Lot 206 DP 857030, Boollwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

17. Public Access

The detailed design and layout of the project must adopt the following principles:

- (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 Shared Use Path Strategy (Shellharbour City Council, 10 August 2010) unless otherwise justified.

JRPP No. 2013STH027
Development Application No. 411/2013
Lot 206 DP 857030, Boolwarroo Parade & Lot 8422 DP 1169822 Shallows Drive, Shell Cove

SCHEDULE 4
STATEMENT OF COMMITMENTS

Pages 9-15 of Schedule 4 can be accessed via

<https://majorprojects.affinitylive.com/public/b8727a8de517833783172138dd338914/Concept%20Approval.pdf>