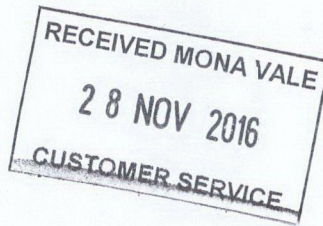


This DA Submission Form must be completed and attached to your submission.

DA No: N0477/16

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

(Fax No: 9970 1200)



Name MARTIN PAYNE & LYNN LOVEDAY

Address 39 BEACONSFIELD ST
NEWPORT NSW 2106

Phone 0446 97769

Date 28/11/2016

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).

Please see attached Objection Reasons

MARTIN PAYNE

28/11/2016

Name: LYNN LOVEDAY

Signature:

Date: 28/11/2016

Disclosure of Political Donations and Gifts (sec 147 EP&A Act 1979):

Please read the information concerning political donations and gifts disclosure available at www.pittwater.nsw.gov.au/political and, if relevant, tick the box below and provide details of the donation or gift on the disclosure statement available on Council's website:

I have made a political gift or donation

☒ N/A

Notice of Objection to DA N0477/16

Northern Beaches Council

Proposed Development: Construction of Mooring Pens

My partner, Lynn Loveday and I wish to submit our objection to the above development application.

We are submitting our objection as residents at 39 Beaconsfield Street, Newport who regularly use Pittwater and the channel from Old Mangrove Bay to Pittwater travelling directly in front of the proposed mooring pens.

We are also submitting our objection as owners of a marina berth at Newport Anchorage Marina.

The reasons for our objection are set out below:

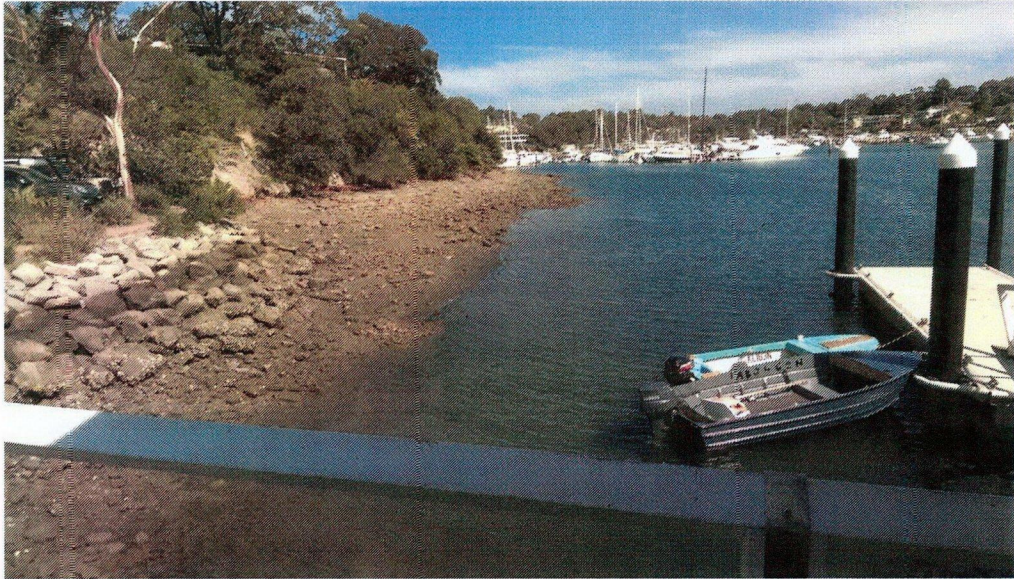
1) Statement of Environmental Effects**a) Failure to define maximum berthing area:**

