Statement of Environmental Effects

Construction of Seawall, Jetty and Pontoon

206 McCarrs Creek Road, Church Point

Prepared by Emeritus Professor Glenn Wightwick, B. Sc, FTSE, FRSN
June 23, 2025

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Introduction

This Statement of Environmental Effects (SEE) is submitted to Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979, in support of a Development Application (DA) for the construction of a timber jetty, pontoon and sandstone seawall at 206 McCarrs Creek Road (Lot 15 DP 875022), Church Point adjoining Cicada Glen Creek and McCarrs Creek within the Pittwater estuary in the Northern Beaches Council Local Government Area (LGA).

Specifically, the proposal includes the following:

- Removal of two existing piles and an artificial rock groyne.
- Demolition of an existing dilapidated concrete retaining seawall.
- Replacement of existing PVC stormwater pipes.
- Construction of a timber jetty with a hinged platform, timber footings, pontoon, utility service pedestal, pontoon piles and sandstone retaining seawall.

This SEE has been prepared based on the architectural plans provided by Lionel Curtin (Architect) and other supporting technical information and documentation.

This report describes the site and the proposed development, and provides an assessment of the environmental impact, relevant planning legislation, policies and controls.

The DA is recommended for approval on the following basis:

- The proposed development is permissible with consent and is consistent with all the relevant legislation, policies, environmental planning instruments and controls.
- The environmental risks associated with the construction and operation of proposed development can be appropriately mitigated and managed.
- The proposed pontoon and jetty have been located to enable safe navigation for vessels in Cicada Glen Creek.
- The assessment of the proposal has demonstrated that the development is consistent with the relevant planning controls for the site.
- The proposal is consistent with the principles of ecological sustainable development as defined by Schedule 2 (7) (4) of the Environmental Planning and Assessment Regulation 2021.

Consultation

Consultation with Transport for NSW – Maritime

An "Impact to Navigation Assessment Application" was lodged with Transport for NSW – Maritime on 27 September 2024. On 4 November 2024, Transport for NSW – Maritime confirmed that the proposal for construction of a jetty as outlined was assessed as having minimal impact on the safety of navigation under the Maritime Safety Act 1998. A copy of their assessment is included in this report on page 43.

Consultation with NSW Department of Primary Industries & Regional Development – Fisheries

An "Application for assessment and letter for landowner's consent relating to proposed foreshore developments" was lodged with the NSW Department of Primary Industries and Regional Development (DPIRD) – Fisheries on 19 August 2024. On 14 November 2024, the NSW DPIRD – Fisheries indicated that they had reviewed the proposal for construction of a timber jetty, pontoon and sandstone retaining wall and that they had "no objection to the lodgement of a land owner's consent application". A copy of their letter for landowner's consent is included in this report on page 47.

Consultation with NSW Department of Planning, Housing and Infrastructure – Crown Lands

A "Landowner's consent for domestic waterfront structures application" was lodged with the NSW Department of Planning, Housing and Infrastructure (DPHI) – Crown Lands on 19 December 2024. On 14 April 2025, consent was granted for the lodgement of a DA by NSW DPHI – Crown Lands. A copy of their "Consent of Owner for lodgement of a Development Application" is included in this report on page 50.

Site Analysis

Site Location and Context

The site for this DA is a residential waterfront property at 206 McCarrs Creek Road, Church Point within the Northern Beaches Council Local Government Area (LGA) and the Pittwater estuary at Church Point. The site is located on the eastern shore of Cicada Glen Creek, approximately 150 m southeast of the McCarrs Creek Boat Ramp (see Figure 1).

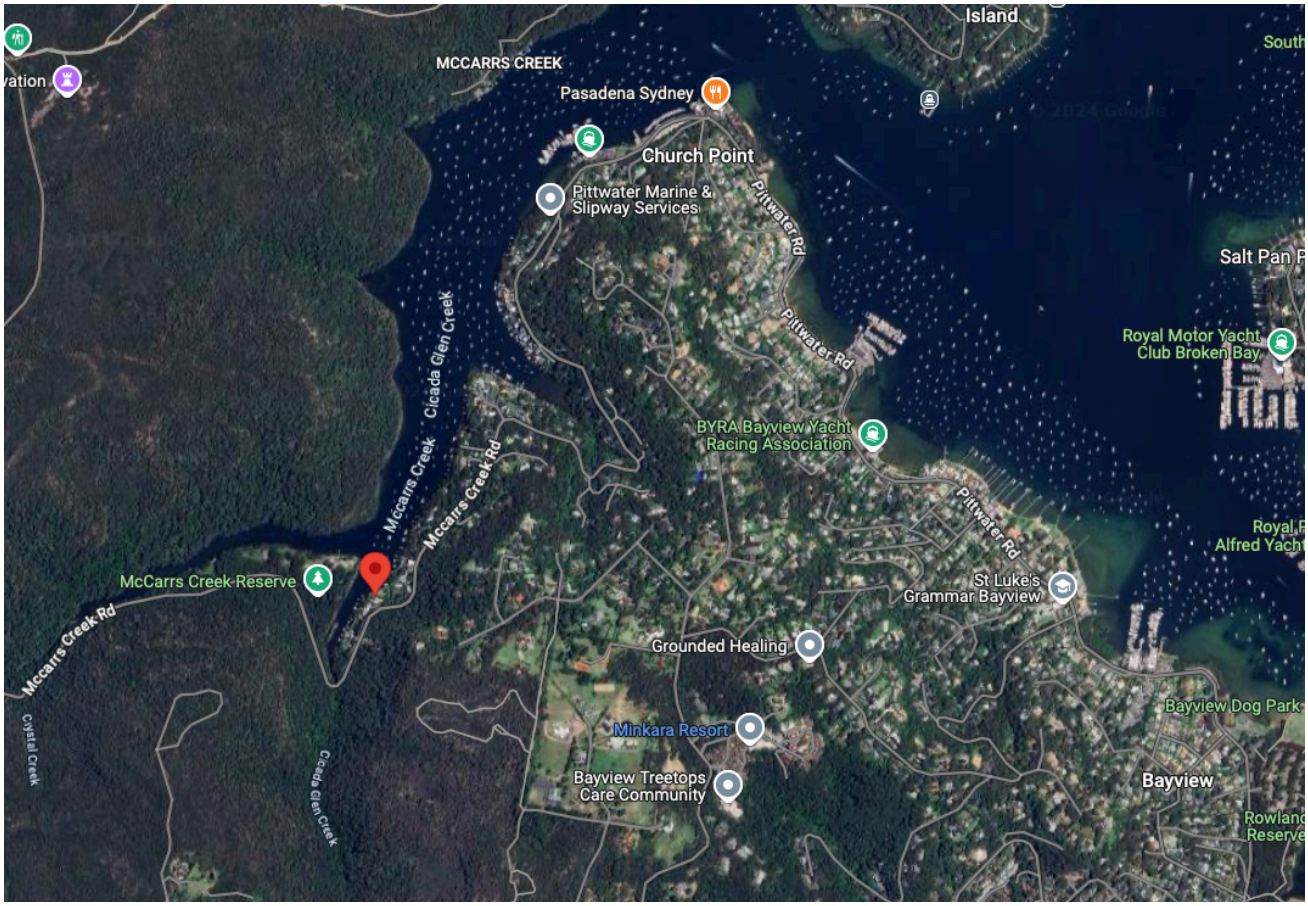


Figure 1 - Location of site in relation to McCarrs Creek and Church Point (Source: Google Maps)

Site Description

A description of the site is provided in Table 1.

Formal Description	Description	Owner
Lot 15 DP 875022	Property at 206 McCarrs Creek Road, Church Point	Liesel Wightwick
Lot 7063 Sec DP 1114848	Cicada Glen Creek waterway adjoining western end of property and abutting McCarrs Creek Reserve (240 McCarrs Creek Road, Church Point)	NSW DPHI – Crown Lands

Table 1 - Site Description

The land area of 206 McCarrs Creek Road is 1027 m^2 with a water frontage of 21.28 m, as measured at the Mean High Water Mark (MHWM), at the western end of the property. A survey plan of the site is included in this report on page 42. An aerial photograph of the site and approximate boundary is shown in Figure 2 and a view

of the site from McCarrs Creek Reserve is shown in Figure 3. It should be noted that there is no direct public access to the shoreline or submerged Crown land from the site or from adjoining properties.

Figure 2 - Aerial photograph of site showing approximate boundary

Figure 3 - Site as viewed from McCarrs Creek Reserve - proposed jetty to be located in alignment with white pile

Existing Development

The relevant existing structures on the site of the proposed development consists of two piles, a rock groyne extending approximately 5 m from the shoreline, two stormwater pipes and a concrete seawall constructed from a combination of mesh concrete mats and round concrete cylinders (see Figure 4 and Figure 5). Jetties and pontoons for the neighbouring properties (204 and 208 McCarrs Creek Road) can be seen in Figure 2 and in the site survey (Figure 14 on page 42).

The current seawall is in poor condition with evidence of dislocation of the concrete cylinders, significant degradation of the mesh concrete mats, shoreline erosion underneath and behind the seawall, and slumping of the soil along the entire length of the seawall as can be seen in Figure 4, Figure 5, Figure 6 and Figure 7.

The shoreline erosion and soil slumping behind the seawall has been caused by seawater seeping through gaps and cracks in the wall, saturating the soil and making it susceptible to erosion[1]. The saturated soil has then been washed away, causing voids to form and creating further opportunities for erosion. Some of the voids are of sufficient width and depth that they have begun to compromise the structural integrity of the seawall. Furthermore, there is no evidence of any soil retention material (such as geo-textile fabric) nor drainage material behind the existing seawall.

There is a significant risk of increased shoreline erosion if the current seawall is not replaced.

Figure 4 - Existing concrete cylinder seawall and rock groyne with dislocation of concrete cylinders and significant slumping of the soil behind the seawall clearly evident

[1] See Nielsen, L. et. al., "Geotechnical aspects of seawall stability with climate change", 21st NSW Coastal Conference 2012, https://www.coastalconference.com/2012/papers2012/Lex%20Nielsen%20Full%20Paper.pdf

Figure 5 - Existing concrete mesh seawall, storm water pipe and piles with significant degradation and failure of the mesh concrete in the foreground

Figure 6 - Significant soil slumping behind concrete mesh seawall – orange string line depicts surveyed boundary

Figure 7 - Significant soil slumping behind concrete cylinder seawall – orange string line depicts surveyed boundary

Proposed Development

Project Overview

This DA seeks approval for the construction of a new jetty, pontoon and retaining seawall as follows:

- Removal of two existing piles.
- Removal of existing artificial rock groyne (approximately 5 m x 1 m).
- Removal of existing dilapidated concrete retaining seawall.
- Construction of new timber jetty with hinged platform (13.9 m x 1.5 m) and timber pile footings.
- Construction of new floating pontoon (4.0 m x 2.0 m) with utility service pedestal and two timber pontoon piles.
- Construction of new 21.28 m sandstone retaining seawall.
- Replacement of existing stormwater outflow pipes.

The 21.28 m sandstone seawall will be constructed along the surveyed western boundary and wholly contained within the property to align with the MHWM. The jetty and pontoon will extend west 16 m from the sandstone seawall into Cicada Glen Creek from the edge of the seawall. The location and design of the seawall, jetty and pontoon are shown in Figure 8, Figure 9 and Figure 10 prepared by Lionel Curtin (Architect). As can be seen in Figure 8, the location of the jetty and pontoon have been selected to be approximately equidistant from the existing jetties and pontoons associated with the neighbouring properties (204 and 208 McCarrs Creek Road).

