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DEVELOPMENT CONSULTANTS

SURVEYORS • PLANNERS • ECOLOGISTS • BUSHFIRE CONSULTANTS

Statement of Environmental Effects

Erection of a walkway with pontoon

Lot 23, 24 & 54 DP 241441

4 & 6 Mainsail Avenue &
36 Cuttlefish Pde

St Huberts Island

Our Ref: 11080



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Contents

1.0 Introduction.....	4
2.0 Site Location and Description	4
3.0 Description of Proposal	5
4.0 Environmental Planning Controls and Consideration.....	6
4.1 State Environmental Planning Policy (SEPP) Coastal Management.....	6
4.2 Gosford Local Environmental Plan 2014	10
4.3 GDCP Chapter 2.1 - Character Statement St Huberts Island.....	10
4.4 GDCP 2013 Chapter 3.16 – Water Recreation Structures	10
5.0 Built and Natural Environmental	12
6.0 Social and Economic Impacts.....	13
7.0 Suitability of the Site for the development.....	13
8.0 The Public Interest.....	13
9.0 Conclusion.....	13



1.0 Introduction

This Statement of Environmental Effects is part of a development application submission to Central Coast Council for approval to erect a walkway and pontoon within the Council Drainage Reserve, known as 36 Cuttlefish Pde, St Huberts Island adjacent to the properties known as 4 & 6 Mainsail Avenue, St Huberts Island. This application has been prepared on behalf of the owners of the property 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 site is located on the foreshore adjacent to 4 & 6 Mainsail Avenue, St Huberts Island, St Huberts Island, (Lots 23 & 24 DP 241441) within the Shelter Cove drainage reserve - Lot 54. The residential properties that adjoins the site contain dwelling-houses and ancillary structures.



Figure 1: Aerial Photograph of the subject site (highlighted in red) Source: LPI Mapping, July 2020



Figure 2 – Photograph of the foreshore

Source: CDA (July 2020)

The surrounding residential development is characterised by one and two storey dwelling-houses with ancillary structures including jetties that are located on the foreshore adjacent to these properties.

3.0 Description of Proposal

The proposed development involves the construction of:

- A 21 metre long and 1.2 metre wide aluminum framed and fiberglass mesh walkway to a 8.64m² pontoon outside the northern boundary of no. 11 & 13 Mainsail Avenue, St Huberts Island into the drainage reserve known as Shelter Cove. The walkway would be oriented in a north – south direction commencing from 1 metre outside the northern boundary of the subject properties and include mooring poles as illustrated within the site plan prepared by *Clarke Dowdle & Associates*.
- The walkway and pontoon would be supported and stabilized by piles to be positioned into the estuary bed during construction.

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 planning controls include:

- *State Environmental Planning Policy (SEPP) – Coastal Management*
- *Gosford Local Environmental Plan 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 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 Part 1, Section 3 of 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:

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 site is also identified as a coastal use area. 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.

Clause 3 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 3 of the Policy. Below is a discussion in relation to the proposal addressing the matters for consideration set down in clause 13 and 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.

Clause 13 & 14 Matters for consideration

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.

The construction of the proposed pontoon and walkway is to commence approximately 1 metre outside the western boundary of the subject land to allow for public access along the foreshore.

The suitability of a site takes into account the 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.

In this instance the proposal entails a walkway and pontoon. The proposal would be consistent with the development of jetties utilised by properties in St Huberts Island.

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.

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

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.

The drainage Reserve which fronts the site runs directly into the St Huberts Canal and is characterised by many environmental, social, commercial and recreational values that make it a popular place for a wide variety of activities. The scenic qualities of the waterway are a major asset for both residents and visitors, with views of the waterways and access to Brisbane Water.

The proposal is to construct a pontoon and walkway and is in keeping with the surrounding area, as similar structures already exist within the drainage reserve serving the adjoining allotments.

The proposed walkway and pontoon is considered as low scale development that would not impose overshadowing or loss of views from a public or private place to the foreshore in accordance with the view sharing planning principles established in the LEC judgement – Tenacity Consulting v Warringah Council (2004) NSWLEC 140.

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 within the Crescent Cove drainage reserve foreshore area that has been substantially developed and would not be detrimental to the natural scenic quality of the Brisbane Water Estuary.

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.

The construction of the pontoon & walkway structure will involve minor disturbance and minor removal of the seagrass *Zostera capricorni* (as referenced in the Aquatic Habitat Assessment completed by Clarke Dowdle & Associates). Shadowing from the walkway & ramp may have a minor impact on the seagrass; however the use of an expanded mesh is seen to mitigate this issue.

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

The walkway and pontoon are open structures that would not reflect, refract or block the natural wave run and tidal currents within the foreshore within the drainage reserve.

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.

The proposal will project into the drainage reserve for approximately 16.1 metres. The waterway is used by water craft however the proposal will not restrict movement of these

craft within the drainage reserve, hence negating the potential for conflict between land based and water based activities.

Given the minor nature of works and the siting of the walkway 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 within the canal foreshore or waterways.

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

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. Given the minor nature of the development in relation to the expanse of the Brisbane Water Estuary the impacts are considered negligible.

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

The proposal for a pontoon and walkway is permitted under Gosford City Councils *LEP 2014*.

The application is for consent to construct a timber walkway and pontoon.

The design of the walkway and pontoon would not require excavation into the existing bethnic 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 foreshore area of St Huberts Island that 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.

