

Natural Environment Referral Response - Riparian

Application Number:	DA2024/1156
Proposed Development:	Demolition works and construction of a nine (9) berth residential marina, associated works and subdivision into eight (8) lots
Date:	30/09/2024
To:	Nick England
Land to be developed (Address):	Lot 112 DP 556902 , 122 Crescent Road NEWPORT NSW 2106 Lot 295 DP 820302 , 122 A Crescent Road NEWPORT NSW 2106

Reasons for referral

This application seeks consent for the following:

- All Development Applications on land, and located within 40 metres of land, containing a watercourse, or
- All Development Applications on land containing a wetland, or located within 100m of land containing a wetland,
- All Development Applications on land that is mapped as “DCP Map Waterways and Riparian Land”.

And as such, Council's Natural Environment Unit officers are required to consider the likely impacts on drainage regimes.

Officer comments

Not Supported

This application was assessed in consideration of:

- Supplied plans and reports;
- Coastal Management Act 2016;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- Water Management Act 2000 & Water Management (General) Regulation 2018;
- Relevant LEP and DCP clauses; and
- Northern Beaches Water Management for Development Policy.

Referral to the Department of Planning and Environment – Water is required. The proposal is considered to include waterfront land. Waterfront land includes the bed of any estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary. This is supported by the Water Management (General) Regulation 2018 hydroline spatial data. As was the case for the adjoining development application for the land above the mean high-water mark, referral must be made for this application. Additional information is required. Clear details of the location, dimensions and materials to be used in the construction of any seawalls is required (Pittwater 21 DCP, B15.18). The proposed design implies the removal of these features, as does the Coastal Risk Management Report. Description is absent from the Statement of Environmental Effects. The boat ramp and vertical slipway amount to at least

100 square metres in area. Any infilling would be considerable and likely meet the Fisheries Management Act 1994 definition of reclamation work. Detail must be provided on the design and referred to NSW Fisheries for comment. The Aquatic Ecology and Marine Sediment Assessment may need to be updated. In its current form, the aforementioned Assessment considers adaptive reuse and retention of the existing seawall but not the intent for the boat ramp and slipway, nor opportunities for naturalisation therein.

Integration with the natural environment is required. For areas above the zone of tidal influence, it is proposed to include landscaping features that create natural areas and support natural processes such as the infiltration of rainfall. This referral is supportive of such design features. However, design features of the same spirit are required for the aquatic areas.

Seawalls are not permitted but Council may consider the construction of seawalls where there is potential for erosion from coastal process and protection of property is necessary. In its current state, the site is not at risk of erosion and in need of protection. However, it is recognised that the site in its current form includes a seawall. When seawalls are permitted then criteria apply to the design, with the intended result being an outcome that is environmentally friendly by virtue of its incorporation of natural materials and habitat features (P21DCP B15.18 Variations). Waterfront Development must blend with the natural environment (P21DCP D15.15), such as the natural foreshore on the northern side of the site. There must be no additional reclamation of water land (requires a permit from the Department of Primary Industries) or replacement of the existing wall with a vertical seawall. Building materials are meant to reflect the sandstone character of the area (P21DCP D15.18 Variation iii.). The design must improve the environmental value of the aquatic and intertidal habitat. Example features include stepped sandstone blocks, rockpools, boulders, riprap, and habitat tiles. It must incorporate changes of slope and create vertical and horizontal complexity. Opportunities for naturalisation must also be considered if it is found that the sheet piling must be replaced. No objections to the proposed subdivision.

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Natural Environment Conditions:

Nil.