

STATEMENT OF ENVIRONMENTAL EFFECTS

DESIGN & CONSTRUCTION OF A FISHING PLATFORM IN REGATTA PARK, EMU PLAINS

February 2017

1. INTRODUCTION

1.1 OVERVIEW

This Statement of Environmental Effects has been prepared by Victoria Patterson, Landscape Architect at Penrith City Council, in relation to the design and construction of a fishing platform at Regatta Park, Emu Plains.

The fishing platform is the subject of works jointly funded by the NSW Department of Primary Industries Recreational Fishing Trust (RFT) Program 2016 and Penrith City Council. The works are in accordance with the progressive implementation of the “Our River” masterplan (Clouston Associates) adopted by Council in 2013:

<https://www.penrithcity.nsw.gov.au/Waste-and-Environment/Environment/Our-River-Project/>

The “Our River” masterplan provides Council and the community with a framework for the future stewardship of the city’s river reach. It is the blueprint for the next 20+ years of expenditure on the Nepean River precinct. The installation of a fishing platform in Regatta Park contributes to fulfilling the masterplan principles of:

Our Accessible River – to provide a wide range of recreational activities both on and off the water and to extend the range and number of access points along the river

Our Active River – to improve hard water edge access, fishing and launching sites

Our Managed River – to provide facilities that are robust and easy to maintain

The works are located in the south eastern corner of Regatta Park on the banks of the Nepean River. Regatta Park is zoned RE1 Public Recreation. There are 34 land parcels managed by Council in the Regatta Park precinct involving several owners (Department of Planning, Department of Lands, Department of Land & Water Conservation, Penrith City Council). The location of the platform is on land owned by Council.

The proposal is defined as Development in Section 4 of the Environmental Planning & Assessment Act 1979 (EPA Act). Section 76A of the EPA Act stipulates that the development must not be carried out in the subject site until consent has been obtained.

This report describes the proposal and subject site in detail and undertakes an assessment of the proposal against the relevant aims, objectives and development provisions of Council’s LEP and DCP and Section 79C of the EPA Act.

1.2 REPORT STRUCTURE

This Statement of Environmental Effects is structured as follows:

- Section 1: Introduction – provides an overview of the proposal
- Section 2: The Site and Surrounds – provides an analysis of the subject site and a consideration of the local and regional context

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- Section 3: Development Proposal – provides a detailed description of the proposed development and its characteristics
- Section 4: Statutory Context – provides for consideration of the proposal against specific planning policies and instruments that are applicable
- Section 5: Conclusion – summarise the report and presents a recommendation

1.3 SUPPORTING DOCUMENTATION

The proposal is supported by the following documentation:

- Attachment 1: Land Ownership Advice
- Attachment 2: Detail Design
- Attachment 3: Funding Milestones

1.4 LEGISLATION AND POLICIES TO BE CONSIDERED

- Local Government Act 1993
- Environmental Planning and Assessment Act 1979
- Fisheries Management Act 1994
- Heritage Act 1977
- National Parks and Wildlife Act 1974
- Water Management Act 2000
- Threatened Species Conservation Act 1995
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River
- Penrith Local Environment Plan 2010
- Penrith Development Control Plan 2014
- Regatta Park Emu Plain Plan of Management
- “Our River” Nepean River Masterplan

1.5 CONSENT AUTHORITY

The consent authority for this application is Penrith City Council.

2. THE SITE AND SURROUNDS

2.1 LOCAL CONTEXT

The subject site is located on the west bank of the Nepean River in the south eastern corner of Regatta Park off River Road in the suburb of Emu Plains.



FIGURE 1: Local Context

The subject site is legally described as Part Lot 125 / DP 751662. Whilst this land is in Penrith City Council's possession, the recently completed Regatta Park Plan of Management (June 2016) identified the land ownership as "unknown". This anomaly was referred to Council's Legal Team who advised that the land is to be vested in PCC and Council is in the process of formalising ownership.

REFER ATTACHMENT 1: PCC Land Ownership advice

The surrounding locality to the north and west is characterised by Council's Regatta Park precinct and residential development on River Road.

Topography

The site is on the western bank of the Nepean River with a steep slope rising up to River Road to the west. There is a more moderate slope via a grassy cutting to the south west linking up to the Great River Walk and River Road. Along the river foreshore is an informal level path.

Vehicular Access

There is informal vehicular access via a locked Council maintenance gate along the existing grassy cutting to the south west of the site.



