



**DEVELOPMENT APPLICATION;**

**PROPOSED JETTY,**

*Wallawalla, Porton Existing Closures  
& Reclamation*

**NO. 118 COVE BOULEVARDE  
NORTH ARM COVE NSW**

**Prepared May 2023 by L & T Stansfield T/as The Jetty Man  
ABN 114 416 989 443 Builders License No. 126906C**

*Prepared June 2023*



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## **1.0 THE SITE**

### **1.1 LAND TITLE**

The subject land is identified as Lot 511 in DP 9939, being No. 118 Cove Boulevard North Arm Cove in the Local Government Area of Mid-coast Council.

### **1.2 OWNERSHIP**

The land is currently registered to **Mr & Mrs Norquay**.

### **1.3 PHYSICAL DESCRIPTION**

The subject property is located in the suburb of North Arm Cove and has frontage to the Port Stephens waterway.

The property has an existing residence etc. and foreshore area which includes a sandy beach and rocky landscape. The lot has a moderate gradient toward the waterway.

### **1.4 ZONING**

The subject lot is zoned RU5 Village and the water area is zoned W2 Recreational Waterway under the LEP 2014.



## **THE DEVELOPMENT PROPOSAL**

### **2.1 THE PLAN**

The accompanying plans show the location of the proposed jetty which includes a walkway and pontoon to be constructed from the owners land and below the MHWL.

### **2.2 JUSTIFICATION STATEMENT**

The proposed jetty will allow access to the waterway and will provide a recreational structure for boating, fishing and canoeing etc.

The proposed jetty will be built inside the owner's boundary prolongations avoiding the established rock groyne that exists on the South side of the lot.

The groyne has been in place at the site for many years and an established environment amongst the rocks and crevices exists.

The length of the proposed jetty is 26.1m below the present high water mark. This length is necessary to ensure scouring of the seabed will not occur with vessels using the jetty. A band of seagrass exists below the walkway area of the proposed jetty and the pontoon will be positioned clear of the seagrass beds.

The proposed jetty will reach a depth of 1.65m. The depth is necessary to ensure operations of the jetty during all tides.

This depth will be acceptable for vessels to clear the *Zostera* seagrass beds also identified in Aquatic Habitat Report.

The jetty will project from the existing foreshore and will ensure safe pedestrian access along the shoreline area.

The proposed jetty will also provide safe access for private passengers to the existing residence without the need of navigating the existing rock groyne from a vessel.

The proposed jetty will consist of piles for the main jetty section, connecting to a walkway and a pontoon also supported by piles.

By minimizing the number of piles required for the proposed jetty, the impact on the existing environment will be reduced.

The grid mesh top decking on the jetty also has the ability to let the sunlight through to the seabed below and the existing seagrass.

Both adjoining neighbours have been consulted about the proposed jetty. Please see attached correspondence from the adjoining owners providing support for the jetty proposal.



### **2.3 HOURS OF OPERATION**

Construction of the proposed jetty will take place between the hours of 7am to 5pm Monday to Friday and 8am to 12pm on Saturdays.

Materials for the proposed jetty will be delivered at the frontage of Cove Boulevard during normal work hours.

### **2.4 IMPACT ON ADJOINING NEIGHBOURS**

The proposed development will have minimal impact on adjoining neighbours. The proposal is out of the line of immediate site of neighbours.

Noise concerns will be limited to the construction of the proposed jetty during normal work hours.

The proposed development will lie wholly within the prolongation boundaries of the applicant's property at an appropriate angle to the circumstance.



### **3.0 STATEMENT OF ENVIRONMENTAL EFFECTS**

#### **3.1 SECTION 79C - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

##### **Relevant Environmental Planning Instruments**

**The proposed construction of the jetty is subject to the guidelines and requirements of the Great Lakes Council DCP 2014, Great Lakes LEP 2014 and the State Environmental Protection Policy (Resilience & Hazards) 2021.**

##### **(a) Great Lakes Council Development Control Plan -**

As the Development is not outlined in this Plan, the following information provides support and merit for consideration;

The adjoining neighbours have indicated they do not wish to share the proposed jetty and have provided support for the jetty proposal. (Refer attached correspondence).

