
Sent: 26/11/2024 6:29:50 PM

Subject: DA2024/1409 - 122A Crescent Road Newport - Submission from W. Lorimer - 40 Rednal Street MONA Vale

Attachments: DA2024 1409 Issues of Concern from 40 Rednal St Mona Vale.pdf;

Dear Mr. Nick England,

In response to your invitation dated 25 October 2024 to submit objections with regard to DA2024/149 LIC 188424 and Lot 295 DP 820302 122A Crescent road Newport my provide the attached submission.

Please acknowledge your receipt and I look forward to your ongoing correspondence on the progress of this matter.

Regards

W. Lorimer

40 Rednal Street, Mona Vale NSW 2103

W. Lorimer
40 Rednal Street,
MONA VALE NSW 2103
25 November 2024

Development Assessment DA2024/1409 – 122A Crescent Road, Newport
Principal Planner
North Beaches Council
PO Box 82 Manly NSW 1655

For the Attention of Nick England

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

Re: Development Assessment DA2024/1409 – 122A Crescent Road, Newport
Issues of Concern identified by 40 Rednal Street Mona Vale

1. I make this submission as the Owner and Occupier of 40 Rednal Street, Mona Vale arising from notice by Northern Beaches Council dated 21 October 2024 for 122A Extension of Jetty Facilities at Crescent Road Newport.

PREAMBLE

1. DA2024/1409 is described to be a proposal to reconfiguration the existing marina to a nine (9) berth marina and subdivision into eight (8) lots including: concept building envelopes for boat sheds on proposed Lots 5 and 6; associated landscaping and demolition; and extension to an existing seawall and associated land reclamation being Nominated Integrated development.
2. The proposal is 'Integrated Development' and approval is required from the Department of primary Industries (Fisheries) under s 201 (dredging or reclamation work) of the Fisheries Management Act 1994
3. 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: 24 November 2024 view of development from 40 (Left hand side) and 42 Rednal St Mona Vale

4. 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 on 9 February 2023.

SUMMARY

5. This review provides five **Key Issues of Concern** for DA2024/1409 with an emphasis on key community issues:
 - i. **Issue 1** – Key high risks associated with the High voltage cables
 - ii. **Issue 2** – The demolition of facilities and structure below the High-Water Mark
 - iii. **Issue 3** – Key High Risks associated with the investigation and subsequent remediation below the High Watermark
 - iv. **Issue 4** – The Application does not adequately address provisions in the Pittwater LEP (2014)
 - v. **Issue 5** - The Application does not adequately address provisions - Public Interest with the key High-Risk to public safety

In summary, our view is that:

- The 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,
- The provision of ACHAR with specific reference to the existing backfilled area behind the existing seawall and the seabed,
- That a residential marina is not permitted under any circumstances and any waterfront development must strictly comply with the Council Development Control Plans (DCP) for residential jetties.
- The number and density of the proposed concentration of highly inflammable vessels is a major fire safety risk that area has recently experienced and therefore the development in its present form is not to be permitted under any circumstances.
- The number and length of the jetties associated with this development to be restricted to one per waterfront property to match the surrounding area.
- This development does not set a discriminatory precedent to waterfront owners.
- The subject matter of these Issues of Concern is strongly recommended to be considered by the relevant Authorities is the assessment of DA2024/1409.

KEY ISSUES OF CONCERN

DA2024/1409 ISSUE 1 - Section 5.7 and 5.8 Statement of Environmental Effects (SEE). The Applicant has not included the works required to relocate the aerial High Voltage cables over part of Lot 5 in Figure 2, Photograph Figure 5, Photograph Figure 17, Photograph Figure 19 of the SEE

6. Referring to Figures 2, 5, 17 and 19 the High Voltage electrical aerial cables are observed to be suspended over part of Lot 5 and the proposed boatshed as observed on the Master Set. This is a major infrastructure asset since they are the primary supply of electricity servicing the entire region north of DA2024/1409 up to including Palm Beach.

7. Referring to the submission for DA2022/2151 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.
8. 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.
9. The Application has not provided the works required to relocate the High Voltage cables over Lot 5 and therefore poses an extremely high level of risk in the provision of services all the community on the northern peninsula.



