



Boat Harbour Precinct (BHP) Concept Approval (MP07_0027)

On the 15 February 2011 the Boat Harbour Precinct Concept Plan Approval No. MP07_0027 (Concept Approval) was approved by the Deputy Director General of the then Department of Planning under the now superseded arrangements of repealed Part 3A of the *Environmental Planning and Assessment Act 1979*. This Concept Approval sits outside the Boat Harbour Approval as shown in figure 5.2 below. Boat Harbour under ministerial consent shown in white, Concept Approval Area shown in orange.

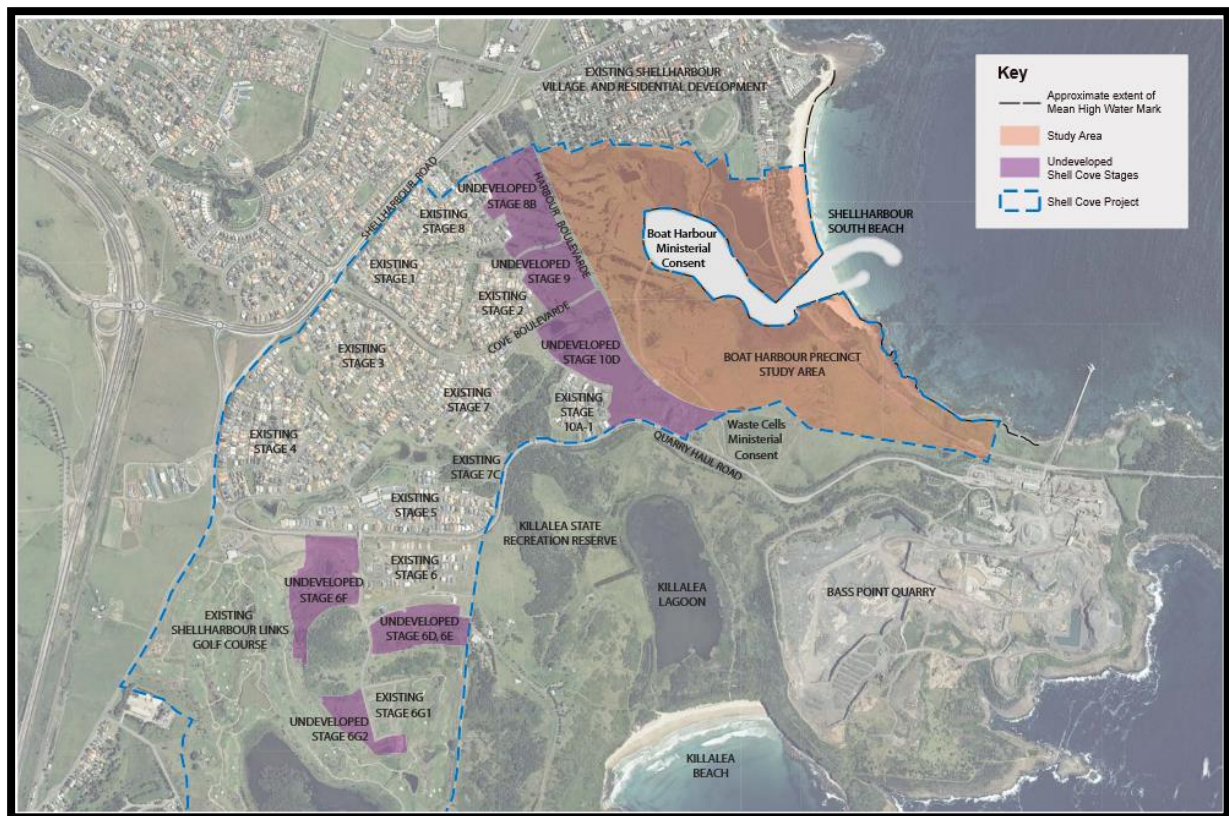


Figure 5.2 – Aerial plan showing interface between Concept Approval and Boat Harbour Consent.

The Concept Approval is for a mixed development comprising residential, commercial, community, retail, hotel, business park, dry boat storage facility, open space and wetlands.

