



# **DEVELOPMENT APPLICATION STATEMENT OF ENVIRONMENTAL EFFECTS**

## **Boat Mooring Pens at The Newport on Pittwater**



**Submitted to Northern Beaches Council  
on behalf of Merivale**

**1 August 2016**

Project No.16011

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## **APPENDICES**

- A. Site and Survey Plans
- B. Mooring Pen Design Arrangement Plan and Access Gangway Plan prepared by Superior Jetties
- C. Indicative Power Service Pedestal and Dock Lighting Specifications
- D. Navigation Assessment prepared by NSW Roads & Maritime Services
- E. Marine Ecology Assessment prepared by Ocean Environmental Consulting Pty Ltd
- F. Report on Geotechnical Site Investigation prepared by Crozier Geotechnical Consultants

## 1. INTRODUCTION

This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) to Northern Beaches Council for mooring pens on Pittwater adjacent to The Newport food and drink premises at 1 Kalinya Street, Newport.

This SEE has been prepared by Andrew Wilson (PIA Certified Practising Planner) on behalf of the applicant and owner of The Newport, Merivale, in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It provides information on the following:

- Description of the site;
- Description of the proposed development;
- Assessment of the development proposal against relevant environmental planning considerations under Section 79C of the EP&A Act including compliance with planning instruments, environmental impacts, site suitability and the public interest;
- Conclusions on the environmental planning assessment and merits of the proposed development on which it can be supported and granted consent by Council.

This report is based on, and should be read in conjunction with, the appended concept design drawing and specialist reports listed in the contents.

## **2. SITE DESCRIPTION**

### **Site Location and Context**

The site of the proposed mooring pens is located on Pittwater adjacent to The Newport food and drink premises at 1 Kalinya Street in Newport as shown in Figures 1 to 4 below. The locality is characterised by a low density business zone and surrounding residential zones around the Pittwater foreshore, and numerous marinas, moorings and private boat landing facilities on the Pittwater waterway as shown in the aerial photos in Figures 2 and 4.

### **Site Description**

The site of the proposed mooring pens forms part of Pittwater which is Crown land. It covers an area of approximately 941sq.m with dimensions of 67.2m in length and 14m in width.

The adjacent property on the foreshore on which the mooring pen access is to land comprises two lots including Lot 1 DP 527172 and Lot 1 DP 72587 which have a total area of 1.175ha. This property contains The Newport food and drink premises located at 1 Kalinya Street, Newport which is owned by Hemmes Property Pty Ltd and operated by Merivale.

### **Existing Development**

The site of the proposed mooring pens on Pittwater is currently undeveloped. The adjacent land on the foreshore is currently developed for the purpose of The Newport food and drink premises which is operated by the applicant Merivale.

### **Topography and Vegetation**

The bed of Pittwater below the mean high water mark has a gentle intertidal slope of sand and rock with a rocky subtidal area that drops steeply to a sandy bed. The vegetation includes macroalgae in the intertidal and subtidal areas, and isolated seagrass patch on the sand bed.

The foreshore adjacent to the site of the proposed mooring pens is relatively steep with a gradient of 1 in 2 and cross fall of approximately 10m between the mean high water mark and The Newport food and drink premises. The vegetation on the foreshore comprises a mix of native and exotic trees and shrubs.

### **Adjacent Land Use and Development**

To the north and south of the site on Pittwater are commercial marinas including the Heron Cove Marina immediately to the north and Newport Anchorage Marina immediately to the south. Further to the north and south on Pittwater are other marinas and numerous moorings and private boat landing facilities.

To the east of the site is the commercial business zone in the southern part of Newport.

To the west of the site on the opposite side of Pittwater is the Rowland Reserve parkland and Bayview boat ramp.



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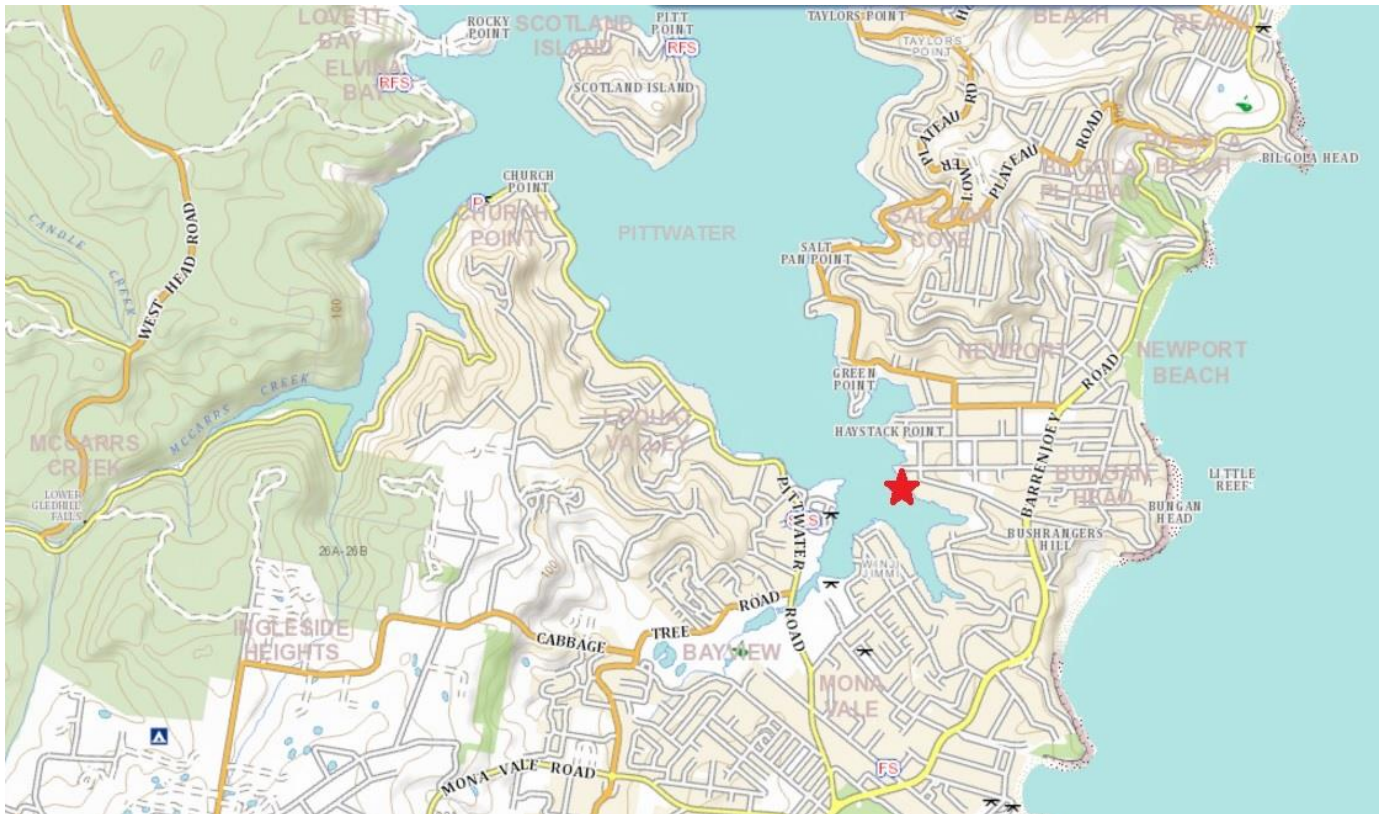


