

Natural Environment Referral Response - Coastal

Application Number:	DA2021/1576
Date:	05/11/2021
Responsible Officer	Claire Ryan
Land to be developed (Address):	Lot 6 DP 563641 , 3 Panima Place NEWPORT NSW 2106 Lot LIC 549978 , 3 Panima Place NEWPORT NSW 2106

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 proposes construction of a new boat shed with associated foreshore structures including new slip rails installed in the existing concrete ramp extending into the waterway and the removal of a section of existing seawall. The proposal includes development below the MHWL.

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 the coastal relevant requirements of Pittwater LEP 2014 and Pittwater 21 DCP.

Assessment of the application has also considered:

- Consent of landowner to lodge a DA from the Department of Planning, Industries & Environment - Crown Lands, dated 27 January 2021.
- No navigational concerns as a result of the proposed development from Transport for NSW Maritime Division dated 11 June 2020.
- No objection to the proposed development from the Department of Primary Industries - Fisheries, dated 11 June 2020.

Coastal Management Act 2016

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

The proposed development is considered to be consistent with the objects, as set out under Clause 3 of the Coastal Management Act 2016.

State Environmental Planning Policy (Coastal Management) 2018

The proposed development site has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps 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. On internal 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 State Environmental Planning Policy (Coastal Management) 2018 subject to conditions.

Pittwater LEP 2014 and Pittwater 21 DCP

Development on Foreshore Area

The subject property is affected by the foreshore building line and Part 7, Clause 7.8 –Limited development on foreshore area of the Pittwater LEP 2014 applies for any development within the foreshore area. Proposed development works are located seaward of the foreshore building line and the proposed boat shed is a permitted land use 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 has been considered and the previously available public access along the foreshore and to the waterway will not be compromised by the proposed development.

It is therefore 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 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 2.50m AHD applies at the subject site.

An Estuarine Risk Management Report prepared by Salients Pty Limited, dated 26 October 2021 supports adoption of the Council EPL and justifies a design life of 25 years for the proposed development. As the proposed floor level for the boat shed (RL 1.50m AHD) is below the EPL, the report suggests consideration of raising the floor level and recommends actions to address water and wave loadings as well as risks associated with the proposed foreshore development.

The new boat shed is likely to be at an acceptably low level of risk of damage or destruction from estuarine inundation and wave action for a design life of 25 years as long as all the recommendations included in the submitted Estuarine Risk Management Report for 3 Panima Place, Newport are adopted. As such it is considered that the proposed development is able to satisfy the relevant requirements of the Estuarine Risk Management Policy and B3.7 Estuarine Hazard Controls subject to conditions.

Development Seaward of Mean High Water Mark

Proposed development works are located on Crown land below the Mean High Water Mark. Hence, Section D15.12: Development seaward of mean high water mark in Pittwater 21 DCP applies to the proposed development. DPI Fisheries has raised no objections to the development proposal and does not consider the proposal to constitute integrated development.

On internal assessment the proposed development is unlikely to adversely impact on the visual amenity of the foreshore or water quality or estuarine habitat of the Pittwater waterway and the DA is considered to be able to satisfy the requirements of the Section D15.12 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 RL 2.50m AHD has been adopted for the subject site and shall be applied to all development proposed below this level as follows:

- All structural elements below RL 2.50m 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 RL 2.50m 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 RL 2.50m AHD.
- All electrical fixtures must be installed above RL 2.50m AHD. If situated below the EPL fixtures must be of submersible grade. Any power outlets located below the maximum wave runup height (RL 3.26m AHD) must also be of submersible grade.

Reason: To ensure vulnerable aspects 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 Salients Pty Limited, dated 26 October 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 release 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 Salients Pty Limited dated 26 October 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 for approval prior to the release of the Construction Certificate.

Reason: To ensure structural engineering is prepared by an appropriately qualified professional

Lawful Authority to Use and Occupy Crown Land or Waterway

An executed licence agreement from the relevant NSW government agency governing the use and occupation of Crown land is required to be obtained prior to the issue of a construction certificate.

Reason: To ensure that lawful authority under the Crown Land Management Act 2016 to use and occupy Crown land or waterway is obtained before construction commences.

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 or 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**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 the 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 Salients Pty Limited, dated 26 October 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