

BRIEFING DETAILS

BRIEFING DATE / TIME	Wednesday, 7 August 2024, 11:30am – 12:30pm
LOCATION	MS Teams

BRIEFING MATTER(S)

PPSSTH-414 – EUROBODALLA – DA0095/24 – 217A Beach Road DENHAMS BEACH – Dual occupancy and relocation of sewer including coastal and environmental cliff works

PANEL MEMBERS

IN ATTENDANCE	Chris Wilson (Chair), Bruce Thom, Doug Lord, Amber Schutz
APOLOGIES	None
DECLARATIONS OF INTEREST	None

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Katrena Fuller, David Meagher
APPLICANT REPRESENTATIVES	Marah Gerious (Adhami Pender Architecture), Nabil Adhami (Adhami Pender Architecture), Paul Anderson (PM Anderson Consulting), Natalie Colbert (Canplay Pty Ltd)
DPIE	Amanda Moylan, Tracey Gillet

KEY ISSUES DISCUSSED

Council provided the Panel with a briefing which included details of the proposed development and the status of the assessment of the application. The following matters were discussed:

- Status and approval pathway for the construction of the retaining wall on the foreshore and batters (defined by applicant as emergency environmental protection works), noting no assessment of these works has been undertaken.
- Consideration of which works constitute coastal protection works under the SEPP (Planning Systems) 2021
- Nature of any unauthorised works (if any).
- Cliff instability.
- Requirement for any proposed bank and batter over existing works to withstand loadings from the dual occupancy build.
- Status of any enforcement proceedings or related BIC for the existing works.
- Clarification of vegetation clearing, and relationship to the emergency works carried out on site.
- Exclusion of the site from the Coastal Management Program, as the program does not include cliff stability.

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- Characterisation of the proposed dual occupancy, development suitability and scale.
- Provision of private open space.
- Proposed use of beach storage shed.
- Proposed departure from a development standard under cl4.6 (Height of buildings).
- Visual impact, overshadowing, setbacks.
- Exhibition status (noting the DA has been exhibited twice). 3 Objections received with issues raised regarding overshadowing, inadequacies in SEE, lack of supporting assessment for the proposed cl4.6 departure (HOB), impact on trees, view loss, environmental impact from construction on cliff, stability of cliff for supporting the proposed development, unauthorised vegetation removal, lack of replacement planting, visual impact of walls constructed on foreshore, unauthorised coastal protection works, insufficient information to demonstrate adequate engineering solutions, impact of cl4.6 departure (HOB), non compliance with DCP controls, setbacks, location of carports, onsite vehicle manoeuvring, character and scale of development, overshadowing, use of the storage shed, lack of a hydrological study and potential hydrological impacts on adjoining properties, and compliance with clause 27 of the CMA, stormwater management impacts.
- Status of further information requests and matters requiring further assessment.
- Referrals (Essential Energy, DPI (Marine Parks), Council development engineers, DPHI – CAA not required)

The applicant briefed the Panel and provided a background to the development which included discussion of the following matters:

- Background to the construction of the existing retaining wall and its reliance on emergency environmental protection works provisions via the exempt development pathway (without development consent). This included vegetation removal.
- The purpose of the emergency environmental protection works to secure the bank and batter and to protect the site.
- The applicant showed geotechnical designs/sketches relied on for the construction of the retaining walls (emergency environmental protection works).
- History of discussions with Council staff regarding assessment pathway for the emergency environmental protection works.
- Development background for adjacent sites.
- Proposed boat shed.
- Proposed relocation of sewer main within the site.

The Panel noted the development history and coastal context of the development undertaken to date on the site.

The Panel requested Council seek the following information:

- Clarification as to the extent of works on adjoining properties completed as emergency environmental protection works and how the proposal interrelates with these works.
- Further details to confirm the integrity of the sea wall given it is proposed to support the beach storage shed and ultimately the dual structure.
- A full site history including documentation and chronology to provide a clear geotechnical picture of what is under the site.
- To ensure the Panel can consider the structural adequacy of the retaining wall on which the proposed dual occupancy will rely, confirmation that the constructed retaining wall and associated works carried out as emergency environmental protection works are authorised.

The Panel raised concerns that the size and scale of the proposed structures for which approval is sought has ultimately dictated the size of the coastal protection works.

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The Panel is requesting the above information given the application relies on the structural integrity of the sea wall and the Panel needs to understand how the loads of the proposed dual occupancy are being supported.

Next Steps

Arrangements will be made for the Panel to inspect the site and will await a further assessment status update from Council at the appropriate time.