

# MARINE POLLUTION RESEARCH PTY LTD

Marine, Estuarine and Freshwater Ecology, Sediment and Water Quality Dynamics

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Mr R Treharne

Manly Boatshed Pty Ltd

28 August 20

## MANLY BOAT SHED REFURBISHMENT PROJECT SEE - NBC DA2020/0514 RESPONSE TO SUBMISSIONS - AQUATIC ECOLOGY

### 1 Introduction

Mr Treharne compiled a listing of 21 submissions (with relevant text) for matters relating to aquatic ecology impact assessment. This document is attached here at **Appendix A**. I have compiled a table grouping the main concerns from this document and this is attached as **Appendix Table A-1**. From this compilation I have grouped the concerns into the following general categories and each of these categories is addressed in **Section 2** below:

- Impacts on specific habitats and species:
  - Seagrass in general and *Posidonia* in particular.
  - White's Seahorse
  - Sooty Oystercatcher
- Impacts arising from decking over slipway area.
  - Loss of potential seagrass habitat.
  - Alienation and/or loss of Sandy Beach habitat (also to concreting).
- Disturbance Impacts associated with Cafe/Kiosk and Visiting vessels
  - Noise disturbance to wildlife
  - Litter impacts especially plastic
  - Waste management
- Legislative Considerations
  - EP&A Regulation 2000
  - SREP (Sydney Harbour) and draft SEPP (Environment).

A number of the submissions refer to the SEE without reference to the Appendices to the submission, but I have assumed conservatively that, for most submissions, all submitters had considered the Aquatic Ecology Impact Assessment Report (*Ecology Report*) for the SEE.

## 2 Response to Submissions

In the following sub-sections I address the broad concerns outlined in **Section 1** based on the **Appendix Table** grouping of the concerns. Each section provides a cross reference to where this topic has been addressed in the SEE Aquatic Ecology Impact Report (*Ecology Report* in the following).

The **Appendix Table** indicated 12 submissions expressed general concerns about the possible impact on *sensitive foreshore environments*. Of these six were not specific, three noted that the SEE had inadequate impact assessment in regards to threatened species or should have been an EIS. One expressed concern about increased boat traffic, one was concerned about larger vessel access over seagrass and one expressed concern about increased *disturbance* from the kiosk use. These latter specific concerns have been subsumed into the specific biota and habitat considerations below.

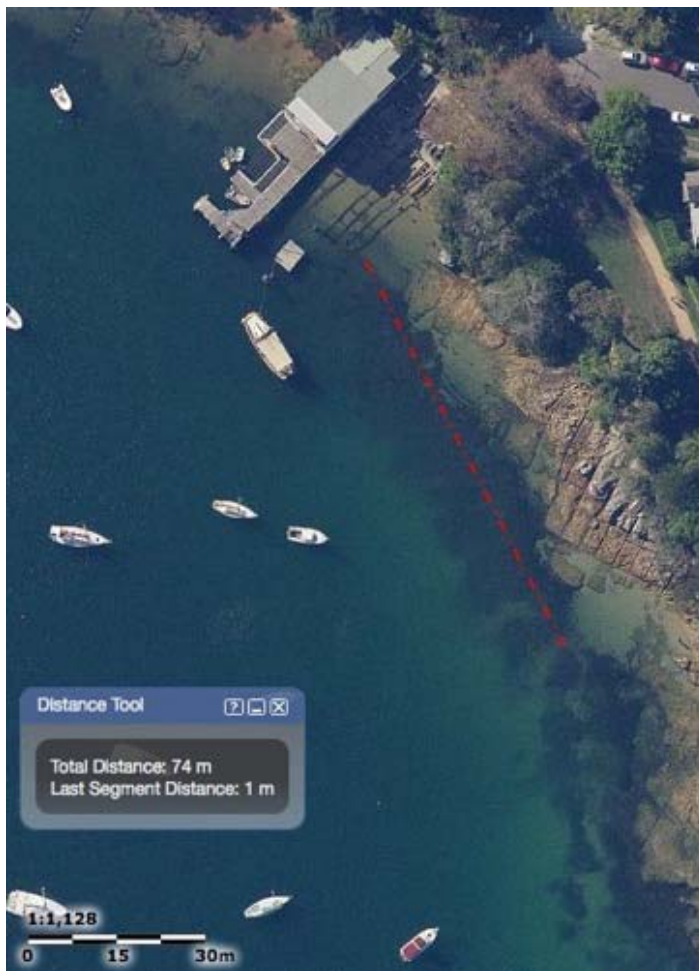
### 2.1 Impacts on Specific Habitats and Species

#### 2.1.1 Seagrass and *Posidonia* in particular.

There were 10 submissions regarding protection of seagrass. Distribution and characteristics of the seagrass beds, including *Posidonia* distribution are shown in *Ecology Report* Figures 8 and 9 and are discussed in Section 2.2 of the report. Figure 22 shows a drone shot of the site with the proposal footprint indicated in relation to existing seagrass beds. Construction impact assessment and management is provided in Sections 3.1 to 3.3 and Operational Impact assessment is provided in Section 3.4.

Other than some patchy *Zostera* and *Halophila* seagrass identified within the deeper sliprail area, there are no seagrass beds or patches under the existing footprint and there are none under the proposed footprint. There are no *Posidonia* seagrass beds, patches or shoots in the immediate vicinity of the proposed footprint and the closest *Posidonia* beds are located some 74m to the south east of the sliprails (see **Figure 1** below). There is no possible impact on these *Posidonia* beds.

The proposed deck over the sliprail area is confined to above-tide and shallow intertidal beach sand habitat that is too shallow to support seagrass beds so there is no loss of potential seagrass habitat to the proposal. The new floating pontoon tie up for vessels will be located over deeper waters than the present wharf front thus there is an overall lower risk of seabed sediment disturbance arising from the proposal.



