

Attachment G – Concept Approval Compliance table

Assessment of Compliance with Concept Approval MP07_0027 MOD 1		
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 does not include any residential units or impact the provision of any residential units.</p> <p>(b) Proposed development does not impact delivery of a business park.</p> <p>(c) Proposed GFA of 1,317.50sqm commercial/retail area.</p> <p>(d) The proposed development does not impact delivery.</p> <p>(e) Proposed development does not include any wetlands, development and will not include areas of public open space.</p> <p>(f) Already in place under subdivision DA0619/2017.</p>	<p>(a) Not applicable</p> <p>(b) Not applicable</p> <p>(c) Proposed under current DA – 1,317.5sqm. Already delivered – 6,736sqm Being delivered (approved and under construction) - 2,752 sqm Total including proposal 10,805.5sqm.</p> <p>(d) Not applicable</p> <p>(e) Development does not include areas of public space, this is in accordance with the Concept Approval Location plans.</p> <p>(f) Complies subject to conditions</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</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 3 of the Assessment Report.</p>	<p>Complies, details included in the assessment report.</p>

<p>Application report, dated 8/08/2017, prepared by Ethos Urban;</p> <p>(b) Shell Cove Boat Harbour Precinct Preferred Project Report, dated November 2010 prepared by LFA (Pacific) Pty Ltd, including Appendices 1 and 2; and</p> <p>(c) Statement of Commitments (Schedule 4) as amended by the Section 75W Modification Application, dated 8/08/2017. except as otherwise provided by the terms of this approval.</p>		
<p>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.</p>	<p>Noted and subject DA result of this condition.</p>	<p>Noted</p>
<p>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.</p>	<p>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.</p>	<p>Complies</p>
<p>Condition 5. Inconsistencies (1) In the event of any inconsistency between:</p>	<p>The proposal is consistent with the Concept Approval, Statement of Commitments and conditions of the approval.</p>	<p>Complies subject to condition</p>

<p>(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.</p> <p>(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.</p>		
<p>Condition 6. Maximum number of dwellings</p> <p>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 1566 dwellings, to the satisfaction of the Secretary.</p>	<p>Council has received evidence that Sydney Water has confirmed that adequate water and wastewater servicing is available to accommodate a maximum of 1566 dwellings. No residential units proposed as part of this development.</p>	<p>Complies – Proposal was referred to Sydney Water as part of the proposal.</p>
<p>New Term of Approval 7.</p> <p>7. Parking</p> <p>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.</p>	<p>A total of 75 car parking spaces are proposed as part of this development.</p>	<p>Parking provision is considered acceptable for the proposed uses. Suitably complies.</p>

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 Precinct A Urban Design Guidelines Amendment 2 have been endorsed by Council on 13 July 2022.	Complies – assessment included in attachment I.
Schedule 3		
	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 Fauna assessment for the Green & Golden Bell Frog, was submitted	Complies

<p>A contemporary fauna assessment and survey for the Green and Golden Bell Frog undertaken in accordance with Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna - Amphibians, Department of Environment and Climate Change (April 2009). If the assessment concludes that there will be an impact on the Green and Golden Bell Frog, appropriate mitigation measures and/or changes must be incorporated into the project as recommended by the assessment.</p>	<p>with DA 411/2013, to meet the requirements of Condition 2. The habitat survey concluded that the GGBF was not found in the BHP study area. Earthworks have since commenced under the above consent. No further fauna assessment is considered necessary for this site.</p>	
<p>Part D – Further Environmental Assessment Requirements</p>		
<p>1. Urban Design</p> <p>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.</p>	<p>The Shell Cove Precinct A Urban Design Guidelines Amendment 2 have been endorsed by Council in July 2022 .</p> <p>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 attachment I.</p>	<p>Complies</p>
<p>2. Landscaping</p> <p>Future subdivision applications must demonstrate compliance with the bushfire management measures outlined in the concept plan, and be in accordance with Planning for Bushfire Protection 2006.</p>	<p>The application is not for subdivision of land. This has been addressed as part of the DAs that created the lots subject of this application DA0619/2017.</p>	<p>Complies</p>
<p>3. Noise Management</p>	<p>The issue of noise management is outstanding and subject to</p>	<p>Outstanding issue</p>

