

STATEMENT OF ENVIRONMENTAL EFFECTS

Application to Modify Development Consent

Development Consent no. 151-06-01

Pursuant to Section 96(2)

of the Environmental Planning & Assessment Act, 1979

Lot 468 DP 729619 and Special Lease No. 1989/3.

Prepared On Behalf Of

CAMERON BRAE PTY LTD

25 SEPTEMBER 2009



Certification

Point 8 of the General Requirements of the Director General's Requirements dated 03 September 2009 requires "A signed statement from the author of the Statement of Environmental Effects certifying that the information contained in the report is neither false nor misleading".

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I, Stephen McMahon, certify that I am the author of this Statement of Environmental Effects and that the information contained in the report is neither false nor misleading.

A handwritten signature in black ink, appearing to read 'S. McMahon', with a long horizontal flourish extending to the right.

Date: 25 September 2009

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1. INTRODUCTION

This Statement of Environmental Effects accompanies a development application for the modification pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979 of Development Consent no. 151-06-01 determined by the Minister for Planning on 20 December 2001.

The consent provided for the expansion, regularisation, and upgrading of the operations at, and use of, the Berowra Waters Eastside (formerly Cruisecraft) Marina on Kirkpatrick Way, Berowra Waters. It included construction of a new dry dock and the replacement of the two east-west pontoons.

Specifically, Condition No. 2 of the Consent required development to be generally in accordance with the site plan, Drawing CB200/1-A (dated 30 September 1999) prepared by David Sheiles.

Since that time construction of the dry dock has been finished and Cameron Brae now wishes to replace the two pontoons. Pontoon manufacturer Walcon has been commissioned to construct the new pontoons and it has become evident that the existing configuration (specifically the spacing between north and south pontoon arms) does not meet Australian Standards and the replacement pontoons will need to be placed further apart. Furthermore, the meeting of contemporary expectations for the quality of marina berths also requires greater separation between boats within berths. As a result the pontoons cannot be merely “replaced as is” and the approved site plan needs to be modified to reflect the new, required, location and configuration.

Accordingly, the original applicant, Cameron Brae Pty Ltd, now seeks the Minister's approval to modify the approved site plan.

The Department of Planning has been consulted and the Director General's requirements, which need to be addressed in the application for the modification, are reproduced in **Appendix 4**.

This Statement describes the site and surrounding area, the nature of the proposed modifications and sets out the statutory and policy context. It addresses the requirements for an application for the modification of a development consent, as set out in Clause 115 of the Environmental Planning and Assessment Regulation 2000, and it undertakes an assessment of the proposed modifications under the heads of consideration in Section 79C(1) of the Environmental Planning and Assessment Act, 1979.

The conclusion is reached that the proposed modification is acceptable with respect to all relevant planning matters.

2. SITE AND SURROUNDING AREA

2.1 LEGAL DESCRIPTION & LOCATION

The site is described as Lot 468 in DP 72969 (the land component of the site) and Crown lease No. 1989/3 (the water component of the site). A copy of the crown lease and survey is included in **Appendix 1**.

Being partly Crown land, the consent of the Land and Property Management Authority (formerly the NSW Department of Lands) to lodge the application has been obtained and is included in the application documentation.

The existing development is known as the 'Berowra Waters Eastside Marina', but is often referred to as the 'Cruisecraft Marina' (being the name of the facility in the past). It is situated on the western side of Kirkpatrick Way immediately to the north of its junction with Berowra Waters Road. A location plan is presented in **Figure 1**.

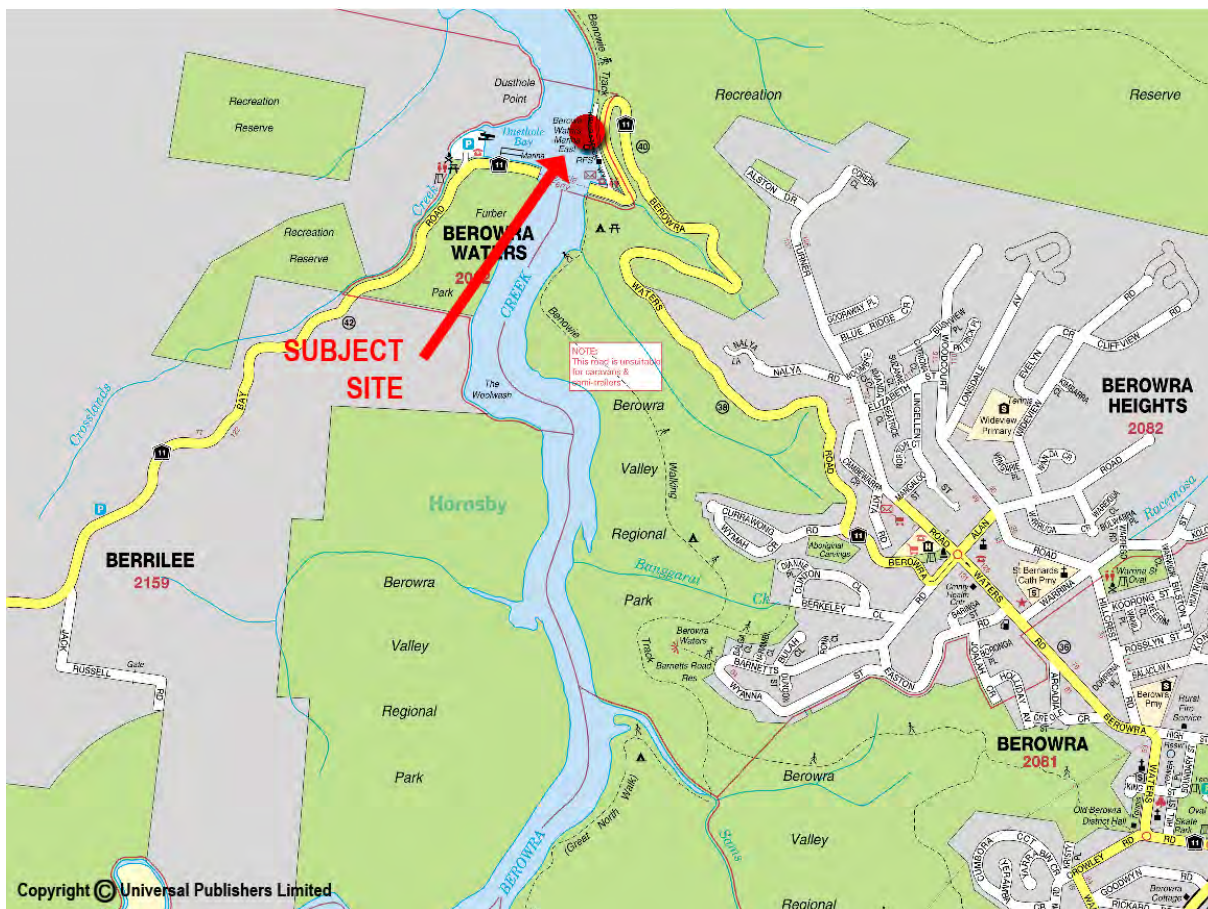


Figure 1: Location Plan

2.2 SITE DESCRIPTION AND EXISTING DEVELOPMENT

A boatshed has been present on the site since the 1950s. The existing marina was originally approved in 1975 and was subsequently modified in 1984 and 1987.

