



## CLARKE DOWDLE & ASSOCIATES

DEVELOPMENT CONSULTANTS

SURVEYORS • PLANNERS • ECOLOGISTS • BUSHFIRE CONSULTANTS

# Statement of Environmental Effects

New Timber & Mesh Jetty and Mooring Pen

Lot 3 DP 24779

23 Wharf Street, East Gosford

Our Ref: 19677



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## 1.0 Introduction

This Statement of Environmental Effects is part of a development application submission to Central Coast Council for approval to construct a new jetty structure adjoining the foreshore boundary of the property known as 23 Wharf Street, East Gosford. This application has been prepared on behalf of the owners of the land and has been based on the plans and information provided in the plans prepared by the surveyors and within the relevant Titles. An on-site inspection has been undertaken and a photographic record of the inspection is provided in this document. The surveyors for the project have supplied all the relevant information required for the preparation of this document and should be read in conjunction with the accompanying surveying drawings together with any other supporting documentation.

## 2.0 Site Location and Description

The subject land is legally described as Lot 3 DP24779 is known as No. 23 Wharf Street, East Gosford. The property is a waterfront site, located along the south-eastern side of Wharf Street and contains a dwelling-house and ancillary structures with direct vehicular access to the road reserve. Overall, the site has a fairly gentle fall towards the Brisbane Water Estuary. The surrounding residential development is characterised by one and two storey dwelling-houses with ancillary structures all surrounded by well-established trees and landscaped areas.



**Figure 1: Aerial Photograph of the subject site**

**Source: Nearmap, June 2019**



Figure 2 Photograph of the subject site

Source: CDA, April 2019

### 3.0 Description of Proposal

The proposed development involves the construction of a new timber & mesh jetty and boat mooring pen as illustrated on the plans prepared by *Clarke Dowdle & Associates*.

### 4.0 Environmental Planning Controls and Consideration

*In determining a development application, a consent authority is to take into consideration the following matters as they are of relevance to the subject of the development application:*

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

*(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred*

*indefinitely or has not been approved), and*

*(iii) any development control plan, and*

*(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*

*(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

The following Environmental Planning Instruments are applicable to the subject land and have been duly considered in the preparation of this development proposal and application.

The relevant Statutory Planning Controls include:

- *State Environmental Planning Policy (SEPP)– Coastal Management*
- *Gosford LEP 2014*
- *Gosford DCP 2013*

#### **4.1 State Environmental Planning Policy (SEPP) – Coastal Management**

The site is located within the coastal zone and as such, the land is subject to *State Environmental Planning Policy No. Coastal Management*. The objective of this policy is to protect and manage the coastal lands of NSW in an ecologically sustainable way. This objective is particularly associated with sensitive coastal locations as defined under the SEPP.

Clause 13 and 14 of the SEPP provide the following matters of consideration that consent authorities must take into consideration in regards to proposed development within the coastal zone:

##### **Aims of the Policy**

The aims of the policy are to outline an overarching set of objectives to protect and preserve the coastal zones of NSW. The policy sets out the environmental, social, cultural and economic parameters in relation to the protection of the coastal zones (and in relation to development assessment) in NSW that is further defined in clause 8 of the Policy. Below is a discussion in relation to the proposal addressing the matters for consideration set down in clause 13 & 14 – matters for consideration.

In this instance the proposal is considered of minor nature and is ancillary to the dwelling-house. The proposal would not contravene the aims of the policy.

##### **Matters for consideration**

Clause 13 provides the following assessment criteria that must be considered in regards to a proposed development within the coastal zone:

*(a) the aims of this Policy set out in clause 13,*

comment:

The proposal is consistent to the aims of the policy and would not be detrimental to the environmental, social, cultural and economic aspects of the coastal zone. The siting of the development would not be impacted on from natural coastal processes or hazards as indicated in the environmental reports attached with the development application.

*(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,*

Comment:

The proposed development would adjoin the eastern boundary of the subject allotment that is consistent with the established marine development in the locality.

It is evident that adjoining and further neighboring properties have already developed their land beyond the Mean High Water Mark and beyond in the case of approved private jetties. Subsequently given the previous foreshore development that has been undertaken in the locality, public accessibility to the northern stretch of the foreshore is already difficult. The proposal would not impact on the public access the foreshore.

*(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,*

Refer to matter (b)

*(d) the suitability of development given its type, location and design and its relationship with the surrounding area,*

Comment:

The suitability of a site takes into account whether or not a site has the capability to accommodate the proposed development without being detrimental to the environmental or amenity aspects of the site and the surrounds.

*Type*

In this instance the proposal entails a jetty. The proposal would be consistent with the development of jetties utilised by properties in the area.

