

Instrument of Modification

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

As delegate of the Minister for Planning, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin
Director
Modifications Assessments

Sydney

7 JULY

2017

SCHEDULE 1

- Applicant:** Australand Corporation (NSW) Pty Ltd.
- Development application:** DA 95/133 lodged on 10 July 1995 and Environmental Impact Statement prepared by LFA (Aust) Pty Ltd dated June 1995.
- Land:** Lot 206 in DP 857030, Lot 8100 in DP 1082981, Lot 8032 in DP 1072187, Lot 9004 in DP 1117743, Lot 1 in DP 584291, Lot 2 in DP 109304, Lot 82 in DP 729172, and lots 1 and 2 in DP 1022866.
- Proposed Development:** Construction of a 350 berth boat harbour/marina at South Shellharbour Beach, enhancing and enlarging a wetland at Shadforth, and the placement of acoustic barriers adjacent to the quarry haul road.
- Proposed Modification:** **DA 95/133 MOD 7:** the modification involves:
- Amendment of the marina configuration, including the two new access points; and
 - Inclusion of a condition to permit flexible berth sizes, allowing the total number of berths within each berth size to increase or reduce by up to 10%.

SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 Condition 1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:
1. The development shall be carried out generally in accordance with the Environmental Impact Statement (EIS) dated June 1995 prepared by LFA (Aust) Pty Limited certified by Alf Lester in accordance with section 77(3) of the *Environmental Planning and Assessment Act 1979*, and the Applicant's submission to the Commission of Inquiry (including its answers to questions), as amended by:
- (a) the modification application made by Shellharbour City Council on 7 June 2001, the accompanying Statement of Environmental Effects (SEE) prepared by LFA (Pacific) Pty Limited dated May 2001, and the Supplementary Report "Assessment of Environmental Noise Impact of Quarry Haul Road" prepared by Acoustic Logic Consultancy Pty Ltd, dated 4 June 2001;
 - (b) the modification application made by Shellharbour City Council on 8 December 2003 with the accompanying Statement of Environmental Effects (SEE) prepared by LFA (Pacific) Pty Limited dated November 2003;
 - (c) the modification application made by Shellharbour City Council on 22 December 2005 with accompanying Statement of Environmental Effects (SEE) prepared by LFA (Pacific) Pty Limited, dated December 2005;
 - (d) the modification application made by Australand Corporation (NSW) Pty Ltd on 4 June 2008 with accompanying letter, dated 29 May 2008;
 - (e) the modification application made by Australand Corporation (NSW) Pty Ltd on 30 April 2010 with the accompanying supporting information by Worley Parsons dated 12 April 2010;
 - (f) the modification application made by Australand Corporation (NSW) Pty Ltd on 20 April 2015 with accompanying Section 75W Application report by JBA Urban Planning Consultants Pty Ltd dated 20 April 2015, and the revised Marina Concept General Arrangement Plan, numbered 301015-02681-MA-DSK-0006 Issue A, prepared by Worley Parsons and dated 03/06/15;
 - (g) **the modification application made by Frasers Property Australia (NSW) Pty Ltd in April 2017 with accompanying Section 75W Application report by JBA Urban Planning Consultants Pty Ltd dated March 2017, the revised Marina Concept General Arrangement Plan, numbered 301015-02681-MA-DSK-0006 Issue A, prepared by Worley Parsons and dated 03/06/15, and the following drawings:**

Water Edge Plans prepared by Group GSA Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
13294-L-3000	D <u>E</u>	Waterfront Section Reference	16/04/2015 06/03/17
13294-L-3100	C	Waterfront Sections	16/04/2015
13294-L-3200	C	Waterfront Sections	16/04/2015
13294-L-3300	G <u>D</u>	Waterfront Sections	16/04/2015 06/03/17
13294-L-1000	E <u>G</u>	Waterfront Cover Sheet	16/04/2015 06/03/17
13294-L-2001	E	Waterfront	16/04/2015
13294-L-2002	E	Waterfront	16/04/2015
13294-L-2003	D <u>F</u>	Waterfront	16/04/2015 06/03/17
13294-L-5001	B	Typical Details: Balustrade & Handrail Types	15/04/2015
13294-L-5002	B	Typical Details: Balustrade & Handrail Types	15/04/2015
Water Edge Plans prepared by Worley Parsons Pty Ltd			
Drawing No.	Revision	Name of Plan	Date

