Northern Beaches Council
PO Box 82
Manly NSW 1655

# STATEMENT OF ENVIRONMENTAL EFFECTS

8 August 2023. Rev.B

Application for proposed deck, boatshed refurbishment and ramp at 214 Hudson Parade, Clareville.

## SITE DESCRIPTION AND ZONING

| | |
|---|---|
| Address: | 214 Hudson Parade, Clareville NSW 2107 |
| Legal description: | Lot 42, DP 13760 |
| Site Area | 739.8sqm |
| Street Frontage: | 15.24 m |
| Land Zoning: | E4 Environmental Living |
| Conservation/Heritage Area: | No |
| Bushfire prone land: | No |
| Geotechnical Hazard Map: | H1 |
| Geotechnical Risk: | Landslide Hazard |
| Acid Sulphate Soil: | Class 5 |
| Maximum Building Height: | 8.5 m |

Property location plan
Source: https://maps.six.nsw.gov.au/

## EXISTING BUILDING IMAGES

Aerial view from the satellite image.


Subject property.


Rear of the property.


View of the property from Pittwater.

The boatshed's existing East Elevation.

The boatshed's existing South Elevation.

## THE EXISTING BOATSHED

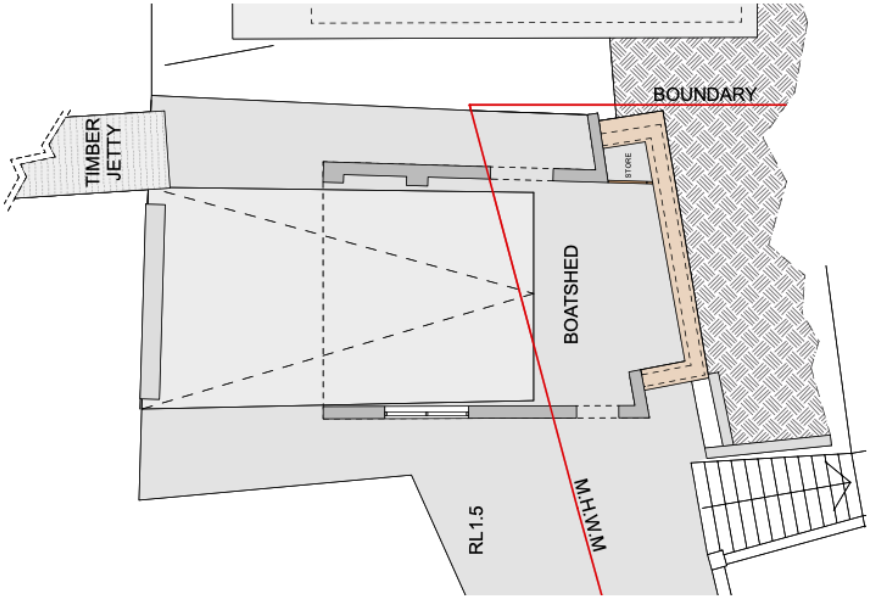
The existing boatshed on No. 214 Hudson Parade, Clareville consists of brick and sandstone construction with a floor level at RL 1.46. The metal roof is pitched upwards with the slope of the site at an angle of 4 degrees without any offerings on the façade to the waterfront. The boatshed consists of 3 walls, one window and two doors which provide direct access to the foreshore.

The existing boatshed is in disrepair and not fit for purpose. Access is difficult as the front of the boatshed is obstructed by the boat ramp and to access the opposite side of the boatshed or the jetty from the main house requires you to pass through the boatshed. This makes movement around the foreshore for both residents and visitors difficult.

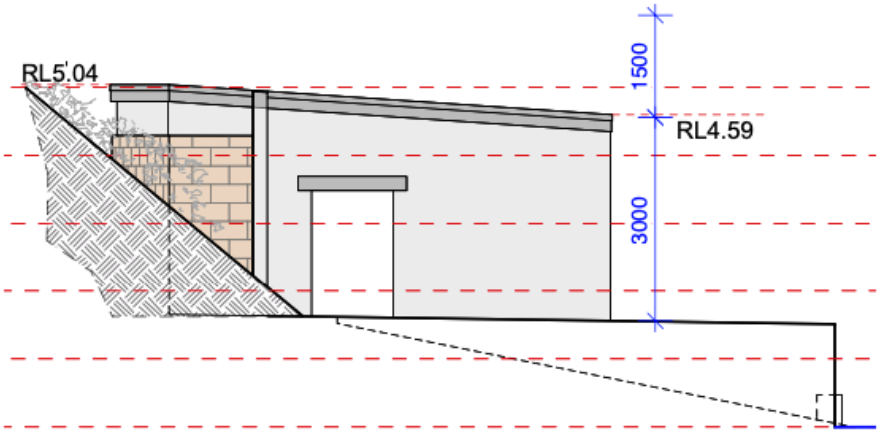
The boatshed itself only contains one small window minimising sunlight and ventilation making the successful storage of water items difficult. It also is an only partially enclosed space which does not meet Council DCP 2014 requirements and allows the items stored to be susceptible to weather, tidal changes and wildlife from the surrounds.

It no longer meets the Estuarine Hazard Requirements and fails to consider the coming sea level rise with climate change with its floor sitting at RL 1.46 well below the Estuarine Planning Level.

The boatshed itself is unassuming without demonstrating the nautical influence of the Pittwater area, it is a light colour which does not match the Council's guidelines and it does not match the landscape of its surrounds. With the house at No. 214 Hudson Parade Clareville undergoing alterations and additions in coming years to improve amenity and architectural quality (DA2021/1790), it stands to reason that the boatshed should also be improved to better suit the site, the new building and the other surrounding boatsheds.




Existing Plan of the Boatshed



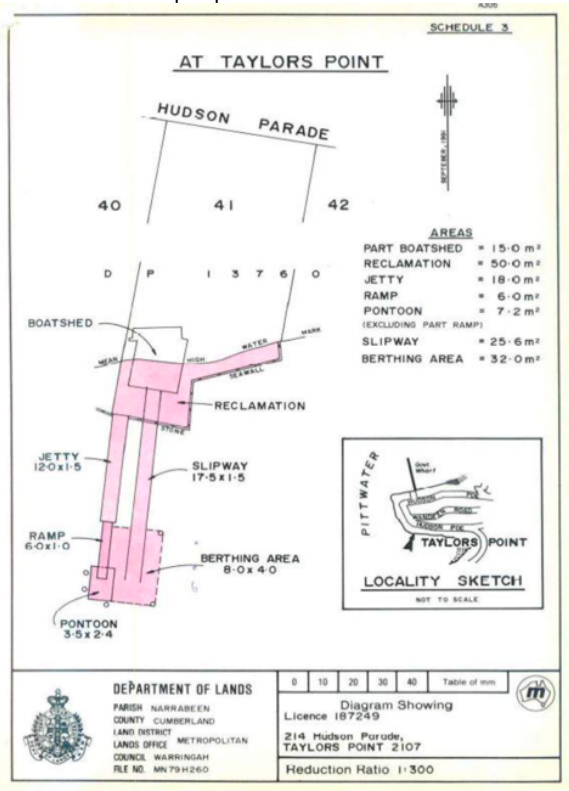

Existing West Elevation of the Boatshed

## PREVIOUS DA APPROVALS FOR THE BOATSHED

The application for the existing boatshed at No. 214 Hudson Parade, Clareville was granted approval by the Northern Beaches Council on the 5th of June, 1991 under application number 0100/91.

This approval allowed the boatshed to be constructed in its current location and to its current footprint of 5m wide by 7.3m in length.

Whilst the boatshed is no longer fit for purpose, it is the intention of the design to demolish the existing building only partially. This enables the reuse of elements of the 1991 approved design, such as the footings and the existing sandstone wall, which have been incorporated into the construction of this new DA proposal.



**NEIGHBOURING BOATSHED IMAGES**

35 Riverview Road, Avalon Beach

16 Paradise Avenue, Clareville

Located in the Pittwater Area.

Located in the Pittwater Area.

Located in the Pittwater Area.

244 Hudson Parade, Clareville

10 Paradise Avenue, Avalon Beach.

Located in the Pittwater Area.