Figure 8 - Site plan showing location of proposed jetty, pontoon and seawall

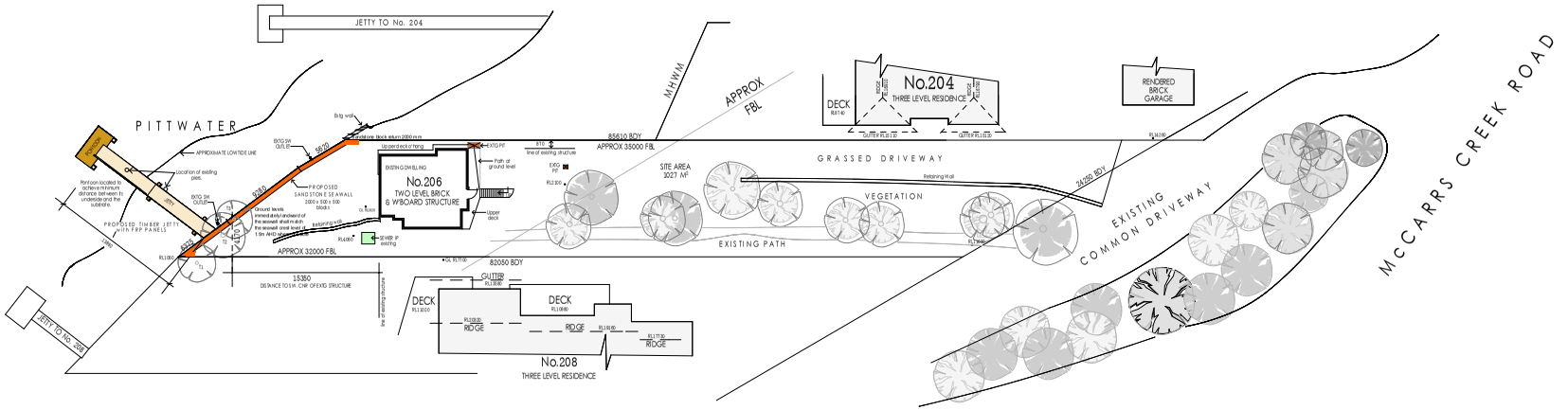
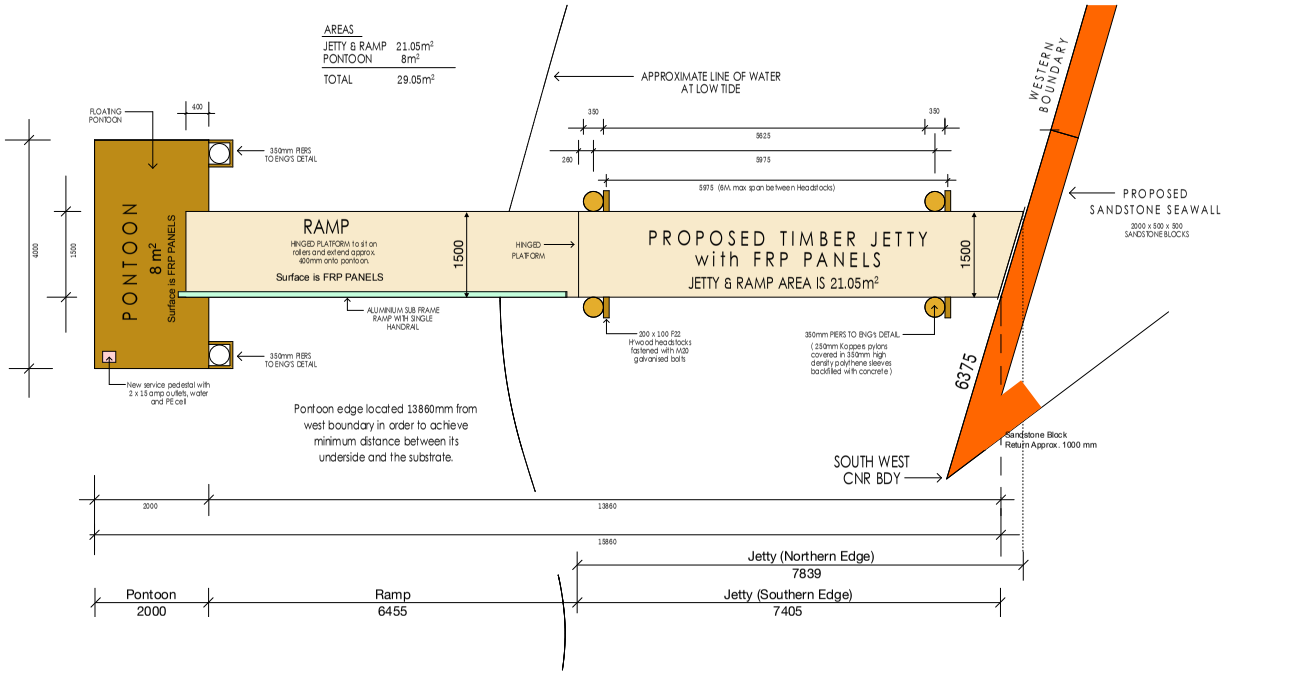


Figure 9 - Plan of proposed jetty, pontoon and southern part of seawall

NOTES

Builder to check all dimensions on site prior to construction.
All dimensions that relate to site boundaries and easements are subject to verification by a site survey.
All work is to be in accordance with The Building Code of Australia, local council requirements & other relevant authorities.
Roof water and sub soil drainage to be disposed of in the approved manner or as directed by local council inspectors.
All electrical power and light outlets to be determined by the owner in conjunction with the builder.
All timber construction to be in accordance with the AS1684 Timber Framing Code.



P L A N

J E T T Y A P P L I C A T I O N

FOR

P R O P O S E D N E W D W E L L I N G

Dwg No.2
Scale 1:50 @ A2
Ref: NBC1124
DEC. 2024

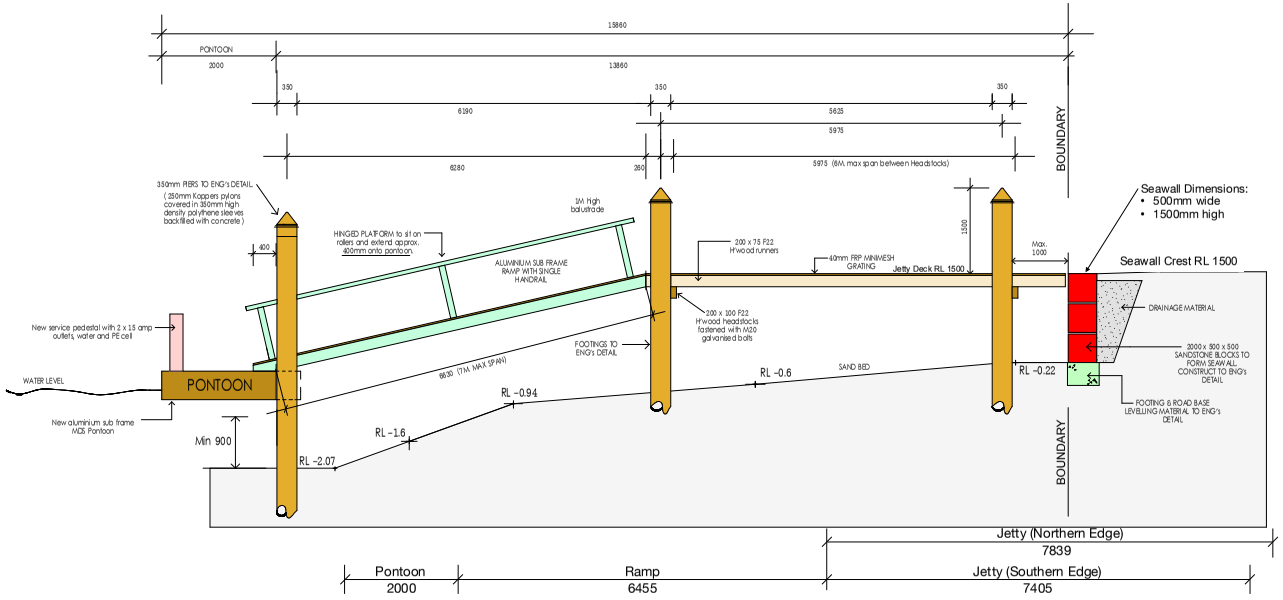
Wightwick Residence
206 McCarrs Creek Rd., Church Point
Lot 15 DP 875022

Lionel Curtin
Design & Documentation
0402 833 626
85 Plateau Road Bilgola Plateau 2107

Figure 10 - South-west elevation of proposed jetty, pontoon and seawall

NOTES

Builder to check all dimensions on site prior to construction.
All dimensions that relate to site boundaries and easements are subject to verification by a site survey.
All work is to be in accordance with The Building Code of Australia, local council requirements & other relevant authorities.
Roof water and sub soil drainage to be disposed of in the approved manner or as directed by local council inspectors.
All electrical power and light outlets to be determined by the owner in conjunction with the builder.
All timber construction to be in accordance with the AS1684 Timber Framing Code.



SOUTH WEST ELEVATION

JETTY APPLICATION

FOR

PROPOSED NEW DWELLING

Dwg No.3
Scale 1:50 @ A2
Ref: NBC1124
DEC. 2024

Wightwick Residence
206 McCarrs Creek Rd., Church Point
Lot 15 DP 875022

Lionel Curtin
Design & Documentation
0402 833 626
85 Plateau Road Bilgola Plateau 2107

Demolition and Construction

The proposed sandstone seawall will be constructed first, followed by the jetty and pontoon.

Demolition and construction activity for the seawall is proposed to be undertaken as follows:

- Remove Swamp She-oak tree and Bangalow Palm tree (exempt species) under guidance of a qualified Project Arboriculturist. Removal of the trees to be performed by a minimum AQF Level 3 arborist.
- Establish and prepare the site for construction activities including installation of safety barriers and silt control.
- Remove existing artificial rock groyne.
- Demolish existing concrete seawall and excavate footing while managing spoil on-site.
- Deliver and lay down road base, mix cement into the footing to create a level base and install geotextile fabric.
- Replace existing stormwater outflow pipes with new PVC pipes.
- Position the rock face and place the sandstone blocks (2.0 m x 0.5 m x 0.5 m).
- Place free-draining material (recycled concrete cylinders from the demolished seawall) behind the new seawall and secure it with hip fabric.
- Level the area behind the seawall and plant new turf.
- Restore the site to a clean condition free of debris and rubbish.

Demolition and construction activity for the jetty and pontoon is proposed to be undertaken as follows:

- Establish and prepare the site for the jetty and pontoon construction activities including installation of safety barriers and silt control.
- Remove existing two piles including removal of any significant marine growth (allowing it to settle below on the seabed).
- Install six H6 250 mm diameter Koppers piles into the seabed.
- Install six 350 mm diameter high density polyethylene sleeves over the piles and backfill with concrete.
- Install four 200 mm x 100 mm rough sawn Australian hardwood F22 grade headstocks.
- Install four 200 mm x 75 mm rough sawn Australian F22 grade hardwood runners.
- Install 40 mm fibre-reinforced plastic (FRP) mini-mesh grating.
- Install aluminium sub-frame pontoon including FRP mini-mesh grating and heavy-duty black carpet fender.
- Install service pedestal with two x 15 amp outlets and water tap.
- Restore the site to a clean condition free of debris and rubbish.

Measures to Minimise Environmental Impacts

The following measures will be implemented during construction to minimise environmental impacts:

- All works will be performed from the waterway via a barge.
- Site environmental controls, including silt barriers and floating booms will be established to contain silt, offcuts and debris.
- Barge and vessels will maintain 600 mm clearance to the seabed when working over sensitive habitats.
- Minimal use of anchors will be made.
- Anchors and/or mooring lines will not be placed on, over or across seagrass habitat.
- Barges and vessels will not be moored over areas of seagrass – if unavoidable, a minimum depth of 600 mm between the seabed and vessel will be maintained and the barge will not remain in this position for more than 72 hours.
- All construction equipment will be checked regularly for leaks and a spill kit will be kept on site.
- Materials will be delivered by barge.
- Waste material will be stored on site for subsequent removal by road or removed via barge.
- Piles will be removed and replaced using methods that minimise seabed disturbance including a soft start procedure for piling.

- Removal of the existing artificial rock groyne will use practices that minimise seabed disturbance.
- Piles to be removed will have any significant marine growth removed and allowed to settle on the seabed.
- No materials will be stored or placed on the seabed.
- Construction equipment will be thoroughly cleaned prior to mobilisation and demobilisation from the site.
- Construction of the sandstone seawall should be undertaken during ebb tides to minimise coastal erosion.

Environmental Impact Assessment

Navigation

An "Impact to Navigation Assessment Application" was lodged with Transport for NSW – Maritime on 27 September 2024. On 4 November 2024, Transport for NSW – Maritime confirmed that the proposal for construction of a jetty and pontoon as outlined was assessed as "having minimal impact on the safety of navigation under the Maritime Safety Act 1998". A copy of their assessment is included on page 43.

