

Natural Environment Referral Response - Coastal

Application Number:	DA2021/0669
Date:	25/11/2021
Responsible Officer	Jordan Davies
Land to be developed (Address):	Lot 7005 DP 1117451 , 1193 Barrenjoey Road PALM BEACH NSW 2108 Lot 7002 DP 1117592 , 1193 Barrenjoey Road PALM BEACH NSW 2108 Lot 298 DP 721522 , 1191 Barrenjoey 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 (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.

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

- Consent to lodge DA from the Department of Crown Lands under the NSW Planning, Industries & Environment dated 01 April 2021.
No navigational concern from the Transport for NSW Maritime dated 3 September 2021 enclosing signed maps
- No objection from the DPI-Fisheries under the Department of Primary Industries dated 16 April 2021 and 22 June 2021. and advising the requirement of Part 7 permit and use of environmental safeguards during construction

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*.

Further, the applicant has proposed construction of wave baffle wall, replacement of existing piles with taller piles. Hence the proposed development has been assessed also against the requirements of the

Section 27 of the *Coastal Management Act 2016*. As required, the impact & risk associated with the construction/modification of the seawall has been assessed in the submitted Coastal Engineering and Estuary Risk Management Report (Amended) prepared by Cardno (NSW/ACT) Pty. Ltd. dated 26 August 2021. Based on the impact and risk identified, Council applies maintenance condition as per Section 27(b)(ii) in approving this DA

State Environmental Planning Policy (Coastal Management) 2018

The proposed development site has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps 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 and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Doyle Consulting Group Pty. Ltd dated April 2021, 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

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-B3.10 Estuarine Hazard Controls will apply to any proposed development of the site.

In accordance with an analysis, presented through the Coastal Engineering and Estuary Risk Management Report (Amended) prepared by Cardno (NSW/ACT) Pty. Ltd. dated 26 August 2021 and Flooding and Estuarine Risk Management Report (Amended) prepared by Cardno (NSW/ACT) Pty. Ltd. dated 30 August 2021, an estuarine planning level (EPL) of RL 2.75m AHD has been recommended and applied at the subject site for a design life of 50 years.

On internal assessment and as assessed in the submitted Coastal Engineering and Estuary Risk Management Report (Amended) prepared by Cardno (NSW/ACT) Pty. Ltd. dated 26 August 2021 and Flooding and Estuarine Risk Management Report (Amended) prepared by Cardno (NSW/ACT) Pty. Ltd. dated 30 August 2021, the floor level for the proposed additions and alterations sites are site specific. .

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

Development seaward of mean high water mark

A number of proposed development works are located on crown land below the Mean High Water Mark. Hence, Section D15.12: Development seaward of mean high water mark 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 Doyle Consulting Group Pty. Ltd dated April 2021 and Coastal Engineering and Estuary Risk Management Report (Amended) prepared by Cardno (NSW/ACT) Pty. Ltd. dated 26 August 2021, the DA satisfies requirements under the Section D15.12: Development seaward of mean high water mark of the Pittwater 21 DCP. An analysis of the proposal demonstrated that the proposed development will not adversely impact on the visual amenity of the foreshore or water quality or estuarine habitat of the Pittwater waterway

The applicant has also submitted Aquatic Ecology Report (Amended) prepared by Cardno (NSW/ACT) Pty. Ltd. dated 30 August 2021. The report has assessed the impacts of developments and proposed several specific recommendations to avoid, minimize and mitigate project impacts. These recommendations will be conditioned in granting the approval.

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

A site specific Estuarine Planning Level (EPL) of 2.75m AHD has been recommended and accepted by Council for the proposed development and shall be applied to all development proposed below this level as follows:

- All structural elements below 2.75m 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 2.75m 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 2.75m AHD.
- All interior power supplies (including electrical fittings, outlets and switches) must be located at or above 2.75m AHD. All exterior power supplies (including electrical fittings, outlets and switches) shall be located at or above 2.75m 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

Compliance with Estuarine Risk Management Report

The development is to comply with all recommendations of the approved Coastal Engineering and Estuarine Risk Management Report (Amended) prepared by Cardno (NSW/ACT) Pty. Ltd. dated 26 August 2021 and Flooding & Estuarine Risk Management Report prepared by Cardno (NSW/ACT) Pty. Ltd. dated 30 August 2021 and these recommendations are to be incorporated into construction plans.

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 50years as justified and accepted by Council) the development is able to withstand the wave impact forces and loadings identified in the approved Coastal Engineering and Estuary Risk Management Report (Amended) prepared by Cardno (NSW/ACT) Pty. Ltd. dated 26 August 2021 and Flooding and Estuarine Risk Management Report (Amended) prepared by Cardno (NSW/ACT) Pty. Ltd. dated 30 August 2021.

Note: 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

Engineers Certification of Plans

The structural design shall be prepared by and each plan/sheet signed by, a registered professional civil or structural engineer with chartered professional status (CP Eng) who has an appropriate level of professional indemnity insurance and shall be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

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

Compliance with the recommendations of the approved Aquatic Ecology Report

The development is to comply with all recommendations of the approved Aquatic Ecology Report (Amended) prepared by Cardno (NSW/ACT) Pty. Ltd. dated 30 August 2021 and these recommendations are to be incorporated into construction plans.

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

Compliance and Certification of Piling Design

Certification that the piling works have been designed in accordance with the approved Coastal Engineering & Estuarine Risk Management Report (Amended) prepared by Cardno (NSW/ACT) Pty. Ltd. dated 26 August 2021 shall be provided to the Principal Certifying Authority (Form No. 2 of the Coastline Risk Management Policy for Development in Pittwater – Appendix 6 of P21 DCP) and shall be prepared and signed by a structural engineer who is a registered professional engineer with chartered professional status (CP Eng) and who has an appropriate level of professional indemnity insurance.

Reason: To ensure deep foundation piling is designed in accordance with the Coastal Risk Management Report and 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 and Estuary Risk Management Report (Amended) prepared by Cardno (NSW/ACT) Pty. Ltd. dated 26 August 2021 and Flooding and Estuarine Risk Management Report (Amended) prepared by Cardno (NSW/ACT) Pty. Ltd. dated 30 August 2021 and these recommendations are to be maintained over the life of the development.

Reason: To ensure preservation of the development and the estuarine environment
To fulfil the obligations and requirement under maintenance condition as per Section 27(b)(ii) of the Coastal Management Act 2016