

Natural Environment Referral Response - Coastal

Application Number:	Mod2021/0005
Date:	22/03/2021
Responsible Officer	Anne-Marie Young
Land to be developed (Address):	Lot 142 DP 752046 , 1858 Pittwater Road CHURCH POINT NSW 2105 Lot LIC 502589 , 1858 Pittwater Road CHURCH POINT NSW 2105 Lot 320 DP 824048 , 1858 Pittwater Road CHURCH POINT NSW 2105 Lot 1 DP 1148738 , 1858 Pittwater Road CHURCH POINT NSW 2105 Lot 3 DP 1148738 , 1858 Pittwater 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 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

The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps 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, 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

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 Estuary Risk Management Report prepared by Advisian Pty. Ltd. dated April 2016 and Addendum dated March 2021, a base estuarine planning level (EPL) of RL 2.00m AHD has been recommended for the subject site. A reduction factor (RF) based upon the distance from the foreshore of proposed development may also apply at a rate of [INSERT]m reduction to the EPL for every 5.00m distance from the foreshore edge up to a maximum distance of 40.00m.

As assessed in the submitted Estuary Risk Management Report prepared by Advisian Pty. Ltd. dated April 2016 and Addendum dated March 2021, the ground floor level for the proposed additions and alterations is located at 2.15m AHD.

The submitted report made certain recommendations and hence, proposed development is subject to conditions 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 alterations within existing building located 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.

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 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.

To ensure Council's recommended flood evacuation strategy of 'shelter-in-place', it will need to be demonstrated that there is safe pedestrian access to a 'safe haven' above the Estuarine Planning Level.

Reason: To minimise potential hazards associated with development in an estuarine habitat.

Estuarine Planning Level Requirements

A base Estuarine Planning Level (EPL) of 2.0m AHD has been recommended in the Estuarine Risk Management Report prepared by Advisian Pty. Ltd. dated April 2016 modified by an Addendum dated March 2021 and adopted by Council for the subject site and shall be applied to all development proposed below this level as follows:

- All structural elements below adopted EPL shall be of flood compatible materials. It is noted that the proposed enclosure would need to be constructed from flood compatible materials and must be designed and constructed so that it will have a low risk of damage and instability due to wave action and tidal inundation. It is recommended that the enclosure be constructed from cement-rendered brick to match the exterior of the surrounding building;
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be waterproofed to the EPL. It is recommended that any of these services within the storage area be set at 2.5 m AHD or above; and
- The storage of toxic or potentially polluting goods, chemicals or materials, which may be hazardous or pollute the waterway, is not permitted below 1.7m AHD (which is considered to be the EPL for this location 40 m away from the foreshore). Construction of an elevated platform at approximately 2.0 m AHD or higher for stowing the garbage bins may be considered to cater for future increased inundation risk.
- All interior power supplies (including electrical fittings, outlets and switches) must be located at or above 2.5m AHD. All exterior power supplies (including electrical fittings, outlets and switches) shall be located at or above 2.5m 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

Compliance with Estuarine Risk Management Report

The development is to comply with all recommendations of the approved Estuarine Risk Management Report prepared by Advisian Pty. Ltd dated April 2016 and updated with an Addendum dated March 2021, and these recommendations are to be incorporated into construction plans.

Reason: To minimise potential hazards associated with development in an estuarine habitat.

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

Compliance with Estuarine Risk Management Report

The development is to comply with all recommendations of the approved Estuarine Risk Management Report prepared by Advisian Pty. Ltd. dated April 2016 and updated by an Addendum dated March 2021 and these recommendations are to be maintained over the life of the development.

Reason: To ensure preservation of the development and the estuarine environment