

## Natural Environment Referral Response - Coastal

<b>Application Number:</b>	DA2022/0126
<b>Date:</b>	22/02/2022
<b>Responsible Officer</b>	Claire Ryan
<b>Land to be developed (Address):</b>	Lot 2 DP 584315 , 2 Portions Lovett Bay LOVETT BAY 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

The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.

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

- Consent to lodge DA from the Department of Crown Lands under the NSW Planning, Industries & Environment dated 21 January 2022.
- No navigational Concerns from the Transport for NSW- Maritime Division dated 13 December 2021 enclosing dated and signed maps
- No Objection from the DPI-Fisheries under the Department of Primary Industries dated 14 December 2021.

### 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 (Coastal Management) 2018

The proposed development site has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 13, 14 and 15 of the CM SEPP apply for this DA.

Comment:

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Stephen Crosby & Associates Pty. Ltd. dated 28 January 2022, the DA satisfies requirements under clauses 13, 14 and 15 of the CM SEPP.

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

### **Pittwater LEP 2014 and Pittwater 21 DCP**

#### **Estuarine Hazard**

The subject property has also been identified as affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping.

However, development works proposed are located on the seaward side of the foreshore edge on crown lands, below the Mean High Water Mark (MHWM).

The proposed development is therefore not required to satisfy the relevant estuarine risk management requirements of P21 DCP.

#### **Development on Foreshore Area**

A large 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. However, development works proposed are located on the seaward side of the foreshore edge on crown lands, below the Mean High Water Mark (MHWM).

Therefore, the proposed development is not required to satisfy the relevant Clause 7.8 –Limited development on foreshore area of the Pittwater LEP 2014.

#### **Waterfront Development**

Proposed development of berthing areas are located on crown land below the Mean High Water Mark. Hence, Section D15.15: Waterfront development, sub-section b) Berthing areas of the Pittwater 21 DCP applies to proposed development.

Comment:

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Stephen Crosby & Associates Pty. Ltd. dated 28 January 2022, the DA satisfies requirements under the Section D15.15: Waterfront development, sub-section b) Berthing areas of the Pittwater 21 DCP. The maximum dimension for berthing areas perpendicular to shore shall be 5 metres x 9 metres. The berths applied for with this application are 3.0m x 5.0m, 15m<sup>2</sup>, complying with the DCP.

As such, it is considered that the application does comply with the requirements of the Section D15.15: Waterfront Development sub-section b) Berthing areas of the Pittwater 21 DCP

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:**

Nil.