

Natural Environment Referral Response - Coastal

Application Number:	DA2022/0947
Date:	22/07/2022
Responsible Officer	Gareth David
Land to be developed (Address):	<p>Lot 47 DP 12749 , 7 Richard Road SCOTLAND ISLAND NSW 2105</p> <p>Lot LIC 496058 , 7 Richard Road SCOTLAND ISLAND NSW 2105</p> <p>Lot 48 DP 12749 , 5 Richard Road SCOTLAND ISLAND NSW 2105</p> <p>Lot LIC 496057 , 5 Richard Road SCOTLAND ISLAND NSW 2105</p>

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 (Resilience & Hazards) 2021 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 28 March 2022 with stamped map.
- No navigational Concerns from the Transport for NSW- Maritime Division dated 8 October 2021 enclosing dated and signed maps
- No Objection from the DPI-Fisheries under the Department of Primary Industries dated 3 November 2021

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 1 June 2022, 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 Hazard Management

The subject property has not been identified as affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. However, as the proposed boatshed is partly located on waterway on crown land, Council recommended an EPL of 2.80m AHD, also supported by a specialist study prepared by Salients Pty. Ltd. dated 24 May 2022. Hence, 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. The Estuarine Hazard Controls do not apply to Jetties, Bridging Ramps or Pontoons located on the seaward side of the foreshore edge.

As the floor level of the proposed boatshed is below the recommended EPL, the applicant has submitted an Estuarine Risk Management Report prepared by Salients Pty. Ltd. dated 24 May 2022. The proposed development is therefore subjected to conditional approval 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 a new boatshed partly located on foreshore area. 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.

Development seaward of mean high water mark

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, 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 submitted an Aquatic Ecology Assessment prepared by Marine Pollution Research Pty. Ltd. dated 22 September 2021. The report concludes that the demolition and relocation of the existing jetty end plus sea-stairs for the shared jetty at Nos 3 and 5 Richard Road Scotland Island, and the construction of a boatshed, decking and ramp at No 3 can be undertaken with no direct impact on marine habitats that support marine vegetation and minimal risk of impact to other un-vegetated marine habitats.

As such, it is considered that the application does comply with the requirements of the Section D15.12: Development seaward of mean high water mark of the Pittwater 21 DCP.

Waterfront Development

Proposed development of berthing areas are located on crown land below the Mean High Water Mark. Hence, Section D15.15: Waterfront development, sub-section c) Boat shed of the Pittwater 21 DCP applies to proposed development.

Comment:

On internal assessment, the DA satisfies requirements under the Section D15.15: Waterfront development, sub-section c) Boatshed of the Pittwater 21 DCP conditional to acceptance of the clause 4.6 variation request on height of the boatshed. Variation request has been prepared by Stephen Crosby & Associates Pty. Ltd. dated 27 May 2022

As such, it is considered that the application does comply with the requirements of the Section D15.15:

Waterfront development, sub-section c) Boatshed 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

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.

Compliance with Estuarine Risk Management Report

The development is to comply with all recommendations of the approved Estuarine Risk Management Report prepared by Salients Pty. Ltd. dated 24 May 2022 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 25 years as justified and accepted by Council) the development is able to withstand the wave impact forces and loadings identified in the approved Estuarine Risk Management Report prepared by Salients Pty. Ltd. dated 24 May 2022.

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

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

Prevention of damage to aquatic ecology

The development is to comply with all recommendations and mitigation measures of the approved Aquatic Ecology Assessment Report prepared by Marine Pollution Research Pty. Ltd. dated 22 September 2021 and these recommendations are to be incorporated into the CEMP.

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

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 Estuarine Risk Management Report prepared by Salients Pty. Ltd. dated 24 May 2022 and these recommendations are to be maintained over the life of the development.

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