

Natural Environment Referral Response - Coastal

Application Number:	DA2020/1762
Date:	13/09/2021
Responsible Officer	Jordan Davies
Land to be developed (Address):	Lot 1 DP 827733 , 316 Hudson Parade CLAREVILLE NSW 2107 Lot 2 DP 827733 , 316 Hudson Parade CLAREVILLE NSW 2107 Lot LIC 559856 , 316 Hudson Parade CLAREVILLE 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

Further comments 3/09/21

Revised information and plans have been supplied. These have been considered and adequately address outstanding matters subject to conditions being applied.

Supported subject to conditions.

Further comments 22/07/21

It is noted a revised plan has been submitted in response to concerns from Council and Fisheries in regard to the footprint and design of the seawall component of the structure.

A number of dot points have not yet been addressed adequately:

- A footprint that is similar to the original structures
- No reclamation of waterfront land for private development
- Provision of public access along the foreshore

The application has been assessed in consideration of

- Coastal Management Act 2016
- State Environmental Planning Policy (Coastal Management) 2018
- Pittwater LEP 2014
- Pittwater 21 DCP

Further, the application has been assessed in consideration of the following:

- No navigational concerns from the Transport for NSW- Maritime Division dated 10 May 2021 enclosing dated and signed maps
- Refusal from the DPI-Fisheries under the Department of Primary Industries dated 29 March 2021
- Absence of current Consent to lodge DA from the Department of Crown Lands under the NSW Planning, Industries & Environment
- Absence of current Consent to lodge DA from Northern Beaches Council

The proposal as submitted is not supported due the likely impacts on access along the public foreshore and likely impacts on the marine environment as noted in the Marine Habitat Survey report submitted with the application and the DPI Fisheries response to this proposal. These impacts are inconsistent with the above listed planning controls and legislation. Any application for a boatshed, ramp, slipway, concrete jetty, timber jetty & steps and berthing area at this site requires concurrence from DPI fisheries and must satisfy the following matters:

- A footprint that is similar to the original structures
- No reclamation of waterfront land for private development
- A proposal that is in accordance with the Environmentally Friendly Seawalls Guideline (OEH 2009)
- Provision of public access along the foreshore
- Address potential impacts to marine habitat

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 2.63m AHD has been adopted by Council for the subject site and shall be applied to all development proposed below this level as follows:

- All structural elements below 2.63m 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 2.63m 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 2.63m AHD.
- All interior power supplies (including electrical fittings, outlets and switches) must be located at or above 2.63m AHD. All exterior power supplies (including electrical fittings, outlets and switches) shall be located at or above 2.63m 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 Royal HaskoningDHV dated 16 April 2021 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 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 Royal HaskoningDHV dated 16 April 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 Principal Certifying Authority prior to the release of the Construction Certificate.

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

Decking materials

Decking and pontoon materials are to provide 50% light transmittance.

Reason: To protect aquatic species and estuarine habitat

Boatshed footings

Boatshed footings are to be constructed in accordance with updated plans and OEH's 'Environmentally Friendly Seawalls: A Guide to Improving the Environmental Value of Seawalls and Seawall-Lined Foreshores in Estuaries'

Reason: Provide habitat in the intertidal zone.

Low Level Coastal Inundation Risk Design

All development must be designed and constructed to achieve a low risk of damage and instability due to coastal inundation, wave impact and foreshore erosion hazards.

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

DPI Fisheries Part 7 permit for dredging, reclamation and to harm marine vegetation

The proponent must apply for and obtain a Part 7 permit for dredging, reclamation and to harm marine vegetation under the FM Act from DPI Fisheries prior to any works on site.

Reason: To protect aquatic vegetation and estuarine habitat

Approval of Works in Public Beach Reserve

No works are to be carried out from or within the public beach reserve without the written approval of Council or necessary leases or licenses.

Reason: To ensure no damage is done to the public beach reserve

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Pollution Control

All stockpiles, materials, waste and slurry associated with works (including excavated material) is to be contained at source within the construction area and enclosed in waterproof covering and/or sediment and erosion control while not in use. All waste/debris is to be removed off site and disposed of as frequently as required in accordance to local regulations.

Reason: To protect the surrounding environment, and ensure that pollutants and building associated waste do not leave the construction site.

Pollution Control

Any excess materials such as cleaning paintbrushes, lacquers, and any water from cleaning tools must not enter the stormwater network and/or receiving waterways.

Reason: To ensure that building associated chemicals and pollutants don't enter the surrounding environment.

Environmental safeguards and pollution control

Environmental safeguards (silt curtains, booms etc.) are to be used during construction to ensure that there is no escape of turbid plumes into the aquatic environment. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms.

Reason: To protect aquatic vegetation and estuarine habitat

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 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.

Maintenance of Public Access

Public access is to be maintained in accordance with the requirements of the Crown Land License issued for the site.

Reason: To ensure ongoing public access to the adjoining foreshore areas

Maintenance of Public Access

Public access along the foreshore is to be provided and maintained as shown in the updated Plan Drawings DA-001 received Aug 2021.

Gates, locks and signage that restrict public access along the foreshore and behind the boatshed are not permitted.

Reason: To allow for public access along the foreshore.

Compliance with Estuarine Risk Management Report

The development is to comply with all recommendations of the approved Estuarine Risk Management Report prepared by Royal HaskoningDHV dated 16 April 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 and to ensure compliance with section 27 of Coastal Management Act 2016