

Wollongong Local Planning Panel Assessment Report | 13 August 2025

WLPP No.	Electronic Report
DA No.	DA-2025/132
Proposal	Jet Ski Tour Business
Property	1 Northcliffe Drive, Warrawong
Applicant	Play Hard Jetski Hire Pty Ltd
Responsible Team	Development Assessment & Certification - City Centre + Major Development
Previous Meeting	1 st July 2025

ASSESSMENT REPORT AND RECOMMENDATION

Supplementary Report

This report should be read in conjunction with the Council Assessing Officer's report as presented to the Wollongong Local Planning Panel on 1 July 2025 at **Attachment 4**.

Reason for consideration by Local Planning Panel

The proposal was referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979 because the proposal is contentious development (16 submissions) under the Local Planning Panel Direction of 6 May 2024.

Background

The application seeks consent for the use (Recreation Facility (Outdoor)) of part of the site as a Jet Ski Tour business and associated operations at 1 Northcliffe Drive, Warrawong (Lot 122 & 123 DP 751299 & Lot 6 DP 215273).

The Panel deferred the determination (Attachment 1) to allow the applicant an opportunity to provide further information to satisfy the Panel's concerns. The Panel requests that the applicant provide or amend the application as follows:

- A maximum of four personal watercraft in each tour group during the trial period.
- That the application be for a trial period of 24 months from the date of commencement of operation after any licensing approval from Transport for New South Wales (Maritime).
- That the applicant identify an alternate disembarkation/embarkation area further to the east in the vicinity of or using the boat ramp pontoon. This is to minimise conflict with the area utilised by the windsurfer/sailboard users of the club.
- The additional material is to be provided within four weeks after which a supplementary report will be prepared for consideration by the Panel via an electronic meeting.

Applicants' response to the WLPP recommendation

The applicant has indicated a willingness to accept the requested amendments by the Panel. However, prior to making any determination the applicant has requested that the Panel consider the following documentation:

- Attachment 8: Letter of No Objection from Illawarra Yacht Club

- Attachment 9: Detailed Response Letter to Panel Deferral

DISCUSSION

The following comments are provided in chronological order to the Panels points listed above.

1. Regarding the Panels first point listed above, it is recommended that condition eight (8) be amended to reflect a maximum number of four (4). Please see recommended condition amendments below:

Maximum Capacity

A maximum of four (4) Jet Skis per tour are permitted to be used on Lake Illawarra.

Reason:

To protect the amenity of the environment and the neighbourhood.

2. Regarding the Panels second point listed above, this condition has been amended on the Draft Conditions of consent to enable a suitable trial period timeframe.

The condition now reads as follows:

Restricted Consent Period

This development is valid for a period not exceeding two (2) years from the date of commencement of operation after any licensing approval from Transport for New South Wales (Maritime). The applicant must notify Council in writing that the relevant licences have been acquired from Transport for NSW (Maritime) and the date that the trial period is commencing. At the end of this period the development must cease.

Note: The Council may, upon receiving an application under Section 4.55 of the Environmental Planning and Assessment Act 1979, prior to the lapse date of this consent extend the period in which this consent is valid.

Any application under Section 4.55 of the Environmental Planning and Assessment Act should be made to Council at least four (4) months prior to the lapse date of the consent in order to allow adequate processing/assessment of the application. This application must be on the prescribed form. Any application received after the lapse date cannot be considered.

Reason:

To enable council to monitor performance of the development.

3. Regarding the Panels third point listed above, should the point of embarkation and disembarkation be revised, a condition may be added that reflects this change.

For example, the following condition could be included in the consent should the Panel be of the position to change the embarkation and disembarkation points.

Amendments to Approved Plans and Documents

The embarking and disembarking of the jet skis are to be undertaken in the areas annotated and clouded in blue on the stamped approved plan.

Reason

To minimise conflict with the area

Note: The Panel will need to identify the areas of the embarkation and disembarkation points so it can be annotated on the plans.

CONCLUSION

At the WLPP meeting of 1 July 2025, the Panel determined to defer the determination of the application to allow the applicant an opportunity to address potential contamination concerns. The applicant has indicated a willingness to accept the requested amendments by the Panel. However, prior to making any determination the applicant has requested that the Panel consider the following documentation:

Responding to the Panel's concerns the applicant has submitted the following documents:

- Attachment 8: Letter of No Objection from Illawarra Yacht Club
- Attachment 9: Detailed Response Letter to Panel Deferral

The development is consistent with the applicable provisions of the relevant planning instruments including the Resilience and Hazards SEPP and Wollongong LEP 2009.

The development is also appropriate with regard to the controls outlined in the Wollongong DCP 2009 and Wollongong Local Environmental Plan 2009.

The proposed development is unlikely to result in adverse impacts on the character or amenity of the surrounding area, environment and adjoining development and represents a community asset for recreation purposes.

RECOMMENDATION

DA-2025/132 be approved pursuant to Section 4.16(1) of the Environmental Planning & Assessment Act 1979 subject to the conditions provided at Attachment 2.

ATTACHMENTS

1. Panel Deferral 1st July 2025
2. Draft Conditions of Consent
3. Plans
4. Planning Report – 4.15
5. Tour Map and Conditions – Plan of Management
6. Department of Primary Industries (Fisheries) Advice
7. Transport for NSW (Maritime) Advice
8. Letter of No Objection from Illawarra Yacht Sailing Club
9. Detailed Response Letter to Panel Deferral

Attachment 1

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	1 July 2025
PANEL MEMBERS	Scott Barwick (Chair), John Brunton (Expert), Catherine Brady (Expert), Lewis Troman (Community Representative)

Public meeting held at Wollongong City Council, Level 10 Council Chambers, 41 Burelli Street, Wollongong on 1 July 2025 opened at 5:00pm and closed at 6:45pm.

MATTER DETERMINED

DA-2025/132 - Lot 6 DP 215273, Lot 122 DP 751299, Lot 123 DP 751299, 1 Northcliffe Drive, Warrawong (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by five submitters.

The Panel heard from the applicant and their representatives.

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed: at item 7; item 8 in Schedule 1; the material presented at the meeting; and the matters observed at the joint site inspection.

The Panel determined to defer the development application as described in Schedule 1 pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*.



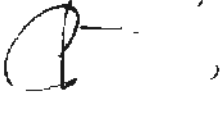

The decision was not unanimous. The Community Representative disagreed with the majority decision and would refuse the proposal as, even though the development application refers to the land-based component of the proposal, it gives de facto approval to the water-based activities which would have adverse impacts by:

- not protecting the natural environment.
- causing safety issues.
- adversely impacting upon neighbourhood amenity.
- causing conflicts with other recreational users of the lake.

REASONS FOR THE DECISION

The Panel has deferred the determination to allow the applicant an opportunity to provide further information to satisfy the Panel's concerns. The Panel requests that the applicant provide or amend the application as follows:

- A maximum of four personal watercraft in each tour group during the trial period.
- That the application be for a trial period of 24 months from the date of commencement of operation after any licensing approval from Transport for New South Wales (Maritime).
- That the applicant identify an alternate disembarkation/embarkation area further to the east in the vicinity of, or using the boat ramp pontoon. This is to minimise conflict with the area utilised by the windsurfer/sailboard users of the club.
- The additional material is to be provided within four weeks after which a supplementary report will be prepared for consideration by the Panel via an electronic meeting.

PANEL MEMBERS	
 Scott Barwick (Chair)	 John Brunton (Expert)
 Catherine Brady (Expert)	 Lewis Troman (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2025/132
2	PROPOSED DEVELOPMENT	Jet Ski Tour Business
3	STREET ADDRESS	1 Northcliffe Drive, Warrawong
4	APPLICANT/OWNER	Play Hard Jetski Hire
5	REASON FOR REFERRAL	Contentious Development - more than 10 unique objections received
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 Wollongong Development Contributions Plan Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wollongong Development Control Plan 2009 Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: 2 savings Coastal zone management plan: Lake Illawarra Coastal Management Plan The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report dated 1 July 2025. Written submissions during public exhibition: 16 Verbal submissions at the public meeting: 5
8	SITE INSPECTIONS BY THE PANEL	Virtual Site Inspection 1 July 2025. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Scott Barwick (Chair), John Brunton (Expert), Catherine Brady (Expert), Lewis Troman (Community Representative) <u>Council assessment staff</u>: Lachlan Jones
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the Council assessment report

DRAFT CONDITIONS FOR: DA-2025/132

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GENERAL CONDITIONS

Conditions				
1. Approved Plans and Supporting Documentation				
<p>Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.</p>				
Plan No	Revision No	Plan Title	Drawn By	Dated
N/A	N/A	Ground Floor Plan	N/A	N/A
N/A	N/A	Site Plan	N/A	N/A
Document Title.		Version No.	Prepared By.	Dated
Tour Maps and Conditions		1.2	Play Hard Jet Ski Hire	N/A
<p>In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.</p> <p>Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.</p> <p><u>Reason:</u> To ensure all parties are aware of the approved plans and supporting documentation.</p>				
2. Restricted Consent Period				
<p>This development is valid for a period not exceeding two (2) years from the date of commencement of operation after any licensing approval from Transport for New South Wales (Maritime). The applicant must notify Council in writing that the relevant licences have been acquired from Transport for NSW (Maritime) and the date that the trial period is commencing. At the end of this period the development must cease.</p> <p>Note: The Council may, upon receiving an application under Section 4.55 of the Environmental Planning and Assessment Act 1979, prior to the lapse date of this consent extend the period in which this consent is valid.</p> <p>Any application under Section 4.55 of the Environmental Planning and Assessment Act should be made to Council at least four (4) months prior to the lapse date of the consent in order to</p>				

<p>allow adequate processing/assessment of the application. This application must be on the prescribed form. Any application received after the lapse date cannot be considered.</p> <p><u>Reason:</u> To enable council to monitor performance of the development.</p>
<p>3. Transport for NSW – Maritime</p> <p>Prior to the use commencing the proponent is to apply to Maritime and seek approval to conduct supervised personal watercraft (PWC) hire and drive tour operations on NSW waterways.</p> <p>PWC hire and drive vessels are classified as domestic commercial vessels, and therefore are subject to the National Law administered by the Australian Maritime Safety Authority (AMSA).</p> <p>A hire and drive business requires a Certificate of Operation for each of the vessels to operate and is required to be compliant with Marine Order 504, which stipulates a range of conditions to ensure the safe operation of vessels.</p> <p>In order to mitigate waterway specific risks associated with the proposal, Maritime will also regulate the operations under a Direction Notice, with a suite of associated conditions, issued pursuant to clause 56 of the Marine Safety Regulation 2016.</p> <p><u>Reason:</u> To satisfy the requirements of the legislation.</p>
<p>4. Transport for NSW – Maritime</p> <p>Prior to the use commencing, the proponent is to apply to Maritime for an exemption pursuant to clause 140 of the Marine Safety Regulation 2016, which allows for operators of specified hire and drive PWC to operate those vessels without a driving licence.</p> <p><u>Reason:</u> To satisfy the requirements of the legislation.</p>
<p>5. Department of Primary Industries – Fisheries</p> <p>The advice provided under s205 of the Fisheries Management Act 1994 issued by the NSW Department of Primary Industries dated 11th April 2025 as attached shall form part of this Notice of Determination.</p> <p><u>Reason:</u> To satisfy the requirements of the legislation.</p>

OCCUPATION AND ONGOING USE

Conditions
<p>6. Protection of fauna</p> <p>Should the operator become or be made aware of the presence of threatened or protected fauna species nesting within 100m of the route, activities are to stop immediately until the animals have relocated.</p> <p>Alternatively, written permission may be sought from Council to temporarily modify the route to avoid adversely impacting upon the fauna.</p> <p><u>Reason:</u> To protect native fauna from harm.</p>
<p>7. Tour Maps & Conditions - Plan of Mangement</p> <p>Jet ski tours are to operate generally in accordance with the <i>Tour Maps and Conditions – Lake Illawarra Jet Ski Tour</i>, v1.2 (Play Hard Jet Ski Hire Pty Ltd, undated).</p> <p>Jet Skis are to be a minimum of 250m from all mudflats, seagrass areas and shorelines at all times, other than when departing and returning to the moorings.</p>

<p><u>Reason:</u></p> <p>To protect the amenity of the environment and the neighbourhood.</p>
<p>8. Maximum capacity</p> <p>A maximum of eight (8) Jet Skis per tour are permitted to be used on Lake Illawarra.</p> <p><u>Reason:</u></p> <p>To protect the amenity of the environment and the neighbourhood.</p>
<p>9. Maximum speed</p> <p>Jet Skis operating as a part of this development are to not exceed a maximum speed of 55km/h whilst on the Lake.</p> <p><u>Reason:</u></p> <p>To protect the amenity of the environment and the neighbourhood.</p>
<p>10. Jet Ski Refuelling</p> <p>Jet skis are to be refuelled on land in the designated in the north-eastern corner of the Illawarra Yacht Club overflow carpark, or alternatively off site at a service station.</p> <p>A 100L roller fuel tank with electric pump shall be stored in one of the Ute trays and used to refuel the jet skis on site. The 100L fuel tank is to be transported to and from the site every day and is not to remain at the Yacht Club.</p> <p>During the refuelling of the jet skis, a spill mat is to be laid down on the ground below the fuelling area. If fuel spills onto the PWC due to overfilling, absorbent pads are to be used to soak it up.</p> <p>Under no circumstances are jet skis to be refuelled on the water.</p> <p><u>Reason:</u></p> <p>To ensure protection of the environment and compliance with legislation.</p>
<p>11. Chemicals/Fuels/Oils Storage</p> <p>All liquid chemicals, fuels, oils and wastes must be stored in accordance with the guidance contained in the Safe Work Australia's Guidance Material: <i>Managing risks of storing chemicals in the workplace</i> https://www.safeworkaustralia.gov.au/system/files/documents/1902/managing-risks-of-storing-chemicals-in-the-workplace_0.pdf.</p> <p><u>Reason:</u></p> <p>To ensure protection of the environment and compliance with legislation.</p>
<p>12. Spill Cleanup</p> <p>Sufficient supplies of appropriate absorbent materials must be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills must be disposed of to an appropriately licensed waste facility.</p> <p><u>Reason:</u></p> <p>To ensure protection of the environment and compliance with legislation.</p>
<p>13. Compliance with Noise Reduction</p> <p>All noise reduction measures specified in the Noise Impact Assessment prepared by National Noise & Vibration and dated 26 April 2025, must be complied with at all times during the operation of the activity.</p> <p><u>Reason:</u></p> <p>To ensure protection of the environment and neighbourhood amenity.</p>

14. Restricted Hours of Operation

The hours of operation for the activity, inclusive of customer arrival, and briefing, and jet ski loading and unloading, shall be restricted to:

- Thursday – Sunday 8am – 5pm
- Public Holidays 8am – 5pm
- School Holidays (Monday – Sunday) 8am – 5pm
- No tours are to be run within June or July

Any alteration to the approved hours of operation will require separate Council approval.

Reason:

To ensure protection of the environment and neighbourhood amenity.

15. Restricted Delivery Hours

The delivery of service trucks shall be limited to 6.30 am to 9.00 pm daily, Mondays to Fridays and 8.00 am to 5.00 pm Saturdays only. Any alteration to the approved delivery hours will require the separate approval of Council.

Reason:

To ensure protection of the environment and neighbourhood amenity.

16. Storage of Goods and Materials

All goods, materials and equipment shall be stored within the building and no part of the land shall be used for purposes of storage.

Reason:

To ensure protection of the environment and neighbourhood amenity.

17. Site Left Clean and Tidy

The operator shall ensure the site is left clean and tidy after use everyday.

Reason:

To comply with Council's Development Control Plan.

Ground Floor Plan - Scale 1:200@A3





Proposed Embarking and Disembarking Area

Wollongong Local Planning Panel Assessment Report | 1 July 2025

WLPP No.	Item 2
DA No.	DA-2025/132
Proposal	Jetski Tour Business
Property	1 Northcliffe Drive WARRAWONG NSW 2502
Applicant	Play Hard Jet Ski Hire Pty Ltd
Responsible Team	Development Assessment and Certification - City Centre Major Development Team (LJ)
Development cost	\$2,000.00
Accepted date	28/02/2025
Prior WLPP meeting	NA

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Regional Planning Panel Local Planning Panel

The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under 2 (b) of Schedule 2 of the Local Planning Panels Direction of 6 May 2024, the proposal received more than 10 unique objections.

Proposal

This application seeks consent for the use (Recreation Facility (Outdoor)) of part of the site as a Jet Ski Tour business and associated operations at 1 Northcliffe Drive, Warrawong (Lot 122 & 123 DP 751299 & Lot 6 DP 215273).

Permissibility

The proposed *recreation facility (outdoor)* is a permissible use in the RE2 Private Recreation zone.

Consultation

The proposal was notified in accordance with Council's Notification Policy and received sixteen (16) submissions which are discussed at section 2.8 of the assessment report.

The proposal is satisfactory regarding the applicable planning controls as discussed in the body of this report.

Main issues

- Impact on biodiversity values of Lake Illawarra

RECOMMENDATION

It is recommended that the application be conditionally approved

1 OVERVIEW

1.1 PLANNING CONTROLS AND COMPLIANCE

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP (Resilience and Hazards) 2021

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong City Wide Development Contributions Plan
- Wollongong Community Participation Plan
- Lake Illawarra Coastal Management Plan

1.2 DETAILED DESCRIPTION OF PROPOSAL

This application seeks consent for the use of part of the site as a Jet Ski Tour business to operate from the Illawarra Yacht Club grounds and building, with the PWC's to be mounted by patrons at the sea wall along the edge of the site and Lake Illawarra.

The development proposes, in summary:

Additional use to part of the site for a Jet Ski Tour business, including the use of:

- The Yacht Club building for instructional purposes, indoor briefings/paperwork, customer fittings of life jackets and other PPE.
- The sea wall area where any temporary fixtures will be on private land.
- Up to 4-8 jetskis per tour (inc. 2 tour guides), per half hour.
- Operation 8am-5pm (includes briefing time), Thurs-Sun only, plus public holidays. Increase to 7 days during school holidays.
- Closed ~June-July
- Maximum of 10 tours a day between 9am and finishing at approx. 5pm (time on water).
- Refuelling undertaken in far carpark (not frequent – state they will rarely need to refuel on site, mostly done off-site with enough fuel to last the jet ski a day). Portable fuel tank and spill mat used. Spill emergency procedure included.
- Green go zone – use of full power and speed
- Red no go zone – limited to 8km/h or 4 knots.
- The route is >250m from any seagrass beds, shoreline and habitat areas and does not enter water less than 2.3m deep at low tide.

The proposed development will offer two (2) staggered tour options, a 45 minute tour and a 90 minute tour around Lake Illawarra. The tours will begin at the Illawarra Yacht Club with a briefing to be held within the building. The designated briefing room is located on the ground floor level of the club. Once the briefing is complete, participants will be directed outside to the PWC's banked along the section of the sea wall illustrated in the Figure below.

Note: Only land-based activities associated with the establishment and operational aspects of the business are proposed within this application.

All water-based activities that occur as a result of the business are subject to approval and regulation by external state agencies.

The proposed use is akin to that of a bus tour operator, whereby approval is required for the depot use, however the use of the roadway is managed by other agencies namely the Police and Transport for NSW. In this case, development consent is being sought for the use of the yacht club as a base of operations and the navigable waterway is to be managed and regulated by Transport for NSW (Maritime).



Figure 1: Aerial Photo of Embarking and Disembarking Area

**Illawarra Yacht Club - 1 North Cliffe Drive
Warrawong 2502**

Ground Floor Plan - Scale 1:200@A3



Figure 2: Floor Plan of Yacht Club – Rooms to be Utilised



Figure 3: Tour Route

1.3 BACKGROUND

Approval for the Yacht club was issued in the 1970s.

DA-1970/84	Clubhouse & Amenities, Pool & Bowling Greens	APPROVED	1970
BA-1975/2586	Yacht Club Premises	APPROVED	1975

There are numerous other approvals on the site none of which are relevant to the proposed development.

Customer service actions

There are no outstanding customer service requests of relevance to the development.

1.4 SITE DESCRIPTION

The site is located at 1 Northcliffe Drive in Warrawong and the title reference is Lot 6 DP 215273 & Lots 122,123 DP 751299 The site is irregular in shape and contains an existing approved yacht club (registered club). The site fronts lake Illawarra and the subject jetty is within the lake.

Property constraints

Council records identify the land as being impacted by the following constraints:

- Coastal Hazard(s): The site is mapped as having ocean inundation and geotechnical risk Coastal Hazards. These constraints do not represent significant concerns given the nature of the proposed use being within an existing premises.
- Flooding: The site is mapped as being a Flood Risk precinct being under review. The proposal does not increase the floor area of the Yacht Club or alter the flood behaviour of the area.
- Acid sulphate Soils: No earthworks are proposed within this application that would uncover acid sulphate soils.



