

Natural Environment Referral Response - Coastal

Application Number:	DA2021/0420
Date:	05/05/2021
Responsible Officer	Thomas Prosser
Land to be developed (Address):	Lot 2 DP 1237357 , 12 A John Street AVALON BEACH NSW 2107

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.

This DA is in relation to proposed subdivision of the property.

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 subdivision.

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 'Proximity to Coastal Wetland Area', 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 11, 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 Vaughan Milligan Development Consulting Pty. Ltd. dated March 2021 and Riparian Plan and Coastal Assessment prepared by Ecological Consultants Australia Pty. Ltd. dated October 2019 and updated March 2021, the DA satisfies requirements under clauses 11, 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 21 Development Control Plan

Estuarine Risk Management & Subdivision

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), the relevant B3.10 Estuarine Hazard Subdivision and C4.1 Subdivision - Protection from Hazards will apply to any proposed development of the site.

In accordance with the Estuarine Risk Management Report prepared by the Cardno (NSW/ACT) Pty. Ltd. dated November 2020, a site specific estuarine planning level (EPL) of RL 2.82m AHD would apply at the subject site.

According to B3.10 of the DCP, the subdivision of land requires the area of land contained on the landward side of the Foreshore Building Line for each additional allotment created to be at or above the Estuarine Planning Level.

According to 4.1 of the DCP, all subdivision is to be designed such that adequate building platforms/building areas are provided that have a low risk due to hazards including flood, landslip, bushfire, coastline and estuarine hazards. The subdivision must not have any adverse affect or provide a threat on public or private infrastructure, assets and people in the vicinity.

As assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Vaughan Milligan Development Consulting Pty. Ltd. dated March 2021 that the Flood Inundation and Risk Assessment Report prepared by Barrenjoey Consulting Engineers identifies that the Flood Planning Level of 3.05m AHD is higher than the EPL of 2.82m AHD. Compliance with the FPL for future development will also present compliance with the identified EPL. The subject land is not located on the defined foreshores area (land below the foreshore building line)

The proposed subdivision is therefore able to satisfy the relevant estuarine hazard protection requirements of P21 DCP.

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.