

JOINT REGIONAL PLANNING PANEL

(Southern Region)

ASSESSMENT REPORT SUMMARY AND RECOMMENDATION COVER SHEET

JRPP No	2017STH0010
DA Number	118/2017
Local Government Area	Shellharbour
Proposed Development	Torrens title subdivision comprising of 58 residential lots, eight (8) superlots, three (3) public reserves & three (3) residue lots
Location	Lot 2056 DP 1203745 and Lots 4003 & 4004 DP 1235539 Harbour Boulevard, Shell Cove
Applicant/Owner	Australia Corporation (NSW) Pty Ltd (Frasers Property) / Shellharbour City Council
Number of Submissions	One
Regional Development Criteria (Schedule 4A of the Act)	<p>Clause 4 'Council related development with a CIV over \$5 million'</p> <p>Development that has a capital investment value of more than \$5 million as the council is the owner of any land on which the development is to be carried out.</p> <p>The proposed development has a CIV of \$7.3M.</p>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 71 – Coastal Protection • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • Shellharbour Local Environmental Plan 2013 • Shellharbour Development Control Plan • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Subdivision Plans • Staging Plan • Boat Harbour Precinct E Designated Bin Collection Locations • Precinct E & Wetlands 6 Landscape & Boundary Walls • Waste Management Plan • Boat Harbour Precinct E Cut and Fill Bulk Earthworks Plan • Boat Harbour Precinct E Grading Plan • Boat Harbour Precinct E – Stormwater Concept Plan • Shell Cove Precinct E, Wetland 6, Wetland 7 and Northern Lands Flood Assessment • Acid Sulfate Soil Management Plan Precinct E, Northern lands, WL6 and WL7 Shell Cove • Erosion and Sediment Control Plan & Details • Acoustic Requirements Letter

Recommendation	That DA No. 118/2017 (JRPP Ref no. 2017STH010) be approved subject to the schedule of conditions contained in Attachment 1.
Report prepared by	Victoria Nicholson, Senior Development Assessment Officer
Report endorsed by	Grant Meredith, Group Manager City Development
Date of report	28 February 2018

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PLANNING REPORT

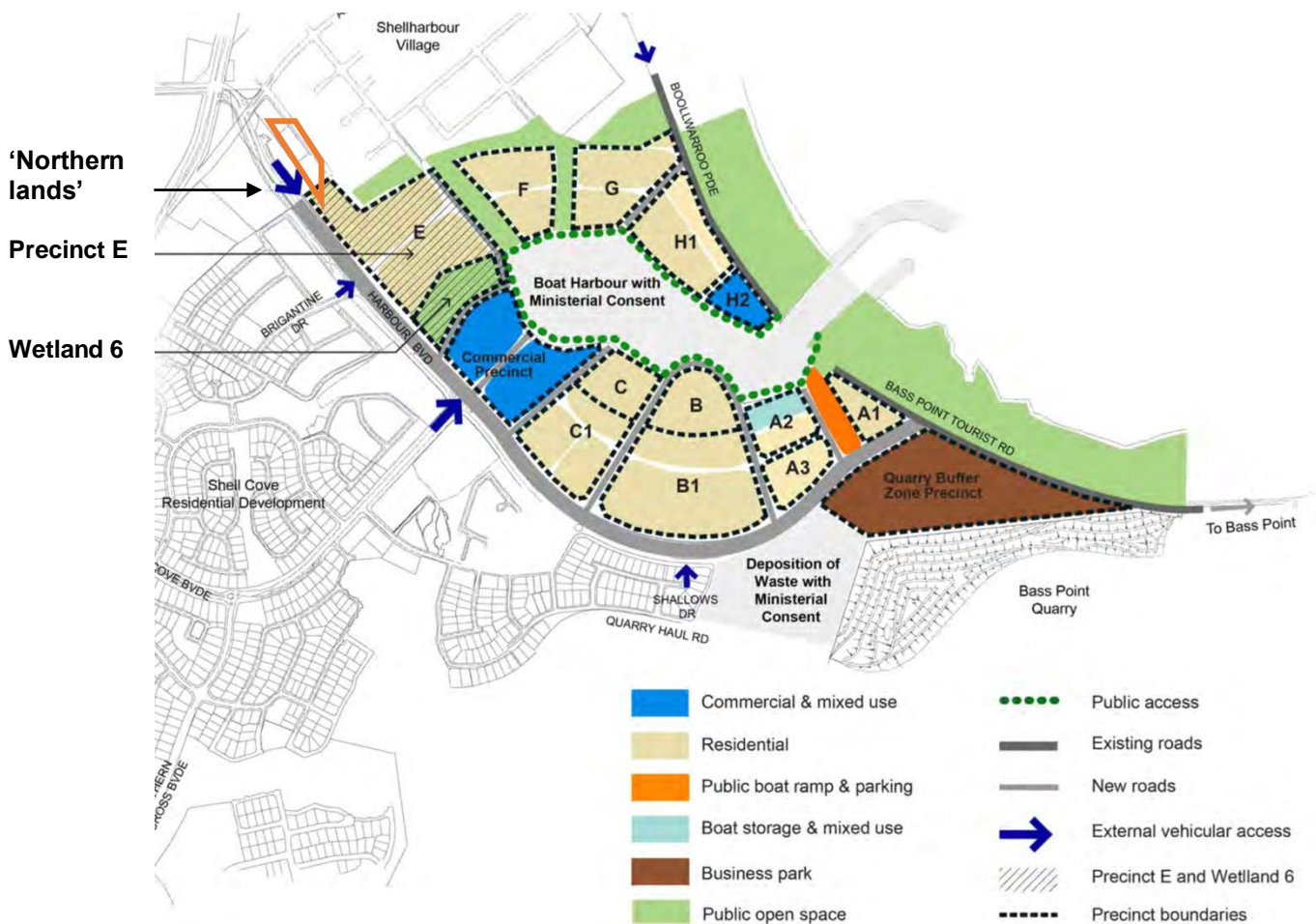
1 Background

The development site falls within the Shell Cove Boat Harbour Precinct. The Shell Cove Boat Harbour Precinct Concept Plan sought approval for the development of a 100 hectare precinct surrounding a boat harbour and 350 berth marina (DA 133/1995) approved by the Minister in November 1996. The Boat Harbour Precinct Concept Plan (07_0027) was approved under the now repealed Part 3A of the *Environmental Planning & Assessment Act 1979* on 15 February 2011. The development of the Shell Cove Boat Harbour Precinct is a joint venture between Australand Corporation (NSW) Pty Ltd (part of Frasers Property Australia) and Shellharbour City Council.

As illustrated in **Figure 1** below, the Concept Plan comprises of residential, commercial, industrial and open space land uses. The commercial Precinct D will provide the future retail and commercial hub for the surrounding Shell Cove residential development.

Figure 1: Shell Cove Boat Harbour Precinct Concept Plan & Development Site

Source: Adapted from DA Statement of Environmental Effects Figure 01



The approved and proposed developments within the Shell Cove Boat Harbour Precinct are detailed in **Table 1** below. Precincts B1 and C1 have been substantially developed with the construction of detached single dwellings, dual occupancies and multi dwelling housing. Precinct D Stage 1 retail development is now being constructed and development

applications for stages 2 and 3 are active development applications with Council. The residential subdivision of Precinct A has also recently been lodged with Council. This precinct area includes the public boat ramp, shown as orange in **Figure 1**, which forms part of the Ministerial approved boat harbour and marina.

Table 1: Shell Cove Boat Harbour Precinct approved developments & current applications

Boat Harbour Precinct development consents			
DA / JRPP No.	Development	Approved	Consent Authority
DA 143-2016	Precinct D. Subdivision of commercial land for future mixed use and retail development, associated civil infrastructure and public domain works	2018	Shellharbour Council
DAs 357, 358, 359 & 360- 2017	Precincts B1 and C1. Multi dwelling housing with subdivision of the remaining four superlots in Precincts B1 and C1 – total of 28 dwellings	2017	Shellharbour Council
DA 198-2017	Wetland 7 and Sophia Park embellishment works	2017	Shellharbour Council
DA 12-2016 / 2016STH007	Precinct D – Stage 1. Supermarket, liquor tenancy and approximately nine specialty tenancies with associated carpark at ground and basement.	2017	Joint Regional Planning Panel
DA 444-2016	Precinct E. Bulk earthworks	2017	Shellharbour Council
DA 97-2017 / 2017STH008	Precinct C1. Multi dwelling housing with subdivision - 18 dwellings	2017	Joint Regional Planning Panel
DA 32-2016 / 2016STH009	Precinct B1. Multi dwelling housing with subdivision - 40 dwellings	2016	Joint Regional Planning Panel
DA 100-2016 / 2015STH026	Precinct C1. Multi dwelling housing with subdivision - 24 dwellings	2016	Joint Regional Planning Panel
DA 651-2015 / 2015STH026	Precinct B1. Multi dwelling housing with subdivision - 23 dwellings	2016	Joint Regional Planning Panel
DA 411-2013 / 2013STH027	Precinct B1 & C1. Residential subdivision comprising of 88 Torrens title residential allotments and 14 superlots for future multi dwelling housing development	2014	Joint Regional Planning Panel
Boat Harbour Precinct current development applications			
DA / JRPP No.	Proposal		
DA 358-2017 / 2017STH025	Precinct D – Stage 2. Mixed use development comprising of a four storey building with commercial (986m ² GFA) and residential uses (45 apartments with GFA 4,762m ²), public car park & public domain works		
DA 619-2018 / 2018STH007	Precinct A. Residential subdivision comprising of 58 Torrens title residential allotments, 6 superlots for future multi dwelling housing development, one Torrens title allotment for future boat maintenance facility		
DA 5-2018 / 2018STH006	Precinct D – Stage 2. Tavern with gross floor area of about 1016m ²		
DA 567-2017	Precinct D – Stage 3. Retail development comprising of five commercial tenancies & associated public car park		

2 Description of development proposal

DA 118/2017 seeks approval for the residential subdivision of Precinct E and of the adjacent land immediately north of the boundary of the Concept Approval, hereby referred to as the 'northern lands'. The development site is north of Precinct D, the commercial precinct, and is bounded to the west by Harbour Boulevard. The location of the development site in context of the wider Boat Harbour Precinct has been notated in **Figure 1**.

The Torrens title subdivision proposal comprises of:

- Precinct E
 - 58 residential allotments,
 - seven (7) superlots for future multi dwelling housing with subdivision development,
 - three (3) public reserves, inclusive of wetland 6, and
 - two (2) residue lots,
- Northern Lands
 - one (1) superlot for future multi dwelling housing with subdivision development, and
 - one (1) residue lot, and
- associated civil works.