Figure 1 – Location plan (with site identified as red star)

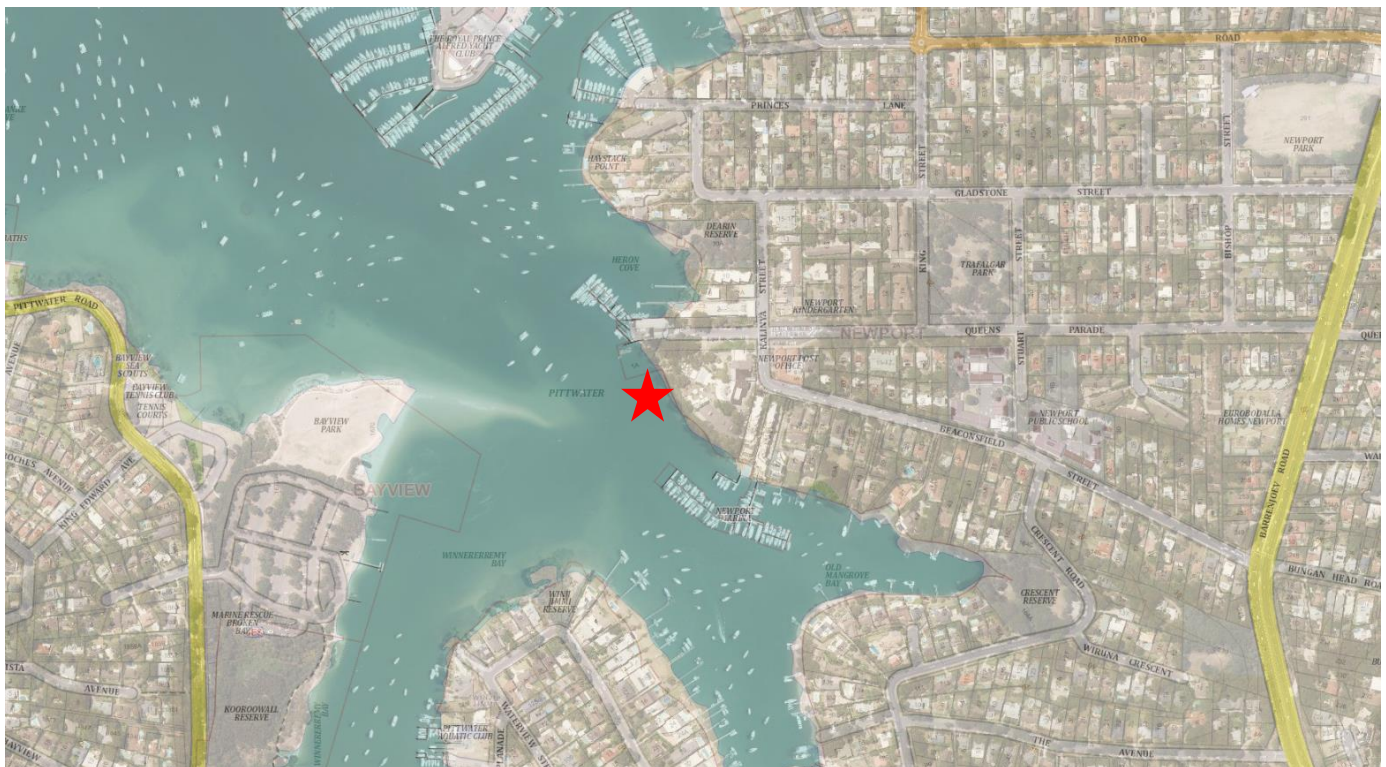


Figure 2 – Aerial photo with map overlay of the site locality (with site identified as red star)





Figure 3 – Site area (outlined in red)



Figure 4 – Aerial photo of the site area (outlined in red)





**Figure 5 – Photo of the site area in front of The Newport**



**Figure 6 – Photo of the site area in front of The Newport**

### **3. PROPOSED DEVELOPMENT**

The proposed development is for the purpose of mooring pens on the site in Pittwater adjacent to The Newport food and drink premises. Design plans prepared by Superior Jetties are in Appendix B. A detailed description of the proposed mooring pens is provided below.

#### **Land Use and Operation**

- Mooring pens with capacity for berthing of 14 vessels and ancillary access gangways.
- Private and public use subject to booking with The Newport. Access will be denied to patrons not associated with a vessel berthed in the mooring pens.
- Hours of operation 6am to 12am – 7 days a week.
- Casual berthing only. No permanent boat storage, fuel or waste disposal is proposed.

#### **Area and Dimensions**

- Area of mooring pen structure: 941sq.m (67.2m x 14m).
- Individual mooring pen size: 11.25m x 4.9m.
- Piles: Diameter of 450mm and height of 2.16m above mean high water level.
- Access gangways on water: 2.0m -2.5m in width. 0.5m to 1m above water level.
- Access gangway ramp for foreshore landing: 2.2m in width and 29.5m in length.

#### **Structure and Materials**

- Piles: Concrete in grey/black colour with white capping drilled into seabed.
- Access gangways on water: Aluminium upper and plastic lower floating pontoon type.
- Access gangway ramp for foreshore landing: Aluminium structure with standard engineering abutment into concrete footings on land, mid-ramp hinges, and wheel footings at connection with floating gangway.
- No dredging is proposed.

#### **Power and Lighting**

- Power service pedestal and low level dock lighting on each access gangway arm. Indicative power pedestal and dock lighting specifications are in Appendix C.

#### **Signage**

- Three mooring pen identification signs are proposed on the mooring pen structure. Each of the mooring pen signs will have a maximum signage area of 1.5 sqm and a maximum height equal to the top of the piles.
- The content of the signage is to include the heading 'The Newport Boat Mooring Pens – Casual Berthing Only'; water depth; operating hours of 6am to 12 midnight; a contact phone number to make a booking to berth a vessel; and direction for vessels to berth stern side too only.

