

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/1216
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Responsible Officer:	Maxwell Duncan
Land to be developed (Address):	Lot 10 DP 1192010, Gourlay Avenue BALGOWLAH NSW 2093 Lot 1 DP 793093, 0 Gourlay Avenue BALGOWLAH NSW 2093 Part of the land contained in C.T. Volume 5018 Folio 1
Proposed Development:	Alterations and additions to Marina facilities
Zoning:	SEPP (Biodiversity and Conservation) 2021 – Zone 2 Environment Protection Manly LEP2013 - Land zoned RE1 Public Recreation
Development Permissible:	Yes
Existing Use Rights:	Yes
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Applicant:	North Harbour Marina Pty Ltd

Application Lodged:	11/09/2024
Integrated Development:	Yes
Designated Development:	No
State Reporting Category:	Other
Notified:	19/02/2025 to 19/03/2025
Advertised:	19/02/2025
Submissions Received:	267
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 257,500.00
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EXECUTIVE SUMMARY

This development application seeks consent for alterations and additions to an existing Marina (North Harbour Marina) at Gourlay Avenue, Balgowlah.

The proposal is Integrated Development, requiring approval from NSW Fisheries Department of Primary Industries pursuant to Section 205 (seagrass/mangroves/harm marine vegetation in a protected area) of the *Fisheries Management Act 1994*.

The application has been assessed against the relevant provisions of both the *Manly Local Environmental Plan (MLEP) 2013* and *State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021*. The development is comprised of 2 lots associated with the North Harbour Marina, one of which is located below the Mean High-Water Mark (**MHWM**) and is leased from Transport for NSW (TfNSW)

The application is referred to the Northern Beaches Local Planning Panel (**NBLPP**) due to the development receiving more than 10 submissions, with a total of 267 submissions being received. Of the 267 submissions, 250 were in objection and 17 in support. A petition on behalf of 6 people has also been received, as per the Council Community Participation Plan, this will be considered as a single submission. The issues raised in the submissions are addressed in this report and are broadly categorised as follows:

- Site suitability
- Size of boats
- Visual and acoustic impact
- Environmental Impacts
- Biodiversity impacts
- Water traffic and safety

A detailed assessment of each of the concerns raised is undertaken in this report and conditions are recommended where necessary to address the operational parameters of the marina. During the assessment of the application, the proposal was amended to reduce the scale and intensity of the development and the maximum size of boats being able to access the marina berths, minimising the scale of the kiosk (including no sale of alcohol) and maintaining the location of existing swing moorings.

The proposal complies with relevant requirements and considerations of SEPP (Biodiversity and Conservation) 2021 as well as the requirements of the Sydney Harbour Foreshores and Waterways Development Control Plan. The proposed works to the marina layout are compatible with the surrounding context and the desired future character of the harbour. Further, the application has adequately demonstrated that the marina is capable of being operated safely and not cause unreasonable impacts upon the amenity of surrounding properties. Adequate services and access to and from the marina are provided, and suitable conditions of consent are recommended in relation to operation of both water based operations and the Kiosk. The application has been assessed by Council's Environment & Resilience teams, Environmental Health and Traffic team as well as by TfNSW and the Department of Primary Industries and Regional Development (**DPIRD**) Fisheries, with appropriate conditions incorporated into the recommendation of this report.

No matters raised in the submissions would justify the refusal of the application in the public interest.

On balance, the proposal is considered to satisfy the relevant planning controls and has sufficient merit to be recommended for **approval** to the Northern Beaches Local Planning Panel, subject to the conditions included in the Recommendation of this report.

PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for alterations and additions to the existing North Harbour Marina.

Specifically, the proposed development (as amended) seeks consent for the following:

**WATER BASED COMPONENT- Increased number of berths (jetty based) from 35 to 44,
Removal of 10 commercial swing moorings. Net decrease from 86 to 85 total boat capacity**

- Removal of 10 commercial swing moorings
- Western Arm - Increase from 22 berths to a total of 23 berths
 - Removal of soft sand arm (including 4 berths)
 - 1 x 6.5m berth
 - 1 x 7m berth
 - 1 x 8.5m berth
 - 1 x 8m berth
 - 1 x 12m berth
 - 1 x new finger pontoon and 1 x extension of existing finger pontoon
- Eastern Arm - Increase from 13 berths to a total of 21 berths
 - 5 x x new finger pontoon and 1 x extension of existing finger pontoon
 - 1 x 8m berth
 - 2 x 10m berth
 - 1 x 11m berth
 - 1 x 12m berth
 - 1 x 13m berth
 - 1 x 14m berth
 - 1 x 15m berth
 - 3 new Piles
- Demolition/removal of existing 2 slipways.
- Extension of leased area.

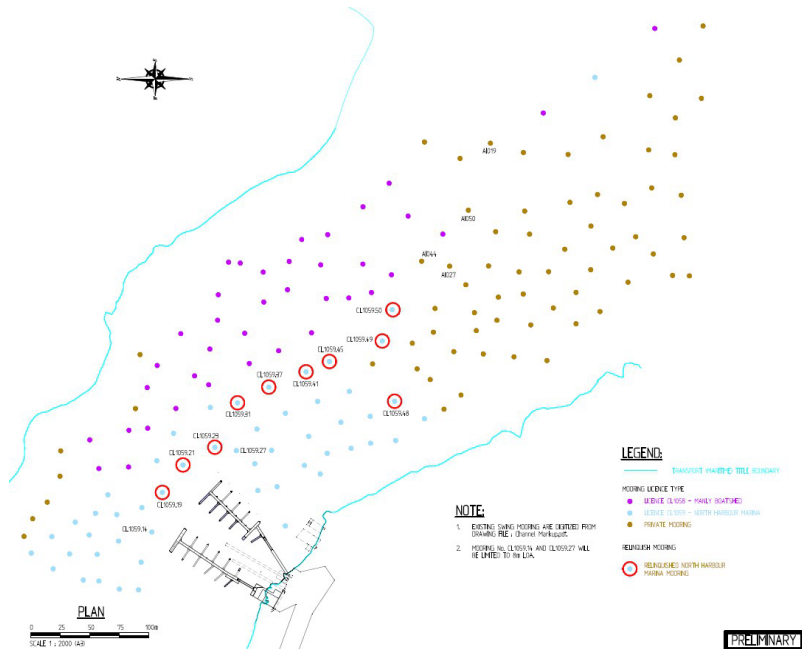


FIGURE 1 - PROPOSED SWING MOORING CHANGES (AS AMENDED)



- Alterations to the existing Marina building, incorporating:
 - Deck extension including 4 new piles
 - Internal alterations for a new Kiosk
- Dingy storage racks to allow for 72 dinghies

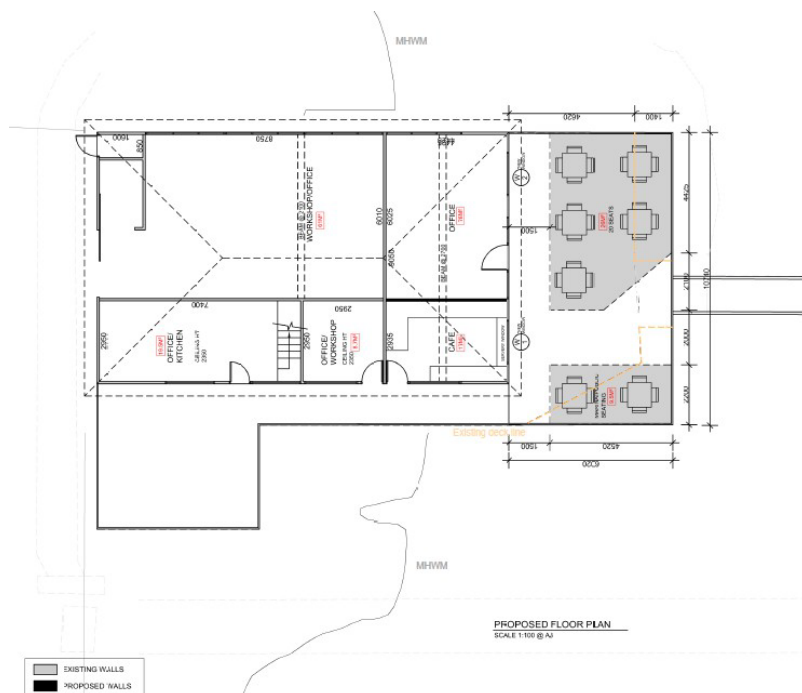


FIGURE 4 - PROPOSED KIOSK AND DECK EXTENSION

The proposed operational details are as follows:

Marina

- Hours of Operation marina building including tender services: 9am - 4pm Monday to Friday, 9am - 5pm Saturday to Sunday (And public holidays). Access for patrons to berths and swing mooring not limited to the above hours.

Kiosk

- Partial use of the existing Marina building as a Kiosk.
- Hours of Operations: 7am - 4pm Monday to Sunday
- Patrons: Seating for a maximum of 20 people
- No Amplified Music, No Alcohol.

Overall, the development will decrease the storage capacity of the marina from a total of 86 to 85 vessels (including marina berths and swing moorings but excluding the 72 dinghies).

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;

- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Manly Local Environmental Plan 2013 - 5.4 Controls relating to miscellaneous permissible uses

Manly Local Environmental Plan 2013 - 5.7 Development below mean high water mark

Manly Local Environmental Plan 2013 - 6.1 Acid sulfate soils

Manly Local Environmental Plan 2013 - 6.5 Terrestrial biodiversity

Manly Local Environmental Plan 2013 - 6.8 Landslide risk

Manly Local Environmental Plan 2013 - 6.9 Foreshore scenic protection area

Manly Local Environmental Plan 2013 - 6.10 Limited development on foreshore area

Manly Local Environmental Plan 2013 - 6.12 Essential services

Manly Development Control Plan - 3.4.2 Privacy and Security

SITE DESCRIPTION

Property Description:	<p>Lot 10 DP 1192010 , Gourlay Avenue BALGOWLAH NSW 2093</p> <p>Lot 1 DP 793093 , 0 Gourlay Avenue BALGOWLAH NSW 2093</p>
Detailed Site Description:	<p>The subject site consists of three (3) allotments located on the northern side of Wellings Reserve, which lies on the north-western side of North Harbour. The site is commonly known as 'North Harbour Marina'</p> <p>It is legally described as Lot 1 DP 793093 with an offshore component described as Lot 10 DP 1192010. The existing portion of Sydney Harbour waterway which currently contains swing moorings is legally described as 'Part of the Land contained in Certificate of Title Volume 5018 Folio 1'.</p> <p>The land based component of the site is located within the <i>RE1 Public Recreation zone</i> (MLEP 2013) accommodating the existing marina administration building. Existing development includes a single storey building on the land-based component, which operates as administration offices watercraft storage. Two existing slipway is also provided to the east of the main marina building.</p> <p>The water-based component is located within the Sydney Harbour Catchment and Sydney Harbour Foreshores and Waterways Area and is zoned as <i>Zone 2 – Environmental Protection</i> (SEPP (Biodiversity and Conservation) 2021) .</p>

The water-based component of the site currently comprises two (2) marina arms accommodating 35 berthed vessels.

Detailed Description of Adjoining/Surrounding Development

To the north of the subject site is Jilling Cove, Manly Boatshed, East Esplanade parkland and residential development along the southern side of Lauderdale Avenue.

To the west of the subject site is North Harbour reserve and residential development along Condamine Street, Lower Beach Street, Boyle Street and King Avenue.

To the south of the subject site is Wellings reserve and residential development along Gourley Avenue.

To the east of the subject site is 'North Harbour Sailing Club'.

Map:



SITE HISTORY

The land has been used for commercial purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

DA86/2008 - Upgrade of existing Marina Facilities (Approved by Manly Independent Assessment Panel 18 June 2009).

Notification History

- Application lodged with Council on 5 September 2024 and accepted on 11 September 2024.

- Application notified to 8 Neighbouring properties from 9 October 2024 - 6 November 2024.
- Application was re-notified to a total of 166 neighbouring properties from 22 October - 19 November 2024.
- Amended application notified to neighbouring properties and existing objectors from 19 February 2025 - 19 March 2025.

Timeline of Assessment

- Following a preliminary assessment of the application, Council wrote to the applicant on 15 January 2025 outlining a number of concerns with the proposed development including:
 - Compliance with relevant Australian Standards
 - Noise
 - Suitability of the proposed marina vessels
 - Referral - Aboriginal Heritage
 - Issues raised in submissions.
- The applicant informed Council that they intended to address the concerns raised, with an amended proposal submitted on 11 February 2025. The amended application included the following changes:
 - Marina Layout amended to remove boat berths capable of mooring boats of lengths 25m and 32m. Maximum boat lengths of all berths proposed is 15m.
 - Kiosk
 - Operating hours reduced to 7am - 4pm, previously proposed 6am - 9pm.
 - Confirmation no alcohol served.
 - Confirmation no amplified music.
- On 2 May 2025, the application was further amended, following comment from TfNSW on 15 April 2025 which noted "*TfNSW does not support the relocation of private moorings AI044, AI027, AI050 and AI019 as illustrated in Drawing 6318-02/L, titled 'proposed marina channel and swing mooring rearrangement', prepared by International Marina Consultants Pty Ltd., dated 27 August 2024*". Following receipt of this letter, the applicant further amended their application removing the reference to relocate the private moorings AI044, AI027, AI050 and AI019. To provide a certainty a condition has been imposed to ensure these swing moorings are retained and not relocated if this application is to be approved.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development	Manly Development Control Plan applies to this proposal.

Section 4.15 Matters for Consideration	Comments
control plan	
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to Australian Standard, Noise, Site suitability, Aboriginal Heritage and TfNSW comments.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the	The site is considered suitable for the proposed development.

Section 4.15 Matters for Consideration	Comments
development	
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Not Applicable

DESIGNATED DEVELOPMENT

Section 7 of the Environmental Planning Assessment Regulations 2021 (EPA Regs) state that Designated Development is development described in Schedule 3 of the EPA Regs. *“Marinas or other related land and water shoreline facilities”* are listed in Part 2 of Schedule 3 and are defined as:

(1) Development for the purposes of a marina or related facility is designated development if the marina or facility has an intended capacity of—

- (a) 15 or more vessels with a length of 20 metres or more, or*
- (b) 80 or more vessels of any length.*

(2) Development for the purposes of a marina or related facility is designated development if —

- (a) the marina or facility has an intended capacity of 30 or more vessels of any length, and*
- (b) the marina or facility—*

- (i) is located in non-tidal waters or within 100 metres of a wetland or aquatic reserve, or*
- (ii) requires the construction of a groyne or annual maintenance dredging, or*
- (iii) has a ratio of car park spaces to vessels of less than 0.5:1.*

Comment

The marina is proposed to accommodate more than 30 vessels (41 swings moorings, 44 berths) and is located within 100 metres of a wetland (as identified by Wetlands Protection Area map (Sheet 16) of the SREP Sydney Harbour Catchment).

As the proposed development is for alterations and additions to the existing marina, reference must be made to Part 3 of Schedule 3 of the EP&A Regulation *“Alterations or additions to existing or approved development”*.

Part 3 Clause 38 states:

48 Alterations or additions to existing or approved development

(1) Development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development.

The Regulation specifies, at Clause 48(2) of Part 3 Schedule 3, a number of factors to be taken into consideration by a consent authority in forming the opinion as to whether alterations and additions are

designated development. A response to the factors for consideration is detailed below:

(2) In forming its opinion, a consent authority must consider the following—

(a) the impact of the existing development having regard to factors including—

(i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, and

Comment

A search of Council records confirm that there are no environmental management issues with the operation of the marina. The marina operates in accordance with leases from RMS and Crown Lands.

(ii) rehabilitation or restoration of any disturbed land, and

Comment

The existing development does not result in the need for any rehabilitation or restoration work. The existing structures has negligible impact on land and there will be a reduction of environmental impacts with the removal of all industrial slipway facilities and operations.

(iii) the number and nature of all past changes and their cumulative effects, and

Comment:

The only recent development application has been for repair work to some support piles (reference development approval DA276/16) and upgrade of the marina (reference development approval DA86/08).

(b) the likely impact of the proposed alterations or additions having regard to factors including—

(i) the scale, character or nature of the proposal in relation to the development, and

Comment:

Significant concern has been expressed by the community regarding the scale and nature of the proposal and ability to meet this clause. Below is a comparison of the operation of the existing facility with the proposed altered facility:

Built form

Water based component

The existing water based component of the marina incorporates two berthing arms containing 35 berths (berth sizes allowing for boat sizes between 10 , 12m and 14m), 2 slipways and 51 commercial swing mooring. The application seeks increase the number of berths to 44 (boat sizes 6.5m - 15m), remove the existing 2 slipways and 10 commercial swing moorings. The 9 additional berths will incorporated within the existing 2 berth arms. The bulk, scale and density of the alterations to the water based component has been assessed as being of a a comparable scale to the existing built structures on site.

Land based component

The existing land based component of the marina includes an existing marina building with deck. The application seek consent for internal alterations to the existing building to allow for a kiosk, extension of the existing deck (including four new piles, bearers and joists) and dingy storage area. With regard to the marina building there is no increase in gross floor area (GFA) proposed. The existing deck (110sqm) is proposed to be extended by 14.6sqm to the north for a total deck size of 124.6sqm. The deck is to be utilised by the general public and boating public.

