
Sent: 16/11/2020 4:38:10 PM
Subject: DA 2020/0514
Attachments: Yabsley submission DA2020_0514_16Nov2020.pdf;

To Whom it may concern

We note this DA is not within the official exhibition period, however the website states:

You can still make a submission to the application which will be considered by Council, if received prior to the determination of the application.

If you do wish to make a submission please send via email to Council@northernbeaches.nsw.gov.au quoting the relevant application number.

We wish to lodge the following submission please in relation to the above DA.

Many thanks

Richard & Jane Yabsley

Submission concerning DA2020/0514 - Manly Boatshed Pty Ltd

We refer to our earlier submissions of 8 July, 2020 and 30 October, 2020, to which we now wish to add our observations based on our further consideration of this complex DA, and especially its impact with regard to Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. (SREP)

Under that SREP the site is zoned W2 Environmental Protection, and clause 18 of the SREP prohibits in relation to zone W2 very many activities, including commercial marinas (of which the site is one), boat repair facilities, restaurants, tourist facilities and residential. The reason for that prohibition is the recognition that these activities are inconsistent with the aims, planning principles and objectives of the zone W2 set out in the SREP (in terms of protecting, enhancing and maintaining the outstanding natural and public asset for existing and future generations)

The site (together with 2 others) is, however, excepted from this regime by clause 34, which in sub-clause (2) makes development possible with consent. This power is qualified by the statement of the objects of clause 34 which appears in sub-clause (1), which importantly includes in 34(1)(b) the statement that an object of clause is *'to ensure that any development carried out on those sites, including any alteration or extension of those facilities, does not substantially increase the scale of those facilities or the intensity of their use'*.

The purpose of this statutory regime is clearly to allow the 3 sites identified to continue operating lawfully for the purpose of preserving the working harbour character of the sites, where those traditional activities would otherwise be prohibited by clause 18, but to ensure the facilities do not substantially increase in scale or intensity of use.

We are of the view that the DA will substantially increase the scale of the site and intensity of its use, and that the Council as consent authority ought to have strict regard to the statement of the objects of clause 34 in deciding whether and how to exercise the power of consent contained in clause 34(2), and should decline to approve the DA.

The Statement of Environmental Effect as lodged by Manly Boatshed, and especially the pictorial images, consistently understates the proposed increase in scale of the new built form and new water leases. Work prepared on our behalf, which appears on p2 of our submission of 8th July 2020 acknowledges as follows:

- Increased roof plan of the boatshed/residence from **197sqm to 322sqm (63% increase)**.
- Increase in site building and decking footprint from **360sqm to 921 sqm (255% increase)**.
- Addition of 2 new buildings, pontoon & gangway adding significant scale & scenic proportion.
- Extension of water lease entitlement from **909sqm to 1449 sqm (51%)** of which 43.5% of site will be built over.

These dimensions show significant increases.

We note there are an additional 45 kayak craft (up from 63 to 108) most of which are to be accommodated in a brand new, separately located building (not an alteration or addition to the existing boatshed). This is an increase in intensity of kayak use of 42% and should not be

Submission concerning DA2020/0514 - Manly Boatshed Pty Ltd

disguised within the realm of reduced dingy storage which cater exclusively for the existing 39 moorings.

We also note the 'Kiosk' was promoted with an unknown capacity, (but shown in the latest plans as seating 32 patrons). If Kiosk patrons are subjectively limited to 32 per session, the kiosk could modestly expect to attract up to 200 patrons a day over the proposed hours of 6am to 10pm (potentially triple this over weekends). This will clearly bring very many more people to the site over a much larger proportion of the day, requiring a greater and much larger infrastructure.

This is a much enhanced facility than the small scale marine repair business traditionally operated on this site over limited hours. The use of the site has significantly changed and intensified.

We also wish to make the following observations about the applicant's acoustic report:-

1. The report does not model the noise which will arise from the new activities on the eastern deck. Instead it ignores this matter and asserts that this activity when conducted on the western beach never raised difficulties, and therefore does not need to be assessed. We challenge this assessment. The activities on the eastern deck will be new and include showering, rubbish storage and the accessing, manipulation, cleaning and movement of craft along a new pontoon and into and out of an entirely new structure. This activity will take place on hard surface decking and not a beach, and at a new location closer to homes.
2. The report does not include a noise contour plot, which would show that sound will transmit more readily to east than the west due to the more open topography on the east.
3. The report does not specify which sources are making noise and at what time. Nor whether all sources operating together.,
4. It is not clear where sources are assumed to be located on the site. It is also important to note certain of the proposed seating and the activities on the eastern deck will not take place behind the building so the mitigation strategy appears dubious.
5. The report does not show the 'base model' which did not comply and then the one which is said to comply. What changes have been made to the originally intended operations (by limiting the location of the outdoor area or operating hours or other matter?
6. The report does not model noise of pack up and cleaning, or the noise of the increased traffic and parking which will occur on the street, and is therefore not an adequate basis for an opinion regarding the environmental effects of the proposal for the purposes of the designated development question.
7. The assertion that there will be a 'net reduction in noise' is not supported by the analysis or conclusions which follow. The slipways have not operated for many years, so are irrelevant to the study and the designated development issue.

We urge Council to consider these matters and refuse the DA.

Yours Faithfully
Jane and Richard Yabsley
16th November 2020