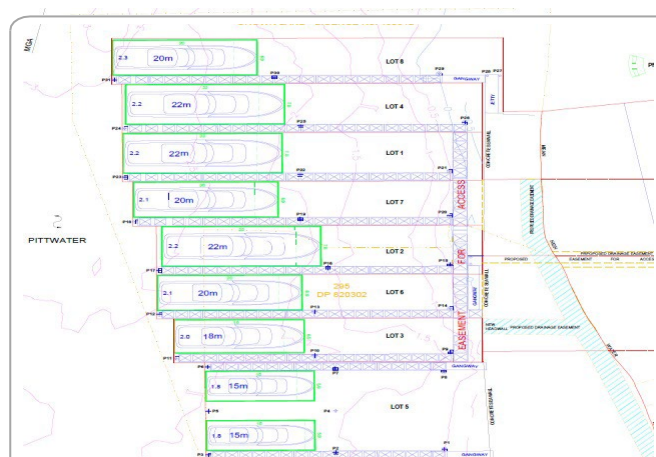
Photograph 2: High voltage cables (with red balls) over Winji Jimi Bay and suspended above Lot 5



Photograph 3: High voltage cables over Winji Jimi Bay and over the proposed Lot 5

DA2024/1409 ISSUE 2 - Section 3.2 Statement of Environmental Effects (SEE). No demolition is proposed to existing structures below mean high water mark

10. Section 4.3 of the SEE proposes that there are no demolition works other than the existing commercial marina facilities with the removal of 46 existing piles and pontoon, only with the vertical slipway and boat ramp and those adjacent to Lot 21 DP54339.
11. Section 4.3 provides that the existing concrete handstand and sheet pile sea wall will be retained.
12. I observed the construction of the sheet pile seawall over fifty-five years ago and I observe the condition of the sheet metal pile wall to be severely deteriorated, appears to be near to or exceeding its economic life with the residue from its rusting diurnal tidal immersion in the seawater polluting the water.
13. 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.
14. 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 5, 6, 7, and 8 immediately adjacent to the High -Water Mark as shown on Master Set Detail Plan LD-D612 [4] and SEE Figure 1 Approved Subdivision Plan (DA2022/2152)
15. If the boundaries of the Crown Land License boundaries are not allocated to the boundaries of these Lots, please clarify the basis in which this distribution is permitted and which a departure for that is allocated to other waterfront owners.
16. Similarly, issue please clarify the responsibility for the seawall and the section of Winji Jimi Bay for Lots 1, 2, 3, 4, 5, 6, 7 and 8 of DA2024/1409.
17. Please clarify that Lot 5 has two pontoon fingers and berthing facilities of more than 2 vessels having 15 metre length, Figure 2 Original and revised Marina Layout in the SEE.



Extract Part of Figure 2 -Original and Revised Marina Layout of SEE

DA2024/1409 ISSUE 3 – Section 4.2.3 SEE Remediation of Land and Section 5.4 Acid Sulphate Soils in SEE

18. I take issue with representations made in the Application that contamination and environmental works and environmental management requirements will be subject to a future application.
19. The Application does not provide evidence to demonstrate that a preliminary assessment undertaken for the marina site showing no evidence of any contamination on site.
20. 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 Master Set prepared by Scott Carver.
21. I observe that Mr. Gus Habeeb of Paragon Engineering Pty Ltd dated 15 July 2024 was unable to determine the existence of a permanent wall and is unable to verify its structural integrity, providing:

“There appear to be sheet piling along the sea wall as shown in Figure 2. Due to limited access, we were unable to verify the existence of a permanent wall. Therefore, confirmation of the sheet piling being a sacrificial wall is crucial as it appears to be deteriorated. Otherwise, assessment of the sheet piles will be required to determine its remaining useful life. “
22. 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 provided in the submission for DA 2022/2152.
23. Further evidence is provided in the aerial photographs taken in 1955, 1965, 1975, 1986, 2005 and current provided in the Report Due Diligence Aboriginal Archaeological Assessment dated October 2023 the site was. Similarly, the Application has not considered the probability of when these works may be necessary since the Aargus investigations did not include these areas in DA 2024/1409.
24. In the matter of the Aargus investigations in DA 2022/2152, 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 hydrocarbon. 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 occupied by the marina should be performed.
25. A more extensive investigation should be performed in consideration of substantive dredging required to permit the berthing of such large boats as contemplated on Drawing 11369-002.
26. 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.

