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**967 BARRENJOEY RD PALM BEACH LOT 46 IN DP13620**  
**STATEMENT OF ENVIROMENTAL EFFECTS    PREPARED 30/5/2021**

**PROPOSED ALTERATIONS TO JETTY AND PONTOON TO BE APPROVED BY NORTHERN BEACHES COUNCIL**

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**SUMMARY**

A jetty, access ramp and floating pontoon (east/west orientation) exist as part of licensed waterfront facilities from Crown Lands adjoining the abovementioned land.

**Crown Lands reference details of the licensed facilities are Account 625535 and MN80H963#02.**

The jetties and associated pontoons immediately adjacent to the south and north relating to both 965 and 969 Barrenjoey Rd respectively extend approximately 8 meters west seaward of the subject jetty facility.

A survey by SDG Land Development Solutions is attached setting out the current subject and surrounding water front facilities described above which also identifies the boundaries.

At low tides the water depth at the end of the subject facility pontoon can be as little as 1.2m . The adjacent further extended facilities enjoy low tide depth of approximately 2.5 meters. Ecological and hydrographic survey of the surrounding seabed indicates that some Zostera and patchy (scattered/sparse) Posidonia sea grass tufts are present.

An aquatic ecology assessment report by Marine Pollution Research is attached which concludes on page 19 **“that the extension of the jetty and the proposed ramp and pontoon facility plus the proposed pontoon locator piles would meet the aquatic ecological conservation requirements of the Fisheries Management Act (1994) provided mitigation and conservation measures are incorporated into the design and operation of the facility “**

**Crown Lands as landowner have issued a letter of consent for the waterfront facilities lessee , SMJ Investments Pty Ltd ,to apply for development consent for the proposed alterations including an extension of the jetty and a new pontoon .**

**The consent letter is attached and Crown Lands have also notified Northern Beaches Council of their consent.**

**The subject proposal has also been approved by both RMS after considering navigational issues and DPI Fisheries who reviewed the ecological effects.**

**The approval notifications from these authorities are also attached .**

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**Approval is now sought from Northern Beaches Council for the extension of the subject jetty/ramp/pontoon facility westwards to the same extent of adjacent facilities on immediately to the north and south.**

**In summary , this proposal provides ecological and environment outcomes which are consistent with Fisheries ,Crown Lands and Northern Beaches Council policy objectives and is supported by all authorities and as such is now capable of approval by Northern Beaches Council .**

#### **Detail Analysis -Compliance with Northern Beaches Council DCP**

The proposal is 100% consistent and compliant with Pittwater 21 DCP, D 15:15 guidelines which deal with jetties and pontoons. The key guidelines have been extracted and attached to this subject proposal and are referred to below

#### **Council jetty guideline references-**

**(ii) and (iii).** Structures will be placed at a maximum depth at low tide of 2.5m and minimum of 0.6m. **Subject proposal complies.**

**(iv) .** Structures will be no greater length than or impede access to adjoining structures. **Subject proposal complies** as is being extended to same length with same orientation as immediately adjoining structures to the north and south.  
See RMS approval which has considered navigational issues.

**(iv)** The finished jetty deck height shall be a maximum height of 1.5m AHD. **Subject proposal complies.**

**(xi)** The seagrasses patches where the structures overpass are less than 5 square meters and therefore the structures can be permitted under the guideline and therefore **the subject proposal complies. See DPI Fisheries approval also where impact on seagrasses and organisms were considered.**

**(xii)** The replacement pontoon will be positioned at the outer edge of the seagrasses. The extended new portion of the jetty , replacement ramp and pontoon will be constructed with transparent mesh decking where structurally possible to maximise sunlight to seagrasses and fish habitat below. See also DPI Fisheries approval where effects on seagrasses and organisms were considered.

The proposed replacement pontoon will be of council (and Fisheries )recommended dimension of 3.6m \* 2.4m to minimise seagrass shading.

The proposed supporting and stabilising piles will be placed to avoid disturbance to seagrasses where possible.

Furthermore the design of the facility will be in accordance with DCP 21 D15:15 design guideline diagrams (attached within this proposal .

Therefore the **subject proposal complies.**

**(xiii)** Watercraft will not be moored over or anchored within seagrass beds.  
**The subject proposal complies**

## Detail Analysis -Compliance with Crown Lands Policy Objectives

The applicant has been directed by Crown Lands to the public document “Domestic waterfront licences-guidelines” published September 2019 by NSW Department of Planning , Industry and Environment –Crown Lands doc 19/203092.

The proposal herein is consistent and compliant with these objectives . “Annexure A “to that document provides the criteria to be used to assess a proposal vs these objectives.

Set out below is “Annexure A” where compliance commentary is provided against each objective.

### Extract of “Annexure A” - Crown Lands Guidelines

Crown Lands criteria used to assess if a proposal for a domestic waterfront facility is likely to achieve the objectives set out in Crown Lands guidelines is set out below. A third column has been added where the subject proposal is analysed in respect of each objective .

