

Our Ref: C21/236

21 June 2021

Your Ref: CNR-18723

Northern Beaches Council
c/o: ePlanning Portal

Dear Northern Beaches Council,

Proposal: IDA referral for boat shed, ramp, slipway, jetty and steps
Property: 316 Hudson Pde, Clareville (Lots 1 & 2, DP 827733) – Pittwater

Thank you for your referral of 6/5/2021, providing additional information and clarification on the extent of the unauthorised boat shed works, including a Marine Habitat Survey.

The proponent has provided a plan outlining the placement of the new vertical retaining wall in relation to the original sandstone rubble (rip rap). The proponent claims that there has been no increase in the footprint of the boat shed structures. DPI Fisheries does not agree that the original sandstone rubble constitutes the footprint of the boat shed foundation.

DPI Fisheries does not consider the constructed vertical concrete retaining wall to be a like-for-like replacement of the sandstone rip rap surrounding the original boat shed. The material, gradient and design is not consistent. Gradually sloping sandstone rip rap provides habitat for fish and sessile invertebrates, similar to the surrounding natural rock platform. A vertical retaining wall will function differently to sandstone rip rap in the estuary environment. A vertical retaining wall provides little to no fish habitat and results in wave energy reflection that can erode surrounding sediments and marine vegetation.

The proposed location of the jetty, sea stairs and skid ramp is not in the same footprint as the existing structures. Furthermore, these structures are located over seagrass beds. DPI Fisheries will only support these structures if they are decked with a mesh product that allows at least 50% light penetration to the sea bed (rather than timber decking).

DPI Fisheries generally only supports jetties and skid ramps up to 1.8m wide. Where seagrass is present, this maximum allowable width is reduced to 1.2m.

Had the proposed foreshore structures been referred to DPI Fisheries prior to construction, DPI Fisheries would not have supported the proposal. The reasons for this include:

- The constructed vertical retaining wall is not a like-for-like replacement of the original structures. The material, gradient and design is not consistent.
- The footprint of the new retaining wall is greater than the original boat shed. DPI Fisheries does not consider the original sandstone rubble to form part of the boat shed structure.
- The replacement of gradually sloping sandstone rip rap with a vertical concrete seawall represents a reduction in fish habitat value.
- A vertical seawall causes greater wave energy reflection than gradually sloping sandstone rip rap.
- Vertical seawalls are not in accordance with the *Environmentally Friendly Seawalls Guideline* (OEH 2009) – see <https://www.environment.nsw.gov.au/research-and-publications/publications-search/environmentally-friendly-seawalls>

- The approval of a vertical seawall within the intertidal zone sets a precedent and an expectation for future proposals of this nature to be supported.
- The proposed jetty, sea stairs and skid ramp are over seagrass and not decked with mesh to allow light penetration.
- The proposed jetty, sea stairs and skid ramp are not in the same location as the original structures. The proposed width of the jetty and sea stairs is approximately double that of the original structures. The maximum allowable width for a jetty, sea stairs or skid ramp over seagrass is 1.2m.

This advice is consistent with the following DPI Policies and Guidelines:

- Policy 5.1.6(b) Structures over aquatic vegetation should be decked with mesh, grid or grates of agreed specifications to allow for light penetration. The material chosen should be safe for public access (i.e. non-slip surface, gaps to minimise tripping, etc).
- Policy 5.1.7(1) NSW DPI will generally not approve reclamation for the construction of boat sheds and boat ramps below highest astronomical tide (1.0 m AHD), or on the banks of rivers and streams in an active erosion or sediment deposition zone, unless there is a demonstrated public benefit.
- Policy 5.2.2(1) NSW DPI will generally not support or approve reclamation of TYPE 1 and 2 or CLASS 1-3 fish habitat (see Tables 1 and 2) (including freshwater, estuarine and marine) for private development such as roads, walkways, housing or commercial development, foreshore or beach improvement.
- Policy 5.2.2(2) NSW DPI will generally not support or approve other reclamation activities impacting on TYPE 1 or 2 habitat (see Table 1) unless the impacts can be mitigated or compensated (see section 3.3).
- Policy 5.2.4.1(1) NSW DPI will generally not approve the construction of new breakwalls, groynes, seawalls or retaining walls except where there are no feasible alternatives for erosion control and valuable assets are at risk. Modifications or repairs to existing walls or groynes should incorporate designs that reduce wave energy reflection and include restoration of the original shoreline.
- Policy 5.2.4.1(3) NSW DPI will generally only approve foreshore stabilisation works (with the exception of groynes) that follow the natural contour of the shoreline. Unnecessary foreshore or stream realignment will not be approved.
- Policy 5.2.4.1(5) NSW DPI will generally not support the use of vertical retaining walls, gabion baskets or concrete lining for foreshore works. Steep retaining walls comprised of gabions baskets and concrete-lined channels have little fish habitat value.
- Guideline 5.2.4.1(c) Seawalls should be constructed in accordance with OEH's "Environmentally Friendly Seawalls: A Guide to Improving the Environmental Value of Seawalls and Seawall-Lined Foreshores in Estuaries" (see www.sydney.cma.nsw.gov.au/component/option,com_remository/Itemid,116/func,select/id,51/)