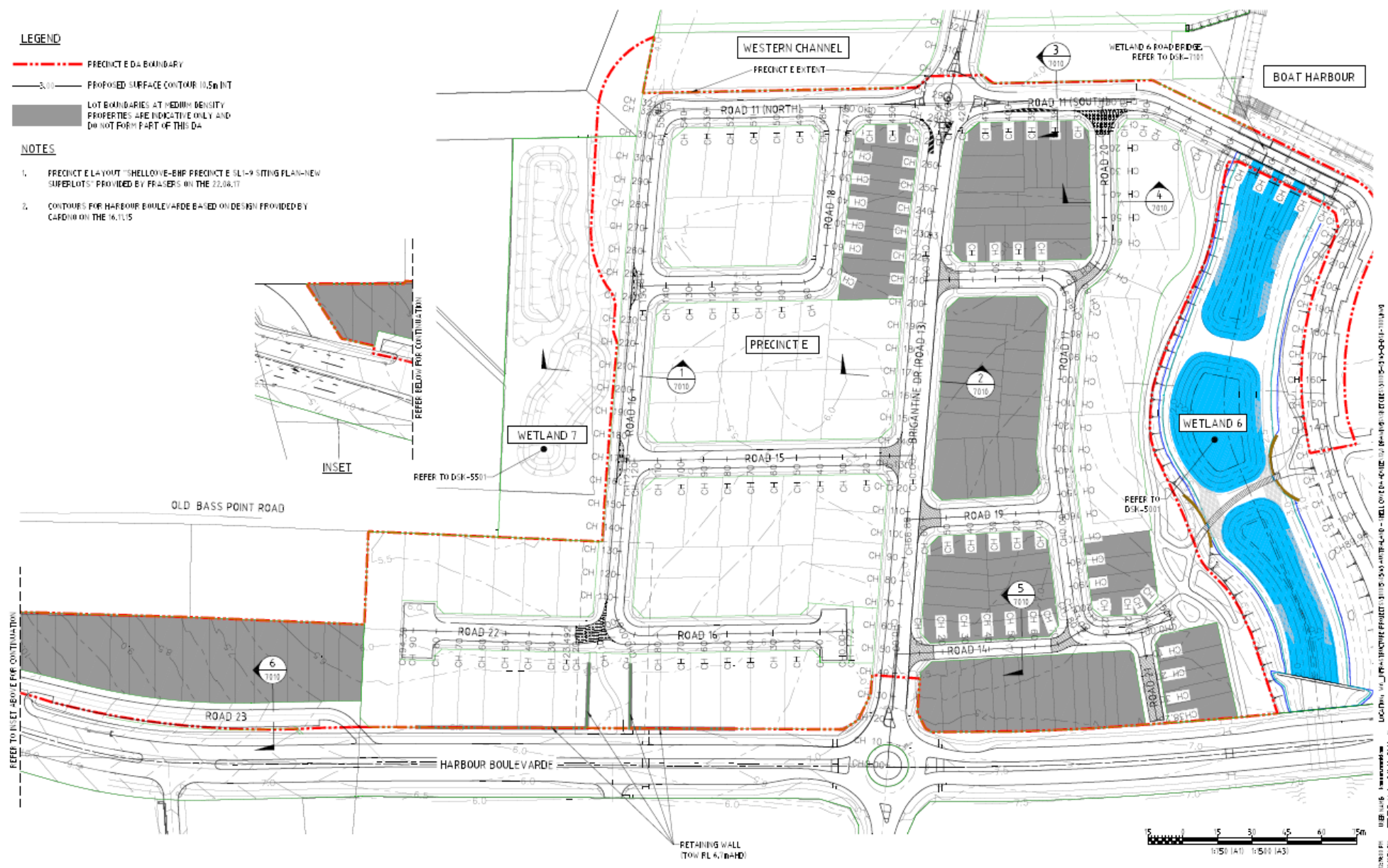
The proposed subdivision layout is shown in **Figure 2** on the following page. The superlots are shown as shaded and indicative multi dwelling layouts are depicted. The unshaded superlot adjoining wetland 6 is envisaged as apartment type dwellings. Development of the superlots will be subject to future development applications. It is anticipated that the development of these superlots will create an additional 95 or so dwellings. Multi dwelling housing development is an integral strategy in achieving the residential densities identified in the Concept Plan approval (CPA).

The spatial distribution of traditional lots, multi dwelling superlots and apartment superlot/s across Precinct E will result in a transition in built form and density. Low density residential lots will interface with the existing Shellharbour village, having similarly low density built form, whilst the apartments will interface with the wetland open space. Dwelling density (and concomitant building height) increases with closer proximity to the Shell Cove town centre and boat harbour.

The subdivision design has been cognisant of the functionality of Harbour Boulevard and has minimised vehicular access points. The Northern Land superlot will have frontage to a one way service lane (road 23) off Harbour Boulevard. Precinct E allotments having frontage to Harbour Boulevard will have vehicular access denied from this road. The point of vehicular access for these lots will be from internal roads (roads 14, 16, 21 and 22). Waste servicing of these lots will also be from internal roads and the service lane. This design principle of denying vehicular access from Harbour Boulevard and inclusion of front pedestrian access into each dwelling will create a strong cohesive built form that will both engage and enhance the streetscape of Harbour Boulevard.

Brigantine Drive (road 13) is a continuation of Brigantine Drive on the western side of Harbour Boulevard. Brigantine Drive will function as the 'main circulating street' through Precinct E and will connect to Boolwarroo Parade which continues to the Shellharbour Village. Brigantine Drive has been designed to accommodate a future bus service route. 'Secondary streets' will

Figure 2: Proposed subdivision layout



be accessed from Brigantine Drive and within their own local street network.

Residential streets will have footpaths on both sides. A cycle-pedestrian shareway will be provided though the public reserve off Harbour Boulevard and along the wetland frontage of road 16. This shareway integrates with the cycle network in the area. There will also be a pedestrian-cycle connection between the existing Shellharbour village and Precinct E through wetland 7.

A range of lot widths are proposed for the dwelling lots in Precinct E1 ranging from 11m-17m. The spatial distribution of these varied lot widths will support diversity in housing design and form thereby contributing to visual interest to the streetscape and, and in addition to the nominated dual occupancy sites in the Urban Design Guidelines, will provide housing choices to meet the different needs of residential living. **Attachment 2** shows the lot typology and distribution in Precinct E1.

3 Locality & land attributes

With reference to **Figure 1**, the main points of the local context of the development site include:

- The development site to the north and east adjoins Shellharbour village and Sophia Park. The existing built form of Shellharbour Village in proximity to the site can be characterised as generally low density residential with detached dwellings on traditional sized lots and wide streets.
- To the east of Precinct E is the future drainage open space corridor of Precinct F.
- The western boundary of the site abuts with the recently constructed Harbour Boulevard.
- On the western side of Harbour Boulevard opposite Precinct E1 a seniors housing development is currently being constructed (immediately north of the existing component of Brigantine Road).
- The wider Shell Cove development on the western side of Harbour Boulevard is largely well established residential development with the more recent and ongoing construction of new dwellings toward the southern end of Harbour Boulevard, near Shallows Drive.
- To the south of the development site is Precinct D, the commercial centre of Shell Cove and to the south-east is the future boat harbour and marina. Wetland 6 provides an open space interface between the town centre and the residential development of Precinct E.

The original landform of much of Precinct E has been modified due, in part, to its former use as a golf course, its temporary use for Boat Harbour works and surcharge mounding works, and more recently with the bulk earthworks to create a building platform for future residential construction. Land slopes from the northwest and southwest corners towards the eastern boundary of the precinct. The fall is relatively uniform and gentle varying between 1 in 30 to 1 in 100.

The northern section of the northern land area includes the bowling greens associated with the former bowling club building which has since been demolished. The southern section has been largely cleared with some perimeter trees along its eastern boundary which adjoins residential development. The northern lands falls from the north to the south from about 13m AHD to 6m AHD and across the site the fall approximates 1 in 20 to 1 in 45.

Attachment 4 provides a site analysis of the northern lands and Precinct E. The site attributes that inform assessment of the proposal are noted below:

- Former land uses of the development site are farmland (grazing), recreational lawn bowls and a bowling club, and golf course.
- The vegetation on the site is reflective of these former land uses and is predominantly introduced grasses. There are isolated pockets of vegetation. Flora and fauna studies indicate that the site does not support endangered flora and fauna populations nor critical

habitat. It is considered that the site is unlikely to support any threatened flora or fauna species, populations or communities

- With regard to the past use of the land as a golf course, there is potential for contamination and relevant studies have been undertaken.
- Geotechnical studies have identified a risk of acid sulfate soil in the north eastern section of Precinct E.
- The site does not contain European heritage listed items. Registered Aboriginal objects/sites are known to occur within the wider Boat Harbour Precinct area. The proposed works are not in vicinity of the registered objects/sites.
- The land is mapped as flood prone land.
- The land is mapped as falling within the coastal zone.
- The development site is burdened by easements for overhead powerlines. These do not render the proposed development as unsuitable.

4 Proposal Assessment


4.1 Boat Harbour Precinct Concept Approval No. 27_2007

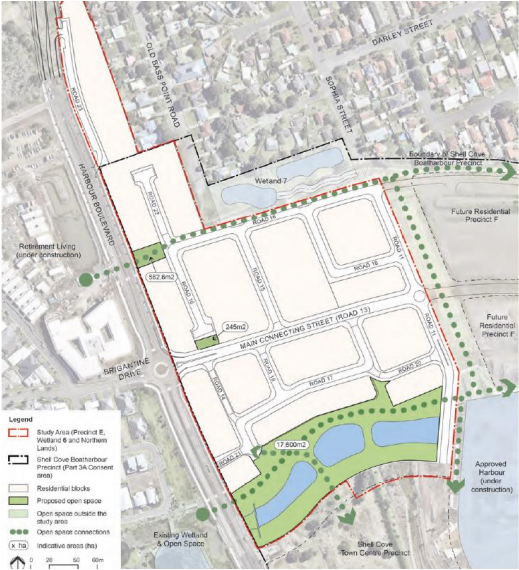
The Concept Plan comprises the following key elements to guide future development:

- building height in terms of number of storeys,
- indicative floor areas,
- number of dwellings,
- land uses,
- indicative street alignments and pedestrian networks,
- location of open space and wetlands.

The proposed subdivision of Precinct E is consistent with the Concept Approval (07_0027), the Preferred Project Report (PPR) and relevant Statement of Commitments.

Key elements applicable to proposal/site	Proposal
Land uses	The proposed residential subdivision and future residential land uses is consistent with the Concept Plan approval (CPA). The open space and associated wetland is also consistent with the CPA.
Dwelling density & spatial arrangement The Boat Harbour Precinct Concept Plan provides indicative dwelling numbers and gross floor areas for each Precinct rather than stipulating development standards for minimum lot size and floor space ratio. The following is an extract from the CPA/PPR pertaining to Precinct E. Source: SEE page B24	The Precinct E subdivision comprises 58 'standard' allotments. It is anticipated that the development of the seven superlots will create an additional 95 dwellings. The indicative total number of dwellings in the CPA is 151 dwellings. The proposed number of dwellings will approximate 153 dwellings; approximate noting that the development of the

 <p>Precinct Legend</p> <p>S Standard, 180 m2*, up to 2 storey</p> <p>MD Medium Density, 110 m2*, 2 to 3 storey</p> <p>A Apartments, 110 m2*, up 3 to 4 storey</p> <p>* typical floor space area / dwelling</p> <p>^ floor space area of total no. of dwellings</p>	<p>superlots will be subject to separate development applications.</p> <p>The number, mix and spatial distribution of dwelling forms is consistent with the CPA and PPR.</p> <p>.</p>
<p>Street network</p>	<p>The CPA consent condition Part D-Traffic required updated traffic impact assessment for each stage/precinct. The original traffic modelling that underpinned the PPR was reviewed</p> <p>The CPA/ PPR road network and the proposed road network are shown in Attachment 6. The road network has been refined with the deletion of two direct access points from Harbour Boulevard. A minor road 3C (road 16) has access point now provides a cycle and pedestrian link to the local road network and integrated shareways. The access street (road 21) at the southern end has been modified to remove direct access to Harbour Boulevard. A Traffic Impact Assessment prepared for the proposed subdivision recommends and supports the proposed road network. In road hierarchy terms, it is desirable for a minor road type 3C to not connect with a major road, Harbour Boulevard, with access restricted into the precinct to the type 3A main circulating street, this being Brigantine Road. The road hierarchy principle of restricting access to major roads like Harbour Boulevard not just with property access but also with the number of side street intersections is also relevant. This will reduce side friction that might otherwise adversely affect the through traffic efficiency of a major road.</p> <p>The proposed network provides a clearer and more efficient road hierarchy.</p>

	<p>Council has assessed the road network structure and hierarchy as generally consistent with the PPR. Each street within the subdivision is consistent with the road types set out in the PPR.</p>
<p>Networks - open space, pedestrian, cycle and public transport</p>  <p>Open space plan Source: SEE figure 18</p>	<p>The open space plan shows two open space links.</p> <p>The CPA wetland footprint has been refined however, this has not compromised the water quality function of the wetlands which form part of the stormwater treatment strategy for the wider Shell Cove development, nor the provision of an open space corridor. The wetland open space corridor links the precinct and existing residential development on the southern side of Harbour Boulevard to the future open space around the harbour edge, in addition to the commercial hub. The passive open space corridor includes pedestrian and cycle routes which form part of the integrated pedestrian and cycle networks in the Shell Cove area.</p> <p>Brigantine Drive has been designed as part of a future bus service route and can accommodate bus stops without the need for indented bays.</p> <p>The open space, pedestrian and cycle networks and public transport accessibility are consistent with the provisions of the CPA and PPR.</p>
<p>Urban Design Guidelines</p>	<p>Required for each stage of the development are urban design guidelines prepared by a suitably qualified architect or urban designer which establishes design controls to achieve the criteria specified in Schedule 3 Part D condition no. 1.</p> <p>Urban Design Guidelines for both Precincts E1 (single dwelling and dual occupancies) and E2 (multi dwelling housing and apartments) have been prepared in accordance with these requirements. The Guidelines establish design controls to achieve those criteria detailed in the condition relevant to this residential precinct.</p> <p>These guidelines have been endorsed by Council under delegated authority.</p>

4.2 Shellharbour City Council Section 94 Contributions Plan

Monetary contributions in accordance with Shellharbour City Council's *Section 94 Contributions Plan 2016 Amendment 1* dated 8 March 2017 will be levied in accordance with the Plan and form part of the recommended conditions of Attachment 1.

