

27th August 2019

Northern Beaches Council
PO Box 82
MANLY NSW 1655

Attention: Penny Wood

Dear Penny

**SEPP (COASTAL MANAGEMENT) 2018 ASSESSMENT
271 WHALE BEACH ROAD, WHALE BEACH
DA2019/0534**

I refer to the subject application and to Council's letter dated 5th May 2019. The following is the applicant's response to the matters raised within that letter.

State Environmental Planning Policy (Coastal Management) 2018

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.

The assessment against Division 3 and 4 of the SEPP below demonstrates compliance with the aims of this policy.



FIGURE 1 - COASTAL ZONING MAP

Division 3 – Coastal Environment Area

SEPP Requirement	Response
<p>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:</p> <ul style="list-style-type: none"> 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. 	<p>The accompanying Coastal Engineering Report includes an assessment against Clause 13 of the SEPP. An extract is reproduced below:</p> <p><i>This is not a coastal engineering matter, but it can be noted that with regard to (a), the proposed development would not be expected to adversely affect the biophysical, hydrological (surface and groundwater) and ecological environments, being in an existing developed area and only covering a relatively small footprint. Ascent Geotechnical Consulting (2019) also noted that proposed development was not interpreted to have a significant adverse effect on the standing water table or groundwater movements at the site.</i></p> <p><i>With regard to (b), the proposed development would not be expected to adversely affect coastal environmental values or natural coastal processes over an acceptably long design life, as it would be founded on bedrock and suspended above most wave action for an acceptably rare storm.</i></p> <p><i>With regard to (c), the proposed development would not be expected to adversely impact on water quality, with the residential land use. No sensitive coastal lakes are located in the vicinity of the proposed development.</i></p>

	<p><i>With regard to (d), the proposed development would not impact marine vegetation, native vegetation and fauna and their habitats (of significance, which are not known to exist at the property), undeveloped headlands and rock platforms, with none of these items in proximity to the development (being on an already developed headland). No significant impacts on marine fauna and flora would be expected as a result of the proposed development, as the development would not interact with subaqueous areas for an acceptably rare storm and acceptably long life.</i></p> <p><i>With regard to (e), it can be noted that the proposed development is entirely within the subject property boundary and will not alter existing public access arrangements south of the property.</i></p> <p><i>With regard to (f), a search of the Office of Environment and Heritage “Aboriginal Heritage Information Management System” (AHIMS) was undertaken on 19 August 2019. This resulted in no Aboriginal sites and no Aboriginal places being recorded or declared at the subject property.</i></p> <p><i>With regard to (g), the proposed development would not interact with the surf zone for an acceptably rare storm occurring over an acceptably long life, so would not impact on use of the surf zone.</i></p>
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<p>2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or</p> <p>b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>The proposed development runs consistent with the topography of the land is designed to avoid impact on access, overshadowing, visual amenity and heritage.</p>
<p>3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</p>	<p>The SREP (Sydney Harbour Catchment) 2005 does not apply to the subject site.</p>

Division 4 – Coastal Use Area

An assessment of the proposal against Clause 14 is provided in the table below.

SEPP Requirement	Response
<p>4) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</p> <p>a) has considered whether the proposed development is likely to cause an adverse impact on the following:</p> <p>i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p>	<p>The proposal will provide private access to Whale Beach. The proposed works will not impact any public access to Whale Beach.</p> <p>The inclinators will run down the embankment of the subject site and will not result in overshadowing of the foreshore area or the loss of views from the public domain. The swimming pool will not overshadow the foreshore area.</p>

<ul style="list-style-type: none"> 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 	<p>Properties along Whale Beach Road have swimming pools and inclinators to access Whale Beach. The proposal is compatible with the surrounding built environment and is not considered to reduce the visual amenity of the coast.</p> <p>The subject site is not mapped within a Heritage Conservation Area or heritage item.</p>
<ul style="list-style-type: none"> b) is satisfied that: <ul style="list-style-type: none"> 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 	<p>The proposed development runs consistent with the topography of the land is designed to avoid impact on access, overshadowing, visual amenity and heritage.</p>
<ul style="list-style-type: none"> c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development. 	<p>There are several properties located within close proximity to the subject site which support a number swimming pool and inclinators structures including the property at 267 Whale Beach Road.</p> <p>The proposal is considered to be consistent with the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p>

5) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.	The SREP (Sydney Harbour Catchment) 2005 does not apply to the subject site.
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Division 5 – General

Clause 15

The proposal is accompanied by a Coastal Engineering Report which considers the development to be low risk. It is considered that the design of the ancillary structures will not result in an increased risk of coastal hazards to the subject site, surrounding properties or foreshore area.

Clause 17

The proposed swimming pool and inclinor is permissible with the consent of the Council under the Pittwater Local Environmental Plan 2014.

Clause 18

The subject site is located within more than one coastal management area as shown in Figure 1. An assessment of the development controls that apply to the ‘coastal environment area’ and ‘coastal use area’ is provided above. The proposed development is contained within the ‘coastal use area’ and is considered to be consistent with both coastal zones.

Summary

The proposal achieves the aims of the SEPP (Coastal Management) 2018 and is considered to comply with the ‘coastal environment’ and ‘coastal use area’ development controls.

We accordingly look forward to Council’s continued and favourable consideration of the application.

It is requested that should you have any on-going concerns that you do not hesitate to contact me to discuss.

Yours Sincerely

Andrew Minto
DIRECTOR