

Attachment 4 – Background to Shell Cove Master planned Development

Shellharbour City Council received Development Consent No. 95/133 from the then Minister for Urban Affairs and Planning on 26 November 1996 for the construction of the following:

- a 350 berth boat harbour/marina at South Shellharbour Beach
- enhancing and enlarging a wetland at Shadforth land
- the removal of land fill material from the boat harbour site and placement of treated contaminated landfill in a series of mounds used for acoustic mitigation adjacent to a realigned haul road to the Bass Point quarry operated by Pioneer Construction Materials Pty Ltd.

The boat harbour/marina proposal was the subject of a 1996 Commission of Inquiry. The Commission examined matters, including the environmental aspects of the proposal and the significance of a SEPP 14 wetland proposed to be removed, and the effectiveness of related compensatory measures. The then Minister for Urban Affairs and Planning subsequently approved the application.

Surrounding the Boat Harbour and Marina is the Boat Harbour Precinct. On 2 April 2007 the Boat Harbour Precinct project was declared a major project under Part 3A of the Environmental Planning and Assessment Act 1979 'the Act' because it met Schedule 2 criteria of the (then) State Environmental Planning Policy (Major Projects) 2005 being:

- a development for marina facilities that stores more than 80 vessels, and
- a tourist, convention and entertainment facility with a CIV more than \$100M or that employs more than 100 people.

The opinion was formed by the Director-General, as the Minister for Planning's delegate. **Figure 4.1** below details the outline of the approved boat harbour.

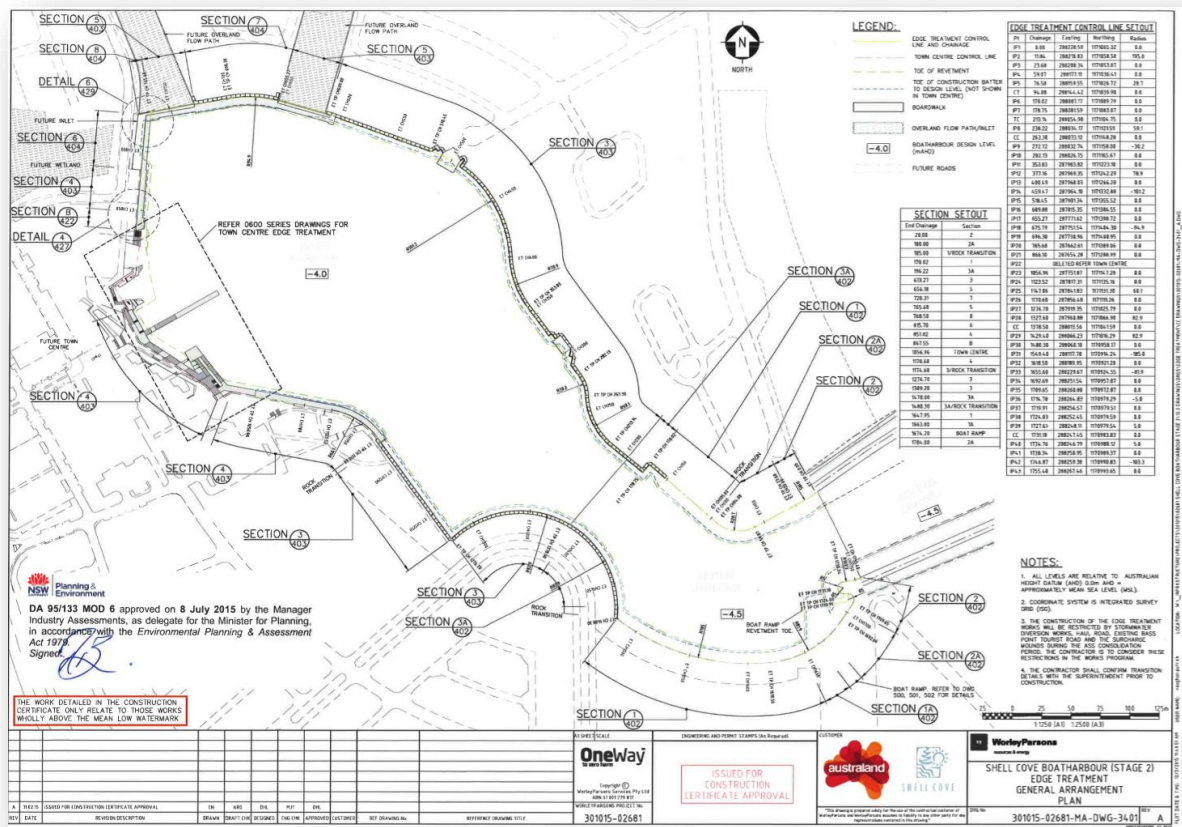


Figure 4.1 – approved general arrangement plan for Boat Harbour

Boat Harbour Precinct (BHP) Concept Approval (MP07_0027)