The marina complex is comprised of a two storey concrete block building and two associated pontoons extending westwards into Berowra Creek from Kirkpatrick Way, over the shore line and the water. Collectively the facilities are referred to as the 'Berowra Waters Marina Eastside' (or commonly, the 'Cruisecraft Marina', being its name in the past). Photographs of the marina are presented in **Figure 2** on the following page.

The marina building comprises a service workshop in the southern part. The northern part of the building contains office space on the ground level and a caretaker's residence and mezzanine storage area on level 2. A concrete driveway off Kirkpatrick Way and a small service way adjoin the building to the east. The service way contains a bin storage area and provides for some informal tandem parking. The premises used to accommodate a liquor outlet and a fuel wharf. However these facilities have now been transferred to the marina on the Westside of Berowra Creek.

Associated with the service workshop are two dry docks appended to the southern pontoon. The second dry dock was constructed following the consent granted by DA 151-06-01 determined by the Minister for Planning on 20 December 2001.

The two marina pontoons run east-west from the marina and have a dimension of 37.8 metres x 3 metres. Incorporated at the western end of each pontoon are two small finger pontoons (8 metres x 3 metres). The pontoons accommodate 29 berths in accordance with the consent granted by DA 151-06-01. The pontoons have been in place for some time and are showing significant signs of wear and tear, corrosion and other damage due to aging and the marine environment.

The need to replace the pontoons is a priority and Cameron Brae intends to undertake these works in the near future, capitalising on the availability of the Dusthole Bay area on the west side of Berowra Creek during construction of the upgrade works (which has necessitated restricted public access) to deliver the new pontoons to water.

No element of the marina has any recognised heritage significance and it is not listed in Schedule D of Hornsby Local Environmental Plan 1994. It is, however, located to the north of a number of recognised heritage items including the Berowra Waters Boatshed and kiosk to the south on Berowra Waters Road, the toilets and remains of the tidal baths in Kirkpatrick Way and the vehicle ferry that links the east and west sides of Berowra Creek.



Figure 2: Views of Existing Marina

2.3 SURROUNDING DEVELOPMENT

The locality in which the site is situated is distinguished mostly by its water and bushland setting. However, there are a number of notable developments adjoining the site as indicated in the context plan in Figure 3 below.

Immediately to the north of the marina is the headquarter of the Berowra Waters Rural Fire Brigade. The headquarter has recently been relocated to this site by the conversion with alterations and additions of the existing former Ferry Master's Cottage. The alteration and additions include the provision of a new pontoon to accommodate the fire boats.

To the south of the marina there are several buildings, mainly along Kirkpatrick Way, including the shed of the former Rural Bush Fire Service headquarter immediately adjoining the marina building. This shed is no longer used and Hornsby Shire Council has advised that it has no plans for its reuse in the short term. Beyond that are the Berowra Waters Boatshed and Kiosk, the Berowra Waters Garden House Restaurant, and the community hall. The boatshed and kiosk comprise non-active café and chandlery uses and are currently being renovated with the intention to reopen in the near future.



Figure 3: Context Plan
(Source: Modified from Adopted Berowra Waters Plan of Management)

3. THE PROPOSAL

3.1 EXISTING CONSENT

A copy of Development Consent No. 151-06-01 is attached in **Appendix 2**. In summary, it grants approval for the following development:

- Use of the marina pontoons (37.8 metres x 3 metres) to berth a maximum of 29 vessels;
- Use of the dinghy storage pontoon (10 metres x 4 metres) to store dinghies that are used in association with vessels on swing moorings in the adjoining waterway;
- Use of the (20 metres x 3 metres) pontoon adjacent to the dinghy storage pontoon for "short stay" berths at the marina;
- Use of the two dry docks shall not be undertaken in tandem to repair or maintain vessels that are longer than 19 metres;
- No vessel of 25 metres or longer shall be maintained or repaired at the marina;
- No more than 4 vessels shall be maintained or repaired out of the water at the marina (this includes the two dry docks) at any one time, but this excludes boats that are being stored (but not maintained or repaired) on trailers at the marina;
- Use of the dry docks between 7am and 6pm Monday to Friday, and between 8am and 4pm on Saturdays, Sundays, or public holidays;
- No boat maintenance or repair work that could generate air emissions (mainly dust and spray) shall be carried out on the dry docks unless this work is fully enclosed, and the potential pollutants generated by this work are wholly contained within the enclosure; and
- No vessels shall be berthed adjacent to the dry docks at any time.

The plans of the approved development comprised:

- CB200/1-A: Site Plan
- CB200/2: Ground Floor Plan and
- CB200/3: First Floor Plan

dated 30 September 1999 prepared by David Sheiles,

and drawings of the dry dock no's 99/016-1,2,3,4, and 5 prepared by C.W. Henstock & Associates;

3.2 NEED FOR PROPOSED MODIFICATION

The existing pontoons have been in place for some 20 – 30 years and have reached the end of their functional life. Many parts of the pontoon structure are suffering from corrosion due to the marine environment and many of the existing piles require replacement.

Furthermore, contemporary standards and expectations for marina berths necessitate the need for a general upgrade of the facility, particularly in terms of availability of power and water and berth configuration for boat manoeuvrability.

Cumulatively, the condition of the pontoons and the need to comply with contemporary standards and meet contemporary expectations necessitates a replacement of the pontoons and Cameron Brae Pty Ltd has identified this as a priority. As the plans for replacement do not match the approved site plan, it has necessitated this application to modify the site plan.

3.3 ALTERNATIVES CONSIDERED

Due to the condition of the pontoons a “do nothing” alternative is not practical, or warranted due to the potential environmental impact of the deterioration of the pontoon structure in the longer term.

The potential for any alternative modification rests only with the configuration and location of the pontoons. However, due to existing surrounding lease boundaries and adjoining buildings and uses, the presence of swing moorings and environmental considerations alternative locations and configurations are limited.

The proposed modification presented herein is considered to represent the best solution to the replacement of the pontoons whilst meeting Australian Standards.

3.4 PROPOSED MODIFICATION

Proposed Modified Site Plan

The development as proposed to be modified comprises the replacement of the pontoons located to the west of the marina building in a location and configuration that differs from that indicated in the approved site plan (CB200/1). The proposed modified site plan is included in **Appendix 3**.

The modification comprises:

1. Relocation of the northern pontoon arm in a northwards direction by approximately 8.0 metres to establish a separation between the north and south pontoon arms that accords with AS 3962-1991 *Guidelines for Design of Marinas*;
2. Extension of the southern pontoon arm in a westerly direction by approximately 11.0 metres and extension of the northern pontoon arm in a westerly direction of

- approximately 9.0 metres to provide greater separation between berths and enable the provision of finger pontoons between berths to assist useability;
3. Provision of (7.0m x 1.0m) finger pontoons between dual berths as noted above;
 4. The provision of new service pedestals and associated electrical and plumbing works to suit;
 5. Reduction in pontoon arm width from 3.0 to generally 2.0 metres (one pontoon unit is 2.6 metres);
 6. Deletion of the (10 metres x 4 metres) dingy pontoon and the storage of dinghies on the eastern side of the adjoining north-south pontoon;
 7. The removal of the old piles and provision of new (x 11) timber piles to suit new configuration; and
 8. The towing of the old pontoons to the Dusthole Bay car park on the western shore for dismantling and disposal off site.

The pontoons comprise the Walcon's System 2000 pontoon units at 3kPa featuring Rota Moulded Polyethylene units, six floats per unit, pile guide, connectors, fenders adjustable mooring cleats and associated stainless steel fixings. The are all manufactured off site and floated and then towed into place.

