Natural Environment Referral Response - Coastal

Application Number:	DA2019/0534

Responsible Officer	Penny Wood
Land to be developed (Address):	Lot 179 DP 15376 , 271 Whale Beach Road WHALE BEACH 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 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.

Coastal Management Act 2016
The subject site has been identified as being within the coastal zone and therefore *Coastal Management Act 2016* is applicable to the proposed development.

The proposed development is in line with the objects, as set out under Clause 3 of the *Coastal Management Act 2016.*

State Environmental Planning Policy (Coastal Management) 2018
As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development.

The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 13, 14 and 15 of the CM SEPP apply for this DA.

Comment:

As assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Minto Planning Services dated 27/8/2019 and Council accepts the assessment, the DA satisfies requirements under clauses 13, 14 and 15 of the CM SEPP.

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

Pittwater LEP 2014 and Pittwater 21 DCP

The subject site is also shown to be affected by Coastline Bluff/Cliff Instability Hazard on Council's Coastal Risk Planning Map in Pittwater LEP 2014. As such, the Geotechnical Risk Management Policy for Pittwater (Appendix 5, Pittwater 21 DCP) and the relevant B3.4 Coastline (Bluff) Hazard controls in P21 DCP will apply to new development of the site.

Coastline Bluff Hazard Management

A Geotechnical Report by Ascent Geotechnical Consulting dated 28/8/2019 assessing coastline (bluff)/ coastal cliff or slope instability has been submitted with the DA. An impact assessment of the long term coastal processes on the coastline (bluff)/ coastal cliff or slope instability, prepared by Horton Coastal Engineering Pty. Ltd.dated 27/8/2019 has been appended with the Geotechnical Report. The report assessed that 'the level of risk is 'Acceptable', based on a design life of 100 years.

As such, it is considered that the application does comply, subject to conditions, with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.

Incline Passenger Lifts and Stairways

An acoustic assessment prepared by Acoustic Dynamics dated 23/8/2019 recommended that accoustic mitigation is required to ensure the noise emission achieve compliance and will not exceeds 5D(b)A above background noise when measured from thenearest property boundary

As such, it is considered that the application does comply, subject to implementation of mitigation measures, with the requirements of Section C1.19 of the Pittwater 21 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 Pty. Ltd., dated 27/8/2019, 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

Construction of Inclined Chair Lift
The advice, recommendations and mitigation measures contained in the approved Noise Emission Assessment report prepared by Acoustic Dynamics dated 23/8/2019, must be addressed and incorporated as required into construction plans and structural specifications for the development.

Reason: To ensure potential noise emissions associated with development of a Inclined Chair Lift and pool pump.

Design Impact on Coastal Processes and Public/Private Amenity
All development and/or activities must be designed and constructed so that they will not adversely impact on surrounding properties, coastal processes or the amenity of public foreshore lands.

Reason: To ensure the development does not impact the coastal process and public/private

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Geotechnical Issues
All conditions outlined in Geotechnical report prepared by Ascent Geotechnical Consulting dated 28/8/2019 are to be complied with and adhered to throughout development.

Reason: To ensure (insert excavation, foundations, footings, etc.) is undertaken in an appropriate manner and structurally sound.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Geotechnical Issues
Following construction activities provide Council with a geotechnical report that has investigated the stability of the site and provided an assessment of any new landslip hazards prior to the issue of an occupation certificate.

Reason: To ensure works are undertaken in an appropriate manner.

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

General Foreshore Matters

Unless in accordance with the approved works the Consent holder must ensure that:
a) No materials or cleared vegetation that may obstruct flow or cause damage to the foreshore are left within the coastal foreshore area.
b) All drainage works must not obstruct flow of water within the coastal waters. Drain discharge points are stabilised to prevent erosion. Any excavation must not result in diversion of any foreshore bank instability or damage to native vegetation.
c) The foreshore is graded to enable the unimpeded flow of water and retaining structures result in a stable foreshore banks.
d) Any vegetation or other material removed from the area of operations shall be disposed of lawfully. Burning of the material is not permitted.
e) The foreshore is to function as an ecological system and as such, all works, access, roads, recreational areas, service easements and any other non-ecologically functioning work or activity are to be located beyond the foreshore other than provided by the consent.

Reason: Environmental protection, monitoring and enhancement of the foreshore.