

Statement of Environmental Effects

Removal of mooring piles and continued use of existing mesh jetty structures

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BOOKER BAY NSW 2257



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1. Removal of mooring piles and continued use of existing mesh jetty structures

1.1. Introduction

This Statement of Environmental Effects (SEE) has been prepared by Copley Marine Group (CMG) in support of a development application (DA) to remove unauthorised ‘*water recreation structures*’ at **154 Booker Bay Road, Booker Bay** (the Site), also Lot 98 DP 7061. The Site has an existing Crown Lands licence in place, **Figure 2** (Licence no, 551125).

The Site accommodates a jetty, jetty end with landing and mooring pen. An image of these existing structures is provided at **Figure 1**.

On 9 February 2022, the Crown Lands compliance team wrote to the owner in relation to alleged tenure breaches at the Site, being unauthorised structures. The Applicant was advised to take prescribed steps to legalise their occupation, by getting the appropriate approvals and consents from the department, local council, Department of Primary Industries — Fisheries and Transport for NSW — Maritime.

Following discussion and consultation with DPI Fisheries, Crown Lands has subsequently directed the owner to submit a landowner’s consent (LoC) application for the removal of the berthing piles at the site (see **Figure 3 & Section 1.2**). DPI Fisheries would not retrospectively support the unauthorised mooring piles in this location due to sensitive seagrass in the berthing area.

On 21 February 2025, Crown Lands issued LoC for submission of a DA to Central Coast Council (Council) for:

- Removal of 3 mooring piles (MP1, MP2 and MP3)

LoC was also granted for the submission of a Building Information Certificate (BIC) application to Central Coast Council for:

- Existing meshed splayed jetty end (near the shore) 1.225m x 0.7m.
- Existing meshed jetty landing (near to the jetty head) 1.75m x 2.75m.

DA (PAN 396602) and BIC (BC/135/2025) applications were submitted to Council in May 2025. However, Council advised CMG to withdraw the DA submit a revised application for both the removal of the mooring piles and the *use* of the existing meshed splayed jetty end and meshed jetty landing.

Copley Marine Group (CMG) is acting on behalf of the Applicant and has prepared this SEE for the ‘removal of the mooring piles’ and the use of the unauthorised elements (the subject of the BIC). Removal of the piles can be done with minimal impacts to seagrass and the environment.

CMG understands the BIC remains active and is pending the outcome of this DA.

This SEE, which previously accompanied PAN 396602, has been updated in May 2026, as required by Council to include the *use* of the jetty elements and is submitted to Council, under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

It should be noted that the proposal is exempt from a controlled activity approval under the *Water Management (General) Regulation 2018* (refer to Schedule 4, Clauses 18 and 32).

Importantly:

- Transport for NSW (TfNSW) has reviewed the proposal with regard to safety and navigation and provided written support on 8 May 2023 (see Appendix 2.2).
- NSW DPI Fisheries has considered the proposal against the provisions of the Fisheries Management Act, 1994 and provided a letter on 12 May 2023 (see Appendix 2.3).
- As noted, Crown Lands provided landowner's consent to lodge applications under the EP&A Act on 21 February 2025 (see Appendix 2.4).

The proposal is not 'integrated development', as it does not require an integrated development approval or permit under another Act. DPI Fisheries has noted it does not need to be re-consulted at the development application stage unless there are amendments to the proposal.



