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**From:** Wallace Lorimer  
**Sent:** 12/02/2023 11:28:54 PM  
**To:** Council Northernbeaches Mailbox  
**Subject:** DA2022/2152 Submission of Issues of Concern from 40 Rednal Street, Mona Vale  
**Attachments:** DA2022 2152 Issues of Concern from 40 Rednal St Mona Vale.pdf;

**DA2022/2152 - Development Assessment for the attention of Adam Croft, Principal Planner Northern Beaches Council**

Dear Sir,

Please find attached submission dated 9 February 2023 in response to the NOTICE OF DEVELOPMENT dated 9 January 2023 for DA2023/2152.

Thank you for the opportunity to lodge our Issues of Concerns and we look forward to receiving your considered response.

Yours Sincerely,

**W. Lorimer**

Owner of 40 Rednal Street Mona Vale NSW 2103

W. Lorimer  
40 Renal Street,  
**MONA VALE NSW 2103**  
9 February 2023

Development Assessment DA2022/2152 – 122 et al The Crescent, Newport  
Principal Planner  
North Beaches Council  
**PO Box 82 Manly NSW 1655**  
**For the Attention of Adam Croft**

**By email:** council@northernbeaches.nsw.gov.au

**Re: Development Assessment DA2022/2152 – 122 et al The Crescent, Newport**  
**Issues of Concern identified by 40 Rednal Street Mona Vale**

1. This submission is made by 40 Rednal Street, Mona Vale arising from notice by Northern Beaches Council dated 9 January 2023 titled NOTICE OF PROPOSED DEVELOPMENT Application No DA2022/2152.

### **PREAMBLE**

2. DA2022/2152 is provided for the addresses LIC 188424 and Lot 2 & Lot 3 DP 210342 and LIC 407538 and LIC 460612 and Lot 1 DP 503390 and Lot 21 DP 545339 and Lot 111 & Lot 112 DP 556902 and Lot 295 DP 820302 122, 126 & 128 Crescent Road and 55 & 57 The Avenue NEWPORT.
3. DA2022/2152 is described to be the demolition and subdivision of land into 9 lots including tree removal and infrastructure work
4. The Notice of Proposed Development is provided to be ‘Nominated Integrated Development’ and approval is required from the Department of Planning and Environment – Water under s91 (Controlled Activity Approval) of the Water Management Act 2000.
5. The Notice of Proposed Development has been provided to adjoining property Owners and resident to identify issues of concern in relation to the proposed development for Councils consideration.
6. Number 40 Rednal Street Mona Vale is shown on the Notification Map to be located directly opposite the proposed development where Winji Jimi Bay constitutes the shared boundary.



Photograph 1: View of proposed development from 40 and 42 Rednal Mona Vale

7. This review has been prepared after studying then referring to documents that are filed contemporaneously on the Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au) on 9 February 2023.

## **SUMMARY**

8. This review provides nine **Key Issues of Concern** with an emphasis on key community issues:
  - i. **Issue 1** – Verification of the extent of works to be undertaken
  - ii. **Issue 2** – Key high risks associated with the High voltage cables
  - iii. **Issue 3** – The demolition of facilities and structure below the High-Water Mark
  - iv. **Issue 4** – Key High Risks associated with the investigation and subsequent remediation below the High Water-Mark
  - v. **Issue 5** – The Application does not adequately address provisions in the Pittwater LEP (2014)
  - vi. **Issue 6** - The Application does not adequately address provisions in the Pittwater 21 Development Control Plan
  - vii. **Issue 7** – The Application does not adequately address provisions in the Traffic and Transport Assessment
  - viii. **Issue 8** – The Application does not adequately address provisions in the Waste Management Plan
  - ix. **Issue 9** - The Application does not adequately address provisions - Site Suitability and Public Interest with the key High-Risk to public safety

In summary, our view is that the development in its present form including the inferred future development of the commercial marina is inappropriate to the use of the current area in consideration of density, substantial risk to public safety to the immediate residents and infrastructure to the entire northern beaches area, environmental risks associated with the previous commercial marina, the area be properly remediated and that a residential marina not be permitted under any circumstances.

