



Statement of Environmental Effects

Water Recreation Structures

129 Riverview Road – Avalon Beach



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C	2/6/2022	DA update	K.Hamann	KH	A. Copley	AJC

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TABLE OF CONTENTS

1. WATER RECREATION STRUCTURES	4
1.1. Introduction	4
1.2. Site and foreshore description	5
1.3. Relevant Site History	10
1.4. Existing structures below the M.H.W.M.....	12
1.5. Proposed domestic waterfront facilities	13
1.6. Environmental Planning	14
1.6.1. <i>Pittwater Local Environmental Plan 2014</i>	15
1.6.2. <i>Pittwater Development Control Plan 2013</i>	16
1.6.3. <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	21
1.7. Potential environmental impacts of the development.....	24
1.7.1. <i>Marine Ecology</i>	24
1.7.2. <i>Navigation, Siting and Design</i>	25
1.7.1. <i>Construction and Waste Management</i>	26
1.7.2. <i>Preliminary Acid Sulfate Soils Assessment</i>	26
1.8. Site suitability and public interest	26
1.9. Conclusion.....	26
2. APPENDICES	28
2.1. CAD DRAWINGS.....	28
2.2. MARINE HABITAT SURVEY	29
2.3. TRANSPORT FOR NSW – NAVIGATIONAL ‘NO OBJECTION’ LETTER	30
2.4. DPI FISHERIES REFERRAL SUPPORT LETTER	31
2.5. SITE DEVELOPMENT HISTORY AND APPROVALS	32
2.6. SURVEYOR LETTER REGARDING THE DEED M.H.W.M	33
2.7. CROWN LANDS LOC LETTER	34
2.8. PRELIMINARY ASS REPORT	35
2.9. WASTE MANAGEMENT PLAN	36

TABLE OF FIGURES

Figure 1 - Site Location (source SIX maps)	5
Figure 2 - Site located on the Eastern foreshore of Pittwater.....	6
Figure 3 – Existing boatshed, timber decking and metal skid ramps (photo 2020).....	6
Figure 4 - Existing boatshed and metal skid ramp (photo taken 19/5/22).....	7
Figure 5 – Existing seawall with timber decking over top (photo taken 19/5/22)	7
Figure 6 - Proposed site looking South showing neighbours pen (photo taken in 2020)	8
Figure 7 - Northern neighbours facility looking towards shore (photo taken in 2020)	8
Figure 8 - Site looking north from neighbours facilities (photo taken in 2020).....	9
Figure 9 - Existing metal skid ramps	11
Figure 10 - existing structures below MHW M	12
Figure 11 – Installation of a new jetty, ramp, pontoon and 2 fender piles.	13

Figure 12 - Land zoning	15
Figure 13 - Habitat within proposal footprint.....	24
Figure 14 - Navigation line with neighbouring structures.....	25

1. Water Recreation Structures

1.1. Introduction

This Statement of Environmental Effects (SEE) has been prepared in support of a development application (DA) to Northern Beaches Council (Council) for new '*water recreation structures*', being a new jetty, jetty ramp and pontoon.

The new water recreation structures, the subject of this DA, are proposed for Crown Land adjacent to 129 Riverview Road, Avalon Beach (the Site). The site already accommodates an existing boatshed, seawall, timber decking and two skids. The boatshed, seawall and decking were approved by Council on 21 January 1986 (application no. 180/86). As there is no DA history available for the skids, a separate Building Information Certificate Application (BICA) will be concurrently made to Council for these structures.

Section 1.3 and **Appendix 2.5** of this report provides detail in relation to the site history, surveys and existing approvals for the site. The deemed Mean High Water Mark (M.H.W.M) for the site was updated in 2014, resulting in a small portion of the existing boatshed, seawall and timber decking being re-located (on paper only) to below the M.H.W.M. As these structures already have development consent, the portion of the structures below the M.H.W.M will be incorporated in the Crown Lands licence along with the proposed new jetty, jetty ramp and pontoon (subject to approval).

Copley Marine, on behalf of the present Site owner, lodged land owners consent (LoC) for a new jetty, ramp and pontoon and 2 fender piles in June 2020. Confusion over the M.H.W.M has caused significant delays in the progression of the LoC application, and subsequent DA for the new structures. . Crown Lands issued Land Owners Consent (LoC) for the lodgement of a DA and BICA on 24th May, 2022 (see **Appendix 2.7**).

This DA and SEE, prepared by Copley Marine, seeks development consent for the new structures below the M.H.W.M being a new jetty, jetty ramp and pontoon at the Site.

It should be noted that the proposal is exempt from a controlled activity approval under the *Water Management (General) Regulation 2018* (refer to Schedule 4, Clauses 18 and 32).

1.2. Site and foreshore description

The low side of Riverview Road, Avalon Beach faces the eastern shoreline of Pittwater. It typically consists of low density, contemporary residential dwellings that step down the steep slopes, boat sheds of various architectural styles, water recreation structures and mooring pens.

The Site foreshore contains a rock shelf with little value for the public, as access along the foreshore is not possible below the M.H.W.M. Intertidal rocks at the subject site also appear to form an irregular rock groyne. This rocky intertidal area extends between 10 and 15 m from the shoreline and is a habitat dominated by shellfish. Some seagrass is present near the proposed jetty - as discussed in Section 1.6.1. No mangroves are present.

