

COUNCIL ASSESSMENT REPORT

Panel Reference	PAN-237824
DA Number	RA22/1003
LGA	Shoalhaven City Council
Proposed Development	Coastal protection works including modification of an existing rock revetment structure to ameliorate the end effect erosion
Street Address	McIntosh Street, Shoalhaven Heads
Applicant/Owner	Shoalhaven Council
Date of DA lodgement	18 July 2022
Total number of Submissions Number of Unique Objections	Two (2) submissions: received from neighbour and Crown Lands.
Recommendation	Approval
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021)	<p>8A Certain coastal protection works</p> <p>(1) The following development on land within the coastal zone that is directly adjacent to, or is under the waters of, the open ocean, the entrance to an estuary or the entrance to a coastal lake that is open to the ocean—</p> <p>(a) development for the purpose of coastal protection works carried out by a person other than a public authority, other than coastal protection works identified in the relevant certified coastal management program,</p> <p>(b) development for the purpose of coastal protection works carried out by or on behalf of a public authority (other than development that may be carried out without development consent under clause 19(2)(a) of State Environmental Planning Policy (Coastal Management) 2018).</p> <p>The site lies within the Shoalhaven River estuary and includes areas adjacent to the open ocean and entrance to the Shoalhaven River.</p>
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021; • State Environmental Planning Policy (Resilience and Hazards) 2021; • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • Shoalhaven Local Environmental Plan 2014;
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> -Acid Sulfate Soils Assessment -Asbestos Management Plan -Assessment of Coastal Management -Clearance Inspection Report -Coastal Management Advice -Crown Land Report -Flora and Fauna Assessment Report -River Road Shoalhaven Heads Revetment Modifications Works - Technical Plans Specification for Tender -Statement of Environmental Effects -Site Plans
Clause 4.6 requests	N/A
Summary of key submissions	<ul style="list-style-type: none"> • The potential for the proposed works to move the end effect to the east (also referred to in the WRL 2022 report) without undertaking mitigation activities. • The sourcing of sand from Seven Mile beach may increase the vulnerability of sand dunes and vegetation along the beach. • Concerns related to trees

Report prepared by	Jack Rixon
Report date	9 November 2022
Summary of s4.15 matters	
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not applicable
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Not applicable
Conditions	
Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

1. Executive Summary

The subject site is located at McIntosh Street, Shoalhaven Heads, fronting Shoalhaven River. It forms the north-western foreshore of the Shoalhaven River immediately landward of Shoalhaven Heads and traverses approximately 500 metres along the foreshore up to 20 metres wide to include the river foreshore, waterway and vegetated embankment. The land is legally identified as:

- Lot 7005 DP 1075719; and
- includes the Shoalhaven River waterway.

The site predominantly comprises sandy beach with some locations with pebble deposits over the sandflats. There are existing vegetation and stormwater pipes to the south.

The site is surrounded by residential developments and by Shoalhaven River.

The Statement of Environmental Effects (SEE) outlines the full scope of foreshore management activities to be undertaken by the applicant, however, the applicant has specified that development consent is sought only for the proposed rock revetment works which could not be undertaken as exempt or complying development in accordance with 2.16 of *State Environmental Planning Policy (Resilience and Hazards) 2021*.

The applicant has indicated that all other works specified in the SEE, including proposed sand/beach nourishment works do not form part of the DA. As such, DA assessment is limited only to the proposed rock revetment works.

A detailed description of rock revetment works for which development consent is sought is provided below:

- Temporarily remove rock armour (primary and secondary) and geotextile underlayer.
- Re-align and re-profiling the lower section of earth bank to the design slope of 1V:1.5H
- Replace geotextile, secondary armour, and a single layer of primary armour only, to a maximum crest height of 4 metres AHD (adjacent to private boat ramp) and reducing to level of natural ground at the eastern end
- Place excess/excavated soil onto current erosion scarp at eastern end of rock revetment, burying end of revetment within bank alignment if possible.

- Nourish the intertidal area of foreshore to elevate it to a consistent longshore level (at least 1.1 metres AHD) against revetment toe, per current levels of areas further to the west.

The land is zoned RE1 Public Recreation under the *Shoalhaven Local Environmental Plan 2014* (SLEP 2014).

As the works constitute coastal protection works to be carried out by or on behalf of a public authority in accordance with section 8A of Schedule 6 of SEPP (Planning Systems) 2021, the application is regional development. the proposal is required to be determined by the Regional Planning Panel in accordance with Section 4.7 of the EP&A Act.

The development application has been assessed against the following relevant environmental planning instruments:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Shoalhaven Local Environmental Plan 2014*
- *Shoalhaven Development Control Plan 2014*

The application has also been assessed against the following chapters of the Shoalhaven Development Control Plan 2014 (SDCP 2014):

Generic Chapters

- Chapter 2: General Environmental Considerations
- G1: Site Analysis, Site Design and Building Materials in Rural and Coastal Areas
- G2: Sustainable Stormwater Management and Erosions/Sediment Control
- G3: Landscaping Design Guidelines
- G4: Tree and Vegetation Management
- G5: Biodiversity Impact Assessment
- G6: Coastal Management Areas
- G7: Waste Minimisation and Management
- G9: Development on Flood Prone Land

The DA was first notified in accordance with the *Environmental Planning & Assessment Regulation 2000* (the EP&A Regs) and Council's Community Consultation Policy for Development Applications on 27/07/2022 – 10/08/2022. One submission was received during the notification period.

Following amended documentation being provided by the applicant, the application was renotified between 14/09/2022 – 14/10/2022. A submission from Crown Lands Office was received on 25/10/2022.

The site is considered suitable for the proposed development as it will manage the foreshore area and maintain the beach amenity, address potential public safety considerations and will help to mitigate future risks of environmental erosion impact on site.

Approval of the proposal is recommended, subject to conditions of consent.

This report recommends that the application is approved for the reasons outlined in this report.

2. Application Details

Applicant: SHOALHAVEN CITY COUNCIL

Owner: Crown Land

Capital Investment Value: \$297,000.00 (total cost estimate to complete all staged project components including sand nourishment, modifications to infrastructure and foreshore revegetation work.)

Disclosures: No disclosures with respect to *the Local Government and Planning Legislation Amendment (Political Donations) Act 2008* have been made by any persons.

3. Detailed Proposal

Development Application

The proposal relates to the modification of existing coastal protection works along the north-western foreshore of the Shoalhaven River as identified in Figure 1.

The subject DA was lodged on 18 July 2022. The Statement of Environmental Effects (SEE) outlines the full scope of foreshore management activities to include the following:

- Modification of the eastern end of the existing rock revetment structure to mitigate end effects;
- Sand nourishment works and reprofiling of erosion scarp extending from the eastern end of the existing rock revetment, up to and including the foreshore area adjacent to the shared user path and the River Road boat ramp infrastructure;
- The sourcing of marine sands from Seven Mile Beach utilising heavy plant machinery to stock pile and then transport material to the River Road foreshore area, and beach scraping or import of material;
- Stabilisation and ongoing monitoring and management utilising best practice revegetation techniques and other erosion and sediment controls.

It is noted however that the applicant has specified that development consent is sought only for the proposed rock revetment works which could not be undertaken as exempt or complying development in accordance with 2.16 of *State Environmental Planning Policy (Resilience and Hazards) 2021*. The applicant has indicated that all other works specified in the SEE, including proposed sand/beach nourishment works do not form part of the DA. As such, DA assessment is limited to the proposed rock revetment works.

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- Place excess/excavated soil onto current erosion scarp at eastern end of rock revetment, burying end of revetment within bank alignment if possible.
- Nourish the intertidal area of foreshore to elevate it to a consistent longshore level (at least 1.1 metres AHD) against revetment toe, per current levels of areas further to the west.

The extended sand nourishment works are to be undertaken along the adjacent foreshore areas, to occur completely concurrently with the rock revetment modification works so as to form an integrated

solution. Concept Plans for the beach nourishment has been provided for information as part of the application.

