
From: Damian Huon
Sent: 27/11/2024 5:17:55 AM
To: Council Northernbeaches Mailbox; Damian Huon
Cc: James Huon
Subject: TRIMMED: DA2024/1409 - 122A Crescent Road Newport Residential Jetty
Attachments: Letter from Damian Huon to council Final vrs.docx;

Attention: DA Admin Team
(Officer in Charge: Nick England)
Northern Beaches Council

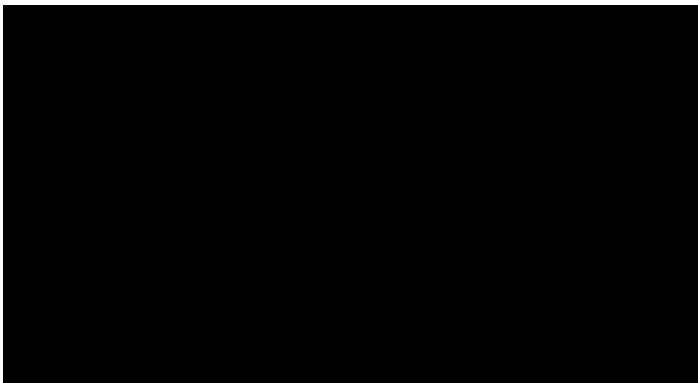
Dear Nick,

I am the owner and occupier of 50 The Avenue Newport and I am writing to object to the above-mentioned development application, *DA2024/1409*
Please kindly confirm receipt of this letter.

Please do not hesitate to contact me should you need anything further.

Thanks

Damian Huon



Damian Huon
50 The Avenue
Newport NSW 2106

21 November 2024

Mr Nick England
Northern Beaches Council
By email: *council@northernbeaches.nsw.gov.au*

Re: **DA2024/1409 - 122A Crecent Road Newport Residential Jetty
Facilities**

Dear Nick

I am the owner and occupier of 50 The Avenue Newport and I am writing to object to the above-mentioned development application, *DA2024/1409*.

I have several concerns about the proposed development, including .

1. Navigation impact to my berthing area adjacent to my property;
2. Use of the public waterway adjoining The Avenue road reserve not being in the public interest;
3. Scale of the development not being in character with the residential setting;
4. The Vista point;
5. Increased risk of navigation collision in the bay; and
6. Impact on Trees

Navigational impact

The picture below is 'Figure 18' from the applicants 'Statement of Environmental Effects' (page 18)	The image below is a <u>current</u> aerial view from the government site SIX Maps
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The berthing area at 50 The Avenue, seen directly to the north of the proposal, was first installed in around 2010, and specifically designed for my father (now 79 years old) to berth his yacht, 42 foot Jeanneau, Meridian. In consultation with a Marine planner, Ian Souter, and Council, the design took into account the existing pattern of development on the waterfront and Council's policies to provide access using the waterway to the south for safe entry and exit to the berth from the channel in all weather conditions.

The image below depicts the typical navigation inwards (yellow) and outwards (blue) from the berthing area.



It is evident from above that the proposed application will unfairly impact the safe navigation of my father's access to the berth. Unlike our transient use of the public waterway, the development proposes a permanent structure adjoining public land off The Avenue which would interfere with navigation.