There is an existing boatshed, timber decking and timber/metal skid ramp(s) on the subject Site (see **Figures 3,4 & 9**). A stone seawall (see **Figure 5**) approximately 1 m in height along the shoreline prevents shoreline erosion.

The boatshed is being used for the storage of fishing and boating equipment.



Figure 1 - Site Location (source SIX maps)



Figure 2 - Site located on the Eastern foreshore of Pittwater



Figure 3 – Existing boatshed, timber decking and metal skid ramps (photo 2020)

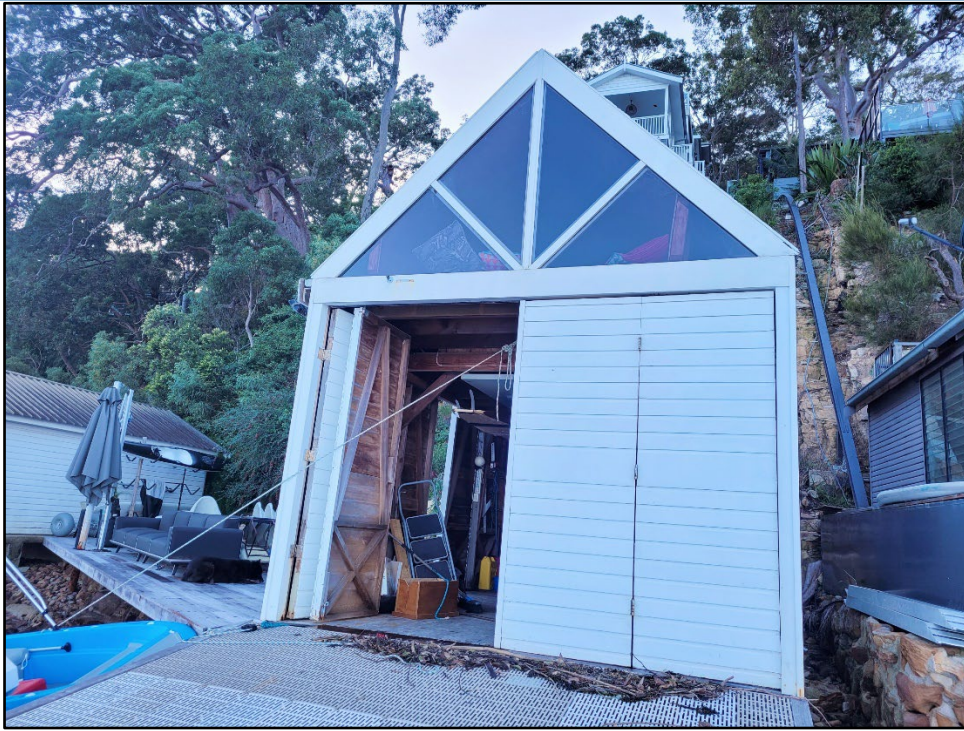


Figure 4 - Existing boatshed and metal skid ramp (photo taken 19/5/22)



Figure 5 – Existing seawall with timber decking over top (photo taken 19/5/22)



Figure 6 - Proposed site looking South showing neighbours pen (photo taken in 2020)



Figure 7 - Northern neighbours facility looking towards shore (photo taken in 2020)



Figure 8 - Site looking north from neighbours facilities (photo taken in 2020)

1.3. Relevant Site History

Relevant approvals and Site surveys are attached to this SEE at **Appendix 2.5**.

Permissive Occupancy (P.O. 1959/98) existed for a boatshed and slipway at the Site. These waterfront structures occupied the foreshore between 1940 until 1984, until they were destroyed by a storm. Permissive Occupancy acts as a tenure agreement executed by Crown Lands.

A building application for a new boat shed, timber decking and seawall (reclamation) were approved by Council on 21 January 1986 (application no. 180/86). The proposed boatshed was the same size and location as the previous structure (as per P.O 1959/58).

Although the skid ramps are not specifically mentioned in the DA documentation – arguably the skid ramps were also approved by this DA, given that the Pittwater LEP 2014 definition of a boat shed includes a skid - *“boat shed means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure”*.

Following council approval of DA 180/86, the waterfront structures were built, and a registered surveyor confirmed they were located fully on freehold land above the M.H.W.M as required by Council’s ‘special conditions’. Accordingly, these structures are legal and remain in situ in accordance with the approved plans. No licence was sought from or issued by Crown Lands at this time, given that the structures were considered by the Consent Authority (Council) to be above the M.H.W.M.

On 27 March, 1986 Council granted consent for a slipway, jetty, ramp and pontoon on land below the M.H.W.M. It appears that the jetty, ramp and pontoon were not ever constructed and this approval has lapsed.

In July 1986, Council wrote to the owner of the property, requesting a survey to demonstrate that the deck, boatshed and seawall were built entirely within the property boundary. On 11 August 1986 Council received this confirmation from a registered surveyor.

In 1992, survey plans (stamped by Council) in relation to another DA for the site, again identify the boat shed and timber decking as located above the M.H.W.M.

In 2014 – the Office of the Registrar General/Crown Lands approved a ‘Plan of Redefinition’ of Lot 1 DP 18269. The new DP number is 1196629. The new plan of definition indicates site accretion (the revised deed M.H.W.M is now around 5-9m further downslope than on the previous registered plan). In this redefined plan, a portion of the boatshed and timber decking and the metal skid ramps in front of the boat shed are shown as below the deed M.H.W.M.