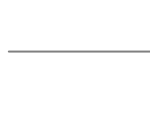
As the dimensions of the Walcom system differ from the pontoon dimensions described in the consent, the description in the consent will also need to be modified to be consistent with the site plan.

Other Operational and Environmental Modifications

Other operational and environmental modifications comprise:

1. All other aspects of the approved development remain unchanged including the maximum number of berths and boat size;
2. There are no changes to the site operation, with the exception of the elimination of three swing moorings leased by Cameron Brae to improve access to the new pontoon configuration. Cameron Brae is comfortable with eliminating these moorings as they will ultimately be required to be removed to facilitate expansion of the Westside marina by 7 berths in accordance with that consent (DA-164-7-2004-i), condition 4.3 of which states "*Before commissioning the new berths, the Applicant shall relinquish 7 swing moorings to the NSW Maritime Authority*";
3. No changes are proposed or required to the adopted Operational and Environmental Management Plan approved by the Department on 17 February 2009;
4. The proposed modification does not require any dredging of Berowra Creek or any modification to the foreshore environment.

A comparison between the existing location of the pontoons, the approved site plan and the proposed modification to the approved site plan is illustrated in Figure 4 on the following page. Figure 4 also shows the approximate location of the adjoining swing moorings, all of which are leased by the applicant, Cameron Brae.



4. STATUTORY AND POLICY CONTEXT

In this Section of the Statement, the relevant provisions of the statutory and policy documents are described. The assessment of the proposal in the context of these provisions, as well as the other relevant matters set out in the Environmental Planning and Assessment Act, 1979, is undertaken in Section 5, below.

The following planning instruments are relevant to the proposal:

- Environmental Planning and Assessment Act 1979 and Regulation 2000;
- State Environmental Planning Policy (Major Projects);
- Former Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River (No. 2- 1997); and
- Hornsby Local Environmental Plan 1994.

The following planning policies are relevant to the proposal:

- Berowra Waters Plan of Management;
- NSW Fisheries Habitat Protection Plan No. 3 – Hawkesbury Nepean River;
- Hornsby River Settlements DCP;
- Hornsby Heritage DCP; and
- Hornsby Car Parking DCP.

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Clause 91: Is the proposed modification Integrated Development?

The original development application for the proposed expansion, regularisation, and upgrading of the operations at, and use of, the Marina was submitted and exhibited as Integrated Development, based on a consideration that the proposed development required additional approvals under the Fisheries Management Act 1994 and the Rivers and Foreshore Improvement Act (now the Water Management Act 2000).

In the (then) NSW Department of Urban Affairs and Planning's (now known as the Department of Planning) original assessment of (DA 151-06-01. Refer to **Appendix 2** for copy of the consent), the matter of whether the proposal triggered the consent requirements of these Acts and was thus 'Integrated Development' pursuant to Clause 91 of the Act was addressed. The Department established that neither of these approvals is required.

Clause 96(2): What is the nature of the modification?

The proposed modifications of the approved development as described in Part 3 above are considered to fall within the scope of Section 96(2) of the Environmental Planning and Assessment Act, 1979 that is; the *“proposed modification is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).”*

4.2 CLAUSE 115 OF THE REGULATION 2000

Clause 115: Clause 115(1) of the Environmental Planning and Assessment Regulation, 2000 sets out a series of matters that are required to be addressed in an application for modification of development consent. These are addressed as follows:

- **The name and address of the applicant:**
Cameron Brae Pty Ltd, PO Box 373, Narellan NSW 2567
- **A description of the development to be carried out under the consent (as previously modified):**
Refer to Part 3.1 of this Statement above.
- **The address and formal particulars of title of the land on which the development is to be carried out:**
Described in Part 2.1 of this Statement above.
- **A description of the proposed modifications to the development consent:**
The proposed modification is described in Section 3.3 above.
- **A statement of the effects of the modification:**
This document sets out and describes the likely effects of the proposed modification.
- **A description of the expected impacts of the modification:**
The expected impacts of the modification are described in this Statement.
- **Scope of the development as it is to be modified**
The development as it is proposed to be modified will remain substantially the same as the development that was originally approved.

4.3 SCHEDULE 3 OF THE REGULATION 2000

The original proposed development was assessed by the Department of Urban Affairs and Planning against the criteria listed in Part 2 of Schedule 3 to determine whether, in fact, the proposed development was ‘Designated Development’.

The Department found that having assessed the merits of the proposal it was satisfied that *“the proposed alterations and additions to the Cruisecraft Marina would not significantly increase the environmental impacts of the total development compared with the existing or approved development, and therefore recommends that the Minister determine that the proposal is not designated development.”*

Further, it is the view of Cameron Brae that the proposed modification should not be considered as ‘Designated Development’ as the proposed modification, when assessed against the ‘Factors for Consideration’ in Clauses 35 and 36 of Part 2 of Schedule 3 is considered to be an “Alteration or Addition” that does not “significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development”. Thus it is not considered to be ‘Designated Development’. Specifically, the proposed development is considered to improve the environmental performance of the existing development and there is a demonstrable minimal impact as demonstrated by the assessment of the proposal against the Factors in Clause 36 in the Table below.

Clause 36 Factors to be Considered	Comment
(a) the impact of the existing development having regard to factors including: i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, and (ii) rehabilitation or restoration of any disturbed land, and (iii) the number and nature of all past changes and their cumulative effects, and	• The existing development operates in accordance with existing licenses. Consent for the existing development was regularised by the granting of consent by the Minister for Planning on 20 December 2001 (DA no. 151-06-01). • The proposed modification seeks to maintain the condition of the pontoon berths into the future and avoid any potential environmental impact by their declining condition. • The changes to the existing development have been minor since the original construction of the marina in the 1970-80s.
(b) the likely impact of the proposed alterations or additions having regard to factors including: (i) the scale, character or nature of the proposal in relation to the development, and (ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and (iii) the degree to which the potential environmental impacts can be predicted with adequate certainty, and (iv) the capacity of the receiving environment to accommodate changes in environmental impacts, and	The proposed modification is a minor element within the Marina development and its presence is considered not be visually or environmentally detrimental. The proposed modification is considered to have minimal environmental impacts. Environmental impacts can be predicted with a high degree of certainty as the provision of the new pontoons are expected to minimise potential environmental harm. As environmental impacts are expected to be minimal, if not positive, the capacity of the receiving environment is not considered to be a concern.
(c) any proposals: (i) to mitigate the environmental impacts and manage any residual risk, and (ii) to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.	The proposal is considered to mitigate potential environmental impacts generated by boat use in the locality. The proposed modification will meet all required standards and codes for this type of activity (where the current facility does not).

4.4 STATE ENVIRONMENTAL PLANNING POLICY (MAJOR PROJECTS)

In 2001 the original proposed development satisfied the definition for “marina development” in the Minister’s marina declaration, as it was an alteration and addition to an existing permanent boat storage facility on a tidal waterway of Broken Bay with support facilities on the adjoining area of land and the waterway.

Consequently, the proposal is classified as State Significant Development under Section 76A(7)(b)(iii) of the Act, and the Minister was the consent authority for the application.

Since that time State Environmental Planning Policy (Major Projects) has been gazetted, which presents different criteria to determine the significance of a project. The development as approved by the Minister is still considered to satisfy the criteria in Schedules 1 and 2 of the SEPP.

A copy of the Director General’s Requirements is enclosed in **Appendix 4**.