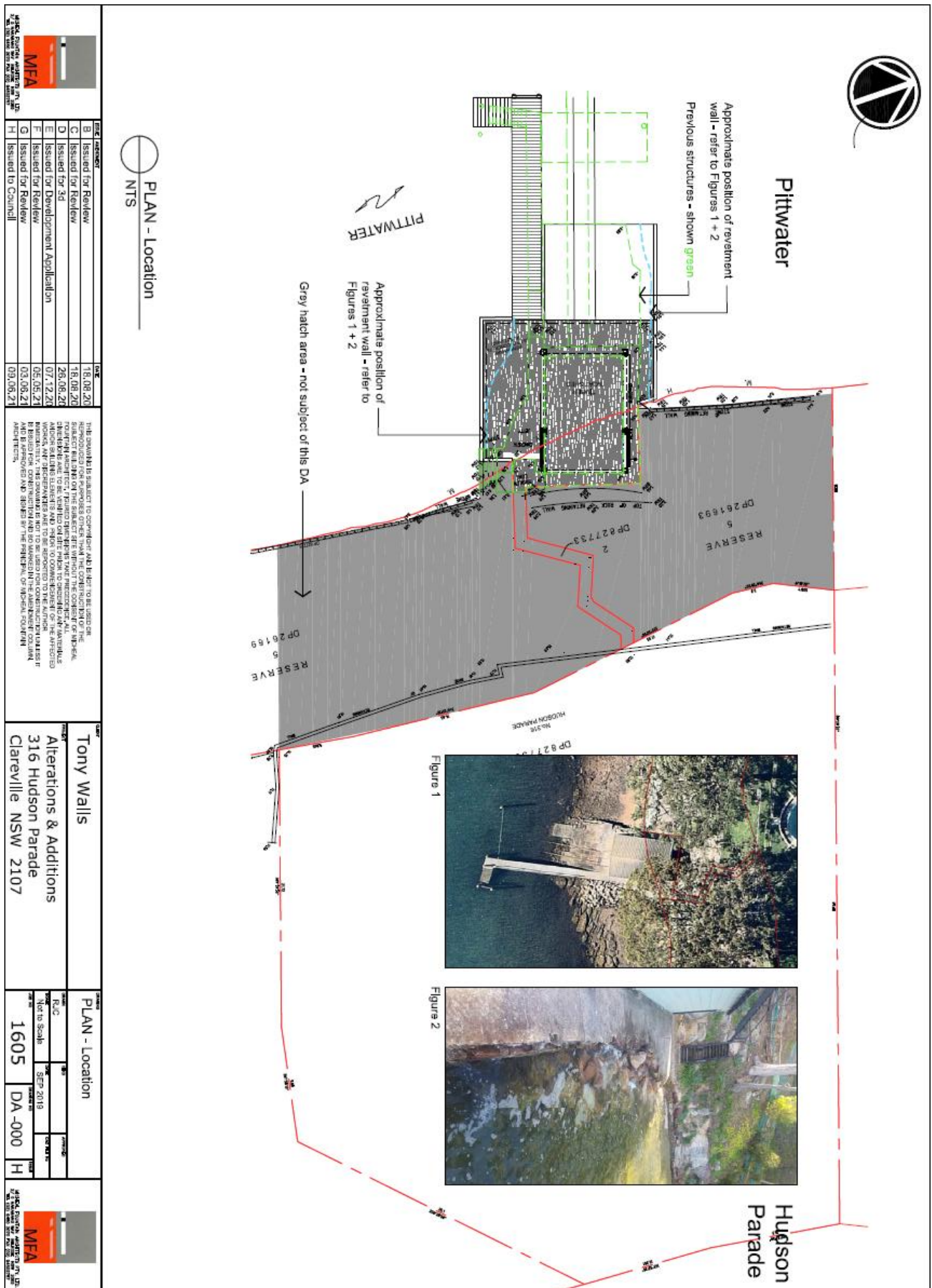
If Council or Crown Lands determines that the retaining wall should be removed, DPI Fisheries recommends that any sediment (or fill) within the perimeter of the wall be removed from water land prior to removing the wall. This will avoid turbid plumes from entering the waterway and smothering seagrass.

If Council or the proponent require any further information, please do not hesitate to contact me on (02) 8437 4981.

Yours sincerely,

A handwritten signature in black ink, appearing to read "S. Conacher".

Sarah Conacher
Fisheries Manager, Coastal Systems



Pittwater

