

State Environmental Planning Policy No 71 – Coastal Protection

Cl.8	Matters for Consideration	Proposed
a	The aims of the Policy	The proposal does not oppose any of the aims or objectives of the Policy in terms of protection of the coastal zone and environment; and the maintenance of pedestrian access to foreshore areas.
b	Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	The proposal results in improved legal access to the foreshore through the transfer of Crown land to Council as a public road.
c	Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	Access to the foreshore currently exists through the site.
d	The suitability of development given its type, location and design and its relationship with the surrounding area.	The proposed residential care facility is consistent with surrounding land uses and replaces a previously approved aged care development, which would have a greater environmental impact than that currently proposed.
e	Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	The proposal would be unlikely to have any detrimental impact on the foreshore.
f	The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	The proposal would be unlikely to have any detrimental impact on the scenic qualities of the coastline.
g	Measures to conserve animals (within the meaning of the <u>Threatened Species Conservation Act 1995</u>) and plants (within the meaning of that Act), and their habitats.	The proposed development will impact on an EEC and potential habitat for threatened species. This matter, including mitigation measures are discussed in detail in the body of the report.
h	Measures to conserve fish (within the meaning of Part 7A of the <u>Fisheries Management Act 1994</u>) and marine vegetation (within the meaning of that Part), and their habitats.	The proposal has no impact on the conservation of fish and marine vegetation.
i	Existing wildlife corridors and the impact of development on these corridors.	The application proposes the establishment of an arboreal corridor within the site and the revegetation/rehabilitation of an area of EEC, which could otherwise be removed without compensation under a previous development consent.
j	The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	The site is located outside the area of coastal hazard and would not have any impact of coastal processes.
k	Measures to reduce the potential for conflict between land-based and water-based coastal activities.	The proposal has no impact on water-based coastal activities.
l	Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The subject site does not contain any aboriginal sites or relics, and there are no known sites within the immediate locality.
m	Likely impacts of development on the water quality of coastal waterbodies.	Quality and quantity of stormwater is to be controlled to reduce any impact on downstream water quality.

n	The conservation and preservation of items of heritage, archaeological or historic significance.	The proposal has no impact on items of heritage, archaeological or historic value.
o	Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	Not applicable.
p(i)	The cumulative impacts of the proposed development on the environment.	The proposal is not considered to have any adverse cumulative impacts on the environment. The clearing of the site has already been consented to without any requirement for revegetation or offsets. The proposed development incorporated various revegetation and rehabilitation measures to reduce the impact of clearing and would result in a more favourable environmental outcome than the development previously approved over the site.
p(ii)	Measures to ensure that water and energy usage by the proposed development is efficient.	To reduce the need for artificial lighting skylights are proposed and operable window/door systems are incorporated into each room to minimise the need for powered air-conditioning. An underground rainwater tank is also proposed.
CI.13	A provision of an environmental planning instrument that allows development within a zone to be consented to as if it were in a neighbouring zone, or a similar provision, has no effect.	The application does not propose to utilise such a clause.
CI.14	A consent authority must not consent to an if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	The proposal will not affect the right of public access to or along the foreshore.
CI.15	The consent authority must not consent to a development application in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.	The proposal shall be connected to the existing reticulated sewer system available to the site.
CI.16	The consent authority must not grant consent to a development application if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	The proposal incorporates a satisfactory stormwater system.