The provision of open space for the Waterfront Precinct was considered as part of the concept approval for the development of this area. This looked at open space for the area as a whole and it was considered that the proposed areas provided were adequate. Precinct E utilises Sophia Park for its open space provision. Having reviewed the approved (deferred

commencement) plans for Sophia Park it is acknowledged that although a large area of this park will be used for drainage/wetlands there is sufficient space available to accommodate the play equipment and open areas to service Precinct E. This will be supplemented by the area of open space that is to be provided in an adjacent precinct which links to the open space on the Harbour foreshore.

Attachment 5 shows the location of Sophia Park (wetland 7). The subdivision design can contribute positively to passive surveillance of the park facilities as adjoining cycle-pedestrian shareway links to the precinct wide network and allotment layout can support future dwelling design that promotes passive surveillance. Further, the rear fencing of allotments that abut the park will include gates.

4.3 Consultation & Council Technical Assessments

The proposal was referred externally to Department of Primary Industries – Water and Roads & Maritime Services. The comments to the proposal from Endeavour Energy and Sydney Water are covered in SLEP 6.4. References to Shellharbour Local Environmental Plan 2013 (SLEP 2013) is discussed in the following section 4.4.1 of this planning report.

Consultations	
External Agencies	Advice
Department of Primary Industries – Water	The proposal is integrated development pursuant to section 91(1) of the <i>Environmental Planning and Assessment Act 1979</i> for those works requiring a controlled activity approval under section 91 the <i>Water Management Act 2000</i> . DPI – Water issued on 27 May 2017 their General Terms of Approval (GTAs) These GTAs form part of the conditions of Attachment 1 .
Roads & Maritime Services	RMS advised 12 May 2017 it had no objection to the DA subject to the following condition being included in the conditions of any development consent issued: <ul style="list-style-type: none"> Prior to the issue of an occupation certificate, the traffic signals (two separate sets) at the intersection of Shellharbour Road, Wattle Street and Harbour Boulevard must be completed to RMS satisfaction. <p>The applicant requested that this condition be deleted on grounds of that the opening of the intersection at Addison Street and Wattle Road is not related to Precinct E. There is no requirement within the traffic studies to have this open before this precinct is registered.</p> <p>Council has concurred with this request. The development consent for the Harbour Boulevard and intersection works does not establish a nexus between these works and the development of the Boat Harbour Precinct. The functioning of the existing road network has not been demonstrated as failing to warrant the intersection works to be completed prior to the issue of the Subdivision Certificate.</p>
Council Officer Technical Area	Advice
Flood engineering	SLEP 2013 clause 6.3 (flood planning)
Subdivision & development engineering	Refer SLEP 2013 clause 6.4 (stormwater management) <u>Road Design Hierarchy</u>

	<p><i>Northern lands</i></p> <p>Design of the one way service road and road hierarchy satisfies the requirements/objectives of SDCP.</p> <p><i>Precinct E</i></p> <p>The applicant has provided turning manoeuvre diagrams for the 8.8m design vehicle as per Austroads requirements. This requirement can be further assessed by the Council PCA at CC stage.</p> <p>The road hierarchy is consistent with the Preferred Project Report of the Concept Approval as per Section 3.3 – Precinct E of the Shell Cove Boat Harbour Precinct E, Wetland 6, Wetland 7 and the Northern Lands Traffic Impact Assessment prepared by Christopher Hallam & Associates Pty Ltd.</p> <p><u>Wetlands</u></p> <p>Wetlands have not been designed in accordance with the Shellharbour Subdivision Design code. Many of the batters are steeper than the requirements of the SCC design code.</p> <p>The applicant however has submitted a design statement to provide justification for the steeper batter slopes titled "Shell Cove Boat Harbour Precinct Wetland Design Statement - Batter Slopes".</p> <p>The design statement refers to the Healthy Waterways WSUD Technical Design Guidelines (June 2006) as commonly used in wetlands design. Based on this document a 1:12 safety bench is proposed and then a steeper batter slope of 1:2.</p> <p>It is also noted that other existing wetlands in the Shell Cove precinct have been designed with the safety bench, and steeper grades.</p> <p>Conditions recommended by the engineer form part of the conditions of Attachment 1.</p>
Parks	<p>Landscape planting adjacent to pathways should ensure that there is no planting within one metre of the path, to allow for growth and ensure when growth is mature it does not extend over the pathway. This requirement forms part of the landscape plan condition in Attachment 1.</p>
Landscape	<p>Satisfactory assessment of the concept landscape plan subject to conditions; these conditions form part of the recommended conditions of Attachment 1.</p>
Environment	<p>Refer SEPP 55 (contamination)</p> <p>Refer SLEP 2013 Clause 6.4 (acid sulphate soils)</p> <p>Refer SLEP 2013 Clause 6.5 (biodiversity)</p> <p><i>Air Quality</i></p> <p>Measures to control dust during the construction period will be required in the Construction Environmental Management Plan.</p> <p><i>Noise</i></p> <p>Construction noise levels should be managed according to the OEH/DECC Interim Construction Noise Guidelines.</p> <p>Protocols to minimise disturbance to nearby residents from construction noise. The noise management level for works during standard hours is background + 10 dB(A). Above this all feasible and reasonable work</p>

	<p>practices will be implemented, as defined in the Interim Construction Noise Guideline. For works outside standard hours, the noise management level is background + 5 dB(A). Any works causing a highly noise-affected level of LAeq 75 dB(A) (represents the point above which there may be strong community reaction) must implement feasible and reasonable ways to reduce noise, such as restricting the times of very noisy works to provide respite to affected residences.</p> <p>No acoustic assessment has been conducted for this subdivision. Road noise needs to be minimised in order for future residential dwellings within Precinct E to meet the required internal noise limits of 35dB(A) for bedrooms during the night and 40dB(A) for living areas as set in the Department of Planning 'Development Near Rail Corridors and Busy Roads – Interim Guideline' (2008). A condition is included regarding road surface type required to minimise noise.</p> <p><i>Coastal Hazards</i></p> <p>The 2013 Coastal Hazard Report by Haskoning assesses sea level rise and worst case scenario modelling re swell and tide conditions and finds no significant hazards to new residential and commercial developments.</p> <p><i>Waterways</i></p> <p>Constructed wetlands as part of the Stormwater detention system as shown in Shell Cove Precinct E, Wetland 6 And Wetland 7 Stormwater and Water Cycle Management Plan (Worley Parsons 2017). Stormwater detention ponds are designed to maximise habitat value for native species including rock riffles as well as sedges and rushes and grasses including a good diversity of species as shown on the Landscape Plan. The landscape plan is required to be revised to include large rocks and logs amongst planted macrophytes for creation of habitat.</p> <p><i>Water Quality/Stormwater</i></p> <p>Wetland 6 overflows into the harbour from the 3rd and lowest of 3 ponds that comprise the wetland.</p> <p>Relevant conditions form part of the schedule of conditions in Attachment 1.</p>
S94 Contributions Plan	Refer 'Proposal Assessment' in the earlier section 4.2 of this report.
Aboriginal Community Liaison Officer	Refer SLEP 2013 clause 5.10 (heritage).
Waste Services	<p>The road network must accommodate a 12.5m heavy rigid vehicle to enable the collection of kerbside bins. All cul-de-sacs/T-Heads must be designed to enable a 12.5m heavy rigid vehicle to enter and exit in a forward motion without the need to reverse.</p> <p>Lot frontage must be large enough to accommodate the presentation of kerbside bins, with a minimum requirement of 1.5m per set of bins (that is, two bins presented each week per dwelling).</p> <p><i>Road 16</i></p> <p>Bins are to be presented in accordance with the designated bin location plan in relation to Road 16. Lot 5032 and Lot 5058 must present bins in</p>

	<p>accordance with Preference 2 as detailed on the above plan. All other Lots within Road 16 must present bins for collection within the frontage of that Lot.</p> <p><i>Road 22</i></p> <p>Bins are to be presented in accordance with the above plan in relation to Road 22. Lot 5039 must present bins in front of Lot 5040 in accordance with the plan. Lot 5040 must be burdened (noted on the Land Title), that this will occur.</p> <p>Lot 5046 must present bins in front of Lot 5047 in accordance with the plan. Lot 5047 must be burdened (noted on the Land Title), that this will occur. Lot 5045 and Lot 5038 must present bins in accordance with the plan. All other Lots within Road 22 must present bins for collection within the frontage of that Lot.</p> <p><i>Road 21</i></p> <p>All Lots within Road 21 must present bins as detailed in the above plan. The Lot at the end of the Road 21 must present bins at the adjoining boundary to allow adequate space for collection. The collection truck will enter Road 21 in a forward direction and reverse into the T-Head.</p> <p>No Parking signs to be installed at the end of Road 21, in the T-Head of Roads 16, 17 and 21 and on the approach to the T-Head of these roads.</p> <p>Relevant conditions form part of the schedule of conditions in Attachment 1.</p>
Property	<p>No objection raised excluding the proposed dedication of the public road at the end of road 16 due to future maintenance burden on Council.</p> <p>Amended plans deleted a landscaped area between the end of road 17 and the wetland with the consolidation of the superlots 5065 and 5066 thereby enabling the road 16 public reserve to be retained.</p>
Crime prevention through environmental design (Community Safety)	<p>Aspects that the applicant should consider to further manage the risk of crime include:</p> <p><i>Lighting</i></p> <p>The lighting of public areas including reserves, paths, streets and footpaths will enhance the safety and the perception of safety in the area. The lighting should facilitate natural surveillance especially in entrances/exits, of buildings, access routes, pathways and car parks to encourage safety and passive surveillance. Factors that should be considered to optimise crime prevention include:</p> <ol style="list-style-type: none"> 1. Lighting should enable users to identify a face from within 15 metres to assist with personal safety 2. Use white toned lights instead of yellow toned lights to promote a safer feeling. <p><i>Access Control</i></p> <p>This subdivision will provide a mixture of private and public areas and the residential premises and public reserves appear to be clearly defined. Due to the reserve consisting of a water body and wetlands area, it proposes a possible drowning risk to young children. Signage should be installed to warn users of the risk.</p> <p>The proposed fencing, as shown in the landscaping plans, will provide adequate access control into private areas. The fencing uses a mixture</p>

	<p>of bricks and timber slats, which allows for surveillance through the fence and also breaks up the solid surfaces to lessen the risk of graffiti.</p> <p><i>Territorial reinforcement</i></p> <p>Since all aspects of the development will be new to the area, it will enhance territorial reinforcement of public areas. This should maximise activity and cause residents to have a sense of ownership of these spaces. An appropriate maintenance schedule should occur to ensure that the space is attractive and well used.</p> <p><i>Landscaping</i></p> <p>A landscaping plan has been provided and does not appear to cause any concern. The plant selection should maximise surveillance and visibility to the area and an appropriate maintenance schedule should be adopted to ensure this continues.</p> <p><i>Surveillance</i></p> <p>The layout of the subdivision will result in adequate surveillance of private and public areas. The layout of the residential blocks allows for good surveillance in between properties and the residential frontage on to the reserve and wetlands will provide good passive surveillance into the space.</p> <p><i>Graffiti Management</i></p> <p>The subdivision does not appear to provide large exposed surfaces where graffiti could occur. Some graffiti prevention techniques include:</p> <ol style="list-style-type: none"> 1. If graffiti does occur, it should be removed within 24 - 48 hours to reduce the notoriety sought by offenders and decrease its likelihood of appearing again in the future. 2. Green screens along blank walls using low lying shrubbery or climbers (check to ensure they will not destroy the wall). 3. The use of anti-graffiti paint and coatings could also be considered. <p>The above recommendations will be included as advisory notes to the development consent.</p>
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4.4 Environmental Planning & Assessment Act 1979, Section 79C

In determining a development application, a consent authority is to take into consideration matters referred to in section 79C(1) of the *Environmental Planning and Assessment Act 1979* (the Act) as are of relevance to the development the subject of the application:

Relevant s79C(1)(a) matters for this application are:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 71 – Coastal Protection
- State Environmental Planning Policy No. 55 – Remediation of Land
- Shellharbour Local Environmental Plan 2013
- Shellharbour Development Control Plan 2013
- Shellharbour City Council's Section 94 Contributions Plan 2016 Amendment 1

- The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality
- The suitability of the site for the development
- Any submissions made in accordance with the EPA Act & EPA Regulation
- The public interest.