4.5 FORMER SYDNEY REGIONAL ENVIRONMENTAL PLAN No.20: HAWKESBURY – NEPEAN RIVER

From 1 July 2009 this plan became a State Environmental Planning Policy. The Subject Site is located within the catchment of the Hawkesbury – Nepean River System. Part 2 of the SREP contains general planning considerations and strategies requiring consideration of the impacts of development on, inter alia, flora and fauna, water quality, catchment management and environmentally sensitive areas.

4.6 HORNSBY LOCAL ENVIRONMENTAL PLAN 1994

An extract of the LEP map is presented in Figure 5, which follows. The marina is located partly on land, and partly on water. Under the *Hornsby Shire Local Environmental Plan 1994*, the land is zoned Business D (Aquatic Service Centre), while the water is unzoned. The objectives of the zone are:

- (a) To encourage economic growth and employment opportunities.*
- (b) To accommodate the retail, commercial, service and social needs of the community that uses the Hawkesbury River and its tributaries.*
- (c) To encourage development that improves the health, vitality and aquatic, cultural and social environments within business centres and adjacent areas.*

Further, as the proposal is located on unzoned land it is permissible with consent. In addition, under Clause 20(1) of the plan, all development below the mean high water mark requires consent.



Figure 5: Extract of Hornsby LEP 1994 Zoning Map

4.7 POLICIES

- **Berowra Waters Plan of Management (POM).** The function of the Plan of Management is to provide a strategic direction and guidance for the long term planning, conservation and management of Berowra Waters.
- **NSW Fisheries Habitat Protection Plan No. 3 – Hawkesbury Nepean River.** This plan requires the potential fish habitat impacts of any proposal to be assessed
- **Hornsby River Settlements DCP.** The DCP provides controls and guidance for development within the river settlements.
- **Hornsby Heritage DCP.** The DCP provides guidance on proposed development relating to heritage items
- **Hornsby Car Parking DCP.** The DCP provides parking requirements for land use categories.

5. ASSESSMENT UNDER SECTION 79C(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

5.1 INTRODUCTION

The likely impact of the proposal is considered in the context of the heads of consideration set out in Section 79C(1) of the Environmental Planning and Assessment Act, 1979, as follows:

(a) *the provisions of:*

- (i) any environmental planning instrument, and*
- (ii) any draft environmental planning instrument ..., 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,

(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,*

(e) *the public interest.*

These matters are considered in the following paragraphs.

5.2 THE PROVISION OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

The proposed modification does not alter the specifications or characteristics of the approved development, but simply reconfigures the approved pontoon location. As such, the modification application raises no further planning matters so far as the Hornsby LEP is concerned than those previously assessed in the original application and is deemed to be consistent with the environmental planning legislative framework described in Part 4 of this statement above.

Regarding the Former Sydney Regional Environmental Plan No.20: Hawkesbury – Nepean River, an assessment against the relevant provisions is contained in **Appendix 5**.

5.3 ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT

There are currently no known relevant draft environmental planning instruments that apply to the site.

5.4 ANY DEVELOPMENT CONTROL PLAN

An assessment of the proposed modification against Hornsby Shire Council's relevant DCPs is presented in **Appendix 6**. The proposed modification does not alter the specifications or characteristics of the approved development, but simply reconfigures the approved uses within the subject site.

As such, the modification application raises no further planning issues than those previously assessed in the original application and is deemed to be consistent with Council's Development Control Plan framework.

5.5 ANY PLANNING AGREEMENT

The proposed development is not subject to any draft or adopted Planning Agreement.

5.6 IMPACT ON THE NATURAL AND BUILT ENVIRONMENT

The Director General's Requirements (Refer to **Appendix 4**) specify that the following key issue with regard to the impact on the Natural and Built Environment must be addressed:

- Visual Impact.

In addition the following matters need to be addressed:

- Heritage; and
- Aquatic Environment.

Visual Impact

Existing Visual Character

The visual character of Berowra Waters in this location is determined and distinguished by the presence of the wide expanse of Berowra Creek established by Dusthole Bay on the west side (at the mouth of Crossland Creek) and the small bay known as 'Frank's Bight' on the eastern side, the semi enclosed nature of the eastern shoreline through the presence of Frank's Bight, the presence of an elevated green bushland backdrop, the presence of significant boating activity (the eastside and west side marinas, the commuter boat pontoon at the Boatshed, the Rural Fire Brigade Headquarters and fire boats, the ferry and the numerous swing moorings that are present within the vicinity of the site) and the presence of a focus of other human activities (commercial establishments, community hall, toilets, parked and queuing cars etc).

Figure 6 on the following page illustrates the character of views.

Analysis of Viewer Exposure and Sensitivity, and thus Impact

The view analysis demonstrates that:

- **To the West from Kirkpatrick Way:** Views out and across the marina to the west from Kirkpatrick Way are limited and are often obstructed by parked cars along the western side of the roadway, vegetation or buildings (the marina and the Fire Brigade HQ in particular). Viewer exposure is low and sensitivity to change is similarly low. The proposed modification will be visible through trees from the northern part of Kirkpatrick Way in places. However the impact of the change will be low. It will not cause any significant obstruction of existing views and will not have any injurious impact on the visual character of the area;
- **To the West from the foreshore:** Views to and through the site are available from the foreshore at the current and previous Rural Fire Service Headquarters buildings immediately to the north and south of the subject site and the public pontoons to the north. From these places the presence of the existing pontoon forms part of a distinctive and prominent vista of boats (both moored at the marina berths and on swing moorings), which establishes the prevailing visual character for this corner of Berowra Creek.

Viewer exposure is high and the proposed modification will be visually prominent from these places. However, due to the presence of other boats in the vicinity (fire boats, commuter boats at the Boatshed, the dry docks and boats on swing moorings etc) viewer sensitivity will be low and the impact of the additional visual presence of the reconfigured pontoon is also considered to be low. It will not result in any major obstruction of views or cause any significant change to the prevailing visual character of the area when viewed from these places;

- **To the West from Berowra Waters Road:** Views across the marina to the west from Berowra Waters Road are elevated and extend out above the marina to the opposing marina at Dusthole Bay. The quality of views and visual character of the area are not impacted by the presence of the existing marina and the pontoons and the proposed modification will not be visually apparent from this direction;
- **To the North:** Good northerly views to the marina are available from the route of the Berowra Waters Ferry (primarily for pedestrians) and for patrons / visitors to the commercial activities at the Garden House Restaurant and the Berowra Waters Boatshed and Kiosk (in the future). Viewer exposure is high, as is viewer sensitivity to change.

The prevailing views from the Garden House Restaurant are elevated and down Berowra Creek, generally to the north west and away from the marina. While the modification would be apparent, the change would not be visually dominant due to the expansive vista of the area available from this point. Thus visual impact would be low.

Views from the ferry are fleeting (particularly for motorists travelling west) and move with the travel of the ferry and visual impact would be similarly low.

View looking east to marina and pontoons from boat in Berowra Creek



Elevated view looking west from Berowra Waters Road



View looking east to marina and pontoons from Bay Road.



View looking north from deck of Kiosk



View looking north east from Ferry.