242 Hudson Parade, Clareville

Located in the Pittwater Area.

228 Hudson Parade, Clareville

238 Hudson Parade, Clareville

Located in the Pittwater Area.

2A Paradise Avenue, Avalon Beach.

**NEIGHBOURING BOATSHEDS**

The boatsheds surrounding No. 214 Hudson Parade Clareville largely consist of high-pitched roofs orientated towards the waterfront to convey the importance of water recreation within the precinct. Many of them possess storage levels, lofts or even a second storeys with windows which articulate the façade facing the foreshore. These windows are often operable or louvres to ensure appropriate lighting and ventilation can be provided to the boatshed.

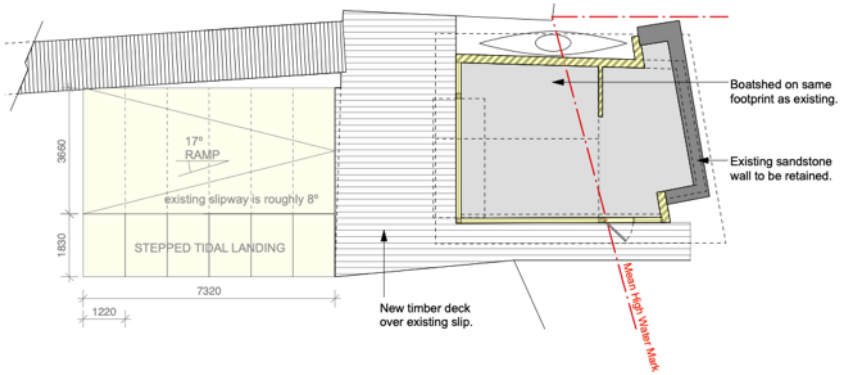
Whilst the boatsheds take many forms there are consistencies between them that make them cohesive. It is not uncommon for these boatsheds to possess an awning of some description and decking for residents and visitors to enjoy the waterfront. They all also can be completely enclosed to create uniformity in the water-facing façade and allow for the protection of items stored in the boatshed. The neighbouring boatsheds are more similar to the proposed design than the existing boatshed at No. 214 Hudson Parade Clareville.

**THE PROPOSAL**

A brief summary of the proposal is given below:

### Ground Floor

- Partial demolition of the existing boatshed, including the removal of concrete block walls and existing roof.
- The footings, concrete slipway, rails and existing timber jetty are to remain.
- The sandstone walls are to be retained and new concrete block walls built to provide enclosed storage for a boat.
- Additional kayak storage is to be provided under the western eaves.
- New timber decking to be built over existing concrete slip.
- New "private landing steps" (stepped tidal landing) and "Skid" (ramp).




Boatshed Ground Floor Plan

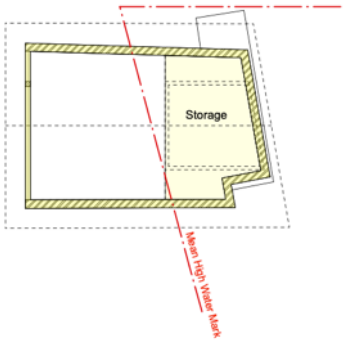
AREA OF NEW WORK

Boatshed Upper Storage Floor

AREA OF NEW WORK

### Storage Platform

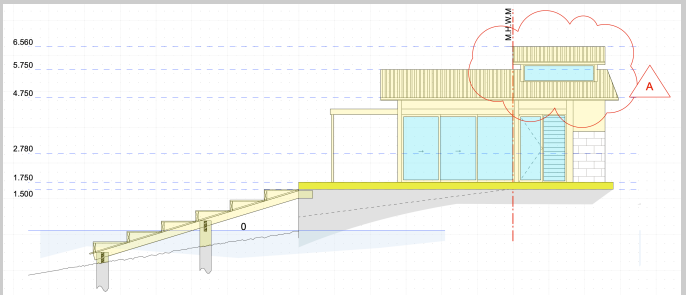
- High level storage for equipment, materials or other products which must be stored above the Estuarine Planning Level.
- New pop-up roof provided above storage platform.




### This statement was written with reference to the following:

1. Pittwater Local Environmental Plan LEP 2014
2. Coastal Management Act 2016
3. State Environmental Planning Policy Resilience & Hazards 2021
4. Pittwater 21 Development Control Plan
5. State Environmental Planning Policy Biodiversity & Conservation 2021

1. Pittwater Local Environmental Plan LEP 2014

| CONTROL | REQUIREMENT | PROPOSAL | COMPLIANCE |
|---|---|---|---|
| 4.3 Height of Buildings | 2. The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.<br><br>The Height of Buildings Map shows the subject site as having a maximum height of 8.5m. On the map this maximum height changes to 4m below the Mean High Water Mark. (See diagram below in Pittwater LEP 2014 – Detailed Review) | The proposed boatshed maintains a height of 4m where required, seaward of the mean high water mark, and locates the taller pop-up roof of 4.81m behind this line, sitting well below the 8.5m maximum.<br>This pop-up design provides natural light to the storage area.<br>  <br><br>Proposed East Elevation of the boatshed. | COMPLIES |
| 7.1 Acid Sulfate Soils | The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. | The subject site has been identified as Class 5. This proposal does not involve any major excavation works and as a result it is not expected that any acid sulfate soils will be disturbed.<br>The proposal will not lower the water table. | Not Applicable |
| 7.2 Earthworks | The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on the environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. | As the proposed boatshed utilises the footprint of the existing boatshed there are minimal earthworks required. Excavation required for the proposed design are for the new four piers under the new skid ramp. In the geotechnical report by Douglas Partners to be submitted with the DA, they recommended that the new piled foundations be taken down to and socketed or dowelled into the underlying, in situ bedrock, which is likely to be at a level of around -0.75m AHD to -1.6m AHD close to the seawall face seaward of the boatshed (getting lower moving east). | COMPLIES |

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| 7.3 Floodplain Risk Management | 1 The objectives of this clause are as follows:<br>(a) in relation to development with particular evaculation or emergency response issues – to enable evacuation of land subject to flooding in events exceeding the flood planning level.<br>(b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events. | The site is **not** identified as on NBC Flood Hazard Map. | **Not Applicable** |
| 7.6 Biodiversity | 1. The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by:<br>(a) protecting native fauna and flora, and<br>(b) protecting the ecological processes necessary for their continued existence, and<br>(c) encouraging the conservation and recovery of native fauna and flora and their habitats. | An Aquatic Ecology Assessment by Marine Pollution Research and a Coastal Area Environmental Assessment Report by Total Earth Care has been included in this submission. Both reports are very detailed and consider the proposed development as a whole and the corelating construction impact on the sites' terrestrial, riparian and aquatic biodiversity. All attached reports to this application should be read in full as they also address SEPP, LEP and DCP Controls affecting this proposal.<br>(a.)Both reports include an in depth field survey of the existing native flora and fauna both on the land and within Pittwater.<br>(b.)Both reports consider and explore the potential construction and operational impacts of the proposal on the ecological processes that provide support for a diverse community of organisms necessary for their existence.<br>(c.) The Aquatic Ecology Assessment by Marine Pollution Research states in its conclusion that: "the proposal can be undertaken with no significant impact on overall fish habitat values of the locality as intertidal to shallow sub-tidal native marine vegetation losses will be balanced against larger losses of pest algae habitat and an overall gain in shallow oyster reef fish habitat assemblages." | |
| 7.8 Limited Development on a Foreshore Area | 1. The objectives of this clause are as follows:<br>(a) to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area,<br>(b) to ensure continuous public access along the foreshore area and to the waterway. | (1. a) The proposed boatshed utilises the location and size of the existing boatshed and decking within the foreshore area so as not to impact on the natural processes, amenity or significance of the area.<br>The "skid" (ramp) and "private landing steps" (tidal steps) are located in place of the existing rails to keep the 'working' foreshore area contained within the one location. | |

