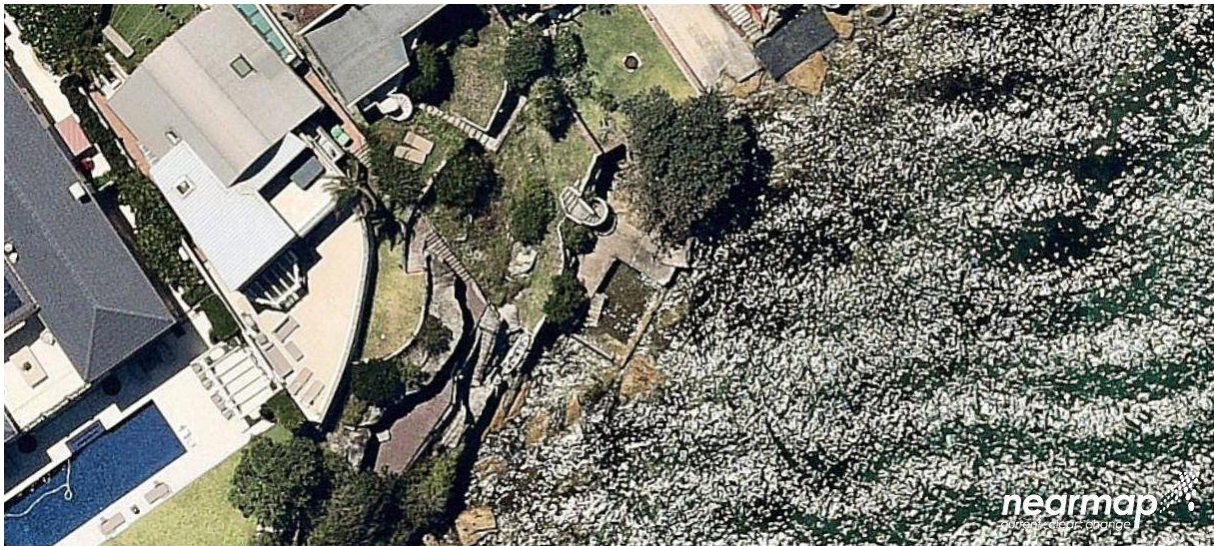


STATEMENT OF ENVIRONMENTAL EFFECTS

**Development Application to Northern Beaches Council for
proposal to demolish and rebuild
an existing harbour swimming pool & spiral staircase**



16 Addison Road Manly NSW 2095

Prepared by Foreshore Design Solutions

for

Mrs Sarah Joyce

24th June 2019

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ATTACHMENTS

- A Biodiversity Development Assessment Report (BDAR) prepared by GIS Environmental Consultants dated 19th March 2019
- B Marine Habitat Survey prepared by Waterfront Surveys dated 25th February 2019
- C Roads and Maritime Services Landowners Consent letter dated 7th January 2019
- D Evidence of Lawful Consent and existing use rights

1. SUMMARY OF DEVELOPMENT APPLICATION

This statement of environmental effects (SoEE) has been prepared by Foreshore Design Solutions in support of a development application (DA) for the demolition and replacement of an existing harbour swimming pool and spiral staircase abutting 16 Addison Road Manly (the site) under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The proposed development is required as the swimming pool and concrete surrounds are in a state of total disrepair. The footprint of the structure is leased from Roads & Maritime Services (the landowners) and it is incumbent upon the lessee to maintain the structures to ensure their safety. It is also proposed to replace the concrete spiral staircase which provides passage between the abutting private dwelling and the harbour pool as it is also deteriorating.

The applicant has engaged the services of an award-winning architect to provide a design that is complementary to the natural landscape. The proposed development will result in positive visual impacts on views to and from the water and safer access for the wayfaring public along the foreshore.



Figure 1: 16 Addison Road Manly – the dilapidated harbour swimming pool & concrete paving

The subject site is located in an Area of Outstanding Biodiversity Value (AOBV) due to its importance to the breeding Little Penguins community at Manly. A Biodiversity Development Assessment Report (BDAR) was carried out in February 2019 and is provided in support of this application – **Attachment A**. The BDAR concluded that there is no evidence of penguins using the foreshore at this site and bandicoots are unlikely to access this part of the foreshore area.