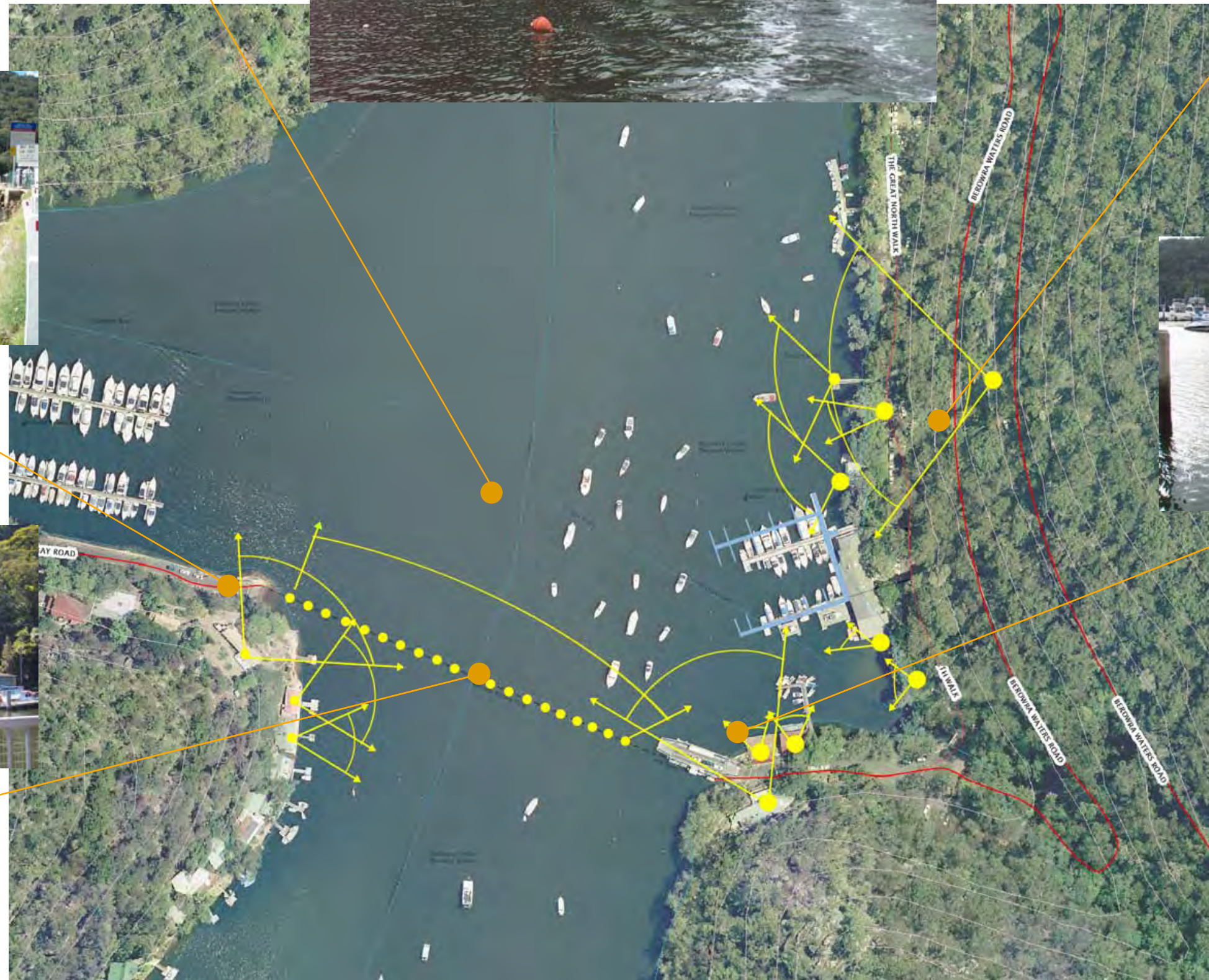


Figure 6: Visual Context and Analysis

The Boatshed and Kiosk offer direct views to the north to the marina and pontoon at ground or water level and viewer exposure and visual sensitivity is high. However the prevailing character of this area is generated by the concentration and visual dominance of the existing pontoons, dry docks, commuter boats and boats on swing moorings. The boats generally frame and terminate local views in these places and prevent the opportunity for any significant views further down Berowra Creek. There is a distinctive visual concentration of boating activity of which the existing pontoons form but one element in this corner of Berowra Creek. As such, while the proposed modification will be visually apparent from these points, it, together with the removal of some moorings licensed to Cameron Brae to improve access, is expected to result in no negative visual change to the character of the area or obstruction of views when viewed from these places. Thus visual impact is considered to be low;

- **To the North East:** Direct views to the marina and pontoon from the west and south west are available from Bay Road, Dusthole Bay and dwellings along Berowra Creek near Bay Road. Generally these places are in excess of 250 metres distant from the subject site. At this distance appreciation of the details of the views are minimal and are dominated by the presence of moored boats in the foreground of the marina pontoons. Perception of the presence of the existing pontoons as being a distinctly separate visual element of the boating activity in this corner of Berowra Creek is therefore minor. Thus, while visual sensitivity is high, viewer exposure is low. As such, the reconfiguration of the pontoons, together with the removal of some moorings licensed to Cameron Brae is expected to result in minimal visual impact to the character of the area and vistas to it when viewed from these places.

Heritage

The proposed modification is located to the north of items with recognised, predominantly local, heritage significance. Any potential impact would be in the form of visual impact on the setting of these heritage items.

As noted in the visual impact analysis above, the proposed modification would be evident from the Boatshed and Kiosk. It would also be evident from the site of the tidal baths on Kirkpatrick Way and the ferry. However, at these points there exists a distinctive visual concentration of boating activity of which the pontoons form but one element. As such, while the proposed modification will be apparent from these points, its establishment, together with the removal of some moorings licensed to Cameron Brae to improve access, is expected to result in no negative visual impact to the character of the area and the established, existing setting of the heritage items.

Aquatic Environment

The proposed modification is sited within an area that already experiences significant human activity from the marina, ferry, swing moorings, fire brigade and commuter boats. The existing marina and pontoons have been in this location since the 1970 – 1980s.

In this context the proposed modification is expected to have minimal impact on the existing aquatic environment as:

- The area already experiences significant human activity, which will not be increased by the modified proposal (as the number of berths remains the same);
- The proposed modified pontoon does not include a fuel wharf (which has been relocated to the west side), thus potential boat activity generated by this facility is removed;
- The expected need to remove a number of swing moorings currently leased by Cameron Brae in order to improve access is expected to contribute to environmental improvements by reducing the quantum of berths in the area as well as reduce the number of moorings via a method that is considered to have environmental impacts. Cameron Brae is comfortable with the early removal of these moorings as they will ultimately be required to be removed to facilitate expansion of the Westside marina by 7 berths in accordance with that consent (DA-164-7-2004-i), condition 4.3 of which states *"Before commissioning the new berths, the Applicant shall relinquish 7 swing moorings to the NSW Maritime Authority"*;
- The modification provides the mechanism to update and improve the condition of the pontoons within the marina so that they meet Australian Standards and contemporary expectations. The replacement, in turn, reduces the potential for any environmental harm generated by structural or other failure of the existing pontoons in the longer term.
- The configuration of the footprint of the modified pontoons is considered to have negligible impact on the quantum of shadow falling on the aquatic environment. While the footprint of the modified pontoons is larger than that currently approved, the narrower width of each pontoon, together with the deletion of the dinghy pontoon at the shoreline and the potentially significant increase in spacing between berthed boats are expected to result in a negligible negative change in the amount of shadow falling on the water throughout the whole of the day.

