

## Natural Environment Referral Response - Coastal

<b>Application Number:</b>	DA2021/0201
<b>Date:</b>	21/07/2021
<b>Responsible Officer</b>	Thomas Prosser
<b>Land to be developed (Address):</b>	Lot 22 DP 11691 , 54 McCarrs Creek Road CHURCH POINT NSW 2105 Lot LIC 565381 , 54 McCarrs Creek Road CHURCH POINT NSW 2105 Lot 221 DP 752046 , 54 McCarrs Creek Road CHURCH POINT 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 proposal originally sought approval for the following :

- Addition of a carer's lift through all three levels
- Extension of the existing Level 3 living areas onto the existing covered balconies
- Various internal alterations to all three levels of dwelling
- Various glazing changes
- Extension of the existing Level 1 open terraces including a plunge pool
- Construction of a new enclosed link between the existing boathouse and the existing bathroom/laundry outbuilding in the rear garden

As the enclosed link between the existing boatshed and the bathroom/laundry outbuilding was not supported by Coast & Catchments, the proposal has been revised to omit the enclosed link with amended plans submitted.

The revised application and amended plans have now been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018 and have also been assessed against requirements of 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 the Coastal Management Act 2016 is applicable to the proposed development.

The proposed development is considered to be consistent 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, State Environmental Planning Proposal (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 has not been included on the Coastal Vulnerability Area Map under 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 statement of environmental effects prepared by Stewart Design Studios the DA satisfies the relevant 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 State Environmental Planning Policy (Coastal Management) 2018.

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

#### **Development on Foreshore Area**

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

The DA proposes development in the foreshore area including work within the footprint of the existing boatshed and construction of a plunge pool. Swimming pools and development within the footprint of an existing building are permissible on land in the foreshore area.

The proposed development is unlikely to affect views from the waterway, the significance and amenity of the area or existing public access along the foreshore. Natural foreshore processes are also unlikely to be affected by the proposal. The proposed development is therefore considered to satisfy the relevant provisions of the Clause 7.8 control.

#### **Estuarine Risk Management**

The subject property has also been identified as affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. Hence, 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.

In accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuarine planning level (EPL) of RL 2.55m AHD applies at the subject site.

On internal assessment, the floor levels for the proposed additions and alterations to the dwelling are above the applicable EPL for the site, however the floor level of the existing boatshed (RL 1.47m AHD) is below the EPL.

As the existing boatshed is not a habitable structure and the DA only proposes installation of an internal access stairway, the proposed development is able to satisfy the relevant estuarine risk management requirements of P21 DCP subject to conditions.

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:**

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

#### **Estuarine Planning Level Requirements**

An Estuarine Planning Level (EPL) of RL 2.55 m AHD has been adopted by Council for the subject site and shall be applied to all development proposed below this level as follows:

- All structural elements below RL 2.55 m 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 2.55 m 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 2.55 m AHD.
- All interior power supplies (including electrical fittings, outlets and switches) must be located at or above RL 2.55 m AHD. All exterior power supplies (including electrical fittings, outlets and switches) shall be located at or above RL 2.55 m AHD to avoid the likelihood of contact with splashing waves and spray.

Reason: To ensure aspect of the development are built at the appropriate level

### **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

#### **Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site

### **ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

#### **Boatshed Not for Habitation**

At no time shall the boatshed be utilised or converted to provide for residential habitation. The boatshed must not be used for any other purpose than the storage of small boats, light watercraft and boating and marine equipment. The incorporation of any internal kitchen facilities, habitable rooms, shower or toilet facilities is not permitted.

Reason: To ensure compliance with Estuarine Risk Management Policy.