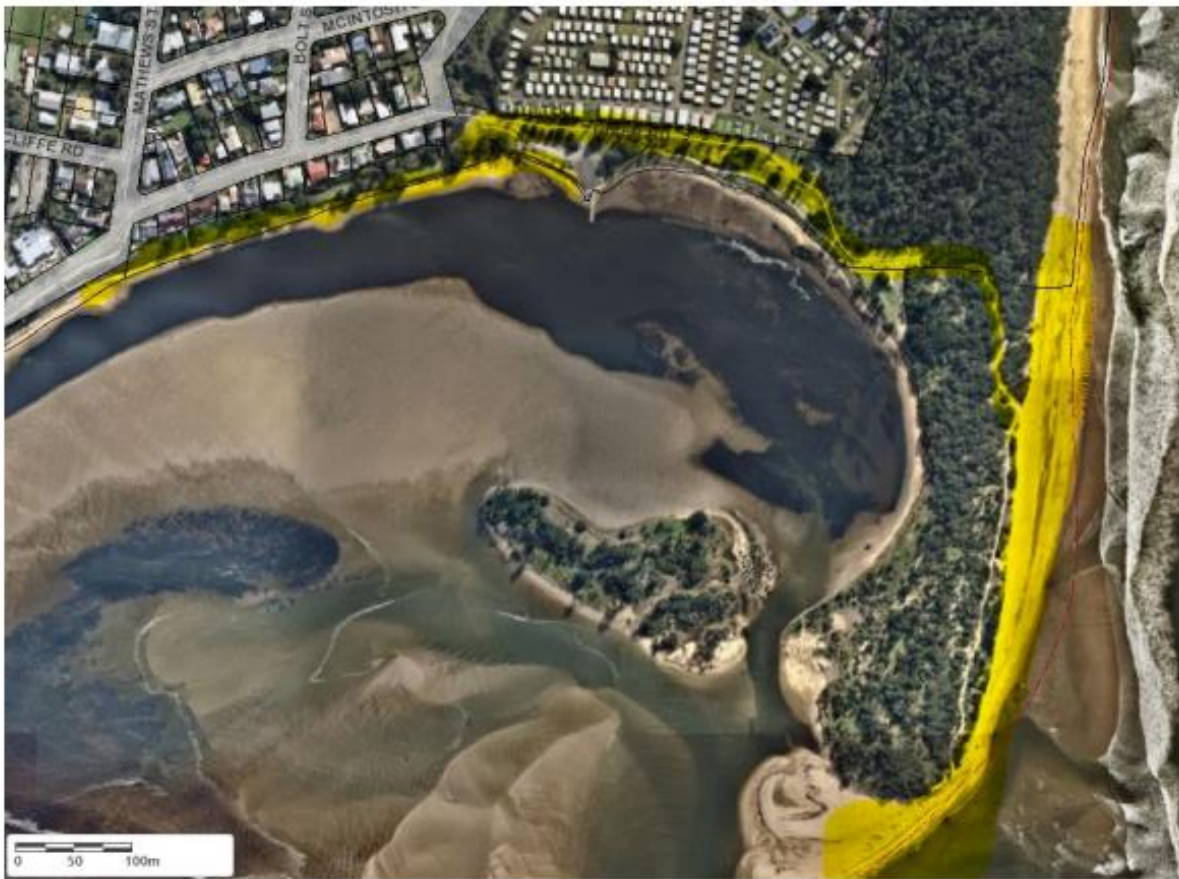


Figure 1. Site Plan provided by applicant

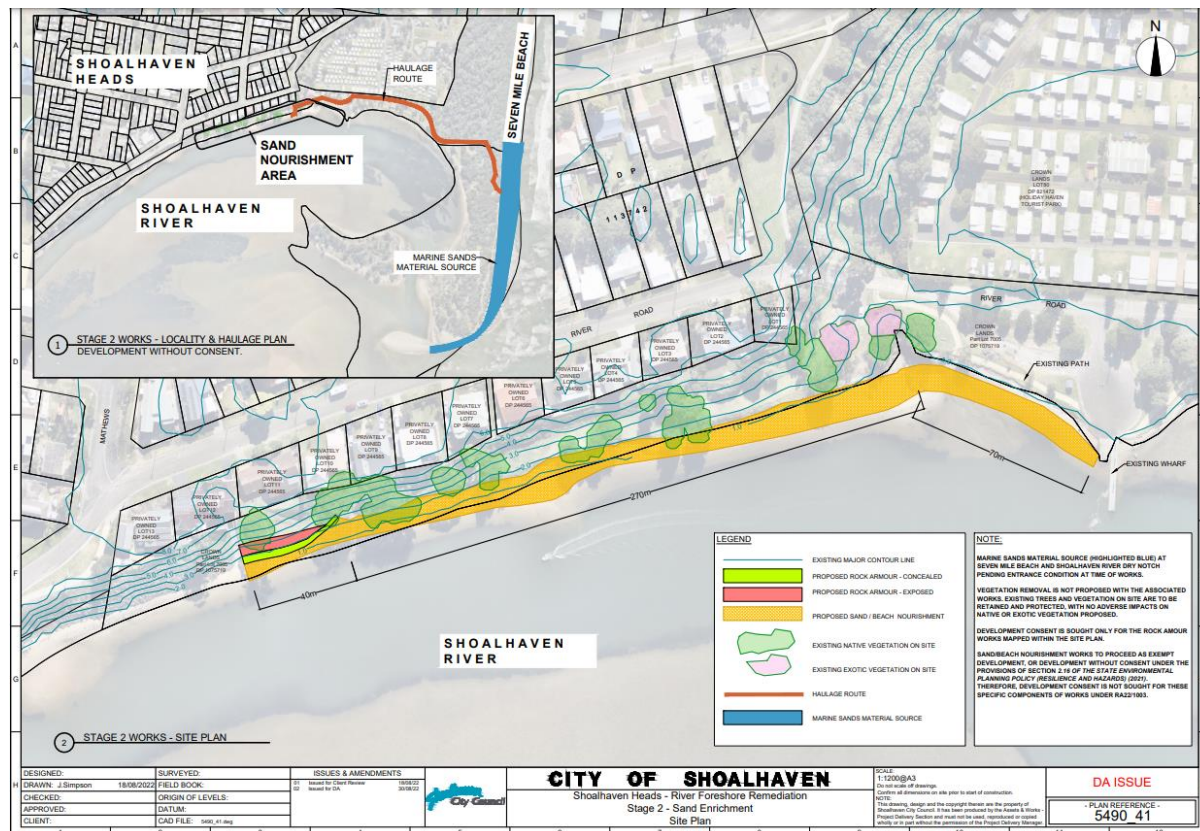


Figure 2. Extracted Site Layout Plan

Concept Design

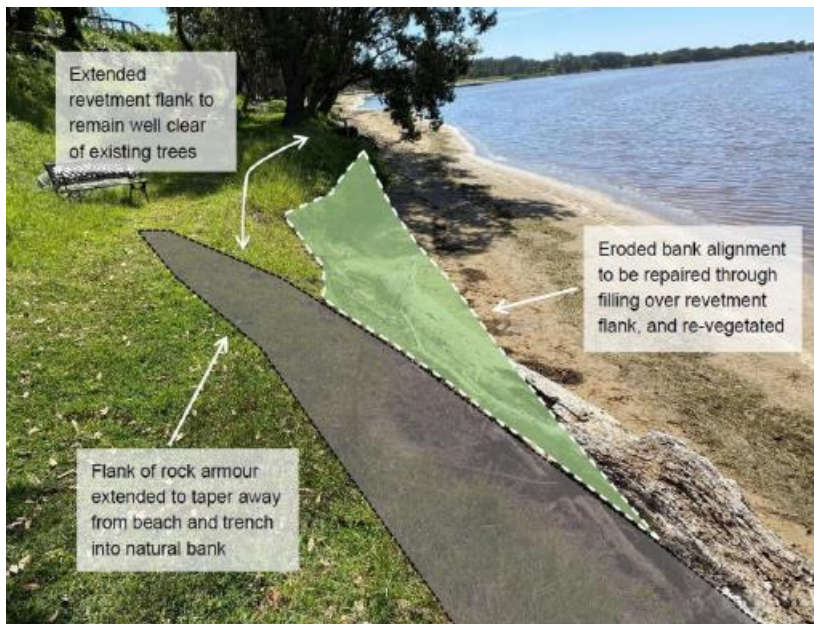


Figure 3. Concept design solution to ameliorate the end effect erosion



Figure 4. Concept design solution to ameliorate the end effect erosion

Proposed Plan