5.7 SOCIAL AND ECONOMIC IMPACT

The proposed modified development will continue to provide the following recognised benefits with the original proposal:

- An increase in the usability and functionality of the area;
- An upgrade to the facilities on the site to guarantee their long term survival and enjoyment by residents and visitors to the area; and
- The maintenance of a controlled and managed environment for boat berthing and servicing, facilitating environmental protection.

5.8 SUITABILITY OF THE SITE FOR DEVELOPMENT

The Director General's Requirements (Refer to **Appendix 4**) specify that the following key issues with regard to the suitability of the site that must be addressed:

- Navigation and Safety; and
- Construction Management.

In addition the following matters need to be addressed:

- Size and Shape of the Land;
- Noise;
- Access, Parking and Traffic;
- Utility Services; and
- Waste.

Navigation and Safety

Consultation has been undertaken with Mr. Dave Lyons at the Hornsby office of NSW Maritime. Issues raised that need to be addressed include navigation to the pontoons, adjoining swing moorings and surrounding activities, impact of water depth and impact on water based traffic. An application for a formal response to the proposal has been made to the Hornsby office of NSW Maritime on the advice of Mr. Lyons.

- **Navigation:** The proposal to modify the approved plan of the pontoons will require the removal of two, possibly three, swing moorings located immediately west of the pontoon location in order to improve access to the modified pontoons. These swing moorings are currently leased to Cameron Brae. Cameron Brae is comfortable with the removal of these moorings as they will ultimately be required to be removed to facilitate expansion of the Westside marina by 7 berths in accordance with the Berowra Waters Plan of Management and the west side marina consent (DA-164-7-2004-i), condition 4.3 of which states "*Before commissioning the new berths, the Applicant shall relinquish 7 swing moorings to the NSW Maritime Authority*". No privately leased moorings will be displaced.
- **Access to Fire Brigade:** The Rural Fire Brigade HQ is located immediately to the north of the subject site and pontoons in that development accommodate two fire boats and other vessels. A survey plan indicating the location of the pontoons and berths has been provided to Cameron Brae by Hornsby Shire Council in order that a combined plan can be prepared. The information provided by Council is included in the plan of the proposed modification (refer to **Appendix 3**). It illustrates that there is no apparent conflict between the two neighbouring uses. Liaison is currently ongoing with Mr. Max Woodward and Mr. Michael Lawton at Hornsby Shire Council. Representatives of the Berowra Waters Rural Fire Brigade are also being approached for comment.

- **Water Depth:** Investigations undertaken in 2006 by Hornsby Shire Council for the development of the Rural Fire Brigade headquarters in the old Ferry Master's Cottage immediately to the north of the site found that the water depth increases significantly away from the shoreline, such that the depth at the pontoon nearest to the shoreline is in excess of 5.0 metres. This is consistent with the known geological and hydrological history of Berowra Creek and is sufficient to accommodate the berthing of boats without the need for dredging or other environmental modification.
- **Water Based Traffic:** The plan of the proposed modification will not interfere with the movement of other water based traffic. There are no formal navigation channels within close proximity to the subject site. Furthermore, due to the removal of the fuel wharf and store to the west side, and absence of any public wharf or boat ramp, there are negligible attractions in this part of Berowra Creek that would establish any prominent or significant informal 'desire lines'. Access by fire boats to the Fire brigade headquarters is maintained and access by commuter boats to the pontoon at the boatshed is also maintained. The site is distant from the Berowra Waters Ferry.
- **Safety:** The proposed modified pontoon will comply with all relevant Australian Standards and no longer includes a fuel wharf. Furthermore it will not cause any negative navigation impacts on adjoining moorings. Nor will it increase distances or require adjustment of navigation layouts to swing moorings, particularly by shore based dinghies.

Construction Management

Each pontoon arm will be installed on site in turn and construction of the pontoons will be relatively straight forward. It will comprise the following actions, which will be managed to minimise environmental impact:

1. Relocation of marina tenants to Cameron Brae's vacant swing moorings and berths at the west side marina for the duration of the establishment of the pontoon arm;
2. Disconnection of floating pontoons from piles and towing to boat ramp at Dusthole Bay on west side for removal from water by crane. Currently public access to the Dusthole Bay boat ramp is restricted due to the construction of upgrade works by Cameron Brae, which will be concluded prior to Christmas. It is hoped to capitalise on this period to lift the pontoons by crane out of the water at the ramp with minimal impact on other boat ramp users. Notwithstanding this, the boat ramp at Dusthole Bay is commonly used for servicing and loading /unloading of materials for dwellings and businesses along Berowra Creek and its proposed use described here in for the replacement of the pontoons is not unusual within the capacity of the facility;
3. The existing pontoons would be dismantled off site at an accredited waste disposal facility and a materials recovery facility (where possible);
4. Removal of existing piles;

5. Erection of new piles;
6. Manufacturing of new pontoons off site, launched via crane at the Dusthole Bay boat ramp and floated and then fixed into position; and
7. Installation of fixings, electrical and plumbing services.

Size and Shape of the Land

The site of the proposed modified development will require an amendment to the lease boundary of the current marina. As no increase in activity or number of berths is proposed, it is considered that this increase will have minimal impact. Discussions have commenced with the Land and Property Management Authority (formerly the Department of Lands) to initiate this process. In the meantime the Authority has granted land owner's consent to the submission of the modification.

Noise

As the scale and character of the approved uses remains the same, the proposed modification raises no new potential noise impacts than those considered as part of the assessment of the original development, which were found to be satisfactory by the Minister.

Access, Parking and Traffic

The traffic generated by the proposed modified development will be the same as that originally found to be satisfactory and approved by the Minister.

Utility Services

The proposed modified development will not generate any increase in loads or demands on services in addition to that already approved by the Minister.

Waste

The proposed modified development will not increase waste generation originally found to be satisfactory and approved by the Minister.

5.9 PUBLIC SUBMISSIONS

The consideration of public submissions is not relevant to this Statement.

5.10 THE PUBLIC INTEREST

Exhibition of the original proposal raised concerns about:

- Parking impacts;
- Navigational impacts;
- Boat maintenance and repair impacts;
- Hull scraping disposal;
- Wastewater management;
- Marine vegetation and fish habitat impacts;
- Visual impacts;
- Foreshore impacts; and
- Environmental management.

These were comprehensively investigated by the Department in its assessment of the development application for the proposed development and impacts noted in the submissions were found to be manageable and not sufficiently adverse to warrant refusal of the proposed development.

As the proposed modified development is considered to raise no further planning issues than those previously assessed in the original application and assessed herein for the modification that may generate new concerns for the public, it is considered that the public interest would best be served by approval of the proposed development.

6. CONCLUSION

The proposed modification to the consent for the configuration and siting of the replacement pontoons at the Berowra Waters Eastside Marina will not have any substantially new or significantly different impacts (environmental or amenity) beyond those which have already been assessed in relation to the original application for this development. The pontoons as proposed in the modified application will operate in exact accordance with the proposed development as originally assessed and approved.

Accordingly, the proposal is considered to be acceptable with regard to all relevant town planning and environmental issues and The Minister's support for the application is requested.