As the Plan of Redefinition shows, the former deed M.H.W.M was effectively upslope of the boatshed. Either the original title dimensions were erroneous or the earlier survey plans (submitted with DA’s) were erroneous. **Appendix 2.6** contains a letter from Adam Clerke (Surveyors) in relation to this point.

Since 2014, a number of DA’s have been lodged with Council (including for an inclinometer from the house to the boat shed). More recent surveys submitted with these DA’s refer to the 2014 deed M.H.W.M, indicating that a small proportion of the boatshed, timber decking and timber/metal ramps are on public Crown Land.

Despite the deed M.H.W.M changing in 2014, Council's assessment of DA2019/0565 (approved 26 August, 2019) did not raise any concerns with an 'unauthorised boatshed' at the site. The council report refers to the boatshed as 'existing'.

Copley Marine, on behalf of the present Site owner, lodged LoC for a new jetty, ramp and pontoon and 2 fender piles in June 2020 (Crown Lands reference 620146). Confusion over the 'deed' MHW M has caused significant delays in the progression of the LoC application, and subsequent DA for the new structures. .

As demonstrated by this summary, the timber boatshed, timber decking and seawall were previously approved and constructed in accordance with approved plans and located above the former M.H.W.M. Crown Lands would not have issued a licence for these structures circa 1986 as it was believed at the time that these structures were located fully above the M.H.W.M.

It has been agreed by Crown Lands that the timber and metal ramp(s) may also be unauthorised structures below the deed M.H.W.M. As such, the applicant sought retrospective LoC and approval for these structures (see **Figure 9**). It is asserted that these skid structures should be retained and permitted given:

- the amount of time the structures have been in place;
- their removal may create damage to the foreshore area;
- they have a minimal impact on both the environment and the adjoining lots; and
- their removal may disturb the existing harmony between the built form and the natural environment.

The smaller of the metal skid ramps has been dislodged from the larger metal skid ramp. The owner intends to repair this in due course.

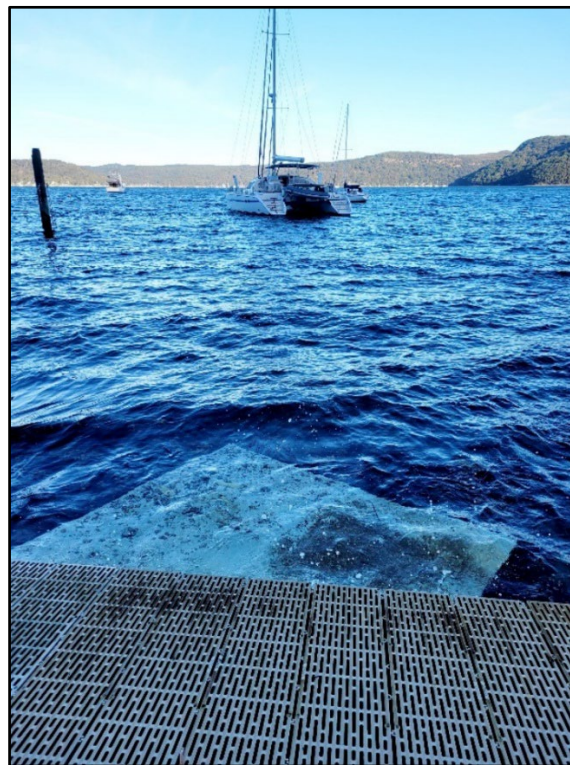


Figure 9 - Existing metal skid ramps

LoC for the existing structures located below the M.H.W.M was obtained on 24 May 2022. The LoC letter also permits the applicant to lodge a DA for the proposed new structures. Crown Lands LoC is attached at **Appendix 2.7**.

1.5. Proposed domestic waterfront facilities

The applicant is seeking development consent for the installation of a new jetty, jetty ramp and pontoon with two fender piles (see **Figure 11**). The structures are for casual use by the Site owner and will enable safe access to and from the water during all tidal conditions.

The proposal includes new:

- 21.1m x 1.2m timber jetty (25.32m²);
- 6m x 1.2m aluminum jetty ramp with handrail (7.2m²); and
- 3.6 x 2.4m (8.64m²) floating timber pontoon with two fender piles.

The full CAD set is attached at **Appendix 2.1**.

