



HARBOUR PLANNING
WATERFRONT CONSULTANCY

STATEMENT OF ENVIRONMENTAL EFFECTS

Submitted to
NORTHERN BEACHES COUNCIL

Development Application For
PROPOSED CONSTRUCTION OF MOORING PEN (4X PILES)

At
**7 FLORENCE TERRACE
SCOTLAND ISLAND NSW 2105**

For
MILLAR FAMILY

JANUARY 2023

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1. INTRODUCTION – PROJECT SUMMARY

The Millar family, homeowners at 7 Florence Terrace, Scotland Island, are submitting a Development Application (DA) to Northern Beaches Council for the construction of a **Mooring Pen (4x piles)** seawards of their waterfront property located along Pitt Point, Scotland Island within Pittwater. This SEE is also submitted in support of a Building Information Certificate Application (BICA) to Northern Beaches Council for the authorization of the **Part Seawall and Concrete Ramp** below MHW. As this property is a water access only site, the proposed Mooring Pen is a necessary improvement to the as built Jetty, Ramp and Pontoon structure to provide permanent berthing as this is their only form of access to and from their home. In further support, Harbour Planning has received a directive that in fact all water access only properties are to have a Mooring Pen to legitimately moor the adjacent homeowners' vessel.

The proposed works are under the care, control and management of Transport for NSW – Maritime (Maritime), the Department of Primary Industries – Fisheries (Fisheries), Department of Planning and Environment - Crown Lands (Crown Lands) and the Northern Beaches Council. The Statement of Environmental Effects (SEE) aims to establish that the existing works have met with the general requirements of all stakeholders.

Following review of this SEE, stakeholders will be able to form a view that the subject works, detailed in Part 2, are a justified addition to the overall locality and site as highlighted in Part 3. Part 4 discusses the outcomes of Maritime and Fisheries' assessment and subsequently concurrences which were aided by third party specialist reports (i.e Hydrographic Survey – Annexure A and Marine Habitat Survey – Annexure B). Part 5 evaluates the appropriateness of the proposal based on the Planning Controls from both the Northern Beaches Council and the Department of Planning.

Based on the above, this SEE will determine that the proposed Mooring Pen will form an acceptable footprint on Crown Lands whilst ensuring the preservation of navigation, the marine environment and visual amenity aspects of Pitt Point. The works merit further support as it is a water access only property and improvements to permanently berth the occupants only form of access to and from site is justified. Following Maritime, Fisheries and Crown Lands' issued consents, this application is now submitted to the Northern Beaches Council for their assessment and award of Development Consent.

2. DESCRIPTION OF PROPOSAL

2.1. SCOPE OF PROPOSED WORKS

The scope of proposed works is as follows and shown in Figure 1. Annexure C presents the scaled architectural plans.

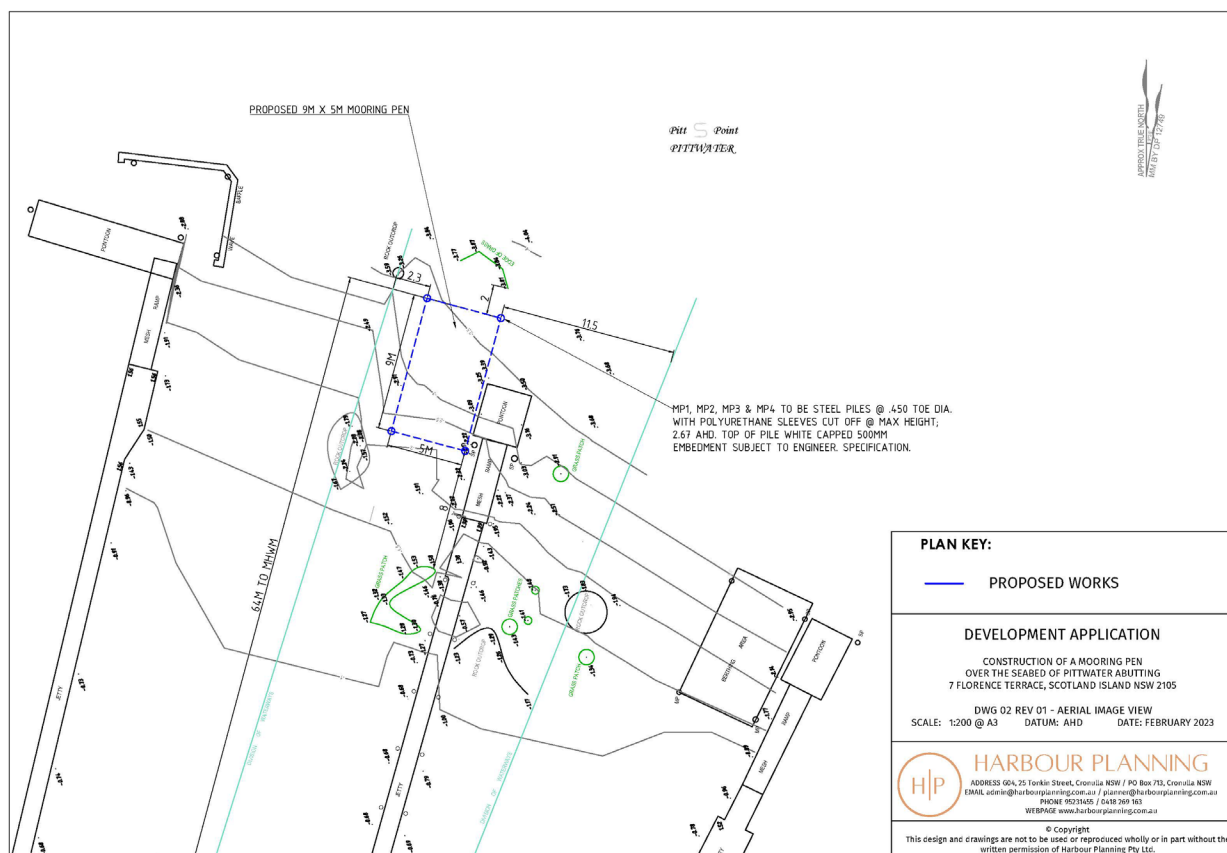
For Development Application:

