

Assessment of Compliance against the Section 75W (former Part 3A) Concept Plan Approval (MP 07_0027) (MOD 1)

Condition	Requirement	Comments and Response
Schedule 2 Part A – Terms of Approval		
1. Approval for the Boat Harbour Precinct	<p>Except as modified by this approval, Concept Plan approval is granted only to the carrying out of development within the Concept Plan area as listed below and in more detail in Shell Cove Boat Harbour Precinct Concept Plan Application and Environmental Assessment, 26 February 2010, as amended by the Preferred Project Report:</p> <p>(a) Up to 1,556 dwellings comprising single dwellings, medium density and apartments;</p> <p>(b) a business park with a maximum gross floor area of 30,000m²;</p> <p>(c) retail/commercial with a maximum gross floor area of 14,830m²;</p> <p>(d) A mixed-use landmark (hotel) building of up to 11 storeys;</p> <p>(e) public open space and wetlands; and</p> <p>(f) associated drainage, stormwater infrastructure and roads.</p>	<p>The proposed subdivision is consistent with Condition 1 as Precincts B2 and C2 are identified in the Concept Plan Approval (CPA) for medium density residential uses. The lot yields are within the approved amounts and the application demonstrates a adequate distribution on dwelling lots thus far.</p>
2. Approved Plans & Documentation	<p>The project shall be generally in accordance with the following plans and documentation:</p> <p>(a) Shell Cove Boat Harbour Precinct Concept Plan Application and Environmental Assessment, dated 26 February 2010, prepared by LFA (Pacific) Pty Ltd, including Volumes 1 and 2 and Appendices A to P except where amended by the Section 75W Modification Application report, dated 8/08/2017, prepared by Ethos Urban;</p> <p>(b) Shell Cove Boat Harbour Precinct Preferred Project Report, dated November 2010 prepared by LFA (Pacific) Pty Ltd, including Appendices 1 and 2; and</p> <p>(c) Statement of Commitments (Schedule 4) as amended by the Section 75W Modification Application, dated 8/08/2017.</p> <p>except as otherwise provided by the terms of this approval.</p>	<p>It is considered that the proposal is consistent with the approved documents and plans. This is demonstrated through the planning assessment report presented to the SRPP on 26 November 2019 and accompanying the SEE.</p>
3. Limits on Approval	<p>This approval does not allow any components of the Concept Plan to be carried out without further approvals or consents being obtained.</p>	<p>This DA seeks consent to carry out further works in accordance with Condition 3.</p>

Condition	Requirement	Comments and Response
4. Lapsing of Approval	Approval of Major Project No. 07_0027 shall lapse 5 years after the date of determination unless works the subject of any related application have been physically commenced, on or before that lapse date. The Director General may extend this lapse date if the proponent demonstrates to the satisfaction of the Director General that the project remains current, appropriate and reflective of the best use of the site at the date the approval would otherwise lapse.	A number of applications within the concept plan have been approved since the Concept Plan Approval, with works ongoing on site. Development of the broader precinct has commenced.
5. Inconsistencies	(1) In the event of any inconsistency between: (a) the terms of this approval and the Statement of Commitments, the conditions of this approval prevail; and (b) the terms of this approval and the documents referred to in Part A-condition 2, the conditions of this approval prevail. (2) If there is any inconsistency between the terms of the approval of the concept plan and any development approval or development consent, this concept approval shall prevail to the extent of the inconsistency.	The DA can be demonstrated as consistent with the terms of approval and the Statement of Commitments.
Part B - Modifications to the Concept Plan	There are no modifications required to the revised Concept Plan as outlined in the Shell Cove Boat Harbour Precinct Preferred Project Report and the amended Shell Cove Boat Harbour Precinct, Section 75W Modification Application.	Not applicable to this DA.

Schedule 3**Part C – Further Environmental Assessment Requirements**

1. Coastal Hazards Study	A detailed Coastal Hazards Study, prepared by a suitably qualified person comprising a coastal hazard risk assessment for the project taking into consideration the requirements of the Shellharbour Coastal Hazard Study (April 2010), and complying with the NSW Government's coastal risk planning benchmarks. The study must include an assessment of adequacy of height of sea wall against the predicted impacts of sea level rise, inundation and more frequent and intense storms to the year 2100; and details of dunal stabilisation works to 4.5m AHD. It must also provide details of responsibility for implementation and funding of the operational phase of the Beach Nourishment/Rehabilitation Management Plan.	To address Consent Condition C1, a Coastal Hazards Report by Greg Britton of Royal Haskoning DHV was submitted in DA 411/2013. It was approved on 11th November 2014. The proposed development is located well landward of the combined beach erosion and shoreline hazard and as such these hazards are not considered to be an issue for the proposed development.
2. Fauna Assessment	A contemporary fauna assessment and survey for the Green and Golden Bell Frog undertaken in accordance with Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna - Amphibians, Department of Environment and Climate Change (April 2009). If the assessment concludes that there will be an impact on the Green and Golden Bell Frog, appropriate mitigation measures and/or changes must be incorporated into the project as recommended by the assessment.	A Fauna assessment for the Green & Golden Bell Frog, was submitted in DA 411/2013, to meet Condition 2. The habitat survey concluded that the GGBF was not found in the BHP study area. Earthworks have since commenced under the above consent. A subsequent site inspection occurred on 5 December 2019. following the inspection, the site is an active development site with a lot of earth moving vehicles and a dynamic and changing environment, the water channels would be constantly changing depending on the weather patterns and earth moving on site.