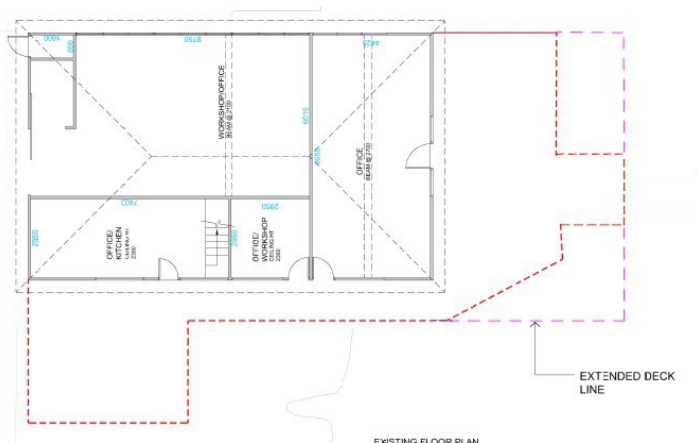


FIGURE 5 - EXISTING MARINA BUILDING FLOOR PLAN AND DECK

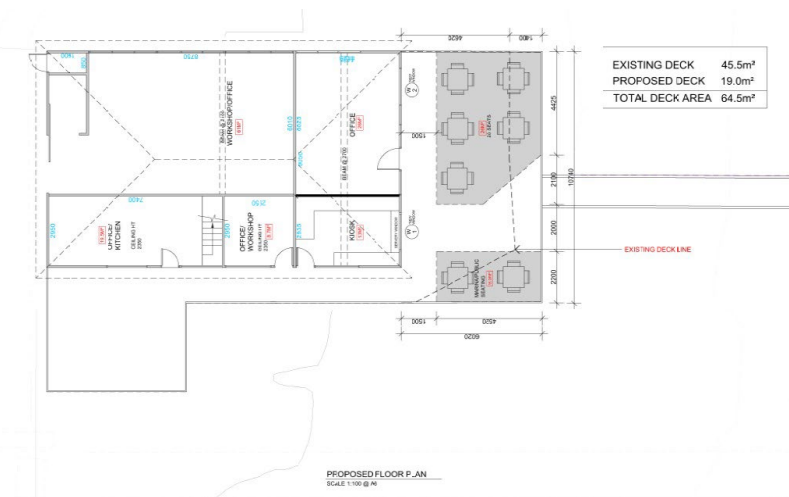


FIGURE 5 - PROPOSED KIOSK AND DECK EXTENSION

Operation

The primary activities and operation of the marina provide boat storage/commercial moorings amenities for boat and passive craft users and visitors to allow for recreational use of the Harbour as well as provide a kiosk does not include a commercial kitchen and will only provide snacks and refreshments to the users of the marina and potentially foot traffic to members of the public utilising the Wellings Public Reserve. The deck which is currently 45.5sqm, is proposed to be increased to 64.5sqm. The increase of the deck size will not significantly increase the useability of the deck, so as to not cause unreasonable acoustic impacts to surrounding residential development.

(ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and

Comment:

The proposed works have been designed to ensure minimal environmental and visual impact. The development will not unreasonably affect existing land and marine vegetation, as works will be largely confined to already disturbed areas, avoiding the removal of mature or significant plant species. Air and noise quality will be minimised by conditions and the operational management plan including restricted operational hours. The scenic character of the area will be maintained through the restriction of boat sizes (no more than 15m in length) and ensuring the scale of development is consistent with the surrounding area.

(iii) the degree to which the potential environmental impacts can be predicted with adequate certainty, and

Comment:

The potential impacts can be reasonably predicted based on the current operation of the marina and the technical report that have been assessed by the DPIRD - Fisheries, TfNSW and Council's referral bodies as acceptable, subject to conditions.

(iv) the capacity of the receiving environment to accommodate changes in environmental impacts, and

Comment:

Assessment of the application by internal referral bodies as well as the DPIRD - Fisheries and TfNSW will ensure that the proposed development if approved, will not result in a unreasonable environmental impact, subject to conditions.

(c) proposals to mitigate the environmental impacts and manage residual risk,

Comment:

As above, the assessment of the application by internal referral bodies as well as the Department of Fisheries and TfNSW will ensure that the proposed development if approved, will not result in a unreasonable environmental impact, subject to conditions to mitigate impact.

(ii) proposals to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.

Comment:

Conditioning compliance with the relevant Australia Standard for Marinas (AS 3962:20202 Marina Design) and other conditions within this recommendation will ensure compliance with relevant standards, codes and guidelines.

Concluding comment:

The above assessment demonstrates that the proposed alterations and additions will not result in a significant increase in the environmental impacts of the total development when compared against the existing marina. The proposed changes to not significantly alter the capacity, operational footprint, or increase environmental impact of the marina as therefore is **not** deemed to be designated development

BUSHFIRE PRONE LAND

The site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application that included a certificate (prepared by David Peterson, dated 12 April 2024) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 19/02/2025 to 19/03/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 267 submission/s from:

Name:	Address:
Michelle Stynes	
Mr Andrew Alexander Peter Simpkin	2 / 59 - 61 Lauderdale Avenue FAIRLIGHT NSW 2094
Peter A C Macdonald Pty Ltd Dr Peter Alexander Cameron Macdonald	17 King Avenue BALGOWLAH NSW 2093
Mr William Patrick Butler	33 Judith Street SEAFORTH NSW 2092
Mrs Jacqueline Ann Mcpherson	11 Rosedale Avenue FAIRLIGHT NSW 2094
Oliver Lewis	63 Lauderdale Avenue FAIRLIGHT NSW 2094
Wayne Bennet	9 Stewart Avenue CURL CURL NSW 2096
Mrs Laurie Ann O'Connor	12 / 47 Fairlight Street FAIRLIGHT NSW 2094
Ms Larissa Margaret Petryca	C/- Clarke & Humel PO Box 1009 MANLY NSW 1655
Mr Anton Conal Gain	20 Curban Street BALGOWLAH HEIGHTS NSW 2093
Mrs Deborah Marie Blaxell	113 Woodland Street BALGOWLAH NSW 2093
Mrs Belinda Kay Eady	69 Bungalow Avenue BALGOWLAH NSW 2093
Mr Mark Scott Bode	106 Sydney Road MANLY NSW 2095
Mrs Katherine Elizabeth Albert	30 Adams Street CURL CURL NSW 2096
Mrs Sharon Judith Coward	6 White Street BALGOWLAH NSW 2093
Mr Warwick Ross Mckenzie	22 Rosedale Avenue FAIRLIGHT NSW 2094
Dr Andrew Stewart Morrison	3 Bolingbroke Parade FAIRLIGHT NSW 2094
Anne Howard	Address Unknown
Ms Lucy Henrietta Meadley	2 / 25 Cohen Street FAIRLIGHT NSW 2094
Linda Dalton	12 Jackson Street BALGOWLAH NSW 2093
Ms Sarah Lynn Hesse	10 / 62 West Street BALGOWLAH NSW 2093
Mrs Karen Jane Reader	4 North Harbour Street BALGOWLAH NSW 2093
Lance Morton	17 Urunga Street NORTH BALGOWLAH NSW 2093
Mr David Andrew Crott	10 A Bungalow Avenue BALGOWLAH HEIGHTS NSW 2093
Ms Angela Claire Hayward	31 / 4 Hilltop Crescent FAIRLIGHT NSW 2094
Ms Sally Bothwell	20 Molong Street NORTH CURL CURL NSW 2099
Mr James Dominic Roberts Mrs Victoria Jane Roberts	24 Dobroyd Road BALGOWLAH HEIGHTS NSW 2093
David Turner	28 Aitken Avenue QUEENSCLIFF NSW 2096
Mrs Sally Marie Burnes	15 / 14 Fairway Close MANLY VALE NSW 2093
Mr Ian Douglas Lorigan	1 / 179 Condamine Street BALGOWLAH NSW 2093

Name:	Address:
Matthew Glen Crerar	1 / 144 Condamine Street BALGOWLAH NSW 2093
Mrs Tania Marie Bessant	29 Water Reserve Road NORTH BALGOWLAH NSW 2093
Ms Frances June Campbell	17 Curban Street BALGOWLAH HEIGHTS NSW 2093
Audrey Sleaford	Address Unknown
Brian Williams	Address Unknown
Mrs Tannis Jeanne Mcdonald	19 / 299 Sydney Road BALGOWLAH NSW 2093
Charles Wheatley Holland	53 Westmoreland Avenue COLLAROY NSW 2097
Mrs Alison Mary Constantinou	17 / 27 Boyle Street BALGOWLAH NSW 2093
Ms Helen Elizabeth Nancy Yardley	29 Curban Street BALGOWLAH HEIGHTS NSW 2093
Ms Danelle Agnew	Po Box 1159 MANLY NSW 1655
Mrs Valerie May Taylor	3 / 41 Lauderdale Avenue FAIRLIGHT NSW 2094
Mr David Anthony Parsons	7 Canea Crescent ALLAMBIE HEIGHTS NSW 2100
Mr Malcolm Robert Barr	11 Clarence Street BALGOWLAH NSW 2093
Joris Adrianus Josephus Leonardus Broeders	58 Curban Street BALGOWLAH HEIGHTS NSW 2093
Mr Jonathan Ian Trope	1 / 90 Lauderdale Avenue FAIRLIGHT NSW 2094
Mr Anthony Horden Bull	669 Woodhill Mountain Road BERRY NSW 2535
Mr Geoffrey David Campbell Ms Charlotte Campbell	17 Curban Street BALGOWLAH HEIGHTS NSW 2093
Mr Tristan James Michael Moore	2 / 63 Upper Beach Street BALGOWLAH NSW 2093
Mr Barry Charles Miflin	602 / 9 Sylvan Avenue BALGOWLAH NSW 2093
Mrs Carol Townley	69 Allambie Road ALLAMBIE HEIGHTS NSW 2100
Mrs Virginia Lizelle Stack	202 Whale Beach Road WHALE BEACH NSW 2107
Mrs Pamela Anne Davis Mr Bruce Davis	32 Beach Street CURL CURL NSW 2096
Mr James John Nixon	3 / 126 Addison Road MANLY NSW 2095
Mrs Jeanette Mary Webb	4 Willyama Avenue FAIRLIGHT NSW 2094
Ms Andrea Mortenson	49 A West Street BALGOWLAH NSW 2093
Miss Elpida Antzoulatos	34 Lewis Street BALGOWLAH HEIGHTS NSW 2093
Mrs Cherie Louise Tilley	29 Fairlight Crescent FAIRLIGHT NSW 2094
Mrs Philippa Margaret Hanley	15 Coolabah Crescent FORESTVILLE NSW 2087
Mrs Jane Ann Yabsley	43 Fairlight Crescent FAIRLIGHT NSW 2094
Mr Graham Geoffrey Mason	17 Clarence Street BALGOWLAH NSW 2093
Marilina Masciantonio	Address Unknown
Mr Paul Sacha Giulio Giunti	67 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100
Mrs Karina Hordern Holden	4 / 55 Lauderdale Avenue FAIRLIGHT NSW 2094
Mr Nicholas Anton Ewald	3 Marshall Street MANLY NSW 2095

Name:	Address:
Ms Diane Patricia Sharland	41 Fairlight Crescent FAIRLIGHT NSW 2094
Mr David James De Montfort	5 Gourlay Avenue BALGOWLAH NSW 2093
Mr James Donald Thomas	7 / 21 - 25 Clifford Avenue FAIRLIGHT NSW 2094
Mrs Margaret Dawn Jackson	5 / 1 King Avenue BALGOWLAH NSW 2093
Mrs Joanne Margaret Mulhearn	1065 Pittwater Road COLLAROY NSW 2097
Valerie Song	Address Unknown
Elsa Fredriksson	Address Unknown
Mrs Tanya Michelle Harris	97 Lauderdale Avenue BALGOWLAH NSW 2093
Mr Tudor John Baker	2 / 73 Lauderdale Avenue FAIRLIGHT NSW 2094
Ms Liliane Barbara Benti	7 / 121 A Old Pittwater Road BROOKVALE NSW 2100
Mr Magennis James Graham Weate	20 King Avenue BALGOWLAH NSW 2093
Mr Greg Paine	11 Park Street ERSKINEVILLE NSW 2043
Mrs Sarah Jane Weate	20 King Avenue BALGOWLAH NSW 2093
Mr Michael John Carr	1 / 59 - 61 Lauderdale Avenue FAIRLIGHT NSW 2094
Mr Damian Bruce Hamer	16 Rosedale Avenue FAIRLIGHT NSW 2094
Richard Westgarth	Address Unknown
Mr Gregory John Wilkins	1 / 24 Cove Avenue MANLY NSW 2095
Mr Antony Ian Adare	7 / 121 A Old Pittwater Road BROOKVALE NSW 2100
Mrs Kerrie Anne Nesbitt	125 Condamine Street BALGOWLAH NSW 2093
Mr Angus Peter Boyd Dawson	7 / 89 Oaks Avenue DEE WHY NSW 2099
Mr Philip Mark Dawson	60 Cutler Road CLONTARF NSW 2093
Katherine Weate	20 King Avenue BALGOWLAH NSW 2093
Aliaksandra Valodzina	27 Jackson Street BALGOWLAH NSW 2093
Mrs Philippa Yok-Kwen Gow	2 / 96 Lauderdale Avenue FAIRLIGHT NSW 2094
Mrs Tina Conlon	112 B Woodland Street BALGOWLAH NSW 2093
Ms Katherine Lane	5 / 12 Fairlight Crescent FAIRLIGHT NSW 2094
Mrs Sally Margaret Drinan	108 Woodland Street BALGOWLAH NSW 2093
Mrs Karen Michelle Doughty	111 Woodland Street BALGOWLAH NSW 2093
Ms Victoria Robyn Cowan	45 Fairlight Crescent FAIRLIGHT NSW 2094
Mrs Christina Janet Trotter	19 King Avenue BALGOWLAH NSW 2093
Mrs Natalie Degaris	2 New Street BALGOWLAH NSW 2093
Mr Roger John Cameron	4 Gourlay Avenue BALGOWLAH NSW 2093
Mr Andrew Arthur Sussman	4 / 15 Bolingbroke Parade FAIRLIGHT NSW 2094
Mr John William Mcgrory	11 Ernest Street BALGOWLAH HEIGHTS NSW 2093
Mr Robert George Hirst	5 North Harbour Street BALGOWLAH NSW 2093
Mr Anthony Andrew Potts	3 / 67 Lauderdale Avenue FAIRLIGHT NSW 2094
Mrs Elisabeth Barbara Stokeld	20 A King Avenue BALGOWLAH NSW 2093

Name:	Address:
Chayanika Chauhan	71 Birkley Road MANLY NSW 2095
Mr Paul Stewart McNee	1 Gourlay Avenue BALGOWLAH NSW 2093
Mrs Jacqueline Ann Mcnee	1 Gourlay Avenue BALGOWLAH NSW 2093
Andrew Bruce Vaughan	C/- Patioland Pty Ltd 24/7 Sefton Road THORNLEIGH NSW 2120
Mr Trevor John Scott	4 A Tutus Street BALGOWLAH HEIGHTS NSW 2093
Mr Philip John Owen	1628 / 17 Howard Avenue DEE WHY NSW 2099
Mrs Susan Mary O'brien	19 New Street BALGOWLAH HEIGHTS NSW 2093
Julie Millsom	2 / 102 Bower Street MANLY NSW 2095
Mr Roy John Blow	17 / 24 East Esplanade MANLY NSW 2095
Mr Haydn James Alfred Miller	1 / 7 Boyle Street BALGOWLAH NSW 2093
Mrs Juliette Marie Elwin	133 Woodland Street BALGOWLAH NSW 2093
Mrs Helen Anne Scott	4 A Tutus Street BALGOWLAH HEIGHTS NSW 2093
Mr Breckon Kemble Jones	37 New Street BALGOWLAH HEIGHTS NSW 2093
Mr Stuart Gordon Reid	2 / 9 Boyle Street BALGOWLAH NSW 2093
Mr John Maxwell Hann	2 / 18 King Avenue BALGOWLAH NSW 2093
Mr Paul Wadsworth Beckhaus	2 / 95 Lauderdale Avenue BALGOWLAH NSW 2093
Mr Graeme Henry Gaggin	1 / 68 Seaview Street BALGOWLAH NSW 2093
Mr John William Murphy	27 Fairlight Crescent FAIRLIGHT NSW 2094
Mrs Gillian Shearman	56 Wharf Road LONGUEVILLE NSW 2066
Ms Delene Margaret Evans	2 / 149 Condamine Street BALGOWLAH NSW 2093
Christopher Moore	88 Lauderdale Avenue FAIRLIGHT NSW 2094
Mr Philip Paul Huon	2 King Avenue BALGOWLAH NSW 2093
Mr Mark William Stacey	37 Arthur Street FAIRLIGHT NSW 2094
Mrs Merilyn Patricia Buckley	155 Condamine Street BALGOWLAH NSW 2093
Mr Rodney Daniel Timm	3 / 1 A Bolingbroke Parade FAIRLIGHT NSW 2094
Mr John Murray Tropman	Po Box 633 MANLY NSW 1655
Andrew Dixon	19 King Avenue BALGOWLAH NSW 2093
Ms Willi-Joy Sirks	131/36-42 Cabbage Tree Road BAYVIEW NSW 2104
Mr Timothy David Carse	1 / 73 Lauderdale Avenue FAIRLIGHT NSW 2094
Mr David James McEwen	7 Gourlay Avenue BALGOWLAH NSW 2093
Mrs Claire Louise Dawson Whitehead	61 Bungalow Avenue BALGOWLAH HEIGHTS NSW 2093
Mr Jeremy Peter Lewis	Ferriers Grange HORSEHILL HORLEY RH6 0HN NSW
Ms Karrie Anne Rose	7 Cove Avenue MANLY NSW 2095
Mrs Katherine Charlotte Weir Strickland	20 Stirgess Avenue CURL CURL NSW 2096
Mr Oliver John Redpath	22 Morella Road WHALE BEACH NSW 2107
Peter Davidson	Address Unknown
Peter Grayson	Address Unknown