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| | 2. Development consent must not be granted for development on land in the foreshore area except for the following purposes:<br>(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.<br>(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).<br>3. Development consent must not be granted under this clause unless the consent authority is satisfied that:<br>(a) the development will contibute to achieving the objectives for the zone in which the land is located, and<br>(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and<br>(c) the development will not cause environmental harm such as:<br>i) pollution or siltation of the waterway, or<br>ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or<br>iii) an adverse effect on drainage patterns, or<br>iv) the removal or disturbance of remnant riparian vegetation, and<br>d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and<br>e) opportunities to provide continuous public access along the foreshore and to the waterway will not be comprimised, and<br>f) any historic, scientific, cultural, social, archaelogical, architectural, natural or aesthetic significance of the land on which the develoment is to be carried out and of surrounding land will be maintained, and<br>(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 willl not have | b) The proposed boat shed and decking reuses the footprint of the existing. The proposed decking will improve access to the foreshore area.<br>The proposed "skid" (ramp) and "private landing steps" (tidal steps) do not impact on public access to the foreshore area or waterways.<br>(2. a) The boatshed is to be rebuilt utilizing its existing footprint. It is not proposed that the boatshed extends further into the foreshore area.<br>(2. b) The proposed boatshed is allowable in the foreshore area. The proposed "skid" (ramp) and "private landing steps" (tidal steps) is allowable in the foreshore area.<br>(3. a) The boatshed reuses its footprint to uphold the objectives of the W1 and C4 zones it straddles. This involves not increasing the impact on scenic views, waterways, or ecological processes any more than the existing boatshed whilst providing private access to the waterway.<br>(3. b) The proposed boatshed maintains the architecturally designed aesthetics of the site, is mindful of and prioritises the natural landscape though its unassuming form and is similar to many other boatsheds within the area.<br>(3. c) Refer to the Coastal Area Environmental Assessment Report by Total Earth Care for construction recommendations to mitigate environmental harm.<br>(3. d) As there is already a utilised boatshed at the proposed location. The proposal will not increase congestion in the waterway or cause conflict.<br>(3. e) The proposed decking will improve the opportunities for public access along the foreshore, around the boat shed rather than through it. The proposed boatshed is located on the footprint of the existing boatshed.<br>(3. f) The site is not located on the PLEP 2014 Heritage Map and there is no know historic, scientific, cultural, social or archaeological importance of the boatshed. | **COMPLIES** |

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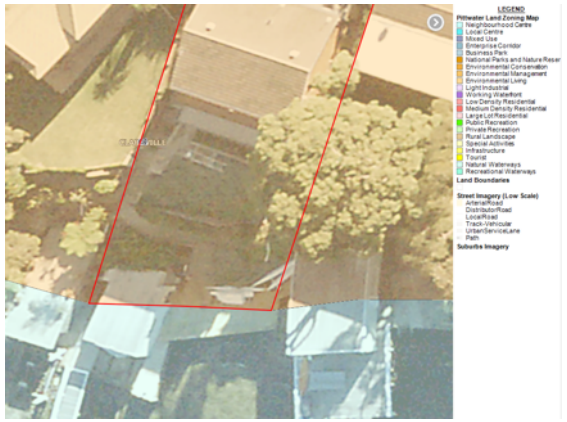
| | an adverse impact on the amenity or aesthetic appearance of the foreshore, and<br>(h) sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change, have been considered. | (3. g) The rebuilding on the site of the existing boatshed does not further impact on the amenity of the foreshore area and neighbouring boatsheds more than the existing boatshed. It will also positively contributes to the aesthetic appearance of the foreshore. Image of the existing as seen from the water below:<br>  <br>(3. h) The site is identified on the Council's Estuarine Hazard Mapping. An Esturine Risk Management Report by Peter Horton Coastal Engineering has been attached with this application. This report considers sea level rise in section 6. | **COMPLIES** |

**Pittwater Local Environmental Plan LEP 2014– Detailed review**

## 2.1 Land Use Zones

The Pittwater Land Zoning Map shows the site as orange indicating it sits within the C4 - Environmental Living Zone.

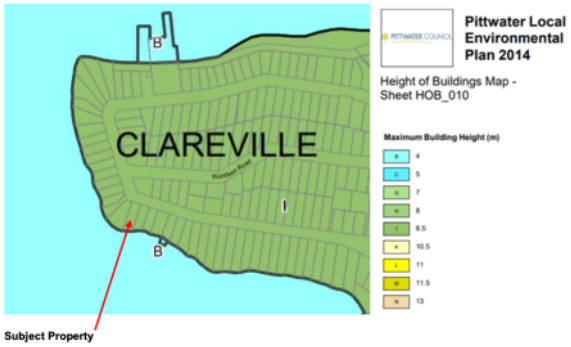
On closer inspection the boatshed on the site straddles this boundary between C4 - Environmental Living and W1 – Natural Waterways.

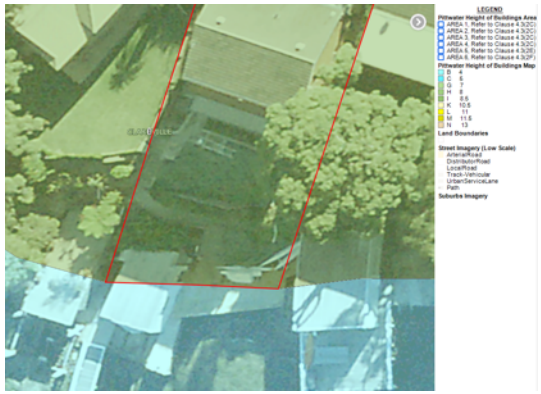



## 4.3 Building Height

The Building Height Maps shows the site 214 Hudson Parade as green with a maximum building height of 8.5m.

The Map clearly shows the boatshed straddles the border of green and aqua at the Mean High Water Mark (MHWM). This means above the MHWM the boatshed has a maximum height of 8.5m and below it the boatshed has a maximum height of 4m. These boundaries inform the location of the proposed 'pop-up' roof.

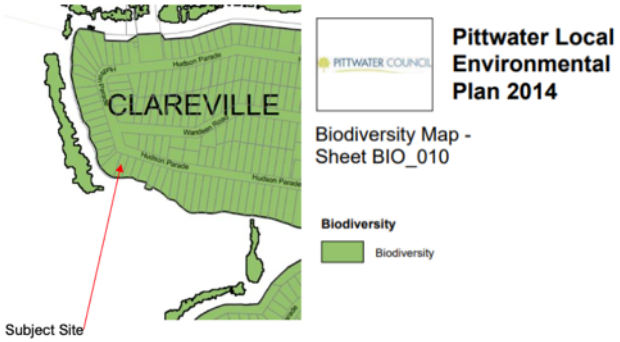


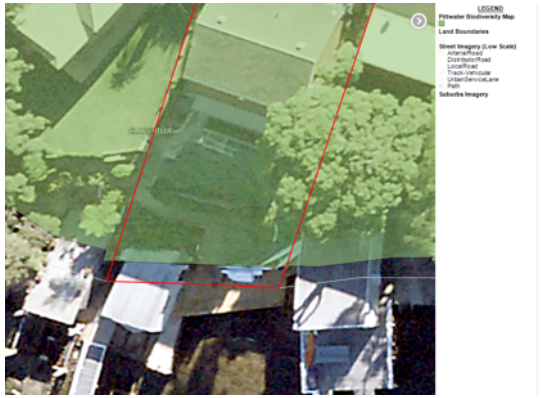



### 7.6 Biodiversity

The biodiversity map shows site 214 Hudson Parade as within a biodiversity area.

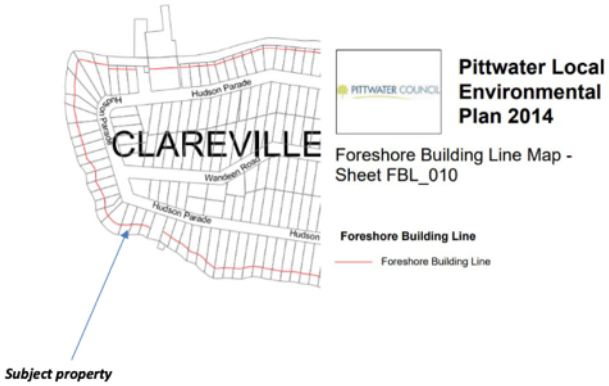
The Map however shows that the boatshed sits outside of the area.



