



SOUTHERN REGIONAL PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	2018STH026
DA Number	0331/2018
Local Government Area	Shellharbour
Proposed Development	Six (6) Stage Subdivision of Lot 4003, DP 1235539 into 59 Lots Comprising of 42 Housing Lots, 4 Public Reserve Lots, 9 Future Residential Superlots and 4 Residual Lots. (Precincts F / G land subdivision)
Location	Lot 4003, DP 1235539 Old Bass Point Road, Shell Cove
Applicant / Owner	Australand Corporation (NSW) Pty Ltd (Frasers Property)/Shellharbour City Council (Land)
No. of Submissions	Nil
Regional Development Criteria (Clause 4.5(b) of the Act)	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 \$10,600,000
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • SEPP (State and Regional Development) 2011 – Council related Development over \$5 million; • SEPP (Coastal Management) 2018 – consideration of SEPP required for overall assessment; • SEPP 55 – Remediation of land – earthworks trigger consideration; • Shellharbour Local Environmental Plan 2013 is considered – Proposal is permissible with consent within zone R3 – part of 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; • Torrens Title Subdivision specifically permissible under Clause 2.6 of SLEP 2013; • No draft Local Plan for consideration; • Shellharbour Development Control Plan 2013 (where Concept Approval and associated Urban Design Guidelines are silent); • Likely impacts; • Site suitability; • Any submissions; • Public Interest; • No planning agreement applies or is proposed; • Coastal Zone Management Plan gazetted in 2017

<p>List all documents submitted with this report for the panel's consideration</p>	<ul style="list-style-type: none"> • Statement of Environmental Effects dated 20th June 2018 prepared by Arcadis including (updated as required); • Appendix A: Shell Cove Master Plan Precincts F & G; • Appendix B: Contamination –Shell Cove Precincts F & G; • Appendix C: Ecology - Shell Cove Precincts F & G; • Appendix D: Cultural Heritage Protection Plan and AHIP - Shell Cove Precincts F & G; • Appendix E: Design Drawings - Shell Cove Precincts F & G (updated); • Appendix F: Draft Plan of Subdivision - Shell Cove Precincts F & G (updated); • Appendix G: Traffic Impact Assessment - Shell Cove Precincts F & G; • Appendix H: Landscape and Intent Plans - Shell Cove Precincts F & G (updated); • Appendix I: Acid Sulphate Soil Assessment and Management - Shell Cove Precincts F & G; • Appendix J: Earthwork Strategy - Shell Cove Precincts F & G; • Appendix K: Utility, Sewer and Water Services Strategy - Shell Cove Precincts F & G; • Appendix L: Stormwater and Water Cycle Management Plan - Shell Cove Precincts F & G; • Appendix M: Urban Design Guidelines - Shell Cove Precincts F & G – Detached Housing (updated); • Appendix N: Urban Design Guidelines - Shell Cove Precincts F & G- Medium Density & Apartments (updated); • Appendix O: Flood Assessment - Shell Cove Precincts F & G; • Appendix P: Noise and Air Assessments – Shell Cove Precincts F & G; • Appendix Q: LEP overlay and zoning – Shell Cove Precincts F & G; • Appendix R: Community Land Boundary - Shell Cove Precincts F & G; • Appendix S: Coastal Hazards - Shell Cove Precincts F & G;
<p>Recommendation</p>	<p>That SRPP No. 2018STH026 (DA No. 331/2018) be approved subject to the schedule of conditions contained in Attachment 1.</p>
<p>Report prepared by</p>	<p>Nancy Sample, Senior Development Assessment Officer</p>
<p>Signature</p>	
<p>Report endorsed by</p>	<p>Grant Meredith, Group Manager City Development</p>
<p>Signature</p>	
<p>Report endorsed by</p>	<p>Melissa Boxall, Director Community and Customer</p>
<p>Signature</p>	
<p>Report date</p>	<p>12 November 2019</p>

Summary of s4.15 matters	Yes
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	
Legislative clauses requiring consent authority satisfaction	Yes
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>eg. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	
Clause 4.6 Exceptions to development standards	Not Applicable
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?	
Special Infrastructure Contributions	Not Applicable
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>	
Conditions	Yes
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 No. 0331/2018 was lodged with Shellharbour City Council on 5 July 2018. The application seeks development consent for a Torrens title subdivision of land described as Precincts F & G 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 local planning controls within the Shellharbour Development Control Plan 2013. Council received no submissions relating to the proposal.

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

- The road widths and lot layout (addressed by amended plans);
- Location of shared pathways and cycleways (amended plans);
- Extent of physical infrastructure to be dedicated to Council (agreed);
- Management of asbestos contaminated fill to Precinct G (staged consent), and
- General consistency with the concept plan approval, in particular the size of lots (addressed by amended plans).

The proposed subdivision has been assessed under relevant 'heads of consideration' (*Matters for consideration – general*) found in 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.

In particular, the application was considered against the following EPI's and found to be satisfactory subject to the imposition of conditions as recommended:

- Boat Harbour Concept Plan (Concept Approval (CA) (MP07_0027) & MOD 1 (including Statement of Commitments);
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 71 – Coastal Protection (Clause 21(1) Savings and Transitional Provisions);
- Shellharbour Local Environmental Plan 2013.

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 schedule of conditions provided in **Attachment 1**. The draft conditions were provided to the proponent for review and comments considered in finalising the schedule of conditions.

The panel was briefed on this matter at a meeting on 17 September 2019. The Statement of commitments that forms a requirement of the CA has been satisfactorily addressed in the Statement of Environmental Effects submitted with the application and through associated reports.

This report recommends the granting of conditional development consent to SRPP No. 2018STH026 (DA No. 0331/2018) for the Six (6) Stage Subdivision of Lot 4003, DP 1235539 into 59 Lots Comprising of 42 Housing Lots, 4 Public Reserve Lots, 9 Future Residential Superlots and 4 Residual Lots. (Precincts F/G land subdivision).

Report Structure

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6. Attachments
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 - 6.3 Precincts F & G Subdivision And Aerial Overlay
 - 6.4 Precincts F & G Subdivision And Cadastral Overlay
 - 6.5 Boat Harbour Precinct Concept Plan MP07_0027 & MOD 1 Plans
 - 6.6 Site Photos
 - 6.7 Earthworks Cut & Fill Plan
 - 6.8 MP07_0027 Concept Plan Approved Documentation
 - Dwelling Numbers And Type
 - Building HeightsMod 1 – Approved Documentation.
 - Dwelling Numbers And Type
 - Building Heights
 - 6.9 Shell Cove Boat Harbour Precinct Related Development Applications
 - 6.10 Letter of advice from Frasers re: Contaminated Lands

PLANNING ASSESSMENT REPORT

1. Development Description

The subdivision proposal comprises:

- 42 Torrens Title residential allotments (18 in Precinct F and 24 in Precinct G);
- 9 super lots for future integrated housing development (6 in Precinct F and 3 in Precinct G) – includes 2 lots for apartments – 47 in F, 85 in G;
- 4 lots identified as Public Reserves;
- 4 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; and
- construction of Wetland 8 together with the Northern and Eastern Swales and associated landscape treatment (as amended by future DA – part of Stage 7 of recommended consent).

The subdivision layout design can be seen below in **Figure 1** and **Attachment 2**.

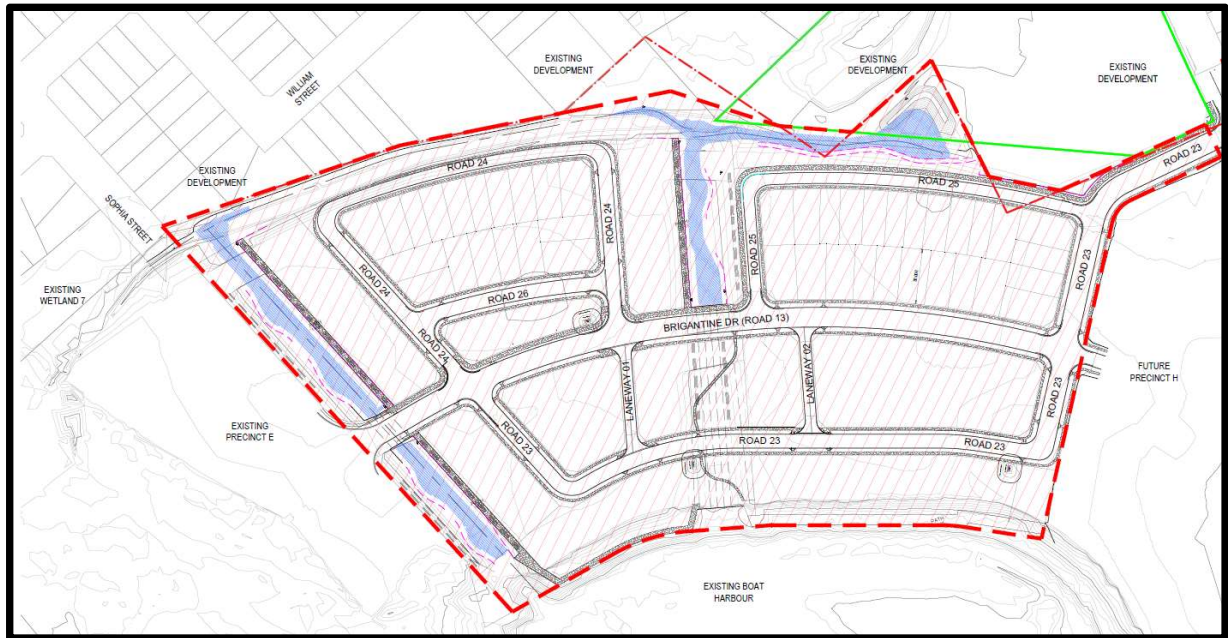


Figure 1: Shell Cove Boat Harbour Precincts F & G Subdivision Design
Source: Plans

Attachment 3 shows an aerial overlay of the subdivision.

Attachment 4 shows a cadastral overlay of the subdivision.

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

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 harbour will begin to fill in 2020. **Figure 2** shows the spatial context of Precincts F & G locality plan within the Shell Cove Boat Harbour Precinct.

This application for Precincts F & G is the sixth residential subdivision development to be reported to the regional planning panel. The adjoining precincts have been substantially developed with the construction of detached single dwellings, dual occupancies and multi dwelling housing. The Panel approved the Precinct A subdivision to the southern end of the harbour on Monday 17 December 2018.

The Panel is also the consent authority for further residential subdivision of Precincts B2 and C2, which has been prepared for assessment and is also 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 9** refers to approved and current development applications relating to residential developments within the Shell Cove Boat Harbour development.



Figure 2: Shell Cove Boat Harbour Precinct F & G Locality Plan

Source: Plans

3. Context – Locality & Land Attributes

Precincts F & G, Wetland 8 and the Northern and Eastern Swales include an area of approximately 10 Ha in the northern section of the Shell Cove Boat Harbour Precinct. The land falls to the harbour currently under construction.

Precinct F is located immediately to the east of Precinct E. The southern boundary is defined by the future Boat Harbour, while the northern boundary interfaces with existing low and medium density residential development to William Street, which sits outside the Concept Approval area. It is bordered by public reserves to both the east and west, which provides both outlook for future residential development and potential view corridors to the ocean.

Precinct G is located immediately east of Precinct F, also interfaces with the Boat Harbour to its southern end. The northern section of the Precinct interfaces with existing areas of public open space (Ron Costello Oval and Keith Hockey Oval).

The SEE submitted with the application considers the existing changes to the site as follows: *'Parts of the site have previously been surcharged and filled to minimise any impacts of the poor strength underlying natural soils, and mitigate any potential for exposing Acid Sulfate soils during construction. Mounds associated with surcharging have now been removed from the majority of the site and the "existing surface" is at a level and profile proposed by Advisian to be the structural fill platform.'*

Photos of the development site and immediate content are provided in **Attachment 6**.

4. Relevant Legislative Considerations

a. 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 (Concept Approval (CA) (MP07_0027) & MOD 1 (and associated Statement of Commitments);
- State Environmental Planning Policy (State and Regional Development) 2011;
- 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 150,000m² 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 F& G.

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. The Urban Design Guidelines have also been addressed given their limited scope in the context of a land subdivision.

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.

Consideration Of Approved Yield To Precincts F&G – MOD 1

Under the approved MOD 1, the principles of the approved CA have been maintained. However, the amendments to Precincts F & G, are summarised in the following comparison table:

Concept Plan Approval	S75W Application	Precincts F&G Proposed
Approx. 199 dwellings	Up to 300 dwellings	Estimated 246 dwellings
Single lot dwellings. Medium density dwellings. Apartments with a maximum height of up to 4 storeys. Taller buildings are located closer to the waterfront and height steps down towards the north.	Up to 300 dwellings comprising single lot low density dwellings, medium density dwellings, studios and high density apartments up to 4 storeys. Taller buildings are located adjacent to the waterfront and height steps down towards Shellharbour village to the north.	Subdivision accommodates mixture of single lot dwellings, medium density and studios and apartments up to 4 storeys in height on Superlots immediately adjacent to the waterfront.
Precincts F&G have direct road connections to the surrounding precincts. Precinct G has direct access to Boolwarro Parade.	Road connections as per Concept Plan approval.	Consistent

Figure 3: Yield Comparison Table

The Statement of Environmental Effects submitted in support of the development states the anticipated dwelling yield for Precincts F & G will approximate 246 dwellings as follows:

- 132 apartments;
- 72 dwellings from future development of the Superlots (medium density), and
- 42 single dwellings (single lots).

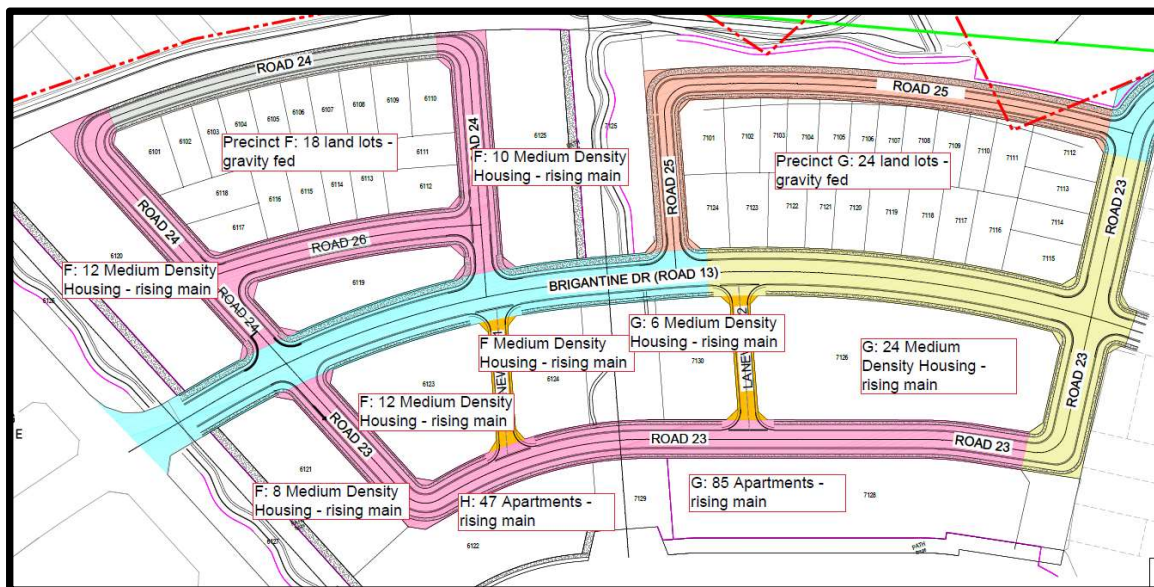


Figure 4: Yield Plan
Source: Extract From Plans

Residential allotment sizes vary:

- 42 lots between 318.2sqm – 518.1m²

Residential Superlot areas vary between 1514m² – 5553m².

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 \$10,600,000.

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.

A phase 2 site contamination assessment of the Boat Harbour Precinct was submitted as part of the Concept Plan application. This report concluded that a Remediation Action Plan was required for the former golf course and a former farm structure. This has since been provided.

On the basis of Council's maps and records, Council's Environment Officer advises that the development site is identified as contaminated land. Part of Precinct G is located above an existing landfill site (mapping extract below). The grey area outlines the approximate location of the existing landfill site.



Figure 5: Relative Location Of Existing Contaminated Land – Landfill Site – To Edge Of Precinct G
Source: Council's GIS Mapping System

During the assessment of this application, the proponent advised Council that asbestos contaminated fill had been uncovered during pre-development investigations. As a result of this advice, a pre-lodgement meeting was held on 4th June 2019 (Council ref: PR0029/2019) in regard to this matter. Further to this pre-lodgement meeting the proponent submitted a letter and associated documentation detailing the basis for the works undertaken and evidenced that they were not inconsistent with the approved CEMP. This letter of advice is included as **Attachment 10**.

In responding to this matter further, the proponent agreed to engage a site auditor to consider a report from SMEC who were engaged by the proponent to advise parties as to options for the burial of the fill.

While Council has not given any formal approval to the burial of the fill, no objection is raised subject to the lodgement of a development application for the works.

This methodology was agreed at a second pre-lodgement meeting held with the proponent, SMEC and the Site Auditor (as engaged by the proponent) on 30th October 2019.

To enable this methodology, it was agreed to stage the draft consent (as presented to the Panel) to include a specific stage (stage 3) including a flexible condition that could enable the burial anywhere across the precincts of the developing Shell Cove waterfront area, including in the precincts subject to this DA (i.e. Precincts F&G).

This approach would also quarantine the upper triangular section of precinct G (refer to Figure 3 below) to be effectively separated from the main water quality management system (WSUD) to protect the integrity of the wetland system.

Therefore, the draft consent has been prepared on the basis of 'staging' that enables a future DA to be lodged with Council for assessment in regard to the burial of the contaminated fill and management of the land highlighted on the extract below.

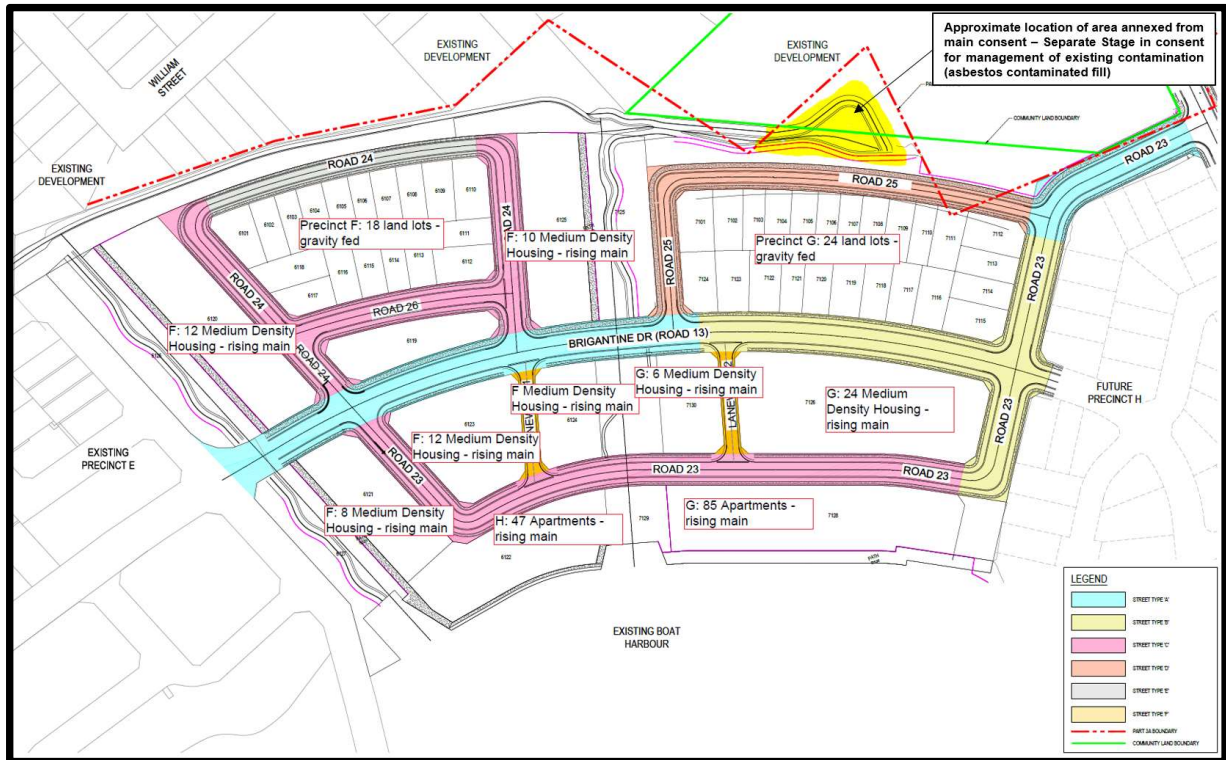


Figure 6: Relative Location Of Existing Management Site Of Contaminated Fill (Asbestos Contamination)
 Source: Annotated Extract From Plans

The proposal to exclude this section of land from the originally approved wetland system for water quality management across this precinct has been considered and found to be an efficient and effective way to reduce any future risk from the management of the contaminated fill. The draft conditions also require that landscaping and any land shaping to that area is undertaken entirely separately and completed further to the effective remediation of that area (and any certification).

In this case, the management of this area will form part of Stage 2 and the construction staging proposed (as amended-stages 1-7) reflects an improved handover to Council (dedication) of smaller sections of the overall development. To date, the proposal has been split into two stages - see extract from plans at Figure 7 below.

Further to this, the consent staging has been discussed at length with the proponent who agrees to a modified two stage approach including;

Stage 1 – Earthworks and Construction; and

Stage 2 – Management of contaminated land with a plan submitted to effectively isolate the contaminated triangular area of precinct G from the balance of other surrounding precincts.