Name:	Address:
Ms Amanda Lee Hansen	5 / 5 Osborne Road MANLY NSW 2095
Mr Stephen Andrew O'Connor	3 Tutus Street BALGOWLAH HEIGHTS NSW 2093
Erin Kate Mansell	17 / 299 Sydney Road BALGOWLAH NSW 2093
Leda Dacanalís	2 Gourlay Avenue BALGOWLAH NSW 2093
Michael Daniel Mooney	1 / 161 Condamine Street BALGOWLAH NSW 2093
Mr Peter John Callaghan	PO Box 746 BALGOWLAH NSW 2093
Jack Gaggin	Address Unknown
Ms Alison Louise Wakefield Mr David Charles Wright	45 Lauderdale Avenue FAIRLIGHT NSW 2094
Mr Ian Jones	6 Gourlay Avenue BALGOWLAH NSW 2093
Mr Enzo Errol Allara	13 King Avenue BALGOWLAH NSW 2093
Mr Tieying Huang	42 Beatty Street BALGOWLAH HEIGHTS NSW 2093
Mr John Charles Patrick O'connor	6 King Avenue BALGOWLAH NSW 2093
Mrs Fiona Mary Armstrong	16 Lower Beach Street BALGOWLAH NSW 2093
Don Bayly	10 Kirkwood Street SEAFORTH NSW 2092
Mr Terence Malcolm Owen	8 King Avenue BALGOWLAH NSW 2093
Tim Hanigan	Address Unknown
Mr Matthew Degaris	2 New Street BALGOWLAH NSW 2093
Mr Tasman John Twyman	4 / 1 King Avenue BALGOWLAH NSW 2093
Nick Reid	2 / 9 Boyle Street BALGOWLAH NSW 2093
Mr Cary William Budd	46 Alma Street CLONTARF NSW 2093
Ian Howard Dennewald	2 Laurie Road MANLY VALE NSW 2093
Mr Brett James Williams	12 King Avenue BALGOWLAH NSW 2093
Mr Craig Alan Brighton	22 Hogan Street BALGOWLAH HEIGHTS NSW 2093
Paula Mary Rowan	3 / 73 Lauderdale Avenue FAIRLIGHT NSW 2094
Mrs Anna Louise Kittle	3 Gourlay Avenue BALGOWLAH NSW 2093
Mr Glen James Lighton	4 / 40 White Street BALGOWLAH NSW 2093
Mrs Michelle Gaye O'connor	6 King Avenue BALGOWLAH NSW 2093
Gareth Dodds	2 / 86 Lauderdale Avenue FAIRLIGHT NSW 2094
Miss Jay Vautier Hartnett	107 / 6 Sylvan Avenue BALGOWLAH NSW 2093
Mrs Emma Victoria Williams	12 King Avenue BALGOWLAH NSW 2093
Mr John Phillip Walker	1 Lower Beach Street BALGOWLAH NSW 2093
Mr Andrew Robert Watt	7 Beaconview Street BALGOWLAH HEIGHTS NSW 2093
Mr Andrew Robert McCabe	33 Osborne Road MANLY NSW 2095
Marilyn Elizabeth Dianne Jukes	2 / 3 A Nield Avenue BALGOWLAH NSW 2093
Mr Michael John Overall	13 Bungaloe Avenue BALGOWLAH HEIGHTS NSW 2093
Mrs Robyn Lynette Overall	13 Bungaloe Avenue BALGOWLAH HEIGHTS NSW 2093
Fiona Louise Karren	1 Frazer Street COLLAROY NSW 2097

Name:	Address:
Mr Stephen James Moate	PO Box 309 FORESTVILLE NSW 2087
Mrs Sheree Louise Bownes	25 Ocean Grove COLLAROY NSW 2097
Lisa Spray	Address Unknown
Mr Salvatore Seminara	88 Lauderdale Avenue FAIRLIGHT NSW 2094
Mr Gawain Luke Thompson	11 / 6 Tower Street MANLY NSW 2095
Mr Andrew John Stevenson	39 Darley Road MANLY NSW 2095
Mrs Sally Lorraine Shimada	1 North Harbour Street BALGOWLAH NSW 2093
Mrs Amelia Josephine Wallace	13 A Bangaroo Street NORTH BALGOWLAH NSW 2093
Ms Merrilee Ann Linegar	2 / 92 Bower Street MANLY NSW 2095
Mr Anthony Langbien Burgess	6 Daintrey Street FAIRLIGHT NSW 2094
Mr Martin Alwyn Parry	13 A Bangaroo Street NORTH BALGOWLAH NSW 2093
Mr Barry Arthur Henderson	10 / 19 - 21 A Addison Road MANLY NSW 2095
Ryan McNee	1 Gourlay Avenue BALGOWLAH NSW 2093
Ms Colleen Teresa Button	6 A Alto Avenue SEAFORTH NSW 2092
Ms Jacob Withey	35 Bungaloe Avenue BALGOWLAH HEIGHTS NSW 2093
Ms Nicola Jane Beynon	129 Condamine Street BALGOWLAH NSW 2093
Vanessa Tucker	32 / 21 Fairlight Crescent FAIRLIGHT NSW 2094
Sandra Lang	Address Unknown
Mr John Stuart Giddings	37 Fairlight Crescent FAIRLIGHT NSW 2094
Katherine Elizabeth Ilbery	48 Lauderdale Avenue FAIRLIGHT NSW 2094
Ms Kirsten Macgillivray Dobell	45 Pittwater Road MANLY NSW 2095
Mr Colin Carmichael Henson	24/22-26 Albert Street FRESHWATER NSW 2096
North Harbour Community Group	C/- 6/3 Jackson Street BALGOWLAH NSW 2093
Lisa Callaghan	Address Unknown
Mr Grant Charles Melzer	70 Condamine Street BALGOWLAH NSW 2093
Withheld	FAIRLIGHT NSW 2094
Ms Sarah Kay Jelly Carroll	8 Gourlay Avenue BALGOWLAH NSW 2093
Rachael Claire Chick	2 / 201 Balgowlah Road BALGOWLAH NSW 2093
Peter Laybutt	Address Unknown
Mrs Patricia Mary Nolan	4 / 6 George Street MANLY NSW 2095
Mrs Melinda Joy Mulham	65 Lauderdale Avenue FAIRLIGHT NSW 2094
Alexandra Klujin	Address Unknown
Jack Joseph	Address Unknown
Lucas John Simkin	2 / 27 Boyle Street BALGOWLAH NSW 2093
Matthew Barakat	Address Unknown
Simon James Don	5 Churchill Crescent ALLAMBIE HEIGHTS NSW 2100
Michael Jarvin	Address Unknown

Name:	Address:
Renuma Pasha	Address Unknown
Nathan Poulos	Address Unknown
Mr Richard Ian Garland	19 A Peronne Avenue CLONTARF NSW 2093
Mr Nicholas George Moore	42 Rosedale Avenue FAIRLIGHT NSW 2094
Aaron Senes	Address Unknown
Adam Bloomfield	Address Unknown
Martin Chechelski	Address Unknown
Diane Kuhl	348 Bobbin Head Road NORTH TURRAMURRA NSW 2074
Craig Martin	21 Portview Road GREENWICH NSW 2065
Michael Joyce	Address Unknown
Mr Quentin Ralph Gandy	1 / 1 Clarence Street BALGOWLAH NSW 2093
Empire Marinas Group	Po Box 3200 NORTH TURRAMURRA NSW 2074
Mr Ashley Stuart McPhee Mrs Jane Mcphee	72 Woodland Street BALGOWLAH HEIGHTS NSW 2093
Mr Roger Quentin Freney	Po Box 273 BALGOWLAH NSW 2093
Mrs Susan Therese Mizoguchi	16 A New Street BALGOWLAH NSW 2093
Brendan Roger Riley	3 / 7 Griffin Street MANLY NSW 2095
Mr Warren Bradley Green	81 Lauderdale Avenue FAIRLIGHT NSW 2094
Ms Vanessa Lansdown	50 Upper Clifford Avenue FAIRLIGHT NSW 2094
Mrs Susan Jill Hewett	103 Griffiths Street BALGOWLAH NSW 2093
Ryan Hopkinson	Address Unknown
Mr Paul John Butler	91 Curban Street BALGOWLAH HEIGHTS NSW 2093
Mr Bruce Andrew Robertson	24 Pacific Parade MANLY NSW 2095
Ms Michelle Lena Bell	1/6 Walker Avenue PALM BEACH NSW 4221
Mr James Angus Robertson	11 Adrian Place BALGOWLAH HEIGHTS NSW 2093
Ms Nancy Edith Wilson- Ghosh	69 Lauderdale Avenue FAIRLIGHT NSW 2094
Ms Fiona Low Simpkin	2 / 59 - 61 Lauderdale Avenue FAIRLIGHT NSW 2094
Ms Sheila Elizabeth Scott	2 / 73 Lauderdale Avenue FAIRLIGHT NSW 2094
Mrs Michelle Helen Montgomery	72 Lauderdale Avenue FAIRLIGHT NSW 2094
Nigel Ampherlaw	3 / 90 Lauderdale Avenue FAIRLIGHT NSW 2094
Ms Maureen Delma Margaret Reddie	1 / 2 B Boyle Street BALGOWLAH NSW 2093
Mr Peter Mervyn Laybutt	87 Curban Street BALGOWLAH HEIGHTS NSW 2093
Mrs Helen Margaret Crott	2 / 1 King Avenue BALGOWLAH NSW 2093
Mr Peter James Howse	54 Lawrence Street FRESHWATER NSW 2096
Jeanette Louise Sutton	107 / 5 Mooramba Road DEE WHY NSW 2099
Mrs Anna Lauren Lindell	74 Peacock Street SEAFORTH NSW 2092
Ms Beata Maria Mccooe	17 Lower Beach Street BALGOWLAH NSW 2093

Name:	Address:
Mrs Megan Diedre Rogers	9 Dobroyd Road BALGOWLAH HEIGHTS NSW 2093
Mark Carpenter	Address Unknown
Mrs Kerry Ellen Smallman	40 Lewis Street BALGOWLAH HEIGHTS NSW 2093
Alyson Ferguson	Address Unknown
Mr James Gary Boland	8 New Street BALGOWLAH NSW 2093
Peter Grayson	Address Unknown
Mrs Gabrielle Mary McKinnon	1 Beaconview Street BALGOWLAH HEIGHTS NSW 2093
Ivan Burchett	70 A Lauderdale Avenue FAIRLIGHT NSW 2094
Ms Jacqueline Waugh	70 A Lauderdale Avenue FAIRLIGHT NSW 2094
Mrs Susan Jane Bills	2 / 4 Boyle Street BALGOWLAH NSW 2093
Mrs Estelle Maree Laybutt	87 Curban Street BALGOWLAH HEIGHTS NSW 2093
Lynne Mcevoy	Address Unknown
Miguel Fairlight	Address Unknown
Lesley Holland	5 North Harbour Street BALGOWLAH NSW 2093
Ms Fiona Strickland Seaton	17 Pacific Parade MANLY NSW 2095
Diana Rainback	Address Unknown
Bureau Of Transport Statistics Nsw	PO Box K659 HAYMARKET NSW 1240
Transport for NSW - Boating Operations & Compliance	33 James Craig Road ROZELLE NSW 2039
Mark Mathew Kelly	87 Addison Road MANLY NSW 2095

The number of submissions shown on the front page may not reflect where multiple submissions were received from the same property.

The following issues were raised in the submissions received as a result of the 3 public exhibition periods and are addressed as follows:

- **Insufficient notification**
- **Boat size**
- **Safety**
- **Overcrowding**
- **Noise (No acoustic report)**
- **Pollution from large boats**
- **Suitability of Kiosk**
- **Visual impact upon harbour/cove**
- **Impact on flora and fauna**
- **Insufficient information for full assessment of application**
- **Liquor license**
- **Traffic**
- **Mooring – Impact on NSW Boating Public and boat storage initiatives**
- **Environmental Impact – Foreshore erosion**

- **DPIRD - Fisheries**
- **Inconsistent with the relevant SEPP's**
- **Failure to meet Australia Standards**
- **Wash – Superyachts**
- **TfNSW permissions to lodge**
- **Owners consent Crown**
- **Maneuverability**
- **Severe Weather**
- **Designated Development**
- **Water Access for Dinghies and Kayaks**
- **Aboriginal Heritage**
- **Heritage**
- **Cost of Works (COW)**
- **Insufficient for Kiosk (no accessible toilet)**
- **Waste Management**
- **Width of channel**
- **Pump-out facilities**

The above issues are addressed as follows:

- **Insufficient notification**

The submissions raised concerns that notification of the application did not include enough neighbouring properties.

Comment:

The application was re-notified twice to a total of 166 neighbouring properties following initial feedback on the extent of notification to neighbouring properties. The application and all supporting information has also been available for comment outside of the notification period. All submissions made during and outside the notification periods have been taken into account in the assessment of the application.

- **Boat Size**

The submissions raised concerns that the new berths, which allow for boat sizes up to 15m (49.21 feet) in length is unreasonable for the subject site, noting the size of the boats lead to unreasonable potential safety, acoustic and visual impacts.

Comment:

The proposed allowance for boat up to 15m in length is considered appropriate and consistent with the current operational capacity of the marina. The works propose multiple new berths from 8 metres through to a 15m berth. The berths have been reviewed by both DPIRD - Fisheries and TfNSW, who raised no issue with the proposed berth lengths. The proposed vessel increase will not result in significant additional impacts on water quality, seagrass or surrounding marine habitat, as vessel draft and wash characteristics remain within acceptable limits.

- **Safety**

The submissions raised concerns regarding safety as a result of the increased number of berths, size of boats and increased channel proposed under this application. Concern has been raised that culmination of the proposed change would lead to safety issues for smaller vessels and people utilising the harbour (i.e swimmers, sailing and kayaker's).

Comment:

The proposed works to the marina have designed to ensure there are no unreasonable impacts on other harbour users. The scale and location of the works are largely confined to the existing lease area and will not encroach into navigational channels or areas commonly used by recreational users of the harbour. The maximum length of boats to be berthed have been reduced from 32 to 15 metres.

- **Overcrowding**

The submissions raised concerns that proposed alterations and additions would lead to an overcrowding of the part of the harbour in which the existing marina is located within.

Comment:

The proposed marina extension will maintain equitable and safe access to the harbour for all users and is not expected to generate conflict or limit existing recreational or commercial activities. The additional berths will be contained within the area between the two jetties having no impact on the public's navigable areas of the harbour.

- **Noise (No acoustic report)**

The submissions raised concerns regarding noise impacts from construction activities and operational noise from the expanded marina and proposed Kiosk.

Comment:

An acoustic report is not considered necessary for the proposed kiosk as the nature and scale of the use, as well as the limited hours of operation (9am - 4pm), are unlikely to generate noise impacts that exceed acceptable levels. The standard daytime hours of generally considered acceptable under the NSW EPAs Noise Policy.

- **Pollution from large boats**

The submissions raised concerns about potential pollution from the large vessels entering the harbour and berthing at the marina.

Comment:

The proposed marina will maintain the existing pump-out facilities and waste disposal to accommodate the increase in number and size of boats. The proposed operations is not

expected to cause unreasonable environmental impact, subject to conditions. The maximum length of boats to be berthed have been reduced from 32 to 15 metres, with the total number of moored boats reduced by one.

- **Suitability of Kiosk**

The submissions raised concerns about the suitability of the proposed kiosk.

Comment:

The kiosk as amended is proposed to operate from 7am - 4pm Monday to Sunday, and will not be selling or serving alcohol. The daytime operating hours are deemed reasonable given the small scale of the kiosk and its close proximity to Wellings reserve which will cater to morning and afternoon foot traffic.

- **Visual impact upon harbour/cove**

The submissions raised concerns that the proposal that the number and size of boats berthed at the marina would result in a unreasonable visual impact.

Comment:

The visual impact of the proposal from other locations around the bay is considered to be minor. The proposed marina occupies a portion of the overall shoreline in this location. The proposed expansion features fixed berths to cater for vessels up to 15m metres in length, these boats are to be stored at the T-Head at the greatest distance from the shoreline in between two existing jetties. This is consistent with the DCP guidelines for minimising the visual impact at the shoreline. On this basis it is considered that the impact is minor.

- **Impact on flora and fauna**

The submissions raised concerns about potential impacts on native flora and fauna.

Comment:

The application has been reviewed the by Council's bushland biodiversity officer as well as DPIRD - Fisheries, who have confirmed that the proposed development will not any unreasonable ecological impact. The proposal avoids sensitive aquatic habitat and conditions have been imposed to minimise impact.

- **Insufficient information for full assessment of application**

The submissions raised concerns that the proposed development contains insufficient information to allow for full assessment of the development application.

Comment:

The documentation and plans submitted, including amended and additional information are sufficient for the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

- **Liquor license**

The submissions raised concerns regarding the suitability of alcohol being sold at the proposed Kiosk.

Comment:

The amended proposal not longer proposes to serve alcohol. An ongoing condition has also been imposed as part of the recommendation to ensure no alcohol is sold on premises.

- **Traffic**

The submissions raised concerns that the extension of the marina in combination with the kiosk use would lead to unreasonable traffic impacts and insufficient parking on site.

Comment:

The proposal has been reviewed by Councils Traffic Engineer, who noted that the proposed works would have limited impact on parking demand, and there is sufficient parking to service the proposed marina extension.

- **Mooring – Impact on NSW Boating Public and boat storage initiatives**

The submissions raised concern with the loss of swing moorings.

Comment:

The application was referred to TfNSW for comment. TfNSW supported the proposal removal of the most swing moorings with the exception of private moorings. The reference to the relocation of the mooring were removed from the application by the applicant.