### 7.8 Limited Development on a Foreshore Area

The Limited Development on a Foreshore Area Map shows that the boatshed sits within the Foreshore Building Line.




### 2. Coastal Management Act 2016

The Coastal Management Act 2016 establishes the framework of objective for coastal management in New South Wales. The purpose of the Act is to manage the use and development of coastal areas in an ecologically sustainable way, for the social, cultural and economic well-being of the people of NSW. The Act defines the coastal zone, comprising of, coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area, and coastal use area.

A review of the legislation and associated maps has identified the site as being within Division 3- Coastal Environment Area and Division 4- Coastal Use Area and therefore SEPP (Resilience and Hazards) 2021 applies. Setout below are the relevant provisions that impact on the site within the classification of Divisions 3, 4 and 5.

The Coastal Management Act 2016 sets out objectives in Clause 3 which are:

(a) To protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and
(b) To support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and
(c) To acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and
(d) To recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and
(e) To facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and
(f) To mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and
(g) To recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and
(h) To promote integrated and co-ordinated coastal planning, management and reporting, and
(i) To encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of the extreme storm events, and
(j) To ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and
(k) To support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and
(l) To facilitate the identification of land in the coastal zone for acquisition by public or local authorities, in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and
(m) To support the objects of the Marine Estate Management Act 2016.

It is submitted that the assessment detailed under the Statement of Environmental Effects suggest that the proposed development is consistent with the objectives of the SEPP (Resiliance and Hazards) 2021 as set out in Clause 3 of the Coast Management Act 2016.

**3. State Environmental Planning Policy (Resilience and Hazards) 2021**

This section applies to the local government area of Pittwater to provide best practice standards for development:

| CONTROL | REQUIREMENT | PROPOSAL | COMPLIANCE |
|---|---|---|---|
| Division 3 – 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:<br>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, | (a) An Aquatic Ecology Assessment by Marine Pollution Research and a Coastal Area Environmental Assessment Report by Total Earth Care has been included in this submission. Both reports consider the proposed development and the corelating impact on the integrity and resilience of the sites' environment.<br>(b) The boatshed and deck proposal utilises the existing building footprint and will not impact on the coastal environmental values or process. | COMPLIES |

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| | (b) coastal environmental values and natural coastal processes,<br>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,<br>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,<br>(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,<br>(f) Aboriginal cultural heritage, practices and places,<br>(g) the use of the surf zone.<br>2. Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:<br>(a) the development is designed, sited and will be managed to avoid adverse impact referred to in subclause (1),<br>(b) if that impact cannot be reasonably avoided – the development is designed, sited and will be managed to minimise that impact, or<br>(c) if that impact cannot be minimised – the development will be managed to mitigate that impact.<br>3. This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. | (c) The proposal is not within a coastal lake but for details on water and marine impacts see the Aquatic Ecology Assessment by Marine Pollution Research and Coastal Area Environmental Assessment Report by Total Earth Care.<br>(d) The Aquatic Ecology Assessment by Marine Pollution Research goes into detail about the sites' marine vegetation, native vegetation and fauna and their habitats. The reports provide recommendations on how to protect the local marine habitat along with construction techniques to avoid and mitigate any potential damage that may occur during construction. There are no undeveloped headlands and rock platforms to be impacted by this proposal.<br>(e) The proposed design does not change the existing access provided to the foreshore which currently isn't safely accessible to the public. The proposal does provide a small safe section of the foreshore through the provision of timber decking which allows the boatshed to be accessed from all sides.<br>(f) The site is not marked on the Pittwater LEP 2014 Heritage Map and there is minimal excavation proposed. The previous two Development Applications on the subject site have not had any sites recorded by the Northern Beaches Council Aboriginal Heritage Office. If any items of Aboriginal heritage are found throughout construction, they will be preserved, and expert advice sought on the matter.<br>(g) Not applicable.<br>2. The proposal is designed and sited to minimise any impacts on the public or environmental surroundings. There are many similar waterfront structures around Pittwater which achieve acceptable public and environmental outcomes, so it is not unreasonable to assume this proposal will provide similar outcomes.<br>3. The site is **not** located within the Foreshores and Waterways Area within the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. | |

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| Division 4 – 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:<br>(a) has considered whether the proposed development is likely to cause an adverse impact on the following:<br>i) existing, safe access to and allong the foreshore, beach, headlock or rock platform for members of the public, including persons with a disability,<br>ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,<br>iii) the visual amenity and scenic qualities of the coast, including coastal headlands,<br>iv) Aboriginal cultural heritage, practices and places,<br>v) cultural and built environment heritage, and<br>(b) is satisfied that:<br>i) the development is designed , sited and will be managed to avoid an adverse impact referred to in a paragraph (a), or<br>ii) if that impact cannot be minimised – the development is designed, sited and will be managed to minimise that impact, or<br>iii) if that impact cannot be minimised – the development will be managed to mitigate that impact, and<br>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.<br>2. This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. | (a. i) The foreshore of the site is currently inaccessible to the general public as there are many private properties along the area which restrict access. The proposal for the new boatshed makes no change to the inaccessible nature of the foreshore.<br>  <br>Photo of the foreshore surrounding 214 Hudson Parade.<br><br>(a. ii) As the proposed design occupies much of the same space the existing design does it will not impact on the views of neighbours, contribute to wind funnelling or overshadowing. The impact of the updated ramp on shading of the seafloor has been addressed in the Aquatic Ecology Assessment by Marine Pollution Research.<br>(a. iii) The proposed boatshed is similar in scale, finishes and colour to the designs of the surrounding boatsheds and keeps in theme of the nautical character of Pittwater.<br>(a. iv) The site is not marked on the Pittwater LEP 2014 Heritage Map and there is minimal excavation proposed. The previous two Development Applications on the subject site have not had any sites recorded by the Northern Beaches Council Aboriginal Heritage Office. If any items of Aboriginal heritage are found throughout construction, they will be preserved, and expert advice sought on the matter.<br>(a. v) No cultural or built heritage exists on the subject site. The sandstone of the existing boatshed is maintained in the proposal within its new design to | **Not Applicable** |

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| | | speak to the history of the site and historical use of sandstone within Sydney.<br>(b) The proposal is designed and sited to minimise any impacts on the public or environmental surroundings. There are many similar waterfront structures around Pittwater which achieve acceptable public and environmental outcomes, so it is not unreasonable to assume this proposal will provide similar outcomes.<br>(c) The proposal has taken care to ensure that it is sensitive to both the surrounding coastal and built environment in terms of bulk, size and scale. As seen in the photo below, the proposal is well suited to the existing nautical character of Pittwater.<br>  <br>Photo of the surrounding character of Pittwater. | |
| Division 5 – General | Development in coastal zone generally – development not to increase risk of coastal hazards.<br><br>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. | The proposed boatshed is developed as a replacement for an existing boatshed. The nature of the work intended is not considered to result in an increased risk of coastal hazard to the subject property or any adjoining land.<br>An Esturine Risk Management Report by Peter Horton Coastal Engineering discuses in depth the risks presented by coastal hazards and the construction strategies to mitigate them. | |

**Based on the assessments that have been undertaken of the relevant sections of the Coastal Management Act 2016 and the State Environmental Planning Policy (Resilience and Hazards) 2021, it is evident that the proposed development is considered to be consistent with the matters that are required to be assessed.**

