

Natural Environment Referral Response - Coastal

Application Number:	DA2023/0083
Proposed Development:	Demolition works and construction of a dwelling house including swimming pool and boatshed
Date:	27/04/2023
Responsible Officer	Thomas Prosser
Land to be developed (Address):	Lot 9 DP 17704 , 24 Cabarita Road AVALON BEACH NSW 2107 Lot LIC 396153 , 24 Cabarita Road 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

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 & 2.12);
- 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 BBF Town Planners dated December 2022, 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 Estuarine Risk Management Report prepared by Salients dated December 2022 and the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuarine planning level (EPL) of RL 2.46m AHD is appropriate at a distance of 9m landward of the foreshore.

Chapter D of the Pittwater 21 DCP: D15.15: Waterfront Development - Boatshed

iv) Boatsheds cannot be used for any other purpose than the storage of small boats and/or boating equipment. The incorporation [sic] any internal kitchen facilities, habitable rooms, shower or toilet facilities shall not be permitted. Roof areas of boatsheds shall not be used for recreational or observational purposes.

The proposed boat shed is non-habitable and will be used primarily for storage of a boat. An elevated bathroom and storage area (floor level 2.46m AHD) are accessible (internally) from the boat shed. Alternative external access from these two rooms is also available to proposed elevated ground (at 2.46m AHD). This elevated section sits 9m landward of the seawall, and its elevation was set based on advice regarding the EPL, as provided in this report.

The floor of the boat shed is below the recommended EPL sitting at (1.75AHD) although recommendations have been made in the report; "The floor of the shed should enable draining, and a gap of 6mm between decking planks, or similar, is recommended to enable rapid draining, drying and ventilation after an inundation event. If electrical fixtures are to be provided to the boat shed, these should be kept above The Estuarine Planning Level as outlined in this report. If situated below the EPL fixtures should be of submersible grade. Any power outlets located below the maximum wave runup height (3.4m AHD) should also be of submersible grade.

On internal assessment and as assessed in the submitted Estuarine Risk Management Report prepared by Salients dated December 2022, 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 swimming pool, waterway access stairs and the boatshed are anticipated within the foreshore under the provisions of clause 7.8(2)(b) of PLEP 2014. A clause 4.6 request accompanies this application with respect to the remainder of the works proposed within the foreshore area.

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by BBF Town Planners dated December 2022, the DA satisfies 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**

Compliance with Estuarine Risk Management Report

The development is to comply with all recommendations of the approved Estuarine Risk Management Report prepared by Salients, dated December 2022 and these recommendations are to be incorporated into construction plans.

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

Swimming Pools

The backwash of Swimming Pool water must be discharged to Sydney Water's sewer in accordance with Australian/New Zealand Standard AS/NZS 3500. Detailed plans and specification must be submitted prior to the issue of the Construction Certificate. The drawings must show the location of Sydney Water's sewer, the yard gully or any new connection to the sewer system including a detailed cross section of the connection complying with Australian/New Zealand Standard AS/NZS 3500.

Reason: To ensure compliance with legislation and Australian Standards and to protect public health, amenity and to ensure the protection and preservation of receiving waters.

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

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 Salients, dated December 2022 and these recommendations are to be maintained over the life of the development.

Evidence demonstrating compliance must be submitted to the certifying authority prior to inquiring the construction certificate.

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