Figure 1 - Existing structures

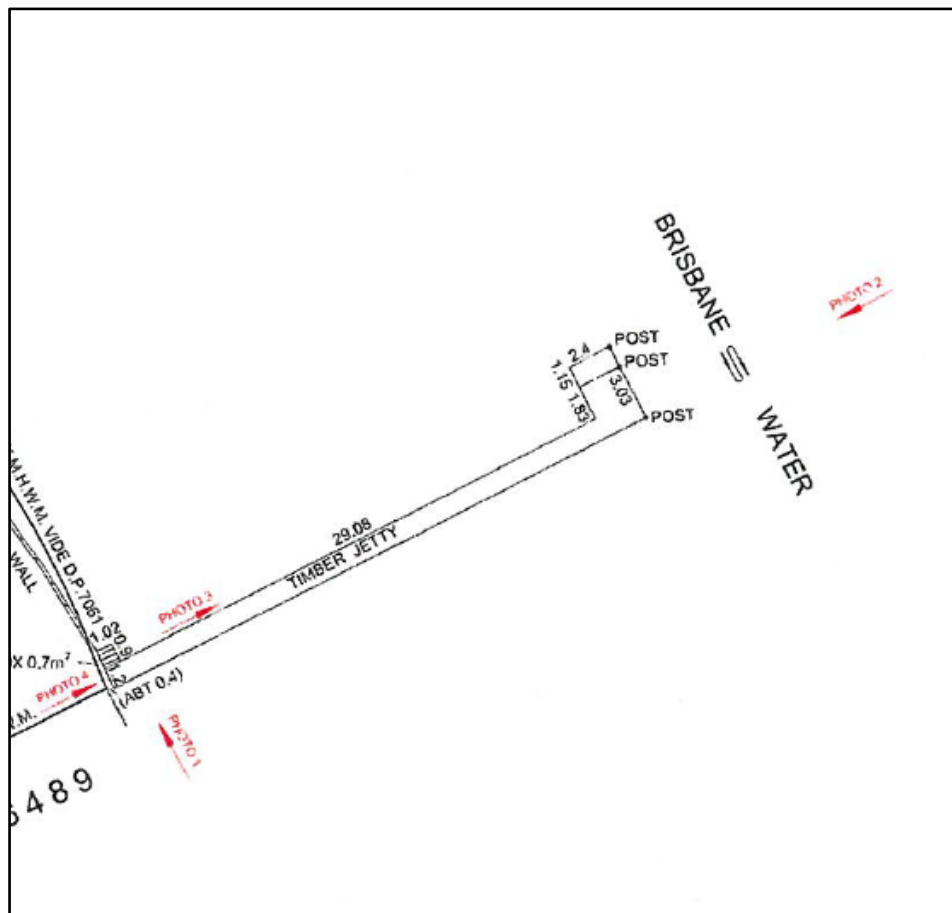


Figure 2 - Crown Lands licence plan

1.2. The Site and Foreshore Description

Booker Bay is a settlement and bay on the large estuary known as 'Brisbane Water', on the Central Coast. The foreshore of Booker Bay is characterised by dwelling houses on low lying foreshore land almost completely devoid of native vegetation. Buildings are orientated towards views of Brisbane Waters and vary from original foreshore cottages to grand two storey homes, designed to capture panoramic views.

Towards the west of Booker Bay is Ettalong Beach and towards the east is Killcare Heights.



Figure 3 - site location.

1.3. Site Conditions and Improvements

The site encompasses a two-storey modern home with flat, grassy foreshore and pool. The jetty is located at the southern side of the property on the waterfront. The jetty is connected to a low, sandstone block seawall. The unauthorised 'splayed jetty end' (see **Figure 4**) provides improved access for the owners to access the jetty from their adjoining land.



Figure 4 – splayed end to jetty (BIC)

There are no remnant mangroves or vegetation on the foreshore. Neighbouring waterfront structures are identified in the photos at **Figure 5 and 6**.



Figure 5 - view of waterfront structures in the vicinity of the site

Likewise, there is an unauthorised jetty landing that assists the owners to access their vessels easily from the jetty end.

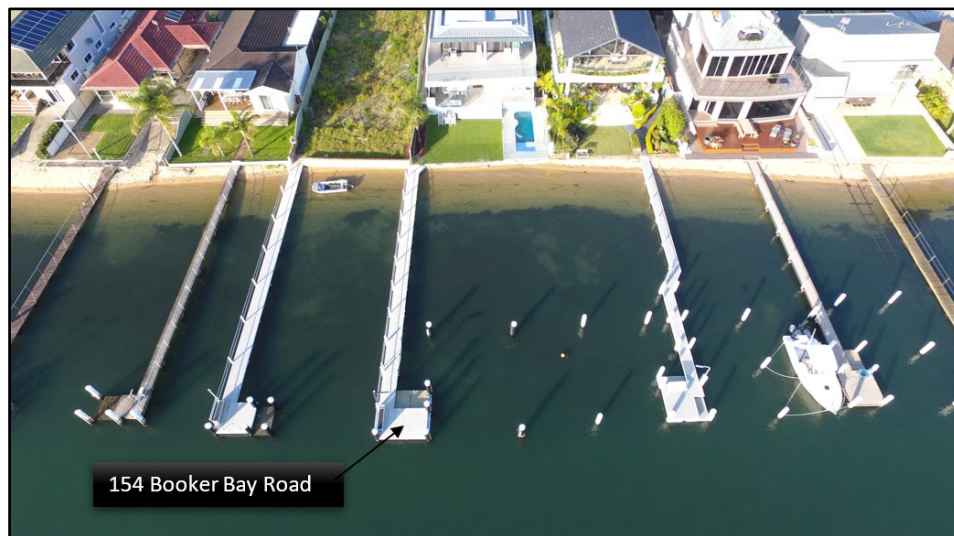


Figure 6 – aerial view of waterfront structures in the vicinity of the site

1.4. Existing domestic waterfront structures

The fixed jetty structure is encapsulated by **Crown Lands Licence no. 551125**, as shown in **Figure 2**. **Figure 7** is a recent photograph of the end of the jetty.