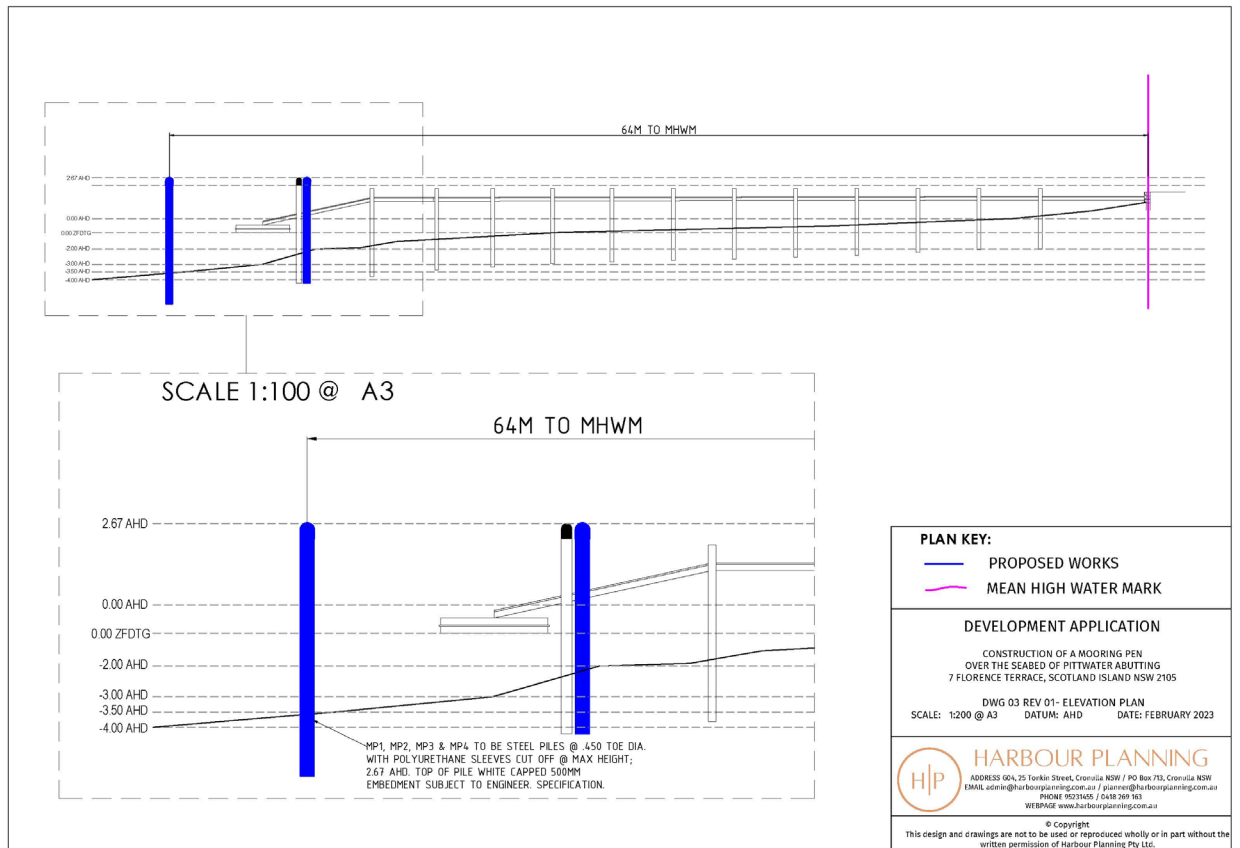
- Construction of a mooring pen 64M from MHHM 9m x 5m (4X Steel Piles with Polyurethane Sleeves – 450mm toe)

For Building Information Certificate Application to authorise as built:

- Concrete Ramp 4.50m²
- Part Seawall 4.50m²

FIGURE 1 Proposed Aerial View (T) and Elevations (B) of the Proposed Mooring Pen



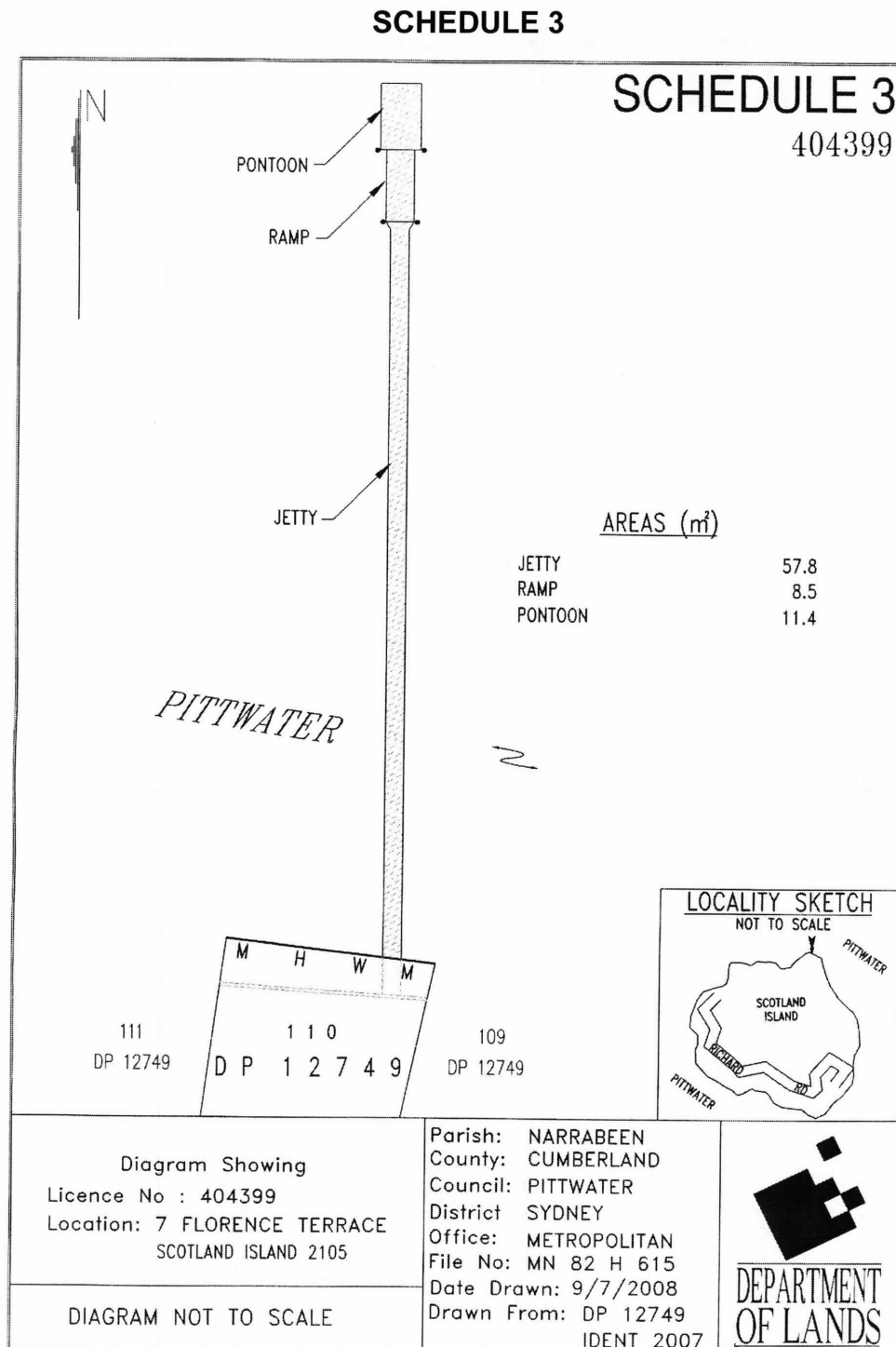


2.2. SCOPE OF PROPOSED WORKS

Figure 2 presents below presents Schedule 3 of the Crown Licence number 404399 that was drawn on 9/7/2008. The proposed mooring pen from this DA will be located on the western side (left) of the existing pontoon shown on the Crown Licence. The accompanying BICA application is also submitted to formalize the as built Concrete Ramp, Part Reclamation and Part Seawall that extends beyond the MHWM.

FIGURE 2 Schedule 3 of the Crown Licence number LI 404399

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2.3. PROPOSED SAFEGUARDS / MEASURES TO MINIMISE ENVIRONMENTAL IMPACTS

The following safeguards and measures to minimise environmental Impacts shall be undertaken during construction works:

- Site environmental safe guards (i.e. floating booms) will be established around the barge to trap of off cuts & like materials
- All works are to be undertaken from the waterway
- Materials/waste products to be removed via barge daily – no material storage below MWHM
- Materials delivered by barge on high tide only.
- Barges are to be moored in deep water where possible.
- Anchors should only be used for mooring a barge as a last resort.
- Barges must have floating oil boom catching equipment in the event of any hydraulic leaks into the waterway.
- Any excess materials such as cleaning paintbrushes and water from tool cleaning must not be washed into the storm water system or waterway.
- Works are to be continuous so as to minimise duration of works
- Excavation works are to be contained to site boundaries.

