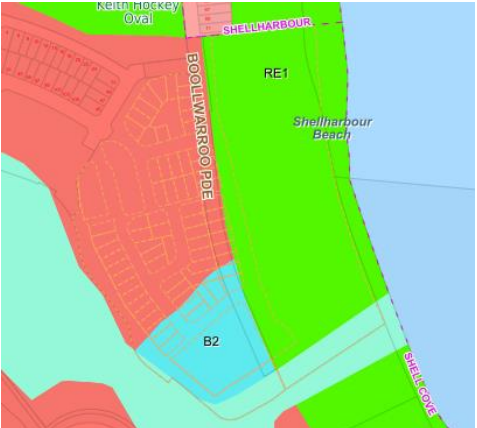


| Attachment 7 – Shellharbour Local Environmental Plan 2013 – Compliance Table | | |
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| Part 1 Preliminary | | |
| 1.4 | Definitions | <p>As per EP&A Act</p> <p>6.2 Meaning of “subdivision” of land (cf previous s 4B)</p> <p>(1) For the purposes of this Act, subdivision of land means the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected—</p> <p>(a) by conveyance, transfer or partition, or</p> <p>(b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.</p> <p>(2) Without limiting subsection (1), subdivision of land includes the procuring of the registration in the office of the Registrar-General of—</p> <p>(a) a plan of subdivision within the meaning of section 195 of the Conveyancing Act 1919, or</p> <p>(b) a strata plan or a strata plan of subdivision within the meaning of the Strata Schemes Development Act 2015.</p> |
| Part 2 Permitted or prohibited development | | |
| 2.2 & 2.3 | <p>Zoning of land and Zone objectives and land use table</p>  | <p>The subject site is located within the R3 Medium Density Housing zone.</p> <p>The objectives of the zone are as follows:</p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a medium density residential environment.</i> • <i>To provide a variety of housing types within a medium density residential environment.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <p>The subject site is located within the B2 Local Centre zone.</p> |

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| | | <p>The objectives of the zone are as follows:</p> <ul style="list-style-type: none"> <i>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.</i> <i>To encourage employment opportunities in accessible locations.</i> <i>To maximise public transport patronage and encourage walking and cycling.</i> <i>To allow for a limited range of residential accommodation while maintaining retail, business or other non-residential active uses at street level.</i> <p>The subject site is located within the RE1 Public Recreation zone.</p> <p>The objectives of the zone are as follows:</p> <ul style="list-style-type: none"> <i>To enable land to be used for public open space or recreational purposes.</i> <i>To provide a range of recreational settings and activities and compatible land uses.</i> <i>To protect and enhance the natural environment for recreational purposes.</i> <p>Permissibility of the subdivision has been discussed in relation to SLEP 2013 zoning in section 2.4.3 (a)</p> |
| 2.6 | Subdivision – consent requirements | <p>Subdivision is permissible on land to which the SLEP 2013 applies.</p> <p>Consent for the subdivision of the land is sought as part of the subject application.</p> |
| Part 4 Principal development standards | | |
| 4.1 | Minimum lot size | <p>The Lot Size Map identifies that a minimum lot size of 450 sqm applies to the subject land.</p> <p>The proposed lots exceed the 450 sqm minimum lot size with the exception of lot 253 which is proposed to have a lot size of 323sqm. This lot has been</p> |

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| | | identified as a Sydney Water pump station and will not be a residential lot. Each lot will exceed the Concept Approval minimum lot size of 110 sqm. |
| 4.3 | Height of buildings | No built form included in proposal. |
| 4.4 | Floor Space Ratio | No built form included in proposal. |
| 4.6 | Exceptions to development standards | Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 schedule 2 clause 3B states that the provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan, In regard to lot size the Concept Approval prevails. Therefore no clause 4.6 is required for lot 253. |
| Part 5 Miscellaneous provisions | | |
| 5.2 | classification and reclassification of public land | Not applicable to the subject application. |
| 5.7 | Development below mean high water mark | Development is not proposed below mean high water mark. |
| 5.10 | Heritage conservation | No heritage item on or within close proximity of the site. Site identified as Aboriginal Heritage in Council mapping. Unexpected finds condition relevant and recommended. |
| 5.11 | Bush fire hazard | Any bushfire hazard reduction works are to be undertaken in accordance with the Rural Fires Act 1997 |
| 5.21 | Flood Planning | The subject site is identified as being affected by flood hazard within the Shell Cove flood study. The proposal has been reviewed by Councils Floodplain Engineer who has advised that the proposal would be consistent with the objectives of this clause. The proposal is considered to satisfy the objectives of the control |

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| | | <p>recommended conditions included in attachment 1.</p> <p>The effect of wave propagation into the boat harbour has already been accounted for in the Flood modelling for all events up to the Probably Maximum Flood (PMF).</p> |
| Part 6 Additional local provisions | | |
| 6.1 | Acid sulfate soils | <p>The subject site is affected by Acid Sulfate Soils, Class 2 and 3 . An acid sulphate soils management plan has been submitted with this application and reviewed as part of the assessment by Council Environment Officers.</p> <p>Conditions have been recommended in this regard.</p> |
| 6.2 | Earthworks | <p>The applicant has confirmed that minimal earthworks are proposed as part of the subject application, with a separate bulk earthworks DA-0200/2021 already assessed and determined to ensure suitable ground conditions for development. Earthworks associated this residential subdivision application include minor works to develop road profiles and subgrades, as well as trenching for utilities and topsoil dressing on residential lots.</p> |
| 6.4 | Stormwater management | <p>Councils Stormwater Engineer has considered the proposal against the requirements of this clause and a conditionally satisfactory referral response provided. 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.</p> |
| 6.5 | Terrestrial Biodiversity | <p>The subject site is not identified as being Environmentally Sensitive Land on the Terrestrial Biodiversity Map.</p> |

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| 6.7 | Airspace operations | The subject site is not within the Obstacle Limitation Surface Area. |
| 6.9 | Essential services | The site is serviced by all required essential services subject to conditions. |