

## Natural Environment Referral Response - Coastal

<b>Application Number:</b>	DA2024/0698
<b>Proposed Development:</b>	Construction of a swimming pool and associated works
<b>Date:</b>	11/07/2024
<b>Responsible Officer</b>	Brittany Harrison
<b>Land to be developed (Address):</b>	Lot 8 DP 16749 , 1027 Barrenjoey Road PALM BEACH NSW 2108 Lot 10 DP 16749 , 1027 Barrenjoey Road PALM BEACH NSW 2108 Lot 9 DP 16749 , 1027 Barrenjoey 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

REVISED COMMENTS 04/07/2024

Supported subject to conditions.

The subject property has been identified as being affected, among others, by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. 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 proposed developments at the site. It is noted that the site is also subject to Catchment Flooding, and that a Flood report has been provided and controls applied.

In accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuary planning level of 2.79m AHD has been adopted by Council for the year 2050 i.e. if the design life of proposed development is 25 years or less. A reduction factor (RF) based upon the distance from the foreshore of proposed development may also apply at a rate of 0.08m reduction to the EPL for every 5.00m distance from the foreshore edge up to a maximum distance of 40.00m. In applying the reduction factor, the EPL has been determined to be 2.15m AHD for this site.

As per relevant Estuarine Hazard Controls B3.7, new developments shall be at or above the Estuarine Planning Level. The proposed deck and top wall of the swimming pool are located below the adopted EPL at 2.02m AHD. This has been assessed as acceptable because the pool is not a habitable structure and constructing it below the EPL would not create a significant risk to the inhabitants of the property or adjoining properties. The structure is not expected to impact coastal processes negatively.

PREVIOUS REFERRAL 28/06/2024

REFUSED, REQUIRING ADDITIONAL SUPPORTING REPORT

The subject property has been identified as being affected, among others, by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. 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 proposed developments at the site.

In accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuary planning level of 2.79m AHD has been adopted by Council for the year 2050 i.e. if the design life of proposed development is 25 years or less. If the design life is higher, it is advisable to consider a base estuarine planning level (EPL) of RL 3.29m AHD. A reduction factor (RF) based upon the distance from the foreshore of proposed development may also apply at a rate of 0.08m reduction to the EPL for every 5.00m distance from the foreshore edge up to a maximum distance of 40.00m. No further reduction is applicable.

As per relevant Estuarine Hazard Controls B3.7, new developments shall be at or above the Estuarine Planning Level.

The proposed deck and top wall of the swimming pool are located below the adopted EPL. An Estuarine Risk Management Report is required if the proposed development is below the EPL.

An Estuarine Risk Management Report should consider development constraints due to estuarine hazard impacts on the land, including an assessment of the degree of inundation, effects of wave action, impacts of waterborne debris, buoyancy effects, and other emergency issues during the design event (100 ARI event). The report should also contain recommendations as to any reasonable and practical measures that can be undertaken to remove foreseeable risk associated with estuarine hazards for the design life of the development.

An estuarine risk management report must be prepared by a specialist coastal engineer who is a registered professional engineer with chartered professional status (CP Eng) and with and with coastal engineering as a core competency and has an appropriate level of professional indemnity insurance.

As per Appendix 7 of the Pittwater 21 DCP, applicants may also seek their own professional advice on determination of estuarine planning levels from a suitably qualified Coastal Engineer through an estuarine risk management report.

Based on above considerations, a further assessment of the DA remains pending.

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 Certifier 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 Planning Level Requirements**

An Estuarine Planning Level (EPL) of 2.15 m AHD has been adopted by Council for the subject site and shall be applied to all development proposed below this level as follows. Where this condition contradicts Flood Planning Conditions, the higher of the two levels applies.

1. All structural elements below 2.15 m 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 2.15 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 2.15 m AHD.
4. All interior power supplies (including electrical fittings, outlets and switches) must be located at or above 2.15 m AHD. All exterior power supplies (including electrical fittings, outlets and switches) shall be located at or above 2.15 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.

## **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**

### **Stockpiling materials**

During construction, all material associated with works is to be contained at source, covered and must be within the construction area. All material is to be removed off site and disposed of according to local 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.