Objective	Outcome	Subject Proposal Impact
<b>Public ownership and public access (Objectives a and b)</b>  i. Where private land directly adjoins submerged Crown land	<ul style="list-style-type: none"> <li>Where there is no direct public access to submerged Crown land, domestic waterfront facilities may be acceptable.</li> <li>Where public access to submerged Crown land is possible, then structures are designed, and have incorporated into their construction, adequate provision to maintain or enhance public foreshore access and makes best use of waters space fronting the property.</li> </ul>	<ul style="list-style-type: none"> <li>Not Applicable</li> </ul>
ii. Where submerged Crown land adjoins a reserve front and is not immediately private land nearby	<ul style="list-style-type: none"> <li>New domestic waterfront facilities are not acceptable.</li> <li>Existing domestic waterfront facilities may remain where public access needs are reasonably provided for within the wider area and there are no obstructions.</li> </ul> <p><i>Note: There is no guarantee prior sharing arrangements will continue where ownership of the adjoining benefitted land changes.</i></p>	<ul style="list-style-type: none"> <li>Not Applicable</li> </ul>
iii. Where submerged Crown land adjoins a reserve front and there is nearby private land	<ul style="list-style-type: none"> <li>New domestic waterfront facilities are not acceptable.</li> <li>Existing domestic waterfront facilities may remain until expiration licence or as otherwise determined by the minister.</li> <li>Existing domestic waterfront facilities may be considered for transfer at the discretion of the minister</li> </ul> <p><i>Note: There is no guarantee prior sharing arrangements will continue where ownership of the adjoining or benefitted land changes.</i></p>	<ul style="list-style-type: none"> <li>Not Applicable</li> </ul>
<b>Impact on natural environment (Objective c)</b>	<p>Impacts of the domestic waterfront facility on the natural environment and systems within the area are to be minimal. The department will consider the following matters (but not limited to these):</p> <ul style="list-style-type: none"> <li>water flow and quality</li> <li>marine and riparian vegetation</li> </ul>	<p>Minimal Impact . The waterfront facility already exists. <b>See Statement of Environmental Effects and Approval from DPI Fisheries</b> . Impacts on organisms and sea grasses have been</p>

	<ul style="list-style-type: none"> <li>• marine organisms</li> <li>• shoreline stability</li> <li>• natural coastal processes</li> <li>• retention of natural features, including the configuration of the bed of the waterway, natural rock formations and undeveloped areas.</li> </ul>	<p>considered in the design of the mesh decking and pontoon. The design of the proposed facilities are consistent with Council and DPI Fisheries specific guidelines for these circumstances where sea grasses (albeit very sparse in this case ) are present.</p>
<b>Function and use (Objectives d &amp; e)</b>	<ul style="list-style-type: none"> <li>• Domestic waterfront facilities are only to be used for water- dependant or water-related recreational purposes requiring location in or in close proximity to the waterway.</li> <li>• Domestic waterfront facilities are only to be used for domestic purposes.</li> <li>• Two or more persons may propose the shared use of a domestic waterfront facility that straddles both property boundaries and each party will be issued a separate licence. The department encourages shared occupation in a locality where it is appropriate to reduce the overall number of waterfront structures, in particular to reduce cumulative impacts in a locality.</li> </ul>	<ul style="list-style-type: none"> <li>• Will be used for domestic usage and recreational sailing (and hence sufficient depth required for keel of yachts)</li> <li>• Not Applicable. The proposed facility does not straddle a property boundary.</li> </ul>

Objective	Outcome	Subject Proposal Impact
<b>Appearance and aesthetics (Objective f)</b>	<ul style="list-style-type: none"> <li>The location and design of the domestic waterfront facility is considered by the local council when assessing any development application (DA). The department will also consider the capabilities of the land, its suitable and preferred uses in relation to the proposed domestic waterfront facility.</li> <li>Domestic waterfront facilities should not reduce the current or future public enjoyment of the Crown land because of inappropriate scale or form. These structures should be of a scale and form that is not disproportionate with or intrusive on the surrounding development and the natural and cultural environment.</li> <li>Lengths of proposed structures do not protrude further into the waterway than existing structures in the immediate vicinity. The need to reach usable water is not adequate justification for extended structures.</li> <li>Domestic waterfront facilities confirm with the orientation of existing structures in the vicinity. Where proposed structures interfere with navigation or access to adjoining domestic waterfront facilities, an alternative orientation may be considered.</li> </ul>	<ul style="list-style-type: none"> <li>Facility is for domestic usage and design is consistent with surrounding waterfront facilities and complies with council guidelines. The purpose of seeking Crown Lands consent (as landowner) is for the puposes of lodging a DA with Council.</li> <li>Proposed development is of the same scale and form as the facilities immediately adjacent to the north and south . See survey.</li> <li>The proposed jetty and pontoon does not protrude further into the waterway than the adjoining waterfront facilities immediately to the north and south. See surveys and RMS approval.</li> <li>The orientation of the proposed jetty and pontoon is consistent with existing structures in the vicinity.</li> <li>The extended structures will not impact navigation or access to adjoining facilities. See RMS approval.</li> </ul>
<b>Impact on cultural environment and cultural heritage (Objective g)</b>	<p>New domestic waterfront facilities are not to disturb or impact on artefacts and relics in the area. Separate approval from the NSW Office of Environment &amp; Heritage may be required if any artefacts or relics are to be impacted.</p> <p>Existing structures that are listed as part of the cultural heritage of the area are recognised by the department. 'Listed' means a listing under (but not limited to):</p> <ul style="list-style-type: none"> <li>the National Estate</li> <li>the State Heritage Register</li> <li>heritage and conservation registers of NSW agencies</li> <li>a planning instrument (State Environmental Planning Policy or</li> </ul>	<ul style="list-style-type: none"> <li>The proposed facilities will not impact artefacts in the area . The existing structures are not listed as part of cultural heritage under any of the listings or authorities.</li> </ul>

