

## Natural Environment Referral Response - Coastal

<b>Application Number:</b>	DA2024/0137
<b>Proposed Development:</b>	Demolition works and construction of a boat shed and skid ramp
<b>Date:</b>	08/03/2024
<b>Responsible Officer</b>	Stephanie Gelder
<b>Land to be developed (Address):</b>	Lot 72 DP 558694 , 22 Bona Crescent MORNING BAY NSW 2105 Lot LIC 344162 , 22 Bona Crescent MORNING BAY NSW 2105

### 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 development application is for a new Boat shed and skid ramp, partially on Crown Land below the Mean High Water Mark.

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.

The application has also been assessed in consideration approval/support of:

- Consent to lodge DA from the NSW Department of Planning and Environment – Crown Lands and Public Spaces dated 7 November 2023
- No navigational Concerns from the Transport for NSW- Maritime Division dated 17 March 2022 enclosing stamped plans.
- No Objection from the DPI-Fisheries, a division of the Department of Primary Industries dated 27 March 2022 enclosing stamped plans.

### 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 (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 Stephen Crosby & Associates Pty. Ltd. dated 13 February 2024, 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 Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuarine planning level (EPL) of RL 2.66m 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 0.06m reduction to the EPL for every 5.00m distance from the foreshore edge up to a maximum distance of 40.00m.

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Stephen Crosby & Associates Pty. Ltd. dated 13 February 2024 and also as assessed in the submitted Coastal Engineering Risk Assessment Report prepared by Stantec Australia Pty. Ltd. dated 20 December 2023, the ground floor level for the proposed boatshed is below the derived EPL for the site.

The proposed development is therefore subject to conditions 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 construction of the water access and boatshed partly on foreshores area. All these proposed works are consistent with Clause 7.8(2)(b).

On internal assessment, the DA satisfies the objectives and requirements of Part 7, Clause 7.8 of the Pittwater LEP 2014.

### **Waterfront Development**

Proposed construction of boatshed is partly located on crown land below the Mean High Water Mark. Hence, Section D15.15: Waterfront development, sub-section c) Boatshed of the Pittwater 21 DCP applies to proposed development.

Comment:

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Stephen Crosby & Associates Pty. Ltd. dated 13 February 2024, the DA satisfies requirements under the Section D15.15: Waterfront development, sub-section c) Boatsheds of the Pittwater 21 DCP.

As such, it is considered that the application does comply with the requirements of the Section D15.15: Waterfront development, sub-section c) Boatsheds of the Pittwater 21 DCP

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**

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 risks associated with coastal hazards for development in an estuarine environment.

### **Estuarine Planning Level Requirements**

An Estuarine Planning Level (EPL) of 2.66m AHD has been adopted by Council for the subject site and shall be applied to all development proposed below this level as follows:

1. All structural elements below 2.66m AHD shall be of flood compatible materials;
2. All electrical equipment, wiring, fuel lines or any other service pipes and connections must be located at least 1.0m above the boatshed floor; and
3. The storage of toxic or potentially polluting goods, chemicals or materials, which may be hazardous or pollute the waterway, is not permitted below 2.66m AHD.
4. All interior power supplies (including electrical fittings, outlets and switches) must be located at least 1.0 m above the boatshed floor . All exterior power supplies (including electrical fittings, outlets and switches) shall be located at least 2.0m above the ground level to avoid the likelihood of contact with splashing waves and spray.

Reason: To ensure vulnerable components of the development are built at the appropriate level.

### **Compliance with Coastal Engineering Risk Assessment Report**

The development is to comply with all recommendations of the approved Coastal Engineering Risk Assessment Report prepared by Stantec Australia Pty. Ltd. dated 20 December 2023 and these recommendations are to be incorporated into construction plans and specifications and maintained over the life of the development.

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

### **Structural Engineering for Estuarine Risk**

Structural engineering design for the development shall be prepared, with input as necessary from a chartered professional engineer with coastal engineering as a core competency, to ensure that for its design life, taken to be 25 years as justified and accepted by Council ,the development is able to withstand the wave impact forces and loadings identified in the approved Coastal Engineering Risk Assessment Report prepared by Stantec Australia Pty. Ltd. dated 20 December 2023.

The potential for component fatigue (wear and tear) should be recognised for the less severe, but more frequent, wave impact loadings.

Reason: To ensure structural engineering is prepared by an appropriately qualified professional

## **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 Coastal Engineering Risk Assessment Report prepared by Stantec Australia Pty. Ltd. dated 20 December 2023 and these recommendations are to be maintained over the life of the development.

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