Condition	Requirement	Comments and Response
Part D - Further Environmental Assessment Requirements	The following environmental assessment requirements apply, where relevant, to development of each stage/precinct of the project and must be submitted with any subsequent applications to the relevant approval authority made under Part 3A or Part 4 of the EP&A Act.	
1. Urban Design	The proponent must submit detailed urban design guidelines for the project prepared by a suitably qualified architect or urban designer, for each stage. The guidelines must establish design controls which achieve the following where relevant to the particular stage:	The Design Guidelines for Medium Density Housing and Apartments (DGMDHA) for Precinct B2 and C2 were endorsed by Shellharbour City Council on 17 June 2019.
	Architectural diversity within all stages which complements the site's coastal context.	The only development which forms part of this application is civil infrastructure, earthworks and public domain works including street tree planting and footpaths within the subdivision. Future development will need to comply with this requirement.
	A variety of detailed designs which avoid monotones and repetition.	Detailed designs are not proposed as part of this applications. Future development will need to comply with this requirement.
	Design of the mixed use landmark (hotel) building and public square in the commercial precinct which define street and water edges, and create visual interest.	A hotel is not included in this application.
	A mixed use landmark (hotel) building which may comprise a 3-4 storey high podium.	A hotel is not included in this application.
	Demonstration of a mix of dwelling types and sizes for each residential precinct, including consideration of affordable and adaptable housing.	Precincts B2 and C2 have been identified within the Concept Plan (Mod 1) to provide medium density residential development. Precinct B2 and C2 will incorporate both medium density townhouses as well as apartments. Detached studios (Fonzie flats) may also be located above garages on medium density dwelling allotments.
	Building separation, setbacks, solar access, visual and acoustic privacy, view corridors and an adequate level of environmental amenity.	The only development which forms part of this application is civil infrastructure, earthworks and public domain works including street tree planting and footpaths within the subdivision. Future detailed DAs will need to comply with this requirement.

Condition	Requirement	Comments and Response
	Compliance with Crime Prevention Through Environmental Design (CPTED) principles.	<p>The principles of Crime Prevention Through Environmental Design (CPTED) have been embedded into the proposed subdivision for Precinct B2 and C2 and are supported through the design guidance provided in the Design Guidelines, which aim to maximise casual surveillance and provide for reinforcement of territorial boundaries between future public and private areas.</p> <p>The guidelines will facilitate adherence to CPTED principles including definition of boundaries between public and private spaces, suitable fencing, passive surveillance of public and private roads and access ways through orientation of living spaces, together with appropriate lighting and landscape design.</p> <p>Specifically, the UDGs for Precinct B2 and C2 provide for:</p> <ul style="list-style-type: none"> • Building designs that respond to the context of the site (Section 3); • Fonzie flats that will provide casual surveillance over laneways and secondary streets (Section 3.3); • Principal private open space is physically separate from the road and pedestrian network (Section 4.1); • Front walls and fences are designed to promote casual surveillance and community interaction (Section 4.7); and • The medium density dwellings will clearly define boundaries between private and public spaces (Section 4.7).
	The location and distribution of public car parks.	All medium density land lots are proposed to be adjacent to street types that contain either segregated on-street car-parking or combined parking / travel lanes.
	Where applicable, that State Environmental Planning Policy No. 65- Design Quality of Residential Flat Development principles and the Residential Flat Design Code Guidelines can be achieved.	No residential development is proposed as part of this application. The proposed subdivision has taken into account SEPP 65 and will allow for any future apartment building to meet the provisions of SEPP 65 and the ADG.

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	Appropriate density, bulk, scale, textures and colours in relation to surrounding development, topography and streetscape.	<p>Whilst little development is proposed as part of this subdivision, Precinct B2 and C2 has been designed as a medium density residential precinct. It will include detached medium density townhouse and apartment typologies.</p> <p>The medium density housing will allow for a transition away from lower densities to the south towards the marina and foreshore; being the area offering the greatest level of amenity for future residents.</p> <p>The design requirements, materials and colour palette for Precincts B2 and C2 set out within Section 4.1 to Section 4.6 and Appendix G of the Design Guidelines are generally consistent with the adjacent Precinct B1 and C1 (Anchorage Precinct) design guidelines currently being implemented. This will assist in achieving an appropriate balance between individual design expression and the establishment of a cohesive coastal character.</p>
	Consistency with the New South Wales Coastal Policy 1997 and Coastal Design Guidelines New South Wales in terms of visual impact, bulk, scale and amenity.	The only development which forms part of this application is civil infrastructure, earthworks and public domain works including street tree planting and footpaths within the subdivision. Future development will need to comply with this requirement.
	Layout and design which satisfies the design considerations in Healthy by Design: A Planners Guide to Environment's for Active Living, National Heart Foundation of Australia.	<p>Creating safer streets is conducive to promoting active lifestyles. Encouraging active modes of transport also assists to crowd out opportunities for crime and antisocial behaviour.</p> <p>The preparation of the overall subdivision plan includes provision for cycleways, pedestrian links, footpaths and a variety of passive and active public open space opportunities.</p>
	Clear addresses for buildings fronting public walkways along the harbour and direct access from walkways where possible.	The only development which forms part of this application is civil infrastructure, earthworks and public domain works including street tree planting and footpaths within the subdivision. The proposed subdivision ensures future development can comply with the UDG requirements that apply to the orientation of dwellings.
	An indicative staging plan identifying the likely timing and sequence for each stage.	<p>The UDGs for Precinct B2 & C2 have been developed for this individual stage of the overall development, with the DA being lodged in mid-2018. It is expected that work will commence in 2020.</p> <p>Development within Precinct B2 & C2 is to be staged during both construction and subdivision certificate phases.</p>

