

## Memo

Department

**To:** Development Determination Panel (DDP)

**Cc:**

**From:** Natalie Nolan

**Date:** 23 April 2019

**Subject:** 189 Ocean Street, North Narrabeen

**Record Number** DA2018/1857

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The following is provided as an addendum to the original assessment report to correct a number of errors and provide additional information in relation to SEPP (Coastal Management) 2018.

### Errors:

Page 1 of the Assessment Report (pg 34 of Agenda) in 'Land to be Developed' should read Lot 7, Section 57 in DP 4888, 189 Ocean Street, Narrabeen'.

Condition 11 of the Assessment Report (pg 58 of Agenda) relates to OSD and is not applicable. Condition should be deleted.

### Comments relating to SEPP (Coastal Management) 2018:

#### **SEPP (Coastal Management) 2018**

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

#### ***10 Development on certain land within coastal wetlands and littoral rainforests area***

*(1) The following may be carried out on land identified as "coastal wetlands" or "littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*

- (a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
- (b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
- (c) the carrying out of any of the following:*

- (i) earthworks (including the depositing of material on land),
- (ii) constructing a levee,
- (iii) draining the land,
- (iv) environmental protection works,
- (d) any other development.

Comment: The site is not within land identified as “coastal wetlands” or “littoral rainforest” area.

### **11 Development on land in proximity to coastal wetlands or littoral rainforest**

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
  - (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
  - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment: The site is not within land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest”.

### **12 Development on land within the coastal vulnerability area**

*Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:*

- (a) *if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and*
- (b) *the proposed development: (i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and (ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and (iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*
- (c) *measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.*

Comment: The site is not within land identified as “coastal vulnerability area”

### **13 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*

Comment: The site is within land identified as “coastal environment area”. The proposal provides for the construction of new two storey dwelling with basement level on a vacant allotment. ‘Coastal Engineering Advice’ has been prepared by Horton Coastal Engineering and a ‘Geotechnical Investigation’ has been prepared by Asset Geo to support the proposed development.

The proposal will not have an adverse impact on the integrity/resilience of the biophysical, hydrological or ecological environment. There are no endangered flora/fauna identified on site and an ecological report was not required to be submitted. All collected stormwater is disposed of as per Council requirements.

The proposal will not have a detrimental impact on the water quality of the natural environment subject to the conditions of consent in relation to stormwater disposal.

The proposed development is contained wholly within the boundaries of the site and does not impact on marine/native vegetation or fauna or their habitats, nor have any impact on existing headlands or rock platforms.

The development does not obstruct any existing public access to the foreshore.

The site is not identified as being of Aboriginal cultural significance. Council’s Coastal Zone Management Plan (CZMP) notes *a search of the Office of Environment and Heritage “Aboriginal Heritage Information Management System” (AHIMS) was undertaken in January 2014. This did not indicate that there were any particular Aboriginal objects or Aboriginal Places at Collaroy-Narrabeen Beach or Fishermans Beach.* The proposed development does not utilise the surf zone.

- (2) *Development consent must not be granted to development on land to which this clause 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 subclause (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.*

Comment: The proposal is sited and designed so as not to cause adverse impacts referred to in subclause (1).

#### **14 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*

Comment: The proposal for a new dwelling on a vacant allotment has had regard to the provisions of subclause (a) as discussed below:

- The proposal does not affect public access to the foreshore or beach.
- Given the orientation of the allotment the proposal results in minimal shadowing to the foreshore in the late afternoon. Any two storey development of the site is likely to result in similar shadows.
- The proposal will not result in adverse wind funnelling.
- The site is currently vacant and public views from the street level across the site towards the foreshore/beach are currently obtained. However, any development of the site will obstruct such views. The proposal provides for appropriate side boundary setbacks (at least 1.0m) to maintain a view corridor.
- The proposal presents as a two storey dwelling as viewed from the foreshore and beach. The resultant dwelling sits comfortably within the surrounding development and is well articulated on the rear façade. The proposal provides for a rear setback that is consistent with the setbacks of the surrounding development. The proposal does not require the removal of any protected vegetation. As such the proposal will not have a detrimental impact on the visual amenity or scenic qualities of the coast.
- As discussed previously the site is not identified as being of Aboriginal cultural significance nor is the site in proximity of any heritage items.

With regard to (b), the proposed development has been designed and sited to avoid any potential adverse impacts referred to in Clause 14(1) as discussed immediately above.

In relation to (c) it is considered that the proposal provides for an appropriate bulk and scale having regard to the existing surrounding built environment. In this regard, the locality comprises of a mixture of large single detached dwellings generally consisting of two storeys, and multi-dwelling housing/residential flat buildings up to four storeys. The proposed dwelling has been designed to provide a setback to the rear boundary (fronting the foreshore) which is consistent with the established building line in this locality. The rear elevation is well articulated to minimise bulk and scale and provides

for a height that is comparable to the immediately adjoining development. For these reasons, it is considered that the proposal has been designed taking into account the surrounding coastal and built environment.

**Clause 15 Development in Coastal Zone Generally – Development Not to Increase Risks 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.*

Comment: A Coastal Hazard Assessment has been prepared by Horton Coastal Engineering which provides that the proposed dwelling development *is unlikely to have a significant impact on coastal hazards or increase the risk of coastal hazards in relation to any other land, as it would be founded on piles well above typical wave action and beach erosion/accretion cycles for an acceptably rare storm and acceptably long design life, or founded landward of the Coastal Zone Management Plan minimum setback for development on conventional foundations.* A Condition of consent has been recommended which requires compliance with the Coastal Hazard Assessment prepared by Horton Coastal Engineering.

As such, it is considered that the application complies with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.