Figure 4: Aerial photograph

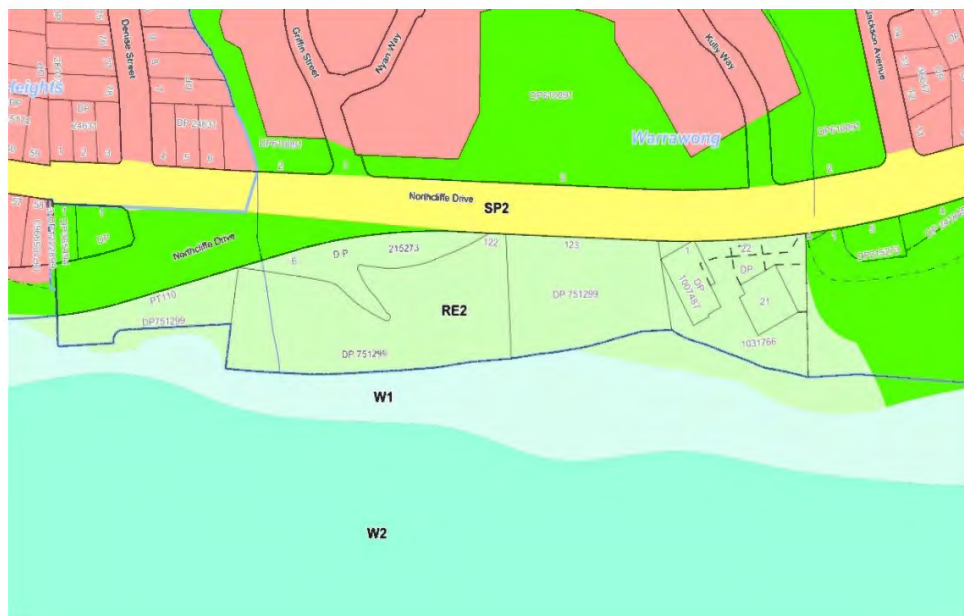


Figure 5: WLEP 2009 zoning map



Figure 6: Site photograph – Proposed Boarding Area



Figure 7: Site photograph – Existing Boat Ramp for Launching Jet Skis

1.5 SUBMISSIONS

The application was notified in accordance with Council's Community Participation Plan. Sixteen (16) submissions were received and the issues identified are discussed below.



Figure 8: Notification map

Table 1: Submissions

Concern	Comment
1. Impact on bird life and other biodiversity values	<p>The application has been reviewed by the Department of Fisheries and Councils Environmental Assessment Officer. Subject to conditions of consent, the application is unlikely to have an adverse impact on bird life and or the biodiversity values of the lake.</p>
2. The proposed activity from the information on provided makes no reference to the birds that use the lake and what effect the constant noise and turbulence such a schedule of opera-on would have on the birds living on the lake	<p>The application is furnished with a Marine Ecology Impact Assessment (MEIA). This report assesses the extent to which the use of the lake for jet ski tours would impact on the birds using and living on the lake.</p> <p>The report concludes that <i>the Project is not expected to facilitate or exacerbate any KTPs and is unlikely to significantly impact on any threatened species. Potential disturbances to habitats would largely be minor, temporary and impact a very small proportion of the available habitat within the broader region. The Project would not permanently fragment or isolate threatened species or populations or substantially impact any species' lifecycle. Considering the above and assuming recommended mitigation measures are implemented, the Project is highly unlikely to significantly impact on aquatic ecology.</i></p> <p>It is also noted that Development Consent is not required for the recreational use of jet skis on the lake.</p>
3. Impact to Port Kembla Sailing Club	<p>It's unlikely that the proposed would unreasonably impact upon the operations of the Port Kembla Sailing Club. The sailing club is approximately 2km by water from the Yacht club.</p>

Concern	Comment
	The proposal is based at the Illawarra Yacht Club and has their support for the lodgement of the application.
4. Noise impacts	<p>The application is furnished with an Acoustic Report that assesses the acoustic impacts associated with the proposed tours.</p> <p>The implementation of structured operational controls, including speed limits, circuit spacing, and avoidance of amplified sound has contributed to an acceptable acoustic outcome. With continued adherence to the proposed operational strategies and route management, the Jet Ski Tour is unlikely to result in significant environmental noise impacts or community disturbances.</p>
5. Impact to passive recreational craft	Transport for NSW (Maritime) has reviewed the proposal and has not raised any concerns.
6. Un-licenced jet ski hire risk	<p>Participants will undertake briefing and training before going on the proposed tours.</p> <p>The participants are required to demonstrate that they can safely operate the vessels and understand safe navigation on the waterway.</p> <p>GPS systems will Geofence the areas of the lake to which they can go and at what speeds.</p> <p>Maritime have provided comments regarding this matter and the unlicensed use of Personal Watercrafts (PWC's) is permitted with the granting of an exemption pursuant to clause 140 of the Marine Safety Regulation 2016.</p>
7. Social Impacts	Development consent is not required for the recreational use of jet skis on the lake. It is not likely that the granting of consent would lead to adverse social impacts.
8. Cumulative impacts unaddressed	Councils Environment officer acknowledges in their referral that the MEIA report considers the impact of the disturbance on marine fauna, including birds, but does not necessarily consider the cumulative effects of the activities being repeated throughout the day. For this reason, it is recommended that should a favourable determination be made, that the use be restricted to a trial basis to allow for any impacts to be reassessed at a future time.
9. Marine Ecological Impact Assessment (MEIA) insufficient	The application has been reviewed by the Department of Fisheries and Councils Environmental Officer. The report has been considered in detail, and the information provided has been deemed to be sufficient in understanding the impacts associated with the

Concern	Comment
	proposal. Nevertheless, it is still recommended that that the use be restricted to a trial basis to allow for any impacts to be reassessed at a future time.
10. Control measures are impractical to implement and regulate	Maritime has not objected to the proposal. Maritime will regulate the operations under a Direction Notice, with a suite of associated conditions, issued pursuant to clause 56 of the Marine Safety Regulation 2016.
11. Unavailability of perspectives of local Indigenous people	<p>A referral was sent to the local indigenous community. No response was received.</p> <p>On 23rd January 2024, the applicant met with Aboriginal Coomaditchie representatives. The applicant advises that the representatives expressed their best wishes for the Development Application and invited them to return for further discussions once a decision has been made.</p>
12. Impact upon bird watching	It is noted that the proposed route allows a buffer zone to key birdwatching locations that is significantly larger than the distance where the repetitive nature of the activity and the noise associated may deter birds and birdwatching. It is considered that the proposal is unlikely to have a significant impact upon the birdlife, or associated birdwatching activities, provided the buffer distances and other associated controls are adhered to.
13. Intensification of jetskis would deter more passive forms of recreation and use of the lake	Jet skis are permitted to utilise the lake without the need for consent. It's unlikely that the proposed use would deter passive forms of recreation of the lake.

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Traffic Engineer

Council's Traffic Officer has reviewed the application and given a satisfactory referral. Conditions of consent were recommended and are included in the consent.

Environment Officer

Council's Environment Officer has reviewed the application and given a satisfactory referral subject to conditions of consent.

1.6.2 EXTERNAL CONSULTATION

Department of Primary Industries (Fisheries)

An integrated referral was sent to DPIE Fisheries under sec 205 of the Fisheries Management Act 1994. DPIE Fisheries advised that the application does not require a permit under Part 7 of the Fisheries Management Act. DPIE Fisheries recommended the implementation of mitigation measures in the operational plan. Their referral advice can be seen in Attachment 4.

Transport for NSW (Maritime)

A referral was sent to NSW Maritime and has objections to the proposal subject to the imposition of recommended conditions. A copy of the advice from Transport for NSW can be found at Attachment 5.

Local Aboriginal Community

A referral was sent to the Local Aboriginal Community. No response was received.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

2.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT

2.1.1 MARINE SAFETY REGULATION 2016

The primary purpose of the Marine Safety Regulation 2016 in NSW is to ensure the safe and responsible operation of vessels and waterways, protecting the safety and amenity of all users, and providing an effective enforcement framework. It aims to prevent collisions, regulate vessel operation, and address issues like alcohol and drug use on board.

56 Operation of commercial vessels in State waters

In order to mitigate waterway specific risks associated with the proposal, Maritime will regulate the operations under a Direction Notice, with a suite of associated conditions, issued pursuant to clause 56 of the Marine Safety Regulation 2016. The Direction Notice is designed to ensure that the supervised PWC hire, and drive tours can integrate into the existing waterway use profile, with a focus on safety, environment and amenity.

140 Exemptions by Transport for NSW

In order for PWC hire and drive businesses to hire vessels to unlicensed PWC operators, Maritime will need to issue an exemption pursuant to clause 140 of the Marine Safety Regulation 2016, which allows for operators of specified hire and drive PWC to operate those vessels without a driving licence.

2.1.2 NSW BIODIVERSITY CONSERVATION ACT 2016

The Biodiversity Conservation Act 2016 (BC Act) contains provisions for the conservation of threatened species, populations and ecological communities and areas of outstanding biodiversity value (AOBV). Section 7.3 of the BC Act requires proponents of activities subject to Part 5 of the EP&A Act to determine whether the works will have a significant impact on threatened species, populations, ecological communities or AOBV.

The test for significant impact is described in Section 7.3 of the BC Act. If a significant impact is likely to occur, the proponent of the activity must prepare a species impact statement in accordance with Section 7.2 of the BC Act. Alternatively, the proponent can prepare a biodiversity development assessment report.

A Marine Ecology Impact Assessment (Stantec Australia Pty Ltd, 13 February 2024) has been submitted for the proposal. This report undertakes an Assessment of Significance regarding potential impacts to threatened species and vegetation communities.

The report concludes the following:

Overall, the Project is not expected to facilitate or exacerbate any KTPs and is unlikely to significantly impact on any threatened species. Potential disturbances to habitats would largely be minor, temporary and impact a very small proportion of the available habitat within the broader region. The Project would not permanently fragment or isolate threatened species or populations or substantially impact any species' lifecycle. Considering the above and assuming recommended

mitigation measures are implemented, the Project is highly unlikely to significantly impact on aquatic ecology.

Councils Environmental Officer has reviewed the proposed development and has provided a satisfactory referral. However, concerns were raised regarding the cumulative effects of the activities being repeated throughout the day. Under these circumstances, a time-limited consent, of two (2) years is recommended to allow for any impacts to be reassessed and accounted for. This will also allow Council to consider any implications that may arise from changes to the Lake entrance.

2.1.3 FISHERIES MANAGEMENT ACT 1994

The Fisheries Management Act 1994 (FM Act) contains provisions for the conservation of fish stocks, key fish habitat (KFH), biodiversity, threatened species, populations and ecological communities. The FM Act regulates the conservation of fish, marine vegetation and some aquatic macroinvertebrates and the development and sharing of NSW fishery resources for present and future generations.

Part 7 of the FM Act identifies requirements for the protection of aquatic habitats. Part 7A lists threatened species, populations and ecological communities as well as key threatening processes (KTPs) and critical habitats in NSW waters. Section 220ZZ of the FM Act outlines significant impact considerations to threatened species, populations and ecological communities, KTPs and critical habitats listed under the FM Act. All types of marine vegetation (including seagrass, macroalgae, mangroves and saltmarsh), whether alive or dead, are protected under the FM Act.

The Department of Primary Industries (Fisheries) and Councils Environmental Assessment Officer has reviewed the proposed development and provided a satisfactory referral.

2.1.4 LAKE ILLAWARRA COASTAL MANAGEMENT PROGRAM (CMP)

Lake Illawarra is a highly valued resource in the region from an ecological, social, cultural and economic perspective. The CMP sets the long-term strategy for the coordinated management of the lake and has several key objectives:

- Protect and enhance natural processes and environmental values of Lake Illawarra.
- Support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety.
- Support public participation and greater public awareness, education and understanding of lake processes and management actions.

The proposal supports a number of these objectives and is particularly aligned with action RA4 - *Build on the Tourism opportunities for Lake Illawarra*. The proposal seeks to provide “a tourism activity which respects the values of the Coastal Management Plan, a fun and educational experience is offered to an area which is under-utilised by the public, nor is it fully understood.” The application considers that it does not offer any contravention of the objectives of the LICMP and supports the precedent that a healthy lake underpins expanded sustainable tourism and activities.

The proposal includes mitigation and management measures to minimise risk to sensitive ecological and cultural areas (aligned with CMP actions WQ8 – management of litter, WQ9 – management of pollution sources, CH1 – protection of cultural heritage, FB1 – impact on bank erosion, EV2 – impact on sensitive macrophyte communities), and does not propose any impact on the scenic and social values of the coastline or public access to foreshore areas.

Adherence to NSW Boat and PWC rules will ensure that the impact of the activity on other recreational uses of the lake is minimised.

The activity will expose the users to some of the management issues around the lake including damaging habitat, allowing dogs to chase shore and migratory birds away from their habitat, disturbing the mudflats, and will provide education and awareness concerning these activities (aligned with CMP action EV3).

2.1.5 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 2 Coastal management

The proposal is entirely within the Coastal Environment Area. The proposal is partially within the Coastal Use Area when it is utilising the Yacht Club for boarding etc. The proposal does not approach the Coastal Wetlands or Coastal Wetlands Proximity Areas.

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 2	Assessment
Assessment 2.10 Development on land within the coastal environment area	
<i>(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—</i>	
a) <i>the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</i>	The proposal has been designed to ensure that the jet skis are always at a minimum depth of 2m, and a minimum of 250m from the shore, sea grasses and mudflats. Speed will be limited if the skis leave the designated area to ensure that there are no impacts from wash, or on sea grass or marina fauna. It will not impact on surface or groundwater.
b) coastal environmental values and natural coastal processes,	As per a above.
c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,	<p>As per a above. This will ensure that there is minimal disturbance of banks and the lakebed that could result in increased turbidity.</p> <p>PWC engines expel incomplete combustion products and unburnt fuel into the water. This is typically considered a negligible amount and is often disregarded for recreational boating activities. Whilst the Project will increase vessel traffic within the Lake, and therefore the amount of unburnt fuel expelled, it is considered a minor impact when taking into consideration other recreational vessels.</p> <p>There will be no refuelling on the lake, and only rarely refuelling within the carpark of the Yacht Club, with an absorbent pad and spill kit in place. The proposal is not expected to adversely impact upon the water quality.</p>
d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms	As per a above. Repetitive disturbance events can result in possible long-term effects such as loss of weight, condition and a reduction in reproductive success, leading to population impacts (Durell et al., 2005; Gill, 2007; Goss-Custard et al., 2006; Belanger and Bedard, 1990). Research suggests that PWCs elicit similar or higher disturbance responses than other motorised boats with most disturbance events

	<p>occurring within 100-200 m of a receptor (Rodgers and Schwikert, 2002; Burger, 1998).</p> <p>However, it is noted that the proposed route allows a buffer zone to key birdwatching locations that is significantly larger than this distance where the repetitive nature of the activity and the noise associated may deter birds and birdwatching. This is shown in the images below showing the areas around Kully Bay, Hooka Point and near Tallawarra and Yallah. In light of this, it is considered that the proposal is unlikely to have a significant impact upon the birdlife, or associated birdwatching activities, provided the buffer distances and other associated controls are adhered to.</p>
<i>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 a disability,</i>	The proposal will access the lake from the bank near the Yacht club. This is not expected to impact upon lake users. DPI Fisheries have provided advice to ensure no or minimal impact on commercial user of the Lake.
<i>f) Aboriginal cultural heritage, practices and places,</i>	The applicant has consulted with representatives from Coomaditchie who have provided advice and their support for the proposal.
<i>g) the use of the surf zone.</i>	n/a
(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—	
<i>(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or</i>	The proposal has gone through several iterations following advice and feedback from Council and other agencies, which have resulted in a reduced footprint and additional controls to ensure all impacts on the coastal environment are minimised and managed as much as possible. This has been achieved through ensure the proposal route remains at a minimum depth of 2m, and a minimum of 250m from the shore, sea grasses and mudflats. Speed will be limited if the skis leave the designated area to ensure that there are no impacts on banks from wash.
<i>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	
<i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i>	
2.11 Development on land within the coastal use area	
Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—	
<i>(a) has considered whether the proposed development is likely to cause an adverse impact on the following—</i> <i>i. existing, safe access to and along the foreshore, beach, headland or rock</i>	On balance, it is considered that the proposed development is unlikely to have an adverse impact on the relevant heads of consideration listed under sec. 2.11(1)(a)(i)-(iv).

<p>platform for members of the public, including persons with a disability, overshadowing, wind funnelling and the loss of views from public places to foreshores,</p> <p>ii. the visual amenity and scenic qualities of the coast, including coastal headlands,</p> <p>iii. Aboriginal cultural heritage, practices and places,</p> <p>iv. cultural and built environment heritage, and</p>	<p>The proposal will access the lake from the bank near the Yacht club. This is not expected to impact upon lake users or access to the Lake. DPI Fisheries have provided advice to ensure no or minimal impact on commercial user of the Lake.</p> <p>The proposal is located a minimum of 250m from the shoreline, however, it is generally greater than 500m. This will generally mitigate any noise impacts; however, a revised noise report has been submitted due to some errors and inconsistencies.</p> <p>Under these circumstances, proposed development will not adversely impact:</p> <ul style="list-style-type: none"> • existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, • overshadowing, wind funnelling and the loss of views from public places to foreshores, • the visual amenity and scenic qualities of the coast, including coastal headlands, • Aboriginal cultural heritage, practices and places, • cultural and built environment heritage
<p>(b) is satisfied that—</p> <p>i. The development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p> <p>ii. if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>iii. if that impact cannot be minimised—the development will be managed to mitigate that impact, and</p> <p>iv. has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p>	<p>The proposal was originally proposed to utilise a public access ramp and jetty to the lake which would have impacted upon public access. The current proposal is from a private access location. DPI Fisheries have provided advice to ensure no or minimal impact on commercial user of the Lake.</p>

2.1.6 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a

golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned RE2 Private Recreation.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To cater for the development of a wide range of uses and facilities within open spaces for the benefit of the community.*

The proposal is satisfactory regarding the above objectives.

The land use table permits the following uses in the zone.

*Aquaculture; Boat sheds; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Helipads; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); **Recreation facilities (outdoor)**; Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Water recreation structures*

The proposal is categorised as a recreation facilities (outdoor) as defined above and is permissible in the zone with development consent.

Part 4 Principal development standards

Clause 4.3: Height of Buildings

The proposed development does not alter the building height.

Clause 4.4: Floor Space Ratio

The proposal does not propose any additional Gross Floor Area (GFA). Accordingly, the Floor Space Ratio is not altered by the proposed development.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

There are listed heritage items and aboriginal areas of significance within the vicinity of the proposed Jet Ski Tour routes.

The threshold for the assessment of heritage impacts under the Wollongong Local Environmental Plan is detailed under cl. 5.10 (4), which is as follows:

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

The subject site is not a mapped heritage item, nor within a heritage conservation area, however there are mapped heritage items within proximity to the subject site.

It is unlikely that the granting of development consent would give rise to adverse impacts to the mapped heritage items within vicinity of the site.

Regarding *Aboriginal places of heritage significance* under clause 5.10 (8) the threshold of assessment is as follows:

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*

There are several sensitive aboriginal cultural heritage sites in and around Lake Illawarra within the vicinity of the proposed Tour location.

A referral was sent to the Local Aboriginal Community under clause 5.10 (8) and no response was received following the twenty-eight (28) time notification period.

On 23rd January 2024, a meeting took place between the proponent and Coomaditchie representatives. The representatives expressed their best wishes for the Development Application (DA) process and invited the proponent to return for further discussions once a decision has been made.

On balance and arising from the referral processes and the response from Coomaditchie representatives as advised by the applicant, it's unlikely that the proposed use would have a detrimental impact on the aboriginal cultural sites surrounding Lake Illawarra.

Clause 5.21 Flood planning

Council's records indicate that the site is flood affected and is classified as Flood Affected-Low and Medium Flood Risk Precinct. The proposed development does not seek to alter the existing premises. Under these circumstances, the proposal is consistent the Flood Planning requirements.

Part 7 Local provisions – general

Clause 7.2 Natural resource sensitivity – biodiversity

Council records indicate the site is affected by "Natural Resource Sensitivity – Biodiversity". The application was referred to Council's Environment Division to assess likely impacts of the proposal in this regard.

No objection was raised, and appropriate conditions of consent have been recommended.

2.2 SECTION 4.15(1) (A)(II) ANY PROPOSED INSTRUMENT

There are no draft planning instruments to consider as part of this development.

2.3 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A02 Ecologically Sustainable Development

The proposal is considered to meet the objectives of the Chapter for Ecologically Sustainable Development. No alterations to the Yacht Club are required for the proposed use, and development consent is not required for the use of Jet Skis on the lake.

Chapter E03: Car Parking Access Servicing Loading Facilities

The site has 101 car parking spaces including 4 car parking spaces for disabled people. The proposals would result in an additional 6 vehicles parking within the site's carpark during each tour. The tours will be spread out over a day with a maximum of 10 tours anticipated (some 45 min tours and some 90 min tours). This additional traffic and parking demand is unlikely to result in any on-site issues. Councils Traffic Officer has reviewed the proposed development and has not raised any concerns.

CHAPTER E7: WASTE MANAGEMENT

When required the PWC's are proposed to be refuelled on the site, in the Northeastern corner of the overflow carpark as illustrated in (Figure 8). A 100L roller fuel tank with electric pump will be stored in one of the Ute trays and used to refuel the PWC's. The 100L fuel tank is to be transported to and from the site every day. Refuelling is only to occur when the PWC's are low on fuel and all the tours for the day are not yet completed. PWC's will arrive to the site fully fuelled, it is unlikely they will need refuelling onsite.