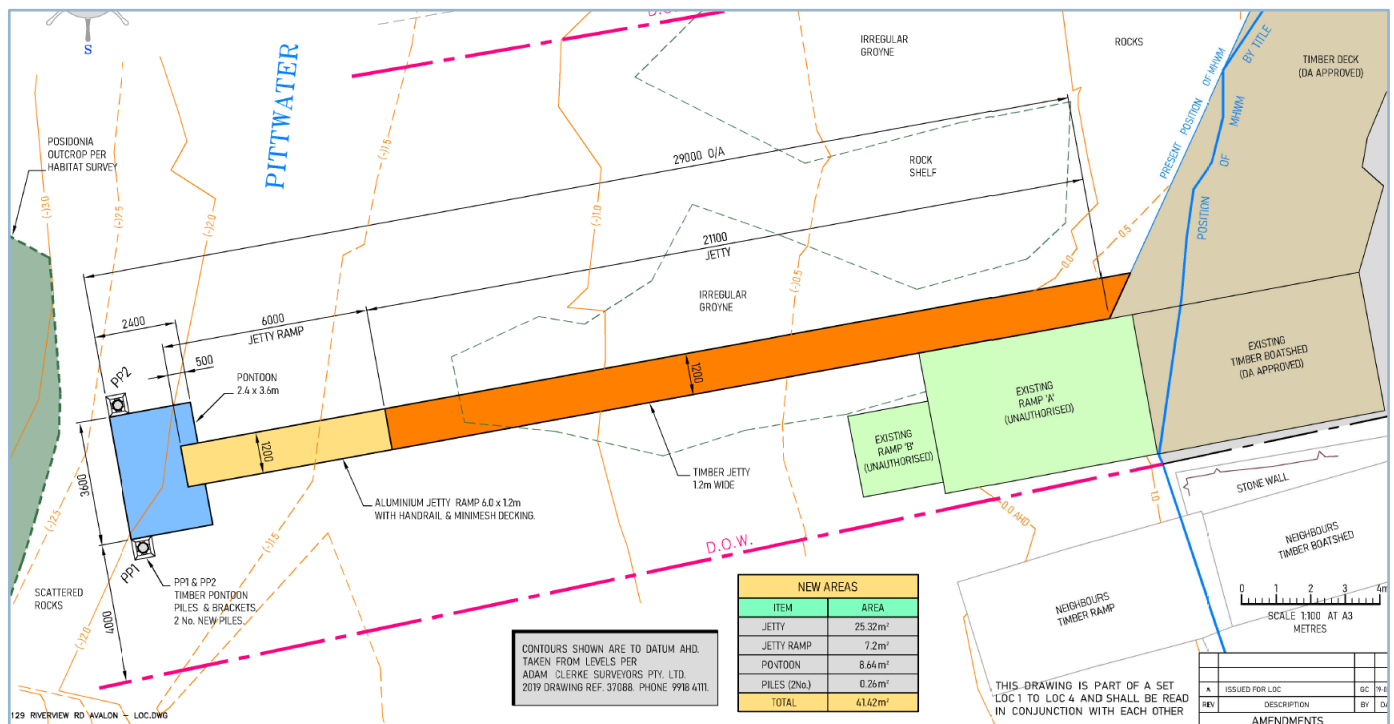


Figure 11 – Installation of a new jetty, ramp, pontoon and 2 fender piles.

1.6. Environmental Planning

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the statutory framework for planning in NSW. The consent authority is required to take into consideration the matters listed under Section 4.15 of the EP&A Act when determining the DA.

Section 4.15(1)(a) of the EP&A Act requires consideration of the provisions of any environmental planning instrument and development control plan (DCP). The site in question is subject to the zoning, objectives and provisions of the following EPIs:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *Pittwater Local Environmental Plan (PLEP) 2014*

Pittwater 21 Development Control Plan (DCP) is also applicable, specifically D15.15 Waterfront development. These controls provide for appropriate planning outcomes having regard to the scale of the development contemplated, the relationship with adjoining development, and the character of the surrounding area.

Section 4.15(1) of the EP&A Act also requires the consent authority to consider:

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations (for Council to review);
- (e) the public interest.

These matters have been considered within Section 1.5.1, 1.6 and 1.7 of this report.

1.6.1. Pittwater Local Environmental Plan 2014

The subject site is zoned *C4 – Environmental Living* under PLEP 2014. Land held under licence below the MHWL is zoned W1 Natural Waterways under PLEP (refer to **Figure 7**).

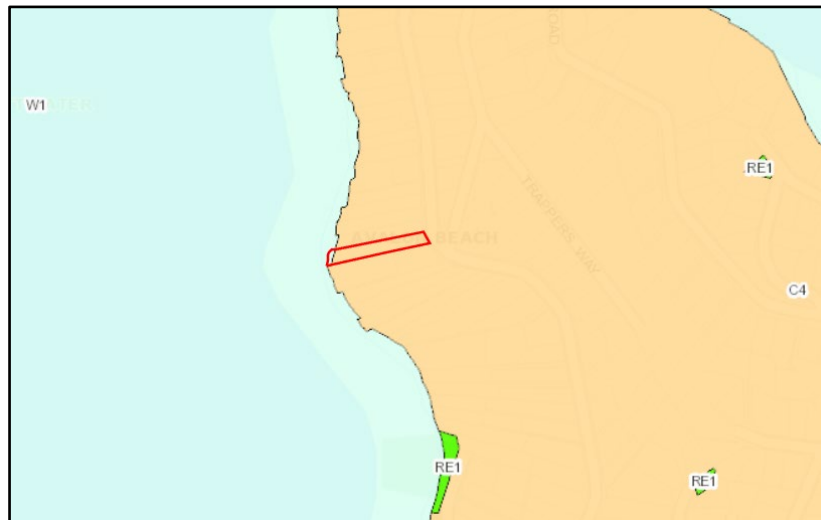


Figure 12 - Land zoning

The proposed structures are classified as ‘water recreational structures’ under PLEP.

In PLEP, **water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

Although the proposed domestic waterfront facilities are not listed as permissible development in the W1 zone, they are permissible in accordance with the ‘additional permitted uses’ in Schedule 1 of PLEP (see below).

Additional permitted uses

Schedule 1 of PLEP allows certain additional uses on land identified in the ‘Additional Permitted Uses Maps’.