	Local Environmental Plan)	
<b>Waterway navigation (Objective h)</b>	<ul style="list-style-type: none"> <li>Domestic waterfront facilities (including berthing areas) do not obstruct navigation and comply with requirements of Roads &amp; Maritime Services.</li> <li>Domestic waterfront facilities do not extend outside of the water division prolongation of the benefitting property and do not impede access or use of any existing domestic waterfront facilities or deter future domestic waterfront facility development. Existing domestic waterfront facilities that extend outside of the water division prolongation do not automatically create any additional interest in the domestic waterfront facilities.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed facilities do not obstruct navigation. See RMS approval of the design and location.</li> </ul> <p>The proposed facilities do not extend the prolongation of the benefitting property. They do not impede access of any existing waterfront facility. The distance between the proposed facility and adjoining facilities is consistent with the spacings Between facilities general along the foreshore within the vicinity.</p>

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## REASONS SUPPORTING THE PROPOSED ALTERATIONS

The current configuration has practical maritime usage, safety and ecological shortcomings.

- (i) Vessel ingress and egress to the subject pontoon is challenging from a people and property safety aspect.  
This is caused by a lack of navigable water available to turn caused by the adjoining protruding pontoons effectively “trapping” the vessel in the “gap” between them.  
This is especially the case in moderate wind, waves, vessel wash from the west and greater Pittwater generally. (Note the prevailing wind for the winter months is westerly). The risks and difficulties are worst where boats are present at/around the adjacent pontoons.
- (ii) Navigable manouvering space is further restricted as the water depth rapidly becomes shallow adjacent to the subject pontoon .
- (iii) As such practical usage of the facility is limited except for the smallest dinghies. There is insufficient depth and navigable room to allow sailing yachts (with keels) to safely access the facility.  
This discriminates and discourages the convenience and public access options to sailing craft vs motor powered vessels.  
This is inconsistent with the promotion of more ecological and climate friendly boating activity as boating usage of Pittwater increases over time and maximising public access.
- (iii) Hydrographic and ecological surveys indicate *Zostera* and scattered patchy *Posidonia* sea grass tufts under and adjacent to the existing pontoon. Given the shallow depth and the need for aggressive navigation there is regular disturbance of sea grasses from propeller propulsion and temporary docking shading.  
The extension of the facility into deeper water will result in less disturbance of seagrasses in the following ways -
  - The *Posidonia* tufts become very sparsely spaced in the deeper area where the proposed pontoon and supporting new piles are proposed.
  - The *Posidonia* tufts do not extend much beyond the proposed pontoon . As the seabed in this location is surveyed as sand ,boat manouvering propeller wash , and temporary shading from docking will be moved substantially out to this sandy zone , from the inner area adjacent to the current pontoon where seagrasses are prevalent.
  - As suggested by DPI Fisheries (see attached letter) and consistent with Pittwater DCP 21 D15;15, existing solid timber ramp and pontoon will be replaced with a mesh jetty extension , mesh ramp and mesh/steel/concrete pontoon (of a size consistent with DPI Fisheries and Council guidelines ).These alterations will reduce the shading over the existing seagrass beds.

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- (iv) The existing improvements are in need of maintenance and partial replacement . The pontoon leaks and the support pylons are old, semi rotten and dubious strength to reliably support the pontoon with a vessel against it. This means that even if the alterations are not approved as proposed, some works and minor disturbance of seagrasses may occur in relation to necessary maintenance and replacement of elements of the existing jetty facility. Therefore the proposal will not have an adverse impact on water quality and estuarine habitat of Pittwater.

**Accordingly it is economically rational to now replace and upgrade the facilities in a way that provides more practical, safe and ecologically optimised jetty facility for the future.**

#### **ATTACHMENTS**

- (i) Aerial locational photo
- (ii) Surveys of existing jetty facilities
- (iii) Plan of proposed alterations to facilities to be approved by Northern Beaches Council
- (iv) Aerial photo of existing improvements and seagrass mapping.
- (v) Crown Lands Consent Letter
- (vi) RMS Approval
- (vii) DPI Fisheries Approval
- (viii) Photos of existing jetty facilities at high and low tide
- (viii) Extracts of Pittwater 21 DCP D15:15 guidelines.
- (ix) Ecology Report by Marine Pollution Research
- (x) Bushfire Report
- (xi) Geotech and Acid Sulphate Soils report
- (xii) Waste Management Plan
- (xiii) Cost Estimate