Rubbish bins will be provided within the briefing room as well as outside the Yacht Club to dispose of litter/waste.

On balance, the proposal is consistent with the requirements of this Chapter and no further assessment is required.

CHAPTER E10: ABORIGINAL HERITAGE

The proposal does not propose any works that would disturb any Aboriginal archaeological and cultural heritage sites. Under these circumstances, the application is consistent with the requirements of this Chapter and no further assessment is required.

CHAPTER E13: FLOODPLAIN MANAGEMENT

Council's records indicate that the site is flood affected and is classified as Flood Affected-Low and Medium Flood Risk Precinct. The proposed development does not seek to alter the existing premises. Under these circumstances, the proposed development is consistent with the requirements of this Chapter.

2.4 SECTION 4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4

There is no planning agreements entered into, or any draft agreement offered to enter into under S7.4 which affect the development.

2.5 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

Environmental Planning and Assessment Regulation 2021

6 Estimated development cost

The cost estimate has correctly calculated the development cost in accordance with this section.

Part 4 Determination of development applications

Division 1 Determination of development applications—the Act, s 4.15(1)(a)(iv)

Schedule 6 Savings, transitional and other provisions

2 Savings

Any act, matter or thing that, immediately before the repeal of the 2000 Regulation, had effect under the 2000 Regulation continues to have effect under this Regulation.

2000 Regulation means the Environmental Planning and Assessment Regulation 2000 as in force immediately before its repeal on 1 March 2022.

2.6 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT

The proposal is considered acceptable regarding the likely impacts.

2.7 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Does the proposal fit in the locality?

The proposal is considered appropriate regarding the zoning of the site and likely impacts on the locality and adjoining land are acceptable.

Are the site attributes conducive to development?

The proposal suitably responds to the site attributes.

2.8 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

The application received sixteen (16) submissions during notification of the application. Please see heading 1.5 above for consideration of the submissions.

2.9 SECTION 4.15(1)(E) THE PUBLIC INTEREST

The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

3 CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

Internal and external referrals are satisfactory subject to conditions, and submissions have been considered.

The proposed development has been revised in response to issues raised during assessment and is not anticipated to result in significant adverse impact on the character and amenity of the surrounding area subject to conditions including a trial period.

4 RECOMMENDATION

It is recommended that the development application be approved subject to appropriate conditions of consent.

5 ATTACHMENTS

1. Draft Conditions of Consent
2. Plans
3. Tour Map and Conditions – Plan of Management
4. Department of Primary Industries (Fisheries) Advice
5. Transport for NSW (Maritime) Advice

TOUR MAPS & CONDITIONS

LAKE.ILLAWARRA.JET.SKI.TOUR

45 MINUTES - 1-2 LAPS

90 MINUTES - 2-5 LAPS

VERSION 1.2

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Notes to address from DPI

- A clear description of any on-land, launching or in-water component of the proposal (including location and frequency of the activity). **SEE PAGE 5-14**
- An assessment of any impact of the proposed activity on marine vegetation (including a clear map showing a 30 m buffer between the jet ski tour route and seagrass (or other marine vegetation) **SEE PAGE 4-20**
- depth of water under all aspects of the jet ski activity (especially over seagrass beds) – including transit to the tour route **SEE PAGE 4 & 25**
- use of proposed infrastructure below the mean high water mark) **No infrastructure below the high water mark SEE PAGE 6-11**
- Will the above activity result in the prop disturbance of any shallow underlying sediments in the area? **NO, SEE PAGES 21-22 ALSO SEE https://www.researchgate.net/publication/289690697_Boat_wakes_as_a_cause_of_riverbank_erosion_A_case_study_from_the_Waikato_River_New_Zealand**
- What is the draft of a jet ski? **32cm SEE PAGES 21-22**
- An assessment of potential impacts on threatened species listed under the Fisheries Management Act (Note there are no such listed species expected to occur in Lake Illawarra, Posidonia seagrass is listed as an Endangered Population in 6 estuaries in NSW, including Pittwater and Brisbane Water). **SEE PAGES 16, 17, 18, 19, 20, 23, 27**
- An assessment of how the proposed activity will be conducted so that it does not interfere with commercial fishing activities and set fishing gear – as per the requirements in Part 6 Division 1 of the Fisheries Management Act. **SEE PAGES 45 - 51**
- Note that commercial fishing activities in NSW estuaries can include the following activities: Use of various hauling nets, meshing nets, handline fishing, various prawning methods, various trapping methods and hand gathering. Of particular interest in Lake Illawarra will be hand gathering (snorkel diving), netting with mesh nets and hauling nets, and trapping. Note that the Hawkesbury River also includes commercial prawn trawling activities. **SEE PAGES 45 - 51**
- Any proposed mitigation measures to mitigate potential impacts identified in the above **ENTIRE DOCUMENT - IS RELEVANT FROM:**
 - **Adequately training and educating public who do the activity**
 - **Safe tour route & distances**
 - **Keeping a proper lookout**

JET SKI TOUR OPTIONS

Illawarra Yacht Club

#1 45 minutes jet ski tour
around lake Illawarra **1-2**
laps, weather permitting

#2 90 minute jet ski tour of
lake Illawarra **3-5 laps**,
weather permitting

NEW MAP ROUTE



Lake Illawarra Jet Ski Tours

Illawarra Yacht Club

Foreshore & Boat Ramp



So I've mapped the depth in meters using gps nautical charts around the seagrass....

There are 2 possible routes:

#1 staying 5m from the shoreline!

Its over 1 meter deep 2 meters from shore & travel WNW along the foreshore until we reach the D shaped carpark then we head SSW towards green marker 39 to have a minimum of 2 meters deep with no seagrass under us.

To be extra careful & to also eliminate noise the GPS Geofence will be activated in this area & to guarantee no wash can be created.

#2 Approximately 30m west of the jetty (next to the walk down ramp) we could lead the group south to reach deeper water quicker. Measured depth 3m from shoreline was 1 meter, but this angle gives us 25 meters of no seagrass area then we can maintain no wash once in deeper water of 1 - 1.5 meters

Would this water depth work with a no power no wash automatically controlled via GPS unit?



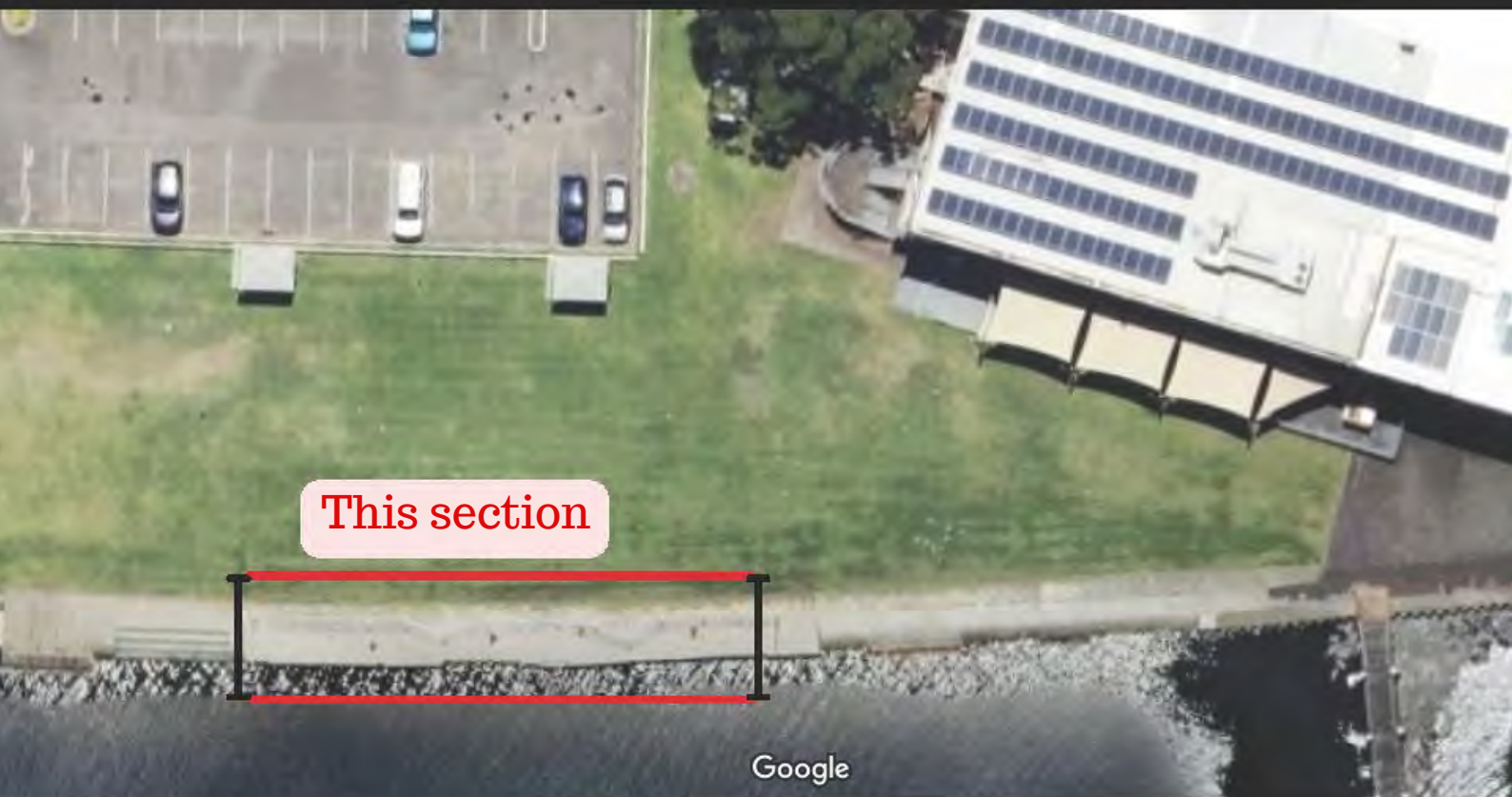
Jet ski tour meeting location

Illawarra yacht club - 1 Northcliffe drive Warrawong

- Briefings to be held in 1 of the clubs function rooms on a tablet followed by a online quiz
- Safety equipment put on inside after briefing
- Toilets, food & water inside

Outside activity -

- Board the jet skis ready for tour and move everyone in a straight line approx. 100m apart in a daisy chain until they are 650m from the Illawarra yacht club and 440m from the closest residential address from 33 Northcliffe drive, Warrawong
- Tour is a 16km circuit, I note the rest of the tour should be an excess of 500m from any dwelling on the shorelines.



This section

Google

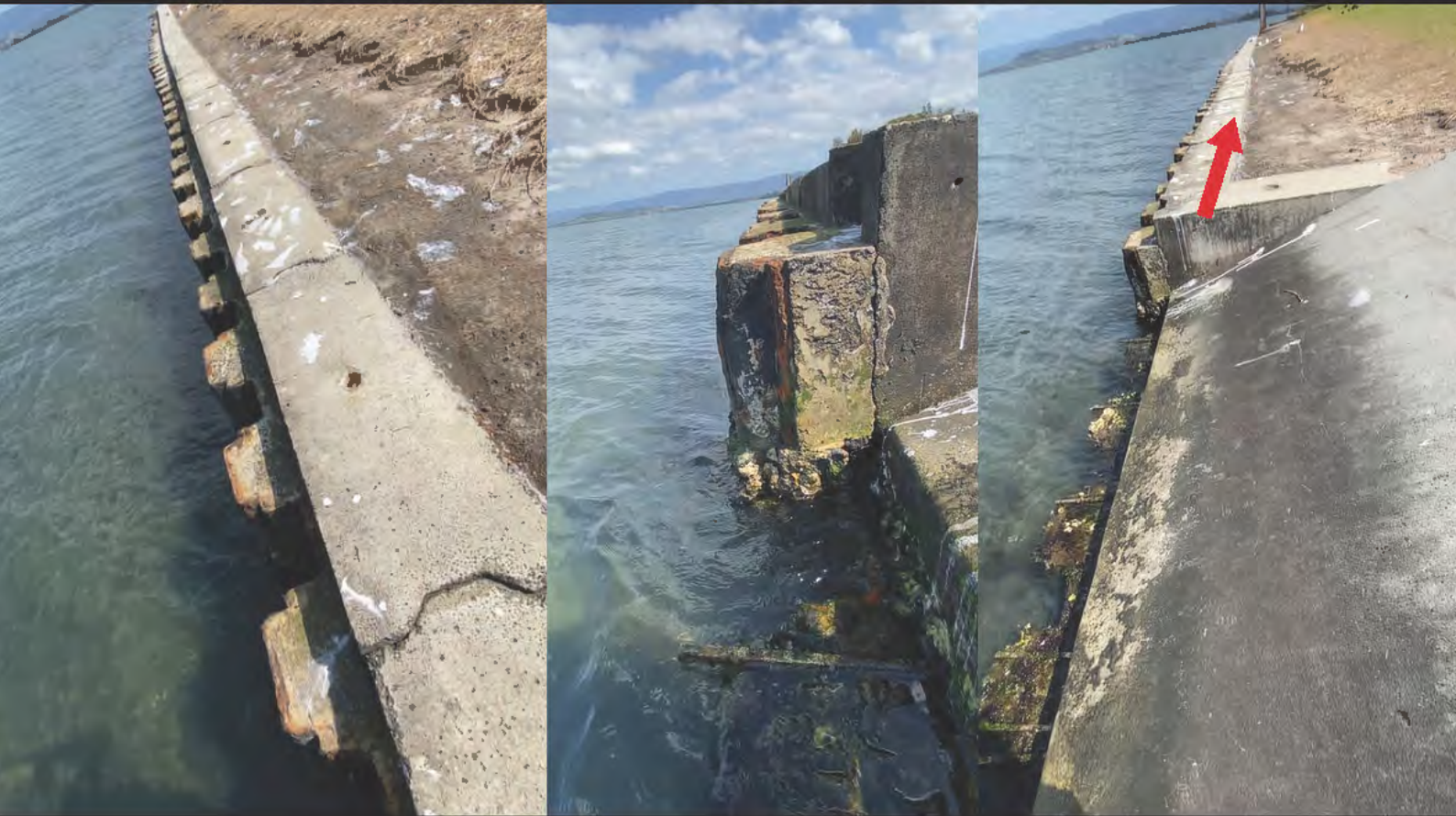
This area has a water depth of 1.2m about 2-3m from the shoreline which is 90cm is

We expect 3-4 days of disruption to jet ski operations with jet skis being removed from the water on trailers each day.

Thursday/Friday/Saturday/Sunday - Addition of public holidays & School 5-7 days

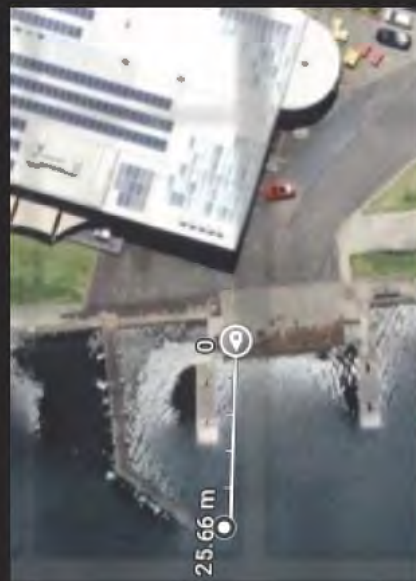
Time Off - Closed for 4-8 weeks over winter.

Existing seawall



This existing area has a water depth of 1.2m about 2-3m from the shoreline which is sufficient 90cm minimum depth to operate jet ski without disturbing the sea floor.

About 0.5 meters on the wall at low tide up to 1-2 meters off the wall. Length of a jet ski is 3.2 meters - So we just need to push it 2 meters clear of the wall to start it.

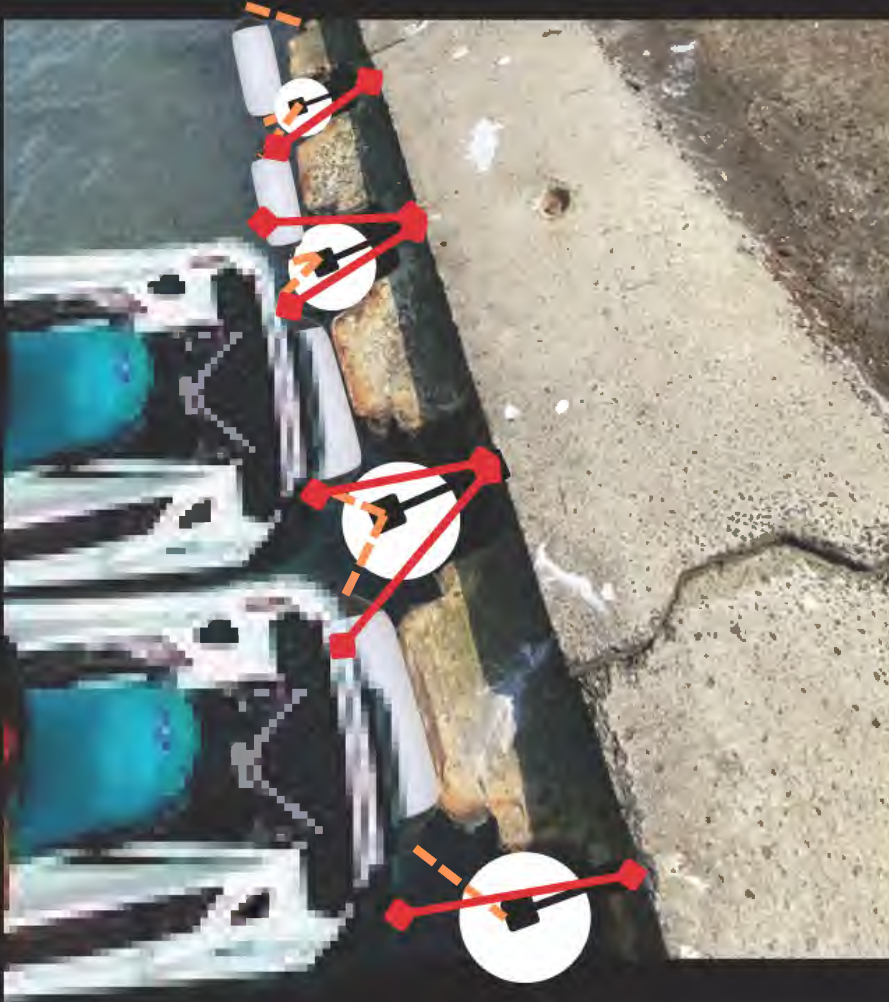


Procedure for launch & return

When launching I note there are seagrass beds approximately 5-7 meters from the end of the west pontoon. West west side of the ramp has the deeper water. The jet skis can be lowered down the trailer wheels via a winch and pushed out past the pontoon length into water 1 meter or deeper.

Upon reaching a safe depth of 1 meter at low tide or 1 meter at high tide the jet skis can be turned on under GPS limitation so they will be restricted to 4knots at all times.

Last step to to drive the jet skis south west staying 30 meters away from the end of the existing jetty at Illawarra yacht club & driving towards the boarding area.



Ariel View - Dyneema rope

(a) Orange line indicates rope from fender to existing bolt are ontop of wall



(b) Green line indicates rope from fender to removable tent peg to be placed 20cm deep hard up against wall.



Broken orange line indicates rope from fender to fender



Solid Black indicates rope from fender to bolt in concrete wall



Symbol represents Fender



Red line indicates rope from watercraft eyelets to bolt in wall (minimum 2) each craft





Securing Jet skis for boarding

Dyneema rope attached to bolts into wall approx. in the indent of the concrete wall (deepest point to deepest point) Into concrete & NOT the steel plate.

From here with Dyneema rope the fenders tied onto each other to be positioned in each debit vertically & a horizontal fender tied off on the vertical fender. We would like to place a 2nd bolt next to the fender bolt to attach the jet skis ti with a dock rope for safe boarding

(a) Orange line indicates rope from fender to existing bolt are ontop of wall



(b) bolt into wall



(c) Fender position



**Jet skis to right
of the channel**

**Tide not the
same as shown
on google
maps below**

This photo above shows the wash visible from our jet skis in Port Hacking and the wash not traveling no more than 60 meters before it blends in with the small wind waves on a calm day.

Main take away point from this photo above is when jet skis are 100m apart the wash does not become bigger, it is merely the same size travelling the same distance before it is absorbed by the wind waves. The larger the wind waves, the faster the jet ski wash is absorbed.

Lake Illawarra is a very open waterway which is susceptible to large wind waves and strong wind changes generated from storm cells & cold fronts which have been noted in the Lake Illawarra costal management plan to be a significant factor for erosion.





