

From: [REDACTED]
To: [REDACTED]
Subject: RE: Shell Cove Boatharbour Precinct Modification
Date: Tuesday, 22 January 2019 10:11:19 AM
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

Hi Andrew,

As discussed on the phone this morning, the Department does not support the change in Condition B1 which requires the landscape buffer be provided on residential lots and that the future owners of those lots to maintain the landscaping, as:

- the amendment would increase number of landowners responsible for maintaining the landscape buffer from one (i.e. the marina/commercial lot) to potentially nine (as approved in the SRPP Precinct A approval);
- it increases the likelihood of the landscape buffer not being maintained to the standard which is required to screen the 7m acoustic wall; and
- further shifts management of the mitigation required to alleviate impacts associated with the marina/commercial land use to the adjoining residential properties.

In response to the points raised by the Proponent, the Department does not consider the proposed amendment will result in a better design outcome, improve clarification of ownership or lead to better setback outcomes between the marina/commercial and residential land uses. The Department also notes that the design of the proposed residential lots did not give consideration to the visual impacts of an adjoining 7m acoustic fence and required the Department to recommend the provision of the landscape buffer.

The Department further notes that any application for the detailed design of the Precincts is required to be consistent with the Concept Plan and as such, modifications may be required for any Development Approvals which are not consistent with the Concept Plan. The Department notes that this Concept Plan modification was under assessment at the time of determination of DA0619/2017.

The Department does, however, support the amendment which requires a positive covenant be placed which requires the ongoing maintenance of the landscape buffer. The amended wording of the condition (highlighted in bold) is recommended to be as follows:

1. a landscape buffer, with a minimum width of 5m, is to be provided **between the marina / commercial land use and the residential properties to the south. The landscape buffer is to be:**
 - (a) provided on land associated with the marina / commercial land use and be located south of the acoustic wall;
 - (b) must include appropriate planting to screen the acoustic wall from the residential properties to the south; **and**
 - (c) must have the same ground level as the residential properties to

the south; and

- (d) be included in the section 88B instrument, for the land associated with the marina / commercial land use, in the form of a positive covenant requiring the maintenance of the vegetation specified in (b) above.

Happy to discuss further.

Kind regards,

Michelle Niles

Senior Planner

Regional Assessments

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T 02 [REDACTED] | E [REDACTED]



Planning &
Environment

From: [REDACTED]

Sent: Wednesday, 16 January 2019 7:52 AM

To: [REDACTED]

Cc: [REDACTED]

Subject: Shell Cove Boatharbour Precinct Modification

Hello Michelle

I have attached a letter from Ethos Urban which has been sent to the IPC which is recommending an amendment to the Department's Condition B1 regarding the landscape buffer between the residential lots and the boat maintenance facility.

The Commission would like to know the Department's view on the proposed amendment prior to making its determination.

Forwarded for your review and comment.

Thanks

Andrew McAnespie | Senior Planning Officer

Independent Planning Commission NSW

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