The existing structures include:

- 'L shaped' aluminium mesh jetty (31.6m x 1.25m), metal framed and decked, with metal handrail on one side;
- jetty end and landing (4.25m x 4m);

- mooring area with three mooring piles.

The total area of the existing jetty structure is 52.5m². The permitted jetty area (under licence) is 36.5m².

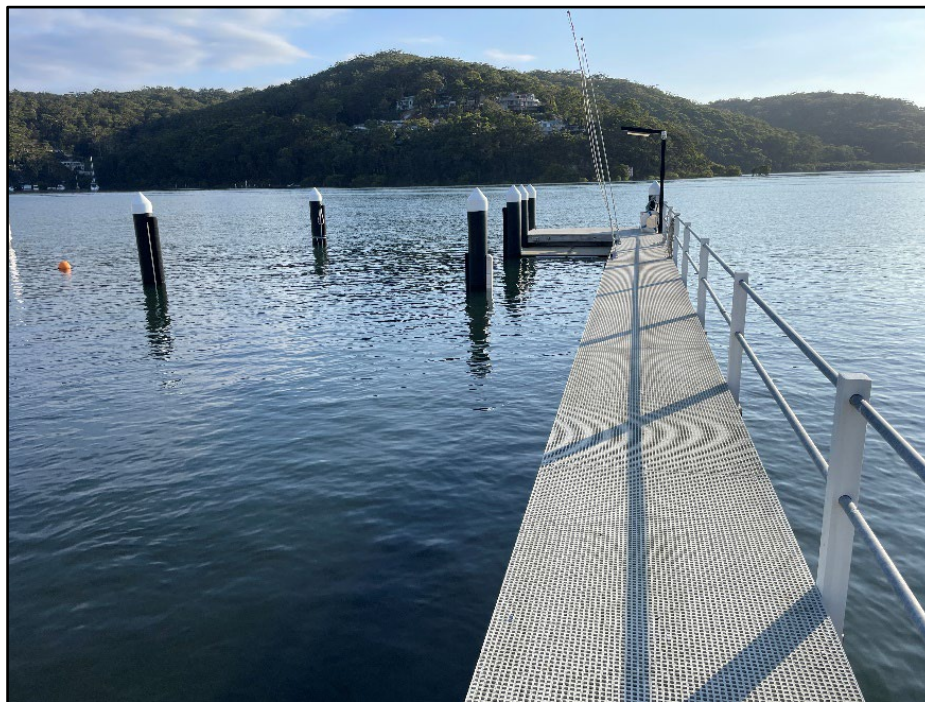


Figure 7 - existing jetty, landing and mooring pen

1.5. Unauthorised structures

Crown Lands has identified the following tenure breaches, shown as unauthorised structures in **Figure 8**:

- installation of three (3) berthing piles,
- possible permanent berthing of craft,
- removal of the authorised landing (located on the northern side of the 'L' end jetty); and
- addition of a minor splayed end to the landward end of the jetty.

This SEE/DA relates primarily to the removal of the three unauthorised berthing piles and the use of the existing meshed splayed jetty end and meshed jetty landing.

1.6. Proposal summary

This application is seeking development consent for demolition works below the MHW. The lodgement of this DA to Central Coast Council, under the EP&A Act, seeks approval for the demolition and removal of the existing three mooring piles used for casual mooring.

The DA also requests approval for the use of the existing meshed splayed jetty end and meshed jetty landing. Separate to this application but concurrently, a BIC for the structural elements of the jetty landing and splayed jetty end has also been submitted to Central Coast Council.

In summary, this proposal is for a DA to removal/demolish the existing three mooring piles and use the existing meshed splayed jetty end and meshed jetty landing. The proposal does not seek approval for permanent berthing, mooring infrastructure, or any increase in vessel capacity. The removal of the mooring piles eliminates the ability for fixed berthing in the mooring pen.

The existing meshed splayed jetty end and jetty landing are proposed to be retained and used for domestic access to the jetty and vessels. These elements are minor in scale, are constructed of open mesh decking which allows light penetration and are located adjacent to the existing jetty. Their use does not intensify use of the waterway.

Figure 8 identifies these elements.

