

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-414
DA Number	DA0095/24
LGA	Eurobodalla Shire Council
Proposed Development	Attached dual occupancy, relocation of sewer main including coastal and environmental cliff works, Beach Storage Shed and retaining walls
Street Address	Lot 2 DP 773132, 217A Beach Road, Denhams Beach
Applicant/Owner	Applicant: Adhami Pender Architecture Owner: Canplay Pty Ltd
Date of DA lodgement	25 November 2023
Total number of Submissions Number of Unique Objections	Exhibition #1 – 25/09/2023 to 12/10/2023 <ul style="list-style-type: none"> 3 submissions from neighbours Exhibition #2 – 21/06/2024 to 9/7/2024 <ul style="list-style-type: none"> 2 submissions from neighbours
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	<p>8A Certain coastal protection works</p> <p><i>(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—</i></p> <p><i>(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,</i></p> <p><i>(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).</i></p> <p>The site includes works at the beach including retaining walls and structures at the beach line for wave dissipation and scour protection.</p>
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity & Conservation) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021. State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Planning Systems) 2021 Eurobodalla Local Environmental Plan 2012 Eurobodalla Residential Zones development control plan <i>Coastal Management Act (2016)</i> <i>Marine Estate Management Act 2014</i> <i>Biodiversity Conservation Act 2016</i> Draft environmental planning instruments: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Eurobodalla Open Coast Coastal Management Program
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> Architectural Plans Civil Engineering Plans Survey plan Clause 4.6 Request Statement of Environmental Effects Low Rise Density Design Verification Statement Low Rise Density Assessment DCP Variation Requests BASIX and Nathers Geotechnical Report Preliminary Environmental Assessment (22/12/23) Preliminary Environmental Assessment (16/5/24) Structural Design Statement Arborist statement Construction Management Plan AHIMS Search Deposited Plan/s

Clause 4.6 requests	<ul style="list-style-type: none"> • Eurobodalla Local Environmental Plan 2012 • Clause 4.3 Height of Buildings • R2 Low Density Residential zone
Summary of key submissions	<p>Exhibition #1 – 25/09/2023 to 12/10/2023</p> <ul style="list-style-type: none"> • Overshadowing • SEE – does not discuss relevant planning criteria • Fails to provide a request to vary the development standard • Impact to trees • View loss • Environmental impact from constructing on the cliff • Stability of cliff for supporting the proposed development <p>Exhibition #2 – 21/06/2024 to 9/7/2024</p> <ul style="list-style-type: none"> • • Unauthorized native vegetation clearing, no replacement landscaping. • Visual impact of walls constructed on foreshore. Unauthorised construction of these structures. • Insufficient information to demonstrate the engineering of the existing and proposed works are suitable • Variation to height of buildings development standard • Non-compliance with DCP controls, setbacks • Carport in front of the building • Vehicles must enter and exit the site in a forward direction • The building does not conform to the character and scale of the locality • Overshadowing • Coastal protection works undertaken without approval • Storage shed out of character with locality. Habitable space characterized inappropriately. • Hydrological study is required to ensure that there is no impact on adjoining properties • Failure to comply with clause 27 of the Coastal Management Act 2016 • Stormwater management is inappropriate
Report prepared by	C. Watkins Senior Development Assessment Planner Eurobodalla Shire Council
Report date	21 January 2025

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

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

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?

Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Not applicable

Conditions

Have draft conditions been provided to the applicant for comment?

Comment: The issues identified are not considered capable of being resolved through conditions of consent.

No

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