

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-516
DA Number	REV0011/25 (review of DA0095-24)
LGA	Eurobodalla Shire Council
Proposed Development	Review of Determination of Application DA0095-24 (PPSSTH-414) for <i>an attached dual occupancy, relocation of sewer main including coastal and environmental cliff works, beach storage shed and retaining walls</i>
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	18 June 2025
Total number of Submissions Number of Unique Objections	Notification period – 23/6/25 – 16/7/25 5 x submissions received
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	8A Certain coastal protection works <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> <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> <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> The site includes use of as-built works at the beach including retaining walls and structures at the beach line for wave dissipation and scour protection.
List of all relevant s4.15(1)(a) matters	- 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	• Previous DA0095/24 plans and documents • Revised documents (s8.2 review) ○ Cover letter (15 June 25) ○ Survey plan ○ Architectural Plans ○ Civil Engineering Plans ○ Structural Design Statements ○ Letter – UNSW Water Research Lab (Wave forces) ○ Letter – UNSW Water Research Lab (advice regarding coastal engineering works) ○ Arborist report ○ Arborist memorandum ○ Flora and Fauna Assessment ○ Revegetation strategy (letter) ○ Photographs/photomontages ○ Table - embodied emissions materials form ○ Cost of Works
Clause 4.6 requests	• Nil
Summary of key submissions	Notification – 23/6/25 – 16/7/25 (issues raised including but not limited to): • Use of as built works • Lodgement of BICs • Whether development is substantially the same • Significant environmental impacts • Environmental impact from constructing on the cliff • Stability of cliff for supporting the proposed development • Unauthorized native vegetation clearing • Visual impact of walls constructed on foreshore. • Coastal engineering and engineering • Built form impacts • Not suitable character or context • Non-compliance with DCP controls, setbacks • Vehicle manoeuvring • Overshadowing • Impacts on coastal environment • Stormwater management
Report prepared by	D.Meagher Acting Manager Development Services Eurobodalla Shire Council
Report date	17 July 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?

No

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?

No

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