
Sent: 15/07/2020 4:09:18 PM
Subject: DA 2020/0514
Attachments: Submission to DA .pdf;

I am submitting this objection in regard to DA 2020/0514 for 1B Bolingbroke Parade Fairlight, Manly Boatshed.

Please acknowledge receipt of this submission.

Regards,

Ms Carole Johanne Moss
8 Bolingbroke Parade
Fairlight NSW 2094

C. J. Moss
8 Bolingbroke Parade
Fairlight NSW 2094

15th July 2020

Chief Executive Officer
Northern Beaches Council

Dear Sir

**Re: 1B Bolingbroke Parade Fairlight, Manly Boatshed
DA 2020/0514
Written Submission – Letter of objection**

I am making this submission in relation to DA 2020/0514. I object to this application and request Council to refuse it. I would appreciate an acknowledgement by Council of the receipt of this submission, and a detailed response to the issues raised.

Introduction

I have been a resident and owner of 8 Bolingbroke Parade for over 30 years. I object to this application and request Council to refuse approval.

I would appreciate an explanation from Council as to why all residents of Bolingbroke Parade south of Lauderdale Avenue and Fairlight Crescent were not notified of the application. We will be directly affected by the proposal particularly in regard to noise, traffic and parking issues that will be caused by this development. In a true spirit of community consultation more broad consultation should have been undertaken and Council needs to explain why this did not occur.

Planning and assessment considerations

It is of considerable concern that the application has progressed this far and that Council has deemed it sufficient for public display, considering the requirements of the NSW Environmental Planning and Assessment Act and the accompanying Regulation, and the provisions of the Manly LEP.

This application is for a very extensive redevelopment of an existing boatshed and associated facilities. The plans attached to the DA provide for an increase of the existing building area of over 200%. Given this, the nature and scale of the proposed works cannot accurately be described as “alteration and addition”. It is a very significant departure from the existing building and operations. The development in its entirety should be considered as a new development under the provisions of the Act and LEP, and as Designated Development in accordance with the Regulation.

In particular, the application is incorrect in describing the relevant part of the works as a “kiosk”. A kiosk is legally defined in NSW planning legislation, and the LEP, 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”. In no way can this be interpreted to enable Council to approve what is basically a large restaurant, to seat 70 patrons, and proposed to operate for very extended hours.

The other relevant legal requirement under the LEP is that, if permitted, the floor area of a kiosk must not exceed 55 square metres. I expect that a “kiosk” that was designed for 70 patrons would substantially exceed 55 square metres.

Furthermore, the documents are inadequate. As provided they appear not to contain sufficient information for the application to be fully assessed and omit or only barely touch on some relevant

details. The specialist reports seem to contain information that is inconsistent with the SEE. That begs the question as to what information their specific assessments were based on and on what basis the conclusions about impacts are drawn. Furthermore, the area for impact assessment may be questioned as most commentary only relates to adjacent and very near premises.

Amenity and foreshore

The adverse impacts on local amenity and foreshore protection have been underestimated. The expansion of the footprint of the building and the deck to the east over the existing beach is an unnecessary intrusion on this area – and permanent loss of an area of the beach. The enlarged structures will impact on views. The adjacent areas are peaceful and relatively quiet and used for recreation such as snorkelling. The extended hours of operation and significantly increased level of activity and patronage will have a deleterious impact. The proposal has not adequately addressed impacts in accordance with Foreshore Scenic Protection principles.

Scale of development

The current scale and nature of the existing development operates successfully within a residential area. The proposed development is a very significant increase in the nature, scale of development and activities at the site. The scale of commercial development proposed is not consistent with the residential nature of the adjacent and surrounding areas. The nature and scale of development indicates that this is much more than simply an alteration and addition, and should be assessed and considered appropriately.

