

## Attachment 6 – Concept approval Compliance table

<b>Assessment of Compliance with Concept Approval MP07_0027 MOD 1</b>		
Schedule 2 Part A Terms of Approval	Proposed	Compliance
<p>condition 1.</p> <p>(a) Up to <u>1,566</u> dwellings comprising single dwellings, medium density and apartments</p> <p>(b) A business park with a maximum gross floor area of 30,000sqm</p> <p>(c) Retail/commercial and community facilities with a maximum gross floor area of 14,830sqm</p> <p>(d) A mixed use landmark (hotel) building of up to 11 storeys:</p> <p>(e) Public open space and wetlands</p> <p>(f) Associated drainage, stormwater infrastructure and roads.</p>	<p>(a) The DA proposes a total of 42 residential apartments. The Concept approval has divided this into precincts to ensure a sustainable spread of dwellings throughout the area. Precinct D has a total of 250 dwellings maximum limit. Currently 45 apartments have been approved within Precinct D.</p> <p>(b) Proposed development does not impact delivery.</p> <p>(c) Proposed under current DA – 1,343sqm. Already delivered – 4,623sqm Being delivered (approved and under construction) - 2,113sqm Total including proposal - 8,079sqm</p> <p>(d) Proposed development is for the delivery of a mixed use landmark (hotel) building which has 11 storeys.</p> <p>(e) Proposed development will be sited adjacent to the Shell Cove Town Centre Park to the south. The positioning of an electricity substation within this public open space which serves the proposed development will not impact on the park.</p> <p>(f) Approved and currently being delivered under DA0143/2016. Additional drainage infrastructure included as part of proposal.</p>	<p>(a) Suitably compliant, discussion included in section 4.ii of the assessment report. Suitably compliant.</p> <p>(b) Not applicable</p> <p>(c) Within the required maximum limit. Suitable area left within maximum limit for community facilities.</p> <p>(d) Suitably complies – discussion included in section 4.iii of the assessment report.</p> <p>(e) Development includes the siting of an electricity substation within the public open space to the south of the application site. Discussed in detail in section 4.iv of the Assessment Report.</p> <p>(f) Complies</p>
<p>Condition 2. Approved Plans and Documentation</p> <p>The project shall be generally in accordance with the following plans and documentation:</p> <p>(a) Shell Cove Boat Harbour Precinct Concept Plan Application and Environmental Assessment, dated 26 February 2010, prepared by LFA (Pacific) Pty Ltd, including Volumes 1 and 2 and Appendices A to P except where amended by the Section 75W Modification Application report, dated 8/08/2017, prepared by Ethos Urban;</p> <p>(b) Shell Cove Boat Harbour Precinct Preferred Project Report, dated November 2010 prepared</p>	<p>The approved plans and documentation as noted has been assessed at each stage of the development of this application assessment. The development is considered to be generally in accordance with these plans and documentation and this is discussed in further detail in section 4 of the Assessment Report.</p>	<p>Complies</p>

by LFA (Pacific) Pty Ltd, including Appendices 1 and 2; and (c) Statement of Commitments (Schedule 4) as amended by the Section 75W Modification Application, dated 8/08/2017. except as otherwise provided by the terms of this approval.		
Condition 3. Limits of the approval This approval does not allow any components of the Concept Plan to be carried out without further approvals or consents being obtained.	DA previously approved for subdivision of application site (DA0143/2016) and current DA submitted for construction of mixed use development subject of this assessment.	Complies
Condition 4. Lapsing of Approval Approval of Major Project No. 07_0027 shall lapse 5 years after the date of determination unless works the subject of any related application have been physically commenced, on or before that lapse date. The Director General may extend this lapse date if the proponent demonstrates to the satisfaction of the Director General that the project remains current, appropriate and reflective of the best use of the site at the date the approval would otherwise lapse.	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.	Complies
Condition 5. Inconsistencies (1) In the event of any inconsistency between: (a) the terms of this approval and the Statement of Commitments, the conditions of this approval prevail; and (b) the terms of this approval and the documents referred to in Part A- condition 2, the conditions of this approval prevail. (2) If there is any inconsistency between the terms of the approval of the concept plan and any development approval or development consent, this concept approval shall prevail to the extent of the inconsistency.	The proposal is consistent with the Concept Approval, Statement of Commitments and conditions of the approval.	Complies
Condition 6. Maximum number of dwellings The maximum number of dwellings permitted on the site is limited to 1420 dwellings, unless the developer submits, written confirmation from Sydney Water that adequate water and wastewater servicing is available to accommodate a maximum of	Council has received confirmation that the development of Shell Cove Concept Approval is still operating under 1420 dwelling yield for the Concept Plan area. Discussions are ongoing between Frasers and Sydney Water to increase the dwelling yield. The number of residential apartments proposed is within the maximum dwelling yield for Precinct D and is within the	Complies