An aerial photograph of a coastal area with a proposed berthing facility overlaid. The facility consists of a long pier with multiple berthing pens and a connecting structure. Dimensions are provided in meters. Labels include '12.0m BERTHING PENS' pointing to the main berthing area and 'GANGWAYS' pointing to the connecting structure. The pier is oriented diagonally across the frame.

Dimensions shown on the plan include:

- Overall length of the main berthing area: 57,200
- Individual pen lengths: 12,000 (multiple instances)
- Pen widths: 9,800 (multiple instances)
- Connecting structure length: 16,000
- Connecting structure width: 2,500
- Overall width of the facility: 29,500
- Additional dimensions: 12,500, 17,000, 10,800, 2,500, 17,000

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## 4. ASSESSMENT OF PLANNING CONSIDERATIONS

This section of the SEE provides an assessment of relevant environmental planning issues associated with the proposed mooring pens in accordance with Section 79C(1) of the EP&A Act which reads as follows:

### ***“79C Evaluation***

#### *(1) Matters for consideration—general*

*In determining a Preliminary Statement of Environmental Effects , a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the Preliminary Statement of Environmental Effects :*

#### *(a) the provisions of:*

*(i) any environmental planning instrument, and*

*(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

*(iii) any development control plan, and*

*(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

*(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the Preliminary Statement of Environmental Effects relates,*

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

*(c) the suitability of the site for the development,*

*(d) any submissions made in accordance with this Act or the regulations,*

*(e) the public interest.”*

### **4.1 Environmental Planning Instruments**

The principal environmental planning instruments applying to the site and proposed development.

- Pittwater Local Environmental Plan (LEP) 2014;
- State Environmental Planning Policy No 71—Coastal Protection.



## Pittwater Local Environmental Plan 2014

The Pittwater Local Environmental Plan (LEP) 2014 is the principal planning instrument applying to the proposed development. The relevant provisions of the LEP are addressed in the following table of compliance.

Clause	LEP Provision	Proposed Development	Compliance
<b>Part 2</b>	<b>Permitted or prohibited development (Land Use Zones)</b>		
W1 Zone	<p>The site of the proposed mooring pens on Pittwater is zoned W1 Natural Waterways. The objectives of the zone are:</p> <ul style="list-style-type: none"> <li>• To protect the ecological and scenic values of natural waterways.</li> <li>• To prevent development that would have an adverse effect on the natural values of waterways in this zone.</li> <li>• To provide for sustainable fishing industries and recreational fishing.</li> <li>• To ensure development does not adversely impact on the natural environment or obstruct the navigation of the waterway.</li> <li>• To provide opportunities for private access to the waterway where these do not cause unnecessary impact on public access to the foreshore.</li> </ul>	<p>The proposed development is consistent with the objectives of the W1 Zone in the following respects:</p> <ul style="list-style-type: none"> <li>• the natural scenic and ecological values of the waterway will not be significantly impacted (as described in the assessment of environmental impacts including visual landscape and ecology / biodiversity in Section 4.6 below and in the separate ecological report prepared by Ocean Environmental Consulting submitted with the DA);</li> <li>• the fishing industry and recreational fishing will not be significantly impacted (as demonstrated in the separate ecological report prepared by Ocean Environmental Consulting submitted with the DA and summary in Section 4.6 below);</li> <li>• navigation on the waterway will not be obstructed and is satisfactory (as described in the separate navigation assessment by NSW Roads &amp; Maritime Services submitted with the DA and summary in Section 4.6 below);</li> <li>• public access to the foreshore is not significantly impacted (as explained in the assessment of public access to the foreshore in Section 4.6 below).</li> </ul>	Yes
	The W1 Zone includes development for the purposes of 'mooring pens' as permissible with consent.	The proposed development is for the purpose of 'mooring pens'.	Yes

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Clause	LEP Provision	Proposed Development	Compliance
B2 Zone	<p>The site of the proposed access gangway on the foreshore is zoned B2 Local Centre. The objectives of the zone are:</p> <ul style="list-style-type: none"> <li>• To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.</li> <li>• To encourage employment opportunities in accessible locations.</li> <li>• To maximise public transport patronage and encourage walking and cycling.</li> <li>• To provide healthy, attractive, vibrant and safe local centres.</li> <li>• To strengthen the role of centres as places of employment.</li> <li>• To provide an active day and evening economy.</li> <li>• To provide for residential uses above street level where they are compatible with the characteristics and uses of the site and its surroundings.</li> </ul>	The proposed access gangway is consistent with the objectives of the B2 Zone in that it is an integral part of the proposed mooring pens for The Newport commercial premises which will contribute to the ongoing viability and increase the attractiveness of a major entertainment venue and place of employment in the zone.	Yes
	The B2 Zone permits development for the purposes of commercial premises including food and drink premises and pub.	The proposed access gangway on the foreshore in the B2 Zone is ancillary to, and for the purpose of, The Newport commercial premises on the site.	Yes
<b>Part 3</b>	<b>Exempt and Complying Development</b>	The proposed development is not exempt or complying.	N/A
<b>Part 4</b>	<b>Development Standards</b>	The standard for building height is to the only applicable development standard under Part 4 of the LEP. No other standards apply to the DA.	
Clause 4.3	<p>Clause 4.3 – Height of buildings</p> <p>(Maximum 4m above existing ground level in W1 Zone)</p> <p>(Maximum 8.5m above existing ground level in the B2 Zone)</p>	<p>In the W1 Zone, the proposed mooring pen piles will have a maximum height of 2m above mean high water level, and the floating access gangways will have a maximum height of 1m above water level.</p> <p>In the B2 Zone, the access gangway will have a maximum height of approximately 1.5m above the existing steep fluctuating ground level.</p>	Yes
<b>Part 5</b>	<b>Miscellaneous Provisions</b>	There provisions in Part 5 of the LEP relating to the coastal zone, development below mean high water mark, and development in proximity to a heritage item are applicable to the DA and addressed below. No other provisions in Part 5 are applicable to the DA.	

