

Natural Environment Referral Response - Coastal

Application Number:	DA2022/1776
Date:	14/11/2022
Responsible Officer	Megan Surtees
Land to be developed (Address):	Lot 1 DP 344054 , 4 Cabarita Road AVALON BEACH NSW 2107 Lot LIC 190391 , 4 Cabarita Road AVALON 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

SUPPORTED WITH CONDITIONS

The DA is to renovate an existing boatshed and carry out associated works including levelling the waterfront terrace and constructing a timber pergola.

The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Resilience & Hazards) 2021 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.

The application has been assessed in consideration approval/support of:

- Consent to lodge DA from the Department of Crown Lands under the NSW Planning, Industries & Environment dated 10 March 2022
- No Objection from the DPI-Fisheries under the Department of Primary Industries dated 28 March 2022

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*.

Further, the applicant has proposed construction/modification of a seawall. Hence the proposed development has been assessed also against the requirements of the Section 27 of the *Coastal*

Management Act 2016. As required, the impact & risk associated with the construction/modification of the seawall has been assessed in an Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 14 August 2019.

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 (Resilience & Hazards) 2021

The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience & Hazards) 2021 (SEPP R & H). Hence, Clauses 2.10, 2.11 and 2.12 of the CM (R & H) apply for this DA.

Comment:

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Symons Goodyer Pty. Ltd. dated April 2022 and also as assessed in an Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 14 August 2019, the DA satisfies requirements under clauses 2.10, 2.11 and 2.12 of the SEPP R&H. As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021.

Pittwater LEP 2014 and Pittwater 21 DCP

Estuarine Risk 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 Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 14 August 2019, an estuarine planning level (EPL) of RL 2.2m AHD for the boatshed and RL of 2.5m AHD would apply at the subject site.

On internal assessment and as assessed in the submitted Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 14 August 2019, the ground floor level for the proposed boatshed is below the derived EPL for the site.

The proposed development is therefore subject to conditions to satisfy the relevant estuarine risk management requirements of P21 DCP.

Development on Foreshore Area

A large section of the subject property is within the foreshore building line. Part 7, Clause 7.8 –Limited development on foreshore area of the Pittwater LEP 2014 applies for any development within the foreshore area.

The DA proposes development works on the boatshed which is partly located on the foreshores area. This is consistent with Clause 7.8(2)(b).

On internal assessment and as assessed in the submitted Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 14 August 2019, the DA satisfies the objectives and requirements of Part 7, Clause 7.8 of the Pittwater LEP 2014.

D15.18 Seawalls

As a raised seawall is proposed, Section D15.18 of the Pittwater 21 DCP applies to these works. In D15.18 of the DCP, it is stated that “seawalls shall not be permitted”, with a variation that “Council may consider the construction of seawalls where there is potential for erosion from coastal processes and protection of property is necessary”.

At the subject property, there is an existing vertical seawall, with vertical seawalls at all surrounding properties. A seawall is thus necessary to maintain the existing foreshore infrastructure, along with being an existing use.

Comment:

On internal assessment and as assessed in the submitted Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 14 August 2019, the DA satisfies requirements under the Section D15.18: Seawalls. As such, it is considered that the application does comply with the requirements of the Pittwater 21 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

Estuarine Hazard Design Requirements

The following applies to all development:

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 2.3m AHD has been recommended through an Estuary Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 14 August 2019 and adopted by Council for the subject site and shall be applied to all development proposed below this level as follows:

- All structural elements below 2.3m 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 2.3m 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 2.3m AHD.
- All interior power supplies (including electrical fittings, outlets and switches) must be located at or above 2.3m AHD. All exterior power supplies (including electrical fittings, outlets and switches) shall be located at or above 2.3m 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 Horton Coastal Engineering Pty. Ltd. dated 14 August 2019 and these recommendations are to be incorporated into construction plans.

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 (taken to be 60years for the seawalls and 25 years for the boatshed as justified and accepted by Council) 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 14 August 2019.

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

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

Compliance with the recommendations of the Marine Habitat Survey Report

The construction and development is to comply with all recommendations of the approved Marine Habitat Survey Report prepared by Bio-Analysis Pty. Ltd. dated September 2019. These recommendations are to be complied with during the construction period.

Reason: To ensure preservation of the estuarine habitat and environment

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.

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 ensure compliance with Pittwater Estuarine Risk Management Policy.

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 14 August 2019 and these recommendations are to be maintained over the life of the development.

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