**4. Pittwater 21 Development Control Plan**

This section applies to the local government area of Pittwater to provide best practice standards for development:

| CONTROL | CONTROLS | COMMENTS | COMPLIANCE |
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| B3.1 Landslip Hazard | **Controls:**<br>All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5).<br>Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) for the life of the development.<br>The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards. | The site is located within a geotechnical hazard H1 area. A Geotechnical assessment and report by Douglas Partners has been included with this application.<br><br>As the design occupies an existing building footprint, there is very little excavation required for the construction of the proposed boatshed and as such there is minimal Geotechnical Risk.<br><br>An Esturine Risk Management Report by Peter Horton Coastal Engineering discuses in depth the risks presented by coastal hazards and the construction strategies to mitigate them. | **COMPLIES** |
| B3.7 Estuarine Hazard – Low Density Residential | **Controls:**<br>The following applies to all development:<br>- All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes; and<br>- All structural elements below the Estuarine Planning Level shall be constructed from flood compatible materials; and<br>- All structures must be designed and constructed so that they will have a low risk of damage and instability due to wave action and tidal inundation; | The site is identified on the Council's Estuarine Hazard Mapping as subject to wave action and tidal inundation.<br><br>An Esturine Risk Management Report by Peter Horton has been included alongside this application. Refer to point 7 in the report for a break down of risks to structures and mitigation measures. | **COMPLIES** |
| B3.11 Flood Prone Land | **Controls:**<br>Applies to land as being affected by flooding on the Flood Risk Precinct Map or as otherwise determined. | The site is not located within flood prone land. | **COMPLIES** |
| B5.13 Development on Waterfront Land | **Outcomes:**<br>Protection of waterways and improved riparian health.<br>Stormwater and creek flows are safely managed.<br>Appropriate setback between waterways and development<br>**Controls:** | The proposal ensures there is no change to stormwater/flood flows or impacts on the waterway by maintaining the location and size of the existing boatshed in the proposed design. | **COMPLIES** |

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| | Any waterfront land (as defined in the Water Management Act 2000) on a the property shall be retained in their natural state to: carry stormwater/flood flows, maintain aquifers, retain stability, and provide habitat functions. | The Coastal Area Assessment Report by Total Earth Care details mitigation measure to protect Pittwater from stormwater during construction at points 6, 7 & 8 in their report. | |
| B5.15 Stormwater | **Objectives:**<br>- Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;<br>- Minimise the risk to public health and safety;<br>- Reduce the risk to life and property from any flooding and groundwater damage; Integrate Water Sensitive Urban Design measures in new development to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.<br>- Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle.<br>**Requirements:**<br>- Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and the like.<br>- The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy. | As the proposed boatshed design occupies the footprint of the existing boatshed there are no increased impacts on natural areas, public health and safety, and risk to life or property. The impervious areas on site also remain unchanged to mitigate potential impacts on stormwater or the natural water cycle.<br><br>Section 7 of the Coastal Area Environmental Assessment Report by Total Earth Care gives site specific management measures to minimise environmental risks including from stormwater runoff into Pittwater including during construction.<br><br>The proposed skid and private landing steps will not affect the stormwater, drainage or runoff. | **COMPLIES** |
| B8.2 Waste Minimisation | **Controls:**<br>- Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility. | The proposed boatshed minimises waste by reusing the existing footprint of the boatshed to reduce demolition, excavation and construction works. The sandstone wall in the existing boatshed is also reused in the design of the proposal to ensure the waste of demolition is reduced. The existing concrete apron will be retained with decking built over.<br>Waste materials will be recycled / disposed of at the nearest appropriate waste facilities. | **COMPLIES** |
| B4.16 Seagrass Conservation | **Outcomes:**<br>- The conservation of seagrass beds in Pittwater.<br>- The replacement of lost/damaged seagrass beds.<br>**Controls:**<br>- Development shall not significantly affect seagrass beds.<br>- Development shall replace seagrass in areas where it has been lost or damaged. | The Aquatic Ecology Assessment by Marine Pollution Research provides an in-depth photographic field survey of the adjacent aquatic habitat of the proposal that should be read in relation to this point.<br><br>Section 1.1 of the assessment provides the Fisheries NSW 2019 marine vegetation habitat map 2019 for Pittwater. There is a small | **COMPLIES** |

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| | - No filling, dredging or other disturbance shall be undertaken within a 50m buffer area of seagrass beds.<br>- Development proposed adjacent to seagrass beds shall incorporate a buffer zone of at least 50 metres between the development and seagrass beds.<br>- Jetties, ramps, wharves, pontoons and other instream structures shall be designed and constructed in accordance with NSW Department of Primary Industries specifications to maximise light filtration to seafloor. Proponents are advised to consult with the Department of Primary Industries to discuss their existing requirements.<br>- Compliance with Council's Water Management for Development Policy is required. | patch of *Posidonia* and *Zostera* seagrass offshore to the North and East of the subject site. Refer to the report provided for details.<br><br>The potential ecological impact of the proposal has been assessed in section 3 of their report and looks at individual impacts of the boathouse, decking, piles, skid (ramp) & private landing steps (tidal landing).<br><br>The Skid and Private landing steps are to be built using perforated materials to allow filtered light through.<br><br>The conclusion of the report notes that:<br><br>*"The construction of a boat-shed and ramp facility at 214 Hudson Parade Clareville can be undertaken with no significant impact on overall fish habitat values of the locality as intertidal to shallow sub-tidal native marine vegetation losses will be balanced against larger losses of pest algae habitat and an overall gain in shallow oyster reef fish habitat assemblages."* | |
| B4.19 Estuarine Habitat | **Outcomes:**<br>- To protect and enhance the mangroves, saltmarsh, seagrasses, intertidal sand/mud flats and other foreshore habitat that comprise the estuarine habitat of Pittwater.<br>- Development in the catchment of estuarine habitats in Pittwater are improved, maintained or restored.<br>- The social and cultural values of estuarine habitats are conserved and enhanced.<br>- Biodiversity, ecological processes and other estuarine habitat values are conserved.<br>**Controls:**<br>- Development shall not be permitted which could result in the destruction of mangroves or seagrass beds, saltmarsh and other estuarine habitats.<br>- Development in an estuarine habitat catchment shall not adversely impact on the wetlands.<br>- Compliance with Council's Water Management for Development Policy is required. | The Aquatic Ecology Assessment by Marine Pollution Research provides an in-depth photographic field survey of the adjacent aquatic habitat of the proposal.<br><br>Section 1.1 of the assessment provides the Fisheries NSW 2019 marine vegetation habitat map 2019 for Pittwater. There is a small patch of Posidonia and Zostera seagrass offshore to the North and East of the subject site.<br>There is also a mangrove stand at the head of Refuge Bay. Refer to the report provided for details.<br><br>The potential ecological impact of the proposal has been assessed in section 3 of their report and looks at individual impacts of the boathouse, decking, piles, skid (ramp) & private landing steps (tidal landing).<br><br>The conclusion of the report notes that: | **COMPLIES** |

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| | - Development shall provide adequate buffering to estuarine habitat.<br>- Existing wildlife corridors are to be maintained and functional habitat links provided wherever possible.<br>- Development shall ensure 80% of the area that is not covered by approved buildings or associated structure, is native vegetation either through retention of existing bushland or planting with locally native plant species.<br>- Development within the Pittwater Waterway shall have regard to any adjoining important estuarine habitats at all time, particularly during the construction phase. Any impact upon estuarine habitats within the Pittwater Waterway, particularly mangroves, saltmarsh and seagrass beds, must be minimised.<br>- Adequate compensatory works shall be undertaken where damage to estuarine habitats occurs.<br>- Habitat for locally and migratory birds shall not be reduced or degraded. Development that will result in increased disturbance to migratory wading bird habitat shall not be permitted. | *"The construction of a boat-shed and ramp facility at 214 Hudson Parade Clareville can be undertaken with no significant impact on overall fish habitat values of the locality as intertidal to shallow sub-tidal native marine vegetation losses will be balanced against larger losses of pest algae habitat and an overall gain in shallow oyster reef fish habitat assemblages."*<br><br>The Coastal Area Environmental Assessment Report by Total Earth Care provides site specific management measures to minimise the environmental risk during the construction phase.<br><br>The Coastal Area Environmental Assessment Report by Total Earth Care includes a field study survey and does not identify any habitat for local or migratory birds on the subject site. | |
| D15.1 Character as Viewed From a Public Place | **Outcomes:**<br>1. To improve the amenity and liveability of dwellings and sites.<br>2. To ensure that buildings are well designed.<br>**Controls:**<br>- Buildings which front the street and/or the waterway must have a compatible presence when viewed from the waterway and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality.<br>- Blank street frontage facades without windows shall not be permitted.<br>- Walls without articulation shall not have a length greater than 8 metres to any waterway frontage.<br>- Any building façade to the waterway must incorporate at least two of the following design features; i) entry feature or portico, ii) awnings or other features over windows, iii) verandahs, balconies or window box treatment to any first floor element, iv) recessing or projecting architectural elements, v) open, deep verandahs, vi) verandahs, pergolas or similar features above garage doors. | The proposed boatshed faces Pittwater and aims to compliment the desired character of the Pittwater waterfront whilst appearing compatible with other built forms when viewed from the waterway. The façade facing the waterway uses the pergola, entry and high-level windows to articulate the south façade so that the boatshed remains compatible with surrounding boatsheds and buildings when viewed from the waterway. These high-level windows are intended to remain see-through when viewed from the water so that they reveal and highlight the landscaping located beyond the boatshed.<br><br>Whilst designed to accommodate a small boat, the proposed boatshed remains 'human scaled' as its roofline meets the 4m Pittwater LEP 2014 requirement. The size of it also allows it to have minimal impact on the existing landscaping on site. It occupies the footprint of the existing boatshed so that the removal of any vegetation is minimised, enabling the new boatshed to remain secondary to any landscaping on site. | **COMPLIES** |