**Jet skis sit around 30cm deep when under NO power as shown in page 21.
 Jet skis sit around 10cm deep maximum (see image above) when under power this provides the insignificant wash which means they can easily pass through No wash zones at speed with no infringement or impact on the shoreline compared to boats. The more a jet ski is loaded on the stern (back) the more wash it will create.
 My tours will only ever have 2 people and not engage in towing as shown here.
 Jet skis also have an internal propeller which cannot cause prop damage like boats.**



**Boat wash (not jet ski wash) is far more serious in regards to impact on the shoreline & depending on the boats size and depth will depend if they can speed up OR will need to slow down in order to be compliant.
 Like all other vessels, jet skis produce the most wash when operating at 12-25km/h
 Please refer to Wave Amp & Sediment concentration in Understanding Personal Watercraft Document**



Launch area



**Protected by North, East
& South winds**

Boarding area





Launching Quad trailers for safe entry & removal



Water depth: 1 meter plus.
Acceptable safe boarding: YES
No environmentally sensitive veg: NO
Where can briefings take place: Inside
Other vessel uses: occasionally
Bad weather change requires vessels to be loaded on trailer and removed:

Briefing Room



Briefing Area

Toilet Area



IN-ZONE OUT OF ZONE



**We've deliberately removed
the green within 250m of any
area's of concern**

**NEW MAP RED & GREEN ZONE
AS COUNCIL REQUESTED**

**The GREEN ZONE is where the jet
skis have use of their speed limit.**

**If anyone drives outside of the zone
the speed drops to
20km**

(enough speed to still have control)

NO GO-ZONE

POTENTIAL DANGER

The RED ZONE is where the jet skis have their speed limited 8km/h, for deterrence from shallow area's & busy area's



**NEW MAP RED & GREEN ZONE
AS COUNCIL REQUESTED**

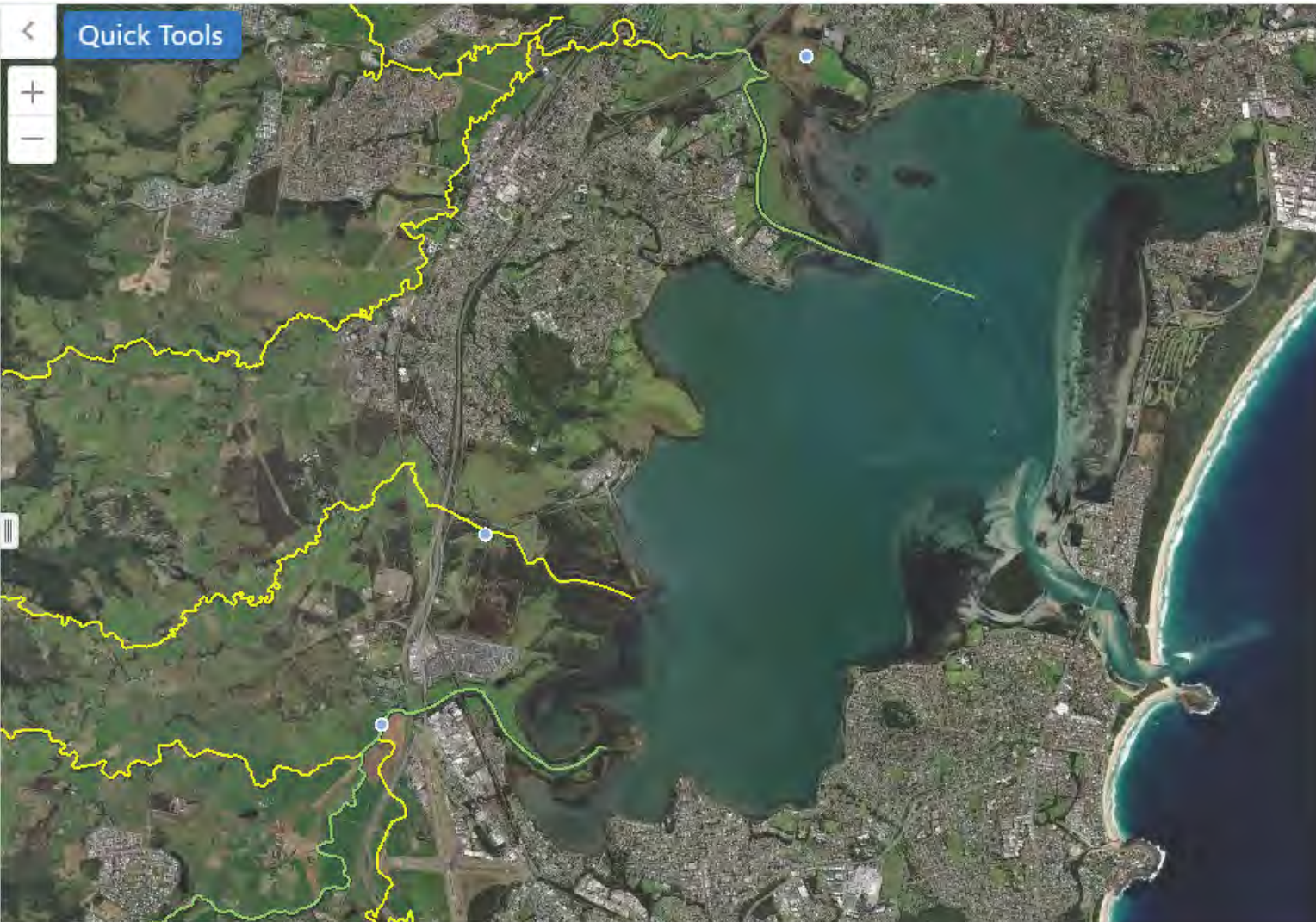
From Muddy Bay sand bank, we will do our introduction to jet ski operation & ask each operator basic pre tour questions listed in the mapping marks with 3 priority questions being:

1. Show me the stop signal?
2. Show me your accelerator, break & foot positions?
3. How far away do we stay from each other?

Check passengers know their options for holding on.

Once all the questions are answered correctly with the guide, we can organize our jet ski tour line 100m apart in a straight line. They won't receive power until at **START HERE** checkpoint 1





Layers

Filter Layers...

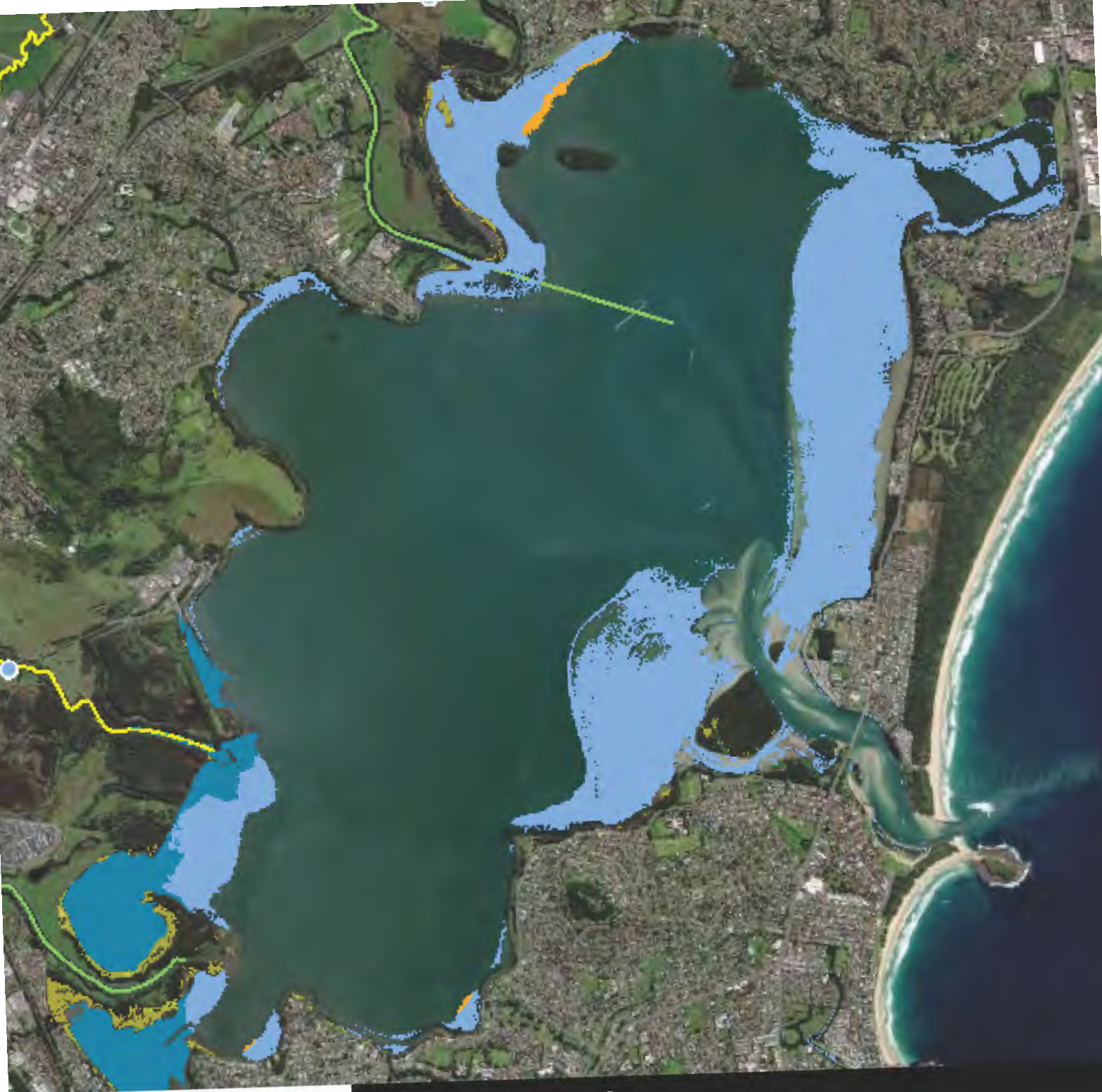
- ☒ Fisheries data available for download
- + ☒ Freshwater Fish Community Status
- + ☒ Aquaculture
- + ☒ NSW Oyster Reefs
- + ☒ Key Fish Habitat
- + ☐ Estuarine Macrophytes
- + ☒ Game Fish Tagging Locations
- + ☒ Blue Carbon Primary Data
- + ☒ NSW Marine Protected Areas
- + ☒ Fish Freshwater Threatened Species
- ☒ Supporting Data
 - + ☐ Blue Carbon Supporting Data
 - + ☐ Domestic Waterfront Structure Strategy
 - + ☐ SEPP Resilience and Hazards 2021
 - + ☐ NSW Cadastre

What isn't very present in the lake:

The checklist to the left was taken from DPI fisheries spatial data portal 23/09/2024 and basically the only community fish habitat which would come close to our proposed area of operation is the freshwater fish community.

This has been noted on our tour maps and tour direction has been modified to account for mullet creek.

Compliance with:
requirements in Part 6 Division 1 of the Fisheries Management Act



Layers

Estuarine Macrophytes

The seagrass beds and plant ecosystem seems to be the major ecological concern for DPI which I can easily put guaranteed measures in place to prevent damage caused by our commercial activity.

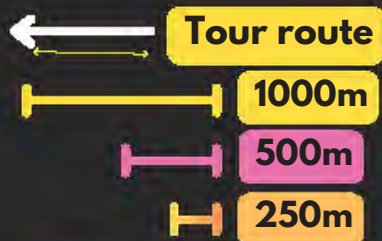
THE MAPS IN THIS DOCUMENT

The maps specifically show the tour route (see below) which is in most cases over 100m from zones which has the Estuarine Macrophytes shown in blue, green & orange on the pictures above. These are also the areas where sea birds would be nesting and commercial fishermen may be gathering.

Estuarine Macrophytes- **THE MAPS IN THIS DOCUMENT**

The maps specifically show the tour route which is in ALL cases well over 300 meters from Seagrass areas with any Estuarine Macrophytes except when traveling from Illawarra yacht club to Start point coordinates see 1

When tour participants arrive at position 1, That is when they will exit the RED Geofence no go zone & gain use of there throttle above 4knots.
Closest dwelling is measured via google maps to be 500meters away.



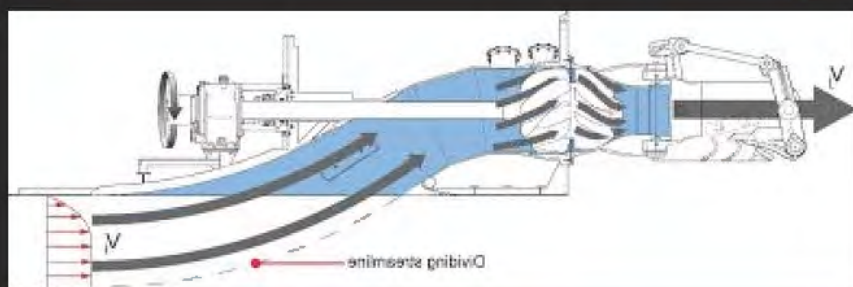
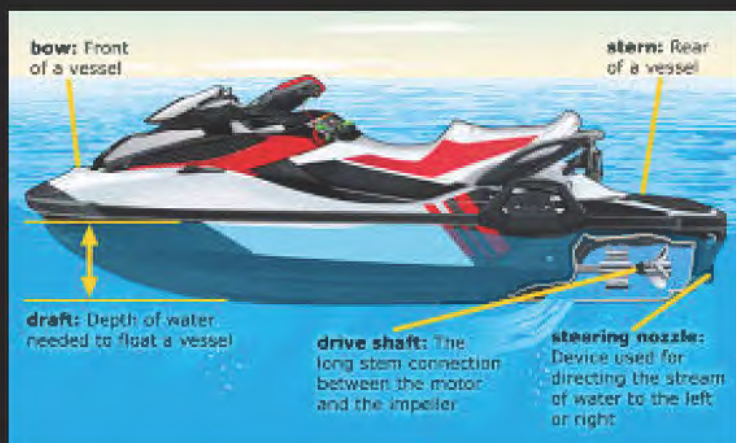
**NEW MAP ROUTE WITH ADJUSTED
DISTANCES FROM SHORE
90M UPTO 250M**



Please see the basic mechanics of how a jet ski propels its self

The drive shaft turns from the engine, this turns the propeller which sits inside a jet pump,

This shoots water past the steering nozzle & out the stern



32CM DRAFT

The "Jet ski hire" text sits above the water by about 2cm so its probably 30cm but I'm allowing a buffer.

Intake Grate -

Which protects most foreign objects from entering the internal propeller



There is about 2-3cm gap between the intake Grate spaces to prevent things like sticks, rubbish, floats & ect from entering the impeller area.

All PWC require a minimum 90cm depth to turn the engine on to prevent obstructions being sucked into the jet when operated at speed.

When just operating out of neutral 8km/h there is little suction.

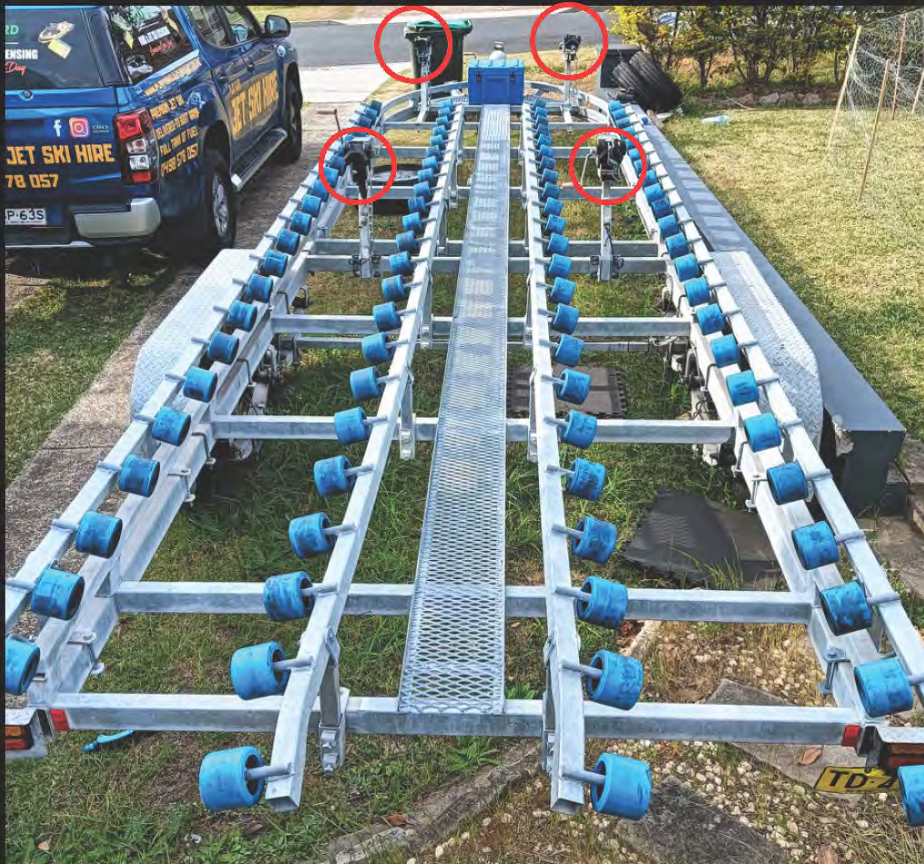
Launching

The back 4-6 each side (left & right) blue wheels shown above the Marlin sticker is all we need to put in the water, so the tyres can stay on the ramp.



This is a Quad (4) Jet ski trailer

The other 2 jet skis up the front of the trailer get lowered down by a winch and roll down the wheels.



Potential impacts from shading and use of proposed infrastructure below the mean high water mark)

No Infrastructure, just looking to add permanent or temporary Fenders to the sea wall above the high tide waterline & serpentine wood/FRP non slip to the top of the concrete wall.

PLEASE SEE JET SKI TOUR MEETING LOCATION DOCUMENT

Depth map charts

<https://fishing-app.gpsnauticalcharts.com/>

Measurements taken at low tide

2.3 meters deep at
shallowest point

**NEW MAP ROUTE WITH INCREASED
MINIMUM WATER DEPTH AREAS
2 METERS UPTO 2.3 METERS**

GARMIN.

Waypoint Navigation



All headings will be marked by waypoints on our garmin installed on the PWC to help prevent human error. The Ototrak Gps will also prevent any shallow navigation accidents because the green zone is only in area's safe enough to drive a PWC with a minimum 2 meters deep.

In addition to our GEO FENCE feature the GPS system also has an excellent Intelligent Distance Control System which slows jet skis down when they get too close to each other.

Recently the IDC had an update, if a jet ski approaches another jet ski from behind, ONLY the approaching jet skis speed will reduce when it reaches the set IDC limit

Plot Coordinates

Coordinate System:

WKID: 4326 Lat/Long

1	Lat 34.49519° S Lon 150.86229° E
2	Lat 34.49827° S Lon 150.86040° E
3	Lat 34.48796° S Lon 150.85059° E
4	Lat 34.49011° S Lon 150.84960° E
5	Lat 34.50564° S Lon 150.85407° E
6	Lat 34.50862° S Lon 150.83225° E

6	Lat 34.50862° S Lon 150.83225° E
7	Lat 34.50750° S Lon 150.82343° E
8	Lat 34.51136° S Lon 150.82158° E
9	Lat 34.51836° S Lon 150.82277° E
10	Lat 34.53983° S Lon 150.82077° E
11	Lat 34.52398° S Lon 150.83765° E
12	Lat 34.51747° S Lon 150.85761° E

Tour route

1000m

500m

250m

DPI were satisfied that due to the off peak season we wouldn't interfere with millet migration and just had to keep well clear of fishing activities & educate the public about commercial fishing operations

Mullet Migration is over winter months when we are closed for 8 weeks over June-July or operating limited (2-4) days weekly post easter holidays till end of August

Transit time
8 minutes

16 KM LAP
18-30 minutes
55-35km speed

250M

Lon: 150.82343° E Lat: 34.50862° S
Lon: 150.83225° E

136° S
82158° E

250M

11 Lat: 34.52398° S
Lon: 150.82765° E

Lat 04.52983° S
Long 156.82077° E

250M

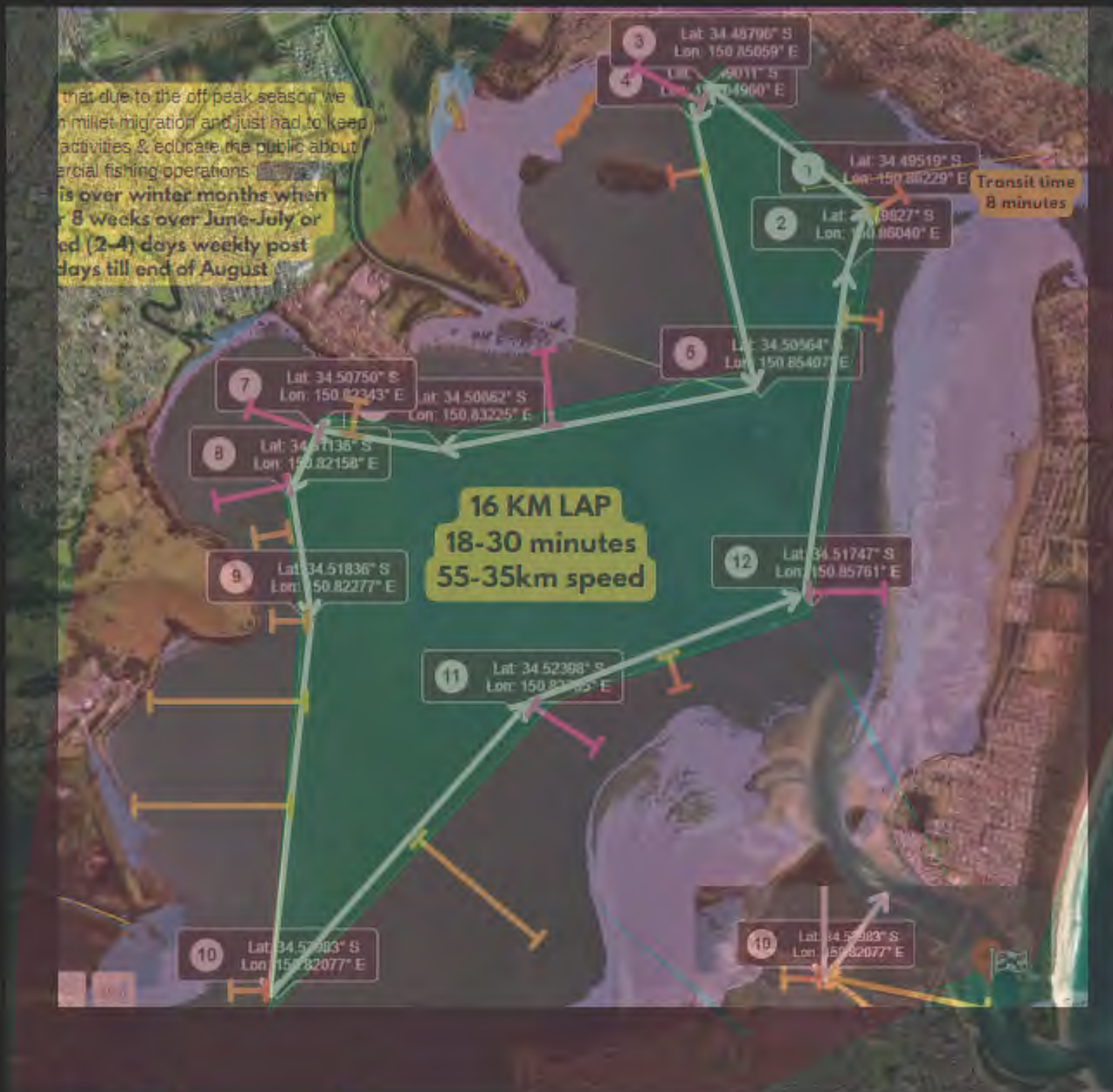
Local Government Areas



Showing Tour inside Green Zone
Showing areas outside Red Zone

RED ZONE 'No Go Zone' has been modified to ensure it covers All areas containing or potentially containing:

- **seagrass - excess 250 meters clear (see key below)**
- **mudflats - excess 250 meters clear (see key below)**
- **estuarine macrophytes - excess 250 meters clear (see key below)**



Showing Depth inside Green Zone

Showing Depth outside Red Zone

RED ZONE 'No Go Zone' has been modified to ensure it covers all depths less than 2 meters deep

You can see a faint Blue numbers like 2.4 & a black line near the number in the waterway which is the recorded depth at low tide in that area if you follow the squiggly line the depth will be consistent for the area until it meets with a new line.

