

Attachment 8 – Shellharbour Development Control Plan 2013 Compliance Table

| CHAPTER 6 – COMMERCIAL DEVELOPMENT | | | |
|--|---|---|------------|
| Provisions | | Proposed | Compliance |
| 6.1 Town Centres | | | |
| Awnings, recessed balconies and verandahs | | | |
| 6.1.1 | Any awnings above ground floor level can only be over a window and can protrude maximum 500mm from the outer wall of the building. | No awnings above the ground level are proposed. | Yes |
| 6.1.2 | Verandahs must have hip, gable or skillion roofing and be post supported. | The ground floor level verandah has a flat/skillion roof and is post supported. | Yes |
| 6.1.3 | Verandahs are not encouraged in Albion Park Rail, Oak Flats and Warilla as these centres are not currently or planned to be characterised by verandahs. | The subject site is located in Shellharbour Village. | N/A |
| 6.1.4 | Shellharbour Village and Albion Park allows for verandahs. See centre specific provisions. | Refer to Chapter 6.3 Shellharbour Village assessment. | N/A |
| 6.1.5 | Verandahs are not permitted above the second storey. | No verandahs are proposed above the second storey. | Yes |
| 6.1.6 | The outer face of awnings and verandahs must be setback at least 600mm from the vertical face of Council's kerb and gutter. | The verandah is setback 1.8m from Council's kerb and gutter. | Yes |
| 6.1.7 | A minimum unobstructed width at footpath level must be maintained at no less than 2.8m from the property boundary to any supporting post. | Suitably complies. | Yes |
| 6.1.8 | Awnings must complement associated building design and streetscape. | No awning is proposed. A ground floor verandah is proposed. | Yes |
| 6.1.9 | Awnings or verandahs must have an underside not less than 3.2 metres above the street. | The underside of the verandah is 4.0m above the street. | Yes |
| 6.1.10 | Awnings or verandahs must provide weather protection unless characterised as varied awning treatment | The proposal provides a verandah across the proposed commercial tenancies and residential entrance on Addison Street. The width of the verandah will provide sufficient weather protection for pedestrians. | Yes |


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| 6.1.11 | Verandahs, awnings and recessed balconies must not be physically dominant over other building elements in the overall design. | The proposed building form is an appropriate design response to the heritage context of the site. The design of the ground floor verandah and building setback maintains the existing view corridor between the heritage buildings at No. 29 and 35 Addison Street. | Yes |
| 6.1.12 | Flooring material to any second storey verandah must be of small section sheet or strip material with sealed joints such as compressed fibrous sheeting, or external grade particle board or well cramped tongue and groove flooring. Suspended concrete slabs are not acceptable. | A second storey verandah is not proposed. | N/A |
| 6.1.13 | Generally, neighbourhood centres will require awning treatment which will be considered on merit, including existing character. Verandahs may be considered in neighbourhood centres if existing character is well represented by verandah | Verandahs are a common building element of existing and recently constructed building within Shellharbour Village. | Yes |
| Awning locations and types | | | |
| 6.1.14 | Awning treatments are required in the locations indicated in the provisions for individual centres. In Albion Park and Shellharbour Village, post supported verandahs are an option | A post supported verandah is proposed along Addison Street. The design is similar but distinguishable from the post supported verandah of the heritage listed building at the site. | Yes |
| Tenancy frontages | | | |
| 6.1.17 | Tenancy frontage width will have regard to existing lot widths which vary between individual centres. See also provisions for specific centres on tenancy frontages. | The width of the two proposed commercial tenancies are appropriate, having regard to the width of the site and surrounding buildings. No changes to the width of the existing two tenancies located within the retained heritage building are proposed. | Yes |
| 6.1.18 | Building frontages should be stepped along ground level according to slope. | The finished floor level of the proposed tenancies (RL19.80) are different from the residential entrance (RL20.425) and the existing heritage building (RL21.00 and RL21.19). This is considered an appropriate response to the slope of the Addison Street. | Yes |
| 6.1.19 | Awnings and verandah heights should be stepped along ground level in line with stepping the building frontages. | The slope of Addison Street is not significant to require a stepped verandah. | Yes |
| 6.1.20 | Street level entries must not be recessed more than 600mm from the street boundary | The entrance of commercial tenancy 1 and 2 is setback 3.07m from the front property boundary. The proposed setback is appropriate in this instance as it will | No. Variation acceptable on merits. |

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| | | maintain the existing view corridor between the heritage buildings at No. 29 and 35 Addison Street. | |
| 6.1.21 | The level difference between the public footpath and the ground floor must not exceed 600mm at any point on the street frontage. | The level difference between the public footpath and the proposed finished floor levels of the ground floor tenancies and the residential entrance does not exceed 600mm. | Yes |
| Signage | | | |
| 6.1.22 | Signage location should generally be under awning, on verandah/balcony fascias or under windows. | No business identification signage is proposed. The pre-dominant location for business identification signage along Addison Street is a top hamper. The proposed Addison Street building façade has incorporated sufficient space for businesses in the future to install top hamper business identification signage. | Yes |
| 6.1.23 | Signage must comply with the awning treatment provisions in Advice – awning treatments provisions in Advice – Awnings locations and types. | No business identification signage is proposed. | N/A |
| 6.1.24 | Where relevant development application plans must show the locations for signage | The development design has provided sufficient space for business identification signage to be installed in the future. The application does not the fit-out of any commercial tenancies or business identification signage. | N/A |
| Location of active and semi active frontages | | | |
| 6.1.25 | Active or semi active frontages are required in the locations described/mapped in the provisions for individual centres | The frontage of the subject site is identified on the Active Street Frontages Map under Clause 6.6 of the Shellharbour Local Environmental Plan 2013. The Addison Street frontage comprises of the retention two existing commercial tenancies (located in the heritage building to be retained), two additional commercial tenancies and the main residential entrance. The proposal is consistent with the requirements of Clause 6.6. | Yes |
| Land use for active and semi active frontages | | | |
| 6.1.26 | Subject to being permissible in the zone, desired land uses for semi active frontages include amusement centres, community facilities, child care centres, office premises, entertainment facilities, registered clubs, function centres, medical centres, recreation facilities (indoor), information and education facilities, public administration buildings, veterinary hospitals. | The Addison Street frontage comprises of the retention two existing commercial tenancies (located in the heritage building to be retained), two additional commercial tenancies and the main residential entrance. Commercial premises are permissible in the B2 Local Centre land use zone. | Yes |