<p>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.</p>	<p>additional information being submitted by the applicant.</p>	
<p>4. Utilities Address and document the existing capacity and requirements of the project for utilities, including any necessary augmentation and staging of any infrastructure works, in consultation with relevant agencies.</p>	<p>Stormwater drainage addressed as part of previous subdivision DA0619/2017. Detailed drainage to be required by condition as included in attachment A. Site will have access to the key services required.</p>	<p>Complies</p>
<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>Earthworks strategy and acid sulphate soils management plan as approved under DA0619/2017 lodged as part of this application. Development does not require any further investigation. Suitable conditions recommended as included in attachment A.</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</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</p>	<p>Complies – suitable unexpected finds condition recommended and included in attachment A.</p>

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>golf course and at the location of a former farm structure.</p> <p>The site was subject to previous DAs DA0619/2017 which created the application lots and addressed land contamination as satisfactory.</p> <p>No additional information required for proposed development.</p>	
<p>7. Flood Assessment</p> <p>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 attachment A.</p>	Complies
8. Stormwater and Water cycle Management	<p>Suitable detail has been provided and evidence submitted that the management of stormwater and</p>	Complies

Identify drainage, stormwater and groundwater management issues, onsite stormwater detention (if required), and drainage infrastructure to ensure achievement of the water quality targets identified in the Boat Harbour Development Consent 95/133 for each stage of the project consistent with Council's requirements	ground water will achieve the targets identified in the 95/133 consent.	
<p>9. Environmental 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 and construction traffic management plan. These plans have been reviewed by the relevant technical officers within Council. Suitably conditioned prior to issue of Construction Certificate.	Complies subject to recommended conditions as included in attachment A.
11. Ecologically Sustainable Development	An ecological sustainable development report has been submitted in support of the	Complies subject to recommended condition as included in attachment A.

<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>	<p>application. This report has been reviewed in addition to the detail provided within the Environmental Impact Statement. The development will implement a 4 star green star buildings rating. This is the <i>Best Practice</i> category within the Green Star system. The 4 star category requires compliance with:</p> <ul style="list-style-type: none"> - 10 minimum standards ensuring every Green Star Building delivers better outcomes - Climate Positive pathway – a set of clear targets aligned with net zero policies helping to deliver a climate positive building - Require 15 points from a range of credits to deliver a better, holistic building. 	
<p>12. Acid Sulphate Soils An Acid Sulfate Soil Management Plan (ASSMP) for each stage of the project for actual and potential acid sulphate soils prepared by a suitably qualified person in accordance with the NSW Acid Sulfate Soil Manual (NSW Acid Sulfate Soil Management Advisory Committee, August 1998). The ASSMP must examine how the pre-loading process and treatment of ASS will be staged and managed throughout the life of each stage especially regarding the impacts of trenches (for</p>	<p>Part of the site is identified as including Acid Sulphate Soils within Council mapping. An Acid Sulphate Soils Management Plan has been submitted as part of the application and reviewed by Council's Environment Officer. Advice received as follows: Section 3.1.1 of the ASSMP identifies that ASS is likely to be impacted during the excavation for installation of bored piled foundations for building structure and possibly service trenches. Section 3 of the ASSMP identified that ASS is likely to be impacted by</p>	<p>Complies subject to recommended condition below as included in attachment A.</p> <p>~Acid Sulphate Soils Management Plan</p> <p>Before issue of a Construction Certificate the approved Acid Sulphate Soils Management Plan is to be updated to outline any dam dewatering requirements should deep excavation be proposed for the foundation footings and submitted to Council for approval.</p> <p>Condition Reason: To minimise any possible adverse environmental impacts of the proposed development.</p>

