

Natural Environment Referral Response - Coastal

Application Number:	DA2022/0948
Date:	04/07/2022
Responsible Officer	Dean Pattalis
Land to be developed (Address):	Lot 100 DP 1196629 , 129 Riverview Road AVALON BEACH 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

The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Resilience and Hazards) 2021, and against the requirements of the Pittwater LEP 2014 and Pittwater 21 DCP. Consideration has also been given to the Fisheries Management Act 1994.

Coastal Management Act 2016

The subject site has been identified as being within the coastal zone and therefore Coastal Management Act 2016 is applicable to the proposed development. The proposed development is in line with the objects, as set out under Clause 3 of the Coastal Management Act 2016.

State Environmental Planning Policy (Resilience and Hazards) 2021

As the subject site has been identified as being within the coastal zone and therefore SEPP (Resilience and Hazards) 2021 is also applicable to the proposed development.

The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP). Hence, clauses 2.10 through to 2.15 of the RH SEPP apply for this DA.

As assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Copley Marine Consulting Group Pty Ltd dated 02/06/2022, Council accepts the assessment that the DA satisfies the requirements under clauses 2.10 through to 2.15 of the CM SEPP.

As such, it is considered that the application complies with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

Pittwater LEP 2014 and Pittwater 21 DCP

No coastal related issues identified. As such, it is considered that the application complies with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.

Fisheries Management Act 1994

DPI Fisheries has commented on the proposal and Council supports their assessment and accompanying requirements.

The Marine Habitat Survey prepared by H2O Consulting Group Pty Ltd, dated 22/11/2019, indicates that seagrasses are not expected to be directly shaded by the proposal.

The recommendations of the Marine Habitat Survey should be implemented in full.

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

Design Impact on Coastal Processes and Public/Private Amenity

All development and/or activities must be designed and constructed so that they will not adversely impact on surrounding properties, coastal processes or the amenity of public foreshore lands.

Reason: To ensure the development does not impact the coastal process and public/private

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Not to harm seagrass

Mitigative measures required by DPI Fisheries must be adopted in full. Recommendations of Marine Habitat Survey prepared by H2O Consulting Group Pty Ltd dated 22/11/2022 must be implemented in full.

Management of *Caulerpa taxifolia*

The invasive marine alga *Caulerpa taxifolia* is present on this site. Site personnel must be able identify *Caulerpa*. All tools, machinery and environmental control devices must be inspected and cleaned thoroughly prior to leaving the site to prevent the spread of *Caulerpa* to other sites. Any *Caulerpa* removed from the waterway should be tightly sealed in a plastic bag and lawfully disposed in general waste.

Reason: *Caulerpa taxifolia* is listed under the Biosecurity Act 2015 for all NSW waters.

Aquatic sediment management

Environmental safeguards (e.g. silt curtains) are to be used during construction to prevent the escape of turbid plumes into the aquatic environment. The silt curtains must be carefully placed and secured properly to ensure they do not drag over any nearby seagrass beds.

The safeguards must be regularly maintained and removed once the works are completed.

Reason: Protection of seagrass

Use of equipment and vessels in the vicinity of seagrass

No equipment is to be placed on any seagrass beds.

Inshore infrastructure for mooring vessels and plant must be used where suitable. Where mooring lines or cables are required, they shall be suitably buoyed prior to laying and kept buoyed once laid to prevent cable drag or swing damage (scalping). Where this is impractical, contractors should use a floating rope.

Vessels must have adequate clearance over seagrass beds, including allowance for tidal movement, swell/wind wave heights and vessel propulsion.

Reason: Protection of seagrass