The Concept Approval comprised the following key elements to guide future development:

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

The Concept Approval was enacted by works approved as DA0411/2013 approved by Council in November 2013 for site preparation and servicing works for the Concept Plan site and the creation of 88 residential lots, 14 superlots, parkland, open space links, local streets and laneways in Precincts B1 and C1.

A subsequent modification to the Concept Approval (formally known as s75W) was submitted and approved by the Independent Planning Commission on 18 March 2019 (MP07_0027 MOD 1) and resulted in some fundamental changes to the layout, built form and floor space proposed. The proposed modification includes:

- a. An increase to the maximum number of dwellings from 1,238 to 1,566;
- b. Revised housing densities, typologies and building heights in certain areas of the Boat Harbour Precinct;
- c. Amendments to the hotel building, including relocation to the northern edge of the Town Centre and an increase to the maximum building height; and
- d. A revised road pattern and layout.

Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017

The above Regulations apply to this development application as the Shell Cove Boat Harbour Precinct Concept Plan was determined under the repealed Part 3A Major Projects provisions.

Under the transitional provisions, environmental planning instruments will apply but only to the extent that they are consistent with the approved Concept Plan. The provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan.

The Regulations also requires that a Consent Authority must not grant consent under Part 4 of the Act for the development unless it is satisfied that the development is generally consistent with the terms of the approval of the concept plan. [Schedule 2, clause 3B).

Subdivision of Site

Lot 4006 and associated roads and drainage was created by subdivision DA0143/2016 approved by Council in March 2018. Figure 5.3 below details approved subdivision plan with application site outlined in black.

PPSSTH-166 DA 0350/2021
 Lots 4204 and 4205 DP 1254978 and lot 4006 DP1219051
 5 and 6 Civic Avenue, Shell Cove
Attachment 5 – Background to Shell Cove

