

Natural Environment Referral Response - Coastal

Application Number:	DA2023/1862
Proposed Development:	Alterations and additions to a boatshed, decking and skid ramp
Date:	26/02/2024
Responsible Officer	Jordan Howard
Land to be developed (Address):	Lot 41 DP 13760 , 214 Hudson Parade CLAREVILLE NSW 2107 Lot LIC 187249 , 214 Hudson Parade CLAREVILLE 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 application proposes partial demolition and rebuild a boatshed, and construct a new ramp and tidal landing over an existing slipway. The existing boatshed was granted approval on the 5th of June, 1991 that allowed the boatshed to be constructed in its current location and to its current footprint of 5m wide by 7.3m in length.

This application was assessed in consideration of:

- Supplied plans and reports including;
- Estuarine Risk Management Report by Horton Coastal Engineering Pty. Ltd. dated 13 January 2023
- Coastal Area Environmental Assessment Report by Total Earth Care dated 17 January 2023
- Aquatic Ecology Assessment by Marine Pollution Research Pty. Ltd. dated 15 November 2022
- Coastal Management Act 2016;
- State Environmental Planning Policy (Resilience and Hazards) 2021 (section 2.10, 2.11 & 2.12);
- Relevant LEP and DCP clauses.

The application has been assessed in consideration approval/support of:

- Consent to lodge DA from the NSW Department of Planning and Environment – Crown Lands and Public Spaces dated 14 December 2023 enclosing dated and signed maps
- No navigational concerns from the Transport for NSW- Maritime Division dated 16 January 2024 enclosing dated and signed maps
- No Objection from the DPI-Fisheries, a division of the Department of Primary Industries dated 19 February 2024 enclosing dated and signed maps and also indicating If excavation for foundations is to occur, a permit to dredge will be required from the Department under s.201 of the Fisheries Management Act.

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 Utz-Sanby Architects dated August 2023 and also as assessed in the submitted Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated January 2023, the DA satisfies requirements under clauses 2.10, 2.11 and 2.12 of the SEPP R&H.

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. The Estuarine Hazard Controls do not apply to Jetties, Bridging Ramps or Pontoons located on the seaward side of the foreshore edge.

As per submitted Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 13 January 2023, a base estuarine planning level (EPL) of RL 3.03m AHD would apply at the subject site.

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Utz-Sanby Architects dated August 2023 and also as assessed in the submitted Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated January 2023, the ground floor level of the refurbished boatshed is still below the EPL for the site.

The proposed development is therefore subject to conditions 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 works outside the foreshore building line although are permissible due to the fact it is a boatshed and utilises the location and size of the existing boatshed. 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 Utz-Sanby Architects dated August 2023, 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 and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Utz-Sanby Architects dated August 2023, 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. The boatshed straddles the mean high water mark. The existing boatshed's footprint is retained. The boatshed contains no further encroachment onto the waterway. This allows for continued access to boats whilst minimising the impact on water quality hydrodynamics.

The applicant has also submitted Aquatic Ecology Assessment prepared by Marine Pollution Research Pty. Ltd. dated 15 November 2022. The report concluded that the construction of a boat-shed and ramp facility can be undertaken with no significant impact on overall fish habitat values of the locality as intertidal to shallow sub-tidal native marine vegetation. Losses will be balanced against larger losses of pest algae habitat and an overall gain in shallow oyster reef fish habitat assemblages. Construction related risks can be mitigated and managed by the use of appropriate and specific aquatic habitat protection measures that can be incorporated into the project Construction Environment Management Plan (CEMP). The project may still require a Section 205 Permit under the FMA to ensure that the construction related risks are properly managed for the construction phase. or estuarine habitat of the Pittwater waterway

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

Lateral Limit to develop seaward of mean high water mark

Proposed development works are located on crown land below the Mean High Water Mark. Hence, Section D15.13: Lateral limit to develop 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 Utz-Sanby Architects dated August 2023, the DA satisfies requirements under

the Section D15.13: Lateral limit to develop seaward of mean high water mark of the Pittwater 21 DCP. The SEE report indicated that the proposed boatshed utilises the existing boatshed footprint to minimise the impact on neighbours. In doing this the perpendicular nature of the boatshed to the shoreline is maintained. Since the waterfront development utilises the existing footprint it is not distanced 2m from the lateral limit lines originating at the boundary, instead sitting 1m from this line.

