

Natural Environment Referral Response - Coastal

Application Number:	DA2024/1457
Proposed Development:	Realignment of existing jetty and construction of a new ramp, pontoon and berthing area
Date:	20/01/2025
Responsible Officer	Olivia Ramage
Land to be developed (Address):	Lot 51 DP 547759 , 158 McCarrs Creek Road CHURCH POINT NSW 2105 Lot LIC 321365 , 158 McCarrs Creek Road CHURCH POINT NSW 2105

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 development proposal is to construct waterfront facilities in front of 158B McCarrs Creek Road, Church Point, to be jointly shared with 158B & 158C McCarrs Creek Road. These facilities include a shared timber jetty, a shared transition jetty, shared ramp, shared pontoon, berthing areas, and piles.

Assessment of the application has also considered:

1. Consent of landowner to lodge a DA from the Department of Planning, Industries & Environment - Crown Lands, dated 9 July 2024.
2. No navigational concerns as a result of the proposed development from Transport for NSW Maritime Division dated 23 May 2023.
3. No objection to the proposed development from the Department of Primary Industries - Fisheries, dated 9 October 2023.

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. 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 SDG Pty Ltd dated October 2024 the DA is consistent with requirements under clauses 2.10, 2.11 and 2.12 of the SEPP.

As such, it is considered that the application is consistent with the requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021.

Pittwater LEP 2014 and Pittwater 21 DCP

Development on Foreshore Area

A 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 shared timber jetty, a shared walkway, shared ramp, shared pontoon, berthing areas, and supporting piles are situated below the Mean High Water (MHW) boundary and are positioned outside the designated Foreshore Area. Which is consistent with Clause 7.8(2)(b).

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by SDG Pty Ltd dated October 2024, the DA satisfies the objectives and requirements of Part 7, Clause 7.8 of the Pittwater LEP 2014.

Estuarine Hazard Management

The subject properties have been identified as affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. As the Estuarine Planning Level (EPL) does not apply to jetties, bridging ramps or pontoons located on the seaward side of the foreshore edge the proposed development is considered to satisfy the relevant provisions of the Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the B3.7 Estuarine Hazard Controls.

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.

An Marine Habitat Survey lodged in support of the DA and prepared by H20 Consulting group Pty Ltd dated June 2023 concludes that the proposed development is not expected to have any impacts on any threatened marine species or ecological communities, including those that may occur transiently in subtidal areas at the locality at times. Any additional impacts on marine habitat from the proposed development will be confined to a small area of unvegetated, silty, bioturbated soft sediment.

On internal assessment the proposed development at Lot 51 McCarrs Creek Road, Church Point is not expected to have any ecologically significant impacts on marine habitat. Those impacts that do occur will be confined to some short-term disturbance to areas of unvegetated, silty soft sediment with epibenthic fauna. The adoption of measures identified in this report can minimise and mitigate any further potential impacts on aquatic habitat, particularly to nearby seagrass beds. The DA is considered to be able to satisfy the requirements of the Section D15.12 Controls subject to conditions.

No other coastal issues identified.

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.

Compliance with Marine Habitat Survey Report

The development is to comply with all conclusions and recommendations of the approved Marine Habitat Survey Report prepared by H2O Consulting Group, dated June 2023, and these recommendations are to be incorporated into construction plans and specifications and maintained over the life of the development

Reason: To minimise potential hazards associated with development in an estuarine habitat.

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.

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.