The subject matter of these Issues of Concern need considered by the relevant Authorities is the assessment of DA2023/2152.

## **KEY ISSUES OF CONCERN**

### **ISSUE 1 – Section 3.1 Statement of Environmental Effects (SEE). Verification of the extent of works to be undertaken in Lot 295**

9. The Application provides that the only works proposed within the Crown Lands (Lot 295 DP820302), within the existing marina concrete hardstand is to relocate part of the inter-allotment and council storm water structures within Lot 295.
10. Referring to Drawing CI-0200 Rev C provided in bundle titled Plans\_Stormwater.pdf prepared by BG&E shows a new 225 UPVC line running parallel to the High-Water mark, three sealed pits and a 450 diameter RCP pipe with a new headwall discharging into Pittwater adjacent to the existing vertical slipway. The works appear to be the removal of concrete hardstand and excavation.
11. Please confirm that this is the extent of works contemplated by the Application within the Crown Land Lot.

12. Referring to Drawing CI-0700 Rev A tilted Erosion and Sediment Control Plan indicated that there is no provision to sedimentation control of excavated material entering Pittwater both during and after backfilling the pipes.
13. The Application in Section 3.1 refers to the future DA for the conversion from a commercial marina to a residential marina of 9 berths however does not make provision of the removal the existing plant and equipment including structures below the High-Water Mark.
14. Please clarify the proposed timing and method of this work since the nature of the access under DA2022/2152 appears to prevent such works should the not be done as a prelude activity prior to works commencing on the residential properties

**ISSUE 2 - Section 3.1 and 3.2 Statement of Environmental Effects (SEE). The Applicant has not included the works required to relocate the aerial High Voltage cables over Lot 295 and part of Lot 112 and Section 5.5 of the SEE**

15. Referring to Figures 1, 2, 3, 4, 6 and 7 the High Voltage electrical aerial cables is observed to be suspended over Lot 295 and Lot 112. This is a major infrastructure asset since they are the primary supply of electricity servicing the entire region north of DA2022/2152 up to including Palm Beach.
16. Referring to drawing AD-DA903 Rev D prepared by Scott Carver which has been overlaid by IGS and in Figure 16 in Section 5.5 and Figure 9 the extent of the relocation of the High voltage lines a is limited north of the Foreshore setback.
17. The works associated with the relocation, protection and maintenance of this major infrastructure asset is a major risk for the performance and ongoing operation of the proposed.
18. The Application has not provided the works required to relocate the High Voltage cables over Lot 295 and over a portion of Lot 112 DP 556902 and therefore poses an extremely high level of risk in the provision of services all the community on the northern peninsula.



Photograph 2: High voltage cables (with red balls) over Winji Jimmi Bay and suspended above Lot 295 and 112

**ISSUE 3 - Section 3.2 Statement of Environmental Effects (SEE). No demolition is proposed to existing structures below mean high water mark**

19. Section 3.2 of the SEE proposes that there are no works other than storm water relocation works in Lot 295.
20. Section 3.2 further asserts that the subject commercial marina and associated structure sit largely within land zones for low density residential/environmental living (C4) uses, with the current commercial marina being permitted through an “additional permitted use” Clause under Schedule 1 of Pittwater LEP 2014.
21. Referring to Drawing 11369-001-A prepared by Boxall shows a note “Crown Land License No 460612” however the extent is not shown. Please clarify whether Crown Land License No 4606612 includes all areas below the High-Water Mark including Lot 295 DP 820302.
22. Should the proposed development provide for change in the use of Crown Land then please clarify the proposed Crown Land License Holder or Holders. Whether the Crown Land license Holders be the owners of the Lot 6, 7, 8, and 9 immediately adjacent to the High - Water Mark as shown on drawing AD-DA 903 titles Architectural Envelop Plan. Should the boundaries of the Crown Land License boundaries not be allocated to the boundaries of these Lots, please clarify the basis in which this distribution is permitted which a departure for that is allocated to other waterfront owners.

