

Natural Environment Referral Response - Coastal

Application Number:	DA2023/1780
Proposed Development:	Demolition works and construction of a dwelling house including swimming pool
Date:	30/01/2024
Responsible Officer	Maxwell Duncan
Land to be developed (Address):	Lot 122 DP 8394 , 89 Marine Parade AVALON 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

The proposed works involve the demolition of existing site structures and the construction of a new residential dwelling which will comprise three storeys to the front and one storey to the rear. The proposed works will also include the installation of an inground swimming pool within the front of the block, a rear terrace/decking area, landscaping works and an inground OSD tank and rainwater tank below the proposed Basement Level (BL).

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.

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 Vaughan Milligan Development Consulting Pty. Ltd. dated November 2023 and

also as assessed in the submitted Coastal Engineering Advice prepared by Horton Coastal Engineering Pty. Ltd. dated 28 September 2023, 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/does not comply with the requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021.

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.

A Report on Geotechnical Site Investigation and Risk Assessment by Crozier Geotechnical Consultants dated November 2023 assessing coastline (bluff)/ coastal cliff or slope instability has been submitted with the DA. An impact assessment of the long term coastal processes on the coastline (bluff)/ coastal cliff or slope instability, prepared by Horton Coastal Engineering Pty. Ltd. dated 28 September 2023 has been appended with the Geotechnical Report. The report assessed that the Risk to Life from the hazards were estimated to be up to 1.58×10^{-4} for a single person, whilst the Risk to Property was considered to be up to 'Moderate'. Although the 'Moderate' Risk to Property for Hazard A & B is considered to be 'Unacceptable', the assessments were based on excavations with no support or planning. Provided the recommendations of this report are implemented including installation of retaining wall prior to bulk excavation the likelihood of any failure becomes 'Rare' and as such the consequences reduce and risk becomes within 'Acceptable' levels.

The Coastal Engineering Advice prepared by Horton Coastal Engineering Pty. Ltd. dated 28 September 2023 assessed the stability of the cliff face seaward of the site with consideration of the potential for 0.6m to 1.2m of recession over the next 100 years (6mm to 12mm per year). The extent of instability on the cliff face is likely to be minimal with negligible impact on the proposed works.

As such, it is considered that the application does comply, subject to conditions, with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 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 works for the rebuilding of the existing dwelling without enlargement of the footprint of work within the foreshore building line. All these proposed works are consistent with Clause 7.8(2) (b).

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Vaughan Milligan Development Consulting Pty. Ltd. dated November 2023, the DA satisfies the objectives and requirements of Part 7, Clause 7.8 of the Pittwater LEP 2014.

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

The advice and recommendations contained in the approved Coastal Engineering Assessment report prepared by Horton Coastal Engineering Pty. Ltd. dated 28 September 2023, must be addressed as necessary through the Geotechnical Risk Management 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 hazards associated with development on a Coastal Bluff are minimised

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

Engineers Certification of Plans

The structural design and specification 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 Certifier prior to the release of the Construction Certificate.

Reason: To ensure structural engineering design is prepared and certified 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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Geotechnical Issues

All conditions outlined in a Report on Geotechnical Site Investigation and Risk Assessment by Crozier Geotechnical Consultants dated November 2023 are to be complied with and adhered to throughout development.

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

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Design and Construction Monitoring:

As per Report on the Geotechnical Site Investigation and Risk Assessment prepared by Crozier Geotechnical Consultants dated November 2023, the consultants need to;

1. Review and approve the structural drawings for compliance with the recommendations of this report,
2. Inspect all new footings and earthworks as per Section 5.2 of this report to confirm compliance to design assumptions with respect to allowable bearing pressure, basal cleanness and the stability prior to the placement of steel or concrete.
3. To undertake a drone photography examination of the rear cliff line along with a core drilling investigation to below excavation levels, prior to CC.

Reason: To comply with Councils conditions required as part of construction, building and post-construction certificate requirements of the Councils Geotechnical Risk Management Policy 2009