

Attachment 8 – Shellharbour Local Environmental Plan 2013 Compliance Tables

| Part 2 Permitted or prohibited development | |
|---|--|
| Development characterisation | Residential Flat Building Definition from SLEP 2013 residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing. |
| 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? | Yes with consent under the umbrella clause Residential Accommodation. |
| Is proposal consistent with zone objectives? | <p>Yes</p> <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 is essentially. Provides for the housing needs of the community and a variety of housing types within a medium density residential environment.</p> |

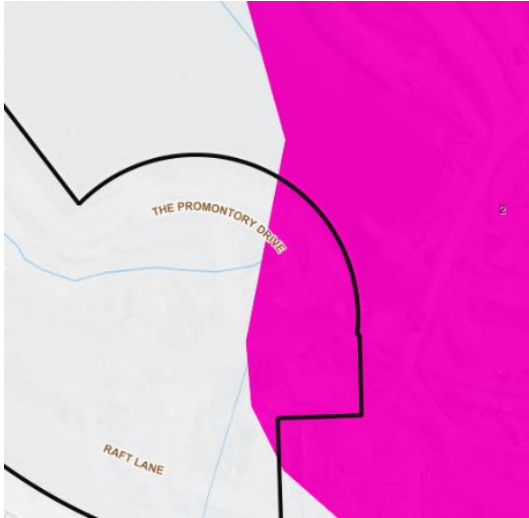
| Principal development standards (Part 4) | | |
|--|---|--|
| Development Standards applicable to the development and/or site | | |
| Part 4 | Development Standards | How does the development comply (where applicable) |
| Clause 4.2 | Minimum Lot Size - 900 sqm. | The site area is 5,755m2 which complies. |
| Clause 4.3 | Height of buildings - Height of Buildings Map Maximum height 15 metres. | Maximum height of building 21.45 metres. This is higher than the SLEP 2013 15 metres limit. Refer to comment regarding clause 4.6 in this table. |
| Clause 4.4 | Floor space ratio - Floor Space Ratio Map Development standard 0.7:1 | <p>Site area – 5,755sqm</p> <p>Total GFA – 12,766sqm</p> <p>FSR – 2.21:1</p> <p>Does not comply, refer to comment regarding clause 4.6 in this table.</p> |
| 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 |

| | | |
|--|--|---|
| | | <p>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.</p> <p>The proposal will not exceed the indicative building height of the modified concept plan, or the number of storeys detailed in the concept plan.</p> <p>An assessment of compliance with the Concept Plan is provided at Attachment 6.</p> |
|--|--|---|

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 | <p>The site is not identified as having any heritage sites within close proximity.</p> <p>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.</p> |

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 | <p>Acid Sulphate Soils (ASS)</p>  <p>Figure 8.1 - Acid Sulphate Soils location map (marked in pink)</p> | <p>Council mapping systems identify the northern eastern section of the subject site as Class 2 Acid Sulfate Soils indicating ASS just below the soil surface.</p> <p>SMEC Australia Pty Ltd has prepared the Acid Sulfate Soil Management Plan (ASSMP) Precinct B2 & C2 Shell Cove dated 04/05/2018. The report states ASS are most likely to be encountered in the north eastern half of the subject site. Bulk earthworks have been undertaken within the subject site following DA0287/2018, importing 'structural fill' on top of the original ground level. This report was prepared for civil earthworks rather than for any specific development, hence the management actions from this report are general.</p> <p>Further borehole testing has been conducted by SMEC for the Geotechnical Site Investigation – Precinct B2 Shell Cove Boat Harbour Development dated</p> |

| | | |
|-------------------|-----------------------|---|
| | | <p>11/12/2018. One borehole encountered a layer of estuarine soil that exceeded the adopted threshold of net acidity.</p> <p>This addendum was provided by SMEC dated 20/04/2020 including specific treatments/management measures for ASS exposed and/or excavated for the proposed development.</p> <p>In the report, SMEC gained further information of the extent of the required excavations and extent of ASS already removed by the boat harbour earthworks and concluded that the management actions from section 5 of the Acid Sulfate Soil Management Plan (ASSMP) Precinct B2 & C2 Shell Cove dated 04/05/2018 are sufficient to manage risks for the development, and that dewatering is recommended to be kept at a minimum, however risk of adverse impact of ASS by dewatering is low.</p> |
| Clause 6.2 | Earthworks | <p>The initial earthworks for the site have been approved and undertaken as part of the subdivision application for this precinct, DA0287/2018.</p> <p>The proposal will require significant cut for the two level basement carpark.</p> <p>The basement excavation will require a combination of deep concrete piles and soil anchors. The soil anchors into the Council roads are temporarily grouted and then removed when the basement floors provide stability. In collaboration with the applicant Council has recommended a condition requiring evidence of the removal of soil anchors is provided prior to occupation certificate.</p> <p>Complies with clause subject to recommended condition.</p> |
| Clause 6.3 | Flood Planning | <p>The application has been referred to Council's Flood Engineer and no objections have been raised. Relevant conditions recommended as part of Attachment 1.</p> |
| Clause 6.4 | Stormwater management | <p>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 DA0287/2018.</p> |

| | | |
|-------------------|--|--|
| Clause 6.5 | Terrestrial Biodiversity | Dealt with as part of the original subdivision DA0287/2018 and the Concept Approval. . |
| Clause 6.7 | Airspace operations | The development will not penetrate the OLS. |
| 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 DA0287/2018 and the submitted Utility, Sewer and Water Services Strategy Report authored by Arcadis dated 11 August 2019. |