

Attachment 6 – Shellharbour Local Environmental Plan 2013

Part 1 Preliminary

Clause 1.4 Definitions

shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

Part 2 Permitted or prohibited development

Clause 2.2 - Zoning of land to which Plan applies

The subject site is zoned B2 Local Centre pursuant to the SLEP 2013, as demonstrated by the extract below. The access to the site is over B2 zoned land. The access is sought over an existing car park.

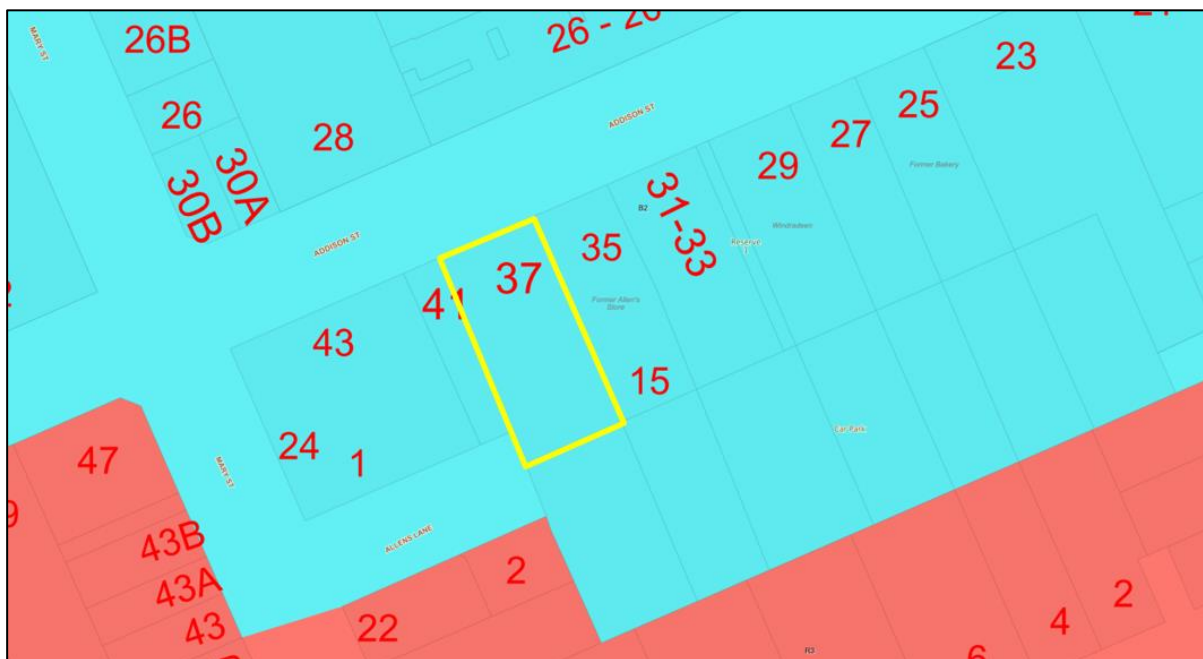


Figure 1: SLEP 2013 Land use zoning extract. The development site is outlined in yellow.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To allow for a limited range of residential accommodation while maintaining retail, business or other non-residential active uses at street level.

The proposal is considered to achieve the objectives of the B2 Local Centre zone providing a retail tenancy on the ground floor and (street level) and residential accommodation above. The retail tenancy is of an appropriate size to accommodate a diverse range of business types and encourage employment opportunities. Similar to other shop top housing developments in Shellharbour Village, the retail component is confined to the street level.

Shop top housing and retail premises are permitted with consent in the B2 zone.

Clause 2.6 – Subdivision – consent requirements

The proposal does not seek consent for subdivision.

Clause 2.7 – Demolition requires development consent

Consent for the demolition of the existing structures on Lot 1 DP 238804 and are sought as part of the subject proposal. Conditions have been recommended in this regard.

Part 4 Principal development standards

Clause 4.3 – Height of buildings

The Height of Buildings Map identified a maximum building height of 15m for the subject site. The proposed development has a maximum proposed height of 14.98m to the lift overrun and therefore complies with the development standard.

Clause 4.4 – Floor space ratio

The Floor Space Ratio Map identified a maximum floor space ratio of 1.5:1 (m²) for the subject site.

The proposed FSR is as follows:

Site Area	864.9m ²	
Proposal	Ground floor	129.2m ²
	Level 1	449.7m ²
	Level 2	445.1m ²
	Level 3	272m ²
GFA	1296m ²	
FSR	1.49:1	

The proposed development proposes an FSR of 1.49:1 which complies with Clause 4.4.