**Figure 1**

Distance from slipway to closest *Posidonia* bed.

(NSW Government sixmap tool accessed 28 Aug 20).

A number of submissions were concerned about the use of impact amelioration measures to protect ecological habitats. This is a misunderstanding of their use. These are not proposed to protect habitats from impact due to the actual proposal but are proposed to further protect habitats and species from specific potential construction and operational-use related impacts.

### **2.1.2 Seahorses and in particular White's Seahorse**

The *ecology report* discusses potential and actual occurrence of seahorses in Sections 2.1 (field work), Section 2.3.1 Threatened Fish and Sharks, Section 3.2 Management of Impact Assessment and Section 3.6 SREP (Sydney Harbour Catchment) assessment. White's seahorses are known from some piles to be removed and the report concludes these seahorses should be relocated to protect them from predation.

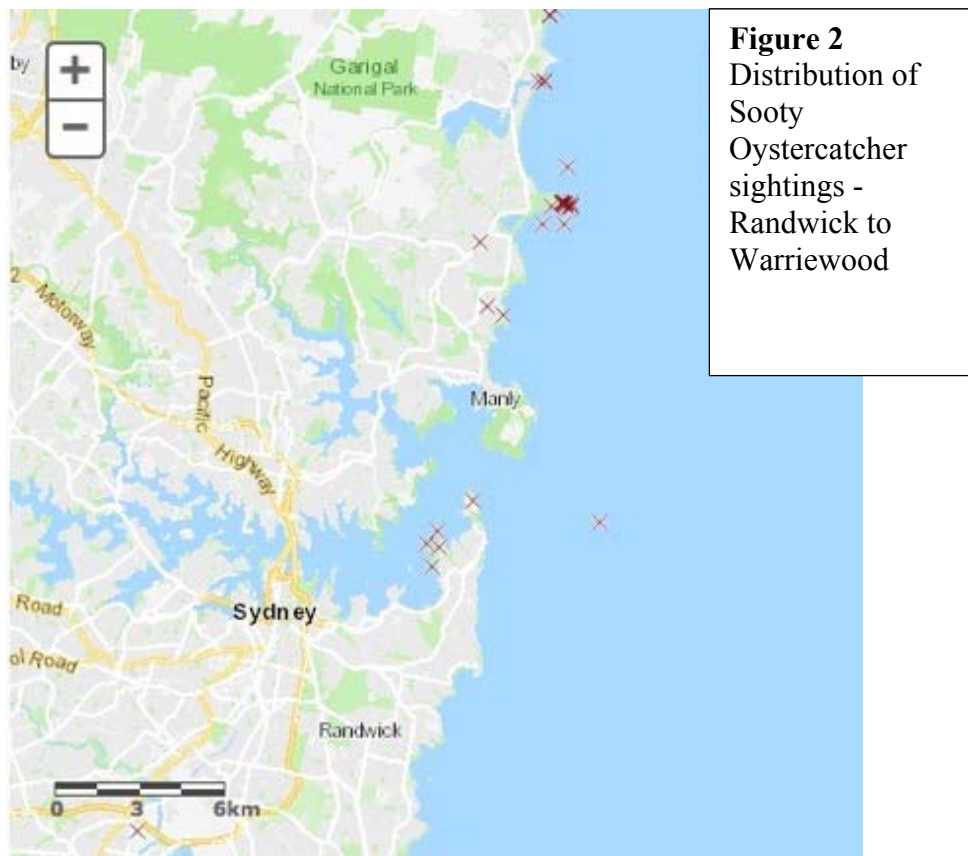
Relocation of seahorses from piles and other marine structures that are required to be removed due to pile failure, as part of routine pile maintenance or for refurbishment works are commonly undertaken in Sydney harbour and MPR has undertaken 15 such operations in Sydney Harbour and Newcastle Port (one last week). Each of these operations must be approved by DPI Fisheries Threatened Species Unit and each is undertaken against a specific removal and relocation protocol - also approved by Fisheries. In relation to the success of these operations we have undertaken re-

