

Secretary's Environmental Assessment Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application	DA 95/133 MOD 8
Project	Modification to the Shell Cove Boat Harbour Development Consent to amend and relocate the outer harbour structures further south-east to be closer to the boat ramp and boat storage facilities.
Location	Shell Cove
Proponent	Frasers Property Australia
Date issued	27 April 2018
Key Issues	<p>The modification request must address the following specific matters:</p> <ol style="list-style-type: none">1. Land Use Planning<ul style="list-style-type: none">• Address the statutory provisions applying to the site and all relevant strategic planning objectives outlined in the documents at Attachment A.2. Comparison with the Development Consent (DA 95/133)<p>Provide a comparative assessment (qualitative and quantitative) of the proposed modification against the Development Consent, a rationale for the proposed amendments and comparison plans clearly identifying the proposed changes.</p>3. Built Form<p>Address the height, bulk and scale of any structures associated with the proposed modification in the context of the site and future development.</p>4. Amenity Impacts<ul style="list-style-type: none">• Demonstrate future residential lots in the vicinity of the proposed modification would maintain appropriate levels of residential amenity particularly with regard to noise and odour impacts;• Include measures to minimise land use conflicts between surrounding land uses and the works associated with the proposed modification; and• Consider impacts on current development applications (both with Council or the Department) and approved development applications on the land relating to the proposed modification.5. Noise and Vibration<p>Prepare a Noise Impact Assessment for the proposal which assesses noise and vibration impacts associated with the construction and operation of the facility and outline measures to minimise and mitigate the potential impacts on existing and future sensitive receivers.</p>6. Visual Impacts<p>Address any potential visual impacts associated the relocated harbour structures.</p>7. Public Domain/Open Space<ul style="list-style-type: none">• Address any changes to public domain, pedestrian linkages, street activation and landscaping;• Demonstrate that public access to the harbour foreshore will be maintained; and• Minimise the potential for vehicle, bicycle and pedestrian conflicts.

8. Transport and Accessibility

Include a traffic and transport assessment, which includes:

- An assessment of traffic and transport impacts associated with construction and operation of the facility and demonstrate how impacts would be appropriately mitigated and managed;
- Identification of any changes to daily water vehicle movements associated with the modification and assessment of the impact of any changes on the local water traffic network; and
- An assessment of the impacts of the facility to the approved road network and infrastructure, and use of the Austroads Guidelines to identify appropriate mitigation measures.

9. Navigation

Address the impact of the proposed sitting of the outer harbour structures on navigation within the harbour.

10. Acid Sulfate Soils

Provide an Acid Sulfate Soils (ASS) Assessment which assess the potential for interception of ASS and if required, an ASS Management Plan demonstrating that the site suitable for the harbour structures.

• Hazardous Materials

Consider the modification against provisions of *State Environmental Planning Policy No 33 – Hazardous and Offensive Development* and the Department's *Applying SEPP 33* guidelines, including submission of a preliminary risk screening.

• Waste Management

Identify the likely waste generated during construction and operation of the outer harbour structures and measures to be implemented to manage, reuse, recycle and safely dispose of the waste in accordance with relevant guidelines.

13. Drainage and Flooding

- Address the potential effects of coastal processes and hazards (within the meaning of the *Coastal Management Act 2016*) and flooding including sea level rise and climate change:
 - On the proposed development; and
 - Arising from the proposed development.
- Address the nature and degree of impact on receiving waters, demonstrating how the development protects Water Quality Objectives (as endorsed by the NSW Government <http://www.environment.nsw.gov.au/ieo/index.htm>). The assessment should address where these objectives are currently being achieved over time. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after construction; and
- Provide details of erosion and sediment controls (during construction) including measures and procedures to minimise and manage the generation of sediment.

14. Contamination

Provide a contamination assessment report which demonstrates the proposed location is suitable for the outer harbour structures in accordance with *State Environmental Planning Policy No 55 – Remediation of Land*.

15. Water Resources

- Confirm adequate and secure water supply will be provided for the life of

	<p>the project. Confirmation that water can be sourced from an appropriately authorised and reliable supply. This is to include an assessment of the current market depth where water entitlement is required to be purchased;</p> <ul style="list-style-type: none"> • Provide a detailed and consolidated site water balance; • Assess impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land and groundwater dependant ecosystems; and • Outline any required surface and groundwater monitoring activities and methodologies. <p>16. Other Approvals Identify and outline any proposed amendments to other licences and approvals.</p> <p>17. Utilities In consultation with relevant agencies, address the existing capacity and requirements of the proposed modification for the provision of utilities, including staging of infrastructure works.</p>
Consultation	<p>During the preparation of the EA, you are required to consult with the relevant local, State or Commonwealth Government authorities, service providers, including:</p> <ul style="list-style-type: none"> • Shellharbour City Council; • NSW Office of Environment and Heritage; • NSW Environment Protection Authority; • NSW Roads and Maritime Services; and • Department of Primary Industries. <p>The modification request must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to those issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>
Plans and Documents	<p>The modification request must include all relevant plans and documentation, including:</p> <ul style="list-style-type: none"> • site analysis plan; • site survey plan, showing existing levels, location and height of surrounding features; • locality / context plan; • drawing and plans including plans identifying the approved and proposed location of the harbour structures, elevations and sections and photomontages clearly showing the proposed amendments compared with the Concept Approval. Any ground levels shown on plans shall be consistent with existing or approved ground levels; and • shadow diagrams.

ATTACHMENT A

Relevant EPIs, policies and guidelines to be addressed

The modification request shall address the statutory provisions applying to the site contained in all relevant environmental planning instruments (EPIs), including:

- *Environmental Operations Act 1997*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *State Environmental Planning Policy No 33 – Hazardous and Offensive Development*;
- *State Environmental Planning Policy No 55 - Remediation of Land*;
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Shellharbour Local Environmental Plan 2013*;
- Illawarra-Shoalhaven Regional Plan; and
- *Shellharbour Development Control Plan*.

The modification request shall also address relevant planning provisions, goals and strategic planning objectives in the following:

- NSW State Priorities;
- NSW Long Term Transport Master Plan;
- Draft Future Transport Strategy 2056;
- RMS Guide to Traffic Generating Developments;
- Public Transport Service Planning Guidelines: Rural and Regional NSW (2015)
- Austroads Guidelines;
- NSW Industrial Noise Policy;
- Interim Construction Noise Guidelines;
- Assessing Vibration: a technical guideline;
- Managing Urban Stormwater – Soils and Construction Vol 1;
- EPA Environmental Action for Marinas, Boatsheds and Slipways;
- Best Management Practice for Marinas and Slipways;
- DPI Water Guidelines for Controlled Activities on Waterfront Land;
- Water Sharing Plans for the Greater Metropolitan Region Groundwater Sources
- Relevant Australian Standards;
- Crime Prevention Through Environmental Design (CPTED) Principles; and
- Healthy Urban Development Checklist, NSW Health.

ATTACHMENT B

Government Authority and Council Responses to Request for Key Issues