

This DA Submission Form must be completed and attached to your submission.

DA No: N0477/16

The Interim General Manager  
Northern Beaches Council  
PO Box 882  
MONA VALE NSW 1660

(Fax No: 9970 1200)



Name: HORSESHOE COVE ASSN INC

Address: P.O. Box 501  
NEWPORT NSW 2106

Phone: 99795371

Date: 24 NOV - 2016

Proposed Development: Construction of mooring pens

At: 1 KALINYA STREET NEWPORT NSW 2106

I have inspected the DA plans and related documents. I have considered them in the context of the relevant planning instruments or policies.

☒ Yes ☐ No

I am willing to provide expert reports to supplement my comments should a conflict in opinion arise.

☐ Yes ☒ No

I am willing to provide evidence to the Land and Environment Court if the application is appealed.

☒ Yes ☐ No

In the interests of public transparency please note that your submission in its entirety will be available to the applicant or other interested persons on request and will also be made available on Council's internet site through Council's transparent Development Application Tracking process. You are encouraged, as is the applicant, to discuss with each other any matters that may be of concern.

COMMENTS: (You may use the space provided or attach a separate document).

ATTACHED LETTER OF OBJECTION

Name: GREG ROSS

Signature: [Signature]

Date: 24/11/2016

PRESIDENT HORSESHOE COVE ASSN INC

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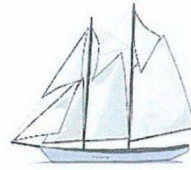
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# HORSESHOE COVE



## ASSOCIATION INC.

PO BOX 501 NEWPORT NSW 2106 PH 99795371

email:horseshoecoveassociation@gmail.com

The Interim General manager-Northern Beaches Council

PO BOX 882

Mona Vale NSW 1660

24 November 2016

Dear Sir,

**OBJECTION TO CONSTRUCTION OF MOORING PENS (DEFACTO MARINA) AT 1 KALINYA STREET  
NEWPORT NSW 2106 DA: No 477/16**

Our association is a registered community Association with Council.

We object strongly to this Development Application on the following grounds:

1. This is not construction of mooring pens but a fully blown marina complex with shore based facilities. The DA shows water and electricity supply. It is calling itself "mooring pens" to try to comply with the W1 zone. This is a Designated and Integrated development. They have no existing use rights over this area.
2. It is in the W1 zone of the Pittwater LEP (2014) and as such is prohibited.
3. The advice from RMS that it satisfies safe navigation is unbelievable. This is the narrowest and perhaps the busiest channel in Pittwater. Watercraft of all kinds use the channel day and night. Vessels exit the Bayview ramp or return to the ramp at all hours. Aerial photos show that the Bayview sand spit is always moving. The RMS advise that the vessels must reverse into the pens- this means that they are reversing at 90 degrees to the general traffic movement. The marina pen size in the documents is 11.25 m long by 4.9 metres wide. These are large vessels and would block the channel when reversing. The area opposite is the ever moving Bayview sand spit-sometimes with shifting sand the channel becomes narrower and shallower. One must ask what will occur at zero tides? If a strong North Westerly wind (sometimes up to 40 knots) is raging, the moorings near the marker pile will swing into the area involved.
4. The fact that they have to get a permit to damage marine ecology is enough to reject the development. This upper area of Pittwater is a fish breeding ground. The statement that the sea grass will recover is totally absurd. Vessels of the size indicated when maneuvering and using thrusters will continually destroy the marine ecology in that area forever.
5. The marina will need extra staff-the current parking situation around the area is terrible-where will the extra staff vehicles be parked?
6. How will the curfew of 12 midnight to 6am the next morning be policed. Over the limit skippers will no doubt elect to stay in the pens overnight- then probably party on. This will cause noise to surrounding residents.
7. The facility will no doubt become a drive by area for vessels requiring alcohol- they will deliver to vessels down the walkway. Will they need to get a liquor licence for the area?
8. Fire control is not mentioned. This area is basically where the Newport Marina fire happened in 2009. Foam is required for boat fires. At the Newport fire, the fire brigade had no access to this area.(Fire report attached).

