

## Statement of Environmental Effects

**PROPERTY:** Treharne's Manly Boatshed (commercial marina) - land abutting No 1B Bolingbroke Parade, Fairlight NSW

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**LOCATION:** Middle Harbour (Jilling Cove)

**DATE:** 24 April 2016

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### 1 Introduction

This report has been prepared by Foreshore Design Solutions to accompany the development application for the above property, which is a commercial marina leased to the Manly Boatshed (sometimes referred to as Treharnes Boatshed).

This SEE seeks consent to:

- repair 3 existing pylons that have deteriorated over time; and
- regularise existing marina structures that have been constructed on site. These include an existing pontoon, timber ramp and a section of the existing decking, plus a triangle (wharf deck corner) on the outer jetty.

All structures and work are located below Mean High Water Mark (MHW) on land owned by Roads & Maritime Service (RMS).

The purpose of this document is to describe the proposed development, assess its compliance with relevant planning policies and examine its environmental effect. Where impacts are identified, measures proposed to mitigate any harm to environmental amenity have been addressed in this report.

### 2 Site Description

The site is known as No 1B Bolingbroke Parade, Fairlight, Lot 1 DP858156 CT Vol 5018/FOL1 and is located towards the west of Manly Cove, overlooking Jilling Cove. The part of the site located above MHW is Crown Land and land below MHW is owned by RMS.

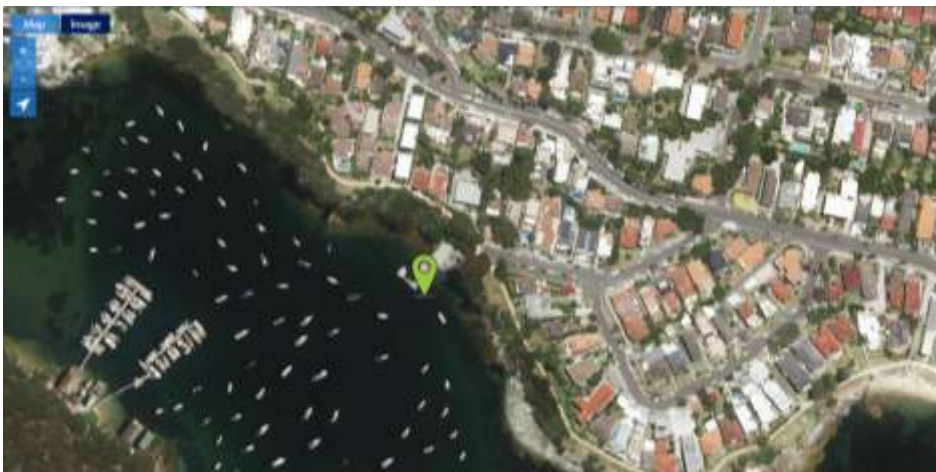


Figure 1:  
Site location

Source:  
[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)

The boatshed building is located on a wharf supported by piles and extends over the waterway, and partly below MHW. The second storey contains a residence which has been used in this way following the approval of the development application in 1965.

The relatively sheltered part of the harbour supports few if any private landing facilities, and most vessels are singularly moored further into the waterway. Davis Marina, which provides berthing for approximately 35 vessels, is located opposite the Manly Boatshed and on the other side of Jilling Cove. Surrounding development within this area is mostly residential development. Riparian parkland (mown grass and specimen trees) adjoins the site to the north and forms part of the Manly Scenic Walkway.

The Manly Boatshed was constructed at the site in 1830. It was purchased in 1945 by the Treharne family who has owned the business ever since. It operates as a small working port and commercial marina, involving rigging repairs and servicing, commercial swing moorings, berthings and small vessel storage and rentals. It also provides on shore amenities including toilets, showers, water, power and work berths. The Boatshed is part of the RMS' Destination marina program which allows public access to facilities and amenities on site.

### **3 Existing Development**

#### Above MHW:

A commercial marina, including two storey timber boatshed building (boatshed buildings is part located above MHW and part located below MHW) located on a wharf with boardwalk, all supported by pylons, with a residence located within the second storey.

#### Below MHW:

- Timber boatshed located on a wharf with surrounding timber deck supported by pylons;
- Timber ramp extending off seaward end of decking;
- Pontoon (5.6m x 2.0m) extending off seaward end of ramp;
- "L" shaped timber jetty with steps;
- Three (3) slipways with cradles.
- Photos of the structures are attached in **Appendix A**.

