

Harbour Planning Pty Ltd  
PO Box 713  
Cronulla NSW 2230

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Re: Unauthorised piles, mooring pole, pontoon (3.4 x 3.7 m), timber ramp (6.0 x 1.5 m), timber jetty (4.0 x 4.0 m) and timber deck (1.5 x 4.6 m) at the top of the authorised concrete ramp – 963 Barrenjoey Road, Palm Beach – Pittwater – Lot 44 DP 13620

Dear Harbour Planning Pty Ltd,

Thank you for your application dated 22 July 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, P&G)*. 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.

Please be aware that DPIRD Fisheries does not generally support the retrospective approval or issuance of Development Consent for waterfront structures built without consent, as consistent with the *Environmental Planning and Assessment Act 1979*. As per the Marine Habitat Survey (our ref: INW24/18477, Dated: 07 July 2024) the timber jetty in question was constructed within a bed of high density marine macroalgae considered as Type 2 Moderately sensitive Key Fish Habitat (Table 2, P&G). In addition, the mooring pole was surrounded by *Halophila* and *Posidonia* seagrass which are considered as Type 1 Highly sensitive Key Fish Habitat (Table 2, P&G).

If Crown Lands determines that the jetty, ramp and pontoon may remain in place, DPIRD Fisheries recommends that:

1. The jetty be re-decked with mesh that allows at least 50% light penetration to allow light to penetrate to the substrate. This is inline with our P&G section 5.1.6.3) which states that: *Proposals for jetties, wharves and similar structures should incorporate design features to reduce the effects of shading on marine and freshwater aquatic vegetation, where present.*
2. A building certificate not be issued on the mooring pole as the use of this facility over time will impact upon the Type 1 highly sensitive seagrass key fish habitat situated in the area. This objection to the mooring pole is aligned with s.5.1.6(1) of the Policy which states that DPIRD Fisheries will not approve proposals for permanent berthing over TYPE 1 or 2 seagrass, except within existing canal estates.

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. Should this advice lapse, and/or the proposal be modified, the applicant will be required to resubmit the proposal, accompanied by payment of the appropriate fees and updated aquatic habitat surveys and related information as advised by the relevant officer of DPIRD Fisheries.

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

Sincerely



Karthika Krishna Pillai  
Fisheries Manager, Coastal Systems  
DPIRD Fisheries