The proposed jetty will front an absolute waterfront property that has direct access to Port Stephens.

Acceptable depths are achieved at the proposed jetties end to ensure vessels minimize harm to seagrass beds.

The decking of the jetty will be grid mesh to ensure sunlight penetrates the seagrass on the seabed below.

Please refer to the Aquatic Habitat Report included with this submission. The proposed jetty will not adversely affect the Sea Ecology or wildlife.

The proposed jetty will not impede public access along the foreshore area.



**(b) Great Lakes Local Environmental Plan 2014 -**

**5.7 Development below mean high water mark**

(1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.

(2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

(1)(2)

- Refer to the Aquatic Habitat Report included with this submission.

The proposed jetty will extend from the shoreline over the sea bed.

Minimal number of piles over the seabed are proposed to ensure minimal disturbance.

Acceptable water levels at the end of the proposed jetty are achieved to ensure private vessels can operate minimizing the harm to the seabed below.

**7.10 Limited development on foreshore area**

(1) The objective of this clauses ensures that the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.

- The proposed jetty will have minimal impact on the natural foreshore processes and amenity of the area. (Refer to Aquatic Habitat Survey included with this submission).

(2) Development consent to be granted development on foreshore land for the purpose which includes a jetty and existing concrete ramp below the MHWL.

3/ Development consent for the purpose of a jetty is sort.

(a)The proposed jetty is permitted in the zoning.

(b)The proposed jetty is compatible with other types of developments in the area.

(c)(i,ii,iii) The proposed jetty will be built over the seagrass beds. (Refer Aquatic Habitat report).

The development will not cause environmental harm, pollution or siltation of the waterway.

(d) The development will not cause conflict between people using the open spaces of the seabed as the jetty fronts the owners land within the boundary prolongations.



(e) Access exists at the property along the foreshore for pedestrians. The jetty will extend from the existing foreshore area.

(f) (g) In my opinion, (based upon working in the area for 22 years), the development will contribute an aesthetically pleasing look to the foreshore area.

The proposal is compatible with the area.

Minimal harm will be caused by the development. (Impact identified in Aquatic Habit Survey included with this submission).

(h) Acceptable height of the proposed jetty over the seabed ensures any sea level rises have been considered.



(i) Visual impact statement -

**1. Describe the site in detail -**

The proposed development is for Lot 511 of DP 9939 being No. 118 Cove Boulevard North Arm Cove.

The property has frontage to Port Stephens and has an Easterly aspect to the water body.

The development will not depart from the quality of the area. The development is the same as other developments along the shoreline and in the immediate area.

**2. Describe the proposal -**

The proposal is to construct a jetty which measures 26.4 metres below the Present High Water Mark which includes a walkway and floating pontoon.

The proposed jetty will project from the foreshore then continue over the seabed.

The proposed structure is also outside the immediate line of sight of neighbours.

**3. Demonstrate how the proposal will address the objectives and strategies of the Guidelines, surrounding development and the natural landscape -**

To maintain the dominant natural character in foreshore and coastline areas while allowing some modification and rehabilitation of areas with diminished scenic quality. The existing foreshore will be altered to a minor degree with the construction of the proposed jetty.

The property will not be out of character with any surrounding properties hence maintaining the existing visual landscape.

**4. Where there is potential for the proposed to negatively affect scenic quality values or existing development, describe the measures proposed to ameliorate the impact -**

The proposed construction will be done predominantly over the seabed fronting the applicant's property.

**5. Provide graphic evidence to illustrate the proposal.**

Please refer attachment photos, Water depth Survey and Aquatic Habitat Survey included with this submission.

**6. Aboriginal Mapped area.**

It is not likely that any aboriginal related items will be found in the water or lake bed. Please refer to the AHIMS search attached = NIL Aboriginal Sites & Places within 200m

(ii) Excavation

It is not anticipated that excavation will take place on the seabed. The jetty will consist of piles driven into the seabed.



**(c) State Environmental Planning Policy (Resilience & Hazards)  
2021**

**CHAPTER 2**

**DIVISION 3 COASTAL ENVIRONMENT AREA-**

**DIVISION 4 COASTAL USE AREA-**

**DIVISION 5 GENERAL-**

**Division 3 Coastal environment area-**

**2.10 Development on land within the coastal environment area**

**(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:**

**(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,**

The seagrass affected has the ability to regenerate after disturbances. (Refer Aquatic Habitat Report). Common *Zostera* is located in the study area.

