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

Rodney Timm & Gillian Stewart
Unit 3/1A Bolingbroke Parade
Fairlight, 2094, NSW
28th June 2020

Attention: Principal Planner

Northern Beaches Council

Dear Sir/Madam.

DA2020/0514: Lot 2699 DP 752038: 1B Bolingbroke Parade, Fairlight: Alterations and Additions to Manly Boat Shed (Marina)

As the owners of Unit 3/1A Bolingbroke Parade, located immediately behind the Manly Boat Shed, we object to the planned Alterations and Additions as indicated in the Planning Documentation.

The primary reasons for the objections are as follows:

- a) Potential noise issues resulting from the 'so-called' kiosk serving food & beverages, and which has proposed permitted operational hours extending from 5 am to 10 pm on all days of the week from Monday to Sunday including Public Holidays;
- b) Additional vehicular congestion, lack of parking and taxi/Uber pick-up issues at the end of the Bolingbroke Parade cul de sac which is already problematic because there is no method of turning around without accessing the driveway of the adjacent residences; and
- c) Additional garbage removal issues from the end of Bolingbroke Parade with residents from 53 to 67 Lauderdale Ave having to place their garbage adjacent to (and often in front of) our driveway as they do not enjoy the ease of access to Lauderdale Street.

We note that under the Manly Local Environmental Plan 2013 (MLEP 2013) the portion of the site located above MHWS is within a RE1 Public Recreation zone. The proposed development is for the purpose of a 'marina' which is permissible in the RE1 zone, noting that the definition of a marina includes ancillary facilities.

We understand that the definition of '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; and
- (e) any berthing or mooring facilities.

There is no mention of a 'kiosk' or the serving of 'food & beverages' in this description as being an ancillary facility.

We note that the proposal also relies on existing use rights for the proposed refurbishment of the residential dwelling to Level 1 of the boatshed building. However, we note that the rumpus room and storage area at the back of the level 1 includes a full bathroom as well as a work-top with sink. A very useful second bachelor pad.

A. Potential noise issues resulting from the kiosk serving food & beverages

We note in the Plan of Management under Section 2 that the planned hours of operation will be from 5 am to 10 pm on all days of the week from Monday to Sunday including Public Holidays, with the outdoor use being restricted from 7 am to 6 pm Monday to Saturday and 8 am to 6 pm on Sundays and Public Holidays.

We note further in the Plan of Management under Section 3, that the noise minimisation plan is to not permit more than 50 patrons in the outdoor seating area measuring approx. 62 square metres on the plans. (Conveniently on Ken Done Architects perspective drawings there only four picnic type outdoor seating tables which would likely only seat 4 people each, being a total of 16 people - very misleading!)

In addition, there is an area of approximately 26 square metres in the interior of the so-called 'kiosk' which could likely accommodate at least another 25 persons. In total, this provision of seating for the so-called 'kiosk' seems excessive, if it is intended to operate mainly for Manly Boat House members and people doing the Spit to Manly walk. All the planning, traffic and other impact studies are based on this assumption, which is likely to be misleading as there is no mention of preventing (or not encouraging) other members of the general public from using the so-called 'kiosk' food and beverage offerings.

In the documents submitted there is no indication that it is not the intent of the owners to apply for a BYO and/or another form of alcohol licence. Based on the pristine waterfront setting and with a seating capacity estimated to be at least 75 persons and with opening hours up to 10 pm, this will undoubtedly be a very attractive dining venue for the general public, thus potentially creating noise and traffic problems.

We note that at present the Manly Boat House appears to operate and provide tender services for its members on very restricted hours and we cannot see any reason to have the hours of the so-called 'kiosk' extend until 10 pm.

B. Additional vehicular congestion and lack of parking

The traffic management study conveniently appears to ignore the situation that currently exists at the end of the Bolingbroke Parade cul de sac related to traffic congestion. As there is no (or very limited) vehicular access for residents in the properties and apartments situated at 53, 55, 59, 63 & 67 Lauderdale Ave, many of these residents tend to park in this location, use this as a taxi/Uber pick-up area, have their removalist and tradesmen parking and load in this area and/or place their garbage bins adjacent to 1A Bolingbroke Parade for pick up.

In addition, residents in the properties and apartments from 1A to 13 Bolingbroke Parade, as well as 33 to 45 Fairlight Crescent use this congested area for their own and/or visitor parking. Most of these properties are based on older planning codes and have limited parking and no visitor parking allocations on their sites. At 1A Bolingbroke Parade, we currently have inconsiderate patrons of the local beaches and the Manly Boat House, mainly in the summer months, park in the two resident parking bays on the lower right-hand side of our driveway. More parking demand in this area will exacerbate the situation.

Additional demand from patrons using the so-called 'kiosk' serving food and beverage, for taxis and Uber services will cause additional congestion. There are already times when this area gets congested with these types of uses, as there is no turning area for vehicles and/or no waiting area (other than one bay in which there is usually a car parked) at the end of Bolingbroke Parade.

C. Additional issues related to the garbage removal

As indicated previously, there are currently significant issues related to garbage removal at the end of the Bolingbroke Parade cul de sac. Residents in the properties and apartments situated at 53, 55, 59, 63 & 67 Lauderdale Ave as well as the Manly Boat House use this area for their garbage collection.

There have been many occasions when we have been prevented in the morning from exiting our driveway because of the garbage trucks reversing and/or bins placed in front of the exit of our driveway. Any additional garbage generated from the so-called 'kiosk' serving food and beverages at the Manly Boat House, will cause additional garbage collection congestion.

Any excessive additional garbage generated by the food and beverage being offered by the so-called 'kiosk' will exacerbate the problem with an excessive number of bins already being collected in this location.

D. Suggestions and Recommendations

In principle, we do not object to the possibility that the Manly Boat House be extended as proposed, to provide a focus for kayak and SUP users. In addition, we can understand that there may be some demand from the members and people walking on the Spit to Manly walkway for coffee, light refreshments and simple meals.

We will be prepared to support the application provided the following conditions are imposed on the applications:

- a) The hours of operation are strictly limited to times between 5 am and 8pm.
- b) External seating is limited to 25 persons with an additional 25 persons seated internally.
- c) There is a specific restriction that a BYO and/or alcohol serving licence not be applied for at any stage in the future.
- d) The licence for the kitchen be limited to pre-prepared foods, toast, pies, salads and similar and that a full restaurant-grade kitchen not be approved.
- e) There is a garbage management plan to have the additional garbage generated collected outside the normal collection days.

We note in the Traffic Impact Assessment, that the kiosk staff would be limited to two staff (likely to be students using public transport) and therefore there will likely be no additional vehicles requiring parking in the area. Can this be included as a condition of the planning

approval to provide surety to the neighbours that the kiosk will not become a major 'food and beverage venue?

Yours Sincerely

Rodney Timm and Gillian Stewart