

Statement of Environmental Effects



GARTNERTROVATO Architects
Pty Ltd

ABN 51 673 668 317
ACN 115 186 206

Suite 13, Level 1
10 Park Street
Mona Vale
NSW, 2103

PO Box 1122
Mona Vale
NSW, 1660

P +612 9979 4411
F +612 9979 4422
E gta@g-t.com.au



New Boatshed @

1772 Pittwater Road, Bayview

Prepared For A Bursill & G Torrens

project no	1925
date	July 2022
issue	A

1.0 INTRODUCTION

This Statement of Environmental Effects is a report that forms part of an application for development consent submitted to the Northern Beaches Council for: -

- Construct a new Boatshed

The location of the proposal is 1772 Pittwater Road, Bayview which contains a single dwelling and pool on Lot 51, DP 740538. The site has a total area of 717m².

The site has a rear boundary frontage to Pittwater and is shown on the aerial image below indicated by the yellow star. The site is steeply sloping from the road frontage of Pittwater Road down to the waterfront, falling 9.64m (from RL10.70 to RL1.04) over a length of 39.04m along the NW side boundary providing an average slope of 24.7%.

The waterfront portion of the land includes a sandy beach on title, and the site contains a jetty and pontoon to access the waterways. The waterfront area of the site is at low level RL1.04 at the Mean High Water boundary.



Figure 1. Aerial view of the location of the site and context of Pittwater.

2.0 THE SITE, BACKGROUND & DESIGN RESPONSE

The proposal seeks to construct a new boatshed on the waterfront boundary of the site.

The key features of the site are:

- The site has a frontage to Pittwater and faces north-east similar to adjoining dwellings to the north and south
- The site is steeply sloping from the road frontage down to the water frontage
- The dwellings on the subject site and adjoining sites are 3 storey and the lowest levels are approximately AHD 3.5, or about 2.4m above the foreshore.

This report refers to the following accompanying documents: -

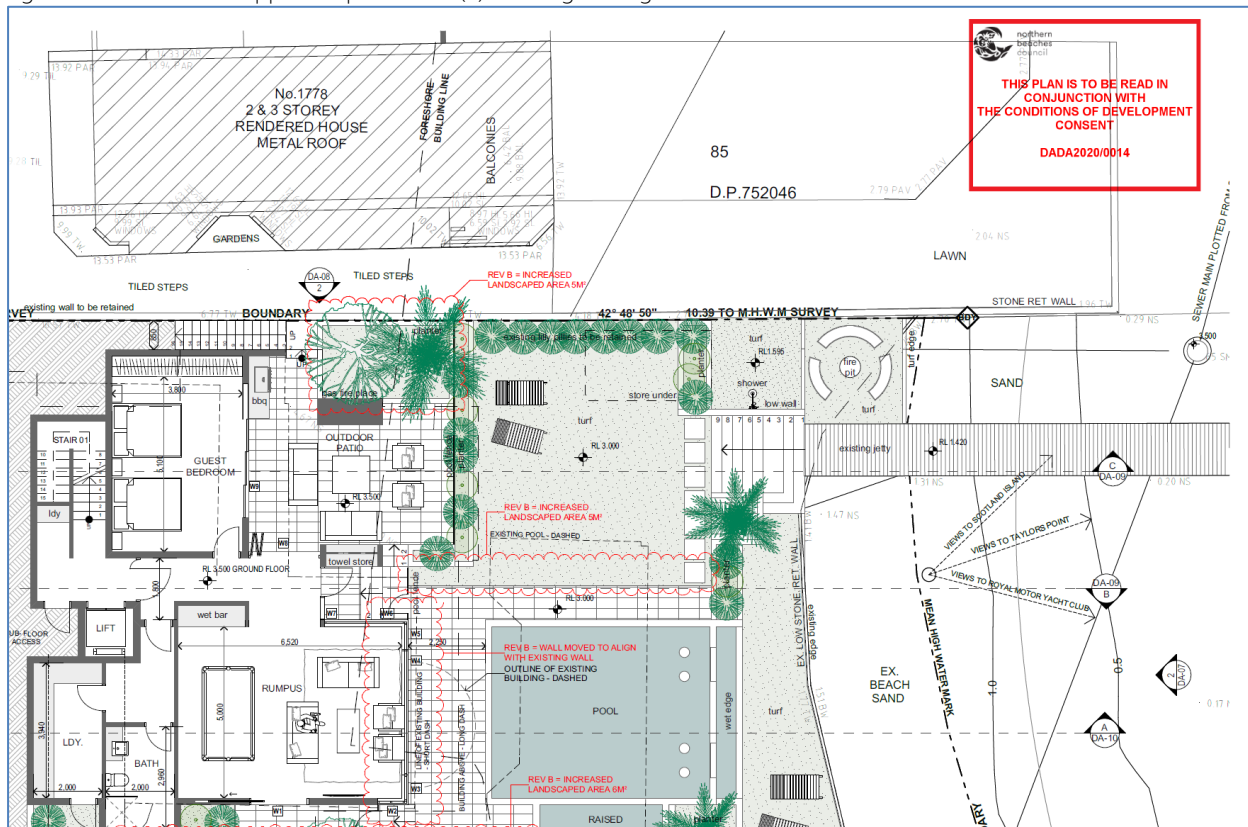
- Architectural Drawings **A01-A05 issue A**, Project No.1925
- Survey
- Estuarine Risk Management Report