- **Environmental Impact – Foreshore erosion**

The submissions raised concerns that the proposed development will cause soil erosions impacts.

Comment:

The proposed works are largely confined to the waterway and involve minimal disturbance to the foreshore or terrestrial environment. Where any land-based works are proposed—such as minor upgrades to accessways, pontoons, or services—these will be undertaken in accordance with best practice erosion and sediment control measures. An Erosion and Sediment Control Plan (ESCP) will be required as a condition of consent to ensure that any construction activities are managed to prevent soil loss, sedimentation of the waterway, or degradation of nearby land.

- **DPIRD - Fisheries**

The submissions raised concerns about whether DPIRD - Fisheries is satisfied with the proposal

Comment:

In accordance with the Environmental Planning and Assessment Act 1979 and the relevant State Environmental Planning Policies, the application has been referred to DPIRD - as an integrated referral, due to the proposal's location within or adjacent to aquatic habitats. DPIRD - Fisheries has reviewed the application, including plans and relevant report lodged with the application. Following this review, DPIRD - Fisheries provided General Terms of Approval, included in the recommended conditions of consent.

- **Inconsistent with the relevant SEPP's**

The submissions raised concerns that the proposal doesn't comply with the relevant State Environmental Planning Policies (SEPPs) for this application.

Comment:

The proposed marina extension has been assessed against all applicable SEPPs in force at the time of lodgement, including but not limited to SEPP (Resilience and Hazards) 2021, SEPP (Biodiversity and Conservation) 2021 and SEPP (Transport and Infrastructure) 2021. The marina extension has been designed and assessed with regard to these policies and is considered to be consistent with the aims, objectives, and development standards set out in the relevant SEPPs as discussed in detail within the report.

- **Failure to meet Australia Standards**

The concern regarding the proposed marina extension's ability to comply with relevant Australian Standards

Comment:

As part of the assessment process, the design of the proposed marina extension has been reviewed against the applicable Australian Standards, including AS 3962 – Guidelines for Design of Marinas

The proposal has been prepared by suitably qualified consultants and includes design documentation demonstrating compliance with relevant safety, access, structural and operational requirements. Any detailed design and construction will be required to meet these standards as a condition of consent and will be subject to further certification prior to construction and occupation.

Council and relevant referral authorities (such as Transport for NSW – Maritime and/or the Harbour Master, if applicable) are satisfied that the proposed works can be delivered in accordance with Australian Standards and do not raise concerns regarding safety, functionality or environmental impact.

- **Wash – Superyachts**

The submissions raised concerns that that larger boats/yachts proposed in this application (up

to 15m) would result in unreasonable wash impacts to other vessels and structures in the harbour.

Comment:

The operation of vessels up to 15m, is not expected to generate wash that would cause significant impact on the surrounding environment or other harbour users.

- **TfNSW permissions to lodge**

The submissions raised concerns that applicant had appropriate permission to lodge the Development Application (DA) from Transport for NSW

Comment:

The applicant provided written landowner's consent from TfNSW authorising the submission of the application over the relevant Crown land.

- **Owner's consent - Crown**

The submissions raised concern whether owner's consent has been provided by the crown to allow for the proposed works.

Comment:

The State of New South Wales (Crown Lands & Public Spaces) is the owner of Lot 1 in Deposited Plan 793093 which adjoins land to which North Harbour Marina Pty Limited. The crown raised objection to the proposal.

- **Maneuverability**

The submissions raised concerns that the increased berths will not allow for suitable maneuverability for boats berth

Comment:

The proposed works to the marina has been to ensure that it does not unreasonably impede boat maneuverability within waterway and marina itself. Vessel access and egress can continue to be undertaken safely and efficiently with the proposed layout. To ensure this, a condition has been imposed to ensure compliance with relevant Australian Standard (including AS 3962 - *Guidelines for Design of Marinas*).

- **Severe Weather**

The concern regarding the potential impacts of severe weather events on the proposed marina extension.

Comment:

The marina layout, materials, and structural elements have been designed in accordance with AS 3962 – *Guidelines for Design of Marinas*, which sets out requirements for withstanding environmental loads and severe weather conditions. Council, NSW Fisheries TfNSW are satisfied that, subject to compliance with detailed design and construction requirements, the marina extension will be able to withstand severe weather without resulting in unacceptable risk to public safety, infrastructure, or the environment.

- **Designated Development**

The submissions raised concerns that proposal is '*Designated Development*'.

Comment:

The issue as to whether application is designated development or not has been considered in detail within the assessment report. In summary, given the extent of works proposed, the proposal is not deemed to be '*Designated Development*'.

- **Water access for dinghies and smaller crafts**

The submissions raised concerns that proposed marina does not provide safe water access for dinghies and other smaller water crafts (i.e Kayaks).

Comment:

Access from the dinghy storage area to the water will be maintained via the existing timber walkway to the existing shoreline/beach.

- **Aboriginal Heritage**

The submissions raised concerns regarding the impact of the proposal on aboriginal heritage.

Comment:

The application was referred to Aboriginal Heritage Office (AHO) for comment. The AHO requested additional information including Construction Methodology Plan (CMP) to ensure that if the application is approved, works did not impact any areas of significance. A construction methodology was provided by application, and the application was supported, subject to conditions of consent.

- **Heritage**

The submissions raised concerns regarding the heritage impacts of the proposal, would result in an unreasonable impact on the heritage significance of the subject site.

Comment:

The subject site contains a heritage item (Item I1 - Harbour foreshores - Manly municipal area boundary adjacent to the Harbour and adjoins a heritage item) and adjoins a heritage item (Item I28 - Wellings Reserve - Gourlay Avenue and New Street, North Harbour). The application was referred to Council's Heritage advisor for comment. The heritage advisor supported the proposal, subject to conditions.

- **Cost of Works (COW)**

The submissions raised concerns that the proposed COW is inaccurate.

Comment:

The application was accompanied by a cost summary report from a certified builder, confirming the COW as \$257,500.

- **Insufficient facilities for Kiosk**

The submissions raised concerns that the proposed marina building is not suitable for use as a kiosk.

Comment:

The proposed application was accompanied by a BCA Capability Report (prepared by Mainey, dated 2 November 2023). The recommendations within the report, relating to building upgrades for the Kiosk use have been incorporated as part of the conditions of consent.

- **Waste Management**

The submissions raised concerns that regarding waste management of the marina.

Comment:

The application was referred to Council's waste management officer, who supported the proposed waste management, subject to conditions of consent.

- **Width of channel**

The submissions raised concerns that the channel width is undersized and inadequate to accommodate the increased size boat.

Comment:

The applicant amended the application to reduce the maximum length of boats from 32 to 15 metres. As the proposal involves works within navigable waters, the application has been referred to Transport for NSW for comment in accordance with the Environmental Planning and Assessment Act 1979 and relevant maritime legislation. The proposed application including all

plans and documentation has been reviewed to ensure it does not pose a risk to vessel safety or obstruct public access to navigable waters. TfNSW has reviewed the application and raised no objection, subject to conditions. Council is satisfied that the proposal has been assessed in consultation with the relevant harbour authority and that the marina extension will not result in unacceptable impacts on navigational safety or harbour operations.

- **Pump-out facilities**

The concern regarding the suitability and adequacy of existing pump-out facilities and its ability to deal with the increased intensity of use.

Comment:

The proposal includes provision for an appropriately designed marine sewage pump-out facility to service vessels using the marina. The facility will be conditioned to comply with all applicable environmental standards and be connected to a licensed waste disposal system, ensuring that marine waste is managed appropriately and does not impact water quality. Conditions of consent will be imposed to ensure the facility is operated, upgraded and maintained in accordance with relevant regulatory requirements.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p><i>Supported, with conditions</i></p> <p>The application has been investigated with respects to aspects relevant the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p><u>Note:</u> The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Environmental Health (Industrial)	<p><i>Supported, with conditions</i></p> <p>Amenity condition added on food referral</p> <p>Recommendation</p> <p>APPROVAL - no conditions</p>

Internal Referral Body	Comments
Environmental Health (Food Premises, Skin Pen.)	<p><i>Supported, with conditions</i></p> <p>Kiosk only not a cafe so will condition for no cooking</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
NECC (Bushland and Biodiversity)	<p><i>Supported, with conditions</i></p> <p>The comments in this referral relate to the following applicable controls and provisions:</p> <ul style="list-style-type: none"> • NSW Biodiversity Conservation Act 2016 • NSW Biodiversity Conservation Regulation 2017 • Manly LEP Clause 6.5 Terrestrial Biodiversity <p>The proposal is unlikely to impact upon terrestrial native flora and fauna and will not require the removal of any native vegetation. Given the proximity to Areas of Outstanding Biodiversity and Little penguin habitat (<i>Eudyptula minor</i>), conditions are recommended to avoid and minimise impacts as recommended in the submitted Aquatic Ecology report.</p> <p>The development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p>
NECC (Coast and Catchments)	<p><i>Supported, with conditions</i></p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports including: <ul style="list-style-type: none"> • Aquatic Ecology Survey Assessment Report by Marine Pollution Research Pty. Ltd. dated September 2024 • State Environmental Planning Policy (Resilience and Hazards) 2021; • Relevant LEP and DCP clauses; and • Northern Beaches Water Management for Development Policy <p>The application has also been assessed in consideration approval/support of:</p> <ul style="list-style-type: none"> • Consent to lodge DA from the NSW Department of Planning and Environment – Crown Lands and Public Spaces dated December 2023; and Transport for NSW dated January 2024 <p>State Environmental Planning Policy (Resilience & Hazards) 2021</p> <p>The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience & Hazards) 2021 (SEPP R & H). Hence, Clauses 2.10, 2.11 and 2.12 of the CM (R & H) apply for this DA. Clauses 2.10 (coastal environment area) and 2.11 (coastal use area)</p>

Internal Referral Body	Comments
	<p>do not apply as the site is also located within the Sydney Harbour catchment area. Hence, only Clause 2.12 of the SEPP apply for this DA.</p> <p>Comment:</p> <p>On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by GSA Planning dated September 2024, the DA satisfies requirements under clause 2.12 of the SEPP.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021.</p> <p>Aquatic Ecology Survey Assessment Report by Marine Pollution Research Pty. Ltd. dated September 2024</p> <p>It is concluded that refurbishment proposal at North Harbour Marina in North Harbour can be undertaken with a low risk of impact on threatened species that may be in the vicinity of the site and low risk of impact on the aquatic habitats at the site. Residual risk of potential impact of pile and deck construction works will be mitigated by the use of best practice work methods outlined in Section 3.1 above and that will be specified in the project Construction Environment Management Plan (CEMP).</p> <p>Accordingly, the project would meet the aquatic ecology conservation requirements of SEPP(BC) 2021 Chapter 6, and would meet the aquatic ecology and fish habitat conservation requirements of the Fisheries Management Act 1994 (FMA) plus the NSW DPI Fisheries Guidelines (Fisheries NSW 2013).</p> <p>As there are no works to be undertaken in the seagrass beds there will be no loss of marine vegetation arising from the proposal, provided the potential construction related impact avoidance measures provided in this report are employed, and whilst the works would therefore not require a Permit to harm marine vegetation under the FMA, DPI Fisheries may still require a permit to account for residual construction related risk.</p> <p>No other coastal issues identified.</p>
Parks, reserves, beaches, foreshore	<p><i>Supported, without conditions</i></p> <p>The development area is located within Wellings Reserve RE1 zoned land that is located upslope. The surrounding zones around the development area consist of public foreshore bushland reserve, foreshore beach and waterway. The proposal is described in reports and illustrated on plans and upon review Parks, Reserves and Foreshores raise no concerns with the development proposal.</p> <p>It is considered that the proposal does not impact upon the public foreshore bushland nor the foreshore beach, and visually and</p>

Internal Referral Body	Comments		
	physically the impact upon the waterway is non-intrusive. Public access to the foreshore bushland zone and the foreshore beach is maintained.		
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS		
	Discussion of reason for referral		
	Supported, with conditions		
	The proposal has been referred to Heritage as the subject site contains a heritage item and adjoins a heritage item:		
	Item I1 - Harbour foreshores - Manly municipal area boundary adjacent to the Harbour		
	Item I28 - Wellings Reserve - Gourlay Avenue and New Street, North Harbour		
	Details of heritage items affected		
	Details of the heritage items as contained within the heritage inventory are:		
	Item I1 - Harbour foreshores <u>Statement of Significance</u> Natural landscape type - Aesthetic. <u>Physical description</u> Length of foreshore including natural and built elements of the landscape. Rocky sandstone ledgers, beaches, mud flats and sandstone retaining walls and timber structures.		
	Item I28 - Wellings Reserve <u>Statement of Significance</u> Natural landscape, scientific and aesthetic significant. <u>Physical description</u> Remnant natural bushland of low woodland character. Some intrusions of weed species adjacent to roads and suburban development. Generally in good condition. Commemorative reserve named after former Shire Clerk.		
	Other relevant heritage listings		
SEPP (Biodiversity and Conservation) 2021	No		
Australian Heritage Register	No		
NSW State Heritage Register	No		
National Trust of Aust (NSW) Register	No		
RAIA Register of 20th Century Buildings of Significance	No		

Internal Referral Body	Comments		
	Other	No	
	Consideration of Application		
	The proposal seeks consent for alterations and additions to the existing North Harbour Marina (formerly Davis Marina), including a new kiosk within the Maria Building, an extension to the existing deck. The proposal also involves the removal of ten (10) commercial swing moorings, relocation of four (4) private swing moorings, the provision of nine (9) additional berths across the eastern and western arms, and the removal of two (2) existing slipways replaced with seventy-two (72) dinghy storage racks and an associated decking area extending into the Harbour Foreshores. The existing marina building is not a heritage item but it is partly in the heritage listed reserve and partly sits over heritage listed Harbour Foreshores. The modifications to the existing marina building are within the existing footprint and the new deck area for the new dinghy storage is proposed on existing piles as noted in the SEE. Therefore, the impact of the proposed works on the significance of the heritage items is considered tolerable.		
	Therefore, no objections are raised on heritage grounds and no conditions required.		
	<u>Consider against the provisions of CL5.10 of MLEP.</u> Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No		
Traffic Engineer	<i>Supported, with conditions</i> <u>Proposal description:</u> Alterations and additions to Marina facilities The proposal includes the following changes: <ul style="list-style-type: none">• Removing 10 commercial swing moorings.• Adding nine (9) additional berths in both the eastern and western arms.• Removing the existing two slipways and replacing them with 72 dinghy racks and associated decking.• Facilitating a new kiosk to serve as an on-premises venue, along with an extension of the deck connected to the existing Marina Building.• Extending the deck area of the Marina Building and converting part of the office space into a café kitchen, to lease the café space to a local operator, providing services for both boat users and pedestrians on the Manly-The Spit track. The traffic team has reviewed the following documents:		

Internal Referral Body	Comments
	<ul style="list-style-type: none"> Amended Plans (Master Set), Drawing No. 6318-01/M – designed by International Marina Consultants, dated 11/08/2023, and Drawing No. 6318-02/M dated 15/08/2023 Traffic and Parking Impact Review, prepared by Addenbrooke Pty Ltd, dated August 2024, Additional Assessment of <i>Traffic and Parking Implications of Proposed Extensions</i>, prepared by Christopher Hallam, dated 30 January 2024, The <i>Statement of Environmental Effects</i>, Document Issue D, prepared by GSA Planning dated 08 February 2024, and TfNSW referral letters dated 15 April 2025. <p>Initially, the applicant planned to relocate four (4) private swing moorings. However, following the letter from Transport for NSW dated April 15, 2025, amendments have been made, and in accordance with the position of Transport for NSW, no private swing moorings will be relocated.</p> <p>According to the SEE, the proposed development will retain the hours of operation as existing, with the exception of the kiosk as a new ancillary facility. The overall kiosk hours extend from 6am to 9pm, however there will be no use of the outdoor seating area after sunset, and doors and windows to the kiosk will be closed after sunset in order to mitigate any potential noise impacts.</p> <p>Parking requirement</p> <ul style="list-style-type: none"> <i>Manly DCP</i> applies to the subject site. The Manly DCP does not nominate a parking rate for marinas, however, it advises that rates provided in TfNSW documents should be used where a rate is not specified. The TfNSW Guide to Transport Impact Assessment states that if a survey of a similar existing development has not been undertaken, the following figures may serve as a general guide: <ul style="list-style-type: none"> 0.6 spaces per wet berth 0.2 spaces per dry storage berth 0.2 spaces per swing mooring 0.5 spaces per marina employee Christopher Hallam & Associates Pty Ltd, a traffic engineering consulting company, has conducted extensive research on the traffic and parking characteristics of marina developments. Their findings include the agreement on parking rates established in a 2022 Court Appeal. The research specifically highlights the changes in parking demand when swing moorings are replaced with wet marina berths. This upgrade has gained popularity due to the high demand for marina berths. The study found that swing moorings generate a higher peak parking demand compared to wet berths that are less than 20 meters in length.