A marine habitat survey was also carried out in February 2019 as the swimming pool is located within a wetlands' protection area. The report, provided as **Attachment B**, concluded that the proposed demolition and rebuild of the harbour swimming pool in the existing footprint provide will result in minimal and temporary impact on the aquatic ecology and is unlikely to cause significant damage to any marine life.

The purpose and characterisation of the facility will not change as a result of this proposed development. The proposed works will remain in essentially the same footprint and no intensification or cumulative effect will result.

This statement of environmental effects will elucidate further on the above environmental considerations.

2. SITE DESCRIPTION & SURROUNDING AREA

The site abuts 16 Addison Road Manly, legally described as Lot 2/DP325220, overlooking Little Manly Cove. The entire allotment is battle axe shaped of approximately 543.8 square metres. The upper portion of the site provides for a private residence. The site slopes in a south easterly direction, and then falls steeply to the MHWM below.

The development site relating to this proposal is 55 m² in size. An existing saltwater swimming pool is located within this existing development footprint along the rocky foreshore at the bottom of the steep cliff. The pool is accessible from the house via graded concrete stairs and ramps which then meet a spiral staircase providing access to the concrete platform below.



Figure 2: 16 Addison Road Manly – swimming pool located well below the escarpment

Adjacent properties to the east and west also enjoy swimming pools located on foreshore land. The rocky foreshore is accessible to the public at low tide. Vessels on swing moorings are located further into the cove and passive craft activity is frequent.



Figure 3: surrounding area shows other nearby private harbour pools and swing moorings out in the bay

3. DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed development includes the demolition and replacement of an existing harbour swimming pool and concrete spiral staircase. The development will be in essentially the same footprint. No excavation is required.

The proposed design is simple and melds naturally into the environment as shown in the Artists Impression provided with the plans.



Figure 4: Artists Impression of the proposed swimming pool within the same footprint (Source: Patterson)

The following details are provided to elucidate on the design:

Swimming Pool

- the pool will be built into the same footprint as that existing providing for a catch pool, weir edge and deck
- the highest level will be the deck raised to RL 1.675mm allowing for a deeper pool without the need for excavation
- the pool will be built in a terrazzo, pigmented concrete with an exposed aggregate, coloured to blend with the existing sandstone cliff
- the materials will be eco-friendly, aggregate from a sustainable source
- the concrete will be polished, with a non-slip finish
- the concrete finish will be shiny yet non-reflective
- the inside of the pool will be tiled in green-blue glass mosaic tiles, with custom brass coloured handrails
- a daybed will interconnect the pool to the new spiral staircase and provide for storage of the pool pump

Spiral staircase

- the spiral staircase will also be built in a terrazzo, pigmented concrete with an exposed aggregate
- the stairs are proposed as 155 rise x 340 tread, 900mm width complying with Australian building standards
- the staircase will be built into the natural sandstone retaining wall behind

4.2 Zoning

The subject site is located within the Manly Local Government Area and is subject to the Manly Local Environmental Plan 2013 (“MLEP”). The subject site is zoned **E4 Environmental Living** in accordance with the MLEP.

Harbour swimming pools are now not permitted in this zone. Therefore, this application relies on the existing use provisions as per Division 4.11 of the EP&A Act which permits a use or activity that has become prohibited through introduced zoning provisions in an environmental planning instrument to continue if that use has not changed to another prohibited use.

4.3 Evidence of Existing Use

To confirm existing use rights a file search was carried out of records held by RMS and the gained documents are provided as **Attachment D**. The following information confirms that the swimming pool and concrete spiral staircase exist with lawful consent and their use has never been abandoned:

- Approval for a “proposed construction of a swimming pool” was granted by the Maritime Services Board of NSW (MSB) 23rd November 1960
- Confirmation that construction of the pool had been completed was provided by the then owners of the land in July 1961
- A lease was then entered into with the MSB 24th May 1962 for the “area of two and three tenths perches at Little manly Cove...”
- Letter dated 13 December 1983 from MSB providing consent for “...the proposed levelling and cement rendering of the bath base...”
- Letter dated 17 Feb 1986 from MSB advising “...that the Board is prepared to approve the proposed replacement stairway...”
- MSB file dated 8 December 1987 memo confirming that “...the proposed spiral stairway has been installed.”
- Photo montage dated March 1990 prepared by MSB noting the structures leased including the spiral staircase and swimming pool
- Photo montage dated June 1990 prepared by MSB noting that repairs had been satisfactorily carried out to the spiral staircase, swimming pool and surrounds
- Image dated 2/6/2010 taken from water (presume maritime boating officer) confirming the structures still in situ
- The structures continue to be leased and all rent is paid.

