

## Natural Environment Referral Response - Coastal

<b>Application Number:</b>	DA2021/2555
<b>Date:</b>	21/02/2022
<b>Responsible Officer</b>	Kye Miles
<b>Land to be developed (Address):</b>	Lot 1 DP 499733 , 80 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 DA seeks consent for construction of a new seawall, boat shed and timber decking landward of the mean high water mark boundary of the subject property. It is noted that the applicant has advised that a retractable skid ramp extending over Crown land to the west of the boat shed has been withdrawn from the development proposal, but nevertheless the structure still appears on amended DWG 2191 - DA 02B and DA 05 and is still included as a part of the proposal in the amended Statement of Environmental Effects.

This application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018 and the coastal relevant requirements of Pittwater LEP 2014 and Pittwater 21 DCP.

### Coastal Management Act 2016

The subject site has been identified as being within the coastal zone and therefore the Coastal Management Act 2016 (CM Act) is applicable to the DA. The proposed development is consistent with the objects, as set out under Clause 3 of the CM Act. Further, the applicant has proposed reconstruction of an existing seawall. Hence the proposed development has also been assessed against the requirements of clause 27 of the CM Act.

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

As the subject site is within the coastal zone State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP) also applies to the proposed development. The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the CM SEPP. Hence, Division 3, Division 4 and Division 5 of the CM SEPP apply for this DA. On internal assessment and as assessed in the submitted amended Statement of Environmental Effects (SEE) report prepared by Lance Doyle Consulting, the DA satisfies the relevant provisions of the CM SEPP. As such, it is considered that the application can satisfy the requirements of State Environmental Planning Policy (Coastal Management) 2018 subject to conditions.

### Pittwater LEP 2014 and Pittwater 21 DCP

Development on Foreshore Area

As the subject site is affected by the foreshore building line (FBL) Part 7, clause 7.8 – Limited development on foreshore area of Pittwater LEP 2014 applies for any development within the foreshore area. Seawalls and boat sheds are permitted with consent within the foreshore area.

The proposed development is not contrary to the objectives of the zone and the Aquatic Ecology Impact

Report prepared by Marine Pollution Research Pty Ltd finds that it is unlikely to cause environmental harm. Sea level rise has been considered, the proposed development is unlikely to have an adverse impact on the amenity or appearance of the foreshore and as the proposed development is wholly within the private property boundary, the previously available public access along the foreshore and to the waterway will not be compromised by the proposed development.

It is considered that the development proposal is able to satisfy the objectives and requirements of Clause 7.8 – Limited development on foreshore area of Pittwater LEP 2014 subject to conditions.

#### 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 Estuarine Hazard Controls will apply to any proposed development of the site. In accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuarine planning level (EPL) of RL 2.73m AHD would apply at the subject site.

An EPL of 2.73m AHD including a 0.3m freeboard and 0.4m sea level rise allowance has been adopted for the proposed development by Cardno (NSW/ACT) Pty Ltd and presented in the approved Estuarine Risk Management Report dated 1 December 2021. The proposed boat shed would be located partially seaward of the planned seawall and has a proposed finished floor level of 1.76m AHD. As the floor level of the boat shed is below the EPL, the risk management report recommends actions to address inundation impacts and wave loadings as well as design considerations and other measures to reduce risk associated with estuarine hazards. The proposed development is considered to satisfy the requirements of the Estuarine Risk Management Policy for Development in Pittwater and B3.7 Estuarine Hazard Controls subject to conditions.

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 potential hazards associated with development in an estuarine habitat.

#### Estuarine Planning Level Requirements

An Estuarine Planning Level (EPL) of 2.73m AHD has been adopted in the approved Estuarine Risk Management Report for the subject site prepared by Cardno (NSW/ACT) Pty Ltd and shall be applied to all development proposed below this level as follows:

- All structural elements below 2.73m AHD shall be of flood compatible materials;
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be located either above 2.73m AHD or waterproofed to this level; and
- The storage of toxic or potentially polluting goods, chemicals or materials, which may be hazardous or pollute the waterway, is not permitted below 2.73m AHD.
- All interior power supplies (including electrical fittings, outlets and switches) must be located at or above 2.76m AHD. All exterior power supplies (including electrical fittings, outlets and switches) shall be located at or above 3.26m AHD to avoid the likelihood of contact with splashing waves and spray.

Reason: To ensure aspect 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 Cardno (NSW/ACT) Pty Ltd, dated 1 December 2021 and these recommendations are to be incorporated into construction plans and specifications. Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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 the development is able to withstand the wave impact forces and loadings identified in the approved Estuarine Risk Management Report prepared by Cardno (NSW/ACT) Pty Ltd dated 1 December 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

### **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

### **Compliance with Aquatic Ecology Impact Assessment Report**

The development is to comply with all recommendations of the approved Aquatic Ecology Assessment Report prepared by Marine Pollution Research Pty Ltd, dated 13 December 2021, and these recommendations are to be incorporated into construction plans and specifications. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the release of the Construction Certificate.

Reason: To minimise potential harm and damage to estuarine habitat.

### **Stormwater Management**

Stormwater shall be disposed of in accordance with Council's Policy. The stormwater management plan is to be implemented to ensure that there is no increase in stormwater pollutant loads arising from the

approved development. Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from development, ensuring that the proposed works do not negatively impact receiving waters.

## **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

### **Installation and Maintenance of Aquatic Sediment and Erosion Control**

Sediment and erosion controls such as silt curtains or booms are to be used during construction, to ensure that there is no escape of turbid plumes into the aquatic environment and shall remain in proper operation until all development activities have been completed. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms.

Reason: To protect receiving waters and aquatic habitats from the effects of erosion and sedimentation 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 with applicable regulations.

Reason: To protect the surrounding environment, and ensure that pollutants and building associated waste do not enter receiving waters.

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

### **Retractable Skid Ramp Deleted**

As advised by the applicant (Email from Steve Crosby dated 3/02/2022), the proposed retractable skid ramp to the western elevation of the boat shed has been withdrawn and does not form a part of this DA and should be deleted from all plans and supporting documents if the DA is approved.

Reason: Component of proposed development withdrawn from the subject DA.

### **Seawall Structure to be Properly Maintained**

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 seawall 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

seawall 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 development and to fulfil maintenance requirements under clause 27(b)(ii) of the Coastal Management Act 2016.

**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 minimise risk to boat shed users associated with estuarine inundation and wave action hazards.

**Compliance with Estuarine Risk Management Report**

The development is to comply with all recommendations of the approved Estuarine Risk Management Report prepared by Cardno (NSW/ACT) Pty Ltd, dated 1 December 2021 and these recommendations are to be maintained over the life of the development.

Reason: To ensure preservation of the development and the estuarine environment