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**Sent:** 29/10/2024 7:35:34 PM  
**Subject:** DA2024/1216- Submission  
**Attachments:** DA 20241216 Objection letter.pdf;

To Maxwell Duncan

Please find attached my objections to the development application 2024/1216

Pam Davis

29<sup>th</sup> October 2024

Pam Davis

PO Box 684

Freshwater NSW 2096

Mr Maxwell Duncan

Northern Beaches Council

Sent by email to: council@northernbeaches.nsw.gov.au

Dear Sir,

**Re: Development Application DA2024/1216 - Gourlay Ave Balgowlah**

I wish to register my strong objection to the proposed development of North Harbour Marina.

I have a TfNSW mooring in North Harbour which I have had for about 30 years, and as such I will be affected by this proposal, and therefore feel I should have been included in the council notification of this proposal for comment. It is hoped that the council have been able to ensure all private mooring holders in North Harbour have now been advised of the proposed changes to boating as part of this development and are given the opportunity to comment.

Please find my objections outlined below:

**1. Changes to the moorings in North Harbour to provide a navigation channel.**

- a. The proposal implies that the current moorings in North Harbour are not safe for navigation and therefore moorings need to be removed or moved to provide a safe navigation channel. There has never been a need for a navigational channel as proposed since I have had the mooring, so clearly the only reason the channel is required is to provide access for superyachts. It has nothing to do with increasing safety for the boating public in North Harbour.
- b. The plan provided is very unclear as to which TfNSW moorings are affected. It appears that my mooring is on the edge of the channel, and therefore does not need to be moved, but it is not clear. In any case boats swing according to the wind and in strong southerly or southeasterlies my boat will swing into the channel as drawn on the plan.
- c. TfNSW moorings have always been in high demand, in my experience waiting 8 years for a mooring, and I understand more recently that timeframe has increased. To lose any moorings so two large vessels can have access to the bay would not be in the community interest. The ten moorings the marina is planning to give up should be given back for private mooring holders.
- d. If the superyacht berths are rejected then the navigational channel becomes redundant and must also be rejected.

**2. Proposal to berth two superyachts on the end of the west and east marinas.**

- a. Superyachts of 25m and 32m are not only long but they are high – up to 3 some even 4 stories high, and are totally out of proportion of anything else in the bay, including the existing buildings. Their windage and tonnage are considerably greater than two 15 m boats.
- b. These boats will severely impact the bay and the present quiet enjoyment that local residents now enjoy. Superyachts run generators, have many very bright lights, many with blue lights under the water that are constantly on. As the marina is in an environmental zone, it is unclear how these superyachts can have no impact on the environmental zone that the locals want to protect.
- c. The Statement of Environmental Effects notes that this proposal has no visual impact because only a few pontoons and piles are being added to the existing marina structure. The impact of the boats berthed at the marina has been ignored, and hence the statement is not correct. The visual impact of these superyachts will be enormous and totally out of scale with the small area at the head of the North Harbour. The statement is therefore a total misrepresentation of the facts.
- d. From the marina one can look directly out to sea hence there is no protection from big southeasterly swells that come straight through the Heads and into bay, especially from east coast lows. A superyacht berth would need to be designed to survive such conditions. The proposal submitted implies that two T-heads can moor two small boats or one superyacht. Superyacht berths in other marinas are designed with bigger piles/pontoons/cleats to berth these large vessels, and these marinas are not directly exposed to Sydney Heads. This proposal has not considered whether additional piles will need to be driven to provide a wider and stronger pontoons. Any stronger infrastructure will encroach into the environmental zone. The council must address whether the present T-heads designed for small boats, will be able to support superyachts in the event of an east coast low developing off Sydney.

### **3. Additional Berths to be added to the existing marina**

The council must ensure any additions to the marina comply with the Australian marina code. It appears that the fairway between the two marinas does not comply with the code.

### **4. Dinghy Storage deck**

- a. The proposed deck with dinghy storage for 72 dinghies is intended to get private mooring holders such as myself, to pay the marina to store a dinghy to access my mooring. However, the plan does not provide any way to get my dinghy into the water. The plan is designed to be a failure on day one!
- b. The dinghy deck proposal states that it will require removal of slipway rails and will be built on existing piles, so does not require additional piles to be driven. This is clearly false, as piles to support such a large deck do not exist, requiring new piles to be driven and also ignores that the slipway cradles will also need to be removed.

- c. The cost of this part of the development has clearly not been included in the overall cost of the development, and could easily be over a million dollars. A business case for the deck should be assessed, as it is implausible that renting a few dinghy spaces on such a large deck will provide a return on investment, suggesting other commercial uses are intended, perhaps a restaurant.

**5. The Kiosk**

- a. The existing marina building is presently not suitable to build a commercial kitchen, so any kiosk can only sell pre-prepared food. Therefore, the proposal to sell alcohol until 9pm is curious when only light refreshments are able to be sold in the proposed kiosk.
- b. The application notes that the existing toilets are adequate to cope with the additional kiosk patrons. The toilets were built in the 1960's and consist of one male and one female toilet and one unisex shower. The plan of management submitted in support of this application refers to the fact that on a busy day the toilets can barely cope with the demand. This was back in 2008 when there was no kiosk or additional visitation expected from superyachts. There is no accessible toilet.

**6. Overall development costs**

The estimated cost of the proposal, listed as \$257,500 must be supported by evidence, as to my mind it is an extreme underestimate. The true costs should be provided.

**7. Misrepresentations and Inaccuracies in the application**

This application includes many inaccuracies and deceptive statements which highlights the need for the council to scrutinise it carefully and with the greatest of detail. Another example in support of detailed scrutiny is the plan of management submitted in support of the application, dated 2008 from the previous owner, that is clearly not relevant to the current or proposed operations.

The overall consideration of this proposal must be taken in light of the fact that North Harbour is designated W2 – Environmental protection. This development is not consistent with the intent of this zoning.

I strongly object to this proposal.

Yours sincerely

Pam Davis