**(b) coastal environmental values and natural coastal processes,**

These will remain unchanged. The proposal will be constructed entirely on the owners land and crown land at a residential waterfront property fronting Port Stephens that is already developed.

**(c) the water quality of the marine estate (within the meaning of the Marine Estate development on any sensitive coastal lakes identified in Schedule 1,**

The seagrass affected has the ability to regenerate after disturbances as per the Aquatic Habitat Report.

**(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,**

The seagrass affected has the ability to regenerate after disturbances.

**(e) existing public open space and safe access to and along the foreshore beach, headland or rock platform for members of the public, including persons with disability,**

The proposed is located at a private waterfront property. This development will not affect the access along the shoreline. All construction work is done on the owners land and over or on the seabed below MHWL.



**(f) Aboriginal cultural heritage, practices and places,**

N/A The proposed is located at a private waterfront property. The frontage has already been disturbed by existing developments. The jetty will project from the foreshore to then continue upon the seabed.

**(g) the use of the surf zone,**

N/A, The proposed is located at a private waterfront property fronting Port Stephens.

**(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:**

**(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1) or**

**(b) if that impact cannot be reasonably avoided – the development is designed, sited and will be managed to minimize impact or,**

**(c) if that impact cannot be minimized- the development will be managed to mitigate that impact.**

The proposed will have minimal impact on the foreshore area.

**(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of *Sydney Regional Environmental plan (Sydney Harbour Catchment) 2005*.**

Development located fronting Port Stephens.

**Division 4 Coastal use area**

**2.11 Development on land within the coastal use area**

**(a) has considered whether the proposed development is likely to cause an adverse impact on the following –**

**(i) Existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.**

- The proposal projects from the owners land and over the seabed.

**(ii) Overshadowing, wind funneling and the loss of views from public places places to foreshores,**

- The construction is entirely located fronting the owners land and crown land out of the immediate neighbours line of sight.

**(iii). The visual amenity and scenic qualities of the coast, including coast headlands,**

- The jetty will be the same construction in appearance as other developments fronting Port Stephens.

**(iv). Aboriginal cultural heritage, practices and places,**

- No digging or excavation works are required for the new construction.



**(v). Cultural and built environmental heritage, and**

- N/A on residential property

**(b) is satisfied that –**

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or**
- (ii) if that impact cannot be reasonably avoided-the development is designed, sited and will be managed to minimise that impact, and**
- (iii) If that impact cannot be minimised -the development will be managed to mitigate that impact, and**

(i) (ii) (iii) the impact is minimal. The development will be same in appearance as other constructions in the area.

**(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development**

The proposed will have minimal impact as it is located entirely fronting the owners land and crown land at a residential waterfront property fronting Port Stephens that is already developed.

**Division 5 General**

**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 new jetty is not likely to cause increased risk to coastal hazards on that land or other land. RMS consent is sort as part of this development to consider the development from a navigational view.

**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.

- No provision or program exists in the area of the proposed jetty.



## **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 with development consent.

- The DCP 2014, LEP 2014 and SEPP 2021 have been considered for this development in the DA application for consent. No other planning instrument exists.

## **(2.15) Hierarchy of development controls in overlapping**

If a single parcel of land is identified by this Chapter 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,  
-N/A not in coastal wetlands or rainforest area

(b) the coastal vulnerability area,  
-N/A not in a coastal vulnerability area

(c) the coastal environmental area  
- Development located at the residential property fronting Port Stephens.

(d) the coastal use area.  
- Development located at the residential property fronting Port Stephens.



## **Conclusion**

This proposal will have minimal effect on the Environment. The existing seagrasses have the ability to regenerate after disturbances. The development will be similar as others fronting Port Stephens.

### **(d) Suitability of the land**

The subject land is zoned RU5 village and W2 Recreation Waterways and has frontage to Port Stephens waterway. Appropriate frontage for the jetty construction.

The development proposal will not be out of character with the surrounding properties.

