

Natural Environment Referral Response - Coastal

Application Number:	DA2023/0342
Proposed Development:	Demolition works and construction of a dwelling house including swimming pool
Date:	28/11/2023
Responsible Officer	Brittany Harrison
Land to be developed (Address):	Lot 289 DP 16362 , 12 - 14 Rock Bath Road PALM BEACH NSW 2108 Lot 290 DP 16362 , 12 - 14 Rock Bath 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

Supported, subject to conditions.

The application has been assessed in consideration of:

- Amended and original plans and documents submitted;
- the Coastal Management Act 2016;
- State Environmental Planning Policy (Resilience & Hazards) 2021; and
- has also been assessed against the requirements of 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 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 & 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, 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 report prepared by Horton Coastal Engineering Pty Ltd, dated 20 December 2022, the DA satisfies requirements under Divisions 3, 4 and 5 of the SEPP R&H. As such, it is considered that the application does comply with the provisions of the State Environmental Planning Policy (Resilience & 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 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.

Geotechnical Investigation Reports by Crozier Geotechnical Consultants dated 30 January 2023 and amended 2 November 2023, assessing coastline bluff/coastal cliff or slope instability has been submitted with the DA. A coastal engineering report prepared by Horton Coastal Engineering Pty Ltd, dated 20 December 2022 has been submitted with the Geotechnical Report.

The Coastal Engineering Report determined that coastal inundation is not a significant risk to the proposed development over a planning period of well over 100 years. Further an allowance for erosion/weathering of 8mm/year of the cliff at 12 - 14 Rock Bath Road, Palm Beach with sensitivity testing up to 12mm/year, should be considered and assessed by the geotechnical engineer. The Geotechnical Engineering Report concluded that the landslip risk was assessed as Acceptable when assessed against the criteria of the AGS 2007.

As such, it is considered that the application does comply, subject to conditions, with the requirements of the coastal relevant geotechnical clauses of the Pittwater LEP 2014 and Pittwater 21 DCP, as well as those contained in SEPP R&H.

No other coastal planning or development controls relevant to the subject 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

Coastal Bluff Engineering Assessment Implementation

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 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 the surrounding environment and receiving waters from the effects of sedimentation and erosion from the site

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Stockpiling materials

During construction, all material associated with works is to be contained at source, covered and must be within the construction area. All waste material and debris must be removed off site and disposed of according to applicable regulations. The property is to be kept clean and any building debris removed as frequently as required to ensure no debris and contaminants enters receiving waters.

Reason: To ensure pollution control measures are effective to protect the aquatic habitats within receiving waters throughout the construction period.

Geotechnical Issues

All conditions outlined in the Geotechnical Investigation Report prepared by Crozier Geotechnical Consultants dated 30 January 2023 and amended 2 November 2023 are to be complied with and adhered to throughout development and incorporated into construction plans and specifications as necessary. Evidence demonstrating compliance must be submitted to the Certifier for approval prior to the commencement of any works.

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