

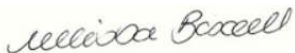


# SOUTHERN REGIONAL PLANNING PANEL

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2018STH025
<b>DA Number</b>	287/2018
<b>Local Government Area</b>	Shellharbour
<b>Proposed Development</b>	Subdivision of Land to Include nine (9) Superlots – 7 of which are Designated for Future Medium Density Integrated Housing Development and 2 for Future Residential Flat Buildings, 2 Residual Lots, Civil Infrastructure – Road Construction, Stormwater Drainage and Water Quality Treatment Devices, Earthworks, Public Domain Works Including Street Tree Planting and Footpaths Within the Subdivision. (Precincts B2 /C2 land subdivision)
<b>Location</b>	Lot 4002 in DP 1235539, Harbour Boulevard, Shell Cove
<b>Applicant / Owner</b>	Australand Corporation (NSW) Pty Ltd (Fraser's Property)/Shellharbour City Council
<b>No. of Submissions</b>	Nil
<b>Regional Development Criteria (Clause 4.5(b) of the Act)</b>	Regionally significant development pursuant to SEPP (State and Regional Development) 2011 clause 20(1) and Schedule 7 clause 3(b). The development proposal is a Council related development, as Council is the owner of the land on which the development is to be carried out, and has a capital investment value of more than \$5 million.  The proposed development has a CIV of \$6,090,646.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• SEPP (State and Regional Development) 2011 – Council related Development over \$5 million;</li> <li>• SEPP Coastal Management) 2018 – consideration of SEPP required for overall assessment;</li> <li>• SEPP 55 – Remediation of land – earthworks trigger consideration;</li> <li>• Shellharbour Local Environmental Plan 2013 is considered – Proposal is permissible with consent within zone R3 – ancillary to Marina Development and wider Shell Cove development (Under Master Plan for approved Shell Cove Boat Harbour Concept Plan (CA) 07_0027). Also considered against relevant parts of recently approved MOD 1 to the CA (MP07_0027 MOD1) and associated Urban Design Guidelines;</li> <li>• Torrens Title Subdivision specifically permissible under Clause 2.6 of SLEP 2013;</li> <li>• No draft Local Plan for consideration;</li> <li>• Shellharbour Development Control Plan 2013 (where Concept Approval /Urban Design Guidelines are silent);</li> <li>• Likely impacts;</li> <li>• Site suitability;</li> <li>• Any submissions;</li> <li>• Public Interest;</li> <li>• No planning agreement applies or is proposed;</li> <li>• Coastal Zone Management Plan gazetted in 2017.</li> </ul>

<b>List all documents submitted with this report for the panel's consideration</b>	<ul style="list-style-type: none"> <li>• Statement of Environmental Effects dated 5<sup>th</sup> November 2019 prepared by Arcadis including (updated as required);</li> <li>• Appendix A: Shell Cove Master Plan Precincts B2/C2;</li> <li>• Appendix B: Contamination –Shell Cove Precincts B2/C2;</li> <li>• Appendix C: Ecology - Shell Cove Precincts B2/C2;</li> <li>• Appendix D: Cultural Heritage Protection Plan and AHIP - Shell Cove Precincts B2/C2;</li> <li>• Appendix E: Design Drawings - Shell Cove Precincts B2/C2 (updated);</li> <li>• Appendix F: Draft Plan of Subdivision - Shell Cove Precincts B2/C2 (updated);</li> <li>• Appendix G: Traffic Impact Assessment - Shell Cove Precincts B2/C2;</li> <li>• Appendix H: Landscape and Intent Plans - Shell Cove Precincts B2/C2 (updated);</li> <li>• Appendix I: Acid Sulphate Soil Assessment and Management - Shell Cove Precincts B2/C2;</li> <li>• Appendix J: Earthwork Strategy - Shell Cove Precincts B2/C2;</li> <li>• Appendix K: Utility, Sewer and Water Services Strategy - Shell Cove Precincts B2/C2;</li> <li>• Appendix L: Stormwater and Water Cycle Management Plan - Shell Cove Precincts B2/C2;</li> <li>• Appendix M: Urban Design Guidelines - Shell Cove Precincts B2/C2– Detached Housing (updated);</li> <li>• Appendix N: Urban Design Guidelines - Shell Cove Precincts B2/C2- Medium Density &amp; Apartments (updated);</li> <li>• Appendix O: Flood Assessment - Shell Cove Precincts B2/C2;</li> <li>• Appendix P: Noise and Air Assessments – Shell Cove Precincts B2/C2;</li> <li>• Appendix Q: LEP overlay and zoning – Shell Cove Precincts B2/C2;</li> <li>• Appendix R: Community Land Boundary - Shell Cove Precincts B2/C2;</li> <li>• Appendix S: Coastal Hazards - Shell Cove Precincts B2/C2.</li> </ul>
<b>Recommendation</b>	That SRPP No. 2018STH025 (DA No. 0287/2018) be approved subject to the schedule of conditions contained in Attachment 1.
<b>Report prepared by</b>	Nancy Sample, Senior Development Assessment Officer
<b>Signature</b>	
<b>Report endorsed by</b>	Grant Meredith, Group Manager City Development
<b>Signature</b>	
<b>Report endorsed by</b>	Melissa Boxall, Director Community and Customer
<b>Signature</b>	
<b>Report date</b>	12 November 2019

<b>Summary of s4.15 matters</b>	<b>Yes</b>
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	
<b>Legislative clauses requiring consent authority satisfaction</b>	<b>Yes</b>
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	
<b>Clause 4.6 Exceptions to development standards</b>	<b>Not Applicable</b>
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	
<b>Special Infrastructure Contributions</b>	<b>Not Applicable</b>
Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	
<b>Conditions</b>	<b>Yes</b>
Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	

## Executive Summary

Development application (DA) no. 0287/2018 was lodged with Shellharbour City Council on 19 June 2018. The application seeks development consent for a Torrens title subdivision of land described as Precincts B2/C2 in the Shell Cove Boat Harbour Concept Approval.

The consent authority for the subdivision development application is the Southern Regional Planning Panel (SRPP) pursuant to clause 4.5(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The development application was publicly notified in accordance with statutory and local planning controls. No submissions were made to Council regarding the proposal.

The main issues arising from the assessment of the subdivision proposal were:

- the road widths and lot layout (addressed by amended plans);
- a subdivision layout that results in an increased number of lots capable of achieving adequate solar access (addressed by amended plans), and
- general consistency with the concept plan approval, in particular the size of lots (addressed by amended plans).

The subdivision development has been assessed under the relevant '*Matters for consideration – general*' (heads of consideration) of section 4.15 of the EP&A Act. The development is consistent with applicable objectives and provisions of relevant environmental planning instruments. The development is generally consistent with the terms of the concept plan approval that applies to the site.

The subdivision development is unlikely to result in adverse impacts on the environment or character and amenity of the locality and surrounding area subject to the imposition of the schedule of conditions provided in **Attachment 1**.

The draft conditions were provided to the proponent for review and any comments considered in finalising the schedule of conditions.

This report recommends the granting of conditional development consent to SRPP No. 2018STH025 (DA No. 287/2018) for the subdivision of land to create 9 Superlots – 7 of which are Designated for Future Medium Density Integrated Housing Development and 2 for Future Residential Flat Buildings, 2 Residual Lots, Civil Infrastructure – Road Construction, Stormwater Drainage and Water Quality Treatment Devices, Earthworks, Public Domain Works Including Street Tree Planting and Footpaths Within the Subdivision.

## Report Structure –

1. Development Description:
  - Figure 1: Shell Cove Boat Harbour Precincts B2/C2 Location Plan
  - Figure 2: Lot Descriptions and intended uses
  - Figure 3: Shell Cove Boat Precinct B2/C2 subdivision design (lot layout)
2. Context – Major Project: Shell Cove Boat Harbour Precinct Concept Plan
  - Figure 4: Shell Cove Boat Harbour Precincts B2/C2 Locality Plan
3. Context – Locality and land attributes
  - Figure 5: B2/C2 location (highlighted) in relation to contaminated land across Shell Cove (Grey areas)
4. Development Assessment – Consideration of applicable legislation
  - 4.1 *Environmental Planning & Assessment Act 1979*
    - Figure 6: Coastal zone mapping (site indicated – approximate location)
    - Figure 7: SLEP 2013 land use zones
    - Figure 8: Extract from Land Use by Precinct (MOD1)
  - 4.2 *Environmental Protection & Assessment (Savings, Transitional and Other Provisions) Regulation 2017*
    - Figure 9: CA | Extract – Land use– Figure 3.07
    - Figure 10: Extract from Design Report– MOD 1
    - Figure 11: Extract from Revised Design Report to MOD 1
    - Figure 12: Legend (with road applicable road types) marked up (stars)
    - Figure 13: Extract from 4.2 Street Networks and Types
    - Figure 14: Extracts from plans – road layout and section details with Legend
    - Figure 15: Tabular consideration of street types
    - Figure 16: Extract from 4.1 Site Access, Street and Public Domain Framework
    - Figure 17:
  - 4.3 Consultation
5. Recommendation
6. Attachments:
  - 6.1 Draft Schedule of Conditions
  - 6.2 Plan of Subdivision (pages 1-2)
  - 6.3 Precinct B2/C2 subdivision and aerial overlay
  - 6.4 Precinct B2/C2 subdivision and cadastral overlay
  - 6.5 Boat Harbour Precinct Concept Plan MP07\_0027 & MOD 1 plans
    - 6.5.1 CA –Approved Heights
    - 6.5.2 MOD 1 - Approved Spatial Arrangement

- 6.5.3 MOD 1 - Approved Mix & Yield
- 6.6 Site Photos (Taken 8<sup>th</sup> March – Access To Site Available - Further To Initial Site Inspection) (Pages 1 to 3)
- 6.7 Bulk Earthworks Cut and Fill Plan
- 6.8 Site Sections (Pages 1 to 2)
- 6.9 Concept Approval/Approved Documentation (Condition No. 2) - Indicative Dwelling Numbers & Building Typology – Page 1 of 2  
Indicative Height Per Precinct - Page 2 of 2
- 6.10 Shell Cove Boat Harbour Precinct Residential Related Development Applications

## PLANNING REPORT

### 1. Development Description

The proposed land subdivision effectively enables the development of Precincts B2 & C2 in the new residential suburb of Shell Cove.

Shell Cove is a Concept Approval (CA) development located around a Ministerially approved Boat Harbour.

The planning framework for the development of Precincts B2 & C2 is governed by the Shell Cove Boat Harbour Precinct Concept Plan which was approved in 2011 under Part 3A (since repealed) of the EP&A Act. A modification (MOD 1) under s75W of the repealed Part 3A was approved earlier this year on 18<sup>th</sup> March 2019 (MOD 1).

The relative location of Precincts B2 & C2 within the CA area is shown on the plan below.



**Figure 1: Shell Cove Boat Harbour Precincts B2 & C2 Location Plan**

Source: Statement of Environmental Effects

The subdivision proposal comprises:

- 9 superlots – 7 of which are designated for future medium density integrated housing development and 2 for future residential flat buildings – refer to Figure 2 below;
- 2 residue lots – refer to Figure 2 below;
- Civil infrastructure – road construction, stormwater drainage and water quality treatment devices;
- Earthworks;
- Public domain works including street tree planting and footpaths within the subdivision and landscape treatment to the foreshore.

The subdivision layout design can be seen in **Figure 3** and **Attachment 2**.

Lot Number	Lot Description	Comment
3000	Residue	Future Harbour Foreshore Public reserve
3001	Superlot	Future Apartment Site
3002	Superlot	Future Medium Density Site
3003	Superlot	Future Medium Density Site
3004	Superlot	Future Medium Density Site
3005	Superlot	Future Medium Density Site
3006	Residue	Future Council Operational Land
3008	Superlot	Future Apartment Site
3009	Superlot	Future Medium Density Site
3010	Superlot	Future Medium Density Site
3011	Superlot	Future Medium Density Site

TOTALS	
Number	Lot Description
0	Public Reserve
9	Superlot
2	Residue
<b>11</b>	<b>TOTAL</b>

**Figure 2: Lot Descriptions and Intended Uses**

Source: Frasers

The Statement of Environmental Effects submitted in support of the development states the anticipated dwelling yield for Precincts B2 & C2 will approximate to 275 dwellings:

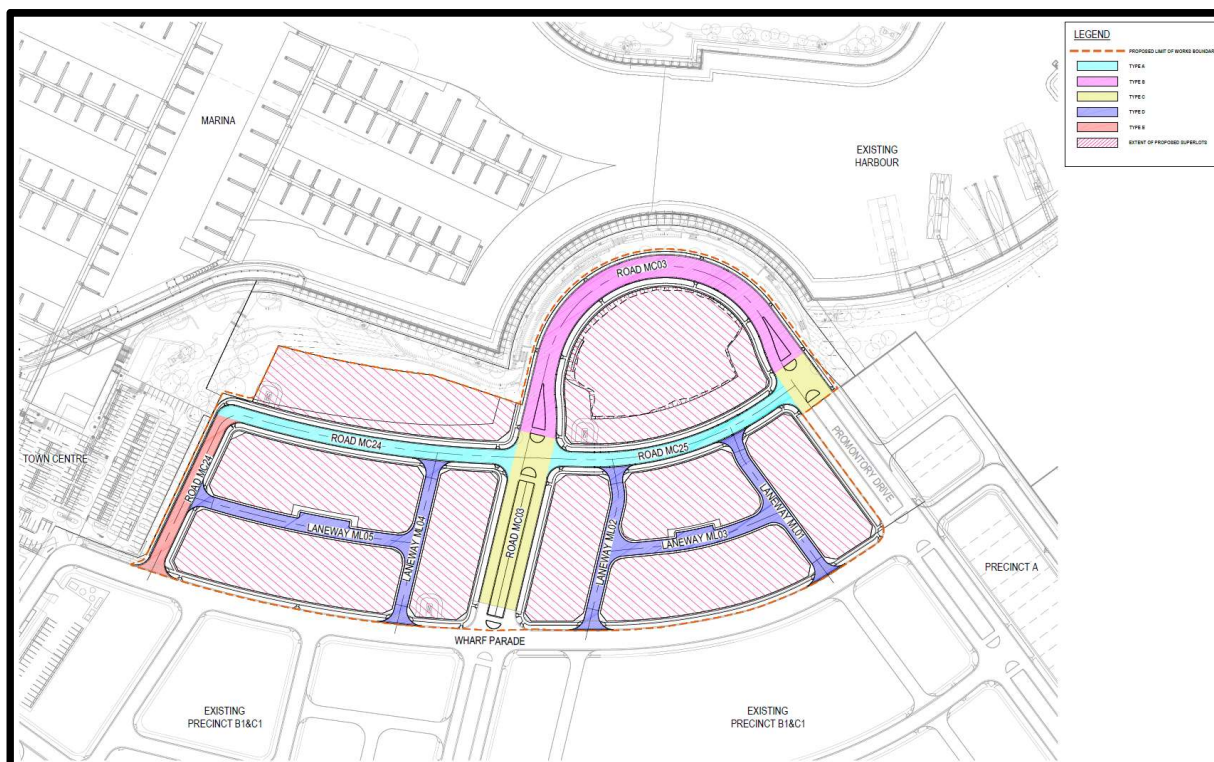
- 75 medium density dwellings; and
- 200 apartments

The future medium density **superlot** areas vary between 2010m<sup>2</sup> – 3482m<sup>2</sup>.

Individual residential dwelling allotment sizes for medium density dwellings are not nominated as part of this DA. The original plans included smaller lots which did not meet the minimum lot size by lot width requirements under the applicable Urban Design Guidelines and amended plans were submitted to remove such lot lines from the superlots as these could not be supported. Therefore, the subdivision of the superlots for medium density housing will be included with future development applications.

**Attachment 3** shows an aerial overlay of the subdivision.

**Attachment 4** shows a cadastral overlay of the subdivision.



**Figure 3: Shell Cove Boat Harbour Precincts B2/C2 Subdivision Design (Lot Layout)**  
Source: Plans

## 2. Context – Major Project: Shell Cove Boat Harbour Precinct Concept Plan

**Figure 4** (Locality Plan) shows the spatial context of Precincts B2/C2 within the Shell Cove Boat Harbour Precinct. The Boat Harbour Concept Plan (MP07\_0027), approved 15 February 2011 under Part 3A of the EP&A Act (now repealed), is a 100 hectare precinct development surrounding a boat harbour and 350 berth marina. The harbour and marina development were approved by the Minister in November 1996 and is currently under construction. It is anticipated that the filling of the harbor will begin in 2020.

The Concept Plan approval comprises of residential, commercial, industrial and open space land uses as conceptualised in **Attachment 5**. The Concept Approval approved up to 1,238 dwellings with a total gross floor area of about 150,000m<sup>2</sup> comprising single dwellings, medium density and apartments. The development of the Shell Cove Boat Harbour Precinct is a joint venture between Australand Corporation (NSW) Pty Ltd and Shellharbour City Council.

A modification under s75W of the now repealed Part 3A of the Act was lodged with the Department of Planning and subsequently approved on 18<sup>th</sup> March 2018.