### **(e) Public Interest**

At the completion of works, the area will be landscaped to enhance the visual character of the site.

## **4.0 CONCLUSION**

The proposed development has been guided by the aims and objectives of Development Control Plan 2014 and the LEP 2014.

We trust this information will enable Mid-coast Council to assess the development.

Yours faithfully

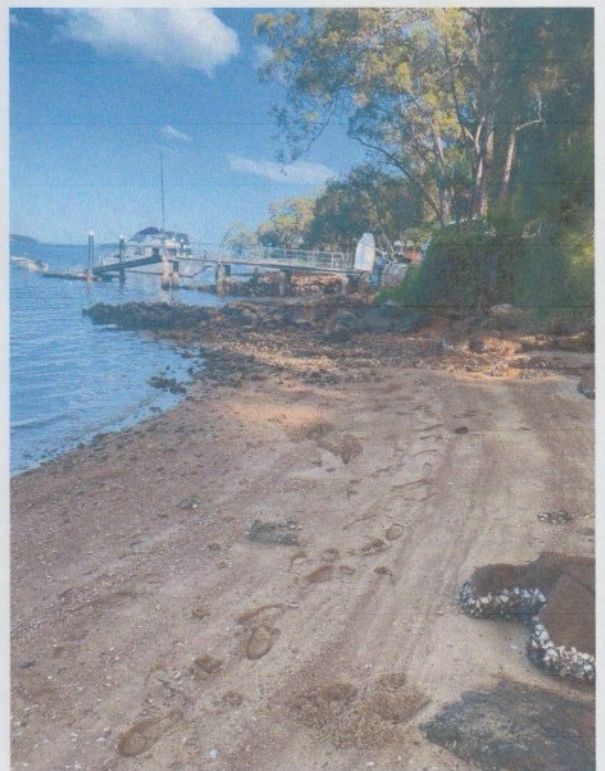
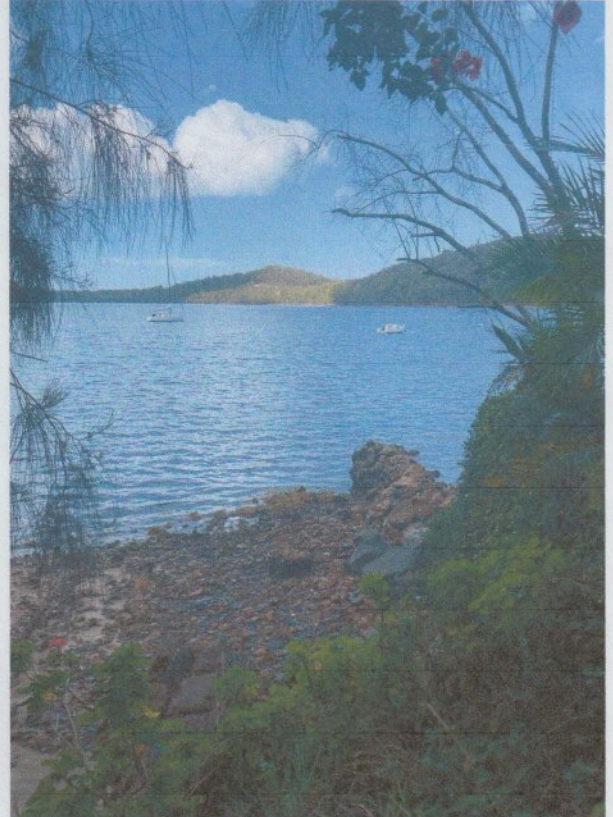
*Tina Stansfield*