Noise

The proposal will produce noise and congestion in the immediate area. This will impact on the existing environment and disturb the homes nearby, from very early in the morning until 10pm at night. It is noted that the acoustic report refers to operational hours of 7am to 12 midnight. It is of concern that the acoustic assessment report is based on different information to the application document.

The acoustic report is inadequate in regard to the investigation area adopted, which relies on an understanding of impact to adjacent and very near properties. The report has not assessed the transmission of noise beyond the immediate area. Indeed, the report has not specifically stated how many residences will be affected and, assuming it is only the handful potentially identified in the report, it greatly underestimates the number of potentially “affected” receivers.

This is a very quiet area especially at night when there is little background noise at all. For example, the noise of boat rigging moving in the wind can be frequently heard at my home, which is close to Lauderdale Avenue. Voices of groups of people from the “kiosk” will easily be heard at my home and in this area generally. The acoustic report recommends this can be mitigated by keeping the “kiosk” windows closed. Even with efficient air conditioning I would think it would be unrealistic to think that patrons would not want windows and doors open on a balmy summer evening. It would not be acceptable to residents to approve an application which relies on the operators’ goodwill (in keeping windows closed) to meet noise mitigation controls.

The acoustic assessment has not taken into consideration the topography of the area that operates as an amphitheatre; and that noise will be heard and amplified by this topographic effect.

Should this proposal be advanced, to ensure that the acoustic impacts are properly described and reported a further investigation should be undertaken that considers a much broader area and also described noise mitigation measures that are more reliant than open or closed windows.

Parking

The parking and traffic solutions are unrealistic. Bolingbroke Parade and Fairlight Crescent are already under extreme pressure to meet parking demands. There are simply not enough parking spaces to meet current residential demands. There are almost daily instances of illegal parking - vehicles parked without valid parking permits, vehicles parked close to intersections, vehicles parked across and blocking footpaths, vehicles parked into and across private driveways, commercial vehicles and vehicles being used in nearby construction parked in the street over weekends or when otherwise not needed. It would seem Council has insufficient resources to effectively patrol the area to manage these issues. The existing unacceptable traffic and parking congestion that exists in Bolingbroke Parade and Fairlight Crescent would be significantly exacerbated by this proposal if it was approved in its current form.

The development will generate a great deal of vehicular traffic at all times of the day - in the early morning due to early use of watercraft, all day in connection with the “kiosk” and use of the marina, and then at night with the “kiosk”.

The roads to the site comprise of a closed traffic loop - one way in and one way out. Congestion will inevitably occur at peak hours. The SEE and supporting documentation states that the new uses, including a 70-plus seat “kiosk” that will be open all day, will generate only 2 extra vehicle trips a day. This is fanciful. Servicing and deliveries alone are likely to account for more vehicle trips.

The parking proposal is equally unsupportable. It would rely on 33 parking permits issued under the now superseded scheme and seeks 2 further permits, despite the Council having introduced a new scheme to come into effect in early 2021 next year under which all but 1 permit will be withdrawn.

Like all my neighbours, I was astonished to discover that the boatshed has had the use of 33 parking permits, and has used 20 for the convenience of swing mooring customers. This allocation of parking permits cannot be allowed to continue, let alone be expanded. To do so would be completely unfair to local residents, including the rate paying owners of the nearby residences, many of whom do not have on-site parking. There can be no justification for the Council issuing unrestricted permits to the boat shed for use by non-residents of these streets for non-residential purposes.

It would behove Council to provide rate payers/residents with an explanation of how the boatshed came to be in possession of multiple parking permits and how they are allocated and managed by the boatshed – and exactly how Council would assess the eligibility for parking

permits of a commercial development of this nature in accordance with the provisions of the new parking scheme.

Conclusion

There are many issues of concern associated with this proposal and I have touched on just a few. I request that Council rejects this proposal. I would strongly urge Council to consider whether it should be even considering this application at all in its current form. It is clearly a very significant increase and change to the existing development, not an “addition or alteration”.

Thank you for your consideration.

Ms. C J Moss