Condition	Requirement	Comments and Response
	Buildings which address main avenues or boulevards and serviced by rear laneways/access ways to improve legibility and prevent gated communities.	<p>The only development which forms part of this application is civil infrastructure, earthworks and public domain works including street tree planting and footpaths within the subdivision. Future development will need to comply with this requirement.</p> <p>The proposed subdivision ensures future development can comply with the UDG requirements that apply to the orientations of buildings to main avenues or boulevards.</p>
	Design and layout to minimise noise impacts to sensitive residential areas near the quarry boundary.	The subject precincts are not within the Quarry Buffer Zone Boundary.
2. Landscaping	Future subdivision applications must demonstrate compliance with the bushfire management measures outlined in the concept plan, and be in accordance with Planning for Bushfire Protection 2006.	<p>A Landscape Drawing Package and Design Statement has been prepared by Group GSA. The landscaping has been designed to be a continuation of the landscaping in Precincts B1, C1 and A, reflecting a coastal connection to the foreshore.</p> <p>It is to be noted Precincts B2 and C2 are not located on bushfire prone land.</p>
3. Noise Management	<p>A detailed Noise Management Assessment identifying:</p> <ul style="list-style-type: none"> • traffic noise mitigation measures for the road design; • areas which require acoustic treatments to dwelling facades to provide satisfactory indoor noise levels; and • appropriate mitigation measures (the use of mounds and landscape buffers, not acoustic walls) for the design and layout of stages affected by truck noise from the Quarry Haul Road, dry boat storage and marina activities. 	No acoustic measures are proposed for the subdivision. Future detailed applications must incorporate acoustic treatment where appropriate.
4. Utilities	Address and document the existing capacity and requirements of the project for utilities, including any necessary augmentation and staging of any infrastructure works, in consultation with relevant agencies.	A Utilities Report has been prepared by Arcadis, refer to Appendix K of the SEE. This report provides a review of existing service capacity, identification of necessary augmentation and new works to service the proposed subdivision of Precincts B2 and C2 and addresses indicative staging of the infrastructure works.
5. Earthworks Strategy	Provide a detailed Earthworks Strategy, prepared by a suitably qualified person which addresses erosion and sedimentation controls and includes measures to manage acid sulfate soils and stockpiling.	<p>The Shell Cove Boat Harbour Precinct Geotechnical Study was prepared by Coffey Geotechnics Pty Ltd in 2009. The findings were confirmed in the Shellharbour LEP 2013, indicating the north eastern part of Precincts B2 and C2 are likely to be subject to Class 2 and Class 3 Acid Sulfate.</p> <p>SMEC Australia has prepared an Acid Sulphate Management Plan (ASSMP) for Precincts B2 and C2.</p>

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6. Remedial Action Plan	A Remedial Action Plan is to be prepared for the former golf course area and the south-eastern area of the site at the location of the former farm structure by a suitably qualified person in accordance with Managing Land Contamination: Planning Guidelines SEPP 55 - Remediation of Land (DUAP/EPA, 1998), based on the recommendations and conclusions of the Phase 2 Contamination Assessment prepared by Douglas Partners dated October 2010 (Appendix 20 of the Preferred Project Report).	A Phase 2 site contamination assessment of the Boat Harbour Precinct was submitted with the preferred planning report for the Concept Plan application and concluded that a remedial action plan was required for the former golf course and at the location of a former farm structure. A site validation has since been issued.
7. Flood Assessment	A detailed Flood Assessment, prepared by a suitably qualified person identifying flood affected parts of the land and showing how the proposed project at each stage will comply with Shellharbour City Council Floodplain Risk Management Development Control Plan (April 2006), (except where it is inconsistent with NSW State Government policy and guidelines), and comply with and the government's sea level rise and climate change benchmarks, current at the time of preparation of the Flood Assessment. The findings of the Flood Assessment must inform the ultimate layout and design of each stage of the project. The assessment must include a flood planning levels map, details of flood planning levels adjacent to the boat harbour and for the major overland flow paths; and mitigation measures to reduce impacts on flood levels in vicinity of Ron Costello oval.	A Flood Assessment for the subdivision DA has been prepared by Advisian to address Condition 7 Flood Assessment.
8. Stormwater and Water Cycle Management	Identify drainage, stormwater and groundwater management issues, on-site stormwater detention (if required), and drainage infrastructure to ensure achievement of the water quality targets identified in the Boat Harbour Development Consent 95/133 for each stage of the project consistent with Council's requirements.	A Stormwater and Water Cycle Management Plan has been prepared by Advisian, demonstrating that the proposal for Precinct B2 and C2 is compliant with the terms of the Concept Plan Approval and Statement of Commitments.
9. Environmental Management Plan	An Environmental Management Plan (EMP), prepared by a suitably qualified person demonstrating measures to mitigate potential impacts on aquatic habitats and aquatic species during the construction and operation periods. The EMP must be prepared in consultation with the Department of Environment, Climate Change and Water.	<p>The extent and nature of construction traffic management, truck routes, vehicular frequency, hours of operation, use of equipment, dust, noise, vibration and safety cannot be determined at this stage. Accordingly, it is anticipated that an EMP would form part of future detailed design and Construction Certificate.</p> <p>The EMP will include a review of water quality impacts and develop strategies to address water quality issues during construction where appropriate.</p>