Tina Stansfield  
Partner

*The Jetty Man*



**Site Photo's - No. 118 Cove Boulevard North Arm Cove**







# AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : Norquay

Client Service ID : 785117

Tina Stansfield

Date: 24 May 2023

PO Box 199

Toronto New South Wales 2283

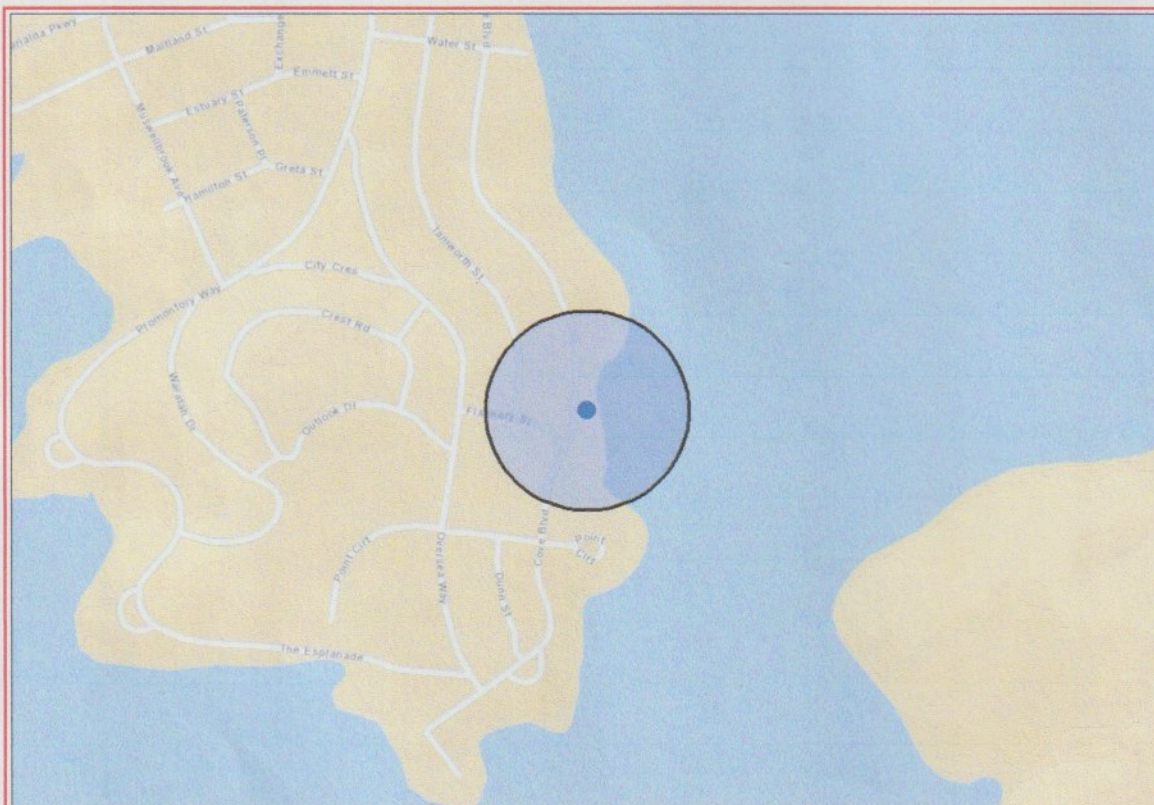
Attention: Tina Stansfield

Email: tjm110@bigpond.net.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Address : 118 COVE BOULEVARD NORTH ARM COVE  
2324 with a Buffer of 200 meters, conducted by Tina Stansfield on 24 May 2023.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location.*



**If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](https://www.legislation.nsw.gov.au/gazette) (<https://www.legislation.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

**Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



Date: 18 JULY 2023

To: SCOTT & ANNE MELLON

I am the owner of No. 118 CONE BOULEVARD, NORTH ARM COVE, NS.  
and I am proposing to build a jetty/landing platform fronting my property.

To ensure I follow the guidelines set out by council, I need to enquire as to  
whether you would like to enter into a shared jetty / landing platform?

Please indicate in return correspondence if you wish to share the jetty / landing  
platform or you don't wish to share.

Also that you have no objections to my proposal.

If it is easier you can write your response at the bottom of this letter and then  
return to me.

Many thanks

SENE NORQUAY Ph: 0432 159 771

We are the owner of No. 116 Cone Boulevard,  
North Arm Cove. 2324.

We have no objection to the proposal of  
the jetty fronting 118, Cone Boulevard, North  
Arm Cove. Our situation does not suit the  
shared jetty arrangement particular in regards  
to liability.

S. Mellon AS

SCOTT & ANNE MELLON.

18 JULY 2023.



Date; 18 July 2023

To; Brian Lynn Thomas  
120 Cove Boulevard, North Arm Cove, 2324

I am the owner of No. 118 Cove Boulevard, North Arm Cove, 2324  
and I am proposing to build a jetty/landing platform fronting my property.