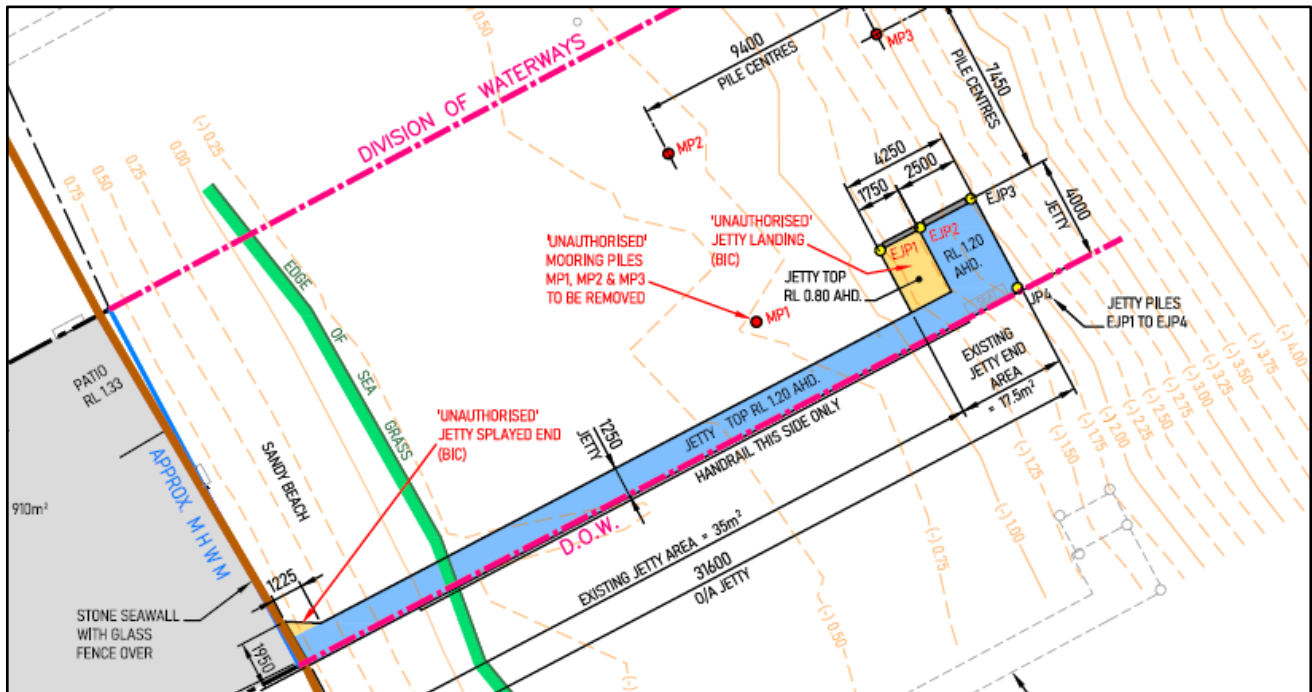


Figure 8 - existing site plan and proposed mooring piles to be removed

1.7. Environmental planning

1.7.1. *EP&A Act*

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the statutory framework for planning in NSW. The consent authority is required to take into consideration the matters listed under Section 4.15 of the EP&A Act when determining a DA.

Section 4.15(1)(a) of the EP&A Act requires consideration of the provisions of any environmental planning instrument and development control plan. The site in question is subject to the zoning, objectives and provisions of the following EPIs:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *Central Coast Local Environmental Plan 2022 (Central Coast LEP).*

Central Coast Development Control Plan (DCP) 2022 is also applicable. The DCP controls provide for appropriate planning outcomes having regard to the scale of the development contemplated, the relationship with adjoining development, and the character of the surrounding area.

Section 4.15(1) of the EP&A Act also requires the consent authority to consider:

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations (for Council to review);
- (e) the public interest.

These matters have been considered within Section 1.5.1, 1.6 and 1.7 of this report.

This application relates to demolition/removal of a structure which is considered a form of development. The Act defines development broadly, including activities such as building, subdivision, and demolition.

1.7.2. *Crown Lands Act 2016*

The Crown Lands '*Domestic Waterfront Licences — Guidelines*' note that approval to remove a domestic waterfront facility may also require development consent from council and other government authorities, such as NSW Department of Primary Industries— Fisheries.

1.7.3. *Central Coast Local Environmental Plan 2022*

Under Central Coast Council LEP online mapping tool (refer to **Figure 11**), the adjoining site owned by the Applicant is zoned *R1 – General Residential*. The land and water below the M.H.W.M. is zoned *W2 – Recreational Waterways*.