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Clause	LEP Provision	Proposed Development	Compliance
Clause 5.5	<p>Development within the coastal zone</p> <p>(2) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:</p> <p>(a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:</p> <p>(i) maintaining existing public access and, where possible, improving that access, and</p> <p>(ii) identifying opportunities for new public access, and</p> <p>(b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:</p> <p>(i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and</p> <p>(ii) the location, and</p> <p>(iii) the bulk, scale, size and overall built form design of any building or work involved, and</p> <p>(c) the impact of the proposed development on the amenity of the coastal foreshore including:</p> <p>(i) any significant overshadowing of the coastal foreshore, and</p> <p>(ii) any loss of views from a public place to the coastal foreshore, and</p> <p>(d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and</p> <p>(e) how biodiversity and ecosystems, including:</p> <p>(i) native coastal vegetation and existing wildlife corridors, and</p> <p>(ii) rock platforms, and</p> <p>(iii) water quality of coastal waterbodies, and</p> <p>(iv) native fauna and native flora, and their habitats,</p>	<p>The proposed development is within the coastal zone and the following consideration is given to the matters in clause 5.5 of the LEP:</p> <ul style="list-style-type: none"> <li>Public access to the foreshore is currently unavailable at the site and along the full extent of the adjoining property of The Newport due to the steep topography and geotechnical instability along this part of the foreshore. The proposed mooring pen development will not affect public access along the foreshore other than to provide for waterway access between the mooring pens and The Newport for patrons.</li> <li>The proposed mooring pens are suitable for the site in having a consistent form with that of other marinas and boat landing facilities on Pittwater.</li> <li>The impact of the proposed development on the amenity of the coastal foreshore will be minimal in terms of having no significant overshadowing, no significant view loss from a public place to the foreshore, and is consistent with scenic qualities of Pittwater and its numerous marinas and boat mooring and landing facilities.</li> <li>The Marine Ecology Assessment lodged with the DA describes how biodiversity and ecosystems can be conserved.</li> <li>The cumulative number of moorings in this part of Pittwater is below the maximum number specified in the Pittwater Development Control Plan.</li> <li>Public access along the coastal foreshore will not be diminished or impeded by the proposed development.</li> <li>No effluent disposal is proposed for the mooring pens.</li> <li>The proposed mooring pens are designed to be resilient to coastal processes and sea level changes.</li> </ul>	Yes

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Clause	LEP Provision	Proposed Development	Compliance
	<p>can be conserved, and</p> <p>(f) the cumulative impacts of the proposed development and other development on the coastal catchment.</p> <p>(3) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:</p> <p>(a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and</p> <p>(b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and</p> <p>(c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and</p> <p>(d) the proposed development will not:</p> <p>(i) be significantly affected by coastal hazards, or</p> <p>(ii) have a significant impact on coastal hazards, or</p> <p>(iii) increase the risk of coastal hazards in relation to any other land.</p>		
Clause 5.7	<p>Development below mean high water mark</p> <p>2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).</p>	Development consent is sought for the proposed mooring pens below mean high watermark.	Yes
Clause 5.10	<p>Heritage conservation</p> <p>(5) Heritage assessment</p> <p>The consent authority may, before granting consent to any development:</p>	The property adjacent to the proposed mooring pens known as The Newport is listed as a heritage item under the Pittwater LEP. The heritage significance of The Newport is due to the social significance of the property as a hotel/pub, and there is no fabric of heritage significance remaining on the property.	Yes



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Clause	LEP Provision	Proposed Development	Compliance				
	(a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	The proposed mooring pens will contribute to the ongoing use of the property as The Newport food and drink premises, and therefore contributes to conserving the heritage significance of the use of the property.  In the circumstances, a heritage impact or management document is not warranted.					
Part 6	Urban Release Areas	There are no provisions in Part 6 of the LEP that are relevant to the DA.	N/A				
Part 7	Additional Local Provisions	The provisions in Part 7 of the LEP relating to acid sulfate soils, geotechnical hazard, development in the foreshore area, and essential services are applicable to the DA. No other provisions in Part 7 are applicable to the DA.					
Clause 7.1	Acid sulfate soils  (2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. <table><tr><td>Class of land</td><td>Works</td></tr><tr><td>1</td><td>Any works.</td></tr></table> (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority. (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if: (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and	Class of land	Works	1	Any works.	The site of the proposed mooring pens is identified as Class 1 on the Acid Sulfate Soils Map. Under subclause 7.1(6), development consent and an acid sulfate soils management plan are not required under this clause as the development of the proposed mooring pens involves the disturbance of less than 1 tonne of soil and will not lower the watertable,	Yes
Class of land	Works						
1	Any works.						

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Clause	LEP Provision	Proposed Development	Compliance
	<p>(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.</p> <p>(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:</p> <p>(a) the works involve the disturbance of less than 1 tonne of soil, and</p> <p>(b) the works are not likely to lower the watertable.</p>		
Clause 7.2	<p>Earthworks</p> <p>(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</p> <p>(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.</p>	<p>The DA includes a Marine Ecology Assessment and Geotechnical Report from which consideration is given to the matters in clause 7.2 as follows:</p> <ul style="list-style-type: none"> <li>• There is unlikely to be a significant disruption to, or detrimental effect on, drainage patterns and soil stability due to limited amount of earthwork.</li> <li>• The development facilitates the future use and redevelopment of the land.</li> <li>• No fill and minimal excavation are proposed. Earthworks are limited to drilling of piles into the seabed and installation of footings for the gangway on the foreshore.</li> <li>• The amenity of adjoining properties will not be significantly affected due to separation distances, minor scale of earthworks, and the management of potential impacts in a construction management plan.</li> <li>• The excavated material for piles and footings will be reused on The Newport site.</li> <li>• There are no known relics on the site.</li> <li>• The potential for adverse impacts on the environment is to be managed and mitigated by the implementation of recommendations in the Marine Ecology Assessment and Geotechnical Statement lodged with the DA, and by a Construction Management Plan to be prepared prior to construction.</li> </ul>	Yes

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Clause	LEP Provision	Proposed Development	Compliance
Clause 7.7	<p>Geotechnical hazards</p> <p>(2) This clause applies to land identified as “Geotechnical Hazard H1” and “Geotechnical Hazard H2” on the Geotechnical Hazard Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks:</p> <p>(a) site layout, including access,</p> <p>(b) the development’s design and construction methods,</p> <p>(c) the amount of cut and fill that will be required for the development,</p> <p>(d) waste water management, stormwater and drainage across the land,</p> <p>(e) the geotechnical constraints of the site,</p> <p>(f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless:</p> <p>(a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and</p> <p>(b) the consent authority is satisfied that:</p> <p>(i) the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or</p> <p>(ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or</p> <p>(iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.</p>	<p>The foreshore adjacent to the proposed mooring pens on which the associated access gangway is proposed is identified as “Geotechnical Hazard H1” on the LEP Geotechnical Hazard Map. A Geotechnical Report prepared by Crozier Geotechnical Consultants is at Appendix F and the provisions of subclause 7.7(3) and (4) of the LEP are considered as follows:</p> <ul style="list-style-type: none"> <li>• The site layout and access are shown in the proposed mooring pen design arrangement plan submitted with the DA.</li> <li>• The access gangway on the foreshore will be a pre-fabricated aluminium structure elevated above existing ground level and fastened onto concrete footings as shown in the plans submitted with the DA.</li> <li>• No cut or fill is required for the development.</li> <li>• No waste water is generated by the proposed development. Vessels mooring in the proposed pens will retain any waste water on board for disposal at suitable and legal waste water disposal points at other locations.</li> <li>• Stormwater and drainage are not significantly affected by the proposed development and in particular by the proposed access gangway that is on footings and elevated off the ground.</li> <li>• The geotechnical constraints include a steep slope with erodible soils on the foreshore where the access gangway is proposed. The design and method of construction described above is proposed to minimise disturbance to the soil profile and rely on the stable bedrock for support.</li> <li>• The Geotechnical Report at Appendix F concludes that, due to the small scale of the hazard, the low level of occupancy of the area along with a lack of structures potentially impacting, the hazard is considered to be within the ‘Acceptable’ risk management criteria of the Council Risk Management Policy.</li> </ul>	Yes

