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10/11/2024

MR Greg Paine
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RE: DA2024/1216 - Gourlay Avenue BALGOWLAH NSW 2093

I object to the development proposal at North Harbour Marina in its current form, and raise two procedural concerns with the application that Council needs to address to ensure full and proper assessment of the application .

Although I do not live in the locality I have used and am very familiar with the North Harbour waterway and adjacent land area in a number of capacities (for sailing, as a boat-owner with a mooring and a dinghy-storage site, for kayaking, walking, and swimming). This includes use of, variously, what is now North Harbour Marina, the Manly Boatshed, and the North Harbour Sailing Club; plus previous involvement in the planning of the area.

I agree with the amenity/merit concerns raised in other submissions. Rather than repeat these here I raise two other matters raised by the current development submission.

(1) Council is obliged to test that the application before it adequately describes what is intended both now and in the future. Does it meet the test of 'what you see is what you get'. If not, it will not be possible to give the required level of assessment nor, if approved, monitoring of compliance with any approval.

There are a disturbing number of concerns in this regard.

(i) Although the plans illustrate 4 berths at the ends of the two jetty structures, the written component states the possibility of 2 large-sized vessel ('super-yacht') berths instead. These are two quite differing advices - with consequent quite different assessment implications. So exactly what is proposed?

Many of the submissions already detail these different merit issues: manoeuvrability and the need for a new navigation channel involving loss of mooring space which is otherwise in high demand, provision of fuel and pump-out facilities, noise from continuously running equipment typical of such large size vessels, seabed disturbance from their deeper drafts, and the visual impact from the larger size.

(ii) Curiously the plans of the replacement of the slipways with dinghy/yacht tender and kayak storage do not (as pointed out by others) include the proposed means of access to the water. The operating hours are stated as from sunrise to sunset - which makes little sense given that it is not unusual for yachts to return after sunset (particularly during the summer twilight racing season) and will need to use their dinghy/tender after sunset and therefore need access to the storage area.

Again, what exactly is proposed here?

(iii) The removal of the slipway boat-maintenance activity will presumably mean less need for all or part of the associated workshop space in the adjacent building. The DA drawings simply

state the existing uses of these spaces, but is silent on future use, even if it is intended to maintain the workshop operations.

One of these existing spaces is identified as a 'kitchen'. However this use would seem to be more accurately described as a kitchenette or 'tea-room' area used by employees. This naming is of concern now with the proposal to designate other area in the building as a café. Again, the future uses for all areas needs to be clarified and made clear.

(iv) The proposed café is at one point in the DA described as ancillary to the marina use, but at another point is described as also serving patrons of the adjacent walkway. The advice as to operating hours is also confusing, stating that the 'outdoor' seating would be time-restricted, suggesting that there is also indoor seating that would not be time-restricted. But this seating is not shown or described.

The DA also proposes two extensions to the existing deck area for use for outdoor seating for the café. Although small in area, any over-water structure is expensive to construct - raising a legitimate query as to how this would be financially viable solely from a day-time ancillary café operation, particularly when observations of the operation of the marina indicate only limited numbers of potential patrons, particularly during weekdays.

(v) The submitted operational and environmental plans of management are dated 2008 and obviously relate to the current operations. There appears to be no update to address any issues arising from the new operations proposed in the submitted application.

(2) Council needs to consider the likely impact of the DA on the locality. It needs to be realised that the 'locality' in this instance comprises the water area of North Harbour just as much - and perhaps even more so - as the adjacent land area.

To achieve this it would seem imperative that Council:

(i) as pointed out in other submissions, notify the application to all associated lessees of the water area (that is, those who lease moorings from NSW Roads and Maritime Services) in order to gauge the impact of the changes, as well as Roads and Maritime Services itself as owner of the seabed.

(ii) further engage with Roads and Maritime Services in its additional role as manager of the waterway.

The risk with this current development application is that the planning of the future management and configuration of the waterway of North Harbour will be done by default by a single commercial operator with a specific interest (that is, the applicant of the current DA) - rather than by the relevant public authority that is then required to plan for all interests.

In particular it would seem necessary to develop an agreed long-term management plan for North Harbour. This plan would address in a comprehensive way all current issues, including but not limited to:

the actual need for a navigation channel (when one has not been needed to date) and impact of the proposed reduction of swing moorings in a waterway where there is a high demand for boat storage, including any loss of revenue to Roads and Maritime Services from lease fees.

If the applicant does choose to relinquish mooring space in favour of marina berths, this should provide the opportunity to transfer those moorings to public lease from RMS to reduce the current long waiting list, rather than provide increased navigation space that hitherto has not been necessary.

the appropriateness of North Harbour for the berthing of 'super-yacht' sized vessels when there is already a dedicated area for such vessels in Sydney Harbour (at Rozelle) plus berthing or mooring opportunities in other areas of the Harbour that are not so constrained.

impact on aquatic vegetation and other marine-life.

the number required and appropriate location of dinghy and kayak storage with ease of access to the water, and the relative mix of (usually more expensive) commercial relative to

public provision of this facility.

- the need to retain slipway maintenance facilities within the Harbour. The recent redevelopment of the Manly Boatshed at Fairlight has removed previous slipway/maintenance facilities without apparent consideration as to the long-term need to retain such facilities in this part of the Harbour. A similar situation should not arise in respect to this DA.
- ease of pick-up and set-down (and associated car-parking) for crews and passengers wishing to avail themselves of the recreation resource of Sydney Harbour.
- the future lease and use of the now-disused Sea-Scouts building adjacent to Wellings Reserve (and which Manly Yacht Club for instance has expressed an interest in leasing so as to provide storage, maintenance and boat access/passenger and crew transfer facilities to the local community at large).

Yours sincerely
Greg Paine