4.4.1 Section 79C (1) (a)(i)(ii)(iii)(iiia)(iv)(v) – any environmental planning instruments

State Environmental Planning Policy	
State Environmental Planning Policy (State and Regional Development) 2011	The provisions of this Policy apply to the development proposal, however only insofar as identifying the proposal as regional development where the consent authority is the Joint Regional Planning Policy.
State Environmental Planning Policy No. 71 – Coastal Protection	<p><i>State Environmental Planning Policy No. 71. (SEPP 71)</i> applies to land and development within the coastal zone as defined by the <i>Coastal Protection Act 1979</i>. The site falls within the coastal zone. The Policy aims to protect and manage the natural, cultural, recreational and economic attributes, vegetation and visual amenity of the NSW Coast as it applies to the site.</p> <p>The development site does not have direct frontage or access to the coastal foreshore.</p> <p>The proposal is consistent with the aims of the Policy</p>
State Environmental Planning Policy No. 55 – Remediation of Land	<p>The aim of <i>State Environmental Planning Policy No. 55</i> 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.</p> <p>Cardno Detailed Site Investigation for the Bowling Club site identified asbestos material directly south of the old club house site and identified areas requiring further investigation including dumped material in the southern paddock (shown in Cardno 2015 report Appendix A Site map and Appendix B Site photos)</p> <p>Cardno 2017 Addendum Detailed Site Investigation Report includes an Asbestos Clearance Certificate stating the identified material has been removed.</p> <p>Douglas Partners 2016 conducted a Targeted Site Investigation (TSI) covering Precinct E and Wetland 6 within the development site. This stated, based on the results of the TSI it is considered that the site is compatible with the proposed residential development. The report recommends an unexpected finds protocol to be included within the CEMP.</p> <p>Relevant conditions imposed; refer Attachment 1.</p>

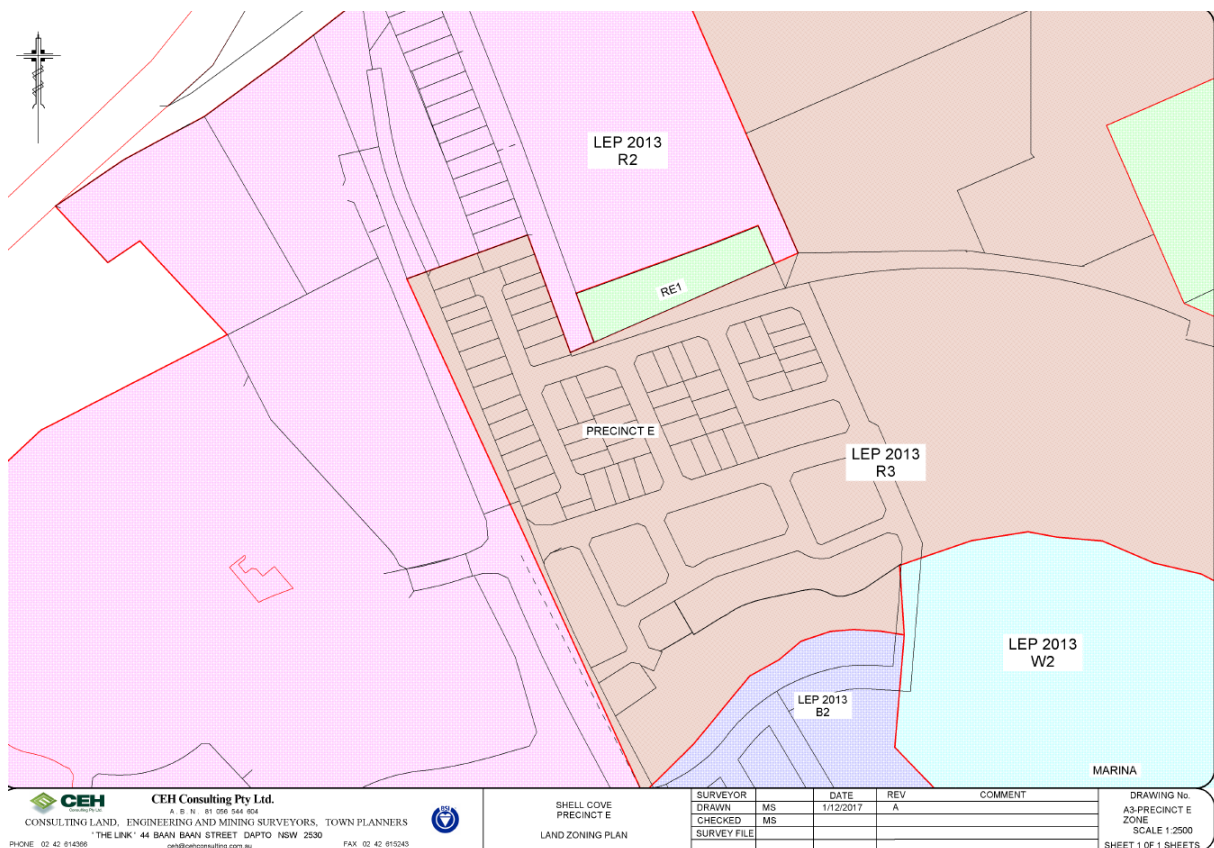
Shellharbour Local Environmental Plan 2013 (SLEP 2013)

Permitted or prohibited development & Land Use Table (Part 2)

Development characterisation	Subdivision of Land
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Land use zone & Zone objectives	<p>R3 Medium Density Residential.</p> <ul style="list-style-type: none"> 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.
Land use zone & Zone objectives	<p>B2 Local Centre</p> <ul style="list-style-type: none"> To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. To encourage employment opportunities in accessible locations. To maximise public transport patronage and encourage walking and cycling. To allow for a limited range of residential accommodation while maintaining retail, business or other non-residential active uses at street level.

Figure 3: Proposed Precinct E layout over the SLEP 2013 (as provided by applicant)



Permissibility of proposal	Notwithstanding the Concept Approval MP07_0027, the subdivision proposal is permissible development under SLEP 2013 pursuant to clause 2.6 which states that land may be subdivided subject to development consent.
Proposal consistency with zone objectives (clause 2.3(2))	The proposed residential subdivision will support the realisation of the R3 zone objectives in providing residential

		living in a mixed density residential environment. The wetland open space area will not undermine the local commercial centre objectives.
<i>Principal development standards (Part 4)</i>		
Part 4	Development Standards applicable to the development and/or site	Assessment
4.1	Minimum Lot Size	<p>Development standard 450m²</p> <p>52% (30 lots) of proposed residential lots fall below the minimum lot size development standard. 19 of these 30 lots have an area less than 399m² with the smallest lot having a lot area of 330m².</p> <p>An exception to the minimum lot size development standard can be considered pursuant to clause 4.6 of SLEP 2013. Clause 4.6 however is not applicable having regard to Schedule 6A of the Environmental Planning & Assessment Act 1979. .</p> <p>Pursuant to Schedule 6A clause 3B, environmental planning instruments will apply but only to the extent that they are consistent with the approved Concept Plan. With regard to the proposed lot sizes, the latter prevails. The proposed subdivision layout and lot size will support the strategic outcomes of the CPA. The number of lots is consistent with the CPA.</p>
<i>Miscellaneous provisions (Part 5)</i>		
Part 5	Provisions applicable to the development and/or site	Assessment
5.5	<p>Development within the coastal zone</p> <p>The objectives of this clause are:</p> <ol style="list-style-type: none"> to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development, and to implement the principles in the NSW Coastal Policy, 	<p>This clause details the provisions for assessing development applications within the coastal zone. The requirements of this clause mirror those within SEPP 71.</p> <p>Refer to the SEPP 71 section earlier in this report.</p> <p>The proposal is consistent with the objectives of this clause.</p>
5.10	<p>Heritage</p> <p>The objectives of this clause are:</p> <ol style="list-style-type: none"> to conserve the environmental heritage of Shellharbour, to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, to conserve archaeological sites, 	<p>The site is not identified as having European heritage items, trees or conservation area, or in proximity to a European heritage item.</p> <p>With regard to Aboriginal Heritage, Council's Aboriginal Community Liaison Officer advises:</p> <p>"The SEE refers to certain sites of which I assume are included in <i>National Parks and Wildlife Act 1974</i> (NP&W Act) ss 87/90 Consent and Permit No. 2534 wherein DECC has identified as having low or no archaeological significance. There is no reference to an Aboriginal Heritage Assessment or the 'Salvage &</p>

	<p>d. to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p><i>Monitoring of Aboriginal Cultural Heritage Sites of Shell Cove, NSW (Report), prepared by Jo Kamminga.</i></p> <p>Under provisions of the NP&W Act, Australand has been issued with an Office of Environment and Heritage (OEH), formerly Department of Environment and Conservation (DEC), permit & consent to disturb or destroy Aboriginal objects at Shell Cove during works activities. There are general and specific conditions in this permit & consent. The company and its contractors must comply in all respects with these conditions, and with the provisions of the NPW Act. Copies of the consent and permit have been issued to Australand (Housing) for this project, and form part of the contract document.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. The applicant must ensure that the construction/project supervisors are fully informed and briefed with respect to the Consent and Aboriginal Heritage Permit (AHIP) No. 2534 and the works have been undertaken in accordance with the Consent/Permit. Registered Aboriginal objects/sites are known to occur within the wider area. However, only part of one of these sites, AHIMS 52-5-207, is assessed as having relatively high heritage value. It is essential that works or vehicle movements DO NOT occur in the immediate vicinity of registered Aboriginal site 52-5-207. However, the SEE has identified this site is well clear of the Project area and will not be impacted by the proposed works. 2. The applicant undertakes to progress works in accordance with the Approved Archaeological and Heritage Protection Plans (Protection Plans) and the ss87/90 Consent and Permit (No. 2534). The applicant should detail measures that have been taken to ensure compliance with the Conditions outlined within the Consent/Permit and the Protection Plans. 3. As with previous Stages of the Shell Cove development all employees of Australand and sub-contractors attending site must be inducted on Aboriginal Heritage implications and must sign acknowledgement of having received and understood this induction." <p>The proposal will not undermine the objectives of this clause subject to conditions, namely continued compliance with the existing AHIP. These conditions form part of the schedule of conditions in Attachment 1.</p>
<i>Additional local provisions (Part 6)</i>		
Part 6	Local provisions applicable to the development and/or site	How does the development comply (where applicable)