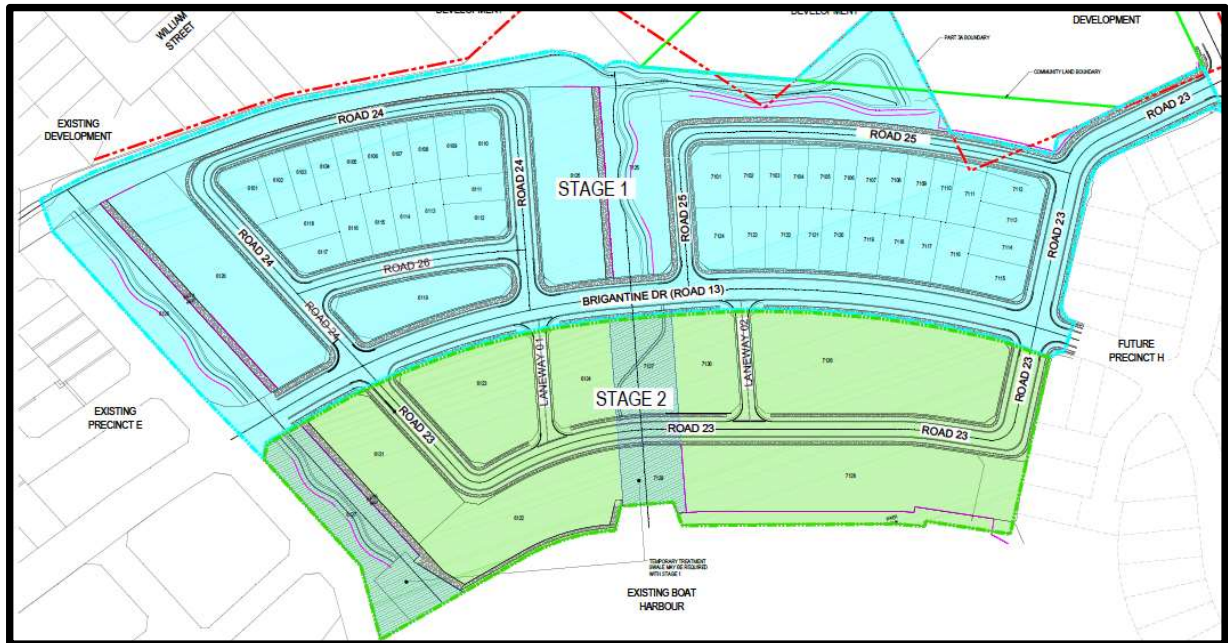


Figure 7- Original Staging Proposed – Now Updated

Source: Plans

As stated above, this original consent staging has been superseded and a broader two-stage approach take with separate stage 2 for future management of contaminated land to precinct G.

Updated construction staging plans are now included with the plans to reflect a gradual delivery of elements within each Precinct. Accordingly, the proposal is consistent with the aims of the Policy subject to the lodgement of a DA in the future to manage the fill and also any existing contamination to the location shown above. This staging and draft conditions are included in the draft schedule of conditions provided at **Attachment 1**.

The aim of the staging is to enable the detailed assessment of a future DA pertaining to the management of existing contamination to the triangular shaped section of precinct G and also the future burial of it. The proponent does not object to this approach nor did their site auditor who attended the final meeting at which this was discussed.

State Environmental Planning Policy No. 71 – Coastal Protection

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 F & G is located within the coastal zone as shown in figure 6 below. The development site does not have frontage or access to the coastal foreshore and is not located within the sensitive coastal zone. The extract from Council’s GIS mapping system below shows the SEPP Coastal zone (Yellow area).



Figure 8 – Coastal Zone Mapping (Site Indicated – Approximate Location)

Source: Council GIS Mapping System

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 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. Pursuant to the Land Use Tables of SLEP 2013, the development site is zoned as being located within the R3 medium density residential zone. **Figure 9** shows the location and land area of the R3 zoned land. Pursuant to clause 2.6 subdivision of land to which the SLEP 2013 applies is permitted with development consent, however residential accommodation is prohibited development on land zoned B7 and RE1. Accordingly, the proposal is permissible under SLEP 2013.

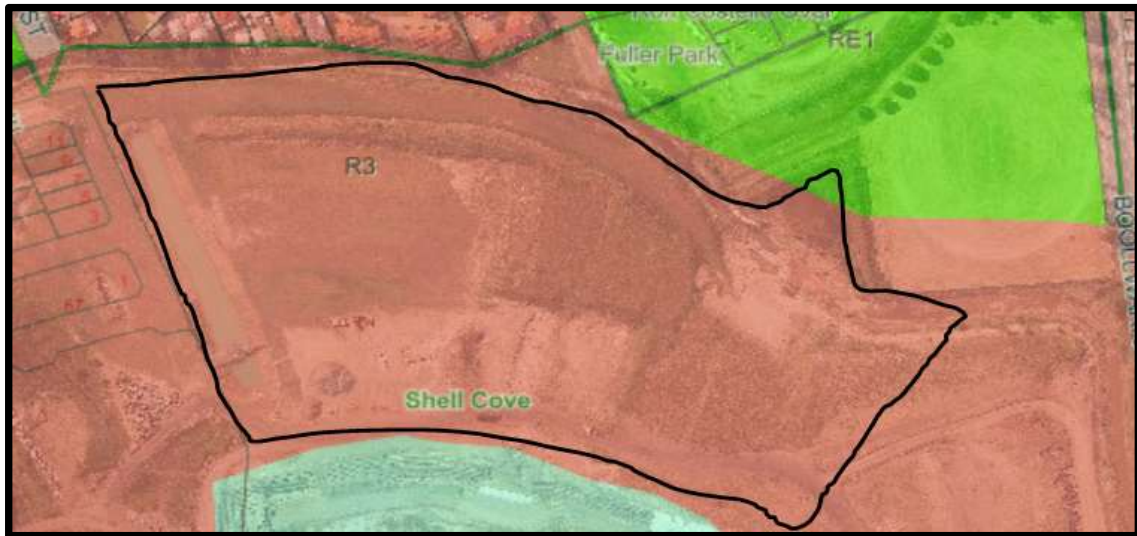


Figure 9: SLEP 2013 Land Use Zones (Approximate Location)
Source: Council's GIS Mapping System

The objectives of the land use zone are as follows:

R3 Medium Density Residential

- 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 living 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. In this case, the proposal is consistent with the CA as modified and with SLEP 2013.

Notwithstanding the land use zoning of SLEP 2013, pursuant to EP&A (Transitional) Regulation 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 CA.

Part 4 - Principal Development Standards

Clause 4.1 - Minimum Subdivision Lot Size

Subclause (2) states that this clause applies to a 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 450m². Over 30% of single dwelling lots have an area less than 450m². 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) Regulation, Schedule 2, Clause 3B 2(f), the CA prevails to the extent of the inconsistency with the minimum lot size development standard. It is considered that the proposed lot sizes support the strategic outcomes of the CA.

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. An unexpected finds contingency condition is recommended as part of the recommended set of conditions.

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. Precincts F & G are identified by Council's GIS mapping system as being potentially affected by Acid Sulphate Soils – Classes 2 & 3.

The GIS mapping extract below shows the approximate location of the Acid Sulphate Soil.



Figure 10: Location Of Acid Sulphate Soils Mapping Precincts
Source: Council's GIS Mapping System

Acid sulfate soils (ASS) were investigated as part of the Concept Plan application. The terms of the Concept Plan Approval (as modified) 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).

Accordingly, an ASSMP has been prepared by Coffey (28.02.2018) in accordance with the industry guidelines and provided with this development application.

The plan states that: *'Numerous previous reports have been carried out at the site assessing geotechnical and acid sulfate soil issues. Based on the review of the available soils and geological information plus the laboratory results, there is potential for encountering acid sulfate soil across the majority of Precincts F and G.'*

Precincts F and G are lower lying and have been filled by 1m to 5m of non-acid sulfate soil fill to set the bulk earthworks levels for this subdivision. It is considered unlikely and low risk that following construction up to 'Bulk Earthwork' level, that acid sulfate soil materials will be encountered on a large scale, except for drains and some service trenches (sewer and stormwater). If any works occur that have the potential to lower the groundwater table within or in adjacent areas where ASS are present, then these activities will also need to be managed. This plan presents management procedures for acid sulfate soils...'

Council's environment team considered this report and found that: *'The western portion of Precinct F and the majority of Precinct G are mapped as Class 2 Acid Sulfate Soil (ASS) on Intramaps. Coffey 2018 have prepared an Acid Sulfate Soil Management Plan (ASSMP) for Precincts F and G. This ASSMP is a high level document that is based on existing data from previous reporting for the Boat Harbour and provides a general framework for managing ASS.'*

Coffey (2018) states that once a contractor is appointed and the landform of the site following bulk earthwork is better known more site specific specifications will need to be prepared to guide the management of ASS during the subdivision civil works. Coffey (2018) state Precincts F and G have been filled over with approximately 1- 5m of non-acid sulfate soil to set the bulk earthworks levels. The ASSMP states there is potential for encountering acid sulfate soil across the majority of Precincts F and G however it is unlikely this material will be encountered on a large scale, except for drains and some service trenches (sewer and stormwater). Advisian (2018) also address ASS within the subject site and detail that trenching to a depth of 3m for stormwater pipes and down to 5m depth in places for sewer infrastructure will potentially encounter ASS.'

Conditions are given below based on the management actions and recommendation of further assessment provided by Coffey (2018).'

Accordingly, the objectives of clause 6.1 are 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 plans at **Attachment 7**. As considered in the supporting SEE: *'Parts of the site have previously been surcharged and filled to minimise any impacts of the poor strength underlying natural soils, and mitigate any potential for exposing Acid Sulfate soils during construction. Mounds associated with surcharging have now been removed from the majority of the site and the "existing surface" is at a level and profile proposed by Advisian to be the structural fill platform.'*

The extent of earthworks is indicated at **Attachment 7**. The earthworks strategy report by Arcadis -17 May 2018 considers the following levels of cut and fill in regard to earthworks associated with this DA:

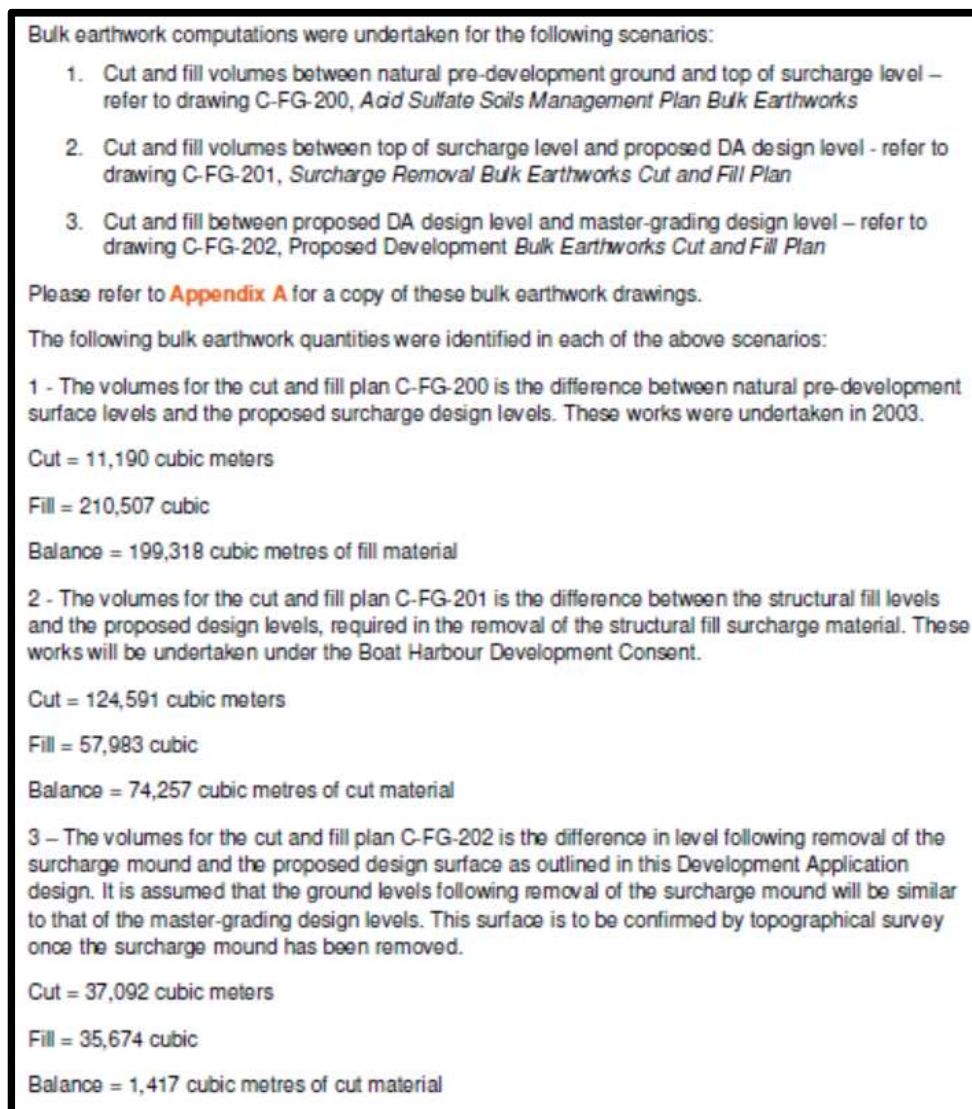


Figure 11 – Extract from Arcadis – Earthworks strategy 2018-Precincts F & G

Source: Plans

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

Technical assessment of the proposal and supporting study by Advisian finds that the development is unconditionally consistent with clause 6.4 objectives. Council's flood engineers considered this proposal and found that:

The applicant has proposed the two stage subdivision of Lot 4003, DP 1235539 into 57 lots comprising of 42 housing lots, six public reserve Lots, nine future residential superlots and one residue lot. Hence, the land-use is categorised as "sub-division" In the amended plans dated 07/02/2019 for Project No.10006310 Issue No. 3, the applicant has addressed the council's comments regarding 'Road 25' as shown in Drawing No. C-FG-004, C-FG-005 and C-F-006 respectively. Generally no issues with the proposed changes in 'Road 25' for the flood referral. The standard conditions from the previous flood referral are included in this water engineering advice for clarity.

Note: *The long series of box culverts draining the proposed eastern major overland flow channel presents a risk to public safety. A suitable safety exclusion bar arrangement is to be design and constructed in accordance with the procedures within the Queensland Urban Drainage Manual (QUDM) to the satisfaction of the PCA.'*

The proposed conditions provided by Council's Engineers are included in the recommended conditions at **Attachment 1**. These include the recommended requirement detailed above i.e. protection of public safety in regard to the box culverts.

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 has been 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 6.9 - 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 on-site 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 for 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 to 650 metres. Accordingly, SEPP Mining does not apply.

4.1.2 Section 4.15(1)(a)(ii) – the provisions of any draft instrument

There are no draft instruments that require consideration in relation to the proposal.

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

The *Shellharbour Development Control Plan 2013* (SDCP) applies to the development only where the Concept Plan Approval is silent or where the DCP provides the technical assessment framework. Pursuant to EP&A (Transitional) Reg schedule 2 clause 3B 2(f) however, where there is an inconsistency between the DCP and terms of the concept plan approval, the latter will prevail. The proposal is able to satisfy applicable objectives and the development provisions that underpin these objectives, subject to conditions. 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

There are no planning agreements entered into or any draft agreement offered to enter into under section 7.4 which affect the development. Council's engineers and strategic planning team have considered the proposal and raise no objections subject to the imposition of conditions as recommended.

4.1.5 Section 4.15(1)(a)(iv) – the regulations

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

4.1.6 Section 4.15(1)(b) – the likely impact of the 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 planning for the area known as Shell Cove as approved under the CA. The area is being developed as part of a master planned project and accordingly there are no consistency issues regarding the context and setting.

Flora And Fauna

SLEP 2013 clause 6.5 – Terrestrial biodiversity applies to the development site as the land is mapped as being affected by Biodiversity and having such values. As such, the proponent submitted an ecology report pertaining specifically to the Green and Golden Bell Frog.

The report concludes that:

‘This study has carried out standard survey procedures in an attempt to find the Green and Golden Bell Frog within the Shell Cove Boatharbour Precinct. That species was not found and frogs generally were absent or uncommon in the majority of wetlands.

*The physical habitats present appear suitable for Bell Frogs, but the almost universal occurrence of large populations of the introduced Plague Minnow *Gambusia holbrooki* militates against the presence of the species. Four frog species were recorded in the study area and these were most abundant in wetlands not connected to the swamp drainage system and free of Plague Minnow.’*

Council’s Environment Officer has reviewed the information submitted and provided the following comments: *‘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 (GGBF) were identified.*

*The majority of habitat including all drains and wetlands connected to the main drainage system were assessed as being unsuitable breeding habitat due to the presence of the exotic species *Gambusia holbrooki* (Plague Minnow).*

The subject site previously included part of the approximately 12ha patch of native reed land as well as a constructed drainage channel. A landfill site is also known to occur within part of Precinct G. The wetland has been filled and bulk earthworks covers the entire subject site.

There is no significant habitat value within the site for native fauna species. Overland drainage swales currently draining the work site are constructed and will become permanent water courses as part of the WSUD features of the stormwater infrastructure. These provide limited habitat for frogs and birds. Standard fauna protection measures are included within the conditions below. Additional fauna habitat features are required to be incorporated into the revegetation of Wetland 8 and water channels.'

Accordingly, the intent of the recommended conditions provided in **Attachment 1** is to minimise harm to native fauna prior to vegetation.

Waste Management

Waste management during the construction stage of the development has been addressed through a waste management plan and standard condition. These are included in the draft schedule of conditions provided in **Attachment 1**.

Natural Hazards

The coastal hazards of erosion and inundation are not expected to have any significant effect on the Precincts F & G development sites.

A Coastal Hazards report was submitted in support of the application which refers to sea level rise and the adequacy of the sea wall included to protect Shell Cove. The report considers that:

'5.3 Adequacy of Height of Seawall

The available freeboard between the estimated 100 year elevated still water level of 1.5m AHD and the seawall crest level of 2.0m AHD is 500mm. This is essentially available to accommodate sea level rise due to climate change (wave action within the Boat Harbour is very limited).

Accordingly, based on the adopted planning benchmark values for sea level rise referred to earlier, overtopping of the seawall crest level would not be expected for about 50 years into the future. Even then, any overtopping/inundation behind the seawall would need to be associated with a very rare ocean storm (100 year ARI) and would only occur for a few hours around high tide.

The above level of risk is considered reasonable given that straightforward and robust adaption measures exist to raise the seawall crest level and mitigate inundation in the future, if required. It is also relevant to recall from earlier that the building platform levels for all lands in the Shell Cove Boat Harbour Precinct (including Precinct F & G) are well above the seawall crest level.

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 F & G which are well above the seawall crest level, the proposed seawall crest level of 2.0m AHD is considered reasonable.'

Conditions of consent go to the effective design of the site and relative levels in relation to changes in flood waters. The conditions are included in the draft schedule of conditions provided at **Attachment 1**.

Safety, Security And Crime Prevention

The proposal is found to be satisfactory further to 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.

Economic Impact

There are not expected to be adverse economic impacts, including to Council, arising from the approval of the proposal. Council's Assets section did not raise any objection to the proposal further to internal discussions relating to the retaining infrastructure proposed.

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. Standard conditions have been recommended in regard to the requirement for a Construction Management plan and other matters addressed through the draft schedule of conditions included at **Attachment 1**.

Cumulative Impact

Approval of the subdivision development is not expected to result in unreasonable adverse cumulative impacts. The CA has anticipated such impacts and considered environmental matters and endorsed the works as part of the wider approval.

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

As discussed elsewhere in this report the site's attributes are conducive to the proposed subdivision development subject to the draft schedule of conditions provided in **Attachment 1**.

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

The DA was publicly notified during the period 9 August to 29 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,
- 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,
- because the subdivision development has been assessed as satisfactory having regard to the heads of consideration under section 4.15 of the EP&A Act subject to conditions being imposed on any development consent granted.

4.2 Environmental Protection & Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (EP&A (Transitional) Reg)

Pursuant to EP&A (Transitional) Reg 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 as modified by MOD 1.

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 to **Attachments 5 and 8**.

Key Elements Applicable To Proposal/Site

Land Uses – Precincts F & G

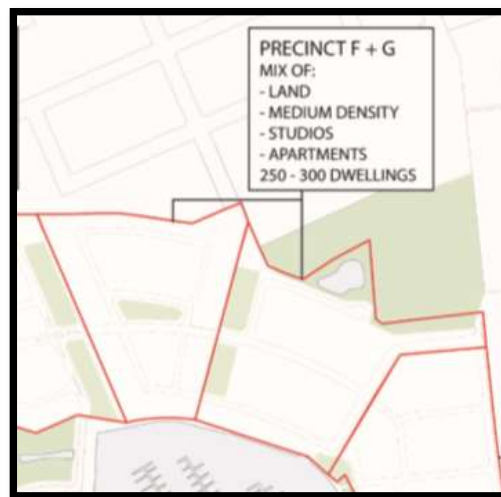


Figure 12: Extract from Land use per precinct (MOD 1) (See Attachment 5)

The above extract from the land uses plan show Precincts F & G has one land use being residential land use including Low, Medium and High Density.

The subdivision development is considered to be consistent with the Precincts F & G envisaged land uses in the CA as modified as the subdivision provides for residential subdivision.

Street Network

The below extract from the Street Pattern Diagram (**Figure 10**) shows the indicative road hierarchy and layout within the Precincts F & G development of the Concept Plan Approval.

