

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 LEON NIKOLAIDIS

Address 4 PRINCES ST

NEWPORT

Phone 0412 555573

Date 29. 11. 16.

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).

OBJECTION & REASONS ATTACHED

RECEIVED MONA VALE

30 NOV 2016

CUSTOMER SERVICE

Name: LEON NIKOLAIDIS Signature: [Signature] Date: 29. 11. 16.

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

☒ NIL.

Notice of Objection to DA N0477/16

Re: Application for construction of mooring pens – Lot 1 DP 72587, Lot 1 DP 527172

1 Kalinya Street, Newport (the Proposed Marina)

We refer to your notification dated 27 October 2016 of the proposed marina.

As Newport waterfront residents of some 34 years, we have observed firsthand the significant boating traffic passing through the narrow waterway to the west of the proposed marina and as boat owners with many decades of motor boat and sailing experience we oppose the proposal because it will create a major navigational hazard.

The reasons are set out hereunder:

- 1) The proposal involves the construction of a 14 berth marina with dimensions of 67.2 metres (200 + feet long) and 14 metres (46 + feet wide) capable of accommodating vessels of more than 50 feet in length.
- 2) The proposed marina is at the narrowest and busiest part of Pittwater, in an area which can be described as the gateway to Pittwater and beyond.
- 3) The narrow channel to the west of the proposed marina services traffic of more than 200 moored and berthed boats to its south, including 2 commercial marinas and a motor boat club. Furthermore, there are many hundreds of boats that access Pittwater daily during peak periods via the Bayview launching ramp complex, all of which rely on and are entitled to enjoy a clear, unobstructed and safe access to Pittwater and beyond via the narrow channel to the west of the proposed marina.
- 4) The waterway adjacent to the proposed marina is extremely busy, particularly during weekends and public holidays in the summer period, at a time when the usage of all the berths at the proposed marina would be at its busiest. It is not uncommon for vessels, some of which are large and with limited manoeuvrability, to converge into the channel adjacent to the proposed marina from Winnererremy Bay, Winji Jimmi

Bay, Old Mangrove Bay and Newport Anchorage, heading north on one side of the channel passing vessels travelling south on the opposite side of the channel.

- 5) The channel adjacent to the proposed marina, between the starboard channel marker and the proposed marina, is less than 45 metres in width. This width is reduced to less than 30 metres when boats on the western side of the proposed marina on swing moorings are subjected to winds from the south west, west or north west. This width would be even further reduced by the presence of large vessels berthed at the proposed marina.
- 6) In the circumstances outlined in (4) above, even a medium sized vessel positioning itself broadside to the channel, in an attempt to reverse stern first into the proposed marina, would completely block the channel for both north and south bound traffic. In a 14 berth marina, there is likely to be a considerable number of berthings and berth exitings during the day that would consistently block the channel to north and south bound vessels. This situation would be exacerbated by inexperienced skippers, cross winds and those who have overindulged at the hotel.
- 7) The Newport public wharf, which lies directly to the north of the proposed marina, is approached from the south. The proposed marina will severely impact on vessels approaching the Newport wharf and cause those vessels to pass dangerously close to, or potentially collide with, the proposed marina and/or vessels berthed therein.
- 8) Large vessels entering the channel from Winji Jimmi Bay by necessity take a large arc to round the starboard channel marker. This would bring them dangerously close to the proposed marina and any boats berthed therein. In a westerly wind, that arc is extended which would make a collision with the proposed marina or any boats berthed therein almost unavoidable. Large motorised barges and dumb barges with a tug, both with very limited manoeuvrability, regularly use the Bayview launching ramp complex to load and offload trucks. These barges, in their ordinary operation use almost the entire channel in rounding the starboard channel marker during their exit from Winji Jimmi Bay. The situation for these barges is further exacerbated in a westerly wind.

- 9) It is unarguable and beyond doubt that the approval of the proposed marina would:
- a) create a navigational obstruction in the narrowest and busiest part of Pittwater;
 - b) create a considerable loss of utility and amenity for the boating public who have a right to enjoy a clear, safe and uninterrupted passage through Pittwater, as well as for the operators of commercial vessels;
 - c) be irreversible.
- 10) In or about 2000, the Bayfield family, as previous owners of the Newport Arms Hotel, sought a development consent for a one berth wharf to be accessed in the direction of the channel (as distinct from the proposed marina which seeks to berth 14 vessels at right angles to the channel). This was refused because of the narrowness of the waterway in this location.
- 11) To approve the proposal would be akin to approving, on an irreversible basis, 14 right angle parking spaces on the approach to Sydney Harbour Bridge.

Public interest considerations:

The Council has an overriding duty to ensure that the ability of the general public to safely navigate, use and enjoy Pittwater is at all times maintained.

For the reasons outlined above, the proposed marina must be comprehensively refused.



Leon Nikolaidis

Dated: 30 November 2016