**NEW ROUTE MINIMUM DEPTH AT LOW TIDE IS 2.3 METERS -
(EXCLUDING NO WASH ZONE TRANSIT TIME)**

Measurements taken at low tide



Image K

image K is the LIBMS as shown at bottom of all the pictures.

Image J shows our excess of 500 meter distances from the estuaries & mudflats which are substantially further than the costal areas.



Image J





Image 1

Lake Illawarra Bank Management Strategy

Priority - South-western

Priority

- Very high
- High
- Medium
- Low and very low



0 250 500 m

alluvium

LIMA ZONE 4



LIMA ZONE 3



Image H

Image G



image I on page 32 is the LIBMS as shown at bottom of all the pictures.

Image H shows our excess of 400-500 meter distances from the estuaries & mudflats which are substantially further than the costal areas of concern



image F & E reference to distances shown in image H, G ,D & C

Image H, G ,D & C shows our excess of 250meters & 400-500 meter distances from the estuaries & mudflats & shorelines these areas are substantially further from the areas of concern shown in the Lake Illawarra bank management strategy.

Image E refers to Image C, B & A

You can see in image B, no wash zone enforced with GPS controls limit the speed to 8km/h.

Image A shows water depth over estuaries & 2 optional pathways to depart boarding area for tour and how to return - approved by DPI fisheries noted in their letter of no objection.

Image B shows and enforced GPS controlled No Wash Zone for our tours.

Image C shows a minimum 400 meters from estuaries and mudflats once we commence tours at speed & 250meters from gooseberry island which is not notes to have costal erosion issues in LIBMS & see email from National Parks, they don't need to give consent because we aren't accessing the land.



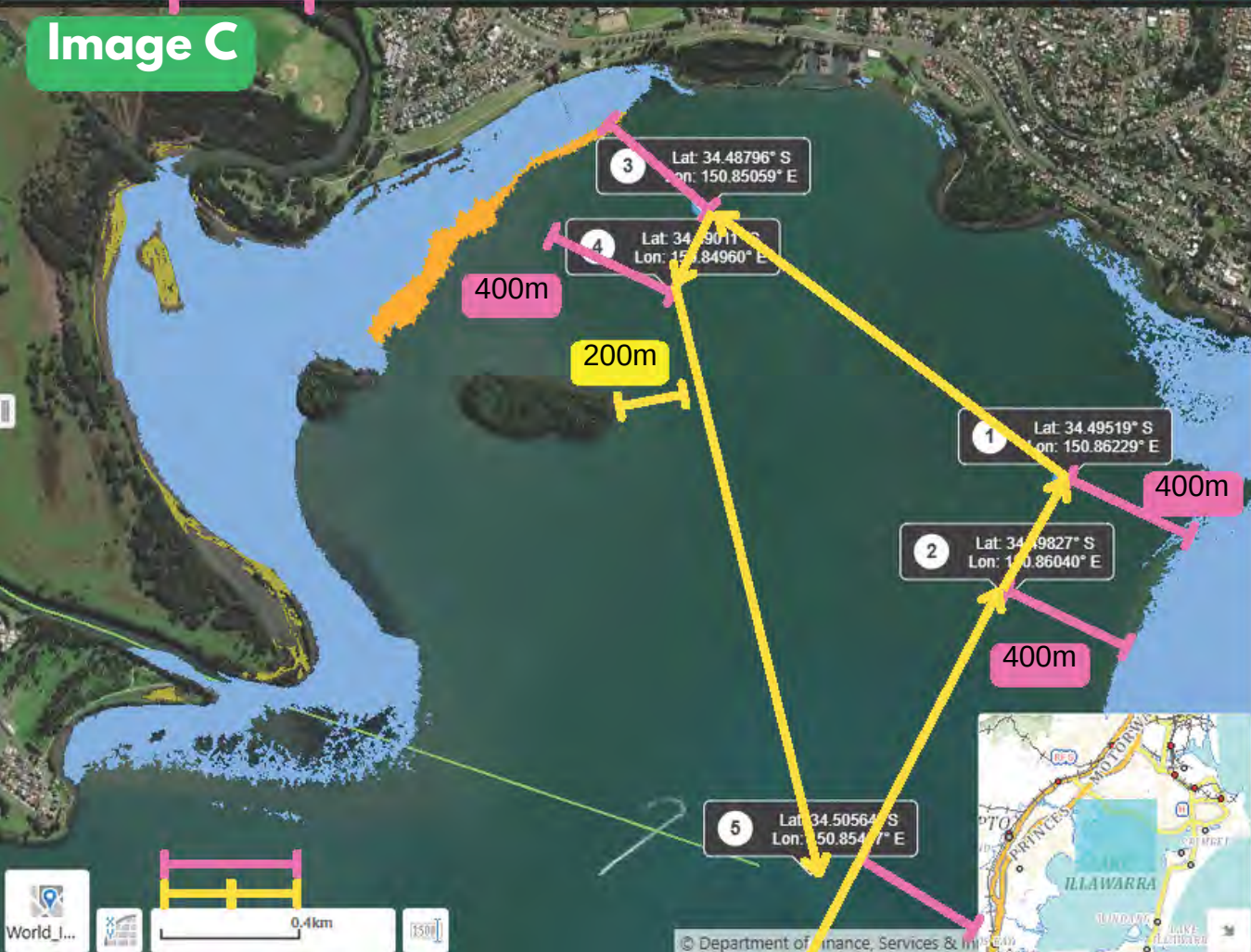


Image B

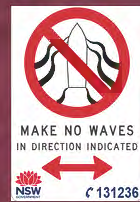
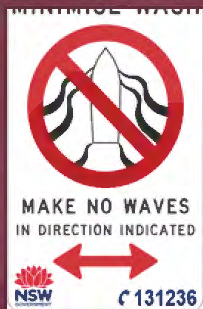
Red & Green Zone on this map
NOT DRAWN TO SCALE
for visual purposes of
NO WASH ZONE only

8km speed
GPS enforced
speed limit

Illawarra
Yacht Club

START
HERE

FINISH



Measurements taken at low tide

OLD positions

Image A



So I've mapped the depth in meters using gps nautical charts around the seagrass....

#1 staying 5m from the shoreline!

NEW updated positions

Its over 1 meter deep 2 meters from shore & travel WNW along the foreshore until we reach the D shaped buoy then head SSW towards green marker 39 to have a minimum of 2 meters deep with no seagrass under us.

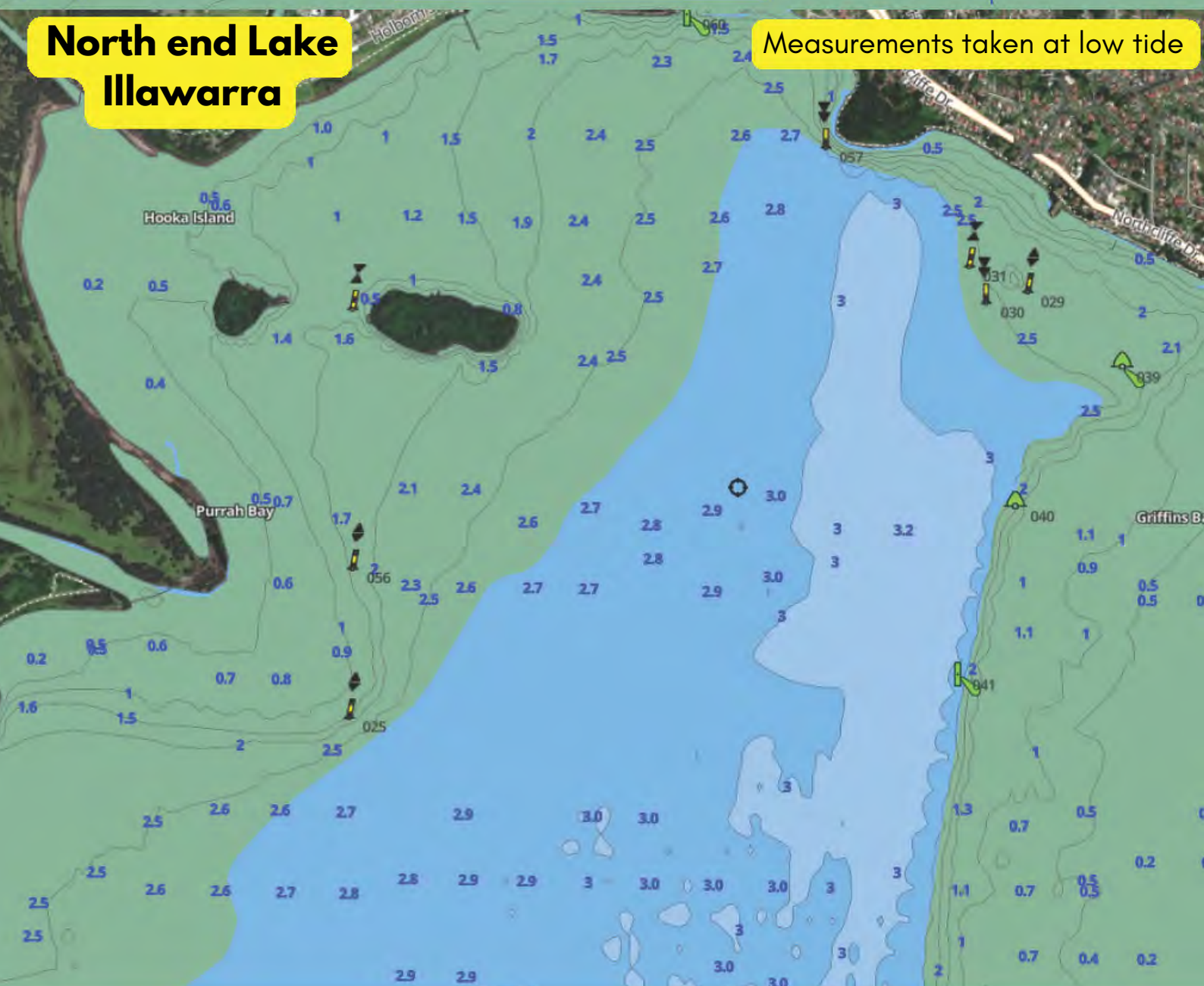
To be extra careful & to also eliminate noise the GPS Geofence will be activated in this area & to guarantee no wash can be created.

#2 Approximately 30m west of the jetty (next to the walk down ramp) we could lead the group south to reach deeper water quicker Measured depth 3m from shoreline was 1 meter, but this angle gives us 25 meters of no seagrass area then we can maintain no wash once in deeper water of 1 - 1.5 meters

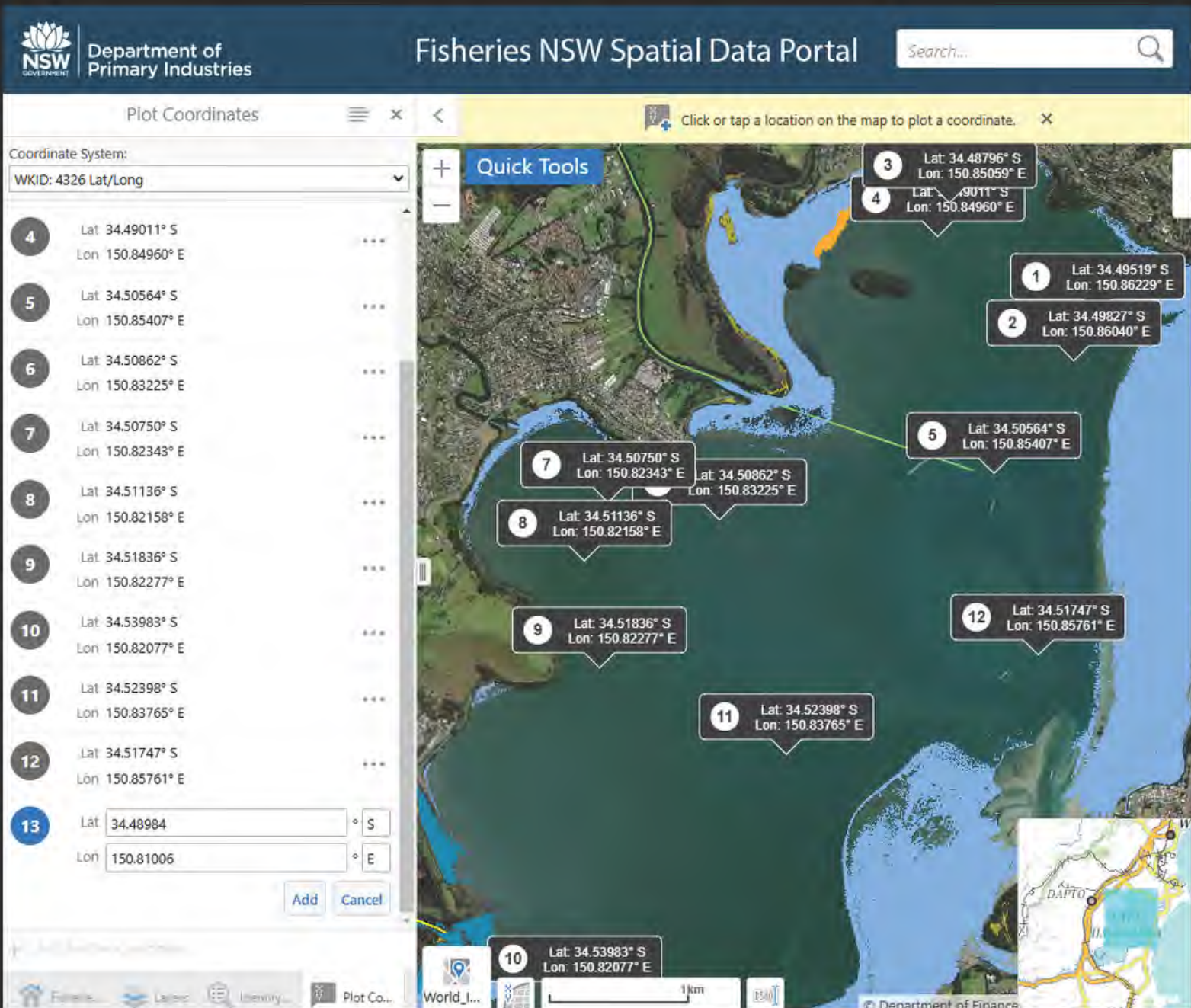
Yacht Club



North end Lake Illawarra



Way Point Co-Ordinates labelled in counter clockwise tour order

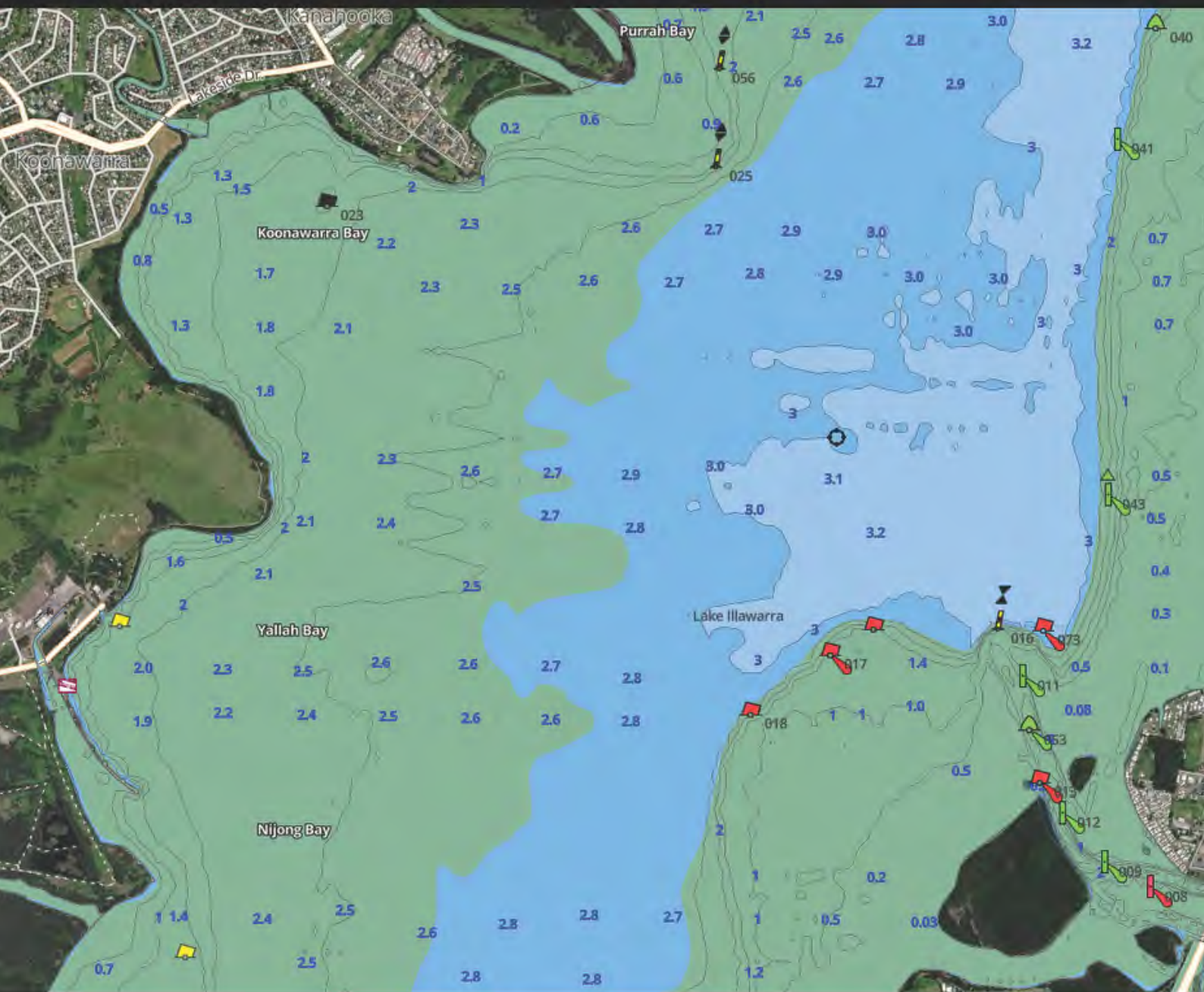


We may need to travel in clockwise order depending on wind direction and safest / smoothest route

Example for South winds at 25-30km + due to safe navigation tactics trying to utilize sheltered areas

Middle Lake Illawarra

Measurements taken at low tide



Commencing Tours & Headings

We travel west about 8 minutes at 8km/h, once we enter the Green Zone, we increase to a moderate speed 30-40km so customers can see that there is a speed increase ahead whilst we wait and set the pace until everyone has entered the green zone. Once the last vessel has entered & distances are not too long we can commence up to or less than the MAXIMUM 55km speed limit enforced by our learner keys for customers (ECO MODE for guides) jet skis.