The approved MP 07\_0027 MOD 1 modification includes (extract from Final Modifying Instrument dated 18<sup>th</sup> March 2019):

- a. *Up to 1,566 dwellings (previously 1,238) with a total gross floor area of approximately 150,000sqm comprising single dwellings, medium density and apartments;*
- b. *a business park with a maximum gross floor area of 30,000sqm;*
- c. *retail/commercial/hotel/community development and community facilities with a maximum gross floor area of 14,830sqm (was 22,000sqm);*
- d. *a mixed-use landmark (hotel) building of up to 11 storeys;*
- e. *public open space and wetlands; and*

*f. associated drainage, stormwater infrastructure and roads.'*

The plans and supporting documentation contained within MOD 1 also go to the following changes:

- revising housing densities and typologies across the site;
- reconfiguring the town centre layout;
- increasing the maximum building height in certain areas to permit:
  - a mixed use landmark (hotel) building up to 11 storeys in the town centre;
  - residential flat buildings up to six storeys in the town centre and on the promontory, and
  - residential flat buildings up to five storeys in other harbour waterfront locations;
- provision of a maximum building height in metres;
- adding 'serviced apartments' and 'residential accommodation' as permissible uses within the hotel building;
- introducing an additional 5,850m<sup>2</sup> land (the northern lands) within Precinct E;
- changes to the road pattern and layout;
- provision of acoustic walls in place of landscape moulds surrounding the marina commercial land use; and
- amendments to the Statement of Commitments.

The key approved changes to the CA pertaining to this DA are the increased total number of dwellings and changes to housing typology, densities and heights across the Precincts. Precinct B2/C2 has one unique element when compared to the other six residential precincts. Precinct B2 includes the only stand - alone apartment building fronting the Boat Harbour, identified in **Attachment 5**. The design concept for the B2 apartment site is included in the suite of supporting documentation for MOD 1 and the site is a distinctive 'anemone' shape and is highly conducive to an innovative coastal design.

This application for Precincts B2 / C2 is the fourth residential subdivision development to be reported to the regional planning panel. The adjoining B1 and C1 precincts have been substantially developed with the construction of detached single dwellings, dual occupancies and multi dwelling housing. The Panel approved the Precinct E subdivision to the north west of the harbour in March 2018 and to the southernmost part of the development, Precinct A in December 2018.

The Panel is also the consent authority for further residential subdivision of Precincts F and G which has been assessed and is to be considered by this Panel. The Boat Harbour town centre is now opened with the recent completion of the Stage 1 supermarket and public carpark development. **Attachment 11** refers to approved and current development applications relating to residential developments within the Shell Cove Boat Harbour development.



**Figure 4: Shell Cove Boat Harbour Precinct B2/C2 Locality Plan**

Source: Plans

### 3. Context – Locality & Land Attributes

The development site approximates 4.5 hectares in area and is located to the central section of the Shell Cove Boat Harbour Precinct. The land falls to the harbour currently under construction. The applicant explains (SEE page 4) harbour works have modified the landform of Precinct B2/C2. Photos of the development site and immediate content are provided in **Attachment 6**.

Development west of Harbour Boulevard is largely complete with the focus now shifting the precinct east of Harbour Boulevard (The Waterfront Precinct). Precincts B1 and C1 were completed in 2017. The first stage of the Town Centre retail is due to be complete in late 2018. Surrounding land use is predominantly residential with completed stages of Shell Cove to the west on the opposite side of Wharf Parade, the historic Shellharbour Village located approximately 1km to the north and the new Shell Cove Town Centre Precinct to the northwest. Killalea State Park lies further to the south of the Shell Cove development, Bass Point to the southeast and Shellharbour South Beach to the east.

Precincts B2/C2 interface with the future harbour and its perimeter promenade to the north, Precinct A to the east, Wharf Parade to its immediate south and to its west the establishing Town Centre - precinct D. The B2/C2 area has remained the same/similar area throughout DA assessment with a change to the road / laneway layout now included.

## 4. Relevant Legislative Considerations

### 4.1.1 Environmental Planning and Assessment Act 1979 (EP&A Act) – 4.15 Evaluation

In determining a development application, a consent authority is to take into consideration matters referred to in the EP&A Act section 4.15(1) 'evaluation' as are of relevance to the proposed development:

Relevant s.4.15(1) matters for this application are:

- Boat Harbour Concept Plan (MP07\_0027) & MOD 1;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 71 – Coastal Protection;
- Shellharbour Local Environmental Plan 2013;
- Shellharbour Development Control Plan 2013;
- Shellharbour City Council's Section 94 Contributions Plan (as amended);
- 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 EP&A Act & EP&A Regulation, and
- The public interest.

### Boat Harbour Concept Plan (MP07\_0027) & MOD 1

The Concept Plan (as modified by MOD 1) approval comprises of residential, commercial, industrial and open space land uses as conceptualised in **Attachment 5**. The Concept Approval (CA) approved up to 1,238 dwellings with a total gross floor area of about 150,000m<sup>2</sup> comprising single dwellings, medium density and apartments. The development of the Shell Cove Boat Harbour Precinct is a joint venture between (Australand Corporation (NSW) Pty Ltd) Frasers Australia Pty Ltd and Shellharbour City Council.

A Modification to the Concept Plan Approval (MP07\_0027 & MOD 1) was submitted to the Department of Planning and Environment (DPE) in August 2017. Under MOD 1 the revised numerical requirements allow for 250-300 dwellings to precincts B2/C2.

The applicant has addressed the Statement of Commitments requirements in the SEE submitted with this application and Council is satisfied that (subject to the imposition of conditions as recommended) the commitments have been adequately addressed.

This application proposes subdivision and civil works only and refers to potential yields in regard to dwelling number information (as envisaged by yield information provided by the proponent).

The relevant key proposed modifications to the CA under MOD 1 include:

- Increased total number of dwellings from 1,238 to 1,566, and
- Increased maximum building heights/number of storeys across each precinct.

#### 4.1.1 Section 4.15(1)(a)(i) – the provisions of any environmental planning instruments;

##### *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 regional planning panel pursuant to clause 4.5(b) of the EP&A Act. The development is regionally significant development pursuant to SEPP (State and Regional Development) 2011 clause 20(1) and Schedule 7 clause 3(b). The development proposal is a Council related development, as Council is the owner of the land on which the development is to be carried out, and has a capital investment value of more than \$5 million. The proposed development has a CIV of \$6,090,646.

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

The aim of SEPP 55 is to provide for the remediation of contaminated land for the purpose of reducing the risk of harm to human health or environment and requiring that any remediation work meet certain standards and notification requirements.



**Figure 5- B2/C2 location (highlighted) in relation to contaminated land across Shell Cove (Grey areas)**

Source: Council's GIS mapping system

A phase 2 site contamination assessment of the Boat Harbour Precinct was submitted as part of the Concept Plan application. Whilst this report concluded that a remedial action plan was required for the former golf course and a former farm structure.

On the basis of Council's maps and records, Council's Environment Officer advises that the development site is not identified as contaminated land.

Accordingly, the proposal is consistent with the aims of the Policy subject to the preparation of a Construction Environmental Management Plan. This Plan will include an unexpected finds protocol. This requirement is provided in the draft schedule of conditions provided in **Attachment 1**.

Having regard to the recent gazettal of *State Environmental Planning Policy (Coastal Management) 2018*, the former planning provisions of SEPP 71 continue to apply to the DA pursuant to clause 21(1) Savings and transitional provisions.

SEPP 71 applies to land and development within the coastal zone as defined by the *Coastal Protection Act 1979*. 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. In doing so, the development is required to be assessed under a range of considerations, including coastal foreshore access, amenity and scenic qualities, coastal hazards, cultural heritage and values, and stormwater quality.

The upper eastern section of Precincts B2/C2 are located within the coastal zone as shown in figure 6 below. The development site does not have frontage or access to the coastal foreshore. The site is not located within the sensitive coastal zone.



**Figure 6– Coastal zone mapping (site indicated – approximate location)**

Source: Council GIS mapping system

The proponent provided a coastal hazards report as required under the CA and found that:

*'The assessment of coastal hazards included in SMEC (2010) for the southern end of Shellharbour South Beach has recently been updated by Advisian on behalf of Frasers Property Australia (Advisian, 2017). Updating of the hazard assessment for this section of the beach was appropriate as the hazard lines developed in SMEC (2010) were based on information prior to construction of the Shell Cove breakwater and groyne, and additional data for the beach is now available. The results of the updated assessment have been reviewed and are considered reasonable for adoption.'*

*Accordingly, the updated hazard assessment in Advisian (2017) is included as part of this Coastal Hazards Report....*

*Coastal Councils have been advised through the Office of Environment and Heritage, and based upon advice provided by the Crown Solicitor, to “consider information on historical and projected future sea level rise that is widely accepted by competent scientific opinion” when determining local future hazards which may be affected by sea level rise....*

*In the opinion of the writer, adoption of the former NSW Government planning benchmarks is still considered reasonable for planning purposes<sup>4</sup>. These values have been included in determination of the combined erosion and recession hazard (Section 3.2) and in determination of the coastal inundation hazard (Section 3.3). Accordingly, it is considered that compliance with coastal risk planning benchmarks has been satisfactorily addressed...*

*WorleyParsons (2010) adopted the NSW Government’s then planning benchmark values for sea level rise to 2050 (0.4m) and to 2100 (0.9m) for purposes of assessing the potential impacts of climate change. As discussed in Section 4 of this letter report, these values are still considered reasonable...*

*Consent Condition Part C1 also makes reference to the possibility of more frequent and intense storms to the year 2100. While this possibility is raised in the literature, no reliable quantitative predictions currently exist for such changes. In the circumstances, given the availability of straightforward and robust adaption strategies if required, and the actual land platform levels in Precinct B2 & C2 which are well above the seawall crest level, the proposed seawall crest level of 2.0m AHD is considered reasonable.’*

The considerations above and throughout the report provided go to the consideration of any coastal issues pertaining to the proposal. The report, throughout its findings, concludes that the site will be adequately protected by the seawall to the outer harbor and the predicted water levels and dune management systems are consistent with providing for a development site that will not be inundated by water in the foreseeable future (as far as this can be predicted).

Council’s Environment Team considered the information provided and considered that there were no issues to be addressed.

The proposal is considered to be consistent with the aims and provisions of SEPP 71 as the applicable heads of consideration listed in Clause 8 and matters of Part 4 are satisfied by the development either conditionally or unconditionally, and because the design and layout is generally consistent with the terms of the Concept Plan Approval (CA).

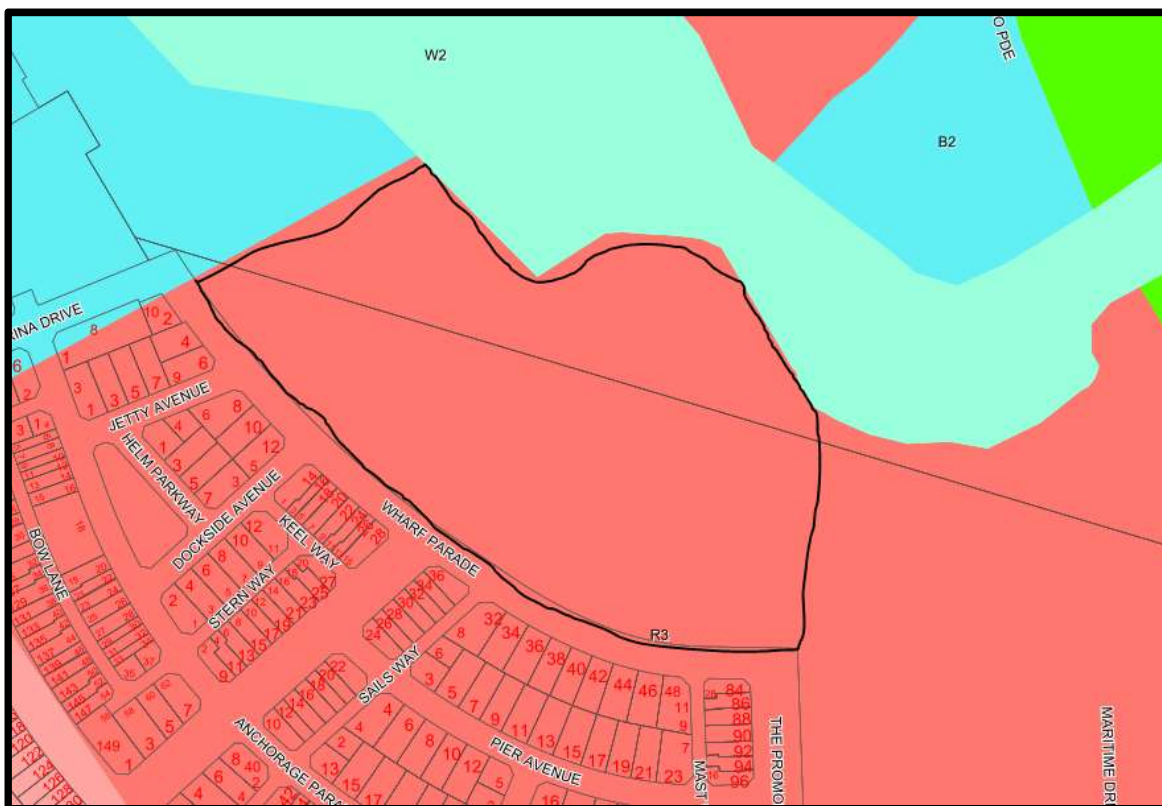
*Shellharbour Local Environmental Plan 2013 (SLEP 2013)*

## **Part 2 Permitted or prohibited development**

### **Land Use Tables**

The development is characterised as the subdivision of land. This is not a ‘use’ and therefore is not included in the Land Use Tables within SLEP 2013 but enabled pursuant to ‘*Clause 2.6 subdivision of land*’ to which the SLEP 2013 applies is permitted with development consent.

Pursuant to the Land Use Tables of SLEP 2013, the development site is located within the R3 Medium Density Residential zone as shown in Figure 7.



**Figure 7: SLEP 2013 Land Use Zones (approximate location)**

Source: Council's GIS mapping system

The objectives for the R3 Medium Density Residential zone are detailed below:

- 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.'

The proposed subdivision to the R3 zoned land will support the realisation of the R3 zone objectives in providing residential development in a mixed density residential environment.

As a concept plan, a lack of finality is inherent. Flexibility in the interpretation of the significance of a deviation to a concept plan is to be considered within the context of the overall development and whether the development remains generally consistent with the terms of the concept approval despite the deviation. In this case, there is no deviation proposed and the proposal is therefore recommended for approval subject to conditions.

It is noted that pursuant to EP&A (Transitional) Reg schedule 2 clause 3B 2(f) the provisions of any environmental planning instrument do not have effect to which they are inconsistent with the terms of the approval of the concept plan.

## **Part 4      Principal Development Standards**

### **Clause 4.1   Minimum subdivision lot size**

Subclause (2) states that this clause applies to the subdivision of land shown on the Lot Size Map that requires development consent and is carried out after the commencement of this Plan. In accordance with subclause (3), the size of any lot resulting from the subdivision must not be less than the minimum size shown on the Lot Size Map in relation to that land.

The minimum lot size development standard for land zoned R3 medium density residential is 450m<sup>2</sup>. The original plans detailed that over 30% of single dwelling lots have an area less than 450m<sup>2</sup>. Due to inconsistency with other requirements pertaining to the CA (UDG requirements), the plans have been amended to include superlots only. These superlots range in size from between 2010m<sup>2</sup> – 3482m<sup>2</sup>. Accordingly, the proposal complies with all applicable Development Standards under SLEP 2013.

Despite any variation originally proposed, an exception to the Minimum Lot Size Development Standard can be considered pursuant to clause 4.6 of SLEP 2013, however, pursuant to EP&A (Transitional) Reg schedule 2 clause 3B 2(f) the Concept Plan Approval prevails to the extent of the inconsistency with the minimum lot size development standard.

As considered through amended plans, the proposed lot sizes now support the strategic outcomes of the CA and are not inconsistent with applicable Urban Design Guidelines in regard to minimum lot sizes or lot widths.

## **Part 5      Miscellaneous Provisions**

### **Clause 5.10   Heritage**

The objectives of this clause are:

- a. to conserve the environmental heritage of Shellharbour,
- b. to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- c. to conserve archaeological sites,
- d. to conserve Aboriginal objects and Aboriginal places of heritage significance.

The site is not identified as having European heritage items, trees or conservation area, or in proximity to a European heritage item.

The development site is subject to the requirements of the permit and consent granted in 2006 under the *National Parks and Wildlife Act 1974* to not disturb or destroy Aboriginal objects at the Shell Cove Boat Harbour Precinct during works activities.

## **Part 6      Additional Local Provisions**

### **Clause 6.1   Acid sulfate soils**

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

Acid sulfate soils (ASS) were investigated as part of the Concept Plan application. The terms of the Concept Plan Approval require an Acid Sulfate Soils Management Plan (ASSMP) to be prepared for each stage of the Boat Harbour project (condition Part D, 12 – Acid Sulfate Soils). The Statement of Commitments (Part 4.7.3 – Acid Sulfate Soils) details the relevant publication applicable to the ASSMP.