The proposed structure for removal is located below the M.H.W.M and classified as 'wharf or boating facilities' under Central Coast LEP.

In Central Coast LEP, ***wharf or boating facilities*** means a wharf or any of the following facilities associated with a wharf or boating that are not port facilities—

- a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,

- b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,
- c) wharves for commercial fishing operations,
- d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- e) sea walls or training walls,
- f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

Mooring pens are permissible with consent in the W2 zone.

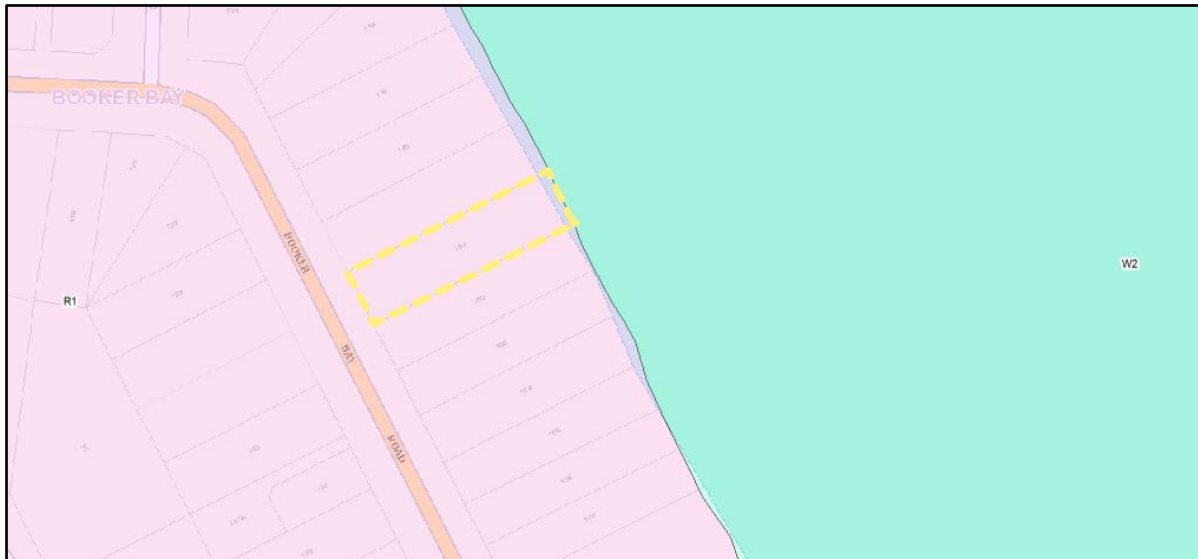


Figure 9 – Central Coast LEP online mapping tool: site location and zoning (R1 and W2)

Demolition – Clause 2.7

The demolition of a building or work may be carried out only with development consent.

Flood planning – Clause 5.21

The proposal is for water recreation structures which are ‘non-habitable’ structures and therefore not subject to any specific flooding related controls.

Development below the M.H.W.M – Clause 5.7 of Central Coast LEP

The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters. The environmental impacts of the proposal are considered in Section 1.7.

Acid Sulfate Soils – Clause 7.1 of Central Coast LEP

The land below the M.H.W.M to which this application relates is mapped as containing potential Class 1 Acid Sulfate Soils (ASS). Construction management methods will ensure that soil is not oxidised (refer to **section 1.8.3** of this report), therefore ASS will not be generated. A detailed ASS Management Plan is not required. A preliminary ASS assessment is provided at **Appendix 2.5**.

1.7.4. Central Coast Development Control Plan 2022

The development control plan (DCP) applicable to Booker Bay is the Central Coast DCP.

The most applicable chapter is Chapter 2.12– “Waterfront Structures”. The proposal has been considered against the development objectives below.

