

From: [REDACTED]
Sent: 13/11/2024 8:02:42 AM
To: Council Northernbeaches Mailbox
Subject: TRIMMED: Objection - DA2024/1216 Lot 10 DP 1192010 and Lot 1 DP 793093 Gourlay Ave, Balgowlah
Attachments: Objection Davis Marina.docx;

Dear Development Team,

I attach my objection to this DA. Please let me know if you have any difficulties downloading it.

Regards
[REDACTED]



I am writing in support of the many thoughtful objections to this DA by my neighbours, and especially those of Di Sharland, Richard and Jane Yabsley and Bruce Davis. I also wish to protest the Council's original approach to notification which was really quite odd, and to query the status of the Applicant's recent letter drop which suggested the DA had been amended, which at least one objection suggests may not be correct.

Despite the uncertainty regarding the DA, I wish to emphasise the following matters: -

1. **Developer should be required to resubmit an amended application for public review** – The review process has been tainted by promises of significant amendments to the proposal described in a letter drop to residents. The amendments have not been formally recorded in amended planning documents. Do we comment on the initial application (version 1)? Or do we comment on the revised application as proposed in the correspondence of [date] (version 2) but which does not appear to be part of the documents of record? And how can interested parties comment on version 2 in any event unless and until the SOE and other planning documents are updated? Bearing in mind that this is an important site of public land which affects a lot of people, it is important that we are properly informed of the details of the proposal.
2. **Any new marina berths should be capped at 10m maximum** – Maritime NSW has imposed a 10m maximum length for any swing mooring licences in the bay. If the developer is seeking to introduce new marina berths, it is only reasonable that the site should be subject to the same 10m cap as the average member of the public.
3. **If the developer wishes to create a “navigation channel” in North Harbour then the developer must surrender 3 more of its own moorings.** The developer proposes the forcible relocation of 3 swing moorings which belong to members of the public, who each probably spent 10 years on the waiting list for their moorings. Unfortunately, there is no space where those public moorings can be relocated on a reasonable basis as North Harbour is already “full”. The proposal as it stands is plainly inappropriate. The choice is simple – if public moorings are to be relocated to create a “channel” then the developer must surrender its own moorings to accommodate those displaced members of the public.
4. **Inappropriate Changes to Marina** – Mr Davis, who built and for many years operated the existing facility, tells us of the many safety problems with the use of the marina for large vessels. I was particularly struck by his information that the piles at the marina are not designed to house vessels beyond 14 metres. Even the recent letter drop (which may not have any status in the planning process) references vessels up to 15 metres in length. Even at a limit of 14 metres, it seems the proposal is not safe or workable.
5. **Dinghy Storage Plan Unworkable** - The proposed dinghy storage facility is odd as there are no accompanying launch or handling facilities to enable use. Dinghy

storage could conceivably be used by public mooring holders to whom Mr Davis previously provided a tender service for a reasonable fee, and who have been left in need by the Applicant's decision to withdraw that tender service. However, I understand an alternate service is in the works via a local community sailing club, so it appears unlikely that there will be any continuing need for dinghy storage.

6. **Harm to Marine Environment** - North Harbour is a delicate marine environment which is arguably already overburdened by marine activity. Large vessels would inevitably stir up sediment and cause wash which would be quite detrimental to the sea grass beds in close proximity to the marina. The ecological significance of the sea grass beds is well understood. Any dredging in the area would be complete anathema.
7. **Intensification of use to the detriment of the general public** - The DA will inevitably cause an intensification of use of the marina facilities and an increase and change in the nature of the impacts on the environment and nearby residents. Large berthed vessels inevitably cater to many more people than traditional smaller scale sailing boats on swing moorings, and involve different and extended hours of use. There will be traffic and parking imposts, all of which will be exacerbated by the absence of a turning circle or other means of dispersing traffic in Gourlay Avenue, and at peak times the high pedestrian usage of the entry road which also serves as access to the National Park and Forty Baskets Beach. (I regularly drop off at the site now, and can say that extreme care is already required.) There will be increased deliveries. The suggestion that patrons will arrive and leave on foot or by public transport is disingenuous.
8. **Acoustic Report Should be Required** - I am concerned no acoustic report has been submitted. That would seem to be the bare minimum which Council ought to require, especially as the Facility sits directly opposite many homes, including mine, and the bowl like topography of North Harbour causes noise to echo across the water and up the hill opposite. This effect is pronounced in the evenings which are especially quiet here. Activities at the Marina or nearby clubhouses, which can go on well past 10 pm (usually in Summer), already unreasonably detract from the amenity of our homes. Nor are they in line with the original purpose of the facilities, which were to provide boat repair facilities during usual business hours or boating related recreation for the community.
9. **Any increase in illumination is unacceptable.** The manner in which the premises are now lit at night already intrudes unreasonably upon the peace and amenity of the area and homes opposite. Large moored and illuminated vessels would be entirely unacceptable.
10. **The proposed "kiosk" is not incidental to the marina business** - And nor is it in the nature of a kiosk given the number of seats and hours suggested, which are far in excess of any needs generated by the marina business. Indeed the proposed hours of operation appear to exceed the actual hours of operation of the business on site. Nor is the suggestion of a Liquor Licence appropriate in any way and should be strongly resisted. How are numbers and noise to be controlled? Experience shows that limiting formal seating does nothing whatsoever to limit patron numbers at such sites. How is it proposed that advertising and signage should be prohibited, which is a normal condition of a

true kiosk? The true purpose of the “kiosk” as proposed is not to provide services to marina customers but to attract outside patronage – the security gates which previously excluded the public from the entire premises have recently been moved to enable this outside access.

11. **Development should not be approved unless site contamination has been assessed and a remediation plan approved** - The site has been used as an industrial facility for the last 40 years or so. It is probable that there is industrial contamination on the foreshore and the nearby harbour floor. The extent of any contamination should be assessed, and an appropriate remediation plan submitted to the council by this developer. This is no different to the “make good” required of other developers who seek to repurpose former industrial sites. The need for a make good obligation is particularly compelling in this case as the site is public land and community recreational facilities adjoin it and the intensified berthing at the marina are likely to significantly disturb the harbour floor.

Regards

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