

## Natural Environment Referral Response - Coastal

<b>Application Number:</b>	DA2021/2557
<b>Date:</b>	03/06/2022
<b>Responsible Officer</b>	Phil Lane
<b>Land to be developed (Address):</b>	Lot 2 DP 541280 , 1 A Elvina Avenue 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

This application was assessed in consideration of:

- Supplied plans and reports;
- Coastal Management Act 2016;
- State Environmental Planning Policy (Resilience and Hazards) 2021 (sections 2.8, 2.10, 2.11 & 2.12);
- and
- Relevant LEP and DCP clauses.

Updated Comments (2.06.22):

It is acknowledged that the latest plans, "Proposed Alterations and Additions" by SHIMDESIGN (version B) dated 25.05.22 have been amended to reduce the footprint of the proposal in order to avoid the Coastal Wetlands area mapped by the State Environmental Planning Policy (Resilience and Hazards) 2021.

The latest amendments sufficiently demonstrate that development is not intended to occur within the mapped Coastal Wetlands area. On this basis, it is considered that section 2.7 of the SEPP (Resilience and Hazards) and the requirements of designated development are no longer applicable. Please note - this amended proposal is supported on the basis that development WILL NOT occur within the Coastal Wetlands area. Any development occurring within the Coastal Wetlands area, without a supporting environmental impact statement, will breach the requirements of the SEPP (Resilience and Hazards). Further, it has been determined that Schedule 3, Part 3, section 48 of the Environmental Planning and Assessment Regulation 2021 cannot be applied, or used as an exception, for development that is classified as "designated" under the SEPP. As such statements referring to this operation of the EP&A Regulation section 48 within "Report - Coastal Management SEPP" (12/04/22) is not supported.

The application has addressed the applicable SEPP (Resilience and Hazards) requirements for development occurring on land within Proximity to Coastal Wetlands and Littoral Rainforest Area; Coastal Environment Area and Coastal Use Area within the Statement of Environmental Effects ("Report - Coastal Management SEPP") provided on 12/04/22.

The subject property has been identified as being affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. 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 proposed development. It is noted, however, that the estuarine planning level for this site is below the flood planning level. As such, the flood planning level and associated controls prevail.

In summary, the application meets the requirements of the relevant Environmental Planning Instruments and policies.

Based on the provision of additional information the application is supported subject to conditions:

- Installation and maintenance of erosion and sediment controls (prior to commencement)
- Stockpiling materials

Previous Comments (15.12.21):

[The subject property has been mapped as Coastal Wetlands and Littoral Rainforest Area; Proximity to Coastal Wetlands and Littoral Rainforest Area; Coastal Environment Area and Coastal Use Area under State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). All relevant requirements and provisions of the CM SEPP will need to be addressed in the Statement of Environmental Effects (SEE) and an amended SEE should be prepared and lodged in support of the DA.

The development will also be designated development if works are proposed to occur within the mapped Coastal Wetland Area along the eastern margin of the site. The applicant will be required to comply with CM SEPP cl.10 and an EIS may be required if development (including the removal of trees) is planned to occur within the wetland area.

The extent of the Coastal Wetland Area must be clearly defined in the DA in order to determine if development is proposed within this area. If works are not intended to occur within mapped wetland area then this will need to be sufficiently demonstrated. It must be evident that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of coastal wetland or littoral rainforest.

The subject property has been identified as being affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. 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 proposed development. It is noted, however, that the estuarine planning level for this site is below the flood planning level. As such, the flood planning level and associated controls prevail.

Once additional information is received the coastal referral will be finalised.]

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 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.