1566 dwellings, to the satisfaction of the Secretary.	maximum number of dwellings included in condition 6 without further Sydney Water approval.	
New Term of Approval 7. 7. Parking The parking requirements set out in the approved plans and documentation submitted as part of MOD 1 are not approved as part of the Concept Plan. Parking requirements shall be assessed and determined by Council as part of any future development applications and as a part of the precinct Urban Design Guidelines, where relevant.	Parking provided within a four level basement parking area. A total of 337 car parking spaces provided.	Parking provision has been discussed in detail in section 13.iv of the assessment report. Considered acceptable.
Schedule 2 Part A – New Term of Approval 8. 8. Urban Design Guidelines The Urban Design Guidelines submitted as part of MOD 1 are not approved as part of the Concept Plan. The Urban Design Guidelines are to be assessed and determined by Council, as set out in Part D of this approval.	The Shell Cove Urban Design Guidelines Precinct D amendment 2 have been endorsed by Council on 8 May 2019.	Complies – assessment included in <b>attachment 9</b> .
<b>Schedule 3</b>		
	Proposed	Compliance
Part C – Further Environmental Assessment Requirements		
1. Coastal Hazards A detailed Coastal Hazards Study, prepared by a suitably qualified person comprising a coastal hazard risk assessment for the project taking into consideration the requirements of the Shellharbour Coastal Hazard Study (April 2010), and complying with the NSW Government's coastal risk planning benchmarks. The study must include an assessment of adequacy of height of sea wall against the predicted impacts of sea level rise, inundation and more frequent and intense storms to the year 2100; and details of dune stabilisation works to 4.5m AHD. It must also provide details of responsibility for implementation and funding of the operational phase of the Beach Nourishment/Rehabilitation Management Plan.	To address Consent Condition C1, a Coastal Hazards Report by Greg Britton of Royal Haskoning DHV was submitted in DA 411/2013. It was approved on 11th November 2014.  The proposed development is located away from of the combined beach erosion and shoreline hazard and as such these hazards are not considered to be an issue for the proposed development. No additional information is required.	Complies
2. Fauna Assessment A contemporary fauna assessment and survey for the Green and Golden Bell Frog undertaken in accordance with	A Fauna assessment for the Green & Golden Bell Frog, was submitted with DA 411/2013, to meet the requirements of Condition 2. The habitat survey concluded that the	complies

Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna - Amphibians, Department of Environment and Climate Change (April 2009). If the assessment concludes that there will be an impact on the Green and Golden Bell Frog, appropriate mitigation measures and/or changes must be incorporated into the project as recommended by the assessment.	GGBF was not found in the BHP study area. Earthworks have since commenced under the above consent. No further fauna assessment is considered necessary for this site.	
<b>Part D – Further Environmental Assessment Requirements</b>		
<b>1. Urban Design</b>  The proponent must submit detailed urban design guidelines for the project prepared by a suitably qualified architect or urban designer, for each stage. The guidelines must establish design controls which achieve the following where relevant to the particular stage.	The Shell Cove Urban Design Guidelines Precinct D amendment 2 have been endorsed by Council on 8 May 2019.  The Design Guidelines have included requirements that reflect each requirement as outlined. A full assessment of the proposal against the Design Guidelines is included in <b>Attachment 9</b> .	Complies
<b>2. Landscaping</b> Future subdivision applications must demonstrate compliance with the bushfire management measures outlined in the concept plan, and be in accordance with Planning for Bushfire Protection 2006.	The application is not for subdivision of land. This has been addressed as part of the DA which created the lot subject of this application DA0413/2016.	Complies
<b>3. Noise Management</b> A detailed Noise Management Assessment identifying: • traffic noise mitigation measures for the road design; • areas which require acoustic treatments to dwelling facades to provide satisfactory indoor noise levels; and • appropriate mitigation measures (the use of mounds and landscape buffers, not acoustic walls) for the design and layout of stages affected by truck noise from the Quarry Haul Road, dry boat storage and marina activities.	A noise impact assessment has been submitted as part of this application and assessed by the relevant technical officer within Council. Assessment has concluded that the recommendations of the report are sufficient to address the impacts of the development both internally and from external receivers. Suitable conditions have been recommended in <b>attachment 1</b> .	Complies detailed discussion in section 13.iii of the assessment report.
<b>4. Utilities</b> Address and document the existing capacity and requirements of the project for utilities, including any necessary augmentation and staging of any infrastructure works, in consultation with relevant agencies.	A utility infrastructure report has been submitted as part of the application and suitably satisfies Council that the site will have access to the key services required.	Complies

<p>5. Earthworks Strategy Provide a detailed Earthworks Strategy, prepared by a suitably qualified person which addresses erosion and sedimentation controls and includes measures to manage acid sulfate soils and stockpiling.</p>	<p>Suitable earthworks strategy and Acid Sulphate Soils Management Plan have been submitted and assessed by the relevant technical officers within Council. Suitable conditions have been recommended.</p>	<p>Complies</p>
<p>6. Remedial Action Plan A Remedial Action Plan is to be prepared for the former golf course area and the south-eastern area of the site at the location of the former farm structure by a suitably qualified person in accordance with Managing Land Contamination: Planning Guidelines SEPP 55 - Remediation of Land (DUAP/EPA, 1998), based on the recommendations and conclusions of the Phase 2 Contamination Assessment prepared by Douglas Partners dated October 2010 (Appendix 20 of the Preferred Project Report).</p>	<p>A Phase 2 site contamination assessment of the Boat Harbour Precinct was submitted with the preferred planning report for the Concept Plan application and concluded that a remedial action plan was required for the former golf course and at the location of a former farm structure. The site was subject to a previous DA (DA0595/2018) bulk excavation (civil works) that addressed land contamination satisfactory.  No additional information required for proposed development.</p>	<p>Complies – suitable unexpected finds condition recommended and included in <b>attachment 1</b>.</p>
<p>7. Flood Assessment A detailed Flood Assessment, prepared by a suitably qualified person identifying flood affected parts of the land and showing how the proposed project at each stage will comply with Shellharbour City Council Floodplain Risk Management Development Control Plan (April 2006), (except where it is inconsistent with NSW State Government policy and guidelines), and comply with and the government's sea level rise and climate change benchmarks, current at the time of preparation of the Flood Assessment. The findings of the Flood Assessment must inform the ultimate layout and design of each stage of the project. The assessment must include a flood planning levels map, details of flood planning levels adjacent to the boat harbour and for the major overland flow paths; and mitigation measures to reduce impacts on flood levels in vicinity of Ron Costello oval.</p>	<p>A site specific flood assessment has been submitted as part of the application and assessed by the relevant technical officers within Council. This flood assessment is considered acceptable and suitable conditions have been recommended as part of <b>attachment 1</b>.</p>	<p>Complies</p>
<p>8. Stormwater and Water cycle Management Identify drainage, stormwater and groundwater management issues, onsite stormwater detention (if</p>	<p>Suitable detail has been provided and evidence submitted that the management of stormwater and ground water will achieve the</p>	<p>Complies</p>