301015-02681-MA-DWG-3600	A	Shell Cove Boat Harbour (Stage 2) Town Centre Edge Treatment General Arrangement Plan	13/02/2015
301015-02681-MA-DWG-3601	A	Shell Cove Boat Harbour (Stage 2) Town Centre Edge Treatment Town Centre Control Line Plan	13/02/2015
301015-02681-MA-DWG-3605	A	Shell Cove Boat Harbour (Stage 2) Town Centre Edge Treatment Kayak Access Reinforced Concrete Plan, Sections & Details	13/02/2015
301015-02681-MA-DWG-3610	A	Shell Cove Boat Harbour (Stage 2) Town Centre Edge Treatment Beach Access General Arrangement Plan	13/02/2015
301015-02681-MA-DWG-3611	A	Shell Cove Boat Harbour (Stage 2) Town Centre Edge Treatment Beach Access General Arrangement Sections	13/02/2015
301015-02681-MA-DWG-3620	A	Shell Cove Boat Harbour (Stage 2) Town Centre Edge Treatment Rock Revetment Plan and Sections Sheet 1 of 3	13/02/2015
301015-02681-MA-DWG-3621	A	Shell Cove Boat Harbour (Stage 2) Town Centre Edge Treatment Rock Revetment Plan and Sections Sheet 2 of 3	13/02/2015
301015-02681-MA-DWG-3622	A	Shell Cove Boat Harbour (Stage 2) Town Centre Edge Treatment Rock Revetment Plan and Sections Sheet 3 of 3	13/02/2015
301015-02681-MA-DWG-3630	A	Shell Cove Boat Harbour (Stage 2) Town Centre Edge Treatment Beach Access Stepped Wall Plan and Sections	13/02/2015
301015-02681-MA-DWG-3631	A	Shell Cove Boat Harbour (Stage 2) Town Centre Edge Treatment Beach Access Stepped Wall Reinforcement Details	13/02/2015
301015-02681-MA-DWG-3640	A	Shell Cove Boat Harbour (Stage 2) Town Centre Edge Treatment Beach Access Elevated Platform Plan and Sections	13/02/2015
301015-02681-MA-DWG-3641	A	Shell Cove Boat Harbour (Stage 2) Town Centre Edge Treatment Beach Access Elevated Platform Reinforcement Details	13/02/2015
301015-02681-MA-DWG-3650	A	Shell Cove Boat Harbour (Stage 2) Town Centre Edge Treatment Town Centre Control Line Plan and Retaining Wall Plan and Elevation	13/02/2015
Detailed Water Edge Plans prepared by Worley Parsons Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
301015-02681-MA-DWG-3700	A	Shell Cove Boat Harbour (Stage 2) Town Centre Boardwalk General Arrangement Plan	13/02/2015
301015-02681-MA-DWG-3701	A	Shell Cove Boat Harbour (Stage 2) Town Centre Boardwalk Boardwalk Plan Sheet 1	13/02/2015
301015-02681-MA-DWG-3702	A	Shell Cove Boat Harbour (Stage 2) Town Centre Boardwalk Boardwalk Plan Sheet 2	13/02/2015