To ensure I follow the guidelines set out by council, I need to enquire as to  
whether you would like to enter into a shared jetty / landing platform?

Please indicate in return correspondence if you wish to share the jetty / landing  
platform or you don't wish to share.

Also that you have no objections to my proposal.

If it is easier you can write your response at the bottom of this letter and then  
return to me.

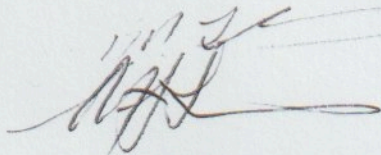
Many thanks

Brian Thomas ..... Ph; 0432 159 771

-----  
We do not wish to enter into a shared jetty /  
landing platform.

We do not object to the proposed jetty/landing platform  
fronting 118 Cove Boulevard, North Arm Cove, 2324.

0414 841342





04 July 2023

Our Ref: C23/287

Tina Stansfield  
The Jetty Man  
PO Box 199  
Toronto NSW 2283

Email: [tjm110@bigpond.net.au](mailto:tjm110@bigpond.net.au)

Dear Tina,

**Proposal: Proposed jetty**  
**Property: 118 Cove Boulevard, North Arm Cove, Port Stephens (Lot 511 DP 9939)**

Thank you for your referral of 30 May 2023 seeking comment on the proposal from DPI Fisheries, a division of NSW Department of Primary Industries.

DPI 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, DPI Fisheries ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (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)*. In addition, DPI Fisheries is responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW.

DPI Fisheries is also responsible for ensuring that within marine parks, marine biological diversity and marine habitats are conserved and ecological processes are maintained. With regard to land use planning and approvals the Department ensures that development activities comply with or are consistent with the requirements of the *Marine Estate Management Act 2014* (MEM Act), *Marine Estate Management Regulation 2009* and *Marine Estate Management (Management Rules) Regulation 1999*.

DPI Fisheries has reviewed the proposed jetty in light of these provisions and has no objections to the lodgement of a land owner's consent application, noting the following requirements:

- The jetty decking above seagrass uses mesh decking that achieves minimum 50% aperture to maximise natural light to seagrass.
- The pontoon is to be located above bare substrate with a minimum of 600mm water depth at lowest astronomical tide (i.e. -1.5m AHD).

This letter and attached plan (date stamped 03/07/2023) may be forwarded to the Crown Lands Division for their consideration in assessing your application for land owner's consent. DPI Fisheries will consider final consent status for the proposal when Council sends us the Integrated Development Application.

We note that the works will require a Section 205 permit to harm marine vegetation **and** a permit under the MEM Act for works within a Marine Park. To consolidate the permitting process the proponent is only required to lodge a single Marine Park permit application. Permits outline control measures to minimise the impacts from construction and operation of the asset. Permit application forms are available from the DPI Fisheries website at: <http://www.dpi.nsw.gov.au/fisheries/habitat/help/permit>.

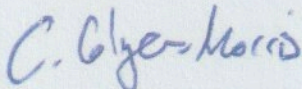
We will also require a signed and stamped copy of the final Crown Lands approval before we can grant the relevant permit to cover these works.



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 from the date endorsed on this advice. Should this advice lapse, 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 DPI Fisheries.

If you, Crown Lands or Council require any further information, please do not hesitate to contact Cherie Colyer-Morris on [Cherie.colyer-morris@dpi.nsw.gov.au](mailto:Cherie.colyer-morris@dpi.nsw.gov.au).

Yours sincerely,



**Cherie Colyer-Morris**

Fisheries Manager, Coastal System



## Site Plan

Scale 1:150 = A3

Notes:

Proposed jetty will reach a depth of 1650mm.