**ISSUE 4 – Section 4.2.3 SEE Remediation of land and Section 5.4 Acid Sulphate Soils in SEE**

23. Issue is taken with representations made in the Application that contamination and environmental works and environmental management requirements will be subject to a future application.
24. The Application does not provided evidence to demonstrate that a preliminary assessment undertaken for the marina site showing no evidence of any contamination on site.
25. The Application proposes to convert the existing commercial marina to a residential marina of nine berths. This appears to be inconsistent with the representation shown in the Plan Survey pdf Drawing 11369-002 prepared by Boxall, shows a proposal to demolish the existing structures shown to be on Lot 295 and then to redevelop the waterfront with eight berths, eight pontoon jetties, twenty seven piles for two boats that are eighteen metres in length, four boats of twenty metres in length and two boats twenty five metres in length.
26. If the area below the High-Water Mark in both the marina hardstand area and the estuarine area in Pittwater of Lot 295 and other Crown Land areas require remediation arising from likely excess of eighty years, estimated from the historical photographs provided in the Aargus DSI report of the area used as a commercial boatshed and marina. Similarly, the Application has not considered the probability when these works may be necessary since the Aargus investigations did not include these areas.
27. In the matter of the Aargus investigations, as documented in their report Titled Detailed Site Investigation Ref ES8577 where the samples taken near the High-water mark were BH4, 5, 13 and 14. BH 13 and 14 which are located at the boundary of the marine hardstand show results of compliant levels of hydro carbon. However, samples taken from BH13 and 14 showed trace elements of heavy metals. Therefore, an extensive investigation sampling

taken from the below High-Water Mark including the estuarine areas of Pittwater in the areas currently occupies by the marina should be performed.

28. A more extensive investigation should be performed consideration of substantive dredging required to permit the berthing of such large boats as contemplated on Drawing 11369-002.
29. There is high risk to the estuarine environment is likely should the seabed be heavily impregnated with contaminates including hydrocarbons including heavy metals that were used extensively over the years in antifouling of boats and runoff from refueling.
30. On the drawings provided in DA2022/2152, the perimeter of the marina hardstand has been incorrectly identified as a "Concrete seawall". However, it can be observed from Figures 2 from the SEE and the two photographs in the submission provided by the residents of 38 Rednal Street and my own observations from 40 Rednal Street that the seawall is a steel sheet pile construction with a concrete capping beam. I observed these sheet piles being driven and the vertical slipway being constructed over fifty years ago. I observe that the current condition of the sheet piling is significantly degraded because of the twice daily tide changes over that period. The sheet pile walls, when installed was backfilled with material removed from the seabed directly in front to permit the marina berths to be installed. The seabed in this location would have likely contain contaminants from the previous commercial boat building and marine maintenance. Therefore, there is a high probability of contamination in the water resulting from the corrosion of the steel sheeting and the probability of leaching of contaminates in the backfill behind the seawall. Therefore, as part of the remediation process required, there is a high probability that these retaining walls will have to be replaced and there is the risk of releasing further contaminates behind the existing seawall.



