

Natural Environment Referral Response - Coastal

Application Number:	DA2020/0130
Date:	10/03/2020
Responsible Officer	Catriona Shirley
Land to be developed (Address):	Lot 100 DP 509808 , 981 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

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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.

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:

As assessed in the submitted Statement of Environmental Effects (SEE) report prepared by dfp Planning Consultants dated February 2020 and Council accepts the assessment, the DA



satisfiesrequirements 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 2.79m 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 0.08m reduction to the EPL for every 5.00m distance from the foreshore edge up to a maximum distance of 40.00m.

As assessed in the submitted Statement of Environmental Effects (SEE) report prepared by dfp Planning Consultants dated February 2020 and Council accepts/does not accept the assessment the base level for the proposed inclinator is at 4.0m AHD and is above the applicable EPL of 2.79m AHD for the site.

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

Inclinator

A new inclinator has been propsed. Section C1.19 Incline Passenger lifts and Stairways applies of the Pittwater DCP applies. The landing area and

rails of the proposed new inclinator and a proposed new porous pathway are located below the foreshore building line. The proposed new inclinator, track, landing and pathway are minor works located within the foreshore building line area and are considered to be consistent with the provisions of Clause 7.8 of the Pittwater LEP. It is further noted that the proposed new inclinator and pathway are located at or above RL4.0 and, accordingly, are well above the base Estuarine Planning Level (EPL) under the Council's adopted Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015).



The proposed inclinator is designed and located to minimise excavation and removal of natural rock, trees and vegetation and is well setback from the side boundaries of the site.

An analysis in the submitted Statement of Environmental Effects (SEE) report prepared by dfp Planning Consultants dated February 2020 of the proposal demonstrate that the incline passenger lifts and associated stairways cause minimal visual and acoustic disturbance to environment and neighbours.

The proposed development is therefore able to satisfy the requirements of Clause 7.8 of the Pittwater LEP and Section C1.19 of the P21 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

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 Certifying Authority 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.



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

General Foreshore Matters

Unless in accordance with the approved works the Consent holder must ensure that:

a) No materials or cleared vegetation that may obstruct flow or cause damage to the foreshore are left within the coastal foreshore area.

b) All drainage works must not obstruct flow of water within the coastal waters. Drain discharge points are stabilised to prevent erosion. Any excavation must not result in diversion of any foreshore bank instability or damage to native vegetation.

c) The foreshore is graded to enable the unimpeded flow of water and retaining structures result in a stable foreshore banks.

d) Any vegetation or other material removed from the area of operations shall be disposed of lawfully. Burning of the material is not permitted.

e) The foreshore is to function as an ecological system and as such, all works, access, roads, recreational areas, service easements and any other non-ecologically functioning work or activity are to be located beyond the foreshore other than provided by the consent.

Reason: Environmental protection, monitoring and enhancement of the foreshore.