6.1	<p>Acid Sulfate Soils</p> <p>The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p>	<p>The subject site is not mapped under the Office of Environment and Heritage's predictive classification scheme as an area likely to contain acid sulfate soils.</p> <p>Bulk earthworks has been undertaken on much of the site. The Acid Sulphate Soil Management Plan by Coffey (Feb 2017) concludes the eastern portion of the site has the highest likelihood of encountering acid sulphate soils. The Management Plan states "It is considered unlikely and low risk that following construction up to 'Bulk Earthwork' level, that acid sulfate soil materials will be encountered on a large scale. The Management Plan states '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'.</p> <p>The Construction Environmental Management Plan will include measures from the ASS Management Plan.</p> <p>Changes in groundwater level could have implications regarding acid sulfate soils. This has been adequately addressed in the ASSMP.</p> <p>The objectives of clause 6.1 are satisfied subject to conditions.</p>
6.2	<p>Earthworks</p> <p>The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	<p>A substantial component of the earthworks have been undertaken under Development Consent No. 444/2016. The site photo of Preconct E in Attachment 3 shows that these works have been largely completed.</p> <p>The additional earthworks for this proposal are not expected to detrimentally impact environmental functions and process of adjoining lands where works are undertaken in compliance with related conditions of consent.</p> <p>Accordingly, the proposal is consistent with the objective of Clause 6.2 and the matters for consideration.</p>
6.3	<p>Flood planning</p> <p>The objectives of this clause are:</p> <ol style="list-style-type: none"> to minimise the flood risk to life and property associated with the use of land, to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, to avoid significant adverse impacts on flood behaviour and the environment 	<p>This clause applies to land at or below the flood planning level.</p> <p><u>Flood study</u> Advisian Worleyparsons Group Shell Cove Precinct E, Wetland 6, Wetland 7 And Northern Lands Flood Assessment, 25th September 2017</p> <p>Advisian Worleyparsons Group Shell Cove Boat Harbour Development Flood Assessment For Harbour Boulevard Stage 2 Works, 31st October 2017</p> <p><u>Provisional flood hazard</u> The provisional Flood Hazard is Low-High Hazard (Varies). Most high hazard flows contained within</p>

		<p>wetlands or channels in 100-year flood. Some Low Hazard flows occur across Old Bass Point Road and Harbour Boulevard.</p> <p>Having regard to the land's flood hazard the development has considered, and is compatible with projected climate change.</p> <p><u>Hydraulic category</u> The hydraulic category is Flood Fringe, Flood Storage & Floodway In 100 year: Floodways contained within wetlands or channels. Flood Storage Areas are contained in wetlands or existing properties (same as pre development).</p> <p>In the Probable Maximum Flood (PMF), properties outlined as Flood Fringe or Flood storage could be designed in a way to minimise the flood affectation elsewhere.</p> <p>No sites are floodways up to and including the PMF.</p> <p><u>Flood Planning Levels</u> Sections of the subdivision will have a floor level restriction as outlined in above flood report dated 25th September 2017.</p> <p><u>Flood Affectation and impacts</u> No significantly adverse flood behaviour to other developments or properties for both the 1% AEP and PMF events as outlined in above flood report dated 25th September 2017.</p> <p><u>Flood evacuation</u> The evacuation process outlined in report is satisfactory for the 100 year as most exit routes are trafficable.</p> <p>In the PMF, all exit routes are high hazard floodways. No proposed residential sites are high hazard. Stay in place evacuation is acceptable for events up to and including the PMF flood duration as outlined in flood study.</p> <p><u>Other matters for consideration</u> On the basis of the above reports, the proposal:</p> <ul style="list-style-type: none"> • is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding. • will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses. <p>The objectives of this clause are satisfied subject to conditions to being imposed on the development consent (refer Attachment 1).</p>
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6.4	<p>Stormwater management</p> <p>The objective of this clause is to minimise the impacts of urban stormwater on the land to which the development applies, adjoining properties, native bushland and receiving waters.</p>	<p>A conceptual drainage design was provided and is capable of satisfying the objectives of the clause and Council's Development Control Plan subject to a detailed drainage design submitted as part of the construction certificate application. Relevant conditions form part of the recommended conditions of Attachment 1.</p> <p>Flood modelling was previously completed and approved as part of the Part 3A concept plan approval for the boat harbour precinct. The report "Shell Cove Precinct E, Wetland 6, Wetland 7 and Northern Lands Flood Assessment" prepared by Worley Parsons Group on 25 September 2017, addresses the Precinct E site specific stormwater runoff.</p>
6.5	<p>Terrestrial biodiversity</p> <p>The objective of this clause is to maintain terrestrial biodiversity by:</p> <ul style="list-style-type: none"> (a) protecting native fauna and flora, and (b) protecting the ecological processes necessary for their continued existence, and (c) encouraging the conservation and recovery of native fauna and flora and their habitats. <p>This clause applies to land identified as 'Environmentally Sensitive Land' on the Terrestrial Biodiversity Map.</p>	<p>The proposed development site is not mapped as containing any sensitive biodiversity including threatened species or threatened ecological communities under the NSW <i>Threatened Species Conservation Act 1995</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p> <p>The Northern Lands have no particular ecological value. The area has been colonised by environmental weeds since the bowling club and green have been demolished. Weed control is required. A letter report by Mills 2017 documents the condition of this area as being low. This was confirmed during site visits conducted.</p> <p>The majority of the Precinct E site was previously a golf course and has had bulk earthworks conducted, predominately to raise the ground level. The site has very limited native flora including one clump of mature trees with <i>Casuarina</i> sp and Willow observed from outside the perimeter fence. Fauna habitat is limited however, pre clearance surveys will be required prior to any tree removal and a process will be required in the conditions to minimise the risk of harm to fauna. A Flora and Fauna Assessment for the Shell Cove Boat Harbour Precinct Concept Plan (Kevin Mills 2009) has been reviewed. This assessment classified mature trees within the site of Precinct E and Wetland 6 as scattered planted trees that do not represent a threatened community or provide significant habitat for any threatened species.</p> <p>Wetland 6 has partly been formed during recent bulk earthworks. The depression has standing water and has been colonised by a variety of native sedges observed from the boundary including <i>Typha orientalis</i> (Bullrush). Ideally this will not require removal for further earthworks and native vegetation and fauna habitat will remain. In the event that further earthworks are required to achieve the stormwater design specifications pre clearance surveys will be required prior to any clearing of vegetation colonising</p>

		the wetland and a process will be required in the conditions to minimise the risk of harm to fauna.
6.9	<p>Essential Services</p> <p>Development consent must not be granted for development unless the consent authority is satisfied that services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access. 	<p>The development site is able to be serviced by all required essential services.</p> <p>Sydney Water advise that they have a water and wastewater strategy for the Shell Cove Boat Harbour Precinct and do not raise any objection to the proposal. Detailed drinking water and waste water requirements will be provided to the proponent on application to a section 73 Compliance certificate prior to development commencement. Relevant conditions form part of the schedule of draft conditions of Attachment 1.</p> <p>Endeavor Energy raise no objection to the subdivision in the provision of electricity infrastructure to meet future electricity loads. Endeavor Energy also have provided general advice regarding protected assets and these general guidelines will be provided to the applicant under separate cover.</p> <p>Vehicular access and stormwater management have been discussed earlier and form an integral part of the proposal.</p>

4.4.2 Section 79C(1)(a)(ii) – any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

There are no draft instruments applicable to the proposal.

4.4.3 Section 79C(1)(a)(iii) – any development control plan

With regard to Precinct E *Shellharbour Development Control Plan 2013* (SDCP) applies to the development only insofar as where the Concept Plan Approval (CPA) is silent however, where there is an inconsistency between the DCP and CPA, the CPA will prevail.

The Northern Lands lie outside the CPA area and the SDCP applies.

Technical assessments of the proposed subdivision against relevant provisions of the SDCP are detailed earlier in this report. The proposal is able to satisfy relevant objectives and the development provisions that underpin these objectives, subject to conditions. Relevant conditions form part of the draft schedule of conditions of **Attachment 1**.

4.4.4 Sections 79C(1)(a)(iiia), (iv), (v) – any planning agreement entered into under Section 93F or any draft planning agreement that a developer has offered to enter into under Section 93F, the Regulations, any coastal zone management plan

No planning agreement under Section 93F applies to the site or any draft planning agreement. No coastal zone management plan applies to the development site. With regard to the Regulations, the proposal will be subject to relevant prescribed matters.

4.4.5 Section 79C (1)(b) – the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

The proposal has the potential to result in adverse impacts as discussed elsewhere in this report. These impacts are capable of being mitigated by conditions of consent (eg soil and erosion controls) or can be considered to result in minimal impact within reasonable/acceptable limits.

4.4.6 Section 79C (1)(c) – the suitability of the site for development

The site suitability has been discussed throughout this report.

The site is suitable for the proposed development subject to the imposition of the recommended conditions on any development consent granted for the proposal as contained in the draft schedule of conditions of **Attachment 1**.

4.4.7 Section 79C (1)(d) – any submissions made in accordance with the Act or the Regulations

One submission was made to Council regarding the proposed development.

The submission does not object to the development proposal rather it draws Council's attention to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 and SLEP 2013 Clause 6.11 Development within the transition zone.

The proposed site does not have proximity to the hard rock quarry at Bass Point and is some 800m at its closest point to land identified as 'Transition Area' on the Mineral Resource and Transition Areas Map. As the development site is not mapped as 'Transition Area', clause 6.11 does not apply to the proposal. The proposal is unlikely to undermine the existing operation of the quarrying of the state significant resource.

4.4.8 Section 79C (1)(e) – the public interest

The proposed development:

- will increase the supply and diversity of housing in a coastal environment and will contribute to supporting the future Shell Cove commercial precinct,
- will provide employment and economic benefits to the local community and region during the construction stage of the development,
- is consistent with the relevant statutory requirements, development controls and planning objectives, and
- the proposal is consistent with the Concept Plan Approval.

Accordingly, development consent of this proposal will not undermine the public interest subject to appropriate conditions being imposed on any development consent.

5 Recommendation

That conditional development consent is granted to Development Application No. 118/2017 (JRPP No. 2017STH0010) for Torrens title subdivision comprising of 58 residential lots, eight (8) superlots, three (3) public reserves and three (3) residue lots at Lot 2056 in DP 1203745 and Lots 4003 & 4004 in DP 1235539 Harbour Boulevard, Shell Cove.

The recommended conditions are detailed in **Attachment 1**.

6 Attachments

Attachment 1 – Draft Schedule of Conditions

Attachment 2 – Spatial distribution of lot types

Attachment 3 – Site photos

Attachment 4 – Site analysis

Attachment 5 – Concept Approval – Open Space & Sophia Park Detail

Attachment 6 – Road Network – Proposed & Concept Approval

Attachment 1 – Schedule of draft conditions

This development consent has been divided into different parts according to where, during the development process, each condition may be most relevant. Some conditions may be appropriate to more than one part. All conditions must be complied with.

PART A - ADMINISTRATIVE CONDITIONS

1 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:

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

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

2 Prescribed Conditions

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

3 Development in Accordance with Plans

The development must be in accordance with the following approved Development Application plans and documents as endorsed by Council's stamp except where modified by conditions of this consent. Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions will take precedence to the extent of the inconsistency.

Name of Plan/Document	Prepared By	Reference	Date
Subdivision Plans	-	D216137 Sheets 1-4 of 5	Undated Received 12.09.2017
		D216137 Sheet 5 of 5	01.12.2017
Staging Plan	-	-	Received 25.07.2017
Boat Harbour Precinct E Designated Bin Collection Locations	WorleyParsons	Road 22 & 16 301015-03163-CI-DSK-7600	15.08.2017
		Road 21 301015-03163-CI-DSK-7601	28.08.2017
Precinct E & Wetlands 6 Landscape & Boundary Walls	GroupGSA	Cover sheet 13294 EW- 0000 Issue B	
		General Arrangement 13294 EW- 1100 Issue D	
		Details 13294 EW- 4003 Issue A	

JRPP No. 2017STH0010
 Development Application No. 118/2017
 Lots 4003 & 4004 DP 1235539 & Lot 2056 DP 1203745, Harbour Boulevard Shell Cove

Name of Plan/Document	Prepared By	Reference	Date
		W6 General Arrangement 13294 EW- 1200 Issue F	28.02.2017
		W6 Section 13294 EW- 3001 Issue B	21.02.2017
		Boundary Wall Details 13294 EW- 4001 Issue C	28.02.2017
		Boundary Wall Details 13294 EW- 4002 Issue C	
Waste Management Plan	Australand Corporation (NSW) Pty Ltd	-	17.03.2017
Boat Harbour Precinct E Cut and Fill Bulk Earthworks Plan	WorleyParsons	- 301015-03163-CI-DSK-7002 – Revision E	05.09.2017
Boat Harbour Precinct E Grading Plan	WorleyParsons	301015-03163-CI-DSK-7001 – Revision J	22.09.2017
Boat Harbour Precinct E – Stormwater Concept Plan	WorleyParsons	301015-03163-CI-DSK-7015– Revision E	01.09.2017
Shell Cove Precinct E, Wetland 6, Wetland 7 and Northern Lands Flood Assessment	Advisian WorleyParsons Group	301015-03163	25.09.2017
Acid Sulfate Soil Management Plan Precinct E, Northern lands, WL6 and WL7 Shell Cove	Coffey Geotechnics Pty Ltd	GEOTWOLL02058CH-AA Rev 3	13.02.2017
Erosion and Sediment Control Plan & Details	WorleyParsons	301015-03163-CI-DSK-7016	01.09.2017
		301015-03163-CI-DSK-7017	13.12.2016
Acoustic Requirements Letter	Wilkson Murray	05032-CP	31.07.2017

Compliance with Notations on Drawings

Works must comply with any annotations on the approved plans.