Clause 23 of Schedule 1 applies to land identified as ‘Area 23’. The Site falls within sheet 16 of Area 23. In Area 23, development for the purposes of boat sheds, jetties or water recreation structures is permitted with development consent.

Acid Sulfate Soils – Clause 7.1 of PLEP

The land below the M.H.W.M to which this application relates is mapped as containing potential Class 1 Acid Sulfate Soils (ASS). Construction management methods will ensure that soil is not oxidised (refer to **section 1.7.2** of this report), therefore ASS will not be generated.

1.6.2. Pittwater Development Control Plan 2013

The development control plan (DCP) applicable to Avalon Beach is the Pittwater 21 Development Control Plan (PDCP).

The most applicable chapters are Chapter 15.12- “Development seaward of the MHW” and Chapter 15.15 – “Waterfront Development”. Development outcomes relating to this chapter are addressed below.

CHAPTER 15.12 – DEVELOPMENT SEAWARD OF THE MEAN HIGH WATER MARK CHAPTER 15.15. – WATERFRONT DEVELOPMENT DEVELOPMENT OUTCOMES	
15.12 OUTCOMES	Response
To ensure minimal adverse impact on the water quality hydrodynamics and estuarine habitat of Pittwater. (En)	The DA is accompanied by a Marine Habitat Survey prepared by H2O Ecology (dated August 2019). The report noted potential impacts from the proposed development will be confined to some short-term disturbances of the seabed during construction and small amount of increased shading of the seabed. Barge movements to and from the construction footprint will be timed so as not to disturb sediment, or cause damage to any seagrasses. Shading is not expected to impact on any of the remaining nearby seagrasses, while potential construction disturbances can be minimised and mitigated.
To ensure new buildings are not susceptible to flooding. (S)	Not applicable.
To ensure public access is maintained and provided for along the foreshore (En)	This location has very limited, tidal public access which remains unchanged by the proposal.
15.15 OUTCOMES	Response
Waterfront development does not have an adverse impact on the water quality and estuarine habitat of Pittwater. (En)	There are important seagrass communities (e.g. <i>Posidonia</i>) near the proposal, as described in the Marine Habitat Survey prepared by H2O Ecology. No adverse impacts on this estuarine habitat is expected due to the proposal. This report has been attached at Appendix 2.2. DPI – Fisheries has provided support for the proposal, subject to compliance with standard conditions. Refer to the letter at Appendix 2.4.
Public access along the foreshore is not restricted. (S)	This location has very limited, tidal public access which remains unchanged by the proposal.
Waterfront development does not encroach on navigation channels or adversely affect the use of ferries and service vessels or use of the waterway by adjoining landowners. (S, Ec)	The jetty, jetty ramp and pontoon structure length meets the requirements in the <i>Crown Lands Domestic Waterfront Licences - Guidelines</i> in that the lengths of the proposed structures are in alignment with existing neighbouring structures and do not intrude on the waterway and impede safe navigation.

	Transport for NSW's local Boating Safety Officer has assessed the proposal and concluded there are no navigational concerns. (Refer to TfNSW Navigation assessment at Appendix 2.3).
Structures blend with the natural environment. (S)	The proposal is for structures that are similar in character to other waterfront facilities in the immediate and surrounding area. Natural colours and timber will be used which will assist in the structures blending into the natural environment.
Structures are not detrimental to the visual quality, water quality or estuarine habitat of the Pittwater Waterway. (En, S)	The proposal is for structures that are similar in character to other waterfront facilities in the immediate and surrounding area. The proposed jetty is pile-mounted. Water circulation will be unaffected by the jetty and pontoon structures. No significant impacts to estuarine vegetation in proximity to the proposed site are expected (refer Marine Habitat Survey attached as Appendix 2.2).
To promote a mix of commercial waterfront development for the accommodation of boats, their repair and maintenance, and for organised waterfront development. (Ec)	Not applicable.
Waterfront development which does not comply with the outcomes of this clause are removed. (En, S, Ec)	Not applicable.

**CHAPTER 15.12 – DEVELOPMENT SEAWARD OF THE MEAN HIGH WATER MARK
DEVELOPMENT CONTROLS**

15.12 CONTROLS	Response
All new buildings are to be located landward of mean high water mark.	Not applicable.
Only structures associated either with the accommodation, servicing or provision of access to boats shall be permitted seaward of mean high water mark.	The application is for structures for the provision of access to boats.
In instances where it is proposed to alter, extend or rebuild existing buildings seaward of mean high water mark, any further encroachment of such buildings onto the waterway is to be minimised. Where development seaward of mean high water mark is proposed to occur, especially during the refurbishment of existing structures, proponents need to ensure that the structure will not harm marine vegetation, and must consult with the Department of Primary Industries.	Not applicable.
Developments are required to ensure that public access is maintained and provided for along the foreshore.	This location has very limited, tidal public access which remains unchanged by the proposal.