27. The proposed berthing of large vessels in the density and in the orientation perpendicular to the existing shoreline will mean a continuous disturbance to the seabed cause contaminant to be released into the waterway effecting Pittwater with extended areas depending on currents, tidal flow and suspension characteristics of the contaminants.
28. The Application ignores an assessment on the environmental impact of the berthing vessels the disturbance of the heavy metal and hydrocarbon contaminants that have been deposited on the seabed during the operation of the previous commercial facilities.
29. The Application ignores that extended historical usage of the original marina as a commercial boat repair establishment and dense berthing facility by seeking to transfer the lease and extend the lease area to a private residential developer who intends to subdivide this lease area.
30. On the drawings provided in DA2022/2152 and in DA2024/1409, 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 for DA2022/2152 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-five years ago. I observe that the current condition of the sheet piling is significantly degraded because of the twice diurnal tide changes over that period. The sheet pile walls, when installed, were backfilled with material removed from the seabed directly in front to permit the marina berths to be installed.
31. The seabed in this location and the adjoining areas would have deposits of 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 contaminates in the backfill behind the seawall. T
32. 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 contamination behind the existing seawall.
33. The Application DA2024/1409 does not address the demolition and replacement of the boat lift portion.



Photograph 4: View of corroded steel sheet piling beneath the concrete capping including the small boats ramp and boat lift section



Photograph 5 Close-up view of existing seawall showing deterioration including holes in the sheet piling and the existing boat lift section

34. I take issue with Table 9 Clause 7.2 *Earthworks* in Clause 5.3.2 Pittwater Local Environmental Plan 2014 providing “*No earthworks or excavation is proposed. Piling will be required for the new piles proposed*”, since a new seawall is required in front of the existing boat lift section and earthworks are required to backfill and consolidated behind the new seawall.
35. The Applicate does not appear 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.
36. The Applicant 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 afore-mentioned matters prior to making their determination.
37. I observe from the report provided by Horton Coastal Engineering Coastal Pty Ltd prepared by Mr. Peter Horton in Section 7 “RISKS OF DAMAGE TO PROPOSED INFILLED SEAWALL AND MITIGATION OF THOSE RISKS” provides:
- “It will be necessary for the seawall infilling to achieve a good interlock between the existing and new steel sheet piles. As part of detailed design, the structural engineer should check that the condition of the existing seawall is satisfactory and that the proposed sheet pile embedment is satisfactory allowing for scour of the seabed as advised by a coastal engineer, with an appropriate allowance for corrosion of the*

sheet piles over the design life. There should also be an allowance for drainage through the seawall to relieve groundwater pressures, unless designed assuming fully saturated ground conditions.

Materials for the seawall should be selected that are inundation compatible and suitable for the marine environment. Any concrete structures or components should be generally designed in accordance with the requirements of Australian Standard AS3600 – Concrete Structures and steel structures or components should be designed to conform with Australian Standard AS4100 – Steel Structures. The requirements of Australian Standard AS4997 - Guidelines for the Design of Maritime Structures should also be considered”

38. I observe from the report provided by Horton Coastal Engineering Coastal Pty Ltd prepared by Mr. Peter Horton in Section 8.4 “Chapter D15.18 of Pittwater 21 DCP, in the criteria listed Item I, ii, iii and iv provides:

“i. where possible, maintain the curvature of the existing shoreline;

ii. incorporate low profile walls, battered or stepped back from the foreshore wherever practicable, with a maximum recommended height of 1 metre above mean high water mark. (1.5 metres AHD);

iii. constructed of or faced in rectangular shaped sandstone, being either dressed or roughcut in order to promote a uniform treatment along the foreshore. Alternative building materials, such as reconstructed sandstone concrete blocks or similar, which reflect a sandstone character shall also be suitable, particularly where greater structural strength may be required. Materials such as timber, concrete (including nylon mattress structures) gabions or other materials not in keeping with the character of the area shall not be permitted. Concrete/nylon mattress structures may be suitable for public drainage and associated bank stabilisation works where it can be demonstrated that such structures will not detract from the visual amenity of the locality.

iv. only clean fill is to be used behind sea walls.”