NSW Department of Primary Industry - Water

The development must comply with General Terms of Approval and advice of the DPI - Water, as contained in their letter dated 27 May 2017, consisting of five (5) pages, and which forms part of this Notice of Determination.

Staging of Development

The development shall be generally staged as follows:

Stage	Development
1	includes the 58 residential lots, 2 superlots for future medium density housing development and those roads highlighted in yellow on the Staging Plan
2	includes 6 superlots for future medium density housing development and the roads highlighted in green on the Staging Plan
3	includes Wetland 6 and the road highlighted in pink on the Staging Plan.

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

PART B - PRIOR TO ISSUE OF SUBDIVISION CONSTRUCTION CERTIFICATE

Amendments to Approved Plans

The amendments described below must be incorporated in the overall development and must be reflected in any plans prepared for the purpose of obtaining a Construction Certificate:

- a. The fence along the secondary frontage of Lots 5058 - 5041 must incorporate a gate and Lots 5042 – 5044 should incorporate a gate subject to public reserve landscape. The gate design and materials shall integrate with the design and materials of the fence as shown on the approved plans.
- b. Where the Road 11 (north) off-road concrete pad to be provided for the GPT service truck encroaches on the pedestrian-cycle shareway path it must be ensured that there is a minimum unobstructed width of 1m to allow uninterrupted movement of shareway path users. If the parking pad encroaches onto the shareway path, it is to be suitably linemarked and signed to indicate its purpose (for example, 'service vehicle parking').

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.

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 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.

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 Soil and Water Management Plan (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.

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 19m articulated 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.

Road Design – Waste Collection

Roads terminating with T-Head must be designed to enable a 12.5m heavy rigid vehicle to enter and exit in a forward motion in a maximum three point turn. The 12.5m heavy rigid vehicle swept paths must show that waste collection services can be provided for those dwellings located in a T head and still comply with the requirement that the waste collection vehicle will not make more than one reverse movement. Details demonstrating compliance with this condition must be submitted with application for a Subdivision Construction Certificate for approval by the Certifying Authority

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*.

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 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. Step irons are to be at 300mm interval spacing from bottom of pit. Top step is to be a minimum 500mm below top surface level. Details to this effect must be incorporated on the detailed drainage design that is submitted to the Certifying Authority for the Subdivision Construction Certificate.

Flooding

The plans submitted with the Subdivision Construction Certificate application for the development must comply with the following restrictions to the satisfaction of the Certifying Authority:

- a. Building envelopes must be provided at a level equal to or greater than the Flood Planning Level, in accordance with the approved Shell Cove Precinct E, Wetland 6, Wetland 7 And Northern Lands Flood Assessment, dated 25 September 2017.
- b. An engineer's certificate certifying that the proposed pedestrian bridge over wetland 6 and the Road 11 road bridge are designed to withstand the forces of floodwaters, debris, submergence and buoyancy up to and including the Probable Maximum Flood level of 5.0 m AHD. The soffit level of both bridges must have a clearance of 500mm above the 1%AEP Flood Level.

Retaining Walls

Retaining walls that exceed 600mm in height must be designed by a practising structural engineer and a Construction Certificate must be obtained prior to the commencement of work on the retaining wall.

All retaining walls must be constructed of masonry materials. All retaining walls must be located within a residential lot, including the proposed retaining walls along the frontage to Harbour Boulevard and the reserve connecting to Road 16. Retaining wall details to be submitted with the Construction Certificate.

Controlled Activity Approval

A controlled activity approval for any works or activity on water front land must be obtained from DPI - Water prior to the issue of a Subdivision Construction Certificate for works or activity on waterfront land.

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.

Landscape & Street Tree Plan

A detailed landscape and street tree plan prepared by a Landscape Architect must be submitted with the Subdivision Construction Certificate. In addition to a soft copy, one hard copy is to be provided. The plan must be prepared in accordance with the *Shellharbour Development Control Plan* and the requirements provided in the table below:

Item	Landscape considerations/requirements
General	<ul style="list-style-type: none"> The use of decomposed granite is not acceptable within the Shellharbour LGA area. An alternative material is to be used. The Landscape plan must exclude all species listed as 'unsuitable' in Appendix 7 of the <i>Shellharbour Development Control Plan</i>. For example, <i>Cupaniopsis anacardioides</i> (Tuckeroo) and <i>Rhaphiolepis indica</i>, (Indian Hawthorn) are to be excluded as these species are considered environmental weeds.

Plant Schedule – Shrub Mix S1	Omit the use of <i>Acacia longifolia sophorae</i> – environmental weed within the Shellharbour LGA
Shareway Landscape	<ul style="list-style-type: none"> Omit S1 within fork points of the shareway and replace with suitable species with growth habit that allows for easy surveillance and maintenance. The use of the combination of bioretention plants M1 and shrub S1 planting within the landscape beds in close proximity to shareway and proposed residential lots will create surveillance and maintenance issues. Landscape area between the shareway and residential pathway and property rear boundary amongst the residential pathways is to select for aesthetic (this may include screening of future walls), surveillance and maintenance issues. Landscape planting adjacent to pathways shall ensure that there is no planting within one metre of the path, to allow for growth and ensure when growth is mature it does not extend over the pathway.
Seating Areas	<ul style="list-style-type: none"> Relocate the proposed landscape bed opposite the seating area facing onto the wetland for visual viewing and surveillance issues or relocate seating area.
Macrophyte Plant Species & Works	<ul style="list-style-type: none"> Omit the use of the plant species <i>Phragmites australis</i> and <i>Typha domingensis</i> as these species create choking of waterways. The plant species <i>Juncus amabilis</i> should be replaced with the plant species <i>Juncus usitatus</i>. Wetland species/design should consider the solar impacts of approved building height controls for development on adjoining lands. Include the incorporation of piled rocks of a variety of sizes and logs amongst all areas of planted macrophytes within Wetland 6 to provide additional habitat for native fauna including frogs and reptiles.
Street Landscape	<ul style="list-style-type: none"> Omit any mixed planting adjacent to any pram ramp or pedestrian access to maximise motorist/pedestrian visibility. Replace with either turf or a ground cover with a mature height of 300mm. PM2 planting mix to be listed in the plant schedule. Omit the use of the tree species <i>Cupaniopsis anacardioides</i>. This species is creating havoc with self-seeding in our native bushland by bird dispersal.
Fencing & Public Reserve	Fencing adjoining the public reserve, Lot 5059, shall incorporate openings and masonry elements. The siting of private open space areas of the dwellings on lots that adjoin the public reserve may limit the open element of the fence to forward of the front building line. Landscape beds shall be provided between the fence and reserve so as to soften the boundary interface. Species selected will be suitable for partially screening any sections of solid fencing and blank walls of any zero lot line buildings; this measure will also reduce graffiti risk.

Landscape Plan Construction Certificate Assessment

The developer must lodge with Council a fee as per Council's *Fees and Charges* for the assessment of the landscape plan prior to the issue of the Landscape Construction Certificate.

Street Tree and Landscape Inspection Fees

The developer must lodge with Council prior to the issue of the Subdivision Construction Certificate inspection fees in accordance with Council's *Fees and Charges* for:

- street tree and landscape works certification inspections, and
- street tree and landscape handover inspections following completion of the maintenance period.

PART C - PRIOR TO COMMENCEMENT OF WORKS

Unexpected Finds Contingency

An unexpected finds protocol for contamination must be prepared for the proposed works by a suitably qualified professional and submitted to the Certifying Authority prior to the commencement of works. The unexpected finds protocol should include procedures and protocols for managing risks should unexpected finds of contamination be identified at the site.

Aboriginal Heritage Induction

The applicant must ensure that the construction/project supervisors are fully informed and briefed with respect to the Consent and Aboriginal Heritage Permit (AHIP) No. 2534.

Prior to any works commencing on the land all staff, contractors and sub-contractors working on site must be inducted on Aboriginal Heritage implications and must sign acknowledgement of having received and understood this induction. This induction record must be retained on site for the duration of the construction works.

Site Meeting with Council

A site meeting with Council's Engineer, the applicant and the contractor must be held not less than 7 days prior to the commencement of work on site.

Soil and Water Management Plan Implementation (SWMP)

The measures required in the Soil and Water Management Plan approved by the Certifying Authority must be implemented prior to the commencement of works.

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/brief for construction workers, sub-contractors and supervisors to ensure that the Construction Traffic Management Procedures are adhered to at all times.

Construction Environmental Management Plan (CEMP)

Prior to the commencement of works, a CEMP must be submitted to and approved by the Certifying Authority. The CEMP must include but is not limited to:

- Sediment and erosion controls,
- Acid sulphate soils protocols,
- Management of fuels and chemicals,
- A contaminated lands including unexpected finds and asbestos protocols,

- Construction noise controls,
- Dust control measures,
- Cultural Heritage stop work protocol, and
- Native fauna protection measures.

a. Construction Noise

Measures to minimise disturbance to nearby residents from construction noise are to be detailed. The noise management level for works during standard hours is background + 10 dB(A). Above this, all feasible and reasonable work practices will be implemented, as defined in the *Interim Construction Noise Guideline* (Office of Environment and Heritage (formerly DECC), 2009). For works outside standard hours, the noise management level is background + 5 dB(A). Any works causing a highly noise-affected level of LAeq 75 dB(A) (represents the point above which there may be strong community reaction) must implement feasible and reasonable ways to reduce noise, such as restricting the times of very noisy works to provide respite to affected residences.

Site Management Plan

Prior to the commencement of works, the applicant 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. sediment and erosion control measures as per Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' also known as the 'Blue Book' or subsequent revisions,
- 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.

Sydney Water Servicing

Application for a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be made to Sydney Water Corporation prior to the commencement of works.

Application must be made through an authorised Water Servicing Coordinator. For assistance visit www.sydneywater.com.au > *Plumbing, building and developing* > *Developing* > *Land development* or telephone 13 2092.

Dilapidation Report

The beneficiary of the consent is to prepare a Dilapidation Report of any existing damage to public

areas in the vicinity of the development site. The report must be supported with suitable photographic records. This information must be submitted to Council prior to the commencement of work.

Public Liability

Where occupation of and/or works within Council's road reserve are proposed, the beneficiary of this consent 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.

PART D – DURING CONSTRUCTION WORKS

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.

Precinct E Urban Design Guidelines

All works are to be consistent with the *Precinct E1 and E2 Urban Design Guidelines* where relevant. Where there is an inconsistency between these urban design guidelines and the conditions of this consent, the conditions will take precedence to the extent of the inconsistency.

Aboriginal Heritage

The applicant must ensure that the works have been undertaken in accordance with the Consent and Aboriginal Heritage Permit (AHIP) No. 2534. It is essential that works or vehicle movements do not occur in the immediate vicinity of registered Aboriginal site AHIMS 52-5-207.

The applicant must undertake works in accordance with the Approved Archaeological and Heritage Protection Plans (Protection Plans) and the ss87/90 Consent and Permit (No. 2534). The applicant must detail measures that have been taken to ensure compliance with the Conditions outlined within the Consent/Permit and the Protection Plans.

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.

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:

- 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.

Construction Environmental Management Plan (CEMP)

Management actions detailed in the CEMP must be implemented throughout construction works.

Open or Occupy a Roadway or Footpath - Section 138 Roads Act 1993

Prior to any physical works within Council's road reserve in such as (but not limited to) installing a driveway or connecting stormwater facilities, you will need to apply for approval under Section 138 of the *Roads Act 1993*. Fees are payable in accordance with Council's *Fees and Charges*.

To lodge your application you will need to submit the following information:

- a. detailed engineering drawings of the proposed works in the road and footpath area,
- b. a Traffic Management Plan,
- c. provision of Public Risk Insurance, and
- d. details of timing and length of works.

