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To: DA Submission Mailbox
Subject: Online Submission

19/03/2025

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FAIRLIGHT NSW 2094
[REDACTED]

RE: DA2024/1216 - Gourlay Avenue BALGOWLAH NSW 2093

Re: Development Application DA2024/1216 - Gourlay Ave Balgowlah
Please see listed below my objections to this development and its submission.

1. Plan of Management (POM)

The POM is dated 15 July 2008 and prepared under the name of David Marina - the previous owner and bears no connection the DA application under consideration. This should be removed and replaced with the correct review and information pertaining to the proposed operations in 2025 by the applicant/current owner.

As the applicant makes reference to the POM in their to Council dated 29 January 2025 noting its use to manage pollution and its overall management of the site, they should update and supply a current POM for consideration with the current submission, not a document that is 17 years old and has no bearing on their commercial operations at the site.

2. Kiosk

The application has been amended to exclude service of alcohol and have proposed restricted hours to 7am to 4pm, with service of food and drinks.

Where are the toilet facilities at the marina to support this new offering?

I cannot see any toilets in the revised plans that are available to the general public (ie kiosk customers) nor on the original submission (DA2024/1216 - Superseded - Plans - Marina) and the toilets being an accessible design. This is an oversight if they are proposing to provide food and refreshments at the marina location.

As the kiosk will offer 20 tops, will they be proposing a mainly takeaway coffee service which will add to litter within the area and is not promoting sustainability with use of disposable cups, etc.

The applicant's letter of 29th January 2025 doesn't address the generation of rubbish from the kiosk which is an inadequate approach to the impact that the kiosk may have on the area. Rubbish from Marina "The rubbish generated by the marina especially with the 15m vessel size maximum is not expected to increase".

There is no recognition of how much waste the proposed kiosk will generate both in the kitchen/serving area and by patrons.

I further voice concerns of access to the location of delivery trucks of food & drink items as

well as garbage trucks of increase in refuse related to the kiosk itself and its forecast customers. The access road of Gourlay Avenue is a 10 km/hr shared zone with pedestrians. This street is access to Forty Baskets Beach and part of the well known Spit to Manly walk, popular with dog walkers, hikers, runners, young families and is already hard to navigate safely on foot as it narrow already from New Street East as northside parked cars make it one lane.

Increased delivery trucks to service the kiosk will make this street more challenging to navigate safely both in a vehicle and on foot.

The acoustic report by Pulse White Noise Acoustics notes

"The use of the proposed kiosk to be included as part of the alterations and additions will include a small kiosk which will operate within the hours of 7am to 4pm on any day of the week. The playing of amplified music will not be undertaken within the kiosk. The closest residential receivers within proximity to the marina approximately 215m to the south/west, 170m to the north and public space is 250m to the west.... and further on....

The proposed use of the marina, included within the DA 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 above does not consider any noise generated by the patrons of the kiosk in any regard, especially in how sound may be amplified in the natural acoustics of Jelling Cove.

3. Traffic Report & Parking

It is laughable to suggest that the area is well serviced by public transport. Local residents can attest that it is not the case as service and routes are being cancelled and reduced by the current bus provider.

The parking adjacent to the marina is already at capacity as it is open to all who wish to visit the area. Kiosk patrons will only add to parking pressures.

4. Proposed navigation channel in Harbour

Applicant's response to the first round of objections has confirmed that "The amendment to the application removes any boats over 15m which removes most of the issues raised in objections. 15m is the current maximum sized boat berthed at the marina and therefore is in keeping the character of the bay."

I flag the emphasis on "current maximum sized boat" in this statement.

It is hard to see how the creation of the navigation channel is still required if the boats are to remain below 15m and in keeping with the size of current vessels in the marina/bay.

If boats of this size are no longer able to berth at the marina, would it make more sense to retain the existing private moorings, which I understand are in high demand with a waiting list that is at least a decade or more.

Wouldn't retaining these swing moorings make the activity of sailing more accessible and equitable rather than implementing berths for a commercial private enterprise as I am sure than berths are more expensive than a mooring.

The proposed deletion of 9 private moorings is unfair to those who are waiting for years for a spot to become available - all to serve the interests of a private, commercial operation rather

than the community of North Harbour.