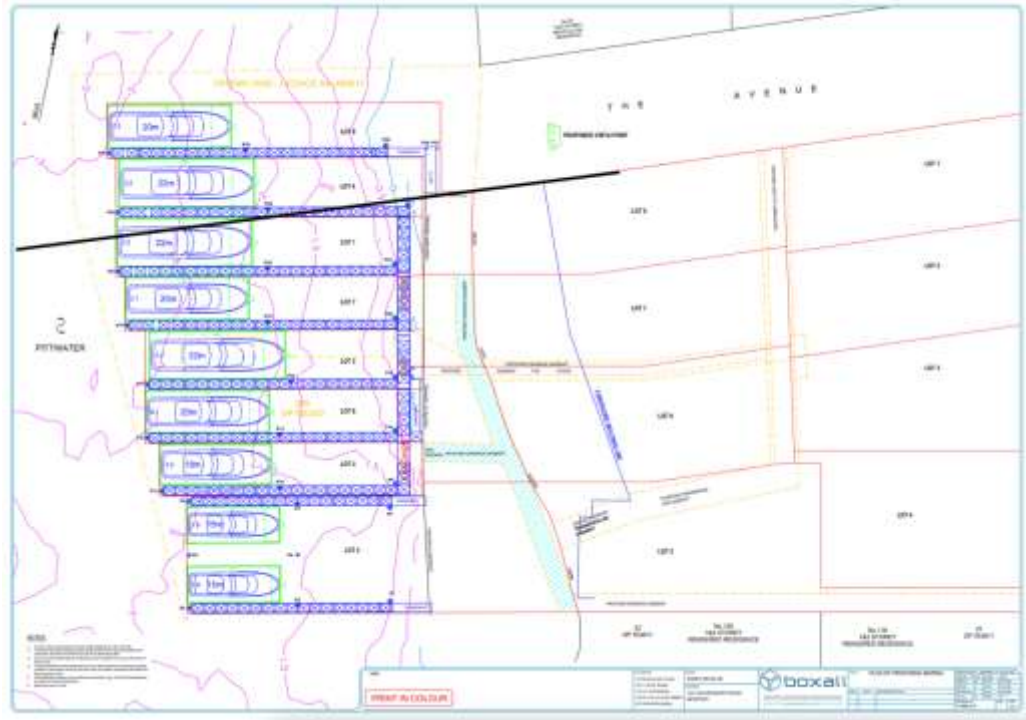
Notwithstanding that the application refers to an Australian Standard for navigational allowances in the 'Navigation Impact Assessment' there is no consideration in that report of the effect of:

1. Variable wind and weather impacts on navigating a yacht in adverse conditions;
2. Tide and depth limitations of the surrounding waterway;
3. The required turning circle of a 42 foot yacht, and the general safe manoeuvrability a 42 foot yacht; and
4. The safety of my father and fellow passengers.

Unlike the writer of the report, who simply states the standard, we have experience navigating this particular yacht over this waterway into this berthing area in a variety of conditions. Experience confirms access will be affected by the proposed development.

Use of the public waterway adjoining The Avenue road reserve not being in the public interest

It would appear to me that granting approval for use of the waterway directly adjacent to a public reserve for private use, to an individual developer to profit from, is grossly at odds with the public interest. Accordingly, the extent of the marina development should not protrude any further north from the lateral limit of the adjoining lot, lot 8, being the northernmost portion of the proposed subdivision of land. This limit is depicted by the black line in the image below.



I note this would be consistent with the general pattern of development in the bay and the Council's development control plan - specifically Pittwater Development Control Plan, Section D, D15 (Waterways Locality) - D15.15 Waterfront development control, which states that berthing area must meet the following criteria:

- there is sufficient clearance from prolongation of adjoining boundaries (i.e. a minimum of 2.5 metres)
- designed and located to enable efficient and safe manoeuvring without impinging on adjoining neighbour

In this circumstance the public road reserve is the adjoining boundary, accordingly the application must stay within the lateral limits of the lot 8 boundary.