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| | Semi active frontage mapped areas can also include active frontage uses. | | |
| Elements for active and semi active frontages | | | |
| 6.1.27 | <p>The following design elements in association with suitable land uses, should be provided where appropriate to achieve active and semi active frontages:</p> <ul style="list-style-type: none"> a. clearly defined pedestrian entries b. grouping of multiple pedestrian entries c. integrating any fire door access with the principal access d. sufficient façade transparency to allow good vision in and out of the building. e. hole in the wall service points f. bi - fold doors g. windowsill seating h. service counters to the street i. physically open, transparent and integrating private and public domain j. visible human presence inside the development or something of interest inside the development, visible from the street k. highly visible frontage l. must provide an unencumbered path of travel for pedestrians adjacent to the outdoor dining area with a minimum width of 2 metres | <p>The pedestrian entrances of all four (4) commercial tenancies are orientated to Addison Street. The design of proposed commercial tenancies comprises of large glass windows and space above for business identification signage to encourage pedestrian activity. The verandah depth provides sufficient weather protection and opportunities for outdoor dining.</p> <p>The residential/visitor entrance to the apartments is accessible from Addison Street and is distinguishable from the commercial component through different external materials (building façade and roof).</p> <p>The fire stairs have been appropriately integrated within the Addison Street building façade.</p> | Yes |
| Vehicular access | | | |
| 6.1.28 | Where legally available, all vehicular access and servicing must be from a rear lane, car park or a side street. | Vehicle access to the building is via a Council owned public car park with a driveway connecting to Mary Street. Due to the high volume of pedestrian activity along Addison Street, vehicle access from the Council car park is supported. | Yes |

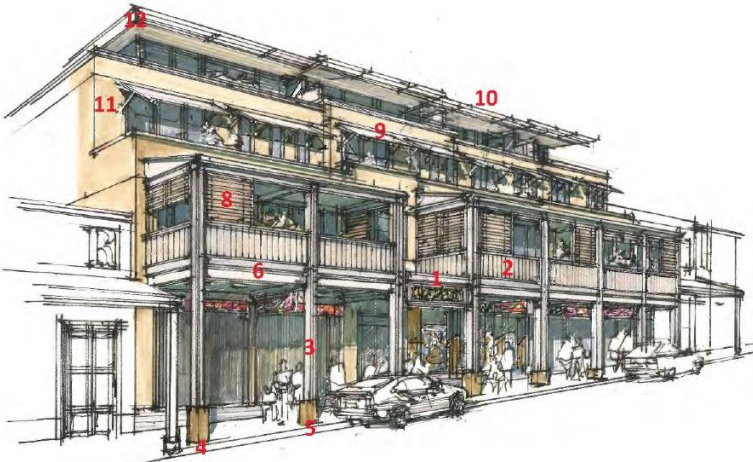
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| Development on or adjacent to heritage items | | | |
| 6.1.29 | Development adjacent to a heritage item, where the item is setback from the street, must include window openings, articulation or other architectural detailing and a rendered or painted finish on the side elevation adjacent to the front setback area of the heritage item. See Figure 6.4 below. | <p>The subject site contains a heritage building that will be retained. The proposed building has incorporated suitable setbacks around the heritage building to be retained. Weatherboard in light blue, grey and off-white colour tones are proposed on the western elevation (direct interface to the heritage item). The materials and light colour tones will achieve a suitable contrast to the strong white and black/charcoal colours of the heritage item.</p> <p>Adjacent to the development site to the east is a heritage building. External building materials on the eastern side elevation include blue stone and weatherboard material in light blue and light grey colour tones. The materials and colour tones will achieve a suitable contrast to the strong white colour tones of the heritage building.</p> | Acceptable on its merits. |
| Ceiling height | | | |
| 6.1.30 | Some town centre development is not covered by State Environmental Planning Policy 65: Design quality of residential apartment development (SEPP 65). This section of the DCP requires the ceiling height provisions of SEPP 65 to be applied to development that is not covered by SEPP 65. This means SEPP 65 ceiling height provisions apply to non SEPP 65 development, for instance development less than 3 storeys and development that has no residential component. | The development application is assessed under SEPP No. 65. | N/A |
| Roofing | | | |
| 6.1.31 | Roofing must not be physically dominant over other building elements in the overall design. | A flat roof is proposed that does not dominant over other building elements. | Yes |
| 6.1.32 | <p>Roof form like building height can impact the rhythm and overall appearance of the streetscape. Roof form should:</p> <ul style="list-style-type: none"> a. Integrate into the overall facade and building composition. b. Respond to sun access. c. Minimise building bulk by breaking down and articulating roof form. | The roof form has been integrated into the overall building composition. | Yes |
| Laneways | | | |