This report examines the issues of compliance with Council codes and applicable SEPP's, analyses the potential environmental impacts of the development and summarises the design opportunities that the proposal provides. The report will demonstrate how the proposal succeeds the test of compliance with the relevant SEPP, LEP, DCP and statutory policies that apply to the site and is appropriate for granting of consent on the merits of the application and design.

Background

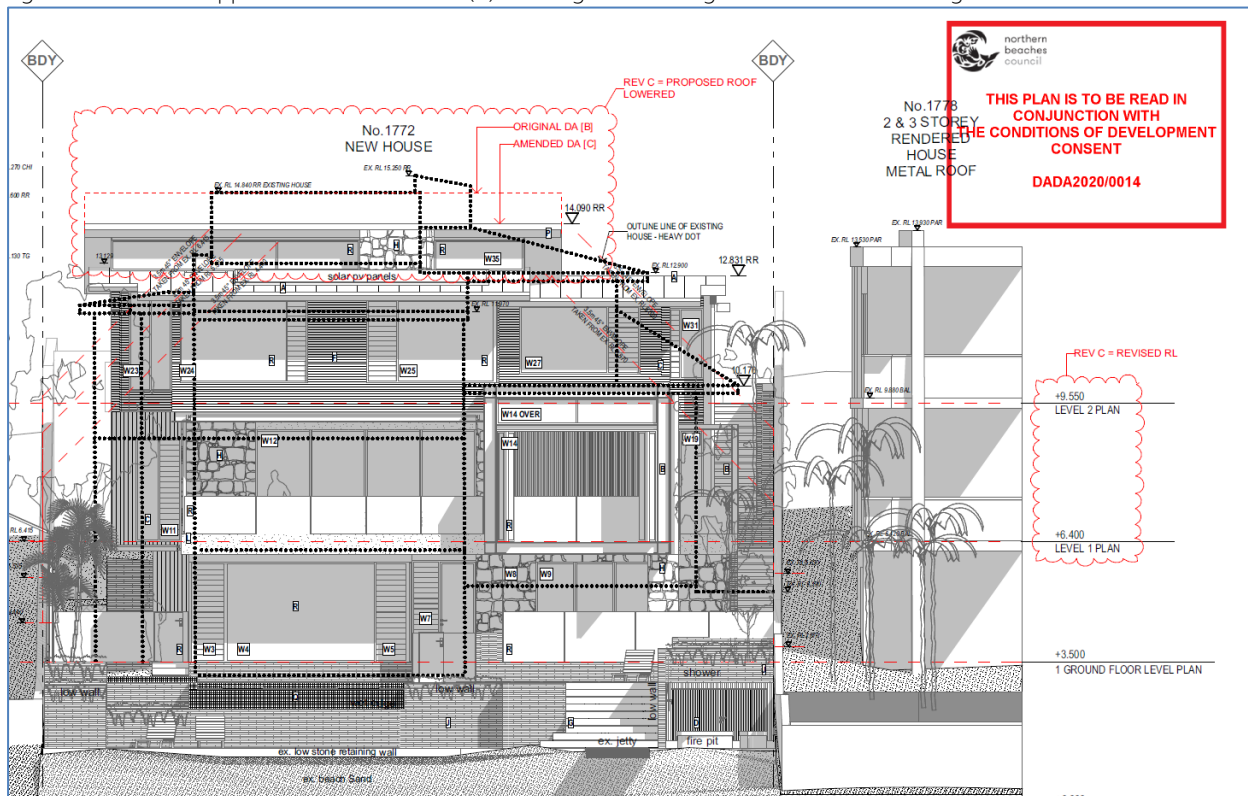
A recent approval for a new house and pool with waterfront storage, DA202/0014 was granted 11 May 2020. The approval contained a discreet waterfront storage area built into the land with a landscaped roof. Refer to figures 2 and 3 below showing an extract of the approval in plan and elevation.

