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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** 15/11/2024 5:10:31 PM  
**To:** DA Submission Mailbox  
**Subject:** Online Submission

15/11/2024

MRS Marilyn Buckley  
155 Condamine ST  
Balgowlah NSW 2093

**RE: DA2024/1216 - Gourlay Avenue BALGOWLAH NSW 2093**

Dear Mr Duncan,

I have 3 main areas of concern about DA2024/1216

1. Boat size, navigation channel, kiosk liquor licence and opening hours
2. Council process
3. Applicant process

1. 33m boat length, navigation channel, kiosk liquor license and 6am-9pm opening hours

These issues are concerning as we have lived for decades on Condamine St directly west of NHM overlooking North Harbour and North Head. We regularly use the quiet reserve and bay for recreation, walking and water activities. I strongly object to the current DA due to its potential impacts: (notwithstanding the "conditions" letter recently sent to residents from the applicant)

- **VIEW, AMENITY & SAFETY:** berthing for 25m and 33m "superyachts" (the size of a small Manly Ferry and Arthur Phillip's HMS Sirius) would be huge eye-sores, impacting our view towards North Head and out of character with smaller craft in the tranquil bay. Boats misjudging the depth of the bay at its lowest tide or those unmoored by storm surges have at times run aground. Superyachts would be dangerously vulnerable to both.
- **ENVIRONMENT:** The negative impact on water, flora (eg seagrass) and fauna (eg fish, turtles) of superyacht engine thrusters, backwash and turning circle requirements as well as increased passenger waste in the bay could be considerable. Any dredging for the navigation channel would disturb the bay's ecology and the channel could encourage additional non-berthing larger boats into North Harbour.
- **DANGER:** Many mooring owners report no need for a navigation channel. By increasing the possibility of larger boats entering the bay this could endanger people, including myself, who currently kayak and SUP.
- **NOISE:** Due to the amphitheatre like bay formation and sound amplifying as it travels across water we are impacted acoustically by all that happens in North Harbour. The increased noise from Superyacht engines/ generators and passengers would impact us. In addition, the noise of potentially alcohol influenced patrons of the supposed "ancillary" marina licensed kiosk

(proposed to open unreasonably from 6am to 9pm) could impact us despite the questionable assurances of keeping patrons in doors after sunset.

- **TRAFFIC/ PARKING:** Since the access road to Forty Baskets has been completed the congestion and demand for parking in Gourlay Ave has markedly increased especially on summer weekends. The DA Traffic Report did not take in to account in its parking ratios that the limited parking spaces are already used eg by people taking out their small boats or heading to Forty Baskets. There are not enough spaces for extra superyacht passengers or licensed kiosk patrons to park without overly burdening surrounding streets and putting at risk the pedestrians walking through the parking lot particularly at high tide when people cannot walk along the foreshore.

## 2. Concerns about Council's Process

As we live so near and in direct line of sight to NHM I am perturbed we did not receive a notification for this development.

It is very concerning that there seem to be many fundamental non-compliance issues in this DA as outlined in Andrew Morrison's comprehensive submissions (17/10/2024 & 28/10/2024) including: failure to meet Maritime Australian Standards, not adhering to Sydney Regional Environmental Plan zoning regulations and not obtaining the required Permission to Lodge from TfNSW (NSW Maritime) before lodging this DA with Council.

Similarly, the inaccuracy of some details in the DA as outlined in Bruce Davis's enlightening submission (29/10/2024) is concerning eg under-priced cost of work thus misleading the scope of work; the DA referencing an outdated Plan of Management report as a supporting document.

My understanding is that it is Council's role to ensure basic compliance and factuality of DAs before they are proffered to residents for comment.

## 3. Concern about the Applicant's Process

The applicant would have anticipated the proposed development would impact local residents however they did not consult with the community. Intentional or not, some significant details were omitted or ambiguous in the cover letter and conclusions of lengthy documents ie. optional boat size 25 & 33 metres, kiosk liquor license and opening hours 6am to 9pm. These seem to be hidden, only found in the finer details of the DA.

As Council is aware an informal "conditions" letter was sent from NHM to residents stating they would agree to changed conditions if imposed by Council ie accept reduced opening hours of the kiosk ie 7am - 4pm, not serve alcohol and a 15m maximum berth length.

I am sceptical about NHM's future actions due to their past lack of community consultation and transparency. To illustrate: if the navigation channel and the 2 T-heads proceed as proposed even if a 15m maximum berth length is stipulated NHM could opportunistically berth superyachts and/or drop off-pick up superyacht patrons on these 2 T heads. It would be difficult to police this. When there is a 15m maximum berth length there is no need for a navigation channel.

Similarly, the phrase "no alcohol served" in the conditions letter is ambiguous, "no liquor

license" would be clear. Any selling or serving of alcohol is not ancillary to the function of a marina or the amenity of North Harbour. There is no justification for a liquor license.

In summary, I strongly object to Council accepting DA2024/1216 in its current iteration. I look forward to Council ensuring that any future version is factual and compliant with all relevant standards and planning regulations and once any development is approved the applicant adheres to all conditions.

Thank you for taking my concerns into account and those of all my fellow residents.

Regards,  
Merilyn Buckley