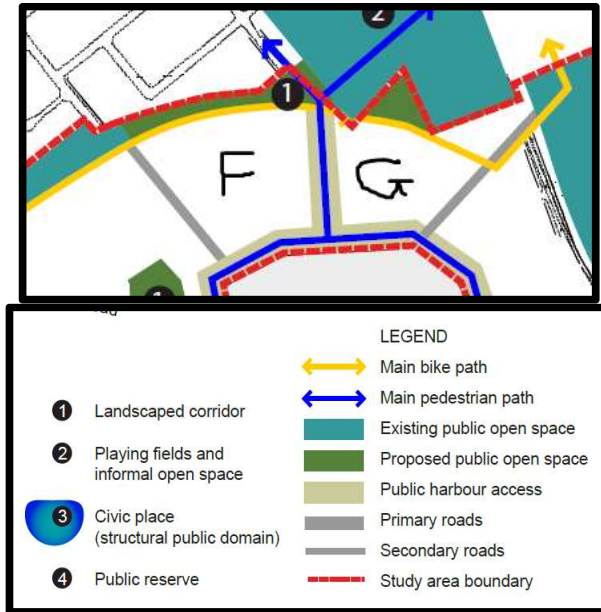


Figure 13: Extract from Street Pattern Diagram

Source: Concept Application and Environmental Assessment | figure 4.02 (page 50)

A traffic impact assessment was submitted as part of the suite of supporting information. Council's engineers reviewed information submitted and raised no issues.

The relocation of the cycle track was considered during the assessment as the proposed design does not exactly match the line of the cycle path. Issues such as personal safety and the shared path design were considered in the context of the route originally approved (above). The proposed re-routing enables the channels through these precincts to be crossed (bridge structures). Council's assets team did not wish to manage additional bridge structures into the future and found that minimising the erection of such structures was a better planning outcome.

A letter was also received from the proponent on this matter dated 12 June 2019, it stated:

The indicative location of cycleway and pedestrian paths proposed in the EA did not consider site constraints, engineering, value management, asset management or any other element of the detailed design. The figure demonstrates our commitment to provide a cycleway connection between Harbour Blvd and Boollwarro Parade, but does not look to define the route in the context of the evolved subdivision design.

Once detailed site planning began it was evident the most appropriate cycleway route was via Brigantine Drive. The reasons for this were:

- Brigantine Drive includes 2 culvert structures within Precincts F&G crossing the eastern and western overland flow channels. Locating the cycleway on Brigantine Drive makes use of these culvert crossings. Construction of the cycleway along the northern edge of the precinct would require 2 additional bridge structures to be built by the Project and subsequently maintained by Council. This is undesirable from both a delivery cost and asset management perspective; and
- The open space corridor to the north of Precinct F is narrow and includes an overland flow channel immediately adjacent to rear fences of existing Shellharbour village residences where surveillance is limited. This route is undesirable from a *Crime Prevention through Environmental Design* perspective.

It is preferred the cycleway is located more centrally within the development rather than on the development edge for these reasons.

Figure 14: Extract from Frasers letter dated 12 June 2019 – change to cycle path
Source: Frasers letter

The subdivision design is generally consistent with the approved road network subject to the imposition of conditions as recommended.

Dwelling Density, Typology & Spatial Arrangement

The Concept Approval as modified by MOD 1 approved documentation includes plans showing indicative dwelling numbers and spatial arrangement of built form as single dwellings, multi dwelling housing and apartments; refer to **Attachments 5 & 8**. An extract from Figure 4.6 pertaining to Precincts F & G is provided below.

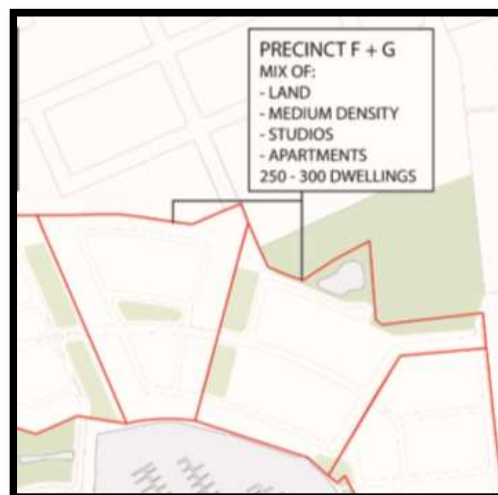


Figure 15: Extract from 4.6 of the MOD 1 Revised Concept Plan Design Report
Source: MOD 1

The subdivision proposal comprises low density, medium density and high density lots which is consistent with the MOD 1 approval for these precincts.

Networks - Open Space, Pedestrian And Bicycle

An extract of the Concept Approval 'Open Space, Pedestrian and Bicycle network' plan is shown below in **Figure 16**. The pedestrian and bicycle network of the Concept Approval is linked to the pattern of open space.

The below figure (**Figure 16**) shows there are open space requirements within Precincts F & G. The footprint of subdivision development is consistent with the public domain harbour access and the coastal public reserve. The existing adjoining playing fields and passive open space areas are consistent with Council's Development Contribution plan and its Park and Recreation Space Guidelines. The landscaped corridor has been provided and conditions recommended at **Attachment 1** go to the management of all landscaping to these precincts.

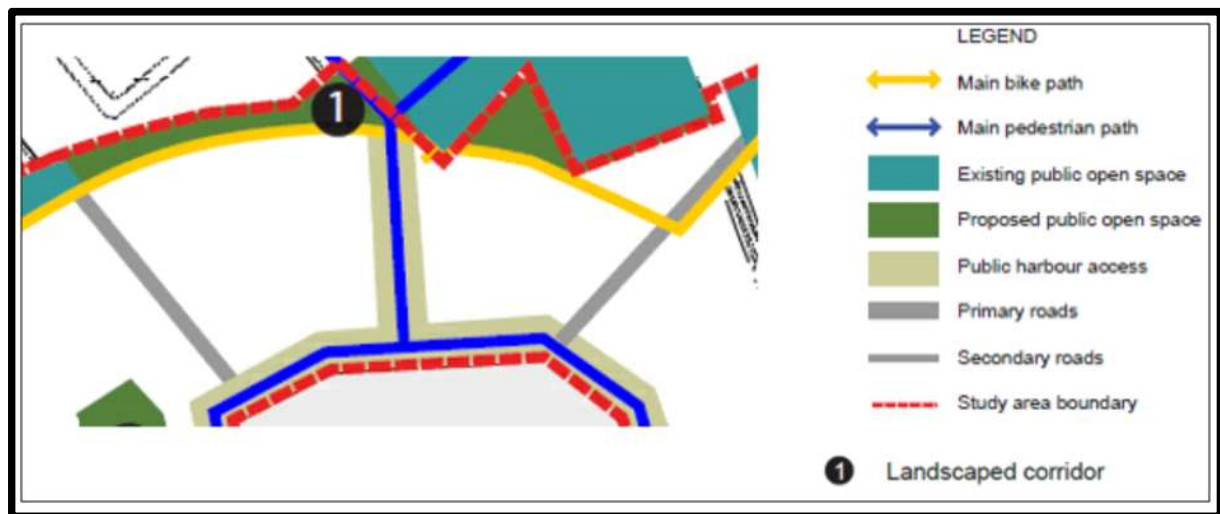


Figure 16: Extract from open space network plan

Source: Concept Application and Environmental Assessment | figure 3.03 (page 26)

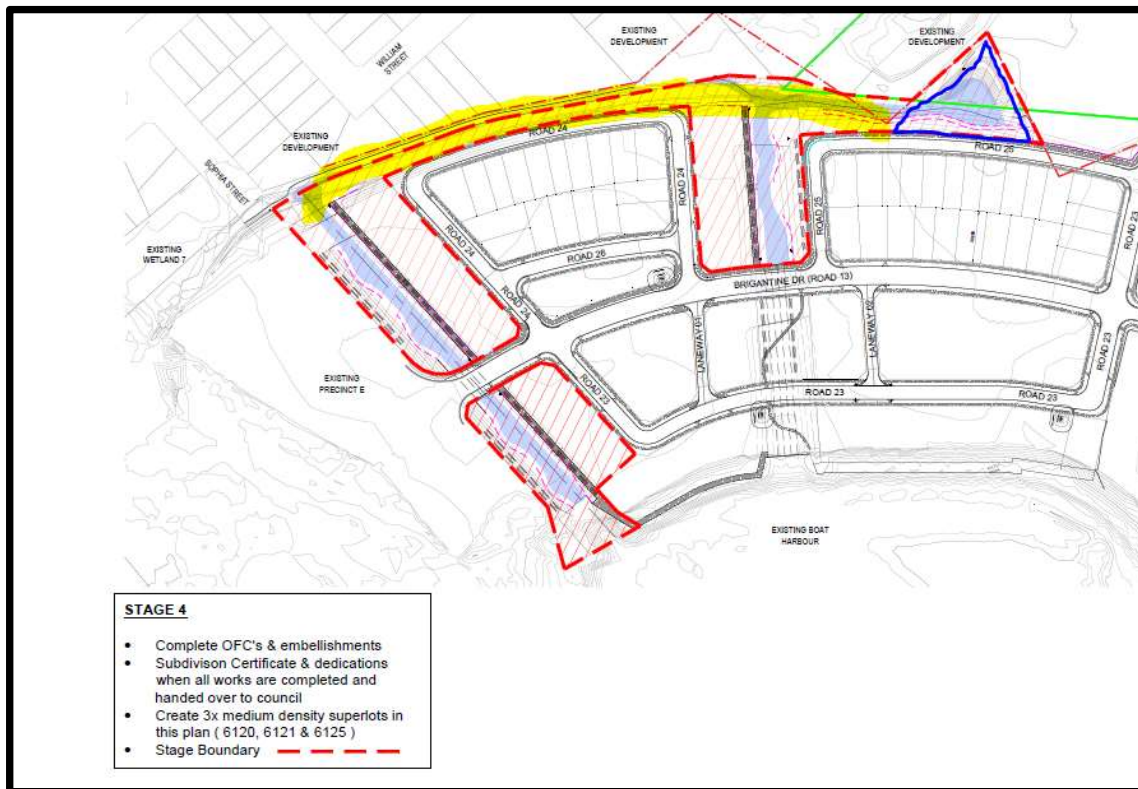


Figure 17- Extract from Staging plan 4- indicates landscape works to be undertaken and triangular area with blue outline = to be landscaped further to separate DA regarding management of contaminated fill.
Source: Plans

Accordingly, the open space, pedestrian and cycle networks are consistent with the Concept Approval as modified.

Urban Design Guidelines (UDG's)

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

The relevant UDG's for Precincts F & G relate to the management of built form outcomes providing architectural diversity, variety of building typologies, bulk, scale, mix of dwelling types, setbacks, environmental amenity, view corridors, and visual and acoustic privacy. The guidelines relevant Precinct F & G were endorsed on 9 August 2019.

There is no specific built form proposed with this application in regard to residential dwelling development.

This proposal includes land subdivision and associated road and pathway networks and landscape elements.

Relevantly, reference is made to Section 2 of the UDG's which provides objectives for the desired future character in context of site access, views and vistas, pedestrian links and open space treatments. The outline of subdivision is illustrated within Figure 15.

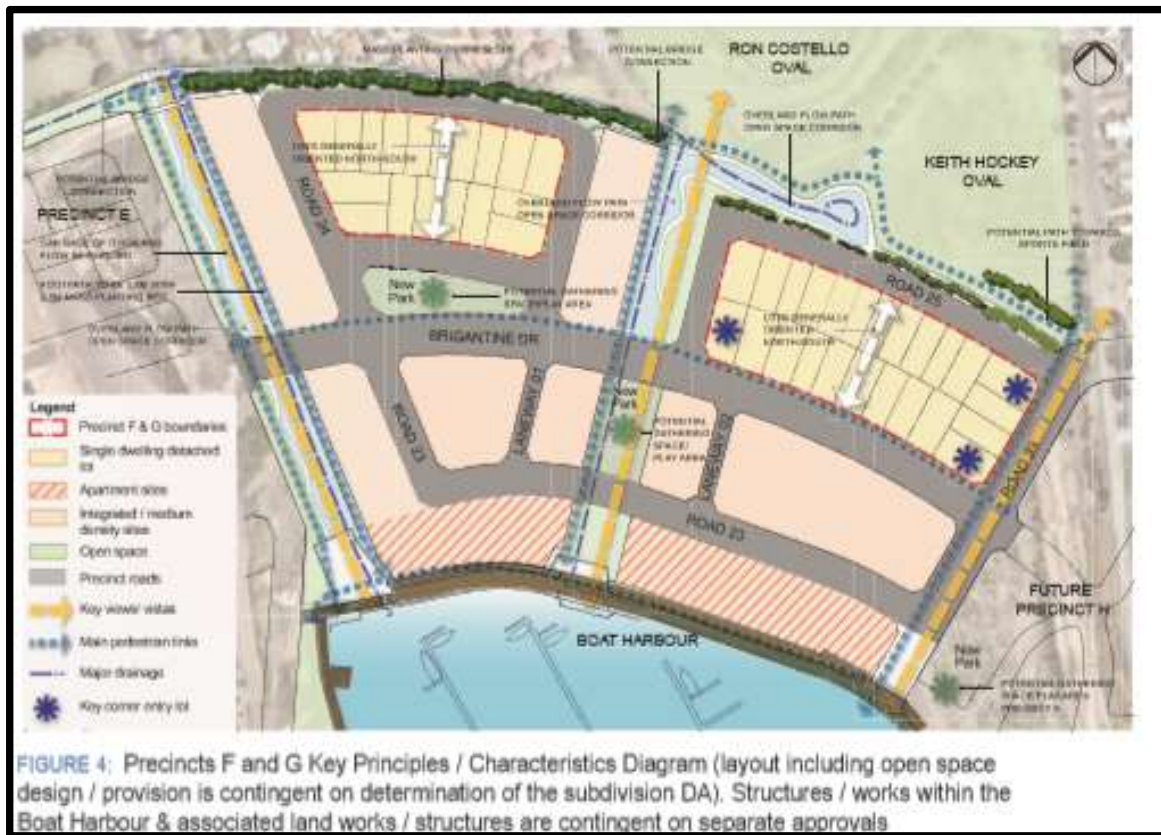


Figure 18 – Extract from UDG’s
Source –UDG’s

In the assessment of this subdivision development application, due regard has been given to the relevant provisions and objectives the urban design guidelines. The provisions as they relate to residential development have also been taken into account in the assessment of the overall subdivision.

It is generally considered that the Precinct F & G UDG’s can be achieved in future development applications for dwellings and other uses that result from the subdivision.

Conclusion

In conclusion, the proposed subdivision development is generally consistent with the terms of the Concept Approval (MP 07_0027) as modified by MOD 1.

4.3 Consultation

4.3.1 Internal

Substantive technical assessment advice was received from Council's Aboriginal Community Liaison Officer, Community Safety Officer, Environment Officer, Landscape Technical Officer, Section 94 Contributions Officer, Subdivision and Traffic Engineering Officer, and Water Engineering Officer. The recommended conditions are included in the draft schedule of conditions at **Attachment 1**.

4.3.2 External

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

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

The proposal was referred to the RMS who responded by letter date 17 August 2019 stating that the proposal will have negligible impacts upon any State Roads.

5 Recommendation

That conditional development consent is granted to SRPP No. 2018STH0 (DA No. 331/2018) for the subdivision of land to create Two Stage Subdivision of Lot 4003, DP 1235539 into 57 Lots comprising of 42 Housing Lots, Five Public Reserve Lots, Nine Future Residential Superlots and One Residue Lot (Precincts F / G land subdivision) at Lot 4003, DP 1235539, Old Bass Point Road, 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 as modified by MOD 1.

The schedule of recommended conditions is included at **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.

1. Staging of Development

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

Stage 1 – Bulk Earthworks and Subdivision works across both Precincts F & G including construction stages 1 to 6

Stage 2 – Management of Triangular Lot to Precinct G (contaminated land section – asbestos).

All relevant conditions of this consent apply to each stage, unless otherwise specified. In this case, the development application for the management of contaminated land has been included in a separate stage (7).

Each stage must not be occupied or used until the Principal Certifying Authority issues an Occupation Certificate for that stage.

<p style="text-align: center;">STAGE 1 – Bulk Earthworks and Subdivision works across both Precincts F & G including construction stages 1 to 6– Precincts F & G</p>

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.

Name of Plan/Document	Prepared By	Reference	Date
Cover Sheet And Drawing List	Arcadis	C-FG-001 (Rev 2)	13.06.2018
General Notes	Arcadis	C-FG-002 (Rev 2)	13.06.2018
Site Plan	Arcadis	C-FG-0003 (Rev 2)	13.06.2018
Lot Layout Plan	Arcadis	C-FG-0004 (Rev 3)	07.02.2019
General Arrangement Plan	Arcadis	C-FG-0005 (Rev 3)	07.02.2019
Typical Road Cross Sections	Arcadis	C-FG-0006 (Rev 3)	07.03.2019
Typical Details	Arcadis	C-FG-0007 (Rev 2)	13.06.2018
Staging Plans	Frasers	SK01 (P1) - SK06 (P1); Stages 1-6	11.07.2019
Plan of Subdivision	Beveridge Williams (preliminary plans)- Hannah Martin (Surveyor- Ref - 1601522-FG-6	Pages 1- 2 of 2 – Stage 2 (Rev C) Pages 1-2 of 2 – Stage 3 (Rev C) Pages 1 of 1 – Stage 4 (Rev C) Pages 1 of 1 – Stage 5 (Rev C) Pages 1 of 1 – Stage 6 (Rev C)	20.09.2019
Landscape Plans	Group GSA	L-PE1 -000- Cover sheet (Rev C)	30.05.2018
		L-PE1 -2000- Planting Schedule (Rev A)	30.05.2018
		L-PE1 -2001-General Arrangement Plan (Rev C)	30.07.2018
		L-PE1 -4001-Engineers sections (Rev B)	30.05.2018
		L-PE1 -4002-Engineers sections (Rev B)	30.05.2018
		L-PE1 -4003-Landscape Details (Rev A)	30.05.2018
		L-PE1 -4004-Landscape Details (Rev D)	30.07.2018
Utilities Strategy	Arcadis	Utilities Strategy	17.05.2018
Shell Cove Precinct F and G Stormwater and Water Cycle Management Plan	Advisian	2018- Ref: 301015-03163	25.06.2018

Name of Plan/Document	Prepared By	Reference	Date
Acid Sulfate Soil Management Plan Precinct F&G Shell Cove	Coffey Geotechnics Pty Ltd	WOLEN209869-R01	28.02.2018
Traffic Impact Assessment – Shell Cove Precinct F,G and Wetland 8	Arcadis	AA006310 (Rev D)	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	AA006310-FG-01 (Rev 03)	28.10.2019
Name of Plan/Document	Prepared By	Reference	Date
Cover Sheet And Drawing List	Arcadis	C-FG-001	13.06.2019
General Notes	Arcadis	C-FG-002	13.06.2019
Site Plan	Arcadis	C-FG-0003	13.06.2019
Lot Layout Plan	Arcadis	C-FG-0004	13.06.2019
General Arrangement Plan	Arcadis	C-FG-0005	13.06.2019
Typical Road Cross Sections	Arcadis	C-FG-0006	13.06.2019
Typical Details	Arcadis	C-FG-0007	13.06.2019
Staging Plans	Frasers	SK01-SK06- Stages 1-6	11.07.2019
Plan of Subdivision	Beveridge Williams (preliminary plans)- Hannah Martin (Surveyor- Ref - 1601522-FG-6	Pages 1- 2 of 2 – Stage 2 Pages 1-2 of 2 – Stage 3 Pages 1 of 1 – Stage 4 Pages 1 of 1 – Stage 5 Pages 1 of 1 – Stage 6	undated
Landscape Plans	Group GSA	L-PE1 -000- Cover sheet	30.05.2018
		L-PE1 -2000- Planting Schedule	30.05.2018
		L-PE1 -2001-General Arrangement Plan	30.05.2018

Name of Plan/Document	Prepared By	Reference	Date
		L-PE1 -4001-Engineers sections	30.05.2018
		L-PE1 -4002-Engineers sections	30.05.2018
		L-PE1 -4003-Landscape Details	30.05.2018
		L-PE1 -4004-Landscape Details	30.05.2018
Utilities Strategy	Arcadis	Utilities Strategy	17.05.2018
Stormwater And Water Cycle Management Plan	Advisian	-	25.06.2018
Shell Cove Precinct F and G Stormwater and Water Cycle Management Plan	Advisian	2018- Ref: 301015-03163	2018
Acid Sulfate Soil Management Plan Precinct A Shell Cove	Coffey Geotechnics Pty Ltd	2018	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 will be as detailed in the table below. 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 addressing below.