Marine Ecology

An "Application for assessment and letter for landowner's consent relating to proposed foreshore developments" was lodged with the NSW Department of Primary Industries and Regional Development (DPIRD) – Fisheries on 19 August 2024. On 14 November 2024, the NSW DPIRD – Fisheries indicated that they had reviewed the proposal for construction of a timber jetty, pontoon and sandstone retaining seawall and that they had "no objection to the lodgement of a land owner's consent application". A copy of their letter for landowner's consent is included on page 47.

A Marine Habitat Survey of the seabed and the surrounding marine habitat at the site was undertaken by H2O Consulting Group on behalf of the property owner as required by NSW DPIRD – Fisheries and to support this DA.

The objectives of this survey were to describe the proposal and marine environment; identify and map marine vegetation, threatened and/or invasive species; identify potential impacts from the proposal with recommended mitigation measures; and determine if the proposal meets the requirements of NSW DPIRD – Fisheries policies for waterfront structures.

The survey determined that the proposed works are compliant with the relevant foreshore structure policy and guidelines and are not expected to result in the disturbance, removal or loss of any Type 1 Key Fish Habitat (KFH).

The survey determined that removal of the artificial rock groyne will result in the loss of approximately 5 m^2 of artificial rocky habitat, however the artificial rock groyne is not consistent with the natural shoreline along this section of Cicada Glen Creek and the habitat will be replaced by the new sandstone seawall. The construction of the new pontoon, jetty footings and sandstone retaining seawall will provide at least a two-to-one offset in additional habitat associated with the removal of the artificial rock groyne.

Potential direct and indirect impacts on the marine environment from the construction works have been identified with appropriate mitigation measures as follows:

- Use of barges or vessels – avoid grounding and maintain 600mm clearance to the seabed; no barges or vessels, anchors or mooring lines over or across seagrass habitat; booms in place to contain unplanned spills; cleaning of construction equipment prior to mobilisation and de-mobilisation from site.
- Removal of existing structures – pile removal and replacement minimising seabed disturbance; rock groyne removal minimising seabed disturbance; removal of significant marine growth from existing piles as they are removed; use of silt curtains to minimise sediment disturbance; preference pile driving over augering; no materials stored or placed on the seabed.
- Piling, footing and retaining seawall construction – use of soft start procedure to allow marine fauna to move away; use of silt curtains to minimise sediment disturbance; installation of retaining seawall to occur during ebb tides to minimise coastal erosion; no materials stored or placed on the seabed.

Potential direct and indirect impacts on the marine environment from operation of the proposed structure have been identified with appropriate mitigation measures as follows:

- Disturbance of the seabed during vessel use of the structures – the proposed jetty and pontoon has been designed to provide a minimum depth of 0.9 m above the Lowest Astronomical Tide (as required by DPIRD – Fisheries); mooring of vessels will be restricted to vessels with adequate draft.
- Increased and/or new shading footprint – the proposed jetty and pontoon will be located over unvegetated habitat and approximately 10 m south of the mapped seagrass and will use FRP mini-mesh grating for the jetty and pontoon decks to allow maximum light penetration.

The impact on marine habitat from the proposed works are expected to be minimal and can be adequately controlled through adoption of identified mitigation measures during construction.

Foreshore Landscape

The 22 metre foreshore comprises of lawn and two trees (see Figure 11). With reference to Figure 11, the tree on the right of the picture (the most northerly tree) is a Bangalow Palm (exempt species). The tree in the centre of the picture is a Swamp She-oak. The small shrub abutting the top of the seawall is an outcrop from the root structure of the Swamp She-oak.

As can be seen in Figure 12 and Figure 13, the Bangalow Palm tree (exempt species) and Swamp She-oak tree are in close proximity (305 mm and 700 mm respectively) to the surveyed foreshore boundary (MHWM). Under D15.8 (iii) of the Pittwater 21 Development Control Plan, seawalls are to be constructed of or faced in rectangular shaped sandstone. As outlined in Proposed Development on page 13, the sandstone blocks proposed for use in construction of the seawall are 0.5 m wide and will need to be backfilled with free draining material to a width of approximately 0.5 m. Hence both the Bangalow Palm tree (exempt species) and the Swamp She-oak tree on the 206 McCarrs Creek Road property will be impacted by the seawall construction.

An Arboricultural Impact Assessment (AIA) was undertaken by Xylology Arboricultural Consultancy to support this DA. The assessment determined that the construction of the proposed sandstone seawall, including the required footing and drainage works, will impact the trunks (structural root zone and tree protection zone) of the two trees located on the site (the Bangalow Palm which is an exempt species and Swamp She-oak). The resulting incursion into the structural root zone and tree protection zone is 100%, and as such, these trees will need to be removed. The Bangalow Palm's structural condition is assessed as being good-fair and having medium retention value, while the Swamp She-oak's structural condition is assessed as being fair-poor and having medium retention value.

The AIA also described the impact of the construction on a Cocos Palm (exempt species) located on the neighbouring property (208 McCarrs Creek Road). However, this tree has subsequently been removed by the owner of 208 McCarrs Creek Road on April 12, 2025 and hence, is no longer relevant to this DA.

Geotechnical Assessment

A Geotechnical Assessment was undertaken by ASCENTGEO Geotechnical Consulting to support this DA. The assessment determined that:

- The proposed development is considered suitable for the site.
- The existing conditions and proposed development are considered to constitute an "Acceptable" risk to life and a "Low" risk to property provided that recommendations outlined in their assessment are adhered to during design and construction.

Estuarine Risk Management and Coastal Engineering Report

An Estuarine Risk Management and Coastal Engineering Report was undertaken by Horton Coastal Engineering to support this DA. This report determined that:

- The risk of the proposed development being adversely affected by estuarine processes can be suitably mitigated.
- The proposed development satisfies the requirements of Chapter B3.9 and Chapter D15.18 of the Pittwater 21 DCP, the Estuarine Risk Management Policy for Development in Pittwater, Clause 7.8 of

Pittwater Local Environmental Plan 2014, State Environmental Planning Policy (Resilience and Hazards) 2021, and Section 27 of the Coastal Management Act 2016, for the matters outlined herein.

- For a design life of 60 years, the adopted Estuarine Planning Level (EPL) is 2.3 m AHD.

Figure 11 – Cocos Palm tree (left), Swamp She-oak tree (centre) and Bangalow Palm tree (right) located near the foreshore. Note that the Cocos Palm tree located on the neighbouring property has subsequently been removed by the owner of 208 McCarrs Creek Road on 12 April 12 2025 and is no longer relevant to this DA.

Figure 12 – Swamp She-oak tree (foreground), located 700 mm from surveyed foreshore boundary (MHWM) depicted by orange string line

Figure 13 – Bangalow Palm tree, located 305 mm from surveyed foreshore boundary (MHWM) depicted by orange string line

Planning Assessment

Relevant Legislation

The relevant legislation is described in Table 2.

Legislation	Comments
Environmental Protection & Biodiversity Conservation Act 1999	The Environmental Protection and Biodiversity Act 1999 is designed to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places. In relation to the proposed development, a detailed Marine Habitat Survey of the seabed and the surrounding marine habitat at the site was undertaken by H2O Consulting Group (see Marine Habitat Survey). This assessment determined that there will be no significant impact on any marine flora or fauna from the proposed works.
Fisheries Management Act 1994	The Fisheries Management Act 1994 protects threatened species, populations and ecological communities of fish and marine vegetation, and requires that any proposed development be assessed with respect to its potential impacts on species or ecological communities listed as threatened under the Act. A detailed Marine Habitat Survey of the seabed and the surrounding marine habitat at the site was undertaken by H2O Consulting Group. This assessment determined that the proposed works are compliant with the relevant foreshore structure policy and guidelines and are not expected to result in the disturbance, removal or loss of any Type 1 KFH.
Coastal Management Act 2016	The subject site has been identified as being within the coastal zone and, therefore, the Coastal Management Act 2016 is applicable to this proposed development. This proposed development is consistent with the objects, as set out under Part 1 Section 3 of the Coastal Management Act 2016. The development will replace an existing dilapidated seawall with a sandstone seawall protecting the coastline and property from erosion consistent with the Pittwater Local 21 Development Control Plan. Furthermore, the construction of a new pontoon, jetty footings and sandstone seawall will provide at least a 2:1 offset in additional marine habitat associated with the removal of an artificial rock groyne.

Table 2 - Relevant Legislation

Environmental Planning Policies

The relevant environmental planning policies are described and assessed in Table 3.

Policy	Provision	Comments
State Environmental Planning Policy (Resilience & Hazards) 2021	Division 1 Coastal Wetlands & Littoral Rainforests Area	This site is not within an area identified as a Division 1 Coastal Wetlands or Littoral Rainforest area.
	Division 2 Coastal Vulnerability Area	This site is not within an area identified as a Division 2 Coastal Vulnerability Area.
	Division 3 Coastal Environment Area	The proposed development is consistent with the objectives of Division 3 Coastal Environment Area. Specifically, the impact on marine habitat from the replacement of the existing seawall and construction of a new jetty are expected to be minimal and adequately controlled through the adoption of mitigation measures outlined in the Marine Habitat Survey.
	Division 4 Coastal Use Area	The proposed development is consistent with the objectives of Division 4 Coastal Use Area. As can be seen in Figure 2, all neighbouring waterfront properties in the area have seawalls and jetties, so the reconstruction of the existing seawall and construction of a new jetty is consistent with the surrounding coastal and built environment, will not adversely impact the visual amenity and scenic qualities of the coast, nor will it cause any overshadowing, wind funnelling or loss of views from public places to foreshores.
	Division 5 General	The proposed development is consistent with the objectives of Division 5 General and is not likely to cause increased risk of coastal hazards.

Table 3 - Environmental Planning Policies

Pittwater Local Environment Plan 2014

The Pittwater Local Environment Plan 2014 (Pittwater LEP 2014) is the Environmental Planning Instrument (EPI) relevant to this site. The relevant controls are assessed in Table 4.

Standard/Control	Required	Proposal	Compliance
C4 & W1 Zoning (Part 2.1, Land Use Table, Part 2.5 & Schedule 1)	Land uses that are permitted with consent.	The proposed seawall is permissible in the C4 Zone and the proposed jetty and pontoon is permissible in the C4 and W1 Zones and Schedule 1 Area 23.	Complies
Demolition Requires Development Consent (Part 2.7)	The demolition of a building or work may be carried out only with development consent.	This proposal seeks approval for demolition of a dilapidated seawall, removal of abandoned piles and removal of an artificial rock groyne as part of this DA.	Complies
Development Below MHWM (Part 5.7)	Development consent is required for works below MHWM.	DA is submitted with landowner's consent from the NSW DPHI – Crown Lands.	Complies
Flood Planning (Part 5.21)	The land is within the flood planning area and subject to flood related development controls.	While the site is located within a flood planning area, the construction of a jetty and pontoon and a replacement seawall will not adversely affect flood behaviour, the safe occupation and efficient evacuation of people, or the environment.	Complies
Acid Sulfate Soils (Part 7.1)	Development consent is required for works within 500 m of adjacent Class 1, 2, 3 or 4 land that is below 5 m (AHD) and by which the water table is likely to be lowered below 1 metre (AHD) on adjacent Class 1, 2, 3 or 4 land.	The site is located approximately 60 m from McCarrs Creek Reserve (Class 2 land) across Cicada Glen Creek and abuts Cicada Glen Creek (Class 1). However, the works will not result in any lowering of the water table, hence it will not be necessary to submit an acid sulfate soil management plan. Furthermore, the Geotechnical Assessment concluded that "The proposed works should not have a significant detrimental effect on the ground water movements or water table in the area. AscentGeo is of the opinion that soil materials in the area of the proposed work will lack the reducing environment necessary to permit the formation of Acid Sulfate Soils."	Complies
Earthworks (Part 7.2)	Development consent is required.	This proposal seeks approval for earthworks associated with the replacement and reconstruction of a seawall.	Complies
Biodiversity (Part 7.6)	The site is identified as Biodiversity on the Pittwater LEP 2014 Biodiversity Map.	The impact on marine habitat from the replacement of the existing seawall and construction of a new jetty and pontoon are expected to be minimal and will not create any adverse environmental impact on native flora and fauna or ecological process and can be adequately controlled through the adoption of mitigation measures outlined in the Marine Habitat Survey.	Complies
Geotechnical Hazards (Part 7.7)	The site is rated as Geotechnical Hazard H1.	A Geotechnical Assessment was undertaken by ASCENTGEO Geotechnical	Complies

		Consulting. The assessment determined that the proposed development is considered suitable for the site; and the existing conditions and proposed development are considered to constitute an "Acceptable" risk to life and a "Low" risk to property provided that recommendations outlined in their assessment are adhered to during design and construction.	
Limited Development on the Foreshore Area (Part 7.8)	Development consent is required as the proposed development is within the foreshore area.	The proposed jetty, pontoon and supporting piles and seawall are permissible under Part 7.8 (2) (b). The development will not cause environmental harm (see Marine Habitat Survey) nor cause congestion or generate conflict for people using the adjacent waterway (see Transport for NSW – Maritime on page 43). An Estuarine Risk Management and Coastal Engineering Report was undertaken by Horton Coastal Engineering which determined an Estuarine Planning Level of 2.3 m AHD and concluded that the risk of the proposed development being adversely affected by estuarine processes can be suitably mitigated. Thus, sea level rise, coastal erosion and recession, or change of flooding patterns because of climate change, have been considered.	Complies

Table 4 - Pittwater LEP 2014 assessment

Pittwater Local 21 Development Control Plan

The Pittwater 21 Development Control Plan 2014 (Pittwater 21 DCP) provides best practice standards for development covering this site as part of the Church Point and Bayview Locality and the Waterways Locality. The relevant controls are assessed in Table 5.

