

Attachment D – Shellharbour Local Environmental Plan 2013

Part 1 Preliminary Clause 1.4 Definitions **shop top housing** means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

Part 2 Permitted or prohibited development

Clause 2.2 - Zoning of land to which Plan applies

The subject site is zoned E1 Local Centre pursuant to the SLEP 2013, as demonstrated by the extract below. The access to the site is over E2 zoned land. The access is sought over an existing car park.

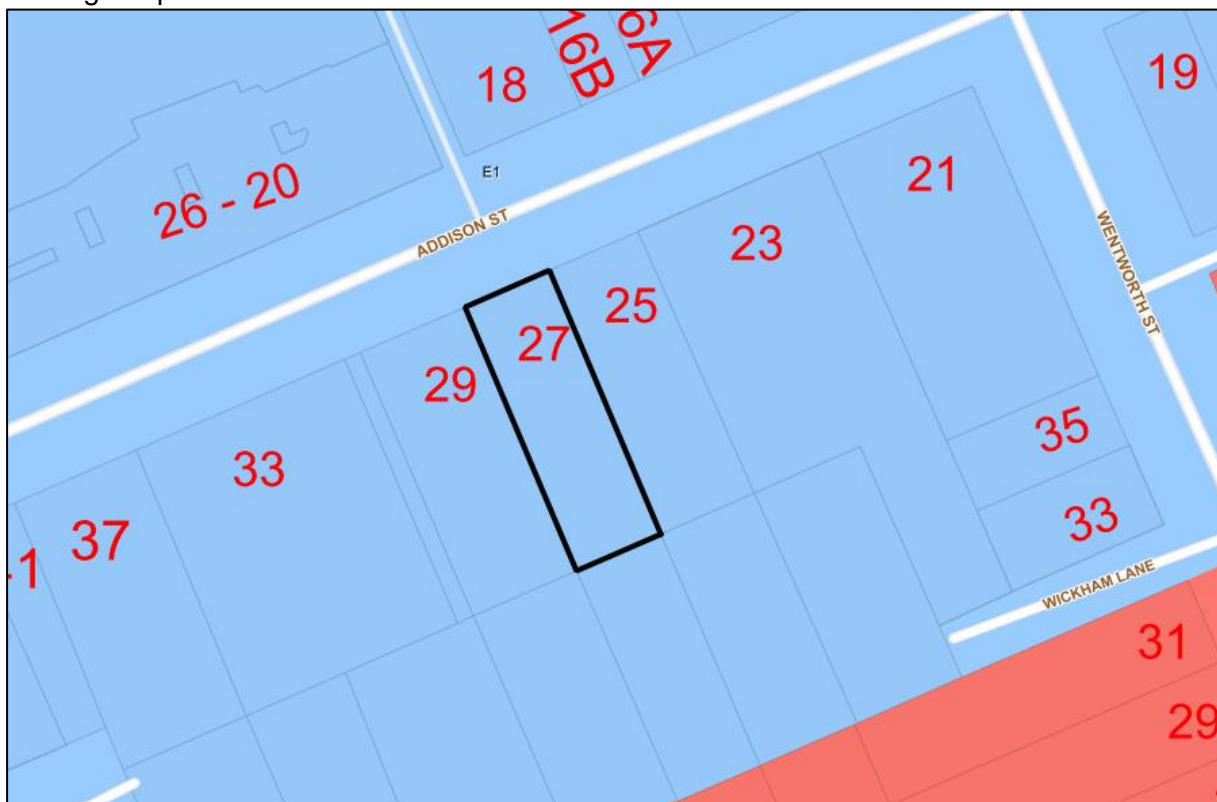


Figure 1: SLEP 2013 Land use zoning extract. The development site is outlined in black.

Clause 2.3 – Zone objectives and land use table

objectives of the zone are as follows:

- *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.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To allow for a limited range of residential accommodation while maintaining retail, business or other non-residential active uses at street level.*

The proposal is considered to achieve the objectives of the E1 Local Centre zone providing a retail tenancy on the ground floor and (street level) and residential accommodation above. The retail tenancy is of an appropriate size to accommodate a diverse range of business types and encourage employment opportunities. Similar to other shop top housing developments in Shellharbour Village, the retail component is confined to the street level.

Shop top housing and retail premises are permitted with consent in the E1 zone.

Clause 2.6 – Subdivision – consent requirements

The proposal does not seek consent for subdivision.

Clause 2.7 – Demolition requires development consent

Consent for the demolition of the existing structures on Lot 1 DP 1294313 and are sought as part of the subject proposal. Conditions have been recommended in this regard.

Part 4 Principal development standards

Clause 4.3 – Height of buildings

The Height of Buildings Map identified a maximum building height of 15m for the subject site. The proposed development has a maximum proposed height of 15m and therefore complies with the development standard. While the screening surrounding air conditioning units slightly exceeds 15m in height, recommended conditions of consent are required to ensure that said screening will comply with the maximum allowable height.

Clause 4.4 – Floor space ratio

The Floor Space Ratio Map identified a maximum floor space ratio of 1.5:1 (m²) for the subject site.

