

APPENDIX H - State Environmental Planning Policy 71 – Coastal Protection – Compliance Assessment

The site is located within the Coastal Zone.

Discussion of Clause 8 matters for consideration is outlined below.

(a) the aims of this Policy set out in clause 2,

The proposal is considered to satisfy the aims of the policy. The most relevant aim is being 'To protect and preserve beach environments and beach amenity'. The proposal does result in some overshadowing impacts upon Newcastle Beach in the afternoon. The impact was assessed as apart of the original Concept Plan application and is considered acceptable.

(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 will not impact access.

(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,

The development maintains the through site link and is considered acceptable.

(d) the suitability of development given its type, location and design and its relationship with the surrounding area,

The proposal is generally consistent with the approved concept plan and is considered suitable for the location.

(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 does result in some overshadowing impacts upon Newcastle Beach in the afternoon. The impact was assessed as apart of the Concept Plan application and is considered acceptable.

(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,

The proposal would not detract from the scenic qualities of the coast.

(g) measures to conserve animals (within the meaning of the [Threatened Species Conservation Act 1995](#)) and plants (within the meaning of that Act), and their habitats,

The site is devoid of any vegetation and would unlikely support any threatened species, therefore considered acceptable.

(h) measures to conserve fish (within the meaning of Part 7A of the [Fisheries Management Act 1994](#)) and marine vegetation (within the meaning of that Part), and their habitats

Not applicable to the application.

(i) existing wildlife corridors and the impact of development on these corridors,

The site is devoid of any vegetation and is considered acceptable.

(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 proposal would be unlikely to be affected by any coastal processes or hazards.

(k) measures to reduce the potential for conflict between land-based and water-based coastal activities,

The development would not affect any water based coastal activities.

(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,

The submitted Statement of Heritage Impact has identified that the site would not likely support any Aboriginal archaeology and is considered acceptable.

(m) likely impacts of development on the water quality of coastal waterbodies,

The development would not adversely affect water quality.

(n) the conservation and preservation of items of heritage, archaeological or historic significance,

The submitted Statement of Heritage Impact has identified that the site would not unreasonably impact upon nearby heritage items and would unlikely have archaeological relics and is considered acceptable in this regard.

(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,

The development supports urban consolidation.

(p) only in cases in which a development application in relation to proposed development is determined:

(i) the cumulative impacts of the proposed development on the environment, and

The development is considered acceptable in relation to cumulative impact. The most significant is traffic impact but still considered within acceptable limits.

- (ii) measures to ensure that water and energy usage by the proposed development is efficient.*

The development includes water collection/reuse tanks and has supplied BASIX certificate and is considered acceptable.

The following clauses of the SEPP also apply:

Clause 14 Public access:

A consent authority must not consent to an application to carry out development on land to which this Policy applies 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 proposed development would not affect access to or along the foreshore.

Clause 15 Effluent disposal:

The consent authority must not consent to a development application to carry out development on land to which this Policy applies 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 will connect to the reticulated sewerage system and is considered acceptable.

Clause 16 Stormwater:

The consent authority must not grant consent to a development application to carry out development on land to which this Policy applies 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 development will discharge stormwater to Council's stormwater system and is considered acceptable.

Clause 92 of the Environmental Planning and Assessment Regulation 2000 requires the *Government Coastal Policy* (as defined in that clause) to be taken into consideration by a consent authority when determining development applications in the local government areas identified in that clause or on land to which the *Government Coastal Policy* applies. The proposed development is considered acceptable in relation to the Coastal Policy.