
Sent: 3/05/2021 10:17:10 AM

Subject: FW: Northern Beaches Local Planning Panel Notice DA2020/1587

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3 May 2021.

Attention: Northern Beaches Local Planning Panel.

DA2020/1587

Construction of a ramp, pontoon and stabilizing piles

Dear Panel,

Further to my email to Mr Gareth David on 14 April and our agents BFF submissions to council on 2/2/21 and 12/2/21.

Our concern relates to proper access to our designated berthing area.

Access to a berthing area to moor a vessel is achieved by entering one end of the berthing area and not by approaching at right angles to the berthing area. In our case access to our designated berthing area is from the east, hence any vessel moored at this proposed pontoon will hinder access to our berthing area .

The TfNSW Marine assessment has no doubt been made on the basis of no vessel being moored at the proposed pontoon at any time. (please note embellishment of the TfNSW Maritime assessment from “no navigational concerns” to read the Council Assessment report “the jetty will not have navigational impacts on surrounding properties or impact berthing abilities”).

It is worth noting that with a vessel moored in our licensed berthing area and a vessel moored in 51 Beaconsfield St berthing area it would be extremely difficult for a vessel to approach and moor at this proposed pontoon without risk or damaged to vessels in the adjoining approved berthing areas. There appears to be some misunderstanding in the Council Assessment report when Mr David states that the “proposed jetty is not for the berthing of vessels” yet the Applicant has stated in various responses that the pontoon will not be used for permanently berthing vessels (see response 3/2/21 and 14/2/21) . This is a very important distinction. Crownland defines permanent berthing as berthing for periods of 6hrs or more and limits the size of vessels to the defined area of the licensees berthing area. In the case of the proposed pontoon with no designated berthing area there appears to be no Crownland restriction other than vessels cannot be moored for more than 6 hours .

We therefore support Condition 7 of the Assessment Recommendation *No approval is granted under this consent for a berthing area. No vessels, including small watercraft, are to be berthed adjoining the approved ramp or pontoon.* We note that Council has not used the term Permanent Berthing and we understand that Condition 7 prohibits the berthing of Vessels at this pontoon at any time and for any length of time no matter how short . We also note that this will be difficult for Council to enforce and note that Mrs Boyle (29/4/21) has “strongly objected to any policing” of a no berthing condition.

Our objection relates to vessels berthed at this pontoon so if Council can enforce a no berthing at any time condition on this pontoon then we would withdraw our objection .

Thank you for considering our comments .

Yours Faithfully,
Grant and Alex Simmer

References Document Extracts

Mr David Assessment report 29/4/21 Executive Summary

The proposed jetty is not for berthing of vessels, only for the launching and retrieval of small vessels.

The objections relate to the size and need of the ramp and pontoon, the visual impact of the structure, inadequate frontage size for waterway development, the proposed use of the structure and the impact of the structure on the safety and berthing ability of surrounding water craft. The main issue being the proposal interfering with the berthing abilities of the adjoining jetties. TfNSW (Maritime) have reviewed the layout are satisfied that the jetty will not have navigational impacts on

surrounding properties or impact berthing abilities.

3/2/21 Response of Applicant

The submission wrongly asserts there will be a berthing area seaward of the proposed pontoon, and this is drawn on an aerial photograph included in the submission. No berthing area is proposed as the owners of No.51a are well aware there is not the waterway for a permanent berthing area in front of their proposed pontoon. The pontoon is for launching and retrieving small craft, not permanently berthing a vessel.

14/2/21 Response of Applicant

The application does not include a berthing area to store vessels as required by Crown Lands for the berthing of vessels in any Licence for private waterfront structures. The owners of 51A do not intend berthing a vessel and are quite accepting of a condition of consent stating no vessel is to be permanently berthed at the pontoon.

6/5/20 TfNSW Maritime assessment

We advise that an inspection/assessment has been conducted by the local Boating Safety Officer and there are no navigational concerns regarding the designated proposal.

29/4/21 Submission of Supporting Neighbour Mrs Boyle with secondary access to proposed Pontoon structure.

The application clearly states that there is to be no permanent berthing area and there is strong objection made for the need for "policing" of this and access to Mr Simmer's jetty will be severely hindered.

29/4/21 Recommendation Condition 7

No consent for berthing area

No approval is granted under this consent for a berthing area. No vessels, including small watercraft, are to be berthed adjoining the approved ramp or pontoon.