

## Natural Environment Referral Response - Coastal

<b>Application Number:</b>	Mod2020/0085
<b>Date:</b>	09/03/2020
<b>Responsible Officer</b>	David Auster
<b>Land to be developed (Address):</b>	Lot 6 DP 3632 , 3 Riverview 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

The modification application to modify conditions of consent has been assessed in consideration of the:.

- Pittwater 21 Development Control Plan
- Pittwater Local Environmental Plan 2014
- Pittwater Estuary Mapping of Sea Level Rise Impact Study (Cardno 2015)
- Coastal Management Act 2016
- State Environmental Planning Policy (Coastal Management) 2018
- Notice of Determination on Mod2019/0485 dated 9 December 2019
- Notice of Determination on DA2018/1616 dated 22 March 2019

### 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 (Coastal Management) 2018

As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development.

The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 13, 14 and 15 of the CM SEPP apply for this DA.

Comment:

On internal assessment, the DA satisfies requirements under clauses 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 LEP 2014 and Pittwater 21 DCP**

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.

### **Estuarine Risk Management**

In accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuarine planning level (EPL) of RL 2.76m AHD would apply at the subject site. A reduction factor (RF) based upon the distance from the foreshore of proposed development may also apply at a rate of 0.07m reduction to the EPL for every 5.00m distance from the foreshore edge up to a maximum distance of 40.00m.

The ground floor level for the proposed boatshed is below the EPL of RL 2.76m AHD for the site.

The proposed development is therefore subject to conditions to satisfy the relevant estuarine risk management requirements of P21 DCP.

### **Proposed Modifications sought on Notice of Determination on Mod2019/0485 dated 9 December 2019**

This modification application seeks the following amendments, among others, relevant to boatshed to the current consent:

Removal of B. New Condition 2A 'Amendments to the Modification Approved Plans' of DA Determination Mod2019/0485 dated 09.12.19:

- The proposed internal dividing wall within the ground floor of the boatshed is to be removed from all plans

It was agreed that the modified proposed internal dividing walls within the ground floor of the boatshed were acceptable. The proposed plans have clearly marked that the area was to be used as storage only, This is acceptable.

- The proposed replacement of the doors to the western facade of the ground floor of the boatshed is to be removed from all plans

Clarifications presented in the Statement of Environmental Effects are acceptable

- The proposed bathroom on Level 1 of the boatshed is to be removed from all plans

It was clarified that the property had a pre-existing bathroom in the boathouse at L1 and relocation of said bathroom was also consented to in the development determination DA2018/1616 dated 22.03.19. It was also clarified that the new location will provide increased amenity, ventilation and natural light. It will also remain within the existing building footprint. As such the consent condition can be deleted.

All the three boatshed/boathouse related amendments to consent are 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 TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

#### **Estuarine Hazard Design Requirements**

The following applies to all development:

All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes.

To ensure Council's recommended flood evacuation strategy of 'shelter-in-place', it will need to be demonstrated that there is safe pedestrian access to a 'safe haven' above the Estuarine Planning Level.

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

#### **Estuarine Planning Level Requirements**

An Estuarine Planning Level (EPL) of 2.76m AHD has been adopted by Council for the subject site and shall be applied to all development proposed below this level as follows:

- All structural elements below 2.76m AHD shall be of flood compatible materials;
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be located either above 2.76m 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 2.76m AHD.
- All interior power supplies (including electrical fittings, outlets and switches) must be located at or above 2.76m AHD. All exterior power supplies (including electrical fittings, outlets and switches) shall be located at or above 2.76m 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