



## CLARKE DOWDLE & ASSOCIATES

DEVELOPMENT CONSULTANTS

SURVEYORS • PLANNERS • ECOLOGISTS • BUSHFIRE CONSULTANTS

# Statement of Environmental Effects

Jetty and Pontoon

Lot 16 DP 23614

Lot 16 Hawkesbury River  
Marlow Creek

Our Ref: 22467



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### DEVELOPMENT CONSULTANTS

SURVEYORS • PLANNERS • ECOLOGISTS • BUSHFIRE CONSULTANTS

ABN 15 114 156 740

Postal Address: PO Box 3122, Umina Beach NSW 2257

Ph: (02) 4344 3553

Fax: (02) 4344 6636

EMAIL: [admin@cdasurveys.com.au](mailto:admin@cdasurveys.com.au)

WEBSITE: [www.cdasurveys.com.au](http://www.cdasurveys.com.au)

Office Address: 1 Oscar Street UMINA BEACH NSW 2257

Prepared by Ravi Sharma  
Town Planner

B.A., Grad Dip URP (MPIA)  
Dip. Surveying, Dip. Building Surveying

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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 erect a jetty with pontoon head adjoining the foreshore boundary of the property known as Lot 16 Hawkesbury River, Marlow Creek. 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 16 in DP 23614 and is known as No. Lot 16 Hawkesbury River, Marlow Creek. The property is a waterfront site with boat access only, located along the southern side of the Hawkesbury River. The regular shaped allotment and is located on the foreshore of the Hawkesbury River, near the mouth of Marlow Creek and contains a dwelling-house and ancillary structures with no vehicular access. Overall, the site has a fairly gentle fall towards the foreshore. 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 (bordered in red) Source: LPI, January 2019

*Please note cadaster is not correct due to stereographic distortion*



Figure 2 Photographs of the subject site

Source: CDA, January 2020

### 3.0 Description of Proposal

The proposed development involves the construction of a 38.4 metre long and 1.2 metre wide timber walkway to a pontoon head as illustrated on the plans prepared by *Clarke Dowdle & Associates*. The structure would include a timber walkway supported by concrete piles that are located around the perimeter of the structure.

### 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 Protection*
- *Gosford LEP 2014*
- *Gosford DCP 2013*

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

The Coastal Management SEPP consolidates and improves current coastal-related SEPPs. It replaces SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection) and ensures that future coastal development is appropriate and sensitive to our coastal environment, and that we maintain public access to beaches and foreshore areas.

Under the SEPP the site is identified as being located within a Coastal Environment Area (CEA) and is also located within the coastal use area. Any development on land identified as a CEA is required to be in accordance with Clause 13 and 14 – Development on land within the coastal environment area of the above SEPP. The proposal will not have an impact upon the coastal environment and is therefore consistent with the requirements of Clause 13 and 14.

The application is therefore required to take into consideration Clause 15 – Development on land within the coastal use area. The proposed development has been assessed against Clause 15 of the above plan and has been found to be consistent with the requirements for developments within the coastal use area and will not result on any impact within the coastal features located on the site.

The site is also identified within the coastal wetlands and use area. The jetty would be sited outside the wetlands area and as such the structure would not harm or injure the sensitive wetlands area.

## Clause 2 Aims of 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 8 – 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

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 2,*

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 jetty would adjoin the northern 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. There is also an existing public access path located behind the existing foreshore structures

*(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 and pontoon head. 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 development 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 Hawkesbury River and the estuary foreshores that have not been developed.

In this instance the development would be located on the Marlow Creek foreshore area that has been substantially developed and would not be detrimental to the natural scenic quality of the riverside settlement and surrounds.

*(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 Hawkesbury River foreshore.

*(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 pontoon head.

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 northern 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*. 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 W2 – 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 Marlow Creek 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 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	38.4m	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	1.6m (AHD)	1.15m (AHD)	No – However unobtrusive

Width	1.2m	0.9 m – 1.2 m	Yes
Head	9m <sup>2</sup>	15m <sup>2</sup>	No - However consistent with established
Basic length of 50m	38.4m	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 Marlow Creek and is classified as being located within Place 1: Marlow Rivershores

As part of the desired character of the locality the DCP states that development should allow the use of timber jetties.

The proposal is 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 Marlow Creek as outlined in the Character Statement for the area.

#### 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 were no seagrasses impacted by this proposed development. As indicated on Council's maps the allotment is located within an area containing acid sulfate 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 marine 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 W2 – Recreational Waterway zone.

## **9.0 Conclusion**

As detailed within this report, the proposed jetty and pontoon within the small river settlement of Marlow Creek 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 Marlow Creek 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.