4.4 Alterations to the Existing Use

The proposed development is permissible as per Division 4.11, 4.67 Regulations respecting existing use:

- (1) The regulations may make provision for or with respect to existing use and, in particular, for or with respect to:
 - (a) the carrying out of alterations or extensions to or the rebuilding of a building or work being used for an existing use, and
 - (b) the change of an existing use to another use, and
 - (c) the enlargement or expansion or intensification of an existing use.

The proposed refurbishment of the swimming pool and rebuilding of the spiral staircase are consistent with the above. The existing use will not change. The works will not result in any significant enlargement, expansion or intensification of that existing use.

4.5 Relevant statutory considerations

1. Sydney Harbour Regional Environmental Plan (Sydney Harbour Catchment) 2005
2. The Sydney Harbour Foreshores Area Development Control Plan 2005
3. State Environmental Planning Policy (Coastal Management) 2018
4. Manly Local Environmental Plan 2013
5. Manly Development Control Plan 2013

4.5.1 Sydney Harbour Regional Environmental Plan (Sydney Harbour Catchment) 2005

The Sydney Harbour Regional Environmental Plan (Sydney Harbour Catchment) 2005 ('SREP2005') provides the planning framework to achieve better environmental outcomes for Sydney Harbour and its tributaries. Part 2 of the Harbour SREP outlines planning principles for development within the Sydney Harbour Catchment and in foreshores and waterway areas.

The site is zoned **W2: Environment Protection** as per the SREP 2005.



Figure 6: the subject site is zoned W2 Environmental Protection as per SREP 2005

The site is also located in a Wetlands Protection Area.

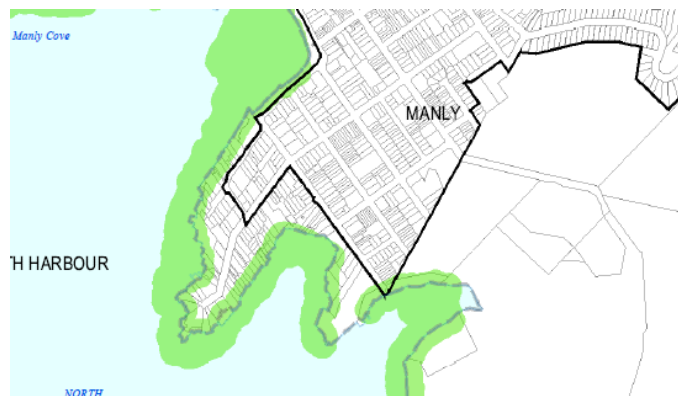


Figure 7: the subject site is located in a Wetlands Protection Area as per SREP 2005

Clause 17: Zoning Objectives | W2 Environment Protection

The objectives of this zone will be met as follows:

- | | |
|--|---|
| (a) to protect the natural and cultural values of waters in this zone | The proposed refurbishment of the swimming pool has been designed in such a way as to protect the natural and cultural values of waters in this zone. The resulting facility will be wholly in keeping with the surrounding area. |
| (b) to prevent damage or the possibility of longer-term detrimental impacts to the natural and cultural values of waters in this zone and adjoining foreshores | The proposed development has been designed so as to minimise impact. The pool is to be built within the existing footprint mitigating any need for excavation, and the spiral staircase will assume the same location and not require any excavation into the natural landscape. |
| (c) to give preference to enhancing and rehabilitating the natural and cultural values of waters in this zone and adjoining foreshores | The proposed development utilises the provisions of the <i>EP & A Act 1979</i> to demolish and rebuild existing facilities. Nonetheless, the proposed works aim to enhance and rehabilitate the natural and cultural values of the waters and adjoining foreshores. |
| (d) to provide for the long-term management of the natural and cultural values of waters in this zone and adjoining foreshores | The proposed works will not have any long-term impact on the natural values of the waters as found by the marine habitat survey. The cultural value of the waters and adjoining foreshores in this zone are fostered and safe public access is assured. The BDAR found no evidence of penguin or bandicoot activity at the site. Works will be carried out outside of breeding season to mitigate any potential impact. |