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10. Construction Management Plan	A comprehensive Construction Management Plan, including a traffic management plan identifying truck routes, vehicular frequency, hours of operation, use of equipment, and measures to minimise dust, noise and vibration impacts on surrounding areas, and ensure vehicular and pedestrian safety.	The extent and nature of construction traffic management, truck routes, vehicular frequency, hours of operation, use of equipment, dust, noise, vibration and safety cannot be determined at this stage. Accordingly, it is anticipated that a CMP would form part of future detailed design and Construction Certification for the subdivision. The CMP will include a review of water quality impacts and develop strategies to address water quality issues during construction where appropriate. The CMP will also include the preparation and implementation of a Traffic Management Plan.
11. Ecologically Sustainable Development	Demonstrate that any future development will incorporate ESD principles in its design, construction and ongoing operation phases, including water sensitive urban design measures, water re-use/recycling, energy efficiency, recycling and waste disposal.	A Stormwater and Water Cycle Management Plan was included and assessed. The Strategy includes various WSUD elements, which meet the relevant Concept Approval requirements for Ecologically Sustainable Development and Infrastructure.
12. Acid Sulfate Soils	An Acid Sulfate Soil Management Plan (ASSMP) for each stage of the project for actual and potential acid sulphate soils prepared by a suitably qualified person in accordance with the NSW Acid Sulfate Soil Manual (NSW Acid Sulfate Soil Management Advisory Committee, August 1998). The ASSMP must examine how the pre-loading process and treatment of ASS will be staged and managed throughout the life of each stage especially regarding the impacts of trenches (for service and drainage) on groundwater and acid leachate.	Acid sulphate soil (ASS) were investigated as part of the Section 75W (former Part 3A) Concept Plan application and for most of the land to be developed, the risk of encountering ASS was low. SMEC Australia has prepared an Acid Sulphate Management Plan (ASSMP) for Precincts B2 and C2.
13. Social Infrastructure	Social infrastructure shall be provided in accordance with Council's Section 94 Contributions Plan or where applicable any negotiated VPA in relation to the land. The details of any playground, local library and multipurpose community centre shall be provided with each stage of the project.	The subdivision of Precincts B2 and C2 does not include any social infrastructure.
14. Local Infrastructure Contributions	Contributions towards local infrastructure in accordance with the EP&A Act 1979 must be provided.	Section 94 Contributions will be payable.
15. Erosion and Sediment Control	A detailed Erosion and Sedimentation Control Plan prepared in accordance with Managing Urban Stormwater: Soils and Construction, Landcom (March 2004) ('the Blue Book') detailing the design, construction and implementation of measures to manage stormwater, and erosion and sediment control during the construction phases of each stage of the project.	Appropriate Erosion and Sedimentation Control is included within the Earthworks Strategy report prepared by Arcadis. It is expected that this plan will be updated during detailed design and prior to the commencement of the construction works.
16. Traffic Assessment	An updated traffic impact assessment prepared by a suitably qualified person for each stage/precinct of the project which includes a cumulative impact assessment having regard to the status of the future construction of the intersection of Harbour Boulevard and Shellharbour Road.	A Traffic Report for the subdivision application has been prepared by Arcadis. The report considers the cumulative impact of traffic on the existing and future operation of all precincts.

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17. Public Access	<p>The detailed design and layout of the project must adopt the following principles:</p> <ul style="list-style-type: none"> (a) direct, legible and inviting public pedestrian access from adjoining residential development and pedestrian connections which follow existing and proposed well-connected streets; (b) clear and direct access from the public walkway around the harbour to streets that meet the harbour edge to ensure public access is well defined and integrated; and (c) clear, through-site pedestrian links with active street frontages, direct and legible access to key points of interest, including Shellharbour village, which are publicly accessible at all times. (d) consistency with the Shellharbour Shared Use Path Strategy (Shellharbour City Council, 10 August 2010) unless otherwise justified. 	<p>The proposed subdivision will:</p> <ul style="list-style-type: none"> (a) provide direct, legible and inviting pedestrian and cycle networks between main roads, local roads and the harbour; (b) the subdivision plan provides a connection to the future proposed public walkway around the harbour by an open pedestrian network; (c) the subdivision plan provides for a pedestrian network to all future developments and key points of interest including the Shellharbour Village and the beach; and (d) proposed shared paths are in accordance with the Shellharbour Local Government Area Shared Use Path Strategy 2010.
18. Surface and Ground Water	<p>The proponent must submit a surface and groundwater report, prepared by a suitability qualified person, which includes:</p> <ul style="list-style-type: none"> (a) an assessment of impacts to surface and groundwater sources including water use, water licensing arrangements, impacts on water users, waterfront land and aquifers, as well as compliance with relevant policies; and (b) details of any groundwater dewatering which may be required during the construction phase of the precinct, including: <ul style="list-style-type: none"> i. information on the site's hydrogeology; ii. a description of the current groundwater situation, such as groundwater quality and groundwater level; iii. predicted groundwater take, inclusive of the calculations supporting this estimate; and iv. a discussion on impacts in line with the Aquifer Interference Policy (2012) 	<p>A Stormwater and Water Cycle Management has been prepared by Advisian.</p> <p>The existing groundwater conditions are not expected to be significantly impacted as a result of the development. Given the significant reduction in expected infiltration across areas most likely to contribute to any increased pollutants, the existing groundwater is unlikely to be impacted significantly.</p>
19. Visual Impact	<p>All future stages of development are to include a Visual Impact Assessment (VIA) as part of the application, prepared by a suitably qualified person. The VIA is required to provide representative 3-dimensional computer models of any built form structures, and prepared based on the approved Reduced Levels (RLs) of the land subject to the application.</p>	<p>A Visual Impact Assessment has been prepared for the application. It confirms the proposed subdivision will not result in any unreasonable impact on views.</p>