*Location*

The site has been investigated with by an Ecologist with a report undertaken in relation to the inherent aspects of the site. All reports attached indicate that the site would be suitable for the proposed development. NSW DPI and RMS have also provided their approval to this development.

*design*

The design of the jetty would be consistent with the established the foreshore development.

*relationship to surrounding area*

It is considered that the development due to its high quality design, low bulk, scale and height the development would be consistent with the existing and future fabric of the area.

*(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,*

Comment –

The proposed jetty is considered as low scale development that would not impose overshadowing or loss of views from a public or private place to the foreshore.

*(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,*

Comment -

The scenic quality of the site and the surrounding area includes the natural environment of the Brisbane Water waterways and the estuary foreshores that have not been developed.

In this instance the development would be located on the East Gosford foreshore area that has been substantially developed and would not be detrimental to the natural scenic quality of the Brisbane Water Estuary.

*(g) measures to conserve animals (within the meaning of the *Threatened Species Conservation Act 1995*) and plants (within the meaning of that Act), and their habitats,*

Included in the development application is an Aquatic Habitat Assessment prepared by Clarke Dowdle and Associates that includes a Threatened Species Assessment-Test of Significance (Seven Part Test) in accordance with the *Threatened Species Conservation Act 1995*. The report concluded that the proposal would not be detrimental to threatened species located in the area.

*(h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats*

Comment –

Given the minor nature of the development it is considered that the proposal would not be detrimental to the breeding grounds or habitats of the of the local fish stocks.

An Aquatic Habitat Assessment prepared by Clarke Dowdle and Associates that includes a Threatened Species Assessment-Test of Significance (Seven Part Test) in accordance with the *Threatened Species Conservation Act 1995*. The report concluded that the proposal would not be detrimental to threatened species located in the area.

(i) existing wildlife corridors and the impact of development on these corridors,

Comment -

The development would not impede or impact on the functioning of a wildlife corridor.

(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,

Comment -

Given the minor nature of the proposal, the 'open' structure would not be detrimental to the estuarine process nor the development being impacted by tidal influence or flood impacts.

(k) measures to reduce the potential for conflict between land-based and water-based coastal activities,

Comment -

The proposal would not reduce nor the increase the potential for conflict between land-based and water-based coastal activities. Given the minor nature of works and the siting of the jetty structure in relation to the adjoining and surrounding marine structures, the proposal would not interfere with the water-based coastal activities that are currently utilised on the Brisbane Water foreshore or waterways.

(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,

Comment -

The site is not known to contain or be nominated as a place of special significance for Aboriginal Culture.

(m) likely impacts of development on the water quality of coastal water bodies,

Comment -

The Aquatic Habitat assessment report prepared by Clarke Dowdle and Associates has assessed "*the potential impacts of the proposed development in relation to water quality, sediment accretion or erosion and the long term protection of the foreshore area in the vicinity of the site*". The report concluded in stating that the proposed development would not have significant impacts on the existing aquatic habitat environment.

(n) the conservation and preservation of items of heritage, archaeological or historic significance,

Comment -

The site is not known to contain or be located near of items of heritage, archaeological or historic significance.

(o) only in cases in which a Council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,

Comment -

The proposed development is not applicable in this instance.

(p) only in cases in which a development application in relation to proposed development is determined:

(i) the cumulative impacts of the proposed development on the environment,

Comment -

The application is for consent to construct a jetty and associated mooring poles.

The proposal would not require excavation into the existing soil profile. In relation the incremental effects from the development a qualified ecologist has assessed the potential impacts from the proposed development and has concluded that the development would not cause significant adverse impact to the site.

The proposal has been designed to alleviate scour and would be in keeping with the constraints of the site.

It is noted that around the entire eastern perimeter of the foreshore, development has been constructed to and beyond the Mean High Water Mark boundaries. This includes recently approved structures within the nearby vicinity. Consequently the proposal would not be regarded as instigating precedence to development of this nature that extends to the Mean High Water Mark.

(ii) measures to ensure that water and energy usage by the proposed development is efficient

Comment -

The erection of the jetty would utilise modern construction techniques that would incorporate efficient and environmentally sensitive construction techniques to alleviate scour and benthic disturbance and siltation.

It is considered that the proposal generally complies with the matters for consideration within the *State Environmental Planning Policy Coastal Management*. The proposed development will not impact on the surrounding coastal processes, ecology or waterways.

## 4.2 Gosford Local Environment Plan 2014

The *Gosford LEP 2014* is currently Council's primary planning control for development in the Gosford Local Government Area and establishes the requirements for the use and development of within the Municipality. The LEP provides objectives, zones and principal development standards including minimum lot sizes, floor space ratios, densities and height

of buildings. The zoning maps provided by Gosford City Council's website indicate the subject site is zoned W1 under the LEP.

