

Attachment H – Shellharbour Local Environmental Plan 2013 Compliance Tables

Part 2 Permitted or prohibited development	
Development characterisation	<p>boat building and repair facility means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.</p> <p>commercial premises means any of the following—</p> <ul style="list-style-type: none"> (a) business premises, (b) office premises, (c) retail premises. <p>food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—</p> <ul style="list-style-type: none"> (a) a restaurant or cafe, (b) take away food and drink premises, (c) a pub, (d) a small bar.
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?	<p>All proposed uses are prohibited in the R3 zone.</p> <p>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.</p> <p>With regard to the proposed development classification, height and FSR the Concept Approval prevails.</p> <p>The proposed uses meet the identified accommodation typology within the Concept Approval. An assessment of compliance with the Concept Plan is provided as attachment G</p>
Is proposal consistent with zone objectives?	The proposal is consistent with the requirements of the Concept Approval

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 4.3	Height of buildings	Maximum height of building 15.2 metres.

	- Height of Buildings Map Maximum height 18 metres and 11 metres	Complies
Clause 4.4	Floor space ratio - Floor Space Ratio Map Development standard 0.7:1.	Site area – 1.12 hectares Total GFA – 5519.198sqm FSR – 0.49:1 Complies
Clause 4.6	Development exceed development standards	N/A

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	The site is not identified as having any heritage sites within close proximity. Aboriginal heritage significance was investigated as part of the Concept Approval 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.

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	Acid Sulfate Soils (ASS)	Council mapping systems identify part of the subject site as including Acid Sulfate Soils. The site specific report received and reviewed as part of this application Section 3.1.1 of the ASSMP identifies that ASS is likely to be impacted during the excavation for installation of bored piled foundations for building structure and possibly service trenches. Section 3 of the ASSMP identified that ASS is likely to be impacted by the works and has provided management of such soils in section 4. Management recommendations proposed are considered satisfactory, conditions recommended.
Clause 6.2	Earthworks	Design uses the existing topography of the site and therefore minor site scraping proposed as part of development. No significant excavation or fill proposed.
Clause 5.21	Flood Planning	The application has been referred to Council's Flood Engineer and no objections have been raised. The site is not impacted by the 1%AEP flood event, and exhibits negligible affection during the PMF event to the northern alignment. A site-specific Flood Report provided by Advisian Worley Group dated 26 July 2023, titled Shell Cove Boat Harbour Precinct: The Boatyard –

		<p>Boat Maintenance Facility (BMF) Flood Assessment provides a FPL of 2.8 m AHD. Equipment located below this level should be flood proofed accordingly as per A9.8 – Flood Compatible Materials from the Shellharbour Development Control Plan. It is noted that habitable floor areas are situated above the FPL.</p> <p>Recommended conditions included in Attachment A.</p>
Clause 6.4	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.
Clause 6.5	Terrestrial Biodiversity	Dealt with as part of the Concept Approval. .
Clause 6.7	Airspace operations	The development will not penetrate the Obstacle Limitation Surface.
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 and the submitted Utility Infrastructure Report authored by Arcadis.