

Natural Environment Referral Response - Coastal

Application Number:	DA2020/1639
Date:	25/02/2021
Responsible Officer	Kent Bull
Land to be developed (Address):	Lot A DP 27567 , 158 Crescent Road NEWPORT NSW 2106 Lot LIC 316068 , 158 Crescent Road NEWPORT NSW 2106

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 15 July 2020
- No navigational Concerns from the Transport for NSW- Maritime Division dated 27 March 2018 enclosing dated and signed maps
- Conditional No Objection from the DPI-Fisheries under the Department of Primary Industries dated 2 February 2021

and Marine Habitat Survey prepared by H2O Consulting Group Pty. Ltd. dated 27 January 2018.

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 a seawall. 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/of the seawall has been assessed in an Seawall Risk Management Report prepared by Horton Coastal Engineering dated 23 February 2021.

Based on the impact and risk identified in the provided report, 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 SDG Land Development Solutions dated 13 May 2019 and amended dated 7 December 2020, 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 Hazard 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. The Estuarine Hazard Controls do not apply to Jetties, Bridging Ramps or Pontoons located on the seaward side of the foreshore edge.

However, development works proposed are located on the seaward side of the foreshore edge on crown lands, below the Mean High Water Mark (MHW).

The proposed development is therefore not required to satisfy the relevant estuarine risk management requirements of P21 DCP.

Development on Foreshore Area

A large 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.

However, development works proposed are located on the seaward side of the foreshore edge on crown lands, below the Mean High Water Mark (MHWM).

Therefore, the proposed development is not required to satisfy the relevant Clause 7.8 –Limited development on foreshore area 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 and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by SDG Land Development Solutions dated 13 May 2019 and amended dated 7 December 2020, 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.

This has been supported in the Marine Habitat Survey prepared by H20 Consulting Group Pty. Ltd. dated 27 January 2018 indicating that the proposed development is minimal and the disturbance that will occur will be minimal and potentially offset by the environmental improvements the works will provide.

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.

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

Compliance with Seawall Risk Management Report

The development is to comply with all recommendations (section 7) of the approved Seawall Risk Management Report prepared by Horton Coastal Engineering dated 23 February 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 seawall 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 60years and accepted by Council) the seawall is able to withstand the wave impact forces and loadings identified in the approved Seawall Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 23 February 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

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**Compliance with Seawall Risk Management Report**

The development is to comply with all recommendations of the approved Seawall Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 23 February 2021 and these recommendations are to be maintained over the life of the seawall.

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