

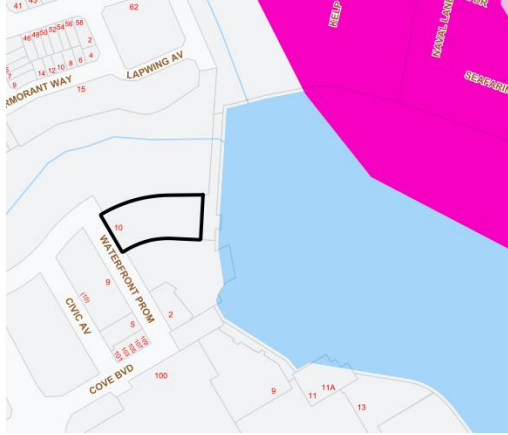
**Attachment 8 – Shellharbour Local Environmental Plan 2013 Compliance Tables**

<b>Part 2 Permitted or prohibited development</b>	
<b>Development characterisation</b>	<p>Mixed Use Development Definition from SLEP 2013 <b>Mixed use development</b> means a building or place comprising 2 or more different land uses.</p> <p>The proposed development includes tourist accommodation, attached function centre, restaurant, bar, day spa and residential apartments.</p> <p>The proposed use is considered to comply with the definition of a mixed use development.</p>
<b>Land Use Zone</b>	<b>B2 – Local Centre</b>
<b>Zone Objectives</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• To encourage employment opportunities in accessible locations.</li> <li>• To maximise public transport patronage and encourage walking and cycling.</li> <li>• To allow for a limited range of residential accommodation while maintaining retail, business or other non-residential active uses at street level.</li> </ul>
<b>Is proposal permissible in zone?</b>	<p>Tourist and visitor accommodation - Yes with consent.</p> <p>Residential accommodation - No prohibited within the zone. Refer to clause 4.6 discussion below for details.</p>
<b>Is proposal consistent with zone objectives?</b>	<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 a range of retail, business and entertainment uses that serve the needs of the people who live, work and visit the Shell Cove area.</p> <p>The proposed use will also encourage employment opportunities.</p> <p>The residential element of the proposed use will allow for a limited range of residential accommodation whilst maintaining non-residential active uses at street level (hotel facilities including bar/restaurant).</p> <p>Suitably consistent.</p>

<b>Principal development standards (Part 4)</b>		
<b>Development Standards applicable to the development and/or site</b>		
<b>Part 4</b>	<b>Development Standards</b>	<b>How does the development comply (where applicable)</b>
<b>Clause 4.2</b>	Minimum Lot Size - 900 sqm.	The site area is 3278m <sup>2</sup> which complies.
<b>Clause 4.3</b>	Height of buildings - Height of Buildings Map Maximum height 18 metres.	Maximum height of building 42.1 metres. This is higher than the SLEP 2013 18 metres limit.  Refer to comment regarding clause 4.6 in this table.
<b>Clause 4.4</b>	Floor space ratio - Floor Space Ratio Map Development standard 1.5:1	Site area – 3,278sqm Total GFA – 12,262.42sqm FSR – 3.7:1  Does not comply, refer to comment regarding clause 4.6 in this table.
<b>Clause 4.6</b>	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, FSR and permissibility, 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. The proposed use including residential accommodation is in accordance with the Concept Plan. An assessment of compliance with the Concept Plan is provided at <b>Attachment 6</b> .

<b>Miscellaneous provisions (Part 5)</b>		
<b>Part 5</b>	<b>Local provisions applicable to the development and/or site</b>	<b>How does the development comply (where applicable)</b>
<b>Clause 5.10</b>	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.
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<b>Additional local provisions (Part 6)</b>		
<b>Part 6</b>	<b>Local provisions applicable to the development and/or site</b>	<b>How does the development comply (where applicable)</b>
<b>Clause 6.1</b>	<p><b>Acid Sulphate Soils (ASS)</b></p>  <p>Figure 8.1 - Acid Sulphate Soils location map (marked in pink)</p>	<p>Council mapping systems do not identify the subject site as including Acid Sulphate Soils. However reports received and reviewed as part of the earthworks DA (DA0595/2018) indicated that Acid Sulphate Soils were present at the depth proposed for the basement levels.</p> <p>An Acid Sulphate Soils Management Plan was submitted by the applicant by request of Council and has been reviewed by the relevant technical officers.</p> <p>A suitable condition has been recommended as part of <b>attachment 1</b> regarding compliance with the submitted Acid Sulphate Soils Management Plan and strictly followed throughout construction (excavation).</p>
<b>Clause 6.2</b>	<b>Earthworks</b>	<p>The site was subject to a previous DA (DA595/2018) bulk excavation (Civil works) in two stages:</p> <ol style="list-style-type: none"> <li>Stage 1: Preliminary excavation of the basement footprint, with the extent subject to geotechnical advice- Excavation included = 12,674m<sup>3</sup>;</li> <li>Stage 2: Retaining wall construction and completion of overall excavation to achieve design basement levels followed by building construction – Excavation included = 40,308m<sup>3</sup>.</li> </ol> <p>DA0595/2018 was approved subject to conditions by Council on 28 May 2019. A suitable condition has been attached to DA0595/2018 relating to potential land rectification works to ensure that the site be returned to its original state (re-filled and re-vegetated to stabilize the land) there any future development application for the erection of the hotel is refused.</p>

		This has been done to ensure that the bulk earthworks do not pre-empt approval of the hotel development.
<b>Clause 6.3</b>	Flood Planning	The application has been referred to Council's Flood Engineer and no objections have been raised. Relevant conditions recommended as part of <b>Attachment 1</b> .
<b>Clause 6.4</b>	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. The stormwater system has been previously assessed and approved under DA0143/2016.
<b>Clause 6.5</b>	Terrestrial Biodiversity	Dealt with as part of the original subdivision DA00143/2016 and DA0735/2018 and the Concept Approval. .
<b>Clause 6.7</b>	Airspace operations	The development will not penetrate the Obstacle Limitation Surface. Suitable conditions recommended.
<b>Clause 6.8</b>	Development in areas subject to aircraft noise	Not applicable to this site
<b>Clause 6.9</b>	Essential services	Council is satisfied that the proposed development will have access to essential services as detailed in the assessment for the original subdivision DA0413/2016 and the submitted Utility Infrastructure Report authored by Arcadis dated 29 October 2019 and referenced 02.