

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

EPC 104

DA No: NO477/16
Name PETER ICKLOW
Address PO Box 439
GORDON 2072
Phone 94995066
Date

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

(Fax No: 9970 1200)

Proposed Development: CONSTRUCTION OF MOORING PENS

At: 1 KALINYA STREET NEWPORT 2106

I have inspected the DA plans, 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).

SEE ATTACHED DOCUMENT:
2 Page Letter from Dominion Air Services P/L
dated 15/11/16 objecting to this
14 berth marina.

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

Please read the information enclosed concerning political donations and gifts disclosure 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

Name: PETER ICKLOW Signature: [Signature] Date: 15.11.16



MONARCH
LEADERS IN LAND & PROPERTY SINCE 1955

15th November 2016

The Interim General Manager
Northern Beaches Council
PO Box 882
Mona Vale NSW 1660

Dear Sir/Madam,

Re: DA N0477/16 Construction of Mooring Pens
The Newport Hotel, Kalinya Street, Newport NSW

We strongly object to the development as detailed in the abovementioned DA. This development has the potential for disaster due to its proximity to the adjoining Newport Anchorage Marina at 79-81 Beaconsfield Street Newport and we strongly urge Council to reject the application.

We are the owners of Berth 26 at Newport Anchorage Marina. Patrons of The Newport Hotel regularly trespass on our private marina to dock their boats and gain access to the pub, often damaging our property in the process. Because of this, we understand the need for a marine solution for patrons of The Newport Hotel however we don't believe a 14 berth marina is the best solution.

Following are some of the reasons we object to this application and strongly urge Council to reject it:

- Although we see that RMS in their letter dated 4 July 2016 have said "*there are no navigational concerns regarding the designated proposal*" we strongly disagree. The proposed development reduces access to the channel used by boats entering and leaving Newport Anchorage Marina. Navigation of that channel can be difficult without the added obstacle of boats protruding into the channel, and larger boats potentially blocking that access. We regularly see boats struggling with the channel and it is particularly evident in windy conditions.
- The primary purpose of this DA is to provide access to The Newport Hotel for its patrons. Although we understand that skippers should be responsible when in charge of a vessel we are concerned that skippers of boats using the proposed marina will have been drinking and will have impaired faculties to commandeer their vessel.
- Our berth at Newport Anchorage is closest to the proposed development. We are concerned at the potential for damage to our property caused by irresponsible manoeuvring by patrons of the proposed marina, particularly as they may well be inexperienced with the local waterways and under the influence of alcohol (at whatever level). As we do not live on our vessel we are concerned that our property will be damaged and the offending vessel will sail away without reporting it and without accepting liability.

The Monarch Investments Group of Companies

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- The proposed development, with no permanents, would see up to 14 boats coming and going constantly and at all hours. That volume of traffic, particularly vessels that are not regulars and are not familiar with the conditions, is far too much traffic so close to Newport Anchorage Marina.
- The noise from patrons arriving and departing from the proposed marina will affect our quiet enjoyment of our property.
- The proposed underwater dock lights will affect our enjoyment of our property when we are on our vessel at night.
- We do not understand why the hours of use for the proposed marina are different to the pub hours. Can you please explain that?
- The DA mentions "*private and public use subject to booking with The Newport*". We fail to see how it will be for public use if there is a requirement to apply to The Newport for prior approval? That clearly indicates private use only.
- We believe a single arm would be sufficient to provide patrons of The Newport Hotel with suitable access to and from the pub. Alternately, the pub could hire existing local swing moorings and provide their patrons with a tender service.

As Council have been forewarned about the potential for property damage and accidents if this DA is approved, Council may well be in a position of liability should we, or any other owners at Newport Anchorage Marina, sustain personal or property damage as a result of the actions of patrons of the proposed development.

We strongly urge Council to reject this application for the reasons mentioned above and because it would affect the quiet enjoyment that we are entitled to, as owners at Newport Anchorage Marina. Should approval of this development be granted, we advise Council of our intention to challenge the development through the courts.

Yours sincerely,

DOMINION AIR SERVICES PTY LTD | ABN 97 001 159 262



Peter Icklow

Director

peter@monarchinvestments.com