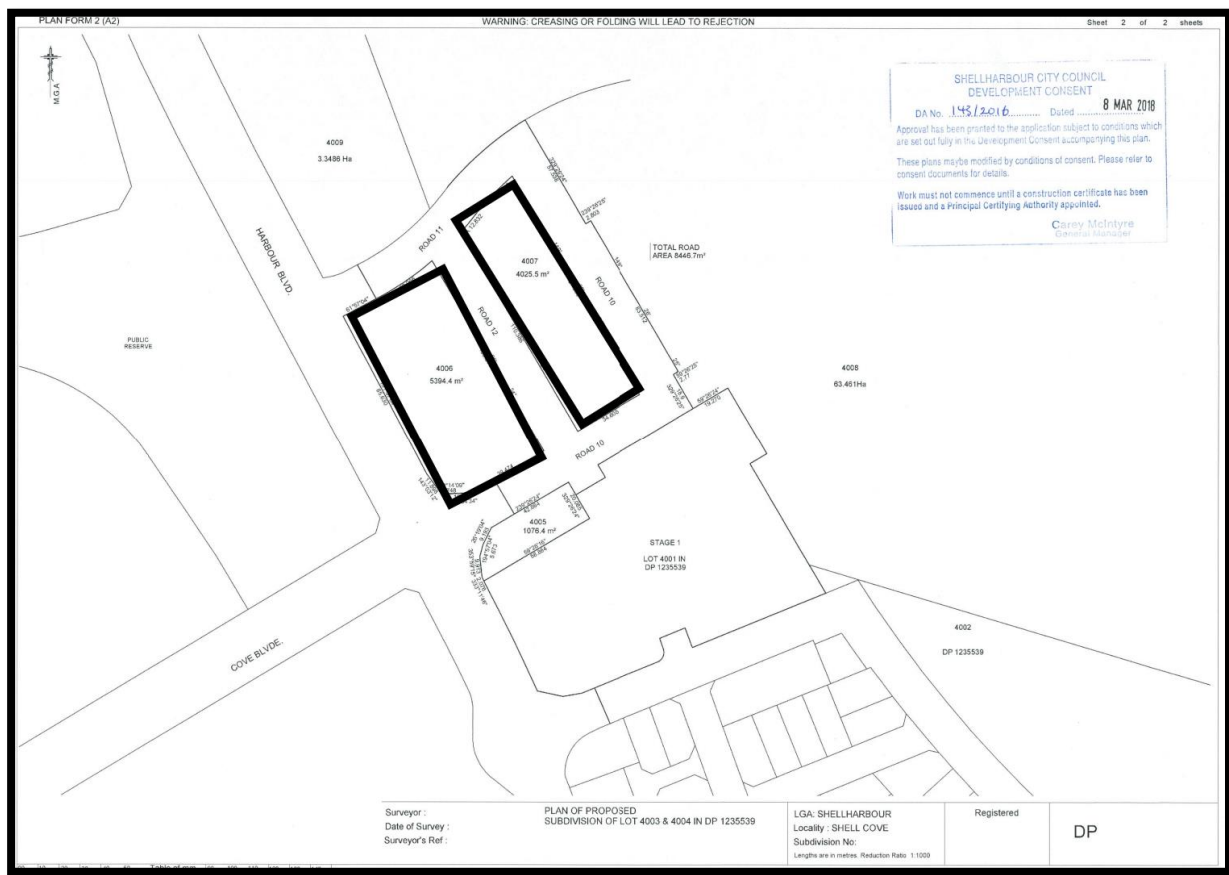


Figure 5.3 – DA0143/2016 – Approved subdivision plan (application site outlined in black).


Lot 4204 and 4205 were created by a further subdivision application DA0496/2018 approved by Council in April 2019. Figure 5.4 below details approved subdivision plan for these two lots.

PLAN FORM 2 (A2)
WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION
Sheet 1 of 1 sheets

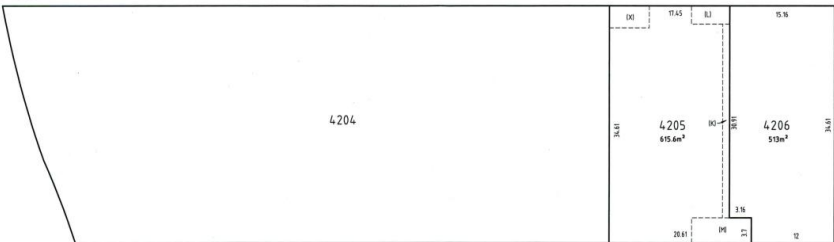
PROPOSED PLAN OF SUBDIVISION
SHELL COVE PRECINCT D

PRELIMINARY PLAN

28 AUGUST 2018 REV A



ROAD 10
ROAD 12



PROPOSED EASEMENTS

- (N) EASEMENT FOR SERVICES 10 MIDE
- (L) EASEMENT FOR GREASE ARRESTOR
- (M) EASEMENT FOR LOADING BAY
- (D) EASEMENT FOR PAVEMENT SUBSTATION

ALL AREAS ARE APPROPRIATE

BOUNDARIES CALCULATED FROM ARCHITECTURAL DRAWING AS SUPPLIED

A 'DRI' TWO (2) GROUND FLOOR

BOUNDARIES AND DIMENSIONS SUBJECT TO FINAL SURVEY

**SHELLHARBOUR CITY COUNCIL
DEVELOPMENT CONSENT**

DA No. 496 Dated 4 APR 2019

Approval has been granted to the application subject to conditions which are set out fully in the Development Consent accompanying this plan.

These plans may be modified by conditions of consent. Please refer to consent documents for details.

Work must not commence until a construction certificate has been issued and a Principal Certifying Authority appointed.

Carey McIntyre
General Manager

Surveyor: HANNAN MARTIN

Date of Survey: 16/03/22-TC STAGE 3 RETAIL

Surveyor's Ref: 16/032-22-TC STAGE 3 RETAIL

PLAN OF SUBDIVISION OF
LOT 101 D.P.

LGA: SHELLHARBOUR
Locality: SHELL COVE
Subdivision No:
Lengths are in metres, Reduction Ratio 1:300

Registered

DP

Source: Lot 101 D.P.

Figure 5.4 - DA0496/2018 – approved subdivision plan.