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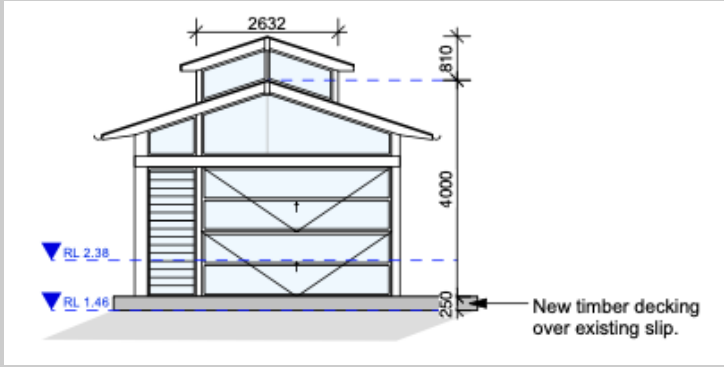
| | - The bulk and scale of buildings must be minimised.<br>- Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation. | The building façade that faces the waterway incorporates a pergola over the garage doors.<br>  <br><br>Proposed South Elevation when viewed from the Pittwater waterway.<br>  <br>Pittwater view of existing boatshed. | |

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| | |  <br>Pittwater view of proposed boatshed. | |
| D15.2 Scenic Protection - General | **Outcomes:**<br>- Achieve the desired future character of the Locality.<br>- Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment.<br>**Controls:**<br>- Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve. | The proposed design of the boatshed is intended to minimise the visual impact of the boatshed when viewed from the waterway. It uses transparency, lightness and colour of materials to prioritise the natural surrounds of the site and reduce any impact it might have when viewed from the waterway. | **COMPLIES** |
| D15.3 Building Colours and Materials | **Outcomes:**<br>- Achieve the desired future character of the Locality.<br>- The development enhances the visual quality and identity of the waterway.<br>- To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.<br>- The colours and materials of the development harmonise with the natural environment.<br>- The visual prominence of the developments minimised.<br>- Damage to existing native vegetation and habitat is minimised.<br>**Controls:**<br>- External colours and materials must be compatible with the waterway climate and shall utilise dark and earthy tones.<br>- White, light coloured, red or orange roofs and walls are not permitted. | The proposed design of the boatshed aims to enhance the visual quality and identity of the waterway as an area of natural landscape and water recreation.<br>The proposed boatshed reuses sandstone from the existing boatshed to acknowledge the history of the site and blend in with its surrounds.<br>The boatshed retains the footprint of the existing boatshed to ensure that damage to native vegetation and habitats is minimised.<br><br>Continued next page... | **COMPLIES** |

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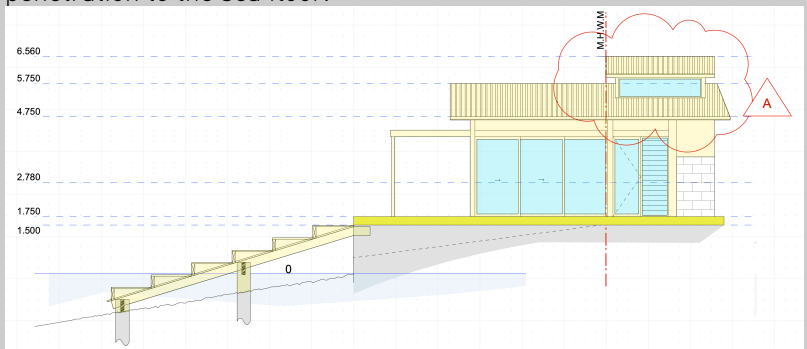
| | - Finishes are to be of a low reflectivity. | The development utilizes a medium colour and timber decking to help the building fade into its natural surrounds.<br>Finishes with low reflectivity are used on all surfaces and the new ramp structures are to be built with moulded grating to enable light penetration to the sea floor.<br>  <br><br>East Elevation of proposed boatshed. | |
| D15.12 Development Seaward of Mean High Water Mark | **Outcomes:**<br>- To ensure minimal adverse impact on the water quality hydrodynamics and estuarine habitat of Pittwater.<br>- To ensure new buildings are not susceptible to flooding.<br>- To ensure public access is maintained and provided for along the foreshore.<br>**Controls:**<br>- All new buildings are to be located landward of mean high water mark.<br>- Only structures associated either with the accommodation, servicing or provision of access to boats shall be permitted seaward of mean high water mark.<br>- In instances where it is proposed to alter, extend or rebuild existing buildings seaward of mean high water mark, any further encroachment of such buildings onto the waterway is to be minimised. Where development seaward of mean high water mark is proposed to occur, especially during the refurbishment of existing structures, proponents need to ensure that the structure will not harm marine vegetation, and must consult with the Department of Primary Industries.<br>- Developments are required to ensure that public access is maintained and provided along the foreshore. | The boatshed straddles the mean high water mark. The existing boatshed's footprint is retained.<br><br>The boatshed contains no further encroachment onto the waterway. This allows for continued access to boats whilst minimising the impact on water quality hydrodynamics and public access which would otherwise be impacted should the boatshed be moved.<br><br>The skid and the private landing steps are for the provision of accessing boats. The boatshed is for holding a small boat. Both are located over the top of the existing slip rails so that the waterfront has minimal disturbance.<br><br>Current Public access along this section of the Pittwater coastline is no-existent due to the steep topography of the site, lack of public accessways and existing structures along the MHWM.<br><br>Continued next page... | **COMPLIES** |

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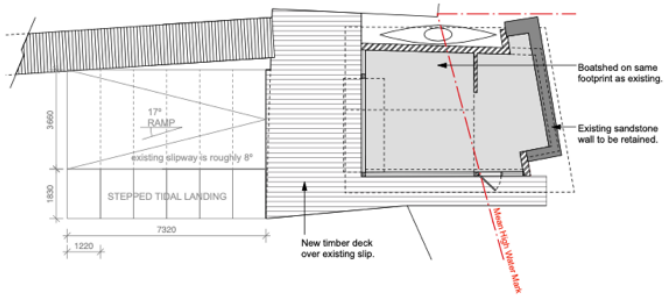
| | | The proposed timber decking over the 'cut out' for the existing slipway rails will improve access around the boatshed, as currently the only way past the existing boatshed along the shore line is through the back of it.<br>  <br><br>Location of mean high-water mark on the proposed boatshed plan. | |
| D15.13 Lateral Limits to Development Seaward of Mean High Water Mark | **Outcomes:**<br>- To ensure that fair and equitable enjoyment of the waterway is achieved between neighbouring waterfront landowners through restricting unreasonable encroachment of waterfront development in front of adjoining properties.<br>**Controls:**<br>- Waterfront development shall be constructed perpendicular to the shoreline and within the defined lateral limit lines to development, regardless of the orientation of waterfront properties, where practicable.<br>- Waterfront development shall be set back a minimum of 2m along the full length of the lateral limit lines to development to minimise conflict and the possibility of inaccurate location of structures during construction. | The proposed boatshed utilises the existing boatshed footprint to minimise the impact that the new design has on neighbours. In doing this the perpendicular nature of the boatshed to the shoreline is maintained.<br><br>Since the waterfront development utilises the existing footprint it is not distanced 2m from the lateral limit lines originating at the boundary, instead sitting 1m from this line. This is the 1991 DA approved location of the boatshed which this proposal aims to partially demolish where necessary and then rebuild on its existing footprint.<br>No new structures will be placed between the existing boatshed and the lateral limit line which will ensure there is no conflict with the neighbouring properties.<br><br>Continued next page... | **NO CHANGE TO EXISTING** |

