

Attachment 8 – Shellharbour Local Environmental Plan 2013 Compliance Tables

Part 2 Permitted or prohibited development	
Development characterisation	<p>Residential Flat Buildings – residential accommodation (umbrella term) Definition from SLEP 2013 <i>Residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following—</i> (a) attached dwellings, (b) boarding houses, (c) dual occupancies, (d) dwelling houses, (e) group homes, (f) hostels, (g) multi dwelling housing, (h) residential flat buildings, (i) rural workers' dwellings, (j) secondary dwellings, (k) semi-detached dwellings, (l) seniors housing, (m) shop top housing, but does not include tourist and visitor accommodation or caravan parks.</p>
Land Use Zone	R3 – Medium Density Residential
Zone Objectives	<ul style="list-style-type: none"> To provide for the housing needs of the community within a medium density residential environment. To provide a variety of housing types within a medium density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents.
Is proposal permissible in zone?	Residential Accommodation permitted with consent within the zone.
Is proposal consistent with zone objectives?	<p>Under clause 2.3(2) of SLEP 2013, the consent authority must have regard to the objectives for development in the zone.</p> <p>The proposed development will not undermine the objectives of the land use zone as it provides for the housing needs of the community within a medium density residential environment.</p>

Principal development standards (Part 4)		
Development Standards applicable to the development and/or site		
Part 4	Development Standards	How does the development comply (where applicable)
Clause 4.2	Minimum Lot Size - 600 sqm.	The site area is 3,482sqm which complies.
Clause 4.3	Height of buildings - Height of Buildings Map	Maximum height of building 16.28 metres. This is higher than the SLEP 2013 15 metres limit.

	Maximum height 15 metres.	Refer to comment regarding clause 4.6 in this table.
Clause 4.4	Floor space ratio - Floor Space Ratio Map Development standard 1.5:1	Site area – 3482sqm Total GFA – 7,345sqm FSR – 2:1 Does not comply, refer to comment regarding clause 4.6 in this table.
Clause 4.6	Development exceed development standards	Pursuant to Schedule 2 clause 3B of the Environmental Planning and Assessment Act (Savings, Transitional and Other Provisions) Regulation 2017 environmental planning instruments will apply but only to the extent that they are consistent with the approved Concept Plan. With regard to the proposed height and FSR the concept approval prevails. The proposal will not exceed the indicative building height of the modified concept plan, or the number of storeys detailed in the Concept Plan. An assessment of compliance with the Concept Plan is provided at Attachment 6 .

Miscellaneous provisions (Part 5)		
Part 5	Local provisions applicable to the development and/or site	How does the development comply (where applicable)
Clause 5.10	Heritage	The site is not identified as having any heritage sites within close proximity. Aboriginal heritage significance was investigated as part of the Part 3A Concept Plan application and the archaeological sensitivity of the area was considered low. The proposal is not likely then to undermine the heritage conservation objectives of this clause.

Additional local provisions (Part 6)		
Part 6	Local provisions applicable to the development and/or site	How does the development comply (where applicable)
Clause 6.1	Acid Sulfate Soils (ASS)	Council mapping systems do not identify the subject lot as including Acid Sulfate Soils. The site specific report received and reviewed as part of this application concluded that Acid Sulfate Soils were unlikely to be found on the subject site. An Acid Sulfate Soils Management Plan was submitted in the event that they were discovered, due to the level of excavation

		<p>proposed and has been reviewed by the relevant technical officers.</p> <p>A suitable condition has been recommended as part of attachment 1 regarding compliance with the submitted Acid Sulfate Soils Management Plan and strictly followed throughout construction (excavation) as necessary.</p>
Clause 6.2	Earthworks	<p>As part of the construction process for the development, excavation for the two level basement is anticipated to generate approximately 10,000m³ of cut, resulting in approximately 9,300m³ (net) once fill is removed.</p> <p>The excavated material is proposed to be stored in temporary stockpiles an adjoining site which is part of the same lot (lot 3007 DP1258171)</p> <p>In accordance with the submitted SEE the materials will be either be re-used on-site, elsewhere in the Shell Cove development area, or disposed of at a site that can legally accept the material.</p> <p>Suitable condition applied as included in Attachment 1 as follows:</p> <p>Excavation Material</p> <p><i>Any Excavated Natural Material (ENM) and Virgin Excavated Natural Material (VENM) that has been confirmed and documented not to include any acid sulfate soil (not from the alluvial layer) may be reused on site.</i></p> <p><i>Excavated material to be disposed of must be tested for waste classification prior to disposal.</i></p> <p>The stockpile will be temporary with the land identified for housing under the Concept Approval. A condition has been included to ensure the removal of this material prior to the issue of an occupation certificate.</p> <p>The stockpile will have a visual impact on the surrounding area for the temporary period it is located on the site. This is an expected impact within a development of the</p>

		size of the Shell Cove project and is not considered to have a significant long term effect on the surrounding area or residents. The area will be fenced off to ensure safety and will be restored to its original state as per condition. The nearest existing residential dwellings, currently occupied are approximately 58 metres to the west on Wharf Parade.
Clause 5.21	Flood Planning	The application has been referred to Council's Flood Engineer and no objections have been raised. Relevant conditions recommended as part of Attachment 1 .
Clause 6.4	Stormwater management	The proposal will not compromise the objective of the clause. Council is satisfied, where relevant, that the matters listed in sub-clause 3 are suitably addressed.
Clause 6.5	Terrestrial Biodiversity	Dealt with as part of the Concept Approval.
Clause 6.7	Airspace operations	The development will not penetrate the Obstacle Limitation Surface. Suitable conditions recommended.
Clause 6.8	Development in areas subject to aircraft noise	Not applicable to this site
Clause 6.9	Essential services	Council is satisfied that the proposed development will have access to essential services as detailed in the assessment for the original subdivision DA0278/2018 and the submitted Utility Infrastructure Report authored by Arcadis dated 11.08.2019.