



HEIGHT OF BUILDINGS in the draft Shoalhaven LEP 2009

Introduction

The approach to setting maximum height of buildings is different under the draft Shoalhaven Local Environmental Plan (LEP) 2009 than under the current Shoalhaven LEP 1985.

Background

Currently Shoalhaven does not have a Citywide maximum height of buildings, however, the Illawarra Regional Environmental Plan (REP) (deemed State Environmental Planning Policy (SEPP)) requires that any building that is proposed to be higher than 11 metres obtain concurrence from State Government for all land to which the Illawarra REP (deemed SEPP) applies. The Illawarra REP (deemed SEPP) applies to all land in Shoalhaven City, other than the land to which Jervis Bay REP (deemed SEPP) applies. In the case of land to which Jervis Bay REP (deemed SEPP) applies there is no State Government concurrence requirement for any height of proposed buildings.

Some of Council's existing development control plans (DCPs) set lower maximum heights for buildings based on area (e.g. Kangaroo Valley) or type (e.g. single dwelling houses).

Achieving a 'best fit'

The draft LEP currently proposes a maximum height of buildings in two ways. *Clause 4.3 Height of buildings* sets a maximum height of buildings of 11 metres across the City, except where mapped on the *Height of Buildings map*. *Height of Building maps* exist where there is a current location specific height control in a development control plan (DCP) that is greater than 11 metres - Nowra Civic Precinct, Huskisson CBD and Ulladulla CBD.

This means that the draft Shoalhaven LEP 2009 currently only has three Height of Building map sheets – for Nowra, Huskisson and Ulladulla. Should any of the heights set in these or other DCPs change prior to the finalisation of the draft LEP, they will also be changed in the draft LEP. It is intended that the lower heights contained in the DCPs will continue to apply for their specific area or type of development.

It is noted that some aspects of Ulladulla CBD DCP No. 56, are currently deferred. Therefore, the final maximum height of buildings in these deferred areas is unknown at this stage.

Exceptions

The maximum height limit of a building may be varied in some circumstances, primarily through *Clause 5.6 Architectural roof features*. Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by Clause 4.3 may be carried out but only with development consent. Consent for any such development may only be granted if the architectural roof feature:

- comprises a decorative element on the uppermost portion of a building; and
- is not an advertising structure; and
- does not include floor space area and is not reasonably capable of modification to include floor space area; and
- will cause minimal overshadowing.

Buildings heights are ‘development standards’ that can be varied under *Clause 4.6 Exceptions to Development Standards*. Clause 4.6 will replace SEPP No. 1 when Shoalhaven LEP 2009 commences. See *Fact Sheet 20: Exceptions to Development Standards* for more detail.

Proposed changes to Height of Building maps

As the result of community representations, Council resolved on 14 April 2011 that:

- Council proceed to the exhibition of the draft LEP2009 with the current approach to “height of buildings”;*
- As part of the exhibition state Councils intention to map and include a maximum building height of 8.5 metres in the proposed R2 Low Density Residential and RU5 Village zones in the plan as part of its finalisation;*
- Height in all other areas be managed through appropriate DCP controls, as either storeys or three dimensional building envelopes.*
- As part of the exhibition, detail the existing site specific building heights that are set in existing DCP’s and state Council’s intention to incorporate these site specific DCP height limits in the LEP 2009 “height of buildings” maps and include them in the plan as part of its finalisation.*

This means that Council is planning to change the *Height of Building map* after the exhibition. Please refer to the ‘Proposed Changes’ page on the draft Shoalhaven LEP 2009 website (www.slep2009.shoalhaven.nsw.gov.au) for a table and maps outlining the areas that are proposed to be mapped on the *Height of Buildings map* after the exhibition, or see table below.

Area	Proposed maximum height of buildings
R2 Low Density Residential zone	8.5 metres
RU5 Rural Village zone	8.5 metres
Foreshore residential lots <i>(This applies to first residential lot back from the waterfront of the sea, bays, rivers and lakes)</i>	7.5 metres <i>(currently 6 to 7.5m so a max height limit of 7.5m will be mapped)</i>
Kangaroo Valley Town Centre <i>(This applies to all land within the village area of Kangaroo Valley and environs and the adjacent</i>	5.5 to 8 metres

Area	Proposed maximum height of buildings
settlement of Barrengarry)	
Berry Town Centre <i>(This applies to the areas bounded by Alexandra, Albert, Prince Alfred and Princes Street and land zoned 3(f) to west of Alexandra Street)</i>	8.5 metres
Cambewarra <i>(This applies to lots immediately to the north of The Concourse and between The Terrace and Hockeys Lane).</i>	5 metres
Lot 6 DP 806082 Woolstencraft Street Shoalhaven Heads	8 metres
Culburra Beach – The Marina <i>(This applies to land along the Marina, Allerton Avenue and North Crescent)</i>	7.5 metres (currently 6m to 7.5m so a max height limit of 7.5m will be mapped)
Huskisson Business Development Zone <i>(This applies to land generally zoned 3(g) under Shoalhaven LEP 1985 - Duncan, Bowen, Fegen and Nowra Streets)</i>	As per DCP 99 amendment – yet to be adopted by Council.
St Georges Basin Village Centre, Island Point Road <i>(This applies to land bounded by Island Point Rd, Anson St and The Wool Rd)</i>	8 metres
Sussex Inlet Town Centre <i>(This applies to land generally zoned commercial and bounded by River Road, Nielson Road, Ellmoos Avenue, Gordon Street, The Inlet and commercial land fronting Jacobs Drive)</i>	10 metres
Ulladulla South Business Precinct <i>(This applies to land generally adjoining the Princes Highway between Kings Point Road and Parson Street)</i>	8 to 10 metres
Ulladulla South Harbour Precinct <i>(This applies to the Wason Street block – Wason Street, Burril Street, Did-Dell and South Street and New Street Block – Deering Street, Did-Dell Street and New Street).</i>	8 metres

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2009, please visit the draft Shoalhaven LEP website at www.slep2009.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2009@shoalhaven.nsw.gov.au.