Shell Cove Boat Harbour Precinct Statement of Commitments Schedule

Commitment	Comment Additional Information / Response
General commitment	
<p><i>"The Proponent undertakes to pursue the development in accordance with the Concept Plan and Preferred Project Report, which reflects the Shell Cove Masterplan, the Illawarra Regional Strategy, the Illawarra Regional Environmental Plan, the Shellharbour Local Environmental Plan, the Environment Protection and Biodiversity Conservation Act and the appropriate State Environmental Planning Policies".</i></p> <p><i>"The Proponent undertakes to obtain all necessary approvals required by State and Commonwealth legislation prior to undertaking subsequent stages of the development</i></p>	<p>The subdivision DAs for Precincts B2 and C2 are in accordance with the Part 3A Concept Plan and Preferred Project Report. They reflect relevant planning controls and policies.</p> <p>As required under the Part 3A Approval the following environmental assessments were required to be undertaken as part of the part of the first application made for the development of the Shell Cove Boat Harbour Precinct:</p> <ul style="list-style-type: none"> Coastal Hazards Report; and Fauna Assessment <p>Both these studies have been completed and were submitted to Council on the 4 November 2013 as part of the DA for subdivision of Precincts B1 and C1. The assessment of these reports have resulted in a number of conditions.</p>
Strategic Planning	
<p><i>The Proponent undertakes to respond to relevant local, regional and State planning strategies.</i></p>	<p>The Subdivision DA is consistent with the Concept Plan Approval, which responds to relevant local, regional and state planning strategies.</p>
<p><i>The Proponent undertakes to consider the recommendations of the Shellharbour Local Government Area Retail/ Commercial Study and Employment Study, which includes:</i></p> <p><i>Enhancing public domains in support of Shell Cove as a creative and cultural hub.</i></p> <p><i>Establishing a retail centre and operating a supermarket.</i></p> <p><i>Establishing a Business Park</i></p>	<p>Not applicable – the retail precinct and business park are located outside the boundaries of Precincts B2 and C2.</p>
<p><i>The Proponent undertakes to demonstrate consistency with the Sustainability Criteria set out in Appendix 1 of the Illawarra Regional Strategy, which includes:</i></p>	<p>The subdivision of Precincts B2 and C2 is consistent with the Concept Plan Approval for the Boat Harbour Precinct that demonstrates consistency with</p>

Commitment	Comment Additional Information / Response
<p><i>Providing infrastructure.</i></p> <p><i>Enhancing access to and within the Boat Harbour Precinct.</i></p> <p><i>Providing employment opportunities.</i></p> <p><i>Encouraging both conservation and enjoyment of the natural resources and coastal environment of Shell Cove.</i></p>	<p>the Sustainability Criteria set out in Appendix 1 of the Illawarra Regional Strategy including:</p> <ul style="list-style-type: none"> • Provision of infrastructure to support the future residential development; • Providing physical access to and within the Boat Harbour Precinct through the construction of a new road network; • Creation of employment opportunities throughout the construction phase of the project; and <p>Inclusion of environmental safeguards (WSUD, landscape treatment and other embellishment works) which will contribute to the conservation of the coastal environment in this locality.</p>
<p>Urban Design, Visual Impact and Sustainability</p>	
<p><i>The Proponent undertakes to respond to the surrounding area by addressing bulk, scale, amenity (including noise) and visual amenity, with regards to the NSW Coastal Policy (1997), which includes:</i></p> <p><i>Implementing maximum building heights of 4 storeys (excluding the landmark hotel which is proposed to have a maximum height of 8 to 9 storeys).</i></p> <p><i>Adopting a contemporary coastal village materials palette.</i></p> <p><i>Providing parks and boardwalks which establish public access to the harbour perimeter</i></p> <p><i>Establishing visual connections between streets and open spaces and the harbour.</i></p> <p><i>The Proponent undertakes to respond to the surrounding area by addressing bulk, scale, amenity (including noise) and visual amenity, with regards to the Coastal Design Guidelines of NSW (2003), which includes:</i></p> <ul style="list-style-type: none"> • <i>Incorporating visual and physical links to the natural environment, such as integrating wetlands.</i> • <i>Providing an open space network.</i> • <i>Maintaining the Shell Cove Town Centre as a visual landmark.</i> 	<p>This application does not seek approval for built form.</p> <p>Ethos Urban has prepared Design Guidelines for medium and high density residential development in Precincts B2 and C2 (Appendix M) which detail a range of site specific design guidelines including materials palette, setbacks and other relevant development controls consistent with previously approved Precincts at Shell Cove.</p> <p>Compliance with the Design Guidelines will be required to be addressed as part of future DAs for built form.</p>

Commitment	Comment Additional Information / Response
<ul style="list-style-type: none"> Managing increased local population and visitor access to the foreshore <p>The Proponent undertakes to ensure that the relevant residential components of the development demonstrate compliance with SEPP 65 - Design Quality of Residential Flat Development, which includes providing:</p> <ul style="list-style-type: none"> Private open spaces. Courtyards. Useable balconies. Decks. 	
Landscape	
<p>The Proponent undertakes to implement street tree planting in accordance with a landscape plan to be submitted as part of each Project Application</p> <p>The Proponent undertakes to implement planting and other works in areas of public open space as designated in the landscape plan to be submitted as part of each Project Application.</p>	<p>Concept Landscape Plans have been prepared by Group GSA (Appendix M of SEE), which illustrate public domain works in Precincts B2 and C2 including indicative street planting.</p>
Infrastructure Provision	
<p>The Proponent undertakes to assess existing capacity and provide infrastructure requirements for sewerage, water, electricity, telecommunications and gas.</p> <p>The Proponent undertakes to adopt Water Sensitive Urban Design principles in the provision of infrastructure requirements.</p> <p>The Proponent undertakes to obtain and maintain all necessary licences, permits and approvals for the development prior to and during construction.</p>	<p>Arcadis has prepared a Utilities, Sewer and Water Strategy (Appendix K of SEE).</p> <p>The proposed development adopts a water sensitive design by following Ecologically Sustainable Development principles in the design of stormwater treatment devices proposed in Precincts B2 and C2.</p> <p>The DA seeks consent for land subdivision and associated infrastructure and civil works.</p> <p>Sewer, potable water, electricity, gas and telecommunications utilities can be provided as part of the construction of Precincts B2 and C2, and can be connected to the existing network.</p>

