

Statement of Environmental Effects

For: Northern Beaches Council

Site: 23 Robertson Road
Scotland Island

Date: 23 April 2018

Our Ref: 7476_1

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1. PROPOSAL

To refurbish and raise the existing waterfront structures at 23 Robertson Road, Scotland Island.

2. THE SITE

The site is located on the northwest foreshore of Scotland Island facing Little Lovett Bay (see Figure 3). Access to the site is from the Pittwater waterway only. The existing waterfront structures are for residential use and are noted in Licence LI539402. All structures existing below the Mean High Water (MHW) boundary are located generally in accordance with the schedule 3 Licence Diagram of the aforementioned Licence.

The freehold land slopes steeply from the waterfront to Robertson Road, is vegetated with a variety of trees and shrubs and has buildings and structures typically associated with residential use upon.

The intertidal zone is predominantly a protected, gently sloping and unvegetated sandy beach which extends approximately 10-15 metres from the MHW boundary. The subtidal zone is gently sloping until the -1.5m contour where the gradient then increases into the deeper water. The subtidal zone consists of sandy sediments with seagrass and green alga. Seagrass species present include *Caulerpa Taxifolia*, *Zostera Capricorni*, *Halophila Ovalis* and *Posidonia Australis*, refer to Marine Habitat Survey report for further details.

Neighbouring properties all have similar waterfront facilities including jetties, boatsheds, decks, walkways, seawalls, reclamations, skid ramps, etc.

3. ZONING AND PLANNING COMPLIANCE

3.1 PITTWATER LOCAL ENVIRONMENT PLAN 2014 (PLEP 2014)

The existing water recreation structures straddle councils E3 Environmental Management (Fig.1) and W1 Natural Waterways (Fig.2) zones. The structures are permissible within consent in zones E3 and also W1 as they are within Area 23 (Additional permitted uses) of the W1 zone. In light of the above the proposal, which is to refurbish and raise the existing structures, is therefore permissible with consent.



Figure 1: Pittwater Land Zoning Map



Figure 2: Pittwater Area 23 Map

The proposal is subject to the following:

- (i) Foreshore building line
 - The existing structures are within the Foreshore Building Line as indicated Map FBL_010 and are permissible under section 7.8(2)(b) of PLEP 2014
- (ii) Height of buildings
 - The existing boatshed height of 3.96m will not be altered as the boatshed will be raised in its entirety therefore maintaining the existing relationship between the floor and ridge levels. The Height of Building Map HOB_010 indicates a maximum height of building located upon freehold land (above the MHW boundary) as 8.5m and upon Crown Land (below the MHW boundary) as 4m. As the boatshed height is below the maximum height of building it is therefore permissible.
- (iii) Development below Mean High Water Mark
 - See section 3.2(viii)
- (iv) Acid Sulphate soils
 - The Acid Sulphate Soils Map ASS_010 indicates the subject freehold land as Class 5 and the land below the MHW boundary as Class 1. The proposal does not require consent in accordance with section 7.1(6) of PLEP as the proposal will not disturb any soil and the works will not lower the watertable. It should be noted also that no excavation is required for this proposal.
- (v) Coastal risk planning
 - An Estuarine Risk Management Report has been carried out by Salients and is enclosed. The report concludes that the proposed development can achieve acceptable Estuarine risk management criteria.
- (vi) Biodiversity Protection
 - See section 3.2(xi) and Section 4
- (vii) Geotechnical Hazard
 - The Geotechnical Hazard Map GTH_010 classifies the freehold land as H1. As outlined above the proposal is to refurbish and raise the existing water recreation structures which are only partially upon H1 classified land, the majority are below the MHW boundary which is unclassified land. The structures have been in existence for over 20 years which indicates a good geotechnical foundation. The proposal does not include any additional structures to be constructed, no services to be installed and no excavation or fill is required, it is simply raising and refurbishing the existing long standing structures so a geotechnical risk assessment is not deemed to be necessary.
- (viii) Limited development on foreshore area
 - Permissible under section 7.8(2)(b) of PLEP 2014