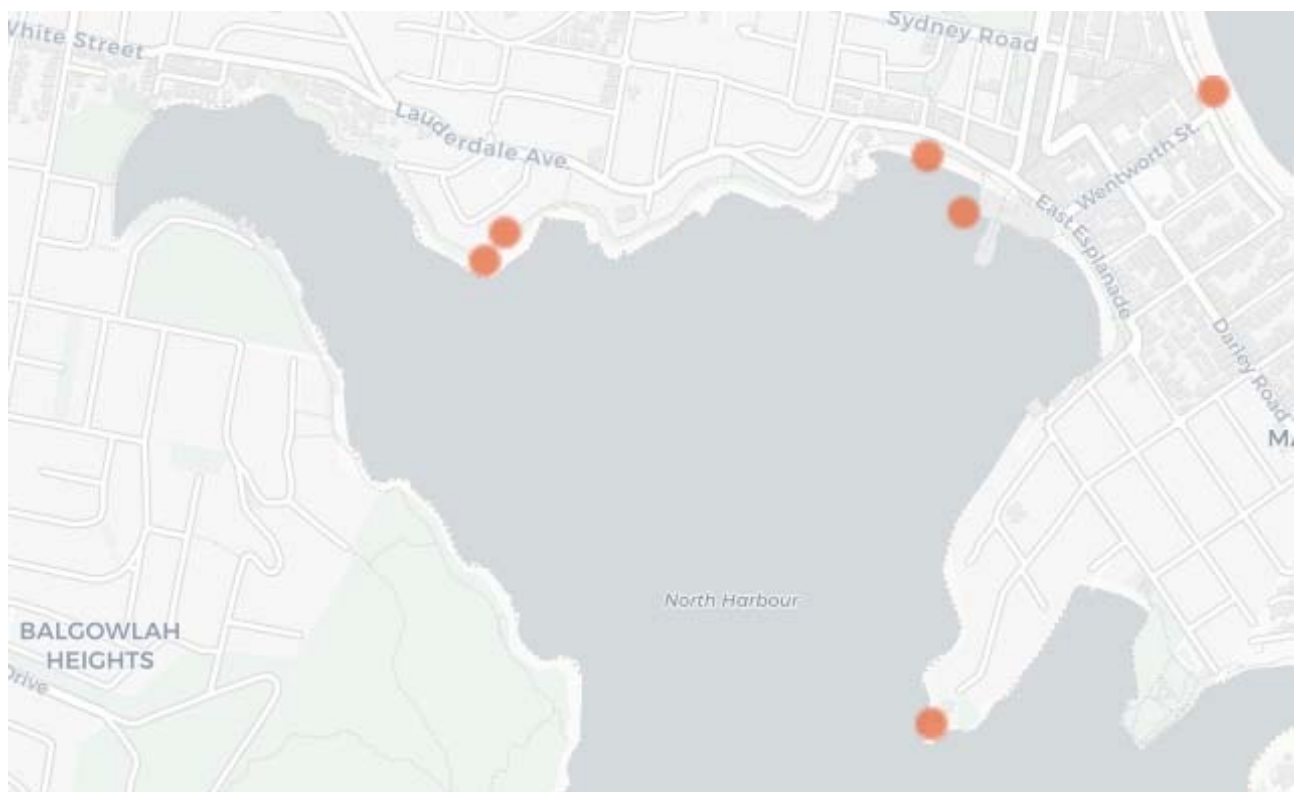
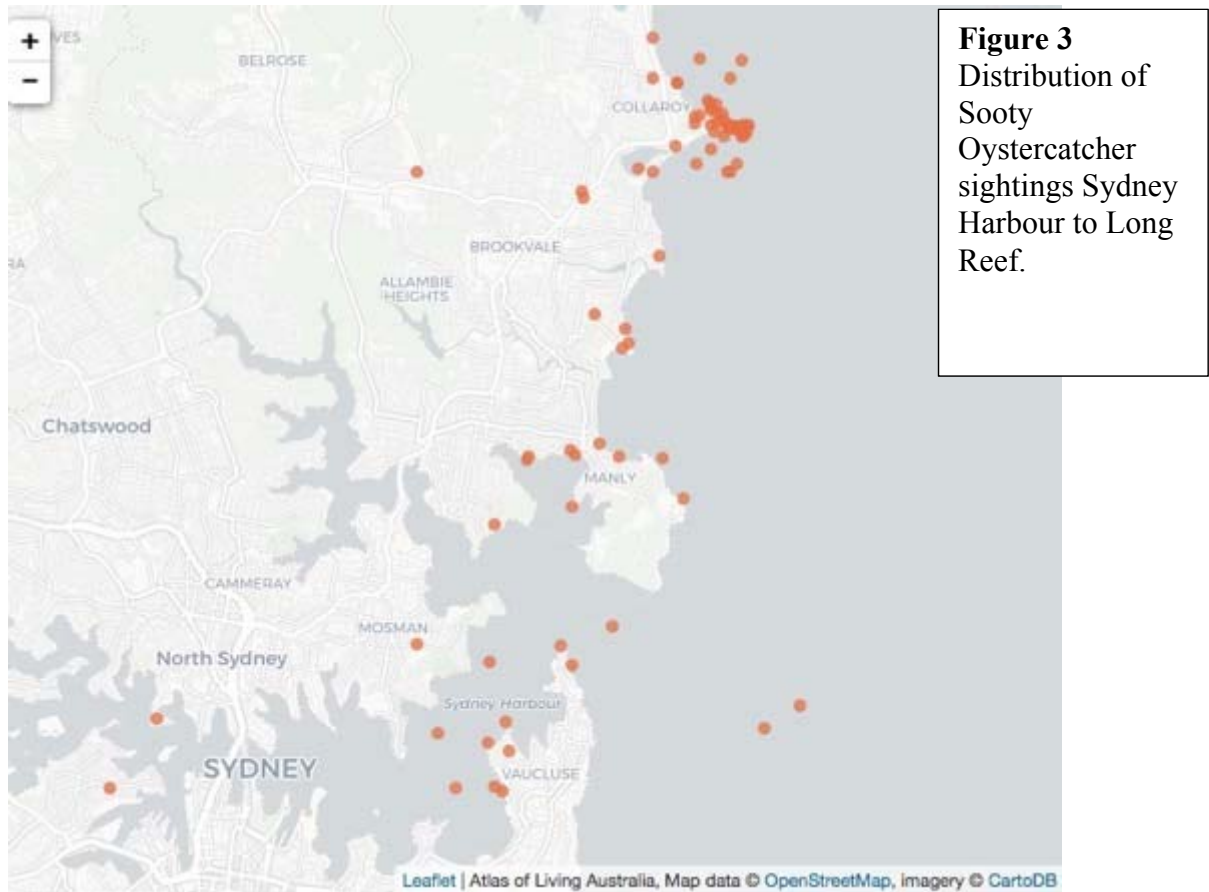
surveys of relocation sites for two of the above projects and for one of these (at Neutral Bay Wharf) we did two follow-up surveys over a year. For these surveys we were able to find the seahorses at the designated relocation sites.

### 2.1.3 Sooty Oystercatcher

Whilst the ecology report does not specifically address the potential impacts on Sooty Oystercatchers, this species was considered in relation to the overall considerations of threatened species' impacts in Sections 2.3.2 and 2.3.3 and the general conclusions provided in Section 2.3.3 remains valid, as detailed here below.

