



## **Shell Cove Boat Harbour Precinct (MP07\_0027)**

### **Statement of Commitments**

January 2011



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In Conjunction with

Project	Shell Cove Boat Harbour Precinct
Client	Australand
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## 1 BACKGROUND

In February 2010, Australand Corporation lodged a Concept Plan Application for the Shell Cove Boat Harbour Precinct (MP07\_0027) under Part 3A of the Environmental Planning and Assessment Act 1979. The Concept Plan Application sought consent for the development of a 100 hectare precinct surrounding the Shell Cove Boat Harbour and Marina (the Boat Harbour) that would include:

- A mixed use town centre, including a landmark hotel;
- A small mixed use precinct adjacent to the Shellharbour South Beach dunal zone;
- Business Park precinct;
- Standard and medium density residential and apartment development; and
- A comprehensive network of open space and wetlands.

Following public exhibition, Australand received a number of submissions lodged by State government agencies, Shellharbour City Council and the general public. Accordingly, a Preferred Project Report was submitted to the Department of Planning in November 2010 which responded to all the issues raised.

## 2 PURPOSE OF THE REPORT

This document has been prepared upon request from the Department of Planning to provide a consolidated Statement of Commitments for the Shell Cove Boat Harbour Precinct Concept Plan.

This Statement of Commitments supersedes Part 5 of the Concept Plan Application and Environmental Assessment and incorporates the commitments made in the Preferred Project Report.

Accordingly, Australand looks forward to the Minister's favourable consideration of the Concept Plan Application, the supporting Preferred Project Report and this Statement of Commitments.

### 3 INTRODUCTION

The following Commitments for the Shell Cove Boat Harbour Precinct are set out below.

The Commitments outline the management, mitigation and monitoring measures that will be implemented to minimise any potential environmental impacts during the detailed design, construction and operation phases.

The Commitments respond to the Key Issues addressed by the Environmental Assessment and are set out as such. The Commitments also respond to the issues raised during the public exhibition process.

The range of commitments includes:

- Strategic Planning
- Urban Design, Visual Impact and Sustainability
- Landscape
- Infrastructure Provision
- Traffic and Access
- Hazard Management and Mitigation
- Water Cycle Management
- Heritage and Archaeology
- Flora and Fauna
- Noise, Odour and Air Quality
- Socio-Economic Impacts
- Consultation
- Crime Risk



## 4 COMMITMENTS

### 4.1 GENERAL COMMITMENTS

- 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 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.

### 4.2 STRATEGIC PLANNING

- The Proponent undertakes to respond to relevant local, regional and State planning strategies.
- The Proponent undertakes to consider the recommendations of the *Shellharbour Local Government Area Retail/Commercial Study and Employment Study*, which includes:
  - Enhancing public domains in support of Shell Cove as a creative and cultural hub.
  - Establishing a retail centre and operating a supermarket.
  - Establishing a Business Park.
- The Proponent undertakes to demonstrate consistency with the Sustainability Criteria set out in Appendix 1 of the Illawarra Regional Strategy, which includes:
  - Providing infrastructure.
  - Enhancing access to and within the Boat Harbour Precinct.
  - Providing employment opportunities.
  - Encouraging both conservation and enjoyment of the natural resources and coastal environment of Shell Cove.

### 4.3 URBAN DESIGN, VISUAL IMPACT AND SUSTAINABILITY

- The Proponent undertakes to respond to the surrounding area by addressing bulk, scale, amenity (including noise) and visual amenity, with regards to the NSW Coastal Policy (1997), which includes:
- Implementing maximum building heights of 4 storeys (excluding the landmark hotel which is proposed to have a maximum height of 8 to 9 storeys).
- Adopting a contemporary coastal village materials palette.
- Providing parks and boardwalks which establish public access to the harbour perimeter.

- Establishing visual connections between streets and open spaces and the harbour.
- 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), which includes:
  - Incorporating visual and physical links to the natural environment, such as integrating wetlands.
  - Providing an open space network.
  - Maintaining the Shell Cove Town Centre as a visual landmark.
  - Managing increased local population and visitor access to the foreshore.
- The Proponent undertakes to ensure that the relevant residential components of the development demonstrate compliance with SEPP 65 - Design Quality of Residential Flat Development, which includes providing:
  - Private open spaces.
  - Courtyards.
  - Useable balconies.
  - Decks.