Clause 4.6 Exceptions to development standards

No variations to the development standards are sought.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

The development site is located on the southern side of Addison Street and is comprised of one allotment, Lot 1 in DP 238804 known as 37 Addison Street. To the immediate east of the site is 35 Addison Street, containing the former Allen's Store which is listed as a local heritage item under Schedule 5 of the Shellharbour Local Environmental Plan 2013. The site is not listed on the NSW State Heritage Register (Figure 2). The heritage item is located 5.07m from the subject site's eastern boundary.



Figure 2: SLEP Environmental Heritage Map extract

Clause 5.10(4) requires consideration be given to the potential impacts of development upon heritage items including associated fabric, seatings and views. During the assessment process the northern (including the awning) and eastern setback of the development were increased to the visibility the heritage item when looking along Addison Street (illustrated in Figures 3 and 4).



Figure 3: View of 41, 37 (proposed development) and 35 Addison St



Figure 4: Existing view of 37 and 35 Addison Street.

The Addison Street building façade incorporates a two storey verandah that wraps around a portion of the eastern elevation. The framed verandah on the ground and first floor is an architectural element that is a dominant characteristic in the Addison Street streetscape. The monument colour beams, whilst considered a strong colour is sympathetic to the bold white and black/charcoal colours of the heritage building. The reclaimed bricks on the external building walls behind the verandah element complements the material.

The front and south-eastern corner of the building exceed the setbacks requirements of the SDCP 2013 to create separation between the heritage building and the development. The distribution of building mass towards the rear property boundary (adjoining a Council own public car park) is considered an appropriate design response. The use of white tones, timber looking screens and reclaimed bricks is consistent with the colour palette and external finishes planning provisions in the Chapter 6.3 Shellharbour Village of the SDCP 2013 and is consistent with other shop top housing developments along Addison Street.

Heritage buildings along Addison Street primarily have pitched roof forms. The proposed flat roof, whilst not in keeping with the heritage buildings, aligns with the modern architectural building forms that distinguish the heritage and non-heritage buildings.

Part 5 of this clause states that where development is proposed on land that is within the vicinity of a heritage item, a heritage management document may be required to assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item concerned. A Heritage Impact Statement accompanied the development application, satisfying this requirement. Due to the proximity of the site to the heritage item at No. 35 Addison St, conditions are recommended for a Vibration Control Plan and a Temporary Protection Plan be prepared and implemented.

Overall, the development is considered to achieve the objectives of Clause 5.10 of the SLEP 2013.

Clause 5.21 Flooding Planning

The subject site is not flood affected in the 1 in 100 flood event or the probable maximum flood event.

Part 6 Additional local provisions

Clause 6.1 Acid Sulfate Soils

The subject site is not identified as being affected by Acid Sulfate Soils (ASS), however it is located within 500m of Class 3 ASS. As the subject site is not located below 5 metres Australian Height Datum an Acid Sulfate Management Plan is not required. The requirements of this clause are satisfied.

Clause 6.2 Earthworks

The proposed development involves a mix of cut and fill to create a flat area for the development. The existing single storey food and drinks premises on the subject site is attached to a two storey shop top housing building to the immediate west. During the assessment process a Structural Design Statement was submitted with recommendations during the demolition and construction phases to protect the structural integrity of the structure.

Whilst the proposed development does not include excavation works for a basement, due to the proximity of the site to the heritage item at No. 35 Addison St, conditions are recommended for a Vibration Control Plan and a Temporary Protection Plan be prepared and implemented. Draft conditions are provided at Attachment 1.

Clause 6.4 Stormwater Management

The proposal was accompanied by a concept stormwater plan which demonstrates drainage to the street. Councils Stormwater Engineer has considered the proposal against the requirements of this clause and a conditionally satisfactory referral response provided. The stormwater design would not be expected to result in adverse runoff impacts to adjoining properties. The proposal is considered to be consistent with the objectives of the clause and satisfies the requirements of Part 3. Conditions recommended are included within the draft consent.

Clause 6.6 Active Street Frontages

The frontage of the subject site is identified on the Active Street Frontages Map and as such this clause applies. The Addison Street frontage comprises of the one (1) retail tenancy and the main residential entrance. The proposal is consistent with the requirements of this clause as a retail tenancy is provided on the ground floor and is orientated to the street. A condition is recommended which requires the first uses of the premises to be the subject of separate development application process and must be consistent with the definition of shop top housing. The remainder of the frontage of the site is to be used for the purpose of the main residential entrance as permitted via part 3 if this clause. Council is satisfied that the proposal would satisfy the requirements of this clause and would provide for an active street frontage to Addison Street.



Figure 8: SLEP 2013 Active Street Frontages Map extract

Clause 6.9 Essential Services

The subject site is located within a well serviced area and has an existing water and electricity connection and access to Council's stormwater drainage system.

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, as discussed throughout this report.