39. I observe and support the submission made by Mr. Michael Gray for DA2024/1409 dated 4 November 2024 should be consistent with the Council DCP for residential jetties and the remainder of the waterfront in this area (i.e. sandstone block wall).
40. This material indicates that the existing deteriorating steel sheet pile seawall be demolished including the small boats ramp, integral piers around the boat lift pen including existing backfill material and then replaced in its compliant alignment maintaining the curvature of the existing shoreline (Mean High water mark shown on drawings by Scott Carver in the Plans – Master Set) with a suitable sandstone seawall which incorporated the gaps formed by the current small boats ramp and boat lift and backfilled with clean fill, all in compliance to Chapter D15.18 of the Pittwater 21 DCP.
41. The Applicant to mitigate the impact of the adverse effects that this development, to provide an environmentally sustainable land use suitable to the current area.
42. The seabed, which is affected by the historical usage of the commercial boat repair facilities, be fully remediated to statutorily defined compliant levels.

DA2024/1409 ISSUE 4 – Section 5.3.2 SEE Pittwater Local Environmental Plan (2014) Clause 2.3 of Table 9

43. The Applicant has not satisfied those measures of conformance to the Pittwater Local Environmental Plan.
44. Clause 2.3 of Table 9 in Section 5.3.2 Pittwater Local Environmental Plan 2014 of the SEE provides:

“The proposed usage as a marina is permissible with development consent in the W2 – Recreational Waterways zone and otherwise permissible under the Resilience and Hazards SEPP. The proposed development is consistent with the objectives of the zone and will continue to be used as its existing usage. It is consistent as it will allow for water-based recreation and protect the ecological and recreational values of the waterway at the site. The proposed development will not adversely impact on the enjoyment and use of the waterway or adjoining land. “

45. The representations made in Clause 2.3 of Table 9 in Section 5.3.2 Pittwater Local Environmental Plan 2014 SEE does not correspond to the submission made by Mr. **Philip Huon** of 2/2 -2 King Avenue Balgowlah dated 13 November 2024 referring his submission providing:

*“.....During this time, I have been able to utilise all the water between the existing moored boats on the marina and my berth.
This mooring is extremely challenging to access and exit, particularly during west or northwest and south and southwest winds. The difficulty is exacerbated by the fact that navigable water is only available on the western side and entry and exit are limited to tides above 0.7 meters.
Exiting and entering the mooring in these winds requires ample space to turn the boat, as there is no room for error. Any encroachment on this water may result in grounding on the shore and could cause considerable damage to my yacht and endanger its crew.
I have been sailing for over 60 years and in my experience, it is imperative to always have sufficient room to carry out manoeuvres at low speed compared to high speed and low speed is required when entering and exiting my mooring.
I also am concerned at the encroachment out into the bay that will affect navigation of other craft and make it very difficult for the bay to be used for recreation and training for various water sports.”*

46. The representations made in Clause 2.3 of Table 9 in Section 5.3.2 Pittwater Local Environmental Plan 2014 SEE does not correspond to the submissions made by **Mr. Andrew Fraser** resident of 114 Crescent Road Newport dated 6 November 2024 referring providing:

“With regard to the above application, I have grave concerns as to the extent the proposed jetties would protrude into the navigable channel of this already narrow bay. At the moment, with two vessels approaching each other from opposite directions, there is barely sufficient room for them to pass safely due to the proximity of nearby existing wharves and boats on swing moorings. The existence of the proposed jetties, in particular the two northernmost larger ones, would, I believe create a dangerous situation for skippers and any other watercraft in the vicinity. My other concern, among others, is the citing of the northern jetties on council land at the end of The Avenue,

a parcel of land which should be preserved for public use and available for the community for recreational purposes such as being able to launch a kayak or similar small craft into Pittwater.”