Part 3 Foreshores and Waterways Areas

Division 2 of Part 3 of the Sydney Harbour Catchment SREP outlines the matters to be considered by consent authorities before granting consent to a development under Part 4 of the EP&A Act. The table below provides comments on the compliance of the proposed development with each of these matters:

Clause	Comment	Compliance
21 Biodiversity, ecology and environment protection	A detailed description of the compliance of the proposed development with the requirements of this clause is provided in the BDAR and Marine Habitat Survey. The findings of both reports are analysed under section 5 of this SoEE. In brief, however, the proposed development will not impact on the quality of water; the terrestrial and aquatic species, populations and ecological communities; connectivity between communities will be maintained; the intertidal areas and natural landforms will be protected; and no cumulative environmental impact will result.	Yes
22 Public access to, and use of, foreshores and waterways	The proposed development will improve public use of the foreshore within the site. Currently the facility is a derelict swimming pool; its refurbishment will provide a safer foreshore for the public. The proposal will not impact on the wetlands area. The proposed development - being to maintain the existing facility - is a requirement of the current lease agreement with Roads & Maritime Services, that is, to safeguard public access to and of the 'land'. No contaminants are present at the subject site.	Yes
23 Maintenance of a working harbour	Little Manly Cove is not used for the working harbour.	Yes
24 Interrelationship of waterway and foreshore uses	The proposed development will not impact on the equitable use of the waterway. In fact, it will provide safer passage for those walking along the foreshore.	Yes
25 Foreshore waterways and scenic quality	The proposed development involves replacing existing deteriorating structures essentially like for like and thus this proposed development does not create a cumulative impact. The scale, form and design of the proposed development melds lyrically into the foreshore land and adjoining land.	Yes
26 Maintenance, protection and enhancement of views	The improvements to the existing structures will enhance views to and from the site. The pool and replacement spiral staircase will be in the same footprint and current heights will be maintained.	Yes

4.5.2 Sydney Harbour Foreshores Area Development Control Plan 2005

The Sydney Harbour Foreshores Area Development Control Plan 2005 (Sydney Harbour Foreshores DCP) supplements the SREP. It provides guidelines for development and criteria for natural resource protection. The proposal is consistent with the general aims of the performance criteria as per Section 2.2 of the DCP as the proposed works will not impact on the ecological communities, the wetlands and foreshore area will remain protected, and the water quality will not be adversely impacted. These findings are substantiated in section 5 of this SoEE.



Figure 8: the subject site mapped by the DCP 2005

The terrestrial ecological community is identified as Urban development with scattered trees which has low conservation value. As per Section 2.4 of the DCP, the following performance criteria is addressed:

Vegetation Protection

- No mature trees are present at the site of the proposed development
- The site is mostly rock and concrete that contains marine vegetation but no native terrestrial vegetation
- The natural cliff face and rock outcrops will be protected
- The proposed development remains within the existing footprint and as such no incremental or cumulative effect will result

Reduce Predation Pressure

- The BDAR provided recommendations regarding domestic pets for during construction and long term management strategies after completion. See the Ameliorative Conditions and Recommendations section of the BDAR, pages 41-43.

Soil Conservation and Pollution Control

- No excavation or landscape works are proposed; therefore. soil erosion and siltation will not occur
- The Construction Environmental Management Plan provided draws on the pollution control recommendations provided by the marine and terrestrial ecologists consulted for this project
- The pool will be filled with ionised freshwater which is environmentally friendly

The aquatic ecology is identified as a mixed rock intertidal and sand ecological community. This community has a high conservation status. As per Section 2.4 of the DCP, the following performance criteria is addressed:

- the proposed development will not create shading on aquatic communities
- reclamation is not proposed
- urban run-off will not occur
- dredging is not proposed
- a bed of *Zostera* seagrass habitat identified by the marine habitat survey will not be impacted by the construction works. A Construction Environmental Management Plan will be prepared to guide site set out to avert impact i.e. the use of silt curtains, delivery by barge point of entry, and no-go zones.