2a: Grassy cutting access to foreshore



2b: Maintenance vehicle access via removable bollard on River Road.

FIGURE 2: Topography and Access

Pedestrian Access and Public Transport

There is a pedestrian pathway along River Road to the west of the subject site. This connects to a share path along the Great Western Highway and also forms part of the Great River Walk loop along the western and eastern sides of the Nepean River (Penrith).

The existing grassy cutting to the south west of the site allows pedestrian access to the proposed fishing platform. The “Our River” Masterplan identifies a future accessible route to the north of the proposed platform along the river foreshore linking it with future activity and parking areas in Regatta Park.

Bus services are available on the Great Western Highway, providing access to the Penrith City Centre and to Emu Plains.

Vegetation

The predominant vegetation is *Casuarina cunninghamiana* along the river foreshore. The proposed platform location is in a natural clearing amongst the existing vegetation and there is no removal of vegetation planned as part of these works.

Views to and from the site

The site of the proposed platform is partially visible when viewed from River Road (above and to the west) and from the east bank of the Nepean River due to its location on a clearing amongst existing trees. The site is visible to park and river users (walkers, cyclists, kayakers, boat users etc).

Existing use

The site of the proposed platform is currently used as an informal access point into the river (evidence of compaction and erosion along the water's edge which the platform would assist in minimising) for fishers and kayakers.



FIGURE 3: Existing Use

3.0 DEVELOPMENT PROPOSAL

3.1 OBJECTIVES OF THE PROPOSAL

This application seeks consent for the construction of a fishing platform on the west bank of the Nepean River at Regatta Park, Emu Plains.

Much of the river foreshore in the area is degraded through informal access resulting in compaction, loss of vegetation and habitat and litter. These works will:

- Provide an increase in choice of locations for fishing
- Provide an opportunity for land-based fishing from the river bank
- Provide an opportunity for users of all abilities to access the water's edge of the platform and extend the potential user group for whom this facility is available
- Assist with minimising bank erosion
- Encourage riparian vegetation re-establishment for maintaining Key Fish Habitat (KFH). The Nepean River at Penrith has been mapped as a KFH by NSW Department of Primary Industries (Fisheries).

3.2 DETAILS OF THE PROPOSAL

The scope of the works includes geotechnical investigations, design and construction of the fishing platform, site protection during works, site restoration at completion of works, removal and legal disposal of all site rubbish and debris.

Design Elements

The fishing platform design and its impact will consider:

- Minimising alteration of the river bank and bed and existing vegetation
- Impacts on flow and potential erosion of the river bank
- Potential to collect debris
- The use of materials (and finish of materials) which are sustainable and suitable for the site conditions and the desired appearance of the structures
- The finished visual appearance, including from the river and the eastern bank ie: it must sit lightly on the rivers edge and bank

The fishing platform will be:

- Designed to current Australian Standards
- Designed to have no hand rails
- Designed to sit as low as possible to the mean water height and remain within Australian Standards requirements
- Be similar in size and appearance to existing platforms on the river with a steel frame that is cantilevered from the land to support the platform. The preferred platform materials are: steel; timber and fibre-reinforced plastic (FRP) decking
- Designed for slip resistance, vandal resistance and low maintenance
- Designed with a maximum encroachment over the river from the bank of 3m

- Designed to have an approximate platform area (either single or multi-level) of 15 square metres
- Designed to achieve access to the water's edge for at least part of the structure (ie: if the platform is multi-level, there will be a flush transition from adjacent ground level to at least one of the levels with direct access to the water's edge)



FIGURE 4: Existing platforms on the Nepean River (Penrith) – design precedents

NOTE: the original grant application included a detail design prepared and costed as part of previous grant funding for a multi-level deck similar to those illustrated in Figure 4.

REFER ATTACHMENT 2: Detail Design

A condition of the funding award was that the design be modified such that the above requirement for access to the edge of at least part of the structure be met. This platform design is required to be signed off at the Concept design stage by both NSW Department of Primary Industries (Fisheries) and Penrith City Council.

REFER ATTACHMENT 3: FUNDING MILESTONES

4. STATUTORY CONTEXT

The following section provides an assessment of the proposed development against the relevant planning instruments and policies.

4.1 LOCAL GOVERNMENT ACT 1993

The project location is categorised “Natural Area: Watercourse” in accordance with the Local Government Act, Division 2, Section 36.