Similar to the above, Fisheries have imposed the below safeguard measures and is to be implemented during the construction phase.

- Construction vessels must not moor over seagrass; and
- No deployment of anchors, mooring blocks, chains, ropes or similar devices over seagrass.

3. SITE ANALYSIS

The property is known as Lot 110 DP 12749 at 7 Florence Terrace, Scotland Island NSW 2105. The proposed works are situated below the Mean High Water Mark and are therefore under the care, control and management of Transport for NSW-Maritime (Maritime), the Department of Primary Industries – Fisheries (Fisheries), NSW Department of Planning and Environment – Crown Lands (Crown Lands) and Northern Beaches Council.

As the site is located within the jurisdiction of Northern Beaches Council and according to the Pittwater Local Environmental Plan 2014, the proposed works are defined as permissible being situated in the W1 – Natural Waterways Zone, Figure 3 refers.

FIGURE 3 Northern Beaches Council Mapping extract (L) and aerial image over site, source: Nearmaps 2021 (R).



The site is a well-presented waterfront allotment along the foreshore of Pitt Point, with a commuter wharf 'Tennis Court Wharf' situated to the West of the property. The dwelling is located roughly half way down the ridgeline of Scotland Island, elevated from the shoreline. The land water interface is approximately 15m in length and characterised by a low sandstone seawall which roughly defines MHW. Above MHW is an existing Boatshed and series of steps, retained by a sandstone wall, that leads to the main residence.

FIGURE 4 Photos showing site and existing jetty, ramp and pontoon



Below the MHW is an existing jetty, ramp and pontoon that extends approximately 59.3m from the seawall. The proposed mooring pen will act ancillary to the as built water recreation structure situated to its West. Again, it is essential to emphasize that this proposal is not only important to the functionality of the waterfront but to the entire property as a whole; being that it is a water access only site. This is further compounded by the Crown's directive that all access only properties are to have a Mooring Pen to lawfully berth a vessel permanently. Figure 5 on the overleaf emphasizes this point and depicts the existing surrounding as built mooring pens.

FIGURE 5 Water recreation structures and mooring pens to the West (L) and East (R).



The Northern point of the mooring pen is 64m from the MHWM and is 2.3m and 11.5m from the Western and Eastern prolongation boundary respectively. This position is suitable as it follows the contours of the as built structures along this foreshore and does not enter into the active body of Pittwater. Furthermore, the design and placement were guided by ecological and water depth factors which is detailed in Section 4 of this SEE.

FIGURE 6 View of foreshore area with the proposed structures (yellow lines)



Given the innate characteristics of the site, i.e. the topography of adjacent residential land, robust marine climate and historical marine land use of the locality, the sitting, design and external appearance of the proposed works, it is in conformity to the established character and land uses located along Pitt Point and Scotland Island per se. The over-all appearance, size and height of the proposed structure is in accordance with the requirements of the Pittwater 21 Development Control Plan and the site is more than capable of absorbing the visual presence of the proposal which will not diminish the visual amenity value of the foreshore. No adverse impact or loss of visual amenity to adjacent properties is expected. Further, as the proposed works will only improve the functionality of the water access only site, increases in water traffic or noise generated through their general use is expected to be minimal.

FIGURE 7 Photo depicting the concrete ramp (R) and the sandstone seawall with reclamation (L) subject to the current BICA



This DA application is submitted simultaneously with a BICA application. The land water interface, as shown in Figure 7, is approximately 15m in length and characterised by a low sandstone seawall and part reclamation that slightly exceeds the MHWM. These structures combined with the concrete ramp towards the western boundary of the property (highlighted in blue) forms the accompanying BICA application.

Based on the preceding discussion, the proposal, as designed and positioned, will afford the owners with an equitable, safe and convenient use of their waterfront whilst having minimal impact to the surrounding marine environment, land uses or visual amenity of the locality. The proposed development has been determined by the SEE to be supportable for an award of Development Consent by the Northern Beaches Council and is further reinforced by Maritime, Fisheries and Crown Lands' issued concurrences.

4. ENVIRONMENTAL IMPACT ASSESSMENT

The following section of the SEE is divided into separate impact assessments, which are specifically related to relevant stakeholders, DPI – Fisheries and Transport for NSW – Maritime.

4.1. NAVIGATION

Transport for NSW absorbed Roads & Maritime Services in 2019 under s.46 of Transport Administration Act 1988. Maritime, specifically, is an operating subgroup under the Transport for NSW tasked to assess development proposals and their navigational impacts to existing and future water recreation structures of adjacent properties, as well as other navigational aspects in relation to the main body of water and the general public's enjoyment of the Pitt Point.

In compliance with the requirements of Transport for NSW and to establish the suitability of the development works to the maritime use of the Pitt Point in respect to navigation, the Development Application has been lodged to Transport for NSW – Maritime and has subsequently been issued Consent (Annexure D refers).

The assessment results for the proposal at 7 Florence Terrace are provided in Maritime's Consent letter dated 14 January 2022 (Annexure D) stating; **"We advise that an inspection/assessment has been conducted by the local Boating Safety Officer and there are no navigational concerns regarding the designated proposal"**.

On this basis, the Applicant has satisfied the navigation assessment aspect of Northern Beaches Council for the issue of Development Consent.

4.2. MARINE ECOLOGY

DPI Fisheries, being the State Stakeholder responsible for the conservation of fish stocks and key fish habitats, ensures that all developments comply with the stringent requirements of the Fisheries Management Act 1994 as well as the related Policy and Guidelines for Fish Habitat Conservation and Management (2013). Through DPI Fisheries' careful assessments and elimination of unfavourable applications during the preliminary stages of the development consent process, the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW is ensured.

In compliance with the requirements of DPI Fisheries and to establish the suitability of the development works to the marine habitat of the seabed of the Pitt Point abutting the site, in respect to ecological impact, the Development Application has been lodged to the Department of Primary Industries – Fisheries and issued a Consent (Annexure E refers).

As a result of Fisheries' assessment of the submitted plans and the Marine Habitat Survey (Annexure A), an approval letter dated 8 February 2022 (Annexure E) was issued. With reference to the DA it stated, **"DPI has reviewed the proposal in light of these provisions and has no objections. provided certain safeguards are adhered to which are detailed in Part 2.2 of this SEE. The approval also noted that "This letter and attached plan (date stamped 8/2/2022) may be forwarded to the Crown Lands Division of DPI for their consideration in assessing your application for land owner's consent. The proposal does not include dredging, reclamation, harm to marine vegetation, or blockage of fish passage, and therefore DPI Fisheries does not consider the proposal to constitute Integrated Development..."**

Additionally, a summary of the Marine Habitat Survey (Annexure B refers), which was conducted by H2O Consulting Group report dated 3 December 2021, is provided below:

- The intertidal habitat comprised of a gradually sloping sandy seabed which also contained a large, low relief rock shelf, a formal sandstone seawall as well as piers and pontoon associated with the existing water recreation structure. These structures provided habitat for Sydney rock oysters, Conniwinks, False Limpets, Mulberry Whelks, Oyster Limpets and Rose Barnacles. Intertidal vegetation was limited to patches of encrusting red algae within the rocky outcrops closer to the shore whilst green algae and sea lettuce was observed attached to the pontoon and associated floating structure.
- The previously mentioned rock shelf extends further seaward into the subtidal region and becomes disjointed, forming a cluster of intermittent large, flat broken rock ledges with a combination of sand and rubble. In the shallower areas of this zone, Gulfweed, Brown Macroalgae and Neptune's Necklace was observed growing. In deeper regions, the seabed was made up of a mix of sand, silt, large scattered boulders, minimal patches of Posidonia seagrass as well as a dense bed of Caulerpa Taxifolia. Artificial structures in the area is provided by existing jetty piers and the pontoon which provides habitat for Forkweed, Red Corraline Algae, red encrusting and brown turfing alga.
- The Endangered Posidonia seagrasses occurs scattered along the -1m contour in low density patches. Noting none of the mapped Posidonia patches are within the subject footprint and is in fact setback 2m from the closest patch. This ensures no direct shadowing impacts occur on the seagrass.
- No other threatened species, being the Ecological Coastal Saltmarsh Community, Black Rockcod, White's seahorse or Cauliflower Soft Coral occurs or is likely to occur on site.
- Overall, the proposed works are not expected to result in any direct impact on the nearby seagrasses and is further mitigated through utilisation of recommended safeguards being:
 - Silt curtains should be put in place to minimise siltation on nearby habitats during works with potential to mobilise sediments.
 - Construction vessels should not anchor or be grounded within seagrass habitat to minimise potential disturbance to adjacent seagrass habitat.
 - No construction works including the storing of materials, disturbance of the seabed, or permanent mooring (being greater than 7 days) within 1 m of the seagrass beds.
 - No materials should be stored or placed on the seabed.
 - All construction works should be done without excavation and by driving piles to minimise potential disturbance to the seabed.
 - Construction equipment should be washed down and thoroughly cleaned prior to demobilisation from the site
 - All rubbish and construction materials should be disposed of correctly and removed from the site following construction works.

Based on the consent from Fisheries and the Marine Habitat Survey, it has been determined that the proposal merits Northern Beaches Council's award of Development Consent and is further supported by Fisheries' issued concurrences

5. PLANNING CRITERIA TABLES

This application has been prepared to evaluate State and Council's planning charter on the appropriateness of practical land use development of this foreshore site. Relevant planning instruments applicable to this proposal are:

- State Environmental Planning Policy (Resilience and Hazards) 2021 ("RH SEPP 2021");
- Pittwater Local Environmental Plan 2014 ("Pittwater LEP 2014");
- Pittwater 21 Development Control Plan ("Pittwater 21 DCP");

An assessment of this application in context to the objectives and controls as detailed in this document are provided below in both the compliance tables and associated comments.

5.1. PERFORMANCE ASSESSMENT – RH SEPP 2021

In accordance with Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP 2021) on Coastal Management, the site has been identified to be located within Part 2.1 Clause 2.10 Coastal Environment Area and Part 2.1 Clause 2.11 the Coastal Use Area. Accordingly, the following performance assessment of the proposed works in relation to Part 2.2 Division 3 Coastal Environment Area and Division 4 Coastal Use Area is provided in satisfaction of the assessment requirements of this application.

The planning approval path for domestic marine structures is consistent to the objective of the RH SEPP 2021, being that it is a precautionary and graduating process. The environmental aspects of the marine ecology and navigational safety (public access and use) are assessed and determined at the preliminary stage of project engagement.

For this Development Application at 7 Florence Terrace, Scotland Island, Harbour Planning has undertaken the Marine Habitat Report, the Hydrographic Survey and undertaken site dives to establish seabed material and marine life mapping and also establish water depths for both suitability of type of use and practical construction outcomes.

The findings of the Marine Habitat Report confirmed that the proposed development is not expected to impact directly on any threatened or endangered species or communities in the area. The Hydrographic Survey, on the other hand, has informed the design team of the contours of the foreshore and the position of the other as built structures. Hence, the placement of the Mooring Pen to the west would be most suitable at this site.

Mitigation methods adopted in response to the RH SEPP 2021 are discussed in more detail in Part 2.3. of this SEE. This includes establishing environmental safe guards around the barge to trap off cuts and like materials. Also, the jetty piers will be driven into the seabed, not excavated. This will ensure that construction will have a minimal impact on the seabed, with intermittent turbidity dissipating within the tide cycle.

In keeping to the graduating planning process for waterfront development, Harbour Planning has submitted the proposal to the State Stakeholders for assessment and has been award of consents (Annexure A refers) by Maritime, Fisheries and Crown Lands. The Fisheries have assessed the application and determined that "This letter and attached plan (date stamped 8/2/2022) may be forwarded to the Crown Lands Division of DPI for their consideration in assessing your application for land owner's consent. The proposal does not include dredging, reclamation, harm to marine vegetation, or blockage of fish passage, and therefore DPI Fisheries does not consider the proposal to constitute Integrated Development...". Equally, Maritime has assessed the application and determined on 14 January 2022 that, "We advise that an inspection/assessment has been conducted by the local Boating Safety Officer and there are no navigational concerns regarding the designated proposal".

By exercising this environmental due diligence, this submission is made to Council with the pre-determination that the proposed works are able to operate at this site whilst satisfying coastal management objectives and controls. Being that the works do not carry a risk to water quality, the integrity of the marine ecology, public access or use of the Scotland Island, over shadowing, funnelling, visual amenity or cultural values. The application, therefore, satisfies the assessment criteria of the RH SEPP 2021 to be awarded Development Consent from the Northern Beaches Council.

5.2. PERFORMANCE ASSESSMENT – PITTWATER LEP 2014

The following tables and discussions demonstrate to the Northern Beaches Council that the proposed Construction Mooring Pen (4X Piles) satisfies the specific assessment criteria set by the Pittwater Local Environmental Plan 2014.

Table 1. Performance Assessment Table to the relevant provisions of the Pittwater LEP 2014

Standard/ Control	Required	Proposed	Compliance
C3 & W1 Zoning (Pt. 2 – Land use Table)	Mooring Pens are Permitted with Consent in W1	Construction of Mooring Pen (4X) Piles	Complies.
Development below the MHWM (Cl. 5.7)	Development Consent is required for works below MHWM.	Development Application submitted to obtain development consent.	Complies.
Acid Sulphate Soils (Cl. 7.1)	Class 1 and 5 – Acid Sulfate Soil Management Plan	The works will disturb less than 1t of soil with the excavation to be a clean cut into rock. All support piers will be driven into the seabed and not excavated. The works undertaken in the waterway would not adversely impact the water table levels. On this basis, there is no potential to lower the water table and no requirement to submit an ASS Management Plan.	Complies.
Foreshore area and Coastal Hazards and Risk (Cl. 6.4)	(Cl.3) Development consent must not be granted for development beyond the Foreshore Building Line Map except for: (c) boat sheds, cycling paths, fences, sea walls, swimming pools, water recreation structures or walking tracks	Only Mooring Pen is proposed to be constructed beyond the Foreshore Building Line Map.	Complies
Biodiversity (Cl 7.6)	(Cl.3) (a) Consent authority must consider whether the development is likely to have adverse impacts ecological value on flora, ang fauna, vegetation and habitat of the land	This SEE and the Marine Habitat Report all confirms that the construction of Mooring Pens will have limited impacts on the biodiversity within the area	Complies

Geotechnical Hazard (Cl 7.7)	The existing site is identified as "Geotechnical Hazard H1" (Cl.4) (a) consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage (b) The development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding development	As mentioned in Part 2.2 Proposed Safeguards, the development will use a floating oil boom catching equipment to manage wastewater to prevent it from leaked into the waterway. It also makes sure that any excess materials doesn't get washed into the waterways or storm water system.	Complies
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5.3. PERFORMANCE ASSESSMENT – PITTWATER 21 DCP

The following table and discussion demonstrate to the Northern Beaches Council that the proposed Mooring Pen (4X Mooring Piles) satisfy the specific assessment criteria set by the Pittwater 21 Development Control Plan.