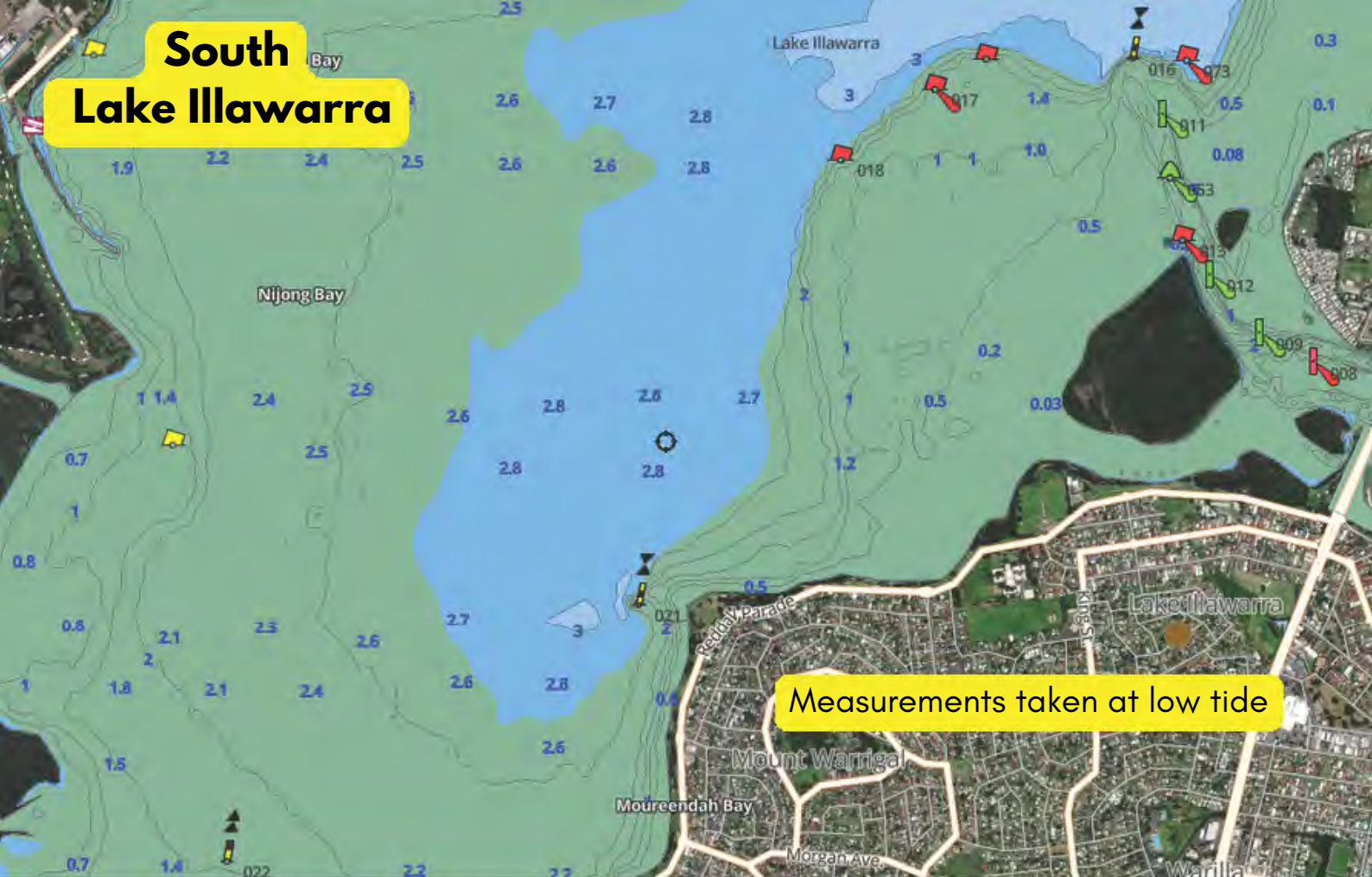
All headings will be marked by waypoints on our Garmin installed on the PWC to help prevent human error. The Ototrak GPS will also prevent any shallow navigation accidents because the green zone is only in area's safe enough to drive a PWC with a minimum 2.3+ meters as shown on maps with coordinates

HEADINGS COUNTER CLOCKWISE

Starting point - towards gooseberry island & inline with cardinal marks

1. Towards mid point between islands & Berkley harbour
2. Port Towards west side of gooseberry island
3. Port Towards Windang caravan park
4. Till in view of east cardinal marker then turn to starboard towards marker
5. Towards mount brown until inline with Currungoba point
6. Towards Isolated danger marker 023 until inline with Kanahooka boat ramp turn port
7. Towards Boomberry point until inline with barrons gully turn port
8. Towards lowest point in landscape west of Mt warrigal
9. When In view of Mogurah point (Burroo Bay) head towards there until inline with Duck Creek & commence U turn to Port
10. Towards steel works chimney keep red marker on right at all times for marker number 18, 17 & 73 until inline with entrance of channel then turn port towards Cringila Hill & REPEAT from starting point

South Lake Illawarra



South or West Strong wind changes safer area



In the event of bad weather changes, causing a strong change in wind direction & speed blowing from a south or West direction we will need to consider cancelling the tours early.

2 x quad jet ski trailers can be used to get PWC & customers off the water safely so they aren't at risks of falling off the jet ski when close to a wall

South west or West Strong wind changes



In the event of bad weather changes, causing a strong change in wind direction & speed blowing from a south or West direction, we can see it is best to change from an anticlockwise direction to a clockwise direction to drive with the wind for the majority of the trip & take shelter by the landmass on the south & west side for the most part.

Driving with the wind or around land shelter will show the customer how much more comfortable it is when you navigate with logic & take shelter near land mass when it is available.

Our jet skis all have the ST3 Seadoo Hull which is AMAZING. The upgrades have come along way and it shows in the confidence, stability & handling.

Easterly or North wind changes the tour direction will remain the same.

Shelter can be taken near land mass on the East side for easterly winds.

North side for Northerly winds (back to base)

HEADINGS CLOCKWISE

Starting point - towards gooseberry island & inline with cardinal marks

- 1. South Towards west side of Cudgerie Island until inline with green marker 43**
- 2. Turn starboard towards Tallawarra power station keep red marker on left at all times for marker number 18, 17 & 73 several hundred meters away**
- 3. Port Towards Mogurah point (Burroo Bay) head towards there until inline with Duck Creek & commence U turn to Starboard**
- 4. Towards Kanahooka Boat ramp until inline with Brooks Creek**
- 5. Turn Starboard towards Warrawong shopping centre area , past east cardinal 25.**
- 6. Towards Illawarra yacht club, until inline with Wollamai Point, turn port**
- 7. Towards east side of Tuggerah jetty until just past Berkley harbour then**
- 8. Towards Berkley harbour**
- 9. Towards Purry burry Jetty & REPEAT from starting point**


Concerns about Sea Birds, Nets, Traps & Divers


Birds of lake Illawarra WCC website


- As an educator it is necessary to pass on important information about protecting our waterways & all the creatures that feed off it.
- Adding information about the seabirds during the briefing with special notes about migrating seabirds is a nice way to add in a part of nature to the experience whilst creating awareness.
- I note, these birds are shown to live, nest & feed in the shallow areas of the lake with some birds diving in other areas for fish.
- Tour guide is responsible to keep well clear of seabirds or stop group if there is any risk to marine fauna

LAKE ILLAWARRA BIRDS

Lake Illawarra is a home, a nesting site and a food source for many birds. In and around the lake you'll find three main groups of birds:

 **Water birds** live in or around water. There are more than 55 species of waterbird that call Lake Illawarra home. Some travel 20,000km from the Arctic to spend their summer here. Waterbirds around the Lake include Australian Pelicans, Chestnut Teal ducks and Black Swans.

 **Waders** are a special kind of water bird that forage for food like insects or crustaceans (such as crabs) that live in the mud or sand around the shoreline and mudflats. Waders around the Lake include White-faced Herons, Black-winged Stilts and Royal Spoonbills.

 **Birds of Prey** such as the White-bellied Sea-Eagle and Eastern Osprey also depend on the Lake for their life cycle. These birds build their nests in tall trees near the Lake.

PROTECTING BIRDS AT LAKE ILLAWARRA



Birds numbers and species diversity are great signs of the health of the Lake.

Plastic and rubbish

Take your rubbish with you and place it in the correct bin. Join in litter clean ups.

Seagrass loss

When boating cast the anchor onto sand to avoid damaging seagrass.

Attacks on birds

Keep pets away from the birds and their nests.

Propeller hits

Beware of diving birds when boating - propeller injuries occur.

Polluted runoff

Wash your car on the grass.
Cover any uncompacted soils.
Pick up and correctly dispose of your dog's droppings.

Water pollution

Make sure watercraft have no engine leaks. Ensure bilge water is not contaminated and empty in an appropriate place.

Weeds

Plant natives in your garden and remove invasive weeds. Join a local BushCare or LandCare group.

Overfishing causing less food for birds

Stick to bag limits.

Coastal development and habitat loss

Leave the trees on the foreshore. Keep a buffer zone between your property and the lake.

Entanglement of birds

Take your fishing line and nets home with you. Avoid using stainless steel fish hooks. Cast away from foraging birds or move away.

Bird drownings

Keep a close eye on submerged crab traps.





AUSTRALASIAN DARTER

Often spotted hanging around with Cormorants, but can be differentiated by looking at the sharp spear-like beak used to stab fish underwater.



CHESTNUT TEAL

Unlike most ducks, the Chestnut Teal is more able to tolerate the high salinity areas of the Lake. Look for them foraging near the shore on an incoming tide.



ROYAL SPOONBILL

Usually seen nesting with cormorants, herons and ibises. They form large, noisy breeding colonies and nest in a tree over water or among high reeds and rushes.



AUSTRALIAN PELICAN

A common sight around the Lake, but did you know pelicans often soar above us at 1000m high? Pelicans ride thermal air currents and can stay in the sky for 24 hours!




CRESTED TERN

Spotted in groups or flying above the Lake looking for lunch. Once they spot their prey they swiftly dive into the water, grab the fish behind the head and fly away!



PIED OYSTER-CATCHER

Often seen probing their chisel-shaped bills in the mud looking for molluscs. Their nests are just a scrape in the sand. Watch your step their eggs are well camouflaged!



AUSTRALIAN WHITE IBIS

The Ibis has many nicknames, known as farmer's friend, tip turkey and even bin chicken!



DUSKY MOORHEN

This bird has two look alikes that are also seen around the lake. You can tell this one apart by checking eye and beak colour.



SILVER GULL

You know them as Sea Gulls, surviving off hot chips and food scraps. Other birds find it hard to compete, and Gulls often dominate shared nesting sites.



BAR-TAILED GODWIT

These migratory birds arrive in spring and stay until summers end. Each year they make a 22,000km round trip, that's like driving around Australia almost two times!



GREAT EGRET

Prefers flowing water, but seen in the shallows anywhere around the Lake. They also grow nuptial plumes in the breeding season.



STRIATED HERON

Found hanging silently and still around the mudflats the Lake. It pulls its head in close to its body and flicks its tail down as it hunts crabs and small fish.



BLACK SWAN

Moulting after breeding causes them to lose their flight feathers. The Lake provides the swans with a safe harbour for the few weeks they cannot fly.



LITTLE PIED CORMORANT

Look for a cheeky head popping above water every now and then. Or spot them drying off perched with their wings spread wide.



WHITE-BELLIED SEA-EAGLE

If you've seen them nesting around the Lake chances are it's the same pair that was there last year! They mate for life and nest at the same place each year. Be aware: easily disturbed when nesting.



BLACK-WINGED STILT

Often spotted in groups around the shallower parts of the Lake. These social birds use their long beaks like tweezers to pick insects from the surface of the water.



MASKED LAPWING

Commonly referred to as plovers and known to be very territorial. They swoop if you get too close, so give them space.



WHITE-FACED HERON

Very versatile and seen all around the Lake. Notice long, wispy feathers on its head, neck and back? These are called nuptial plumes, only present in breeding season.

WHERE YOU MIGHT FIND US

● Seagrass
 ● Mangroves
 ● Intertidal sands & mudflats
 ● Saltmarsh
 ● Sedges, rushes & grassy banks
 ● Islands



DPI FISHERIES - OPERATIONAL PLANS

DPI FISHERIES - CONTACT PERSON

**CARLA GANASSIN
PHONE: 0447 644 357**

CARLA.GANASSIN@DPI.NSW.GOV.AU

Operational Risk for commercial fishing

Initially conduct a sweep of the waterway to look for navigation hazards like:

- **Logs**
- **Branches**
- **Debris**
- **Fishing nets**
- **Floats**
- **Dive flags**
- **People in the water**
- **Towing operations**
- **Commercial fishing operations with the letters LFB on the side of the vessel**

**REPORT ANY SUSPICIOUS FINDING TO ALL MANAGEMENT, CREW & DPA
PHOTOS IN WHATS APP GROUP FOR REPORTING WOULD BE IDEAL WITH
LOCATION.**

Dive Flags

We must maintain a minimum 200m from the dive flag location or stop the tour group.

Commercial fishing operations

Please take note, what side (N,E,S,W) they are fishing on and keep a minimum 100m clear & ensure not to interfere with fishing operations.

If the tour guide accidentally drives towards commercial nets / fishing activity whilst fishing you must immediately show the stop signal & stop the group & re route around the fishing area on the deepest side maintaining a distance of a minimum 100 meters

We all must comply with requests from commercial fishers & local fisheries officers to not disturb school fishing.

No wash to be created in seagrass areas from the Illawarra Yacht Club to the START/END tour location which is more than 90meters from seagrass beds

Dear Mr Barry,

Thank you for your application dated 25 September 2024 and additional information received 5 October 2024 seeking Department of Primary Industries and Regional Development (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 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)*. 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.

DPIRD Fisheries has reviewed the proposal (shown in the attached plans) in light of those provisions and has no objections to the lodgement of an application for 'Land Owner's Consent' with Crown Lands, for the proposal as currently proposed in 'Lake Illawarra Jet Ski Tour - Tour Maps & Conditions - Version 1.2' document.

The potential impact of this operation on seagrasses and commercial fishing operations will be mitigated through the following mitigation measures:

- 1) The main personal water craft (PWC) tour route is not over or within 90m of seagrass beds (as per Attachment 1).
- 2) Travel to and from the launching location to the start of the PWC tour is to comply with either of the routes shown in Attachment 2. No wash is to be created when travelling between these locations.

**Tour Route Improved
20/11/24 see above**

ahp.central@dpi.nsw.gov.au

dpi.nsw.gov.au

Attachment 1 - Proposed PWC Tour Route, Lake Illawarra



Attachment 2 - Proposed routes to travel between launching site and PWC Tour



- 3) Tour guides to look out for commercial fishing nets and traps by looking out for fishing floats or vessels displaying the letters LFB. Please note most estuary based commercial fishing boats are small vessels and are exempt from the requirement to display day signals. PWC tour guides must keep their PWC and all PWCs on the tour at least 100m away from them.
- 4) The PWC tour guide must do a sweep of the area where the tour will be conducted prior to the commencement of the tour. Any areas identified where commercial fishing is occurring must be avoided.
- 5) Tour guides to look out for dive flags and keep their PWC and all other PWC's on the tour and stay 200m away from them.
- 6) Agreement to comply with requests from commercial fishers/ local Fisheries Officers to not disturb aggregations of schooling fish.

These mitigation measures will need to be included in an Operational Plan for the proposal that will need to form part of any future development application (or other approval if relevant) for this operation.

We note that DPIRD Fisheries assessment of this proposal has not included any consideration of the land use zoning (and associated permissible uses) in the Wollongong Local Environmental Plan 2009.

As we have previously informed you, the activity will need to comply with the following clauses in the *Fisheries Management (General) Regulation 1999*:

- Clause 74 requires any vessel operator to cease their operation in an area where fish may be disturbed which interrupts active commercial fishing or fisheries waiting to commence a commercial activity at the direction of a Fisheries Officer.
- Clause 25 confirms that any set fishing gear cannot be interfered with.
- Clause 27 states that a person cannot intentionally disturb fish near a commercial fishing operator.

This letter and attached plan may be forwarded to Crown Lands for their consideration in assessing your application for land owner's consent. DPIRD Fisheries will consider final consent status for the proposal when Council sends us the Integrated Development Application, noting that the operation has the potential to require a Section 205 permit for harm of marine vegetation, should appropriate mitigation measures not be implemented.

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 of this date. Should this advice lapse, the applicant will be required to resubmit the application for pre-Land Owner's Consent with DPIRD Fisheries, including appropriate fees and if relevant updated reports.

If you, Crown Lands or Council require any further information, please contact me on 0447 644 357 or carla.ganassin@dpi.nsw.gov.au.

DPI fisheries has expressed concern about

- 750 meter long nets getting damaged from jet ski usage
- Traps getting interfered with
- Snorkellers gathering - cockles / muscles

SEE PAGE 17 & 18 to see why this wont be an issue.

Rick has spoken of these small & massive nets before, again I'm aware more than a decade ago a net used to be placed across the entrance to trap fish or other things.

Where are they now? How deep is the shallowest point? Are they really a concern for PWC use?

But honestly answer me this please... What is more risk to nets?

A) a boat with more than 1m below the water with a external propeller?

B) a jet ski which sits a maximum of 32cm in the water (less if its under power) with an internal jet which cannot touch the nets?

I note Rick's response DPI fisheries

Snorkelling particularly given one of our divers recently had a close call in the lake with a PWC operator operating at speed and nearly hitting them.

My Response as Tour Guide

In regards to diving or snorkelling.

Snorkelers can avoid incidents or near misses by watercraft, by following NSW legislation & safe work place practices as shown in the NSW boating handbook please see the image here.



The use of a FLOAT with a dive flag is commonly used by recreational snorkellers.

I'd assume any well organised commercial fisheries operation would have a risk management plan in place which means they're snorkelling/diving near a boat/float with a dive flag (which means they have exclusive use of the area) for a minimum of 60m radius from all vessel traffic.

I can only assume since I can't reach out to the operators directly due to privacy that if they don't use a boat that they would stay near the shorelines & we wont be operating in any areas less than 2 meters depth at speeds over 8km/h.

As how we reduce the risk of collisions with diver, snorkellers & swimmers we need to maintain a minimum legal distance of 60m from swimmers & 60m from DIVE FLAGS showing divers / snorkelers, but due to the nature of our activity, we will aim to stay 200m plus, away.

Nets, Floats, Meshing & Crab nets - Concerns from DPI Fisheries

Quiet sometimes and will change throughout the season based on operator patterns.

It also does not account for traps and nets you can't see.

A few white floats with crab nets I presume - Not always white floats, and the floats could have up to 725 m of meshing net (a flathead net) attached between them with no operator present. There may also be active use of meshing nets throughout the day with operators present.

My Response as a tour guide

Floats are easy to see & have never been sucked into the impeller because the float is too large to fit in the 1inch gap.

If snorkelers / divers use dive flags and we can agree to stay 200m from them is there actually an issue anymore?

Part of my job as a tour operator is to scan the waterway around me taking into account 400-600m worth of tour behind me and keep well clear or stop for any risk that may arise.

Its really not hard for me to avoid a dive flag, I literally spotted 1 nearly 500m away doing a boat practical today whilst delivering coxswain grade 3 observation declaration.

WHAT WE AGREE TO DO CONDUCTING JET SKI TOURS

1. Ensuring compliance with Part 6 Division 1 of the Fisheries Management Act
2. Educate the public about interfering with netting, traps fishing activities
3. Stay in waters indicated 2 meters deep or MORE at low tides whilst driving at speed
4. Keep a proper lookout for people in the water, dive flags and stay further 100meters then the minimum safe NSW distances.
5. Drive at 4 knots and keep clear of any floats, nets & traps whilst moving from Illawarra yacht club to Start / End position

Department of Primary Industries
And Regional Development



IDA25/47
11 April 2025

Wollongong City Council
Attn: Lachlan Jones
Ljones1@wollongong.nsw.gov.au

Re: DA-2025/132, CNR-79498 – Jet Ski Tour Business – 1 Northcliffe Drive, Warrawong – Lake Illawarra

Dear Mr Jones,

Thank you for your referral of this integrated development application dated 6 March 2025 to Department of Primary Industries and Regional Development (DPIRD) - Fisheries.

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 (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)*. 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.

With regards to potential impacts on commercial fishing activities, the activity will need to comply with the following clauses in the *Fisheries Management (General) Regulation 1999*:

- Clause 74: requires any vessel to cease their operation in an area where fish may be disturbed which interrupts active commercial fishing or fisheries waiting to commence a commercial activity at the direction of a Fisheries Officer.
- Clause 25: confirms that any set fishing gear cannot be interfered with.
- Clause 27: states that a person cannot intentionally disturb fish near a commercial fishing operator.

DPIRD has assessed this proposal and determined that with the implementation of the following mitigation measures impacts to marine vegetation will be avoided, and therefore a permit under Part

7 of the FM Act will not be triggered in this instance. Further potential impacts to commercial fishing should also be avoided or reduced with implementation of these mitigation measures.