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| 6.1.32 | Development should activate or provide the design adaptability to activate laneways. | The subject site immediately adjoins a public laneway to the east. Activation of the laneway will be achieved by the installation of heritage interpretation panels and the continuation of glass panels of commercial tenancy No. 1 from Addison Street into the laneway. The laneway is also to be repaved as part of the development. | Yes |
| Above ground uses | | | |
| 6.1.34 | Above ground floor uses should be designed to overlook streets, laneways, other public domain and be used for residential living rooms or business uses with an active human presence. Balconies connected to such uses can be used. | Residential apartment balconies are orientated Addison Street, the public laneway and the public car park thereby providing passive surveillance opportunities. | Yes |
| Fencing | | | |
| 6.1.35 | Fencing will generally not be permitted at the front of sites. | The ground floor communal open space is directly accessible from Addison Street and the public car park. Fencing and gates have been provided for security purposes. | Acceptable on merits. |
| 6.1.36 | Fencing at the side or rear of properties will only be permitted under exceptional circumstances for privacy and or security reasons and where consistent with this section's objectives | Fencing is proposed along the western side boundaries to enclose the communal open space. | Yes |
| 6.1.37 | Sheet steel fencing must not be used. | Sheet steel fencing is not proposed. | Yes |
| Future possible building envelope | | | |
| 6.1.38 | <p>Future possible building envelope provisions are as mapped in the relevant town centre plan endorsed by Council for individual centres. See Council's website. These are not mandatory as they rely on multiple lots being available to form all or part of a building envelope. Key development principles underpinning the future possible building envelopes are as follows:</p> <p>a. Solar access is optimised through ensuring appropriate building separation and north facing buildings whilst maintaining good building frontage onto streets based on State Environmental Planning Policy 65 Design Quality of</p> | <p>The subject site is located within Shellharbour Village. The Shellharbour Town Centre Plan was endorsed by Council on 18 March 2014. The Centre Plan provides guidance on how the area could be transformed into a successful town centre and using the development standards in the Shellharbour Local Environmental Plan 2013.</p> <p>The Town Centre Plan does not detail a future possible building envelope on the subject site (shown in extract below).</p> | N/A |

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| <p>Residential Apartment Development (SEPP 65) and its associated Apartment Design Guide.</p> <p>b. All concept building blocks are designed to optimise thermal performance, thermal comfort, and daylighting to improve a buildings energy efficiency.</p> <p>c. All concept building blocks should ensure visual privacy and acoustic privacy through adopting SEPP 65 design principles.</p> <p>d. Crime Prevention Through Environmental Design (CPTED) principles. See separate chapter in this DCP.</p> | |  <p>Figure 6.04 - Form and Footprint Plan</p> <p>Extract of Figure 6.04 Form and Footprint Plan from the Shellharbour Village Centre Plan (March 2014). The subject site is outlined in green.</p> | |
| Local context plan | | | |
| 6.1.39 | <p>All development must successfully integrate with adjoining and opposite sites, including heritage sites. Success is measured in terms of relevant DCP objectives. For apartments, shop top housing or mixed use development with a residential accommodation component, State Environmental Planning Policy 65: Design Quality of Residential Apartment Development (SEPP 65) will generally apply, providing requirements including for a local context plan. For development that SEPP 65 does not apply to, a SEPP 65 type local context plan is required by this DCP.</p> | <p>A local context plan was submitted as part of the architectural plan package. SEPP 65 applies to the subject development application. An assessment of the application against SEPP 65 and the ADG is included.</p> | N/A |

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6.3 Shellharbour Village Centre


| Design | Proposed | Compliance |
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| <p>6.3.3 Figure 6.16 below shows a suggested desired four level outcome for a generic infill site in Shellharbour Village Centre. Design is encouraged to use elements shown in the key from the figures and where appropriate from existing development of good design.</p>  | <ol style="list-style-type: none"> 1. Consistent verandah element is proposed across the Addison Street frontage. The residential entrance external building façade differs from the building to emphasise its location. 2. All level 1 balconies facing Addison Street have solid balustrade. 3. The simplistic design of the verandah posts is consistent with the adjoining heritage item. 4. The verandah post does not have a stone base and is consistent with the adjoining heritage item. It is noted that a stone base verandah post is not an element that is consistently found along Addison Street. 5. No verandah post is proposed. 6. Not proposed. This is consistent with other shop top housing developments along Addison Street. 7. The verandah posts are suitably spaced and even. 8. The setback and solid balustrading of the Level 1 and 2 balconies orientated to Addison Street and the laneway provides a suitable balance of residential visual privacy and passive surveillance opportunities. 9. Windows are shaded by the balcony above, no shading devices are required. 10. Roof line varies from 16.63 to 26m – Exceeds requirement. 11. 4.65m from balcony and 7.85m from building – Exceeds requirement. 12. 4.65m from balcony and 7.85m from building – Exceeds requirement. | <p>No. Whilst the application does not incorporate all of the elements in Figure 6.16, the provision states that “design is encouraged to use” inferring that inclusion of every element is not required. The composition of elements is appropriate and has taken into consideration the heritage context of the site.</p> |

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| | <p>KEY</p> <ol style="list-style-type: none"> 1. Break in verandah rhythm to emphasise residential entry point 2. Solid balustrade 3. Robust character to verandah posts 4. Painted masonry to stone post bases 5. Varying post base height to enable consistent post height along slope 6. Valance element 7. Consistent verandah post spacing 8. Some privacy for balconies permitted 9. Shading and vertical emphasis to windows 10. 6 – 8 metre rhythm on skyline – transparent at edge 11. 2 metre setback for third level 12. 4 metre setback for fourth level | | |
| Colours and Materials | | | |
| 6.3.5 | <p>Colours and materials must be soft whites, soft blues, soft greens and greys. Small single storey buildings may however choose to use brighter colours to add variation to the streetscape. Darker tones can be used to highlight and define architectural features such as windowsills, doors and details. Use of natural and rustic materials such as exposed brick, sandstone, bluestone and timber cladding, painted brick should be used. Visible side, rear elevations can be rendered/painted brick.</p>  | <p>A Schedule of Colours and External Materials accompanied the revised development application. The use of face bricks on the ground floor provides a suitable contrast to the weatherboard on the upper storey to define the commercial component of the development. Bluestone is proposed for the residential entrance and communal open space on the ground floor on Addison Street. The chosen colour tones and use of weatherboard for the upper storeys provides a suitable degree of contrast to the heritage building whilst being consistent with the colour tones of other buildings in Shellharbour Village and this planning control.</p> | Yes |

