

DETERMINATION AND STATEMENT OF REASONS
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	18 February 2021
PANEL MEMBERS	Carl Scully (Chair), Greg Britton, Douglas Lord, Mary-Lou Jarvis, Toni Zeltzer
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated on 4 February 2021.

MATTER DETERMINED

PPSSEC-56 – Woollahra – DA 223/2020/1 - Nielsen Park, Vaucluse Road also known as 6 Steele Point Road Vaucluse – Coastal protection works (a Crown development application pursuant to Division 4.6 of the *Environmental Planning and Assessment Act 1979*) (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

- The Panel determined to approve the application for the reasons outlined in the council assessment report.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments.

Amend Condition C.6 to read as follows:

C.6 Geotechnical and Hydrogeological Design, Certification and Monitoring

A Geotechnical / Hydrogeological Monitoring Program is required to be submitted to the Certifier, together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a professional engineer, who is suitably qualified and experienced in geotechnical and hydrogeological engineering.

These details must be certified by the professional engineer with appropriate geotechnical and coastal engineering qualifications to:

- a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure.
- b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).
- c) Provide foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the

historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time.

d) Provide tanking of all below ground structures to prevent the entry of all ground water such that they are fully tanked and no on-going dewatering of the site is required.

e) Provide a Geotechnical and Hydrogeological Monitoring Program that:

- will detect any settlement associated with temporary and permanent works and structures,
- will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like),
- will detect vibration in accordance with AS 2187.2-1993 Appendix J including acceptable velocity of vibration (peak particle velocity),
- will detect groundwater changes calibrated against natural groundwater variations,
- details the location and type of monitoring systems to be utilised,
- details the pre-set acceptable limits for peak particle velocity and ground water fluctuations,
- details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and
- details a contingency plan.

The applicant's representative advised that the applicant supported the changes.






CONSIDERATIONS

- The Panel requests the applicant to consider what improvements it can make to disabled access to the sea, if the existing shark net support between the sea wall and the sea is to be removed.
- The Panel notes that the applicant will apply for a Section 60 certificate with Heritage NSW and will work with council staff and Heritage NSW vis a viz the most appropriate appearance and colour of the concrete formwork.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the written submission of support made during public exhibition.

The Panel considers that the submission raised by the community has been adequately addressed in the assessment report and that appropriate conditions have been imposed.

PANEL MEMBERS	
 Carl Scully (Chair)	 Greg Britton
 Douglas Lord	 Mary-Lou Jarvis
 Toni Zeltzer	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-56 – Woollahra – DA 223/2020/1
2	PROPOSED DEVELOPMENT	Coastal protection works involving the demolition of the existing seawall, the construction of a new seawall, alterations and additions to the existing promenade and associated site works, landscaping and stormwater management works at Shark Beach.
3	STREET ADDRESS	Nielsen Park, Vaucluse Road also known as 6 Steele Point Road Vaucluse
4	APPLICANT/OWNER	Department of Planning, Industry and Environment (National Parks and Wildlife Service NSW)
5	TYPE OF REGIONAL DEVELOPMENT	Certain Coastal Protection Works
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Coastal Management) 2018 Sydney Regional Environmental Plan (Sydney Harbour Catchment) Woollahra Local Environmental Plan 2014 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Woollahra Development Control Plan 2015 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 4 February 2021 Written submissions during public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Panel members visited the site independently, prior to 18 February 2021 Final briefing to discuss council's recommendation: 18 February 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Greg Britton, Douglas Lord, Mary-Lou Jarvis, Toni Zeltzer <u>Council assessment staff</u>: David Booth <u>Applicant representatives</u>: James Lawton
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report