### **4 Existing environment**

In 2013 an Aquatic Ecology Assessment of the site was commissioned for a marina that is no longer proposed (**Appendix B**). This report describes the aquatic ecology around the existing jetty structures as follows:

- A mostly continuous sandstone boulder rocky foreshore with areas of wave cut intertidal rock platform (Figure 11).
- The intertidal rock terminates on intertidal to shallow subtidal sandy shores (Figure 13) or extends into the subtidal as rock or rock rubble reefs (Figure 14) terminating on sub-tidal sand habitat.
- The subtidal sand habitat supports seagrass beds and patches to the north and south of the boatshed facility and slipways.
- The piles and wetted surface areas of pontoons at Manly Boatshed support a variety of rocky reef biota with similar zonation, oyster bands in the intertidal, conjevoi, tubeworms and frondose algae

in the shallow sub-tidal fringe and kelp, with mussels and a variety of attached sponges and bryozoa in the sub-tidal (Figure 18).

- Sea horses were identified are sheltering amongst kelp on piles.

#### **4.1 Environmental matters**

- The property is located within a designated Wetlands Protection Area but not within a Critical Habitat Area under the Harbour SREP.
- The site is not part of the declared critical habitat for Little Penguins.
- The Sydney Harbour Foreshores Area Development Control Plan Map 14 maps the site area as being a mixed rocky intertidal, seagrass and sand habitat.
- The proposed activities would be carried out in such a way to minimise the potential for erosion and sediment input into the waterway.
- The site is mapped as Class 5 land in terms of acid sulphate soil (ASS) risks.
- An extensive search of the Aboriginal Heritage Information Management System (AHIMS) has confirmed there are no known places or objects of Aboriginal heritage significance in or adjoining the site. The closest recorded item is more than 100 metres north-west of the site.
- There are no identified items of non-Aboriginal State heritage significance within the vicinity of the site. The closest State heritage item, Fairlight Pool is located some 600 metres away and not visible from the site. Esplanade Park (along with Fairlight Pool) is a locally listed landscape heritage item that adjoins the site to the north.

### **5 Proposed Development**

This SEE seeks consent to:

- repair 3 existing timber pylons that have deteriorated over time. This involves encapsulating the pylons with split fibre reinforced concrete tubes and filling it with concrete to strengthen the pylons; and
- regularise existing structures that form part of the commercial marina which were constructed in early 2002. Approval for these structures was granted however the parts of the ramp, pontoon and jetty were not constructed strictly in accordance with the approval. The structures as built are shown in red on Plan No. S100 Issue H and include the:
  - timber ramp extending off seaward end of decking
  - pontoon which extends off the seaward end of the ramp
  - a section of decking and a triangle on the outer jetty.

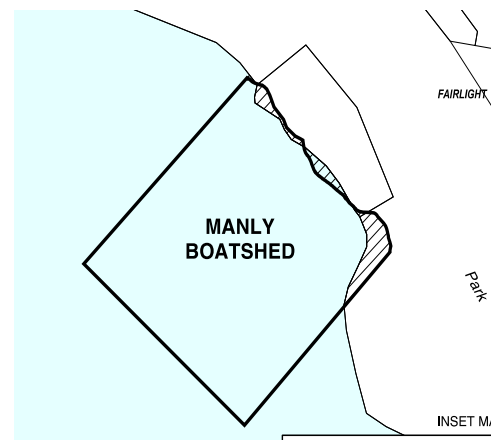
The original approved layout is shown by a dotted blue line on the same plan.

The proposed work is required to ensure the use of the site as a commercial marina for berthing's, boat building, repairs and maintenance can continue in a safe and lawful manner.

### **6 Permissibility**

The subject structures are below the MHW in an area zoned W2 Environment Protection, under Sydney Regional Environmental Plan (SREP) Sydney Harbour Catchment 2005 (refer Figure 2). The existing waterway structures, including a ramp, jetty and pontoon would normally be prohibited development under this zone. However, cl 34 of SREP 2005 (*Boat repair facilities and commercial marinas in Zone No W2*) permits development for the purposes on a boat repair facility or commercial marina to be carried out with consent on the Manly Boatshed site.

The proposal to repair and retain existing structures would ensure the site can continue to operate in its current form and is consistent with the objective of cl 34 which is to maintain the working harbour and functions of certain existing boat repair facilities by retaining these sites for maritime purposes.



**Figure 2:** Zoning W2 Environment Protection under SREP 2005 (below MHWL)



**Figure 3:** Special purpose (boat repair facilities & commercial marinas) map – Manly Boatshed

## 7 Biodiversity, Ecology and Environment Protection

As the site is located within a designated Wetlands Protection Area, the wetland protection considerations (Part 6, Clause 63 of the Harbour REP) have been considered.