Table 2. Performance Assessment Table of a Berthing Area according to Pittwater 21 Development Control Plan

Requirement	Proposal	Complies
Chapter D15 Waterways Locality, Clause 15 – Waterfront Development b) Berthing Areas		
Vessels shall be berthed at right angles to the mean high water mark to minimise visual impact on the foreshore, where practicable.	The Mooring Pen in the Berthing Area is designed vertically, which allows the vessel to be berth at right angle with mean high water mark.	Yes
The maximum dimension for berthing areas perpendicular to shore shall be 5 metres x 9 metres	The proposed berthing area is designed to the dimensions of 5 metres x 9 metres	Yes
The proponent must demonstrate that they do not already hold, or cannot obtain, a swing mooring, marina berth or boat shed where they could reasonably store their boat;	The proponent does hold a swing mooring (IL036). The current boat shed is only 4 metres x 6 metres, which is not a sufficient size to reasonably store their boat.	Variation Request Section 5.4
That there is sufficient depth of water below the vessel being 600 mm depth at zero low tide (-1.53 AHD)	There is sufficient depth for the vessel as the shallowest point for the berthing area is -2.22 AHD.	Yes
That it does not extend beyond the seaward face of any related pontoon, piles or jetty steps	Although the berthing area extends 4 metres beyond the existing pontoon, it doesn't extend beyond the adjacent pontoon on 5 Florence Terrace to the west of the existing site.	Yes

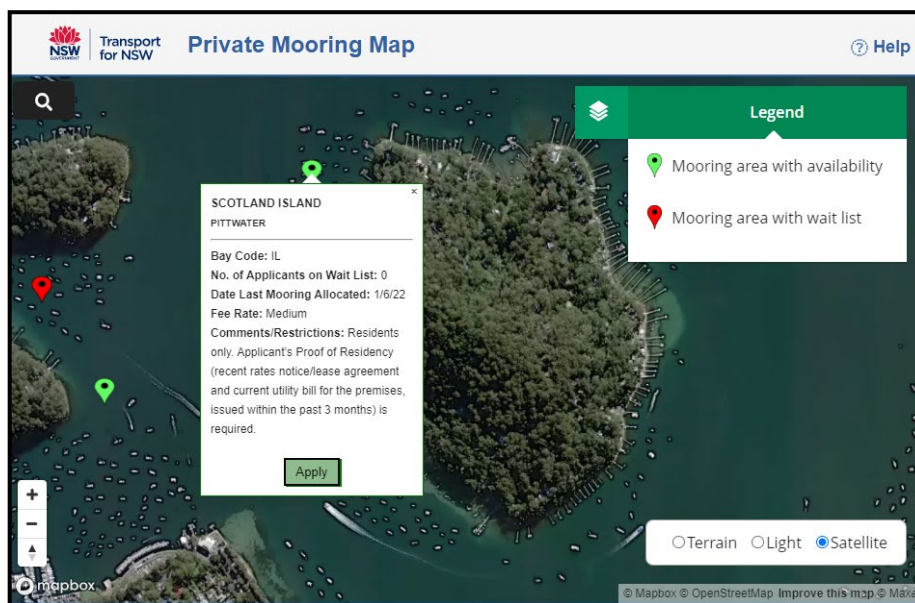
That there is sufficient clearance from prolongation of adjoining boundaries (i.e. a minimum of 2.5 metres)	There is sufficient clearance on the landward side of the berthing area at 2.7 metres. However due to the berthing area not being designed parallel to the western prolongation line, the seaward side only has a clearance of 2.3 metres. This is due an essential requirement for to the proposed berthing area to be parallel to the existing jetty, ramp and pontoon. Therefore a slight variation to the setback of 2.3m on the seaward side of the of the pontoon is supported in this situation.	Yes
That it be designed and located to enable efficient and safe manoeuvring without impinging on adjoining neighbours	The proposed mooring pen has a sufficient 14m setback from the adjacent waterfront structures on 5 Florence Terrace and therefore doesn't impinge on the neighbour's use.	Yes
The size of vessel must be accommodated wholly within the lease area	The size of the vessel will be fully accommodated within the 9 metre x 5 metre berthing area.	Yes

In addition to the requirements for Berthing Areas listed in D15.15 Waterfront Development, justified in the table above, Section D15.17 Moorings provides additional controls on the Moorings in the Pittwater area. According to the Pittwater Mooring Area Map, the maximum number of moorings (including Marina, Mooring and Mooring Pens) should not be greater than 276 in the Scotland Island area, or more than 3641 moorings in the Pittwater area. During the extensive research process and consultation with TfNSW and Northern Beaches Council, current numeric figures have not been released.

Despite the above, and in a worst-case scenario, being that marina berths, swing moorings and mooring pens are at the prescribed limit, section D15.17 Moorings of the Pittwater 21 DCP states that "restrictions for individual Mooring Areas may be increased if needed, with a subsequent reduction from other Mooring Areas where spare capacity exist". Given the water access only nature of the subject site, the proposed mooring pen is critical to the occupants of the site. It provides permanent berthing of their vessel which facilitates the only form of transport to and from their home. Further, it is also consistent with a recent directive from Crown Lands that all water access only properties are to have a Mooring Pen to legitimately berth the adjacent homeowner's vessel permanently.

In addition, according to the Private Mooring Map, Figure 8, it is designated as a 'Mooring Area with Availability' and there are zero applicants on the waiting list for swing moorings. This indicates that there is further allotments for swing moorings. Therefore the Scotland Island Mooring Area is able to accommodate the proposed mooring pen on the site whilst being under the combined quota (276) for Mooring Pens, Marina Berths and Swing Moorings.

FIGURE 8 Screenshot from the Private Mooring Map by Transport for NSW depicting that the Scotland Island area is a 'Mooring area with availability'



5.4. VARIATION REQUEST

The Development Application requires the following variation to the Pittwater 21 Development Control Plan, in the award of consent.

- i. Chapter D15 Clause 15 Controls for Berthing Area (1): The proponent must demonstrate that they do not already hold, or cannot obtain, a swing mooring, marina berth or boat shed where they could reasonably store their boat

Variation Requested: Jetty, The proponent does hold a swing mooring (IL036).

The subject site on 7 Florence Terrace is a water access only site, meaning that the homeowners and their family members can only travel via their vessel to their home. The occupants require both a swing mooring and mooring pen to undertake different aspects of their day to day life, which emphasizes that the berthing area is required for essential travel and not only for recreation. Therefore the extra mooring pen is important as it is a substitution to the need for a land vehicle, as there may be more than 1 vessel at site at any one time.

Also, it should be noted that there are several members of the family. All family members should have an equitable ability to travel from their residence. One berthing area is insufficient to satisfy the travelling needs for all home owners in the residence. Hence, it is crucial to have more than 1 mooring area to store their multiple nodes of transport and ensure that the Millar family has access to equitable transit.