Figure 2. Extract of DA approved plan DA04 (B) showing "storage under" the rear turf area for watercraft.



This storage was designed for watercraft such as kayaks and paddleboards with a low 1.2m head height to the storage to maintain all existing land levels above and below.

Figure 3. Extract of approved elevation DA07 (C) showing doors facing the waterfront to the right of the lower stairs.



The owners now require storage for small watercraft such as an inflatable dingy and small sailboat. This storage requires more height than 1.2m and therefore a boatshed with a clear internal height of 2.1m forms this application.

The design of this boatshed is similar to the approved storage, in that it is proposed to have a flat concrete roof to allow landscaping on the roof surface. This design allows the boatshed to blend into the foreshore environment and provide minimal environmental impacts to adjoining properties and minimal visual impact to the waterway, refer figure 4.

Figure 4. View from the subject site towards the waterfront with the boatshed hidden in the landscape



A boatshed on this site will be consistent with the nature of surrounding development. Boatsheds are present at 9 of the 11 adjoining and nearby properties as shown in Figure 5 below

Figure 5. Aerial view showing boatsheds from 1762 to 1794 Pittwater Road – 9 of 11 properties.



The character of the proposed boatshed with flat roof, is also not inconsistent with boatsheds in the immediate locality of the subject site at 1778 and 1784 Pittwater Road. The character provides a low visual impact to the waterway.

Figure 6. View from the waterfront to the boatshed at 1778 directly adjoining the subject site.



3.0 PLANNING CONTROLS & COMPLIANCE

PITTWATER 21 DEVELOPMENT CONTROL PLAN & PITTWATER LOCAL ENVIRONMENT PLAN 2014 SEPP – COASTAL MANAGEMENT

The following responses deal with the clauses relevant to this application and in particular, the Locality Statement relevant to the site.

Pittwater LEP 2014

Zoning E4 Environmental Living

Zone Objectives

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

The proposed development is permissible within the zone

Clause 7.8 Limited Development on Foreshore area

The objectives of this clause are:

- a) *To ensure that development in the foreshore area will not impact on natural processes or affect the significance and amenity of the area,*
- b) *To ensure continuous public access along the foreshore area and to the waterway*

As the proposal is completely within the boundaries of the subject property and simply seeks to replace existing structures in their current location, the proposal achieves the objectives

Subclause (2) states that Development consent must not be granted for development on land in the foreshore area except for the following purposes:

- a) *the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,*
- 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)*

The proposal seeks to construct a new boatshed. **The proposal therefore qualifies for the exception**

Further to subclause (2), subclause (3) provides *Development consent must not be granted under this clause unless the consent authority is satisfied that:*

- (a) *the development will contribute to achieving the objectives for the zone in which the land is located, and, **The development achieves the zone objectives. The boatshed is a low impact building no adverse affect to ecological, scientific or aesthetic values, the dwelling is well integrated to the landform and landscape and has no impact on riparian and foreshore vegetation or wildlife corridors***
- (b) *the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and, **The proposal is consistent with surrounding development, particularly the flat roofed boatshed on the adjoining site 1778 Pittwater Road.***
- (c) *the development will not cause environmental harm such as—*
 - (i) *pollution or siltation of the waterway, or **The proposal will not cause any pollution or siltation being contained wholly within the site and resulting in no change to the waterfront land interface***
 - (ii) *an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or **As above, the proposal will have no impact***

- (iii) *an adverse effect on drainage patterns, or* The proposal will result in no change to drainage patterns, as the roof is a landscaped area and will not increase stormwater run-off to Pittwater
- (iv) *the removal or disturbance of remnant riparian vegetation, and* No removal or disturbance will occur to any riparian vegetation.
- (d) *the development will not cause congestion or generate conflict between people using open space areas or the waterway, and* The development does not affect public use of the foreshore
- (e) *opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and* The development maintains the existing beach and does not compromise any future opportunity to provide public foreshore access
- (f) *any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and* There are no significant features as described above on the land
- (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* The proposal is a new building and this clause does not apply
- (h) *sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change, have been considered.* The proposal maintains all natural and existing levels at the foreshore and will not impact matters in this subclause



Figure 7. Foreshore Building Line

The proposed development satisfies the requirements of Subclause 4 in that the proposal to build a new boatshed is consistent with surrounding development and contained completely within the site boundaries. The proposal will have no impact on public access, links, or open space as there is no current public access to the foreshore outside the subject site as this area is below mean high water mark.