**APPENDIX 1:
COPY OF ORIGINAL CONSENT**

1

**APPENDIX 2:
Reduced Copy of Site Survey Plan
And
Copy of Land Owner's Consent**

2

**APPENDIX 3:
PLAN OF PROPOSED MODIFICATION**

3

**APPENDIX 4:
Copy of Director General's Requirements**

4

**APPENDIX 10:
SREP 20 Assessment Table**

5

RELEVANT SREP CLAUSE	COMMENT
Part 1: Aim of the Plan	
The aim of the plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context	Consistent. The proposed modification improves access to recreation facilities and enhances the environmental performance of the existing development.
Part 2: Specific Planning Policies	
The specific planning policies for the plan are as follows:	
(1) Total catchment management	
Policy: Total catchment management is to be integrated with environmental planning for the catchment.	Consistent. The development is proposed in the context of the Implementation of the Berowra Waters Plan of Management, which seeks to achieve total catchment management.
(2) Environmentally sensitive areas	
Policy: The environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and (where necessary) remediation of existing uses.	Consistent. The site is not considered to be environmentally sensitive. Where it adjoins such land aspects of the proposed development seek to achieve improved environmental performance.
(3) Water quality	
Policy: Future development must not prejudice the achievement of the goals of use of the river for primary contact recreation (being recreational activities involving direct water contact, such as swimming) and aquatic ecosystem protection in the river system. If the quality of the receiving waters does not currently allow these uses, the current water quality must be maintained, or improved, so as not to jeopardise the achievement of the goals in the future. When water quality goals are set by the Government these are to be the goals to be achieved under this policy.	Consistent. The proposed development enhances recreational use of Berowra Creek and provides for improvements in water quality by berthing boats in a controlled manner in facilities that meet contemporary standards and expectations.
(4) Water quantity	
Policy: Aquatic ecosystems must not be adversely affected by development which changes the flow characteristics of surface or groundwater in the catchment.	Consistent. The proposed development will not have any potential for marked changes to the flow characteristics of surface or groundwater.
(5) Cultural heritage	
Policy: The importance of the river in contributing to the significance of items and places of cultural heritage significance should be recognised, and these items and places should be protected and sensitively managed and, if appropriate, enhanced.	Consistent. Known items of heritage significance are distant from the site.
(6) Flora and fauna	
Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced	Consistent. The proposed development is located over water which already experiences significant human activity. Potential impact by over shadowing is minimal as the net increase in shaded area is minimal.
(7) Riverine scenic quality	
Policy: The scenic quality of the riverine corridor must be protected.	Consistent. Visual Impact analysis in Part 5.5 of this Statement demonstrates acceptable visual impact.
(8) Agriculture/aquaculture and fishing	
Policy: Agriculture must be planned and managed to minimise adverse environmental impacts and be protected from adverse impacts of other forms of development.	Not applicable
(9) Rural residential development	
Policy: Rural residential development should not reduce agricultural sustainability, contribute to urban sprawl, or have adverse environmental impacts (particularly on the water cycle or on flora or fauna).	Not applicable
(10) Urban development	
Policy: All potential adverse environmental impacts of urban	Not applicable

RELEVANT SREP CLAUSE	COMMENT
development must be assessed and controlled.	
(11) Recreation and tourism	
Policy: The value of the riverine corridor as a significant recreational and tourist asset must be protected.	Consistent. The proposed development provides for the maintenance and long term equitable access to a recognised major recreation and tourism asset in the Hornsby Shire.
(12) Metropolitan strategy	
Policy: Development should complement the vision, goal, key principles and action plan of the Metropolitan Strategy	Consistent. The development is proposed in the context of the Implementation of the Berowra Waters Plan of Management, which seeks to achieve sound environmental management and ecological sustainability.
Part 3: Development Controls	
Additional matters for consideration by the consent authority are as follows:	
(13) Marinas	
(a) The need for a condition of consent requiring centralised pumping stations.	A new boat pump out facility is proposed to be constructed on the west side of Berowra Creek in the Berowra Waters Westside Marina. It will conveniently serve the site and was granted consent by Hornsby Shire Council on 18 December 2008 (DA 1827/2207).
(b) Whether the proposed development will have an adverse effect on drainage patterns or cause shoreline erosion or accretion.	Minimal impact. The proposed development will not affect current drainage patterns
(c) Whether the proposed development will have an adverse effect on any natural wetlands or flora and fauna habitats.	The proposed development will have minimal impact on wetland and flora and fauna habitats.
(d) Whether there are satisfactory arrangements for the collection, storage, treatment and subsequent disposal of sewage, liquid wastes and bilge water.	Minimal Impact. Satisfactory arrangements will be achieved via the construction of the boat sewage pump out facility on the west side of Berowra Creek
(e) Whether the proposed development incorporates measures to prevent the escape into the waterway of fuels, oils, grease, anti-fouling chemicals and other chemicals.	The adopted Operational and Environmental Management Plan for the Eastside marina addresses this issue.
(f) Whether the water depth adjacent to any proposed marina or other related land and water shoreline facility is adequate, and if not, the adequacy of the proposed means by which water depth will be maintained.	Minimal impact. Water depth is adequate and no dredging is required.
(15) Land uses in or near the river	
(a) The need to locate access points where riverbanks are stable, away from river shallows and major beds of attached aquatic plants, away from fishing grounds and fish breeding areas, where the proposed activities do not conflict with surrounding recreational activities, and where significant fauna and wetland habitats will not be adversely affected.	Minimal impact. No new access points are proposed.
(b) The need to require remedial works, such as the re-establishment of flora and fauna habitats.	Minimal impact. The proposed development takes place over water already disturbed by human activity.
(c) The potential for use of the land as a buffer to filter water entering the river.	n/a
(d) The need for an Erosion and Sediment Control Plan.	An Erosion and Sediment Control Plan is not required with the modification.
(e) The need for a Vegetation Management Plan.	Not applicable.
(16) Land uses in riverine scenic areas	
(a) The need to prevent large scale, high density or visually intrusive development on waterfront land or on slopes and ridge tops which are visible from the river or the surrounding visual catchment. (This requires consideration of the proposed form and siting of buildings, of the colours and building materials used, and of landscaping.)	Minimal Impact. The visual assessment in Part 5.5 of this Statement demonstrates acceptable visual impact.
(b) Whether the materials used in stabilising the banks are consistent with the scenic character of the area as described in the Scenic Quality Study.	Not relevant to this proposal.
(c) Whether the development will damage the banks of the river or creeks.	Minimal impact. The proposed development takes place on water already disturbed.

RELEVANT SREP CLAUSE	COMMENT
(d) Whether the development is adequately set back from the river.	Not relevant to this proposal.
(e) Whether it is necessary and appropriate to increase public recreational and visual access to the river.	Minimal impact. The proposed modification does not change access.
(f) The need for conditions of consent to protect the scenic character, such as conditions requiring tree planting.	Not relevant to this proposal.
(g) Whether any proposed works will improve scenic quality by repairing degradation.	The proposed upgrade to the pontoons will improve their presentation.
(17) Sewerage systems or works	
(a) Whether the proposed development will be capable of connection to a Sydney Water Corporation Limited or council sewerage system either now or in the future.	This is unlikely to be feasible due to the limited area within the site, which precludes the provision of such facilities.
(b) The suitability of the site for on-site disposal of effluent or sludge and the ability of the sewerage systems or works to operate over the long-term without causing significant adverse effects on adjoining property.	See above.
(c) The likely effect of any on-site disposal area required by the proposed development on:	Not required
> any water bodies in the vicinity (including dams, streams and rivers), or	n/a
> any mapped wetlands, or	n/a
> any groundwater, or	n/a
> The floodplain.	n/a
(d) The scope for recycling and reusing effluent or sludge on the site.	There is little opportunity to adopt this approach due to the intense human activity that takes place in the area.
(e) The adequacy of wet weather storage and the wet weather treatment capacity (if relevant) of the proposed sewerage system or works.	Not relevant.
(f) Downstream effects of direct discharge of effluent to watercourses.	Not relevant to this proposal.
(g) The need for ongoing monitoring of the system or work.	Not relevant to this proposal.