An ASSMP has been prepared by SMEC (04.05.2018) in accordance with industry guidelines. SMEC's ASS assessment identified the north eastern portion of the Precinct B2/C2 development site as having ASS. The report explains that based on information provided to SMEC some limited amounts of ASS could be encountered in bulk earthworks and main services trenches. Based on groundwater monitoring data, dewatering is unlikely to be required for construction of the land platform of this precinct.

Council's Environment Team considered the information provided and provided the following comments:

*'SMEC (2018) have prepared an Acid Sulfate Soil Management Plan for Precincts B2 and C2. Figure 4 of this report shows the extent of Acid Sulfate Soil (ASS) which includes the majority of Precinct B2. Intramaps shows Class 2 ASS mapped over the eastern portion of B2 indicating ASS just below the soil surface Section 4.1.2 of the report describes the chance of excavation encountering ASS as low due to bulk earthworks to achieve final soil levels will include approximately 1.5m of fill over areas of ASS. Excavation for structures to complete the subdivision are only expected to be down to 1m and therefore will be unlikely to go into the ASS. However, trenching for infrastructure including a sewer main is likely to require excavation into ASS. Section 5 of the SMEC (2018) report includes management actions to be implemented during the construction phase for this proposal. These management actions will be required to be included within a Construction Environmental Management Plan to be submitted to Council for approval prior to the issue of a Construction Certificate.'*

*SMEC (2018) reference a previous Coffey (2016) report for the Boat Harbour area. Coffey indicated that it is important to note that oxidation of PASS may still be occurring beneath the site in areas where groundwater levels are drawn down due to dewatering. A subsequent decrease in groundwater pH may only be observed when groundwater levels recover following re-saturation of oxidised PASS material, often referred to as the 'first flush'. This can occur multiple times. Piezometers are required to be installed and monitored post filling of the harbour within areas of B2 mapped as Class 2 ASS.'*

Accordingly, conditions were recommended by Council's Environment Team and these are included in the draft recommended conditions of consent.

The objectives of Clause 6.1 are therefore satisfied subject to recommended conditions; these are included in **Attachment 1**.

#### Clause 6.2 Earthworks

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.

Substantial earthworks are proposed as shown in the earthworks and section plans at **Attachment 8**. The Earthworks Strategy, Road Design, Acid Sulphate Soil (ASS), Erosion and Sediment Control Report by Arcadis dated 18<sup>th</sup> June 2018 states:

*'The extent of earthworks is presented on drawing (updated)... The Precinct B2 & C2 cut and fill volumes are 7,723 cubic metres, and 42,415 cubic meters, respectively. These volumes are based on a comparison between the existing and proposed landforms and result in a shortfall of approximately 34,691 cubic metres of fill material.'*

*It is proposed that this shortfall of fill material will be won from the future business park, also located within the Shell Cove Harbour Precinct. A separate DA submission is currently being prepared for a bulk earthworks package within the boundaries of the future business park.'*

The earthworks for this proposal are not expected to detrimentally impact environmental functions and process of surrounding lands where works are undertaken in compliance with related conditions of consent; refer to **Attachment 1**.

Accordingly, the proposal is consistent with the objective of Clause 6.2 and the matters for consideration.

#### Clause 6.3 Flood Planning

The objectives of this clause are:

- a. to minimise the flood risk to life and property associated with the use of land,
- b. 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,
- c. to avoid significant adverse impacts on flood behaviour and the environment.

Council's flood engineers commented as follows:

*'All the proposed lots in Precinct B2 and C2 are unaffected by the 1% AEP event. However, depths of inundation are generally less than 300 mm other than in the roadway and small sections of the properties that front MC03. There is also a small area of depths up to 300 mm in the laneway south of road MC24 which is the result of modelling the lots fronting to MC03 as a block-out and local PMF runoff collecting down this laneway against the block-out.'*

*The evacuation process outlined in report is suitable for the 1% AEP event as most of the evacuation routes are trafficable. As Road MC03 is expected to experience high hazard during the PMF event as shown in Fig. 5.9, stay-in place during the flooding events greater than 1% AEP event up to the PMF event is suitable for residents. The duration of inundation of the roadways is expected to be less than 1 hour in the PMF event.*

*Hence, the DA is recommended for approval satisfying the standard conditions by the applicant as per Council's DCP.'*

Accordingly, technical assessment of the proposal and supporting study by Advisian finds that the development is unconditionally consistent with clause 6.4 objectives.

#### Clause 6.4 Stormwater Management

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.

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 schedule of conditions of **Attachment 1**.

#### Clause 6.5 Terrestrial Biodiversity

SLEP 2013 clause 6.5 – Terrestrial biodiversity applies to the development site as the land is not identified as being affected by Terrestrial Biodiversity on council's mapping system. Accordingly, an Ecology Report was included with the application and found that:

*'The Green and Golden Bell Frog is listed as endangered under the NSW Threatened Species Conservation Act 1995 (TSC Act). The species has generally been reduced to isolated and highly separated populations occurring in localised favourable sites; these are often degraded areas that support artificial freshwater wetland habitat that are free of exotic fish.'*

Council's Environment Team undertook a site inspection and reviewed the report finding that:

*'A site visit was conducted on 18<sup>th</sup> September the site was viewed from the current end of the constructed section of The Premonitory Drive at the corner with Wharf Parade as well as from across the harbour over the entrance on Bass Point Road. The site is highly disturbed by bulk earthworks and large stockpiles of soil and rock. This area is generally in poor condition. However, there is native vegetation occurring that has colonised the disturbed site and now is likely to provide habitat for native fauna. Temporary stormwater channels, are colonised by native wetland species including *Persicaria* sp and *Typha orientalis*. As this provides habitat for native species, including frogs and wetland birds conditions are included below to minimise harm to native fauna during construction.'*

*The Flora and Fauna Assessment for the Shell Cove Boat Harbour Precinct Concept Plan (Kevin Mills 2009) has been reviewed. In summary this assessment concluded that the creation of Myimbarr Wetland was sufficient to offset the loss of the Coastal Saltmarsh EEC and a significant impact was not likely to occur to any of the threatened fauna species potentially utilising the habitat. Mature trees within the proposed Boat Harbour area were classified as planted specimens as part of the former Golf Course. The Mills (2009) assessment was approved as part of the Shell Cove project concept approval.*

*Kevin Mills conducted a Green and Golden Bell Frog Survey in 2012 using the Threatened species survey and assessment guidelines: field survey methods for fauna - Amphibians (DECC 2009). No Green and Golden Bell Frogs were identified. Based on the results of the 2012 survey and a lack of records of the species from targeted surveys conducted since 1995 as well as a lack of optimal habitat due to infestations of exotic fish Mills concluded the species is unlikely to occur at the site.'*

Accordingly, conditions were recommended by Council's Environment Team and these are included in the draft recommended conditions of consent.

The objectives of Clause 6.5 are therefore satisfied subject to recommended conditions; these are included in **Attachment 1**.

## Clause 6.9 Essential Services

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:

- a. the supply of water;
- b. the supply of electricity;
- c. the disposal and management of sewage;
- d. stormwater drainage or onsite conservation; and
- e. suitable vehicular access.

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.

Vehicular access and stormwater management have been assessed by the Traffic and Subdivision Engineer and considered conditionally satisfactory. Details of the supply of electricity will form part of the Subdivision Construction Certificate application. The subdivision layout does accommodate for the provision of electricity sub-stations.

The development site is able to be serviced by all required essential services. Relevant conditions form part of the schedule of draft conditions provided in **Attachment 1**.

## Clause 6.10 Significant Mineral Resources

1. The objective of this clause is to identify the location of significant resources of minerals, petroleum or extractive materials for the purposes of clause 13 of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.
2. The land identified as “Mineral Resource Area” on the Mineral Resource and Transition Areas Map is the land to which clause 13 of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 applies.

The closest point of the development to the land mapped significant mineral resources approximates 220 metres. Accordingly, SEPP Mining etc does not apply.

### **4.1.2 Section 4.15(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 (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved);**

There are no draft instruments applicable to the proposal.

### **4.1.3 Section 4.15(1)(a)(iii) – the provisions of any development control plan, and**

The *Shellharbour Development Control Plan 2013* (SDCP) applies to the development only insofar as where the Concept Plan Approval is silent or where the DCP provides the technical assessment framework. Pursuant to EP&A (Transitional) Regulation, Schedule 2, Clause 3B, 2(f) however, where there is an inconsistency between the DCP and terms of the concept plan approval (as modified), the latter will prevail.

The proposal satisfies applicable objectives and the development provisions that enable these objectives, subject to the imposition of conditions as recommended. Relevant conditions form part of the draft schedule of conditions provided in **Attachment 1**.

**4.1.4 Section 4.15(1)(a)(iia) – any planning agreement entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and**

There are no planning agreements entered into or any draft agreement offered to enter into under section 7.4 which affect the development.

**4.1.5 Section 4.15(1)(a)(iv) – the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,**

A standard condition forms part of the schedule of recommended conditions of **Attachment 1** whereby the proposal will be subject to relevant prescribed matters.

**4.1.6 Section 4.15(1)(b) – the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,**

The following discussion refers to those potential impacts associated with the proposal not discussed elsewhere in this report:

### Context and Setting

The matter of context relates to an assessment of compatibility. Relevant to this proposal are considerations of the location which adjoins a Boat Harbour under development. The proposed land subdivision and associated infrastructure works are not inconsistent with the objectives and requirements of the CA as modified. A level of flexibility in regard to the strict application of all 'requirements' of the CA as modified is a reasonable approach, as taken in all cases. This 'flexibility' enables the delivery of the primary outcomes of the CA as modified. In this case, while details may vary slightly (e.g. road widths – however Council's engineers raised no objection based on detailed consideration), the delivery of superlots for medium density housing and apartments will be achieved.

The physical context has previously been considered as part of the assessment process for the approved modification and found to be consistent and supportable in regard to these precincts.

### Flora and Fauna

Issues regarding the above were considered previously under Clause 6.5 considerations of the SLEP 2013.

### Waste Management

Waste management during the construction stage of the development has been addressed through the recommendation of conditions of consent. Please refer draft schedule of conditions provided in **Attachment 1**.

### Natural Hazards

Coastal hazards including erosion and inundation are not expected to have a significant effect on the development site and have previously been considered in this report. Please refer draft schedule of conditions provided in **Attachment 1**.

### Safety, Security and Crime Prevention

Satisfactory assessment by Council's Community Safety Officer subject to lighting and landscaping matters being addressed via conditions included in those provided in **Attachment 1**.

### Social Impact

No significant adverse social impacts are expected to arise from the approval of the proposal other than the establishment of a new coastal community known as Shell Cove.

### Economic Impact

There are no anticipated adverse economic impacts, including to Council, arising from the approval of the proposal. In particular, Council's Assets section did not raise any objection to the proposal.

### Site Design and Internal Design

The proposal is capable of satisfying Council's DCP and technical requirements.

### Construction

The proposal has the potential to result in adverse impacts during the construction stage of the development however those impacts are capable of being mitigated by conditions of consent (for example, hours of work, dust control, ASS exposure, erosion/sediment controls, unexpected finds protocols) or can be considered to result in minimal impact within reasonable/acceptable limits. Please refer draft schedule of conditions provided in **Attachment 1** which include requirements to minimise any negative localised impacts from such works.

In this case, the proponent has provided, in support of the application, construction staging plans which form part of the consent.

### Cumulative impact

Approval of the proposed subdivision is not expected to result in unreasonably adverse cumulative impacts where the conditions as recommended are imposed.

#### **4.1.7 Section 4.15(1)(c) – the suitability of the site for the development,**

As discussed elsewhere in this report, the site is unaffected by any matters that would preclude the proposed subdivision development subject to the draft schedule of conditions provided in **Attachment 1**. The site is suitable for the proposed subdivision for reasons detailed throughout this assessment and within the expert reports provided in support of it.

#### **4.1.8 Section 4.15(1)(d) – any submissions made in accordance with this Act or the regulations,**

The DA was publicly notified during the period 19 July to 8 August 2018. No submissions were received during this notification period nor during the assessment of the DA.

#### 4.1.9 Section 4.5(1)(e) – the public interest.

The proposed development is in the public interest as:

- it is not expected to result in unreasonable impacts on the environment or on the amenity of the locality subject to the imposition of conditions as recommended;
  - it is consistent with the desired future character and coastal amenity of the area;
  - it will increase the supply and diversity of housing in a coastal environment which will facilitate the economic and social vitality of the emerging Shell Cove Boat Harbour commercial precinct;
  - it will provide employment and economic benefits to the local community and region during the construction stage of the development;
  - the proposed subdivision and associated works have been assessed against the '*Matters for consideration – general*' under section 4.15 of the EP&A Act and found to be satisfactory subject the imposition of conditions as recommended.
- a. *Environmental Protection & Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (EP&A (Transitional) Regulation)

Pursuant to EP&A (Transitional) Regulation, Schedule 2, Clause 3B, 2(d), a consent authority must not grant consent under Part 4 for the development unless it is satisfied that the development is generally consistent with the terms of the approval of the concept plan. As already discussed, the development is subject to Boat Harbour Precinct Concept Approval No. 27\_2007.

The Concept Plan comprises a number of key elements to guide future development. These are land uses; dwelling number and residential building typology; indicative floor areas; building height (as number of storeys); indicative street alignments and pedestrian networks; and location of open space and wetlands; refer **Attachments 5 and 10**.

Key elements applicable to proposal/site

Land uses – Precinct B2 & C2

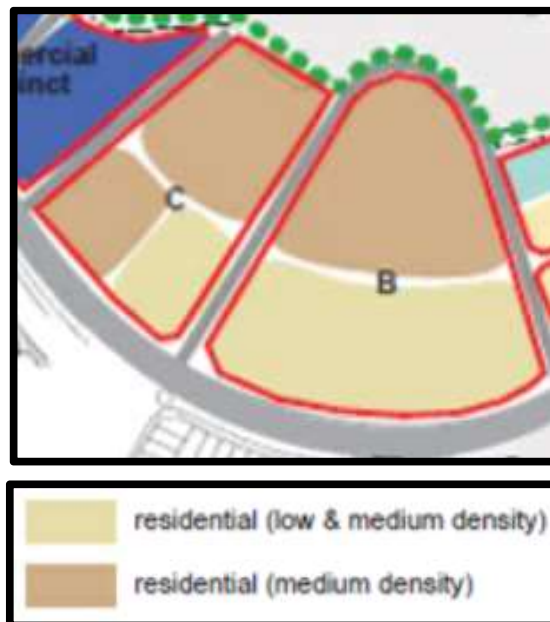


Figure 8: Extract from Land use per precinct  
(see Attachment 5)

The above extract from the land uses plan show Precincts B2/C2 is for residential uses only. The mix has been considered previously and includes medium density and apartments. The subdivision development is considered to be consistent with the Precincts B2/C2 land uses in the Concept Approval as the subdivision provides for residential development.

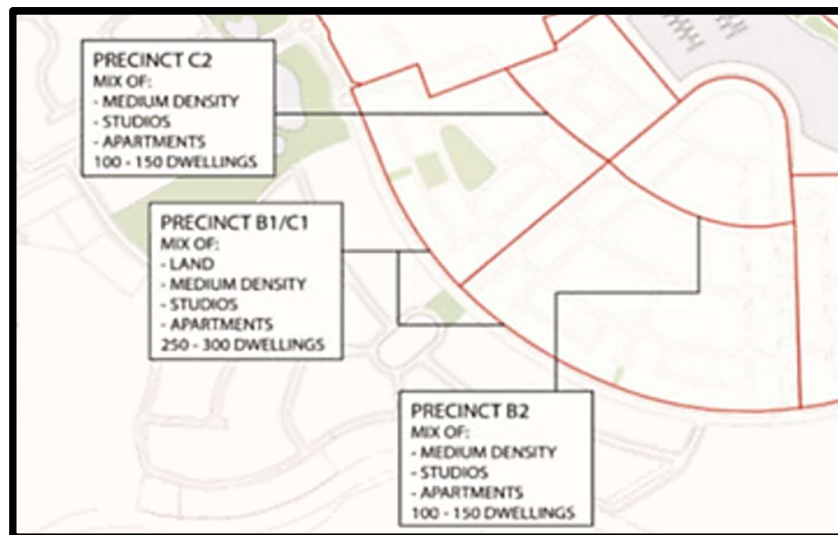
#### Dwelling Density, Typology & Spatial Arrangement

The Concept Approval approved documentation includes a plan showing indicative dwelling numbers and spatial arrangement of built form as single dwellings, multi dwelling housing and apartments; refer **Attachment 9** (figure 3.07 from the CA). An extract of Figure 3.07 pertaining to Precinct B2/C2 is provided below. As can be seen, the areas were not divided into B2/C2 and the typologies spread across 260 apartments (110sqm min. 3-4 storey), 62 standard dwellings (180sqm min. up to 2 storey) and 152 Medium Density dwellings (110sqm min. 2-3 storey).



**Figure 9: Extract from CA – Figure 3.07- Indicative Dwelling Numbers & Building Typology**  
(see **Attachment 9**)

This plan has been superseded by the approval of MOD 1 under s75W of the now repealed Part 3A of the Act on 18<sup>th</sup> March 2019. The approval of MOD 1 included significant changes to outcomes for Precincts B2/C2. Please refer to **Attachment 5 (5.1-5.3)** for details of the changes to approved heights / storeys, number of dwellings and mix and spatial arrangement of housing typologies across these precincts.