In summary,

- The proposed works achieve the objectives of the clause 7.8
- The works are permissible under PLEP 7.8 (2)(a) and (b).
- The design satisfies PLEP 7.8 (3)
- The works comply with PLEP 7.8 (4), there is currently no public access so this is not applicable

The application is justified for approval in respect of this clause in the PLEP

The application is accompanied by an Estuarine Report to support the proposal.

Clause 4.3 Height of Buildings

Subclause (1) provides that the stated objectives of such control are as follows:

- (a) *to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
- (b) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (c) *to minimise any overshadowing of neighbouring properties,*
- (d) *to allow for the reasonable sharing of views,*
- (e) *to encourage buildings that are designed to respond sensitively to the natural topography,*
- (f) *to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items*

Subclause (2) requires that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Building Map. The map indicated the maximum for this site is 8.5 metres.

The proposed works have a maximum height above ground level of 2.30 metres.

Pittwater 21 DCP

B5.1 Water Management Plan

Outcomes	<i>Effective management of all water and wastewater resources</i> <i>Protection of receiving environments downstream of all water management systems</i>
Controls	Rainwater and Stormwater are managed on site by catchment of roof waters and hard surface run-off and utilise the existing stormwater system with direct outlets to Pittwater. The roof is landscaped and will not create any additional run-off. The area of the boatshed is 18m ² and does not require any BASIX rainwater storage. There is no requirement for OSD as the site connects directly to Pittwater. The disposal method of the stormwater complies.

B5.7 Stormwater Management - On-Site Detention

Outcomes	<i>Rates of stormwater discharged into receiving environment maintained or reduced.</i>
Controls	The proposal results in a decrease of hard surface coverage from pre to post development scenario of 18.00m ² and in addition connects directly to Pittwater. The proposal requires no OSD system The proposal complies.

C1.1 Landscaping

Outcomes	A built form dominated and complemented by landscaping. Landscaping that reflects the scale and form of development.
Controls	The proposal complies. The proposal impacts upon a very small area of 18m ² and replaces existing turf with a green roof over the proposed boatshed.

C1.3 View Sharing

Outcomes	Public views and vistas are protected, maintained and where possible, enhanced. Maintain reasonable sharing of views from public places and living areas.
Controls	The proposal has no impact on surrounding views from private domains and no impact on public domain, as demonstrated above. The proposal complies

C1.4 Solar Access

Outcomes	<i>Residential development is sited and designed to maximise solar access during mid-winter. A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. Reduce usage and/dependence for artificial lighting.</i>
Controls	The proposal has a maximum height of 2.3m above ground and does not overshadow any adjoining property. No shadow diagrams are required. The proposal complies.

C1.5 Visual Privacy

Outcomes	<i>Habitable rooms and outdoor areas shall achieve and maintain visual privacy.</i>
Controls	The proposal has been designed to minimise overlooking into living areas and private open spaces There is no loss of visual privacy to the adjoining dwellings. The proposal complies.

D4.1 Character As Viewed From A Public Place

Outcomes	<i>To achieve the desired future character of the Locality. To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built form and natural environment. To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment. The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. High quality buildings designed and built for the natural context and any natural hazards. To preserve and enhance district and local views which reinforce and protect Pittwater's natural context.</i>
Controls	The proposal results in a boatshed that blends into the landscape with a very low bulk and scale to the waterway. The boatshed is a size, character and location compatible with surrounding development. The proposal complies

D4.2 Scenic Protection

Outcomes	<i>Achieve the desired future character of the locality Bushland landscape is the predominant feature of Pittwater with the built form being secondary component of the visual catchment</i>
Controls	The proposal satisfies all controls of D4.2.