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • The Conclusions in the research, for the recommended car parking rates for marinas, based on Summer weekend boat usage and parking demand, were: <ul style="list-style-type: none"> o Boats on swing moorings 0.224 cars/mooring o Boats in wet marina berths, <20m in length 0.166 cars/berth o Boats in wet marina berths, 20-24m in length 0.223 cars/berth o Boats in wet marina berths, 25m or longer 0.411 cars/berth • The application of these rates to the Marina component of the proposal results in approximately 17 vehicle trips during summer peak hours. • The proposed café will reduce the size of the marina office area from 39 m² to 26 m², with a difference of 13 m² designated for a small café kitchen. The deck area will be expanded to accommodate seating for the café, which will feature 20 seats arranged at 5 tables occupying an area of 26 m². • Regarding the parking requirements for the café component of the proposal, the Manly DCP rate for cafés specifies one space per 40 m² of GFA for the serviced area, without any additional requirement for staff parking. After accounting for a walkway between the marina arms, the office, and the side walkway, as well as maintaining the existing seating for marina patrons, the area of the deck classified as the service area is 26 m². Based on the rate of one space per 40 m², the calculated parking demand is 0.65 spaces (rounded up to 1). • The café's primary customers will be marina users looking for coffee and food while going to or from their boats. Additionally, there will be opportunities for the café to provide packaged meals for boat users to enjoy on their vessels. Another significant group comprises walkers on the Manly to The Spit track. The only group that would contribute to additional parking demand is those who might decide to visit the marina café for lunch. Given the size of the kitchen (13 m²) and the limited seating, the café is unlikely to be featured in the Good Food Guide. The consultant conducted a sensitivity analysis, assuming one-third of customers are boat owners from the marina, one-third are walkers, and one-third are drive-in customers. Using the previously calculated parking demand of 0.65 spaces for the serviced area, one-third of that would equate to 0.217 spaces. After deducting 0.25 spaces to account for staff numbers included in the analysis, the remaining increased peak parking demand would effectively be

Internal Referral Body	Comments
	<p>zero spaces. The addition of a small café to the proposal is therefore expected to have only a limited impact.</p> <ul style="list-style-type: none"> It is noted that the Environmental Health team has advised that the proposal should only consider a kiosk instead of a café, which will include a condition prohibiting any cooking. This should be considered in the report with consultation with Council's Environmental Health team. Parking in Gourlay Avenue is primarily located on the street, featuring an area of angled parking situated just above the marina. This section offers 22 parking spaces, along with approximately five (5) additional informal spaces at the end of Gourlay Avenue, next to the marina. These parking areas are managed by Manly Council. A footpath and steps lead from the 22-space parking area down to North Harbour Marina. This parking also serves the nearby North Harbour Sailing Club, a private club that provides its members with moorings and facilities. The proposal indicates that it will not significantly alter parking demand, and with 27 parking spaces available on Gourlay Avenue, there will be sufficient parking for users. <p>Traffic Impact Since peak parking demands are not increasing, the site will not generate additional traffic, resulting in minimal impact on external traffic conditions.</p> <p>Conclusion Subject to conditions, the application can be supported on traffic grounds.</p>
Waste Officer	<p><i>Supported, with conditions</i></p> <p>As per the Plan of Management document TRIM 2024/639752 submitted on 5th September 2024 but the document dated 15th July 2008 and assuming to be the current POM for this development, in relation to waste storage and commercial bins.</p> <p>The URM commercial bins currently on site include-</p> <p>3 x 240L red general waste bins 3 x 240L yellow recycling bins 1 x 240L blue recycling bin</p> <p>In relation to waste storage and commercial bin quantities required for an addition of a Cafe with up to 20 seats to this current property, the current bin storage area and 7 x 240L bins located on the right hand side when looking at the building is deemed sufficient in size and quantity of bins, however it could hold more blue recycle bins if required.</p> <p>The bin service frequency would be determined by the Marina Staff Management and bins to be collected and serviced by a commercial contractor providing a wheel out/wheel in service to the current bin storage area.</p>

Internal Referral Body	Comments
	There is no residential component to this property that requires a waste positive covenant, all bins and servicing will be from a commercial contractor.

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<p>Supported, with conditions</p> <p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p>
Aboriginal Heritage Office	<p>Supported, with conditions</p> <p>The Construction Methodology as provided by North Harbour Marina on 12/03/2025 describes measures taken to avoid registered site 45-6-2889 during the construction phase of DA20241216 and may proceed with caution.</p> <p>Inadvertent impacts is considered harm under the NPW Act (1974). Storing materials, parking vehicles on an Aboriginal site or area likely to contain Aboriginal sites is considered harm. During construction all workers and contractors should be made aware of their obligations to avoid harm to Aboriginal sites and areas of Aboriginal sensitivity.</p> <p>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.</p>
Roads and Maritime Service - SEPP (Transport and Infrastructure) 2021, s2.122 - Traffic generating development	<p>Supported, no conditions</p> <p>TfNSW does not support the relocation of private moorings AI044, AI027, AI050 and AI019 as illustrated in Drawing 6318-02/L, titled 'proposed marina channel and swing mooring rearrangement', prepared by International Marina Consultants Pty Ltd., dated 27 August 2024.</p> <p>The relocation of the referenced private moorings was to create a wider navigation channel, principally to accommodate vessels up to 32m length overall navigating in Jilling Cove, North Harbour to and from North Harbour Marina.</p> <p>Drawing 6318-01/M, titled 'reconfiguration layout' prepared by International Marina Consultants Pty Ltd., dated 22 January 2025, and the submission from North Harbour Marina titled 'RFI – North Harbour Marina DA2024/1216', dated 29 January 2025, removed the '25m optional berth' at the T-Head end of Arm A and the '32m</p>

External Referral Body	Comments
	<p>optional berth' at the T-Head of Arm B from the scope of the DA.</p> <p>Given the DA no longer seeks to berth a 25m and 32m vessel at the site, TfNSW considers the relocation of the four private moorings unjustified on navigation safety grounds.</p> <p>Planner Comment: The proposal has been amended to delete the relocation of private moorings AI044, AI027, AI050 and AI019. The relocation is no longer proposed. A condition has also been imposed to ensure no approval is given for the relocation of the above mentioned private moorings.</p>
Integrated Development - DPI Fisheries - Fisheries Management Act, s205 - Marine vegetation—regulation of harm	<p>Supportive, with General Terms of Approval</p> <p>DPIRD Fisheries have reviewed the proposal in light for those provisions and has no objections, subject to the proponent meeting the impact mitigation measured in the Marine Habitat Survey (Author: Marine Pollution Research Pty Ltd, dated September 2024, our ref: INW24/25987) and the General Terms of Approval (GTAs) that following. As per s4.47(3) of the <i>Environmental Planning and Assessment Act 1979</i>, any consent issued by Council must be consistent with these GTA's.</p> <p>Comment: Council's recommendation does not impact on the ability of these conditions to be imposed.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

Housing and Productivity Contribution

The proposed partial conversion of the existing marina building to a kiosk does not increase gross floor area. Therefore a Housing and Productivity Contribution is not required in this circumstance.

SEPP (Biodiversity and Conservation) 2021

Chapter 6 – Water catchments

The subject property is located within the Sydney Harbour Catchment and Sydney Harbour Foreshores and Waterways Area therefore the provisions of Chapter 6 Water catchments of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* apply to this development. Accordingly, an assessment under Chapter 6 has been carried out as follows:

Part 6.2 Development in regulated catchments - Division 2 Controls on development generally

6.6 Water quality and quantity

(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—

- (a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,*
- (b) whether the development will have an adverse impact on water flow in a natural waterbody,*
- (c) whether the development will increase the amount of stormwater run-off from a site,*
- (d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,*
- (e) the impact of the development on the level and quality of the water table,*
- (f) the cumulative environmental impact of the development on the regulated catchment,*
- (g) whether the development makes adequate provision to protect the quality and quantity of ground water.*

(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—

- (a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and*
- (b) the impact on water flow in a natural waterbody will be minimised.*

Comment:

(1)

- (a) The proposal has been reviewed by Council's Coastal Officer, Riparian Lands Officer, Water Management and Bushland & Biodiversity Officer who have raised no objection to the works and their impacts to the adjoining waterway (subject to conditions). The proposed works are unlikely to result in any unreasonable impact upon water quality, water flow, runoff or ground water.
- (b) There will be no adverse impacts on water flow in the natural waterbody.
- (c) The development does not impact the stormwater runoff from the land-based site.
- (d) The internal alterations and deck extension does not impact on existing stormwater management.
- (e) The development will not impact the water table in anyway.
- (f) The development will not increase the impact of development on the catchment.
- (g) The proposed development will not impact ground water.

(2)

- (a) The proposal will not unreasonably impact upon the quality of water entering the harbour.
- (b) The proposal will not unreasonably impact upon the water flows in the water body.

6.7 Aquatic ecology

(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—

- (a) whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,*
- (b) whether the development involves the clearing of riparian vegetation and, if so, whether the*

development will require—

- (i) a controlled activity approval under the Water Management Act 2000, or*
- (ii) a permit under the Fisheries Management Act 1994,*

(c) whether the development will minimise or avoid—

- (i) the erosion of land abutting a natural waterbody, or*
- (ii) the sedimentation of a natural waterbody,*

- (d) whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,*
- (e) whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology,*
- (f) if the development site adjoins a natural waterbody—whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.*

(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following:

- (a) the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development,*
- (b) the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves,*
- (c) if a controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994 is required in relation to the clearing of riparian vegetation—the approval or permit has been obtained,*
- (d) the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised,*
- (e) the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.*

Comment:

(1)

(a) Any impacts on aquatic vegetation can be adequately mitigated through the implementation of appropriate conditions recommend in the Aquatic Ecology Assessment and by GTA's provided by DPIRD– Fisheries.

(b) The application was referred to the DPIRD– Fisheries in accordance with the Fisheries Management Act 1994. General Terms of Approval from DPI – Fisheries were provided on 29 November 2024. The application was referred to the NSW Department of Planning and Environment – Water under the provisions of Section 91 of the Water Management Act 2000. Comments from DPE – Water were provided on 18 October 2024 advising that the proposed works are exempt from the need to obtain a Controlled Activity Approval.

(c) The land works are limited to minor internal alterations to the existing marina building and extension to the marina building deck. The proposal will not result in unreasonable increase sedimentation impacts. Notwithstanding this a Erosion and Sediment Control Plan (ESCP) has been conditioned to be prepared and implemented as part of the proposed development.

(d) As addressed in the Aquatic Ecology Report, there are mapped coastal wetlands to the west of the site, however there will be no unreasonable impacts on wetlands as they are not within the footprint of the proposed marina.

(e) The impact on wetlands will not be adverse or unreasonable.

(2)

- (a) As addressed in the submitted reports, any impacts on aquatic vegetation can be adequately mitigated through the implementation of appropriate mitigation measures conditioned as part of this recommendation of this report.
- (b) As above, any impacts on aquatic vegetation can be adequately mitigated through the implementation of appropriate mitigation measures.
- (c) The application was referred to the Department of Primary Industries – Fisheries in accordance with the Fisheries Management Act 1994. General Terms of Approval from DPIRD– Fisheries were provided on 29 November 2024.
- (d) The scale of development will not lead to any substantial erosion of land. Subject to conditions, the level of sedimentation of the natural waterbody will be appropriately minimised.
- (3) As addressed in the Aquatic Ecology Report, there are mapped coastal wetlands to the northwest of the site, however there will be no direct impacts on wetlands as they are not within the footprint of the marina.

6.8 Flooding

- (1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems.*
- (2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not—*
 - (a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or*
 - (b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems*

Comment:

The site is not located within a flood prone area. Mitigation measures are conditioned to mitigate the risk of pollutant runoff into the harbour.

6.9 Recreation and public access

- (1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider—*
 - (a) the likely impact of the development on recreational land uses in the regulated catchment, and*
 - (b) whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.*
- (2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—*
 - (a) the development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation,*
 - (b) new or existing points of public access between natural waterbodies and the site of the development will be stable and safe,*
 - (c) if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be*

safeguarded.

Comment:

(1)

(a) and (b) The proposed alterations and additions will not substantially compromise other recreational land uses of the subject site. The works proposed are largely within the existing leased area of the subject site and therefore existing recreational uses of the harbour (including other boat uses, swimming, kayakers) will not be unreasonably impacted by the development. The proposed alterations and additions to the marina will not unreasonably impact public access to and around foreshores. There will be no adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation. Existing vehicular access and pedestrian access to, from and around the marina is maintained. The works will not compromise pedestrian access to foreshore (beach) for areas currently accessible by pedestrians or vehicles.

(2)

(a)(b)(c) The proposal will improve public access to and from natural waterbodies for recreational boating purposes.

6.10 Total catchment management

In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact.

Comment:

The proposal has been reviewed by Council's Coastal Officer, Environmental Health, and Bushland & Biodiversity Officer who have raised no objection to the works and their impacts to the surrounding natural environment. Based on the expert advice provided and conditions imposed, the proposed works are not considered to have an adverse environmental impact. As such consultation with adjoining local government areas was not undertaken in this instance.

Division 3 Controls on development in specific areas

6.11 Land within 100m of natural waterbody

In deciding whether to grant development consent to development on land within 100m of a natural waterbody in a regulated catchment, the consent authority must consider whether—

- (a) the land uses proposed for land abutting the natural waterbody are water-dependent uses, and*
- (b) conflicts between land uses are minimised.*

Comment:

The proposed land use of the building adjoining the natural waterbody is for the purpose of a marina. The proposal relates to an existing marina, which is a water-dependent use and will not cause conflicts between any other land uses.

Division 4 Controls on development for specific purposes

6.18 Marinas

In deciding whether to grant development consent to development for the purposes of marinas on land in a regulated catchment, the consent authority must consider the following—

- (a) whether the development includes adequate measures in relation to the collection, storage, treatment and disposal of sewage and other waste,*
- (b) whether the development complies with the document entitled Environmental Guidelines: Best Management Practice for Marinas and Slipways, published in 1998 by the Environment Protection Authority,*
- (c) whether adequate depth of water exists for the development and related foreshore facilities,*
- (d) whether the development is likely to affect the stability of land adjoining a natural waterbody,*
- (e) whether the development will have an adverse impact on the foreshore or the bed of a natural waterbody.*

Comment:

The marina is considered against the points listed above as follows:

- (a) The proposed alterations and additions to the marina will continue to provide marina pump-out facilities. For the land based functions of the marina, waste bin and bin collection has been conditioned by Council's waste officer.
- (b) The application has regard and generally complies with the with the document entitled Environmental Guidelines: Best Management Practice for Marinas and Slipways, published in 1998 by the Environment Protection Authority. Compliance with the document will be an ongoing condition of consent.
- (c) The water depth of the site is adequate in supporting the proposed marina. The application has provided survey data to confirm water and depth and information to confirm that the proposal complies with AS3962 (Marina Design) Section 3.2 (Water Depths).
- (d) No works are proposed which would compromise the stability of land. Sediment and erosion controls will be implemented for the proposed works through conditions.
- (e) The application was referred to the Coast and Catchment officer at Council who confirmed that the proposed development is unlikely to have any unreasonable impact upon the foreshore, subject to conditions.

6.19 Moorings

(1) Development for the purposes of moorings on land in a regulated catchment—

- (a) may be carried out with development consent, if the development will be carried out in accordance with a permit under the Fisheries Management Act 1994, and*
- (b) is otherwise prohibited.*

Note—

Development requiring both development consent and a specified permit under the Fisheries Management Act 1994 is integrated development—see the Act, section 4.46.

Comment:

The proposal qualifies as integrated development pursuant to EPA Act. GTA's from DPIRD– Fisheries have been provided and conditioned as part of this recommendation.

(2) In deciding whether to grant development consent to development for the purposes of moorings on land in a regulated catchment, the consent authority must consider the following—

- (a) the type and size of vessels that will be moored,*
- (b) whether adequate depth of water exists for the development,*
- (c) whether dredging will be needed to carry out the development,*
- (d) whether the development will provide public facilities or promote the shared use of private*

facilities.

Comment:

- (a) The marina is proposed to accommodate vessels up to 15m in length, consistent with the recreation and commercial usage.
- (b) As detail above, sufficient water depths exists to safely accommodate moored vessels.
- (c) No dredging is proposed.
- (d) The marina includes public pump-out facilities.

6.23 Demolition on certain land

- (1) *This section applies to land—*
 - (a) *in a regulated catchment, and*
 - (b) *to which a local environmental plan that adopts the Standard Instrument does not apply.*
- (2) *Development that involves the demolition of a building or work may be carried out only with development consent.*

Comment:

- (2) The demolition works proposed are proposed through this Development Application.

Part 6.3 Foreshores and Waterways Area

Division 1 Preliminary

6.24 Application of Part

- (1) *This Part applies to land that is in, or abuts, the Foreshores and Waterways Area.*
- (2) *If development is permitted with development consent under this Part, the permission is subject to a provision of another Part that prohibits the development.*
- (3) *If development is permitted without development consent under this Part, the permission is subject to a provision of another Part that—*
 - (a) *permits the development with development consent, or*
 - (b) *prohibits the development.*

Comment:

- (1) The subject site is in the Foreshores and Waterways Area. and as such this part applies.

6.25 Consent authority

- (1) *The Minister administering the Ports and Maritime Administration Act 1995 is the consent authority for the following development—*
 - (a) *development comprising the subdivision of land owned by TfNSW in or abutting the Foreshores and Waterways Area,*
 - (b) *development carried out in the Foreshores and Waterways Area wholly below the mean high water mark,*
 - (c) *development carried out in the Foreshores and Waterways Area for one or more of the following purposes, including development carried out wholly or partly inside a local government area—*
Above-water boat lifts; Advertisements; Advertising structures; Aids to navigation; Aviation facilities; Boat lifts; Charter and tourism boating facilities; Commercial port facilities; Dredging; Floating boat platforms; Flora and fauna enclosures; Houseboats; Maintenance dredging; Mooring pens; Private landing facilities; Private landing steps; Private marinas; Private swimming enclosures; Public boardwalks; Public water transport facilities; Single moorings; Skids; Slipways

(2) Despite subsection (1), the Minister administering the Environmental Planning and Assessment Act 1979 is the consent authority for the following development carried out in the Foreshores and Waterways Area—

*(a) development carried out partly above and partly below the mean high water mark,
(b) development carried out below the mean high water mark for the purposes of one or more of the following—*

Boat building and repair facilities; Boat launching ramps; Boat sheds; Marinas; Reclamation works; Swimming pools; Water-based restaurants and entertainment facilities; Waterfront access stairs; Water recreation structures; Wharf or boating facilities that are sea walls

(c) development carried out wholly or partly inside the zoned waterway, including development carried out below the mean high water mark, for the purposes of one or more of the following—

Car parks; Commercial premises; Recreational or club facilities; Residential accommodation; Restaurants or cafes; Retail premises; Tourist facilities

(3) Subsections (1) and (2) do not apply if another environmental planning instrument specifies a different public authority, other than the council, as the consent authority for the development.

