

Natural Environment Referral Response - Coastal

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| Application Number: | DA2024/1216 |
| Proposed Development: | Alterations and additions to Marina facilities |
| Date: | 11/12/2024 |
| Responsible Officer | Maxwell Duncan |
| Land to be developed (Address): | Lot 10 DP 1192010 , Gourlay Avenue BALGOWLAH NSW 2093 Lot 1 DP 793093 , 0 Gourlay Avenue BALGOWLAH NSW 2093 |

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

This application was assessed in consideration of:

- Supplied plans and reports including:
 - Aquatic Ecology Survey Assessment Report by Marine Pollution Research Pty. Ltd. dated September 2024
 - State Environmental Planning Policy (Resilience and Hazards) 2021;
 - Relevant LEP and DCP clauses; and
 - Northern Beaches Water Management for Development Policy

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

- Consent to lodge DA from the NSW Department of Planning and Environment – Crown Lands and Public Spaces dated December 2023; and Transport for NSW dated January 2024

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. Clauses 2.10 (coastal environment area) and 2.11 (coastal use area) do not apply as the site is also located within the Sydney Harbour catchment area. Hence, only Clause 2.12 of the SEPP apply for this DA.

Comment:

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by GSA Planning dated September 2024, the DA satisfies requirements under clause 2.12 of the SEPP.

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

Aquatic Ecology Survey Assessment Report by Marine Pollution Research Pty. Ltd. dated September 2024

It is concluded that refurbishment proposal at North Harbour Marina in North Harbour can be undertaken with a low risk of impact on threatened species that may be in the vicinity of the site and low risk of impact on the aquatic habitats at the site. Residual risk of potential impact of pile and deck construction works will be mitigated by the use of best practice work methods outlined in Section 3.1 above and that will be specified in the project Construction Environment Management Plan (CEMP). Accordingly, the project would meet the aquatic ecology conservation requirements of SEPP(BC) 2021 Chapter 6, and would meet the aquatic ecology and fish habitat conservation requirements of the Fisheries Management Act 1994 (FMA) plus the NSW DPI Fisheries Guidelines (Fisheries NSW 2013).

As there are no works to be undertaken in the seagrass beds there will be no loss of marine vegetation arising from the proposal, provided the potential construction related impact avoidance measures provided in this report are employed, and whilst the works would therefore not require a Permit to harm marine vegetation under the FMA, DPI Fisheries may still require a permit to account for residual construction related risk.

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

Compliance with Aquatic Ecology Report

The development is to comply with all recommendations of the approved Aquatic Ecology Report prepared by Marine Pollution Research Pty. Ltd, dated September 2024 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 turbidity controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Aquatic Ecology Report by Marine Pollution Research dated September 2024.

Techniques used for turbidity 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. The turbidity curtains

must be floating curtains set in a manner that does not increase the risk of damage to the indicated seagrass beds arising from curtain mooring apparatus or from curtain dragging during low tides and or high wave activity.

Reason: To protect the surrounding environment from the effects of sedimentation and turbidity from piling.

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.

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 graded to enable the unimpeded flow of water and retaining structures result in a stable foreshore banks,
- d) any vegetation or other material removed from the area of operations shall be disposed of lawfully. Burning of the material is not permitted,
- e) the foreshore is to function as a natural ecological system and as such, all works, including but not limited to access, roads, recreational areas, service easements and landscaping are to be located landward of the foreshore other than as provided by the consent.

Reason: Environmental protection, monitoring and enhancement of the foreshore.