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Clause	LEP Provision	Proposed Development	Compliance
Clause 7.8	<p>Limited development on foreshore area</p> <p>(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:</p> <p>(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,</p> <p>(b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).</p> <p>(3) Development consent must not be granted under this clause unless the consent authority is satisfied that:</p> <p>(a) the development will contribute to achieving the objectives for the zone in which the land is located, and</p> <p>(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and</p> <p>(c) the development will not cause environmental harm such as:</p> <p>(i) pollution or siltation of the waterway, or</p> <p>(ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or</p> <p>(iii) an adverse effect on drainage patterns, or</p> <p>(iv) the removal or disturbance of remnant riparian vegetation, and</p> <p>(d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and</p> <p>(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and</p> <p>(f) any historic, scientific, cultural, social, archaeological, architectural, natural</p>	<p>The proposed access gangway in the foreshore area is consistent with the provisions in clause 7.8 in the following respects:</p> <ul style="list-style-type: none"> <li>• it is for the purpose of waterway access stairs;</li> <li>• it is consistent with the objectives of the zone as described above in this table of compliance;</li> <li>• the appearance of the access gangway is as part of the proposed mooring pens and compatible with the other marinas and boat landing facilities in the surrounding area around the Pittwater foreshore;</li> <li>• it will not cause environmental harm as described further in section 4.6 of this SEE below;</li> <li>• it will be managed appropriately by The Newport so as to not generate conflict with people using the waterway;</li> <li>• it will not significantly affect public access along the foreshore which is currently unavailable and constrained by steep topography on the site;</li> <li>• it contributes to the ongoing operation of The Newport which has social heritage significance in the locality;</li> <li>• it is designed to account for changes in sea level and the geotechnical conditions; and respect the environmental conditions at the site.</li> </ul>	Yes



Statement of Environmental Effects for Boat Mooring Pens at  
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Clause	LEP Provision	Proposed Development	Compliance
	<p>or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and</p> <p>(g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and</p> <p>(h) sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change, have been considered.</p> <p>(4) In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following:</p> <p>(a) continuous public access to and along the foreshore through or adjacent to the proposed development,</p> <p>(b) public access to link with existing or proposed open space,</p> <p>(c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,</p> <p>(d) public access to be located above mean high water mark,</p> <p>(e) the reinforcing of the foreshore character and respect for existing environmental conditions.</p> <p>(5) In this clause:</p> <p><i>foreshore area</i> means the land between the foreshore building line and the mean high water mark of the nearest natural waterbody shown on the Foreshore Building Line Map.</p>		

Statement of Environmental Effects for Boat Mooring Pens at  
The Newport on Pittwater

Clause	LEP Provision	Proposed Development	Compliance
Clause 7.10	<p>7.10 Essential services</p> <p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable vehicular access.</p>	<p>Utility services are not essential for the mooring pens as boat users will utilise facilities and amenities at The Newport.</p> <p>Electricity power is proposed to be extended from The Newport for lighting on the mooring pens.</p>	Yes

## State Environmental Planning Policy No.71 – Coastal Protection

State Environmental Planning Policy (SEPP) No.71 – Coastal Protection applies to the proposed development. The relevant provisions of the SEPP are addressed in the following table of compliance.

Clause	LEP Provision	Proposed Development	Compliance
<b>Clause 2</b>	<b>Aims</b>		
	(a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and	The proposed development retains the natural attributes of the foreshore and enhances the recreational and cultural use of Pittwater and adjacent foreshore.	Yes
	(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and	Public access to the foreshore is currently unavailable at the site and along the foreshore of The Newport property due to the steep topography and geotechnical instability along this part of the foreshore. The proposed mooring pen development will not affect public access along the foreshore other than to provide for waterway access between the mooring pens and The Newport for patrons.	Yes
	(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and		Yes
	(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and	There is no known place or item of heritage significance that will be affected.	Yes
	(e) to ensure that the visual amenity of the coast is protected, and	The proposed mooring pens are consistent with visual character of marinas and boat landing facilities on this part of Pittwater, and the proposed development retains the characteristic landscaped foreshore setting.	Yes
	(f) to protect and preserve beach environments and beach amenity, and	The natural elements of the foreshore are preserved.	Yes
	(g) to protect and preserve native coastal vegetation, and	The foreshore vegetation is preserved.	Yes
	(h) to protect and preserve the marine environment of New South Wales, and		Yes
	(i) to protect and preserve rock platforms, and	Rock platforms are proposed to be retained.	Yes
	(j) to manage the coastal zone in accordance with the principles of	The proposed development has been designed to have minimal impact on the	Yes

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Clause	LEP Provision	Proposed Development	Compliance
	ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and	natural environment to respect biodiversity for future generations.	
	(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and	The proposed mooring pens are consistent with visual character of marinas and boat landing facilities on this part of Pittwater, and the proposed development retains the characteristic landscaped foreshore setting.	Yes
	(l) to encourage a strategic approach to coastal management.	The proposed development is consistent with strategic planning controls.	Yes
<b>Clause 8</b>	<b>Matters for consideration</b>		Yes
	(a) the aims of this Policy set out in clause 2,	See matters in clause 2 considered above.	Yes
	(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,	Public access to the foreshore is currently unavailable at the site and along the foreshore of The Newport property due to the steep topography and geotechnical instability along this part of the foreshore. The proposed mooring pen development will not affect public access along the foreshore other than to provide for waterway access between the mooring pens and The Newport for patrons.	Yes
	(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,		Yes
	(d) the suitability of development given its type, location and design and its relationship with the surrounding area,	The proposed mooring pens are of a type, siting and design consistent with that of other marinas and boat landing facilities on this part of Pittwater and with the characteristic landscaped foreshore setting.	Yes
	(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,	The proposed mooring pens are consistent with the amenity of other marinas and boat landing facilities and the landscaped foreshore around Pittwater.  No overshadowing of the foreshore and no significant public views are affected by the proposed development.	Yes
	(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,	The proposed mooring pens are consistent with the scenic quality of other marinas, boat landing facilities and landscaped foreshore around Pittwater.	Yes



