

## Natural Environment Referral Response - Coastal

<b>Application Number:</b>	DA2018/1993
<b>Responsible Officer</b>	Nick England
<b>Land to be developed (Address):</b>	<p>Lot 9 DP 629464 , 104 Cabarita Road AVALON BEACH NSW 2107</p> <p>Lot 8 DP 629464 , 102 Cabarita Road AVALON BEACH NSW 2107</p> <p>Lot 15 DP 858130 , 100 Cabarita Road AVALON BEACH NSW 2107</p> <p>Lot 14 DP 858130 , 96 Cabarita Road AVALON BEACH NSW 2107</p>

### Reasons for referral

This application seeks consent for land located within the Coastal Zone.

And as such, Council's Natural Environment Unit officers are required to consider the likely impacts on drainage regimes.

### Officer comments

#### Estuarine Risk Management

The coastal engineer engaged by the applicant has independently derived an Estuarine Planning Level (EPL) of RL 3.2m AHD for the site at a distance 10.0m landward of the existing seawall. With a minimum lower ground floor level of RL 5.2m AHD (i.e. above the EPL) the coastal engineer considers the proposed dwelling to be at an acceptably low risk of damage from estuarine inundation and wave action for a design life of 100 years as long as the recommendations listed in Section 7 of the Estuarine Risk Management Report are adopted as relevant. The development proposal for Lot 6 is therefore able to satisfy the relevant requirements of the Estuarine Risk Management Policy and associated B3.7 Estuarine Hazard controls subject to conditions.

#### State Environmental Planning Policy (Coastal Management) 2018 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 subject land has not been included on the Coastal Vulnerability Area Map under *State Environmental Planning Policy (Coastal Management) 2018* (CM SEPP) and in regard to clause 15 of the CM SEPP the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land.

As such, it is considered that the application complies with the requirements of *State Environmental Planning Policy (Coastal Management) 2018* as they relate to development on land identified as a coastal vulnerability area or land that may be affected by coastal hazards.

**Referral Body Recommendation**

Recommended for approval, subject to conditions

**Refusal comments**

**Recommended Natural Environment Conditions:**

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

**Estuarine Hazard Design Requirements**

The following applies to all development:

All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes; they will not reduce access to or diminish the amenity of adjoining public foreshore land.

Reason: To minimise potential risk associated with estuarine hazards for development in the coastal zone.

**Estuarine Planning Level Requirements**

An Estuarine Planning Level (EPL) of RL 3.2m AHD has been independently derived for the subject site as outlined in the approved Estuarine Risk Management Report, prepared by Horton Coastal Engineering Pty Ltd dated 10 December 2018, and shall be applied to all development proposed below this level as follows:

- All structural elements below RL 3.2m AHD shall be of flood compatible materials;
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be located either above RL 3.2m AHD or waterproofed to this level; and
- The storage of toxic or potentially polluting goods, chemicals or materials, which may be hazardous or pollute the waterway, is not permitted below RL 3.2m AHD.

Reason: To ensure aspects of the development that may be affected by estuarine processes are built at

the appropriate level.

**Compliance with Estuarine Risk Management Report**

The development is to comply with all relevant recommendations of the approved Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty Ltd, dated 10 December 2018 and these recommendations are to be incorporated into construction plans and engineering specifications as necessary.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To minimise potential risk associated with estuarine hazards for development in the coastal zone.