Figure 13. Land Categorisation

S15-078 REGATTA PARK PoM - Final Adopted

FIGURE 5: Land categorisation (Source: Regatta Park Plan of Management 2015)

Section 36M of the LG Act states that the core objectives for management of land categorised as watercourse include:

- To manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water flows, and
- To manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability

Installation of a fishing platform at this location will provide an opportunity to access the water's edge whilst assisting in minimising bank erosion as well as encourage riparian vegetation re-establishment for maintaining Key Fish Habitat.

4.2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The proposal is defined as Development in Section 4 of the Environmental Planning & Assessment Act 1979 (EPA Act). Section 76A of the EPA Act stipulates that the development must not be carried out in the subject site until consent has been obtained.

4.3 FISHERIES MANAGEMENT ACT 1994

If works do not involve placing any materials on water land then a Section 200 permit for reclamation is not required.

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The definition of water land in the Fisheries Management Act (FM Act):

water land means land submerged by water:

- a) Whether permanently or intermittently, or
- b) Whether forming an artificial or natural body of water, and includes wetlands and any other land prescribed by the regulations as water land to which this Division applies.
- c) The definition of reclamation in the FM Act:

reclamation work means any work that involves:

- a) Using any materials (such as sand, soil, silt, gravel, concrete, oyster shells, tyres, timber or rocks to fill in or reclaim water land, or
- b) Depositing any such material on water land for the purposes of constructing anything over water land (such as a bridge), or
- c) Draining water from water land for the purposes of reclamation.

If, following geotechnical investigation at the site, the detailed design stage determines that material will need to be placed on (or excavated from) water land, a permit application will need to be lodged with Fisheries NSW.

4.4 HERITAGE ACT 1977

The Nepean River is listed on the State Heritage register and has the following statement of significance:

*Of significance for both local and state as during this century, the river has been the focus for tourism, rural settlement, industrial development and recreation (Fox * Associates 1987, p. PC-1).*

Section 3 of the Heritage Act 1977 states that the objects of the Act include:

- to encourage the conservation of the State's heritage,

The proposed works occur within the vicinity of a State heritage item and will contribute towards a general improvement to the conservation of the river character and fostering public appreciation, understanding and enjoyment of the rivers heritage.

4.5 NATIONAL PARKS AND WILDLIFE ACT 1974

Section 2A of the National Parks and Wildlife Act 1974 states that the objectives of the Act include:

The conservation of nature, including, but not limited to, the conservation of:

- habitat, ecosystems and ecosystem processes, and
- landforms of significance, including geological features and processes, and
- landscapes and natural features of significance including wilderness and wild rivers,

The conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including, but not limited to:

- places, objects and features of significance to Aboriginal people, and
- places of social value to the people of New South Wales, and
- places of historic, architectural or scientific significance,

- fostering public appreciation, understanding and enjoyment of nature and cultural heritage and their conservation,

The proposed works contribute towards these objectives by:

- assisting in minimising bank erosion and encouraging riparian vegetation re-establishment for maintaining Key Fish Habitat
- improving accessibility around the Nepean River, carefully integrating enhanced accessibility around the Nepean River and extending the potential user group for whom access to the water's edge is available
- fostering public appreciation, understanding and enjoyment of the rivers cultural and natural heritage.

4.6 WATER MANAGEMENT ACT 2000

Under the Water Management Act 2000 (WM Act) an approval is required to undertake controlled activities on water front land, unless that activity is otherwise exempt (section 91E).

Waterfront land is the bed of any river, lake or estuary and any land within 40 metres of the highest bank of the river, the lake shore or the mean high water mark of the estuary.

However, as these works are being carried out by a Public Authority, Council is exempt from requiring a Controlled Activity approval.

4.7 THREATENED SPECIES CONSERVATION ACT 1995

Under the Threatened Species Conservation Act (TSC Act) 1995 no native plant species of an endangered ecological community may be "picked" without the prior granting of a Section 91 license.

The proposed works do not involve any vegetation removal and existing trees within the vicinity of the works along the foreshore will be protected during construction works.

4.8 STATE ENVIRONMENT PLANNING POLICY (INFRASTRUCTURE) 2007

Under the SEPP (Infrastructure) 2007, development without consent may be carried out by or on behalf of a council in a public reserve for the purposes listed in Clause 65 and 66.

The definitions for exempt development in Clause 65 and 66 do not include "fishing platforms" therefore development consent is required for the proposal.