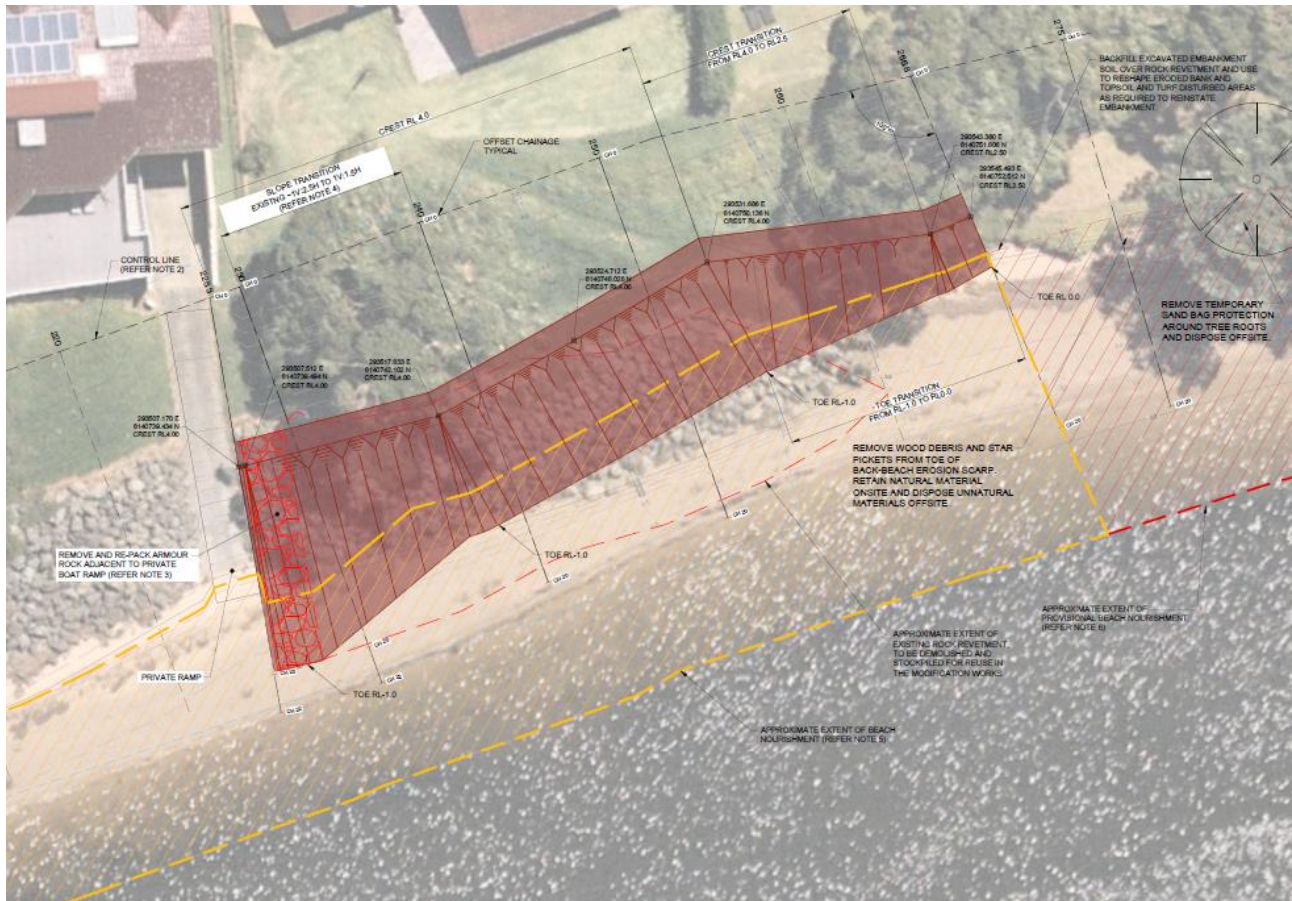


Figure 5. Proposed Eastern End Point (Dwg No. PA2559-RHD-00-DR-MW-1000)

Proposed Sections

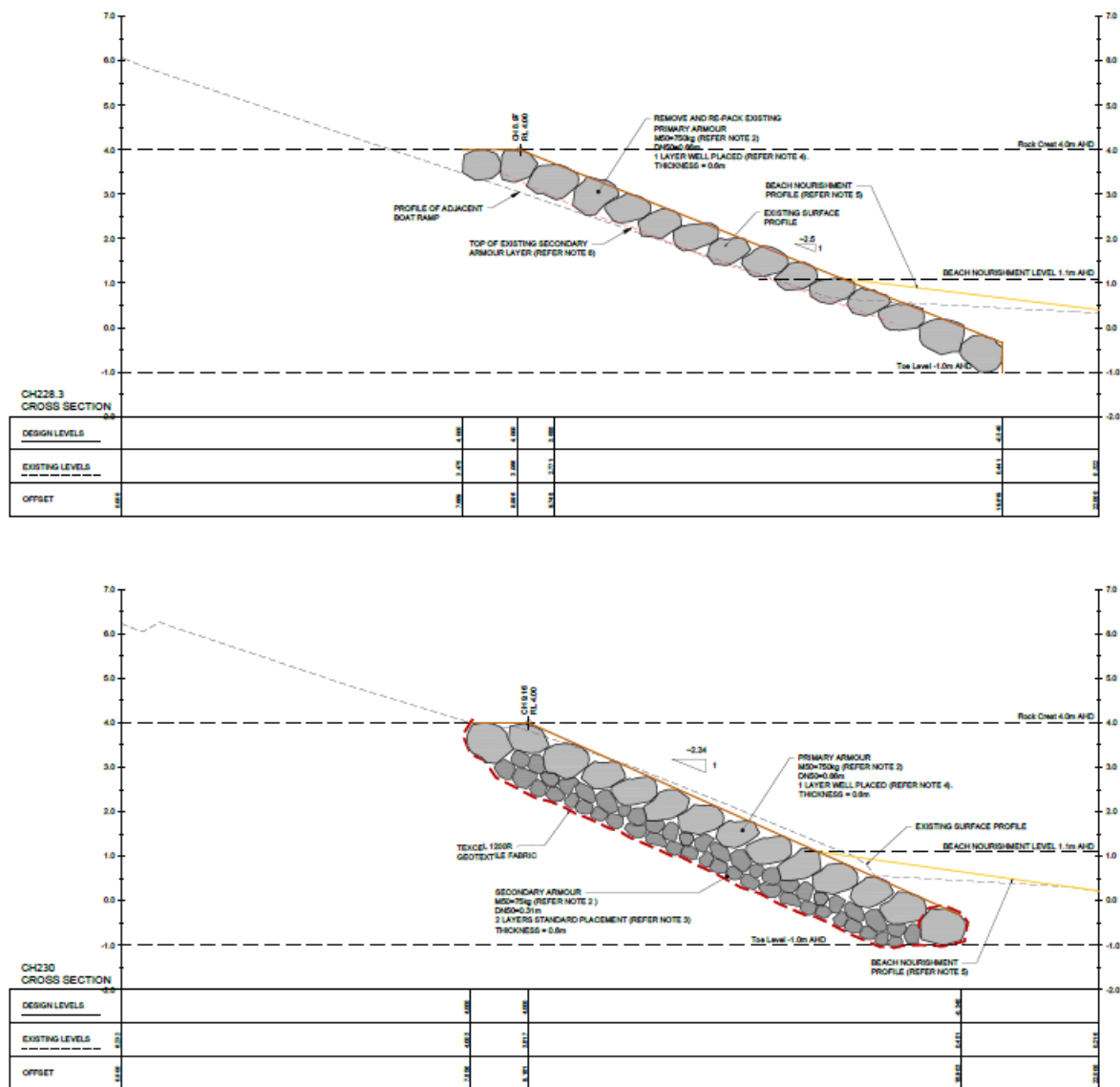


Figure 6. Eastern End Sections Sheet 1 (Dwg No. PA2559-RHD-00-DR-MW-1101)

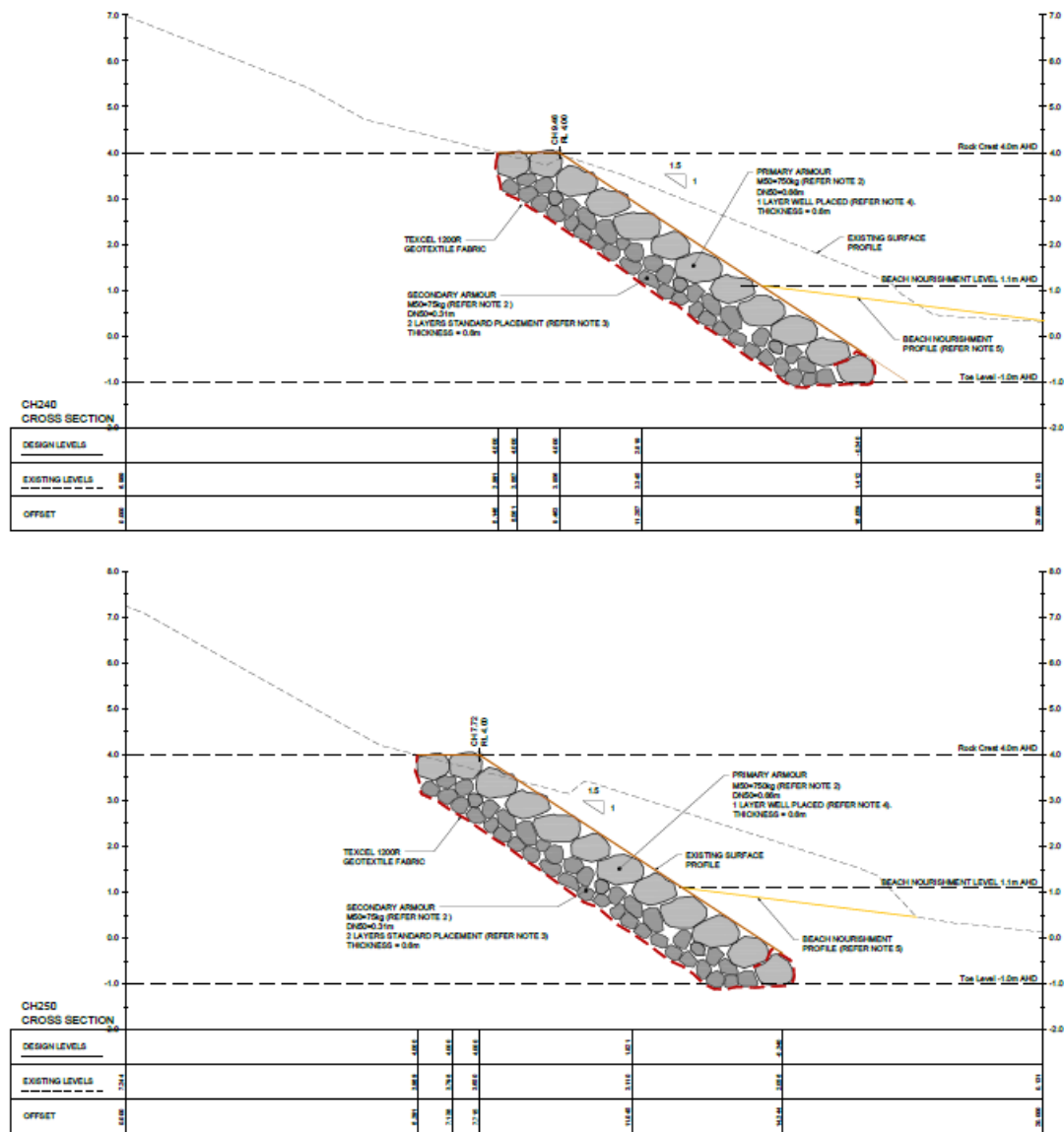


Figure 7. Eastern End Sections Sheet 2 (Dwg No. PA2559-RHD-00-DR-MW-M3-CIVIL_MODEL(B))