Photograph 3: View of corroded steel sheet piling beneath the concrete capping

31. The Application appears not to have considered sufficiently in their application of the high risk of substantial work required to remediate this area for the safety of both the development as well as the significant environmental consequences to the immediate and wide-ranging community.
32. The Application provides in Section 3.1 that their application is an Integrated Development under Section 91 of the Water Management Act 2000 due to the requirement of a Controlled Activity Approval for works within 40m of the Pittwater Waterway. However, the assessors of this application should exhaustively and independently investigate the aforementioned matters prior to making their determination

**ISSUE 5 – Section 4.3 SEE Pittwater Local Environmental Plan (2014) Table 4 Items 2.1, 4.1, 5.7, 7.1, 7.7 and 7.8**

33. Issue is taken that Section 4.3 of the Application has not satisfied that measures of conformance to the Pittwater Local Environmental Plan.
34. Referring to Table 4 of Section 4.3 of the Application we share the comments made by the submission from residents of 38 Rednal Street Mona Vale dated 13 January 2023, referring to their dot points regarding Section 4.3 and residents of 116 Crescent Road Newport dated 14 January 2023
35. Referring to Item 2.1 Table 4 of Section 4.3 of the Application, please confirm that the nine residential Lots are low density and will not be separated or sub-divided further so that each residential Lot become medium density.
36. Referring to Table 4 of Section 4.3 where the Application represents to vary the land use from a commercial marina for No 122 Clad workshop to a residential property designated as Lot 6, however appears to be relying on a foreshore setback provided when the land use was as a commercial marina. Please clarify the basis on which such a waiver to the foreshore setback would be justified and permitted to the proposed Lot 6.

**ISSUE 6 – Section 4.4 and Section 5.3 SEE Pittwater 21 Development Control Plan Table 5 Items B5.13, B5.15, B6.3 and D10**

37. Issue is taken that Section 4.4 of the Application does not appear to satisfy that measures of conformance to the Pittwater 21 Development Plan.
38. Referring to Item B5.13 in Table 5 of Section 4.4, the Application does not demonstrate compliance in DA2022/2152 since the ability to undertake works in the former marina area including Lot 295 since it is integral to the works above the High-Water Mark and Foreshore setback.
39. Referring to Item B5.15 in Table 5 of Section 4.4 and Section 5.3, the Application does not appear to demonstrate major systems flow paths from the development and discharge into Pittwater, the environmental protection of Pittwater therefore the discharge.
40. Referring to Item B6.3 in Table 5 of Section 4.4, the Application does not demonstrate compliance in DA2022/2152, mere asserts that it does.

41. Referring to Item D10 in Table 5 of Section 4.4, the Application does not demonstrate compliance in DA2022/2152, mere asserts that they are able to comply subject to a future submission.
42. Referring to Section 5.3 of the SEE, the Application provides that drainage below the High-water Mark requires future consent from the Crown Lands and asserts without evidence that the proposed works complies to the Council's storm water and drainage policies.

**ISSUE 7 – Section 5.1 SEE Traffic and Transport Assessment and Appendix 5 Traffic & Parking Report**

43. Issue is taken that Section 5.1 and Appendix 5 of the Application does not make provision for the access of emergency vehicles to the proposed properties and importantly access to the future marina development.

**ISSUE 8 – Section 5.6 SEE Waste Management Plan and Appendix 11 Waste Management Report**

44. Issue is taken that Section 5.6 and Appendix 11 of the SEE of the Application appears to a generic plan which does not address the issue of waste disposal for the development and separately facilities to collect, store and dispose waste from the boats berthed in a future marina.
45. The Application should satisfy the proposed method, location of holding tanks and connections to the municipal sewerage system.

**ISSUE 9 – Section 5.7 SEE Site Suitability and Public Interest**

46. Issue is taken in the absence of the critical issues of this proposed development about public interest.
47. Additional to Issues raised as Issues 2 and 4 is the criticality of public safety in relation to the proposed conversion of the marina should be address in DA2022/2152.
48. The issue of public safety is a major consideration to the suitability of the site for the purposes proposed for the development 1222-128 Crescent Road & 55-57 The Avenue Newport including the variation from a commercial marina to a residential marina.
49. There were two significant events that goes to the suitability of residential marina and the consequences of the prevention of such serious events.
50. By example, the major fire event that took place on 22 July 2009 at the Newport Anchorage on Beaconsfield Road Newport.
51. The location of the Newport Anchorage is near towards north-west of this development and can be observed in the upper left-hand corner of Figure 8 in the SEE.
52. Like the proposal for this development, the Newport Anchorage is a residential marina with berths strata to owners, many remote from this area.