Section	Relevant Outcome	Relevant Controls	Proposal	Compliance
A4.4 Church Point & Bayview Locality	The Church Point and Bayview locality will remain a low-density residential area maintaining the landforms, landscapes and other features of the natural environment, and the development of land.	Nil	The proposed development, replacing a dilapidated seawall and constructing a jetty and pontoon is consistent with the desired and future character of Church Point.	Complies
A4.15 Waterways Locality	This site is identified on the Waterways Locality Map. The Waterway locality will remain primarily a recreational boating area. A balance will be achieved between	Nil	The proposed development, replacing a dilapidated seawall and constructing a jetty and pontoon, is consistent with the desired and future character of the Waterways Locality.	Complies

Section	Relevant Outcome	Relevant Controls	Proposal	Compliance
	maintaining the landforms, landscapes and other features of the natural environment, and the development of land.			
B1.1-3 Heritage Conservation	Conservation of the environmental heritage of Pittwater in accordance with the principles contained in the Burra Charter.	Various	According to the Pittwater LEP 2019 Heritage Map HER_011, the freehold land and the land below the MHWM are not situated within a Heritage Conservation Area.	Complies
B1.4 Aboriginal Heritage Significance	Provide protection for Aboriginal place of heritage significance or Aboriginal object. Potential Aboriginal places of heritage significance and Aboriginal objects are identified and protected.	Development must conserve the significance of any Aboriginal place of heritage significance or Aboriginal object.	A search within 50 m of the development site (206 McCarrs Creek Road) was undertaken using the Aboriginal Heritage Information Management System (see page 55) and has shown that there are no Aboriginal sites recorded in or near the site and that there are no Aboriginal places have been declared in or near the site.	Complies
B3.1 Landslip hazard	Protection of people; protection of the natural environment; protection of private and public infrastructure and assets.	All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater; development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level; the development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.	A Geotechnical Assessment was undertaken by ASCENTGEO Geotechnical Consulting. The assessment determined that the proposed development is considered suitable for the site; and the existing conditions and proposed development are considered to constitute an “Acceptable” risk to life and a “Low” risk to property provided that recommendations outlined in their assessment are adhered to during design and construction.	Complies
B3.2 Bushfire Hazard	Protection of public health; protection of the natural environment; successful	Nil.	While the site for the proposed development is identified on the Pittwater Bushfire Prone Land Map, the controls do not apply to jetties or seawalls.	Complies

Section	Relevant Outcome	Relevant Controls	Proposal	Compliance
	remediation of contaminated land.			
B3.6 Contaminated Land & Potentially Contaminated Land	Protection of public health; protection of the natural environment; successful remediation of contaminated land.	Whether the land is contaminated; if the land is contaminated, whether the land is suitable in its current state or after decontamination for the proposed development; if the land requires remediation.	The site for the proposed development has not been used in the past for a purpose that might cause contamination.	Complies
B3.7 Estuarine Hazard – Low Density Residential	Protection of people; protection of the natural environment; protection of private and public infrastructure and assets.	Nil.	An Estuarine Risk Management and Coastal Engineering Report was undertaken by Horton Coastal Engineering which determined an Estuarine Planning Level of 2.3 m AHD and concluded that the risk of the proposed development being adversely affected by estuarine processes can be suitably mitigated.	Complies
B3.11 Flood Prone Land	Protection of people; protection of the natural environment; protection of private and public infrastructure and assets.	Nil.	While the site for the proposed development is identified on the Flood Hazard Map, the controls do not apply to jetties or seawalls.	Complies
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)	Protection of people; protection of the natural environment; protection of private and public infrastructure and assets.	Nil.	An Estuarine Risk Management and Coastal Engineering Report was undertaken by Horton Coastal Engineering which determined an Estuarine Planning Level of 2.3 m AHD and concluded that the risk of the proposed development being adversely affected by estuarine processes can be suitably mitigated.	Complies
B4.16 Seagrass Conservation	The conservation of seagrass beds in Pittwater.	Development shall not significantly affect seagrass beds.	The location of a seagrass bed has been mapped and is shown in Figure 8 on page 15 of the Marine Habitat Survey. The jetty and pontoon location and orientation have been specified to reduce any impact to the seagrass while docking of vessels. Furthermore, NSW DPIRD – Fisheries have reviewed the proposal and provided a letter for landowner's consent on page 47. The deck of the jetty and pontoon will be constructed of FRP mini-mesh grating to maximise light filtration to the seafloor.	Complies
B4.19 Estuarine habitat	To protect and enhance the mangroves,	Development shall not be permitted which could result in the	The proposed jetty, pontoon and seawall have been designed to minimise any impact on the	Complies

Section	Relevant Outcome	Relevant Controls	Proposal	Compliance
	saltmarsh, seagrasses, intertidal sand/mud flats and other foreshore habitats that comprise the estuarine habitat of Pittwater; development in the catchment of estuarine habitat is to result in estuarine habitat being retained or enhanced with respect to that development; the physical, chemical and biological processes of estuarine habitats in Pittwater are improved, maintained or restored; biodiversity, ecological processes and other estuarine habitat values are conserved.	destruction of seagrass beds and other estuarine habitats; development shall provide adequate buffering to estuarine habitat; development within the Pittwater Waterway shall have regard to any adjoining important estuarine habitats at all times, particularly during construction.	estuarine habitat as documented in the Marine Habitat Survey. Measures to minimise environmental impact during demolition and construction are outlined in Demolition and Construction on page 17 and in Measures to Minimise Environmental Impacts on page 17.	
B4.22 Preservation of trees and bushland vegetation	To protect and enhance the urban forest of the Northern Beaches; to protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities; to promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term; to protect and enhance the scenic value and character that trees and/or bushland vegetation provide.	An authority to clear vegetation is not required under the Vegetation SEPP if it is clearing authorised by development consent i.e. a 'DA' under Part 4 of the Environmental Planning and Assessment Act 1979; a Vegetation Clearing Permit is required for removal or cutting down of any tree over 5 metres in height; in applying for a Vegetation Clearing Permit, the applicant must demonstrate that any tree to be removed as part of a Vegetation Clearing Permit meets one or more of the criteria of the Removal of Tree Test in Appendix 16 (P21DCP) and the Tree Retention Assessment in	A Bangalow Palm tree (exempt species) and Swamp She-oak tree are in proximity (700 mm and 305 mm respectively) to the surveyed foreshore boundary (MHWM). The proposed seawall is to be constructed using sandstone blocks (in compliance with D15.8 (iii)) which are 0.5 m wide and will need to be backfilled with free draining material to a width of approximately 0.5 m. Hence both the Bangalow Palm tree (exempt species) and Swamp She-oak tree will be impacted by the seawall construction and will need to be removed. This meets criteria 6 of the Removal of Trees Test in Appendix 16 (P21DCP) relating to construction of private structures. An AIA was undertaken by Xylology Arboricultural Consultancy. The assessment (consistent with the Tree Retention Assessment methodology in Appendix 17 of the P21DCP) determined that the construction of the proposed sandstone seawall, including the	Complies

Section	Relevant Outcome	Relevant Controls	Proposal	Compliance
		Appendix 17 (P21DCP);	required footing and drainage works, will impact the trunks (structural root zone and tree protection zone). The resulting incursion into the structural root zone and tree protection zone is 100%, and as such, these trees will need to be removed. The Bangalow Palm's structural condition is assessed as being good-fair and having medium retention value, while the Swamp She-oak's structural condition is assessed as being fair-poor and having medium retention value.	
B5.15 Stormwater	Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland.	Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.	No changes to the existing stormwater arrangements will be made other than replacing the existing stormwater outflow pipes with new PVC pipes.	Complies
B8.1 Construction & demolition - excavation & landfill	Site disturbance is minimised; excavation, landfill and construction not to have an adverse impact; excavation and landfill operations not to cause damage on the development or adjoining properties.	Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or any landfill greater than 1 metre in height must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater and details submitted and certified by a Geotechnical Engineer with the detail design for the construction certificate.	A Geotechnical Assessment was undertaken by ASCENTGEO Geotechnical Consulting. The assessment determined that the proposed development is considered suitable for the site; and the existing conditions and proposed development are considered to constitute an "Acceptable" risk to life and a "Low" risk to property provided that recommendations outlined in their assessment are adhered to during design and construction. Specifically in relation to soil excavation, the report states that: "Soil excavation will be required to establish new footings in the western portion of the site. It is anticipated that these excavations will encounter shallow uncontrolled fill and silty topsoil, silty-sandy clay, and weathered bedrock, with large, detached sandstone boulders/joint blocks in the upper soil profile. The excavation of soil, clay and extremely weathered rock should be possible with the use of bucket excavators and rippers, or for piered	Complies

Section	Relevant Outcome	Relevant Controls	Proposal	Compliance
			footings, traditional auger attachments. For shallow excavations (<1.0m), provided the residual soil is battered back to a minimum of 35 degrees and covered, they should remain stable without support for a short period until permanent support is in place."	
B8.3 Construction & demolition – waste minimisation	Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	Concrete cylinders from the demolished seawall will be recycled as free-draining material behind the proposed new seawall. Any significant marine growth on the piles to be removed will be removed and allowed to settle on the seabed. Other waste materials will be separated for recycling and disposed of at a waste facility.	Complies
B8.4 Construction & demolition – site fencing & security	Ensuring public safety; protection of public domain.	All sites are to be protected by site fencing for the duration of the works.	Site fencing and safety barriers will be installed.	Complies
C1.4 Safety & Security	On-going safety and security of the Pittwater community.	Surveillance, access control, territorial reinforcement and space management.	There is no public access to the jetty and seawall other than via water, thus issues of safety, security, vandalism and crime should be minimal. Furthermore, the proposed pontoon will be fitted with a utility service pedestal which will incorporate a non-intrusive LED light designed to improve security and safety.	Complies
D4.1 Character as viewed from a public place	To achieve the desired future character of the locality; to ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment; to preserve and enhance district and local views which reinforce and protect the Pittwater's natural context; to ensure that development adjacent to public domain elements such as waterways,	Nil	The design of the proposed jetty, pontoon and replacement seawall are consistent in size and scale with seawalls, jetties and pontoons on neighbouring properties along McCarrs Creek Road. Viewed from the McCarrs Creek Reserve (across Cicada Glen Creek waterway), the proposed seawall and jetty will be consistent with other similar structures along the foreshore.	Complies