**Figure 10: Extract from Design Report– MOD 1**  
(see **Attachment 5**)

The subdivision proposal comprises 9 superlots for future subdivision in accordance the Urban Design Guidelines which include minimum lot widths and sizes for medium density housing. The DA supporting documentation states that the superlots will be developed as multi dwelling housing and anticipates the future development of 75 single medium density dwellings with subdivision and 200 apartments, subject to separate development applications.

This provides a total dwelling number of about 275 dwellings, a shortfall of 25 dwellings when compared to the indicative 300 dwellings in Precincts B2/C2 of the Concept Approval as modified. It is noted that while the CA included specific numbers of dwellings by typology, the MOD 1 as approved does not. This change enables a practical approach to local housing needs and a more responsive outcome to housing demand across the area.

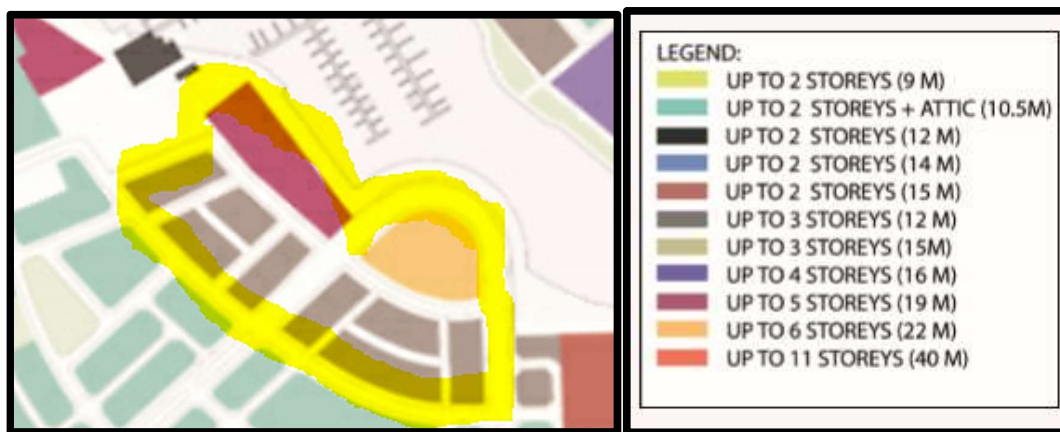
It can be seen in the above extract that the number and spatial distribution of the dwelling typology, in addition to building height (see **Attachment 5**), envisaged a certain built form character for Precincts B2/C2.

In addition, the Precincts B2/C2 urban design guidelines allows for a minimum lot size of 110m<sup>2</sup>.

In theory, the development of the superlots can provide 300 dwellings to Precincts B2/C2. This figure is inclusive of apartments.

Notwithstanding the above points raised, the number, mix and spatial distribution of dwelling forms is considered generally consistent with the Concept Approval as modified. Firstly, the indicative nature of the increase in dwelling numbers and associated plans suggests a level of flexibility in the number and spatial arrangement of dwelling typology.

The building height standard of the CA as modified can also lend support to the application of flexibility. Refer to the MOD 1 approved building heights:



**Figure 11 – Extract from Revised Design Report to MOD 1**

Source: MOD 1

For example, whilst the future apartment developments in B2/C2 will provide higher residential housing, the building height of 'up to three storeys' to the medium density superlots, in addition to the design principles of the guidelines will create a harmonious interface with the single dwelling development elsewhere in B1/C1. Further, the multi dwelling housing will contribute in providing a cohesive built edge along the length of Wharf Parade where housing is provided predominantly in the form of multi dwelling housing. This forms part of the gradual tiering of heights from the height of 5-6 storeys to the Boat Harbour edge to 2 storeys further south / west into the development.

Secondly, the Precinct B2/C2 urban design guidelines include a statement that future development of the superlots will be required to be consistent with Concept Approval MP 07\_0027. This includes dwelling typology, dwelling numbers and building height. This will be considered during the development application assessment for the development of each superlot.

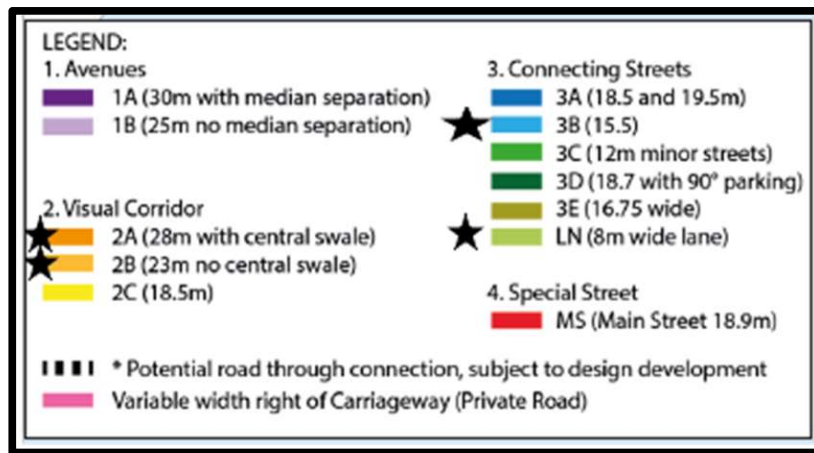
The suitability of this layout design was considered in the context of future residential amenity and its interface with the Boat Harbour and found to be compatible and consistent with all applicable requirements under the CA, MOD 1 and the UDG's. The proposal is not inconsistent with the Statement of Commitments pertaining to the development of Shell Cove as detailed in the SEE submitted with this application.

### Street Network

The below extract from the Street Pattern Diagram (**Figure 13**) shows the indicative road hierarchy and layout within the Precincts B2/C2 development of the Concept Plan Approval (as modified). The MOD 1 plans are relied upon as these supersede the originally approved CA plans.

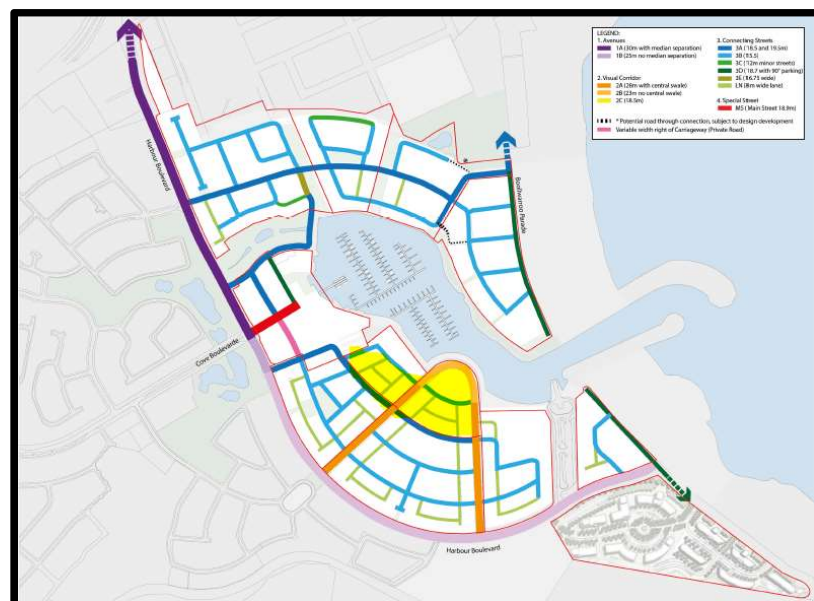
### Networks - Open Space, Pedestrian And Bicycle

An extract from the MOD 1 approved Revised Concept Plan Design Report detailing the 'Street Networks and Type' at 4.2 of that report is included below at **Figure 12**. The Legend for that plan is reproduced below with road types (widths) indicated with black stars – **Figure 12**.



**Figure 12 – Legend (with road applicable road types) marked up (stars)**

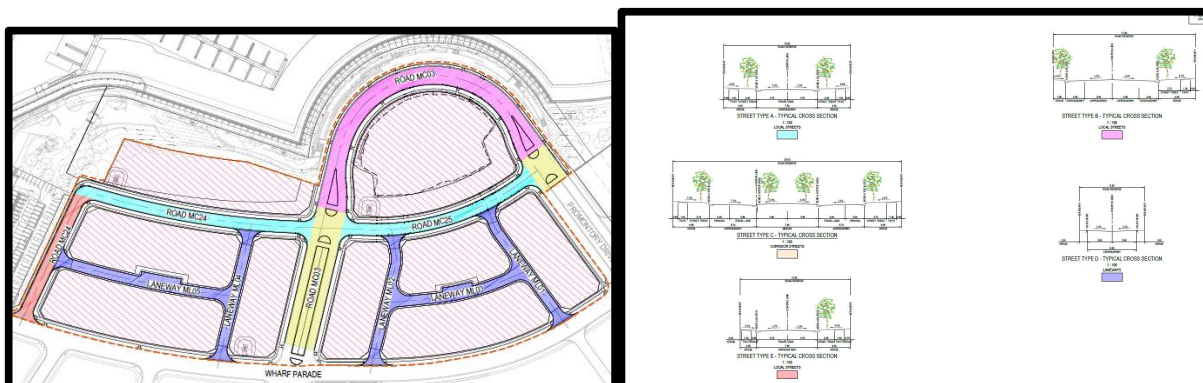
Source: Revised Concept Plan Design Report – MOD 1



**Figure 13: Extract from 4.2 Street Networks and Types**

Source: Revised Concept Plan Design Report – MOD 1

When compared to the plans as submitted it is found that the proposed road widths are consistent with such requirements. An extract from plans is shown below at Figure 14 with road type legend.



**Figure 14: Extracts from plans – road layout and section details with Legend**

Source: Plans by Arcadis

A comparison has been undertaken to ensure that the road width outcomes are consistent with MOD 1 as approved:

Street Type (MOD 1)	Equivalent Street type (plans)	Consistency with CA as modified (MOD 1)
2A- 28m with central swale	C - 28m	Consistent
2B – 23m with no central swale	Not detailed	No issues raised by Councils engineers in regard to consistency.
3B – 15.5m	A – 15.5m B- 17.4m E- 13.55m	Type A is consistent. Type B – Exceeds requirements. Type E – is less than the 15.5m under the CA/MOD 1 – however acceptable as considered by Council's engineers.
LN – 8m	D- 8m	Consistent

**Figure 15: Tabular consideration of street types**

Source: Plans and MOD 1

In summary, the proposal is found to be consistent with the modified CA.

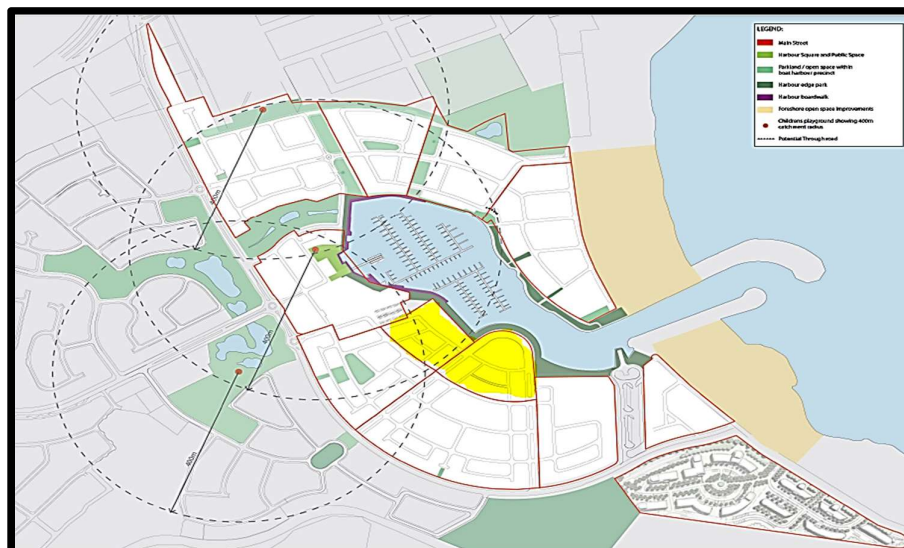
The pedestrian and bicycle network of the Concept Approval is linked to the pattern of open space. Of relevance to this plan for the Precincts B2 & C2 subdivision development is the pedestrian network and its connection to the main bike path to Wharf Parade and interconnections to the boardwalk surrounding the Boat Harbour.

The path infrastructure will contribute to existing and future leisure and recreational opportunities, by connecting to existing major networks and utilising open space links.

The below figure (**Figure 16**) indicates that there are no open space requirements within Precinct B2/C2. The edge of the harbour (works do not form part of this DA) park area adjoin the B2/C2 site area as shown below. The relevant legend detail is shown above the graphic for ease of viewing. The footprint of subdivision development is consistent with the public domain harbour access.

Extract from Legend:

 Harbour edge park



**Figure 16: Extract from 4.1 Site Access, Street and Public Domain Framework**

Source: Revised Concept Plan Design Report – MOD 1

The open space, pedestrian and cycle networks are consistent with the Concept Approval.

### Urban Design Guidelines (UDG's)

Pursuant to Schedule 3 Part D condition no. 1 of the Concept Approval urban design guidelines must be prepared for each stage of the development.

The relevant urban design guidelines for Precincts B2 & C2 relate to the built form outcomes and provide for architectural diversity, a variety of residential densities, manage the bulk and scale of development, provide for a mix of dwelling types, manage setbacks, protect environmental amenity, protect view corridors and visual and acoustic privacy.

Throughout the assessment of this development application, due regard has been given to the provisions and objectives of the applicable UDG's. The provisions, as they relate to residential development, have also been taken into account in the assessment of the overall subdivision. However, in this case this application proposes superlots only. Accordingly, the extent to which the UDG's can be applied is limited and this report has considered throughout various planning considerations including elements from the approved UDG's.

It is generally considered that the outcomes within the Precincts B2 & C2 UDG's can be achieved through future development applications for dwellings and land subdivision.

### Conclusion

In conclusion, the proposed subdivision development is generally consistent with the terms of the Concept Approval (MP 07\_0027).

## 4.3 Consultation

### 4.3.1 Internal

Substantive technical assessment advice was received from Council staff including the Community Safety Officer, Environment Officer, Landscape Technical Officer, Section 94 (s7.11) Contributions Officer, Subdivision and Traffic Engineering Officer, and Water Engineering Officer.

In particular, and of note, the amended road layout would not result in further environmental impacts as considered by that team:

*'Amended plans submitted to Council ...as well as a minor amendment to the road layout. These changes do not have any environmental implications that require further assessment or conditions. The original final environmental advice (DA Referral Advice - Environment DA0287 2018 Document Set ID 11144498) has also been reviewed and is still applicable. No change to this advice is required. Please refer to this document for the relevant environmental advice.'*

### 4.3.2 External

The subdivision DA was referred to, and substantive advice received from, Sydney Water and Endeavour Energy. The resultant recommended consent conditions are included in the draft schedule of conditions at **Attachment 1**.

## 5. Recommendation

That conditional development consent is granted to SRPP No. 2018STH0025 (DA No. 287/2018) for the subdivision of land to include nine (9) Superlots – 7 of which are Designated for Future Medium Density Integrated Housing Development and 2 for Future Residential Flat Buildings, 2 Residual Lots, Civil Infrastructure – Road Construction, Stormwater Drainage and Water Quality Treatment Devices, Earthworks, Public Domain Works Including Street Tree Planting and Footpaths Within the Subdivision. (Precincts B2 /C2 land subdivision) at Lots 4002 in DP 1235539, Harbour Boulevard, Shell Cove for the following reasons:

- a. the subdivision development is in the public interest for the reasons provided in 4.1.9 Section 4.15(1)(e) – the public interest, and
- b. the proposal is generally consistent with the terms of the approval of the concept plan MP07\_0027.

The schedule of recommended conditions is detailed in **Attachment 1**.