Acid Sulfate Soils Management Plan

In the event that acid sulphate soils are encountered during works, management actions detailed in the Coffey (Feb 2017) Acid Sulphate Soil Management Plan must be implemented.

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*.

Lots and Site Filling

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

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.

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 be in accordance with the approved Cut and Fill Bulk Earthworks Plan.

Retaining Walls

All retaining walls must be located wholly within the property, including footings and agricultural drainage lines. This may require the wall to have a boundary setback of at least 200mm. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.

The maximum height of a retaining wall must not exceed 1.0m above the finished surface level.

No part of a retaining wall structure is to encroach on land proposed to be dedicated to Council.

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*.

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.

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.

Waste Collection – Signposting & Line Marking

No Parking signs must be installed at the end of Road 21, in the T-Head of Roads 16, 17 and 21 and on the approach to the T-Head of these roads as notated on the approved 'Bin Collection' plans.

Street Tree Installation

Street tree installation the developer must be deferred until 70% of dwellings are developed to prevent damage and destruction to street trees throughout the dwelling construction phase.

Street Trees

Prior to the issue of the subdivision certificate one tree per lot and two per corner lot must be planted on the Council footpath reserve, as follows:

- a. tree species to be approved by Council,
- b. must be set back a minimum 900mm from the back of the kerb or midway between the footpath and kerb,

- c.. rootbarrier must be installed adjacent to the back of the kerb & gutter and the concrete pavement as per the manufacturer's specifications,
- d. a minimum 1000mm width x 1500mm depth timber edging installed at the base of the tree constructed from the back of the kerb,
- e. 2 x hardwood stakes with 50mm Hessian ties, fixed in a figure 8, to support each tree, and
- f. minimum 75mm depth of organic mulch applied a minimum 600mm diameter surrounding the base of the trunk.

Street Tree Planting Distances

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

- a. a minimum 2.0m either side of a driveway or vehicular crossing, services, signage and stormwater outlet/pit,
- b. minimum 3.0m from street light posts, and
- c. minimum 15m from pedestrian crossing and traffic signals.

Footpath & Shareway

Footpaths must be constructed in accordance with Council's specifications and be located in accordance with the *Precinct E1 and E 2 Urban Design Guidelines* unless otherwise approved by Council. Shareways are to be provided for the Lot 5059 public reserve and wetland 6.

PART E - PRIOR TO OCCUPATION

Not Applicable

PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Final Plan of Subdivision

Prior to the release of the final plan of subdivision, it will be necessary to obtain a Subdivision Certificate from Shellharbour City Council. 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".

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.

Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation and submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Section 94 Contributions

A contribution of \$673,361.10, subject to annual indexation, must be paid to Council towards the provision of public amenities and public services prior to the issue of the Subdivision Certificate for each stage as shown on the table below. This amount has been calculated in accordance with Shellharbour City Council's *Section 94 Contributions Plan 2016 Amendment 1* dated 8 March 2017 in the following manner:

Stage	Precinct 2, Shellharbour	Less Credit C1.26 Passive Open Space Embellishment	Total Section 94 Contribution
1	\$658,114.33	(\$45,967.88)	\$612,146.45
2	\$65,811.43	(\$4,596.78)	\$61,214.65
Total	\$723,925.76	(\$50,564.66)	\$673,361.10

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

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 AUSTROADS at the time of issue of this consent.

At the time immediately prior to all 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.

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.

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,
- 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.

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.

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,
- 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.

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.

Services & 88B Instrument

Lots affected by new or existing utility 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 provider.

Restrictions, covenants and/or easements are to be placed on title that address the following:

- a. Acoustic attenuation measures for all lots within 40m of Harbour Boulevard as detailed in Wilkinson Murray letter dated 31 July 2017 for lots 5045-5058 and superlots 5064, 5067 and 5068.
- b. The owner/occupier of Lots 5032, 5038, 5039, 5045, 5046, 5058, and 5067 must present waste receptacles for the collection of waste at the kerb in accordance with the approved Designated Bin Collection Area Plans. Designated waste receptacle location for kerbside collection must be suitably notated on the deposited plan and land title of affected lots in accordance with the approved Designated Bin Collection Location Plans (refer condition 3) for Lots 5032 and 5058 on Road 16, Lots 5038, 5039, 5045 and 5046 on Road 22, and all future lots of superlot 5067 on Road 21. The future lot at the end of Road 21 must present bins at the adjoining boundary to allow adequate space for collection. The designated bin area for Lots 5039 and 5046 located on the road reserve within the frontage of Lots 5040 and 5047 respectively must be suitably notated on the deposited plan and land title of Lots 5040 and 5047.
- c. Any retaining wall required to retain building envelopes with a Flood Planning Level in accordance with the approved Shell Cove Precinct E, Wetland 6, Wetland 7 And Northern Lands Flood Assessment, dated 25 September 2017 (refer condition #) must be protected and must not be altered, damaged or interfered with.

Utility services – Electricity

Prior to the release of the Subdivision Certificate for the development written advice must be submitted to the Principal Certifying Authority that all requirements for the supply of electricity to the proposed allotments have been satisfied from the relevant electricity provider.

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*.

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

Completion of Landscape Works

All landscape works must be carried out in accordance with the approved Landscape Plans prior to the release of the Subdivision Certificate. Any variations to the Plan must be authorised by Council in writing before any changes are made/installed.

Landscape Inspection

All landscape works excluding street trees must be inspected by Council prior to the issue of the Subdivision Certificate. Council will need to be notified for the landscape inspection.

Repairs to Public Infrastructure

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

Completion Certificate

Prior to the issue of a Completion Certificate by the Certifying Authority, the applicant must submit satisfactory Works As Executed Plans, CCTV of stormwater drainage and evidence of all other testing and construction works in accordance with the approved Construction Certificate plans and Council's *Subdivision Design Code*.

The Completion Certificate must be requested by the applicant in writing.

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.

Release of Certificate

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

This condition excludes verge landscape works as the planting of street trees and verge turfing is to be deferred until 70% of dwellings have been constructed.

PART G - AFTER ISSUE OF SUBDIVISION CERTIFICATE

Road & Drainage Works Maintenance Period

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. All works must be maintained in their original construction condition for this liability period. The developer must notify Council for a re-inspection at the end of the maintenance period.

Landscape Maintenance Period

To ensure establishment of the landscape, the completed landscaping works must be maintained for a 24 month period following the issue of the Subdivision Certificate. It is the responsibility of the beneficiary of the consent to ensure that any defective landscaping and/or plantings are

rectified/replaced at the conclusion of the maintenance period in accordance with the approved landscape plan.

Street Tree Inspection

To ensure establishment of the street trees, the completed street tree installation works must be maintained for a 12 month period following the issue of the Subdivision Certificate. It is the responsibility of the developer to ensure that any defective street tree installations shall be rectified/replaced at the conclusion of the maintenance period in accordance with the approved landscape plan.

Street Tree Inspection

All street trees must be inspected by Council prior to the commencement of a 12 month maintenance period. It is the responsibility of the developer to notify Council for the street tree inspection.

Street Tree Handover

A street tree handover inspection is required to be carried out by Council with the developer at the completion of the 12 month maintenance period providing the street trees have remained in a satisfactory condition. In the event that the street trees are found damaged, dying or removed, a further inspection will be required to inspect all remedial work prior to handover.

Wetland Management Plan

Prior to handover of ponds, a wetland management plan must be prepared to the satisfaction of Council.

PART H – OTHER APPROVALS

NSW Department of Primary Industry – Water

Where there is an inconsistency between the General Terms of Approval (GTAs) for works requiring a controlled activity approval and the conditions of this consent, the GTAs will take precedence to the extent of the inconsistency.

JRPP No. 2017STH0010
Development Application No. 118/2017
Lots 4003 & 4004 DP 1235539 & Lot 2056 DP 1203745, Harbour Boulevard Shell Cove



**Department of
Primary Industries
Water**

Contact: Jeremy Morice
Phone: 02 4224 9736
Fax: 02 4224 9740
Email: jeremy.morice@dpi.nsw.gov.au

Our ref: 10 ERM2017/0420
Our file:
Your ref: DA118/2017

The General Manager
Shellharbour City Council
PO Box 155
Shellharbour City Centre NSW 2529

Attention: Victoria Nicholson

27 May 2017

Dear Madam

**Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA118/2017**

**Description of proposed activity: Shell Cove - Precinct E, Wetland 6 & Northern Lands
Site location: Lot 8032 1072187 Lots 2055 & 2056 DP 1203745 Boolwaroo Pde and
Harbour Boulevard Shell Cove**

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find DPI Water's (formerly the NSW Office of Water) General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, DPI Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- DPI Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, DPI Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

-2-

- DPI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- DPI Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, DPI Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to DPI Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date DPI Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from DPI Water's website:

www.water.nsw.gov.au [Water licensing](#) » [Approvals](#) » Controlled activities

DPI Water requests that Council provide a copy of this letter to the applicant.

DPI Water also requests that Council provides DPI Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



Jeremy Morice
Water Regulation Officer
Water Regulatory Operations, Water Regulatory Operations South
NSW Department of Primary Industries – DPI Water

General Terms of Approval

**for work requiring a controlled activity approval
under s91 of the *Water Management Act 2000***

Number	Condition	File No:
Site Address:	Lot 8032 1072187 Lots 2055 & 2056 DP 1203745 Boolwaroo Pde and Harbour Boulevard Shell Cove	
DA Number:	DA118/2017	
LGA:	Shellharbour City Council	
Plans, standards and guidelines		
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA118/2017 and provided by Council:</p> <ul style="list-style-type: none">(i) Statement of Environmental Effects(ii) Stormwater and Water Cycle Management Plan(iii) Landscape Plan(iv) DA Plans and Drawings <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.</p>	
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>	
3	<p>The consent holder must prepare or commission the preparation of:</p> <ul style="list-style-type: none">(i) Construction Detailed Drainage Plans(ii) Soil and Water Management Plan(iii) Final Landscape Plan	
4	<p>All plans must be prepared by a suitably qualified person and submitted to the DPI Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water's guidelines located at www.water.nsw.gov.au/ Water-Licensing/Approvals.</p> <ul style="list-style-type: none">(i) Vegetation Management Plans(ii) Laying pipes and cables in watercourses(iii) Riparian Corridors(iv) In-stream works(v) Outlet structures(vi) Watercourse crossings	
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.</p>	

Number	Condition	File No:
Rehabilitation and maintenance		
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water.	
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.	
Reporting requirements		
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.	
Security deposits		
9	The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to DPI Water as and when required.	
Access-ways		
10	The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by DPI Water.	
11	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by DPI Water.	
Bridge, causeway, culverts, and crossing		
12	The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by DPI Water.	
13	The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by DPI Water.	
Disposal		
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.	
Drainage and Stormwater		
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.	
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.	
Erosion control		
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.	