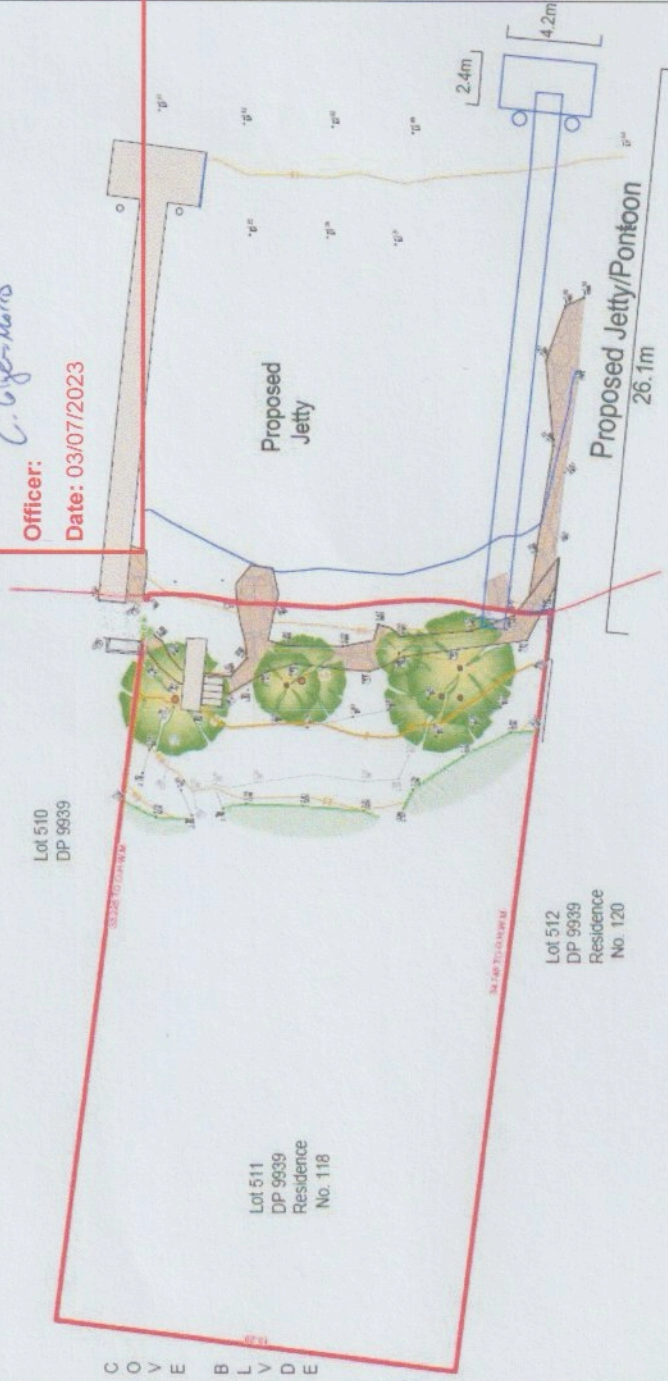
NSW Department of Primary Industries Fisheries

DPI Ref: C23/287

Officer:

*C. Olyer-Harris*

Date: 03/07/2023



Proposed Jetty  
Applicant: Mr Norquay

Lot 511 DP 9939  
Address: 118 Cove Boulevard  
North Arm Cove Nsw

Prepared by  
The Jetty Man  
May 2023  
Amended June 2023  
Page 1 of 2



Tina Stansfield  
The Jetty Man

Sent via email: [tjm110@bigpond.net](mailto:tjm110@bigpond.net)

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**CLIENT:** Mr Norquay  
**LOCATION:** 118 Cove Boulevard North Arm Cove  
**PROPOSED:** Jetty

13 June 2023

Dear Tina,

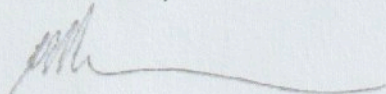
Reference is made to your recent request regarding the above-mentioned proposed structure.

Transport for NSW advise that the proposal, as per the attached stamped plan, has been assessed as having minimal impact on the safety of navigation under the Marine Safety Act 1998.

Should the proposal change after receiving comment from Transport for NSW, it will be necessary to resubmit the amended plans for assessment.

If we can be of any further assistance, please do not hesitate to contact this office.