## 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

#### #. **Construction Certificate (Subdivision) & PCA Notification *Environmental Planning & Assessment Act 1979***

**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.

#### #. **Prescribed Conditions**

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

#### #. **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.

<b>Name of Plan/Document</b>	<b>Prepared By</b>	<b>Reference</b>	<b>Date</b>
Cover Sheet And Drawing List	Arcadis	C-B2C2-001- Issue 4	25.10.2019
General Notes	Arcadis	C-B2C2-002- Issue 4	25.10.2019
Site Plan	Arcadis	C-B2C2-0003- Issue 4	25.10.2019
Lot Layout Plan	Arcadis	C-B2C2-0004- Issue 4	25.10.2019
General Arrangement Plan	Arcadis	C-B2C2-0005- Issue 4	25.10.2019
Typical Road Cross Sections	Arcadis	C-B2C2-0006- Issue 4	25.10.2019
Typical Details	Arcadis	C-B2C2-0007- Issue 4	25.10.2019
Staging Plans	Arcadis	C-B2C2-0008- Issue 4	25.10.2019
Erosion and sediment control plan	Arcadis	C-B2C2-101- Issue 4	25.10.2019

<b>Name of Plan/Document</b>	<b>Prepared By</b>	<b>Reference</b>	<b>Date</b>
Erosion and sediment control details	Arcadis	C-B2C2-102- Issue 4	25.10.2019
Bulk Earthworks cut and fill plan	Arcadis	C-B2C2-201- Issue 4	25.10.2019
Potential impacts on acid sulphate soil	Arcadis	C-B2C2-202- Issue 4	25.10.2019
Earthworks sections – sheet 1	Arcadis	C-B2C2-203- Issue 4	25.10.2019
Earthworks sections – sheet 2	Arcadis	C-B2C2-204- Issue 4	25.10.2019
Civil works and stormwater sheet 1	Arcadis	C-B2C2-301- Issue 4	25.10.2019
Plan of Subdivision	Beveridge Williams (preliminary plans)- Hannah Martin (Surveyor- Ref - 1601522 B2C2	Stage 1 – Rev E Stage 2 Sheet 1 – Rev D Stage 2 Sheet 2– Rev D	16.10.2019(E) 14.10.2019(D)
Landscape Plans	Group GSA	L-B2C2 -000- Cover sheet - Rev E	10.10.2019
		L-B2C2 -201- General Arrangement Plan - Rev E	10.10.2019
		L-B2C2 -501- Planting Plan - Rev E	10.10.2019
		L-B2C2 -502-Planting Plan -Median - Rev E	10.10.2019
		L-B2C2 -701-Landscape Details - Rev E	10.10.2019
		L-B2C2 -702-Landscape Details- Rev E	10.10.2019
Utilities Strategy	Arcadis	Utilities Strategy	17.05.2018
Civil works and Stormwater Drainage Plans	Arcadis	C-B2C2- 302 - 308-Sheets 1-8 - Issue 4	25.10.2019
Stormwater Drainage And Catchment Plan	Arcadis	C-B2C2-311- Issue 4	25.10.2019
Road Long Sections Sheet 1	Arcadis	C-B2C2-321- Issue 4	25.10.2019
Road Long Sections Sheet 2	Arcadis	C-B2C2- 322- Issue 4	25.10.2019
Road Long Sections Sheet 2	Arcadis	C-B2C2-323- Issue 4	25.10.2019
Turning paths layout plan	Arcadis	C-B2C2-411- Issue 4	25.10.2019

<b>Name of Plan/Document</b>	<b>Prepared By</b>	<b>Reference</b>	<b>Date</b>
Turning Paths Sheet 1	Arcadis	C-B2C2-412- Issue 4	25.10.2019
Turning Paths Sheet 2	Arcadis	C-B2C2-413- Issue 4	25.10.2019
Turning Paths Sheet 3	Arcadis	C-B2C2-414- Issue 4	25.10.2019
Turning Paths Sheet 4	Arcadis	C-B2C2-415- Issue 4	25.10.2019
Turning Paths Sheet 5	Arcadis	C-B2C2-416- Issue 4	25.10.2019
Turning Paths Sheet 6	Arcadis	C-B2C2-417- Issue 4	25.10.2019
Turning Paths Sheet 7	Arcadis	C-B2C2-418- Issue 4	25.10.2019
Turning Paths Sheet 8	Arcadis	C-B2C2-419- Issue 4	25.10.2019
Turning Paths Sheet 9	Arcadis	C-B2C2-420- Issue 4	25.10.2019
Turning Paths Sheet 10	Arcadis	C-B2C2-421- Issue 4	25.10.2019
Turning Paths Sheet 11	Arcadis	C-B2C2-422- Issue 4	25.10.2019
Turning Paths Sheet 12	Arcadis	C-B2C2-423- Issue 4	25.10.2019
Turning Paths Sheet 13	Arcadis	C-B2C2-424- Issue 4	25.10.2019
Sight Distance Layout Plan & package including other plans	Arcadis	C-B2C2-431 to 604- Issue 4	25.10.2019
Stormwater and Water Cycle Management Plan	Advisian	Ref: 301015-03163	08.05.2018
Acid Sulfate Soil Management Plan Precincts B2/C2 Shell Cove	SMEC	Ref: 30015068	2018
Traffic Impact Assessment	Arcadis		12.06.2018
Concept Plan Application and Environmental Assessment	LFA (Pacific) Pty Ltd	-	February 2010
Earthworks Strategy, Road Design, Acid Sulphate Soil (ASS) & Erosion and Sediment Control Report	Arcadis	-	17.05.2018

#### **#. Compliance with Notations on Drawings**

Works must comply with any annotations on the approved plans.

#### **# Street Numbering**

The addressing for this development has not yet been allocated. You must meet with Council's House numbering team prior to the issue of any construction plans to gain house numbers for your development. Please note that Council prefers to consider matters where future Residential Flat Buildings are being considered to ensure the best outcome.

Further to number allocation:

Allocated street numbers must be shown on the Construction Certificate plans, subdivision plans/Administration sheet and where plans and details are provided to service suppliers, numbers must be in accordance with the Council's requirements.

Addresses should be included on the DA plans and noted on the Subdivision admin sheet.

Please ensure Lot numbers on the Subdivision plan are the same as Unit & house numbers on DA & construction plans.

## **PART B - PRIOR TO ISSUE OF SUBDIVISION CONSTRUCTION CERTIFICATE**

### **#. Flooding Subdivision**

The development shall comply with the following restrictions:

- a. **BUILDING ENVELOPE:** Building envelopes are to be provided on each lot at a level equal to or greater than the FPL.

### **#. Median - Landscape Species Layout**

The Planting Plan - Median detailed in Figure 1 of the Attachments below depicts the changes that are required to the Median Strip Planting layout. These safety changes relate to the general principle that adjacent to a pedestrian access-path/crossing-point/pram-ramp, the landscape species and planting layout should be such that it does not impact upon sight-lines between motor vehicles and pedestrians.

Therefore within 10m of these pedestrian access points the mature height of plant species should be limited to approximately 0.3m in order that no additional risk to pedestrians results from the landscape installation.

**Note:** This requirement is a modification of the following Shellharbour DCP Clause:

*20.17.15 Landscaping in close proximity to pram ramps must have a maximum mature height of 1 metre and must have a minimum 10 metre clear visual distance on both sides of the pram ramp.*

Also note that plant species up to 0.4m high have not been highlighted (for removal) in Figure 1.

Therefore some tolerance is thought appropriate although species with an expected height of 0.5m or more will certainly not be accepted/approved within this 10 meter pedestrian clearance zone.

### **#. Median Planting Design – Construction Certificate Plan Requirements**

A Detailed Landscape Plan will be provided to Council prior to the release of a Construction Certificate. This detailed plan must be:

- updated with respect to the changes requested above (and in Figure 1), and
- in accordance with the updated landscape plans that shall be approved/adopted for the Shell Cove Precinct B1C1

Please note that this preceding B1C1 stage, detailed in DA411/2013 and CC411/2013 documents, required similar alterations to median planting species (due to excessive height detail adjacent pedestrian access points). In this regard the approved changes to median plantings can/should be adopted in this B2C2 stage for consistency purposes.

### **#. Landscape Inspection Fee**

The developer must lodge with Council an inspection fee of \$159.00 per inspection in accordance with Council's *Fees and Charges* prior to the issue of the Construction Certificate for:

- landscape inspection prior to the release of the Subdivision Certificate

- landscape inspection following completion of the maintenance period

#### **#. 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 Subdivision Construction Certificate.

#### **#. Landscape Plan**

A detailed landscape plan must be lodged with Council prior to any commencement of landscape works. In this regard one hard copy and one electronic copy of the landscape plans prepared by a Landscape Architect must be submitted to the Council prior to the release of the Landscape Construction Certificate.

The landscape plan must be prepared in accordance with the General Arrangement and Planting Plans prepared by Group GSA Pty Ltd – Issue 4 –dated 10.10.2019 with Council's Shellharbour DCP available from Customer Service or Council's website.

#### **#. Road Reserve Landscape**

Landscape within road reserves and median strips must have a 10 metre visual clearance from an approaching side of any pedestrian crossing and planted with a plant species that has a mature height of 300mm.

Landscape within a median strip will be required to have a 500mm width concrete apron along the entire length of the median strip to prevent landscape encroaching onto the roads surface

#### **#. Inter-Allotment drainage**

Inter-allotment drainage must be provided to dispose of stormwater from those allotments that do not have fall to the street to which the lot fronts.

#### **#. Soil and Water Management Plan (SWMP)**

Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Certifying Authority approval of a Soil and Water Management Plan.

The SWMP must clearly identify site features, constraints and soil types together with the nature of the proposed land disturbing activities and also specifies the type and location of erosion and sediment control measures. In addition, rehabilitation techniques that are necessary to deal with such activities should be referred to.

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 on 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.
  - 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 stabilized (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 10 year ARI event at all inlet and outlet structures.
- j. including measures to prevent the tracking of sediment off the site.

#### **#. Long Service Levy**

The Long Service Levy must be paid prior to the issue of the Construction Certificate.

**Note:** This is a levy imposed by the NSW Government and administered by the Long Service Payments Corporation for the purpose of long service payments to building and construction workers.

#### **#. 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 indicate that no vibratory rollers shall 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,
- h. overall assessment of the engineering plans for the proposed development and their suitability in relation to the site's geotechnical characteristics.

#### **#. 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 40 mm AC 10. 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*, except where pavers have been detailed in the DA plans.

- c. all vertical and horizontal alignment of all streets and all street intersections within the development must have adequate sight distance provided in accordance with *AUSTROADS* requirements,
- d. the geometric design of all roads, traffic facilities, intersection treatments, mid-block devices and entry features must be such as to permit a 12.5m rigid 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 Construction Certificate for approval by the Certifying Authority.

#### **#. 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 Council, and must operate as follows:

- a. the bond must be submitted to Council prior to the release of the engineering plans for the subdivision,
- 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,
- c. if Council is to advise the developer that maintenance work is required on the erosion and sediment control measures, remedial work must 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 and 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 must 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 are to be reinforced concrete. Step irons at 300mm interval spacing from bottom of pit. Top step minimum 500mm below top surface level. Details to this effect shall be incorporated on the detailed drainage design that is submitted to the certifying authority for the Construction Certificate.

#### **#. Pit Grates**

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

## **#. Retaining Wall Structural Engineer**

Where a retaining wall exceeds 600mm in height, the wall 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 located wholly within the property, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.

## **#. 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.

## **#. Street Tree Plan**

A detailed street tree plan must be lodged with Council prior to any commencement of landscape works. In this regard one hard copy and an electronic copy of the street tree plans prepared by a Landscape Architect must be submitted to the Council prior to the release of the Subdivision Construction Certificate.

## **#. Footpath and Sight Distance**

Footpaths are to be located in accordance with *Precinct B2 and C2 Urban Design Guidelines* and be constructed in accordance with Council's specifications (where these are consistent –where not the proposal prevails). The setback of the footpath pavement to the lot boundary and road kerb must be detailed on the plans submitted with the Subdivision Construction Certificate.

## **#. Waste Management Plan**

A Waste Management Plan for the development must be prepared in accordance with Shellharbour City Council's *Shellharbour Development Control Plan* and be submitted with the Subdivision Construction Certificate.

The plan must detail all waste streams and disposal methods. Any surplus excavated material from the site must be taken to an approved land fill site and must be detailed on the waste management plan. Waste streams that have reuse/recycling potential must be disposed to a reuse/recycling outlet and not be disposed as landfill. Excavated material may only be taken to another site with prior written approval of the Certifying Authority.

## **#. Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan based on detailed design and construction staging is required prior to the issue of a Construction Certificate including;

- Installation of sediment fencing around disturbed areas, including any topsoil stockpiles;
- Installation of silt arrestors to collect site runoff and retain suspended particles;
- Placement of hay bales around and along proposed catch drains and around stormwater drainage pits; and,
- Temporary sediment basins, sizing and calculations.

#### **#. Revised Acid Sulfate Soil Management Plan**

In instance where the harbour will be filled prior to the completion of excavation works for Precincts B2 and C2 a revised Acid Sulfate Soil Management Plan will be required to address the potential risk of acidity being brought closer to the surface, described as a 'first flush' by SMEC (2018). This must include:

- Monitoring of piezometers to assess groundwater levels and acidity; and,
- Management actions required in the instance of excavation encountering elevated levels of acid sulfate soil.

#### **#. Low Noise Road Pavement**

In accordance with the recommendations of Wilkinson Murray (2018) Shell Cove-Boat Harbour Precinct - Concept Plan Application Assessment of Air Quality and Noise Assessment low noise road pavement must be included within detailed plans submitted prior to the issue of a Construction Certificate.

#### **#. Construction Environmental Management Plan**

A Construction Environmental Management Plan (CEMP) must be prepared including but not limited to:

- Sediment and erosion controls;
- Acid Sulfate Soil management protocols;
- Management of fuels and chemicals
- Contaminated lands unexpected finds and asbestos protocols;
- Construction noise controls;
- Dust control measures;
- Cultural Heritage stop work protocol; and,
- Native fauna protection measures.

### **PART C - PRIOR TO COMMENCEMENT OF WORKS**

#### **#. Sediment and Erosion Controls**

Sediment and erosion controls must be implemented according to:

- Arcadis (2018) Erosion And Sediment Control Plan, Drawing number C-B2C2-101; and,
- Erosion and Sediment Control Details, Drawing number C-B2C2-102, and
- Installed prior to commencement of work.

#### **#. Compliance with the Archaeological and Heritage Protection Plan for the Shell Cove Boat harbour/Marina**

This Archaeological and Heritage Protection Plan is part of the Environmental Management Plan (EMP) for the Shell Cove boat harbour/marina. It concerns the following areas of land:

- the Shell Cove Project Area in general; and
- AHIMS Sites 52-5-207, 52-5-436, 52-5-437 and 52-5-438

The requirements of this plan must be adhered to at all times.

#### **#. 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*.

#### **#. Site Meeting**

A site meeting with Council's Engineer, Planner, Environmental Officers, 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.

#### **#. Dilapidation Report**

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a Dilapidation Report. The report must be supported with suitable photographic records. This information must be submitted to Council prior to the commencement of work.

#### **#. 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.
- e. how it is proposed to ensure that soil/excavated materials are not transported on wheels or tracks of vehicles or plant and deposited on the roadway and,

- f. 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 appropriately qualified and experienced engineer.

**#. Acid Sulfate Soil**

Prior to the commencement of works, areas where excavations are likely to be greater than 2m depth must have an additional assessment and laboratory testing to assess liming rates. This report must be included as an addendum to Coffey -Acid Sulfate Soil Management Plan Precincts B2/C2 Shell Cove, NSW and any revised management plan as required under this consent.

**#. 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.

**#. Construction Environmental Management Plan**

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

- a. Sediment and erosion controls,
- b. Unexpected acid sulphate soils protocols. This will include actions from Coffey (2018) Acid Sulfate Soil Management Plan Precincts B2 & C2 Shell Cove, NSW - Management plan and procedures for Acid Sulfate Soils.
- c. Management of fuels and chemicals,
- d. A contaminated lands including unexpected finds and asbestos protocols,
- e. Construction noise controls. Construction noise levels must be managed according to the EPA *Interim Construction Noise Guidelines*,
- f. Dust control measures,
- g. Cultural Heritage stop work protocol,
- h. Native fauna protection measures.

Measures to minimise risk of harm to native fauna must include, but not be limited to:

- Inspect in an around all vehicles and machines to ensure no native fauna is present prior to turning on or recommencing work,
- Cover trenches when possible to avoid trapping native fauna such as frogs and reptiles,
- Inspect trenches prior to filling, and
- Contact WIRES or South Coast Wildlife Rescue on 0418 427 214 immediately in the event of injury to native fauna.

Pre-clearance surveys by the project ecologist must be conducted for temporary open drains and areas colonised by *Typha orientalis* (Bullrush) within the site immediately prior to clearance.

**#. 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](http://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**

#### **# Sediment and Erosion Controls**

Sediment controls must be properly installed and be maintained in full working order according to Arcadis (2018) Erosion and Sediment Control Details, Drawing number C-B2C2-102 at all times during construction works.

#### **#. Acid Sulfate Soil**

Acid Sulfate Soil (ASS) is likely to be encountered during trenching for services throughout Precincts B2/C2. Section 5 of Coffey (2018) Acid Sulfate Soil Management Plan Precincts B2/C2 details management actions regarding; assessment of soil, managing excavation, stockpiling, treatment, reuse onsite and managing ASS spoil as well as treatment of acidic water. Works must be conducted according to the management actions detailed in Coffey (2018).

#### **#. Management of Fuels and Chemicals**

Fuels and chemicals must be stored safely onsite, in a site shed, work vehicle or within a bunded area. Refuelling and mixing chemicals must be conducted in designated bunded area/s. Emergency protocols must be in place and implemented in the event of a fuel or chemical spill. Spill kits must be maintained and stored in designated areas.

#### **#. Construction Noise Controls**

Construction noise levels must be managed according to the EPA *Interim Construction Noise Guidelines*. Standard hours of operation must be included in the CEMP, Standard hours as determined by the EPA Interim Construction Noise Guidelines are; Monday to Friday 7 am to 6 pm Saturday 8 am to 1 pm, No work on Sundays or public holidays.

#### **#. Dust Control Measures**

Protocols to control dust leaving the site during construction works must be included in the CEMP, and include but not be limited to: monitoring, regular water carters wetting any dry areas of exposed ground, and stabilisation of exposed areas by seeding with sterile grasses.

## **#. Cultural Heritage Stop Work Protocol**

In the event that any potential Aboriginal heritage objects are found/uncovered during excavation all works must cease, the site secured and the Office of Environment and Heritage as well as Shellharbour Council's Aboriginal Liaison Officer must be contacted immediately.