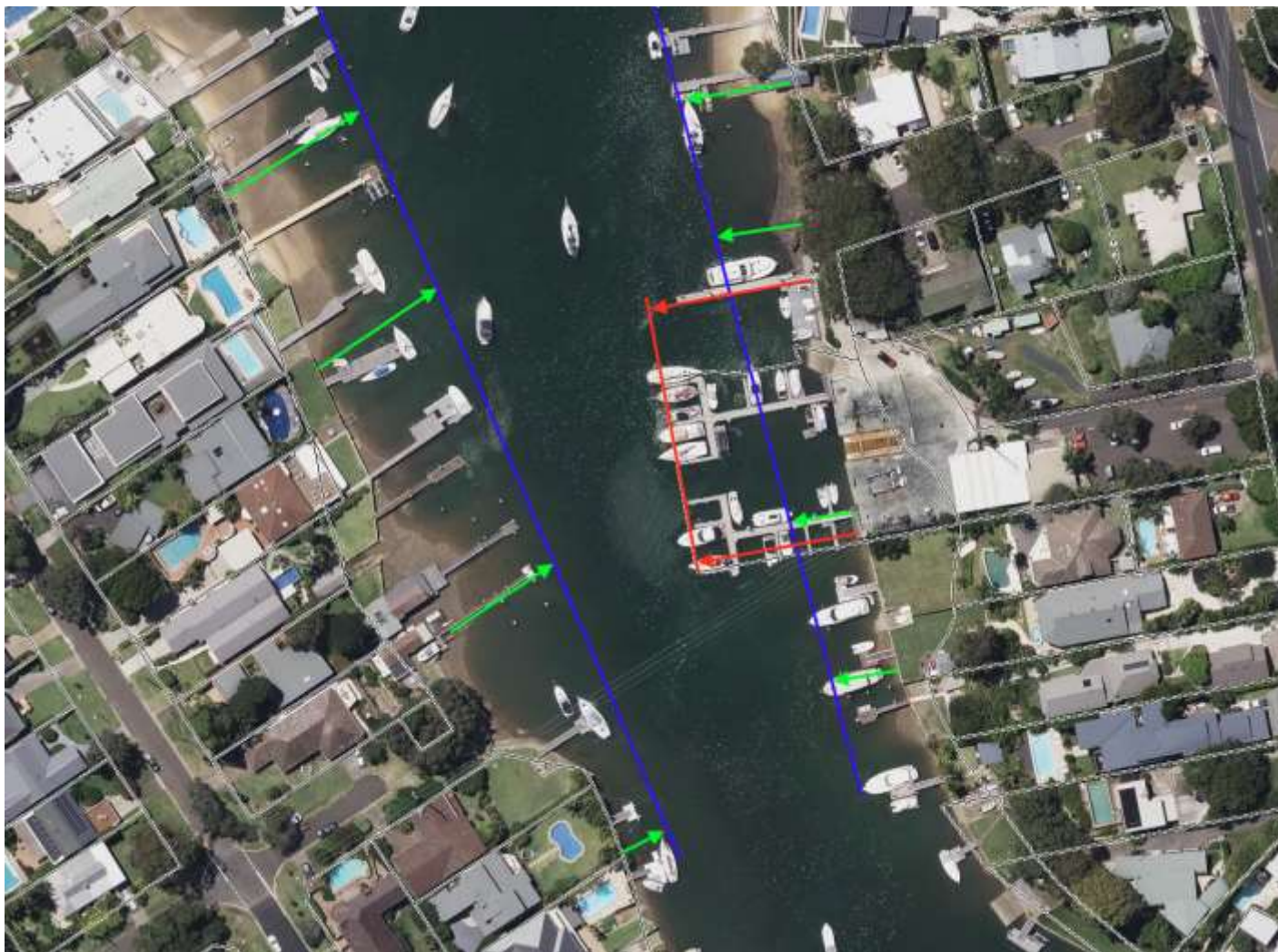
Scale of the development not being in character with the residential setting

I refer to Pittwater Development Control Plan, Section D, D15 (Waterways Locality) - D15.15 Waterfront development control

And note the application fails to comply with the following controls :

1. The maximum dimension for berthing areas perpendicular to shore shall be 5 metres x 9 metres in accordance with Diagrams 3A and 3B.
2. Structures blend with the natural environment. (S)
3. Structures are not detrimental to the visual quality, water quality or estuarine habitat of the Pittwater Waterway. (En, S)
4. Structures shall generally be no greater in length than existing structures, and shall not impede general navigation or equitable access or use of the waterway by adjoining landowners. The length of any jetty is to be minimised. (Diagrams 2A and 2B). Note existing structures must refer to other residential properties and as the commercial lease for Sirsi marina has been terminated there is no grounds to compare the new application to the old 'commercial marina'.

The Council should therefore continue to require compliance with its good and proper residential planning controls as listed. If it required the applicant to do so, the marina structure for the application would sit within the blue lines and not protrude into the red zoned area as marked in the diagram below:



The Vista point

It is unclear what is intended by the “Vista Point” shown on The Avenue road reserve. To the extent it is intended to show a vantage point from which the public will view the waterway, these views will clearly be impacted by the extension of the berthing area in front of the road reserve, which should remain clear, and by the cumulative bulk and scale of the marina structure