- i) The Statement of Environmental Effects fails to identify the maximum berthing area for a vessel in respect of the proposed mooring pens. The development application is in effect an application only for the mooring pens and fails to apply for the maximum berthing area permitted for a vessel. There is no restriction as to the maximum length, width and depth of a vessel that may use the proposed mooring pens. It is not proposed in the development application that the maximum length of a vessel that may use a mooring pen is limited to the maximum length of that pen which is 11.25 metres or that the maximum width of a vessel that may use a mooring pen is 4.9 metres. No consideration is given to the maximum draft of a vessel wishing to use a mooring pen.
- ii) If the development application was granted without a restriction as to the maximum berthing area vessels in excess of the dimensions of a mooring pen could use the mooring pens. Vessels in excess of the dimensions of the mooring pens could include vessels greater than 11.25 metres and with a width exceeding 4.9 metres. For example a vessel 17 metres in length (55 feet) or a catamaran (multi hull vessel) could use a mooring pen. Such vessels may have a draft greater than the available draft of the mooring pen at low tide. No consideration has been given by Roads & Maritime Services as to whether there is a navigational issue in respect of a vessel using the mooring pens that may exceed the maximum length, width & depth of the proposed mooring pens.
- iii) The proposed signage for the mooring pens does not indicate the maximum length, width or draft of a vessel that may use the mooring pens.

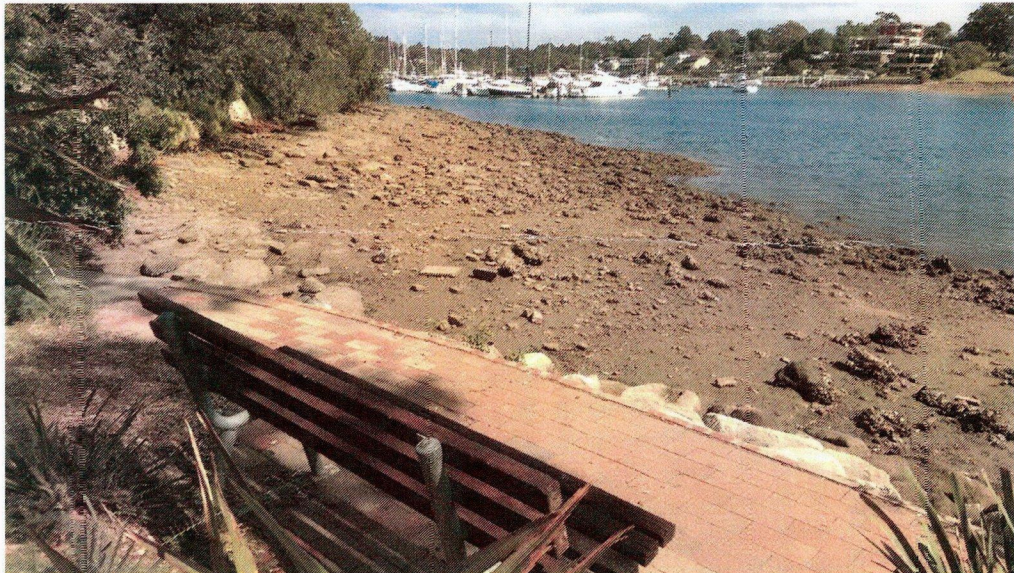
b) Failure to determine depth of water available under mooring pens:

- i) No independent report has been provided which determines the available depth of water under the proposed mooring pens at differing tide levels. Below are two photos showing the depth of water at low tide in the exact location of the proposed mooring pens. Both photos indicate the depth to be very low and probably less than 1 metre at low tide.

ii) Picture 1



iii) Picture 2



- iv) Failing to determine the depth of available water under the proposed mooring pens may mean dredging is required to accommodate a vessel at low tide. Failure to determine whether dredging is required is a major oversight of the Statement of Environmental Effects and must be determined before any further consideration is undertaken as to whether the proposed site for the mooring pens is suitable as a berthing area.

c) Failure to determine navigational hazards:

- i) The Statement of Environmental Effects and the Report from the Roads & Maritime Services fails to identify and consider the following navigational hazards within the immediate vicinity of the proposed pens:
- (1) The public wharf directly adjacent to the proposed mooring pens which is used by both public and private vessels. Public and private ferries use the public wharf at all times to convey passengers in and around Pittwater including transport to and from Scotland Island by school children. Water access for a vessel to and from the public wharf is either directly in front of the proposed mooring pens or through their proposed location. It is not possible to determine whether water access is

through the proposed location of the mooring pens because their exact location is not marked with poles or guides on the foreshore.