The proposed FSR is as follows:

Site area	589m ²
Maximum Allowable FSR	883.6m ²
Ground Floor (comprising retail and residential; excluding car parking)	76.5m ²
Level 1 (excl. voids)	268m ²
Level 2 (excl. voids)	268m ²
Level 3 (excl. voids)	266.5m ²
Total GFA	879m ²
Total FSR	1.49:1

The proposed development proposes an FSR of 1.49:1 which complies with Clause 4.4.

Clause 4.6 Exceptions to development standards

No variations to the development standards are sought.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

The development site is located on the southern side of Addison Street and comprises of two allotments, Lot 1 in DP 1294313, 27 Addison Street, and Lot 5 in DP 238804, which are known as 29 Addison Street. 29 Addison Street forms part of the proposal in relation to tree removal only, therefore for the purpose of assessment of the LEP 2013, predominant commentary shall surround 27 Addison Street.

The site which is referenced 'former bakery', and is found immediately to the east at 25 Addison Street, refers to local heritage item I040 of Schedule 5 of the SLEP 2013, which is the 'Thomas Bakery Scotch oven, bricks and facade'. This local heritage item is found internal to the existing mixed-use development on the site, and cannot be seen from the street or carpark.

The site which is referenced 'Windradene', and is found immediately west at 29 Addison Street, refers to local heritage item I041 of Schedule 5 of the SLEP 2013, and of which is fully identified as 'Windradene' and pine tree'. The pine tree no longer exists on the subject site. The heritage item of 'Windradene' and its main roof form is located approximately 4.8m from the proposed development. See figure 2 below, which details surrounding heritage items in relation to the subject site.



Figure 2: SLEP Heritage Map extract of site

The proposal was accompanied by a Heritage Impact Statement, which was reviewed by Council's Heritage Officer. Supportive referral comments were provided, which note that the proposed development is considered to align with the objectives of cl5.10 of the SLEP2013.

The Addison Street building façade incorporates a two storey verandah and face brick towards the residential entry area. The steel-framed painted verandah on the ground and first floor is

an architectural element that is a persistent characteristic in the Addison Street streetscape. The steel beams, dominion colour cladding, as well as grey and white colour/material inclusions. The colours are sympathetic to the bold white and black/charcoal colours of the heritage building of 'Windradene'. The white face bricks on the external building walls at the residential entry, offers a transition across to the 1980s shop which fronts 29 Addison Street and also includes white face brick, but which is not considered a heritage item itself. The contrast between lighter and darker materials is a generally sympathetic approach to colour choices for the Shellharbour Village locality. See figure 3 below for indicative photo imagery of the proposed development.

