

## Natural Environment Referral Response - Coastal

Application Number:	DA2020/0242
Date:	28/05/2020
Responsible Officer	Gareth David
Land to be developed (Address):	Lot 2 DP 535511 , 140 A Crescent Road NEWPORT NSW 2106

### 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

The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.

#### Coastal Management Act 2016

The subject site has been identified as being within the coastal zone and therefore *Coastal Management Act 2016* is applicable to the proposed development.

The proposed development is in line with the objects, as set out under Clause 3 of the *Coastal Management Act 2016*.

#### State Environmental Planning Policy (Coastal Management) 2018

As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development.

The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 13, 14 and 15 of the CM SEPP apply for this DA.

#### Comment:

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Mark Hurcum Design Practice Architects dated February 2020, the DA satisfies requirements under clauses 13, 14 and 15 of the CM SEPP.

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

## **Pittwater LEP 2014 and Pittwater 21 DCP**

The subject property has also been identified as affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. As such, the Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7 Estuarine Hazard Controls will apply to any proposed development of the site.

### **Estuarine Risk Management**

In accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuarine planning level (EPL) of RL 2.50m AHD would apply at the subject site. A reduction factor (RF) based upon the distance from the foreshore of proposed development may also apply at a rate of 0.03m reduction to the EPL for every 5.00m distance from the foreshore edge up to a maximum distance of 40.00m.

On internal assessment, the proposed additions and alterations is above the applicable EPL for the site.

The proposed development is therefore able to satisfy the relevant estuarine risk management requirements of P21 DCP.

### **Development on Foreshore Area**

However, a section of the subject property is within the foreshore building line. Part 7, Clause 7.8 – Limited development on foreshore area of the Pittwater LEP 2014 applies for any development within the foreshore area.

The DA proposes an extension of the first floor balcony with footprint wholly within the foreshore area. The proposed works are not consistent with Clause 7.8(2)(b).

However, as justified in the submitted Clause 4.6 variation report prepared by Mark Hurcum Design Practice Architects dated May 2020 and Council accepts the justifications, the DA now satisfies the objectives and requirements of Part 7, Clause 7.8 of the Pittwater LEP 2014.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

**Recommended Natural Environment Conditions:**

Nil.