Comment:

The proposal is development carried out partly above and partly below the mean high water mark as defined above as subsection (2)(a). The Minister for Planning and Public Spaces has delegated the consent authority functions for the proposed works, falling under subsection (2)(a), to the Council of the local government area in which the proposed development to be carried out. Therefore the Northern Beaches Council via the Local Planning Panel has the power to determine the application.

Division 2 Zoning of Foreshores and Waterways Area

6.26 Zoning of Foreshores and Waterways Area

Comment:

The water-based component of the Site is zoned as Zone 2 – Environmental Protection.

6.27 Zone objectives and Land Use Table

Comment:

Zone 2 – Environmental Protection prohibits Marinas. However, development for the purposes of marinas or boat building and repair facilities may be carried out with development consent on land in Zone 2 if the land is identified as a special purposes area on the Special Purposes (Marinas and Boat Building and Repair Facilities) Map. The subject site is identified in the map.

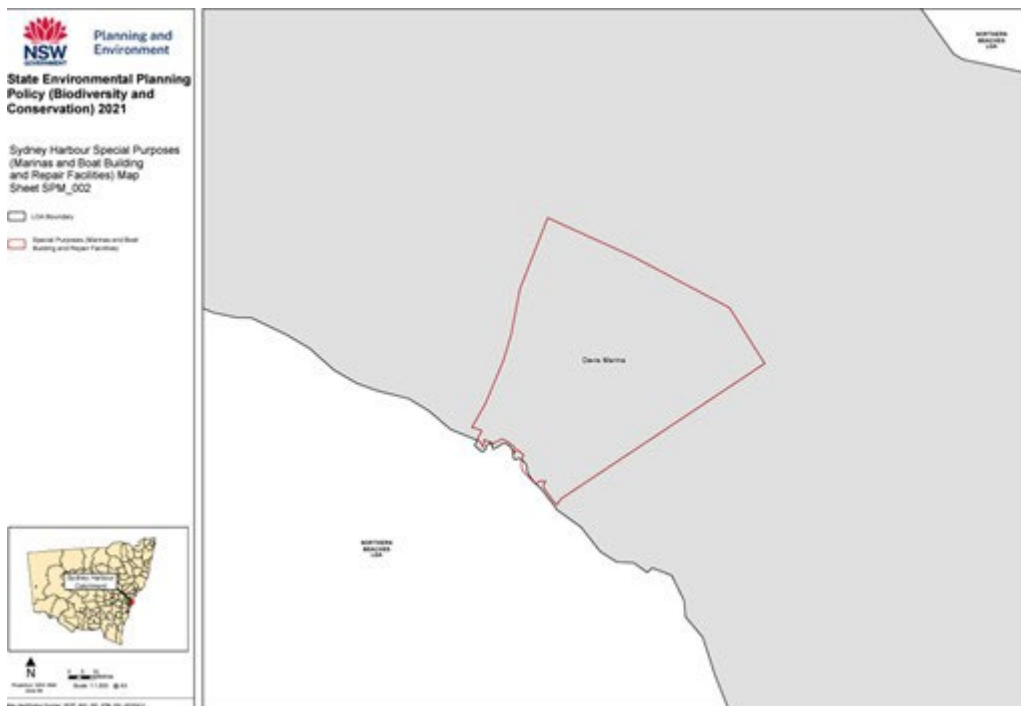


FIGURE 5 - SPECIAL PURPOSES MAP

Division 3 Development in Foreshores and Waterways Area

6.28 General

(1) In deciding whether to grant development consent to development in the Foreshores and Waterways Area, the consent authority must consider the following—

(a) whether the development is consistent with the following principles—

- (i) Sydney Harbour is a public resource, owned by the public, to be protected for the public good,*
- (ii) the public good has precedence over the private good,*
- (iii) the protection of the natural assets of Sydney Harbour has precedence over all other interests,*

(b) whether the development will promote the equitable use of the Foreshores and Waterways Area, including use by passive recreation craft,

(c) whether the development will have an adverse impact on the Foreshores and Waterways Area, including on commercial and recreational uses of the Foreshores and Waterways Area,

(d) whether the development promotes water-dependent land uses over other land uses,

(e) whether the development will minimise risk to the development from rising sea levels or changing flood patterns as a result of climate change,

(f) whether the development will protect or reinstate natural intertidal foreshore areas, natural landforms and native vegetation,

(g) whether the development protects or enhances terrestrial and aquatic species, populations and ecological communities, including by avoiding physical damage to or shading of aquatic vegetation,

(h) whether the development will protect, maintain or rehabilitate watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity.

Comment:

(1)

- (a) The extension does not encroach upon or restrict public access to the foreshore.
- (b) The proposed marina, as amended, will provide for better access to the waterways for recreational purposes for access and launching of big boats and small crafts
- (c) The proposed development will not restrict navigation or moorings for other vessels.
- (d) The marina is a water dependent use.
- (e) The land based works are to an existing structure. No new land structures are being proposed which will at risk of rising sea levels.
- (f) There is no removal of natural landform or foreshore reclamations works proposed.
- (g) The proposal will not impact on any aquatic vegetation or fauna species
- (h) As noted previously, the proposal will not have any unreasonable impacts on watercourses, wetlands, riparian lands, remnant vegetation or ecological values.

(2) Development consent must not be granted to development in the Foreshores and Waterways Area unless the consent authority is satisfied of the following—

- (a) having regard to both current and future demand, the character and functions of a working harbour will be retained on foreshore sites,*
- (b) if the development site adjoins land used for industrial or commercial maritime purposes—the development will be compatible with the use of the adjoining land,*
- (c) if the development is for or in relation to industrial or commercial maritime purposes—public access that does not interfere with the purposes will be provided and maintained to and along the foreshore,*
- (d) if the development site is on the foreshore—excessive traffic congestion will be minimised in the zoned waterway and along the foreshore,*
- (e) the unique visual qualities of the Foreshores and Waterways Area and its islands, foreshores and tributaries will be enhanced, protected or maintained, including views and vistas to and from—*
 - (i) the Foreshores and Waterways Area, and*
 - (ii) public places, landmarks and heritage items.*

Comment:

(2)

- (a) Despite the removal of the two slipways the development retains its use as a marina within the harbour.
- (b) The proposed development will not have any adverse impact on the North Harbour sailing club to the east of the subject site.
- (c) As above, public access to the foreshore will not be adversely impacted.
- (d) The proposed development is unlikely to have a significant impact upon traffic congestion.
- (e) The existing marina and proposed new works are of low scale, and will not significantly compromise the visual qualities of the foreshore including views and vistas from the foreshore and waterways area and public places including Wellings Reserve, and heritage items.

6.29 Areas of outstanding biodiversity value

(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied the development will not have a significant adverse impact on the land.

Comment:

Council's Biodiversity officer has reviewed the proposal having regard to impacts on biodiversity and raises no concern with the proposal, subject to conditions.

6.31 Dredging

(2) Development consent must not be granted to development for the purposes of dredging or maintenance dredging in the Foreshores and Waterways Area unless the consent authority has considered—

- (a) the adequacy of an acid sulfate soils management plan prepared for the development in accordance with the Acid Sulfate Soils Assessment Guidelines, and*
- (b) the likelihood of the development resulting in the discharge of acid water.*

Comment:

No dredging is proposed.

6.32 Rocky foreshores and significant seagrasses

(3) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied the development—

- (a) will preserve and enhance the health and integrity of seagrasses, areas containing seagrasses and ecological communities in rocky foreshore areas, and*
- (b) will maintain or increase the connectivity of seagrass vegetation and natural landforms, and*
- (c) will prevent, or will not contribute to, the fragmentation of aquatic ecology, and*
- (d) will not cause physical damage to aquatic ecology.*

Comment:

The application was referred to DPIRD– Fisheries who reviewed the impact of the development on seagrasses. The application was subject to general terms of consent being imposed.

6.33 Boat storage facilities

In deciding whether to grant development consent to development for the purposes of boat storage facilities in the Foreshores and Waterways Area, the consent authority must consider the following—

- (a) whether the development will increase the number of public boat storage facilities and encourage the use of the facilities,*
- (b) whether the development will avoid the proliferation of boat sheds and other related buildings and structures below the mean high water mark,*
- (c) whether the development will provide for the shared use of private boat storage facilities,*
- (d) whether the development will avoid the proliferation of private boat storage facilities in and over the waterways by providing facilities that satisfy a demonstrated demand,*
- (e) whether the development will minimise the visual intrusion caused by the boat storage facility,*
- (f) for development involving permanent boat storage—whether the development will—*
 - (i) be adversely affected by the wave environment in relation to safety and utility, and*
 - (ii) avoid adverse impacts on safe navigation and single moorings.*

Comment:

- (a) The proposed extension provide additional berths, increasing vessel storage
- (b) The proposal does not include any new boat shed or other related buildings
- (c) The marina operates as a shared use facilities where berths or leased.
- (d) The additional berths will allow within a existing facility over individual moorings in the harbour.
- (e) The land based buildings are proposed, and as such will not lead to significant visual intrusion.
- (f) The subject site is located in a sheltered area of the harbour. The proposal as amended maintains clear navigational corridors.

6.35 Mooring pens

- (1) Development consent must not be granted to development for the purposes of mooring pens in the Foreshores and Waterways Area unless the consent authority is satisfied of the following—*
- (a) the development will not have an adverse impact on safe navigation,*
 - (b) the development will not reduce or adversely affect public access to and along the foreshore or to and from the zoned waterway,*
 - (c) the development will be compatible with the character of the locality,*
 - (d) the development will minimise the visual intrusion caused by the mooring pens,*
 - (e) if a mooring pen is for the permanent berthing of a vessel—the development will be carried out in a location suitable for the berthing, having regard to—*
 - (i) water depth, without the need for dredging, and*
 - (ii) wave action,*
 - (f) the mooring pens will not, when being constructed, installed or used, have an adverse impact on seagrass.*

Comment:

- (a) The additional berths to the existing 2 floating arms and removal of swing moorings will not have an adverse impact on navigation channels within the harbour.
- (b) The additional berths will not reduce or adversely affect public access to and along the foreshore or to and from the zoned waterway.
- (c) The proposed removal of swing moorings will not compromise the character of the locality.
- (d) The removal of the swing moorings will not increase visual intrusion.
- (d) No dredging is proposed. There will be no significant 'wave action' The application was referred to the DPIRD– Fisheries who have no objections to the proposal in terms of habitat protection, including seagrass, and have issued GTA's. No issues have been raised from Council's referral bodies in relation to the mooring pens.

6.38 Marinas and boat building and repair facilities in Zone 2

- (1) The objectives of this section are as follows—

- (a) to maintain the working harbour character and functions of certain existing marinas and boat building and repair facilities by retaining their sites for maritime purposes,
 - (b) to ensure development carried out on the sites, including alterations of or extensions to the facilities, does not substantially increase the scale of the facilities or the intensity of their use.
- (2) Despite any other provision of this Part, development for the purposes of marinas or boat building and repair facilities may be carried out with development consent on land in Zone 2 if the land is identified as a special purposes area on the Special Purposes (Marinas and Boat Building and Repair Facilities) Map.

Comment:

The proposed Marina is identified as a special purposes area on the Special Purposes (Marinas and Boat Building and Repair Facilities) Map and therefore works are permissible with consent.

- (3) In this section, a reference to a marina does not include a reference to a private marina.

Comment:

The development is for a marina not private marina

Concluding comment: The proposed development satisfies the requirements of the SEPP.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

SEPP (Resilience and Hazards) 2021 Chapter 2 details provisions in relation to development in the coastal zone, in a manner consistent with the objects of the Coastal Management Act 2016 (CM Act). As detailed in the submitted Aquatic Ecology Report, coastal wetlands occur to the immediate west of the site, and the site is partially located within a proximity area for coastal wetlands. The Aquatic Ecology Report notes that the proposal will not result in direct impacts on wetlands as they are not within the proposal footprint. Part of the proposed marina structure is identified as being within the proximity area for coastal wetlands. In accordance with Clause 2.8 of the SEPP, and as determined by the submitted Aquatic Ecology Report and Hydrology and Water Quality Assessment, it is considered that the biophysical, hydrological and ecological integrity of the adjacent coastal wetlands will not be significantly impacted nor will the quantity and quality of water flows to them.

The site is also within the coastal use area and coastal environment area as defined by the SEPP. Notwithstanding this, given that the site is located within the Foreshores and Waterways Area as defined in the State Environmental Planning Policy (Biodiversity and Conservation) 2021, the provisions relating to the Coastal Use Area and Coastal Environment Area do not apply.

Manly Local Environmental Plan 2013

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Compliance Assessment

Clause	Compliance with Requirements
5.4 Controls relating to miscellaneous permissible uses	Yes
5.7 Development below mean high water mark	Yes
5.8 Conversion of fire alarms	Yes
5.10 Heritage conservation	Yes
6.1 Acid sulfate soils	Yes
6.5 Terrestrial biodiversity	Yes
6.8 Landslide risk	Yes
6.9 Foreshore scenic protection area	Yes
6.10 Limited development on foreshore area	Yes
6.12 Essential services	Yes

Detailed Assessment

5.4 Controls relating to miscellaneous permissible uses

This clause requires that:

(6) **Kiosks** *If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 55 square metres.*

Comment:

The proposed kiosk is 48.5m² in area, including seating.

5.7 Development below mean high water mark

The application proposed works below the Mean High Water Mark (MHWM) including the deck and extensions and water component works detailed in the description of works. The proposal has been accompanied by Council's coast and catchment, biodiversity and as well as NSW Fisheries having regard to the potential environmental impacts. The proposal was supported, subject to conditions.

6.1 Acid sulfate soils

Clause 6.1 - 'Acid sulfate soils' requires Council to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. In this regard, development consent is required for the carrying out of works described on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

The site is located in an area identified as Acid Sulfate Soil Class 5, as indicated on Council's Acid Sulfate Soils Planning Map.

Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land is required to be assessed to determine if any impact will occur. The land based works which are located in the acid sulfate soil class 5 does not proposed any works below 5 metres Australian Height Datum.

6.5 Terrestrial biodiversity

The objective of this clause is to maintain terrestrial biodiversity by:

- (a) *protecting native fauna and flora, and*
- (b) *protecting the ecological processes necessary for their continued existence, and*
- (c) *encouraging the conservation and recovery of native fauna and flora and their habitats.*

In this regard, before determining a development application for development on land to which this clause applies, the consent authority must consider:

- (a) *whether the development is likely to have:*
 - (i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - (ii) *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*

- (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- (iv) any adverse impact on the habitat elements providing connectivity on the land, and*
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment:

The application was referred to Council's Bushland & Biodiversity team, who are supportive of the proposed works, subject to recommended conditions of consent. The development will not have adverse impact on the matters above and appropriate measures have been taken to avoid, minimise and mitigate the impacts of the development.

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

The application was referred to Council's Bushland & Biodiversity team, who are supportive of the proposed works, subject to recommended conditions of consent. The development is designed, sited and will be managed to avoid any significant adverse environmental impact.

6.8 Landslide risk

The objectives of this clause are to ensure that development on land susceptible to landslide—

- (a) matches the underlying geotechnical conditions of the land, and*
- (b) is restricted on unsuitable land, and*
- (c) does not endanger life or property.*

In this regard, before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account the risk of landslide—

- (a) site layout, including access,*
- (b) the development's design and construction methods,*
- (c) the amount of cut and fill that will be required for the development,*
- (d) waste water management, stormwater and drainage across the land,*
- (e) the geotechnical constraints of the site,*
- (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment:

The proposed development is supported by architectural plans and reports, which demonstrate the proposal is acceptable with respect to the above matters.

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and that—

- (a) the development is designed, sited and will be managed to avoid any landslide risk or significant*

adverse impact on the development and the land surrounding the development, or
(b) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or
(c) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.

Comment:

Given the above, the proposed development is demonstrated to be designed, sited and managed to avoid landslide risk and significant adverse impact on the subject site and surrounding land.

6.9 Foreshore scenic protection area

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:

- (a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,*
- (b) measures to protect and improve scenic qualities of the coastline,*
- (c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,*
- (d) measures to reduce the potential for conflict between land-based and water-based coastal activities.*

Comment:

The subject site is within the foreshore scenic protection area and is foreshore land. The proposed development:

- does not unreasonably impact upon the visual amenity of the foreshore and surrounds, and does not result in view loss from a public place to the foreshore,
- is not closely visible from the coastline, so does not impact upon its scenic quality,
- is suitable in its site context, and
- does not result in conflict between land-based and water-based coastal activities.

6.10 Limited development on foreshore area

Under Clause 6.10 Limited Development on Foreshore Area, development consent must not be granted for development on land in the foreshore area except for the following purposes:

- *the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,*
- *the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,*
- *boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).*

Comment:

The proposed development is for alteration of an existing building in the foreshore area.