required), and drainage infrastructure to ensure achievement of the water quality targets identified in the Boat Harbour Development Consent 95/133 for each stage of the project consistent with Council's requirements	targets identified in the 95/133 consent.	
<p>9. Environmental Management Plan</p> <p>Management Plan</p> <p>An Environmental Management Plan (EMP), prepared by a suitably qualified person demonstrating measures to mitigate potential impacts on aquatic habitats and aquatic species during the construction and operation periods. The EMP must be prepared in consultation with the Department of Environment, Climate Change and Water.</p>	Suitably conditioned prior to issue of Construction Certificate	Complies subject to recommended conditions.
<p>10. Construction Management Plan</p> <p>A comprehensive Construction Management Plan, including a traffic management plan identifying truck routes, vehicular frequency, hours of operation, use of equipment, and measures to minimise dust, noise and vibration impacts on surrounding areas, and ensure vehicular and pedestrian safety.</p>	Indicative information has been provided including a construction Waste management Plan, this plan has been reviewed by the relevant technical officers within Council. Suitably conditioned prior to issue of Construction Certificate.	Complies subject to recommended conditions.
<p>11. Ecologically Sustainable Development</p> <p>Demonstrate that any future development will incorporate ESD principles in its design, construction and ongoing operation phases, including water sensitive urban design measures, water reuse/recycling, energy efficiency, recycling and waste disposal.</p>	Suitably demonstrated through submission of BASIX assessment report.	Complies
<p>12. Acid Sulphate Soils</p> <p>An Acid Sulfate Soil Management Plan (ASSMP) for each stage of the project for actual and potential acid sulphate soils prepared by a suitably qualified person in accordance with the NSW Acid Sulfate Soil Manual (NSW Acid Sulfate Soil Management Advisory Committee, August 1998). The ASSMP must examine how the pre-loading process and treatment of ASS will be staged and managed throughout the life of</p>	Suitable assessment and reports on ASS Management have been submitted and assessed by the relevant technical officers within Council. Management Plan considered suitable.	Complies

each stage especially regarding the impacts of trenches (for service and drainage) on groundwater and acid leachate.		
13. Social Infrastructure Social infrastructure shall be provided in accordance with Council's Section 94 Contributions Plan or where applicable any negotiated VPA in relation to the land. The details of any playground, local library and multipurpose community centre shall be provided with each stage of the project.	Section 7.11 Contributions are applicable to this development and payment required by condition.	Complies
14. Local Infrastructure Contributions Contributions towards local infrastructure in accordance with the EP&A Act 1979 must be provided.	Section 7.11 Contributions are applicable to this development and payment required by condition.	Complies
15. Erosion and Sediment Control A detailed Erosion and Sedimentation Control Plan prepared in accordance with Managing Urban Stormwater: Soils and Construction, Landcom (March 2004) ('the Blue Book') detailing the design, construction and implementation of measures to manage stormwater, and erosion and sediment control during the construction phases of each stage of the project.	Suitably addressed by standard condition.	Complies subject to condition.
16. Traffic Assessment An updated traffic impact assessment prepared by a suitably qualified person for each stage/precinct of the project which includes a cumulative impact assessment having regard to the status of the future construction of the intersection of Harbour Boulevard and Shellharbour Road.	A traffic report has been submitted with the subject DA and assessed by the relevant technical officers within Council. The impacts of the development are considered to be acceptable.	Complies
17. Public Access The detailed design and layout of the project must adopt the following principles: (a) direct, legible and inviting public pedestrian access from adjoining residential development and pedestrian connections which follow existing and proposed well-connected streets; (b) clear and direct access from the public walkway around the	Proposed development will be adjacent to the waterfront boardwalk which provides pedestrian access around the marina. The development has been designed to ensure direct and legible access to the water for residents of the proposed buildings and the future residents of surrounding development.	Complies – suitable steps and ramps provided in accordance with adjoining public foreshore embellishment DA (DA0400/2019).

