

Natural Environment Referral Response - Coastal

Application Number:	DA2023/0913
Proposed Development:	Replacement of existing jetty, ramp and pontoon, and two berthing areas, construction of seawalls and minor reclamation works
Date:	07/09/2023
Responsible Officer	Olivia Ramage
Land to be developed (Address):	Lot 3 DP 22826 , 14 The Chase LOVETT BAY NSW 2105 Lot LIC 378742 , 14 The Chase LOVETT BAY NSW 2105 Lot 4 DP 22826 , 15 The Chase LOVETT BAY NSW 2105 Lot LIC 367042 , 15 The Chase 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

Not Supported - More information required regarding an alternative solution to the whole 'replacement of existing jetty'.

This application was assessed in consideration of:

- Supplied plans and reports;
- Coastal Management Act 2016;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- Relevant LEP and DCP clauses; and
- Northern Beaches Water Management for Development Policy

The proposal includes land reclamation and new seawalls, and replacement of existing jetty with stairs, ramp and pontoon with piles.

The site abuts Pittwater estuary and contains a watercourse.

A referral letter from NSW DPI Fisheries has been provided and contains no objections provided specific conditions are adhered to. An Aquatic Ecology Assessment was provided.

This referral has no objections to the proposed jetty replacement and accompanying structures. However, the land reclamation and seawall cannot be supported in its current form.

State Environmental Planning Policy (Resilience and Hazards) 2021

The site is mapped as within the coastal management area, coastal environment area and coastal use area. The development must not have an adverse impact on the features of the coastal environment listed in the SEPP including but not limited to a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment. b) coastal environmental values and natural coastal processes.

Pittwater 21 DCP

Section B4.19 Estuarine Habitat

Includes the following outcomes: To protect and enhance foreshore habitats that comprise the estuarine habitat of Pittwater. (En); To result in estuarine habitat being retained or enhanced with respect to that development. (En); The physical, chemical and biological processes of estuarine habitats in Pittwater are improved, maintained or restored. (En)

Variation can be considered where the proposal demonstrates that the outcomes can be met. In its current form, the proposal does not clearly demonstrate how the land reclamation and seawalls will achieve the objectives.

Section B5.13 Development on Waterfront land

The proposal is on waterfront land. Any waterfront land (as defined in the Water Management Act 2000) on a property shall be retained in their natural state to: carry stormwater/flood flows, maintain aquifers, retain stability, and provide habitat functions. Waterfront land in a degraded state, should be restored and rehabilitated. Waterway design is to be in accordance with guidelines such as: Controlled Activities – Guidelines for instream works on waterfront land (Department of Planning and Environment, May 2022).

The proposal must demonstrate that it achieves the above regarding the proposed seawall and reclamation.

Section B15.18 Seawalls

Council may consider the construction of seawalls where there is potential for erosion from coastal process and protection of property is necessary.

The seawall must not encroach any further into the intertidal zone and the seawall is sloped back towards the property. There must be no additional reclamation of water land (requires a permit from the Department of Primary Industries) or replacement of the existing wall with a vertical seawall;

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Natural Environment Conditions:

Nil.