CHAPTER 15.15. – WATERFRONT DEVELOPMENT DEVELOPMENT CONTROLS FOR JETTIES, RAMPS AND PONTOONS	
CONTROL/GUIDELINE	Response
Ramp and pontoon structures are preferred in place of jetties, where practicable.	The jetty, ramp and pontoon are all necessary structures that will enable access to the minimum water depth required for a floating pontoon (being a minimum clearance of 0.9m between its base and the substrata at lowest astronomical tide (in accordance with NSW DPI guidelines).
Jetties, ramps and pontoons shall meet the following criteria:	
i. Handrails are to be located only on one side of the structure. ii. Structures shall be located where at a maximum permissible water depth of 2.5 metres at low tide iii. The minimum depth at the end of a jetty/pontoon should be: - o 600mm at zero tide in the case of a pontoon (as per NSW Department of Primary Industries) - o 600mm at mean low tide minimum in the case of a fixed jetty end (i.e. no pontoon) iv. Structures shall generally be no greater in length than existing structures, and shall not impede general navigation or equitable access or use of the waterway by adjoining landowners. The length of any jetty is to be minimised. (Diagrams 2A and 2B) v. The construction of " L " or " T " ends or other types of elongations or steps at right angles to jetties shall not be permitted. vi. The erection of structures above the finished surface of a jetty, ramp or pontoon, including sheds, overhead light fittings, benches and sinks, shall not be favoured, other than a small self contained service modules incorporating low voltage, low level lighting. vii. Gates and like devices shall not be permitted across structures where public access around the foreshore is obstructed, or where such devices are visually obtrusive. viii. Where considered appropriate, jetties shall be supported on piles. Solid fill structures such as groynes, or similar, shall not be permitted. ix. The finished jetty deck height shall be a maximum height of 1 metre above mean high water mark or 1.5 metres AHD. x. The materials used for construction should not be deleterious to marine life, for example antifouling paints or treated woods must not be used; xi. Structures over Posidonia seagrass or over Zostera, Heterozostera, Halophila and Ruppia species of seagrass beds greater than 5 square metres in area will generally not be permitted (unless special circumstances). Exemptions may include: i. works that are clearly in the public interest (e.g. safe access points for boating or swimming, State significant development), ii. proposed works that, by virtue of design and location, are unlikely to have a significant impact, and where the proponent is willing to undertake works to compensate for any aquatic	The proposed jetty does not include a handrail, gate, an L or T shape end or elongation or any other overhead light fittings, sheds or structures. The metal jetty ramp will include a handrail on one side. The jetty will be supported on timber piles. Natural timbers will be used (no antifouling or treated timber will be used) except for two steel piles for pontoon stability. The proposed structure only marginally exceeds the average length of the neighbouring structures in order to achieve the minimum water depth required to reach the requirements for a floating pontoon, being a minimum clearance of 0.9m between its base and the substrata at lowest astronomical tide (in accordance with NSW DPI guidelines). The structure would not be located over any seagrass beds.

xii. xiii.	habitat liable to be lost or damaged, iii. where property access is only available by water and no other alternative sites exist. Where applicable, pontoons are to be positioned beyond the outer edge of the seagrass and the portion of the jetty, ramp or pontoon crossing seagrass is to be meshed or constructed of a similar material that transmits light to the seafloor. There is to be no covering on top of the mesh; Watercraft are not to be moored over or anchored within seagrass beds, and are not to be stored on the jetty, ramp or pontoon.	
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1.6.3. State Environmental Planning Policy (Resilience and Hazards) 2021

Part 2.2 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP), applies to the proposal. Specifically, Division 3 clause 2.10 'Development on land within the coastal environment area'; Division 4 clause 2.11 'Development on land within the coastal use area' and Division 5 of the Resilience and Hazards SEPP apply. A response to these provisions is provided below.

RESILIENCE AND HAZARDS SEPP PART 2.2 DIVISION 3 COASTAL ENVIRONMENT AREA CLAUSE 2.10 - DEVELOPMENT ON LAND WITHIN THE COASTAL ENVIRONMENT AREA	
Does the proposal have an adverse impact on:	Response
1(a) the integrity and resilience of the biophysical, hydrological and ecological environment,	The proposed works do not require any reclamation or dredging and will not have adverse impact to the biodiversity, hydrological and ecological environment as confirmed by the Marine Habitat Survey report at Appendix 2.2 .
1(b) coastal environmental values and natural coastal processes,	The proposal will match similar neighbouring Avalon Beach waterfront developments and will not impact on coastal values or processes.
1(c) impacts on water quality within the marine estate	Not applicable.
1(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	There is no reclamation or dredging. No impacts are expected, as per the Marine Habitat Survey report at Appendix 2.2
1(e) access to existing public open space and safe access	Public access is unchanged by the proposal.
1(f) Aboriginal cultural heritage, practices and places,	A basic search using the Aboriginal Heritage Information Management System (AHIMS) found no recorded Aboriginal sites recorded within 50m of the subject site.
1(g) the use of the surf zone.	Not applicable.
2(a) the development is designed, sited and managed to avoid the adverse impacts outlined above.	The proposed works will have no adverse impact.

RESILIENCE AND HAZARDS SEPP
PART 2.2 DIVISION 4 COASTAL USE AREA
CLAUSE 2.11 DEVELOPMENT ON LAND WITHIN THE COASTAL USE AREA

Clause 2.11 1(a) Consent must not be given unless consideration has been given to impacts on:	Response
(i) existing, safe access to the foreshore,	Public access is unchanged by the proposal. There will be no alteration of the natural ground level of the foreshore.
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	The proposed structure has minimal impact on views as it is low-lying and located at the water's edge.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	The proposal is consistent with the character and scenic qualities of Pittwater.
(iv) Aboriginal cultural heritage, practices and places,	A desktop search using the Aboriginal Heritage Information Management System (AHIMS) found no recorded Aboriginal sites recorded within 50m of the subject site.
(v) cultural and built environment heritage.	The proposed structure is in harmony with historical waterfront structures around the area and neighbouring properties.
Clause 2.11 1(b) Consideration must be given to whether:	Response
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in (a).	The proposed works will have no adverse impact, therefore clauses 1(b) (ii) and (iii) are not applicable.