DPIRD Fisheries recommends inclusion of the mitigation measures below into the operational plan for this activity:

- 1) The personal water craft (PWC) tour route complies with the plans shown in the 'Tour maps and Conditions' document submitted with the development application. This will ensure an adequate buffer to mitigate impacts to seagrass beds.
- 2) Travel to and from the launching location to the start of the PWC tour is to comply with the 'Tour maps and Conditions' document submitted with the development application. No wash is to be created when travelling between these locations. This will mitigate potential impacts on seagrass beds in this area.
- 3) Tour guides are to look out for commercial fishing nets and traps by looking out for fishing floats or vessels displaying the letters LFB. Please note most estuary based commercial fishing boats are small vessels and are exempt from the requirement to display day signals. PWC tour guides must keep their PWC and all PWCs on the tour at least 100m away from them.
- 4) The PWC tour guide must do a sweep of the area where the tour will be conducted prior to the commencement of the tour. Any areas identified where commercial fishing is occurring must be avoided.
- 5) Tour guides to look out for dive flags and keep their PWC and all other PWC's on the tour and stay 200m away from them.
- 6) Agreement to comply with requests from commercial fishers/ local Fisheries Officers to not disturb aggregations of schooling fish.

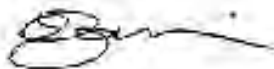
DPIRD Fisheries makes the following comments on the mitigation measures submitted with the operational procedures accompanying this development application (i.e the Tour maps and Conditions document) to avoid interaction with commercial fishing operations:

- Point 4 is not included. This is important to minimise risk of interactions with fishing activities (which can potential damage fishing nets and cause safety risks) and to minimise the disturbance of fish.
- Point 5. The operational procedures should acknowledge that divers can operate throughout the entire lake to commercially harvest cockles, including in the deep sections. The sweep identified in Point 2 above will identify any areas divers may be working so that the tour attendees (who would have varying skills in PWC use) can be carefully guided away from the divers.

- Point 6 is not included. This aligns with cl74 of the Fisheries Management (General) Regulation and will do much to build good relations with the tour operator and commercial fishers over time.

If you have any questions concerning this response, please contact me on 02 47 644 357 or carla.ganassin@dpi.nsw.gov.au.

Sincerely



Carla Ganassin

Senior Fisheries Manager, Aquatic Ecosystem Assessments

DPIRD Fisheries

Attachment 7



19 March 2025

Lachlan Jones
Wollongong City Council
Email: ljones1@wollongong.nsw.gov.au

Dear Mr Jones,

Subject: DA-2025/132 - Consent for use of land PWC H&D - Lot 122/123 DP751299 and Lot 6 DP215273 - 1 Northcliff Drive, Warrawong (Illawarra Yacht Club)

In response to documentation for the subject proposal uploaded onto the NSW ePlanning portal, I wish to confirm that the NSW Maritime Branch of Transport for NSW (Maritime) has no objections to this proposal, assessed on the grounds of impact to safe navigation.

If development consent is obtained, the proponent must then apply to Maritime and seek approval to conduct supervised personal watercraft (PWC) hire and drive tour operations on NSW waterways.

PWC hire and drive vessels are classified as domestic commercial vessels, and therefore are subject to the National Law administered by the Australian Maritime Safety Authority (AMSA). A hire and drive business requires a Certificate of Operation for each of the vessels to operate and is required to be compliant with Marine Order 504, which stipulates a range of conditions to ensure the safe operation of vessels.

In order to mitigate waterway specific risks associated with the proposal, Maritime will also regulate the operations under a Direction Notice, with a suite of associated conditions, issued pursuant to clause 56 of the Marine Safety Regulation 2016. The Direction Notice is designed to ensure that the supervised PWC hire and drive tours can integrate into the existing waterway use profile, with a focus on safety, environment and amenity.

Further, in order for PWC hire and drive businesses to hire vessels to unlicensed PWC operators, Maritime will need to issue an exemption pursuant to clause 140 of the Marine Safety Regulation 2016, which allows for operators of specified hire and drive PWC to operate those vessels without a driving licence.

Further information relating to the Maritime management framework relating to PWC hire and drive tours can be found on the NSW Government website at the following link - <https://www.nsw.gov.au/driving-boating-and-transport/waterways-safety-and-rules/staying-safe/personal-watercraft-hire-and-drive-tours>

It is important to note that the proponent, or any entity or contractor acting on their behalf, are not exempt from the provisions of the *Marine Safety Act 1998*, or any other relevant legislation, and all parties must comply with any direction given by NSW Maritime Authorised officers with regard to safe navigation or the prevention of pollution.

Should you have any queries in relation to this matter please contact Boating Safety Officer Sam Bryant on 0417 356 307, and please forward a copy of the Determination of Consent for our information to NavSouth@transport.nsw.gov.au

Note: this advice was uploaded to the NSW Planning ePortal on the date above.

Yours sincerely,

A handwritten signature in black ink that reads "N. Jacobs".

Nathaniel Jacobs
Manager Waterways Operations South
NSW Maritime

IYC SAILING INCORPORATED

SAILING, WINDSURFING AND R.C. YACHTS

Dear Malcolm Barry, Play Hard Jetskis, Illawarra Jet Ski Tours

Thank you for contacting IYC Sailing Incorporated.

In summary: after we consulted with Malcome Barry on the IYC grounds on Monday 7th July we have no objection to the jet ski DA.

In more detail:

We are a separate association to the OFBRC but reside on the grounds of IYC. The windsurfers who spoke against your DA did so as individuals and were not representing IYC Sailing Inc. Nonetheless, they are members, and we now apologize for any inconvenience they have caused. They were speaking from previous experiences between sailors and jet skis, but as you correctly point out, if the members had fully understood your application, including the automatic GPS-triggered 8 km/h speed limitation whilst in front of the club as well as your risk management system, we doubt there would have been any opposition.

We agree that you have thought through many of the issues that may arise and put measure in place to address them.

Our committee was made aware of your submission in April, and we have minutes of our discussions.

We agree to the following:

- Oak Flats Bowling & Recreation Club is the landowner who has given consent for Jet Ski Tours & IYC Sailing to use the facilities of the club for foreshore activities under OFBRC direction.
- Jet Ski Tours are permitted to alternate boarding areas between the east & west sides of the boat ramp under OFBRC direction and our own consultation and ability to share.

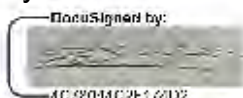
The jet skis are GPS-limited to 8 km/h in front of the yacht club until they are well into the lake, so we see no reason for the panel to limit the number of jet skis available per group.

This is an opportunity for a growing number of people to be educated in safe jet ski riding and for OFBRC to keep Illawarra Yacht Club's doors open for all types of watercraft use for the public to enjoy in the club and on the water.

We wish you good fortune with the determination of your submission to Wollongong City Council and look forward to working with you.

Yours Faithfully

Neil Dewey
Director and Treasurer
IYC Sailing Incorporated

DocuSigned by:

4C78D14C2F161D2

7/9/2025

This statement has been prepared in response to the Planning Panel's request to amend the applicants application by imposing a restrictions on the participant-to-guide ratio & alternate boarding location to the eastern side of the boat ramp at 1 Northcliffe Drive, Warrawong.

PAGE NUMBER

02	<u>Limiting tour numbers</u>
03	Reasons for the Decision
04	Response to the Panels Request Industry Standards
05	<u>Alternate disembarkation area</u>
06	Response to the Panel Request
07	Discussions with the land owner Manage closure dates
08	Consultation with IYC Sailing See IYC Letter
09-10	Concerns raised: During the Planning Panel meeting
11	Response for the Panel regarding trial
12-14	Applicants statement to the planning panel
A	Appendix TfNSW
B	Appendix Insurance standards
C	Appendix Land Owner
D	Appendix DPI Fisheries
E	Letter from IYC sailing

**1ST REQUEST, LIMIT APPLICATION
TO A MAXIMUM OF 4 PERSONAL
WATERCRAFT PER GROUP DURING
THE TOUR**

**THE APPLICATION PROVIDES THE
FOLLOWING INFORMATION FOR THE
PANELS CONSIDERATION.**

Reasons for the Decision

1. Not Protecting the Natural Environment. *Definition of Natural Environment: The natural environment encompasses all living and non-living things that exist and occur naturally on Earth, unaffected by human intervention. It includes ecosystems, climate, weather, and natural resources, and emphasizes the interconnectedness of these components. Essentially, it's everything that isn't man-made.*

There has been a concern expressed about not protecting the natural environment. The ecology report from Stantec stated multiple times, including at the meeting, that there would be an insignificant risk to the natural environment. There is also a sediment suspension and wave amplitude study (**see Figures 5 and 6 on page 4**) which showed measurements from jet skis to be insignificant when it came to wave amplitude and sediment suspension, which is what affects the natural environment compared to different types of vessels by a large margin. In addition, there were the parameters set by DPI Fisheries of a minimum of 90 meters from estuaries when traveling at speed, and we have increased that to a minimum of 250 meters, as well as no wash speeds over water less than 2 meters deep, specifically when near estuaries. DPI Fisheries have no objection in regards to the natural environment, and they are the government body to assess those concerns, along with the environment officer of Wollongong Council, who also raised no concerns.

2. Causing Safety Issues. The panel's concern about safety issues on water can be addressed by the guide to participant ratio. A higher ratio would require an additional guide, and an additional guide provides a better safety outcome as there are tour guides at both the front and back of the tour. This improves monitoring, and the back tour guide is able to move forward quickly.

3. Adversely Impacting Upon Neighbourhoods Amenity. Amenity was addressed in the acoustic report, which found that the noise levels were compliant and within acceptable levels for the natural level of background noise at each receiver. We are a minimum of 500.6 meters from the closest dwelling at Kanahooka for a matter of less than 30 seconds 'if' we run along the perimeter. Given the water depth is greater within the green zone and the applicant does not want to leave the green zone, it is safe to assume that 500.6 meters would be a rare occurrence. The report makes it clear that the jet skis will not be audible from this location. The request for a 2-year trial provides the council with the opportunity to assess complaints that may arise. However, it's in the applicant's best interest to make sure that they are not impacting the neighbouring amenity.

4. Causing Conflicts with Other Recreational Users of the Lake. In the Lake Illawarra Coastal Management Plan, it was a value of Lake Illawarra to build on tourism, as shown on pages 5 and 7 in the CMP. The applicant reached out to all community groups over a year ago with no concerns raised. The only request for the applicant was to help attend a regatta to act as water safety for their event. In regards to recreational users, the applicant has been advised by Fisheries, as stated in their letter, that the fishing boats are not unique and look like a standard boat. Therefore, the applicant has agreed to keep well clear of all vessels. The operation plan shows that the jet skis give way early, keeping a greater than normal safe distance to avoid conflict, not only for the public's enjoyment but to improve the safety of the tour by greatly extending those safe distances. The proposed activities will not interfere. Please keep in mind that, like nearly all waterways, Lake Illawarra is not being utilized most of the time, with the exception of summer weekends and holidays. Lake Illawarra was recommended to us by TfNSW as an appropriate place to run these tours.

IN RESPONSE FOR THE PANELS REQUEST, THE APPLICATION PROVIDES THE FOLLOWING INFORMATION

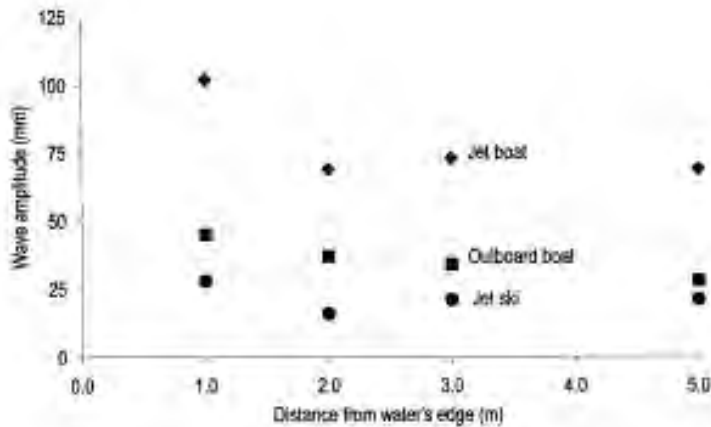


Figure 5 – The effect of different types of powered craft on the maximum wave amplitude: *Wellington St, Hamilton*, under low flow conditions with the craft travelling upstream fast.

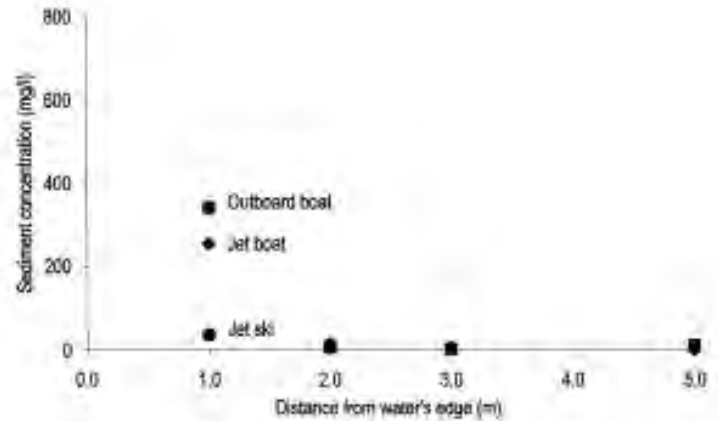


Figure 6 – The effect of different powered craft on suspended-sediment concentrations: *Wellington St, Hamilton*, under low flow conditions with the craft travelling upstream fast.

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Industry Standards and Regulatory Oversight:

The Applicant has provided NSW government Hire & Drive Terms REFER TO APPENDIX A.

Transport for NSW (TfNSW) already sets strict parameters for tour operations, including tour length, navigation, and safety management systems. The applicants insurance policy supports a 10:1 participant-to-guide ratio. TfNSW, through its Manager of Waterways Operations (South), Mr. Nathaniel Jacobs, has assessed and issued a letter of no objection to my application, having already considered the proposed tour structure, ratios, and safety management. I believe it is appropriate for TfNSW — as the relevant safety authority — to retain the discretion to adjust ratios based on ongoing risk assessments and improvements. Please Note: Appendix A, Page 1 bottom 2 lines indicates, “Conditions of operation will be restricted and monitored by Maritime.”

The Applicant has provided industry standard insurance terms. REFER TO APPENDIX B.

It's important to recognize that the insurance companies see an acceptable and safe ratio of 1 guide to 10 hire/drive jet skis.

The applicant is aware that the industry insurance standard on speed has been restricted from 70-80 km/h to 55 km/h, as this was the concerning risk factor for insurance companies, not the tour ratio.

The applicant has highlighted the safety concerns raised by community members on pages 5-6. Throughout the DA submission, specifically in the tour maps and conditions document, using the GPS system and green/red zones, the applicant has greatly reduced the risk to a minor/insignificant level.

Applicant identify an alternate disembarkation/embarkation area further to the east in the vicinity of, or using the boat ramp pontoon. To minimise conflict with the area utilised by the windsurfer/sailboard users of the club.

IN RESPONSE FOR THE PANELS REQUEST, THE APPLICATION PROVIDES THE FOLLOWING INFORMATION

- The applicant accepts utilizing an alternate disembarkation/embarkation area, including the east pontoon.
- The applicant refers to the panel to the letter of no objection from IYC sailing - windsurfing club. After consultation, IYC Sailing agree they would like to keep the activities at the discretion of the landowner, which may include the east or west seawall & pontoon as shown in this letter.

Response to the planning panel clarification of discussions with the landowner. The application understands from its initial discussion with the landowner that the applicant may be asked to alter trading hours.

The reasons for this discretion are as follows:

1. **“Not protecting the natural environment.”** By moving or retaining our position, we will not be impacting the natural environment. Stantec, DPI fisheries, and WCC environment officer agreed. Considering the east side of the boat ramp, there is less concern since the water depth is the same as the initial location and the seagrass is much further from the shore. Please see DPI fisheries consultation regarding alternating disembarkation/embarkation areas **APPENDIX D**.
2. **Causing safety issues.** The jet skis are limited to 8 km/h (a very safe speed) via GPS in front of the club until we are over 1 km away. We've agreed with the landowner that we will modify trading hours or close if there is a conflict that requires us to.
3. **Adversely impacting upon neighbourhood amenity.** It's unlikely we will impact neighborhood amenity since 1 Northcliffe Drive Warrawong is a large zone over 100 meters from its front doors to any residential premises and over 140 meters from another commercial premise. If you refer to the acoustic report, you will see the applicant's raised voice delivering briefings was louder than the jet skis departing at a slow speed. Regarding people in nearby parks who see jet skis coming and going, the applicant believes they will be excited to come to the club to join the tours. When we are traveling in the red zone, we will not be audible, merely visible in a pleasant slow-speed tour formation.
4. **Causing conflicts with other recreational users of the lake.** Potential conflicts in front of the club can and will be managed by meetings and discussions. If there is a large event, the landowner may request we not trade that day. The club would also like to keep the option to move to alternate disembarkation/embarkation areas. In that section of the lake, our tour is limited to 8 km/h, which provides no risk to other vessels from the jet skis. It should be noted that most recreational vessels choose to launch from the new boat ramp at Kanahooka or old ramps at Reddal Reserve, Berkley, or Oak Flats, which are the busiest on hot summer days.

Response to Planning Panel - Discussions with the land owner. PLEASE REFER TO APPENDIX C

I understand from my initial discussions with the landowner that there will be occasions when I may be asked to reduce or suspend trading hours to accommodate special events inside or outside Illawarra Yacht Club Venue such as regattas & weddings. I fully accepted those conditions with the land owner and have agreed to these conditions with management of the club.

Manage closure dates: During days forecasted for bad weather, floods, events or regattas where a risk assessment is conducted and discussed. If we deem it a day not to operate, the website bookings will be blocked out for those dates & any sessions booked in will be asked to reschedule or refund.

For regatta days consultation will be done with groups & OFBRC to determine if the risk can be managed through a simple change of course, alternating boarding locations or staggering start times..

A decision will be made in the best interest of all parties.

Consultation with IYC Sailing

This consultation was due to happen within the club under the landowners' discretion. The sailors are only there in most weeks for 1 day, The applicant is not aware that the sailors have the numbers mentioned by the windsurfer.

It was clear that this person speaking was unaware of the application's low risk, controls, and consent from Illawarra Yacht Club, owned by Oak Flats Bowling Club.



Outside the proposed embarking red areas I've marked blue areas, these blue areas are ramps designed for access to light watercraft like small sailboats and are outside of the red areas as shown in photos A & C, which are proposed for jet ski tour locations.



Photo - A

There is ample room for the jet ski tours to stay on the west position or move to the east side if there is an event for which the club decides it's best we move. There are also some existing fixtures on the east wall which may support the fenders on ropes and secure vessels to the existing seawall approximately every 5-6 meters. See 3 images below B, C & D.



Photo B



Photo C



Photo D

Concerns raised: During the Planning Panel meeting

Minute 24, Mr Mike Nelson expressed his objections to the Development Application (DA) for the jet ski tour. He highlighted that jet skis are high-powered machines, which raise safety concerns for non-powered vessels such as windsurfers, kayakers, and dinghies, particularly in the area near the Illawarra Yacht Club, creating an unavoidable spatial conflict.

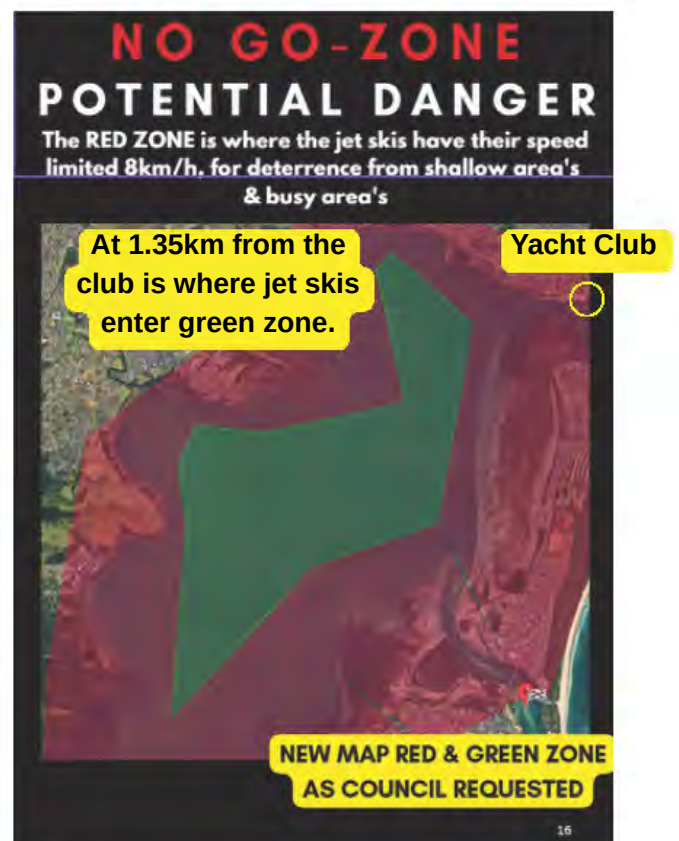
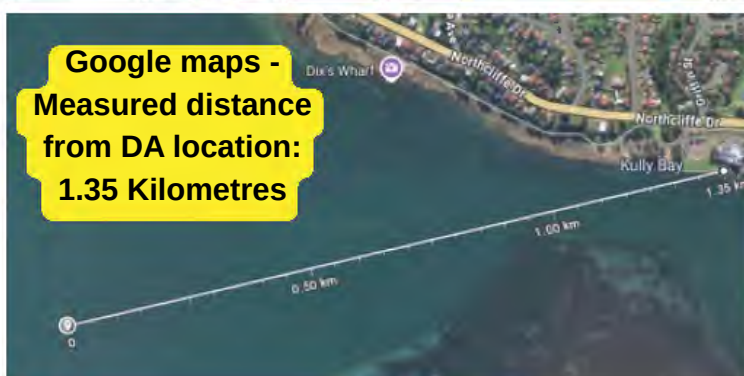
Response

The panel had already reviewed the application, which included, but was not limited to:

1. Tour maps and conditions
2. Safety Management System (SMS)
3. Risk assessment
4. Malcolm Barry's USI qualification transcript
5. Tour Management Strategies

It appears Mr Nelson's did not have the opportunity to view the full application, concerns would have been addressed with a quick glance at the zones outlined in the tour maps and conditions, specifically on page 16 and beyond. The distance from the front of the yacht club to the area where jet skis can reach limited speeds is 1.35 km (approximately 8-9 minutes away). Until then, within the designated ****RED ZONE**** shown below, jet skis are restricted to a speed of 8 km/h, which poses no risk to all other vessels.