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| | | <p>The image displays a grid of material samples for building rectilinear form. The samples include:</p> <ul style="list-style-type: none"> Masonry Finish: A brick pattern with a label indicating it's a masonry finish. Composite Steel Cladding: A corrugated steel panel with a label indicating it's composite steel cladding. Paint II: A solid light grey color swatch with a label indicating it's paint II. Loofes Screen II: A vertical slat screen with a label indicating it's loofes screen II. Door Frame - Unlustrade II: A dark grey door frame with a label indicating it's door frame - unlustrade II. Blue Stone: A blue-grey stone texture with a label indicating it's blue stone. Weathershield II: A horizontal slat screen with a label indicating it's weathershield II. Paint II: A solid dark grey color swatch with a label indicating it's paint II. Loofes Screen II: A vertical slat screen with a label indicating it's loofes screen II. Door Frame - Unlustrade II: A dark grey door frame with a label indicating it's door frame - unlustrade II. Weathershield II: A horizontal slat screen with a label indicating it's weathershield II. Slating II: A diamond-shaped slat with a label indicating it's slating II. Loofes Screen II: A vertical slat screen with a label indicating it's loofes screen II. Slating II: A diamond-shaped slat with a label indicating it's slating II. | |
| Roofing and building rectilinear form | | | |
| 6.3.6 | Roofing must not be physically dominant over other building elements in the overall design. Building design must incorporate traditional rectilinear forms, including parapets, hip, gable or skillion roofs. If used, parapets must be the dominant roof element when viewed from the street or second storey of other buildings. For instance, any skillion roofing used behind parapets must slope towards the street frontage. | A flat roof form with a pergola element is proposed. The roof form does not dominate over other building elements. The uppermost storey comprises of a flat roof with white pergola elements. The overall building form has varying setbacks across all of the elevations. Building design is suitable within the streetscape context of the site. | Yes |
| Tenancy frontages | | | |
| 6.3.8 | Other areas along Addison Street have lot widths over 10 metres and up to 60 metres. Development of existing lots with widths 20 metres or more must accommodate two separate tenancy frontages. Development of lots with widths above 30 metres must aim for more than two separate tenancy frontages, no greater than approximately 15 metres in width. This may be varied on merit, depending on existing lot configuration and development proposed. | The Addison Street frontage is 33.53m comprising of communal open space, two existing commercial tenancies (no changes to tenancy width proposed), residential entrance, fire stairs and two new commercial tenancies with a tenancy width of 4.5m and 8.2m. The provision of four (4) tenancies is appropriate for the total width of the frontage. The tenancy configurations and sizes provide for diversification of business types and scales. | Yes |
| Setbacks | | | |

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| 6.3.9 - 6.3.11 | <ul style="list-style-type: none">• Ground and level 1 front setback should be 0 to 2m from the front boundary.• Front setback above Level 2 will be increased by at least 2m.• Side and rear setbacks will be determined by the required by the local context plan. | | Northern front setback (Addison St) | Eastern side setback (laneway) | Western side setback | Southern rear setback (carpark) |
| | | Ground Floor | Building/ commercial tenancy – 3.07m | Commercial tenancy – Nil | Blank wall – Nil | Blank wall – Nil |
| | | Level 1 | Balcony - Nil Building - 3.07m | Balcony – Nil | Habitable room – 3.11m (privacy screen provided) | Balcony – Nil |
| | | Level 2 | Balcony - 4.65m Building - 7.85m | Balcony- 2.10m | Habitable room – 3.11m (privacy screen provided) | Balcony – Nil |
| | | Level 3 | Balcony - 4.65m Building - 7.85m | Balcony 2.10m | Habitable room – 3.11m (privacy screen provided) | Balcony- 1.2m |
| | | Level 4 | COS - 8.50m Building - 16.63m | Balcony - 3.6m | Blank wall - 10.67m | Balcony - 2m |
| | | The proposed setbacks appropriately respond to the heritage context of the site and have taken into consideration setback and amenity implications in the re-develop of adjoining sites. | | | | |
| Active and semi active frontages | | | | | | |
| 6.3.14 | Figure 6.19 below indicates where active and semi active frontages are required. Please refer to active and semi active frontage provisions in section 6.1. | Refer to Clause 6.6 Active Street Frontages of Shellharbour Local Environmental Plan 2013 assessment. | | | | Yes |

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| |  <p>KEY</p> <table border="1"><tr><td></td><td>Active frontages from LEP 2013</td></tr><tr><td></td><td>Active or semi active frontages</td></tr><tr><td></td><td>Active or semi active frontages both sides of lane</td></tr></table> |  | Active frontages from LEP 2013 |  | Active or semi active frontages |  | Active or semi active frontages both sides of lane | | |
|  | Active frontages from LEP 2013 | | | | | | | | |
|  | Active or semi active frontages | | | | | | | | |
|  | Active or semi active frontages both sides of lane | | | | | | | | |
| Post supported verandahs and awnings | | | | | | | | | |
| 6.3.16 | Post-supported verandahs should extend 2.7 - 3.0m from the front boundary over the existing footpath and be setback at least 600mm from the vertical face of Council's kerb and gutter. | The post-supported verandahs attached to the proposed commercial tenancies and the residential entrance extend 1.7m from the front property boundary. The variation is supported in this instance as it is setback from the verandah of the building building to be retained and is proportional to the external building wall setback. Strict numerical compliance with this control would not be considered a good heritage outcome. | No, variation acceptable on merits. | | | | | | |