JRPP No. 2017STH0010

Development Application No. 118/2017

Lots 4003 & 4004 DP 1235539 & Lot 2056 DP 1203745, Harbour Boulevard Shell Cove

Number	Condition	File No:
Excavation		
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.	
19	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by DPI Water.	
Maintaining river		
20	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by DPI Water.	
21	The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by DPI Water.	
END OF CONDITIONS		

www.water.nsw.gov.au

Level 0, 84 Crown Street WOLLONGONG PO Box 53 WOLLONGONG NSW 2520 Australia t (02) 4224 9744 | f (02) 4224 9740

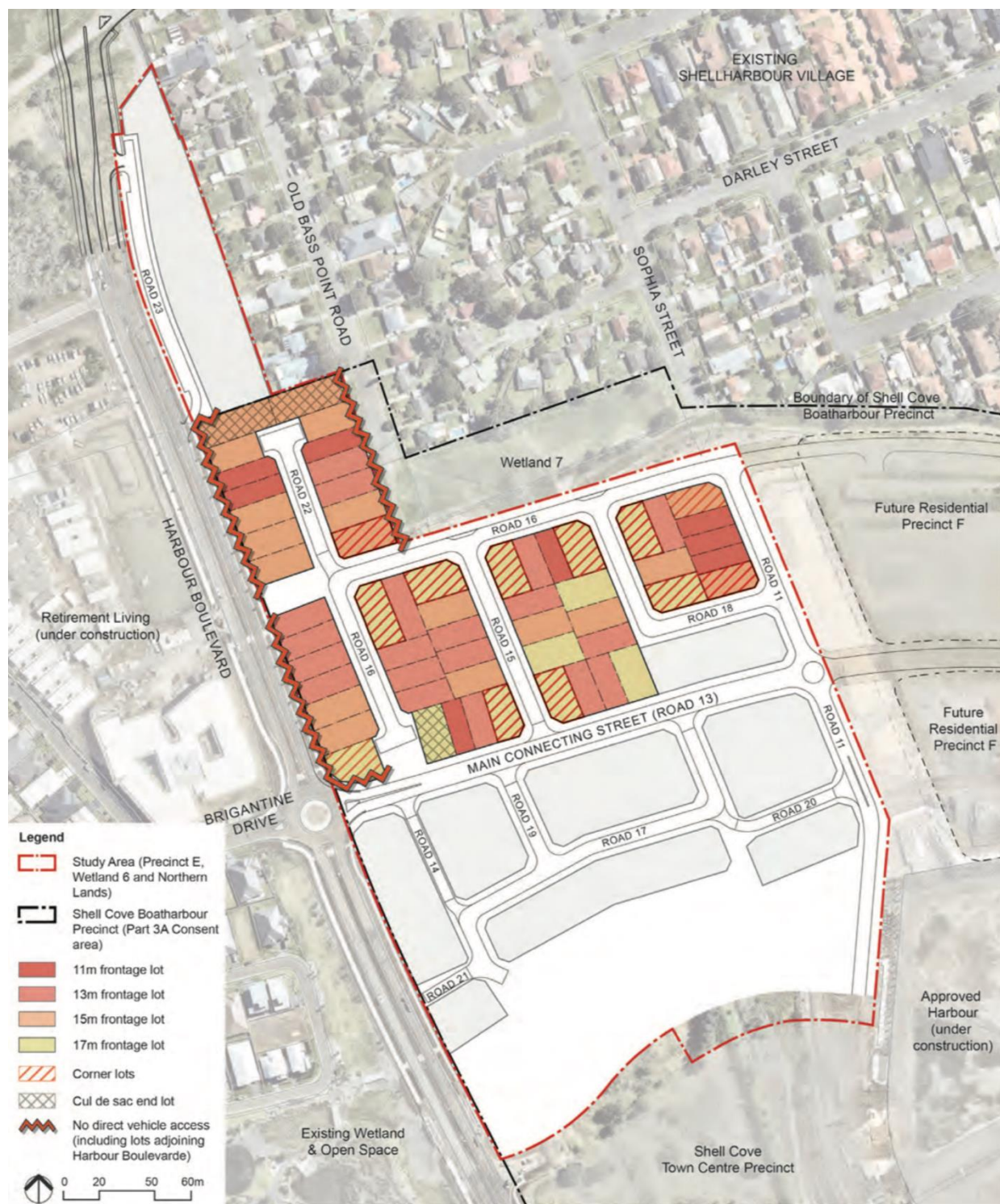
E water.enquiries@dpi.nsw.gov.au

Template Ref: CAA04 Version 1.1 – June 2015

END OF RECOMMENDED CONDITIONS

Attachment 2 – Spatial distribution of lot types

Most of the corner allotments are identified as dual occupancy sites in the Precinct E1 Urban Design Guidelines.



Source: DA Statement of Environmental Effects Figure 12

Attachment 3 – Site photos

Northern Lands – looking north. Pedestrian path along Harbour Boulevard on left hand side



Precinct E – looking south from T-head of road 22 end with Harbour Boulevard & seniors housing on right hand side



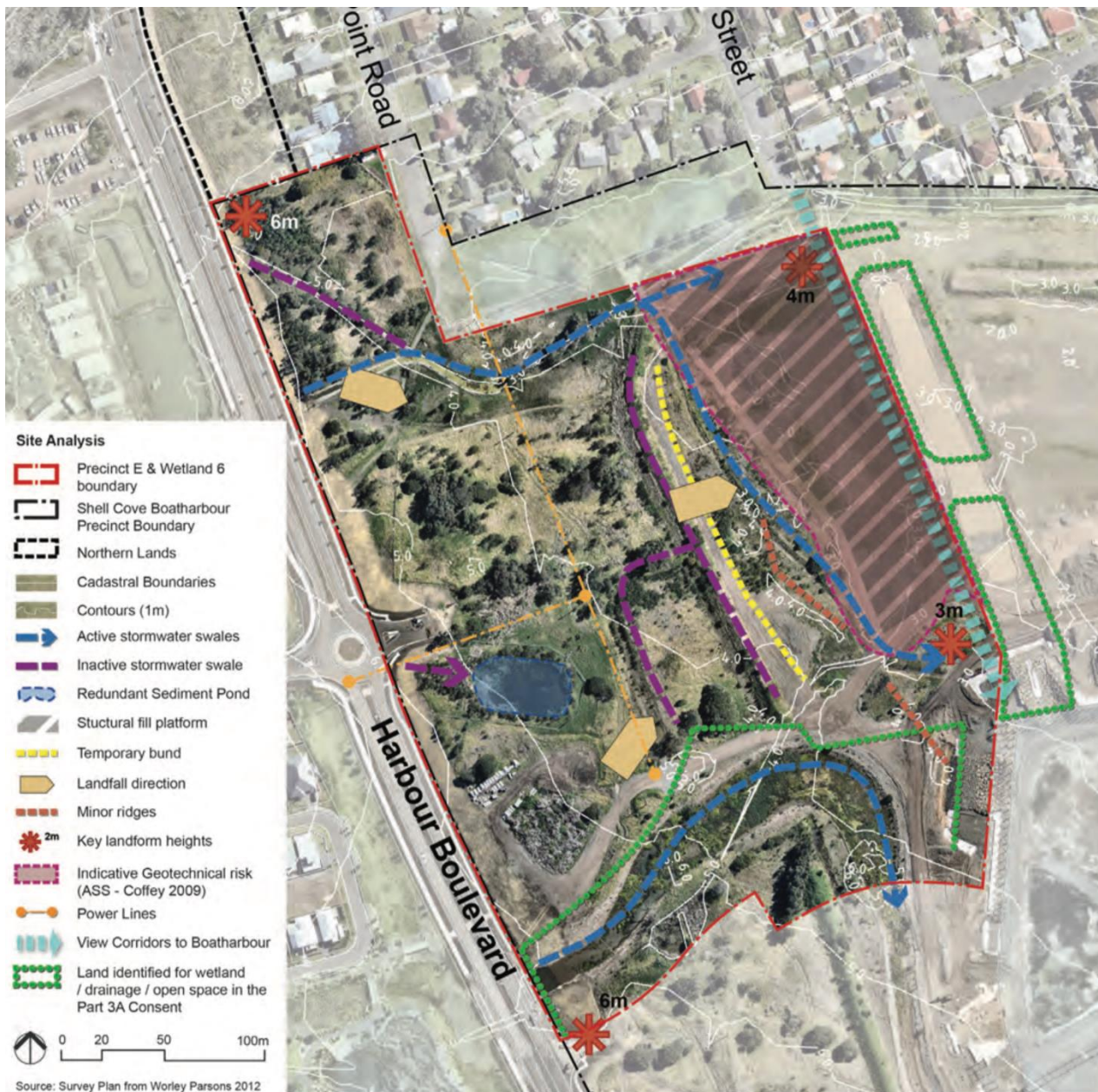
Attachment 4 – Site analysis

Northern Lands



Source: DA Statement of Environmental Effects Figure 09

Precinct E



Source: DA Statement of Environmental Effects Figure 07

Precinct E Site photo in **Attachment 3** taken near the location of the northern most red star 'key landform height' shown in the above site analysis.

Northern land Site photo in **Attachment 3** taken westward of the red star 'key landform height' shown at bottom of lot. in the site analysis of Northern Lands on previous page.

Attachment 5 – Concept Approval – Open Space & Sophia Park Detail

Sophia Park / Wetland 7 is highlighted in yellow.

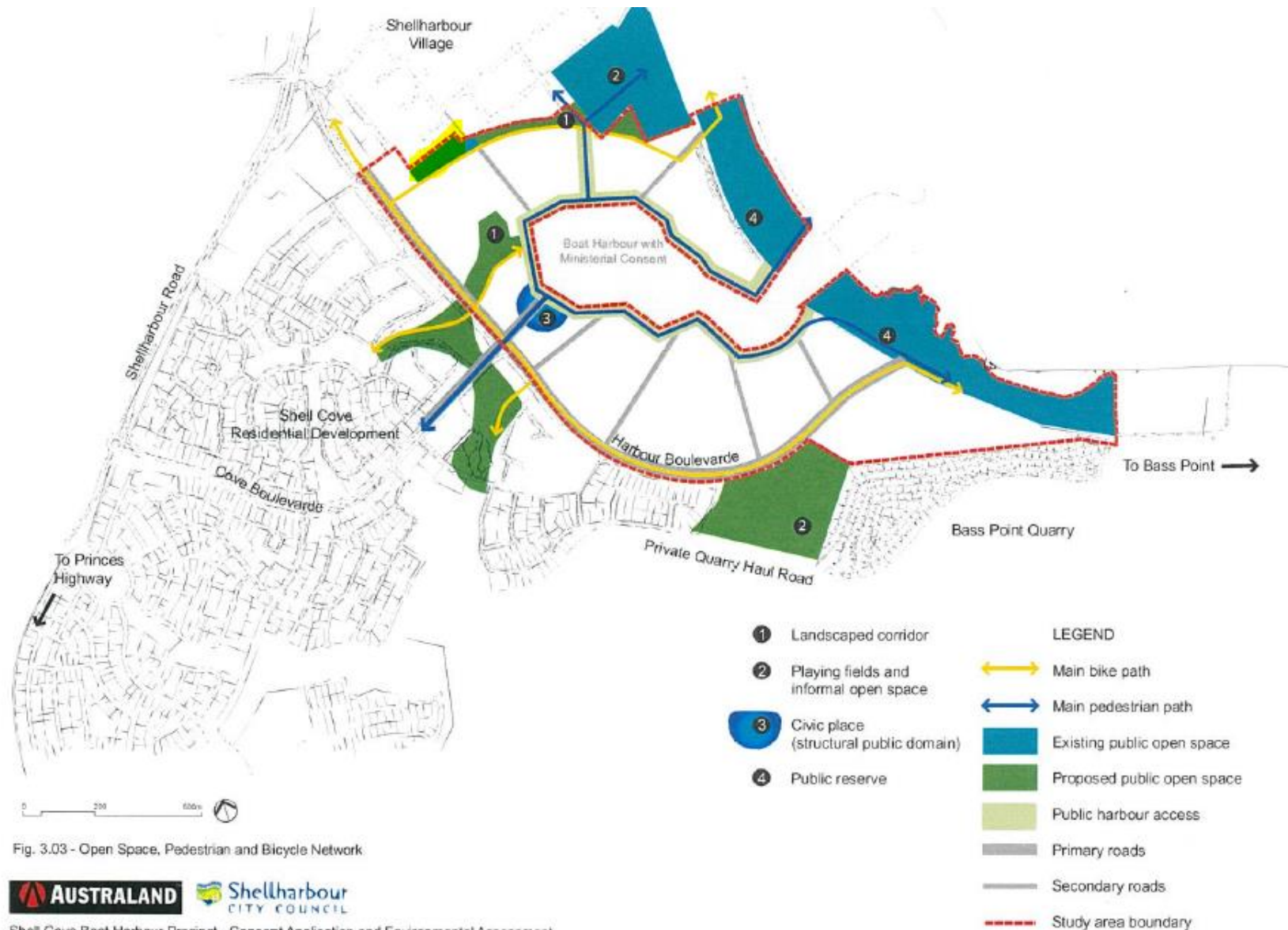


Fig. 3.03 - Open Space, Pedestrian and Bicycle Network

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 Lots 4003 & 4004 DP 1235539 & Lot 2056 DP 1203745, Harbour Boulevard Shell Cove

Location of Sophia Park play facilities highlighted in yellow.



Source: DA 198-2017 Statement of Environmental Effects Figure 15 'concept landscape plan'.

Proposed road network Source: SEE figure 16



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