A detailed aquatic ecology assessment of the site was undertaken in 2013 (**Appendix B**) as part of a larger development proposal that has not proceeded. As this current application seeks to regularise existing structures and minor works to existing pylons the assessment of biodiversity, ecology and environment protection matters has relied on the findings of this earlier 2013 report.

The existing water based structures were built in 2002 and their retention as built will have no additional impact on the biodiversity, ecology or environment. The repair work is of a minor nature involving strengthening existing piles and is not expected to adversely affect the wetland protection area or terrestrial and aquatic species, populations or ecological communities, subject to any identified sea horses being relocated to a suitable similar habitat at the site

The site is mapped as Class 5 land in terms of acid sulphate soil (ASS) risks. The proposed pylon repair work is located below the MHW and will not involve excavation, dredging, filling, land contouring or extractions of soil or other material. Furthermore, the site is not located within 500 metres of any Class 1-4 land. The need to manage ASS is therefore considered low.

Works will occur within the confines of a floating boom and silt curtain, which would confine both turbidity and floating debris. The boom and silt curtain will not be removed until any disturbed sediment has cleared.

Subject to the proposed mitigation measures, the proposal is consistent with the provisions of Clauses 21, 61 and 63 of the Harbour SREP which seek to protect the biodiversity, ecology and environment including wetland areas.

## **8 Navigation Safety and Boating Activity**

The structures have existed in this part of the waterway for many years. The retention of these structures as built would not negatively impact navigational safety, as navigational patterns in the waterway already take into account their location and size. The singularly moored vessels in the bay are adequately spaced and located at a distance from the facility so that the jetty and pontoon structures do not create a navigational hazard.

The ecology in this part of the Harbour is sensitive, and the shoreline is not conducive to providing for private landing facilities, which is why vessels are mostly singularly moored further into the bay. There are no other adjacent private landing facilities that could otherwise result in congestion in the waterway.

While the bay supports other moored craft, there is a well-defined clearway to enable a vessel to be safely manoeuvred, without causing difficulty for neighbouring craft. The existing spacing in the vicinity is wide enough to enable navigation from any angle and the fairway is adequate to prevent congestion and which satisfies AS 3962.

Visibility and lighting in the area is fair. The structures in this area of the waterway do not obstruct or affect the natural flow of tides and currents.

## **9 Public Access**

Retaining the existing structures as built and undertaking necessary repair works will ensure the marina is capable of continuing to provide public access to the harbour under the Destination Marina program, consistent with cl. 22 of the SREP. The proposed repair works will have no impact on public access to the surrounding foreshore area, consistent with cl. 23 of the SREP.

## **10 Amenity, Visual Impact and Heritage**

The existing structures are waterside structures that enable vessels to be berthed and accessed. They maintain a functional relationship to the existing marina land use which has existed in this part of the Harbour since 1830.

The proposal seeks to retain alterations or additions that were carried out to existing approved structures without consent and as such will maintain existing views to and from the Harbour. The additions and repair work are minor and would not increase the scale, size or intensity of existing use of the site.

The development is located below the MHWL and is largely screened from the view of nearby residences or users of the Esplanade Park by existing foreshore vegetation which is substantial around the site. The retention of these structures and repair work will have no additional visual or view impacts on the surrounding area or development which contains many similar waterside structures and will have no impact on the heritage significance of the Esplanade Park or Fairlight Pool, which is some 600 metres away and not visible from the site.

There are no known places or objects of Aboriginal heritage significance in or adjoining the site. The proposed works are wholly contained within the boundary of the site and will have no impact on the closest recorded item, which is more than 100 metres north west of the site.

## **11 Proposed safeguards/ mitigation measures**

The following measures will be undertaken during the repair work:

- Notifying residents and Council at least five working days prior to the commencement of works.
- Works will only be undertaken during standard construction hours.
- Site environmental safe guards (i.e. floating booms and site curtains) will be established around the piling rig and barge to trap off cuts and like materials
- Waste containers would remain covered. No waste will be stored on land and all waste will be removed by barge to licensed disposal facilities.
- Making project staff and contractors aware of their statutory obligations to protect under relevant legislation and actions in the event of any previously unidentified Aboriginal sites are identified during works.
- The RMS *Unexpected Archaeological Finds Procedure* (2011b) will be followed where necessary.

## **12 Summary**

This SEE demonstrates that the proposed development below MHWL is consistent with relevant development policies for the site and recommends that consent be granted, subject to the mitigation measures outlined in this document.

Appendix A – Site photos

Appendix B - Aquatic Ecology Assessment report