2.12.1.4. – WATER RECREATION STRUCTURES DEVELOPMENT OBJECTIVES	
Objectives	Response
<i>To ensure that the number and location of water recreation structures will not affect the visual amenity and existing character of adjoining lands and waterways.</i>	The proposed works relate to the demolition of three mooring piles which will reduce visual impacts and the number of water recreation structures in the area. The existing meshed splayed jetty end and meshed jetty landing are proposed to be retained and used for domestic access to the jetty and vessels. These elements are minor in scale, are constructed of open mesh decking which minimises shading impacts, and are located adjacent to the existing licensed jetty. Their use does not intensify the use of the waterway, does not facilitate permanent berthing or additional vessels, and is consistent with the function of a domestic waterfront facility. The retained meshed landing and splayed end are minor additions integrated with the existing jetty and do not materially alter visual character.
<i>To ensure that development does not affect navigable areas of waterways or adversely affect the use of ferries or other service vessels.</i>	The proposed works will reduce the structures overall footprint, increasing the navigable areas of waterways around the jetty structure. The existing meshed splayed jetty end and meshed jetty landing will have no impact on safety and navigation as they are within the existing jetty envelope and do not extend further into the waterway.
<i>To promote the co-ordinated management of water recreation structures by avoiding visibly unattractive concentrations of structures and encouraging innovative design for the shared use of structures where appropriate.</i>	The removal of the piles will reduce the concentration of neighbouring waterfront structures, increasing the visual continuity of the waterway.
<i>To ensure development has regard for and does not adversely affect important estuarine flora including seagrasses, mangroves or fauna habitats and fishing grounds.</i>	The area around the mooring piles is Type 1 highly sensitive <i>Zostera</i> seagrass key fish habitat (KFH). Mooring piles/ mooring pen will diminish this KFH over time due to shading impacts. DPI Fisheries were unable to retrospectively support the unlawful mooring piles in its existing location due to the <i>Zostera</i> seagrass present in the berthing area. Therefore, removing the mooring piles was recommended to sustain the existing marine environment. The existing meshed splayed jetty end and meshed jetty landing, are constructed of open mesh decking which minimises shading impacts. This proposal is required as a result of consultation with NSW DPI Fisheries, - see Appendix 2.3.

Booker Bay is within Brisbane Waters, therefore the DCP general requirements for waterfront structures for Brisbane Water would be relevant. CMG notes that this DA is for **demolition/removal** of the unlawful mooring piles, therefore, in general, the DCP is irrelevant to the proposal.

1.7.5. *State Environmental Planning Policy (Resilience and Hazards) 2021*

The site is subject to Part 2.2 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP), specifically Division 3 clause 2.10 'Development on land within the coastal environment area': Division 4 clause 2.11 'Development on land within the coastal use area' and Division 5. A response to these provisions is provided below.

PART 2.2 DIVISION 3 COASTAL ENVIRONMENT AREA CLAUSE 2.10 - DEVELOPMENT ON LAND WITHIN THE COASTAL ENVIRONMENT AREA	
Does the proposal have an adverse impact on:	Response
1(a) the integrity and resilience of the biophysical, hydrological and ecological environment,	The proposed works do not require any reclamation or dredging and will not have adverse impact to the biodiversity, hydrological and ecological environment. Careful removal of the piles by the waterfront contractor will ensure there is no further damage of seagrass.
1(b) coastal environmental values and natural coastal processes,	The proposal will not impact on coastal values or processes.
1(c) impacts on water quality within the marine estate	Not applicable.
1(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	There is no reclamation or dredging. No impacts are expected.
1(e) access to existing public open space and safe access	Public access is unchanged by the proposal.
1(f) Aboriginal cultural heritage, practices and places,	A desktop search using the Aboriginal Heritage Information Management System (AHIMS) found no recorded Aboriginal sites or places within 200m of the subject site.
1(g) the use of the surf zone.	Not applicable.
2(a) the development is designed, sited and managed to avoid the adverse impacts outlined above.	The proposed works will have no adverse impact.

PART 2.2 DIVISION 4 COASTAL USE AREA
CLAUSE 2.11 DEVELOPMENT ON LAND WITHIN THE COASTAL USE AREA

Clause 2.11 1(a) Consent must not be given unless consideration has been given to impacts on:	Response
(i) existing, safe access to the foreshore,	Public access is unchanged by the proposal. There will be no alteration of the natural ground level of the foreshore.
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	The proposed works will have no impacts.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	The proposal will increase the visual amenity and scenic qualities by removing structures.
(iv) Aboriginal cultural heritage, practices and places,	A desktop search using the Aboriginal Heritage Information Management System (AHIMS) found no recorded Aboriginal sites or places within 200m of the subject site.
(v) cultural and built environment heritage.	The piles to be removed have no cultural or built environmental heritage.
Clause 2.11 1(b) Consideration must be given to whether:	Response
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in (a).	The proposed works will have no adverse impact, therefore clauses 1(b) (ii) and (iii) are not applicable.

DIVISION 5 GENERAL

Clause	Response
Cl. 2.12 Development in coastal zone generally — development not to increase risk of coastal hazards Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.	The proposed works will not increase any coastal hazards.
Cl. 2.13 Development in coastal zone generally — coastal management programs to be considered Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.	For consent authority to review.