Statement of Environmental Effects for Boat Mooring Pens at  
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Clause	LEP Provision	Proposed Development	Compliance
	(g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,	A Marine Ecology Assessment is included in Appendix E and concludes that the potential impacts of the proposal on the marine environment will be short term and insignificant, and there is no terrestrial vegetation of ecological significance.	Yes
	(h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats		Yes
	(i) existing wildlife corridors and the impact of development on these corridors,	No wildlife corridors are affected.	Yes
	(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,	The proposed development with floating and suspended gangways is designed to be resilient to coastal processes and hazards and have minimal impact on coastal processes at the site.	Yes
	(k) measures to reduce the potential for conflict between land-based and water-based coastal activities,	The proposed mooring pens will be managed by The Newport on the land base to negate any potential conflict.	Yes
	(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,	There is no known place, value, custom, belief or knowledge of heritage significance that will be affected.	Yes
	(m) likely impacts of development on the water quality of coastal waterbodies,	The mooring pens will have no significant impact on water quality.	Yes
	(n) the conservation and preservation of items of heritage, archaeological or historic significance,	There is no known item of heritage significance that will be affected.	Yes
	(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,	No draft LEP is proposed.	N/A
	(p) only in cases in which a development application in relation to proposed development is determined:		

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Clause	LEP Provision	Proposed Development	Compliance
	(i) the cumulative impacts of the proposed development on the environment, and	The proposed mooring pens are consistent with the established visual character of Pittwater, will have minimal environmental impact, and are within the mooring limits in Pittwater DCP.	Yes
	(ii) measures to ensure that water and energy usage by the proposed development is efficient.	The proposed mooring pens will use energy efficient lighting and have no water usage.	Yes
<b>Clause 14</b>	<b>Public access</b> A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	Public access to the foreshore is currently unavailable at the site and along the foreshore of The Newport property due to the steep topography and geotechnical instability along this part of the foreshore. The proposed mooring pen development will not affect public access along the foreshore other than to provide for waterway access between the mooring pens and The Newport for patrons.	Yes
<b>Clause 15</b>	<b>Effluent disposal</b> The consent authority must not consent to a development application to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.	No effluent disposal is proposed at the mooring pens. Vessels will be required to keep any toilet waste on board for disposal at other waste disposal locations.	Yes
<b>Clause 16</b>	<b>Stormwater</b> The consent authority must not grant consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	The mooring pens will have no significant impact on stormwater runoff.	Yes

## 4.2 Pittwater 21 Development Control Plan

The Pittwater 21 Development Control Plan (DCP) applies to the proposed mooring pens. The consistency of the proposed development with the relevant DCP provisions is shown in the following table.

Section	DCP Provision	Proposed Development	Compliance
<b>PRELIMINARY AND PART A</b>			
1	Pre-Lodgement	The DA documentation is complete.	Yes
2	Development Application Process	Noted.	Yes
3	Administrative Controls	The DA documentation is submitted with planning controls addressed in this Statement of Environmental Effects.	Yes
4	Integrated Development	The DA is for integrated development as a permit is required from Department of Primary Industries - Fisheries under the NSW Fisheries Management Act 1994 for disturbance of some aquatic habitat as described in the Marine Ecology Assessment submitted with the DA, and approval is required from NSW Office of Water under the Water Management Act 2000 for work on the foreshore.  No other integrated development approvals are required for the DA.	Yes
5	Referrals	NSW Roads and Maritime Services has provided a navigation assessment which is submitted with the DA and finds that there are no navigational concerns with the proposed mooring pens.  No other agency referrals are required for the DA.	Yes
6	Section 94 Contributions	The proposed mooring pens do not generate additional demand for public amenities and S.94 contributions are not payable.	N/A
<b>SECTION B GENERAL CONTROLS</b>			
B1	Heritage Controls	The property adjacent to the proposed mooring pen known as The Newport is listed as a heritage item under the Pittwater LEP. The heritage significance of The Newport is due to the social significance of the property as a hotel/pub, and there is no fabric of heritage significance remaining on the property.	Yes

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Section	DCP Provision	Proposed Development	Compliance
		<p>The proposed mooring pens will contribute to the ongoing use of the property as The Newport food and drink premises, and therefore contributes to conserving the social heritage significance of this use of the property.</p> <p>In the circumstances, a heritage impact or management document is not warranted.</p>	
<b>B2</b>	<b>Density Controls</b>	The density controls are not applicable to mooring pens.	N/A
<b>B3</b>	<b>Hazard Controls</b>	<p>A specialist geotechnical report is submitted with the DA with recommendations for ensuring the stability of the land on the foreshore.</p> <p>The proposed mooring pens and access gangways are designed to accommodate changes in sea level from climate change.</p> <p>There is no other known hazard on or around the subject land relating to bushfire, coastline processes, contaminated land, estuarine hazard, or flood hazard.</p>	Yes
<b>B4</b>	<b>Controls Relating to the Natural Environment</b>	<p>A specialist Marine Ecology Assessment is submitted with the DA and finds that the proposed mooring pen development will not have a significant impact on aquatic ecology.</p> <p>The proposed development will not have any impact on any terrestrial flora or fauna, wildlife corridors, spotted gum forest, EECs, bushland, mangrove, wetlands, saltmarsh, littoral rainforest, heathland, or woodland.</p>	Yes
<b>B5</b>	<b>Water Management</b>	<p>The mooring pens do not affect stormwater runoff from the land and do not warrant a stormwater management plan.</p> <p>The specialist geotechnical report submitted with the DA includes recommendations for land stability and erosion &amp; sediment control during construction.</p>	Yes
<b>B6</b>	<b>Access and Parking</b>	The proposed mooring pens provide boat access and boat parking for The Newport on the adjoining foreshore. The mooring pens do not generate a car parking demand in excess of the parking already provided at The Newport.	N/A
<b>B8</b>	<b>Site Works Management</b>	A construction management plan will be prepared prior to commencement of construction and address potential impacts of construction activities including site access and safety, construction vehicles and vessels, geotechnical stability, erosion and sediment control, noise, and waste management.	Yes