4.9 SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 20 – HAWKESBURY NEPEAN RIVER

The Sydney Regional Environmental Plan No.20 – Hawkesbury/Nepean River (SREP 20) applies to the subject land. The policy states that the consent authority shall not grant consent to an application unless it is of the opinion that the carrying out of the development is consistent with any relevant aims of the plan. The general aims and objectives of the plan are directed towards improving the amenity of the river and protecting the land, including scenic quality.

The proposal will have minimal impact and will not compromise the water, scenic, quality of the river environment. Moreover, it will contribute to the amenity of the river through reducing occurrence of localised erosion on the river bank and providing opportunity for access to the water edge.

Erosion and sediment controls will be installed prior to commencement of works on site and rehabilitation will take place in areas disturbed by earthworks.

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4.10 PENRITH LOCAL ENVIRONMENT PLAN 2010

The LEP is the primary environmental planning instrument relating to the proposal.

The location of the proposal is zoned RE1 - Public Recreation

The objectives of this zone include:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To ensure that development is secondary and complementary to the use of land as public open space, and enhances public use, and access to, the open space.
- To provide land for the development of services and facilities by public authorities for the benefit of the community.

The installation of a fishing platform at this location contributes to fulfilling the objectives of the zone under the LEP 2010.

Under the LEP no development is permitted without consent. Permitted with consent includes water recreation structures (eg fishing platforms).

4.11 PENRITH DEVELOPMENT CONTROL PLAN 2014

The Penrith Development Control Plan (DCP) 2014 contains the finer grain planning controls in respect of specific development types. One of the objectives of the plan is to:

foster development that responds appropriately to the natural and built environment, in particular, vegetation, biodiversity corridors, significant waterways, riparian land, significant buildings and gardens, and scenic landscapes and views.

The DCP sets out controls applying to all land uses, each of which is addressed below:

C1 Site Planning and Design Principles

The proposed fishing platform is of an appropriate scale and materials for the setting and will “sit lightly” on the rivers bank and edge. Refer to Section 3.2: Details of the proposal.

CPTED principles have been considered in the location of the platform – it is in a cleared area on the river bank with views down to it from River Road and off the river itself. CPTED principles will be employed for planting design with the use of low ground covers or high-canopied trees with clean trunks, as per the Nepean River Vegetation Management Plan (VMP).

C2 Vegetation Management

No removal of vegetation is proposed as part of this application. Landscape works following completion of construction works will be in line with the principles of the Nepean River Vegetation Management Plan (VMP).

C3 Water Management

Council is exempt from requiring a controlled activity approval for these works under the Water Management Act.

The design of the fishing platform will minimise alteration of the river bank and bed and existing vegetation, impacts on flow and potential erosion of the river bank and potential to collect debris.

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C4 Land Management

The successful Contractor will be required to provide an Environmental Management Plan (EMP) in line with the objectives of C4.3 of the DCP, outlining their processes for erosion and sediment control during the construction works, site protection and site restoration at completion of works.

C5 Waste Management

This proposal does not contain nor impact Waste Management, other than during construction works. Refer to Waste management Plan.

C6 Landscape Design

This proposal will improve the visual amenity of the site through improving access to the river foreshore and reducing localised erosion, encouraging riparian vegetation re-establishment for maintaining Key Fish Habitat

Site restoration and landscape works will be in line with the principles of the Nepean River Vegetation Management Plan (VMP) and include low ground covers for bank stability and best practice principles of CPTED.

C7 Culture and Heritage

This proposal does not impact the Culture and Heritage of the local area. It contributes towards a general improvement to the conservation of the river character and fostering public appreciation, understanding and enjoyment of the rivers heritage.

C8 Public Domain

The proposal does not directly result in any public domain works.

C9 Signage and Advertising

This proposal does not contain Signage or Advertising.

C10 Transport Access and Parking

This proposal does not contain nor impact Transport, Access or Parking on the site or surrounds.

There is a pedestrian pathway along River Road to the west of the subject site. This connects to a share path along the Great Western Highway and also forms part of the Great River Walk loop along the western and eastern sides of the Nepean River (Penrith).

There is are two car parks in the Regatta Park precinct (one either side of River Road).

Bus services are available on the Great Western Highway, providing access to the Penrith City Centre and to Emu Plains.

C11 Subdivision

This proposal does not contain Subdivision of the site or works.

C12 Noise and Vibration

This proposal will not create any significant additional noise or vibration, other than during construction works.