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| CHAPTER 13 – PARKING, TRAFFIC & TRANSPORT | | | |
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| | Provisions | Proposed | Compliance |
| 13.1 Numerical parking requirement | | | |
| Minimum parking requirement | | | |
| 13.1.1 | Table 13.1 below states the minimum car parking requirement that a development must provide. See the relevant extract from the table at figure x below. | <u>Residential requirement:</u> 2 x 1-bedroom units = 2 car parking spaces 15 x 2+ bedroom units = 22.5 car parking spaces Total requirement = 24.5 spaces <u>Visitor requirement:</u> 2 x 1-bedroom units = 0.5 car parking spaces 15 x 2+ bedroom units = 7.5 car parking spaces Total requirement = 8 spaces <u>Commercial requirement:</u> 355.079m ² GFA proposed at 1 space / 40m ² GFA Total requirement = 9 car parking spaces plus courier/loading zone space | |

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| | Provisions | Proposed | Compliance |
| | <p>Multi-Dwelling Housing & Shop-Top Housing & Residential Flat Buildings & Mixed Use Development</p> <p><u>Resident parking</u> 1 space / one bedroom dwelling & 1.5 space / two + bedroom dwellings with a minimum of 1 enclosed space located behind the building line per dwelling. A carport is not considered an enclosed space. Stack parking will be considered on merit and only in multi-dwelling housing and residential flat buildings. Where a double garage is to accommodate the parking requirements for more than 1 dwelling, an internal dividing wall is required. <u>Visitor parking</u> 0.25 space / one bedroom dwelling 0.5 space / two + bedroom dwellings Visitor car parking must be provided as open car parking. Visitor car parking cannot be satisfied by stack parking Visitor car parking must not be located within 2 metres of the primary (front) or secondary boundary. The above car parking rates are for the residential component of shop top housing only. The car parking requirement for the commercial component must also be satisfied.</p> <p>Commercial Premises</p> <p>Office / Business Premises</p> <p>1 space / 40m² gross floor area + 1 courier / service car parking space (minimum) A concession may be granted where it can be demonstrated that on street parking is not restricted.</p> | <p><u>Proposed:</u></p> <p>On-site car parking is provided across the ground floor and two levels of basement. A total of 8 residential visitor, 34 residential 7 bicycle, 2 commercial/staff car parking spaces are proposed.</p> <p>Whilst the application has a 7 commercial car parking space shortfall, Addison Street has 1 hour on-street car parking Council owned public car park immediately adjoins the site to the south, whereby a contribution can be paid in lieu of shortfalls of car parking on the subject site. Addison Street has 1 hour on-street car parking spaces on both the northern and southern side.</p> <p>A loading zone is located on the ground floor that can accommodate a SRV for waste collection and deliveries associated with both residential and commercial components of the development.</p> <p>Additionally, the scope of works to be undertaken by the Applicant within the Council car park includes the substitution of four (4) car parking spaces for a loading zone. This is supported by both the Assessment Officer and the Traffic Engineer within Council's Property Department currently there is no loading zone for the commercial tenancies with direct access to the car park along the southern side of Addison Street.</p> | <p>Residential – Yes Commercial – No. However, shortfall is accommodated by adjoining car park.</p> |
| Shortfalls in parking provisions | | | |
| 13.1.4 | Car parking generated by a development must generally be accommodated within the development site. A shortfall in available parking on the site cannot be accommodated as on-street parking or as off-site parking on another location | A Council owned public car park immediately adjoins the site to the south, whereby a contribution can be paid in lieu of shortfalls of car parking on the subject site. A condition of consent for the payment of contributions has been recommended. | Condition recommended. |
| 13.1.6 | Notwithstanding Advice 13.1.4, a commercial development that cannot accommodate the required number of car parking spaces within the bounds of its development site may be levied a contribution in accordance with Council's Section 94 Contributions Plan if the development is located within a specific area where this charge applies | See 13.1.4 comment. | Yes |
| Calculation of parking requirements | | | |

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| 13.1.7 | Where the amount of parking required is not a whole number, the number of spaces required will be rounded up to the nearest whole number. For example, where the car parking requirement has been calculated as 9.3 spaces, the required number of spaces is 10 spaces. | Noted. | N/A |
| 13.1.8 | Where a proposal includes a mix of different types of activities within the development, the total spaces required is determined by cumulative parking requirements of the development as a whole. The parking requirement for each activity of the development is added together and rounded upwards to the nearest whole number. A reduced number of on-site parking spaces may be considered where a traffic and parking study can demonstrate that the peak parking demands of individual components of the development do not coincide or where common usage reduces total demand. | The proposed number of car parking spaces is acceptable. | Yes |
| Footpath crossing location | | | |
| 13.2.10 | Crossings must be located so as not to interfere with existing public utility infrastructure. A driveway must be at least 500mm from drainage structures and 2m from a street tree. Where a street tree or drainage structure is to be relocated or modified, all costs will be borne by the developer | The proposed crossing will not interfere with any significant public utility infrastructure and trees. | Yes |
| Maximum driveway grades – commercial & industrial development | | | |
| 13.2.15 | Driveway grades for non-residential development must comply with AS2890.2 Parking Facilities - Off-Street Commercial Vehicle Facilities. | The proposed driveway grade complies with AS2890.2 Parking Facilities - Off-Street Commercial Vehicle Facilities. | Yes |
| Residential visitor parking design & location requirements | | | |
| 13.2.17 | Where 4 or more dwellings are proposed, one of the required visitor car parking spaces must be equipped for washing of cars for the residents of the development. This visitor's car space must be suitably signed, be provided with a water tap, waste water drainage complying with Council's requirements and be paved with a surface that allows some infiltration of water. This site facility is not required for multi dwelling housing with Torrens title subdivision. | 17 residential units are proposed. One visitor car parking space has been nominated as a car wash bay. Conditions are recommended in this regard. | Condition recommended. |
| Mixed use development customer car parking | | | |
| 13.2.19 | Customer parking for commercial components of mixed use must be designed to be easily accessed by customers. For instance it is | The two commercial car parking spaces have been nominated for staff use. This is considered appropriate. | No. Acceptable on merits. |