Section	Relevant Outcome	Relevant Controls	Proposal	Compliance
	streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land.			
D4.2 Scenic protection – general	Achieve the desired future character of this locality; bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment.	Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.	The design of the proposed jetty, pontoon and replacement seawall are consistent in size and scale with seawalls and jetties on neighbouring properties along McCarrs Creek Road. Viewed from the McCarrs Creek Reserve (across Cicada Glen Creek waterway), the proposed seawall and jetty will be consistent with other similar structures along the foreshore.	Complies
D4.3 Building colours & materials	Achieve the desired future character of the locality; the colours and materials of the development harmonise with the natural environment; the visual prominence of the development is minimised.	External colours and materials shall be dark and earthy tones; finishes are to be of a low reflectivity.	The proposed seawall is to be constructed using sandstone blocks which are in keeping with the local environment. Australian hardwood will be used for the jetty headstocks and runners. Jetty pylons will be clad in high density black polyethylene sleeves. Black FRP mini-mesh grating will be used for the jetty and pontoon decking. Thus, the proposed structures will be consistent with the requirement for dark and earthy tones.	Complies
D4.13 Construction, retaining walls, terracing & undercroft areas	To achieve the desired future character of the locality; to protect and minimise disturbance to natural landforms.	Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.	The proposed retaining seawall is to be constructed using sandstone blocks (2 m x 0.5 m x 0.5 m).	Complies
D4.14 Scenic protection category one area	To achieve the desired future character of the Locality; to preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront; maintenance and enhancement of the tree canopy; colours	Development is to minimise the impact on existing significant vegetation; the siting, building form, orientation and scale of the development shall not compromise the visual integrity of the site by removal of canopy trees along ridges and upper slopes; the development must incorporate the use of	The proposed jetty and pontoon will not have any impact on significant vegetation. The location and scale of the jetty and pontoon are consistent with neighbouring jetties and pontoons along McCarrs Creek Road. All materials used for construction of the jetty and pontoon are unobtrusive and will be non-reflective. They jetty piles, jetty deck and pontoon deck will be black in colour. Australian hardwood will be used for the jetty structural elements.	Complies

Section	Relevant Outcome	Relevant Controls	Proposal	Compliance
	and materials recede into a well vegetated natural environment; to maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component; to preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility; to encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping; to ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment; development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.	unobtrusive and non-reflective materials and the colours of exterior surfaces shall help blend structures into the natural environment; applicants are to demonstrate that proposed colours and materials will be dark and earthy.	Due to the dilapidated state of the existing seawall (see Figure 4, Figure 5, Figure 6 and Figure 7) and resulting shoreline erosion, a replacement seawall needs to be constructed. The proposed seawall is to be constructed using sandstone blocks (in compliance with D15.8 (iii)) which are 0.5 m wide and will need to be backfilled with free draining material to a width of approximately 0.5 m. Two trees, a Bangalow Palm tree (exempt species) and Swamp She-oak tree are in proximity (305 mm and 700 mm respectively) to the surveyed foreshore boundary (MHWM). An AIA has determined that the construction of the proposed sandstone seawall, including the required footing and drainage works, will impact the trunks (structural root zone and tree protection zone) of these trees. The resulting incursion into the structural root zone and tree protection zone is 100%, and as such, these trees will need to be removed. It should be noted that these trees are not located along ridges or upper slopes.	
D15.1 Character as viewed from a public place	To achieve desired future character of locality; to preserve and enhance district and local views; to ensure development adjacent to waterways, bushland reserves & other open spaces compliment the landscape character, public use and enjoyment of that land; built structures	Nil	The design of the proposed jetty, pontoon and replacement seawall are consistent in size and scale with seawalls, jetties and pontoons on neighbouring properties along McCarrs Creek Road. The jetty, pontoon and seawall will be below MHWM and in character with other similar structures. Viewed from the McCarrs Creek Reserve (across Cicada Glen Creek waterway), the proposed seawall, jetty and pontoon will be consistent with other similar structures along the foreshore.	Complies

Section	Relevant Outcome	Relevant Controls	Proposal	Compliance
	are minimised below MHWM; a balance between use of the waterway and conservation of the natural environment is achieved.			
D15.2 Scenic protection – general	Achieve the desired future character of this locality; bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment.	Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.	The design of the proposed jetty, pontoon and replacement seawall are consistent in size and scale with seawalls, jetties and pontoons on neighbouring properties along McCarrs Creek Road. Viewed from the McCarrs Creek Reserve (across Cicada Glen Creek waterway), the proposed seawall, jetty and pontoon will be consistent with other similar structures along the foreshore.	Complies
D15.3 Building colours & materials	The development enhances the visual quality and identity of the waterway; the colour and material of the development harmonise with the natural environment.	External colours shall be dark and earthy tones.	The proposed seawall is to be constructed using sandstone blocks which are in keeping with the local environment. Australian hardwood will be used for the jetty headstocks and runners. Jetty pylons will be clad in high density black polyethylene sleeves. Black FRP mini-mesh grating will be used for the jetty and pontoon decking. Thus, the proposed structures will be consistent with the requirement for dark and earthy tones.	Complies
D15.11 Waterfront lighting	To ensure waterfront lighting does not become a navigational hazard or adversely impact upon adjoining public land or residences; to ensure that external lighting is provided for safety and directional purposes only.	Lighting is to be shielded or located to minimise any likely adverse visual impact when viewed from the Pittwater Waterway; reflection off the water should be eliminated where possible.	The proposed pontoon will be fitted with a utility service pedestal providing electricity and water connections to support any berthed vessel. The utility service pedestal will incorporate a non-intrusive LED light designed to improve security and safety. The LED light is filtered downwards through an acrylic lens to minimise water reflection and any impact to navigation.	Complies
D15.12 Development seaward of MHWM	To ensure minimal adverse impact on the water quality hydrodynamics and estuarine habitat of Pittwater.	Only structures associated with the accommodation, servicing or provision of access to boats shall be permitted seaward of the MHWM.	The purpose of the proposed jetty and pontoon are to provide access to a boat berth for the site. The proposed pontoon and jetty will not adversely impact water quality of the estuarine habitat of the Pittwater waterway as outlined in NSW DPIRD – Fisheries letter for landowner's consent on page 47 and the Marine Habitat Survey. The proposed pontoon and jetty are consistent with other pontoons and jetties for neighbouring properties and will not	Complies

Section	Relevant Outcome	Relevant Controls	Proposal	Compliance
			adversely impact on the visual amenity of the foreshore or water quality hydrodynamics and estuarine habitat of Pittwater.	
D15.13 Lateral limits to development seaward of MHWM	To ensure that fair and equitable enjoyment of the waterway is achieved between neighbouring landowners through restricting unreasonable encroachment of waterfront development in front of adjoining properties.	Waterfront development shall be constructed perpendicular to the shoreline and within the defined lateral limit lines where practicable; shall be set back a minimum of 2 m along the full length of the lateral limits; setback shall also apply to any vessel that is to be berthed.	The proposed jetty and pontoon have been located within the lateral limits and set back more than the minimum 2 m required. The proposed location is consistent with the remnants (two white pylons in Figure 4 on page 9 and Figure 5 on page 10) of a previous jetty associated with this site. The pontoon location and orientation have been specified so as to reduce any impact to nearby seagrass while docking of vessels onto the pontoon (the location of the seagrass is shown in Figure 8 on page 15 of the Marine Habitat Survey) and to reduce any interference with the jetties and berthing facilities of the neighbouring properties. The location of the proposed pontoon, jetty and berthing area exceeds the minimum set back of 2 m along the full length of the lateral limit lines.	Complies
D15.14 Minimum frontage for waterfront development	To minimise the individual and cumulative impact of waterfront development.	Where an existing allotment has a water frontage of less than 15 m, limited development such as a jetty, ramp or pontoon will generally only be permitted; where individual facilities are desired, the applicant must demonstrate that shared facilities are not appropriate.	The water frontage of the site is 21.28 m, exceeding the control minimum of 15 m. Both neighbouring properties (204 and 208 McCarrs Creek Road) have jetties. The size of the jetty and pontoon for 208 McCarrs Creek Road and the associated approved berthing areas (as specified in their Crown Land licenses) mean that it is not feasible to share berthing facilities. The jetty and pontoon associated with 204 McCarrs Creek Road is shared with 202 McCarrs Creek Road, hence it is not feasible to share berthing facilities.	Complies
D15.15 Waterfront development	Waterfront development does not have an adverse impact on the water quality and estuarine habitat of Pittwater; waterfront development does not encroach on navigation channels or adversely affect the use of ferries and service vessels or use of the waterway	Ramp and pontoon structures are preferred in place of jetties, where practicable Vessels shall be berthed at right angles to the MHWM to minimise visual impact on the foreshore, where practicable; where this configuration may	As can be seen by reference to Figure 9 on page 15 and Figure 10 on page 16, the design of the jetty and pontoon are consistent with "Diagram 2A: Design Guidelines for Conventional Jetty, Ramp and Pontoon Structure – Elevation View" and "Diagram 2B: Design Guidelines for Conventional Jetty, Ramp and Pontoon Structure – Plan View". Criteria relevant to the specified controls are addressed as follows:	Complies

Section	Relevant Outcome	Relevant Controls	Proposal	Compliance
	by adjoining landowners; structures blend with the natural environment; structures are not detrimental to the visual quality, water quality or estuarine habitat of the Pittwater Waterway.	restrict navigation, vessels may be berthed parallel to MHWM provided such vessels are no greater in length than the maximum length of the distance between the lateral limits of the property less 4 metres, and provided that the parallel moored vessel does not restrict navigation.	i. A handrail will be located on south side only of the ramp connecting the jetty to the pontoon. ii. The proposed jetty and pontoon are located such that they will be less than the maximum permissible water depth of 2.5 m at low tide. iii. The water depth below the proposed pontoon will be no less than 900 mm (as required by NSW DPIRD – Fisheries) thus exceeding the control minimum depth of 600 mm. iv. The length of the proposed jetty and pontoon is consistent with neighbouring jetties and pontoons along McCarrs Creek Road, considering the requirement from NSW DPIRD – Fisheries to ensure that a minimum of 900 mm clearance is maintained between the pontoon and the seabed at the Lowest Astronomical Tide. Furthermore, TfNSW – Maritime have assessed that the proposed jetty and pontoon will have minimal impact on the safety of navigation (see page 43). v. The proposed jetty and pontoon will not incorporate any “L” or “T” ends or other types of elongations. vi. It is proposed that a utility service pedestal (approximately 1 m in height) providing electricity and water and incorporating a non-intrusive LED light designed to improve security and safety will be installed on the pontoon. The LED light is filtered downwards through an acrylic lens to minimise water reflection and any impact to navigation. No other structures above the finished surface of the jetty and pontoon are proposed. vii. The proposed jetty and pontoon will not incorporate any gates or like devices. viii. The proposed jetty will be supported on piles as shown in Figure 10 on page 16.	

Section	Relevant Outcome	Relevant Controls	Proposal	Compliance
			ix. The finished deck height of the proposed jetty and pontoon will be 1.5 m (AHD) consistent with the control maximum height of 1.5 m (AHD). x. The materials use for construction of the proposed jetty and pontoon (as described in Proposed Development on page 13) are not deleterious to marine life. xi. The location of the proposed jetty and pontoon is not above any seagrass (see Marine Habitat Survey). xii. The location of the proposed pontoon is not above any seagrass (see Marine Habitat Survey). The deck of the proposed pontoon is constructed of FRP mini-mesh grating to maximise light filtration to the seafloor. xiii. The location of the proposed pontoon is such that watercraft will not be moored over or anchored within seagrass beds. The berthing area associated with the proposed pontoon: • Has been located parallel to the MHWM based on the underlying topography of the seabed and the requirement from NSW DPIRD – Fisheries to ensure that a minimum of 900 mm clearance is maintained between the pontoon and the seabed at the Lowest Astronomical Tide. This will also ensure that there is a minimum of 600 mm depth of water below a berthed vessel at zero low tide (assumed to be equal to Lowest Astronomical Tide). • Provides greater than 2.5 m clearance from prolongation of adjoining boundaries. • Is consistent with, and does not extend beyond, the seaward face of pontoons, piles or jetty steps of neighbouring berthing facilities along McCarrs Creek Road.	