D1 Rural Development

Not applicable

D2 Residential

Not applicable

D3 Commercial and Retail Development

Not applicable

D4 Industrial Development

Not applicable

D5 Other Land uses

Not applicable.

4.12 REGATTA PARK, EMU PLAINS, PLAN OF MANAGEMENT 2016

The Regatta Park Plan of Management (PoM) has been prepared in accordance with the NSW Local Government Act (LG Act) 1993 to guide management of Regatta Park by Penrith City Council:

<https://www.penrithcity.nsw.gov.au/Waste-and-Environment/Environment/Our-River-Project/>

The PoM identifies prioritised actions to be implemented to address key issues including:

- Access and circulation
- Recreational and commercial uses and facilities
- Landscape character and visual amenity
- Natural environment and cultural heritage
- Management and governance

Installation of a fishing platform at this location contributes to fulfilling the management actions of “Enjoying the Park and the River” and “providing for a variety of recreational uses”.

5. CONCLUSION

The proposal will increase the amenity at this location in Regatta Park by assisting in minimising bank erosion and encouraging riparian vegetation re-establishment for maintaining Key Fish Habitat

It contributes to the Our River Masterplan principles of improving accessibility around the Nepean River and extending the potential user group for whom access to the water’s edge is available.

In addition, the proposal provides an opportunity to foster public appreciation, understanding and enjoyment of the rivers cultural and natural heritage.

The Environmental Impact of the proposed fishing platform is minor and has negligible effect on the natural environment and surrounds.

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ATTACHMENT 1: LAND OWNERSHIP ADVICE

PCC Landscape Team feedback PoM 01/02/2016:

General comment – please check for cut & paste errors and typos throughout. There appear to be some sentences where words are missing / that don't quite make sense eg: p.8/7th para: “If there is any development of the other than”; p12/6th para: “Section 361 of the LG Act states that core objectives for management of categorised as

p.7 / 2nd para: Insert “Nepean River Plan of Management for Tench Reserve, River Road Reserve and Weir Reserve (Eco Logical Australia 2014)

Fig 1: Show boundary line / include south west corner wedge

p.8: Check cross reference to future uses in Sections 5.0 and 6.0 of the Plan

p.9 / last para: Check reference to red outline on Figure 1

p.10/11: Land Ownership

Figure 2 – can this be bigger so Lot/DPs are legible?

Amend figure 2 and table to reflect unidentified land ownership parcels (as flagged with CD in previous discussions) - see below:



Amend figure 2 and table to reflect land parcels that are currently under BMCC ownership and in process of being transferred to PCC (Lot 5/342116; Lot1/1117991; Lot16/1117951; Lot15/751662; Lot 14/751667; Lot 57/204976 (south west corner wedge)

Insert following wording:

(For the land under BMCC ownership)

We disclose a portion of land at this location are in the Blue Mountain City Council's ownership on title which should have been transferred to Penrith Council in 1963 by gazettal No. 102 on 25 October 1963 following NSW government alteration to boundaries at Emu Plains. Penrith City Council is currently working with Blue Mountains Council to have the titles of the subject land transferred.

(For the land with unidentified ownership)

The land is currently in PCC's possession. The land is to be vested in PCC and Council is in the process of formalising ownership.

NOTE: In relation to the issues around land ownership we are meeting with our Legal Team on Feb 8th to get final clarification re: process, timing and implications. The outcome of this meeting will be advised to CL.