## **# Native Fauna Protection**

Measures to minimise risk of harm to native fauna must be implemented including;

- Inspect all vegetation including reeds and shrubs that have recolonised the site for frogs, reptiles, birds or other wildlife prior to removal and wait until any fauna present has moved on before proceeding.
- Inspect in an around all vehicles and machines to ensure no native fauna is present prior to turning on or recommencing work;
- Cover trenches when possible to avoid trapping native fauna such as frogs and reptiles;
- Inspect trenches prior to filling; and,
- Contact WIRES or South Coast Wildlife Rescue on 0418 427 214 immediately in the event of injury to native fauna.

## **#. 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.

## **#. 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.

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. drains, gutters and roads are maintained clear of sediment at all times.

**Note:** 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.

## **#. 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.

## **#. Excavation & Drainage Easement**

There must be no loss of support of the existing drainage easement as a result of excavation of the site.

## **#. Traffic Committee - Signposting and Line Marking Plan**

Prior to the implementation of the Signposting and Line Marking Plan, the Plan must be lodged with the City of Shellharbour Traffic Committee for written approval. This plan must detail all facilities, signage and line-marking required within and surrounding the development.

## **#. Street Lighting**

The developer must submit a Public Lighting Design Brief to Council for approval for the provision of street lighting on all new public roads 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.

Factors that should be considered to optimise crime prevention include:

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 and minimise visual distortion and increase lighting distribution.

## **#. Open or Occupy a Roadway or Footpath (Section 138 Roads Act 1993)**

Prior to any physical works within Council's road reserve 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*. There is no additional cost as this is paid for at the time of development application.

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. traffic management plan,
- c. provision of public risk insurance and,
- d. details of timing and length of works.

## **#. Service Conduits**

Services 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.

## **#. 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.

## **#. 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.

## **#. Aboriginal Heritage**

Works must comply with the Approved Archaeological and Heritage Protection Plans (Protection Plans) and the conditions of the ss87/90 Consent and Permit (no. 2534) issued under the *National Parks and Wildlife Act 1974*. 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 detail measures that have been taken to ensure compliance with the Conditions outlined within the Consent/Permit and the Protection Plans.

## **#. Construction Environmental Management Plan**

Management actions detailed in the Construction Environmental Management Plan must be implemented throughout construction works.

## **#. Waste Management**

The management of waste must comply with the Waste Management Plan approved by the Certifying Authority (refer Part B). All receipts such as waste disposal dockets must be retained (refer Part F). Any variations to the Waste Management Plan must have prior written approval of Council.

## **#. Imported Fill Material**

The only fill material that may be received at the development site is:

- a. virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*), or
- b. any other waste derived material the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.

Any waste derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

The intent of this requirement is to ensure that imported fill is of an acceptable standard for environmental protection purposes.

**Note:** The application of waste derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act*. However, a licence is not required by the occupier of land if the only material applied to land is virgin excavated natural material or waste derived material the subject of a **resource recovery exemption** under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

## **#. 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 and Grading**

Subdivision cut and fill to be generally as per 'Bulk earthworks cut & fill Plan' and 'Earthworks sections' submitted at DA stage (Issue 4 24/10/2018).

## **#. 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*.

## **#. Precinct B2 & C2 Urban Design Guidelines**

All works are to be consistent with *Precinct B2 and C2 Urban Design Guidelines* where relevant. Where there is any inconsistency between these guidelines and the conditions of this consent, the consent will take precedence to the extent of the inconsistency.

The footpath location within the road reserve verge must be in accordance with the Guidelines as referred to in condition no. # 'footpaths and sight distance'.

## **PART E - PRIOR TO OCCUPATION**

### **#. 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 has 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.

### **#. Street Trees**

The developer is required to install street trees on Council's footpath reserve as follows:

- a. one (1) tree per lot and two (2) trees per corner lot
- b. planted, at least, 2m from a driveway, street light poles, services, stormwater outlets
- c. trees must be set back a minimum 900mm from the back of the kerb or midway between the footpath and kerb. Where the tree is less than 900mm from the footpath, root barriers must be installed.
- 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

- 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. minimum 2 metres from services, signage and stormwater pits
- b. minimum 2 metres either side of a driveway or vehicular crossing and street light posts
- c. minimum 8 metres from a road intersection
- d. minimum 15 metres from pedestrian crossing and traffic signals

### **PART G - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

#### **#. 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.

#### **#. 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 Councils *Subdivision Design Code* at the time of issue of this consent. The acceptance criteria shall be based on the tolerable deflections as specified by *AUSTROADS* at the time of issue of this consent.

At the time immediately prior to dedication of all Public Roads an inspection is to be undertaken by Council to determine that the road is in satisfactory condition. The road is to be handed over to Council at no cost to Council prior to issue of the Subdivision Certificate.

#### **#. Subdivision Construction Works Maintenance Bond**

The developer must lodge a Subdivision Construction Works Maintenance Bond in accordance with Council's Fees and Charges prior to the release of the Subdivision Certificate.

#### **#. Final Geotechnical Report**

A final geotechnical report prepared by a suitably qualified and experienced geotechnical consultant must be submitted to the 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 the Subdivision Design Code. This must include appropriate test results, and 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,
- 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.

#### **#. Final Plan of Subdivision**

Prior to the release of the final plan of subdivision, it will be necessary to obtain a subdivision certificate. In this regard, it will be necessary to submit:

- a. an application for a Subdivision Certificate,
- b. a Practical Completion Certificate,
- c. five paper prints of the final plan of subdivision,
- d. the original and two paper copies of the 88B Instrument and Administration Sheet
- e. fees appropriate at the time of submission of the application.
- f. 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 DAno/Year Street Address Final Plan".

All sections of the plan, 88b Instrument and Administration Sheet including the original and copies, (except for the General Manager's date and signature) must be completed prior to lodging the plan.

#### **#. 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.

#### **#. 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 must be placed on title with respect to:

- a. access and maintenance for structures on the boundary or immediately adjacent to,

- b. the provision of legal and practical access (e.g. reciprocal rights of carriageway),
- c. landscaping on boundaries,
- d. drainage structures.

#### **#. 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. a Practical Completion Certificate,
- c. five paper prints of the final plan of subdivision,
- d. the original and two paper copies of the 88B Instrument and Administration Sheet,
- e. fees appropriate at the time of submission of the application, and
- f. 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](mailto: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 \$105,860.60, 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. 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:

- Residential contribution – Precinct 2, Shellharbour - \$113,810.00
- *less* Credit for C1.26 Passive Open Space Embellishment – (\$7,949.40)

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](http://www.shellharbour.nsw.gov.au)

#### **#. 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.

**#. 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.

**#. 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 (Endeavor Energy).

**#. Completion of Landscape Works**

All landscape works must be landscaped in accordance with the approved Landscape Plan prior to the issue of a Practical Completion Certificate. Any variations to the design or species used must be authorised by Council in writing before any changes are made.

**#. Street Tree and Road Reserve Landscape Practical Completion Inspection**

All street trees and road reserve landscaping 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.

**#. Landscape Handover Inspection**

The landscape works on land to be dedicated to Council requires a handover inspection to be carried out at the end of the maintenance period. In this regard the developer is to notify Council one month prior to handover to arrange an inspection with Council and the developer. Council will take full maintenance responsibility of all landscape works following a satisfactory result at the end of the maintenance period.

**#. Tree Removal**

Existing trees and or vegetation nominated for removal must be removed prior to any construction works. Trees/vegetation removed are to be mulched and used to mulch the existing trees and/or vegetation to be retained. Any environmental weed vegetation must be removed from the development site and must not be used for mulch purposes.

**#. Road Reserve Landscape**

Landscape within road reserves and median strips must have a 10 metre visual clearance from an approaching side of any pedestrian crossing and planted with a plant species that has a mature height of 300mm.

Landscape within a median strip will be required to have a 500mm width concrete apron along the entire length of the median strip to prevent landscape encroaching onto the roads surface

#### **#. 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.

#### **#. 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.

#### **#. 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 at a later date.

### **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. Any defective works must be rectified and/or replaced during the maintenance period in accordance with the approved Construction Certificate plans. All works and costs arising during the maintenance period must be borne by the developer. All roads and drainage 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.

#### **#. Subdivision - Maintenance Period**

All works as part of this DA consent must be maintained for a minimum period of 12 months commencing from the date of the issue of the Subdivision Certificate, unless otherwise agreed to in writing by Council. The developer must ensure that any defective works shall 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 as part of this DA consent must be maintained in its original construction condition for this liability period.

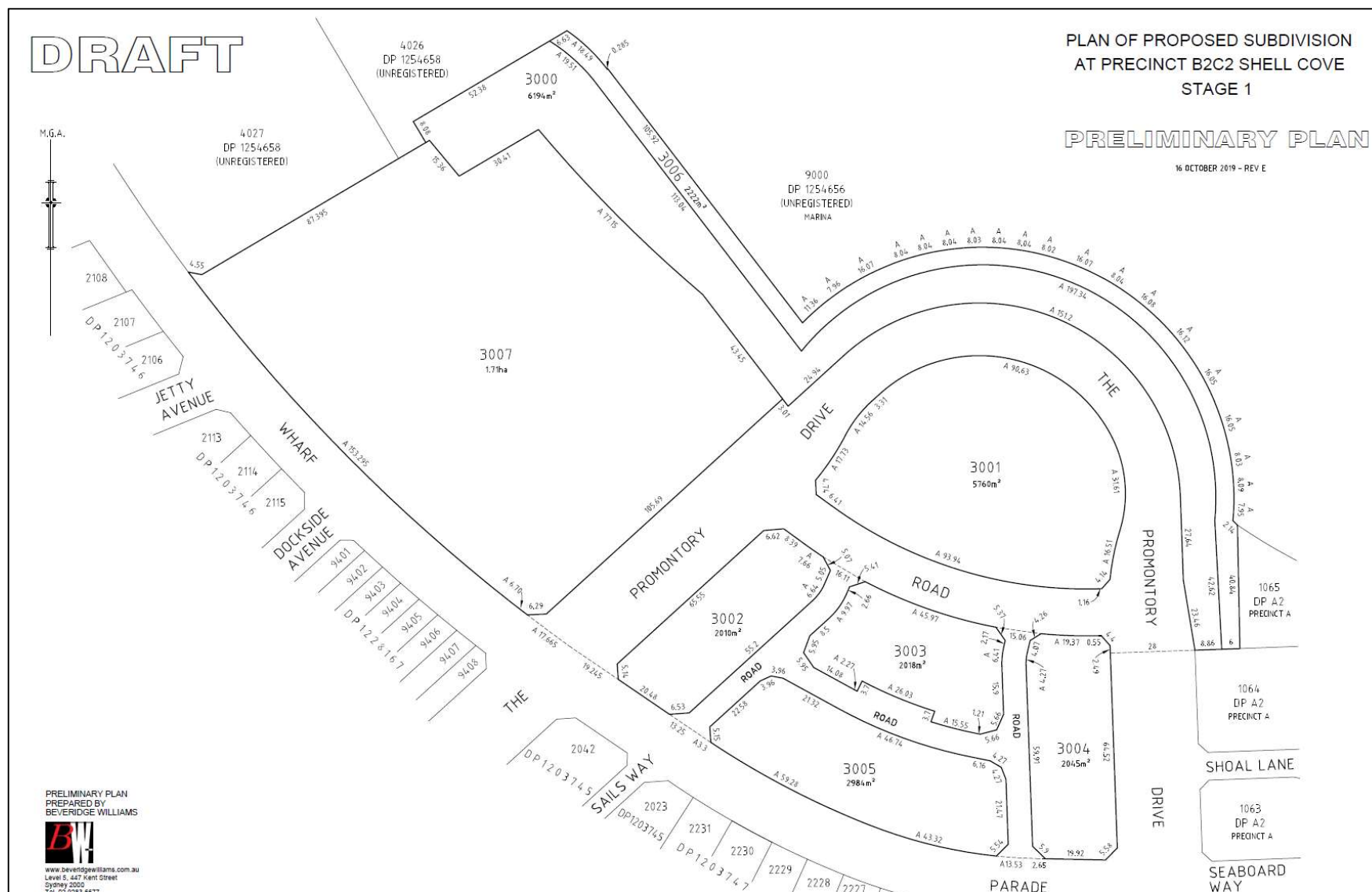
The developer must notify Council for a re-inspection at the end of the maintenance period.

**#. Landscape Maintenance Period**

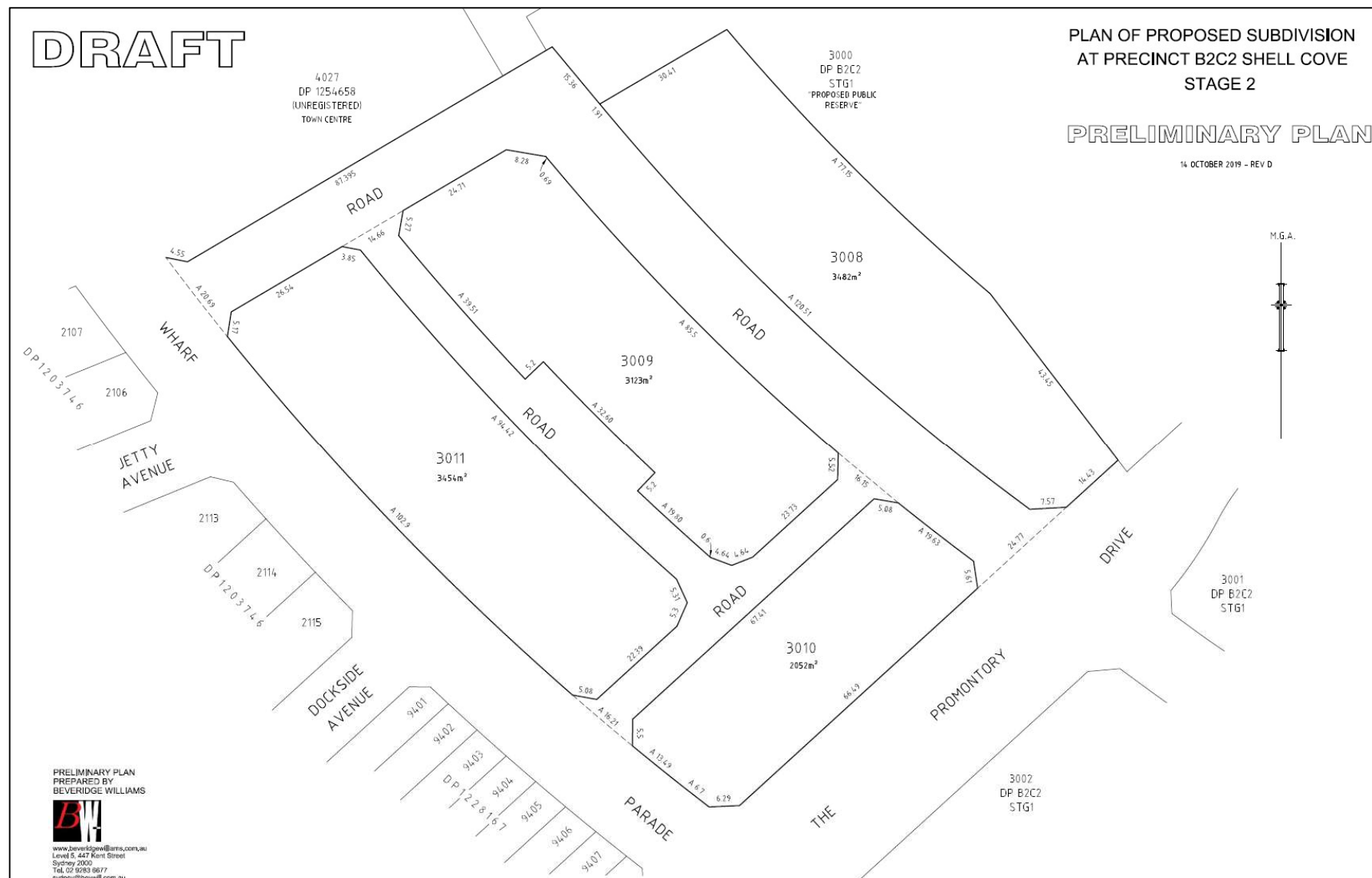
To ensure establishment of the landscape, the completed landscaping works must be maintained for a 12-month period following the issue of the Subdivision Certificate. It is the responsibility of the beneficiary of the consent to ensure that any defective landscaping and/or plantings are rectified/replaced at the conclusion of the maintenance period in accordance with the approved landscape plan.

