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02/11/2024

MRS JANE YABSLEY
- 43 FAIRLIGHT CRES
FAIRLIGHT NSW 2094

RE: DA2024/1216 - Gourlay Avenue BALGOWLAH NSW 2093

Dear Maxwell,
Please find attached our submission re: DA2024/1216 for North Harbour Marina.

Yours faithfully,

Jane & Richard Yabsley
43 Fairlight Crescent
FAIRLIGHT NSW 2094

Our property, 43 Fairlight Crescent, faces the waterfront reserve of the Manly Scenic Walkway at Fairlight & its orientation directly faces the North Harbour Marina. We moved into the area to locate to a quieter and more tranquil setting of the Northern Beaches. The bay is pristine and is a quiet residential area with close proximity to residents due to its amphitheatre structure.

This unique precinct along with adjoining properties are built of a similar period circa 1890s. These properties keep & preserve the character of that period & are often remarked on by people using the walkway.

We cannot support the Development Application in its current form as we do not believe it is a true & fair reflection of the nature & extent of what is being proposed and it will significantly compromise the amenity of the area in which we live.

Key concerns with the proposal.

1. Lack of consultation with the community by the new owner of the Marina.
The lack of consultation by the new order shows a lack of good intent to work with community.

A recent communication to some residents by letter box drop was totally inadequate. The DA has not been withdrawn and so there was no real commitment to amending the most contentious aspects of the proposal. The communication states it would accept amended conditions concerning the 15m (50ft) yachts and kiosk only if imposed by council. This is disappointing and shows no appreciation of the impost by the size of the yachts and the so-called kiosk proposal.

2. Scale of the development is not in keeping with the area

In considering the impact of the total redevelopment sought, the proposal is NOT in keeping with The Sydney Harbour Foreshores & Waterways Area CDP for SREP 2005 which states (key clauses only):

i) development should retain the character of the water bay of bay by maintaining the visual dominance of the natural features and preserving key points and entry into these areas in their natural state.

The size of the yachts/boats proposed will clearly obstruct the views from North Harbour reserve and the Fairlight Walkway and will totally dominate the natural features. The character of the bay will be totally changed.

The bay is currently dominated by yachts on swing moorings - providing visual space to the full perimeter of the cove. The proposed size of permanently berthed yachts/boats at the marina will dominate the cove.

ii) development should not dominate its landscape setting

As per above. These multi-storeyed super yachts/boats will dominate the landscape setting. This certainly exceeds the footprint as it is akin to a multi-storeyed structure being built on the end of the Marina in the middle of the Bay.

iii) the extent of development is kept to the absolute minimum necessary to provide access to the waterway.

There is a real danger with the access required for these very large, multi-storied yachts/boats and the large number of recreational users of the cove. There are many kayakers, stand up paddle board riders & little dinghy users in this very small area. There is inadequate space for the presence of such vessels.

We are regular kayakers and SUP users in the area and know firsthand how the existing Marina gangways already protrude extensively into the harbour before yachts are tied up. The extra width and height of these proposed vessels adds significant dimension and egress into the very small bay.

iv) Buildings should not obstruct views and vistas from public places to the waterway

From our property and the walkway there will be considerable increased footprint by the size of the yachts that are proposed to be able to use the marina. It is challengeable the owner's remarks that "there is little change to the existing footprint". The allowance of much larger yachts to tie up pushes the boundary by another 6-10 metres into the actual Bay.

These yachts will not be visiting for a refuel. What is being proposed is for super yachts/boats to be permanently moored. The size of the vessels proposed are incredibly large: 82 ft - 105ft. The "concession" of smaller 15m (50ft) yachts is also not acceptable for permanent berthing in the location proposed.

The permanent berthing of vessels of this size at the Marina will result in considerable loss of view from our property and across the walkway to the North Harbour Reserve.

As such we would also like council to consider the proposed change in marina configuration and associated vessel size in light of possible change in vista from the Manly to Spit Walkway.

3. Food & Beverage Proposals - lack of transparency

We support the North Harbour Marina being part of the RMS Sydney Harbour Boating Destinations Program and for this purpose the operating of a kiosk as defined under the relevant instruments, that provides food & beverages that can be taken away is appropriate.

The DA however does not seem to be proposing anything that is in keeping with a Kiosk as defined.

The operating hours are totally inappropriate and vague. Extensive operating hours and a venue that was more restaurant/bar than kiosk were refused in another DA in this area. Council has clearly stated this is not an entertainment precinct.

A Liquor licence is not appropriate. The level of noise impost on what is being proposed is totally unacceptable in an area with residents in close proximity. This is a very small cove and not an entertainment precinct.

The provision of a liquor licence must be denied. It is not relevant for the operation of a kiosk and an extreme hazard for a marina. The North Harbour Marina must not become a drinking and gathering space after sailing events etc. These issues have not been considered or addressed.

The NSW Government's Standard Instrument - Principal Local Environmental Plan defines a Kiosk as premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like. That is what we consider to be appropriate for this site. Outsourcing of kiosk operations is not in line with the definition of a kiosk.

4. Sound Impost

Given the points raised above concerning the kiosk, an Acoustic Impact Report needs to be submitted. This needs to consider the size of the yachts proposed as being permanently berthed at the marina; the noise associated with running these yachts (generators etc); noise associated with onboard behaviour/events/parties of these larger yachts both during the day and after hours.

Large charter boats and party boats should not be part of the mix permissible in Jilling Cove.

Noted Omission: Acoustic Impact Report

5. Lighting Impost

There is already considerable impost from new lighting on the Marina that affects our amenity. External lighting has significantly changed since the previous owners. The proposed changes in use that would come with the large yachts will further increase the lighting impost from these vessels.

This has not been properly assessed.

6. Ecology

North Harbour is a legislated Aquatic Reserve and a very fragile environment. Significant fishing, spearfishing and intertidal restrictions exist to protect the fragile environment that includes seagrass, seahorses and numerous marine vertebrates & invertebrates. It is a very ecologically sensitive area. It is not the domain for large, multi-storeyed, motorised vessels to be permanently berthed nor for regular coming and going.

We cannot support this Development Application in its current form.

Important assessments of key environmental impacts have not been submitted and what is proposed will have a significant impact on the community and environment of what is a tranquil, very small, tidal bay - a waterway cul-de-sac.

The owner states the proposal will be "barely noticeable". The impact of what is proposed will certainly be noticeable:

- Substantial Noise impost from super yachts and facilities
- A kiosk that is not a kiosk & associated extensive operating hours & a liquor licence
- Removal of swing moorings that are lacking and in great need; being replaced by berths for super yachts that could be berthed in more appropriate areas in Sydney harbour
- Loss of visual amenity & structure that will not be in keeping with the immediate environment
- Creation of a dangerous marine environment and hazard for recreational users that are the predominant users of the bay

What is being proposed will be detrimental to this unique area of Sydney harbour.
We ask to be notified of any re-submissions in relation to this DA.

Richard & Jane Yabsley