47. Provided here is an Aerial photograph of the site and boundaries Figure 4 of the SEE, where the RED line is the Site Boundary, the BLUE line the Lot Boundary and the dotted yellow line the License Area – Crown Land



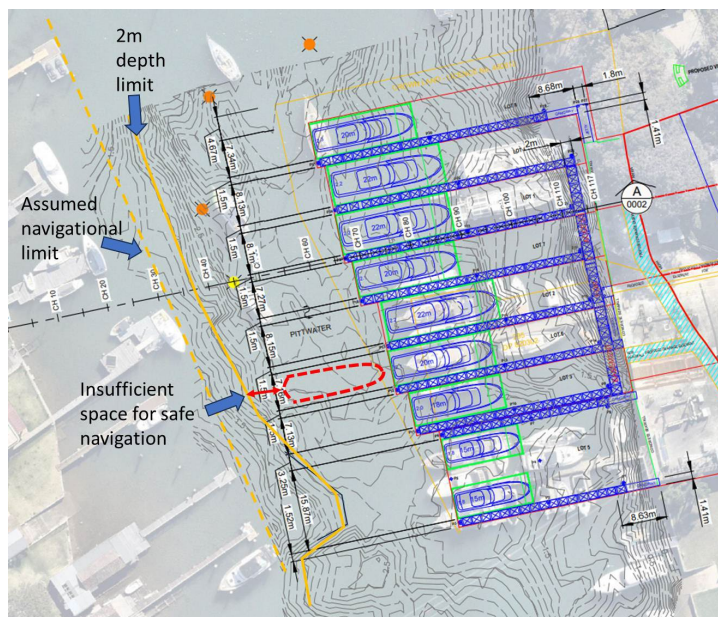
48. The representations made in Clause 2.3 of Table 9 in Section 5.3.2 Pittwater Local Environmental Plan 2014 SEE does not correspond to the submissions made by **Ian** and **Caroline Ward** residents of 48 Rednal Street Mona Vale dated 4 November 2024 referring their submissions under the subheadings in :

- *Marina size.*
- *Waterway navigation and*
- *Marina Navigation*

49. I make note from the submission made by Mr. and Mrs. Ward regarding their paragraph titled “**Waterway Navigation**,” since 40 Rednal Street is positioned in the pinch point of the narrow-restricted navigation portion directly opposite the proposed development, as provided on their photographic representation:



50. Similarly, I make note from the submission made by Mr. and Mrs. Ward regarding their paragraph titled **“Marina Navigation”**, since 40 Rednal Street is positioned in the directly opposite the proposed development, have a high probability of collision with my wharf facilities from one of the 20 m vessels attempting to reverse and turning, especially when couple with high winds and current as provided on their photographic representation:



51. The representation made in Clause 2.3 of Table 9 in Section 5.3.2 Pittwater Local Environmental Plan 2014 SEE does not correspond to the submission made by **Michael** and **Marian Gray** residents of Rednal Street Mona Vale dated 4 November 2024 referring his submission under the subheadings in:

- *Summary*
- *Compatibility with Waterway Character*
- *Environment*
- *Responsibility and Continued Maintenance*
- *Compliance with Council DCP*
- *Ownership and Crownland Consent*
- *In conclusion*

52. Taking into consideration that 40 Rednal Street will suffer as a consequence of the proposed development, I extract from the submission made by Mr. and Mrs. Gray regarding their paragraph titled Compatibility with “**Waterway Character**” since the wharf length of 40 Rednal Street is positioned is excess of some seventy years ago, with the wharf replace in the same position is about 1989, directly opposite the proposed development, as provided on their photographic representation:



53. This aerial photograph clearly depicts the excessive the excessive encroachment in Winji Jimi Bay as well as extending the commercial marina footprint in the order of 50% more towards the northwest.
54. The excessive encroachment is unsafe for waterway traffic, and a major property boundary encroachment effecting the properties along Rednal Street.
55. The limit of the wharf development should not be determined by vessel length berthed perpendicular to the shore but restricted to the jetty alignment of the adjacent properties with jetties restricted to one wharf for each water adjoining property in compliance with all the waterfront residential properties in the area.
56. The proposed development is no longer a commercial marina, so therefore, it should be restricted to residential usage, just like everyone else.
57. I further observe the comments made by Mr. and Mrs. Gray regarding the lack of consultation under the ACHAR (Aboriginal Cultural Heritage Assessment Report).
58. I observe from the Aboriginal Due Diligence Assessment prepared by Mr. Marco Silva of the Prue Newton, Steven J. Vasilakis and Benjamin Streat Report dated October 2023 in the section titled “Recommendations”:

“In accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW 2010b), it is recommended that further archaeological and cultural assessment is necessary in the form of an ACHAR, as the proposed development zone is located within 200m of waters. Dependent on the design and location of development activities within the study site, archaeological test excavation may be required in accordance with Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010a).

- *Further assessment is required in the form of a full Aboriginal Cultural Heritage Assessment Report, including full Aboriginal community consultation in accordance with Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010c).*
- *A program of archaeological investigation may be required. This should be guided by a methodology produced within an ACHAR which should include a site survey to identify areas of archaeological potential and may result in a recommendation for systematic, subsurface archaeological test excavation in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010a), or an AHIP if appropriate to establish the nature and extent of any archaeological objects and/or deposits that are/may be present “*

59. I observe in Section 4.4 Disturbance Factors in the Aboriginal Due Diligence Report Assessment prepared by Mr. Marco Silva of the Prue Newton, Steven J. Vasilakis and Benjamin Streat Report dated October 2023 that the seabed area of the proposed development including the area that has been filled behind the existing steel sheet piling falls into the definition of disturbed lands, considering the deposits to the seabed as a consequence of the activities that took place whilst the land was occupied by the commercial boatshed and maybe classified as Major Disturbance Level 8 providing:

“Land is disturbed if it has been the subject of a human activity that has changed the land’s surface, these being changes that remain clear and observable. Examples include ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure and construction of earthworks).

This definition is based on the types of disturbance as classified in The Australian Soil and Land Survey Field Handbook (CSIRO 2010). The following is a scale formulated by CSIRO (2010) of the levels of disturbances and their classification”

60. I observe in Section 4.4.1 Disturbance Summary in the Aboriginal Due Diligence Report Assessment prepared by Mr. Marco Silva of the Prue Newton, Steven J. Vasilakis and Benjamin Streat Report dated October 2023 provides:

“Background research indicates that past European land use has led to extensive land clearing for residential, and commercial development. The study site fronts and extends into Winji Jimmy Bay which runs into Pittwater. Based on the 19th century map and early to late aerial photographs no major foreshore remediation occurred which minimises the level of disturbance. However, by the mid-20th century, the marina was constructed with a wharf, ramp and pontoon that extended out from the foreshore. The two current residential buildings on Lot 1 were constructed by 1955 and the current residential buildings on the remaining allotments were built by 1965. By 1975 the wharf was expanded on, and a second pontoon was established. The study area has undergone significant disturbance due to the excavation, grading, and levelling required for the construction of the marina and residential houses, however, a large portion of the site is yard space, and the houses are all original with all but Lot 21 being built on isolated pier footings.

In light of this, and in the context of the information provided about the land use of the site, its proximity to a high order watercourse - Pittwater and five registered shell, artefact, midden and shelters and thus likelihood for the presence of subsurface Aboriginal Cultural Heritage Material, the following has been predicted”

61. I observe in Section 5.2 Recommendation and Heritage Management Plan in the Aboriginal Due Diligence Report Assessment prepared by Mr. Marco Silva of the Prue Newton, Steven J. Vasilakis and Benjamin Streat Report dated October 2023 provides six recommendations and considering that I have observed that the Applicant has already completed demolition and commenced excavation on the property inland of the seawall however DA2024/1409 does not provide material to confirm that these recommendation had been executed prior to demolition and excavation commencing.