**END OF RECOMMENDED CONDITIONS**

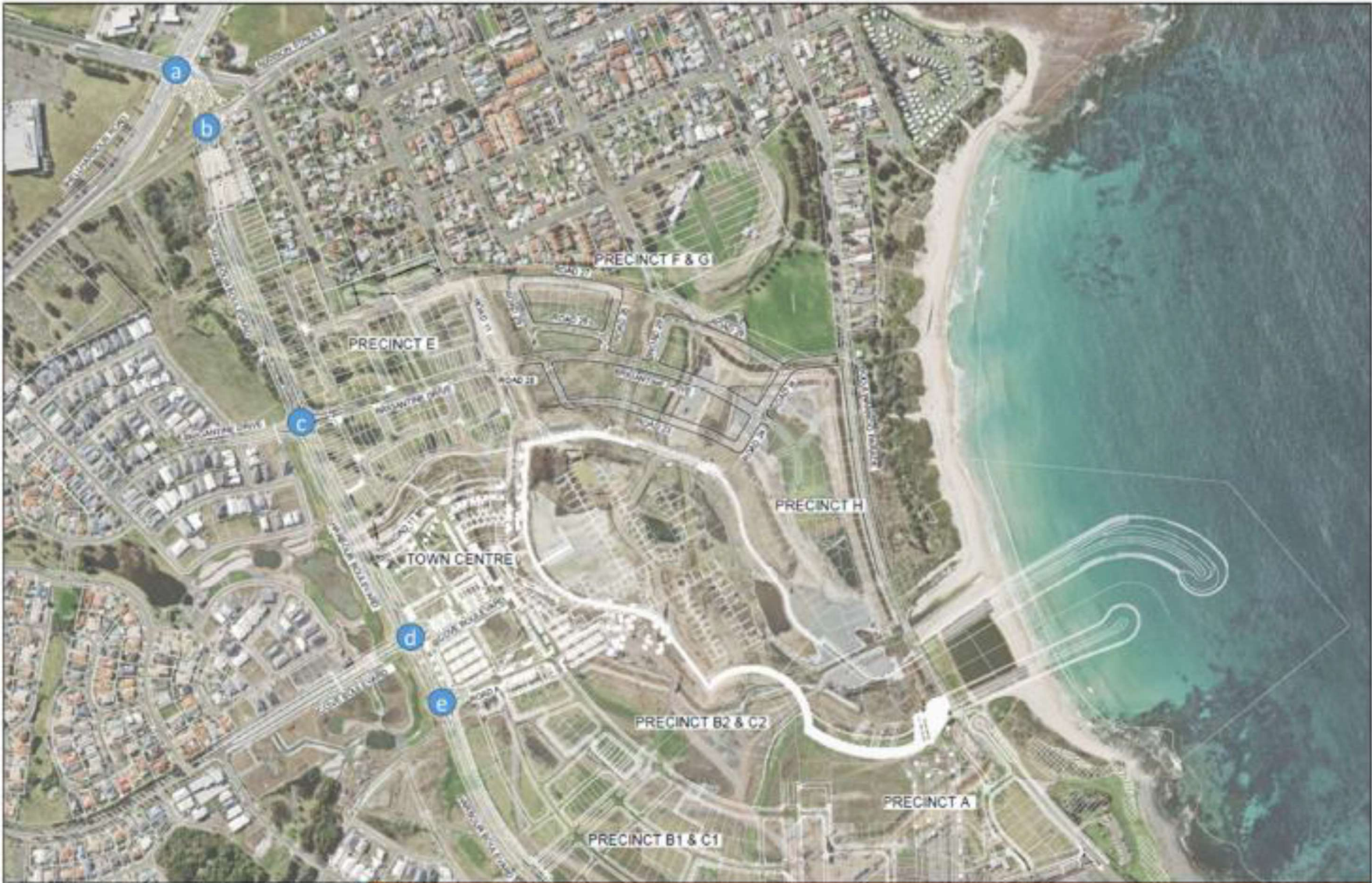
**Attachment 2 – Plans of Subdivision (Page 1 of 2)**



**Attachment 2 – Plans of Subdivision (Page 2 of 2)**



Attachment 3 – Precinct B2/C2 (and all precincts) subdivision and aerial overlay

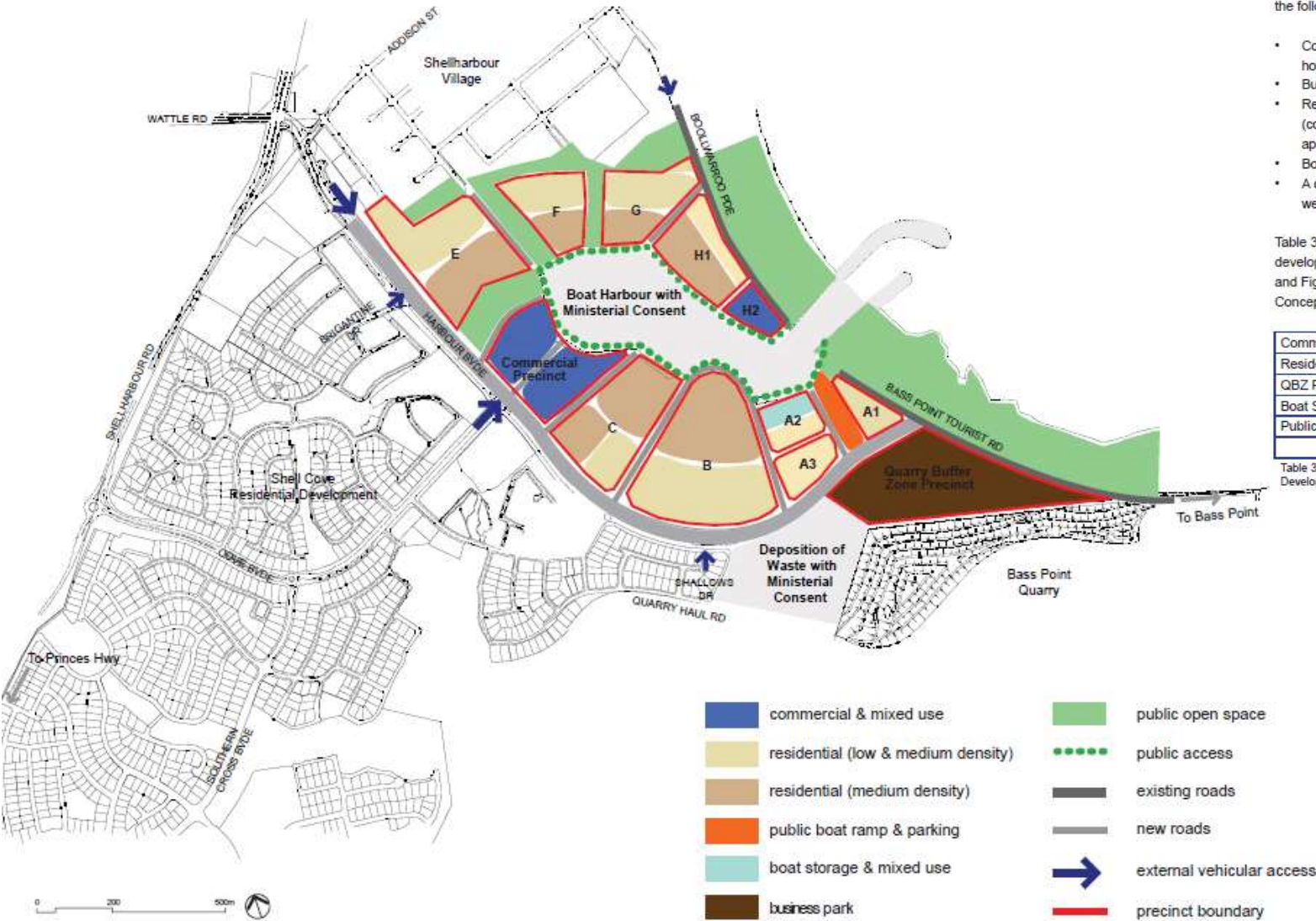


Attachment 4 – Precinct B2/C2 Subdivision And Cadastral Overlay



Attachment 5 – Boat Harbour Precinct Concept Plan, MP 07\_0027

Source: Shell Cove Boat Harbour Precinct - Concept Application and Environmental Assessment | February 2010 (figure 3.03, page 22)



The Shell Cove Boat Harbour Precinct project comprises the following development precincts:

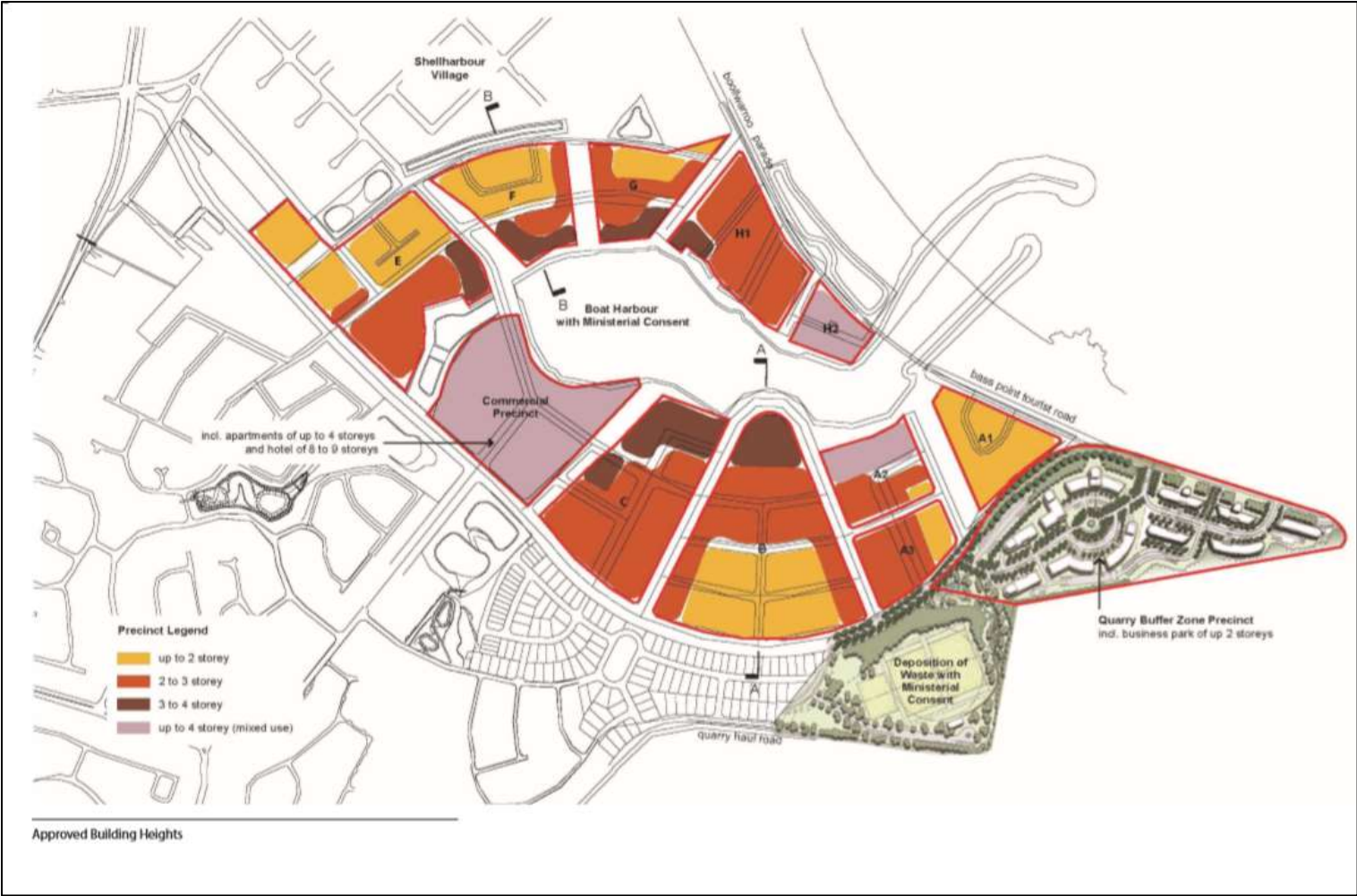
- Commercial mixed use cores including a landmark hotel.
- Business park precinct (QBZ Precinct).
- Residential development of some 1,238 dwellings (comprising standard, medium density and apartments).
- Boat storage.
- A comprehensive network of open space and wetlands.

Table 3.01 gives the indicative areas of the above development precincts within the Boat Harbour Precinct and Fig. 3.01 illustrates these as part of the overall Concept Plan.

Commercial Precincts	8ha
Residential Precincts	37ha
QBZ Precinct	10ha
Boat Storage & Boat Ramp	2ha
Public Open Space	43ha
Total	100ha

Table 3.01 - Indicative Areas of Boat Harbour Precinct Development Components

Attachment 5.1 - CA – Approved Heights



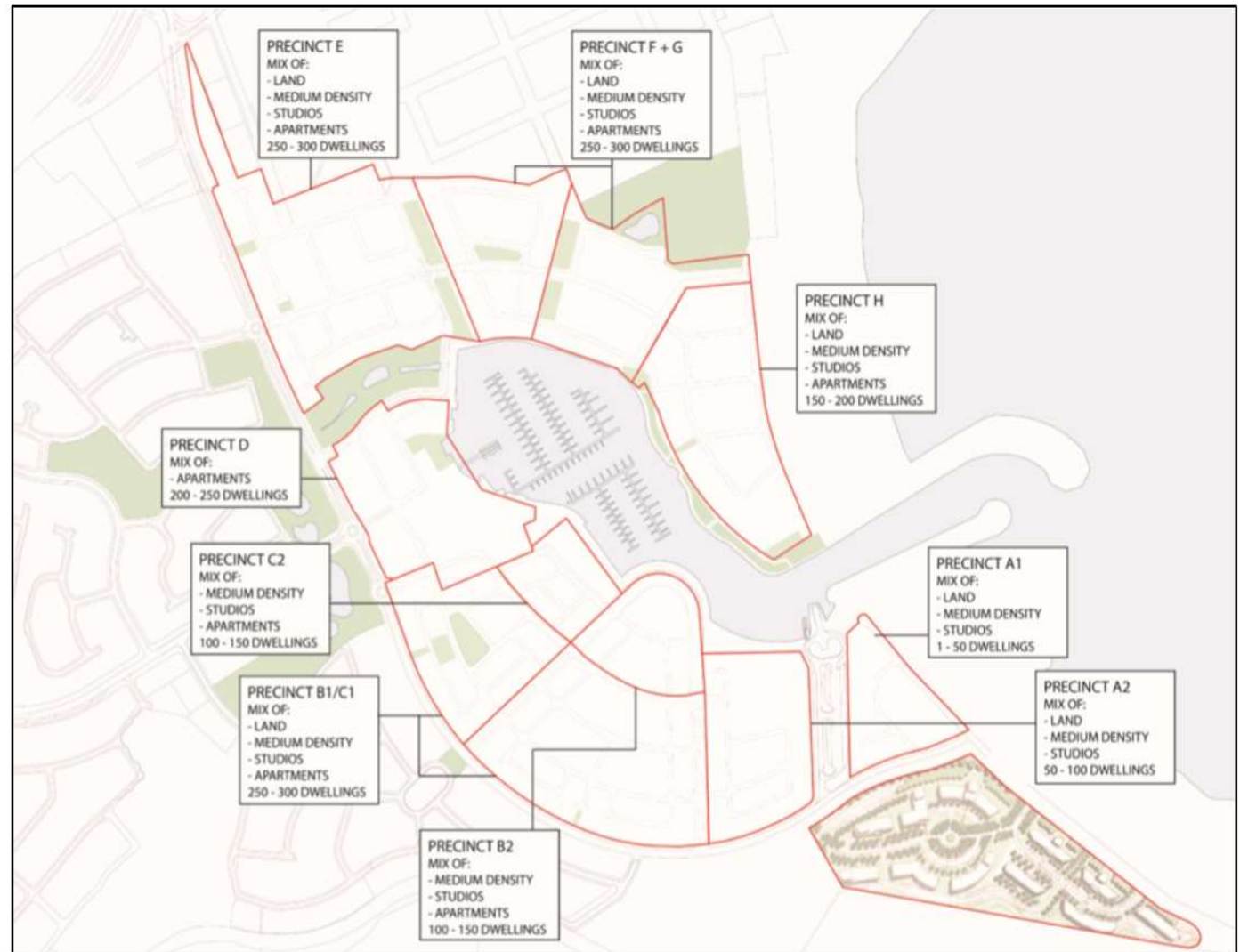
Attachment 5.2 - MOD 1 Plan – Approved Spatial Arrangement



## Attachment 5.3 - MOD 1 Approved Mix & Yield

### 4.6 Indicative Dwelling Mix and Yield

- Within each precinct a flexible dwelling target is proposed, allowing the proponent to adjust as the development evolves over time without exceeding the maximum dwelling cap of 1,556.
- The design analysis undertaken has identified capacity within the Shell Cove Boat Harbour for additional residential density in suitable locations. The proposed additional density is facilitated through variety of housing types within each precinct
- With regards to urban design, the revised capacity is underpinned by the following considerations:
  - Maintaining the built form strategy noted above, being: mid-rise apartments in the Town Centre, low to mid rise apartments and/ or terraces on the waterfront, dropping back to lower density terraces and houses further away from the waterfront
  - Compliance with the Apartment Design Guide
  - Maintaining the scale and amenity of the public domain including streets and open space, including overshadowing
  - Providing sufficient housing choice
- The above analysis undertaken by Cox Architecture has identified the potential for each precinct to accommodate minimum and maximum dwelling targets depending on the dwelling types delivered, consistent with the overall target
- The indicative plan shows one scenario consistent with the proposed building heights and other controls. Detailed issues such as basement car parking have been factored in the design analysis.