Commitment	Comment Additional Information / Response
Traffic and Access	
<p><i>The Proponent undertakes to implement a traffic management strategy- in relation to the capacity of the road network to cater for additional traffic generation including service vehicles, access to and within the site, and connectivity to existing developments –with particular emphasis on the following key intersections:</i></p> <ul style="list-style-type: none"> • <i>Shellharbour Road/Harbour Boulevard/Wattle Road - revised layout.</i> • <i>Addison Street/Harbour Boulevard- new traffic signals.</i> • <i>Brigantine Drive/Harbour Boulevard- single lane roundabout.</i> • <i>Cove Boulevard/Harbour Boulevard - single lane roundabout.</i> • <i>Road A/Harbour Boulevard - single lane roundabout</i> <p><i>The Proponent undertakes to consider the impact of the development on existing public transport provision, identify pedestrian movements and implement appropriate provisions for shared path/cycleway/public transport routes to the existing and proposed road network, including a Pedestrian Shared Zone in the Town Centre</i></p> <p><i>The Proponent undertakes to incorporate parking in accordance with the requirements as part of subsequent Project Applications</i></p> <p><i>The Proponent undertakes to protect existing public access to and along the beach and coastal foreshore and provide new opportunities for controlled public access including providing continuous public access to the perimeter of the harbour.</i></p> <p><i>The Proponent undertakes to maintain good access to the Bass Point Reserve.</i></p>	<p>Arcadis has prepared a Traffic Impact Assessment in support of the DA for Precincts B2 and C2 (Appendix G).</p> <p>A review of previous traffic generation and SIDRA modelling determined that the revised yield for the Shell Cove Boat Harbour precinct would be 36% higher than the previously adopted traffic volumes. Based on the revised traffic volumes it was determined that all intersections would operate satisfactorily with the exception of the Shellharbour Road / Harbour Boulevard / Wattle Road intersection.</p> <p>Based on the outcomes of this TIA, Consent Conditions Schedule 4 – Statement of Commitment 4.6 Point 1 has been generally satisfied.</p>
Hazard Management and Mitigation Coastal Processes	
<p><i>Under the separate Boat Harbour approval the Proponent undertook to implement a Beach Nourishment/ Rehabilitation Management Plan which</i></p>	<p>Details of coastal processes are set out in Consent Conditions Schedule - Schedule 3 - Part 1 Coastal Hazards Study.</p>

Commitment	Comment Additional Information / Response
<p><i>identifies measures to protect and rehabilitate the Shellharbour South Beach dunal system.</i></p> <p><i>The Proponent undertakes to ensure that beach behaviour is monitored to provide information which will facilitate effective management of natural coastal processes.</i></p> <p><i>The Proponent undertakes to respond to potential sea level rise as a result of climate change by ensuring that all habitable buildings within the Boat Harbour Precinct adopt a freeboard of 0.5m and providing a sea wall with a height of 2.00m AHD.</i></p>	<p>The Coastal Hazard Report prepared by Royal Haskoning DHV (Appendix O of the SEE) identifies the impacts of sea level rise.</p> <p>A Flood Assessment and Stormwater Management Report for Precincts B2 and C2 has been prepared by Advisian (Appendix L of the SEE).</p>
Contamination	
<p><i>The Proponent undertakes to identify any contamination on site and apply appropriate mitigation measures in accordance with the provisions of SEPP 55 - Remediation of Land</i></p> <p><i>The Proponent undertakes to remove any residual landfill within the site associated with the Shellharbour Swamp.</i></p> <p><i>The Proponent undertakes to ensure that further investigations of the former golf course area and the south-eastern area of the site at the location of the former farm structures will be carried out based on the recommendations and conclusions of the Phase 2 Contamination Assessment prepared by Douglas Partners dated October 2010 (Appendix 2D of the Preferred Project Report), as part of the relevant Project Application investigations.</i></p>	<p>A detailed contamination assessment of the Shell Cove Boat Harbour Precinct was prepared by Douglas Partners in 2010.</p> <p>A Targeted Site Investigation (TSI) was undertaken for the lands associated with the former golf course in Precinct E and Wetland 6. Based on the analytical results the TSI found that the area associated with the former golf course is compatible with the proposed residential use, that no further assessment of the site is required from a contaminated land perspective and that the preparation of a Remediation Action plan (RAP) is not required.</p> <p>Precincts B2 and C2 are located outside the TSI area and therefore have been assessed to have no contamination.</p> <p>The landfill associated with the Shellharbour Swamp (the former Council refuse / tip site) is not located with the extent of Precincts B2 and C2.</p>
Acid Sulfate Soils	
<p><i>The Proponent undertakes to treat any disturbed ASS material in accordance with the ASS Management Advisory Committee Guidelines</i></p>	<p>An Acid Sulfate Soil Management Plan (ASSMP) has been prepared by SMEC Australia Pty Ltd in respect of the Precincts B2 and C2 subdivision (Appendix I).</p> <p>The ASSMP has been prepared in general accordance with the various guidelines published by the Acid Sulfate Soils Management Advisory Committee (ASSMAC).</p>
Bushfire	