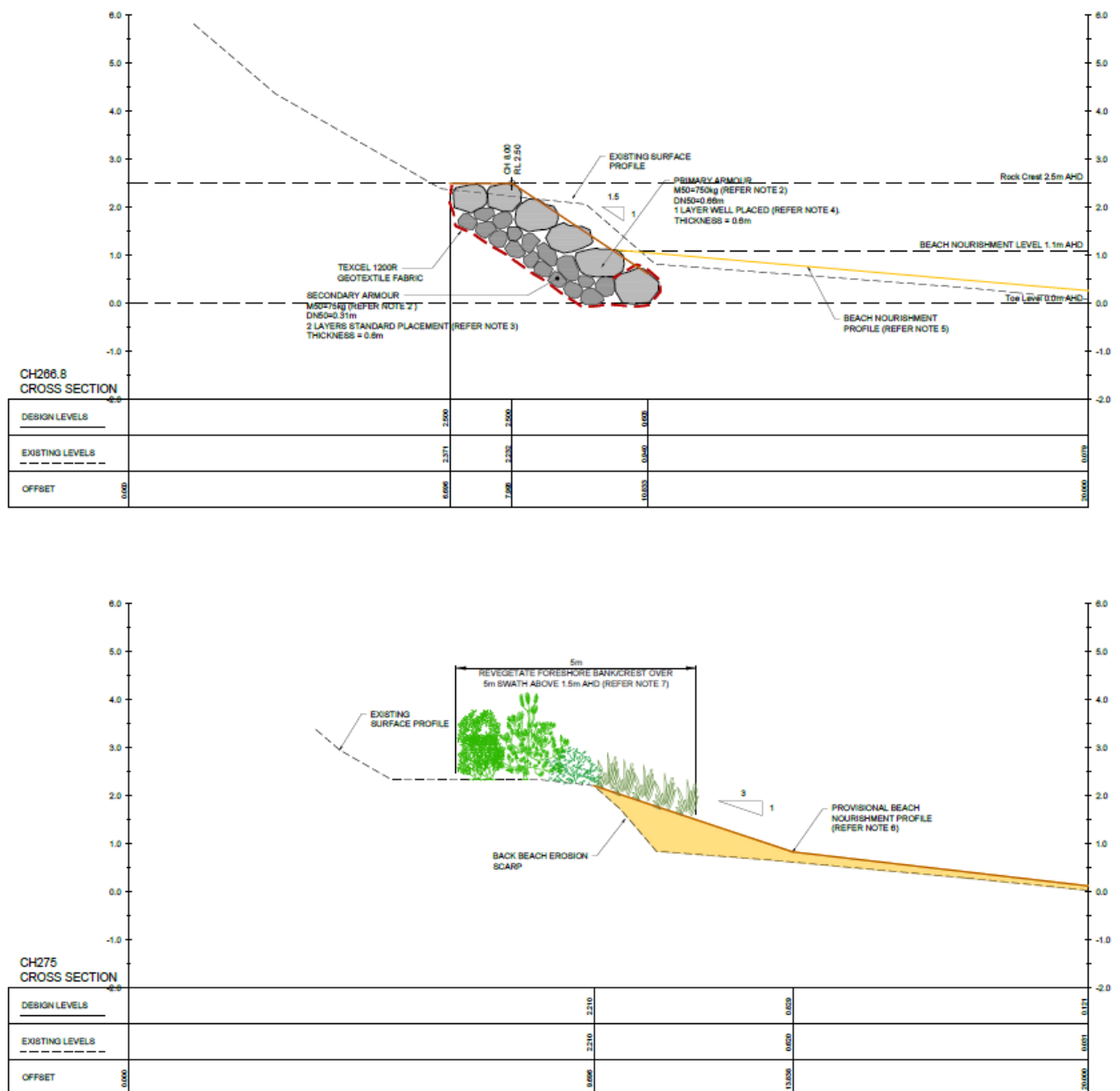


Figure 8. Eastern End Sections Sheet 3 (Dwg No. PA2559-RHD-00-DR-MW-1103)

4. Subject Site and Surrounds

Site Description



Figure 9. Subject Lot

Street address:	McIntosh Street, Shoalhaven Heads
Title details:	Lot 7005/DP1075719
Zoning:	The site is zoned RE1 Public Recreation and under the <i>Shoalhaven Local Environmental Plan 2014</i> (SLEP).
Site dimensions:	The subject land is approximately 18.03ha.
Topography	The sand beach slopes to the sandflats to the south.
Vegetation:	The site comprises vegetation to the north and east side. The works are proposed to enhanced the current vegetation.
Existing buildings:	There are no existing buildings on the site.

Surrounding Site

The site is located approximately 450m to the south of Shoalhaven Town Centre. It adjoins residential developments to the north and public recreation land to the east. It is located approximately 1.2km south-east of Bolong Road, which provide access to Princess Highway to the west.

The surrounding development comprises of the following:

- To the north: Residential developments
- To the east: Public Recreation, Berrys Bay
- To the south: Shoalhaven River
- To the west: Residential and Rural developments

The photographs below outline the typical typology of development in the surrounding area.



Figure 10. Dwelling house adjacent to the north west of the proposal (64 River Road)



Figure 11. Dwelling house adjacent to the north east of the proposal (70 River Road)



Figure 12. View towards the western side of the proposal.



Figure 13. View towards the eastern side of the proposal.

Previous Approvals

DA19/1910 was approved on the 31 March 2020 for Coastal Protection Works including Stormwater Outlet Improvement Works, Rock Revetment Works, Beach/Sand Nourishment and Replacement of Beach Access Stairs at Two (2) Locations.

5. Background Development Application

Date(s)	Action(s)
31/03/2020	Development Consent DA19/1910 for Coastal Protection Works including Stormwater Outlet Improvement Works, Rock Revetment Works, Beach/Sand Nourishment and Replacement of Beach Access Stairs at Two (2) Locations.

6. Consultation and Referrals

Internal Referrals

Internal referrals were provided in response to the development application as described below.

Agency	Comments
City Services	No Objection. Conditions to be imposed.
Natural Resources & Floodplain	No Objection. No conditions.

Internal referral comments are referred to as required in the s4.15 assessment throughout this report.

External Referrals

Agency	Comments
Endeavour Energy	No Objection. Conditions to be imposed.
DPI Fisheries	No Objection. Conditions to be imposed.

Regional Planning Panel

A briefing meeting with the Regional Planning Panel was held on Tuesday 11 October 2022 which raised a number of additional matters which were to be addressed by the applicant. The applicant provided a response to the issues identified which is provided below:

Regional Planning Panel Issue	Applicant comments
Set the context of the area in terms of its broad coastal processes (i.e., wind waves, tidal currents, swell/ocean waves);	<p><i>Coastal processes relevant to the site and proposed works are discussed in detail within the attachments supplied for RA22/1003 within the NSW planning portal.</i></p> <p><i><u>Attachment</u> – River Road Foreshore, Shoalhaven Heads: Assessment of Coastal Management Options WRL Technical Report, 2017.</i></p> <p><i>Section 3 – Coastal processes and hazards assessment, and Appendix B – Revetment Design Information and Environmental Conditions.</i></p> <p><i>Appendix B includes a broad context of design water levels and wave conditions when considering variable entrance conditions.</i></p> <p><i><u>Attachment</u> – Coastal Management Advice: 68 - 86 River Road, Shoalhaven Heads, WRL, (2022).</i></p>

	<p><i>Section 4 provides a desktop review of coastal erosion processes and risks. Section 4.3 – current estuary state and erosion processes, discusses that the events which are more likely to exacerbate erosion and scour adjacent to the revetment primarily include catchment floods with elevated estuary water levels, waves created by strong southwesterly winds, or coastal storms with positive tidal anomaly that generate high estuarine water levels, penetration of swell to the site, or a combination of all three.</i></p>
<p>Set the context of the proposed coastal management approach for this section of shoreline referring to the Coastal Management Program, whether this is in draft or not, and the intended vision for this area;</p>	<p><i>The context for the proposed management activity for this section of shoreline is outlined within Section 1.2 – Project Background, of the Statement of Environmental Effects (SOEE), which was provided as a required attachment to RA22/1003 within the NSW Planning Portal as part of the application.</i></p> <p><i>This section details that, following the completed works under DA19/1910 (the initial construction of the rock revetment structure), further erosion to areas east of the rock revetment has occurred since, with a small area of exacerbated erosion evident immediately adjacent to the eastern end of the revetment (“end effects”). Following a meeting with community representatives, Council sought recommendations to mitigate the impacts of this subsequent erosion in the formulation of an environmental assessment to determine an appropriate coastal engineering / geomorphology solution. Water Research Laboratory (WRL) were subsequently engaged to provide a design solution to this issue in relation to this erosion, which is detailed in planning portal Attachment – Coastal Management Advice: 68 – 86 River Road, Shoalhaven Heads (WRL, 2022). Royal HaskoningDHV (RHDHV) were subsequently engaged to provide a peer-review of WRL’s proposed amelioration solution.</i></p> <p><i>Of note, RHDHV (2022) requested further detail and justification surrounding the proposed adoption of a single layer of primary armour. RHDHV also raised some construction methodology concerns, notably surrounding the reuse of excess rock on site and the crest level of the rock revetment modification/extension. These peer review comments, among others, were well received by WRL, with their report and justification updated accordingly.</i></p> <p><i>The strategic management of the foreshore of this area including intended vision of the appropriate management strategies, priority actions and maintenance and monitoring actions are being investigated (to be determined) through the development of Council’s Lower Shoalhaven River Coastal Management Program (CMP) in progress, due to be submitted for certification in late 2023.</i></p>
<p>Document how the Council intends to manage the offsite impacts from the proposed structure (i.e. end effects and public access along the shoreline at the base of the new revetment section);</p>	<p><i><u>Attachment</u> – Coastal Management Advice: 68 - 86 River Road, Shoalhaven Heads, WRL, (2022), details how the proposed design solution was determined and engineered to mitigate risks of further erosion being caused by end effects. The associated nourishment solution which has been considered and designed in conjunction with the revetment modification works, will address existing impacts on public access by adjusting the revetment footprint to be further landward, hence providing a wider foreshore and better foreshore public amenity/thoroughfare access/egress. The proposed solution has gone through a rigorous assessment to rectify already occurring end effects with the existing structure, with significant consideration and priority</i></p>