Development consent must not be granted under this clause unless the consent authority is satisfied that:

- *the development will contribute to achieving the objectives for the zone in which the land is located, and*
- *the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*
- *the development will not cause environmental harm such as:*
 - *pollution or siltation of the waterway, or*
 - *an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or*
 - *an adverse effect on drainage patterns, and*
- *the development will not cause congestion or generate conflict between people using open space areas or the waterway, and*
- *opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and*
- *any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and*
- *in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and*
- *sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change have been considered.*

Comment:

The proposed development is consistent with the objectives of the RE1 Public Recreation zone. The appearance of the proposed development is compatible with the surrounding area. The proposed development will not cause environmental harm in relation to pollution, siltation, surrounding uses, marine habitat, wetland areas, flora or fauna habitats or drainage patterns. The proposed development will not cause congestion or generate conflict between people using the adjacent open space or waterway. The proposed development retains public access along the foreshore. The proposed development will not result in adverse impacts to any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land. The proposed development will not have an adverse impact on the amenity or aesthetic appearance of the foreshore. The proposed development will not impact upon sea level rise, coastal erosion or recession, or change flooding patterns.

In satisfying itself about a matter mentioned in subclause (3) (e), the consent authority must give consideration to the following—

- *continuous public access to and along the foreshore through or adjacent to the proposed development,*
- *public access to link with existing or proposed open space,*
- *public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,*
- *public access to be located above mean high water mark,*
- *the reinforcing of the foreshore character and respect for existing environmental conditions.*

Comment:

The proposed development will retain continuous public access to and along the foreshore. The proposed development does not impact upon any public access. The proposed development is acceptable in relation to the foreshore character and the existing environmental conditions.

6.12 Essential services

Under this clause, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

Comment:

The subject site is supplied with the above essential services. The proposed development retains and relies upon these services.

Manly Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.2 Heritage Considerations	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.4 Other Nuisance (Odour, Fumes etc.)	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.6 Accessibility	Yes	Yes
3.8 Waste Management	Yes	Yes
3.9 Mechanical Plant Equipment	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes

Detailed Assessment

3.4.2 Privacy and Security

Acoustic privacy concerns have been raised having regard to the proposed operation of the proposed kiosk and increased boats and boat sizes proposed.

- The proposed kiosk, as amended includes the following operational details:
 - Hours of Operation: 7am - 4pm Monday to Sunday
 - Patrons: Maximum 20 seated patrons
- The water based storage component:
 - Western Arm: Increase from 22 berths to 23 berths up to 12m in length.
 - Eastern Arm: increase from 13 berths to 21 berths up to 15m in length

Kiosk

The kiosk operating hours, as amended ensures that the kiosk will operate during standard business trading hours only (Sunday - Monday 7am -4pm). The kiosk is also limited to a maximum of 20 seated patrons at anytime and as such will not be intrusive on neighbouring residential development. Additionally, it is conditioned that there is no amplified music involved in the kiosk operation. The use of a kiosk has a reduced intensity than a cafe or restaurant, in that it is only generally only selling ready made food and light refreshments which results a reduced length in which the stays on premise. No alcohol is to be served.

Marina

The additional 9 berths (total 44) for boats up to 15m in length will not result in unreasonable visual or acoustic for neighbouring residential development. Activities from boats are intermittent and consistent with marina operations and unlikely to cause a significant acoustic impacts, when considering the existing background noise from other boats and recreational harbour users, roads and other public reserves.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

Refer to Assessment by Council's Natural Environment Unit elsewhere within this report.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$2,575 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$257,500.

Sydney Harbour Foreshore and Waterways Area Development Control Plan (DCP) 2005.

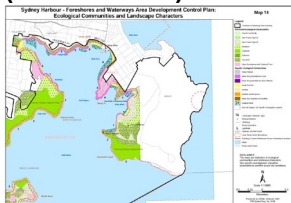
The following table is an assessment against the criteria of the 'Sydney Harbour Foreshore and Waterways Area (DCP) 2005.'

Development Control	Criteria / Guideline	Comments
Part 2 Ecological Assessment		
Site specific investigations	<ul style="list-style-type: none">the habitat values of development sites (and adjoining lands) for threatened species, populations and endangered ecological communities, and whether critical habitat is likely to be affected by the proposal;if these attributes are present then the conservation status of the land	<p>The application is considered against the criteria as follows:</p> <ul style="list-style-type: none">Both land and marine critical habitat are unlikely to be harmed by the proposed extension and alterations to the Marina.

	<p>should be considered to be high, as a precautionary measure, and the relevant performance criteria applied in addition to any necessary 8 part tests required under s.5A of the EP&A Act; and</p> <ul style="list-style-type: none"> it should note that if the proposal is on land that is critical habitat, then a species impact statement is automatically required and concurrence of the DEC will be necessary before development consent may be granted 	<ul style="list-style-type: none"> DPIRD Fisheries have reviewed the proposal and has no objections, subject to General Terms of Approval, which have been conditioned as part of this proposal.
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Part 3 Landscape Assessment

Landscape Character (Character 6)



Any development within this landscape is to satisfy the following criteria:

- headlands, points and shorelines are retained in their current, generally undeveloped, state;
- it is sited and designed to maintain the visual character of shorelines and to maximise retention of existing vegetation;
- visual continuity of elements such as beaches is not lost or broken by development;
- the scale of the built form of development is consistent with predominantly low density residential;
- it is sited so that it follows the topography and minimises cut and fill of slopes; and
- overall colours should match native vegetation as closely as possible with trim colours drawn from natural elements such as tree trunks and stone.

The application is considered against the criteria as follows:

- No additional structures/building are proposed on the shoreline with the exception of the deck extension.
- Existing vegetation is to be retained, subject to conditions.
- The visual continuity of the beaches and the like remain as existing.
- As noted above, there are no new land based structures.
- No cut and fill proposed.
- No change to building colours proposed.

Part 4 Design Guidelines for Water-Based and Land/Water Interface Developments

4.2 General Requirements

The following objectives and requirements must be considered for all water-based and land/water interface developments:

- public access to waterways and public land is maintained and enhanced;
- congestion of the waterway and foreshore is minimised;

The application is considered against the criteria as follows:

- Public access to the waterway will be maintained and enhanced through the removal of the slipways

	<ul style="list-style-type: none"> • conflicts on the waterway and foreshore are avoided; • the development warrants a foreshore location; • the development does not interfere with navigation, swimming or other recreational activities; • the demand for the development has been established; • the structure does not obstruct or affect the natural flow of tides and currents; • development does not dominate its landscape setting; • the extent of development is kept to the absolute minimum necessary to provide access to the waterway; • shared usage of facilities is encouraged to minimise the number of structures and their cumulative impact on the environment of the Harbour and its tributaries; and • development is setback at least 2.5 metres from the division of the waterway as established by the NSW Maritime Authority and illustrated in Figure 4. 	<ul style="list-style-type: none"> • The removal of swing mooring will reduce congestion. • The proposal is compatible with the surrounding land and water uses. • As the site is located outside the main navigation channel, the proposed development will not have any adverse impacts on navigation. The location of the proposed marina will not unreasonably impact swimmers. • The proposed works will not adversely impact upon the natural flow of tides and currents • The extent of development is limited to the existing arms to maximise access to the waterway.
4.3 Foreshore Access	<p>Foreshore access is to be encouraged and promoted. Wherever possible, public access to and along the foreshore including the inter-tidal zone should be secured or improved. Foreshore links joining public open spaces or access points are most desirable. These can be obtained by right of way or dedicated or acquired strips of land and may link with tracks across beaches and rock platforms. Where foreshore links are not available, a link through adjacent streets is usually possible.</p>	<ul style="list-style-type: none"> • The proposal maintains existing access to the foreshore. There is no change to existing access points to the foreshore from the public carpark and walkway.
4.4 Siting of Building and structures	<p>Most councils around the foreshores have set foreshore building lines governing the setback of structures from the waterway. In addition to these foreshore building lines, the following criteria should be observed when siting buildings and structures:</p> <ul style="list-style-type: none"> • where there is existing native vegetation, buildings should be set back from this vegetation to avoid disturbance to the vegetation; 	<ul style="list-style-type: none"> • The general siting of the existing marina is not proposed to be changed.

	<ul style="list-style-type: none"> • buildings should address the waterway; • buildings should not obstruct views and vistas from public places to the waterway; and • buildings should not obstruct views of landmarks and features identified on the maps accompanying this DCP. 	
4.5 Built form	<p>The following guidelines are designed to reinforce the local requirements:</p> <ul style="list-style-type: none"> • where buildings would be of a contrasting scale or design to existing buildings, care will be needed to ensure that this contrast would enhance the setting; • while no shapes are intrinsically unacceptable, rectangular boxy shapes with flat or skillion roofs usually do not harmonise with their surroundings. It is preferable to break up facades and roof lines into smaller elements and to use pitched roofs; • bright lighting and especially floodlighting which reflects on the water, can cause problems with night navigation and should be avoided. External lights should be directed downward, away from the water. Australian Standards (AS4282–1997) Guidelines for Outdoor Lighting and Pedestrian Area (Category P) Lighting (AS/NZ 1158.3 – 1999) should be observed; • except where otherwise required for navigation purposes, all lights on structures shall be shielded seawards and positioned to avoid disturbance to neighbouring properties; • use of reflective materials is minimised and the relevant provisions of the Building Code of Australia are satisfied; • colours should be sympathetic with their surrounds and consistent with the colour criteria, where specified, for particular landscape character types in Part 3; 	<p>The application is considered against the criteria as follows:</p> <ul style="list-style-type: none"> • The proposal seeks to retain the existing building on site, with minor internal alterations and deck extension proposed only. • No lighting is proposed • No changed to the roof of exterior colours and materials are proposed. • The works to the building will not impact, views of special natural features, landmarks or heritage items.

	<ul style="list-style-type: none"> the cumulative visual impact of a number of built elements on a single lot should be mitigated through bands of vegetation and by articulating walls and using smaller elements; and the cumulative impact of development along the shoreline is considered having regard to preserving views of special natural features, landmarks or heritage items. 	
4.6 Signage	<p>Signs on privately-owned land should meet the following requirements:</p> <ul style="list-style-type: none"> their dimensions should be minimal and consistent with the commercial or community identity of the premises; they should not be brightly illuminated to avoid becoming navigational hazards. Lighting of signs should be directed downward, away from the water; they should preferably be placed on the facades of buildings, rather than on roofs or free standing; and signs that intrude on the skyline should be avoided. State Environmental Planning Policy No. 64 –Advertising and Signage (SEPP 64) should also be referred to. 	The Statement of Environmental Effects states that application will utilise existing signage on site. No new signage is proposed.
4.7 Marinas (Commercial and Private)		
Location	<ul style="list-style-type: none"> Marinas (where permissible) are to be located where they can be used by as many people as possible and are easily accessed from land and water; marinas are to be located where there is adequate water depth or where minimal dredging of soft material will achieve an adequate water depth; marinas are to be located away from areas subjected to exposed wave environments; marinas are preferably to be located away from wetlands or the wetlands protection area (both as defined by 	<p>The application is considered against the criteria as follows:</p> <ul style="list-style-type: none"> The location of the Marina is not proposed to change. Adequate water depth is provided for the proposed increase in boat size and quantity. The marina is adequately setback from wetlands in the harbour. The loss of swing moorings will be offset

	<p>the SREP) or where they or the vessels using them will physically damage or overshadow estuarine vegetation of high value. Clauses 61 to 63 inclusive of SREP (Sydney Harbour Catchment) 2005 indicate provisions relevant to wetlands protection;</p> <ul style="list-style-type: none"> • marinas are not to reduce the number of publicly available single (swing) moorings, jeopardise safe navigation or adversely impact other water users including small craft; and • waterside structures are to minimise impacts on public water activities. 	<p>by the additional berths proposed.</p> <ul style="list-style-type: none"> • The alterations and additions to land and water based structures will not have impact on public water activities.
Design and Layout	<ul style="list-style-type: none"> • Buildings and other facilities are to be designed and sited so that natural or other attractive features are not obscured (see also Section 4.5 of this DCP); • buildings are to be designed so that their dimensions are not excessive and can reasonably meet the functional requirements of the proposed uses; • marinas are to enhance public access to and along the shore and, where relevant, the inter tidal zone; • Secure storage is to be provided in a controlled environment; • the extent of development over water including waterside structures, berths, fairways and access channels is to be minimised and result in minimal alienation of the waterway; • marinas are to be in the form of a series of interlinked pontoons which shall be restrained and held in position by a minimum number of piles or mooring lines to anchor points in the seabed; • design of marina restraints shall take into account the flexibility and performance of the pontoon systems under environmental loads; • the colours, appearance and form of any associated buildings shall be compatible with the surrounding environment; 	<p>The application is considered against the criteria as follows:</p> <ul style="list-style-type: none"> • No additional building are proposed for the marina. • There is no change to existing public access to the foreshore. • Existing storage areas within the marina building is to be remain. • The increase number of berths are limited to the existing western and eastern arms to minimise extent of development over the waterway. • No colour change is proposed to the existing marina building. • The restricted berths are proposed to minimise any impact upon existing seagrass. • Access and facilities to and within the building are to be provided for Persons with a Disability have been conditioned, to ensure the development

	<ul style="list-style-type: none"> • shiny or reflective materials are not to be used; • the depth and width of berths and fairways of commercial marinas shall accommodate either a yacht or motor vessel. Restricted berths are to be nominated only where this will lead to an optimal environmental outcome; • commercial marinas are to provide a point of access to boats for disabled people where possible; • marinas are to be designed to minimise the impact of vessels when in use on the environment including on air and water quality, marine habitat and bank stability; and • marina layouts are to be designed in accordance with the following publications: <ul style="list-style-type: none"> ◦ Department of Environment and Conservation (NSW) "Environmental Information for Marinas, Boatsheds and Slipways" (November 1998). ◦ NSW Maritime Authority "Engineering Standards and Guidelines for Maritime Structures" ◦ NSW Fisheries Department's "Aquatic Habitat Management and Fish Conservation—Policy and Guidelines", 1998 ◦ NSW Department of Primary Industries – Fisheries "Policy and Guidelines – Aquatic Management and Fish Conservation (1999)". ◦ NSW Department of Primary Industries – Fisheries "Habitat Protection Plan No. 2: Seagrasses"; and ◦ NSW Department of Primary Industries – Fisheries "Habitat Protection Plan No. 1: General". 	<p>complies with the Building Code of Australia and AS 1428.1.</p> <ul style="list-style-type: none"> • Restricting the maximum boat width to 15m, will ensure air and water quality, marine habitat and bank stability are maintained. • The proposal has had designed having consideration for: <ul style="list-style-type: none"> ◦ Department of Environment and Conservation (NSW) "Environmental Information for Marinas, Boatsheds and Slipways" (November 1998). ◦ NSW Maritime Authority "Engineering Standards and Guidelines for Maritime Structures" ◦ NSW Fisheries Department's "Aquatic Habitat Management and Fish Conservation —Policy and Guidelines", 1998 ◦ NSW Department of Primary Industries – Fisheries "Policy and Guidelines – Aquatic Management and Fish
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		<p>Conservation (1999)".</p> <ul style="list-style-type: none"> ◦ NSW Department of Primary Industries – Fisheries "Habitat Protection Plan No. 2: Seagrasses"; and ◦ NSW Department of Primary Industries – Fisheries "Habitat Protection Plan No. 1: General".
Facilities and Services	<ul style="list-style-type: none"> • commercial marinas are to provide boating service facilities such as fuel, water, toilet facilities or sewage pumpout where practicable and where such facilities are not yet locally available; • commercial marinas are to provide a mix and choice of boat storage facilities based on established demand as well as a range of marine services to the boating public; and • commercial marinas are to provide benefits to both the general and boating public; and • vessels at the marina are not to be used as a permanent residence. A covenant shall be included on the lease to enforce this requirement. 	<p>The application is considered against the criteria as follows:</p> <ul style="list-style-type: none"> • The marina maintains the existing pump-out facility. • The marina allows for berthing of boats between lengths of 6.5 - 15m as well as dinghy storage. • The proposed kiosk allows for marina access for general public. • The lease with TfNSW will ensure vessels at the marina are not to be used as a permanent residence.
Visual Impact	<ul style="list-style-type: none"> • the visual contrast (derived from an analysis of form, line, colour and texture) between the marina and the existing or planned future character of its setting is to be minimised; • the visual impact of the marina on people in the visual catchment (derived from an analysis of the potential number of viewers, their 	<p>The application is considered against the criteria as follows:</p> <ul style="list-style-type: none"> • As previously stated the works proposed are to the existing berth arms, to minimise the visual impact of the development.