The objectives of the W1 – Recreational Waterways zone are:

- *To protect the ecological, scenic and recreation values of recreational waterways.*
- *To allow for water-based recreation and related uses.*
- *To provide for sustainable fishing industries and recreational fishing.*

The proposed development is defined as ancillary development to a 'Water recreation structures' under the LEP and is permissible subject to development consent. As demonstrated within this Statement of Environmental Effects, the application meets the overarching objectives of the zone. The size and scale of the 'water recreation structure' would be consistent with the design and scale of the marine structures along the Orange Grove foreshore and allow the continuance of the use of ancillary structures within the foreshore locality.

### 4.3 Gosford DCP 2013 – Chapter 3.16 Water Recreation Structures

The DCP provides a set of overarching objectives and performance based controls in relation to the erection of wharves, jetties and the like. The following table sets out the compliance with the relevant prescriptive measures of the plan.

Control	Proposal	Requirement	Complies
Average Length	35m	Not exceed average length of Jetties with 100m each side	Yes
Depth	1.2m	to provide depth of 900mm min or 1.5 max at mean low water	Yes
Height	1.2m (AHD)	Minimum 1.15m (AHD)	Yes
Width	1.2m	0.9 m – 1.2 m	Yes
Head	8m <sup>2</sup>	9 m <sup>2</sup>	Yes
Basic length of 50m	35m	Not exceed basic length of 50m	Yes
Extension	Nil	Not provide an extension greater than 5m	Yes
Navigation*	Nil encroachment	Jetty must not extend into a navigational area or a channel	Yes

### 4.4 DCP Chapter 2.1 Character Statement

The subject allotment is located in the suburb of Woy Woy and is classified as being located within *Place 2: Open Parkland Foreshores*.

As part of the desired character of the locality the DCP states that development should “*New jetties should be compatible with the style and visual impact of traditional piers*”.

The proposal for a jetty is consistent with the design and extent of development that has been undertaken within the immediate vicinity and throughout the foreshore. Subsequently the proposal meets the desired character of East Gosford as outlined in the Character Statement for the area.

#### **4.5 DCP Chapter 6.7 – Water Cycle Management**

The subject allotment is identified in Council's on-line constraints mapping system as being located within the flooding constraints zone and has been identified as being below the 1% Annual Exceedance Probability (AEP).

In this instance the proposal involves the erection of jetty that is deemed as a non-habitable class 10b structure as defined by the Building Code of Australia and would be constructed from flood compatible materials. Consequently, the risk of flooding has been taken into consideration with the design of the structures and notwithstanding would not pose a risk to the site or the occupants.

The development is considered minor in scale and would not require filling or excavation to the natural surface levels. The proposal would not increase the potential for flooding to the site or neighbouring properties.

#### **5.0 Built and Natural Environmental**

An Aquatic Habitat Assessment which includes an Appropriate Test of Significance (Seven-Part Test) prepared by Clarke Dowdle and Associates identified that there was a species of seagrass (*Zostera Capricorni*) existing within the study area. Accordingly the siting of the development has taken into consideration the location of the seagrass that was found to be in the vicinity of the site. The report concluded that the development would not be detrimental to the longevity of the recognized species and included recommendations to alleviate impacts to the site during construction.

As indicated on Council's maps the allotment is located within an area containing acid sulphate soils. Due to the piles for the jetty being pile driven there would be no exposure of acid sulphate soils if present. During the construction phase the appropriate erosion and sediment control and silt protection measures for the construction phase would be undertaken.

#### **6.0 Social and Economic Impacts**

No adverse social or economic impacts are anticipated as a result of the proposed development. The proposal will contribute to positive economic outcome by providing short term construction employment.

#### **7.0 Suitability of the Site for the development**

The site is of sufficient size and dimensions to accommodate the erection of a jetty in accordance with the objectives outlined in the relevant environmental planning controls. In

view of the fact that the site is located within an established residential area and that all utility services would be available for the site, the proposed development would not infringe on these established services.

## **8.0 The Public Interest**

The public interest is well served by the proposed development. In view of the minor nature of the development it is considered that the health and safety of the public will not be affected. The proposal will allow additional dwelling facilitation which reinforce and supports the planning objectives of the W1 – Recreational Waterway zone.

## **9.0 Conclusion**

As detailed within this report, the proposed development is consistent with the objectives, planning strategies and controls applicable to the site. The appropriate reports have been undertaken to ensure that the development would not be detrimental to the environmental or amenity aspects of the site. The development is consistent with the residential ancillary facilities enjoyed by residents of East Gosford and is commensurate with the character of the surrounding area.

Given the absence of adverse environmental, social or economic impacts the application is submitted to Council for assessment and approval, subject to necessary conditions of consent.

