

## Natural Environment Referral Response - Coastal

Application Number:	DA2020/1561
Date:	13/01/2021
Responsible Officer	Ashley Warnest
Land to be developed (Address):	Lot 162 DP 585877 , 37 Beaconsfield Street NEWPORT NSW 2106 Lot LIC 187264 , 37 Beaconsfield Street NEWPORT NSW 2106

### 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 of Landowner for lodgement from the Department of Crown Lands under the NSW Planning, Industries & Environment dated 29 June 2020.
- No navigational Concerns from the Transport for NSW- Maritime Division dated 27 March 2018 enclosing dated and signed maps
- No Objection from the DPI-Fisheries under the Department of Primary Industries dated 2 March 2018

### 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 SDG Land Development Solutions Pty. Ltd. dated 15 November 2019, 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 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. The Estuarine Hazard Controls do not apply to Jetties, Bridging Ramps or Pontoons located on the seaward side of the foreshore edge.

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

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.

While a number of development works proposed are located on the seaward side of the foreshore edge on crown lands, below the Mean High Water Mark (MHW). However, the lengthened ramp which is proposed to be authorised is located on the foreshore area and is permissible under section 7.8(2)(b) of PLEP.

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by SDG Land Development Solutions Pty. Ltd. dated 15 November 2019, the DA satisfies the objectives and requirements of Part 7, Clause 7.8 of the Pittwater LEP 2014.

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 SDG Land Development Solutions Pty. Ltd. dated 15 November 2019, 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 the visual amenity of the foreshore or water quality or estuarine habitat of the Pittwater waterway

To assess impact on estuarine habitat, the DA is accompanied by Marine Habitat Survey prepared by H2O Consulting Pty. Ltd. dated 27 January 2018. The report concluded that the endangered seagrass *Posidonia australis* was not observed at the subject site, or where any plants aligning with the endangered Coastal Saltmarsh Community. Impacted habitat is confined to silty subtidal areas that do not support seagrasses.

Given no invasive species including the green alga *Caulerpa taxifolia* were observed in the vicinity of the subject site, it is unlikely the proposed works may introduce and/or facilitate the spread of invasive species.

As such, it is considered that the application does comply with the requirements of the Section D15.12: Development seaward of mean high water mark 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.