LOT	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY	ALTERNATE ADDRESS
6101	8	Nautica	Crescent	Shell Cove	
6102	10	Nautica	Crescent	Shell Cove	
6103	12	Nautica	Crescent	Shell Cove	
6104	14	Nautica	Crescent	Shell Cove	
6105	16	Nautica	Crescent	Shell Cove	
6106	18	Nautica	Crescent	Shell Cove	
6107	20	Nautica	Crescent	Shell Cove	
6108	22	Nautica	Crescent	Shell Cove	
6109	24	Nautica	Crescent	Shell Cove	

LOT	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY	ALTERNATE ADDRESS
6110	26	Nautica	Crescent	Shell Cove	
6111	28	Nautica	Crescent	Shell Cove	
6112	30	Nautica	Crescent	Shell Cove	11 Mainsail Ave
6113	9	Mainsail	Avenue	Shell Cove	
6114	7	Mainsail	Avenue	Shell Cove	
6115	5	Mainsail	Avenue	Shell Cove	
6116	3	Mainsail	Avenue	Shell Cove	
6117	4	Nautica	Crescent	Shell Cove	1 Mainsail Ave
6118	6	Nautica	Crescent	Shell Cove	
6119	81	Brigantine	Drive	Shell Cove	10 Mainsail Ave
6120	75	Brigantine	Drive	Shell Cove	20 Nautica Cres
6121	78	Brigantine	Drive	Shell Cove	10 Seafaring Way
6122	20	Seafaring	Way	Shell Cove	
6123	82	Brigantine	Drive	Shell Cove	9 Seafaring Way
6124	86	Brigantine	Drive	Shell Cove	17 Seafaring Way
6125	85	Brigantine	Drive	Shell Cove	40 Nautica Cres
6126	69	Brigantine	Drive	Shell Cove	10 Whimbrel Pkwy
6127	74	Brigantine	Drive	Shell Cove	11 Aquatic Dr
7101	4	Catamaran	Avenue	Shell Cove	
7102	6	Catamaran	Avenue	Shell Cove	
7103	8	Catamaran	Avenue	Shell Cove	
7104	10	Catamaran	Avenue	Shell Cove	
7105	12	Catamaran	Avenue	Shell Cove	
7106	14	Catamaran	Avenue	Shell Cove	
7107	16	Catamaran	Avenue	Shell Cove	
7108	18	Catamaran	Avenue	Shell Cove	
7109	20	Catamaran	Avenue	Shell Cove	
7110	22	Catamaran	Avenue	Shell Cove	
7111	24	Catamaran	Avenue	Shell Cove	
7112	51	Seafaring	Way	Shell Cove	26 Catamaran Ave
7113	49	Seafaring	Way	Shell Cove	
7114	47	Seafaring	Way	Shell Cove	
7115	45	Seafaring	Way	Shell Cove	107 Brigantine Dr
7116	105	Brigantine	Drive	Shell Cove	
7117	103	Brigantine	Drive	Shell Cove	
7118	101	Brigantine	Drive	Shell Cove	
7119	99	Brigantine	Drive	Shell Cove	
7120	97	Brigantine	Drive	Shell Cove	
7121	95	Brigantine	Drive	Shell Cove	
7122	93	Brigantine	Drive	Shell Cove	
7123	91	Brigantine	Drive	Shell Cove	
7124	89	Brigantine	Drive	Shell Cove	2 Catamaran Ave
7125	87	Brigantine	Drive	Shell Cove	15 Catamaran Ave
7126	110	Brigantine	Drive	Shell Cove	43 Seafaring Way
7127	88	Brigantine	Drive	Shell Cove	21 Seafaring Way
7128	32	Seafaring	Way	Shell Cove	
7129	30	Seafaring	Way	Shell Cove	
7130	90	Brigantine	Drive	Shell Cove	23 Seafaring Way

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

#. Culvert Exclusion Bars

Exclusion bars are to be provided over the inlet to the major culverts draining the Eastern Overland Flow Channel to prevent people (adults and children) from potentially being washed into the culverts during times of high flow. The exclusion bars are to be designed in accordance with the design procedures for preventing people being washed into enclosed stormwater systems outlined in the Queensland Urban Drainage Manual. The design and supporting calculations are to be submitted to the satisfaction of the PCA prior to issue of a construction certificate.

#. Wetland Management

Draft Wetland Management, Operation, Maintenance and Monitoring Manual/s ('Manuals') for the permanent water quality facility shall be provided for approval to the Principal Certifying Authority. The Manuals shall be prepared by a suitably qualified person in accordance with Council's Engineering Specifications and water quality objectives.

#. Flow Velocity in Vegetated Stormwater treatment areas

All Vegetated Stormwater Systems including constructed wetlands and bioretention systems are to be designed and located such that velocity of flows travelling through areas containing macrophytes are less than 0.5 m/sec in all design events up to and including the 10% AEP and less than 2 m/sec for all remaining events up to and including the 1% AEP. Details supporting this must be submitted to the satisfaction of the PCA.

#. Water Sensitive Urban Design Checklists

Compliance checklists are to be prepared by the Constructed Wetland Designers and submitted to Council prior to issue of a construction certificate. The checklists must incorporate all checks and certifications that are required to be carried out during the civil construction phase, asset protection phase, landscape practical completion phase and final compliance inspection prior to final handover.

#. 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*, unless pavers proposed-such pavers must meet all applicable standards,
- 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*.

#. Stormwater Discharge to Natural Watercourse

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

Details are to be submitted and be to the satisfaction to the certifying authority prior to the release of the construction certificate.

#. 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.

#. Retaining Walls

All retaining walls must be designed by a practicing structural engineer. Retaining walls must be located wholly within the property, including footings and agricultural drainage lines. This may require the wall to have a boundary setback of at least 200mm. No part of a retaining wall structure is to encroach on land proposed to be dedicated to Council. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures. All retaining walls must be constructed of masonry materials. Retaining wall details to be submitted with the Subdivision Construction Certificate.

#. Electricity Substation

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

#. Landscape Inspection Fee

The developer must lodge with Council an inspection fee of \$314.00 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

#. Street Tree Inspection Fee

The developer must lodge with Council an inspection fee of \$314.00 in accordance with Council's *Fees and Charges* prior to the issue of the Construction Certificate for:

- street tree inspection of completed landscape works
- street tree inspection following completion of the maintenance period

#. Street Tree Bond

The developer is required to provide a bond to the value of the street tree landscape works.

The street tree bond will be returned following a 6-month maintenance period commencing from the date of the issue of the Practical Completion Certificate, provided the street trees remain in a satisfactory condition. In the event that any street trees are found damaged, dying or removed, Council will have the option to retain the whole or part of the bond. The developer must notify Council for a reinspection of the street trees.

#. Landscape Plan Construction Certificate Assessment – Open Space

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 – Open Space

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 Group GSA Landscape Concept Plan Drawing No. L-PFG-2001 C Dated 30/07/2019 Shellharbour DCP and Council's Open Space, Recreation and Community Facilities Needs Study Report, Crime Prevention Through Environmental Design available from Customer Service or Council's website.

#. 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 F and G 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.

#. Acid Sulfate Soils

Specifications based on the current landform that will dictate the monitoring, identification and management of ASS. Detail on how any acidic water pumped from excavations will be contained and treated prior to leaving the site. This must be based on the Coffey (2018) Management Plan.

#. 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.

PART C - PRIOR TO COMMENCEMENT OF WORKS

#. Sediment and Erosion Controls

Erosion and sediment control measures must be installed prior to the commencement of works. These measures must be in accordance with approved plans and sufficient to control sediment from leaving the site and entering downstream environments. Sediment and erosion control measures must be maintained throughout the entire construction phases of the development.

#. 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 (see Attachment 1):

- 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* and any other conditions of development consent relating to road construction.

#. Site Meeting

A site meeting with Council's Engineer Assessment & Environmental Officer, the applicant and the contractor must be held not less than seven 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.

#. 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*.

#. 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.

#. Disconnection of Utilities

Contact must be made with service providers such as Sydney Water, Energy, Telecommunication companies etc for their approval with regard to disconnection of all services prior to the commencement of demolition works. All redundant services must be removed and site remediated at the cost of the developer.

#. 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 F & G Shell Cove, NSW.

#. 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 Precinct F & G 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 to be cleared 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 > *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 and erosion controls must be maintained at all times and checked for adequacy daily. The controls must remain until the construction phase of the proposal is completed and disturbed areas have been stabilised

#. Acid Sulfate Soil

Acid Sulfate Soil (ASS) is likely to be encountered during trenching for services throughout Precincts F & G. Section 5 of Coffey (2018) Acid Sulfate Soil Management Plan Precincts F & G 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.

#. Fauna Habitat Creation

Landscaping must include the incorporation of piled rocks of a variety of sizes and logs amongst all areas marked to be revegetated with 'Water Edge Mix' on the Plans excluding Wetland 8 (separate stage) to provide additional habitat for native fauna including frogs and reptiles.

#. 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.

#. 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.

#. Street Tree Installation

Street tree installation to be carried out by the developer must be withheld from planting until individual streets are 70% developed with residences to prevent damage and destruction to street trees throughout the dwelling construction phase.

#. Street Trees

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

- a. one tree per lot and two trees per corner lot

- b. planted, at least, 3m from the driveway and street light poles and 2m from services, stormwater outlets and signage
- 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 1.5 metres from a stormwater outlet/pit
- b. minimum 2 metres from services and telecommunications
- c. minimum 3 metres from street light posts, driveway or vehicle access
- d. minimum 8 metres from road intersections and signage
- e. minimum 15 metres from pedestrian crossing and traffic signals
- f. minimum 15 metres from the approach to a bus stop and 6 metres from the departure side.

#. 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 docketts 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*.

#. Earthworks Cut, Fill & Grading

In general, maximum grading of cut or fill must be 45 degrees (1:1) where there is no retaining wall or no other method of stabilising cut or fill. The maximum depth of cut or fill on any portion of the allotment must be in accordance with the approved Cut and Fill Bulk Earthworks Plan.

#. 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 F & G Urban Design Guidelines

All works are to be consistent with *Precinct F and G 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 Council's specifications and requirements pertaining to Shell Cove.

PART E - PRIOR TO OCCUPATION

Not Applicable

PART E (a)- PRIOR TO COMPLIANCE CERTIFICATE

#. Inspection of Stormwater Pipes

All stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council must be inspected by CCTV. The CCTV must be carried out after all earthworks and road pavement works within the locality of the pipelines 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.

#. Compliance Certificate

Prior to the issue of a Compliance 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 Code.

The Compliance Certificate must be requested by the Applicant in writing.

PART F - 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 will be based on the tolerable deflections as specified by *AUSTROADS* at the time of issue of this consent.

At the time immediately prior to all roads becoming designated gazetted public road an inspection is to be undertaken by Council to determine that the road is in satisfactory condition. The 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.

#. Wetland O and M Manual

Adopted Wetland Management, Operation, Maintenance and Monitoring Manual/s for the permanent water quality facilities must be submitted to the Principal Certifying Authority. The manuals must be prepared by a suitably qualified professional in accordance with the objectives and criteria identified in the approved Water Cycle Management Plan.

#. 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

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

Section 94 Contributions –Part 1

A contribution of \$254,065.44, 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 - \$273,144.00
- Less credit for C1.26 Passive Open Space Embellishment – (\$19,078.56)

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

Section 94 Contributions – Part 2

A contribution of \$285,823.62, 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 - \$307,287.00
- Less credit for C1.26 Passive Open Space Embellishment – (\$21,463.38)

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

#. 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.

#. Landscape Practical Completion Inspection

All completed landscape works must be inspected by Council prior to the issue of a practical completion certificate. It is the responsibility of the developer to notify Council for the landscape inspection.

#. Landscape Maintenance Period

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

#. 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

#. Roundabout Landscape

Landscape proposed within roundabouts must have a 3000mm set back from the outer edge of the roundabout in a 60km zone and a 2000mm clearance zone in a 40km zone and planted with a plant species that has a mature height of 300mm.

#. 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 docketts 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

#. Maintenance Period of Wetlands

The proponent is responsible for all maintenance of the wetlands and vegetated stormwater assets during the 3 year maintenance period. Council will only accept the wetlands and vegetated stormwater assets where they are of a satisfactory condition at the end of the 3 year maintenance period. Approaching hand over at the conclusion of the 3 year maintenance period, a site meeting with Council must be arranged by the proponent. The objective of the meeting will be to identify any outstanding actions that require rectification by the proponent before asset hand over. Annual reports documenting implementation measures and containing all monitoring results are to be submitted to Council during this phase.

#. 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.

#. 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.

STAGE 2 – Management of Triangular Lot to Precinct G (contaminated land section – asbestos) – Precinct G

DEVELOPMENT APPLICATION LODGEMENT REQUIREMENT

#. Development Application Requirement – Existing Contaminated Fill (Asbestos)

The Land identified on plan SK07 (construction stage plan 7) prepared by Frasers dated 11th July 2019 is to be subject of a separate development application for environmental management purposes due to the existence of contaminated fill. The Development Application must be lodged with Council and no works are to be undertaken to the triangular area marked on Plan SK07 until the application has been determined by Council.

This area is to be physically excluded from any connection with the main wetland WSUD system throughout the rest of Shell Cove.

Further to the approval of any DA as outlined above, the following conditions apply:

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.

Name of Plan/Document	Prepared By	Reference	Date
Site Plan	Arcadis	C-FG-0003	13.06.2019
Staging Plan	Frasers	SK07- Construction Stage 7	11.07.2019

#. Compliance with Notations on Drawings

Works must comply with any annotations on the approved plans.

#. Landscaping Completed

Landscaping must be completed as per the approved Landscape Plan including revegetation and creation of additional habitat features using rocks and logs in Wetland 8.

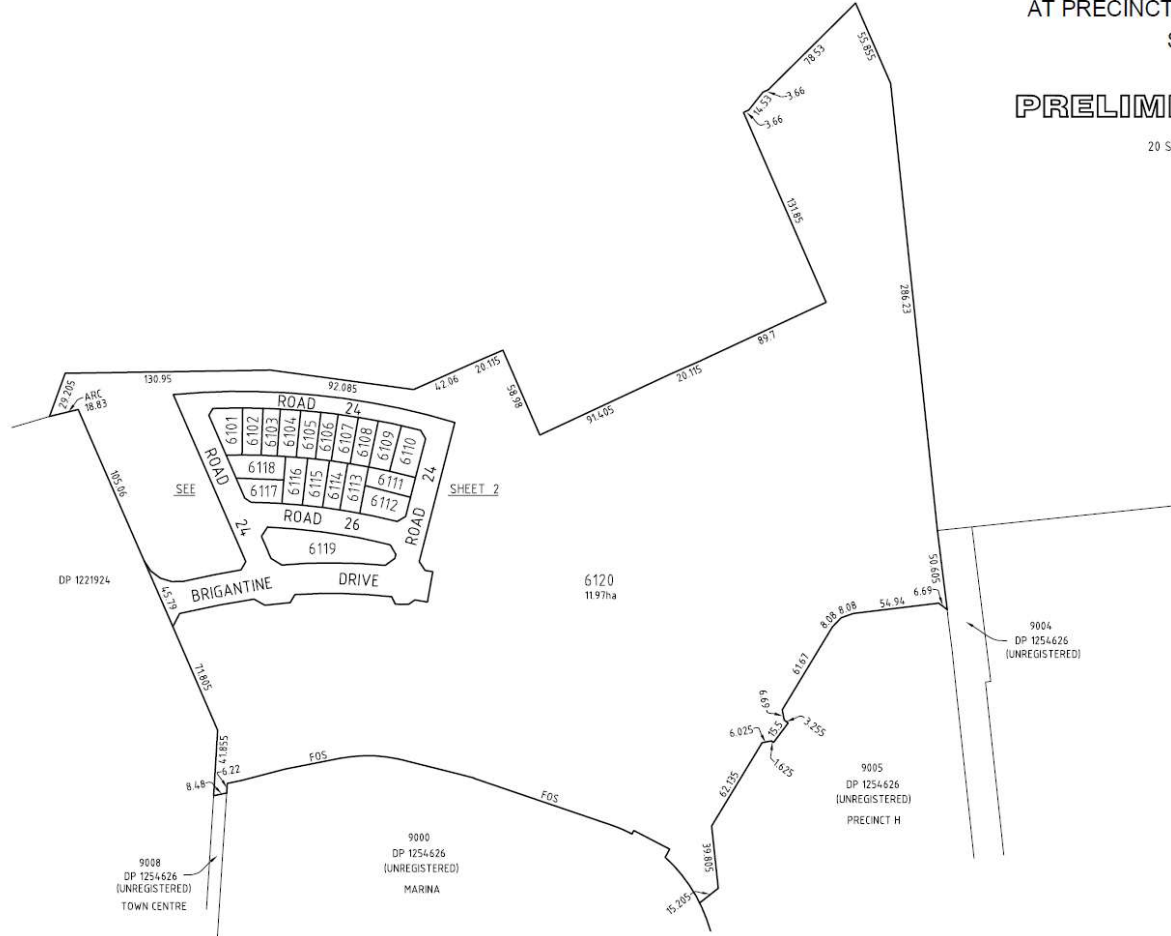
END OF RECOMMENDED CONDITIONS

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PLAN OF PROPOSED SUBDIVISION
AT PRECINCT F & G SHELL COVE
STAGE 2

PRELIMINARY PLAN

20 SEPTEMBER 2019 - REV C



PRELIMINARY PLAN

Attachment 2 – Plans of Subdivision (Page 2 of 7)

DRAFT

PLAN OF PROPOSED SUBDIVISION
AT PRECINCT F & G SHELL COVE
STAGE 2

PRELIMINARY PLAN

20 SEPTEMBER 2019 – REV C



PRELIMINARY PLAN
PREPARED BY
BEVERIDGE WILLIAMS



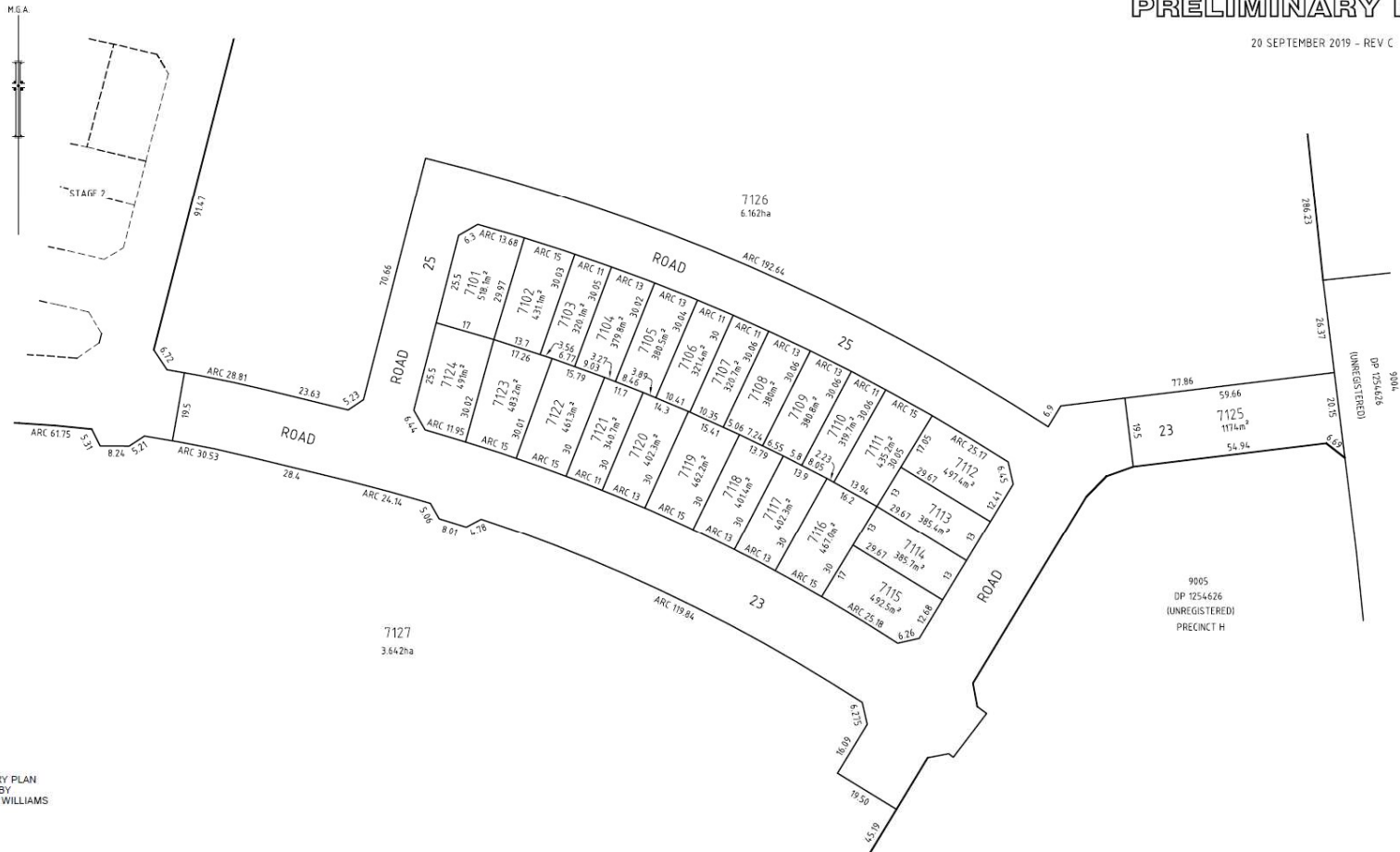
www.beveridgewilliams.com.au
Level 5, 447 Kent Street
Sydney 2000

DRAFT

PLAN OF PROPOSED SUBDIVISION
AT PRECINCT F & G SHELL COVE
STAGE 3

PRELIMINARY PLAN

20 SEPTEMBER 2019 – REV C



PRELIMINARY PLAN
PREPARED BY
BEVERIDGE WILLIAMS

www.beveridgewilliams.com.au

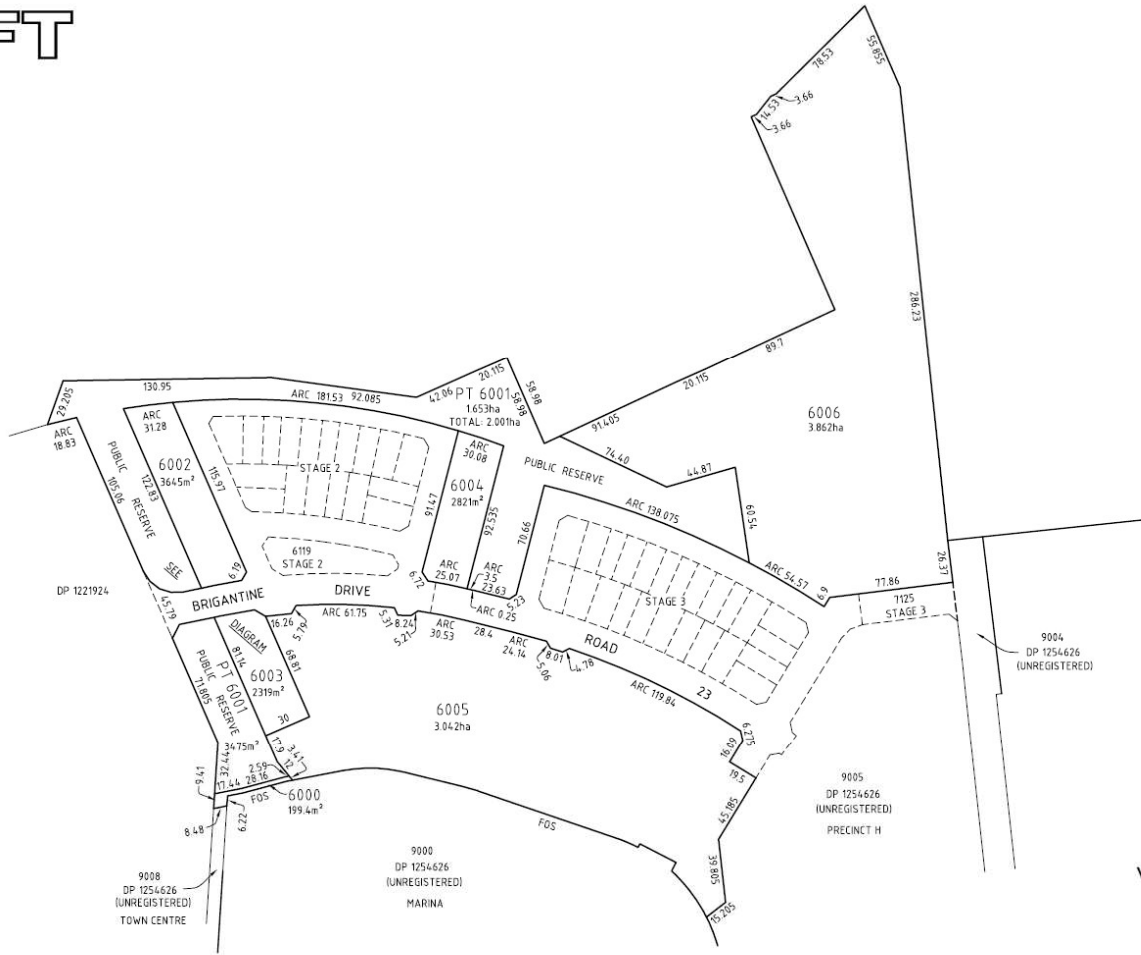
Attachment 2 – Plans of Subdivision (Page 5 of 7)

