

**SUBJECT:** PRELODGE MENT ADVICE

**PROPOSED DEVELOPMENT:** **Proposed burial of Asbestos Containing Material at Boat Harbour Site, Shell Cove (Follow up to PR0029/2019)**  
Lot 4008 DP 1219051,  
Cove Boulevard  
SHELL COVE  
NSW 2529

**OUR REFERENCE:** PR0059/2019

**MEETING DATE:** 31 October 2019

**PRESENT:** External  
Chris Randle – Frasers  
Ed Murray – Frasers  
Manuel Fernandez – SMEC  
Alison McDonald – Site Auditor  
Council Staff  
Prabin Kayastha – Flood Engineer  
Amanda Andrews – Applications  
Jasmina Micevski – Planning  
Jodie Cooper – Environment  
Tuesday Heather – Environment  
Justin McKinnon – Environment  
Nancy Sample – Planning  
Madeline Cartwright - Planning

**ADDRESS FOR MAILING:**

[chris.randle@frasersproperty.com.au](mailto:chris.randle@frasersproperty.com.au)

[C.C. Council Assets – Ken.huckle@shellharbour.nsw.gov.au](mailto:Ken.huckle@shellharbour.nsw.gov.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 lodgement.

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.

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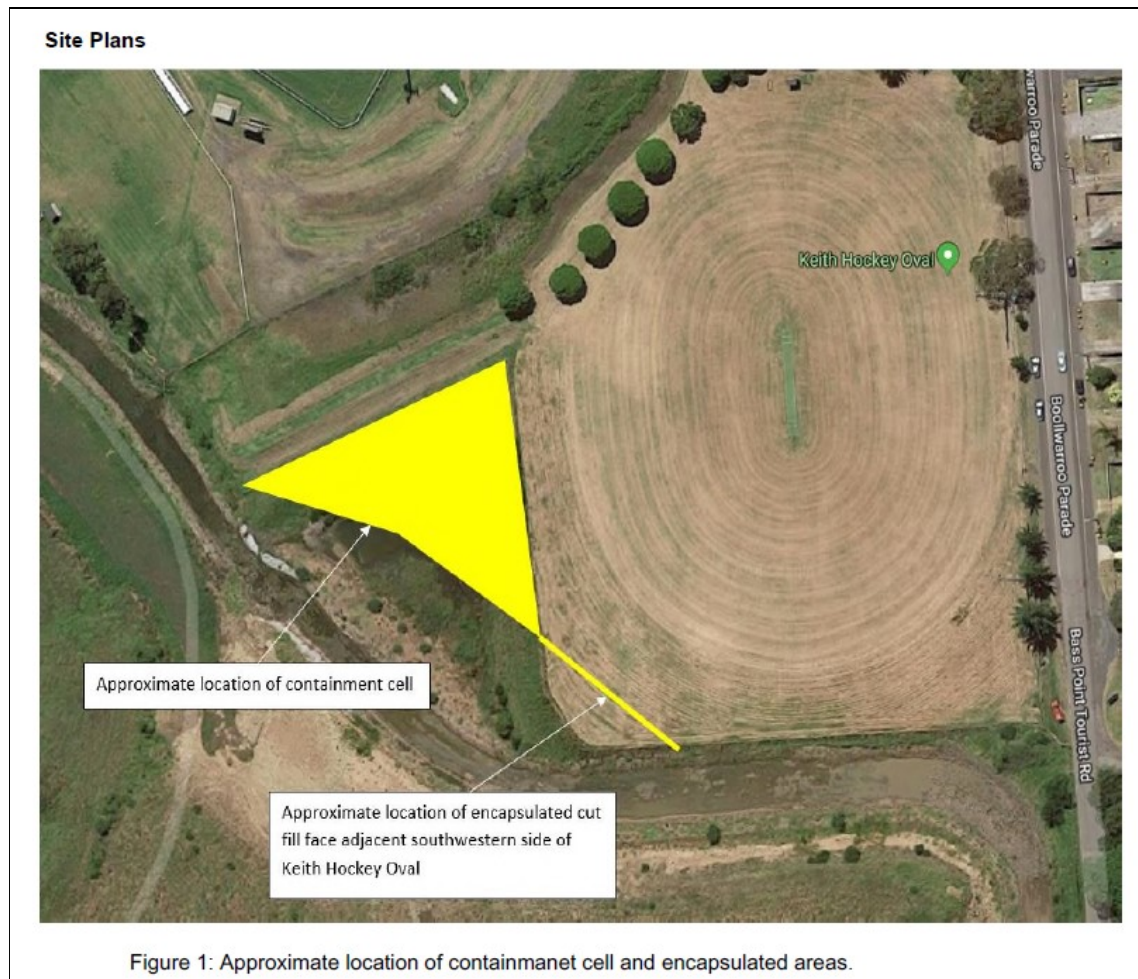
Dear Chris,

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 (Follow up to PR0029/2019) – Precinct G.

Council has confirmed it will consider the site auditors recommendations (email provided from Nancy Sample dated 18/10/2019). Pre-lodgement requested with Council and Site Auditor to determine the preferred DA framework to enable on-site burial of asbestos material. The graphic below was submitted to Council for consideration at our meeting:



### Advice

Three options were proposed for the burial of the contaminated fill in the top triangular sections of Precinct G (marked as Wetland 8 on plans with associated SRPP DA0331/2018):

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- A – Under water detention pond (Wetland 8)- revised use of wetland 8 area;
- B – Under road 23 as shown on DA plans;
- C – combination of A & B depending on amount of contaminated material.

Further work to be conducted by Frasers on each option to determine if they are viable, including a risk assessment and long term environmental management plans for each site together with the ultimate custodian of the land and its obligations in perpetuity. Council agreed to review each option in more detail once this information has been provided.

In this regard, we strongly recommend all detailed design work temporarily ceases until Council has made a decision on the preferred option. Please work with the assessing officer and environment team towards the successful management of the fill.

Clarification required by Council on whether the contamination is considered a 'stockplie' or 'contaminated site'.

Specifically, in regard to the current subdivision DA for stages F and G (DA331/2018), Council has recommended staging conditions to the Southern Regional Planning Panel to allow for the contaminated material to be managed separately – as a separate stage of that consent. This would enable the development of precincts F & G to continue and not be dependent on any outcomes relating to the DA for the future management of the contaminated triangular section of land. In addition, precautionary conditions will be recommended for DA331/2018 to mitigate against any environmental impacts from the further management of the asbestos contaminated fill.

#### Flood Engineering Advice

The proposed site for asbestos containing material (ACM) storage should be in flood free zone in any rainfall event. Please refer the flood maps prepared by ADVISIAN to find suitable flood free zone.

Council expresses strong concern that if the asbestos containing material (ACM) is stored in the containment cell location within flood prone areas, the 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. Please ensure that the risk from flooding is fully addressed in the risk analysis to be prepared for each option.

Conclusion

Council require further information for each option as listed above in order to make a decision on preferred location for contaminated material. Once this information is received and fully understood, the options will be reported to the Senior Management Team within Council for a preferred option to be endorsed, if such options are considered appropriate.

On a final note, Council acknowledges the attendance of the Site Auditor at the pre-lodgement meeting. Council appreciates this level of transparency in this complex process. Further discussions required once further information is provided.

For any further assistance, please contact me directly on 4221 6109.

Kind regards,

A handwritten signature in black ink that reads "M. Cartwright". The signature is written in a cursive style with a large, looped 'M' and a long, sweeping tail on the 't'.

Madeline Cartwright  
**Senior Development Assessment Officer**