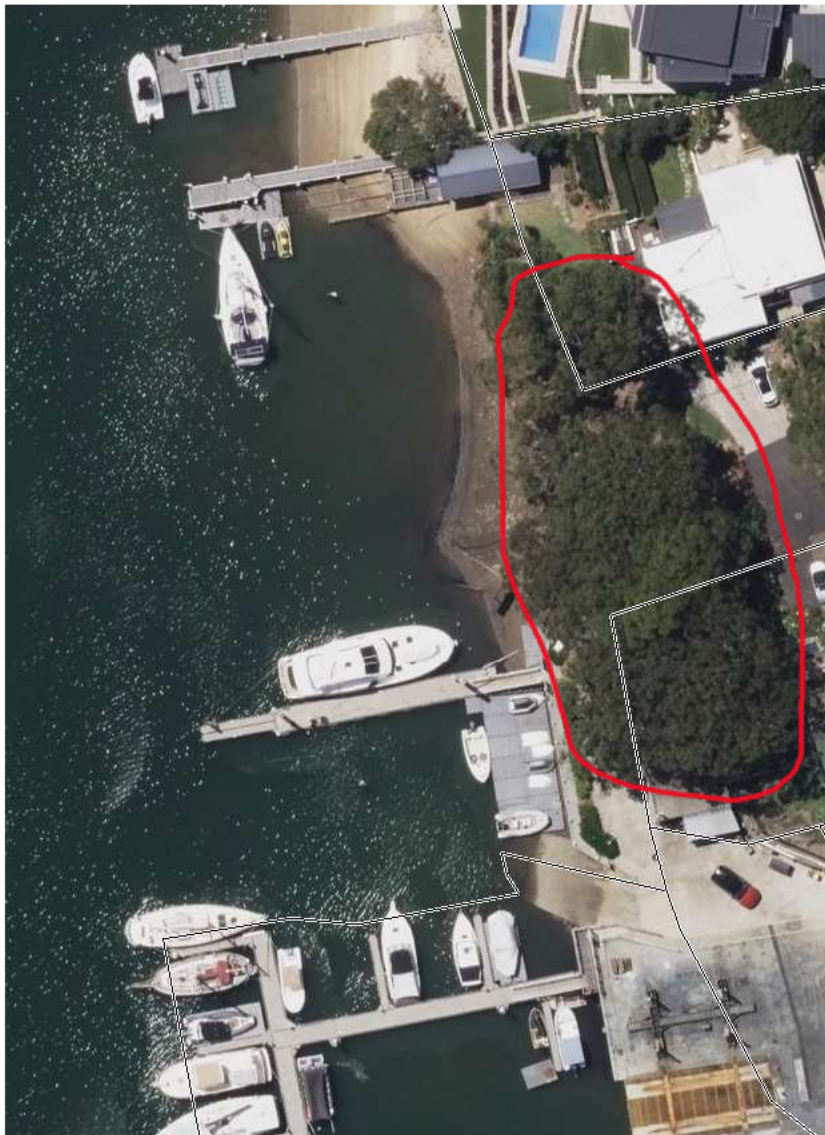
To the extent it is to reflect some more substantive development, any structure in this location will impose an impact on navigation of cars into and outwards from the driveway at 50 The Avenue. If a Vista point is a requirement of the application, the developer should be responsible for locating the proposed vista point exclusively on their land therefore once again not profiting for public land.

Increased risk of navigation collision in the bay

It is understood from discussions with maritime that whilst the developer has relinquished the moorings as part of obtaining approval to modify the marina that those moorings will be re-allocated to the public. Whilst there has always been a long waiting list of public moorings and I support the redistribution of the moorings to the public, there must be overall consideration to large vessel navigation to the proposed site with all of the navigational impacts specifically considering the re-assignment of moorings. I note the surrender of moorings is required by the Council's DCP Section D, D15 (Waterways Locality) - D15.15 Waterfront development control and it should not be assumed that the moorings can simply be removed, as the application appears to suggest.

Impact on Trees

There is a healthy stand of gum trees on the Northern end of the subject site (see below), with an abundance by bird life that should not be disturbed in anyway under the development proposal. This natural stand of trees is unique to the southern end of Pittwater, accordingly there should be a higher emphasis on retaining such rich bushland.



Nick, if you have any questions or would like to meet to discuss any element please do not hesitate to contact me [REDACTED]

Thanks
Damian