Section	Relevant Outcome	Relevant Controls	Proposal	Compliance
			• Is designed and located to enable efficient and safe manoeuvring without impinging on adjoining neighbours, as confirmed by TfNSW – Maritime (see page 43).	
D15.18 Seawalls	Any adverse impact upon the marine flora, fauna or water quality is minimised; alienation of public foreshore land below MHWM is minimised; development is sympathetic to the natural character of Pittwater Waterway; dredging is minimised.	Council may consider the construction of seawalls where there is potential for erosion from coastal processes and protection of property is necessary subject to specified criteria.	The foreshore of the site is currently partly protected by a dilapidated seawall. As outlined on page 9, there is significant shoreline erosion behind the existing dilapidated seawall and construction of a new seawall is necessary to protect the integrity of the shoreline and prevent further erosion. An Estuarine Risk Management and Coastal Engineering Report was undertaken by Horton Coastal Engineering which determined an Estuarine Planning Level of 2.3 m AHD and concluded that the risk of the proposed development being adversely affected by estuarine processes can be suitably mitigated. Criteria relevant to the specified controls for the proposed seawall are addressed as follows: i. The seawall will follow the surveyed boundary. ii. The height of the seawall will be 1.5 m AHD. iii. The seawall will be constructed of sandstone blocks with dimension 2.0 m x 0.5 m x 0.5 m. iv. Clean fill will be used behind the seawall. v. There is no sandy beach in front of the seawall. vi. The seawall will be located wholly within the site reducing the current encroachment into the intertidal zone of the existing dilapidated seawall. vii. Geotextile fabric will be used behind the seawall to reduce loss of sediment through the seawall. viii. The sandstone blocks will have a rough finish to provide surface complexity. ix. The seawall will have a reduced footprint compared to the existing dilapidated seawall, thus increasing the opportunity	Complies

Section	Relevant Outcome	Relevant Controls	Proposal	Compliance
			for native riparian and estuarine vegetation. x. The seawall will be low profile. xi. NSW DPIRD – Fisheries have been consulted in relation to the seawall (see page 47). xii. The seawall has been designed with reference to *Environmentally Friendly Seawalls – A Guide to Improving the Environmental Value of Seawalls & Seawall-lined Foreshores in Estuaries*.	
D15.19 Dredging	Any adverse impact upon the marine flora, fauna, habitat value or water quality of the locality is minimised.	Dredging shall not be permitted.	No dredging, as defined by D15.19 is proposed as part of this DA.	Complies.

Table 5 - Pittwater Local 21 Development Control Plan assessment

Conclusion

This SEE has been prepared to consider the relevant matters under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 including impacts to the natural and built environment in support of this DA.

It provides a thorough evaluation of the proposed development's impact on the environment and the surrounding natural and built environment in relation to navigation, ecology and aesthetics.

The DA outlined in this SEE demonstrates significant effort and due diligence to mitigate any impacts regarding navigation, visual, environmental and ecological factors. The applicant has undertaken the required environmental due diligence through a detailed Marine Habitat Survey, Arboricultural Impact Assessment, Geotechnical Assessment and Estuarine Risk Management and Coastal Engineering Report which contributed to the design, location and construction approach for the proposed pontoon, jetty and seawall. Furthermore, the applicant has engaged with NSW DPHI – Crown Lands, NSW DPIRD – Fisheries and TfNSW – Maritime who have concurred with this application.

The proposed development is justified as follows:

- The proposed development is permissible with consent and is consistent with all the relevant legislation, policies, environmental planning instruments and controls.
- The environmental risks associated with the construction and operation of proposed development can be appropriately mitigated and managed.
- The proposed pontoon and jetty have been located to enable safe navigation for vessels in Cicada Glen Creek.
- The assessment of the proposal has demonstrated that the development is consistent with the relevant planning controls for the site.
- The proposal is consistent with the principles of ecological sustainable development as defined by Schedule 2 (7) (4) of the Environmental Planning and Assessment Regulation 2021.

Given the merits described above it is recommended and requested that the associated DA be approved.

Site Survey

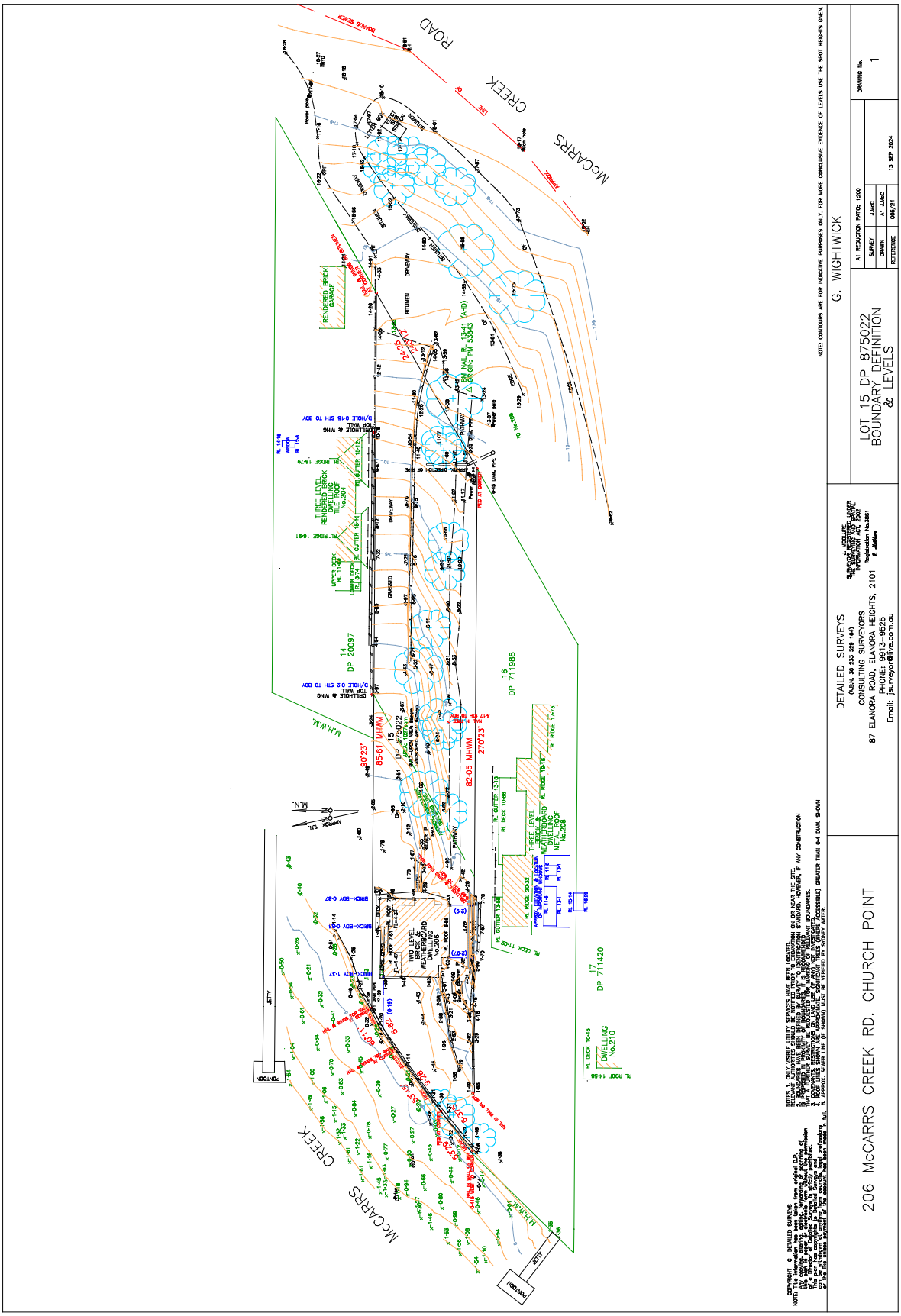


Figure 14 - Site survey

Transport for NSW

NSW GOVERNMENT

Liesl Wightwick
9 Muston Street
Mosman NSW 2088
Email: glenn@wightwick.org

Re: Impact to Navigation Assessment Application 4 November 2024

Dear Liesl Wightwick,

Client: **Liesel Wightwick**
Location: **206 McCarrs Creek Road Church Point**
Proposed: **Jetty**

I refer to the Impact to Navigation Assessment Application, lodged on 27 September 2024, concerning the above Proposal.

NSW Maritime, a division within Transport for NSW (**TfNSW**), confirms that the Proposal, as set out in the attached stamped plan/s, has been assessed as having minimal impact on the safety of navigation under the *Marine Safety Act 1998*.

Should any aspect of the proposal change after receiving this advice, the amended plans must be resubmitted to TfNSW for a new assessment.

For further assistance, please do not hesitate to contact this office.

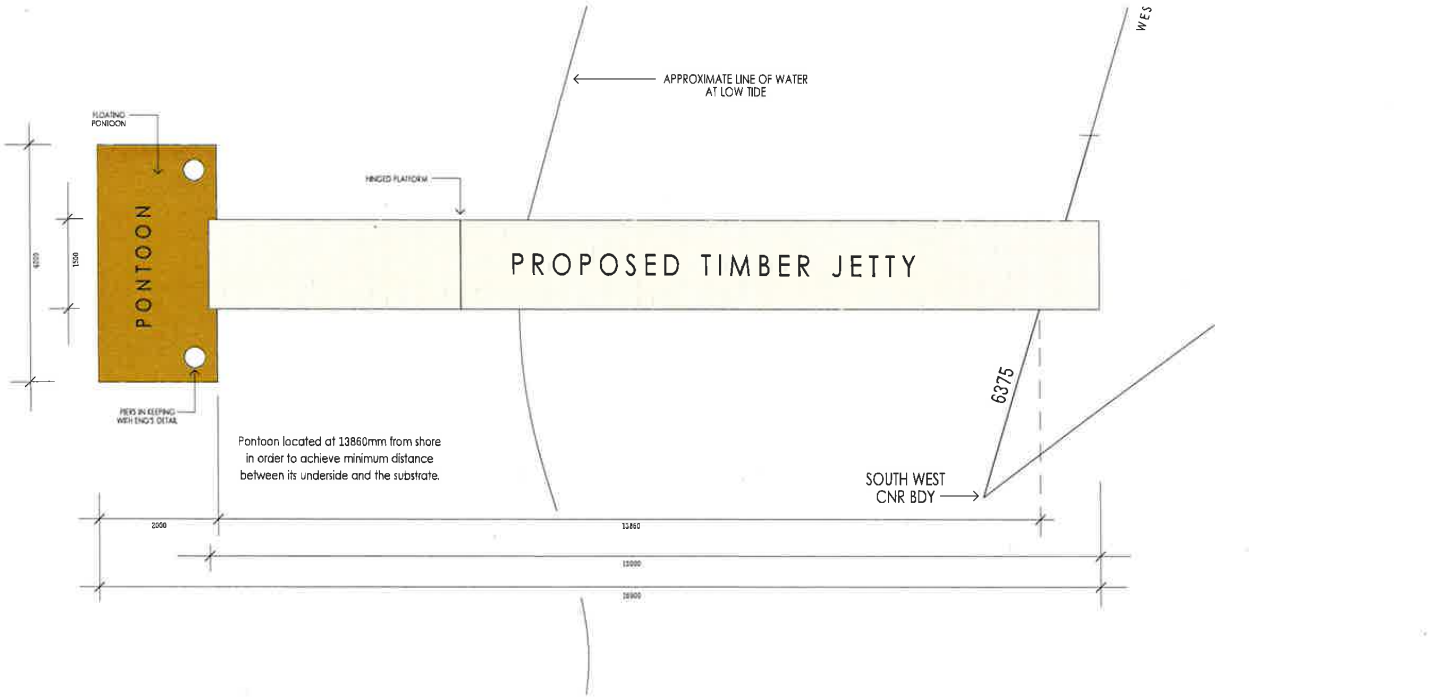
Sincerely,

Marcus Cahill
A/Manager Waterways Operations
0455 093 266

Disclaimer:
This assessment only covers how the Proposal might impact navigation. It does not mean the Proponent has permission to start any part of the Proposal.
Before commencing the Proposal, the Proponent must make sure that they have all the necessary approvals and comply with all relevant laws. For example, these may include the *Environmental Planning and Assessment Act 1979*, the *Crown Land Management Act 2016*, the *Fisheries Management Act 1997*, the *Marine Estate Management Act 2014*, and the *Native Title Act 1993 (Cth)*. The Proponent should make enquiries to identify if any other laws apply.

NOTES

Builder to check all dimensions on site prior to construction.
All dimensions that relate to site boundaries and easements are subject to verification by a site survey.
All work is to be in accordance with The Building Code of Australia, local council requirements & other relevant authorities.
Roof water and sub soil drainage to be disposed of in the approved manner or as directed by local council inspectors.
All electrical power and light outlets to be determined by the owner in connection with the builder.
All Timber construction to be in accordance with the AS1684 Timber Framing Code.



