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RE: DA2020/0514 - 1 B Bolingbroke Parade FAIRLIGHT NSW 2094

SUBMISSION IN RESPONSE TO DEVELOPMENT APPLICATION DA2020/0514, 1B BOLINGBROKE PDE, FAIRLIGHT

Whilst it is acknowledged that the Manly Boatshed plays an important role in recreational boating in the Sydney Harbour north area, there are a significant number of aspects of the current Development Application that give cause for concern. It is on the basis of these concerns, elaborated below, that I submit this objection to the development as proposed.

Zoning, permissibility & level of assessment

Schedule 3 of the Environmental Planning and Assessment Regulation 2000 generally identifies Marinas as 'Designated Development' requiring various other considerations, including matters relating to the management of the site.

Alterations & Additions & Environmental impacts

DA2020/0514 relies for its approval on its status as 'alterations and additions' to an existing premises. However, this is only one of the two critical elements of exemption from consideration as a 'designated development', the other component being that the changes "do not significantly increase the environmental impacts of the total development. compared with the existing or approved development" (Environmental Planning and Assessment Regulation 2000).

It is this area of increased impacts on the environment and local amenity that my objections exist.

Council's assessing officers appear to rely heavily on the Statement of Environmental Effects (SEE), with several aspects of the reports referencing "as assessed in the submitted SEE".

The need for more careful consideration of the environmental and amenity effects of the proposed development are also essential given that the portion of the site that is below Mean High Water Mark is zoned W2 (Environment Protection) under the Sydney Regional Environment Plan (Sydney Harbour Catchment) 2005. The objectives of this SREP (now being incorporated into a new SEPP) are strongly focused on "protecting", "preventing damage to" and "enhancing and rehabilitating" the "natural and cultural values" of the waters and the adjoining foreshore.

The SEE determination that the "development is consistent with" the objectives of this SREP fails to adequately address several aspects of these objectives and requires further attention.

Environmental impacts
Posidonia seagrass meadows

Posidonia australis (Strapweed) meadows of the Manning-Hawkesbury ecoregion are listed as a nationally Endangered Ecological Community under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and also at State level under the NSW Fisheries Management Act 1994. The considerable threat to *Posidonia* seagrass beds by reduced sunlight penetration caused by turbidity of the water are highlighted in the 'summary of threats' included in the scientific documents supporting national listing of the ecological community, in public advice fact sheets issued by the NSW Department of Primary Industries (NSW DPI PrimeFact No 629, 2007) and in scientific literature.

The ecological report prepared by Marine Pollution Research P/L relies heavily on proposed amelioration methods to address these impacts, which will arise from replacement of piles and other aspect of the proposed development.

Given published research (Evans et al, 2018) demonstrating a 46.1% decline in *Posidonia australis* at Balgowlah in recent years (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5889071/>), the significance of these seagrass beds as a breeding ground for numerous species, and the close proximity of the proposed development to those seagrass beds, the DA in its present form should be refused.

The SEE determination that "the project would result in an increase in available seagrass and macroalgae habitat"(SEE, p17) is difficult to justify. Not only does siltation resulting from the construction of the extended premises risk smothering the seagrass beds. The extensive decking will shade (excluding essential sunlight) potential *Posidonia* seagrass areas.

Sooty Oystercatcher (*Hameatopus fuliginosus*)

The foreshore in the vicinity of the proposed development is known habitat for the Sooty Oystercatcher. This coastal wader is vulnerable to extinction in NSW. Key threats to the Sooty Oystercatcher include:

- habitat destruction as a result of "residential, agricultural and tourism development"; and
- disturbance to its coastal feeding, nesting and roosting

Increases in these impacts associated with increased use of the area as a result of the proposed development of the site do not appear to have been considered.

Waste Management

"Catchment pollution" from a diversity of sources, including sediments and litter are identified threats to *Posidonia* seagrass meadows, as they are to other marine life in this area. These issues are of sufficient concern that a Threat Abatement Plan addressing the impacts of marine debris on the vertebrate wildlife of Australia's coasts and oceans has been developed under the EPBC Act 1999.