Landscape Assessment

The subject site is located in Landscape Character Type 8. These areas have a high level of built form, with waterside commercial, industrial and residential uses. Special features also characterise this area. The proposal meets the performance criteria for this area as follows:

- the proposal retains the natural features of the site (namely the rock platform)
- scattered weed and shrubs drape the seawall minimising the contrast between natural and built elements
- the design will achieve minimisation of noise: construction can occur without very little need for demolition, and it is proposed to house the pool pump under a day bed.

Consideration is made of Section 4: DCP Design Guidelines for Water-Based and Land/Water Interface Developments, and it is noted that the objectives and requirements are wholly met.

Below is a design assessment as per the DCP requirements for the proposed development:

Section	Comment	Compliance
5.2 Foreshore access	Public access along the foreshore is available to walkers at low tide or via the waterway. The refurbished will improve public access and their safety.	Complies
5.3 Siting of buildings and structures	There is no native vegetation at the subject site. Only a small amount of vegetation is present which is mostly weeds and exotics. The refurbished pool and rebuilt concrete spiral staircase will not obstruct views and vistas.	Complies
5.4 Built form	The proposed development is essentially replacing like for like in the existing footprint. The colours and materials proposed are sympathetic to the surrounds: pigmented concrete, non-reflective finish and aquatic coloured internal pool tiles.	Complies
5.13 Swimming Pools	The proposed refurbishment of the swimming pool satisfies the requirements of the DCP: <ul style="list-style-type: none"> • it is not cantilevered over the waterway • no reshaping of the terrain is required • removal of native vegetation or significant cultural trees will not occur • the swimming pool is sited away from vegetation to avoid splash • the pool melds into the natural landscape; colours and textures match the natural sandstone elements 	Complies
5.14 Stairs	The proposed replacement of the spiral staircase satisfies the requirements of the DCP: <ul style="list-style-type: none"> • they are nestled into the natural rockface to minimise visual intrusion • very little disturbance to topography and vegetation will occur • the stairs will be 900m wide • it will be constructed of concrete aggregate pigmented to take on the appearance of stone • the line of rock / cliff face is not broken as they are located to one side 	Complies

C4.5.3 State Environmental Planning Policy (Coastal Management) 2018

The State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP) sets out a management framework for coastal areas and aims to promote an integrated and co-ordinated approach to land use.

The Coastal Management SEPP is a consideration for the purpose of determining this application as the site is identified as being within two coastal management zones:

- Coastal Environment Area; and
- Coastal Use Area

The development controls proposed for the Coastal Environment Area and Coastal Use Area are found at Clause 14 and Clause 15 of the Coastal Management SEPP.

The proposed development is unlikely to impact on the ecological environment in the area as concluded by the marine habitat survey. The proposed development will not have any impact on native vegetation, fauna or their habitats. A search of the Office of the Aboriginal Heritage Information Management System found that no aboriginal sites are recorded in or near the above location; and no aboriginal places have been declared in or near the above location.

The proposed development will remove damaged and unstable hardstand surfaces allowing for the quality of water runoff from the site to be improved.

Also, the proposed development will improve the appearance of the site when viewed from surrounding areas by replacing existing structures which are in a state of disrepair and improving access to the foreshore areas of the site.

Therefore, the proposed development is consistent with the objectives and requirements of the Coastal Management SEPP.

4.5.4 Manly Local Environmental Plan 2013

The subject site is located within the Manly Local Government Area and is subject to the Manly Local Environmental Plan 2013 (“MLEP”).