| CHAPTER 13 – PARKING, TRAFFIC & TRANSPORT | | | |
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| | Provisions | Proposed | Compliance |
| | not appropriate to have the customer parking mixed with parking likely to require security access, such as resident parking. | | |
| Basement car parking | | | |
| 13.2.20 | Vehicular entrances must be integrated into the streetscape. Garage doors, shutters and grills must not be visually obtrusive and must blend in with the appearance of the buildings | The car parking component of the building is suitably integrated within the overall building form. | Yes |
| 13.2.21 | Any visitor car parking must be clearly identified to the visitor at street level and should be separate from the resident car parking. | All residential visitor car parking spaces are located on Basement 1 and are grouped together. A condition of consent has been recommended requiring visitor car parking spaces to be clearly signposted/labelled. | Yes |
| 13.2.22 | Car parking for mixed use developments must clearly identify residential and commercial car parking spaces. | A condition of consent has been recommended requiring commercial car parking spaces to be clearly signposted/labelled. | Yes |
| 13.2.23 | Where basement car parking extends beyond the building envelope, a minimum soil depth of 1.0 metres must be provided measured from the top of the slab, and will not be calculated as part of the deep soil zone | The area of the basement that extends beyond the building envelope has not been calculated as part of the deep soil zone. | Yes |
| 13.2.24 | For multi dwelling and mixed use development, basement parking areas must have natural ventilation and must be designed so that openings to the exterior of the building, at one point, for example, at driveways, be no higher than 600mm above the floor level of the parking area to facilitate adequate dispersion of carbon monoxide from the area. Where natural ventilation cannot be achieved, a combined system of natural and mechanical ventilation may be considered by Council. Any mechanical ventilation system must conform to AS1668.2, 2002 The Use of Ventilation and Air Conditioning in Buildings. Mechanical Ventilation for Acceptable Indoor Air Quality | A mechanical ventilation system is proposed. A condition of consent ensuring that the mechanical system conforms to AS1668.2, 2002 The Use of Ventilation and Air Conditioning in Buildings is been recommended. | Yes |
| 13.2.25 | Basement vehicle parking and manoeuvring must comply with AS2890.1 Parking Facilities - Off-Street Car Parking and AS2890.2 with Parking Facilities - Off-Street Commercial Vehicle Facilities. | The basement parking and manoeuvring comply with the required AS. | Yes |
| Ingress & egress requirements | | | |
| 13.2.26 | The following development requires all vehicles to enter and exit the site in a forward direction from any part on the development site: a. multi dwelling housing comprising 4 units or more which share a common internal access driveway/road b. any development on a classified road | The proposal relates to a shop-top housing development. Vehicles are able to enter and exit spaces in a forward direction. Council's waste collection vehicle is able to enter and exit the site from a forward direction to service the residential components of the development. Private contractor servicing is proposed for the commercial units, subject to future DAs. | Yes |

| CHAPTER 13 – PARKING, TRAFFIC & TRANSPORT | | | |
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| | Provisions | Proposed | Compliance |
| | c. any development which will utilise part or the full length of a battleaxe type driveway or access handle d. commercial developments e. industrial developments f. child care centre | | |
| 13.2.28 | Vehicular access to a site must be designed and located having regard to the size of vehicles likely to access the site, traffic volume on the roads serving the proposed development and the traffic volume generated by the proposed development | <p>Vehicle access to the basement car parking will be via a Council owned public carpark which is accessible from Allen's Lane. As the carpark is owned by Council a right of way for vehicle access is to be registered on the corresponding properties titles. An in-principal agreement for the right of way between Council and the owners of the subject site (31-33 and 35 Addison Street) has been obtained. A deferred commencement condition has been recommended requiring the registration of the ROW as discussed throughout this report.</p> <p>Vehicle access via the public car park is considered an appropriate outcome due to the high pedestrian activity along Addison Street and the adverse traffic flow implications if vehicle access was permitted via Addison Street. Vehicle access via the car park is consistent with other shop top housing developments on the southern side of Addison Street.</p> | Yes. |
| Car park design & layout | | | |
| 13.2.31 | Vehicle parking must not have an adverse impact on the residents of adjoining sites in terms of noise, odour or run-off. Car parking areas: a. must be screened from nearby sensitive receiving environments | Whilst the mechanical services located on the ground floor are appropriately screened, they are orientated towards furniture in the communal open space. A condition of consent has been recommended requiring the services to be orientated to the public car park. | Condition recommended. |
| 13.2.33 | The design of parking areas must minimise the potential for vehicular/pedestrian conflict. Pedestrian pathways between the parking areas and the building access should be provided. | The design of the parking area from a pedestrian safety perspective is appropriate. | Yes |
| 13.2.24 | Access and parking areas for service vehicles should be separated from the access and parking for employees and customers and must be designed to accommodate the largest service vehicle likely to service the site. | A loading zone is provided on the car park ground floor to residential and commercial waste collection and court/delivery vehicles up to a SRV size. The proposal includes the installation of a substation with service requirements undertaken by Endeavour Energy. As it is not feasible for a loading zone accommodating an Endeavour Energy service vehicle to be provided on site, the Applicant has proposed the substitution of car parking spaces within the Council car park with a loading zone. The proposed vehicle loading zone could also be utilised by multiple commercial tenancies | No. Variation acceptable on its merits. |