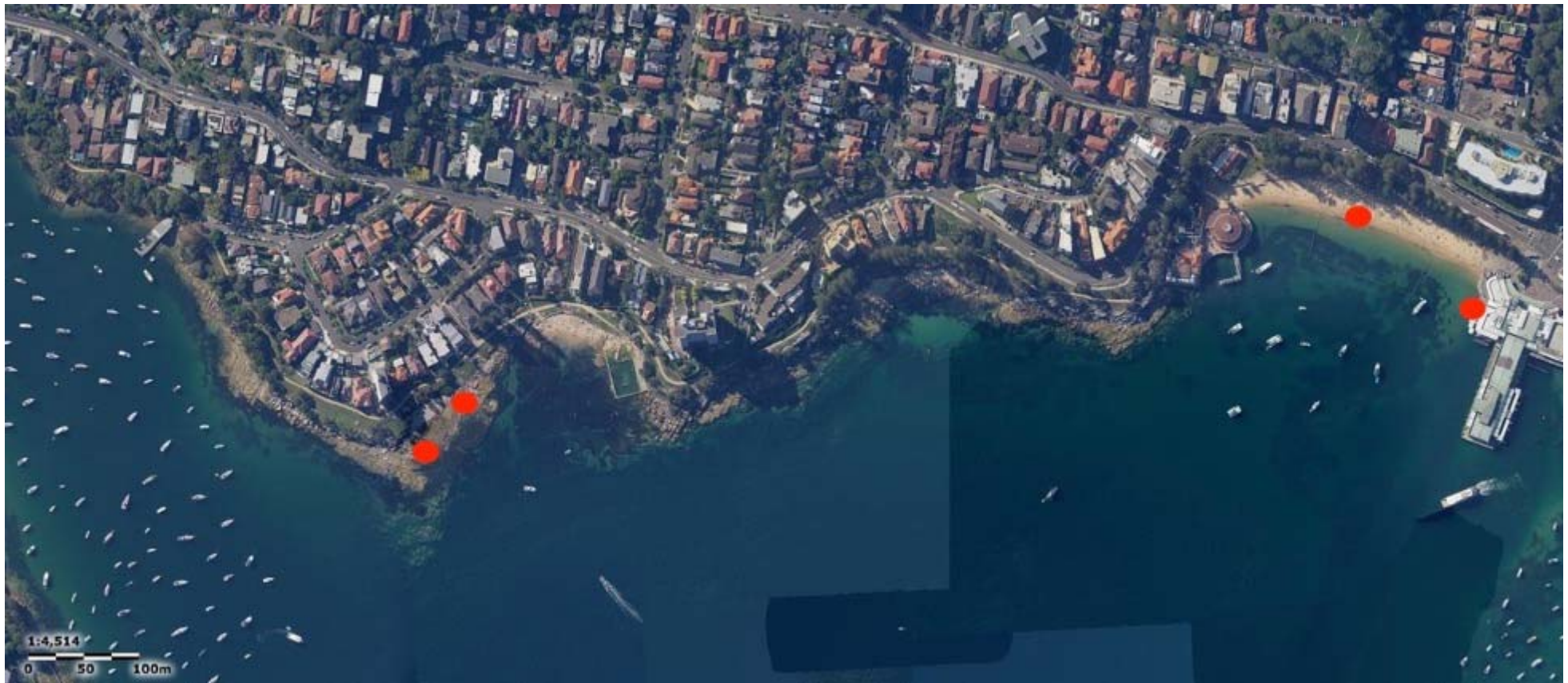
Sooty Oystercatchers are listed as *vulnerable* under the Biodiversity Conservation Act 2016. From our original Bionet Search there were no Sooty Oystercatcher sightings in the vicinity of the MBS site, but there were several from the ocean-wave exposed wide rock reef platform at Fairlight Beach. For the purposes of addressing this issue of concern we have re-run the Bionet search, checked the Atlas of Living Australia (AoLA) for more recent sightings and also checked the iNaturalist database. The Bionet sightings from the Species Action Statement are shown on **Figure 2** and sightings from AoLA are shown in **Figure 3**. The AoLA sightings for North Harbour are shown in **Figure 4** and these have been transferred to an aerial photograph (**Figure 5**). This would appear to include the latest sighting from 14 May 20 as reported on iNaturalist.





**Figure 4** North Harbour Sooty Oystercatcher Sightings from AoLA online.





**Figure 5** Location of Sooty Oystercatcher sighting records from AoLA records. The Fairlight Beach sightings are some 300m distant from Manly Boat Shed site.

These observations plus those made for the sightings at Fairlight Beach are in line with known Sooty Oyster Catcher habitat preference - which is for wide and open coastal or outer estuarine reefs or large open estuarine mudflats where there are good sightline distances for potential predators.

It is concluded that whilst Sooty Oystercatchers are likely to utilise the rocky intertidal reef located to the south east of the MBS site from time to time, their usage will be infrequent and opportunistic due to the relatively narrow reef width and the closeness to on-shore riparian vegetation both of which limit their sight lines for potential predators. It is also concluded that the refurbishment works proposed at MBS would not affect this opportunistic usage and no local populations of Sooty Oystercatchers would be endangered by the construction and use of the MSB refurbishment.

#### **2.1.4 Little Penguin Habitat**

Impacts on Little Penguins and their habitat are specifically addressed in Section 2.3.2 of the *Ecology Report* and there is no more recent sighting or habitat ecology information from our database searches to change these conclusions.

### **2.2 Impacts arising from decking over slipway area**

There were two related issues in regard to the proposed deck over the existing active slipway area; alienation of potential seagrass habitat and alienation of intertidal beach habitat via introduction of concrete under the deck.