service and drainage) on groundwater and acid leachate.	<p>the works and has provided management of such soils in section 4.</p> <p>Section 3.2.2 states that dewatering is not required as a basement is not proposed however if this were to change then a further assessment will be required to assess potential impacts of groundwater on ASS. Section 2.2 of the Precinct A2 Boat Storage and Maintenance Facility Geotechnical Review prepared by SMEC dated 21 March 2023 requests that deep excavation be proposed for the foundation footings therefore, the report is to be amended via condition to outline dam dewatering requirements.</p>	
<p>13.Social Infrastructure</p> <p>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.</p>	Contributions under section 7.11 are relevant and a condition has been recommended under Attachment A.	Contribution suitably conditioned.
<p>14.Local Infrastructure Contributions</p> <p>Contributions towards local infrastructure in accordance with the EP&A Act 1979 must be provided.</p>	As above	As above
<p>15. Erosion and Sediment Control</p> <p>A detailed Erosion and Sedimentation Control Plan prepared in accordance with</p>	Suitably addressed by standard condition.	Complies subject to condition.

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.		
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 impact assessment has been submitted with the subject DA. The number of car parking spaces provided has been reviewed and considered 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 harbour to streets that meet the harbour edge to ensure public access is well defined and integrated; and (c) clear, through-site pedestrian links with active street frontages, direct and legible	Proposed development will impact on the continuous public access around the entire harbour perimeter connecting to the beach on either side of the harbour entrance. The public promenade will need to be closed at times to allow boats to access and egress the site via a ship hoist and fork lift. This impact has been discussed in section 4 of the Assessment Report.	Complies – detailed discussion included in the assessment report. Suitable conditions applied.

<p>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 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;</p>	<p>A Utility, Sewer and Water Services Strategy has been submitted in support of this application. This is a general report which relates to Precinct A as a whole and not the site specifically.</p> <p>Details of groundwater de-watering will potentially be required for footings.</p>	<p>Complies subject to condition.</p>

<p>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>19. Visual Impacts</p> <p>All future stages of development are to include a Visual Impact Assessment (VIA) as part of the application, prepared by a suitably qualified person. The VIA is required to 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>	<p>Visual Impact Assessment (VIA) submitted and reviewed as part of the assessment.</p>	<p>Suitably complies – development will not be visible from any of the Concept Plan view locations as identified in the modifying instrument.</p> <p>Detailed review of the VIA submitted included in section 4 of the assessment report.</p>

Assessment of Compliance with Statement of Commitments		
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</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 Environmental Impact Statement which lists compliance with the relevant legislation.</p>	<p>Complies</p>

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>Urban Design, Visual Impact and Sustainability</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 components of the development demonstrate compliance with SEPP 65 – Design Quality of Residential Flat Development.</p>	Documentation lodged with application address areas of consideration to relevant legislation.	<p>Detailed assessment of relevant policy included in the Assessment Report.</p> <p>Suitably complies</p>
<p>Landscape</p> <p>The Proponent undertakes to implement street tree planting in accordance with a landscape plan to be submitted as part of each Project Application</p>	Detailed landscape plan submitted with application and reviewed by Council's technical Officers.	Complies Suitable conditions recommended and included in attachment A.

<p>The proponent undertakes to implement planting and other works in areas of public open space as designated in the landscape plan to be submitted as part of each Project Application.</p>		
<p>Infrastructure Provision 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>	<p>Infrastructure provision has been addressed and approved as part of subdivisions DA0619/2017.</p>	<p>Complies</p>
<p>Traffic and Access 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>Traffic Assessment Report submitted as part of supporting documents discussing traffic impact of the development. It is concluded in the report that the road network will be able to cater for the traffic from the proposed development with an anticipated increase of 20-50 vehicles per hour, two-way at peak times. Service vehicles will be catered for as is shown in the swept path diagrams submitted.</p> <p>Road layout and site connectivity is acceptable.</p>	<p>Complies</p>
<p>Coastal Processes Under the separate Boat Harbour approval the Proponent undertook to</p>	<p>Coastal hazards have been assessed for harbour foreshore precincts and do not require further assessment for this proposal.</p>	<p>Complies</p>