| CHAPTER 13 – PARKING, TRAFFIC & TRANSPORT | | | |
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| | Provisions | Proposed | Compliance |
| | | with direct access to the car park as there is currently no dedicated loading zone on the southern side of Addison Street. | |
| Access crossing for industrial and commercial developments | | | |
| 13.2.37 | Driveways must have a minimum width of six metres across the full width of the footpath crossing and have a perpendicular alignment to the street. This width may be increased depending on the use of the building and the type of vehicles accessing the site. | The width of the driveway at the crossing is 8m. | Yes |

| CHAPTER 15 - WASTE MINIMISATION AND MANAGEMENT | | | |
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| 15.1 Development types and waste | | | |
| 15.1.1 | A Waste Management Plan (WMP) is to be submitted with development applications for demolition, construction and operational works. | <p>A WMP has been submitted and generally aligns with the requirement of this Chapter.</p> <p>The proposal provides separate commercial and residential waste storage rooms. The residential waste room also includes a separate area for bulky. The architectural plans sufficient demonstrate that both waste storage rooms can accommodate the required number of bins. A loading zone is provided on the ground floor car parking area adjacent to the commercial waste room for the waste truck to park and service the bins. The WMP states that on the day of collection, the building caretaker will transfer the residential bins to the holding area adjacent to the loading dock on the ground level via the platform lift. Council's waste collection vehicle is able to enter and exit the site from a forward direction to service the residential components of the development. Private contractor servicing is proposed for the commercial units, subject to future DAs.</p> <p>Council's Waste Contract Manager has reviewed the proposal and raised no objections, subject to the imposition of the recommended conditions of consent.</p> | Yes |
| Development that relies on on-street collection | | Residential and commercial waste collection is proposed within the subject site. | N/A |
| 15.1.3 a minimum of 1.5m of the subject land's legal property frontage must be provide day the kerb for storage of every 2 bins generated by the development for servicing. | | | |

CHAPTER 23 - CUTTING, FILLING AND RETAINING WALLS

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| <p>Objectives</p> <ol style="list-style-type: none"> 1. To ensure the design of development has regard to site conditions so as to minimise excavation or filling of land on individual allotments. 2. To minimise the visual impact of excavation and filling of land and associated stabilisation works on the streetscape and amenity of adjoining properties through appropriate design and location of retaining walls on the site. 3. To ensure the excavation or filling of land does not create any adverse impacts from surface and/or stormwater flows. 4. To ensure that retaining walls are structurally sound and are located and/or designed to minimise impact on infrastructure and utilities and adjoining development. | <p>The development application was accompanied by a Geotechnical Report demonstrating that the proposed earthworks are suitable for the site. During the assessment process a Structural Adequacy Report, Construction Management Plan and Temporary Protection Plan have been submitted. These documents demonstrate that potential adverse impacts to heritage significant fabric of the heritage items at No. 29 and 35 Addison Street during the demolition and construction phases of the proposal can be reduced to acceptable limits. Conditions of consent pertaining to the recommendations contained within those documented are to be imposed.</p> <p>There will be no adverse impacts to adjoining properties with regard to stormwater. Conditions are recommended in this regard.</p> |
| <p>23.1 Structural and easements</p> | |
| <p>Depth of cut and fill</p> <p>23.1.1 The maximum depth of excavation on any portion of the allotment is 1m. Excavated areas may only exceed 1m where the retained sections are located within the confines of the external walls of the building.</p> <p>23.1.2 The maximum depth of filling on any portion of the allotment is 1m.</p> | <p>The proposed basement car parking exceeds 1m. The floor to ceiling height of the two levels of basement are not considered excessive. The retention of the heritage building and provision of appropriate setbacks to the building has reduced the availability of basement foot print on each level. As such, the provision of two basement levels is supported in this instance.</p> |
| <p>Structural integrity</p> <p>23.1.6 Retaining wall which exceed 600mm in height must be designed by a structural engineer.</p> <p>23.1.7 Construction of retaining walls and associated drainage work along common boundaries must not compromise the structural integrity of any existing retaining wall or structures.</p> <p>23.1.8 Where in the opinion of Council retaining walls are required as part of a subdivision, detailed plans including materials, must be lodged with the development application.</p> | <p>Conditions of consent are recommended to ensure that all retaining walls are appropriately engineered.</p> |
| <p>23.4 Design/cut and fill</p> | |

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| 23.4.1 Development should minimise changes to the natural landform of the site. Cut and fill should be minimised by siting the development across the contours, by split level design, elevated slab with deck rather than fill, use of landscaped terraces or batters or small stepped retaining walls rather than a single large retaining wall. | The proposal is considered a suitable response to the topography of the site. The finished floor levels of the ground floor components has been designed to minimise the need for steps between the new commercial tenancies and the public domain. |
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CHAPTER 25 – STORMWATER MANAGEMENT

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| 25.1 The associated Appendix 10 outlines background and technical information necessary to assist in the preparation of development applications so that it addresses: a. ecologically sustainable development b. methods to improve water quality of receiving waters c. ways to minimise adverse impacts on existing public infrastructure can be incorporated into the design of development proposals. | Councils Engineer has reviewed the submitted Stormwater Plans against the requirements of Appendix 10. Conditions have been recommended and are included within the draft consent. |
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CHAPTER 28 –EUROPEAN HERITAGE

| Provisions | | Proposed | Compliance |
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| 28.1 General Advice | | | |
| Objectives 1. Facilitate the conservation of heritage items. 2. Assist both applicants and Council in the assessment of proposed development of or near heritage items. 3. Assist both applicants and Council in the assessment of proposed development in heritage conservation areas. | | The proposal would not be considered inconsistent with the objectives of this part. Refer to Clause 5.10 Shellharbour Local Environment Plan 2013 assessment. | Yes |
| 28.1.2 | Before granting development consent Council may require a statement of heritage impact or a conservation management plan to be prepared | A Heritage Impact Assessment (HIA) was provided as part of the application submission. An addendum to the HIA was provided in response to Councils additional information request | Yes |
| 28.1.4 | A conservation management plan identifies measures to ensure the long term conservation of the item or conservation area. | A Conservation Management Plan was provided during the assessment process. | Yes |
| 28.1.9 | Applicants should firstly identify which "context" the heritage item belongs to according to which suburb it is in and | Noted. | |