	<p><i>given to minimising any possible risks of the creation of additional end effects.</i></p> <p><i>Hence, the proposed design solution; initial concept design by WRL (2022), and detailed design by RHDHV (2022), has determined a best practice coastal engineering design solution to reduce and minimise any possible end effects. As the proposed development has been designed to mitigate risk of existing end effects from a previously approved development as described above, it is to be considered not likely that the development will result in any increased risk of coastal hazards on the site or any other land, thus satisfying the provisions for development within the coastal zone as outlined by section 2.16 of the Resilience and Hazards State Environmental Planning Policy (2021).</i></p> <p><i>Council's Coastal Management Unit within Environmental Services (City Development Directorate) undertakes routine monitoring and survey of identified high priority sites, in terms of ongoing coastal management requirements, which comprises the River Road foreshore area. Any incidence of offsite impacts will be addressed on a case-by-case basis, as has been demonstrated in 2022 through the efficient engagement of specialist coastal environmental consultancy and coastal engineering advice. Council has an initial risk assessment from 2016, that was contemporised in 2022, and can be continually updated and reviewed when responding to significant coastal erosion events at the site to determine appropriate management strategies.</i></p> <p><i>Strategic management actions for the area including ongoing monitoring and maintenance of the site are also being assessed and determined through the Lower Shoalhaven River CMP. A detailed Stage 2 study of this CMP is assessing condition, solutions, prioritisation, and implementation schedule for bank management actions/options of the entire Shoalhaven River Estuary. This is inclusive of the River Rd foreshore site. Council is committed to ongoing monitoring and maintenance of the site, and any erosion mitigation response mechanisms that may be required before the Lower Shoalhaven River CMP is submitted for certification (expected late 2023).</i></p>
<p>Outline the beach nourishment proposal in terms of scope of work, timing, and funding and how this supports the proposal including whether the 40-metre strip immediately adjoining the new section of revetment wall is included as part of this DA; and</p>	<p><i>As per Section 1.3.2 of the SOEE (extended sand nourishment activities), all sand nourishment works as described, are planned to commence concurrently to the rock revetment modification development. As per the risk assessment and associated mitigation recommendations outlined by WRL (2022), extended sand nourishment works will be undertaken along the adjacent foreshore areas, to occur concurrently with the rock revetment modification works. Sand nourishment activities are to be implemented to mitigate potential public safety risks which exist along the foreshore through protection of at-risk mature vegetation, and the protection of Council infrastructure to reduce associated hazards. Sand nourishment design profiles for each section of the site is provided and a concept work plan is detailed in Section 1.3.2.1 of the SOEE.</i></p> <p><i>Section 4.2 of WRL (2022) also discusses the analysis of foreshore changes. This was done utilising satellite imagery, as well as detailed survey of foreshore profiles. Notably, Transects 5, 6, and 6A of Figure 4.14 show minimal changes in the foreshore profile from 2008 to 2021.</i></p> <p><i>In addition to the above, this is discussed in further detail in Section 5.2 Concept design of revetment modifications (WRL, 2022). Notably:</i></p>

	<p><i>“The revetment modification works should be completed in partnership with the beach nourishment, so as to form an integrated solution. Modification of the revetment without nourishing the beach will likely result in similar issues to those currently being experienced, whereby sand is scoured from the toe and end of the revetment, and there is little trafficable dry beach in front of the revetment at high tide.”</i></p> <p><i>The concept designs for beach nourishment has been provided in Section 5.3 Concept design of beach nourishment (WRL, 2022).</i></p> <p><i>The financial premise for undertaking these works at the same time is worthy of explanation. The demobilisation and re-mobilisation of a contractor to undertake these works at different times would be financially unviable for Council. Thus, the full adoption and justification of the triple bottom line are clear by undertaking the rock revetment end effect rectifications and the sand nourishment concurrently.</i></p> <p><i>In summary – the scope of work has been defined by WRL (2022), the timing has been discussed in both the SOEE and WRL (2022), and Council is committed to funding the nourishment scope of works in conjunction with the revetment modification scope of works, during the same project delivery phase.</i></p>
<p>Consider the need for any conditions of consent linking the proposed development with the beach nourishment works.</p>	<p><i>Beach nourishment conditions of consent have been determined under Section 2.16 of the Resilience and Hazards SEPP (2021), as detailed in Section 1.3.2 of the SOEE.</i></p> <p><i>Council has considered the requirement of additional agency approvals which would be required to enable the beach nourishment component of works to be implemented concurrently with the development. Associated agency approvals will be sought in consultation with DPE Crown Lands and NSW DPI – Fisheries prior to the implementation of these measures.</i></p>
<p>The Panel also questioned the thickness of the revetment wall and the efficacy of its thickness noting that the existing wall comprised two layers of rock whilst the proposal was for only one layer. The Panel seeks clarification as to what has changed in the original design conditions that previously required two primary armour layers and is now considered satisfactory with a single layer.</p>	<p><i>Attachment – Coastal Management Advice: 68 – 86 River Road, Shoalhaven Heads, WRL, (2022), details how the design solution was determined and designed including methods of construction and risk profile for the proposed single armour layer.</i></p> <p><i>Section 5.2 discusses in detail single layer armour placement:</i></p> <p><i>“While it is acknowledged that single layer rock armouring is typically not recommended in coastal engineering guidelines, in this case the median mass of the armour stone currently utilised in this area and which would be re-used, was specified as 750 kg, and therefore has a factor of safety of at least two. Noting also that the importance level of the structure in this specific 40 m stretch is relatively low (i.e. the structure is not providing immediate protection to high value assets), and the benefits of reducing the structure footprint as much as possible are great, on balance the reduction of the revetment to a single armour layer in this area is considered a reasonable solution.”</i></p> <p><i>“The single layer rock armouring suggested for the concept design has been specified as “well-placed”. The original publication used in this assessment to verify the hydraulic stability of the armour (Nurmohamed et al., 2007) used the terms “orderly placed” or “pitched” to describe the rock armour placement. For the purpose of this assessment we consider the terms “well-placed”, “orderly-placed” or “pitched” to be</i></p>

	<p><i>interchangeable. Nurmohamed et al. (2007) provides several qualitative descriptions with regards to placement technique as summarised below.</i></p> <p><i>“Orderly placed means that attention has been paid to a way of constructing the slope in a more stable manor than only by random dumping.”</i></p> <p><i>“...rocks were pitched one by one and put together in such a way that they form a single tightly packed, but porous layer.”</i></p> <p><i>“All rocks have contact with each other and “loose” rocks do hardly or not exist.”</i></p> <p><i>WRL’s expectation is that the single layer rock armour will be placed by an appropriately qualified and experienced contractor with a higher degree of care than a more traditional “random” bulk placement method, including:</i></p> <ul style="list-style-type: none"> <i>• The use of a hydraulic grab or bucket to place and manoeuvre individual stones in the armour layer</i> <i>• Aligning stones to maximise contact/interlocking between adjacent armour stones, and achieving three-point contact/support wherever possible</i> <i>• Repositioning of stones that are noted to be able to rock even after placement of adjacent stones</i> <i>• Ensuring a well-trimmed finish surface that is free of projecting stones.</i> <p><i>In summary, the WRL design solution, peer-reviewed by RHDHV, determined that a single layer of rock armour would be satisfactory in the proposed location due to the lower importance level of this particular section of the structure when compared with the more exposed section of the structure, notably to the west. The existing two layers of rock armour is conservative from a coastal engineering perspective, with a high factor of safety.</i></p> <p><i>The existing structure had a uniform design solution to save on design, supply, construction costs and efficiencies. WRL and RHDHV have determined that a single layer of rock armour, in the proposed section of rock revetment being modified, is a reasonable solution when considering coastal engineering design parameters – the factor of safety would still be adequate.</i></p> <p><i>Council has contacts with industry specialists with proven experience in the construction of such developments. Appointment of such specialist suppliers will enable the appropriate implementation of the construction methodologies required to meet the specified standards.</i></p>
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7. Statutory Considerations

This report assesses the proposed development/use against relevant Commonwealth, State, Regional and Local Environmental Planning Instruments and policies in accordance with Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The following planning instruments and controls apply to the proposed development:

(a) Biodiversity and Conservation Act 2016

The proposed development has been assessed under Part 7, Clause 7.2 *Development or activity “likely to significantly affect threatened species”*.

