

## Natural Environment Referral Response - Coastal

<b>Application Number:</b>	Mod2023/0506
<b>Proposed Development:</b>	Modification of Development Consent DA2022/1527 granted for alterations and additions to a dwelling house
<b>Date:</b>	05/10/2023
<b>Responsible Officer</b>	Stephanie Gelder
<b>Land to be developed (Address):</b>	Lot 1 DP 1132852 , 18 - 20 Sturdee Lane LOVETT BAY NSW 2105

### 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 modification application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Resilience & Hazards) 2021 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.

As the proposed modifications are on existing dwelling which is located on the crown land and below MHWM, the application has been assessed in consideration approval/support of:

- Consent to lodge DA from the NSW Department of Planning and Environment – Crown Lands and Public Spaces dated 13 September 2023
- No navigational Concerns from the Transport for NSW- Maritime Division dated 7 August 2023 enclosing dated and signed maps
- No Objection from the DPI-Fisheries under the Department of Primary Industries dated 29 August 2023

### 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 modifications are in line with the objects, as set out under Clause 3 of the *Coastal Management Act 2016*.

### State Environmental Planning Policy (Resilience & Hazards) 2021

The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience & Hazards) 2021 (SEPP R & H). Hence, Clauses 2.10, 2.11 and 2.12 of the CM (R & H) apply for this DA.

Comment:

On internal assessment, the modifications satisfy requirements under clauses 2.10, 2.11 and 2.12 of the SEPP R&H. As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021.

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

### **Estuarine Hazard Management**

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-B3.10 Estuarine Hazard Controls will apply to any proposed development of the site.

On internal assessment, the ground floor level for the proposed modifications are above the applicable EPL of 2.60m AHD for the site. The proposed development is therefore not required to satisfy the relevant estuarine risk management requirements of P21 DCP.

### **Development on Foreshore Area**

The existing dwelling of the subject property is located 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 modification application proposes works on roof, pargola, reconfiguration of the skylights on the roof. Proposed works are within the footprint of the existing dwelling. No increased incursion of the foreshores area proposed.

On internal assessment, the DA satisfies satisfy 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.