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| | address the corresponding objectives and advice. Applicants then need to address the "general" objectives and advice relating to the development type, for example "dwelling houses" or "commercial development". | | |
| 28.5 Context Advice – Waterfront Suburbs Development in the vicinity of heritage items | | | |
| 28.5.13 | New development adjacent to heritage items must ensure that views to the heritage item are not obstructed. | There is an existing line of site connecting the heritage buildings at No. 29 and 35 Addison Street and the view corridor from the Addison Street road reserve and footpath area to No. 35 Addison Street. During the assessment process the front setback of the ground and first floor were increased to maintain these view corridors. | Yes |
| 28.5.14 | New development adjacent to heritage items must retain views to the waterfront from the public domain. | The front setback of the proposed development is behind the front building line of the heritage building to be retained. The heritage building does not contain any western side elevation windows. As such, views to the water front from the verandah of Allen's Store will be retained. | Yes |
| 28.7 General development advice – policy for heritage items | | | |
| Objectives <ol style="list-style-type: none"> 1. To conserve heritage items, including significant fabric, their curtilage and settings. 2. To ensure new development does not have an adverse impact upon the heritage significance of heritage items. 3. To ensure there is a sympathetic relationship between new built form and the historic streetscape or historic setting in which a heritage item is located. 4. To ensure the heritage item retains its prominence and visual distinctiveness. 5. To ensure that the bulk and scale of additions do not overwhelm the significant building. 6. To ensure that additions are distinguishable from the original. 7. To retain the significant fabric and finishes of the heritage item. 8. To ensure the retention of existing heights of heritage items. 9. To restore and reconstruct missing elements where sufficient information is available. 10. To ensure that development applications for heritage items are supported by adequate documentation. 11. To ensure that archival records are made using best practice methods. | | <p>The development application was accompanied by a Heritage Impact Statement and a Schedule of Conservation Works assessing the heritage significance of the existing building at No. 35 Addison Street. The identification of fabric to be retained and restored is acceptable.</p> <p>The proposed L-shape building around the heritage listed building at No. 35 Addison Street is an appropriate building form response.</p> <p>During the assessment process, the front setbacks and eastern side setbacks were amended to provide additional separation from the heritage items. The building form aligns with the eastern setbacks of the existing commercial building at No. 31-33 Addison Street.</p> <p>Heritage Interpretation Panels are proposed along the western elevation of the building adjoining the public laneway. The interpretation panels will activate the laneway and provide information to the community about the history and heritage of Shellharbour Village. A condition of consent has been recommended requiring the final design, layout and wording of the heritage interpretation panels to be approved by Council.</p> <p>The proposal is considered to be generally consistent with the objectives of this part.</p> | Yes |

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| 28.7.1 | Heritage items, including significant fabric, their curtilage and settings must be retained. | The Schedule of Conservation Works and architectural plan clearly identify the components at No. 35 Addison Street (heritage listed item) to be demolished, retained, replaced and restored. The main components of the building of heritage significance have been identified to be retained or replaced/restored. Unfortunately due to the age and material of some elements, retention is not possible. | Yes |
| 28.7.2 | Alterations and additions must retain the form of the original building. | The proposed alterations and additions will retain the form of the original building to an acceptable level. | Yes |
| 28.7.3 | Removal of previous unsympathetic additions is encourage. | The Heritage Impact Statement and Schedule of Conservation Works has identified the demolition of multiple unsympathetic additions. It important to note, that since the construction of the original building in the late 19 th Century there have been multiple additions including those in the 1930s and 1940s that have now become part of the heritage fabric. The proposed works on the heritage item have achieve a balance between retaining and demolishing elements that are of most significance. | Yes |
| 28.7.5 | Additions must be distinguishable from the heritage item. The work must complement but not mimic the original architectural style of the item. | The proposed shop top housing development can be considered as a type of addition. The proposed design has incorporated a mixture of elements that complement the architectural style of the heritage item to be retained and those encourage to be included in Chapter 6.3 of the SDCP 2013. Such elements include the following: <ul style="list-style-type: none"> • The design proposes simplistic verandah supported posts with no stone base. This is consistent with the existing heritage building, however is a design element in Figure 6.16 of the DCP. • The design includes an extensive use of weatherboard, whilst not used in the heritage building on the development site it is used in other heritage items in Addison Street. • Heritage buildings along Addison Street have pitched roof forms. The proposed flat roof, whilst not in keeping with the heritage buildings it aligns with modern architectural building forms and highlights a distinctive architectural characteristic of the heritage building. | Yes |
| 28.9 – General development advice – significant trees | | | |
| Objectives <ol style="list-style-type: none"> 1. To maintain the visual prominence of heritage listed trees. 2. To ensure that development in the vicinity of heritage listed trees is designed to avoid or minimize impacts on the health and longevity of the tree. | | The subject site is not located within the immediate vicinity of any heritage listed trees. | N/A |

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| 3. To ensure that heritage listed trees are assessed and monitored by suitably qualified arborists. | | |
| 4. To protect heritage listed trees during any demolition, earthworks, or construction works in the vicinity of the tree. | | |
| 5. To maintain ground level and soil and water conditions in the vicinity of the root structure. | | |