(1) *For the purposes of this Part, development or an activity is **likely to significantly affect threatened species** if—*

- (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
- (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- (c) it is carried out in a declared area of outstanding biodiversity value*

The proposed works do not require vegetation clearing and is therefore not deemed to be likely to significantly affect threatened species and a Species Impact Statement (SIS) or a Biodiversity Development Assessment Report (BDAR) is not required as part of the application.

(b) Fisheries Management Act 1994 (NSW)

The proposed development has been assessed under the *Fisheries Management Act 1994*, due to works involving upgrades to stormwater infrastructure, including the installation of three 4m wide rock channels that will protrude into the waterway frontage to dissipate stormwater entering the river.

A flora and fauna assessment River Road Foreshore Management – Coastal Protection Works has been provided as an attachment to the proposal for information, and relates specifically to the initial revetment construction works, which were completed under DA19/1910. The Flora and Fauna report provides an assessment under the *Fisheries Management Act 1994* and it has been concluded that only shallow sand-flat areas containing no marine vegetation will be impacted. The deeper channel and Eelgrass are located at 5 to 10m beyond the areas to be impacted. No marine vegetation or threatened marine fauna will be impacted by the proposal.

There are no threatened species likely to inhabit the Shoalhaven Heads estuary and therefore is unlikely to have an adverse effect on the life cycle of the species.

(c) Environment Protection & Biodiversity Conservation Act (EPBC) 1999

The proposed works do not require vegetation clearing. Furthermore, an EPBC Protected Matters Report was generated on 10 May 2019 to provide general guidance on matters of national significance and other matters protected by the EPBC Act in the area selected.

It concluded the following:

The proposal is unlikely to have an adverse effect on a vulnerable, endangered, critically endangered or migratory species or its habitat, nor on the extent or integrity of an endangered ecological community such that its local occurrence is likely to be placed at risk of extinction. Further assessment and referral to the Commonwealth is therefore not required.

The proposed works are not considered to impact protected matters under the EPBC Act 1999.

(d) Crown Land Management Act 2016 (NSW)

The proposed development will be located on Crown Land in addition to waterway land. The waterway land is managed by Crown Land and therefore, the applicant is required to obtain a licence under Section 2.20 of the *Crown Land Management Act 2016*.

Correspondence from Crown land was received 25 October 2022 which provides that:

Crown reserve 52855 (R52855) – Lot 7004 DP94785 & Lot 7005 DP1075719, gazetted 21 June 1918 for the purpose of 'public recreation', and later 'Coastal Protection Works' is managed by SCC.

SCC holds Li 630902 for Environmental Rehabilitation over the land involved in the DA, and this licence is in place for 5 years until December 2026. The rock revetment structure is considered as part of Li 630902.

As per the Crown Land correspondence with Shoalhaven Council, dated 20 June 2022, we note that under s.2.23 CLMA 2016, the applicant does not need Crown Land Landowners Consent to lodge the DA as it has been taken to have been given to lodgement of a DA:

- SCC is the holder of a Crown Land licence for Coastal Protection Works, on Lots 7004 and 7005 of DP 1075719 and adjoining area below MHWL, and
- The proposed development is consistent with the licence purpose.

The Crown Land correspondence (25 October 2022) also notes:

This licence (Li 630902) is subject to Schedule 3 - dry notch location and sand nourishment area. If sourcing of sand is outside this area as identified in this schedule, such as shown at Figure 13 of the SEE – Concept sand nourishment sources and access, then a new licence will be required.

The applicant has indicated that all sand/beach nourishment works do not form part of the DA. As such, DA assessment is limited to the proposed rock revetment works. The applicant is advised that works outside of the Schedule 3 - dry notch location and sand nourishment area, then a new licence would be required.

(e) Environmental Planning and Assessment Act 1979

Section 4.36 – State Significant Development

Pursuant to Section 4.36 of the Act, development that is declared to be SSD is referred to within the Planning Systems SEPP. The Minister for Planning is the consent authority for SSD. The proposal does not trigger the criteria for SSD.

Section 4.46 – Integrated Development

The subject development is considered integrated development as the proposal triggers the requirements for other separate approvals, including *Fisheries Management Act 1994* as it requires a permit to carry out dredging or reclamation work.

DPI Fisheries has reviewed the proposal in light of the proposed provisions and has no objections, subject to the proponent meeting the General Terms of Approval (GTA). The GTA's will form part of any consent conditions for this Development Application.

In summary, the DPI Fisheries state in their GTAs, dated 1 August 2022:

DPI Fisheries has reviewed the proposal in light of those provisions and has no objections, subject to the proponent meeting the General Terms of Approval (GTAs) that follow. As per s.4.47(3) of the Environmental Planning and Assessment Act 1979, any consent issued by Council must be consistent with these GTAs.

- 1. The proponent must apply for and obtain a Part 7 permit for dredging and reclamation under the FM Act from DPI Fisheries prior to any works on site. Permit application forms are available from the DPI Fisheries website at: <https://www.dpi.nsw.gov.au/fishing/habitat/help/permit>; and*
- 2. The works are to be conducted consistent with the Statement of Environmental Effects: River Road Foreshore Management – Coastal Protection Works (Version 1.6, June 2022, Shoalhaven City Council); and*
- 3. Environmental safeguards (silt curtains, sediment fences, booms etc.) are to be used during construction to ensure that there is no escape of turbid plumes into the aquatic environment. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms; and*
- 4. Excavation and renourishment works located below the Highest Astronomical Tide Mark are to be undertaken only whilst the area is exposed during mid-low tide; and*
- 5. No seagrass, mangroves, saltmarsh or other marine vegetation is to be harmed during these works, including during access to the site, installation and removal of any erosion and sediment controls, and stockpiling activities; and*
- 6. A 5m buffer area is to be established between the edge of the adjacent seagrass bed and excavation and sand nourishment activities along the foreshore near River Road. There is to be no placement of sand, excavation of material or vehicle movements within the 5m buffer zone.*

Section 7.11 - Shoalhaven Contribution Plan 2019

The proposed development is not considered to trigger contributions required by the Shoalhaven Contribution Plan 2019.

Local Government Act 1993

Activities identified under Section 68 of the *Local Government Act 1993* require prior approval from Council before the activity can be carried out, except in so far as this Act, the regulations or a local policy adopted under Part 3 allows the activity to be carried out without that approval.

The proposal does not intend to carry works that require a Section 68 approval.

8. Statement of Compliance/Assessment

The following provides an assessment of the submitted application against the matters for consideration under Section 4.15 of the EP&A Act.

(a) Any planning instrument, draft instrument, DCP and regulations that apply to the land

i) Environmental Planning Instruments

The following Environmental Planning Instruments apply to the assessment of the subject DA:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Shoalhaven Local Environmental Plan 2014*

State Environmental Planning Instruments Policies

State Environmental Planning Policy (Planning Systems) 2021

The proposal is categorised as a Regional Significant Development under Schedule 6, Part 8A of the SEPP.

Schedule 6 Regionally significant development

8A Certain coastal protection works

(1) The following development on land within the coastal zone that is directly adjacent to, or is under the waters of, the open ocean, the entrance to an estuary or the entrance to a coastal lake that is open to the ocean—

- a) development for the purpose of coastal protection works carried out by a person other than a public authority, other than coastal protection works identified in the relevant certified coastal management program,*
- b) development for the purpose of coastal protection works carried out by or on behalf of a public authority (other than development that may be carried out without development consent under clause 19(2)(a) of State Environmental Planning Policy (Coastal Management) 2018).*

As such the proposal is required to be determined by the Regional Planning Panel in accordance with Section 4.7 of the EP&A Act.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The development is proposed to retain all trees on site, unless the tree is identified as high risk and remediation works can't reduce the level of risk.

According to Clause 2.7 of this SEPP,

- (3) A permit or approval is not required under this Chapter for—*
 - (a) the removal of vegetation that the council is satisfied is a risk to human life or property, or*
 - (b) clearing for a traditional Aboriginal cultural activity, other than a commercial cultural activity.*
- (4) A permit is not required under this Chapter for the removal of vegetation that the council is satisfied—*
 - (a) is dying or dead, and*
 - (b) is not required as the habitat of native animals.*

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal management, Section 2.10

The site is mapped as being located within the 'Coastal Environment Area' within SEPP (Resilience and Hazards) 2021. As such, section 2.10 applies.

Section 2.10 – Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or*
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The purpose of the rock revetment modification works, in conjunction with the associated sand nourishment solution, is to stabilise and protect the foreshore and riparian area of the Shoalhaven River. The proposed works will not have a significant impact on threatened flora and fauna and that the vegetation and habitat on site would be protected and enhanced in the long-term as a result of the works.

It is noted that coastal environmental values would be protected and enhanced through nourishment, preservation of native vegetation and the amendment of end effects to improve natural sand replenishment and stabilisation processes. It is expected to reduce impacts on coastal habitat areas and ecosystems.

Water quality is not proposed to be adversely impacted and that future erosion along the embankment within the site will be reduced.

It is understood that no records of Aboriginal sites or places exist in the vicinity of the site. No records for non-indigenous heritage sites exist in the vicinity of the site. Site is not listed in the heritage schedules of the Shoalhaven Local Environment Plan 2014 or on State heritage lists.

The proposed works will not generate adverse impacts on the coastal environment area, subject to conditions of consent.