The applicant wished to advise to emphasize that we have successfully managed our Sydney-based unsupervised hire arrangement using this GPS system since 2018, maintaining a record of ****zero injuries**** and ****zero public liability issues or claims**** in waterways significantly busier than Lake Illawarra. The zones that regulate the speed of our unsupervised jet skis along all beaches, including the high-risk Brighton-le-Sands, have ensured that swimmers, children, and other vessel users remain safe by enforcing reduced speeds at varying distances from the shorelines.



Minute 25.15 Mr Nelson stated the windsurfing club was not informed or consulted during the application process.
Reply The applicant refers the panel to the letter of IYC sailing **APPENDIX E**, Please refer to letter from IYC sailing which includes windsurfers division of IYC sailing that they were made aware of the DA back in April 2025. Mr Nelson refers to learning about the proposal through word of mouth minute 25.30s, The applicant has been advised by director of windsurfing division "The 2 windsurfers who spoke last night did so as individuals, they were not speaking for IYC Sailing Inc."

Minute 25.45s Mr Nelson spoke about jet skis accelerating within meters of these young sailors.

Reply, the applicant refer to the automatic GPS speed controls of the RED 8km/h speed restricted zones on page 14.

As well as the applicants Risk management system Document, please refer to pages 16-18 & page 20 which covers risk rating management without controls and with controls for risk of collision assessed in the GREEN ZONE with: People, Non powered vessels, other vessels, slow speed collision risk. This document details what measure we put in place (like excessive safe distances) as a supervised activity to move away and greatly reduce these risks.

Minute 29.20s Mr Nelson was asked a question about the number of windsurfers rigging on the grass, he replied 30-50% of the grass can be covered on a typical Saturday afternoon.

Its up to IYC sailing & the land owner OFBRC to discuss with us what is appropriate & if there will even be a conflict. 30-50% of the grass leaves 50-70% available for the club to decide if there is an issue which needs to be addressed by:

1. Schedule
2. Sailors or jet skis alternate location for rigging and boarding if the club deems it to be a conflict
3. Other means

Response to panels concerns at meeting on the 1st July 2025

Gary's Concerns at Planning Panel Meeting

Minute 38.45s Concerns about disturbing the experience for residents & users. Reference was made to recreational jet skis and the behaviour of recreational jet skis typical use an playing on the lake rather than a boat which moves point A to point B. Gary referred to my business model of high powered unsupervised jet skis ranging from 130-300hp with Bluetooth speakers.

Reply These supervised, speed controlled tours on jet skis even at the peak operating tours speed limited by a minimum of 30% and are not considered High Powered. The acoustic report shows that noise is not going to reach the land and affect residents.

Minute 44.40 concerns where expressed that jet skis will have poor manoeuvrability at low speeds and we will be competing for the same water & land area on Saturdays.

Reply, Jet skis have had forward, break & reverse for at least the last 10 years which has greatly improved the vessels control. There is a concern about jet skis moving from a fast speed and trying to turn whilst reducing power, This is not a concern whilst in the redzone & we have ensured to leave a buffer of no zones between the Green & Red to ensure a speed reduction wont pose any risk.

Please refer to consultation with IYC sailing and Land Owners Consent. They have No objection.

**IN RESPONSE FOR THE PANELS REQUEST, THE APPLICATION PROVIDES THE
FOLLOWING INFORMATION**

**That the application be for a trial period of 24 months from the date of commencement of
operation after any licensing approval from Transport for New South Wales (Maritime).**

Noted & accepted

Applicants statement to the planning panel

Considerations on Participant-to-Guide Ratio and Group Size

In relation to the suggested participant-to-guide ratio and group size, I acknowledge the proposed 3:1 ratio and am ready to proceed with operations based on this guideline. We will operate with four jet skis, plus one spare for breakdowns or emergencies.

However, I must stress that this acceptance comes with significant implications. This restrictive ratio could impact the financial sustainability of the business if we are in a position to hire staff, and it should be viewed as a preliminary measure rather than a permanent solution.

I kindly urge the panel to thoughtfully assess the consequences of maintaining this restrictive ratio beyond the initial period. Here are some compelling reasons to consider:

1. Operational (Refer to the website extract from TfNSW Appendix A)
2. Financial & Community-Related (See Below)
3. Staffing in participant numbers following an appropriate trial period regulated by TfNSW, the governing body.

Financial Viability and Community Benefit

I have deep roots in Mount Warrigal, where I honed my early sailing skills at the Illawarra Yacht Club. My goal extends beyond merely starting a business; I aim to offer an accessible, safe, and enjoyable activity that educates the public while fostering a love for the lake. I am particularly conscious of the many residents in Wollongong and Shellharbour, striving to keep this experience affordable, especially for those who may not have the means to travel to Queensland or overseas.

As a child, I perceived jet skis as a luxury only accessible to the wealthy, while my mother and I paddled around in a \$10 kayak we had bought from someone's front yard. I often felt envy toward those who owned jet skis, believing that such ownership was beyond my reach.

I'm also saddened to see many teenagers in the Illawarra withdrawing from community activities and spending excessive time in front of screens. The Gold Coast is known for its excitement, so shouldn't the Illawarra provide its young people with opportunities to engage in something thrilling and new?

However, the current 3:1 restriction significantly limits my ability to cover costs and set reasonable tour prices. Even with a premium rate of \$200 per jet ski for two people on a 45-minute tour, my projected profit margin only hovers around 30-40% — and this does not factor in the unavoidable costs related to weather-related closures if I have staff.

Due to the reasons listed,

I respectfully request that the panel permit TfNSW, in collaboration with Illawarra Jet Ski Tours and the landowner, to define appropriate group sizes and ratios over time. This flexibility is crucial for ensuring the long-term financial viability of the business while upholding the highest safety standards on a case-by-case basis as we develop, train, and promote tour guides from the end-of-tour positions to lead tour guide roles.

Additionally, please refer to the recent letter of support from the Illawarra Yacht Club (IYC) (Appendix E),

This acknowledges the positive impact this venture has on the community and the lake as a safe and structured commercial activity. The IYC has confirmed that the objections raised by individual members do not reflect the official stance of the club, recognized the comprehensive risk management measures in place—including GPS-limited speeds near the club—and expressed no objections regarding the proposed participant numbers. They view the tours as a valuable opportunity to educate the public on safe jet ski riding while supporting ongoing public use of the club's facilities and the lake for various watercraft.

In summary, I am committed to initiating operations responsibly with the recommended 3:1 ratio; however, this is a compromise made solely to allow the business to commence trading. For the business to remain viable, sustainable, and beneficial to the community in the long run, while attracting more tourists to the Illawarra, I strongly urge the panel to defer to TfNSW's expertise and allow for flexibility in increasing participant ratios as risk assessments allow.

Staffing

I aim to qualify, train, and support a dedicated team of staff members. I possess the necessary qualifications to provide:

- NSW boat and jet ski license
- Coxswain Grade 3 commercial license
- Training equivalent to operating personal watercraft (jet skis) in calm water conditions

My wife, Natasha, has excelled in conducting hire briefings since we began in 2017 and is highly skilled in manoeuvring various types of trailers. She has a keen sense of assessing individuals who may pose a concern and can communicate this to me effectively or confidently turn away individuals when necessary.

These insights and routines will eventually need to be taught to others at a similar level to maintain the highest standards. We would greatly appreciate the flexibility to hire the staff we need rather than being restricted by even tighter jet ski tour numbers as requested by TfNSW in the documents above.

Conclusion

I am open to relocating to the east side at the panel's request, but shouldn't the decision regarding land activities ultimately be left to the landowner?

I can also accept a reduction in the number of jet skis per group, but isn't it in the best interest of TfNSW guidelines for the state authority overseeing the project to determine the navigation aspects of the tours?

Thank you for considering these points and for supporting a locally owned small family business that aims to enhance both the safety and enjoyment of Lake Illawarra for everyone.

Personal watercraft hire and drive tours

nsw.gov.au/driving-boating-and-transport/waterways-safety-and-rules/staying-safe/personal-watercraft-hire-and-tours 3 June 2021

Following a successful trial of this type of business model in the Hawkesbury River, Maritime will enable businesses to conduct supervised personal watercraft (PWC) hire and drive tour operations on NSW waterways, when approved via application. Initially, approvals will be given by issuing exemptions to the Marine Safety Regulation and requiring compliance with a Direction Notice.

 [Listen](#)
On this page

- [Developing a safer PWC community](#)
- [Proposals to conduct supervised PWC hire and drive tours](#)
- [More information](#)



The PWC hire and drive tour trial in operation on the river

Developing a safer PWC community

By enabling this type of activity, Maritime's intention is to increase the education available to PWC users and ensure key commercial operators assist with growing a safer PWC community that is more aware of their on-water impact and other NSW waterways users.

Supervised PWC hire and drive operations will allow people new to PWCs to experience driving a PWC without a licence, under strictly controlled conditions and with qualified tour guides. Education about safety and safe behaviours will be a key component of any tours, while speed, and

conditions of operation

will be restricted and monitored by Maritime.

By enabling this type of activity, Maritime's intention is to increase the education available to PWC users and ensure key commercial operators assist with growing a safer PWC community that is more aware of their on-water impact and other NSW waterways users.

Supervised PWC hire and drive operations will allow people new to PWCs to experience driving a PWC without a licence, under strictly controlled conditions and with qualified tour guides.

Education about safety and safe behaviours will be a key component of any tours, while speed, and conditions of operation

will be restricted and monitored by Maritime.

Operators will be required to demonstrate that they have assessed the risks of their proposed business and all necessary safety and control measures implemented to manage the activity within the area of operation.

Proposals to conduct supervised PWC hire and drive tours

Applications will be assessed on a case-by-case basis with a focus on considering the safety of all waterway users, the amenity of the waterway and the environment. Tour activities must integrate into the waterway user profile and no activities that require exclusive use areas will be considered.

Applications will be assessed to ensure:

- Proposed operation including number of vessels and participants, tour routes and number of tours, are suitable for the waterway and integrate into the existing waterway user profile
- The business has detailed plans to manage the tour and tour participants
- The business has detailed plans on managing business processes such as record keeping and reporting
- There is a clear focus on education and behaviours demonstrated by detailed theory and practical education and assessments
- That Australian Maritime Safety Authority approvals and documentation for the proposed operation are provided
- There is evidence of landowner consent where a land-based component is required for the proposed operation
- There is evidence of stakeholder consultation for the proposed area of operation
- There is evidence of other authority approvals relevant to the proposed area of operation
- There is evidence of appropriate business insurances.

Additional details for applicants are available in the applicant guide, which provides detail on the application process.

Certain areas in NSW waterways may not be suitable for this type of operation, dependant on waterway conditions and existing usage. Areas where tours are likely to be considered unsuitable include:

- Areas with high levels of non-compliance and incidents
- Areas involving the crossing of coastal bars and operating in open waters
- Areas with high numbers of hazards to navigation
- Areas with high vessel or commercial traffic
- Areas with limited access for emergency response, including communication blackspots.

Areas where tours will not be considered include:

- Sydney Harbour
- Other areas currently closed to the operation of PWC or powered vessels.

APPENDIX A, pg. 2 of 3
Website from TfNSW
regarding regulation
for Personal Watercraft Tours

More information

Proposals under the interim arrangements are currently being accepted for consideration. Approvals given are based on providing an exemption to the existing Marine Safety Regulation.

A revised regulatory framework for these operations will be introduced as part of the Marine Safety Regulation remake, which is proposed to be introduced in 2026. The amended framework will provide businesses with a higher level of business assurance, rights of appeal, clear rules around renewal and transfer. Application and processing fees will apply.

Enquiries and applications can be sent to psaql@transport.nsw.gov.au. To assist Maritime in referring your enquiry on to the most relevant person, please include all details outlined in the [applicant guide \(PDF 151.22KB\)](#).

1. Introduction

Following a successful trial of this type of business model in the Hawkesbury River, Transport for NSW Maritime will enable businesses to conduct supervised personal watercraft (PWC) hire and drive tour operations on NSW waterways, when approved via application up until April 2023. Supervised PWC hire and drive operations will allow people new to PWCs to experience driving a PWC without a licence, under strictly controlled conditions and with qualified tour guides.

Initially, approvals will be given by issuing exemptions to the Marine Safety Regulation and requiring compliance with a Direction Notice. A robust regulatory framework for these operations will be introduced in 2023 and the exemptions will be formalised in the new framework.

By enabling this type of activity, Maritime's intention is to increase the education available to PWC users and ensure key commercial operators assist with growing a safer PWC community that is more aware of their on-water impact and other NSW waterways users.

Education on safe behaviours and safety will be a key component of any tours, while speed and conditions of operation will be restricted and monitored by Maritime. Operators will be required to demonstrate that they have assessed the risks of their proposed business and all necessary safety and control measures implemented to manage the activity within the area of operation.

2. Proposals to conduct supervised PWC hire and drive tour operations

You can submit your proposal to conduct a supervised PWC hire and drive tour operation to NSW Maritime for assessment. Your proposal will need to include:

- Details of the proposed tour operation including:
 - Details of your business (including ACN or document of incorporation, ASIC verifications) and nominated representative for communications.
 - Proposed area of operation.
 - Proposed tour routes and tour durations/timings.
 - Number of PWCs and participants - Suggested maximum of six hire and drive PWCs per tour accompanied by a minimum of two tour guides. Total numbers in use will also be required.
 - Details on proposed tour guides including proposed ratios to participants, experience/training, guide PWCs and any other support vessels to be used.
 - Information on your businesses record keeping and administration.
- Documentation detailing how your business will manage the tour and tour participants in a range of situations that may be encountered on the waterway e.g. controlling speed, controlling safe distance, breakdown, loss of control, irregular riding, accident/incident, emergency communications etc.
- Documentation detailing your businesses focus on education and improving PWC behaviours including:
 - Education (theory and practical) materials (see Appendix A)
 - Facilities/areas for education components
 - Assessments for theory and practical components.

APPENDIX B

Email from Broker at Arthur J. Gallagher's Insurance

Leanne Arscott <Leanne.Arsco...@ajg.com.au>

Reply Reply all Forward

To: Play Hard Jet Ski Hire

Fri 10/11/2023 12:45

Cc: Kirstie Luke <kirstie.luke@ajg.com.au>

AJG-Tourism-Liability-Propos...
973 KB

Hi,

Following on from our phone call, please see below the current policy conditions for Jet Ski Tour Operations. These are non-negotiable with the insurer.

If you can please complete the attached Proposal form and return with your Safety and Risk Management plan etc. Generally we can obtain a quote within 1-2 business days from the insurer.

Jet Ski Tour Operator Conditions

- * Operators of the Jet Skis are 16 plus, but under 16s may be passengers with a parent/guardian.
- * Ratio of guide to participants 1:10.
- * Comply with all relevant state maritime legislation.
- * All risk to have relevant authority to use foreshore area designated.
- * No cover for general hire of motorised watercraft, supervised guided Tours & hire only.
- * Ensure that all participants must complete and sign a medical disclaimer and risk acknowledgement form prior to taking part in any of the activities.
- * Provide all participants with a detailed safety briefing on all the activities being undertaken.
- * Not sell or supply alcohol to any participant or instructor, marshal or official prior to or during any physical activity.
- * Ensure that any participant or instructor, marshal or official who is intoxicated will not be allowed to partake or instruct, marshal or officiate in any activity
- * Ensure that there is a suitably qualified first aider available at all times during the activities, if no such first aider is available then all the activities must cease until such person is available again.
- * Ensure that if You are operating in the remote areas of Australia that:
 - i. You have an emergency evacuation plan in force detailing the route and method of the evacuation;
 - ii. Ensure you travel to areas that have appropriate mobile phone service, otherwise you must carry a satellite mobile phone preferably with a Global Position Satellite Receiver.
- * For the safety of the Passengers You must :-
 - (a) ensure that the Passengers are provided with a safety briefing detailing the areas in which they can safely spectate and any potential hazards associated with the venue and the activities being undertaken;
 - (b) ensure that no Passengers under the age of 18 will be allowed to participate without being accompanied by a parent or responsible guardian
 - (c) ensure that the Passengers are supervised at all times.

APPENDIX C

Letter of consent from Land Owner



27th September 2024

To whom it may concern,

The Illawarra Yacht Club is located at 1 Northcliffe Drive, Warrawong NSW, and is one of two venues owned by the Oak Flats Bowling and Recreation Club Limited.

We have engaged in conversations with Play Hard Jet Ski Hire and support with their goal of furthering education around water and jet ski safety, as well as increasing tourism activities in the Illawarra.

As such, we support their proposal and are happy to consider the use of our venue for Jet Ski hire and water safety training should their proposal gain approval with appropriate authorities, and with appropriate insurances.

Please do not hesitate to contact the club if we can be of further assistance.



Debbie Organ
Chief Executive Officer
Oak Flats Bowling and Recreation Club Limited

APPENDIX D

DPI Fisheries Email about Potential Relocation



Carla Ganassin <carla.ganassin@dpi.nsw.gov.au>

Reply Reply all Forward

To: Play Hard Jet Ski Hire

Sat 5/07/2025 7:04 PM

You forwarded this message on Thu 10/07/2025 6:35 PM

CNR-79498 - DA-2025 132 - ...
513 KB

Hi Malcolm,

Confirming that the relocation of the proposed Jet Ski Tour launch site in Lake Illawarra approximately 100m to the east would not result in any changes to the advice issued by DPIRD Fisheries on this proposal at development consent stage (Our ref: IDA25/47, dated 11 April 2025 - attached). Note that the 'Tour maps and Conditions' document would need to be updated to show the new travel route to the launch site.

Regards,

Carla Ganassin

Senior Fisheries Manager, Aquatic Ecosystems Assessments
Aquatic Assessments, Regulation & Engagement Unit, Fisheries and
Forestry Division
P 0447 644 357 E carla.ganassin@dpi.nsw.gov.au
dpi.nsw.gov.au



**Department of Primary Industries
and Regional Development**

APPENDIX E

IYC SAILING INCORPORATED

SAILING, WINDSURFING AND R.C. YACHTS

Dear Malcolm Barry, Play Hard Jetskis, Illawarra Jet Ski Tours

Thank you for contacting IYC Sailing Incorporated.

In summary: after we consulted with Malcome Barry on the IYC grounds on Monday 7th July we have no objection to the jet ski DA.

In more detail:

We are a separate association to the OFBRC but reside on the grounds of IYC. The windsurfers who spoke against your DA did so as individuals and were not representing IYC Sailing Inc. Nonetheless, they are members, and we now apologize for any inconvenience they have caused. They were speaking from previous experiences between sailors and jet skis, but as you correctly point out, if the members had fully understood your application, including the automatic GPS-triggered 8 km/h speed limitation whilst in front of the club as well as your risk management system, we doubt there would have been any opposition.

We agree that you have thought through many of the issues that may arise and put measure in place to address them.

Our committee was made aware of your submission in April, and we have minutes of our discussions.

We agree to the following:

- Oak Flats Bowling & Recreation Club is the landowner who has given consent for Jet Ski Tours & IYC Sailing to use the facilities of the club for foreshore activities under OFBRC direction.
- Jet Ski Tours are permitted to alternate boarding areas between the east & west sides of the boat ramp under OFBRC direction and our own consultation and ability to share.

The jet skis are GPS-limited to 8 km/h in front of the yacht club until they are well into the lake, so we see no reason for the panel to limit the number of jet skis available per group.

This is an opportunity for a growing number of people to be educated in safe jet ski riding and for OFBRC to keep Illawarra Yacht Club's doors open for all types of watercraft use for the public to enjoy in the club and on the water.

We wish you good fortune with the determination of your submission to Wollongong City Council and look forward to working with you.

Yours Faithfully


IC/2014/02/1/1/00

7/9/2025

Neil Dewey
Director and Treasurer
IYC Sailing Incorporated