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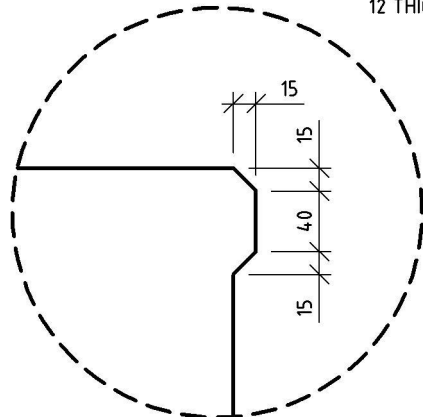
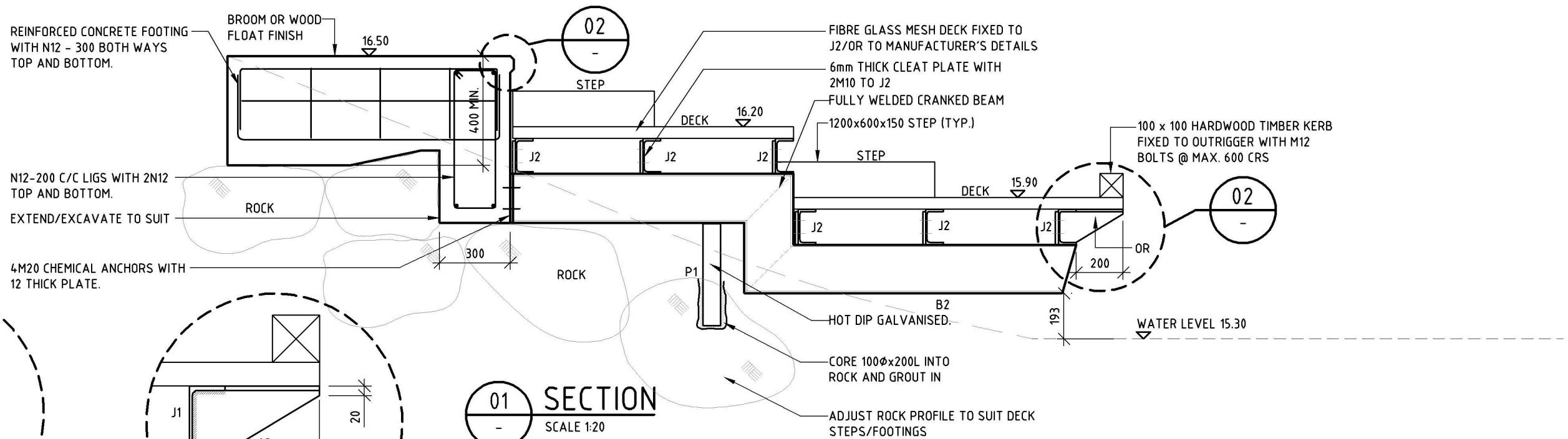
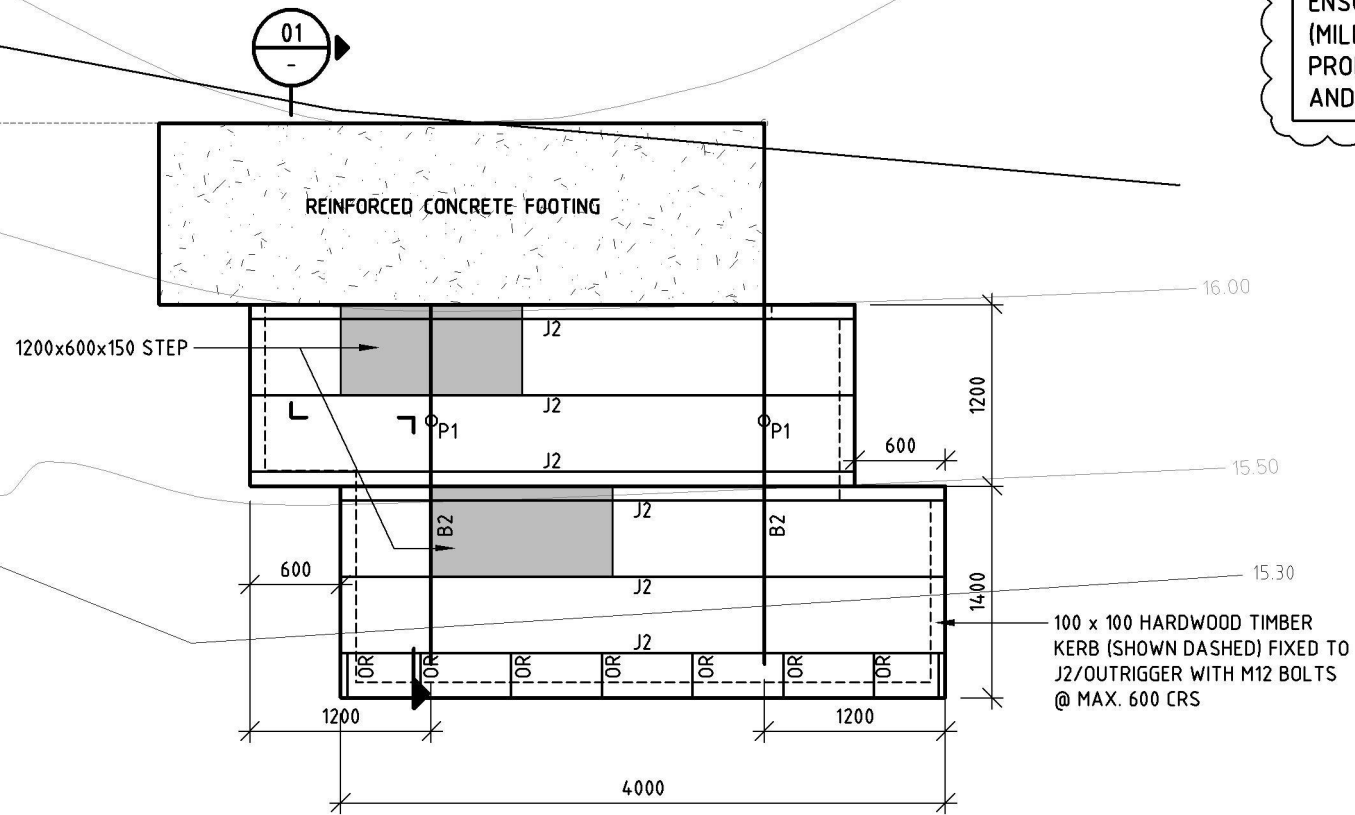
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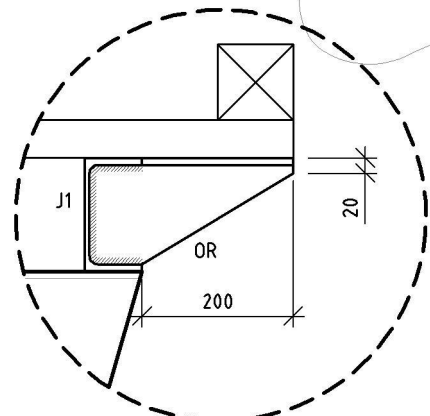
ATTACHMENT 2: DETAIL DESIGN

