Natural Environment Referral Response - Riparian

Application Number:	DA2020/1762

Date:	22/06/2021
To:	Jordan Davies
Land to be developed (Address):	Lot 1 DP 827733 , 316 Hudson Parade CLAREVILLE NSW 2107 Lot 2 DP 827733 , 316 Hudson Parade CLAREVILLE NSW 2107 Lot LIC 559856 , 316 Hudson Parade CLAREVILLE 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

Additional comments 17 June 2021

An assessment has been undertaken considering the additional information provided.

The application has been assessed in consideration of

- Coastal Management Act 2016
- State Environmental Planning Policy (Coastal Management) 2018
- Pittwater LEP 2014
- Pittwater 21 DCP

Further, the application has been assessed in consideration of the following:

- No navigational concerns from the Transport for NSW- Maritime Division dated 10 May 2021 enclosing dated and signed maps
- Refusal from the DPI-Fisheries under the Department of Primary Industries dated 29 March

2021
- Absence of current Consent to lodge DA from the Department of Crown Lands under the NSW Planning, Industries & Environment
- Absence of current Consent to lodge DA from Northern Beaches Council

The proposal as submitted is not supported due the likely impacts on access along the public foreshore and likely impacts on the marine environment as noted in the Marine Habitat Survey report submitted with the application and the DPI Fisheries response to this proposal. These impacts are inconsistent with the above listed planning controls and legislation. Any application for a boatshed, ramp, slipway, concrete jetty, timber jetty & steps and berthing area at this site requires concurrence from DPI fisheries and must satisfy the following matters:

- A footprint that is similar to the original structures
- No reclamation of waterfront land for private development
- A proposal that is in accordance with the Environmentally Friendly Seawalls Guideline (OEH 2009)
- Provision of public access along the foreshore
- Address potential impacts to marine habitat

This application cannot be assessed due to lack of supporting information and documentation.

To adequately assess any risks the proposed works may have to aquatic biodiversity in the area, Council requires, in compliance with section B4.19 Estuarine Habitat of the Pittwater DCP, a Marine Habitat Survey / Aquatic Ecology Report for all works below the mean high water mark.
The report must consider controls in both section B4.19 Estuarine Habitat and section B4.16 Seagrass Conservation, and include recommendations to minimise any impacts to seagrass and biodiversity from sediment and erosion, physical disturbances and potential pollution during the demolition and construction phases. A Caluerpa Management Plan may also be required if this noxious macroalgae is found to be located in the vicinity of the subject site.

Section B4.16 further states that jetties, ramps, wharves, pontoons and other in-stream structures shall be designed and constructed in accordance with NSW Department of Primary Industries - Fisheries specifications to maximise light filtration to seafloor. Proponents are advised to consult with NSW DPI - Fisheries to discuss the requirements of their proposal. A copy of the Aquatic Ecology Report should be provided to NSW DPI - Fisheries and as integrated development, all relevant approvals and permits from NSW DPI - Fisheries will also be required.

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.