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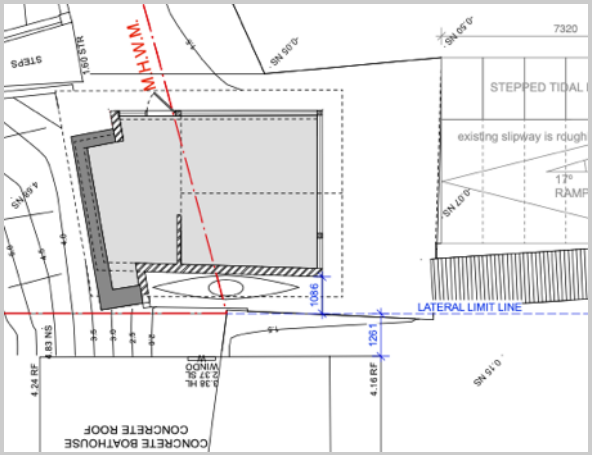
| | |  <br>Diagram of proposed boatshed from the Lateral Limit Line and distance of neighbouring boatshed from the Lateral Limit Line. | |
| D15.14 Minimum Frontage for Waterfront Development | **Outcomes:**<br>- To minimise the individual and cumulative visual impact of waterfront development.<br>**Controls:**<br>- Waterfront development for private use shall not be permitted on land that does not have a frontage to the Pittwater Waterway.<br>- Where an existing allotment had a waterfrontage of less than 15m, limited development such as a jetty, ramp and pontoon will generally only be permitted. | The allotment has a frontage onto Pittwater Waterway of roughly 16m.<br><br>The proposal updates the existing boatshed onsite. The proposed 'Skid' and 'Private Landing Steps' are within the lateral constraints of the existing jetty and boat pen. The proposal consolidates the development to a limited section of the waterfront. | **COMPLIES** |
| D15.15 Waterfront Development | **Outcomes:**<br>- Waterfront development does not have an adverse impact on the water quality and estuarine habitat of Pittwater.<br>- Public access along the foreshore is not restricted.<br>- 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.<br>- Structures blend with the natural environment.<br>- Structures are not detrimental to the visual quality, water quality or estuarine habitat of the Pittwater Waterway.<br>**Controls:**<br>(c) Boatsheds shall meet the following criteria:<br>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 | (c. i) The proposed boatshed utilises the footprint of the existing boatshed meaning it straddles the mean high-water mark instead of locating it above this water mark. This location is where currently both the neighbouring boatsheds are located and where the existing foreshore infrastructure sits. It is not practical to locate the boatshed elsewhere. | **COMPLIES** |

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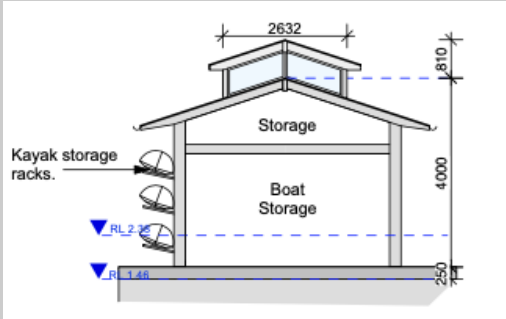
| | practicable must be located above mean high water mark to minimise encroachment onto the littoral zone below mean high water mark.<br>ii) Boatsheds shall be one storey and no greater than 4.5m in building height above the platform on which it is built, 4m in width and 6m in length. The use of lofts or similar design concepts shall not be permitted.<br>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.<br>iv) Boatsheds cannot be used for any other purpose than the storage of small boats and/or boating equipment. The incorporation of 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.<br>v) Boatsheds shall be constructed of low maintenance materials that are of a tone and colour which is sympathetic to the surrounding setting. Reflective materials and finishes for private boatsheds shall not be permitted.<br>vi) The minimum floor level for proposed boatsheds shall be in accordance with the B3 Estuarine Hazard controls for foreshore development around the Pittwater Waterway.<br>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 waterways.<br>viii) All electrical equipment and wiring shall be water tight below the designed flood/tidal inundation level.<br>Boatsheds which cannot meet these criteria are considered out of scale and character with the type of residential foreshore development that exists around the Pittwater Waterway. Boats which cannot be accommodated in the recommended size boatshed are considered inappropriate and should be accommodated using alternative facilities. | (c. ii) The height of the boatshed sits within the maximum height outlined by the Pittwater LEP 2014 with a 4m roof seaward of the mean high-water mark and a pop-up roof, with a total building height of 4.8m, on the land side of the mean high-water mark where the maximum height allowance is 8.5m.<br>The proposed boatshed uses the footprint of the existing boatshed and as such is 5m wide and 7.3m in length. Whilst this is slightly larger than the allowance for boatsheds it enables parts of the existing structure to be reused in the redevelopment of the boatshed, maintaining the character and history of the area whilst upholding the environmental objectives of Pittwater Council.<br>The design does not possess a loft level, it instead provides a storage platform above the boat storage, within the pitched roof which will allow a safe storage space above the Estuarine Planning Level.<br>  <br><br>Section of proposed boatshed showing storage platform.<br><br>(c. iii) The proposed boatshed does not make accessing the foreshore below the mean water mark more difficult than it currently is in its existing form. It improves this foreshore access in that it provides additional decking around the proposed boatshed structure which allows access to all sides of the boatshed which is not possible in its current form.<br>(c. iv) The proposed boatshed does not contain any kitchen facilities, habitable rooms, shower or toilet facilities. The pitched roof of the design makes it impossible to use roof areas for recreational or observational purposes.<br>(c. v) The proposed boatshed consists of rendered concrete block construction. The external cladding of the building is a mid-grey colour, non-reflective and resistant to corrosion. The mid-grey of this | |

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| | | cladding makes it unobtrusive from the waterfront and allows it to blend in with its natural surrounds.<br>(c. vi) The floor level of the proposed boatshed is RL 1.71 raised from the existing floor level of RL 1.46. Whilst this does not meet the minimum floor level for Estuarine Hazard of RL 3.03, the EPL is upheld through flood compatible materials & appropriate engineering below this datum.<br>The Estuarine Risk Management Report by Peter Horton addressed the proposed floor level at point 8.3 of his report.<br>(c. vii) The proposed boatshed is entirely enclosed and incorporates the appropriate wall cladding.<br>(c. viii) Where possible any electrical equipment and wiring will be placed above the Estuarine Planning Level of RL 3.03AHD. Where this is not possible and wiring is located below the EPL it will be water tight. Refer point 7.1 in the Estuarine Risk Management Report by Peter Horton | |

**5. State Environmental Planning Policy (Biodiversity and Conservation) 2021**

| CONTROL | REQUIREMENT | PROPOSAL | COMPLIANCE |
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| 6.6<br>Water quality and control | Division 2 Controls on development generally.<br><br>Controls on development generally<br>6.6 Water quality and quantity.<br>In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—<br>a. whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,<br>b. whether the development will have an adverse impact on water flow in a natural waterbody,<br>c. whether the development will increase the amount of stormwater run-off from a site,<br>d. whether the development will incorporate on-site stormwater retention, infiltration or reuse,<br>e. the impact of the development on the level and quality of the water table,<br>f. the cumulative environmental impact of the development on the regulated catchment,<br>g. whether the development makes adequate provision to protect the quality and quantity of ground water.<br><br>2. Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—<br>a. the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and<br>b. the impact on water flow in a natural waterbody will be minimised | The development will have a Neutral effect on the quality of water entering the Pittwater waterway.<br><br>The development will have a Neutral effect on the waterflow in the Pittwater waterway<br><br>The development will not increase the amount of storm water entering the Pittwater waterway as the proposed boatshed has the same footprint as the existing.<br><br>No stormwater retention, infiltration & re-use is incorporated.<br><br>The development will not impact the water table.<br><br>The cumulative environmental impact is discussed in depth in the attached reports including the Esturine Risk Management Report by Peter Horton Coastal Engineering, Coastal Area Environmental Assessment Report by Total Earth Care, Aquatic Ecology Assessment by Marine Pollution Research and Geotechnical Assessment by Douglas Partners. | **COMPLIES** |