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PLAN OF PROPOSED SUBDIVISION
AT PRECINCT F & G SHELL COVE
STAGE 4

PRELIMINARY PLAN

20 SEPTEMBER 2019 - REV C



PRELIMINARY PLAN
PREPARED BY
BEVERIDGE WILLIAMS



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Level 5, 447 Kent Street
Sydney 2000
Tel. 02 9253 8977
sydney@bevwill.com.au

Attachment 2 – Plans of Subdivision (Page 6 of 7)

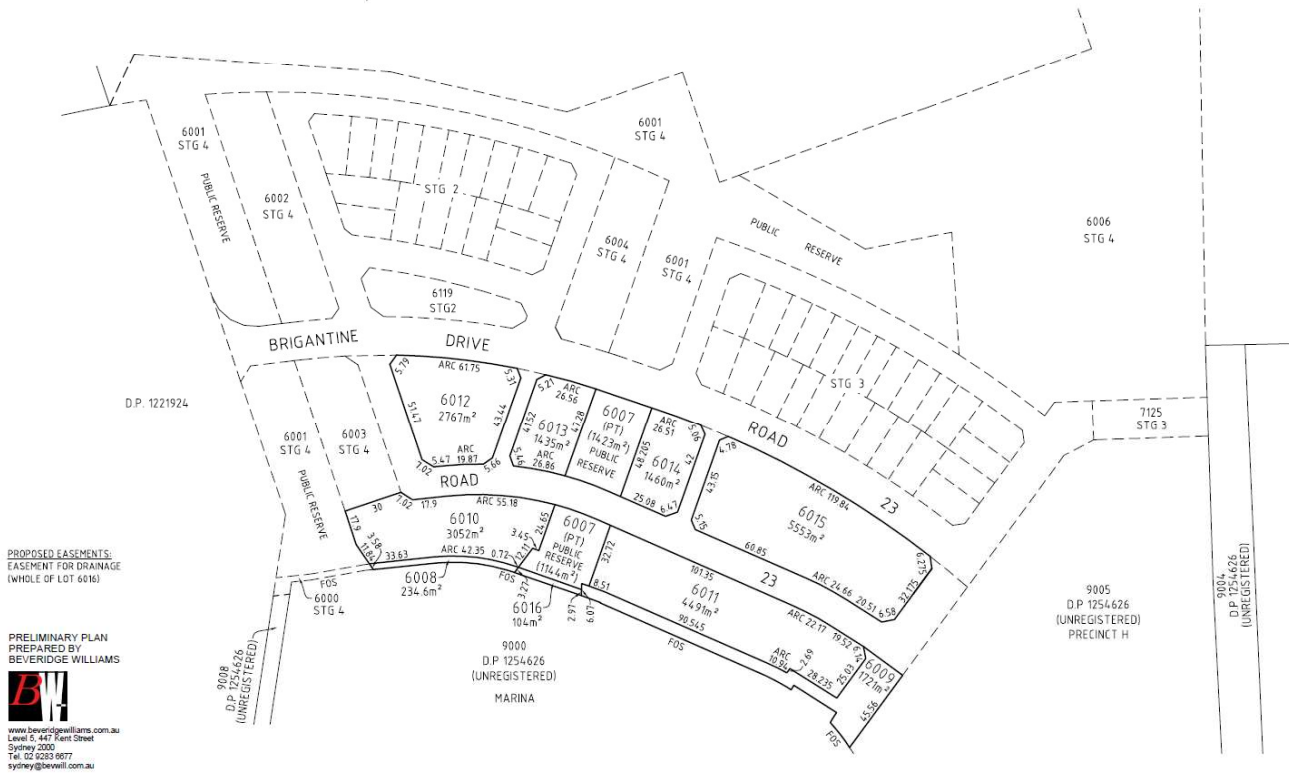
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MGA

PLAN OF PROPOSED SUBDIVISION
AT PRECINCT F & G SHELL COVE
STAGE 5

PRELIMINARY PLAN

20 SEPTEMBER 2019 - REV C



PROPOSED EASEMENTS:
EASEMENT FOR DRAINAGE
(WHOLE OF LOT 6016)

PRELIMINARY PLAN
PREPARED BY
BEVERIDGE WILLIAMS


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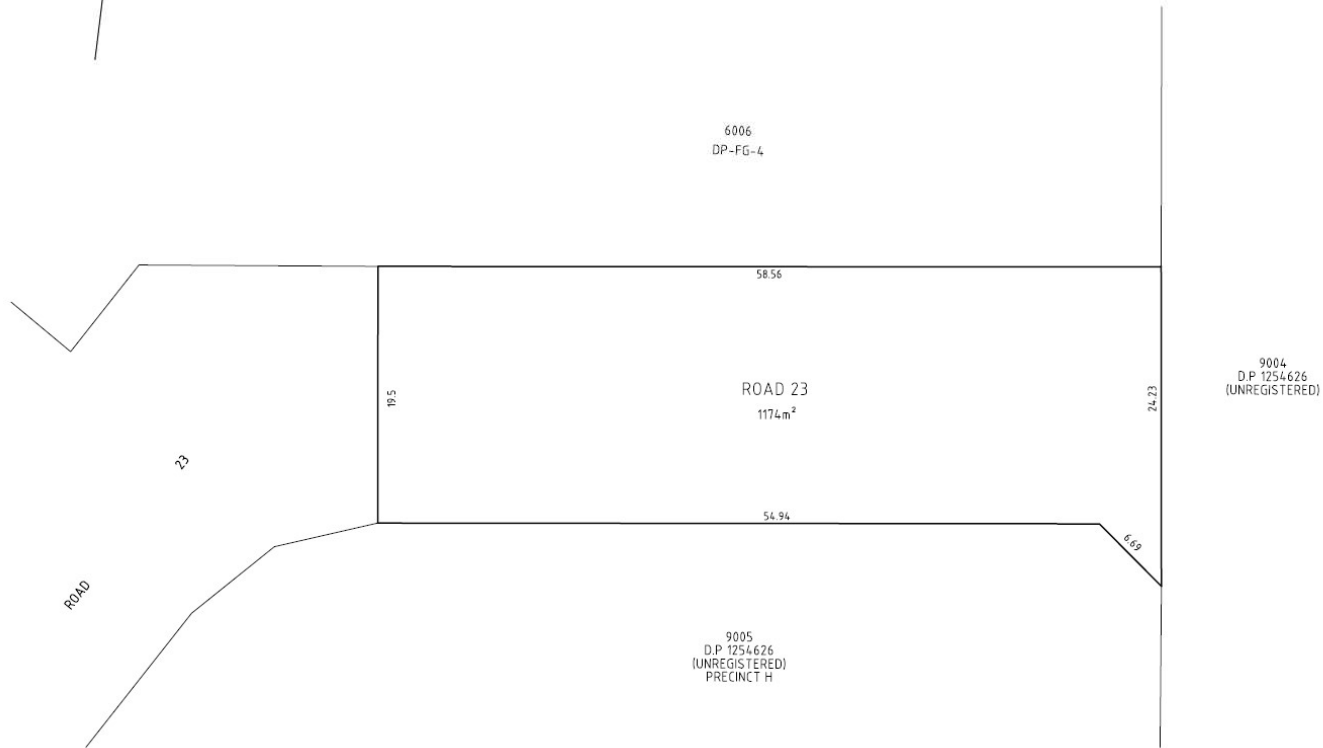
Attachment 2 – Plans of Subdivision (Page 7 of 7)

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PLAN OF PROPOSED SUBDIVISION
AT PRECINCT F & G SHELL COVE
STAGE 6
ROAD DEDICATION ONLY
PRELIMINARY PLAN

20 SEPTEMBER 2019 - REV C



PRELIMINARY PLAN
PREPARED BY

Attachment 3 – Precincts F & G Subdivision And Aerial Overlay



Attachment 5 – Boat Harbour Precinct Concept Plan, MP 07_0027 (Page 1 of 5)

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

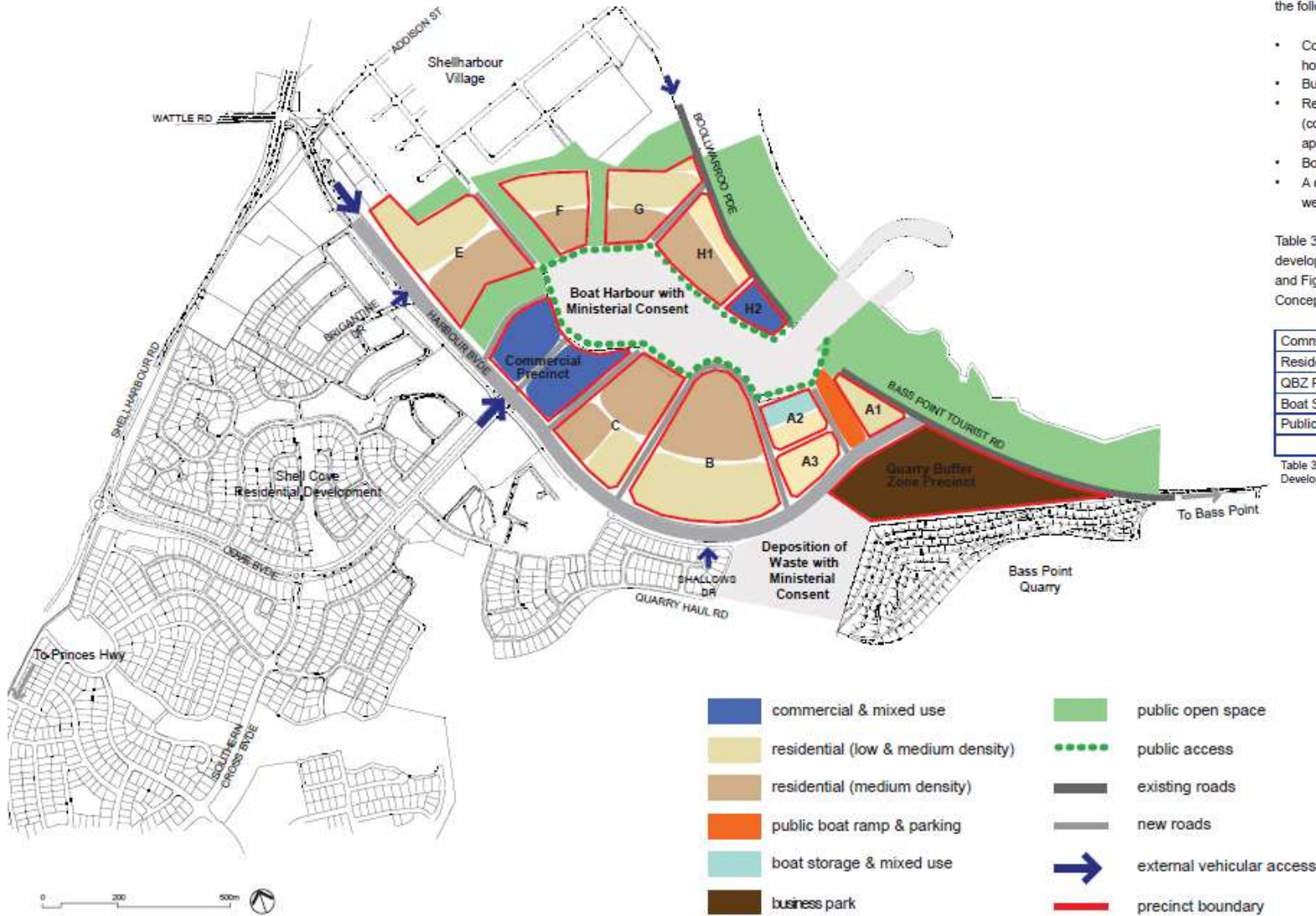
The Shell Cove Boat Harbour Precinct project comprises the following development precincts:

- 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.

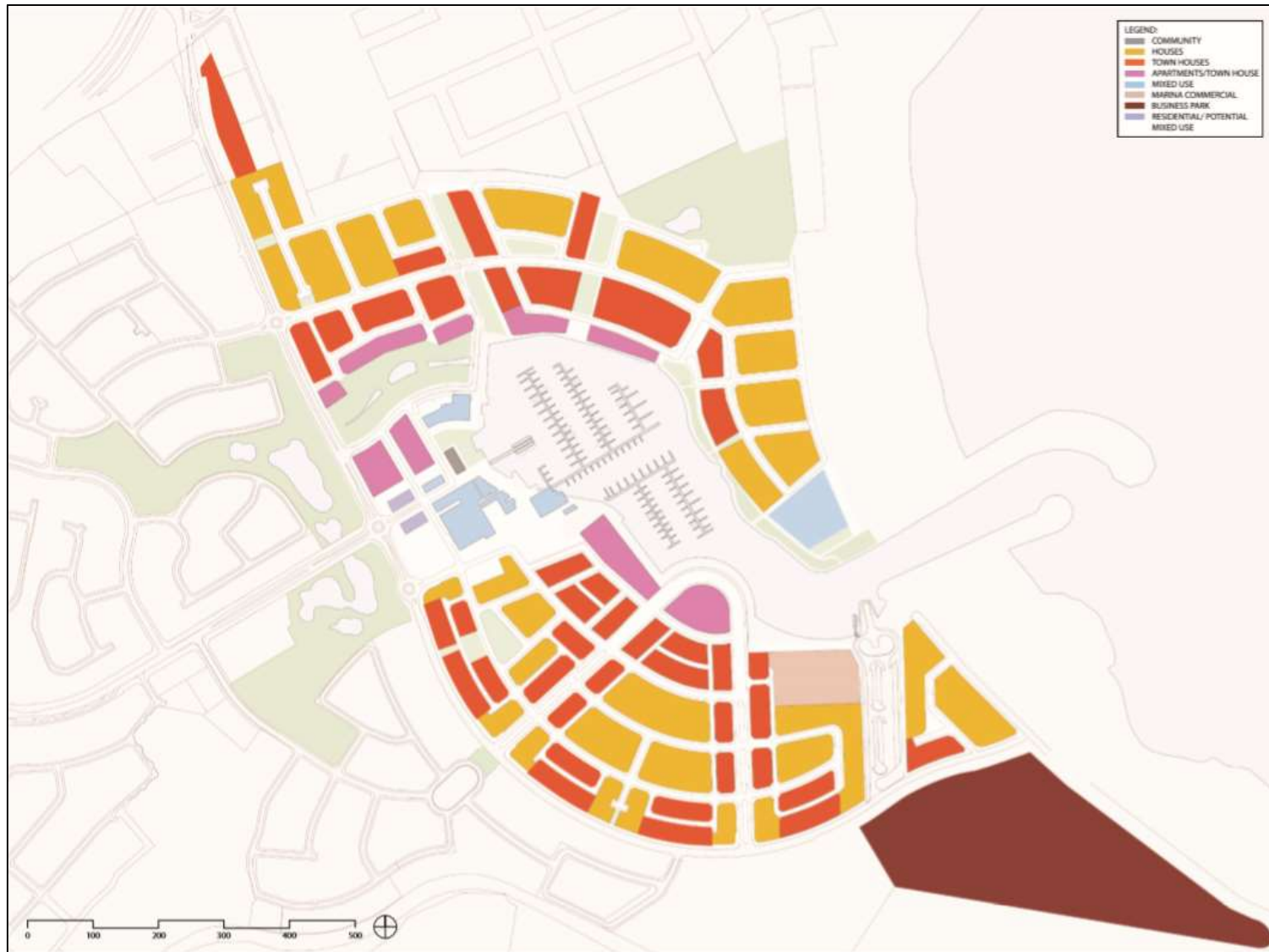
Table 3.01 gives the indicative areas of the above development precincts within the Boat Harbour Precinct and Fig. 3.01 illustrates these as part of the overall Concept Plan.

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



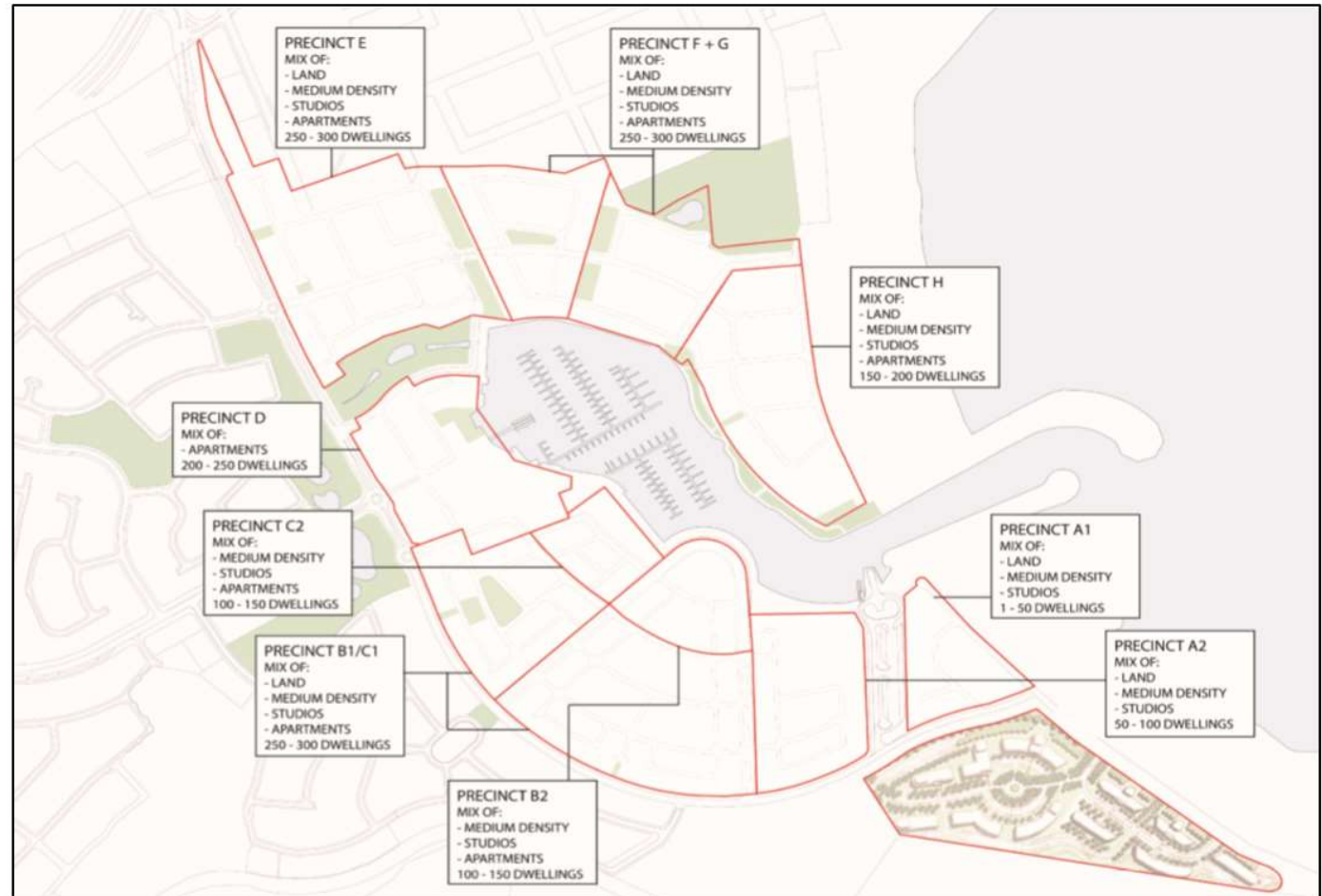
Attachment 5 - Approved Spatial Arrangement (Page 2 of 5)



Attachment 5 – MOD 1 Approved Mix & Yield (Page 3 of 5)