On the above points, the Applicant must be asked to withdraw his DA.

Gregory Ross- president Horseshoe Cove association.



# The Marine Fire at Newport

On the **22<sup>nd</sup> of July 2009**, a vessel moored at a marina in Newport caught fire. The fire quickly spread to adjoining vessels. Shortly thereafter, these vessels floated out from the marina into the adjacent waterway where they were quickly swept away by a 15 knot north-westerly.

At this stage, at least one of the vessels was secured and towed to shallow water and away from other vessels. However, one of the burning vessels, caught by the strong wind, bore quickly down on a congested mooring area, and set fire to another vessel. As each vessel alight hit another moored vessel, it took less than a minute before the next vessel was ablaze and burning through its own mooring line. Instead of 3 boats ablaze and drifting in the wind, there were very quickly six. Any more and the domino effect would not have been stopped because of the densely packed moorings.

An extremely big thank you is due to all those who responded on the water so quickly. A mix of local residents and marine workers were quickly on the scene and did a fantastic job. The Police and Rural Fire Service boats followed up and did a great job. One by one the burning craft were either forced ashore or caught on other jetties. Much more damage was done along the way. The radiant heat from the fires set fire to other vessels without coming into contact.

When the furthest vessel aflame caught on the work pontoon next to Sirsi's Marina, some 500 metres down Winji-Jimmi Bay, it was a blessing. Had the burning vessel missed this obstruction it would have floated onto the vessels moored at the marina. With the marina being, in effect, a lee shore, there would have been no way of stopping the fire spreading. The houses next door, and downwind, would have been next to go.

A thorough inquiry is needed into this event. It could have very easily turned into a disaster and, in fact, very nearly did.

There are MAJOR issues arising from this incident, not the least of which are:

1. There must be a review of standard initial responses to a fire like this at a marina. When the boats on fire escaped into the bay, with a 15kt wind blowing, it was a recipe for disaster.
2. What type of extinguishant should be available? How much should be available? Water Fire hoses can be next to useless in a situation like this. The fire is too intense. Marinas should have a fire fighting capability commensurate with size and number of vessels berthed there. How can it be delivered to the fire? How good is the access for Emergency services to the marina?
3. **How would marina staff fight and control a fire like this if it was in the centre of a large marina encircled by other vessels with only a narrow access channel between marina arms?**
4. How safe are densely packed mooring areas in a situation like this? Is there an optimum spacing between moorings to minimise the domino effect of a fire like this?
5. Should the NSW Fire Brigade have a major marine presence in congested areas like Pittwater so that it can respond quickly with the correct equipment? In this incident, they were almost completely prevented from assisting until it was too late and almost



over. In a pleasing development, a private initiative seems to be forthcoming in this area.

6. **The close proximity of residential housing to large commercial marinas may dictate special safety requirements for marinas in such circumstances.**
7. What procedures are best in the clean-up phase?
8. Is stormwater pollution from council drains a problem in the cleanup phase?

No doubt there will be many more questions that will arise from this incident.

There must be an open and thorough inquiry into this incident involving the NSW Fire Brigade, the NSW Police, NSW Maritime, commercial marina representatives and local residents' representatives. Such an inquiry should not be used to apportion or assign blame. It should look at all events and possible ramifications after the initial fire began.

In a welcome development, the NSW Fire Brigades has initiated an operational and inter-emergency service review of the events of this day. However, any inquiry needs to be taken to full completion so that policies are developed to produce recommended procedures in case of such emergencies. Training programs need to be developed for all personnel who may be present in such an event. The effective use of all resources available at the time, both mechanical and human, is vital. In a situation like this, even a few minutes can change the outcome dramatically.

The events of this day were significant in many ways, but perhaps the most important of these is that it provides a great learning tool. No operational training exercise could ever be devised to cover as many different individual scenarios as occurred in this single event.

**There will be more boat fires.** Whether they occur in an isolated area, on a marina, or on a vessel in a densely packed area of moorings, they **will** occur sometime. It's not a matter of "if", it's a matter of "when". Let's hope we are better prepared.

Dave Hall-Johnston 10/09/09

Photos below