The proposed waste management plan for the development is welcomed. However, ongoing management of plastics, containers and other food-related materials blown by the wind or dropped by patrons (especially that associated with take-aways); from customer feeding of birds; and of waste in disposal wheelie bins on-site enabling rodent and other pest animal access and spreading of waste across the area will be difficult.

It is difficult to justify the SEE conclusion that "The proposed development will not give rise to any adverse biodiversity impacts in the locality and will not prejudice the Harbour's associated ecosystems, ecological processes and biological diversity or its water quality" (SEE, p18).

Public amenity

Intensification of use

The SEE and other documents create an impression of a development that will bring only minor increases in the use of the facility.

That the existing facility has 33 parking spaces in a residential area in which parking is generally limited already presents a challenge from time to time. The DA indicates that the business will be retaining its 39 commercial swing moorings, tender services and boat repair services but plans to expand its passive watercraft storage to accommodate 54 'vessels'. To this will be added the proposed "kiosk".

As noted in both Council's Environmental Health Referral Responses relating both to Industrial use and Commercial use, the 'kiosk' is "more like a café or restaurant" than a kiosk. The usual definition of a "kiosk" is "a small open fronted hut or cubicle from which newspapers, refreshments, tickets etc. are sold". The development proposed includes not only seating for 50 people outdoors, but also a significant 'circulation area' between two indoor seating spaces totalling approximately 26sq m - more than 1/3 of the seating area provided outdoors. Thus, as recognised in Council's assessment documents, seating for approximately 70 people is planned. As indicated in Council's industrial use assessment, this raises a number of issues of environmental and amenity concern which mean that the proposal should not be supported.

Parking - intensification of use

It is difficult to reconcile provision for an increase of up to 70 people using the site, with the SEE (p38) assessment that "The proposed development will generate two (2) additional vehicle trips per day". A "kiosk" (or café/restaurant) catering for up to 70 people is unlikely to attract all its customers from walkers passing by on the Scenic Walkway and the users of the 39 moorings associated with it.

Competition with nearby residents for the limited available parking in the area can only be expected to escalate.

Noise

While efforts to address increased local noise are included in the proposal, it is difficult to see how the impacts on nearby residents will not increase. Twenty-four hour access to the swing moorings and increased numbers of users of the storage facilities, opening of the 'kiosk' from 5am and closure at 10pm will significantly increase the likelihood of noise in adjoining areas. As Council's Environmental Health Referral Response - industrial use reports, the acoustic assessments done for this proposal do not consider "noise from motor vehicles parking in the restricted street adjacent to the development when patrons arrive/vacate (5am to 10pm) and car doors slamming if hours of operation are extended into sleep time". As this report goes on to note, neither uber/taxi pick up, nor pack up/cleaning and waste services are included in the noise considerations.

All of these aspects of noise are significant considerations in an area that is otherwise a quiet residential area undisturbed by any other commercial activity. It is difficult to see how they might be adequately addressed in conditions relating to the current proposal.

Local amenity

The proposed development immediately adjoins a section of the Manly Scenic Walkway within a tranquil area enjoyed for its natural feel, 'rainforest' ambience and a small area enjoyed by picnickers, swimmers and snorkelers. Trees and understory in the area also provide a significant habitat link for local fauna. The proposed development is surrounded by a Public Recreation area (zoned RE1 in the Manly LEP 2013), which places emphasis on public space for recreation that 'protects and enhances the natural environment'. It is a part of a locally significant heritage place.

The need to remove a mature, healthy *Glochidion ferdinandi* (Cheese tree) within the footprint of the proposed development, and the general increase in activity in and around the proposed development will detract significantly from the ambience of this area.

In summary:

Whilst it is acknowledged that the Manly Boatshed provides an important facility for boating (including passive recreational boating) in the northern part of Sydney Harbour, and its restoration may well be desirable, the proposed development is not appropriate to the site, for the reasons discussed above.

The Development proposal in its present form should be rejected and a more modest proposal for restoration developed.