The Council has a responsibility to support boating and sailing access for all members of the community.

The Applicant's response to retain the proposed navigation channel pertains to the notion of improving safety in the bay.

Navigation Channel - Safety - "Some objectors have raised concerns about the navigation channel and if it is required, the feedback from most users of the bay including members of Marine Rescue NSW (see Lighton submission) is that the channel is much needed and will improve safety within the bay. The channel is not required only to service large vessels (no longer part of the application) it is required to improve safety for all users of the bay. TfNSW is supportive of the re-creation of a navigation channel within the bay and their files show that there was originally a channel within the bay but the operators in the bay have over time encroached on this channel and it is now non-existent which creates navigation challenges for boats and passive watercraft accessing the bay. We do not believe that boats greater than 15m will access the channel because there is nowhere for them to go or berth and the channel itself will be marked as a navigation channel by TfNSW and monitored by TfNSW Boating Service Officers."

This paragraph above is now the SOLE REASON put forward to support the navigation channel in the application.

The submission should PROVIDE PROOF of formal support from Marine Rescue NSW and TfNSW in order to have the channel approved on safety grounds.

PROVIDE PROOF of the original channel existence rather than an anecdotal evidence.

If the claim is now the channel is required for safe access across North Harbour then the submission must provide evidence of such.

Provide the statistics of boating accidents (if any), advantages and disadvantages of a channel in correlation of how boats, kayakers, SUP, interact in the harbour currently and a proper analysis of this data.

A clear 50m channel to the marina would enable boats the ability to exceed the current 4 knot zone that exists and impact on the safe use of the harbour by smaller water craft such as paddle boarders/kayakers as well as swimmers in the area.

The current swing moorings in place act as natural speed control/safety measure due the boats needing to operate in a slow and considered manner to navigate the mooring field.

Land egress for safety can be achieved on the other side of the bay at the destination wharf - Treharne Marina for emergency evacuation using their established 21 metre pontoon, with easy access to Bolingbroke Parade for service by ambulance and fire trucks.

5. Kayak Storage and Proposed Deck

The details surrounding this aspect of the DA application is sparse and inadequate for proper review and consideration by Council.

The proposed deck is 19 m x 18 m totalling 324 square metre deck to provide storage for 72 dinghy storage racks.

This area is almost 2.5 times the current footprint of the marina office/workshop building - this is a significant addition to the site.

There are limited details and information pertaining to this area within the original submission and revisions.

Drawing No. 6318-Sk1/A (dated 22 January 2024) has inadequate details pertaining to elevation of deck and does not provide for how the user will have access to the water.

Where is the ramp or pontoon for use?

How is it to be constructed and of what materials?

Is there a minimum depth that the piles must be driven to provide support for the 324 sqm deck, storage racking and 72 dingys and their total weight.

Further the storage associated deck should be illustrated in conjunction with the deck extension (kiosk area) so this change to the total footprint can be considered as a whole.

The applicant goes onto to state that in relation Scale of Development that "The proposal is minor in nature" however a 324 square metre deck is not minor/small in nature.

If approved, a condition should be imposed to ensure that a ramp or similar must be provided for so that boat users can easily and safely move their dingys in and out of the water.

If approved, a condition of this aspect should be imposed to provide this dingy storage as local northern beaches market rates per the Northern Beaches LGA.

6. Overall cost

The applicant states that \$257, 500 is adequate for what is proposed in the submission and further states that

"The proposal is minor in nature and users a lot of the existing infrastructure. This adaptive reuse means the new capital items are minimal. The cost proposal was based on a price submission from Bellingham Marine who built the existing facility."

I state again that a 324 sq metre deck is not minor in nature and it is a unrealistic amount to achieve all of the construction that is proposed.

To end,

It is unacceptable for a private commercial business to take over the bay by creating a 50m wide channel to accommodate their needs and displacing private moorings.

This bay is a shared resource and the needs of the community should be recognised.

Let us protect North Harbour as a shared, sustainable resource for everyone to enjoy now and into the future.

I do not believe the updated version of the DA addressed the many concerns expressed by

the submission made to the Council and ask that this DA submission be declined.