- (2) Newport Anchorage Marina which has in excess of 64 mooring pens used regularly and at all times of the day and night and is located directly adjacent to the proposed mooring pens including water access to the marina passing directly through or in front of and adjacent to the proposed mooring pens.
 - (3) Private marina in respect 83 Beaconsfield Street, Newport for berthing six (6) vessels located between Newport Anchorage Marina and the proposed mooring pens.
 - (4) The convergence of three (3) narrow channels directly in front of the proposed mooring pens and being the navigational channels to access Winnererremy Bay, Winji Jimmi Bay and Old Mangrove Bay.
 - (5) The navigational hazard of Bayview Park which extends to a sand bank directly in front of the proposed mooring pens.
- ii) The convergence of the combined navigational effects of the above hazards at all times poses extreme risk of accident with and to vessels entering and leaving the proposed mooring pens and particularly at night and at low tide and more so when it is night and low tide.
 - iii) The aerial photo of Pittwater below shows the convergence of the channels and the number of vessels already accessing those channels.
 - iv) Photo 3



d) Failure to take into consideration weather:

- i) Strong westerly winds exceeding 40 knots roar down Pittwater many times a year and particularly during Winter. These winds cause significant danger to vessels navigating the channels directly in front of the proposed mooring pens because vessels moored adjacent to the channel are blown into the channel thereby reducing the navigable water available for a vessel to move along the channel. The Statement of Environmental Effects and the Roads & Maritime Report both fail to identify and consider the navigational effects of these winds upon the narrow channel directly in front of the proposed mooring pens and in particular when the winds are combined with low tide, night and higher use of the channel such as on public holidays, weekends, Christmas and New Year.

2) Report from Roads and Maritime Services

a) Failure to provide reasons:

- i) The Report from Roads and Maritime Services simply submits an opinion without providing any reasons for its opinion and fails to identify that it has taken into consideration any of the navigational issues outlined in points 1 (a), (b), (c) and (d) above.

3) Failure to identify exact location of proposed mooring pens

- a) In view of the need to determine the exact location of the proposed mooring pens as regards how they may affect others vessels using the adjacent channels and the depth of the water under the proposed mooring pens it is submitted the applicant should be required to erect identification poles and makers outlining the exact location of the proposed mooring pens for a trial period so that the public may determine and access the navigational risks.

4) Excessive casual berthing stay

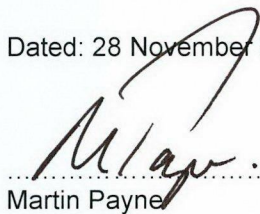
- a) It is proposed that a vessel may casually use a proposed mooring pen daily from 6 am to 12 midnight. There is no maximum length of stay a casual vessel may use a proposed mooring pen. The only purpose for which a vessel may wish to use a proposed mooring pen is to access The Newport Hotel. If the development application is granted it is submitted a reasonable maximum length of stay should be determined for any vessel remaining in a proposed mooring pen.
- b) It is further submitted if the development application is granted and if it is determined a reasonable maximum length of stay is required then that maximum length of stay should also be included on the proposed signage.

5) Public Interest

- a) It is submitted that Council should consider the public interest of minimising navigational risks on Pittwater against the desire for additional mooring pens. There is already many casual and permanently available vacant mooring pens in and around The Newport Hotel. For example both Rowell Marine and Newport Anchorage Marina have available casual mooring pens that may be used by a vessel who may wish to access The Newport Hotel. It is submitted there is a very high risk of an incident involving death or injury because of the numerous navigational risks associated with accessing the proposed mooring pens in such a heavily used channel with minimal turning and spacing. This high risk of death or injury in our opinion is unnecessary when compared with the minimal benefits of granting the development application.

For the reasons outlined above we submit the development application as lodged must be rejected.

Dated: 28 November 2016



Martin Payne



Lynn Loveday