

Natural Environment Referral Response - Coastal

Application Number:	DA2024/1409
Proposed Development:	Reconfiguration of the existing marina to a nine (9) berth marina and subdivision into eight (8) lots including: concept building envelopes for boat sheds on proposed Lots 5 and 6; associated landscaping and demolition; and extension to an existing seawall and associated land reclamation being Nominated Integrated development.
Date:	03/02/2025
Responsible Officer	Anne-Marie Young
Land to be developed (Address):	Lot 295 DP 820302 , 122 A 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 (Resilience & Hazards) 2021 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.

This referral has focussed on the impact of the proposal on coastal processes and hazards. The assessment of compliance with controls applying to visual amenity, scenic qualities or aesthetic appearance of the foreshore or surrounding coastal environment will be undertaken by the development assessment officer assessing this development application.

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.

Objectives

Comment:

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Ethos Urban dated 15 October 2024 the proposal does generally comply with the objectives of the Coastal Management Act 2016 with respect to matters related to coastal processes and hazards.

As such it is considered that the application is generally consistent with the objects of the Coastal Management Act 2016.

This referral has not assessed the compliance of the proposal, for any potential impact on the scenic value of the area in accordance with the objectives of Clause 3 (a) of the Coastal Management Act

2016 that relate to scenic impact.

Assessment of compliance with Clause 3 (a) of the Coastal Management Act will be undertaken by the development assessment officer assessing this development application.

Section 27

Comment:

Works are proposed to infill the gaps in the seawall at the existing boat ramp and slipway and are considered to comply with Section 27 of the Coastal Management Act. A Condition of consent is included in this referral to ensure compliance with Section 27(b)(ii) can be satisfied.

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 Ethos Urban dated 15 October 2024 the application is generally consistent with the requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021 with respect to matters related to coastal processes and hazards.

Clause 2.16 of State Environmental Planning Policy (Resilience & Hazards) 2021 facilitates the approval of coastal protection works at this location through development consent. Assessment of the impacts of the proposed coastal protection works is undertaken in this referral with reference to Section 27 of the Coastal Management Act 2016 and Clause D15:18 of Pittwater DCP.

This referral has not assessed the compliance of the proposal, against any potential impact on the visual amenity or scenic qualities of the coast in accordance Clauses 2.11 (1) (a) (ii) and 2.11 (1) (a) (iii).

Assessment of compliance with these clauses of the State Environmental Planning Policy (Resilience & Hazards) 2021 will be undertaken by the development assessment officer assessing this development application.

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.

Comment:

On internal assessment and as assessed in the Statement of Environmental Effects (SEE) report prepared by Ethos Urban dated 15 October 2024, the proposal generally complies with this Clause.

This referral has not assessed the compliance of the proposal, against any potential impact on visual compatibility adverse impact on the amenity or aesthetic appearance of the foreshore in accordance Clauses 7.8 (3) (b) and 7.8 (3) (g)

Assessment of compliance with these clauses of the Pittwater LEP be undertaken by the development assessment officer assessing this development application.

Estuarine Hazard Management

The subject property has been identified as being affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. 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 development of the site. However, the Estuarine Planning Level does not apply to Jetties, Bridging Ramps or Pontoons located on the seaward side of the foreshore edge.

Comment:

The marina 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 marina development proposed is therefore not required to satisfy the relevant estuarine risk management requirements of P21 DCP. However, estuarine processes affect the physical, chemical and biological behaviour of an estuary. These processes either individually or in combination can produce a situation where built assets are placed at risk, especially with the rising sea level.

Risks posed by coastal hazards are identified, assessed, and minimizing measures are recommended in an Estuarine Risk Management Report prepared by Horton Coastal Engineering dated 26 July 2024 for the duration of the design life of the newly built private marina.

Comment:

On internal assessment and as assessed in the Statement of Environmental Effects (SEE) report prepared by Ethos Urban dated 15 October 2024 and the Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty Ltd dated 26 July 2024, the DA satisfies the requirements of Pittwater 21 DCP B3-B10.

As such it is considered that the application is generally consistent with the requirements of Pittwater 21 DCP B3-B10.

Seawalls

As the application proposes works to an existing seawall section D15.18: Seawalls applies to this application. A variation to this clause is acceptable as the works infill an existing seawall and retain the current alignment and crest level. The works are also permissible with consent based on Clause 2.16 of State Environmental Planning Policy (Resilience and Hazards) 2021, that prevails over Chapter D15.18, and compliance with Section 27 of The Coastal Management Act 2016 has been assessed.

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 Estuarine Risk Management Report

A suitably qualified coastal engineer is to confirm that the investigation and design specifications for the proposed seawall works outlined in Section 7 of the Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty Ltd, dated 26 July 2024, submitted with application DA2024/1409, are to be integrated into the design and construction drawings for these works. Specifically

- The condition of the existing seawall is satisfactory to enable to proposed works to the seawall.
- The proposed sheet pile embedment is satisfactory allowing for scour of the seabed.
- Allowance for drainage through the seawall to relieve groundwater pressures, assuming fully saturated ground conditions, is incorporated in the construction drawings.
- The requirements of Australian Standard AS4997 - Guidelines for the Design of Maritime Structures have been integrated into the design of the works.
- Any concrete materials for the seawall are inundation compatible and suitable for the marine environment and are designed in accordance with the requirements of Australian Standard AS3600 – Concrete Structures.
- Any steel materials for the seawall are inundation compatible and suitable for the marine environment and are designed in accordance with the requirements of Australian Standard AS4100 – Steel Structures

This certification is to be submitted to the Principle Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure appropriate mitigation of coastal inundation risk.

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

Seawall Maintenance

The owners of DA2024/1409 are responsible for the ongoing maintenance of the seawall covered by the application on the site in accordance with the approved plans and specifications following any damage caused by a storm. This includes undertaking works required to remove any threat to public safety arising from damage to the sea wall. The owners of DA2024/1409 are required to ensure that adequate funding for the carrying out of any such restoration and maintenance is available.

Reason: To ensure compliance with section 27 of the Coastal Management Act 2016