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Section	DCP Provision	Proposed Development	Compliance
<b>SECTION C DEVELOPMENT TYPE CONTROLS</b>			
The provisions in Section C of the DCP for Residential Development, Business Development, Light Industrial Development, Subdivision, Other Development, Warriewood Valley are not applicable to the proposed mooring pens.			N/A
<b>SECTION D LOCALITY SPECIFIC DEVELOPMENT CONTROLS</b>			
<b>D15</b>	<b>Waterways Locality</b>		
D15.1	Character as viewed from a public place	The proposed mooring pens are consistent with the character of boat landing facilities around the foreshore of Pittwater including marinas adjacent to the north and south, and numerous jetties and mooring pens.	Yes
D15.2	Scenic protection – General		Yes
D15.3	Building colours and materials	The proposed building materials and colours are consistent with standard boat landing facility structures.	Yes
D15.6	Front building line	Building lines on foreshore land are not applicable to the mooring pens.	N/A
D15.7	Side and rear building line	Building lines on foreshore land are not applicable to the mooring pens.	N/A
D15.10	Fences	No fence is proposed in the DA.	N/A
D15.11	Waterfront lighting	The proposed mooring pen includes energy efficient pedestal and LED lighting for safe access in and out of the mooring pens and which will not cause glare or adversely affect navigation or surrounding properties. No flood lighting is proposed.	Yes
D15.12	Development seaward of mean high water mark	The proposed building structure seaward of mean high water mark is for the purpose of mooring pens to accommodating boats.	Yes
D15.13	Lateral limits to development seaward of mean high water mark	The proposed mooring pens have a side setback of more than the minimum 2m from the lateral boundary limits off the abutting property.	Yes
D15.14	Minimum frontage for marine facilities	The adjoining property / allotment on which The Newport is sited has a water frontage exceeding 15 metres.	Yes



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Section	DCP Provision	Proposed Development	Compliance
D15.15	Waterfront development	<p>The proposed mooring pen development is consistent with the outcomes sought for waterfront development stated in the DCP in the following respects:</p> <ul style="list-style-type: none"> <li>• it will not have an adverse impact on the water quality and estuarine habitat of Pittwater;</li> <li>• it will not restrict public access along the foreshore which is currently unavailable due to steep topography;</li> <li>• it will not encroach unreasonably into the navigation channel or adversely affect ferries and service vessels or use of the waterway by adjoining landowners (refer to RMS navigation assessment in Appendix D);</li> <li>• it is a low rise modest structure with minimal impact on the natural visual environment;</li> <li>• it will not have a detrimental impact on visual quality, water quality or estuarine habitat of Pittwater;</li> <li>• it contributes to the mix of waterfront development for the accommodation of boats.</li> </ul> <p>A gangway ramp for foreshore landing and floating pontoon access gangways are proposed consistent with the DCP.</p> <p>The proposed piles will comply with the DCP provisions for a maximum height of 2.16m above mean high water level, material being of reinforced concrete in dark natural colour, and having white capping to facilitate visual prominence when viewed from the water at night and to minimise any hazard to navigation.</p>	Yes
D15.16	Crystal Bay foreshore area	The site is not in Crystal Bay.	N/A
D15.17	Moorings	The navigation assessment prepared by RMS submitted with the DA confirms that there is a far lower number of moorings in this part of Pittwater than the maximum number specified in the DCP.	Yes
D15.18	Seawalls	No seawalls are proposed in the DA.	N/A
D15.19	Dredging	No dredging is proposed in the DA.	N/A
D15.20	Commercial waterfront development	No commercial waterfront development is proposed in the DA.	N/A
D15.21	Charter boat facilities	No charter boat facility is proposed in the DA.	N/A
D15.22	Masterplan - Careel Bay	The site is not in Careel Bay.	N/A

### 4.3 Any Planning Agreement

There is no known planning agreement relevant to the proposed development.

### 4.4 The Regulations

The proposed mooring pens are designed to comply with the Building Code of Australia.

### 4.5 Any Coastal Zone Management Plan

There is no coastal zone management plan applying to the proposed mooring pens.

### 4.6 Environmental Impact

The key environmental planning issues associated with the proposed mooring pens are:

- visual landscape;
- navigation on the waterway;
- public access to the foreshore and waterway;
- ecology and biodiversity;
- foreshore land stability;
- construction impacts.

#### Visual landscape

The visual landscape at Pittwater in the vicinity of the site is characterised by numerous marinas, boat landing facilities, jetties, pontoons, mooring pens and single moorings around the waterway, and a mix of low scale commercial and residential buildings in landscaped settings around the foreshore.

The proposed mooring pens are consistent with visual character of marinas and boat landing facilities on this part of Pittwater, and the proposed development retains the characteristic landscaped foreshore setting. An indicative image of the proposed mooring pens in the Pittwater landscape is shown in Figure 9 below.



**Figure 9 – Indicative image of proposed mooring pens in Pittwater landscape**

## Navigation on the waterway

NSW Roads and Maritime Services (RMS) has conducted an assessment of navigation issues associated with the proposed mooring pens which is included in Appendix D. The RMS assessment finds that “there are no navigational concerns regarding the designated proposal” subject to the condition that “vessels on the channel side of the mooring pen be berthed stern side too only” so that berthed vessel helms are facing the channel for improved vision of channel movements when leaving a mooring pen.

## Public access to the foreshore and waterway

Public access to the foreshore is currently unavailable at the site and along the foreshore of The Newport property due to the steep topography and geotechnical instability along this part of the foreshore. The proposed mooring pen development will not affect public access along the foreshore other than to provide for waterway access between the mooring pens and The Newport for public patrons.

## Ecology and biodiversity

A Marine Ecology Assessment prepared by Ocean Environmental Consulting is included in Appendix E. The Assessment provides a description of marine habitats at the site based on a field survey and assessment of potential for State and Commonwealth listed threatened and protected marine species to occur around the site and be affected. It assesses the potential impacts of the proposed development and identifies management and / or mitigation measures to reduce potential impacts on the marine environment. The Marine Ecology Assessment finds the following marine species and potential impacts at the site:

- **Intertidal zone** consisted of gently sloping muddy bank covered in small to medium sized rocks encrusted by sessile invertebrates including Sydney rock oysters, small limpets and periwinkles, marine macroalgae, juvenile mangrove plants, and burrowing organisms (e.g. crustaceans). Proposed works in this area include a gangway and localised minor impacts on intertidal habitat would occur from the piles / footings.
- **Subtidal zone** includes a subtidal rocky drop off area inhabited by brown marine macroalgae with juvenile fish and a high cover of silt, and a largely unvegetated area of soft sediment extending over the majority of the study area containing some occasional macroalgae plants, burrowing organisms (e.g. crustaceans), filter feeding organisms (e.g. worms), mobile marine invertebrates, and one very small patch of seagrass (< 0.5 m<sup>2</sup>) in poor condition and covered in silt. Structures proposed over the subtidal zone include floating pontoons and walkways, and concrete piles driven or drilled into the seabed.
- **Marine Fauna** - A number of threatened and protected marine fauna species are known or likely to occur in the area. It is expected that the majority of impacts to marine fauna would be short term and would not threaten the livelihood of individuals or populations. Assessments of Significance under the relevant legislation find that the proposed works are unlikely to have any significant impact on any species of threatened or protected marine fauna that have the potential to occur at the study site if appropriate mitigation measures are adopted.