#### **4.4 LANDSCAPE**

- The Proponent undertakes to implement street tree planting in accordance with a landscape plan to be submitted as part of each Project Application.
- 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.

#### **4.5 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.





## 4.6 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 - with particular emphasis on the following key intersections:
  - Shellharbour Road/Harbour Boulevard/Wattle Road - revised layout.
  - Addison Street/Harbour Boulevard - new traffic signals.
  - Brigantine Drive/Harbour Boulevard - single lane roundabout.
  - Cove Boulevard/Harbour Boulevard - single lane roundabout.
  - Road A/Harbour Boulevard - single lane roundabout.
- The Proponent undertakes to consider the impact of the development on existing public transport provision, identify pedestrian movements and implement appropriate provisions for shared path/cycleway/public transport routes to the existing and proposed road network, including a Pedestrian Shared Zone in the Town Centre.
- The Proponent undertakes to incorporate parking in accordance with the requirements as part of subsequent Project Applications.
- The Proponent undertakes to protect existing public access to and along the beach and coastal foreshore and provide new opportunities for controlled public access including providing continuous public access to the perimeter of the harbour.
- The Proponent undertakes to maintain good access to the Bass Point Reserve.

## 4.7 HAZARD MANAGEMENT AND MITIGATION

### 4.7.1 Coastal Processes

- Under the separate Boat Harbour approval the Proponent undertook to implement a Beach Nourishment/Rehabilitation Management Plan which identifies measures to protect and rehabilitate the Shellharbour South Beach dunal system.
- The Proponent undertakes to ensure that beach behaviour is monitored to provide information which will facilitate effective management of natural coastal processes.
- 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.

### 4.7.2 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.

- The Proponent undertakes to ensure that further investigations of the former golf 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.

#### **4.7.3 Acid Sulfate Soils**

- The Proponent undertakes to treat any disturbed ASS material in accordance with the ASS Management Advisory Committee Guidelines.

#### **4.7.4 Bushfire**

- The Proponent undertakes to implement an Asset Protection 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.

#### **4.7.5 Geotechnical**

- The Proponent undertakes to preload areas of soft soil prior to construction in accordance with the separate Boat Harbour approval.
- 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.

#### **4.7.6 Flooding**

- The Proponent undertakes to provide waterway corridors to be used as floodways - using Water Sensitive Urban Design principles and incorporating wetlands, natural creeklines 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 the Boat Harbour Precinct for events up to the 100yr ARI flood.
- 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).
- 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.
- 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.



- 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.
- 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).

#### **4.8 WATER CYCLE MANAGEMENT**

- The Proponent undertakes to mitigate the potential impact of the development on the environment through a Water Cycle Management Strategy which includes:
  - Rainwater tanks.
  - Grass swales.
  - Vegetated drainage corridors.
  - Bio-retention swales and basins.
  - Gross pollutant traps.
  - Wetlands.
- 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.
- 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.

#### **4.9 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 (No 2534) of the NP&W Act.
- 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.
- 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.

#### **4.10 FLORA AND FAUNA**

- In accordance with the Boat Harbour Ministerial Consent, the Proponent has undertaken to compensate for any impact of the development on aquatic and terrestrial flora and fauna and their habitats by the construction of the Myimbarr Wetlands.
- The Proponent undertakes to enhance the environment through the use of native flora in landscaped parklands and public spaces.
- The Proponent undertakes to mitigate the impact of construction on flora and fauna populations through erosion and sediment control measures including:
  - Diversion drains.
  - Rapid revegetation of cleared areas.
  - Silt fences.
  - Stabilising drains.
  - Use of temporary and permanent sediment traps.

#### **4.11 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.
- 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 by:
  - Minimising internal traffic generation.
  - Providing direct pedestrian and vehicle access to the harbour foreshore.
  - Providing continuous pedestrian access to the harbour edge.
  - Providing pedestrian and cycle paths that access key facilities.
  - Minimising through traffic to Bass Point and the Business Park.
  - Encouraging public transport.
  - Providing direct access to the arterial road network.

#### **4.12 SOCIO-ECONOMIC IMPACTS**

- 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.



#### **4.13 CONSULTATION**

- The Proponent undertakes to continue consultation with the relevant agencies, authorities and the public as pertains to each Project Application.

#### **4.14 CRIME RISK**

- The Proponent undertakes to incorporate best practice Crime Prevention Through Environmental Design principles into all detailed design development.