Cl. 2.14 Other development controls not affected Subject to section 2.5, for the avoidance of doubt, nothing in this Part— (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.	The applicant is seeking development consent for the demolition of mooring piles.
2.15 Hierarchy of development controls if overlapping If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency— (a) the coastal wetlands and littoral rainforests area, (b) the coastal vulnerability area, (c) the coastal environment area, (d) the coastal use area.	Not applicable.

1.8. Potential environmental impacts of the development

The provisions of Section 4.15(b) of the EP&A Act require an assessment of the potential environmental impacts of the proposal. The potential impacts and proposed mitigation measures have been considered below.

1.8.1. *Marine habitat*

Marine vegetation/habitat includes saltmarshes, mangroves, seagrasses and marine macroalgae, which provide important habitat for the recruitment, shelter and feeding of a wide range of marine and estuarine dependent species.

A review of marine habitat has been undertaken by CMG using the Fisheries NSW Spatial Data Portal (refer to **Figure 10**) to assist in understanding the impacts of the existing structures on the surrounding marine environment.

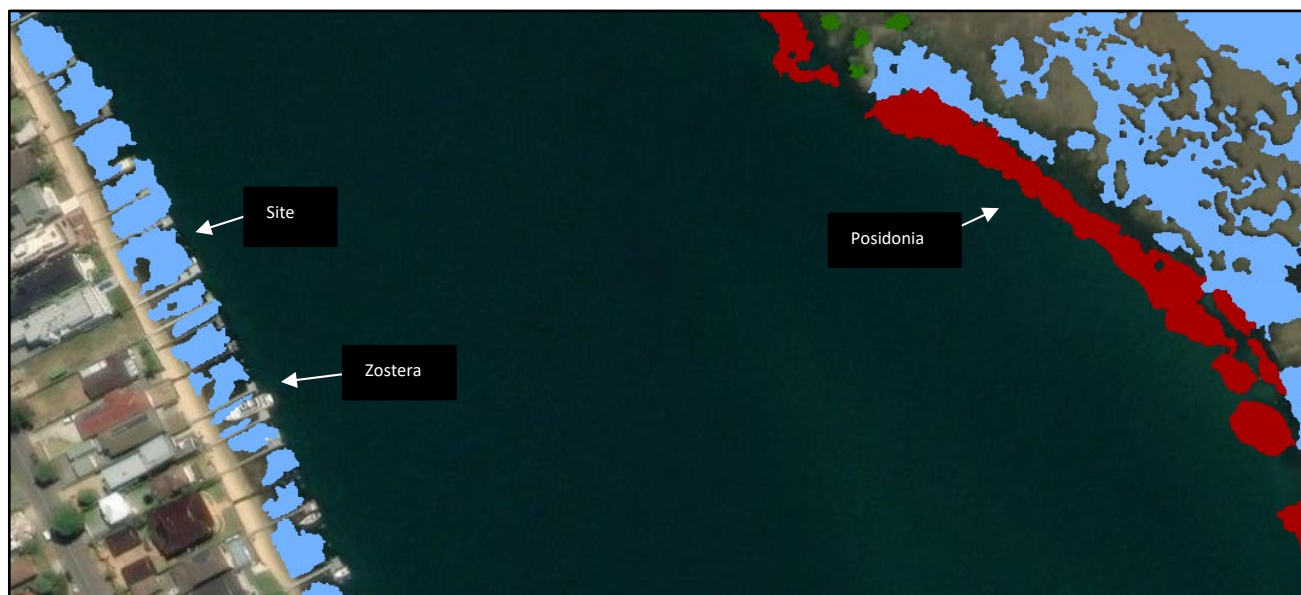


Figure 10 - seagrass habitat around the site

The desktop review found:

- Zostera seagrass along the foreshore of the area;
- Posidonia seagrass located around 400m to the east of the site.

As part of the LoC process, the Applicant is required to consult with DPI Fisheries.

DPI Fisheries has reviewed the unauthorised structures and raised no objections to the lodgement planning application for the unauthorised meshed splayed jetty end (near the shore) and the unauthorised meshed jetty landing (next to the jetty head).

However, DPI Fisheries was unable to support retaining the three mooring piles. In its response, DPI Fisheries noted the importance of seagrass to estuary health and the protection provisions of the *Fisheries Management Act 1994*. New or proposed modifications to marine infrastructure are required to consider impacts to key Fish Habitat (KFH).

In this instance, DPI Fisheries found it could not retrospectively support the unauthorised mooring piles due to being located amongst substantial areas of healthy *Zostera* sp. seagrass. Therefore, DPI Fisheries recommended the removal of the mooring piles to reduce impacts to seagrass. DPI Fisheries letter is at **Appendix 2.3**, and their response aligns with its current policy which does not allow for permanent berthing over TYPE 1 or 2 seagrass.