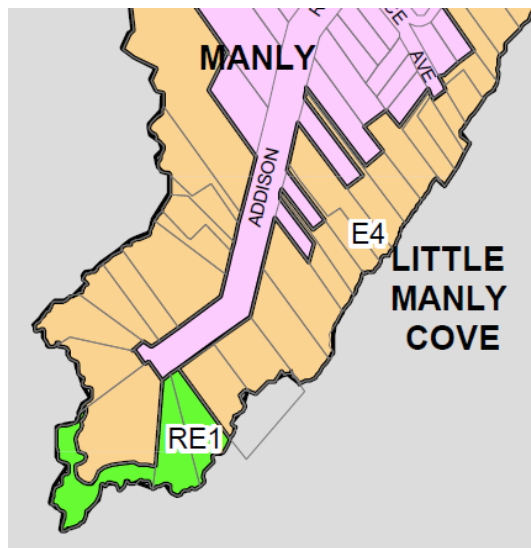


Figure 9: The subject site is zone E4 Environmental Living as per the MLEP 2013

The subject site is zoned **E4 Environmental Living**. The stated objectives of the zone are as follows:

- *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 protect tree canopies and ensure that new development does not dominate the natural scenic qualities of the foreshore*
- *To ensure that development does not negatively impact on nearby foreshores, significant geological features and bushland, including loss of natural vegetation*
- *To encourage revegetation and rehabilitation of the immediate foreshore, where appropriate, and minimise the impact of hard surfaces and associated pollutants in stormwater runoff on the ecological characteristics of the locality, including water quality*
- *To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.*

The demolition and replacement of a deteriorating harbour swimming pool and spiral staircase will greatly enhance this foreshore area.

The works will not have any adverse impact on the foreshore or the unique geological features at this location and, as they will be rebuilt into essentially the existing footprint, no excavation will be required.

The site is devoid of native vegetation.

Water quality will not be degraded.

The replacement spiral staircase retains the height of that existing. The design and materials proposed will integrate into the landscape.

The following miscellaneous provisions as per the MLEP apply to the proposed development:

Heritage Conservation

Pursuant to clause 5.10(4) of MLEP 2013, it is noted that the subject site is not heritage listed, although it is located within the harbour foreshore which is a listed heritage item. As such, the following points are provided:

- the existing rocky foreshore will be preserved
- public and private views to and from the harbour will be preserved
- the design elements are wholly sympathetic to the harbour foreshore location
- the proposed development will not impact on the significance of the harbour foreshore

A search of the Office of the Aboriginal Heritage Information Management System found that no aboriginal sites are recorded in or near the above location; and no aboriginal places have been declared in or near the above location.

Terrestrial Biodiversity

Pursuant to clause 6.5, the subject site is identified on the Terrestrial Biodiversity Map as “Biodiversity”.

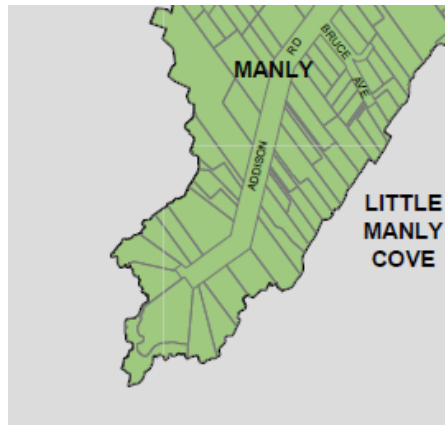


Figure 10: The subject site is mapped as “Biodiversity” as per the MLEP 2013

A Biodiversity Development Assessment Report (BDAR) prepared by an accredited ecologist has been submitted with this application assessing impacts to Little Penguins and Long-nosed Bandicoots, and other fauna.

The BDAR concluded that “The proposal is not considered to have a Serious and Irreversible Impact...” to the threatened species. Mitigation measures are provided in that report and these will be incorporated into a Construction Environmental Management Plan

Wetlands

Pursuant to clause 6.7, the subject site is located within a Wetlands protection area. The Marine Habitat Survey report addressed wetland protection considerations. No adverse impacts were reported.

Landslide Risk

Pursuant to clause 6.8, the subject site is located within a Landslide Risk area. It is noted that the works will not require any excavation or cut and fill technique and therefore the risk of landslide is nil to negligible.

Foreshore scenic protection area

Pursuant to clause 6.8, the subject site is mapped as being within a foreshore scenic protection area. The objective of this clause is to protect the visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly. The proposed development to replace the dilapidated structures will enhance views.

