

Natural Environment Referral Response - Coastal

Application Number:	DA2025/0219
Proposed Development:	Construction and use of berthing area
Date:	06/05/2025
Responsible Officer	Anaiis Sarkissian
Land to be developed (Address):	Lot B DP 381427 , 187 Riverview Road AVALON BEACH NSW 2107 Lot LIC 577827 , 187 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

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

The application has been assessed in support of:

- Consent to lodge DA from the Department of Crown Lands under the NSW Planning, Industries & Environment dated 12 February 2025
- No navigational Concerns from the Transport for NSW- Maritime Division dated enclosing dated and signed maps 10 August 2023
- No Objection from the DPI-Fisheries under the Department of Primary Industries dated 21 August 2024 (noting that fisheries have specified that a 205 permit to ahrm marine vegetation may be required depending on the outcome of an updated marine habitat assessment).

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 & 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.

Comment:

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Stephen Crosby & Associates Pty Ltd dated 20 February 2025 the DA satisfies

requirements under clauses 2.10, 2.11 and 2.12 of the SEPP R&H.

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

Pittwater LEP 2014 and Pittwater 21 DCP

Estuarine Hazard Management

The subject property has also been identified as affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. As such, the Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7-B3.10 Estuarine Hazard Controls will apply to any proposed development of the site.

However, development works proposed are located on the seaward side of the foreshore edge on crown lands, below the Mean High Water Mark (MHWM), and Estuarine Hazard Controls do not apply to Jetties, Bridging Ramps or Pontoons located on the seaward side of the foreshore edge.

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.

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 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 20 February 2025 the DA satisfies requirements under the Section D15.12: Development seaward of mean high water mark of the Pittwater 21 DCP. An analysis of the proposal demonstrated that the proposed development will not adversely impact on water quality hydrodynamics or public access to the foreshore.

As such, it is considered that the application is generally consistent with the requirements of the Section D15.12: Development seaward of mean high water mark of the Pittwater 21 DCP as it

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 20 February 2025, the DA satisfies the requirements under the Section D15.15: Waterfront development, sub-section a) Jetties ramps and pontoons of the Pittwater 21 DCP. An analysis of the proposal demonstrated that the proposed development will not adversely impact on water quality or public access to the foreshore.

As such, it is considered that the application is generally consistent with the requirements of the Section D15.15: Waterfront development, sub-section a) Jetties ramps and pontoons 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:

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

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.