Chapter 2 Coastal management, Section 2.11

The site is mapped as being located within the ‘Coastal Use Area’ within SEPP (Resilience and Hazards) 2021. As such, section 2.11 applies.

Section 2.11 Development on land within the coastal use area

2.11 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—

(a) has considered whether the proposed development is likely to cause an adverse impact on the following—

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) Aboriginal cultural heritage, practices and places,*
- (v) cultural and built environment heritage, and*

(b) is satisfied that—

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

The eastern end plan shows that the proposed revetment footprint is to extend further towards Shoalhaven River, whilst the rest of the proposed revetment footprint is positioned further landward from the existing revetment wall. It is recognised that existing public access along the foreshore would be somewhat reduced by proposal, however, the overall benefit of the project in minimising coastal hazards will have a positive contribution to safe public access into the future. As such, the proposal is not identified as having an adverse impact on the safe public access along the foreshore.

The embankment and its vegetation are proposed to be more stable.

Existing views will be retained as no building works are proposed. Revegetation is required to be designed through species selection and positioning to maximise scenic appreciation of the locality.

It is understood that no records of Aboriginal sites or places exist in the vicinity of the site. No records for non-indigenous heritage sites exist in the vicinity of the site. The site is not listed in the heritage schedules of the *Shoalhaven Local Environment Plan 2014* or on State heritage lists.

The proposed works are considered to not generate impacts on the coastal use area, subject to conditions of consent.

Chapter 2 Coastal management, Section 2.12

The site is identified as being within the ‘Coastal Zone’ within SEPP (Resilience and Hazards) 2021. As such, section 2.12 applies.

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

It is noted that the proposed coastal engineering solution has been designed to minimise risk of the existing end effect from the previous approved development on site. Therefore, it is not likely that the development will result in any increased risk of coastal hazards on the site or any other land, thus satisfying the provisions for development within the coastal zone as outlined by section 2.16 of the *Resilience and Hazards State Environmental Planning Policy (2021)*.

For the coastal protection works to be effective, it is understood that the proposed revetment modification works are required to be completed in partnership with the beach nourishment and revegetation works as identified in *Coastal Management Advice: 68 – 86 River Road Shoalhaven Heads (WRL, 2022)*. Conditions of consent have been included for the proposed works to occur concurrently with the beach nourishment works.

Chapter 4 Remediation of land: Section 4.6 – Contamination and remediation to be considered in determining development application

The requirements of this SEPP apply to the subject site. Section 4.6(1) states:

- (1) A consent authority must not consent to the carrying out of any development on land unless—*
- (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

It is understood that a site investigation was completed on 24 May 2019 where non-friable asbestos cement fragments were identified on the ground surface along the foreshore. The source of the contamination could not be identified. A clearance inspection was carried out on 30 May 2019 following the asbestos removal. It was the opinion of the inspector that as far as reasonably practicable the asbestos removal works had been completed to a satisfactory industry standard.

Remediation of asbestos contamination has been undertaken as part of works completed under D19/196540. This is an Asbestos management Plan, dated June 2019, prepared by Opterra. The Plan required certain procedures to be undertaken during the asbestos removal works and air monitoring. The Plan required a clearance certificate (see above).

An Asbestos Management Plan has been prepared and submitted with the development application, in order to manage any further findings/unexpected finds of asbestos.

Accordingly, Council is satisfied that the development will not cause any increased risk of coastal hazards on the subject site or other land.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.18(1)(b)(iii) is applicable and the application referred to the *electricity supply authority for the area* (Endeavour Energy) on 20/07/2022 as required for comment. Comments were received and have been considered (as detailed under the 'Referrals' section of this report).

Shoalhaven LEP 2014

Land Zoning

The site is zoned RE1 – Public Recreation under the LEP as shown below.

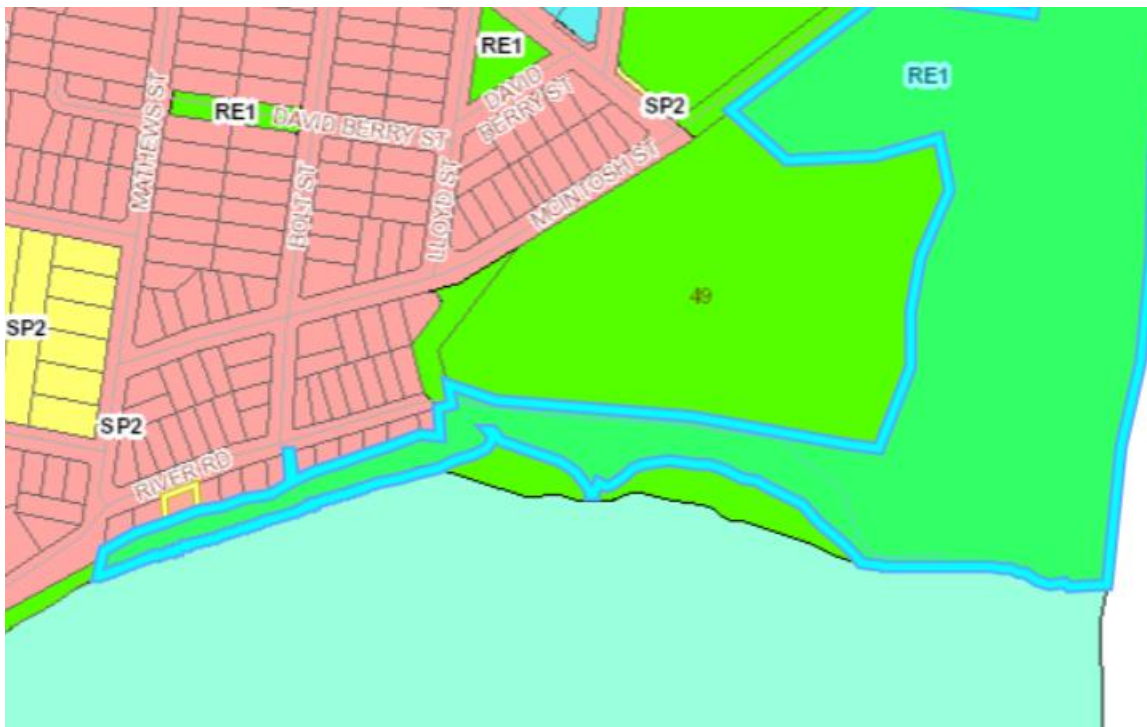


Figure 14. Shoalhaven LEP 2014 zoning map excerpt

Characterisation and Permissibility

The proposal is best characterised as *Coastal Protection Works* under the SLEP 2014. The proposal is prohibited in RE1 Public Recreation zone land, however, permissible with consent in accordance with clause 2.16(2)(b), *State Environmental Planning Policy (Resilience and Hazards) 2021*.

Clause 2.3 - Zone objectives

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the RE1 Public Recreation zone are outlined below.

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The proposed development will protect and enhance the natural environment for recreational purposes. The proposal is considered to be consistent with the land use objectives.

SLEP 2014 Clauses

Clause	Comments	Compliance
Part 2 Permitted or prohibited development		
2.6 Subdivision – Consent requirements	The application does not seek consent for the subdivision of the site.	N/A.

2.7 Demolition requires development consent	The proposal relates to the modification of an existing rock revetment wall. Development consent is sought for these works.	Yes
Part 4 Principal development standards		
4.3 Height of buildings	A maximum building height of 11 metres applies to the site. The application does not propose any building on site.	N/A
4.4 Floor space ratio	Not applicable.	N/A
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	The site is not identified as a local heritage item nor is it within a heritage conservation area. The site is not located at proximity of local heritage items or conservation area.	N/A
5.21 Flood planning	The site is within a flood planning area. The proposed works are for Coastal Protection Works and are intended to protect and enhance the resilience of these features to river, ocean and storm processes including flooding.	Yes
Part 7 Additional local provisions		
7.1 Acid sulfate soils	The site is identified as being Class 1, 3, 4 and 5. An Acid Sulfate Soils Assessment has been provided and provided the following conclusion: <i>Based on the findings of field observations compared against field indicators and mapped PASS/ASS soils it was determined that the soil to be excavated as part of the proposed works is likely to present a very low to negligible risk for potential acid sulfate soil.</i>	Complies
7.2 Earthworks	The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The impacts of the earthworks would be capable of being managed by conditions of consent in the event of an approval.	Capable of complying via condition.
7.4 Coastal risk planning	This clause applies to the land identified as “Coastal Risk Planning Area” on the Coastal Risk Planning Map. The site is not identified on the map and accordingly this clause does not apply.	N/A
7.5 Terrestrial biodiversity	This clause applies to land— (a) identified as “Biodiversity—habitat corridor” or “Biodiversity—significant vegetation” on the Terrestrial Biodiversity Map, and (b) situated within 40m of the bank (measured horizontally from the top of the bank) of a natural waterbody. The site is not identified on the map; however, it is located within 40m of a natural waterbody. The proposed works do not require vegetation clearing. Mitigations measures are to be implemented and form part of the conditions of consent.	Capable of complying via condition.
7.6 Riparian and Watercourses	(2) This clause applies to all of the following— (a) land identified as “Riparian Land” on the Riparian Lands and Watercourses Map ,	Capable of complying via condition.