<p>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>Contamination 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</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 A. 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 any future consents, suitably included within the recommended conditions as included in attachment A.</p>	<p>Complies - Suitable unexpected finds protocol conditions recommended.</p>

course area and the south-eastern area of the site at the location of the former farm structures will be carried out based on the recommendations and conclusions of the Phase 2 Contamination Assessment prepared by Douglas Partners dated October 2010 (Appendix 2D of the Preferred Project Report), as part of the relevant Project Application investigations.		
<p>Acid Sulphate Soils The Proponent undertakes to treat any disturbed ASS material in accordance with the ASS Management Advisory Committee Guidelines.</p>	<p>The site of the proposed development is mapped within potential Acid Sulfate Soils (ASS), referred to as Class 2. Section 3.1.1 of the ASSMP identifies that ASS is likely to be impacted during the excavation for installation of bored piled foundations for building structure and possibly service trenches. Section 3 of the ASSMP identified that ASS is likely to be impacted by the works and has provided management of such soils in section 4.</p> <p>Of the report states that dewatering is not required as a basement is not proposed however if this were to change then a further assessment will be required to assess potential impacts of groundwater on ASS. Section 2.2 of the Precinct A2 Boat Storage and Maintenance Facility Geotechnical Review prepared by SMEC dated 21 March 2023 requests that deep excavation be proposed for the foundation footings therefore dewatering requirements are required subject to condition.</p> <p>All management procedures outlined in sections 4 & 5 will be conditioned within the final consent. Suitable conditions recommended as included in attachment A.</p>	Relevant conditions included in attachment A
<p>Bush Fire The Proponent undertakes to implement an Asset Protection</p>	Dunal zone referred to significant distance from application site.	Suitably undertaken but not required as part of this application.

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.		
<p>Geotechnical</p> <p>The Proponent undertakes to preload areas of soft soil prior to construction in accordance with the separate Boat Harbour approval</p> <p>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.</p>	<p>Geotechnical report submitted in support of the application including the following recommendations:</p> <p><i>A deep footing system comprising piles to rock is recommended at this site for support of any superstructure. Further geotechnical investigations are recommended once the detailed design levels and site features are known to assess the reactivity of the ground at the site for site classification purpose as per AS2870 - 2011. Similarly, pavement design assessment is also to be undertaken at the site. We recommend that SMEC undertake a groundwater monitoring assessment at the site to record current groundwater levels and facilitate the monitoring of long-term ground water levels. Acid Sulphate soil will most likely be disturbed during construction operation. An ASSMP will therefore need to be proposed and implemented on site.</i></p>	Suitably undertaken and recommendations suitably conditioned.
<p>Flooding</p> <p>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</p>	Precinct wide flood assessments provided to Council including details as required. Site specific flood assessment provided with application.	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 Boat Harbour Precinct for events up to the 100yr ARI flood..</p> <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>		
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<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>		
<p>Water Cycle Management 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>Water Cycle management Plan provided with application</p>	<p>Submitted plan reviewed by relevant technical officers within Council and suitably complies with requirements.</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>Heritage and Archaeology 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&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 subdivisions DA0619/2017.</p>	<p>Suitable conditions recommended relating to unexpected finds included in attachment A.</p>
<p>Flora and Fauna In accordance with the Boat Harbour Ministerial Consent, the Proponent has undertaken to compensate for any impact of</p>	<p>The proposed wetlands do not form part of this development and their delivery will not be impacted in any way.</p> <p>Erosion and sediment controls will be in place during construction.</p>	<p>Assessment by Council's technical officer undertaken and suitable native species proposed for landscaping.</p>

<p>the development on aquatic and terrestrial flora and fauna and 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>Noise, Odour and Air Quality 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>Noise impact is an outstanding issue which requires additional information to be provided by the applicant.</p> <p>Air Quality report has been provided and discussed in detail in section 4 of the assessment report.</p>	<p>Outstanding issue of noise impact.</p> <p>Suitable condition recommended re air quality.</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 Prevention Through Environmental Design principles into all detailed design development.</p>	<p>Suitable detail provided throughout submission documents and plans to indicate measures taken to incorporate best practice in this regard.</p>	<p>The submitted documents and proposed plans have been reviewed by relevant technical officers within Council. Advice received and relevant conditions included in attachment A.</p>