<p>harbour to streets that meet the harbour edge to ensure public access is well defined and integrated; and</p> <p>(c) clear, through-site pedestrian links with active street frontages, direct and legible access to key points of interest, including Shellharbour village, which are publicly accessible at all times;</p> <p>(d) consistency with the Shellharbour Shared Use Path Strategy (Shellharbour City Council, 10 August 2010) unless otherwise justified.; and</p> <p>(e) continuous public access around the entire harbour perimeter connecting to the beach on either side of the harbour entrance. The public access shall be provided in the form of a paved concrete footpath and/ or timber boardwalk and constructed to a minimum width of 1.5 m to allow two wheelchairs to pass.</p>		
<p>18. Surface and Ground Water</p> <p>The proponent must submit a surface and groundwater report, prepared by a suitability qualified person, which includes:</p> <p>(a) an assessment of impacts to surface and groundwater sources including water use, water licensing arrangements, impacts on water users, waterfront land and aquifers, as well as compliance with relevant policies; and</p> <p>(b) details of any groundwater dewatering which may be required during the construction phase of the precinct, including:</p> <p>i. information on the site's hydrogeology; ii. a description of the current groundwater situation, such as groundwater quality and groundwater level;</p> <p>iii. predicted groundwater take, inclusive of the calculations supporting this estimate; and</p> <p>iv. a discussion on impacts in line with the Aquifer Interference Policy (2012)</p>	<p>Preliminary report submitted and assessed by relevant technical staff within Council.</p>	<p>The Report on Preliminary Geotechnical Investigation. Proposed Hotel, Precinct D Shell Cove Douglas Partners (August 2018) recommended that a Detailed geotechnical investigation (including groundwater monitoring) will be required as the project planning progresses,</p>
<p>19. Visual Impacts</p> <p>All future stages of development are to include a Visual Impact Assessment (VIA) as part of the</p>	<p>Visual Impact Assessment (VIA) submitted and reviewed as part of the assessment.</p>	<p>Suitably complies – further discussion in Section 13.ii of assessment report.</p>



application, prepared by a suitably qualified person. The VIA is required to Modifying Instrument – MP 07_0027 MOD 1 7 which provides representative 3-dimensional computer models of any built form structures, and prepared based on the approved Reduced Levels (RLs) of the land subject to the application.	<p>Concluding remarks from the report as follows:</p> <p><i>“The analysis of views and of photomontages prepared shows that there would be a minor view loss of a section of shoreline, undifferentiated ocean in parts of the views looking generally eastwards from existing residential areas, streets and reserves that are sufficiently elevated to have views over the site”</i></p>	
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<b>Assessment of Compliance with Statement of Commitments</b>		
General Commitments	Proposal	Compliance
<p>The Proponent undertakes to pursue the development in accordance with the Concept Plan and Preferred Project Report, which reflects the Shell Cove Masterplan, the Illawarra Regional Strategy, the Illawarra Regional Environmental Plan, the Shellharbour Local Environmental Plan, the Environment Protection and Biodiversity Conservation Act and the appropriate State Environmental Planning Policies. The Proponent undertakes to obtain all necessary approvals required by State and Commonwealth legislation prior to undertaking subsequent stages of the development.</p>	<p>The application has been submitted to Council with relevant compliance justification for each part of the Concept Plan and Preferred Project Report.</p> <p>The application has also been accompanied by a detailed Statement of Environmental Effects which lists compliance with the relevant legislation.</p>	Complies
<p><b>Urban Design, Visual Impact and Sustainability</b></p> <p>The proponent undertakes to respond to the surrounding area by addressing bulk, scale, amenity (including noise) and visual amenity with regards to NSW Coastal Policy (1997)</p> <p>The Proponent undertakes to respond to the surrounding area by addressing bulk, scale, amenity (including noise) and visual amenity with regards to the Coastal Design Guidelines of NSW (2003).</p> <p>The Proponent undertakes to ensure that the relevant</p>	<p>Documentation lodged with application address areas of consideration to the Coastal Management Act 2006 and State Environmental Planning Policy (Coastal Management) 2018 which have replaced the policies and guidelines referred to.</p> <p>SEPP 65 compliance table provided.</p>	<p>Detailed assessment of relevant policy included in section 8 of the Assessment Report.</p> <p>Suitably complies</p>