The first issue has been dealt with in **Section 2.1.2** above, and the second issue is a misunderstanding of the proposal. The present slipway has some existing concrete aprons at the high end of the slipway with sandy beach habitat under the remaining intertidal slipway areas (over which the deck would be spanned). The high-side concrete apron is higher than the proposed deck level so a portion of this existing concrete apron will need to be 'shaved off' to accommodate the deck.

Accordingly, the proposed deck will be supported by the portion of shaved concrete plus piles placed into the beach. The deck cover will provide sun-shelter for benthic (sand dwelling) organisms and the lower intertidal support piles will provide habitat for an oyster-based assemblage, both of which are considered valuable fish feeding habitat at high tides. Interestingly, the decking will inhibit human disturbance of the intertidal sandy beach fauna underneath and will also prevent human trampling of shallow seagrass offshore of the beach that could occur if there was use of the beach for launching and retrieving recreational craft.

## **2.3 Potential disturbance impacts associated with Cafe/Kiosk and visiting vessels**

### **2.3.1 Visiting Vessels**

In regard to the various concerns about impacts from visiting vessels, the potential for bottom scouring has been lowered to insignificance from the present situation as detailed in Section 3.4 of the *Ecology Report*. It should also be stressed that this reconfiguration proposal is tied to a commitment to the cessation of slipway activities - which is an activity associated with high vessel movement over intertidal waters - as vessels are taken onto and off slipways. That activity also entailed the tie-up of vessels at the front of the existing deck and pontoon configuration in shallower waters than the proposed pontoon. As per the *Ecology report* there is overall beneficial impact arising from the proposal in relation to vessel maintenance and movement, as cessation of slipway activities at the site will also ensure better water quality at the site directly benefiting all the ecological habitats and species.

### **2.3.2 Cafe/Kiosk and Waste Management**

The Ecology Report addresses waste management in relation to construction (Section 3.2) and during Operation (Section 3.4). Both these sections deal with construction and operational generation of wastes that would pose a threat to marine biota and both propose that there need to be a detailed *Waste Management Plan* developed for Construction and a *Plan of Management* be developed for Operation. Cafe plastics and general take-away based waste pollution is specifically addressed in Section 3.4 with the *Ecology Report* recommending that the POM included both educational and positive operational management procedures to minimise wastes to the marine environment. Development of the Operational Plan of Management would include consideration of relevant on-line resources such as (e.g.) [byeplastics.org.au](http://byeplastics.org.au). In relation to the Le Roux submission, I would recommend incorporation of the attached photos into the OPoM (with permission and acknowledgement) in relation to minimising litter and plastic waste to the marine environment.

It should also be noted that in regard to some of the submission concerns about the reliance on additional management plans for ensuring protection of the environment, the normal processing of a Development Application by an approval authority (in this case Council), the recommendations of particular technical reports for the SEE are generally included as specific Conditions of Consent, with the various plans of management needing to be developed, submitted and approved by Council as part of the overall approval sequence.



## 2.4 Legislative Considerations

A number of the submissions were concerned with the SEE conclusions regarding the project meeting statutory obligations, specifically the SREP (Sydney Harbour) 2005 and (in passing) the Draft SEPP (Environmental). This latter SEPP is still in draft mode but for the purposes of this concern then draft SEPP essentially incorporates the existing SREP. In relation to addressing statutory obligations, the *Ecology report* addresses this in three sections:

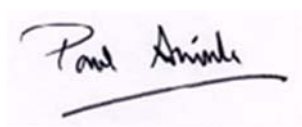
- Section 3.5 (Fisheries Management Act requirements),
- Section 3.6 (SREP (Sydney Harbour) 2005 objectives),
- Section 3.7 (SEPP (Coastal Management) 2018 objectives Clause13).

In regard to specific concerns expressed about addressing the objectives of the SREP (Sydney Harbour) 2005, Section 3.6 directly addresses Clause 21 of the SREP, which outlines nine criteria for biodiversity, ecology and environmental protection. These considerations combined encapsulate the *Ecology Report* justification of beneficial impact that are developed in the Impact Assessment Chapter 3 of the report.

## 3 Conclusions

I am pleased to see that the combined objections have raised environment concerns and issues that I believe have already been satisfactorily considered and addressed in the *Ecology report* and accordingly, the various recommendations for Management Plans and the like provided in the *Ecology report* to manage both potential construction and operational impact on the marine environments will provide the necessary safe-guards to meet the goal of environmental protection.

Yours Sincerely,

A handwritten signature in black ink, reading "Paul Anink", with a horizontal line underneath.

Paul Anink  
Managing Director  
Marine Pollution Research Pty Ltd

# **APPENDIX A SUMMARY OF ECOLOGY SUBMISSIONS**

## **MANLY BOATSHED – DA2020/0514 ECOLOGY OBJECTION NOTES**

### **8/6 Tobias**

The ecological report conducted by Marine Pollution Research Pty Ltd. is fairly comprehensive and it is expected that all proposed amelioration efforts will be strictly monitored and complied with. Notably construction impacts to threatened species and ecological communities (*Posidonia australis* sea-grass beds) and food waste/rubbish management from the proposed kiosk.

However, a few issues that need to be highlighted as omissions in this report and other development documents are:

1. The foreshore is known habitat for the threatened Sooty Oyster Catcher <https://www.environment.nsw.gov.au/threatenedSpeciesApp/profile.aspx?id=10385> and other shore birds. An impact assessment should therefore have been provided, and kiosk patrons and dog-walkers should be alerted to this concern as well as the Little Penguin habitat (identified in the document).