Commitment	Comment Additional Information / Response
<p><i>The Proponent undertakes to implement an Asset Protection Zone from the revegetated dunal zone located to the east of the study area to any residential, commercial or retail buildings within the Boat Harbour Precinct in accordance with the Planning for Bushfire Prevention guidelines.</i></p>	<p>N/A</p> <p>Precincts B2 and C2 are not located on bushfire prone land or located in the vicinity of the revegetated dunal zone along the coastline.</p>
Geotechnical	
<p><i>The Proponent undertakes to preload areas of soft soil prior to construction in accordance with the separate Boat Harbour approval.</i></p> <p><i>The Proponent undertakes to ensure that following satisfactory preloading, the compacted preload is removed and extra compacted fill is placed, as required, to match the final design level.</i></p>	<p>N/A</p> <p>The Proponent has obtained approvals for implementing pre-loading of soft soil in the Boat Harbour Precinct under the framework of the Ministerial approval for the Boat Harbour (DA 95/133).</p> <p>These works have now been completed.</p>
Flooding	
<p><i>The Proponent undertakes to provide waterway corridors to be used as floodways - using Water Sensitive Urban Design principles and incorporating wetlands, natural creeklines and open space areas - to manage and contain flood hazards.</i></p> <p><i>The Proponent undertakes to implement a Flood Emergency Response which includes remaining on site during PMF events and maintaining safe pedestrian and vehicular access routes out of the Boat Harbour Precinct for events up to the 100yr ARI flood.</i></p> <p><i>The Proponent undertakes to respond to sea level rise by adopting Flood Planning Levels based upon the 100 year ARI flood level plus 0.90 m sea level rise (for the year 2100) plus 0.50 m (to comply with Council's freeboard requirement).</i></p> <p><i>The Proponent undertakes to prepare a FPL map in accordance with Figure 5 of the NSW Coastal Planning Guideline Adapting to Sea Level Rise for each Project Application when more detailed definition of final design levels is available. This will include localised flood modelling for each stage of the Boat Harbour Precinct to demonstrate compliance with the NSW Coastal Planning Guideline Adapting to Sea Level Rise.</i></p>	<p>Precincts B2 and C2 subdivision is consistent with the Concept Plan Approval.</p> <p>It has been shown that the proposed subdivision of Precincts B2 and C2 will not cause any additional existing properties to become affected by the Flood Planning Area.</p> <p>Advisian has prepared a detailed Flood Assessment for Precincts B2 / C2 (Appendix X of the SEE) which addresses the provisions of Council's Floodplain Risk Management DCP and the NSW Coastal Planning Guideline: Adapting to Sea Level Rise.</p> <p>The proposed development is consistent with the Concept Plan Approval. The Assessment demonstrates that the proposed development of Precincts B2 / C2 will not cause any additional existing properties to become affected by the Flood Planning Area.</p> <p>A sensitivity test which assessed the effects of sea level rise by Year 2100 was completed for the adjacent Precinct A development. It showed that a heightened tailwater will not cause an increase in flood levels at Precinct B2 and C2 or its access routes during events up to and including the 100 year</p>

Commitment	Comment Additional Information / Response
<p><i>The Proponent undertakes to prepare an assessment of the impact of 0.9m sea level rise on the 5 year and 100 year ARI and PMF storm events during detailed design phases of the Boat Harbour Precinct associated with each Project Application.</i></p> <p><i>The Proponent undertakes to ensure that the development does not result in any significant increase in flood levels on adjacent properties. Flood impacts will not exceed those identified in Appendix F of the EA.</i></p> <p><i>The Proponent undertakes to ensure that flood risk will be assessed in each Project Application for consistency and compliance with the Concept Plan and compliance with the NSW Flood Plain Development Manual 2005 and Council's Flood Plain Risk Management DCP (except where inconsistent with NSW State Government Policies and Guidelines).</i></p>	<p>ARI storm. An impact of less than 10 mm increase in flood levels is expected during the PMF sea level rise scenario, which will not manifest as any material change in flood conditions.</p> <p>The assessment has demonstrated that the post-development flood mapping is consistent with a flood emergency response strategy consisting of evacuation during events up to the 100 year ARI storm and shelter-in-place during larger events.</p> <p>A copy of the Flood Assessment report prepared by Advisian is included at Appendix N of the SEE.</p>
Water Cycle Management	
<p><i>The Proponent undertakes to mitigate the potential impact of the development on the environment through a Water Cycle Management Strategy which includes:</i></p> <p><i>Rainwater tanks.</i></p> <p><i>Grass swales.</i></p> <p><i>Vegetated drainage corridors.</i></p> <p><i>Bio-retention swales and basins.</i></p> <p><i>Gross pollutant traps.</i></p> <p><i>Wetlands.</i></p> <p><i>The Proponent undertakes to implement a Water Cycle Management Strategy which adopts Water Sensitive Urban Design principles and identifies measures to ensure protection of water quality within the sensitive near-shore coastal environment.</i></p> <p><i>The Proponent undertakes to provide multiple, connected freshwater wetlands to the north and west of the Town Centre in accordance with the Stormwater Quality Management Strategy.</i></p>	<p>A stormwater treatment strategy has been developed for Precinct B2 and C2 and adjacent catchments which will involve measures including GPTs, rainwater tanks, grass swales, wetlands and various proprietary products, including the Stormwater360 JellyFish system and HydroCon porous concrete pipes. These systems will assist in achieving the stormwater quality targets of the overall Shell Cove development, which include ensuring post-development pollutant loads do not exceed pre-development loads and pollutant reduction targets are met. The strategy includes various WSUD elements, which meets the relevant Concept Approval requirements for Ecologically Sustainable Development and Infrastructure.</p> <p>A copy of the Stormwater and Water Cycle Management Plan prepared by Advisian is included at Appendix L of the SEE.</p>
Heritage and Archaeology	