RESILIENCE AND HAZARDS SEPP DIVISION 5 GENERAL	
Clause	Response
Cl. 2.12 Development in coastal zone generally — development not to increase risk of coastal hazards Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.	The proposed works will not increase any coastal hazards.
Cl. 2.13 Development in coastal zone generally — coastal management programs to be considered Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.	For consent authority to review.
Cl. 2.14 Other development controls not affected Subject to section 2.5, for the avoidance of doubt, nothing in this Part— (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.	The applicant is seeking development consent for the domestic waterfront facilities which are permissible with consent under the relevant planning instrument (PLEP 2014).
2.15 Hierarchy of development controls if overlapping If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency— (a) the coastal wetlands and littoral rainforests area, (b) the coastal vulnerability area, (c) the coastal environment area, (d) the coastal use area.	Not applicable.

1.7. Potential environmental impacts of the development

The provisions of Section 4.15(b) of the EP&A Act require an assessment of the potential environmental impacts of the proposal. The potential impacts and proposed mitigation measures have been considered below.

1.7.1. Marine Ecology

A detailed Marine Habitat Survey (MHS) was completed by H2O Consulting Group in August 2019 (see **Appendix 2.2**). The survey identified an intertidal area dominated by rocks and rubble substrate. Some small patches of seagrass species were identified growing between rocks adjacent to the proposed jetty including *Posidonia australis* and *Zostera capricorni* as identified in Figure 13. At around the -3m to -5m contour a larger patch of *P. australis* was found.



Figure 13 - Habitat within proposal footprint

The majority of seagrass at the subject site is confined to areas of deeper water around the -3 m depth contour, which is unlikely to be disturbed by vessel props. Given the location, it is also unlikely that any seagrass will be shaded by the proposed jetty/pontoon structure.

It should also be noted that artificial habitat has been created from the permanent presence of the in-water structures (existing metal ramps). This may increase fish presence and provide additional substrate for sessile invertebrates and cryptic fish species.

During construction, any short term increases in turbidity will quickly dissipate subject to the implementation of sediment and erosion control measures such as silt curtains. These will be in place to minimise siltation of nearby habitat and potential impacts on water quality.

DPI Fisheries has considered the potential impacts to the surrounding marine environment and has found that no harm will be caused by the proposed works. All recommendations as advised by DPI Fisheries (see **Appendix 2.2**) will be implemented, including the use of silt curtains while completing works.

H2O Consulting concluded that the proposal is unlikely to cause a significant impact to the local environment.

1.7.2. Navigation, Siting and Design

The proposed works are for jetty, jetty ramp, pontoon and 2 fender piles. They have been designed to ensure safe access for the applicant between the waterway and the residential dwelling.

The end of the floating pontoon will be approximately in line with the neighboring jetty/pontoon facilities. This length will enable water access to a minimum of 900mm clearance under the pontoon at low tide, in accordance with NSW DPI guidelines. It will not impact any vessel traffic or navigational lines for safe traffic movement.

There will be no change to public access to Crown Land.

