

## Natural Environment Referral Response - Coastal

<b>Application Number:</b>	Mod2022/0460
<b>Date:</b>	04/10/2022
<b>Responsible Officer</b>	Adam Susko
<b>Land to be developed (Address):</b>	Lot 51 DP 740538 , 1772 Pittwater Road BAYVIEW NSW 2104

### 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

The modification application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Resilience & Hazards) 2021 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 (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 modification DA.

Comment:

On internal assessment , 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 modification 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.

On internal assessment and as assessed in the submitted Updated Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 8 September 2022, the ground floor level for the proposed additions and alterations is above the applicable EPL for the site. The proposed modification are therefore able to satisfy the relevant estuarine risk management requirements of P21 DCP.

## **Development on Foreshore Area**

A large 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 modification DA proposes to retain the existing swimming pool and no other major works proposed on the foreshores area and hence, the modification 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 Planning Level Requirements**

An Estuarine Planning Level (EPL) of 3.30m AHD has been adopted for the subject site and shall be applied to all modifications proposed below this level as follows:

- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be located either above 3.30m 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 3.30m AHD.
- All interior power supplies (including electrical fittings, outlets and switches) must be located at or above 3.30m AHD. All exterior power supplies (including electrical fittings, outlets and switches) shall be located at or above 3.30m 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 Horton Coastal Engineering Pty. Ltd dated 20 December 2019 and the Updated Estuarine Risk Management Report also prepared by Horton Coastal Engineering Pty. Ltd dated 8 September 2022 and these recommendations are to be incorporated into construction plans.

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

### **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