NORTH

PLAN

BSO Adamson
02/11/2024

JETTY APPLICATION

FOR

PROPOSED NEW DWELLING

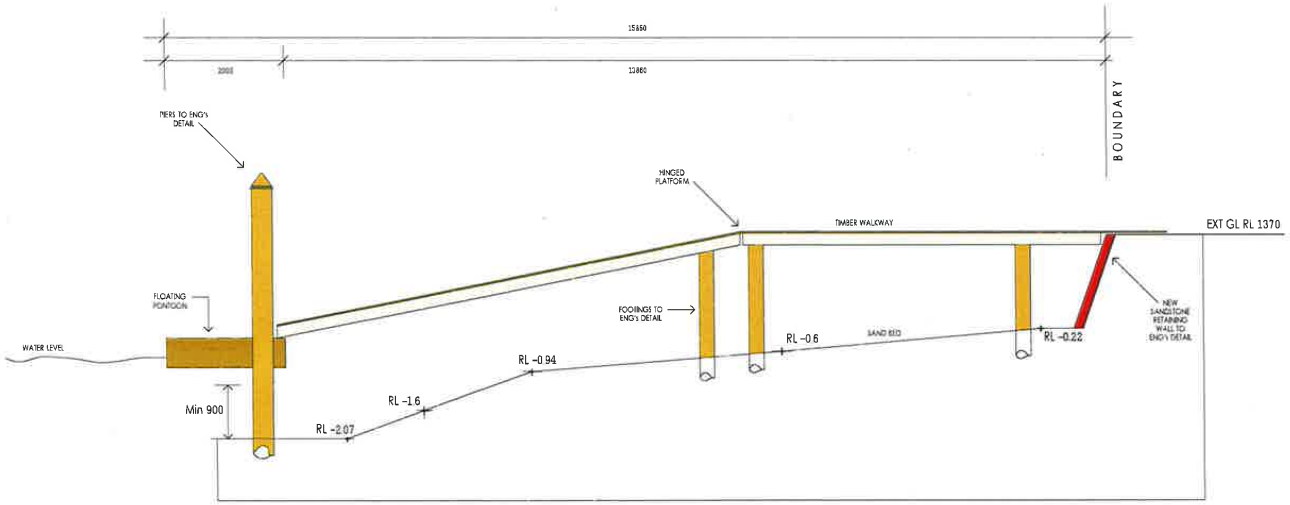
Dwg No.2
Scale 1:50 @ A2
Ref: NBC1124
SEPT, 2024

Wightwick Residence
206 McCarrs Creek Rd., Church Point
Lot 15 DP 875022

Lionel Curtin
Design & Documentation
0402 833 626
85 Plateau Road Bilgola Plateau 2107

NOTES

Builder to check all dimensions on site prior to construction.
All dimensions that relate to site boundaries and easements are subject to verification by a site survey.
All work is to be in accordance with The Building Code of Australia, local council requirements & other relevant authorities.
Roof water and sub soil drainage to be disposed of in the approved manner or as directed by local council engineers.
All electrical power and light outlets to be determined by the owner in conjunction with the builder.
All timber construction to be in accordance with the AS1684 Timber Framing Code.



BSO Adamson
02/11/2024

SOUTH WEST ELEVATION

JETTY APPLICATION

FOR

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Scale 1:50 @ A2
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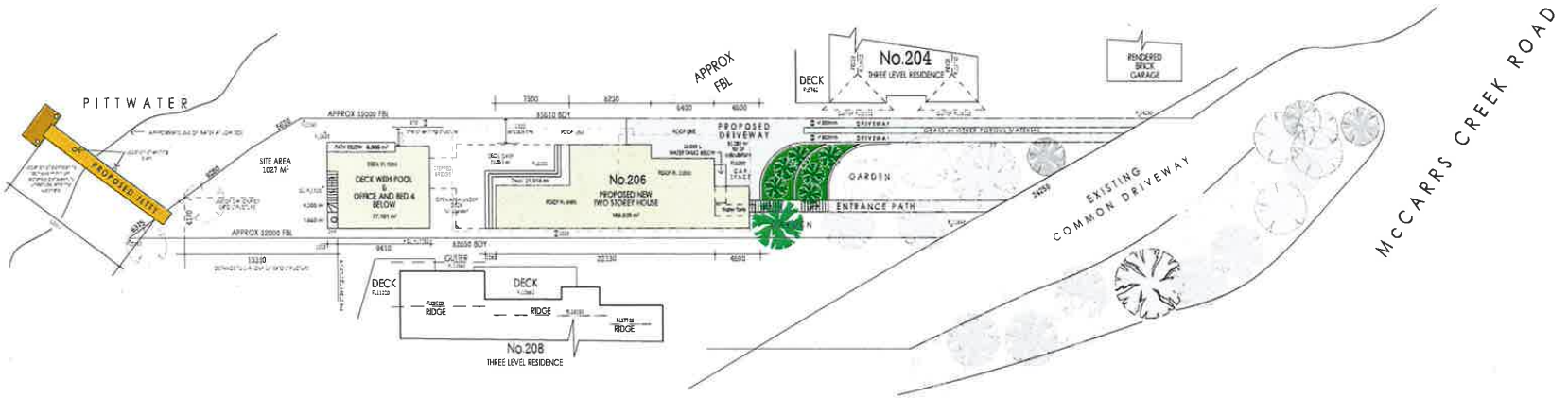


SITE CALCULATIONS	(m²)
HOUSE	164.920
PATH	21.918
DECK & POOL AREA	77.101
PATH 8.9+6.2+1.66	12.760
DRIVEWAY	81.280
TOTAL	357.979
SITE RATIO 358/1027	34.86%

BSO Adamson
02/11/2024

SITE PLAN

NORTH

PROPOSED NEW DWELLING

Dwg No. 1
Scale 1 200 @ A1
Ref: NBC1124
SEPT 2024

Wightwick Residence
206 McCarrs Creek Rd, Church Point
Lot 15 DP 875022

Lionel Curtin
Design & Documentation
[redacted]
85 Plateau Road Bilgola Plateau 2107

Department of Primary Industries
and Regional Development

C24/687
14 November 2024

Liesel Wightwick
206 McCarrs Creek Road
Church Point, NSW, 2105

Re: Removal of existing piles (x2), rock groyne (~1.0 m x 5.0 m), concrete retaining wall; Construction of timber jetty with hinged platform (15.0 m x 1.5 m), timber footings, pontoon (2.0 mx 4.0 m), pontoon piles (x2), sandstone retaining wall – 206 McCarrs Creek Road, ChurchPoint – Pittwater– Lot 15, DP 8750222

Dear Liesel,

Thank you for your application dated 18 August 2024 seeking DPIRD Fisheries pre-Land Owner's Consent comment on the proposal above.

DPIRD Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, DPIRD Fisheries ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (FM Act) namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively, and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*. DPIRD Fisheries is also responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves in NSW.

DPIRD Fisheries has reviewed the proposal in light of these provisions and has no objections to the lodgement of a land owner's consent application.

This letter and attached plan (date stamped 14 November 2024) may be forwarded to Crown Lands for their consideration in assessing your application for land owner's consent. DPIRD Fisheries will consider final consent status for the proposal when Northern Beaches Council sends us the Integrated Development Application, noting that the works will require a Section 201 permit for dredging and reclamation. Permits outline control measures to minimise the impacts from construction and operation of the asset. Permit application forms are available from the DPIRD Fisheries website at: https://www.DPI.nsw.gov.au/fishing/habitat/protecting-habitats/toolkit

This advice operates from the date shown on the top of this notice and will lapse unless this advice is received by Crown Lands within 12 months of this date. Should this advice lapse, the applicant will be required to resubmit the application for pre-Land Owner's Consent with DPIRD Fisheries, including appropriate fees and if relevant updated reports.

If you, Crown Lands or Council require any further information, please do not hesitate to contact me on karthika.krishnapillai@dpi.nsw.gov.au.

Sincerely

Karthika

Karthika Krishna Pillai
Fisheries Manager, Coastal Systems

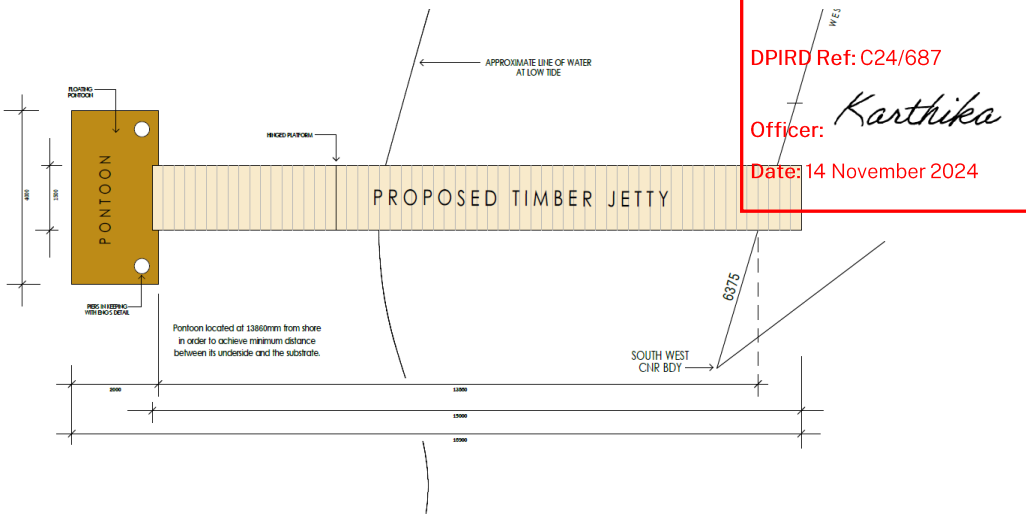
DPIRD Fisheries

NSW Department of Primary Industries and Regional Development Fisheries

DPIRD Ref: C24/687

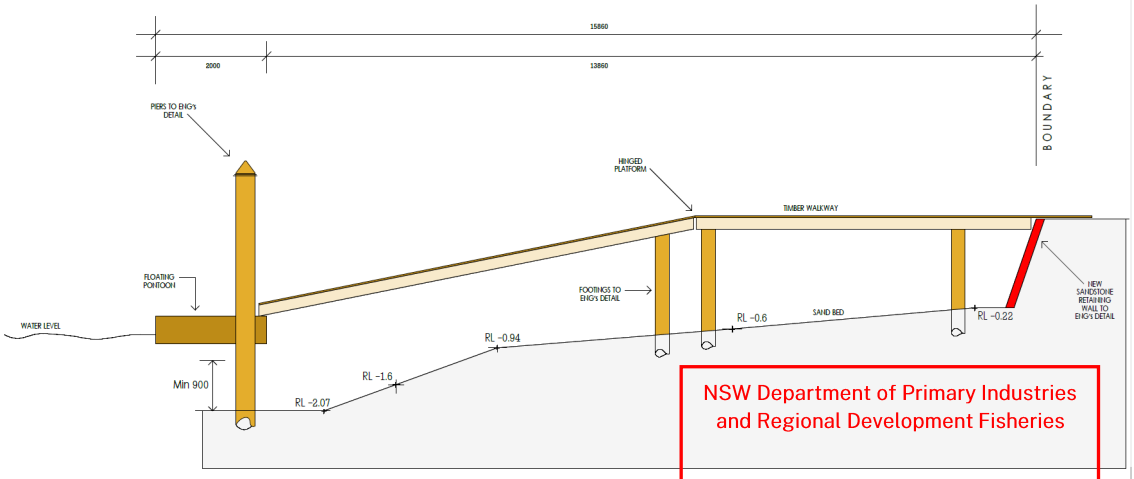
Officer: Karthika

Date: 14 November 2024



PLAN

NORTH



NSW Department of Primary Industries and Regional Development Fisheries

DPIRD Ref: C24/687

Officer: Karthika

Date: 12 November 2024

Department of Planning, Housing and Infrastructure

Our reference: 25/00982
LOC No: 674913

Glenn Wightwick
9 Muston Street
Mosman NSW 2105
glenn@wrighwick.org

Dear Mr. Wightwick,

Consent of Owner for lodgement of a Development Application:

Reference is made to your application for issue of Landowner's Consent from the Department of Planning, Housing and Infrastructure – Crown Lands & Public Spaces (the Department) to the making of a Development Application (DA) with Northern Beaches Council to authorise on Crown land as detailed below:

Property Details: Crown land below mean high water mark (MHWM) fronting Lot 15 DP875022, known as 206 McCarrs Creek Road, Church Point NSW 2105.