Limited development on foreshore area

Pursuant to clause 6.10, the following statement is provided: The swimming pool and spiral staircase exist with consent. Rebuilding of these waterfront facilities is permissible as per this clause. Further, the proposed development will enhance the amenity and aesthetic appearance of the foreshore. Safer public access along the foreshore will result.

4.5.5 Manly Development Control Plan 2013

The purpose of the Manly Development Control Plan 2013 (DCP) is to make more detailed provisions than in Manly LEP 2013 and achieve the purposes of the LEP.

The general aims of the DCP are met as the development is:

- a sensitive design that contributes to the quality of the environment
- sustainable development of low impact
- ensuring that the facility provides safe passage for those walking along the foreshore
- a minimal architectural response to the qualities of the site and its context
- befitting of the character of the surrounding area

The main provisions relating to the proposed development are found at:

Part 3.3.1 (a) Landscaping character

- the development maintains the open space vistas of this foreshore area and views are assured
- the site works are minimised as the development is replacing like for like and no excavation will be required as the same footprint will be used
- the site is devoid of native vegetation due to rough wave and wind action and lack of soil. The site survey by ecologist noted the absence of penguin and bandicoot activity due the low-value habitat. It can be concluded therefore that the site is not suitable for the planting of native species and no landscape plan should be required.

Part 5.4 Environmentally Sensitive Lands

The following condensed comments are proffered as these are amply discussed throughout this SoEE.:

- the development will enhance the visual and aesthetic amenity of the land in the foreshore area
- no views will be impacted
- the design utilises materials that are sympathetic to the natural environment, non-reflective and of colours and textures that blend with the location
- the swimming pool remains low and the spiral staircase wends into the natural environment, and thus, these structures cannot dominate the robust landscape
- all threatened species and critical habitat considerations have been addressed in the BDAR and marine habitat survey as per the requirements of 5.4.2 Threatened Species and Critical Habitat Lands.

5. ENVIRONMENTAL IMPACT OVERVIEW

5.1 Terrestrial

The rocky foreshore on this development site and to the south has been declared an Area of Outstanding Biodiversity Significance (AOBV) under the Biodiversity Conservation Act 2016 as it provides crucial breeding habitat for the endangered population of the Little Penguins.

As required, an ecological survey was carried out by GIS Environmental Consultants on 25th February 2019 and a BDAR prepared. Salient points are provided from that report:

Little Penguins

- the site is accessible from the water by Little Penguins
- Little Penguins can also access the rocky foreshore to the north and south of the site from the sea
- The site inspection found no evidence of penguins using the foreshore at this site
- There is no known history of penguins using this site for nesting, roosting or moulting; however, it is likely that penguins explore the property occasionally
- There has been regular nesting on the immediately adjacent property to the north. There is also an inactive site to the south.

Long-nosed Bandicoots

- A small part of the site above the cliff is within the mapped endangered population boundary
- There is limited habitat due to a lack of soil and vegetation
- Bandicoots are unlikely to access the foreshore part of the site

Landscape

- The site of the existing and proposed refurbished swimming pool is devoid of vegetation and habitat trees
- A small amount (< 100m²) vegetation (mostly weeds and planted exotics) line the cliff. This vegetation provides foraging habitat for the bandicoots. The proposal will not impact this vegetation.
- the development will not impact on the natural stone features



Figure 11: Foreshore area at the subject site

5.2 Aquatic ecological environment

A marine habitat survey (MHS) was carried out by Waterfront Surveys Australia on 18th February 2019. The following salient points are provided from the report:

- The intertidal and subtidal zones within the on-site survey area of The Property consist of natural and artificial habitats
- A tall rock face is fronted by a concrete reclamation area which surrounds the northern and landward sides of a concrete and brick swimming pool (dilapidated)
- Seaward of the outer pool wall is a natural rock platform
- The pool walls and floor are colonised by medium density rock oysters, periwinkles, limpets and whelks
- The seaward rock platform is colonised by a diverse cover of algae, barnacles, cunjevoi and tube worms
- Fish such as yellowfin break and luderick were observed during the survey
- A bed of high density *Zostera* is located 8.8m seaward of the edge of the intertidal rock platform, which is 10.3 metres away from the nearest building works



Figure 12: location of seagrass 10.3 metres away from the proposed works

The bed of *Zostera* seagrass habitat would not be directly or indirectly impacted by any of the construction works, nor will the rock platform and seabed. It is anticipated that a similar assemblage of intertidal and subtidal fauna and flora will recolonise the new pool over time.