Commitment	Comment Additional Information / Response
<p><i>The Proponent undertakes to progress works in accordance with the approved Archaeological and Heritage Protection Plans and the ss87/90 consent and permit (No 2534) of the NP&W Act.</i></p> <p><i>The Proponent undertakes to protect the Shellharbour Aboriginal Objects (Sites) identified as being of relatively high archaeological value in accordance with the Archaeological and Heritage Protection Plan and the consent and permit granted by the Department of Environment and Climate Change.</i></p> <p><i>The Proponent undertakes to notify the National Parks and Wildlife Service immediately in the event that any previously unidentified Aboriginal relics (including human skeletal material) are discovered on the site.</i></p>	<p>The NP&W Act ss 87/90 consent and permit no. 2534 were granted by the NSW Department of Environment and Climate Change (DECC) for the Shell Cove Project Area.</p> <p>The consent was to carry out destruction of an aboriginal object / place in the following locations:</p> <ul style="list-style-type: none"> • Stone artefact scatter; (52-5-0436); • Stone artefact scatter and associated potential archaeological deposit (52-5-0437); and • Stone artefacts scatter (52-5-0438). <p>These sites have been identified by DECC as having a low or no archaeological significance.</p> <p>Permit 2534 is to collect and / or excavate for the purpose of salvage the shell midden site, together with any human skeletal material, if and where uncovered across the entire Boat Harbour Precinct.</p> <p>The works associated with this consent and have been undertaken accordance with the consent.</p> <p>The Proponent undertakes to notify the National Parks and Wildlife Service immediately in the event that any previously unidentified Aboriginal relics (including human skeletal material) are discovered on the site.</p>
Flora and Fauna	
<p><i>In accordance with the Boat Harbour Ministerial Consent, the Proponent has undertaken to compensate for any impact of the development on aquatic and terrestrial flora and fauna and their habitats by the construction of the Myimbarr Wetlands.</i></p> <p><i>The Proponent undertakes to enhance the environment through the use of native flora in landscaped parklands and public spaces.</i></p> <p><i>The Proponent undertakes to mitigate the impact of construction on flora and fauna populations through erosion and sediment control measures including:</i></p> <ul style="list-style-type: none"> • <i>Diversion drains.</i> • <i>Rapid revegetation of cleared areas.</i> 	<p>N/A</p> <p>The environmental compensation associated with the Myimbarr Wetlands formed part the ministerial approvals associated with the Shell Cove Boat Harbour. The Myimbarr Wetland and associated works have been completed.</p> <p>The proposed landscape treatment for the public domain within Precincts B2 and C2 incorporates native planting species.</p> <p>A detailed Landscape Plan has been prepared by Group GSA (Appendix H of the SEE).</p> <p>The erosion and sedimentation controls for Precincts B2 and C2 include:</p> <ul style="list-style-type: none"> • Clean and dirty water diversion pathways;

Commitment	Comment Additional Information / Response
<ul style="list-style-type: none"> • Silt fences. • Stabilising drains. • Use of temporary and permanent sediment traps. 	<ul style="list-style-type: none"> • Sediment fences; • Sedimentation basins; • Stabilised site access; and • Indicative stockpiles.
Noise Odour & Air Quality	
<p><i>The Proponent undertakes to mitigate any excessive noise impacts by implementing appropriate measures such as low noise pavements or incorporating noise reduction features on residential facades, which will be detailed in each Project Application.</i></p> <p><i>The Proponent undertakes to mitigate odour impacts by adopting odour control measures which comply with Sydney Water guidelines including the reduction in septicity levels.</i></p> <p><i>The Proponent undertakes to meet the objectives of the NSW Action for Air Plan by:</i></p> <ul style="list-style-type: none"> • Minimising internal traffic generation. • Providing direct pedestrian and vehicle access to the harbour foreshore. • Providing continuous pedestrian access to the harbour edge. • Providing pedestrian and cycle paths that access key facilities. • Minimising through traffic to Bass Point and the Business Park. • Encouraging public transport. • Providing direct access to the arterial road network. 	<p>This DA is for the subdivision of Precincts B2 and C2 only and does not seek approval for built form, nor does it involve any odour producing infrastructure.</p> <p>The DA meets the objectives of the NSW Action Plan for Air quality by:</p> <ul style="list-style-type: none"> • Encouraging pedestrian and cycle movement through a new access network, to minimise traffic generation; • Including visual and access corridors that will provide for direct access to the future harbour and harbour foreshore; • Providing for pedestrian links to the future extension of the public transportation network; and • Incorporating a road network that provides for access to the arterial road network.
Socio Economic Impacts	
<p><i>The Proponent undertakes to respond to social and economic impacts through increased numbers of new jobs during construction, increased local job opportunities as a result of the Business Park, increased visitor expenditure, and new expenditure and employment in retail, conferencing, restaurants and tourism.</i></p>	<p>The subdivision of Precincts B2 and C2 will generate economic activity, with the movement into the region of new households and the ongoing income generated by the property as an asset, including the employment opportunities created during the construction phase. It will also contribute to meeting the projected housing needs of the Illawarra region.</p> <p>The expansion of the residential community in the Shellharbour LGA will contribute towards the growth of commercial and retail services.</p>
Consultation	

Commitment	ent Additional Information / Response
<p><i>The Proponent undertakes to continue consultation with the relevant agencies, authorities and the public as pertains to each Project Application.</i></p>	<p>The Proponent has undertaken continuing consultation with the relevant agencies, authorities and the public in the preparation of the DA for Precincts F&G, including Shellharbour City Council, Sydney Water, Endeavour Energy, Telstra and Jemena.</p>
Crime Risk	
<p>The Proponent undertakes to incorporate best practice Crime Prevention Through Environmental Design principles into all detailed design development.</p>	<p>The subdivision has been designed in cognisance of the principles of Crime Prevention through Environmental Design (CPTED) and incorporate measures to promote safety and security of residents of and visitors to Shell Cove (refer discussion at Section 6.1.9 of the SEE).</p>