**APPENDIX 10:
DCP Assessment Table**

6

RELEVANT DCP OBJECTIVE / CONTROL	COMMENT
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Access and Mobility Development Control Plan	
To ensure routes and entrances to public buildings from public spaces are accessible to people with disabilities.	Can comply. All ramps and pathways within the will be designed to meet the relevant Australian Standard.
To provide ease of access throughout buildings and facilities.	Complies. Pathways will be direct, legible and offer clear lines of sight.
To promote the ease of use of internal functional elements, facilities and fitments located within a building.	No relevant.
To provide car parking for people with a disability that is of a suitable dimension and located to link with access pathways	Not relevant to this proposal.
To maximise the choice in residential accommodation for people with disabilities	Not relevant.
To provide safe and continuous pathways through open spaces and into buildings for children and adolescents with physical disabilities	Not relevant to this proposal.
To provide ease of use of functional elements contained within buildings and facilities and public areas where the provision of access is specifically required.	Can comply. All ramps and pathways within the will be designed to meet the relevant Australian Standard.
Car Parking Development Control Plan	
To provide sufficient and convenient car parking to meet user needs.	There is no change to the approved number of berths within the site and therefore no change in the demand for car parking.
To promote pleasant car park environments and protect the environment.	Not relevant to this proposal.
To retain and enhance the natural functions of watercourses within the Hornsby Shore for the betterment and quality of life of the people of Hornsby and the improvement and protection of the environment.	Complies. The proposed development has no impact on adjoining watercourses.
Development capability with land capability and that minimises adverse impacts on the environment.	Complies. The assessment in this Statement of Environmental Effects demonstrates that the proposed development has minimal environmental impact.
To minimise soil erosion and water pollution by minimising land disturbance and requiring control measures on site.	Complies. The proposed development is not expected to create any significant soil disturbance.
To provide a reasonable acoustic environment for residents	Complies. The nearest dwelling (excluding the residence on the upper floor of the marina building) is some 250 metres south west, which provides sufficient separation to ensure any noise generated does not generate unreasonable noise impacts for residents.
To reduce crime risk and minimise opportunities for crime.	Can comply. The new pontoons will be secured to prevent unauthorised access.

River Settlements Development Control Plan	
Strategies	
To promote it logically sustainable development within the catchment of the Hawkesbury River, including the protection and improvement of water quality, native flora and fauna, soil, there can the environmental values.	Complies. The proposed development has been formulated in accordance with the Berowra Waters Plan of Management, which seeks sustainable development, including the protection of water quality native flora and fauna soil and environmental values.
To provide for the protection and enhancement of the aquatic environment.	Complies. The proposed modification will generate minimal additional shadow impact.
To provide commercial facilities to service the local residential community and persons recreating in the area.	Complies. The proposed development will provide the mechanism to maintain the provision of commercial facilities.
To provide the infrastructure service needs of the River settlements and improve the water quality in the Hawkesbury River	Complies. The proposed development incorporates elements, which are intended to provide improvements in boating infrastructure.
To provide for safe, convenient and efficient movement of people	Complies. The proposed modification is intended to provide safe convenient and efficient spaces for people to move through.
To promote recreation facilities which contribute to the community's	Complies. The proposed development seeks to provide facilities

RELEVANT DCP OBJECTIVE / CONTROL	COMMENT
physical social and emotional well-being	which offer a balanced approach for the competing recreation users within Berowra Waters.
To promote the integration and orderly development of Berowra Waters	Complies. The proposed development has been prepared to implement the long-term strategies in the Berowra Waters Master Plan in the Berowra Waters Plan of Management.
Control elements	
To promote building design that enhances the character and amenity of the settlements and relates to the natural environment	Not relevant to this proposal.
To control the height of buildings in order to maintain the existing riverscape	Not relevant to this proposal.
To provide setbacks that complement the low scale character and scenic quality of the area	Not relevant to this proposal.
To ensure that new development does not unreasonably restrict or reduce the views of the waterways	Complies. No major views of a waterway are obstructed by the proposed development
To maximise energy efficiency by reducing use of fossil fuels and encouraging the use of renewable energy	Not relevant to this proposal.
To provide for more efficient usage of water, and improve water quality	Not relevant to this proposal..
To provide a reasonable acoustic environment for residents	Complies. The nearest dwelling (excluding the residence on the upper floor of the marina building) is some 250 metres south west, which provides sufficient separation to ensure there is no unreasonable noise impacts for residents.
To provide landscaping guidelines that maintain the natural bushland character of the settlements	Not relevant to this proposal.
To ensure that waste will water generated on the premises is disposed of in a manner that prevents negative impacts on the environment and public health	Not relevant to this proposal.
Development is compatible with land capability and that minimises an adverse impacts on the environment.	Complies. The assessment in this Statement of Environmental Effects demonstrates that the proposed development has minimal environmental impact.
To preserve the scenic quality of the bushland	Complies. No bushland is removed by the proposed development.
To minimise soil erosion and water pollution by minimising land disturbance and requiring control measures on site	Not relevant to this proposal.
To protect bushland, significant flora and fauna habitats, while of corridors and sensitive environments from the impacts of development	Not relevant to this proposal.
To retain and enhance the natural functions of watercourses within Hornsby Shire the betterment of the quality of life of the people of Hornsby and improvement and protection of the environment	Complies. The proposed development will have minimal impact on Berowra Creek, which adjoins the site.
To minimise the risk of life or property and the environment from bushfires	The proposed modification causes no increase in risk to life or property through bush fire hazard.
To reduce crime risk and minimise opportunities for crime	Can comply. The new pontoons will be secured to prevent unauthorised access.
To avoid reduce reuse, recycle, and as a last resort dispose of waste in an environmentally responsible manner	Complies. Recycling facilities are already present at the marina.
To ensure appropriate waste minimisation and management techniques are used for the demolition design, construction use and ongoing management of buildings	Not relevant to this proposal.

Sustainable Water Development Control Plan.	
To protect and enhance water quality at natural drainage systems	Not relevant to this proposal.
To preserve and enhance natural site features, improve water quality, prevent flooding and maintain water balanced by appropriate design and use of natural drainage systems.	Not relevant to this proposal.
To protect soil against erosion and prone pollutants leaving the site during the construction phase of development	Not relevant to this proposal.
To restrict development from occurring on those parts of sites which requires substantial alteration of existing land form	Complies. The proposed development will not require any significant modification to existing land form.
To protect and enhance existing watercourses, improve water quality and promote sustainable water practices.	Complies. The proposed development will provide the opportunity to improve water quality compared to what exists at present.

RELEVANT DCP OBJECTIVE / CONTROL	COMMENT
To ensure landscape treatment, erosion controls and building materials and design are appropriate to the soil landscape of the area.	Not relevant to this proposal.
To protect and enhance native plant communities, complies.	Not relevant to this proposal.
To protect, retain and rehabilitate bushland environments.	Not relevant to this proposal.
To protect, retain and rehabilitate fauna habitats.	Not relevant to this proposal.
Waste Minimisation and Management Development Control Plan.	
Development that minimises demolition and construction waste and ensure that appropriate ongoing waste management practices.	Can Comply. Demolition waste will be removed by authorised contractors.