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

On the basis outlined above the proposal is considered acceptable in relation to the siting of the waterway structure within the Coastal environmental and use areas.

4.2 Gosford Local Environmental Plan 2014

The *Gosford Local Environmental Plan 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 GLEP 2014 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 land is zoned W2 – Recreational Waterways.

The objectives of the W2 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 a '*water recreational structure*' which is a permissible land use within the W2 Recreational Waterways zoned land.

The walkway and pontoon would be designed in a manner that would meet the objectives outlined for the W2 Recreational Waterways zoned land.

4.3 GDCP Chapter 2.1 - Character Statement St Huberts Island

The subject allotment is located in the suburb of St Huberts Island and is classified as being located within *Place 2: Open Parkland Canals*.

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 timber piers, and should not obstruct views available from neighbouring properties*".

The proposed walkway and pontoon would not impact on the views of the foreshore enjoyed from the neighbouring properties and would be commensurate with the desired character outlined in the *GDCP 2013 – Chapter 2.1. – St Huberts Island*.

4.4 GDCP 2013 Chapter 3.16 – Water Recreation Structures

The DCP provides a set of overarching objectives and prescriptive controls in relation the erection of water recreation structures within the St Huberts Island canals.

The following table sets out the compliance with the relevant prescriptive measures of the plan.

Clause	Required	Proposed	Compliance
Cl 3.16.10.a	Ratio 1 pontoon per 2 adjoining premises	Shared structure	Yes
	Not permitted at premises of narrow frontage < 9m	>9m	Yes
	Not permitted near to canal corners or ends	located on corner canal	No – refer to discussion below
Cl 3.16.10.c	Located adjacent to common property boundary	Located adjacent to common property boundary	Yes
Cl 3.16.10.e	Only vessels owned by residents with canal frontage properties will be permitted to be berthed at a pontoon within the canals	Canal frontage allotment to utilise pontoon	Yes
3.16.12 Development Criteria for Pontoon and Associated Walkways for Canals on St Huberts Island			
3.16.12.a	Water Depth (MLWM) 0.9m min	2.2m	Yes
3.16.12.b	Length of vessels shall not exceed ten (10) metres or the waterfrontage of the property, whichever is the lesser.	Not specified	Per condition of consent
3.16.12.c	Pontoon Size 3m x 4m max	< 12m ²	Yes
3.16.12.d	All pontoons shall be of similar design, of fibreglass or similar construction	Mesh ramp, fibreglass pontoon.	Yes
3.16.12.e	Colours to the satisfaction of Council	Not specified	Per condition of consent
3.16.12.f	Pontoons shall be secured by means of a storm anchor chain and the minimum of sufficient piles for the designated number of vessels to the bed of the drainage reserve to a max. height of 1.85m above AHD.	To be secured. Piles to 1.85m AHD.	Yes
3.16.12.g	Walkways to maximise free flow beneath the structure, be constructed on piles, be a max width of 1.2m, be constructed at right angles to the foreshore.	Open structure allowing free flow of water beneath. Constructed on piles. Walkway 1m wide. At right angles to foreshore	Yes
3.16.12.h	Length to achieve water depth at pontoon of 0.9m at MLW	Length achieves 1.42m water depth at MLW	Yes
3.16.12.i	Height of walkways of max. of 1.15m above AHD	1.15m AHD	Yes
3.16.12.j	Single handrail only. Access along the foreshore not to be restricted	Handrail on 1 side only	Yes
3.16.12.k	Pedestrian access along the beach area of the drainage reserve shall not be restricted.	Access maintained (1m)	Yes
3.16.12.l	No permanent lighting or power facility shall be provided on structure	Not specified	Per condition of consent
3.16.12.	Pontoons and walkways shall be adequately maintained or Council may direct their removal.	New structure	Per condition of consent
3.16.12.p	Distance to Centreline >5m	>5m	Yes
3.16.13 Positive Covenant and Licence for development in canals of St Huberts Island			
3.16.13	Requirement for Positive Covenant and licence	To be provided	Per condition of consent

The application has been assessed against the prescriptive measures outlined in Chapter 3.16 – Water Recreation Structures. As detailed in the above table, the proposed development complies with the prescriptive measures of the DCP and the ability of the proposal to meet the overarching objectives are discussed below.

Location of walkway and pontoon

The proposed walkway and pontoon would be located at the corner of the Shelter Cove canal which does not comply with CI 3.16.10.a of the DCP Chapter.

Although located within the corner of the canal it is noted that the pontoon head is quite narrow that provides sufficient physical separation to allow access for boats to enter and exit the site without navigational conflicts with other waterway structures, including boat ramps located near the corner of the canal. The structure would be a shred facility that alleviates the ‘cluttering’ of such structures and the corresponding navigational and visual impacts associated. It is noted that No. 2 Mainsail Avenue has a narrow foreshore handle that would exclude from having a pontoon or waterway structure. The siting of the walkway and pontoon would be consistent with the length and orientation the waterway structures that have been erected at the end and within the corners of the St Huberts Is canals.



Figure 4 – Marina Cove

Near Map July 2020

On the basis outlined above the siting of the waterway structure would be considered acceptable.

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 retaining wall 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 walkway and pontoon 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 waterway and residential zone.

9.0 Conclusion

As detailed within this report, the proposed walkway and pontoon with mooring poles adjacent to 4 and 6 Mainsail Avenue, within the Shelter Cove Canal, St Huberts Island 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 walkway and pontoon is consistent with the residential ancillary facilities enjoyed by residents of St Huberts Island 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.