

## Natural Environment Referral Response - Coastal

<b>Application Number:</b>	DA2023/0607
<b>Proposed Development:</b>	Subdivision of two lots into three and construction of three dwelling houses with swimming pools
<b>Date:</b>	25/07/2023
<b>Responsible Officer</b>	Alex Keller
<b>Land to be developed (Address):</b>	Lot 21 DP 10782 , 175 Whale Beach Road WHALE BEACH NSW 2107 Lot 22 DP 10782 , 173 Whale Beach Road WHALE 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:

- Plans, documents and reports lodged in support of the DA;
- Coastal Management Act 2016;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021; 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 proposed development.

The proposed development is generally consistent with the objects, as set out under Part 1 Section 3 of the Coastal Management Act 2016.

### State Environmental Planning Policy (Resilience and 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 and Hazards) 2021 (SEPP R&H). Hence, Divisions 3, 4 and 5 of the SEPP (R&H) apply for this DA.

On internal assessment and as assessed in the submitted Coastal Engineering Advice by Horton Coastal Engineering Pty. Ltd. dated 13 April 2023 and the Statement of Environmental Effects (SEE) report prepared by Northern Beaches Planning, dated May 2023, the DA satisfies the relevant provisions under Chapter 2 of the SEPP (R&H).

As such, it is considered that the application generally complies with the provisions of the State Environmental Planning Policy (Resilience and Hazards) 2021, subject to conditions.

### Pittwater LEP 2014 and Pittwater 21 DCP

Coastline Bluff Hazard Management

The subject site is also shown to be affected by Coastline Bluff/Cliff Instability Hazard on Council's Coastal Risk Planning Map and is subject to Part 7 Section 7.5 in Pittwater LEP 2014. As such, the Geotechnical Risk Management Policy for Pittwater (Appendix 5, Pittwater 21 DCP) and the relevant B3.4 Coastline (Bluff) Hazard controls in P21 DCP will apply to new development of the site.

A Geotechnical Site Investigation report by White Geotechnical Group Pty Ltd, dated 17 April 2023, has been submitted with the DA. A Coastal Engineering Assessment of the long term coastal processes on the coastline (bluff)/coastal cliff prepared by Horton Coastal Engineering Pty. Ltd. dated 13 April 2023 has been submitted in support of the Geotechnical report and addresses the likely impacts of coastal hazards including cliff erosion and coastal inundation.

The Coastal Engineering Report assessed that an allowance for erosion/weathering of 5mm/year (with sensitivity testing up to 12mm/year) of the cliff seaward of the property should be considered and assessed by the geotechnical engineer.

Further that 'Coastal inundation is not a significant risk for the proposed development over a planning period of well over 100 years. Given this, and assuming that the geotechnical engineer will find that the development is at an acceptably low risk of damage from erosion/recession over a 100 year design life, the proposed development satisfies the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 (Sections 2.10 to 2.13), and Section 7.5 of Pittwater Local Environmental Plan 2014' for the matters considered by the report.

As such, it is considered that the application does comply, subject to conditions, with the requirements of the coastal relevant clauses of Pittwater LEP 2014 and Pittwater 21 DCP.

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

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**

#### **Stormwater Management**

Stormwater shall be disposed of in accordance with Council's Policy. A stormwater management plan is to be implemented to ensure that there is no increase in stormwater pollutant loads arising from the approved development. Water quality is not to be reduced from pre-development conditions and water quantity is not to be increased from pre-development levels.

Details demonstrating compliance are to be prepared by a registered professional stormwater engineer with chartered professional status (CP Eng) and who has an appropriate level of professional indemnity insurance and must be submitted to the Certifier for approval prior to issue of the Construction Certificate.

Reason: To ensure that the generation of additional stormwater discharge from the site, due to increases in impervious surfaces, does not adversely impact geotechnical stability or receiving waters.

#### **Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person

and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities);
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls;
- North point and scale.

Details demonstrating compliance are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

#### **Coastal Bluff Engineering Assessment Implementation**

The advice and recommendations contained in the approved Coastal Engineering Assessment report prepared by Horton Coastal Engineering Pty Ltd, dated 13 April 2023, must be addressed as necessary through the Geotechnical Investigation Report prepared in support of the development application and must be incorporated as required into construction plans and structural specifications for the development.

Reason: To ensure potential coastal hazards associated with development on a Coastal Bluff are minimised

#### **Coastal Bluff Design Requirements**

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

Reason: To ensure potential coastal hazards associated with development on a Coastal Bluff are minimised

### **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 receiving waters from the effects of sedimentation and erosion from the site

### **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

#### **Pollution Control**

All stockpiles, materials, waste and slurry associated with works (including excavated material) is to be contained at source within the construction area and enclosed in waterproof covering and/or sediment and erosion control while not in use. All waste/debris is to be removed off site and disposed of as frequently as required in accordance with applicable regulations.

Reason: To protect the surrounding environment, and ensure that pollutants and building associated waste do not enter receiving waters.

### **Geotechnical Issues**

All conditions outlined in the Geotechnical Investigation Report prepared by White Geotechnical Group dated 17 April 2023 are to be complied with and adhered to throughout development and as recommended for the life of the development.

Reason: To ensure excavation, foundations and retaining structures are undertaken in an appropriate manner and are structurally sound.