

## Natural Environment Referral Response - Riparian

Application Number:	DA2020/0047
Date:	12/06/2020
To:	Adam Urbancic
Land to be developed (Address):	Lot 9 DP 629464 , 104 Cabarita Road AVALON BEACH NSW 2107

### Reasons for referral

This application seeks consent for the following:

- All Development Applications on land, and located within 40 metres of land, containing a watercourse, or
- All Development Applications on land containing a wetland, or located within 100m of land containing a wetland,
- All Development Applications on land that is mapped as "DCP Map Waterways and Riparian Land".

And as such, Council's Natural Environment Unit officers are required to consider the likely impacts on drainage regimes.

### Officer comments

This application has been assessed against relevant legislation relating to the protection of waterways and the aquatic ecosystem.

The application proposes the development of a jetty with sea stairs and access decking. The proposed works are in close proximity to Seagrass beds containing *Posidonia australis* and *Zostera capricorni* as well as patches of the invasive alga *Caulerpa taxifolia*. All efforts must be undertaken during construction to minimise impacts to these seagrass beds and to avoid spreading the invasive *Caulerpa taxifolia*. Turbid plumes may be released during construction which have the potential to smother aquatic vegetation. Environmental safeguards ie. silt curtains must be installed to prevent these turbid plumes entering the environment. All workers are to be made aware of the locations of seagrass, environmental safeguards and precautions to minimise risk to the aquatic environment in accordance with the CEMP. Conditions imposed by the DPI & RMS are to be adhered to at all times.

It was noted by the RMS that the development of this jetty may cause navigational concerns to a nearby mooring. If requested by the owner of the mooring, the applicant must relocate this mooring to a satisfactory location at the applicants expense. The mooring is to be located in a manner that is environmentally sensitive, all environmental safeguards in relation to the potential relocation of the mooring must be referred to in the CEMP.

With these conditions, it is unlikely that this application will have an adverse impact on the integrity and resilience of the biophysical, ecological and hydrological environment and is therefore recommended for approval subject to conditions.

The proposal is therefore supported.  
DA2020/0047

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**

#### **Preparation of Construction Environmental Management Plan**

A Construction Environmental Management Plan (CEMP) must be prepared in accordance with the environmental risks and mitigation methods identified in Aquatic Ecology Report.

The report identifies risks to seagrass and other aquatic biota and recommends mitigation measures to minimize these risks (see page 11). These issues are to be addressed, as recommending in the report, by the preparation of a Construction Environment Management Plan (CEMP). The CEMP must consider the Aquatic Ecology report, address the risks and define the appropriate mitigation measures. The CEMP must also address environmental risks and mitigation measures in relation to the potential relocation of the affected mooring.

The CEMP must be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate and commencement of works.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.

#### **Construction Environmental Management Checklist**

A Construction Environmental Management Checklist is to be prepared and is to incorporate all measures for the protection of native vegetation, wildlife and habitats during the construction phase. Measures specified in the checklist must include all requirements of conditions of this consent addressing construction-related impacts on biodiversity.

The Checklist is to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.

### **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

#### **Environmental Safeguards**

Environmental safeguards (e.g. silt curtains) are to be used during construction to ensure that there is no escape of turbid plumes into the aquatic environment. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms. The silt curtains must be carefully placed and secured properly to ensure they do not drag over the nearby seagrass beds and

damage the seagrass The safeguards must be regularly maintained and removed once the works are completed.

Reason: Protection of seagrass

### **Dredging Works**

Dredging is not included in this application and as such an application is to be made to council and an integrated development referral to Department of Primary Industries (fisheries) if dredging is required.

Reason: Protection of the environment.

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

### **Relocation of mooring**

The RMS has noted navigational concern for the mooring licence holder (JE324). If required, the applicant is to arrange for the relocation of the mooring at their own expense to satisfy navigational concerns. If relocation is required it must be done so in accordance with the CEMP.

### **Preventing the Spread of Invasive Alga**

The invasive marine alga, *Caulerpa taxifolia*, is present at the work site. This alga must not be removed from the work site. All tools, machinery and environmental control devices must be inspected and cleaned thoroughly prior to leaving the site. Any *Caulerpa* removed from the waterway should be tightly sealed in a plastic bag and disposed in general waste. *Caulerpa* is listed under the *Biosecurity Act 2015* for all NSW waters. It is illegal to possess or sell the alga and heavy fines apply.

Reason: Protection of the environment

### **Preventing damage to seagrass**

To prevent damage to the seagrass no anchoring or placement of objects is to occur on the seagrass. Furthermore boats and barges must ensure the impact from the movement of the barges and boats, particularly from the propeller, does not damage the seagrass meadows (especially during low tide).

Reason: Protection of seagrass