301015-02681-MA-DWG-3703	A	Shell Cove Boat Harbour (Stage 2) Town Centre Boardwalk Boardwalk Plan Sheet 3	13/02/2015
301015-02681-MA-DWG-3710	A	Shell Cove Boat Harbour (Stage 2) Town Centre Boardwalk Typical Sections Sheet 1 of 2	13/02/2015
301015-02681-MA-DWG-3711	A	Shell Cove Boat Harbour (Stage 2) Town Centre Boardwalk Typical Sections Sheet 2 of 2	13/02/2015
301015-02681-MA-DWG-3720	A	Shell Cove Boat Harbour (Stage 2) Town Centre Boardwalk Typical Pile Details and Schedule	13/02/2015
301015-02681-MA-DWG-3400	A	Shell Cove Boat Harbour (Stage 2) Edge Treatment General Arrangement Plan of Proposed Changes	16/01/2015
301015-02681-MA-DWG-3401	A	Shell Cove Boat Harbour (Stage 2) Edge Treatment General Arrangement Plan	11/02/1
301015-02681-MA-DWG-3402	B	Shell Cove Boat Harbour (Stage 2) Edge Treatment Typical Sections for Outer Harbour	10/03/2015
301015-02681-MA-DWG-3403	B	Shell Cove Boat Harbour (Stage 2) Edge Treatment Typical Sections – Inner Harbour Sheet 1 of 2	10/03/2015
301015-02681-MA-DWG-3404	B	Shell Cove Boat Harbour (Stage 2) Edge Treatment Typical Sections – Inner Harbour Sheet 2 of 2	10/03/2015
301015-02681-MA-DWG-3405	A	Shell Cove Boat Harbour (Stage 2) Edge Treatment Precast Retaining Wall General Arrangement Plan	10/03/2015
301015-02681-MA-DWG-3406	A	Shell Cove Boat Harbour (Stage 2) Edge Treatment Precast Retaining Wall Typical Arrangement Plans	10/03/2015
301015-02681-MA-DWG-3407	A	Shell Cove Boat Harbour (Stage 2) Edge Treatment Precast Retaining Wall Special Arrangement Plans	10/03/2015
301015-02681-MA-DWG-3408	A	Shell Cove Boat Harbour (Stage 2) Edge Treatment Precast Retaining Wall Units Details Sheet 1 of 2	10/03/2015
301015-02681-MA-DWG-3409	A	Shell Cove Boat Harbour (Stage 2) Edge Treatment Precast Retaining Wall Units Details Sheet 2 of 2	10/03/2015
301015-02681-MA-DWG-3410	A	Shell Cove Boat Harbour (Stage 2) Edge Treatment Precast Retaining Wall Reinforcement Details Sheet 1 of 2	10/03/2015
301015-02681-MA-DWG-3411	A	Shell Cove Boat Harbour (Stage 2) Edge Treatment Precast Retaining Wall Reinforcement Details Sheet 2 of 2	11/03/2015
301015-02681-MA-DWG-3412	A	Shell Cove Boat Harbour (Stage 2) Edge Treatment Precast Retaining Wall Precast Unit Schedule	10/03/2015