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| 6.7<br>Aquatic ecology | In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—<br>(a.) whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,<br>(b.) whether the development involves the clearing of riparian vegetation and, if so, whether the development will require—<br>(b.i) a controlled activity approval under the Water Management Act 2000, or<br>(b.ii) a permit under the Fisheries Management Act 1994,<br>(c ) whether the development will minimise or avoid—<br>the erosion of land abutting a natural waterbody, or<br>the sedimentation of a natural waterbody,<br>(d) whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,<br>(e ) whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology,<br>(f) if the development site adjoins a natural waterbody—<br>whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.<br><br>(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—<br>(a) the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development,<br>(b) the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves,<br>(c )if a controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994 is required in relation to the | 1.a.)The Coastal Area Environmental Assessment Report by Total Earth Care and the Aquatic Ecology Assessment by Marine Pollution Research includes a field study survey of the sites' existing flora and fauna. Both reports should be read in full by the assessor. The conclusion of the Aquatic Ecology Assessment states:<br><br>*The construction of a boat-shed and ramp facility at 214 Hudson Parade Clareville can be undertaken with no significant impact on overall fish habitat values of the locality as intertidal to shallow sub-tidal native marine vegetation losses will be balanced against larger losses of pest algae habitat and an overall gain in shallow oyster reef fish habitat assemblages*<br><br>1.b.)The proposal does not include the clearing of riparian vegetation.<br><br>The application has been referred to Fisheries / DPI for comment in regards to the *Fisheries Management Act 1994* & *Policy & Guidelines for fish Habitat Conservation and Management (2013).* Their response letter is attached to this application for review.<br>In short: *It is stated that 'DPI Fisheries has reviewed the proposal in light of these provisions and has no objections.'*<br><br>1.c)The Coastal Area Environmental Assessment Report by Total Earth Care sets out a mitigation strategy to minimize and avoid erosion and sedimentation entering Pittwater during construction.<br><br>1.d) Not applicable<br><br>1.e/f) As mentioned above, the Aquatic Ecology Assessment by Marine Pollution Research concludes that any losses are balanced and there will be an overall gain in oyster reef fish habitat. | **COMPLIES** |

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| | clearing of riparian vegetation—the approval or permit has been obtained,<br>(d) the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised,<br>(e ) the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised. | 2.a.) Following the report by Total Earth Care the proposal should have no impact on terrestrial animals.<br>In regards to the impact on aquatic animals and vegetation; The conclusion of the Aquatic Ecology Assessment states:<br><br>*The construction of a boat-shed and ramp facility at 214 Hudson Parade Clareville can be undertaken with no significant impact on overall fish habitat values of the locality as intertidal to shallow sub-tidal native marine vegetation losses will be balanced against larger losses of pest algae habitat and an overall gain in shallow oyster reef fish habitat assemblages*<br><br>2.b) The development will not have a direct, indirect or cumulative adverse impact on aquatic reserves<br><br>2.c) Owners / consent letters from Fisheries, Maritime and Crown lands has been included with this application. No clearing of riparian vegetation is proposed.<br><br>As stated above - the application has been referred to Fisheries / DPI for comment in regards to the *Fisheries Management Act 1994* & *Policy & Guidelines for fish Habitat Conservation and Management (2013).* Their response letter is attached to this application for review. In short: *It is stated that 'DPI Fisheries has reviewed the proposal in light of these provisions and has no objections.'*<br><br>2.d) Strategies to avoid erosion of the land abutting Pittwater during construction are discussed in the report by Total Earth Care.<br><br>2.e) Not applicable. | |
| 6.9 Recreation & public access | (1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider— | 1.a) The proposed development will not have any greater impact on the recreational land uses than is currently there. | **Complies** |

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| | (a) the likely impact of the development on recreational land uses in the regulated catchment, and<br>(b) whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.<br>(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—<br>(a) the development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation,<br>(b) new or existing points of public access between natural waterbodies and the site of the development will be stable and safe,<br>(c) if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be safeguarded. | 1.b) There is currently limited public access to-and around the foreshore at this location.<br>Pedestrian access around the boatshed will be improved due to the proposed decking over the existing slipway.<br><br>2.a) There is currently limited public access to and around the foreshore at this general stretch of coastline due to the subject and neighboring boatsheds, slipways, jetty's and developments along the foreshore.<br>Pedestrian access around the boatshed will be improved due to the proposed decking over the existing slipway.<br><br>2.b) There are no new or existing points of public access to the foreshore that affect this application.<br><br>2.c) There is no new public access proposed. | |
| 6.11<br>Land within 100m of a natural waterbody | In deciding whether to grant development consent to development on land within 100m of a natural waterbody in a regulated catchment, the consent authority must consider whether—<br>(a) the land uses proposed for land abutting the natural waterbody are water-dependent uses, and<br>(b) conflicts between land uses are minimised | a.) There are no proposed changes to the land use. The proposal is to re-build the boat shed in the existing location & footprint.<br><br>b.) The proposal presents no foreseeable conflicts between land uses. | **Complies** |
| 6.12<br>Riverine Scenic Areas | (1) Development in a Riverine Scenic Area may be carried out only with development consent.<br>(2) In deciding whether to grant development consent to development in a Riverine Scenic Area, the consent authority must consider the following—<br>(a) whether the development is likely to damage river banks, | 2.a.) The proposal will not damage river banks. The existing concrete apron is to be retained.<br><br>b.) The proposed re-built boat shed is built on the existing footprint, thus it retains the existing setbacks.<br>The proposed skid and private landing steps are built within the existing setback of the existing timber jetty. | **Complies** |

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| | (b) whether the development will be adequately set back from natural waterbodies in the Hawkesbury-Nepean Catchment,<br>(c) the visibility of the development from the surrounding natural waterbodies and visual catchment,<br>(d) whether the development will be consistent with the scenic character of the Riverine Scenic Area, as described in the document entitled Hawkesbury-Nepean River Scenic Quality Study, published by the Department of Urban Affairs and Planning in 1996,<br>(e) whether the development will increase public recreational and visual access to natural waterbodies,<br>(f) landscaping, including the following—<br>(i) the form and siting of buildings,<br>(ii) the colours and materials proposed to be used in the buildings,<br>(iii) whether the development includes or retains native vegetation,<br>(g) the appropriateness of imposing a condition requiring the protection of the scenic character of the Riverine Scenic Area.<br>(3) Development consent must not be granted to development in a Riverine Scenic Area unless the consent authority is satisfied the impact of the development on the scenic quality of the Riverine Scenic Area will be minimised. | c.) The proposed re-built boat shed the is smaller in height and width than many other contemporary boatsheds along Pittwater. Refer to the study on pages four to six of this report.<br>The boatshed is re-built on the existing footprint so the width is retained as existing. The height is within the prescribed envelope.<br><br>d.) The proposed development is consistent with the existing surrounding development in terms of use, scale, materials, siting and colour.<br><br>e.) The proposed development will have negligible effect on public recreational and visual access to natural waterbodies.<br><br>f.i.) As mentioned above, the proposed development will have no effect on the form and siting of buildings.<br><br>f.ii.) The proposed development will have medium colours.<br><br>f.iii.) The proposed development will have not affect native vegetation.<br><br>g.) Not applicable.<br><br>3.) The proposed development has minimal impact on the scenic quality of the Riverine Scenic Area will be minimised. | |

Drawing and Document Schedule:

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| Plans, Sections and Elevation Drawings | Utz Sanby Architects |
| Statement Of Environmental Effects | Utz-Sanby Architects |
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| Aquatic Ecology Assessment | Marine Pollution Research |
| Coastal Area Environmental Assessment Report | Total Earth Care |
| Estuarine Risk Management Report | Horton Coastal Engineering |
| Geotechnical Report | Douglas Partners |
| Survey | C.M.S. Surveyors Pty Ltd. |