Furthermore, it is vital to highlight the recent directive from Crown Lands that all water access only properties are to have a Mooring Pen to legitimately berth the adjacent homeowner's vessel permanently. This emphasizes that the proposed Mooring Pen not only a priority, but an absolutely necessary need on the subject site. Due to the site being a water access only area and that there is an essential need for all family members to have equitable access for daily travel, it is justified that the proposed Berthing had to exceed the one of Council's numeric DCP controls, allowing the proponent to hold a swing mooring and have access to a Mooring Pen concurrently.

6. CONCLUSION

This Development Application is submitted for the construction of a **Mooring Pen (4 Mooring Piles)** seaward of 7 Florence Terrace, Scotland Island. Subsequent to Maritime, Fisheries and Crown Lands' awarded approvals, the application now aims to gain Northern Beaches Council's Consent. It is a justified proposal as the site is situated on an island and can only be accessed via water. Further, it is consistent with a recent directive from Crown Lands that all water access only properties are to have a Mooring Pen to legitimately berth the adjacent homeowner's vessel permanently. This SEE is also submitted in support of a BICA to authorize sections of the **Part Seawall and Concrete Ramp** below MHW of 7 Florence Terrace, Scotland Island. The BICA originated during the Land Owners Consent Application with Crown Land as it was highlighted that the Part Reclamation, Part Seawall and Concrete Ramp has not previously been authorized through a formal licence agreement. The accompanying BICA application proves that the as built structures comply with the requirements of the Crown and should be formalised into the property's Crown Licence.

This SEE has provided the Northern Beaches Council with a succinct assessment of the proposal's relationship to the surrounding built and natural environment in terms of navigation, ecology and aesthetics. As the general public and adjacent fairways are being maintained, adequate water depth within the mooring pen is available and that the health of the marine environment is not expected to be influenced, this is an acceptable occupation footprint of Crown Lands and should be awarded development consent.

Based on the above, the application has fulfilled the general compliance criteria of all Stakeholders and has received consent from Maritime, Fisheries and Crown Lands. On this basis, the applicant is now submitting this SEE to the North Beaches Council for the award of Development Consent.

7. COMPANY DETAILS

Harbour Planning Pty Ltd:

Involved in the Marine Contracting industry for over 45 years. Our company works predominantly along the East coast of the Greater Sydney region in the Brisbane Water, Hawksbury, Port Jackson, Botany Bay, Georges River, Port Hacking and Shoalhaven River areas. We also have extensive experience within Sydney Harbour. Our knowledge of the waterways has been obtained by a combination of both hands-on experiences as well as through our in-house consultancy services. We submit approximately 100 to 150 applications per year, which involve liaisons with Crown Lands, DPI - Fisheries, RMS and Local Council Authorities. As an aside, our professionals are multilingual and can converse fluently in Mandarin, Cantonese and Pilipino fluently.

CONSULTANT DETAILS

Abigail Bautista:

Bachelor Architecture UST, Philippines and MA Urban and Regional Planning, UP Philippines, Graduate Diploma in Heritage Conservation, USyd-

Town Planner/Heritage Planner of Harbour Planning Pty Ltd.

Abigail's combination of Architectural and Planning education has helped her to embrace comfortably both the design and planning aspects of marine facilities construction. She has been involved with projects throughout the Georges River, Port Hacking, Shoalhaven Area, Hawkesbury River and Sydney Harbour.

Shirley Lee:

Diploma of Building Design and Graduate Certificate in Planning UTS – continuing –

Town Planner and Project Coordinator at Harbour Planning Pty. Ltd.

She has risen through the ranks of consultancy, liaising with professionals and government stakeholders to assist the team in achieving favorable outcomes. Her knowledge and experience of the planning industry is embedded with marine construction and maritime culture of the river systems within and surrounding Sydney.

Adrian Leung:

Bachelor of Design in Architecture, USyd and Master of City Planning, UNSW-ongoing – Town Planner at Harbour Planning Pty Ltd.

He has recently joined the team and is providing academic and technical support whilst embracing everything nautical.

Craig Turner:

Consultancy Manager

Has no formal qualifications except for evolving, since 1978, to the guidelines and the ever-changing rigours of both marine construction and marine consultancy. He has been intimate to the ever expanding raft of requests, legislation, personalities and changes that continue through the ranks Government and Semi Government Stakeholders.

Lyn Watson:

Office Manager and Office Mum as well as Credit Accounts Supervisor.

Lyn coordinates the interface between our clients, their initial expectations and then directs the Planners with our in-place systems to commence the processes to the numerous Government Stakeholders.

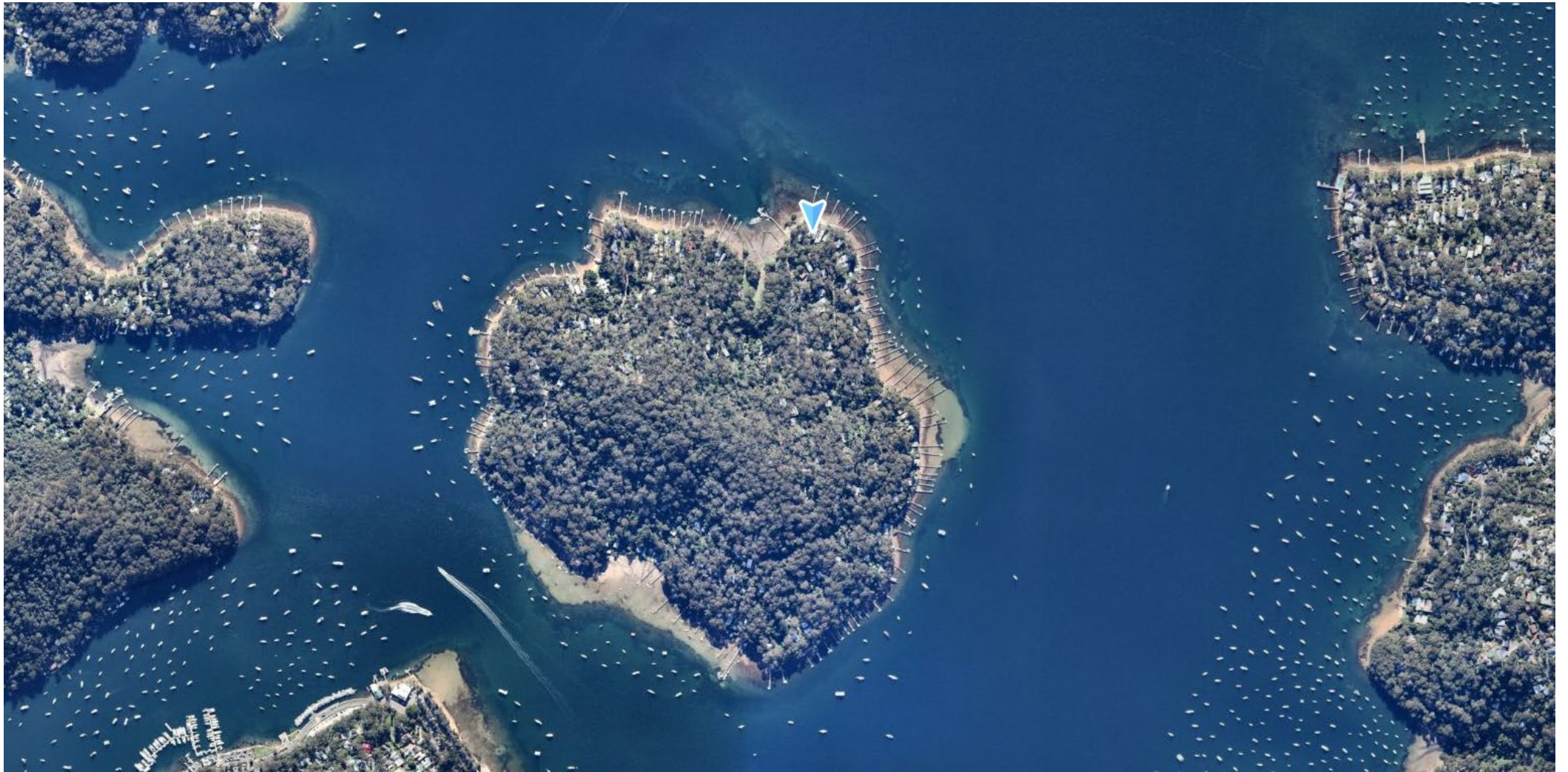
Bryant Hu:

Master of Urban Design, USYD and Bachelor of 3D & Product Design, Griffith University – Town Planner at Harbour Planning Pty. Ltd

He is our incumbent latest Town Planner with a Masters in Urban Design. Although without any maritime experience (he is quickly learning) he brings additional management skills and a design flair with an energetic passion to our current team of Planners and Architects.

ATTACHMENT A: LOCATION MAP





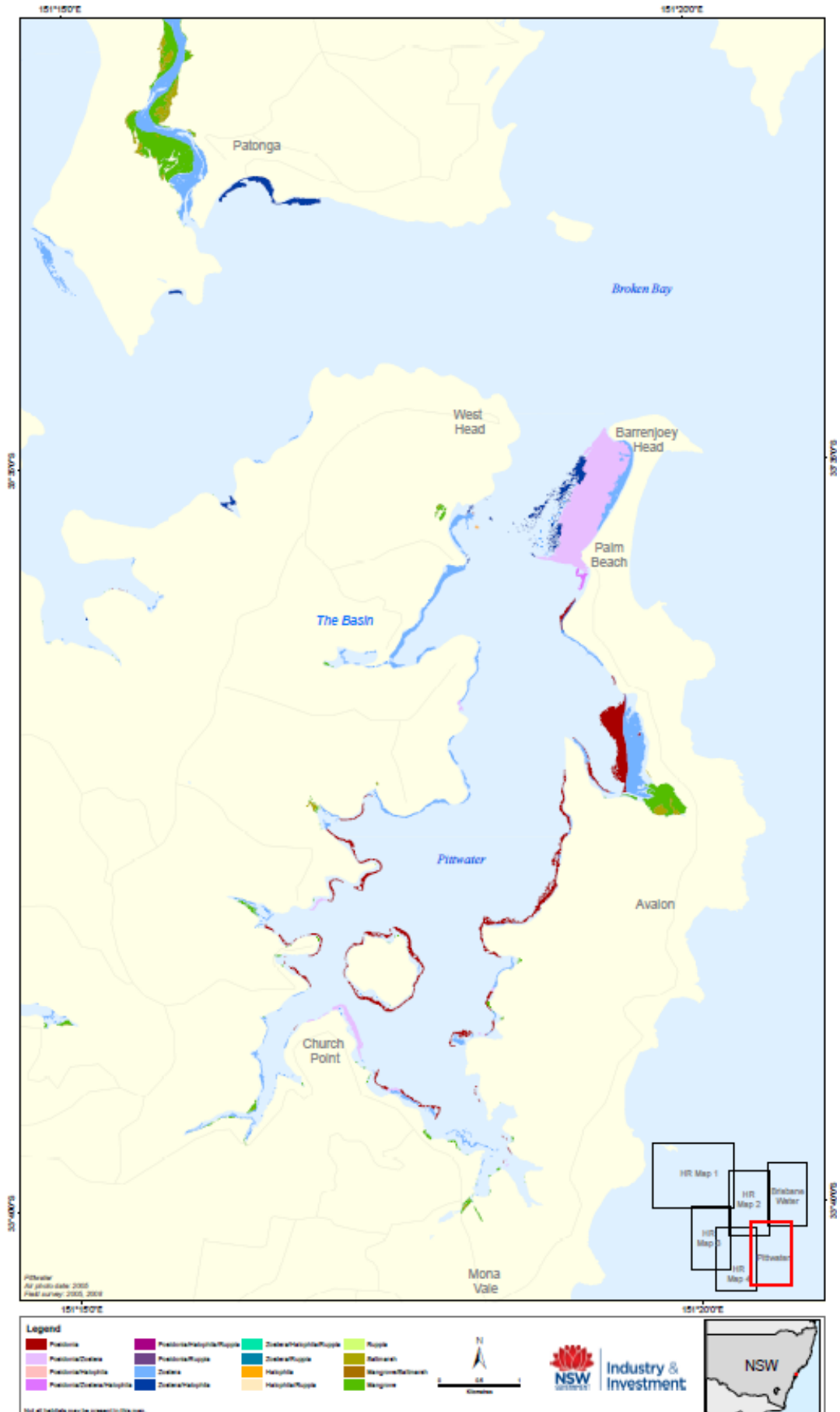
Aerial Map: 7 Florence Terrace, Scotland Island NSW 2105
(Source: Nearmap, 2020)

ATTACHMENT B: ENVIRONMENTAL MAP

Supplied by NSW Fisheries



Pittwater



ATTACHMENT C: SITE PHOTOGRAPHS





Landward view of existing water recreation structure with residence situated in the background.



Landward view of existing boatshed and formal sandstone seawall.



Seaward view of existing water recreation structure as well as adjacent facilities, taken from an elevated height near the main residence.



Seaward view of existing water recreation structure, taken from the end of the jetty.



View to the West, depicting adjacent waterfront facilities.



View to the East, depicting adjacent waterfront facilities

ATTACHMENT D: THREATENED SPECIES REPORT



Report on the Threatened Species

7 Florence Terrace, Scotland Island

Part 1 Endangered Species	
Name of Species	Effect of Proposed Structure
The Grey Nurse Shark <i>Carcharias Taurus (Rafinesque, 1810)</i>	The Grey Nurse Shark is found in the waters of Bate Bay and parts of Botany Bay, however, it is unlikely that the Grey Nurse Shark would be found in the Pittwater. It is unlikely that the Grey Nurse Shark would be affected by the proposed structure.
The Murray Hardyhead <i>Craterocephalus Fluvialis (McCulloch, 1913)</i>	The Murray Hardyhead is a fresh water fish that is common to the Murray River in Victoria. It will not be affected by this proposed structure.
The Eastern Freshwater Cod <i>Maccullochella Ikei Rowland</i>	The Eastern Freshwater Cod is a freshwater fish which is found in the Richmond River System. It will not be affected by this proposed structure.
The Trout Cod <i>Maccullochella Macquariensis (Cuvier)</i>	The Trout Cod is a freshwater fish found in southern New South Wales and northern Victoria. It will not be affected by this proposed structure.
The Oxleyan Pygmy Perch <i>Nannoperca Oxleyana Whitley</i>	The Oxleyan Pygmy Perch is a freshwater fish that would not be affected by the proposed structure.
The River Snail <i>Notopala Sublineata (Conrad, 1850)</i>	The River Snail is a freshwater snail that would not be affected by the proposed structure.
The Green Sawfish <i>Pristis Zijsron (Bleeker, 1851)</i>	The Green Sawfish occurs mainly in the tropics from Broome to Southern Queensland with some individuals found as far south as Sydney. The Green Sawfish is a bottom dweller and is unlikely to be affected by this proposed structure as no excavation of the sea bed will be undertaken.