62. The representations made in Clause 2.3 of Table 9 in Section 5.3.2 Pittwater Local Environmental Plan 2014 SEE does not correspond to the submission made by Mr. **John Turnbull SC** dated 28 October 2024 referring his submission under the subheadings in:

- Paragraph 1
- Paragraph 2
- Paragraph 3 (a), (b), and (c)
- Paragraph 4

- *Concluding paragraph*

63. The representations made in Clause 2.3 of Table 9 in Section 5.3.2 Pittwater Local Environmental Plan 2014 SEE does not correspond to the submission made by **Mike Franklin** dated 26 October 2024 referring his submission under the subheadings in:

- *Paragraph 1*
- *Paragraph 2*
- *Paragraph 3 (a), (b), and (c)*
- *Paragraph 4*
- *Concluding paragraph*

64. I support the submission provided by my neighbors and share their concerns.

65. The representations made in Clause 2.3 of Table 9 in Section 5.3.2 Pittwater Local Environmental Plan 2014 SEE does not correspond to the submission made by **Jeanette Vizzard** of 54 Rednal Street Mona Vale providing:

“My concerns relate to the overly large extension of the jetties which will encroach on the waterways. I live opposite this site in Rednal Street, Mona Vale and use this stretch of waterways as do my neighbours, surf clubs and dragon boats and many others. There is enough congestion in the area as it is. The scale of the jetties is not in keeping with the surrounds. I am also concerned that with the large vessels that are to use the proposed jetties, an unavoidable disturbance of the seabed will occur.”

66. I support the submissions provided by my neighbors and share their concerns.

67. Referring to Table 9 of Section 5.3.2 the Applicant represents to vary the land use from a commercial marina that has existed since in the excess of eighty years where water usage, traffic, population density, boat storage, mooring were significantly less and spare land use to in 2024 with a substantial change in water usage, denser vessel storage and mooring, larger vessels, population density, greater awareness of safety and environmental sustainability.

68. Inspection of Figure 2 of the SEE shows that the amount of encroachment into Winji Jimi Bay is for top maximize the commercial aspects for the sale of the development properties, arguing that since there is an existing commercial marina, a substantially higher density of watercraft storage can be exploited.

69. Inspection of Figure 2 of the SEE argues that the extent of encroachment into public space of Winji Jimi Bay is justified to accommodate vessels up to including 22 metres, however the Application does not impose restrictions of length. Where the default size of the vessel is claimed to be restricted by its draft.

70. The Applicant provides that the development is for 9 vessels of lengths varying from 15 metres to 20 metres.

71. The Application appears that this number of vessels will be discretionary, the actual number, six and draft is arbitrarily chosen by the owner or operator of the jetty.

72. The Application does not apply a restriction to the type of vessel, length, width, freeboard and draft.
73. With the discretionary selection of the lengths and number of vessels that can be berthed on these finger wharfs, the number of vessels can become in excess of 18 vessels coupled with ancillary watercraft.
74. The Application providing for 9 vessels is distorted and deceptive.
75. The draft for these vessels that the Applicant has assumed are not reliable since the impact of draft and seabed grounding is dependent on wave fetch, which can be significant and extreme tides are experienced especially when that is a concurrency of floodwater in the Hawkesbury River, heavy seas preventing tidal flow at the Palm Beach Head land and heavy rainfall flowing into Pittwater.
76. I observe in the Estuarine Management Risk Report prepared by Mr. Peter Horton dated 26 July 2024 submitted by Horton Coastal Engineering Pty Ltd in Section 6.2 “Wave Action” providing a wave height of 0.460 metres provided as:

“Cardno (2015) estimated that the 100-year ARI wave climate in the region covering the site was a significant wave height of 0.46m (average of the highest one-third of waves) and mean wave period of 1.8s (or peak spectral wave period of 2.5s assuming a 1.4 multiplier)”.
77. This will indicate that the draft of the vessels proposed by the Applicant to be excessive for the minimum tidal depth.
78. I have observed this situation on several occasions, the most severe I recall was during the heavy rains causing floods flowing down the Hawkesbury River coupled with extremely heavy seas over a week.
79. The orientation of the vessels to be berthed perpendicular to the seawall is only selected the developer to maximize commercial opportunity which provides substantially denser berthing than each berth restricted to the width of the immediately adjoining land lot.
80. The Application does not apply restriction to the size a small ancillary watercraft, their berthing and storage.
81. The Application does not address the criticality of access to fire fighting and emergency services to such a dense concentration of high inflammable material both incorporated into these pleasure vessels as well as store of fuel.
82. The Application does not provide a storage facility for waste and wastewater from the vessels.
83. The Application provides for a development which is excessive, contrary to the character of the area and inconsistent with the statutory residential controls