components of the development demonstrate compliance with SEPP 65 – Design Quality of Residential Flat Development.		
<p><b>Landscape</b> The Proponent undertakes to implement street tree planting in accordance with a landscape plan to be submitted as part of each Project Application</p> <p>The proponent undertakes to implement planting and other works in areas of public open space as designated in the landscape plan to be submitted as part of each Project Application.</p>	Detailed landscape plan submitted with application Street trees planting approved under subdivision DA0143/2016.	Complies
<p><b>Infrastructure Provision</b> The Proponent undertakes to assess existing capacity and provide infrastructure requirements for sewerage, water, electricity, telecommunications and gas.. The Proponent undertakes to adopt Water Sensitive Urban Design principles in the provision of infrastructure requirements. The Proponent undertakes to obtain and maintain all necessary licences, permits and approvals for the development prior to and during construction.</p>	Infrastructure provision has been addressed and approved as part of subdivision DA0143/2016.	Complies
<p><b>Traffic and Access</b> The Proponent undertakes to implement a traffic management strategy - in relation to the capacity of the road network to cater for additional traffic generation including service vehicles, access to and within the site, and connectivity to existing developments.</p>	<p><b>Traffic and Parking Assessment</b> Report submitted as part of supporting documents.</p> <p>Conclusions included:</p> <ul style="list-style-type: none"> <li>• Traffic outcome will reflect the previous planning assessments and there will be no unsatisfactory traffic implications</li> <li>• The proposed vehicle access arrangements will be suitable and appropriate and will provide for a satisfactory operational performance outcome</li> <li>• The proposed parking provision will be adequate, consistent with the UDG and has regard to the proposed</li> </ul>	<p>The traffic assessment report includes reference to a 25 metre long bus bay provided on the northern side of Aquatic Drive to accommodate the set down and pick up needs of the Hotel, function centre and serviced apartments. Discussions have been held with the applicant regarding this bus bay and the impact on the provision of street parking within Precinct D.</p> <p>The provision of a bus bay on the street is not supported by Council and drop off/pick ups will be done via the hotel lobby area accessed from Waterfront Promenade only. A suitable condition of consent has been recommended in support of this amendment.</p>

	uses and their operating circumstances.	The provision and operational management of parking has been discussed in further detail in section 13.iv of the Assessment Report.
<p><b>Coastal Processes</b> Under the separate Boat Harbour approval the Proponent undertook to implement a Beach Nourishment/Rehabilitation Management Plan which identifies measures to protect and rehabilitate the Shellharbour South Beach dunal system.</p> <p>The Proponent undertakes to ensure that beach behaviour is monitored to provide information which will facilitate effective management of natural coastal processes..</p> <p>The Proponent undertakes to respond to potential sea level rise as a result of climate change by ensuring that all habitable buildings within the Boat Harbour Precinct adopt a freeboard of 0.5m and providing a sea wall with a height of 2.00m AHD.</p>	<p>The subject site is outside of the Coastal Zone as covered by the Coastal Management SEPP (2018).</p> <p>The Flood Assessment provided (Advisian Worley Group 2019) states the following:</p> <ul style="list-style-type: none"> <li>• Flood Mapping shows the hotel site will be unaffected by 5 year and 100 year ARI storm.</li> <li>• During PMF (Probable Maximum Flood) events access routes will be cut to the hotel by high-hazard floodwaters, however flooding is not expected to impact the hotel building or basement carpark facilities.</li> <li>• Culvert/bridge blockage or sea level rise are not expected to impact the hotel site during events up to and including the PMF.</li> </ul> <p>Coastal hazards have been assessed for harbour foreshore precincts and do not require further assessment for this proposal.</p>	Complies
<p><b>Contamination</b> The Proponent undertakes to identify any contamination on site and apply appropriate mitigation measures in accordance with the provisions of SEPP 55 - Remediation of Land.. The Proponent undertakes to remove any residual landfill within the site associated with the Shellharbour Swamp.</p> <p>The Proponent undertakes to ensure that further investigations of the former golf course area and the south-eastern area of the site at the location of the former farm structures will be carried out based on the recommendations</p>	<p>The former Council Landfill on the Shell Cove site (3.7 ha) was remediated in 2009 and the Site Audit Statement by Environ (03/11/2009) confirmed that the remediation was successful and the land is suitable for low to medium residential use.</p> <p>Douglas Partners (2016) conducted a Targeted Site Investigation (TSI) covering Precinct D. This stated, based on the results of the TSI it is considered that the site is compatible with the proposed development. The report recommends an unexpected finds protocol to be included within the CEMP, suitably</p>	Complies - Suitable unexpected finds protocol conditions recommended.