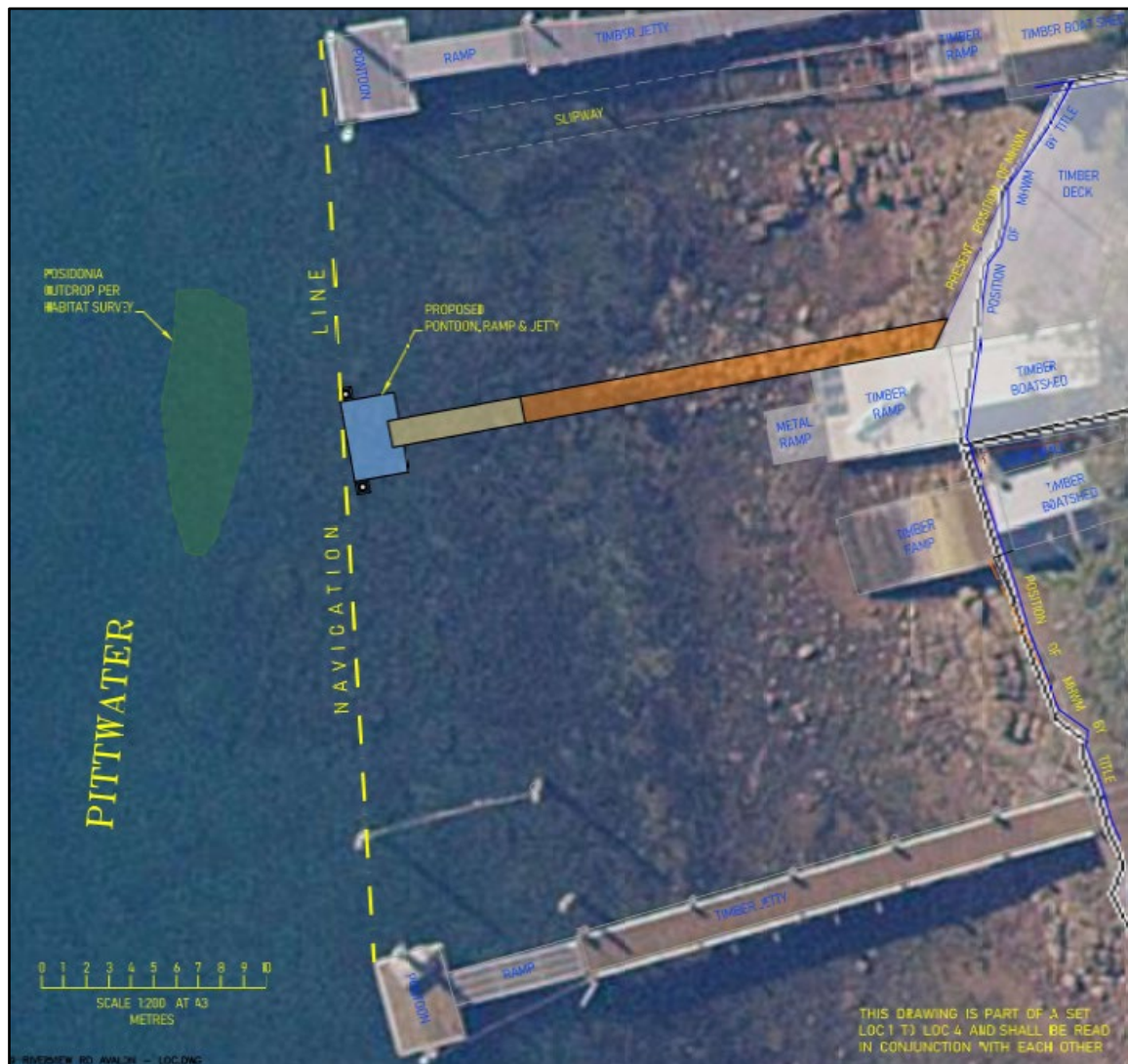


Figure 14 - Navigation line with neighbouring structures

Transport for NSW (TfNSW) has reviewed the proposal against its navigation safety guidelines and is satisfied that the proposed development would not impact on the safe navigation of Pittwater. Refer to **Appendix 2.3** for a copy of TNSW correspondence on this matter.

1.7.1. Construction and Waste Management

All works will be completed via a contracted commercial barge operator. All waste will be disposed of in accordance with best practice waste and recycling guidelines via barge and the nearest licensed Resource Recovery Centre.

1.7.2. Preliminary Acid Sulfate Soils Assessment

The proposed works are in an area with a 'Class 1' Acid Sulfate Soil (ASS) classification (refer to the preliminary Acid Sulfate Soil Assessment at **Appendix 2.8**). The potential for the generation of ASS is high and therefore an assessment of the associated risk of the works and the potential impact to the environment is required in accordance with the PLEP.

The piling works will be undertaken in a way that ensures disturbed soil remains in the water and therefore cannot oxidise (leading to ASS). Silt curtains, installed prior to works, will be utilised during pile driving operations. As such, soil and silt will not spread outside of the pile driving area.

With the implementation of on-site construction management measures, the works have been classified as low risk in terms of the potential for ASS. The development of a Construction Environmental Management Plan (CEMP) will assist in limiting soil disturbance.

The preliminary assessment has found that potential ASS will not be oxidised and therefore an ASS Management Plan is not required (as per the *Acid Sulfate Soils Manual 1998*). The proposal therefore meets the objectives of clause 7.1 of the PLEP given the development would not disturb, expose or drain acid sulfate soils and cause environmental damage.

1.8. Site suitability and public interest

The provisions of Section 4.15(c) and (e) of the EP&A Act require an assessment of the suitability of the site for the proposal, and consideration of whether the proposal is in the public interest.

The waterfront structures including a new jetty, ramp, pontoon, and existing metal skids are consistent with the objectives of the land zoning and designed and sited to achieve compatibility with existing development and the character of the locality. This report has demonstrated that the development will not compromise safe navigation of Pittwater or impact on scenic values, nor impact on public access along the foreshore.

Considering the design and siting of the new structures, the proposed development is not expected to have any ecological impacts on marine habitat. The proposal complies with the ecological, landscape and built form criteria set out in the applicable development controls. There is no additional reclamation or dredging required to facilitate the proposal and the implementation of a construction management plan will ensure the development will not generate pollutants.

Having regard to this SEE, the proposal does not result in any unreasonable impacts on surrounding properties, the public or the environment. It is also consistent with the zoning, objectives and controls of the relevant DCP, LEP & EPI's. As such, the proposal is suitable for the site and in the public interest.

1.9. Conclusion

The proposed new jetty, jetty ramp and pontoon will enable the applicant to safely access their vessel and residence in all tidal conditions. Having considered all relevant matters and Section 4.15 of the EP&A Act, we conclude that the proposed development is appropriate for the site, and consent is recommended, subject to appropriate conditions.

2. Appendices

2.1. CAD Drawings

2.2. Marine Habitat Survey

2.3. Transport for NSW – Navigational ‘No Objection’ Letter

2.4. DPI Fisheries Referral Support Letter

2.5. Site development history and approvals

2.6. Surveyor letter regarding the deed M.H.W.M

2.7. Crown Lands LoC letter

2.8. Preliminary ASS report

2.9. Waste Management Plan