

## Natural Environment Referral Response - Coastal

<b>Application Number:</b>	DA2023/0333
<b>Proposed Development:</b>	Alterations and addition to dwelling house and including a swimming pool
<b>Date:</b>	20/06/2023
<b>Responsible Officer</b>	Jordan Davies
<b>Land to be developed (Address):</b>	Lot 57 DP 6195 , 5 Surfview Road MONA VALE NSW 2103

### 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

NOT SUPPORTED

This application was assessed in consideration of:

- Plans and reports lodged in support of the DA;
- Coastal Management Act 2016;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- Certified Coastal Zone Management Plan for Bilgola Beach (Bilgola) and Basin Beach (Mona Vale) 2015; and
- Pittwater LEP 2014 and P21 DCP.

### Coastal Management Act 2016

The subject site has been identified as being within the coastal zone and therefore the Coastal Management Act 2016 is applicable to the DA. The development proposal utilises raft slab foundations for new and existing development rather than deep pile foundations and is inconsistent with a number of the objects, as set out under Part 1 Section 3 of the Coastal Management Act 2016, in particular, Sections 3 (f), (g) and (i).

### 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, Divisions 3, 4 and 5 of the SEPP (R & H) apply for this DA.

On internal assessment the DA does generally satisfy requirements under Divisions 3 and 4 but may not satisfy Division 5, Section 2.12 of SEPP (R & H).

As such, it is considered that Council cannot be satisfied that the application complies with the relevant provisions of the State Environmental Planning Policy (Resilience & Hazards) 2021.

### Certified Coastal Zone Management Plan for Bilgola Beach (Bilgola) and Basin Beach (Mona Vale)

On the basis of some practical limitations or particular issues that generally preclude the ability to pile, the Coastal Engineering Report prepared by Horton Coastal Engineering Pty Ltd, dated 16 March 2023

recommends that "Council may therefore give consideration to allowing the proposed development not to be piled in this particular situation."

Apart from setting a precedent for alterations and additions to existing development at Basin Beach, consent for the application as it stands is potentially contrary to the Certified CZMP.

From a coastal engineering and coastal management perspective it is considered that Council has a duty of care to consider whether the proposed development is consistent with the certified CZMP and if it is reasonable to allow development which significantly increases the value of the existing property to be placed in a known erosion/recession hazard area without implementation of, or at least consideration of, risk reduction measures.

Other matters of concern for Council in regard to the erosion/recession hazard and the acceptable risk lines in the Coastal Engineering Report are:

- The Coastal Engineering Report relies upon the coastal hazard assessment developed for the draft CZMP in 2015. This effectively gives a design life of 52 years for the proposed development i.e. hazard lines shown in 2075. An updated coastal hazard assessment for the purposes of the proposed development would need to be undertaken, at the present time, to give the intended 60 year design life i.e. hazard lines shown in 2083. In adopting a future date of 2083 it is likely that the acceptable risk lines would move some distance landward and would mean that the proposed development would be at greater risk from erosion/recession over the 60 year design life.
- The omission of the 10m buffer from the Coastal Management Line when equating it to the Acceptable Risk Line.
- No geotechnical investigation has been undertaken for the subject site and the Coastal Engineering Report alludes to a geotechnical investigation undertaken for 3 Surfview Road which found low strength bedrock at about 1.5m AHD on the seaward side of that dwelling.
- Although not a structure that can be certified, the existing rock protection may mitigate erosion and recession, however, this has not been quantified.
- Contemplating the loss of the existing dwelling (which is not piled) as justification that no use of piling should be considered by Council for the proposed additions and alterations (as they will have no functionality in the event of loss of the existing dwelling) is inconsistent with the risk management approach adopted in the Certified CZMP.
- At page 52, the CZMP makes reference to circumstances of enlarging, expanding, intensifying, altering, extending or rebuilding a structure situated on conventional foundations which has existing use rights and states that such proposals are generally not supported (due to unacceptable risk of damage) where the structure (existing or proposed) is seaward of the setback line for conventional foundations. The proposal as it stands is inconsistent with the intent of the Certified CZMP.

### **Pittwater LEP 2014 and Pittwater 21 DCP**

The property is located within a "coastal erosion/coastal inundation" hazard area designated on the Coastal Risk Planning Map that is referenced in Pittwater Local Environmental Plan 2014 and therefore Part 7 Section 7.5 applies to the subject development proposal. The development proposal is inconsistent with a number of objectives for Section 7.5 as well as several of the controls dealing with risk management for coastal hazards.

The subject property is also mapped as being land identified under Coastline Beach Hazard Area in the Pittwater 21 Development Control Plan (DCP) Map MDCP016. As such, the Coastal Risk Management Policy for Development in Pittwater (Appendix 6, Pittwater 21 DCP) and the relevant B3.3 Coastline (Beach) Hazard controls in P21 DCP will apply to new development of the site. In applying the Coastal Management Line, the Coastal Engineering Report has omitted to include a 10m buffer for the line

which is contrary to the definition of the CML contained in the Glossary and Diagram 1. of the Policy.

### **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 involving alterations and additions to an existing dwelling, with the new works to stand clear of the foreshore area, with the exception of amendments to an existing rear paved area and addition of a retaining wall. Whether the works proposed seaward of the foreshore building line are permitted may also depend to some extent on the outcome of the determination of appropriate coastal risk management measures for the subject development proposal.

No further coastal planning or development controls relevant to the subject DA were identified.

### **Additional Information**

To better assist Council to make an informed decision in the coastal assessment of the subject development proposal and to determine whether the Acceptable Risk Lines in the CZMP could be reasonably adjusted further seaward, two items of additional information should be requested from the applicant.

1. Calculation of the Acceptable Risk Lines in the CZMP assumes an entirely sandy and therefore erodible subsurface above -1m AHD. The extent to which geotechnical constraints may exist at the subject site and that may redefine the erosion/recession hazard determined in the Certified CZMP. To this end a Geotechnical Investigation of the site should be submitted, including as to whether low strength bedrock may exist on the seaward side of the subject dwelling. This would enable the Coastal Engineer to determine as to whether the Acceptable Risk Lines in the CZMP could be reasonably adjusted further seaward.
2. Similarly, although not a structure that could be certified, the extent to which the existing rock protection would mitigate erosion and recession by defining the toe position of the back beach area.

An addendum to the Coastal Engineering Report addressing the requested additional information as well as other relevant matters in this preliminary assessment should be prepared by the Coastal Engineer and submitted in support of this DA.

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

### **Recommended Natural Environment Conditions:**

Nil.