4.6 Indicative Dwelling Mix and Yield

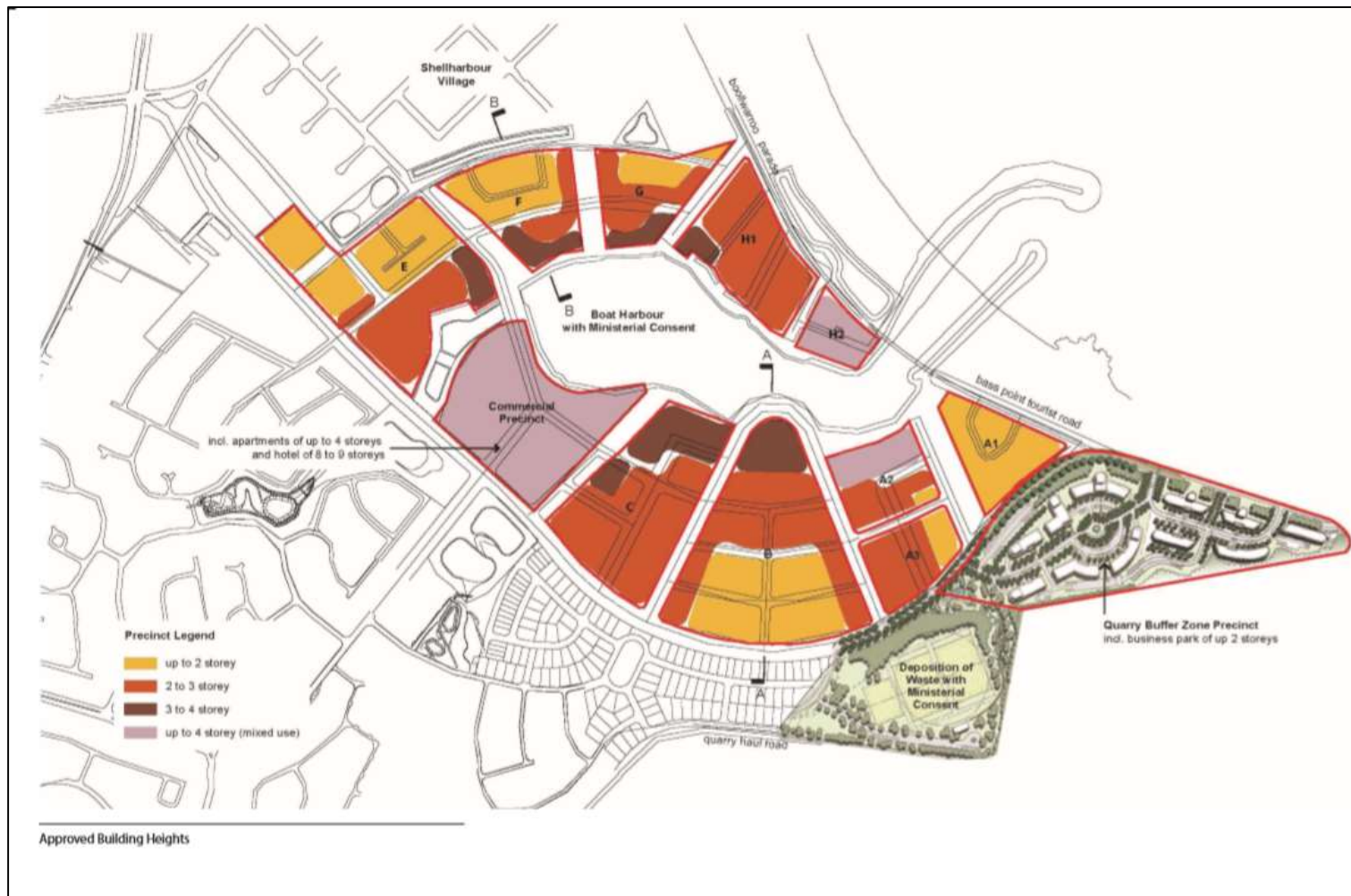
- Within each precinct a flexible dwelling target is proposed, allowing the proponent to adjust as the development evolves over time without exceeding the maximum dwelling cap of 1,556.
- The design analysis undertaken has identified capacity within the Shell Cove Boat Harbour for additional residential 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 – MOD 1 – Approved Heights (Page 4 of 5)



Attachment 5 – CA – Approved Heights (Page 5 of 5)



Attachment 6 – Site Photos (Taken 9 August 2018) (Page 2 of 3)



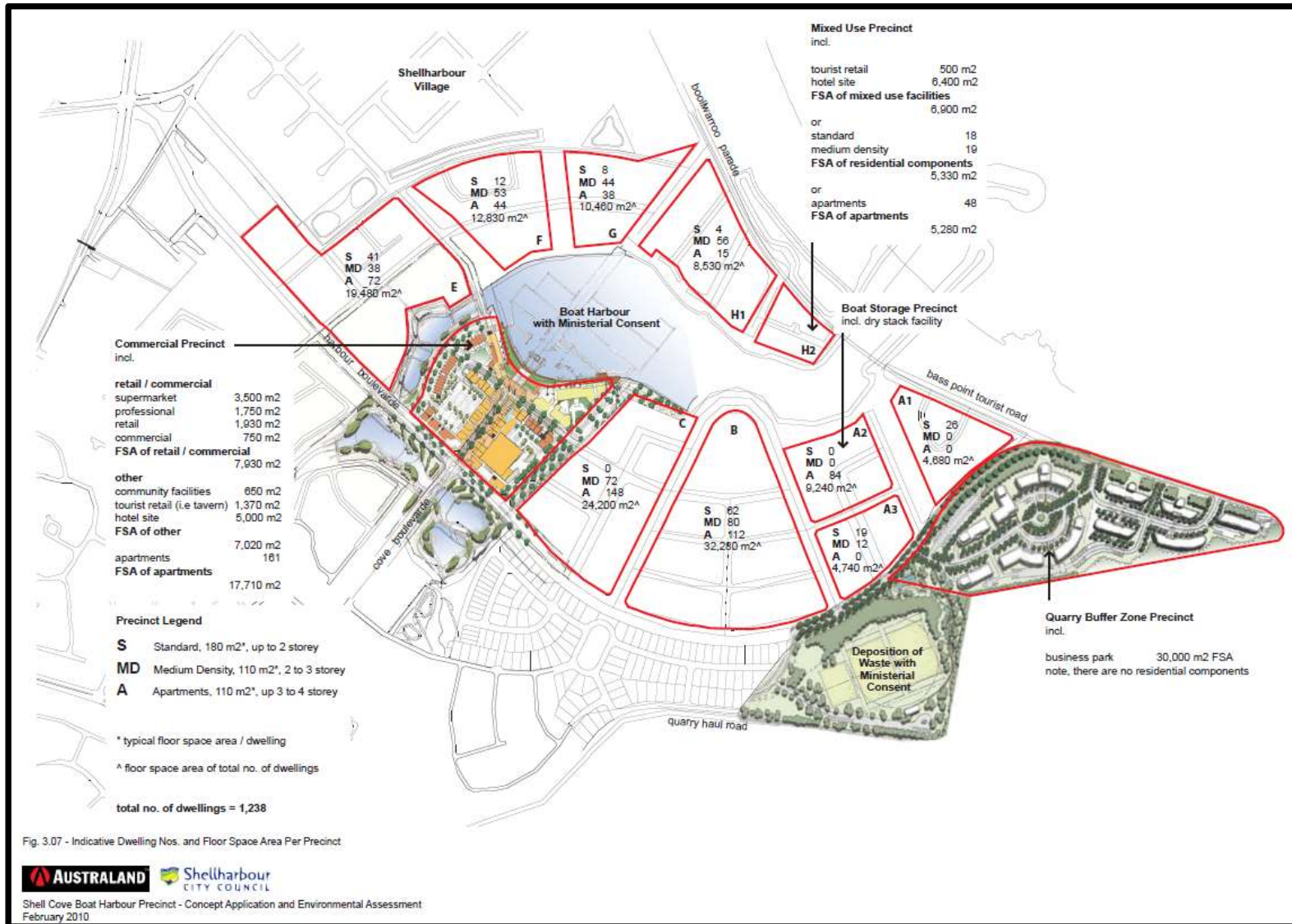
Attachment 6 – Site Photos (Taken 9 August 2018) (Page 3 of 3)



Attachment 7 – Bulk Earthworks Cut And Fill Plan



Attachment 8 – Concept Approval/Approved Documentation (Condition No. 2) Indicative Dwelling Numbers & Building Typology (Page 1 of 2)



Attachment 9 – 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 ²
DA 331/2018 2018STH026	CURRENT APPLICATION 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. Apartment	74 apartment dwellings
DA0619/2017 2018STH007	Precinct A Residential subdivision – 58 Residential lots, 6 superlots, 1 lot for future boat maintenance & storage facility, 1 public reserve , 3 residue lots 7 acoustic fencing	246 dwellings
DA0143/2016	Precinct D Residential subdivision	Retail Precinct



14/08/2019

Ms Jasmina Micevski,
Shellharbour City Council

Dear Jasmina,

RE: SHELL COVE MARINA DEVELOPMENT – REMEDIATION OF CONTAMINATED MATERIAL

We refer to the above and note ongoing correspondence between Shellharbour City Council and Frasers Property regarding the uncovering of contaminated material during boat harbour construction works.

We now set out below, for consideration by Council, an overview of details surrounding the uncovering of contaminated material, clarification of the approval on which the materials has been managed and proposal for engagement of an Site Auditor to oversee burial of this material on site.

Background

The subject site, which current location is lot 4008 of Deposited Plan 1219051 (please refer Figure 1 and **Appendix 1**), was first approved as the location for the construction of a boat harbour and marina by the then Minister for Urban Affairs and Planning in November 1996 (DA95/133). This was then followed by a Concept Plan Application in February 2010 for the Shell Cove Boat Harbour Precinct under Part 3A of the EP&A Act. This application was approved in February 2011. A subsequent modification to this Part 3A approval under Section 75W was approved by the Department of Planning in March 2019.



Figure 1. Site Location Plan

Contained within the scope original and subsequent approvals was excavation and relocation of the capping material and waste from the old landfill site to a new waste containment cell constructed within the Shell Cove development. This approval was to allow management and remediation of the existing landfill site extending throughout what now sits over the proposed Boat Harbour and Precincts F,G and H. Please see

Frasers Property Australia Pty Limited
Level 2, 1C Homebush Bay Drive, Rhodes NSW 2138 Australia
ABN: 89 600 448 726



below Figure 2 (Appendix 2) for location of the previous landfill. For your reference the approximate location of the uncovered material has been highlighted in red.

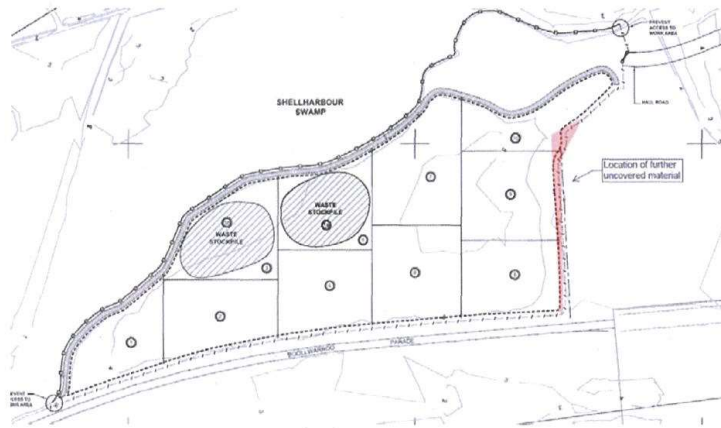


Figure 2. Approved Landfill Remediation Area

Noting the conceptual nature of the concept masterplan, the above extent of remediation of the old landfill fell generally in line with known design information at the time. The Part 3A Concept Plan upon which this remediation diagram was developed is provided below in Figure 3 (Appendix 3).



Figure 2. Part 3A Concept Plan

Remediation of the old landfill was completed in 2009 under the supervision of Site Auditor Phillip Hitchcock of Environ Australia Pty Ltd and in accordance with approved Shell Cove Waste Relocation Environmental



Management Plan. A copy of the full EMP can be provided on request. A subsequent final Site Audit Statement was provided by the Auditor noting the remediation of all waste in accordance with the approved landfill remediation area (Figure 2). Please see attached **Appendix 4** for this Site Audit Statement. All material located within this landfill cell was transported to the Shell Cove waste contamination cell in the western portion of the Quarry Buffer Zone area of the site, approximately 800m south of the old landfill. The extent of remediation in the subject area of the landfill extended north from the boat harbour to an area short of Keith Hockey Oval.

Further refinement of the subdivision design in this area commenced in 2018 and this was followed by construction of final surcharge mounds in the north of Precinct G. This work involved further refinement of contamination and ground preparation treatments on the subdivision edges under existing boat harbour consent DA95/133. Had the design of these subdivision edges been known previously, the subject works would have been completed with the original remediation earthworks in 2009. It was during these further works that additional contaminated material not previously uncovered was found. A review of the material uncovered has been reviewed by the original Site Auditor, Phillip Hitchcock, with a subsequent letter confirming the material is consistent with that of the old land fill being provided and attached in **Appendix 6**.

Upon uncovering of the material a qualified environmental hygienist, Clearsafe, attended site and completed testing which confirmed the presence of asbestos contamination. A subsequent asbestos management plan was prepared by Clearsafe. Due to size a copy of this report can be provided on request. Under Hygeinist supervision the subject material of approximately 1,300m² was collected into a temporary stockpile and covered with geofabric and sand with air monitoring undertaken to the area. Further site testing and subsequent Clearance Certificate of the contaminated area was provided by Clearsafe on 25 February 2019. Please refer to **Appendix 5**.

Discussion

In light of the above and the attached, it is the Frasers proposal to engage a Site Auditor to further review this history and provide recommendation and oversight of the safe burial of this material on site within a containment cell. The proposed cell will be designed in a way that will reduce risk to human health or the environment from the presence of waste materials. The details will be derived during the design process, but at a minimum is expected to comprise a geosynthetic clay liner (GCL) over the waste material which will act both as a marker layer and a layer to reduce infiltration, along with a clean capping layer of about 1m thickness over the GCL. The need for a base liner will be assessed in the design stage, but based on current data is unlikely and will be governed by the location of the final cell. A long term environmental management plan will also be prepared for managing this portion of land.

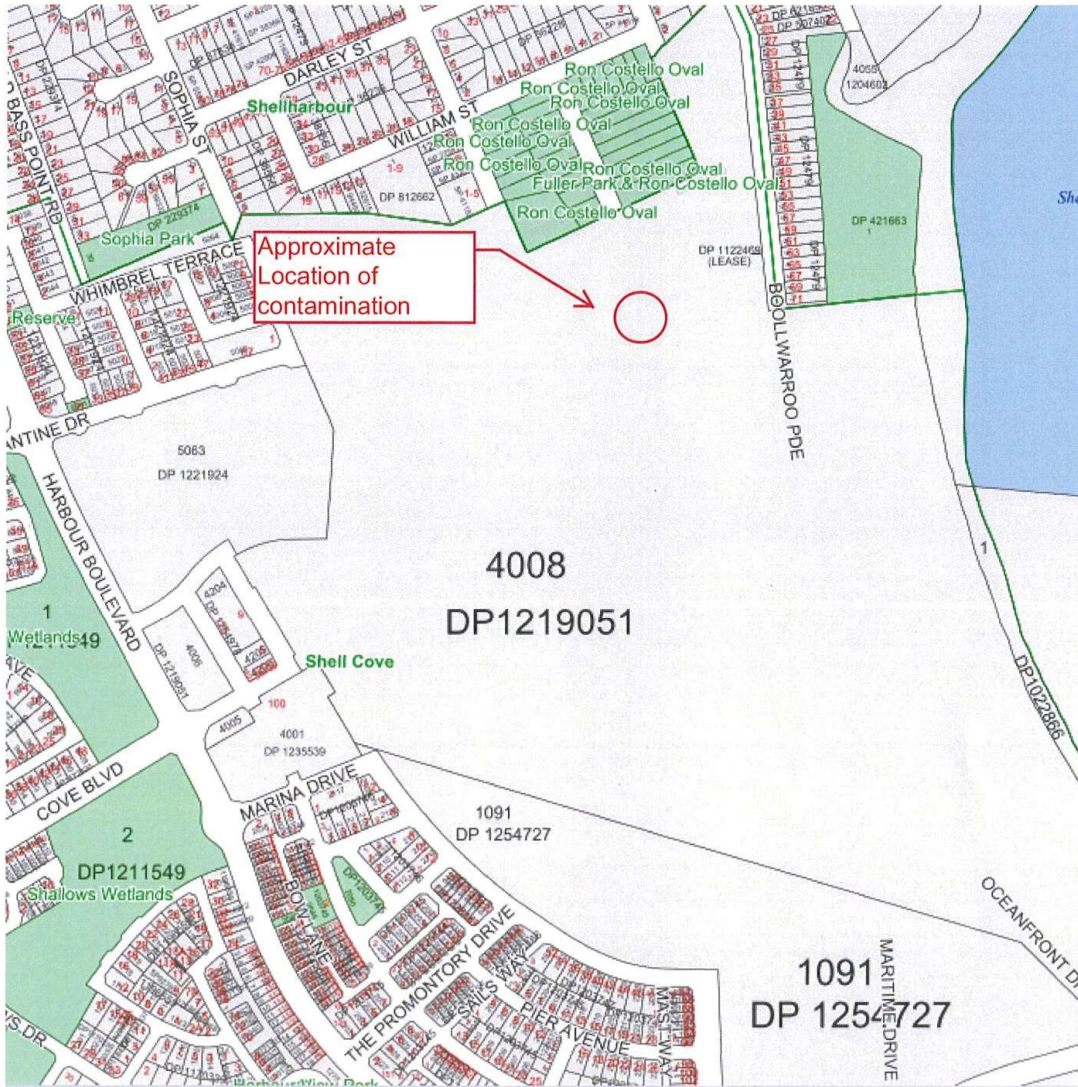
This strategy and associated drawings and report would be lodged to Council under a new Development Application. This application is in the early stages of compilation. We refer to minutes from Pre-DA meeting with Council held on 4 June 2019 attached in **Appendix 7**.

Following Council review we gratefully request a further Pre-DA meeting to take place where next steps can be determined and agreed upon.

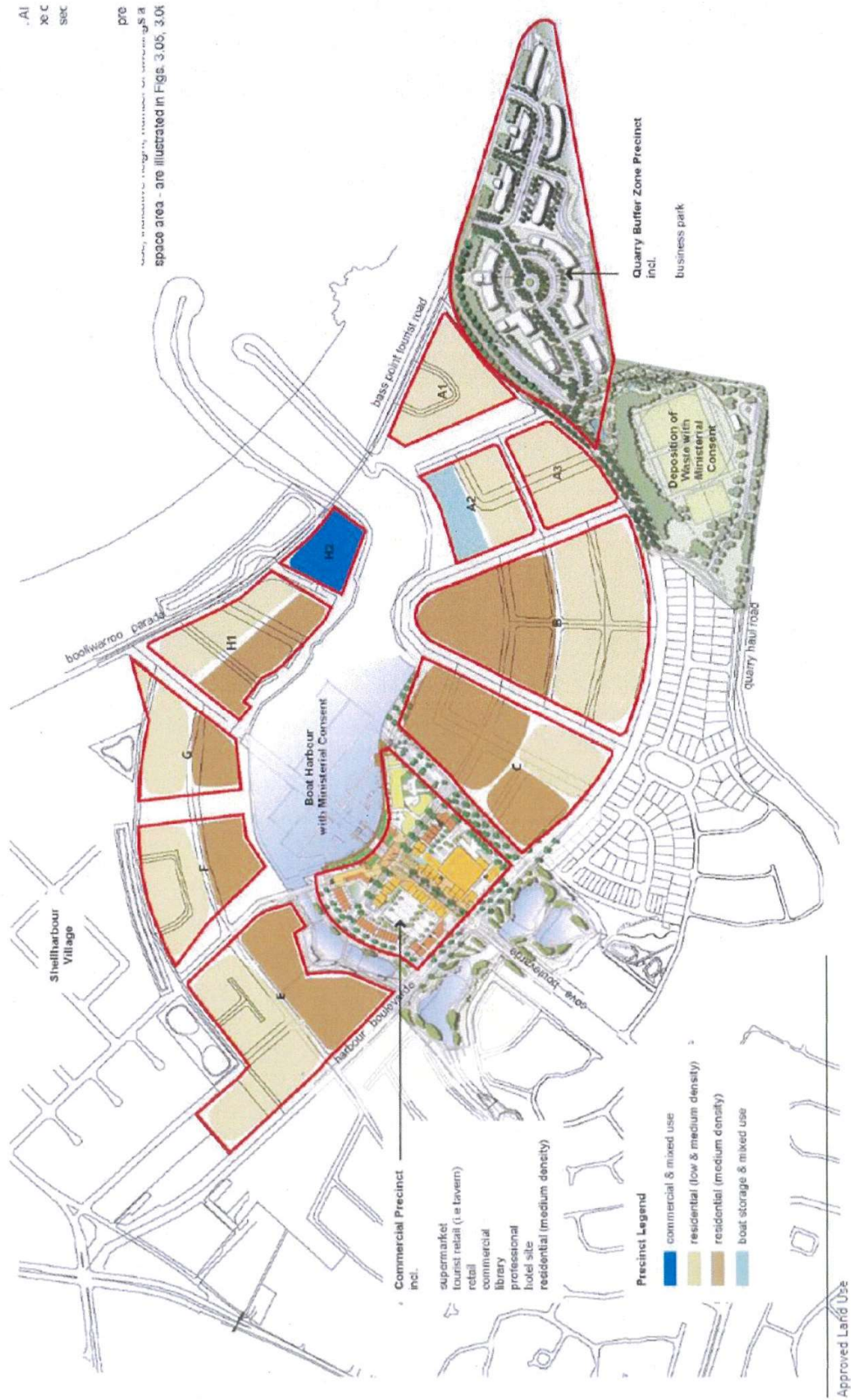
Please do not hesitate to contact the undersigned should you need to discuss any of the above further.

Regards,
Edward Murray
Development Manager
Frasers Property Australia Pty Limited

Appendix 1 – Site Location Plan



Appendix 3 - Part 3A Approved Concept Plan



Appendix 4 - Site Audit Statement

NSW Site Auditor Scheme
SITE AUDIT STATEMENT



A site audit statement summarises the findings of a site audit. For full details of the site auditor's findings, evaluations and conclusions, refer to the associated site audit report.

This form was approved under the Contaminated Land Management Act 1997 on 26 March 2009. For more information about completing this form, go to Part IV.

PART I: Site audit identification

Site audit statement no. ...PWH_NSW_018

This site audit is a ~~statutory audit~~ non-statutory audit* within the meaning of the Contaminated Land Management Act 1997.