On the 15 February 2011 the Boat Harbour Precinct Concept Plan Approval No. MP07_0027 was approved by the Deputy Director General of the then Department of Planning under the now superseded arrangements of repealed Part 3A of the *Environmental Planning and Assessment Act 1979*.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 4.2** below. Boat Harbour under ministerial consent shown in white, Concept Approval Area shown in orange.

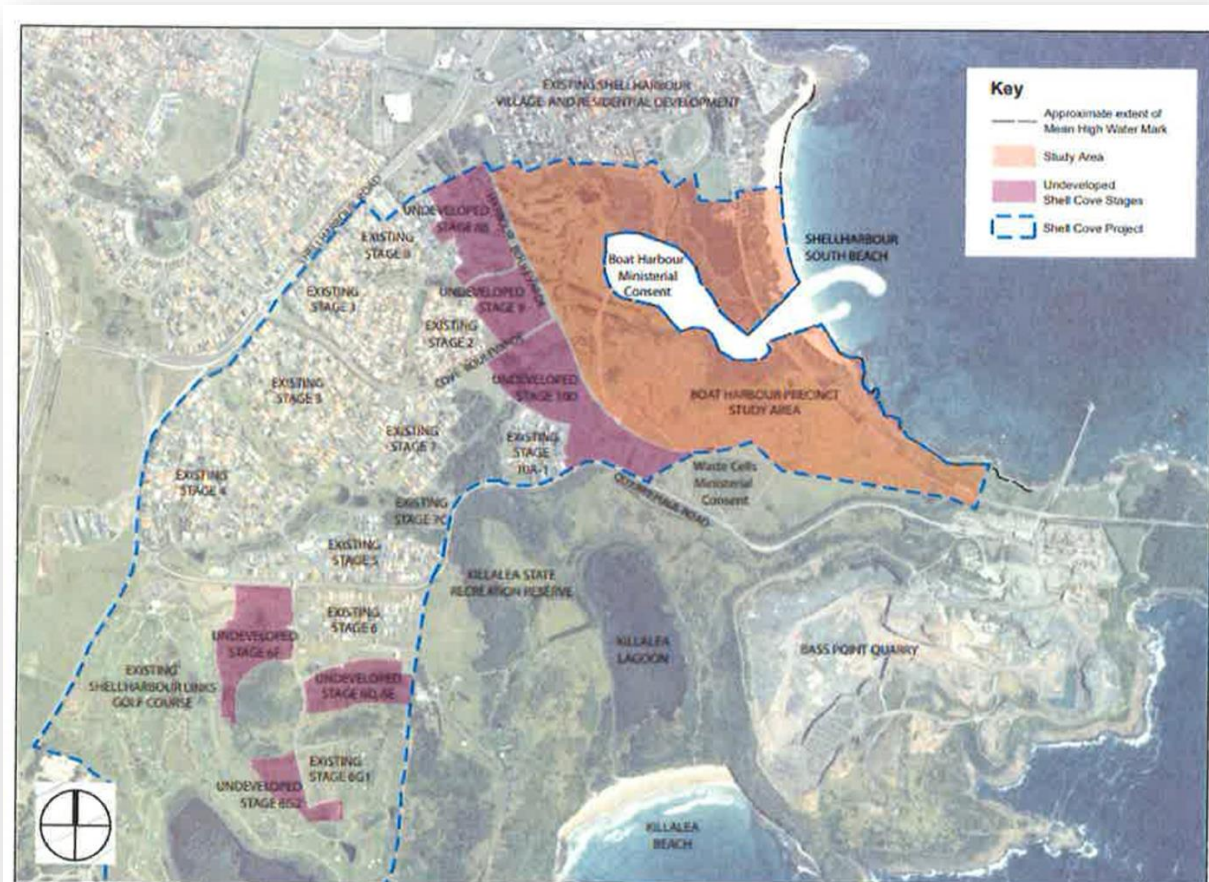


Figure 4.2 – Aerial plan showing interface between Concept Approval and Boat Harbour Consent.

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

The Concept Plan 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.

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;

