

Attachment 8 – Shellharbour Local Environmental Plan 2013 Compliance Tables

Table 1 - Part 2 Permitted or prohibited development	
Development characterisation	Residential Flat Building Definition from SLEP 2013 <i>residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.</i>
Land Use Zone	R3 – Medium Density Residential
Zone Objectives	•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?	Yes Under clause 2.3(2) of SLEP 2013, the consent authority must have regard to the objectives for development in the zone. 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.

Table 2 - 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 5,354m2 which complies.
Clause 4.3	Height of buildings - Height of Buildings Map  Maximum height 15 metres (shown as brown on map extract) Maximum height 12 metres (Shown as yellow on map extract).	Maximum height of building 14.1 metres. This is higher than the SLEP 2013 12 metres limit for the majority of the site and lower than the 15 metre limit for the remainder of the site. Refer to comment regarding clause 4.6 in this table.

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Clause 4.4	Floor space ratio - Floor Space Ratio Map Development standard 0.7:1	FSR – 1.32:1 Does not comply, refer to comment regarding clause 4.6 in this table.
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 planning instruments will apply but only to the extent that they are consistent with the approved Concept Plan. An assessment of compliance with the Concept Plan is provided in Attachment 6 . With regard to the proposed height and FSR, 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.

Table 3 - 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 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.

Table 4 - 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 Sulphate Soils (ASS)	Council mapping systems do not identify the subject site as having Acid Sulfate Soils.
Clause 6.2	Earthworks	The proposal will require 3 metre cut for the basement level carpark. Suitable conditions recommended to ensure excavation stability.

		Complies with clause subject to recommended condition.
Clause 6.3	Flood Planning	The application has been referred to Council's Flood Engineer and no objections have been raised. Relevant conditions recommended as part of Attachment 1 .
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 original subdivision DA0118/2017 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 DA0118/2017 and the submitted Utility, Sewer and Water Services Strategy Report authored by Arcadis dated 16 December 2019.