53. On 22 July 2009 a boat caught fire which rapidly spread which resulted in nine luxury boats and at least two yachts being where six vessels were destroyed, three badly damaged and damage sustained to various wharfs.
54. Due to limited access and the time for the various Authorities to attend the incident neighbors attempted to tow the burning into open water however due to the wind from the North West the burning boats floated towards Winji Jimi Bay endangering the properties along Rednal Street and spreading fir onto boats moored on some Sirsi moorings. I observed one burning vessel driven against a private jetty on Crescent Road Newport.
55. Attached is a link to a segment taken from Pittwater pathways of the horror experienced by nearby residents and boat owners. [https://youtu.be/ufi\\_iXJ9unl](https://youtu.be/ufi_iXJ9unl)



Photograph 4: Extract of photograph of fire on 22 July 2009 at Newport Anchorage

56. By example, another boat explosion and fire took place on 13 March 2021 at the Newport Anchorage Beaconsfield Road Newport.
57. On 13 March 2021, a person was injured with the yacht sinking after a massive explosion with debris scattered 25 to 35m radius causing surrounding vessels sustaining broken windows and damaged the wharf.
58. Attached is a link to a Channel 7 news extract. <https://youtu.be/zKHjGbCUNdg>
59. This justifies that the proposed development for the change to residential marina be stopped.
60. There are numerous high risks to public safety of having the development as proposed in DA2022/2152 including the provision of a residential marina including but not limited to the following:
- i. The proximity of residential properties to the proposed development even closer than at Newport Anchorage

- ii. The consequences of an explosion and fire to nearby residences and vessels.
- iii. The high risk of the fire rapidly spreading, as shown like the Newport Anchorage fire
- iv. Proximity of the High Voltage supply cables that in a key infrastructure servicing the entire northern beaches area.
- v. The Application shows limited access for emergency vehicles to the marina berthing area
- vi. The Application does not address the provision of emergency fire protection facilities
- vii. Allowing residential berthing which allows boat owners other than those residents that have immediate access to the berthed boats

### **CONCLUSION**

61. As demonstrated by our issues of concern there are several key matters we recommend that should be properly considered by the relevant Authorities during the assessment of DA2022/2152.
62. Notably the high-risk concerns are the:
- i. presence of the key infrastructure of the High voltage cables,
  - ii. thorough investigation with subsequent compliant rectification and remediation below the high-water mark in the areas of the operation of the commercial marina and boatshed business,
  - iii. provision of adequate access for emergency vehicles to all areas of the development including the waterfront,
  - iv. uniformity in limits to building behind the foreshore offset,
  - v. waste management,
  - vi. discharge into Pittwater,
  - vii. the establishment of a residential marina not be permitted due to the significant public safety risks and
  - viii. Including the environmental considerations of people habituating boats in the proposed residential marina.
63. This development provides a rare opportunity to incorporate the restoration of the waterfront and reflect the lessons learnt to promote public safety as well as development which will complement the area.
64. All the same, considering this Application directly affects the wider community in many critical aspects that Northern Beaches Council consider extending invitations for submissions and the closure date.

65. In conclusion, our view is that the development in its present form including the inferred future development of the commercial marina is inappropriate to the use of the current area in consideration of density, substantial risk to public safety to the immediate residents and infrastructure to the entire northern beaches area, environmental risks associated with the previous commercial marina, the area be properly remediated and that a residential marina not be permitted under any circumstances.
66. Thank you for the opportunity to provide, hopefully a balanced factual contribution and I look forward to hearing further on the progress of this matter.

Yours Sincerely

W. Lorimer

Owner of 40 Rednal Street Mona Vale 2103