Yours sincerely



Mike Baldwin  
Manager Waterways Operations HunterInland  
Transport for NSW - Maritime

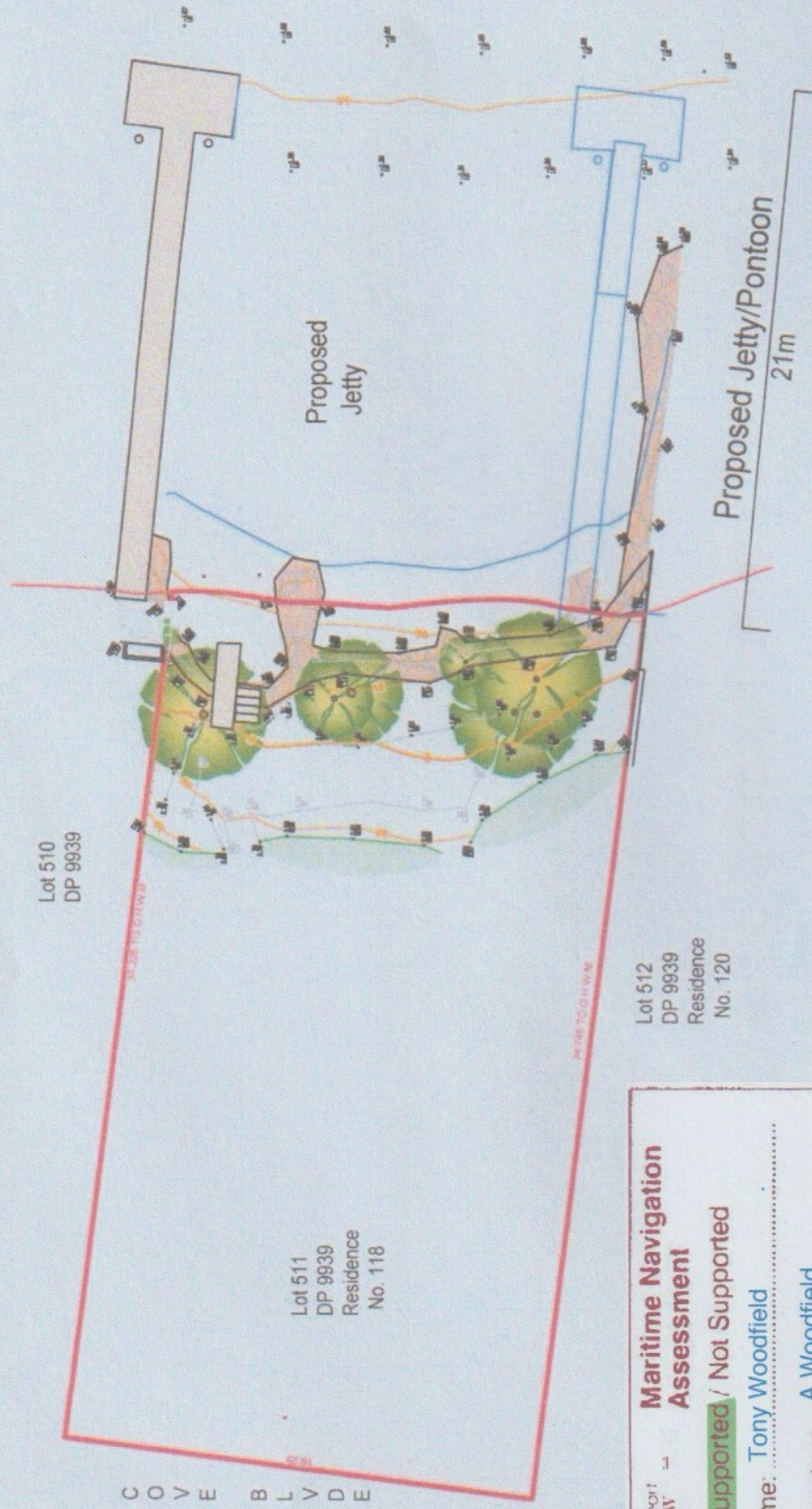


## Site Plan

Scale 1:150 = A3

Notes:

Proposed jetty will reach a depth of 1500mm.



## Maritime Navigation Assessment

Supported / Not Supported

Officer Name: Tony Woodfield

Officer Signature: A Woodfield

Date: 9/6/23

Proposed Jetty  
Applicant: Mr Norquay

Lot 511 DP 9939  
Address: 118 Cove Boulevard  
North Arm Cove NSW

Prepared by  
The Jetty Man  
May 2023  
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