Site auditor details (as accredited under the Contaminated Land Management Act 1997)

NamePhillip Hitchcock..... Company ...ENVIRON Australia Pty Ltd

Address ...Level 1, 456 High St (PO Box 564), Maitland NSW Postcode ...2320

Phone ...02 49 344354 . Fax02 49 344359

Site details

Address Boollwarro Parade, Shell Cove, NSW Postcode 2259

Property description Part Lot 8032 in DP 1072187

Local Government Area Shellharbour City Council

Area of site (e.g. hectares) 3.7 hectares

Current zoning 2(f) Mixed Use Residential

To the best of my knowledge, the site ~~is~~ is not* the subject of a declaration, order, agreement, proposal or notice under the Contaminated Land Management Act 1997 or the Environmentally Hazardous Chemicals Act 1985.

Declaration/Order/Agreement/Proposal/Notice* no(s)

NA

Attachment 10 – Letter from Frasers- Contamination (Page 8 of 32)

Site Audit Statement – 2

Site audit commissioned by

Name Glenn Colquhoun Company NSW Site Auditor Scheme SITE AUDIT STATEMENT

Address Shell Cove Office, P.O. Box A148, Shellharbour, NSW Postcode 2529

Phone (2) 4297-7364 Fax (2) 4297-7366

Name and phone number of contact person (if different from above)

NA

Purpose of site audit

- A. To determine land use suitability for low – medium density residential use

OR

- B(i) To determine the nature and extent of contamination, and/or
- B(ii) To determine the appropriateness of an investigation/remedial action/management plan*, and/or
- B(iii) To determine if the land can be made suitable for a particular use or uses by implementation of a specified remedial action/management plan* (please specify intended use(s))

Information sources for site audit

Consultancy(ies) which conducted the site investigation(s) and/or remediation

Coffey Partners, Golders, URS

Title(s) of report(s) reviewed

Appendix 5 of LFA (Australia) Pty Ltd (June 1995) Environmental Impact Statement, Shell Cove Boat Harbour / Marina, Shadforth Wetland, Haul Road Landfill, including the following:

Golder Associates (December 1994) *Additional Water Quality Information, Shell Cove EIS* (ref: 94650300.A);

Golder Associates (May 1995) *Shell Cove EIS, Boat Harbour/Marina, Preliminary Geotechnical Investigation, Shellharbour* (ref:94650116);

Golder Associates (May 1995) *Shell Cove EIS, Boat Harbour/Marina, Geo-Environmental Investigation, Shellharbour* (ref:94650116.A);

Golder Associates (May 1995) *Shell Cove EIS, Boat Harbour/Marina, Pilot Study, Acid Sulphate Soils, Shellharbour* (ref: 94650348.B);

Golder Associates (May 1995) *Shell Cove EIS, Boat Harbour/Marina, Preliminary Acid Sulphate Soils Investigation, Shellharbour* (ref: 94650116.F);

Golder Associates (May 1995) *Shell Cove EIS, Boat Harbour/Marina, Additional Acid Soil and Geotechnical Investigation, Shellharbour* (ref: 94650348.B).

Site Audit Statement – 3

URS (7 July 2005) *Subsurface Field Investigations - Old Landfill* (ref: 43167202);

URS (14 November 2003) *Waste Containment Cell, Shell Cove QBZ, Engineering Approach* (ref: 49221.001);

URS (February 2009) *Shell Cove Waste Relocation Project, Pre-Validation Report* (ref: 43167202);

URS (August 2009a) *Shell Cove Waste Relocation Project, Pre-Validation Report* (ref: 43167202 Rev 2);

URS (April 2009) *Remediation Characterisation and Validation Report, Shell Cove Waste Relocation Project, Shell Cove, NSW* (ref: 43167202 Draft);

URS (August 2009b) *Remediation Characterisation and Validation Report, Shell Cove Waste Relocation Project, Shell Cove, NSW* (ref: 43167202 Final).

Other information reviewed (including previous site audit reports and statements relating to the site)

NA

Site audit report

Title Site Audit Report, Former Council Landfill, Shell Cove Project, Shell Cove, NSW

Report no. AS130019

Date November 2009

Site Audit Statement – 4

PART II: Auditor's findings

Please complete either Section A or Section B, not both. (*Strike out the irrelevant section.*)

Use Section A where site investigation and/or remediation has been completed and a conclusion can be drawn on the suitability of land use(s).

Use Section B where the audit is to determine the nature and extent of contamination and/or the appropriateness of an investigation or remedial action or management plan and/or whether the site can be made suitable for a specified land use or uses subject to the successful implementation of a remedial action or management plan.

Section A

I certify that, in my opinion, the site is **SUITABLE** for the following use(s) (*tick all appropriate uses and strike out those not applicable*):

- Residential, including substantial vegetable garden and poultry
- Residential, including substantial vegetable garden, excluding poultry
- Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry
- Day care centre, preschool, primary school
- Residential with minimal opportunity for soil access, including units
- Secondary school
- Park, recreational open space, playing field
- Commercial/industrial
- Other (*please specify*)

subject to compliance with the following environmental management plan (*insert title, date and author of plan*) in light of contamination remaining on the site:

Nil

OR

I certify that, in my opinion, the site is **NOT SUITABLE** for any use due to the risk of harm from contamination.

Overall comments

The site was a former shallow landfill and following remediation all waste has been removed. The remaining soils and groundwater contain low contaminants levels. It is noted that deeper soils at the site may be Acid Sulphate producing and could potentially impact if disturbed. If this were the case then an Acid Sulphate Management Plan would be required to be prepared by a suitably qualified consultant prior to excavation

Site Audit Statement – 5

Section B

Purpose of the ¹ which is the subject of the audit

I certify that, in my opinion:

the nature and extent of the contamination HAS/HAS NOT* been appropriately determined

AND/OR

the investigation/remedial action plan/management plan* IS/IS NOT* appropriate for the purpose stated above

AND/OR

the site CAN BE MADE SUITABLE for the following uses (tick all appropriate uses and strike out those not applicable):

- Residential, including substantial vegetable garden and poultry
- Residential, including substantial vegetable garden, excluding poultry
- Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry
- Day care centre, preschool, primary school
- Residential with minimal opportunity for soil access, including units
- Secondary school
- Park, recreational open space, playing field
- Commercial/industrial
- Other (please specify)

if the site is remediated/managed* in accordance with the following remedial action plan/management plan* (insert title, date and author of plan)

.....

subject to compliance with the following condition(s):

Overall comments

¹ For simplicity, this statement uses the term 'plan' to refer to both plans and reports.

Site Audit Statement – 6

PART III: Auditor's declaration

I am accredited as a site auditor by the NSW Environment Protection Authority under the *Contaminated Land Management Act 1997* (Accreditation No. 0502).

I certify that:

- I have completed the site audit free of any conflicts of interest as defined in the *Contaminated Land Management Act 1997*, and
- with due regard to relevant laws and guidelines, I have examined and am familiar with the reports and information referred to in Part I of this site audit, and
- on the basis of inquiries I have made of those individuals immediately responsible for making those reports and obtaining the information referred to in this statement, those reports and that information are, to the best of my knowledge, true, accurate and complete, and
- this statement is, to the best of my knowledge, true, accurate and complete.

I am aware that there are penalties under the *Contaminated Land Management Act 1997* for wilfully making false or misleading statements.

Signed



Date 03/11/09

PART IV: Explanatory notes

To be complete, a site audit statement form must be issued with all four parts.

How to complete this form

Part I identifies the auditor, the site, the purpose of the audit and the information used by the auditor in making the site audit findings.

Part II contains the auditor's opinion of the suitability of the site for specified uses or of the appropriateness of an investigation, or remedial action or management plan which may enable a particular use. It sets out succinct and definitive information to assist decision-making about the use(s) of the site or a plan or proposal to manage or remediate the site.

The auditor is to complete either Section A or Section B of Part II, **not** both.

In **Section A** the auditor may conclude that the land is *suitable* for a specified use(s) OR *not suitable* for any beneficial use due to the risk of harm from contamination.

By certifying that the site is *suitable*, an auditor declares that, at the time of completion of the site audit, no further remediation or investigation of the site was needed to render the site fit for the specified use(s). Any **condition** imposed should be limited to implementation of an environmental management plan to help ensure the site remains safe for the specified use(s). The plan should be legally enforceable: for example a requirement of a notice under the *Contaminated Land Management Act 1997* (CLM Act) or a development consent condition issued by a planning authority. There should also be appropriate public notification of the plan, e.g. on a certificate issued under s.149 of the *Environmental Planning and Assessment Act 1979*.

Auditors may also include **comments** which are key observations in light of the audit which are not directly related to the suitability of the site for the use(s). These observations may cover aspects relating to the broader environmental context to aid decision-making in relation to the site.

In **Section B** the auditor draws conclusions on the nature and extent of contamination, and/or suitability of plans relating to the investigation, remediation or management of the land, and/or whether land can be made suitable for a particular land use or uses upon implementation of a remedial action or management plan.

By certifying that a site *can be made suitable* for a use or uses if remediated or managed in accordance with a specified plan, the auditor declares that, at the time the audit was completed, there was sufficient information satisfying guidelines made or approved under the CLM Act to determine that implementation of the plan was feasible and would enable the specified use(s) of the site in the future.

For a site that *can be made suitable*, any **conditions** specified by the auditor in Section B should be limited to minor modifications or additions to the specified plan. However, if the auditor considers that further audits of the site (e.g. to validate remediation) are required, the auditor must note this as a condition in the site audit statement.

Auditors may also include **comments** which are observations in light of the audit which provide a more complete understanding of the environmental context to aid decision-making in relation to the site.

In **Part III** the auditor certifies his/her standing as an accredited auditor under the CLM Act and makes other relevant declarations.

Where to send completed forms

In addition to furnishing a copy of the audit statement to the person(s) who commissioned the site audit, statutory site audit statements must be sent to:

Department of Environment and Climate Change (NSW)
Contaminated Sites Section
PO Box A290, SYDNEY SOUTH NSW 1232
Fax: (02) 9995 5930

AND

the **local council** for the land which is the subject of the audit.

Appendix 5 - Clearsafe Certificate

Asbestos Clearance Certificate



Clearsafe Environmental Solutions Pty Ltd
1/185 Berkeley Road, Unanderra NSW 2526
wollongong@clearsafe.com.au
02 4231 9500

Report Number: 20-9540-03-CL
Date of Report: 25/2/2019
Date of Inspection: 7/2/2019
Client: Coastwide Civil Pty Ltd
Client Contact: Oliver Waters
Client Address: 19 Croome Lane, Albion Park NSW 2527
Site Address: Shellharbour Marina, Shell Cove NSW 2529

Scope of Work:

Removal of asbestos impacted soils and rubble from nominated locations within the Shellharbour Marina Development Site followed by encapsulation in a designated area of the site.

Area(s) Inspected:

Visible ground surfaces in the following locations following removal of asbestos impacted soils to a natural/clean soil profile:

- Area 1 - A triangular area adjacent the south western corner of Keith Hockey Oval with a total area of approximately 375m² and centred at approximate coordinates (WGS84) 34°35'05.0"S 150°52'13.3"E. Refer to site plans in appendix A
- Area 2 - An area approximately 15m x12m in the location of a former bridge and located at approximate coordinates (WGS84) 34°35'18.1"S 150°52'21.5"E.
- Area 3 - An area approximately 12m x 8m in the location of removed soil stockpiles located in Area P3 and centred at approximate coordinates (WGS84) 34°35'24.69"S 150°52'23.69"E.

Visible surfaces of the containment cell centrally located at approximate coordinates (WGS84) 34°35'03.2"S 150°52'12.0"E following placement of asbestos impacted soils and rubble and encapsulation with a geofabric membrane. Refer to attached site plans in Appendix A

Visible surfaces of excavation cut face on the south western side of Keith Hockey Oval following encapsulation with a Geofabric membrane.

Inspection Details:

Asbestos containing material (ACM) impacted soils and rubble were excavated under asbestos controlled conditions from previously identified impacted areas (refer to Clearsafe Report 20-9540-01-LC and 20-9540-01-AMP) and transported to the nominated containment cell location.

Prior to placement of ACM impacted materials within the nominated containment cell location, the base and walls of the containment cell were lined with a grey/white coloured geofabric membrane Refer to attached photographs).

Following satisfactory excavation of ACM impacted soils from the identified impacted areas, a visual inspection supplemented with sampling of residual soils was undertaken as part of the Clearance process. The visual inspection included a thorough visual inspection of ground surfaces within removal areas by a suitably experienced and qualified consultant Michael Fernandez (Licensed Asbestos Assessor LAA000140).

Following final placement of ACM impacted soils within the containment cell, the ACM impacted soils were encapsulated with a white/grey geofabric membrane. The geofabric membrane was observed to have overlapping joints (minimum of 500mm) and underlying soils were not visible at the time of inspection. The geofabric was observed to be held in place with sand bags at the time of inspection. Additionally the cut face of the fill soils on the southwestern side of Keith Hockey Oval was also observed to be suitably encapsulated with a geofabric membrane. Refer to attached site photographs.

In addition to the visual inspection, NATA accredited airborne fibre monitoring was undertaken using the membrane filter method. The results of the monitoring reported less than the minimum detection limit of the method, which is <0.01f/mL (refer to Clearsafe Reports 20-9540-01-AM to 20-9540-13-AM).



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Page 1 of 3

Asbestos analysis of 14 samples was undertaken within Clearsafe's NATA accredited laboratory to support the observations made during the visual inspection. The results of the analysis reported No Asbestos Detected (refer to Clearsafe Report: 20-9540-04-ID).

It is the opinion of the inspector that as far as reasonably practicable the current scope of work has been completed to a satisfactory industry standard. Residual / remnant asbestos containing material (ACM) associated with the current scope of work was not identified within the area(s) inspected at the time of inspection. Based on the observations made at the time of inspection, with regard to asbestos, the area(s) inspected are considered safe for future site works.

Recommendations:

- Final encapsulation of ACM within the containment cell is to be undertaken on receipt of relevant planning approvals for the onsite containment of the ACM impacted soils. The encapsulation is to include a minimum of a 500mm layer of clean fill consisting of VENM/ENM or a suitable alternative.
- An asbestos management plan is to be prepared and implemented for the long term management of the site.

Notes and Limitations:

ACM remains within and/or adjoining the Area(s) Inspected. This ACM is not associated with the current scope of removal works.

Latent asbestos contamination has been identified on the site. Due to the nature of this identified contamination, it is likely that further ACM may be identified in the future subsequent to further weathering and site works.

It is noted that the scope of remediation was limited to soils within the current site boundaries only. Results of previous assessments and indicate that fill materials adjacent the western and southwestern boundaries of the Keith Hockey Oval contain ACM and it is very likely that ACM impacted soils extend and would be present within underlying soils within the Keith Hockey Oval. It must be noted that the current scope of works excludes soils within Keith Hockey Oval and no comment can be made to the extent of asbestos impacts on that site. It is noted that ground surfaces of the Keith Hockey Oval were observed to be sealed with a thick grass cover and no evidence of ACM was observed on ground surfaces within the Keith Hockey Oval adjoining the current works area at the time of inspection.

If any other material suspected of containing asbestos is identified in the future, stop work immediately, restrict access to the impacted area and contact Clearsafe for further advice.

All work is conducted in a conscientious and professional manner, with due diligence and appropriate care. However due to the disproportionate cost of potential damages or liability relative to the cost of our services, Clearsafe cannot offer any guarantee that all hazards have been identified. Subsequently, Clearsafe's liability to the client or any other party resulting from the performance or non-performance of the service, whether under contract law, tort law or otherwise, is limited to a maximum of up to five (5) times the total fee excluding expenses.

Clearsafe reports are not to be reproduced or reviewed except in full. All reports are prepared for a particular client's objective, and therefore should not be used by any third party as a basis for future decision-making.

This certificate describes the observed conditions within the areas inspected at the time of inspection. Site conditions may change with future site activities, and therefore this certificate must not be considered accurate beyond the time of inspection.

The scope of the current commission was limited to the area inspected. Therefore this report does not constitute a thorough site survey for Asbestos. Unless specifically noted, this report expressly excludes any Asbestos contamination within soil, ground surfaces, soil surfaces, stockpiles of material, or other similar surfaces.

Inspections are inherently subject to limitations. Multiple factors can result in asbestos residue contamination becoming visible on surfaces where during the inspection it was not. Materials can be disturbed during future work, materials can be brought into the area, equipment / machinery can move and alter surfaces, normal weathering processes can disturb the area. Each of these, and many other factors, can cause remnant asbestos to become visible when it was not visible at the time of inspection. Therefore, for added assurance and confidence, it is recommended that the area be periodically reinspected, for example at 1 week, 1 month and 3 months. Results of any further inspections should be recorded and appropriate management actions be followed in the event of unexpected finds.

Any Party that uses or relies on this document, in doing so acknowledges, on behalf of themselves and all other legal entities that they represent, the unequivocal approval and acceptance of the limitations and exclusions stated within this document, as well as the acceptance of Clearsafe's standard Terms and Conditions of Engagement (available from our website), else this document should not be used or relied upon for any purpose.



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Clearsafe Environmental Solutions Pty Ltd

ABN: 31 146 947 766

02 4231 9500 | www.clearsafe.com.au | wollongong@clearsafe.com.au

Page 2 of 3

Please contact the undersigned on 0448 494 498 or michael.fernandez@clearsafe.com.au with any queries.



Inspected By: Michael Fernandez
Licensed Asbestos Assessor (NSW LAA000140)



Authorised By: Michael Fernandez
Licensed Asbestos Assessor (NSW LAA000140)



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Clearsafe Environmental Solutions Pty Ltd

ABN: 31 146 947 766

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Page 3 of 3

Site Photographs



Photograph 1:

Geofabric to base of containment cell with ACM impacted soil being placed into cell.



Photograph 2: Geofabric encapsulation over ACM impacted soils within containmant cell.



Photograph 3:

Ground surfaces adjacent the southwestern side of Keith Hockey Oval on completion of current scope of works including Gefabric encapsulating the cut face of fill to the southwestern side of Keith Hockey Oval.



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Site Photographs



Photograph 4:
ACM impacted bridge rubble prior to removal.



Photograph 5:
Ground surfaces in the location of former bridge following removal works.



Photograph 6:
Ground surfaces in the location of Area P3 following removal of asbestos stockpiles to the containment cell.



Clearsafe Environmental Solutions Pty Ltd

ABN: 31 146 947 766

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Site Plans

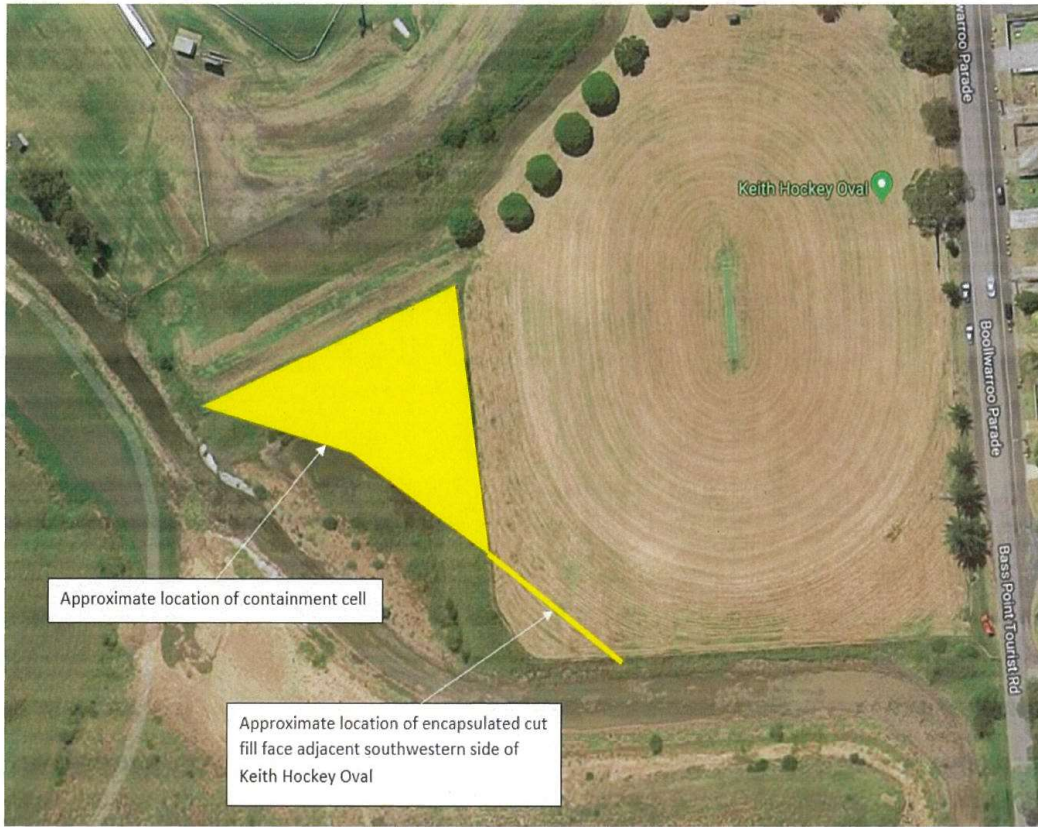


Figure 1: Approximate location of containmant cell and encapsulated areas.



ISO:9001 Certified

Clearsafe Environmental Solutions Pty Ltd

ABN: 31 146 947 766

02 4231 9500 | www.clearsafe.com.au | wollongong@clearsafe.com.au

Site Plans



Figure 2: Approximate location of clearance samples collected from Cleared area adjacent the southwestern side of Keith Hockey Oval.



Clearsafe Environmental Solutions Pty Ltd

ABN: 31 146 947 766

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Certificate of Analysis



Clearsafe Environmental Solutions Pty Ltd
 1/185 Berkeley Road, Unanderra NSW 2526
 info@clearsafe.com.au
 1300 042 962

Report Number: 20-9540-04-ID
Date of Report: 15/2/2019
Date of Analysis: 13/2/2019
Site Address: Shellharbour Marina
 Shell Cove NSW 2529
Client Name: Coastwide Civil Pty Ltd
Client Address: 19 Croome Lane
 Albion Park NSW 2527
Client Contact: Oliver Waters
Sampled By: Michael Fernandez
Approved Identifier: Michael Fernandez
Approved Signatory: Michael Fernandez

Test Method: Asbestos identification in bulk samples by polarised light microscopy and dispersion staining, in accordance with 'AS4964-2004 Method for the Qualitative Identification of Asbestos in Bulk Samples' and Clearsafe Method SOP.ID.01 [Detection Limit - 0.1g/kg (AS4964)].