D4.3 Building Colours, Materials and Construction

Outcomes	<i>The development enhances the visual quality and identity of the streetscape.</i> <i>To provide attractive building facades which establish identity and contribute to the streetscape.</i> <i>To ensure building colours and materials compliments the visual character of its location with the natural landscapes of Pittwater.</i> <i>The colours and materials of the development harmonise with the natural environment.</i> <i>The visual prominence of the development is minimised.</i> <i>Damage to existing native vegetation and habitat is minimised.</i>
Controls	The proposal satisfies all controls of D4.3 with the colours and materials as presented in the colour and finishes schedule.

D4.5 Front Building Line

Outcomes	<i>Achieve the desired future character of the Locality.</i> <i>The amenity of residential development adjoining a main road is maintained.</i> <i>Vegetation is retained and enhanced to visually reduce the built form.</i> <i>Vehicle manoeuvring in a forward direction is facilitated.</i> <i>To encourage attractive street frontages and improve pedestrian amenity.</i> <i>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.</i>
Controls	The controls require that 'The minimum front building line shall be 10m, or established building line, whichever is the greater'. This applies to Pittwater Road, which the site fronts. The proposal involves work in the rear yard and does not alter the existing setbacks. The proposal complies.

D4.6 Side and Rear Building Line

Outcomes	The proposal satisfies all outcomes of D4.6 <i>Achieve the desired future character of the Locality.</i> <i>The bulk and scale of the built form is minimised</i> <i>To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping</i> <i>To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties</i> <i>Substantial landscaping, a mature tree canopy and an attractive streetscape</i> <i>Flexibility in the siting of buildings and access</i> <i>Vegetation is retained and enhanced to visually reduce the built form</i>
Controls	The controls require that the minimum setback is 2.5m for at least one side and 1m for the other and 6.5m to the rear or foreshore building line. The proposal seeks a 1m setback to the northwest side boundary. The proposal complies.

D4.8 Building Envelope

Outcomes	The proposal satisfies all outcomes of D4.8 <i>To achieve the desired future character of the Locality. (S)</i> <i>To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.</i> <i>To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.</i> <i>The bulk and scale of the built form is minimised. (En, S)</i> <i>Equitable preservation of views and vistas to and/or from public/private places. (S)</i> <i>To ensure a reasonable level of privacy, amenity and solar access is provided within the development site</i>
----------	--

Controls	<i>and maintained to residential properties. (En, S)</i> <i>Vegetation is retained and enhanced to visually reduce the built form. (En)</i>
	The controls require that 'Buildings are to be sited within an envelope projected at 45 degrees from a height of 3.5m above natural ground level at the side boundaries....'.
	The proposal complies

D4.10 Landscaped Area – Environmentally Sensitive Land

Outcomes	<i>Achieve the desired future character of the Locality.</i> <i>The bulk and scale of the built form is minimised.</i> <i>A reasonable level of amenity and solar access is provided and maintained.</i> <i>Vegetation is retained and enhanced to visually reduce the built form.</i> <i>Conservation of natural vegetation and biodiversity.</i> <i>Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.</i> <i>Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.</i>
Controls	The site is identified within Area 1 of the Landscaped Area map. The control requires a minimum of 60% of the site shall be landscaped area. The proposal does not alter the DA2020/0014 approval with a landscaped area of 385m ² for the 717m ² site area, or a ratio of 53.7% ,

D15.15 Waterfront Development

Outcomes	<i>Waterfront development does not have an adverse impact on the water quality and estuarine habitat of Pittwater. (En)</i> <i>Public access along the foreshore is not restricted. (S)</i> <i>Waterfront development does not encroach on navigation channels or adversely affect the use of ferries and service vessels or use of the waterway by adjoining landowners. (S, Ec)</i> <i>Structures blend with the natural environment. (S)</i> <i>Structures are not detrimental to the visual quality, water quality or estuarine habitat of the Pittwater Waterway. (En, S)</i> <i>To promote a mix of commercial waterfront development for the accommodation of boats, their repair and maintenance, and for organised waterfront development. (Ec)</i> <i>Waterfront development which does not comply with the outcomes of this clause are removed. (En, S, Ec)</i>
Controls	Part a) – Jetties, ramps and Pontoons. The proposal does not seek to alter the existing jetty, ramp and pontoons. Part c) of the controls applies to boatsheds. The controls are labelled i. to viii with compliance as follows i. <i>Boatsheds shall be located above mean high water mark on freehold land, where practicable. Where this cannot realistically be achieved, as much of the proposed boatshed as is practical must be located above mean high water mark to minimise encroachment onto the littoral zone below mean high water mark</i> Complies. The boatshed is wholly on freehold land and above the MHWMM ii. <i>Boatsheds shall be one storey and no greater than 4.5 metres in building height above the platform on which it is built, 4.0 metres in width and 6.0 metres in length, as illustrated in Diagram 4. The use of lofts or similar design concepts shall not be permitted</i> Complies. The height is 2.3m, width 3.3m and length 6.05m, complying with the control.