2. I draw your attention to the following paragraph from this recent scientific study into the listed endangered ecological community - seagrass bed (*Posidonia australis*) declines between 2009 - 2014 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5889071/>

'The most alarming declines of *P. australis* over the past five years have occurred within Sydney Harbour at Balgowlah (a loss of 46.1%) and Manly Wharf (a loss of 36.6%).'

Therefore, any development that has potential to further disturb seagrass beds, such as construction disturbance and decking shade should trigger development refusal.

### **15/6 Hitchman**

#### **\*Seagrass**

I am concerned that the the building of the development may disturb the seagrass which has already been stressed by decades of boating and anti-fouling paint. It

has been proved that seagrass is essential to a healthy marine environment providing stability of the sand bed, filtering of silt for clean water, a habitat and breeding ground for local fish and a sequester of carbon from the atmosphere. Any disturbance of the seabed and extra shading of the sea grass meadow from this development may impact on the survival of the surrounding seagrass - a listed endangered ecological community.

### **23/6 Mulhearn**

I also request that the council consider any impacts to this sensitive foreshore environment when making it's decision.

### **24/6 Lambert**

#### **Alterations & Additions & Environmental impacts**

DA2020/0514 relies for its approval on its status as 'alterations and additions' to an existing premises. However, this is only one of the two critical elements of exemption from consideration as a 'designated development', the other component being that the changes "do not

significantly increase the environmental impacts of the total development. compared with the existing or approved development" (Environmental Planning and Assessment Regulation 2000).

It is this area of increased impacts on the environment and local amenity that my objections exist.

Council's assessing officers appear to rely heavily on the Statement of Environmental Effects (SEE), with several aspects of the reports referencing "as assessed in the submitted SEE".

The need for more careful consideration of the environmental and amenity effects of the proposed development are also essential given that the portion of the site that is below Mean High Water Mark is zoned W2 (Environment Protection) under the Sydney Regional Environment Plan (Sydney Harbour Catchment) 2005. The objectives of this SREP (now being incorporated into a new SEPP) are strongly focused on "protecting", "preventing damage to" and "enhancing and rehabilitating" the "natural and cultural values" of the waters and the adjoining foreshore.

The SEE determination that the "development is consistent with" the objectives of this SREP fails to adequately address several aspects of these objectives and requires further attention.

#### Environmental impacts

##### Posidonia seagrass meadows

*Posidonia australis* (Strapweed) meadows of the Manning-Hawkesbury ecoregion are listed as a nationally Endangered Ecological Community under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and also at State level under the NSW Fisheries Management Act 1994. The considerable threat to *Posidonia* seagrass beds by reduced sunlight penetration caused by turbidity of the water are highlighted in the 'summary of threats' included in the scientific documents supporting national listing of the ecological community, in public advice fact sheets issued by the NSW Department of Primary Industries (NSW DPI PrimeFact No 629, 2007) and in scientific literature.

The ecological report prepared by Marine Pollution Research P/L relies heavily on proposed amelioration methods to address these impacts, which will arise from replacement of piles and other aspect of the proposed development.

Given published research (Evans et al, 2018) demonstrating a 46.1% decline in *Posidonia australis* at Balgowlah in recent years (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5889071/>), the significance of these seagrass beds as a breeding ground for numerous species, and the close proximity of the proposed development to those seagrass beds, the DA in its present form should be refused.

The SEE determination that "the project would result in an increase in available seagrass and macroalgae habitat"(SEE, p17) is difficult to justify. Not only does siltation resulting from the construction of the extended premises risk smothering the seagrass beds. The extensive decking will shade (excluding essential sunlight) potential *Posidonia* seagrass areas.

##### Sooty Oystercatcher (*Hameatopus fuliginosus*)

The foreshore in the vicinity of the proposed development is known habitat for the Sooty Oystercatcher. This coastal wader is vulnerable to extinction in NSW. Key threats to the Sooty Oystercatcher include:

- habitat destruction as a result of "residential, agricultural and tourism development"; and
- disturbance to its coastal feeding, nesting and roosting

Increases in these impacts associated with increased use of the area as a result of the proposed development of the site do not appear to have been considered.

## Waste Management

"Catchment pollution" from a diversity of sources, including sediments and litter are identified threats to Posidonia seagrass meadows, as they are to other marine life in this area. These issues are of sufficient concern that a Threat Abatement Plan addressing the impacts of marine debris on the vertebrate wildlife of Australia's coasts and oceans has been developed under the EPBC Act 1999.

### **26/6/O'Donnell**

Loss of natural amenity: The increased scale of the built form and intensification of activities on the site will detract from the natural beauty and serenity of the Fairlight Walk. Its prominent location along the walk will detract from beautiful, publicly accessible views of the water. Construction activities, increased vehicular and pedestrian traffic, management of dangerous goods, and marine vessel maintenance all heighten the risk of environmental degradation, particularly air and water pollution. The sensitive marine ecosystem is habitat for numerous species including little penguins, seahorses and seagrasses which will be impacted by increased activity on the site. The risk of any such impact on one of Sydney's delicate coastal ecosystems is unacceptable.

### **27/6 Powell**

I have serious concerns about the DA for the Manly Boatshed Refurbishment based on two aspects:

#### 1. Potential ecological impacts

Although the ecological impact assessment is relatively comprehensive I disagree with its conclusion that significant impact assessments under the Fisheries Management Act (Whites Seahorse and *Posidonia australis*) and Biodiversity Management Act (Sooty Oystercatcher) are not required.

Significant impact assessments should address construction impacts, cumulative impacts and ongoing indirect impacts as well as direct impacts. For example a significant impact assessment should provide scientific, evidenced based justification that threatened seagrass beds are not likely to be permanently damaged/reduced in extent from construction impacts. It should cite examples that Whites Seahorse can be successfully relocated and that there is minimal risk of the extinction of the local population from the proposed development. Sooty Oystercatchers have intertidal foraging habitat in close vicinity to the proposed development. There is no consideration of this threatened species in the ecological assessment and the indirect impact of disturbance to this species from the construction works and increased intensification of use of the establishment in the longterm.