	<p>location within the landscape, distance from the marina, and duration of view) is to be minimised;</p> <ul style="list-style-type: none"> • any visual analysis shall consider the impact of the largest motor vessel(s) capable of being berthed at the marina; • the largest vessels (motorised or otherwise) to be berthed at the marina are to be located as far from shore as possible; • waterside structures and berthed vessels associated with marinas are not to block views from foreshore public open space or views to foreshore public open space from the waterway; • the bulk and scale of buildings and other structures on land is to be minimised through appropriate mitigation measures including landscaping, articulated walls, detailing of surfaces and by using smaller elements (see also Section 4.5 of this DCP); • the visual impact of car parking from the waterway is to be minimised; and • all signage is to be located on dry land below the roofline (or parapet) of buildings. Advertising signs are not to detract from the visual quality or amenity of the foreshores and waterways when viewed from the waterways. 	<ul style="list-style-type: none"> • The largest vessel is proposed to the end of the eastern arm. • The dinghy storage is proposed to replace the existing slipway to minimise loss of views to foreshore public open space from the waterway. • No external change to the marina building is proposed. • No change to the carparking is proposed. • No change to the existing signage is proposed.
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Environmental Management	Pollution and waste <ul style="list-style-type: none"> • potential pollutant sources from the site must be controlled and meet established performance standards; • appropriate controls are to be in place and managed to prevent any pollutants entering the environment; • marinas for nine or more vessels are to provide adequate and readily accessible facilities for the collection and disposal of wastes from vessels; • facilities for pumping out sewage holding tanks are to be provided onshore; and • any waste that cannot be recycled is to be disposed of at an appropriate facility. 	<p>The application is considered against the criteria as follows:</p> <ul style="list-style-type: none"> • The pump-out facilities are existing and fully operational. There is no proposed change to the facilities. • The application was accompanied by a waste management plan, which was reviewed by Council waste management officer who supported the proposal subject to conditions of consent.
	Traffic and Parking <ul style="list-style-type: none"> • land-based impacts including traffic volumes and parking demand meet established performance standards; • adequate car and trailer parking (based on the number and type of berths, associated activities and number of employees) is to be available onsite. Off-site parking is acceptable only where it will not reduce community amenity or generate adverse traffic impacts; and • the adverse impacts of traffic and parking generated by boat storage facilities in terms of congestion, safety, air quality and noise are to be minimised 	<ul style="list-style-type: none"> • The application was referred to Council's Traffic Engineer for comment, having regard to the marina facilities and kiosk use. The engineer supports the proposal with existing parking arrangement, subject to conditions.
	Noise <ul style="list-style-type: none"> • the adverse impacts of noise (considering hours of operation, existing background noise, expected departure/arrival times for vessels, noise level of marina patrons, noise level from repair and testing of vessels and motors) are to be minimised through appropriate design and management measures; and 	<p>The application is considered against the criteria as follows:</p> <ul style="list-style-type: none"> • No change to operating hours of the marina are proposed. • The operating hours of the Kiosk (9am - 4pm daily) will not cause unreasonable acoustic impacts to residential development and

	<ul style="list-style-type: none"> land-based impacts including noise emissions meet established performance standards. 	public open space around the harbour.
	Lighting <ul style="list-style-type: none"> the adverse impacts of lighting on night navigation and neighbours are to be minimised through appropriate design and management measures. 	No new lighting is proposed.
Health and Safety	Marinas are to be a safe place to work and adequate environmental safety and emergency response plans are in place.	The Operational Plan of Management is conditioned to be updated to reflect the updated marina if approved.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

PLANNING CONCLUSION

This proposal, for alterations and additions to the existing North Harbour Marina has been referred to the NBLPP due to application receiving more than 10 objections, with a total of 250 objections received.

The amendments made to the proposal following the lodgment of the application, generally resolve the concerns raised with regards to the suitability of the site. Conditions of consent from Councils internal referral bodies as well as TfNSW and NSW Fisheries are recommended to address the potential issues that result from operational use of the marina and kiosk, noise and environmental impacts.

The issues raised in the submissions are addressed in detail in this report and are not considered to warrant further amendment or refusal of the application in the public interest.

The proposal complies with relevant requirements and considerations of SEPP (Biodiversity and Conservation) 2021 and the requirements of the Sydney Harbour Foreshores and Waterways Development Control Plan. The proposed works to the marina layout are compatible with the surrounding context and the desired future character of the harbour.

The application has the support of Transport for NSW (**TfNSW**) and the Department of Primary Industries and Regional Development (**DPIRD**) Fisheries, with appropriate conditions incorporated into the recommendation of this report.

Authority has been delegated by the Minister for Planning and Public Spaces to Northern Beaches Council to determine marinas carried out partly above and below the mean high water mark within the Foreshore and Waterways Area.

Overall, the development performs well against the relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment. The proposal has therefore been recommended for approval.

REASON FOR DETERMINATION

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2024/1216 for Alterations and additions to Marina facilities on land at Lot 10 DP 1192010, Gourlay Avenue, BALGOWLAH, Lot 1 DP 793093, 0 Gourlay Avenue, Part of the land contained in C.T. Volume 5018 Folio 1, BALGOWLAH, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
04	B	Proposed Floor Plan	Vision Group Architects	October 2023
05	A	Proposed Elevation	Vision Group Architects	October 2023
6318-SK1/A	A	Dinghy/Kayak Storage Elevations	International Marina Consultants	22 February 2024
6318-01/M	M	Reconfiguration Layout	International Marina Consultants	22 January 2025
6318-02/M	M	Proposed Marina Channel and swing mooring rearrangement	International Marina Consultants	17 April 2025
Sheet 1 of 2 sheets	-	Plan of Subdivision	Andrew P. Mason	8 December 2023
Sheet 2 of 2 sheets	-	Plan of Subdivision	Andrew P. Mason	8 December 2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Geotechnical slope stability risk assessment	P60145S	JK Geotechnics	25 March 2024
Traffic and Parking Impact review	-	Christopher Hallam	August 2024

Aquatic Ecology Assessment	-	Marine Pollution Research	September 2024
BCA Capability Report	230117-01	Mainey	2 November 2024
Bushfire Assessment Report	-	Peterson Bushfire	12 April 2024
Waste management plan	-	Ned O'Neil	19 February 2024
Construction Methodology	-	North Harbour Marina	12 March 2025

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	N/A
Department of Primary Industries and regional development - Fisheries	CNR - 74128	29 November 2024

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. No Approval for relocation of swing moorings

Private moorings AI044, AI027, AI050 and AI019 are to be retained and not relocated in accordance with the TfNSW requirements.

Reason: To ensure compliance with the terms of this consent.

4. Approved Land Use

Nothing in this consent shall authorise the use of site as detailed on the approved plans for any land use of the site beyond the definition of a **marina** and **kiosk**, in accordance with the Dictionary of the Manly Local Environmental Plan 2013, as follows:

marina means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities—

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

AND

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items.

Any variation to the approved land use beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

5. **No Approval for Land Use**

No approval is granted under this consent for the use of the premises as a **restaurant or cafe**, as defined by the Dictionary of the Manly Local Environmental Plan 2013:

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

- (a) an artisan food and drink industry, or
- (b) farm gate premises.

Reason: To ensure compliance with the terms of this consent.

Reason: To ensure compliance with the relevant Local Environmental Plan.

6. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name, address and telephone number of the Principal Certifier for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

7. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (f) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools

- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

FEES / CHARGES / CONTRIBUTIONS

8. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$2,575.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$257,500.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

9. **Security Bond**

A bond (determined from cost of works) of \$5,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

10. National Construction Code (BCA) upgrade requirements and Fire Safety upgrade

The National Construction Code/Building Code of Australia fire upgrading measures as detailed and recommended in the BCA Capability Report prepared by Adam Mainey, dated 02/11/2023, Report Ref No. 230117-01 are to be considered as part of the assessment of the Construction Certificate.

Details demonstrating compliance are to be provided to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, Access & Fire Safety for building occupant health & safety.

11. National Construction Code (BCA) Access

Access and facilities to and within the building are to be provided for Persons with a Disability and are to comply with the Building Code of Australia and AS 1428.1.

Details are to be provided to the Certifier prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

12. Compliance with Ecologist's Recommendations – Pre-construction

All little blue penguin impact mitigation measures specified in the approved Aquatic Ecology are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

13. No Clearing of Vegetation

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

Details demonstrating compliance are to be submitted to the Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

14. **Construction Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via <https://www.northernbeaches.nsw.gov.au/council/forms>. Approval of the permit application by the Northern Beaches Council Traffic Team is required prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
 - Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
 - Demonstrate that direct access from a public space/road is not viable for each stage of works.
 - An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
 - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
 - No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
 - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
 - If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
 - A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by

vehicles servicing the development site to undertake works or activity during site works.

- A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
 - Compare the post-construction report with the pre-construction report,
 - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
 - Should any damage have occurred, identify remediation actions taken.
 - Be submitted to Council with the Occupation Certificate.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with

Council's Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

15. Plans of Kitchen Design, Construction and Fit Out

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be submitted to and approved by the Principle certifier. These plans are to be prepared by a suitably qualified person.

The plans must detail adequate provision for storage including separate storage of food, equipment, chemicals and personal belongings.

Reason: To ensure that the food premises complies with the design construction and fit-out requirements.

16. Compliance with Aquatic Ecology Report

The development is to comply with all recommendations of the approved Aquatic Ecology Report prepared by Marine Pollution Research Pty. Ltd, dated September 2024 and these recommendations are to be incorporated into construction plans and specifications and maintained over the life of the development.

Reason: To minimise potential hazards associated with development in an estuarine habitat.

17. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

18. Sydney Water "Tap In"

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifier demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

Reason: To ensure compliance with the statutory requirements of Sydney Water.

19. Waste and Recycling Requirements

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifier prior to the issue of any Construction Certificate.

If the proposal, when compliant with the Northern Beaches Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans, a modification(s) to the development may be required.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

20. Installation and Maintenance of Sediment and Erosion Control

Sediment and turbidity controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Aquatic Ecology Report by Marine Pollution Research dated September 2024.

Techniques used for turbidity and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised. The turbidity curtains must be floating curtains set in a manner that does not increase the risk of damage to the indicated seagrass beds arising from curtain mooring apparatus or from curtain dragging during low tides and or high wave activity.

Reason: To protect the surrounding environment from the effects of sedimentation and turbidity from piling.

21. Pre-demolition check of penguin habitat

Prior to commencement of demolition works, a suitably qualified ecologist is to confirm that no penguins are breeding or moulting on the site or within 20m of the site. If penguins or bandicoots are found on the site, works must cease and advice must be sought from the site ecologist.

Reason: Wildlife protection

DURING BUILDING WORK

22. Pre-clearance Survey

Any habitat for native wildlife (including tree hollows) approved for removal is to be inspected for native wildlife prior to its removal. If native wildlife is found within habitat to be removed, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in addition to details of any action taken in response.

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be provided to the Principal Certifier prior to any Occupation Certificate.

Reason: To protect native wildlife.

23. **Wildlife Protection**

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

24. **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

25. **Implementation of Construction Traffic Management Plan**

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

26. **Handling of asbestos during demolition**

While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

- Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;
- Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
- Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate.

Reason: To ensure that the removal of asbestos is undertaken safely and professionally.

27. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

Reason: To demonstrate the proposal complies with the approved plans.

28. Maintenance of Sediment and Erosion Controls

Erosion and sediment controls must be adequately maintained and monitored at all times, particularly surrounding periods of rain, and shall remain in proper operation until all development activities have been completed and the site is in a state where no substance other than rainwater can enter the stormwater system and waterways.

All sediment control measures must be maintained at, or above, their design capacity.

Where more than 2500 square metres of land are disturbed or if the site has a slope of more than 20%, a self-auditing program must be developed for the site. A site inspection using a log book or inspection test plan (ITP) must be undertaken by the site supervisor:

- at least each week
- immediately before site closure
- immediately following rainfall events that cause runoff.

Details demonstrating compliance must be provided to the Certifier during demolition and building works.

Reason: Protection of the receiving environment and to ensure no substance other than rainwater enters the stormwater system and waterways.

29. Stockpiling materials

During construction, all material associated with works is to be contained at source, covered and must be within the construction area. All material is to be removed off site and disposed of according to local regulations. The property is to be kept clean and any building debris removed as frequently as required to ensure no debris enters receiving waters.

Reason: To ensure pollution control measures are effective to protect the aquatic habitats within receiving waters throughout the construction period.

30. Aboriginal Heritage

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Planning, Housing and Infrastructure.

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the Department of Planning, Housing and Infrastructure.

Reason: Aboriginal Heritage Protection.

31. Waste/Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan titled dated 25/10/2016.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided.

32. Waste/Recycling Requirements (Materials)

During demolition and/or construction the following materials are to be separated for recycling: timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to

be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

33. **Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

34. **Maximum Capacity and Signage for Business Operator**

Before the issue of an occupation certificate, a sign must be permanently displayed at the main entry point of the premises in a prominent position which states the operator's name and 20 as the maximum number of persons permitted in the premises as approved under this consent.

Reason: To provide patrons with details of the operator and maximum number of persons permitted on the premises.

35. **Notice of Food Business**

Before the issue of an occupation certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW Food Act 2003 and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.

Reason: To enable council to ensure compliance with the consent when the business is operating.

36. **No Weeds Imported On To The Site**

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

37. **Plan of Management**

A revised Plan of Management (PoM) is to be prepared based on the following conditioned amendments:

- ◊ Amended Operating Hours

- Kiosk Patron hours
- No alcohol to be served
- No amplified music
- Maximum boat sizes and boat numbers utilising the marina at any one time.

A contact number must be displayed for the purposes of receiving any complaints if they arrive.

A copy of Pom to be available on marina's webpage.

The PoM should be sent to Council and approved prior to operating under this consent. The PoM is to reviewed regularly to ensure any required updated proposed for approval by Council.

Reason: To maintain reasonable levels of amenity to residential neighbouring properties.

38. **Environmental Reports Certification**

Written certification from a suitably qualified person(s) shall submit to the Principal Certifier and Northern Beaches Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

Document Title	Version Number	Prepared By	Date of Document
Geotechnical slope stability risk assessment	P60145S	JK Geotechnics	25 March 2024
Traffic and Parking Impact review	-	Christopher Hallam	August 2024
Aquatic Ecology Assessment	-	Marine Pollution Research	September 2024
BCA Capability Report	230117-01	Mainey	2 November 2024
Bushfire Assessment Report	-	Peterson Bushfire	12 April 2024
Waste management plan	-	Ned O'Neil	19 February 2024
Construction Methodology	-	North Harbour Marina	12 March 2025

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure compliance with standards.

39. **Kitchen Design, Construction and Fit Out of Food Premises Certification**

Prior to the issuing of any occupation certificate, certification is to be provided to the Principal Certifier by a suitably qualified person demonstrating that that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

Reason: To ensure that the kitchen complies with Australian Standard design requirements.

40. Garbage and Recycling Facilities

All internal walls of the waste rooms shall have a smooth surface, graded and appropriately drained with a tap in close proximity to facilitate cleaning.

Waste room floors shall be graded and drained to an approved Sydney Water drainage system.

Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.

Reason: To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.

41. Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure compliance with the statutory requirements of Sydney Water.

42. Waste and Recycling Facilities Certificate of Compliance

The proposal shall be constructed in accordance with the Northern Beaches Waste Management Guidelines.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure waste and recycling facilities are provided.

43. Waste/Recycling Compliance Documentation

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

44. Amenity

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside

the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.

Reason: To ensure the surrounding area and people within the neighbourhood are not affected adversely and to ensure compliance with the Protection of the Environment Operations Act 1997.

45. Deliveries and Waste Service Collections

Deliveries and waste service collections shall only occur during the approved operational hours (See condition titled Hours of Operation).

Reason: To minimise the impacts of noise on neighbouring premises.

46. Food Preparation Equipment

All individual apparatuses used for cooking or re-heating of food must not exceed 8kW electrical power input or 29MJ/h gas power input.

Collectively the total power input of all cooking or re-heating apparatuses within the food premises must not exceed:

- 0.5 kW electrical power; or
- 1.8 MJ gas,

per m² of floor area of the room or enclosure.

Deep frying is not permitted without externally exhausted mechanical ventilation in accordance with AS1668.2.

Reason: To protect the health, safety and well-being of patrons and staff in addition to the odour amenity of neighbouring properties, prevent breaches of the Food Standards Code and comply with the National Construction Code.

47. Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

48. Control of Domestic Dogs/Cats

Domestic dogs and cats are to be kept from entering wildlife habitat areas at all times.

Dogs and cats are to be kept in an enclosed area and/or inside the dwelling, or on a leash such that they cannot enter areas of wildlife habitat, bushland or foreshore unrestrained, on the site or on surrounding properties or reserves.

Reason: To protect native wildlife and habitat.

49. Commercial Waste Collection Procedure [

Commercial waste and recycling bins are not to be placed at the kerbside on Gourlay Avenue awaiting collection. Waste collection arrangements must include a procedure whereby the collection contractor enters the property to retrieve the bins from the dedicated bin storage area and then returns the bins to the dedicated bin storage area immediately after emptying.

Reason: To maintain public amenity in Gourlay Avenue.

50. **Amenity**

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.

Reason: To ensure the surrounding area and people within the neighbourhood are not affected adversely and to ensure compliance with the *Protection of the Environment Operations Act* 1997.

51. **Graffiti removal**

During ongoing use of the premises, ensure graffiti is removed from the exterior of the building or associated structures, including any fences and site services.

Reason: To ensure the safe operation of the premises and to protect the amenity of adjoining premises and the surrounding area.

52. **Kiosk Operation**

No alcohol is permitted to be sold at the Kiosk

No amplified music is permitted from the marina including the Kiosk.

Reason: To ensure compliance with the terms of this consent

53. **Patrons**

The maximum seating capacity for the Kiosk is 20 patrons.

Reason: To ensure compliance with the terms of this consent.

54. **General Foreshore Matters**

Unless in accordance with the approved works the Consent holder must ensure that:

- a) no materials or cleared vegetation that may obstruct flow or cause damage to the foreshore are left within the coastal foreshore area,
- b) all drainage works must not obstruct flow of water within the coastal waters. Drain discharge points are stabilised to prevent erosion. Any excavation must not result in diversion of any foreshore bank instability or damage to native vegetation,
- c) the foreshore is graded to enable the unimpeded flow of water and retaining structures result in a stable foreshore banks,
- d) any vegetation or other material removed from the area of operations shall be disposed of lawfully. Burning of the material is not permitted,
- e) the foreshore is to function as a natural ecological system and as such, all works, including but not limited to access, roads, recreational areas, service easements and landscaping are to be located landward of the foreshore other than as provided by the consent.

Reason: Environmental protection, monitoring and enhancement of the foreshore.

55. **Hours of Operation**

The hours of operation of the marina and kiosk are to be restricted to:

Marina

- Monday to Friday – 9am - 4pm
- Saturday, Sunday and Public Holidays – 9am - 5pm

Kiosk

- Monday to Sunday and Public Holidays - 7am - 4pm

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.