The MHS concluded that the potential impacts on the aquatic ecology from the proposed works are expected to be minimal, temporary and unlikely to cause significant damage to any marine life. The subject site is located within a designated Wetlands Protection Area. The report also addressed the matters for consideration and found no impact.

5.3 Visual

The proposed development will have a positive visual impact; the replacement of unsightly, dilapidated structures with exceptionally designed structures will complement the locale.

5.4 Safety

The pool is accessible to the public either by walking along the rocks, swimming and/or boating to it. The development will ensure public safety along the foreshore. The rebuilt staircase will provide safer access to the foreshore for the residents.

6. OVERVIEW CONSTRUCTION MITIGATION MEASURES

Given that this is an environmentally sensitive part of the foreshore, construction will be guided by the mitigation measures outlined in the BDAR and MHS.

The following points are provided to indicate an informed awareness of the site 'constraints' and mitigation measures. They may be incorporated into a Construction Environment Management Plan:

Timing and Duration of Construction: The works are confined to the months of March – June being outside the breeding season for the fair penguins. Normal construction hours are to be adhered to, with no machinery to be used outside the hours 7.30am – 4.30pm.

Site Ecologist confirmation: No works will commence until receipt of written confirmation is received a nominated site ecologist to verify that there are no nesting or moulting penguins in the vicinity of the work site. If evidence of penguins or recent use is found, works cannot start.

Mitigation measures during construction

Marine

- a visual CEMP will be prepared to mark out the presence of seagrass, the recommended area for material delivery via barge, and no-go areas in the waterway
- silt curtains will be used to prevent the spread of sedimentation during works
- a wet vac will be on hand to immediately remove any slurry, sand, grit, etc
- all sediment and pollutants are to be vacuumed up before high tide every day
- no overnight storing, stockpiling or preparation of materials below the cliff
- no waste or spoil will be stored overnight where tides or wave action could wash them into the harbour

Terrestrial

- Signs will be permanently present to alert workers to the potential presence of threatened species i.e. little fairy penguins and bandicoots
- A self-closing gate (with 100mm gap) will be installed midway down the rear yard to prevent dogs and foxes from entering the cliff face and critical habitat areas
- no dogs will be allowed at the site during construction
- Signs will indicate that fines and penalties apply
- No bright lighting or motion detectors are to be installed
- Site inductions will be provided to all workers and those who deliver materials to ensure that the following factors are met:
 - ✓ workers are provided with a visual of the fairy penguin and long nosed bandicoot so that they can be confident in identifying them
 - ✓ workers understand the sensitive nature of the work site by being provided with verbal information about the significance of the penguins and bandicoots
 - ✓ workers are made aware to maintain distance from penguins and their burrows
 - ✓ workers are provided with a plan of what to do in the event that a penguin or bandicoot is found at the site
 - ✓ workers are provided with contacts for the relevant agencies should any dead or injured little penguins or bandicoots be found
 - ✓ dogs are not allowed access to the foreshore at any time during construction
 - ✓ all site works will be informed of the importance of restricting movements to avoid being in the vicinity of any penguin or long nosed bandicoot burrows
 - ✓ standard rubbish is to be removed offsite at the end of the day

7 CONCLUSION

This Statement of Environmental Effects describes and assesses the proposed development against the relevant provisions of Section 4.15 of the EP&A Act.

The proposed development is in accordance with the relevant planning instruments, policy and guidelines and will not result in any significant environmental impacts in relation to the site, its surrounds and the broader local area.

The proposed development is an existing approved development, deemed suitable for the location, and the proposed refurbishments are permissible as per the provisions for existing use rights.

The proposed development seeks to replace an unsightly and deteriorating structure with a design that is complementary to the location and the surrounding area; provide safer movement from the residence up the cliff to the waterfront facilities; and ensure safe public access along the waterfront.

Importantly, the proposed development poses no environmental impacts to the marine and terrestrial ecology at this location.

Based on the above, it is concluded that the proposed development is entirely in the public interest and development consent should be given.