### **30/6 Bailey**

I also ask the Council to think carefully about the manner in which the DA has been framed, as one for alterations and additions with no particular environmental impacts, so as to shoehorn it into a narrow exception designed to enable minor works. That pathway would enable the avoidance of planning instruments designed to control development of important environmental sites such as the present one, which is a marina close to wetlands. In my view it would be both wrong in law, and regrettable, to allow the DA to proceed on the present basis. The extent of demolition and rebuilding must be characterised as a new build rather than alterations and additions, and the intensification of uses of the site will produce profound new environmental impacts which will detract from the amenity of the Esplanade Park and local residents.

### **5/7 Kay**

## Environmental issues

The site is environmentally significant and sensitive, and the environmental impacts and effects are profound. Increased car and pedestrian access as well as by boat will put the delicate environment at risk of degradation.

### 6/7 Smith

3. The impact of a Caff or Kiosk in this location will be detrimental to this fragile shoreline and will minimise public amenity.

### 6/7 Berger from Balmain

Although I am not a resident in the area, I am concerned that more of our precious natural foreshore will be destroyed if the above DA is approved without appropriate consideration. I am a sea kayak enthusiast and often paddle past the beautiful foreshore between Bolingbroke Parade and Fairlight Beach and I cannot see where the wider community have been engaged in this proposal or have the appropriate environmental impact studies been conducted.

This DA will put unnecessary pressure on the natural ecosystem in the area potentially damaging important sea grass and animal habitats. The area is already congested and it is often impossible to find parking spaces to access the walking track and tidal swimming pools. I can only imagine the unnecessary stress it will put on the locals in surrounding neighbourhoods who will be subjected to construction inconveniences while the project is being erected, then increased noise, pollution and congestion once the project is open.

Please reconsider the impact approving DA 2020/0514 will have on the human and aquatic residents and visitors to the area in the short and long term. Most importantly given the new world COVID19 has placed us in, isn't it time we started to maintain healthy natural open spaces for all to enjoy. Please do not over develop this foreshore.

### 8/7 Yabsley

We draw attention to the following:

- The current slipway sits flush on a tidal sandy beach with no infrastructure other than rusted, oyster-encrusted tracks
- The Statement of Environmental Effects (SEE) para 3.6.2 acknowledges ***“The area of the decommissioned slipways to be graded with concrete as required to accommodate the new deck level”***
- **It is inconceivable that a full natural existing beach area can be concreted to allow non landslip of new pylons, so new decking and sheds can be installed.**
- Further:
  - There is no mention of the beach returning to nature as part of the concession to public and
  - use for launch of watercraft. The plans and associated documentation clearly show the beach is to be concreted with a deck placed over the whole entire tidal site.
- The decommissioning of the slipway in the DA is welcomed but the proposal provides no improvement in amenity to residents and the general public that utilise the walkway. To preserve the current use of amenity of the little coves and outcrops immediately adjacent to the slipway, the decommissioned slipway should be returned to its natural state (that of a natural tidal beach). Further, this will provide a much better platform to launch passive craft from and is entirely consistent with the objectives of the SREP 2005.

- We would welcome the tidal slipway be returned to a natural beach and not concreted over to support piers.

### **8/7 Crawford Neutral Bay**

1. Loss of Amenity of ark and Foreshore Users - The extensively enlarged and extended built form will intrude upon and interfere with the peaceful enjoyment of the walkway and foreshore areas. Views from public areas will be interrupted and the popular swimming area to the east overlooked and spoilt. The marine environment will be impacted by the extensive new decking which will shade the seabed and effect seagrass regrowth and important creatures such as the seahorses, little penguins and sooty oystercatchers, as will the increased level of activity which will occur.

### **9/7 Smith**

The existing footprint is nestled in a unique sheltered zone of the Manly Scenic Harbourside Walkway. I am concerned that existing flora and fauna remain an ecological imperative to the Sydney Harbour Foreshore.

### **10/7 Clarkson**

As a regular user of the Fairlight to Manly walk and having regard to this development application I have a number of concerns including the proposed footprint of the development, the lack of parking in surrounding streets to service the likely clientele and the potential impact on the ecology of the surrounding waterway and bushland during construction and post-construction. I do not believe that the DA alleviates my concerns on these aspects.

### **10/7 McCarthy Neutral Bay**

\*Environmentally, the changes and expansion of uses have the potential to exacerbate litter and other waste management challenges (like grease trap waste) affecting the harbour and the walkway. I am also concerned with the potential impact on the sensitive ecology in the harbour, such as nearby seagrasses. This would include impacts from the potential use of chemicals in cleaning the new deck and outdoor kiosk areas and the disturbance caused by mooring of the new larger boats.

### **12/7 Thomas Dee Why**

I am also concerned about the extensive new footprint of the building overshadowing the seabed, and negatively affecting seagrass growth, as noted in the submission of Judy Lambert.

### **13/7 Hogan Roseville**

I regularly enjoy walks along the foreshore with my children and believe the proposed DA would have a detrimental impact on this precious natural environment. The extent of the proposed development, increasing the footprint by over 255% is of great concern. What has been labelled a kiosk, actually appears to be a largescale restaurant seating 70 patrons which is excessive given it's positioning in a quiet residential area with very limited parking. I am concerned that the increase in customers will exacerbate existing parking and traffic problems and increase noise pollution in this peaceful environment. The scale of the proposal is not appropriate given the physical constraints of the site and the disturbance to our unique natural environment.



