
Sent: 6/11/2024 12:15:21 PM
Subject: DA 2024/1216
Attachments: Objection_Manly Marina_DS.docx;

Dear Maxwell,

Please find attached my submission re: DA2024/1216 for North Harbour Marina.

Yours faithfully,

Di Sharland
41 Fairlight Crescent
FAIRLIGHT NSW 2094

My property is directly opposite the North Harbour Marina.

There are many aspects of the Development Application by the new owner of the North Harbour Marina that I cannot support as they will significantly compromise the amenity of my property and adjoining areas the public uses.

I cannot support the Development Application in its current form as I do not believe it is a true & fair reflection of the nature & extent of what is being proposed.

Key concerns with the proposal.

1. Lack of consultation with the community by the new owner of the Marina.

It is most disappointing that the new owner has made no attempt to consult with the immediate community before the lodgement of the Development Application.

It does not show good intent to work with community. Consultation would have provided adequate opportunity to submit an application that is more in keeping with preserving those aspects of the environmental and uniqueness of the local amenity that are of great importance to local residents.

A recent communication to some residents by letter box drop was inadequate. There was no real commitment to amending the most contentious aspects nor a recognition that broader consultation should have been done initially. Nor was anything appropriate offered in the letter in the way of open community consultation given the nature of the proposed development.

2. Lack of transparency to residents by Northern Beaches Council.

The first I became aware of the proposal was by a concerned resident knocking on my door asking if I was aware of the application.

This development will directly impact us and yet we received no advice. It is only due the pressure applied by Councillors, the State members of Parliament and social media platforms the NB Council has re-issued the DA.

The re-issue of notification is still adequate.

The topography of Jillings Bay means many residents of Balgowlah Heights and those west of the North Harbour reserve in Balgowlah will be affected. They need to receive notification and the ability to fully consider the application in the same way as the residents of Gourlay Ave.

Further notification is urgently required.

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

In considering the impact of the total redevelopment sought, I do not feel it is in keeping with *The Sydney Harbour Foreshores & Waterways Area CDP for SREP 2005* which states (My emphasis added) :

- i) development should be consistent with the scale, design and siting of that which exists.
- ii) **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.**
- iii) **development should not dominate its landscape setting**
- iv) the extent of development is kept to the absolute minimum necessary to provide access to the waterway.
- v) **Buildings should not obstruct views and vistas from public places to the waterway**

Of concern is the size of the yachts being proposed & the quotation by the owner that *"The modifications are so small and within the existing footprint that most observers would struggle to tell the difference," (Manly Observer article).*

I challenge this. From my property and from the Manly Scenic Walkway, there will be considerable increased footprint by the size of the yachts that will be able to use the marina. These yachts will not be visiting for a refuel or a purchase of supplies from the kiosk. What is being proposed is for super yachts to be permanently berthed. The size of the yachts proposed are incredibly large – 105ft & 82 ft.

The permanent berthing of vessels of this size at the Marina will result in considerable loss of view from my property across to the North Harbour Reserve. The same can be said of the view as members of the public walk to the Spit & Norther Harbour Reserved & surrounds by the Manly Scenic Walkway. The view to North Harbour reserve will be considerably changed as will the view from the North Harbour reserve to the heads.

As well as the impact on residents and the general public, this would be a very disappointing outcome for a tourist attraction that Northern Beaches Council takes great pride in promoting.

There has been no submission of visual impact with this DA. This is lacking.

4. Food & Beverage Proposals – lack of transparency

I 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 for Marina use is appropriate.

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

The operating hours are totally inappropriate and vague. A closing time of “sunset” is ambiguous and totally inappropriate for a Development Application.

Northern Beaches Council has clearly stated in another DA in this area that this is not an entertainment precinct.

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

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 presence of outdoor seating at nighttime with the possibility of alcohol is not in keeping with the definition of a kiosk. Nor is it in keeping with the decision concerning the definition and operation of a kiosk at the Fairlight Boatshed. Strict conditions on operating hours, number of outdoor seats and not granting of a liquor licence are some of the stringent conditions that were imposed.

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.

- The bulk of customers on the walkway and users of passive craft & yachts will be during the daytime (predominantly a.m. to mid-afternoon). The operating hours requested for the kiosk do not support opening before 8am nor being in operation after 4pm Monday to Sunday.
- There is no Acoustic Assessment that should assess the impact of noise that would occur from the proposed operating hours **to all residents in Jilling Cove**.
- Secondary noise from the Kiosk and its associated activities will impact the natural noise sensitive amphitheatre of the cove the Marina sits in.

- There is no provision for supervision of loitering or lingering on any external deck area after 6pm at night. 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 kiosk is promoted as being a facility to the walking public. At least 50% of walking public have dogs, prams, scooters and children's bikes. There has been no assessment of issues in relation to animal containment or noise.
- The DA is silent on options for the "kiosk" which can include but are not limited to - outsourcing or open tender (hospitality groups for maximum patronage and profit), sporting groups for presentation nights, birthdays and functions etc. Such activities are not supported due to the lack of parking in the immediate area nor do they consider the noise impost on residents. Outsourcing of kiosk operations is not in line with the definition of a kiosk.

4. Sound Impost

Given the points raised by the kiosk, an Acoustic Impact Report needs to be submitted.

The size of the yachts also needs to be considered. These large yachts require the running of generators which will create noise across the bay.

Behaviour of owners of such yachts and the possibility of parties on such yachts needs to be addressed, as does issues associated with inappropriate after-hours behaviour.

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

5. Lighting Impost

There is already considerable impost from new lighting on the Marina that affects our amenity. The proposed changes in use that would come with the large yachts will increase the lighting impost from these vessels.

This has not been properly assessed.

I cannot support this Development Application in its current form.

Important assessment of key environmental impacts has not been submitted and what is proposed will have a significant impact on the community and environment of what is a tranquil, very small bay – a waterway cul-de-sac – with proximity to adjacent sand flats.

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

Di Sharland