During the removal of the piles, CMG notes that there may be some minor short term/localised impacts. To manage impacts on water quality and seagrass, it is recommended that:

- Piles are removed and replaced using methods that minimise seabed disturbance. Use of excavation / digging equipment should be avoided.
- Barges are not permitted in areas <600mm depth. Where this is not possible works will need to be conducted from deeper water.
- No barges or construction vessels shall be moored over areas of seagrass. Where this is unavoidable, the barge must be moored in depths of 600 mm or more and must not remain in this position for a period greater than 72hrs.
- No placement of anchors or mooring lines on, over or across seagrass habitat.

DPI Fisheries raised no objection to the retention and use of the meshed splayed jetty end and jetty landing. These structures are of minor scale, are constructed of open mesh decking which enables light penetration, and are located adjacent to an existing jetty within an already modified foreshore environment. As such, they are not expected to result in additional shading or disturbance to seagrass beyond the existing condition.

1.8.2. Navigation, Siting and Design

The removal of the mooring piles will moderately improve access for the Applicants northern neighbour.

Transport for NSW has reviewed the proposal against its navigation safety guidelines and is satisfied that the proposed development would not impact on safe navigation. Refer to **Appendix 2.2** for a copy of TNSW correspondence on this matter.

1.8.3. Construction and Waste Management

All demolition works will be completed via a contracted commercial barge operator. All waste will be disposed of in accordance with best practice waste and recycling guidelines via barge and the nearest licensed Resource Recovery Centre. A Construction Environmental Management Plan (CEMP) will be prepared prior to construction.

1.8.4. Preliminary Acid Sulfate Soils Assessment

The Central Coast Council's online mapping tool identifies the presence of Class 1 acid sulfate soils (ASS) on the subject site. This means the Site has a high probability of occurrence of ASS as indicated by the blue shading below the M.H.W.M. (refer to **Figure 11**).

As the generation potential of ASS is high, an assessment of the associated risk of the works and the potential impact to the environment is required in accordance with the Central Coast LEP.

Clause 7.1 of the Central Coast Local Environmental Plan 2022 (CCLEP) ensures that development consent may only be granted if an Acid Sulfate Soils Management Plan accompanies the application.

However, two variations to this are provided within the clause; firstly, that the requirement may be waived if a preliminary assessment has been carried out which concludes that a management plan would not be required, and secondly if the development would involve the removal of less than 1 tonne of soil and would not lower the water table.

A preliminary ASS assessment is attached (see **Appendix 2.2**). It has concluded that given the minor nature of the works, it is highly unlikely that potential ASS will be exposed and problematic.

Notwithstanding, it is recommended that pile removal is undertaken with specific barge mounted equipment and during mid-high tide, to reduce the minor risk of soil being exposed to oxygen.



Figure 11 - seagrass habitat around the site

1.9. Site suitability and public interest

The provisions of Section 4.15(c) and (e) of the EP&A Act require an assessment of the suitability of the site for the proposal, and consideration of whether the proposal is in the public interest. The proposal removes non-compliant infrastructure with identified environmental impacts, while retaining only minor elements that do not result in intensification of use or adverse impacts

Having regard to this Statement of Environmental Effects, the proposal will result in an improvement to the local environment, consistent with the zoning, objectives and controls of the relevant DCP, LEP & EPI's.

1.10. Conclusion

The proposed removal of the unauthorised mooring piles responds directly to NSW DPI Fisheries advice, which identified unacceptable impacts to Type 1 seagrass and an inability to support their retention. Their removal will reduce shading and physical disturbance and result in a positive environmental outcome for the marine habitat.

The continued use of the existing meshed splayed jetty end and meshed jetty landing is appropriate having regard to their minor scale, open mesh design, and location within an established waterfront context. These elements do not facilitate additional berthing, do not intensify use of the waterway, and are consistent with the function of a domestic waterfront facility.

The proposal, as a whole, is considered to be consistent with the relevant provisions of the Central Coast LEP, DCP and applicable SEPPs, will not result in adverse environmental impacts, and is in the public interest.

Accordingly, development consent is sought for the removal of the mooring piles and the use of the existing meshed splayed jetty end and meshed jetty landing.

2. Appendices

2.1. Architectural Plans

2.2. Transport for NSW – Navigational ‘No Objection’ Letter

2.3. DPI Fisheries Referral Support Letter

2.4. Crown Lands LoC

2.5. ASSA

2.6. Waste Management Plan