	<p>(b) land identified as “Watercourse Category 1”, “Watercourse Category 2” or “Watercourse Category 3” on that map, (c) all land that is within 50 metres of the top of the bank of each watercourse on land identified as “Watercourse Category 1”, “Watercourse Category 2” or “Watercourse Category 3” on that map.</p> <p>The site is within Watercourse Category 1. It is proposed for the rock revetment to serve to stabilize the embankment and facilitate revegetation, regeneration and conservation of the riparian vegetation.</p> <p>The Flora and Fauna assessment report concluded that impacts on threatened species or endangered ecological communities are unlikely as a result of the proposed works.</p> <p>Mitigations measures are to be implemented and form part of the conditions of consent.</p>	
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ii) Draft Environmental Planning Instrument

Not applicable.

iii) Any Development Control Plan

Shoalhaven DCP 2014

The following chapters of Shoalhaven Development Control Plan 2014 apply to the subject development application assessment:

Generic Chapters

- Chapter 2: General Environmental Considerations
- G1: Site Analysis, Site Design and Building Materials
- G2: Sustainable Stormwater Management and Erosion/Sediment Control
- G3: Landscaping Design Guidelines
- G4: Tree and Vegetation Management
- G5: Biodiversity Impact Assessment
- G6: Coastal Management Areas
- G7: Waste Minimisation and Management
- G9: Development on Flood Prone Land
- G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines

This chapter is assessed in **Table 3** below.

Table 1. Chapter 2 SDCP 2014 Assessment

Chapter 2 General and Environmental Considerations		Achieved
2. Potentially Contaminated Land	The site is within a potentially contaminated land. An Asbestos Management Plan has been prepared to educate relevant Shoalhaven City Council staff, site workers and contractors about the presence asbestos contamination at the site and assist them with management of any future site works that may disturb any unidentified ACM that may result in a risk to human health.	Yes
European Heritage	The site is not a heritage item nor is it within a heritage conservation area. The nearest listed heritage items are about 450m away and there are no	Yes, subject to standard conditions

	<p>conservation areas in the vicinity. The proposed development will not have an adverse impact on those items.</p> <p>A precautionary condition would be recommended to apply during site works should European heritage be found, to ensure compliance.</p>	
Aboriginal Cultural Heritage	<p>A search of the OEH register of notified Aboriginal objects and declared Aboriginal places in NSW (AHIMS) revealed no Aboriginal sites are recorded in or near the site and no Aboriginal places have been declared in or near the location. The site is not identified as containing any Aboriginal cultural heritage, practices or places.</p> <p>A precautionary condition would be recommended to apply during site works should Aboriginal cultural heritage be found, to Yes, subject to standard conditions ensure compliance.</p>	Yes, subject to standard conditions

Table 2. Generic chapters assessment SDCP 2014

Generic Chapters	Achieved
G1: Site Analysis, Sustainable Design and Building Materials	
<p>The proposal is in respects of coastal protection works related to the protection and enhancement of the natural attributes of the site. The rock revetment modification works will serve to prevent further erosion.</p> <p>The proposed works will maintain and protect views and provide an improved foreshore area to surrounding residents.</p>	Yes
G2: Sustainable Stormwater Management and Erosion/Sediment Control	
<p>The provisions of this chapter have been considered and Council's Environmental Engineer review has raised no objections subject to conditions of consent.</p>	Yes, subject to conditions
G3: Landscaping Design Guidelines	
<p>No formal landscaping is proposed as part of this application.</p>	N/A
G4: Tree and Vegetation Management	
<p>The proposed works do not require vegetation clearing. Council's Tree Management officer reviewed the application and has raised no objections subject to conditions of consent.</p>	Yes
G5: Biodiversity Impact Assessment	
<p>A flora and fauna assessment River Road Foreshore Management – Coastal Protection Works has been provided as an attachment to the proposal for information, and relates specifically to the initial revetment construction works, which were completed under DA19/1910. The Flora and Fauna assessment concluded that that the proposed works were unlikely to have a significant adverse effect on any NSW or Commonwealth listed threatened species or endangered ecological communities.</p>	Yes
G6: Coastal Management Areas	
<p>Refer SEPP (Resilience and Hazards) 2021 above.</p>	Yes, subject to conditions
G7: Waste Minimisation and Management Controls	

<p>The SEE mentions the following:</p> <p><i>Waste minimisation will be addressed in the Construction Environmental Management Plan.</i></p> <p>As indicated by the applicant in the submitted Statement of Environmental Effects, plans for the clearing, excavation and construction works are to be provided prior to the commencement of any works and issue of a Construction Certificate.</p>	<p>Yes, subject to conditions.</p>
<p>G9: Development on Flood Prone Land</p>	
<p>The site is located within the 'Lower Shoalhaven River' Flood Prone land area. Council's Natural Resources & Floodplain officer has reviewed the application and raised no objections as the proposed works are not anticipated to result in any adverse flood impacts.</p> <p>The referral response (dated 1/8/22) states:</p> <p><i>The Shoalhaven River immediately adjacent to River Road (site location) comprises a high hazard floodway combined hazard-hydraulic category.</i></p> <p><i>The application is for the coastal protection works for foreshore management at River Road, Shoalhaven Heads. The proposed works include modification to the existing rock revetment structure, sand nourishment and reprofiling of erosion scrap. The proposed works are intended to stabilise the embankment and foreshore within the site and protect and enhance the resilience of these features to river, ocean and storm processes including flooding. The proposed works are not anticipated to result in any adverse flood impacts.</i></p>	<p>Yes</p>
<p>G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines</p>	
<p>An Acid Sulfate Soils Assessment has been prepared with the application. It concluded the following:</p> <p><i>The soil to be excavated as part of the proposed works is likely to present a very low to negligible risk for potential acid sulfate soil.</i></p>	<p>Yes</p>

iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

None applicable.

iv) Environmental Planning and Assessment Regulation 2021

Clause	Comment
cl. 23 Persons who may make development applications	The proponent for the DA at lodgement was Shoalhaven City Council, and the works are proposed to be undertaken on Crown Land.

v) REPEALED

(b) The Likely impacts of that development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality

Heads of Consideration	Comment
Natural Environment	The proposed design solution was determined and engineered to mitigate risks of further erosion being caused by end effects. Significant impacts on elements of the natural environment are to be managed by conditions of consent.
Built Environment	The proposal is unlikely to have impacts on the built environment of adjoining residential properties.
Social Impacts	The proposal will generate positive social impacts as it will improve the coastal management of the foreshore area amenity and will mitigate risk of future environmental erosion impacts on site.
Economic Impacts	The proposal will not reduce any future economic impacts that could occur as a result of the erosion on site.

(c) Suitability of the site for the development

The site is considered suitable for the proposed development for the following reasons:

- The proposal is compliant with objectives and requirements of SLEP 2014,
- Consistent with objectives and acceptable solutions outlined in SDCP 2014,
- The proposal is compatible with surrounding land uses and does not propose a change of use.
- The works will enable the protection of the foreshore area to maintain beach amenity, address potential public safety considerations, and mitigate risk of further environmental erosion impact on the site.

(d) Submissions made in accordance with the Act or the regulations

The DA was first notified in accordance with the *Environmental Planning & Assessment Regulation 2000* (the EP&A Regs) and Council's Community Consultation Policy for Development Applications on 27/07/2022 – 10/08/2022. One submission was received during the notification period which identified the following items:

- Lack of details regarding existing tree on the site to be retained and/or removed.
- To provide details of tree location and protection details
- Provide details that 2 mature tree (Banksia Trees) are not to be removed and are vitally important to the river bank.

The applicant has advised in their application that no vegetation removal is required for the development application. Protection zones for trees from machinery and vehicles is to be maintained in accordance with AS 4970- 2009 – Protection of Trees on Development Sites.

Following amended documentation being provided by the applicant, the application was renotified between 14/09/2022 – 14/10/2022. A submission from Crown Lands Office was received on 25/10/2022. The submission identified the following potential impacts:

- *The potential for the proposed works to move the end effect to the east (also referred to in the WRL 2022 report) without undertaking mitigation activities.*
- *The sourcing of sand from Seven Mile beach may increase the vulnerability of sand dunes and vegetation along the beach.*

Crown Lands advised that *If RA22/1003 is granted consent the following should be considered as part of the DA consent “The applicant must prepare a Coastal Protection Works Management Plan (CPWMP) for the area comprising the rock revetment structure and sand nourishment.”*

A condition of consent has been included as part of draft conditions.

(e) The Public Interest

The public interest has been taken into consideration, including assessment of the application against applicable planning controls, public notification to the proposed development, internal referrals, and consideration of relevant policies. The assessment identified that the development is in the public interest.

9. Delegations

Guidelines for use of Delegated Authority

The Guidelines for use of Delegated Authority have been reviewed and the assessing officer does not have the Delegated Authority to determine the Development Application.

Given the proposal is regionally significant development under Schedule 6 of SEPP (Planning Systems) 2021, the application must be determined by the Southern Regional Planning Panel.

10. Recommendation

This application has been assessed having regard for Section 4.15 (Matters for consideration) under the Environmental Planning and Assessment Act 1979. As such, it is recommended that Development Application No. RA22/1003 be approved subject to appropriate conditions of consent.

Recommendation for approval includes the following reasons (as per Section 4.15 of the Act):

1. The application is compliant with the respective environmental planning instruments applying to the site.
2. The proposed development complies with development standards of SLEP 2014.
3. The proposed development meets the zone objectives of the SLEP 2014 RE1 Public Recreation.
4. The proposed development is generally consistent with SDCP.
5. The proposed development is not expected to have any additional significant impact on the surrounding residential developments.
6. The site is suitable for the development as proposed.
7. The development is in the public interest.