Over-developing our foreshore in this way would be detrimental to both the environment and the community.

#### **14/7/ Wright Northbridge**

It is acknowledged that the existing boatshed, with its storage, equipment and associated moorings has provided a needed amenity to those enjoying maritime pastimes over many years.

I assume that the land between the walk and the low water line is Crown land, or vested in, or under management of the Council. Whether the land has been proclaimed or not, any dealings with the land should follow the principles enunciated for Foreshore Scenic Protection, within the MDCP clause 5.4.1, which states, inter alia -

Development in the Foreshore Scenic Protection Area must not detrimentally effect the 'visual or aesthetic amenity of land in the foreshore scenic area nor must the development similarly effect the views of that land, including ridgelines, tree lines and other natural features viewed from the Harbour or Ocean from any road, park or land in the LEP for any open space purpose or any other public place. Any adverse impacts considered in this paragraph will be mitigated. In accordance with these LEP objectives Council seeks to conserve and preserve tree canopies and street trees, wildlife corridors and habitat and minimise cumulative impacts on escarpment, rock shelves and other natural landscape features.

#### **15/7 Mogg Northbridge**

The expansion of the footprint of the building and especially the expansion of the deck to the east over existing beach which will be concreted. This seems unnecessary given small craft can and do safely launch from the beach on the west side, and the enlarged footprint will interfere with seagrass regrowth and the seahorses which live in the area. The replacement of all existing piles alone will have deleterious effects on the marine environment. The enlarged built form will impact on public views and the decking will overlook and intrude upon the quiet beach and snorkelling area to the east.

#### **15/7 Moss**

Amenity and foreshore The adverse impacts on local amenity and foreshore protection have been underestimated. The expansion of the footprint of the building and the deck to the east over the existing beach is an unnecessary intrusion on this area – and permanent loss of an area of the beach. The enlarged structures will impact on views. The adjacent areas are peaceful and relatively quiet and used for recreation such as snorkelling. The extended hours of operation and significantly increased level of activity and patronage will have a deleterious impact. The proposal has not adequately addressed impacts in accordance with Foreshore Scenic Protection principles.

#### **15/7 Tessier**

We note the SEE states that *“The proposed development will not give rise to any adverse biodiversity impacts in the locality and will not prejudice the Harbour’s associated ecosystems, ecological processes and biological diversity or its water quality”* And the analysis seems to minimize environmental impacts. Further information seems required, to enable a proper environmental assessment of the application.

#### **15/7 Le Roux**

- **Potential Impact on the Seagrass (*Posidonia australis*):** The need for more careful consideration of the environmental and amenity effects of the proposed development given that the portion of the site that is below Mean High Water Mark. These are zones W2 (Environment Protection) under the *Sydney Regional Environment Plan (Sydney Harbour Catchment) 2005*. The objectives of this SREP (now an SEPP assessment) are strongly focused on “protecting”, “Preventing damage to” and “enhancing and rehabilitating” the “natural and cultural values” of the waters and the adjoining foreshore - both during construction activities and in any on-going commercial activities. The SEE determination that the “development is consistent with” the objectives of this SREP fails, in our view, to adequately address the potential problems.

The SEE determination that “the project would result in an increase in available seagrass and macroalgae habitat” is difficult to justify. Siltation resulting from the construction of the extended premises risks smothering the seagrass beds.

- **Impacts on Ecosystems and Biological Diversity:** It is difficult to accept at face value the SEE conclusion that “The proposed development will not give rise to any adverse biodiversity impacts in the locality and will not prejudice the Harbour’s associated ecosystems, ecological processes and biological diversity or its water quality”. Our Community Group acknowledges and accepts that any increase in recreational activities (especially those that involve the sale and consumption of food in take-away containers) has the potential to add to the plastic pollution in North Harbour and so on impact wild life in the area. Pro-active measures (eg a Seabin) to limit or reduce the amount of waste entering the water could be part of the development.

In support of our concerns about the potential for an increase in plastic waste entering North Harbour waters, below are pictures of plastic waste that was collected earlier this year in the area close to Treharne Moorings on a single day by a resident on a StandUp Paddleboard.



<b>Appendix Table A-1 Identified Concerns (grouped in the order of first mention)</b>											
Responder	Sooty Oyster catcher	Little penguin habitat	Posidonia decline	Seagrass decline	Sensitive foreshore environs	Deck over the top	Legal	Justify beneficial impact	Shade impact	Cafe & Waste manage	Seahorses, esp Whites' Seahorse
Number	4	2	5	5	12	4	4	2	6	5	3
Tobias	X	X	X								
Hitchman			X	seabed disturb					X		
Mulhearn					X						
Lambert	X		X			X	SREP EP&A	X	X	X	
O'Donnell					X						
Powell	More assess		More assess		General threaten spp assess						More assess & Cite relocation success
Bailey					should be EIS						
Kay					Increase boat traffic						
Smith					Increase disturb due kiosk					X	
Berger					X				X		
Yabsley						Loss to concrete			by new deck		

Responder	Sooty Oyster catcher	Little penguin habitat	Posidonia decline	Seagrass decline	Sensitive foreshore environ	Deck over the top	Legal	Justify possible beneficial impact	Shade impact	Cafe and Waste manage	Seahorses, esp Whites' Seahorse
Crawford	increased activity	increase activity		shading					X		increase activity impact
Clarkson					X?						
McCartney				X	Mooring from bigger boats					grease traps & cleaning chemicals	
Thomas				X	X				X		
Hogan					X	X				Disturb & noise	
Wright							MDCP 5.4.1 Visual				
Mogg				X		X					X
Moss						X				Disturb & noise	
Tessler					Impact assess in SEE		SREP & Draft SEPP				
Le Roux			X				X	X		plastics inc photos	