Attachment 5.4 - MOD 1 – Approved Heights



**Attachment 6 – Site Photos (Taken 8<sup>th</sup> March – Access To Site Available - Further To Initial Site Inspection) (Page 1 of 3)**



**View towards the west from B2 / C2 site area – towards Precinct D – Retail**

**Attachment 6 – Site Photos (Taken 8<sup>th</sup> March – Access To Site Available - Further To Initial Site Inspection) (Page 2 of 3)**



**View towards the ocean from B2 site**



**View along existing boardwalk to Boat Harbour**

**Attachment 6 – Site Photos (Taken 8<sup>th</sup> March – Access To Site Available - Further To Initial Site Inspection) (Page 3 of 3)**

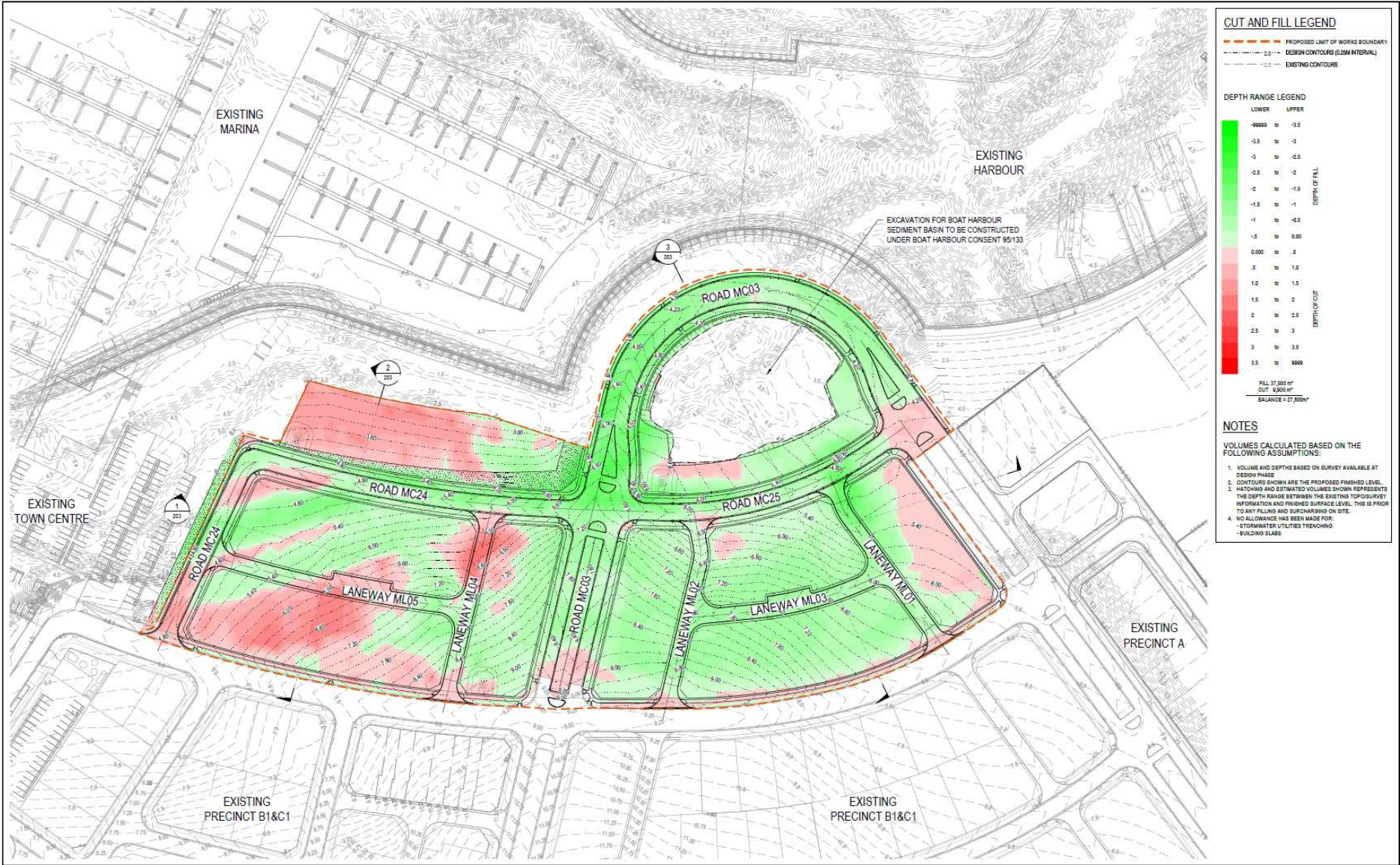


**View towards the north from B2 / C2 – Boat Harbour**

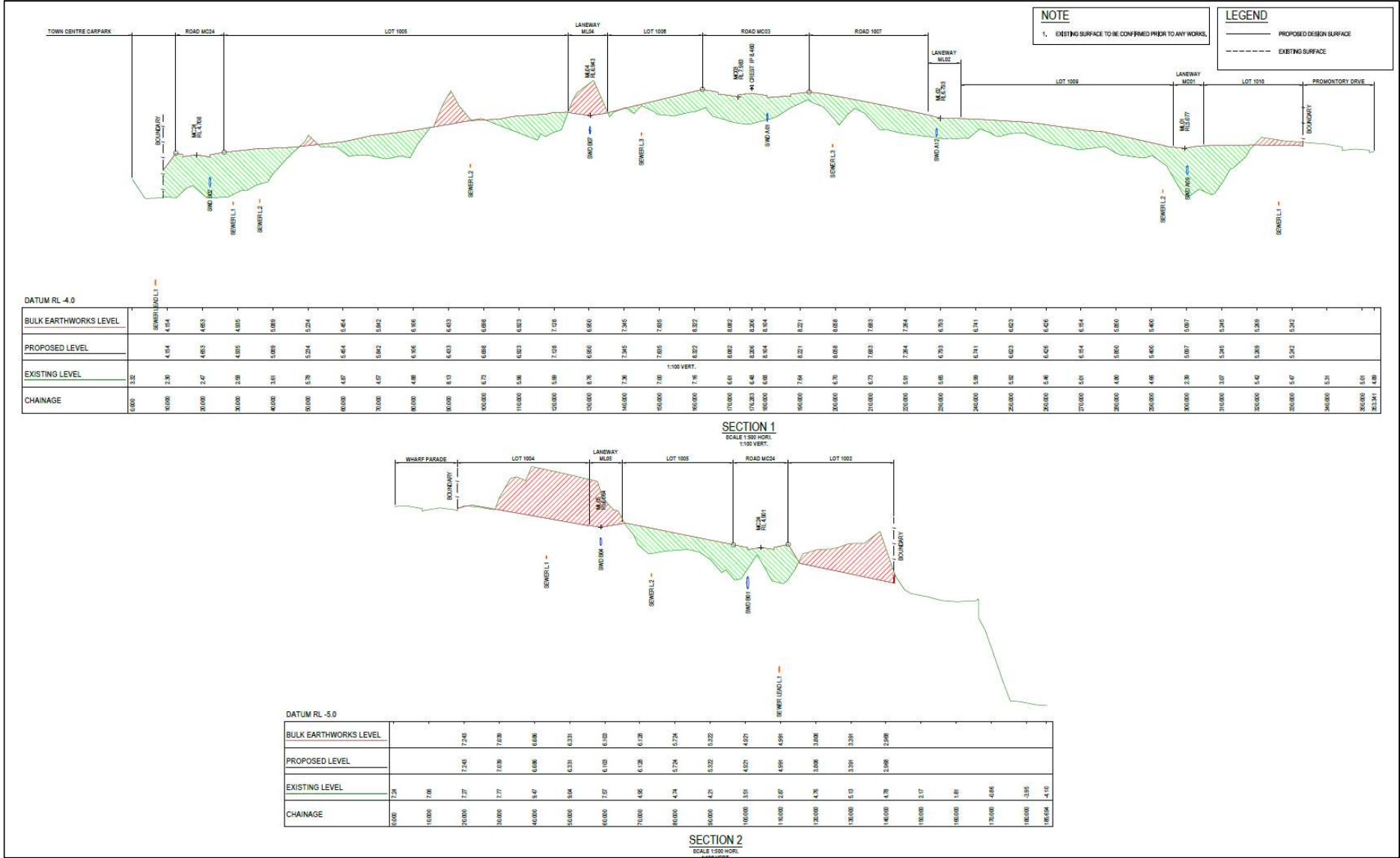


**View to the west – towards Bass Point Road and ocean front from B2**

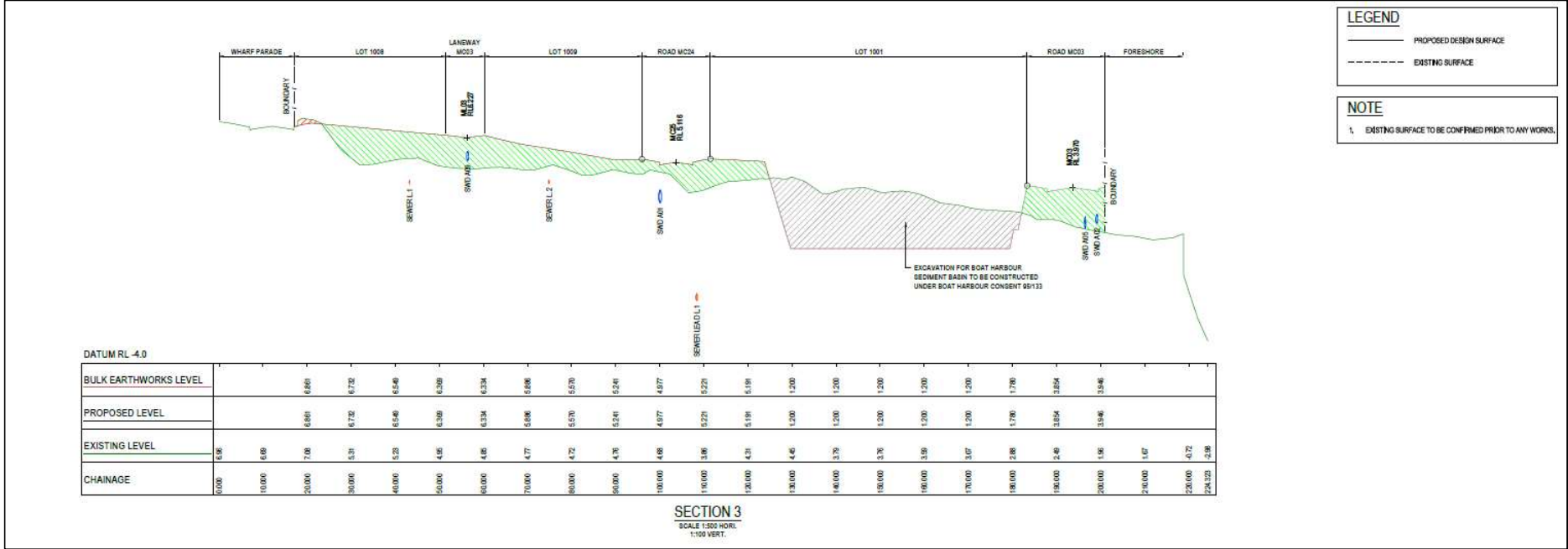
Attachment 7 – Bulk Earthworks Cut And Fill Plan



Attachment 8 –Site Sections (Page 1 of 2)



Attachment 8 –Site Sections (Page 2 of 2)



Attachment 9 – Concept Approval/Approved Documentation (Condition No. 2) - Indicative Dwelling Numbers & Building Typology (Page 1 of 2)

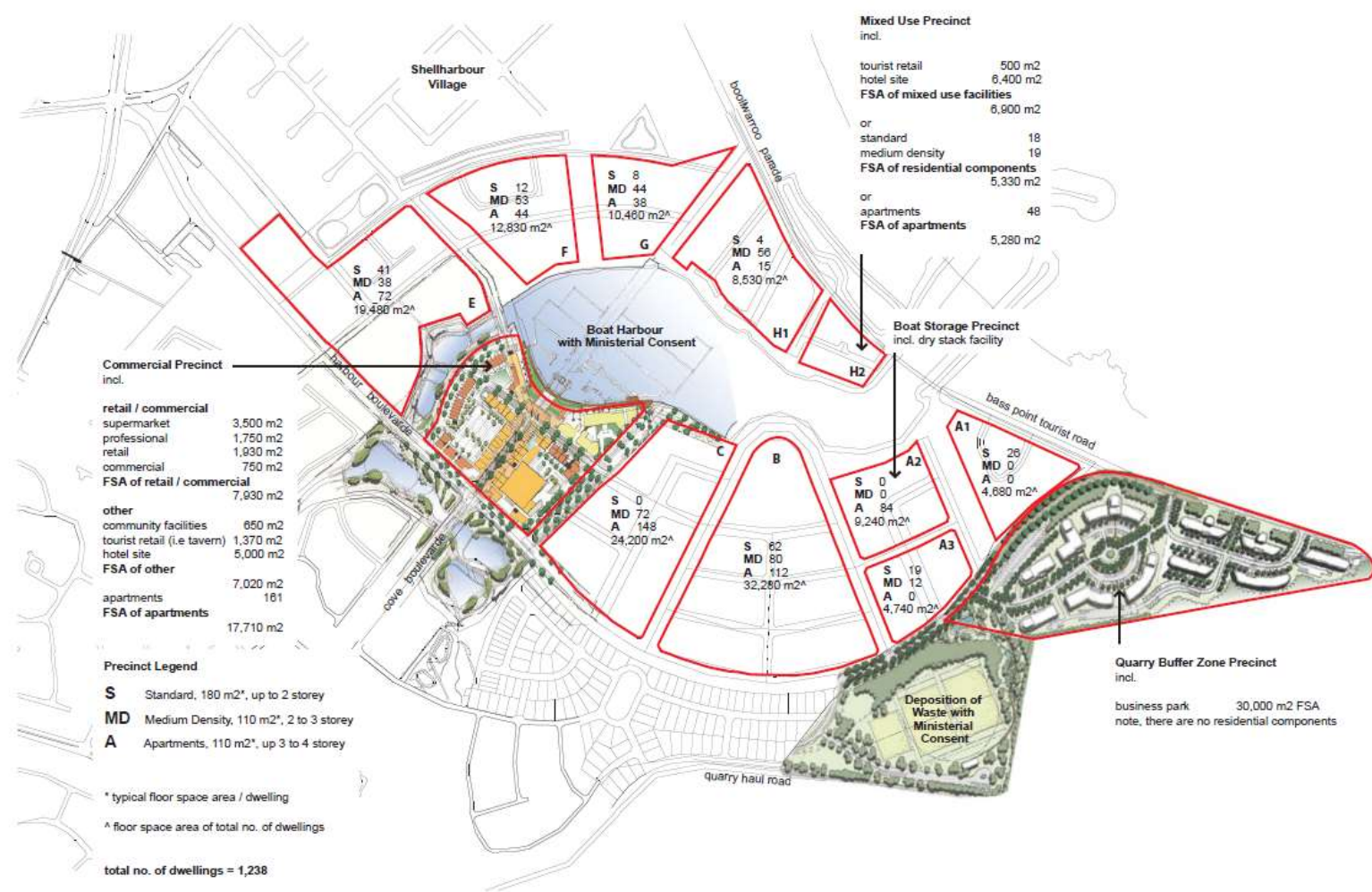


Fig. 3.07 - Indicative Dwelling Nos. and Floor Space Area Per Precinct

Attachment 9 - Indicative Height Per Precinct (Page 2 of 2)



Fig. 3.06 - Indicative Height Per Precinct

# Attachment 10 – Shell Cove Boat Harbour Precinct Residential Related Development Applications

Consent authority Joint/Southern Planning Panel where indicated by JRPP / SRPP application number.

Boat Harbour Residential Precinct developments		
DA / RPP No.	Development	No. of lots / dwellings
DA 411-2013 / 2013STH027	Precinct B1 & C1. Residential subdivision	88 lots 14 MDH superlots
DA 651-2015 / 2015STH026	Precinct B1. Multi dwelling housing & subdivision	23 dwellings / lots
DA 100-2016 / 2015STH026	Precinct C1. Multi dwelling housing & subdivision	24 dwellings / lots
DA 32-2016 / 2016STH009	Precinct B1. Multi dwelling housing & subdivision	40 dwellings / lots
DA 97-2017 / 2017STH008	Precinct C1. Multi dwelling housing & subdivision	18 dwellings / lots
DAs 357, 358, 359 & 360- 2017	Precincts B1 & C1. Multi dwelling housing & subdivision	28 dwellings / lots
		<i>Total no. 221 (minimum as dual occupancy's not included)</i>
DA 118/2017 2017STH010	Precinct E. Residential subdivision	58 lots 8 MDH superlots
Six DAs	Precinct E. Multi dwelling housing & subdivision Under assessment by Council.	51 dwelling / lots
DA 358-2017 2017STH025	Precinct D – Stage 2. Mixed use development Under assessment by Council.	45 apartments with GFA 4,762m <sup>2</sup>
DA 331/2018 2018STH026	Precinct F & G Residential subdivision Under assessment by Council.	42 residential standard lots 9 superlots for future MDH
Pre-lodgement/ Design Review Panel	Precinct E Apartments	74 apartment dwellings
DA0501/2019	Precinct B2 Apartments	116 apartment dwellings