and conclusions of the Phase 2 Contamination Assessment prepared by Douglas Partners dated October 2010 (Appendix 2D of the Preferred Project Report), as part of the relevant Project Application investigations.	included within the recommended conditions.	
<b>Acid Sulphate Soils</b> The Proponent undertakes to treat any disturbed ASS material in accordance with the ASS Management Advisory Committee Guidelines.	ASS management plan submitted with application.	Plan reviewed by relevant technical officers within Council and considered suitable. Relevant conditions recommended.
<b>Bush Fire</b> The Proponent undertakes to implement an Asset Protection Zone from the revegetated dunal zone located to the east of the study area to any residential, commercial or retail buildings within the Boat Harbour Precinct in accordance with the Planning for Bushfire Prevention guidelines.	Dunal zone referred to significant distance from application site.	Suitably undertaken but not required as part of this application.
<b>Geotechnical</b> The Proponent undertakes to preload areas of soft soil prior to construction in accordance with the separate Boat Harbour approval..  The Proponent undertakes to ensure that following satisfactory preloading, the compacted preload is removed and extra compacted fill is placed, as required, to match the final design level.	Undertaken as part of the Boat Harbor Approval.	Suitably undertaken but not required as part of this application.
<b>Flooding</b> The Proponent undertakes to provide waterway corridors to be used as floodways – using Water Sensitive Urban Design principles and incorporating wetlands, natural creek lines and open space areas - to manage and contain flood hazards.. The Proponent undertakes to implement a Flood Emergency Response which includes remaining on site during PMF events and maintaining safe pedestrian and vehicular access routes out of the Boat Harbour Precinct for events up to the 100yr ARI flood..	Precinct wide flood assessments provided to Council including details as required.	Suitable precinct wide flood studies submitted to Council by applicant and reviewed by relevant technical officers. Suitably complies and relevant flood levels applied.

