

Response to EPA comments dated 7 June 2019

| Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| <p>1. The response to submissions states that “the interrelationship of this project with the Shell Cove Boat Harbour Precinct (MP 07_0027) forms the basis for this modification, with the outer harbour structures proposed to be relocated and consolidated with the Boat Maintenance Facility. This will contain the heavier operations associated with the Marina in a single location”. While this provides an understanding in how the proposal fits within the Boat Harbour Precinct, the EPA was seeking information on the relationship of the proposed modification with the approved Concept Plan in relation to the broader area. This was to understand any potential risk for land use conflict to any future or existing nearby sensitive land uses such as residential housing. In particular, whether any controls for the management of noise as part of the approved concept plan remain adequate or need amendment due to the proposed modification. Further information should be sought from the proponent.</p> | <p>The Shell Cove Boat Harbour Precinct Concept Approval (Mod 1) approved the location of the Boat Maintenance Facility (BMF) adjacent to land approved to accommodate future detached and medium density housing within and area known as Precinct A. No housing is currently built in the immediate surrounding area.</p> <p>As a requirement of Concept Plan, the proponent prepared two Design Guidelines (DGs) to guide the future development of new homes on the land that surrounds the BMF; and to manage the noise impacts between the BMF and the nearby detached and medium density housing. Both DGs have been endorsed by Shellharbour City Council, they are development assessment consideration, and are available to view on Council’s website here:</p> <p><a href="https://cdn.shellharbour.nsw.gov.au/sites/default/files/Building_design_guidelines_strategies/shell-cove-medium-density-housing-design-guidelines-precinct.pdf">https://cdn.shellharbour.nsw.gov.au/sites/default/files/Building_design_guidelines_strategies/shell-cove-medium-density-housing-design-guidelines-precinct.pdf</a></p> <p><a href="https://cdn.shellharbour.nsw.gov.au/sites/default/files/Building_design_guidelines_strategies/shell-cove-detatched-housing-design-guidelines-precinct.pdf">https://cdn.shellharbour.nsw.gov.au/sites/default/files/Building_design_guidelines_strategies/shell-cove-detatched-housing-design-guidelines-precinct.pdf</a></p> <p>Section 4.9 of the Medium Density DG and Section 4.10 of the Detached Housing DG include guidance on the ‘Acoustic mitigation measures for lots in the vicinity of the boat maintenance / storage facility’. These sections specifically address the management of noise from the proposed BMF’s water and land operations (<u>including the operations proposed in MOD 8</u>).</p> <p>The mitigation measures have been informed by the recommendations contained in the ‘Noise and Vibration Impact Assessment of Boat Ramp Carpark, Dry Boat Stacking and Boat Maintenance’ prepared by Wilkinson Murray (dated June 2018; attached separately). The Impact Assessment was prepared as part of the development application to subdivide the land surrounding the BMF. The acoustic mitigation recommendations were supported by Council and the Southern Regional Planning Panel during their assessment of the subdivision DA, which was approved on 17 December 2018.</p> |

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| <p>2. The supporting acoustical assessment states that the following noise mitigations are proposed:</p> <ul style="list-style-type: none"> <li>• A noise fence to a height 7m above the hardstand is constructed on the southern and western sides of the proposed boat maintenance and dry boat storage facility; and</li> <li>• The windows on the eastern and northern sides of the residences located immediately west of the dry boat storage area are fitted with glazing at least 6mm thick and these residences are air-conditioned.</li> </ul> <p>In the absence of a map it is unclear where these mitigations measures will be undertaken at the site and in the surrounding area. The proposal would benefit a map that clearly identifies where these measures will be undertaken at the site and within the surrounding area in relation to current and any future housing. Such a map should be sought from the proponent as this could be used as a reference in relation to any supporting approval condition.</p> <p>While the proposal involves noise mitigation measures at the site it also highlights that there will be a residual noise impact outside the site where architectural measures will be required on nearby housing. It is unclear from the presented information if these measures relate to current or future housing, however ensuring their delivery</p> | <p>The DGs include plans that illustrate where the mitigation measures are proposed. The Medium Density DGs provide clarity at Figure 15 (pg.16) and Figure 16 (pg. 39) and the Detached Housing DGs provide clarity at Figure 31 (pg. 35) and Figure 41 (pg. 43).</p> <p>The land uses in the surrounding area have been approved under the Concept Plan (Mod 1). The DGs provide design guidance on how to appropriately manage noise from the BMF. Future DAs for the surrounding dwellings will be assessed by Shellharbour City Council against the requirements of the DGs to ensure the dwellings are appropriately designed to mitigate noise from the BMF.</p> <p>As stated against Point 1, the mitigation measures have been informed by the recommendations contained in the 'Noise and Vibration Impact Assessment of Boat Ramp Carpark, Dry Boat Stacking and Boat Maintenance' prepared by Wilkinson Murray (dated June 2018; attached separately). The Impact Assessment was prepared as part of the development application to subdivide the land surrounding the BMF. The acoustic mitigation recommendations were supported by Council and the Southern Regional Planning Panel during their assessment of the subdivision DA, which was approved on 17 December 2018.</p> <p>In this regard, the residual noise impacts have been addressed. Both the Independent Planning Commission when approving Concept Plan (Mod 1) and the Southern Regional Planning Panel when approving the subdivision DA were satisfied the BMF and detached and medium density residential land uses were compatible. There is no requirement to impose further limits or conditions on the proposed outer harbour operations in relation to noise management.</p> <p>We note that Frasers Property Australia are currently preparing a development application for the land based BMF facility. That DA will include a detailed assessment of the noise generation issues and the interrelationship of the operations of both the water-based and land-based facilities. As part of the BMF facility DA, the operational noise impacts of the land and water based facility will be considered within the framework established by the Concept Approval (Mod 1), the relevant Design Guidelines and the subdivision development approval.</p> |

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| <p>will be dependent on updating any supporting land use controls.</p> <p>DPE may wish to include noise limits as an approval condition including a supporting validation requirement, while mitigation measures such as the noise wall should also be secured in any recommended approval condition with a requirement for its delivery prior to occupation. However, it will be important that the implementation of the above architectural measures is also delivered before occupation especially in relation to any existing housing and any planning controls have been appropriately updated to help inform the design of any new proposed homes. Unless these residual noise impacts have been addressed there is a high likely hood for land use conflict.</p> |                                                                                          |
| <p>3. Advice should be sought from Sydney Water on the adequacy and design of any sewage dump point, including information on the capacity for this system to manage any additional sewage load. Measures should also be required to manage any potential odour emissions during the transfer of sewage. It should be noted that the EPA regulates the Sydney Water system (EPL 211) and any such dump point may require licencing from the EPA.</p>                                                                                                                                                                                                                                                                                                                     | <p>The DPE advised via email 14 June 2019 that Sydney Water has no further comments.</p> |