NOTE:
ENSURE TO REFER TO ARTISTS DRAWINGS
(MILNE & STONEHOUSE) FOR ARTWORKS
PROPOSED TO BE INTEGRATED INTO DECK
AND/OR CONCRETE FOOTING

MEMBER SCHEDULE		
TAG	SIZE	REMARKS
B2	200 UB 30	STEEL DECK BEAM
J2	150 PFC	STEEL JOIST @ 750 CRS MAX.
P1	75x5.0 CHS	STEEL POST
OR	150 PFC	STEEL OUTRIGGER



02 SHADOW CHAMFER DETAIL
SCALE 1:5



03 OUTRIGGER DETAIL
SCALE 1:10

01 SECTION
SCALE 1:20

FOR CONSTRUCTION

REV 02	NOTE ADDED. ISSUED FOR CONSTRUCTION.	22.07.13	JD
REV 01	OUTRIGGER ADDED. STEP LOCATIONS REVISED. DETAILS ADDED.	17.04.13	JD
REV 00	PRELIMINARY	08.04.13	DM
PROJECT: GREAT RIVER WALK, PENRITH		LOOKOUT PLAN AND SECTION	
CLIENT: PENRITH CITY COUNCIL		DATE: 08.04.13	DRG.No. S04
Fleetwood® ABN 40 000 789 748 BETTER COMMUNITIES FLEETWOOD URBAN Pty Ltd T: 1300 989 100 F: 1300 686 670 W: www.fleetwoodurban.com.au E: info@fleetwoodurban.com.au		SCALE: 1:50, 1:20@A3	REV. 02
		JOB No. 6710-P	

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ATTACHMENT 3: FUNDING MILESTONES

Schedule A – Project Plan

Project Plan			Grant by Department	(If applicable)	Activity Period	Payment Timing
Item No./ Code	Name of Activity	Description of Activities	(excluding GST)	Grantee's Contribution (excluding GST)		
1	Milestone 1	<i>Execute Funding Deed</i>		NA	0 months	
2	Milestone 2	<i>Commence project, concept design approval obtained from DPI Angling Facilities Manager, project approvals obtained. Project update provided to and approved by DPI.</i>		NA	3 months	
3	Milestone 3	<i>Detailed designs approval obtained from DPI Angling Facilities Manager, project update provided to and approved by DPI.</i>		NA	6 months	
4	Milestone 4	<i>Construction completed, fishing platform opening held, project completed. Final report submitted to and approved by DPI. Project appraisal carried out by DPI.</i>		NA	12 months	
				Total		