84. The density of these berthing finger caused additional light and noise contamination not conducive to the levels currently enjoyed by all residences in the area
85. The Application fails to address the control and enforcement of these controls including fire safety.
86. Therefore, contrary to Clause 2.3 of Table 9 of Section 5.3.2 of the SEE Pittwater Local Environmental Plan the proposed development will adversely impact on the enjoyment and use of the waterway or adjoining land.

ISSUE 5 – Section 5.12 Public Interest

87. I take issue in the absence of the critical issues of this proposed development about public interest.
88. The issue of public safety is a major consideration to the suitability of the site for the purposes proposed for the development in variation from a commercial marina to a residential marina which the Applicant intends to subdivide.
89. There were two significant events that go to the suitability of residential marina and the consequences of the prevention of such serious events.
90. Example 1, the major fire event that took place on 22 July 2009 at the Newport Anchorage on Beaconsfield Road Newport.
91. The location of the Newport Anchorage is near towards north-west of this development and can be observed in the lower right hand corner of the Figure 2:Aerial view of the site (in red and yellow as per Figure 1) on 30 August 2018 Figure 2 in the Estuarine Risk Management Report prepared by Horton Coastal Engineering dated 26 July 2024.
92. Similar to the proposal for this development, the Newport Anchorage is a residential marina with berths strata to owners, many remote from this area.
93. 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.
94. 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 northwest 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.
95. 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_iXJ9unI



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

96. Example 2, another boat explosion and fire took place on 13 March 2021 at the Newport Anchorage Beaconsfield Road Newport.
97. 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.
98. Attached is a link to a Channel 7 news extract. <https://youtu.be/zKHjGbCUNdg>
99. This justifies that the proposed development for the change to residential marina be stopped.
100. 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 density and size of the risk of a fire source from highly inflammable material composing a pleasure craft and the stored inflammable fuel.
 - iii. The lack of an integrated management system from procuring the relevant emergency authorities and procedures during and following the event.
 - iv. The consequences of an explosion and fire to nearby residences and vessels.
 - v. The high risk of the fire rapidly spreading, as shown like the Newport Anchorage fire
 - vi. Proximity of the High Voltage supply cables that in a key infrastructure servicing the entire northern beaches area.

- vii. The Application shows limited access for emergency vehicles to the marina berthing area
- viii. The Application does not address the provision of emergency fire protection facilities
- ix. The Application does not address the operation of emergency facilities.
- x. The Application does not address the maintenance of these emergency fire protection facilities.
- xi. Allowing residential berthing which allows boat owners other than those residents that have immediate access to the berthed boats without a responsibility.

CONCLUSION

101. As demonstrated by my key issues of concern, I recommend that should be properly considered by the relevant Authorities during the assessment of DA2024/1409.

102. 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. marine vessel waste management,
- vi. discharge into Pittwater,
- vii. the establishment of a residential marina is not permitted due to the significant public safety risks and
- viii. Including the environmental considerations of people habituating boats in the proposed residential marina.

103. In accordance with the Recommendations provided in the Aboriginal Due Diligence report dated October 2023, please complete assessments required for an ACHAR coupled with the required consultation with regard to the area immediately behind the existing seawall and the environmental impact caused by the deposit of contaminants from the commercial usage of the boatshed as a consequence of disturbance to the seabed arising from continuous vessel activity berthing at the proposed finger wharves.

104. This development provides a rare opportunity to incorporate the remediation of the waterfront from the environmental damage caused by the previous use as a commercial boat repair and storage facility.

105. Reflect the lessons learnt to promote public safety as well as development which will complement the area.
106. 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.
107. 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.
108. Thank you for the opportunity to provide 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