

## Natural Environment Referral Response - Coastal

<b>Application Number:</b>	DA2024/0683
<b>Proposed Development:</b>	Construction of a boat shed, deck, waterway access stairs and boat ramp
<b>Date:</b>	28/06/2024
<b>Responsible Officer</b>	Brittany Harrison
<b>Land to be developed (Address):</b>	Lot 1 DP 1188243 , 130 Prince Alfred Parade 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

This Development Application is to seek consent for construction of a new boat shed with storage, utility sink, deck, stair access and water access ramp.

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 NSW Department of Planning, Housing and Infrastructure – Crown Lands and Public Spaces dated 16 May 2024
- No navigational Concerns from the Transport for NSW- Maritime Division dated 26 February 2024 enclosing dated and signed maps
- No Objection from the DPI-Fisheries, a division of the Department of Primary Industries dated 10 April 2024

### 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 February 2024 and also as assessed in the submitted Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 10 January 2024, 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 Risk 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 Estuarine Hazard Controls will apply to any proposed development of the site.

In accordance with the submitted Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 10 January 2024, an estuarine planning level (EPL) of RL 2.31m AHD would apply considering the design life of proposed development as 25 years.

On internal assessment and as assessed in the submitted Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 10 January 2024, the ground floor level for the proposed additions and alterations is above the applicable EPL for the site.

The proposed development is therefore able 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 new boat shed, deck, stair access . These 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/does not satisfy 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 also submitted a Marine Habitat Survey prepared by Waterfront Surveys Australia dated 2 November 2023. The report concluded that the potential impacts on the aquatic ecology from the installation of new boatshed, timber deck area and timber skid ramp are expected to be minimal, temporary and unlikely to cause significant damage to any marine life.

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

### **Estuarine Hazard Design Requirements**

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 risks associated with coastal hazards for development in an estuarine environment.

### **Estuarine Planning Level Requirements**

An Estuarine Planning Level (EPL) of 2.31m AHD has been adopted for the subject site and shall be applied to all development proposed below this level as follows:

1. All structural elements below 2.31m AHD shall be of marine environment compatible materials;
2. All electrical equipment, wiring, fuel lines or any other service pipes and connections must be located either above 2.31m AHD or waterproofed to this level; and
3. The storage of toxic or potentially polluting goods, chemicals or materials, which may be hazardous or pollute the waterway, is not permitted below 2.31m AHD.
4. All interior power supplies (including electrical fittings, outlets and switches) must be located at or above 2.31m AHD. All exterior power supplies (including electrical fittings, outlets and switches) shall be located at or above 2.31m AHD to avoid the likelihood of contact with splashing waves and spray.

Reason: To ensure vulnerable components of the development are built at the appropriate level.

### **Compliance with Estuarine Risk Management Report**

The development is to comply with all recommendations of the approved Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 10 January 2024 and these recommendations are to be incorporated into construction plans and specifications and maintained over the life of the development.

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 Horton Coastal Engineering Pty. Ltd. dated 10 January 2024.

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

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

### **Boatshed Not for Habitation**

At no time shall the boatshed be utilised or converted to provide for residential habitation. The boatshed must not be used for any other purpose than the storage of small boats, light watercraft and boating and marine equipment. The incorporation of any internal kitchen facilities, habitable rooms, shower or

toilet facilities is not permitted.

**Installation of UTILITY SINK is NOT PERMITTED** inside the boatshed.

Reason: To ensure compliance with Pittwater Estuarine Risk Management Policy.