As such, it is considered that the application does comply following existing footprint with the requirements of the Section D15.13: Lateral limit to develop seaward of mean high water mark of the Pittwater 21 DCP.

Waterfront Development

Proposed development of boatshed are located on crown land below the Mean High Water Mark. Hence, Section D15.15: Waterfront development, sub-section c) Boatshed of the Pittwater 21 DCP applies to proposed development. This sub-section specifies height, design and utilization of the boatshed. Boatsheds shall be one storey and no greater than 4.5m in building height above the platform on which it is built,, irrespective of its location

Comment:

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Utz-Sanby Architects dated August 2023, the proposed boatshed utilises the locational footprint of the existing footprint of the existing boatshed.

As such, it is considered that the application does comply, subject to conditions, with the requirements of the Section D15.15: Waterfront development, sub-section c) Boatshed of the Pittwater 21

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

Boatshed to be Properly Maintained: Development of a Maintenance Program

As the FFL of the boatshed is below the recommended Estuary Planning Level, a maintenance program shall be prepared by the structural engineer, with input as necessary from a chartered professional engineer with coastal engineering as a core competency, to ensure that for its design life the boatshed is maintained in a sound structural condition. The maintenance program shall be submitted to the Certifying Authority for approval prior to the release of the Construction Certificate. The boatshed shall be repaired and maintained in accordance with the program and as may be required from time to time to ensure its structural integrity for its design life.

Reason: To ensure appropriate maintenance of the boatshed located in the estuarine environment

Lawful Authority to Use and Occupy Crown Land or Waterway

An executed licence agreement from the relevant NSW government agency governing the use and occupation of Crown land in accordance with Condition #5 of the Crown Land's letter of landowner's consent dated 14 December 2023, is required to be obtained prior to the issue of a construction certificate. Evidence demonstrating compliance is to be provided to the certifying authority for approval.

Reason: To ensure that lawful authority under the Crown Land Management Act 2016 to use and occupy Crown land or waterway is obtained before construction commences.

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 3.03m AHD has been adopted by Council for the subject site and shall be applied to all development proposed below this level as follows:

1. All structural elements below 3.03m AHD shall be of flood compatible materials;
2. All electrical equipment, wiring, fuel lines or any other service pipes and connections must be located either above 3.03 m 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 3.03 m AHD.
4. All interior power supplies (including electrical fittings, outlets and switches) must be located at or above 3.03 m AHD. All exterior power supplies (including electrical fittings, outlets and switches) shall be located at or above 3.03 m 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, dated 13 January 2023 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 60 years as recommended 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 13 January 2023.

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

Preparation and adherence to Construction Environment Management Plan

A Construction Environmental Management Plan (CEMP) must be prepared in accordance with the environmental risks and mitigation methods identified in Coastal Area Environmental Assessment Report by Total Earth Care dated 17 January 2023 and the Aquatic Ecology Assessment prepared by Marine Pollution Research Pty. Ltd. dated 15 November 2022 and must be kept in the site office.

The CEMP must identify and appropriately manage invasive species (e.g. *Caulerpa taxifolia*).

An induction plan for site personnel must be prepared and implemented that addresses the CEMP. Induction records must be maintained and available onsite at all times.

Reason: To protect estuarine vegetation, wildlife, habitats.

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

Pollution Control

All stockpiles, materials, waste and slurry associated with works (including excavated material) is to be contained at source within the construction area and enclosed in waterproof covering and/or sediment and erosion control while not in use. All waste/debris is to be removed off site and disposed of as frequently as required in accordance to local regulations.

Reason: To protect the surrounding environment, and ensure that pollutants and building associated waste do not leave the construction 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.

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