- iii. *Boatsheds shall not prevent or hinder public foreshore access. Alternative access must be provided where a proposed boatshed is likely to make existing foreshore access below mean high water mark difficult*

Complies. The boatshed is entirely on private land

- iv. *Boatsheds cannot be used for any other purpose than the storage of small boats and/or boating equipment. The incorporation any internal kitchen facilities, habitable rooms, shower or toilet facilities shall not be permitted. Roof areas of boatsheds shall not be used for recreational or observational purposes*

Complies. The proposal shows a clear internal space with no facilities

- v. *Boatsheds shall be constructed of low maintenance materials that are of a tone and colour which is sympathetic to the surrounding setting. Structures proposed along the western foreshores, McCarrs Creek, Horseshoe Cove, Salt Pan Cove, Refuge Cove, Clareville and Careel Bay are to have specific regard for the natural landscaped character of the area. Reflective materials and finishes for private boatsheds shall not be permitted*

Complies. The structure is low maintenance, partially built into the ground with exposed walls of off-form concrete and timber framed doors

- vi. *The minimum floor level for proposed boatsheds shall be in accordance controls for foreshore development around the Pittwater Waterway*

Not Compliant. For reasons mentioned in the Estuarine Risk Report, the boatshed floor RL is below the Estuarine Planning Level

- vii. *Boatsheds shall be able to be entirely enclosed. Boatsheds which either partially or wholly do not incorporate appropriate wall cladding shall not be permitted, as such structures tend to become visually obtrusive when viewed from the waterway*

Complies.

- viii. *All electrical equipment and wiring shall be water tight below the designed flood/tidal inundation level*

Complies.

5.0 CONCLUSION

The proposal to construct a **new boatshed** at 1772 Pittwater Road, Bayview as submitted is permissible with the consent of Council. The development is consistent with the provisions of the Pittwater LEP 2014 and responds to the relevant DCP controls and outcomes and provides assessment under the requirements of the Coastal SEPP.

The proposal is in keeping with the Desired Future Character statement for the area. The development will provide a positive contribution to the locality. The proposal will not have any unacceptable adverse environmental effects and conforms to the relevant statutory planning requirements.

The application is therefore suitable for approval.

Coastal Management Act 2016

The Coastal Management Act 2016 (The Act) applies to the land, as the land is identified on mapping within the SEPP (Coastal Management) 2018 (The SEPP). The SEPP identifies the site in both the *Coastal Environment Area Map*, and the *Coastal Use Map* and as such, clauses 8 and 9 of the Act are relevant to this application.

The objectives in the act align with the considerations that must be given by councils in The SEPP, and have been taken into consideration in the design of this application as follows:

Clause 8 Coastal Environment Area

- 2) *The management objectives for the coastal environment area are as follows:*
- a) *to protect and enhance the coastal environmental values and natural processes of coastal waters, estuaries, coastal lakes and coastal lagoons, and enhance natural character, scenic value, biological diversity and ecosystem integrity*
 - b) *to reduce threats to and improve the resilience of coastal waters, estuaries, coastal lakes and coastal lagoons, including in response to climate change*
 - c) *to maintain and improve water quality and estuary health*
 - d) *to support the social and cultural values of coastal waters, estuaries, coastal lakes and coastal lagoons*
 - e) *to maintain the presence of beaches, dunes and the natural features of foreshores, taking into account the beach system operating at the relevant place*
 - f) *to maintain and, where practicable, improve public access, amenity and use of beaches, foreshores, headlands and rock platforms*

The proposal being totally within the site and on private land, with all works above MHWL, has no impact on items a), b), c). The proposal has no effect on the social values of the waterway by proposing a private boatshed, consistent with adjoining waterfront properties. The proposal has no impact upon the ability for residents to partake in social and cultural values of the waterway.

The proposal is not applicable to item e) as it is not on an ocean or waterway beach, and the proposed works are completely within private land and therefore have zero impact upon public access.

