

Natural Environment Referral Response - Coastal

Application Number:	DA2022/0533
Date:	14/04/2022
Responsible Officer	Kye Miles
Land to be developed (Address):	Lot 9 DP 18612 , 9 Thyra Road PALM BEACH NSW 2108 Lot LIC 593989 , 9 Thyra Road PALM BEACH NSW 2108

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 (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. 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 Vaughan Milligan Consulting PTY. Ltd. dated March 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.

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Vaughan Milligan Consulting PTY. Ltd. dated March 2022, the ground level for the proposed additions and alterations is above the applicable EPL for the site. The proposed development is therefore not required 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 works construction of an inclinor lift and a pavilion. Proposed works are consistent with Clause 7.8(2) (a) and (b).

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Vaughan Milligan Consulting PTY. Ltd. dated March 2022, the DA satisfies/does not satisfy the objectives and requirements of Part 7, Clause 7.8 of the Pittwater LEP 2014.

C1.19 Incline Passenger Lifts and Stairways

The DA proposes construction of a new incline passenger lift. Clause C1.19 of the Pittwater DCP applies to the DA.

The required controls see to ensure that incline passenger lift do not result in potential site disturbance and are to be located and designed to minimise the effects of noise from the motor and overlooking of adjoining dwellings. It is suggested a minimum 2 m side setback be provided and privacy screens provided where overlooking of neighbouring properties. On steeply sloping existing lots, a proposal will be subject to assessment based on merits, and should be no more than 1 metre above the existing ground level. The noise level shall not exceed 60dB(A), when measured one metre from any adjoining premises.

As assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Vaughan Milligan Consulting PTY. Ltd. dated March 2022 requested a variation in the side setback control on

merit in this instance. This is supported.

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 WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE
OCCUPATION CERTIFICATE**

Noise level of the Incline Passenger Lift

The noise level shall not exceed 60dB(A), when measured one metre from any adjoining premises

Reason: To comply with the control of the Pittwater DCP.