3.2 PITTWATER DEVELOPMENT CONTROL PLAN 21 (PDCP21) (14TH NOVEMBER, 2015)

The proposal is subject to locality specific development controls as specified in Sections 8 and 15 of Part D in PDCP21. A similarity exists between the outcomes and controls stated in Sections 8 and 15 of Part D (PDCP21). In light of the similarity, compliance with the relevant sections of Section 8 and 15 of Part D (PDCP21) is as follows;

- (i) **Character as viewed from a public place (D8.1 & D15.1):**
The proposed refurbishment and raising of the existing long standing water recreation structures will not alter the existing visual amenity. It should be noted that the structures are to be raised by 0.32m which is negligible when viewed from the Pittwater waterway.



Figure 3: Locality

- (ii) **Scenic Protection (D8.1 & D15.2):**
The proposed refurbishment and raising of the existing long standing water recreation structures will not alter the existing visual character of the area.
- (iii) **Building colours and materials (D8.3 & D15.3):**
The existing colour scheme will remain and the material used for the refurbishment will match the existing.
- (iv) **Front Building Line (D15.6):**
The proposal is for the refurbishment and raising of the existing water recreation structures. No change in size or location is proposed.
- (v) **Side and rear building line (D8.6 & D15.7):**
The proposal is for the refurbishment and raising of the existing water recreation structures. No change in size or location is proposed.
- (vi) **Fences (D15.10):**
No fencing is proposed.

(vii) **Waterfront Lighting (D15.11):**

An exterior sensor light will be fixed to the boatshed for safety purposes. Lights will be shielded to ensure they will not form a navigational hazard

(viii) **Development seaward of the Mean High Water Mark (D15.12):**

The proposal is for the refurbishment and raising of the existing water recreation structures. No change in size or location is proposed.

The Impacts of the proposal on estuarine habitat have been documented in the Marine Habitat Survey Report by H2O Ecology (report enclosed).

An Estuarine Risk Management report (see enclosed) was prepared to determine the impacts of coastal processes such as wave inundation on the structures. The report concludes that the structures can achieve acceptable Estuarine risk management criteria.

The existing public foreshore access will remain available in its current state as the proposal is for the refurbishment and raising of the existing water recreation structures only (like for like).

(ix) **Lateral Limits (D15.13):**

All works are contained within the “division of waterway” limits, as shown on the plan. The “division of waterway” limits have been defined by survey and plotted in accordance with D15.13.

The proposal is for the refurbishment and raising of the existing water recreation structures. No change in size or location is proposed.

(x) **Minimum frontage for waterfront development (D15.14)**

The subject lot has a frontage to Pittwater of approximately 13m from corner to corner. The proposal is for the refurbishment and raising of the existing water recreation structures which are for private residential use only and noted in Licence LI539402. No additional structures are proposed therefore the existing visual character of the area will remain in its current state.

(xi) **Waterfront development (D15.15)**

The proposal is for the refurbishment and raising of the existing long standing water recreation structures. No change in size or location is proposed.

The structures are to be raised in their entirety by 0.32m which results in a boatshed floor level of 1.77 AHD and jetty level of 1.55 AHD (refer to proposal plan for the current and proposed levels). The purpose of the raising and refurbishment of the structures is to reduce the occurrence and effect of tidal inundation and to repair damaged and aged materials so that the structures can be safely used and enjoyed.

The boatshed will be raised using hydraulic jacks and either the existing joists will be replaced with larger ones to achieve the proposed height or the existing piles will be capped and raised and the boatshed placed on top. The raising and refurbishment of the jetty and deck involves the removal and replacement of the existing decking and any piles, beams, joist, runners or headstocks which are in a state of disrepair in order to achieve the desired height.