Notes: The results contained within this report relate only to the samples tested. This report should not be copied, presented or reviewed except in full.
 An independent analytical technique is recommended for confirmation of vinyl and bituminous samples, or samples in which 'Unknown Mineral Fibre' is detected.
 NATA accreditation relates to the analysis of the sample(s) and does not cover the sample collection process.

Sample Number	Sample Reference / Location	Description **	Result *
20-9540/40	Clearance Sample 1 - Ground surface Adjacent Southwest of Keith Hockey Oval	Soil / Ore. Sample Size: 127g	No Asbestos Detected ⁶
20-9540/41	Clearance Sample 2 - Ground surface Adjacent Southwest of Keith Hockey Oval	Soil / Ore. Sample Size: 216g	No Asbestos Detected ⁶
20-9540/42	Clearance Sample 3 - Ground surface Adjacent Southwest of Keith Hockey Oval	Soil / Ore. Sample Size: 185g	No Asbestos Detected ⁶
20-9540/43	Clearance Sample 4 - Ground surface Adjacent Southwest of Keith Hockey Oval	Soil / Ore. Sample Size: 155g	No Asbestos Detected ⁶
20-9540/44	Clearance Sample 5 - Ground surface Adjacent Southwest of Keith Hockey Oval	Soil / Ore. Sample Size: 189g	No Asbestos Detected ⁶
20-9540/45	Clearance Sample 6 - Ground surface Adjacent Southwest of Keith Hockey Oval	Soil / Ore. Sample Size: 171g	No Asbestos Detected ⁶
20-9540/46	Clearance Sample 7 - Ground surface Adjacent Southwest of Keith Hockey Oval	Soil / Ore. Sample Size: 132g	No Asbestos Detected ⁶

- * Result Codes:**
- 1 - Chrysotile Asbestos Detected
 - 2 - Amosite Asbestos Detected
 - 3 - Crocidolite Asbestos Detected
 - 4 - Unknown Mineral Fibre Detected
 - 5 - Synthetic Mineral Fibre (SMF) Present
 - 6 - Organic Fibres Present

- ** Description Codes:**
- FCS - Fibrous Cement Sheetting
 - VFT - Vinyl Floor Tile



NATA Accredited Laboratory No. 18542
 Accredited for compliance with ISO/IEC 17025 - Testing. The results of the tests, calibrations and/or measurements included in this document are traceable to Australian / national standards.

Attachment 10 – Letter from Frasers- Contamination (Page 22 of 32)

Clearsafe Environmental Solutions Pty Ltd

20-9540/47	Clearance Sample 8 - Ground surface Adjacent Southwest of Keith Hockey Oval	Soil / Ore. Sample Size: 154g	No Asbestos Detected ⁶
20-9540/48	Clearance Sample 9 - Ground surface Adjacent Southwest of Keith Hockey Oval	Soil / Ore. Sample Size: 207g	No Asbestos Detected ⁶
20-9540/49	Clearance Sample 10 - Ground surface Adjacent Southwest of Keith Hockey Oval	Soil / Ore. Sample Size: 148g	No Asbestos Detected ⁶
20-9540/50	Clearance Sample 11 - Ground surface in location of former bridge structure approximate coordinates (WGS84) 34°35'18.1"S 150°52'21.5"E	Soil / Ore, sand. Sample Size: 163g	No Asbestos Detected ⁶
20-9540/51	Clearance Sample 12 - Ground surface in location of former bridge structure approximate coordinates (WGS84) 34°35'18.1"S 150°52'21.5"E	Soil / Ore, Sand. Sample Size: 134g	No Asbestos Detected ⁶
20-9540/52	Clearance Sample 13 - Ground surface in location of former stockpile in Area P3 approximate coordinates (WGS84) 34°35'24.69"S 150°52'23.69"E	Soil / Ore. Sample Size: 229g	No Asbestos Detected ⁶
20-9540/53	Clearance Sample 14 - Ground surface in location of former stockpile in Area P3 approximate coordinates (WGS84) 34°35'24.69"S 150°52'23.69"E	Soil / Ore. Sample Size: 153g	No Asbestos Detected ⁶

*** Result Codes:**

- | | |
|-----------------------------------|---|
| 1 - Chrysotile Asbestos Detected | 4 - Unknown Mineral Fibre Detected |
| 2 - Amosite Asbestos Detected | 5 - Synthetic Mineral Fibre (SMF) Present |
| 3 - Crocidolite Asbestos Detected | 6 - Organic Fibres Present |

**** Description Codes:**

- | | |
|--------------------------------|------------------------|
| FCS - Fibrous Cement Sheetting | VFT - Vinyl Floor Tile |
|--------------------------------|------------------------|

20-9540-04-ID



NATA Accredited Laboratory No. 18542

Accredited for compliance with ISO/IEC 17025 - Testing. The results of the tests, calibrations and/or measurements included in this document are traceable to Australian / national standards.



AUSTRALIAN
ENVIRONMENTAL AUDITORS

Appendix 6

EA0713_C1_Recent Finds

20 August 2019

Frasers Property Australia
Development Manager
Level 2, 1C Homebush Bay Drive,
Rhodes, NSW, 2138, Australia

Attention: Edward Murray

Recent Finds
Remedial Works
Shellharbour, NSW

Dear Edward,

This letter presents a review of the recent asbestos finds at the above site and provides some context in relation to the previous finds which were remediated and signed off in a Site Audit Report (SAR) and Site Audit Statement (SAS). This previous audit was conducted by myself on 3rd November 2009, Ref, PWH_NSW_018; prior to cessation of my auditing work in NSW. Note that this letter does not constitute statutory auditor advice as I am no longer an auditor in this jurisdiction.

The previous SAR concluded that the site (known as part Lot 8032 DP 1072187 and shown on Figure 1) was suitable for the proposed low density development and that the remedial works have been successful completed and validated. The remedial works comprised the excavation of asbestos impacted fill from a former low lying area and placement in a containment cell on another part of the same development as shown on Figure 2.

I have been provided with the following documents regarding the recent asbestos impacted fill find:

- URS (2006). Shell Cove Waste Relocation Environmental Management Plan, October 2006, Ref 43167202
- Clearsafe Environmental Solutions (2018). Asbestos Investigation report. Nominated Locations Within Shellharbour Marina. 4/12/2018, 20-9540-01-LC
- Clearsafe Environmental Solutions (2018). Asbestos Management Plan, 18/12/2019, Ref 20-9243-01-LC
- Clearsafe Environmental Solutions (2019). Asbestos Clearance Certificate, 15/2/2019, Ref 20-9540-03-CL

Based on my review of these documents and my previous work at the Site from 2006 - 2009, I understand the following:

Australian Environmental Auditors Pty Ltd
ABN 84 161 362 214
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W environmental-auditors.com.au
E enquiries@envaud.com.au

Melbourne
Suite 21, 1 Ricketts Rd
Mt Waverley VIC 3149
T 03 8542 7500
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Adelaide
2/181 Halifax St
Adelaide SA 5000
T 08 8223 3488
F 08 8223 2523

Perth
7/80 Colin St
West Perth WA 6005
T 08 6268 0181





- Remedial works on the adjacent audit site in 2008, comprised removal of all fill and placement in a containment cell in another part of the development under the URS relocation EMP (See Figure 2).
- The material was impacted with ACM and was described by URS as:

0m to 2.5m	Landfill cover material – brown/ black silty clay fill with bricks, timber, concrete blocks
0.5m to 5.5m	Landfill waste – containing fractions varying from 5% to 80% putrescible and non putrescible wastes within a soil matrix. Waste comprises a mix of plastic bags (domestic refuse), plastic, tyres, wire, glass, timber, concrete, paper, metals, fabric and bricks.

- This description of the material was consistent with my inspection of the Site on 4th October 2007 (refer Figure 3) and 31 January 2008.
- In late 2018 fill impacted with ACM was discovered in an area adjacent and located immediately to the north of the former audit site.
- Based on descriptions and photographs in the Clearsafe Asbestos Clearance Certificate this is the same type of material that was remediated in 2008.
- The impacted fill has been stockpiled adjacent to the current excavation area.
- A small amount of ACM impacted material from piping associated within the adjacent Precinct H bridge was removed under boat harbour approval 95/133 and this has also been stockpiled with the other material.
- Remedial options are being reviewed with a Remedial Action Plan being prepared.

In my opinion the recently discovered ACM impacted fill has the same origins as that remediated under the 2006 Relocation Plan which was implemented in 2009. It is therefore reasonable for the recent discovery (including the bridge piping material), to be handled as an unexpected find under the existing approval.

This document does not represent Interim Audit Advice, SAR or SAS.

Please contact the undersigned on (08) 8223 3488 if you have any questions.

Yours faithfully,

Australian Environmental Auditors Pty Ltd

Phillip Hitchcock

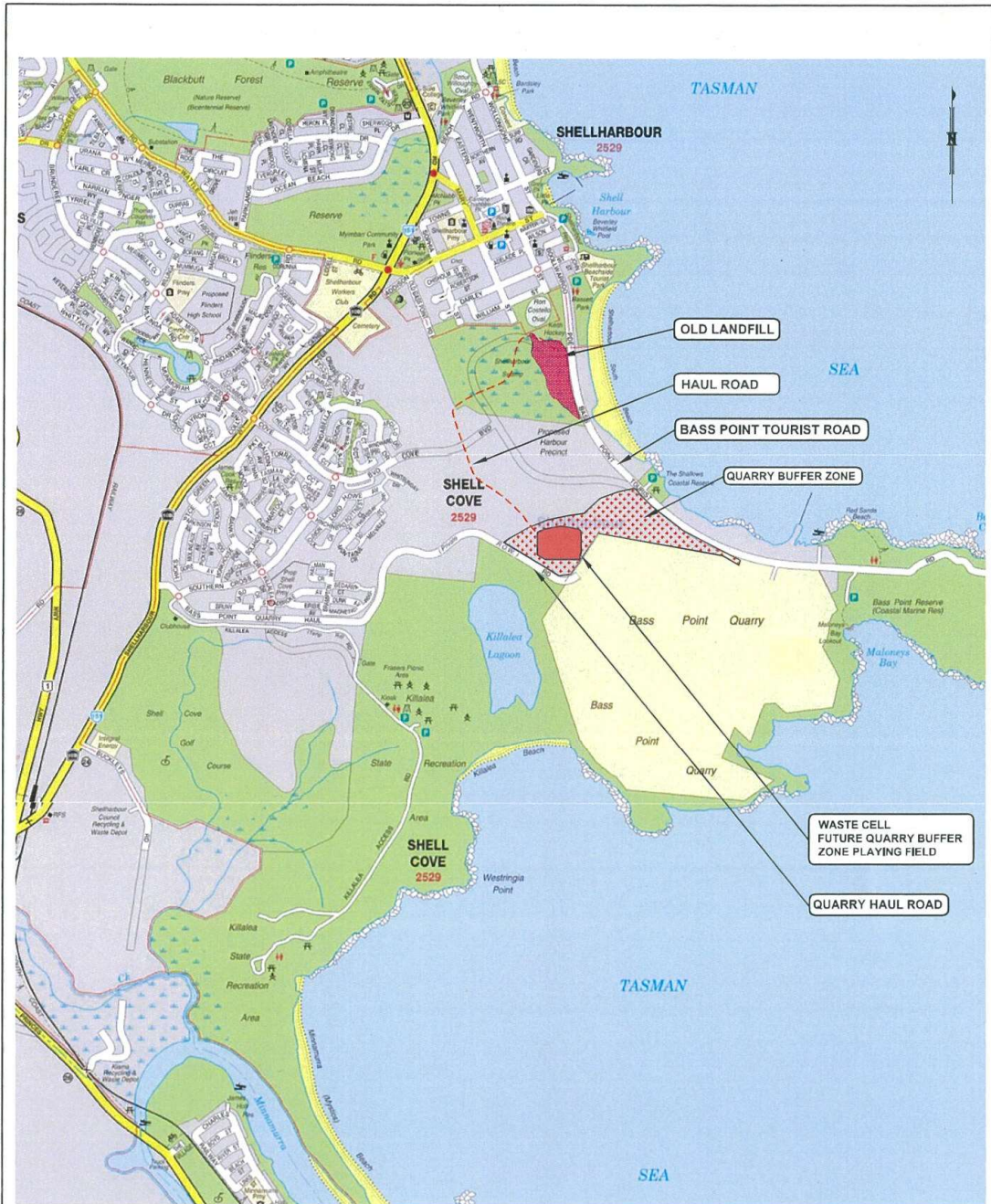


DOCUMENT CONTROL	
Draft By / Date	Review By / Date
PWH, 9 August 2019	BR, 20 August 2019



Figure 1 – Audit Site Location

Attachment 10 – Letter from Frasers- Contamination (Page 26 of 32)



This drawing is subject to COPYSRIGHT. It remains the property of URS Australia Pty Ltd.




Client AUSTRALAND	Project SHELL COVE WASTE CONTAINMENT CELL	Title SITE LOCALITY PLAN
	Drawn: TT Job No.: 43167202	Approved: JLM Date: 07.06.06 File No.: 007.dwg Figure: 1 Rev. A A4



Figure 2 – Audit Site and Current Find Location

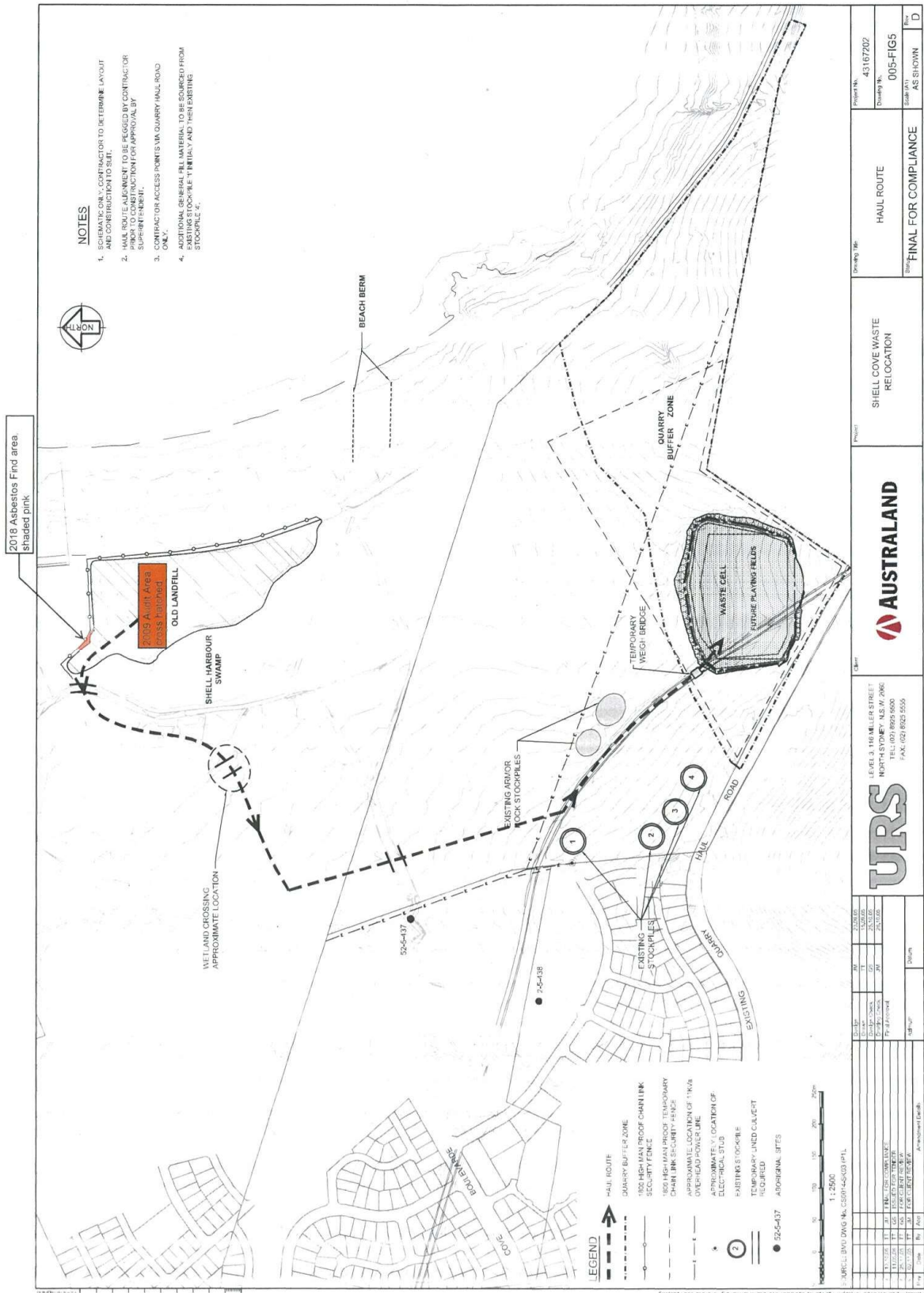




Figure 3 – Photograph of Site from 2017



Photograph of the audit Site adjacent to Keith Hockey Field which is near the recent un-expected find area taken 4/10/2017 (note date stamp on photo is incorrect)



Appendix 7

All Communication address to the General Manager
Shellharbour City Council,
Locked Bag 155
Shellharbour City Centre, NSW 2529
p. 02 4221 6111 f. 02 4221 6016
e. records@shellharbour.nsw.gov.au
www.shellharbour.nsw.gov.au

DX 26402 Shellharbour City Centre

SUBJECT: PRELODGE MENT ADVICE
PROPOSED DEVELOPMENT: Proposed burial of Asbestos Containing Material at Boat Harbour Site, Shell Cove
Lot 5065 DP 1221924, Harbour Boulevard
SHELL COVE
NSW 2529
OUR REFERENCE: PR0029/2019
MEETING DATE: 4 June 2019
PRESENT: Ed Murray (Frasers)
Kathy Burton (SMEC)
Manuel Fernandez (SMEC)
Madeline Cartwright (Council – Planning)
Nancy Sample (Council – Planning -By Phone)
Andrew McIntosh (Council – Planning)
Justin McKinnon (Council – Environment)
Bailey Angeloski (Council – Flooding)

ADDRESS FOR MAILING: Edward.murray@frasersproperty.com.au

Disclaimer/Notes - please read carefully:

Will I get an approval from Council?

These notes should not be construed as a guarantee that consent will be granted.

The advice in these notes is not a comprehensive assessment. Additional issues may emerge as a result of a detailed assessment, which will only be made upon receipt of a development application. Council will take into account relevant statutory requirements and merit issues when assessing a proposal as required under the provisions of the *Environmental Planning & Assessment Act 1979*, as amended.

Policy departures, variations to development controls contained in Environmental Planning Instruments

Any departure from 'policy', eg Development Control Plans or a Development Standard must be identified by the applicant and supported in the form of a written statement.

The statement must demonstrate that there will be no adverse impacts as a result of the departure. No guarantee is given that a departure from policy will be supported.

In the case of a Planning Instrument such as the *Shellharbour Local Environmental Plan 2013*, a variation must be requested under clause 4.6 (where this clause can be applied).

How is your application assessed?

Please also be aware that legislation and Council's planning controls are periodically reviewed. A development application will be assessed under the planning controls as they apply at the time of



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www.shellharbour.nsw.gov.au

lodgement.

Centre

In this regard, it is important to check the currency of planning controls when preparing a development application and when lodging an application.

Any zoning advice should ideally be checked by viewing relevant maps and verified by obtaining a Section 149 Certificate. For more complex proposals, it may be prudent to engage the services of a suitably qualified professional to prepare and lodge a development application.

Restrictions on Land Title

This advice is provided without the benefit of a site inspection or title search. Title restrictions and site characteristics may raise other issues which warrant further investigation or restrict/prevent development.



- 3 -

Prelodgement Advice PR0029/2019
Lot 5065 DP 1221924, Harbour Boulevard SHELL COVE NSW 2529

Thank you for attending the meeting at Council and considering development in Shellharbour City. These notes are intended to assist you and if you require any further information please do not hesitate to contact the undersigned.

Proposal

Proposed burial of Asbestos Containing Material at Boat Harbour Site, Shell Cove.

During development of roads and drainage of Precinct F and G, carried out under Concept Approval (put in reference) an area of previously unknown asbestos was discovered. This asbestos has already been moved and buried in an area known as Wetland 8 (marked as a triangle in the site plan included below) and has been given a temporary cap. It is intended to permanently bury the asbestos (in a cell) in this location and consent is sought to enable and formalise this process. Currently, the asbestos has been removed and stockpiled without any formal consent.

After further discussions with Council's Flood Engineers, the site proposed is a floodway and flood storage during the 1% Annual Exceedance Probability (1 in 100 year) event as from advisors flood mapping. By storing the asbestos in this area floodwaters may erode the cell and land around the burial site for the asbestos and break the asbestos into fibres. This would allow the asbestos to flow into waterways, which, in turn, can result in it becoming airborne and pose health risks. Therefore, the site is not considered suitable for storage of asbestos.

Given the advice received above, the conclusion from Council is that the site is unsuitable for the current remediation proposal to bury the asbestos material in a cell at the location proposed.

A revised remediation plan should be submitted. This may be able to be dealt with as part of DA0331/2018 under the precinct F & G Development Application.

If the revised plan is just to dispose of the material (remove from site and landfill), an Independent Site Auditor, as discussed at the meeting, will not be required. The SEPP55 procedure of submitting the remediation action plan by SMEC with the DA, followed by the Validation Report after the works would be the relevant course of action. If you decide to pursue another onsite capping option, a Site Auditor would be required and I would suggest a further meeting with Council.



Madeline Cartwright
Development Assessment Officer