

## Natural Environment Referral Response - Coastal

<b>Application Number:</b>	DA2019/0855
<b>Responsible Officer</b>	Kye Miles
<b>Land to be developed (Address):</b>	Lot 233 DP 16362 , 307 Whale Beach Road PALM BEACH NSW 2108

### 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.

### State Environmental Planning Policy (Coastal Management) 2018

#### 12 Development on land within the coastal vulnerability area

*Development consent must not be granted to development on land that is within the area identified as "coastal vulnerability area" on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:*

- (a) *if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and*
- (b) *the proposed development:*
  - (i) *is not likely to alter coastal processes to the detriment of the natural environment or other land, and*
  - (ii) *is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and*
  - (iii) *incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*
- (c) *measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.*

#### Comment:

The subject land has been located on the 'Coastal Use Area' and 'Coastal Environment Area' maps but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP) and in regard to clause 15 of the CM SEPP the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land.

As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

However, the subject site is shown affected by Coastline Bluff/Cliff Instability Hazard on Council's Coastal Risk Planning Map in Pittwater LEP 2014 and the relevant provisions of the Geotechnical Risk Management Policy for Pittwater and the B3.4 Coastline (Bluff) Hazard controls in P21 DCP will apply to new development of the site.

A Coastal Engineering Report by Horton Coastal Engineering Pty. Ltd. dated 12/06/2019 assessing coastline (bluff)/ coastal cliff or slope instability has been appended with Geotechnical Assessment Report by Ascent Geotechnical Consulting Engineers dated 12/06/2019.

The likelihood of the slope failing is assessed as 'UNLIKELY', the consequences of such a failure are assessed as 'MINOR'. The risk to property is 'LOW'. The existing conditions and proposed development are considered to constitute an 'ACCEPTABLE' risk to life and a 'LOW' risk to property provided that the recommendations outlined in Geotechnical Assessment Report are adhered to.

As such, it is considered that the application does comply with the requirements of the Pittwater LEP and DCP.

### **Referral Body Recommendation**

Recommended for approval, subject to conditions

### **Refusal comments**

### **Recommended Natural Environment Conditions:**

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

### **Coastal Bluff Engineering Assessment Implementation**

The advice and recommendations contained in the approved Coastal Engineering Assessment report prepared by Horton Coastal Engineering, dated 12 June 2019, must be addressed as necessary through the Geotechnical Risk Management Report prepared in support of the development application and must be incorporated as required into construction plans and structural specifications for the development.

Reason: To ensure potential hazards associated with development on a Coastal Bluff are minimised

### **Coastal Bluff Engineering Assessment Implementation**

All development or activities must be designed and constructed such that they will not increase the level of risk from coastal processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect coastal processes; they will not be adversely affected by coastal processes.

Reason: To ensure potential hazards associated with development on a Coastal Bluff are minimised

### **Engineers Certification of Plans**

The structural design shall be prepared by and each plan/sheet signed by, a registered professional civil or structural engineer with chartered professional status (CP Eng) who has an appropriate level of professional indemnity insurance and shall be submitted to the Principal Certifying Authority prior to the



release of the Construction Certificate.

Reason: To ensure structural engineering is prepared by an appropriately qualified professional