An underwater survey of the seabed and underwater species has been carried out beneath the proposal. The report, carried out by H2O Ecology in February 2018, concludes that the aquatic ecological conservation requirements of Pittwater 21 DCP and the Fisheries Management Act would be complied with (report enclosed). A response from the Department of Primary Industries (fisheries) that gives consent to this proposal is also enclosed.

The existing public foreshore access will remain available in its current state as the proposal is for the refurbishment and raising of the existing water recreation structures (like for like).

Roads and Maritime Services have carried out a navigational assessment of the proposal and have determined that there are no navigational issues with this proposal (consent enclosed)

The proposed refurbishment and raising of the existing long standing water recreation structures will not alter the existing visual amenity. The structures are to be raised by 0.32m which is negligible when viewed from the Pittwater waterway.

An Arborist Impact Assessment report (see enclosed) was prepared to determine the impacts, if any, of the raising of the boatshed on the trees within close proximity. The report recommends that trees 4 and 7 (refer to report) be removed as they are likely to fail in the future due to shoreline erosion. To compensate for the loss of these trees local indigenous tree species will be planted within the foreshore area.

The existing structures have been in place for in excess of 20 years and are in accordance with the current licence LI539402. It should be noted however that the existing waterfront structures meet all the dimension requirements and are located in accordance with the controls outlined in section D15.15.

(xii) **Seawalls (D15.18)**

There are no proposed modifications to the current seawall.

4. STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018 (SCM18)

The proposal is within the Coastal Environment (Division 3) and Coastal Use (Division 4) areas as outlined in SCM18. Assessment of the impacts of the proposal in accordance with Division 3 & 4 is as follows.

Division 3 Coastal environment area

Development on land within the coastal environment area

(1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*

- (i) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - The proposal has no impact the biophysical or hydrological environment. Impacts of the proposal on the local aquatic environment are negligible, refer to Marine Habitat Survey report.
- (ii) *coastal environmental values and natural coastal processes,*
 - An Estuarine Risk Management report was prepared by Salients (see enclosed) investigating the effects of coastal processes on the proposal. The report concludes that the structures can achieve acceptable Estuarine risk management criteria.
- (iii) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*

- The proposal is not within a coastal lake. The proposed refurbishment and raising of the existing water recreation structures may have a short term impact on the local water quality and marine habitat, refer to Marine Habitat Survey report for details and recommendations.

(iv) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*

- Impacts of the proposal on local marine vegetation and habitats have been investigated, refer to Marine Habitat Survey report. Impacts of the proposal on local land based vegetation have also been investigated, refer to the Arborist Impact Assessment report.

(v) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

- Safe public foreshore access within the intertidal zone is limited in the vicinity of the proposal due to the subject and neighbouring water recreation structures. Public access upon the freehold land along this section of Scotland Island is also limited by structures, terrain and vegetation. Nevertheless the existing public foreshore access will remain available in its current state as the proposal is for the refurbishment and raising of the existing water recreation structures (like for like).

(vi) *Aboriginal cultural heritage, practices and places,*

- No Aboriginal cultural heritage, practices and places are impacted by this proposal

(vii) *the use of the surf zone.*

- Not applicable to this proposal

(2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*

- the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
- if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- if that impact cannot be minimised—the development will be managed to mitigate that impact.*

- The proposal has no adverse environmental, cultural or public impacts. It is a minor modification to the existing long standing water recreation structures and as a result will not only reduce tidal inundation but also match the typical finished levels of water recreation structures throughout Pittwater.

Division 4 Coastal use area

Development on land within the coastal use area

(1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*

(a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*

(i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

- Safe public foreshore access within the intertidal zone is limited in the vicinity of the proposal due to the subject and neighbouring water recreation structures. Public access upon the freehold land along this section of Scotland Island is also limited by structures, terrain and vegetation. Nevertheless the existing public foreshore access will remain available in its current state as the proposal is for the refurbishment and raising of the existing water recreation structures (like for like).

(ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*

- No public place nearby will be affected by view loss with this proposal nor does the proposal create any overshadowing or wind funnelling on the foreshore. The proposal is simply to refurbish and raise the existing water recreation structures.

(iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*

- The proposal will not create any additional unreasonable impacts in terms of appearance, it is in keeping with the nautical character of Pittwater and will complement the surrounding facilities.

(iv) *Aboriginal cultural heritage, practices and places,*

- No Aboriginal cultural heritage, practices and places are impacted upon by this proposal

(v) *cultural and built environment heritage, and*

- No cultural or built heritage exists at the subject site and therefore are not impacted upon by this proposal.

(b) *is satisfied that:*

(i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*

(ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

(iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

- The proposed refurbishment and raising of the existing long standing water recreation structures has no adverse impacts on public access, views, scenic quality or aboriginal, cultural or built heritage. It is a necessary modification/refurbishment to the existing structures and as a result will be consistent with water recreation structures not only locally but also throughout Pittwater.

(c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

- The existing long standing water recreation structures are not dissimilar to the neighbouring waterfront facilities in relation to bulk, scale, size and construction methodology. The proposal is in keeping with the nautical character of the Pittwater and will complement the surrounding facilities.

5. COASTAL MANAGEMENT ACT 2016 (CMA16)

In accordance with Section 27 of CMA16 the proposal is permissible with consent. Clause 27 is as follows;

Development consent must not be granted under the Environmental Planning and Assessment Act 1979 to development for the purpose of coastal protection works, unless the consent authority is satisfied that:

- (a) *the works will not, over the life of the works:*
 - (i) *unreasonably limit or be likely to unreasonably limit public access to or the use of a beach or headland, or*
 - (ii) *pose or be likely to pose a threat to public safety, and*
- (b) *satisfactory arrangements have been made (by conditions imposed on the consent) for the following for the life of the works:*
 - (i) *the restoration of a beach, or land adjacent to the beach, if any increased erosion of the beach or adjacent land is caused by the presence of the works,*
 - (ii) *the maintenance of the works.*

For Section 27(a), the works will not unreasonably limit public access to or the use of a beach or headland. Public foreshore access within the intertidal zone is limited in the vicinity of the proposal due to the subject and neighbouring water recreation structures. Public access upon the freehold land along this section of Scotland Island is also limited by structures, terrain and vegetation. Nevertheless the existing public foreshore access will remain available in its current state as the proposal is for the refurbishment and raising of the existing water recreation structures (like for like). As disclosed earlier in this report the existing water recreation structures have been in place for in excess of 20 years and are in accordance with the current Domestic Waterfront Licence LI539402. In light of this the proposals impact on public safety is negligible.

For Section 27(b), the Estuarine Risk Management report performs a risk assessment, evaluation and proposes risk management strategies. The report concludes that the proposed development can achieve acceptable estuarine risk management criteria without undue impacts or negative consequences to public safety or the environment. Given the low possibility of any damage to the structures it is considered to be unnecessary to be applying a maintenance condition as per Section 27(b)(ii) in this case.

6. CONCLUSION

The proposal is in compliance with PLEP 2014 and Sections 8 & 15 of Part D, PDCP 21 requirements and has no significant impact on the local environment.

An Estuarine Risk Management report was prepared to investigate the impacts of coastal processes such as wave inundation on the structures and concludes that the structures can achieve acceptable risk management criteria.

A Marine Habitat Survey report was prepared to investigate the impacts of the proposal on the marine habitat beneath the proposal. The report concludes that the aquatic ecological conservation requirements of Pittwater 21 DCP and the Fisheries Management Act would be complied with.

The proposal has consents from Department of Primary Industries (Fisheries) and Roads and Maritime Services.

The proposed refurbishment and raising of the existing long standing water recreation structures is worthy of conditional consent to enable the construction and subsequent licencing of the refurbished waterfront facility.

Yours faithfully



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