

Natural Environment Referral Response - Coastal

Application Number:	DA2023/0269
Proposed Development:	Alterations and additions to an existing shared jetty including a ramp, pontoon and berthing area
Date:	27/04/2023
Responsible Officer	Grace Facer
Land to be developed (Address):	Lot 92 DP 12749 , 45 Florence Terrace SCOTLAND ISLAND NSW 2105 Lot LIC 406583 , 45 Florence Terrace SCOTLAND ISLAND NSW 2105 Lot LIC 363575 , 45 Florence Terrace SCOTLAND ISLAND NSW 2105 Lot 93 DP 12749 , 43 Florence Terrace SCOTLAND ISLAND NSW 2105 Lot LIC 363575 , 43 Florence Terrace SCOTLAND ISLAND 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

Supported with Conditions

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

Assessment of the application has also considered:

- Consent of landowner to lodge a DA from the Department of Planning, Industries & Environment - Crown Lands, dated 2 March 2022.
- No navigational concerns as a result of the proposed development from Transport for NSW Maritime Division, dated 22 November 2022.
- No objection to the proposed development from the Department of Primary Industries - Fisheries, dated 12 December 2022.

Coastal Management Act 2016

The subject site has been identified as being within the coastal zone and therefore the Coastal Management Act 2016 is applicable to the DA. The proposed development is considered to be consistent with the objects, as set out under Part 1 Section 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 (Resilience and Hazards) 2021 (SEPP R & F). Hence, Divisions 3, 4 and 5 of SEPP R & F apply to this DA.

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Waratah Planning, dated 3 March 2023, the DA satisfies requirements under Divisions 3, 4 and 5 of the SEPP R & F. As such, it is considered that the application does comply with the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021, subject to conditions.

Pittwater LEP 2014 and Pittwater 21 DCP

Estuarine Hazard Management

The subject property has 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 Estuarine Hazard Controls will apply to any proposed development of the site. As the Estuarine Planning Level (EPL) does not apply to jetties, bridging ramps and pontoons it is considered that the proposed development satisfies the relevant requirements of the Estuarine Risk Management Policy and B3.7 Estuarine Hazard Controls.

Development Seaward of Mean High Water Mark

Proposed development works are located on Crown land below the Mean High Water Mark. Therefore, Part 5 Section 5.7 Development below mean high water mark in Pittwater LEP 2014 and Section D15.12: Development seaward of mean high water mark in Pittwater 21 DCP applies to the proposed development. DPI Fisheries has raised no objections to the development proposal and does not consider the proposal to constitute integrated development.

On internal assessment the proposed development is unlikely to adversely impact on the visual amenity of the foreshore or water quality or estuarine habitat of the Pittwater waterway and the DA is considered to be able to satisfy the requirements of the Section D15.12 Controls subject to conditions.

No other coastal planning or development controls relevant to the subject DA were 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

Estuarine Hazard Design Requirements

All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure on surrounding properties and on public foreshore lands; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes. Public foreshore access must be retained.

Reason: To minimise risk associated with coastal hazards for development in an estuarine environment.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Lawful Authority to Use and Occupy Crown Land or Waterway

An executed licence agreement from the relevant NSW government agency governing the use and

occupation of Crown land is required to be obtained prior to the issue of a construction certificate.

Reason: To ensure that lawful authority under the Crown Land Management Act 2016 to use and occupy Crown land or waterway is obtained before construction commences.

Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls such as silt curtains or booms are to be used during construction, to ensure that there is no escape of turbid plumes into the marine environment, and shall remain in proper operation until all development activities have been completed. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms.

Reason: To protect the marine environment from the effects of sedimentation and erosion from the site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Pollution Control

Any excess materials such as timber offcuts, paint and building debris as well as any water and solvents from cleaning tools must be disposed of in accordance with the waste management plan and applicable regulations and must not enter receiving waterways.

Reason: To ensure that building associated waste and pollutants don't enter the surrounding environment.