Description of Application: Development Application (DA) for removal of existing piles (x2), rock groyne and construction of a new Jetty with hinged platform, timber pile, pontoon (pedestal) 2x pontoon stabilising piles below DMHWM as shown on attached plans marked "X", "Y" & "Z".

- Removal of existing x2 piles
- Removal of existing rock groyne
- Timber Jetty with hinged platform: 7.4m x 1.5m = 11.10m2
- Ramp: 6.45mx 1.5m = 9.68m2
- Pontoon: 4m x 2m = 8m2
- Pontoon with a utility service pedestal: 2.0m x 4.0m = 8m2
- 2x stabilising piles

After consideration of your application, consent is granted to the lodgement of a development application and building information certificate application under the *Environmental Planning and Assessment Act 1979*, and other associated applications required under other legislation, for the proposal described above.

This consent is provided subject to the following:

1. This consent is given without prejudice so that consideration of the proposal may proceed under the *Environmental Planning and Assessment Act 1979*, and any other relevant legislation;

2. This consent does not imply the concurrence of the Minister, or the issue of any necessary lease, licence or other required approval under the *Crown Land Management Act 2016*; and does not prevent the Department from making any submission.

3. This consent will expire after a period of 12 months from the date of this letter if not acted upon;

4. The Minister reserves the right to issue landowner's consent for the lodgement of applications for any other development proposals on the subject land concurrent with this Landowners Consent;

5. Irrespective of any development consent or any approval given by other public authorities, any activity of Crown land cannot commence without a current tenure from the Department authorising such work or occupation.

This letter should be submitted to the relevant consent or approval authority in conjunction with this application and/or any other application, with the stamped plans marked "X", "Y" & "Z"

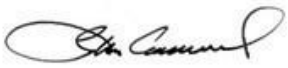
If the plans marked "X", "Y" & "Z" are not lodged with this letter, consent to the proposal is deemed invalid.

If any modifications are made to the application (whether in the course of assessment, by conditions of consent, or otherwise), it is your responsibility to ensure the modification remains consistent with this landowner's consent.

You are required to forward to the Department a copy of any consent or other approval as soon as practical after that consent or approval is received.

If you require any further information, please contact Tutis Pereira on (02) 9842 8339 or via email: tutis.pereira@crownland.nsw.gov.au.

Yours sincerely,

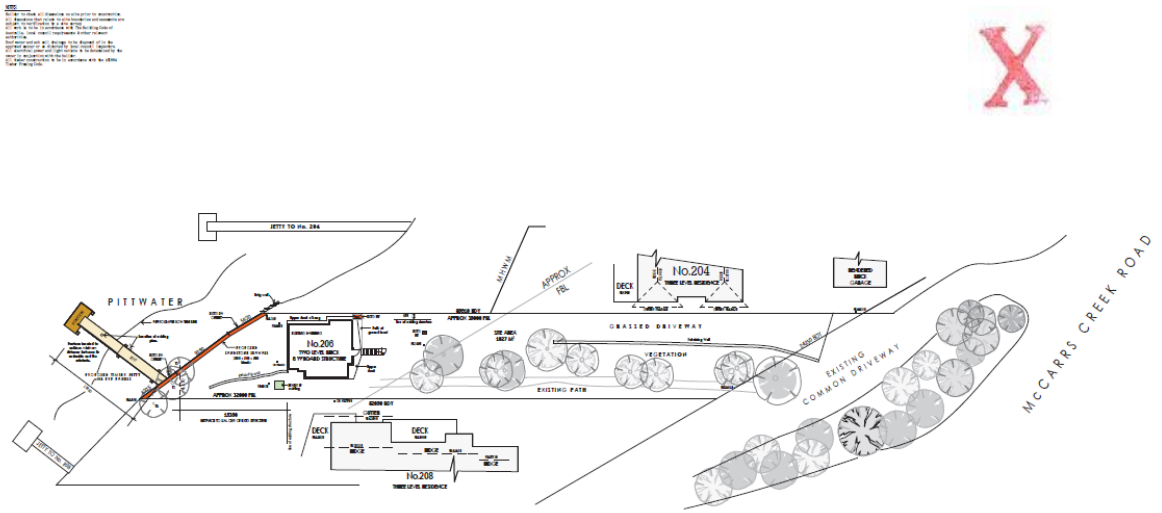


Glen Camenzuli
Area Manager – Metro
As delegate of the Minister administering the *Crown Land Management Act 2016*
NSW Department of Planning, Housing and Infrastructure - Crown Lands

14 April 2025

NSW GOVERNMENT | Planning and Environment

DWG No. 1 - Site Plan



SITE PLAN

JETTY APPLICATION
FOR
PROPOSED NEW DWELLING

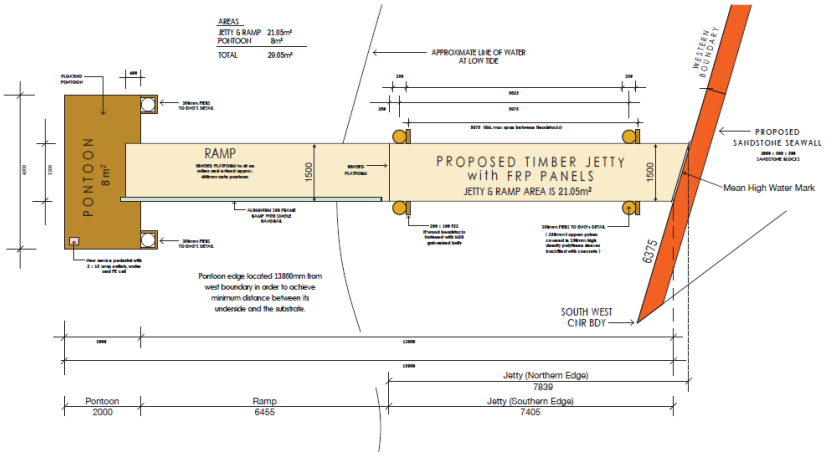
Wightwick Residence
206 McCarrs Creek Rd, Church Point
Lot 15 DP 875022

Lionel Curlin

Department of Planning, Housing and Infrastructure - Crown Lands and Public Spaces
PO Box 2185 Dangar NSW 2309
Tel: 1300 886 235
www.crownland.nsw.gov.au | ABN 20 770 707 468

NSW GOVERNMENT | Planning and Environment

DWG No. 2 - Jetty Plan



PLAN

NORTH

JETTY APPLICATION
FOR
PROPOSED NEW DWELLING

Dwg No.2
Scale 1:50 @ A2
Ref- HBC1124
DEC 2024

Wightwick Residence
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Lionel Curtin
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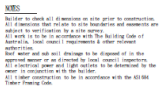
NSW GOVERNMENT | Planning and Environment

DWG NO. 3 – Southwest Elevation Plan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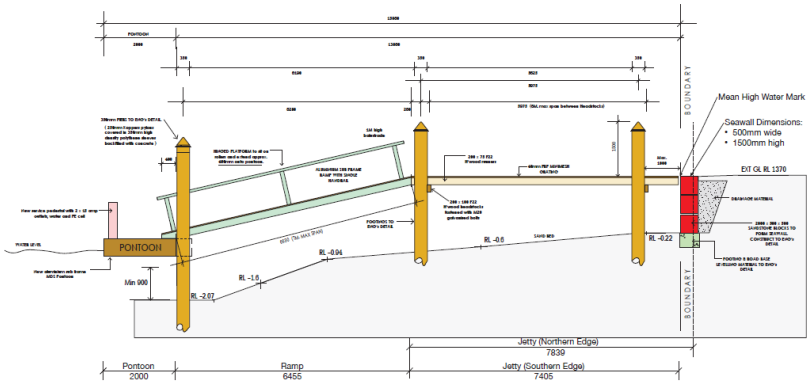

SOUTH WEST ELEVATION

JETTY APPLICATION
FOR
PROPOSED NEW DWELLING

Dwg No.3
Scale 1:50 @ A2
Ref: NBC1124
DEC. 2024

Wightwick Residence
206 McCarrs Creek Rd, Church Point
Lot 15 DP 875022

Lionel Curtin
Design & Documentation
0402 833 626
85 Plateau Road Bilgola Plateau 2107

Aboriginal Heritage Information Management System Search

A search within 50 m of the development site (206 McCarrs Creek Road) was undertaken using the Aboriginal Heritage Information Management System and has shown that there are no Aboriginal sites recorded in or near the site and that no Aboriginal places have been declared in or near the site.

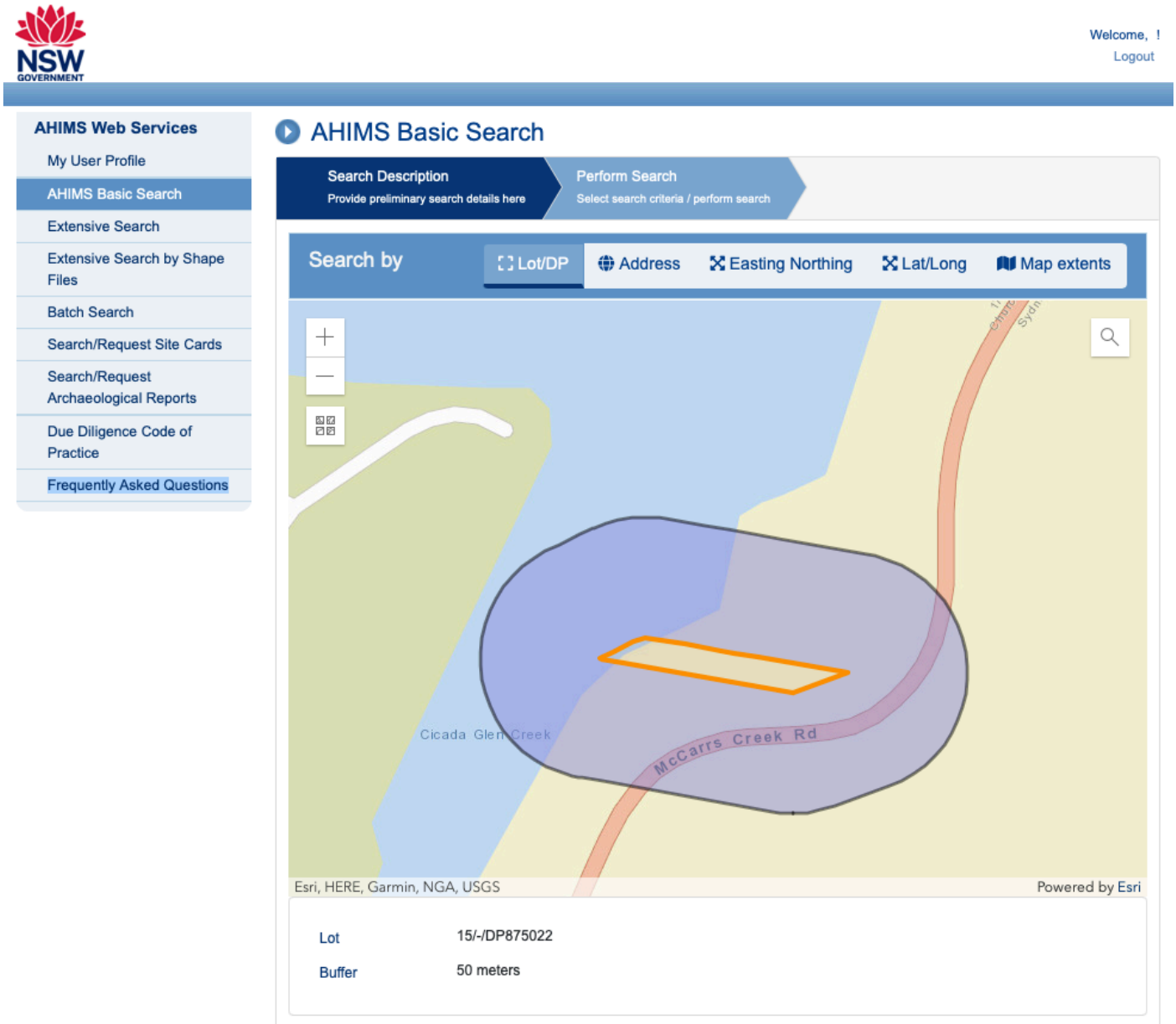

Figure 15 - Aboriginal Heritage Information Management System search result for site