The proposed development achieves the objectives of The Act.

Clause 9 Coastal Use Area

- 3) *The management objectives for the coastal use are as follows:*
- a) *to protect and enhance the scenic, social and cultural values of the coast by ensuring that:*
 - (i) *the type, bulk, scale and size of development is appropriate for the location and natural scenic quality of the coast, and*
 - (ii) *adverse impacts of development on cultural and built environment heritage are avoided or mitigated, and*
 - (iii) *urban design, including water sensitive urban design, is supported and incorporated into development activities, and*
 - (iv) *adequate public open space is provided, including for recreational activities and associated infrastructure, and*
 - (v) *the use of the surf zone is considered*
 - b) *to accommodate both urbanised and natural stretches of coastline*

The proposal is consistent in type, bulk and scale to surrounding development and there are no adverse impacts of the development that proposes a new boatshed of similar size and location to adjoining properties.

The location is non-urban nor within a surf zone and these items are not applicable to the assessment. The proposal is within private land and this item is also not applicable. The proposal maintains the natural stretch of the waterway interface to the property boundary.

The proposed development achieves the objectives of The Act.

State Environmental Planning Policy (Coastal Management) 2018

The SEPP mapping identifies the site as falling within the area assessable under the Coastal Management SEPP. The site is shown within the *Coastal Environment Area Map*, and the *Coastal Use Map* (extract below).

For the purposes of assessment of this application, the relevant SEPP clauses are 13, 14, 15 with discussion below:



As the land is identified within the *Coastal Environment Area Map*, the following clause applies:

13 Development on land within the coastal environment area

- 1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and*
 - b) *ecological environment,*
 - c) *coastal environmental values and natural coastal processes,*
 - d) *the water quality of the marine estate (within the meaning of the Marine Estate*
 - e) *Management Act 2014), in particular, the cumulative impacts of the proposed development*
 - f) *on any of the sensitive coastal lakes identified in Schedule 1,*
 - g) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands*
 - h) *and rock platforms,*
 - i) *existing public open space and safe access to and along the foreshore, beach, headland or*
 - j) *rock platform for members of the public, including persons with a disability,*
 - k) *Aboriginal cultural heritage, practices and places,*
 - l) *the use of the surf zone.*

The site is located within the coastal environment area. The proposal to construct a new boatshed is contained within the site boundaries and setback from the foreshore of the site. None of the works proposed will cause any adverse impacts to items a) to l) above as the works are wholly contained within the subject site and do not extend into the waterway. The proposed new boatshed is located in a similar position to adjoining boatsheds and will have no greater visual impact on the coastal area than the existing developments on adjoining properties.

The proposed works being completely contained on private land, do not have an impact on public foreshore access, coastal processes or are within the vicinity of any known Aboriginal heritage sites.

- 2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that*
 - a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The proposed development is located entirely within the property boundaries on private land, and the new boatshed involves minimal material change to the setting fronting the Pittwater waterway. As such the proposed development does not result in a further impact to the processes of the Pittwater Waterway, public foreshore access, Aboriginal heritage or native vegetation than what has been previously established by boatsheds on adjoining properties.

Council can be satisfied that the proposed replacement of an existing dwelling with a new dwelling on the site will achieve compliance with this clause of the SEPP.

As the land is identified within the *Coastal Use Map*, the following applies:

14 Development on land within the coastal use area

- 1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
 - a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) *Aboriginal cultural heritage, practices and places,*
 - (v) *cultural and built environment heritage, and*
 - b) *is satisfied that*
 - (i) *the development is designed, sited and managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
 - c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development*

The proposed development is consistent with the character, bulk and scale of the locality with a boatshed of similar scale to those adjoining and near the site. The proposal has no impact upon foreshore vegetation. No Aboriginal heritage sites are located within the vicinity of the development and public access to the foreshore is not affected as the works are wholly contained within private land.

The development does not result in any additional overshadowing to the foreshore area or impact upon any views to the foreshore from the public domain (Pittwater Road). Council can be satisfied that the proposal to construct a new boatshed on the site will achieve compliance with this clause of the SEPP.

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

A Coastal Engineering Assessment report has been prepared to accompany the development application. The report was prepared by Salients and assesses amongst considerations of the design and its ability to withstand coastal forces such as waves developing in Pittwater. The report discusses impacts and safety factors and adequately addresses this clause of the SEPP.