301015-02681-MA-DWG-3413	A	Shell Cove Boat Harbour (Stage 2) Edge Treatment Precast Retaining Wall Special Arrangements Plans Sheet 2	10/03/2015
301015-02681-MA-DWG-3414	A	Shell Cove Boat Harbour (Stage 2) Edge Treatment Insitu Reinforced Concrete Retaining Wall Details	13/02/2015
301015-02681-MA-DWG-3415	A	Shell Cove Boat Harbour (Stage 2) Edge Treatment Drainage Plan	13/02/2015
301015-02681-MA-DWG-3416	A	Shell Cove Boat Harbour (Stage 2) Edge Treatment Drainage Sections and Details Sheet 1 of 2	13/02/2015
301015-02681-MA-DWG-3417	A	Shell Cove Boat Harbour (Stage 2) Edge Treatment Drainage Sections and Details Sheet 2 of 2	13/02/2015
301015-02681-MA-DWG-3420	A	Shell Cove Boat Harbour (Stage 2) Boardwalk General Arrangement Plan	13/02/2015
301015-02681-MA-DWG-3421	A	Shell Cove Boat Harbour (Stage 2) Boardwalk Typical Plan and Sections	13/02/2015
301015-02681-MA-DWG-3422	A	Shell Cove Boat Harbour (Stage 2) Boardwalk Typical Sections Sheet 1 of 2	13/02/2015
301015-02681-MA-DWG-3423	A	Shell Cove Boat Harbour (Stage 2) Boardwalk Typical Sections Sheet 2 of 2	13/02/2015
301015-02681-MA-DWG-3424	A	Shell Cove Boat Harbour (Stage 2) Boardwalk Details Sheet 1 of 8	13/02/2015
301015-02681-MA-DWG-3427	A	Shell Cove Boat Harbour (Stage 2) Boardwalk Details Sheet 4 of 8	13/02/2015
301015-02681-MA-DWG-3435	A	Shell Cove Boat Harbour (Stage 2) Boardwalk Typical Pile Details and Schedule	13/02/2015
301015-02681-MA-DWG-3440	A	Shell Cove Boat Harbour (Stage 2) Boardwalk Typical Details	13/02/2015
Detailed Water Edge Plans prepared by Worley Parsons Pty Ltd			
<u>Drawing No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
<u>301015-02681-MA-DWG-0801</u>	<u>C</u>	<u>Title Sheet, Locality Plan and Drawing List</u>	<u>16/12/2016</u>
<u>301015-02681-MA-DWG-0802</u>	<u>A</u>	<u>Site Plan</u>	<u>16/12/2016</u>
<u>301015-02681-MA-DWG-0805</u>	<u>C</u>	<u>General Arrangement Plan</u>	<u>16/12/2016</u>
<u>301015-02681-MA-DWG-0806</u>	<u>C</u>	<u>Stage 1 Marina Layout Plan</u>	<u>16/12/2016</u>
<u>301015-02681-MA-DWG-0807</u>	<u>C</u>	<u>Stage 2 and Stage 3 Marina Layout Plan</u>	<u>16/12/2016</u>
<u>301015-02681-MA-DWG-0810</u>	<u>C</u>	<u>Pile Layout and Detail</u>	<u>16/12/2016</u>
<u>301015-02681-MA-DWG-0811</u>	<u>C</u>	<u>Services Layout</u>	<u>16/12/2016</u>
<u>301015-02681-MA-DWG-0820</u>	<u>C</u>	<u>Rock Level Contour Plan</u>	<u>16/12/2016</u>

<u>301015-02681-MA-DWG-0821</u>	<u>C</u>	<u>Subsurface Long Sections – Sheet 1 of 2</u>	<u>16/12/2016</u>
<u>301015-02681-MA-DWG-0822</u>	<u>C</u>	<u>Subsurface Long Sections – Sheet 2 of 2</u>	<u>16/12/2016</u>
<u>301015-02681-MA-DSK-0014</u>	<u>A</u>	<u>Shell Cove Boat Harbour Marina Alternate 268 Berth Layout</u>	<u>13/03/2017</u>

(b) Schedule 2 is amended by the insertion of the following new Condition 1 (a):

The total number of berths within each berth size may increase or reduce by up to 10% above or below the total number for each berth size shown on the following plans, provided the total number of berths do not exceed 268 and all berths remain within the approved marina layout.

<u>Drawing No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
<u>301015-02681-MA-DWG-0805</u>	<u>C</u>	<u>General Arrangement Plan</u>	<u>16/12/16</u>
<u>301015-02681-MA-DWG-0806</u>	<u>C</u>	<u>Stage 1 Marina Layout Plan</u>	<u>16/12/16</u>
<u>301015-02681-MA-DWG-0807</u>	<u>C</u>	<u>Stage 2 and Stage 3 Marina Layout Plan</u>	<u>16/12/16</u>

END OF DA 95-133 MOD 7
