

28 February 2018

16756

Carolyn McNally
Secretary
NSW Department of Planning and Environment
320 Pitt Street
SYDNEY NSW 2000

Attention: Anthony Witherdin (Director – Modification Assessments)

Dear Anthony,

REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS SHELL COVE BOAT HARBOUR AND MARINA

We are writing on behalf of Frasers Property Australia Pty Ltd (Frasers), formerly known as Australand Corporation (NSW) Pty Ltd, the proponent of the Shell Cove Boat Harbour to request that the Secretary of the Department of Planning and Environment (DPE) issue their Environmental Assessment Requirements (SEARs) for the preparation of a Section 75W modification request in relation to the approved boat harbour and marina at Shell Cove (DA 95/133).

The request for SEARs relates to the relocation of the outer harbour uses comprising:

- Maintenance berths;
- Fuel and pump out pontoon;
- A travel lift;
- Holding areas;
- A heavy duty platform and associated pontoons; and
- Multipurpose pontoons.

To support the request for the SEARs this letter provides an overview of the proposed development, sets out the statutory context, and identifies the key likely environmental and planning issues associated with the proposal.

1.0 The Site

The Shell Cove Waterfront Precinct is a master planned estate comprising residential, commercial, community, retail, hotel, business park, dry boat storage facilities, open space and wetlands. In November 1996, the (then) Minister for Urban Affairs and Planning approved a DA for the boat harbour / 350 berth marina (DA 95/133) at Shell Cove. This has been subsequently modified seven times, most recently July 2017.

Construction certificates for the boat harbour and marina were issued by the Department of Planning and Environment, as the relevant authority and construction of the boat harbour has been progressing over a number of years.



Figure 1 – Aerial Image of Shell Cove Boat Harbour & Marina

Source: Nearmap

1.1 Boat Harbour Approval

Development consent DA 95/133 (see **Attachment A**) was granted by the (then) Minister for Urban Affairs and Planning on 26 November 1996 for:

- The construction of a boat harbour and associated facilities;
- The enlargement and enhancement of wetlands at Shadforth; and
- The placement of landfill material from the boat harbour site in a series of engineered cells adjacent to the realigned haul road which provides access to the existing quarry at Bass Point.

As part of the original approval, the Outer Harbour contained a number of structures related to the use of the marina (Refer to **Figure 2**).

The consent has been modified seven times, most recently in July 2017. The outer harbour structures, which are the subject of this modification, have not formed part of any development modification since the original approval.

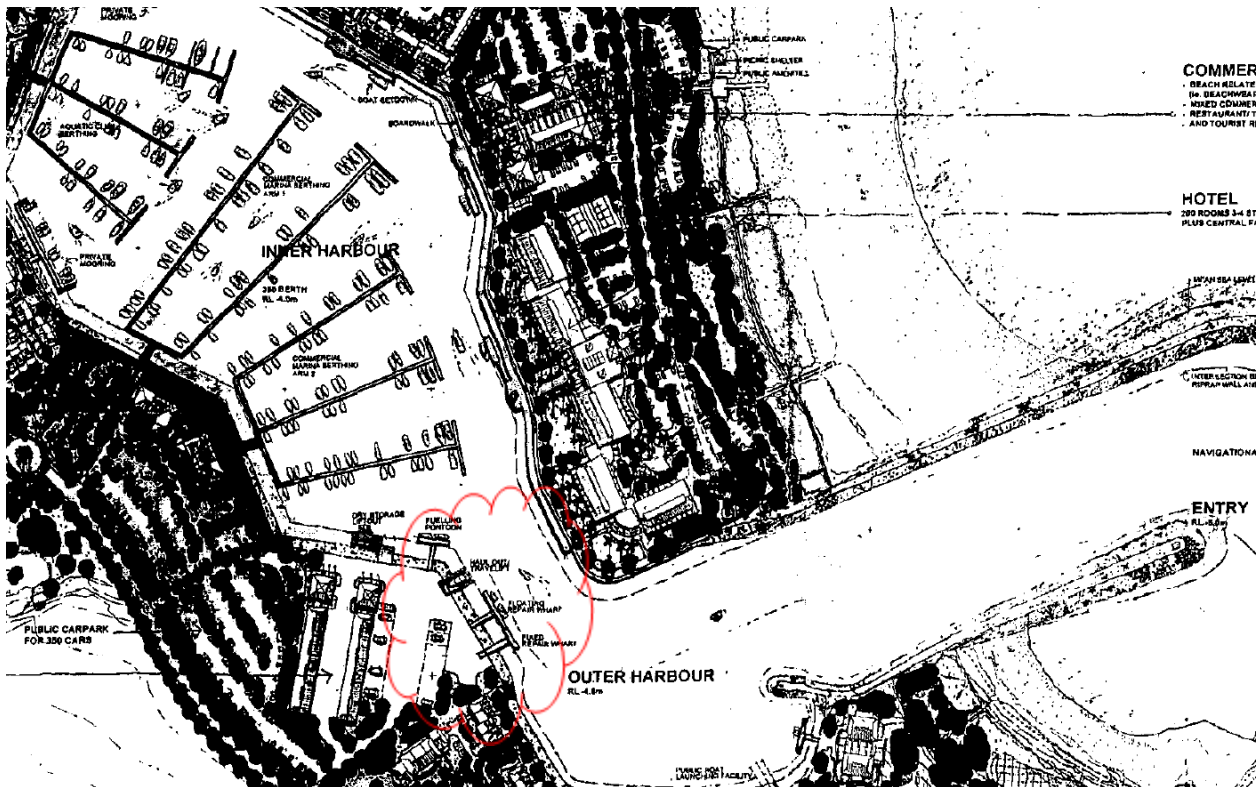


Figure 2 – Original Boat Harbour Approval (approved Outer Harbour Structures circled in red)

Source: EIS Main Report (LFA)

2.0 Description of the Proposed Development

The proposed modification seeks to amend and relocate the outer harbour structures within the Shell Cove Boat Harbour and Marina. The structures proposed as part of the outer harbour include:

- Maintenance berths;
- Fuel and pump out pontoon;
- A travel lift;
- Holding areas;
- A heavy duty platform and associated pontoons; and
- Multipurpose pontoons.

It is proposed that these structures will be relocated south-east to increase proximity to the boat ramp and boat storage facilities within Precinct A1.

All structures will remain outside the navigation channel that will connect the inner harbour with the entry channel and ocean.

3.0 Overview of Likely Environmental and Planning Issues

Many of the environmental impacts associated with the boat harbour and marina have already been considered in the assessment of the original development application and subsequent modifications. We are therefore proposing to address the following key issues within the Section 75W Modification:

- Continued compliance with the relevant Environmental Planning Instruments and key environmental planning issues;
- Consistency with the current terms of approval for the Shell Cove Boat Harbour and Marina; and
- Compliance with the Protection of the Environment Operations Act 1997.

In light of the above we propose to provide the following information with the Section 75W Modification:

1. A copy of the Notice of Determination for DA95/133 and subsequent instruments of modification;
2. A Section 75W Modification report; and
3. Detailed Outer Harbour Facility plans.

4.0 Conclusion

The purpose of this letter is to request the SEARs for the preparation of a modification application for the relocation of the outer harbour structures within the approved Shell Cove Boat Harbour and Marina. It includes a description of the proposed development and an outline of what are considered to be the key issues for the assessment of the Section 75W Modification.

We trust that the information detailed in this letter is sufficient to enable the Secretary to issue the SEARs for the preparation of a Section 75W Modification. Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or rgraham@ethosurban.com

Yours sincerely,



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