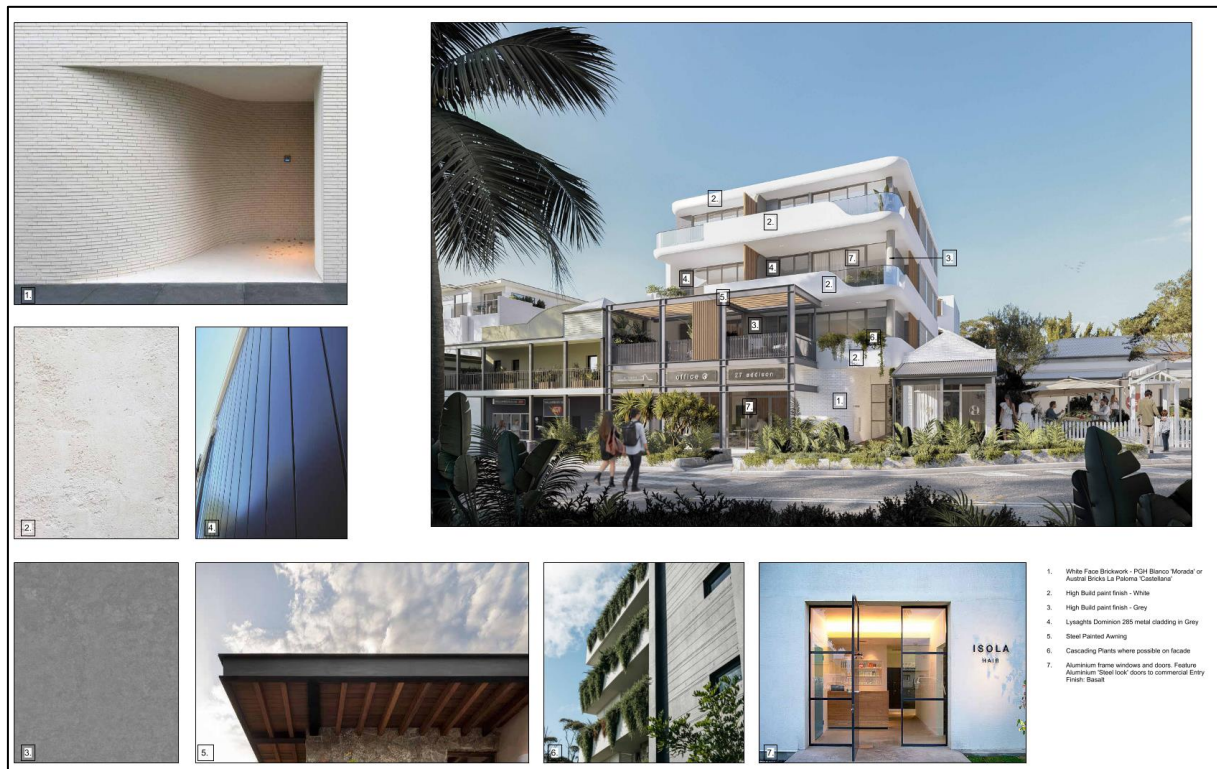


Figure 3: Indicative photo imagery and colours/materials

The zero lot line setbacks of the proposed development exceed the setback requirements of the SDCP 2013 to create separation between the heritage building and the development. The distribution of building mass towards the rear property boundary (adjoining a Council owned public car park) is considered an appropriate design response. Stepping and gradual recessing of upper levels is considered to reduce the sense of bulk and scale, and results in consistency with the required fourth level setback for Shellharbour Village under Chapter 6.3 of the DCP, as well as consistency with similar recent approvals and constructed developments along Addison Street itself. The use of white tones, timber looking screens and white bricks are consistent with the colour palette and external finishes planning provisions in Chapter 6.3 Shellharbour Village of the SDCP 2013 and is consistent with other shop top housing developments along Addison Street.

Heritage buildings along Addison Street primarily have pitched roof forms. The proposed flat roof, whilst not in keeping with the heritage buildings, aligns with the modern architectural building forms that distinguish the heritage and non-heritage buildings. The verandah addition to the Addison Street frontage offers a heritage link.

Part 5 of this clause states that where development is proposed on land that is within the vicinity of a heritage item, a heritage management document may be required to assess the extent to

which the carrying out of the proposed development would affect the heritage significance of the heritage item concerned. A Heritage Impact Statement accompanied the development application, satisfying this requirement. Due to the proximity of the site to the heritage item at No. 29 Addison St, conditions are recommended for a Vibration Control Plan be prepared and implemented.

Overall, the development is considered to achieve the objectives of Clause 5.10 of the SLEP 2013.

Clause 5.21 Flooding Planning

The subject site is not flood affected in the 1 in 100 flood event or the probable maximum flood event.

Part 6 Additional local provisions

Clause 6.1 Acid Sulfate Soils

The subject site is not identified as being affected by Acid Sulfate Soils (ASS), however it is located within 500m of Class 3 ASS. As the subject site is not located below 5 metres Australian Height Datum an Acid Sulfate Management Plan is not required. The requirements of this clause are satisfied.

Clause 6.2 Earthworks

The proposed development involves a mix of cut and fill to create a flat area for the development. Excavation to a depth of approximately 5.5m-6m will be required in order to facilitate basement level carparking. Recommended conditions of consent are required to be imposed, which require geotechnical investigations are carried out and reporting provided, and structural engineering conditions are required to be imposed in order to ensure structural adequacy of the development in relation to proposed cut.

Suitable stormwater management has been proposed, where conditions of consent are also recommended for this matter. Drainage patterns are generally considered to be managed appropriately, where no detrimental effects are considered likely as a result of proposed works.

While the proposed development includes excavation works for a basement, it is also noted that due to the proximity of the site to the heritage item at No. 29 Addison St, conditions are to be recommended for a Vibration Control Plan and a Temporary Protection Plan, so that these be prepared and implemented prior to and throughout works. Draft conditions are provided at Attachment A.

Clause 6.4 Stormwater Management

The proposal was accompanied by a concept stormwater plan which demonstrates drainage to the street and a pump-out system within the basement. Councils Stormwater Engineer has considered the proposal against the requirements of this clause and a conditionally satisfactory referral response provided. The stormwater design would not be expected to result in adverse runoff impacts to adjoining properties. 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.

Clause 6.6 Active Street Frontages

The frontage of the subject site is identified on the Active Street Frontages Map and as such this clause applies. The Addison Street frontage comprises of the one (1) retail tenancy and the main residential entrance. The proposal is consistent with the requirements of this clause as a retail tenancy is provided on the ground floor and is orientated to the street. A condition is recommended which requires the first uses of the premises to be the subject of separate development application process and must be consistent with the definition of shop top housing. The remainder of the frontage of the site is to be used for the purpose of the main residential entrance as permitted via part 3 if this clause. Council is satisfied that the proposal would satisfy the requirements of this clause and would provide for an active street frontage to Addison Street.



Figure 4: SLEP 2013 Active Street Frontages Map extract, with active frontages highlighted with red line

Clause 6.9 Essential Services

The subject site is located within a well serviced area and has an existing water and electricity connection and access to Council's stormwater drainage system.

Vehicle access to the basement car parking will be via a Council owned public carpark which is accessible from Allen's Lane. As the carpark is owned by Council a right of way for vehicle access is to be registered on the corresponding properties titles, as discussed throughout this report.