Natural Environment Referral Response - Coastal

Application Number:	DA2021/1842

Date:	09/11/2021
Responsible Officer	Thomas Prosser
Land to be developed (Address):	Lot 96 DP 12749 , 37 Florence Terrace SCOTLAND ISLAND NSW 2105

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 alterations and additions to a dwelling house and construction of a new seawall, swimming pool and landscaping.
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 proposed development. The proposed development is consistent with the objects, as set out under Clause 3 of the CM Act. Further, the applicant has proposed construction/modification of a seawall. Hence the proposed development has also been assessed against the requirements of clause 27 of the CM Act. As required, the impact & risk associated with the construction of the new seawall has been assessed in an Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty Ltd dated 21 May 2021. Based on the impact and risk identified, Council applies maintenance condition as per Section 27(b)(ii) in approving this DA.

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, Clauses 13, 14 and 15 of the CM SEPP apply for this DA. As assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Minto Planning Services Pty Ltd dated October 2021, Council accepts the assessment that the DA satisfies the requirements under clauses 13, 14 and 15 of the CM SEPP. As such, it is considered that the application complies with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

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. The proposed development works are located, in part, within the foreshore area. The majority of the lower ground floor level and ground floor level of the existing dwelling are located forward of the FBL. The proposed dwelling alterations and additions are not shown as extending further into the foreshore area, Seawalls and swimming pools are permitted uses within the foreshore area.

The proposed development is not contrary to the objectives of the zone, is unlikely to cause environmental harm or have an adverse impact on the amenity or appearance of the foreshore. Sea level rise, coastal erosion and recession have been considered and the previously available public access along the foreshore and to the waterway will not be compromised by the proposed development.

As assessed in the submitted SEE, It is considered that the development proposal satisfies the objectives and requirements of Clause 7.8 – Limited development on foreshore area of Pittwater LEP 2014.

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 2.63m AHD would apply at the subject site.

An EPL of 2.53m AHD including a 0.3m freeboard has been independently derived for the proposed development by Horton Coastal Engineering Pty Ltd and presented in the Estuarine Risk Management Report dated 21 May 2021. The proposed development would be located a minimum of 8m from the planned seawall and include a wave trip area with a crest level of 2.43 AHD located 5 to 6m seaward of the proposed dwelling. This EPL and the proposed management measures to mitigate risk associated with wave action and coastal inundation are acceptable to Council.

The proposed development is supported subject to conditions to satisfy the relevant requirements of the CM Act, CM SEPP, PLEP 2014 and P21 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

Erosion and Sediment Control Plan
An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention

(consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities);
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls;
- North point and scale.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

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.

Compliance with Estuarine Risk Management Report
The development, in particular the new seawall, is to comply with all recommendations of the approved Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty Ltd dated 21 May 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 new seawall 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 of 60 years 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 21 May 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 Certifying Authority prior to the release of the Construction Certificate.

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

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 the surrounding aquatic habitats from the effects of sedimentation and erosion from the site

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Stockpiling materials
During construction, all material associated with works is to be contained at source, covered and must be within the construction area. All surplus material and debris is to be removed off site and disposed of according to applicable regulations. The property is to be kept clean and any building debris removed as frequently as required to ensure no debris enters receiving waters.

Reason: To ensure pollution control measures are effective to protect the aquatic habitats within receiving waters throughout the construction period.

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

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.

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 21 May 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