

Natural Environment Referral Response - Coastal

Application Number:	DA2023/1790
Proposed Development:	Alterations and additions to a dwelling house including an outbuilding
Date:	29/01/2024
Responsible Officer	Brittany Harrison
Land to be developed (Address):	Lot 3 DP 10000 , 3 Ross Smith Parade GREAT MACKEREL BEACH NSW 2108 Lot B DP 440802 , 3 Ross Smith Parade GREAT MACKEREL BEACH NSW 2108

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

SUPPORTED WITH CONDITIONS

This application was assessed in consideration of:

- Supplied plans and reports;
- Coastal Management Act 2016;
- State Environmental Planning Policy (Resilience and Hazards) 2021 (section 2.10, 2.11 & 2.12);
- State Environmental Planning Policy (Biodiversity & Conservation) 2021
- Relevant LEP and DCP clauses.

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 and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by JJ Drafting Aust dated October 2023 the DA satisfies 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 Risk 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 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 2.67m 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 0.28m reduction to the EPL for every 5.00m distance from the foreshore edge up to a maximum distance of 40.00m.

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by JJ Drafting Aust dated October 2023, the ground floor level for the proposed additions and alterations is below the derived 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

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 no works on the foreshores area and hence, the DA does not require to satisfy the objectives and requirements of Part 7, Clause 7.8 of the Pittwater LEP 2014.

General Foreshore Matters

The consent holder must ensure that: the foreshore and dune is to function as a natural ecological system and as such, all works, including but not limited to access, roads, recreational areas, service easements and landscaping are to be located landward of the foreshore other than as provided by the consent.

Access to the dwelling with all building materials must be transported in an appropriate way to ensure that the dune and vegetation is not damaged.

This includes; dragging materials over the dune to and from the site, walking over the dune, passing any materials over the dune and driving machinery over the dune.

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

Approval of Works in Public Beach Reserve

No works are to be carried out from or within the public beach reserve without the written approval of Council.

Reason: To ensure no damage is done to public beach reserves.

Ground Floor Level

The ground floor of the development shall be at a level no lower than (INSERT) m AHD and (INSERT) m above surrounding natural ground levels.

Reason: To ensure potential impact of coastal inundation is minimised

Low Level Coastal Inundation Risk Design

All development must be designed and constructed to achieve a low risk of damage and instability due to coastal inundation, wave impact and foreshore erosion hazards.

Reason: Relevant coastal hazards to be accommodated in the design of affected development.

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Stockpiling materials

During construction, all material associated with works is to be contained at source, covered and must be within the construction area. All material is to be removed off site and disposed of according to local regulations. The property is to be kept clean and any building debris removed as frequently as required to ensure no debris enters receiving waters.

Reason: To ensure pollution control measures are effective to protect the aquatic habitats within receiving waters throughout the construction period.

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

General Foreshore Matters

Unless in accordance with the approved works the Consent holder must ensure that:

- a) no materials or cleared vegetation that may obstruct flow or cause damage to the foreshore are left within the coastal foreshore area,
- b) all drainage works must not obstruct flow of water within the coastal waters. Drain discharge points are stabilised to prevent erosion. Any excavation must not result in diversion of any foreshore bank instability or damage to native vegetation,
- c) the foreshore is graded to enable the unimpeded flow of water and retaining structures result in a stable foreshore banks,
- d) any vegetation or other material removed from the area of operations shall be disposed of lawfully. Burning of the material is not permitted,
- e) the foreshore is to function as a natural ecological system and as such, all works, including but not limited to access, roads, recreational areas, service easements and landscaping are to be located landward of the foreshore other than as provided by the consent.

Reason: Environmental protection, monitoring and enhancement of the foreshore.