Part 2 Endangered Populations	
Name of Species	Effects of Proposed Structure
The Purple Spotted Gudgeon <i>Mogurnda Adspersa (Castelnau, 1878)</i>	The Purple Spotted Gudgeon is a freshwater fish found in the Murray Darling Region. It will not be affected by this proposed structure.
The Olive Perchlet <i>Ambassis Agassizii (Steindachner, 1966)</i>	The Olive Perchlet is a freshwater fish found in the Murray Darling System, Queensland, Western New South Wales, Victoria, and Western Australia. It is unlikely to be affected by the proposed structure.

Part 3 The Aquatic Ecological Community in the Natural Drainage System of the Lower Murray River Catchment
Will not be affected by the proposed structure.

Part 4 Species Presumed Extinct	
Name of Species	Effects of Proposed Structure
Bennetts Seaweed <i>Vanvoorstia Bennettiana (Harvey) Papenfuss (1956)</i>	Bennetts Seaweed has only been collected from two localities in Port Jackson. It is unlikely that Bennetts Seaweed would be affected by the proposed structure.
Adams Emerald Dragonfly <i>Archaeophya Adamsi (Fraser, 1959)</i>	Adams Emerald Dragonfly has only been found in four (4) localities in New South Wales which does not include the Pittwater. It is unlikely that Adams Emerald Dragonfly would be affected by the proposed structure.
Silver Perch <i>Bidyanus Bidyanus (Mitchell, 1838)</i>	The Silver Perch is a vulnerable species that is freshwater. It is unlikely that the Silver Perch would be affected by the proposed structure.
Buchanans Fairy Shrimp <i>Branchinella Buchananensis (Geddes, 1981)</i>	Buchanans Fairy Shrimp is a small crustacean that is found in lakes that dry during periods of the year. It is unlikely that the Buchanans Fairy Shrimp will be affected by the proposed structure.

Part 5 Additional List of Endangered Species	
Name of Species	Effects of Proposed Structure
Great White Shark <i>Carcharodon Carcharias (Linnaeus, 1758)</i>	The Great White Shark is normally found in deep sea water off the coast of New South Wales and surrounding areas. The Great White Shark is pelagic and would be unlikely to enter the Pittwater on a regular basis and therefore would be unlikely to be affected by the proposed structure.
Black Cod <i>Epinephelus Daemeli (Gunther, 1876)</i>	The Black Cod is found on coastal and off-shore reefs and islands from southern Queensland to eastern Victoria. Yet lives in the craggy seabed in areas like the mouth of the Georges River. Due to the non excavation of the seabed, the Black Cod is unlikely to be affected by the proposed structure.
Macquarie Perch <i>Macquarie Australiasica (Cuvier, 1830)</i>	The Macquarie Perch is a vulnerable freshwater species. It is unlikely to be affected by the proposed structure.
Southern Pygmy Perch <i>Nannoperca Australis (Gunther, 1861)</i>	The Southern Pygmy Perch is a freshwater fish and therefore is unlikely to be affected by the proposed structure.

Part 6 Key Threatening Processes	
The introduction of fish to freshwaters within a river catchment outside their natural range.	No fish are to be introduced into the proposed site during construction.
The degradation of native riparian vegetation along New South Wales water courses.	There will be no significant increase in the amount of sediment and nutrients reaching into the bay during construction. There will be no reduction of the input of organic carbon, via leaves, twigs, and branches during construction. The river bank in this specific case has been replaced by a seawall and therefore cannot be destabilized. No overhanging vegetation will be removed resulting in loss of shade and shelter for fish.
The installation and operation of in-stream structures and other mechanisms that alter natural flow regimes of rivers and streams.	There will be installation of in-bay structures and other mechanisms, however, they are in keeping with the existing marine structures and subsequently would not alter the tidal flow of the river.

ATTACHMENT E: STANDARD EROSION & SEDIMENT



STANDARD SEDIMENT AND EROSION CONTROL DETAILS

7 FLORENCE TERRACE, SCOTLAND ISLAND

Waterfront Facilities –

Generally:

1. Where tidal movement allows, materials are to be delivered by barge so as to not disturb the seabed.
2. Barges are to be moored in deep water where possible so as to not disturb the seabed.
3. Anchors should only be used as a last resort for mooring of barges.
4. Barges must have floating oil boom catching equipment in the event of any hydraulic leaks into the waterways.
5. Any land-based excavation into the seawall should be carried in a manner so as to protect the waterways from soil overflow i.e.: bunding/ hay bales.

Harbour Planning Pty Ltd

ATTACHMENT F: ABORIGINAL HERITAGE ASSESSMENT



DEVELOPMENT APPLICATION INFORMATION

PROPERTY: 7 FLORENCE TERRACE, SCOTLAND ISLAND

ANNEXURE FOR THE SUBMISSION OF DEVELOPMENT APPLICATION

ABORIGINAL HERITAGE ASSESSMENT

The proposed watercraft facilities lie above and below the M.H.W.M. fronting a residential lot and dwelling. Preliminary assessment regarding Aboriginal Heritage in this instance is not required. The scale of the proposed development is minor in comparison to the lot size. There are little remnants of the original foreshore as it is well developed. The adjacent sites are also well developed, with boatsheds, etc., and currently exist both under licence and freehold.

During our numerous site visits we have observed:

- i) No shell middens;
- ii) No grinding grooves;
- iii) No rock engraving or carvings;
- iv) No scarred trees;
- v) No stone arrangements; and
- vi) No rock art.

Prior to the issue of the Crown Approval, the Crown tendered the application for comment to Native Titles Services, with no objection received.

We trust the above meets with your approval.

Yours faithfully,

Adrian Leung
Town Planner - Harbour Planning Pty Ltd

ATTACHMENT G: CONSTRUCTION MANAGEMENT PLAN



CONSTRUCTION MANAGEMENT PLAN

7 FLORENCE TERRACE, SCOTLAND ISLAND

Before start of construction:

1. Erosion & sediment control details to be installed before any disturbance of the site takes place.

Site access

Boat access to the site must be via a single entry point that is stabilised to prevent tracking of sediment into the waterway.

Measures taken during construction period of watercraft facility (Jetty, ramp, pontoons, skid ramp & berthing areas)

1. Where tidal movement allows, materials are to be delivered by barge so as not to disturb the seabed
2. All materials are to be stored on barge.
3. Barges are to be moored in deep water where possible so as to not disturb the seabed.
4. Anchors should only be used as a last resort for mooring of barges.
5. Barges must have floating oil boom catching equipment in the event of any hydraulic leaks into the waterways.
6. Any land-based excavation into the seawall should be carried in a manner so as to protect the waterways from soil overflow i.e.: bunding/ hay bales.

Materials used for construction

1. All floating devices are to be prefabricated at the factory so no unnecessary noise or odours are produced on site.
2. All concrete is mixed, in a concrete mixer prior to installation into piers so that no concrete slurry leeches into water.
3. All steel components are to be treated with hot dipped galvanised agents so that steel fasteners do not rust and therefore do not leech minerals into the sea bed or river.
4. All timber to be used in construction is Australian hardwood. It comes from private plantation and is not purchased from the state forest.

Harbour Planning Pty Ltd



HARBOUR PLANNING

WATERFRONT CONSULTANCY

