
From: DYPXCPWEB@northernbeaches.nsw.gov.au
Sent: 6/03/2025 2:21:31 PM
To: DA Submission Mailbox
Subject: TRIMMED: Online Submission

06/03/2025

MRS Jeanette Webb
- 4 Willyama AVE
Fairlight NSW 2094
[REDACTED]

RE: DA2024/1216 - Gourlay Avenue BALGOWLAH NSW 2093

4 Willyama Avenue
Fairlight NSW 2094
6 March 2025

Maxwell Duncan
Planner
Northern Beaches Council
1 Belgrave Street
Manly NSW 2095

Dear Sir

SUBMISSION IN RELATION TO DEVELOPMENT APPLICATION No: DA2024/1216
Address: North Harbour Marina: Gourlay Avenue Balgowlah "Marina"
Description: Alterations and additions to Marina

We lodged an objection submission in relation to the above DA as the owners of the property at 4 Willyama Avenue Fairlight. Our property looks directly across North Harbour to the Marina and will be negatively affected by any approval.

We have reviewed the documents and submissions lodged since our objection submission was lodged. We have read the applicant's letter of 29 January 2025 which is said to request a formal amendment of the DA and is said to be in response to Council's letter of 15 January 2025. The Applicant's letter states that it also is in response to the hundreds of community responses in objection to any consent being granted. The letter annexes an Acoustic report and sets out the details of conditions that the Applicant will agree to accept.

We note that since the Notification letter issued to residents dated 12 February 2025, there are now further objection submissions lodged and also some support submissions, (most of which appear to follow a template - either trimmed or in full).

We confirm that despite the letter from the Applicant (said to constitute an Amended DA) and the Amended Plans and further submissions and reports, we continue to strongly oppose the granting of consent to the proposal made for alterations and additions to the Marina.

We ask Council to consider the details in our original submission (in relation to Noise, Liquor

Licence, Trading hours, Fire and Bushfire Hazard, Navigation Channel, Alterations to Pontoons, light spill and Construction noise), but to add to those submissions the submissions set out below and refuse consent.

We make the following additional submission in relation to the proposed development.

1. Noise

The Acoustic report of PWNA summarises at p.2 that:

1. The proposed alterations and additions to the Marina does not include an intensification in use of the number or type vessels using the facility
2. The proposed use of the Marina, including within the DNA submission, will not result in an increase in noise levels with the potential to impact all surrounding residential receivers. It is noted that there would be a potential reduction in noise levels as a result of the proposed removal of the existing slipway.

The assumptions in relation to the noise generation do not appear to consider that by replacing swing moorings with fixed berths, while the number of boats remains almost the same, many of the berths (possibly the majority) will almost certainly be occupied by power boats of varying sizes rather than by small yachts.

The increase in the navigation channel accompanied by the removal of swing moorings and the installation of fixed pontoons, enables the Marina operator to expand the potential users of the Marina to include commercial boat share operators with large power boats in their fleet.

The boat share formula seems to be that each participant pays for a certain percentage boat share membership. The participant is entitled to reserve for use various boats in the fleet for a certain number of days per year calculated by reference to the percentage shares held. The bigger the share the greater the number of days access. The boat share operators then offer additional services including crew and catering.

Each vessel owned by the boat share group will most frequently have between 5 and 10 ownership participants - each keen no doubt to recoup the costs of their membership by taking the boats out. Some boat share operators specify that there is potential (on at least some of their fleet) for 20 or more people to be accommodated (with the possibility of some of the passengers staying on board overnight at the mooring for up to 3 days in each use).

It is not difficult to see that the regular weekend use by a single yacht owner and the attendant noise that may create, is very different to the noise that will be generated by a berth mooring power vessels of varying sizes with many passengers coming on board for their day out, no doubt much more regularly than the use by a single yacht. Crew, caterers and passengers will add to noise and traffic congestion.

We have already been told by a boat share participant that their operator has said that as soon as Council approves this DA, their company will update their website to show participants that they have share boats available for use at North Harbour Marina. Whilst this information is second hand and may not correctly state any boat share operator's current intentions, it is clearly a possible use of the leasing of a fixed berth in the future if the DA is approved.

It is very difficult to see how Council could in the future restrain the Marina from leasing a fixed berth to a particular boat share operator. If consent to the DA is given, the future users of the Marina facilities may include commercial boat share operators and their members, with the attendant increase in frequency and intensity of noise generated, with no ability of Council's rate payers to prevent it after the fact.

It is our submission that Council should refuse the Application in its entirety but at a minimum the changes proposed to the navigation channel and swing moorings should not be permitted.

If despite our objection Council is minded to consent to the proposal, Council is asked to include in any consent conditions, the conditions set out in our original submission (including in relation to Construction), the conditions agreed to by the Applicant in its letter of 29 January 2025 but to vary the proposed conditions on the trading hours of the kiosk to exclude trading on public holidays and to restrict trading to the hours of 8:00 am to 4 pm (not 7am).

We request that Council consider our submissions when determining the application.

Yours Sincerely

Jeanette and Lewis Webb

A black rectangular redaction box covering the signature of Jeanette and Lewis Webb.