- **Riparian Vegetation** on the steep rocky foreshore slope comprises a mix of native and introduced terrestrial vegetation including low lying introduced and weed species with no significant native trees. The proposed access gangway landing of 2.2m in width is planned across this foreshore.

The Marine Ecology Assessment identifies a number of potential impacts and recommended mitigation measures including those relating to short term noise impacts, generation of waste, short term impacts on water quality (in particular increased turbidity levels), impacts on sessile and mobile marine fauna and impacts on intertidal and subtidal habitats including marine vegetation. The Assessment finds that localised and minor impacts to some of the existing marine habitats at the site are unavoidable, and many other impacts can be managed and mitigated effectively. The Assessment concludes that, overall, the potential impacts of the proposal on the marine environment will be short term and insignificant.

### **Foreshore land stability**

A Report on Geotechnical Site Investigation prepared by Crozier Geotechnical Consultants is included in Appendix F. The report concludes that, due to the small scale of the hazard, the low level of occupancy of the area along with a lack of structures potentially impacted, the risk associated with geotechnical hazard is considered to be within the 'Acceptable' risk management criteria of Council's Risk Management Policy and will remain so for the design life of the proposed development, taken as 50 years.

### **Construction impacts**

A construction management plan will be prepared prior to commencement of construction and address potential impacts of construction activities including site access and safety, construction vehicles and vessels, geotechnical stability, erosion and sediment control, noise, construction hours, and waste management. The Construction Management Plan will adopt the relevant recommendations in the Marine Ecology Assessment in Appendix E and Geotechnical Report in Appendix F.

### **Waste management**

The proposed mooring pens will not generate waste and are not proposed to include waste management facilities. Vessels using the mooring pens will be required to manage waste on-board for disposal at other suitable locations and disposal points.

## **4.7 Suitability of the Site**

The site is suitable for the proposed mooring pens as it is within a zone in which mooring pens are permissible and in a location with good separation from adjacent marinas, safe boating navigation channel, and no environmental constraints of such significance as to preclude it.

## **4.8 The Public interest**

The proposed mooring pens are in the public interest in supporting existing businesses in the locality and providing a publicly accessible casual boat berthing facility in compliance with key planning controls with minimal environmental impact.



## **5. SUMMARY AND CONCLUSION**

### **Proposed Development**

Merivale is lodging a Development Application for boat mooring pens on Pittwater adjacent to The Newport food and drink premises. Design plans are in Appendix B and a detailed description of the proposed mooring pens is as follows.

### **Land use & operation**

- Mooring pens with capacity for berthing of 14 vessels and ancillary access gangways.
- Private and public use subject to booking with The Newport. Access will be denied to patrons not associated with a vessel berthed in the mooring pens.
- Hours of operation 6am to 12am – 7 days a week.
- Casual berthing only. No permanent boat storage, fuel or waste disposal is proposed.

### **Area and dimensions**

- Area of mooring pen structure: 941sq.m (67.2m x 14m).
- Individual mooring pen size: 11.25m x 4.9m.
- Piles: Diameter of 450mm and height of 2.16m above mean high water level.
- Access gangways on water: 2.0m -2.5m in width. 0.5m to 1m above water level.
- Access gangway ramp for foreshore landing: 2.2m in width and 29.5m in length.

### **Structure and materials**

- Piles: Concrete in grey/black colour with white capping drilled into seabed.
- Access gangways on water: Aluminium upper and plastic lower floating pontoon type.
- Access gangway ramp for foreshore landing: Aluminium structure with standard engineering abutment into concrete footings on land, mid-ramp hinges, and wheel footings at connection with floating gangway.
- No dredging is proposed.

### **Power and lighting**

- Power service pedestal and low level dock lighting on each access gangway arm. Indicative power pedestal and dock lighting specifications are in Appendix C.

### **Signage**

- Three mooring pen identification signs are proposed on the mooring pen structure, each with a maximum signage area of 1.5 sqm and height equal to the top of the piles.
- The content of the signage is to include the heading 'The Newport Boat Mooring Pens – Casual Berthing Only'; water depth; operating hours of 6am to 12 midnight; a contact phone number to make a booking to berth a vessel; and direction for vessels to berth stern side too only.

## Assessment of Planning Considerations

The proposed mooring pens development is consistent with the relevant planning instruments in the following respects:

- it complies with the provisions of the Pittwater Local Environmental Plan 2014 including the objectives and permissible uses in the W1 Natural Waterways Zone and B2 Local Centre Zone, the building height standard, and provisions for the coastal zone, development below mean high water mark, heritage conservation, earthworks, geotechnical hazards and essential services;
- it is consistent with the provisions of the Pittwater 21 Development Control Plan including Part B General Controls and Part D Locality Specific Development Controls for the Waterways Locality.

The proposed mooring pens development has environmental planning merit in the following respects:

- it is consistent with visual character of marinas and boat landing facilities on this part of Pittwater, and retains the characteristic landscaped foreshore setting;
- there are no boat navigation concerns for NSW Roads and Maritime Services subject to the condition that vessels are berthed stern side too only;
- public access along the foreshore is currently unavailable due to steep topography and will not be significantly affected;
- the marine ecology and environment impacts will be localised and minor, short term and insignificant according to a specialist Marine Ecology Assessment;
- the geotechnical and land stability hazard on the foreshore is within acceptable risk management criteria;
- waste will be managed on-board vessels for disposal at other suitable locations and disposal points;
- construction impacts will be managed in accordance with a Construction Management Plan prepared prior to commencement of works which will adopt the recommendations in the specialist Marine Ecology Assessment and Geotechnical Statement.

Given the above assessment, the proposed mooring pens development complies with relevant planning controls and has planning merit on which it can be supported and granted development consent by the Northern Beaches Council.

# **APPENDIX A**

## Site and Survey Plans

## **APPENDIX B**

Mooring Pen Design Arrangement Plan and  
Typical Access Gangway Plan  
prepared by Superior Jetties

## **APPENDIX C**

### **Indicative Power Service Pedestal and Dock Lighting Specifications**

# **APPENDIX D**

Navigation Assessment  
prepared by NSW Roads & Maritime Services



## **APPENDIX E**

Marine Ecology Assessment prepared by Ocean  
Environmental Consulting Pty Ltd

## **APPENDIX F**

Report on Geotechnical Site Investigation  
prepared by Crozier Geotechnical Consultants