<p>The Proponent undertakes to respond to sea level rise by adopting Flood Planning Levels based upon the 100 year ARI flood level plus 0.90 m sea level rise (for the year 2100) plus 0.50 m (to comply with Council's freeboard requirement)..</p> <p>The Proponent undertakes to prepare a FPL map in accordance with Figure 5 of the NSW Coastal Planning Guideline Adapting to Sea Level Rise for each Project Application when more detailed definition of final design levels is available. This will include localised flood modelling for each stage of the Boat Harbour Precinct to demonstrate compliance with the NSW Coastal Planning Guideline Adapting to Sea Level Rise.'</p> <p>The Proponent undertakes to prepare an assessment of the impact of 0.9m sea level rise on the 5 year and 100 year ARI and PMF storm events during detailed design phases of the Boat Harbour Precinct associated with each Project Application.</p> <p>The Proponent undertakes to ensure that the development does not result in any significant increase in flood levels on adjacent properties. Flood impacts will not exceed those identified in Appendix F of the EA.</p> <p>The Proponent undertakes to ensure that flood risk will be assessed in each Project Application for consistency and compliance with the Concept Plan and compliance with the NSW Flood Plain Development Manual 2005 and Council's Flood Plain Risk Management DCP (except where inconsistent with NSW State Government Policies and Guidelines).</p>		
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<p><b>Water Cycle Management</b> The Proponent undertakes to mitigate the potential impact of the development on the environment through a Water Cycle Management Strategy</p> <p>The Proponent undertakes to implement a Water Cycle Management Strategy which adopts Water Sensitive Urban Design principles and identifies measures to ensure protection of water quality within the sensitive near-shore coastal environment.</p> <p>The Proponent undertakes to provide multiple, connected freshwater wetlands to the north and west of the Town Centre in accordance with the Stormwater Quality Management Strategy.</p>	<p>Water Cycle management Plan provided with application</p>	<p>Submitted plan reviewed by relevant technical officers within Council and suitably complies with requirements.</p> <p>The proposed Hotel development will discharge stormwater through a CDS and jellyfish before entering the rest of the boat harbour stormwater management system.</p> <p>Building management plan will need to include filter cleaning and maintenance compliance secured by condition.</p>
<p><b>Heritage and Archaeology</b> The Proponent undertakes to progress works in accordance with the approved Archaeological and Heritage Protection Plans and the ss87/90 consent and permit (No2534) of the NP&amp;W Act..</p> <p>The Proponent undertakes to protect the Shellharbour Aboriginal Objects (Sites) identified as being of relatively high archaeological value in accordance with the Archaeological and Heritage Protection Plan and the consent and permit granted by the Department of Environment and Climate Change..</p> <p>The Proponent undertakes to notify the National Parks and Wildlife Service immediately in the event that any previously unidentified Aboriginal relics (including human skeletal material) are discovered on the site.</p>	<p>Suitable assessment undertaken as part of the subdivision DA0143/2016, DA0735/2018 and DA0595/2018 and no further study required at this stage.</p>	<p>Suitable conditions recommended relating to unexpected finds.</p>
<p><b>Flora and Fauna</b> In accordance with the Boat Harbour Ministerial Consent, the Proponent has undertaken to compensate for any impact of the development on aquatic and terrestrial flora and fauna and</p>	<p>The proposed wetlands do not form part of this development and their delivery will not be impacted in any way.</p> <p>Public parks and landscaping does not form part of this</p>	<p>Suitably complies</p>

<p>their habitats by the construction of the Myimbarr Wetlands.</p> <p>The Proponent undertakes to enhance the environment through the use of native flora in landscaped parklands and public spaces.</p> <p>The Proponent undertakes to mitigate the impact of construction on flora and fauna populations through erosion and sediment control measures</p>	<p>development however the inclusion of an electricity substation within the adjacent public park is not considered to enhance the environment.</p> <p>Erosion and sediment controls will be in place during construction.</p>	
<p>Noise, Odour and Air Quality</p> <p>The Proponent undertakes to mitigate any excessive noise impacts by implementing appropriate measures such as low noise pavements or incorporating noise reduction features on residential facades, which will be detailed in each Project Application..</p> <p>The Proponent undertakes to mitigate odour impacts by adopting odour control measures which comply with Sydney Water guidelines including the reduction in septicity levels.. The Proponent undertakes to meet the objectives of the NSW Action for Air Plan</p>	<p>Acoustic report accompanied development application including relevant recommendations for any noise impacts.</p> <p>Sydney Water guidelines will be adopted.</p>	<p>Report reviewed by relevant technical officers within Council and considered acceptable. Suitable conditions recommended.</p>
<p>Socio-Economic Impacts</p> <p>The Proponent undertakes to respond to social and economic impacts through increased numbers of new jobs during construction, increased local job opportunities as a result of the Business Park, increased visitor expenditure, and new expenditure and employment in retail, conferencing, restaurants and tourism.</p>	<p>A social impact assessment has been submitted as part of this application.</p>	<p>The statement has been reviewed by the relevant technical officers at Council and impacts detailed considered acceptable.</p>
<p>Consultation</p> <p>The Proponent undertakes to continue consultation with the relevant agencies, authorities and the public as pertains to each Project Application.</p>	<p>Continual discussions between Council and applicant throughout application assessment.</p>	<p>The relevant bodies and areas of Council have provided advice and commentary on the proposed development and public consultation has been undertaken in accordance with Council Community Participation Policy.</p>
<p>Crime Risk</p> <p>The Proponent undertakes to incorporate best practice Crime</p>		<p>The submitted reports and proposed plans have been reviewed by relevant technical</p>

Prevention Environmental principles into all design development.	Through Design detailed		officers within Council and relevant conditions recommended.
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